

Regarding the origins of the term “Burkeyball”

by John Wilkenson

Many people have heard of so-called “Billyball”. The buzzword, “Billy Ball,” was a tribute to the high-flying, aggressive, take-your-chances style of play mandated by manager Billy Martin. See the article “Billy Martin, a cheater's cheater”, by Derek Zumsteg at <http://sports.espn.go.com/espn/cheat/news/story?id=2967031>. According to Zemsteg, “No modern manager approaches Billy Martin when it comes to cheating. No manager since John McGraw, Ned Hanlon and their contemporaries a century earlier were so willing to dedicate themselves to using the rules to their advantage when it suited them and to breaking them to gain an edge on their opponents.” Interested persons who bother to read through the saga criminally (my opinion) created by Judge Nicholas Massaro (“Massaro”) and lawyer Catherine Burkey (“Burkey”), might see why I like to call Burkey's methods of practicing law, “Burkeyball” in honor of one of major league baseball's most famous cheaters.

Sequence of events:

3/1/96 Johannah Wilkenson (née Taylor) was given a DUI ticket.

4/9/97 She pled guilty to the 3/1/96 DUI ticket.

The day after Johannah got her second domestic violence charge, Assistant DA, Gordon Gallagher dismissed the first domestic violence charge.

Gallagher told Dave that the first domestic violence charge was dismissed as part of a plea bargain in return for a guilty plea in the DUI case. Steve Laiche was Johannah's attorney of record in the DUI case.

The DUI case was closed on 6/25/97, and Johannah was sentenced to 70 hours of community service and 15 months of probation. She was also given a \$500 fine, \$200 of which was suspended. Additionally, she was sentenced to 70 days in jail with 50 days suspended. Johannah didn't serve any actual jail time. She was allowed to do in-home ankle-bracelet detention.

Johannah's probation was handled by Intervention, a private company.

Johannah became in violation of the terms of her probation in late March of 1998.

Nicholas Massaro allowed Johannah to leave the United States on 8/26/98. Catherine Burkey was Johanna's attorney of record at the 8/26/98 hearing.

Massaro's hearing and order happened on 8/26/98. Johannah left the United States immediately, ostensibly on the first available flight out of Grand Junction.

Burkey had not been in the DUI case -- (presided over by then-Mesa County Judge Art Smith) – prior to 9/1/98, when she entered a motion to terminate the probation in the DUI case (96T962). That was **FIVE DAYS AFTER** Johannah had already left the country pursuant to Massaro's permission.

Massaro Knew that Johannah was on probation in the DUI case because Intervention had testified on 12/15-17/97 in the custody case No. 96-DR-372.

In my opinion, Massaro let Johannah leave the country so she wouldn't have to serve the 50 suspended days of the DUI sentence for violation the terms of her probation.

Presumably, if Art Smith had been notified of Johannah's probation violation, he would have required Johannah to pay the suspended \$200 and serve the suspended 50 days of her sentence.

In my opinion, Burkey did not have the political clout necessary to withhold the information/report about Johannah's violation of probation from Art Smith. I believe Massaro did that – (ostensibly in collusion with Burkey) – and, in my opinion, that constitutes prima facie obstruction of justice.

Logic and common sense impel me to the belief that Massaro conspired with Burkey to file her 9/1/98 Motion To Dismiss Probation to cover their asses regarding the real reason why Johannah was illegally allowed to leave the country on 8/26/98 -- (and the American courts' enforcement jurisdiction) – while still on probation, and while the divorce case No 96-DR-372 was still under ONGOING PENDING appeal.

This is a complicated situation, because not only was justice self-evidently obstructed, but worse yet, that obstruction of justice functioned as a crucial part the the overall deliberately criminal unconstitutional deprivation of Dave's fundamental constitutional rights per 18 USC 241 & 242.

The Massaro/Burkey obstruction of justice also served to de facto hold Colorado's entire judicial system hostage to judicial criminality and “tweak” the entire appellate system against Dave because Ben and Toby were already outside the country and outside the Colorado courts' enforcement jurisdiction.