

Use your cell phone while driving. Buy a Bluetooth device.

Cheyenne is one of a very few cities in the United States to pass a ban on use of hand-held cell phones while driving.

Some cities have banned use of hand-held cell phones by those under 18, those with provisional driver's license and school bus drivers. One of the interesting things about bans on cell phone use by a driver of a moving vehicle is California. That state has more traffic on any freeway in the LA area, at any time of day or night, than Cheyenne has all year.

The number of vehicles and speed at which they drive on the multi-lane freeways is mind boggling. Yet a first offense fine in California is \$20.00 with subsequent violations \$50.00. It is excessive and unnecessary for any purpose other than revenue producing for Cheyenne to have a first offense fine of more than a half dozen times that of California.

It is apparent that most residents have taken the ban seriously. Seldom do you see young women with infants in car seats or toddlers in the vehicle now talking on their cell phone. Whether they're texting below window level is uncertain but, at a glance, they don't seem to be.

For some of us, using a cell phone while driving is pretty important. We can do without but it does have an effect on our production. I know it does on mine.

I had said I'd lay my cell phone down for the ban, looking at that as a trade-off for taking the phone out of the hands of those who can barely drive with both hands on the wheel. And I have.

But, after a short time of doing without a cell phone, I decided I needed to find a way around the loss. The ban only includes hand-held cell phones.

I began to explore the possibility of a head set or a Bluetooth so I could accept calls as I drive because a good part of some of my days is spent behind the wheel. And, if I'm waiting for a return call from one of the prisons on a request to interview an inmate, I want to be able to get that call. If I miss it, it could be days before I can connect with security officials in Lusk or Rawlins again.

In my case, losing calls could affect the quality of publication I can produce. And I doubt my readers want the Cheyenne Herald to sink to the depths the daily paper now holds exclusively.

Like every new invention, time brings reduced pricing and a Bluetooth is no different. I went to Ebay to search for one and found several at very affordable prices. Some of the best looking ones come with the worst reviews and it is important to see what other users have to say about the little devices before buying one. I ordered a Jabra BT125 model on a Tuesday and it arrived by USPS on Friday. It set me back \$12.97 and was offered with free shipping. Its reviews were best for sound quality and once a "fit" is determined for your ear, it should work just fine. That may be a bit tricky but it can be done.

While you can just reach up to the device and tap on it once to accept or end a call, you still have to use the keypad of your cell phone to place a call. Because you're doing that below eye level through the window, you could probably do that with little risk of a citation from Cheyenne's Finest. That would defeat the goal of the cell phone ban so it is more sensible to pull over and dial the call, then pull away from curb once you're connected. Bottom line, you don't have to eliminate communication while you drive.

Judge Michael Davis doesn't know the law

Wyoming District Court judges should know the law. They should either be well-versed before they preside over a case or review the law before they rule.

But, they don't. Either.

We've become used to reading Supreme Court reversals and remands on Peter Arnold on any matter involving child custody. He should know the law by now but he refuses to apply it and even said, in an earlier ruling, that he knew the Supreme Court "didn't like" or wouldn't accept joint custody arrangements but he was going to approve one anyway.

Precedent is critical to judicial rulings. Each new judge is not allowed to make new rulings that conflict with established precedent. It should be easy for judges to search for similar decisions of the past, how the Wyoming Supreme Court has ruled on the same legal issue. They have at their disposal search sites that we lay people do not. And, in most cases, it isn't even hard for non-judges to search for similar decisions of the past.

In Swain v. State of Wyoming (2009 WY 142), Justice Golden wrote, in the unanimous decision, "Appellant ... appeals the district court's order denying him credit for time served on three separate probation revocation actions. Swain also appeals his conviction for indirect criminal

contempt arising from his failure to comply with the district court's order requiring him, as a condition of probation, to attend and complete an inpatient substance abuse treatment program."

Justice Golden made it very easy to understand and there must be a hundred similar precedent cases. What he wrote, in essence, is that if a person on probation is incarcerated for a violation of that probation that would not, in itself, lead to incarceration, the time served for the violation obviously had to be the result of the underlying crime(s).

Swain pled guilty to felony battery of a household member and was sentenced to 3-5 years. That sentence, as too often happens, was suspended in favor of four years probation. In less than a year, he violated his probation three times. His first punishment (other than perhaps a scolding in court)? "The district court revoked and reinstated his probation." That will show him. Swain admitted each violation. Seven months later, he was back before the judge for another admitted violation. "On July 3, 2008, the district court again revoked his probation and reinstated Swain's probation." Each time Swain admitted to violating the terms of his probation, but not new criminal behavior. The criminal contempt charge was also bogus - a scolding would have been upheld. Davis needs to study.

CHEYENNE HERALD

2010 Publication Schedule

January 19
February 2, 16
March 2, 16, 30

April 13, 27
May 18
June 1, 15, 29

July 13, 27
August 10, 24
September 7, 21

October 5, 19
November 2, 16, 30
December 21

2010 SUBSCRIPTION ORDER

ANNUAL SUBSCRIPTION - 24 ISSUES, \$75.00 -- MAIL TO:

The Cheyenne Herald
P.O. Box 2208
Cheyenne WY 82003

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE



CHEYENNE'S ORIGINAL STEAKHOUSE

WEEKEND SPECIALS

Friday	Steak & Shrimp Scampi
Saturday	Creamy Chicken Alfredo

T-Joe's is closed on Sunday to allow for family and worship time

Pete's Pickle Parlor

5 miles east of Cheyenne - Hwy 30 / Pershing / I-80 at Archer (Exit 370) / 634-8750



Bohemian Metals
Jewelry, Mineral, and Fossil Gallery
Specializing in Custom Jewelry Design and Repair

314 W. 17th St. * (307)-778-8782

Creating One-Of-A-Kind Items for One-Of-A-Kind People for over 15 years!