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Does Wyoming have its own Timothy Masters in Rawlins?

First in a series of articles

Peggy Hettrick's body was found in a field in south Fort Collins on February 11, 1987.

A 15 year-old high school sophomore who lived nearby had walked past the body the day before but thought it was a mannequin and did not report seeing the body. His father had seen him in the field on his walk to school and reported that to the police. The boy immediately became the prime suspect, even though the condition of the body should have ruled him out as a suspect.

In 1999, Timothy Masters was convicted of first degree murder and sentenced to life in prison without the possibility of parole. On January 18, 2008, a judge vacated his conviction and ordered his immediate release. Timothy Masters was freed. Yet another innocent released.

He always maintained his innocence and there was no direct evidence linking him to the murder. Jurors said writings and drawings depicting violence against women were "compelling evidence" against Masters. A forensic psychologist, specializing in the field of sexual homicide analyzed the material and concluded, without ever having talked to Timothy Masters, that his drawings "strongly implicated him."

Hairs found on the victim did not match Masters, nor did fingerprints found in her purse.

His conviction was appealed to the Colorado Court of Appeals. On February 15, 2001, that Court unanimously upheld his conviction. An appeal to the Colorado Supreme Court was denied on October 15, 2002. A petition for rehearing the case was denied by the Colorado Supreme Court on December 16, 2002.

There was no evidence linking him to the crime. He always denied involvement. Each lead for the first dozen years came up empty for the investigators. And, exculpatory evidence was withheld from the defense. An alternate suspect, one with the medical skills likely necessary to make the "surgical-like" mutilations made to the victim, was not pursued and information possibly linking him to the crime was withheld from the defense. The hairs and the fingerprints were lost.

Eventually, DNA found on the body was identified as having come from an ex-boyfriend, not Timothy Masters. Masters was freed because his DNA was not found on the victim. DNA was used to free this defendant - the lack thereof - after a dozen years in prison and after each appellate division had turned their backs on an innocent man.

But what if there is no DNA and no victim's body? And what if the conviction were based on counselor/psychiatrist testimony that could not be challenged? On a child's statements that could not be cross-examined 15 years after they were made?

Does Wyoming have its own Timothy Masters imprisoned in Rawlins?

Lynn Bush was last seen alive in Casper on December 8, 1990. She allegedly went grocery shopping before 5:30 pm that night and was not seen again. The truck she had left home in was found in a Buttrey's parking lot the next morning by her husband and his younger brother. They found the driver's side door ajar, the keys on the ground nearby and groceries in the pickup box with a time-printed receipt showing she had paid for the groceries at 5:30 pm.

Her husband called police and a cursory examination of the vehicle by a police officer going off shift disclosed nothing and the truck was released to the husband to drive away. Four days later, a search warrant was served on the husband and the truck was impounded. Vague reports were made about blood "maybe" being present, etc. In the house, a vodka bottle was found that had blood on it that "could" have been Lynn Bush's.

Lynn Bush has never reappeared and her body has never been found. She was declared dead in 1997. Her husband remarried.

Fifteen and a half years after her disappearance, her husband was arrested and charged with first degree murder. His name is David Bush.

He has always proclaimed his innocence. There was no direct evidence linking him to the murder. There were no witnesses putting him at the pickup in Buttrey's parking lot at 5:30 pm on December 8, 1990.

There were witnesses who testified for the State in the trial - none gave terribly incriminating testimony. Except the child's alleged words.

The damning evidence at trial, and a basis for his appeal, seemed to be the alleged utterances of the two and a half year-old daughter of his and Lynn Bush's. Examined at that age because of behavioral concerns of her maternal grandparents after she had been taken from the care and custody of her father, she had supposedly told a counselor / a psychiatrist (two different professionals) things implicating her father in her mother's death. In her mother's murder. Spoken when she was two and a half to four years old.

It has been established that adults, particularly professionals like psychologists, therapists, etc. can lead children to say what they want to hear. When the counselor asked this very young child whether she had seen "daddy hurt mommy" and "did you see any blood on mommy," the child said she had not to both. Then, the counselor asked, "how did the blood get wiped off?"

Courts may not want to discount the reliability of testimony from these professionals because that testimony is often all they have. An overzealous county attorney in Scott County, Minnesota

(Kathleen Morris) ruined the lives of many children and adults with her witch-hunt in the early 1980's. She became a national celebrity and appeared on the popular television shows of the time. Her reign of terror ended when children who implicated several adults in a sex abuse ring went too far. They talked about murders, sometimes several in the same day, dumping bodies in the river, a spaceship, etc. "THE SCOTT COUNTY INVESTIGATION" was launched by then Minnesota Attorney General Hubert H. "Skip" Humphrey III. The task force put together by Humphrey reached some startling conclusions. I would encourage all Cheyenne Herald readers to find it on the internet:

http://www.a-team.org/scott_county.html

David Bush's daughter supposedly made statements in the counselor/psychiatrist interviews (I haven't seen any videos of interviews) that implicated her father. She was called to testify at his 2007 trial. She said she could not remember anything about the interviews and could not recall any statements she made. She had no memory of either. Juries in Casper don't need much. Even though the child was likely coached (the counselor was working in concert with law enforcement and the DA's office), she could not be effectively cross-examined without making her an even more sympathetic witness and nothing could be gained if the teenager now remembered nothing.



An inmate in Rawlins has come forward. In a letter that was sent to, among others, Governor Dave Freudenthal, Attorney General Bruce Salzburg and the Wyoming Appellate Division, with a copy of the letter given to the Cheyenne Herald, he implicated himself in the murder and disposal of Lynn Bush's body in 1990. He has offered to pinpoint the location where her body was dumped. He identified in that letter the name of the person who murdered Lynn Bush on December 8, 1990. He says he was there. More on page 2.

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Death Panel

Supporters of ObamaCare were aghast when Sarah Palin made an exaggerated reference to a Death Panel within government-controlled health care. Since her utterance, the term has become the most featured and most covered words of opposition to health care reform.

The fact is that there has long been the equivalent of a Death Panel when it comes to health care coverage.

It is interesting that the same Democrats who are now so incensed about the possibility of a government Death Panel determining whether a patient lives or dies have been silent in the past when one faced that determination.

Take the case of Cheyenne's own Cathi Blevins. Not yet 30 years old, with a young child of her own, she could not afford to pay for the organ transplant she needed to live. A "Death Panel," perhaps nameless and faceless, determined that she could not receive the organ transplant that she desperately needed. How can anyone believe such fatal decisions have not been made in the past? Of course they have. And decisions are life-ending.

Years ago, my own mother was diagnosed with cancer of the pancreas. It was then a death sentence to almost all, if not all, afflicted and continues to be nearly as deadly.

The University of Minnesota had a world-renowned surgeon named John Najarian at the time. I contacted him about performing the surgery and he readily and quickly agreed, conditioned only on our willingness to allow him to use the surgery as a teaching procedure. To him, the challenge of being successful with such a demanding surgery was exciting.

However, my mother lived in Wisconsin and that State, which would pay part of the expense for such surgery, would not approve the procedure being performed anywhere but in Wisconsin. It did not matter that the surgery could be performed only 125 miles from her home, instead of 350 miles away in Madison at the University of Wisconsin medical facilities, and that the surgery would be done by a renowned surgeon - rules are rules and the Golden Rule always applies.

The one with the gold, rules.

My mother had the surgery at the highly regarded UW-Madison, and then a second surgery when the cancer quickly reappeared, and she died within a year. The outcome likely would have been no different had Dr. Najarian performed the surgery. Pancreatic cancer was a death sentence in 1971. But the family was not included in the decision of where the surgery would be performed - only the bureaucrats made that determination.

A teenage son of a first cousin of mine had Hodgkins and needed a bone marrow transplant. First, however, the family had to raise, I think it was, three hundred thousand dollars for the procedure. That Herculean challenge was met, with help from employers and volunteers and the bone marrow transplant was done. Soon after, the boy died.

Medical decisions, often life and death decisions involving real patients, are made by people. Call them "Death Panels." The patient and their families often do not know who decided that surgery won't be performed because the patient can't pay for it, insurance doesn't cover it, and the government has no program to cover the cost. But someone does.

It's not as though a formal panel allows a patient, and or, with members of their family, to sit in front of them like Supreme Court oral arguments and try to convince the panel they can see and hear of the need for a medical procedure or they will die. No, it's worse than that. Decisions are made in secret - by insurance companies or government officials. Medicaid in Wyoming did not cover organ transplants at the time Cathi Blevins needed one. So, bureaucrats decided the expense would not be borne by government and the medical facility in Colorado that would have performed the surgery decided they would not do it unless they knew they would be paid and from whom.

You can come up with a more gentle term if you want to. Call it a "Life Panel" if that allows you to sleep better. But, there have been anonymous, faceless Death Panels making terminal medical decisions for years. Health care reform would be wonderful. In this great country, no one should die because of a lack of medical attention. No one. But they do daily. But don't believe for a minute that a Death Panel would be a new thing. It wouldn't be.

Our own Timothy Masters? (continued from front page)

In the interest of full disclosure, I have not yet reviewed the entire David Bush trial transcript. We are working on a release from the Appellate Division so I don't have to travel to Natrona County for that review. I have reviewed the Supreme Court's affirmation of Bush's conviction and other briefs that provide many details of the case. By the next issue, I expect to have reviewed the trial transcript (all 2500+ pages of it) and perhaps have spoken with either or both David Bush and the inmate who has claimed involvement and offers cooperation now.

In the letter sent by the Rawlins inmate, who is serving a double life sentence for first degree murder and conspiracy to commit first degree murder, he claims that he is sharing this information because he knows that David Bush is innocent.

He ends the single page, typewritten and hand-signed letter with: **"I'm very old now, I don't have a lot of time to right my wrongs. It is not right that this man is to be punished for a crime he had nothing to do with. It has been a lot of years, but I know who killed this girl and I know where she can be found."**

In the letter, he gives details that should, at least to some extent, still be verifiable after nearly 19 years. Some of what he wrote, honestly, could have been gleaned from public records and news coverage. But probably not all of it. We will see.

There are indications that state authorities may be taking the letter seriously. They should. Even if it is a total fabrication, a man's freedom may be at stake. The government took 15 1/2 years, expended great energy, and spent a large amount of money to prove his guilt. It won't hurt them to spend a few bucks to determine if they made a mistake.

The Wyoming Supreme Court affirmed the conviction. The Appellate Division did an outstanding job of making the case for a reversal. Unlike Jessica Ballard here in Cheyenne, David Bush was provided very good legal counsel on the appeal. I can't judge the original trial until I've read the transcript. But, on the appeal, he was well represented - even though the Supreme Court ruled against the appeal.

And I would bring you back to the Timothy Masters conviction. His appeals were

repeatedly denied. And he was innocent.

Do I think David Bush is innocent? Am I certain he is innocent? I don't know for sure. And, no. And, as I wrote extensively about the Johnny Lopez conviction a few years back, I look at the jury's verdict and determine whether I think there was enough evidence or testimony to convict, based on the evidence and testimony. And, I am not certain Bush is guilty.

Based on the Supreme Court ruling, it is hard to accept that the evidence and testimony were sufficient to convict David Bush of second degree murder. Or that he even had anything to do with his wife's murder and/or disappearance. It's even a bit hard to say with absolute certainty that Lynn Bush is dead, in light of the sudden and unexpected reappearance of Jaycee Lee Dugard after 18 years.

The appeal (2008 WY 108, 193 P.3d 203) hinged on four issues: 1.) Whether the inability to confront witnesses against him (his daughter's words at 2 1/2 years old, testified to through the words of third party professionals) deprived him of his Sixth Amendment rights; 2.) Whether two witnesses testifying by video teleconference also violated his Sixth Amendment rights of confronting witnesses against him; 3.) Whether the court committed reversal error by not allowing Bush to present evidence of an alternative suspect; and, 4.) Whether the 15 1/2 year delay in filing charges prejudiced his defense, violating his right to due process.

I will dismiss the second issue because the witnesses should have been of no value to the prosecution. They testified that they had met the black pickup Lynn Bush drove going north on I-25 at "a high rate of speed" and they testified that the personalized plate of "1-BUSH" was seen by them. That is unbelievable, across I-25.

The other three issues are of grave concern, as is the new letter from an inmate admitting complicity in the murder and disposal of the body. I will address them in depth in the next issue of the Cheyenne Herald. All of the remaining three issues were huge. Especially in light of whom the inmate now accuses of the murder - the same person David Bush sought to introduce as an alternative suspect at his trial. Stay tuned folks, the ride is about to get very, very bumpy.

TUNE-UPS AND MORE ...

C.A.R.S.



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