

Fear of prosecuting?

Given, the district attorney's office should not bring charges and try someone when they're reasonably sure they can't get a conviction. The only time they're likely to do that in Cheyenne is if the pressure to prosecute comes from the "connected."

All prosecutors want to be able to claim an artificially high rate of success. The best way to insure that is to plea bargain every case that they can - a successful plea counts the same as a conviction in a prosecutor's eyes - or to refuse to prosecute those guilty who will not take a plea agreement rather than risk an acquittal and a "loss."

Locals have read in the puppet paper recently about cases of a horrific nature that the district attorney's office plea-bargained away all prison time - like Jeffrey Dahmer being sentenced to 120 years and all being suspended for five years of "supervised" probation.

In Laramie County District Attorney Scott Homar's announcement that no charges would be brought against three people who laid in ambush, then "invited" a victim into the house in which they had hidden in the dark, with guns pointed at the entry door, he talked about "facts" and "physical evidence." He said they pointed to a case of self-defense. Like the axle swinger killing his younger, larger brother by striking him "at least" six times on the throat, chest and abdomen pointed to an accident? Evidence proved neither were self-defense.

Premeditation used to mean "planning." That there was an intent. With this DA's office, it's hard to know what it means. Even this inept DA admitted that he knew the primary shooter, who fired nine times in rapid succession blindly toward a door the victim never entered to get inside the house, took children who lived in the house to a safe haven, an aunt's house, and also sought out a gun to use. The DA should have known also, if he had read the investigation report, that the killer positioned himself behind a piece of furniture so he could rest the barrel of his gun for "a steady aim."

The DA did know that the killer enlisted the help of an associate who came to the house loaded for bear. With a 9mm weapon with two clips capable of holding 30 rounds.

Yeah, a classic case of self-defense.

If this holds up through the federal system (civil rights violation) as legitimate use of the castle doctrine defense of home, no one will be safe.

Get into an argument with another guy, goad him into returning to your house (not his, it has to be your house he would enter), unlock the door, hurl threats, invectives and challenges at him through the door and dare him to enter. Throw in the "MF" word a few times, maybe question his manhood, etc. According to the DA in Cheyenne, if he turns the handle of that door and begins to open it - not forcibly entering but

coming in as the result of an invitation - he is fair game. Set him up. Blow him away. The story used to be that you had to make sure an intruder was inside your house if you shot him trying to break in - even if you had to go outside and push him through the window. He had to be *inside* your house to get away with a deadly use of force in "defense of home." Not in Laramie County, Wyoming though. Not anymore.

Here you can arm yourself prior to any threatened entry and lay in ambush. You can belittle a guy outside your door, a person who may be high or drunk, possibly high on drugs you sold him, and dare him to reach for the doorknob. Someone has watched too many Charles Bronson or Clint Eastwood movies. This is a case where the DA decided the guy outside the house deserved to die. Same as the victim of the axle swinger. Judge, jury, executioner.

The DA's depiction of the investigation doesn't ring quite accurate, either. He embellished it to justify his position of not prosecuting three people who executed another in cold-blood. The DA, with a straight face, had a girl in his office type up a release that said that "the evidence in the case made it clear that (victim) was attempting to enter (shooter's) home when he was shot." Except that the evidence (the autopsy) was that the victim was shot five times IN THE BACK! What was he doing, forcibly BACKING into the house?

The DA, in his release, referred to "a history of violence" on the part of the victim but failed to include that the shooter was on federal parole.

If the victim was, as the DA claimed, in the process of forcibly entering the shooter's house and realized at the last minute it was a bad idea but it was too late and the shooter(s) opened fire, the victim would have taken at least some of the shots in the front or side. None. All were to his back. All five that connected.

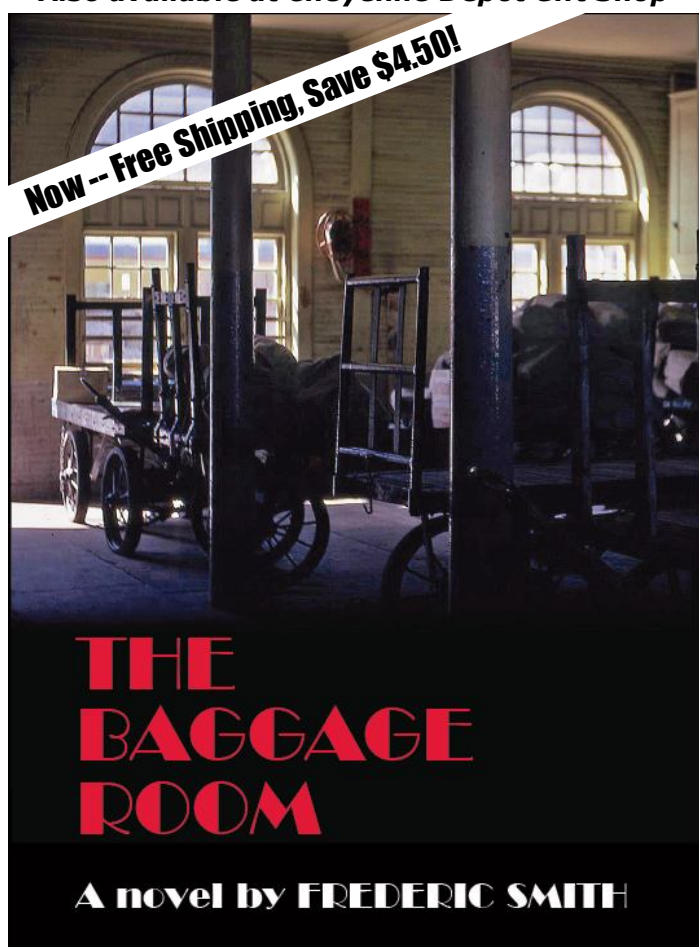
The DA claimed an "extensive investigation" of the case. What investigation did his office conduct?

The shooter allegedly said this in the Scottsbluff jail: "(He) first got the kids out of the house and (he) and another man were waiting at the house with guns. (He) said the door was left unlocked so the guy could walk automatically into the house. (He) stated that when the man came through the door they shot him."

Defense of home, my ascot. A clear, unquestionable case of ambush - of a deadly assault with intent to kill.

The only real investigation was forwarded to the DA's office with a recommendation for Homicide charges against the shooter and Accessory After the Fact against the two others. Why wasn't this done? Incompetence? Fear? Too tough a case to prosecute with three confessions? Most likely, the DA's office turned the two who are free into Confidential Informants in exchange for freedom.

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