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District court judges reversed again - twice

The latest two Wyoming Supreme Court opinions were "reverse and remand" of convictions on unrelated matters and from different district courts. I have written here several times that I really believe district court judges don't worry about getting it right, knowing that the Supreme Court can get it right when they get a crack at the same case. Unfortunately, not every case is appealed to the Supreme Court and innocents go to prison because of poor lower court judges.

In **WY 2011 113** (Downing v. State of Wyoming), Justice Voight wrote: "After a jury trial, the appellant was convicted of one count of unlawful delivery of a controlled substance, morphine. He now appeals that conviction, challenging several district court rulings and the competence of defense counsel, and alleging prosecutorial misconduct, as well as cumulative error. We reverse and remand for a new trial."

This conviction came from the courtroom of Thomas Sullins in Casper. He may not be the worst district court judge in the state but he's right up there. And prosecutors will bend or break every rule to gain a conviction. Justice, my ascot. Notches come from convictions, not justice.

Basically, this came down to a paid confidential informant (CI) making a drug "buy" that was challenged. The Defendant maintained that the CI had a history of "bad buys" and had actually stolen morphine from his medicine cabinet - that he had not been paid for the drugs. At trial, the Defendant wanted to introduce a pattern of behavior by this CI but was not allowed to do so. Similar to the David Bush denial of an alternate suspect. Sullins stinks.

In **WY 2011 114** (Jones v. State of Wyoming), Justice Burke wrote: "Appellant, Ronald Kirby Jones, appeals his conviction of felony larceny in violation of (statute cited). He challenges the district court's subject matter jurisdiction and contends that the district court erred in instructing the jury as to the elements of larceny. He also asserts there was insufficient evidence to support his conviction. We conclude that the jury instructions were inadequate, and, as a result, we reverse and remand for a new trial."

Repeat trials are expensive. When convictions are reversed on judge's error, that judge should be fined. Then, maybe they'd do better the first time around. Except Peter Arnold would be working for nothing.

The Equality State? Yeah, right.

The CPD press release dated July 28, 2011 is entitled: "Police Chief to Promote First Female Sergeant."

In the lead paragraph, it says, "she will be the first female sworn supervisor in the history of CPD."

Detective Cathleen Trujillo is the subject of the announcement.

Congratulations and good for you, Sergeant Trujillo. And congratulations and good for you, CPD Chief Brian Kozak.

And shame on you, Cheyenne.

Instead of arguing about whether old houses are historic or just plain old, we should be discussing why women aren't the equals of men in this state, including its capital, Cheyenne.

Before getting to the positive aspects of this promotion, let's spend a bit of time on what this says about how backward and retarded (not mentally but societally) Cheyenne has been and remains for the most part.

The first female sworn supervisor in the history of the Cheyenne Police Department? Ouch! Some praise Wyoming as having the first woman governor to demonstrate the female

gender's "equality" in this frontier state. But almost no one tells *how* Nellie Tayloe Ross became the first female governor in the nation.

Hell, even television series are built around female supervisors in police departments. In make-believe, they get to supervise men. In real life in Cheyenne, Wyoming - not so.

Talk about your glass ceilings. Ms. Trujillo had to pierce a steel curtain. Patience, determination, ability and strength must be her attributes. Yet, without an enlightened leader like Brian Kozak, she would likely still be toiling under men her inferior.

I don't know if all readers knew that Cheyenne had never promoted a woman to that level. I didn't. It's more obvious that a woman has never been elected mayor of the city and no female has been fire chief. Women are consigned to jobs, while important, more identified as "girl's work," like Clerk and Treasurer. Paper pushers, not heavy lifters.

This should remove an impenetrable ceiling so other females will join the CPD and believe, truly believe, that they have a chance to climb that ladder that men have owned and kept only for themselves. Congrats both.

Jessica Venable

Jessica called me one day recently, somewhat excited. For her, it was very excited. She keeps an even keel, somewhat resigned to her fate at this time but expecting something much better soon. She said she had some good news for me. I thought it would involve her. It didn't. She wanted to tell me that a friend at VOA in Gillette where Jessica is currently had been approved for parole.

Jessica had just passed the three year mark incarcerated. First at the Laramie County Detention Center, then at the Women's Center in Lusk and for the past several months at a halfway facility in Gillette. While the VOA is not at the same harsh level of confinement as the earlier two, it is no walk in the park either. And, "guests" there not only have limited freedom, they pay for the right to spend a period of time there before they are released on parole or finish their sentence and go free.

After I wrote about Jessica being behind in her payments to VOA for the privilege of residing there to work her way back into society, a regular

reader of the Cheyenne Herald and previous donor to Jessica sent a sizeable check to help Jessica pay her "rent" in Gillette. The tab runs faster than a guest's ability to pay because jobs are not only hard to come by for them but low-paying and with limited hours as well, and it is helpful when one of the readers of this publication makes a donation of any kind to Jessica. As I've said here recently, such donations can now be made to her directly. Her address in Gillette is:

Jessica Venable
P.O. Box 1346
Gillette WY 82717

Donations go to her account first and a limited stipend is provided her. She told me today that small amounts of cash (and it does get through to her) can be sent to her and she can use it for her incidental expenses or maybe even buy an Arby's or a milkshake. She said amounts less than \$50 in cash can be kept by her. That's a bit much to risk through the mail under the circumstances but we can feel safe in sending her a twenty dollar bill. She is very grateful for the kindness of Herald readers. As am I.