

Anything two people know is not a secret

CHEYENNE HERALD

FREE - TAKE ONE

the local advocacy journal

June 28, 2011 -- Issue No. 221 -- Next issue July 19, 2011 (3 weeks) -- established January 30, 2002

Was it a "Castle Doctrine" defense of home or murder that November evening in 2009?

Initial reporting about this incident in the local mainstream media led us to believe that a guy tried to break into a house in the northeast corner of the City and was shot and killed during that attempt. Forcible entry.

When there were no subsequent announcements of charges being filed against anyone inside the house that night, our belief was confirmed.

I have been asked over the past few months to review the matter and was reluctant to spend time on it because it seemed so open and shut.

On that same date, the Fort Hood shooting shoved other stories into the background. In that carnage, 13 were killed and 29 wounded by a U.S. Major, who was a psychiatrist.

On the afternoon of November 5, 2009, in Cheyenne, two men, neither of them angels, but two men who knew each other, had an altercation that, according to my information, started as the result of one insulting the fidelity of the other's fiancé. That physical confrontation was broken up by others present and the non-resident left with a threat to return and "kill you and your family."

The contradictory statements from three people who were inside at the time of the fatal shooting later that day make it impossible to know exactly what happened so, where two statements seem to be in agreement or an "outsider" weighed in with words to confirm those of an insider, that's the best we have to go on here.

What transpired after the altercation is that the male resident of this house sought a gun. He first told investigators that he had acquired a .22 rifle from a "gang" member and named the member and the gang. That was a lie. One fact that does not seem to be in dispute is that the "resident" shooter dealt drugs -

Wyoming's statute referred to as "Castle Doctrine" or "Make My Day"

W.S. § 6-2-602. Use of force in self defense.

(a) A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or another when using defensive force that is intended or likely to cause death or serious bodily injury to another if:

(i) The intruder against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, another's home or habitation or, ...; and

(ii) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring.

(b) The presumption set forth in subsection (a) of this section does not apply if:

(i) The person against whom the defensive force is used has a right to be in or is a lawful resident ...;

(ii) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

(iii) The person against whom the defensive force is used is a peace officer ...

(c) A person who unlawfully and by force enters or attempts to enter another's home or habitation is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

both from this house and by delivery. He had once seen a "customer" shooting a gun on a drug delivery and he actually got the rifle from him - in trade for crack cocaine. Not from a gang member. The main shooter inside the house also took the precaution of removing children from the house - taken to "an aunt" - after the altercation, before the shooting.

By the time the person who had left and made the threat about returning (Milton Brown III) did so later that day - early evening but dark because it was November - the couple inside had enlisted the assistance of another man - a friend who came to their house with his 9mm pistol and two clips holding upwards of 50 shells.

The front door of the house at the right looks north toward the street. When Milton Brown III came back and approached the front door, two, maybe three people, were waiting in

ambush inside. The one held the newly acquired .22 rifle (and had to be taught how to load it via a telephone call to the "seller") faced that front door with the .22 barrel lying on the sofa back - to "steady it," he said.

He had also directed his girlfriend to unlock the front door. Why?

Wyoming's "Castle Doctrine" was never intended to enable a "defense" such as this one. An unlocked door with an invitation to "come on in, then" in response to a verbal threat from outside, should void Castle Doctrine. There was no "forcible entry" and one could argue Brown was entering after a verbal invitation.

Obviously, it is not a "defense of home" when one travels away from the home to acquire a firearm, barricades himself behind a piece of furniture to brace his gun and enhance his aim, dims the lights, and directs his girlfriend to unlock the door.

Because Milton Brown III died on the ground outside this house, there are only the three inside and evidence that now speak. Uncontroverted is that the shooter whose shots killed Brown shot nine times. Five found their mark. All five, including the fatal one, were to Brown's back. The 9mm was fired twice. Neither hit Brown. Milton Brown III was armed. But, he did not fire his weapon and none of his blood was found inside the house. Only on the porch outside. (Page 10)



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Cigarette pack warnings

Tobacco is a legal product. Try as they might, authorities cannot find words nor graphic illustrations that have been successful in eliminating the craving and use of the addictive product. They probably never will.

New, prominent messages on each pack may tell the user they are endangering themselves, their children and others but it will be a largely ineffective, expensive try. If any message should discourage people - men, women and children - from starting to smoke or continuing to smoke, the ones on c-stores readerboards should do the trick.

Maybe, instead of printing further warnings on packs, the federal government should require the cigarette makers to make a tiny calculator available with every carton.

Not that the user would do the math but at least they could if they wanted to. And that calculation should frighten smokers far more than ones about the damage done by third parties breathing the smoke from their cigarettes, etc.

Marlboros are being offered by a c-store for \$4.79 a pack. Unless things have changed, a pack is 20 cigarettes.

A light smoker will go through, at bare minimum, half a pack a day. The typical smoker upwards of a pack a day. My dad, who smoked unfiltered Chesterfield's from the time he was 13 years old until he quit, cold turkey, at the age of 65 because he could no longer afford to buy them, smoked 2 1/2 to 3 packs a day. When I worked in the woods with him as a young teenager, he lit one match a day. From that first burning cigarette, he lit each successive one throughout the day. The only exception to that practice and that pace that I can recall is if we were caught out in a thunderstorm and he couldn't keep the cigarette lit. At the peak, when he smoked, as I recall, he paid \$1.00 a pack. It could have gotten higher but he had a way to buy them at a steep discount and I think a buck a pack was the highest price he paid before he quit.

Back to the example offered: To make it simple for my North Dakota

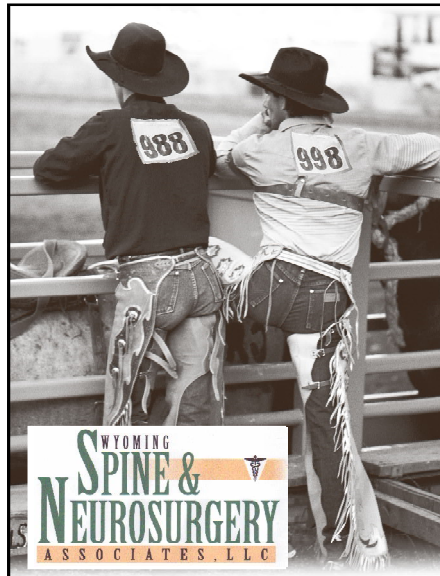
readers, if a smoker preferred those Marlboros, smoked one pack a day, and paid the c-store price per pack, he/she would smoke 365 packs a year (just like cows need to be milked every day, there are no "days off" for a smoker) at an annual cost of \$1,748.35. A half a pack a day would present an annual cost of about \$875.00 a year, a two packs a day smoker would go through almost \$3,500.00 a year. \$3,500.00!!!!

If that smoker worked a job (which would normally reduce consumption) paying, let's say, \$15.00 an hour, clearing maybe \$12.50 an hour, and smoked a pack a day, he/she would work 140 hours to support that habit - 3 1/2 weeks. You can massage the price and usage in either direction to reach your own conclusion as to how expensive the addiction is.

So, no picture on the pack is going to get a smoker to cease and chances are it won't get anyone to not begin. Why do people start? Beats hell out of me. I never did so can't tell you why others do or ever did.

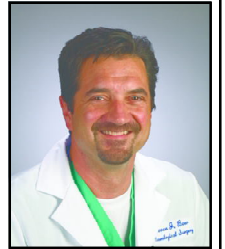
A reason I used when I've been asked is, "I didn't have very much money at that point in my life and had to choose between cigarettes and beer. And, you didn't meet any girls smoking while you met a lot of them at the bar." Taverns were social gathering places in small Wisconsin towns (it was legal to drink beer at 18) and all stratas went there. I know that was a wise-ass answer but it's partially true. The real truth is that I was an athlete and I truly believed that smoking would diminish my wind so I never took that chance. Not to mention I'd get kicked off the team if I were caught and sports were my addiction.

It didn't take graphics on a cigarette pack, carton or billboard to convince me that smoking was not a wise choice for me. Others in my family chose a different path. And I lost my oldest brother to a horrible death at the age of 50 related to his choice to smoke. He still smoked in the nursing home in his last days. No graphics would have gotten him to quit. Then or earlier. It is an addiction, folks. A horrific addiction that graphics will do almost nothing to affect.



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Defense of home or an ambush? (from front page)

The two inside the house tested positive for gunshot residue - on their face and hands. Brown had none. The accounts provided (and repeatedly changed) by the three about that day and evening are so contradictory that none can be wholly believed. As of this date, no prosecution has been initiated against any of the three inside the house at the time of the shooting. The one who fired the .22 rifle indiscriminately was re-imprisoned on a federal probation violation. But he has not been charged with a crime in this deadly shooting.

The Cheyenne Police Department recommended Homicide charges be brought against the shooter and Accessory charges against the two others. The investigation was always of a "Homicide" and the ambush was not considered an act of self-defense.

The main shooter fled the scene and was on the lam for several days. He obviously wasn't very confident his was an act of self-defense. The other two discussed hiding evidence and concocted a story that would have placed the actual shooter elsewhere at the time of this incident.

Milton Brown III was no angel. He should never have returned to that house - to extract revenge for the guy saying his fiancée was unfaithful nor any other reason. Those inside claimed they knew Brown was on his way and saw him on the street outside. They did not call 911. They also told investigators that Brown had called and threatened them on his way. *There were no calls made from Brown's cell phones during the time.*

When asked what happened to the rifle, the shooter kept changing his story. First, he broke it into pieces and threw it into Sloans Lake. Where, he was asked? I don't remember, he said. Then, Lake Absaraca. Where? I don't remember.

The shooter sold crack cocaine and marijuana and offered to set others up with a supply of pot so they could become dealers. He was no angel, either. He shot Brown in the back repeatedly on November 5, 2009. Milton Brown III was shot in the back five times (read below) and died as a result. Both shooters fired aimlessly through the front door. Casings were found across the street. Only by the grace of God were others spared.

No charges? What does the DA fear?

From the Milton Brown III autopsy report

- CAUSE OF DEATH: FIVE GUNSHOT WOUNDS,
A) ONE WOUND TO UPPER LEFT BACK, BULLET RECOVERED FROM RIGHT CHEST CAVITY: LACERATED THORACIC AORTA, ESOPHAGUS AND RIGHT LUNG
B) ONE WOUND TO MID LEFT BACK: BULLET RECOVERED FROM LEFT CHEST CAVITY; LACERATED LEFT LUNG
C) ONE WOUND TO POSTEROLATERAL LEFT HIP; BULLET RECOVERED FROM LOWER SIGMOID COLON: INJURIES TO PELVIC BONE AND COLON
D) ONE WOUND TO DORSUM OF LEFT FOREARM; EXIT FROM VENTRAL LEFT FOREARM; INJURIES TO BONE AND SOFT TISSUE OF FOREARM (Editor note: Dorsum is back, Ventral is front)
E) ONE GRAZING WOUND TO LOWER LEFT BACK

The Cheyenne Herald is the official publication of Cheyenne and Laramie County's intelligent people

Wyoming Coalition for the Homeless ... is seeking volunteers. With regular volunteers away on vacations, etc., WCH needs volunteers to work the desk in the Welcome Mat on Saturdays, Sundays - and on holidays like the 4th of July. Volunteers are also needed to keep the Food Pantry organized and to sort clothing and organize the Clothing Closet - Monday thru Friday, between 9 am and 3 pm, whatever is convenient for the volunteer. Contact Virginia at the Coalition 634-8499.

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