

Dwayne Sells death

# Unanswered questions and other lingering concerns ...

by Dave Featherly

I had planned to hold back this page until the next issue because there are already three pages in this Cheyenne Herald on the subject. But, I finally decided that the best way to keep the subject alive in the head of Jon Forwood is to lay everything out now - and not hold anything for later.

The center spread of this paper states that the coroner's inquest raised more questions than it answered and I sincerely believe that it did.

I am politically very conservative. I favor individual accountability in their lives and the less government interference, the better. I believe in laws and obedience of them. I do not refer to law enforcement employees by derogatory names and I challenge competence, not honesty. I am not a conspiracy theorist. I do not think there is a coverup in the death of Dwayne Sells. I do not believe that law enforcement deliberately is "for" or "against" anyone in this matter.

However this untimely death is finally resolved, my respect and admiration for the job done by law enforcement personnel will not be destroyed. On the other hand, my push for training and competence will also not be diminished.

I will try to lay out at least some of the many questions I still have about the death of Dwayne Sells and concerns I still have that the truth may never be known.

**First, about that night:**

Why haven't other witnesses to the fight that precipitated everything else come forward or been found and questioned? It is inconceivable to me that so many bar patrons say they saw what happened on the way out of the bar, albeit with several different versions of that event, but no one who was not involved in the fight has come forward to describe what they saw. How can that possibly be? Wouldn't a fight have been more disruptive to more people than a march out of the bar, no matter how that was done?

A bartender said he was hit with a piece of glass from a broken beer bottle. Is it possible that no customer had a drink spilled on them, was jostled, or hit with glass from the same beer bottle? Whatever account they might have about the fight, how is it possible that no witness to the fight was ever found or came forward on their own? Incredible.

*After the first Dwayne Sells story came out in the Herald, I was called by a guy who said the son of a friend had seen the fight but didn't want to get involved. I asked him to ask the mother if her son would talk to me but I never heard another word and had no contact.*

A witness could confirm or refute the depiction of the fight provided by the only known witness to it, Sells friend. If it were confirmed that his story is accurate, the blow to Sells' head with a beer bottle, then hitting and stomping on his head and body while he was down could indicate a physical assault and change the cause of death from accidental.

What was the appearance of the two areas of incidence? How much blood was found near the bar where the fight took place and how much blood was at the location of the fall - or second altercation, according to one witness. Was there blood splatter on the side of the bar? The severity of the fight could be proven if blood traveled that far and that high. Why was a clean-up allowed the same night as the incident? Was there a missing floor mat by where he "fell"?

How could police conclude so quickly that the fight was **NOT** a criminal act - either an assault by another fighter or an assault by a non-employee who had interfered with the orderly exit of someone who had been in a fight - when records show that a police officer told emergency room personnel at UMC that Sells had "been in a bar fight and was hit in his head" and the ambulance paramedic wrote that bystanders said the victim had his head "rammed into the concrete floor"? Why wasn't the area considered a potential crime scene and secured?

That at least, **POTENTIALLY**, a crime had been committed?

Where were the real bouncers? A bartender said there were supposed to be four of them. Why didn't they intervene in, or prevent, the fight? Why didn't one of them escort Sells and his adversary outside? Why wasn't at least one of them called to testify? At least one of the four should have seen the fight. Why wasn't a bar owner called to testify?

Why weren't the clothes and footwear of all four men involved in the fight taken by officers that night? Where are the boots of the one accused of stomping Dwayne Sells? An interview was done with him at 4 am that morning, why wasn't a sample taken from him to test for alcohol or drugs? Why weren't the "former bouncers" who intervened tested for drugs and alcohol? Would the four combatants and three former bouncers submit to a lie detector test? Not admissible in court but helpful nonetheless.

Does a non-employee have a legal right to interfere with someone who has been in a fight just because they formerly had that authority? What if a large friend of a defeated fighter laid hands on the person who had just beaten up his friend and, accident or not, that person died on the way outside or even outside the bar? Is that legal and protected behavior?

Dwayne's friend testified that he was taken outside and handcuffed. That could have been verified and wasn't. Instead it was inferred that he was lying.

Is there a legal difference in liability to the bar if a "non-employee" is directly involved in the death of a customer, as opposed to a bouncer on the payroll? Is there justification for former bouncers laying hands on customers, whether or not in the presence of paid bouncers? Is there a legal difference in liability to the bar if someone dies outside the bar from injuries suffered inside and could that be why Sells was being taken out so quickly, even though he may have been nearly unconscious from a blow to the head or repeated kicks to the head and posed no threat to anyone at that point?

## Hold the roosters, pet the sheep, and pray. A church at the fairgrounds?

It's always interesting to see religion enter the public debate. Reed Eckhardt goes ballistic. His concern isn't just the mix of church and state. He had someone shadow one of the county commissioners to see if she bowed her head at the wrong time, in the wrong place.

If a rodeo announcer invites the audience to bow their head and maybe say a silent prayer that the cowboys, cowgirls and stock make it through another action packed event without serious injury or death, Reed screeches like a cat whose tail was rocked on.

All the while, he or a member of his surveillance team were trying to spot Diane bowing to the announcer's pressure to establish a state religion at Frontier Park.

The only way the county commissioners should consider selling any of the land they bought as the Archer Property is to properly "surplus" it first, then put it up for bid. That would be a high risk move, both politically and practically.

Politically because they never told the taxpayers that they intended to peddle some of the land if they could buy it. It has more calls on it than the land under the former ZCMI department store in downtown Salt Lake City, if its successor stores finally close for good. And some of the proposed uses won't be anything voters or commissioners want to neighbor the county fairgrounds.

But to sell land which has not been surplus for a church operation is reckless indeed. What kind of church would it be? A mainstream one? Or one that brings out the snakes at 10:45 on Sunday mornings? Neither the city nor the county should risk selling land for such speculative uses. Another 25 acres of green space will look pretty welcome in twenty years. If they don't need the land for fair barns, just hold onto it. But don't drive up Reed's blood pressure by mentioning religion, church or worship.

**Save on your health insurance costs!**

Health insurance can be a major financial burden on family budgets.

But, you may be able to take control of your own situation. We have developed a **SPECIAL REPORT** which answers many of the confusing questions about health insurance cost and coverages - in language everyone can understand.

You may be missing options which could reduce your health insurance premiums without increasing your risk. Call us and we'll send you a copy of the **FREE SPECIAL REPORT**.

If you'd like to speak to someone, call **778-2881 or 1-877-672-7426** / If you'd just like the report sent, call **778-0556 or 1-800-718-8971**

**Personal Financial Solutions, Inc.**  
1418 Logan Ave. / Cheyenne, WY 82001

77-82

**American Storage & Postal Service**  
Mail Boxes - US Mail - UPS - DHL - Copies - Fax - Notary - Parking

5' x 10'	- \$35 per month
10' x 10'	- \$55 per month
10' x 15'	- \$65 per month

**Outside Storage for Boats & Campers Available!**

12' x 20' has electric	- \$95 per month
12' x 30' has electric	- \$140 per month
12' x 42' has electric	- \$180 per month

**1903 S. Greeley Hwy. • 635-9335 • Fax 635-9129**  
Office Hours: Monday - Saturday 8:30 am - 6 pm

**We have 5 x 10's to 12 x 42's. Call for availability.**

Military Discount Available