

**"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."**

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# If the WT-E wants the City to break the law on annexations, they should pay the legal fees

*Accessory before the fact is defined as 'a person who procures or advises or commands the commission of a felony but who is not present at its perpetration.'*

Granted, illegal annexations are not felonies but they are crimes, especially when repeatedly, knowingly, willfully and deliberately approved.

The liberal WT-E continues to encourage lawless behavior on the part of city government. They couch their encouragement by using weasel words like "aggressive" or "progressive" but what they have done since 2001 is "advise and command" the City to violate the law.

Since Reed Eckhardt and Jack Spiker formed an unbreakable bond shortly after Jack's election as mayor, the newspaper has demanded that the City approve illegal annexation after illegal annexation. Reed has been insistent.

They still think that the state's annexation laws are "backward thinking" according to a recent editorial position supported by the McCracken ownership. Actually, Wyoming's annexation statutes are finally in alignment with the other states in the United States and not backward at all.

Had the WT-E and Jack Spiker, in concert with his string pullers Patrick Collins and Tom Segrave, prevailed, Wyoming would have been the only state to allow annexation by a municipality of county land separated from its boundary. All other litigation in the country would have cited Wyoming to make its case that such distant annexations were upheld by a state's Supreme Court. Any state's.

The Wyoming Supreme Court did not bite. When the first test of an illegal annexation found its way to the Wyoming Supreme Court (*Cotton v. City of Cheyenne*), the ruling was that annexation of land separated from existing municipal borders was illegal and was such "void ab initio." The City of Cheyenne has become the poster child for actions that were later determined to be "void ab initio."

That three word Latin term has become Cheyenne's "E PLURIBUS UNUM." But instead of "Out of many, one," Spiker's legacy will be "void from the beginning."

Now, many decisions that have stood. But so many of those they have made that were legally challenged have fallen.

This administration will leave behind those four words to describe their tenure: Void from the beginning. "Void ab initio."

*"An accessory before the fact is one whose counsel or instigation leads another to commit a crime."*

Reed's recent poorly written editorial included: "But anyone who tells you they knew the city was breaking the law is lying." Reed Eckhardt is not a graceful loser. A loser, yes, but not a graceful one.

Even a modicum of research would have proven to the intellectual deficient at the WT-E how the Wyoming Supreme Court would rule. Reed went on to write that only after a Supreme Court rules can "anyone know for certain."

Of course people can know for certain before a Supreme Court rules. And we did. The Cheyenne Herald began to write about the illegal action of approving annexation of distant land in February of 2002. Citations and quotations were provided from several judicial rulings from around the country. Wyoming does not operate in a vacuum. The Supreme Court is not going to make a ruling that is in conflict with case law for 80 years in the United States. And they didn't.

The WT-E was, and remains, an accessory before the fact. They advised, commanded, encouraged and cajoled members of Cheyenne's governing body to approve illegal annexations. Repeatedly! They are guilty of a crime.

What should their sentence be? How about making them pay City-incurred legal fees to defend the illegal acts they encourage and demand? That would do.

As has been reported here numerous times, the City not only approved one illegal annexation - they approved four. And they were challenged on all four. And they lost on all four.

For a daily newspaper to encourage the City to continue to approve illegal annexations is unconscionable.

The Cheyenne Herald will provide the Spanish translation, in case that is the first language of Eckhardt or McCracken:

*"Cómplice instigador: 'One who commands or counsels an offense, not being present at its commission.'"*

There can be no question that the WT-E, in the person of Reed Eckhardt, with the express approval of Mike McCracken, has committed a crime - accessory before the fact. Over and over and over again.

And they have no defense because they have expressed that counsel in the newspaper. Over and over and over again.

Perhaps they can retain the Perry Dray Law Firm to represent them. Dray is experienced in annexation law and he can learn criminal law at the WT-E's expense instead of at public expense.

*"An accessory (before the fact) must knowingly promote or contribute to the crime. In other words, she or he must aid or encourage the offense deliberately, not accidentally."*

Does anyone think that if the WT-E blatantly and repeatedly encouraged other lawlessness on their pages that they might be stopped by criminal charges? What if they not only encouraged burglaries of jewelry stores but published the best way to do it? What if they wrote in support of spousal abuse and advised how to get away with it? Yes, those are criminal offenses that lead to felony charges (unless you use an axle) but let's say they advise tenants on how to breach contracts. How far can print or broadcast media go in advising and encouraging

residents to break the law before they cross the line? What if Channel 5 showed video of break-ins and "commands the commission of a felony"? Accessory?

*"Accessory - someone who helps another person commit a crime."*

In spite of courts ruling repeatedly against the City's multiple illegal annexations, the WT-E encourages continued lawlessness by writing: "And the City was within its rights - and within the bounds of wise public policy - to find out." No it wasn't.

In spite of the waste of \$300,000 of *your money* to defend their lawlessness, and well after the Supreme Court ruled what it will take to annex property legally, the City approved annexation of 2,100 acres west of the F. E. Warren. That annexation was also struck down. It did not even make it as far as the Supreme Court. And the City did not appeal the decision - knowing they had again acted illegally.

The WT-E is aware that the BNSF is in opposition to this pending annexation yet wrote that it was "unclear." Reed cannot understand even the written word. He professes to be unaware of what use would be made of the annexed parcel east of Southwest Drive. Come on! He can't be that stupid. It would be used for dense residential development. And, if 20 fourplexes can be built on 3.09 acres of land, how many multifamily dwellings can be put on 94.4 acres?

The WT-E cannot grasp why there are annexation statutes in the first place. Maybe they're simply incapable. They have obviously never read the *Cotton v. City of Cheyenne* ruling. They cling to the notion that the Spiker administration has been "pro-growth." No, it has been "anti-law" and proved it over and over again.

Probably a hundred legal annexations have been approved in the past eight years. None were legally challenged. Four illegal annexations were approved. All were challenged. The City lost on all four. Illegal is the issue, not annexation.

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