

# The outrider and the tow truck driver

I'll admit it.

When I first read the story about a "cow-boy" lassoing a tow truck driver during a Frontier Day's Parade in 2004 and "dragging" him down the street, I was outraged as you probably were.

Then, when I read the jury verdict awarding the tow truck driver quite a bit of money, and like you probably, I thought, "well of course, the guy (CFD) had it coming."

Then I received two telephone calls from people who had sat through the seven-day trial - spread over three weeks - and began to wonder what had really happened that late July morning in 2004.

All I know about the parades is what I see pass in front of me anytime I decide to attend one of them, which is getting more seldom with each passing year.

Old cars, big vehicles, rider groups, horse drawn wagons, unicycles, occasionally a band - once in awhile even a band from out of town. But I haven't thought twice about any risk from either vehicles or animals. And there aren't Vulcans wanting to rub charcoal on the faces of women and paw them in the process. (That's the St. Paul Winter Carnival Parade.)

The callers told me the story as they knew it, supporting the outrider's actions, and asked if I'd look into just what happened and report on it accurately. They were upset by what they thought were false or inaccurate portrayals in the daily paper.

Nothing new about that, I thought.

So I decided, what the hell, what can it hurt? There are court records, media accounts and the two guys involved in the "altercation."

I started by reading some of the media accounts of the incident and the trial. Then I read what was in the case file. Finally, I met at the scene with the outrider and sort of re-enacted the incident.

In the process, I contacted the attorney for Cheyenne Frontier Days and asked if he was going to appeal the jury decision. It had just happened and he and CFD have 30 days to decide and they hadn't at that time. My money is on an appeal. It doesn't cost very much. And Peter Arnold presided and he's been reversed more often than a car in a demolition derby.

Initial reports were that the outrider had "roped" the tow truck driver and "dragged" him down the street "for 250 feet."

"A horse-mounted parade official roped a tow truck driver and pulled him about 250 feet during a confrontation before the Cheyenne Frontier Days parade last weekend, police said," the Casper Star-Tribune reported. No such assertion is present in the case files.

The Denver Post picked up the exaggerated words and repeated them. USA Today ran the story on July 27, '04.

Jeez, that is so much exciting than what really happened - according to either side's retelling of the incident.

Here's another false media report in 2004: "And [the outrider] faced municipal charges in July resulting from his behavior as a parade marshal (on horseback) during the Cheyenne (Wyo.) Frontier Days; protesting the needless towing of a car along the parade route, [the outrider] lassoed the tow truck driver and yanked him away from the car."

AP Online: "A horse-mounted parade official roped a tow truck driver and pulled him about 250 feet during a confrontation before the Cheyenne Frontier Days parade last weekend, police said."

"[The outrider], 45, of Cheyenne, faces a penalty of six months in jail and a \$750 fine after being cited for rude and indecent behavior under city code, police said. The tow truck driver was not hurt."

"[The tow truck driver], 37, of Cheyenne, said he was heading to tow a car parked along the parade route about 9:30 a.m. Saturday when he came upon a horse and rider in the street."

"He said he was driving his truck at about 2 mph so as not to spook the horse ..."

Kinda like the Tribune-Eagle. Just make stuff up if you don't have the facts.

Anyway, my mental image was that a guy had been "roped" with his arms tight against his sides and was running down the street behind a trotting or galloping horse, trying to avoid falling so he wouldn't be drug like in a Gene Autry movie.

But then I read the case file. And I met with the outrider at 29th and Central.

*Let me interject at this point that I have told people interested in this story that I was not going to challenge the jury verdict. I did not sit through the testimony at trial nor read transcripts of the testimony, judge's rulings, etc., as they are not yet available. Six people who were selected for jury duty undoubtedly did their best. The outrider was concerned that it seemed to him that any potential juror who knew which end of a horse to feed was eliminated from the pool.*

To dispel the notion right away that the tow truck driver was "roped" or "lassoed" and "drug" down the street, here is what the Plaintiff's Complaint said about both: "slipped a lasso around [the tow truck driver's] arms and chest." And, "pulled [the tow truck driver] with his horse down the street." The Complaint also says that the tow truck driver "was required to scramble to stay on his feet until he could remove the rope." And, that he had been "given permission to travel southbound on Central Ave. through the intersection of Pershing Ave. (sic) and Converse Ave. in Cheyenne, Wyoming."

Of those who actually witnessed this incident, there are different distances the

estimated for how far driver was pulled.

The tow truck driver said about 76 feet. Two witnesses from Guernsey said 15-20 feet, "15 feet at the most." The outrider said about 8 to 15 feet.

Where did 250 feet come from? A local doctor, always wanting to make the news, said 250 feet and news media may have picked it up and run with it. Or maybe he picked it up from the news media. However it developed, it is patently untrue.

How about the report that the driver was pulled away from the car to be towed?

Huh? Just make it up as they go along.

Here's what the outrider or witnesses (except the tow truck driver) have said:

The outrider was sitting at the corner of 29th St. and Central Avenue, with the rear-end of his horse pointed northeast at that intersection - body into Central Avenue some. He was watching the wagons that had come down from Frontier Park proceed in a continuous single line around 29th St. from the west and head south on Central Ave., where they were headed for the beginning of that day's CFD Parade.

He estimated that about 20 of the 60 wagons had made the turn south, with the rest still coming down Capitol, east on 29th, to finally turn south on Central. As he glanced over his shoulder, he caught a glimpse of a vehicle (the tow truck) coming up behind him and his horse. He positioned his horse so the truck couldn't come through and the tow truck driver eased into the rear end of his horse, causing the horse to "dance" around some.

The outrider rode around to the driver's door of the truck and the driver threw the door open hard enough that it bounced back shut on him. He opened it again and got out. The guy told the outrider he was on his way to tow a car - I don't remember if he said from where or not - and the outrider told him he wasn't going through the wagons. At the time, the sidewalks had many people walking to take their position to watch the parade and one wagon was loading children in front of the former library building on Central Avenue.

The executive director of CFD answered this question in his deposition: "Was that an accurate belief in [the outrider's] part, that he could take what means he needed to take within reason to handle the situation?" The answer: "I believe so."

The outrider said, and repeated directly to me, that he has stopped police cars taking a short-cut through the wagons and would not allow them to proceed. They understood and took a different route.

It was learned that the car to be towed was at 26th and Carey, several blocks from the scene of this altercation. Coming from the north as the tow truck was, a safer route that morning would have been down Pioneer to 26th and across to Carey. If the car was on 26th, that is not

on the parade route and the removal could have waited until after the parade. To proceed from 29th and Central to 26th and Carey would have required traveling another full three blocks south, through the horse-drawn wagons and gathering spectators [who when the streets are barricaded, sometimes walk in the middle of the street to their positions] - then west on 26th [north of the Herschler Building] past Capitol Avenue, to Carey Ave.

The outrider thought the driver wanted to fight and that is why he said he slipped his rope over his head and cinched him at the elbows. He dallied his rope and had his horse pull the guy away from the truck. His horse took three "hops" but did not jog, trot or gallop across the intersection. The tow truck driver said he was beside the horse, the outrider said a few feet behind. Far enough back that he couldn't have reached out and grabbed the horse's tail had his arms been free.

The horse was steel-shoed and traction on asphalt is poor. Approaching the sidewalk along the west side of Pando Park, the outrider stopped his horse and allowed the driver slack so he could release himself. The outrider can't remember just what was said to him but he felt it was threatening and he responded in kind.

The driver went to his truck, according to the outrider, and made a cell phone call. A police officer responded and listened to what the driver had to say but did not question the outrider. The officer wrote a citation to the outrider for Rude or Indecent Behavior, for which he eventually pled "no contest" and was fined \$200.00 with \$100.00 suspended.

He had been a familiar face at Frontier Park and at CFD parades for years, but officials of CFD did not assist him in any way. He had to retain his own attorney. He believed, and the CFD executive director confirmed under oath, that his responsibility was to keep those attending Frontier Days parades safe. That's what he was trying to do that morning.

Had he dismounted and fought the guy, then what? He was concerned that his already agitated horse would bolt if he got off and dropped the reins and that his horse could have run into people on the streets or sidewalks or into a wagon. Fighting the guy one handed while he held the reins was not an option. He did what he thought had to be done to prevent a large truck, at any speed, from driving beside, behind or through the horse-drawn wagons.

Before parades, he rigged wagons at Frontier Park and "inspected" them as they left the grounds. Since the day of this incident, he has not been welcome either at the Park or as an outrider at parades.

Many people in Cheyenne are not unhappy that Cheyenne Frontier Days has been levied this "fine." Depending on the jury pool, there might be six people willing to convict CFD of the Lindbergh baby kidnapping. Sad. But true.