

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

# THE CHEYENNE HERALD

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## Wyatt Johnson: I did not start the downtown fire they say I confessed to starting.

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In a lengthy face-to-face interview with Wyatt Johnson in the Laramie County Detention Center on Friday, April 28, 2006, Wyatt Johnson, now charged with 1st Degree Arson for the downtown fire that consumed the building known as Mary's Bake Shoppe and a property to its west known as Wyoming Home, told me the confession he is said to have made was "coerced" and untrue.

On Wednesday, two days before the actual interview, I visited the Detention Center to introduce myself to Wyatt Johnson and ask if he'd speak with me at some length about the confession police said he'd made about the downtown fire. I had previously set up the introduction with Captain Bill Long, who supervises the jail facility, because I had never before done a jailhouse interview or even spoken with anyone being held there.

I checked in and a clerk had Mr. Johnson called to an area with a video camera and glass in front of him. I sat on a stool right off the lobby and spoke with him on a receiver - like a telephone but I could see him in the room he was in and I found out later that he could also see me. He agreed to talk with me when I explained my purpose, which was to discuss the confession which he later recanted and allow him an opportunity to tell his side of the story, previously untold, to the readers of the Cheyenne Herald. I was sure the other media would pick up on my story as they always do, so he could have an audience with potentially most of the local residents.

He readily agreed and said he'd like to get his side of the story out. I arranged then to meet him two days hence. I set it up first because I didn't want to spend hours in preparation only to be told by him that he was unwilling to be interviewed.

To provide a little more comfortable and quieter surroundings, Capt. Long agreed to allow me to use the booking area - two tiny rooms, mostly glass on his side, with his area about four feet square, mine a little larger. By closing the door I entered

through, it was a very adequate space from which to conduct an interview. Because both parties are speaking on a telephone in hand, recording of both sides of a conversation is impossible.

I first asked him a few personal questions and he told me he was 29 years old and had lived in Cheyenne for about 12 years. His closest contacts in Cheyenne are his girlfriend and his father - who is also close to him, but works out of town as a crane operator, now in Tennessee.

I did not dwell on accusations that he had set grass fires and stolen a radio from a highway patrol car. This interview was to be about the downtown fire.

"Did you confess to starting the downtown fire that destroyed Mary's Bake Shoppe and Wyoming Home Furniture," I asked.

"Yes," Wyatt Johnson answered.

"Did you start the fire," was my next question.

"No," was his quick response.

I should note here that from our brief introduction Wednesday, I came away from that very concerned how a full interview would go. On the first day, he seemed very quiet, ill-at-ease, timid, uncertain and almost scared. He didn't look up at me from the room he was in. I only took a minute to arrange a second meeting but I wondered how the subsequent discussion would go.

Frankly, I was surprised. He seems at ease, confident in what he said, showed good grasp of details and a good memory - of some things I knew from elsewhere.

We spoke at length about the interrogation he underwent by two Cheyenne police officers, Detective Garrison and Lieutenant Korber. He also told me they were briefly joined by two ATF (Alcohol, Tobacco and Firearms) agents. I asked him if a representative from the Sheriff's Department was present for any of the questioning and he told me there hadn't been.

I asked him why he confessed to a fire he now says he didn't start. He told me that he had spent seven hours in a very cold room at the police station and he wasn't very concerned about what he admitted to because it wasn't true and the pieces just wouldn't fit together when they tried to make their case.

He was alone through the police interrogation, not accompanied by an attorney. When I asked him why he didn't have an attorney, he said he couldn't afford one. I asked if the officers had read him his Miranda Rights, that if he wanted an attorney and couldn't afford one, one would be appointed for him. He said they had read him his rights at the beginning of the interview, but at that point he wasn't concerned about it because he had no idea they would head in the direction of questioning him about the dumpster fire that took down Interior Designs and the downtown fire of December 2004.

When I asked him why he didn't ask for an attorney when they began questioning him about those fires, he shrugged. He didn't have a good answer.

I have a copy of the police statement used to establish probable cause and I asked him about admissions in it that had been attributed to him.

I asked him if he had a key to the front door of Mary's Bake Shoppe. He said no. I asked him if he had a key to Wyoming Home, where he had briefly worked. He said the only key he had ever used there was for the delivery truck. I asked him if he'd ever been in Mary's Bake Shoppe and he told me, as Mary herself had told me previously, that he stopped there some mornings when he worked next door for "a pastry and orange juice."

I asked him if he knew Mary Coonts and he said only from those very brief interactions. I asked him if he'd ever done any errands or work for Mary and he told me he hadn't but he had once asked if he could shovel her sidewalk and she told him she paid someone to do that. Mary told me about that encounter also.

He said they asked him how he entered the building. He said he told them he must have broken out the window of the door or crawled through a window. They asked him if he locked the front door when he left and he asked them how he could do that when he didn't have a key to the door.

When they asked him how he started the fire, he told them he didn't remember. He made it sound like they coached him by telling there was "wood" piled against the wall. I've seen that wood - it was 2x4's and they were somewhat covered with sand or dirt. He told them he tried to start fires in three places but only one took.

Investigators have previously said, in an apparent attempt to implicate Mary Coonts, that there was strong evidence of accelerant being used in several areas - anything from paint thinner to jet fuel.

If he had broken glass to enter, that should have been obvious but it has always been reported that entry was through the front door, with no evidence of broken glass or broken windows.

I asked Wyatt Johnson if he were downtown that night. He said yes. I asked him if he had been near the scene of the fire. He said yes. I asked him if he spoke to any fire or police officers. He said no but that he had spoken with other bystanders. I asked him why he was downtown at about 10:30 that night. He said he was homeless at the time and had visited with two different friends in the downtown area earlier and just hung around. It didn't sound like police had spoken with these friends. I asked if he had any other alibi for his whereabouts and he said because he was sleeping in his Jeep, he hadn't seen his father or anyone else.

I asked him what he told police he had used to start the wood on fire and he said he told them "matches." I asked him if he carried matches and he said only when he went camping - that he didn't smoke and had no matches on him that night.

I asked him if the interrogation was on tape. *(Concludes on page 9)*

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**Wyatt Johnson ...**

(Concluded from page 1)

He said there was no tape recorder on the table. I asked him if the session was video recorded. He said there was no camera out in the open but there was a glass there that something might have been behind. I asked him if he signed any confession that night. He said no. I asked him if he was asked to write out a statement in his own hand and sign it and he again said no.

I asked him if there was any other way the officers could conclude that he had started the fire. He told me he was told that he had failed a polygraph test. He told me he was told he failed a polygraph on the dumpster fire too but he wouldn't be charged with arson on that one if he confessed to the downtown fire. He also told me that they told him the other charges pending would be dismissed if he confessed to this arson. And they were.

I asked him if he understood the difference in severity between setting a grass fire and a downtown fire where lives could have been lost. He said he knew the downtown fire would be "first degree arson." I then asked him why he'd confess to such a serious offense if he hadn't done it. He said that because he hadn't done it, what he told them would never stand up.

I asked him if he was told there was any other evidence against him. He said the officers said they had two eyewitnesses who had seen him enter Mary's Bake Shoppe. If that were true, why did the mayor and police treat Mary like a pariah for so long? If witnesses saw a man enter the building, why say they suspected a woman of starting the fire?

Concerned that there might have been an attempt to link Wyatt Johnson with Mary Coonts, I asked him if he'd been asked if Mary had asked him or paid him to start the fire. He said that no such connection had been attempted and no questions in that vein were asked him and she hadn't.

I asked him how he was treated - if he had been provided breaks, water or food if he requested. He said the police officers were polite and treated him well. But he said when the ATF agents joined the questioning, they told him that "lying to a federal officer was an immediate five years in prison." Is it and why did they say that? I'll try to find out if that's common practice - that sounds like coercion.

I asked him about his experience going to Evanston for an "evaluation." He said they mostly talked about his behavior in the courtroom. I asked him if he considered himself mentally competent to stand trial. He said he was.

I asked if he were told there was any other evidence against him. He said he was told that he appeared in pictures in the area that night. I heard the streets were lined with people watching the fire. There were a lot of people in pictures that night.

I am not positive that all he told me was true. I am not positive that any of what he told me was false. In areas where I had independent confirmation, he told the truth. My interest in speaking with him is that he had said the confession was coerced and I wanted to hear why he said that. And, in our system, he does not have to prove his innocence, they have to prove his guilt. Can they? We will find out.

**Eyes on the Horizon, Nose in the Wind**

by Skip Eshelman

**House Moves**

*"Few in public affairs act from a mere view of the good of their country whatever they may pretend....fewer still act with a view to the good of mankind."*

Benjamin Franklin

March 3<sup>rd</sup>, a bright and chilly Friday as I recall, was chosen by the Wyoming Department Of Transportation (WYDOT) for the inspection of eleven homes located along East 5<sup>th</sup> and 6<sup>th</sup> Streets. They are the first of nearly thirty-five identified for removal to accommodate the new overpass. The Norris Viaduct apparently outlived its usefulness in supporting traffic to Duff on the south end and Logan Avenue to the north.

The ugly aspect of the project also requires the removal of families who happen to be in the way. The mayor had assured everyone that this would not be the case, but circumstances change, and the mayor is given to (fill in the blank here) on occasions. After the project received voter approval, the alignment needed adjusting, shifting more northeast to southwest and putting the little homes in harms way as a result.

"They pay a set rate based on square footage," my friend informed me as we looked at 1222 East 5<sup>th</sup> Street. "I heard stories of folks upgrading their homes, thinking the appraisals would be increased, only to find out they wasted their money," he said. "The owners won't be able to find anything for all the more money paid for these places," he went on as we looked at the interior of the small house. These comments were repeated by others, which inspired me to look into the process. Especially since folks had been displaced to make room for the new county library.

I considered bidding on 1222 East 5<sup>th</sup> myself. With a basement, the residence would meet covenant requirements at my farm off Campstool Road. It seemed like an easy task to move the house, as East 5<sup>th</sup> street turned into Campstool once past the Refinery. A cable running from the refinery side of the road to the Liquor Commission on the north would demand the only attention. The minimum bid was \$600 for the structure. Bids for transporting the house ranged from \$7,500 to \$15,000.

WYDOT coordinated the inspections and facilitated the bidding process. A packet was retrieved for this house, and another as a Plan B. After reading over the material, and making changes to the contract, to address some of my concerns, I decided it was not worth the aggravation.

I had also seen a housemover arrive with a young couple, who showed great interest in 1222 as well. It occurred to me, they could place a higher bid on the house, figuring the moving part would not be a factor for them, so I let the March 17<sup>th</sup> date come and go without bidding.

A month past and the rumors persisted regarding the unjust compensation the homeowners had received, so I made a trip out to the WYDOT headquarters to enlighten myself on the process, and possibly set the record straight. Mariah Johnson mailed out the solicitation for bids, becoming the logical person to visit with first. Ms. Mariah immediately dragged Mr. Rick McKee from his break to discuss my concerns. He is the point man for the project.

Mr. McKee denied the "flat rate based on square footage" rumor and informed me they used the standard appraisal procedures and methods based on the Uniform Standards of Professional Appraisal Practices. If the owners of the targeted homes felt the place was worth more, they could obtain their own appraisal, which the WYDOT folks would consider. Mr. McKee thought some owners did that, but none ever brought the paperwork in for comparison.

The house I liked, came in at a little under \$100K. A house with similar square footage and characteristics had been located, with a price of around \$110K, so the difference had been given to the displaced owners for the new purchase. Because federal dollars are involved with the overpass project, certain criteria is followed on compensation.

For instance, the former owners are given \$1.3K moving expenses for a self-move.

If the people needed professional help, they are covered for the lower of two bids, based on less than 50 miles from the old residence. Mr. McKee explained that if a house appraised for say \$66K, which wouldn't buy anything in Cheyenne today, the reimbursement mechanism would ratchet up the dollars until something comparable was located. This can be found in the handbook "Relocation" Pub # FHWA-Help-05-031. "No one is left out in the cold," Mr. McKee said.

Nine of the eleven homes auctioned this first round went to a Boulder, Colorado bidder, while two Cheyenne residents won bids. Moving the structures has been delayed because of Department of Environmental Quality (DEQ) concerns for asbestos, and they want the area around the structures abated before they are moved. The clock starts for transporting the buildings when this has been accomplished.

Mr. McKee felt the process was successful and would be repeated when another ten or more homes became available. I commended Mr. McKee for his forthrightness and efforts to make the displaced folks move as smooth as possible. He does exceed Ben Franklin's assumption in my opinion. At least, I feel better knowing such a man is in charge of this process to assure fairness.

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