

## Wyatt Johnson confession (conclusion)

I didn't like all of what Judge Peter Arnold had determined or written. Examples:

*"This motion is granted, not necessarily because the law enforcement authorities disregarded established law but more precisely because the law enforcement officers had little guidance from the Supreme Court on how to handle a case where the Defendant express some desire to rely on his right to remain silent."* Some desire?

Then, *"As the Supreme Court said in Pena, 'We leave for another day a definitive determination of the scope of questioning law enforcement can engage in upon a suspect's ambiguous affirmative invocation of the right to remain silent,' ... 'Therefore, to a large extent, the law enforcement authorities were shooting in the dark and their handling of the case should not be criticized too severely by this Court or others.'"*

Speak for yourself, Peter Arnold. The officers should be criticized and you and Homar should have done it. Neither did.

*Pena, 98 P.3d 865-867* serves as the model for suspects whose exercise of their right to remain silent was ambiguous. **AMBIGUOUS.** In *Pena*, this exchange took place:

Laramie County District Court Judge Peter Arnold's **ORDER GRANTING MOTION TO SUPPRESS**, dated May 8, 2007, can be read in its entirety on the Cheyenne Herald website ([www.CheyenneHerald.com](http://www.CheyenneHerald.com)) - Click on the prompt on the Home Page.

## A \$million to "Fly Wyoming"?

They're going to have to up the ante. For this traveler to fly out of Cheyenne to Great Lakes' only destination, Denver, it will take a fair chunk of that million dollars they're preparing to spend to encourage state resident to "Fly Wyoming."

If \$50 were given to every man, woman and child brave enough, or reckless enough, to risk scheduling a flight out of Wyoming (particularly Cheyenne) they could subsidize (even pay for) all Cheyenne boardings for well over two years.

To pretend that travelers are just unaware of the availability of those flights to Denver deludes only those involved. We know it. We're just not interested with this airline.

### Upcoming issues of the Cheyenne Herald

May 29 (Tues)  
June 18  
July 2, 16, 30



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## Meeting Crystal Meth Anonymous

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[Doyle]: *Chon, once again, and, and we need to know clearly from you —*

[Pena]: *Uh, huh.*

[Doyle]: *— with your constitutional rights in mind are you going to talk with us?*

[Pena]: *Well, I, you know, I don't have anything, uh, to talk to you guys, you know. Whatever's on, is on —*

[Doyle]: *Okay, all right. Let me, let me put it to you this way: We have questions that we need to ask of you.*

[Pena]: *Oh. Okay, well go ahead. It's fine, you know, I —*

[Doyle]: *So you agree to talk with us?*

[Pena]: *I'd be glad to answer.*

Pena's "I don't have anything, uh, to talk to you guys, .." is ambiguous. He did not exercise his right to remain silent as Johnson clearly did - more than once.

This Judge gave the officers a pass: **"I will be the first to admit that it is easy to look at this sequence of events in retrospect and determine that the Defendant's comments were unambiguous and conclude that questioning should have been terminated."** **UNAMBIGUOUS!**

## Even the Denver Post follows the Cheyenne Herald's lead

In an April 30th story headlined "Heath Schroyer", we wrote:

**"One of his new recruits' comes from a "private school" that sounds suspiciously like the diploma mills we are trying to rid the state of. If his credits do not count toward a high school diploma, that will be Schroyer's first wasted effort."**

In a May 20th story, the lead story in the Sports Section of the Denver Post was headlined:

### Troubling transcript

*Concerns about prep school could bounce Wyoming basketball recruit*

To be honest, we weren't the first to write about this new recruit but may have been first to write about the potential problem of getting NCAA approval for him to enroll at (or play basketball for) the University of Wyoming. The NCAA is finally taking the term "student/athlete" seriously and has become more demanding on schools to actually see these recruits mix a little education with their weight training and jump shooting.

According to the Post, about 12% of the "non-traditional" school's enrollment received scholarships to play college basketball. Cheyenne occasionally gets one - that tiny high school got six? Might be a little basketball factory. Now if only his SAT is higher than his scoring average.

## Three DUIs are not "a mistake"

The recent removal of Democratic Party State Chairman Mike Gierau may have as much to do with his penchant for drinking and driving as anything else.

It might have been a sign that he wasn't quite sure where he was or what he was doing when he passed a sheriff's deputy without slowing down. Everybody slows down when a marked patrol car of any kind makes an appearance.

According to published reports elsewhere, the Sheridan County party chairwoman said there was "little discussion of the DUI" at the recent state convention.

For Sheridan County, a DUI is a rite of passage. They convinced the Wyoming Legislature a couple years back that all of the County's problems stemmed from juveniles driving - so the Legislators enacted a graduated drivers license bill. The truth is alcohol and drugs are the roots of their problems in Sheridan and Big Horn counties, not students under 18 driving.

Included in his speech seeking re-election to the post he had held, Gierau supposedly told the gathered throng of all his plans for the Party and then his plans to avoid "the party." And seek treatment.

Sounds like kind of an odd presentation. Vote for me and I'll enter alcohol treatment. What if they didn't vote for him - and they didn't - will he still seek help?

This guy had DUIs in 1987, 1998 and now in 2007. Notice the trend? How he missed 1997 only he could answer.

When asked why the Legislature didn't enact the open container law before leaving town from the last session, a Democrat insider opined that it was so the Legislators could get home first. Without breaking the law apparently.

The chairman of the Albany County Democrats, Grant Shoacre, told the CS-T that "the latest [Gierau] DUI arrest was not an issue for him."

"Everyone in life makes mistakes," he continued in defense of Mike Gierau.

No, pal. Putting a tablespoon of salt in a recipe that calls for a teaspoon is a mistake. Turning left when you should have turned right is a mistake. Becoming a Democrat instead of a Republican is a mistake.

Picking up three DUIs in twenty years is a helluva lot more than "a mistake."

With an attitude like Shoacre's, it is easy to understand why drinking and driving laws have not been toughened in Wyoming. Being from Laramie, he cannot dismiss Clint Haskins drunk driving that led to the deaths of eight UW student/athletes as just "a mistake," can he? Three DUIs in a lifetime should be a felony. Period.

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