

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

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Free Wyatt Johnson!

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by Dave FEATHERLY

Just over a year ago, I conducted a lengthy one-on-one interview with Wyatt Johnson in the Laramie County Detention Center. He told me at that time that the confession he had recently made to Cheyenne Police Department detectives was coerced and untrue. Until a couple weeks ago, all I had to go on were those words. Finally, a transcript of that interview was placed in the case file in the District Court office and I could determine from his words during that interrogation whether he had told me the truth or not.

It appears that he had.

At the time of the interview (April 28, 2006), I had extensive information from Mary Coonts with which to compare Johnson's statements and there were so many holes in what he had "confessed" to that it seemed unreliable from the start.

After reading the transcript of Johnson's session with ATF agents and police detectives, it was easy to conclude that his words were not a confession at all but reluctant confirmation and fabrication of events to satisfy an interrogator.

What I was unaware of until reading the transcript was that Wyatt Johnson had repeatedly told the interrogators that he no longer wanted to speak with them. By saying things like "this conversation is over," he exercised his Fifth Amendment right and the interrogators ignored them.

Finally, almost a year after I had met with Wyatt Johnson (with a glass partition separating us and speaking on telephone handsets), his public defender filed a very well-written Motion to Suppress that confession. Looking back one has to ask why it took him a year to get that done. Why did it take well over a year to do what

could have, and should have, been done back in summer of 2006? Only he knows.

While this public defender was walking freely through the streets and courthouse of Cheyenne every day and night, Wyatt Johnson remained incarcerated in the local jail.

Johnson was initially charged with starting grass fires and stealing a radio. Those charges were dismissed when the arson charges were brought pertaining to the fire that destroyed the buildings housing Mary's Bake Shoppe and Wyoming Home. He had been jailed for a violation of probation, after grass fires and larceny charges were brought. He has served all the remaining time on the probation violation as of last November - 2006.

He has been held on the First Degree Arson (malicious setting) and Burglary charges for nearly 15 months. He waived his right to a speedy trial and the system took advantage of that.

It has taken the other local media over a year to catch up with us on this story. They have garage sales and stories from Scottsbluff, Nebraska and Loveland, Colorado that they need to cover for their remaining few viewers and readers.

The fact that a naive, manipulative young man made a confession he thought would not be believed when compared to the real evidence in the case has languished in jail is of little concern within the system and even less to the general populace.

The public defenders names appear on case after case after case. They are probably doing their best but they cannot keep up. A waiver to a speedy trial must be a Godsend to them. They can shift those without such a waiver to the front of the

list, - to the top of the pile - and people like Wyatt Johnson (guilty or innocent) can wait as delay after delay is approved by the district attorney's office, the public defender, and the Court.

Wyatt Johnson may have considered his words to be only confirmation to the leading questions by police detectives and words that would never withstand scrutiny in court but he didn't reckon for the length of time it would take before he ever saw his day in court. He can count 'em now - about 450 or so total and growing.

Do prosecutors have more to go on than the confession? Well, for months they were convinced and publicly insinuated that the owner of one of the properties had started the fire. That owner was being treated like a pariah by the mayor and his minions. Internal and public pressure to solve the crime (if it was actually a crime and not faulty electrical wiring) were intense.

Is that why police detectives violated the suspect's rights? Maybe.

On Tuesday, May 8, 2007, Laramie County District Court Judge Peter Arnold granted the Defendant's motion to suppress the confession. In other words, the Judge threw it out.

Frankly, based on previous cases before District Court judges here in Laramie County, I almost expected a different outcome at this level and relied on the Supreme Court to take the correct action down the road. Judge Arnold provided a pleasant surprise. No one who has seen a single NYPD Blue could doubt that the confession was improperly attained. Reading the words of Wyatt Johnson as he repeatedly told detectives he was through talking with them could lead to

no other conclusion. Detectives committed repeated blatant violations of this suspect's constitutional rights against self-incrimination. The Fifth Amendment.

It was then disheartening to see the new District Attorney leap to the defense of the detectives. There is another story in this issue about a serial woman beater (and **MURDERER**) who got a lenient prison sentence after our police department almost blew that case and IT follows on the heels of the axle swinger who got no prison time for murder. Violent criminals are seemingly getting a free pass or close to it while a guy with no violent criminal history is held in jail for 15 months on the basis of a confession that any beat cop would see through in a heartbeat.

If there is a shred of truth to the DA's defense of these detectives, training is woefully inadequate in a department headed by a police chief with a mail order master's degree in criminal justice.

DA Scott Homar commiserated with "the difficulty Judge Arnold must have had reaching his decision ..." I disagree. I believe the decision was easy for the Judge. "This whole thing kind of snuck up on us," he said. Perhaps. And that is the fault of a delinquent Motion to Suppress. He also said, "Law enforcement decisions, which must be quickly made at the time, are subject to ever more restrictive requirements and rigorous scrutiny." Not so. Courts are allowing more and more abuse of the Constitution by law enforcement. And in this case, each set of interrogators knew the law but chose to break it. Each quit questioning Johnson as soon as he said "this conversation is over," then another set picked up the questioning. Deliberate, considered, planned violations. Based on all the facts of this case, free Wyatt Johnson. Now!

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