

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

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"Prison was the best thing that could have happened to me."

by *Dave Featherly*

The red sign on the front door of the house at 211 E. 3rd Avenue says:

WARNING

A clandestine laboratory for the manufacture of illegal drugs and/or hazardous chemicals was seized at this location on (no date shown). Known hazardous chemicals have been disposed of pursuant to law.

However, there still may be hazardous substances or waste products on this property, either in buildings or in the ground itself. Please exercise caution while on these premises.

WARNING

The sign is credited to "U.S. Department of Justice, Drug Enforcement Administration." There is a place for a phone no. for the DEA on the sign but none is provided.

This sign, lacking specifics (date and phone no.), seems to confirm the Cheyenne police chief's dire warnings that a methamphetamine manufacturing laboratory was operated in this house and that his effort to gain passage of a bill enabling the City of Cheyenne to demolish the house is righteous.

But is the basic claim true? Was meth being manufactured at 211 E. 3rd Ave.?

After the last issue of the Cheyenne Herald hit the streets on September 27, 2007, I was contacted by telephone by a woman who left the following message, along with her telephone no. "I was the woman who lived in that house you wrote about. That 'meth' house," she said. She thanked me for challenging the claim that inhabitants at that address were "manufacturing" meth on the premises.

The reason that I had written that - for the second or third time - is that the case files on the arrests of the two people charged with such a criminal act did not go that far. The records reflect that meth had NOT been manufactured there - by the true meaning of the word. Rather, that meth had been "cleaned" there - a chemical process far short of manufacturing the drug. Cleaning may fit the legal definition

of being "manufactured" but falls far short of posing the same danger.

I called the telephone number left for me and asked if the caller would be willing to be interviewed. She had told me of the outcome of her incarceration, as well as that of her boyfriend, who had been charged with the same crimes as she.

Why would anyone want to ingest meth in any manner? According to articles found on the internet, the drug is easy to produce and contains a "cocktail" of 15 substances, mostly pseudoephedrine (Sudafed, Contac, etc.), red phosphorous and iodine, but also can include ammonia, paint thinner, ether, Drano, lithium from batteries, lye, battery acid, etc. Paint thinner? Drano? Lithium? Battery acid? Rural areas are popular for production of meth because strong odors can draw immediate attention to the manufacturing operation from neighbors. Cooking a batch of meth can be very dangerous due to the fact that the chemicals used are volatile and the byproducts are very toxic.

I asked if he would also agree to be present and, after discussing it with him, she later told me both would agree to be interviewed and we scheduled a meeting.

Before that meeting one recent evening, I went back to the District Court office and read both of their case files again.

In contradiction to the express representation of Police Chief Bob Fecht, but within the wording of the sign on the house door, at the sentencing of the male involved, Laramie County Assistant District Attorney Hugh Kenny told the court, "**We'd agree that he was not in the process of, quote, making it from scratch .. but rather, that he did engage in some operations, that did, in fact, clean .. change the methamphetamine to a cleaner, more potent substance.**"

The man had told the court: "I did have the glass beaker in my house. I also had possession of some paraphernalia used for smoking methamphetamine, which resembled lab equipment, could be used in that way. I talked to the detectives about what they believed I was doing with it, and I was not manufacturing per se from scratch, Your Honor. Sometimes I would get methamphetamine that had not been cleaned right, and I would clean it." He went on to the judge: "Most of the stuff they found there was for use and not for manufacturing. I had no intent to ever manufacture the substance for any reason." His public defender explained to the court however, that "any chemical change fits the definition of manufacture" under state statutes.

ADA Kenny: "**And I point out, Your Honor, that while we don't normally recommend a probationary disposition in a meth manufacturing case, but we saw this as one of those that wasn't quite on the level of that kind of operation.**"

The accused was granted probation on the condition he successfully complete a

drug treatment program - which he did and he told me when we met that he is clean and has been for over two years.

Neither deny the use of meth at that address. But, they both deny that meth was ever manufactured from scratch there - and deny that the house was a "meth lab." The difference would be significant in lieu of the property being labeled as it has been by Chief Fecht and his contention that it must be demolished because of its condition and that it had been used as "a clandestine laboratory for the manufacture of illegal drugs," as the DEA sign reads.

If the mere use of meth in a residence deemed it unsafe, I was told that properties in areas all over Cheyenne, the nicest and the worst, would have to be razed.

Why do I take the word of two people who admitted to using meth in the house when they say it was not manufactured there?

Primarily because the house was lacking two key elements important to manufacture methamphetamine. **ELECTRICITY AND HEAT** The heat and electricity had been shut off at 211 3rd Avenue several (~8) months before the arrests.

Second, the caretaker and others at the property continued to live there well after this pair were arrested and jailed. Is that why the **WARNING** sign is not dated?

Third, the woman's teenage child, who was living there with them briefly, was permitted to pack clothing and other items from the house for his placement in foster care.

Also, the owner speaks ... see page 9

Other local media have made it sound like anyone entering the house would have to wear hazmat gear. The red sign says nothing about prohibiting entry - it says to "exercise caution." Quite a difference, it would seem.

Contrary to what has been written, this couple and others who had lived in the house, were not "squatters." They were there at the invitation of the caretaker, a man they became fond of and a man who has since died. They think the truth should be known and were willing to answer every question I put to them, no matter how direct the question or painful the answer.

If state statute includes "cleaning meth" as a manufacturing process, it is impossible to deny that meth was "manufactured" there. But, to most, manufacturing meth and cleaning it would be poles apart in severity and any lasting damage to a house. To manufacture meth from scratch without heat or electricity would have been very risky to attempt - especially when the manufactured drug is readily available in all areas of town. Accumulating the necessary chemicals to manufacture from scratch is considered about as risky as buying the finished product. To make meth without heat or electricity would require open flames, which could cause a deadly explosion or fire.

Based on the words of the ADA at sentencing - that it was not really a "meth lab" ... the fact that several people were allowed to live in the premises well after the so-called "bust" of a meth lab ... the fact that the young boy was allowed to take clothing from this "meth lab" when that is never permitted ... the apparent posting by the DEA at a later date (to support the Chief's claims?) **AND** the fact that no action has been taken by the City (in 4 years) even though action such as cleaning the property or demolishing it are allowed under current rules - this house is likely salvageable. As the woman arrested said, this house has become the poster child for a legislative ambition.

Note: The female of this couple chose to enter Lusk so she could get into a treatment program in 2004. She went to Lusk but did not get into a program - she was sent to Texas to serve her time. In spite of that broken promise, she told me "prison was the best thing that could have happened to me."

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