

Guilty until proven innocent.

I was first contacted by the guy with the dark colored Corvette that had been pushed sideways across Missile Drive that evening in October of 1988 a year and a half or so back.

I reviewed the case file in District Court and we met for an interview in 2006.

Over the six-plus years of publishing this publication, I think I've learned something about judging people. Not that I can't be "played" but I think I'm right about 85-90% of the time. I know the line that no one convicted of a crime ever committed that crime but I don't hear that very often. Maybe because people know I'm going to do my own investigation and if they're lying to me, it'll surface soon enough.

I'm not Erle Stanley Gardner's Court of Last Resort and the best I can do for someone is make the public aware of my opinion about a wrongful conviction, etc.

Maybe I'm in the minority, but when I see someone crumble when they are convicted in court of a crime they say they did not commit, that makes an impression on me. To stand stoically before the Court while someone reads you're "Guilty" of a crime you said you didn't commit leaves me a little cold. Everyone reacts differently but it just seems innocent people should react as innocent.

This guy, who has always sworn to me he did not drive a construction truck into the side of his own prized Corvette for the insurance money, has always struck me as believable. Probably more so with his recent actions toward gaining a pardon - which I'll cover on the following page.

Insurance companies do not want to pay claims. The objective of an insurance adjuster is to avoid paying a claim. Insurance companies will go to any length to avoid paying a claim. At least, almost any length. It's that simple. Just like auto finance arms will find one of their vehicles when the FBI, Interpol, French Foreign Legion and IRS cannot, the insurance claims adjuster will find suspicion when none exists with law enforcement.

And if anyone believes that jury pools do not consist largely of wide-eyed followers who are easily persuaded, they haven't sat in on a real trial. The best justice system in the world - but still full of flaws.

The prosecution in this case required the jury to suspend common sense and human nature to convict this guy.

For a person to plan and carry out such an insurance fraud - and this may have happened during one of those periods when public service announcements were being played 24/7 to turn in your neighbor for insurance fraud "cause everybody's doing it" - would have required precision timing, blind luck and unimaginable good fortune.

The story the victim tells about that night is easy to understand and believe. The alternate story that it took to convict the guy of insurance fraud defies belief.

The roadway at the time was under construction. The exit ramp was lined on both sides with orange and white barrels and the curvature of the exit was such that a motorist would be in a constant turn from leaving I-25 until stopping at Missile Drive and proceeding toward W. Lincolnway.

A Corvette sits but a few inches off the ground and rides like a lumber wagon. Looking out either window, a driver would be looking into a steady procession of construction barrels. You might also be viewing deer running across the exit ramp, oncoming traffic and temporary traffic signs of various types.

Even crawling along this exit curve, there would not be time to check your speed but once or twice. Not expecting to be hit by a moving truck from the infield nor preparing a defense for a crime you were not committing, a driver might think things happened very, very fast.

The accusation on which he was convicted required that he had planned this misdeed in advance and that he found a time of night (about 10 pm) when there would be no other traffic on that exit ramp except for him. He would proceed most of the way around the exit curve, park his Corvette out of the traffic "lane" (forget that there were barrels everywhere), depart the 'Vette, proceed into the infield area where he "knew" there would be a construction truck with the key in the ignition, waiting to partner in his crime.

He would fire up the water truck, shoot out of the infield, onto the only ramp provided for such egress, slam into the side

of his car, slide it across the newly laid concrete roadway, come to a rest with the 'Vette about ready to roll toward the driver's side, depart the huge truck - still with no one happening on the "staged" scene - go to the broken driver's side window of the car, somehow cut himself seriously on the top of one hand with the glass that had fallen from the moon-roof windows, bleed all over the seat, steering wheel and inside door panel, go back around the car to the truck, pretend to search for a driver, go into the infield still looking for an injured or dazed truck driver, return to the roadway, sit on the edge of the road and await the first motorist.

Now, if you believe this scenario of guilt it would take to "stage" such a scene, I have some oceanfront property near Fargo, North Dakota to offer you.

To play this further, the injured owner of a Corvette was taken to the UMC-West emergency room where he was treated and released. He called his then-girlfriend to come down and pick him up. They had been to dinner together earlier in the evening with her 8 year-old daughter at Casa de Trujillo.

As time marched on, and the insurance company investigators and law enforcement had a chance to compare (concoct) theories, he began to feel like a suspect.

People started to behave peculiarly in his presence. When he was asked to give blood, he did. When he was asked to provide finger prints, he quickly agreed. Law enforcement never took them. You wouldn't have to worry about the lack of a match inside the truck he was supposed to have driven into the side of his own car if you didn't have his prints, would you?

What about the lack of his blood inside the cab of the truck? No prints on the door getting into the truck high off the ground? Not important, evidently. Proving innocence isn't proving guilt. The truck was put back into action right way - the "crime scene" was not secured. Two decades later, a moron from the Governor's office discounted the lack of evidence gathering. Said it wouldn't prove anything to not find the accused fingerprints in or on the truck. Great detective, no?

The effort it took to make a case against this guy for insurance fraud was simple compared to the flagrant insurance fraud committed by the City of Cheyenne concerning the depot roof. To prosecute, you need a prosecutor with a zeal - sometimes overzealousness. In 1988, State Farm Insurance enlisted such a prosecution. In 2000, no one wanted to take on the City.

For nearly twenty years, this conviction has hung over the head of an innocent man. Compared to those who have spent decades on death rows, this conviction pales. But if you're the one wrongly convicted, it is an albatross, an open sore. A pardon for this injustice should be easy. Not so. That story on the next page.



**Laramie County
Wind Energy
System Regulations**

The Laramie County Planning and Development Office is soliciting public comment regarding **revisions** to the proposed Laramie County Wind Energy System Regulations.

Significant changes were made to the previous proposal reflecting comments we received from property owners, wind developers, and other interested parties.

A copy of the revised proposal and the map can be obtained online at www.laramiecounty.com/departments/planning/Regulations_and_Standards.asp or at the Laramie County Planning Dept, 310 W 19th St, Room 400, Cheyenne, WY 82001.

Public comments will be accepted through April 4, 2008. Comments should be written and submitted to the Laramie County Planning Department at the above address, or via e-mail to planning@laramiecounty.com.

FULL COLOR ADVERTISING WILL BEGIN AGAIN IN THE CHEYENNE HERALD WITH THE MAY 28TH ISSUE - AND WILL CONTINUE THROUGH THE GENERAL ELECTION. RATES WILL BE ON THE HERALD WEBSITE SOON.


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