



# No new trial in Schwan homicide case

by Mark Dykes

Following a ruling Monday afternoon, there will be no new trial in a case against Matthew Schwan. After a three-day trial, on March 15 Schwan was found guilty of aggravated homicide by vehicle. The charge is from a May 14, 2016 incident during which Reilly Schwan was struck by a vehicle driven by Matthew following a night of drinking with others and an extensive argument between the couple.

A motion for a new trial and evidentiary hearing was filed in the case. In that motion, defense attorney Richard Hopkinson stated after the trial one of Matthew's family members contacted Hopkinson and provided a screen-

shot of Reilly's Facebook page from March 15. It was asserted an online post from a juror indicated actual or implied bias against Matthew, stemming from the juror's failure to disclose his relationship with Reilly during the voir dire process.

The motion for the new trial also stated prosecuting attorney Jerry Williams responded inappropriately to an objection made by Hopkinson. That objection was for hearsay, as Williams had asked a witness what Reilly might have said, and Williams said she was unavailable "because he killed her."

During Monday's proceedings, Hopkinson spoke to the two issues. As to the Facebook

post, he said the juror expressed being part of the case was one of the hardest things he had to do, and his hope is she is having fun "up there" and is watching her children. The attorney said such statements indicated the juror had a strong connection with Reilly which was not disclosed.

As to Williams' statement, Hopkinson said it was a statement of "forfeiture by wrongdoing," and there was no pre-trial notice that such was going to occur. Hopkinson also noted the statement was prejudicial toward Matthew.

Williams objected to the motion for new

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## Above average releases at Boysen and Anchor

by Mark Dykes

Releases from Boysen Dam to the Wind River are currently at 5,500 cubic feet per second (cfs). Based on current operating projections and the expectation of near record runoff, Boysen Reservoir will be lowered approximately another ten feet to near elevation 4,700 feet in May. Once the snowmelt runoff begins, Boysen Reservoir will be managed to fill the reservoir to an elevation of 4724.5 feet in July. As the reservoir experiences peak run-off, releases from Boysen Dam to the Wind River are expected to reach flows up to 6,500 cfs.

Bureau of Reclamation (BOR) Wyoming Area Manager Carla Ronca said, "Steps are being taken to make room for the snowmelt runoff that is expected to come into the Bureau of Reclamation's Boysen Reservoir over the next few months. Moving water downstream below Boysen Reservoir now will reduce the peak of downstream flows that would be experienced otherwise."

Recreationists are encouraged to use caution regarding changing reservoir levels and high river flows. Conditions can change rapidly during runoff and the Bureau of Reclamation is coordinating with other federal, state, and local officials regarding reservoir levels and river flows.

According to a report on the dam, presented by Hot Springs County Emergency Management Coordinator Bill Gordon during the May 2 meeting of the Hot Springs County Commissioners, releases continue at 5,500 cfs and there is a plan to maintain that. The reservoir itself is down to 62 percent capacity, with the "full capacity" elevation being 4,725 feet. At a height of 4,707 feet, there is 18 feet of storage available in the lake.

The spillway elevation is 4,700 feet, and once the lake drops to that elevation the BOR is unable to release any more water. The April 1 prediction of snowmelt runoff into Boysen was 1.1 million acre feet, over 200 percent of normal, which could be record-breaking this year. The May prediction is currently being calculated, but is expected to be higher.

With increased inflows there will be higher releases, which could potentially cause significant flooding which would require evacuations. Timing isn't known, as runoff from the Wind Rivers hasn't begun and Boysen continues to lower. If problems occur in the county regarding the Big Horn River flows they could start around June 1-15.

Also being looked at is Anchor Reservoir. According to a report, as of May 1 the snow/water equivalent at the Owl Creek Snotel is at nine inches. It's important to note the snotel is often finished melting before the high country west of it even begins runoff.

Gordon has expressed concern about the Anchor Dam

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photo by Dennis Nierzwicki

### Chicken littles

Matea Vargas, left, Ruth Needham, center, and Charlie Harris check out a few baby chicks Tuesday night at Thermopolis Middle School. The animals were provided as an activity for younger kids while middle school students were performing in band and choir concerts. For more photos of the event, see page 7.

## Guilty verdict returned in Spence case

by Mark Dykes

Following a three-day trial, and about three hours of deliberation, a jury returned a verdict of guilty to the charge of incest in a case against Justin Spence. The charge states he molested a juvenile on July 4 or 5, 2014.

In a trial that had already seen plenty of emotional testimony, when the verdict was read tears were shed by Spence himself, as well as by both those supporting him and those on the opposing end. It was a long road to the verdict, as the trial had seen a couple re-schedules, the most recent in December due to procedural issue.

During opening arguments, prosecuting attorney Marcia Bean said the case began with the juvenile's birth and her growing up. At that time, Spence would visit her family, and she came to develop a close relationship with him. Spence would eventually move to Thermopolis, and the juvenile and her mom would later follow suit. Bean said the juvenile would come to think of Spence as her confidant, someone she would go to for advice.

On July 4, 2014, Bean said, the juvenile would join her family in shooting off fireworks at the Cody Loop, as much of her family and Spence would be there, and the offer was made to her to spend the night. The juvenile's mother agreed.

Later that evening, Bean said, Spence and his girlfriend, along with the juvenile, were listening to music and drinking alcohol, provided by Spence, when he got up and went to the bathroom. At this point, Bean said, the juvenile begins receiving inappropriate texts which she is assured are for her.

As the night goes, Bean said, the juvenile would find herself alone with Spence, as his girlfriend had gone to bed. Spence made advances that become increasingly aggressive, Bean, said, and the juvenile attempts to get away from him. Eventually she leaves the residence and returns when she thought he was asleep, only for the texts to start again.

Though the juvenile would keep the incident a secret

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## Wind River Canyon plagued by slides

### Highway closed to travelers for over 24 hours

by Cindy Glasson

It was a wild few days in Wind River Canyon as Wyoming Department of Transportation (WYDOT) crews fought rain, snow and falling rock last week.

WYDOT Maintenance Engineer Lyle Lamb of Basin said last Wednesday that quite a few big rocks had fallen in one particular area due to increased moisture and asked that folks not stop in the Windy Curve area.

When asked about the possibility of closing the road at that time, Lamb said, "If it gets too western tonight, we're going to pull out of there and close the road. It could become a safety issue for travelers and our personnel."

By Thursday morning, a WYDOT geologist arrived on scene to assess the situation and

found a slope fill area below the highway was unstable and they were hoping it wouldn't take out the road.

Wilson Brothers Construction out of Cowley was working on a rock removal project and were addressing the flooding and mud slides from the Memorial Day weekend event from two years ago. They agreed to help WYDOT with clean up of the current issues.

More rain and snow was on the way. Friday morning saw a closure of the canyon with rain and snow creating blizzard conditions inside the canyon while in town, we were just getting constant rain.

Maintenance workers kept busy on Friday using plow trucks and a loader to get the rocks off

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photo by Mark Dykes

Safety markers are set alongside one of the larger chunks of cliff face the fell close to the highway.

## EDC CEO discusses leasing vs. selling

by Cindy Glasson

It was something of an informal night at the Main Street Thermopolis meeting last week as three of the board members were absent, attending a Main Street America meeting out of state.

With their absence, there were not enough members to have a formal meeting, so the members there simply chatted about Main Street and some of the things they have done or have coming up.

One member, Amanda Moeller, who is also CEO of the Thermopolis Hot Springs Econom-

ic Development Company (EDC), suggested one of the issues she's been running into is potential businesses pulling out of talks with the company due to the high number of "For Sale" signs in town.

Moeller said she has been in talks with companies seriously considering bringing their business here and at the last minute they pull out, fearful that if the community has so many homes and businesses for sale they can't possibly sustain their business here.

One local couple who have a building for sale questioned Moeller, asking if they don't

have a for sale sign on their building how will potential buyers know the building is available? They have been trying to sell their place for some time with no luck.

Moeller suggested instead of trying to sell the building the couple might consider leasing the building instead.

Leasing, however, brings a completely different set of issues with it.

When businesses make the decision to move to another town, they are more inclined to

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