

# What constitutes a nuisance yard

by Mark Dykes

It seems when the temperatures rise, so do the number of calls to the Thermopolis Police Department in regard to nuisance yards. Police Chief Steve Shay said when such calls come in the first response is to go to the yard in question, to determine if it does qualify as a nuisance under the town code.

Several things under the code would constitute a nuisance, though weeds are one of the more common reasons. Under Section 11-802, “The term ‘weed’ shall be deemed to include any plant growth over eight inches in height which is not compatible in an area of commer-

cial or residential development or which endangers property or which would burn readily if fired. The common tests of whether a plant is noxious or not and of whether the plant is desired in its location by the owner or occupant of the property shall not be considered.”

Other areas of the code refer to the storing of dilapidated vehicles or unsightly buildings on lots, as well as open pits, all of which could be declared nuisances.

Shay said the lines can get a bit blurred when it comes to what constitutes a nuisance, referring to the adage “One man’s trash is another man’s treasure.” He noted an example

from several years ago, when someone made a complaint about a person having an old refrigerator on his property. On further investigation, it was found the owner had converted the fridge into a smoker.

It’s important to note many of the codes regarding nuisances were written in the 1990’s, and could benefit from some updated language. While people might not have weeds over eight inches tall, they might have certain grasses that height, which would become a fire hazard if they get too dry.

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photo by **Cindy Glasson**

## Eyes on the ball

Atticus Smith, son of Jake and Jessica Smith, scoots quickly across the green at the Rod Harris Memorial Golf Tournament on Saturday. After a few wobbly steps, he dropped to the grass and made a bee-line toward the balls, adding just another hazard to the game.

## Motion for new trial filed in Spence case

by Mark Dykes

In a case against Justin Spence, who was found guilty of incest on April 27, a motion has been filed for a new trial. According to the charge, on July 4 or 5, 2014, Spence molested a juvenile female.

During a trial that lasted three days, it was shown the juvenile and Spence had been texting the date of the incident — over 200 messages sent between the two phones within a few hours — and Spence had been sending inappropriate messages and pictures prior to physical advances on the juvenile.

Also presented during the trial was the juvenile’s relationship with another male subject, and how the charges were brought against Spence in an effort to divert attention away from the other male.

According to the allegations in the motion for a new trial, the State of Wyoming filed several pre-trial memorandums and failed to designate anyone as an expert, nor to provide any advance knowledge of their intent to do so. Neither the expert qualification information nor reports used to base an opinion were provided to Spence at any time.

At trial, the State of Wyoming allegedly offered the juveniles most recent counselor as an expert, he was “qualified” in open court in front of the jury with zero advance notice to Spence, and he was allowed to render an opinion and to bolster and/or vouch for the credibility of the juvenile. That lack of proper notice would violate Spence’s due process right under both Wyoming and Federal constitutions

and was essentially “trial by ambush.”

It’s also alleged the opinion of the “expert” was highly prejudicial and not probative to the relevant facts and amounted to bolstering the testimony of the juvenile. Even if properly notified of the intent to offer this testimony and assuming it was relevant, the motion states, such relevancy would be outweighed by the prejudice to Spence in cloaking her current testimony with the stamp of approval of an “expert.”

The State of Wyoming also allegedly elicited an administrative “finding” from a Department of Family Services (DFS) employee. Spence did not participate in the finding, the motion states, and the evidence was not relevant, highly prejudicial and served no purpose in a trial before a jury other than an attempt to influence that Wyoming DFS had made, essentially, a finding of “guilt” on Spence’s part. This is not a case of the witness volunteering this information, as it was elicited by the prosecution.

Finally, the motion alleges Spence was left with the option of requesting a limiting instruction, which was given but could not undue the nature of the testimony that should not have been heard by the jury, and Spence believes the instruction should have asked the jury to disregard this evidence as it held no relevance to their determination.

Not date has been set for a hearing on the new trial motion, or a sentencing. Spence faces the possibility of 15 years in prison and a \$10,000 fine.

## Wyoming Whiskey makes best of the best list

by Cindy Glasson

Wyoming Whiskey has made the top three list of the “Best of the Best” in Esquire magazine’s best whiskeys in the country.

First on the list is Westland, out of Seattle, Wash., founded in 2010.

According to Esquire, Westland was the independently owned “little guy” making the best whiskey in America. They were acquired in 2016 by Remy Countreau, so it is no longer the independently owned underdog.

Wyoming Whiskey, founded in Kirby in 2009, is second on the list.

Esquire warns you may not be impressed with their bland name and simple packaging, but once you taste it you’ll understand why its number two on the list and also their pick for the “abso-

lute best American craft whiskey distillery that distills all of its products and is not owned by a multinational conglomerate.”

From St. Helena, Calif., number three on the list is Charbay, distilled in Napa Valley, generally known as wine country. In addition to their whiskey, Charbay also makes wine, tequila, vodka, rum and walnut liqueur.

Sam Mead, head distiller for Wyoming Whiskey said the company is thrilled.

“This really is a validation of the hard work these guys do out here and the quality of the product,” Mead said. “We couldn’t have done it without our employees and the support from Wyoming.”

“We’re excited about it and ready to continue to do the same and create the best whiskey we can.”

## Dockery, Brown named to Wyoming Cowboy Hall of Fame

by Mark Dykes

The Wyoming Cowboy Hall of Fame (WCHF) Board of Directors conducted annual business meetings May 20 and 21 in Casper. All current WCHF officers were voted in for another four-year term.

Plans were outlined for the fourth annual WCHF Honoree Induction and associated events, and the Class of 2017 WCHF Honorees was selected. Among those chosen from Re-

gion 8, which includes Hot Springs County, are Carl Obe Dockery and Ernest Nathan “Nate” Brown.

The process of selection was begun by committees in ten geographic regions across the state soon after nominations closed. The WCHF sends each nomination to the county from which it was submitted, where regional honorees are chosen by their respective committees. Nominees ranked at the top in each county

are again reviewed during the state board meeting.

Successful candidates and their nominators have been notified electronically and received their invitations to the 2017 WCHF Induction Ceremony and festivities, scheduled for Saturday, September 23 and Sunday, September 24 in Casper.

Forty-five men and two women comprise WCHF’s Class of 2017 Honorees.