THURSDAY, FEBRUARY 14, 2013

FRIDAY'S FORECAST

WEATHER INSIDE ▸▸ C5

50¢
VOL. 134 NO. 7

GUNNISON COUNTRY TIMES

Printing all the news we know about for more than 130 years

INSIDE

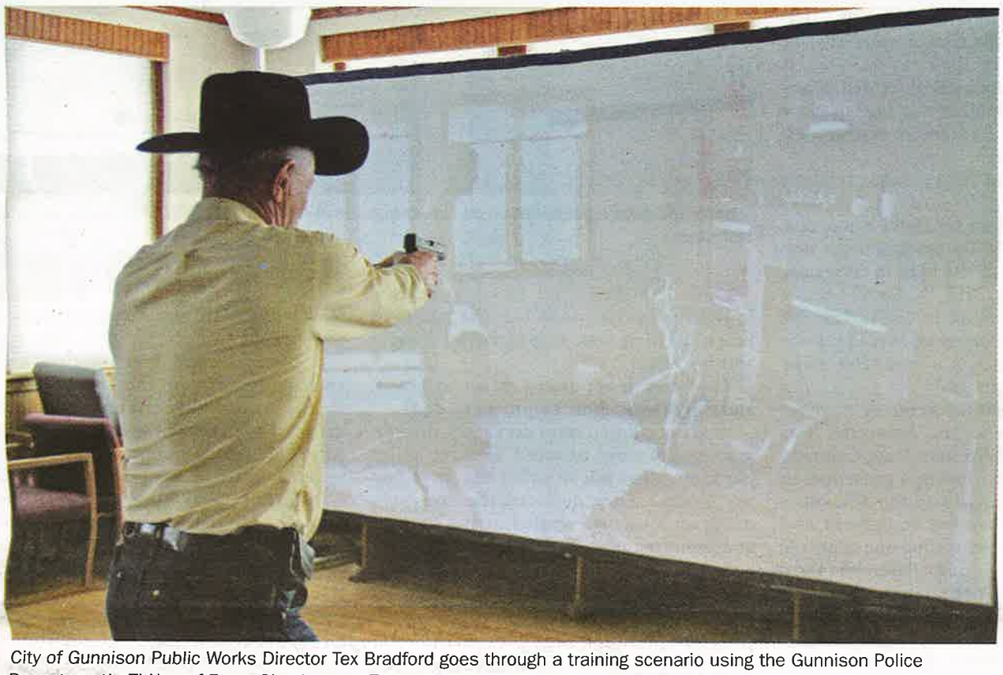
STUDENT STEPS INTO POLITICAL PROCESS ▸▸ A4

TAX AUDITS NOT ON THE TABLE ▸▸ A5

PINEWOOD DERBY DRAWS A CROWD ▸▸ B4

NEWS BRIEFS ▸▸ A2 BUSINESS ▸▸ A7 OPINION ▸▸ A10-A11 SPORTS ▸▸ B7-B10 CROSSWORD ▸▸ C2 ONLINE ▸▸ GUNNISONTIMES.COM

Keeping the (virtual) peace



City of Gunnison Public Works Director Tex Bradford goes through a training scenario using the Gunnison Police Department's TI Use of Force Simulator on Tuesday in the council chambers.

Photo by Matt Smith

Video game helps local PD train for real life scenarios

Matt Smith
Times Staff Writer

What seemed like an ordinary welfare check in a nondescript suburban neighborhood provoked a lethal display of force from City Manager Ken Coleman on Tuesday morning.

It was only a simulation of a scenario that police officers might find themselves in on any given day out on the beat. But when the character in a grey hoodie pulled a handgun from his rear waistline, it was enough to raise Coleman's blood pressure up a few notches.

"You're uncertain what's about to happen," said Coleman, after going through the scenario a second time. "I was ready to shoot the guy for pulling his wallet out, because I was so amped

Video game ▸ A12

MUELLERMURDERTRIAL

Hung jury results in mistrial

Frederick Mueller stands in the courtroom Saturday after a mistrial was declared in his murder case.

Photo by Chris Dickey

Mueller released on bond after inability to reach verdict

Laura Anderson
Times Staff Writer

After three days of jury selection, 16 days of testimony and three more days of deliberation, a 12-member jury failed to come to a consensus in the case of Frederick Mueller.

In what was viewed by some as an anti-climactic finish to a marathon trial, Judge J. Steven Patrick declared a mistrial after jurors reached an impasse around noon this past Saturday.

Trial ▸ A8

County, cattlemen join to fight 'listing'

Legal agreement offers ability to share info, strategies over ESA proposal

Will Shoemaker
Times Editor

Gunnison County leaders and local ranchers have formally combined efforts to fight the proposed "listing" of the Gunnison Sage-grouse.

The Gunnison County Stockgrowers Association (GCSA) and county officials signed a "joint defense agreement" Tuesday, allowing for the confidential sharing of strategies and information.

Last month, the federal Fish and Wildlife Service (FWS) announced its long-awaited proposal to end, once and for all, more than a decade of regulatory uncertainty over the bird. FWS is proposing that the grouse be deemed "endangered" — which would offer the highest level of protection under the Endangered Species Act.

That's despite more than a decade of work locally to avoid such a designation. FWS officials have said that they recognize the Gunnison Basin population of the bird is at least stable. But it's other, satellite populations of the grouse that they fear face the greatest threat of extinction.

March 12 marks the end of a 60-day comment period on both the proposed listing and proposed designation of "critical habitat." A final determination is expected by Sept. 30 of this year.

Deputy County Attorney Art Trezise explained to the County Commissioners this week that the agreement with the stockgrowers

Sage grouse ▸ A8

RTA exploring air options sans CBMR

Consultant to discuss possibilities with United

Will Shoemaker
Times Editor

Gunnison Valley Rural Transportation Authority (RTA) leaders are beginning to explore the possibility of a local airline program that in coming years may not include Crested Butte Mountain Resort (CBMR) as a partner.

For years, the RTA and CBMR have joined efforts to cover the cost of "guarantees" — or payments made to airlines to compensate

RTA ▸ A9

ADVERTISING
Your ad could be here!
Find out about our discounted rates, call Leia at 641-1414 or email her at leia@gunnisontimes.com to learn more.
GUNNISON COUNTRY TIMES

Mueller

from page A1

To a throng of television reporters, Frederick Mueller's daughters expressed their relief Saturday afternoon in the Gunnison County Courthouse that they would soon be reuinited with their dad.

Photo by Chris Dickey

Mueller, 51, was on trial for first-degree murder in the death of his wife Leslie Mueller, who was found dead in Cottonwood Creek near the couple's Lake City home in May 2008. Investigators didn't believe Mueller's version of events — that his wife fell off a 15-foot cliff above the creek, landed on her head and shoulders on a granite slab below and was carried downstream through a series of waterfalls and pools.

She was found face-down with her head under a log and her feet pointed upstream in a shallow section of the creek. Forensic pathologist Michael Benziger of Montrose determined the cause of death to be drowning.

Prosecutors spent the next four years crafting their case, and in February 2012, Mueller was arrested at his business in San Angelo, Texas. He was held in the Gunnison County jail for the next year, but was released on a $150,000 bond on Saturday following the mistrial announcement — much to the relief of his daughters, Amanda and Ariel, who sat behind the defense table throughout the course of the trial and offered their comments to the media as their father was returned to the jail one final time prior to his release.

"The circumstances (of his release) are not ideal," admitted Ariel Mueller. "It could have been better, but it could have been a lot worse. We'll deal with it together."

As far as what this means for the case, "it'll drive me crazy if I try to speculate what they're going to do," she said.

For now, Mueller is a free man and has returned to his Texas home after agreeing to make bail and surrender his passport until a decision on how to proceed has been made.

A date was established for another trial, April 29, which will occur in Montrose, should prosecutors decide to continue. They have 90 days to retry. A status hearing is scheduled for this coming Tuesday at 2 p.m. at the Gunnison County Courthouse, which Mueller will be permitted to attend via telephone.

District Attorney Dan Hotsenpiller admitted, as proceedings wrapped up early Saturday afternoon, that he's "never been through these circumstances before."

The jury indicated last Thursday that they had come to a standstill, but were instructed by the judge to try to come to an agreement. Eleven of the 12 jurors agreed on a not-guilty verdict, but one was not convinced of Mueller's innocence — enough doubt to result in the mistrial.

Though the case didn't offer the finality that some had hoped for, it's likely that the majority of the parties who spent the last five weeks in court — from jurors, law enforcement, family and members of the press — are ready to return to their lives.

Hinsdale County Deputy Sheriff Andy Dozier, who spent the trial's five weeks policing the door to the courtroom and inspecting audience members' belongings, said he's excited to get back to his life.

"Five weeks and change of sitting — I'd rather be out and about," he said.

Grant Houston, owner and publisher of the *Lake City Silver World*, said that he too was ready to return home, after basically living at a motel and spending four days a week in the courtroom. He pointed out that it's been a long time since anyone was tried for a murder in Hinsdale County. Despite his long career as a reporter in Lake City, Houston said this is the first murder trial he's covered.

"There's been a vast amount of interest," said Houston. "People can't get enough."

According to his research, which consisted of interviewing old-timers from Lake City, possibly not since the notorious 1883 trial of Alferd Packer — who wandered into Gunnison in April 1874 after cannibalizing his companions near Slumgullion Pass — has anyone been tried for a murder alleged to have occurred in or around Lake City.

Though Packer still lives infamously in a chapter of Hinsdale County history, Houston said he doubts Mueller will maintain the same notoriety. Yet, he pointed out, many people in Lake City are still yearning for the truth behind Leslie Mueller's death.

"People have really taken it to heart. It wasn't just a fatality that they're going to bat for," he said, adding that some individuals involved in the initial investigation in 2008 still have Leslie Mueller's photo on their desk, a reminder that — for them, at least — justice is still being sought.

(Laura Anderson can be reached at 970.641.1414 or laura@gunnisontimes.com)

Sage grouse

from page A1

would allow the two parties to "share information, but nobody can be forced to disclose any of the information that goes between us."

In other words, correspondence between the two parties is protected by attorney-client privilege. Trezise said that this would both allow GCSA's legal counsel to provide strategic direction, while allowing county legal staff to work on more mundane legal matters, saving the stockgrowers money in the end.

GCSA President Doug Washburn said that the organization this past fall retained Denver-based attorney Deborah Freeman, a specialist in ESA legal issues.

"As you know, it's been suggested that a lot of the science behind this (listing proposal) is not valid," Trezise told the commissioners. "So we're trying to pursue and determine what's good science and what isn't, but (Freeman) has the ability to say, 'This is an argument that's worth making.'"

Trezise said that the county is not currently pursuing similar agreements with other local parties.

Commissioner Paula Swenson noted that GCSA is the county's longest running partner with respect to grouse-related matters.

"The county has shown a long-term effort on this issue, and so we felt comfortable that we weren't compromising our position by showing our cards to the county," Washburn concurred of the agreement.

> **"The county has shown a long-term effort on this issue, and so we felt comfortable that we weren't compromising our position by showing our cards to the county."**
>
> **Doug Washburn**
> *President, Gunnison County Stockgrowers Association*

Trezise clarified that the joint defense agreement is not necessarily a precursor to litigation. Rather, it first offers the two parties an opportunity to combine their efforts during the 60-day comment period.

"Although we're certainly not ignoring the fact that we may end up in court in order to be heard," he added.

(Will Shoemaker can be contacted at 970.641.1414 or editor@gunnisontimes.com)