

Weather Corner



National Weather Service
Tonight: Mostly clear, with a low around 37. Breezy, with a north wind between 10 and 20 mph, with gusts as high as 30 mph.

Saturday: Sunny, with a high near 57. Breezy, with a north wind between 10 and 20 mph, with gusts as high as 30 mph.

Saturday Night: A 20 percent chance of showers. Mostly cloudy, with a low around 38. Breezy, with a north wind between 15 and 20 mph, with gusts as high as 30 mph.

Sunday: Partly sunny, with a high near 58. Breezy, with a north wind between 15 and 20 mph, with gusts as high as 30 mph.

Sunday Night: Partly cloudy and breezy, with a low around 37.

Monday: Sunny, with a high near 66.

Monday Night: Partly cloudy and breezy, with a low around 43.

Tuesday: Mostly sunny and breezy, with a high near 68.

Tuesday Night: A 20 percent chance of showers and thunderstorms. Mostly cloudy and breezy, with a low around 47.

Wednesday: A 20 percent chance of showers and thunderstorms. Mostly cloudy and breezy, with a high near 68.

Wednesday Night: A 20 percent chance of showers and thunderstorms. Mostly cloudy and breezy, with a low around 49.

Thursday: A 20 percent chance of showers and thunderstorms. Partly sunny and breezy, with a high near 70.

Thursday: High, 53; Low 41
 Precip: Thursday 0.09 inches
 Month: 0.21 inches
 Year: 3.09 inches
 Normal: 7.21 inches
 (K-State Experiment Station)
Sunrise and Sunset
 Saturday 6:32 a.m. 8:50 p.m.
 Sunday 6:31 a.m. 8:51 p.m.
 Monday 6:30 a.m. 8:52 p.m.
 (U.S. Naval Observatory)

Sell it in the classifieds 462-3963

A Free Press editorial: You can help walking trail

From "TRAIL," Page 1

negotiated, money raise, grants applied for, trails built. But you have to start somewhere, and a half-miles of concrete trails at the water park is as good a place as any.

You can figure that as Phase I is built, enthusiasm will build for more trails. Kansas communities that have built trail systems

have greatly enhanced their livability. A trail system reaching into every neighborhood would get people out of their cars and onto their feet, their bikes, skates, scooters or whatever.

And with the sorry state of American fitness, that couldn't happen a moment too soon.

But first, Colby has to come through and

raise that first \$25,000 in contributions. As of this week, according to Melinda Olson of the Thomas County Community Foundation, the effort was already halfway home. Only a couple of weeks remain, however, so the collection effort is urgent.

It's time for Colby people to show how they feel about this broad-based effort to improve the town. A trail system, like any

park improvement, is an investment with a half life measured in centuries. Generations will thank us.

So get with it today. Send your tax-deductible donations to the foundation at 350 S. Range, Suite 14, Colby, Kan. 67701, and write "walking trail" in the memo line. Do it today.

— Steve Haynes

Couple face preliminary hearing for January patrol shooting

From "SHOOTING," Page 1

torney Doug C. Spencer of Oakley and Stout-Briese was represented by attorney Lawrence A. Taylor of Colby.

Romine first called state trooper Perry Frey, who had been the first to contact the two defendants.

Trooper Frey recounted the events of Sunday, Jan. 16, when he was on patrol and at the east side rest area on I-70 about 7 p.m. He said he noticed a Toyota Scion parked in the rear area with fogged windows. Frey said he ran the license plate, but it came back to a Dodge pickup and not the Toyota.

Frey said he approached the driver's side of the vehicle and asked the driver to roll down his window. Frey said the driver was a male who said his name was Cy Devlin when he rolled the window down about four inches. When Frey asked about the license plate Devlin said the Dodge belonged to his friend, who was apparently in the back seat.

Frey asked for driver's license and registration, but instead the driver started the Toyota and drove away.

Trooper Frey ran back to his car and followed letting dispatch know he was following the Toyota going east on I-70. Frey said the Toyota almost collided with a semi truck going out of the rest area onto I-70.

The Toyota pulled up and stopped at the Ruleton exit, but when Trooper Frey asked for the two people to put out their hands and get out of the vehicle the driver took off again this time driving fast. Frey said he called dispatch and asked for assistance to attempt to stop the vehicle at the west Goodland exit.

He said the vehicle got up to 90 mph for a couple miles, but slowed down as they approached the exit. Frey said the attempt to stop the Toyota failed and as the chase continued east he could see an arm out of either side of the vehicle. He said the chase was about two miles east of the east Goodland exit when he heard a bullet strike his windshield on the passenger side of his car.

Frey told dispatch that shots had been fired and his vehicle had been hit. He said he slowed down and called for more assistance. Frey continued to describe the chase and the events that led to his using deadly force to shoot at the Toyota and wounding the driver before the car stopped about three miles north of Brewster.

The second witness was Sherman County Deputy Asa Stiles

who testified he tried to use stop sticks on the Toyota as it went past him at the west Goodland exit. He said the Toyota driver swerved to avoid the sticks. Deputy Stiles said he saw two people in the Toyota as it went by him.

The third witness was Trooper Charlie Brattin, who had been on duty in Thomas County and responded to the call for assistance. Brattin stationed himself at the Edson exit about 10 miles east of Goodland and prepared to toss out stop sticks from behind his car.

Trooper Brattin said Trooper Frey had said the passenger of the Toyota was shooting and told Brattin to take cover. Brattin testified that he threw the stop sticks out across I-70 before he hid behind the rear of the patrol car. Asked if he heard any shots Brattin said he heard what he thought were two noises that could have been shots.

The Toyota hit the stop sticks, deflating the right front passenger tire. Brattin said he put the stop sticks back in his trunk and joined the chase. He said it was not until later, after the chase was over, when they found what appeared to be a bullet strike on his patrol car near the gas filler cap on the driver's side.

The next witness was Greg Sadar, of the Major Crimes Unit of the Colorado Bureau of Investigation. He testified he had been contacted by the Kansas Highway Patrol to go to Swedish Medical Center where the male defendant had been taken to have his wound looked at. He arrived on Monday morning, Jan. 17, and found the bullet had been removed from Patrick's back and he then tried to interview him about noon.

Sadar said the man said his name was Cy Devlin. When asked why he did not stop, Sadar said Devlin (Patrick) said he wanted the police to leave him alone and he was heading east to Florida. Sadar said Devlin said he knew the officer wanted him to stop but said the voices were telling him to continue on and he said the voices told him to shoot at the police. Sadar said he asked if Devlin told the passenger, Ivy (Stout-Briese) who he described as his wife, to shoot at the police. Sadar said at first Devlin said he thought she might have heard the same voices, but then Devlin said he told her what the voices said and to shoot at the police.

Devlin told Sadar that Ivy said that was OK and started shooting at the police. Sadar said he had a recording of the interview with Devlin.

The next prosecution witness

was Cory Latham, of the Kansas Bureau of Investigation who had been the team leader for the search of the Toyota.

Latham described his search of the Toyota held in the sally port at the Sherman County Sheriff's Office on Monday. Latham said he saw a number of rounds of ammunition on the floor, and said he found about 10 rounds of spent shells from a .22. He said he found a small wooden chest with a plastic bottle, a straw and pipe. He said the items were placed into evidence and sent to the KBI lab to test the residue found inside. No other illegal items were found inside.

Latham said he found at least three rounds had penetrated the back of the Toyota from shots fired by Trooper Frey, and he found pieces of two rounds plus the evidence of where the third round had gone through the back seat and the front seat before hitting the defendant Patrick in the back shoulder area.

Trooper Frey had said the passenger was shooting out of the right side of the Toyota, and Latham was asked how the empty shells could have ended up inside the vehicle. Latham said he did not know for sure, but said it was a rifle that ejected to the right and the shells could have ejected back into the vehicle.

The final prosecution witness was KBI agent Kendrick who testified he found the .22 rifle in the ditch about 200 feet behind the Toyota after it had stopped on the road north of Brewster.

Attorney Romine had a report from the KBI lab on the items found in the Toyota and the residue had tested positive for methamphetamine.

Kendrick said he was the case officer for the KBI, and had been asked to assist after an officer involved shooting. He said he found the rifle and felt it was not in good working condition, because the pump mechanism was hard to operate. He said there was a bullet in the chamber and three in the magazine.

Kendrick said he had inspected the trooper's vehicles and saw a bullet strike on the passenger side and on the windshield of Frey's car.

He said he tried to interview Stout-Briese later that night in Goodland, but at that time she said her name was Ivy Devlin and wanted an attorney. Kendrick said the next day Stout-Briese asked to talk to the KBI, but Kendrick said he could not talk to her because she had asked for an attorney.

Kendrick said Stout-Briese insisted on talking and was willing to sign a release. He said she was reminded of her rights before talking to her after signing a release. He said Stout-Briese said she had shot at the officers, but she wasn't trying to hit anyone. She said she was trying to scare the police away. Kendrick said at one point she said she did not want any witnesses.

She told Kendrick that Cy (Patrick) was telling her to shoot the cop at the rest area, but she did not do that. As they were driving she

was told to shoot. Kendrick said she said the rifle came from her grandparents' home in California, and the ammunition came from a sporting goods store on the trip out.

When the court resumed attorney Romine gave a summation of the case and said the prosecution had provided enough evidence to hold the two defendants over for trial.

Attorney Spencer said he was aware it was a show-cause hearing, but said taken at face value he did not see there was enough evidence to show attempted first degree murder of either state trooper. He said the court should not allow these charges to stand, and there was no foundation for the methamphetamine charge that only has a KBI lab report. He said the only thing the state has on Patrick is fleeing and eluding and agreed the state has shown that.

Attorney Taylor said he did not see any evidence of the premeditated first degree murder and no evidence on the methamphetamine charge. Stout-Briese was not being charged with fleeing and eluding.

Judge Ress said based on what he had heard and the information filed he found the state had met its burden and would bind both defendants over for trial.

Attorney Romine said an arraignment was scheduled for 1:15 p.m. on Wednesday, June 22, and the trial was being tentatively scheduled for the first week of August. The two defendants are being held on \$1 million bond.

PRAIRIE PLAZA RETIREMENT COMMUNITY

Plaza Benefits:

- 1 & 2 Bdrm. Apts.
- Fully Equipped Kitchen
- Single Car Garages
- Beautiful Landscaping
- Complete Maintenance
- Snow Removal
- Lighted Walkways
- Housekeeping every 2 weeks
- All utilities



Independent Living for Active Retirees in Atwood, Kansas

Special conditions may apply.

Additional Information is available on our website: www.rchc.us

Contact Deanna or Eunice at 785-626-3211 Box 47, Atwood, KS 67730

LOCAL TV LISTINGS

sponsored by the



COLBY FREE PRESS

Monday Evening											May 16, 2011	
	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30		
KAKE/ABC	Dancing With Stars				Castle		Local	Nightline	Jimmy Kimmel Live			
KBSL/CBS	How I Met	Mad Love	Two Men	Mike	Hawaii Five-0		Local	Late Show	Letterman	Late		
KSNK/NBC	Chuck		The Event		Law & Order: LA		Local	Tonight Show w/Leno		Late		
KSAS/FOX	House		The Chicago Code		Local							
Cable Channels												
A & E	Criminal Minds		Criminal Minds		Criminal Minds		Criminal Minds		Criminal Minds			
AMC	The Matrix						The Matrix					
ANIM	Animal Nightmares		River Monsters		River Monsters		Animal Nightmares		River Monsters			
BRAVO	Housewives/NJ		Housewives/NJ		Housewives/NJ		Housewives/NJ		Housewives/NJ			
CMT	Extreme Makeover		8 Seconds				Redneck		Smarter	Smarter		
CNN	In the Arena		Piers Morgan Tonight		Anderson Cooper 360				Piers Morgan Tonight			
COMEDY	Tommy Boy		Sunny	Sunny	Sunny	Sunny	Daily	Colbert	Work.	Futurama		
DISC	American Chopper		American Chopper		Hogs Gone Wild		American Chopper		American Chopper			
DISN	Wizards	Phineas	Good Luck	Deck	Good Luck	Good Luck	Wizards	Wizards	Hannah	Hannah		
EI	Sex and t	Sex and t	Khloe	Khloe	True Hollywood Story		Chelsea	E! News		Chelsea		
ESPN	MLB Baseball				Baseball Tonight		SportsCenter			NBA		
ESPN2	E:60		SportsNation		Strong	Strong	Strong	Strong	Baseball Tonight			
FAM	Secret-Teen		Make It or Break It		Secret-Teen		The 700 Club		Whose?	Whose?		
FOOD	Unwrapped	Candy	Diners	Diners	Meat		The Best	Cake	Good Eats	Diners	Diners	
FX	Jumper				Jumper							
HGTV	Property	Property	House	Hunters	House	Hunters	First	First	House	Hunters		
HIST	Pawn	Pawn	American Pickers		Pawn	Pawn	How the States		Pawn	Pawn		
LIFE	Do You Know Me				Vanished, Beth		How I Met	How I Met	Chris	Chris		
MTV	Fantasy	Fantasy	Fantasy	Fantasy	RJ Berger	Fantasy	RJ Berger	Fantasy	America's Best Dance			
NICK	My Wife	My Wife	Chris	Chris	George	George	The Nanny	The Nanny	The Nanny	The Nanny		
SCI	Total Recall				Sanctuary		Star Trek: Next		Sanctuary			
SPIKE	Jail	Jail	A Bronx Tale						Bad Boys			
TBS	Fam. Guy	Fam. Guy	Fam. Guy	Fam. Guy	Fam. Guy	Fam. Guy	Conan		Lopez Tonight			
TCM	Ocean's Eleven				Viva Las Vegas				The Las Vegas Story			
TLC	Extreme C	Extreme C	Fabulous Cakes		Quints		Extreme C	Extreme C	Fabulous Cakes			
TNT	NBA Basketball				NBA		Rizzoli & Isles		CSI: NY			
TOON	Adventure	MAD	King-Hill	King-Hill	Amer. Dad	Amer. Dad	Fam. Guy	Fam. Guy	Chicken	Aqua Teen		
TRAV	No Reservation		Off Limits		No Reservation		No Reservation		Off Limits			
TV LAND	Crocodile Dundee				The Nanny	The Nanny	The Nanny	The Nanny	Roseanne	Roseanne		
USA	WWE Tough Enough		WWE Monday Night RAW				WWE Tough Enough		CSI: Crime Scene			
VH1	Mob Wives	Fabulous	Slimmed-Down				Wedding Wars		Fabulous	Audrina		
WGN	Chris	Chris	Funniest Home Videos		WGN News at Nine		Scrubs	Scrubs	South Pk	South Pk		
Premium Channels												
HBO	Real Time/Bill Maher		Lady Gaga Presents				Cop Out					
MAX	Half Past		What a Girl Wants		Predators							
SHOW	Weeds		The Big C		The Borgias		Nurse	Tara	Nurse	Tara		The Borgias