

McKinney trial opens in Laramie

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LARAMIE — Almost exactly one year after the slaying of gay University of Wyoming student Matthew Shepard, prosecutors Monday began questioning a jury pool that will decide the fate of one of his accused killers.

Fifty-nine members of the pool were questioned on the opening day and 17 were dismissed for various reasons.

The brutal murder of Shepard, 21, has attracted worldwide attention since his battered body was discovered tied to a buck fence near Laramie on Oct. 7, 1998. Shepard had been pistol-whipped and left in near-freezing temperatures for 18 hours, lying in a pool of blood.

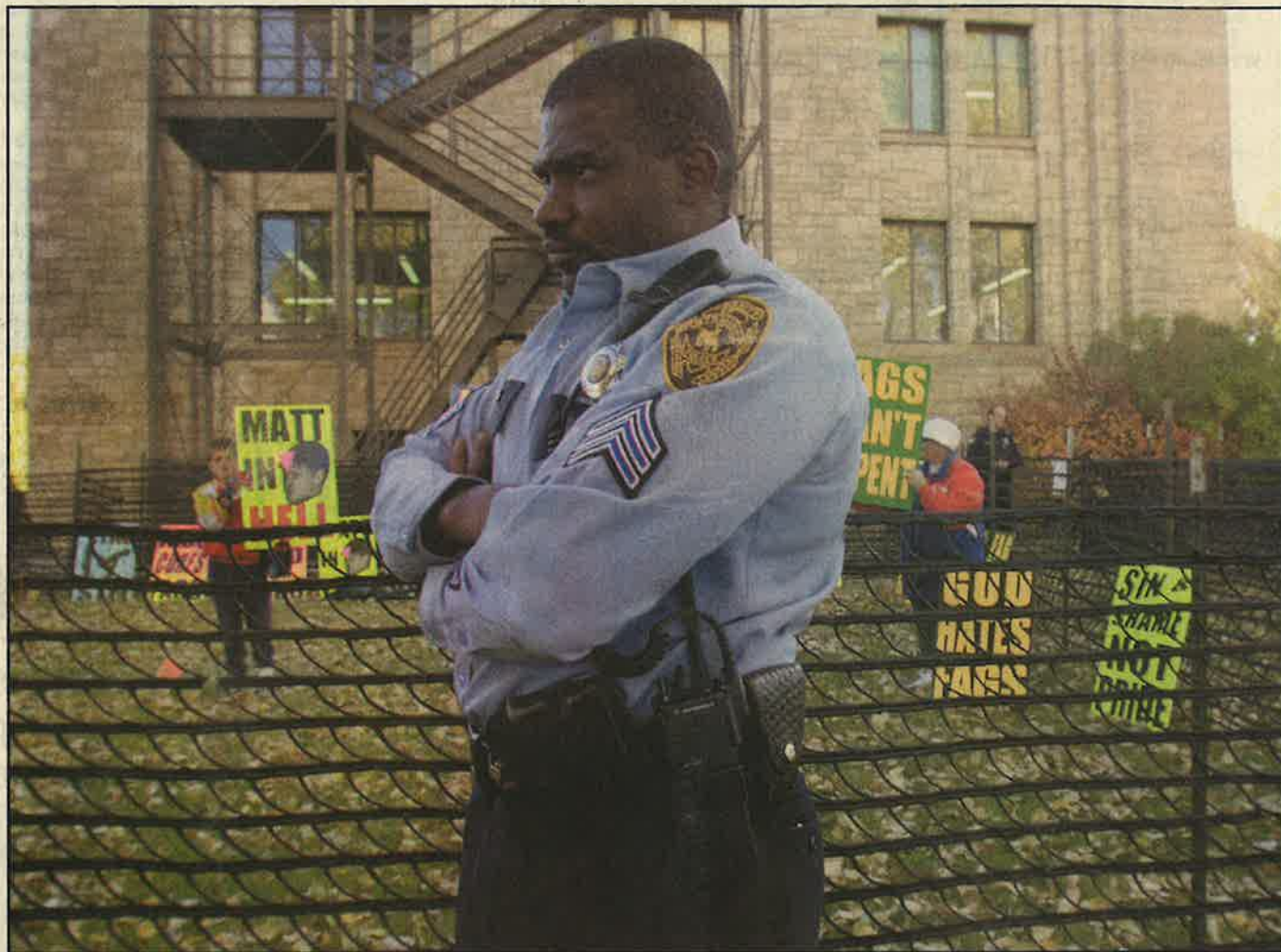
Demonstrations peaceful/B1

Gay activists and others immediately labeled Shepard's murder a hate crime. Police said he may have been targeted by his two alleged killers because of his sexual orientation.

President Bill Clinton responded to Shepard's death by calling for a federal hate crime law that would include sexual orientation within its protected classes. But after an emotional debate in the Wyoming Legislature, state lawmakers killed similar bias crimes bills earlier this year.

Russell Henderson, 22, accepted a deal on the day his trial was scheduled to begin in April and pleaded guilty to the felony murder and kidnapping of Shepard. He is currently serving two

Please see TRIAL, A8



Photos by DAN CEPEDA/Star-Tribune

Police Sgt. Anthony Johnson stands in a buffer area in front of anti-homosexual protesters from the Westboro Baptist Church in Topeka, Kan., during the first day of jury selection for the trial of Aaron McKinney Monday morning at the Albany County Courthouse in Laramie. McKinney is accused of killing gay University of Wyoming student Matthew Shepard last year.

TRIAL: Potential jurors questioned

Continued from A1

consecutive life sentences at the Wyoming State Penitentiary in Rawlins.

Now all of the attention turns to co-defendant Aaron McKinney, 22, who is charged with first-degree murder, kidnapping and aggravated assault. Prosecutor Cal Rerucha said he will seek the death penalty if McKinney is convicted.

On Monday, Cheyenne public defender Dion Custis introduced members of McKinney's defense team, then walked around to the other end of the defense table in the courtroom and introduced McKinney, who faced potential jurors and stood in a beige suit and blue tie.

Looking colorless, McKinney was solemn as Custis told potential jurors that he was "who we are talking about life or death here."

Custis said McKinney grew up in Laramie and worked as a roofer for Laramie Valley Roofing, had a girlfriend named Kristen Price and has a son, Cameron, who is nearly 2.

McKinney's step-sister, Afton Timothy, cried as he was introduced to potential jurors. The woman in her early 20s sat next to the defendant's father, Bill McKinney, in the back of the courtroom across from Dennis and Judy Shepard, the victim's parents.

Rerucha told potential jurors the value of such a legal process is being judged by one's peers. He then asked if they could be fair and impartial jurors.

Three people raised their hands. A man said, "If you are asking me to be fair to both parties, I can't be." A woman said, "I can't be fair to Mr. McKinney."

After Rerucha again stressed the importance of being fair and impartial, four people's hands raised.

Rerucha asked jurors if they had seen a newspaper advertisement by St. Paul's Newman

Center advocating the abolishment of the death penalty. Numerous hands raised.

He asked whether they could set their personal beliefs aside for Wyoming's law allowing the death penalty.

Eight people raised their hands. One man said he was not only against the death penalty, but that he wouldn't serve as a juror if chosen, even if it meant he would be arrested.

Rerucha told jurors that every person has the right to life, liberty and the pursuit of happiness, and that all members of the human race are equal.

He referred to the symbol of a blindfolded woman holding the scales of justice and said the term, "life, liberty and the pursuit of happiness," applies to everyone, regardless of whether they are "straight or gay."

Custis inquired whether potential jurors could serve impartially despite the widespread news coverage of the case.

"How do you feel about the media attention focused on Laramie?" he asked. "Do you think it is giving Laramie a black eye?"

Many people raised their hands.

"Does anybody feel they need to make a statement to the nation that Laramie is not a cow town ...?" Rerucha asked, drawing no response.

Custis said the press has characterized Shepard's murder as a hate crime and asked if anyone had a problem serving as a juror because of the labeling of the case or if they were involved in the promotion of bias crimes legislation.

No one raised their hand.

Custis told jurors that McKinney is presumed innocent until proven guilty, "despite what you've heard in the press and in the community and his previous statements" admitting McKinney was involved in the crime.

He said that many of the potential jurors, in their questionnaires, said they think McKinney is guilty.

"The question is: What is he guilty of?" Custis said.

"I think as we all sit here today, we have sympathy for Matthew Shepard and his family," the defense attorney added.

Seventeen jurors were dismissed Monday, including a man who had requested lawyers speak with him privately several times. He was told by Voigt that he was being dismissed for "inappropriate contact" and that he would consider holding the man in contempt of court.

The man, referred to as "juror No. 76," approached the victim's mother, Judy Shepard, when proceedings ended for lunch and was heard by a reporter to say, "My condolences are with you" as he passed her a note on lined paper.

It is unknown what the note said.

An independent stock trader said he could lose money by not being able to trade stocks and was dismissed by the judge. A single mother and a woman who runs a day care business were also dismissed.

A man who sat reading a Plutarch essays was excused when he said he had uncontrollable seizures and was scheduled for a brain scan later this month.

Those dismissed were instructed by the judge not to speak with the media until they hear that 12 jurors and four alternates have been chosen.

On Wednesday another panel of 64 potential jurors is scheduled to be questioned, both as a group and individually. The same process will occur Monday and Wednesday of next week for two more panels of 64 jurors.

Opening arguments are scheduled to begin Oct. 25 and the trial is scheduled to last four weeks.