

**James D. Osborn**

**From:** Jon Barrett [jbarrett@advocate.com]  
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**To:** James D. Osborn  
**Subject:** NYT

Jim, thanks for taking the time to talk with me this morning. Here is the article I promised.

Jon

**NEW YORK TIMES, April 6, 1999**

Gay Murder Trial Yields Guilty Plea by Wyoming Man

By JAMES BROOKE

LARAMIE, Wyo.—In a case that galvanized national outrage over anti-homosexual violence, a 21-year-old roofer pleaded guilty on Monday to kidnapping and murdering a gay college student and was sentenced to serve two consecutive life sentences.

Escaping a possible death sentence, Russell Henderson was sentenced by District Judge Jeffrey Donnell for his part in the beating and murder of the student, Matthew Shepard, here six months ago. Police said Henderson and another man had pretended to be gays to lure Shepard to his death.

"You are deserving the fullest punishment this court can mete out," the judge said, after accepting a plea bargain agreement two days before opening arguments were to begin in the case. In a sole reference to Shepard's sexual orientation, the judge said the murder was "part because of his lifestyle, part for a \$20 robbery."

During an emotion-packed hearing at the Albany County Courthouse here, Henderson turned to Judy and Dennis Shepard and apologized for murdering their 22-year-old son.

Henderson then turned on his former friend, Aaron J. McKinney, saying that McKinney was the mastermind of the Oct. 6 kidnapping of Shepard from a bar here.

Lawyers observing the case speculated that prosecutors had dropped their bid for a death sentence in return for Henderson's testimony at McKinney's trial this August on the same charges. After listening impassively to this testimony, the judge turned to Henderson and said: "This court does not believe you feel any true remorse in this matter."

Conceding that he faced an "academic choice," Donnell chose the harsher sentencing alternative, two life sentences to be served consecutively, rather than concurrently. In his final comments before the defendant was led away to spend the rest of his life in jail, the judge told him, "You are not a victim here, Mr. Henderson, you are a perpetrator."

Wyoming legal experts said on Monday there was virtually no chance that Henderson would ever be eligible for parole. In recent weeks, a Wyoming coalition of clergy and a national coalition of gay groups spoke out against applying the death penalty in the Matthew Shepard case, a position they said was in harmony with their wider opposition to capital punishment.

Compressing an enormous amount of drama into a one-hour hearing, the court proceedings included the Shepards telling Henderson of their deep pain, the defendant giving his first public account of the crime, and his grandmother telling a packed courtroom of a loving young man who grew up in a household free of hate.

Dressed soberly in black pants, a gray shirt, and a black and white paisley tie, Henderson had let his hair grow out, shunning the skinhead look he favored at the time of his arrest.

"It was 10 p.m., and me and Aaron decided to go out to a bar," Henderson testified, responding to question's by his lawyer, Wyatt Skaggs. After drinking "a few pitchers of beer" at the first bar, he

said they went to a second bar, the Fireside. There, while drinking another pitcher, he said McKinney noticed the college student.

"Aaron had mentioned to me that he wanted to take him out and rob him," Henderson testified in a clear if subdued voice. "I disagreed with this."

Painting his former roofing workmate as the author of the crime, he said that McKinney told him to drive the pickup truck borrowed from McKinney's father, where to drive and where to park.

"Aaron McKinney, he pulled out a gun and told Matthew Shepard to give him his wallet," continued Henderson, who said that while he drove his friend beat Shepard. After parking in an isolated field near a subdivision where Henderson once lived, McKinney "pulled Matthew out of the truck and continued to hit him," with the pistol, he said.

"Aaron told me to go get a rope out of the truck," Henderson continued as the Shepards stared grimly ahead. "Aaron told me to tie his hands" to a fence pole.

"Matthew looked really bad, I told him to stop," Henderson continued.

"Mr. McKinney hit me above the mouth. I returned to the pickup truck."

After driving away, leaving the beating victim tied to a fence in temperatures that dropped below freezing, Henderson said that he and his friend got into another fight. When caught by a Laramie police man, he said that he lied about what he had been doing earlier that evening.

The next day, instead of calling for medical help for Shepard, Henderson said that he and his girl friend, Chasity Pasley, and McKinney's girlfriend, Kristen LeAnn Price, drove 50 miles east to a truck stop in Cheyenne with his bloody clothing "and put it in a dumpster to cover up that I was out there when Matthew was beaten."

Ms. Pasley pled guilty in December to being an accessory after the fact to first-degree murder and faces sentencing. Ms. Price was freed on bond in January and faces a trial on the same charges in May.

After Henderson spoke, it was the turn of Lucy Thompson, his maternal grandmother who has raised him since he was a baby.

"Our hearts ache for the pain and suffering that the Shepards have gone through," Mrs. Thompson, said turning to Matthew's parents who sat in the front row of the courtroom. A devout Mormon, she said, "We have prayed for you many, many times. You have showed us such mercy."

Mrs. Thompson, who raised Henderson until he dropped out of Laramie High School near the end of his senior year, described him as "a survivor" whose "mother was young and not ready to be a mother." Three months ago, at age 40, Cindy Thompson Dixon, Russell's mother, froze to death on a rural road outside of Laramie after a night of drinking.

Describing a "loving and kind" side to her grandson, she recalled him playing on the floor with his young cousins. As his aunts and other relatives hugged each other for comfort on a front-row bench, she added, "Even as a teenager, Russell was never embarrassed to give me a hug or to kiss me on the forehead in front of his peers."

Referring to newspaper accounts of his grandson's expressionless demeanor in court, she said, "I have looked into his eyes, and I know" that he is in pain.

Noting that "the case has developed into a hate crime," she said that she never preached hatred in her household and that "Russell has never been a hateful individual."

Russell, she intimated, was a loyal follower, adding, "Sometimes friends would take advantage of his loyalties."

In closing, she turned to the judge and begged him not "to take Russell out of our lives forever." Turning to Matthew's parents again, she looked them in the eyes and said, "I want to thank all the Shepards. I love you even though I have never known you."

The packed courtroom had scarcely absorbed this appeal, when it was the turn of Henderson, who hoped to earn a slim chance of one day winning parole.

Standing at the same podium, he turned his back to the judge and addressed Matthew's family, saying, "Mr. and Mrs. Shepard, there is not a day that doesn't go by that I don't see what happened that night."

"I know what I did," he continued, turning back to Donnell. "I'm very sorry for what I did. I am ready to pay for what I did."

Then it was the turn of Mr. and Mrs. Shepard, who had traveled from their home in Saudi Arabia for the chance to address the court in their native Wyoming.

Mrs. Shepard spoke first, pausing at times to regain her composure as she recalled her son's blossoming interest in theater, politics and international cultures.

"He wasn't my son, my first born anymore," she said, recalling hugs and late night talks. "He was my friend, my confidante, my constant reminder of how good life can be."

She remembered that the last time she saw him he was covered with bandages and wired with tubes in an intensive care unit of a Fort Collins, Colo., hospital.

"One of his eyes was partially open," she recalled. "I could see the clear blue of his eye. But the twinkle of his life wasn't there any more."

In contrast to the warm and trusting son she had known, she said that touching his arm in the hospital provoked an involuntary reaction, "He began to shake and quiver." Referring to her son's savage beating—he was kicked in the groin and beaten 18 times around the head—she said in disbelief that "such an act of cruelty was unthinkable."

The stress on the Shepard family was so great, she continued, that within a month of Matthew's funeral, his paternal grandfather died.

"At times, I don't think you are worthy of addressing," Mrs. Shepard said, turning to the man who had just pled guilty to murdering her son. Speaking slowly, but firmly, she vowed, "We won't allow you to kill our family."

Shepard, looking drawn, rose to speak, saying he had thrown away remarks he had written on the plane.

"My son was born blind," he said in an impromptu speech. "Not physically blind, but blind to people's differences—short or tall; black, brown or white; religion or ethnic backgrounds. His friends included gays and so-called straights."

"When I meet strangers and make small talk, they ask, 'do you have children?'" he continued. "Now, I take a deep breath and say 'I have one son,' not two."

He recalled bathing his young son, teaching him to sing "Row, Row, Row Your Boat," "Twinkle, Twinkle, Little Star" and other nursery rhymes. With anger in his voice, he turned to the defendant and said, "You, Mr. Henderson, helped to sink that boat, to shoot Frere Jacques, and to shoot down that star."

Summing up his remarks to a 175-pound man who had helped to kill his 105-pound son, Matthew's father said, "It takes a brave man to tie up another man, who did not know how to clench a fist until he was 13 years old."

After the Shepards, Cal Rerucha, the Albany County attorney, kept his remarks brief. Turning to the defendant, he said, "Mr. Henderson you have created hell on earth—for a family, for our community, for the state."

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