

1                   THE COURT: The matter before the Court this  
2                   afternoon is State of Wyoming versus Henderson, Docket  
3                   No. 6376.

4                   The Court notes the appearance of Mr. Henderson together  
5                   with counsel, Mr. Skaggs and Ms. Eakin, Mr. Rerucha on behalf  
6                   of the State.

7                   Mr. Henderson, are you currently under the influence of  
8                   any alcohol or drugs?

9                   THE DEFENDANT: No, sir.

10                  THE COURT: Do you have any disability that  
11                  would affect your ability to understand these proceedings?

12                  THE DEFENDANT: No, sir.

13                  THE COURT: Mr. Henderson, the record indicates  
14                  that you were previously arraigned in this matter, at which  
15                  time the Court advised you of the charges and your  
16                  constitutional rights.

17                  Do you recall all of that?

18                  THE DEFENDANT: Yes, sir.

19                  THE COURT: I'm going to reiterate the charges  
20                  at this time, so you're sure on those.

21                  Count I charges one count of kidnapping in violation of  
22                  Wyoming Statute 6-2-201(b)(iii). The maximum penalty on  
23                  conviction of a violation of that statute is a term of  
24                  imprisonment of twenty years to life.

25                  Count II charges aggravated robbery in violation of

1 Wyoming Statute 6-2-401(c)(i). The maximum penalty on  
2 conviction of a violation of that statute is a term of  
3 imprisonment of five to twenty-five years.

4 Count III charges premeditated murder in the first degree,  
5 or in the alternative, felony murder, that is, murder during  
6 the commission of a felony, in violation of Wyoming Statute  
7 6-2-101(a) and (b). The penalty on conviction of a violation  
8 of that statute is life in prison or the death sentence.

9 Do you have any questions about the charges in this  
10 matter?

11 THE DEFENDANT: No, sir.

12 THE COURT: Do you have any questions about  
13 possible penalties?

14 THE DEFENDANT: No, sir.

15 THE COURT: Mr. Henderson, I understand you may  
16 wish to change your plea today, and before you are allowed to  
17 do that, it is necessary that I readvise you of your  
18 constitutional rights in this matter.

19 You are presumed to be innocent. That presumption  
20 accompanies you today, and it will remain with you throughout  
21 trial.

22 If you decide not to change your plea today, the trial  
23 date would continue as set; that is, we would finish jury  
24 selection tomorrow with trial to continue on Wednesday.

25 At that trial, the State is required to prove you guilty

1 of the crimes charged beyond a reasonable doubt. In order to  
2 do that, the State is required to produce witnesses and  
3 evidence.

4 You may also produce witnesses and evidence on your own  
5 behalf. You can have the Court order the attendance and  
6 testimony of reluctant witnesses. And you can testify yourself  
7 if you want to, but you're not required to do that.

8 Any witnesses who do testify in this matter, including  
9 yourself if you decide to testify, would do so under oath and  
10 subject to cross-examination.

11 You have the right to appeal all errors of law.

12 You are not required to incriminate yourself or make any  
13 statements or answer any questions. And if you decide not to  
14 change your plea today and are questioned or asked to be  
15 questioned, you can refuse to answer, because, of course,  
16 anything you say could be used against you later on.

17 Were that to be the case, you should talk to Mr. Skaggs or  
18 Ms. Eakin before you talk to anybody else.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: During any questioning, you may stop  
22 answering at any time.

23 You are entitled to a speedy and public jury trial or a  
24 trial before the Court. I note for the record that the jury  
25 trial in this matter has not been waived. And as I say, if you

1 decide not to change your plea, trial will continue as  
2 scheduled.

3 You are entitled to a speedy trial. That means trial to  
4 commence within 120 days of the date of the initial  
5 arraignment. That is under way at this time. Were it to be  
6 continued, the Court would consider that for good cause. We  
7 would take that up to 180 days from the initial arraignment.  
8 If it went beyond that, we would need the permission of the  
9 Wyoming Supreme Court.

10 You are entitled to be represented by an attorney at every  
11 stage of these proceedings, either at your own expense or, if  
12 you can't afford one, the Court may appoint one for you if you  
13 wish.

14 I will remind you as well that in the event this matter  
15 proceeds to trial, and if there were to be a guilty verdict  
16 reached in this case, the Court could, as part of the penalty,  
17 assess against you the costs of prosecution. I don't tell you  
18 that to in any way inhibit your right to trial, but I want you  
19 to be aware that is a possibility.

20 These are your rights, Mr. Henderson. Do you have any  
21 questions about any of these?

22 THE DEFENDANT: No, sir.

23 THE COURT: You entered a not guilty plea  
24 earlier, Mr. Henderson. I understand you wish to change your  
25 plea today; is that correct?

1                   **THE DEFENDANT:** Yes, sir.

2                   **THE COURT:** There are some legal consequences  
3 that go with that, and you need to be aware of those.

4                   If you plead guilty or no contest today, you will be  
5 facing the penalties that I've described earlier, and you will  
6 be admitting all the essential facts of the charges. You would  
7 waive the right to the presumption of innocence, the right to  
8 remain silent, the right to confront and cross-examine  
9 witnesses, and the right to trial.

10                  If you enter a plea of guilty today, the State would not  
11 be required to prove its case, the only issue at that point  
12 would be sentence.

13                  Do you understand that?

14                   **THE DEFENDANT:** Yes, sir.

15                   **THE COURT:** Also if you plead guilty today, you  
16 would be pleading guilty on one or more felonies. That means  
17 you would lose certain civil rights, including your right to  
18 vote and your right to own or possess firearms under federal  
19 law.

20                  If you're on probation or parole for any other crime, that  
21 could be revoked, and you may have to serve the sentence that  
22 was imposed for that in addition to anything I may impose here.

23                  There will be an assessment to the Wyoming Crime Victims'  
24 Compensation Fund. If there are money losses here, you may be  
25 ordered to repay those as restitution.

1           If you plead guilty, you waive the right to object to the  
2           sufficiency of the charging papers in this matter, you waive  
3           the right to object to the introduction of evidence that you  
4           think might have been obtained in violation of your  
5           constitutional rights, and you waive the right to raise any  
6           defenses to the charges.

7           Do you understand each of these things, Mr. Henderson?

8                         THE DEFENDANT: Yes, sir.

9                         THE COURT: Mr. Henderson, has anybody forced or  
10           threatened you to plead one way or another in this matter?

11                        THE DEFENDANT: No, sir.

12                        THE COURT: And is your plea today voluntary on  
13           your part?

14                        THE DEFENDANT: Yes, sir.

15                        THE COURT: Have there been any promises made  
16           aside from what you might have discussed in a plea agreement?

17                        THE DEFENDANT: No, sir.

18                        THE COURT: And you have discussed this with  
19           Mr. Skaggs and Ms. Eakin, I assume?

20                        THE DEFENDANT: Yes, sir.

21                        THE COURT: They've discussed possible defenses  
22           with you?

23                        THE DEFENDANT: Yes, sir.

24                        THE COURT: Are you satisfied with their  
25           representation?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions or  
3 comments about anything at all?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Mr. Rerucha, I  
6 understand there is a plea agreement. Would you state that for  
7 the record, please.

8 MR. RERUCHA: Yes, Your Honor.

9 Mr. Henderson will plead guilty to felony murder  
10 reflecting robbery as the underlying felony. He will also  
11 plead guilty to the additional charge of kidnapping. There  
12 will be a life sentence for the felony murder and a life  
13 sentence for the kidnapping.

14 Whether terms run consecutive or concurrent will be a  
15 matter of argument and left to the judge.

16 THE COURT: Mr. Skaggs, is that the agreement as  
17 you understand it?

18 MR. SKAGGS: That is the agreement.

19 THE COURT: Mr. Henderson, is that the agreement  
20 as you understand it?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You understand, Mr. Henderson, that  
23 the recommended sentence here is two life sentences?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that those may run

1 concurrently or they may run consecutively?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You're aware of the implications of  
4 that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I'm going to tell you,  
7 Mr. Henderson, that you're not going to be allowed to withdraw  
8 your plea later on if sentencing doesn't go the way you think  
9 it should.

10 Are we clear on that point?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions about  
13 anything at all?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. The Court will reserve  
16 acceptance of the agreement until such time as we've  
17 established a factual basis and until I've heard from the  
18 parties, then, on sentencing.

19 Mr. Skaggs, is your client ready to enter his plea at this  
20 time, then?

21 MR. SKAGGS: I believe so.

22 THE COURT: Mr. Henderson, having been advised  
23 of your rights and the charges in this matter, it appearing  
24 that you are competent to enter your plea and having discussed  
25 the matter with counsel, I will ask you how you wish to plead



1 first on Count III, that being the felony murder with robbery  
2 underlying, guilty or not guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: And on Count I, kidnapping, guilty  
5 or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: All right. Thank you. Go ahead and  
8 be seated.

9 Mr. Henderson, before I can accept your plea, I need to  
10 establish what's happened here. I'm going to ask you to step  
11 forward and be sworn to testify. Mr. Skaggs will have some  
12 questions for you. I'll remind you that you're under oath and  
13 subject to prosecution for perjury.

14 RUSSELL HENDERSON,

15 having been first duly sworn, was examined and testified as  
16 follows, to wit:

17 DIRECT EXAMINATION

18 BY MR. SKAGGS:

19 Q. Mr. Henderson, would you state your name and current  
20 place of address for the Court, please?

21 A. Russell Henderson, Albany County Detention Center.

22 Q. Mr. Henderson, how old are you?

23 A. Twenty-one years old.

24 Q. Do you have any mental or -- mental disease that  
25 affects your thinking here today?

1 A. No, sir.

2 Q. Okay. And as a matter of fact, have you been  
3 examined here recently by both a psychologist and a  
4 psychiatrist?

5 A. Yes.

6 Q. Mr. Henderson, before we get into the actual factual  
7 basis, why don't you tell us a little bit about your life.  
8 Where were you born, and how were you raised?

9 A. I was born in Laramie, Wyoming, and I was raised by  
10 my grandparents.

11 Q. Okay. For how long have you been raised by your  
12 grandparents?

13 A. Pretty much all my life.

14 Q. And did you have occasion to move out of your  
15 grandparents' home?

16 A. Yes, I did.

17 Q. And where did you move?

18 A. I moved in with Chasity Pasley.

19 Q. And when did you move out?

20 A. When I was eighteen years old.

21 Q. Okay. Did you complete high school?

22 A. No, I didn't.

23 Q. But you do understand these proceedings here today?

24 A. Yes, I do.

25 Q. Do you have any questions about these proceedings

1 which you neglected to ask me here today?

2 A. No, I don't.

3 Q. Do you read, write and understand the English  
4 language?

5 A. Yes, I do.

6 Q. After you moved in with Chasity Pasley, did you have  
7 occasion to meet Aaron McKinney?

8 A. Yes, I did.

9 Q. And when was it, about, that you met Aaron McKinney?

10 A. Probably about the beginning of 1998.

11 Q. And how was it that you got acquainted with  
12 Mr. McKinney?

13 A. Mostly through my job. We worked together.

14 Q. Okay. Did you two become friends?

15 A. Yes, we did.

16 Q. Okay. And was he also associated with a girlfriend?

17 A. Yes, he was.

18 Q. Who was that?

19 A. Kristen Price.

20 Q. Did there come a time -- and I want to refer your  
21 attention to October the 6th, 1998. Where were you living on  
22 October the 6th of 1998?

23 A. I was living at 3443 Ft. Sanders Drive.

24 Q. And were you living in the confines of Albany County?

25 A. Yes, I was.

1 Q. Okay. On that particular day and that particular  
2 evening, did you have occasion to go out with Aaron McKinney?

3 A. Yes, I did.

4 Q. And could you tell us a little bit about that? When  
5 did you leave with Aaron McKinney and what were the  
6 circumstances?

7 A. Okay. It was about 10 p.m., and me and Aaron decided  
8 to go out to the bar. And first of all, we went to the Library  
9 Bar, and we drank a few pitchers of beer there. And then we  
10 decided to leave there and go to the Fireside Bar. And then we  
11 went to the Fireside Bar and went in and had a pitcher of beer  
12 and sat around for a little while and --

13 Q. Did you have occasion to meet a fellow who later  
14 became known to you as Matthew Shepard in the Fireside?

15 A. Yes.

16 Q. How was it that you met him?

17 A. Well, Aaron had mentioned to me that he wanted to  
18 take him out and rob him, take his wallet and his money. And I  
19 disagreed with this early on when we were there. And then  
20 later on, we -- Aaron is like, well, let's leave, and that's  
21 when Matthew Shepard came with us.

22 Q. And you agreed to do that then at that time?

23 A. Yes.

24 Q. And did Aaron mention where he wanted to take Matthew  
25 Shepard out to to rob him?

1 A. Yes, he told me to drive out past Wal-Mart.

2 Q. Okay. And was this known to Matthew Shepard before  
3 he got into the pickup?

4 A. No.

5 Q. In the drive out past Wal-Mart, did Aaron McKinney do  
6 anything?

7 A. Yes, he did. He pulled out a gun and told Matthew  
8 Shepard to give him his wallet.

9 Q. Did Matthew Shepard give him his wallet at that time?

10 A. Not at that time.

11 Q. And then what did Aaron McKinney do with the gun?

12 A. He hit him with the gun.

13 Q. How many times did he hit him with the gun, do you  
14 know?

15 A. I'm not sure exactly how many times.

16 Q. Were you driving the pickup at this time?

17 A. Yes, I was.

18 Q. And whose pickup was that?

19 A. Aaron McKinney's.

20 Q. Did he have it on loan from his father?

21 A. Yes.

22 Q. And did you continue driving even though Aaron was  
23 hitting him with the gun?

24 A. Yes, I did.

25 Q. Where did you go then?

1 A. We went to an area out past Wal-Mart.

2 Q. At whose direction was that?

3 A. Aaron's direction.

4 Q. At the time you got out there to that particular  
5 area, what happened?

6 A. Aaron told me where to go, and I stopped where he  
7 told me to. And he pulled Matthew out of the truck, and he  
8 continued to hit him.

9 Q. Okay. Now, were you wearing a jacket at this time?

10 A. Yes, I was.

11 Q. Which jacket were you wearing?

12 A. It was a silver Boss coat.

13 Q. Okay. After he continued to hit him, did he request  
14 that you do something?

15 A. Yes, he told me to go get a rope out of the truck.

16 Q. Did you do that?

17 A. Yes, I did.

18 Q. What did you do with that rope?

19 A. I got it, and Aaron told me to tie his hands.

20 Q. Did you do that?

21 A. Yes, I did.

22 Q. Now, you keep saying Aaron told you to do this. Now,  
23 were you doing this voluntarily of your own free will or --

24 A. Yes, I was doing it of my own free will. He wasn't  
25 forcing me to do it.

1 Q. Aaron wasn't forcing you to do anything?

2 A. No.

3 Q. Did you tie his hands?

4 A. Yes.

5 Q. Did you tie his hands around the pole?

6 A. Yes.

7 Q. And what was Aaron doing at that time?

8 A. He was still hitting -- he hit Matthew a few times  
9 with the gun, and Matthew looked really bad, so I told him to  
10 stop hitting him, that I think he's had enough. And at that  
11 time, he hit me with the gun.

12 Q. Where did he hit you with the gun?

13 A. Right above the mouth, here (indicating).

14 Q. What did you do then?

15 A. I returned to the pickup truck and got in.

16 Q. And then what did Aaron do?

17 A. Shortly after that, he came up and threw Matthew's  
18 shoes in the truck.

19 Q. Did you see Matthew's shoes?

20 A. Yes, I did.

21 Q. Did you know they were Matthew's shoes?

22 A. Yes.

23 Q. Where were you at, in the driver's side of the truck?

24 A. Yes.

25 Q. And then did Aaron get in?

1 A. Yes, he did.

2 Q. Did he get in with anything in his possession?

3 A. Yes, he had Matthew's wallet.

4 Q. Did you know that was Matthew's wallet?

5 A. Yes.

6 Q. And did you know that was the thing that Aaron had  
7 demanded earlier when you were driving?

8 A. Yes.

9 Q. Okay. When he got in with Matthew's wallet, what did  
10 you do?

11 A. Aaron had told me to drive to a certain address on  
12 7th Street, and so I followed his instructions and went to that  
13 certain address.

14 Q. What happened on 7th Street?

15 A. We had a confrontation with Emiliano Morales and  
16 Jeremy Herrera.

17 Q. And did -- were you hit by one of those two?

18 A. No, I wasn't.

19 Q. You did tell Officer Waters that you were hit?

20 A. Yes, I did.

21 Q. Why did you do that?

22 A. To cover up, to show that I hadn't been out there.

23 Q. Did you run from Officer Waters when he drove up?

24 A. Yes, I did.

25 Q. Were you subsequently captured?



1 A. Yes.

2 Q. Did you tell Officer Waters the truth about where you  
3 had been?

4 A. No, I didn't.

5 Q. Then the following day, did you have occasion to do  
6 something with your clothing?

7 A. Yes, I did.

8 Q. And what did you do with your clothing?

9 A. Me and Chasity Pasley and Kristen Price took it to  
10 Cheyenne and put it in a dumpster.

11 Q. Why did you do that?

12 A. To cover up that I was out there where Matthew was  
13 beaten.

14 Q. Did you have blood on your clothing?

15 A. Yes.

16 Q. And did you put the clothing in the dumpster?

17 A. Yes.

18 Q. Okay. Did you return -- return to town and were  
19 arrested the next morning?

20 A. Yes.

21 Q. Did you tell the police the truth about what  
22 occurred?

23 A. No, I did not.

24 Q. What did you tell them?

25 A. I told them that I had not even been out there where

1 Matthew was.

2 Q. Did you know that to be false --

3 A. Yes.

4 Q. -- when you said it?

5 So let me summarize: You were with Matthew Shepard, and  
6 Aaron McKinney had told you that he wanted to rob him and take  
7 him out of town --

8 A. Yes.

9 Q. -- and you knew about that. First off, you said no,  
10 and then later you went along with it.

11 Is that true?

12 A. Yes.

13 Q. You were doing this voluntarily?

14 A. Yes.

15 Q. Your own free will?

16 A. Yes, I was.

17 Q. And you went -- drove the truck --

18 A. Yes.

19 Q. -- out past Wal-Mart?

20 A. Yes.

21 Q. And you were driving it when you heard Aaron asking  
22 for his wallet?

23 A. Yes.

24 Q. At that particular time, he did not give him his  
25 wallet, and Aaron beat him over the head?

1 A. Yes.

2 Q. When he got out to the scene, you got out and got a  
3 rope and tied him up --

4 A. Yes.

5 Q. -- at the scene? You left him there at the scene --

6 A. Yes.

7 Q. -- right? Drove back to town and got into a  
8 confrontation with Emiliano and Jeremy?

9 A. Yes.

10 Q. And at that particular time, ran from Officer Waters?

11 A. Yes.

12 Q. Later on, you disposed of your bloody clothing --

13 A. Yes.

14 Q. -- right?

15 A. Yes.

16 Q. You were wearing the jacket, the silver Boss jacket  
17 that has been mentioned prominently in court?

18 A. Yes.

19 Q. And you took that off after it got some blood on it  
20 by Mr. Shepard?

21 A. Yes.

22 Q. Okay. After you got back -- Did you go to the Mini  
23 Mart, by the way?

24 A. Yes, I did, after I got out of the hospital.

25 Q. And did you see some people there at the Mini Mart

1 you thought you knew?

2 A. Yes, I thought it was the people that we -- I thought  
3 it was Emiliano and Jeremy, but it wasn't.

4 Q. Okay. Did you have occasion to buy cigarettes for  
5 anyone?

6 A. Yes, I bought some cigarettes for Kristen Price.

7 Q. You did not have any money, did you?

8 A. No.

9 Q. So do you know where the money came from that you,  
10 bought the cigarettes with?

11 A. No, I don't.

12 Q. But it could have been some of the robbery money?

13 A. Yes, it could have been.

14 Q. Okay. And you bought those cigarettes, then, for  
15 Kristen Price?

16 A. Yes.

17 Q. And after that particular time, you lied to the  
18 police officers about your whereabouts?

19 A. Yes.

20 Q. And you also lied to the police officers the  
21 following morning?

22 A. Yes, I did.

23 Q. You have also been examined by a psychologist and a  
24 psychiatrist for our office?

25 A. Yes.

1 Q. And you're satisfied with their examination of you?

2 A. Yes, I am.

3 Q. You're satisfied that you're of sound mind and you  
4 understand completely what's going on here?

5 A. Yes.

6 Q. You understand that the only issue before the Court  
7 will be whether or not you get concurrent time or consecutive  
8 time?

9 A. Yes, I do.

10 MR. SKAGGS: Your Honor --

11 BY MR. SKAGGS:

12 Q. When you beat -- or when Aaron McKinney beat Matthew  
13 Shepard up and you tied him up, where was that at? Was that in  
14 Albany County?

15 A. Yes, it was.

16 MR. SKAGGS: Your Honor, I would have no further  
17 questions.

18 THE COURT: Mr. Rerucha?

19 MR. RERUCHA: Your Honor, the State, and perhaps  
20 Mr. Skaggs could stipulate to the fact that, as a result of  
21 this brutal beating, then Matthew Shepard later died as a  
22 result of this beating.

23 THE COURT: Mr. Skaggs?

24 MR. SKAGGS: So stipulated.

25 THE COURT: All right.

1 Thank you, Mr. Henderson. You can step down.

2 (The Defendant complies.)

3 THE COURT: The Court will find that  
4 Mr. Henderson is alert, not under the influence of any alcohol  
5 or drugs, or suffering from any mental defect which would  
6 affect his ability to understand these proceedings, and that he  
7 is competent to enter his plea of guilty.

8 The Court finds that that plea is knowingly and  
9 voluntarily made with respect to both counts after consultation  
10 with Mr. Skaggs and Ms. Eakin, without any improper inducement  
11 or conditions, and with a full understanding of the charges and  
12 direct consequences.

13 And finally, the Court finds there is a factual basis for  
14 the guilty plea, which the Court will accept and enter its  
15 adjudication accordingly.

16 I understand, counsel, you wish to waive PSI and proceed  
17 to sentencing today. Is that right?

18 MR. SKAGGS: That is correct, Your Honor.

19 THE COURT: Mr. Henderson, you understand in  
20 most cases you're entitled to a Presentence Investigation.

21 Do you wish to waive that today?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Mr. Rerucha, the State wishes to  
24 waive that as well?

25 MR. RERUCHA: That's correct.

1 THE COURT: All right.

2 Mr. Skaggs, I understand that you do have statements to be  
3 made by at least one individual. Let's proceed with that.

4 MR. SKAGGS: Yes, Your Honor, I do. And also,  
5 Russell would wish to make a statement to the Court, plus I'll  
6 have some argument for the Court also.

7 THE COURT: Yes, sir.

8 MR. SKAGGS: Your Honor, on behalf of the  
9 family, on behalf of the Thompson family, they have asked that  
10 Lucy Thompson be their spokesman, and she does have a statement  
11 for the Court on behalf of Russell and on behalf of the Shepard  
12 family, and she does wish to make that.

13 I would ask that she be allowed to come forward here to  
14 the podium and be -- and make that statement.

15 THE COURT: That would be fine.

16 Ms. Thompson.

17 Go ahead, Ms. Thompson.

18 MS. THOMPSON: As the grandmother and the person  
19 who raised Russell, along with my family, we have written the  
20 following statement:

21 We would first like to thank the Court and those involved  
22 for allowing us this opportunity. We would especially like to  
23 thank the Shepards and the State for giving us this consent and  
24 having -- for this plea bargain.

25 Our hearts ache for the pain and suffering that the

1 Shepards have went through. I cannot begin to tell you in  
2 words what I have felt from day one when I have heard this.

3 We are so sorry for the tragic loss of your son and your  
4 brother, Matthew. We know that there is nothing that can be  
5 said or done to ease our -- to ease your sorrow.

6 We have prayed for your family since the very beginning.  
7 Many times throughout the day I have thought about Matt. And  
8 you will continue to be in our thoughts and prayers, as we know  
9 that your pain will never go away.

10 You have showed such mercy, and we are so grateful that  
11 you are giving us all the opportunity to live. And we're  
12 grateful for you, the State.

13 We are deeply saddened for the pain that has occurred to  
14 our community and to everyone whose lives have been so  
15 drastically changed with this tragedy. As a family, we have  
16 listened to the media judge Russell in a different way than  
17 what we know him. We have known Russell for twenty-one and  
18 a-half years, and we would like everyone to know what we feel  
19 about this person.

20 Russell was born premature with very severe health  
21 problems. Russell is a survivor. Throughout his young life,  
22 he faced many trials, more than any child ever deserved to go  
23 through, and each time he came through it a stronger and better  
24 person.

25 Russell's mother was young, and she was not ready to be a



1 mother, so his grandfather and I received custody of him, and  
2 he was raised -- raised him the majority of his life. Russell  
3 was always loving and kind, not only to us, but through -- many  
4 can speak throughout the community of this. He was very  
5 helpful and grateful for all we did for him.

6 In Russell's eyes, he thought of his grandfather as his  
7 grandpa, the only father he had ever known, and also his very  
8 best friend. He tried to be strong. When my husband, and his  
9 grandfather, passed away, so did a part of Russell. He tried  
10 to be strong for me, and has always shown that he would be  
11 there for me. Even as a teenager Russell was never embarrassed  
12 to give me a hug or kiss me on the forehead and say, "I love  
13 you, Grandma" in front of people and his peers.

14 To his aunts he was like a brother to them, because he was  
15 raised with them. Russell was always there to make them smile,  
16 tell a joke, and ready to play games with them.

17 Russell has three uncles who think the world of him and  
18 would do anything for him. They have become good friends, and  
19 Russell also looked up to them as a model.

20 Russell has two younger sisters who love him very much.  
21 They both have always referred to him as their hero. They look  
22 to Russell for advice, support, and love. The three of them  
23 have been through so much, and through all of it, they have  
24 continued to grow, and the love they share for each other is  
25 something that you rarely see.

1           Russell is considered an uncle to his four small cousins.  
2           They think of him as the Nintendo champion, because he spent  
3           many hours playing that with them, and the way-super-cool guy  
4           who would get down on the floor and play or bring over -- or  
5           bring a movie over to them that they would like to see.

6           Russell always loved babies and small children and has had  
7           a special attraction that they would like to be with him. He  
8           has made them feel important in their lives. Russell shows his  
9           family love daily and is a special gift to each of us, although  
10          Russell's family is small, the bond holds us together tight.

11          We will always support him, and we will always love him,  
12          for we will never give up on him, because we know there is  
13          goodness within him.

14          He has not always made the right choices in his life, and  
15          one of these has been very well proven to all of you, but he  
16          always tried to keep those he cared for good, happy and safe.

17          He is a good friend. Loyalty has been a part of Russell,  
18          and he's always stuck by. Sometimes friends would take  
19          advantage of Russell, knowing his loyalty, and he would find  
20          himself in situations that would cause him pain and stress.

21          Russell attended Laramie High School, where, checking back  
22          on his grades, he excelled in some of his classes. He was  
23          shocked and disappointed, as we were too, when we found out  
24          just three days or four days before graduation that Russell  
25          would not be graduating. He is currently working on his GED.

1 He is taking his pretest scores, and we have been told that  
2 they are extremely high.

3 Many people have expressed that it could be disturbing to  
4 them that Russell does not show emotion over this case.  
5 Emotion, I know without a doubt, is expressed differently in  
6 every person. His family has seen a great deal of emotion,  
7 because we have learned to read Russell's eyes, and we know  
8 when he is hurting inside. And I can stand before you today  
9 and honestly tell you that, at the times I have visited  
10 Russell -- we have never discussed the case -- but I have  
11 watched him, and I've looked into his eyes, and I know that  
12 there is great sorrow and grief there for what he has done.

13 Russell has never expressed hate towards any group,  
14 religion, or race. It is simply not within him. We have  
15 always taught him to respect all people, and we believe that he  
16 has done his best to do that. We regret sincerely that this  
17 case has developed into a hate crime, because Russell is not  
18 and has never been a hateful person.

19 From the very first day I heard this, I believed in all my  
20 heart it had to be something else, because Russell has never  
21 been a hateful individual.

22 Your Honor, we, as a family, hope that, as you sentence  
23 Russell, that you will do it concurrently two life terms. It  
24 is not our wish to condone what Russell has done in any way. I  
25 have heard -- I have wondered. This is an individual that

1 whatever happened that night is something that I had never seen  
2 in Russell, but it did happen, and Russell knows that his  
3 grandmother and his family does not condone it. But however,  
4 we know that he -- that there is a humane and a caring aspect  
5 to Russell, something that our family has not always seen in  
6 Russell, but he's demonstrated during the growing years. And  
7 he has made -- that has made us proud of him at times.

8 For the Russell we know and love, we humbly plead, Your  
9 Honor, to not take Russell completely out of our lives forever.

10 It is our belief that Russell is accepting responsibility  
11 and the consequences of his actions. We believe Russell can  
12 repent and make some goodness come of his life.

13 We would like to thank everyone for their thoughts and  
14 prayers. We know there have been many prayers offered in our  
15 behalf. We have felt that. And I am certain beyond no means,  
16 without searching our hearts, that God has been with all of us,  
17 has helped each one in making decisions that have been made.

18 Thank you, Wyatt, Jane, Paul, and Melody, and now Rendy,  
19 who has joined in with them later, for all of your hard work.  
20 There will never be words that express to us what you have went  
21 through and what you have done to get this far.

22 Once again, I want to thank the Court, I want to thank the  
23 Shepards, who I have a deep love in my heart for even though I  
24 have never met you, and those involved for giving us this  
25 opportunity, for you, the State.

1           Russell, I want you to know your grandma loves you with  
2 all of her heart, and I will support you and be with you  
3 throughout the times that may come.

4           I thank each and every one of you.

5                         THE COURT: Thank you, Ms. Thompson.

6           Mr. Henderson, you have a constitutional right to make a  
7 statement if you would like to do so.

8           Do you have anything you would like to say today?

9                         THE DEFENDANT: Yes, I would, Your Honor.

10                        THE COURT: Come up to the podium if you would,  
11 please.

12                        THE DEFENDANT: Mr. and Mrs. Shepard, there is  
13 not a moment that goes by that I don't see what happened that  
14 night. I know what I did was very wrong, and I regret greatly  
15 what I did. You have my greatest sympathy for what happened.  
16 I hope that one day you will be able to find it in your hearts  
17 to forgive me.

18           To my family, thank you so much for everything. Thank you  
19 for being there for me through this. And I hope you can also  
20 one day forgive me.

21           Your Honor, I know what I did was wrong. I'm very sorry  
22 for what I did, and I'm ready to pay my debt for what I did.

23           Thank you.

24                        THE COURT: Thank you, Mr. Henderson.

25           Mr. Rerucha, I understand that the Shepards would like to

1 make a statement?

2 MR. RERUCHA: Yes, they do, Your Honor.

3 THE COURT: Mr. Skaggs, if you would like to  
4 have a seat, go ahead.

5 Go ahead, Mrs. Shepard.

6 MRS. SHEPARD: Thank you.

7 I want to thank the Court for this opportunity to talk  
8 about Matt. I feel that I must try to share with you what  
9 Matt's life and death have meant to us. It is important that  
10 he be revealed to you as a loving, vibrant, kind young man.  
11 You need to see him as we do to try and understand our loss.  
12 However, I'm not really sure we understand it yet ourselves.

13 Matt would be the first to say that he was not a perfect  
14 child. He made his mistakes, but those mistakes hurt no one  
15 but himself. Matt experienced many disappointments and many  
16 successes. While still in elementary school, he became very  
17 interested in the theater where he met many very fine role  
18 models. He also began to take an interest in politics and  
19 current news events. He was quite adept at understanding  
20 complex issues and was equally adept at expressing his opinions  
21 on these issues.

22 He had such hopes for the future, his future. He was  
23 always anxious for the next step. Every new step meant new  
24 challenges, new friends and new experiences.

25 When Dennis and I made the decision to move to Saudi

1 Arabia, the boys were thrilled. There were no American high  
2 schools there, so all students must attend a boarding school  
3 following graduation from the ninth grade.

4 Matt and his dad chose an American high school in  
5 Switzerland to finish Matt's high school career. He was so  
6 excited to see a different part of the world. He thought this  
7 would be such a wonderful opportunity to learn about the world,  
8 to experience different cultures, learn languages and history  
9 of other countries, and not only the country where he would be  
10 living, but also the countries of the other students where he  
11 would be attending school. He felt these experiences could  
12 only help him define his future.

13 All of these experiences opened his eyes and heart even  
14 more to the differences in people. He knew judging people  
15 before knowing them was a waste of an opportunity. He never  
16 understood why everyone didn't think that way. He felt there  
17 could be nothing better on this earth than another friend.

18 Matt was a good and loyal friend to those who knew him.  
19 He was always considerate of their feelings, always there to  
20 listen, to share, to give whatever he could. He earned their  
21 love and respect just as they earned his.

22 I love him more than I can express in this statement.  
23 There aren't enough words to describe how much I love him. He  
24 was a soul mate. One of the few people we are fortunate enough  
25 to know in our lives that are an extension of ourselves.

1           We shared so much -- late night talks, love of movies,  
2 theater, books, politics, good food and good conversation. He  
3 was my son, my first born, and more. He was my friend. My  
4 confidante, my constant reminder of how good life can be. And  
5 how hurtful. I will never understand why anyone would want to  
6 hurt Matt, to act with such cruelty, such complete disregard  
7 for another human being.

8           It was about 5 a.m. in Saudi Arabia on Thursday, October  
9 8th, when the call came from the Laramie hospital advising us  
10 of Matt's condition. There was an eleven-hour time difference  
11 between Laramie and Saudi Arabia. Every time we get a call at  
12 such an hour, my first reaction would be a silent prayer,  
13 "Please, God, let Matt be all right." This call he was not.

14           We began an eternal wait to get to Fort Collins where they  
15 had sent Matt. We hoped and prayed he would recover from his  
16 injuries. We knew he was critically injured and his hold on  
17 life was tenuous at best. But we still hoped. Our highest  
18 hope was Matt's complete recovery. Our most basic hope was  
19 that he could hold on until we got there.

20           We left Saudi Arabia on the first available flight,  
21 nineteen hours after receiving the initial call. The trip  
22 seemed to last for days -- a six-hour flight, a six-hour  
23 layover, an eight-hour flight, a two-hour layover, a  
24 ninety-minute flight, and a ninety-minute drive to Fort  
25 Collins. A twenty-five-hour trip after waiting nineteen hours



1 to begin seemed an eternity, an eternity of not knowing if Matt  
2 was even still alive.

3 We were unable to check on his condition once we began to  
4 travel. And when I would think of Matt while traveling, the  
5 image that would come to mind was always of Matt alone in a  
6 prairie and tied to a fence.

7 When we arrived in Fort Collins late afternoon on Friday,  
8 October 9th, we were escorted into Matt's room. What we found  
9 was a motionless, unaware young man with his head swathed in  
10 bandages, tubes everywhere, enabling the body to hold on to  
11 life. We heard the machine helping him breathe. We saw the  
12 screens monitoring his various vital signs. His face swollen  
13 and covered with stitches. His right ear had been stitched and  
14 was still oozing.

15 I wasn't even sure this was Matt. When we approached the  
16 bed, I saw that this was indeed Matt. I could tell by the  
17 little bump on the top of his left ear, one of his eyes was  
18 partially opened, and I could see the clear blue color, and who  
19 could mistake those long, black lashes, but the twinkle of life  
20 wasn't there anymore. And those braces -- I could see his  
21 teeth clenched through the tubes -- those braces were  
22 unmistakably Matt's.

23 We kissed his face, stroked his arms, held his hands, and  
24 talked to him. We desperately wanted him to know we were  
25 there. There was some kind of response. He began to shake,

1 and his arms and legs went rigid. We thought maybe he was  
2 aware of our presence. But no, it was an involuntary response  
3 to the touching.

4 I was thinking how could anyone feel so threatened by this  
5 tiny, sweet child that they could do this to him. Such an act  
6 of cruelty was incomprehensible.

7 Logan, Matt's younger brother, refused to go into the  
8 room. He didn't want that image of Matt to be the one that  
9 would appear when he would think of his brother. He wanted a  
10 smiling, laughing, bright-eyed, handsome, young face to come to  
11 mind. It wasn't long, however, before he realized that this  
12 was probably the last opportunity he would have to say  
13 good-bye, his last chance to say, once again, "I love you."

14 I'll never forget that look of terror on his face when he  
15 first saw Matt. He was trembling, tears streaming down his  
16 face. He went over to the bed, picked up Matt's hand and put  
17 it on his cheek. He asked us if he could be alone. We left  
18 the room, but kept an eye on him, using the monitor at the  
19 nurse's station. We had to make sure he was okay. We could  
20 see him talking to Matt, stroking his face while holding his  
21 hand. We were all painfully aware that Matt would never wake  
22 up.

23 We spent the next two days with Matt. Various relatives  
24 and family friends and friends of Matt's came to be with us.  
25 Sunday night, shortly after having left the hospital and close

1 to midnight, we received a call from the hospital telling us we  
2 needed to return immediately. When we got to Matt's room, we  
3 were joined by friends and other members of the family. We  
4 circled Matt's bed, each of us trying to touch him, to hold on,  
5 to keep him with us, each of us thinking we needed more time.

6 At 12:53 a.m. Monday, Matt was no longer with us. We  
7 joined hands, wept, prayed over him, and for ourselves. There  
8 was a kind of relief that Matt was no longer suffering, but  
9 also realization that our suffering was just beginning.

10 We knew, of course, that two men and their girlfriends had  
11 been arrested and were in custody. That gave us an immense  
12 sense of hope that those responsible for Matt's death would  
13 receive due process and be punished accordingly.

14 Now, what would our lives be like without Matt? Logan had  
15 planned to attend the University of Wyoming. He and Matt were  
16 planning to live together. Both were looking forward to the  
17 time they would spend together. That hope was killed. All our  
18 hopes for Matt were killed. All hopes and dreams that were  
19 Matt's were killed for \$20 and some twisted reason known only  
20 to his killers.

21 While Matt was in the hospital, many people concerned  
22 about Matt began to send money to help defray medical costs.  
23 As a family, we decided we would rather take that money and try  
24 to make something positive come from something so completely  
25 devoid of humanity. We started the Matthew Shepard Foundation

1 and are hoping that will be helpful in encouraging acceptance  
2 and embracing diversity. It is one way we can honor our son.

3 Twenty-eight days after we received the call in Saudi  
4 Arabia telling us about Matt, I had to make another call.  
5 Dennis had returned to work while I was staying in Wyoming to  
6 work on the foundation. November 4th, I had to call Dennis to  
7 tell him his father had died unexpectedly. It appeared that  
8 stress had been a contributing factor. I think watching Matt  
9 die and knowing there was nothing he could do to help his  
10 grandson or his son must have been hell on earth for him. Now  
11 Dennis has lost his father, his oldest son, and also an uncle  
12 who died of a coronary while attending Matt's funeral.

13 Have our lives changed? I can't answer that yet. I know  
14 personally that there is a hole in my existence. I will never  
15 again experience Matt's laugh, his wonderful hugs, his stories,  
16 hear about his ambitions for the future. There are days when I  
17 think I can't go on. Then I remember Logan and Dennis and  
18 numerous other members of my family and wonderful friends. I  
19 know their love and support will sustain me. I know Matt would  
20 be very disappointed in me if I gave up. He would be  
21 disappointed in us all if we gave up.

22 I have been told I can address you directly. I have  
23 debated whether or not to do so, and at times, I don't think  
24 you're worthy of an acknowledgment of your existence. But we  
25 all know you do exist. You murdered my son. You have forever

1 changed my family. I -- we won't allow you to kill us too.

2 My hopes for you are simple. I hope you never experience  
3 a day or night without feeling the terror, the humiliation, the  
4 helplessness, the hopelessness my son felt that night. And I  
5 want you to understand that the decisions you made and the  
6 actions you took have done this to you and to your family and  
7 to my family. None of us would be here today going through  
8 this agony if it weren't for you.

9 Thank you, Your Honor.

10 THE COURT: Thank you, Mrs. Shepard.

11 MR. RERUCHA: Mr. Shepard.

12 MR. SHEPARD: Your Honor.

13 THE COURT: Mr. Shepard.

14 MR. SHEPARD: I flew in last night on another  
15 flight from hell, thinking about this. The statement that I  
16 have previously done will be on hold.

17 This morning I sat down and took some notes. Twenty-two  
18 years ago, twenty-two years and four months ago, plus or minus  
19 a few days, my son was born, our first child. Twenty-one  
20 years, ten months later, my son died, our first child.

21 Twenty-two years ago today, my son was starting to take an  
22 interest in the world, an interest that continued to grow until  
23 a chance meeting at the Fireside Bar with two friendly  
24 strangers; an interest that developed into a passion for  
25 politics in the fifth grade when he began working with local

1 politicians to get them elected; an interest that caused him to  
2 write a letter to the Wyoming Citizens for Recycling in the  
3 seventh grade, a letter so well written that he was asked to  
4 represent all the school-aged kids in Wyoming in protecting the  
5 environment; an interest that gave him the desire to work in  
6 human rights, combining the two, saving the world through  
7 political means.

8           What happens now? Who is there in this room to replace  
9 him to try and save the world?

10           My son was born blind; not physically, but to people's  
11 differences. He didn't see big people and little people,  
12 black, brown or white skin, religious or ethnic backgrounds.  
13 All he saw were people that needed a friend. His best friends  
14 included Japanese, Palestinians and Saudi Arabs. His friends  
15 included Muslims, Christians and Buddhists. His friends  
16 included gays and so-called straights.

17           Who will be their friend now? Who will worry about them?  
18 Who is to be the focus now? Everybody needs a friend. Who  
19 will come forward now to be that friend?

20           Matt liked to compete against himself. He wasn't an  
21 athlete. One year he participated in the Wyoming State Games  
22 in Casper. He decided to run the 5k. He wasn't trying to win.  
23 He was trying to finish. And he did. It was a highlight for  
24 the family. The next year, we ran together. He harassed me  
25 and harassed me, telling me I was too old to run without help.

1 It is quite a feeling to be able to do that with your son.

2 At these state games, he also decided to swim a hundred  
3 meters. He finished dead last by the length of the pool. When  
4 he got out, he just smiled and said, "I did it. I finished."  
5 It was the first swimming race he was ever in.

6 After the games were over, I went to the games office and  
7 purchased three gold medals. That night I went home and got  
8 Matt, Logan and Judy together. I held a formal ceremony. Judy  
9 was honored for her -- with a gold medal for outstanding fan,  
10 Logan for outstanding soccer player on a losing team, and Matt  
11 for outstanding athlete in the Shepard family. He was so proud  
12 of that medal and the fact that we recognized the effort. And  
13 the smile that I see when I close my eyes is gone now forever.

14 Think of what has happened. Think of what Mr. Henderson  
15 has done; the impact of that mindless brutality to my family,  
16 to his family, to friends and to complete strangers. I no  
17 longer have a son with hopes and dreams, with problems and  
18 solutions.

19 When strangers meet me, we talk small talk. They ask, "Do  
20 you have any children?" Now I take a deep breath. I smile and  
21 say, "Yes, I have one son." Not two, one.

22 My plans for this upcoming fall included hunting with my  
23 two sons. Now it's one son. I was looking forward to  
24 splitting up my possessions when I got old and gray. Now I  
25 won't have to do that. I won't have to do a lot of things. My

1 choices are gone.

2 Many of Matt's friends are still suffering from this loss.  
3 They can't study. They can't sleep. And they feel lost. How  
4 do they cope? Who is going to call them in the middle of the  
5 night like Matt used to and say, "It's all right. Things are  
6 okay."

7 Matt's mother and brother watched him grow, and they grew  
8 with him while I traveled. They also watched him die. How do  
9 they continue? What does his brother say when he's asked, "Do  
10 you have any brothers or sisters?" What does his mother do  
11 when his birthday comes? Or Christmas? Or Mother's Day?

12 Matt was a loving and caring person. When he was in first  
13 grade, his class made May baskets. He made two, one for his  
14 mother and one for a woman who had no children. Every year  
15 after that until we moved to Saudi Arabia, he would make her a  
16 May basket. Who makes her one now?

17 Mr. Henderson, what about your life and your family? What  
18 do your grandmother and aunt, your sisters, cousins, say now?  
19 What about you? What future is there?

20 It takes someone quite unique to sit and watch someone  
21 else be beaten to death and do nothing about it. It takes a  
22 brave man to help another brave man tie up a person who did not  
23 know how to make and clench a fist until he was thirteen years  
24 old.

25 When Matt was little, we used to take showers together,



1 just to get him used to the water so he could take them by  
2 himself. We would spit water at each other. We would yell.  
3 We would sing. I taught him "Row, Row, Row Your Boat, "Frere  
4 Jacques," and "Twinkle, Twinkle, Little Star." Now the boat  
5 has sunk, Jacques is no longer fair, and the stars have fallen.

6 You, Mr. Henderson, helped sink the boat, ruined Jacques,  
7 and shot down the star.

8 There is a hole in my life that I can never fill. When we  
9 eat dinner, there is a place set for Matt, and we know it will  
10 not ever be filled again with his laughter, his bad puns, and  
11 his stories.

12 Remember this for the rest of your life.

13 Thank you.

14 THE COURT: Thank you, Mr. Shepard.

15 Mr. Skaggs?

16 MR. SKAGGS: Thank you, Your Honor. My remarks  
17 will be brief.

18 In many ways the concurrent or consecutive sentence  
19 really is somewhat academic, because even if there were a  
20 gubernatorial commutation on one sentence, he would still have  
21 a concurrent sentence behind that that would have to be  
22 commuted on that sentence also.

23 THE COURT: Mr. Skaggs, could you stand up to  
24 the mike, please? I'm having a little trouble hearing you.

25 Thank you.

1 MR. SKAGGS: Did you hear my first comments?

2 THE COURT: Yes, sir, I did.

3 MR. SKAGGS: So in a way, it is academic. But  
4 in a way, I think it is important in this particular case to  
5 address that situation. This case has been very difficult for  
6 all of us, but one thing that I am happy about is that Russell  
7 was able to stand before you, before the Shepard family, and  
8 take responsibility for his actions out there. And I do  
9 believe that that deserves some consideration. I would ask the  
10 Court to consider that.

11 In many ways this has been an extraordinarily  
12 difficult case, and certainly any words that I have could not  
13 even begin to rise to the proportion from what I heard from the  
14 Shepards, and so consequently, I will leave it to you to  
15 consider the sentence, as I know you will.

16 Thank you.

17 THE COURT: Thank you, counsel.

18 Mr. Rerucha.

19 MR. RERUCHA: Thank you.

20 Each of us has the power to do many things. We have power  
21 to do good things in big ways and in little ways, and it is  
22 inherent in man that some people have the power to create hell  
23 on earth in big ways and little ways.

24 Mr. Henderson, you have created hell on earth for a  
25 family, for a community, for a state. It is time not that we

1 look at mercy, because I think mercy has been done in this case  
2 before we came into this courtroom. I think it is now time  
3 that we look at justice in this case.

4 This case has always been about pain, suffering and death  
5 for Matthew Shepard. That suffering and death is over. For  
6 his family, that pain and suffering will continue. For that  
7 community, that is pain and suffering which we will be left  
8 with forever.

9 Your Honor, I would ask for consecutive sentences. It is  
10 appropriate. It is correct. It's the right thing to do.

11 THE COURT: Anything further, Mr. Skaggs?

12 MR. SKAGGS: No, Your Honor.

13 THE COURT: Mr. Henderson, do you know any  
14 reason the Court should not enter sentence at this time?

15 THE DEFENDANT: No, sir.

16 THE COURT: For the record, the Court will  
17 accept the plea agreement in this matter, and will order a  
18 Postsentence Investigation as per the rules.

19 The only issue that the Court has to determine today is  
20 whether the two life sentences recommended by the parties and  
21 accepted by this Court should run concurrently or  
22 consecutively; that is, together or one after another.

23 And in a sense, Mr. Skaggs is correct. It's probably  
24 academic. But it makes a statement as well.

25 In making that determination, the Court is required to

1 consider a number of factors: Number one being the nature of  
2 the crime. In this case, we're faced with the death of a young  
3 man, perhaps in part because of his lifestyle, and perhaps  
4 because of a \$20 robbery.

5 Many people have called this a hate crime. Quite frankly,  
6 the Court does not find this matter to be so simplistic, for it  
7 is quite clear that a number of motives and emotions were  
8 involved here, rage, callousness, greed, brutishness and  
9 perhaps others.

10 The end result, Mr. Henderson, whatever the motivation,  
11 was the brutal murder of a young man who was beaten to death  
12 with a three-pound revolver.

13 Mr. Henderson, you drove the vehicle that took him to his  
14 death. You bound him to that fence in order that he might be  
15 more savagely beaten and in order that he might not escape to  
16 tell his tale. At the very least, you stood by while he was  
17 struck again and again and again, his blood on your coat, and  
18 as you tell it, doing nothing to stop it.

19 You left him there for sixteen hours, knowing full well  
20 that he was there. Perhaps -- I don't know -- perhaps yet  
21 having an opportunity to save his life, and you did nothing  
22 except to proceed to destroy and conceal evidence of your  
23 involvement.

24 The Court finds, Mr. Henderson, that this was a most  
25 heinous crime, savage and brutal in its nature, and evidencing

1 a total lack of respect for the dignity of human life, all  
2 life, whether different from your own or not, and, quite  
3 frankly, deserving the fullest punishment that this Court can  
4 mete out.

5 The Court also considers, as it must, Mr. Henderson, your  
6 own background, your own feelings of remorse, your own  
7 contrition for this crime.

8 The Court notes that you have no significant criminal  
9 history by way of prior felony convictions; and notes as well  
10 the fact that you did not, for the most part, grow up with any  
11 sort of parental influence. You were raised by your  
12 grandmother, and this Court most certainly does not criticize  
13 Ms. Thompson in any way at all, but that's not the same as  
14 having your parents available. It isn't. It can't be.

15 You were an Eagle Boy Scout, a commendable honor,  
16 certainly one that shows drive and ambition and pride on your  
17 part.

18 But there is a history of criminal behavior here,  
19 Mr. Henderson, albeit relatively minor, that shows to this  
20 Court a disregard for the laws of this society and a refusal to  
21 finally accept responsibility for your own actions. Perhaps  
22 you did that today.

23 But quite frankly, consistent with your history,  
24 Mr. Henderson, this Court does not believe that you really feel  
25 any true remorse for your part in this matter. And I wonder,

1 Mr. Henderson, whether you fully realize the gravity of what  
2 you've done, even as you stand before this Court today.

3 In the end, Mr. Henderson, this Court is faced with a vile  
4 and senseless crime that has resulted in the violent death of a  
5 young man who did you no harm, a crime that has victimized  
6 Matthew Shepard, his family, your family, and your community.

7 The pain that you've caused here, Mr. Henderson, will  
8 never go away. Never. There may be days from time to time  
9 when people won't think about this or remember this, but it  
10 will always be here.

11 You are not a victim here, Mr. Henderson, because of your  
12 unfortunate background. You are a perpetrator.

13 The Court finds it appropriate, therefore, that sentence  
14 be ordered as follows:

15 As to Count III of the Information, that being felony  
16 murder with the robbery underlying, aggravated robbery, you are  
17 remanded to the custody of the Department of Corrections to  
18 serve a period of imprisonment at the place of their  
19 determination for the term of your natural life.

20 On Count I, kidnapping, that you be remanded to the  
21 custody of the Department of Corrections to serve a period of  
22 imprisonment at the place of their determination, again, for  
23 the term of your natural life.

24 Sentencing for Count I to run consecutive to sentencing  
25 for Count III, that being a felony murder.

1           The Court will also assess a \$500 assessment to the  
2 Wyoming Crime Victims' Compensation Fund.

3           The Court will not assess public defender fees, and there  
4 is no bond to discharge in this matter.

5           Mr. Rerucha, I would ask that you write the order on this,  
6 please.

7                   MR. RERUCHA: Yes, Your Honor.

8                   THE COURT: Mr. Henderson, you will be remanded  
9 to the custody of the Albany County Sheriff's Department  
10 pending transportation to the State penitentiary.

11           Ladies and gentlemen, that will conclude this matter. I  
12 will ask that all of you remain in the courtroom until  
13 Mr. Henderson has left. That will take about three or four  
14 minutes. At that time, you'll be free to leave. I would ask  
15 that you do that in some sort of orderly fashion.

16           Mr. Jessup will have a couple of announcements for you  
17 before you do leave. And I believe that ends this.

18           Court will stand in recess.

19                                   (2:07 p.m. 4/5/99.)  
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