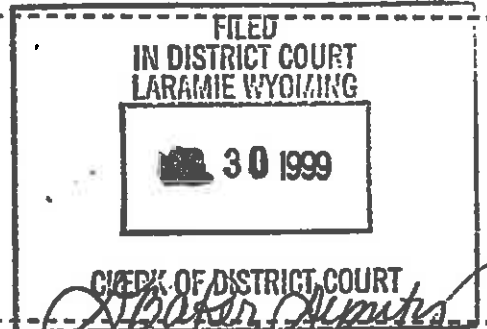


1 STATE OF WYOMING )  
 :ss  
2 COUNTY OF ALBANY )

IN THE DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
Criminal Action No. 6370

3 -----  
4 STATE OF WYOMING, )  
5 Plaintiff, )  
6 vs. )  
7 CHASITY VERA PASLEY, )  
8 Defendant. )  
9 -----



10  
11  
12 APPEARANCES:

13  
14 On behalf of the Plaintiff: MR. CAL RERUCHA  
County and Prosecuting Attorney  
15 Laramie, Wyoming  
16 On behalf of the Defendant: MS. MARY ELIZABETH GALVAN  
Mary Elizabeth Galvan, P.C.  
17 Laramie, Wyoming  
18  
19  
20

21 BE IT REMEMBERED that on the 21st day of May, 1999,  
22 at the hour of 3:37 p.m., in the Albany County Courthouse,  
Laramie, Albany County, Wyoming, the Defendant appeared for  
23 hearing before the HONORABLE JEFFREY A. DONNELL, Second  
Judicial District Court Judge presiding; whereupon, the  
24 following proceedings were had, to wit:

25 SENTENCING

1                   THE COURT: The matter before the Court this  
2 afternoon is a sentencing proceeding, State of Wyoming versus  
3 Chasity Vera Pasley, Docket Number 6370.

4                   Court notes the appearance of Ms. Pasley together with  
5 counsel, Ms. Galvan; Mr. Rerucha on behalf of the State.

6                   Ms. Pasley, are you currently under the influence of any  
7 alcohol or drugs?

8                   THE DEFENDANT: No, sir.

9                   THE COURT: You don't have any disability that  
10 would affect your ability to understand these proceedings?

11                   THE DEFENDANT: No, Your Honor.

12                   THE COURT: All right. Ms. Pasley, the record  
13 indicates that on December 23rd, 1998, you entered a plea of  
14 guilty on a charge of accessory after the fact to murder in the  
15 first degree.

16                   The Court, at that time, found there was a factual basis  
17 for the plea, and accepted it, and entered adjudication  
18 accordingly.

19                   A Presentence Investigation was ordered as well, and that  
20 has now been received.

21                   Ms. Galvan, have you had a chance to review that with your  
22 client?

23                   MS. GALVAN: I have, Your Honor.

24                   THE COURT: And did you want to note any changes  
25 or corrections?

1 MS. GALVAN: No, Your Honor. There were no  
2 factual errors. There is some concern about the confusion with  
3 the underlying crime, the emotionalism; underlying crime in the  
4 official version affidavit and actually to what Ms. Pasley did,  
5 but other than that, there is no factual corrections.

6 THE COURT: All right. Ms. Galvan, let me ask  
7 you, do you intend to present any testimony today?

8 MS. GALVAN: Your Honor, I think that the Court  
9 and the rest of the world have heard from almost everybody in  
10 this case -- Mr. Rerucha, Mr. Skaggs, Mr. Custis, Ms. Price,  
11 Mr. and Mrs. Shepard. No one has heard from Ms. Pasley, and I  
12 would like to question her with respect to anything she may  
13 say, and that is all.

14 THE COURT: All right. Why don't we do that  
15 first.

16 Mr. Rerucha, are you going to have any testimony or  
17 statements from anyone?

18 MR. RERUCHA: Yes, Your Honor. Gene Wiegand,  
19 the victim-witness coordinator, will read a statement from Mr.  
20 and Mrs. Shepard.

21 May I approach the --

22 THE COURT: Sure.

23 MR. RERUCHA: -- bench?

24 Ms. Galvan has a copy of that statement. I thought it  
25 would be good to --

1 MS. GALVAN: We certainly have no objections,  
2 Your Honor.

3 THE COURT: All right. Ms. Galvan, why don't we  
4 have Ms. Pasley step up and be sworn then, if you would like to  
5 ask her some questions.

6 Ms. Pasley, if you would step up here, please.

7 (Whereupon, the Defendant was sworn.)

8 THE COURT: Have a seat over here if you would,  
9 please.

10 DIRECT EXAMINATION

11 BY MS. GALVAN:

12 Q. Chasity, would you state your name for the record?

13 A. Chasity Vera Pasley.

14 Q. How old are you, Chasity?

15 A. Twenty.

16 Q. Are you presently employed?

17 A. Yes.

18 Q. And where are you employed? I don't need to have --  
19 I need a name of the employer. I don't want any identifying --

20 A. K-Mart.

21 Q. And that is employment you've had since April after  
22 seeking permission from the Court?

23 A. Yes.

24 Q. Prior to October 8th, 1998, were you employed?

25 A. Yes.

PASLEY - DIRECT - GALVAN

1 Q. Where were you employed?

2 A. The Campus Activities Center in the university.

3 Q. What were your duties?

4 A. I was an office aid. I created flyers and stuff and  
5 helped out the student organizations on campus.

6 Q. How long had you been employed there?

7 A. About a year and a-half.

8 Q. Was one of your -- did your duties also include  
9 involvement with the gay students org --

10 A. Yes.

11 Q. -- organizations on campus?

12 A. Yes.

13 Q. And I'm sorry, I don't know the names of the  
14 organizations. Will you --

15 A. LGBTA. Lesbian, Gay, Bisexual, Transgender  
16 Association.

17 Q. As a result of that employment, did you participate  
18 in any training with respect to gay students at the university?

19 A. I went through safe zone training.

20 Q. Would you explain what safe zone training is?

21 A. Safe zone training is a training that you go through,  
22 and it allows a gay person to be able to come to you, and  
23 you -- they know that they'll be safe with you. You have  
24 nothing against them or anything.

25 Q. That you wouldn't hold anything against them?

PASLEY - DIRECT - GALVAN

1 A. Yeah.

2 Q. Why did you choose to go through safe zone training?

3 A. Why did I choose to?

4 Q. Yes, ma'am.

5 A. Because I worked with them a lot on the campus, and I  
6 wanted them to know I'm okay with them.

7 Q. This crime, and Matthew's death, has become to  
8 symbolize a hate crime.

9 Do you know -- or have you ever had any particular bias  
10 against gays or lesbians?

11 A. Never.

12 Q. Why is that?

13 A. Because they're people too. They're just like me and  
14 you. They're no different.

15 Q. In October of 1998, when did you first learn that  
16 this -- that somebody had been injured, had been harmed?

17 A. I learned that there had been a fight.

18 Q. I'm sorry?

19 A. I learned that there had been a fight, but not the  
20 extreme of what happened.

21 Q. Tell the Court what you knew.

22 A. I knew that they had beat up some boy.

23 Q. Who had beaten up some boy?

24 A. Russell and Aaron had beaten up some gay guy, and I  
25 found that out when I had to go get Russell from the hospital

1 that night.

2 Q. Did you and Russell have any discussion about this  
3 gay guy who was beaten up?

4 A. A little bit.

5 Q. I'm sorry?

6 A. A little bit.

7 Q. And what was that discussion?

8 A. I asked him what had happened, and he told me.

9 Q. Did you later learn from someone else that somebody  
10 had been hurt?

11 A. I learned in jail that -- that night, the severity of  
12 what had happened.

13 Q. I'm going to ask you if, on the night before you were  
14 arrested -- that is before you were arrested, did you talk to  
15 Aaron -- to Kristen Price?

16 A. Yes.

17 Q. Did she tell you what Aaron McKinney had told her?  
18 Let me strike that.

19 At some point did you learn that there was at least a  
20 statement that someone had been killed?

21 A. Yes.

22 Q. And did you talk to Mr. Henderson about that?

23 A. Yes.

24 Q. And what did you say to him?

25 A. Well, I didn't know that -- there was a statement

1 made that Aaron had thought he had killed somebody.

2 Q. All right.

3 A. But when me and Russ talked, he swore to me he was  
4 okay; he could get up and leave.

5 Q. Did you ask Russell about the statement that you had  
6 heard?

7 A. Yes. And he said, no, he'll be okay.

8 Q. Did you have an occasion to discuss with him the --  
9 where Matthew Shepard had been left?

10 A. I only knew he was somewhere past Wal-Mart. I didn't  
11 know where.

12 Q. Did you talk to Aaron about -- I'm sorry, to Russell  
13 about whether or not he had been tied up?

14 A. Yes. He told me.

15 Q. Did you ask him about that?

16 A. Yes, and he said he was tied loosely enough he could  
17 walk away. I didn't -- I had no idea he was beaten so bad.

18 Q. Did you and Russell also have a discussion about the  
19 fact that Matthew was gay?

20 A. The way that I was told about it was that a gay guy  
21 had gotten beaten, so -- and I told him, you can't just beat  
22 somebody up because he's gay. It's not right. I told him it  
23 was wrong. I was very angry at him.

24 Q. On that night -- You plead guilty to helping Russell  
25 dispose of evidence in this case. Would you tell the Court



1 what you did?

2 A. I took some clothes to Cheyenne, and we put them in  
3 the dumpster.

4 Q. Why did you do that?

5 A. I loved him, and I thought I was protecting him from  
6 getting assault charges. I never ever thought I was protecting  
7 him from killing somebody. I wouldn't have ever done it.

8 Q. After you were arrested, though, you initially told  
9 the police that -- you gave the police a false story; is that  
10 correct?

11 A. Yes.

12 Q. Why did you do that?

13 A. I don't know. I just wasn't thinking. I loved him.  
14 I loved him with all my heart.

15 Q. How long did you live with Russell Henderson at the  
16 time this happened?

17 A. For two years. But we had been dating for three.

18 Q. At the time this happened, did you believe yourself  
19 to be pregnant?

20 A. Yes.

21 Q. And whose child did you believe yourself to be  
22 pregnant with?

23 A. Russell Henderson's.

24 Q. Since your guilty plea in December, what have you  
25 done to make yourself accountable for what happened?

1 A. Would you re -- What do you mean accountable?

2 Q. Why did you plead guilty in December?

3 A. Because --

4 Q. Did I ask you to plead guilty?

5 A. No. Because I know what I've done is wrong, and I  
6 just -- I needed to admit it.

7 Q. Why did you feel you needed to admit it?

8 A. Because I -- it was something I did that was wrong.  
9 I needed to face up to what I did.

10 Q. And since you plead guilty in December, have you  
11 attempted to cooperate with the State of Wyoming?

12 A. Yes.

13 Q. With the police?

14 A. Yes.

15 Q. And have you given statements --

16 A. Yes.

17 Q. -- to the police? Why have you done that?

18 A. To help them with their case, to bring it to closure.

19 Q. Chasity, what do you believe to be potentially the  
20 greatest consequence of your assisting in concealing evidence?

21 A. What do I feel my punish --

22 Q. Yes. What do you think the worst thing about that is  
23 in your mind?

24 A. That I have to deal with it every night, every day,  
25 forever.

1 Q. Deal with what?

2 A. Not knowing if I could have helped him or not. I  
3 have to deal with the pain of knowing that --

4 Q. Do you remember the first week that you were in jail?

5 A. Yes.

6 Q. Do you remember a discussion you and I had about a  
7 telephone call you attempted to make?

8 A. Yes.

9 Q. Who was that telephone call to?

10 A. Amy Crowell.

11 Q. And what was the content of that telephone call?

12 A. To tell Jim Osborn how sorry I was that my --

13 Q. Who is Jim Osborn?

14 A. The president of LGTA.

15 Q. Is there anything else you want to tell the Court,  
16 Chasity?

17 A. I'm so sorry. I'm so remorseful. And I'm just  
18 disgusted with myself. I can't believe what I've done. I'm  
19 sorry.

20 MS. GALVAN: Nothing further, Your Honor.

21 THE COURT: Mr. Rerucha, any questions?

22 MR. RERUCHA: You bet. Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. RERUCHA:

25 Q. When you were in high school, is that when you met

PASLEY - CROSS - RERUCHA

1 Mr. Henderson?

2 A. Yes.

3 Q. And in your Presentence Investigation, you, yourself,  
4 gave a word to those people you hung around with in high  
5 school. What was that word?

6 A. Gangster type.

7 MS. GALVAN: I'm sorry, I didn't hear that.

8 THE COURT: Gangster.

9 THE WITNESS: Gangster type.

10 BY MR. RERUCHA:

11 Q. You hung around with gangsters in high school, and  
12 then you lived with a gangster. Would that be a correct  
13 statement?

14 A. No. Russell is not a gangster. Not even.

15 Q. A person who kills another human being, is serving  
16 two life terms for murder, is not a gangster?

17 A. He wasn't considered that in high school.

18 Q. Listen to my question. A person who is serving two  
19 life sentences for murder and kidnapping is not a gangster?

20 MS. GALVAN: Your Honor --

21 THE WITNESS: He could --

22 MS. GALVAN: -- that's argumentative. Ms.

23 Pasley has told you her opinion, if Mr. Rerucha wants to  
24 question why she believes that; but to argue with her over a  
25 terminology she's used to apply to people -- she was straight

PASLEY - CROSS - RERUCHA

1 forward in her sentencing -- in her Presentence Investigation.  
2 She's being straight forward now.

3 MR. RERUCHA: First of all --

4 THE COURT: The objection is sustained, Counsel.

5 BY MR. RERUCHA:

6 Q. You don't always tell the truth, do you?

7 A. I haven't. But I do now.

8 Q. Okay. How do we know when you're telling the truth?

9 A. I'm telling the truth now.

10 Q. And what your attorney asked you, and what came forth  
11 in that bit of inquiry, is if you would have known how Matthew  
12 Shepard had been hurt, you would never try to hide that, would  
13 you?

14 A. No.

15 Q. You would try to help. Isn't that what you're trying  
16 to tell the Court?

17 A. Yes.

18 Q. You were questioned by officers from the Laramie  
19 Police Department, were you not?

20 A. Yes, I was.

21 Q. And they told you how seriously injured Matthew  
22 Shepard was during that first interview, didn't they?

23 A. They didn't tell me the details. They said he was  
24 injured badly.

25 Q. Okay. What your attorney got from you is if you

1 would have known how badly he was injured, you would have never  
2 tried to cover up for Mr. Henderson. Isn't that what you told  
3 the Court?

4 A. Yes.

5 Q. But you lied to the Laramie Police Department  
6 officer, didn't you?

7 A. Yes, in the beginning, I did.

8 Q. You lied to the police department on that first  
9 interview. Isn't that correct?

10 A. Yes.

11 Q. So what you told your attorney was -- what your  
12 attorney got from you and you told the Judge is incorrect.  
13 Isn't that right?

14 A. I would have never done that.

15 Q. But you did it, didn't you?

16 A. Yes, I did.

17 Q. So what would be truthful is that you knew Matthew  
18 Shepard was hurt very, very badly, and you lied to protect Mr.  
19 Henderson. That's a true statement, isn't it?

20 A. No. I did not know the severity of his hurt.

21 Q. I think it is clearly before the Court.

22 It was your idea to hide those clothing -- those items of  
23 clothing, wasn't it?

24 A. No, it was not.

25 Q. If Mr. Henderson had said that in his statement to

1 police officers, he wouldn't be telling the truth?

2 A. No.

3 Q. You said you're going to make complete restitution in  
4 this case. That's what you want to do --

5 A. Yes.

6 Q. -- is that correct?

7 And you say you're sorry. Is that correct?

8 A. Yes.

9 MR. RERUCHA: May I approach the witness, Your  
10 Honor?

11 THE COURT: Yes, sir.

12 BY MR. RERUCHA:

13 Q. Have you seen that document before?

14 A. Yes.

15 MS. GALVAN: May I have that identified to me,  
16 Your Honor?

17 MR. RERUCHA: That's the Presentence  
18 Investigation, which you should have a copy of it.

19 MS. GALVAN: I have a copy of it. I just needed  
20 you to identify it for me, Mr. Rerucha. Thank you.

21 THE COURT: That's the Presentence  
22 Investigation. All right.

23 BY MR. RERUCHA:

24 Q. Have you seen that?

25 A. Yes.

PASLEY - CROSS - RERUCHA

1 Q. I'm going to ask you a question. You say you're very  
2 sorry for what you did. Is that correct?

3 A. Yes.

4 Q. I was looking through that document, and I was  
5 looking for any -- any way, shape or form where you, yourself,  
6 said in that document that you were -- that you were sorry for  
7 what you did and the pain you especially caused to Mr. and Mrs.  
8 Shepard at the death of their son. Will you point the Court's  
9 attention and my attention to where you said that in that  
10 Presentence Investigation?

11 MS. GALVAN: Your Honor, the document speaks for  
12 itself. It is a Presentence Investigation.

13 THE WITNESS: I did say that to -- it is --

14 THE COURT: The objection is overruled.

15 Go ahead.

16 BY MR. RERUCHA:

17 Q. Point it out.

18 A. It is not in here, I don't think.

19 Q. It is not in here?

20 A. I don't know. She didn't put everything that I said  
21 in here is the thing. I don't know where it is. And I don't  
22 know if it is in here.

23 Q. It is not in there, is it?

24 It is not in there, is it?

25 A. I don't know. I just got done reading it. I don't



1 see it in there.

2 Q. So to the best of your knowledge, it is not in there,  
3 is it?

4 A. No.

5 Q. In a crime of death, do you know why that's different  
6 than any other case?

7 A. Because somebody's life is gone.

8 Q. Is that for an hour?

9 A. No --

10 Q. Is that for a year?

11 A. -- it is forever.

12 Q. It is forever, isn't it?

13 A. Yes.

14 Q. Do you ever go to Thanksgiving with your parents?

15 A. Yes.

16 Q. Do you ever eat dinner with them?

17 A. Yes.

18 Q. When Mr. and Mrs. Shepard and their son are eating at  
19 Thanksgiving, they stare at the chair of Matthew Shepard left  
20 empty, how are you going to make restitution for that empty  
21 chair?

22 A. I'll do anything.

23 Q. How are you going to make restitution?

24 A. I can't bring him back. I'm sorry.

25 Q. Do you have dreams?

1           A.    Yes.

2           Q.    Do you think Mr. and Mrs. Shepard had dreams for  
3 their son?

4                    MS. GALVAN: Your Honor, I believe we're getting  
5 into harassment and argumentation with this improper question.

6                    THE COURT: We're getting there, Mr. Rerucha.  
7 The objection is sustained.

8 BY MR. RERUCHA:

9           Q.    Would you say restitution was impossible?

10          A.    Yes, because I can't bring him back.

11                    (Brief pause in proceedings.)

12 BY MR. RERUCHA:

13          Q.    Are you ready?

14          A.    Yes.

15          Q.    In sentencing, would you say it is fair to say that  
16 what we're trying to do is to do justice?

17                    MS. GALVAN: Your Honor, now we're getting into  
18 legal conclusions. This is improper cross-examination.

19                    THE COURT: Sustained.

20 BY MR. RERUCHA:

21          Q.    Are you asking for mercy in this case?

22          A.    Yes.

23          Q.    You knew that on the cold plains right outside of  
24 town there was a possibility of a badly beaten person lying  
25 there, didn't you?

PASLEY - CROSS - RERUCHA

1           A.    I knew that there was a fight.  I didn't know where.  
2    I didn't -- I didn't know --

3                               (Brief pause in proceedings.)

4    BY MR. RERUCHA:

5           Q.    Tell the Court what mercy you showed for Matthew  
6    Shepard.

7                               MS. GALVAN:  Your Honor, this is clearly outside  
8    the scope of the examination, and we're just badgering the  
9    witness.

10                              THE COURT:  I think, Counsel, this is probably  
11    more proper a matter for argument rather than examination.

12                              MR. RERUCHA:  I won't argue with you.  It will  
13    be brought up.

14                              Thank you.

15                              THE COURT:  All right.

16                              Anything further, Ms. Galvan?

17                              MS. GALVAN:  Just one question, Your Honor.

18   REDIRECT EXAMINATION

19    BY MS. GALVAN:

20           Q.    Chasity, when you lied to the police when you were  
21    first arrested -- first questioned, rather, how long was it  
22    before the police confronted you with Kristen Price's statement  
23    and you told them the truth?  Was it the same day?  Was it  
24    weeks?  How long did it take?  Hours?

25           A.    It was, like, hours.

PASLEY - REDIRECT - GALVAN

1 MS. GALVAN: Nothing further, Your Honor.

2 THE COURT: All right.

3 Thank you, Ms. Pasley. You can step down.

4 (Defendant complies.)

5 THE COURT: Ms. Pasley, you do have a  
6 constitutional right to make a statement, and although you've  
7 already testified, you do have that right to make a statement  
8 to the Court if you would like to, and then I will hear from  
9 your counsel and from the State.

10 Do you have anything additional that you would like to  
11 say?

12 THE DEFENDANT: I would just like to tell the  
13 parents and friends of Matthew Shepard how sorry I am and how  
14 remorseful I am. I wish I could bring him back. I wish that  
15 it would have been me instead. I am just so sorry. I wish --  
16 there is not anything more I can say to express how sorry I am.  
17 I just want them to know that.

18 THE COURT: All right. Thank you, Ms. Pasley.  
19 Ms. Galvan.

20 MS. GALVAN: Your Honor, I sympathize with Mr.  
21 Rerucha, because this is a horrible case. A horrible crime.

22 The day I heard about it, knowing what happened about it,  
23 I felt horrifically emotional about it. It wasn't until two  
24 days later when I was driving back from Pinedale and read the  
25 Tribune I realized the enormity of it.

1           My heart breaks for Mr. and Mrs. Shepard. I know that  
2 Chasity's heart breaks for Mr. and Mrs. Shepard. I know that  
3 from the first Saturday that I confronted her with the -- with  
4 exactly what had happened, that Chasity's intent has been to  
5 plead guilty in this case.

6           The crime that she is charged with is a crime which, had  
7 she been married to Mr. Henderson instead of just living with  
8 him thinking she was pregnant, would have been a misdemeanor.  
9 That's almost an obscenity when you consider the repercussions  
10 of what happened -- the fact that Matthew, in fact, wasn't  
11 killed; that Matthew, in fact, was lying on the prairie, tied  
12 to a fence and dying while Chasity and her friends went to  
13 Cheyenne to dispose of evidence.

14           I can understand Mr. Rerucha's impulse to flog this  
15 particular issue. There is nothing else that can be done.  
16 There is nothing else that can be said that makes it less  
17 outrageous than exactly the way Mr. Rerucha has characterized  
18 it.

19           I ask the Court to take into consideration the fact that  
20 Chasity Pasley, from the time she knew what happened, also  
21 recognizes outrage and has flogged herself -- and has flogged  
22 herself with this issue.

23           I found it heartbreaking to read Judy Shepard's statement  
24 in the statement that Mr. Rerucha handed me today when she said  
25 that she wonders whether, had Chasity had the decency to come

1 forward earlier, Matthew might have lived.

2 And if the Court will remember at the arraignment prior to  
3 that statement being made, prior to that issue being addressed  
4 on Ms. Pasley's behalf, I explained to the Court that her  
5 plea -- Court questioned her about why she was making a cold  
6 plea, no plea bargain, no negotiations with respect to sentence  
7 recommendations, nothing. The Court was concerned about this  
8 cold plea. And the Court asked her about it. And I told the  
9 Court that, at that time, that Chasity has lived, from the time  
10 this happened, with the horror that something she might have  
11 done -- or not have done -- might have saved Matthew's life,  
12 and that that was the reason she plead guilty on December 23rd.

13 And the Court is aware that she was willing to plead  
14 guilty at her first arraignment. There was some concerns about  
15 information that had not been -- about her having enough  
16 information to make an informed decision.

17 Whatever she did in the hours after Matthew was left at  
18 the fence and between the time that she was arrested, she can't  
19 make up for what she did. She can't make up for even the  
20 slimmest possibility that what she did had something -- might  
21 have achieved a different result. But Chasity Pasley is  
22 willing to be accountable, and she is willing to accept the  
23 sentence of this Court.

24 What I would ask the Court to do, as her attorney, is that  
25 the Court consider what she did. What she did was help a man

1 she lived with. What she did -- the difference between what  
2 she did being a felony and what she did being a misdemeanor has  
3 to do with a definition of a relationship and not necessary --  
4 that definition of a relationship is based on an emotion, which  
5 I think the Court should at least consider whether that can  
6 exist in the relationship she had with Russell Henderson.

7 The Court has heard the extent of the information that she  
8 had at the time she made this decision. And while she's had  
9 plenty of time to second-guess herself, the fact is she did not  
10 make the decision she should have made.

11 But Chasity Pasley, before this happened, was a student at  
12 the University of Wyoming. She was carrying a respectable  
13 grade point average. She was working. She had held the same  
14 job for a year and a-half. And in that year and a-half, she  
15 had been involved in a number of volunteer activities, not the  
16 least of which had been particularly an involvement with the  
17 gay and lesbian group.

18 The Court is aware that she has had issues of  
19 homosexuality arise in her childhood with respect to family  
20 members.

21 This is not -- whatever Chasity Pasley did, unfortunately,  
22 was done out of her love for Russell Henderson -- an emotion  
23 that is respected by the statute -- and not out of any kind of  
24 hatred and not out of any intention to do harm to anybody.  
25 What Chasity Pasley did she did to help Russell Henderson.

1           As the Court is aware, there was a complicated set of  
2 situations that particular evening, because Mr. Henderson had  
3 been injured himself in a subsequent altercation. It was a  
4 confusing night. But Chasity Pasley made the decision she made  
5 not to harm Matthew Shepard when she made a decision that the  
6 statute itself renders understandable by virtue of an arbitrary  
7 definition of what a relationship is.

8           I would ask the Court to take that into consideration in  
9 the sentencing. I would ask the Court to look at Chasity's  
10 past, especially her adult past as a student at the university.  
11 I'd like the Court to look at her present responsibility, that  
12 she has shown her willingness to be accountable for what she  
13 did.

14           And we know the Court is also going to take into account  
15 the gravity of what happened to Matthew. But I would ask the  
16 Court to separate what happened to Matthew from what Chasity  
17 did. It is not to dispel any kind of a link. There is  
18 obviously a linkage between that, between what happened, but  
19 Matthew Shepard was killed by someone else. He was beaten and  
20 he was left to die by somebody else.

21           What Chasity did was try to help conceal a crime. And the  
22 motives are entirely different. I ask the Court to take that  
23 into consideration in whatever disposition it makes.

24                           THE COURT: Thank you, Ms. Galvan.

25           Mr. Rerucha, you have a few statements you would like to



1 present?

2 MR. RERUCHA: Yes, Your Honor. This will be  
3 given by Gene Wiegand, the victim-witness coordinator.

4 THE COURT: All right. Mr. Wiegand, if you  
5 would like to step up to the podium, please.

6 MR. WIEGAND: These are Victim Impact  
7 statements from the sentencing of Russell Henderson, and they  
8 ask that these be read into the record.

9 First, I'll apologize for the Shepards not being here.  
10 They wished to be; however, Dennis Shepard was unable to due to  
11 the fact that he is working in Saudi Arabia, and he must pick  
12 and choose what court proceedings he is able to return to the  
13 U.S. to attend.

14 Judy Shepard's emotional condition is fragile due to the  
15 murder of her son, and her husband worries about her ability to  
16 cope with all of the trial proceedings.

17 Dennis Shepard, from his first statement, said: "Think of  
18 what you have done and the impact of this mindless brutality to  
19 my family. I no longer have a son with hopes and dreams, with  
20 problems and solutions.

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

24 "My plans this fall included hunting with my two sons.  
25 Now there is only one son.

1            "I was looking forward to splitting up all of my  
2 possessions. Now I won't have to do that. I won't have to do  
3 a lot of things. My choices are gone.

4            "Matt's mother and brother watched him grow. They grew  
5 with him. They watched him die. How do they continue? What  
6 does his brother say when he is asked, "Do you have any  
7 brothers or sisters?" What does his mother do when his  
8 birthday comes?"

9            From Judy Shepard: "I love Matt more than I can express  
10 in this statement. There aren't enough words to describe how  
11 much I love him. He was a soul mate. One of the few people we  
12 are fortunate enough to know in our lives that are an<sup>3</sup> extension  
13 of ourselves.

14           "We shared so much -- late-night talks, love of movies,  
15 theatre, books, politics, good food and good conversation. He  
16 was my son, my first born and more. He was my friend, my  
17 confidant, my constant reminder of how good life can be -- and  
18 how hurtful.

19           "I will never understand why anyone would want to hurt  
20 Matt -- to act with such cruelty, such complete disregard for  
21 another human being.

22           "How have our lives changed? I can't answer that yet. I  
23 know personally that there is a hole in my existence. I will  
24 never again experience Matt's laugh, his wonderful hugs, his  
25 stories, hear about his ambitions for the future.

1           "There are days when I think I can't go on. Then I  
2 remember Logan and Dennis and numerous other members of our  
3 family and our wonderful friends. I know their love and  
4 support will sustain me. I know Matt would be very  
5 disappointed in me if I gave up. He would be disappointed in  
6 us all if we gave up."

7           The following statement was relayed to me by Judy Shepard  
8 in a phone conversation I had with her this morning for this  
9 particular sentencing:

10           "While you did not actually take part in the beating that  
11 took my son from me, I wonder if, by your failure to tell the  
12 police about my son, you may have helped contribute to his  
13 death. If only you had had the decency to let someone know, he  
14 might not have laid out there all alone for as long as he did.

15           "I ask myself why he had to suffer alone and wonder, if he  
16 had been found sooner, might his life have been saved? While  
17 you did not take part in the beating, by helping to cover up  
18 the crime, you may have cost my son his life."

19           THE COURT: Thank you, Mr. Wiegand.

20           MR. WIEGAND: Thank you.

21           THE COURT: Mr. Rerucha.

22           MR. RERUCHA: Briefly in argument, Your Honor.

23 I have to say that I think the Defendant's attorney is very  
24 resourceful at being remorseful, but I think as far as true  
25 remorse, we look to the Presentence Investigation. That speaks

1 volumes.

2 In looking through this, there is not one time when the  
3 Defendant in this case says "I'm sorry." Of course, what does  
4 it really matter. What can be done now?

5 She says she'll offer full restitution. And that, we  
6 know, is impossible, because there can be no greater hurt than  
7 for a parent to have to bury a child. There is no greater  
8 grief. There is no bigger hole to fill. There is only the  
9 thought that this will last forever; that the dreams that once  
10 were had are now turned into nightmares. Nightmares about what  
11 happened to Matthew Shepard when he was lying alone by himself;  
12 the pool of blood for his pillow, with no one to greet him, to  
13 be with him, except the Wyoming wind.

14 He knows peace now, but Matthew Shepard was 21 and will  
15 remain 21 forever, because death is forever.

16 And now Chasity Pasley comes in here and asks not for  
17 justice, but she asks for pity. And when you ask for mercy,  
18 Your Honor, you first must give it.

19 Deciding the sentence in this case, I ask you the  
20 question: What mercy did Chasity Pasley show Matthew Shepard?  
21 When you consider that, you cannot show her mercy, but what you  
22 must do is justice, and justice is a term in the Wyoming State  
23 Penitentiary for Women.

24 Thank you.

25 THE COURT: Thank you, Counsel.

1           MS. GALVAN: Your Honor, if I may. Ms. Pasley  
2 has been under the strictest instructions from me -- I think  
3 the Court is aware of that -- not to discuss this case. She  
4 was asked to give the information for the PSI. The emotional  
5 content of it, or lack of emotional content -- she cooperated  
6 with the PSI.

7           The Court has the probation and parole officer's  
8 recommendations, which she has based on what Chasity Pasley  
9 told her. The Court has been able to review those and knows  
10 what they are.

11           Whatever is here, the Court knows that I have not allowed  
12 Ms. Pasley to talk to anyone. I have been very strict, even in  
13 terms of what she is saying.

14           She was truthful with the PSI. The probation and parole  
15 recommendations reflect their concerns with it. And we would  
16 ask the Court to consider those.

17           And what Mr. Rerucha thinks may or may not or should or  
18 should not be in there, the Court knows what Chasity Pasley has  
19 done to be accountable in this case.

20           THE COURT: Ms. Pasley, do you know any reason  
21 the Court should not enter sentence at this time?

22           THE DEFENDANT: No.

23           THE COURT: If you would stand with your  
24 counsel, please.

25           (Defendant stands.)

1           THE COURT: The Court is required to consider  
2 probation in any sentencing proceeding, and I have done that  
3 most carefully in this proceeding. And there are a number of  
4 factors to note with respect to that consideration.

5           First, you don't have any significant prior record;  
6 mostly traffic and alcohol offenses. Nothing of any serious  
7 nature.

8           The Court is aware of the recommendation from the  
9 Department of Probation and Parole in the Presentence  
10 Investigation. I'm not going to get into that in detail, but  
11 suffice it to say that recommendation does not include a prison  
12 term.

13           This is a relatively minor felony. Wyoming does not have  
14 what some states classify as A or B felonies; kinds of things  
15 you see on TV. But it carries with it perhaps the lightest  
16 maximum sentence possible for any felony in the state of  
17 Wyoming.

18           Some felonies in Wyoming are at least five years, most are  
19 ten, and many are considerably longer than that. This one is  
20 three years maximum.

21           And the Court is mindful of the fact that, had you been  
22 married to Mr. Henderson, it wouldn't be a felony at all. And  
23 that is perhaps an arbitrary choice made by the State of  
24 Wyoming, but it is a choice that the State has made by and  
25 through its legislature. And it is not this Court's place to

1 question that choice.

2 The Court is mindful of the fact that while there was  
3 clearly -- clearly an attempt to deceive investigators in this  
4 matter and to destroy evidence during the initial hours of this  
5 investigation, you did eventually cooperate with authorities,  
6 and, so far as I know, have continued to do so.

7 The Court is mindful of the fact that you didn't have any  
8 involvement in this actual murder, or knowledge of it, until  
9 after the fact.

10 And I, quite frankly, don't have any doubt that you're  
11 remorseful. I think that's obvious. And you're right, you're  
12 going to have to live with the consequences of this for the  
13 rest of your life. And nothing that this Court does, one way  
14 or another, is going to make any difference in that respect.

15 I have received quite a number of letters in support of  
16 you -- mostly from your family members.

17 And finally, I note that you were in college; you were  
18 working; and apparently had your life more or less on track  
19 when this happened. All of these things mitigate in favor of a  
20 probationary period.

21 On the other end of the scale, of course, is the fact that  
22 you lied to police; that you actively participated in the  
23 destruction of material evidence in this case. Regardless of  
24 the reason, the fact is those are things that you did. And  
25 many would argue that that cannot and should not be excused

1 under any circumstances.

2 And I want to make it very clear that this Court does not  
3 excuse or condone that kind of conduct. It is reprehensible,  
4 and it is inexcusable.

5 This was a horrific crime that this Court really cannot  
6 separate from your acts. You undertook a plan to carry out the  
7 destruction of physical evidence in this case, and you did that  
8 while the victim in this case laid tied to this fence.

9 You took no action to try to find him. You took no action  
10 to attempt to report this to the authorities so that they might  
11 try to find him. I don't know if that would have saved his  
12 life or not. That is not the point.

13 And you really didn't cooperate with police until you were  
14 presented with Ms. Price's statement and had no choice. And  
15 even then that was after evidence had been destroyed when you  
16 had a pretty good idea of the seriousness of what had happened  
17 here. And this Court simply cannot overlook those things.

18 The Court concludes that the nature of this crime and your  
19 participation in it is such as to require a period of  
20 incarceration; that there must be a message sent that this  
21 Court will not tolerate the choices that you made here; that  
22 this Court will not tolerate the choice of your relationship  
23 that you had with Mr. Henderson over your duty to abide by the  
24 law as we all must.

25 Court will enter its sentence as follows: Ms. Pasley,



1 you're hereby sentenced to the custody of the Department of  
2 Corrections to serve a term of incarceration at a place of  
3 their choosing for a period of not less than 15 months nor more  
4 than 24. You are to receive credit for time served.

5 The Court will also assess \$250 to the Wyoming Crime  
6 Victims' Compensation Fund.

7 Bond will be ordered discharged in this matter.

8 Mr. Rerucha, we have nothing as far as restitution in the  
9 Presentence Investigation.

10 MR. RERUCHA: That is correct.

11 THE COURT: I don't think there is any  
12 restitution to be ordered.

13 MR. RERUCHA: That is correct.

14 THE COURT: Mr. Rerucha, if you will write the  
15 order, please.

16 MR. RERUCHA: Yes, Your Honor.

17 THE COURT: Ms. Pasley, you're remanded to the  
18 custody of the sheriff's department pending transportation in  
19 this matter.

20 Court will stand in recess.

21 (4:24 p.m., 5/21/99)

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