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Bar tackles gay rights, death penalty Kern treatment of gays checked

By MICHAEL TRIHEY
Californian staff writer

MONTEREY — A state civil rights commissioner will visit Bakersfield to investigate the possibility that homosexual victims of violent crimes are short-changed by Kern County's criminal justice system.

Glendale attorney Thomas Coleman, a member of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence and an acknowledged homosexual, emphasized he only is inquiring about the Kern County system, not making allegations.

Turn to GAYS / A2



John Van de Kamp
... duty to uphold law

Lawyers would abolish sentence

By MICHAEL TRIHEY
Californian staff writer

MONTEREY — Abolishing the state's never-used death penalty will be a goal of the California State Bar and — like it or not — the official stand of the 85,000 lawyers who must be members of the group to practice law in the

state.
The State Bar's Conference of Delegates, meeting in Monterey on Saturday as part of the bar's annual convention, approved a resolution stating the bar's support for legislative efforts to repeal capital punishment in California.

Turn to DEATH / A2

GAYS: County system checked

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His inquiry is prompted in part by the manslaughter verdict returned two weeks ago in the case of John Oren Biggs, who had been accused of murder in the death of businessman Nurl Renfro, a homosexual.

Coleman became curious about the Kern County justice system after the 1982 verdict in which William Robert Tyack was convicted of only one count of involuntary manslaughter in the shooting deaths of two unarmed gays.

"One of the questions I have is, 'Is the system in Bakersfield capable of returning a murder verdict in a murder case when the victim is gay?'" Coleman asked.

Attorneys in both the Tyack and Biggs cases saved their clients from first-degree murder convictions by focusing courtroom defenses on the lifestyles of the victims.

Defense attorney Joseph Giuffre characterized Biggs' victim as "a pervert" who operated a homosexual "house of horrors."

Biggs was forced to kill to escape the home, Giuffre told the jury.

The gun-toting Tyack killed his two victims on a lonely mountain road near Glennville and then claimed at trial that he was afraid the two unarmed men were going to attack him.

Tyack's attorney, Timothy Lemucchi, argued to the jury that the victims had taken drugs that might have made them violently aggressive.

Defense witnesses said the type of drugs found in the dead men's blood streams during autopsies were popular in the Los Angeles gay community.

Tyack was acquitted in one killing and convicted only of involuntary manslaughter in the other.

He was sentenced to four years in prison.

"What is it?" Coleman asked. "Is it that the defense attorneys are just extremely skillful? Did the judge make bad rulings? Did the prosecutor not know how to try a case where there is a gay victim? Or is the jury prejudiced against homosexuals and therefore not going to be too harsh on the defendant when the victim is gay?"

"Or is it all the above? Or none of the above?" he asked.

"There is something amiss, I think," Coleman said.

He said he'll speak to attorneys in the near future about the two cases to see whether prejudice exists against gays in the Kern justice system.

"With respect to the larger question of violence against gay people in Bakersfield, I'll be contacting members of the gay community there, to learn their perceptions of what may or may not be a problem," Coleman said.

Gay rights advocate questions sentence

By MICHAEL TRIHEY
 Californian staff writer

John Oren Biggs has been sentenced to seven years, four months in prison for the beating death of Nurl Renfro, but that maximum term may allow for his release in just two years.

And the possibility of that relatively early release has prompted a member of an attorney general's civil rights commission to call for hearings in Bakersfield on the subject of violence against homosexuals in Kern County.

The Biggs case came to the attention of Glendale attorney Thomas Coleman, a member of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, because Renfro was a homosexual, and because Biggs' attorney won a reduction in charges based largely on the victim's lifestyle.

Coleman had said a month ago that he had begun, inquiring into the types of verdicts returned in Kern County cases involving homosexuals. He said after the Biggs sentencing that because of what he has learned, he will ask the committee at its December meeting to



John Oren Biggs



Thomas Coleman

conduct hearings in Bakersfield sometime in the spring.

Deputy District Attorney T. Daniel Sparks brought the 19-year-old Biggs to trial charged with murder in the Dec. 19, 1982, slaying of the 50-year-old businessman.

But defense attorney Joseph Giuffre presented evidence of Renfro's lifestyle, arguing that Renfro was not only a homosexual, but was a "pervert"

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Turn to BIGGS / A2

BIGGS: 7-year term questioned

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 whose 1707 Elm St. home was a "house of horrors" from which Biggs had to kill to escape.

The jury apparently accepted Giuffre's contention that Biggs' attack was prompted by Renfro's homosexual advances. Jurors voted to convict Biggs of voluntary manslaughter, the crime for which he was sentenced Wednesday by Superior Court Judge Lewis E. King.

"This crime is the cruelest and most vicious homicide in Kern County history," Sparks told King in arguing for the maximum term.

Biggs "is clearly a sociopath and by this homicide he has proven himself a homicidal sociopath," Sparks said.

"For the good of the community at large, and the memory of Nurl Renfro, impose the maximum sentence the law will allow," Sparks said.

But Giuffre argued that Biggs should be sentenced to a lower term and asked that Biggs be allowed to serve that term in the California Youth Authority rather than in state prison.

The crime wasn't really Biggs' fault, Giuffre argued. He said Renfro was "Such a perverted gay that he picks on little boys, children of age 18 ..."

"This little boy," Giuffre said of his client, "This little boy just lost his cool."

King, after outlining Biggs' criminal record that dates back to when he was 11, agreed with Sparks.

"Society's protection requires the maximum commitment," the judge said of the defendant in ordering a prison term that totals seven years, four months.

But with credit for time already served and time off for good behavior, Biggs might serve only about two more years.

Coleman, also a homosexual, said the sentence in the case may not be as significant as the verdict.

He recalled "about seven to eight homicides over the past three years" involving homosexual victims and said he wonders whether Kern County juries can return strict enough verdicts against people accused of killing gays.

He said he will ask other members of his committee to schedule fact-finding hearings on the issue, probably in March, in Bakersfield.

"The gay community here is numb. It's numbed that the system is unresponsive in protecting the civil rights of gay people.

"I haven't traveled to every county, but through the networking that exists, I would say that Bakersfield and Kern County may be the bleakest area for gay people in the state," Coleman said.

BIGGS RECORD OF OFFENSES:

AGE	CHARGE
11	ASSAULT & BATTERY
12	BURGLARY
13	SHOOTING AT POLICE
15	THREAT TO KILL BR.
15	BURGLARY
15	ROBBERY, CAMP OWENS
15	ASSAULT W/WEAPON
16	EXTORTION
17	ATTACK PRISONER
17	ESCAPE, VANDELISM.
18	VOL. MANSLAUGHTER