

The

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Bar tackles gay rights

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Kern treatment of gays checked

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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.

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.



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