

HB 488 – Crimes – Mitigation – Sex, Gender Identity, or Sexual Orientation

FAVORABLE

Professionally, I am the Legislative outreach coordinator for the ACLU of Maryland but today I am here representing the interests of Baltimore's black trans community, whose oppression is upheld by the trans panic defense.

Disclosure should always be left to the discretion of the LGBT person in order to reduce already disproportionate violence.

This issue is deep reaching, though its highest consequences are for people like me, black trans women, who stand the most to lose from outing & other phobic violence. 4 years ago the murderer of Mia Henderson, the 26 year old victim of a brutal stabbing, was acquitted using this defense. Her death in 2014 was felt deeply in our community, as was the October 1996 murder of Anthony "Gabriel" Barnes by Charles Garney In Prince Georges county, Maryland.

The panic defense is at the extreme end of transphobia & homophobia & because it is only used long after violence has taken place its only purpose is to legitimize that violence. The real panic is the fear of being discovered in your natural state, that the peace of your passing be disturbed, the unrest in knowing that your offender would suffer less because of who you are.

Carney Charged With Manslaughter in Death of Gay Man

By WINNIE McCROY
BGP Staff Writer

Urged by a coalition of gay activists in Prince George's County, state's attorney Jack Johnson has brought to justice the confessed killer of a black gay man murdered in Oct. 1996. Charles Carney, confessed killer of Anthony "Gabriel" Barnes, pleaded guilty to charges of voluntary manslaughter, and faces a maximum sentence of ten years.

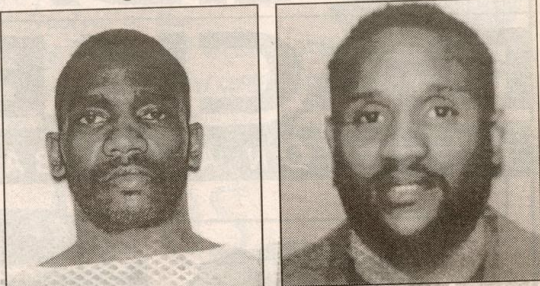
"I've spoken to a number of people from the gay community," said Johnson. "They brought to my attention the very serious concerns. I received more letters about this case than in my history as a state's attorney."

Calling themselves the "Coalition for Justice," the group asked Johnson to pursue further criminal charges against Carney after he admitted in April 1997 to killing Barnes. In his original defense, Carney's attorney, public defender Wendell Bates, claimed that his client was spurred to murder after Barnes attempted to force him into a "deviant" and "unnatural" sexual encounter. This "homosexual panic" defense is similar to that used by Matthew Shepard's alleged killers, who claim they were driven to kill Shepard after he made a pass at them.

"I will not deny I used words to that effect," said Bates. "I had to since Carney did not take the witness stand. He said that [Barnes] tried to force him."

"The anti-gay rhetoric invoked during the trial suggests that murder is an acceptable response to encountering someone who is gay or who allegedly makes homosexual advances," said DC Lesbian Avenger Jennifer Margiotta.

Prosecutor Dorry Ipolito is troubled by assertions that Carney used the "homosexual panic" defense, as Carney never took the stand at all. While she would not say that the jury was motivated by homophobia, she did admit "it was pretty clear to me that it was a murder."



Charles Carney, left, and Anthony "Gabriel" Barnes.

A jury acquitted Carney of first and second-degree murder in May of this year, regardless of his admission of guilt. They hung on the charge of manslaughter.

"When the jury came back with 'not guilty,' to say I was shocked would be the understatement of the year," said Ipolito. "There was a confession by Carney. There were clearly things in Carney's statement that led to [a conviction of] murder."

In his sentencing, Johnson answered the pleas of coalition members, including gay man Brian Scott, a former member of the Prince George's County Human Relations Commission, who demanded that "this confessed killer must be brought to justice."

In early correspondence to members of the coalition, Johnson expressed his disappointment in the jury's decision, and maintained that

see BARNES page A7