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Juveniles plead guilty

by Rick Lawes
Staff Writer

Three juveniles charged with the killing of a Bangor homosexual in July pleaded guilty to manslaughter in 3rd District Court Monday afternoon in Bangor.

Shawn Mabry, 16, James Bevins, 17 and Daniel Ness, 15, all of Bangor, were charged with killing Charles Howard on July 7 in Bangor. All had pleaded not guilty in bind-over hearings, but changed their pleas to guilty of the lesser charge Monday.

Assistant Attorney General Thomas Goodwin, prosecuting attorney for the state, said the lesser charge was arrived at without any plea-bargaining.

"Our examination of the testimony at the bind-over hearings persuaded us manslaughter was the appropriate choice," Goodwin said. "What you're dealing with is really state of mind and we felt their state of mind when

they committed the action was more nearly recklessness or criminal negligence than intent (to kill)."

Goodwin said the evidence in the case would support a manslaughter conviction better than a murder conviction.

"It's clear they knew it would cause him (Howard) some harm but I think it's clear they didn't intend to kill him," Goodwin said. "They didn't know he was dead when they left the scene and in fact he wasn't dead when they left the scene."

In the packed courtroom, Marvin Glazier, Baines' attorney, said "There were no negotiations between the defense and the state whatsoever. Both sides sort of reached this by their own independent analysis."

Glen Porter, Mabry's attorney, said "We basically knew from the beginning we weren't dealing with murder."

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● Juveniles

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Howard died when the three juveniles allegedly threw him over the State Street bridge in Bangor into the Kenduskeag Stream. His death provoked cries of outrage within the Bangor homosexual community.

Bob Garrecht, 40, of Bangor, said the gays would not stand for what he termed "oppression."

"As an institution the judicial system has degraded gay peoples," Garrecht

said. "They'll state that murder is a serious crime but it seems that if the person who was murdered is gay then it's only an unfortunate incident like manslaughter."

Garrecht would not speak for the Bangor Area Gay, Lesbian, Straight Coalition, but said he was gay and active in the coalition.

Sentencing for Mabry, Bevins and Ness is scheduled for 11 a.m., Friday by District Judge David Cox.