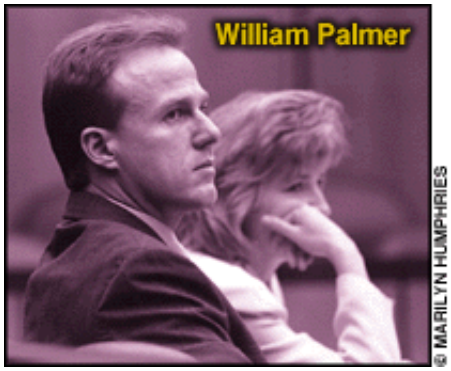
Travesty of justice

When is a murder not a murder? When the victim is transsexual.

by Kevin Rothstein



There is no one to answer for the death of Chanelle Pickett, a pre-operative transsexual whose one-night stand ended with a vicious beating in the bedroom of a Watertown apartment in November 1995. The man who took her home that night was found guilty May 3 only of punching Pickett in the face -- and not, as police and prosecutors charged, of wrapping his hands around her throat and squeezing the life out of her.

Nearly a month after the verdict was delivered, the local transgendered community and others remain outraged by the acquittal of William C. Palmer, Jr., 35, a computer programmer who took Pickett home after meeting her at the Playland Café. On May 16, Palmer was sentenced to two years in prison (see "Justice" this page). In the weeks since a Middlesex County jury aquitted Palmer of Pickett's death, trial observers have charged that Palmer used a top-notch team of lawyers (including a nationally known forensic expert who testified for O.J. Simpson) to manipulate a homosexual panic defense -- and get away with murder.

Homosexual panic

On November 20, just hours after Palmer had brought Pickett home, police found the frequent Playland patron lying face down in a pool of blood. The room was disheveled. Cocaine and a homemade pipe had been swept into the trash.

An autopsy showed that fluid had accumulated in Pickett's lungs and brain. This evidence, together with hemorrhages found on her neck muscles, led a medical examiner to conclude that she had been strangled -- and possibly suffocated with a piece of cloth -- for at least eight consecutive minutes. According to Palmer's trial testimony, trouble started when he discovered that Pickett had a penis and asked her to leave his apartment. Instead of leaving, Pickett allegedly attacked Palmer, screaming "God will never die," and "the devil is king." Palmer testified that he got her to quiet down by sitting on her buttocks and holding her shoulders down. "I used enough force to stabilize him. . . . I intended to get him out of my house," Palmer said, adding that Pickett was still breathing when he released her.

Throughout the trial, Palmer's defense team emphasized that Palmer had no idea he had picked

up a man. His lawyers even tried to introduce as evidence a segment from the talk show *Geraldo* entitled "Dead Ringers, Twisted Tales of Twins." On the show, Pickett appeared with her twin Gabrielle, also a pre-operative transsexual, and said she fooled men "all the time."

Describing Pickett as he first saw her at Playland shortly before midnight on November 19, Palmer carefully testified: "She was very attractive. She had nice curly hair, lipstick, full face, smelled nice, nice mannerisms."

He then told the jury how, upon their return to his Watertown apartment, the two first cooked and smoked crack, and then began to get intimate. "Chanelle Pickett reached over and removed my boxer shorts from my waist area. At that time she bent over and began to give me oral sex," he said. "We were getting romantic and I reached down and discovered Chanelle Pickett was a man. . . . I jumped up and I said `You're out of here' and turned the light on."

Under questioning from his lead attorney, Walter Price, Palmer then painted a picture of a transsexual furious at being denied sex. "It was frightening. All of a sudden it turned from a soft voice to not just a man but a crazed man who began banging the walls and preaching. Crazy talk that made no sense whatsoever," he said.

At this point in his testimony, Palmer began referring to Pickett as "he" rather than "she." As in, "I approached the bed and he kicked me in the chest, just a violent blow."

Palmer's he/she switch was apparently motivated by the idea that a jury, confronted with a heterosexual man who willingly dabbled in transsexual sex, would believe such a man capable of stuffing a comforter down someone's throat and choking him to death -- the scenario suggested by Dr. Stanton Kessler, the state's forensic pathologist. But a regular guy, a onetime construction worker who worked his way up to a good job at UNISYS -- a regular guy who felt up a girl and found a penis beneath her silk panties -- would garner sympathy.

The strategy evidently worked, which angers local transsexuals. "Is his defense, then, that he was so upset that this person had a penis?" asks Nancy Nangeroni, a Cambridge activist for Transexual Menace, which tracks cases of violence against transgenders. "Is the fact that someone's genitals are not the shape you expect them to be grounds for murder?

"[The jurors] let their homophobia, their transphobia, get the better of them," she adds. "I feel they did not do their job and, frankly, I hope this keeps them awake at night."

Others wondered what the outcome of the case would have been if Palmer had been the one found dead and a poor black transsexual who used drugs had been charged with murder. Another assault-and-battery conviction? "No way," says Watertown Police Captain Edward Deveau, who headed the investigation into Pickett's death.

'The story he told just didn't add up'

To investigators, the notion that Palmer didn't know Pickett was a man dressed as a woman when he brought her home from the Playland Café is ludicrous. Deveau said in an interview after the trial that police assumed Palmer was lying after they visited Playland themselves. Their own observations of the bar, coupled with Palmer's admission that he had previously visited Playland and Jacques -- the only two transsexual bars in Boston -- made Palmer's claim seem implausible. And that doesn't even take into account the fact that six other transsexuals stepped forward to say they'd had previous encounters with Palmer. Of the two that Judge

Robert A. Barton allowed to testify, both said they had given Palmer blowjobs.

"It's obvious that an argument or something happened [at Palmer's apartment] that led to her death. But the story he told about being surprised just didn't add up," Deveau says.

On the stand, Palmer changed his story from his original statement to police -- that he had stepped into the bar for a beer -- and said that he went to Combat Zone bars like the Playland every so often, but only to buy cocaine. Deveau didn't buy that either. And neither did Assistant District Attorney Adrienne Lynch, who asked the jury during closing arguments: "Do you honestly think that Playland and Jacques are the only places he could get cocaine in Boston? Or is it the only place in Boston he could get cocaine *and* a transsexual date?"

Prosecutors, meanwhile, laid out a bedroom scenario quite different from the one Palmer described. Lynch pointed to the lacy top of the purple negligee Pickett wore the night she died as evidence that Pickett's gender would have been obvious from her lack of breasts. And physical evidence suggested, but couldn't prove, that more than just an interrupted blowjob had occurred. Investigators found a stain on Pickett's jeans containing semen and saliva. Tests showed the semen could not have been Palmer's, but that the saliva could have been his. As Lynch hypothesized during closing arguments, the stain was "consistent with Chanelle Pickett ejaculating in the defendant's mouth and the defendant spitting it out in the crotch of those jeans."

As for why Palmer attacked Pickett in the first place, Lynch told the jury: "Chanelle Pickett was killed because she made too much noise. She made too much noise and William Palmer would be found out. She made too much noise and he wanted her to shut up."

'They didn't do a complete job'

But in a final twist reminiscent of the way O.J. Simpson's defense team devastated the credibility of physical evidence collected by the prosecution, experts brought in by Palmer's lawyers raised doubts about the way Pickett died. The only evidence linking Palmer's hands to Pickett's throat was the autopsy performed by state forensic pathologist Kessler -- which found bruises and hemorrhages on Pickett's neck muscles.

Dr. Michael Baden, who has investigated genocide in Bosnia and the assassinations of John F. Kennedy and Martin Luther King -- and who took the stand for the defense during the O.J. Simpson murder trial -- testified that there was not enough evidence to show beyond a reasonable doubt that Pickett had been strangled to death. And Dr. Charles Wetli, an expert on cocaine's effect on the body, testified that the cocaine Pickett had inhaled that night could have caused her death. But he added that not enough tests had been done to show whether that had killed her.

Taken together, Baden and Wetli's testimony led the jury to conclude that Pickett's autopsy was incomplete and inconclusive. Facing the media after the verdict, one juror pointed specifically to the medical evidence as the fatal flaw in the prosecution's case. "They didn't do a complete job," said juror Robert Cunningham, referring to the autopsy.

'It could have happened to anyone'

After the verdict was read, Palmer and his family emerged from the courtroom. He clutched a Bible in one hand and held onto his girlfriend with the other. Facing the television cameras that had waited three days for the verdict, he said, "There's a lot of remorse for the Pickett family." He also reiterated his innocence.

Those who knew Pickett, meanwhile, saw no justice in the verdict. "It's a tragedy," says Joseph Michael Raedy, who has tended bar at Playland for eight years and knew the Pickett twins. Raedy, who testified that he had seen Palmer at Playland on several occasions prior to the night he picked up Pickett, questioned how Palmer could claim that Pickett's death was an accident given that he never dialed 911 for help, either after their fight or the next morning. "He didn't give a shit," Raedy says. "It could have happened to anyone who was ever with him."

Justice

On May 16, citing what he called the "vicious beating" of Chanelle Pickett, Judge Robert A. Barton sentenced William Palmer to two years in prison for assault and battery. The sentence exceeded the prosecution's request for 18 months of jail time; if Barton had followed the court's sentencing guidelines, Palmer would have received only probation. Palmer will spend two years in the Billerica House of Corrections, with six months suspended for five years.

"This sends a clear message to the inadequacy of the jury's ruling," Transexual Menace spokesperson Nancy Nangeroni said after the sentencing.

Nearly 25 other transgenders and their supporters joined Nangeroni outside the Middlesex Courthouse in Cambridge the morning of Palmer's sentencing to call attention to violence against transgendered people -- violence that often goes unpunished. Activists bore a copy of a letter from US Congressman Barney Frank to Attorney General Janet Reno, urging the Justice Department to begin an inquiry into violence against transgenders. Frank also asked the Justice Department to begin compiling statistics to better track such violence. Many demonstrators pointed to Palmer's murder acquittal as proof that transgenders are not being served by this country's system of justice.

"There's just a feeling that if these people were rich white boys, things would have come out very differently," said transsexual Stacey Montgomery.

But Judge Barton, perhaps, saw it differently. In sentencing Palmer, he addressed lead defense attorney Walter Prince: "This defendant should kiss the earth you walk on," he said.

Somebody is listening.

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