

Gay man gets life term in boy's death

By Michelle Bradford
ARKANSAS DEMOCRAT-GAZETTE

BENTONVILLE, Ark. — A Benton County judge yesterday sentenced Joshua Macabe Brown to life in prison without parole, rejecting his defense that his 13-year-old victim had wanted to be bound, gagged and sodomized.

Circuit Judge David Clinger gave Brown the maximum sentence for first-degree murder in the death of Jesse Dirkhising of Prairie Grove. He also imposed the jury sentence of 25 years in prison for rape.

Prosecutors tried Brown on a charge of capital murder. The jury handed down a conviction for the lesser, first-degree murder charge on March 22 after a nine-day trial.

Brown apologized to Jesse's par-

ents in a weak voice yesterday.

"I say I'm sorry," Brown said, softly crying, before Judge Clinger pronounced sentence.

Judge Clinger lambasted Brown and Brown's homosexual lover, Davis Don Carpenter, during the sentencing. The judge said the pair devised the plan to rape Jesse in the apartment the two men shared in Rogers.

Jesse suffocated after the five-hour assault on Sept. 26, 1999, in the apartment.

Deputy Public Defender Louis Lim said Jesse was confused about his sexuality and consented to the sex act that turned deadly. Brown

didn't testify.

Judge Clinger yesterday noted that Brown admitted to police that he wrapped Jesse's face in duct tape, gagged him with dirty underwear and repeatedly sodomized the boy, at times with food items.

"I don't find that Jesse ever agreed to that, that he agreed to become the sex toy of two grown men," Judge Clinger said. "You and Davis Carpenter had quite a time inflicting this on this bound and helpless young man who was barely 13."

Jesse could not move, breathe, resist or even cry out for help, Judge Clinger said.

"Imagining Jesse's thought process during his slow and torturous death has sent shivers up my spine," the judge told Brown.

Mr. Carpenter is set for trial before Judge Clinger on May 7 on a charge of capital murder and rape.

Mr. Lim told jurors that Mr. Carpenter forced the younger, pliable Brown to carry out the assault on Jesse, watching and handing him instructional notes from the bedroom doorway.

"I absolutely don't find a single shred of evidence that Mr. Carpenter ever forced you to do anything that you didn't want to do," Judge Clinger said.

Brown could have untied Jesse when Mr. Carpenter went to an all-night grocery store for duct tape and food items halfway through the assault, Judge Clinger said. Brown told a forensic psychiatrist that he played on the computer and smoked crystal methamphetamine and marijuana while Mr. Carpenter was at the store.

Mr. Lim pointed out before sentencing that some jurors said they believed that Mr. Carpenter was the driving force behind the assault on Jesse.

Norma Robinson, one of five jurors at yesterday's hearing, agreed, saying she believes Jesse

had consented to sex with Brown.

"I believe it was kinky sex gone bad," she said after the sentencing hearing.

Mrs. Robinson said that Jesse's parents are partly responsible, noting that they were friends with the two homosexuals and knew Mr. Carpenter used drugs.

"Everyone agrees that Jesse shouldn't have been in the environment," Judge Clinger said yesterday. "But that's hindsight."

Mr. Lim told Judge Clinger yesterday that one juror visited Brown at the Benton County jail this week.

"They embraced," Mr. Lim said of the juror, whom he didn't name. "They met, they sat down, they talked about their faith, and they talked about hope."