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## Soldier pleads guilty

### He gets 12½ years for role in slaying at Fort Campbell

By JAMES MALONE  
The Courier-Journal

FORT CAMPBELL, Ky. — A Fort Campbell soldier pleaded guilty yesterday to reduced charges for his role in the fatal beating of a gay soldier and was sentenced to 12½ years in prison.

Spc. Justin Fisher, 26, who had been charged with premeditated murder and being an accessory to murder after the fact, pleaded guilty during a general court martial to obstruction of justice, making false statements to Army investigators and providing alcohol to a minor.

Last month, Pvt. Calvin Glover, 19, was sentenced to life in prison for killing Pvt. Barry Winchell, who was Fisher's roommate, with a baseball bat.

Fisher's plea agreement, reached last month, provoked controversy yesterday.

Winchell's parents, Patricia and Wally Kutteles, said in a statement read after the verdict, "Justice was not served today . . . the sentence for Specialist Fisher was a travesty." They accused Fort Campbell leaders of continuing to turn a blind eye to the harassment of gays and allowing mistreatment to continue.

"The Army tolerated and encouraged an atmosphere of hatred and harassment that led to Barry's death," Patricia Kutteles said. "The lack of supervision and failure of leadership at this base created an atmos-

phere where our son could be brutally murdered."

Winchell, a 21-year-old infantryman from Kansas City, Mo., died July 6, a day after being beaten by Glover. Fisher, from Lincoln, Neb., admitted he goaded a drunken Glover into assaulting Winchell because Winchell was gay.

Winchell's death spawned a far-reaching investigation that shed unwelcome light on the Army's "don't ask, don't tell" policy toward gay soldiers and prompted Defense Secretary William Cohen to issue new guidelines for the policy.

While attention has been directed at Winchell's sexual orientation, there were new disclosures yesterday about Fisher from Keith Caruso, a forensic psychiatrist who recently evaluated him. Fisher, who had berated Winchell for being gay, had secretly dressed in female lingerie underneath his clothing since age 14, Caruso said.

It was Fisher who took Winchell to a Nashville, Tenn., bar frequented by cross-dressers. There, Winchell developed a re-

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BY JIM ROSHAN, SPECIAL TO THE C-J  
Spc. Justin Fisher, left, was escorted to court yesterday morning. He pleaded guilty to reduced charges.



BY JIM ROSHAN, SPECIAL TO THE COURIER-JOURNAL

Members of Spc. Justin Fisher's family entered the courtroom where his court-martial was to begin yesterday morning.

# Soldier sentenced in gay slaying

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relationship with a female impersonator. But yesterday, Caruso said that Fisher also had "some involvement" with another transvestite at the bar. While not calling Fisher gay, Caruso said Fisher "certainly had questions" about his sexual identity.

The sentence from Col. Kenneth Pangburn, a military judge, followed nearly a day of evidence in which prosecutors and defense attorneys gave starkly contrasting views of the crime.

Pangburn was inclined to sentence Fisher to 14 years in prison, but under the terms of the agreement, he could receive no more than 12½ years. The sentencing hearing was held in case the judge wanted to impose a shorter sentence.

**TAKING THE STAND** to try to have his sentence reduced, Fisher tearfully apologized to Winchell's parents, the Army and his family for his role in Winchell's death.

"I'm sorry from the bottom of my heart," a sobbing Fisher told Winchell's parents. "I'm sorry for the grief and sadness you have experienced. I hope someday you can forgive me for my part in this."

He then apologized to his victim. "Barry, I hope you can hear me," Fisher started. "I'm sorry for the part I played in this. I know you are now in a better place. I hope you know

that if I could go back to the morning it happened, I would have changed it all."

Despite the guilty plea and sentencing, the Army said yesterday that its probe of Winchell's death was not over.

Fort Campbell's commander, Maj. Gen. Robert Clark, has asked the Army's inspector general to investigate whether Army policies regarding gay soldiers had been violated in Winchell's case and also to look into similar complaints from a former Fort Campbell soldier, said Maj. Pamela Hart, a spokeswoman for the post.

**THE ARMY** did not respond yesterday to criticism from the Kuttelseses, Winchell's parents, because of an ongoing review of the case, Hart said.

Army officials said Fisher will serve his sentence at the Army prison at Fort Leavenworth, Kan. Fisher can still ask for clemency, and Clark will now begin a detailed review of the case. Clark has approved the plea agreement.

Fisher's mother, Connie Butler, and prosecutors painted starkly different portraits of him.

Butler told the court of Fisher's childhood with an abusive, alcoholic father and a dysfunctional family. She said she divorced Fisher's father only to marry a new husband who was physically abusive. She said she sent her son to the Job Corps to get him away from his unhappy home life.



**Pvt. Barry Winchell died on July 6, a day after being beaten with a baseball bat as he slept in a barracks hallway.**

Fisher, who has been diagnosed with attention-deficit and hyperactivity disorders, had trouble focusing on tasks throughout his childhood, she said.

Fisher savored the friendships and loyalty the Army offered and was getting his life back together, she said.

But Army prosecutors portrayed Fisher yesterday as an insincere and unrepentant bully, who had encouraged the younger Glover to attack Winchell while he slept in the barracks hallway guarding the unit's mascot, a dog.

**PROSECUTORS SAID** Fisher lied on multiple occasions to Army detectives and encouraged other soldiers not to talk about the case. They said he also signed false statements.

Prosecutor Gregg Engler charged that Fisher had had several opportunities to help Winchell, who lay mortally wounded in the hall, but instead washed the blood off the baseball bat Glover had used.

Fisher eventually did go out in the hall to look at Winchell

but waited several minutes before trying to call help, prosecutors said.

"Was his loyalty to a killer or to his roommate?" Engler asked. "He was loyal to a killer (Glover)." Engler alleged that Fisher told Glover afterward, "This stays in the family."

**ENGLER SAID** Fisher had a "very destructive, amoral, evil personality."

In his sometimes halting courtroom statement, Fisher said he did not know that Glover "had that much rage in him" and said, "I didn't take him seriously."

Winchell had beaten Glover in a fight shortly before and Glover had been ridiculed for allowing a gay soldier to get the best of him, prosecutors said.

Fisher said he also was "afraid of my manhood" and that he and Winchell teased each other about their sexual orientation. "He teased me back and I teased him back," Fisher said. "Who do you think brought him to the gay bar?"

Fisher said he implored Winchell to breathe when he found him in the hall and urged him to "stay alive."

"I am truly sorry for this," he said. "It should never have happened."

The Associated Press contributed to this story.