December 17, 2010

Albuquerque Journal

Billy the Kid Gets a Shot at a Pardon

By Dan Boyd
Journal Capitol Bureau

SANTA FE — Billy the Kid is finally getting a robust legal defense — thanks in large part to Gov. Bill Richardson.

The legendary New Mexico outlaw had his case taken up in a pardon petition submitted this week to Richardson by prominent Albuquerque trial lawyer Randi McGinn.

Richardson, a two-term Democrat who's leaving office at year's end and currently is trying to cool off what many see as trigger-happy hotheads in North Korea, announced in a news release Thursday that he will decide whether to issue the pardon for the Kid by Dec. 31.

Meanwhile, Richardson said he will accept written comments from the public for the next 10 days before making up his mind.

A Richardson spokeswoman confirmed Thursday that the Governor's Office designated McGinn, whose husband happens to be New Mexico Supreme Court Chief Justice Charles Daniels, to review the Billy the Kid case.

McGinn, who isn't being paid, said a pardon isn't a foregone conclusion. "There's no deal or any fix in," she said in a telephone interview. "(Richardson) said to me, 'You can submit this, but I'm not promising anything.'"

Richardson has kept the possibility of a pardon alive despite fierce opposition to the idea from descendants of Pat Garrett, the Lincoln County sheriff who shot and killed the outlaw near Fort Sumner in 1881.

With this week's submittal of the pardon petition, it appears a decision on whether to pardon Billy the Kid will likely be one of Richardson's final acts as New Mexico's governor.

"As someone who is fascinated with New Mexico's rich history, I've always been intrigued by the story of Billy the Kid and, in particular, the alleged promise of a pardon he was given by Territorial Governor Lew Wallace," Richardson said in a statement. "I will diligently review this new petition and all the facts available regarding an agreement between Billy the Kid and Governor Wallace before making any decision."

McGinn, who said she started reviewing the case six months ago and didn't charge for her services, said her pardon petition hinges on the alleged promise made by Wallace to the Kid.

"The outlaw kept his promise, and the government didn't," McGinn said. "This is an old injustice, but it still resounds today."

In letters written by Billy the Kid to Wallace, the Kid told the territorial governor he was a witness to a murder in 1879 that had shattered a truce agreement in Lincoln County War.

Billy the Kid told Wallace he would testify against the murderers if Wallace agreed to protect him and annul a previous indictment against him. Wallace agreed to the deal, but no
pardon was ever issued, the petition claims.

Historical records show that after receiving a questionable legal defense and being sentenced to death, Billy the Kid eventually broke out of jail — killing two sheriff's deputies in the process — and was subsequently tracked down and shot to death by Garrett.

The body of Billy the Kid, also known as William H. Bonney, is buried outside Fort Sumner.

The pardon petition was formally submitted Tuesday to Richardson's office. Richardson's office said the pardon petition doesn't dispute Billy the Kid's killing of the two Lincoln County sheriff's deputies during his escape from jail or Garrett's actions.

Richardson spokeswoman Alarie Ray-Garcia also said there are no plans to hold a new trial for Billy the Kid.

Richardson is on a trip to North Korea and will return Monday. Gov.-elect Susana Martinez, a Republican, takes office Jan. 1.