

Plea Deal Off, Murder Trial Is Finally On

By DENNIS J. OPATRY

Eleven times over the last three years Steven Nary has come to court to stand trial for murder. Eleven times, Nary has seen the date fade into one continuance after another.

This week, after more than three years in jail, two changes in defense counsel and the crumbling of an apparent plea deal, Nary is finally facing trial for a murder he admits he committed. He claims that it was self-defense, and that he had no choice.

Getting his day in court means Nary finally will tell his story to a jury. However, he has told his story before, and that could prove rather costly. In interviews with two different newspapers, Nary has offered his version of what happened. But he also crowed about how he would only have to serve 2½ years in prison under a deal offered by S.F. prosecutors.

That deal was subsequently taken off the table — apparently in reaction to the interviews — and Nary is now facing life in prison if convicted of first-degree murder.

Nary's case began the night of March 24, 1996, when, as a sailor on shore liberty from the *USS Carl Vinson* aircraft carrier, he was soaking up suds and sounds at the Palladium disco in North Beach.

Just 18 at the time, Nary says he was approached around closing time by Juan Pifarre, 53, publisher of the Spanish-language newspaper *Horizontes*, who worked daytime as a financial analyst for the city of San Jose. Pifarre offered Nary a ride back to the ship.

En route, Nary says Pifarre told him he had been using cocaine and was worried

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STEVEN NARY: The former sailor faces trial this week for the death of a man he admits attacking. He is shown in San Francisco County Jail, where he has awaited trial for more than three years.

DOUG AMERMAN/DESERT SUN

Plea Deal Falls Through, Sailor Faces Murder Trial

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about being stopped by the highway patrol. Pifarre, Nary says, suggested they return to his place to sleep off their altered states before driving over to Alameda Naval Air Station the next morning.

But at Pifarre's Potrero Hill home, something happened between the two men.

In a pair of jailhouse interviews, one to the *Palm Springs Desert Sun* and another to *Stars and Stripes*, Nary detailed how Pifarre allegedly came on to him for sex.

In a story published March 29, 1998, Nary told the *Desert Sun* matter-of-factly how he took a towel rack and beat Pifarre, then choked him to death.

"He kept touching me, going higher and higher," Nary told the interviewer. "It was shocking. Saying 'no' didn't help."

Nary blamed Pifarre for his rage, then added, "There's no sense in throwing me away in prison."

Nary also told the paper that under a proposed plea deal, he could admit to a voluntary manslaughter charge and be sentenced to a five-year prison stint. He added that he would only have to serve half the five-year term, and pointed out that "a trial is a gamble."

In a story published Jan. 24, 1999, in the Sunday magazine of the military *Stars and Stripes* newspaper, Nary repeated his version of events.

Nary said after the fatal fight, he took a taxi back to the *Vinson*. Two days later, he called San Francisco police. He was concerned that an injured Pifarre would tell authorities that he, Nary, was gay and picked him up in a bar. It was then that Nary found out Pifarre was dead.

"It was a bad experience," Nary told his *Stars and Stripes* interviewer. "But this needed to come out or I would have carried it on my shoulders. I have no regrets for turning myself in."

Police didn't buy his story and charged

him with first-degree murder. His bail was set and remains at \$1 million.

San Francisco Deputy Public Defender Jeffrey Adachi was appointed to handle the case through the preliminary hearing.

But friends from Nary's hometown of Cathedral City, in the Southern California desert, raised money to hire George Walker of San Francisco's Walker-Andreas to replace Adachi.

Walker was on the case when the tentative deal was reached.

But after Nary's first jailhouse interview, San Francisco District Attorney Terence Hallinan yanked the deal off the table, according to two attorneys familiar with the case. Hallinan and his homicide unit were apparently angered that their offer was publicly debated.

Nary's mother and friends further inflamed the situation by telling their local newspaper that Nary could not get a fair trial in San Francisco because of the city's influential gay community.

His mother, Edith, dismissed the voluntary manslaughter deal as too severe. "This was involuntary," Mrs. Nary is quoted as saying.

After the DA's office pulled the deal, the Nary family and Dr. Philip Dreisbach, a Rancho Mirage physician who wrote a check to cover a big chunk of Walker's retainer, fired him. On July 23, 1998, San Francisco solo Bruce Hotchkiss was appointed by the court to handle Nary's defense.

Nary, now 21, has been in county jail for nearly 3½ years, making his case one of the longest-pending murder trials in recent years. Superior Court Judge Kevin Ryan will preside over the trial, which is expected to last a month.

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