

JUST \$3.95 A MONTH



Get unlimited digital access to tulsaworld.com so when news breaks, you know the facts

http://www.tulsaworld.com/news/courts/broken-arrow-woman-gets-life-sentence-in-shooting-death-of/article_edfb8111-de88-59bd-b540-d517f4d68e4b.html

Broken Arrow woman gets life sentence in shooting death of ex-husband

Broken Arrow woman sentenced in shooting death of ex-husband

By Samantha Vicent Tulsa World Apr 6, 2017



Nix





Related coverage

Murder-trial jury hears Broken Arrow woman's police interview

Attorney for Broken Arrow woman charged in ex-husband's death claims abuse; prosecutors claim evidence altered

VIDEO: Nix sentenced to life for murder of husband

Nix sentenced to life for murder of husband
Tulsa World

00:03:01:02

Autoplay: On | Off

A 70-year-old Broken Arrow woman was sentenced Wednesday to life in prison after being found guilty in March of first-degree murder in the shooting death of her ex-husband at his home last spring.

Wearing hand and ankle cuffs and a solid orange Tulsa Jail uniform, Judith Gayle Nix took the witness stand briefly and addressed Kenneth Nix's family for the first time since his death on March 21, 2016.

She said she grieves daily over Kenneth Nix's death and her part in it but maintained, as her attorneys did during her trial, that it was difficult to balance her love for him with his increasingly unstable and violent behavior toward her.

"I never ever wished (for) this to happen," Judith Nix said.

Assistant District Attorney Ben Fu, in successfully asking District Judge William Musseman to uphold the jury's sentencing recommendation, said Kenneth Nix was the victim of a "premeditated, cold-blooded act" of murder.

"Although Ms. Nix is of advanced years, this is first-degree murder," Fu said after the hearing. "Sometimes the one act you take in life ... is heinous enough that it's deserving of the ultimate punishment, and in this case I think the jury made the right decision. We think the judge was respectful of that decision, and today justice was done."

Jurors found Judith Nix guilty March 10 of killing Kenneth Nix by shooting him twice in the head, which prosecutors said occurred while he slept in his room.

She was arrested March 22, 2016, when Broken Arrow police said there were inconsistencies between her account of how Kenneth Nix died, evidence at the scene and statements from her daughter Michel Pearson, who was arrested on an accessory complaint but not charged.

Judith Nix, according to her defense team, had battered woman syndrome when she shot her ex-husband after he initiated an altercation with her that led to a struggle over control of his gun. But Fu and Assistant District Attorney Kenneth Elmore said text messages she exchanged with Pearson in the days before the shooting indicated she planned to hurt Kenneth Nix.

Kenneth Nix's oldest son, Kevin Nix, read a victim impact statement Wednesday in which he did not refer to Judith Nix by name. He said that although she sought compassion from the court, "I'd ask how much compassion the defendant had when she decided to take my father's life."

"My sister and my ex-stepsisters will all be able to go visit her in jail or prison," he told reporters, referencing family members who supported Judith Nix. "I will never be able to visit my father or ever be able to talk to him again."

Kevin Nix noted that his former stepmother did not call for help until more than 12 hours after the shooting. Judith Nix called 911 to report Kenneth Nix had died and said it appeared as though he had committed suicide.

Kevin Nix said the last text message he sent to his father, which did not get a response, was on the day he died. He described him as a good father and businessman, and said he wished he could have told the jury about him.

"I became a grandpa and my dad would have been a great-grandpa the same day that he was murdered," he said. "I sent a text to my father telling him he was getting ready to be a great-grandpa, then ... I found out he went to heaven on the same day Abigail Grace was born."

Judith Nix's attorney, Nora O'Neil, told Musseman on Wednesday that any term of incarceration is in effect a death sentence because of Judith Nix's age. She would not be eligible for parole until age 108, O'Neil said.

"This was not a clear-cut, cold-blooded kind of circumstance," she said. "There are a lot of nuances to this case."

O'Neil filed a memorandum on Monday asking that Musseman exercise discretion in his sentencing. In the document, she argued Judith Nix's life experiences made her "particularly vulnerable" to abusive relationships such as the one she had with Kenneth Nix.

“Though Judy was involved in an isolated violent incident, it is undisputed that Judy posts no threat to the community,” O’Neil wrote.

She said after the sentencing that the defense is disappointed with the result of the case but declined further comment.

Fu said he hopes the sentence will show the community that prosecutors and law enforcement advocate for victims of domestic violence.

“What’s unusual about this case and that people don’t expect is that the victim in this case was a male,” Fu said. “He was larger than his wife. He was a robust man. But victims of domestic violence come in all shapes and sizes. They come from all walks of life. And the point we hope every family takes from this story is that no matter where you come from, when you come in our door, all victims of crime are deserving of the same justice that the system can offer.”

Staff Writer Samantha Vicent

Samantha covers Tulsa County District Court proceedings, law enforcement use of force and the Oklahoma prison system, including the death penalty. Phone: 918-581-8321