

## **THE LETTER SEASON 1, EPISODE 4: A Death Sentence Waiting to Happen**

**Amy Donaldson:** A warning to listeners - this podcast includes descriptions of gun violence and associated trauma. Please take care when listening.

**Sy Snarr:** The police called, and I had actually been up for so long, I had - I guess they tell me - I was standing there and all of a sudden, I just passed out on the floor.

They had put me in bed and my husband came in and said, they got him. They got him.

And I was like coming to and I'm like, what? And then it hit me, like, they got him!

**Amy Donaldson:** From KSL Podcasts, I'm Amy Donaldson and this is The Letter. Episode 4: A Death Sentence Waiting to Happen

**(Music)**

**Amy Donaldson:** After her son's funeral, Sy Snarr remembers prosecutor Bob Stott coming to her home to discuss the case with her.

**Sy Snarr:** I said kill him. I actually said that, because I thought he deserves to die. I wanted him to die.

**Amy Donaldson:** Detective Keith Stevens presented everything police found to the prosecutors. The way it looked to Keith, Sy would get her wish.

**Keith Stevens:** We have to find all of the elements of the crime. And all of the elements of this crime, pointed to a capital case.

**Amy Donaldson:** They had a confession, sympathetic victims, and a strong eye witness. It was not Keith's decision to make, but he could have some influence.

**Keith Stevens:** I became quite a salesman into pushing what I felt was the right thing to do. And of course, we have input from other people also, but we will advocate, I will sell the case.

**Amy Donaldson:** So did you see this then as a capital case?

**Keith Stevens:** Absolutely.

**Amy Donaldson:** Attorney Roger Blaylock was on the prosecuting team that would make the case against the defendant.

**Roger Blaylock:** It was just a very bad fact situation. And by bad I don't mean, for a prosecutor, it's a good situation, because it's so terrible. You know, here are two young people up at the reservoir, just kind of taking pictures of the moon and somebody comes up and shoots them both, you know, bam, bam. What is there about the defendant that is socially redeeming?

**Amy Donaldson:** In 1996, Mark Moffat was a young attorney working for the Salt Lake Legal Defenders Office. He and his colleagues were assigned to the case by a judge as Jorge didn't have the money to hire his own attorney. And right from the start Mark said he felt the odds were stacked against them.

**Mark Moffat:** I just remember when that homicide occurred when the shooting occurred, it shook the community, you know, we had two young kids, that were up there doing an innocent thing, you know, in a place in the mountains, where everybody in the community went from time to time, everybody goes up in the mountains to hike or, you know, get away. And there was just something about that case that freaked the community out.

**Amy Donaldson:** Add to that, the evidence against their client was overwhelming.

**Mark Moffat:** Jorge had made statements to the police, inculpatory statements. The truck that was found at the scene, I think was registered to him or was tied to him in some way. I mean, there wasn't much question about guilt or innocence.

**Amy Donaldson:** Mark felt like it might be difficult for a jury made up of typical Utahns to relate to the struggles of an immigrant from Uruguay. Salt Lake City is about 70 percent white, and the surrounding county even more so.

**Mark Moffat:** We were worried about community based bias against this kid. I mean, he was a brown skinned kid with a strange last name, Benvenuto.

**Amy Donaldson:** And remember, this crime happened in the nineties a decade distinguished by a 'tough on crime' sentiment that spared almost no one from minimum sentences for sex offenders to added penalties for gun crimes, to sending minors straight into the adult courts. The focus was on punishment and protection.

**Mark Moffat:** You know, you have to think back - our community, as of that point in time, had already imposed, I mean, Salt Lake jurors had imposed death sentences against other people.

**Amy Donaldson:** In Utah in the '90s, seven men received death sentences, and, in that same time frame, the state executed three people. That might not seem like a lot compared to states like Florida or Texas. But it is the most in Utah in a single decade since the 1950s.

There were a lot of reasons for Mark to think his client might get the death penalty, but the fact that Jorge was only 19 years old when he pulled the trigger, just a month older than Zachary, Mark thought that might be a mitigating factor.

**Mark Moffat:** You know, one of the things that we thought was an issue positive for us was Jorge's age but given everything else that was going on, with who he was, and what he had done, we just felt it was going to be a death sentence.

**Amy Donaldson:** Jorge Benvenuto's first court appearance was an arraignment on Sept. 4, 1996, exactly a week after the shooting. This was a brief appearance, where he was assigned attorneys and bail was set at a million dollars, but it would have been the first opportunity for the Snarr and Rodier families to see him in person.

Zachary Snarr's sister Sydney remembers the first time she saw her brother's killer.

**Sydney Snarr:** Our side of the courtroom was just standing room only. And I remember looking over and seeing his mom and his siblings sitting there. And that was it for him. And I remember just thinking good.

Jorge walked into the courtroom, and he was pale, and he had his jumper on - the orange jumper - and he was handcuffed. And they had a chain down to his ankles. So he was shackled.

He had a goatee, and it was all pointy, and he was so pale, and his hair was just black and his goatee was black. And he wouldn't look at us. And I remember just thinking, he looks like, he looks like Satan to me.

**Amy Donaldson:** While Sydney saw the devil in Jorge, Yvette Rodier's sister Danielle saw something very different.

**Danielle Rodier:** This kid walked through the door. And I was like, oh, that's what a killer looks like? I mean, I was surprised that he didn't look like the boogeyman because he was evil in my mind. And to see that he looked just like a regular person, I didn't really know how to compartmentalize that. I didn't know where to put that.

**Amy Donaldson:** For Yvette, every court hearing was difficult because she had to be in the same room with the man who'd tried to kill her.

**Yvette Rodier:** They were so hard. At one hearing, I didn't know he was going to be there. So I hadn't mentally prepared. And they called the case and he walked in. And I sobbed more than I've sobbed in public ever in my whole life, like embarrassingly sobbing, like the judge had to stop for a minute until I could get myself together. He has remained terrifying to me. I know I'm safe in the courtroom, and he doesn't look at me or anything like that. But he terrifies me.

**Amy Donaldson:** Jorge made 15 court appearances between Sept. 4, 1996, and Jan. 30, 1998, and Mark remembers that every single one was emotionally charged.

**Mark Moffat:** All I remember is walking into that courtroom, and it was packed. And it was packed with family members of Zach Snarr and Yvette Rodier. And you could cut the emotion with a knife. These people hated Jorge, and you can't blame him, but, but they hated him and they were angry.

**Amy Donaldson:** The Snarrs' grief over losing Zach had hardened into hatred for the man who killed him.

**Ron Snarr:** I was gonna' jump him in the courtroom and try to kill him myself with my bare hands.

**Amy Donaldson:** Zach's father Ron said he was consumed with thoughts of revenge.

**Ron Snarr:** If I could be on the firing squad, I'd do it myself. They wouldn't need a firing squad, I'd just kill him with my bare hands.

**Ron couldn't confront Jorge, but he could make sure the rest of his family understood the pain Jorge had inflicted on them.**

**Ron Snarr:** I blamed everybody with the name Benvenuto. You know, they'd show up and Mrs. Benvenuto - her and her kids would be there the first day, and I'm thinking to myself, how could you raise such a monster? Just go and start shooting people and you didn't even know 'em, you know, how do you process that? So I always blamed them. They're the only ones in the room I could get at because I couldn't get to him.

**Amy Donaldson:** After one of those court appearances, Ron slid onto the bench behind Jorge's mother and told her exactly how he felt.

**Ron Snarr:** You know, here she is just beside herself. I can understand the grief she was in and that now. But at the time I thought she was the cause. You know, how could you raise such a monster? What did you do wrong? You know, I was just letting her have it, telling her those things.

**Amy Donaldson:** His hatred extended to anyone associated with Jorge, including the defense team.

**Ron Snarr:** I thought, how could they sit there and try to defend this guy and get him off? And I didn't have any respect for Mark Moffat, or any of them sitting on - anybody on that side of the room was some of the lowest human beings on earth.

**Amy Donaldson:** Ron wasn't the only one thinking about how to hurt the man who'd taken Zach's life.

**Sydney Snarr:** I used to fantasize about what I would do for the opportunity to, you know, be in a room with him alone with a baseball bat.

**Amy Donaldson:** In the months since her brother was gunned down, Sydney's pain had turned to rage.

**Sydney Snarr:** I did, I spent so much time just wishing the worst on him. And I hope he's, you know, suffering. I hope he's, I hope he gets killed in prison. I wish they would have just shot him when they arrested him. Why didn't they just kill him? You know, you hear of the stages of grief; this is in my - we'll call this my anger phase, but I wanted him to suffer.

**Amy Donaldson:** On Feb. 5, 1997, a preliminary hearing was held in Salt Lake County's Third District Court. This was the hearing that would determine whether or not there was enough evidence for prosecutors to pursue the death penalty at trial. In this type of hearing, prosecutors tried to provide key evidence against the defendant, but it was never the entirety of the case. The goal was simply to convince a judge that there was enough evidence to bind the defendant over for a trial. In this hearing, only Yvette who'd survived the shooting, and Keith Stevens, the lead detective, as well as a medical examiner, would testify.

During the preliminary hearing, Jorge sat in silence next to his lawyers. While Yvette detailed what happened the night of the shooting. Even the formality of court with armed bailiffs nearby didn't make her feel safe.

**Yvette Rodier:** It was scary. I had to point him out, and my finger just shook as I was pointing him out.

**Amy Donaldson:** Yvette's aunt Toni Sullivan watched her testify, feeling immense pride for her niece's courage. She sat with Yvette's mother, Linda, amazed at what the young woman was able to do under such difficult circumstances.

**Toni Sullivan:** I was in awe at her ability to communicate the important details. She was more composed than you would guess that she could be. And that it was because at that point, I think she'd reached the standpoint of - the truth needs to be told, and I'm the only one who can tell it. And she became emotional a few times, but she never broke down. I know that I felt - and I know Linda did - the pride of a mom, saying I don't know how my kid is doing this but she is.

**Mark Moffat:** I remember it being very powerful.

**Amy Donaldson:** Yvette's testimony just made Jorge's defense attorney Mark Moffat even more apprehensive about the prospect of saving Jorge's life.

**Mark Moffat:** Her experience in that case, there's nothing we could do as the defense lawyers to undermine it. There's just, I mean, nothing. My memory is that we did that preliminary hearing, we saw these people testify, we saw Yvette testify, we knew what the evidence was against our client; we were as convinced as ever that Jorge faced a very real possibility of a death sentence.

**Amy Donaldson:** But the legal system will make everyone question what justice means in this case. That's after the break.

### **(Commercial Break)**

**Amy Donaldson:** As the case progressed, The criminal justice process was taking a toll on everyone involved.

**Roger Blaylock:** It's really heavily emotional, because what it does is it brings back to victims exactly what happened.

**Amy Donaldson:** Prosecutor Roger Blaylock says court forces people to reckon with loss in a uniquely painful way.

**Roger Blaylock:** That sense of loss becomes apparent to everybody that's in the courtroom - you know, the family and everybody else. I would imagine even the defendant's family feel some sense of it, because they can't fathom that their son or their brother would do something that bad.

**Amy Donaldson:** Anyone who cared about the three families involved felt deep pain in these court appearances.

**Toni Sullivan:** I remember coming home every time and we'd get in the car to leave after those sessions and the things that led up to it, and I cried every single time.

**Amy Donaldson:** Yvette's aunt Toni witnessed her struggles in the courtroom and in her life.

**Toni Sullivan:** I remember many times just praying that she'd be able to handle it, that it was like, they're asking so much of her and I can't imagine enduring what she's been through. I just can't even imagine it. She was waking up with nightmares on a regular basis. Her survival guilt got worse and worse. The more she started going through, I want to tell the story because I want to make sure I want him to have to pay, I want the shooter to pay, but because of that she's reliving these experiences. I mean, she has to tell the story over and over and over again, and that became very difficult for her.

**Amy Donaldson:** Yvette was determined to do what was asked. She was determined to get justice for Zach, but her mother was worried about her.

**Yvette Rodier:** She was definitely a mama bear, and she was really frustrated during the court process; she felt like I was neglected in the process. And I didn't per se, but I was also 18-19 and didn't really have any expectation. And so she just was very protective about me and wanted to be sure that everyone remembered me too. And I kind of didn't want to be remembered. But she wanted to just be sure everything that they could do for me, they were doing.

**Amy Donaldson:** Meanwhile, Zach's mother realized she was not prepared to hear some of the details that would be shared in court proceedings.

**Sy Snarr:** The day the medical examiner testified I think was the worst day of my life. Because she did show a drawing of Zach and talked about where he shot him and after he'd shot him twice, he actually held the gun point blank to his head. And I had not known that. And that really affected me. It did. And I had driven myself down there and I literally had to pull over; I could not drive home because I was wailing, sobbing. It really, it just killed me that that had happened to that beautiful boy of mine, you know, that his life ended that way. It was hard.

**Amy Donaldson:** The agony of reliving that night in court hearings began to make Sy have doubts about whether or not she could go through with a trial.

**Sy Snarr:** At first, you know, I thought, no, he, we need to go to trial because he needs to die.

**Amy Donaldson:** But then Sy was watching news coverage of a murder at a video store on the west side of the Salt Lake valley.

**Sy Snarr:** And they were showing drawings of this person's body showing where she had been stabbed over and over. And I thought, I cannot watch this on TV about Zach, I can't do it.

**Amy Donaldson:** Death seemed the only semblance of justice to those left in the wake of the shooting. But the emotional price they'd have to pay to send Jorge Benvenuto to his grave began to feel too high for some. That's when prosecutors proposed an alternative, one that would allow the families to move on without reliving every single excruciating detail of that horrific night. Jorge could plead guilty so there would be no trial. His life would be spared, but instead of a firing squad or a lethal dose of poison, the 19-year-old would never, ever leave the prison. Prosecutor Roger Blaylock says discussing plea deals with those devastated by violence is a delicate balancing act.

**Roger Blaylock:** Well, what you have to do is you have to be very honest with people who've lost loved ones like that. And we said, look, okay, if we go to trial, and if there's a guilty verdict, and if they impose the death penalty, that's another 20 years before there's any kind of real resolution on this. Because that's just kind of the way it is, there are going to be appeals and appeals and appeals and appeals.

**Amy Donaldson:** A plea promised to eliminate years of court battles.

**Roger Blaylock:** Do you feel like justice is served if he pleads guilty and we say, okay, we're not going to request the death penalty, it'll be life without parole? Is that something that you feel like, meets what you want in the way of justice? Does that kind of balance things out? Nothing really could balance it out, but does that give you a feeling that what needed to be accomplished has been accomplished?

**Toni Sullivan:** We didn't know if that was even fair.

**Amy Donaldson:** Toni says their family really struggled with the idea of a plea deal.

**Toni Sullivan:** How can he take a plea deal and he's gonna' end up in a position where he's gonna' be able to still live and stuff, but Zach doesn't get to live, and Yvette doesn't get to live normally again?

**Amy Donaldson:** It was especially difficult for Yvette's mother Linda to accept.

**Toni Sullivan:** She said, I really want him to pay, and right now, I'm having a really hard time because I don't know that this is enough payment. It will never make anything right. She said, I want restitution, but restitution will never be paid. There's no way you can pay restitution for this.

**Amy Donaldson:** Yvette's family had to ask themselves what they really wanted. They considered the risks of going to trial. They listened to the prosecutor's reasoning.

**Toni Sullivan:** He said, the biggest reason that I encourage you to do this is because if one thing goes wrong in the courtroom, and something isn't handled in the way that we want it to, he could walk away. Things that are out of our control, they could twist them or they're going to not allow some piece of evidence or something like that. And he says we have a solid case, we know, we have a confession. And if anything goes wrong you could lose this all together.

**Amy Donaldson:** As for Yvette, she didn't think it was her decision to make.

**Yvette Rodier:** I don't recall thinking about it at that time. I definitely knew I was afraid of him. And so if there was something that would keep him away from me, I was all for it. But I don't think I ever wished death upon him.

**Amy Donaldson:** Even though a plea deal didn't seem like the justice they were looking for, Toni says they focused on what Yvette wanted, that the man who killed her friend and intended to kill her never be allowed to hurt anybody again.

Like Yvette's family, the Snarrs had mixed feelings about a plea deal.

**Sydney Snarr:** I was at first upset.



**Amy Donaldson:** Sydney felt like they owed Zach more of a fight.

**Sydney Snarr:** Like what are we doing? Are we not fighting hard enough, like why would we accept a plea? I want him to fry.

**Amy Donaldson:** But then she was watching a news report about a death penalty case in another state.

**Sydney Snarr:** And they were talking about the prisoner who was going to be executed. You know, there were people out there protesting his death and holding up signs saying, you know, he's God's child, and you know, show mercy. And he's a born again Christian, you know, and people were crying over his fate. And I remember just thinking, they have not mentioned the victim once, or the victim's families, or loved ones, or you know, who's who's representing the victim here? It's all about this really bad guy.

**Amy Snarr:** Sydney began to think that if her brother's killer went to prison, people would just forget about him.

**Sydney Snarr:** He's going to fade into nothing, which is what he deserves, you know, and I remember just thinking that like, well, at least 20 years from now, we won't be, you know, hearing about what a great guy he is.

**Sy Snarr:** Well, three of us wanted to accept the plea bargain, and two did not.

**Amy Donaldson:** Zach's mother Sy, along with Sydney and his youngest brother Levi wanted to accept the plea deal. They wanted it to be over. They wanted Jorge behind bars for the rest of his life.

**Sy Snarr:** Ron, and our oldest son said, no, we need to go to trial.

**Amy Donaldson:** In an effort to help them make the decision, prosecutors arranged for them to visit the Utah State Prison.

**Sy Snarr:** And we met the assistant warden, and he took us through that entire prison. And my husband and my son said, I'd rather be dead than be here.

**Amy Donaldson:** I understand this feeling. I covered corrections for six years, and I've spent time in most of Utah's prison facilities. Life in the maximum security units is bleak. It was during that time that I first met attorney Bob Steele, who was part of Jorge Benvenuto's defense team. He spent his 40-year career working with death row and maximum security inmates.

**Amy Donaldson (talking with Bob Steele):** I remember the first time I did a tour, and I thought, I think I would rather die than live my whole life here. Like, I can't think of anything less hopeful.

**Bob Steele:** No, and and it's kind um, God, this is a horrible way to say it, it feels a little bit like going in the zoo, in one of those places where they're hosing the poop off the floor, and there's people yelling. It's the noisiest place you can imagine. It's all concrete and metal. And you put on top of that, gang interactions; there's always the threat of a stabbing, there's always the threat of death. When you live in a punishment regime, there is an alternative, governing body. And that's the inmates, and the inmates are in charge of a lot of the behavior that goes on and the guards, I mean, what can you do? You keep punishing? I mean, you can't modify the behavior in any meaningful way.

**Amy Donaldson:** Inmates in maximum security live in rooms the size of walk-in closets. At the time, inmates weren't allowed to work or exercise the way other inmates could. I remember having a conversation with a death row inmate on a visit in 1996. He told me he didn't want to die, but he was considering dropping his appeals and accepting his fate. I asked him what would make him quit fighting for his life. Living in maximum security, he told me, was inhumane. It was devoid of ordinary pleasures like enjoying fresh air, walking on the grass, or eating with other people. There were no normal human interactions, like handshakes or hugs, and it gave them nothing to look forward to, nothing to motivate them to be better people. There was, as he put it, no hope.

Seeing the realities of life in prison helped Ron come around to the idea of a plea deal.

**Ron Snarr:** There's something worse than death and that's living in prison the rest of your life with your cell buddy.

**Amy Donaldson:** Sydney was out of state at the time, so she didn't see the prison for herself, but she talked to her family afterward.

**Sydney Snarr:** My older brother Trent said that it gave him nightmares. And I remember him telling me that I think I would rather die than live the rest of my life in that hellhole. And at that point, I was like, well then good, do it. Let's forget about him. He can go in there and rot.

**Amy Donaldson:** Coming up after the break, the sentencing of Jorge Benvenuto.

**(Commercial break)**

**Amy Donaldson:** The families decided to accept the plea deal in return for the assurance that Jorge Benvenuto would be locked away for the rest of his life.

Mark remembers taking the offer to his client.

**Mark Moffat:** "Oh, it was horrible."

**Amy Donaldson:** He felt the plea deal was the only way to save Jorge's life.

**Mark Moffat:** “So I've got a - basically a 19 or maybe he was 20 then, barely 20, when we sort of made that offer. So I had a very young person asking me questions like, what's the difference for me between death and spending every day for the rest of my life in prison? How is that good for me? And those were incredibly difficult questions to answer. And Jorge, at that time was vacillating, he still had suicidal ideation going on. So he was hoping that the state would put him to death.

**Amy Donaldson:** And you're as a defense lawyer, you're sort of hardwired to - avoiding the death penalty in a case like this where you're almost certain he would get it if you put it in front of a jury - anything else is a victory. So you kind of measure it differently than you might in any other case?

**Mark Moffat:** Absolutely. So when we sat down and talked with Jorge, imposition of the death penalty was such a viable...

**Amy Donaldson:** It was a real threat, a real threat. Yeah. So you're saying this is a real option, but he's suicidal, so that might not be a deterrent – that might not be persuading him.

**Mark Moffat:** No, and when you do death penalty work, there are people that you come to know as - we call them volunteers, who basically say, I'm not going to fight. And Jorge was on certain days a volunteer, other days, not, I mean, he vacillated, and it made these discussions really hard. And they continued right up until the moments before the plea.”

**Amy Donaldson:** On Oct. 5, 1997, Jorge was scheduled to enter a guilty plea. He shared his uncertainty with his attorneys, even as they prepared to stand before the judge.

**Mark Moffat:** Even up until the moments before he was to go in and enter his plea, he still had reservations about it.

**Amy Donaldson:** Shortly after Jorge entered his guilty plea, the Benvenutos fired the public defense team and hired a private attorney, Robert Booker. Mark was given no explanation, but the move signaled a change in legal strategy. The defense team that had fought so hard to save Jorge's life ended up watching the sentencing from the gallery.

The hearing was essentially a formality. Because of the plea agreement, the outcome was not a mystery. Everyone knew going into it that Jorge Benvenuto would be sentenced to life in prison without parole. Still, this hearing in January of 1998, 17 months after the shooting, was the first time the victims would speak in court about how it had changed their lives.

Before they spoke, the judge asked Mr. Booker if Jorge Benvenuto would like to speak. Mr. Booker said his client had chosen not to make a statement, but that he would make a few comments on his behalf.

“This is a very, very difficult case”, Booker said. Quote, “It’s a case that certainly offers far more questions than answers to anyone. I do feel confident that Mr. Benvenuto is very, very, (pause) very much regrets whatever it is that went wrong on that night.” End quote.

One after another, those left in the ruins of the shooting, tried to put their pain into words.

“Your Honor,” Zach’s father Ron said, “We struggled with the idea of making a plea bargain. We felt we were the only ones doing everything possible to make sure there was justice for Zachary. We didn’t want to let him down. The irony is that Zachary would be the first one to forgive.”

Zach’s mother Sy told the judge, “I need to know that the murderer will never walk free. He made a terrible choice. Now he must pay the consequences for that choice. We need some closure. Our family needs to get on with our lives. Yvette needs to get on with her life. But we cannot do that until we know that we and everyone else are safe.”

Yvette’s mother Linda also shared her feelings with the court. She said, quote “I think it’s important for the court know and that everyone here know that on August 28th, 1996, Mr. Benvenuto killed two people. We miss a part of Yvette that will never be here. There is a part of her that is dead, and I don’t know that it will ever be returned to us.”

Yvette also stood in the courtroom to speak that day. Until this moment, her words were meant to detail the facts of a crime. Everything she’d offered was in response to the questions from detectives or prosecutors, but this statement, written by a 19-year-old Yvette and then read in court, is the most complete account of how this traumatic experience changed her life. It’s the only record of how she felt in those months after surviving a shooting that robbed her friend of his life. For that reason, the court transcript is read here by an actor.

**Yvette Statement (actor voice):** On August 28 1996, the word that describes that night the most is alone. I was with my dearest closest friend, and he was murdered right next to me. It’s hard to describe the feelings that go through your mind when you know that someone that you love dearly is laying dead beside you. I was shot many times, I don’t know how many. I’ve got the scars to prove it. But I was alone that night, after a person who had just murdered my friend rummaged through my clothing, and I could feel his hands on my body, I was alone.

I guess you really don’t know what happens until after, but I remember it all. There is nothing that I have forgotten, and I don’t know if I will ever forget. Since that night, my body has basically been ripped apart again. I’ve had five operations, one more to come, most of them on my head, opening my head, taking pieces out, putting them back in. Right now I have a hole in my head. How do I explain that to someone? I try to cover it up, but I know it’s there. And I’ve got a hole in my head because someone shot me.

The pain that I’ve incurred because of these operations is amazing. They give me shots as soon as they can, only to push the pain away for 10 or 15 minutes, then I have to wait another three or four hours to get another one. It’s horrible. It’s happened five times now, and I know I have to

go at least once again. Each time I have an operation, my head swells to the size of a watermelon. It's painful, and I lose most of my hair, which for a 19-year-old, that's hard. I know it seems vain, but I guess it's the little things that hurt us almost the most.

Those are just physical things. Who cares, really? I can handle those. It's the psychological pain that I think has hurt the most. And I know what depression is. I know because I have suffered it many days. I think a lot of it has to come from survivor's guilt. I know that's a clinical term, but I feel guilty that Zach died. And I don't know if the person who has done this does. I sure hope so. But I didn't try CPR. I know CPR. Why didn't I do it?

I didn't try to hold his wounds or hold him tight. I couldn't remember his family's phone number in the operating room. And I called that phone number almost every day and I couldn't remember it. I hate dealing with that guilt. It's so unfair. I hate that feeling. A lot of my psychological pain is fear. I'm afraid to cross the street. I'm afraid someone is attacking me. I'm afraid someone is stalking me. I'm afraid of nighttime. I'm afraid of gunshots on the television. My whole family's had to alter their life so I wouldn't have to be alone by myself. I'm too afraid of my fears. I don't sleep. I have horrible nightmares that I die or that people I love die. I think part of a lot of the psychological stuff is that I know that when he stopped that shooting and reloaded - that he was aiming right at me. And that it was me he wanted to kill. And that's a horrible pain that I hope nobody would ever ever have to have again.

Zach and I are not the only victims here. Our families and friends, our communities are too. It's not just us we need to have justice for. It's for all of us around us. I just, I know that I have a family who loves me and protects me and takes care of me, and I'm thankful for that because I don't think I would be strong enough to stand today and say how much this has hurt me. But out of all this, I can deal with it. I'm alive. I can wake up tomorrow. I'm lucky. But Zach never will. And I have lost a dear, dear friend. And that is what's so unfair to me. I lost someone who remembered my birthday, and who loved me and looked out for me. That's what is the most unfair in this case. I appreciate this sentence that's being made today to serve justice for our families and friends. Thank you for your time.

**Amy Donaldson:** Judge Anne Stirba, who died in 2001, explained that she had read the letters provided by the families - she had reviewed the case and given it a great deal of thought. Then she addressed Jorge Benvenuto directly.

She said, "I cannot imagine the pain of losing a child. You will never know what it is like to have a child or to lose a child. Mr Benvenuto, I don't think you will ever know the pain, the full extent, the full measure of pain which you have caused."

Judge Stirba said she was struck by all the letters she received from people who said Zachary Snarr was their best friend.

The judge expressed awe for Yvette. Quote, "What Yvette is today, she is because of her own incredible courage, and her strength and her will to heal, despite what you took from her."

She sentenced Jorge Benvenuto to spend the rest of his natural life in the Utah State prison. Parole would never be a possibility. Judge Stirba took the extraordinary step of saying that she would write a letter to the Board of Pardons and Parole recommending that he never leave prison.

**Yvette Rodier:** I felt so safe when he got life in prison without parole...

**Amy Donaldson:** For Yvette, Judge Stirba's words were exactly what she needed to hear.

**Yvette Rodier:** It to me just made the world a safe place for me again. And I wasn't afraid necessarily he was getting out, but to have the judge say that, it definitely felt so good.

**Amy Donaldson:** Yvette says she will always remember the way Judge Stirba made her feel.

**Yvette Rodier:** Because you feel like the defendant is the only one who is being protected, is being heard throughout the process. And while that may not be true, your voice, it feels like your voice is not part of this process. And so just to be able to talk and have a judge, listen, is so validating.

**Amy Donaldson:** TV cameras captured the moment the Snarrs emerged from the courtroom that day.

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**Ron Snarr:** I hope like the judge says, he'll never have to walk out of the state prison. He can go out there and sit in a hole and rot the rest of his life as far as I'm concerned.

**Reporter:** After court, there were more hugs and tears and relief.

**Sy Snarr:** I never have to see him again; I think that's what makes me the happiest because it's the hardest thing I've ever had to do is sit there in that courtroom with him and just sit there, it's hard.

**Amy Donaldson:** Sy was relieved because she thought it would be the last time she'd ever have to face Jorge Benvenuto.

**Sy Snarr:** I thought, I won't have to even think about him or, you know, I'll never have to see him. I'll never have to hear his name again.

[MUSIC PEAKS THEN DIPS]

**Amy Donaldson (speaking with Sy Snarr):** Did you feel like okay, it's over?

**Sy Snarr:** Oh, I did. I was so naive. (laughs)

**Amy Donaldson:** Next time on The Letter, the Snarrs realize what rage has done to their lives.

**Sy Snarr:** When you have that much hatred and anger in you, you become that; you are angry and hateful. I didn't like it. I didn't like what I had become.

[CREDITS]

**Andrea Smardon:** It's a tough one - death or life behind bars. This is producer Andrea Smardon, and on this week's bonus episode, Amy has questions for defense attorney Mark Moffat about the death penalty, life without parole, and decisions made in the nineties that are still affecting all of us today.

You can get all the bonus content by subscribing to Lemonada Premium. You can subscribe right now in the Apple podcast app by clicking on our podcast logo, and then click the subscribe button.

**Amy Donaldson:** The Letter is researched and reported by me, Amy Donaldson. It's written by myself and Andrea Smardon, who is also responsible for production and sound design. Mixing by Trent Sell.

**Andrea Smardon:** Special thanks to Nina Earnest, Becky Bruce, KellieAnn Halverson, Ryan Meeks, Josh Tilton, Ben Kuebrich, and Dave Cawley.

**Amy Donaldson:** Main musical score composed by Allison Leyton-Brown.

**Andrea Smardon:** With KSL Podcasts, executive producer Sheryl Worsley, for Lemonada Media, executive producers Jessica Cordova Kramer and Stephanie Wittels Wachs and executive producers Paul Anderson and Nick Panella with Workhouse Media.

**Amy Donaldson:** If you like our show, please give us a rating and a review. It helps people find us. Follow us at [theletterpodcast.com](http://theletterpodcast.com) and on social @theletterpodcast.

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