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TOP STORY

## Gallatin County murder defendant takes stand in own defense

JODI HAUSEN, Chronicle Staff Writer May 11, 2011



Jay Myran testifies during his murder trial Tuesday in Judge Holly Brown's courtroom.

ERIK PETERSEN/CHRONICLE

The man on trial for killing his former girlfriend in 2009 admitted in court Tuesday to burning the body of the victim after shooting her with a shotgun but insisted the death was an accident.

Jay Myran, 39, told a Gallatin County jury he was “acting recklessly” when he stood in the Three Forks trailer with a cocked and loaded .410-caliber shotgun during a drunken argument with 53-year-old Gayle Brewster.

“No reasonable person” would do that, he said while being questioned by his attorney Peter Ohman.

“Did you get the gun out to shoot her?” Ohman asked.

“No,” Myran responded. “I did not.”

Myran reiterated that contention during cross-examination.

“It was a very risky, very dangerous situation,” he told Gallatin County Attorney Marty Lambert. “I didn’t have a plan to kill Gayle.”

Myran and his son, Lance Myran, who also took the stand Tuesday, testified that Brewster grabbed the barrel of the gun and put it in her mouth while saying something like, “Do it, cowboy.” The gun then fired.

“I was pretty freaked out,” Myran said, tearing up, his face turning red. “Her body at my feet, Lance looking at me.”

But Lambert wasn’t buying it, and challenged Myran -- the first and likely only witness for the defense.

The gun wouldn’t have fired, Lambert stressed, unless the hammer was cocked and the weapon was loaded.

“And you did that, didn’t you?” Lambert asked.

“Yes,” Myran responded.

“And you meant to shoot Gayle Brewster,” the prosecutor said.

“No,” Myran replied.

“On May 12, you don’t remember getting out the shotgun, you don’t remember loading it, you don’t remember cocking the hammer, but you remember Gayle putting the gun in her mouth and saying ‘Do it cowboy?’” Lambert asked him.

“Bits and pieces of that day, I remember,” Myran responded.

Only what he wants the jury to know today, Lambert countered.

Ohman questioned Myran about his relationship with Brewster, which started in Kinsey outside Miles City. When he was 15, Brewster seduced him into a sexual relationship, Myran said.

At the time, he also served as her designated driver. Brewster would take him to a biker bar, “a whorehouse,” Myran called it. He’d sit at the bar, smoke pot, drink and watch the strippers while she partied, he said.

Though he “just kind of went with it,” Myran said Brewster’s sexual advances upset him, particularly because she was married, he testified.

“I know what adultery is,” Myran said. “I was brought up in a Christian home.”

When Ohman asked if that relationship contributed to the shooting, Myran agreed it probably had.

When the two moved into the small 3155 Pyfer Road trailer in November 2008, they began arguing.

There was a lot of tension because “Gayle wanted to have sex, and I didn’t find her attractive anymore,” Myran testified.

Tensions flared when Lance, then 13, moved in with them. Brewster and Lance “didn’t exactly see eye to eye,” Lance testified.

Though Myran admitted he’d said on several occasions that he wanted to kill Gayle, he said he was just blowing off steam after arguments.

“I was being sarcastic,” Myran testified.

And though Lance Myran said his father said several times, including just minutes before Brewster was actually shot, “Let’s kill Gayle,” he corroborated his father’s contention.

“I’d just blow it off as drunk talk,” said Lance Myran, now 15.

Judge Holly Brown told the jury Tuesday they should expect to begin their deliberations today.

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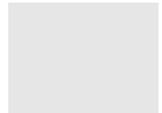
Reporter Jodi Hausen is providing live coverage of the Myran trial in Bozeman, beginning May 5.

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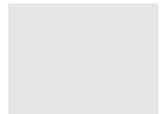
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