

Seven shots, and a hung jury

Mistrial declared in Swinford murder case

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World photo/Don Seabrook

Steven Swinford enters the courtroom Thursday before testifying in his trial for the murder of Paul Raney in Chelan County Superior Court. On Friday, jurors declared themselves deadlocked and Judge T.W. "Chip" Small declared a mistrial.

WENATCHEE — The murder trial of Steven Michael Swinford ended with a hung jury declared at 4:05 p.m. Friday.

The seven-woman, five-man Chelan County jury deadlocked in considering whether to find Swinford guilty of second-degree murder, or possibly of a lesser manslaughter charge. The group deliberated more than six hours Friday and three on Thursday.

Superior Court Judge T.W. "Chip" Small declared a mistrial at the request of Deputy Prosecutor Doug Shae. A new hearing on Wednesday will set the dates for a retrial, possibly in December.

Swinford, 21, shot his 22-year-old best friend Paul Raney seven times with a .45-caliber pistol about 12:50 a.m. Jan. 28, in the living room of Swinford's home in Manson.

Raney's large extended family was present for the full week of trial, camping out in the courthouse hallway while jurors struggled toward a verdict. They declined to be interviewed after the mistrial declaration Friday.

The jury hung after reviewing four days of testimony, closed out by Swinford taking the stand in his own defense late Thursday morning. The defendant said after a dispute over the use of an iPod, he saw Raney reaching for a handgun concealed in his chair.

He reacted by snatching up a loaded .45 pistol, closing his eyes, and firing seven times.

All seven shots struck Raney in the chest or abdomen; he also received wounds through his left hand and right arm. He was pronounced dead at the scene.

The jury forewoman tensely told Small there was no reasonable chance of reaching a verdict either on the second-degree murder charge, or on the lesser included charges of first- or second-degree manslaughter. Small's instructions to the jury specified that they could consider the lesser charges if they found there was not enough evidence to convict Swinford on the murder count.

Jurors could not immediately be located after the declaration to ask for comment, but from the bench, Small noted that they had also been asked to weigh whether Swinford acted justifiably to defend himself when he killed his friend.

"It appears, to the court, anyway, that 'justifiable' was the primary issue they were hung on," Small said.

Swinford's lawyer, public defender Jeremy Ford, pursued a self-defense claim throughout the trial, saying Raney posed a clear threat and Swinford acted to defend himself. He told the jury Swinford's roommate falsely testified that he had not seen Raney holding a gun.

Shae, meanwhile, told the jury blood spatter evidence and witness testimony proved Raney did not wield a gun that night. He called Swinford's actions "the case of a man who shot somebody to watch him die."

The jury had taken the case behind closed doors shortly after 3 p.m. Thursday, then broke for the evening at 6:30 p.m. and returned to work at 9 a.m. Friday. They reportedly asked once to re-hear the recording of Swinford's 911 call moments after the shooting, in which he admitted the act, called it a "murder" and said, "I overreacted."

"There's no excuse," Swinford said on the recorded call. "I will go to jail for a long time."

Swinford and Raney had known each other for at least 10 years, through school and participation in athletics. Swinford testified that he and Raney were "close best friends."



Paul Raney, killed by gunfire Jan. 28.

The 6-foot-3 Raney was a 2006 graduate of Chelan High School. At the time of his death, he was employed as an instructor at Echo Valley Ski Area, teaching children how to snowboard and ski. Raney lived for downhill skiing, relatives said, and often did so without using poles.

Swinford shared the Manson house with two other roommates, one of whom had accompanied Swinford and Raney the afternoon of Jan. 27 to go target shooting. That accounted for the presence

of several loaded semi-automatic handguns in the living room, including the Colt .45 used by Swinford and the .40-caliber FNP found shoved in the seatcushion of Raney's chair.

The shooting took place in front of Swinford's roommate Steven Flick, who testified that Swinford shot Raney unprovoked after the two had a mild disagreement over whether to play music from an iPod while it was hooked to an Xbox charger. All three had been drinking beer and liquor as part of a Three-Man drinking game.

If convicted at retrial, Swinford — a Chelan High School graduate, a former Navy member and the father of a 1-year-old son — faces a likely 10- to 18-year term in prison, with a five-year enhancement for use of a firearm. The maximum sentence for second-degree murder is life.

Swinford has been held on \$1 million bond in Chelan County Regional Justice Center since his arrest. With a grim smile at his parents in the courtroom, he was escorted back to his cell after the mistrial hearing.

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