

December 29, 2011 in [City](#)

Judge appointed to Tucker recall effort

He presided on move to unseat Mayor West

Thomas Clouse

The same judge who approved the ballot language for the recall that unseated Spokane Mayor Jim West has been appointed to hear a similar effort to remove Spokane County Prosecutor Steve Tucker.

Superior Court Judge Craig Matheson, of the Tri-Cities, has been appointed to preside over a Jan. 6 hearing to determine whether several allegations levied against Tucker by Spokane activist Shannon Sullivan are factually and legally sufficient to proceed to a recall vote.

Matheson will also be asked to approve proposed ballot language suggested by the Washington attorney general's office if the judge determines the recall qualifies, said Ron Miles, the Superior Court administrator.

Meanwhile, Tucker has hired Tacoma attorney Mark Hood to represent him during the recall effort. Hood successfully defended Pierce County Prosecutor Mark Lindquist against a 2010 recall attempt.

Sullivan originally filed the effort against Tucker on Dec. 7. Then on Friday, she filed a 22-page petition outlining several allegations of "malfeasance, misfeasance" and violations of his oath of office.

They include an alleged campaign promise to not prosecute public employees; failure to file charges against former Spokane firefighter Daniel Ross in a firehouse sex scandal involving a 16-year-old girl; failure to prosecute several officers involved in the March 18, 2006, fatal confrontation with Otto Zehm; and Tucker's recent refusal to appear before a judge who wanted to know why he agreed to reduce seven violent felonies to two misdemeanors.

Hood said he is preparing a written response to the allegations levied by Sullivan, who received help from private investigator and former Riverside, Calif., police detective Ron Wright. Hood said he hopes to file that document next Wednesday.

"A recall is such an unusual process, even more unusual when the subject of the recall is a prosecutor," Hood said.

For example, when Sullivan successfully recalled West in 2005, her petition went through Tucker's office to get the action started in Superior Court. Since Tucker is now the target of her recall, that duty now falls to the attorney general's office, Hood said.

Asked if Tucker personally hired Hood or if he was retained by the county, Hood said he technically works for Tucker.

“I represent Steve in his individual capacity. But under the statute, the county is authorized to pay for fees incurred in defending a recall action,” he said.

But it’s unclear whether the county must pay the fee for Tucker, who makes about \$145,000 a year. “The statute makes it a very strong case that they are obligated to pay the fees, but there are differing opinions,” Hood said.

Efforts to reach Tucker late Wednesday were unsuccessful.