

Judge's proactive steps strengthen hand of the law in murder case

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A Yakima County judge did it right, and the state Supreme Court got it right in the case of a gunman who was convicted of a particularly gruesome double murder. As a result, the conviction is more likely to stick — and a dangerous killer is more likely to stay behind bars.

We say more likely, because the case of Jose Luis Sanchez Jr. isn't a done deal just yet. But the state Supreme Court's refusal to hear his appeal was a strong affirmation of the judicial procedure followed by Superior Court Judge Jim Hutton over an issue that tripped up a different murder conviction in Yakima County.

Sanchez was convicted of aggravated first-degree murder for the killings of Ricky Causor and his 3-year-old daughter, Mya, at their Yakima home in 2005. He was sentenced to life in prison without the possibility of parole; his co-defendant, Mario Mendez, pleaded guilty and was sentenced to 30 years in prison.

The most notable issue in the Sanchez appeal was the venue, a courtroom in the basement of the Yakima County jail. In 2010, the state Supreme Court ruled that the very same jail courtroom created the possibility of prejudicing the jury and denied due process in the case of James Jaime, who had been convicted of murder. The ruling overturned Jaime's conviction, and he later reached a plea deal that reduced his original prison sentence of 34 years to about 16 years.

But the Sanchez case is different because of Hutton's proactive steps. Hutton, who is now a federal magistrate judge, designated an entire hearing on where the trial should be held and determined that security concerns warranted a courtroom in the jail rather than the courthouse. Last year, the state Division III Court of Appeals in Spokane ruled the Supreme Court's decision never excluded the possibility of trials in jail courtrooms if circumstances were right; in the Sanchez case, they were according to the court. Sanchez's lawyers then took the case to the Supreme Court.

They can try the Supreme Court again, if the lawyers appeal to assert issues that were not brought up in his direct appeal, so this case isn't over yet. But the venue question is settled, so the defense's options have been considerably reduced.

Still to be resolved in the Sanchez and Mendez cases is the release of records involving costs. The Yakima Herald-Republic sued to find out how lawyers have spent about \$2 million of taxpayer money in defending the two.

The sued Yakima County to obtain the billing records in the Sanchez and Mendez cases. With Sanchez, the state Supreme Court ruled 9-0 that records held by the courts are exempt from the state's Public Records Act. But it said that billing records held by county agencies such as the auditor or board of commissioners are not exempt unless the trial court issued "protective orders" prohibiting their release.

Yakima County ultimately paid the Herald-Republic almost \$80,000 in attorney fees, costs and penalties for violating the Public Records Act. The records released to the newspaper, however, were largely missing details on what Sanchez's attorneys spent the money on; those details presumably are found in documents retained under seal by the court.

For Mendez, the newspaper seeks to have the billing records held by the trial court unsealed once the attorneys have been allowed to redact what is considered privileged information; that issue is in the hands of a Superior Court judge.

One of Yakima's more high-profile murder cases has not run its course yet, but a judicial decision of the present and a judicial procedure of the past have it headed in the right direction.

- Members of the Yakima Herald-Republic editorial board are Sharon J. Prill, Bob Crider, Frank Purdy and Karen Troianello.

[Redacted]