

Judge: Triple-murder charges can't be reinstated against Kevin Harper

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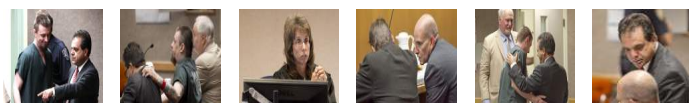
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YAKIMA, Wash. — A Yakima County judge's refusal Monday to reinstate murder charges against Kevin Harper in the Goggin slayings means the case remains, at least officially, unsolved.

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“This case deserved to be tried to a jury of Mr. Harper’s peers. This community deserved the answers that process would have ensured,” Superior Court Judge Ruth Reukauf said in her ruling. “Unfortunately, because of the state’s choices in this case, that is never going to happen.”

Citing new evidence, prosecutors had hoped to withdraw a controversial plea deal last October that dismissed aggravated murder charges against Harper, once the prime suspect in the February 2011 bludgeoning deaths of Bill Goggin, co-owner of a Yakima civil engineering firm; his wife, Pauline; and his 98-year-old mother, Bettye.

Reukauf's decision means Harper, a 31-year-old drug addict and seven-time felon, will face relatively minor charges that are only indirectly related to the deaths of the Goggins, who were killed in what investigators believe was a burglary gone bad at their gated Falcon Ridge community west of Yakima.

Those charges — first-degree unlawful possession of a firearm and second-degree possession of stolen property — still stand, as does the prosecution's recommendation of just over seven years in prison. A sentencing date was tentatively scheduled for Oct. 1.

"The judge said it's a dark day for her," remarked Ray Vanderwall, a friend of the Goggin family who attended the hearing in Superior Court. "It's a dark day for the neighbors and friends of the Goggins, too."

Prosecutors had hoped to withdraw a quickly conceived plea deal with Harper and take the case to trial, citing new evidence.

But Reukauf said the prosecution's mystifying failure to file a separate cooperation agreement with the court, even under seal, undercut the legality of the plea and prohibited the state from trying to revoke it. Reukauf needed the cooperation agreement — which imposed certain legally binding obligations on the defendant in exchange for the reduced charges — in order to fully accept the plea deal.

In doing so, she carefully noted the plea deal was conceived amid a convoluted series of missteps by prosecutors and investigators that jeopardized Harper's right to a fair trial.

Yakima County Prosecuting Attorney Jim Hagarty declined to comment Monday, saying he would issue a statement today. Sheriff Ken Irwin, whose lead investigator jeopardized the case, did not return calls seeking comment.

Riddled with errors

The missteps began when Harper refused to waive his speedy trial rights, resulting in Reukauf issuing a rare fine of \$1,000 against Chief Criminal Deputy Prosecuting Attorney Ken Ramm for repeatedly missing court deadlines in turning over evidence to defense attorneys fast enough.

The largely circumstantial case was further roiled when it was disclosed the lead investigator, sheriff's Detective Brian Jackson, had accessed at least eight recordings of privileged phone calls from jail between Harper and his attorneys.

The allegations of eavesdropping were serious enough that Reukauf appointed former Yakima County Prosecuting Attorney and U.S. Attorney Jeff Sullivan to investigate.

A fact-finding hearing on the jail calls was cut short when prosecutors announced a plea deal was in the works. The deal was reached amid the disclosure that a private investigator working for Harper's defense had stumbled across a surprise alibi witness — a neighbor of the Goggins whose statement of suspicious activity at their home had been discounted by sheriff's detectives and never revealed to prosecutors or the defense. Prosecutors conceded the new witness shifted the timeline of the killings, giving Harper an alibi.

Amid that backdrop, prosecutors had agreed to drop the murder charges in exchange for Harper's guilty plea to the gun charge and the stolen-property charge relating to the theft of a Western-style .22-caliber pistol from the Goggin home.

In return, Harper and his now-ex-wife, Crystal Gray-West, were obligated to provide truthful information against other suspects in the slayings, to testify if necessary, and to submit to polygraph tests. Those conditions were spelled out in the cooperation agreement that was not filed in court and therefore not available for the judge to review.

According to prosecutors, Gray-West held up her end of the bargain — and in the process turned the case on its head.

Prosecutors say Gray-West, 34, gave a statement to sheriff's detectives shortly after the plea deal was reached in which she alleged Harper claimed he killed three people the same night the Goggins were slain.

But Reukauf questioned Gray-West's credibility as that of a recanter and said there were almost certainly no legal exceptions at play in the case that would override spousal privilege. The couple were married at the time of the slayings but have since divorced.

The judge, a former prosecutor herself, also blasted the admissibility of claims by the prosecution that Harper failed a lie detector test. And she questioned the credibility of statements made by two new witnesses, including a former cellmate of Harper's known to prosecutors months before the plea deal.

The prosecution's claim of new evidence, Reukauf said, "only emphasizes a continued pattern of conduct on behalf of the state that has deprived this community and Mr. Harper of the closure they deserve."

Harper was the last of four defendants in the case, including his ex-wife. A third defendant pleaded guilty as an accessory to the homicides for fencing stolen property, while charges were dropped against another defendant.

After the ruling, Vanderwall, the friend and neighbor who lived two houses away from the Goggins, struggled to explain what had happened and whether a killer remains on the loose.

"It's kind of like the O.J. Simpson case," he said, somewhat sarcastically. "They're still looking for the guy that did it."



21 comments

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As mentioned by a commenter, the "disappearing" comments are a glitch that we are still trying to resolve permanently. Thanks for bearing with us -- and continuing to comment -- as we deal with this issue.

[Reply](#) · [Like](#) · about an hour ago**Barbara MacLean** · Film & Video Production- Owner, Operator at FORTHRIGHT, 3rd Left Productions

Good ole boy investigating...ruins justice every time.

[Reply](#) · [Like](#) · about an hour ago**James Faulconer**

The truth is no one will get or take the blame, no justice will be served, no one will resign and everything will go on as usual. Unless the people of Yakima County stick together and stand up and scream until something does change. We were very dear friends of Bill, Pauline and Betty - and this outcome is hard to believe, and we know they deserved better and we the people of Yakima County deserve better.

[Reply](#) · [2](#) · [Like](#) · about an hour ago**Chris Pelayo** · Top Commenter

When I saw that Jim Hagarty said that guy he hit with his car when he was drunk driving didn't speak english, then I heard the guy on TV speaking English, it showed me Mr. Hagarty's character. Then seeing case after case fall through, hearing about the gang leaders controlling certain areas of Yakima because of fallen prosecution we know its time for a change! Apparently he is not providing leadership to his team and they are failing Yakima. And yes, we do have excellent prosecutors, they need a real leader.

[Reply](#) · [Like](#) · 2 hours ago**Tony N Debbie Espinoza**

Wow! the justice system sure has failed.

[Reply](#) · [1](#) · [Like](#) · 2 hours ago**Chris Pelayo** · Top Commenter

Yakima County Prosecutor election next year.

[Reply](#) · [1](#) · [Like](#) · 2 hours ago**Kris Nau** · Toppenish, Washington

Seven felonies? Doesn't WA state have a three strikes law? I don't remember voting to rescind the law, I remember voting it into law.

[Reply](#) · [1](#) · [Like](#) · 3 hours ago**Chris Pelayo** · Top Commenter

Have to be violent felonies, state not using as much with plea deals.

[Reply](#) · [Like](#) · 2 hours ago**Greg Spearing** · Top Commenter · El Camino College

Officials from the Governor on down should denounce all those who are responsible for this terrible situation and demand their resignations. Same goes for the YHR. Three law abiding citizens brutally murdered in their home and the murderer sneers because of prosecutor's gross violations of law.

[Reply](#) · [4](#) · [Like](#) · 4 hours ago