

# Prosecutor fires back at judge after murder case dismissed

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Yakima County Prosecutor Jim Hagarty went on the offensive Tuesday, vowing to appeal a judge's ruling that upheld Kevin Harper's controversial plea deal and blasting the judge for shifting blame for the deal on his office instead of the sheriff's office.

"I'm not going to stand idly by anymore and let people blame us for things we had no control over," he said. "We did the best we could."

On Monday, Superior Court Judge Ruth Reukauf refused to let prosecutors revoke a plea deal that dismissed murder charges against Harper, the prime suspect in the February 2011 slayings of the Goggin family.

In upholding the deal, the judge faulted prosecutors for failing to file a cooperation agreement with the court that formed the basis of the plea deal. Without it, she said, the court could not guarantee Harper's plea was fully reviewed by the court.

In making her ruling, an obviously frustrated Reukauf repeatedly blamed the prosecutor's office for giving her little choice, adding the outcome did not provide closure for Harper, the friends and family of the Goggins or the community.

If the ruling stands, it means the 31-year-old drug addict and seven-time felon will face relatively minor charges that are only indirectly related to the deaths of Bill Goggin, co-owner of a Yakima civil engineering firm; his wife, Pauline; and his 98-year-old mother, Bettye. They were killed in what investigators believe was a burglary gone bad at their gated Falcon Ridge community, west of Yakima

A sentencing date is tentatively scheduled for Oct. 1. Per the terms of the deal, Harper is looking at just over seven years in prison for possession of a Western-style .22-caliber revolver that belonged to Bill Goggin.

In her ruling, Reukauf not only upheld the legality of the plea deal but also questioned the credibility and quality of new evidence cited by prosecutors in justifying the move to revoke the plea deal.

Hagarty disagreed with Reukauf's legal analysis and said his office has 30 days to appeal and plans to do so. The state Court of Appeals, however, has discretion whether to take the case.

Underlying Hagarty's position is the belief that, despite missteps by authorities, investigators had the right man all along.

As much as he disagreed with the ruling, Hagarty said he particularly took exception to Reukauf's comments criticizing the prosecution's handling of the case and the credibility of new evidence justifying the request to revoke the plea deal.

He called those comments "completely reckless, irrelevant, unnecessary and just excessive judicial advocacy."

"It's offensive," he said. "We really tried to stay above this. I can't do it anymore."

On behalf of Reukauf, Superior Court consultant Harold Delia defended the judge's ruling on the plea deal.

"We look forward to Mr. Hagarty's appeal," he said.

Hagarty said prosecutors were forced to offer the plea deal because of the last-second emergence of a surprise witness — a neighbor of the Goggins whose claims of suspicious activity on the night of the murders suddenly shifted the timeline and gave Harper a possible alibi.

The witness had spoken to sheriff's detectives on the day the bodies of the Goggins were found, but her statement was misplaced or discarded by the detectives. A private investigator working for Harper's attorneys discovered her only after the case was shifting into trial status.

Due to the timing, misplacing or ignoring the neighbor's statement was only the worst of several mistakes in the case made by sheriff's detectives, Hagarty said.

"This investigation was screwed up and had problems from day one," he said. "And many problems were unknown to us."

Sheriff Ken Irwin called Hagarty's comments "unfortunate" but refrained from getting into a war of words.

"There were a number of things that we'll be talking with the prosecutor about, and I'm looking forward to the conversation," he added.

As for concerns a guilty man got away with murder on a technicality, Irwin had this to say of Harper: "He is an evil, violent person."



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**Rollo Smith** · Top Commenter · Cascade High School

This moron knows his days as prosecutor are numbered!

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**Brandon Tatro**

It takes a team of good investigators and prosecutors to get it done and the general consensus is that there was neither

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**Brandon Tatro**

Rear end someone while your at it

Reply · Like · about an hour ago

**Brandon Tatro**

Have another beer or 8 Hagarty

Reply · 1 · Like · about an hour ago

**Mike Sutton** · Selah, Washington

Procedure....the people who prosecute, investigate, even the clerks who handle paperwork....its called procedure. Follow it and follow it properly! Be responsible and accountable, and do the job right! Time and time again throughout the local system, we see evidence of nothing more than incompetence at every level. From buying property for the jail in Toppenish, to the offramp to nowhere at the Mall, to yet another downtown redevelopment .....multi level incompetence. And the worst ones, are the public who continue to put their trust in such incompetents.

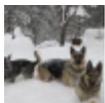
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**Nick Hughes** · Top Commenter · Central Washington University

I agree with Daniel Smith below and add: Unfortunately, the prosecutor's office is SUPPOSED to be the ones responsible to PROPERLY prepare the case for court. I don't know if Jim knew about the controversial misbehavior by the jailer and sheriff's detectives and his prosecutors that caused the fuss, and the case to go south, or not - but he SHOULD have known. If it was kept from him and everybody else by his employees, they should be fired on the spot for obvious reasons - tampering with the evidence, if nothing else - STRICTLY against their professional standards.

Meanwhile, the same goes for the sheriff's office. As I see the probably scenario, the temptation would be great by the sheriff's assigned investigators to 1) make sure the suspects were tried and convicted for such a brutal, heinous crime, and 2) get credit and acco... [See More](#)

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**Kim Walker** · Naches

"We did the best we could".... REALLY! If this is your best it's time you look into some other profession. One that does NOT involve peoples lives!!

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**Jeff Brachtenbach Sr.** · Works at Yakima School District

Good lord...

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**Daniel C. Smith** · Top Commenter · YVCC, Yakima, WA

Jim's tactic might work had no one been actually paying attention to the trial. As it is, now he just an embarrassment.