



Family jailed for refusing to testify against dad

Castle Rock man on trial in case of violent domestic abuse; wife, son, 17, daughter, 13, spend time behind bars before relenting

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A Castle Rock mother and her two teenage children were jailed Wednesday morning after they refused to testify against their husband and father in a frighteningly violent domestic assault case. By Thursday evening, after more than 24 hours behind bars, all three relented and agreed to take the witness stand at a future date.

Mother and 17-year-old son were expected to be released Thursday night and the 13-year-old girl could be released this morning, those close to the case said.

Joel H. Darvell, 36, faces up to two decades in prison if he is convicted of choking his wife, pistol whipping his teenage son and firing a single gunshot into a wall on April 27. His trial began in Cowlitz County Superior Court on Tuesday, but it quickly ground to a halt when the prosecution's key witnesses — Darvell's 34-year-old wife and their two children — failed to show up in court to testify.

Judge Michael Evans issued warrants for Darvell's wife and the couple's children. The boy was arrested Wednesday and brought to court, and the mother and daughter later appeared on their own volition. All three refused to testify against Darvell, so Evans held them in contempt. The three were handcuffed and led away.

The boy and girl spent Wednesday night in the Cowlitz County Juvenile Center, and their mother was held in the Cowlitz County Jail. The jury pool was dismissed and the matter was rescheduled for next week. Darvell, who has posted bail, walked out of the courtroom — a free man, for now.

The court faced a troubling irony: A man accused of attacking his family was set free and his alleged victims were now in jail.

"I have never seen anything like this," said attorney Bruce Hanify, who has been practicing law for nearly 30 years and is representing the 13-year-old girl.

Attorneys representing the mother and her children said it was unclear exactly why they refused to testify.

"This has been extraordinarily hard on the mother and the two children," said John Hays, who is representing Darvell's wife. "The prosecutor wants to put the defendant in prison for over 20 years, and (his family members) really do not want that."

The U.S. Constitution usually protects spouses from having to testify against each other, but an exception is made when one of their children is a crime victim, Hays said.

A police report describes a chaotic and brutal scene at the Darvell's Castle Rock home in the early morning hours of April 27. Police said Darvell and his wife had been drinking with a 22-year-old woman. Then Darvell's son awoke sometime after midnight to the sound of his parents arguing. When he got out of bed, the boy saw his father, naked from the waist down, strangling his mother, according to the report.

The boy told police he tackled his dad, hoping to protect his mother. But Darvell grabbed a .45-caliber semi-automatic handgun from the floor and "shoved it into (the boy's) face," according to the report. Darvell then pointed the gun to the side and fired a single shot, injuring no one, then pointed the weapon at his son's head again.

The boy told police "he was terrified and scared for his life, fearing that his dad would shoot him," according to the report.

Darvell then struck his son on the left cheek with the gun, and lead the boy at gunpoint into the living room where he struck him again, this time on the top of the head, again with the handgun, police said.

The 22-year-old woman with whom the Darvells had been drinking was seen moving naked through the fray and at one point jumped out of the girl's bedroom window, according to the report. The young woman was later found passed out in a nearby car and was too drunk to speak, police said.

By the time Castle Rock Police got to the home they found Darvell unconscious on his bed. Officers handcuffed him before he awoke and seized a .45 pistol, which sat on a nearby shelf, according to the report.

Darvell faces charges of first-degree assault with a firearm, second-degree assault with a firearm and fourth-degree assault. He is expected to be back in court Oct. 17, when a new trial may be scheduled.

On Thursday, Darvell's teenaged son, handcuffed and wearing juvie-issue sweats, was brought back to court. He appeared with his newly appointed attorney, Kevin Blondin. Darvell's wife, wearing green jail scrubs, appeared via video link from the jail. She appeared sitting next to her attorney, John Hays. Darvell, accompanied by his own attorney, watched from the gallery.

Both mother and son told Judge Evans that they had changed their minds and had agreed to testify. Evans ordered that they be immediately released and reunited. The judge warned them, however, that if they once again changed their minds and refused to testify he could jail them again.

The girl was not in court Thursday because, according to Hanify, her attorney, she showed no sign of relenting. But, later in the evening, Hanify said the girl had agreed to testify and would likely tell Judge Evans as much at a hearing today. The girl was expected to spend Thursday night in the detention center.

Judge Evans said in court Thursday that he would allow the girl's mother to see her in detention.

“I recognize (she) is 13-years-old, and I don’t have any problems with her mom visiting her tonight,” he said.