Detective did not intentionally listen to inmate call, judge rules

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YAKIMA, Wash. — A Yakima County Superior Court judge reversed his earlier finding Thursday and ruled that a sheriff's detective didn't intentionally listen to a phone call between an inmate and his attorney.

But despite the finding, the judge turned down a request from prosecutors to reinstate charges against the former inmate.

Prosecutors had asked Judge Douglas Federspiel to reverse his December decision to dismiss felony drug and stolen property charges against Daniel Woolem on grounds that the detective's actions had violated his constitutional rights.

The Yakima County jail records all inmate phone calls. Investigators have access to those recordings, except those involving conversations between inmates and their lawyers, which are supposed to be blocked.

Detective Robert Tucker is alleged to have listened to a recording of a 2011 phone call between Woolem and his then-attorney, Timothy Schoenrock. Tucker had said he stopped listening when he realized that he was hearing privileged conversation. He then reported the incident to prosecutors.

Federspiel said he had based his earlier decision on a transcript of the call that had created the impression that Tucker had listened to the entire call.

But Senior Deputy Prosecuting Attorney Tamara Hanlon argued that Tucker only heard a portion of that conversation.

Rick Hernandez, Woolem's attorney, was satisfied that Federspiel rejected the motion to reinstate the charges. He noted that there was no effort to find out who tried to listen in on two other conversations between Woolem and Schoenrock.

Court documents state that the recordings were accessed by someone using County Prosecuting Attorney James Hagarty's user name and password on the system. Hagarty previously said several people in his office could have used his password. Prosecutors contended that whoever accessed the calls did not listen to them.

Federspiel ruled that there was no evidence of who exactly accessed those calls, but he said there was no evidence that Woolem and Schoenrock's attorney-client privilege was intentionally violated.

Hernandez said a prosecutor asking a judge to reconsider dismissing charges was unprecedented in his legal experience.

Federspiel acknowledged in court that the request was unique, but in light of the national debate over the National Security Agency monitoring phone calls, he was willing to hear the request.

Hanlon said she was satisfied that Tucker was found to have not intentionally violated Woolem's attorney client privilege, but said prosecutors will review the ruling and decide whether to appeal the dismissal of the criminal charges.

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Nathan Decker · QA Supervisor at Agri Beef Co.

Hagarty gives out his private password to employees that can access private information and no one is responsible? Hagarty is responsible for this specifically and everything in his department generally.

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Jaime Cervantes · Top Commenter

Hey Lance, I think the white dude is the crook and the Hispanic gentleman is the attorney representing him. It says it in the article if you read it.

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Lance Weber · Top Commenter

Wonder which guy in the picture is Woolem, they both look like a couple of crooks. lol

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Nick Hughes · Top Commenter · Central Washington University

"Tucker had said he stopped listening when he realized that he was hearing privileged conversation. He then reported the incident to prosecutors."

At least he fessed up and tried to correct the mistake. I think that was a reasonable and responsible thing to do. And the RIGHT thing to do.

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