

Big murder cases may drag on well after Inslee is gone

Prosecutors in the state's three most populous counties say Gov. Jay Inslee's moratorium on executions won't change the way their offices handle death-penalty cases, and that Inslee will be out of office by the time those convicted exhaust their appeals.

By [Jennifer Sullivan](#)

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Joseph McEnroe

Prosecutors in the state's three most populous counties say Gov. Jay Inslee's moratorium on executions won't affect the way their offices handle death-penalty cases, nor do they believe it will change the fate of the men they have sent to death row.

King County Prosecutor Dan Satterberg, whose office is currently prosecuting two potential death-penalty cases, said Inslee's announcement Tuesday has "limited legal significance" and "doesn't change the law." It may mean there will be no executions while Inslee is in office, but he said the death penalty remains in effect in the state.

Satterberg said the moratorium will not impact the prosecution of Christopher Monfort, accused of killing a Seattle police officer on Halloween 2009; or that of Joseph McEnroe and Michele Anderson, accused of killing six members of Anderson's family in Carnation on Christmas Eve 2007. If all three are convicted and condemned, it will likely be years — and long after Inslee is out of office — before they exhaust their appeals, Satterberg said.

Two men prosecuted by the King County Prosecuting Attorney's Office are on death row: Dayva Cross, who killed his wife and two teenage stepdaughters in Snoqualmie in March 1999; and

Conner Schierman, who killed two women and two boys, ages 3 and 5, before setting fire to their Kirkland home in July 2006.

“Nothing can compare to the facts of these cases and what the families have gone through,” Satterberg said. “The two cases [on death row] from King County have the brutal unprovoked slaughter of children and women. The juries who heard those cases had no problem reaching the death-penalty decision.”

In [announcing the moratorium](#), Inslee said one of the reasons was the cost of death-penalty cases, which he said are “sometimes dependent on the budget of the county where the crime occurred.”

The prosecution of McEnroe and Anderson in connection with the Carnation slayings has cost King County close to \$7 million, much of it due to mounting a defense.

Snohomish County Prosecutor Mark Roe said Inslee’s announcement only means the governor is punting all death-penalty decisions to his successor.

“What I think he made extremely clear is this is not commuting sentences to life. This is not granting clemency or pardoning someone. This is him saying if a case hits his desk he’ll grant a reprieve.”

“All that really does is leave the decision to his successor. He’s just saying, ‘not on my watch,’” Roe said.

With the average death-penalty case taking well over a decade to wind through trial and appeals, Roe said he’s not concerned about Inslee delaying the execution of Byron Scherf, who killed Corrections Officer Jayme Biendl at the Monroe Correctional Complex in 2011.

Scherf was condemned to death last year after being prosecuted by Roe’s office and likely faces years of appeals in state and federal court.

Pierce County Prosecutor Mark Lindquist also cited the length of death-penalty appeals in noting the negligible impact on his office.

“Because the death-penalty process is so lengthy, I don’t think any of our cases will land on his desk,” Lindquist said.

Three of the nine men on death row were condemned by Pierce County juries.

Nonetheless, Lindquist said Inslee’s announcement of a moratorium may have been designed to spark a conversation about the death penalty.

“I know Gov. Inslee and I know his moral, ethical and practical concerns about capital punishment,” he said. “I view his statement today as his desire to have a dialogue about capital punishment in Washington state.”

A case that could be directly impacted by the governor's announcement is that of Jonathan Gentry, who is the state's longest-serving death-row inmate after being condemned to death in Kitsap County in 1991. Gentry just filed another appeal, based on DNA testing.

"If ever there was a case that warranted the death penalty, it's the case of Jonathan Gentry. This case is exactly what the statute was meant to address," said Kitsap County Prosecutor Russ Hauge.

Frank Holden, whose 12-year-old daughter Cassie was bludgeoned by Gentry in Bremerton in June 1988, said Tuesday he was devastated by Inslee's decision.

Holden said Inslee called him Monday night to tell him about the moratorium.

"There wasn't much of a discussion. There wasn't much of a chance for input. He had this thing all planned out," Holden said.

"I've waited 26 years for justice to happen, and now it's not going to happen because of him. It went through every court system possible," Holden said, speaking by phone from Pocatello, Idaho.

Holden said he thinks about his daughter every day. She would be 37.

He said he believed that after years of delays and appeals, this would be the year Gentry was executed. He now expects to wait several more years.

"After [Inslee] told me what he was doing, it was nothing compared to the death of my daughter, but it was up there," Holden said.

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