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Dispatcher Blog

Whatcom County prosecutor opposes governor's ban on death penalty

Posted by CALEB HUTTON on February 13, 2014

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Clark Richard Elmore, left, talks with his lawyer, Whatcom County Public Defender Jon Komorowski, right, and Public Defender's investigator Michael Sparks, center, on March 12, 1996, before being sentenced to death for the murder of his girlfriend's daughter Kristy Lynn Ohnstad, 14, in Bellingham.

PHILIP A. DWYER — THE BELLINGHAM HERALD

BELLINGHAM — You can count Whatcom County Prosecutor Dave McEachran among opponents to a ban on the death penalty announced this week by Gov. Jay Inslee.

The moratorium means Bellingham murderer Clark Richard Elmore, one of nine men on death row in Washington, won't be executed while Inslee remains in office — upending a case McEachran has pursued for 18 years.

Elmore, then 43, raped and murdered his 14-year-old stepdaughter, Kristy Lynn Ohnstad, in 1995. (Details from that case [can be found here](#). Warning: Extremely graphic.)

Elmore pleaded guilty, a move seen in most cases as a bargaining chip to get a lighter sentence. But McEachran argued for the death penalty "because of the enormity of what had gone on," he said this week. "That really was the most horrible (crime) I'd ever seen, and I think our investigators had ever seen."

Judge David Nichols — who recently penned [this anti-death penalty editorial](#) for the Seattle Times — sentenced Elmore to death in 2006. The ruling came after objections from activists and the victim's mother, who said: "Death is too good for him. ... He should get life without parole and suffer every day, like everyone else he's left behind."

Since then Elmore has made several last-gasp appeals — with one still active in the U.S. Ninth Circuit Court of Appeals — to have his death sentence overturned.

Inslee [opened his statements Tuesday, Feb. 11](#), by saying he'd come to his decision after speaking with "law enforcement officers, prosecutors, former directors of the Department of Corrections, and the family members of the homicide victims."

McEachran wasn't among those consulted, and the moratorium caught him off-guard. He suggested a push in the legislature, led by Inslee, would have been a more appropriate approach.

"We were really quite surprised," the county prosecutor said. "I didn't understand that (halting executions) was an election priority of the governor when he ran."

Eighteen years after Elmore's conviction, McEachran believes the execution is long overdue. Elmore has served the second-most time of the state's death row inmates.

"This should take its course," McEachran said. "That's what the court system is for. ... Every possible safeguard has already been built into it."

In his speech this week, Inslee seemed inclined to disagree.

"Let me acknowledge that there are many good protections built into Washington State's death penalty law," Inslee said. "But there have been too many doubts raised about capital punishment. There are too many flaws in the system. And when the ultimate decision is death there is too much at stake to accept an imperfect system."

Other prosecutors around the state have had a "mixed" reaction, according to [the Associated Press](#).

Dan Satterberg, the elected prosecutor in King County, which includes Seattle, said the moratorium "is likely to cause more delay, expense and uncertainty."

"A moratorium alone will not resolve the issues raised by the governor," Satterberg said in a written statement. He said there should be an informed public debate before the state makes changes.

Kitsap County Prosecutor Russell Hauge called the death penalty "an extremely ineffective tool."

But he noted that the moratorium didn't change state law, which obligates county prosecutors to seek the death penalty when circumstances warrant.

"The problem is," he said, "the law's still on the books."

Twice in his career McEachran pursued the death penalty: In Elmore's case and, in the '80s, the infamous ["Hillside Stranger" murders of Kenneth Bianchi](#). Bianchi is serving consecutive life sentences at the Washington State Penitentiary in Walla Walla.

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