

# Judge chastises Yakima County detectives over interrogation of murder suspect

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Two Benton County corrections officers lead murder suspect Robert McCorkindale into Superior Court on Tuesday for an evidence hearing. He is charged with killing Preston Yahne, 22, of Prosser, on June 14.  
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A Benton County judge Tuesday chastised two Yakima County sheriff's detectives, saying it was inappropriate and amounted to misconduct when they tried to persuade a murder suspect not to request an attorney.

The detectives coerced Robert B. McCorkindale to continue talking with them and violated a criminal court rule by failing to get him a telephone or public defender's number, Judge Sal Mendoza Jr. found.

Any statements McCorkindale made about the June 14 death of Preston Yahne after he invoked his right to a lawyer can't be used in his Benton County Superior Court trial, Mendoza ruled.

"When you tell a defendant on at least four or five occasions that they shouldn't talk to a lawyer, it frustrates the purpose of why it is that we have Miranda warnings," said Mendoza, who listened to three hours of testimony from Yakima County and Benton County sheriff's detectives.

"You can't tell an accused person you have these rights -- one of those rights is you have a right to a lawyer -- and in the next breath tell them you shouldn't invoke that right."

The judge made it clear that he specifically believes Yakima County Detective Sgt. Mike Russell and Detective Dave Johnson tricked McCorkindale while he was in their custody. He was turned over to Benton officials once statements revealed Yahne's death actually happened near Prosser.

Mendoza said the detectives acted as legal advisers, not just law enforcement officers, during a 26-minute interview June 25. That interview would be the perfect example for "a training manual for what not to do with a murder suspect."

He noted the interview transcript showed Johnson told McCorkindale "a lawyer would just tell you not to say a word, and we're done," and Russell later added, "Mark my words, an attorney is going to tell you not to take responsibility for anything."

Once in Benton County custody, Detectives Lee Cantu and Scott Runge advised McCorkindale of his rights and "did everything that law enforcement is supposed to do," Mendoza said. But he added that all of it was tainted by the fact McCorkindale's court-appointed attorney, Alexandria Sheridan, wasn't immediately informed "there was this problem with the invocation of counsel."

McCorkindale, 24, of Prosser, was first interviewed June 18 after Yahne's burned body was found in the trunk of a burned vehicle outside of Sunnyside. Detectives were talking to people who had seen Yahne just before he went missing, and they didn't have any reason at the time to suspect McCorkindale was involved, Russell said.

Those statements can be used in McCorkindale's criminal case, the judge said.

McCorkindale was arrested with his girlfriend June 25 in Grandview after a witness put them at the scene of Yahne's burned car.

It was during his first interview that evening that McCorkindale said he wanted to meet with a lawyer. He was left in an interview room for about an hour and a half without access to an attorney, while the detectives prepared booking and probable cause paperwork, Russell testified.

They returned and were about to take McCorkindale to the jail when he announced he was willing to start talking again.

McCorkindale reportedly said he wanted to be honest and tell them what happened, but was concerned about keeping his girlfriend, Laura M. Bancroft, out of trouble. The Yakima County detectives gave him the opportunity to hug his girlfriend and say goodbye before she was booked in jail, then McCorkindale allegedly admitted his role in the slaying.

He was handed over to Benton County authorities late that night, had two interviews with Cantu and Runge, and made his first appearance in a Benton County courtroom the morning of June 26.

That afternoon, he reportedly took detectives, prosecutors, Sheridan and a defense investigator to the scene of the crime and to where he discarded the knife that was used to kill Yahne.

None of that can be used in trial because Sheridan did not know that the night before her new client had asked for representation, the judge ruled.

McCorkindale is charged with first-degree murder. His trial is scheduled May 27. He hasn't yet been charged with any crimes in Yakima County.

Mendoza took the lunch hour Tuesday to review the morning's testimony, his notes and case law before announcing his ruling.

After the judge left the courtroom, McCorkindale bowed his head at the defense table and appeared to have a small smile on his face.

Yahne, 22, reportedly met with McCorkindale on June 14 and the two got into an argument.

McCorkindale claims Yahne tried to stab him with a box cutter, but he was able to disarm him and then stab Yahne in the chest with another knife, court documents said. Yahne tried to run away, only to be chased by his own car with McCorkindale behind the wheel.

McCorkindale ran over Yahne several times to make sure he was dead, put his body in the trunk and the next day drove to a gravel pit and set the car on fire to dispose of evidence, documents said.

Bancroft was sentenced last month in Yakima County Superior Court to one year and one month in prison for admitting she helped cover up Yahne's death with the arson.

Tuesday's hearing was attended by Yahne's parents, grandparents, aunt and uncle and cousin.

Yahne's uncle, Scott Hunt, later said that McCorkindale is lucky enough to have two attorneys who can defend him and his rights. Michelle Alexander was appointed in December to assist Sheridan.

"Here Preston is dead, this guy confessed ... and said several times he wanted to talk to police, wanted to do what was right and tell the truth, and he told police exactly what he did, and he should be accountable for what he did," Hunt told the Herald. "I think it's the prosecutor's job to make sure that happens."

Hunt would like to see Prosecutor Andy Miller and Deputy Prosecutor Megan Whitmire consider additional charges against McCorkindale, such as assault, auto theft, and false imprisonment or kidnapping, he said.

He doesn't blame Mendoza for tossing the statements, and now believes it is up to the state to secure a conviction for McCorkindale with the evidence they have, he said.

"The judge is fair and the judge followed the law. That's very important to me," Hunt said. "I don't think Judge Mendoza did anything wrong ... but someone needs to be responsible for what happened to Preston."

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