

# THE SPOKESMAN-REVIEW

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## Murder conviction in road-rage case tossed out

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A man who shot a retired teacher to death in a 2002 road-rage case had his first-degree murder conviction overturned.

Christopher W. Conklin was improperly denied an opportunity to withdraw his guilty plea, the Washington Court of Appeals ruled Thursday.

Spokane County Superior Court Judge Linda Tompkins failed to tell Conklin that he could withdraw his plea after an error in his plea bargain was discovered, a three-judge appellate panel said.

Conklin was 21 when a Suburban he was driving struck a minivan that turned onto Division Street from Empire Avenue. Police said it wasn't clear which driver was at fault, but Conklin then deliberately sideswiped the minivan and forced it to stop.

The minivan driver, 23-year-old Richard Laws, and three independent witnesses said Conklin pistol-whipped Laws and killed his passenger, 64-year-old Melvin J. Hendrickson, with a gunshot intended for Laws.

At the time, Conklin had failed to appear in court on four infractions, including another road-rage incident.

Conklin bargained for dismissal of a first-degree attempted murder charge and a drug count, and faced a standard range of 25 to 31 2/3 years in prison. Tompkins gave him 28 1/3.

Tompkins and attorneys on both sides assumed incorrectly that Conklin was eligible for a 15 percent prison good-time credit – and he entered his plea on that understanding in 2003.

The state Department of Corrections pointed out in 2008 that good time isn't available to murderers. At the request of the prosecutor's office, Tompkins resentenced Conklin in 2009.

She reduced his sentence by the amount he had expected for good behavior, but Conklin questioned the calculation and said he thought he would have “a choice of remedy.”

The Court of Appeals said Tompkins told Conklin he could request some alternatives, but she “moved on and did not advise Mr. Conklin of his alternatives.”

Conklin asked in September 2009 to withdraw his guilty plea, partly on grounds that his attorney hadn’t given him effective counsel. Tompkins ruled that Conklin got the benefit of his plea bargain and that his attorney was competent.

Then Conklin appealed on grounds that his plea wasn’t voluntary under those circumstances, and the Court of Appeals agreed Thursday.

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