

## Irby accuses prosecutor, judge of conspiracy

Murder trial set to last three to four weeks

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MOUNT VERNON — A Hamilton man headed to trial Tuesday for aggravated murder and burglary engaged in heated exchanges with the Superior Court judge and prosecutor in his case during a Monday pre-trial hearing, accusing them of conspiracy to convict him.

Terrance Irby, 54, told Skagit County Superior Court Judge Michael Rickert that he was taken to his motion hearing Monday morning against his will. He is representing himself in this case.

Jury selection is scheduled to begin Tuesday. The trial is expected to last three to four weeks.

Irby was convicted in 2007 of the 2005 slaying of James Rock, also of Hamilton.

Rock was found dead at his residence in March 2005, where investigators believe he was bludgeoned in the head and cut at the throat.

Though no murder weapon was found, Irby was caught with a boot covered in Rock's blood and several of Rock's firearms, according to investigative reports.

He was sentenced to life in prison without parole on Washington's three strikes law for serious offenses.

The state Supreme Court overturned the conviction in 2011 due to an email sent by the trial judge making jury selection decisions, violating Irby's right to witness all jury selection proceedings. Now he faces a retrial.

But Irby argued Monday that he believes attorneys, judges and law enforcement officers are colluding to keep him behind bars by keeping evidence from him, among other allegations.

"He's accusing me of everything except for the Kennedy assassination," Rickert said at one point during the hearing.

Irby filed a federal lawsuit against 17 people on Jan. 31, accusing the defendants of conspiracy to deprive him of due process and the right to a fair trial, according to his U.S. District Court filing.

He sought release from custody and asked the U.S. District Court to intervene in his Skagit County Superior Court case.

Prosecutor Erik Pedersen called the lawsuit “frivolous” Monday.

Irby argues that Rock fell victim to a robbery-homicide at the hands of someone else.

“I have vigorously stated that a robbery-homicide took place and I was not a party to the crime,” Irby wrote in a letter to the U.S. District Court. “The state and court know that I can prove this to be true. Or surely cause a lot of doubt as to my guilt!”

A U.S. District Court magistrate judge recommended the dismissal of Irby’s lawsuit Feb. 28, according to a federal court report. A federal district court cannot use a lawsuit to dismiss an ongoing criminal proceeding against a defendant, the report said.

The U.S. District Court judge in the case has yet to accept or deny the magistrate judge’s recommendation.

Irby pointed to his lawsuit throughout Monday’s hearing, which was intended to deal with pre-trial housekeeping matters, but lasted more than four hours.

“I’m getting a distinct feeling, Mr. Irby, that you don’t want to go to trial tomorrow,” Rickert said to Irby when he stated his resistance to appearing in court.

The trial had been postponed several times since the case returned to Skagit County from the state Superior Court and Irby refused to appear at his two most recent scheduled hearings.

Among Irby’s complaints was his inability to work with his stand-by attorney, Jonathan Raney, who is one of several attorneys who attempted to assist Irby with his case.

Defendants representing themselves have the right to stand-by counsel for advice.

Raney is one of the defendants named in Irby’s lawsuit.

“I can’t imagine anything more conflict-burdened than a lawsuit,” Raney told Rickert.

Rickert “begrudgingly” released Raney from the case, adding that he did not like the idea of Irby proceeding with the trial without assistance.

Irby later said he may not want to appear in court on certain days, adding that he did not want to face “malicious prosecution.”

“How in the world is that going to help you in the defense of your case?” Rickert asked.

Rickert added that he was “shocked” and “surprised” by Irby’s wish to be absent for certain portions of his trial.

“I’m up against a stacked deck and you’re going to play the cards as you see fit,” Irby said.

Jury selection is scheduled to begin today. The trial is expected to last three to four weeks.