

Double-murder trial still set for summer despite prosecutor's warning

By Rob Ollikainen
Peninsula Daily News

PORT ANGELES — Darold Stenson's second double-murder trial is still set for July 8 despite a warning from Clallam County's top prosecutor that the date may be unrealistic.

"We are making progress, but it is very slow indeed," county Prosecuting Attorney Deb Kelly told Superior Court Judge S. Brooke Taylor at a Wednesday hearing.

"Frankly, I am dubious that the state will be ready as of July 8, but I am not yet prepared to say that we will definitely not be.

"As of yet, because of numerous defense requests in large part, we have been somewhat reactive," Kelly said.

Stenson, 60, is charged with two counts of first-degree murder for the 1993 shooting deaths of his wife and business partner at his exotic bird farm near Sequim.

Stay of execution

He served time on death row until a stay of execution was issued in 2008.

His 1994 conviction was overturned by the state Supreme Court a year ago this month and remanded to Clallam for a new trial.

Last month, Taylor issued a "hybrid" order for a change of venue in which Clallam County court staff will work the three-week trial in a Kitsap County courtroom before a Kitsap County jury.

"Do your level best to get what you need to be ready for our trial date," Taylor told Kelly.

"I do not want to have a continuance. We have everything in place, I think, to start [jury selection] on the 8th of July."

Kelly said there have been numerous "roadblocks" in trial preparation, including delays with getting information from the defense and FBI.

"Even if I am able to locate every single witness, it's going to be an organizational nightmare," she added.

“We will have a lot of do with scheduling testimony, flying witnesses in — there are at least 15 witnesses from out of state — and reviewing testimony with each of those.

“And it does not help to have no information from the defense at this point.”

Kelly last Thursday filed a motion to compel discovery from Stenson’s defense team of Roger Hunko of Port Orchard, Sherilyn Peterson of Seattle and Blake Kremer of University Place.

The list of discovery that Kelly requested March 6 includes a list of witnesses, witness statements, scientific tests, physical evidence and copies of original documents.

‘Reciprocal’ discovery

“Discovery is supposed to be reciprocal,” Kelly said.

“This is a highly complex case. There are three attorneys on the other side with a full-time investigator.

“In all fairness, the defense should be ordered to produce what they are required to produce sooner rather than later.”

Taylor ordered the defense to provide its available discovery by May 17.

New items that emerge must be provided within a week.

“I will count on counsel’s good faith to follow those deadlines,” Taylor said.

“Both sides are entitled to a fair trial, and I don’t want the state to be hamstrung in their preparation or the organization of their case by untimely disclosures of key information.

“This is a two-way street.”

Kremer said the defense is working through about 150,000 pages of documents and continues to “find things in surprising places.”

“We have no problem with complying by the end of next week, and if we find something after that, we will continue to comply,” Kremer said.

The deadline for lawyers to file pretrial motions is May 17, with responses due May 31.

Kelly expressed frustration that the defense had not provided a witness list.

Kremer said the defense can provide about 30 witnesses from a “whittled down” pool of 200 potentials.

“We are nine weeks from the start of trial, and the defense says they know they’ve got 30 in,” Kelly said.

“I don’t know what the other number that’s still on their list is that they’re whittling down, but that makes a July 8 trial date frankly sound impossible given the resources that the state has available and the other things that the state has to get done,” she said.