

TRI-CITY HERALD

Defense attorneys ask for mistrial in Tashia Stuart case

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Testimony in a Pasco murder trial has been put on hold after Tashia Stuart's defense attorneys learned Friday that they weren't fully informed of a witness' statements during the investigation.

The discovery has Bob Thompson and Peter Connick calling for Prosecutor Shawn Sant's removal from the case for violating evidence rules. They believe Sant now should be considered a witness.

The lawyers also want Judge Cameron Mitchell to declare a mistrial, two weeks after the trial started with jury selection and two days into testimony.

Sant, who's leading the prosecution in the Franklin County Superior Court case, acknowledged that he did not give a complete written synopsis of Tonya Amende's statement to the defense. The synopsis typically includes what an attorney expects a witness to testify about.

Amende was a neighbor and friend of Judy Hebert, who was shot to death inside her Salmon Drive home on March 3, 2011.

Stuart, 40, is charged with first-degree murder with aggravating circumstances and attempted first-degree murder.

She's accused of killing her mother, but claims she fired the gun only after Hebert came at her with a hatchet. The charge also involves an alleged attempt to kill Hebert the month before.

In light of Friday's discovery, the judge sent the jury home with instructions to return Tuesday.

Meanwhile, Mitchell told both sides to file briefs this weekend and be prepared to argue Monday afternoon.

The judge then will decide if Sant should be taken off the case, and whether to end this trial and start over or proceed with Deputy Prosecutor Dave Corkrum in the lead with the current jury.

Amende testified Thursday that she became close friends with Hebert after the older woman moved into the new west Pasco neighborhood in 2007. Amende was a stay-at-home mom who'd often take walks to the park with her son, while Hebert took her young granddaughter.

In early 2011, Stuart, her then-7-year-old daughter and her husband moved in with Hebert.

Hebert suffered from fibromyalgia and took medications for the chronic pain and fatigue. Then in February, while helping her son-in-law with a tape measure in the garage, a heavy bin full of books and other items fell from the rafters and hit Hebert on the head.

Hebert talked to Amende a few days later and said her head, neck and back "were hurting real bad," but that Tashia and Todd Stuart were taking care of her. Hebert finally sought medical treatment later that week.

Amende said she visited her friend the day before she died. Hebert wanted to show Amende where she was standing when the books fell on her.

"She didn't understand what happened because she didn't understand how the tub fell off the rafters," Amende testified.

Hebert became nervous and suspicious, and questioned why her son-in-law was trying to put up a wall in her garage when she didn't have the money or the space for it, Amende said.

Hebert made a diagram of the garage showing the position of herself and Todd, and in that process noticed dust on the hood of the pickup in the garage.

"It looked like somebody had been on it," Amende said, adding that her neighbor also reported getting a ladder, checking the rafters and also finding a disturbed dust trail near where the bin had been.

Amende again took the stand Friday morning, but without the jury in the courtroom.

Thompson asked Amende if she'd ever shared with anyone what Hebert had said about the dust being disturbed.

Amende said she thought she told a Pasco detective the day of the fatal shooting, but added that she may have skipped those details because she was traumatized since her friend had just been shot.

She also said she met with Todd Stuart's lawyer last summer and they talked about things in the garage, but she doesn't think they specifically discussed the dust.

However, Amende recalls talking to Sant about the dust trails in the garage some time after her interview with Todd Stuart's lawyer. Sant then had a duty to share that information with the defense, Thompson and Connick told the court.

Amende was not interviewed by Tashia Stuart's attorneys in preparation for this trial. When the defense investigator contacted her, she reportedly told him to go through the prosecutor's office to set up an appointment.

Todd Stuart was acquitted by a Franklin County jury last fall of attempted murder and conspiracy to commit murder in connection with the garage incident. He has been subpoenaed to testify in Tashia Stuart's trial.

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