

## Legal odyssey continues in Yoshiko Couch case

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Friday was a long time coming for George Anthony Wilson.

Twelve years had passed since he appealed a murder conviction tied to one of Tacoma's most notorious killings – the rape, robbery and asphyxiation of 65-year-old Yoshiko Couch.

Appeals can take years to process, but Wilson's was delayed for more than a decade by an "administrative error" that prevented his paperwork from being processed by the state Court of Appeals, records show.

When appellate judges finally got his case, they agreed he deserved a new trial and so ordered one in July 2012.

On Friday, Pierce County Superior Court Judge Frank Cuthbertson began the legal process anew for Wilson, setting a pre-trial conference for June 21 and ordering him jailed in lieu of \$1 million.

Wilson's long-sought do-over was underway.

His odyssey through the legal system began 15 years ago when a jury convicted Wilson, now 34, of being an accomplice to first-degree murder in Couch's death.

His co-defendant, Cecil Emil Davis, is on Washington's death row, having been sentenced to die for attacking Couch in her home, sexually assaulting her, robbing her and smothering her with towels soaked in a toxic household cleanser.

Jurors agreed with prosecutors that Wilson accompanied Davis to Couch's East Side home on Jan. 25, 1997, and served as an accomplice to burglary and robbery that ended in murder. He was sentenced to 25 years in prison.

Wilson always denied being involved in Couch's death, contending he never went inside the house after Davis kicked in the door and rushed inside.

Prosecutors argued at trial that Wilson, 17 at the time of the crime, knew details about Couch's death that he could have known only had he gone inside with Davis.

During closing arguments they cited the testimony of two witnesses, one of whom said Wilson told him he and Davis planned to "rip off the old lady" and another who said Wilson first told him he'd gone inside the house but later said he hadn't.

Wilson first appealed shortly after his conviction, citing several factors, including insufficiency of the evidence, but the appeals court upheld the jury's verdict.

He tried again in 2001, saying he received ineffective assistance of counsel because his defense attorney did not challenge a jury instruction that the Washington State Supreme Court later ruled defective.

Pierce County Superior Court ordered the case transferred to the Court of Appeals, but the paperwork never made it.

"An administrative error occurred, and the transfer was not accomplished," the appellate court later reported. "As a result, this court did not rule on the petition."

So Wilson sat in prison, waiting.

In 2009, he filed a motion to reinstate that second appeal, and the appellate court accepted it.

Prosecutors first tried to have the appeal thrown out. They argued that Wilson had abandoned the effort when he failed to act for years while his 2001 appeal languished in the ether.

A three-judge panel from the Court of Appeals, Division I, rejected that argument.

"Wilson complied with the rules," the panel wrote in its 2012 opinion. "He is not responsible for the administrative error."

The panel then moved on to his arguments. Again, it was a win for Wilson.

The justices agreed his defense attorney should have objected to the jury instruction that defined what an accomplice is.

“The definition of accomplice liability departed from the statutory definition by using the phrase ‘a crime’ where it should have said ‘the crime,’” the panel wrote.

The justices went on to explain that the phrase “a crime” was too broad and lowered the prosecution’s burden of proof, making it too easy for them to convict Wilson in Couch’s murder when there was little evidence he knew Davis planned to rape, rob and kill her.

“There was no forensic evidence linking Wilson to the crime scene or the items taken,” according to the opinion. “On this record, there is a reasonable probability that, but for counsel’s failure to object to the defective instruction, the result of the proceeding would have been different.”

Deputy prosecutor John Neeb, who originally prosecuted Wilson, said in court Friday he wasn’t sure whether the case would again go to trial or would be resolved in another manner.

Neeb asked for \$5 million bail while the case is pending, saying Wilson faces at least another 31/2 years in prison if again convicted of first-degree murder.

Defense attorney Philip Thornton reserved his argument on bail. Thornton, who did not originally defend Wilson, got the case just last week and said he needed time to get to know his client.

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