



Rapist's appeals turned away

BY [JACOB JONES](#) - The Daily World

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The state Court of Appeals has recently rejected a Copalis Beach man's arguments that the Grays Harbor jury that convicted him of six counts of child rape and molestation in 2008 was biased.

Glen A. Livermore, 54, was convicted on the multiple charges after two trials, the jury deadlocking in the first and deliberating for just 45 minutes the second time. He is serving 40 years to life in prison for sexually abusing three young girls almost daily for about a decade.

Livermore and his attorneys argued the presiding juror, a head juror selected by the others to lead deliberations, had a friendly relationship with the deputy prosecutor on the case. He also accused both the juror and the deputy prosecutor of misconduct for not fully explaining how they knew each other.

Court of Appeals Judge J. Robert Leach released an opinion on Tuesday affirming the Grays Harbor court's decisions on the case and rejecting Livermore's bias arguments.

"Livermore contends that (the presiding juror's) withholding of information at voir dire (jury selection) and her injection of this information into deliberations constitute juror misconduct sufficient to warrant a new trial," the opinion stated.

Attorneys asked for a new trial in 2008 shortly after Livermore was convicted. In a hearing on the matter, the presiding juror and deputy prosecutor Katie Svoboda explained the juror had watched Svoboda's young son a couple times about three years prior. Svoboda had thanked the juror with a bottle of wine and they had not spoken much in recent years.

The juror had informed the court that she knew the deputy prosecutor, which Svoboda confirmed, but attorneys did not ask any follow-up questions. She told the court the previous relationship as a short-term

babysitter on a couple occasions did not bias her deliberations.

"She truthfully answered all questions on voir dire," Leach wrote in the opinion, "and her testimony shows that, although she found the jury selection process 'fascinating,' she did not believe that her previous contact with the deputy prosecutor would interfere with her ability to decide the case impartially."

The appeals court also rejected an argument that Superior Court Judge Mark McCauley had intimidated potential jurors into staying on the jury by asking pointed questions about their ability to be objective.

"The judge did not admonish jurors for expressing their biases or suggest that they would be sanctioned for doing so," the opinion stated. "Nor did any juror indicate that he or she was intimidated by the court's remarks."

A final argument contended the Prosecutor's Office had miscalculated the "offender score" used to determine Livermore's sentencing range. The court rejected that, in addition to all of Livermore's other arguments.

"Livermore's assignments of error lack merit. Because the court did not admonish prospective jurors and no evidence shows that the (jury) was intimidated, the court's comments were proper. ... Affirmed."