

Court to hear appeal on fatal crash

Defendant's lawyer says new trial would violate Constitution

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An appeals court will review a double-jeopardy claim by a Spokane stockbroker accused of killing a woman in a crash two years ago, leading to an indefinite delay in what was to be a November jury trial.

A jury in February declared Jon Strine not guilty of vehicular homicide, but jury polling revealed that jurors weren't unanimous and were instead split 6-6, which led to a mistrial.

Spokane County Superior Court Judge Tari Eitzen rejected an argument by Strine's lawyer, Carl Oreskovich, that Strine cannot be retried because he's already been declared not guilty.

Oreskovich requested a discretionary review, and an appellate court commissioner ruled this week that "the issue presented involves an important constitutional right and thus appellate review must be immediate to avoid the trial Mr. Strine maintains is barred by the Fifth Amendment's guarantee," according to the ruling.

Oreskovich said in an email Tuesday that Strine's Nov. 14 trial will not proceed.

"In fact, there will not be another trial until the Court of Appeals decides this issue and only in the event that it is decided against Mr. Strine," Oreskovich wrote.

The appeal likely won't be heard until April. Deputy Prosecutor Mary Ann Brady was not available for comment late Tuesday.

Strine admits to drinking before the June 2009 crash but disputes a state test that placed his blood-alcohol level at 0.20.

Strine's car and a motorcycle collided, leaving the motorcycle driver, Gary Keller, paralyzed and killing a passenger on the motorcycle, Keller's wife, Lorri Keller.