

Bickering attorneys irk judge in Ruiz trial

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SPOKANE -- The judge reprimanded prosecutors and defense lawyers Monday in the trial of Vicente Ruiz, but stopped short of finding either side in contempt for persistent bickering and inappropriate comments before the jury.

Franklin County Judge Cameron Mitchell, who has been interrupted by the attorneys a number of times in the past week, was clearly annoyed when he held up his hands and said, "Excuse me." He threatened to find them in contempt of court for failing to listen to him when he's speaking.

That came after Deputy Prosecutor Frank Jenny's request that Peter Connick be found in contempt, followed by the defense lawyer's quick response that Jenny deserved the same.

The jurors in Ruiz's trial for the 1987 body shop killings had been removed from the courtroom a minute earlier after Connick objected to a question by Jenny and shouted out, "This is equivalent to the two Mexicans in the RX-7 that got stopped."

Connick was referring to reports that the court has previously ruled cannot be used in this trial. He's suggesting to jurors that there are other suspects from the shootings that police never pursued once the lone survivor identified Ruiz.

Connick -- who represents Ruiz along with Kevin Holt and Bob Thompson -- had objected to a question posed by Jenny, saying it was hearsay.

Jenny was questioning former Pasco police Detective Henry Montelongo, who spent the whole day on the stand after starting his testimony Friday afternoon. Montelongo talked about his response to Medina's Body Shop on Oct. 13, 1987, and the efforts of investigators over the next 24 hours and the following 20 years to track down both suspects.

Montelongo had told jurors that after initially responding to the scene where five men were killed, he went to the Pasco Police Department to meet with a man who had indicated he was a witness to a possible shooting. The detective talked to him for about 15 to 20 minutes, before going to the hospital to visit the survivor, Aldo Montes, who then went by Jesse Rocio.

"Did he indicate to you that he actually witnessed the shooting?" Jenny asked Montelongo about his interview of the potential witness.

Connick then stood up in objection. Since the courtroom is very small, the bailiff is taking jurors out so the attorneys can have sidebars with the judge out of their earshot.

"In my 30 years doing this type of law practice, that is the most blatant effort to try to get inadmissible evidence before a jury," Jenny said.

Connick countered that prosecutors "have been trying to backdoor hearsay. ... This is blatant. ... I apologize if out of line, but they're trying to sleaze in through the back door ... and they're not entitled to do that."

Mitchell responded that both counsel are aware of what evidence and comments should not come out before the jury, and said it is inappropriate to attempt to do so.

"I'll admonish the counsel for doing anything to that regard, and any further statements of that nature will be subject to contempt," he said.

Mitchell allowed Jenny to again ask Montelongo -- back in front of the jury -- if the man represented himself that night "to be a witness to the actual shooting." Montelongo responded, "No."

Ruiz, 46, is accused of helping his cousin gun down six men. The survivor suffered a gunshot wound to the stomach, believed to be from a ricocheting bullet.

Ruiz is charged in Franklin County Superior Court with five counts of aggravated first-degree murder and one count of attempted first-degree murder.

His first two trials ended in mistrials. This trial was moved to Spokane County because of extensive media coverage in recent years.

Ruiz maintains his innocence and claims it is a case of mistaken identity. After his return to the United States in 2007, he told Montelongo and other investigators that he had gone with his brothers to Mexico for a pre-planned vacation to attend a family member's quinceaera, and decided not to come back to Pasco.

His cousin, Pedro Mendez-Reyna, had been arrested in August 1993 in Hidalgo County, Texas. He is now serving life in prison for his guilty pleas to the shootings.

Montelongo, who speaks Spanish, helped bring both men back to the Tri-Cities to face the charges, even after retiring from the police department.

He said when he met Ruiz at the Los Angeles International Airport, he asked the suspect about the timing of his departure from Pasco. Ruiz's response was, "Just because I left on that day doesn't mean anything. How many things happen on the same day, and they go ahead and blame us," Montelongo read from a report.

Also Monday, Mitchell ruled that the court will use a Spanish-speaking interpreter other than Ana Armijo for witnesses who cannot speak English.

Armijo is a certified court interpreter in Benton and Franklin counties, and has been on the Ruiz case for more than three years. She is being assisted on this trial by an interpreter from Spokane.

The defense had asked that the court disqualify the two of them and find a third interpreter for witnesses, particularly because Armijo has been privy to attorney-client confidentiality issues.

"I would be deficient as defense counsel relying on an interpreter to interpret for my client and serve a dual function. ... To me it's like being a dual broker for the seller and the buyer in a real estate transaction," Connick argued. "They can claim they're being neutral but often those roles conflict. That's what we have here. Again, in all due respect, we will not use an interpreter to help us with our interpretation for our client if they're going to work for the state or the court."

The judge said it's his position that the interpreters are neutral and officers of the court. He said he has no concerns about the professionalism or abilities of the interpreters to keep their biases out of their work.

He decided that the only way to handle the dispute is to have the defense work only with Armijo when discussing confidential or work-product information with Ruiz, and have the second interpreter do any witness testimony.

Defense attorneys agreed to do that, but requested that Armijo or another interpreter be available on weekends if they want to meet with their client in the Spokane County jail. Armijo said she has no plans to be in Spokane on the weekends, but said she will work with the defense on that.

Read more: <http://www.tri-cityherald.com/2010/11/23/1263204/bickering-attorneys-irk-judge.html#ixzz1695le31R>