

Local News

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Prosecutor seeks new judge in 2007 Carnation slayings

A 50-page motion to the state Supreme Court represents an almost unheard-of move in a death-penalty case and probably would mean further delay in trying the two suspects in the 2007 deaths of six family members.

By Jennifer Sullivan

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More than six years after three generations of a family were slain near Carnation, the King County Prosecuting Attorney's Office is making the almost unheard-of move of seeking a new trial judge.

On Friday, Prosecutor Dan Satterberg's office filed a 50-page motion with the state Supreme Court asking to have Michele Anderson's and Joseph McEnroe's death-penalty cases taken away from King County Superior Court Judge Jeffrey Ramsdell. If granted, the move would undoubtedly delay what has become one of the state's most expensive criminal cases.

Prosecutors, in their filing, cite Ramsdell's "troubling" rulings in the two cases. The state Supreme Court has reversed Ramsdell twice in rulings regarding Anderson and McEnroe, and a third issue will be heard before the court in June.

"In sum, the record demonstrates that the trial judge would reasonably be expected upon remand to have substantial difficulty in putting out of his mind previously expressed views or findings determined to be erroneous," prosecutors wrote in their filing. "Furthermore, reassignment is necessary to preserve the appearance of justice."

Ian Goodhew, deputy chief of staff for Satterberg, declined to comment Friday.

Paul Sherfey, chief administrative officer for King County Superior Court, said he doesn't believe King County has ever been faced with finding a new judge in a capital case. A trial date for Anderson and McEnroe has not been set.

Anderson and McEnroe, who are both 35, are accused of fatally shooting Anderson's family in her parents' Carnation-area home on Dec. 24, 2007. Killed were her parents, Wayne and Judy Anderson; her brother and his wife, Scott and Erica Anderson; and that couple's children, 5-year-old Olivia and 3-year-old Nathan.

The slayings were motivated by money, family strife and a concern over leaving behind witnesses, according to sheriff's investigators.

McEnroe and Anderson have each been charged with six counts of aggravated first-degree murder.

In a 2008 jailhouse interview, Michele Anderson told The Seattle Times she had committed the murders and wanted to die.

"I want the most severe punishment, which would be the death penalty," she said at the time. "I think if I kill a bunch of people, I'm not sure I deserve to live ... I want to waive my trial."

She has since pleaded not guilty, as has McEnroe.

The former couple are King County's longest-serving inmates, according to jail staff.

As of last fall, the cost of their prosecution and defense approached a combined \$7 million.

The amount, even when factoring in two defendants, already exceeds the average price of an individual death-penalty case — from trial to execution — of \$3 million, as determined by a 2008 study by the Urban Institute in Washington, D.C.

Pam Mantle, whose daughter, son-in-law and grandchildren were killed, said Friday that she wants to have the case given to a new trial judge.

"I'm fine with it. I want him gone," Mantle said. "I'm under the impression he's anti-death penalty. As time has gone by it would be hard to be unbiased."

Ramsdell declined to comment Friday.

The state Supreme Court will hear arguments in Olympia on June 30.

In addition to hearing the prosecution's request for the case to be reassigned, justices will also hear a defense motion that could potentially allow Anderson and McEnroe to plead guilty to aggravated murder and face life sentences.

In February, the high court barred Ramsdell from acting on a defense motion that a federal case, *Alleyne v. United States*, took precedence over state case law involving the death penalty. The main thrust of the *Alleyne* decision has to do with mandatory minimum sentences. The U.S. Supreme Court has determined that any fact that can increase a mandatory minimum sentence is an "element" of the crime and must be alleged in charging documents.

Katie Ross, one of McEnroe's defense attorneys, has argued that the state needed to include the additional element of "absence of sufficient mitigating circumstances to warrant leniency" in the information used to formally charge McEnroe with the crimes in order for the state to seek the death penalty. Anderson's legal team has joined the argument made by McEnroe's defense team.

In Washington, there are only two penalties for the crime of aggravated first-degree murder: life in prison without the possibility of release, or death. To seek the death penalty, a prosecutor must determine there is an absence of sufficient mitigating circumstances to warrant leniency — a life sentence — and provide a defendant with a special sentencing notice that the death penalty is being sought.

Information from Seattle Times archives is included in this report.

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