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### High court again overrules judge in death-penalty case

The state Supreme Court on Friday again reversed a Superior Court judge's ruling in the death-penalty case of Joseph McEnroe and Michele Anderson, accused of killing six family members at Anderson's parent's home near Carnation in 2007.

By Sara Jean Green

Seattle Times staff reporter



The state Supreme Court on Friday again reversed a ruling by a King County Superior Court judge presiding over the death-penalty trials of Joseph McEnroe and Michele Anderson, vacating his January order requiring prosecutors to amend charging documents in the aggravated first-degree murder case.

But the justices also denied a request from the state to replace Judge Jeffrey Ramsdell — who was assigned the case less than a month after the defendants were accused of fatally shooting six members of Anderson's family on Christmas Eve 2007 in Carnation — with a new trial judge.

The justices, who heard oral arguments on June 26, released their unanimous decision in a 1 ½-page ruling.

It notes that Ramsdell said in his Jan. 31 order that if the state failed to amend the charges to allege that there are insufficient mitigating circumstances to merit leniency — life in prison instead of the death penalty — he would entertain a motion from McEnroe to plead guilty without facing the death penalty.

“In light of the nature of this action, the Court has determined that the case should be decided expeditiously,” the Supreme Court said its ruling, signed by Chief Justice Barbara Madsen. The court's explanatory opinions will be filed “in due course,” it says.

A mandate from the Supreme Court typically becomes effective 30 days after an opinion is issued, and the defense will have 20 days after that to file a motion for reconsideration, said King County Prosecutor Dan Satterberg.

“We are eager to get this case before a jury, and the Supreme Court's quick action, reversing the trial court, should accomplish that,” Satterberg said Friday.

“They know this should be on a fast track,” he said of the justices, adding it “could be some weeks before the full effects” of the high court’s ruling are felt. Still, his office plans to ask Ramsdell to set a hearing soon so a trial schedule can be established.

Katie Ross, a member of McEnroe’s defense team, said she couldn’t comment extensively because the justices haven’t issued their written opinion yet. But she called Friday’s decision “a narrow ruling” that does not impact an earlier ruling by Ramsdell in which he applied a federal robbery case, known as *Alleyne v. United States*, to the Carnation case.

Satterberg, however, disagreed: “It appears they reversed the trial court’s ruling — I think they’re reversing everything we appealed.”

Court records show that Ramsdell’s Jan. 31 order denied a state motion to reconsider his ruling on Jan. 2, in which he applied the *Alleyne* case.

In *Alleyne*, the U.S. Supreme Court determined that any fact that can increase a defendant’s mandatory minimum sentence is an “element” of the crime and must be alleged in charging documents.

While prosecutors argued that *Alleyne* does not apply, Ramsdell agreed with the defense in January that the absence of sufficient mitigation is an element of the crime for which death is the mandatory punishment. But at the time, he said tossing out the death penalty was premature. Ramsdell conceded he didn’t know how to proceed, which prompted the state to ask the Supreme Court to weigh in on the matter.

Friday’s ruling is the third time the justices have reversed Ramsdell’s orders, and the second time on a question involving the death penalty.

In September 2012, the justices ruled that the defense could withdraw certain court documents if the trial court refused to place them under seal, reversing Ramsdell, who said they couldn’t.

Then in January 2013, Ramsdell ruled that Satterberg erroneously considered the strength of the evidence when he decided to seek the death penalty against McEnroe and Anderson.

Ramsdell said at the time that Satterberg should have weighed only whether sufficient mitigating circumstances — or reasons for possible leniency — existed in the decision to seek the death penalty.

That decision was overturned by the state Supreme Court in September.

McEnroe and Anderson, both 35, are each charged with six counts of aggravated first-degree murder, accused of gunning down six family members inside Anderson’s parents’ home near Carnation on Dec. 24, 2007.

Killed were her parents, Wayne and Judy Anderson; her brother and his wife, Scott and Erica Anderson; and the younger couple’s children, 5-year-old Olivia and 3-year-old Nathan.

Investigators have said the shootings were motivated by money, family strife and a concern over leaving behind witnesses.

*Information from Seattle Times archives is included in this report.*

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