

# Court overturns murder conviction, accuses Pierce County prosecutors of 'egregious misconduct'

For the second time in two weeks, the state Supreme Court has overturned a murder conviction out of Pierce County, citing prejudicial conduct by prosecutors during closing arguments

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The state Supreme Court has ordered a new trial for a man convicted in the 2009 robbery and murder of an armored-car driver at a Lakewood Wal-Mart, saying jurors were prejudiced by a Pierce County prosecutors' "egregious misconduct."

The unanimous justices, in [three separate opinions](#), concluded a deputy prosecutor's PowerPoint presentation during closing arguments in the trial of Odies D. Walker was prejudicial and that the two prosecutors, one of whom is now a Pierce County Superior Court judge, "appealed to the passion and prejudice" of the jury.

The justices said the prosecutors included "racially inflammatory" text in some of the slides that "implicitly encouraged a verdict specifically based on racial prejudice" when race played no role in the crime. Walker is black.

It's the second time in eight days that the justices have overturned a major first-degree-murder conviction out of Pierce County for prejudicial statements by prosecutors.

Last week, the justices ordered a [new trial for Darcus Allen](#), who was convicted and sentenced to 420 years in prison as the getaway driver for Maurice Clemmons, who killed four Lakewood police officers in 2009. The unanimous court in that case found the prosecutor repeatedly misstated the law.

In the Walker opinion, the justices chastised Pierce County for not learning from an October 2012 opinion that overturned a robbery conviction against Edward Glasmann and likewise involved an inflammatory PowerPoint presentation to the jury in closing arguments. In that case, prosecutors imposed the words "guilty, guilty, guilty" over a series of slides, which the justices said amounted to "flagrant misconduct."

Walker's appellate attorney, Jodi Backlund, reached in New Orleans, said the rulings demonstrate Pierce County has a problem "it simply has to address."

"This is not the first time, and what they did in this case is extra bad. Those slides were pretty heinous," she said. "They are spending a lot of time, and an awful lot of money, retrying these big cases when they shouldn't have to."

Pierce County Prosecutor Mark Lindquist defended his prosecutors and said the county would likely seek review from the U.S. Supreme Court.

“I’m confident jurors do their duty and base their verdicts on the evidence. In this case, the evidence was overwhelming,” he said.

Lindquist said the Glasmann case had not been decided when the Walker case went to trial, so his prosecutors couldn’t have been on notice about the potential impact of the inflammatory PowerPoint presentation.

The Walker case was handled by former Chief Deputy Prosecutor Jerry Costello, now a Pierce County Superior Court judge, and Dawn Farina, who still works in Lindquist’s office.

The justices wrote in Thursday’s opinion in the Walker case that a prosecutor’s duty “is to seek justice, not merely convictions” and that violating a defendant’s right to a fair trial is not a way to achieve it.

Justice Gordon McCloud, in one of the opinions, found some of the slides “inflammatory and prejudicial because they highlighted the defendant’s race.”

In one, the prosecutor superimposed a quote by Walker in which he used a racially derogatory term over a photo of him and his family having dinner at a restaurant after the robbery.

“We cannot conclude with any confidence that Walker’s convictions were the result of a fair trial,” wrote Justice Mary Yu in the lead opinion.

Walker went to trial in March 2011 and, during closing arguments, prosecutors showed the jury a PowerPoint presentation to sum up their case in which more than 100 of the 250 slides bore the headline “Defendant Walker Guilty of Premeditated Murder.” The words “Guilty” were superimposed over his face in a mug shot.

The court overturned all of Walker’s convictions and sent the case back to Pierce County.

Walker was serving a life sentence.

Walker was convicted as an accomplice of first-degree murder, first-degree robbery, solicitation and conspiracy in connection with the [June 2009 robbery](#).

The Loomis guard, Kurt Husted, was shot in the face while transporting a bag of receipts from the Wal-Mart to an armored truck in the parking lot. The robbers took a large bag and fled.

According to court documents, Walker's girlfriend was a manager at the Wal-Mart and had told him and another man, Walker's cousin Calvin Finley, that she knew that hundreds of thousands of dollars in receipts were often transported by the armored car.

Finley, Walker and another man planned the robbery, and Finley shot the guard, according to court testimony and documents.

The girlfriend, Tonie Williams-Irby, pleaded guilty to second-degree murder and robbery charges. Finley pleaded guilty to aggravated murder and is serving a life sentence. A third man, Marshawn Turpin, pleaded guilty to murder, assault and robbery charges.

Walker and Williams-Irby reportedly went on a shopping spree after the robbery and spent \$175 for dinner at a Red Lobster restaurant. When they were arrested, police found \$20,000 in a safe in their home.

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