

THE SPOKESMAN-REVIEW

March 15, 2013

High court says Yates case won't get review

Serial killer claimed death penalty unfair

Jim Camden
The Spokesman-Review



Yates

OLYMPIA – Serial killer Robert Yates, of Spokane, is not entitled to a new hearing or a review of his case that could overturn his execution, the state Supreme Court said Thursday.

The court rejected a petition from Yates that claimed 25 different errors in his convictions, including jury bias, ineffective counsel and procedural errors. Also rejected was a claim that his sentence was “disproportional” because a serial killer who committed more murders escaped the death penalty through a plea bargain.

“Yates has failed to establish any meritorious claims,” the majority decision, written by Justice Susan Owens, said in dismissing what is known as a personal restraint petition.

Yates, a Spokane factory worker and former military helicopter pilot, pleaded guilty in 2000 to 13 murders of women tied to prostitution in Spokane County and received a total of 408 years in prison as a result of a plea deal on those charges. In 2002, he was sentenced to death by a Tacoma jury for two separate convictions for murders in Pierce County.

He has long argued that the plea agreement should have kept him from the death penalty for any murder in Washington state, but the state Supreme Court has already upheld the sentence in the direct appeal.

In the current petition, Yates’ attorneys made some of the same arguments rejected in the earlier appeal, the court said. Attorneys argued his case should have been compared to that of Gary Ridgway, the so-called Green River killer, who received life sentences as a result of a plea deal on 49 counts of murder. But prosecutors exercising

their discretion to offer plea deals doesn't make his sentence disproportionate, the court said.

Death penalty cases don't require mathematical precision, Owens wrote. Instead the law says the death penalty can't be imposed "wantonly or freakishly."

Yates argued that his trial lawyers made several major mistakes, including a failure to present more testimony from family and friends during the penalty phase, before the jury decided he should be executed. But trial counsel said they were leery of calling some of his family members because of worries about what they might say on cross-examination. That's not unreasonable, Owens wrote, because prosecutors could have argued Yates victimized his own family through his actions.

His attorneys also said the Pierce County jury that convicted and sentenced him was drawn from a pool that underrepresents the community's minority population. Statistically that was true, but they didn't prove it stopped the process from being fair and reasonable, Owens said, and the county's process for selecting a jury pool had previously been upheld.

Yates remains on death row at the Washington State Penitentiary in Walla Walla.

Get more news and information at [Spokesman.com](https://www.spokesman.com)