

Whatcom County to retry 2007 attempted-murder case, due to improper jury selection

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A Whatcom County man convicted of attempted murder in 2007 for stabbing an ex-girlfriend will be back for retrial after the Court of Appeals found that improper jury selection violated his right to a public trial.

A jury found Gregg Belyeu, 47, guilty of first-degree attempted murder, second-degree assault, first-degree burglary and violation of a no-contact order. He was sentenced in Whatcom County Superior Court to more than 22 years in prison, plus an additional five years for deadly weapon enhancements.

In August 2006, Belyeu went to his ex-girlfriend's Maple Falls home and stabbed her in the chin, chest, shoulder and arm, and stabbed a man who was inside her house in the side of his chest, according to court documents.

As part of Belyeu's appeal of his conviction, he argued that the information for the burglary charge was insufficient, jury instructions about self-defense were inadequate, and a portion of jury selection that was done in the judge's chambers violated his right to a public trial.

The Court of Appeals rejected the burglary and self-defense claims, but found that his public trial right was violated.

County Prosecutor Dave McEachran estimated that 16 cases - including rape and murder cases - have been brought back to Whatcom County for retrial as people appeal convictions based on a state Supreme Court ruling on jury selection.

In Belyeu's case, the prosecution and defense questioned four potential jurors on the record in the judge's chambers based on their responses to a questionnaire, according to the Court of Appeals opinion. The jury was then selected in open court.

McEachran said such questioning allowed potential jurors to talk about sensitive issues, such as sexual abuse, that might affect how they view a case and that jurors might not want to discuss in front of the entire courtroom.

"Now we don't do anything privately," he said.

Retrying the case for a crime that occurred nearly seven years ago could be challenging, McEachran said.

"We have to gather witnesses again and go over all the facts that occurred," he said. "It's painful for victims to go through that. It's a very difficult thing for everyone."

Belyeu is in custody in Whatcom County Jail and is set have his first appearance in court Wednesday, April 3. His new trial should be set by the end of next week, McEachran said.