

Supreme Court rejects appeal of child rapist

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A majority of the Washington State Supreme Court has upheld multiple convictions of a child rapist in a 2006 attack on his girlfriend and her daughter at a Lakewood motel.

In a ruling announced Thursday, the state's high court said evidence against Christopher Smith was admissible at trial despite a warrantless search of his motel room.

Chief Justice Barbara Madsen wrote in the majority ruling that police had discovered evidence, including the battered victims and bloodied clothing found in a parking lot Dumpster, "under an exception to the warrant requirement for actions by law enforcement when lives are in danger."

Smith's appeals attorney, David Koch, did not return a call for comment Thursday.

Police used to routinely view guest registries at motels and run names to check for warrants. When an officer did so Oct. 22, 2006, he got a hit on Smith's name and went to arrest him in his room. Through the open door, the officer spotted a crying, injured woman and went inside to check on her.

The victims, including Smith's pregnant girlfriend, told police he had forced the woman to ingest cocaine, beat her with a candlestick and tied her to the refrigerator with a curling iron cord. Smith also made the woman watch as he sexually assaulted her 12-year-old daughter, whom he also beat with a hammer.

The woman's 2-year-old son also was in the motel room, playing with broken glass, during the attack.

Smith, now 50, was convicted in October 2008 of first-degree rape, second-degree child rape, two counts of first-degree kidnapping, first-degree assault and two counts of felony harassment. He was sentenced to 53 years to life in prison.

Before his trial began, the Supreme Court ruled that law enforcement officers no longer could perform random searches of motel guest registries because it violated privacy rights. Smith lobbied to get his case dropped, arguing that the evidence against him was illegally obtained.

The trial court did not allow evidence collected in the motel room but allowed items found in an outside Dumpster, as well as victim's testimony and officer observations.

Smith appealed, but an appeals court upheld his convictions with a ruling that the evidence against him was independently gained by talking to the victims and responding officers.

Judge David Armstrong dissented, arguing that "absent the initial, unlawful search of the motel guest registry, the officers had no independent basis for knocking on Smith's door."

The high court agreed with Armstrong but said the search was justified by the officer's duty to help the injured victims, called the "save life" exception in the ruling.

The majority also rejected Smith's contention that being convicted on two separate rape charges for the assault constitutes double jeopardy.

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