

State ponders blocking Jones retrial

County on hook for court costs

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OLYMPIA — The Washington State Attorney General's Office is considering its options now that a state appeals court has ordered a new trial for Martin Jones of Seaview.

Jones was convicted in 2011 of attempting to murder then-State Trooper Scott Johnson on Feb. 13, 2010, in downtown Long Beach while Johnson was inventorying the contents of the Jones family minivan. Earlier that night, Martin Jones' wife Susan was arrested by another trooper for driving under the influence.

Johnson, now Pacific County sheriff, identified Martin Jones as his assailant and Jones was sentenced to 50 years in prison following a trial in Pierce County Superior Court, where the case was transferred to obtain a neutral jury.

However, on appeal, the Washington State Court of Appeals on June 4 kicked the case back for a new trial based on an error in how alternate jurors were selected. As it happened, none of the alternates participated in jury deliberations, but appellate judges said a fundamental constitutional right outlined by the state Supreme Court had been violated.

This Tuesday, John Hillman, assistant attorney general in the state Criminal Justice Division, said his office is "actively considering" whether to "appeal the appeal" by seeking additional review by either the state Court of Appeals or by that court's superior, the Supreme Court. The AG's office took over the Jones prosecution in 2010 at the request of Pacific County Attorney David Burke.

The first option is to file a Petition for Review with the Supreme Court by July 5. Hillman said this type of case has generated quite a bit of interest among state justices, who have looked at 10 similar cases in the recent past. If the court accepts the petition, a decision would take four or five months.

Basically, the AG's office would argue that the faulty alternative-juror process in no way impacted the outcome of the case.

A second option is to ask the Court of Appeals itself to reconsider its decision. That petition would need to be filed by June 24.

A third option is to enter into plea negotiations with Jones. But Hillman said the state would base any talks on the very serious nature of the crime of attempting to murder a state law officer. Jones and his attorneys rejected an offer made prior to the first trial, and presumably would not be offered a better deal this time.

A new trial

Hillman said the AG's office is prepared to re-prosecute the case if need be. As before, the state covers the cost of prosecution in this instance.

However, Pacific County had to pay much of Pierce County's costs for expenses such as court time and jailing Jones, and would have to again. In addition, because Jones has now exhausted his personal financial assets, Pacific County would have to pay for his defense.

County Commission Chairwoman Lisa Ayers said Saturday that county has been advised to set aside \$200,000 for defense costs. She said it will be necessary to pay for top-tier defense counsel, since failing to do so could result in yet another appeal.

Hillman said he assumes a new trial would occur in Pierce County, since the orders transferring the case there remain in effect. Jones and his new attorneys could, however, elect to keep the case in Pacific County, Hillman said.

Jones is currently housed in the Washington State Penitentiary in Walla Walla. If the AG's office doesn't file a challenge of the retrial or fails to prevail on review, the Court of Appeals will issue a mandate — an order transferring Jones back to county custody while he awaits a new trial. It is uncertain at this point whether that would be in Pacific County or Pierce.