

State will appeal decision to grant shooter a new trial

By Brionna Friedrich
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The state Attorney General's Office has decided it will file an appeal to the state Supreme Court over an appeals court decision to grant the man convicted of shooting a former state trooper a new trial.

In 2011, Martin Arthur Jones was sentenced to 50 years in prison for shooting then-trooper Scott Johnson, now the Pacific County Sheriff. Jones won an appeal June 5 over a technical error in his trial. The appeals court judge decided a Pierce County trial judge erred when she dismissed alternate jurors during a recess rather than in open court.

Assistant Attorney General Melanie Tratnik said Thursday the office would file a petition for review with the State Supreme Court.

"That is going to happen," she confirmed.

The state has 30 days to file its petition. Tratnik explained the brief that would be filed in the high court is still being written and would likely delve into complex legal issues, but there are a finite number of reasons that the court could decide to hear the case.

According to the state's rules of appellate procedure, petition for review will only be accepted if: The decision of the Court of Appeals conflicts with a decision of the Supreme Court or another Court of Appeals decision, if there is a "significant question of law" under the state or federal constitution, or if the petition "involves an issue of substantial public interest that should be determined by the Supreme Court."

Although numerous issues were contested by Jones during his appeal, the only one the judge agreed with was the dismissal of the jurors, and the argument to the high court will center around that specific issue in some way.

"The only issue that they overturned on was this picking of the alternate jurors during the recess of the court," Tratnik said.

There's no time limit for the Supreme Court to decide whether it will hear the case, but it will likely take at least a few months.

"It's not something that happens right away," Tratnik said.

The state has a right to file its petition, but there's no guarantee the case will be heard. If not, the appeals court decision would stand and Jones would get a new trial.