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Sunnyside Municipal Court prosecutor suspended by city manager following DUI charge

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Less than six months after a tearful plea to keep her job, Kathleen Morehouse was suspended from her post as the Sunnyside city prosecutor after she was arrested on DUI charges this week.

According to a copy of the State Patrol's investigative report, Morehouse had a blood alcohol level three times the legal limit when she was tested at 9:30 a.m. Wednesday morning.

The troubles for Morehouse, who's more commonly known as Hitchcock (her maiden name), started at 8 a.m. that morning, when a state trooper reportedly clocked her travelling 85 mph on I-82 near Granger.

The routine traffic stop went from bad to worse for Morehouse, as Officer Brian Luedtke stated in his report she smelled heavily of alcohol.

Morehouse, according to the trooper, claimed the smell was from a medical condition requiring her to have a port in her chest.

Besides the strong odor of alcohol on her breath, Luedtke also reported Morehouse's eyes were bloodshot, her face flushed and she "...exhibited a slight side to side sway of 1-2 inches."

The trooper said Morehouse claimed she had not been drinking that morning, but admitted to drinking two margaritas the night before and "taking half a hydrocodone at 4:30 a.m. that morning."

Serving in his last week as Sunnyside's interim city manager, John Darrington on Wednesday afternoon suspended Morehouse from her city prosecutor role and updated the city council accordingly.

"The pending charge of driving while under the influence of intoxicants significantly impairs your ability to represent the city in the capacity of a prosecutor," Darrington said in the suspension letter he issued. "The city is therefore considering you unable to provide these services until these charges are resolved."

Initial resistance

In his report, Luedtke said Morehouse's coordination was fair, but she was uncooperative at times.

"I asked Morehouse to provide a PBT (preliminary breath test) sample, she stated she didn't want to take the test and told me she was a judge," Luedtke reported. "She also said she often told people not to provide a PBT sample when she was an attorney."

A municipal court judge for Granger and Wapato, Morehouse according to the report was on her way to the Granger Police Department when she was stopped.

Morehouse also allegedly attempted to resist arrest, according to Luedtke's report.

"I instructed her to stop resisting arrest several times and was eventually able to get her hands behind her back and place handcuffs on her," he reported.

He charged her with DUI only, issuing a warning for the alleged speeding violation.

Sergeant Greg Tri with the Washington State Patrol says troopers have discretion not to issue citations for speeding. He says there have been other times in the past when tickets were not issued for that rate of speed.

As for resisting arrest, Tri added, "Every drunk out here doesn't want to be arrested. There's not enough there for a charge."

He noted prosecutors can always add charges once Morehouse appears in Yakima County District Court.

The investigative report also says Morehouse told Luedtke she hoped he wouldn't be mad at her for having a gun in her car.

A loaded Smith & Wesson handgun was found in her car, the officer stated, and was confiscated along with five bullets. She has a concealed weapons permit for the gun, Luedtke noted, but it was seized because state law prohibits the possession of a firearm when a person is under the influence of intoxicating liquor.

Morehouse was transported to the Sunnyside Law and Justice Center - where she presided as prosecutor - and processed for DUI by the police department.

Upon her request, Sunnyside officers provided Morehouse her cell phone, which she used to call several attorneys before she was processed. That's according to Luedtke's report, which notes she spent 21 minutes on the phone with attorneys before she was processed for the DUI arrest.

At about 9:30 a.m., Morehouse agreed to a breath test. Luedtke said two samples were taken, measuring her blood alcohol content levels at .253 and .248. Both were just over three times the state's legal limit.

Bonnie Berndt of the WSP's public disclosure office says video exists of Morehouse's DUI stop, but will not yet be released.

Conflicting views

Sunnyside police vigorously defended Morehouse at a Sunnyside City Council meeting in February of this year after the city had contracted with the Kennewick law firm Bell, Brown and Rio for prosecution services.

The Sunnyside Police Guild presented council a petition officers signed supporting Morehouse.

Deputy Police Chief Phil Schenck said he also supported her, but that view appears to be changing.

"I'm not sure the police department in an official stance supported her," he said yesterday, noting it was rather the guild or union that backed Morehouse.

"We had some officers with concerns, but I didn't," said Schenck, adding however that he cannot support situations like this.

Schenck did not elaborate on the issues he says Sunnyside officers had with Morehouse.

Granger Police Chief Robert Perales, currently a Sunnyside City Council candidate, also backed Morehouse at the February meeting.

Cas Cedillo with the Mabton Police Department was even more adamant that Morehouse stay, threatening to pull his city's jail contract with the city if another firm was hired.

Sunnyside's city council was split on retaining her as city prosecutor. When Councilman Jason Raines moved to reconsider hiring the outside firm at the February meeting, the ensuing vote went 3-to-2 against using the firm.

Raines, Councilman Craig Hicks and Deputy Mayor Don Vlieger - now running for re-election - voted to reconsider the contract and essentially backed Morehouse's continued contract work for the city.

Mayor Jim Restucci and Councilwoman Theresa Hancock - also now running for re-election - voted against the move that ultimately brought Morehouse back on the city payroll.

Because Sunnyside had already inked a contract with the firm, the city ended up paying Bell, Brown and Rio \$5,500 to walk away from the deal so it could contract with Morehouse for prosecution services.

Previous concerns

A prosecutor for Sunnyside the past 17 years, Morehouse's suspension isn't the first time officials here have had concerns about her ability to do the prosecutor's job.

During the February 2013 meeting, allegations were raised that a case in municipal court was dismissed because she was 20 minutes late. At the meeting other court complaints were raised such as Morehouse at times reportedly being unavailable to meet with defense attorneys prior to court.

In 2010, Morehouse missed three court appearances in the span of six weeks, requiring the city to bring on other attorneys to fill the prosecutor's role.

Moving on

Filling the prosecutor job now will likely require the city to contract with a hodge-podge of attorneys who have filled in previously.

In an e-mail to council on Wednesday, Darrington said the city will contact attorneys to handle prosecution services.

In the suspension letter Darrington, with consultation by city attorney Lee Kerr, said Morehouse will be suspended "until the disposition of the pending charges, or the earlier termination of your contract."

That contract expires at the end of this year, says Restucci. The mayor added reaching out to Bell, Brown and Rio is likely out of the question.

"That group pulled out after we hemmed and hawed," he said of council's indecisive actions in first hiring the firm, then switching back to Morehouse.

Restucci says it's probable the city will have to start from scratch in terms of contracting for prosecution services.

Sunnyside's new city manager, Donald Day, starts work next Monday, July 29. Restucci says deciding how to meet the city's prosecution needs will be his call. "That's something Mr. Day will want to look at," the mayor said.