

Morfin's murder conviction upheld

Argued juror should have been investigated

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By Cameron Probert, Herald staff writer

EPHRATA - The appellate court upheld the conviction of the man who killed Manuel A. Arousa, of Warden, in 2009.

The Washington State Court of Appeals, Division III, rejected Israel Morfin's argument his right to a fair trial was violated when a juror refused to speak in deliberations.

Morfin was sentenced to about 40 years in prison after a Grant County jury convicted him of first-degree murder, second-degree unlawful possession of a firearm, possession of marijuana and eluding police.

Morfin began searching for Arousa a few days before the murder, going to the victim's step-father's house to demand \$500, Prosecutor Angus Lee said during the trial. The day before the murder, Morfin called Adrian Adame-Madrid, 21, Moses Lake, telling him they needed to go to Warden.

The men found Arousa and another man pulling into a driveway, and stopped the car next to them. Morfin got out of the car and cocked a gun, he said. Adame-Madrid went to the passenger's side of the car, and took the stereo from the car.

The two men walked to the back of the car to take the speakers, when Morfin said, "First one to run gets smoked," Lee said.

When Arousa replied if he had a gun he wouldn't be sitting there, Morfin shot Arousa in the back of the head, killing him, he said.

Morfin and Adame-Madrid fled the scene, Lee said. An Adams County sheriff's deputy spotted Morfin near Othello, and attempted to stop him, starting a chase, which ended when Morfin hit a spike strip near Sunnyside. During the chase, he threw a digital scale and a 10 mm semi-automatic pistol out the window, Lee said. The weapon and gun bounced off the hood of a car, hitting the guardrail and landing in the road.

Morfin's appeal focused on an issue which arose during deliberations. The presiding juror sent a note to Grant County Superior Court Judge Evan Sperline stating one of the jurors was refusing to deliberate.

When the judge questioned the presiding juror, he stated the juror refused to speak, and instead sat in his chair, crossed his arms across his chest and dropped his gaze to his lap.

When the judge asked if the juror was still willing to vote, the presiding juror replied the man was still voting. Sperline declined to remove the juror.

"At some point in the deliberation process, every member of the jury may say, 'I've heard enough, I've decided the case for myself, I don't have anything else to say,'" Sperline said. " If the juror, in addition to refusing to have anything to say were to take the position that (he) did not care about whatever you all say, then the combination of those two things . . . would amount to a refusal to deliberate. And unfitness of the juror."

Morfin's argument revolved around a Washington State Supreme Court case, where a judge dismissed a juror after two other jurors complained he wasn't following the law in the instructions and wasn't listening to what other jurors were saying. The judge didn't interview the juror before deciding to dismiss the juror.

The appellate court disagreed, stating Morfin's case was different in two ways. First Sperline kept the juror after being satisfied the juror had participated, and Sperline followed the guidelines for investigation.

"Had the trial court dismissed the juror, then Mr. Morfin may have had an argument since the trial court did not interview (the) juror," according to the opinion. However, since the trial court found the complaint lacked merit, Mr. Morfin's argument that the court should have conducted a more intrusive investigation is contrary to (the previous case.)"

The appellate judges agreed with Sperline, stating nothing in the record showed the juror failed to talk about the case with other jurors, listen to others' viewpoints and form his own opinion.

"This fact strongly suggests, as the trial court found, that the accused juror had engaged in the deliberation process and had simply come to his own honestly held conviction in advance of his colleagues," according to the opinion.

Prosecutor Angus Lee stated Sperline did an excellent job resolving the issue with the juror, and made the correct conclusion.

"I hope that the sentence and this ruling from the court of appeals gives comfort to the family of the victim," he stated.