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## High court rules to release psychological report in Seattle slayings

The state Supreme Court has ruled against sealing a psychological evaluation that found Dr. Louis Chen competent to stand trial on two counts of aggravated first-degree murder in the August 2011 deaths of his partner and their young son in Seattle.

By [Sara Jean Green](#)

Seattle Times staff reporter

The state Supreme Court on Thursday unanimously agreed with the public release of a redacted forensic psychological evaluation that found Dr. Louis Chen competent to stand trial on two counts of aggravated first-degree murder for the [August 2011 deaths](#) of his partner and their young son in Seattle.

Chen's defense team had sought to have the competency report sealed — and advocated for a rule to seal all competency reports involving criminal defendants, according to the defense brief written by Seattle attorney Todd Maybrown and submitted to the Supreme Court last November. Chen's defense argued that failure to seal Chen's competency report would jeopardize his privacy rights.

But the court ruled Chen's privacy rights do not trump the state's constitutional requirement that presumes openness of the courts and court records, according to the majority [ruling](#) authored by Associate Chief Justice Charles Johnson.

In a concurring minority opinion, Justice Sheryl Gordon McCloud wrote that Chen's attorneys did not identify a specific threat to Chen's right to a fair trial in seeking to have his competency report sealed. She wrote that competency proceedings in criminal cases are presumptively open to the public.

The justices upheld a March 2012 decision by King County Superior Court Judge Ronald Kessler to redact the report to protect Chen's private health-care information, but found that the report didn't contain significant amounts of that information to begin with. They also rejected the defense suggestion for a blanket rule to keep private all competency reports.

The American Civil Liberties Union of Washington and the Washington Defender Association, Disability Rights of Washington and the Washington Association of Criminal Defense Lawyers submitted briefs in support of Chen's argument. Allied Daily Newspapers of Washington, the Washington Newspaper Publishers Association and the Washington Coalition for Open Government filed a joint brief in support of the state's position.

The Seattle Times is a member of Allied Daily Newspapers of Washington and has supported the Washington Coalition for Open Government, said a Times company spokeswoman.

Chen, now 41, is accused of fatally stabbing his partner, 29-year-old Eric Cooper, over 100 times and killing their 2-year-old son, Cooper, during a bloody rampage inside a First Hill penthouse apartment between Aug. 8 and 11, 2011, according to charging documents.

Chen, an endocrinologist who had just been hired by Virginia Mason Medical Center, answered the door nude, semiconscious and covered in dried blood when a hospital representative went to his apartment after Chen failed to show up for an orientation session, the charges say.

He was charged days later with two counts of aggravated first-degree murder. King County Prosecutor Dan Satterberg announced in November 2011 that his office [would not seek the death penalty](#) against Chen.

The only other possible punishment for aggravated first-degree murder is life in prison without the possibility of release.

A defense psychiatrist initially found Chen was not competent to stand trial, but after Chen was treated with psychiatric drugs, the same defense expert determined Chen's competency had been restored, court records show. Chen was then ordered to undergo a second evaluation by two doctors from Western State Hospital, who also found him competent to stand trial in December 2011.

In January 2012, Kessler reviewed the evaluation and found Chen competent to stand trial, at which time the defense asked the judge to seal the evaluation report or redact certain information. During another hearing in March, Kessler denied the defense motion to seal the entire competency report, though he made limited redactions to the document.

The defense sought discretionary review by the Supreme Court and Chen's competency report has been under seal while the appeal was pending.

Dan Donohoe, a spokesman for Satterberg, said his office needs to wait for the Supreme Court to issue a mandate — usually within 30 days of the release of a written opinion — before it can schedule a hearing to have the report unsealed.

It was unclear Thursday whether the defense planned to file a motion for reconsideration. Maybrown did not immediately return a phone call Thursday afternoon seeking comment.

*Information from Seattle Times archives is included in this report.*

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