

# Washington Supreme Court upholds serial killer Yates' Spokane County sentence

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The Washington Supreme Court has upheld serial killer Robert Yates' 408-year sentence from Spokane County.

In an 8-1 decision released Thursday, the state's high court said Yates was not prejudiced even though a Spokane County Superior Court judge did not follow the letter of the law in sentencing Yates in 2000.

Yates had asked for his plea agreement in Spokane County to be thrown out because of the mistake. Yates is also on death row after later being convicted of two murders in Pierce County.

At issue was an agreement Yates made with Spokane County prosecutors to avoid the death penalty there. He agreed to plead guilty to 13 counts of aggravated first-degree murder and one count of attempted murder for a series of killings in and around Spokane.

Yates mostly targeted women working as prostitutes.

He agreed to a 408-year sentence as part of the Spokane County deal, court records show.

But Yates argued on appeal that Judge Richard Schroeder made a mistake when he sentenced him to two straight 20-year stints in prison on two of the counts instead of 20 years to life as required by law. All the sentences Yates received in Spokane County were to run consecutively.

Those two counts were for killings that occurred in 1975 when the law called for indeterminate sentences for first-degree murder convictions. In such cases, a judge sets a minimum term of confinement with the ultimate release date determined by the state's Indeterminate Sentence Review Board.

Yates argued that the discrepancy invalidated his plea agreement because he did not enter into the Spokane County deal knowingly and voluntarily.

A majority of the high court said Schroeder's mistake didn't matter because Yates would never get out of prison even if the judge had sentenced him to 20 years to life.

"In this case, there was no practical effect resulting from the error," Justice Susan Owens wrote for the majority. "Yates agreed to a sentence of 408 years in prison, and he should have been sentenced to a minimum of 408 years with a potential extension to a life sentence. Given the reality of the human life span, there is no difference between those two sentences. There is simply no way to find prejudice in this context."

Justice Sheryl Gordon McCloud dissented.

Gordon McCloud said the law is the law and that Schroeder's error did prejudice Yates.

She said, among other things, that he deserves a hearing to determine whether "the misinformation Yates received about his sentence actually affected his decision to plead guilty."

Read more here: <http://www.thenewstribune.com/2014/03/20/3106815/washington-supreme-court-upholds.html#storylink=cpy>