

# New trial for man serving life in 2002 Burkheimer murder

By [Diana Hefley](#)  
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EVERETT — Snohomish County prosecutors received word Wednesday that a man serving a life sentence for the 2002 killing of [Rachel Burkheimer](#) will get a new trial.

The state Supreme Court declined to review the appeal filed by Snohomish County prosecutors challenging a ruling that overturned John Alan Whitaker's 2004 murder conviction.

In 2013, the state Court of Appeals [ruled](#) that Whitaker was entitled to a new trial, citing case law decided since his [conviction](#).

The courtroom in Whitaker's aggravated murder trial was temporarily closed to spectators while six prospective jurors were individually questioned about their fitness to hear evidence in the case.

Whitaker, 34, is serving a life sentence at the Washington State Reformatory in Monroe. He has been behind bars since his arrest in late 2002.

Whitaker likely will be moved to the Snohomish County Jail in the coming weeks, Snohomish County deputy prosecutor Kathy Webber said.

Snohomish County Prosecutor Mark Roe said his office plans to retry Whitaker. "Absolutely and without hesitation," Roe said Wednesday. "While we disagree strongly with the court's reasoning that has sent it back, we have only one way forward."

Whitaker was one of eight people charged and convicted in connection with Burkheimer's death. The Marysville teen was lured to an Everett home, where she was bound and beaten for hours. She was hauled in a hockey bag to a rural area east of Gold Bar. Her ex-boyfriend, John Phillip Anderson, forced Burkheimer into a shallow grave and then shot her to death.

Anderson is serving a life sentence.

Whitaker testified that he participated in Burkheimer's abduction and assisted in digging her grave.

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