

Retrial in 1986 cold case killing set to begin after Thanksgiving, defendant waives jury

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Former Pasco police officer Richard Aguirre hides his face as he leaves Spokane County Superior Court with lawyer John Browne on Thursday. The jury in Aguirre's first-degree murder case was unable to come to a verdict, triggering a mistrial. (COLIN MULVANY/THE SPOKESMAN-REVIEW)

A former Pasco police officer accused in the 1986 strangulation of a Spokane woman who worked as a prostitute will be re-tried after Thanksgiving, but this time without a jury.

Richard Aguirre waived his right to a jury trial late last month and instead opted to allow recently appointed Spokane County Superior Court Judge Jeremy Schmidt to decide his case.

Ruby Doss, 27, was found beaten and strangled near Playfair Race Course on Jan. 20, 1986. She had lived in the El Rancho Motel with her daughter and boyfriend.

Police investigators had few suspects in her killing until 2015, when DNA evidence linked Aguirre, 59, to her death. Prosecutors charged him a year later, but those charges were quickly dropped until more DNA testing could be completed, according to court records.

Prosecutors refiled the charges in 2020, but a jury [could not reach a verdict](#).

It wasn't the first time Aguirre had a mistrial. In 2016, a jury failed to reach a verdict against Aguirre in a rape and assault case against a family member. Evidence collected in that case linked Aguirre's DNA to the Doss killing. He was later acquitted of the family-related rape charges.

After the Doss mistrial, prosecutors immediately began preparing to try the case again.

Aguirre is no longer represented by [Seattle-based attorney John Henry Browne](#), who is known for defending infamous clients such as Ted Bundy. Instead, Aguirre hired Karen Lindholdt, a defense attorney who has practiced in Spokane since the mid-1990s.

Following the hung jury, Lindholdt told the judge that prosecutors told her they intended to abandon the case against Aguirre rather than retry him.

However, prosecutors changed course during a [court hearing last fall](#).

Spokane County Prosecutor Larry Haskell reassigned the case to deputy prosecutor Richard Whaley. Haskell intends to sit second chair at the trial starting next week.

Last year, Lindholdt said Aguirre "is very eager to get this case tried."

She did not immediately respond to request for comment.

Aguirre will be tried on charges of first-degree murder, but a judge also could find him guilty of second-degree murder. He faces up to life in prison.

Issues at play

In the first trial, attorneys haggled over Aguirre's whereabouts when Doss was killed.

Aguirre argued he had already been deployed to Korea by the U.S. Air Force and therefore couldn't have been involved in her death.

Aguirre, who later became a police officer, now admits he was in Spokane at the time Doss was killed, according to court records.

Ahead of the trial, Aguirre has filed motions seeking to exclude DNA evidence.

“This is a case premised upon contaminated and lost evidence,” Lindholdt writes in her motion.

The key piece of evidence in this case is DNA found on a condom near Doss’ body that contained a DNA mixture that matched Aguirre and Doss. However, that condom was destroyed during testing in the 1980s.

The envelope that contained the condom, however, was retained, and DNA remained in the envelope. A test of that material matched Aguirre and Doss as well.

Aguirre has consistently argued that this evidence should be excluded because the condom is not available for further testing, also noting issues in the chain of custody of the evidence.

Prosecutors argued any potential issues with the chain of custody should influence the weight the evidence is given, not to whether or not it should be admitted, according to court records.

Prosecutors said they can establish a “substantial” chain of custody over the 30 years since the evidence was collected.

Lindholdt argued that the condom was found so far from Doss’ body that it could not be connected to her death.

Prosecutors said the condom was the only one found in the area, in the middle of a spread-out crime scene.

“His condom is the moon in the middle of a constellation of evidentiary stars,” prosecutors wrote.

The condom was found more than 250 feet from Doss’ body, but close to an area where prosecutors say her clothes were found along with signs of a struggle.

The defense argued that those clothes could have been someone else’s, because neither her DNA nor Aguirre’s was found on them. His DNA also was not found on Doss’ undergarments.

They also argued the area was rife with prostitution, and therefore the condom could have been unrelated to Doss’ death.

Therefore, the officers at the time didn’t have enough evidence to believe the user of the condom was involved in the crime when they uploaded the profile to the Combined DNA Index System (CODIS), violating Aguirre’s right to privacy, the defense argued.

Prosecutors responded by saying it appears the defense is conceding that the condom and DNA was Aguirre's.

At the time, investigative protocol allowed officers to determine the boundaries of the crime scene. While that procedure has changed over the last 20-some years, it was common practice in 2002 when the DNA was uploaded, prosecutors argued.

In the first trial, DNA evidence was presented to the jury.

Prosecutors also filed motions to exclude arguments about "other suspects." The defense sought to exclude mention of Aguirre as "the choker."

After his initial charges, investigators seized [thousands of videos](#) and other recordings showing Aguirre's sexual activity, many of which show him choking his partners. He has since described the encounters, with men and women, as consensual.

Prosecutors indicated they would only bring up Aguirre's penchant for choking his partners if Aguirre testified and opened that legal avenue, according to court records. Aguirre did not testify at his first trial.

Schmidt will likely rule on the admissibility of evidence during pre-trial motions on Nov. 27, before the trial begins later next week.

The bench trial is scheduled to last more than three weeks.



After the jury was unable to come to a verdict, a mistrial was declared in the 1st-degree murder trial of former Pasco police officer Richard Aguirre in 2021 in Spokane County Superior Court. (COLIN MULVANY/THE SPOKESMAN-REVI)