

Convicted Kelso murderer on bail after witnesses say he's innocent. Prosecutors aim to lock him up again.

By Matt Esnayra, The Daily News, Longview, Wash. *The Tribune Content Agency*
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Aug. 3-Randy Coy Henderson spent 27 years of a life sentence in prison for a 1995 murder of a Kelso man he says he didn't commit.

Now, the Cowlitz County Prosecuting Attorney's Office is seeking to reinstate his vacated felony murder conviction and put Henderson - who now lives in Yakima as a farmhand and an avid churchgoer - back behind bars.

The court canceled Henderson's 1996 felony murder conviction in the death of John Robinette in 2014 because it found he was convicted twice for the same crime, therefore violating double jeopardy.

Henderson was convicted of felony murder and aggravated murder in Robinette's death.

However, Henderson's lawyers say there is new evidence proving he was not involved in the plot to kill at all, so he should be a free man.

His co-arrestees from the 1995 murder say Henderson wasn't at the scene of the crime, so the now 54-year-old is appealing the aggravated murder conviction and has been out on bail since 2022.

Now that the case is on appeal, the state is requesting the vacated felony murder conviction be reinstated. Double jeopardy no longer applies now that all the murder convictions have been wiped clean during the appeal, prosecutors say.

Jodi Backlund, of the Olympia law firm Backlund and Mistry, said once the court rules on the appeal, prosecutors could retry Henderson or declare his innocence in Robinette's death once and for all.

Henderson is set to next appear in court Aug. 12 in the Cowlitz County Jail courtroom.

The case

Henderson, who was 25 years old at the time of the crime, has maintained his innocence ever since his arrest nearly 30 years ago.

The Washington Innocence Project, which aims to reverse cases of wrongful convictions, has represented him since 2016.

In 2021, his co-arrestee Geoffrey Randall Foutch said Henderson was not involved in the Robinette murder.

Henderson filed a motion, based on this new evidence, and eventually Cowlitz County Superior Court Judge Patricia Fassett vacated Henderson's aggravated murder conviction and ordered a new trial. The state appellate court later upheld that decision.

However, Cowlitz County Deputy Prosecuting Attorney Jake Lervold, whose name appears in a Feb. 13 brief, argues that the same testimony from Foutch that assisted Henderson in vacating the aggravated murder conviction helps the state's case in having the felony murder conviction reinstated.

Prosecutors say Henderson helped kick in Robinette's door, where he was then beaten to death; because Henderson was part of the murder plot - though didn't actually take part in the killing - the felony murder conviction stands.

Lervold argues that since the court granted Henderson a new trial on the "greater conviction" (in Henderson's case, the first-degree aggravated murder conviction), then the lesser conviction (his felony murder conviction) should be reinstated as double jeopardy is no longer in play.

However, Henderson's attorneys told The Daily News Foutch's and another co-arrestee James Allen Pyles' new sworn statements say Henderson was not involved in the planning or murder of Robinette.

Both Foutch and Pyles pleaded guilty to first-degree murder charges, have served their sentences, and have been released, while Henderson received life in prison without the possibility of parole after his 1996 trial.

The crime

Past reports by The Daily News say Robinette was a drug dealer who was beaten after a group of men broke into his Kelso apartment on Oct. 4, 1995, with one of the attackers wielding a nail-spiked piece of wood.

The motive of the crime was to reportedly steal his stash of meth.

A police report says when officers entered Robinette's bedroom, they found him on the floor unconscious and bleeding from his head and torso. He suffered 15 blows to the head and died three days later.

According to the Washington Innocence Project, on the day of the attack, Henderson went with Foutch to Pyles' residence, where he thought they were picking up drugs, but once he learned of the plan to harm Robinette, Henderson left.

Henderson's lawyers say there is no physical evidence tying him to the crime, and the state didn't properly store evidence that could now clear Henderson's name with a DNA test.

Henderson, who has multiple burglary convictions, met his co-arrestees in October 1995, his lawyers say, while Pyles and Foutch were longtime friends who told authorities they were sexually abused by Robinette. The attack was a revenge plot, Henderson's attorneys say, one Henderson was not part of.

Foutch also testified that Robinette attempted to rape him when he was a teenager.

The Washington Innocence Project says Henderson received such a long sentence because he refused to talk to police, while Pyles took a different approach.

The organization asserts the Kelso Police Department engaged in "deceptive tactics," when police interrogated Pyles because officers claimed Henderson was providing incriminating evidence implicating him in the attack on Robinette.

Pyles then changed his story, the Washington Innocence Project asserts, stating Foutch and Henderson attacked Robinette while Pyles hid in a closet.

However, in a police report, Pyles told his then girlfriend that he and Foutch planned to go to Montana after stealing Robinette's gun, money and drugs.

Kelso Police Department Capt. and spokesperson Richard Fletcher maintains the department's procedures were above board.

"We trust the judicial process and I am confident the court will determine the law enforcement practices used during this investigation were lawful and proper," he said.

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