

Gutierrez case takes unusual turn

□ **Convinced he's innocent, a juror is lending her support to the defense team for his May retrial**

**By BRUCE WESTFALL
The Columbian**

In an unusual twist in the Paul Gutierrez child sex-abuse case, a juror in his first trial is so convinced of his innocence she is helping the defense in his retrial.

Clark County Superior Court Judge Robert Harris Thursday set the new trial for May 16. The longtime Vancouver educator, 68, has been charged with seven counts of child sexual abuse

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involving his granddaughter, now 15. A five-day trial earlier this month ended with a hung jury.

Prosecutors allege that Gutierrez fondled the youngster over a period of five years between 1987 and 1992. He flatly denies the allegations.

If convicted, Gutierrez, a one-time Vancouver School District teacher, principal and administrator and current School Board member, could face as much as 17½ years in prison. In the first trial, jurors deliberated 12½ hours before telling Harris they were hopelessly deadlocked.

They voted 10-2 to acquit Gutierrez on some counts and 7-5 to convict on others.

"We have tried sexual abuse cases before that came to a hung jury and traditionally we have retried those cases," said Deputy Prosecutor Kim Farr. "We feel we have a good case and have decided to proceed."

Juror Deborah Faulkner said she believes so strongly in the defendant that she took her notes from the jury deliberations to defense attorney Steven Thayer the day after the trial. She outlined for him what she believes to be the weaknesses in the prosecution's case. Faulkner said she has a child who was abused, and she once lived with a person who was falsely accused of child sexual abuse.

"I'm lending my support to the defense for the next trial. This is a great miscarriage of justice," she added.

Interviews with jurors showed a mixed bag of opinions. Faulkner and another juror said from the outset of jury talks they would not vote to convict. Others were convinced of his guilt. Still others hovered in the center, many unable to say they believed the charges "beyond a reasonable doubt."

Fellow jurors said Faulkner considered herself a child abuse expert.