

Gutierrez: same case, new trial

□ **Testimony begins today in the second sex abuse trial of Vancouver School Board official**

**By SHERRI NEE
The Columbian**

On the first day of a new sexual abuse trial for Paul Gutierrez, lawyers used the same arguments they employed in February when a five-day trial ended with a hung jury.

"It's basically the same case," defense attorney Steve Thayer said.

At the earlier trial, jurors fluctuated between convicting and acquitting the 68-year-old Vancouver School Board member who has been accused of sexually abusing his granddaughter over a five-year period beginning in 1987 when she was 9 years old.

After 12½ hours of deliberations, the first jury of eight women and four men could not agree on any of the seven counts of alleged child sexual abuse.

A new jury of six women and six men was selected Tuesday, and the victim, who is now 15, was supposed to begin testifying this morning.

In Tuesday's opening arguments, Deputy Prosecutor Kim Farr described a talented young girl who believed she could never tell anyone of her grandfather's weekly advances for fear of breaking up her strong family. When the alleged abuse began, the victim didn't realize the fondling was abnormal, Farr said. But at age 14, she began internalizing the less-frequent acts, he said, and she developed an eating disorder and tried to kill herself by overdosing on aspirin.

Defense attorney Steve Thayer painted a picture of a teen-ager whose emotional problems coincided with her mother's remarriage to a man she did not like. The defense

has insisted that the granddaughter made up the story in an attempt to leave the area and go live with her father in Southern California. And Thayer pointed out Tuesday that a medical examination found no evidence of physical trauma.

Jury selection took an extra day because 33 of the 35 potential jurors had to be interviewed before the prosecuting and defense attorneys agreed on 12 jurors and an alternate.

Thayer said it was difficult to find residents that were not "contaminated" by media coverage of the previous trial.

Farr said the challenge in jury selection was finding residents who had few experiences with sexual abuse. Many had friends or family members who had been sexually abused, he said, which could affect the way they viewed this case. One juror who was selected noted that he had once been wrongly accused of abusing his stepdaughters.

Farr also noted that it took longer to interview potential jurors because the attorneys had to get them to talk openly about any preconceived notions or stereotypes they might have about sex abuse.

"This is an area that is so hidden," Farr said. "People don't like to talk about sex."