

Child sex abuse trial ends in hung jury

■ A new trial date will be scheduled Feb. 17 for Paul Gutierrez, who is charged with abusing a 15-year-old girl

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VANCOUVER, Wash. — The sex abuse trial of Vancouver School Board member Paul Gutierrez ended in a hung jury Monday after a weekend recess failed to break Friday's impasse.

Jurors sent a final note to Clark County Superior Court Judge Robert Harris at about 1:30 p.m. saying they could not agree on any of the seven counts against the 68-year-old retired educator.

Gutierrez is scheduled to appear before Judge Harris at 9:30 a.m. Feb. 17, at which time a new trial will be set.

He is charged with first-degree indecent liberties and statutory rape, first- and second-degree rape of a child, and first-, second- and third-degree child molestation.

The eight-woman, four-man panel spent most of Friday afternoon weighing the testimony of 15 witnesses, including the 15-year-old accuser who said Gutierrez molested her in his home from 1987 to 1992.

Deliberations bogged down late Friday night when jurors were firmly split on the most serious charge of child rape. The majority favored acquittal, according to two jurors who asked not to be identified. The group was more evenly divided on the molestation charges.

The two jurors said they voted to convict Gutierrez in part because the girl's testimony was convincing.

The motive ascribed by defense attorney Steve Thayer was that the girl concocted the allegations as a way to escape from a strict stepfather and move to her father's home in California.

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Steve Thayer,
defense attorney

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The girl claimed Gutierrez fondled her and penetrated her digitally. The incidents allegedly took place in Gutierrez's bedroom, usually following the youngster's Tuesday night dance class.

Gutierrez smiled wanly but would not comment as he left the courtroom Monday with his wife, Pat, and attorney Thayer.

Thayer said the hung jury “reflects that the state has not proved its case.”

Thayer also said he would not change his approach in defending Gutierrez again.

“Our defense is pretty simple: He didn't do it,” Thayer said.

Deputy prosecutor Kim Farr, visibly bothered by the jury's failure to reach a verdict, said he was discouraged with a justice system that “conspires against young children.”

Farr said he was prohibited from introducing evidence that would have helped his case, including a report from a treatment center that diagnosed the girl with “post-traumatic stress disorder” caused by childhood sexual abuse.

Farr said he anticipates a new trial would begin in May and that he would use the same evidence and witnesses in his prosecution.

“I don't think there is more evidence to be discovered,” Farr said.