

# Doubts deadlock Gutierrez jurors

□ **Votes on various charges**  
swung back and forth between  
acquittal and conviction

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The Columbian

The eight women and four men disagreed with each other for 12½ intense hours on matters of intuition and evidence.

On one charge they voted 10-2 to acquit. In another instance, 7-5 to convict. In the end the jury could not agree on any of seven counts of child sexual abuse in the high-profile trial of Vancouver School Board member Paul Gutierrez. Two jurors told the others from the outset they would not convict Gutierrez of anything.

After the emotional proceedings ended Monday with a hung jury, jurors told The Columbian the deliberations were difficult and frustrating. "I don't ever want to be on a jury again," said one. "It was a very hard case."

Superior Court Judge Robert Harris released the jury Monday afternoon about 2 p.m. after asking the panel if any of them thought they could arrive at a verdict on any of the counts.

## Deadlock: When jurors can't agree

In Washington, conviction or acquittal in criminal cases must be 12-0. If jurors are unable to agree, the deadlock, or hung jury, becomes official. It is short of a favorable verdict for either side.

For the defendant, it means the possibility of another trial. For prosecutors, it can raise doubts over the effectiveness of their case.

In civil cases, the standard is lower. A verdict may be reached by a 10-2 vote.

He asked for a show of hands. There was none.

## Changing votes

According to accounts pieced together from interviews, the jurors voted 10-2 to acquit on at least one of the child rape charges. The sentiment to acquit the

68-year-old retired educator was strongest on the rape counts where there was doubt that Gutierrez actually penetrated the girl's vagina with his finger, as charged. There was, however, momentum to convict him of child molestation. But the closest the jury came was a 7-5 vote.

Deputy Prosecutor Kim Farr said he was disappointed in the outcome. He said prosecutors will try the case again. Harris did not set a specific trial date but said it would be sometime in May.

"I find it difficult to believe the jury would accept the defense theory of the case," Farr said. The girl testified that Gutierrez abused her as many as 50 times while she was between 9 and 14 years old, all at his McLoughlin Heights home.

Defense attorney Steve Thayer told jurors the allegations of abuse were a lie made up by the granddaughter to escape the strict household of her mother and stepfather.

The hung jury "is not surprising," said Thayer. "In view of the conflicting testimony, there is doubt. I don't think the state proved its case."

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