

Gutierrez acquitted on all counts

□ **School board member's second trial ends after just 2½ hours of deliberations**

By **BRUCE WESTFALL**
The Columbian

A jury Friday afternoon acquitted Vancouver School Board member Paul Gutierrez of all charges in the dramatic conclusion to a long-running child sexual abuse case.

The six-man, six-woman jury was out a mere 2½ hours before reaching a unanimous verdict on the seven different charges. It was the second time the case had been tried. A February trial ended with a hung jury.

Gutierrez's family members wept and applauded as the judge read the not-guilty verdicts.

Gutierrez himself said he was "elated." He said he recited the Lord's prayer to himself as the jury verdicts were handed to Judge Robert Harris to be read.

"It was very scary. It's been a horrible experience," he added.

The case against the school board member and longtime Vancouver educator has been alive since January 1993 when a granddaughter, now 15, told a school counselor that Gutierrez had molested her in his home over a five-year period.

Gutierrez, 68, was formally charged in August of 1993.

Deputy prosecutor Kim Farr was "disappointed" in the verdict. "But tomorrow there will be another case ... It's always an uphill battle to get 12 people to agree unanimously when there is often no physical evidence and no witnesses. It boils down to who they chose to believe."

Several jurors contacted by The Columbian said there was not enough evidence to convict the defendant.

Said defense attorney Steve Thayer: "I think it's a crime this type of case is filed, prosecuted and re-prosecuted when there is no evidence to support the accusation."

"The worst thing in the world is to be a victim of sexual abuse — unless it's being a victim of a false accusation," Thayer said. "Nobody can appreciate the nightmare a man goes through."

The verdict came after Farr and Thayer sparred in front of the jury for 2½ hours in closing arguments.

Thayer called the girl's claims "unbelievable," while Farr countered that "kids don't lie to get into trouble."

Gutierrez's granddaughter told the jury the longtime Vancouver educator fondled her as many as 100 times from 1987 to 1992.

The abuse, she said, most often took the form of Gutierrez touching and penetrating the girl's vagina with his fingers.

She said those events usually happened when she was invited to her grandfather's bedroom to watch television.

Thayer told jurors that the girl fabricated the story after two events converged in her life: puberty and her mother's re-marriage.

The girl, a dancer, singer and honor student, "was no longer treated special for the first time in her life and she was unhappy," Thayer said.

He noted there was no eyewitness evidence of the abuse and no medical evidence, either.

When the girl told her mother of the abuse in 1992 she once again "received sympathy, support and understanding."

He said the girl would have reported the abuse earlier or told her grandfather to stop. He said it was "unbelievable" she couldn't remember the first time it happened.

He said it was doubtful the fondling took place the same way every time, as the girl testified.

"The search for the truth is over and we still don't know what it is," he said.

Farr labeled the defense case a mix of "pop psychology and speculation."

"It's sad and unfortunate that good people can do very bad things. But they do."

It was November of 1992 when the girl first told a school counselor of her allegations and January 1993 when she attempted suicide by swallowing more than 40 aspirin.

"She reached out and asked for help in January of 1993," Farr told the jury. "We are asking you to give her that help."

Jurors did not hear allegations from the girl's mother, Sandra Stokesbary, that Gutierrez had molested her, as well. Harris ruled Stokesbary's claims could not be presented because they would have been too prejudicial and not relevant enough to the current case.

As for Gutierrez, he said Friday afternoon he wishes his granddaughter well. "She is our oldest granddaughter, and we hope she and her family find happiness in life," he said.

"But that happiness will be without us."

“ It was very scary. It's been a horrible experience. ”

— Paul Gutierrez