

# Gutierrez denies abuse charges

□ **He says, however, that he favored the child and sometimes let her watch television from his bed**

By **RANDY BLACK**  
The Columbian

Paul Gutierrez flatly denied Thursday that he ever molested his granddaughter.

But he admitted that she had sometimes slept in his bed while she was a fifth-grader.

Gutierrez, 68, testified Thursday that he had favored his oldest granddaughter, hugged her, scratched her back and let her watch television from his bed while he slept.

Defense attorney Steve Thayer asked if he had ever touched the girl in a sexual way. Gutierrez looked at the jury and, for the first time during his testimony, his voice broke.

"No," he said. "Never."

Gutierrez, a longtime educator and current member of the Vancouver School Board, is charged with fondling the girl, now 15 but a fourth-grader at the start, weekly for about three years, and then occasionally for two years after that. Testimony began Tuesday and the case was expected to go to the jury this afternoon.

## Girl stayed overnight

Gutierrez and his wife, Pat, kept the girl at their house one night a week after dance lessons so she could conveniently attend nearby Martin Luther King Elementary School the next day.

The girl testified on Wednesday that Gutierrez would wait until his wife fell asleep in a chair, then invite his granddaughter to watch TV in his room.

Her claim was backed Thursday morning by her 14-year-old sister, who testified that she resented the special treatment given the alleged victim.

The girl said that would happen every time she and her sister went to Gutierrez's house. She estimated it happened in her presence 20 or 30 times.

Thayer attacked the girl's credibility, saying she had only come forward with the story last Thursday.

He also implied disbelief that the events happened the same way each time.

But the girl held fast to her testimony.

"The first time you came up with this story was four days before the trial, right?" Thayer asked.

"The first time I told anybody about it, yes," the girl responded.

## Gutierrez speaks

The defendant took the witness stand with a strong voice and a scowl. He sat straight during much of his testimony, smiling sometimes when reminiscing about better times with his grandchildren, flinching when sexual matters were discussed.

He said he tried to treat all his grandchildren the same, but sometimes favored the alleged victim.

"Yes, I treated her differently," he said. "She is different, she's unique."

He said he sometimes bought her

presents that he didn't match for other grandchildren, and occasionally slipped her extra spending money.

He testified that Pat would fall asleep in the chair and he would go into his bedroom to watch TV alone. The granddaughter would sleep in her own room, he said.

She did watch TV in his room with him on a few occasions when she was in fifth grade, he said.

"She would enter our bedroom and crawl in on Pat's side and watch TV," he testified. "And that was it. I would roll over and go to sleep. (The girl) would watch TV."

But he said she never did that after she reached sixth grade.

In other testimony:

● The sister testified that on three occasions when Pat Gutierrez went out of town, Paul Gutierrez asked that the alleged victim stay with him "to cook." Gutierrez denied ever asking the girl to come stay during those times, and said she volunteered to cook for him just one time.

● Thayer has said that the girl made up the allegations so she could move to California to live with her birth father, as she does now. Two of Gutierrez's daughters testified that, before the allegations surfaced, the girl had told them she wanted to move.

But the girl's father testified that she only asked about moving while she was in a treatment center after a suicide attempt, which came after she told a counselor that she'd been molested.

## AT A GLANCE

The Paul Gutierrez trial:

**DEFENDANT:** Paul Gutierrez, 68, current member of the Vancouver School Board, former assistant superintendent for the Vancouver School District and an ex-principal of Hudson's Bay High School.

**ALLEGED VICTIM:** Gutierrez's 15-year-old granddaughter, a talented dancer and singer, athlete, cheerleader and Honor Society member.

**THE CHARGES:** Seven counts of child sexual abuse, including indecent liberties, statutory rape, first-, second- and third-degree child molestation and first- and second-degree rape of a child.

**IF CONVICTED:** Gutierrez would face a prison sentence of at least 17½ years.

**GUTIERREZ'S TESTIMONY:** "I've hugged her. I've kissed her. I've scratched her back. I've touched her hand. I've done that with all my grandchildren."

**THE VICTIM'S YOUNGER SISTER:** "He would take her places and take her into his room to watch TV. I thought it was really unfair."

charges say the abuse began when she was in fourth grade. He also said that his wife was the one who usually picked the girl up from dance class.

But Nancy Palomino, whose son was in the same dance class, testified that the girl was in the class during the year that she was in fourth grade. She also said she remembered that Paul Gutierrez usually picked the girl up, but didn't even know Pat Gutierrez.

● The attorneys wrangled over Gutierrez's datebooks, which both Paul and Pat Gutierrez said they used to figure out which nights the girl stayed with them.

They said the datebooks showed that the girl stayed with them after dance class only 33 times over two years, and not at all during fourth grade.

Farr said the datebooks were written in pencil and it couldn't be verified they were written before the allegations came out. Harris ruled that they couldn't be used for evidence, but could refresh the witnesses' testimony.

In fact, she turned down his first offer to let her come live with him, the father said.

● Deputy prosecutor Kim Farr tried to get Superior Court Judge Robert Harris to allow the girl's mother, Sandra Stokesbary, to testify that Gutierrez had molested her as a girl. Farr said the defense had painted such a glowing picture of Gutierrez's character that Stokesbary's testimony was needed to balance it.

But Harris ruled that Stokesbary's claim, which is unsubstantiated, would affect the jury too much.

● Gutierrez claimed that the granddaughter didn't start taking nighttime dance classes until she was in fifth grade, although the