

Judge won't ban sister's testimony

"I'm sick of the stall tactics and the sandbagging."

— Attorney Steve Thayer

□ **Gutierrez's attorney argued that last-minute statements shouldn't be allowed in sexual abuse trial**

By BRUCE WESTFALL
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Attorneys in the child abuse case of Paul Gutierrez spent their last weekday before trial arguing over the sudden appearance of new evidence.

Gutierrez, 68, a Vancouver School Board member, is scheduled for trial Monday on seven counts of child sexual abuse.

His 15-year-old granddaughter alleges that he molested her over a period of five years between 1987 and 1992. On Friday, defense attorney Steve Thayer learned of potentially damaging new evidence to his client.

In an interview with a prosecutor last Thursday night the sister of the alleged victim said she saw Gutierrez take the girl into his bedroom alone numerous times and shut the door in order to watch television. That took place, the sister said, while the pair stayed at their grandfather's house.

Those statements tend to support the claims of the alleged victim.

An exasperated Thayer asked Superior Court Judge Robert Harris to ban the testimony. Thayer said it's improper that such "central and critical" information come to light the day before trial. "I'm sick of the stall tactics and the sandbagging," he said.

Harris declined to rule out the sister's testimony, but he wants to hear why — in the course of a lengthy and detailed investigation of the case, such testimony would surface only at the last minute. He told Thayer there would be a chance for him to interview the sister before she took the stand.

Deputy Prosecutor Kim Farr said he learned of the information for the first time during his Thursday interview with the sister.

On another front, Harris declined to allow the jury to hear allegations that Gutierrez is impotent. Prosecutor Farr had asked to raise the issue to explain why alleged fondling of the girl halted without proceeding to intercourse or other sexual contact.

But Harris said the impotence issue is irrelevant, particularly because the defense does not plan to bring up as an issue the style of alleged fondling.

The trial begins Monday morning in Harris' courtroom. It is expected to last four days. At least a portion of Monday will be devoted to jury selection in the case.