

State appeals court reverses Claflin conviction

The Washington State Court of Appeals has reversed the 1981 conviction of Bert Claflin, an Amboy rancher accused of raping, assaulting and molesting three teen-age sisters and their two young cousins.

In a decision handed down Tuesday, the appeals court ordered the Claflin case remanded to Clark County Superior Court for a new trial.

Details of the decision were unavailable this morning.

Claflin's lawyer, Steve Thayer, argued the appeal Sept. 21. His arguments for reversal included that Superior Court Judge Robert Harris should not have permitted jurors to hear testimony from Clark County sheriff's detective Sharon Krause and Lucy Berliner, a nationally recognized expert on sexual child abuse who works in Seattle.

Harris allowed Krause and Berliner to testify as expert witnesses. Deputy prosecutor Jim Peters told the court their testimony was designed to counter Thayer's attempt to establish that the victims might be lying because they did not report the alleged crimes.

Peters said he needed expert testimony on victims in general because Thayer tried to make the jury accept the "myth" that victims would report sexual abuse immediately. In several of the cases, the alleged sex abuse occurred over a year or more.

Claflin's highly publicized trial ended with his conviction on two counts of rape, one count of assault, six counts of indecent liberties and one count of tampering with a witness. He is serving a 55-year term in the state penitentiary.

The Clark County Prosecutor's Office has 20 days in which to file a motion for reconsideration with the appeals court. If the court denies the motion, the prosecutor can appeal to the state Supreme Court. Claflin will remain in prison during that process.

Clark County chief deputy prosecutor Roger Bennett said he could not predict what his office will do until he reads a copy of the decision.