

Vancouver abuse case retrial set to begin

■ A school board member is accused of molesting a young girl in his home for 5 years

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VANCOUVER — A sexual abuse allegation that has tarnished the reputation of a veteran educator and opened the private life of his young accuser will be restaged in Clark County Superior Court next week.

Paul Gutierrez, a Vancouver School Board member, will be tried for a second time on charges that he molested a girl in his home from 1987 to 1992, spanning the time she was age 9 to 14.

Jury selection will begin Monday in Judge Robert Harris' courtroom. Lawyers are expected to take at least a day to collect a group that is unfamiliar with the case and unaware of the first trial, deputy prosecutor Kim Farr said Wednesday.

The first trial ended in a hung jury in February when the eight-woman, four-man jury could not agree on any of the seven counts against the 68-year-old retiree.

The majority favored acquittal on the most serious charges of child rape. They were evenly split on the molestation charges, two jurors said later.

The retrial will probably not bring any new evidence, despite recent allegations from a former baby sitter, Farr said.

That baby sitter, now 20, came forward after the last trial claiming that Gutierrez once fondled her breast when she was a teen-ager.

Farr said he would not call the woman to testify because the alleged incident is separate from the charges pending against Gutierrez.

"Washington case law, unfortunately, is terrible on that issue," he said.

Gutierrez is charged with first-degree indecent liberties and statutory rape, first- and second-degree rape of a child, and first-, second- and third-degree child molestation. If convicted on all counts, he faces a possible prison sentence of 17½ years.

He has steadfastly denied the allegations, which surfaced last August. The first trial brought a gallery of supporters, many of whom worked for Gutierrez when he was a principal at Hudson's Bay High School and later assistant superintendent for curriculum and instruction for the Vancouver School District.

Gutierrez retired in 1982 after 31 years with the school district. He was elected to the Vancouver School Board in 1987 and continues to serve, pending the outcome of the trial.

The girl, who spent the last school year with her father in Southern California, claims Gutierrez fondled her and penetrated her digitally.

The incidents allegedly took place in Gutierrez's Vancouver Heights home, usually following the youngster's Tuesday night dance class. She is not acquainted with Gutierrez through his involvement with the schools.

Defense attorney Steven Thayer theorized that the girl's claims were "dramatic accusations of a dramatic child" who wanted to escape an unhappy home life and move to California.

Farr countered that the weight of her secret led the popular cheerleader and honor student to withdraw from friends, decline in her schoolwork and, in February 1993, swallow a bottle of aspirin in a suicide attempt.