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Prosecutor drops effort to oust judge

Posted on June 4, 2014

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Jim Hagarty



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In a motion filed in Yakima County Superior Court, the prosecutor's office said it would no longer seek to remove Judge Ruth Reukauf from the trial of four people accused in the slaying of a prominent Yakima real estate broker.

But attorneys for the four suspects still plan to argue next week that Hagarty's effort to remove the judge amounts to prosecutorial misconduct that warrants the dismissal of murder charges against their clients.

"The prosecutor has corrupted the process to the extent that dismissal is the only remedy," Rick Smith, one of the defense attorneys, wrote in court papers.

Reukauf is overseeing the trial of four suspects accused of killing real estate agent Vern Holbrook, who died of injuries months after he was attacked while showing a home west of Yakima.

In a May 21 letter to the court's presiding judge, Hagarty accused Reukauf of being unfair to prosecutors and asked that she be removed from the case.

Rather than act on the letter, Reukauf told prosecutors May 28 to file a legally acceptable motion in court detailing the allegations against her. She also told defense attorneys to prepare to argue their case for dismissal at the same time.

At the May 28 hearing, Alvin Guzman, the deputy prosecuting attorney handling the murder case, said the letter did not represent his personal opinion.

"It was sent by my boss, the elected prosecutor," Guzman said, according to a court transcript. "He did it on his own."

Chief Criminal Deputy Prosecutor Ken Ramm followed Guzman's comments, saying that the letter was the position of the prosecutor's office.

In a motion withdrawing efforts to remove Reukauf, Guzman said he believes she can provide a fair trial.

Ramm said the decision to withdraw the request to remove Reukauf was made after prosecutors talked by phone to Hagarty, who is on vacation in Hawaii.

In that conversation, Hagarty left the decision to Guzman whether to continue to seek the judge's removal, Ramm said.

Hagarty, who staff said was on vacation until June 11, could not be reached for comment Tuesday. Guzman also did not return messages left at his office.

Defense attorneys argued that Hagarty's action, coming close to the start of the trial, endangered their clients' right to a speedy trial. They also contend that any ruling Reukauf makes in the case will be viewed through the prism of Hagarty's accusation.

"This is a form of McCarthyism, Jim Hagarty style," defense attorney Mickey Krom wrote in his brief.

Meanwhile, a complaint about Hagarty's actions filed with the Washington State Bar Association remains active.

The complaint, filed by court consultant Harold Delia, accused Hagarty of attempting to intimidate the judge.

Hagarty, Delia argued, was not an active participant in the case, and that any effort to have Reukauf recuse herself should have been done by Guzman, through a motion to Reukauf rather than a letter to the court's presiding judge.

Delia said he filed the complaint on his own behalf as a concerned resident and not in his role as an administrator under contract to the court.

The effort to remove the judge has put the murder trial of four suspects on hold.

Daniel Blizzard, Jill Taylor, Luis Gomez-Monges and Adriana Mendez are facing first-degree murder charges in connection with Holbrook's death. Prosecutors say Blizzard paid Gomez-Monges and Mendez to pose as buyers and kill Holbrook when he showed them a vacant home in the 17000 block of Summitview Road. Taylor is Blizzard's former girlfriend.

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