

the Stranger's THINGS TO DO EVERYTHING YOU NEED TO KNOW! BUMBERSHOOT CALENDAR

NEWS > FEATURE

NOV 12, 2014

Holding Three Simultaneous Death Penalty Trials in King County Is Unprecedented—and Hugely Expensive

So Why Won't Prosecutors Pursue a Cheaper Option: Life in Prison?

by Lael Henterly



The costs of prosecuting Christopher Montfort, Joseph McEnroe, and Michele Anderson are going to be huge. LEFT TO RIGHT: LEVI PULKKINEN/SEATTLEPI.COM, PAUL JOSEPH BROWN/SEATTLEPI.COM, DAN DELONG/SEATTLEPI.COM

Like Share 774 Tweet 0

MOST COMMENTED IN NEWS

The Bad Politics of the Black Lives Matter Protesters Who Interrupted Bernie Sanders Racist Structures Must Change. To Create That Change, We Must Have Smarter Strategies and Tactics.

What Happened After an Undercover Cop Elbowed Me at a Protest and Lied About It

RECOMMENDED EVENTS

Mon Aug 17 at 8 pm. Movie Mondays: Episode IV: A New Hope at The Triple Door Theater

Third Mon at 9 pm-midnight. Monster Planet at Re-bar

Through Aug 17 at 7 and 9 pm. Hari Kondabolu's Scratch Nights at Eclectic Theater

Tues Aug 18 at 8 pm. Matias Aguayo at Vera Project

Tues Aug 18 at 8 pm. Moka Only, Wizdumb, Hi Def, Imaginary Friends, and Guests at Nectar

Dead leaves dance on the sidewalk under the huge windows of King County Superior Court judge Ron Kessler's courtroom, while inside, prospective jurors report for vetting in the trial of infamous cop killer Christopher Monfort. He's charged with fatally shooting Seattle police officer Timothy Brenton late on Halloween night in 2009.

At long tables, two King County prosecutors and three public defense attorneys sit sipping water from paper cups and trading jibes. "It's just too bad Chris doesn't have the money to hire good lawyers instead of going with you guys," Seattle Police Department detective Cloyd Steiger says to the defense team. Everyone laughs.

It's clearly a joke, because Monfort has the best representation public money can buy; defending him has cost King County well over \$4 million so far, not including the additional costs incurred by law enforcement agencies, crime labs, and other agencies outside of the prosecutor's office and the Department of Public Defense. Millions more in taxpayer dollars will likely be spent before Monfort's trial—and two other death penalty cases that are about to get under way in King County—reach their conclusions.

Though trials involving the death penalty are hardly unheard of in this county, having three of them running simultaneously is unprecedented, according to the King County prosecutor's office. The other two that will be under way at the same time as Monfort's: separate trials for Joseph McEnroe and Michele Anderson, who are accused of gunning down six of Anderson's family members on Christmas Eve 2007. Among the dead in that incident were two kids and Anderson's elderly parents.

Monfort enters the courtroom in a blue-and-white plaid shirt, handcuffed to his wheelchair. He's one of those guys who seem unexpectedly large in person. One member of his entourage of corrections officers unlocks his handcuffs, and Monfort focuses his attention down and forward at something on the table in front of him. Or possibly nothing.

The steep cost of his defense isn't just because he doesn't have money to hire an attorney. In aggravated murder cases in which prosecutors file a "death notice"—telling the court they are seeking the death penalty—virtually all defendants qualify for defense on the public's dime because these cases are just so expensive to defend. "Jury selection is one expensive part," said death penalty case defense lawyer Mark Larrañaga. "Death qualifying a jury takes weeks, months—that process doesn't exist in a non-death-penalty case." In most other cases, jury selection takes a week or two.

This particular jury selection process is likely to go on even longer than average. "It's taking a long time, in part, because Monfort was shot when he was apprehended," says Department of Public Defense communications manager Leslie Brown, explaining that Monfort can only sit for two hours at a time. "His life expectancy is not great," Brown continues. "The process of actually executing someone is a multiyear process. Here in public defense, we just have to let the process unfold."

Right now in Washington, calling the death penalty a multiyear process is putting it mildly. Governor Jay Inslee ordered a moratorium on executions on February 11, effectively pressing pause on executions in this state for as long as he remains governor. Even before that, most other Washington counties had ceased to file death notices in aggravated murder cases. Past studies have attributed the drastic drop in death penalty cases to changing values, but Inslee mentioned another factor when he announced his moratorium: arbitrariness. He noted that the decision to charge sometimes comes down to "the size of the county's budget where the crime occurred."

It's hard to say exactly how much the average death penalty case costs. A 2001 study completed by researchers in Kansas found that these cases are 70 percent more expensive than non-death-penalty cases. The Washington State Bar Association studied the issue in 2006 and found that these cases cost around \$517,000 more to try than aggravated murder cases where the penalty sought is life without parole. In its report, the WSBA also noted that the public costs go well beyond money, as prosecutors and public defenders neglect other priorities to focus on these time-intensive cases. The trial of serial killer Gary Ridgway, believed to be the most expensive in Washington history, clocked in at \$12 million in defense and prosecution costs and ended with Ridgway sentenced to life without parole.

No one knows how much the specific trials of Monfort, McEnroe, and Anderson will end up costing King County. But it's already in the millions—\$4.9 million for McEnroe and Anderson so far, more than \$4 million for Monfort—and could easily climb above the \$12 million spent on Ridgway. In studies, other states have consistently found that it's cheaper to sentence someone to life in prison than it is to sentence them to death. For example, a 2011 study conducted in California found that state could save \$1 billion in five years by ditching the death penalty and choosing permanent imprisonment instead. (No cost comparison studies have yet been undertaken in Washington State. But for some perspective, these three cases are on track to cost more than the total proposed two-year budget for administering all of King County's Community and Human Services programs and operating all of the county's Community Service Centers.)

"It is a complete waste of resources and time," said Larrañaga. "We've had five executions in 40 years. Seventy-five to 80 percent of these cases are reversed."

A few floors up from Kessler's courtroom, Judge Jeffrey Ramsdell removes his eyeglasses, places his thumb and forefinger on either side of the bridge of his nose, and rubs. A moment later, he puts the glasses back on and glances at the clock on the wall. It's 10:30 a.m., and weeks of prospective jurors in the McEnroe case stretch ahead of him. Framed prints of Abraham Lincoln and George Washington hang ever so slightly off-kilter on the walls of the windowless room.

A clean-cut and mild-mannered McEnroe sits quietly, scrawling in cursive on a legal pad as he sizes up the parade of individuals who may one day decide whether he will live or die. The air of civility surrounding the whole process seems surreal given the nature of this meeting.

A prospective juror enters and is seated for questioning. He's an intellectual-seeming fellow in a sky-blue button-down, gray tweed jacket, and slacks.

"We need impartial jurors," says Judge Ramsdell, after both prosecutor Scott O'Toole and public defender Leo Hamaji finish grilling the man. "Do you think there is a place for the death penalty in certain cases?"

"Yes, I do think that," says the prospective juror. He is led back to the jury room to wait.

O'Toole tells the court he doesn't want this guy on the jury, pointing to an answer on a questionnaire as evidence of his opposition to the death penalty.

"The death penalty aligns us with countries with horrible human rights policies like China and Iran," the man wrote, along with four other arguments against the death penalty.

Therein lies just one of the many challenges that slow these trials to a pricey crawl: Everyone has an opinion on capital punishment.

So why, exactly, is the county seeking death in these cases?

"Monfort shot and killed a police officer," says Brown. "That is hugely significant among prosecutors and law enforcement." The crimes allegedly committed by McEnroe and Anderson are also particularly horrific. But on the whole, there's no science to when death penalty cases are charged. No magic type of victim, no threshold number of people killed.

"One could better predict whether the death penalty will be imposed on Washington's most brutal murderers by flipping a coin than by evaluating the crime and the defendant," wrote Supreme Court justice Mary Fairhurst in a 2012 opinion.

I call Dan Donohoe at the prosecutor's office to ask why they filed death notices in these cases when, according to studies, there's a more cost-effective route for the county to take.

"We're right in the middle of jury selection, then we'll have opening statements," says Donohoe. "We're very limited in terms of doing interviews."

In the hall outside Judge Ramsdell's courtroom, prosecutor O'Toole is slightly more helpful.

"It is not a negotiation tool," he says. "I know, after Gary Ridgway it gets confusing." (Prosecutors dropped death penalty charges against Ridgway after he led them to more of his victims.) "But," O'Toole continued, "when we charge the death penalty, that's our intention."

In other words, the King County prosecutor's office, led by the public's elected representative, Dan Satterberg, is charging death in these cases because it really wants Monfort, McEnroe, and Anderson to die. At any cost. ★

This story has been updated since its original publication.



25

You might also be interested in these:

When a Jury with No Black People on It Puts a Black Man Away for the Rest of His Life
King County Has a Diversity Problem in Its Jury Selection Process, and Lovett Chambers Believes It's the Reason He'll Die in Prison
by [Lael Henterly](#)

If a Black Man Kills a White Cop, Can He Ever Get a Fair Death-Penalty Trial?
New Research Suggests That the Jury-Selection Process Results in More Racist Juries
by [Sydney Brownstone](#)

Christopher Monfort Pleads Not Guilty
by [Sarah Anne Lloyd](#)



NEWSLETTERS

Sign up for the latest news and to win free tickets to events



STRANGER TICKETS

Buy tickets to events around Seattle



STRANGER PERKS

Great deals on local businesses



CLASSIFIEDS

Buy, sell, and trade opportunities



PERSONALS

Lovelab & Lustlab

THIS WEEK'S ISSUE



[Print Archives](#)

PUBLICATION INFO

- [Masthead](#)
- [Ad Info & Rates](#)
- [Distribution](#)
- [Jobs at The Stranger](#)
- [Contact](#)

CHECK IT OUT

FOLLOW US

- [RSS](#)
- [Facebook](#)
- [Twitter](#)
- [Google+](#)
- [Instagram](#)



All contents © Index Newspapers LLC
1535 11th Ave (Third Floor), Seattle, WA 98122

[Contact](#) | [Privacy Policy](#) | [Terms of Use](#) | [Takedown Policy](#)