Victim's Family Gets $2.25 Million For Murder By Parolee

By Nora Lockwood Tooher

Three weeks before the scheduled start of trial, the family of a woman brutally murdered in Tacoma, Wash., two years ago won a $2.25-million settlement from the county and probation agency responsible for supervising the parolee who killed her.

The husband and children of Marcia Carlson-Grissett had filed suit last year against King County and King County District Probation Services, alleging that Carlson-Grissett's rape, torture and murder occurred as a direct result of the negligence of county probation officials.

Ray Saunders, one of two people convicted of the murder, was an ex-convict with a long history of alcohol-related violence toward women. Released from jail in July 1999 after serving two months for drunk driving, Saunders, now 70, was put on probation and ordered to undergo in-patient alcohol treatment and report regularly to his parole officer.

Not only did Saunders violate all of the conditions of his parole, but the parole officer assigned to his case never met or even called him, according to Thaddeus Martin, the plaintiffs' attorney. The county did not obtain a bench warrant for Saunders until he had been out of jail, unsupervised, for four and a half months.

"County probation did not even know he was out of jail," Martin said. "This guy's out in the community, goes back to consuming two-fifths of hard liquor a day, and they never talked to him, never met him."

Brutal Murder

After his release, Saunders went on a months-long drinking binge that culminated in the savage killing of the victim on Feb. 29, 2000. Carlson-Grissett, who was an acquaintance of Saunders, had given his girlfriend, Leanna Williams, a ride after her car broke down. When they reached Saunders' apartment, Carlson-Grissett went inside for a drink and was raped, sodomized, choked and stabbed to death. Her body was left undiscovered on the floor of Saunders' apartment for four days.

Saunders was subsequently convicted and sentenced to 68½ years in prison; Williams received a sentence of 101 years.

In their suit, the plaintiffs alleged that Saunders, who had previously been convicted of rape and assault, was a known danger to the community and should have been closely supervised.

"The offender was a toxic alcoholic and had a history of being violent against women when intoxicated," Martin said.

Failure To Supervise

If the case had gone to trial, Martin said, he planned to call Saunders' parole officer and other probation department officials as witnesses. In a pre-trial deposition, the officer, Steven Mizuta, testified that he never requested nor reviewed Saunders' files from the Department of Corrections. That arrest history included a previous conviction for assaulting and violently raping a woman Saunders had followed home from a bar.

Mizuta also testified that he didn't learn about Saunders' release until he had been out of jail for two months.

Martin said that two motions filed by the county earlier this year suggested what the defense strategy would be.

The first sought summary judgment against the plaintiff on the premise that the issuance of a bench warrant for Saunders in November 1999 relieved the county of the duty to supervise him. The motion argued that once the county sought to arrest Saunders, it had fulfilled its duty to the public and broken the chain of causation leading to Carlson-Grissett's murder.

Martin responded by noting the myriad ways in which the county had failed to supervise Saunders and ensure that he adhered to the conditions of his probation. For example, Saunders was not allowed to consume alcohol, was supposed to receive in-patient treatment for his alcoholism and attend Alcoholics Anonymous meetings twice a week. After his release, however, Saunders was consuming alcohol daily, never went to an in-patient program and never attended any AA meetings, according to Martin.

In addition, Martin said, during pre-trial testimony Saunders' sister testified that she repeatedly tried to contact her brother's parole officer, to warn him that Saunders' drinking was out of control and that he was potentially violent. Not only did Mizuta fail to respond to her warnings, she said, but during one conversation he hung up on her. She said she then left a message for the director of King County Probation, who never called her back.

A second motion filed by the county sought to argue that the victim's own negligence contributed to her death, a tactic Martin described as "an insidious attempt to tarnish the plaintiff." The motion relied on evidence that Carlson-Grissett may have been drunk at the time of her death.

Martin didn't dispute that the victim consumed alcohol at Saunders' apartment before the assault began. But he noted that alcohol or drugs can linger in a person's system after the effects wear off. Further, he said, even assuming some degree of impairment, assessing fault against the victim because she was intoxicated is contrary to Washington state law.

'County probation did not even know he was out of jail. This guy's out in the community, goes back to consuming two-fifths of hard liquor a day, and they never talked to him, never met him,' said Thaddeus Martin.

In May, a superior court rejected the defendants' motions – a decision Martin called critical to the subsequent settlement offer by King County.

The settlement, which was reached on July 11 after nine hours of negotiations, stipulates that the bulk of the award – $1.7 million – should go to the victim's husband and teenage daughter, with the remaining $550,000 going to her two adult children. Martin said the family plans to use some of the money for grief counseling.

A spokeswoman for King County and the attorney who represented the county in the case did not return calls seeking comment on the settlement.

Victim Suits

According to Jeff Dion, deputy director of the National Crime Victim Bar Association, Washington has enacted legislation making it easier to hold the state and counties liable for lax supervision of parolees.

But after a rash of recent big judgments, the state legislature is debating a bill that would limit the state's liability in these cases.

Dion said this fails to address the underlying problem.

"The problem is not that they've paid an awful lot of money. The problem is they're paying an awful lot of money and not fixing the problem," he said. "The state would probably be better off by increasing funding [for] parole officers to make sure they had a reasonable case load and could actually supervise parolees."

But Seattle attorney Mark Leemon, who filed the first successful negligent parole supervision suit in Washington in 1992 and has handled many crime victim cases, said that victim litigation has led to major reforms in the state's corrections and parole departments.

"Largely because of the possibility of liability, the state has started really focusing on how to use its resources to most carefully supervise the most dangerous people," Leemon said.

Martin, who specializes in claims by victims and their families, has successfully represented plaintiffs in similar suits in Washington, including:

- A $2.25-million settlement for the families of two 16-year-old boys who were shot to death five years ago by a mentally ill man the state department of corrections was supposed to be supervising; and
- A $1.5-million settlement for the family of a pregnant 18-year-old who was murdered in 1996 by a juvenile offender placed in a minimal security facility.

Some other states have allowed suits for negligent release or failure to commit or supervise an offender, but those states require plaintiffs to overcome more legal obstacles than Washington, Dion said. He noted that successful claims have been filed in Arizona, Illinois, New York, Minnesota, West Virginia and Wisconsin. In most cases, the key question was whether sovereign immunity was applicable.

Plaintiff's Attorney: Thaddeus P. Martin IV of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP in Tacoma, Wash.

Defense Attorney: Therese McGuire of King County Prosecuting Attorney's Office, Seattle.

The Case: *Grissett v. King County*; Superior Court of the State of Washington for Pierce County; Judge Kathryn Nelson.

LW/USA

Questions or comments can be directed to the writer at: ntooher@lawyersweekly.com