

Eggleston Verdict Sure to Start New Round of Appeals

FASTEST JURY IN THE WEST? **By Frank Driscoll**

The Pierce County jury that convicted Brian Eggleston of second-degree murder, assault and two counts of using a firearm to commit those crimes last Monday didn't even bother to look at the evidence, his mother has charged.

"He still hasn't had a fair trial," said Linda Eggleston, who insists her son is the victim of a coverup by Pierce County officials who don't want to admit that they screwed up. Everyone on the prosecution side of the case denies this, of course, but Eggleston still thinks the fix was in.

"How could (the jury) decide a complicated case like this in one day?" Eggleston asked, as a long line of spectators queued up outside Superior Court Judge Stephanie Arend's courtroom late Monday afternoon for an electronic frisking. The panel took just eight hours, total, to consider eight weeks of testimony, much of it complex, scientific discussions of forensic evidence—which were really nothing but opinions rendered by dueling crime reconstructionists.

"We're in shock," said Eggleston, who vowed to continue her fight to free her son, who's been in the hospital, prison or jail since October 16, 1995. In the early morning hours of that fateful day, a team of Pierce County Sheriff's deputies stormed the Egglestons' east Tacoma residence to serve a search warrant—ostensibly looking for evidence of Brian Eggleston's marijuana-dealing but, in reality,

looking for evidence linking Eggleston's older brother, Brent, to Brian's drug operation. Brent Eggleston was, and still is, a Pierce County Sheriff's deputy.

A gunfight ensued. Over 20 shots were fired inside the tiny bungalow. When everybody's ears stopped ringing, Deputy John Bananola lay dead or dying in the Egglestons' living room. Eggleston himself had been hit five times, including one .45 ACP round that struck his groin, blowing off a testicle.

The evidence was complicated and contradictory, but there has only been one real issue in the case from day one—namely, Eggleston's state of mind. Only Brian Eggleston knows what really happened that morning. Either he shot Bananola to protect his drug operation or for some other reason best known to himself, or he killed the young officer in self-defense, believing he was an armed intruder.

Apparently, the jury bought the prosecution's theory—namely, that Eggleston chased Bananola down and shot him in the head three times, execution-style—and rejected Eggleston's self-defense claim.

It will take months for Eggleston's appellate lawyers to review the bewilderingly voluminous record in the case, which includes the transcript generated in his most recent trial in addition to the records generated in his 1997 and 1998 aggravated murder trials.

That's because many of Arend's rulings were based upon rulings made by the earlier trial courts—rulings that were *not* disturbed by the state Court of Appeals in September 2001 when it reversed Eggleston's murder and assault convictions. 