

Child-porn conviction vacated, ex-Pierce sheriff can own a gun

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As far as the official record is concerned, retired Pierce County Sheriff Mark French is no longer a felon convicted of possessing child pornography.

Superior Court Judge Bryan Chushcoff on Friday signed an order vacating French's 2004 conviction and another restoring his right to possess firearms.

"My hands are kind of tied about this," Chushcoff said after a brief hearing.

French, who retired from the Sheriff's Department in June 2000 after a 30-year career, did not attend the hearing.

His attorney, Donald Winskill, argued that under state law, French qualified for both a vacation of his conviction and the restoration of his firearm rights.

The law allows people convicted of the crime for which French was convicted to seek to wipe their records clean and get their guns back if they comply with the conditions of their sentences and remain crime-free for five years, Winskill said.

His client qualifies, he said.

French, 62, pleaded guilty in July 2004 to a single felony count of possession of depictions of minors engaged in sexually explicit conduct. Chushcoff sentenced him to 30 days of electronic home monitoring, one year's probation and \$710 in court fines and other conditions.

Tacoma police raided French's houseboat in April 2003 as part of an investigation into a Russia-based child porn website.

Officers found more than 100 sexual photos of children on his laptop computer, court records show.

Deputy prosecutor Brian Wasankari on Friday did not oppose vacating French's conviction – agreeing the former sheriff qualified – but argued French should not be able to possess guns again.

Since French's conviction, the Legislature changed the law to classify possession of child pornography as a sex crime, Wasankari said. Felons convicted of sex crimes cannot petition to have their gun rights restored, the deputy prosecutor said.

Possessing child pornography was not classified as a sex crime in 2004, and the former sheriff was not required to register as a sex offender as a result.

"What we fall back on is the statutory law currently in effect, and that law tells us Mr. French doesn't get his gun rights back," Wasankari said.

Winskill argued the change in the law was not meant to be retroactive and pointed to case law supporting that contention.

Chushcoff agreed with Winskill, pointing to a 9-0 Washington State Supreme Court decision of last year that backed the defense attorney's point.

"He's entitled to his gun rights back," the judge said.

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