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District Attorney Suzanne Valdez's Statement on State of Kansas v. Rontarus Washington, Jr.

Wednesday, December 22, 2021 - 9:40am

Today (Dec. 22, 2021) marks 2,603 days since the tragic death of 19-year-old Justina Altamirano Mosso.

In September 2019, after delays attributable to many factors, Mr. Washington was tried by a jury on charges of Murder in the First Degree and Aggravated Burglary in connection with the death of Ms. Mosso. After a four-week trial, the jury was unable to reach a verdict. A mistrial was declared, and the matter was scheduled to be retried. Approximately 10 months later, in July 2020, Mr. Washington was released on bond from State's custody.

Throughout my campaign for Douglas County District Attorney during the 2020 election cycle, I expressed that "a prosecutor is ethically bound to bring swift justice to all those in the criminal justice system." This public statement is as accurate now as it was when I made it during my campaign. At that time, I spoke to the lengthy time it took to bring Mr. Washington to trial.

During my first year in office, I have zealously sought justice for victims and survivors. As I have said before, Ms. Mosso's life was taken, and she deserves justice. Ms. Mosso's family, and the community, deserve justice.

Through the resources available to me as your District Attorney, I endeavored over the past year to ensure swift justice in this matter. Regardless of anything I say or do at this point, the opportunity for swift justice came and went before I ever set foot in this Office.

The retrial of Mr. Washington is scheduled to commence on July 18, 2022 – 2,811 days after Ms. Mosso's death and 1,019 days after Mr. Washington's first trial ended. Since I became District Attorney in January 2021, there have been 14 hearings held on pretrial issues that are far afield of the case in chief. The degree to which this matter has been permitted to languish calls into question the integrity of the criminal justice system.

Nine different attorneys have appeared in court with Mr. Washington in connection with this matter. Deputy District Attorney Joshua Seiden is the fifth different attorney assigned to prosecute this case on behalf of the State. This overall lack of continuity of counsel only serves to exacerbate the complexities of this matter.

The Federal and State Constitutions rightfully provide an assortment of protections for those accused in criminal matters. However, the State is also entitled to a fair and just trial. The original trial took a significant and substantial emotional toll on the State's witnesses. Additionally, we can reasonably infer that memories do not generally improve with time. I pursued the Office of District Attorney with the primary purpose of ensuring that victims and survivors have a voice. I am here to facilitate the telling of their experiences, which are often violent and result in long-lasting trauma for them, their loved-ones and the community at large. Present circumstances preclude the State from providing a voice for Ms. Mosso, her family, and for the Hispanic community in Lawrence who knew and loved her.

A common mantra in the District Attorney's Office is, "We can, but should we?" This mantra should be the starting point for any criminal prosecution. Here, the State can proceed with the retrial, but should we? Ms. Mosso has been forever taken from her loved ones, and no verdict can ever erase that tragedy.

The impact upon the State's witnesses cannot be overstated, given how poorly they were treated during the course of the original trial. What impact would the retrial have on witnesses? How would the retrial affect the community at large? There are many considerations to take into account.

Upon extensive review of this case, as well as a meticulous assessment of potential outcomes and adverse impacts of proceeding with the retrial, it is with a heavy heart that I have elected to cease prosecution in this matter at this time. This is by no means an indictment of the many fine law enforcement officers, specifically of the Lawrence Police Department, who spent countless hours investigating this matter to exhaustion and who worked tirelessly to seek justice for Ms. Mosso.

A particular legal maxim holds true here: Justice delayed is justice denied.