



## Stroup a free man

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Roger Stroup will walk out of prison a free man after a judge ruled Thursday that his lawyers — one now a district judge — failed to defend him effectively when he was charged for involvement in a kidnapping and grisly double murder on Mount Rose Highway in 1991.

Stroup, 35, was sentenced to four life prison terms in 1997 after a jury found him guilty of kidnapping Daniel Rasmussen and Jack Strawbridge, both of Carson City. Their bullet-riddled bodies were found near Mt. Rose Ski-Tahoe.

The same jury had acquitted Stroup on capital murder charges, but his father, Bobby Stroup, was convicted in 2001 of the murders.

On Thursday, Washoe District Judge James W. Hardesty ruled that Stroup's lawyers, Jerry Polaha and Marc Picker, provided him with "ineffective counsel" by failing to recognize that the statute of limitations had run out on the kidnapping charges.

Kidnapping charges must be filed within three years of the alleged crime. The murders occurred in 1991, but Stroup wasn't charged until Nov. 14, 1995.

"The court finds that in these respects, counsels' representation fell below an objective standard of reasonableness under prevailing professional norms," Hardesty said in his order dismissing the kidnapping charges and granting a new trial.

Polaha declined to comment Thursday. Picker could not be reached.

In the 1998 election, Hardesty defeated Polaha, who subsequently was appointed to the bench by the governor in 1999, elected in 2000 and re-elected in 2002.

Instead of seeking a new trial, Stroup maintained his innocence, but entered a special plea of guilty Thursday to a single count of coercion with the use of physical force, which carries a six-year prison term.

Deputy District Attorney Terry McCarthy said the kidnap and murder charges would not be refiled.

Stroup said the cases and conviction have been a nightmare and he agreed to the plea "so there's no more litigation in this matter."

"It brings a means to an end for me," he said.

Hardesty sentenced him to time served. Richard Cornell, one of Stroup's lawyers, said Stroup could be out of prison as soon as today. Stroup's family was in the courtroom but declined comment after the hearing.

During a Feb. 21 hearing, Stroup's lawyer William Osterhoudt of San Francisco asked Polaha about the kidnapping statute.

"Now ... were you at the time that you represented Mr. Stroup familiar ... with the statute of limitations for kidnapping in the Nevada revised statutes?" Osterhoudt asked, according to a court transcript.

"What do you mean by familiar with it?" Polaha responded. "Did I know it was there, yes. Did I catch it, no."

Osterhoudt continued: "And it just wasn't something you thought about?"

"It wasn't something I thought about," Polaha replied. "I was trying to save his life."

Picker answered "no" when asked at the hearing whether he considered the statute of limitations as a defense in the kidnapping charges.

District Attorney Richard Gammick blamed federal officials when asked why prosecutors waited until 1995 to file charges against Stroup.

Gammick was a chief deputy under District Attorney Dorothy Nash Holmes at the time, he said, and objected strongly when she ordered him to turn the case over to the U.S. attorney's office. They wanted to handle the murders as part of a larger federal investigation into drug dealing and other killings, he said.

After being elected in 1994, Gammick said, he took the case back "because they had not taken action on it" and charged Stroup with capital murder and kidnapping charges.

Because the focus was on the murder charges, both the prosecution and defense either overlooked or downplayed the statute of limitations on the two counts of kidnapping, Gammick said.

"We felt the jury would convict him of murder charges," he said.

When Stroup was acquitted of the murder charges, the kidnapping charges became the only avenue for ensuring he would be sent to prison, Gammick said.

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