

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

IN RE THE PERSONAL RESTRAINT  
PETITION OF:

RICHARD ALAN LUCAS, JR.,  
  
Petitioner.

NO. 52022-2

consolidated with No. 53242-5

STATE'S RESPONSE TO PERSONAL  
RESTRAINT PETITION

A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION:

1. Must the petition be dismissed where the petitioner cannot show actual prejudice to a constitutional right or fundamental defect which inherently results in a complete miscarriage of justice?

2. Does a judge have a duty to investigate a party's unsupported allegation or to advise a represented party of the consequences of his motion?

3. Is it deficient performance to fail to provide a false alibi for a client?

4. Was trial counsel's assistance ineffective for failing to make an unwarranted motion to change venue, to make unwarranted challenges to evidence, to coach the client to conform his testimony to an earlier statement, or to obtain the result the client desired?

B. STATUS OF PETITIONER:

The Defendant/Petitioner Richard Lucas is restrained pursuant to Judgments and Sentences entered in Pierce County Cause No. 17-1-00537-3. Petition at 17-33.

C. FACTUAL STATEMENT:

In the winter of 2017, Pierce County Deputy Roberts arrested the Defendant after observing him driving a stolen car. RP<sup>1</sup> (1/30/18) at 32-35, 44-45. A warranted search of the impounded vehicle produced tools used for stealing cars: 20 shaved keys and a shaved screwdriver. *Id.* at 28-29, 45-50; App. at 1-2. On February 3, 2017, the Defendant was charged with possessing a stolen vehicle and possessing motor vehicle theft tools. CP 98.

At first appearance, the court ordered the Defendant to attend hearings on February 16, March 2, and March 29 and advised that his failure to appear would result in a bench warrant. App. at 3. A few days later, the Defendant posted a \$25,000.00 bail bond. App. at 4-6. The pre-trial conference took place on February 16. App. at 7. On March 2<sup>nd</sup>, the Defendant failed to appear for the omnibus hearing, and a bench warrant issued. CP 84. The warrant was quashed three weeks later when the Defendant returned to court. CP 87. The Defendant remained out of custody on the same bail bond. App. at 8-9. About a month later, the State gave notice of its intent to add a charge of bail jumping. App. at 12.

Two mistrials and a failed attempt at drug court followed. CP 3-21, 91-94; RP (1/18/18) at 38. The second mistrial resulted when the Honorable Judge Sorenson recused himself after a jury was selected but before opening statements. RP (1/18/18) at 38-39.

Just prior to jury selection, the defense had attempted to disqualify the assigned trial judge by filing an affidavit of prejudice. RP (1/16/18) at 4. The filing was improper under RCW 4.12.050(1)(a), because Judge Sorenson already had made discretionary rulings when

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<sup>1</sup> References to RP and CP are to the record in the consolidated appeal 52022-2.

he permitted the Defendant to opt out of drug court and to withdraw his guilty plea. RP (1/16/18) at 4-5.

Defense counsel Michael Maltby then asked the judge to recuse himself for cause, explaining that his client believed the judge could not be fair, because of something the judge had said in drug court. *Id.* at 6. The judge asked what exactly he had said. *Id.* (“I don’t know what that means”). Although Mr. Maltby was present at drug court (Plaintiff’s Exhibit 18), he did not appear to have an independent recollection of what was said. RP (1/16/18) at 6 (“he believes he heard things that you said -- and I’m not sure exactly what -- but he suggests that based on things that he heard, he believes that you couldn’t be impartial and fair”). The prosecutor noted that the motion lacked proof.

I can’t comment on the allegations the defendant is making about your impartiality. I wasn’t present in drug court when the statements were alleged to have been made. I don’t think that there’s a factual basis to support a motion for you to recuse yourself. I’d ask the Court to proceed.

*Id.* at 7. And initially the judge denied the motion. *Id.*

However, two days later, the judge obtained an audio recording from drug court which he played for the parties. RP (1/18/18) at 34, 37. The recording depicts a perfunctory hearing in which the prosecutor advised that the Defendant had decided to opt out of drug court, Mr. Maltby requested the matter be rescheduled with a different department, and the court informed the Defendant:

Mr. Lucas, you understand that if you withdraw- or if you opt out of the drug court program, the next thing that’s gonna happen is that you’re gonna ask to withdraw your plea based on the contract you entered into with this program. I’m gonna allow that to happen. And when that happens, you’re gonna be back on the trial track which means that they’re going to be uh hopefully seeking to prosecute you to the fullest extent of the law. So with that, I’ll sign your paperwork.

You understand, Mr. Lucas, that this case is old which means that Mr. Maltby is probably not gonna have much luck in getting the case continued, so you'd best be ready for trial as soon as possible.

Plaintiff's Exhibit 18 at 09:35–10:40. No other context is provided in the recording.

After the recording was played, the Defendant met with his attorney in the hall to confer. RP (1/18/18) at 37. When they returned, Judge Sorenson expressed surprise at the content of the recording. *Id.* at 37, ll. 14-15 (“I actually listened to that once before, and I didn't hear the word ‘hopefully.’”). He advised that he would grant a motion to recuse if the Defendant requested it. *Id.* at 37-38.

MR. MALTBY: That's what I am going to ask.

THE COURT: I am going to declare a mistrial, and I will leave it at that. I think, based on at least an appearance of fairness, it's inappropriate for me to continue with this trial.

Mr. Leech, I apologize for wasting the State's time. Mr. Maltby, I apologize for wasting your time. Mr. Lucas, I apologize for wasting your time.

I am going to dismiss the jury. Please bring them out.

MR. MALTBY: Your Honor, you have no need to apologize. I don't feel you have wasted our time, just for the record.

*Id.* at 38.

Trial was rescheduled for less than two weeks later before the Honorable Judge Garold E. Johnson. RP (1/29/18). On the eve of his third trial, the Defendant tried to get a continuance, claiming his mother had a heart attack. RP (1/29/18) at 3. The trial judge expressed skepticism. “Candidly, sounds a bit shallow without any documentation at all.” *Id.* at 4. “[The case] does seem to be lingering an impossibly long time or unacceptably long time to get it done.” *Id.* at 5. The Presiding Criminal Department Judge denied the motion for continuance, and the Defendant did not raise the matter again. *Id.* at 7.

At trial, the Defendant testified that he been walking along the street when the real car thief ran past him and escaped. RP (1/30/18) at 163-66, 171-73. He claimed the only reason he was in the stolen car was because the deputy forced him into it at gunpoint. *Id.* at 174-79. His explanation for having shaved keys in his hand was that he picked them up from the car seat when he sat down. *Id.* at 178.

This conflicted with the deputy's testimony that he observed the Defendant drive past him in a beige Nissan Sentra, followed him, watched him turn into a driveway, and exit the driver's seat, and perceived that the Defendant looked like he might run when the deputy approached. *Id.* at 32-42. The deputy testified that when he first contacted the Defendant, he informed him the reason for the stop "wasn't a big deal," just expired tabs. *Id.* at 43. He asked the Defendant to wait in his car. *Id.* After the Defendant returned to the Nissan, the deputy returned to his own vehicle, confirmed the car was stolen, and only then drew his weapon. *Id.* at 44-45. The Defendant was sitting in the driver's seat with a big chain of keys in his right hand which he held onto even as he raised his hands. *Id.* at 45.

The Defendant attempted to testify that he had come to court on March 2<sup>nd</sup>, only to leave when his then-attorney Guarav Sharma advised that the hearing would be held on March 15<sup>th</sup>. *Id.* at 179-82. The prosecutor objected on hearsay grounds, and the testimony was stricken. *Id.*

The Defendant did not call Mr. Sharma as a witness. App. at 14. It was the prosecutor who added Mr. Sharma to the witness list. App. 16. Mr. Sharma believed ethical rules prevented him from testifying against a former client. RP (2/1/18) at 228; App. 17-18. However, he advised the prosecutor that he did not see the Defendant on March 2<sup>nd</sup>. RP (2/1/18) at 228.

The Defendant's testimony also conflicted with deputy prosecutor Nate Zink's testimony. Mr. Zink explained to the jury that he performed a roll call twice on the morning of the March 2<sup>nd</sup> hearing. *Id.* at 138. While it is common for defendants on this docket to meet with their attorneys in the hallway, when this occurs during roll call, attorneys will advise the prosecutor of the client's presence. *Id.* at 140-41. The Defendant was not present on that day. *Id.* at 138.

Mr. Zink explained that if Mr. Sharma had wanted to continue the March 2<sup>nd</sup> omnibus hearing to March 15, as the Defendant claimed, he would have needed to change the scheduling order. *Id.* at 141. Because neither the prosecutor nor the judge will approve a proposed scheduling order that has not been signed by the defendant, Mr. Sharma would have needed to obtain his client's signature on the proposed order first. *Id.* at 126, 141. If such an order had been presented, Mr. Zink would have understood that the defendant had been present that day, and the judicial assistant would have indicated that the proceeding took place. *Id.* at 141-42. There would be no bench warrant. *Id.* at 142. In this case, the prosecutor requested and obtained a bench warrant – indicating that Mr. Sharma did not intend to continue the hearing to March 15 as the Defendant claimed. *Id.* at 144.

Before the Defendant could be cross-examined, he learned that his contradictory statement made through a speaking agent would be admitted against him. RP (2/1/18) at 190-98. "He was clearly agitated ... that effectively his false testimony was going to be exposed during cross-examination." *Id.* at 217. The Defendant asked the court if he could go outside to speak with his attorney for a few minutes. *Id.* at 205. During the recess, he made a phone call and then disappeared. *Id.* at 205-08. This occurred at the same time that court security received a bomb threat. *Id.*

The prosecutor noted that the Defendant's disappearance appeared to be an attempt to force a third "mistrial by stalling our ability to proceed, knowing that there are scheduling problems with jurors as well as this courtroom into next week." RP (2/1/18) at 217. Proceeding without the Defendant meant the State would not be able to cross-examine him and would also prevent the prosecutor from calling Mr. Sharma as a witness. *Id.* at 227-28 (due both to limited time and concerns of appearance). However, when the Defendant did not return to court, a bench warrant issued, and the trial continued without him. *Id.* at 212-223, 227-28; App. at 19-21.

Deputy prosecutor April McComb read to the jury from a transcript of the hearing in which the bench warrant had been quashed. RP (2/1/18) at 235-37. At that hearing, the Defendant had not claimed that he was present on March 2<sup>nd</sup> or that Mr. Sharma had sent him away, telling him to return on March 15. Instead, the Defendant represented that he had simply made a mistake about the dates, believing the omnibus hearing was set for March 15 and not March 2. *Id.* at 238-42.

The jury convicted the Defendant of all three counts: Possessing a Stolen Vehicle, Possessing Motor Vehicle Theft Tools, and Bail Jumping. CP 49-51, 54-72. The warrant remained outstanding for more than three months until his arrest on May 8. App. at 22.

At sentencing, the Defendant requested a DOSA (Drug Offender Sentencing Alternative), claiming that he wanted treatment and only opted out of the drug court program, because he did not qualify due to residency requirements. RP (6/15/18) *Id.* at 53, 56. The prosecutor disagreed.

I'm familiar with the drug court situation in this case. My understanding is he did not opt out because of a residency issue. He would not have been admitted into drug court if he did not qualify, and residency is a requirement, a prerequisite to qualify.

....

The fact of the matter is, my understanding is he opted out because he was still using the drugs and he didn't want to give them up. And he was very, let's just say unequivocal about that opt out when it happened.

*Id.* at 57. The prosecutor also informed the court that the Defendant had received a DOSA previously, in 2006. *Id.* at 58. "I think he's had multiple opportunities to get the help he needs, and he's chosen to, frankly, not follow through." *Id.*

The court denied the DOSA. CP 61.

The Defendant has filed an appeal. CP 73. Subsequent to the briefing in the appeal, the Defendant filed this *pro se* personal restraint petition. The matters have been consolidated.

D. LEGAL STANDARDS:

The courts' review of personal restraint petitions is constrained, and relief gained through collateral relief is extraordinary. *In re Fero*, 190 Wn. 2d 1, 14, 409 P.3d 214, 222 (2018). In a personal restraint petition, the burden of proof shifts to the petitioner. *In re Cook*, 114 Wn.2d 802, 814, 792 P.2d 506 (1990); *Hews v. Evans*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983). And there is a heightened showing of prejudice. *Fero*, 190 Wn.2d at 15. If the challenge is in the context of constitutional error, petitioners must satisfy their threshold burden of demonstrating actual and substantial prejudice or the petition will be dismissed. *Cook*, 114 Wn.2d at 810. For non-constitutional claims, the preliminary showing is higher: the claimed error must constitute a fundamental defect which inherently results in a complete miscarriage of justice. *Cook*, 114 Wn.2d at 811.

A *pro se* petitioner is held to the same responsibility as a lawyer and required to follow applicable statutes and rules. *In re Connick*, 144 Wn.2d 442, 455, 28 P.3d 729 (2001). Bald assertions and conclusory allegations will not support a personal restraint petition. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086, *cert. denied* 506 U.S. 958, 113 S.

Ct. 421, 121 L. Ed. 2d 344 (1992). If the petitioner's allegations are based on matters outside the existing record, the petitioner must demonstrate competent, admissible evidence to establish the facts that entitle him to relief. *Id.* If a party fails to support argument with citation to legal authority, the court is entitled to presume that none exists. *Oregon Mut. Ins. Co. v. Barton*, 109 Wn. App. 405, 418, 36 P.3d 1065, 1071 (2001).

A petitioner asserting ineffective assistance of appellate counsel must establish both deficient performance and actual prejudice. *In re Morris*, 176 Wn.2d 157, 166, 288 P.3d 1140, 1144 (2012). Actual prejudice is "a reasonable probability that, except for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland v. Washington*, 466 U.S. 668, 694, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *Smith v. Murray*, 477 U.S. 527, 535-36, 106 S. Ct. 2661, 91 L. Ed. 2d 434 (1986) (applying *Strickland* test to ineffective assistance of appellate counsel).

E. ARGUMENT:

1. THE COURT WAS NOT OBLIGED TO SEEK OUT EVIDENCE IN SUPPORT OF THE DEFENDANT'S MOTION OR TO ADVISE THE DEFENDANT ABOUT THE CONSEQUENCES OR WISDOM OF HIS MOTION.

The Defendant argues that Judge Sorenson should have advised the Defendant that if the motion to recuse were granted, a mistrial would be necessary. Petition at 4. The authority the Defendant cites does not support his claim.

The court is not required to advise represented parties about the consequences of their motions. Judges may not give legal advice to parties who appear before them. This could give rise to an appearance of bias toward one party. In addition, this could interfere with the attorney-client relationship. The Defendant had a private conversation with counsel before renewing his motion to recuse. When the court recused and noted a mistrial, the Defendant made no timely objection or request to walk back the recusal motion.

The Defendant asserts that Judge Sorenson should have obtained the audio recording earlier. Petition at 4. He provides no authority for this claim that a judge is obliged to seek out evidence to support a party's motion. The State knows of none. A judge who performs an independent investigation on behalf of a party's motion runs the risk of being accused of bias. *See e.g.* CJC Canon 2, Rule 2.9(3) (judge must make reasonable efforts to avoid receiving factual information that is not part of the record). In our adversarial system, it is the party's burden to make one's own case. *See e.g.* CrR 8.3(c) (requiring moving party to file a writing supported by stipulation, affidavits, and declarations). It was the Defendant's obligation to obtain the recording and to provide it to the court in support of his motion.

The Defendant claims that it was unreasonable for the court to start the trial in the face of the Defendant's allegation. Petition at 4. It was not unreasonable. The Defendant provided no proof of his allegation. Neither attorney gave credence to the allegation, not even Mr. Maltby who was present at the drug court hearing. The judge had no memory of having expressed what the Defendant claims he heard. And the Defendant is not a credible source of information.

The Defendant takes pride in being a difficult customer. App. at 23. He has a long criminal history of thefts, drugs, obstruction, and assaults. CP 52-53, 57-58 (33 prior convictions). He was represented by seven different defense attorneys in this case before the superior court: Mark Zebelman, Guarav Sharma, Nicholas Andrews, James Halstead II, Dana Michael Ryan, Michael Maltby, and Mary Martin. CP 83, 88-94; RP (6/15/18) at 45; App. 3, 24. Mr. Sharma withdrew when it became clear that his client intended to accuse him falsely, thereby making him a witness. CP 89-90; RP (2/1/18) at 195-96; Petition at 6. Mr. Halstead withdrew after the first mistrial when the Defendant "expressed dissatisfaction" and requested a different attorney. CP 94; RP (1/16/18) at 8-9.

Mr. Maltby tried to withdraw on the eve of trial, because of his discomfort in representing a client who had made “very clear” that he did not want Mr. Maltby’s representation. RP (1/16/18) at 8. The request to withdraw was denied after the prosecutor made a record explaining that the “common denominator” in the withdrawal of every attorney was the Defendant’s behavior. *Id.* at 8-11 (“this is pretty much par for the course with Mr. Lucas.”).

Nevertheless, the Defendant continued to try to remove Mr. Maltby. RP (1/29/18) at 12-15 (during jury selection); RP (1/30/18) at 12 (before opening statements); RP (2/1/18) at 187-88, 202-03 (after the direct examination of the Defendant). When that did not work, he absconded for three months. App. at 19-22.

The Defendant’s disruptions were not limited to disagreements with his attorneys. His conversations with counsel were audible to the entire courtroom, interfering with proceedings. RP (2/1/18) at 201-02 (judge advising Defendant “I can hear you better than I can hear counsel when he’s talking to me”), 204-05 (court threatening to restrain Defendant). He interrupted proceedings to complain about the correctional officer performing his duties in the courtroom. RP (1/16/18) at 17-18. He engaged with the public during hearings. RP (2/1/18) at 198. He was continuously commenting in the presence of the jury, requiring judicial reprimand. RP (1/16/18) at 19-20; RP (1/18/18) at 40; RP (2/2/18) at 191. He tried to obtain a continuance of trial with a claim of family illness which, to this day, he has been unable to substantiate. And he falsely claimed that the judge opined upon his guilt when the court only accepted his guilty plea. RP (1/16/18) at 16 (“He says I’m guilty whenever I opted out of drug court”); RP (1/18/18) at 35-36. He lied to the judge at sentencing about his reasons for opting out of drug court. RP (6/15/18) at 57. The prosecutor described him

as “one of the most belligerent and inappropriate people I have dealt with in my 19-year career as a prosecutor and in dealing with his defense attorneys.” *Id.*

The Defendant has a credibility problem. It was reasonable for the court not to take the Defendant at his word and require actual proof of the allegations before resetting trial before another judge and sending home the many citizens who had appeared for jury duty.

Moreover, the Defendant’s claim is without legal basis. The court is not required to delay trial over an unsubstantiated allegation.

2. THE DEFENDANT RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL.

The Defendant’s second claim is a continued attack on his attorneys.

a. Mr. Sharma did not misadvise his client about a scheduled hearing.

The Defendant continues to claim that he was at the courthouse on March 2, 2017,<sup>2</sup> but left before his case was called because his attorney Guarav Sharma told him that “it was okay for me to leave and to come back for the omnibus hearing on 3-15-17.” Petition at 5. This was also his testimony at trial. RP (1/30/18) at 179-82. The allegation for this claim is demonstrably false.

Mr. Maltby did not put Mr. Sharma on the witness list. This is because Mr. Sharma’s testimony would not support the Defendant’s claim. Mr. Sharma did not see the Defendant on March 2<sup>nd</sup> and knows no reason for the State to dismiss the bail jumping conviction. RP (2/1/18) at 228; App. 17-18.

If Mr. Sharma had excused the Defendant with the intention of continuing the hearing date to March 15, the record would show a scheduling order with the Defendant’s signature. RP (1/30/18) at 126, 141. None exists.

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<sup>2</sup> The Defendant claims March 2 was his “first court date.” Petition at 5. In fact, it was his third court date in this case. His first court date was his first appearance after arrest on February 3<sup>rd</sup> when he signed receipt of the scheduling order. App. 3. His second court date was pretrial on February 16, which was held. App. 7.

If a defense attorney mistakenly excused a client, there would be no reason for the attorney not to inform the court immediately in order to prevent the issuance of a warrant or later to prevent bail jumping charges. There would be no repercussions on the attorney for an innocent mistake. Mr. Sharma did not make any such representation to the court – not on the day the warrant issued, not during his continuing representation after the bench warrant issued, and not at any time in the succeeding years as the client was charged and convicted and sentenced for bail jumping.

If Mr. Sharma had privately advised the prosecutor that he had mistakenly excused the Defendant from the hearing, the prosecutor would not have added a charge of bail jumping. If Mr. Sharma had informed the prosecutor of the mistake *after* the information had been amended, the prosecutor would have dismissed the count. The charge exists and remains, because Mr. Sharma is not the reason for his client's absence. He did not direct his client to leave the mandatory hearing.

b. Mr. Maltby is not responsible for the acts of the judge, prosecutor, or Defendant.

Many of the Defendant's complaints against his attorneys stem from his misunderstanding of the allocation of authority between client and lawyer. Under the rules of professional conduct, the client determines the objectives of representation, e.g. whether to plead guilty, waive jury trial, or testify. RPC 1.2(a). The attorney, however, determines the means. *Id.*

... Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal and tactical matters. ...

RPC 1.2, Comment [2]. An attorney may consult with a client about motions, but the decision as to whether to file a motion or pursue a question in cross-examination is the attorney's.

The Defendant claims that, on the day that his third trial began, he asked his attorney to file a motion to change venue. Petition at 7. The only evidence that such a request was made is the Defendant's allegation in this petition, and the Defendant has an insurmountable credibility problem. However, assuming arguendo that the Defendant actually requested the motion, it would not be warranted.

The Defendant must show a probability of prejudice. *State v. Boot*, 89 Wn. App. 780, 786, 950 P.2d 964, review denied, 135 Wn.2d 1015, 960 P.2d 939 (1998). There is no reason to believe that the recused judge's appearance of bias could taint a trial with an entirely different judge. The Defendant does not allege Judge Johnson had either actual bias or an appearance of bias.

A last-minute motion on the day of trial would be disfavored. And this was the Defendant's third trial. The trial judge expressed that he was unwilling to delay this case that had been "lingering an impossibly long time." RP (1/29/18) at 5. The decision to grant or deny such a motion is within the trial judge's discretion. *Boot*, 89 Wn. App. at 786. There is no reason to believe the court would have granted the motion to change venue.

The Defendant claims he made the request at RP (1/29/18) at 12. Petition at 7. This would have been after the Presiding Criminal Department Judge denied the Defendant's motion for continuance based on his claim that his mother had fallen ill. If the suggestion is that the denial of the motion to continue trial demonstrates bias on the entire Pierce County Superior Court bench, this "bias" could have been overcome with documentation of this alleged illness. The Defendant produced none.

The Defendant claims that Mr. Maltby failed to obtain a DOSA (drug offender sentencing alternative) resolution for him. Petition at 7. This claim fails.

First, it is not reasonable to believe that the Defendant wanted a DOSA prior to trial. He was given the far preferable option of drug court. A successful drug court participant

avoids any additional incarceration. CP 4, ¶12 (credit for time served only). With a DOSA, the Defendant would still have to serve a prison term. CP 58 (standard range of 51-60); RCW 9.94A.660(3) (residential option is only available if the midpoint of the standard range is 24 months or less). If the Defendant had wanted a treatment alternative, he would have remained in drug court. He opted out, because he was not interested in treatment. RP (6/15/18) at 57.

Second, a defense attorney cannot force a prosecutor to make any particular offer. There is no right to a plea bargain. *State v. Shelmidine*, 166 Wn. App. 107, 112, 269 P.3d 362 (2012). A plea offer is within the prosecutor's discretion. *State v. Moen*, 150 Wn.2d 221, 227, 76 P.3d 721 (2003). Defense counsel's performance cannot be deficient based on the opponent's choices.

The prosecutor made an offer; the Defendant rejected it. RP (1/29/18) at 4. In this case, the prosecutor actively advocated against a DOSA, explaining that the Defendant rejected drug court and had repeatedly failed to follow through with treatment opportunities.

Third, an offender does not obtain a DOSA through the prosecutor's recommendation. Regardless of the parties' recommendations, the court has discretion to deny the request as it feels appropriate. RCW 9.94A.660(3). Neither party can know whether the court will grant the alternative or not.

Fourth, an offender seeking a DOSA need only be found guilty and request the treatment alternative. RCW 9.94A.660. There is no requirement that the offender plead guilty to receive a DOSA. The request can be made after a trial, and it was. RP (6/15/18) at 53-56. The court denied the request. Because the court rejected the request, there can be no prejudice.

The Defendant claims that his attorney should have challenged Dep. Roberts in cross-examination regarding alleged “contradictions” in his testimony. Petition at 7. There were no contradictions.

The deputy suspected the car was stolen, because he knew the license plate belonged to a stolen car. The stolen plate may have been moved from a different car. RP (1/30/18) at 36-37. This is why a stolen car is listed in police databases both by license plate and VIN. *Id.* at 37.

The deputy punched the license plate into his computer which connects to databases from the Department of Licensing and WASIC (stolen property). *Id.* at 35. His system advised that the plate was stolen. *Id.* at 40. With this information, he had probable cause and approached the Defendant. *Id.* at 41-44. After the Defendant returned to his car, the deputy returned to his own vehicle and asked dispatch to run the search again – to verify the information the deputy had obtained from his own search. *Id.* at 44. Only after the search was verified did the deputy handcuff the Defendant. *Id.* at 44-45. After he confirmed the VIN, he mirandized the Defendant. *Id.* at 46.

The Defendant claims that his attorney could have challenged the chain of custody for the shaved keys. Petition at 9. There is no basis for such a challenge. The deputy testified that he had eyes on the Nissan throughout the tow and until he sealed it with evidence tape. RP (1/30/18) at 47-48.

The Defendant complains that his attorney mischaracterized his testimony by saying that the Defendant “got back” in the car when the Defendant’s testimony was that he had never been in the car until that point. Petition at 9. Because this was during the examination of the Defendant, any misimpression was immediately corrected so as to cure any prejudice. *Id.* at 177-78. The Defendant claims that the impression given by that single question was that his attorney did not believe him. Petition at 9. But this is not the impression Mr. Maltby

gave during the trial. He repeatedly and clearly advocated the Defendant's version of events to the jury in opening and closing. RP (1/30/18) at 22-23; RP (2/2/18) at 286-97.

As the prosecutor explained, the Defendant's testimony was not credible. RP (2/2/18) at 267. The deputy did not confuse the Defendant for someone else. He saw the Defendant's face as he was driving past and as he was parking. *Id.* at 269. The deputy only turned away for the time it took the Defendant to walk from the front door to the back door of the sedan. *Id.* at 270. When the deputy approached on foot, the Defendant appeared anxious, like he was about to run. *Id.* When the deputy instructed the Defendant to return to the car while the deputy wrote out a ticket for expired tabs, the Defendant returned to the car without a word, "with no hesitation." *Id.* at 271. It was the evidence which convicted him and not any question of his attorney.

The Defendant claims that his attorney should have prevented the judge from excluding testimony. Petition at 10. Mr. Maltby is not responsible for the judge's ruling. His attorney succeeded in delaying the ruling on the motion in limine. RP (1/29/18) at 16. This in turn resulted in the Defendant's testimony coming out before the jury. RP (1/30/18) at 181-82. The tactic permitted the jury to hear the testimony regardless of the judge's ruling.

The Defendant claims that his attorney should have prevented him from testifying inconsistently with statements he had made in a previous hearing before Mr. Maltby was appointed to the case. Petition at 10. This is incorrect. It is unethical for an attorney to assist a client in manufacturing false testimony.

The Defendant claims that Mr. Maltby assaulted him in front of the jury by throwing crumpled paper in his face. Petition at 7-8. It seems unlikely that the judge would have praised both attorneys at the end of the trial, if one had assaulted his client in front of the jury. RP (2/2/18) at 43-44. As the Defendant notes, there is no record of this alleged courtroom assault. However, the record was sensitive enough to capture menacing

demeanor. RP (2/1/18) at 203, 220-221 (noting the Defendant's "physical hostility" toward his attorney both in open court as well as during recesses). It is simply not credible that what the Defendant describes occurred without the judge's or court reporter's notice.

Nor can the Defendant demonstrate that a single expression of frustration would have prejudiced the outcome considering the overwhelming evidence of his guilt.

The Defendant complains that Mr. Maltby withdrew from representation before sentencing. Petition at 11. He would have this Court believe that he "pleaded" with the attorney to remain. Petition at 11. After all of his attempts to remove Mr. Maltby, culminating in security being called for counsel's security (RP (2/1/18) at 220-21) and the Defendant eloping for three months, this claim is not credible. In any case, the right to counsel of one's choosing does not go beyond the individual's right to spend his own money to obtain counsel. *State v. Sanchez*, 171 Wn. App. 518, 542, 288 P.3d 351, 363 (2012) (quoting *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 626, 109 S. Ct. 2646, 105 L. Ed. 2d 528 (1989)). An attorney is not required to continue to represent a client at risk to his own safety.

The Defendant appears to argue that he was prejudiced because Ms. Martin "didn't know the case." Petition at 11. If the defense felt inadequately prepared, a continuance could have been requested. However, the record is that Ms. Martin did an excellent job at sentencing. Her only failing was in believing her client's false statement about why he opted out of drug court.

CONCLUSION:

Based on the foregoing, the State requests the Court dismiss the personal restraint petition as frivolous.

DATED: July 29, 2019

MARY E. ROBNETT  
Pierce County  
Prosecuting Attorney

Teresa Chen  
Teresa Chen  
Deputy Prosecuting Attorney  
WSB # 31762

Certificate of Service:

The undersigned certifies that on this day she delivered by ~~U.S.~~ mail or ABC-LMI delivery to the petitioner true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

7.29.19 Teresa Chen  
Date Signature

February 03 2017 11:18 AM

KEVIN STOCK  
COUNTY CLERK

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8 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

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10 STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-00537-3

11 vs.

12 RICHARD ALAN LUCAS, JR,

DECLARATION FOR DETERMINATION OF  
PROBABLE CAUSE  
(ADPC)

13 Defendant.

14 DOB: 06/11/1978

15 APRIL D. MCCOMB declares under penalty of perjury:

16 That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation  
17 conducted by the PIERCE COUNTY SHERIFF, incident number 1703300464;

18 That the police report and/or investigation provided me the following information;

19 That in Pierce County, Washington, on or about February 2, 2017, at 8:06 a.m. the defendant, RICHARD ALAN  
20 LUCAS, JR, was driving a beige 1998 Nissan Sentra on 104th Street East, Tacoma, Washington when a deputy with the  
21 Pierce County Sheriff's Department happened to turn onto 104 Street East from 10th Avenue East behind the Nissan. As the  
22 Nissan drove by the deputy, the deputy got a clear look at the driver who was the only occupant and was later identified to  
23 be the defendant. The deputy ran the license plates that were on the Nissan. The deputy followed the Nissan as it turned  
24 north on McKinley Avenue East. The Nissan then pulled into the driveway at 10211 McKinley Avenue East. The deputy  
25 continued on his way as he waited for the return on the license plate. As the deputy drove by the driveway he saw the  
26 defendant exit the driver's door of the Nissan. The deputy was advised by dispatch that the license plate was listed as stolen  
27 out of Tacoma. The deputy was not even half a block north of the driveway and when he turned around the deputy saw the  
28 defendant walking south away from the Nissan. The deputy activated his overhead lights and told the defendant to return to  
29 his car. The defendant turned around and stood at the rear of the Nissan. The deputy said that he needed to speak with the  
30 defendant about the license plates and he wanted the defendant to get back into his car. The defendant began to look around  
31 and it appeared that he was contemplating the best escape route. The deputy, to lessen the chance the defendant might flee,  
told the defendant that it wasn't a big deal. The deputy said the registration was expired and if the defendant got back into his  
car, the deputy would write him a ticket real quick. The defendant got back into the car without any further questions.

The deputy contacted Dispatch and confirmed that the license plates were stolen. The defendant was sitting in the driver's  
seat slightly hunched down. The deputy contacted the defendant and told him to put his hands up which he did. He had a  
large set of keys on a keychain in his right hand. The deputy told the defendant to drop the keys and exit the car which he  
did. The defendant was secured once other officers arrived. The deputy noticed numerous shaved keys on two separate key  
chains on the passenger seat and the passenger side floorboard in plain view.

The deputy ran the VIN on the car and found that the car itself was stolen and the license plates did not belong to the  
beige Nissan. The car was secured and a search warrant was later served on the car. The deputy recovered the shaved keys  
which totaled 20 along with a shaved screwdriver located under the driver's seat. The deputy found a backpack in the trunk

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of the Nissan and in the backpack was found a wallet with a driver's license, Costco card and WSECU debit card in a name other than the defendant's. The deputy also found what appeared to be prescription pills in prescription pill bottles with the labels peeled off. Additional investigation may result in additional charges being brought against the defendant.

The beige Nissan belongs to D. Fernandez. Ms. Fernandez reported the theft of her car on January 19, 2017. She had parked the car in front of her apartment on January 18, 2017 at 8:00 p.m. and on January 19, 2017 at 6:30 a.m. she found the car was gone. The license plates belong to a 1996 silver Nissan Sentra owned by J. Robinson. The car had been parked at the house of Mr. Robinson's son which is located in Tacoma, Washington. The car had not been operational for several months. On December 7, 2016, Mr. Robinson received a copy of a red light ticket in the mail that showed the license plate to his car. Mr. Robinson checked on his car and found that the license plates were gone.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: February 3, 2017.  
PLACE: TACOMA, WA

/s/ APRIL D. MCCOMB  
APRIL D. MCCOMB, WSB# 11570  
Deputy Prosecuting Attorney

February 03 2017 2:54 PM

Pierce County Clerk

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE**

STATE OF WASHINGTON,

Plaintiff

No. 17-1-00537-3

vs.

RICHARD ALAN LUCAS, Jr

Defendant

**SCHEDULING ORDER  
(orh)**

IT IS HEREBY ORDERED that:

The following court dates are set for the defendant:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Courtroom</u>
Pre-Trial Conference	Thu-Feb 16, 2017	1:00 PM	270
Omnibus Hearing	Thu-Mar 02, 2017	8:45 AM	260
Jury Trial	Wed-Mar 29, 2017	8:30 AM	260

The defendant shall be present at these hearings and report to the courtroom indicated at:

**930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402**

DAC: Defendant will be represented by Department of Assigned Counsel.

**FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

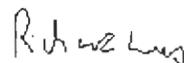
Dated : February 3, 2017.

Electronically signed by:

/s/MEAGAN M. FOLEY

JUDGE/COMMISSIONER

Copy Received



/s/ MARK ZEBELMAN

Attorney for Defendant, Bar# 37819

/s/ Joe Scovel

Prosecuting Attorney, Bar #47841

RICHARD ALAN LUCAS, Jr

Defendant

February 08 2017 10:33 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 17-1-00537-3



Pierce County  
Sheriff's Department  
Corrections Division  
910 Tacoma Ave. South  
Tacoma, WA 98402

3EC 1

BAIL RECEIPT NO: 100552

DATE / TIME: 02/07/2017 23:34

RECEIVED FROM

Name: ALADDIN BB (TWO JIN)  
Address: 755 TACOMA AVE S, SUITE 1  
City: TACOMA State: WA

Zip Code: 98402

FOR: Booking No.: 2017033024

Name: LUCAS, JR, RICHARD ALAN  
Court: SUPERIOR CT - PIERCE CTY

CHARGE/BAIL INFORMATION:

Cause / Warrant #	Charge	Bail Type	Amount
17-1-00537-3	S24E - POSSESS STOLEN VEHICLE	BAIL BOND	\$25,000.00
17-1-00537-3	D218 - POSS. MOTOR VEHICLE THEFT TOOLS	BAIL BOND	CRNT
<b>Totals:</b>	Cash _____ Check _____	Bail Bond \$25000 00	Receipt Total: \$25000.00

Your Return Date Is: Contact the above Court

Officer: E M WRIGHT

ID No: 85-010

American Contractors Indemnity Company

Designated Agent/Person to receive all notices:

1000 Aviara Parkway, Suite 300 Carlsbad, CA 92011

Telephone (800) 808-2245 Fax (760) 431-2698

ALADDIN BAIL BONDS

755 Tacoma Ave S. Suite 1

Tacoma, WA 98402

Telephone (253) 572-1700

Fax (253) 572-4144

(PLACE BAIL AGENT'S ADDRESS STAMP HERE)

BAIL BOND

NO. AC25-7048227

(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED)

IN THE Pierce County Superior Court COURT, COUNTY OF PIERCE the state of Washington case no. 17-1-00537-3

Plaintiff,

vs

Lucas, Richard Alan

Defendant,

Defendant Lucas, Richard Alan (NAME OF DEFENDANT)

BOOKING NO.

having been admitted to bail in the sum of

\*\*\*Twenty Five Thousand Dollars And No Cents\*\*\*

dollars (\$ 25,000.00 ) and ordered to appear in the above-entitled court

on (DATE OF APPEARANCE) on POSSESS STOLEN VEHICLE, POSS. MOTOR VEHICLE Tcharge/s; (STATE "MISDEMEANOR" OR "FELONY")

Now, the American Contractors Indemnity Company, a California Corporation, hereby undertakes that the above-named defendant will appear in the above-named court on the date above set forth to answer any charges in any accusatory pleading based upon the acts supporting the complaint filed against him/her and as duly authorized amendments thereof, in whatever court it may be filed and prosecuted, and will at all times hold him/herself amenable to the orders and process of the court and if convicted will appear for pronouncement of judgment or grant of probation; or if he/she fails to perform either of these conditions that the American Contractors Indemnity Company, a California Corporation, will pay the people of the said State the sum of

\*\*\*Twenty Five Thousand Dollars And No Cents\*\*\*

dollars (\$ 25,000.00 )

If the forfeiture of this bond be ordered by the Court, judgment may be summarily made and entered forthwith against the said American Contractors Indemnity Company, a California Corporation, for the amount of its undertaking herein as provided by State Law.

THIS BOND IS VOID IF WRITTEN FOR AN AMOUNT GREATER THAN THE POWER OF ATTORNEY ATTACHED HERETO, IF MORE THAN ONE SUCH POWER IS ATTACHED, OR IF WRITTEN AFTER THE EXPIRATION DATE AS SPECIFIED ON THE ATTACHED POWER OF ATTORNEY.

American Contractors Indemnity Company (A California Corporation)



(seal)

by Jonathan Schnelder

Senior Vice President

I certify under penalty of perjury that I am a licensed bail agent of the American Contractors Indemnity Company and that I am executing this bond on 2/7/2017 (DATE)

clerk/sheriff

AGENT SIGNATURE

Prosecutor

DEFENDANT SIGNATURE

Judge

DEFENDANT ADDRESS

NOTE: This is an Appearance Bond and cannot be construed as a guarantee for failure to provide payments, back alimony payments, Fines, or Wage Law claims, nor can it be used as a Bond on Appeal.

VERIFY FIRST THE FACE OF THIS FORM IS PRINTED IN RED, BLUE AND BLACK INKS WITH A MULTI COLORED BACKGROUND. 2. THE PAPER THIS FORM IS PRINTED ON CONTAINS A "TRUE" WATERMARK. HOLD UP TO A LIGHT SOURCE TO SEE THE WORDS "VERIFY FIRST" AND "SAFE" IN THE PAPER. 3. LOOK CLOSELY AT THE THIN BLUE BORDER LINE - YOU MAY NEED MAGNIFICATION. IT IS MADE UP OF REPEATING LETTERS THAT READ TWOJINNING

# POWER OF ATTORNEY

## AMERICAN CONTRACTORS INDEMNITY COMPANY

VOID IF NOT ISSUED BY:

Sunday, August 06, 2017

POWER AMOUNT \$ \*\*\*25000.00\*\*\*

POWER NO. AC25-7048227

KNOW ALL MEN BY THESE PRESENTS that AMERICAN CONTRACTORS INDEMNITY COMPANY a corporation duly organized and existing under the laws of the State of CALIFORNIA and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on December 06, 1990 which has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint TwoJinn Inc. dba: Aladdin Bail Bonds its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitations, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Immigration Bonds. Not valid for Federal Bail Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.

The obligation of the company shall not exceed the sum of

\*\*\*Twenty Five Thousand Dollars And No Cents\*\*\*

and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, AMERICAN CONTRACTORS INDEMNITY COMPANY has caused these presents to be signed by its duly authorized attorney-in-fact, proper for the purpose and its corporate seal to be hereunto affixed this 7th day of February, 2017.

Bond Amount \$ 25000.00 / POSSES STUN VEH, PASS MTR VEH. TRFT TOOLS

Defendant Lucas, Richard Alan

Court Superior 17-1-00537-3

City TACOMA

State WA

If rewrite, original

Executing Agent Sanchez, Matthew

Exec. Agent Signature *Matthew Sanchez*



*Jonathan Schnieder*

Jonathan Schnieder  
Senior Vice President

FOR STATE USE ONLY  
NOT VALID IF USED IN FEDERAL COURT

DOCUMENT CONTROL NO. For Internal Use Only

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NOT POWER NUMBER

COURT COPY AC-0402-02



State of Washington vs. LUCAS, JR, RICHARD ALAN (17-1-00537-3)

Case Attorneys Counts Financial Documents Proceedings Incidents Items Filings Case Notes Friend: LE

Date: 03/29/17 08:30 Wednesday Type: JURY TRIAL  Confirmed

Calendar: CDPJ CRIMINAL DIVISION- PRESIDINI	Outcome: CANCELLED	ID: 3201652
Judge: CDPJ CRIMINAL DIVISION- PRESIDINI	Date: 3/2/2017 11:22:37	

Prosecutor: Richard Brian Leech Defense Attorney: Gaurav Sharma

Create Letter  Speedy Trial Days Remaining:  Pros Anticipated Outcome:

Over 30

Date: 03/21/17 08:31 Tuesday Type: QUASH  Confirmed

Calendar: CD2 CRIMINAL DIVISION 2	Outcome: HELD	ID: 3217354
Judge: CD2 CRIMINAL DIVISION 2	Date: 3/21/2017 10:42:28	

Prosecutor: Richard Brian Leech Defense Attorney: Gaurav Sharma

Create Letter  Speedy Trial Days Remaining:  Pros Anticipated Outcome:

Over 30

Date: 03/02/17 08:45 Thursday Type: OMNIBUS HEARING  Confirmed

Calendar: CDPJ CRIMINAL DIVISION- PRESIDINI	Outcome: DEF FTA, BW ORDERED	ID: 3201651
Judge: CDPJ CRIMINAL DIVISION- PRESIDINI	Date: 3/2/2017 11:22:36	

Prosecutor: Richard Brian Leech Defense Attorney: Gaurav Sharma

Create Letter  Speedy Trial Days Remaining:  Pros Anticipated Outcome:

Over 30

Date: 02/16/17 13:00 Thursday Type: PRE-TRIAL CONFERENCE  Confirmed

Calendar: CD2 CRIMINAL DIVISION 2	Outcome: HELD	ID: 3201650
Judge: CD2 CRIMINAL DIVISION 2	Date: 2/24/2017 11:58:24	

Prosecutor: SABRINA M AHRENS Defense Attorney: Gaurav Sharma

Create Letter  Speedy Trial Days Remaining:  Pros Anticipated Outcome:

Over 30

Date: 02/03/17 13:30 Friday Type: ARRAIGNMENT  Confirmed

Calendar: CD2 CRIMINAL DIVISION 2	Outcome: ARRAIGNED	ID: 3201336
Judge: CD2 CRIMINAL DIVISION 2	Date: 2/3/2017 14:54:47	

Prosecutor: KATHLEEN OLIVER Defense Attorney:

Create Letter  Speedy Trial Days Remaining:  Pros Anticipated Outcome:

Over 30

March 21 2017 10:41 AM

Pierce County Clerk

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE**

STATE OF WASHINGTON,

Plaintiff

No. 17-1-00537-3

vs.

RICHARD ALAN LUCAS, Jr

Defendant

**ORDER ESTABLISHING CONDITIONS OF  
RELEASE PENDING PURSUANT TO CrR 3.2  
(orecrp)**

Arresting Agency : PIERCE COUNTY SHERIFF

Incident Number : 1703300464

**Charges**

- UNLAWFUL POSSESSION OF A STOLEN VEHICLE
- MAKING OR POSSESSING MOTOR VEHICLE THEFT TOOLS

THE COURT HAVING found probable cause, establishes the following conditions that shall apply pending in this cause number or until entry of a later order; IT IS HEREBY ORDERED

**Release Conditions:**

- Defendant shall be released upon execution of a surety bond in the amount of \$25,000.00 or posting cash in the amount of \$25,000.00.
- Defendant shall be given credit for bail already posted on this case.

**Conditions that take effect upon release from custody:**

- Defendant is to reside/stay only at this address **2015 S 10TH ST., TACOMA, WA USA**
- Travel is restricted to the following counties **Pierce, King, Thurston, and Kitsap Counties.**
- The defendant is not to drive a motor vehicle without a valid license and insurance.

**Conditions that take effect immediately:**

- Defendant is to have no violations of the criminal laws of this state, any other state, any political subdivision of this state or any other state, or the United States, during the period of his/her release.
- That the Defendant have no contact with the alleged victim(s), witness(es), co-defendant(s). and/or **D. Fernandez and J. Robinson and their vehicles.**  
This includes any attempt to contact, directly or indirectly, by telephone and/or letter at their residence or place of work.
- Defendant shall not possess weapons or firearms.

- Defendant shall not consume or possess alcohol, marijuana, nonprescription drugs or knowingly associate with any known drug users or sellers, except in treatment
- Remain in contact with the defense attorney.
- Other: **Failure to appear or late arrival shall result in bail being increased to \$50,000.00.**
- The said defendant is hereby committed to the custody of the arresting law enforcement agency to be detained by the same until the above-stated conditions of release have been met.

Dated : March 21, 2017.

Electronically Signed By  
/s/MEAGAN M. FOLEY  
JUDGE/COMMISSIONER

I agree and promise to appear before this court or any other place as this court may order upon notice delivered to me at my address stated below. I agree to appear for any court date set by my attorney and I give my attorney full authority to set such dates. I understand that my failure to appear for any type of court appearance will be a breach of these conditions of release and a bench warrant may be issued for my arrest. I further agree and promise to keep my attorney and the office of the Prosecuting Attorney informed of any change of either my address or my telephone number.

I have read the above conditions of release and any other conditions of release that may be attached. I agree to follow said conditions and understand that a violation will lead to my arrest. **FAILURE TO APPEAR AFTER HAVING BEEN RELEASED ON PERSONAL RECOGNIZANCE OR BAIL IS AN INDEPENDENT CRIME, PUNISHABLE BY 5 YEARS IMPRISONMENT OR \$10,000 OR BOTH (RCW 10.19).**

Address: **2015 S 10TH ST., TACOMA, WA USA**

Phone: **(253) 627-8404**

*Richard Lucas*

---

RICHARD ALAN LUCAS, Jr  
Defendant

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955  
6/21/2017

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

NO. 17-1-00937-3

Plaintiff,

Richard A. Lucas Jr

ORDER ON OMNIBUS HEARING  
CHARGE OPSV, MP MVT

Defendant.

TRIAL DATE: 6/18/2017

OOR

THIS MATTER having come before the court for an omnibus hearing, the State represented by:

R. Blum

, and the defendant being present and represented by:

N. Andrews

1. Regarding PROSECUTOR'S OBLIGATIONS, THE DEPUTY PROSECUTING ATTORNEY STATES: that at least seven days prior to this order:

- The Prosecutor provided to defendant a complete list of the defendant's criminal convictions.
- The Prosecutor has provided to defense all discovery in their possession or control, pursuant to CR 4.7(a);
- The Prosecutor has contacted law enforcement agencies to request and/or obtain any additional supplemental police reports, forensic tests, and evidence and has made them available to defendant or defense counsel. The State is aware of the following reports, tests or evidence which has not been made available to the defendant: \_\_\_\_\_
- Prosecutor has reviewed the discovery and criminal history and made an offer to the defense.

If prosecutor has not checked every box in this section, the court makes the following order:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Regarding DEFENSE ATTORNEY'S OBLIGATIONS, DEFENSE COUNSEL STATES that at least two days prior to this order:

- Defense attorney has met with the defendant about this case.

ORDER ON OMNIBUS HEARING - 1 (Rev. 3/08)

N:\Criminal Matters\CRIMINAL FORMS ALL\FINAL\_Crim Forms Motions Orders\Omnibus Order 3.21.17.docx

- Defense attorney has received a plea offer from the State.
- Defense attorney has reviewed the discovery and the criminal history.
- Defense attorney has given discovery to prosecutor.

If defense attorney has not checked every box in this section, the court makes the following order:

\_\_\_\_\_

\_\_\_\_\_

3. Regarding DISCOVERY: The parties agree that Discovery is COMPLETE/NOT COMPLETE IN THE FOLLOWING RESPECTS: discovery to state, if any; witness interviews

DISCOVERY must be completed by: 2 weeks prior to trial

4. Regarding GENERAL NATURE OF DEFENSE:

The Defense states that the general nature of the defense is:

- General Denial
- Alibi
- Insanity
- Other (specify) \_\_\_\_\_
- Consent
- Diminished Capacity
- Self-defense

5. Regarding CUSTODIAL STATEMENTS by the defendant, the parties agree that:

- No custodial statements will be offered in the State's case in chief, or in rebuttal.
- The statements of defendant will be offered in the State's case in rebuttal only.
- The statements referred to in the State's discovery will be offered and:
  - May be admitted into evidence without a pre-trial hearing, by stipulation of the parties.
  - A 3.5 conference is required and is estimated to require \_\_\_\_\_ (min/hr) and is set for \_\_\_\_\_

6. Regarding PRIOR CRIMINAL CONVICTIONS OF THE DEFENDANT, the parties agree that if defendant testifies at trial:

- If the defendant testifies at trial, the prior record of convictions contained in the State's discovery  will  will not be (stipulated to) by the defendant with the following exceptions: \_\_\_\_\_

There are no prior known convictions at this time. State will advise defendant promptly if it learns of prior convictions.

7. Regarding SUPPRESSION OF PHYSICAL EVIDENCE OR IDENTIFICATION, the parties agree that:

- No motion to suppress physical evidence or identification will be filed.

Or, THE COURT ORDERS THAT:

- Defendant's written motion to suppress shall be filed by \_\_\_\_\_ . The State's response shall be filed by \_\_\_\_\_ . Testimony will/will not be required.
- State's written motion to suppress shall be filed by \_\_\_\_\_ . The Defendant's

0105

6/21/2017 955

response shall be filed by \_\_\_\_\_ Testimony will/will not be required.

8. Regarding OTHER PRE-TRIAL MOTIONS: No additional motions are anticipated, except:

Limine; amend information to add Best dumping

Briefing schedule: Affidavits and briefs of the moving party must be served and filed by: \_\_\_\_\_

Responsive Brief must be served and filed by: \_\_\_\_\_

The hearing will last about \_\_\_\_\_ (min/hr)

9. Regarding TRIAL:

a. The trial will be  jury  non-jury, and will last about 2-4 days.

b. Is an interpreter needed:  No  Yes. Language: \_\_\_\_\_ (if an interpreter is needed, State will call interpreter services at ext. 6091)

10. Regarding WITNESSES:

There will be out-of-state witnesses  yes  no.

A child competency or child hearsay hearing is needed  yes  no.

State:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: 2 weeks prior to trial

Defense:

All witnesses have been disclosed.

A Witness List has been filed.

A witness list must be filed by: 3 weeks prior to trial

11. Other

Defendant needs a competency examination.

Defendant is applying for drug court.

Defendant is seeking an evaluation which may necessitate a continuance.

12. The Court sets a Status Conference for \_\_\_\_\_ (date) for the purpose of:

\_\_\_\_\_

13. Other orders: \_\_\_\_\_

\_\_\_\_\_

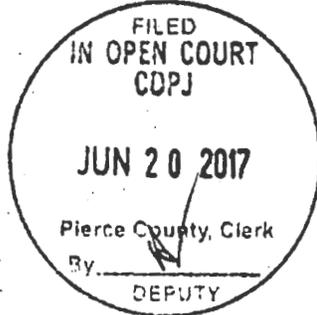
Dated 6/20 2017

Richard Lacy  
Defendant

[Signature]  
Defendant's Attorney/Bar # 40441

Stephanie Alford  
Judge

[Signature]  
Prosecuting Attorney/Bar # 24449



0090  
9/26/2017 2254



17-1-00537-3 49984150 TRCO 09-26-17



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff

vs.

LUCAS, JR, RICHARD ALAN,

Defendant

Cause No: 17-1-00537-3

TRIAL READINESS CONFERENCE ORDER

1.  This case is expected to be a **guilty plea** on \_\_\_\_\_ or  plea date will be set.

2.  The State has made a **plea offer** (complete and initial).

The defendant has been informed.  The offer has been declined.

Defendant RL Defense counsel Jeb

The plea offer remains valid through N/A

Prosecuting Attorney BE

3.  An **amended information** will be filed on N/A

4.  A **continuance** will be requested by \_\_\_\_\_ and is set for \_\_\_\_\_

Reason: \_\_\_\_\_

5. The following **pre-trial motions** will be made before the day of trial (motions of more than one hour ARE NOT to be heard on the day of trial without permission of CDPJ).

CrR 3.5  CrR 3.6  Other Motions in limine

Motions are set for: \_\_\_\_\_

16091

2284

9/26/2017

Briefing Schedule: Motion(s) due: \_\_\_\_\_ Response due: \_\_\_\_\_

6.  A child competency hearing is needed and  set for \_\_\_\_\_  will be set.

7. Witness lists have been filed and all witnesses disclosed.

State:  yes  no If no, witness list will be filed by \_\_\_\_\_, 20\_\_.

Defense:  yes  no If no, witness list will be filed by \_\_\_\_\_, 20\_\_.

The following witness(es) will need an interpreter:

\_\_\_\_\_ Fernandez Language: Spanish

\_\_\_\_\_ Fernandez Language: Spanish

Interpreter Services Coordinator has been notified:  yes  no But State will

8. Subpoenas have been served.

State:  yes  no If no, subpoenas will be served by \_\_\_\_\_, 20\_\_.

Defense:  yes  no If no, subpoenas will be served by N/A, 20\_\_.

9. There may be witness scheduling issues/conflicts:

No known scheduling issues / conflicts

Yes. Scheduling issues / conflicts exist for the following witness(es)/ reason(s):

\_\_\_\_\_  
\_\_\_\_\_

10. There are out-of-state witnesses:  yes  no

11. There are expert witnesses:  yes  no If yes, identify expert witness:

\_\_\_\_\_  
\_\_\_\_\_

12. Status of Discovery is as follows:

State:  Complete  Incomplete. If incomplete, the following Discovery is outstanding:

trying to interview both victims

Defense:  Complete  Incomplete. If incomplete, the following Discovery is outstanding:

needs to disclose any witnesses

2600  
4822  
9/26/2017 2294

13. Jury trial is scheduled for Oct 2, 2017.

Each party declares **trial readiness** as follows:

State:  READY for trial. [ ] Not ready for trial. Reason why:  
but see P 12

Defense:  READY for trial. [ ] Not ready for trial. Reason why:  
\_\_\_\_\_

14. Estimated trial length. State: 3-5 Defense: 3-5

15. Number of requested jurors. State: 35 Defense: 35

16. A juror questionnaire will be requested: [ ] yes  no

17. The defendant requires an interpreter: [ ] yes  no Language \_\_\_\_\_

Interpreter Services Coordinator has been notified of the Interpreter request: [ ] yes [ ] no

Ordered this 22 day of September, 2017.

Stephanie A. Grand  
JUDGE

Brian Leech  
Attorney for Plaintiff/Petitioner  
Brian Leech  
WSBA# 24449

James R. Halstead # 5166  
Attorney for Defendant/Respondent  
James Halstead  
WSBA# 5166



Richard L. Lox  
Defendant

NEITHER THE DEPUTY PROSECUTING ATTORNEY, DEFENSE COUNSEL, NOR THE DEFENDANT IS RELEASED FROM ATTENDANCE UNTIL THE COURT APPROVES THIS ORDER.

January 31 2018 10:28 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 17-1-00537-3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON

NO. 17-1-00537-3

Plaintiff,

vs.

RICHARD ALAN LUCAS, JR

*Supplemental*  
LIST OF WITNESSES

Defendant(s).

TO: RICHARD ALAN LUCAS, JR, defendant, and

TO: Michael Maltby, his/her attorney

The following is a list of witnesses in the above entitled cause for JURY TRIAL on 1/29/2018

SHARMA GAURAV

Dated this 30 day of January, 2018.

e-Mailed/Faxed/Routed/LMI'd copy this 31st  
day of January, 2018.

To: Michael Maltby

By: *Michael Maltby*

MARK LINDQUIST  
Prosecuting Attorney

By: *[Signature]*

R. BRIAN LEECH  
Deputy Prosecuting Attorney  
Washington State Bar # 24449

WITNESS LIST Page 1 of 1

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IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

IN RE THE PERSONAL RESTRAINT  
PETITION OF:

NO. 52022-2

Consolidated with No. 53242-5

RICHARD ALAN LUCAS, JR.,

DECLARATION OF TERESA CHEN

Petitioner.

I, Teresa Chen, declare under penalty of perjury under the laws of the State of Washington, the following is true and correct:

1. That I am a deputy prosecuting attorney with the Appellate Unit of the Pierce County Prosecutor's Office.

2. On July 24, 2019, I left a voicemail for Guarav Sharma, who promptly returned my call. I informed him that I am the deputy prosecutor assigned to respond to this personal restraint petition. I asked if he had any recollection of this case. He advised that he had and that he had spoken with former deputy prosecutor Brian Leech about testifying as to the bail jumping charge. Mr. Sharma told me that he had declined to testify

DECLARATION OF TERESA CHEN

1 against a former client, citing ethical rules. Mr. Sharma told me that he had advised Mr.  
2 Leech that another witness could provide the same testimony. He understood that  
3 testimony was provided by deputy prosecutor Nate Zink.

4 3. I informed Mr. Sharma that at the trial, Mr. Lucas had attempted to testify  
5 that he failed to appear at the hearing, because Mr. Sharma had advised him that he was  
6 excused. I explained that, as a prosecutor, if defense counsel advised me that a client's  
7 absence was due to the attorney's misadvice that I would not have requested a bench  
8 warrant, much less filed a bail jumping charge. I told Mr. Sharma that if I were to learn  
9 about something like this after a conviction, I would seek a dismissal.  
10

11 4. I then asked Mr. Sharma if he knew of any reason for me to request a  
12 dismissal of the bail jumping conviction. He said, he did not.

13 Dated: July 24, 2019

14 Signed at Tacoma, WA.

15   
16 \_\_\_\_\_  
Teresa Chen

17 Certificate of Service:  
18 The undersigned certifies that on this day she delivered by U.S. mail  
19 and or ABC-LMI delivery to the attorney of record for the appellant and  
20 appellant c/o his attorney true and correct copies of the document to which  
21 this certificate is attached. This statement is certified to be true and correct  
22 under penalty of perjury of the laws of the State of Washington. Signed at  
23 Tacoma, Washington, on the date below.

20 Date Signature \_\_\_\_\_

21  
22  
23  
24  
25

DECLARATION OF TERESA CHEN

0239



17-1-00537-3 50723218 MTFBW 02-05-18



2/6/2018 4251

PIERCE COUNTY SUPERIOR COURT - STATE OF WASHINGTON

STATE OF WASHINGTON, Plaintiff

NO: 17-1-00537-3

v.

Richard Alan Lucas <sup>dv</sup> Defendant

MOTION AND DECLARATION  
AUTHORIZING ISSUANCE OF  
BENCH WARRANT

**MOTION:** The undersigned (Deputy) Prosecuting Attorney moves the court for the issuance of an order authorizing the clerk of this court to issue a Bench Warrant for the arrest of the above named Defendant.

**DECLARATION:** The undersigned states as follows:

- 1. I am a (Deputy) Prosecuting Attorney and am acquainted with the court file in this case.
- 2. Notice:  The Defendant was court ordered (Summons) to appear on this date: 950-
- The Defendant <sup>was ordered in open court</sup> previously signed an Order to appear on this date: 2/1/18 by 10am

3. A Bench Warrant should issue as the Defendant failed to appear at  8:30/9:00AM  1:00/1:30 PM for the following court hearing on the date set forth in Paragraph 2 above:  950am

- Arraignment  Pre-Trial Conference  Omnibus Hearing  Motion
- Status Conference  Bail Hearing  Trial  Sentencing  Plea
- Review Hearing  Other: \_\_\_\_\_

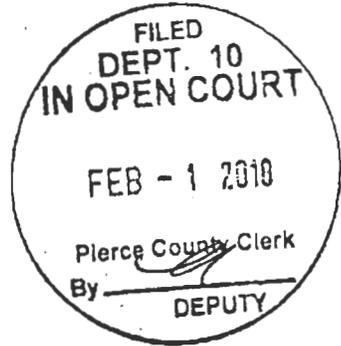
3. The gallery was polled at the following time(s): Defendant has not appeared as of 11:27 am.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE ABOVE IS TRUE AND CORRECT.

DATED: 2/1/18

[Signature]  
(DEPUTY) PROSECUTING ATTORNEY

17-1-00537-3 4251 2/6/2018



PIERCE COUNTY SUPERIOR COURT - STATE OF WASHINGTON

STATE OF WASHINGTON, Plaintiff

NO: 17-1-00537-3

v.

ORDER AUTHORIZING ISSUANCE OF BENCH WARRANT

Richard Alan Lucas Jr., Defendant

BASIS: See Motion and Declaration filed in support of this Order.

FINIDNGS: The Court finds that the (Deputy) Prosecuting Attorney has shown good cause for the issuance of a Bench Warrant for the above named Defendant for the following reason:

DEFENDANT FAILED TO APPEAR AS ORDERED BY THE COURT  
 the defendant left the court room just before 10:00am after a 5 minute recess. He has not re-appeared as of 11:27am

ORDER: That the Clerk of the Court issue a Bench Warrant for the arrest of the above named Defendant.

Bail on this Warrant is set at \$ \_\_\_\_\_  
 No Bail will be accepted

Dated: 2/1/18

[Signature]  
JUDGE/COURT COMMISSIONER

Garold E. Johnson

Presented by:

[Signature]  
Deputy Prosecuting Attorney / WSBA # 2449

Pursuant to RCW 10.19.090, the Prosecutor shall forward a copy of this Order to the surety and this Order shall serve as written notice to the surety.

FILED  
IN COUNTY CLERK'S OFFICE

FEB 02 2018

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-00537-3

vs.

BENCH WARRANT

RICHARD ALAN LUCAS, JR,

Defendant.

CHRI NUMBER: 961780014

SID NUMBER: WA17068766

2015 S 10TH ST, TACOMA, WA  
BAIL BOND AGENCY: ALADDIN BB (TWO JIN)

TO ALL PEACE OFFICERS IN THE STATE OF WASHINGTON, GREETINGS:

WHEREAS, an order of court has been entered directing the Clerk of the above entitled court to issue a warrant for the arrest of the above named defendant RICHARD ALAN LUCAS, JR

SEX MALE; RACE WHITE; EYES BLUE; WEIGHT 200; HEIGHT 6'2"; DOB 06/11/78; POLICE AGENCY: WA02700; DATE OF CRIME 02/02/17; POLICE AGENCY CASE NO. 1703300464;

You are hereby commanded to forthwith arrest the said RICHARD ALAN LUCAS, JR, for the crime(s) of UNLAWFUL POSSESSION OF A STOLEN VEHICLE; MAKING OR POSSESSING MOTOR VEHICLE THEFT TOOLS; BAIL JUMPING, said defendant having failed to appear for JURY TRIAL on 02/01/18 as ordered by the court and bring said defendant into court to be dealt with according to law. BAIL IS TO BE SET IN OPEN COURT.

WITNESS THE HONORABLE GAROLD E. JOHNSON

Judge/Commissioner of the said court and seal thereof affixed

This 2 day of FEBRUARY, 2018.

KEVIN STOCK  
Clerk of the Superior Court

By \_\_\_\_\_  
Deputy

This is to certify that I received the within bench warrant on the \_\_\_\_\_ day of \_\_\_\_\_, and by \_\_\_\_\_, and now have defendant in full custody.

Extradition:  Washington Only  Shuttle States Only  Nationwide  
Warrant Service Fee \$15/Return Fee \$5/Mileage \$ \_\_\_\_\_/TOTAL \$ \_\_\_\_\_

PEACE OFFICER

kgg



0058

5677

5/15/2018



17-1-00537-3 51285223 SHRTBW 05-14-18

FILED  
IN COUNTY CLERK'S OFFICE

FEB 02 2018

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

FILED  
IN COUNTY CLERK'S OFFICE

MAY 11 2018

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY ml DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 17-1-00537-3

vs.

BENCH WARRANT

RICHARD ALAN LUCAS, JR,

Defendant.

CHRI NUMBER: 961780014

SID NUMBER: WA17068766

2015 S 10TH ST, TACOMA, WA  
BAIL BOND AGENCY: ALADDIN BB (TWO JIN)

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WITNESS THE HONORABLE GAROLD E. JOHNSON  
Judge/Commissioner of the said court and seal thereof affixed  
This 2 day of FEBRUARY, 2018.

KEVIN STOCK  
Clerk of the Superior Court

By \_\_\_\_\_  
Deputy

This is to certify that I received the within bench warrant on the \_\_\_\_\_ day of \_\_\_\_\_, and by \_\_\_\_\_, and now have defendant in full custody.

Extradition:  Washington Only  Shuttle States Only  Nationwide  
Warrant Service Fee \$15/Return Fee \$5/Mileage \$ \_\_\_\_\_/TOTAL \$ \_\_\_\_\_

EARP-05019  
PEACE OFFICER

kgg



BENCH WARRANT -1  
bwfta.dot

ORIGINAL

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400



01/30/16 03:59		Person	Cases	Probation Officers	Proceedings	PSI's	Bookings																																																																																																																																																																																									
2016030010		<table border="1"> <thead> <tr> <th>Booking Number</th> <th>Person Name</th> <th>Booking Date/Time</th> <th>Release Date/Time</th> <th>Cell</th> </tr> </thead> <tr> <td>2018270012</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>09/27/18 07:55</td> <td>01/17/19 08:00</td> <td></td> </tr> <tr> <td>2018128044</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>05/08/18 12:52</td> <td>08/02/18 08:00</td> <td></td> </tr> <tr> <td>2017033024</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>02/02/17 09:06</td> <td>02/08/17 01:00</td> <td></td> </tr> <tr> <td>2016270002</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>09/26/16 01:23</td> <td>09/27/16 00:05</td> <td></td> </tr> <tr> <td>2016030010</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>01/30/16 03:45</td> <td>02/04/16 19:30</td> <td></td> </tr> <tr> <td>2015178021</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>06/27/15 19:03</td> <td>06/27/15 21:00</td> <td></td> </tr> <tr> <td>2011165041</td> <td>LUCAS, RICHARD ALAN</td> <td>06/14/11 14:58</td> <td>10/13/11 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RICHARD ALAN</td> <td>02/01/01 04:37</td> <td>04/20/01 06:00</td> <td></td> </tr> <tr> <td>2000173063</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>06/21/00 20:01</td> <td>07/20/00 21:00</td> <td></td> </tr> <tr> <td>2000151012</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>05/30/00 05:06</td> <td>05/31/00 20:00</td> <td></td> </tr> <tr> <td>2000095041</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>04/04/00 11:55</td> <td>04/14/00 02:15</td> <td></td> </tr> <tr> <td>2000050020</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>02/19/00 08:07</td> <td>03/21/00 08:30</td> <td></td> </tr> <tr> <td>2000001058</td> <td>LUCAS, JR, RICHARD ALAN</td> <td>01/01/00 08:09</td> <td>02/17/00 21:45</td> <td></td> </tr> <tr> <td>99223013</td> <td>LUCAS, RICHARD ALAN</td> <td>08/11/99 03:06</td> <td>09/13/99 21:40</td> <td></td> </tr> <tr> <td>99205046</td> <td>LUCAS, RICHARD ALAN</td> <td>07/24/99 21:43</td> <td>07/27/99 20:00</td> <td></td> </tr> <tr> <td>99006019</td> <td>LUCAS, RICHARD ALAN</td> <td>01/06/99 05:19</td> 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2010155014	LUCAS, JR, RICHARD ALAN	06/04/10 04:14	06/04/10 20:25																																																																																																																																																																																													
2010070023	LUCAS, RICHARD ALAN	03/11/10 05:23	03/11/10 13:00																																																																																																																																																																																													
2009077027	LUCAS, JR, RICHARD ALAN	03/18/09 08:34	08/05/09 05:00																																																																																																																																																																																													
2008133022	LUCAS, RICHARD ALAN	05/12/08 11:17	05/13/08 17:48																																																																																																																																																																																													
2008036046	LUCAS, RICHARD ALAN	02/05/08 14:01	02/07/08 09:30																																																																																																																																																																																													
2006348023	LUCAS, RICHARD ALAN	12/14/06 07:30	04/10/07 09:00																																																																																																																																																																																													
2006206052	LUCAS, RICHARD ALAN	07/25/06 14:27	11/09/06 08:00																																																																																																																																																																																													
2006106028	LUCAS, JR, RICHARD ALAN	04/16/06 19:05	04/17/06 19:00																																																																																																																																																																																													
2006092049	LUCAS, RICHARD ALAN	04/02/06 22:36	04/03/06 12:30																																																																																																																																																																																													
2006032050	LUCAS, RICHARD ALAN	02/01/06 14:57	02/10/06 21:45																																																																																																																																																																																													
2005088058	LUCAS, RICHARD ALAN	03/29/05 18:21	03/30/05 01:00																																																																																																																																																																																													
2002255021	LUCAS, RICHARD ALAN	09/12/02 07:52	11/10/02 19:33																																																																																																																																																																																													
2002017096	LUCAS, JR, RICHARD ALAN	01/17/02 23:21	01/18/02 02:00																																																																																																																																																																																													
2001331013	LUCAS, JR, RICHARD ALAN	11/27/01 02:45	11/27/01 09:58																																																																																																																																																																																													
2001136043	LUCAS, JR, RICHARD ALAN	05/16/01 10:21	07/13/01 00:01																																																																																																																																																																																													
2001032013	LUCAS, JR, RICHARD ALAN	02/01/01 04:37	04/20/01 06:00																																																																																																																																																																																													
2000173063	LUCAS, JR, RICHARD ALAN	06/21/00 20:01	07/20/00 21:00																																																																																																																																																																																													
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2000095041	LUCAS, JR, RICHARD ALAN	04/04/00 11:55	04/14/00 02:15																																																																																																																																																																																													
2000050020	LUCAS, JR, RICHARD ALAN	02/19/00 08:07	03/21/00 08:30																																																																																																																																																																																													
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99223013	LUCAS, RICHARD ALAN	08/11/99 03:06	09/13/99 21:40																																																																																																																																																																																													
99205046	LUCAS, RICHARD ALAN	07/24/99 21:43	07/27/99 20:00																																																																																																																																																																																													
99006019	LUCAS, RICHARD ALAN	01/06/99 05:19	01/12/99 19:20																																																																																																																																																																																													
98065066	LUCAS, RICHARD ALAN	03/06/98 17:15	03/16/98 19:35																																																																																																																																																																																													
97148007	LUCAS, RICHARD ALAN	05/28/97 02:24	06/06/97 05:35																																																																																																																																																																																													
96286033	LUCAS, RICHARD ALAN	10/12/96 08:23	10/13/96 06:00																																																																																																																																																																																													
96178014	LUCAS, RICHARD ALAN	06/26/96 05:54	06/26/96 23:00																																																																																																																																																																																													



LUCAS, JR, RICHARD ALA ^  
 Booking Id: 2018270012  
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COUNTY CLERK

Next Proceeding: 08/10/17 08:30 AM      JURY TRIAL  
Prosecutor: R. BRIAN LEECH

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY**

THE STATE OF WASHINGTON,

Plaintiff,

vs.

RICHARD ALAN LUCAS, JR

Defendant.

NO. 17-1-00537-3

NOTICE OF APPEARANCE AND  
DEMAND FOR DISCOVERY

TO: Clerk of the Superior Court  
AND TO: Pierce County Prosecuting Attorney

**PLEASE TAKE NOTICE** that the above-named defendant appears in the above-entitled action by and through his/her assigned counsel of record:

James Ryburn Halstead II  
WSBA #5166  
518 N 11th St Apt A

TACOMA, WA 98403-2902  
Phone: 627-3050

DANA MICHAEL RYAN (CO COUNSEL)  
WSBA #17418  
112 W. MEEKER

PUYALLUP, WA 98371  
Phone: 273-1159

Defendant, by and through his/her counsel, requests that the Prosecutor provide discovery per CrR 4.7 (a), (d), (e) and (g) and Brady v. Maryland, 373 U.S. 83, 87, 10 L.Ed.2d 215, 83S.Ct. 1194 (1963); United States v. Bagley, 473 U.S. 667, 676, 87 L.Ed.2d 481, 105 S.Ct. 3375 (1985) and Kyles v. Whitley, 514 U.S. 419, 131 L.Ed 490, 115 S.Ct. 1555 (1995).

Service of all further pleadings, notices, documents or other papers herein should be served upon said defendant by serving said attorney at the above address.

DATED: 03 day of August, 2017



Michael R. Kawamura, WSBA #17202  
Director - Department of Assigned Counsel  
949 Market Street, Ste 334  
Tacoma, Washington 98402

**PIERCE COUNTY PROSECUTING ATTORNEY**

**July 29, 2019 - 3:52 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 52022-2  
**Appellate Court Case Title:** State of Washington, Respondent v Richard Alan Lucas, Jr., Appellant  
**Superior Court Case Number:** 17-1-00537-3

**The following documents have been uploaded:**

- 520222\_Personal\_Restraint\_Petition\_20190729155135D2631232\_8884.pdf  
This File Contains:  
Personal Restraint Petition - Response to PRP/PSP  
*The Original File Name was Lucas Response to PRP.pdf*

**A copy of the uploaded files will be sent to:**

- kevin@olympicappeals.com
- sierra@olympicappeals.com

**Comments:**

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Sender Name: Therese Kahn - Email: tnichol@co.pierce.wa.us

**Filing on Behalf of:** Teresa Jeanne Chen - Email: teresa.chen@piercecountywa.gov (Alternate Email: PCpatcecf@piercecountywa.gov)

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930 Tacoma Ave S, Rm 946  
Tacoma, WA, 98402  
Phone: (253) 798-7400

**Note: The Filing Id is 20190729155135D2631232**