

Former West Richland man asks judge to seal theft case

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A former West Richland man asked a judge Tuesday to seal his 1996 criminal file for one year so he could sell his business.

Eric Page said in a letter to the court that the "mistake" he made as a 19-year-old -- stealing bicycles and parts from Richland Schwinn and selling the merchandise for profit -- ultimately shaped his life and led to a path of military service.

But his Benton County Superior Court record still exists.

The Army veteran who now lives in North Carolina said his company, Grey Group Training, and its employees could suffer financial harm if the interested company cancels the deal because of his old crime.

"This conviction has been a milestone in my life that I would like to be able to put behind me," he wrote.

Page, 36, said his background has not come into question up to this point because of his four years in the military, which included a deployment to Iraq. He took the step to get his first-degree theft conviction vacated last year, but knew the contents of his court file still were publicly accessible.

The request to vacate his record was granted in October by Judge Vic VanderSchoor and means when asked on applications -- for employment or housing, for example -- if he has a criminal history, Page can state that he's never been convicted of this crime. It also prohibits any law enforcement agency from sharing information about his conviction to the public.

On Tuesday afternoon, Judge Robert Swisher granted Page's request to seal his file, but narrowed it to 60 days.

Swisher, the only veteran on the bicounty bench, acknowledged that he was swayed by Page's military service.

"He has taken steps to correct his missteps that he made in 1996 and started out by paying restitution in full and going from there," the judge said. "I think, in weighing the factors, I think a limited closure is called for."

Swisher said he was ordering that the file be re-opened automatically at the end of the two months.

Page was not in Benton County Superior Court for the 40-minute hearing. He was represented by Seattle attorney Ryan Robertson.

Deputy Prosecutor Ryan Lukson, who handles civil matters, said his office opposed the motion because of constitutional standards for open courtrooms and open court files.

He said the court needed to decide if Page's matter involved "really unusual circumstances."

Lukson said the concern with Swisher granting the request is the court could be setting a precedent so every time somebody with a vacated conviction makes a similar request, their case is sealed. And allowing files to be sealed all the time would essentially be eviscerating the Washington constitution, he added.

Robertson recognized that the state courts are presumed open under the Washington constitution.

But he argued that presumption is not absolute and can be overcome if they show a "serious and imminent threat to some other important interest."

Though there would be no actual harm immediately to Page and Grey Group, he said, a short-term seal would ensure that the background companies can't disclose this material. He said the investor is in the process of drafting a press release to announce the sale, but believes a background check hasn't yet been done.

"Once it passes, Mr. Page's privacy interests subside and the court can unseal," Robertson said.

Page was manager of the Jadwin Avenue bike store when he and another employee took bikes, parts, accessories and sunglasses. The owner learned of the theft through a tipster, and later reported that the loss exceeded \$38,000.

Page returned a number of items to the store. After pleading guilty, he was allowed to do his 90-day sentence on school release while at Washington State University in Pullman, according to court documents that were obtained by the Herald before the file was sealed.

The case was discharged in February 1998 because Page had completed all the requirements of his sentence, and his right to possess a firearm was restored in January 2003.

Page said he felt he owed a significant debt to society and his family, and knew what he had to do after the events of 9/11. He began the long process of enlisting, which was difficult because of his conviction, and eventually was granted a waiver. He became an Army paratrooper who was injured in an explosion in Iraq, but it was the injuries he suffered later when his parachute failed to fully deploy that led to his honorable discharge in 2006.

The following year he started Grey Group Training, and currently is the owner/partner and chief of operations.

In a letter to the court, Page said the company provides training, equipment and consulting to military, agencies and government contractors.

Grey Group has about 20 employees, which includes its instructors.

Page told the court that the owner of Blue Ridge Mountain Sports is looking to buy Grey Group and expand its operations across the country. Page would stay on as chief of operations and retain a minority partnership.

He said if his criminal file is out in the public, it could affect Blue Ridge's decision to invest in his company and "could significantly impact the good work we do."

"Your honor, please understand that there are many personal hurdles that this conviction has created for my direct family, such as seeking personal credit, or purchasing a home, but understand that the most detrimental effect is not to me, it is to the people I serve," Page wrote.

With Judge Swisher's sealing of the entire file, the only official trace of the case will be Page's name and case number on a state court website, his lawyer said.