

# Judge ignores plea deal; driver gets 4 years in deadly crash

A Seattle man entered an Alford plea Monday to one count of vehicular homicide and one count of vehicular assault for a fatal crash that killed two people on Lake City Way Northeast in November 2011.

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Mike Siegel / The Seattle Times

*Daniel Ray Habeeb, center, listens to defense attorneys Twyla Carter, left, and Ben Goldsmith on Monday.*

An unusual plea deal didn't play out the way Daniel Ray Habeeb had hoped when a King County Superior Court judge sentenced him Monday to four years in prison — the maximum under state law — for causing a fiery crash in November 2011 that killed a young couple.

Habeeb, who has served 714 days in the King County Jail while awaiting trial, entered an Alford plea to one count of vehicular homicide and one count of vehicular assault, admitting that a jury would likely find him guilty of the crimes.

He also pleaded not guilty by reason of insanity to a second count of vehicular homicide, claiming he suffered from a mental disease or defect — in his case, undiagnosed temporal lobe epilepsy — when he rear-ended a vehicle stopped at a red light at 70 to 90 mph on Nov. 13, 2011.

Under the plea agreement, a joint recommendation from the state and defense would have seen Habeeb released from jail Monday, with credit for time served, for causing the crash that killed Laura Sheard, 29, and her boyfriend of two years, Kris Martin, 33. Juliette Green, a friend of Habeeb's daughter who was riding in his SUV, was injured in the crash.

But Judge Douglass North — noting that Habeeb had killed another woman, 65-year-old Susan Peek, in a similar crash in January 2009 — said the recommended sentence didn't adequately reflect Habeeb's culpability. He sentenced Habeeb to 48 months, and Habeeb will get credit for the almost two years he has spent in jail.

"He already killed a woman," North said. "He knew he was suffering from some condition," even if that condition had not yet been diagnosed, and therefore took "an unreasonable risk" getting behind the wheel.

Though North ordered him to serve time, Habeeb, 45, is still bound by terms of the plea agreement — which includes a long list of conditions he must follow once released, including one that bars him from driving again. He was also ordered not to change his medication or his mental-health treatment provider without the court's approval.

Because Habeeb pleaded not guilty by reason of insanity to one count of vehicular homicide and was acquitted of the charge, he will be supervised for up to life by the state Department of Corrections' (DOC) Special Needs Unit, which supervises offenders with serious mental-health issues. Had he entered Alford or guilty pleas to all of the charges, he would have been supervised for only 18 months after his release from prison.

Defense attorney Ben Goldsmith appeared stunned when North handed down his sentence, and even interrupted the judge to say his ruling would upset the "seamless transition" that had been planned to ensure Habeeb's continued mental-health care in the community.

"I think it's possible to work around those things," North told him. Before North's ruling, Goldsmith told the judge that on the day of the crash Habeeb had driven his daughter and Green to a trampoline park where he worked — and believed he was being video-recorded by other cars and receiving special messages from the radio.

While the girls jumped on a trampoline, Habeeb "felt spirits jolt through him" as he sat in his office and later, as he drove away, he "saw three birds on a telephone pole," which he interpreted as "a message from God that something bad was going to happen," Goldsmith said.

Habeeb, he said, was "in the midst of a temporal lobe seizure," a then-undiagnosed, untreated medical condition with symptoms similar to schizophrenia or bipolar disorder, when he crashed into Martin's Hyundai on Lake City Way Northeast, causing the car to burst into flames.

Sheard's parents and sisters flew in from Pennsylvania to attend Monday's hearing; Martin's family appeared via Skype from their Wisconsin home.

Green's mother, Carolyn Wolf, also addressed the court, saying she had no idea of Habeeb's criminal history when she allowed her daughter to ride in his vehicle and accusing Habeeb of playing "Russian roulette" every time he got behind the wheel.

In statements to North, the families of Sheard and Martin described the horror of learning the details of the crash, the devastating loss of their loved ones and the ongoing pain of knowing all the milestones Sheard and Martin will never reach.

"Twenty-three months in jail does not come close to providing justice," Sheard's eldest sister, Amanda Ryan, said, adding that her family has "no confidence" Habeeb will follow his mental-health treatment plan because he failed to do so after killing Peek in 2009.

"The most difficult part was learning how violent the crash really was," Ryan said.

Sheard and Martin had "almost every one of their bones broken" from the impact and "their bodies were burned beyond recognition," while "Daniel Habeeb walked away for the second time with only scrapes and bruises."

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Information in this article, originally published Oct. 29, 2013 was corrected Oct. 29, 2013. A photo caption in a previous version of this story incorrectly stated the last name of Habeeb's attorney. The attorney's name is Ben Goldsmith, not Goldstein.