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Justices overturn sentences in 2009 Lakewood police killings

The state Supreme Court Wednesday overturned the gun convictions of two people who helped Maurice Clemmons after he fatally shot four Lakewood police officers in 2009, and reversed exceptional sentences related to their criminal assistance.

By Steve Miletich

Seattle Times staff reporter



The state Supreme Court Wednesday overturned the gun convictions of two people who helped Maurice Clemmons after he fatally shot four Lakewood police officers in 2009, and reversed exceptional sentences related to their criminal assistance.

Clemmons' aunt, Letrecia Nelson, and cousin, Eddie Lee Davis, were convicted of rendering criminal assistance to Clemmons shortly after he shot Officers Tina Griswold, Ronald Owens and Greg Richards and Sgt. Mark Renninger in a coffee shop in Parkland, Pierce County, on Nov. 29, 2009. Clemmons was fatally shot by a Seattle police officer on Dec. 1, 2009.

Nelson and Davis were also convicted of possession of a handgun taken by Clemmons from one of the officers, and Davis, who had a criminal record, was also found guilty of unlawful possession of the gun.

Davis was sentenced to 10 years, five months in prison, but is likely to be released soon under regular sentencing standards. Nelson was sentenced to six years, two months, but already has been freed under early release.

Clemmons, after fleeing the coffee shop, went to Davis' house, asked for a ride to Nelson's house in Auburn and said he had been shot while killing four officers.

Davis drove Clemmons to the house, where he told Nelson he had killed the four officers, been shot and stolen an officer's gun. He was given fresh clothing and provided care for his gunshot wound, and Nelson put the stolen gun in a shopping bag, according to the Supreme Court's description of the events.

Before leaving, Clemmons asked where the stolen gun was and Davis handed Clemmons a bag containing the weapon.

On appeal, Davis and Nelson contended that prosecutors failed to present sufficient evidence that they possessed the gun.

They also asked the high court to overturn exceptional sentences they received for their criminal-assistance convictions.

Both maintained the trial judge incorrectly found that their acts not only harmed the public, but also had a destructive impact on the families of the four officers.

The court split 5-to-4 in their favor on the gun issue.

Justice Mary Fairhurst, joined by Justices Charles Johnson, Steven González and Sheryl Gordon McCloud, found the evidence showed Nelson and Davis had “actual control over and constructively possessed the stolen gun.”

But Justice Debra Stephens disagreed, finding that Nelson and Davis, at most, had “passing control” of the gun. She was joined by Justices Charles Wiggins, Susan Owens and Chief Justice Barbara Madsen, along with Justice Pro Tem Anne Ellington.

Eight justices agreed with Fairhurst’s majority opinion that the exceptional sentences were not legally justified.

“Because rendering criminal assistance victimizes the general public, every member of the public is part of the victim class. There is no ‘other,’ ” she wrote, referring to the officers’ families.

But in a dissent, Stephens wrote that prosecutors “offered evidence that the families of the involved police officers suffered intense fear that Clemmons would target them next.”

Under normal sentencing ranges that will now apply, Davis appears to face 41 to 54 months in prison when the case returns to Pierce County Superior Court for resentencing, Tacoma attorney John O’Melveny, who represented Davis at trial, said Wednesday.

Davis was eligible for release in November 2016.

With credit for time served since his arrest, Davis should now be eligible for release after spending about five years in custody, according to O’Melveny and Pierce County Prosecuting Attorney Mark Lindquist.

Nelson’s new sentencing range appears to be 12 months and a day to 14 months, O’Melveny said.

But she was already granted her early release last year.

Lindquist said Fairhurst showed appropriate deference to the jury’s verdict on the gun issue and Stephens recognized the officers’ families were even more victimized than the general public, although the outcomes didn’t reflect the views of the two justices.

Beyond Wednesday’s rulings, the state Supreme Court is currently considering an appeal of Clemmons’ getaway driver, Darcus Allen, also known as Dorcus Allen.

Allen is seeking a new trial after being convicted of four counts of aggravated murder and sentenced to 420 years in prison.

Allen, Davis and Nelson were part of a group dubbed the “Clemmons Seven” — seven people charged with helping Clemmons in the aftermath of the killings.

Among the other four, one pleaded guilty, one was acquitted, one’s conviction was overturned, and one was acquitted of criminal assistance and his conviction on gun offenses reversed.

Lindquist said some parts of Wednesday’s court opinion will be discouraging to the community, but emphasized that overall people were held accountable and served time and that his office sent a

message.

“I’m proud of the way the office handled these cases,” he said.

Information from The Associated Press and The Seattle Times archives is included in this story. Steve Miletich: 206-464-3302 or smiletich@seattletimes.com On Twitter @stevemiletich



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