



# ON THE RECORD

NEWS from Pierce County Prosecuting Attorney Mark Lindquist

On The Record  
March/April 2010

## Clemmons' Getaway Driver Charged with Aggravated Murder



On March 2, Prosecutor **Mark Lindquist** charged Darcus Allen, the getaway driver for Maurice Clemmons, with four counts of Aggravated Murder for his involvement in the shooting deaths of four Lakewood officers at a Forza coffee shop on November 29, 2009. Charging documents allege that Allen drove Clemmons past the Forza coffee shop twice, saw that there were patrol cars parked outside, then parked at a nearby car wash, waiting while Clemmons murdered the officers.

"When you help a criminal, you become a criminal," Lindquist said. "And when you help a murderer, knowing he intends to commit murder, you're an accomplice to murder. Clemmons repeatedly told Allen and others that he intended to kill cops. By driving Clemmons to the murder scene, knowing Clemmons intended to kill officers, Allen became an accomplice to Aggravated Murder." Lindquist added, "This has been a massive multi-agency investigation and I commend law enforcement for their committed and sustained effort."

## 32 Charged in Gang Conspiracy

On February 9, Prosecutor **Lindquist** charged 32 people as criminal conspirators in gang-related crimes occurring from December 2008 through January 2010. The defendants are alleged to be members or associates of the Hilltop Crips and are all charged with Criminal Conspiracy for allegedly joining the gang knowing the gang exists for the purpose of making money through illegal means. The defendants are also charged with multiple other crimes including Attempted Murder, Assault, Drive-By Shooting, Robbery, Burglary, Theft, Drug Dealing and Unlawful Possession of Firearms.

This is a significant case because it is the first time in Washington the conspiracy statute has been used to prosecute gang violence on this scale. The Prosecutor's Office's new gang unit, led by Assistant Chief Criminal Deputy **Phil Sorensen** and staffed by DPAs **Greg Greer** and **Tom Howe** and Legal Assistant **Theresa Brown**, uses innovative methods to reduce gang violence in our community.



## Meth Cooks Convicted



DPA **Jennifer Sievers** prosecuted Reed Stone and Natasha Penland for manufacturing and possession of methamphetamine and child endangerment (Penland). The pair operated a meth lab in Buckley, in the same house where Penland's five year old daughter lived and where tests showed that contamination on the kitchen countertop was more than 3,000 times higher than the State's limit that requires clean up.

The defendants failed to appear for the jury verdicts and were arrested a few days later near a residence in Buckley where police discovered another meth lab. Penland and Stone face up to 148 months in prison. Penland's daughter is now in foster care. A deputy prosecutor since 2005, Sievers is the Assistant Team Chief of the Drug Unit.

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### In This Issue...

**Clemmons' Getaway Driver Charged with Aggravated Murder**

**32 Charged in Gang Conspiracy**

**Meth Cooks Convicted**

**Prosecutors Reduce Superior Court Backlog**

**Voices for Victims**

**What a Nuisance**

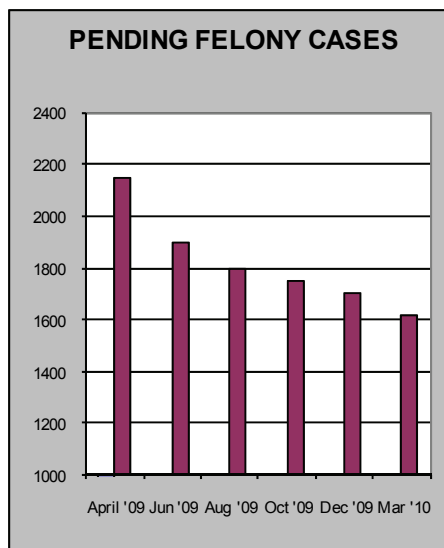
**Community Involvement**

[Prosecutor's Office Website](#)

### PA CASE FILES

DWAYNE CLARK, 36, was sentenced to 166 months in prison after a jury found him guilty of kidnapping and molesting a 15-year-old boy he forced into his truck outside a library. **Tim Lewis** prosecuted the case.

## Prosecutors Reduce Superior Court Backlog



The pilot project involving the pre-assignment of Class A Special Assault Unit (SAU) cases continues to be a success. Overall, the backlog is down more than 500 cases, or about 25%, from 2,146 in April 2009 to 1,612 in March 2010. Access to justice has increased as the backlog has been reduced.

The judges involved in the pilot project are the Honorable **James Orlando, Kitty-Ann van Doorninck, Bryan Chuschcoff** and **John McCarthy**. Judge **Lisa Worswick** participated in the original planning. An increased number of cases are resolving sooner because of the immediate availability of courtrooms, which makes defendants choose to plead guilty or go to trial.

Prosecutor **Lindquist** said, "I look forward to further collaboration with Superior Court and expansion of the project so that we can deliver justice in a more timely fashion."

## Voices for Victims

The Victim-Witness Assistance program will celebrate its 32nd anniversary during [National Crime Victims' Rights Week](#), April 18-24, 2010. Led by Justice Services Manager **Michelle Walker**, the staff of 17 victim advocates handle virtually every type of crime, including homicide, domestic violence, sexual assault, robbery, physical assault, property crimes and crimes committed by juveniles. In 2009, victim advocates provided services to over 20,000 victims and witnesses in Pierce County.

Upholding the rights of victims is a top priority in the Prosecutor's Office. Experienced advocates guide victims and witnesses through the maze of the criminal justice system, starting from arraignment and continuing through sentencing. Victim-Witness staff provide notification of charges, inform victims of their rights, attend court hearings with victims, assist with applying for Crime Victims' Compensation and protection orders, connect victims with local resources, prepare restitution information for the court and give emotional support throughout the process. They assist deputy prosecutors by scheduling and rescheduling victims and witnesses to appear for testimony during trials.

While it can be a demanding, high pressure job, victim advocates remain passionate about their work and are dedicated to serving victims and witnesses of crimes. Of the 17 current staff, 11 have been with office at least five years; six of those have passed the 10 year mark. When asked what keeps her motivated in her 17th year as a victim advocate, **Dixie Hansen** responded, "I can't change what happened to a crime victim, but I'm motivated by the idea that I can help bring comfort or relief to those who are hurting."



Victim Advocate Michelle Walker speaks with family members of a murder victim at a recent sentencing hearing.

## PA CASE FILES

**CALVIN FINLEY, 35**, was sentenced to life in prison without the possibility of parole for robbery and murder. Finley shot and killed Kurt Husted, an armored car guard, as he carried a money bag filled with cash out of a Lakewood Walmart store last year. **Mark Lindquist** and DPA **Steve Penner** prosecuted the case.

**JOE MATA, 28**, was convicted of numerous charges after racing from police in a stolen vehicle. Mata sped from pursuing police vehicles, almost hitting a pedestrian and a police car, before crashing through a chain link gate at a Pierce Transit Center. DPA **Tom Howe** prosecuted Mata, who was sentenced to 80 months in prison.

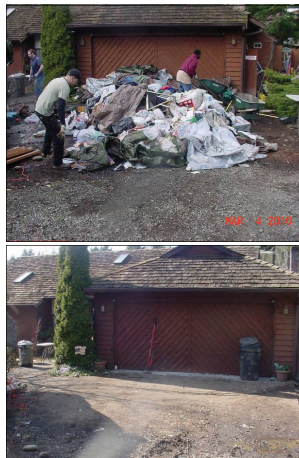
**MARCUS CLAYTON, 23**, was found guilty by a jury of murder for killing Darryl Bracey in 2009. Clayton shot the 61-year-old victim in the face during a planned robbery attempt. DPA **Mark Sanchez** and Chief of Staff **Dawn Farina** prosecuted Clayton, who faces at least 25 years in prison.

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## What a Nuisance

Since the well publicized "dirty dozen" cases in 2002, attorneys in the Civil Division have worked to reduce the impact of public nuisances in Pierce County. Through an ordinance enacted in 2008, the County is able to get a court order to access a property and remove waste when the owner won't voluntarily comply after receiving a warning from the Health Department. The County can then obtain a judgment against the property owner to recover clean up costs. DPA **Cort O'Connor** leads the abatement program for the Prosecutor's Office.

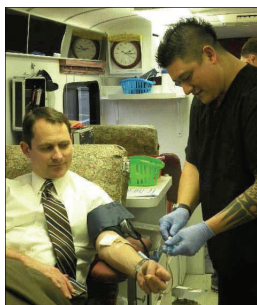
The photos at right are from a court-ordered entry in March. Workers removed nearly 20 tons of solid waste from a private residence. Accumulation of waste can be a breeding ground for rats and mosquitoes, impact the functioning of septic systems and pollute drinking water supplies. Nuisance properties can also negatively impact property values and attract crime.



## PA CASE FILES

B.K.M, 13, pleaded guilty to armed burglary after breaking into a home with another juvenile and stealing two firearms. He committed the burglary just one day after being sentenced and released in Juvenile Court on a theft charge. B.K.M. faces up to 2.5 years when sentenced on April 12. DPA **Alicia Burton** prosecuted this case.

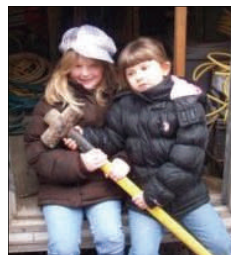
## Community Involvement



DPA **Kevin McCann**, Team Chief of the Property Crimes Unit, was one of several Prosecutor's Office employees who donated blood aboard the Cascade Regional Blood Services bloodmobile on February 12. A blood donor since high school, McCann recently passed the three gallon mark.

Staff from the **Appeals Unit** spent a cold Saturday in Ashford serving up hot meals to volunteer construction workers at the home of Pierce County Sheriff's Deputy **John Heacock** and his wife **Peggy**. Their 20-year-old daughter **Richelle** was paralyzed from the chest down

after driving off the road on her way home from college to attend the memorial service for Deputy **Kent Mundell**. Hundreds of volunteers, including daughters of legal assistants **Therese Kahn** and **Heather Johnson**, pictured at right, and other Prosecutor's Office staff, helped renovate the home to make it larger and wheelchair friendly.



**CHARLES NETTLEBECK**, 53, was convicted of aggravated murder for the brutal killing of his estranged wife Barbara and her daughter Bretta Hawkins in March 2009. Nettlebeck attacked the victims with an axe, killing Barbara instantly; Bretta died the next day. He faces life in prison without the possibility of parole. Chief Criminal Deputy **Mary Robnett** and DPA **Sunni Ko** prosecuted Nettlebeck.



Lakewood Police Lt. **Steve Mauer**, Sumner Asst. Chief **Brad Moericke**, Sumner Chief **John Galle**, **Mark Lindquist** and deputy prosecutors posed in pumps in anticipation of the 5th Annual "Walk a Mile In Her Shoes" event on April 30. This educational fundraiser benefits the [Sexual Assault Center of Pierce County](#).

Congratulations to **Kristen Tateishi**, Seattle University law student and former legal intern in the Juvenile Division, who was crowned Miss Pierce County on March 6.



**DOUGLAS HEALER**, 35, was sentenced to 87 months in prison for burglary and theft of a firearm. Healer admitted to acting as the "lookout" while an accomplice broke into a home and stole 11 guns and a motorcycle. DPA **Frank Krall** prosecuted the case.

## Speaking Engagements

Mark Lindquist enjoys attending and speaking at community events. On **April 7**, Mark will speak at the Tacoma City Club. The event is from noon to 1pm and is open to the public. For more information, go to [www.cityclubtacoma.org](http://www.cityclubtacoma.org). If you would like to invite Mark or a representative from the Prosecuting Attorney's Office to speak to your group, please contact us at [pcprosatty@co.pierce.wa.us](mailto:pcprosatty@co.pierce.wa.us).