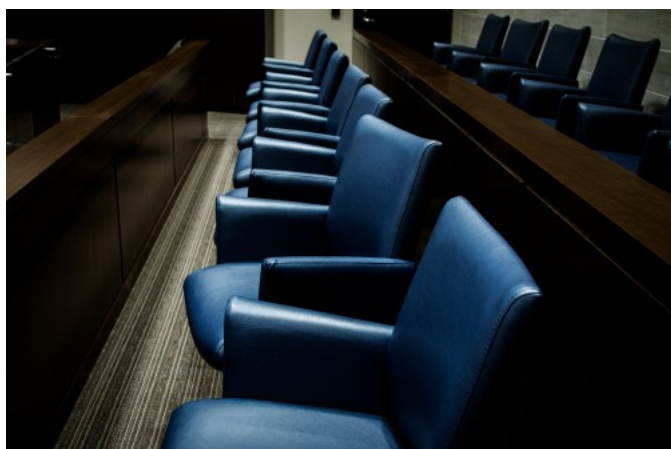


Lucas Found Guilty on All Six Counts

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by Marisa McCune

Jesse David Lucas was found guilty on Friday, January 22, of all charges brought against him by the Yolo County District Attorney's Office.

After two hours of deliberation on Friday afternoon, the jury returned a unanimous verdict of guilty on all six counts, with sentencing enhancements on the two most serious charges: possession for sale of narcotics and transport of a controlled substance.

The four additional charges against Lucas include: possession of controlled substances with a loaded firearm, possession of a firearm by a person prohibited from possessing one, carrying a concealed firearm, and carrying a loaded firearm in a public place or vehicle.

Thursday Afternoon – Final Day of Testimony

By Misha Berman

In Department 7 at 1:30 on Thursday afternoon the trial of Jesse David Lucas resumed after recess from earlier in the morning. Before the 12 jurors and 2 alternates were called in again, Deputy District Attorney Deanna Hays called in her first witness, Lieutenant John Ehrk of the DA's Office.

Lieutenant Ehrk said he is the supervisor for the Investigation Bureau and has been a peace officer for 20 years, including two years working for Yolo County. DDA Hays asked him if part of his job is to collect jail mail. He said that it is, and then DDA Hays asked if one of the letters he collected was a letter to a "Ms. K" from Defendant Lucas.

Ms. Hays then handed him a copy of the jail letter that was sent to Ms. K from Mr. Lucas. She asked him if he knew what that was. He explained that this was a letter that was sent to Ms. K from Mr. Lucas while they were both in custody.

Ms. Hays then asked if they make copies of the letters they collect and Lt. Ehrk said they do. She then asked him if that letter was a copy of the original letter, and he said yes.

DDA Hays had no further questions and Judge Samuel McAdam called Deputy Public Defender Teal Dixon to cross-examine Lt. Ehrk.

DPD Dixon asked Lt. Ehrk if he ever worked at a jail. Lt. Ehrk said no. Ms. Dixon told Judge McAdam that she had no further questions.

Lieutenant Ehrk was excused from the witness stand. DDA Hays then arose and stated that she thinks that Lieutenant Ehrk is credible. She also pointed out that the letter she showed Lt. Ehrk is evidence that Ms. K and Defendant Lucas were writing letters to each other while they were in custody. Ms. Hays then sat back down.

Ms. Dixon then stood up and said that Lieutenant Ehrk never actually worked at a jail, so we don't know if he's credible.

Ms. Dixon sat back down. Judge McAdam pointed out that Ms. Dixon made an interesting point, but he believed that Lt. Ehrk is credible based on where he works and what he does. He also said he believed that this was sufficient evidence to call the jury in.

Then the jurors were called in. Of the 12 jurors and two alternates, eight were males and six were females. DDA Hays called Lieutenant Ehrk back to the stand. She asked him the same questions as she did out of the presence of the jury, about where he works and what he does.

Like he said before the jurors walked in, he said that he monitors field operations and works with SWAT (Special Weapons and Tactics), and he trains new officers. He has been doing this for 20 years. He is also a sworn peace officer but does not do patrol duties anymore. He says that he helps with cases that have been filed. He also pointed out that he monitors mail that goes to certain inmates.

"We typically monitor high profile cases. We will collect mail that is sent to them, we will listen in on phone conversations because people in custody will be using our phone lines so we can listen in on their conversations and we will monitor their emails," said Lt. Ehrk.

DDA Hays again showed the copy of the letter, now while jurors were present, and asked if the witness recognized the letter. He again said that it was a copy of a letter that was sent to Ms. K from Defendant Lucas.

Ms. Hays then asked whether he can look up when people were put in and taken out of custody. Lt. Ehrk said yes. Hays next asked when Mr. Lucas and Ms. K were put into custody. He said that Mr. Lucas was put into custody on June 5, 2015, and Ms. K was put into custody on June 17, 2015.

"Do you collect letters from all prisoners?" asked Ms. Hays

"No, we only collect letters that are requested, not all inmate letters," answered Lt. Ehrk.

Ms. Hays said she had no further questions. Ms. Dixon, on cross-examination, asked in the presence of the jury if Lt. Ehrk ever worked in an actual jail. Lt. Ehrk responded that no, he had not. Ms. Dixon next asked if the defendant had any other information about the letter that was sent to Ms. K from Mr. Lucas and the lieutenant responded that the only information he had was that this letter showed up in another person's mail or, in this case, Ms. K's mail, and that this letter was collected not due to any interest in Defendant Lucas.

DPD Dixon said she had no further questions.

Judge McAdam called Ms. Dixon and Ms. Hays to a sidebar, out of the hearing of the jury and off the record.

After a few minutes, Judge McAdam said "back on record," then he turned to the jury and told them not to consider the fact that the defendant was in custody as evidence that he is guilty.

Judge McAdam excused Lieutenant Ehrk from the witness stand. Ms. Dixon then called a prior witness, Agent Austin, for cross-examination. The first question Dixon asked Austin was when someone makes a statement whether it goes into the report.

"When someone makes a statement it goes in the report. If I don't have information that will point me into any direction then it is not useful for my job," said Agent Austin

"Have you ever seen anyone use heroin in front of you?" DPD Dixon next asked.

"I have never seen anyone use heroin in person," said Agent Austin.

Ms. Dixon asked Austin if there are different ways to use heroin and he responded that there are.

“One is to put it in the gum or cheek. The most common method is injection or smoking it,” stated Agent Austin.

Dixon asked Agent Austin whether he has encountered people who have done all these things and he said he has. She then asked him if it is safer for him to learn about drugs in a scientific book or on the streets. He said that he learns on the streets and feels it is safer to learn on the streets. He then described how he talks to people in Yolo County and Sacramento County.

Ms. Dixon next asked if he deals with cases outside of Yolo County. He responded yes and said that they follow people out of the county if there are connections to Yolo County.

The remainder of the day was DPD Dixon and DDA Hays cross-examining and direct examining Agent Austin. They asked questions about heroin usage such as about withdrawal, why people use heroin, how much people use a day, the costs, the tapering off method, who sells heroin, the type of people who sell heroin and their income, and how people quality control their heroin.

Ms. Dixon also asked Austin whether he thinks that someone can own a gun without using heroin. He said he thinks that is possible, but people who are dealing heroin are living in a dangerous situation.

Agent Austin was finally asked if all heroin addicts look alike and he responded no. Judge McAdam excused Austin and dismissed the jury. He said that the case will resume at 9:30am Friday, January 22, 2016, in Department 7.

Closing Arguments – Part 1

By Joanna Kwong

January 22, 2016, marked the last day of the trial of Jesse Lucas, who was charged with six counts, including possession of drugs with intent to sell, transporting the drugs, and possession of the drugs while armed with a firearm, among others.

The People, represented by Deputy District Attorney Deanna Hays, introduced Exhibit 3, which was an order issued to the defendant, Jesse Lucas, back in 2013. This evidence was introduced and accepted in the morning before the jurors came into the courtroom. Judge Samuel McAdam therefore allowed this piece of evidence to be brought up during closing arguments.

Judge McAdam presented the jurors the following six counts with which the defendant was charged, along with further jury instructions:

Count 1: The defendant is charged with possession of the sale of heroin.

Count 2: The defendant is charged with transporting heroin.

Count 3: The defendant is charged with possession of heroin while armed with a firearm.

Count 4: The defendant is charged with unlawfully possessing a firearm.

Count 5: The defendant is charged with unlawfully carrying a concealed firearm in a vehicle.

Count 6: The defendant is charged with unlawfully carrying a loaded firearm.

The People began the closing arguments. Ms. Hays read a letter from August 4 from Mr. Lucas, addressed to a female. Hays argued that the content disclosed in this letter was an admission from the defendant that he was a drug dealer.

Hays mentioned that she and Deputy Public Defender Teal Dixon would focus the majority of their closing arguments on counts 1 and 2, which call into question whether or not the defendant had the intent to sell the drugs he possessed. She stated to the jurors that counts 3 to 6 should be a more straightforward deliberation.

Hays briefly argued the defendant should be convicted of count 3 for possessing a controlled substance while armed with a firearm – because Lucas possessed the firearm, he knew of its presence, he knew of the substances' nature and character, the substance found was in a usable amount, he had a loaded firearm while he was in possession of the substance, and the defendant was aware that the firearm was available for immediate and offensive use.

The argument the People made for count 4 was that Lucas should be convicted of unlawfully possessing a firearm because Exhibit 3, which was introduced that morning, was a court order addressed to Lucas, which states that he cannot possess a firearm.

Furthermore, the People argued that the defendant should be convicted of count 5 of carrying a concealed firearm in the vehicle because the firearm, a small pistol, was capable of being concealed on the person, he knew the firearm was in the vehicle, and he tried to conceal the firearm by sitting on it.

Hays also mentioned that the defendant should be convicted of count 6 of carrying a loaded firearm in the vehicle because he knew he was carrying a firearm, it was loaded, and he was in a public place or incorporated city during this time.

The People then proceeded in an effort to convince the jurors why the defendant should be convicted of counts 1 and 2, as well. The main argument that was discussed was whether or not the defendant possessed the drugs with intent to sell. Hays pointed out that the expert witness, Agent Austin, from yesterday's testimony, made conclusions that the amount of heroin the defendant had on hand at the time he was caught was 7.5 to 8 grams, which was a lot more than it would be if it were for personal use, which amount would be closer to .1 or .2 grams. Thus, the defendant had a one or two week's supply of drugs on him, and Agent Austin claimed that the only reasonable explanation for this would be if he had the intent to sell the drugs. Hays also pointed out Agent Austin's reasoning that the amount of cash and breakdown of bills found on the defendant that night was consistent with intent to sell.

The defense began their closing argument following the People's. Deputy Public Defender Teal Dixon argued that the jurors must be able to prove the defendant is guilty, with proof beyond a reasonable doubt, and she mentioned the People have not been able to do so.

She specifically pointed out that we do not know of the defendant's specific intent the day he was arrested.

Dixon also referred to the letter that Hays mentioned in her closing argument. The letter, which was written by the defendant to a female he liked while he was in jail, was a means to brag about the money, the drugs and his lifestyle to make himself appeal to her. Therefore, Dixon mentioned we should take what is written in the letter as a grain of salt rather than believing every statement that the defendant made.

Furthermore, the defense argued that the defendant was a recent victim of a crime, and he thus carried a gun as a means of protection. The defendant was also an army veteran, which was another reason the defense offered as to why the defendant carried a gun; Dixon said it makes a lot sense to carry a gun if you are already used to carrying a firearm.

Dixon also mentioned that the defendant had a lot of cash on hand because he had to bail out a friend that night. She pointed out that we do not know the payment arrangements for the bail, so we cannot conclude that the money the defendant had on hand shows intent to sell the drugs.

Lastly, the defense argued that the evidence for the transportation charge does not compel a finding of proof beyond reasonable doubt. Dixon mentioned that we have no evidence as to where the drugs are from, and we do not know at what point the defendant obtained the drugs.

The morning session concluded with the defense's last closing argument remarks. The People will finish their closing in the afternoon session before the case is handed to the jurors.

Conclusion of Closing Arguments and Verdict

by Marisa McCune

Jesse David Lucas was found guilty on Friday of all charges brought against him by the Yolo County District Attorney's Office.

After two hours of deliberation on Friday afternoon, the jury returned a unanimous verdict of guilty on all six counts, with sentencing enhancements on the two most serious charges: possession for sale of narcotics and transport of a controlled substance.

The four additional charges against Lucas include: possession of controlled substances with a loaded firearm, possession of a firearm by a person prohibited from possessing one, carrying a concealed firearm, and carrying a loaded firearm in a public place or vehicle.

During closing arguments Deputy Public Defender Teal Dixon argued that there was insufficient proof of Lucas' intent to sell, and that possession may be easier for the jury to find. She explained to the jury that they must consider the most serious charges first, and if they determined Lucas not guilty of those charges beyond a reasonable doubt, then to consider the lesser charges.

In final rebuttal, Yolo County Deputy District Attorney Deanna Hays closed the state's case by arguing that every element was proved beyond a reasonable doubt, including Lucas' intent to sell.

Deputy DA Hays said to the jury that "there is doubt in everything," but that doubt is "not reasonable in this situation." She went on to say that it is not the jury's job to examine every piece of evidence and to find a possible reason why.

DDA Hays said repeatedly throughout her rebuttal that using and selling drugs is "stupid" and a "bad idea," and that people who use drugs are "laser-focused" on drugs. She said, "They don't just blindly carry it around. They're careful with it."

Ms. Hays cited Agent Austin's testimony as being important to proving the state's case that the amount of drugs found was "not in line with personal use." She cited Agent Austin's analogy of the drug dealer who can sell one pound of heroin and pointed out that one pound of heroin could fit in a purse.

Ms. Hays went on to briefly acknowledge Ms. Dixon's argument that Lucas buys drugs in bulk, saying that it was not reasonable for Lucas to take ten pills of Ecstasy with him for personal use to meet a woman at jail.

Hays said that Lucas "purchased" a gun and placed it in his car to sell and deliver drugs after his January 25, 2015, arrest.

In addition, Ms. Hays pointed out that Lucas was unable to provide the court with any pay stubs, W-2 Wage and Tax Statements, or tax returns.

The second phase of the Lucas trial, a bifurcated bench trial on other issues, is scheduled to begin during Monday's afternoon session. Judge Samuel T. McAdam will be presiding.

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