

VIRGINIA:

IN THE CIRCUIT COURT FOR ROANOKE COUNTY

COMMONWEALTH OF VIRGINIA,	)	
	)	
	)	Case Nos.: CR23000245-00
v.	)	CR23000246-00
	)	CR23000247-00
TYLER KEITH JONES,	)	CR23000342-00
	)	
Defendant,	)	
	)	

SUPPLEMENTAL BRIEF AND MOTION FOR DISCOVERY AND DISCLOSURE

COMES NOW, the Defendant Tyler Keith Jones, by counsel, and submits the following Supplemental Brief in support of his Motion for a New Trial and further moves this Court to order additional discovery and disclosure from the Commonwealth.

RECENT FACTUAL BACKGROUND

Pending before the Court is the Defendant's Motion for a New Trial based on the Commonwealth's failure to produce exculpatory information and to correct the false testimony of its confidential informant before the jury. At the hearing on the Defendant's Motion for a New Trial, defense counsel advised that he would be seeking documents from the Virginia State Police ("VSP") regarding Lane Thomas ("Thomas") and Special Agent Steve Richardson ("Richardson"). After the hearing, a Freedom of Information Act ("FOIA") Request was submitted to the VSP for these records. The Defendant sought payment records, communications between Thomas and Richardson, and internal VSP documents relating to Thomas. The VSP responded with a limited production on April 29, 2024, that contained payment records and limited communications referencing Thomas. VSP advised that the communications between Thomas and Richardson would be produced

at a later date.

THE VSP'S PRODUCTION ON APRIL 29, 2024

The VSP's production on April 29, 2024 revealed previously undisclosed documents relating to Thomas. These documents demonstrate that Thomas and Richardson's relationship was deeper than previously presented to the Court. It further appears that the representations to the Court at the hearing based on information Richardson provided to Chief Deputy Commonwealth's Attorney Aaron Lavinder ("Lavinder") regarding payments to Thomas were inaccurate (at best) and misleading (at worst). The documents also reveal that Richardson's failure to disclose materials regarding Thomas resulted in additional *Brady* violations which were only discovered on April 29, 2024.

The following is a list of the documents received from the defense FOIA request.

Document title	Content	Prior disclosure	Exhibit hereto
VSP Activity Report Dated March 20, 2024	VSP SA Richardson paid \$100 to Thomas	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	A
VSP Activity Report Dated March 3, 2024	VSP SA Richardson paid \$199.07 to Thomas	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	B
VSP Activity Report Dated March 8, 2024	VSP SA Richardson paid \$2,500 to Thomas	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	C
Cooperating Individual Agreement Dated November 1, 2022	Formal confidential source agreement executed between	None. Never disclosed in discovery despite Court order requiring	D

	VSP SA Richardson and Thomas	the disclosure of such information.	
Agreement to testify Dated February 27, 2024	Formal written agreement between Thomas and VSP SA Richardson noting, among other things, "any consideration that [Thomas] receive[s] is contingent upon [his] testimony in court.	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	E
VSP Transaction detail sheet	VSP paid \$2,209.50 for hotel for Thomas	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	F
VSP Transaction detail sheet	VSP paid \$2,500 to Thomas for "confidential information and testimony"	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	G
VSP Field Activity Report	VSP approval for \$2,500 moving expenses was done on March 7, 2024 which was last day of trial while jury was deliberating. This contradicts transaction detail sheet which listed the \$2,500 payment as being for testimony	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	H
Walmart Receipt Dated March 21, 2014	Receipt purportedly showing \$500.00 payment from	None. Never disclosed in discovery despite Court order requiring	I

	VSP SA Richardson to Thomas 14 days after trial	the disclosure of such information.	
Emails between West Virginia prosecutors, VSP SA Richardson, and West Virginia Court judges and personnel Dated January 2024	Emails demonstrating that VSP SA Richardson traveled to West Virginia to meet with West Virginia prosecutors to secure favorable treatment in pending court case involving Thomas	None. Never disclosed in discovery despite Court order requiring the disclosure of such information.	J

ARGUMENTS & AUTHORITIES

The latest disclosure, not from the Commonwealth, but from a defense issued FOIA request, makes clear the following: the question before the Court is not if a *Brady*¹ violation occurred but what was the extent of the violation. It is now clear that a new trial must be granted, but it is equally clear that sanctions are appropriate for the blatant non-disclosure and non-production of information related to Thomas and Richardson. The latest production raises serious questions about Richardson's investigatory tactics and his relationship with Thomas. These materials were legally obligated to be produced to the Defendant prior to trial. The new materials include agreements with Thomas, payment information to Thomas, and reveal that Richardson went to extreme measures to assist Thomas in evading conviction on West Virginia charges to avoid tainting him as a witness in the Defendant's trial. Stated differently, the violation is bigger than Thomas and now

¹ The referenced to *Brady* here included *Brady*, its progeny, *Giglio*, *Napue*, and Rule 3A:11 of the Rules of the Supreme Court of Virginia.

implicates the VSP's handling of this matter.

Further, the Roanoke County Commonwealth's Attorney's office has taken no steps to investigate Richardson's failures or to comply with its discovery obligations. Instead, Richardson's behavior and failure to disclose important exculpatory information has seemingly been ignored.

I. THE DISCLOSURE AND WHY IT MATTERS

a. Hotel and Monetary Benefits

The Court will recall that *after* Thomas testified the Commonwealth notified the Defendant that they had paid for Thomas to stay in a hotel before trial and provided him other monetary benefits. This disclosure was not made in time so that defense counsel could cross-examine Thomas about these payments/benefits. The Commonwealth never disclosed the amount or timing of these benefits and still has not done so. The recently produced records reveal that Thomas received a \$100 cash payment for "food/laundry" on February 20, 2024, that he received another payment or benefit in the amount of \$199.07 for "living expenses/laundry" on March 3, 2024, and that the total monetary benefit of his hotel stay was \$2,209.50. Why did the Defendant have to submit a FOIA request to obtain these records and corresponding information?

b. Cash Payments for "Moving Expenses"

The Court will recall that on the date of the hearing on the Motion for a New Trial, the Commonwealth disclosed that Thomas received a payment for "moving expenses." This troublesome disclosure was never made before trial and when asked about the details regarding the time of the payment the Commonwealth advised that it was "after trial." At the hearing Richardson advised Lavinder that the payments were not discussed in detail

before trial. This appears to be incorrect.

The internal VSP documents show that Thomas was paid \$2,500 on the day after trial. However, this payment was approved by Richardson's supervisors on the same day the jury was deliberating the Defendant's guilt or innocence.² The timing of this payment raises serious questions about the information Richardson provided Lavinder at the hearing. Richardson's representations created the distinct impression that the "moving expenses" were paid well after trial- not a mere day later. And it was never disclosed that authorization for this payment was during trial. To date, neither the Commonwealth nor the VSP (by way of a FOIA response) have produced text communications between Richardson and Thomas regarding this payment- or any of the other payments Thomas received.

Worse yet, VSP's own transaction report approved by Captain Bartlett and Lt. R. Carr notes that the \$2,500 payment was *not* for living expenses but was for "supplying confidential information and testimony." It appears as follows:

Transaction Details ⁽¹⁾

* Criminal Fund 14-2 - BCJ Division 6 Criminal Fund * Transaction Type: CSI Disbursement
* Transaction No: 7337 * Transaction Date: 03/08/2024 Status: Certified Receipt No: create receipt...
* Fund Handler: RICHARDSON, STEPHEN A SAGT
Amount Paid for Info/Service: 2500 Amount Paid for Expenses:

* Synopsis:
Reporting agent served VSP with 2500 VSP criminal funds for supplying confidential information and testimony. Approval: Captain Bartlett/Lt. R. Carr.
File No: 22-16874 * CSI No: 24-4155

Attachments ⁽¹⁾

Search: Attached File ↑ Document / Photo Description Download
CSI 24-4155 Disbursement 3.8.24.pdf CSI 24-4155 Disbursement 3.8.24.pdf downloaded

Certification ⁽¹⁾

Certified Date/Time: 03/10/2024 12:01 Certified By: RICHARDSON, STEPHEN A SAGT Recession/End Date: 03/16/2024

Record History ⁽¹⁾

² The trial lasted until March 7, 2024. The final day of trial consisted solely of jury deliberations and no evidence was presented. The approval for Thomas \$2,500 payment occurred on March 7, 2024.

See Ex. G (emphasis added).

This completely contradicts the information provided at the motions hearing. Again, it is troubling that VSP command is authorizing payments for testimony to a professional snitch mere days after he testifies. What is the basis for the discrepancy in the internal documents in which one calls its “moving expenses” and the other calls it a payment for “providing confidential information and testimony.” To date, the Commonwealth has not provided any explanation for the incongruity.

It seems unlikely that a \$2,500 payment to a confidential information would not have been discussed with VSP command in the days leading up to trial. This is a large sum of money. The Defendant is entitled to know exactly what was said to Thomas and what was done internally at VSP to approve these payments. These details are important, and the Commonwealth should be ordered to investigate and disclose this information. Why hasn't the Commonwealth already answered these questions and fulfilled its discovery obligations?

c. \$500.00 Cash Payment to Thomas

On March 18, 2024, Richardson sent Thomas a Wal-Mart payment in the amount of \$500.00. Like most everything else regarding Thomas and Richardson's relationship, this was never disclosed and came as a total surprise to the defense. What was this payment for? Why was it sent two weeks after trial? What is a VSP Special Agent using Wal-Mart to send funds to a CI? No answers have been provided. This payment in and of itself may be a *Brady* violation.

d. Thomas CI Agreement and Agreement to Testify

Thomas was a registered CI with the VSP since 2022. This was never disclosed to the defense. He also had an agreement with Richardson that essentially required him to

come to testify. The agreement referenced “consideration” received by Thomas and also advised Thomas that if he failed to appear the “Commonwealth’s Attorney may take appropriate action against” Thomas. This document was never produced in discovery.

The concerning issue with this document is the implicit understanding it conveys to Thomas about consideration and the contingency it purports to make regarding the unknown consideration and his testimony. Such agreements must be disclosed. See *Harris v. Lafler*, 553 F.3d 1028 (6th Cir. 2009) (holding that tacit agreements with cooperating witnesses must also be disclosed under the command of Brady, not just express agreements to provide leniency or no prosecution in the witness’s case.). The failure to disclose this agreement is yet another *Brady* violation which was only uncovered through the FOIA request.

More problematic is that Richardson entered into this agreement without the consent or knowledge of the Roanoke County Commonwealth’s Attorney’s office. How is this possible when the agreement purportedly requires action of the Commonwealth if Thomas did not act? Why would Richardson enter into such an agreement without the knowledge or consent of the Commonwealth? These questions require immediate answers.

e. Emails Between Richardson and West Virginia Prosecutors, etc.

Finally, the recent disclosure uncovered that Richardson, apparently acting on his own volition and without the knowledge of the Roanoke County Commonwealth’s Attorney’s office, traveled to West Virginia to meet with prosecutors there to extract leniency for Thomas. These emails reference a pending DUI charge that Thomas incurred in August 2023 and which was set for trial in January 2024. Richardson purportedly appeared out of the blue in the lobby of a West Virginia prosecutor on November 20, 2023. Richardson told the West Virginia prosecutors that they needed to help Thomas with his

pending charges because Thomas was the "star eyewitness" to the Defendant's conduct. Further, Richardson advised West Virginia authorities that he was concerned about the defendant's pretrial motion to reveal Thomas' identity.

Later when the DUI was set for trial, Richardson sent the following e-mail to West Virgini prosecutor Ray Boyce:

From: Stephen Richardson [mailto:stephen.richardson@wv.gov]
Sent: Monday, January 22, 2024 11:15 AM
To: Ray Boyce [mailto:rboyce@herkoffwv.org]
Subject: New Franklin DUI case
Reputation: High

CAUTION: This e-mail and any attachments are confidential and may be subject to discovery. If you are not a named addressee, please do not print, copy, retransmit, or otherwise use this information.

Good afternoon sir! I've been advised by Mr. Thomas that he has a hearing date on January 25, 2024 at 11:15 am for a dui he received in August. I know I've already exceeded my favor allotment from you and your office, which again is greatly appreciated, but is there anyway we could possibly push this hearing to summer to cover us through the time for the trial here that's set for the first week in March? I appreciate any cooperation and help you can give me regarding this. Thank you again! You can all me if that makes the communication easier.

Special Agent S.A. Richardson
Virginia State Police
Drug Enforcement Section Gang Agent
22-3706(B)(7) - LEO

This resulted in Thomas' DUI case being continued until *after* the trial in this matter. This was clearly done so Thomas could testify, as he did, without being explicitly promised anything for this cooperation. This is yet another *Brady* violation that was only uncovered via defense counsel's FOIA request.

Why was Richardson negotiating directly with West Virginia prosecutors on Thomas' behalf? Why wasn't this disclosed? Why did Richardson care so much about Thomas? What happened with this DUI case?

What was really going on here between Thomas and Richardson?

Why has the Commonwealth Attorney not properly investigated this case and complied with its discovery obligations?

II. *BRADY* HAS BEEN VIOLATED TIME AND TIME AGAIN

The new *Brady* violations are equally as serious as the old violations. Payments to

snitches, requests for leniency, cooperation agreements, and still unanswered questions abound. There can be no doubt that the Commonwealth failed to comply with *Brady*, *Gigilo*, *Napue*, and this Court's order. None of the documents attached hereto were prior to trial. Nothing. The Commonwealth has neither investigated, disclosed, or taken any efforts to discover and disclose exculpatory material concerning Thomas and Richardson.

It appears that Richardson never disclosed to Lavinder with exculpatory payment information, cooperation agreements, and the fact that he was actively working to secure favorable treatment for Thoams on pending charges. This shocks the conscious. These failures, however, lay at the feet of the Roanoke County Commonwealth's Attorney's office. In a criminal case, the prosecutor must:

make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense. In fact, "the prosecutor remains responsible for gauging [the] effect [of undisclosed evidence] regardless of any failure by the police to bring favorable evidence to the prosecutor's attention.

Workman v. Commonwealth, 272 Va. 633 636 S.E.2d 368 (2006) (citing *Kyles v. Whitley*, 514 U.S. 419, 434, 115 S. Ct. 1555 (1995)).

What is clear is that the Commonwealth's Attorney office placed blind trust in Richardson to the detriment of the Defendant. This is problematic. The withheld information and evidence was material and was required to be disclosed.

III. THE COMMONWEALTH MUST INVESTIGATE AND MAKE DISCLOSURES

It should bother the Court that none of the evidence referenced herein was disclosed by the Commonwealth. Instead, the Defendant had to go to great lengths to obtain it. The Court should require the Commonwealth investigate the files, text messages, and training

materials of Richardson³ and to immediately disclose all information regarding his involvement with Thomas. This should have been done before Thomas testified and disclosed before trial. But it now must be done to ensure that there is no additional evidence exist.

The Defendant moves for a specific order discovery requiring the Commonwealth to act regarding Richardson and Thomas.

CONCLUSION

At the end of every jury trial the Court reads from an essay written by G.K. Chesterton in 1909. In that essay, Chesterton talks about being "snatched up and put into a jury box to try people." It's beautiful to hear these words after a trial- no matter the outcome. The beauty of Chesterton's words is not found in prose or sweeping language. Yet, the beauty lies in the notion that we all forget in this business: that there is a prisoner in the dock. He writes that judges, policemen and lawyers simply see the usual man in the usual place.

This is the true fault of Richardson. He saw Thomas as a tool to capture the usual man in the dock. The Court should remember the exuberant yell he exhibited after interviewing Thomas for the first time. This scream of jubilation tainted this entire case. But it also did more. It robbed the defense of the opportunity to present its case to men and women infused with fresh blood and fresh thoughts from the streets.

The information learned from the FOIA disclosure shocks the conscious. Hiding evidence, paying witnesses, and seeking undisclosed favorable treatment for professional

³ The defense wants to know what Richardson knew about his *Brady* obligations and what he was trained on with regard to the disclosure of exculpatory information.

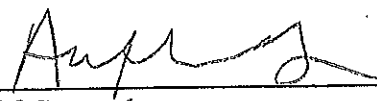
snitches is wrong. A rogue VSP Special Agent acting behind the back of the Roanoke County Commonwealth's Attorney regarding a confidential informant is wrong. This whole situation violated the Defendant's constitutional rights. To make matters worse, there are still unanswered questions and there is information that has still not been disclosed (i.e. the text communications between Richardson and Thomas).

There were no checks and balances on Richardson. No one requested the *Brady* information he possessed. No one investigated what he was doing, and he had no accountability in this investigation.

A Motion for Sanctions is forthcoming.

Respectfully submitted,

TYLER KEITH JONES

By: 
Of Counsel

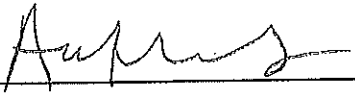
Aaron B. Houchens (VSB#80489)
Aaron B. Houchens, P.C.
111 East Main Street
P.O. Box 1250
Salem, Virginia 24153
540-389-4498 (telephone)
540-339-3903 (facsimile)
aaron@houchenslaw.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent to the following Office of the Commonwealth's Attorney for Roanoke County, on this 2nd day of May 2024.

Aaron Lavinder, Esquire
Chief Deputy Commonwealth's Attorney
County of Roanoke
Roanoke County Courthouse
305 East Main Street
Salem, VA 24153



EXHIBIT

A

VIRGINIA STATE POLICE ACTIVITY REPORT

CONFIDENTIAL This document contains neither recommendations nor conclusions of the Virginia State Police. It is the property of the Virginia State Police and is loaned to your agency; it and its contents are not to be distributed outside your agency.

File Number: 24-4155

File Manager: RICHARDSON, STEPHEN A SAGT

Activity Number: 24-78463A

Activity Title: CSI Contact Report

Activity Date/Time: 02/20/2024 12:11

Activity Lead Employee: RICHARDSON, STEPHEN A SAGT

Reporting agent issued VSP CSI 100 criminal funds for food/laundry. See criminal fund transaction number 7235.

Available Attachments:

EXHIBIT

B

VIRGINIA STATE POLICE ACTIVITY REPORT

CONFIDENTIAL This document contains neither recommendations nor conclusions of the Virginia State Police. It is the property of the Virginia State Police and is loaned to your agency; it and its contents are not to be distributed outside your agency.

File Number: 24-4155

File Manager: RICHARDSON, STEPHEN A SAGT

Activity Number: 24-84768A

Activity Title: CSI Contact Report

Activity Date/Time: 03/03/2024 10:15

Activity Lead Employee: RICHARDSON, STEPHEN A SAGT

Reporting agent met with VSP CSI to issue 199.07 for living expenses/laundry. See criminal fund transaction number 7235.

Available Attachments:

EXHIBIT

C

VIRGINIA STATE POLICE ACTIVITY REPORT

CONFIDENTIAL This document contains neither recommendations nor conclusions of the Virginia State Police. It is the property of the Virginia State Police and is loaned to your agency; it and its contents are not to be distributed outside your agency.

File Number: 24-4155

File Manager: RICHARDSON, STEPHEN A SAGT

Activity Number: 24-84816A

Activity Title: CSI Contact Report

Activity Date/Time: 03/08/2024 11:47

Activity Lead Employee: RICHARDSON, STEPHEN A SAGT

Reporting agent met with VSP CSI to issue 2500 criminal funds for moving expenses.

Available Attachments:

EXHIBIT D



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF STATE POLICE

Cooperating Individual Agreement

CONFIDENTIAL SOURCE NUMBER:

Last Name <i>THOMAS</i>		First <i>LANE</i>	Middle <i>FRANKLIN</i>	Alias		Nickname	
Address (Street, City/Town, State, Zip) [REDACTED]						Telephone(s) Cell / Home / Work / Other [REDACTED]	
Race [REDACTED]	Sex [REDACTED]	Date of Birth [REDACTED]	Height [REDACTED] Ft. [REDACTED] In.	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	Social Security No. [REDACTED]
Occupation <i>LABORER</i>		Employed By <i>SELF</i>		Employer Address <i>Small PO Home</i>			
Criminal History No ☐ Yes ☒ Felony ☒ Misdemeanor ☒				Pending Charges No ☐ Yes ☒ Jurisdiction: <i>Pennsylvania / Washington</i>			
Nature of Information (drugs, stolen property, etc.) <i>SHOOTING INVESTIGATION</i>				Jurisdiction of CSI's Contacts			
Contributing Member <i>S.A. Richardson</i>			Date Signed Up <i>Nov 1, 2022</i>		See LEAMS activity for details of reliability.		



The undersigned cooperating individual agrees to the following:

- [Signature]* I hereby agree to assist the Virginia State Police in the investigation of criminal violations.
- [Signature]* I hereby release and hold harmless the Virginia State Police, their Agents, and employees from any injury or liability which I may suffer or sustain in the future as a result of these investigations and/or my assistance.
- [Signature]* I fully understand that I am not to participate in any investigations or any criminal activities, unless a sworn law enforcement officer is directly supervising the investigation.
- [Signature]* I will not violate any Federal or State Law in the furtherance of gathering information or providing services to the Virginia State Police. I understand that I may be prosecuted for violating any such laws.
- [Signature]* While assisting law enforcement, I agree to consent searches of my person, vehicle, and any containers located within. I understand the searches are necessary prior to and after any controlled drug purchase.

Continued next page.

- JS I will not carry any weapon or firearm while assisting the Virginia State Police.
- JS I will not purchase or possess any drugs unless specifically authorized by an Agent of the Virginia State Police.
- JS I have no official status, implied or otherwise, as Agent or employee of the Virginia State Police.
- JS I agree not to use my sex or sexual activity to induce or persuade any person to sell drugs or commit any other crime, while working with the Virginia State Police.
- JS I agree not to engage in any activity that would constitute entrapment, or that would persuade a person to commit a crime that they would ordinarily not commit.
- JS I agree to keep in touch with the assigned Agent of the Virginia State Police and keep him/her apprised of my whereabouts, until all court cases in which I am a witness are closed.
- JS I agree that any compensation paid to me with respect to any services rendered by me in connection with any such investigation shall be the full and complete payment for those services and I shall have no other current or future claim against the Virginia State Police in connection with these services.
- JS The Virginia State Police will use all lawful means to protect my confidentiality, if the information I provide is used in a criminal proceeding. However, I understand the Virginia State Police cannot guarantee my confidentiality.
- JS While assisting the Virginia State Police, I will immediately notify the assigned Agent if I feel I have ingested, injected, inhaled or absorbed any illegal drug (whether intentional or accidental).
- JS I understand any payment I receive from the Virginia State Police is taxable income and it is my responsibility to report this income to the Internal Revenue Service.
- JS I have entered into this agreement freely and voluntarily and without duress.

I have read and understand the above regarding my conduct as a Virginia State Police Cooperating Individual.

Cooperating Individual:

[Signature]
Signature

11/1/22
Date

(Thumb Print)

Contributing Member:

[Signature]
Signature

11/1/22
Date

Witnessed by:

[Signature]
Signature

Signature

11/1/22
Date

CONFIDENTIAL SOURCE NUMBER:

EXHIBIT

E

Virginia State Police

Agreement to Testify

I, LAW E. THOMAS, as a part of my cooperation with the Virginia State Police, agree to testify in any cases in which I am involved.

I have been informed by S.A. RICHARDSON that my involvement may require me to testify in court.

I understand that any consideration I may receive is contingent upon my testimony in court, if the Commonwealth's Attorney for prosecution or furtherance of the case(s) requires my testimony.

I understand that if I refuse to testify or fail to appear in court as required, the Commonwealth's Attorney may take appropriate action against me.

I understand the above and agree to testify in court if my testimony should be required.

I have entered into this agreement freely and voluntarily, without duress, threats or promises being made to me.

Signed: [Signature] Date: 2-27-24

Witness: [Signature] Date: 2/27/24

Witness: [Signature] Date: 2/27/24

EXHIBIT

F

Transaction Details

* Criminal Fund: 14-2 - BCI Division 6 Criminal Fund * Transaction Type: CSI Disbursement
* Transaction No: 7235 * Transaction Date: 02/19/2024 Status: Certified Receipt No: create receipt...

* Fund Handler: RICHARDSON, STEPHEN A SAGT

Amount Paid for Info/Services: Amount Paid for Expenses: 2209.6

* Synopsis:

Reporting agent issued 2209.60 for lodging and 299.07 for living expenses beginning February 19- March 8, 2024. Authority Lt. R. Carr and Fsgt. J. Crowder.

File No: 22-18874 * CSI No: 24-4155

Attachments

Search:

Attached File	Document / Photo Description	Download
24-4155 Disbursement.pdf	Lodging and living expenses SP-291A	download

Certification

Certified Date/Time: 03/19/2024 12:01 Certified By: RICHARDSON, STEPHEN A SAGT Reconciliation End Date: 03/15/2024

Record History

EXHIBIT

G

Transaction Details

* Criminal Fund: 14-2 - BCI Division 6 Criminal Fund * Transaction Type: CSI Disbursement
* Transaction No: 7237 * Transaction Date: 03/08/2024 Status: Certified Receipt No: create receipt...
* Fund Handler: RICHARDSON, STEPHEN A SAGT

Amount Paid for Info/Services: 2500 Amount Paid for Expenses:

* Synopsis:

Reporting agent issued VSP csi 2500 VSP criminal funds for supplying confidential information and testimony. Approval Captain Bartlett/Lt. R. Carr.
File No: 22-18874 * CSI No: 24-4155

Attachments

Search:

Attached File ↑	Document / Photo Description	Download
CSI 24-4155 Disbursement 3.8.24.pdf	CSI 24-4155 Disbursement 3.8.24.pdf	download

Certification

Certified Date/Time: 03/19/2024 12:01 Certified By: RICHARDSON, STEPHEN A SAGT Reconciliation End Date: 03/15/2024

Record History

EXHIBIT

H

Virginia State Police Bureau of Criminal Investigation Field Activity Computerized Tracking System

UPDATE ☐ Yes ☐ No		REPORTED BY <u>S.A. RICHARDSON</u>		CODE NUMBER <u>6838</u>		CASE NUMBER ☐ NONE	
SEIZURE TYPE CODES: 12) Buy/Bust 14) U/C Purchase 15) U/C Purchase by CSI 16) U/C Purchase Oth Agent 17) U/C Reverse Purchase							
20 DRUG PURCHASE							
DRUG TYPE ☐ (A) Crack Cocaine ☐ (B) Cocaine ☐ (C) Hashish ☐ (D) Heroin ☐ (E) Marijuana		☐ (F) Morphine ☐ (G) Opium ☐ (H) Other Narcotics ☐ (I) LSD ☐ (J) PCP ☐ (K) Other Hallucinogens ☐ (L) Amphetamines/Meth		☐ (M) Other Stimulants ☐ (N) Barbiturates ☐ (O) Other Depressants ☐ (P) Other Drugs ☐ (Q) MDMA (Ecstasy) ☐ (R) OxyContin ☐ (U) Unknown Drug		PHARMACEUTICAL ☐ Yes ☐ No	
PURCHASE PRICE \$		VSP FUNDS USED \$		NON-VSP FUNDS USED \$		RELIABILITY PURCHASE ☐ Yes ☐ No	
STREET VALUE \$ (Round to Nearest Dollar)		QUANTITY (Round to Nearest Tenth)		UNIT OF MEASURE ☐ (GM) Grams ☐ (NP) Plants ☐ (FO) Fl Ounces ☐ (DU) Dose Units		DATE PURCHASED	
SCHEDULE		SEIZURE TYPE		CSI NUMBER		PAY AGENT CODE	
FRONTED DRUGS ☐ Yes		FRONTED DRUGS PAYMENT DATE		COMMENTS			
21 CSI DISBURSEMENT							
DATE <u>3/08/24</u>		RECEIPT NUMBER		AMOUNT PAID FOR INFO/REFERENCE \$		AMOUNT PAID FOR EXPENSES <u>\$ 2500.00</u>	
DISBURSED FOR ☐ (S) Space Rental ☐ (A) Appliance/Furniture Rental		(Check Only One) ☐ (P) Phone Bills ☐ (G) Gas/Electric		☐ (W) Water/Sewer ☒ (F) Food/Beverages		☒ (M) Motel Rooms ☐ (Q) Other ☐ (V) Vehicle Expenses	
CSI EXPENSE DESCRIPTION <u>REPORTING AGENT ISSUED VSP FUNDS FOR MOVING EXPENSES</u>		PERIOD COVERED BY EXPENSE FROM <u>3/8/24</u> TO <u>3/8/24</u>		PAY AGENT CODE			
COMPLETE WHEN DRUG PURCHASE EXCEEDS \$500 OR CSI DISBURSEMENT EXCEEDS \$200							
DRUG PURCHASES UP TO \$500 \$501 TO \$1,500 \$1,501 TO \$3,500 \$3,501 TO \$7,000 UP TO \$10,000		CSI PAYMENTS UP TO \$200 \$201 TO \$350 \$351 TO \$800 \$801 TO \$1,500 UP TO \$2,500		SUPERVISOR'S NAME: <u>LT. R. CARR</u>		APPROVAL DATE: <u>3/7/24</u>	
22 MISCELLANEOUS DISBURSEMENT							
DATE		RECEIPT NUMBER		AMOUNT DISBURSED \$		PAID BY DRUG TRUST ACCOUNT ☐ Yes ☐ No	
DISBURSED FOR ☐ (S) Space Rental ☐ (A) Appliance/Furniture Rental		(Check Only One) ☐ (P) Phone Bills ☐ (G) Gas/Electric		☐ (W) Water/Sewer ☐ (F) Food/Beverages		☐ (M) Mainline Cover ☐ (B) Attempted Buy	
DETAILS OF DISBURSEMENT		☐ (R) Reimburse Agency ☐ (I) Illegal Script		☐ (T) TF Expenses ☐ (O) OTHER		PERIOD COVERED BY EXPENSE FROM To	
23 MISCELLANEOUS RECEIPT							
DATE		AMOUNT		CHECK NUMBER		RECEIPT NUMBER	
RECEIVING AGENT CODE		RECEIVED FROM		DETAILS OF RECEIPT			
24 MONEY TRANSFER							
DATE		AMOUNT		TRANSFERRING OFFICER CODE		TRANSFERRING OFFICER (PRINT NAME)	
RECEIVING OFFICER'S CODE		RECEIVING OFFICER (PRINT NAME)		TRANSFERRING OFFICER'S SIGNATURE		RECEIVING OFFICER'S SIGNATURE	
RECEIPT NUMBER		APPROVING SUPERVISOR					
DATE APPROVED		DATE APPROVED					

VIRGINIA STATE POLICE OFFICIAL RECEIPT

 This is to certify that on 03/08/2024, I received payment in the amount of \$ 2500.00

 Received by: Print Name Lana Thomas Signature [Signature]

Pay Agent/Officer: I certify I paid the person above the amount listed on this official receipt.

 Print Name S.A. S. RICHARDSON Signature [Signature]

Witness (Must be a sworn law enforcement officer): I certify I was present and witnessed the payment above.

 Print Name TPR CS Boblett Code/Badge # 10793 Signature [Signature]

EXHIBIT

I

Give Your Receiver this PIN Number
814945387

Your RIA Transaction is Available
for Pickup at ANY Wal-Mart Stores,
Inc. Location

Your Reference Number: 814945387

Money Transfer Date: 03-21-2024
Money Transfer Time: 5:26:27 PM

Sender Name: STEPHEN RICHARDSON
Sender Country: USA
Send Amount: 500.00

Change Receiver Name From:
First Name: LAINE
Last Name: FRANKLIN
Last Name2:

Change Receiver Name to:
First Name: LAINE
Last Name: THOMAS
Last Name2:

Amend Date: 03-21-2024
Amend Time: 06:12:33 PM

COPIA DEL CLIENTE
RECIBO DE MODIFICACION

WALMART 1301
5350 CLEARBROOK VILL
ROANOKE, VA 24014

ENVIO DE RIA (COPYRIGHT)

RIA FINANCIAL SERVICES
NNLS ID 920968
7001 Village Drive Suite 200
Buena Park, CA 90621
1 (855) 355-2144
www.riafinancial.com

La siguiente informacion de envio de
dinero ha sido modificada

Proporcione este Numero de PIN a su
Beneficiario

814945387

EXHIBIT

J

Fw: Lane Thomas (23-M02M-5309) Continuance

Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Thu 4/25/2024 12:42 AM

To: Southern, Meredith (VSP) <meredith.southern@vsp.virginia.gov>

All the emails I've sent are communication with CA's office in West Virginia.

Special Agent S.A. Richardson

Virginia State Police

Drug Enforcement Section Gang Agent

2.2-3706(B)(7) -

From: Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Sent: Wednesday, January 24, 2024 3:05 PM

To: Ray Boyce <rboyce@berkeleywv.org>

Subject: Re: Lane Thomas (23-M02M-5309) Continuance

Thank you sir I'll let him know!

Get Outlook for iOS

From: Ray Boyce <rboyce@berkeleywv.org>

Sent: Wednesday, January 24, 2024 2:50:37 PM

To: Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Subject: FW: Lane Thomas (23-M02M-5309) Continuance

Hey, man. Coast clear. He can stand down. Doesn't need to be here tomorrow.

Raymond E. Boyce, Jr.

Assistant Prosecuting Attorney

Berkeley County Prosecuting Attorney's Office

380 West South Street, Suite 1100

Martinsburg, West Virginia 25401

Phone: 304-264-1971 ext. 3173

Fax: 304-263-6092

From: Orem, Sonja <Sonja.Orem@courtswv.gov>

Sent: Wednesday, January 24, 2024 1:02 PM

To: Lemon, Jennifer <Jennifer.Lemon@courtswv.gov>; Ray Boyce <rboyce@berkeleywv.org>

Cc: jpitallaga@pdc23.com; Garrett Robertson <grobertson@berkeleywv.org>

Subject: RE: Lane Thomas (23-M02M-5309) Continuance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

From: Lemon, Jennifer <Jennifer.Lemon@courtswv.gov>

Sent: Wednesday, January 24, 2024 8:26 AM

To: Ray Boyce <rboyce@berkeleywv.org>; Orem, Sonja <Sonja.Orem@courtswv.gov>

Cc: jpitallaga@pdc23.com; Garrett Robertson <grobertson@berkeleywv.org>

Subject: RE: Lane Thomas (23-M02M-5309) Continuance

Thank you for the clarification. I have granted the continuance.

Jenny

Magistrate Jennifer Lemon

WV Supreme Court of Appeals

380 W. South St, Suite 3300

Martinsburg, WV 25401

Jennifer.Lemon@courtswv.gov

Phone: 304-267-1379

Fax: 304-267-1351

Ext: 3532

From: Ray Boyce <rboyce@berkeleywv.org>
Sent: Tuesday, January 23, 2024 4:26 PM
To: Lemon, Jennifer <jennifer.lemon@courtswv.gov>; Orem, Sonja <Sonja.Orem@courtswv.gov>
Cc: jpittaluga@pdc23.com; Garrett Robertson <garbertson@berkeleywv.org>
Subject: FW: Lane Thomas (23-M02M-5309) Continuance

Some people who received this message don't often get email from ray@berkeleywv.org. [Learn why it's important](#)

Also, just for the record, I am putting "reset in due course" on the motion, but per the below would actually like it to be sent multiple months out, if possible. Also, I'm indicating that we are preparing for trial which I suppose is only semi-true, but I figured that would be a better rationale on paper than "I need him to be able to remain under wraps in Virginia until at least the trial so the he doesn't wind up getting murdered beforehand."

Raymond E. Boyce, Jr.
Assistant Prosecuting Attorney
Berkeley County Prosecuting Attorney's Office
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401
Phone: 304-264-1971 ext. 3173
Fax: 304-263-6092

From: Ray Boyce
Sent: Tuesday, January 23, 2024 4:07 PM
To: 'jpittaluga@pdc23.com' <jpittaluga@pdc23.com>; 'jennifer.lemon@courtswv.gov' <jennifer.lemon@courtswv.gov>; 'sonja.orem@courtswv.gov' <sonja.orem@courtswv.gov>
Cc: Garrett Robertson <garbertson@berkeleywv.org>; Ashley Broadus <abroadus@berkeleywv.org>
Subject: Lane Thomas (23-M02M-5309) Continuance

Magistrate Lemon and Juan,

So as not to engage in ex parte communications despite time being of the essence, I wanted to advise both the Court and counsel for the Defendant that momentarily I will be submitting a motion to continue the plea hearing scheduled to occur on January 25, 2024, at 11:15 a.m. in the case against Lane Thomas (23-M02M-5309). As set forth below, Special Agent Richardson has asked that the matter be continued at least until after March. For reference I have included both the most recent email from him asking for the continuance as well as the email previously sent to Judge Faircloth explaining his importance to a pending prosecution in Virginia. I hope continuance will not present a problem to the Court or counsel.

Thanks,
Ray

Raymond E. Boyce, Jr.
Assistant Prosecuting Attorney
Berkeley County Prosecuting Attorney's Office
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401
Phone: 304-264-1971 ext. 3173
Fax: 304-263-6092

From: Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>
Sent: Monday, January 22, 2024 4:14 PM
To: Ray Boyce <rboyce@berkeleywv.org>
Subject: Lane Franklin Thomas
Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon sir! I've been advised by Mr. Thomas that he has a hearing date on January 25, 2024 at 11:15 am for a dui he received in August. I know I've already exceeded my favor allotment from you and your office, which again is greatly appreciated, but is there anyway we could possibly push this hearing to summer to cover us through the time for the trial here that's set for the first week in March? I appreciate any cooperation and help you can give me regarding this. Thank you again! You can all me if that makes the communication easier.

Special Agent S.A. Richardson
Virginia State Police
Drug Enforcement Section Gang Agent
2.2-3706(B)(7) - LEO

From: Ray Boyce
Sent: Friday, December 13, 2023 5:36 PM
To: 'Shepherd, Danielle' <Danielle.Shepherd@courtswv.gov>; 'Allison Marquina, Allison' <Allison.Marquina@courtswv.gov>
Cc: 'Andrew Hilber' <ahilber@pdc23.com>; Hassan Rasheed <hrasheed@berkeleywv.org>; 'Richardson, Stephen (VSP)'

<stephen.richardson@vsp.virginia.gov>
Subject: Lane Thomas Motion (23-8-44)

Allison and Danielle,

The State will soon be filing a motion to dismiss this case without prejudice, which we anticipate the Court's inclination may be to reject. (A bond suitability report was prepared in this matter and, admittedly, it shows that the Defendant has a significant criminal history.) Although Mr. Rasheed, whose case this is, stands by the representations I made on his behalf in the motion, I have learned additional information that we believe the Court should know before it makes a decision.

On or about November 20, 2023, I was advised that there was a Special Agent Stephen Richardson, Virginia State Police (VSP), in our lobby wishing to speak with me. Mr. Orsini and I sat down with SA Richardson, who advised that Lane Thomas is the star eyewitness in an attempted murder prosecution occurring in the greater Roanoke, Virginia, area. The story is somewhat convoluted, but here goes.

On or about September 11, 2022, a number of Warlock Outlaw Motorcycle Gang (OMG) members were traveling on I-81 in the Roanoke area. Apparently two accidents occurred in their travels, one of which resulted in a fatality to a Warlock member. Lane Thomas, who was a non-member affiliate of the Warlocks and/or their support club the Wrecking Crew, was traveling with them at the time. One of the Warlock leaders traveling in this pack was distraught about the loss of life to a fellow club member, and he tore off from the scene of the fatality in a fury. Other members directed Thomas to follow the leader to make sure that the leader was not himself injured by virtue of how recklessly and angrily he left the scene of the fatality. Thomas did as he was directed, when he observed this leader eventually get into some sort of road rage incident with a passenger truck (that was probably innocent but was taken as a slight by the enraged OMG member). The Warlock leader then brandished a pistol and fired three rounds into the truck, one of which struck the driver in the back of his head. The driver was rushed to the hospital in critical condition and later miraculously walked away relatively unscathed. (Apparently the metal clasp on the back of his baseball hat absorbed enough of the kinetic energy from the bullet to save his life.)

I'm still not entirely sure I understand how, but the ensuing VSP investigation revealed that although other civilian witnesses made various observations associated with the event, the only eyewitness who observed the shooting in its entirety is Lane Thomas. Again, I'm not still not entirely sure I wholly understand the "how," but apparently thereafter Thomas was lured into a bar by Warlocks members, had a gun pulled on him, was told that he was suspected of cooperating, and was told that if their suspicions were confirmed that he would be killed. (These OMG guys also told him that he has to destroy his bike, which was apparently the motive for the Arson charge currently bound over. That said, according to Mr. Rasheed, witnesses have started recanting and the case is falling apart to the point that he was inclined to move to dismiss it before SA Richardson entered the picture.)

Of greatest concern is that the defense in Virginia is filing motions to reveal the identity of the prosecution's CI. There was a hearing on the motion the other day and the Court has taken the matter under advisement and will be ruling in the coming days in advance of the impending trial, which I believe SA Richardson noted is to occur in either late December or early January. SA Richardson has conveyed to the State that he has grave concerns about the safety of Thomas if he remains incarcerated at the Eastern Regional Jail, as in addition to the Pagan OMG, the Warlocks have a strong presence in this region with ties to the Dead Man Incorporated (DMI) prison gang, which is highly powerful in the jails and prisons in this region. SA Richardson, therefore, has grave concerns about Thomas's safety and his ability if he is not able to travel to Virginia.

Obviously, his release does not ensure that he will follow through and do the right thing in Roanoke, but Thomas has apparently expressed a sincere desire to leave that lifestyle upon witnessing an OMG member brazenly shoot a civilian in the head without any real provocation. Further, if Thomas does not follow through and we believe there is sufficient evidence to be had in the future to present the matter, we can revive the charges before the grand jury. (We would also likely take a harder stance with respect to a plea and/or sentencing if we agreed to help him and he did not assist Virginia.) Additionally, we discussed the possibility of simply granting him bond rather than dismissing the case without prejudice, but we were concerned that it would be apparent to anyone with savvy that, after the bond hearing in which the Court pretty decisively denied reinstatement, that a sudden change of course signaled a change in circumstance such as cooperation with the authorities in Virginia.

So, ultimately, although Mr. Rasheed stands by the claims regarding lack of persuasive evidence set forth in the motion, the motion is fairly threadbare to avoid disclosing how critical Mr. Thomas is to the prosecution of, frankly, someone who sounds like a dangerous lunatic for attempted murder. The State understands that this is not the customary way of explaining motions to the Court, as that should typically occur within the courtroom, but given the potential issues and larger implications of operating in a public forum, in this instance the State felt it was safer to utilize other more discreet channels. If the Court does wish to have a hearing to discuss the motion, S.A. Richardson asked that we close the hearing. He also advised that he could make the trip from Roanoke to testify to the Court if necessary.

We certainly appreciate the Court's consideration and hope this information is helpful in explaining the whole truth of what's going with Mr. Thomas right now.

Thanks,
Ray

Raymond E. Boyce, Jr.
Assistant Prosecuting Attorney
Berkeley County Prosecuting Attorney's Office
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401
Phone: 304-264-1971 ext. 3173
Fax: 304-263-6092

Fw: Lane Thomas, CP-06-CR-0003963-2019

Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Thu 4/25/2024 12:45 AM

To: Southern, Meredith (VSP) <meredith.southern@vsp.virginia.gov>

This is email communication with Berks County in Pennsylvania.

Special Agent S.A. Richardson

Virginia State Police

Drug Enforcement Section Gang Agent

2.2-3706(B)(7) - LEO

From: Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Sent: Thursday, December 21, 2023 2:39 PM

To: Speece, Joseph <JSpeece@countyofberks.com>

Subject: Re: Lane Thomas, CP-06-CR-0003963-2019

Thank you, sir, for you and your offices help and patience with this matter. I know how busy everyone is at this time of year with work and the holidays coming up. I found out today the mishap was on West Virginia's hands and the CSI was released today. Thanks again for your assistance.

Special Agent S.A. Richardson

Virginia State Police

Drug Enforcement Section Gang Agent

2.2-3706(B)(7) -

From: Speece, Joseph <JSpeece@countyofberks.com>

Sent: Thursday, December 21, 2023 10:32 AM

To: Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

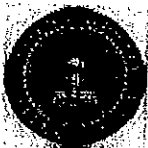
Cc: Bundens, Wendy <WBundens@countyofberks.com>

Subject: Lane Thomas, CP-06-CR-0003963-2019

Agent Richardson,

I spoke with our Court Liaison, Wendy Bundens, who I have copied on this email, concerning the release of Mr. Thomas from Eastern Regional in W. Virginia. She hasn't been able to get through to anyone at the prison to discuss the situation. Could you provide us any names and/or contact information for the personnel from the prison with whom we should be contacting about Mr. Thomas? Thank you for your assistance.

Joe



Joseph R. Speece, III
Assistant District Attorney
Berks County, Pennsylvania

610-478-6000 x5040

This message and the attachment(s) are intended for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any retention, use, dissemination, distribution or copying of this communication including attachments is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or reply to the original message at the above address and then delete all copies of the message. Thank you.

Fw: Lane Thomas Motion (23-B-44)

Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Thu 4/25/2024 12:35 AM

To: Southern, Meredith (VSP) <meredith.southern@vsp.virginia.gov>

Special Agent S.A. Richardson
Virginia State Police
Drug Enforcement Section Gang Agent
Cell# 540-541-1407

From: Ray Boyce <rboyce@berkeleywv.org>

Sent: Tuesday, December 19, 2023 11:41 AM

To: Marquina, Allison <Allison.Marquina@courtswv.gov>; Shepherd, Danielle <Danielle.Shepherd@courtswv.gov>

Cc: Andrew Hilber <ahilber@pdc23.com>; Hassan Rasheed <hrasheed@berkeleywv.org>; Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Subject: RE: Lane Thomas Motion (23-B-44)

Allison,

Thank you for letting me know. I just contacted Agent Richardson and let him know. He advised he will be in contact with Thomas and/or Thomas's wife to facilitate his cooperation.

Thanks,

Ray

Raymond E. Boyce, Jr.
Assistant Prosecuting Attorney
Berkeley County Prosecuting Attorney's Office
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401
Phone: 304-264-1971 ext. 3173
Fax: 304-263-6092

From: Marquina, Allison <Allison.Marquina@courtswv.gov>

Sent: Tuesday, December 19, 2023 11:21 AM

To: Ray Boyce <rboyce@berkeleywv.org>; Shepherd, Danielle <Danielle.Shepherd@courtswv.gov>

Cc: Andrew Hilber <ahilber@pdc23.com>; Hassan Rasheed <hrasheed@berkeleywv.org>; Richardson, Stephen (VSP) <stephen.richardson@vsp.virginia.gov>

Subject: RE: Lane Thomas Motion (23-B-44)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Counsel

Judge Faucloth has instructed me to enter the notice process order which I will do right after this email. Danielle will take care of the jail release order.

Thank you

Allison Marquina, Esq.
Judicial Law Clerk to The Honorable Laura V. Faucloth
Twenty Third Judicial Circuit
380 W. South Street
Martinsburg, WV 25401
304.264.1947, option 2

CONFIDENTIAL AND PRIVILEGED. This e-mail is confidential and privileged, and intended only for the review and use of the addressee(s). If you have received this e-mail in error, please notify the sender at 304-264-1947, option 2, or by e-mail at Allison.Marquina@courtswv.gov. Thank you.

From: Ray Boyce <rboyce@berkeleywv.org>

Sent: Friday, December 15, 2023 5:34 PM

To: Shepherd, Danielle <Danielle.Shepherd@courtswv.gov>; Marquina, Allison <Allison.Marquina@courtswv.gov>

Cc: Andrew Hilber <ahilber@pdc23.com>; Hassan Rasheed <hrasheed@berkeleywv.org>; Richardson, Stephen (VSP)

<stephen.richardson@vsp.virginia.gov>
Subject: Lane Thomas Motion (23-lt-44)

Allison and Danielle,

The State will soon be filing a motion to dismiss this case without prejudice, which we anticipate the Court's inclination may be to reject. (A bond suitability report was prepared in this matter and, admittedly, it shows that the Defendant has a significant criminal history.) Although Mr. Rasheed, whose case this is, stands by the representations I made on his behalf in the motion, I have learned additional information that we believe the Court should know before it makes a decision.

On or about November 20, 2023, I was advised that there was a Special Agent Stephen Richardson, Virginia State Police (VSP), in our lobby wishing to speak with me. Mr. Orsini and I sat down with SA Richardson, who advised that Lane Thomas is the star eyewitness in an attempted murder prosecution occurring in the greater Roanoke, Virginia, area. The story is somewhat convoluted, but here goes.

On or about September 11, 2022, a number of Warlock Outlaw Motorcycle Gang (OMG) members were traveling on I-81 in the Roanoke area. Apparently two accidents occurred in their travels, one of which resulted in a fatality to a Warlock member. Lane Thomas, who was a non-member affiliate of the Warlocks and/or their support club the Wrecking Crew, was traveling with them at the time. One of the Warlock leaders traveling in this pack was distraught about the loss of life to a fellow club member, and he tore off from the scene of the fatality in a fury. Other members directed Thomas to follow the leader to make sure that the leader was not himself injured by virtue of how recklessly and angrily he left the scene of the fatality. Thomas did as he was directed, when he observed this leader eventually get into some sort of road rage incident with a passenger truck (that was probably innocent but was taken as a slight by the enraged OMG member). The Warlock leader then brandished a pistol and fired three rounds into the truck, one of which struck the driver in the back of his head. The driver was rushed to the hospital in critical condition and later miraculously walked away relatively unscathed. (Apparently the metal clasp on the back of his baseball hat absorbed enough of the kinetic energy from the bullet to save his life.)

I'm still not entirely sure I understand how, but the ensuing VSP investigation revealed that although other civilian witnesses made various observations associated with the event, the only eyewitness who observed the shooting in its entirety is Lane Thomas. Again, I'm not still not entirely sure I wholly understand the "how," but apparently thereafter Thomas was lured into a bar by Warlocks members, had a gun pulled on him, was told that he was suspected of cooperating, and was told that if their suspicions were confirmed that he would be killed. (These OMG guys also told him that he has to destroy his bike, which was apparently the motive for the Arson charge currently bound over. That said, according to Mr. Rasheed, witnesses have started recanting and the case is falling apart to the point that he was inclined to move to dismiss it before SA Richardson entered the picture.)

Of greatest concern is that the defense in Virginia is filing motions to reveal the identity of the prosecution's CI. There was a hearing on the motion the other day and the Court has taken the matter under advisement and will be ruling in the coming days in advance of the impending trial, which I believe SA Richardson noted is to occur in either late December or early January. SA Richardson has conveyed to the State that he has grave concerns about the safety of Thomas if he remains incarcerated at the Eastern Regional Jail, as in addition to the Pagan OMG, the Warlocks have a strong presence in this region with ties to the Dead Man Incorporated (DMI) prison gang, which is highly powerful in the jails and prisons in this region. SA Richardson, therefore, has grave concerns about Thomas's safety and his ability if he is not able to travel to Virginia.

Obviously, his release does not ensure that he will follow through and do the right thing in Roanoke, but Thomas has apparently expressed a sincere desire to leave that lifestyle upon witnessing an OMG member brazenly shoot a civilian in the head without any real provocation. Further, if Thomas does not follow through and we believe there is sufficient evidence to be had in the future to present the matter, we can revive the charges before the grand jury. (We would also likely take a harder stance with respect to a plea and/or sentencing if we agreed to help him and he did not assist Virginia.) Additionally, we discussed the possibility of simply granting him bond rather than dismissing the case without prejudice, but we were concerned that it would be apparent to anyone with savvy that, after the bond hearing in which the Court pretty decisively denied reinstatement, that a sudden change of course signaled a change in circumstance such as cooperation with the authorities in Virginia.

So, ultimately, although Mr. Rasheed stands by the claims regarding lack of persuasive evidence set forth in the motion, the motion is fairly threadbare to avoid disclosing how critical Mr. Thomas is to the prosecution of, frankly, someone who sounds like a dangerous lunatic for attempted murder. The State understands that this is not the customary way of explaining motions to the Court, as that should typically occur within the courtroom, but given the potential issues and larger implications of operating in a public forum, in this instance the State felt it was safer to utilize other more discreet channels. If the Court does wish to have a hearing to discuss the motion, S.A. Richardson asked that we close the hearing. He also advised that he could make the trip from Roanoke to testify to the Court if necessary.

We certainly appreciate the Court's consideration and hope this information is helpful in explaining the whole truth of what's going with Mr. Thomas right now.

Thanks,
Ray

Raymond E. Boyce, Jr.
Assistant Prosecuting Attorney
Berkeley County Prosecuting Attorney's Office
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401
Phone: 304-264-1971 ext. 3173
Fax: 304-263-6092