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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. ) No. 23-1-04801-2 SEA  
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 ) OMAR A UPHAM, JR, ) INFORMATION  
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 )  
 ) Defendant. )  
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I, Leesa Manion, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse OMAR A UPHAM, JR of the following crime[s], which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Murder In The First Degree, Attempted Murder In The First Degree, Attempted Murder In The First Degree, Unlawful Possession of a Firearm in the First Degree, Unlawful Possession of a Firearm in the First Degree**, committed as follows:

Count 1 Murder In The First Degree

That the defendant OMAR A UPHAM JR in King County, Washington, on or about May 27, 2023, with premeditated intent to cause the death of another person, did cause the death of Hung Nguyen, a human being, who died on or about May 31. 2023;

Contrary to RCW 9A.32.030(1)(a), and against the peace and dignity of the State of Washington.

And further do allege the defendant, Omar A Upham Jr at said time of being armed with a pistol, a firearm as defined in RCW 9.41.010, under the authority of RCW 9.94A.533(3).

Count 2 Attempted Murder In The First Degree

That the defendant OMAR A UPHAM JR in King County, Washington, on or about May 27, 2023, with premeditated intent to cause the death of another person, did attempt to cause the death of John W Leota, a human being; attempt as used in the above charge means that the

1 defendant committed an act which was a substantial step towards the commission of the above  
2 described crime with the intent to commit that crime;

3 Contrary to RCW 9A.28.020 and 9A.32.030(1)(a), and against the peace and dignity of  
4 the State of Washington.

5 And further do allege the defendant, Omar A Upham Jr at said time of being armed with  
6 a pistol, a firearm as defined in RCW 9.41.010, under the authority of RCW 9.94A.533(3).

7 **Count 3 Attempted Murder In The First Degree**

8 That the defendant OMAR A UPHAM JR in King County, Washington, on or about May  
9 27, 2023, with premeditated intent to cause the death of another person, did attempt to cause the  
10 death of Chheng K Oung, a human being; attempt as used in the above charge means that the  
11 defendant committed an act which was a substantial step towards the commission of the above  
12 described crime with the intent to commit that crime;

13 Contrary to RCW 9A.28.020 and 9A.32.030(1)(a), and against the peace and dignity of  
14 the State of Washington.

15 And further do allege the defendant, Omar A Upham Jr at said time of being armed with  
16 a pistol, a firearm as defined in RCW 9.41.010, under the authority of RCW 9.94A.533(3).

17 **Count 4 Unlawful Possession of a Firearm in the First Degree**

18 That the defendant OMAR A UPHAM JR in King County, Washington, on or about May  
19 27, 2023, previously having been convicted in King County Superior Court of the crime of  
20 Robbery in the First Degree, a serious offense as defined in RCW 9.41.010, knowingly did own,  
21 have in his possession, or have in his control, a .40 caliber pistol, a firearm as defined in RCW  
22 9.41.010;

23 Contrary to RCW 9.41.040(1), and against the peace and dignity of the State of  
24 Washington.

**Count 5 Unlawful Possession of a Firearm in the First Degree**

That the defendant OMAR A UPHAM JR in King County, Washington, on or about June  
1, 2023, previously having been convicted in King County Superior Court of the crime of  
Robbery in the First Degree, a serious offense as defined in RCW 9.41.010, knowingly did own,  
have in his possession, or have in his control, a .45 caliber pistol, a firearm as defined in RCW  
9.41.010;

Contrary to RCW 9.41.040(1), and against the peace and dignity of the State of  
Washington.

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LEESA MANION (she/her)  
Prosecuting Attorney

By:



Lauren M. Burke, WSBA #51374  
Deputy Prosecuting Attorney

1  
2 CAUSE NO. 23-1-04801-2 SEA

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable Cause  
6 prepared by Deputy Christine Parks of the King County Sheriff's Office for case number  
7 **C23017633**.

8 Pursuant to Art. 1, § 20 of the Washington State Constitution, the State requests that the  
9 defendant be held with **NO BAIL**, as was ordered at first appearance. Wa. Const. Art. 1, § 20  
10 states:

11 All persons charged with crime shall be bailable by sufficient sureties, except for  
12 capital offenses when the proof is evident, or the presumption great. *Bail may be  
13 denied for offenses punishable by the possibility of life in prison upon a showing  
14 by clear and convincing evidence of a propensity for violence that creates a  
15 substantial likelihood of danger to the community or any person, subject to such  
16 limitations as shall be determined by the legislature.*

17 (Emphasis added). The defendant was born on October 25, 2001. The crimes of Murder in the  
18 First Degree and Attempted Murder in the First Degree carry a maximum sentence of life in  
19 prison. The defendant's criminal history, coupled with his actions in this case, establish by clear  
20 and convincing evidence that he has a propensity for violence that creates a substantial likelihood  
21 of danger to John Leota and to any innocent bystanders who might be caught in future crossfire,  
22 as well as to the community as a whole.

23 In this case, the defendant went to the Roxbury Lanes with the clear intent to kill John  
24 Leota. After first casing the neighborhood of Leota's mother's house, the defendant drove to the  
Roxbury Lanes, walked straight in and opened fire. Leota, recognizing his assailant, attempted to  
flee but was shot twice from behind in the crowded casino. Hung Nguyen, a patron of the casino,  
was sitting at a card table when one of the shots the defendant intended for Leota struck him in

1  
2 the back of the skull. He instantly fell to the floor and never recovered consciousness. Another  
3 bullet tore through the abdomen of Chheng Oung.

4 Searches of the defendant's home and car turned up three separate firearms, including the  
5 murder weapon, and an extended magazine for a fourth. The defendant is a convicted felon, with  
6 a history of committing armed robberies and assault. In 19-1-06156-8 (the case which led to his  
7 pursuit of Leota) he pled guilty to Robbery in the First Degree for a robbery at a Metro PCS store  
8 in which his codefendant was armed with a firearm; as part of that agreement the State agreed  
9 not to file a further Robbery in the First Degree charge arising out of SPD 19-445381. In cause  
10 number 18-8-00805-2 (JUV) the defendant pled guilty to Robbery in the Second Degree for  
11 assaulting a former fellow student and stealing his backpack. In 18-8-00334-4 (JUV) the  
12 defendant pled guilty to Theft in the First Degree, reduced from Robbery in the First Degree, for  
13 assaulting a stranger and stealing his cell phone and wallet. The defendant also has a prior  
14 conviction for Unlawful Possession of a Firearm in the Second Degree, from cause number 19-8-  
15 00004-1 (JUV). The defendant also has prior convictions for Assault 4 and one prior conviction  
16 for Harassment, all committed while still a juvenile. The defendant was in custody on 19-1-  
17 06156-8 until October 2022. Only a few weeks later the first attack targeting John Leota took  
18 place.

19 The defendant acted in utter disregard for the safety of anyone present in his single-  
20 minded attempt to murder Leota in his workplace. He was unsuccessful in that attempt, which  
21 was possibly his third such attempt in the last eight months, although he did kill one innocent  
22 bystander and injure another. With such apparently easy access to firearms and complete  
23 disregard for the orders of courts and his community custody conditions, this court has every

1  
2 reason to believe that if released on any amount of bail the defendant would immediately make  
3 further attempts on Leota's life. One innocent person has already lost his life and another is  
4 gravely injured; others will follow if the defendant is released into the community. No amount of  
5 bail or conditions of release can give this court confidence that Leota and the community will be  
6 safe if the defendant is out of custody. The defendant should be held without bail.

7  
8 Signed and dated by me this 5th day of June, 2023.

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10 

11 Lauren M. Burke, WSBA# 51374  
12 Deputy Prosecuting Attorney

1 CAUSE NO.

2 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

3 That Christine Parks is a (n) Detective with the King County Sheriff's  
4 Office and has reviewed the investigation conducted in the King County  
Sheriff's case number (s) C23017633;

5 There is probable cause to believe that Omar A. Upham (D.O.B.  
6 10/25/2001) committed the crimes (s) of Murder in the First Degree - RCW  
9A.32.030, Attempted Murder in the First Degree - RCW 9A.32.030, and Unlawful  
7 Possession of a Firearm in the First Degree - RCW 9.41.040.

This belief is predicated on the following facts and circumstances:

8 The following incident occurred in the State of Washington, County of King,  
and City of Seattle.

9 On 5/27/23 at approximately 2250 hours, King County Sheriff's Office deputies  
10 responded to a radio call of shots fired inside the Roxbury Lanes. Roxbury  
Lanes is a combined casino, restaurant, and bowling alley located at 2823 SW  
11 Roxbury St, Seattle. Witnesses reported that a loneshooter fired  
approximately four to five rounds into a crowded room of patrons, striking  
12 three victims. The victims were identified as a security guard employed by  
Roxbury Lanes, John Leota, another employee, Chheng Oung, and a patron, Hung  
Quoc Nguyen. The suspect fled from the business and was last seen running  
13 towards the Safeway across the street from the scene.

14 Video from Roxbury Lanes shows that at approximately 2247 hours, the suspect  
entered the business from the front doors wearing a dark hooded jacket, blue  
15 jeans, white shoes, and a light-colored facemask. The suspect had his hood up  
and over his head as he walked inside. According to a witness, a security  
guard posted at the entrance of the casino area observed the suspect approach  
16 the front doors. The suspect slid the sleeve of his jacket over his hand and  
pulled open the door with his covered hand. Video footage showed the suspect  
walk up to John Leota, who was seated at a podium midway between the front  
17 doors and the casino room. The suspect then removed a handgun from his pocket  
and opened fire on Leota. Just before the suspect began shooting, Leota  
18 turned and ran into the crowded casino. Leota dashed past a card table where  
Hung Nguyen was seated and pushed past Chheng Oung as he headed towards a  
19 back door. The suspect ran after Leota firing several rounds in Leota's  
direction. Surveillance video captures one of the rounds striking Nguyen in  
20 the back of the head. Nguyen's head quickly jerks forward before he falls  
backward onto the ground. Simultaneously, Oung is seen falling to the ground,  
21 holding her stomach, and rolling around in apparent agony. Leota is seen  
falling to the ground just before he reaches the back of the casino. The  
suspect then quickly turns and runs out of the casino, and across the parking  
22 lot, towards a residential area south of the casino. Four .40 caliber casings  
and two bullet projectiles were recovered from the casino. The casings were  
23 entered into the National Integrated Ballistic Information Network (NIBIN).

24 Leota suffered two gunshot wounds to the back, and Oung was shot once in the  
abdomen, causing severe kidney and liver damage. Nguyen was shot in the back  
25 of the head. All three victims were transported to Harborview Medical Center.  
On 5/31/23, Nguyen was pronounced deceased at 0924 hours. According to King  
County Associate Medical Examiner Dr. Amanda Maskovyak, who

Certification for Determination  
of Probable Cause

*Prosecuting Attorney*  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206)296-9000

1 conducted the autopsy on Nguyen, he was killed by a gunshot wound to the  
2 head. The bullet entered the back of the head and exited the front. Dr.  
Maskovyak ruled Nguyen's death as homicide.

3 During the on-scene investigation, the manager of Roxbury Lanes, Dustin  
4 Hurst, stated Leota was hired as a security guard less than a month ago.  
5 Hurst noted Leota told him he had recently been released from prison, and  
6 there were rumors that people were after Leota for being a "snitch."  
7 Detective McGrath went to Harborview to interview the victims and met with  
8 Leota's girlfriend. She told Detective McGrath that there are a lot of  
9 people that have problems with Leota and people call him a "snitch." She  
10 said the rumors of Leota being a "snitch" were related to his recent  
11 conviction for robbery. Leota's brother Andrew told detectives "Draco" was  
responsible for the shooting. Andrew also advised several months ago, an  
unknown suspect shot up Leota's mother's house, and in a separate incident,  
Leota's vehicle was also shot up. Andrew believed those shootings were  
related and that Leota was being targeted. Those incidents were confirmed  
through Seattle PD crime reports, Seattle PD 2022-298318, and 2023-080520.  
The shooting at the vehicle (2022-298318) occurred on November 5, 2022; a  
bullet projectile was recovered and four shell casings were recovered from  
that scene. The shooting at the house  
(2023-080520), located at 6435 29 Av SW in Seattle, occurred on March 24,  
2023. Five 9mm shell casings, a live 9mm round, and a bullet projectile were  
recovered from that scene.

12 Detective Bruce and Detective Glasgow met with Leota at Harborview Medical  
13 Center, where he provided a recorded statement. Leota identified "Omar  
14 Upham" as the person who shot him. Leota has known Upham for a long time,  
15 and the two of them were "locked up together." When Upham entered the  
16 casino, Leota immediately recognized Upham by his eyes and ran. When asked  
17 why Upham was after Leota, he replied, "I told on him four years ago." A  
18 search of Upham's criminal history showed an arrest by Seattle PD in 2019  
19 (Seattle PD 2019-441721), where Leota had identified Upham as an involved  
20 party in a robbery. Leota also stated he recently received a Facebook  
message from "Draco," stating, "Hey." The only Draco that Leota knows is  
Omar Upham.

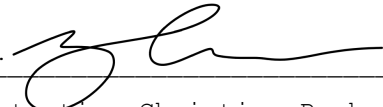
17 Upham has a prior felony conviction for robbery in the first degree, from  
18 2019 (cause no. 19-1-06156-8). Upham was released in October 2022, a month  
19 before the shooting involving Leota's car. The Department of Corrections,  
20 who were actively supervising Upham at the time of the murder, provided  
21 detectives with his most recent address. Detectives noted a blue 2007 Saturn  
22 Ion parked at Upham's residence. The same vehicle was seen at Upham's place  
23 of employment, where detectives later observed Upham driving the blue Saturn.

21 On 5/30/23, detectives were granted a judicial order for Upham's cell phone  
22 records for the number provided by the Department of Corrections. Those  
23 records indicated that on the night of the shooting, Upham's cell phone  
24 device was in the area of the house formerly occupied by Leota's mother,  
25 which was previously shot at as indicated in the Seattle PD report  
2023-080520. This location is approximately 2 miles north of the crime  
scene. A witness living near that house was interviewed about the night of  
the shooting. The witness reported seeing a blue Saturn driving around the  
neighborhood in the early morning of 5/27/23. She later witnessed the same  
vehicle at approximately 1800 to 1900 hours.



1 A warrant was granted on 5/31/23 for the arrest of Upham and a search of his  
2 residence. Upham was arrested on 6/1/23 at his place of employment, 6901 Fox  
3 Ave S, Seattle. Upham was seen leaving in the blue Saturn Ion. During the  
4 search of Upham's home, an AR-15 rifle and an extended magazine for a 9mm  
5 semiautomatic pistol (but no pistol) were located. A search warrant was  
6 granted to search the blue Saturn. In the trunk of the car, clothing  
7 consistent with what the murder suspect was wearing was recovered (a black  
8 hooded sweater turned inside out, tattered blue jeans with a black Nike belt,  
9 and white shoes). A black Louis Vuitton bag was also found in the trunk.  
10 Inside the bag was a stolen .40 caliber Ruger P94 handgun (Serial no.  
11 340-63995) and a .45 caliber Glock-type handgun with an extended loaded  
12 magazine. Both firearms were test fired, and the casings from those test fires  
13 were entered into NIBIN. On 6/2/23, I received a NIBIN notification indicating  
14 a presumptive match between the .40 caliber casing test fired from the Ruger  
15 and the .40 caliber casings found at the scene of the shooting.

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Under penalty of perjury under the laws of the State of Washington, I certify  
that the foregoing is true and correct. Signed and dated by me this 5th day  
of June, 2023, at Seattle, Washington.

  
\_\_\_\_\_  
Detective Christine Parks  
Serial No. 97575  
King County Sheriff's Office  
Criminal Investigations Division  
Major Crimes Unit

AGENCY: King County Sheriff's Office	CASE NUMBER C23017633	FILE NUMBER	PCN NUMBER
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**SUPERFORM**

<b>ARREST INFORMATION</b>	
DATE & TIME OF VIOLATION 5/27/2023 9:11:00 AM	CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO
DATE OF ARREST/TIME 6/1/2023 7:30:00 AM	ARREST LOCATION 6901 FOX AVE S SEATTLE, WA 98108
ACCOMPLICES	

<b>SUSPECT INFORMATION</b>			
NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd) UPHAM, OMAR A JR		DOB 10/25/2001	ALIAS, NICKNAMES OMAR A UPHAM J, OMAR A UPHAM, OMAR A UPHAM JR, OMAR A UPHAM JR., OMAR A UPHAM JR, OMAR A UPHAM, OMAR AJ UPHAM JR, OMAR J UPHAM J, OMAR J UPHAM, OMAR AJ UPHAM J, OMAR AJ UPHAM JR
ARMED/DANGEROUS <input type="checkbox"/> YES <input type="checkbox"/> NO	IDENTITY IN DOUBT? <input type="checkbox"/> YES <input type="checkbox"/> NO	CITIZENSHIP	

<b>PHYSICAL DETAILS</b>							
SEX M	HEIGHT 6'00	WEIGHT 160	SKIN TONE	RACE I	EYE BRO	HAIR BRO	SCARS, MARKS, TATTOOS, DEFORMITIES

<b>IDENTIFICATION DETAILS</b>							
UCN 10658412	PRIOR BA #	AFIS #	FBI #	STATE ID # WA28369109	DRIVERS LICENSE # WDL38926513B	STATE	SSN
RESIDENCE LAST KNOWN ADDRESS 1411 INDEX AV NE RENTON, WA 98056				EMPLOYMENT / SCHOOL EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)			
RESIDENCE PHONE (425) 524-6838				BUSINESS PHONE (253) 231-2538		OCCUPATION	
<b>EMERGENCY CONTACT</b>							
PERSON TO BE CONTACTED IN CASE OF EMERGENCY			RELATIONSHIP	ADDRESS			PHONE

<b>CHARGE INFORMATION</b>			
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE Murder In The First Degree	RCW / ORD#	COURT / CAUSE #	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	RCW / ORD#	COURT / CAUSE #	CITATION #

<b>WARRANT / OTHER</b>				
WARRANT DATE	WARRANT NUMBER	OFFENSE	AMOUNT OF BAIL	WARRANT TYPE
ORIGINATING POLICY AGENCY		ISSUING AGENCY	WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)	

<b>PROPERTY INFORMATION</b>		
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL		
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)		
LIST ITEMS ENTERED INTO SAFEKEEPING		
TOTAL CASH OF ARRESTEE \$0.00	WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT: \$0.00	SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #

<b>OFFICER INFORMATION</b>		
ARRESTING OFFICER / SERIAL # Parks, Christine 97575	TRANSPORTING OFFICER / SERIAL #	SUPERVISOR SIGNATURE / SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #)		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME / SERIAL # / PHONE)

<b>COURT FILE</b>		
SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND	COURT CAUSE (STAMP OR WRITE)	
COURT/DIST. CT.NO.	DIST. CT. BONDS\$	SUP. CT. DATE

<b>EXTRADITE</b>				
PERSON APPROVING EXTRADITION	SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ALL 50 STATES <input type="checkbox"/>
E N T R Y	UCN 10658412	DOE _____	C L E A R A N C E	DOC _____
	WAC _____	TOE _____		TOC _____
	NCIC _____	OP _____		OP _____

