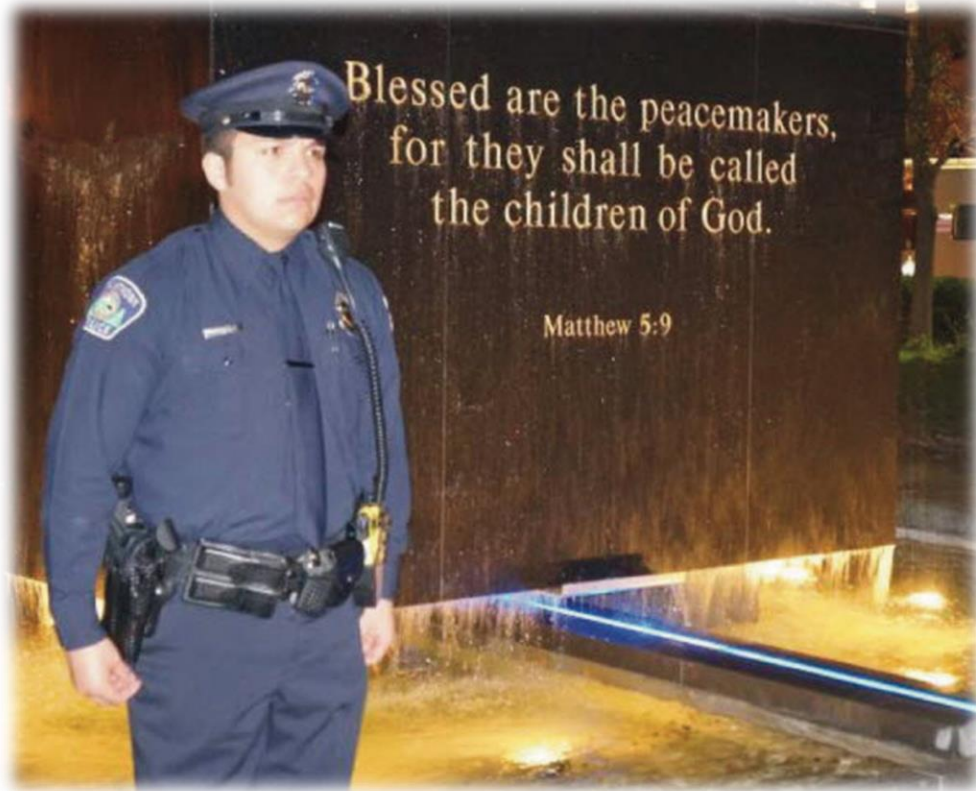




# NPDF

NATIONAL POLICE DEFENSE FOUNDATION



## TRIAL OF POLICE OFFICER IN MINNEAPOLIS ENDS AS PREDICTED

### A SPECIAL EDITORIAL BY J. R. DE SZIGETHY

With the passing of the one-year anniversary of a police-involved shooting in Minneapolis, that legal case has now ended in a Not Guilty Verdict as predicted by this reporter in an Editorial published last November. On June 16, St. Anthony, Minnesota Police Officer Jeronimo Yanez was Acquitted of Manslaughter charges regarding the shooting death of motorist Philando Castile. This case was exacerbated by the Governor of Minnesota's reckless public statements immediately after the shooting incident, in which Governor Mark Dayton inflamed the public with his proclamation that Castile was shot because he was African-American. Supporters of Officer Yanez were concerned that the Governor's statements, made before he was privy to pertinent facts in this case, could irrevocably prejudice the potential jury pool that would ultimately decide his Fate. Yanez was supported by the Minnesota Police and Peace Officers Association, the Law Enforcement Labor Services Union, the State Chapter of the National Latino Police Association, and the National Police Defense Foundation.

The initial polling during jury deliberations was 10 to 2 for Acquittal, with the 2 African-American jurors among the Majority. The jury then asked the Judge for the full transcript of Officer Yanez' interrogation by authorities the day after the shooting. Jurors were clearly suspicious as to why the Prosecution had not entered

into evidence Yanez' statements as to his observations that led to his shooting of Castile just over 60 seconds after pulling his car over. However, the Judge in this case would not allow the jury to review evidence not presented at trial. This forced the jury to focus on the testimony of Officer Yanez.

In the previous Editorial on this subject last year, entitled "Toxicology Report May Play Key Role in Police Officer's Upcoming Trial," this reporter predicted that the Toxicology report on the blood of Castile would reveal that Castile's thought processes were clouded by the inhalation of marijuana that day, affecting both his behavior and Officer Yanez' response to said behavior. From that Editorial: "According to the website of the National Institute on Drug Abuse, the effects of marijuana on an adult include "altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, temporary hallucinations, and temporary paranoia – extreme and unreasonable distrust of others.""

Officer Yanez' testimony was clearly Exculpatory, which, backed up by the evidence as presented in the Toxicology Report, resulted in the Verdict that was predicted last year: Not Guilty.

Some Minnesota residents denounced the Verdict, claiming that race was a factor in Castile's shooting. The National Police Defense Foundation has championed three recent police-involved shooting incidents that have received national attention; that of Police Officer Yanez, Department of Homeland Security Special Agent Angel Ecchevaria, and Hudson County Detective Joseph Walker. The latter 2 cases involved the Officers defending their families as the victims of road-rage incidents. The fact that Yanez and Ecchevaria are Latino, and Detective Walker is African-American, played no role in the Police Foundation's championing of these Law Enforcement Officers. The common theme in these 3 cases was not race, nor ethnicity, but the fact that these 3 Law Enforcement Officers were falsely accused of crimes that they did not commit. Their Acquittals by Juries of their peers proved the Police Foundation and its members, supporters, and volunteers, to have been correct in their support of these 3 Officers.

Last year, the National Police Defense Foundation released a video, "In an Instant," which dramatized a situation members of law enforcement are frequently and suddenly confronted with; confrontations with an armed individual requiring the decision as to whether to resort to the use of lethal force. As the video depicts, such decisions often have to be made in a matter of seconds. The incident Officer Yanez encountered on July 6<sup>th</sup> of last year was a real-life example of such. Herein is the Timeline of this tragic incident:

**Saturday, July 2, 2016, 7:36 p.m.**

Two men armed with handguns robbed a grocery store in St. Anthony. The robbers took cash from the register and cartons of cigarettes. Police Officer Jeronimo Yanez was among those who responded to the crime scene.

**Monday afternoon, July 4, 2016:**

Castile's girlfriend uploads to Youtube a video showing her and Castile smoking a large marijuana joint inside their car. The girlfriend's 4-year-old daughter is seen standing about a foot behind her mother in the back.

**Wednesday afternoon, July 6, 2016:**

During Roll Call for his shift, Officer Yanez is among those reminded to be on the lookout for the two armed robbers from 4 days earlier.

After Yanez Acquittal, the authorities in Minnesota released the Transcripts of Yanez' interrogation the day after the shooting, as well as the dashcam video from Yanez' patrol car that revealed the following:

**Wednesday night, July 6, 2016, 9:04:49 p.m.**

Officer Yanez sees Castile driving around and he is a dead ringer for one of the supermarket robbery suspects. Castile's faulty taillight is Predication for Yanez to pull Castile over.

**9:05:22:** Officer Yanez approaches the driver's side of Castile's car.

**9:05:38:** Officer Yanez politely and calmly informs Castile that a broken brake light is why he was pulled over.

**9:05:48:** Castile provides proof of insurance. As Officer Yanez moves closer and lower to the driver's window, he is immediately confronted with the odor of marijuana smoke. Yanez' concern is immediately elevated by this observation.

Yanez has also observed that there is an adult female in the passenger seat and a female child he guesses is 5-years-old in the back seat. Just seconds into this incident, in addition to knowing the drug-impaired driver could become violent, Officer Yanez knows that the driver is endangering the public safety by driving an automobile while under the influence of at least one drug. Yanez has also concluded that Castile has endangered the welfare of a minor by exposing her to second-hand marijuana smoke.

9:05:52: Castile states: “Sir, I have to tell you that I do have a firearm on me.” Officer Yanez replies: “OK,” as he places his hand on his holstered gun.

9:05: 55 to 9:06: 02: Yanez states: “OK, don’t reach for it, then.” Castile replies: “I’m . . . I’m . . . (something inaudible) Yanez: “Don’t pull it out!” Castile: “I’m not pulling it out!,” a claim his girlfriend also states.

Yanez would tell authorities the next day that he observed Castile making a motion with his right hand consistent with grabbing a gun. At that point, Yanez shouted again: “Don’t pull it out!” Yanez then drew his gun with his right hand and reached inside the car with his left hand in an apparent effort to stop the motions of Castile’s right hand that Yanez perceived as reaching for his gun. Yanez then drew back his left arm and fired 7 shots at Castile.

From the moment Officer Yanez approached Castile’s car to his final of 7 shots fired, only 40 seconds in time had passed.

During his interrogation the next day, Officer Yanez told the investigators what his thought processes were as he fired his service revolver: Officer Yanez stated: “I thought I was gonna die and I thought if he’s, if he has the, the guts and the audacity to smoke marijuana in front of the five year old girl and risk her lungs and risk her life by giving her secondhand smoke and the front seat passenger doing the same thing then what, what care does he give about me?”

The New York Times is one publication that has supported Castile’s claims on the dash cam video that he was not reaching for his gun during this incident. In a July 16, 2016 report, the Times revealed that in a 13-year period, Philando Castile was pulled over by Police Officers 49 times in traffic incidents, an average of 3 times a month, for offenses such as driving in the dark with a license plate that was unlighted, and driving with tinted windows, a practice common with drug dealers which is against the law in many States, including Minnesota. Castile was arrested at least once during those incidents on drug charges, and was also found to have been driving for 6 years consecutively without a license. In those 49 incidents, Castile did not react to the Police Officers in a manner which escalated into the use of lethal force.

On June 26, it was reported that the family of Philando Castile had accepted a \$3 million settlement from the city. After Yanez’ Acquittal, the St. Anthony Police Department terminated his employment. Officer Jeronimo Yanez, of Mexican descent, and his wife, and their young daughter, face an uncertain future, with limited employment opportunities for the young man, who will be followed for many years to come by the stigma of having been branded a racist by some, including the Governor of Minnesota.

Governor Mark Dayton is not finished with this case. On the one-year anniversary of the shooting of Philando Castile, Dayton proposed a \$12 million Bill in Castile’s name for a law enforcement training program. The Governor’s Bill was quickly condemned by the local law enforcement community.

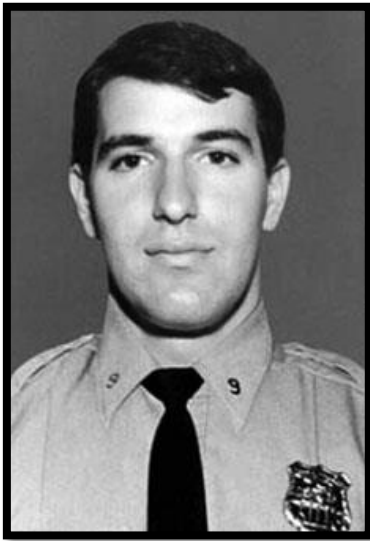
That money might be better spent on a Bill in Castile’s name that would educate drug abusers as to the health dangers second-hand marijuana smoke inflicts on young children. As noted in my previous Editorial: “Numerous medical studies have proven that second-hand smoke from marijuana has a greater negative impact on children than on adults. In 2014, the U. S. Surgeon General’s report on the dangers of second-hand tobacco smoke estimated that 34,000 premature deaths occur each year of non-smokers subjected to such smoke. Research has shown that marijuana smoke contains 50 percent more carcinogens than tobacco smoke.”

While two events held in memory of Philando Castile on the one-year anniversary of his death were peaceful, in nearby St. Paul Police Officers continued to receive death threats via social media regarding the arrest of a resident on June 7. One such post applauded the July 5<sup>th</sup> murder of New York City Police Officer Miosotis Familia, a 12-year Veteran of Dominican heritage and the mother of 3. Her murderer, Alexander Bonds, was African-American. Bonds, who had convictions on drug offenses and later armed robbery, once assaulted a New York City cop wearing brass knuckles. In January, Bonds used social media to support the release from prison of Judy Clark, among those members of the Weather Underground domestic terrorist organization convicted of the felony murders of a Security Guard and 2 New York Police Officers during an armed robbery

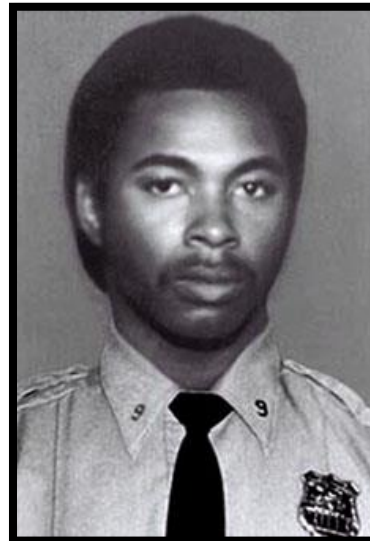
of a Brink's armored car in 1981. Clark also worked with members of the May 19<sup>th</sup> Communist Organization, the Black Panther Party, and the Black Liberation Army.

Did Bonds intentionally target Officer Familia because she appeared to be African-American? Some members of the Black Panther Party and the Black Liberation Army have long advocated that Blacks should not join the law enforcement community, as they regarded the police as their "enemy." On January 27, 1972, members of the Black Liberation Army executed New York City Police Officers Rocco Laurie and Gregory Foster, shooting them in their backs with a machine gun. The 2 cops were targeted because one was Black and the other White. Both cops had previously served together as soldiers in Vietnam, and the NYPD had intentionally paired them as Partners to improve race relations within the Department and the New York City community.

According to a New York Post report by Heather MacDonald, murders of Police Officers nationwide are up 9 percent this year, having risen 53 percent last year. MacDonald is the author of the book "The War on Cops" and has long supported the National Police Defense Foundation.



*PO Roco Laurie*



*PO Greg Foster*

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