

## Yanez Vs Castile Fatal Shooting Reply To the Charging of Officer Yanez

This is a very brief view of this incident and I do not have any training records, experience or knowledge of Officer Yanez. Remember the actions of officers do not just have to be reasonable, they have to be reasonable for an Officer with the same experience and training. You do not judge the actions of a 20 year veteran officer the same as you would a fresh out of the academy officer.

### Rick Gore's Use of Force Expert Opinion: (short version)

This is a tragedy. There are no winners and everyone loses. This entire contact took place in less than 40 seconds from contact to shooting. So this was a high risk stop, which was rapidly evolved in less than one minute, with a multitude of factors at play.

### Facts Known to Officer Yanez:

He just took a robbery report a few days prior, where the video showed both robbery suspects were black males, had dreadlocks, wearing glasses, baseball caps and were armed with guns. Office Yanez recognized Castile has having the same facial features, having dreadlocks, same race and wearing glasses. These are all reasonable observations for an alert officer working the same area where an armed robbery had recently occurred.

Both suspects of the armed robbery are still at large and have not been captured.

He was contacting a possible armed robbery suspect in the same area, matching the description by multiple identifiers, not just one. (Color, glasses, dreadlocks, facial features, in the same area)

Upon approach. Officer Yanez smells Marijuana odor coming from the car and or persons. This indicates illegal drugs are present and or being used.

The vehicle contained multiple suspects/occupants which divides the attention of the Officer, taking away 100 percent of the focus off the primary suspect/driver.

The passenger is talking and interjecting comments, a common distraction technique for criminals working together and this action is distracting the officer's attention from driver.

The Driver tells the Officer he is armed and has a gun. This is key because it puts another possible connection to the armed robbery suspect (black, dreadlocks, facial features, glasses, in the area, drug use/possession and NOW armed with a gun)

The Driver then ignores the Officer's commands to "don't pull it out". This is another factor in the long list that appears to indicate non-compliant, failure to follow simple commands and reaching to his waistband, back pocket area, where firearms are commonly carried or concealed.

In past few years, Black Lives Matter protest, police officer shootings, police killed by black men, the constant media attacks provoking and promoting non-compliance with officers are all reasonable concerns for officers when contacting black men in today's environment.

If you are going to carry a gun, maybe you should not be under the influence of drugs, keep your hands in plain sight, don't reach for things out of the Officer's view and follow the Officers directions.

Note: The passenger later admitted that both she and the driver had just smoked marijuana and there was marijuana in the car. So the driver was under the influence, was driving a car, smoking around his minor child and possibly knew he was about to be arrested and was armed with a gun.

Firefighters later found a loaded gun on the driver in the same area he was reaching before he was shot.

### **Officer's Actions:**

The Officer was apparently calm during his initial approach. Officer did not seem anxious or overly nervous until he knew a gun was present and the driver was armed. Before that, he was polite and informative to the driver. The Officer repeatedly ordered the driver NOT to reach or pull it out. The Officer tried to reach in the window and tried to stop the hand from grabbing or reaching out of sight. And only after the driver appeared to have something in his hand and was moving it towards the officer, did the officer shoot in fear of his life.

In the Officer's mind information being processed in about 40 seconds were the following: suspect matches description of armed robbery suspect, suspect told me he is armed, suspect is under the influence of drugs and/or has drugs in car, suspect is not following my commands, suspect is reaching out of my sight after telling me he has a gun, suspect is grabbing towards his waistband and rear pocket area where guns are normally carried, I don't know what other occupants in car are doing, things are happening fast, I am in danger and about to be shot, and probably many other things. On top of all this, the Officer went into [Flight or Fight mode](#), probably experienced time distortion, auditory exclusion, tunnel vision, heart rate jumped over 200 bpm and other uncontrolled automatic responses when the body and mind goes into self protection mode.

### **Conclusion:**

Based on all facts known to the officer at the time of the contact, the totality of circumstances, the suspect's apparent non-compliant actions, drugs involved or present, knowing the suspect had a gun, matched the description of an armed robbery suspect, in the same high crime area, the suspect reaching out of sight to the hip area where guns are commonly carried and then moving the hand towards the officer, all would lead a reasonable officer to conclude his life was in danger.

The high number of rounds fired may seem excessive to a lay person. In fact the court ruled that high number of rounds fired shows fear and belief of a serious threat. (Case citation below)

***ELLIOTT V. LEAVITT (4th Cir 1996)*** Officer shot a handcuffed suspect arrested for DUI and missed a gun the suspect possessed, the suspect pulled the gun while handcuffed in the back of the car and pointed at the officer and the officer fired 22 rounds killing the handcuffed suspect.

-- Ruling -- Constitution does not require an Officer to gamble with their lives in the face of a serious threat. - 4th Amendment does not require Officers to wait for the Suspect to shoot before they decide to act. - The fact that 22 rounds were fired, shows that the Officers believed they faced a serious threat.

Taking all these facts together with the fact that the entire incident took place in less than ONE minute clearly shows the officer's actions reasonable and the officer clearly believed his life was in danger.

The actions and statements of the officer after the incident also indicate that the officer did not want to kill or shoot someone for a good time. This is unfortunate set of circumstances that took place in less than a minute.

The Courts have consistently ruled that they must give Officers a wide umbrella of protection since they are expected to confront and contact dangerous, possibly armed suspects, in unfamiliar area, without knowing all the facts or intentions of those they contact.

### **My Response To the DA's Expert:**

The expert used charged 300 dollars an hour, 3000 a day for depositions and is a retired Police Chief with a law degree. Which immediately tells me this guy has probably never made a felony stop in his life and has spent most his time in college or behind a desk. So this is the guy they get to evaluate a young street cops actions.

Here is what the so called expert for the charging attorney said:

*"According to Jeffrey J. Noble, an expert on police procedure retained by the Ramsey County Attorney's Office, the totality of the circumstances indicate that Yanez' use of deadly force against Castile during the July 6 stop was not necessary, was objectively unreasonable and was inconsistent with generally accepted police practices. In addition, under the same circumstances, Yanez's discharge of his firearm seven times into a vehicle in very close proximity to and towards Reynolds mid her four-year-old daughter endangered their safety."*

What a canned statement for the prosecution. Normally an expert will back up his opinion or beliefs. Mr. Noble makes a huge conclusion and states the actions of the Officer were Unreasonable and not necessary. However, he does NOT provide **one fact** on why it was unreasonable. On the other hand, I just gave you several facts on why I think the Officer's fear was reasonable.

I read the complete report of this expert and in my opinion he is a paid hack. He uses the term unreasonable and no reasonable officer would do this and that, several times in his report with NO justification. His opinion does do one important thing for the agency and Government, it relieves them of responsibility and liability since they now have a pain hack saying the cop was wrong and therefore the Government is not responsible. This has to be worst use of force expert opinion I have ever seen.

### **In Closing:**

Do I think this was a perfect case or situation, No.? However, under the known facts, conditions and the fact it all happened on the street in less than one minute, I do not see any gross negligence or any willful malicious wrongdoing by Officer Yanez. Most officers, who are honest, would say the Officer's fear was reasonable and justified under these conditions. Although Officer Yanez response and reactions to that fear could have possibly been handled differently, 12 Jurors agreed there was NO CRIME. Which means they DISAGREED with the so called expert and the Prosecutors. It is very easy for others to sit back and get our facts straight, with hindsight, in the safety of our homes and from behind our computers.

That's my take, you can decide for yourself.