



John J. Choi

State v. Jeronimo Yanez

Press Conference
Remarks as Prepared for Delivery
November 16, 2016

Good morning.

Today, I want to inform the public about the outcome of our prosecution review of the BCA's investigation regarding the death of Philando Castile, which occurred the evening of July 6, 2016, in Falcon Heights, Minnesota.

On July 8, I told the public that this office would be substantially engaged in the BCA's investigation and that we would do everything in our power to ensure that we were thorough and impartial in our fact finding and firmly committed to upholding the rule of law. I also left open the question of whether we would utilize a Grand Jury in our review.

After much thought about the need for public transparency in this case, I have concluded that the best course of action is for me to make this decision - fully explain it - and be directly accountable to the public.

After spending the past 19 weeks immersed in the facts and the law, and thinking about what justice requires in this case, my conscience tells me it would be wrong for me to ask a Grand Jury to make this decision when I know in my heart what needs to be done.

I know my decision will be difficult for some in our community to accept. But, in order to achieve justice, we must be willing to do the right thing - no matter how hard it may seem.

Today, I am prepared to announce my decision as to whether Officer Jeronimo Yanez's use of deadly force on July 6 was justified and whether criminal charges are warranted.

Before I do that, I want to thank a number of people who played an integral role in reaching my decision. First, I want to thank the BCA Superintendent, Drew Evans, and his staff for making this investigation a top priority, conducting it in a professional manner, and providing it to our office without recommendation. I also want to express my deepest gratitude to my prosecution team that worked with the BCA and helped me reach this decision. They are all here standing behind me: John Kelly, Rick Dusterhofs, Jill Gerber, Clayton Robinson and Special Prosecutor Don Lewis. I cannot express enough my appreciation for their contributions to this process and their dedication to justice.

As you may recall, on July 7, the United States Department of Justice publicly stated that it would monitor the BCA investigation and be available to provide assistance. On July 27, I made a request for assistance to the Department of Justice through our local United States Attorney on a number of technical issues associated with this investigation and anticipated prosecution review. Since that time, the local United States Attorney's Office and FBI have been assisting us with this case. I want to thank both United States Attorney Andy Luger and FBI Special Agent in Charge Rick Thornton, who are also here today, for their partnership and investment in our efforts.

Under Minnesota law, the use of deadly force by a police officer is justified only when necessary to protect the officer or another from apparent death or great bodily harm. In addition, the United States Supreme Court has repeatedly made it clear that a police officer's use of deadly force must be evaluated in the context of what a reasonable officer would do in the same situation, given the danger and stress of police work.

When evaluating the reasonableness of a police officer's use of deadly force, we must take into account that police officers are often required to react quickly - in tense, uncertain and rapidly-evolving situations. To justify the use of deadly force, it is not enough, however, for the police officer to merely express a subjective fear of death or great bodily harm. Unreasonable fear cannot justify the use of deadly force. The use of deadly force must be objectively reasonable and necessary, given the totality of the circumstances.

Based upon our thorough and exhaustive review of the facts of this case, it is my conclusion that the use of deadly force by Officer Yanez was not justified and that sufficient facts exist to prove this to be true.

Accordingly, we filed a criminal complaint this morning in Ramsey County District Court charging Officer Yanez with Second Degree Manslaughter in the death of Philando Castile and two felony counts of Dangerous Discharge of a Firearm that endangered the safety of Diamond Reynolds and her four-year-old daughter, the two passengers in the car. The complaint will be available on our website at the conclusion of my remarks.

Jeronimo Yanez will make his first appearance in criminal court Friday afternoon at 1:30 pm at the Ramsey County Law Enforcement Center. A team, consisting of Assistant Ramsey County Attorneys Rick Dusterhoft and Clayton Robinson and Assistant United States Attorney Jeff Paulsen, by way of cross designation, will be assigned to prosecute this case.

Because this is still an ongoing investigation and now a pending criminal case, I will not be releasing the squad car video and audio today, but I will provide what information I can about the facts alleged in our criminal complaint.

As you know, the aftermath of the tragic events of July 6 was broadcast on Facebook Live by Diamond Reynolds, who was Philando Castile's girlfriend. That livestream video started approximately 40 seconds after the last shot was fired by Officer Yanez. On July 6, just after 9:00 pm., Officer Yanez was on patrol when he noticed a vehicle driven by Philando Castile. Accompanying Philando Castile in the vehicle was Diamond Reynolds, seated in the front passenger's seat, and Ms. Reynolds' four-year-old daughter, seated in a car seat behind her.

Officer Yanez communicated his intent to pull over Castile's vehicle by radio to fellow Saint Anthony Police Officer Joseph Kauser, who was on patrol nearby. Officer Yanez told Officer Kauser that he had reason to pull the vehicle over and stated that the occupants "just look like the people that were involved in a robbery." Officer Yanez further stated that "the driver looks more like one of our suspects just because of the wide set nose." Officer Yanez noted that he also had reason to stop the vehicle because it had a non-working brake light. He followed Castile's vehicle, waiting until Kauser arrived as back-up.

At 9:02 pm., Officer Yanez ran Castile's license plate number. The results showed that the vehicle was registered to Castile, it was not listed as stolen, and there were no warrants out for his arrest. Two minutes and 43 seconds later, Officer Yanez activated his squad lights, signaling Castile to pull over. Castile immediately complied by pulling over on the eastbound side of Larpenteur Avenue, near Fry Street in Falcon Heights.

At exactly 9:05 pm, Castile's vehicle came to a complete stop next to the curb, twelve seconds after Officer Yanez activated his squad lights. Approximately one minute later, Officer Yanez shot Philando Castile seven times, killing him.

Officer Yanez's squad car video captured the entire incident, with audio, and subsequent conversations between Officer Yanez and other officers immediately after the shooting. The dashcam video reveals the sequence of events that transpired during this critical minute:

Officer Yanez approached Castile's vehicle on the driver's side. Yanez later stated he was aware that Castile was buckled in his seatbelt and saw there was a young child in the back seat and a female passenger in the front seat.

Officer Yanez described Castile as initially having "his left arm over the steering wheel" with "both hands in view."

Officer Yanez positioned himself facing the driver's side window, leaned his head forward, exchanged greetings with Castile and informed him of his brake light problem.

Officer Yanez also smelled burnt marijuana but said he did not mention anything to Castile so as not to "scare Castile or have him react in a defensive manner."

As this occurred, Officer Kauser walked toward the vehicle and positioned himself on the sidewalk on the passenger's side of Castile's car.

Officer Yanez asked Castile to produce his driver's license and proof of insurance. Castile first provided him with his insurance card.

Castile then, calmly, and in a non-threatening manner, informed Officer Yanez, "sir, I have to tell you that I do have a firearm on me."

Before Castile completed the sentence, Officer Yanez interrupted and calmly replied, “okay” and placed his right hand on the holster of his own, holstered, gun.

Officer Yanez then said, “okay, don’t reach for it, then.”

Castile tried to respond but was interrupted by Officer Yanez, who said, “don’t pull it out.”

Castile responded, “I’m not pulling it out,” and Reynolds also responded by saying, “he’s not pulling it out.”

Then Officer Yanez screamed, “don’t pull it out!” and quickly pulled his own gun with his right hand while he reached inside the driver’s side window with his left hand.

Officer Yanez pulled his left arm out of the car, then fired seven shots in rapid succession into the vehicle.

The seventh and final shot was fired at 9:06:02 pm

After the final shot, Reynolds frantically yelled, “you just killed my boyfriend!”

Philando Castile moaned and uttered his final words: “I wasn’t reaching for it.”

To which Reynolds loudly said, “he wasn’t reaching for it.”

Before Reynolds completed her sentence, Officer Yanez again screamed, “don’t pull it out!”

Reynolds responded by saying, “he wasn’t.”

During this entire incident, Officer Kauser did not touch or remove his gun from its holster. By his actions and his own words, Officer Kauser did not see Castile make any sudden movements and he was surprised by the gunshots. In addition, Officer Yanez never informed Officer Kauser about the presence of a gun.

Within minutes after the shooting, Officer Yanez spoke with Saint Anthony Police Officer Tressa Sunde at the scene of the shooting. During that conversation, Officer Yanez stated he did not know where the gun was and that Castile never told him where it was.

Based upon the evidence, we believe that Castile never removed, nor tried to remove, his handgun from his front right pocket, which was a foot deep. When officers and paramedics rolled Castile to his right side to put a backboard under him, they saw and removed a .40 caliber semiautomatic handgun from the front right pocket of his shorts. The gun contained a loaded magazine, but did not have a round in the chamber.

Philando Castile was transported to Hennepin County Medical Center (HCMC). At HCMC, medical personnel recovered a holster and wallet from one of Castile’s pockets, although it was

unclear which pocket these items were in at the time of the shooting. In Castile's wallet were his Minnesota Driver's License and his Permit to Carry a Pistol.

The following day, in his interview, Officer Yanez told BCA investigators that after receiving his proof of insurance, Castile told him he had a firearm at the same time as "he reached down between his right leg, his right thigh area and the center console." Officer Yanez said that as Castile was reaching down to his right, Castile turned his shoulder, kept his left hand on the steering wheel and then canted his upper body, blocking Officer Yanez's view of his right hand. At that point, Officer Yanez articulated that he was scared for his life and that of his partner.

Officer Yanez's verbatim statement, included in the criminal complaint, is inconsistent with the statement he made immediately following the incident, in which he stated he never saw or knew where the gun was.

To those who may say that this incident was Philando Castile's fault, I would submit that no reasonable officer - knowing, seeing and hearing what Officer Yanez did at the time - would have used deadly force under these circumstances.

As the United States Supreme Court has instructed, I have given Officer Yanez every benefit of the doubt on his use of deadly force, but I cannot allow the death of a motorist who was lawfully carrying a firearm under these facts and circumstances to go unaccounted for.

Philando Castile was not resisting or fleeing.

There was absolutely no criminal intent exhibited by him throughout this encounter.

He was respectful and compliant based upon the instructions and orders he was given.

He volunteered in good faith that he had a firearm -- beyond what the law requires.

He emphatically stated that he wasn't pulling it out.

His movement was restricted by his own seat belt.

He was accompanied, in his vehicle, by a woman and a young child.

Philando Castile did not exhibit any intent, nor did he have any reason, to shoot Officer Yanez.

In fact, his dying words were in protest that he wasn't reaching for his gun.

There simply was no objective threat posed to Officer Yanez, Officer Kauser, or to anyone in that car. The mere mention or presence of a firearm alone cannot justify the use of deadly force.

According to a national expert on police procedures and use of force that we retained, the totality of the circumstances indicate that Officer Yanez's use of deadly force against Philando 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, Officer Yanez's discharge of his firearm seven times into a vehicle in close proximity to and toward Reynolds and her four-year-old daughter endangered their safety.

Given everything I have just covered, and what is contained in the criminal complaint, it is important to remember that we still must prove these allegations in court, and Officer Yanez is presumed innocent until he is found guilty beyond a reasonable doubt.

I ask the public for its continued trust and patience as the court process moves forward and we strive to achieve justice for Philando Castile, his family and friends, and our broader community.