

Prosecutors: Officer Yanez statements should be admitted in Castile case

Defense argues officer should have been given more time after shooting.

By Chao Xiong (<http://www.startribune.com/chao-xiong/10646266/>) Star Tribune |

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Attorneys prosecuting officer Jeronimo Yanez in the fatal shooting of Philando Castile argued that statements Yanez made to investigators should be admitted at trial.

In several filings Tuesday, prosecutors pushed back against defense motions that sought to suppress an interview with Yanez, dismiss the most serious charge filed against him and exclude a prosecution expert witness at trial.

Yanez, 29, a St. Anthony police officer, was charged Nov. 16 with second-degree manslaughter and two felony counts of dangerous discharge of a firearm in the death of Castile, 32, during a traffic stop in Falcon Heights on July 6. The last two charges filed against Yanez, who is on paid administrative leave, are for endangering Castile's girlfriend, Diamond Reynolds, and her 4-year-old daughter, who were in the car at the time.

Yanez voluntarily gave an interview to agents with the Minnesota Bureau of Criminal Apprehension (BCA) on July 7, prosecutors wrote.

"[BCA agents] asked straightforward questions, politely and respectfully," prosecutors argued. "The interview lasted only an hour ... If Defendant had been so exhausted or so upset that he could not provide a statement freely and voluntarily, surely his experienced counsel would have intervened and postponed the interview."

Yanez's attorneys, Paul Engh, Earl Gray and Thomas Kelly, argued in a motion filed earlier this month that statements in officer-involved shootings are typically given 48 hours after the incident, when an officer has recovered. The defense also moved to dismiss the manslaughter charge, arguing that it violated Yanez's due process because of the statute's vagueness.

"[The defense's] exact argument is difficult to discern," prosecutors wrote in their response. "... Accordingly, it is impossible for the State to respond meaningfully to this undeveloped claim ..."

Defense attorneys want to exclude testimony from prosecution witness Jeffrey Noble, who told prosecutors that Yanez's action in shooting Castile was "not necessary, was objectively unreasonable and was inconsistent with generally accepted police practices."

Prosecutors have not responded to the defense's motion for a change of venue to Brainerd, Duluth, Hastings or St. Cloud.

Defense attorneys argued that Yanez could not receive a fair trial in Ramsey County due to the high volume of "slanted" media coverage his case has received. Yanez has pleaded not guilty to the charges. A motion hearing is scheduled for April 4.

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Philando Castile was fatally shot by police July 6 during a traffic stop in Falcon Heights.