

U.S.

# Officer Who Shot Philando Castile Is Charged With Manslaughter

By CHRISTINA CAPECCHI and MITCH SMITH NOV. 16, 2016

ST. PAUL — The suburban police officer who fatally shot Philando Castile, the black driver whose last moments this summer were **streamed live on Facebook**, was **charged on Wednesday** with second-degree manslaughter and accused of escalating a mundane roadside exchange into a needlessly violent episode.

In outlining the case against Officer Jeronimo Yanez, prosecutors described a traffic stop on July 6 that spiraled out of control when Officer Yanez overreacted to the presence of Mr. Castile’s lawfully carried gun and shot him despite pleas that he was not reaching for the weapon.

“No reasonable officer — knowing, seeing and hearing what Officer Yanez did at the time — would have used deadly force under these circumstances,” the Ramsey County attorney, John J. Choi, said. Officer Yanez, who will appear in court on Friday, was also charged with two felony counts of intentional discharge of a dangerous weapon.

Mr. Choi said Officer Yanez spotted Mr. Castile, a 32-year-old school cafeteria worker, driving along a stretch of road near the state fairgrounds with his girlfriend and her young daughter. Officer Yanez believed Mr. Castile matched the description of a suspect in a nearby armed robbery from a few days earlier, radioing a colleague that Mr. Castile’s “wide-set nose” seemed to match the surveillance video from that case, and that his car also had a broken taillight.

But when Officer Yanez pulled Mr. Castile over in the tiny suburb of Falcon Heights, the conversation described by prosecutors started out as ordinary, with no mention of the robbery and no discussion of the smell of marijuana that Officer Yanez would later recount to investigators. (Mr. Choi said Wednesday that Mr. Castile was not a suspect in the armed robbery case.)

Mr. Castile, who had been pulled over dozens of times before, seemed to know the routine: He kept his seatbelt fastened, greeted Officer Yanez and handed over his insurance card, according to prosecutors' version of events. Then, before his girlfriend said he reached for the wallet that contained his driver's license and permit to carry a pistol, Mr. Castile said, "Sir, I have to tell you that I do have a firearm on me."

Within seconds, Officer Yanez, of the St. Anthony police, had shouted, "Don't pull it out," and Mr. Castile and his girlfriend, Diamond Reynolds, tried to assure him that he was not grabbing the gun. But Officer Yanez quickly fired seven rounds, fatally wounding Mr. Castile just 62 seconds after the traffic stop began. An instant later, Mr. Castile moaned and said, "I wasn't reaching for it."

"His dying words were in protest that he wasn't reaching for his gun," Mr. Choi said.

Mr. Castile's death is among the highest-profile cases of the countless police interactions with black men that have roiled the country, and especially Minnesota, in the last two years. The case drew international attention, largely because Ms. Reynolds streamed the aftermath on Facebook Live, calmly but firmly recounting her version of events and disputing Officer Yanez's narrative as blood soaked through Mr. Castile's white T-shirt.

Officer Yanez would later tell investigators that he feared for his life and that he believed Mr. Castile was trying to grab a gun. But Mr. Choi, the prosecutor, suggested a different narrative. He said that Mr. Castile had gone beyond what the law required in alerting Officer Yanez to his gun, and that he had never drawn the weapon. Paramedics eventually found the weapon, a .40-caliber semiautomatic handgun, in the pocket of his shorts as they were positioning him on a backboard. There was no round in the chamber.

The days after Mr. Castile's death brought tense protests to the Twin Cities. Demonstrators camped outside Gov. Mark Dayton's residence, marched in St. Paul and Minneapolis, and on one night blocked interstate traffic and hurled objects at the police, injuring some officers.

Mr. Castile's death is one of several recent episodes in Minnesota that outraged activists and raised questions about how police treat minorities. Last year, a Minneapolis officer fatally shot Jamar Clark, another black man, leading to sustained protests but no indictment. And this year, an officer in suburban Edina was criticized by activists for confronting a black pedestrian, and a St. Paul officer was suspended after a police dog bit a man and a colleague kicked him.

None of those other cases have led to criminal charges, and activists and Mr. Castile's family greeted Wednesday's announcement as a validation of their efforts and a possible turning point.

"Had the people not camped out at the governor's mansion for 21 days and consistently kept this issue in the public eye, it's possible that this outcome would not have been reached," said Nekima Levy-Pounds, the president of the Minneapolis N.A.A.C.P. and a candidate for mayor of that city.

Ms. Levy-Pounds, who protested Mr. Castile's death in July, said the charges brought "some semblance of justice" even as she noted the long road toward trial.

Officer Yanez could face up to 10 years in prison if convicted on the manslaughter count, and up to five years for each of the weapons charges. Glenda Hatchett, a lawyer for the Castile family, said that she wished those penalties were more severe, but that she supported the charging decision and Mr. Choi's approach to the case.

"We see this as a historic decision, a historic time," Ms. Hatchett said.

In the days after the shooting, a lawyer for Officer Yanez said his client had been "reacting to the presence of a gun" when he opened fire and that Mr. Castile had not followed the officer's commands. Officer Yanez's lawyer did not respond to repeated interview requests on Wednesday. Sean Gormley, executive director of the union representing St. Anthony officers, said in a statement that "it's important to

remember that Officer Yanez is innocent of these charges until proven guilty” and that “nobody is served by a rush to judgment.”

Mr. Castile has been remembered since his death as a kind, peaceful man who knew the names of the children at the school where he worked and took pride in managing the cafeteria.

As the case against Officer Yanez moves toward trial, Mr. Castile’s mother, Valerie, urged any protests to remain peaceful and said her family was pleased with the decision to bring charges. “We all hope and pray that the right thing is done,” she said.

Christina Capecchi reported from St. Paul, and Mitch Smith from Chicago.

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