

Yanez attorneys want to bring up Castile driving record

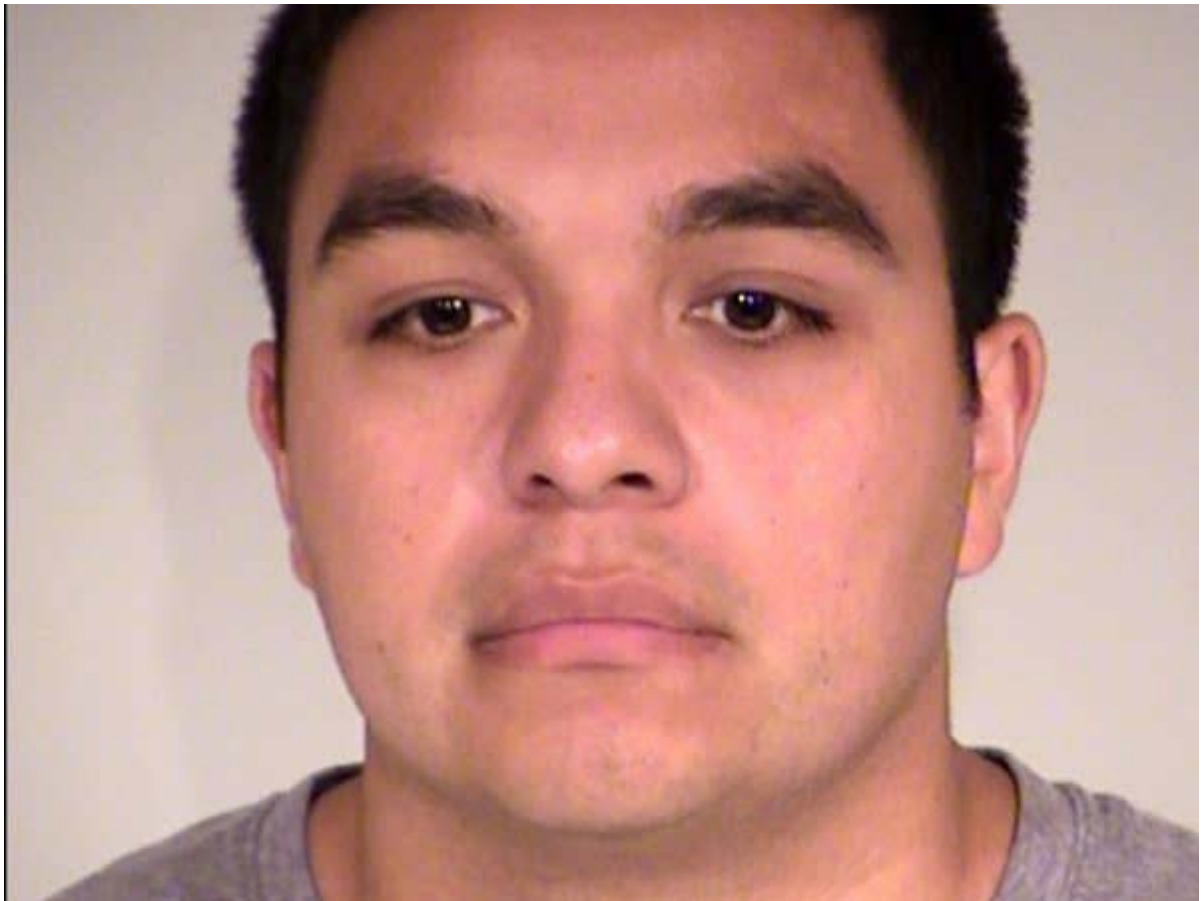


Jeronimo Yanez's attorney Tom Kelly

Evan Frost | MPR News file

Attorneys for St. Anthony police officer Jeronimo Yanez, who killed [Philando Castile](#) last July, want the court to increase the number of jurors they can strike from the case without cause.

That's one of 15 requests in the attorneys' broad pre-trial filing made public Thursday. They also want the court to hear about Castile's driving record and marijuana use, and allow the officer to reenact parts of what happened that summer night.



Booking photo for St. Anthony police officer Jeronimo Yanez

Ramsey County Sheriff's Office

Yanez, 29, is charged with second-degree manslaughter and two felony counts for reckless discharge of a firearm. He shot and killed Castile, 32, during a traffic stop on July 6, 2016, in Falcon Heights. The aftermath of the shooting was livestreamed by Castile's girlfriend, Diamond Reynolds, who was a passenger in the car along with her 4-year-old daughter.

Police officers are allowed to legally use deadly force under certain circumstances. But when he announced charges in November, Ramsey County Attorney John Choi said "no reasonable officer, knowing, seeing and hearing what officer Yanez did at the time, would have used deadly force."

Yanez's attorneys argued in Thursday's motion that the court should increase the number of times they can challenge potential jurors without giving a reason. Under Minnesota law, the defense is typically given five peremptory challenges and the prosecution is given three in similar cases. But the attorneys asked the judge to grant both sides 30 challenges.

The defense argued the increase in challenges is necessary in part because of "publicity and racial overtones" in the case. Under state law, the challenges can't be used to discriminate racially. If the court finds that the challenge was discriminatory, it can dismiss it or take other actions.

The defense is also hoping to allow "evidence of Mr. Castile's marijuana consumption" in general and shortly before the incident. They'd also like to admit Castile's application for a permit to carry a gun, arguing that Castile wouldn't have been granted the permit had he "told the truth" about using marijuana.



Philando Castile in an undated photo.

Courtesy of Sam Castile

A toxicology test after Castile's death found THC in his system, according to the criminal complaint against Yanez. The defense has previously argued that charges against Yanez should be thrown out because Castile was "negligent" in his own death because of marijuana use. That motion was denied.

Yanez's attorneys have also been pushing to move the trial out of Ramsey County, arguing that it would not be possible to find unbiased jurors there. That request was denied by Ramsey County District Court Judge William Leary III and by the Minnesota Court of Appeals. The defense earlier this month requested a hearing on the issue at the Minnesota Supreme Court. In Thursday's filing, they asked Leary to delay the trial until the Minnesota Supreme Court releases a decision.

Yanez's defense attorneys also made a number of other requests of the court:

- Asking that potential jurors fill out jury questionnaires before the trial is officially set to start so the defense can "conduct independent background checks."
- Allowing the jury to see Castile's car in person, "particularly the position of his seat,

the driver's side window and the brake lights."

- Permitting testimony about Castile's record of traffic violations.
- Allowing Yanez to demonstrate for the jury where he was standing in relation to the car, and "why he saw Castile's gun in his right hand."
- Permitting testimony at the trial about Yanez's character.
- Prohibit witnesses from describing attorney Jeffrey Paulsen, who is helping to prosecute the case, by his title of "assistant United States Attorney" during the trial to avoid implying that the federal government is interested in this particular case.

A spokesperson for the Ramsey County Attorney's Office declined comment, saying they plan to respond in court.

Yanez's attorney Tom Kelly was not immediately available for comment.

A hearing is set for Tuesday in Ramsey County District Court where arguments are expected to be heard on Thursday's motions. Yanez's trial is set to start in Ramsey County District Court on May 30.