

NOV 16 2016

STATE OF MINNESOTA  
COUNTY OF RAMSEY

RAMSEY DISTRICT COURT

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

COURT FILE NO.:  
PROSECUTOR FILE NO.:0620373879

State of Minnesota,

Plaintiff,

v  
Jeronimo Yanez

FELONY  
CRIMINAL COMPLAINT

Summons  Warrant  
 Order of Detention

Amended  
 Certified Juvenile  
 EJJ

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

**COUNT 1**

On or about July 6, 2016, in Ramsey County, Minnesota, Jeronimo Yanez caused the death of Philando Castile by culpable negligence whereby Jeronimo Yanez created an unreasonable risk, and consciously took the chance of causing death or great bodily harm to another.

Said acts constituting the offense of **Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk** in violation of: §609.205.(1).  
Maximum Sentence: 10 years or \$20,000 or both

**COUNT 2**

On or about July 6, 2016, in Ramsey County, Minnesota, Jeronimo Yanez intentionally discharged a firearm under circumstances that endangered the safety of another Diamond Reynolds.

Said acts constituting the offense of **Dangerous Weapons-Intentional Discharge of Firearm That Endangers Safety** in violation of: §609.66.1a(a)(2).  
Maximum Sentence: 5 years or \$10,000 or both.

COUNT 3

On or about July 6, 2016, in Ramsey County, Minnesota, Jeronimo Yanez intentionally discharged a firearm under circumstances that endangered the safety of another D.F.R.

Said acts constituting the offense of **Dangerous Weapons-Intentional Discharge of Firearm That Endangers Safety** in violation of: §609.66.1a(a)(2).

Maximum Sentence: 5 years or \$10,000 or both.

### STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is Doug Henning, Special Agent, Minnesota Bureau of Criminal Apprehension. He states that the following is true, correct, and establishes probable cause:

On July 2, 2016, a Super USA convenience store in Lauderdale, Minnesota, was robbed by two black males. Video surveillance of that robbery showed two black male suspects, both with dreadlocks, glasses, baseball hats and firearms. Saint Anthony Police Officer Jeronimo Yanez was one of the responding officers to the robbery.

On July 6, 2016, just after 9:00 P.M., Yanez was on patrol when he noticed a vehicle being driven by Philando Dival Castile, a 32-year-old black male with dreadlocks who wore glasses, and was driving eastbound on Larpentour Avenue in Lauderdale near the scene of the unsolved Super U.S.A. robbery. Accompanying Castile in the vehicle was his girlfriend Diamond Reynolds seated in the front passenger seat, and Reynold's 4-year-old daughter, DFR, seated in a child seat in the right side rear passenger seat.

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

At 9:02:05 P.M., Yanez queried Castile's license plate number. The query results showed that the vehicle was registered to Castile, it was not listed as stolen, and there were no warrants for his arrest. Yanez did not notify dispatchers that he was conducting the stop or that he suspected that a robbery suspect was in the vehicle. At 9:04:48 P.M., Yanez activated his squad lights signaling Castile to pull over. Castile complied by immediately pulling over on the eastbound side of Larpentour Avenue, near Fry Street in Falcon Heights, Ramsey County, Minnesota.

Approximately one minute later, Yanez shot Castile seven times, killing him. The following is a summary of the events immediately preceding the shooting, based on squad car audio and video recordings of the stop:

9:05:00 P.M. - Castile's vehicle came to a complete stop next to the curb.

9:05:15 P.M.-9:05:22 P.M. - Yanez approached the driver's side of Castile's vehicle. As he walked toward the vehicle, Yanez had his right hand on the right side of his duty belt near his gun. Castile was buckled in his seatbelt.

9:05:22 P.M.-9:05:38 P.M. - Yanez leaned down with his head near to and in front of the driver's side window, exchanged greetings with Castile, and informed Castile of the brake light problem.

9:05:33 P.M. - Kauser approached on the sidewalk on the passenger side of Castile's vehicle, and stopped near the rear seat passenger door.

9:05:38 P.M. - Yanez asked for Castile's driver's license and proof of insurance.

9:05:48 P.M. - Castile provided Yanez with his proof of insurance card.

9:05:49 P.M.-9:05:52 P.M. - Yanez appeared to look at Castile's insurance information and then tucked the card in his outer pocket.

9:05:52 P.M.-9:05:55 P.M. - Castile calmly informed Yanez: "Sir, I have to tell you that I do have a firearm on me." Before Castile completed the sentence, Yanez interrupted and calmly replied "Okay" and placed his right hand on the holster of his own holstered gun.

9:05:55 P.M.-9:06:02 P.M. - Yanez said "Okay, don't reach for it, then." Castile responded: "I'm...I'm...[inaudible] reaching..." before being again interrupted by Yanez, who said "Don't pull it out." Castile responded "I'm not pulling it out", and Reynolds also said "He's not pulling it out." 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. Yanez removed his left arm from the car, then fired seven shots in the direction of Castile in rapid succession. The seventh shot was fired at 9:06:02 P.M. During the incident, Kauser did not touch or remove his gun.

9:06:03 P.M.-9:06:04 P.M. - Reynolds yelled "You just killed my boyfriend!"

9:06:04 P.M.-9:06:05 P.M. - Castile moaned and said "I wasn't reaching for it."

9:06:05 P.M.-9:06:09 P.M. - Reynolds loudly said "He wasn't reaching for it." Before she completed her sentence, Yanez again screamed "Don't pull it out!" Reynolds responded "He wasn't." Yanez yelled "Don't move! F[REDACTED]"

Audio and video was also livestreamed by Reynolds on Facebook immediately after the shooting and while Yanez had his gun drawn and pointed toward the mortally wounded Castile. In the audio recorded by this livestream starting at 9:06:42 P.M., Reynolds stated that Castile "... was trying to get out his ID in his wallet out his um pocket and he let the officer know that he was, reach he had a firearm and he was reaching for his wallet and the officer just shot him in his arm." The following interchange between Yanez and Reynolds was also recorded:

Reynolds: "Stay with me. We got pulled over for a busted tail light in the back. And the police just he's, he's, he's covered. He, they just killed my boyfriend."

Yanez: "F[REDACTED]"

Reynolds: "He's licensed. He's carried, he is licensed to carry."

Yanez: "Ma'am just keep your hands where they are."

Reynolds: "I will sir. No worries. I will."

Yanez: "F[REDACTED]!"

Reynolds: "He just shot his arm off. We got pulled over..."

Yanez: "F[REDACTED]"

Reynolds: "...on Larpenteur."

Yanez: "I told him not to reach for it. I told him to get his hand off of it."

Reynolds: "He had, you told him to get his ID sir and his driver's license. Oh my God please don't tell me he's dead."

Assisting officers arrived, unbuckled Castile's seatbelt, and removed Castile from the vehicle. They performed CPR on Castile until paramedics arrived and took over. When officers and paramedics rolled Castile to his right side so that a backboard could be put under him, they saw and removed a .40 caliber semiautomatic handgun from inside the large right front pocket of Castile's shorts (measuring approximately 12" deep x 6" wide). The gun contained a loaded magazine but did not have a round in the chamber. Castile was transported to Hennepin County Medical Center (HCMC). In the HCMC emergency department, 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 was his Minnesota Driver's License and his Permit to Carry a Pistol.

Within minutes after the shooting, Yanez spoke with Saint Anthony Police Officer Tressa Sunde at the scene of the shooting. During that conversation, which was captured on Yanez's squad microphone and recorded at 9:13:00 P.M., Yanez said:

"He [Castile] was sitting in the car, seat belted. I told him, can I see your license. And then, he told me he had a firearm. I told him not to reach for it and (sigh) when he went down to grab, I told him not to reach for it (clears throat) and then he kept it right there, and I told him to take his hands off of it, and then he (sigh) he had his, his grip a lot wider than a wallet."

Yanez went on to say:

"And I don't know where the gun was, he didn't tell me where the f [REDACTED] gun was and then it was just getting hinky, he gave, he was just staring straight ahead, and the I was getting [REDACTED] nervous, and then I told him, I know I f [REDACTED] told him to get his f [REDACTED] hand off his gun."

Yanez was interviewed by BCA investigators the following day on July 7 at 1:42 P.M. During that interview Yanez said that when he first approached Castile's driver's side window he smelled burnt marijuana coming from inside the vehicle. Yanez said he also noticed a female child in the back seat and an adult female in the front passenger seat. Yanez described Castile as initially having "his left arm over the steering wheel" with "both hands in view."

Yanez said he did not mention anything about the marijuana smell to Castile so as not to "scare [Castile] or have him react in a defensive manner." Yanez said that Castile "kept his hands in view" up until the point at which he asked for Castile's license and insurance. After receipt of his proof of insurance, Yanez said Castile told him that he had a firearm at the same time that "he reached" down between his right leg, his right thigh area and the center console." Yanez said that, as Castile was reaching down to his right, "he turned his shoulder, kept his left hand on the steering wheel and then canted his upper body and blocked my view of his right hand."

Yanez said:

"And, at that point I, was scared and I was, in fear for my life and my partner's life. And for the little girl in the back and the front seat passenger and he dropped his hand down and, can't remember what I was telling him but I was telling something as his hand went down I think. And, he put his hand around something. And his hand made like a C shape type um type shape and it appeared to me that he was wrapping something around his fingers and almost like if I were to put my uh hand around my gun like putting my hand up to the butt of the gun.' ...

And then I lost view of it. Cuz he kept canting his shoulder and then I believe I told him again I can't remember don't do it. And then he still kept moving his hand and at this point I looked and saw something in his hand. It was dark inside the vehicle. I was trying to fumble my way through under stress to look and see what it was to make sure uh what I was seeing. But I wasn't given enough time and like I said he had no regard for what I was saying. Didn't follow my direction. And, uh he started reaching out and then pulling uh away from his uh his right thigh. I don't know if it was in his pocket or in between the seats or the center console. But I, I know he had an object and it was dark. And he was pulling it out with his right hand. And as he was pulling it out I, a million things started going through my head. And I thought I was gonna die. And, I was scared because, I didn't know if he was gonna, I didn't know what he was gonna do. He just had somethin' uh his hands and he, the first words that he said to me were, some of the first words he said is that he had a gun. And I thought he was reaching for the gun. I thought he had the gun in his hand, in his right hand. And I thought he had it enough to where all he had to do is just pull it out, point it at me, move his trigger finger down on the trigger and let off rounds. And I had no other option than, to take out my firearm and, and I shot. Um I shot him. I don't remember the first couple shots. I, believe I remember the last two shots. And I believe one of the shots went into his left arm. Um, as I was shooting uh I, I kept watching him. And I, I remember smelling the gun smoke and the bright flashes from the muzzle. And then I heard, a couple pops uh from my firearm. Um and then my partner was on the opposite side of the vehicle. Uh watch, looking in and I directed my gunfire down as best as I could. Away from, not trying to put the little girl's life at jeopardy or the passenger or my partner because they were, in the line of my fire."

Kauser was interviewed by BCA investigators at 1:10 AM on July 7. During that interview, Kauser said the following:

“Um I couldn’t hear the conversation going on inside the vehicle, I could hear what my partner was saying. And, I, I don’t remember the entire conversation. I know my partner said don’t reach for it. And the passenger kinda leaned on his right butt cheek and he put his hand on his right hip. I don’t know if he was reaching for a firearm or wallet. I, I couldn’t see. I just saw that he had his right hand on his hip. Like I said my partner said don’t reach for it. And then there were shots fired.”

Kauser also said that he did not see Yanez’ gun until he began shooting. Yanez gave no warning to Kauser that Castile had a gun. When asked if he was surprised when Yanez began shooting, Kauser replied “absolutely.”

An autopsy concluded that Castile died of exsanguination due to multiple gunshot wounds. Toxicology testing showed that Castile was positive for THC at the time of this death. A bullet fired by Yanez passed through the driver’s seat and struck the rear seat on the driver’s side. Diamond Reynold’s child, in her car seat, was on the passenger side of the rear seat. Another bullet fired by Yanez struck the armrest between Castile and Reynolds.

The robbery of the Super USA in Lauderdale remains unsolved, but subsequent investigation has ruled out Castile as a suspect in that robbery. Video of a robbery, committed in Blaine after the time of Castile’s death, shows a suspect whose physical features resemble the suspect from the Lauderdale robbery, and displaying a gun that appears to be the same gun as the one used in the Lauderdale robbery. The gun used in the Lauderdale and Blaine robberies also appears to be different than Castile’s gun.

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.

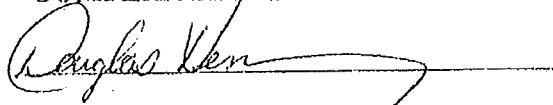
In addition, under the same circumstances, Yanez’s discharge of his firearm seven times into a vehicle in very close proximity to and towards Reynolds and her four-year-old daughter endangered their safety.

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Doug Henning

COMPLAINANT'S SIGNATURE:

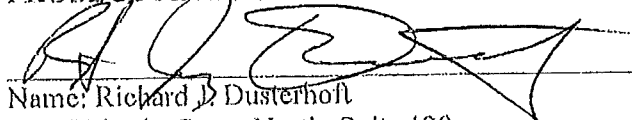


I declare under penalty of perjury that everything I have stated in this document is true and correct.  
Dated this 15 day of November, 20 16 signed in Ramsey County, Minnesota.

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 11-15, 2016

PROSECUTING ATTORNEY'S SIGNATURE:



Name: Richard D. Dusterhof  
345 Wabasha Street North, Suite 120  
St. Paul, MN 55102  
651-266-3222/PS  
Attorney Registration # 299777

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 18<sup>th</sup> day of November, 2016 at 1:30 p.m before the above-named court at the Law Enforcement Center to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

- Execute in MN Only*     *Execute Nationwide*     *Execute in Border States*

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

**ORDER OF DETENTION**

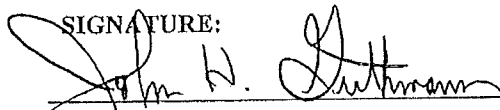
Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

**Bail:**

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 15<sup>th</sup> day of November, 2016.

JUDICIAL OFFICER:  
NAME:  
TITLE:

SIGNATURE:



Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY  
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

JERONIMO YANEZ

Defendant.

**RETURN OF SERVICE**

I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.

Signature of Authorized Service Agent:



RESPONDENT DATA / CHARGE SHEET - ATTACHMENT A

DEFENDANT NAME:	JERONIMO YANEZ	DOB:
Defendant alias name(s):	Jeromino Yanez	Alias DOB(s):
Defendant last known address:		
State ID:		
Fingerprint ID:		
FBI ID:		
St. Paul PD ID:	2016-433	
Offender ID:		

<b>OTHER DEFENDANT / CASE IDENTIFIERS:</b>		
Fingerprinted?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Handgun permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Issuing Agency: )
Location of violation:		
<b>IF DRIVING OFFENSE:</b>		
Driver's License		Issuing State: ;
License Plate	Number:	Issuing State:
Accident Type: <i>check all that apply</i>	<input type="checkbox"/> No injury/no damage	<input type="checkbox"/> Property Damage
	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Fatality
Blood Alcohol Concentration (BAC):		

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	O O C	AGENCY ORI CN NBR FUNCTION
1	on or about July 6, 2016		609.205.(1)	Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H5013	N	Bureau of Criminal Apprehension (BCA)ORI - MNBCA0000CN - 2016-433 Charging
2	on or about July 6, 2016		609.66.1a(a)(2)	Dangerous Weapons- Intentional Discharge of Firearm That Endangers Safety	Felony	W114A	N	Bureau of Criminal Apprehension (BCA)ORI - MNBCA0000CN - 2016-433 Charging
3	on or about July 6, 2016		609.66.1a(a)(2)	Dangerous Weapons- Intentional Discharge of Firearm That Endangers Safety	Felony	W114A	N	Bureau of Criminal Apprehension (BCA)ORI - MNBCA0000CN - 2016-433 Charging