

## Family of Edmonds man shot by deputy sues sheriff' - Daily Herald, The (Everett, WA) - June 7, 2019

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SEATTLE — The family of an Edmonds man who was shot and killed last year by a Snohomish County sheriff's deputy filed a civil lawsuit Thursday in U.S. District Court in Seattle.

The lawsuit names Snohomish County, Sheriff Ty Trenary and the sheriff's office. It also specifically names Deputy Art Wallin, who fired the bullets that killed 24-year-old **Nickolas Peters** during their October encounter east of Lynnwood. The complaint argues that Wallin's use of excessive force was a violation of rights laid out in the U.S. Constitution.

The plaintiffs are seeking a jury trial and are asking for more than \$5 million in damages for Peters' death. They're being represented by Seattle-based law firm Campiche Arnold.

"It's our belief that Nick should have been arrested, not shot," attorney Jeff Campiche said at a press briefing Thursday morning.

Mike Peters, the father of **Nickolas Peters**, said he wants to see law enforcement change how it uses deadly force.

"We can't have this happening to other people," he said. "It's ridiculous."

The complaint raises several questions about the encounter, including whether **Nickolas Peters** was or wasn't following orders, and whether he represented any kind of threat to law enforcement. Campiche said that deputies should have clearly seen that Peters was unarmed and that he was not making any move to harm them.

The shooting was investigated by the Snohomish Multi-Agency Response Team, a task force of detectives assigned to cases in which police have used potentially fatal force. A copy of their report was obtained by The Daily Herald through a public records request.

Snohomish County Prosecutor Adam Cornell, who will decide whether to bring criminal charges against any involved deputies, said on Thursday that his office is still reviewing the SMART investigation's results.

"The case will be reviewed and decided like all of our cases — carefully, thoroughly, and ethically," Cornell wrote in an email.

Jayni Peters, shown here with her 16-year-old son, Jack Peters, on Thursday at the Campiche Arnold law firm in Seattle, says her son, **Nickolas Peters**, didn't deserve to be killed. (Zachariah Bryan / The Herald)

On Oct. 23, Peters was driving a Ford F-150 with dark tinted windows with his girlfriend, Britt Jakobsen, headed to her parents' home in Brier. When Deputy Wallin attempted to pull him over east of Lynnwood, Peters led law enforcement on a triple-digit pursuit, according to the investigation's documents.

Eventually, a patrol car knocked the truck off the street on Damson Road, documents say. A deputy then rammed his car head-on into the truck, twice, to pin it against some bushes, according to the SMART report.

Two deputies approached the vehicle. Wallin positioned himself at the passenger side door, while another deputy stood on top of the truck's hood, shining a flashlight through the windshield.

Campiche said there should have been more than enough light to illuminate the inside of the truck and give a clear view of what Peters and Jakobsen were doing.

On audio recorded by nearby witnesses, the two deputies could be heard shouting conflicting commands, SMART detectives wrote in their report:

"Turn it off, turn it off."

"Open the door."

"Hands up, hands up, hands up. Get your (expletive) hands up."

The deputy on the hood told SMART detectives he couldn't see Peters' right hand, only that the arm was down by his waist and seat. The deputy said that Peters did not appear to be complying whatsoever, according to the SMART report.

The lawsuit contends otherwise, saying that Peters was trying to follow orders.

Sheriff's Deputy Art Wallin shot Peters twice, but only a single bullet hole can be seen in a picture of the scene. Attorney Jeff Campiche argues that Wallin fired the fatal shot after the passenger door was open. (Campiche Arnold)

At a press conference held by Campiche Arnold in November, Jakobsen said that she and Peters had looked at each other and realized they couldn't follow all of the commands at once. She also said that Peters had raised both of his hands.

Even if Peters wasn't doing exactly what the deputies said, there wasn't justification to shoot him, Campiche said.

"In our country, you don't execute someone simply because they don't follow the officer's commands," he said.

The deputy on the hood said he was looking down, not at Peters, the moment that Wallin opened fire, SMART detectives wrote.

Wallin fired two shots. Both bullets went through Peters' right arm, according to a report by the Snohomish County Medical Examiner. One embedded in his ribs, while the other pierced the right lung and landed in the spine.

Campiche believes there was a space in time between the two shots.

A photo from the medical examiner, provided by the law firm, shows a single bullet hole through the passenger side of the windshield.

Likely, Campiche said, Wallin fired the second bullet after the passenger side door was open — unless it somehow went through the same hole.

The picture does not provide a full view of the passenger door and whether there might be any bullet holes in it.

The SMART report indicates that the passenger door wasn't opened until after the shots were fired, and after backup units arrived.

If the door was open, Campiche surmised, Wallin should have seen that Peters was not making any threatening moves.

A loaded .45-caliber semi-automatic pistol in a green zippered case was later found underneath the center console, but it was likely not within Peters' reach, Campiche said.

A toxicology report reportedly came back positive for fentanyl, amphetamine and methamphetamine, but that didn't mean Peters was dangerous, Campiche said.

The only threat that was present was the truck itself, Campiche said, but that had been rendered immobile.

"It was not necessary for Snohomish County Deputy Sheriff Wallin to shoot to kill **Nickolas Peters** to protect against imminent risk or serious physical injury," the complaint states.

In the complaint, the plaintiffs argue that the sheriff's office failed to adequately train its deputies to avoid deadly force when it's unnecessary — despite calls from the public for police to use less lethal alternatives.

As a result, they allege, Peters was killed.

Wallin declined to speak to SMART detectives. He remains on paid administrative leave, sheriff's office spokeswoman Shari Ireton said Thursday.

Speaking at the Campiche Arnold law firm, family said Peters was one to let his hugs linger. Whenever he talked to family on the phone, he would say "I love you" before hanging up. And he was always active, having played hockey and lacrosse all through school.

Since his death, life hasn't been the same, family said.

"Life is just harder now," his sister, Lyndsay Peters, said. "I have anxiety I never had before. I don't enjoy things anymore that I used to ..."

"There were supposed to be so many more years to make more memories for us," she said.

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