

Witness says boyfriend followed orders before - Daily Herald, The (Everett, WA) - November 21, 2018

November 21, 2018 | Daily Herald, The (Everett, WA)

SEATTLE — A witness is disputing key details in the fatal shooting of an Edmonds man in October.

Britt Jakobsen, 22, was in the front passenger seat when a Snohomish County sheriff's deputy shot **Nickolas Peters** on Oct. 23. She and Peters had been dating for about five years, were engaged and were on their way home from a friend's house.

She spoke publicly Wednesday at a law firm in downtown Seattle. Lawyers are working with her in considering whether the deputy's use of deadly force warrants a civil rights lawsuit.

The case remains under investigation by the Snohomish County Multiple Agency Response Team, which includes detectives from several local departments.

Aaron Snell, an Everett police officer and SMART spokesman, said there was little he could say at this point.

"As the investigation is ongoing, we will let the search warrants stand as released," he said in an email late Wednesday afternoon. "If there is additional information about the incident, or clarification needed, we encourage the female passenger to talk with detectives."

Deputy Art Wallin had attempted to pull over Peters, 24, on the way to a disturbance call in the 19500 block of Sixth Drive SE in the Lynnwood area. Peters sped off and led deputies on a brief but frantic pursuit, going over 100 mph and weaving all over the street.

Jakobsen said she breathed a sigh of relief when deputies pinned in the vehicle.

"When the vehicle finally stopped, I thought it was over," she said. "We're safe."

"I couldn't imagine Nick was going to die that night."

One deputy jumped on the hood and shined a flashlight through the windshield, according to search warrants filed in court, while Wallin positioned himself outside the passenger door.

Nickolas Peters (top) and Britt Jakobsen. (Courtesy of Britt Jakobsen)

Contrary to what was initially reported by police, Jakobsen said, she and her boyfriend complied with deputies' commands that night. When they told him to turn off the truck, he turned it off, she said. When they told them to raise their hands, they obeyed, she said.

Wallin said he couldn't see Peters' right hand, court papers said. The deputies ordered the man

again to raise his hand.

Jakobsen said the deputy should have had a clear view of them.

"They could see perfectly through the windshield," she said.

She said there was a moment of confusion when one of the deputies told them to get out of the vehicle. She and Peters locked eyes, realizing they couldn't comply with both commands, to lift their hands and leave the vehicle, at the same time. So they stayed still.

The deputies said they saw Jakobsen balled up in the passenger seat with her hands over her face, records show. She disputes that description.

Jeff Campiche, a lawyer with Campiche Arnold, said law enforcement was trying to discount her as a witness by saying she had her face covered.

"But she's a witness," he said. "She saw what she saw."

Jakobsen said the deputies didn't give enough time after their initial commands. Wallin fired two shots and Peters suffered two wounds to his right side.

Right after, Jakobsen said the two deputies dragged her out of the truck by her hair. The warrant papers only mentioned that she was "removed from the vehicle."

Campiche said the deputies were right to stop Peters for eluding police, but there was no confrontation that would have prompted the use of deadly force.

Law enforcement eventually found a loaded .45-caliber Kimber Custom II pistol in a green zippered case underneath the center console, according to public records. Police say they also recovered 100 oxycodone pills at the scene.

But, Campiche said, the deputies were unaware of the gun when they stopped Peters, and it was out of reach.

"The police are not entitled to execute somebody who has committed a crime," he said. "Their responsibility is to arrest them."

Moreover, he said, a deputy should not have jumped onto the hood of the truck. He questioned whether that was in line with standard training to de-escalate volatile incidents.

"Is it the policy of that department to shoot and kill before they have identified a deadly threat, only because a person's hands are not completely revealed to the policeman?" he said.

When it is completed, the SMART investigation will be forwarded to prosecutors to review.

Zachariah Bryan: 425-339-3431; zbryan@heraldnet.com. Twitter: zachariahtb.