

Edmonds man shot by deputy had gun in truck, but - Daily Herald, The (Everett, WA) - November 12, 2018

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LYNNWOOD — An Edmonds man would not show a Snohomish County sheriff's deputy his right hand, when he was shot to death at the end of a pursuit north of Bothell, according to search warrants filed in court.

Nickolas Michael Peters, 24, was not holding a weapon. A loaded .45-caliber Kimber Custom II pistol was found, however, in a green zippered case underneath the center console of the Ford F-150 he was driving, records show.

Peters led two deputies on a brief, wild pursuit around 10 p.m. Oct. 23, before the shooting at Filbert and Damson roads.

Detectives on the Snohomish County Multiple Agency Response Team continue to investigate, and the deputy who opened fire is still on paid leave, said Everett police officer Aaron Snell, a spokesman for SMART.

Deputy Art Wallin had been called to the 19500 block of Sixth Drive SE, for a report of a disturbance. On his way to the home, he tried to pull over a Ford F-150 that was leaving the neighborhood at Nellis Road.

The driver, Peters, refused to show his hands, according to the warrants.

Deputy Wallin had him pinned in, but Peters backed into a retaining wall and sped off. The truck swerved all over the street at 100-plus mph west on Filbert, a road that's also called Highway 524. The truck slowed to 20 mph and ran a red light, as another deputy tried to catch up.

Wallin stopped the truck with a PIT maneuver, striking a corner of the patrol car into a back corner of the truck, to make it spin out. But the driver regained control and kept going.

"He's taking off again," Wallin said on the radio. "He is all over the road. This guy is going to kill someone."

Another driver reported the oncoming truck drifted into her lane, and she had to swerve to avoid a crash. Deputies tried another PIT maneuver at Damson and Filbert. On the third try, a deputy blocked the pickup between his vehicle and the woods. He stood on the hood, while Wallin rushed to the passenger side. He could see a woman in the passenger seat, balled up with her hands over her face. Deputies ordered the driver to show his hands. Wallin could see Peters' left hand.

"Deputies continued to give verbal commands to the occupants to show their hands, but Peters kept his right hand at his side," says one of the search warrants written by Lynnwood detective

Jacqueline Arnett.

Wallin fired two shots. Peters suffered two wounds to his right side. He was pronounced dead at Harborview Medical Center in Seattle.

In Peters' clothes, police found 100 oxycodone pills, according to the warrants. Later, more evidence of drugs was documented in the truck: a bottle of oxycodone; 23 pills of naloxone, the antidote for opioid overdoses; six pills of the sedative Librium; a white powder; a rolled up \$5 bill; a case of burnt black tar; a box holding a scale, knife and lighter; a ledger; and two glass pipes with residue.

The pistol had five rounds in the clip, with no rounds chambered. Boxes of .45-caliber ammo were recovered.

Peters had warrants for unlawful possession of a firearm and driving with a suspended license.

In February, he'd been pulled over for driving with a revoked license on 208th Street SW. He got out with his hands up. The officer asked if he had any weapons. He paused, then said he had a .380-caliber pistol in his pocket, charging papers say. That gun was loaded with six rounds.

"I know I'm not supposed to have the gun," he told Lynnwood police, according to the charges. He told officers he was a felon, for attempting to elude police in 2014 in Mason County.

Wallin has confronted armed gunmen before. He shot a drunk, despondent man at a Stanwood home in 2013. In that case, two deputies shouted conflicting commands to a man with a rifle in his home, to both raise his arms and drop his weapon. Gene Fagerlie raised the gun, and Wallin opened fire. One bullet hit Fagerlie's hand. Another bullet grazed his head.

That shooting was ruled justified by Snohomish County Prosecutor Mark Roe.

October's fatal gunfire will be reviewed by the same office.

On the night Peters was shot, his license was still suspended. Urine tests reportedly came up positive for methamphetamine, amphetamine, cocaine, fentanyl and morphine. In the body, opiates metabolize as morphine. From the paperwork, it's unclear if the drugs were at levels that would cause impairment, or if they were lingering in his system.

Detectives impounded the Ford. Three days later, they searched it.

On the front passenger seat was a black iPhone, still connected to a charging cord. The screen was lit up with missed calls and social media alerts. Nine calls came from the owner of the pickup on Oct. 24, the same day he reported the truck had been stolen by Peters.

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