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NATIONAL POLICE DEFENSE FOUNDATION



## **TOXICOLOGY REPORT MAY PLAY KEY ROLE IN POLICE OFFICER'S UPCOMING TRIAL**

**A Special Editorial by J. R. de Szigethy**

**Minnesota Police Officer Jeronimo Yanez has been Indicted on Second-Degree Manslaughter charges for the shooting death of Philando Castile on July 6 of this year. This shooting incident sparked unrest nationwide, especially after Minnesota Governor Mark Dayton inflamed the situation by claiming that Castile was shot because he was Black. Officer Yanez, who is Latino, faces up to 10 years in prison if convicted of the charges against him.**

**Governor Dayton made his statement not knowing that Officer Yanez pulled Castile over because he strongly resembled an armed-robbery suspect that had held up a gas station in that very neighborhood. Sitting in the car Castile was driving was his girlfriend Diamond Reynolds and their 4-year-old daughter in the back seat. Castile informed Officer Yanez that he was carrying a gun for which he had a permit. According to Ramsey County District Attorney John Choi, who obtained the Indictment of Yanez, Officer Yanez repeatedly yelled at Castile: "Don't pull it out!" A dash cam in Yanez' patrol car captured audio and video evidence regarding the inter-action between Yanez and Castile. From the time the car was stopped until the last bullet was fired only 62 seconds in time had elapsed.**

**After the shooting, Reynolds began uploading live video of the aftermath using her cellphone. At one point, a surprisingly tranquil Reynolds stated: "You shot four bullets into him, sir. He was just getting his license and registration, sir." Yanez is heard stating: "I told him not to reach for it!" (his handgun) "I told him to get his hand open!"**

**Reynolds later stated that instead of offering first aid to Castile, the other Officer embraced Officer Yanez, who was crying.**

**At trial, the Toxicology report on Castile may be entered into evidence, most likely by the Defense. What Defense lawyers will want to know is if there was evidence of a drug or drugs in Castile's blood that would make someone more likely to react to that situation by reaching for a gun as Officer Yanez believed.**

**2 days before Castile's death, on the Fourth of July, Diamond Reynolds uploaded to YouTube via her cell phone a video showing herself and Castile smoking marijuana, this while their daughter was a foot behind them in their car. This was the same automobile in which Castile would soon die. Another video posted to YouTube shows Reynolds smoking a marijuana cigar, while Castile drives on the freeway through Minneapolis. At one point, the audio portion reveals that the child either coughs or sneezes, which the mother acknowledges.**

**According to the website of the National Institute on Drug Abuse, the effects of marijuana on an adult include “altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, temporary hallucinations, and temporary paranoia – extreme and unreasonable distrust of others.”**

**The effects of Castile's marijuana abuse 2 days before his death should have worn off by the time he was shot. However, a toxicology report should indicate if Castile had ingested any drug or drugs within hours of his shooting, impairing and impacting on his decision-making processes when confronted by a Police Officer.**

**Also of significance regarding these YouTube videos is that they show Castile recklessly endangering the health of his young daughter by smoking marijuana in an enclosed space. Numerous medical studies have proven that second-hand smoke from marijuana has a greater negative impact on children than on adults. In 2014, the U. S. Surgeon General's report on the dangers of second-hand tobacco smoke estimated that 34,000 premature deaths occur each year of non-smokers subjected to such smoke. Research has shown that marijuana smoke contains 50 percent more carcinogens than tobacco smoke.**

**In addition to endangering the welfare of his daughter, Philando Castile endangered the public safety by driving an automobile on at least two occasions while under the influence of a drug. Such reckless behavior regarding his daughter and the public in general is the sort of person who would reach for his gun when ordered not to by a Police Officer.**

**Officer Yanez is being supported by the Minnesota Police and Peace Officers Association, his Union, Law Enforcement Labor Services, and the State Chapter of the National Latino Police Association. Yanez is represented by attorney Tom Kelly.**

**\*A related Editorial by this author can be found here: <http://www.npdf.org/the-history-of-assaults-on-law-enforcement-in-america/>**

**J. R. de Szigethy is a Manhattan-based crime reporter who can be reached at [writer10021@aol.com](mailto:writer10021@aol.com).**