

**WASHINGTON STATE PATROL**  
**CRIMINAL INVESTIGATIVE DIVISION**  
**CASE SUMMARY**

---

<b>File Title</b> SMART (OIS) Investigation	<b>Detective</b> J.N. Rhue	<b>Case Number</b> 09-008982
---	-------------------------------	---------------------------------

---

<b>Subjects</b> (D) Meservey, Niles L. (12-24-1957)	<b>Other Case Number</b> EPD #DD09-12011 SCSO #SO09-11579
--	---

---

**Synopsis**

On Wednesday, June 10, 2009, at about 11:39 p.m. Everett Police Officer Troy Meade responded to Patty's Eggnest at the Chuckwagon Inn for a report of an intoxicated male who was about to drive. Officer's had responded to the Chuckwagon earlier in the evening for the same individual but were unable to locate him. Officer Meade contacted Niles L. Meservey (51) while he was seated in the driver's seat of his Corvette. The Corvette was parked in a parking stall in a lot behind the Chuckwagon. Officer Meade repeatedly asked Meservey to exit his vehicle but Meservey refused. Officer Meade deployed his taser and gave Meservey two back to back taser applications. Meservey started his engine and drove his vehicle forward, over a concrete stop bar and into a chain-link fence. Officer Meade drew his service weapon and shot eight times into the Corvette, striking Meservey seven times. Meservey died from multiple gunshot wounds. The toxicology report showed Meservey had a blood alcohol concentration of 0.26 g/100mL.

---

**Details**

On Wednesday, June 10, 2009, at about 2:30 p.m. Niles L. Meservey (12-27-1957) arrived at the American Legion Post 92, in the City of Stanwood. Meservey reportedly consumed five Budweiser Lights and left at about 9:30 p.m. At about 10:11 p.m. Meservey arrived at Patty's Eggnest at the Chuckwagon Inn located at 6720 Evergreen Way in the City of Everett. Wednesday night is Karaoke night at the Chuckwagon. While at the Chuckwagon, Meservey reportedly had one beer and bought drinks for two other customers, Trisha Tribble and Joanne Hancock. Meservey conversed with Tribble and Hancock and asked them both to dance. Tribble told Meservey she couldn't dance with him because it was her turn to sing next. Hancock told Meservey she had a hurt ankle and couldn't dance. Meservey took hold of Hancock's hand and pulled her from a seated position to the dance floor.

Hancock turned away from Meservey, facing the stage while she danced. Meservey became frustrated and walked off the dance floor. Tribble and Hancock later went out to the back of the Restaurant to the smoking deck to have a cigarette. After a short time, Meservey went outside and contacted both Tribble and Hancock. Meservey became belligerent and yelled at both women. While this was occurring, Elizabeth Thornes arrived and joined Tribble and Hancock in the smoking deck. Meservey told them he was going to leave. Tribble, Hancock and Thornes believed Meservey was drunk and told him he was not in any condition to drive. At 10:45 p.m., after a few minutes of arguing with Meservey, Thornes called 911 on a cell phone to report that Meservey was intoxicated and about to drive away.

Meservey went back inside the Chuckwagon and left through the front door. Everett Police Officer's Caldart, Yeardon, and Martinez responded to the Chuckwagon for the 911 call. Officer's located Meservey's white Corvette in the back parking lot but they were unable to locate Meservey. After about 15 minutes the officers cleared the call. During this time Meservey went to The New Grove Card Room located at 6504 Evergreen Way, a few blocks north of the Chuckwagon. Surveillance video clearly showed Meservey enter the bar from the front entrance, sit down and have two beers before leaving.

At approximately 11:30 p.m. Meservey returned to the Chuckwagon. Meservey reportedly attempted to buy a beer but was cut off by the bartender. Tribble called 911 when she saw Meservey had returned. At 11:33 p.m. SNOPAC broadcast the report as a possible DUI and Officer Troy Meade responded to the call. At 11:39 p.m. Everett Officer Meade arrived at the Chuckwagon and parked about 15 feet behind Meservey's Corvette, facing east. Meservey was now seated in the driver's seat of his 1994 Chevrolet Corvette. The Corvette was parked in a parking stall between two other vehicles facing south. Officer Meade contacted Meservey on the driver's side of the vehicle. Joanne Hancock was in the smoking tent and observed Officer Meade contacting Meservey. Hancock ran back into the bar and told everyone inside, "They've got him!" Several people from inside the Chuckwagon made their way out back to the smoking deck to watch.

At 11:43 p.m. Officer Steven Klocker arrived at the Chuckwagon parking lot through the east entrance off of Evergreen Way. Officer Klocker stopped his vehicle and observed Officer Meade contacting the Corvette at the driver's side door. He also observed Officer's Meade's patrol vehicle was running but did not have overhead lights activated.

After about two minutes, Officer Meade gave Officer Klocker the [redacted] sign by [redacted]. This sign is used by police officers to [redacted]. Officer Klocker drove slowly westbound through the parking lot turned and left onto Fleming Street. Officer Meade called Officer Klocker via the radio and requested re-

RCW 42.56.240(1)

RCW 42.56.240(1)

RCW 42.56.240(1)

contact. Officer Klocker parked his vehicle on Fleming Street and walked over to assist Officer Meade.

Officer Klocker assumed a position of cover from the right rear corner of the Corvette. Officer Klocker observed the Corvette's engine was not running. Officer Meade was speaking to Meservey through the open driver's window, standing next to the door and turned so that he was facing Meservey.

Officer Klocker could see both men but could hear Officer Meade better than he could hear Meservey. Officer Meade was trying to convince Meservey he should not drive but it did not seem to be getting through. Officer Klocker could hear Meservey's tone more than his words, which he described as belligerent. At some point during the contact, Elizabeth Thomes approached both officers from the east. Officer Klocker directed her out of the parking lot and Thomes continued walking west and out of his view.

Officer Meade told Meservey numerous times to get out of the car but Meservey repeatedly refused. Officer Klocker said Officer Meade used language which made him uncomfortable because of the nearby civilians. Officer Meade said remarks similar to, "I don't know why the fuck I am trying to save your dumb ass... maybe to keep you from killing yourself or driving." Officer Klocker said Officer Meade did not sound angry but he was kind of belittling Meservey. Officer Klocker said Officer Meade may have been using language he felt Meservey might understand and that similar responses were coming from Meservey.

Officer Klocker could tell by the exchange that it was escalating and believed they were going to have to take some other type of action. Meservey was refusing to get out of the car and Officer Klocker believed he was going to attempt to drive. Officer Klocker drew his Taser and his ASP baton in case he needed to break window glass on the passenger side. Officer Klocker noticed Officer Meade had also drawn his Taser while he continued to order Meservey not to drive the car. Officer Klocker moved to the driver's side and stood near Officer Meade.

Officer Meade fired his Taser through the driver's window and the probes contacted Meservey's left shoulder with a spread of 4 ½ inches. Officer Klocker observed the Taser was effective and Meservey stiffened from the application. Officer Meade's Taser was downloaded and the data indicated a six second application followed immediately by a five second application.

Officer Klocker observed that as soon as the applications ended, Meservey recovered, started talking saying something similar to, "Why in the fuck did you do that?" He immediately reached up to the ignition and started the Corvette. Officer Klocker believed Meservey was about to drive and told Officer Meade he would move Meade's car closer to block the Corvette. Officer Klocker ran north and around the front of Officer Meade's

Page 3 of

Officer Signature

Date 8-10-09

5 Pages

Supervisors Signature

Date 8-15-09

vehicle but then saw the Corvette lurch forward, over the concrete curbing and into the chain-link fence. Officer Klocker chose to continue around the back of Officer Meade's car and ran up to the right rear corner of the patrol car. Officer Klocker observed the Corvette was still moving, as if revving the engine or like Meservey was still trying to drive it or move it. He observed Meade standing near the left rear wheel of the Corvette yelling, "Enough is enough. Get out of the car." Officer Meade also said something like, "Time to end this. Enough is enough." Officer Meade took a large step back, drew his firearm, and fired a rapid series of shots into the Corvette through the rear window.

At 11:48 p.m. Officer Meade broadcast over his portable radio that shots had been fired and to start aid. Officer Meade told Officer Klocker that he felt their lives were in danger. He placed his hands on his head and started to pace the parking lot. Officer Klocker ran to the driver's side door of the Corvette and observed Meservey slumped over towards the passenger side. Officer Klocker struggled to open the door for several moments before finally being able to open it.

At 11:50 p.m. Acting Sergeant Maryjane Hacker arrived on scene. Acting Sergeant Hacker observed Officer Meade pacing in the lot north of his patrol car. He was taking deep breaths and appeared to be under a high degree of stress. Officer Meade told Acting Sergeant Hacker, "I'm out of it. I want my Garrity." Acting Sergeant Hacker then assisted Officer Klocker move Meservey from the Corvette to the ground where they could attempt medical care. Elizabeth Thornes reappeared and told them she was a nurse. Thornes assisted with CPR until the responding medics determined Meservey was deceased.

Some of the witnesses made different observations than those observed by Officer Klocker. Witnesses included Elizabeth Thornes and the persons standing on the smoking deck or the walkway leading to the deck. A large SUV was parked between the Corvette and the building, limiting the witnesses' line of sight. Some could see Officer Meade and others could not. Nearly all of the witnesses heard Officer Meade repeatedly ask Meservey to get out of the vehicle. Nearly all of the witnesses believed the Corvette engine was running before the Taser application. Three witnesses, Tribble, Hancock, and Dziechiasz, thought the Corvette moved a short distance before the Taser application. Most of the witnesses believed the Corvette lunged forward into the fence almost immediately after the Taser application. Elizabeth Thornes was standing near the fence and a short distance to the west. She told investigators that when the Corvette hit the fence, part of the fence then hit her and knocked her to the ground. Tom Brophy described intentional backing attempts after the fence impact and prior to the shots. Other witnesses described some rear vehicle movement after the fence impact, though it may have just been rebound. Nearly all of the witnesses described the gun shots as occurring very soon after the fence impact.

*[Handwritten Signature]* 270

The Corvette had an automatic transmission and the gear shift was found to be between the (R) Reverse and (N) Neutral positions. The investigation showed Officer Meade fired eight shot's into the Corvette striking Meservey six times.

The Corvette was processed by detectives from the Snohomish County Multiple Agency Response Team and forensic scientists from the Washington State Patrol Crime Laboratory Response Team. A bullet trajectory analysis was completed to determine the lines of trajectory and the potential firing positions. The analysis indicated Officer Meade's maximum distance from the Corvette, for the steepest trajectory, was not greater than 6-7 feet. The position of this maximum distance was approximately 3 1/2 feet rear of the Corvette and 3 1/2 feet off the driver's side. All of the trajectories came from a similar direction. The (8) fired bullet casings were found on the ground around the sides of the Corvette and behind it. Their close proximity is also consistent with a relatively close firing position. Officer Meade would have been located between the Corvette and the Land Rover SUV parked in the next stall, or near the SUV's near rear corner. This firing position is also consistent with Officer Klocker's statement.

Officer Klocker provided two recorded statements. He told investigators he had reservations about the shooting. Officer Klocker believed Meservey would continue his resistance and would attempt to drive. Officer Klocker believed they would have to use greater force to control the incident but he did not think they had reached the level of lethal force because he did not feel his life, Officer Meade's life, or any civilian lives were in danger.

Officer Meade has declined to provide a voluntary statement.

The Snohomish County Medical Examiner's Report states Meservey died of multiple gunshot wounds. The toxicology report showed Meservey had a blood alcohol concentration of 0.26 g/100mL.

*[Handwritten signatures and dates]*