

FILED

2009 OCT 26 AM 10:18

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH



SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

No. 09-1-01971-6

MEADE, TROY

INFORMATION

Defendant.

Aliases:

Other co-defendants in this case:

Comes now JANICE E. ELLIS, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, her Information, in the name and by the authority of the State of Washington, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

FIRST DEGREE MANSLAUGHTER, committed as follows: That the defendant, on or about the 10th day of June, 2009, did recklessly cause the death of another person, to-wit: Niles L. Meservey, said death occurring on or about the 10th day of June, 2009; proscribed by RCW 9A.32.060(1)(a), a felony.

JANICE E. ELLIS
PROSECUTING ATTORNEY

MATTHEW D. BALDOCK, #30892
Deputy Prosecuting Attorney

JOHN S. ADCOCK, #15714
Senior Deputy Prosecuting Attorney

ORIGINAL

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SUPERIOR COURT OF WASHINGTON
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Plaintiff,

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MEADE, TROY

Defendant.

No. 09-1-01971-6

AFFIDAVIT OF PROBABLE CAUSE

Aliases:

Other co-defendants in this case:

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant(s) in this cause, and that I believe probable cause exists for the arrest of the defendant(s) on the charges because of the following facts and circumstances:

The following summary is based upon reports submitted by investigators with the Snohomish County Multi-Agency Response Team (SMART), and unless otherwise indicated, it does not reflect your affiant's personal knowledge:

At 10:45 p.m. on Wednesday, June 10, 2009, a patron at the Chuckwagon Inn on Evergreen Avenue in Everett, Washington called 911 to report that another patron had just left the bar intoxicated and was about to get in his car and drive away. Officers from the Everett Police Department arrived at the Chuckwagon Inn a few minutes later. They found the reportedly intoxicated man's white Corvette in the parking lot behind the restaurant, but they were unable to find the man himself. The officers left after about fifteen minutes.

A short time later—just after 11:30 p.m.—another patron at the Chuckwagon Inn called 911 to report that the intoxicated man had returned to the restaurant to retrieve his car and was about to leave. The defendant, Everett Police Officer Troy Meade, responded to the Chuckwagon at 11:39 p.m. and found the man seated in the driver's seat of the white Corvette which was parked in a parking stall behind the restaurant, nose-in, between two other parked vehicles. (The man in the Corvette was later identified as

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Niles L. Meservey). The defendant parked his patrol car perpendicular to the Corvette, approximately fifteen feet behind it.

At 11:43 p.m., Everett Police Officer Steven Klocker arrived at the Chuckwagon Inn. He drove his patrol car into the parking lot and stopped. He saw the defendant standing next to the Corvette's driver's door, talking to Meservey as he sat in the driver's seat. After a couple of minutes, the defendant signaled to Officer Klocker that everything was okay, and Klocker began to drive away. As Klocker turned out of the parking lot, the defendant contacted him on the radio and asked that he return to the scene to assist. Klocker parked his patrol car and walked through the parking lot to the Corvette. As he stood at the right rear corner of the Corvette, he observed that the car's engine was not running. The defendant was standing next to the driver's door, facing Meservey, and talking to him through the open window.

As he was standing there, Officer Klocker could hear the defendant first attempting to convince Meservey not to drive, and then repeatedly ordering him to get out of the car. Klocker could not clearly hear what Meservey was saying in response, but he could make out that he was addressing the defendant in a belligerent tone and was apparently refusing to comply with his commands.

Based on his observation of this exchange between the defendant and Meservey, Officer Klocker sensed that the situation was escalating and anticipated that he and the defendant were likely going to have to take some affirmative action to prevent Meservey from attempting to drive away. Klocker drew his Taser and his ASP baton thinking that he might have to break the glass on the passenger side of the Corvette. When he noticed that the defendant had also drawn his Taser and was continuing to order Meservey to exit the vehicle, Klocker moved around to the Corvette's driver's side near the defendant. The defendant then fired his Taser through the driver's window and the probes struck Meservey in his left shoulder. Officer Klocker could see that the Taser application was effective, as he saw Meservey stiffen from the shock. (Investigators later downloaded the stored data from the defendant's Taser and found that there had been an initial six-second application followed almost immediately by a five-second application).

Officer Klocker saw that Meservey quickly recovered from the Taser applications and began talking, asking something like, "Why did you do that?" Klocker then saw Meservey reach up with his right hand, turn the key, and start the Corvette's engine. Thinking that Meservey was about to attempt to drive away, Officer Klocker yelled to the defendant that he was going to move the defendant's patrol car closer behind the Corvette to better block it in. (Klocker planned to position the patrol car bumper-to-bumper with the Corvette to minimize damage to the patrol car if Meservey decided to back into it). As he ran around the front of the defendant's patrol car and reached the driver's door (on the side opposite the Corvette), Officer Klocker saw the Corvette lurch forward over the concrete curb and into a low chain-link fence. Klocker could see that after the car hit the fence, it appeared to still be moving slightly as if Meservey was trying to continue driving or was revving the engine. He saw that the defendant was standing approximately a car-length behind and to the left (off the driver's side) of the Corvette, yelling at Meservey to get out of the car. Klocker then heard the defendant say something like, "Time to end this; enough is enough." He watched as the defendant drew his pistol and fired several shots through the car's rear window, advancing one or two steps as he did so.

The defendant turned away from the vehicle, and at 11:48 p.m., broadcast over the police radio that shots had been fired, that a suspect was down, and that aid should be dispatched to the scene. Officer Klocker ran to the driver's side of the Corvette and saw Meservey slumped over toward the passenger seat. Klocker tried to open the door, found it was locked, and then reached in through the window and was able to unlock and open the door.

At 11:50 p.m., Acting Sergeant Maryjane Hacker arrived on scene. She saw the defendant pacing in the parking lot near his patrol car. He was taking deep breaths and appeared to be upset. Acting Sergeant Hacker went to the driver's side of the Corvette and helped Officer Klocker remove Meservey from the car. Klocker could see that the Taser probes were still attached to Meservey's shoulder. They dragged

him a short distance away from the car and performed CPR until medics arrived and determined that Meservey was deceased.

Due to the nature of the incident, it was determined that investigators from the Snohomish County Multi-Agency Response Team (SMART) should initiate and conduct the investigation. The night of the incident and in the several days following, detectives interviewed several Chuckwagon patrons who were outside on the "smoke deck" behind the restaurant when the shooting occurred. They had somewhat varied perceptions of what occurred, but all were consistent in recounting several facts. All of the witnesses told detectives that they heard the defendant repeatedly directing Meservey to get out of the car. The witnesses also uniformly described hearing the "pop" of a Taser being deployed, seeing the Corvette accelerate forward, and then hearing a series of gunshots all within a very short period of time. Several of the witnesses thought they saw the Corvette roll backwards a short distance either before accelerating forward or after it impacted the fence.

Detectives processing the scene of the shooting found eight expended bullet casings on the ground near the Corvette. Detectives also inspected the magazine from the defendant's pistol and found that eight rounds were missing. They observed that the Corvette's rear window had been shattered, that the front tires were just over the concrete curb at the head of the parking stall, and that the front bumper was in contact with the chain-link fence. They also noted that the car was not in gear, although the engine was still running.

In subsequent interviews with detectives, Officer Klocker confirmed that neither he nor the defendant were directly in front of or behind the Corvette at the time of the shooting (i.e., not in the vehicle's path had it continued forward through the fence, or started backing up). He also confirmed that he observed no civilians in the immediate vicinity of the Corvette. Klocker told investigators that he perceived no immediate or imminent threat to the defendant, any civilians, or himself when the defendant opened fire.

Detective Cunningham from the Washington State Patrol later conducted a trajectory analysis using data collected from the scene and from the Corvette. What he found corroborated much of Officer Klocker's account of what transpired. Detective Cunningham concluded that the defendant was not more than 6 or 7 feet total distance from the Corvette when he fired, and was positioned approximately 3 ½ feet to the rear and 3 ½ feet to the driver's side of the vehicle, near the rear corner of the SUV in the adjacent parking stall.

An Associate Medical Examiner from the Snohomish County Medical Examiner's Office conducted an autopsy and concluded that Meservey died of multiple gunshot wounds to his torso. The examination revealed that Meservey was struck by seven rounds—four to his upper back, one to his right shoulder, one to his mid-back, and one to his right wrist.

Based on the facts set forth in the preceding summary, your affiants submit that probable cause exists to believe that on or about June 10, 2009, in Snohomish County, Washington, the defendant, Troy Meade, did recklessly cause the death of Niles L. Meservey, thereby committing the crime of First Degree Manslaughter, contrary to RCW 9A.32.060(1)(a).

The State is not objecting to release on personal recognizance. The defendant has strong local ties and has hired a local attorney to represent him. The defendant does not have access to firearms and is on administrative leave. Affiants do not believe defendant is a flight risk.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



MATTHEW D. BALDOCK, #30892
Deputy Prosecuting Attorney

JOHN S. ADCOCK, #15714
Senior Deputy Prosecuting Attorney

DATED this 26th day of OCTOBER, 2009 at the Snohomish County Prosecutor's Office.