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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON

13 ESTATE OF OTTO ZEHM, deceased, and
14 ANN ZEHM, in her personal capacity and
15 as representative of the Estate of Otto
16 Zehm,

17 Plaintiffs,

18 v.

19 CITY OF SPOKANE, JIM NICKS, KARL
20 THOMPSON, STEVEN BRAUN, ZACK
21 DAHLE, ERIN RALEIGH, DAN TOROK,
22 RON VOELLER, JASON UBERAGA, and
23 THERESA FERGUSON, each in their
personal and representative capacities,

24 Defendants.

NO. CV-09-80-LRS

DECLARATION OF TY JOHNSON

25 I, TY JOHNSON, declare under penalty of perjury, that the following is true
26 and correct.
27
28

DECLARATION OF TY JOHNSON - 1

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1 1. I make the following declaration based upon my own personal
2 knowledge.

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4 2. I am employed as a police officer for the City of Spokane Police
5 Department (SPD). I currently hold the rank of Corporal. I am assigned to the
6 patrol division.

7
8 3. In March, 2006, as a Corporal in the patrol division, I responded to an
9 emergency call for assistance by police officers at the ZipTrip store on North
10 Division in Spokane, Washington. Several other officers arrived before I did, and I
11 did not have any physical contact with the suspect, who was later identified as Mr.
12 Otto Zehm.

13
14 4. My basic responsibilities as a Corporal at the scene were to help
15 identify and secure physical evidence. In addition, I took photographs of the scene
16 and evidence.

17
18 5. I was subpoenaed by the U.S. Attorney's Office to testify before a
19 Grand Jury on June 16, 2009 at 9:00 a.m. I went to the federal court at the
20 designated time. I was informed that my testimony would be postponed until
21 12:30 p.m., so I left and returned at 12:30 p.m.

22
23 6. Upon my return, I was contacted by an FBI agent. She took me to the
24 U.S. Attorney's Office and put me in contact with two other FBI agents who then
25 took me into a conference room in the U.S. Attorney's Office. The agents then told
26 me they had proof that police officers at the ZipTrip knew that Karl Thompson
27 attacked Otto Zehm without cause; and, that the officers formed a "conspiracy"
28

DECLARATION OF TY JOHNSON - 2

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1 that night to cover it up. The agents indicated the proof was in the store video
2 tapes which show multiple contacts between the officers and that Grand Jury
3 testimony was used to identify which officers were involved in the conspiracy. The
4 FBI agents suggested that if I had information that was contrary to this I might
5 want to change the testimony I would be giving to the Grand Jury later. The FBI
6 agents went so far as to say that the indictment against Karl Thompson was
7 already a done deal, and that they had evidence that Officer Thompson had struck
8 Otto Zehm in the head with a PR24, and that I probably didn't know this, and that
9 they wanted me to know this before I testified to the Grand Jury so I would know
10 where the questions were coming from.

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12
13
14 7. I believe that this was witness tampering by the United States
15 Attorney's Office. To me it was absolutely inappropriate for the U.S. Attorney to
16 subpoena me to the hearing, and have FBI agents attempt to influence my
17 testimony in the U.S. Attorney's Office.
18

19 8. I was finally called to testify at about 4:30 p.m. I was asked several
20 times by the U.S. Attorneys if I had discussed this case with anybody before hand,
21 and I kept telling them that I had discussed the case with the FBI investigators in
22 the U.S. Attorney's Office. Questions asked by Assistant U.S. Attorney Timothy
23 Durkin indicated he had prior knowledge of the FBI interview. He asked me what
24 the subject content was of that questioning. I told the U.S. Attorney that if he is
25 concerned about a conspiracy he should look behind his own office doors. In
26 essence, he and the FBI were trying to influence my testimony.
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DECLARATION OF TY JOHNSON - 3

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DATED this 16 day of September, 2009.


TY JOHNSON

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2009, I electronically filed the foregoing "Declaration of Ty Johnson" with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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