

Statement from Spokane County Sheriff John Nowels regarding the recent Washington State Court of Appeals, Division Three, ruling in the case of State vs. Vaile.

While I usually refrain from commenting on court opinions out of respect for their judicial rulings and the separation of powers set forth in the United States Constitution, the dissenting opinion in this case, in my opinion, is so egregious and offensive to not only our deputies and the prosecutor's office but especially to women and every sexual assault victim in our community and nation.

In this court proceeding, the majority reversed a trial court's ruling regarding an evidentiary finding during the initial trial and remanded back for a new trial in the two-to-one opinion. The majority opinion also made it clear their decision was limited to the evidentiary issues raised by Mr. Vaile and that no one involved in this case, deputies nor prosecutors, was guilty of intentional racism or apathy. Furthermore, Mr. Vaile himself did not argue it on appeal.

While I do not always agree with some court rulings, most are understandable and well-reasoned opinions, as was the majority opinion in this proceeding. However, in this instance, the dissenting opinion appears to be based on wokeism, judicial activism, and the dissenter's personal view run amuck and is not based on established law. I fear this opinion and the foundation based apparently on ideology, racial activism publications, and media reports, void of legal precedent, will further shake and fracture the already strained trust of the public in our justice system and the courts.

To read an appellate court judge describe a female victim reporting a sexual assault as a "Karen" and minimize her belief by characterizing the assault as nothing more than an "unwanted kiss" is outrageous, shocking, and an insult to all sexual assault victims. I fear opinions like this will only lead to more victims feeling disillusioned and deepening the belief and fear of sexual assault victims that they will not be taken seriously or believed.

I believe **ALL** people should be free of unwanted sexual advances, and victims reporting such actions should have their voice heard. The information should be thoroughly investigated, and if the legal standard to charge the suspect is met, they should face a judge or jury of their peers, and if found guilty, they should be held accountable, according to established law.

The Spokane County Prosecutor's Office and the Spokane County Sheriff's Office work closely together as we work to keep our community safe and serve the citizens of Spokane County. We strongly believe in the equal application of the law for everyone involved.

However, in his own words, the dissenting judge admits he does not, "In response to this court majority's accusation of partiality, I plead guilty." (pg 48 State v. Vaile). He also stated in his written dissent, "I recognize that no Washington case law supports dismissal solely for the conduct of the Spokane County sheriff deputies toward Darnai Vaile."

The majority opinion expressly found the opposite, stating, "And while history, statistics, current events, and human nature must inform our decisions, they cannot be used as the basis for a decision when racism has not been raised, briefed, or found. (pg 4 and 5 State v. Vaile)

These are not the views I have of Spokane County, its law enforcement, or the prosecutor's office. These allegations, not based in law or fact and directly opposed in the majority opinion, are offensive and unwarranted. They are an affront to all the hard-working men and women in law enforcement, the prosecutor's office, the judiciary, and the criminal justice system as a whole.

I, as the Sheriff of Spokane County, and everyone at the Spokane County Sheriff's Office, want to assure you, the people of Spokane County, we are committed to partnering with you to deliver a premier level of public safety with the equal application of the law for everyone with respect and professionalism. My deputies will continue to respond to **ALL** calls for service regardless of a crime victim's or suspect's race.