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**Scott G. Weber, Clerk
Clark County**

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**SUPERIOR COURT OF THE STATE OF WASHINGTON
CLARK COUNTY**

STATE OF WASHINGTON,

Plaintiff,

v.

JULIO CESAR SEGURA,

Defendant.

No. 22-1-00234-06

**OPPOSITION OF PUBLIC
RECORDS REQUESTERS THE
COLUMBIAN PUBLISHING CO.
AND OREGON PUBLIC
BROADCASTING TO
DEFENDANT’S MOTION TO
ENJOIN RELEASE OF PUBLIC
RECORDS**

I. INTRODUCTION AND RELIEF REQUESTED

The Columbian Publishing Company (“Columbian”) and Oregon Public Broadcasting (“OPB”) (collectively, “News Requesters”) submit this opposition to Defendant’s motion, which seeks to hide from public scrutiny the law enforcement investigation into the fatal shooting of Vancouver Police Department Officer Donald Sahota. The News Requesters sought these records under the Public Records Act (“PRA”), in order to inform the public about this newsworthy investigation in a timely and complete manner. The Court should deny the motion because Defendant has not come close to meeting the steep burden the PRA imposes on parties, like him, who seek to impose secrecy on public records.¹

¹ The Court has permitted the News Requesters to file this opposition as an amicus brief, and to be heard at the March 31 hearing on this matter. The News Requesters reserve the right to bring

1 Defendant's Motion ignores the language and purpose of the PRA, which "is a strongly
2 worded mandate for broad disclosure of public records." *Hearst Corp. v. Hoppe*, 90 Wn.2d 123,
3 127, 580 P.2d 246 (1978). The law is "liberally construed" in favor of disclosure. RCW 42.56.030.

4 The Motion should be denied.

5 As a threshold matter, the Motion is procedurally improper. The PRA does not permit
6 courts hearing criminal matters to enjoin agencies from releasing records; rather, a party
7 objecting to disclosure must seek a civil injunction pursuant to RCW 42.56.540. *See*
8 Section III.B, *infra*.

9 Second, public records *must* be disclosed upon request unless a specific exemption bars
10 their release, and no PRA exemption applies to the records at issue. Defendant relies on a PRA
11 exemption permitting anonymity for crime victims and witnesses, when necessary to protect
12 their safety or when they ask to withhold their identity at the time a complaint is filed. *See*
13 RCW 42.56.240(2). Defendant does not qualify for this exemption: he made no timely request,
14 and he has not shown that disclosing his identity poses any safety threat—nor could he, given
15 that his identity and alleged involvement in the circumstances of Officer Sahota's death is
16 already a matter of public record. Moreover, this witness-safety exemption has *never* been
17 construed to block disclosure of identifying information about an accused defendant. Indeed, if
18 Mr. Segura's status as a "witness" in connection with Officer Sahota's death exempted
19 disclosure under Section 240(2), then *every* criminal defendant would be entitled to block release
20 of police incident reports and other factual information gathered by law enforcement in
21 investigating the alleged crime. But such information is *routinely* disclosed, and is
22 presumptively subject to disclosure under the PRA once the defendant has been referred for
23 prosecution. *Cowles Pub. Co. v. Spokane Police Dept.*, 139 Wn.2d 472, 987 P.2d 620 (1999).
24 *See* Section III.C.1, *infra*.

25 _____
26 a formal motion to intervene to assure access to records, and will do so if the Court so requires.
27 *See Yakima v. Yakima Herald-Republic*, 170 Wn.2d 775, 781, 246 P.3d 768 (2011) (approving
limited intervention in criminal case for third-party motion to unseal court records).

1 *Columbian* daily newspaper and its website, and OPB, a public broadcasting network providing
2 news to southern Washington and Oregon through a network of radio and television stations and
3 a website. The *Columbian* and OPB both have published several articles about Officer Sahota's
4 death, the related charges brought against Defendant, and these proceedings. The articles
5 published by the News Requesters are attached to this memorandum.² *See* Appendix.

6 As noted in Defendant's Motion, attorney Josephine Townsend submitted the initial PRA
7 request to CCPO for "all audio, video, photograph evidence including police, autopsy and
8 investigative reports involving the death of VPD officer Donald Sahota." Mot. at 1 &
9 Attachment (1/31/2022 email). On March 4, 2022, OPB news reporter Troy Brynelson made a
10 similar PRA request to CCPO for the investigation into Officer Sahota's shooting. *See* CCPO
11 Response to Mot. (3/11/2022) ("CCPO Resp.") at 2. On March 9, 2022, *Columbian* Assistant
12 Metro Editor Jessica Prokop made a PRA request to CCPO, seeking the same records attorney
13 Townsend had requested. *Id.* Brynelson and Prokop have written news articles about this matter
14 for OPB and the *Columbian*, respectively. *See* Appendix.

15 On February 15, 2022, CCPO provided third-party notice of Townsend's PRA request to
16 Defendant. *See* CCPO Resp. at 2; Mot. Attachment (2/15/2022 letter). The notice informed
17 Defendant of the PRA's procedure an objecting party must follow when seeking to block
18 disclosure of a public record. *Id.*, citing RCW 42.56.540. That statute provides:

19 The examination of any specific public record may be enjoined if, upon motion
20 and affidavit by ... a person who is named in the record or to whom the record
21 specifically pertains, the superior court for the county in which the movant
22 resides or in which the record is maintained, finds that such examination would
23 clearly not be in the public interest and would substantially and irreparably
24 damage any person, or would substantially and irreparably damage vital
25 governmental functions must follow.

24 ² These articles are subject to judicial notice. *See* RCW 5.68.010(4) ("In the event that the fact
25 of publication of news or information must be proved in any proceeding, that fact and the
26 contents of the publication may be established by judicial notice."). Pursuant to ER 201(d), the
27 News Requesters seek judicial notice of the appended articles, which may be found on these
publishers' respective websites at the URL located in the footer of each article.

1 *Id.* CCPO later provided Defendant third-party notice of each of the News Requesters' PRA
2 requests. CCPO Resp. at 2.

3 On March 8, 2022, Defendant filed, in this proceeding, a "Motion for Order Enjoining
4 Release of Identifying Witness Information In Response to Public Records Act Request to Clark
5 County" (the instant Motion). The Motion was not served on any of the individuals who had
6 made PRA requests by then.

7 On March 18, 2022, Defendant filed a separate "Motion *In Camera* Review and Sealing
8 of Records" ("*In Camera* Motion"), asking the Court to review *in camera* the CCPO records
9 responsive to the PRA requests.

10 As directed by the Court, on March 22, 2022, Defendant provided the News Requesters
11 with the Motion and a Citation, noticing his "Motions Re: PRA & separate sealing motion" for
12 hearing on March 31, 2022.³ On March 23, 2022, the Court confirmed the News Requesters may
13 respond to the Motion via this amicus brief and may appear at the March 31 hearing.

14 III. ARGUMENT

15 A. The PRA Is Construed Broadly in Favor of Disclosure.

16 Passed by voter initiative in 1972, the PRA's stated goal is assuring the sovereignty of the
17 people over the agencies that serve them: "The people, in delegating authority, do not give their
18 public servants the right to decide what is good for the people to know and what is not good for
19 them to know." RCW 42.56.030. The statute requires "full access to information concerning the
20 conduct of government on every level ... as a fundamental and necessary precondition to the
21 sound governance of a free society." *Progressive Animal Welfare Soc. v. Univ. of Wash.*, 125
22 Wn.2d 243, 251, 260, 884 P.2d 592 (1994) ("*PAWS*"). To implement this sweeping purpose, the
23 PRA is a strongly worded mandate for broad disclosure of public records, requiring every state
24 and local agency to disclose *all* public records unless a specific statutory exemption allows
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26 ³ The Citation mistakenly refers to the Columbian as the "Oregonian," but the Columbian
27 received the document.

1 withholding it. RCW 42.56.070(1); RCW 42.56.210(3); *Spokane Police Guild v. Wash. State*
2 *Liquor Control Bd.*, 112 Wn.2d 30, 36, 769 P.2d 283 (1989).

3 To assure government remains transparent and accountable, the PRA imposes a steep
4 burden on objectors who seek to suppress public records. Defendant's attempt to bar the
5 investigation's release is subject to the following principles:

6 1. The objector bears the burden of proof. "The parties seeking to prevent disclosure
7 ... bear the burden of proof." *Lyft, Inc.* 190 Wn.2d at 781 (quoting *Confederated Tribes of*
8 *Chehalis Reservation v. Johnson*, 135 Wn.2d 734, 744, 958 P.2d 260 (1998)).

9 2. The objector must identify an exemption to disclosure. Defendant's burden
10 includes specifying the statutory exemption on which he relies, and proving it applies "with
11 particularity." *PAWS*, 125 Wn.2d at 257-58, 271. The objector must establish "the information
12 involved is in fact within one of the act's exemptions[.]" *Spokane Police Guild*, 112 Wn.2d at
13 36. Where only parts of a record are exempt, only the exempt information should be redacted
14 and the remainder must be released. *See* RCW 42.56.070(1); RCW 42.56.210.

15 3. Courts construe rights of disclosure broadly and exemptions narrowly. The PRA
16 "shall be liberally construed and its exemptions narrowly construed to promote this public policy
17 and to assure that the public interest will be fully protected." RCW 42.56.030; *PAWS*, 125
18 Wn.2d at 251.

19 4. Concerns over how a requester might use a public record, or how a third party
20 might react to disclosure, are not grounds for denying access to a public record. To the contrary,
21 the PRA recognizes that access to public records is in the public interest even when it "may
22 cause inconvenience or embarrassment to public officials or others." *Id.*; *Koenig v. City of Des*
23 *Moines*, 158 Wn.2d 173, 186-87, 142 P.3d 162 (2006). "Courts shall take into account the policy
24 of this chapter that free and open examination of public records is in the public interest[.]"
25 RCW 42.56.550(3).

1 5. Proof of an applicable statutory exemption is necessary, but not sufficient, to
2 enjoin disclosure. In addition to proving an exemption applies, the objector also must meet the
3 “stringent” standard applicable to PRA injunctions. *Lyft*, 190 Wn.2d at 793; RCW 42.56.540.
4 This requires the objector to prove release of the record in question would *both* “clearly not be in
5 the public interest *and* would substantially and irreparably damage any person, or would
6 substantially and irreparably damage vital governmental functions.” RCW 42.56.540 (emphasis
7 added). If an objector cannot meet this burden, the records must be released even if they fall
8 within an exemption. *See Lyft*, 190 Wn.2d at 786.

9 6. The PRA governs all public records held by covered agencies. The PRA applies
10 all documents that are “prepared, owned, used, or retained by” counties and other public
11 agencies for a governmental purpose. RCW 42.56.010(1), (3), (4). Under these broad statutory
12 definitions, any record in the agency’s possession, related to government function, is subject to
13 the PRA. Applied here, investigative records held by CCPO in connection with the County’s
14 investigation of Officer Sahota’s death and its prosecution of Defendant, are subject to the PRA.

15 **B. Defendant’s Motion is Procedurally Improper.**

16 As a threshold matter, the Court should deny the Motion because PRA disputes are not
17 properly addressed in a criminal proceeding. By statute, if an agency or “a person who is named
18 in the record or to whom the record specifically pertains” wishes to “enjoin[]” disclosure of a
19 public record, their remedy is to bring an injunction action in “the superior court for the county
20 in which the movant resides or in which the record is maintained[.]” RCW 42.56.540.

21 For practical and procedural reasons, a Section 540 injunction action is a civil
22 proceeding. The procedures guiding a Superior Court’s issuance of preliminary and permanent
23 injunctive relief arise under the Civil Rules, namely CR 65; there is no analogous rule of
24 criminal procedure. More generally, courts recognize that “[t]he Rules of Civil Procedure apply
25 in a PRA action.” *City of Lakewood v. Koenig*, 160 Wn. App. 883, 889, 250 P.3d 113, 117
26 (2011), citing *Spokane Research & Def. Fund v. City of Spokane*, 155 Wn.2d 89, 105, 117 P.3d
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1 1117 (2005). For example, requesters in PRA disputes may conduct discovery under the Civil
2 Rules. *Neighborhood Alliance of Spokane Cty. v. Spokane Cty.*, 172 Wn.2d 702, 715-16, 261
3 P.3d 119 (2011). Requesters also have a right to be joined under CR 19, or to intervene under
4 CR 24, in litigation deciding their PRA requests, in order “to seek to protect [their] interest and
5 the public’s interest in seeking these records.” *Burt v. Washington State Dep’t of Corr.*, 168
6 Wn.2d 828, 835, 231 P.3d 191, 195 (2010). None of these civil procedures—discovery, joinder,
7 intervention—is available to non-parties in criminal proceedings.

8 Adjudicating PRA disputes in criminal proceedings also deprives the requester of a ready
9 avenue to appeal. When a PRA matter is addressed in a criminal case, an appeal is “unavailable
10 to [the requesters] as a meaningful vehicle for review, both because of their inability to intervene
11 in the criminal matters and because of the delay necessarily involved.” *Seattle Times Co. v.*
12 *Serko*, 170 Wn.2d 581, 589-90, 243 P.3d 919, 924 (2010), citing *State v. Coe*, 101 Wn.2d 364,
13 372 n. 2, 679 P.2d 353 (1984) (noting that such review may be delayed until “most of the news
14 value of [publishing the material] would have disappeared”).

15 In his Motion, Defendant suggests that *Serko* somehow approves the practice of deciding
16 PRA disputes in the context of a criminal case. *See* Mot. at 1; Reply at 1. He misreads the
17 opinion. In *Serko*, the Supreme Court held that the practice of hearing PRA motions in the
18 context of pending criminal cases was so “unusual” that it justified granting the “extraordinary
19 remedy” of a writ of mandamus—an original action, brought against the trial judge. *Serko*, 170
20 Wn.2d at 589-90. The Supreme Court granted the writ and vacated the trial court’s order just
21 four months after retaining the matter on a mandamus petition. *Id.* at 587. In no way can *Serko*
22 be read as an endorsement of the procedure Defendant has followed here.

23 PRA requesters seeking to assure access public records should not be limited to
24 appearing as “amici,” or to seeking appellate review only via extraordinary writs. Instead, if
25 Defendant wishes to object to the pending PRA requests, his remedy is to pursue a separate civil
26 injunction action under RCW 42.56.540.

1 **C. Defendant Fails To Meet His Burden To Establish Any PRA Exemption.**

2 If the Court does elect to address Defendant’s objections to News Requesters’ PRA
3 requests, it should deny the Motion on the merits, because Defendant has failed to meet his
4 burden of establishing any applicable PRA exemption.

5 **1. The PRA’s Conditional Exemption for Witness-Identifying**
6 **Information Does Not Apply Here.**

7 The only PRA exemption Defendant cites in the Motion is RCW 42.56.240(2), which
8 exempts from disclosure:

9 Information revealing *the identity* of persons who are witnesses to or victims of
10 crime or who file complaints with investigative, law enforcement, or penology
11 agencies ... *if disclosure would endanger any person’s life, physical safety, or*
property. If at the time a complaint is filed the complainant, victim, or witness
indicates a desire for disclosure or nondisclosure, such desire shall govern.

12 RCW 42.56.240(2) (emphasis added). The party asserting the exemption bears the burden of
13 coming forward with evidence demonstrating that it applies. *Sargent v. Seattle Police Dep’t*, 179
14 Wn.2d 376, 395, 314 P.3d 1093 (2013); *Does v. King Cty.*, 192 Wn. App. 10, 24, 366 P.3d 936,
15 943 (2015). Even where this exemption applies, it does not allow categorial withholding of a
16 record; instead, the record must be produced, with only the witness identity redacted. *Id.*, 192
17 Wn. App. at 24-25, citing *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398,
18 416, 259 P.3d 190 (2011) (“*BIPD*”) (“The trial court erred by exempting the entire [record],
19 rather than producing the report with only [the officer’s] identity redacted.”).

20 Defendant fails to meet his burden to show that the public records at issue fall within the
21 scope of RCW 42.56.240(2). He offers *no* evidence that disclosure of the records sought by the
22 News Requesters would endanger anyone’s, “life, physical safety, or property.” *Id.* Nor could
23 he possibly make this threshold showing, because his identity and connection to the
24 circumstances of Officer Sahota’s death are already widely known, and are matters of public
25 record. His identity and alleged actions leading to Officer Sahota’s shooting are disclosed in
26 court records publicly available in this proceeding. They also have been widely noted in news
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1 reports about him and this proceeding, as Defendant admits. *See In Camera* Motion at 2 (“This
2 case has already garnered substantial publicity.... Attached are the 1st page ... of a number of
3 articles” about this matter); *see also* Appendix hereto (News Requesters’ articles). It is far too
4 late for Defendant to claim his identity and connection with this matter should be a secret.

5 Absent evidence that disclosing a witness’s identity would pose a safety risk, the witness-
6 identity exemption is inapplicable unless the witness requested nondisclosure “at the time a
7 complaint is filed.” RCW 42.56.240(2). Defendant offers no evidence that he made a timely
8 request. In fact, he admits he first “inquired about non-disclosure” through counsel in this
9 proceeding. Mot. at 7. He thus does not qualify under this provision of the exemption either.⁴

10 Rather than attempting to meet his burden under the PRA, Defendant spends most of his
11 Motion arguing that under various dictionary definitions, he is a “witness” to the investigation of
12 Officer Sahota’s death. This entire argument is beside the point: regardless of whether he
13 qualifies as a “witness” in some sense, the records are not exempt under Section 240(2) because,
14 as explained above, he fails to satisfy either of the threshold requirements (safety risk or timely
15 request) that a witness must show for the exemption to apply.⁵

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17 ⁴ Defendant emphasizes *dicta* in *Sargent* stating that to qualify for anonymity under
18 Section 240(2), the party opposing disclosure “had the burden to show ... **that a witness had**
19 **requested nondisclosure under RCW 42.56.240(2).**” Mot. at 7, citing *Sargent*, 179 Wn.2d at
20 395 (emphasis in Motion). This statement does not (as Defendant suggests) mean that a witness
21 can request nondisclosure at any time; rather, requesting “nondisclosure under
22 RCW 42.56.240(2)” means making a request that complies with that provision—in other words,
23 the request must be made (as the statute plainly says) “at the time a complaint is filed.” In any
24 case, *Sargent*’s holding does not construe Section 240(2) but instead turned on the Court’s
25 reading of a different PRA exemption, RCW 42.56.240(1).

26 ⁵ Also inapposite is Defendant’s argument that a different section of the PRA, related to sexual
27 misconduct investigations in postsecondary educational institutions, treats “witness” requests
different than Section 240(2) does. *See* Mot. at 5, citing 2020 c. 335 § 7 (now codified as RCW
42.56.375(2)). That statute states that a witness in a sexual misconduct investigation can
request disclosure of his or her personal identifying information, but specifies that “[f]or
purposes of *this section*, ‘witness’ does not mean an employee under investigation.”
RCW 42.56.375(2). The provision has no bearing on the legislature’s intent with respect to
Section 240(2). First, Section 375(2)’s exclusion of an accused employee from the definition of
a “witness” is expressly limited to “this section,” i.e., the exemption for internal university

1 Additionally, reading Section 240(2) as broadly as Defendant suggests—that is, allowing
2 a criminal defendant to block release of investigative records about related events on the ground
3 that he is a “witness” to his alleged crime—would upend decades of precedent regarding public
4 access to police incident reports and other factual information gathered by law enforcement in
5 the course of investigating alleged crimes. The clear rule is that “in cases where the suspect has
6 been arrested and the matter referred to the prosecutor,” there is no “categorical” exemption for
7 police investigative files. *Cowles*, 139 Wn.2d at 479. Instead, records related to crime
8 investigations are “presumptively disclosable upon request” where, as here, a suspect has been
9 referred for prosecution. *Id.* at 481. The Supreme Court has repeatedly confirmed this holding.
10 *See Serko*, 170 Wn.2d at 594; *Sargent*, 179 Wn.2d at 388; *Wade’s Eastside Gun Shop, Inc. v.*
11 *Dep’t of Lab. & Indus.*, 185 Wn.2d 270, 281, 372 P.3d 97, 101 (2016). This presumption, and
12 the public’s right of access to public records about criminal investigations once a defendant has
13 been identified, would be meaningless if the defendant could demand secrecy as a “witness.”

14 Finally, Defendant in passing asks the Court to enjoin release not only of information
15 identifying him, but also of information “that *could be used* to identify” him. Mot. at 10
16 (emphasis added). Even if RCW 42.56.240(2) applied here (and for all the reasons above, it does
17 not), the exemption by its terms would require redaction of, at most, the *portion* of the record
18 containing “information revealing [his] identity.” The exemption does *not* allow blanket non-
19 disclosure of all information that “could be used” to identify him. Washington courts repeatedly
20 have rejected attempts to use identity-specific exemptions to withhold non-exempt information.
21 *See BIPG*, 172 Wn.2d at 416 (“the trial court erred by exempting the entire [investigative

22 _____
23 investigations; it has no application to witnesses appearing in police “investigative records”
24 covered by Section 240(2). Second, the two statutes serve entirely different “witness” interests:
25 Section 375(2) obligates agencies to honor a misconduct investigation witness’s preference for
26 *disclosure*; unlike Section 240(2), it contains no presumption of disclosure absent a witness’s
27 request. Third, the statutes were enacted 28 years apart, and are not part of the same legislative
provision. *See* 2020 c. 335 § 7 (enactment of RCW 42.56.375(2)); 1992 c. 139 § 5 (enactment of
RCW 42.56.240(2)). There is no reason to think the legislature intended the new, narrow
definition of “witness” to apply to any other provision of the PRA.

1 reports], rather than producing the report with only Officer Cain’s identity redacted.”). This rule
2 applies even where disclosure of the record could lead to the individual’s identification by
3 linking the record to other sources of information outside the record itself. *Id.* at 417; *accord*
4 *Koenig*, 158 Wn.2d at 181-82 (ordering release of report with only victim’s identity redacted (per
5 RCW 42.56.240(5)), even though requester could identify the victim because the request referred
6 to her by name); *King County v. Sheehan*, 114 Wn. App. 325, 346-47, 57 P.3d 307 (2002)
7 (rejecting similar “linking” argument). Under this “four-corners” rule, Section 240(2) only
8 protects witness- and victim-identifying information as it appears *in the record* itself. The
9 exemptions require disclosure of the subject record, with *only* the identity of the protected
10 individual withheld.

11 In other words, even if the records at issue were subject to RCW 42.56.240(2), CCPO
12 would be required to produce them, with only the Defendant’s specific identifying information
13 redacted. That would be a pointless exercise here, given that his identity is widely known. But
14 the exemption does not apply at all.

15 **2. Defendant’s Unsupported Concerns About Prejudicial Publicity Offer**
16 **No Basis for Withholding Public Records.**

17 Defendant’s Motion identifies no PRA exemption other than RCW 42.56.240(2)—which,
18 as discussed above, does not apply here. In his separate *In Camera* Motion, however, Defendant
19 asserts “we believe that there is a probability that unfairness or prejudice will result from the pre-
20 trial disclosure of the discovery and the specified records.” *In Camera* Motion (3/18/2022) at 2.
21 If this assertion is meant to refer to records responsive to the News Requesters’ PRA requests,
22 the Court should reject it. *Settle Times v. Serko*—a case Defendant purports to rely on but
23 completely fails to apply—forecloses any argument that a trial court hearing criminal matters can
24 bar responses to PRA requests under the circumstances here.

25 *Serko* involved prosecutions (including one capital prosecution) of accomplices of
26 Maurice Clemmons, who killed four Lakewood, WA, police officers in 2009—a case that
27 generated an “extraordinary level of local, state and national attention.” 170 Wn.2d at 585-86,

1 594-95. After news outlets and others made PRA requests to Pierce County for records related
2 to the shootings, the defendants moved, in their criminal cases, to bar release of responsive
3 records. *Id.* at 585. Pierce County Superior Court Judge Serko entered an order finding the
4 records “exempt from production under the PRA ... based on a judicial finding that the
5 defendants’ fair trial rights would be impaired by production.” *Id.* at 586.

6 The Supreme Court vacated the order, holding that criminal defendants attempting to
7 enjoin release of public records based on concern that disclosure “will result in media coverage
8 that may taint a future jury pool” in violation of their constitutional right to a fair trial must meet
9 the same standards as “a motion for a change of venue due to pretrial publicity.” *Id.* at 595.
10 Defendant bears a two-part burden. First, he must “show a probability of unfairness or prejudice
11 from pretrial publicity.” *Id.*, quoting *State v. Jackson*, 150 Wn.2d 251, 269, 76 P.3d 217 (2003).
12 This requires proving, “with particularity,” that “it is more probable than not that unfairness or
13 prejudice will result from the pretrial disclosure.” *Serko*, 170 Wn.2d at 596.

14 Second, even if defendant makes that showing, the trial court also must “inquire as to the
15 availability of alternatives to the suppression of publicity, including more searching voir dire,
16 clear and emphatic cautionary instructions, a change of venue, continuance of the trial date, and
17 sequestration of the jury.” *Serko*, 170 Wn.2d at 596, citing *State v. Bassett*, 128 Wn.2d 612, 616-
18 17, 911 P.2d 385 (1996). “[I]n applying this standard, ‘a defendant’s constitutional right to a fair
19 trial [does not] compel categorical nondisclosure’” of records about the investigation. *Id.*
20 quoting *Cowles*, 139 Wn.2d at 479.

21 Pretrial news coverage is not presumptively prejudicial. “[F]acts regarding pending
22 criminal prosecutions are often made public prior to trial,” *Cowles*, 139 Wn.2d at 479, and may
23 not be prejudicial even where a defendant stands accused of well-publicized crimes in a small
24 community. *Bassett*, 128 Wn.2d at 616-17. Prejudice does not exist just because “newspapers
25 had covered the [crime] itself.” *Seattle Times v. Ishikawa*, 97 Wn.2d 30, 41, 640 P.2d 716
26 (1982). The relevant question in assessing pretrial publicity is whether the court will be *unable*
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1 to seat an impartial jury. “Prominence does not necessarily produce prejudice, and juror
2 *impartiality*, we have reiterated, does not require *ignorance*.” *Skilling v. U.S.*, 561 U.S. 358, 381
3 (2010). In evaluating whether publicity justifies a change of venue, for example, courts look to
4 factors such as whether the publicity was inflammatory; when such publicity occurred relative to
5 trial and how extensive it was; difficulties encountered in selecting a jury; and the size of the
6 area from which the jury pool is drawn. *Jackson*, 150 Wn.2d at 269-70; *State v. Rice*, 120 Wn.2d
7 549, 557, 844 P.2d 416 (1993) (“that a majority of prospective jurors had knowledge of the case,
8 without more, is irrelevant. . . . The relevant analysis is whether the jurors had such fixed
9 opinions that they could not act impartially”); *State v. Whitaker*, 133 Wn. App. 199, 212, 135
10 P.3d 923 (2006) (“The best way to find out if the jurors have opinions so fixed that they cannot
11 be impartial is to attempt to empanel a jury.”). Even in cases of the most “intense public
12 interest,” such as the Massachusetts trial of one of the 2013 Boston Marathon bombers, courts
13 typically can screen for any potential juror bias through appropriate jury selection procedures.
14 *U.S. v. Tsarnaev*, __ U.S. __, 142 S. Ct. 1024, 2022 WL 626692 (March 4, 2022) (affirming
15 sentence and rejecting defendant’s claim that jury selection was tainted by pretrial publicity).

16 Defendant cannot satisfy his burden under *Serko*. His motions provide *no* evidence of
17 likely prejudice. He cites local news articles, but he fails to demonstrate that any of them are
18 inflammatory; he simply expresses generalized fears about adverse publicity based on the mere
19 existence of straightforward coverage of newsworthy events. That is not enough to satisfy his
20 heavy burden under *Serko*. He also offers no reason to believe that further disclosure of the
21 investigative records would have any additional impact on juror impartiality, or that this Court
22 would be unable to seat a fair-minded jury through careful juror screening and questioning.

23 Additionally, Defendant cannot be heard to argue there are no alternatives to withholding
24 the public records—because he has proposed one himself. On February 14, he moved for a
25 change of venue, based in part on the same unsupported and generalized concerns about pretrial
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1 publicity that he raises in his *In Camera* Motion. That motion remains pending, and provides an
2 additional alternative to the requested injunction.

3 In sum, Defendant's motions are *silent* on the showing required to establish any cognizable
4 threat to his fair trial right. Under *Serko*, the Court cannot withhold public records based on
5 Defendant's unsupported fair trial concerns.

6 **D. Defendant Fails To Establish the Equitable Elements for a PRA Injunction.**

7 Even if the records are exempt under the PRA (and they are not), Defendant's motion
8 fails because he cannot satisfy the heightened equitable showing required to bar release of a
9 public record. "Finding an exemption applies under the PRA does not ipso facto support issuing
10 an injunction." *Lyft*, 190 Wn.2d at 786. The objector also must establish release *both* "would
11 clearly not be in the public interest and would substantially and irreparably damage any person,
12 or ... vital governmental functions." RCW 42.56.540. This standard is "more stringent" than
13 the typical injunction standard, reflecting "the importance of public oversight over public
14 records[.]" 190 Wn.2d 792-93.

15 Defendant ignores this standard, and he cannot meet it. He cannot possibly prove that
16 disclosure of the investigation of the shooting death of a VPD Officer, apparently by another law
17 enforcement officer, "would clearly not be in the public interest." As a matter of law,
18 investigation and prosecution of crime "are without question events of legitimate concern to the
19 public[.]" *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 492 (1975). Details of a crime and its
20 investigation "are of legitimate concern to the public and must be disclosed." *Koenig v. City of*
21 *Des Moines*, 158 Wn.2d at 177, 186-87 (requiring release of report of sexual assault).
22 Investigations into activity by law enforcement officers are of particularly heightened public
23 concern. *BIPG*, 172 Wn.2d at 416 (public has "a legitimate interest in how a police department
24 responds to and investigates such an allegation against an officer."). The significant public
25 interest in this matter is also demonstrated, in part, by the significant news coverage of these
26 proceedings and the underlying incident. *See* Appendix. In short, the public has multiple
27

1 legitimate interests in this matter, including an interest in the investigation into the shooting of an
2 unarmed off duty officer, apparently by another law enforcement officer, the investigation into
3 Defendant's alleged conduct; and this prosecution generally.

4 Separately, Defendant fails to show disclosure would "substantially and irreparably
5 damage" him. RCW 42.56.540. Disclosure of his "identity" in connection with this matter
6 cannot plausibly result in "substantial," or any, harm to him, since his identity is already publicly
7 known. Again, it has been disclosed in this action, and in the news coverage his arrest and
8 prosecution understandably have drawn.

9 Section 540 reflects the legislature's determination that the public should not be deprived
10 of access to records that assure government transparency and accountability, unless the party
11 objecting to disclosure meets a heavy burden. Defendant has not met that burden here.

12 IV. CONCLUSION

13 Maintaining secrecy over the records sought by the News Requesters would undermine
14 public confidence in the investigation into Officer Sahota's death, and would violate the PRA's
15 core purpose of "keep[ing] public officials and institutions accountable to the people." *Daines v.*
16 *Spokane Cnty.*, 111 Wn. App. 342, 347, 44 P.3d 909 (2002). It also would deprive the News
17 Requesters of their ability to report timely and accurate information about multiple matters of
18 indisputable public interest. The Motion fails on its face and as a matter of law. He has shown
19 no applicable PRA exemption, and he cannot meet Section 540's heightened showing.

20 In accordance with the PRA's broad mandate for timely release of public records, the
21 Motion should be denied and the records released immediately. *In camera* review is not required
22 to deny a PRA injunction where, as here, the objector has failed to identify any colorable basis
23 for withholding the records. Alternatively, should the Court find any of Defendant's arguments
24 has merit, it should review the records *in camera* to determine if any exemption applies, and
25 order all non-exempt portions released immediately. *See, e.g.,* Cowles, 139 Wn.2d at 479 (*in*
26 *camera* review required when necessary to determine whether a particular exemption applies).

1 DATED this 25th day of March, 2022.

2 Davis Wright Tremaine LLP
3 Attorneys for Columbian Publishing Co. and
4 Oregon Public Broadcasting

5 By /s/Eric M. Stahl

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DECLARATION OF SERVICE

The undersigned, hereby declares under penalty of perjury under the laws of the State of Washington, that on this day, he caused a copy of the foregoing document to be served on the following attorneys of record, via email and mail:

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Dated this 25th day of March, 2022, at Seattle, Washington.

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APPENDIX



MARCH 23, 2022

[Warm Springs water](#) [Proud Boy arraigned](#) [Supreme Court hearings](#) [Oregon](#)

Prosecutors: Clark County deputy mistook Vancouver officer for suspect before fatally shooting him

**By Troy Brynelson** (OPB)Jan. 31, 2022 10:33 a.m. **Updated:** Jan. 31, 2022 5:05 p.m.

Prosecutors are aiming to bring a slew of charges against Julio Cesar Segura, including first-degree attempted murder, for his role in the death of a Vancouver officer Saturday.

The 20-year-old man whose chase through Battle Ground, Washington, on Saturday culminated in the fatal shooting of an off-duty Vancouver police officer by a Clark County sheriff's deputy is being held in jail on \$5 million bail, court officials decided on Monday.

Julio Cesar Segura may face charges of first-degree attempted murder, attempt to elude, possession of a stolen vehicle, first-degree robbery and first-degree burglary. Segura made a first appearance in Clark County Superior Court on Monday.

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The most serious of those charges stem from what occurred after the chase, when Segura reportedly tried to enter the home of Vancouver officer Donald Sahota, 52. He fought with Sahota in the officer's driveway, according to investigators, then stabbed him and ran into Sahota's home where his wife remained.

A Clark County Sheriff's Office deputy responded to the scene and mistook the officer, who was carrying his service weapon, for the suspect, prosecutors said in court Monday.

The deputy, who has not been named, fired several shots from a rifle, striking Sahota, investigators said. Sahota died at the scene and Segura was taken into custody.

The chase began when Segura allegedly robbed a Chevron gas station near Vancouver and took off in a stolen car. Investigators said responding police used spike strips near Battle Ground to disable the car.

In court, Clark County Prosecutor Tony Golik shed new details on the grisly struggle after Segura reportedly fled on foot. Investigators have said Segura knocked on the door and claimed he had been involved in a car accident before struggling with Sahota.

According to Golik, Sahota had held Segura by gunpoint outside the home. It was then Segura produced a knife, Golik said, and stabbed Sahota three times in the torso. Segura later told investigators that he had at some point become aware Sahota was an off-duty officer and "actually admitted he thought he had killed Officer Sahota," Golik said.

"Then, while still armed with the deadly weapon, forced his way into Officer Sahota's home and caused injury to Officer Sahota's wife while he was doing that," Golik told Clark County Superior Court Judge John Fairgrieve.

A Clark County deputy responding to the scene, then "observed Officer Sahota obviously chasing the defendant back into his own home."



A local government official confirmed Sunday, Jan. 30, 2022, that a Clark County Sheriff's Office deputy shot and killed off duty Vancouver police officer Donald Sahota, 52, late Saturday night during pursuit of a robbery suspect.

Courtesy / Vancouver Police Department

“And it appears the deputy mistook Officer Sahota for the suspect and fired his rifle also, causing additional injury to Officer Sahota,” Golik said.

Golik described Segura’s actions as an “exceptional, extreme risk to the community,” saying he knowingly stabbed an off-duty officer multiple times.

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Fairgrieve agreed with Golik’s bail request.

“It’s hard to think of more a more dangerous series of acts by the defendant that are reflected in (court documents),” he said. “Going to a residential structure, fighting with the occupant, stabbing the occupant multiple times ... obviously this has been a very serious result here.

“I find that no lesser set of bail or conditions would protect the public from the defendant,” Fairgrieve said.

The judge set Segura’s next hearing for Feb. 11.

Segura family shocked

Court records suggest the allegations Segura faces could be a significant escalation for the 20-year-old. He has no violent criminal history in Oregon or Washington, according to publicly available court documents.

The accusations shocked his mother, Eva Segura Mendoza, and two sisters, all of whom share a home with Segura in Yakima, Washington. Reached by phone Monday, they said they had yet to be contacted by any law enforcement.

The family said Segura left the house Friday afternoon, driving a white Mitsubishi his mother bought him for his job at a local McDonald’s. He told one of his sisters he was “going out.”

Another sister, Monica Ramos, said she assumed he was going to a skatepark, the mall or to see some friends. They weren't sure why he would be in Clark County. She described him as social and friendly, if sometimes aloof.

"My mom's really worried," Ramos said, translating for Segura Mendoza. "She's just sad about it because her kid's in custody."

Segura and his siblings lived parts of their childhood in foster care, Ramos said. They spent some time homeless and also lived with their stepfather in Lyle, Washington for some years. In 2016, at age 15, Segura was cited for operating a vehicle without driving privileges in Hood River. He listed his stepfather's address.

Ramos and her mother described Segura as living somewhat separately in his late teens. The two sisters reunited with their mother about six years ago, she said, and Segura joined them three years later. An eldest brother lives elsewhere independently, she said.

"I wouldn't say he was close to any of us," Ramos said. She said Segura expressed vastly different opinions than his mother and sisters and cited as an example how Segura would call the COVID-19 vaccines fake.

But the family couldn't point to any signs that would suggest a violent streak. The family said Segura had no diagnosed mental illnesses, and they weren't aware of any hard drug use.

The sister and mother said they weren't sure what their next steps would be.

"Me and my mom are probably going to think about it," Ramos said. "I feel like if I try to not talk about it with her, it's going to make her even more stressed."

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Robbery suspect stabbed off-duty Vancouver officer before police shooting

Man held on multiple felony counts, including attempted murder

By [Jessica Prokop](#), Columbian Assistant Metro Editor, and [Becca Robbins](#), Columbian staff writer

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Published: January 31, 2022, 10:38am



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elude. Court records say his city of residence is unknown. (Becca Robbins/The Columbian)

An armed robbery suspect allegedly stabbed an off-duty Vancouver police officer at least three times Saturday night outside the officer's home near Battle Ground, as the two scuffled over a knife and pistol, before an arriving Clark County deputy mistakenly shot and killed the officer.

The suspect, identified as Julio Cesar Segura, 20, of Yakima appeared Monday morning in Clark County Superior Court on suspicion of attempted first-degree murder, first-degree robbery, first-degree burglary, third-degree assault, possession of a stolen vehicle and attempt to elude.

Judge John Fairgrieve set Segura's bail at \$5 million. In ordering bail, Fairgrieve said it was "hard to think of a more dangerous series of acts."

The slain Vancouver officer was identified Sunday as 52-year-old Donald Sahota. Authorities have not publicly identified the deputy who shot him.

The Lower Columbia Major Crimes Team, which is investigating the shooting, released its initial findings in a statement late Sunday evening. The statement detailed the series of events that began with the alleged armed robbery at an Orchards gas station and ended with the shooting at Sahota's home.



Deputies had been dispatched at 8:14 p.m. to a reported robbery at a Chevron gas station and convenience store at 9810 N.E. 117th Ave. A 911 caller told authorities a man robbed the station at gunpoint before fleeing with several hundred dollars, investigators said.

The suspect vehicle was described as a silver Mercedes sedan with no license plates. The robbery suspect was described as a white male with a dark complexion, wearing a white long-sleeve shirt, black undershirt, and a white-with-black flat-billed baseball cap. It was believed he showed a Glock handgun in the robbery, according to an affidavit of probable cause.

Twelve minutes later, police intercepted the Mercedes, which they determined to be stolen, traveling northbound on Interstate 205. The driver failed to stop and eluded pursuing officers for several miles onto

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findings.

Deputy James Lawrence got north of the pursuit after it left the freeway and positioned himself near the 7800 block of Northeast 239th Street, court records say. Officers assisting in the pursuit used spike strips to stop the car, and the driver jumped out and ran away, according to investigators.

A law enforcement drone and a Portland police airplane spotted someone walking on Northeast 84th Avenue, north of the area the robbery suspect was last seen, according to the affidavit.



As officers worked to contain the area, at 8:56 p.m. a woman called 911 to report that a stranger had pounded on her family's front door saying he crashed his car nearby and needed help. The man, later identified as Segura, matched the description of the robbery suspect, investigators said.

The woman told dispatch that her husband, Sahota, was an off-duty police officer and was holding Segura at gunpoint, according to the affidavit.

Officers with aerial views of the residence said the homeowner and suspect were fighting. As Lawrence pulled up to the scene and got out of his patrol vehicle, he heard two gunshots, the affidavit states.

Video from the drone and Portland police airplane captured Sahota struggling with Segura in his driveway. A pistol is seen falling to the ground, and Segura then runs toward Sahota's residence. Sahota then stands up, grabs the pistol and chases Segura, according to the affidavit.

This was occurring as a deputy and at least two additional law enforcement officers arrived on the scene, according to investigators.



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“Within seconds of responding law enforcement officers arriving on scene, one Clark County deputy sheriff fired several rounds from a rifle striking the off-duty officer,” the investigators’ statement said. “The off-duty officer/homeowner collapsed on his front porch before responding officers were able to determine he was the homeowner and not the alleged robbery suspect.”

Segura subsequently stuck his hands out the front door and surrendered, court records say.

Segura told a Kelso police detective that he stabbed Sahota at least three times in the torso as they struggled. He said he knew Sahota was a police officer because Sahota had identified himself. Segura said he believed he killed Sahota and fled to the officer’s residence, still armed with a knife, as he heard sirens approaching, according to the affidavit. Segura said he stabbed the knife into a couch cushion at the Sahotas’ home.

Sahota’s wife had tried to lock Segura out of the house, she said, but he forced his way inside. The door struck her in the head as he did so, and she suffered a contusion to her forehead and was taken to a local hospital, court records state.

Segura told investigators he had waited outside the convenience store for an opportune time to rob it. He pointed an Airsoft BB pistol at the clerk, he said, and demanded cash, according to court records.



He told investigators he had stolen the Mercedes from a dealership in Yakima and intended to flee to Seattle. He also said he believed the Airsoft BB pistol fell from his pocket as he ran from the crash scene, according to the affidavit.

The cause of Sahota’s death was not released pending the outcome of an autopsy, investigators said.

Segura is scheduled to be arraigned Feb. 11.



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Investigators identify Clark County deputy who shot, killed off-duty Vancouver officer



By Troy Brynelson (OPB)

Feb. 1, 2022 6:46 p.m. Updated: Feb. 1, 2022 7:51 p.m.

Deputy Jon Feller was one of three deputies who shot and killed 21-year-old Kevin Peterson Jr. in October 2020.

Investigators have identified the deputy who shot and killed an off-duty Vancouver Police Department officer amid an erratic chase for an armed robbery suspect Saturday night.



A local government official confirmed Sunday, Jan. 30, 2022, that a Clark County Sheriff's Office deputy shot and killed off duty Vancouver police officer Donald Sahota, 52, late Saturday night during pursuit of a robbery suspect.

Courtesy / Vancouver Police Department

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Jon Feller, a deputy who joined the Clark County Sheriff's Office in 2018, was immediately placed on administrative leave, investigators said Tuesday, after he opened fire on Officer Donald Sahota outside his home. Prosecutors have said in court that Feller mistook Sahota for the suspect.

The announcement came hours after the Clark County Medical Examiner's Office confirmed gunfire killed Sahota. The officer had also been stabbed by 20-year-old Julio Cesar Segura, the robbery suspect, during their fight before Feller arrived. The Medical Examiner said Tuesday that Sahota died of gunshot wounds to the torso.

Many details of the shooting remain unclear, such as what actions Feller took, if any, before shooting his rifle. Such details don't usually emerge until after investigators interview the officer. An investigator told OPB on Tuesday they had yet to interview Feller.

Feller, 47, is one of three deputies who made headlines for his role in the fatal shooting of 21-year-old Kevin Peterson Jr. in October 2020. A regional drug task force had attempted to bust Peterson for selling Xanax. Peterson fled, then encountered two drug task force members in a nearby parking lot. Feller, a patrol deputy, also responded to the parking lot. He and the two drug task force members fired after Peterson turned and ran.

In August, Pierce County prosecutors deemed the Peterson shooting justified.

Feller started his law enforcement career in South Dakota. He told investigators during the Peterson shooting that he entered law enforcement in 1998, with stints at the University of South Dakota Department of Public Safety and the Union County Sheriff's Office.

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According to investigators — led by a team out of Cowlitz County — Feller fired “several rounds from a rifle” within seconds of arriving at Sahota’s home, as the officer was on his front porch.

“It appears the deputy mistook Officer Sahota for the suspect and fired his rifle, also, causing additional injury to Officer Sahota,” Prosecutor Tony Golik said during a court hearing Monday.

Court documents said the violent evening began with a robbery at Chevron gas station on NE 117th Avenue, near Vancouver. A deputy tailed the suspect, later identified as Segura, north on Interstate 205 and into the city of Battle Ground.

In Battle Ground, investigators said, deputies used spike strips to stop the vehicle Segura drove. He then allegedly fled on foot, and ultimately reappeared at the front door of Sahota’s home, which lay off a private road in a deeply wooded area.

Investigators said Segura told Sahota he was having car trouble. However, the exchange became aggressive and the two fought outside. Sahota held Segura at gunpoint, according to court records, until Segura stabbed the officer three times in the torso.

Segura ran toward the house, according to court documents. Sahota grabbed his pistol and pursued Segura until Feller, the deputy, arrived and shot.

“The responding deputies observed Officer Sahota obviously chasing the defendant back into his own home,” Golik said in court.

Sahota died on scene. Segura, court documents said, “stuck his hands out the front door and then exited the residence.” As he was handcuffed, he repeated “one lord. one god,” court documents said.

Segura is being held on \$5 million bail. He is charged with first-degree attempted murder, attempt to elude, possession of a stolen vehicle, first-degree robbery and first-degree burglary. Segura’s family told OPB that he had shown no prior signs of violence.

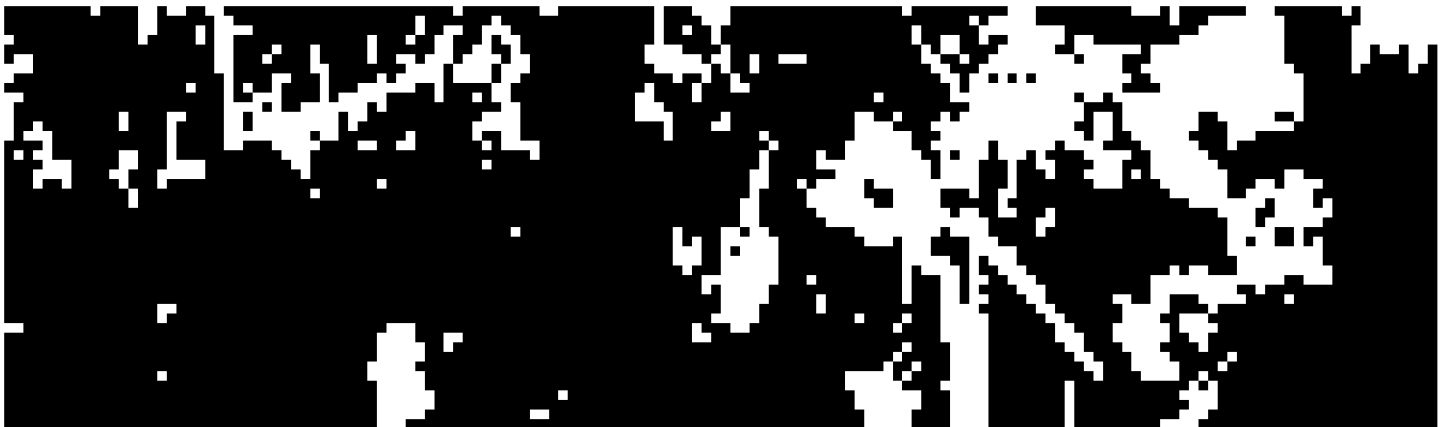
This story may be updated.



Prosecutors: Clark County deputy mistook Vancouver officer for suspect before fatally shooting him

Julio Cesar Segura, 20, made first appearance in Clark County Superior Court on Monday. Prosecutors are aiming to charge Segura with a slew of charges, including first-degree murder, for this role in the death of a Vancouver officer on Saturday.

Jan. 31, 2022





MARCH 23, 2022

Warm Springs water Proud Boy arraigned Supreme Court hearings Oregon

Memorial held for Vancouver officer mistakenly shot and killed by Clark County deputy



By Troy Brynelson (OPB)
Feb. 8, 2022 5:27 p.m.

Thousands gathered to honor and remember Officer Donald Sahota as a family man heavily involved in his community. He died Jan. 29.



Pallbearers Colton Sahota, Devin DaCunha, Jason Wilson, Jimmy Hillin, Troy Rawlins and Max Musich escort Vancouver

Family and friends painted Officer Donald Sahota as a man of many interests whenever he was off duty. He was a coach, a hiker, a diver, a pilot and handy with tools. Mostly, they said, he was a family man.

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As daughter Kylie DeCunha described him at a memorial service Tuesday, the Vancouver Police Department officer was “a protector through and through.”

The family joined colleagues and others to honor the recently killed officer at a memorial service at the ilani Casino. The 52-year-old died while off-duty on Jan. 29 when an armed robbery suspect led a police chase to his front door.

The suspect, Julio Cesar Segura, wound up at the secluded private road near the city of Battle Ground, where Sahota and his family lived on a small farm. Prosecutors say Segura told Sahota he was having car trouble. The conversation devolved, and Sahota fought Segura in the driveway.

A responding Clark County Sheriff’s deputy, Jonathan Feller, mistakenly shot and killed Sahota. Segura faces an attempted murder charge for stabbing Sahota three times during the encounter, which remains under investigation.

The memorial Tuesday began with a procession. A cavalcade of police cruisers trailed a hearse en route to the Clark County casino. Casino officials estimated almost 2,000 people attended, including Washington Gov. Jay Inslee.



Portland Fire Fighters Pipes and Drums marches at Vancouver officer Donald Sahota's memorial service Feb. 8, 2022. Sahota died Jan. 29 after being mistakenly shot by a Clark County Sheriff's Deputy.

Troy Brynerson / OPB

At the memorial, speakers dwelled on Sahota's life away from policing. He married his high school sweetheart and had two children. Robin Brown, who worked with Sahota in Vancouver police's training unit, recalled how Sahota made clear he preferred his time spent with loved ones.

"He was always taking trips with his family or coming in late and leaving early," Brown said. "We'd give him a hard time because he was gone so much, but that was because his priority was on being with his family and enjoying his life."

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When Sahota once heard about a buddy struggling to fix his car, he showed up without asking, climbed under and starting wrenching away at the defective part.

“He must have somehow sensed that I had a sore back or noticed the small scrapes on my knuckles,” said Vancouver Det. Shane Hall, who said he met Sahota at their kids’ soccer games before they became colleagues. “He just said, ‘I’ll tell you what I’m doing when I’m done.’”

In his law enforcement career, Sahota worked stints at the Gresham Police Department and the Port of Portland Police Department. He spent time on patrol and as a trainer.

When he joined the Vancouver Police Department in 2014, Sahota became the third person hired by then-newly hired police chief James McElvain. On Tuesday, McElvain, who plans to retire June 30, called Sahota a regular help to others.



Two honor guard members stand in front of Vancouver police officer Donald Sahota's casket at a memorial on Feb. 8, 2022. Sahota died Jan. 29 after being mistakenly shot by a Clark County Sheriff's Deputy.

Troy Brynelson / OPB

“While the situations might not have always been scary, Don was always there helping,” McElvain said.

Sahota’s death and memorial marked the second such occasion in Clark County in less than a year. In July, Clark County Sheriff’s Office Det. Jeremy Brown died from a gunshot to the chest while investigating a firearms heist.

Speakers at Sahota’s memorial mostly left politics out of their speeches, even as officers across the state have taken issue with recently passed state laws intended to reduce use of force incidents. Inslee, the governor, attended but did not issue any remarks regarding Sahota’s memorial.

U.S. Rep. Jaime Herrera Beutler, who did not attend and has recently sponsored legislation to bring more funding to local police agencies, did issue a statement through a spokesperson.

The congresswoman said communities “have a responsibility to support and invest in our community police who have been asked to take on increasing violent crime, with fewer resources and officers.”

One of the last speakers was Sahota’s son, Colton, who recalled spending nights in his father’s workshop. The younger Sahota said his father was an excellent handyman.

“I sincerely believe that, given enough time and proper equipment, he could fix anything,” Colton Sahota said. “I’m so grateful that I had the opportunity to learn so much from the extraordinary man that my dad was.”

“Although, I wish I had more time with him to learn all of the amazing skills that he picked up on his convoluted journey through life,” he said.

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Investigators identify Clark County deputy who shot, killed off-duty Vancouver officer

Deputy Jon Feller, who fired "several rounds" from a rifle that night, was one of three deputies who shot and killed 21-year-old Kevin Peterson Jr. in October 2020, investigators noted.

Feb. 1, 2022



Prosecutors: Clark County deputy mistook Vancouver officer for suspect before fatally shooting him

Julio Cesar Segura, 20, made first appearance in Clark County Superior Court on Monday. Prosecutors are aiming to charge Segura with a slew of charges, including first-degree murder, for this role in the death of a Vancouver officer on Saturday.

Jan. 31, 2022



Off-duty Vancouver police officer killed at his home by Clark County deputy

A deputy with the Clark County Sheriff's Office shot and killed an off-duty officer during a pursuit of a suspected armed robber.

Jan. 30, 2022

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Bail stays at \$5 million for robbery suspect charged in Vancouver police Officer Sahota's death

Arraignment on new charges, including multiple counts of murder, is set over to March 1

By [Becca Robbins](#), Columbian staff writer

Published: February 16, 2022, 9:44am

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Julio Cesar Serrano, 20, appeared Monday morning in Clark County Superior Court on suspicion of attempted first degree murder.

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New details emerged Wednesday during a court hearing for Julio Segura, the alleged robber who was being chased when an off-duty Vancouver police officer was shot and killed in an apparent case of mistaken identity.

Afterward, Segura allegedly told detectives he thought he'd just made Vancouver police Officer Donald Sahota's wife a widow, court records say. When a detective asked Segura why, he allegedly replied, "Because I stabbed someone. Don't you bleed out?"

Although the Clark County Medical Examiner's Office found Sahota died from gunshot wounds, an autopsy also determined his stab wounds were life-threatening.

The information was contained in an updated probable cause affidavit that Clark County Prosecutor Tony Golik says supports a slew of new charges, including multiple counts of murder, filed Tuesday against Segura. Golik called the new information "significantly more troubling" than the circumstances he recited at Segura's first appearance Jan. 31.

Prosecutors argue that Segura, 20, of Yakima, caused Sahota's death while committing or attempting to commit other crimes. He now faces three counts of first-degree murder and one count each of second-degree murder, first-degree attempted murder, first-degree attempted kidnapping, first-degree robbery, first-degree burglary, possession of a stolen motor vehicle and attempting to elude a pursuing police vehicle.



Segura was to be arraigned on the charges Wednesday morning, but the hearing was set over to March 1.

Vancouver defense attorney Neil Cane said he's challenging the specifics of the most serious charges, particularly the multiple counts of murder. He said he and his client did not understand the charges well enough to enter not-guilty pleas Wednesday morning.

Instead, the attorneys argued over bail.

At Segura's first appearance, Superior Court Judge John Fairgrieve set bail at \$5 million. Cane filed a motion

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Superior Court Judge Nancy Retsinas denied Cane's request Wednesday and ordered bail to remain at \$5 million. She noted the lengthy police chase leading up to the shooting and risk to community safety posed by Segura.

An intruder at the door

According to the updated affidavit of probable cause, investigators synced drone footage, police airplane footage and a 911 call to create a timeline of the incident.



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At 8:14 p.m. on Saturday, Jan. 29, Clark County sheriff's deputies responded to an armed robbery call at a Chevron convenience store at 9810 N.E. 117th Ave.

Shortly after, a deputy spotted the getaway car, a silver Mercedes without license plates, headed north on Interstate 205 from Padden Parkway. The driver refused to stop, and a chase ensued. The pursuit lasted about 12 miles and reached speeds of more than 110 mph, according to the affidavit.

Segura crashed the Mercedes near Northeast 219th Street and Northeast 72nd Avenue, the affidavit states. He then ran from the car, which police later determined had been reported stolen from a Yakima car dealership.

Deputies operating a drone saw Segura walking along Northeast 84th Avenue before he turned toward the Sahota home, which sits at the end of a private road.

Drone video shows someone at the home opened the door and talked to Segura for nearly three minutes before the front door closed, the affidavit states. During that time, Sahota's wife called 911 to report a man was at their door, saying he'd crashed his car and needed help.



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Less than 30 seconds later, the affidavit states someone, later identified as Sahota, stepped outside toward Segura.

Sahota can be seen on drone video with his left arm extended in front of him and his right hand near his chest. Segura put his hands in the air and backed away. He knelt near the garage, then Sahota pushed him facedown into the concrete driveway, the affidavit says.

Seconds later, the men began fighting. It was dark, and the images are unclear, according to the affidavit, but the two can be seen standing and then going to the ground twice before an object, which appeared to be a gun, fell to the ground.

Officers operating the drone and a police airplane relayed to other officers that the homeowner and the intruder had been wrestling in the driveway over a gun, the affidavit states.

Struggling for the gun

The two continued to struggle, court records state, and then one person appeared to swing at the other. The officer reviewing the video couldn't determine who was hitting whom, according to the affidavit.



Investigators later learned that Sahota fired one 9 mm round from his pistol during the incident. The round entered the frame of the front door, according to a Wednesday news release from the Lower Columbia Major Crimes Team out of Cowlitz County, which is investigating the shooting.

Segura allegedly later told detectives that he'd disarmed Sahota during the struggle, and they were both reaching for the fallen gun. He said Sahota got him into a chokehold, and he could feel himself passing out. He said he reached for a knife in his pocket and stabbed the officer three times, court records state.

About 15 seconds later, the video shows one man, later identified as Segura, broke free and ran inside the house. Four seconds after that, Sahota picked up the gun and ran toward the front door, according to the affidavit.

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Deputy Jonathan Feller's patrol car can be seen arriving at Sahota's house as Segura ran toward the house and got inside. As Feller's car came to a stop, Sahota, who was illuminated by the headlights, is seen grabbing the gun and running toward the front door, according to court records.

The officers in the airplane shouted "Be careful, it's a gun right there. I think he picked it up," the affidavit states.



Seconds after grabbing the gun, Sahota kicked at his front door. Feller then stepped from his car and fired four shots in four seconds, the affidavit says.

Sahota was struck by three .223 caliber rifle rounds. Two rounds struck his back and passed through his chest, and the third struck his right wrist. The fourth round missed Sahota and entered the front door of the house, according to investigators.

After Feller's last shot, other officers begin arriving, according to the affidavit.

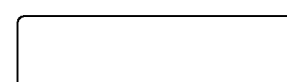
Feller told investigators he was convinced at the time that Sahota was the robbery suspect and said he fired at the man to stop him "from getting inside and killing the occupants," the affidavit says.

None of the responding officers reported witnessing or hearing Sahota fire his weapon during the incident. Investigators have provided audio and video evidence to the FBI to assist in determining the sequence of gunshots, the Lower Columbia Major Crimes Team said.

Suspect surrenders

About 30 seconds later, the front door opened. Officers shouted for the person to go back inside, thinking it was Sahota. Segura opened the door again and raised his hands in the air. He walked out the door, stepped over Sahota's legs, and stepped backward toward officers. While officers arrested Segura, three others ran to give Sahota medical aid, the affidavit says. He was pronounced dead at the scene.

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Segura allegedly described checking his own body for gunshot wounds. He said he was confused that he was uninjured “because cops don’t miss,” the affidavit states.

Sahota’s wife told deputies that when Segura entered the house, he chased her. She could feel him grabbing at her, “trying to take me down.” She couldn’t remember if he got hold of her hair but said she had some tenderness on the back of her head. She was taken to a hospital for treatment for a contusion on her forehead, caused by the front door striking her when Segura pushed his way inside, court records say.

The affidavit states Segura told a detective, “Now she is a widow because of me, man.”

He began to cry and said, “They had such a nice home, and I ruined that for them. I destroyed that. I’m not a killer, man. This is going to (expletive) haunt me for the rest of my life, man. Like, what is my mom going to think when she finds out that her son stabbed someone?”



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Suspect in events that led to officer's death pleads not guilty to multiple charges

By [Becca Robbins](#), Columbian staff writer

Published: March 1, 2022, 11:26am

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Julio Cesar Segura, 20, of Yakima appears Jan. 31 in Clark County Superior Court in connection with an armed robbery and death of off-duty Vancouver police Officer Donald Sahota, who was mistakenly shot by a Clark County sheriff's deputy during a manhunt for Segura. (Becca Robbins/The Columbian files)

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Julio Segura, the alleged robber who was being chased when off-duty Vancouver police Officer Donald Sahota was mistakenly shot and killed by a Clark County sheriff's deputy, pleaded not guilty Tuesday to a slew of charges, including multiple counts of murder.

Segura, 20, of Yakima was arraigned in Clark County Superior Court on three counts of first-degree murder and one count each of second-degree murder, first-degree attempted murder, first-degree attempted kidnapping, first-degree robbery, first-degree burglary, possession of a stolen motor vehicle and attempting to elude a pursuing police vehicle.

His trial is scheduled to begin Sept. 12, and prosecutors said they expect it to last two weeks. His bail is set at \$5 million.

According to investigators, on the night of Jan. 29, a man, later identified as Segura, showed a pistol and robbed a Chevron convenience store in Orchards. Deputies soon located the getaway car, a silver Mercedes without license plates, and chased it toward Battle Ground.

Segura crashed the Mercedes near Northeast 219th Street and Northeast 72nd Avenue, court records say. He then ran from the car, which police later determined had been reported stolen from a Yakima car dealership.

Deputies operating a drone saw Segura walking along Northeast 84th Avenue before he turned toward the Sahota home, which sits at the end of a private road. Drone video shows someone at the home opened the door and talked to Segura for nearly three minutes before the front door closed, court records state. During that time, Sahota's wife called 911 to report a man was at their door, saying he'd crashed his car and needed help.

Less than 30 seconds later, court records say someone, later identified as Sahota, 52, stepped outside toward Segura.

A struggle ensued between Segura and Sahota. Segura is accused of stabbing Sahota three times. Moments later, an arriving deputy, identified by investigators as Jonathan Feller, mistakenly shot and killed Sahota, court records say.

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Although the Clark County Medical Examiner's Office found Sahota died from gunshot wounds, an autopsy also determined his stab wounds were life-threatening.

Segura allegedly told investigators he knew Sahota was a police officer, and he thought he had killed Sahota, according to court records.

The Lower Columbia Major Crimes Team out of Cowlitz County is investigating the shooting.

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Man pleads not guilty in death of Vancouver officer killed by deputy

**By AP staff** (AP)

VANCOUVER, Wash. March 2, 2022 6:37 p.m.

A Washington man who was being chased when a deputy mistakenly shot and killed off-duty police officer Donald Sahota has pleaded not guilty multiple charges including murder.

Julio Segura, 20, of Yakima was arraigned in Clark County Superior Court Tuesday on three counts of first-degree murder even though an autopsy showed that bullets fired by Clark County sheriff's Deputy Jonathan Feller, not stab wounds inflicted by Segura, killed the Vancouver officer. Segura also faces charges of second-degree murder, attempted murder, attempted kidnapping, robbery, burglary, possession of a stolen motor vehicle and attempting to elude a pursuing police vehicle, The Columbian reported.

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Prosecutors argued in court papers that Segura caused Sahota's death as a result of Segura committing or attempting to commit other crimes, including burglary.

attempted kidnapping and assault. They said he "engaged in conduct which created a grave risk of death to any person."

Segura's trial is scheduled to begin in September. His bail is set at \$5 million.

According to investigators, on Jan. 29, Segura showed a pistol and robbed a convenience store in Orchards. Deputies located the Mercedes getaway car and chased it toward Battle Ground.

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Segura is accused of crashing the Mercedes and running from the car, which police said had been reported stolen from a Yakima car dealership.

Deputies operating a drone saw Segura walking along a street before turning toward the Sahota home, which is at the end of a private road. Drone video shows someone at the home opened the door and talked to Segura for nearly three minutes before the door closed, court records said. During that time, Sahota's wife called 911, saying a man was at their door who said he'd crashed his car and needed help, police said.

Less than 30 seconds later, court records say Sahota, 52, stepped outside toward Segura.

A struggle ensued between Segura and Sahota. Segura is accused of stabbing Sahota three times. Feller fatally shot Sahota by mistake, court records say.

The Clark County Medical Examiner's Office found Sahota died from gunshot wounds. An autopsy also determined his stab wounds were life-threatening.

Segura allegedly told investigators he knew Sahota was a police officer, and he thought he had killed Sahota, according to court records.

The Lower Columbia Major Crimes Team in Cowlitz County is continuing to investigate the shooting by Feller.

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