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BILLIE A. MAGGARD, CLERK

*24 DEC 30 P2:36

SUPERIOR COURT
YAKIMA CO. WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

2420383-439

IN THE MATTER OF:) NO.

THE RECALL OF JAMES A. CURTICE,)
YAKIMA COUNTY CORONER.) SUMMONS

TO: James A. Curtice, 1963 Old Naches Highway, Yakima, WA 98908

AND TO: Roy Dove, 1510 W. Huntzinger Rd., Selah, WA 98942
Kenton Gartrell, 304 N. 6th Street, Yakima, WA 98901
Stephan Edwards, 90 Hoff Rd., Moxee, WA 98936

A petition has been filed in the above-captioned court by the Yakima County Prosecuting Attorney, asking the court to determine the sufficiency of recall charges. The petition states the issues presented to the court, a copy of which is served upon you with this summons.

In order to respond to this petition, you must state your position in writing and serve a copy upon the other parties within a time to be established. If you do not do so, an adverse, or default, judgment may be entered against you without notice. A default judgment is one in which a party is entitled to what he or she is asking for because you have not responded. If you serve a notice of appearance upon the other parties, you are entitled to notice before a

SUMMONS - 1

Yakima County Prosecuting Attorney
Corporate Counsel Division
Room 211, Yakima County Courthouse
Yakima, Washington 98901
(509) 574 1200; Fax: (509) 574-1201

1 default judgment may be entered. By statute, the court is directed to conduct a hearing within
2 15 days of the filing of the petition.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly
4 so that your written response, if any, may be served on time.
5

6 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
7 State of Washington but has been modified for the context of a recall proceeding governed by
8 RCW 29A.56.

9
10 DATED this 30th day of December 2024.

11 JOSEPH A. BRUSIC
12 YAKIMA COUNTY PROSECUTING ATTORNEY, BY:

13 
14 DON L. ANDERSON, WSBA #12445
15 Chief Civil Deputy Prosecuting Attorney
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•24 DEC 30 P2:36

SUPERIOR COURT
YAKIMA CO. WA.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

IN THE MATTER OF:

2420383439

**THE RECALL OF JAMES A. CURTICE,
YAKIMA COUNTY CORONER.**

**PETITION TO DETERMINE
SUFFICIENCY OF RECALL
CHARGES AND FOR APPROVAL
OF BALLOT SYNOPSIS**

COME NOW, JOSEPH A. BRUSIC, Yakima County Prosecuting Attorney, by and through DON L. ANDERSON, Chief Civil Deputy Prosecuting Attorney, and petitions the court pursuant to RCW 29A.56.130 for a determination of the sufficiency of recall charges and for approval of the attached ballot synopsis. This petition is based on the relevant provisions of RCW 29A.56, which set forth the procedure for recall of elected officers.

Under RCW 29A.56.130, the Prosecuting Attorney is required to summarize the charges filed in support of a recall as a ballot synopsis of two hundred words or less and petition the superior court to approve the synopsis and determine the sufficiency of the charges. In preparing the ballot synopsis and filing the petition, the Prosecuting Attorney does not authenticate, substantiate, validate, or endorse any legal or factual allegations charged in support of recall. Rather, the Prosecuting Attorney is merely the statutorily designated conduit for placing this matter before the court for hearing. This petition is filed

**PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND FOR
APPROVAL OF BALLOT SYNOPSIS - 1**

Yakima County Prosecuting Attorney
Corporate Counsel Division
Room 211, Yakima County Courthouse
Yakima, Washington 98901
(509) 574 1200; Fax: (509) 574-1201

1 pursuant to that statutory procedure.

2 PETITION

3 On December 19, 2024, Roy Dove, Kenton Gartrell, and Stephan Edwards filed a
4 statement of charges with the Yakima County Auditor, requesting the recall of James A
5 Curtice, as the Yakima County Coroner. The Yakima County Auditor is the proper officer
6 with whom to file such charges pursuant to RCW 29A.56.120. The charge alleges Yakima
7 County Coroner, James A. Curtice, has committed an act or acts of malfeasance, or an act or
8 acts of misfeasance while in office or has violated the oath of office as grounds for recall.
9

10 Upon receipt of the statement of charges, the Yakima County Auditor's duties were:
11 (a) to serve a copy of the statement upon the officer subject to recall; and (b) to certify and
12 transmit the charges to the preparer of the ballot synopsis. RCW 29A.56.120. The Yakima
13 County Clerk is an elected public officer whose political jurisdiction lies wholly in one
14 county, and thus the Yakima County Prosecuting Attorney is the preparer of the ballot
15 synopsis for this petition. See RCW 29A.56.130(1)(b); 29A.24.070(3).

16 The Yakima County Auditor transmitted the statement of charges to the Office of the
17 Yakima County Prosecuting Attorney, where the statement arrived on December 19, 2024. A
18 true and correct copy of the statement of charges is attached as Exhibit A to this petition.
19 After receiving the charge, the statute directs the Prosecuting Attorney to prepare a synopsis
20 that is eventually to appear on the ballot if the recall matter qualifies for the ballot. RCW
21 29A.56.130(2). The ballot synopsis prepared by the Yakima County Prosecuting Attorney is
22 attached to this petition as Exhibit B, and is transmitted to Roy Dove, Kenton Gartrell, and
23 Stephan Edwards and James A. Curtice with service of this petition.
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PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND FOR
APPROVAL OF BALLOT SYNOPSIS - 2

1 By statute, the Yakima County Prosecuting Attorney “shall additionally certify and
2 transmit the charges and the ballot synopsis to the superior court of the county in which the
3 officer subject to recall resides and shall petition the superior court to approve the synopsis
4 and to determine the sufficiency of the charges.” RCW 29A.56.130(2). This petition is filed,
5 together with its attachments, pursuant to that statutory directive.
6

7 This court has jurisdiction over this action and the proper venue lies in Yakima County
8 because James A. Curtice is a resident of Yakima County. RCW 29A.56.130(2).
9

10 THEREFORE, state law directs the court to conduct a hearing to determine the
11 following within fifteen days after receiving this petition:

- 12 1. Whether the statement of charges filed by Roy Dove, Kenton Gartrell, and Stephan
13 Edwards, and attached as Exhibit A, is or is not factually and legally sufficient to support the
14 recall of James A. Curtice as Yakima County Coroner;
15
16 2. Whether the ballot synopsis attached to this petition as Exhibit B is adequate, and
17 to correct that synopsis if the court finds it inadequate; and
18
19 3. Such other and further relief as the court deems just and appropriate.

20 DATED this 30th day of December 2024.

21 JOSEPH A. BRUSIC
22 YAKIMA COUNTY PROSECUTING ATTORNEY, BY:

23 
24 DON L. ANDERSON, WSBA #12445
25 Chief Civil Deputy Prosecuting Attorney
26
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28
29

PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND FOR
APPROVAL OF BALLOT SYNOPSIS - 3

Yakima County Prosecuting Attorney
Corporate Counsel Division
Room 211, Yakima County Courthouse
Yakima, Washington 98901
(509) 574 1200; Fax: (509) 574-1201

EXHIBIT “A”

RECALL OF YAKIMA COUNTY CORONER, JAMES A. CURTICE
STATEMENT OF CHARGES

With Supporting Declarations and Exhibits Pursuant to
RCW 29A.56.110, *et. Seq*

Ms. Kathy Fisher
Yakima County Auditor, Elections Manager 128 N.
2nd Street, Rm. 117
P. O. Box 12570
Yakima, WA 98909

RE: Filing of Statement of Charges for Recall of James A. Curtice, Yakima County Coroner

Dear Ms. Fisher:

This letter, and the attachment(s), constitute the Statement of Charges in support of the Recall of Yakima County Coroner, James A. Curtice pursuant to RCW 29A.56.110 and the WASHINGTON STATE CONSTITUTION, Article 1, §§ 33 and 34. Yakima County Coroner, James A. Curtice, has committed acts of malfeasance and misfeasance while in office, and has violated his oath of office. This Statement of Charges is verified under oath, states the acts complained of in concise language, gives a detailed description including the approximate date, location and nature of each act complained of, and is signed by the person(s) making the charge.

I. *Introduction to Statement of Charges*

A. *The Election of James A. Curtice as Yakima County Coroner*

Yakima County is a political subdivision of the State of Washington, established by the territorial government in 1865, and made one of the original counties of the State of Washington pursuant to WASHINGTON STATE CONSTITUTION, Art.11, §1 (1989). James A. Curtice is the elected Yakima County Coroner.

RCW 36.16.040 Requires that, “Every person elected to county office shall before he or she enters upon the duties of his or her office take and subscribe an oath or affirmation that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability. This oath, or affirmation, shall be administered and certified by an officer authorized to administer oaths, without charge therefor.”

Upon information and belief, James A. Curtice swore and filed such oath when he took office.

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Yakima County Elections

II. Factual and Legal Sufficiency for Recall of James A. Curtice

A. *Constitutional Right to Recall*

The right to recall elected officials is a fundamental right of the people guaranteed by Article I, sections 33 and 34 (amend. 8) of the Washington Constitution. *Chandler v. Otto*, 103 Wn.2d 268, 270, 693 P.2d 71, 72 (1984). Section 33 contains the substantive right of recall and provides “[e]very elective public officer of the State of Washington . . . is subject to recall and discharge by the legal voters of the state. . . .” Section 34 permits the Legislature to “pass the necessary laws” to carry out section 33 “and to facilitate its operation and effect without delay.” Pursuant to this authority, the Legislature adopted Chapter 29.82 RCW, which was enacted “to provide the substantive criteria and procedural framework for the recall process.” *Matter of Pearsall-Stipek*, 136 Wn.2d 255, 262-63, 961 P.2d 343, 347 (1998). Chapter 29.82 RCW has since been re-codified as Chapter 29A.56 RCW. Recall statutes are construed in favor of the voter, not the elected official. *In re Recall of Washam*, 171 Wn.2d 503, 510, 257 P.3d 513, 516 (2011).

Elected officials in Washington State may be recalled for malfeasance, misfeasance, and/or violation of oath of office. WASH. CONST. art. I, §§ 33-34; “Courts act as a gateway to ensure that only charges that are factually and legally sufficient are placed before the voters, but we do not evaluate the truthfulness of those charges.” RCW 29A.56.140. *In re Recall of Washam*, 171 Wn.2d 503, 510, 257 P.3d 513, 516 (2011).

B. *The Requirement of Factual Sufficiency*

Charges are factually sufficient if “taken as a whole they do state sufficient facts to identify to the electors and to the official being recalled acts or failure to act which without justification would constitute a prima facie showing of misfeasance, malfeasance, or violation of oath of office.” *Chandler v. Otto*, 103 Wn.2d 268, 274, 693 P.2d 71 (1984). “Voters may draw reasonable inferences from the facts; the fact that conclusions have been drawn by the petitioner is not fatal to the sufficiency of the allegations.” *In the Matter of the Recall of West*, 155 Wn.2d 659, 665, 121 P.3d 1190 (2005); *In re the Recall of Washam*, 171 Wn.2d 503, 514, 257 P.3d 513 (2011).

A charge is factually sufficient if the facts “establish a prima facie case of misfeasance, malfeasance or violation of the oath of office” and are “stated in concise language and provide a detailed description” in order to “enable the electorate and a challenged official to make informed decisions.” *In re Recall of Telford*, 166 Wn. 2d

148, 206 P.3d 1248; 2009 (quoting *In re Recall of Wasan*, 149 Wn.2d 787, 791, 72 P.3d 170 (2003), citing *Cole v. Webster*, 103 Wn.2d 280, 285, 692 P.2d 799 (1984); *Chandler*, 103 Wn.2d at 274, 693 P.2d 71). “In this context, ‘prima facie’ means that accepting the allegations as true, the charge on its face supports the conclusion that the official committed misfeasance, malfeasance, or violations of the oath of office.” *In re Recall of Wade*, 115 Wn.2d 544, 548, 799 P.2d 1179 (1990).

RCW 29A.56.110 requires that “the person . . . making the charge . . . have knowledge of the alleged facts upon which the stated grounds for recall are based.” There is no requirement that the petitioner have firsthand knowledge of such facts. Rather he or she must have some knowledge of the facts underlying the charges. *In re Recall of Wasan*, 149 Wn.2d 787, 791, 72 P.3d 170 (2003); *In*

re Recall of Ackerson, 143 Wn.2d 366, 372, 20 P.3d 930, 933 (2001). When the charge is violation of law, the Supreme Court has repeated that the petitioner must have knowledge of facts indicating that the official intended to commit an unlawful act. *In the Matter of Pearvall Stipek*, 136 Wn.2d 255, 263, 961 P.2d 343, 347 (1998). The courts may use supplemental materials to determine whether there is a factual basis for the charge. *In re Recall of West*, 155 Wn.2d 659, 665-66, 121 P.3d 1190 (2005). It may go outside the petition to determine whether there is a factual basis for the charge. *In re Recall of Anderson*, 131 Wn.2d 92, 95, 929 P.2d 410 (1997).

C. The Requirement of Legal Sufficiency

To be legally sufficient, the charges “must specifically allege substantial conduct” amounting to misfeasance, malfeasance, or violation of the oath of office. *In re Recall of Washam*, 171 Wn.2d 503, 514-15, 257 P.3d 513, 518 (2011). The legal sufficiency requirement protects officials from being “recalled for appropriately exercising the discretion granted him or her by law.” *Chandler*, 103 Wn.2d at 274, 693 P.2d 71. “Officials may not be recalled for their discretionary acts absent manifest abuse of discretion.” *In re Recall of Washam*, 171 Wn.2d 503, 515, 257 P.3d 513, 518 (2011).

D. Grounds for Recall

The definition of misfeasance, malfeasance and violations of oath of office are set forth in RCW 29A.56.110, as follows:

For the purposes of this chapter:

- (1) “Misfeasance” or “malfeasance” in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;
 - (a) Additionally, “misfeasance” in office means the performance of a duty in an improper manner; and
 - (b) Additionally, “malfeasance” in office means the commission of an unlawful act;
- (2) “Violation of the oath of Office” means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law.

III. Acts and Omissions Constituting the Statement of Charges

The acts and omissions of James A. Curtrice as Yakima County Clerk, for which this Statement of Charges is brought are divided into the following general factual categories. Together, these charges amount to an indictment against Yakima County Coroner, James A. Curtrice, that he has conducted himself, while in office, in a manner that constitutes misfeasance, malfeasance and/or a violation of his oath of office. The charges are summarized as follows:

- A. Actions Or Omissions By James A. Curtrice Relating To Coroner’s Illegal Drug Use In Connection With His Official Duties.
- B. Actions Or Omissions By James A. Curtrice Relating To Coroner’s False Reporting In Connection With His Official Duties.
- C. Actions Or Omissions By James A. Curtrice Relating To Coroner’s Mishandling Of

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Personal Property And Evidence Of The Deceased.

D. Actions Or Omissions By James A. Curtrice Relating To Coroner's Theft Of Contraband From Corpses, And Of Yakima.

COUNTY PROPERTY.

E. Actions and omissions by James A. Curtrice that have impaired the operation and functioning of the office of Yakima County Coroner.

F. Actions Or Omissions By James A. Curtrice Relating To The Coroner's Prolonged And Indefinite Absence From His Work.

IV. The substance of the charges is as follows:

Each of the charges relates to an incident which occurred on or about August 27, 2024, and where the principal events occurred at the office of the Coroner, in Yakima County, and are associated with Yakima Police Department Incident No. 24Y027146, the Incident. The redacted reports of Officer Chad Janis, and others is attached as Attachment A. The charges also include a pattern of similar conduct to charges A, C, and D admitted to by Mr. Curtrice for an indeterminate period of months before the Incident¹. Yakima Police Department ultimately requested the following criminal charges, "RCW 9A.76.175 Making a false or misleading statement to a public servant, RCW 9A.80.010 Official Misconduct, RCW 9A.72.150 Tampering with physical evidence servant."²

A. Coroner's Illegal Drug Use In Connection With His Official Duties.

(1) While other unlawful acts may be sufficient grounds for malfeasance, a person commits malfeasance when he commits a crime in connection with his official duties. RCW 29A.56.110(1)(b) Here, Mr. Curtrice violated RCW 69.50.4013 by knowingly possessing and consuming a controlled substance without a prescription. Mr. Curtrice admitted to police investigators that he knowingly took controlled substances from corpses at his office, and consumed them at his office, while on duty. This pattern of consumption of drugs at work resulted in Mr. Curtrice sleeping at his desk, filing erroneous reports, and general poor performance. Thus, the criminally "unlawful act: of consuming drugs on duty "wrongful conduct that affects, interrupts, or interferes with the performance of official duty," is malfeasance as defined in RCW 29A.56.110(1)(b).

B. CORONER'S FALSE REPORTING IN CONNECTION WITH HIS OFFICIAL DUTIES.

During the Incident, Mr. Curtrice illegally consumed controlled substances while at his office. As a result, Curtrice was admitted to the hospital, and made a police report accusing his employees of poisoning him³. He participated in several interviews with law enforcement in which he made statements accusing his employees of attempting to kill him, and falsely stated that he did not voluntarily ingest or consume any controlled substance⁴, then eventually recanted and admitted to the obvious falsity of those initial claims. The time necessary to investigate the false claim of poisoning caused hindrance and delay to the police, with respect to their investigation into his possession or consumption of those

¹ Attachment A, at 24.

² Attachment A, at 25.

³ Attachment A, at 3-5.

⁴ Attachment A, at 5.

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controlled substance, and into his taking those substances from the personal effects of the deceased.

Additionally, these acts severely interfere with the Coroner's duties because of their effect on his personal credibility. The function of a Coroner is primarily as a professional witness, an impartial source of expert opinion and recorder of physical facts. The public, the courts, insurance companies, law enforcement, and the family of the deceased need to know that their Coroner has personal integrity so that they can rely on his findings and his process. He has now demonstrated a willingness to lie in a way that taints all his work. Moreover, by committing these acts of moral turpitude, he is effectively disqualified from being able to perform his RCW 36.24.010 duty to act as sheriff. If he has to serve as sheriff, it is likely that he would have to be put on the "Brady List".⁵ If he returns to work in his more routine capacity, every court case which relies on his work will be at risk of appeal, and it is likely that the defense will impeach him as a witness.

Making a false statement to a public servant is a gross misdemeanor under RCW 9A.76.175. If that statement hinders or delays an investigation it violates RCW 9A.76.020. Thus, the criminally "unlawful act": of making false statements to public officials or obstruction about acts occurring while on duty "wrongful conduct that affects, interrupts, or interferes with the performance of official duty;" is malfeasance as defined in RCW 29A.56.110(1)(b).

C. CORONER'S MISHANDLING OF PERSONAL PROPERTY AND EVIDENCE OF THE DECEASED.

RCW 36.24.130 requires a Coroner to deliver personal property of the deceased to the legal representative of the deceased, to the treasurer, or if it has no value to the appropriate governmental agency "within 30 days after the investigation of the death." In the case of illegal controlled substances, that agency would be Yakima County Sheriff's office. Mr. Curtice admitted to taking controlled substances from corpses and consuming them.⁶ He further admitted in police interviews that he made a regular practice of storing such contraband for months before grinding it up and disposing of it into the drains, rather than properly delivered it to the sheriff's office within the 30-day period. Petitioner's counsel inquired as to whether Curtice had any written policy regarding drug storage for such property, and Coroner staff stated that they do not. Mr. Curtice told law enforcement that his practice of storing up drugs for over a year and disposing of them with a blender was "not what they are supposed to do", which indicates that the conduct was willful. This constitutes malfeasance in the case of the drugs taken and consumed and malfeasance or misfeasance with respect to the drugs not timely delivered due to willful or negligent policy respectively. These acts also constitute tampering with evidence.⁸

Thus the criminally "unlawful act": failing to timely deliver personal property to the appropriate agency & evidence tampering constitutes "wrongful conduct that affects,

⁵ See RCW 10.93.180 Protocol for potential impeachment disclosures, commonly known as the "Brady List."

⁶ See Attachment A at 24

⁷ See Attachment A at 16.

⁸ See Attachment A, at 14. RCW 9A.72.150

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Yakima County Elections

interrupts, or interferes with the performance of official duty;" is malfeasance as defined in RCW 29A.56.110(1)(b), and in the alternative; misfeasance "the performance of a duty in an improper manner" RCW 29A.56.110(1)(a).

D. CORONER'S THEFT OF CONTRABAND FROM CORPSES, AND OF YAKIMA COUNTY PROPERTY.

The elected Coroner is entrusted with safeguarding the property of the deceased, and timely delivering it to either the heir, the treasurer, or the appropriate county agency. In the case of contraband drugs, that would be Yakima County Sheriff's Office. Mr. Curtice admitted to stealing drugs from the corpses.⁹ This conduct is criminal under RCW 9A.65 with the degree dependent on the value of the contraband. Mr. Curtice further admitted both in his initial false report and later in his recanting and confession that he used county property, namely drug tests to verify the presence of this substance in his pre workout powder¹⁰. Since testing his own food was not a county activity, this too was theft, probably valued under \$750.00, USD and therefore 3rd degree theft per RCW 9A.56.050. Additionally, these facts likely constitute possession of stolen property in the third degree. RCW 9A.56.170.

This "wrongful conduct that affects, interrupts, or interferes with the performance of official duty;" is malfeasance as defined in RCW 29A.56.110(1)(b).

E. CORONER'S ACTS OR OMISSIONS WHICH INTERFERE WITH OPERATION OF THE OFFICE OF THE YAKIMA COUNTY CORONOR.

The Coroner's staff indicate in the police reports attached hereto that the Coroner had been sleeping at his desk and filing erroneous reports which needed correction. Since the staff were accused of trying to kill him by the Coroner, one of the staff members has indicated to petitioners' counsel that they would quit or take leave if the Coroner returns to office. Additionally, as set forth in the charge below, the fact of the Coroner's absence means that he has prevented the office from having the normal supervision and application of his discretion¹¹ necessary to perform its basic functions.

This interference with the work of the Coroner, or extremely poor performance constitutes a misfeasance within the meaning of the statute. "Wrongful conduct" which interferes with "the performance of a duty in an improper manner" RCW 29A.56.110(1)(a).

F. CORONER'S PROLONGED AND INDEFINITE ABSENCE FROM HIS WORK.

Following the incident, Mr. Curtice reportedly took a leave of absence and checked himself into rehabilitation. The petitioners and their counsel have contacted the Coroner's office, to enquire about the status of the Coroner. Their attorney was told by Coroner staff and they believe in good faith that the Coroner has been absent from work since

⁹ Attachment A, at 24.

¹⁰ Attachment A, at 5.

¹¹ For example, 36.24.020 requires the Coroner to decide whether to hold an inquest. RCW 36.24.020 requires the Coroner to use discretion about whether to summon witnesses.

approximately Sept 13, 2024, and has not indicated a time for his return as of December, 17 2024. Moreover, according to statements from the staff to petitioner's counsel, the county commissioners have revoked the Coroner's key card and passwords to his work computer. Additionally, Mr. Curtice's staff now have been given possession of the Coroner's personal county issued phone, truck, and office keys which are necessary to perform job functions on or about the 12th of Sept 2024. As of December 17, 2024, Coroner staff have confirmed that Mr. Curtice has made no attempt to return to the office, nor given any notice about when he might do so, and has also not attempted to recover any of the previously mentioned items necessary to perform his elected duties. Thus, the Coroner has now been absent from work for more than three months without so much as communicating a return date to his staff.

"Every person elected to county office shall before he or she enters upon the duties of his or her office take and subscribe an oath or affirmation that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability. ..." RCW 36.16.040 (emphasis added). In order to dispute this charge, Mr. Curtice logically must assert that performing his office "to the best of his ability" includes being *absent from work for a quarter of a year* without so much as a time of return, or even naming an event which would signal his return. There is no credible way to make that argument. He has abandoned his post, but not his paycheck. The citizens of Yakima County are entitled to the services they pay for, which now exceed \$30,000.00 in direct wages for services not rendered, plus associated benefits.

RCW 36.24 sets forth various duties for the elected Coroner, including to evaluate whether to conduct inquests, medical examinations, Coroner's juries, summoning of witnesses, and management of the property of the deceased. Additionally, the Coroner supervises staff, currently consisting of two employees.

These acts and omissions constitute breach of the oath of office by "failing to perform the duties imposed by law." RCW 29A.56.110(2).

Personal Knowledge, Good Faith, And Official Reliance.

The factual basis for these charges includes the information contained in Attachment A, which by this reference, is incorporated to this statement of charges. It further includes reliance on the personal investigation of the petitioners, public news, and statements from Coroner staff and investigation performed at their behest by their counsel. The petitioners: Kenton Gartrell, Roy Dove, and Steve Edwards, assert that they have a good faith belief in the truth of these charges, have read and are personally familiar with this document and the attachments hereto, and that this recall action is necessary to remove Mr. Curtice from office. Each petitioner is a constituent of Mr. Curtice, and is eligible and registered to vote in the jurisdiction of Yakima County.

The undersigned declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct to the best of our knowledge, and that w

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sufficient knowledge of the alleged facts upon which the stated grounds for recall are based on our personal knowledge and good faith.

Dated: at Yakima, Washington, December 18, 2024.



Roy Dove
1510 W. Huntzinger Rd.
Selah, WA 98942



Steve Edwards (Dec 18, 2024 17:31 PST)

Stephan Edwards
90 Hoff Rd
Moxee, WA 98936



Kenton Gartrell (Dec 18, 2024 16:50 PST)

Kenton Gartrell
304 N. 6th Street
Yakima, WA 98901

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Attachment A

Yakima Police Department Incident No.
24Y027146, report, (redacted) by Officers

Chad Janis, Noah Johnson, et al.

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Yakima County Elections



Yakima Police Department

Incident #: 24Y027146

Reporting Officer: Janis, Chad

Report Time: 08/27/2024 16:48:17

Incident

Incident Nature	Address 200 S 3RD ST; YPD YAKIMA, Washington 98901	Occurred From 08/27/2024 16:48:17
Occurred To 08/27/2024 16:48:17	Received By SUP: Niblett, Brittney	How Received Officer Report
Contact	Disposition Clrd Adlt, Arst (One Incident)	Miscellaneous Entry
Disposition Date 09/16/2024	Cleared	Judicial Status
Cleared Date	Clearance Report to Follow	Cargo Theft Related

Responding Officer(s)
Janis, Chad

Offenses

Official Misconduct

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute	Description	Category

False Information or Report

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute	Description	Category

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Persons

**SLIGHT, MARSHALL G
CONTACTED**

Address	Phone	DOB
128 N 2ND ST; YAKIMA COUNTY YAKIMA Washington 98901	() -	07/17/1960
Race	Sex	Ethnicity
N-White, Non-Hisp	Male	
Height	Weight	
6'03"	240	

**CURTICE, JAMES A
SUSPECT**

Address	Phone	DOB
1963 OLD NACHES HWY YAKIMA Washington 98908	(509)907-6191	06/13/1967
Race	Sex	Ethnicity
N-White, Non-Hisp	Male	
Height	Weight	
6'00"	200	

Property

Miscellaneous

Brand	Model	Serial Number
Color	Quantity	Total Value
Measurement	Amount Recovered	\$0.00
Status	Owner	Date Recovered
		08/28/2024

Evidence

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Miscellaneous

Evidence

Brand	Model	Serial Number
Color	Quantity	Total Value \$0.00
Measurement	Amount Recovered \$0.00	Date Recovered 08/28/2024
Status	Owner	

Blood samples

Evidence

Brand	Model	Serial Number
Color	Quantity	Total Value \$0.00
Measurement	Amount Recovered \$0.00	Date Recovered 09/13/2024
Status	Owner	

Narratives

Original Narrative

09/03/2024 14:46:34

Yakima Police Department - Incident Narrative Report

Incident #: 24Y027146

Synopsis: Collected and preserved possible evidence.

Narrative:

On August 27, 2024 at 1138 hours Sergeant Noah Johnson advised me he needed to talk to me. I had Sergeant Johnson come inside my office. Sergeant Johnson indicated that he had received a phone call from Yakima County Coroner Jim Curtice. Curtice told Sergeant Johnson that he believed someone may have introduced narcotics in a beverage he was consuming at work, yesterday August 26, 2024.

Curtice explained that he was drinking an energy drink when he suddenly felt ill. Curtice told Sergeant Johnson he had been drinking the beverage throughout the day and noticed that it tasted odd just prior to feeling ill. Curtice indicated that he called his wife for assistance and when she arrived, he was unconscious. Curtice's wife drove him to Yakima Memorial Hospital, where he learned that he tested positive for cocaine and fentanyl.

When Curtice arrived back at work on August 27, 2024, he used a test kit to presumptively test his pre-workout mix. He indicated that the pre-workout substance tested positive for the presence of fentanyl. Curtice called Sergeant

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Johnson, believing that someone may be attempting to poison him.

Sergeant Johnson and I met with Interim Chief Boyle at which time we discussed the disclosure. We agreed to call Resident Agent in charge of the Yakima FBI Office and inquire if this circumstance met the threshold of an FBI investigation. RAC Peter Orth indicated he would check with his leadership and advise later in the day.

At approximately 1515 hours I met with Interim Chief Boyle. We called RAC Orth, who advised that the FBI was authorized to investigate however would need to communicate with the US Attorney's Office before confirming. RAC Orth indicated he would get back to us on August 28, 2024. RAC Orth indicated that we could contact Curtice and advise him to secure any evidence he may have on this matter, however do not engage in interviews or investigating.

At 1533 hours I called Curtice and advised him we were working on identifying an law enforcement agency to investigate, however it may take a day or two to get the case moving. I asked him to secure the evidence, which apparently was a drug test kit and a container of pre-workout powder. Curtice indicated that he did not have a way of securing it at the office, and would drive it home. I told him he should not be transported or storing possible illicit narcotics at his residence. He then stated he could secure it at a relative's home (son-in-law). I told him that would not be a good idea either, at which time he agreed to bring it to the Yakima Police Department and turn it over to me. Interim Chief Boyle and I advised RAC Orth of this update.

Curtice arrived at the police department around 1551 hours. I walked him into a hallway interview room. I collected a small plastic drug test kit which had blue solution (fluid) inside of it. Curtice showed me the positive results, which is indicated on the side of the container. Curtice also gave me a small black container of "BUCKED UP" pre-workout powder which he believed was contaminated. I collected both items and secured them in the YPD evidence room.

While Curtice was at the police department, I did not ask him questions about what happened, however he stated what happened. He said that he was sipping on an energy drink for part of the day. Before going to "CrossFit" he took a drink and thought it tasted funny. He immediately began to feel ill and called his wife to come get him. He stated his wife found him unconsciousness with blue lips. Curtice further stated without prompting that he did not want to be transported by ambulance because he is the coroner and did not want people to know. Curtice said his wife drove him to the emergency room where he was then notified by the doctor that he had tested positive for cocaine and fentanyl. Curtice stated he tested the container of pre-workout on August 27, 2024 and saw that it tested positive from the presence of fentanyl.

After collecting the suspected evidence I walked Curtice out of the police department and tagged the evidence.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[] Not Equipped[x]
 AXON Interview Room Video: Yes[] No [x]
 Consent to Search: Granted[] Denied[] Search Warrant[]
 Evidence Tagged for Prints or DNA: Yes[] No[]

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Reporting Officer: Lieutenant Chad Janis #6455
Date, Time: 08/28/2024

Supplemental Narrative

08/27/2024 16:48:35 SUP: Niblett, Brittney

CAD Call info/comments

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Supplemental Narrative

08/28/2024 09:22:34 Johnson, Noah

Yakima Police Department - Supplemental Narrative Report

Incident #: 24Y027146

Synopsis: Information report to be reviewed by Yakima Police Department command.

Narrative: On 8-27-24 at approx 1112 hrs, I received a phone call from Yakima County Coroner, Jim Curtice. His voice was quite and he sounded concerned when he spoke.

Curtice told me that on 8-26-24, He was in his office and had opened a can of "Rock Star" energy drink. His drank some of the beverage and then left it in his office, when he went to exercise. When he returned, he took a drink of the "Rock Star", which was still in his office. He stated that it tasted terrible, so he threw it away. A short time later, he stated that began to feel sick. He was concerned by how sick he was so he called his wife to come pick him up. He said that when she arrived, she found him unconscious in his office.

Curtice stated that he went to the hospital and he mentioned that there was concern that he had a seizure. He stated that medical tests indicated that his potassium was low but that it also indicated that he had cocaine and fentanyl in his system. Curtice told me that he does not use cocaine or fentanyl and the test results scared him. He said that he has been given fentanyl during surgery, but that he has never used it as a recreational drug.

Curtice stated that he returned to his officer today and tried to locate the can of "Rock Star" in the garbage, but that the garbage had already been pick up. He believed that someone may have put drugs in his drink, while he was gone, which is why it tasted so bad when he returned.

Curtice also stated that he had an open container of "Pre-workout" supplement in his office. He tested the supplement, using a drug test kit from his office and it produced a positive indication for the presence of fentanyl. He stated that he still had the supplement and the test kit that he used, in his possession.

Curtice stated that he was scared and thought that someone was trying to poison him. I asked him who would have access to his office. He said that there are building maintenance workers that may have access to the are, but that if that

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had been in his office without him there, it would have been out of the norm and would have raised questions. He said that the only other people who have regular access to that area are Deputy Coroner Marshal Slight and a new employee that they recently hired.

I told Curtice that this was obviously concerning to law enforcement and that it would need to be investigated. I also explained that due to the nature of his position, I would need to take this information to my administration. He agreed and said that he was concerned about what happened, but also concerned about information being released that he tested positive for drugs. I told him that I understood and asked him to not get ride of the "pre-workout" supplement or the test kit until I could speak to my administration and determine who would be taking over the investigation. He said that he understood and thanked me for my help.

I then spoke to Lt Chad Janis and Interim Police Chief Shawn Boyle. I relayed to them my phone conversation with Curtice. They advised that they would be contacting an outside agency for the investigation.

I did not re-contact Curtice at that time, to allow Lt Janis could follow up.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[x] Not Equipped[]
AXON Interview Room Video: Yes[] No [x]
Consent to Search: Granted[] Denied[] Search Warrant[]
Evidence Tagged for Prints or DNA: Yes[] No[x]

Reporting Officer: N. Johnson 6125
Date, Time: Wed Aug 28 12:25:28 PDT 2024

Supplemental Narrative 08/28/2024 11:44:44 Johnson, Noah

Supplemental form opened while case was partitioned and no narrative could be added. N. Johnson 6125

Supplemental Narrative 08/28/2024 16:42:58 Johnson, Noah

Yakima Police Department - Supplemental Narrative Report

Incident #: 24Y027146

Synopsis: Additional information

Narrative: On 8-28-24 at approx 1529 hrs, I received a phone call from Yakima

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County Coroner Jim Curtice. He advised that he has an electric water pot in his office that he uses to heat up water. There was some water left in the pot after the last time he used it. He decided to test the water in the pot, using a drug test kit from his office. The test produced a positive indication of the presence of cocaine and fentanyl.

Curtice said that he placed the pot in a box and kept the test kit that he used. I asked him to bring the items to the police department so that I could place them into evidence. He said that he would and arrived at the PD a short time later.

Curtice had the pot in a cardboard box, that he said he got from work. He said that the box was one that they had received supplies in, for the office. The pot had a piece of packing tape over the spout. Curtice said that he put the tape over the spout so that the remaining water did not spill out. He also had the test kit in the box. He showed me the kit, which had clear liquid in it. He said that the liquid was water from the pot and pointed out that the kit had multiple different drugs listed on the side of the cup. The drugs names each had 2 lines under them except for two of them. Those had only 1 line. He said that 1 line indicated that the drug was present. He said that it indicated the presence of cocaine and fentanyl.

The pot still had fluid in it. I poured the remaining fluid into 3 different specimen cups, which we have available in the evidence packaging area of the patrol area of the PD. The specimen cups were sealed, prior to me opening them. After filling the cups, I closed them and placed biohazard tape over them. I looked in the pot and could see what appeared to be a build up of white residue on the bottom of the pot. The white residue appeared to be collecting around the area where two posts were protruding through the bottom. I photographed the specimen cups, the test kit and the residue in the pot.

I put the lid back on the pot and left the tape that Curtice had placed on the pot, over the spout. I closed the cardboard box and taped it shut with evidence tape. I then placed the box in a biohazard bag and taped the bag shut, signing the tape. I placed the specimen cups in a plastic bag and placed the bag in a metal, evidence collection can. I placed the can in a plastic bag and sealed the bag and sealed the bag with evidence tape, signing the seal. All the items were tagged into evidence.

I did not ask Curtice questions about the incident as I was unsure which agency would be heading up the investigation. He did however tell me some additional information about the night that this started. Curtice told me that when he returned to his office, after exercising, he took a drink of his energy drink. He said that it tasted bad and he threw it out. He said that Deputy Coroner Marshal Slight was still there, but left shortly after to respond to a "De-comp" call. He said that another employee was still there, but he did not say that employee's name. Curtice returned to his office and began to feel sick. He said that he thought he may be having a problem with his heart and called his wife asking her to come get him. He said that his wife, Kristi, was at the chamber of commerce, which was approx 10 minutes away. Curtice did not alert the remaining employee to any problem and when Kristi arrived, the other employee let her into the building as the employee was leaving. Curtice said that when Kristi arrived, he was unconscious in his office and he was "blue". He also told me that Kristi took him to the hospital.

Curtice stated that he is scared to return to work because he thinks someone is trying to kill him. He also said that Kristi does not want him to go back to work.

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I asked Curtice some additional questions about the water pot. I asked him how often he used it and if he cleaned it. He said that he bought it used, from a second hand store near the Suntides market near Gleeed. He said that he washed it when he originally bought it, over a month ago, but has only used it a couple times and has not washed it since then. He said that he keeps it in his office and only uses it to heat water.

The water pot is metal and could possibly be checked for prints and well as tested for the presence of drugs. I wore gloves while manipulating the pot and while packaging it.

Evidence Supervisor R. Peretti later assisted me in uploading the photographs into AXON evidence.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[x] Not Equipped[]
AXON Interview Room Video: Yes[] No [x]
Consent to Search: Granted[] Denied[] Search Warrant[]
Evidence Tagged for Prints or DNA: Yes[x] No[]

Reporting Officer: N. Johnson 6125
Date, Time: Tue Sep 03 09:17:57 PDT 2024

Supplemental 09/03/2024 08:45:43 Peretti, Richard Narrative

Yakima Police Department Forensic Lab Report

Agency Case #: 24Y027146
Agency: Yakima Police Department
Agency Representative: R. Peretti
Laboratory #: 24Y027146-RP
Request #: 01
Victim (s): None Listed
Suspect(s): None Listed

Observations/Results/Conclusions:

On 08/27/2024, I assisted Lt. Janis is tagging two pieces of evidence into the Property and Evidence Unit (PEU). These items were designated 001 and 002.

On 08/28/2024, I was requested to take photographs of the items that were submitted the previous day. Items 001 and 002 were photographed in their respected evidence tape sealed containers with in the PEU.

On 08/29/2024, I uploaded the images that I took in the PEU for Items 001 and 002 into the AXON/Evidence.com digital media storage server of this Department. Additionally, I assisted Sgt. Johnson in uploading imaged from a jump-drive related to this case. The images were uploaded and the drive returned to Sgt. Johnson.

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On 08/30/2024, Lt. Janis requested my assistance in collecting and photographing an evidence item at a residence. One item was collected and photographed. This item was transferred to the PD and I tagged it into the PEU as Item 008. The photographs were uploaded into the AXON/Evidence.com server.

Please refer to Lt. Janis's and Sgt. Johnson's reports for additional information.

Evidence:

Please refer to the PEU report for the evidence items related to description and chain of custody.

The photographs that I uploaded were designated as confidential and access was limited to Lt. Janis, Sgt. Johnson, and myself.

Supplemental Narrative 09/03/2024 13:10:27 Johnson, Noah

Yakima Police Department - Supplemental Narrative Report

Incident #: 27Y027146

Synopsis: Follow up Investigation/ search of office.

Narrative: On 8-29-24 at approx 0830 hrs, I met with Lt Chad Janis, FBI Regional Agent in Charge, Peter Orth and FBI Agent Rafael Gutierrez, at the FBI Office in Yakima. Lt Janis was going to call Jim Curtice in for and interview and speak to him about conducting a search of his office, to gather evidence and attempt to confirm or dispel the presence of drugs in the Coroner's Office.

When Curtice arrived, Lt Janis explained to him what we wanted to do. He agreed and appeared to be very happy with our response to this matter. When it was explained that we wanted to use a drug K9 to search the office he seemed very eager to have it done and said "yes". Curtice signed a consent to search form for the Coroner's Office.

Prior to leaving, I called Pasco Police Department Capt Paramore, per Lt Janis' request. I advised him that we were preparing to go to the Coroner's Office and he advised that he would be contacting their drug K9 to assist us.

Agent Gutierrez and I went to the Coroner's Office, located at 608 N 18th Ave. We spoke to Deputy Coroner Marshall Slight, who was present at the office. Slight was already aware that we were coming to the office and to expect us. Slight showed us the office and all the areas that they had access to in the building. The area included the main common area, where his desk and another employee's desk, by the name of Sofia, was located. There were 2 bathrooms, the Coroners personal office and the autopsy room. The autopsy room included 2 cold rooms, and a storage room that had a door that led to the outside. There was also a propped open door on the east side of the main common area, that led to a small kitchen. Slight explained that in the late morning hours, a woman would come through their office and go into the kitchen. This is where she would warm the meals that would then be distributed to the juveniles that were in the Juvenile Detention Center. That area was separated from the kitchen by a door

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that someone would have to open to allow access. Slight advised that they had access to the kitchen, but that they only used it to get ice.

Slight knew that we were going to be conducting a search but did not appear to know why. He was very calm and friendly and asked what was going on. I told him that we were conducting an investigation and that I could not explain the particulars. He said that he understood and did not ask for further information. We explained that when we were done, Curtice would be advised so that they could return to work. Slight also said that Sofia would be coming in to work later in the morning.

There were also 2 maintenance workers in the common area of the office, trying to fix some type of water leak in the ceiling. Agent Gutierrez spoke to them and got there information and explained that the office needed to be cleared while we conducted our investigation. They were very cooperative, collected their tools and left. They also said that the kitchen worker could come in through their shop and have access into the kitchen to perform her duties.

Agent Gutierrez and I checked the office to confirm that all personnel were out of the building and then waited for the Pasco Police K9 to arrive.

At approx 1100 hrs, Pasco Police Sergeant B. Leininger arrived with his K9. Agent Gutierrez photographed the office prior to beginning the search. We did not search the building for evidence prior, so as not to disturb anything before the K9 could search it. At approx 1115 hrs, Sgt Leininger began the search of the office with his K9.

Lt Janis had advised, via phone, that the Coroner told him that there was a blue, fentanyl pill in a drawer, in the autopsy room and that there was a blender that there was also a blender in the autopsy room, that they used to crush up the drugs prior to disposing of them.

The K9 search began in the Coroner's personal office, as that was where the Coroner believed he had been exposed to the drugs. The K9 then searched the main office, the bathrooms and the kitchen. He then moved to the autopsy room. Agent Gutierrez and I observed as the K9 searched the rooms.

Sgt Leininger advised that the K9 had a change in behavior in the Coroner's personal officer, at the desk behind and drawers behind the Coroner's desk. He also said that the dog alerted to the presence of drugs at the counter in the autopsy room, near where the blender was sitting.

The K9 search was completed at approx 1210 hrs. After which Sgt Leininger and his K9 left the scene.

Additionally, during the search, the person who warms the meals for the detention center arrived. We directed her to enter through the maintenance room. Also Sofia, arrived and Agent Gutierrez spoke to her and advised her that she was not able to come into the office until we were finished.

Agent Gutierrez and I began a hand search of the office at approx 1220 hrs, focusing on the areas where there was a reaction from the K9. In the autopsy room, we collected a "Magic Bullet" blender from the counter top along the north wall. This is the area where the K9 alerted. We searched the drawers and cabinets an in the cabinet, below and just to the left of the blender, I found a blue/green pill. The pill was in what appeared to be a plastic bag and both the pill and the plastic bag were in a closed, zip lock style bag. I did not remove the pill from the closed bag, as I was concerned that it may be fentanyl. The pill had what appeared to be the #30, printed on one side. From my training and

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experience, I know that it is common to see this on pills that are sold for illicit purposes. Both these items were photographed and later tagged into evidence.

Additionally, we searched Curtice's office. Sgt Leininger had stated that the K9's behavior changed inside the office. He said that the behavior of the K9 may have had something to do with the fact that the Coroner has a dog in his office at times.

On the desk behind the Coroner's work desks, there was a small amount of white powder. I did not know what the powder was, but due to the circumstances, I decided to collect it. Because it was a small amount, lying loose on the desk top, I used a DNA swab to collect the powder. I unsealed the swab packaging, which contains 2 swabs. I wet it with the swabs, using the distilled water that is used to collect DNA evidence. I used the wet swabs to collect and absorb the white powder and then sealed them back into the swab packaging.

At the completion of the search, Agent Gutierrez again took photos of the office prior to us leaving. I completed a receipt for property seized, but I did not leave a copy at the scene as people were still being interviewed and I did not want information being left in a place where someone who was not aware of what was going on, may see it. I noted afterwards that at the top of the receipt I wrote the date of the search which was 8-29-24, but on the bottom of the receipt, I mistakenly wrote 8-24.

Additionally, as we were finishing up, a delivery driver arrived with several large packages of supplies for the Coroners office. I had him leave the packages just inside the main door so that they were secured and not left outside.

When I returned to the Yakima Police Department, I tagged the items that we had collected, into evidence. Agent Gutierrez put the photos he had taken on a thumb drive and with the assistance of Evidence Tech Supervisor Peretti, the photos were uploaded into AXON evidence along with the photos I had taken of the evidence that Curtice had brought to me earlier in the week.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[] Not Equipped[]
AXON Interview Room Video: Yes[] No []
Consent to Search: Granted[] Denied[] Search Warrant[]
Evidence Tagged for Prints or DNA: Yes[] No[]

Reporting Officer: N. Johnson 6125
Date, Time: Thu Sep 12 09:58:01 PDT 2024

Supplemental Narrative **09/16/2024 11:56:10 Johnson, Noah**

Yakima Police Department - Supplemental Narrative Report

Incident #: 24Y027146

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Synopsis: Supplemental Paperwork

Narrative: During the week of September 2nd, I took the medical release form that Curtice had signed, to the Multi Care Memorial Hospital Records Office at 15 W Yakima Ave #100. The first form I delivered had Selah Family Medicine listed on it. I was told I would need a separate form for Curtice's medical record from the emergency room visit on 8-26-24. I filled out another form and contacted Curtice. He came to the Yakima Police Department. I explained the need for the second form. He reviewed the form and signed it on 9-3-24. I took the form to the Multi Care office. They provided me with his medical records from the hospital visit and completed a separate form stating that there were not records from Selah Family Medical on 8-26-24. I returned those forms to Lt Janis.

I contacted Steve Driscoll from the Yakima County Juvenile Detention Facility. I requested Video from the outside of the Coroners Office, from 8-26-24 at 0600 until 8-27-24 at 0600 hrs. He prepared the video and Detective Hinton and Detective Gronewald picked up the video. It was later determined that the video he provided was from 8-26-24 from 0600 to 1800. I spoke to Driscoll again and he stated that he would get the remaining video, but due to the large file size, it would take some time to download. At this time, I have not received the completed video from Driscoll.

I also spoke to a subject from the Suintides Market and requested video of the morning of 8-26-24, as it was reported that Curtice went there to buy his Rockstar energy drink. The subject from the store never called back or provided the video.

I provided the medical forms, the receipt for property seized, the notes from Agent Gutierrez and his photo log, to Lt Janis.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[x] Not Equipped[]
AXON Interview Room Video: Yes[] No [x]
Consent to Search: Granted[x] Denied[] Search Warrant[]
Evidence Tagged for Prints or DNA: Yes[] No[]

Reporting Officer: N. Johnson 6125
Date, Time: Mon Sep 16 13:11:49 PDT 2024

Supplemental Narrative 09/16/2024 12:14:59 Peretti, Richard

Yakima Police Department Forensic Lab Report

Agency Case #: 24Y027146
Agency: Yakima Police Department
Agency Representative: R. Peretti
Laboratory #: 24Y027146-RP
Request #: 02

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Victim (s): None listed
 Suspect(s): None Listed

Observations/Results/Conclusions:

On 09/13/2024, at approximately 1545 hours I was contacted by Lt. Janis and was requested to meet with him at Memorial Hospital to assist him in evidence collection and documentation related to a search warrant that was being served. At 1630 hours I met with Chief Boyle and Lt. Janis at Memorial Hospital's Laboratory Department. One biohazard clear plastic bag, containing two blood sample vials, were turned over to Lt. Janis which I collected and transported back to the police station.

When I arrived back at the station, I photographed the item and tagged the blood into the Property and Evidence Unit (PEU). The evidence and placed into the PEU refrigerator.

Evidence:

Please refer to the PEU report for the evidence description and chain of custody.

The photographs that I took and uploaded were designated as confidential and access was limited to Lt. Janis, Sgt. Johnson, and myself.

Supplemental Narrative 09/16/2024 12:56:11 Janis, Chad

Yakima Police Department - Supplemental Narrative Report

Incident #: 24Y027146

Synopsis: Incident referred to prosecutor for charges of making false misleading statements to a public servant, official misconduct and tampering with evidence.

Narrative:

On Wednesday afternoon, Agent Orth met with Interim Chief Boyle and I at the Yakima Police Department. Agent Orth explained that the FBI was able to open an investigation, However, without a clear federal nexus, the investigation would need to be a joint Yakima Police Department and FBI investigation.

Agent Orth and I agreed to start with witness interviews, to be conducted at the Yakima FBI Office. The interviews were scheduled to take place on August 29th, 2024.

On Thursday August 29, 2024 I met with Agent Orth at his office. From the FBI I called Curtice and asked him to come to the FBI office so we could interview him. When Curtice arrived, approximately 0900 hours, we advised him that we were conducting a joint investigation in the event something was evidenced that amounted to a federal crime. Curtice understood and agreed to talk to us.

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I asked Curtice to provide us a timeline of the day in question, which resulted in his hospital visit. Curtice stated the following: He woke up and began the day by drinking a Rockstar energy drink at his residence. He completed the entire drink while at his house. On his way to work he stopped by Suntides Market and purchased two Rockstar drinks, arriving at work (Yakima County Coroner's Office) at approximately 0830 hours. An autopsy was scheduled at the office at 0900 hours.

When he was at work, the autopsy occurred as usual. Present during the autopsy was himself, Dr. Reynolds, Detective Kevin Cays, Officer Marcellus and Marshall Slight. Curtice confirmed that Marshall arrived at the office first, followed by himself. The autopsy was uneventful, concluding around 1030-1100 hours.

Of note during the autopsy, Curtice stated that a baggy of suspected narcotics was taken from the decedent. The item was collected by investigators and tagged into evidence under case number 24Y026683. This is confirmed according to Yakima Police reports and evidence logs. It should be noted that the suspected bag of drugs noted by Curtice contained no identifiable amount of suspected narcotics however was present with other items of suspected paraphernalia.

Sometime around 1140 hours he decided to go to CrossFit. He mixed a drink of pre-workout mix (Brand: Bucked Up). He drank the pre-workout on his way to CrossFit. He arrived at CrossFit at about 1 155hrs. The class lasted approximately an hour. After class was complete he drove back to the office, arriving at approximately 1320 hours.

When he arrived back at the office he began working, taking a drink of the open Rockstar he had on his desk from earlier in the day. He believed this was around 1330-1400 hours approximately. He immediately noticed that the drink had an acidic taste to it. He spit out the contents into his garbage can and threw the can in the garbage. He stated his mouth started to feel "tingly numb". His body started to feel heavy at which time he sat down at his desk. He called his wife (Kristi) and told her what was happening. When Kristi arrived, she later told Curtice that he was "blue" and not breathing. Curtice stated that the last thing he remembered during this time, was talking to Kristi on the phone. Kristi later told him he was sitting in the chair and his lips were blue. He stated he recalled the ambulance ride to the hospital and a medic "yelling" at him to breath.

Note:

This is the first time that Curtice disclosed going to the hospital by ambulance. He had previous told me that he did not go to the hospital by ambulance because he did not want anyone to find out. Additionally, Sergeant Johnson confirmed that he believed that Curtice had gone by private vehicle when Curtice told him about the event. 911 call data confirmed that Curtice was transported via ambulance after Kristi (wife) had called 911 for help.

While at the hospital they checked for signs for a seizure and a stroke, however both came back negative. He stated the hospital asked about drugs, at which time he told the he had not drunk alcohol since "March 10th, 2023". Once he was hydrated enough to pee in a cup they sent it for toxicology. He advised that he was positive for cocaine, however they cannot test for fentanyl.

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When he was discharged he went to his office (Yakima County Coroner's Office) and grabbed a pee-cup drug test kit, which are normally stocked at the Coroner's office for ~~AR~~ ^{AR} DEC 19 2024
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use during death investigations. He took it home and peed in the cup at which time he observed that he tested positive for cocaine and fentanyl.

He stated the following day he tested his pre-workout mix with a drug test kit and it tested positive for cocaine and fentanyl.

I asked Curtice to explain the office layout. He stated he has a private office separate from the two other employees identified as Marshal Slight and Sophia Morones. Curtice indicated that he does not lock or close his door. Numerous facility employees pass through the office to provide janitorial services or prepare food for the juvenile justice center, inside the kitchen attached to his office.

When asked about cameras at this facility, Curtice responded by stating he did not know where the cameras are located. He stated there were no cameras in the common area of the Coroner's office. There are cameras in the autopsy suite. Curtice believed that the footage was retained for 3-5 days. He indicated that he does not know how to access them.

I asked him to describe the feeling he felt after consuming the Rockstar. He stated it felt similar to when he used to drink (alcohol) however slightly different. He described it as a melting feeling. He described his body as "super heavy" and said it was hard to maintain thoughts.

I asked Curtice if he called Kristi from his desk phone or his cell phone. He found the call on a cell phone. He stated it showed that he made the call at 1516 hours. I collected a photograph of the call log.

We asked Curtice how much of the Rockstar he drank. He stated it was just a sip and then immediately spit it out. Curtice indicated that he was glad he did not swallow the sip because it would have probably been a lethal dose.

We confirmed that Tuesday September 27th, 2024, he tested the "Bucked Up" pre-workout powder which only tested positive for fentanyl. After which he contacted

Sergeant Johnson. On September 28, 2024 he observed a strange substance in his tea kettle, which was located in his office. He tested the substance in a test kit, which showed positive for fentanyl and cocaine. He then notified Sergeant Johnson. Curtice later gave the kettle to Sergeant Johnson at the Yakima Police Department.

Curtice confirmed that he had a high degree of confidence in their presumptive drug test kits. He further stated that he had double checked the accuracy with certified lab results. I asked Curtice about their autopsy protocols. Specifically, what happens with property and/ or evidence located on a decedent's body. He stated standard protocol is for everything to stay on the body and evidence is collected by law enforcement at the autopsy (drugs, identification, cell phones, etc.). I asked him what happens when law enforcement is not involved. Curtice indicated, there is a cabinet in the autopsy suite where the drugs will be placed until they are destroyed. Curtice confirmed the cabinet is insecure, understanding that they should be locking it however they do not. Curtice stated the only thing in that cabinet is one fentanyl pill, which they removed from decedent about a year ago.

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I asked Curtice how long drugs stay in the drawer before they are destroyed. He stated they usually wait until they have bunch of drugs, then they grind them up and throw them away. He stated it was not what they are supposed to do. I him asked what they are supposed to do. He stated they should be taking the pills to the drug take back boxes at the sheriff's office. Instead they grind them up and flush it down the toilette, which is probably not environmentally correct.

I asked when the last time he had destroyed drugs that day, citing the fact that he suggested the one fentanyl pill had been in the drawer for about a year. Curtice said Marshall usually completes destruction of the suspected drugs.

Curtice initially suggested that he did not think they had found drugs in quite a while, however, said that families sometimes bring them drugs which belonged to the decedents. Curtice then contradicted himself stating that a couple autopsies ago they pulled drugs from a person, suggesting about every other autopsy there are drugs present. He stated they give the drugs to the officers who are present. Curtice again confirmed that if no officers are present, such as in overdose deaths, Marshall grinds up the drugs and flushes them. He also stated that lately the drugs have been in powder form.

I asked if he kept a log of the illicit drugs found on descendants at the coroner's office. Curtice confirmed they did not keep a destruction log of illegal drugs. Curtice did indicate that the individual autopsy reports would have a record of what was found on the body and photographs, however that is only when an autopsy was completed.

We asked if there was ever a reason for the narcotics found during an autopsy to enter the common area of the Coroner's office. He stated "no, no".

I asked Curtice how his relationship with his employees is. He stated his relationship with Sophia is good. He was speaking with his wife over the previous weekend and indicated that he is 50/50 on trust with Marshall. He stated that Marshall ran against him in the previous election and while he was in Deer Hollow treatment facility last year Marshall "pulled some crap". Curtice stated that it was leaked to the media that Curtice went to treatment. Additionally, there was an issue with Curtice's truck at his house while Curtice was away. Marshall complained about Kristi harassing him during this time to the County Civil Attorney.

Curtice also stated that Marshall allegedly told Jamin Mohler a local funeral director, that Curtice is drinking and using cocaine. Curtice said that Jamin told him this in-person on August 28, 2024 at the Chamber of Commerce.

I asked Curtice if he had ever used recreational drugs. He stated he has only used alcohol and marijuana gummies, last using them in January 2023. Once when he was younger he thought he used cocaine but it was talcum powder.

I asked him what his suspicions were about how this incident happened. He stated he has two suspicions. The first is that he has made someone in the drug world mad and they have access into his office somehow. Curtice indicated that it does not really make any sense.

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The second is that he believes the drugs were planted in his office by someone who has something to gain. He stated that the cocaine may cause him to have a reaction that police would have to be involved in and then the media would find out. I told him that he has two people that work in his office, Sophia and Marshall. He stated, Marshall would be the person who had something to gain. I asked him if he felt Marshall had the capacity to do something like this. He stated, he did not know if he had the capacity. He stated there was limited people who have access to his office. He stated that it would be odd for a janitor or other facility employee to enter his office. Marshall however, has regular access.

Curtice seemed to focus on how the publicity of this incident would adversely affect him and make Marshall look better. I asked him if Marshall has ever said or done anything to him to make him believe Marshall may try to do something to him. Curtice stated that when he went to the office after being cleared from the hospital he saw Marshall there. The following morning, Marshall told Curtice he "was amped up" when he saw him the night before after leaving the hospital. Curtice stated he asked his wife and she confirmed he was fine.

I asked if he ever confronts Marshall on things. He stated he does not. He stated it is a personality flaw of his, he steers away from conflict. He mentioned how he wanted to fire Marshall after he returned from treatment but he was told that it would create a lawsuit. Curtice believed that Marshall tipped off the media that he went to treatment however has no evidence to substantiate the claim. I asked what Marshall's reputation was throughout the valley. He stated it was good.

We circled back to when the can of Rockstar was unattended. He stated, it was unattended during several portions of the day, however he had drunk from it at various times. The only time it was unattended prior to it tasting acidic was when he left at the noon hour for CrossFit.

Note:

The most plausible time frame for the Rockstar, Bucked-Up pre-workout and tea kettle to be contaminated was on 08/26/2024 between approximately 1140 hours and 1315 hours.

During this time frame the only food or drink Curtice reports consuming was the pre-workout mix prior to going to CrossFit, and the Rockstar. We asked Curtice if he ever knew Marshall or Sophia to be deceptive. He stated he did not. I asked if Marshall or Sophia knew about this investigation, which he stated "no". He went on to tell us that he asked Sophia if she went into this office while he was at CrossFit, she told him that she did briefly and did not see anyone else enter the office.

We asked him if he had any other thoughts on what could have happened. He said no, just that someone had to have gone in his office. He reiterated that he tested the pre-workout, tea kettle and his own urine, confirming all results tested positive for the presence of cocaine and fentanyl.

We asked about janitors that clean the office. He recalled a long-time employee that provides this service. The person is a county employee and seems nice. He did not know the person's name.

During the time that we were interviewing Curtice, he provided us written consent to

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search the entire coroner's office in search of hidden drugs. Curtice confirmed that the only place that drugs should be in the autopsy suite inside the drawer where the one fentanyl pill is located.

Towards the end of Curtice's statement we explained that we had no known direct witnesses of someone attempting to poison him with narcotics, in which case we needed to understand how large our suspect pool was. We explained that we need to eliminate him as a suspect in this as well. He stated he understood and offered to take a "lie detector" test.

We asked him who all he told what happened to him. He stated he had told family, friends and clergy. The following day after the incident, he attended a County Commissioners meeting on Tuesday August 27, 2024. He told elected Prosecutor Joe Brusich that he had a seizure when asked by Brusich about the medical event. He did not tell him the truth since they were at a public event at the time. The following day on August 28, 2024, he called Brusich on the phone to tell him the truth because he did not want Brusich to think he lied to him.

Curtice stated he had been avoiding the office out of fear for his safety. He stated his father-in-law agreed to go with him to work. I told him that we were running a narcotic sniffing canine in his office and would let him know if we found anything significant. Additionally, we would be conducting interviews of his office staff and his wife to ensure we had all of our bases covered.

Near the end of the interview we explained the polygraph process, which he stated he was just a little nervous. We ended the interview with the process as we moved forward with other interviews and evidence processing. Curtice swore to the truthfulness of this statement.

After interviewing Curtice, we called his wife Kristi Foster. She came to the office at which time we conducted an interview.

During Kristi's interview, she confirmed that she is married to Curtice. We asked her to tell us about Monday August 26, 2024, when Curtice went to the hospital. She stated that Curtice called her that Monday afternoon. He told Kristi that he needed to go to the hospital and that something was wrong.

When Kristi arrived at the Coroner's office she knocked. Sophia came to the door to let her inside, appearing that nothing was wrong. This was not out of the ordinary considering Curtice is a private person. When Kristi walked into Curtice's office, she described him to be "out" and "staring into space". She stated that Curtice was stiff with blue lips. When she tried to wake him up he would not wake up. She then called 911. At this point Sophia started to leave the office, at which time Kristi requested her to stay and wait for the medics to arrive.

After Curtice arrived at the hospital, they checked for medical anomalies. Later that evening they were finally able to complete toxicology tests as no other medical issue was found. When toxicology returned, the doctor asked Kristi to step out of the room. This was when the doctor told Curtice that he tested positive for the presence of cocaine.

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When Kristi re-entered the room, Curtice told her that his urine was positive for cocaine. She could tell that he appeared upset. Kristi stated her first reaction was that she wanted to believe him however in light of what they had gone through a year and a half ago which resulted in Curtice going to treatment, she was initially skeptical. Kristi stated she has never known him to use drugs, other than marijuana gummies a couple years ago.

When they released Curtice from the hospital he was very angry. He told Kristi that he was going to find "that can". Kristi stated that Curtice had told her that he had taken a "swig" of the Rockstar after CrossFit, at which time it tasted awful and he had spit it out and threw the can away. Curtice stated he was going to find that can after they left the hospital. Additionally, his work vehicle was still at his office. Kristi believed they arrived back at the Coroner's office sometime around 0100 hours.

When they arrived back at the Coroner's the garbage cans had all been emptied. Marshall was at the office with a homicide body, at which time Curtice went to talk to him about the event. Curtice was careful not to disclose he had tested positive for cocaine. He had apparently told Marshall it was a seizure. Curtice apparently took several things home, mugs and food items fearing they could have been tampered with. Additionally, Curtice took home an at-home drug test kit. He urinated in the test kit and found that his urine tested positive for the presence of fentanyl and cocaine.

The next day he tested the pre-workout (Bucked Up) powder, which tested positive for the presence of fentanyl and cocaine, again using a drug test kit from the Coroner's Office.

When asked why Curtice re-tested himself outside of the hospital, Kristi believed that he did not believe the hospital test, fearing it was a false positive.

The day following the hospital visit, Curtice and Kristi talked about what to do. They called their son who is a Yakima Police officer (Colbey Molner). Molner suggested they call Sergeant Johnson of the Major Crimes Unit.

Kristi also explained that Curtice found a suspicious residue in a tea kettle which Curtice keeps in his private office. Curtice used a test kit to check the residue inside the tea kettle, which tested positive for the presence of fentanyl.

Kristi went out to explain who she suspected in the event that someone had attempted to poison or murder Curtice. She stated that Marshall ran against Curtice in the last election and would have the most to gain by Curtice's downfall. While there was no direct evidence to suggest that Marshall was responsible for this event, Kristi admits she does not care for Marshall regarding past issues the two have had, mainly over what happened when Curtice went to treatment.

Kristi provided no direct evidence of anyone who was attempting to poison Curtice, however, was never in a position to obtain such evidence absent someone else providing this information. She is most suspicious of Marshall however cannot point to anything incriminating.

After interviewing Kristi, I was contacted by Sergeant Noah Johnson who was working tandem with an FBI agent. The two searched the Coroner's office for hidden narcotics,

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utilizing a narcotics detection canine from Pasco PD. The drug dog cued on two places in the office according to Sergeant Johnson, one being Curtice's office, however the cue was not significant and could have been related to the fact that Curtice has a cadaver canine and the drug dog may have detected the presence of another dog. The second location was inside the autopsy suite near the Nutri-bullet grinder they use to grind up drugs. Sgt. Johnson's team photographed the office and collected suspected narcotics in pill form from the autopsy suite along with a suspicious residence from Curtice's desk, which is an unknown substance.

After interviewing Kristi, we called Marshall Slight and asked if he could come talk to us. He agreed to meet us at the Yakima FBI Office. We asked Marshall about Monday, August 26th, 2024.

Marshall stated that he was at work on this date, arriving around 0745 hours. There was an autopsy scheduled for 0900 hours. After the autopsy they completed paperwork. Marshall knew that Curtice goes to exercise at lunch, figuring that is where he went on this date. During the lunch hour he did not specifically recall if he went on his usual lunch time walk. Marshall stated that he does not go out for lunch unless he goes with his wife on occasion.

I asked who was in the building when Curtice was away at the gym, during the lunch hour. Marshall stated that only he and Sophia were at the office. Marshall believed that he was doing paperwork and packaging the toxicology evidence during this time.

When Curtice arrived back from the gym, he asked Marshall to take one of the part-time/on-call employees to Union Gap to pick up a body. Marshall left to go make the run, during this time Sophia called him and said that Curtice left in an ambulance.

I asked what Curtice's demeanor was when he asked Marshall to head to Union Gap for the body. He stated he was "a little off", indicating that Curtice does not like decomposing bodies, which was the report from Union Gap.

When Marshall returned to the office with the body, no one was there. Later that evening he attempted to call Kristi to check on Curtice, however his messages were not returned. Marshall ended up speaking to Kristi's chaplain who explained that Curtice had a medical episode. He also inquired about the status of the coroner's on-call phones. Kristi later transferred the phone lines to Marshall in the event of a call-out.

Later in the evening, Marshall received a call from Yakima Police Department about a homicide. He went out on the call and collected the body. When he returned to the Coroner's office with the body, Curtice arrived after leaving the hospital. It was approximately 2330-2400 hours. Curtice told Marshall that the hospital was still trying to figure out what happened, possibly a stroke or heart attack.

Note:

As the commander of the Yakima Police Department Criminal Investigations Division, I was present at the above-mentioned homicide and recall Lieutenant Ira Cavin of the Patrol Division indicating that Curtice had missed a meeting they were both supposed to attend due to being at the hospital.

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During this time, Kristi remained in the main office area, while Curtice went into the autopsy suite to talk to Marshall. Marshall was not sure what Curtice did while at the office. Marshall believed that he stayed there for about 10-15 minutes. Marshall stated he remained at the office until about 0100 hours.

I asked Marshall if he had any conversation with Kristi's pastor that were about concerns he had with Curtice. He stated they talked about how Curtice drinks too much of the energy drinks. Moreover, Marshall stated that Curtice sleeps in his office during the day, his reports are typically not right, with misspelled names and facts. In a recent homicide report, he got a name wrong.

I asked Marshall if he had a conversation with Jamin Mohler. Marshall stated that he told Jamin that he had concerns suggesting that Curtice may be drinking again. During late night call outs, Curtice will give the wrong information and sounds like he has been drinking.

When asked if he suggested to Jamin that Curtice may be using some other illegal substance Marshall indicated he believed that Curtice may be using drugs, possibly pain killers. Marshall stated Curtice appears jittery at times. He confirmed that he told Jamin that Curtice was drinking again, however denied suggesting Curtice was using illicit substances.

Of particular note during Marshall's interview was a recent event where he had attended a death scene with Curtice. At the scene he noticed that Curtice's work truck was out of certain supplies. When Marshall refilled the items at the office, he noticed that there was a bag of pill containers in the back of the truck. Marshall did not have any additional details other than making the observation.

Marshall did confirm that the Coroner's office regularly finds suspected narcotics on bodies. He recalled finding drugs on bodies within the previous weeks and grinding up the drugs and discarding them.

Marshall also confirmed that he and Kristi do not get along any longer. Kristi had gotten upset with him during the time that Curtice was at treatment because he had removed Curtice's coroner's vehicle from their residence because it was needed at the office. Kristi wanted it left at the Curtice residence until his return. At the end of Marshall's interview, he confirmed that everything he stated was true and correct. After we interviewed Marshall, we called Sophia Morones the other employee in the office. Sophia explained that she arrived at the office at approximately 1130 hours on Monday, August 26th, 2024. She indicated that Curtice usually attends CrossFit or Karate during the noon hour, however she did not recall him attending either on this date.

Later that afternoon, there was a call of a dead body in Union Gap. Marshall asked why Curtice was not going on the call, at which time Curtice made a comment to the effect of "I can't, I have a meeting, my dog is dead". She was not sure if he was trying to be funny or make a joke. Marshall left for the call, at which time Curtice went back in his office.

About ten minutes later, she heard a knock on the door. She went to answer it, and found that it was Curtice's wife Kristi. She thought it was out of the ordinary, since Kristi never comes to the office. She figured they needed their alone time and were maybe having an argument. She mentioned that she was going to leave, at which time Kristi told her to stay, indicating that Curtice might be having a stroke. Kristi asked Sophia if she could

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watch out for medics because she had called 911.

Sophia tried to call Marshall however he did not answer. She waited for the ambulance outside.

I asked Sophia what she observed when she saw Curtice. She stated Curtice appeared conscious, however his arms were curled up. She could see that his eyes appeared to be tracking but could not speak. She did not think it was a stroke or a seizure based on her opinion due to the basic signs not being present.

Kristi told Sophia that Curtice had called her and told her something was not right. She drove to the Coroner's office to help him. When the medics arrived, they loaded him into the ambulance and later transported him away.

Sophia stayed at the office for about 10-15 minutes before she left for the day. She did get a hold of Marshall and let him know what happened. Marshall told her that she could leave for the day after she looked in Curtice's office for the on-call phone. She did so, looking around the office and in his backpack, however she did not come across the phone. When asked what the office looked like, she replied by stating it was very unorganized.

Sophia stated that Curtice takes naps a lot on the recliner. She was thankful he was able to get a hold of someone as they may have just thought he was sleeping.

Tuesday August 27th, 2024 at 1126hrs Curtice called Sophia to apologize about the incident. He told Sophia it was a seizure. Curtice called again later that day and asked if she had removed a file on his desk. She explained that he also asked if anyone else went inside his office. She stated only her, for the purposes of looking for the phones.

Sophia went on to talk about Curtice's work routines. She explained that his routines are a little strange, indicating that he doesn't really say a whole lot. She and Marshall are close as he has been teaching her how to do the job she was hired for, a death investigator. She described Curtice as a person who just keeps to himself in his office. He does not really let them know when he comes or goes. She did know that he works out at noon each day, and in the afternoons, he generally takes a nap after he returns.

Sophia confirmed that on the day of the medical episode (August 26th) she did not leave for lunch. She only works four hours a day and usually arrives around the noon hour. She packs her lunch when she does eat.

Sophia confirmed that everything in her statement was true and correct. After completing the four above mentioned interviews, it was evident that Curtice told few people that he had tested positive for cocaine at the hospital and at home with the test kits. Both Marshall and Sophia seemed suspicious of Curtice's statement that he had a medical episode however did not know the results of the toxicology tests.

After completing the interviews, I contacted Klm Bersing the Chief of Nursing at Memorial Multi-Care Hospital. I asked her if there were blood samples on file. She stated there was and that they would retain them pending a search warrant.

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We also collected video from the Coroner's office. In review of the video there are two cameras inside the autopsy suite. One of the cameras is in the corner with a view of the majority of the room and the other is over the autopsy table. I reviewed the cameras and found nothing obvious that would contradict any of the above statements. A more thorough review could be done to rule out subtle anomalies.

I also viewed the key card access point records. The card access point was consistent with who was believed to be in the office throughout the date of August 26 and 27, 2024. Key card access reports confirm the times of all employees entering the Coroner's Office (See attached report).

There appeared to be no evidence of intruders entering the property. There were other employees of the facilities such as janitorial services and persons who needed access to the kitchen that have not been interviewed yet.

At this point, collection and forensic examination of the blood vials retained by Multi-Care Hospital could corroborate or refute the presumptive positive drug tests which gave rise to this investigation.

It should be noted that Curtice signed a medical release authorizing the release of his medical records related to his hospital visit on August 26th, 2024. The medical records confirmed the positive test for the presence of cocaine.

On September 6, 2024, I interviewed Jamin Mohler, owner and operator of Brookside Funeral Homes. The reason for this interview was to corroborate what Marshall and Curtice had said about the medical events that occurred with Curtice.

Jamin stated that on August 26, 2024, Marshall told him that Curtice was at the hospital for a seizure. A couple of days later Marshall mentioned that it was low potassium. In previous conversations prior to August 26, 2024, Marshall had mentioned on occasion that he believed Curtice may be using cocaine in addition to alcohol. Marshall did not offer any evidence of this conduct and the last time he recalled a conversation where Marshall mentioned this was about two months prior. Marshall referenced the sleeping in the office and making mistakes in paperwork as the reasoning for the alleged drug use.

Jamin also confirmed that Curtice had told him the reason he went to hospital, further stating that he had tested positive for cocaine. Both Kristi and Curtice suggested that someone was trying to poison Curtice. The three possible people that would have the access to do something like this would be Marshall, Sophia and/or Dr. Reynolds. Jamin indicated that he did not believe that anyone at the Coroner's office had the capacity or interest in doing something to Curtice.

On 09/12/2024 I arranged for a polygraph examiner to come to Yakima, WA to perform an examination on Curtice. During Curtice's interview on 08/29/2024, he offered to take a "lie detector" test to prove he was being honest about the allegations that someone may be attempting to poison him. South Sound Polygraph Examiner Mark Merod performed the examination. Merod is a certified polygraph examiner and a Retired Detective Sergeant with Pierce County Sheriff's Office.

Merod conducted the polygraph exam, finding that Curtice showed evidence of deception. After the polygraph was over, Agent Orth and I conducted a follow up interview. I explained to Curtice that he had shown signs of deception on the polygraph and we wanted to talk to him about that. He stated he understood and agreed to talk to us. I advised that he was being recorded once the camera and digital recorder was activated. I read him his constitutional Miranda Rights from the Yakima Police Department form. He

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acknowledged his rights and agreed to waive them, signing the waiver in our presence.

We interviewed Curtice about the veracity of his statement to law enforcement, specifically, the allegation that someone is trying to poison him. Early in his statement, he continued to try and convince us that he did not knowingly introduce the narcotics into his body. He attempted suggest that he had been having dream like memories of using drugs. When we advised him of the plausibility of that scenario, he explained that he had been using narcotics while at work, approximately three (3) times a week, for the last couple months. He explained that he takes the drugs inside of his office and then goes to sleep. Curtice further demonstrated how he snorts the drugs off his arm, while seated at his desk.

Note:

Sergeant Johnson, suspected drug residue off of Curtice's desk during the search of the Coroner's office on 08/29/2024.

When asked where he obtains the drugs, he stated he takes the drugs off of deceased bodies in the course of his duties as the Yakima County Coroner. When asked why, Curtice stated he wanted to know how it felt.

Regarding the evidence he turned over to law enforcement, he admitted to mixing drugs and the pre-work in a cup and then putting it in a test kit, so he could continue to build the story that someone was trying to poison him. He also admitted to putting drugs in his tea kettle, which also tested positive for the presence of narcotics.

When asked if he wanted to tell us the truth prior to this interview, he indicated that he did and apologized for wasting our time. Curtice stated he had no other drugs concealed in any location, and expressed his interest in seeking help.

We asked if he knows what he is taking. He stated he assumed it was cocaine and or fentanyl. He stated he only snorts it. He stated it only happens while at his office, never at home or anywhere else.

Curtice confirmed that no one is trying to kill him, specifically Marshall and he was sorry for what he had done. At the end of his statement he confirmed that his statement was true and correct as well as thanked us.

The blood evidence sought during this investigation is relevant in this crime because it can be tested by a certified toxicologist, in order to determine type and concentration of suspected narcotics. For this reason, I authored this search warrant to collect such evidence.

This investigation involves an elected official within Yakima County, where an obvious conflict of interest is present. For these reasons, this search warrant will be authorized in Kittitas County.

On Friday September 13, 2024, at approximately 1500 hours I presented the search warrant to Kittitas County Superior Court Judge C. Hooper for approval. Judge Hooper read the affidavit then placed me under oath as she signed and approved the affidavit. She then affixed her signature to the search warrant authorizing the collection of Curtice's blood from the Multi-Care Yakima

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Interim Chief Boyle and I then drove to Yakima Multi-Care Hospital, meeting Forensic Manager Richard Peretti at the facility. We then went to the lab where we met with lab supervisor Jose Esquivel. I gave Esquivel a copy of the search warrant. He then made a copy of it, and collected the blood samples. The samples were contained in two small vials inside of a sealed plastic medical bag. I turned the evidence over to Peretti who transported and tagged the evidence into the Yakima Police property room. A copy of the warrant and property seized report was given to Esquivel.

Due to a potential conflict of interest with prosecuting this case inside of Yakima County, Yakima City Legal requested that Ellensburg City Prosecutors Office handle the case. I prepared and forwarded all of the reports to Assistant City Attorney Aaron Reiman with the Ellensburg City Attorney's Office, requesting the following charges:

- RCW 9A.76.175 Making a false or misleading statement to a public servant
- RCW 9A.80.010 Official Misconduct
- RCW 9A.72.150 Tampering with physical evidence

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing report, written in the County of Yakima, City of Yakima is true and correct, and I am entering my authorized user ID and password to authenticate it.

AXON In-Car Video: Yes[] No[x] Not Equipped[]
AXON Interview Room Video: Yes[] No [x]
Consent to Search: Granted[x] Denied[] Search Warrant[x]
Evidence Tagged for Prints or DNA: Yes[] No[]

Reporting Officer: Lieutenant Chad Janis #6455
Date, Time: 09/16/2024 at 1300 hours

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EXHIBIT “B”

BALLOT SYNOPSIS OF RECALL CHARGE

JAMES A CURTICE
YAKIMA COUNTY CORONER

The charge that Yakima County Coroner, James A. Curtice committed misfeasance, malfeasance and/or violated her oath of office alleges he:

- (1) knowingly and admittedly possessed and consumed illegal controlled substances without a prescription while on duty, in violation of RCW 69.50.4013;
- (2) knowingly made false or misleading statements to public servants in violation of RCW 9A.76.175 claiming that he did not voluntarily ingest any illegal controlled substance and accusing his employees of attempting to kill him, which statements hindered law enforcement's investigation into his emergency hospitalization on or about August 27, 2024 (the "Incident");
- (3) admittedly removed illegal controlled substances from corpses, failed to timely and properly deliver them to the Yakima County Sheriff's Office, and instead ingested the controlled substances, thus tampering with evidence in violation of his official duty;
- (4) admittedly stole illegal controlled substances from corpses for his own consumption and, without authorization, used County drug test kits to verify the presence of the substances in his pre-workout powder violating RCW 9A.65, and RCW 9A.56, and hindering law enforcement's investigation of the Incident;
- (5) often slept at his desk while at work and filed erroneous reports, which interfered with the proper performance of his official duties; and
- 6) took a three-month leave with pay without communicating with his staff or employer in violation of RCW 36.16.040.

Should James A. Curtice be recalled from office based on these charges?

Prepared by:

YAKIMA COUNTY PROSECUTING ATTORNEY


DON L. ANDERSON, WSBA # 12445

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