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PRESS RELEASE
YAKIMA COUNTY PROSECUTORS OFFICE

After a thorough review of all the evidence gathered to date and after a full consultation with the investigating agency, the Yakima Police Department, the Yakima County Prosecutor's Office has elected to not file criminal charges against the residents of 1912 South 64th Avenue for the stabbing deaths of **Brian Joaquin Perez**, 10/23/1986, and **Chase Daniel Rogers**, 07/30/1993, that occurred during the early morning hours on 04/22/2018 at that address in the City and County of Yakima. The Yakima Police Department has aggressively investigated this tragic event and has provided me with those reports, statements and photographs that I have thoroughly reviewed and now use to arrive at this decision in which *no criminal charges* will be brought involving this incident.

During the early morning hours last Sunday, 04/22/2018, the above-named decedents, Perez and Rogers, went to find the girlfriend of Perez on or around 64th Avenue in the West Valley area of Yakima. It was their understanding that she was located across from the Ahtanum View Corrections Center. Perez and Rogers believed she would be located at the residence across from the Center which is a single family residence occupied by the three victims of this robbery/assault. In that residence at the time were three individuals who were sleeping. Shortly before 4 am, their front door was forcibly kicked in and Perez and Rogers entered unlawfully into this residence. Mr. Perez was armed with a knife. The male owner left his bedroom, came into the hallway and told the perpetrators to immediately leave. The owner was armed with a sheathed knife approximately 12 inches in length. Perez came over to the homeowner, demanded money and stabbed the owner four times with the last lower wound in the abdomen being the most serious. At that time, the homeowner's wife and adult son came into the hallway and the five individuals became embroiled in a fight. When the adult male homeowner saw his wife and son beaten and stabbed, he unsheathed his knife and defended himself and his family with lethal force. Ultimately, the homeowner successfully wounded both assailants. Mr. Rogers sustained a life-threatening laceration to his arm which severed his artery. Mr. Perez sustained three wounds to his side and chest with the most serious one to his abdomen which cut the upper part of his liver and the lower part of his lung. Both men ran out of the house at that point. All three victims remained in the house but all were injured from the attack upon them inside the house.

Now outside, the assailants attempted to leave in their vehicle. They were not successful. Both left the vehicle and attempted to flee, Perez into the surrounding orchard and Rogers on an embankment to the northeast of the residence. The Yakima Police Department began to arrive, stabilized the scene and attended to the victims as well as the perpetrators. Both men, who had unlawfully entered the residence and attempted to rob them at knifepoint, succumbed to their injuries while on the property as a direct result of the stab wounds they received.

There is no duty to retreat in your home in the state of Washington. The law states that it is lawful for a person who is in a place where that person has a right to be and who has reasonable grounds for believing that he or she is being attacked to stand his or her ground and defend against such attack by the use of lawful force. Simply put, the law does not impose a duty to retreat.

The use of deadly force by a homeowner or person in possession of premises is justifiable when committed in the lawful defense of the homeowner or any person in the homeowner's presence or company when:

- (1) the homeowner reasonably believed that the person in question or others whom the homeowner reasonably believed were acting in concert with the person in question *intended to commit a felony or to inflict death or great personal injury*;
- (2) the homeowner reasonably believed that there was *imminent danger* of such harm being accomplished; and
- (3) the homeowner *employed such force and means as a reasonably prudent person would use* under the same or similar conditions as they reasonably appeared to the homeowner, taking into consideration all the facts and circumstances as they appeared to him or her, at the time of the incident.

From the above Washington state law, it is clear that the homeowner in this horrific event was defending himself and his family from intruders who had unlawfully entered his home and were attempting to rob him at knifepoint. The homeowner reasonably believed, based upon all the facts and circumstances at the time of that unlawful entry that he and his family were in imminent harm of death or serious assault. The force that the owner used was completely reasonable, necessary and proportional to the danger presented. All three victims sustained serious wounds and were beaten and stabbed.

But for the use of this force in defense of him and his family, the result would have been tragically much different.

No criminal charges will be forthcoming from this incident. Based upon the investigation and all evidence known to date, the residents of this home had, in no way, any connection with Perez and Rogers. It appears from all the evidence that this house was mistaken for another residence where Perez believed his girlfriend would be located. The three victims in this investigation completely cooperated with the Yakima Police Department and the full investigation undertaken.

If there are any questions or concerns about this decision, please do not hesitate to contact me at (509) 575-1210. *I want to truly thank the Yakima Police Department and specifically YPD Det. Drew Shaw for the excellent, thorough and timely investigation in such a professional manner.*

Sincerely,



Joseph A. Brusic
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