

FILED
AUG 17 2023

YAKIMA COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

EVARISTO JUNIOR SALAS,
dob: 12/17/1980

Respondent.

NO. 96-1-01430-9

STATE'S MOTION AND ORDER TO
VACATE CONVICTIONS AND DISMISS
WITH PREJUDICE

MOTION FOR VACATION AND DISMISSAL

COMES NOW Joseph A. Brusic, the elected Prosecutor for Yakima County, Washington, and respectfully moves the Court for vacation of defendant's convictions for First Degree Murder and Second Degree Unlawful Possession of a Firearm and for dismissal of those charges with prejudice for the following reasons:

Witness testimony during the RAP 16.12 reference hearing held Monday, August 14, through Wednesday, August 16, 2023, most likely will result in the Court of Appeals, Division Three, granting the defendant a new trial. Testimony and evidence elicited during the reference hearing demonstrate that the State's case has weakened considerably, beyond what would normally be expected with the passage of over 25 years since the case was originally prosecuted. The

STATE'S MOTION AND ORDER TO VACATE
DEFENDANT'S CONVICTIONS AND DISMISS
WITH PREJUDICE

ORIGINAL

JOSEPH A. BRUSIC
Prosecuting Attorney
128 North Second Street, Room 329,
Yakima, Washington 98901
(509) 574-1210 Fax (509) 574-1211

credibility issues revealed during the reference hearing indicate that the State can no longer prove the matter beyond a reasonable doubt and is therefore duty-bound to act accordingly.

RESPECTFULLY SUBMITTED this 17th Day of August, 2023


Joseph A. Brusic, WSBA #18488
Prosecuting Attorney

ORDER OF VACATION AND DISMISSAL

THIS MATTER having come on to be heard upon the motion of the above Prosecuting Attorney for vacation of the defendant's convictions and dismissal of the matter with prejudice, now therefore

IT IS HEREBY ORDERED that the defendant's convictions for First Degree Murder and Second Degree Unlawful Possession of a Firearm in the above-captioned matter are VACATED and the matter is DISMISSED WITH PREJUDICE.

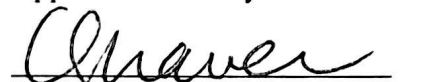
DATED this 17th day of August, 2023


JUDGE

Presented by


Joseph A. Brusic, WSBA #18488
Prosecuting Attorney

Approved for Entry


Laura Shaver, WSBA #44087
Attorney for Evaristo Junior Salas

STATE'S MOTION AND ORDER TO VACATE
DEFENDANT'S CONVICTIONS AND DISMISS
WITH PREJUDICE