



# JOSEPH A. BRUSIC

## PROSECUTING ATTORNEY

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January 27, 2026

YSO Det. Jesus Arreguin #56  
1822 S. 1<sup>st</sup> Street  
Yakima, WA 98903

***RE: No Charges Filed Memorandum  
Suspect Jeffrey M. Burkett  
YSO Case: 25C07676  
DOI: May 2025***

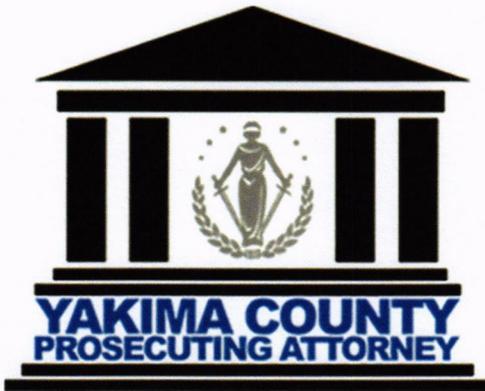
YSO Det. Arreguin:

Thank you for your investigation and your reports on the above case involving Jeffrey Burkett. I have reviewed your entire investigation including the narrative reports and witness statements contained therein and have asked two of our deputy prosecutors to review as well. We, including you, have discussed this case and set of facts several times. This brief memorandum memorializes our final decision on the underlying allegations involving a possible sexual assault allegedly committed by the above suspect. At this time, I am choosing not to file criminal charges in this case based upon the evidence presented as well as the lack of evidence to prove a criminal sexual assault occurred.

Based upon the evidence provided, the State of Washington would not be able to carry its burden of proof of proving beyond a reasonable doubt each element of the alleged offenses of 3<sup>rd</sup> Degree Rape and/or 4<sup>th</sup> Degree Assault with Sexual Motivation. As you know, the State must prove that sexual intercourse and/or sexual contact occurred and that it was not consensual for a 3<sup>rd</sup> Degree Rape charge or 4<sup>th</sup> Degree Assault with Sexual Motivation charge. To be more specific, RCW 9A.44.060(1)(a) requires that the State prove that "... the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator".

Consent is defined in RCW 9A.44.010(2) which states the following:

(2) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.



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In this case, there was no forcible compulsion to have sexual activity. Thus, the state would have to show that legal consent was not freely given by the alleged victim. This can be or is very difficult to assess. The key, under current Washington law, is that the lack of consent by one party is made known to the other.

Consent can come in numerous forms but, at the very least, must be communicated in some way, verbal and/or nonverbal, to the possible suspect. In 2019, the legislature removed the language that a lack of consent must be "clearly expressed" by words or conduct. However, in this case, non-consent to any sexual activity was not provided in any overt or possible way to the alleged perpetrator.

It is our collective belief that we would not be able to prove that this suspect had non-consensual intercourse or sexual activity with this adult female. As you are aware, we must always evaluate all charges in conjunction with plausible and reasonably foreseeable defenses before making a final decision.

Once again, thank you for your efforts and investigation.

Sincerely,

Joseph A. Brusich  
Yakima County Prosecutor