



3

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2021 FEB 16 PM 4:47

LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,
Plaintiff,

NO. 21-1-00154-34

vs.

CERTIFICATION OF PROBABLE CAUSE

TUSITALA JOHN TOESE,
Defendant.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I am a Deputy Prosecuting Attorney for Thurston County, Washington and I am familiar with the police reports and investigation conducted in this case.

Based upon information provided through that investigation there is probable cause to believe that the defendant committed the crimes of **ASSAULT IN THE THIRD DEGREE - LAW ENFORCEMENT, OBSTRUCTING LAW ENFORCEMENT OFFICER, AND CRIMINAL TRESPASS IN THE SECOND DEGREE**, supported by the following facts and circumstances in the police report attached hereto.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge.

Signed and dated by me this 16th day of February, 2021, at Olympia, Washington.

CAILEN CECIL WEVODAU, WSBA# 34607
Deputy Prosecuting Attorney

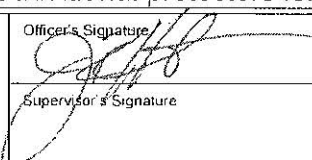
CERTIFICATION OF PROBABLE CAUSE:

JON TUNHEIM
Thurston County Prosecuting Attorney
2000 Lakeridge Drive SW
Olympia, WA 98502
(360) 786-5540 Fax (360) 754-3358



WASHINGTON STATE PATROL
INVESTIGATIVE SERVICES BUREAU

INVESTIGATIVE REPORT

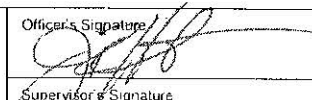

FILE TITLE P/C Statement	OFFICER'S J.R. Hoyt	CASE NO. 21-001711
SUBJECT TOESE, Tusitala J DOB: 05/25/1996	CRIMINAL ACTIVITY CODE Assault 3 rd ; RCW 9A.36.031 Obstructing a Law Enforcement Officer; RCW 9A.76.020 Criminal Trespass 2 nd ; RCW 9A.52.080	OTHER CASE NO.
SYNOPSIS On January 6, 2021, TOESE unlawfully entered the Governor's Mansion grounds. TOESE assaulted and obstructed a law enforcement officer while the officer was performing his official duties.		
DETAILS OF REPORT On January 6, 2021, at approximately 1450 hours, a group of protestors assembled outside the vehicle and pedestrian gates leading to the Governor's Mansion and grounds. Protestors forced the pedestrian gate open at approximately 1455 hours. In total approximately 140 protestors unlawfully entered the Mansion grounds; walked to the front of the Governor's Mansion and continued to protest. Numerous law enforcement officers from the Washington State Patrol (WSP) and local agencies responded to the protest. Approximately 30 minutes later, the protestors departed the Mansion grounds. The WSP later received a tip providing a link to a YouTube video documenting the protest and subsequent trespass. The tipster identified one of the protestors as Tusitala Toose (Investigator's note: The correct spelling of the last name is TOESE.) They also believed TOESE and other protestors are right wing extremists and were planning to threaten the WA State Capitol building on January 11, 2021. WSP detectives are familiar with TOESE as he has previously participated in events throughout Washington. Follow up investigation and review of videos show a person described by the tipster, leading the group that breached the Governor's Mansion grounds. Upon review of videos, TOESE's DOL photo, and google images of TOESE at other demonstrations, Detective Hoyt believes TOESE is the suspect that appears in the video assaulting Trooper Cadet Schreiber. On January 6, 2021, it is observed via videos of the demonstration TOESE encouraged protestors to enter the Mansion grounds through the pedestrian gate. TOESE passed through the open gate and passed a sign, which reads "Authorized Admittance Only". There were 20 or more protestors including TOESE who had passed through the breached gate and entered the mansion grounds at this point. TOESE, and the group of protestors inside the gate, began walking up the driveway toward the Governor's Mansion. Trooper Cadet Schreiber was in a State Patrol uniform, on duty, and assigned to the security post just outside the gate. Trooper Cadet Schreiber exited the security post and attempted to close the pedestrian gate to prevent additional protestors from entering the mansion grounds. Trooper Cadet Schreiber was holding the gate closed but additional protestors forced the gate open. Trooper Cadet Schreiber then		
PAGES PAGE 1 OF 2	Officer's Signature  Supervisor's Signature	Date 02/10/2021 Date

attempted to physically prevent the protestors from passing through the open gate. TOESE turned around and walked to Trooper Cadet Schreiber. As Trooper Cadet Schreiber was attempting to prevent additional protestors from unlawfully entering the mansion grounds, TOESE used his right hand and forearm to forcibly push Trooper Cadet Schreiber.

Some of the protestors surrounded Trooper Cadet Schreiber while TOESE used a bullhorn to address him saying "we pay your salary." TOESE then encouraged the protestors by saying "Come on in. We pay for this Mansion. Come on in."

TOESE remained on the Mansion grounds for approximately thirty minutes.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct (RCW 9A.72.085)

PAGES PAGE <u>2</u> OF <u>2</u>	Officer's Signature 	Date 02/10/2021
	Supervisor's Signature 	Date