

Use of Force Fatality of
Jesse Sarey



King County Prosecuting Attorney
Public Integrity Team

January 23, 2025

On January 23, 2025, King County Prosecuting Attorney Leesa Manion released the following statement after Jeffrey Nelson, an Auburn Police Officer, was sentenced for the killing of Jesse Sarey in 2019:

“A King County jury found that Officer Nelson’s actions were not above the law, and a King County judge has sentenced him to prison. We respect the jury’s decision in June and the Court’s decision today. The sentence reflects the very serious nature of Jeffrey Nelson’s crimes. This is the first time an officer has been tried, convicted and sentenced in Washington State under the reforms of I-940. We have always known how impactful this case is to the individuals involved and to the community as a whole. Our thoughts continue to be with the family and loved ones of Jesse Sarey.”

This information below comes from documents in the official King County Superior Court file for case 20–1–06432–3.

What is the time/date/place where Jesse Sarey was murdered? The shots were fired at 6:16 p.m., May 31, 2019, near the entrance of the Sunshine Grocery at 1402 Auburn Way North in Auburn.

What was the timeline of the case?

Jesse Sarey was murdered: Friday, May 31, 2019

Jeffrey Nelson was charged with murder and felony assault: August 20, 2020

Nelson pleaded not guilty: August 24, 2020

When did the trial start? After pre-trial hearings, the trial started in the spring of 2024 with opening statements on May 16, 2024

When did the jury begin deliberations? June 21, 2024

When did the jury return two guilty verdicts? Thursday, June 27, 2024

Jeffrey Nelson was sentenced: Thursday, January 23, 2025

What is the statewide standard range that Jeffery Nelson faced? The statewide standard sentencing range is set by state lawmakers. It is influenced by a defendant’s offender

score. Generally, the more previous felony convictions (and select misdemeanor convictions) a person has, the higher the offender score. Mr. Nelson's offender score going into his sentencing is 0.

- For his Murder in the Second Degree conviction, the statewide standard range set by state lawmakers is 123–220 months.
- For his Assault in the First Degree conviction, the statewide standard range set by state lawmakers is 93–123 months.

What is the sentence the King County Prosecuting Attorney's Office asked the judge to order? The King County Prosecuting Attorney's Office asked the judge to order the high end of the statewide sentencing range for both counts: 220 months for the murder conviction and 123 months for the felony assault conviction.

What are the differences in the charges? Murder in the Second Degree was charged for the fatal shot — the first of two shots fired by Jeffery Nelson — and the Assault in the First Degree charge was for the second shot, after Jesse Sarey was incapacitated and on the pavement.

Are those consecutive or concurrent? RCW section 9.94A.589,(1)(a) explains that serious violent felonies like these are to be served consecutively unless they are the "same criminal conduct" which "means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim." In this case, Nelson's two shots amounted to the "same criminal conduct" as it applies to Washington State sentencing law.

What did the Court decide at sentencing on Thursday, January 23, 2025? A judge sentenced Jeffrey Nelson to 200 months for Murder in the Second Degree and 123 months for Assault in the First Degree. Those sentences are concurrent for a total of 200 months in custody

plus 36 months of community custody upon release. The full sentencing documents can be viewed in the KC Script Portal using case number 20–1–06432–3.

Who conducted the investigation? Was it done independent of the Auburn Police Department? This case was investigated by the Valley Investigations Team (VIT). The lead agency was the Port of Seattle Police Department. The VIT completed the majority of the investigation.

What is the legal change from Initiative 940? Initiative 940 is the change in the law regarding police use of force cases that was approved overwhelmingly by voters statewide in fall 2018, and it took effect in 2019. Among other things, I-940 substantially changed the legal standard for criminally prosecuting police officers in instances of deadly force. Before I-940, prosecutors in Washington state had to show that officers acted with malice and a lack of good faith, which was essentially an impossible standard to meet. Under the new law, prosecutors have greater ability to bring criminal charges against police officers in cases involving deadly force.

This case is the first King County case in which prosecutors applied the new law. As such, prosecutors no longer are required to prove “malice” or “bad faith” on the part of the officer, which the law required until I-940. The new legal standard focuses on whether the action taken by the officer is reasonable. A jury must now decide whether the officer acted in good faith. The statute provides:

A peace officer shall not be held criminally liable for using deadly force in good faith.

Good faith is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable

officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

Where can I see more information? In the King County Script Portal using case number 20-1-06432-3.