

Wash. Appeals Court Rules Gerald Yanac Didn't Rob Bank Asking Teller For Money

The Washington Court of Appeals [acquitted](#) Gerald Lewis Yanac on February 18, 2015 of first-degree robbery for being given money by a bank teller he asked for "money."

On August 15, 2012 Yanac went into a Key Bank in Port Orchard, Washington, a city of about 12,000 that is 13 miles due west of Seattle. Yanac placed a plastic bag on the counter at the teller's station and stated, "Money." Unsure of what Yanac wanted, the bank teller inquired "Money?", and he responded "Money." Yanac didn't brandish any kind of weapon or threaten the teller.

After the teller put one and five dollar bills into the plastic bag Yanac left the bank. The bank notified the police it had been robbed. Two hours later Yanac was arrested in Port Orchard driving a stolen truck. He had \$405 in his pocket, and the bank reported that he was given \$505.

Yanac was charged with theft of a motor stolen vehicle, first-degree robbery, and first-



Key Bank on Bay Street in Port Orchard, Washington (Google Streetview)



Gerald Lewis Yanac (Kitsap County Sheriff)

degree theft.

Yanac waived a jury trial. Relying on stipulated facts, the judge convicted Yanac of theft of a motor vehicle and first-degree robbery, but he dismissed the first-degree theft charge.

In his findings of fact the judge determined [that Yanac](#) had "leaned into [the bank teller]'s personal space" with the plastic bag; that the bank teller was "nervous and intimidated" by Yanac's request for money; the bank teller felt "she needed to comply to avoid harm to herself or others; and that it was also bank policy to comply with demands for money for the same reasons." Based on those findings, the judge concluded that Yanac's request for money "impliedly threatened the immediate use of force," which the prosecution needed to prove for Yanac to be found guilty of first-degree robbery.

The judge sentenced Yanac to 12 years in prison for robbing the bank and 5 years for stealing the truck.

Yanac appealed his first-degree robbery conviction, arguing it should be reversed because the prosecution introduced insufficient evidence to prove his request for money involved an implied threat of immediate force.

On February 18, 2015 the Washington Court of Appeals reversed Yanac's robbery conviction in *State of Wash. v. Gerald Lewis Yanac*, No. 45228-6-II (Wa Ct. of Appeals, Div. II, 2-18-2015). The Court's ruling [states in part](#):

A defendant commits "robbery" when he unlawfully takes personal property from the person of another or in his or

her presence against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property or the person or property of anyone.

... The trial court characterized the three words that Yanac spoke as "demands" for money. In addition, the trial court relied on the fact that the bank teller "felt she needed to comply to avoid harm to herself or others." To the extent the trial court relied on the bank teller's subjective reaction to Yanac's conduct, this was error.

On these facts, there was no suggestion inferred either from Yanac's conduct or his words that he threatened to use immediate force against the bank teller in order to enforce his demands for money. We conclude that insufficient evidence supports this element of robbery.

Yanac is entitled to dismissal with prejudice of his first degree robbery conviction.

The Court's ruling recognizes that if the teller had not given Yanac any money he could have been expected to simply leave the bank empty-handed.

Yanac's acquittal bars his retrial for robbery. However, because he didn't appeal his stolen vehicle conviction he will not be released until he finishes that sentence.

[Click here to read the ruling in State of Wash. v. Gerald Lewis Yanac](#), No. d2 45228-6-ii (Wa Ct. of Appeals, Div. II, 2-18-2015) (vacating robbery conviction)

Source: [State of Wash. v. Gerald Lewis Yanac](#), No. d2 45228-6-ii (Wa Ct. of Appeals, Div. II, 2-18-2015) (vacating robbery conviction)



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Panorama program. (30 minute video).

[Click here to view](#) "A Jury In The Dark" broadcast on December 15, 2014 on BBC One's Panorama program. (30 minute video).

The Justice For Colin Norris website is at www.colinnorris.org.

The Case of Colin Norris is a 62-page booklet that can be [downloaded by clicking here](#).

[Click here for the Free Colin Norris](#) Facebook page.

Source: [The Innocent Serial Killer?](#), Panorama program, BBC One, December 15, 2014

[Colin Norris: Juror's doubt over serial killer verdict](#), BBC News, January 28, 2015

[I believe convicted Scots serial killer Colin Norris is INNOCENT](#): Head juror speaks out on Angel of Death, *Daily Record*, January 28, 2015

[Free Colin Norris](#) (Community page), Facebook.com

[Nurse guilty of killing patients](#), BBC News, March 3, 2008

[Colin Norris](#), Wikipedia.org (last visited Feb. 5, 2015)

[A Jury In The Dark](#) (an Innocent Man) FREE COLIN NORRIS NOW, BBC (on Youtube.com)

Insulin Murders, by Vincent Marks and Caroline Richmond (ISBN 13: 978-1-85315-760-8)



A Jury Blinded by Science

The Case of Colin Norris

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