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Judge admonishes murder trial defendant representing self

A murder defendant who is representing himself at his King County trial was repeatedly warned by a judge to abide by her pretrial rulings or risk being tossed from the courtroom.

By [Sara Jean Green](#)
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King County Superior Court Judge Laura Middaugh repeatedly warned a first-degree murder defendant who is representing himself to abide by her pretrial rulings or risk being tossed from the courtroom on Wednesday, the first day of his trial.

Middaugh's admonishments seemed to have little impact on Tomas Afeworki, who talked over the judge, accused his former attorney of blackmail and suggested that Seattle police planted evidence in order to frame him for the shooting death of Michael Yohannes at a downtown intersection in October 2010.

Even before the jury of eight men and five women were ushered into the jury box, Afeworki complained that he was acting as his own attorney "under duress" and hadn't had time to review binders of state exhibits and crime-scene photos.

Middaugh reminded him that he filed motions exerting his right to mount his own defense — which both she and another judge denied — before his last of four attorneys, James Bible, was allowed to withdraw from the case because of comments Afeworki made that the judge interpreted as threats against Bible.

"You have now changed your mind and don't want to proceed pro se. I think you realize how difficult it is to represent yourself," said Middaugh. Noting that Afeworki does not have a constitutional right to have yet another attorney appointed to him, she told him: "I think your intent all along was to delay this trial."

"You have chosen by your actions to be where you are today," the judge said.

In opening statements, King County Senior Deputy Prosecutor Don Raz detailed the events of Oct. 26, 2010, as [alleged by police](#): Yohannes and a friend were at Pike Place Market, then bumped into Afeworki near Westlake Center and spoke with him briefly before continuing north. Yohannes and his friend stood on the northwest corner of Second Avenue and Pike Street, waiting with other pedestrians for the light to change, when Afeworki approached him from behind, pulled a gun draped in a white towel from his pocket, and shot Yohannes in the head.

“As Mr. Yohannes stumbled and fell to the concrete, this man walked north along Second Avenue, turned on Pine Street,” then entered a restaurant where he ordered French fries, Raz said. Afeworki went inside a restroom, where police later found three live rounds in the toilet bowl and a 9mm handgun hidden beneath the liner of a trash can, he said.

Police officers with guns drawn converged outside the restaurant and Afeworki was quickly arrested, Raz told jurors.

Eyewitness accounts, the distinctive clothing Afeworki was wearing at the time, DNA found on the handgun, ballistic evidence and video-surveillance footage are all part of the state’s case against the now 29-year-old, Raz said.

“Ladies and gentlemen, this is not a whodunit. ... There is more than enough evidence” to prove Yohannes, 31, was intentionally killed by Afeworki, he told the jury.

When Middaugh asked Afeworki if he wanted to make an opening statement, the defendant said, “I guess I might as well say something.”

Addressing the jury, Afeworki said: “I am not a lawyer. I want a lawyer. I’m moving forward under duress.”

Raz objected, and Middaugh instructed Afeworki to confine his comments to “what the evidence will show.”

Saying he stayed up all night to write a statement, Afeworki told jurors, “If I get no interruptions, I hope you get to hear it. Abraham Lincoln. ...”

“Objection,” Raz said and Middaugh repeated her instruction to stick “to what you think the evidence will show.”

After some additional back-and-forth between the judge and defendant, when Middaugh again warned Afeworki he’d be removed from the courtroom if he didn’t abide by court rules, Afeworki told jurors: “You’ll see lies ... you’ll see missing evidence, you’ll see destroyed evidence, you’ll see people not pick the right person.”

He went on to accuse “police officers (of) putting things where they shouldn’t” and allege that video footage had been “adulterated.”

He called one of the state’s witnesses a “con artist” and said the evidence wouldn’t support a conviction.

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