

1 KING COUNTY DEPT. OF PUBLIC DEFENSE—ACA DIVISION
SUSAN SOBEL, Attorney at Law WSBA 52579
2 MAHALIA KAHSAY, Attorney at Law WSBA 55594
710 2ND AVE STE 1000
3 SEATTLE, WA 98104-1744
(206) 477-2817 Telephone
4 (206) 624-9339 Facsimile

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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES INQUEST PROGRAM

10 IN RE INQUEST INTO THE)
DEATH OF ALBERT WAYNE) NO. 17IQ427069
11 FREDERICKS JR.)
)
12) FAMILY REPLY AND OBJECTION
) TO CONTINUANCE
13)
14)

15 The Inquest Administrator should deny the City’s and IO’s joint request to
16 continue the Inquest hearing because the parties all previously agreed to the expert
17 disclosure schedule, and each party has had ample time to hire their own experts.

18 Albert Fredericks died in November of 2017. It has been over 5 years since his
19 passing and since the inquest into his death was called. The delay and on-going litigation
20 on this case continues to press on old wounds and re-intrench the family in the grieving
21 process. They are ready for the hearing to be held and to move forward with their lives.

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1 The City and Involved Officers have cited several issues outstanding from their
2 perspective as a basis to continue this case. The request for further delay relates primarily
3 to the Family’s expert and demonstrative exhibit.

4 The deadlines regarding experts were collaboratively and jointly agreed upon. On
5 September 8, 2022, IA Spearman ordered that all parties shall provide a schedule for
6 retaining, disclosing, and exchanging reports of any experts they are requesting to testify
7 by September 28, 2022. It was the Family’s understanding that these were deadlines
8 inclusive of all parties – not just the Family’s deadlines for experts. The Family has not
9 kept it a secret they were consulting with an expert and intending to submit a report.

10 On September 28, 2022, the Family submitted to all parties a copy of Dr. Quinn’s
11 CV and Joshua Cohen’s CV. The Family provided that Joshua Cohen will be creating a
12 demonstrative exhibit with video enhancement/recreation; when prompted for more
13 information, the Family provided the following information: “the intention is they will sync
14 the BWV videos together to be able to view each perspective simultaneously and create a
15 3D diagram based on the discovery of the take down positioning of Mr. Fredericks &
16 officers.”

17 Rather than provide notice of their intent to call their own experts, the Involved
18 Officers and City simply objected to the Family’s expert. No other party submitted notice
19 of any request to call an expert by the deadline.

20 In addition, the Family’s previous briefing and questioning of Dr. Mazrim made
21 clear the perspective of the Family as it relates to contributing factors and cause of death.
22 On the other hand, the Involved Officers made clear an intention not to call an additional
23 expert. On September 27, 2022, the Involved Officers stated over email “Based upon the
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1 interview with ME Mazrim, the extensive questioning and his responses, it does not appear
2 to me that testimony from any other forensic pathology experts would be necessary or
3 helpful to the jury.”

4 Yet now the Involved Officers and the City together cite that additional forensic
5 pathology experts are necessary and cause for delay. The City’s briefing states, “It appears
6 medical causation will now be a central issue in the case.” City of Seattle’s Motion for
7 Continuance at 4. Medical causation, however, has always been a central issue of the case.
8 Dr. Quinn’s report did not introduce this issue; this is no basis for a delay.

9 All of the parties have been on notice regarding potential medical issues, given
10 that the autopsy report included blatantly inconsistent factual information from what the
11 body worn video depicts – that Mr. Fredericks become unresponsive following the
12 restraint. Dr. Mazrim changed his manner of death based upon the viewing of the BWV;
13 this is discovery that all parties have had access to. Yet after Dr. Mazrim’s interview, on
14 September 27, the Involved Officers insisted that “having additional expert testimony
15 would be cumulative and confusing.”

16 As for the demonstrative exhibit, the exhibit offered is a demonstrative exhibit
17 made entirely from items in discovery. Nothing has been altered or manipulated out of its
18 original state. In a typical trial, it is common practice for attorneys to prepare demonstrative
19 exhibits in support of their questioning of witnesses. This is not unusual, complicated, nor
20 should be a basis for delay.

21 In support of compromise, the Family is willing to only move forward with the
22 PowerPoint deck of the non-sync’d body worn video if the IA finds that hiring an alternate
23 video expert for the City is a necessary and appropriate reason for delay.

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1 **CERTIFICATE OF SERVICE**

2 I certify that on the 18th day of October 2022. I caused a true and correct copy of
3 this document to be served on the following in the manner indicated below:

4 Claire Thornton, Attorney	(x) Via Email claire.thornton@kingcounty.gov
5 Matt Anderson, Attorney	(x) Via email Matt.Anderson@kingcounty.gov
6 Dee Sylve 7 Inquest Program Manager 8 DES-Dept. of Executive Services 401 9 5th Ave., Suite 131 10 Seattle, WA 98104 11 Mailstop: CNK-DES-135	(x) Via Email Dee.Sylve@kingcounty.gov
12 Rebecca Boatright	(x) Via Email Rebecca.Boatright@seattle.gov
13 Ghazal Sharifi, WSBA# 47750 14 Rebecca Widen, WSBA #57339 15 Alison Markette, WSBA# 46477 16 Daviana Kadiyan, Paralegal 17 Seattle City Attorney’s Office 18 701 Fifth Avenue, Suite 2050 Seattle, 19 WA 98104	(x) Via Email Ghazal.Sharifi@seattle.gov Rebecca.Widen@seattle.gov Alison.Markette@seattle.gov daviana.kadiyan@seattle.gov
20 Ted Buck, WSBA #22029 21 Karen L. Cobb, WSBA #34958 22 Frey Buck, P.S. 23 1200 Fifth Ave., Ste. 1900 Seattle, WA 24 98101	(x) Via Email tbuck@freybuck.com kcobb@freybuck.com

/s/ Susan Sobel
Attorney for the Fredericks Family, #52579

/s/ Mahalia Kahsay
Attorney for the Fredericks Family, #55594