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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

INQUEST INTO THE DEATH OF:

ALBERT WAYNE FREDERICKS, JR.,

Deceased.

Inquest No.: 17IQ427069

**INVOLVED OFFICERS’
JOINDER IN CITY’S MOTION
FOR CONTINUANCE and
AVAILABILITY**

Seattle Police Department Officers Timothy Oliverson, Jacob Rogers, Garret Hay, Nathan Jerome and Andrew Swartz (the “Officers”), by and through their counsel, Karen L. Cobb and Delaney DiGiovanni of Frey Buck, P.S., submit this joinder to the City’s Motion for Continuance (the “Motion”).

I. JOINDER

The Officers join in the City’s Motion and incorporate it herein by reference. The Officers also agree that continuing only three weeks, until December 5th, does not allow the parties enough time to address the new and disturbing issue of causation injected into this matter by way of the report of Dr. Quinn. Further, Dr. Quinn’s report, which is reportedly based upon review of only three of the six directly relevant body worn videos reviewed in detail by Dr. Mazrim before his interview, also completely misconstrues and misstates facts, and presents

1 conclusory findings with no factual or logical basis. Depending on the City/Officers' expert's
2 complete review of Dr. Quinn's report and other evidence, the Officers will most likely join the
3 City in briefing the appropriateness of Dr. Quinn as an expert witness in this matter. Continuing
4 this matter on its current course has the potential to be highly prejudicial to the Officers.

5 II. OFFICERS REQUIRE A VIDEO EXPERT

6 It is necessary that the Officers¹ hire an audio-visual/video rebuttal expert to review the
7 Family's expert Joshua Cohen's demonstrative exhibits to determine if the splicing and
8 synchronizing is an accurate depiction of events and whether submission to the jury would be
9 "helpful" as is required under the civil rules for allowance of expert testimony. The Officers'
10 expert then may provide a report, declaration, demonstrative video, and/or testimony regarding
11 the Officers' BWV footage and/or Mr. Cohen's production.²

12 Upon cursory review, the Officers have identified various issues with Mr. Cohen's
13 PowerPoint Deck, video clips, and synced video(s) of the five BWVs that are highly likely to
14 mislead and confuse the jury if allowed as presented.

15 For example, in one video/audio clip, Mr. Fredericks says "I've never done..."
16 [video/audio cuts off]. The next word uttered by Mr. Fredericks is "drugs." We know this
17 statement to be false based upon the toxicology report and the edit is clearly deceptive as well.
18 Another example are editorial "arrows" purporting to "help" the jury identify where weight or
19 pressure was allegedly applied by the officers in a manner that appears incorrect. Moreover, the
20 synchronized video is incredibly confusing and difficult to watch with five separate windows
21 playing the scene from different angles. It appears to the Officers that the actual evidence of
22 each video and the appropriate portions played during testimony will be considerably more

23 ¹ Either individually or jointly with the City.

² It has only been four calendar days since the Family produced Mr. Cohen's documents (Friday, October 14, 2022), thus the Officers have not yet had the opportunity to consult with or retain an expert.

1 helpful to the jury in determining the facts. These materials need to be analyzed and addressed
2 with an expert and carefully reviewed to ensure accuracy, neutrality, and completeness.
3 Accordingly, the Officers agree with the City's lengthy list of outstanding tasks regarding
4 demonstrative evidence that must be accomplished prior to the Inquest hearing start date.

5 III. AVAILABILITY FOR RESCHEDULING

6 As noted above, the Officers do not believe that December 5th is a workable date for
7 continuance. Moreover, one of the Officers is not available December 6th – 9th for attendance or
8 testimony.

9 Counsel for the Officers are generally available during December, January and through
10 late-February. The possible exception could be Ms. Cobb potentially having a three-day trial
11 January 9th - 11th, although that matter has mediation scheduled on October 31st and a dispositive
12 summary judgment noted on November 4th. Ms. DiGiovanni's availability after February 24th is
13 dependent on the Seavers Inquest, which is set to begin March 13, 2022.

14 All of the Officers are available from December 12th – January 29th. Two Officers that
15 will be in daily attendance have conflicts on January 30th – February 3rd and February 3rd –
16 February 14th, respectively.

17 The City/Officers' expert witness, Dr. Carl Wigren, is unavailable on December on 19th –
18 23rd and January 3rd – 13th.

19 Below is a combined summary of the weeks currently available for Officers, Counsel and
20 Expert Witness:

21 December 12th – 16th
22 January 17th – 20th (January 16th is a court holiday)
23 January 23rd – 27th
February 15th – 17th
February 21st – 24th (February 20th is a court holiday)

1 IV. CONCLUSION

2 We appreciate the Administrator's consideration in light of the serious issues just recently
3 injected into this inquest and request the Motion be granted to ensure full and effective
4 representation of the Officer's constitutional and other rights.

5 DATED this 18th day of October, 2022, at Seattle, Washington.

6 FREY BUCK, P.S.

7 By: /s/ Karen L. Cobb

8 Ted Buck, WSBA #22029

9 Karen L. Cobb, WSBA #34958

10 Delaney DiGiovanni, WSBA

11 Attorneys for Seattle Police Department

12 Involved Officers
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