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**THE STATE OF WASHINGTON
KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES**

IN RE: THE INQUEST INTO THE
DEATH OF DAMARIUS BUTTS

NO. 517IQ8013

DECLARATION OF ADRIEN LEAVITT
IN SUPPORT OF THE BUTTS FAMILY'S
PETITION TO CONTINUE INQUEST
HEARING DATE

I am the attorney of record for the Family of Damarius Butts in the above-entitled cause.

I hereby declare that the following is true and correct:

1. On August 8, 2019, through our own independent investigation, the Butts Family discovered a video produced by the Seattle Police Department for their annual conference related to this incident. In that video, the shooting officers, as well as other involved officers, describe in detail the shooting involving Mr. Butts. The video is approximately 10 minutes long and appears professional produced as it weaves together statements by

1 the officers with video from the incident. The officer's statements appear to be scripted
2 or, at the very least, heavily rehearsed.

3 2. That same day, I emailed Ms. Sharifi to discuss the lack of disclosure of this video. We
4 spoke by phone later that afternoon and learned that Ms. Sharifi was not aware of this
5 video. Despite her lack of knowledge, it is the Family's position that this video should
6 have been provided in discovery by the City of Seattle. I subsequently requested all
7 footage from the video shoot, including clips that were not included in the final product,
8 scripts and/or any written communication outlining the officer's statements in the video.
9 The City did not indicate an objection to this request. We have not yet received this
10 discovery.

11 3. On August 12, my office received discovery produced by the City, as of result of the
12 Inquest Administrator's previous order. This newly produced discovery is approximately
13 5,000 pages and includes many videos that accompany specific training modules. Thus
14 far, I have reviewed approximately 1,000 pages but have been unable to review all of the
15 discovery due to time constraints.

16 4. I am out of the office on prescheduled vacation from October 1 through October 15. I
17 will have very limited access to email and no access to any case files or related materials
18 during that time.

19 5. In addition to my work on this inquest, I currently assigned to a felony trial rotation at
20 DPD. I have three felony cases scheduled for trial shortly after I return from vacation in
21 October; two are scheduled for October 17 and a third is scheduled for October 21. I
22 anticipate all three cases will go to trial, although the dates will undoubtedly change
23 depending on which case is assigned to trial first.

- 1 6. La Rond Baker was recently assigned as co-counsel on this inquest; Sadé Smith, prior co-
2 counsel, is leaving the Department of Public Defense in early October. Ms. Baker is
3 DPD's special counsel for affirmative litigation and policy. In her role at DPD, Ms.
4 Baker is not assigned to a trial caseload.
- 5 7. In addition to counsel, the Family's legal team includes an investigator, Viktor Vodak,
6 who is a staff investigator with DPD. Mr. Vodak has been assigned to this case since late
7 July and is diligently making his way through discovery in preparation for pre-inquest
8 interviews.
- 9 8. At present time, we have requested two interviews: SPD Chief Cordner and SDP Captain
10 Teeter. The interviews have not yet been scheduled; we were awaiting production of
11 discovery by the City, and are presently going through that discovery in preparation for
12 the interviews. We anticipate conducting further interviews prior to the inquest and are
13 working identify what interviews will be required.
- 14 9. The funding request for a ballistics expert is still forthcoming. DPD's expert service
15 budget did not complete inquest expenditures because DPD is a new participant to the
16 inquests and further because inquests are now not a part of a district court proceedings.
17 This request is the first such request DPD has handled. It appears that this specific request
18 will now be approved.
- 19 10. Based on our status of preparation, we cannot be properly prepared for the inquest as
20 currently scheduled for October 21, 2019. I am not able to provide competent legal
21 representation for my client as required in RPC 1.1 with the current case schedule. I am
22 not able to propose interrogatories by August 28 or respond to other party's proposed
23

1 interrogatories by September 3, as proposed by Mr. Anderson, due to our ongoing review
2 of discovery and related case investigation.

3 11. In consultation with Ms. Baker, I am proposing the following dates for this inquest:

- 4 a. December 9, 2019¹
- 5 b. January 6, 2020²
- 6 c. February 3, 2020

7 12. Our client is in agreement to continue this inquest to permit counsel to adequately
8 prepare.

9
10 DATED this 21st day of August, 2019

11
12 /s Adrien Leavitt

13 _____
14 Adrien Leavitt, WSBA #44451
15 Attorney for Family of Damarius Butts
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23 ¹ I have an additional preplanned vacation scheduled from November 29, 2019, through December 6, 2019.

24 ² I have a homicide case that is likely to be set for January 6, 2020, which has been pending since August of 2017.

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7 **THE STATE OF WASHINGTON**
8 **KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES**

9
10 *IN RE*: THE INQUEST INTO THE
11 DEATH OF DAMARIUS BUTTS

NO. 517IQ8013

12 CERTIFICATE OF SERVICE
13
14

15 This certifies that a true and correct copy of the attached document was served,
16 via electronic mail, upon the following counsel of record in this matter and representatives of the
17 Department of Executive Services – Inquest Program:

18 Matthew Anderson Matt.Anderson@kingcounty.gov

19 Dee Sylve Dee.Sylve@kingcounty.gov

20 Ted Buck TBuck@freybuck.com

21 Evan Bariualt EBariualt@freybuck.com

22 Ghazal Sharifi Ghazal.Sharifi@seattle.gov

23 Erika Evans Erika.Evans@seattle.gov
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DATED this 21st day of August, 2019.

Respectfully submitted:

/s Adrien Leavitt
Adrien Leavitt, WSBA No. 44451