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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

THE BUTTS FAMILY’S PETITION TO  
RESCHEDULE THE INQUEST  
HEARING DATE

The Butts family respectfully requests that the Inquest Administrator reschedule the October 21, 2019 inquest hearing regarding the death of Damarius Butts to December 9, 2019, January 6, 2020, February 3, 2020 or a date that is mutually agreeable between all parties.

**I. INTRODUCTION**

On May 20, 2019, the King County Executive, Dow Constantine, invoking the authority of RCW 36.24.020 ordered an inquest into the April 20, 2019 death of Damarius D. Butts. The Inquest Administrator, Hon. Michael Spearman, set October 21, 2019 for the hearing date. Subsequently, the inquest participants have initiated investigations into the circumstances and actions that resulted in the death of Mr. Butts, including exchanging discovery and participating

1 in two pre-inquest conferences wherein the Inquest Administrator mediated discovery issues.  
2 However, although the parties have diligently pursued their investigations, there remain several  
3 obstacles to a full, fair, and transparent review of Mr. Butts’ death occurring at the inquest hearing  
4 as currently scheduled. Due to the outstanding discovery requests and scheduling conflicts of the  
5 Butts family’s counsel team, the Butts family respectfully requests that the Hearing Administrator  
6 reschedule the October 21, 2019 inquest hearing.

## 7 **II. STATEMENT SUPPORTING PETITION**

8 Due to the ongoing nature of discovery in this matter, a number of outstanding discovery  
9 issues, and pre-existing scheduling conflicts the Butts family cannot be properly prepared for the  
10 inquest as currently scheduled for October 21, 2019.

### 11 **A. Ongoing Discovery Requires a Continuance of the Inquest Hearing**

12 The Butts family is still awaiting the production of relevant, responsive discovery materials  
13 necessary to ensure a full, fair, and transparent review of the shooting death of Mr. Butts.

#### 14 **1. Outstanding discovery requests**

15 *First*, on August 8, 2019, the Butts family discovered a video created by the Seattle Police  
16 Department (SPD) for SPD’s annual conference. Leavitt Decl. ¶ 1. The video includes detailed  
17 statements from the officers who shot Mr. Butts and officers who were at the scene of the incident  
18 regarding the events leading up to Mr. Butts’ death. *Id.* The video is approximately 10 minutes  
19 long and includes video from the incident. *Id.* Neither the video nor any of the underlying  
20 documents were provided to the Butts family by the City of Seattle (the City). *Id.* ¶ 2. Although  
21 the family requested “all footage from the video shoot, including clips that were not included in  
22 the final product, scripts and/or any written communication outlining the officer’s statements in  
23 the video[,]” the City has yet to produce any material related to this video. *Id.*

1           *Second*, there are interviews that have yet to be taken and cannot be taken until the City  
2 substantially completes its production of documents. Outstanding interviews include, requested  
3 interviews with SPD Chief Lesley Cordner and Captain Michael Teeter. *Id.* ¶ 8. The Butts family  
4 is waiting to schedule these interviews until document production and review is substantially  
5 complete. Further, the Butts family anticipates conducting additional interviews after document  
6 production and review are either completed or substantially complete. *Id.*

7           *Third*, the Butts family is awaiting completion of its ballistics expert’s examination of the  
8 incident. *Id.* ¶ 9. The expert’s analysis has been delayed due to administrative issues regarding  
9 funding expert services for inquests through DPD’s expert service budget as DPD is a new  
10 participant to the inquests, which are now not a part of district court proceedings, and therefore  
11 required additional time for administrative processing. *Id.*

## 12                           **2. Recently produced discovery**

13           After the Inquest Administrator granted the Butts family’s request for five categories of  
14 documents including: firearms certifications and renewals, firearms and taser records, officer good  
15 standing requirements, DNA testing, and training materials for particular officers, *see* July 12,  
16 2019 Pre-Inquest Conference Order, the City provided the Butts family with 5,000 pages of  
17 discovery on August 12, 2019. Decl. of A. Leavitt ¶ 3. Thus far, 1,000 pages have been reviewed  
18 but more time is needed to meaningfully review the remaining 4,000 pages and incorporate  
19 information therein into interviews and interrogatories. *Id.*

### 20                           **B. Prescheduled Conflicts and Staffing Changes Warrant Changing the Date of the** 21                           **Inquest Hearings**

22           Counsel for the Butts family, Adrien Leavitt, is assigned to a felony trial rotation at the  
23 King County Department of Public Defense (DPD). As a felony trial attorney, Mr. Leavitt has

1 three trials currently scheduled in October. *Id.* ¶ 5 (identifying trials scheduled for October 17<sup>th</sup>  
2 and 21<sup>st</sup>). Mr. Leavitt also has prescheduled out-of-the country travel wherein he will not have  
3 access to case files, case related materials, and limited access to email from October 1<sup>st</sup> through  
4 the 15<sup>th</sup>. *Id.* ¶ 4. Further, the counsel team for the Butts family has recently changed its composition  
5 with La Rond Baker substituting as co-counsel for Sade Smith. Finally, the proposed dates  
6 contemplate Mr. Leavitt’s preplanned vacation in early December. *Id.* ¶ 11.

### 7 III. CONCLUSION

8 For the foregoing reasons, the Butts family cannot be properly prepared for the inquest as  
9 currently scheduled for October 21, 2019, and respectfully requests that the Inquest Administrator  
10 strike the October 21<sup>st</sup> hearing date and reset the hearing for December 9, 2019, January 6, 2019  
11 or February 3, 2020 or a time that is mutually acceptable for all parties involved.

12 DATED this 21<sup>st</sup> day of August, 2019

13  
14 /s Adrien Leavitt

15 Adrien Leavitt, WSBA #44451  
16 Attorney for Family of Damarius Butts  
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CERTIFICATE OF SERVICE

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

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DATED this 21st day of August, 2019.

Respectfully submitted:

/s Adrien Leavitt  
Adrien Leavitt, WSBA No. 44451