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KING COUNTY DEPARTMENT OF EXECUTIVE
SERVICES INQUEST PROGRAM

INQUEST INTO THE DEATH OF:

DAMARIUS DEMONTA BUTTS,

Deceased.

No. 517IQ8013

SEATTLE POLICE
DEPARTMENT'S MOTION TO
JOIN INVOLVED OFFICERS'
MOTION FOR
RECONSIDERATION

The Seattle City Attorney's Office, on behalf of the Seattle Police Department ("SPD"), hereby submit this brief to join the involved officers' motion for reconsideration.

I. INTRODUCTION

On October 25, 2019, the Officers requested reconsideration of the Administrator's October 18, 2019 Pre-Inquest Order. SPD joins its submissions herein. Otherwise, SPD responds as follows:

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SEATTLE POLICE DEPARTMENT'S
MOTION TO JOIN INVOLVED OFFICERS'
MOTION FOR RECONSIDERATION- 1

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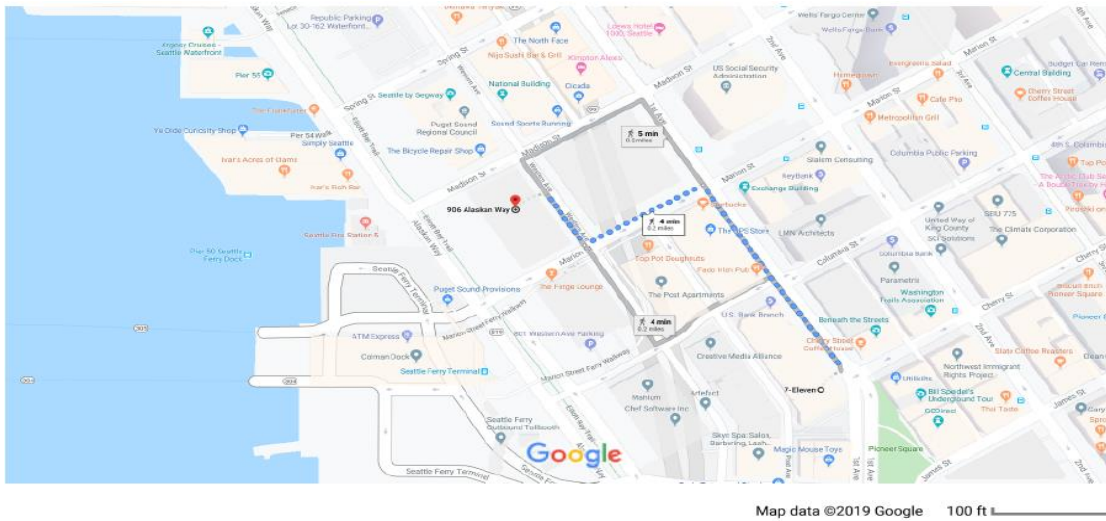
II. ARGUMENT

A. Daniel Yohannes

Under Appx. 2 at 3.2, Mr. Yohannes’ testimony will assist the trier of facts in understanding the cause, manner, and circumstances of Mr. Butts’ death. Mr. Yohannes was the 7-Eleven clerk on duty when Mr. Butts and Ms. Butts committed the robbery. The Washington State Supreme Court has held:

evidence of other crimes or misconduct is admissible to complete the story of the crime by establishing the immediate time and place of its occurrence. Where another offense constitutes a “link in the chain” of an unbroken sequence of events surrounding the charged offense, evidence of that offense is admissible “in order that a complete picture be depicted for the jury.

State v. Brown, 132 Wn.2d 529, 571, (1997). Here, Mr. Yohannes was the first witness that contacted Mr. Butts. Mr. Yohannes contacted Mr. Butts only 2.5 blocks away from where Mr. Butts was killed. (Evans Dec., Ex. A)¹. The proximity of Mr.



Yohannes’ initial contact of Mr. Butts, to the location where Mr. Butts was killed is relevant and assists the trier of facts to why Mr. Butts ran into the federal building. Additionally, Mr. Yohannes’

¹ A full-size PDF is attached to this brief.
SEATTLE POLICE DEPARTMENT’S
MOTION TO JOIN INVOLVED OFFICERS’
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1 testimony provides the trier of facts context from a non-officer observation of what happened from
2 his perspective. Mr. Yohannes confronted Mr. Butts outside the 7-Eleven and witnessed Mr. Butts
3 brandish a gun from his waistband at him. Mr. Yohannes witnessed Mr. Butts leave on foot with
4 the gun. From here, Mr. Yohannes contacted 911. The trier of facts should be able to hear live
5 testimony from Mr. Yohannes and ask questions regarding the actions Mr. Yohannes took. For
6 example, if Mr. Yohannes did not report the incident, officers would not have been involved.

7 Mr. Yohannes' impressions of Mr. Butts' actions is highly relevant for the fact finder.
8 Further, Mr. Yohannes' 911 call initiated the sequence of events leading up to and surrounding the
9 ultimate death of Mr. Butts. For a full, fair, and transparent review of the facts and circumstances
10 leading up to and surrounding the death, the jury will expect to hear from Mr. Yohannes.

11 **B. Officer Adam Merritt**

12 Under Appx. 2 at 3.2, Officer Merritt's testimony will assist the trier of facts in
13 understanding the cause, manner, and circumstances of death. The chase leading up to the shooting
14 is an unbroken chain of events. As referenced in *State v. Brown*, jurors are permitted to be
15 presented with a "more complete picture of events surrounding the crimes committed..." *State v.*
16 *Brown*, at 573. Here, Officer Merritt is the first officer that had contact with Mr. Butts after the
17 robbery. The trier of fact should have the ability to evaluate Mr. Butts' actions with Officer Merritt,
18 which preceded the run into the old federal building.

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1 **III. CONCLUSION**

2 SPD respectfully requests the Administrator grant the Officers' motion for reconsideration.

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4 DATED this 30th day of October, 2019, at Seattle, Washington.

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6 PETER S. HOLMES
Seattle City Attorney

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CERTIFICATE OF SERVICE

I certify that on the 30th day of October, 2019, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

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