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KING COUNTY DEPARTMENT OF EXECUTIVE
SERVICES INQUEST PROGRAM

INQUEST INTO THE DEATH OF:

DAMARIUS DEMONTA BUTTS,

Deceased.

No. 517IQ8013

INTERESTED PARTIES’
RENEWED MOTION TO
CONTINUE THE INQUEST

The Family of Damarius Butts, the Involved Officers, and the City of Seattle (hereafter “Parties”) have repeatedly informed the Inquest Attorney and the Administrator that none believe the Inquest into the Death of Damarius Butts will be ready to proceed on December 6, 2021. Although the Parties have been working diligently to schedule interviews, review information, brief legal issues, and prepare witnesses for this inquest, serious and legitimate concerns still exist. The Administrator’s November 14, 2021 order stated, “the IA is attentive to the short timeline under which we are operating, and the motion [to continue] may be renewed if the parties believe circumstances so warrant.” Accordingly, the Parties now renew their request to continue the currently set inquest date. Since the Parties’ previous request, the concerns with proceeding on December 6 have grown stronger and there are now additional grounds that compel a continuance.

1 A continuance is necessary to ensure a full, fair and transparent process that meets the expectations
2 of all involved.

3 The Parties ask the Administrator to grant their request for the following reasons:

4 **(1) Scheduling of Party and Witness Testimony –**

5 With the limited exception of those individuals who have specific scheduling conflicts,
6 none of the Involved Officers or other SPD witnesses have been provided an estimated 2-to-3 day
7 range for when their testimony is expected to occur, aside from the two-week period of December
8 6-17. It is not fair to expect these participants to keep their schedules open for such a long period
9 of time, and moreover the Parties have strong concerns that this lack of planning will result in
10 delays that waste the jurors' time.

11 **(2) Exhibits –**

12 Pursuant to the PHC order dated November 14, 2021, the Parties were to receive a
13 “proposed Exhibit list” by November 17, 2021. That did not occur. Instead, on November 18,
14 2021, the parties received a sharefile link identifying numerous evidentiary items that the inquest
15 attorney intends to use as exhibits. The sharefile link included a folder entitled “Statements and
16 Reports,” and three PowerPoint presentations entitled “Ledbetter FRB Presentation,” “Photos and
17 maps,” and “Video Exhibits (screenshots only).” This effort can hardly be described as an “Exhibit
18 List.” Indeed, nothing is identified by exhibit number or source, making it incredibly difficult to
19 address objections. Moreover, the exhibit list appears incomplete as the inquest attorney has yet to
20 identify exhibits related to training.

21 **(3) Training –**

22 The interrogatories refer to officer training, however, the Parties received notice as to what
23 training information (e.g., exhibits) will be considered as part of the inquest only on November 22,

1 2021. In addition, as explained below, a re-interview of SPD’s designee for training is taking place
2 only one week before the scheduled start of the inquest, and that interview could have implications
3 for the exhibit list, interrogatories, and motions *in limine*.

4 (4) **Policy** –

5 Based on recent correspondence between the Parties and the inquest attorney, it is clear
6 that final determinations have not been made about the applicability or use of certain policy
7 provisions in the Seattle Police Manual. This needs to be completed before the parties can finalize
8 objections/responses to the proposed interrogatories. Moreover, it may require additional
9 interviews of witnesses expected to testify about compliance with policy.

10 (5) **Interrogatories** –

11 The Parties received the interrogatories on November 22, 2021. The provided document
12 includes 131 interrogatories to be answered by an inquest panel. First, it is not possible for the
13 Parties to be able to fully address and object to these voluminous interrogatories before the 11/30
14 pre-inquest hearing, especially where they are provided the Monday before a major holiday. The
15 nature and large number of the proposed interrogatories represent a stark departure from previous
16 inquests, making it even more important to allow time for the Parties to research and fully brief
17 the issues raised. *See, e.g.*, Exhibits 4-6 to SPD’s 11/08/2021 Response Br. Re Jury Instructions.
18 Second, the sheer number of interrogatories raises serious concerns about the time it will require
19 an inquest panel to evaluate and answer the interrogatories, and how that will impact everyone’s
20 ability to complete this inquest by December 17, 2021. Third, the morning of 11/23 the parties
21 were notified that they could anticipate receiving further interrogatories about the Calling and
22 Rendering Aid policy but not given a timeframe for which they could anticipate receiving same.

1 **(6) Motions *in Limine* –**

2 The Parties have not been provided any guidelines for briefing or arguing motions *in*
3 *limine*.

4 **(7) Witness Interviews –**

5 The parties have additional witness interviews that still need to occur prior to the inquest
6 but are experiencing conflicts with counsels' and witness' schedules, despite diligent efforts.

7 a. Detective Ledbetter –

8 Detective Ledbetter was interviewed on November 18, 2021, for over three hours,
9 however, the parties did not complete that interview. The continuation of that interview is expected
10 to raise additional questions surrounding exhibits and witness information. Moreover, the Parties
11 have not been able to find a time when counsel for the Parties and the inquest attorney all can be
12 available for the follow-up interview, due to the compressed timeframe and previously scheduled
13 events such as depositions, witness meetings, mediations, and doctors' appointments.

14 b. Captain Teeter –

15 Captain Teeter is scheduled to be interviewed on November 29, 2021. It is unclear how
16 much time that interview will require. This interview is taking place only one week before the
17 scheduled start of the inquest, because the IA's request to re-interview Captain Teeter was made
18 only recently.

19 c. Matthew Noedel –

20 Having just received the interrogatories, counsel for the involved officers has not had
21 sufficient time to fully digest them, however, based on a cursory review, the involved officers are
22 reserving their right to call Mr. Noedel as an expert witness to testify about his forensic
23 examination of the scene and related evidence. This will require organizing a time for the Parties
to interview Mr. Noedel. In light of the difficulty in finding mutually available times for other

1 interviews during the week of November 29, it seems exceedingly unlikely that this interview will
2 be able to go forward before the scheduled start of the inquest.

3 **(8) Party Availability –**

4 Counsel for the involved officers previously informed the Administrator that Officer
5 Christopher Myers will be out of the country during the dates the Administrator has scheduled for
6 the inquest. Counsel has further informed the inquest attorney that Officer Kennedy is not available
7 on December 6-7, 2021. The Involved Officers are gravely concerned that the inquest is being
8 pushed forward despite knowledge that significant and irremediable conflict exist with necessary
9 parties.

10 **(9) Inquest Length –**

11 The inquest is scheduled to occur between December 6-17, 2021. The Parties have
12 indicated they are not available the week after (December 20th). If the inquest cannot be completed
13 during the scheduled timeframe, or the panel does not finish deliberating during that timeframe,
14 the inquest will have to be paused and continued on a date when all counsel are available.

15 **(10) Conclusion –**

16 The Parties understand the interest in moving the process forward, but forcing the inquest
17 forward when all interested parties agree that it is nowhere near ready serves only to undermine
18 the parties' and the public's confidence in the revised process.

19 DATED this 23rd day of November, 2021, at Seattle, Washington.

1 Respectfully submitted:

2
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CERTIFICATE OF SERVICE

I certify that on the 23rd day of November 2021, 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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DATED this 23rd day of November, 2021, at Seattle, Washington.

 /s/ Kerala Cowart
Kerala Cowart