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6 KING COUNTY DEPARTMENT OF EXECUTIVE  
7 SERVICES INQUEST PROGRAM

8 INQUEST INTO THE DEATH OF:  
9 DAMARIUS DEMONTA BUTTS.

No. 517IQ8013

FAMILY'S MOTIONS IN LIMINE  
REGARDING THE TESTIMONY  
OF OFFICER KANG

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14 **I. Introduction**

15 The Family of Damarius Butts brings the following motions in limine regarding Officer  
16 Kang's testimony, which is scheduled to be conducted via video deposition on February 7, 2022.  
17 The Family reserves all other motions in limine regarding other witnesses.

18 **II. Motions in Limine**

19 **A. Motion to exclude testimony, under ER 401 and 403, from Officer Kang**  
20 **regarding events that occurred immediately after he was struck by a bullet at the**  
21 **loading dock on April 20, 2017.**

22 The Family moves to exclude any testimony from Officer Kang that describes what  
23 occurred immediately after the shooting on April 20, 2017, specifically what occurred after other  
24 officers carried him away from the vestibule area. The Family concedes that Officer Kang's

1 observations and actions on April 20, 2017, leading up to his arrival at the loading dock and at  
2 the loading dock, are relevant and properly offered, subject to the applicable rules of evidence.  
3 However, any testimony describing what occurred after Officer Kang was shot and carried out  
4 towards the street, including being treated by aid and taken to Harborview Medical Center,  
5 should be excluded. Such evidence, such as medical interventions that occurred shortly after the  
6 shooting and further medical interventions at Harborview, lack relevance to the questions before  
7 the inquest jury, and thus should not be permitted under ER 401. Moreover, any slight probative  
8 value of this testimony is substantially outweighed by the danger of unfair prejudice. ER 403. If  
9 the inquest jury is permitted to hear about Officer Kang's medical treatment that day and transfer  
10 to the hospital, the very slight probative value of testimony is substantially outweighed by the  
11 risk of unfair prejudice, specifically that the jury will feel sympathy or concern for Officer Kang  
12 that will override their objective analysis of the facts.

13 **B. Motion to exclude, under ER 401 and ER 403, testimony from Officer Kang**  
14 **about any health or emotional following the incident on April 20, 2017.**

15 The Family moves to exclude any testimony about Officer Kang about any health or  
16 emotional impacts that he may have experienced since this incident under ER 401 and ER 403.  
17 Such testimony is not relevant when contemplating the questions of fact before the inquest jury.  
18 ER 401. Permitting such testimony runs an overwhelming of substantial prejudice to the Family  
19 of Mr. Butts. ER 403.  
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DATED this 24th day of January, 2022.

/s Adrien Leavitt

Adrien Leavitt, WSBA #44451  
La Rond Baker, WSBA #43610  
Attorneys for the Family of Damarius Butts

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