INVOLVED OFFICERS' RESPONSE TO FAMILY'S MOTIONS IN LIMINE - 1 {00295024;1}

action after deadly force is employed. For example, the panel must answer questions about rendering and calling for aid and whether it was feasible for aid to be provided.

Officer Kang's testimony about what occurred after he was shot is highly relevant to this proceeding for several reasons: (1) it corroborates the testimony of other testifying officers; (2) it demonstrates that aid was present on the scene but unable to enter due to unresolved safety issues; and (3) assists in establishing the location of personnel after shots were fired. Moreover, Officer Kang will testify about the bullet that was lodged in his chest, later efforts to remove it, and how it was transferred into evidence. This is all relevant as investigators determined the bullet was discharged from Mr. Butts' weapon. None of this information is prejudicial as the Family suggests, but it is highly relevant and probative of the issues the inquest panel must address.

Moreover, the fundamental purpose of an inquest is to ascertain the facts and circumstances surrounding an officer-involved fatality. Importantly, it is not limited to the facts and circumstances leading up to a fatality. Officer Kang's activities and treatment were occurring as the incident was still active. His experience is squarely within the purview of an inquest.

## 2) The Court should deny the Family's request to exclude information related to Officer Kang's health.

While we generally agree with the Family that Officer Kang will not testify about the long-term emotional impact of being shot, he will need to testify about this health after the incident as explained above.

DATED this 28th day of January, 2022, at Seattle, Washington.

By: /s/ Evan Bariault
Ted Buck, WSBA #22029
Evan Bariault, WSBA #42867
Attorneys for SPD Involved Officers

## 

## 

## **CERTIFICATE OF SERVICE**

I certify that on the 28th day of January 2022, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Matthew Anderson  Matt.Anderson@kingcounty.gov	(x) Via Email
Dee Sylve  Dee.Sylve@kingcounty.gov	(x) Via Email
Adrien Leavitt  Adrien.Leavitt@kingcounty.gov	(x) Via Email
La Rond Baker <u>lbaker@kingcounty.gov</u>	(x) Via Email
Mon-Cheri Barnes Cheri.barnes@kingcounty.gov	(x) Via Email
Lori Levinson  Lori.Levinson@kingcounty.gov	(x) Via Email
Rebecca Boatright Rebecca.Boatright@seattle.gov	(x) Via Email
Jennifer Litfin  Jennifer.Litfin@seattle.gov	(x) Via Email
Ghazal.Sharifi@seattle.gov	(x) Via Email
Kelly Nakata Kelly.Nakata@seattle.gov	(x) Via Email
Kerala Cowart Kerala.Cowart@seattle.gov	(x) Via Email
Marisa Johnson  Marisa.johnson@seattle.gov	(x) Via Email
Tom Miller tom@christielawgroup.com	(x) Via Email
Sarah Paulson sarah@christielawgroup.com	(x) Via Email

INVOLVED OFFICERS' RESPONSE TO FAMILY'S MOTIONS IN LIMINE - 4 {00295024;1}