



## King County

Department of Executive Services

### Inquest Program

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### PRE-HEARING CONFERENCE ORDER

#### INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS INQUEST # 517IQ8013

#### PARTIES:

Family of the decedent:	Mother of Damarius Demonta Butts represented by Adrien Leavitt and La Rond Baker
Law enforcement officers:	Seattle Police Department Officers Elizabeth Kennedy, Christopher Myers, Joshua Vaaga and Canek Gordillo represented by Evan Bariault and Ted Buck
Employing government department:	Seattle Police Department, represented by Kerala Cowart and Tom Miller.
Administrator:	Michael Spearman assisted by Matt Anderson

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The Inquest Administrator, having considered the Family's *motion in limine* regarding the testimony of SPD Officer Hudson Kang and the responses thereto from the Involved Officers (IOs) and the Seattle Police Department/City of Seattle (SPD), makes the following rulings:

The Family moves to exclude any testimony from Officer Kang that describes what occurred after he was carried away from the vestibule area after being shot. They also seek to exclude any testimony describing medical treatment received by Officer Kang from the EMTs near the scene of the shooting or by physicians at Harborview Medical Center (HMC). Finally, the Family asks that any testimony from Officer Kang about the impacts of the shooting on his health or emotional well-being be excluded. ER 401 and ER 403 are cited in support of the motion.

SPD and the IOs generally agree that testimony about the impacts of Officer Kang's injuries on his life and/or emotional health are not relevant, but note that some testimony explaining the reason why the bullet was subsequently removed, i.e. that it became dislodged and began to cause Officer Kang discomfort, may be relevant and necessary.

I agree with the parties that testimony about the impact of the injuries on Officer Kang's life or emotional health is irrelevant and grant the motion to exclude such testimony. However, limited testimony regarding the circumstances of the removal of the bullet, as suggested above, may be admitted.

I will also allow Officer Kang to testify about the shooting up until the point that he is in the care of the EMTs, because it is relevant to the issue of whether medical aid was present at the scene and where they were located. But testimony about any medical treatment Officer Kang may have received from the EMTs or at HMC is irrelevant and excluded.

I will also permit limited testimony from Officer Kang regarding his injuries. Such testimony has some relevance and the prejudice to any party or to the integrity of the proceeding is minimal, if at all. The testimony, however, shall be limited to a description similar to that provided by Officer Kang in his recorded statement as follows:

The bullet went through my chin, on the left side uh as it entered it went towards my throat um and then it hit 2 of my vertebrae's, I'm not sure which ones, but it chipped the bones and it travelled up to the right side it clipped my right lung, fractured my scapula, bounced down and then fractured 3 of my ribs.

*See Recorded Statement of Officer Hudson Kang dated May 30, 2017 at 10.*

SO ORDERED.

DATED: February 2, 2022.

A handwritten signature in black ink, appearing to read 'M. Spearman', is centered on the page. The signature is fluid and cursive, with a large initial 'M' and a long horizontal stroke extending to the right.

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Michael Spearman  
Administrator