

1  
2  
3  
4  
5  
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

10  
11  
12  
13 **I. Introduction**

14 The Family of Damarius Butts brings the following motions in limine regarding this  
15 inquest, currently scheduled for March 14, 2022. The Family reserves the right to bring  
16 additional motions in limine regarding outstanding issues still be determined by the inquest  
17 office.

18 **II. Motions in Limine**

19 **1. Motion to exclude reference to Adrianna Butts by name, but rather refer to her**  
20 **using generic terms (e.g., "female subject")**

21  
22 The Family moves to exclude reference to Adrianna Butts by name. Such reference is not  
23 relevant (particularly because the police did not know her name while interacting with her on  
24 April 20, 2017), lacks any evidentiary value, and is unduly prejudicial to the Family. ER 401, ER

1 403. At the time of this incident, Adrianna Butts was a juvenile. Moreover, using her name raises  
2 privacy concerns for her family, which should be strongly considered during this investigative,  
3 non-adversarial proceeding. Finally, the facts and circumstances of Mr. Butts' death can be fully  
4 investigated explaining her involvement in generic terms, for example by calling her the "female  
5 subject." As such, excluding reference to her name does not unfairly prejudice any other party.

6 **2. Motion to exclude testimony from Officer Kennedy of events that occurred**  
7 **immediately after she was struck by a bullet at the loading dock on April 20, 2017**  
8 **under ER 401 & 403.**

9 The Family moves to exclude any testimony from Officer Kennedy that describes what  
10 occurred immediately after the shooting on April 20, 2017, specifically what occurred after she  
11 left the loading dock area of the Federal Building. Like with Officer Kang's testimony, the  
12 Family concedes that Officer Kennedy's observations and actions on April 20, 2017, leading up  
13 to her arrival at the loading dock and at the loading dock including the moments shortly after she  
14 was struck by a bullet, are relevant and properly offered, subject to the applicable rules of  
15 evidence under ER 401 and ER 403. However, anything beyond this, including aid given or  
16 further steps thereafter is not relevant and should not be permitted under 401.

17  
18 **3. Motion to exclude testimony by Officer Kennedy about what may have happened if**  
19 **she was not wearing a ballistic vest when she was shot on April 20, 2017, under ER**  
20 **401, ER 403, and ER 701.**

21 The Family moves to exclude any testimony by Officer Kennedy about what may have  
22 happened if she was not wearing a ballistic vest on April 20, 2017. Officer Kennedy lacks the  
23 medical expertise to offer this opinion testimony, and it should be excluded under ER 701. Even  
24

1 a rudimentary explanation by Officer Kennedy should not be permitted because it lacks  
2 relevance, and any slight probative value of this testimony is substantially outweighed by the  
3 danger of unfair prejudice. ER 403.

4 **4. Motion to exclude testimony by Officer Kennedy about what may have been going**  
5 **through her mind when she realized she was shot in the ballistic vest on April 20,**  
6 **2017, under ER 401 and ER 403.**

7  
8 The Family moves to exclude any testimony by Officer Kennedy about what her thought  
9 process of what was going through her mind when she was shot in the ballistic vest during this  
10 incident. Such evidence is entirely subjective and does not go to any questions before the jury.  
11 As such, it is not relevant. ER 401. Moreover, any slight probative value of this testimony is  
12 substantially outweighed by the danger of unfair prejudice, as the jurors may improperly weigh  
13 how Officer Kennedy feels rather than the facts and circumstances of Mr. Butts' death. ER 403

14 **5. Motion to exclude witness testimony about lasting emotional impacts following the**  
15 **incident on April 20, 2017, under ER 401 & ER 403.**

16 The Family moves to exclude any testimony from any witness (including police and  
17 civilian witnesses) about any lasting emotional impacts that each may have experienced since  
18 this incident under ER 401 and ER 403. Such testimony is not relevant when contemplating the  
19 questions of fact before the inquest jury. ER 401. Permitting such testimony runs an  
20 overwhelming of substantial prejudice to the Family of Mr. Butts. ER 403.

DATED this 14th day of February, 2022.

/s Adrien Leavitt

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24