



**King County**

Department of Executive Services

**Inquest Program**

401 Fifth Avenue, Suite 135  
Seattle, WA 98104

**206-477-6191**

TTY Relay 711

Webpage: [kingcounty.gov/inquests](http://kingcounty.gov/inquests)

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**PRE-HEARING CONFERENCE ORDER**

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

**PARTIES PRESENT:**

Family of the decedent:	Mother of Damarius Demonta Butts present and 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 (officers not present at this hearing)
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi, Kerala Cowart and Tom Miller.
Administrator:	Michael Spearman assisted by Matt Anderson

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The Inquest Administrator, having presided over a Pre-Hearing Conference on January 14, 2021 and having heard from the parties, hereby orders the following:

- 1. Inquest date and location** - The inquest in this matter remains scheduled to commence on March 14, 2022 with testimony to conclude by March 25, 2022. It will occur in the joined Reign and Sounder conferences rooms at the Judge Patricia H. Clark Children and Family Justice Center (CFJC) at 1211 East Alder Street, Seattle, WA 98122. Proceedings will commence at 9:00 a.m., a recess for lunch will occur between 12:00 noon and 1:00 p.m. and conclude by 4:30 p.m., subject to witness availability and other concerns.

2. **Scope of Inquiry**– “The circumstances of the death in this case began on April 20, 2017 at approximately 1:00 pm with Damarius Butts’ participation in a robbery of the 7-Eleven store located at 627 First Avenue, Seattle, WA, along with his sister and one other person. The circumstances continued through Officers Merritt and Gordillo making contact with the three participants, the pursuit of Mr. Butts to the Federal Building, the shooting that occurred in the loading dock of the Federal Building and ended with the official determination by EMT personnel that Mr. Butts was deceased. . . . Accordingly, evidence regarding these events falls within the scope of the inquest. Evidence of the subsequent investigation into the death by SPD and the Medical Examiner’s Office is also deemed within the scope.” Pre-Hearing Conference Order (PHC) signed October 18, 2019. The panel will render a verdict setting out who was killed, when, where, how, by whom, and whether that killing was by criminal means. The panel shall also make findings regarding whether the law enforcement officer complied with applicable law enforcement agency training and policy as they relate to the death. For additional detail, refer to PHC signed October 18, 2019, as modified by PHC signed December 4, 2019.
3. **Jury Selection** – A questionnaire attached to this Order as Appendix A will be provided to the jury so that their responses may assist the IA in selecting a panel. A venire selection hearing will occur virtually on Thursday, March 10, 2022 at 1:00 pm. At that hearing, the Administrator will advise the parties of the hardship claims he intends to grant. The parties may also make any challenges for cause as to the remaining jurors based on juror responses to the questionnaire. 20 jurors will be instructed to appear in time for jury selection to commence on Monday, March 14, 2022, at the CFJC. By close of business on Friday, March 11, 2022, the parties shall provide to the Administrator any particular issues they request that the Administrator pursue with particular jurors based on the jurors’ questionnaire responses and relating to the juror’s ability to serve with impartiality. The Administrator will select up to 8 jurors.
4. **Instructions** – Introductory and proposed Closing Instructions are attached to this Order as Appendix B. The Administrator will read the Introductory Instructions to the panel. The Closing Instructions to be provided the panel will be determined after the close of evidence and consultation with the parties.
5. **Witnesses** – The following witnesses will be called by the Administrator to testify.
  - a. Yohannes, Daniel
  - b. Merritt, Adam
  - c. Miller, Melissa
  - d. Townsend, Tom
  - e. Richardson, Brad
  - f. Houck, Douglas
  - g. Benson, Jason
  - h. Keaton, Justin
  - i. Bandel, former SPD Officer Christopher
  - j. Kang, SPD Officer Hudson
  - k. Pritchard, SPD Officer Brian

- l. Mullinax, KCSO Deputy Anthony,
  - m. Briskey, SPD Officer Jacob
  - n. Richardson, SFD Battalion Chief Thomas
  - o. Simmons, SPD Det. David
  - p. Mazrim, Brian, M.D.
  - q. Ledbetter, former SPD Det. Donald
  - r. Coric, WSPCL Analyst Dijana
  - s. Davisson, SPD Cpt. George
  - t. Teeter, SPD Capt. Michael
  - u. Kennedy, Involved SPD Officer Elizabeth
  - v. Gordillo, Involved SPD Officer Canek
  - w. Vaaga, Involved SPD Officer Joseph
  - x. Myers, Involved SPD Officer Christopher
6. **Exhibits** – The exhibit list is attached to this order as Appendix C
7. **Stipulations** - The parties have agreed that the below facts are true.

Damarius Demonta Butts was armed with a Smith & Wesson .38 caliber revolver with a six-cartridge cylinder when he encountered Mr. Yohannes outside the 7-Eleven. Mr. Butts possessed this weapon throughout his interaction with law enforcement.

The IA will consider additional stipulations if presented.

8. **Interrogatories** – Proposed interrogatories are attached to this order as Appendix D. A final set of interrogatories will be determined after the close of evidence and consultation with the parties.
9. **Limitations on testimony and questioning** -
- a. **Reference to Adrianna Butts** – “The [inquest program] attorney shall admonish the witnesses that they shall not refer to Adrianna Butts by name or by her relationship to Mr. Butts. Nor shall counsel ask any questions designed to elicit such information from a witness.” PHC signed December 4, 2019.
  - b. **Use of hypotheticals regarding policy and training** – “The [inquest program] attorney shall advise the witnesses that examples may be helpful in explaining policies and trainings but that any such examples shall not be based upon the facts of this case. Questions from counsel shall likewise avoid hypotheticals based upon the facts of this case. Objections to any such questions or testimony will be dealt with on a case by case basis during testimony. The parties shall apprise the IA outside the presence of the jury of questions they intend to ask that include hypotheticals that touch upon the specific facts of this case.” PHC signed December 4, 2019.
  - c. **Testimony regarding lasting emotional impacts excluded** – See Order on Motions in Limine, signed this day at paragraph 4.

- d. **Testimony regarding unrelated use of force incidents excluded** – See Order on Motions in Limine, signed this day at paragraph 16.
  - e. **Testimony regarding subsequent post-shooting steps taken by SPD excluded** – See Order on Motions in Limine, signed this day at paragraph 18.a.
  - f. **Testimony regarding the Justice Department report, consent decree, or irrelevant generalizations, or characterizations of SPD excluded** – See Order on Motions in Limine, signed this day at paragraph 18.b.
  - g. **Testimony regarding conclusions by Det. Simmons regarding his compliance with policy/training during his investigation or IO compliance during the incident excluded** – See Order on Motions in Limine, signed this day at paragraph 18.c.
  - h. **Testimony regarding the involuntary nature of the IO’s Garrity statements RESERVED** – See Order on Motions in Limine, signed this day at paragraph 19.
10. **Examination (Order and Scope)** – The order of examination for each witness shall be as follows: Inquest Program Attorney, Seattle Police Department, Involved Officers and Family. Each party may inquire as to any topic properly within the scope of inquiry during the first round of examination. After each party has completed an examination of the witness a subsequent examination will be allowed as necessary to clarify a witness’s testimony or to address new subjects raised during another party’s examination.
11. **Transmission and memorialization of proceedings** – The General Order signed January 10, 2022 governs these proceedings. Audio recordings of the proceedings will be made available in real-time at a link to be provided via the Inquest Program Website. Video/Audio recordings of the proceedings will be made available as soon as practicable via a link to be provided on the Inquest Program Website.
12. **Health Precautions** – King County Superior Court currently requires all witnesses to wear masks when testifying and all parties to engage in social distancing. Changes to that policy are anticipated to occur prior to the start of this inquest but the precise substance of those changes is not yet certain. The Administrator will determine what precautions to require giving due deference to King County Superior Court practices, all other relevant safety precautions, the input of the parties and the need to evaluate the credibility and fully understand the statements of all witnesses and jurors as those changes become clear.

DATED: March 4, 2022.



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Michael Spearman  
Administrator



# Juror Questionnaire

## Inquest into the Death of Damarius Butts

### INTRODUCTION

PLEASE READ THIS CAREFULLY  
BEFORE ANSWERING ANY QUESTIONS!

PLEASE DO NOT DISCUSS THIS CASE, THESE QUESTIONS, OR YOUR ANSWERS WITH ANYONE OTHER THAN THE COURT FOR ANY REASON.

PLEASE DO NOT CONDUCT ANY RESEARCH INTO ANY OF THE SUBJECTS OR INDIVIDUALS OR FACTS LISTED IN THIS QUESTIONNAIRE. DO NOT CONDUCT ANY INTERNET SEARCHES OR OTHER RESEARCH CONCERNING THE INFORMATION IN THIS QUESTIONNAIRE FOR ANY REASON.

This questionnaire is designed to obtain information regarding your qualifications to sit as a juror in an Inquest Hearing. It is also designed to limit your risk of exposure to COVID-19 as much as possible.

As you answer the questions, remember that there are no "right" or "wrong" answers, only complete and incomplete answers. Answers that are complete and answered fully and honestly are far more helpful than incomplete answers because those answers help shorten the time it takes to select a jury.

We have worked to reduce the in-person appearance time by handling the initial portion of jury selection via this electronic questionnaire, but the trial portion will require **in-person service at the Children & Family Justice Center, located at 1211 East Alder Street, Seattle WA 98122, in the Reign and Sounder conference rooms.**

Please answer "yes" to any question where you believe your response would be "yes" or "maybe". A failure to disclose any of the requested information could impact the right to a fair hearing for all parties. You are under oath as you complete this questionnaire and your responses are made under penalty of perjury. You must not discuss questions or your answers with anyone, including any other prospective jurors, friends or family members. If anyone tries to discuss the questionnaire or case with you, please notify Inquest Program Staff immediately.

The answers to this questionnaire will help the Inquest Program staff and the attorneys determine your qualifications to serve on this jury. Based on your answers to these questions, you may be excused without further participation if you qualify for a "undue hardship" (discussed at the end of the questionnaire).

If you do not qualify for a "undue hardship", you will be contacted by the end of the week to participate in a second portion of jury selection, which will occur in person on **March 14, 2022, at the Children & Family Justice Center.**

This Inquest Hearing is expected to last through **March 25, 2022**.

THIS INQUEST PROGRAM WILL PRACTICE SOCIAL DISTANCING THROUGHOUT THE HEARING.  
ALL PARTICIPANTS WILL BE REQUIRED TO WEAR FACIAL COVERINGS.  
REMEMBER - YOUR JURY SERVICE WILL BE IN-PERSON.

\* Required

## JUROR BIOGRAPHICAL INFORMATION

THE FOLLOWING INFORMATION WILL BE USED FOR COURT PURPOSES ONLY. YOUR NAME WILL BE REDACTED FOR YOUR PRIVACY

1

Please enter your Juror Badge Number \*



2

Please enter your Last Name (Family Name) \*

3

Please enter your First Name \*

4

Please enter your Middle Name (or initial) \*

5

What is your phone number? \*

6

What is your email address? \*

7

Please state your COVID Vaccination Status \*

- I am fully vaccinated
- I have received one of two shots
- I am not vaccinated
- I prefer not to answer

8

What city do you live in? \*

9

What is your zip code? \*

10

What is your age? \*



11

How many years have you lived in Washington? \*

12

How many years have you lived in King County? \*

13

Where were you born? (City, State)? If born outside of the US, please enter name of country. \*

14

What is the highest degree or level of school you have completed? (If you're currently enrolled in school, please indicate the highest degree you have received.) \*

- Less than a high school diploma
- High school degree or equivalent (e.g. GED)
- Some college, no degree
- Associate degree (e.g. AA, AS)
- Bachelor's degree (e.g. BA, BS)
- Master's degree (e.g. MA, MS, MEd)
- Professional degree (e.g. MD, DDS, DVM, JD)
- Doctorate (e.g. PhD, EdD)
- Prefer not to answer

15

Do you have children? \*

- Yes
- No

16

If yes, list number of boy(s)/girl(s) and age(s): \*

What category best describes you? Your answer to this question is required solely to avoid discrimination in juror selection and has absolutely no bearing on qualifications for jury service. In this way, the court can fulfill the policy of the State of Washington, which is to provide jurors who are randomly selected from a fair cross section of the community \*

- Asian
- Black or African American
- Caucasian
- Hispanic, Latino, or Spanish origin
- Middle Eastern or North African
- Native American or Alaska Native
- Native Hawaiian or Other Pacific Islander
- Some other race, ethnicity, or origin
- Prefer not to answer

What is your gender? \*

- Female
- Male
- Non-binary
- Prefer not to answer

19

Do you have access to and drive a car? \*

Yes

No

20

What is your marital status? \*

Single (never married)

Married, or in a domestic partnership

Widowed

Divorced

Separated

Prefer not to answer

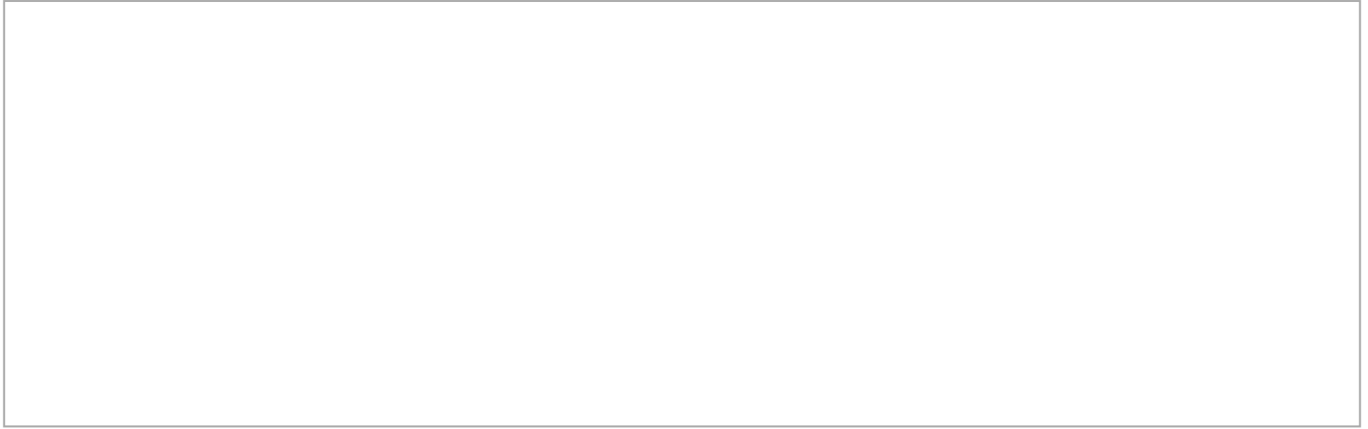
21

What is your occupation or business? Please also state your employer's name.  
If you are unemployed or retired, state your prior occupation or business. \*

22

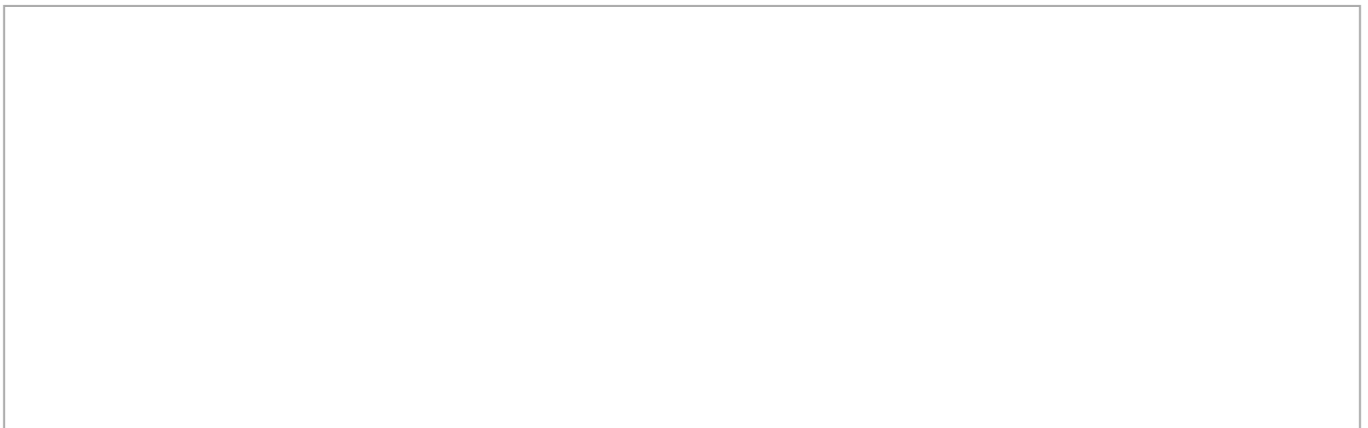
We need to understand the types of information that you are exposed to on a daily basis. Please list the occupations of each person who resides within your household.

\*



23

We need to understand how you learn about the world around you. Please describe where you get your news. \*



## CASE SPECIFIC INFORMATION

You have been selected as a potential juror in an Inquest. An Inquest is a proceeding to review the death of an individual which may involve the actions of law enforcement officers or that may have occurred while a person was in the custody of, or in the course of contact with, other non-law enforcement government agencies or employees. The jury is asked to determine the facts and circumstances surrounding the death and the manner of death. If you are selected to serve on this jury, your service is expected to last about two weeks, from March 14 until March 25, 2022.

This is an inquest into the shooting death of Damarius Butts by members of the Seattle Police Department. The shooting occurred on April 20, 2017, in downtown Seattle at 909 1st Avenue, in a building commonly referred to as the Old Federal Building. The officers involved in the shooting are Elizabeth Kennedy, Joshua Vaaga, Canek Gordillo and Christopher Myers.

24

Have you heard of or read anything about the death of Damarius Butts or the facts and circumstances surrounding his death? \*

Yes

No

25

If you have read or heard about the death of Damarius Butts, have you formed an opinion about the cause, manner and circumstances of his death? Please do not tell us what that opinion is; only whether or not you have one. \*

Yes

No

26

If you have formed an opinion about what you believe happened, will you be able to set aside that opinion and listen with an open mind to the testimony of the witnesses and base your decisions solely on the evidence presented in this proceeding? \*

Yes

No

27

Do you know Damarius Butts or his mother Stephanie Ann Butts or any member of their family? \*

Yes

No

28

If you answered 'Yes' that you know either Damarius Butts or his mother Stephanie Ann Butts or any member of their family, please indicate which one(s) and how you know them. \*

29

Have you heard of or met the Inquest Program Attorney in this case, Matt Anderson?

\*

Yes

No

30

Have you heard of or met the attorneys for the police officers involved in this case, Ted Buck and Evan Bariault? \*

Yes

No

31

Have you heard of or met the attorneys for the Seattle Police Department, Kerala Cowart, Thomas Miller, Ghazal Sharifi, or paralegal Kelly Nakata? \*

Yes

No

32

Have you heard of or met the attorneys for Damarius Butts' family, La Rond Baker and Adrien Levitt, or paralegal Lauren Wilson? \*

Yes

No



33

Have you heard of or met the Chief of the Seattle Police Department, Adrian Diaz, or his Chief Legal Officer, Rebecca Boatright? \*

Yes

No

34

If you answered 'Yes' to any of questions 29 through 33, please indicate which person(s) you have heard of or met and provide a brief explanation. \*

35

Do you know Seattle Police Department officers Elizabeth Kennedy, Joshua Vaarga, Canek Gordillo or Christopher Myers? \*

Yes

No

If you answered 'Yes' that you do know Seattle Police Department officers Elizabeth Kennedy, Joshua Vaarga, Canek Gordillo or Christopher Myers, please indicate which officer(s) and how you know them. \*

Do you know, or think you might know any of the following people who may be witnesses in this case? (CHECK ALL THAT APPLY) \*

- Detective David Simmons (Seattle Police Department (SPD))
- Officer Adam Merritt (SPD)
- Officer Christopher Bandel (SPD)
- Officer Hudson Kang (SPD)
- Officer Brian Pritchard (SPD)
- Officer Jacob Briskey (SPD)
- Detective Donald Ledbetter (SPD)
- Captain George Davisson (SPD)
- Captain Michael Teeter (SPD)
- Deputy Anthony Mullinax (King County Sheriff's Office)
- Thomas Richardson (Seattle Fire Department)
- Dr. Brian Mazrim (King County Medical Examiner's Office)
- Dijana Couric (Washington State Patrol Crime Lab)
- Douglas Houck
- Jason Benson
- Daniel Yohannes
- Melissa Miller
- Tom Townsend
- Brad Richardson
- Justin Keaton
- Jayde Rosini
- Brian Wilcox

- Jeffrey Chamberlin
- Navaja Francis
- Michael Peeler
- Seth Roen
- Andrea Petzel
- Amanda Clark
- Leanna Johnson

38

If you checked any of the boxes next to the witness names, please state how you know each of the potential witnesses. \*

The following Inquest Program Staff will be conducting the hearing in this case:

Inquest Administrator Michael Spearman  
Inquest Program Manager Dee Sylve  
Inquest Program Attorney Claire Thornton

Do you know any of these people? \*

Yes

No

Describe how you know any of the Inquest Program Staff mentioned. \*

41

Are you, or any of your close friends or relatives connected to or employed by:  
(CHECK ALL THAT APPLY) \*

- A prosecutor or public defender's office
- An attorney in private practice
- The Court system
- Any law enforcement or regulatory agency
- Not applicable

42

Do you have any special familiarity with the area around the old Federal Building, 909 1st Avenue, or the area of Pioneer Square in downtown Seattle? For example, do you work there or have some reason to be in the vicinity on a regular basis? If Yes, please explain. \*

43

Have you ever served on a jury in a civil case? \*

Yes

No

44

Have you ever served on a jury in a criminal case? \*

Yes

No

45

Have you ever served on an inquest jury? \*

Yes

No

46

Do you have strong feelings, positive or negative, about law enforcement officers, including Seattle Police Department officers? \*

Yes

No

47

If you answered 'Yes' to having strong feelings, positive or negative, about law enforcement officers, please provide a brief explanation. \*

48

Have you had what you would consider a particularly good or bad experience with law enforcement officers, including Seattle Police Department officers? \*

- Yes
- No



49

If you answered 'Yes' to having a particularly good or bad experience with law enforcement officers, including Seattle Police Department officers, please provide a brief explanation. \*

50

Do you have strong feelings, positive or negative, about the use of force by police officers? \*

Yes

No

51

If you answered 'Yes' that you have strong feelings, positive or negative, about the use of force by police officers, please provide a brief explanation. \*

52

Do you have strong feelings about the right of self-defense or defense of others? \*

- Yes
- No

53

Do you have any special training, education, or experience in police tactics, firearms or use of force issues? \*

- Yes
- No

54

If you answered 'Yes' that you have special training, education, or experience in police tactics, firearms or use of force issues, please provide a brief explanation. \*

55

Do you have any specialized training in self-defense or in recognizing the risks presented by deadly weapons, including firearms? \*

- Yes
- No

56

If you answered 'Yes' that you have specialized training in self-defense or in recognizing the risks presented by deadly weapons, including firearms, please provide a brief explanation. \*

57

Would you tend to believe or disbelieve the testimony of a police officer witness more than the testimony of a non-police officer witness? \*

Yes

No

58

If you answered 'Yes' that you would tend to believe or disbelieve the testimony of a police officer witness more than the testimony of a non-police officer witness, please provide a brief explanation \*

59

Do you now or have you in the past worked in or had any connection to law enforcement? \*

- Yes
- No

60

Do you have any family members or close friends that currently work in, have previously worked in, or had any connection to law enforcement? \*

- Yes
- No

61

Do you support, by monetary donation or volunteering your time, any organization with a primary purpose related to support of law enforcement officers or organizations? \*

Yes

No

62

Do you support, by monetary donation or volunteering your time, any organization with a primary purpose related to police accountability? \*

Yes

No

63

Have you, or do you have any close family members or close friends who have worked in or have any connection with organizations advocating for police accountability? \*

Yes

No

64

Do you understand that no one has been charged with any crime in connection with the death of Damarius Butts and that, if you are selected as a juror, you will not determine anyone's guilt or innocence, nor will you determine whether any party is liable to another; you will only decide the facts and circumstances surrounding Damarius Butts' death? \*

Yes

No

65

If you are selected to serve on this jury panel, it will be your duty to listen to the testimony, consider any exhibits admitted into evidence, follow the Inquest Administrator's instructions on the law as it applies to this case, and deliberate with your fellow jury panel members to answer the questions put to you regarding facts and circumstances surrounding the death of Damarius Butts. Will you be able to fulfill these duties? \*

Yes

No

Other

66

After all the evidence has been presented, you will be instructed by the Inquest Administrator on the law as it applies to this case. If you disagree with the law as given to you by the Inquest Administrator you in the instructions, it will be your duty to set that disagreement aside and abide by the law as given to you during this Inquest. Will you be able to abide by the instructions on the law as it applies to this case? \*

Yes

No

67

Do you have any reason to believe that you could not decide the issues presented in this Inquest impartially? \*

Yes

No

Maybe



68

If you answered 'Yes' or 'Maybe' that you have any reason to believe that you could not decide the issues presented in this Inquest impartially, please provide a brief explanation. \*

69

Is there any reason at all that you think you might not be a good juror for this case? \*

- Yes
- No
- Maybe

70

If you answered 'Yes' or 'Maybe' that there is a reason you think you might not be a good juror for this case, please provide a brief explanation. \*

71

Is there anything about the nature or subject matter of these proceedings that causes you to be hesitant about sitting on this inquest? \*

- Yes
- No
- Maybe

If you answered 'Yes' or 'Maybe' that the nature or subject matter of these proceedings causes you to be hesitant about sitting on this inquest, please provide a brief explanation. \*

## COVID-19 & HEALTH

Your health and well-being are of the upmost importance and we are taking measures to keep the courtroom a safe environment for everyone. Therefore, please take a moment to answer the following questions.

73

Within the last 14-days, have you experienced a new cough that you cannot attribute to another health condition? \*

Yes

No

74

Within the last 14-days, have you experienced new shortness of breath that you cannot attribute to another health condition? \*

Yes

No

75

Within the last 14-days, have you experienced a new sore throat that you cannot attribute to another health condition? \*

Yes

No

76

Within the last 14-days, have you experienced new muscle aches that you cannot attribute to another health condition or a specific activity such as physical exercise? \*

Yes

No

77

Within the last 14-days, have you had a temperature at or above 100.4° or the sense of having a fever? \*

Yes

No

78

Within the last 14 days, have you had close contact with someone who is currently sick with suspected or confirmed COVID-19?\* (Note: \*Close contact is defined as within 6 feet for more than 10 consecutive minutes) \*

Yes

No

If your answer to the prior question is 'Yes', please tell us how long ago? What relationship to you is the person who was infected? Have you been tested since? When was that test and what were the results?

Do you fall into any of the high-risk categories for COVID-19 according to the CDC guides?

#### HIGH-RISK CATEGORIES, ACCORDING TO THE CDC:

COVID-19 is a new disease and there is limited information regarding risk factors for severe disease. Based on the currently available information and clinical expertise, older adults and people of any age who have serious and underlying medical conditions might be at higher risk for severe illness from COVID-19.

Based on what we know, those at high-risk for severe illness from COVID-19 are:

- People 65 years or older
- People who live in nursing homes or long-term care facility

People of all ages who have underlying medical conditions, particularly if not well controlled, including:

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
- Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease \*



Centers for Disease Control and Prevention  
CDC 24/7: Saving Lives, Protecting People™

Yes

No

81

If so, please tell us what makes you high-risk?

82

Is there any reason you cannot wear a facial covering inside the courthouse during your jury service, if required by the Seattle and King County Directors of Public Health, the King County Superior Court, and the Inquest Administrator? \*

- Yes
- No

83

If 'Yes', please briefly explain:



84

Do you have any other health concerns or conditions that would make it difficult for you to sit as a juror? \*

Yes

No

85

Please briefly explain

# HARDSHIPS

The trial for this case is expected to BEGIN no later than **March 14, 2022**, and is expected to last until **March 25, 2022**.

## **IF YOU ARE SELECTED TO BE A JUROR, YOU WILL NEED TO APPEAR IN-PERSON AT:**

Children & Family Justice Center  
Reign and Sounder Conference Rooms  
1211 East Alder Street  
Seattle WA 98122

## **DURING THE DATES OF TRIAL:**

Trial will be in session Monday through Friday, 9:00 a.m. to 4:30 p.m., with a one hour break for lunch beginning at noon, as well as other regular breaks throughout the day. At the conclusion of the trial, the jury will deliberate until a verdict is reached.

## **WHAT IS AN "UNDUE HARDSHIP"?**

We recognize that jury service is always a hardship for everyone. It disrupts your daily routine, causes you to miss work or school, rearrange your schedule, or obtain childcare, among other things. But fulfilling your civic duties is not always easy and does not come without some sacrifice. And, our community depends on the willingness of citizens such as yourself to come forward and assist in resolving matters such as this, which involves the death of a community member.

Thus, if it is a hardship for you to serve, that is not enough for you to be excused. The hardship must be one that is so unduly burdensome that it would be unfair request to ask even of a citizen who is willing to do their duty. An "Undue Hardship," means that serving on this jury would create a financial or medical hardship for you or your family that is substantial and more than merely inconvenient or unpleasant. .

"Undue Hardship" does not include the impact your absence would have on your employer or employer's business UNLESS it would financially impact YOU.

"Undue Hardship" MAY include a medical procedure or an important event that cannot be rescheduled.

The Court understands the difficulty that jury service, particularly jury service during the COVID-19 pandemic, may cause. The Court must have jurors, however, to perform its work. Jury service is your opportunity to put into practice the valuable constitutional right of trial by jury we all enjoy. We greatly appreciate your service.

86

With these explanations in mind, would serving during this time create an undue hardship for you?

Yes

No

87

If you are claiming an undue hardship, please explain: \*

88

I, \_\_\_\_\_ (place initials only in the box below), declare under penalty of perjury that the foregoing answers to this Jury Questionnaire are true and correct to the best of my knowledge. \*



**APPENDIX B**



**King County**

Department of Executive Services

**Inquest Program**

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Seattle, WA 98104

**206-477-6191**

TTY Relay 711

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Email: [Inquests@kingcounty.gov](mailto:Inquests@kingcounty.gov)

**INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS  
# 517IQ0713**

**[PROPOSED] INSTRUCTIONS TO THE INQUEST PANEL**

DATED \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Michael Spearman  
Inquest Administrator

## PRELIMINARY INSTRUCTIONS

Members of the jury you have been selected to serve as the jurors who will hear this inquest. Please rise and raise your right hand as you take the jurors' oath.

**Do you swear or affirm that you and each of you will well and truly try the matters at issue in this case and give a true Answer to each of the Interrogatories that shall be put to you according to the law and the evidence?**

An inquest is a proceeding authorized under the King County Charter to review the manner, facts and circumstances surrounding the death of any individual in which law enforcement officers are involved.

An inquest is not a trial to determine civil or criminal liability. You will not be asked to decide if someone is owed money damages or if someone is guilty of a crime beyond a reasonable doubt. Instead, an inquest is a hearing during which evidence about the death is presented to you. After hearing the evidence, you will be asked to deliberate together and, by answering a series of questions called Interrogatories, determine the facts and circumstances of the death, whether the officers' actions during this incident were in compliance with police department policy and training, and whether the death was occasioned by criminal means. In answering these questions, you must not consider or draw any inferences from the fact that this inquest is taking place.

This inquest involves the death of Damarius Butts who died after a police shooting, which occurred in Seattle, Washington on April 20, 2017 in a building located at 909 1<sup>st</sup> Ave., which is commonly known as the old Federal Building. Damarius was 19 years old when he died. He had a one year old daughter, worked as a forklift operator, and was taking classes at a local community college. Stephanie Ann Butts, the mother of Damarius, is present on behalf of the Family.

At the end of this case, you will be given a number of questions called Interrogatories. You will also you will be given the law in form of my instructions to you. It will be your duty to answer the questions based on the evidence and testimony admitted during this inquest and according to the law as stated in my instructions. It is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you think it ought to be.

If you recall any media coverage of this event or if you are aware of any information about this event other than the evidence and testimony admitted in this hearing, you must set aside and disregard whatever you may have seen, heard, or read. As a matter of basic fairness, the public and the parties are entitled to know what evidence and what legal principles you relied upon in making your decisions. If you rely upon evidence from outside of this courtroom or upon legal principles other than those contained in my instructions, their trust in your decisions will be violated

## INTRODUCTIONS

I will now introduce to you the Parties and attorneys participating in this inquest:

My name is Michael Spearman, and I am the Inquest Administrator. As the Inquest Administrator, I determine who will be called as witnesses, what evidence is admitted and the Interrogatories you will be asked to answer.

The family of Damarius Butts is represented by attorneys Adrien Leavitt and La Rond Baker of the King County Department of Public Defense. Please greet the jury and introduce the Family representative. (Stephanie Ann Butts).

Attorneys Ted Buck and Evan Bariault represent the Seattle Police Officers involved in this shooting. Please greet the jury and introduce your clients. (Elizabeth Kennedy, Joshua Vaaga, Canek Gordillo and Christopher Myers)

The Seattle Police Department is represented by Kerala Cowart, and Tom Miller. Will each of you please greet the jury.

Matt Anderson is the Inquest Program Attorney. His role is to assist me in presenting the evidence in this matter. Will you please greet the jury.

Now, having seen their faces, are any of you familiar with any of the attorneys in this case, the officers or any members of their families or with the decedent, Damarius Butts, his mother or any other members of his family?

I also want to introduce our Program Manager, Dee Sylve and Inquest Program Attorney Claire Thornton, who are here to assist our team with this inquest. Ms. Sylve and Ms. Thornton are the people with whom you will have direct contact during your service. If any questions arise during your service as a juror in this case, please direct them to Ms. Sylve or Ms. Thornton. If either of them can answer them, they will. But if it is something that needs to be brought to my attention, they will let me know and I will do my best to address the matter.

As jurors, it is important that the decisions you are asked to make are based solely on the evidence and testimony you hear during this inquest. For that reason, it is very important that so long as you are a juror in this case you avoid people who may be discussing this case and any media reports about this case on TV, online, on the radio or in the newspapers. If someone does



try to discuss the case with you or if you inadvertently hear something on some form of media, they are three things you must do.

First, terminate the contact immediately. Second, do not discuss what happened or what you heard with your fellow jurors. And third, report the incident to Ms. Sylve or Ms. Thornton at the earliest opportunity. One of them will notify me, and I will decide if any further steps need to be taken.

You should also know that all the participants in this proceeding are aware that they are not permitted to have contact with you outside of this courtroom. It will help them abide by this restriction if you not only wear your juror badges at all times when you are in the courthouse, but also make sure that the badges are always visible to all. That way if you happen to inadvertently end up in the same elevator, an attorney, party or witness can see your badge and know not have contact with you or say anything that involves this case while in your presence. Of course, it is very, very unlikely that any such improper contact would occur, but if for some reason it does, even inadvertently, they are three things you must do. First, terminate the contact immediately. Second, do not mention the event or what you may have heard to any of your fellow jurors. And third, report the incident to Ms. Sylve or Ms. Thornton at the earliest opportunity.

Included in your obligation to not discuss this matter with anyone while the case is pending, is the obligation that you must not discuss this case among yourselves until I instruct you that you are permitted to do so. That will occur only after you have heard all the evidence, have listened to my instructions to you on the law, I have excused you to the jury room, the evidence that has been admitted has been delivered to you and all of the jurors are present. It is then, and only then, that you may begin your deliberations and discuss this case with your fellow jurors. If you become aware of any such discussions before you have been given permission to do so, it is your duty to alert Ms. Sylve or Ms. Thornton at the earliest opportunity.

Because an inquest is conducted for the benefit of the public, these proceedings are being made available to the public on the internet, so that anyone who is interested can watch what is taking place here. But at no time will the faces of any jurors be broadcast over the internet. You should also know that from time to time the media is interested in inquest proceedings. I don't know whether such interest exists in this case. But if it does, you may see people in the courtroom

with still cameras or TV cameras. They are under strict orders from me, however, that no pictures or filming of jurors or prospective jurors is permitted.

## EXPLANATION OF PROCEDURE

Now, let me tell you about the schedule we will keep during this hearing.

We will begin each day at 9 am. So that we may begin on time, I ask that each juror be in the jury room no later than 8:45 am each day we are in session, which will be Mon-Fri. When you arrive, please go directly to the jury room. Do not linger in the hallways. It only increases the chance that you will inadvertently overhear something related to this case from the parties, the attorneys, observers or the media, if they are present.

Our day will proceed as follows: After our 9 am start, we will break for 15 minutes at 10:45 am. We will recess for lunch from 12 noon to 1 pm. I ask that you arrive back in the jury room no later than 12:50 pm so that we can begin at 1 pm. We will take another 15-minute break at 2:45 pm. We will end our day at 4:30 pm.

After I finish reading these preliminary instructions to you, we will proceed immediately into the presentation of evidence.

For most witnesses, the Inquest Program Attorney will begin the questioning. Any of the other attorneys may then ask questions. A number of exhibits have been admitted into evidence and the attorneys may ask the witnesses about them. One of my duties as Inquest Administrator is to decide what evidence should be admitted during this hearing. Do not be concerned with the reasons for my rulings on the evidence. You must not consider or discuss any evidence that I do not admit or that I tell you to disregard.

The lawyers' questions are intended to help you understand the evidence and apply the law. Keep in mind, however, that their questions are not evidence or the law. The evidence is the testimony from witnesses and the exhibits. The law is contained in my instructions to you. You must disregard anything the lawyers say that is at odds with the evidence or the law in my instructions.

From time to time during the questioning, you may also hear objections made by the lawyers. Each party has the right to object to questions asked by another lawyer. These objections should not influence you in any way. It is my job to rule on these objections. Do not make any assumptions or draw any conclusions based on a lawyer's objections or my rulings on them.

It is important for you to know that each juror has the right to submit questions to be asked of any witness. You will be given forms, which you should use to write out any questions that you wish to be asked. When the attorneys have finished questioning each witness, you will be given the opportunity to present your written questions to the program manager, who will share them with counsel for their review and then present them to me for my consideration. As the Inquest Administrator, it is my decision whether a question will be asked. If I decide not to ask a question, you must not speculate as to the reasons for that decision. It may be, for example, that the question is not proper under the rules of evidence or it may be that I expect another witness, yet to testify, will be better able to answer the question, or for some other reason.

Similarly, each juror also has a right to request that a witness be called to testify. If you wish to do so, note that the same form that will be provided to you to ask questions, will also have a place for you to request a witness. You may submit your request at any time during this inquest. And, again, remember that ultimately, it is my decision whether to call a witness. If I decline to do so, you must not speculate about the reasons for that decision.

When witnesses testify, please listen very carefully. You will need to remember the testimony because it will not be repeated for you during your deliberations. Any exhibits admitted into evidence, however, will go to the jury room with you during your deliberations.

You will be allowed to take notes during the hearing. Whether you do so is entirely your own decision. If you do choose to take notes, you should make sure that it does not interfere with your ability to listen to and observe the witnesses.

At an appropriate time, the program manager will provide a notepad and a pen to each of you. Your juror number will be on the front page of the notepad. You must take notes on this pad only, not on any other paper. You must not take your notepad from the courtroom or the jury room for any reason. Anytime we are in recess during the inquest, including at the end of the day, please leave your notepad on your seat in the jury box. The program manager will collect the notepads and keep them secure. While you are away from the courtroom or the jury room, no one else will read your notes.

You must not discuss your notes with anyone or show your notes to anyone until you begin deliberating on your Answers to the Interrogatories. During your deliberations, however, it is your choice whether to share your notes with the other jurors.

If you choose to take notes, do not assume that your notes are necessarily more accurate than your memory. Keep in mind that I am allowing you to take notes to assist you in remembering clearly, not to substitute for your memory. You are also not to assume that your notes are more accurate than the memories or notes of the other jurors.

It is important that you discharge your duties without discrimination, meaning that bias regarding the race, color, religious beliefs, national origin, sexual orientation, gender, or disability of any party, any witnesses, and the lawyers should play no part in the exercise of your judgment throughout the trial. These are called “conscious biases”—and, when answering questions, it is important, even if uncomfortable for you, to share these views with the lawyers.

However, there is another more subtle tendency at work that we must all be aware of. This part of human nature is understandable but must play no role in your service as jurors. In our daily lives, there are many issues that require us to make quick decisions and then move on. In making these daily decisions, we may well rely upon generalities, even what might be called biases or prejudices. That may be appropriate as a coping mechanism in our busy daily lives but bias and prejudice can play no part in any decisions you might make as a juror. Your decisions as jurors must be based solely upon an open-minded, fair consideration of the evidence that comes before you during trial.

When the presentation of the evidence is complete, I will instruct you on the law that applies in this case. You will then receive a set of Interrogatories for you to answer based on the evidence and according to the instructions I have given you. I will then excuse you to deliberate on those questions. After you have answered the Interrogatories and I have accepted them, your notes will be collected and destroyed by the program manager. Again, no one will be allowed to read them.

No. \_\_\_\_\_

Because it is your role to evaluate the evidence, I will not express, by words or conduct, my personal opinion about the value of a particular witness's testimony or an exhibit. If it appears to you that I have indicated in any way my personal opinion concerning any evidence, you must disregard this entirely.

No. \_\_\_\_\_

I reiterate a few points because they are important and worth repeating. First, throughout this hearing, you must come and go directly from the jury room. Do not remain in the hall or courtroom, as witnesses and parties may not recognize you as a juror, and you may accidentally overhear some discussion about this case. And as I previously stated, I have instructed the lawyers, parties, and witnesses not to talk to you during while the hearing is in progress.

Second, it is essential to a fair hearing that everything you learn about this case comes to you in this courtroom, and only in this courtroom. You must not allow yourself to be exposed to any outside information about this case, including from your family and friends. Do not permit anyone to discuss or comment about it in your presence, and do not remain within hearing of such conversations. You must keep your mind free of outside influences so that your decision will be based entirely on the evidence presented during the hearing and on my instructions to you about the law.

Third, until you are dismissed at the end of this hearing, you must avoid outside sources such as newspapers, magazines, blogs, the internet, or radio or television broadcasts which may discuss this case or issues involved in this trial. If you start to hear or read information about anything related to the case, remember the three things you must do: terminate the contact immediately so that you no longer hear or see it; do not share whatever you may have seen or heard with your fellow jurors; and at the earliest opportunity notify Ms. Sylve or Ms. Thornton of what happened.

And fourth, during the hearing, do not try to determine on your own what the law is. Do not seek out any evidence on your own. Do not consult dictionaries or other reference materials. Do not conduct any research into the facts, the issues, or the people involved in this case. You may not use any internet resources to look into anything at all related to this case. Do not inspect the scene of any event involved in this case. If your ordinary travel will result in passing or seeing the location of any event involved in this case, do not stop or try to investigate. Remember that the trust of the parties and the public in your decisions depends on you keeping your mind clear of anything that is not presented to you in this courtroom. Throughout this hearing, you must maintain an open mind. You must not form any firm and fixed opinion about any issue in the case until the entire case has been submitted to you for deliberation.

Of course, after you have delivered your Answers to the Interrogatories and are excused from this proceeding, you will be free to do any research you choose and to share your experiences with others.

Please keep in mind that as jurors you have sworn an oath to give true Answers to the Interrogatories that will be put to you. You must reach your decision based on the facts proved to you in this courtroom and on the law given to you in my instructions, uninfluenced by sympathy, prejudice, or personal preference. It is your duty to listen carefully to the evidence and to act impartially in your consideration of the evidence and in answering the Interrogatories.

We will now proceed with testimony of the first witness.



## CLOSING INSTRUCTIONS

No. \_\_\_\_\_

It is your duty to determine the facts in this matter from the evidence admitted and to report your findings to the Inquest Administrator in writing, by answering the Interrogatories, which will be submitted to you.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, stipulations, and the exhibits that I have admitted, during the inquest. If evidence was not admitted or was stricken from the record, then you are not to consider it in answering the Interrogatories. In addition, you must not consider or draw any inferences from the fact that an inquest is being held in this matter.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in answering the Interrogatories. In order to answer the Interrogatories, you must consider all of the evidence that I have admitted that relates to each Interrogatory.

As jurors, you have been allowed to request that additional questions be asked of the witnesses and to request that other persons testify. Any such request has been reviewed by me and by the parties' lawyers. If a requested question was not asked, or a requested witness was not called you may not speculate about the reasons for that decision or discuss the fact that the question was not asked or that the witness was not called.

No. \_\_\_\_\_

You are the sole judges of the credibility of each witness. You are also the sole judges of the value or weight to be given to the testimony of each witness. In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have in the outcome or the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors that affect your evaluation or belief of a witness or your evaluation of his or her testimony.

No. \_\_\_\_\_

The lawyers' questions are intended to help you understand the evidence. It is important, however, for you to remember that the lawyers' questions are not evidence. The evidence is the testimony and the exhibits. You must disregard any question or answer thereto which has been stricken.

You may have heard objections made by the lawyers during this inquest. The lawyers have the right to object to questions asked by another lawyer. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

Because it is your role as jurors to evaluate the evidence, it would be improper for me to express, by words or conduct, my personal opinion about the value of testimony or other evidence. If it appeared to you that I have indicated my personal opinion in any way, either during this inquest or in giving these instructions, you must disregard this entirely.

As jurors, it is your duty to fairly and properly answer each Interrogatory. You must act impartially with an earnest desire to determine and declare the truth. You must answer the Interrogatories based on the evidence, and not on sympathy, prejudice, or personal preference.

No. \_\_\_\_\_

Evidence may be either direct or circumstantial. Direct evidence is that given by a witness who testifies concerning facts that he or she has directly observed or perceived through the senses. Circumstantial evidence is evidence of facts or circumstances from which the existence or nonexistence of other facts may be reasonably inferred from common experience. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. One is not necessarily more or less valuable than the other.

WPIC 5.01

No. \_\_\_\_\_

A witness who has special training, education or experience may be allowed to express an opinion in addition to giving testimony as to facts. You are not, however, required to accept his or her opinion. To determine the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information, as well as considering the factors already given to you for evaluating the testimony of any other witness.

WPIC 6.51

No. \_\_\_\_\_

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this inquest in an orderly and reasonable manner, that you fully and fairly discuss each issue submitted for your decision, and that each one of you has a chance to be heard on every question before you. It will be the duty of each of you to discuss this case fully with your fellow jurors, to express your own views, and to fully consider the views of the other jurors.

It is also the duty of each of you to evaluate the evidence with an open mind free of bias or prejudice. If during your deliberations, you become concerned that the discussions are being influenced by preconceived bias or prejudice, you must bring this to the attention of the other jurors so that the issue may be fairly discussed among all members of the jury.

During your deliberations, you may discuss any notes that you have taken during the inquest, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes, if you took them, and your memory as to the testimony presented in this inquest. Testimony will not be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask me a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has answered any Interrogatory. The presiding juror should sign and date the question and give it to the Ms. Sylve or Ms. Thornton. I will consider your question and determine what response, if any, can be given.

You will be given all the exhibits admitted in evidence, these instructions, and the written Interrogatories to be answered by you. If an exhibit was admitted for illustrative purposes only, the exhibit may not be brought into the jury room.

No. \_\_\_\_\_

It is the duty of the presiding juror to complete the written Interrogatories. After fully and fairly discussing each issue and exchanging their interpretations of the evidence, on each Interrogatory, the presiding juror must set out in the blanks provided the number of jurors who answer “Yes”, the number of jurors who answer “No”, and the number of jurors who answer “Unknown” to each question. After every Interrogatory, the presiding juror must allow each juror to have the opportunity to provide a written explanation of the juror’s answer if the juror believes that a written explanation will provide information will be helpful. No juror is required to provide an explanation to any answer, but the jurors are encouraged to consider doing. While a simple “yes”, “no” or “unknown” may answer the question, it may not fully explain the reasons for the answer. We are truly interested in those reasons. Any explanations that you are able to offer will be helpful to the community in understanding what happened during this incident.

A juror may not need to answer a specific Interrogatory if the juror’s answer to a previous question makes it unnecessary. For example, if a juror concludes that a specific policy did not apply, then that juror need not answer an Interrogatory asking whether a particular officer complied with that policy. But, if another juror concludes that the policy did apply, then that juror must answer the question about whether a particular officer did or did not comply with that policy. The Interrogatories will indicate when a situation such as this is applicable.

Executive Order Section 14.6, App. 2

No. \_\_\_\_\_

When answering each Interrogatory, a juror should respond “yes” when he or she believes a preponderance of the evidence supports responding to the question in the affirmative. A juror should respond “no” when he or she believes a preponderance of the evidence supports responding to the question in the negative. A juror should respond “unknown” if either (1) the weight of the evidence equally supports responding to the question in the affirmative and the negative or (2) not enough evidence was presented to allow the juror to answer the question in the affirmative or the negative. A juror’s response to a fill-in-the blank question should be that which the juror believes is supported by a preponderance of the evidence. The jury need not reach unanimity on any Interrogatory.

A “preponderance of the evidence” means that you must be persuaded, considering all the evidence bearing on the question, that your answer to a given question is more probably true than not true.

Executive Order Section 14.4, App. 2

WPI 21.01



No. \_\_\_\_\_

Compliance with SPD Policies 8.200 (Sections 6 and 7), regarding the duty to request or render medical aid following a use of force, may be accomplished by any officer and need not be accomplished by the officer or officers who used force. Once medical aid has been requested or rendered by any officer, any further obligations to any other officers to call or render aid are extinguished.

No. \_\_\_\_\_

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to arrest or apprehend a person who the officer reasonably believes has committed, or attempted to commit, a felony.

In considering whether to use deadly force to arrest or apprehend any person for the commission of any crime, an officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.

Among the circumstances that may be considered by an officer as a "threat of serious physical harm" are the following: (a) The suspect threatened the officer with a weapon or displayed a weapon in a manner that could reasonably be construed as threatening; or (b) There was probable cause to believe that the suspect committed any crime involving the infliction or threatened infliction of serious physical harm.

RCW 9A.16.

No. \_\_\_\_\_

“Deadly force” means the intentional application of force through the use of a firearm.

9A.16.010(2)

No. \_\_\_\_\_

“Necessary” means that, under the circumstances as they appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.

WPIC 16.05

No. \_\_\_\_\_

“Probable cause” means facts known to the officer at the time, that would cause a reasonably cautious officer to believe the proposition at issue. In determining whether the facts known to the officer justified this belief, you may take into account the officer's experience and expertise.

WPIC 120.7 (modified)

No. \_\_\_\_\_

The crime of robbery is a felony.

WPIC 2.09

No. \_\_\_\_\_

If you find that an officer's use of force was not justifiable, then you must decide whether the officer acted with malice and not in good faith.

RCW 9A.16.040(3)

No. \_\_\_\_\_

“Malice” means an evil intent or design to injure another person. Malice may be, but is not required to be, inferred from an act done in willful disregard of the rights of another.

WPIC 2.13



No. \_\_\_\_\_

“Good faith” means that the officer honestly believed his or her action was justifiable as that term is defined in Instruction No. \_\_\_\_\_.

No.

In determining whether an officer acted with malice or not in good faith you may consider, among other things, whether the officer's actions were compliant with applicable Seattle Police Department policy and/or training. However, you may not rely solely on an officer's failure to comply with Seattle Police Department policy and/or training to find that the officer acted with malice or not in good faith.

No. \_\_\_\_\_

A death caused by an officer using deadly force is committed by criminal means if

1. The use of deadly force was not justifiable, and the officer's use of such force was with malice; or
2. The use of deadly force was not justifiable, and the officer's use of force was not in good faith.

If you find by a preponderance of the evidence that either 1) or 2) is true, then you must find that the death was caused by criminal means and you must specifically identify each officer who so acted.

No. \_\_\_\_\_

After you have answered the Interrogatories, all members of the jury will then sign the form and the presiding juror will notify the program manager. After the program manager has received your answers, the hearing will reconvene, and you will be conducted into the courtroom. Please leave any notes you have taken in the jury room. I will review your answers to confirm that they are in proper order and if so, they shall be made public.

The program manager will then collect and destroy your notes. No one will be allowed to read your notes.

You have now heard all the testimony in this proceeding and my instructions. Each juror has a copy of my instructions and of the Interrogatories to take with you to the jury room. You may refer to any notes you have taken. So, at this time, please recess to the jury room. Once the program manager has delivered all the admitted exhibits, and each of you is present, you may begin your deliberations.

**If it is determined that the jury should be polled.**

**VERDICT**

Who is the foreperson? Has each juror answered each of the Interrogatories? Please hand the form to the program manager.

Ask individually:

1. Did you answer each Interrogatory?
2. Are your answers accurately reflected?

### Stipulation as to Undisputed Facts

The parties have agreed that certain facts are true. You must accept as true the following facts:

Damarius Demonta Butts was armed with a Smith & Wesson .38 caliber revolver with a six-cartridge cylinder when he encountered Mr. Yohannes outside the 7-Eleven. Mr. Butts possessed this weapon throughout his interaction with law enforcement.

## Appendix C

### Exhibit List

#	DESCRIPTION	Admitted?	Sensitive? <sup>1</sup>
1	Area map	Admitted	
2	Image from google earth.	Admitted	
3	Scene sketch — Loading dock without placard and legend layers	Admitted	
4	Scene sketch — Loading dock, receiving room and vestibule without placard and legend layers	Admitted	
5	Scene sketch — Receiving room and vestibule without placard and legend layers	Admitted	
6	Photo — Loading dock exterior from north	Admitted	
7	Photo — Loading dock exterior centered	Admitted	
8	Photo — Loading dock Interior - north	Admitted	
9	Photo — Loading dock Interior - center	Admitted	
10	Photo — Loading dock Interior - south	Admitted	
11	Photo — Loading dock Interior - south stairs	Admitted	
12	Photo — Door to vestibule from south	Admitted	
13	Photo — Door to vestibule from north	Admitted	
14	Photo — Receiving room towards vestibule far	Admitted	
15	Photo — Receiving room towards vestibule medium	Admitted	
16	Photo — Receiving room towards vestibule close	Admitted	
17	Photo — Receiving room south	Admitted	Yes
18	Photo — Vestibule without pallets	Admitted	Yes
19	Photo — Vestibule from exterior with pallets and D. Butts (Redacted)	Admitted	Yes
20	Photo — Vestibule from interior with pallets and D. Butts (Redacted)	Admitted	Yes
21	Photo — Myers wound	Admitted	Yes
22	Photo — Kang wounds	Admitted	Yes
23	Video — Canvassing map	Illustrative	
24	Video — 7-11 — compiled by Simmons	Admitted	
25	Video — First and Madison — compiled by Simmons	Admitted	
26	VIDEO — Loading dock 1:11:31 — 1:16:00	Admitted	
27	Kang DICV 1:22:10 - 1:24:14	Admitted	
28	Kennedy DICV 1:20:10 - 1:26:00	Admitted	
29	Bandel DICV 8367 1:19:21- 1:25:30	Admitted	
30	Clark and Myer DICV 1:19:39 - 1:25:09	Admitted	
31	Vaaga DICV 1:19:24 - 1:25:09	Admitted	
32	Simmons — FIT Critical Incident Report	Marked	Yes
33	Simmons — FRB PowerPoint	Marked	Yes
34	Video canvas summary	Marked	
35	Yohannes — 170420 Recorded statement transcript	Marked	
36	Merritt sketch	Marked	
37	Merritt Public Safety statement	Marked	
38	Merritt — 170420 Recorded statement transcript	Marked	
39	Merritt — 170420 Witness statement	Marked	
40	Miller — 170727 Recorded statement transcript	Marked	
41	Townsend — 170724 Recorded statement transcript	Marked	
42	Richardson — 170420 Recorded statement transcript	Marked	
43	Houck — 170420 Recorded statement transcript	Marked	
44	Benson — 170420 Recorded statement transcript	Marked	
45	Keaton — 170420 Recorded statement transcript	Marked	
46	Bandel sketch	Marked	
47	Bandel — 170420 Narrative	Marked	
48	Bandel — 170420 Recorded statement transcript	Marked	

<sup>1</sup> Sensitive exhibits will not be visible via the zoom feed or available electronically after the hearing.

#	DESCRIPTION	Admitted?	Sensitive? <sup>1</sup>
49	Bandel — 170420 Use of Force Report	Marked	
50	Kang sketch	Marked	
51	Kang — 170530 Recorded statement transcript	Marked	
52	Kang —170420 Use of Force Report	Marked	
53	Pritchard — Narrative	Marked	
54	Pritchard sketch	Marked	
55	Pritchard — 170421 Recorded statement transcript	Marked	
56	Mullinax — 170420 Officers witness statement	Marked	
57	Briskey — 170421 Officers witness statement	Marked	
58	Briskey — 170421 Use of Force Report	Marked	
59	Crime Lab Report — Ballistics Request #1	Marked	
60	Crime Lab Report — DNA	Marked	
61	Ledbetter — CSI report	Marked	
62	Ledbetter — FRB presentation (select slides)	Illustrative	
63	ME Report	Marked	
64	Pathological diagnosis excerpt	Excluded	
65	Training documentation — Care under Fire — (Operations) 9-hour course	Marked	
66	Training documentation — Care Under Fire — 8-hour course POST BLEA	Marked	
67	Training documentation — De-escalation (tactical)	Marked	
68	Training documentation — De-escalation and contact-cover (POST BLEA)	Marked	
69	Training documentation — De-escalation and use of force (post BLEA)	Marked	
70	Training documentation — Officer sustainment use of force (reporting Type I)	Marked	
71	Training documentation — Officer sustainment Use of Force (reporting Type I)	Marked	
72	Teeter — 191118 Recorded statement transcript		
73	----- Empty -----	Marked	
74	Training documentation — Use of Force — Integrated Tactics	Marked	
75	Training documentation — Use of Force — Matrix	Marked	
76	Kennedy Sketch #1	Marked	
77	Kennedy Sketch #2	Marked	
78	Kennedy — 170424 Recorded statement transcript	Marked	
79	Gordillo Sketch	Marked	
80	Gordillo — 170420 Public Safety statement	Marked	
81	Gordillo — 170423 Recorded statement transcript	Marked	
82	Gordillo — 170503 Recorded statement transcript	Marked	
83	Vaaga — 170502 2nd Recorded statement transcript	Marked	
84	Vaaga — 170502 Public Safety statement	Marked	
85	Vaaga — 170502 Recorded statement transcript	Marked	
86	Vaaga Sketch	Marked	
87	Myers Sketch	Marked	
88	Myers — 170420 Public Safety statement	Marked	
89	Myers — 170424 Recorded statement transcript	Marked	
90	KCSO CAD	Marked	
91	SFD CAD	Marked	
92	SFD Report	Marked	
93	SPD CAD starting page 664	Marked	
94	SPD CAD starting page 759	Marked	
95	SPD CAD reverse chron	Marked	
96	Davisson — 211110 interview transcript	Marked	
97	Ledbetter — 191205 interview transcript	Marked	
98	Ledbetter — 211118 Interview transcript	Marked	
99	Simmons — 191203 Interview transcript	Marked	
100	Gordillo — Training Records	Marked	
101	Kennedy — Training Records	Marked	
102	Myers — Training records	Marked	
103	Vaaga — Training Records	Marked	



#	DESCRIPTION	Admitted?	Sensitive? <sup>1</sup>
104	Western Precinct Dispatch — 1:19:10 - 2:12:24 (If requested, may be played for the jury in open session during deliberations)	Admitted	
105	Policy Manual Excerpt	Admitted	
106	SPD Item # 719951—1 SBSC black Eddie Bauer Jacket	Admitted	
107	SPD Item # 719951—3 SBSC box of mixed .38 SPL ammunition	Admitted	
108	SPD Item # 719776 — 3 SBSC Officer Kennedy's jacket, shirt and ballistics vest	Admitted	
109	SFD Baer, Steve — 170727 recorded statement transcript	Marked	
110	SFD Head, David — 170724 recorded statement transcript	Marked	
111	SFD Richardson, Thomas — 170512 recorded statement transcript	Marked	
112	Lang DICV (Single audio channel) — 1:23:50 - 1:28:06	Admitted	
113	SPD proposed Timeline (modified version may be re-offered)	Reserved	
114	Audio Recording of call from Dispatch to SFD — Audio 1640291 (see timestamp 1:25:30)	Admitted	
115	Audio Recording of call from Dispatch to SFD — Audio_1640292 (see timestamp 1:27:50)	Admitted	
116	SPD Policy Manual section 8.400-TSK-8	Excluded	
117	SPD Policy Manual section 8.400-TSK-10	Excluded	
118	Teeter — 211214 2 <sup>nd</sup> interview transcript	Marked	
119	Ledbetter — 211207 3 <sup>rd</sup> interview transcript	Marked	
120	Photo — Damarius Butts	Admitted	Yes
121	Kang — X-ray — horizontal	Admitted	
122	Kang — X-ray — vertical	Admitted	
123	Photo — Ballistics vest and trauma kit	Excluded	
124	WSPCL Report and bench notes — Requests 3 and 4	Marked	

**APPENDIX D**



**King County**

Department of Executive Services

**Inquest Program**

401 Fifth Avenue, Suite 135  
Seattle, WA 98104

**206-477-6191**

TTY Relay 711

Webpage: [kingcounty.gov/inquests](http://kingcounty.gov/inquests)

Email: [Inquests@kingcounty.gov](mailto:Inquests@kingcounty.gov)

**INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS  
# 517IQ0713**

**[PROPOSED] INTERROGATORIES TO THE INQUEST PANEL**

DATED \_\_\_\_ Day of \_\_\_\_\_

\_\_\_\_\_  
Michael Spearman  
Administrator

**INTERROGATORIES ABOUT THE CIRCUMSTANCES AND CAUSES OF  
DAMARIUS BUTTS' DEATH**

**Interrogatory No. 1:** On April 20, 2017, did a young man, later identified as Damarius Butts, and a young woman take items from a 7-11 store without paying for the items?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 2:** Did the store manager first confront the young man and then the young woman outside of the store?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 3:** Did Damarius Butts display a handgun when the store owner approached the young woman?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 4:** Did the store owner call 911 to report a robbery and say that he saw Damarius Butts and the young woman walk northbound on 1<sup>st</sup> Avenue?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 5:** After receiving the 911 call, did the Seattle Police Department dispatch descriptions of the suspects and say they were last seen heading northbound?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 6:** Did Seattle Police Department dispatch inform officers that the male suspect had a gun?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 7:** Did Officers Gordillo and Merritt see Damarius Butts, a young woman and another male walking northbound on 1<sup>st</sup> Ave and believe that Damarius Butts and the female fit the description radioed by dispatch?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 8:** Did Officers Gordillo and Merritt reasonably believe that Damarius Butts was possibly in possession of a firearm?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 9:** Did Officers Gordillo and Merritt approach the three individuals and order them to get on the ground?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 10:** Did Damarius Butts drop a jacket to the ground and begin running westbound on Madison Street?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 11:** Was a box of .38 caliber ammunition later found in a pocket of the jacket dropped by Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 12:** Did Officer Merritt take Damarius Butts to the ground just west of the intersection at 1<sup>st</sup> Ave and Madison?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 13:** Did Damarius Butts break free from Officer Merritt after the female assaulted Officer Merritt?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 14:** Did Damarius Butts then run westbound on Madison Street and reach for his waistband as he ran?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 15:** Did Officer Gordillo reasonably believe that Damarius Butts was possibly holding a weapon?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 16:** Did Officer Gordillo order Damarius Butts to stop running and drop the gun?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 17:** Did Officer Kennedy see Officer Gordillo pointing at Damarius Butts as Officer Gordillo pursued Damarius Butts westbound on Madison?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 18:** Did Officer Kennedy see Damarius Butts holding something near his waistband as he ran?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 19:** Did Officer Kennedy reasonably believe that Damarius Butts was possibly holding a weapon?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 20:** Did Damarius Butts run south on Western Avenue and toward the loading dock area of 909 1<sup>st</sup> Ave (the old Federal Building)?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 21:** Did Officer Kennedy stop her vehicle near the loading dock area and pursue Damarius Butts on foot?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 22:** Did Damarius Butts enter the old Federal Building through the loading dock?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 23:** Did Damarius Butts run east through double doors and into a vestibule?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 24:** Did Officer Kennedy pursue Damarius Butts into the vestibule?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 25:** Did Officer Kennedy at any time order Damarius Butts to stop or drop his weapon?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 26:** Did Officer Kennedy see Damarius Butts inside the vestibule try and fail to open a door?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 27:** Did Officer Kennedy think that the only way for Damarius Butts to exit the vestibule was back through the double doors he used to enter?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 28:** Did Officer Bandel witness Officer Gordillo chasing and pointing at Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 29:** Did Officer Bandel follow Damarius Butts into the old Federal Building?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 30:** Did Officer Bandel see Damarius Butts in the vestibule?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 31:** Did Officer Bandel order Damarius Butts to stop, to get on the ground, and to show his hands?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 32:** Did Damarius Butts have in his possession a .38 caliber Smith and Wesson Special CTG revolver?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 33:** Did Officer Kennedy observe Damarius Butts draw a firearm?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 34:** Did Officer Bandel observe Damarius Butts draw a firearm?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 35:** Was there an exchange of gunfire between Damarius Butts and Officer Kennedy?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 36:** If you find there was an exchange of gunfire between Damarius Butts and Officer Kennedy, who fired the first shot?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 37:** Did a bullet fired by Damarius Butts firearm strike Officer Kennedy's ballistic vest?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 38:** Did a bullet or bullets fired by Officer Kennedy strike Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 39:** Following the shots fired by Officer Kennedy, did Damarius Butts fall to the ground behind a stack of wooden pallets?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 40:** Did Officer Gordillo hear gunfire?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 41:** Did Officer Kang enter the loading dock area and hear gunshots?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 42:** Did Officer Kang take up a position to the left of the double doors leading to the vestibule?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 43:** Did Officer Vaaga and Officer. Myers, enter the loading dock area shortly after Officer Kang?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 44:** Did Officers Vaaga and Myers see Damarius Butts lying on the ground with part of his body obscured by the wooden pallets?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 45:** Did Damarius Butts fire a bullet that struck Officer Kang?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 46:** Was the bullet that struck Officer Kang later found lodged in Officer Kang's thoracic cavity?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 47:** Did Officer Gordillo see a flash of light from Damarius Butts' handgun?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 48:** Did Officer Gordillo fire his firearm at Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 49:** Did a bullet or bullets fired by Officer Gordillo strike Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 50:** Did Officer Myers hear a gunshot coming from Damarius Butts' location?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 51:** Did a bullet fired by Damarius Butts firearm strike Officer Myers' thumb?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 52:** Did Officer Myers fire his handgun at Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 53:** Did a bullet or bullets fired by Officer Myers strike Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 54:** Did Officer Vaaga see a muzzle flash come from behind the pallets and see Officer Kang drop to the ground?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 55:** Did Officer Vaaga fire his handgun at Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 56:** Did a bullet or bullets fired by Officer Vaaga strike Damarius Butts?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 57:** Before firing his or her firearm, did the following officers issue a verbal warning to Damarius Butts that a firearm would be shot?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 58:** If you find that any of the following officers failed to give such a warning, were the circumstances, as they reasonably appeared to the officer, such that giving the warning would have compromised the safety of the officer or others?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 59:** At the time any of the following officers fired their weapons at Damarius Butts, did the officer have reason to believe Damarius Butts was acting in a manner that presented an imminent risk of death or serious bodily injury to the officer or others?



<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 60:** At any time during this incident did Damarius Butts stop in response to commands given by SPD Officers?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 61:** At any time during this incident did Damarius Butts show his hands in response to commands given by SPD Officers?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 62:** At any time during this incident did Damarius Butts drop to the ground in response to commands given by SPD Officers?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 63:** Was a .38 caliber Smith and Wesson Special CTG revolver recovered near where Damarius Butts was located behind the wooden pallets?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 64:** Were expended shell casings found in the cylinder .38 caliber Smith and Wesson Special CTG revolver recovered near where Damarius Butts was located?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 65:** Did Damarius Butts die in Seattle, King County, Washington on April 20, 2017 ?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 66:** Did Sergeant Lang request medical aid for Damarius Butts as soon as reasonably possible?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 67:** Did medics from the Seattle Fire Department respond to a request for aid and wait nearby until the situation was safe?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 68:** Did the medics from the Seattle Fire Department examine Damarius Butts as soon as reasonably possible?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 69:** Was it reasonably possible for any SPD officer or medic to render medical aid to Damarius Butts before it was determined that Damarius Butts had died?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 70:** Did Officers Gordillo, Kennedy, Myers and Vaaga request medical aid for Damarius Butts?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 71:** Did Officers Gordillo, Kennedy, Myers and Vaaga render medical aid to Damarius Butts?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 72:** Was it reasonably possible for Officers Gordillo, Kennedy, Myers and Vaaga to request medical aid for Damarius Butts before it was determined that Damarius Butts had died?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 73:** Was it reasonably possible for Officers Gordillo, Kennedy, Myers and Vaaga to render medical aid to Damarius Butts before it was determined that Damarius Butts had died?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 74:** Did Officers Gordillo, Kennedy, Myers and Vaaga use deadly force against Damarius Butts by use of a firearm?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____

**Officer Vaaga** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 75:** If you found that any of the following officers fired his or her weapon at Damarius Butts, did the use of deadly force by that officer cause the death of Damarius Butts?

**Officer Gordillo** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**INTERROGATORIES ABOUT SPD POLICIES AND TRAINING**

**Interrogatory No. 76:** Did **SPD Policy 8.100 – De-Escalation** apply to the actions of the following officers in this incident?

**Officer Gordillo** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 77:** If you found that **SPD Policy 8.100 – De-Escalation** applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy? If you find that **SPD Policy 8.100 – De-Escalation** did not apply, please skip Interrogatories 77-78.

**Officer Gordillo** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 78:** If you found that **SPD Policy 8.100 – De-Escalation** applied to the actions of any of the following officers during the course of this incident, were the actions of that officer consistent with SPD **training** received as to that policy?

**Officer Gordillo** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 79:** Did **SPD Policy 8.200 – Use of Force (Sections 1 and 3)** apply to the following officers' actions in this incident?

**Officer Gordillo** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers** YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Officer Vaaga**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 80:** If you found that **SPD Policy 8.200 – Use of Force (Sections 1 and 3)** applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy? If you find that **SPD Policy 8.200 (Sections 1 and 3)** did not apply, please skip Interrogatories 80-81.

**Officer Gordillo**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 81:** If you found that **SPD Policy 8.200 – Use of Force (Sections 1 and 3)** applied to the actions of any of the following officers during the course of this incident were the actions of that officer consistent with SPD **training** received as to that policy?

**Officer Gordillo**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 82:** Did **SPD Policy 8.200 – Use of Deadly Force (Section 4)** apply to the actions of the following officers in this incident?

**Officer Gordillo**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 83:** If you found that **SPD Policy 8.200 – Use of Force (Section 4)** applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy? If you find that **SPD Policy 8.200 – Use of Force (Section 4)** did not apply, please skip Interrogatories 83-84.

**Officer Gordillo**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Vaaga**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 84:** If you found that **SPD Policy 8.200 – Use of Force (Section 4)** applied to the actions of any of the following officers during the course of this incident, were the actions of that officer consistent with SPD **training** received as to that policy?

**Officer Gordillo**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Kennedy**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
**Officer Myers**      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

Officer Vaaga      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 85:** Did SPD Policy 8.200 – Following a Use of Force, Officers Shall Render or Request Medical Aid, if Needed or if Requested By Anyone, as Soon as Reasonably Possible (Section 6) apply to the actions of the following officers during this incident?

Officer Gordillo      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Kennedy      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Myers      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Vaaga      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 86:** If you found that SPD Policy 8.200 – Following a Use of Force, Officers Shall Render or Request Medical Aid, if Needed or if Requested By Anyone, as Soon as Reasonably Possible (Section 6) applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy? If you find that SPD Policy 8.200 (6) did not apply, please skip Interrogatories 86-87.

Officer Gordillo      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Kennedy      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Myers      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Vaaga      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 87:** If you found that SPD Policy 8.200 – Following a Use of Force, Officers Shall Render or Request Medical Aid, if Needed or if Requested By Anyone, as Soon as Reasonably Possible (Section 6) applied to the actions of any of the following officers during the course of this incident, were the actions of that officer consistent with SPD training as to that policy?

Officer Gordillo      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Kennedy      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Myers      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Vaaga      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 88:** Did SPD Policy 8.200 – Officers Shall Automatically Request Medical Aid in Certain Situations (Section 7) apply to the actions of the following officers during this incident?

Officer Gordillo      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Kennedy      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Myers      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_  
Officer Vaaga      YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**Interrogatory No. 89:** If you found that SPD Policy 8.200 – Officers Shall Automatically Request Medical Aid in Certain Situations (Section 7) applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 90:** If you found that **SPD Policy 8.200 – Officers Shall Automatically Request Medical Aid in Certain Situations (Section 7)** applied to the actions of any of the following officers during the course of this incident, were actions of that officer consistent with SPD training as to that policy?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 91:** Did **SPD Policy 8.300 – Firearms (Sections 5 and 7)** apply to the actions of the following officers in this incident?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 92:** If you found that **SPD Policy 8.300 – Firearms (Sections 5 and 7)** applied to the actions of any of the following officers during the course of this incident, did that officer comply with the policy? If you find that **SPD Policy 8.300 – Firearms (Sections 5 and 7)** did not apply, please skip Interrogatories 92-93.

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 93:** If you found that **SPD Policy 8.300 – Firearms (Sections 5 and 7)** applied to the actions of any of the following officers during the course of this incident, were the actions of that officer consistent with SPD training received as to that policy?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 94:** Did **SPD training as to barricaded suspects** apply to the actions of the following officers in this incident?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
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<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 95:** If you found that **SPD** training as to barricaded suspects applied to the actions of any of the following officers during the course of this incident, were the actions of that officer consistent with **SPD training received as to barricaded suspects**?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**INTERROGATORIES ABOUT WHETHER DAMARIUS BUTTS' DEATH WAS OCCASIONED BY CRIMINAL MEANS**

**Interrogatory No. 96:** If you found that any of the following officers use of deadly force caused the death of Damarius Butts (reference Interrogatory XXX), was the use of deadly force by that officer justifiable as defined in Instruction No.(TBD)?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 97:** If you found that any of the following officers use of deadly force against Damarius Butts was not justifiable, was the use of deadly force by such officer done with malice as defined in Instruction No\_\_?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 98:** If you found that any of the following officers use of deadly force against Damarius Butts was not justifiable, was the use of deadly force by such officer not in good faith as defined in Instruction No.\_\_\_\_?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

**Interrogatory No. 99:** If you found that any of the following officers use of deadly force against Damarius Butts was not justifiable, and was committed with malice or not in good faith, did that officer cause the death of Damarius Butts by criminal means?

<b>Officer Gordillo</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Kennedy</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Myers</b>	YES _____	NO _____	UNKNOWN _____
<b>Officer Vaaga</b>	YES _____	NO _____	UNKNOWN _____

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Panel Foreperson

\_\_\_\_\_  
Panel Member

\_\_\_\_\_  
Panel Member

\_\_\_\_\_  
Panel Member

\_\_\_\_\_  
Panel Member

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Panel Member

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Panel Member