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KING COUNTY DEPARTMENT OF EXECUTIVE
SERVICES INQUEST PROGRAM

INQUEST INTO THE DEATH OF:
DAMARIUS DEMONTA BUTTS.

No. 517IQ8013

FAMILY’S RESPONSE TO CITY’S
ADDITIONAL MOTIONS IN
LIMINE

I. Introduction

The Family’s responses City’s motions in limine, provided on March 11, 2022, below.

II. City’s Motions in Limine, March 11, 2022 – Family Responses

I. “Motion *in Limine* to Preclude Evidence, Argument, or Questions Regarding the Origin of the Bullet That Struck Officer Kang and the Fact That Turned it Into a Necklace.”

The Family objects. Questions regarding the chain of custody and physical observations of the bullet that struck Officer Kang are relevant to the analysis performed by WSP ballistics experts, both regarding this bullet and the comparisons to the other bullets. In order to form an opinion, ballistics experts must analyze the evidence – in this instance a bullet, but also including fired cartridge casings – to make detailed observations about each and compare to known test samples. Moreover, defects in the bullet provide information to the expert about what type of

1 material the bullet hit (hard surface like metal v. a body, for example). As such, the physical state
2 of the evidence is critical for this analysis, and the Family should be permitted to question any
3 expert about this.

4 Moreover, the issue of Officer Kang’s decision to make the bullet into a necklace is
5 relevant to impeach the thoroughness of the Seattle Police Department’s investigation in this
6 case. SPD permitted a critical item of evidence – a bullet that struck a SPD officer during a
7 shooting when he was on duty – to be taken out of evidence and permanently change. This
8 entirely disrupts the chain of custody for this evidence and calls into question the ability for
9 further analysis. Finally, the fact that Officer Kang made this bullet into a necklace should be
10 admitted as “reliable hearsay.” No party rebuts the fact that Officer Kang, indeed, drilled a hole
11 into the bullet and wore it as a necklace.

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13 **II. “Motion in Limine to Preclude Questions Outside the Scope of WSP Scientist**
14 **Coric’s Expertise.”**

15 The Family objects. This motion is premature and not an appropriate motion in limine.
16 During the interview of the WSP ballistic expert, the Family property questioned the expert
17 about her area of expertise and limits thereof. The purpose of a pre-inquest interview is to
18 properly investigation and prepare for the inquest. If, during testimony, the City (or any other
19 party) objects to a question based on lack of foundation or personal knowledge, an objection may
20 be appropriate at this time. However, as a motion in limine, the City’s motion is too broad and
21 not ripe.

DATED this 15th day of March, 2022.

/s Adrien Leavitt

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

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