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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES INQUEST PROGRAM

In re INQUEST INTO THE DEATH OF  
CHARLEENA LYLES,

NO. 517IQ9301

THE FAMILY'S MOTIONS IN LIMINE

**A. MOTIONS IN LIMINE**

The Family requests an order in limine by the Administrator prior to the inquest declaring that the irrelevant and prejudicial matters set forth below are inadmissible.

Motions *in limine* allow for more deliberate evidentiary rulings, a greater degree of fairness due to the exclusion of collateral, prejudicial evidence, and more expeditious use of judicial time by reducing the possibility of the need for new trials due to the introduction of prejudicial evidence.

*Comment, Motions in Limine in Washington, 9 Gonz. L. Rev. 780, 790 (1974).*

[T]he trial court should grant such a motion if it describes the evidence which is sought to be excluded with sufficient specificity to enable the trial court to determine that it is clearly inadmissible under the issues as drawn or which may develop during the trial, and if the evidence is so prejudicial in its nature that the moving party should be spared the necessity of calling attention to it by objecting when it is offered during the trial.

Motions in limine have been approved in Washington as an essential pretrial means of disposing of inadmissible evidence since 1937, the purpose being to eliminate the prejudice inherent in conducting an objectionable inquiry in the presence of the jury.

The irrelevant and prejudicial matters set forth below should be declared inadmissible.

1 **B. INADMISSIBLE MATTERS**

2 *1. Substance or alcohol use.*

3 A toxicology report was performed immediately after Ms. Lyles’ death that found no  
4 presence of acetone, ethanol, isopropanol, methanol, amphetamines, barbiturates, benzodiazepines,  
5 cannabinoids, cocaine metabolite, and opiates. Based upon the toxicology report results, the parties  
6 have stipulated that Ms. Lyles was not under the influence of alcohol or any drug substance at the  
7 time of the incident. The stipulation is not impacted by this motion in limine which instead applies to  
8 any potential claims or insinuations of prior substance abuse by Ms. Lyles or any other visitor to the  
9 household including but not limited to the collection or analysis of any samples obtained from the  
10 residence post incident. Any prior substance use, unless a clinical diagnosis or factor in  
11 psychological presentation, is irrelevant and prejudicial ER 403.

12 In *Kramer v. J.I. Case Mfg. Co.*, 62 Wn. App. 544, 815 P.2d 798 (1991), the Court of  
13 Appeals held that the trial court abused its discretion when it allowed the defendant to cross-examine  
14 the plaintiff about his substance abuse:

Absent evidence of long-term, irreversible, adverse effects from marijuana  
smoking, it is difficult to discern the probative value of [plaintiff’s] pre-  
accident marijuana smoking practices.

16 *Kramer*, 62 Wn. App. at 559. *See, e.g., State v. Renneberg*, 83 Wn.2d 735, 737, 522 P.2d 835 (1974)  
17 (“In view of society’s deep concern today with drug usage and its consequent condemnation by many  
18 if not most, evidence of drug addiction is necessarily prejudicial in the minds of the average juror.”);  
19 *State v. Hettich*, 70 Wn. App. 586, 591-592, 854 P.2d 1112 (1993) (affirming trial court’s exclusion  
20 of evidence of a driver’s blood sample testing positive for marijuana because the probative value was  
21 extremely limited). Any evidence of substance use or substances in the home has no causal  
22 connection to Ms. Lyles’ death, is irrelevant and prejudicial, and should therefore be excluded from  
23 the inquest.

1 /s/ Karen Koehler  
 2 Karen K. Koehler, WSBA #15325  
 3 Edward H. Moore, WSBA #41584  
 4 Melanie Nguyen, WSBA #51724  
 5 STRITMATTER KESSLER KOEHLER MOORE

6 CERTIFICATION

7 I hereby certify that on June 9, 2022, I delivered a copy of the document to which this  
 8 certification is attached for delivery to all parties of record as follows:

<p>9 <b>Inquest Program Personnel</b>          Hon. Michael Spearman          Claire Thornton          10 <a href="mailto:Claire.Thornton@kingcounty.gov">Claire.Thornton@kingcounty.gov</a>          Dee Sylve          11 <a href="mailto:Dee.Sylve@kingcounty.gov">Dee.Sylve@kingcounty.gov</a>          Matt Anderson          12 <a href="mailto:Matt.Anderson@kingcounty.gov">Matt.Anderson@kingcounty.gov</a>          DES-Dept. of Executive Services          13 401 5<sup>th</sup> Ave., suite 131          Seattle, WA 98104</p>	<p><input type="checkbox"/> U.S. Mail (First Class and Certified)  <input type="checkbox"/> Fax  <input type="checkbox"/> Process Server  <input checked="" type="checkbox"/> Electronic Delivery</p>
<p>14 Ghazal Sharifi, WSBA 47750          15 <a href="mailto:Ghazal.Sharifi@seattle.gov">Ghazal.Sharifi@seattle.gov</a>          Rebecca Boatright          16 <a href="mailto:Rebecca.Boatright@Seattle.gov">Rebecca.Boatright@Seattle.gov</a>          Rebecca Widen          17 <a href="mailto:Rebecca.widen@seattle.gov">Rebecca.widen@seattle.gov</a>          Seattle City Attorney's Office          18 701 5<sup>th</sup> Ave. Suite 2050          Seattle, WA 98104-7097          19 Counsel for City of Seattle re Inquest</p>	<p><input type="checkbox"/> U.S. Mail (First Class and Certified)  <input type="checkbox"/> Fax  <input type="checkbox"/> Process Server  <input checked="" type="checkbox"/> Electronic Delivery</p>
<p>20 Ted Buck, WSBA #22029  <a href="mailto:tbuck@freybuck.com">tbuck@freybuck.com</a>          Karen Cobb, WSBA #34958          21 <a href="mailto:kcobb@freybuck.com">kcobb@freybuck.com</a>          Frey Buck, PS          22 1200 5<sup>th</sup> Ave, Suite 1900          Seattle, WA 98101          23 Counsel for Officers Anderson and McNew</p>	<p><input type="checkbox"/> U.S. Mail (First Class and Certified)  <input type="checkbox"/> Fax  <input type="checkbox"/> Process Server  <input checked="" type="checkbox"/> Electronic Delivery</p>

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/s/ Kristin Michaud  
Kristin Michaud  
Kristinm@stritmatter.com