



King County

Department of Executive Services

Inquest Program

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INQUEST INTO THE DEATH OF CHARLEENA LYLES # 517IQ9301

PRE-HEARING CONFERENCE ORDER

June 10, 2022

Family of the decedent:	Family of Charleena Lyles, represented by Karen Koehler and Melanie Nguyen
Law enforcement officers:	Seattle Police Department Officers Steven McNew and Jason Anderson represented by Ted Buck and Karen Cobb
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi and Rebecca Widen
Administrator:	Michael Spearman assisted by Inquest Program Attorney, Claire Thornton

The Administrator, having presided over the Pre-Hearing Conference (PHC) on June 10, 2022, and having heard from the parties, hereby orders the following:

1. Witness Issues

- a. Lhorna Murray – testimony will be presented via Zoom; parties have no objection.
- b. Involved Officers testifying
 - i. Counsel do not know yet whether Involved Officers will be testifying.
 - ii. Administrator requests confirmation as soon as possible, preferably within the next week.
- c. Parties shall identify any potential witness names for jury to consider by June 17, 2022. Witnesses currently on the Administrator's list are:

- i. Officer Derek Norton
 - ii. Sgt. David Sylvester
 - iii. Lt. Cory Simmons
- d. Administrator heard from the parties regarding the order of questioning by counsel at Inquest Hearing:
 - i. Administrator's initial decision is to follow the same order as in a prior inquest: Inquest Program Attorney (IPA), Seattle Police Department (SPD), Involved Officers (IOs), Family.
 - ii. SPD believes the Administrator's proposed order may be inefficient because it results in repetitive questions. SPD would like to go last and likely will not have any questions after the IOs and Family.
 - iii. IOs: would like to follow the time-honored tradition that there is a rotation with each witness.
 - iv. Family: would like to rotate so there is no appearance of order, but also agrees to go first after the IPA
 - v. Administrator took the issue under advisement to consider the comments from the parties.
 - vi. RULING: the order of questioning will be IPA, Family, IOs, SPD
- e. Witness Scheduling – Administrator's intent is to be as efficient as possible with scheduling of witnesses. Parties will be kept up to date with witness schedule, with as much advance notice provided to SPD witnesses as possible.
- f. Officer Witnesses - Dress Code
 - i. Family inquires if officers will be allowed to testify in full uniform
 - ii. SPD indicates that officers on duty may be in uniform when they testify
 - iii. IOs indicate that, if Officer Anderson testifies, he will be in uniform.
Administrator requests that IOs raise any additional issues regarding the IOs' uniforms with as much advance notice as possible.

2. Exhibits/Evidence

- a. Demonstrative exhibits
 - i. 3D Gun
 1. Family would like to use a 3D plastic model of a Glock.
 2. SPD objects to the use of the 3D Glock.
 3. Administrator is inclined to allow, but reserves ruling.
 - ii. 3D Rendition of Apartment
 1. All parties would like to use a 3D rendering of the apartment area where the shooting took place, by either creating a cardboard model or using tape on the carpet. Rendering can be made to scale because the dimensions of the apartment are available from the investigation. Parties believe this will assist witness testimony.
 2. Administrator will allow an agreed upon rendering.
 3. Administrator requests an update on creation of a rendering by June 16, 2022, prior to or at the Tech Walk Through.

- b. Evidence:
 - i. Involved Officers' request the knife marked as evidence item number 733929-3 be brought to the hearing.
 - ii. Family objects unless all knives the Family requested are admitted. The Family does not believe the jacket knife was displayed during the incident.
 - iii. IOs indicate there will be evidence that one of the officers saw Ms. Lyles show two knives and this is the only other one that was in or near her position.
 - iv. Administrator Spearman grants the request to bring evidence item number 733929-3, explaining that photos of the other knives requested by the Family are sufficient to show there were other knives available to Ms. Lyles during the incident, but the knife in her pocket is distinct from the other knives in evidence because it was on her person.
- c. Exhibits
 - i. Any additional exhibits proposed by parties are due June 13, 2022.
 - ii. Any objections to the current draft exhibit list are due June 13, 2022.
 - iii. Parties agree to use one laptop provided by the Inquest Program to display exhibits throughout the Inquest Hearing. No party has a staff person to volunteer to run the Exhibit Laptop. Administrator indicates that the Inquest Program will run the Exhibit Laptop for all parties.

3. Tech Walk Through – June 16, 2:00 p.m.

- a. Parties will see a demonstration of what video would look like via video livestream; Video livestreaming decision will be made after Tech Walk Through on June 16, 2022.
- b. Parties are shown a diagram of the Hearing Room, which is explained by the IPA. There are three sets of tables, one set for each party. Administrator assigns seating locations from west to east side of the room as follows: IOs, SPD, Family. Family informs Administrator that there are 10 confirmed family members who will be attending the hearing, including Mr. Lyles, who will need ADA accommodation.
- c. Family requests permission to video/photograph the Hearing Room; approval previously given.
- d. Administrator confirms for SPD that he will reiterate the provisions of the General Order that instruct media to refrain from photographing or videotaping any item on counsel tables, including laptop monitors.

4. Jury Selection Schedule and Juror Questionnaire

- a. Questionnaire will be sent to 50 jurors on Monday, June 13, 2022.
- b. Administrator will review the jurors' responses in the afternoon on Tuesday, June 14, 2022, for hardships and for cause determinations.
- c. Counsel will receive all juror responses along with Administrator's initial determinations either late Tuesday afternoon or Wednesday morning.
- d. Jury Selection Zoom Hearing will occur on June 16, 2022, at 10:00 a.m.

5. Superior Court Mask Requirements

- a. Current Superior Court order requires masks in all areas where business is being conducted with the public. All persons will be required to wear masks while in the Hearing Room, with the exception of testifying witnesses, who may choose to remove their masks during testimony. We will wear masks inside the hearing room; no masks required outside of the hearing room

6. Motions in Limine

- a. Any Motions in Limine to be submitted shall take into account that all parties understand the factual scope as set by the Administrator and will be abiding by the Administrator's rules (See Scope and Discovery Order dated October 30, 2019).

DATED: June 10, 2022



Inquest Administrator Michael Spearman