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8 KING COUNTY DISTRICT COURT OF WASHINGTON
9 WEST DIVISION

10 INQUEST INTO THE DEATH OF:

No. 517IQ8013

11 DAMARIUS DEMONTA BUTTS,

12 Deceased.

**INVOLVED OFFICERS'
RESPONSE TO FAMILY'S
SUBMISSION RE: CRIMINAL
MEANS INSTRUCTION**

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15 As clearly set forth by our Supreme Court in *Family of Butts v. Constantine*, 198 Wn.2d
16 27, 491 P.3d 132 (2021), the Coroner's Act authorizes an inquest panel to make only two
17 determinations: (1) whether a person's death was caused by another (i.e., homicide) and (2)
18 whether that homicide was by criminal means (i.e., justifiable, or not). There is no authority – in
19 the Coroner's Act, the *Butts* opinion, or anywhere else – for this Court to instruct the panel on
20 elements of various crimes, as the Family suggests. Counsel for the Involved Officers, who have
21 together conducted many inquests, are not aware of any such instructions ever being requested.

22 The panel may only determine – through answers to interrogatories – whether the death
23 was a homicide (e.g., officer shot the suspect) and whether the homicide was justified (e.g., officer
reasonably believed the suspect posed an imminent risk to others – *See* RCW 9A.16.040)). RCW

36.24.070. For example, the following questions related to the criminal means inquiry were presented at a 2014 inquest:

Interrogatory No. 27: Did Officer Zentner observe the suspect raise his firearm and appear to be aiming at SWAT officers to the south?

YES 7 NO _____ UNSURE _____

Interrogatory No. 28: Did Officer Zentner witness the suspect fire his handgun?

YES 7 NO _____ UNSURE _____

Interrogatory No. 29: Did Officer Zentner have reason to believe the suspect posed an imminent risk of death or serious bodily injury to himself, other officers or civilians in the area?

YES 7 NO _____ UNSURE _____

Interrogatory No. 30: Did Officer Zentner fire his department issued rifle at the suspect?

YES 7 NO _____ UNSURE _____

Ex. 1. The Supreme Court's decision in *Butts* did not alter the scope of the criminal means inquiry. The Coroner's Act does not, nor has it ever, permitted an inquest panel to make determinations about individual crimes¹ or their elements. The only permissible instruction is based on the language of RCW 9A.16.040, as originally proposed by the Administrator (with minor modifications).

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¹ Indeed, including this type of information would be incredibly confusing to a panel that is being told this is not a criminal proceeding.

1 The Involved Officers respectfully request this Court reject the Family's wholly
2 unsupported request to include numerous individual crimes as instructions. Instead, this Court
3 should adopt the Involved Officers' proposed Criminal Means instruction, consistent with
4 applicable law.

5 DATED this 8th day of November, 2021, at Seattle, Washington.

6 **FREY BUCK, P.S.**

7
8 By: 

Ted Buck, WSBA #22029

Evan Bariault, WSBA #42867

9 Attorney for Seattle Police Department Involved
10 Officers
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CERTIFICATE OF SERVICE

I certify that on the 8th day of November 2021, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Matthew Anderson Matt.Anderson@kingcounty.gov	(x) Via Email
Dee Sylve Dee.Sylve@kingcounty.gov	(x) Via Email
Adrien Leavitt Adrien.Leavitt@kingcounty.gov	(x) Via Email
La Rond Baker lbaker@kingcounty.gov	(x) Via Email
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Sarah Paulson sarah@christielawgroup.com	(x) Via Email

1 DATED this 8th day of November, 2021, at Seattle, Washington.
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3 /s/ Evan Bariault
4 Evan Bariault
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Exhibit 1

INQUEST INTO THE DEATH OF JOEL REUTER
#513IQ6273

INTERROGATORIES TO THE INQUEST JURY

Interrogatory No. 1: On July 5, 2013, did a Seattle Police 911 operator receive a telephone call reporting shots fired at 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 2: Did the caller inform the 911 operator that he witnessed a male in the elevator of his apartment building holding a handgun?

YES 7 NO _____ UNSURE _____

Interrogatory No. 3: Did police dispatchers inform Seattle Police officers that a male had been witnessed inside 103 Bellevue Avenue East with a handgun?

YES 7 NO _____ UNSURE _____

Interrogatory No. 4: Did police dispatchers inform Seattle Police officers that the complainant asked the unidentified male to put the gun away and the male refused, stating he was not going to put the gun away and needed it for protection?

YES 7 NO _____ UNSURE _____

Interrogatory No. 5: Did police dispatchers inform Seattle Police officers that gunshots were heard at 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 6: Did Seattle Police officers respond to 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 7: Did the suspect barricade himself in his apartment and refuse officer commands to exit his apartment?

YES 7 NO _____ UNSURE _____

Interrogatory No. 8: Were officers positioned outside the suspect's apartment in the hallway?

YES 7 NO _____ UNSURE _____

Interrogatory No. 9: Did officers attempt to speak with the suspect while positioned outside his door?

YES 7 NO _____ UNSURE _____

Interrogatory No. 10: While positioned outside of the suspect's apartment door, did officers hear what sounded like a gun being racked or dry fired?

YES 7 NO _____ UNSURE _____

Interrogatory No. 11: Did Seattle Police SWAT officers receive a message from radio that there was a barricaded male, armed with a gun at 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 12: Upon arriving did SWAT officers learn that it was believed the suspect had already fired his gun inside the apartment prior to officers arriving?

YES 7 NO _____ UNSURE _____

Interrogatory No. 13: Did SWAT officers learn that while patrol officers attempted to contact the suspect they heard a sound similar to a gun dry firing?

YES 7 NO _____ UNSURE _____

Interrogatory No. 14: Did SWAT officers learn that officers were trying to speak with the suspect but he was refusing to cooperate?

YES 7 NO _____ UNSURE _____

Interrogatory No. 15: Did SWAT Officer Zentner take up a position in an apartment residence in a building to the west of 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 16: Did SWAT Officer Jeff Geoghagan take up a position on the rooftop of a building to the south of 103 Bellevue Avenue East?

YES 7 NO _____ UNSURE _____

Interrogatory No. 17: Once in position, did SWAT Officers Zentner and Geoghagan see the suspect holding a handgun?

YES 7 NO _____ UNSURE _____

Interrogatory No. 18: Did SWAT Officers Geoghagan and Anderson see the suspect holding the gun in his left hand at times, and at other times holding the gun in his right hand?

YES 7 NO _____ UNSURE _____

Interrogatory No. 19: Did SWAT Officers Zentner and Geoghagan see that the gun had an extended magazine in it?

YES 7 NO _____ UNSURE _____

Interrogatory No. 20: Did the suspect refuse to obey orders to put the gun down and come out of his apartment?

YES 7 NO _____ UNSURE _____

Interrogatory No. 21: Did SWAT Officer Zentner hear over radio that officers deployed an under-the-door camera into the suspect's apartment and the suspect pointed a gun at it?

YES 7 NO _____ UNSURE _____

Interrogatory No. 22: Did SWAT Officers Geoghagan and Zentner hear over radio that the suspect stated he would not give up his firearm and if he perceived a threat, he would engage the threat?

YES 7 NO _____ UNSURE _____

Interrogatory No. 23: Did the suspect yell out the window that he knew SWAT was outside and that if he saw anyone pointing anything at him, he would take aim and fire?

YES 7 NO _____ UNSURE _____

Interrogatory No. 24: Did the suspect inform officers that he was going to shoot through his apartment door in one minute?

YES 7 NO _____ UNSURE _____

Interrogatory No. 25: Did SWAT Officer Zentner witness the suspect smoking what he believed to be narcotics?

YES 7 NO _____ UNSURE _____

Interrogatory No. 26: Did SWAT Officers Geoghagan and Zentner hear over radio that the suspect said he was going to be shooting through the door in one minute?

YES 7 NO _____ UNSURE _____

Interrogatory No. 27: Did Officer Zentner observe the suspect raise his firearm and appear to be aiming at SWAT officers to the south?

YES 7 NO _____ UNSURE _____

Interrogatory No. 28: Did Officer Zentner witness the suspect fire his handgun?

YES 7 NO _____ UNSURE _____

Interrogatory No. 29: Did Officer Zentner have reason to believe the suspect posed an imminent risk of death or serious bodily injury to himself, other officers or civilians in the area?

YES 7 NO _____ UNSURE _____

Interrogatory No. 30: Did Officer Zentner fire his department issued rifle at the suspect?

YES 7 NO _____ UNSURE _____

Interrogatory No. 31: Did Officer Geoghagan have reason to believe the suspect posed an imminent risk of death or serious bodily injury to himself, other officers or civilians in the area?

YES 7 NO _____ UNSURE _____

Interrogatory No. 32: Did Officer Geoghagan fire his department issued rifle at the suspect?

YES 7 NO _____ UNSURE _____

Interrogatory No. 33: Did the suspect, later identified as Joel Reuter, die of gunshot wounds on July 5, 2013 in Seattle, King County, Washington?

YES 7 NO _____ UNSURE _____

Interrogatory No. 34: Did Joel Reuter have cannabinoids in his system at the time of the incident?

YES 7 NO _____ UNSURE _____

Interrogatory No. 35: Did Joel Reuter have methamphetamines in his system at the time of the incident? ~~X~~

YES _____

NO _____

UNSURE 7

DATED this _____ day of _____, 2014.

Jury Foreperson	Juror
Juror	Juror
Juror	Juror
Juror	Juror