



**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  
ALBERT WAYNE FREDERICKS, JR.  
INQUEST # 17IQ427069**

**PRE-HEARING CONFERENCE ORDER FOR  
FEBRUARY 10, 2023**

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Law enforcement officers:	Seattle Police Department Officers Rogers, Oliverson, Hay, Jerome and Swartz represented by Ted Buck (not present), Karen Cobb and Delaney DiGiovanni
Employing government department:	Seattle Police Department (SPD), represented by Alison Markette, Rebecca Widen and Ghazal Sharifi
Inquest Administrator:	Marcine Anderson
Inquest Program Attorney (IPA):	Claire Thornton
Inquest Program Coordinators:	Flo Armah (primary); Kaela Reilly (secondary)

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Having held a Pre-Hearing Conference on the date noted above, Inquest Administrator (IA) Anderson hereby orders the following:

**1. Ruling on Family’s Motion to Withdraw**

A ruling granting Family and Family’s Counsel Motion to Withdraw from Inquest proceedings was issued by written order on February 10, 2023.

**2. Motion to Exclude Family’s Video Expert’s PowerPoint**

The Involved Officers and SPD continue to object under ER 701 and ER 403 to the use of the PowerPoint prepared by the Family’s Video Expert due to the content and commentary

contained therein and have moved to exclude the use of the PowerPoint as a demonstrative exhibit at the Inquest Hearing.

IA Anderson grants the motion as to the currently available PowerPoint. IA Anderson believes a comprehensive PowerPoint may be helpful to the jury in this case and would like the parties to work together with the IPA to present a proposed PowerPoint that is agreed upon for use as a demonstrative exhibit.

Neither the Involved Officers nor SPD object to the use of the synced video prepared by the Family's Video Expert as a demonstrative exhibit.

### **3. Future Motions**

IA Anderson orders that, prior to any party filing any future motion in this Inquest, the parties must meet and confer to attempt to resolve any disputed issues. After the parties meet and confer, if there is still a dispute, a party shall request permission from IA Anderson to file a motion. This order is in line with the Executive Order that directs an Administrator to "strive to promote an atmosphere consistent with administrative fact-finding and shall strive to minimize delay, cost, and burden to participants, while promoting fair and open proceedings." PHL-7-1-5-EO, App. 2, Sec. 3.1.

### **4. Jury Instructions – Final Draft**

IA Anderson has received and reviewed the parties' most recent proposed edits to the Jury Instructions. A final draft of the Jury Instructions will be distributed to the parties by the end of the day on February 13, 2023, and will be subject to further discussion and possible revision at the close of evidence at the Inquest Hearing.

### **5. Jury Questionnaire**

The parties received the Parties received the final proposed Jury Questionnaire on February 10, 2023. Parties shall submit any comments by March 1, 2023, using track changes in one document. No extensions of this deadline will be granted. IA Anderson will presume that if no proposed revision are received by March 1, that the parties are satisfied with the Jury Questionnaire.

### **6. Witness Issues**

IPA will be scheduling interview of EMT Patrick Hayes the week of February 27, 2023. Parties are to respond timely to IPA's request for availability.

Regarding the pathologist expert witnesses, IA Anderson will decide whether the Family's expert, Dr. Quinn, will be called to testify. If so, IPA will set up an interview for all parties to attend. If Dr. Quinn will not be called to testify, the Involved Officers and SPD do not intend to

request that Dr. Wigren is called as a witness and also would not request a second interview of King County Medical Examiner Dr. Brian Mazrim.

Counsel for the Involved Officers confirm that all Involved Officers other than Officer Nathan Jerome (who no longer works for SPD and resides out of state) will likely be present for the duration of the Inquest Hearing. Counsel informs IA Anderson that there has not yet been a decision made as to whether the Involved Officers will testify at the Inquest Hearing. If the officers do testify, Officer Jerome will testify via Zoom, per previous order of IA Spearman.

## **7. Stipulations**

IPA will circulate to the parties by February 17, 2023, a Stipulation re: use of the 2015 PBLEA Use of Force Decision Making training documents.

The parties are encouraged to propose any additional stipulations to present to the jury in an effort to “minimize delay, cost, and burden to participants, while promoting fair and open proceedings.” PHL-7-1-5-EO, App. 2, Sec. 3.1.

Dated: February 14, 2023.



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Inquest Administrator Marcine Anderson