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6 **THE STATE OF WASHINGTON**  
7 **DR. MARTIN LUTHER KING, JR. COUNTY**  
8 **DEPARTMENT OF EXECUTIVE SERVICES**

9 Inquest into the Death of  
10 Robert J. Lightfeather

11 **Case No.: 17IQ16588**

12 **RESPONSE RE: CITY OF FEDERAL**  
13 **WAY, TYLER TURPIN, AUSTIN**  
14 **ROGERS MOTION(S) IN LIMINE**

15 **RESPONSE RE: MOTION(S) IN LIMINE**

16 King County Executive Order Conducting Inquests in King County Section (EO) 3.3  
17 allows that the Washington State Courts Rules of Evidence shall generally apply to inquest  
18 hearings, supplemented and/or modified by additional rules governing administrative  
19 proceedings, at the discretion of the administrator. The administrator shall construe the Rules of  
20 Evidence in a manner to promote fairness.

21 **The IA should deny the motion to exclude reference to the officer's statements and the**  
22 **process by which the statements were obtained.**

23 The officer's statements are relevant. "Relevant evidence" means evidence having any  
24 tendency to make the existence of any fact that is of consequence to the determination of the  
action more or less probable than it would be without the evidence." *Definition of "Relevant*

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1 *Evidence*”, Wash. R. Evid. (ER) 401. The material fact(s) of consequence to the jury’s  
2 determination whether officers Roger’s and Turpin’s use of deadly force was justified, are those  
3 discovered in the officers’ statement(s) regarding each consideration and use of deadly force.  
4 Excluding such evidence would be preemptively barring the Jury from considering particularly  
5 relevant evidence and testimony, which is impermissible.

6       Aside from the Federal Way Police Department, officers Turpin and Rogers are the right  
7 subjects of the “criminal means” inquiry and interrogatories. The probative value of the  
8 statements and process by which obtained is substantially outweighed by the danger of unfair  
9 prejudice, confusion of the issues, or misleading the jury. ER 403.

10 **The IA should deny the motion to exclude reference to the disciplinary history of the**  
11 **officers and other use of force incidents.**

12       The officer’s disciplinary history and involvement in other incidents of use of force is  
13 relevant including because it goes to whether these officers engaged in a pattern of behavior,  
14 which ought to be considered in light of possible defenses in this probable cause hearing.

15 **The IA should deny the motion to exclude reference to the thoroughness of FWPD’s and**  
16 **Valley Investigation Team’s investigation and subsequent post-incident steps taken by**  
17 **those agencies.**

18       The FWPD’s and Valley Investigation Team’s (VIT) lack of a thorough investigation is  
19 relevant, including because it goes to whether the investigation was intentionally biased in favor  
20 of or against the officers; which ought to be considered in this probable cause hearing.

21 **The Family responds that the IA should deny the motion to exclude reference to or**  
22 **evidence of what the officer’s “could have” or “should have” done differently.**

1 The FWPD's and VIT's Commanders' and officers' "hindsight" is relevant including  
2 because it implicates department policy and training and whether the officer's complied with or  
3 violated department policy and training, which ought to be considered in this probable cause  
4 hearing.

5 CONCLUSION & REQUEST FOR RELIEF

6 For the reasons and argument so stated, the family responds that the IA should deny the  
7 parties' motion to exclude. The evidence is relevant, and introduction of this evidence will assist  
8 the Jury, and not confuse or mislead the Jury. Without the context this evidence presents, the  
9 outcome of the investigation into whether the officers' use of deadly force was justified, cannot  
10 be relied upon as complete or true.

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12 DATED this 12<sup>th</sup> day of August 2022.

13 Respectfully submitted;

14 /s/ Teri Rogers Kemp

15 Teri Rogers Kemp, WSBA #24701  
16 For the Family of Robert J. Lightfeather