



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

Email: Inquests@kingcounty.gov

FINAL PRE-HEARING CONFERENCE ORDER

INQUEST INTO THE DEATH OF ROBERT LIGHTFEATHER INQUEST # 17IQ16588

PARTIES:

Family of the Robert Lightfeather:	Represented by Teri Rogers Kemp
Law enforcement officers:	Federal Way Police Department Officers Tyler Turpin and Austin Rogers, represented by Thomas Miller
Employing government department:	Federal Way Police Department, represented by Thomas Miller
Administrator:	Robert McBeth, assisted by Matt Anderson

The Inquest Administrator, have received a request from a juror previously admitted to the jury to be excused due to hardship, and wishing to provide the reasons for his ruling related to the Garrity admonishment, hereby rules as follows:

JURY SELECTION: Panelists # 16, 17, 20, 21, 25, 30, 36, and 50 were selected to serve on the jury in this inquest in the Final Pre-Hearing Conference Order entered August 17, 2022. Subsequent to the adoption of that Order, Juror #36 advised that she provides sole child-care for two children. She attempted to find coverage, but learned after the jury was selected that she could not. Juror #36 is stricken from serving on the jury because doing so would present an undue hardship. Efforts to determine if other jurors not previously excused could sit in that juror's place but were unsuccessful.

GARRITY ADMONISHMENT: The Administrator, being mindful of the objections raised by the Involved Officers and FWPD's counsel objecting to the admission of the Garrity Admonishment takes this opportunity to provide the reasoning behind his ruling in section 4 of the Final Pre-Hearing Conference Order entered August 17, 2022. This is not a criminal trial in which both the Garrity Admonishment and the Garrity Statement itself would be prohibited. Nor is it a civil proceeding in which the Jury could be instructed to take a negative inference if the Involved Officers asserted their Fifth Amendment privilege not to testify, as is their constitutional right. This proceeding lies in between those two situations. In consultation with Inquest Administrator Michael Spearman, I have determined that in the event that the Involved Officers assert their Fifth Amendment right not to testify, that the Garrity Admonishment should be admitted and be read to the jury. It should be noted that no action would be taken to admit the Garrity Admonishment unless and until either Involved Officer asserts their right not to testify. In such circumstance, the jury will obviously know that the Involved Officer(s) asserted their Fifth Amendment rights. To then submit the Garrity statement, without the Garrity Admonishment, would, in this Administrator's opinion, be misleading and confusing. Separately, the jury also needs to be informed as to the circumstances under which the Garrity Statement was obtained. Accordingly, if the Involved Officer(s) assert their Fifth Amendment right not to testify, the Garrity Admonishment and the Garrity Statement itself will be read to the jury.

DATED this 17th of August, 2022.

A handwritten signature in cursive script that reads "Robert McBeth". The signature is written in dark ink and is positioned above the printed name and title.

Robert McBeth
Inquest Administrator