

**KING COUNTY  
DEPARTMENT OF EXECUTIVE SERVICES  
INQUEST PROGRAM**

INQUEST INTO THE DEATH OF  
EUGENE DEWAN NELSON  
INQUEST # 417IQ2075

ORDER FROM PRE-HEARING CONFERENCE  
APRIL 27, 2023

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Family of the decedent:	The Family of Eugene Dewan Nelson represented by Teri Rogers Kemp (family not present at this hearing)
Law enforcement officers and Employing government department:	Kent Police Department and Officer John Waldo and Officer Jacob Reed represented by Jeremy Culumber (officers not present at this hearing)
Inquest Administrator:	Robert McBeth
Inquest Program Attorney:	Claire Thornton and Cady Nicol
Inquest Program Coordinators:	Flo Armah (primary); Angelina Jimeno (secondary)

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1. Motion for Reconsideration – having reviewed the materials submitted, gone back through history of case, and heard from counsel during the pre-hearing conference (PHC), the Motion for Reconsideration is denied.
2. Designee Assistant Chief Stansfield Testimony/Opinion - Assistant Chief Stansfield is not being called as an expert witness, but rather as the policy and training designee for the Kent Police Department. The Executive Order requires, without exception, that the chief law enforcement officer or their designee provide testimony concerning applicable law enforcement agency training and policy as they relate to the death. 2021 Executive Order, PHL-7-1-5-EO, App'x 2, § 12.3. In *Butts v. Constantine*, the Washington Supreme Court held that the coroner could not preemptively prohibit the jury from hearing testimony from the chief law enforcement officer or their designee regarding the involved officers' compliance with training and policy. 198 Wn.2d 27, 58-59 (2021). Assistant Chief Stansfield may be asked to provide testimony for the jury as to whether the officers complied with Kent Police Department policies and trainings.
3. Confirm Scope of Officer Reed's Testimony – Counsel indicates that Officer Reed will testify and has not been ordered by the Chief of Police to do so. If Officer Reed invokes the 5<sup>th</sup> Amendment privilege as to any question, the parties will have an opportunity to address the IA at that time.
4. Ballistics Analysis – the WSPCL report from Brian Smelser concludes that the bullets recovered from Mr. Nelson's body are consistent with the type of bullets that are used with the type of gun that Officer Reed shot at Mr. Nelson. None of the analyzed bullets



were consistent with the type of gun shot by Officer Waldo on the day of Mr. Nelson's death. The jury in an inquest is charged with determining whether an officer caused the death of another person. There will be no evidence presented at this inquest that Officer Waldo's actions caused the death of Mr. Nelson. Therefore, the jury will not be asked to answer any interrogatories regarding Officer Waldo causing the death. Officer Waldo will no longer be considered an Involved Officer in this proceeding. The jury will hear testimony from Officer Waldo as to his actions at the scene.

5. Final Documents

- a. The Juror Questionnaire has been finalized and will be sent to the panel of jurors on Monday, May 1, 2023.
  - b. The Introductory Jury Instructions have been finalized. The family will not be submitting a statement or photo to be presented to the jury.
  - c. Closing and Criminal Means Jury Instructions – counsel presented argument and input regarding the final drafts of the Closing Jury Instructions, which will be finalized prior to charging the jury at the close of testimony. The parties intend to work together to present any stipulations that will assist in finalizing the instruction.
  - d. Interrogatories – counsel for the Department and the Involved Officer has provided input on the most recent draft of the Interrogatories. Counsel for the family will notify the IPAs whether she has further input.
6. Next PHC for Jury Selection and any last remaining items prior to the Inquest Hearing:  
**May 4, 2023, 10:00 a.m. – 12:00 p.m.**

Dated: April 28, 2023.



Inquest Administrator Robert McBeth

