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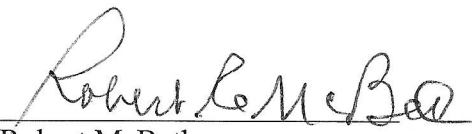
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**INQUEST INTO THE DEATH OF EUGENE DEWAN NELSON  
# 417IQ2075**

**OPENING INSTRUCTIONS TO THE INQUEST JURY PANEL**

DATED 8<sup>th</sup> day of May, 2023.

  
Robert McBeth  
Inquest Administrator

## PRELIMINARY INSTRUCTIONS

Good morning, members of the jury. My name is Robert McBeth. I am the Inquest Administrator for this Inquest Hearing. You have been selected to serve as the jurors who will hear this inquest. Please rise and raise your right hand as you take the jurors' oath.

**Do you swear or affirm that you and each of you will well and truly listen to the matters at issue in this case and give a true Answer to each of the Interrogatories that you will be asked at the end of the proceeding, according to the evidence and the law that applies to this Inquest Hearing?**

You have been summoned as prospective jurors in a proceeding known as an inquest. An inquest is a fact-finding hearing into a death that involves a member of a King County law enforcement agency while in the performance of his or her duties. The name of the deceased that is the subject of this inquest is Eugene Dewan Nelson.

The following is a brief statement of the event as the occurred on that day. This statement is not intended to be a factual statement of those events, but only a summary of the anticipated testimony we expect will be presented to you. You, as jurors, will ultimately decide what actually happened based on the actual testimony presented at this hearing.

A summary of anticipated testimony is provided as follows:

This inquest involves the shooting death of Eugene Dewan Nelson by Kent Police Department Officers Jacob Reed. The shooting occurred on August 9, 2017, in Kent, Washington, in an alley behind the Sultan Hookah Bar. Just before midnight on August 8, 2017, a 911 caller reported that Mr. Nelson was at the hookah bar and had warrants for his arrest.

Officers responded to the scene, spoke to the 911 caller, and confirmed Mr. Nelson had outstanding warrants for his arrest, including a felony warrant. Intending to take Mr. Nelson into custody on the warrants, several Kent police officers positioned themselves in the alley behind the bar in case Mr. Nelson ran out the back of the bar, while other officers entered the front door of the bar to contact Mr. Nelson.

When officers entered the front of the bar, Mr. Nelson exited out the back into the alley, where he was confronted by Officers Mills, Reed and Corner. Mr. Nelson briefly went back into the bar and then exited the back door again, ran past the officers that had been positioned in the alley, got into a car and attempted to start the car. Officer Chris Mills and his K9 officer Ghost and Officer Corner attempted to stop Mr. Nelson, engaging him at the driver's door. Officer Reed entered the passenger side of the car and attempted to stop Mr. Nelson from driving away. Ultimately, Mr. Nelson got the car started and began driving down the alley with Officer Reed still in the passenger seat. Officer John Waldo fired shots at the back of the car. Inside the vehicle, Officer Reed fired at Mr. Nelson as well, and the car ultimately stopped. Mr. Nelson died at the scene.

You will hear from Officers Reed, Waldo, Mills, and others as to their involvement in the incident. You will hear from civilian witnesses who witnessed some of the events described above. Brian Sacchini and Adam Sacchini lived in a house that backs up to the alley in the vicinity of the Sultan Hookah Bar and partially witnessed the events as they unfolded. Shirin Damircheli was standing on the loading dock of the Sultan Hookah Bar when Mr. Nelson ran out of the bar and got into his car, and she witnessed some of the incident as well.

Other Kent Police officers who were on scene that night may testify to what they saw and heard as well. Sean Penwell, a Chief with the Puget Sound Regional Fire Authority, will testify to the medical aid rendered to Mr. Nelson by fire and aid personnel shortly after the shooting. Medical Examiner Richard Harruff performed an autopsy on Mr. Nelson and will tell you about his observations and conclusions. Auburn Officer Luke Goethals will describe the investigation of physical evidence at the scene. Det. Chris Edwards of the Renton Police Department was the primary detective assigned to the independent investigation of the incident and will testify about that investigation..

As indicated previously, this summary is not meant as a factual statement, and is only intended to give you some idea of anticipated testimony. As the Inquest Jury, it will be your duty to determine the actual facts from the testimony presented at this hearing.

This is not a criminal trial. Jurors will not be asked to determine whether someone is guilty of a crime, or whether someone should be charged with a crime. Nor is this a civil lawsuit for money damages. Jurors will not be asked to determine whether someone is liable in any way

for this incident or whether any money damages are owed. The sole purpose of this proceeding is to provide an open and public inquiry into the facts and circumstances surrounding the death of Eugene Dewan Nelson for the benefit of the parties as well as the public. Among the circumstances jurors will be asked to consider is which police department policies and officer trainings are applicable to the actions taken by the involved officers, whether the officers' actions complied with those policies and trainings, and whether Eugene Nelson's death was caused by criminal means.

This incident may have received some press/media coverage. If it did, and if you recall any such coverage, please note that if you are selected as a juror, it will be your duty to determine the facts in this case from the evidence introduced in court, and to set aside and disregard whatever you may have seen, heard, or read about this incident. At the end of this proceeding you will be asked to report your findings, in writing, by answering a series of written questions, which we formally call Interrogatories, that I will give to you. Each juror will answer each Interrogatory with one of the following answers: Yes, No or Unknown.

## INTRODUCTIONS

I will now introduce to you the attorneys and their clients who are parties to this inquest:

As I mentioned earlier, my name is Robert McBeth. As the Inquest Administrator, I have determined who will be called as witnesses, what evidence has been admitted and the questions you will be asked to consider. Cady Nicol and Claire Thornton are the Inquest Program Attorneys. Their role is to assist me in presenting the evidence in this matter.

The Family of Eugene Dewan Nelson is represented by attorney Teri Rogers Kemp. Ms. Rogers-Kemp, please introduce yourself. [If there are family representatives present, Ms. Rogers Kemp may introduce them here.]

Attorney Jeremy Culumber represents Officer Jacob Reed and the Kent Police Department in this matter. Mr. Culumber, please introduce yourself and introduce your clients.

Now that you have seen them in person, are any of you familiar with any of the attorneys in this case, the officers, or any members of their families, or with the decedent, Eugene Dewan Nelson, or any members of his family?

I would also like to introduce our program manager, Dee Sylve, and Inquest Program Coordinators, Flo Armah and Angelina Jimeno. Ms. Armah and Ms. Jimeno are the people you will have direct contact during your service. They will take you to and from the jury room. If any questions arise during your time here, please direct them to either Ms. Armah or Ms. Jimeno. If they can answer them, they will. But if it is something that needs to be brought to my attention, they will let me know and I will do my best to address the matter.

As jurors, it is important that the decisions you are asked to make are based solely on the evidence and testimony you hear in this court. For that reason, it is very important that as long as you are a juror in this case that you avoid people who may be discussing this case and any media reports about this case on TV, online, on the radio or in the newspapers. If someone does try to discuss the case with you or if you inadvertently hear something on some form of media, there are three things you must do.

First, terminate the contact immediately. Second, do not discuss what happened or what you heard with your fellow jurors. And third, report the incident to either Ms. Armah or Ms. Jimeno

at the earliest opportunity. They will notify me, and I will decide if any further steps need to be taken.

You should also know that all the participants in this proceeding are aware that there are not permitted to have contact with you outside of this courtroom. It will help them abide by this restriction if you not only always wear your juror badges, but also make sure that the badges are visible to all at all times. That way if you happen to inadvertently end up in the same elevator or go to the same place for lunch, they can see your badge and know not have contact with you or say anything that involves this case while in your presence.

It is very, very unlikely that any such improper contact would occur, but if for some reason it does, even inadvertently, remember to: terminate the contact immediately; not mention the contact to any of your fellow jurors; and immediately report the incident to Inquest Program staff.

Included in your obligation to not discuss this matter with anyone while the case is pending, is the obligation that you must not discuss this case among yourselves until I instruct you that you are permitted to do so. That will occur only after you have heard all the evidence, have listened to my instructions to you about the law that applies, I have excused you to the jury room and the evidence that has been admitted has been delivered to you. It is then, and only then, that you may begin your deliberations and discuss this case with your fellow jurors. If you become aware of any such discussions before you have been given permission to do so, it is your duty to alert Ms. Armah or Ms. Jimeno at the earliest opportunity.

You should also know that from time to time the media is interested in inquest proceedings. I don't know whether such interest exists in this case. But if it does, you may see people in the courtroom with still cameras or TV cameras. They are under strict orders from me that no pictures or filming of jurors or prospective jurors is allowed. So, you need not concern yourself with that. Your picture will not end up on TV or in the newspapers. Also, because this matter is for the benefit of the public, it is being live-streamed, so that anyone who is interested can watch what is taking place here. But as with the news media, no filming of jurors or prospective jurors is permitted.

## **EXPLANATION OF PROCEDURE**

Members of the Jury, I will now advise you on the procedures and schedule for this proceeding:

We will begin each day at 9am. So that we may begin on time, I ask that each juror be in the jury room no later than 8:45am each day we are in session, which will be Mon-Fri. When you arrive, please go directly to the jury room. Do not linger in the hallways. It only increases the chance that you will inadvertently overhear something related to this case from the parties, the attorneys, observers, or the media, if they are present.

Our day will proceed as follows: After our 9:00 a.m. start, we will break for 15 minutes at 10:45 a.m. We will recess for lunch from 12:00 to 1:30 p.m. I ask that you arrive back in the jury room no later than 1:20 p.m. so that we can begin at 1:30 p.m. We will take another 15-minute break at 2:45 p.m. We will end our day at 4:30 p.m.

Now, as has been previously stated, this is an inquest to investigate the facts and circumstances surrounding the death of Eugene Dewan Nelson, including a determination of the applicable Kent Police Department policies and trainings, and whether the officers' actions complied with those policies/trainings.

There will be no opening statements in this matter. We will proceed immediately into the presentation of evidence. The Inquest Program Attorneys will begin the questioning of each witness. They will be followed by the other attorneys appearing in the case. A number of exhibits have been admitted into evidence and the attorneys may ask the witnesses about them.

In addition, each juror has the right to submit questions to the Court for consideration to be asked of the witness. You will be given a question form, which you can use to write out questions that you may wish to be asked of the witnesses. At the end of the attorneys' questioning of each witness, you will be given the opportunity to present your written questions to the Inquest Program staff, who will share them with the other attorneys for their review and then present them to me for my consideration. If, after consulting with the attorneys, I determine it is an appropriate question, I will read the question to the witness.

Prior to the completion of all of the evidence, you will be given an opportunity to request the appearance and testimony of any witness that you have not heard from that you feel is important. A list of the witnesses we anticipate calling in this Inquest is listed on the whiteboard

behind me and can be referenced in deciding whether to ask for the attendance of any additional witness. Again, after consulting with the attorneys, I will determine whether that witness should be called. To assist the Inquest Administrator in this regard, at the end of each day's testimony, please advise me by using the Witness Request Form, if you have a witness that you would like to have called that does not appear on the witness list shown on the whiteboard.

Following the completion of the evidence, I will instruct you on what law applies in this case. You will then receive a set of Interrogatories for you to answer according to the instructions you have received. The court will then excuse you to deliberate on those questions. There will be no closing arguments.

Recent Inquest juries have indicated that it would be helpful to know ahead of time the types of questions they will be asked to answer at the end of the Inquest Hearing. A sample question about the facts and circumstances might be something like "Was the decedent walking down the street on the evening of March 3, 2021?" Each juror would then answer "Yes," "No," or "Unknown." A sample question about the police department's policies and trainings might be something like "Did Officer Jane Doe comply with the training that she received regarding the police department's use of force policy?" Again, each juror would then answer "Yes," "No," or "Unknown." I will now deliver initial jury instructions. We will hear from our first witness immediately after I finish delivering these instructions.



## OPENING INSTRUCTIONS

### No. 1

It is your duty as a jury to decide the facts in this case based upon the evidence presented to you during the hearing. Evidence includes testimony of witnesses, documents, and physical objects.

It also is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you think it ought to be. You are to apply the law from my instructions to the facts, and in this way decide the case.

The only evidence you are to consider consists of testimony of witnesses and exhibits admitted into evidence. When witnesses testify, please listen very carefully. You will need to remember testimony during your deliberations because testimony will rarely, if ever, be repeated for you. Any exhibits admitted into evidence will go to the jury room with you during your deliberations.

The lawyers may ask questions which are intended to help you understand the evidence and apply the law. The questions, however, are not evidence or the law. The evidence is the testimony from witnesses and the exhibits. The law is contained in my instructions to you. You must disregard anything the lawyers say that is at odds with the evidence or the law in my instructions.

You may hear objections made by the lawyers during the hearing. Each party has the right to object to questions asked by another lawyer. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

One of my duties as Inquest Administrator is to decide what evidence should be admitted during this hearing. Do not be concerned with the reasons for my rulings on the evidence. You must not consider or discuss any evidence that I do not admit or that I tell you to disregard.

Because it is your role to evaluate the evidence, I will not express, by words or conduct, my personal opinion about the value of a particular witness's testimony or an exhibit. If it appears to you that I have indicated in any way my personal opinion concerning any evidence, you must disregard this entirely.

You will be allowed to take notes during the hearing. Whether you do so is entirely your own decision. If you do choose to take notes, you should make sure that it does not interfere with your ability to listen to and observe the witnesses.

You have a notebook in front of you with your juror number on the front. You must take notes in this pad only, not on any other paper. You must not take your note pad from the courtroom or the jury room for any reason. When we recess during the inquest, please close your notepad and leave it on the table. At the end of the day, the notepads must be left on the table. While you are away from the courtroom or the jury room, no one else will read your notes.

You must not discuss your notes with anyone or show your notes to anyone until you begin deliberating on your answers to the Interrogatories. This includes other jurors. During deliberation, you may discuss your notes with the other jurors or show your notes to them.

You are not to assume that your notes are necessarily more accurate than your memory. I am allowing you to take notes to assist you in remembering clearly, not to substitute for your memory. You are also not to assume that your notes are more accurate than the memories or notes of the other jurors.

After you have finished answering the Interrogatories and the answers have been accepted by the court, your notes will be collected and destroyed by the coordinators. No one will be allowed to read them.

## No. 2

During the hearing, do not try to determine on your own what the law is. Do not seek out any evidence on your own. Do not consult dictionaries or other reference materials. Do not conduct any research into the facts, the issues, or the people involved in this case. You may not use any internet resources to look into anything at all related to this case. Do not inspect the scene of any event involved in this case. If your ordinary travel will result in passing or seeing the location of any event involved in this case, do not stop or try to investigate. You must keep your mind clear of anything that is not presented to you in this courtroom.

In short, do not communicate with anyone, by any means, in person, in writing, electronically or otherwise, concerning what you see or hear in the courtroom, and do not try to find out more about anything related to this case, by any means, other than what you learn in the courtroom. These rules ensure that the parties will receive a fair hearing. After you have delivered your Answers to the Interrogatories and are excused from this court, you will be free to do any research you choose and to share your experiences with others.

Throughout the hearing, you must maintain an open mind. You must not form any firm and fixed opinion about any issue in the case until the entire case has been submitted to you for deliberation.

No. 3

As jurors, you are officers of this court. As such, you must not let your emotions overcome your rational thought process. You must reach your decision based on the facts proved to you and on the law given to you, not on sympathy, prejudice, or personal preference. To ensure that all parties receive a fair hearing, you must act impartially in your consideration of the evidence and answering the Interrogatories.

Again, in an inquest there are no opening statements and no closing arguments, so as soon as I am finished with these instructions, we will proceed immediately to hearing testimony. The Inquest Program Attorney conducts direct examination and introduces exhibits. The attorneys for the Family and the Officers and Police Department may then ask additional questions.

#### No. 4

Throughout this hearing, you must come and go directly from the jury room. Do not remain in the hall or courtroom, as witnesses and parties may not recognize you as a juror, and you may accidentally overhear some discussion about this case. And as I previously stated, I have instructed the lawyers, parties, and witnesses not to talk to you during while the hearing is in progress.

It is essential to a fair hearing that everything you learn about this case comes to you in this courtroom, and only in this courtroom. You must not allow yourself to be exposed to any outside information about this case, including from your family and friends. Do not permit anyone to discuss or comment about it in your presence, and do not remain within hearing of such conversations. You must keep your mind free of outside influences so that your decision will be based entirely on the evidence presented during the hearing and on my instructions to you about the law.

Until you are dismissed at the end of this hearing, you must avoid outside sources such as newspapers, magazines, blogs, the internet, or radio or television broadcasts which may discuss this case or issues involved in this trial. If you start to hear or read information about anything related to the case, remember the three things you must do: terminate the contact immediately so that you no longer hear or see it; do not share whatever you may have seen or heard with your fellow jurors; and at the earliest opportunity notify the coordinators of what happened.