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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF
JASON SEEVERS.

No. 18IQ61954

CITY OF SEATTLE’S MOTIONS IN
LIMINE

The City of Seattle, through the Seattle Police Department (hereinafter, “SPD”), hereby submits these
Motions in Limine.

Pretrial motions to exclude evidence are designed to simplify the trial and to avoid the prejudice
that often occurs when a party is forced to object in front of the jury to the introduction of evidence.
Fenimore v. Donald M. Drake Construction, 87 Wn.2d 85, 89, 549 P.2d 43 (1976). Motions in limine are
favored by the courts, and the filing of the same is not admissible before the jury. *See Fenimore*, 87 Wn.
2d at 85. When a trial court can determine the admissibility of the questioned testimony prior to its
introduction at trial, it is appropriate to grant the motion in limine and thereby avoid prejudice before the
jury. *State v. Kelly*, 102 Wn.2d 188, 192-93, 685 P.2d 564 (1984); *see also Dunn v. United States*, 307
F.2d 883, 886 (5th Cir. 1962) (“if you throw a skunk into the jury box, you can’t instruct the jury not to
smell it”).

1 **1. The parties should be precluded from eliciting testimony that duplicates testimony already**
2 **elicited from the inquest attorney or any party preceding them in the order of questioning.**

3 During prior inquest proceedings, the parties often rephrased and repeated questions already asked by the
4 inquest attorney or the parties preceding them in the order of questioning. The IA should admonish the
5 parties to elicit new or clarifying testimony during their follow up examinations. Repeating the same
6 questions to the same witness unnecessarily takes up the jurors' time and presents a risk of confusing the
7 witness and the jurors.

8 **2. Reference to unrelated incidents or uses of force by any of the involved SPD officers or any SPD**
9 **officers who are witnesses should be excluded.**

10 Evidence and testimony regarding other incidents or uses of force SPD officers were involved in
11 on other, unrelated occasions should be prohibited. Evidence of SPD officer conduct on other occasions
12 would be irrelevant and unduly prejudicial. Evidence of prior misconduct, prior complaints, prior
13 lawsuits, and personnel complaints must be excluded under Rule 404(b). It should also be excluded under
14 paragraph 4.6 of Executive Order No. PHL-7-1-5-EO.

15 **3. Motion to limit scope of lead FIT investigator testimony.**

16 To the extent the *Garrity* statements of the IOs are admitted, Detective Simmons or other SPD
17 designees should be protected from being asked to lay a foundation for the Officers' *Garrity* statements or
18 discuss the purpose behind *Garrity* statements. Explanation of the purpose and intent behind *Garrity* is
19 outside the foundational scope of SPD designees. Detective Simmons is a FIT investigator, not an
20 attorney. He cannot be asked to opine on the routine nature of *Garrity* statements or what they are. This
21 goes beyond the scope of his role in this inquest. *See* Executive Order ¶ 12.3.

22 Similarly, Detective Simmons should be protected from providing testimony on his
23 recollection of what was stated or occurred at the *Garrity* statements of the involved officers –
including his evaluation or opinion about what the involved officers were drawing in scribbled
diagrams that the officers were developing and editing as they provided statements. Detective

1 Simmons' testimony cannot be used a substitute for the testimony of the involved officers. He should
2 be protected from offering improper opinion evidence on what the officers were attempting to convey
3 in the context of their *Garrity* statements and certainly should be prohibited from speculating on *his*
4 understanding of what the involved officers may have been drawing at a given point in time. *See* ER
5 602, 701. If any aspect of the *Garrity* statements is introduced, Detective Simmons should be limited
6 to indicating that as part of the investigation – officers provided statements.

7 **4. Detective Simmons should not be asked about what could have or should have been done
differently regarding his investigation.**

8 Detective Simmons should be protected from speculating about what he would have done
9 differently in his investigation, what he believes he missed, and what he would potentially do
10 differently. The Order requires that the designated agency representative provide “[a] comprehensive
11 overview of the forensic investigation into the incident (e.g., statements collected by investigators,
12 investigators' review of forensic evidence, physical evidence collected by investigators, etc.)”
13 Executive Order ¶ 12.3. Any further questioning into the “could haves” and “should haves” exceeds
14 the scope of inquest, particularly as it relates to the investigation itself.

15 **5. Bar any reference to the thoroughness of SPD's investigation or subsequent post-incident steps
taken by SPD.**

16 This motion is to exclude reference, testimony, or evidence about the thoroughness of SPD's
17 investigation. The SPD investigation and its completeness is not at issue in the inquest and is not within
18 the contemplated scope of the inquest. This motion also seeks to exclude any post-incident
19 trainings/policy changes that took effect as introduction of any such evidence would be confusing and
20 prejudicial to the jury. *See* ER 401, 403.

21 **6. Motion to exclude testimony or evidence eliciting speculation about non-event hypothetical
scenarios.**

1 This motion is to exclude any elicited testimony or presented evidence about non-event
2 hypothetical scenarios. The scope of the inquest surrounds the facts and circumstances of the death of
3 Jason Seavers and whether the involved officers complied with departmental training and policy. The IA
4 should prohibit non-applicable hypotheticals or speculative and improper opinion testimony on events
5 that did not actually occur. Eliciting such speculative testimony goes beyond the scope of inquiry in this
6 matter, confuses the factfinder, and unduly prejudices the parties.

7 **7. Bar reference by any witness or counsel to (1) the December 16, 2011, Report of the Department**
8 **of Justice; (2) the Consent Decree; or (3) generalizations or characterizations about the Seattle**
9 **Police Department that are not directly relevant to this case.**

10 Counsel should be prohibited from introducing argument, testimony, evidence, or otherwise
11 questioning witnesses regarding the consent decree, the DOJ findings letter, or criticizing SPD as a law
12 enforcement body concerning any acts that do not relate to this case. There is no need to highlight an
13 irrelevant and complicated subject such as the Consent Decree. Introduction of such a subject matter will
14 potentially require explanation or prejudice the jury pool against the Seattle Police Department's policies
15 and procedures because of the fact alone that SPD is currently under federal oversight.

16 **8. Detective Simmons should not draw conclusions regarding compliance with policy/training about**
17 **his investigation or actions of the shooting officers.**

18 As required, SPD has designated officials to provide testimony about these topics, and these
19 topics are outside the scope of Detective Simmons' designated role, described above.

20 **9. Motion for Reasonable Accommodations in the testimony of Officer Sandlin Grayson.**

21 The events of the qualifying incident are frequently graphic and traumatizing. All parties
22 to this non-adversarial process bear some responsibility to avoid retraumatizing witnesses
23 providing testimony. To that end, reasonable accommodations should be made when requested.
Officer Grayson has requested that he not be required to view video footage associated with his
involvement in this case to include body worn or vehicle video. He is capable of providing

1 testimony without video. The request is simply to not have to watch or discuss video as part of his
2 testimony.

3 **10. Motion to dismiss Sgt. Sperry and Ofc. Stevenson from the secondary witness list.**

4 The City believes that Sgt. Sperry was added because Ofc. Schickler mistakenly identified
5 him as the person whose car he jumped in when moving towards the final scene. Sgt. Sperry
6 remained at scene #1. Ofc. Stevenson was added in the event that Mr. Geary, the civilian witness,
7 would be unavailable to testify. Otherwise, Ofc. Stevenson's observations are captured on audio
8 and video such that his testimony is unnecessarily duplicative. Moreover, he is uninvolved in the
9 final scene. While it is highly unlikely that any of the secondary witnesses will be called, it would
10 be beneficial to be able to notify officers of dismissal as soon as possible so they can return to
11 their normal duties. For that reason the City requests that these two witnesses be dismissed from
12 further participation.

13 DATED this 10th day of April, 2023.

14 ANN DAVISON
15 Seattle City Attorney

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1 **CERTIFICATE OF SERVICE**

2 I certify that on the 10th day of April, 2023, I caused a true and correct copy of this document
3 to be served on the following in the manner indicated below:

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