



## King County

Department of Executive Services

### Inquest Program

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### PRE-HEARING CONFERENCE ORDER

#### INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS INQUEST # 517IQ0713

#### PARTIES PRESENT:

Family of the decedent:	Mother Damarius Demonta Butts present and represented by Adrien Leavitt and La Rond Baker
Law enforcement officers:	Seattle Police Department Officers Elizabeth Kennedy, Christopher Myers, Joshua Vaaga and Canek Gordillo represented by Evan Bariault and Ted Buck (officers not present at this hearing)
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi, Kerala Cowart and Tom Miller. Rebecca Boatright present as Chief Adrian Diaz's representative
Administrator:	Michael Spearman assisted by Matt Anderson

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The Inquest Administrator, having presided over a Pre-Hearing Conference on November 12, 2021 and having heard from the parties, hereby orders the following:

- 1. Inquest date:** The parties' Joint Motion to Continue the Inquest to March 2022 is denied at this juncture. However, the IA is attentive to the short timeline under which we are operating, and the motion may be renewed if the parties believe circumstances so warrant. All parties shall reserve December 6, 2017 until December 17, 2021 in their schedule.

2. **Pre-Inquest Conference:** The next Pre-Hearing conference will be virtual and occur on November 30, 2021 at 9:00 a.m. (Link to follow).
3. **Criminal Means:** In light of the parties' agreement that the criminal means inquiry is a two-step inquiry, the IA will draft proposed criminal means instructions consistent with that concept.
4. **Family's proposed biographical information** of Damarius Butts: The IA will read the following language during the preliminary instructions to the jury and display a photo of Mr. Butts as he does so. The family shall provide a proposed photo to all parties by November 15, 2021.

“Damarius Butts was 19 years old when he was killed by Seattle police officers. He had a 1 year old daughter, worked as a forklift operator, and was taking classes at the local community college. Damarius is represented by his mother during this inquest.”

5. **Interview of Captain Teeter** – SPD shall make all reasonable efforts to schedule a follow-up interview regarding the Captains statement regarding the Involved Officers compliance with training in a timely manner. It is anticipated that the interview will likely take 45-60 minutes.
6. **Matthew Noedell** – The Involved officers shall arrange time for an interview of Matthew Noedell the week of November 29, 2021 in order to allow the officers to review the IA's proposed interrogatories before making a final decision on whether to call Mr. Noedell. If at all possible, please arrange it for Monday, the 29<sup>th</sup>, so that any a schedule for determining any issues arising from that interview (Objections to calling him, possible Motions in Limine, appropriate exhibits) may be determined at the Pre-Hearing Conference.
7. **Direct examination of the Involved Officers.** All parties agreed that the Inquest Program Attorney (IPA) should conduct the direct examination of the Involved Officers. The IPA will do so.
8. **Number of Jurors.** The IA is considering impaneling up to 8 jurors but needs to examine the courtroom to ensure 8 jurors can safely be seated, giving due consideration to the other space demands for the inquest. The IA will inform the parties when a decision is made.
9. **Schedule**
  - a. **November 15, 2021**
    - i. The IA will provide proposed instructions for comment.
    - ii. The Family will propose a photo or photos of Mr. Butts per paragraph 4.
  - b. **November 17, 2021**
    - i. The IA will provide a proposed Exhibit list.
    - ii. The parties shall provide objections to the Policy and Procedure Manual previously provided.
  - c. **November 22, 2021** The IA will provide proposed Interrogatories for comment.

**d. November 24, 2021**

- i. The Parties shall provide objections and propose additions to the proposed exhibit list.
- e. The IA will set deadlines for party responses to the interrogatories and instructions when they are provided to the parties.

DATED: November 14, 2021

A handwritten signature in black ink, appearing to read 'M. Spearman', is centered on the page. The signature is fluid and cursive, with a prominent initial 'M' and a long, sweeping tail.

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Michael Spearman  
Administrator