



King County

Department of Executive Services

Inquest Program

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INQUEST INTO THE DEATH OF ISAIAH OBET # 417IQ7199

PARTIES:

Family of the decedent:	Represented by Amy Parker
Law enforcement officer:	Auburn Police Department Officer Jeff Nelson, Represented by Emma Scanlan and Timothy Leary
Employing government department:	Auburn Police Department (APD), represented by Andrew Cooley and Kendra Comeau
Administrator:	Michael Spearman assisted by Matt Anderson

The inquest hearing in the above matter, scheduled for March 25, 2020, was stayed by order of King County Superior Court Judge Julie Spector on March 19, 2020. Judge Spector further issued an injunction precluding these proceedings from going forward on August 21, 2020. In Butts v. Constantine, 491 P3d 132 (2021), the Washington State Supreme Court vacated the superior court's order, and the injunction was lifted by order of King County Superior Court Judge Regina Cahan on August 24, 2021.

While this matter was in abeyance, the Involved Officer in this inquest, Jeff Nelson, was charged by the King County Prosecuting Attorney's office with Second Degree Murder resulting from a shooting that occurred in a different incident. That matter is currently set for trial on February 28, 2021. (It is noted that the Family speculates that the trial may not actually occur until sometime in 2023.) No date has yet been set for the inquest hearing.

In light of the authority granted to the Inquest Administrator in Executive Order issued July 28, 2021 to "stay an inquest where charges are pending against an accused person and the

stay is necessary to avoid compromising the criminal case,” (PHL-7-1-5-EO, Appendix 1, Section 8.15), the Administrator sought the input of the parties on whether this matter should be stayed pending resolution of Mr. Nelson’s criminal trial.¹ The parties submitted briefing in which the Involved Officer and the City of Auburn, on behalf of the Auburn Police Department, argued in support of a stay, while the Family argued in opposition.²

I conclude that it is premature to grant a stay of proceedings at this time because whether the inquest hearing would compromise the criminal case, is largely dependent on whether the inquest hearing would precede the criminal trial. At this juncture it is not apparent that this would occur, especially if the criminal trial goes forward as scheduled on February 28, 2022.

Accordingly, the inquest will proceed with all necessary prehearing matters at this time. Should the circumstances change regarding the trial date, the issue of a stay may be revisited at that time.

DATED: October 25, 2021

A handwritten signature in black ink, appearing to read 'M. Spearman', with a stylized flourish extending to the right.

Michael Spearman
Administrator

¹ The Involved Officer also cites Section 6.1 of Appendix 1 which provides “[w]hen active criminal charges are pending against a law enforcement officer for the death of an individual, the County Executive may delay the inquest referral pending resolution of those charges in order to avoid compromising the criminal case.” That section is not applicable here because the Executive had already made the inquest referral when the State filed the charge against Mr. Nelson.

² Among the Family’s arguments is that Section 8.15 applies only where the pending criminal charges and the inquest are based upon the same incident. I decline to read the language of the section so narrowly and conclude that the section applies anytime an inquest may compromise a pending criminal case.