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Department of Executive Services

**Inquest Program**

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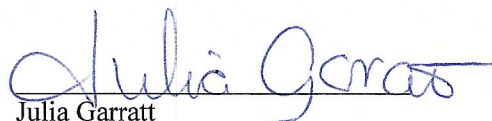
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**INQUEST INTO THE DEATH OF MARCELO CASTELLANO  
# 18IQ21956**

**INTERROGATORIES TO THE INQUEST JURY**

DATED 11 day of December, 2023.

  
Julia Garratt  
Inquest Administrator

1. On June 14, 2018, were Samuel Hovenden, Matthew Peringer, Jamin Palmer, James Paulsen and Kevin Stearns all Redmond Police Department Officers assigned to the Pro-Act Team?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
2. Did the members of the Pro-Act Team have probable cause to arrest Marcelo Castellano?  
 YES 3 NO \_\_\_ UNKNOWN 3
3. Did the members of the Pro-Act Team have safety concerns Marcelo Castellano had possessed firearms and had recently fled when members of the Pro-Act Team had attempted to arrest him?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
4. Did the members of the Pro-Act Team locate and follow Marcelo Castellano on June 14, 2018, as he drove a red pickup truck to the gas station at the Kingsgate Safeway ~~at 1444 124<sup>th</sup> Ave. NE~~ in Kirkland, Washington?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
5. Did the Pro-Act Team decide to attempt to arrest Marcelo Castellano while he was at the Kingsgate Safeway gas station?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
6. Was Mr. Castellano outside of his vehicle for a period of time at the Gas Station?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
7. Was the plan of the Pro-Act Team to attempt to arrest Marcelo Castellano while he was outside of the red pick up truck?  
 YES 4 NO \_\_\_ UNKNOWN 2
8. Did the incident occur close to 5:00 p.m. when the gas station was busy?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
9. Was Marcelo Castellano sitting in the driver's seat of the red pickup truck when the officers arrived at the gas station?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
10. Did the Pro-Act Team position their vehicles so that the red pickup truck driven by Marcelo Castellano could not drive away?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
11. Did each Pro-Act Team member exit his vehicle and draw a firearm?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
12. Were all Pro-Act Team members wearing plain clothes (not in police uniform)?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
13. Were all Pro-Act Team members wearing a ballistics vest over their clothes with the word "POLICE" on the front and back?  
 YES 6 NO \_\_\_ UNKNOWN \_\_\_
14. Did members of the Pro-Act Team verbally identify themselves as police?  
 YES 5 NO 1 UNKNOWN \_\_\_

15. Did members of the Pro-Act Team command Marcelo Castellano to show his hands?  
 YES 6 NO     UNKNOWN
16. Did community members hear commands from the officers to Marcelo Castellano to show his hands?  
 YES 6 NO     UNKNOWN
17. Did members of the Pro-Act Team tell Marcelo Castellano that he was under arrest?  
 YES 6 NO     UNKNOWN
18. Did Marcelo Castellano show his hands?  
 YES     NO 2 UNKNOWN 4
19. Did any of the following members of the Pro-Act Team see a gun in Marcelo Castellano's hand?
- |                 |                |             |                    |
|-----------------|----------------|-------------|--------------------|
| <b>Hovenden</b> | YES <u>3</u>   | NO <u>2</u> | UNKNOWN <u>1</u>   |
| <b>Peringer</b> | YES <u>   </u> | NO <u>6</u> | UNKNOWN <u>   </u> |
| <b>Palmer</b>   | YES <u>   </u> | NO <u>6</u> | UNKNOWN <u>   </u> |
| <b>Paulsen</b>  | YES <u>3</u>   | NO <u>3</u> | UNKNOWN <u>   </u> |
| <b>Stearns</b>  | YES <u>   </u> | NO <u>6</u> | UNKNOWN <u>   </u> |
20. Did any members of the Pro-Act Team call out that Marcelo Castellano had a gun?  
 YES 6 NO     UNKNOWN
21. Did any of the following members of the Pro-Act team hear the alert that Mr. Castellano had a gun?
- |                 |              |               |                    |
|-----------------|--------------|---------------|--------------------|
| <b>Hovenden</b> | YES <u>6</u> | NO <u>   </u> | UNKNOWN <u>   </u> |
| <b>Peringer</b> | YES <u>6</u> | NO <u>   </u> | UNKNOWN <u>   </u> |
| <b>Palmer</b>   | YES <u>6</u> | NO <u>   </u> | UNKNOWN <u>   </u> |
| <b>Paulsen</b>  | YES <u>6</u> | NO <u>   </u> | UNKNOWN <u>   </u> |
| <b>Stearns</b>  | YES <u>6</u> | NO <u>   </u> | UNKNOWN <u>   </u> |
22. Did members of the Pro-Act Team command Marcelo Castellano to drop the gun?  
 YES 4 NO     UNKNOWN 2
23. Did community members hear commands to drop the gun?  
 YES 4 NO 1 UNKNOWN 1
24. Did Marcelo Castellano have a gun in his hand while seated in the driver's seat of the red truck?  
 YES 1 NO 4 UNKNOWN 1
25. Did Marcelo Castellano drop a gun?  
 YES     NO 3 UNKNOWN 3
26. Did Marcelo Castellano point a firearm at Pro-Act Team members?  
 YES     NO 3 UNKNOWN 3

27. Did any of the following Officers fire their weapons at Marcelo Castellano?

	<b>Hovenden</b>	YES <u>6</u>	NO _____	UNKNOWN _____
	<b>Peringer</b>	YES <u>6</u>	NO _____	UNKNOWN _____
Palmer	<del><b>Paulsen</b></del>	YES <u>6</u>	NO _____	UNKNOWN _____
Paulsen	<del><b>Paulsen</b></del>	YES _____	NO <u>6</u>	UNKNOWN _____
	<b>Stearns</b>	YES <u>6</u>	NO _____	UNKNOWN _____

28. Did a bullet or bullets strike Marcelo Castellano?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

29. Did Marcelo Castellano open the driver's side door and fall to the ground after he was shot?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

30. Did Detective Hovenden immediately handcuff Mr. Castellano?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

31. Was a semi-automatic pistol found in the driver's side door pocket of the red truck?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

32. Did Detective Hovenden move Mr. Castellano to the back of the truck in order to provide aid?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

33. Did members of the Pro-Act Team promptly administer medical aid?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

34. Did personnel from the Redmond Fire Department arrive and provide medical aid?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

35. Did personnel from the Kirkland Fire Department arrive and provide medical aid?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

36. Did Marcelo Castellano die at the scene?

YES 6 NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

37. Was Marcelo Castellano struck by a bullet or bullets fired by any of the following officers?

	<b>Hovenden</b>	YES <u>6</u>	NO _____	UNKNOWN _____
	<b>Peringer</b>	YES <u>6</u>	NO _____	UNKNOWN _____
Palmer	<del><b>Paulsen</b></del>	YES _____	NO <u>6</u>	UNKNOWN _____
	<b>Stearns</b>	YES _____	NO <u>6</u>	UNKNOWN _____

38. Were any of Mr. Castellano's wounds caused by bullets from any of the following Pro-Act Team members' firearms?

	<b>Hovenden</b>	YES <u>6</u>	NO _____	UNKNOWN _____
	<b>Peringer</b>	YES <u>6</u>	NO _____	UNKNOWN _____
Palmer	<del><b>Paulsen</b></del>	YES _____	NO <u>6</u>	UNKNOWN _____
	<b>Stearns</b>	YES _____	NO <u>6</u>	UNKNOWN _____



39. Did Marcelo Castellano die as a result of a bullet or bullets fired by any of the following officers?

**Hovenden** YES 6 NO        UNKNOWN         
**Peringer** YES        NO 6 UNKNOWN       

**INTERROGATORIES ABOUT POLICY AND TRAINING ON THE USE OF USE OF DEADLY FORCE**

**Answer Interrogatories No. 40-44 only if you found that Involved Officer Samuel Hovenden or Involved Officer Matthew Peringer fired his handgun at Marcelo Castellano (Interrogatory No. 27.**

40. Did the Involved Officer reasonably believe that his use of deadly force was in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical harm?

**Hovenden** YES 2 NO 3 UNKNOWN 1 DID NOT ANSWER         
**Peringer** YES 2 NO 4 UNKNOWN        DID NOT ANSWER       

41. Was the Involved Officer's use of deadly force necessary?

**Hovenden** YES 3 NO 3 UNKNOWN        DID NOT ANSWER         
**Peringer** YES 1 NO 4 UNKNOWN 1 DID NOT ANSWER       

42. Did the Involved Officer comply with Redmond Police Manual of Standards concerning whether deadly force is authorized?

**Hovenden** YES 2 NO 3 UNKNOWN 1 DID NOT ANSWER         
**Peringer** YES 2 NO 4 UNKNOWN        DID NOT ANSWER       

43. Did the Involved Officer comply with training that he received on whether to use deadly force?

**Hovenden** YES 2 NO 2 UNKNOWN 2 DID NOT ANSWER         
**Peringer** YES 2 NO 2 UNKNOWN 2 DID NOT ANSWER       

44. Did the Involved Officer issue a verbal warning prior to using deadly force?

**Hovenden** YES 1 NO 5 UNKNOWN        DID NOT ANSWER         
**Peringer** YES        NO 5 UNKNOWN 1 DID NOT ANSWER       

**INTERROGATORIES ABOUT POLICY AND TRAINING ON PROVIDING A VERBAL WARNING PRIOR TO USING DEADLY FORCE**

**Answer Interrogatories No. 45-46 only if you found that Involved Officer Samuel Hovenden or Involved Officer Matthew Peringer fired his handgun at Marcelo Castellano (Interrogatory No. 27.**

45. Did the Involved Officer comply with Redmond Police Manual of Standards Pol -1635A.c governing whether to issue a verbal warning prior to using deadly force?

**Hovenden** YES 4 NO 1 UNKNOWN 1 DID NOT ANSWER         
**Peringer** YES 4 NO        UNKNOWN 2 DID NOT ANSWER

46. Did the Involved Officer comply with training that he received on whether to issue a verbal warning prior to using deadly force?

Hovenden YES 4 NO        UNKNOWN 2 DID NOT ANSWER         
Peringer YES 4 NO        UNKNOWN 2 DID NOT ANSWER       

**INTERROGATORIES ABOUT WHETHER MARCELO CASTELLANO'S DEATH WAS OCCASIONED BY CRIMINAL MEANS?**

**Answer the remaining interrogatories only if you found that Marcelo Castellano died from a bullet or bullets fired by Involved Officer Samuel Hovenden or Involved Officer Matthew Peringer (Interrogatory No. 39).**

47. Was the Involved Officer's use of deadly force justified, as defined in Instruction No. 8?

Hovenden YES 2 NO 4 UNKNOWN        DID NOT ANSWER         
Peringer YES        NO        UNKNOWN        DID NOT ANSWER 6

48. Only if you answered "NO" to Interrogatory No. 47, was the Involved Officer's use of deadly force without malice, as defined in Instruction No. 7?

Hovenden YES        NO        UNKNOWN 4 DID NOT ANSWER 2  
Peringer YES        NO        UNKNOWN        DID NOT ANSWER 6

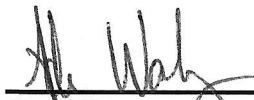
49. Only if you answered "NO" to Interrogatory No. 47, did the Involved Officer have a good faith belief that his use of deadly force was justified, as defined in Instruction No. 7?


Hovenden YES        NO 3 UNKNOWN 1 DID NOT ANSWER 2  
Peringer YES        NO        UNKNOWN        DID NOT ANSWER 6

50. Given your answers to Interrogatories Nos. 47-49, did the Involved Officer cause Marcelo Castellano's death by criminal means, as defined in Instruction No. 8?

Hovenden YES 4 NO 2 UNKNOWN        DID NOT ANSWER         
Peringer YES        NO        UNKNOWN        DID NOT ANSWER 6

DATED this 12<sup>th</sup> day of December, 2023.

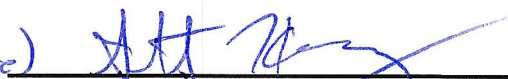
  
Panel Foreperson

  
Panel Member

  
Panel Member

  
Panel Member (Rabbi Fitts)

  
Panel Member (Damon Frashure)

  
Panel Member

Juror No. 3

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

Interrogatory No. <u>2</u> :	All officers provided testimony that they had probable cause, I found this credible
Interrogatory No. <u>7</u> :	2 officers testified the plan was to arrest outside the truck I found this credible
Interrogatory No. <u>18</u> :	All officers said he was not complying & didn't offer up his hands to surrender
Interrogatory No. <u>19</u> :	Hovenden & Paulson testified seeing a gun. When the gun found it seems credible
Interrogatory No. <u>20</u> :	4 civilian witness testified they heard officers shout he has a gun. All 5 officers testified to this as well



Juror No. 3

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

Interrogatory No. <u>29</u> :	unknown, the windows were tinted 2 officers said they saw a gun other officers did not see the gun
Interrogatory No. <u>40</u> :	Multiple witnesses heard he has a gun said he saw a gun. knew he owned a gun. Reasonable belief that it was in defense of human life
Interrogatory No. <u>44</u> :	NO specific <del>warning</del> verbal warning of consequences given. witnesses & officers all testified none was given  answer
Interrogatory No. <u>47</u> :	Did not ✓ for Peninger because I do not believe Peninger's bullet lead to Castellano's death. Found HoVenden use of force was justified b/c of his reasonable belief Castellano posed a deadly threat to his fellow officers. Did not answer for 48-49
Interrogatory No. <u>41</u> :	No non-lethal options were reasonable given he was in a truck & was pointing a gun.



Juror No. 3

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

Interrogatory No. <u>1</u> :	Found no reasonable use of deadly force was justified therefore was not death by criminal means
Interrogatory No. __:	
Interrogatory No. __:	
Interrogatory No. __:	
Interrogatory No. __:	

Juror No. 4

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

<b>Interrogatory No. <u>45</u>:</b>	<u>Compliance was achieved due to policy wording and the use of "feasible".</u> _____ _____ _____ _____ _____
<b>Interrogatory No. <u>46</u>:</b>	<u>Same reasoning as #45 above.</u> _____ _____ _____ _____ _____
<b>Interrogatory No. <u>47</u>:</b>	<u>Hovenden - Failed to meet evidence threshold of "actual resistance".</u> _____ _____ _____ _____ _____
<b>Interrogatory No. <u>  </u>:</b>	_____ _____ _____ _____ _____
<b>Interrogatory No. <u>  </u>:</b>	_____ _____ _____ _____ _____

Juror No. 5

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

Interrogatory No. <u>14</u> :	Even if they didn't use the word "police", the phrase "you're under arrest" should identify them as police
Interrogatory No. <u>15</u> :	Marcello Castellano was shot almost immediately - it is unclear if he was attempting to comply According to Peringer's involuntary statement, he fired as Castellano was attempting to raise his hands
Interrogatory No. <u>  </u> :	
Interrogatory No. <u>  </u> :	
Interrogatory No. <u>  </u> :	



Juror No. 6

## JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

Interrogatory No. <u>17</u> :	<i>I did not hear anyone say that they explicitly identified themselves as police.</i>
Interrogatory No. <u>19</u> :	<i>Based on the position of the recovered handgun and injuries sustained, I don't find it credible that Mr. Lastillano ever had a gun in his hand.</i>
Interrogatory No. <u>45</u> :	<i>Non-compliance would be all but impossible because of the "feasibility" and "should" components.</i>
Interrogatory No. <u>48</u> :	<i>There's no way for me to know Det. Howenden's intent - I would hope it is not malicious - but his actions do not fit with the admitted evidence.</i>
Interrogatory No. <u>49</u> :	<i>Given the evidence, I do not believe Det. Howenden acted in good faith.</i>

Juror No. #2

### JUROR EXPLANATION FORM

If desired, you may provide a written explanation of any of your answers to the interrogatories. You need only provide a written explanation when you believe that a written explanation of your answer would provide information helpful in explaining or interpreting your answer.

<p>Interrogatory No. __:   #24</p>	<p>Have gun? Pavlsen testified he saw a gun in Mr. C's lap.</p>
<p>Interrogatory No. __:   #17</p>	<p>under arrest? My notes indicate Gustavo Encisce Rodriguez heard Hovenden yell: "Arrest Warrent"</p>
<p>Interrogatory No. __:</p>	
<p>Interrogatory No. __:</p>	
<p>Interrogatory No. __:</p>	