

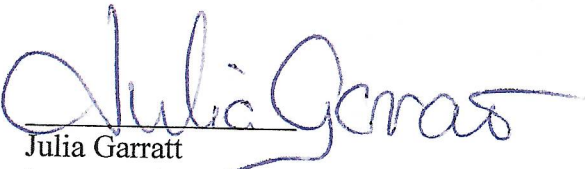
MASTER

KING COUNTY
DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

INQUEST INTO THE DEATH OF MITCHELL NELSON
INQUEST # 18IQ0785

INTERROGATORIES TO THE INQUEST JURY

DATED 22nd day of August, 2023.


Julia Garratt
Inquest Administrator



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**INTERROGATORIES REGARDING THE FACTS AND CIRCUMSTANCES
SURROUNDING THE DEATH**

Initial Police Response

Interrogatory No. 1: At around 11:30 AM on April 4, 2018, were police dispatched to the scene of a single vehicle collision with a tree in Federal Way, WA?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 2: Did a man and woman associated with the single vehicle collision flee by foot into a nearby neighborhood?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 3: Did police who were attempting to locate the man and woman from the single vehicle collision encounter two individuals, Mitchell Nelson and a woman, matching the descriptions from the single vehicle collision inside a black car parked on the street in front of 28106 29th Ave S, Federal Way, WA?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 4: When confronted by police, did Mitchell Nelson unsuccessfully attempt to drive away in the black car?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 5: Did Mitchell Nelson get out of the black car and enter the house located at 28106 29th Ave. S., Federal Way, WA?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 6: Did Mitchell Nelson have permission to enter or remain in the house?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 7: Did police officers observe Mitchell Nelson through a window searching throughout the house?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 8: Did police officers announce that Mitchell Nelson was under arrest and demand that he surrender and leave the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 9: Did Mitchell Nelson surrender and leave the house prior to SWAT's arrival?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 10: Did officers obtain keys from the homeowner or the homeowner's family and learn from them that there were firearms and ammunition inside the house?

YES 6 NO 0 UNKNOWN 0

SWAT Team Response

Interrogatory No. 11: At approximately 1:30 PM, did the Valley SWAT Team, including Corporal Robert Riggles, respond to 28106 29th Ave. S., Federal Way, WA?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 12: Did SWAT officers have information that anyone other than Mitchell Nelson was inside the house?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 13: Did negotiators attempt to communicate with Mitchell Nelson?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 14: Were multiple announcements made periodically throughout the day ordering Mitchell Nelson to surrender?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 15: Were any announcements or negotiation attempts loud enough to be heard by officers on the other side of the property?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 16: Were high energy charges and Bearcat vehicles used to create holes or entries into the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 17: Were a drone and a robot used to search the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 18: Did officers view drone footage showing anything that led them to conclude that Mitchell Nelson may have accessed the homeowner's firearm(s)?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 19: Were CS gas (tear gas), OC rounds (pepper spray), and Noise/Flash Diversionary Devices ("NFDD") repeatedly deployed into the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 20: At approximately 4:00 PM, did SWAT officers use ladders to go on the roof to deploy additional chemical munitions into vent(s) above an attic space?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 21: Did Mitchell Nelson shoot a gun near SWAT officers on the roof?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 22: At approximately 4:45 PM, did a SWAT officer(s) inadvertently start a fire(s) in the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 23: Was an announcement made informing Mitchell Nelson that there was a fire and instructing him to leave for his safety?

YES 5 NO 0 UNKNOWN 1



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Interrogatory No. 24: Did negotiators repeatedly broadcast a message to Mitchell Nelson from his sister Macie Nelson asking him to come out of the house?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 25: When Macie Nelson was in the law enforcement van, did negotiators ask her for Mitchell Nelson's phone number as a way to contact him when he was barricaded in the house?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 26: Did Mitchell Nelson surrender or leave the house at any time?

YES 0 NO 6 UNKNOWN 0

Crawlspace Events and Shooting

Interrogatory No. 27: At approximately 8:30 PM, did members of the SWAT Team enter the house and search for Mitchell Nelson?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 28: At approximately 9:40 PM, did members of the SWAT Team attempt to breach the entry to the crawlspace with a high energy charge and a pole?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 29: After opening the crawlspace door, did members of the SWAT Team deploy chemical munitions, saturating the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 30: At approximately 10:00 PM, did SWAT officers hear movement, then moaning, and then what sounded like a single gunshot from the crawlspace?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 31: Did Corporal Riggles position himself outside the house with Assistant Chief Betz and Corporal Tan, viewing the entry area of the crawlspace opening through a window?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 32: At approximately 10:30 PM, did a SWAT officer use a thermal camera ("FLIR") to view a "hotspot" that he believed to be Mitchell Nelson, unmoving in the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 33: At approximately 10:40 PM, after Mitchell Nelson had been located in the crawlspace, did SWAT officers send a police canine Kaiser into the crawlspace to bite Mitchell Nelson in order to determine if he was alive?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 34: Was canine Kaiser sent back into the crawlspace a second time after failing to contact Mr. Nelson?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 35: Did Assistant Chief Betz report that Mitchell Nelson was fighting with canine Kaiser in the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 36: Did SWAT officers hear gunshot(s) from the crawlspace after police canine Kaiser was sent into the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 37: Did canine Kaiser leave the crawlspace at approximately 10:44 PM?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 38: Was police canine Kaiser shot during this incident?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 39: After canine Kaiser came out of the crawlspace, were additional chemical munitions introduced into the crawlspace prior to Corporal Riggles firing shots?

YES 1 NO 0 UNKNOWN 5

Interrogatory No. 40: Was Corporal Riggles aware that negotiation attempts had been made earlier in the day?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 41: Was Corporal Riggles aware that a combination of CS gas (tear gas), OC rounds (pepper spray), and Noise/Flash Diversionary Devices ("NFDD") had been used throughout the house earlier in the day?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 42: Did Corporal Riggles believe that shots were fired at SWAT officers on the roof earlier in the day?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 43: Was Corporal Riggles aware that gunshot(s) were heard in the crawlspace after police canine Kaiser was sent into the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 44: Did Corporal Riggles see Mitchell Nelson turn towards himself and the other officers with a gun in his hands?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 45: Did Mitchell Nelson move a gun toward Corporal Riggles or any of the other SWAT officers?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 46: At approximately 10:45 PM, did Corporal Riggles fire his rifle at Mitchell Nelson?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 47: Did Assistant Chief Betz announce that he could still see Mitchell Nelson on the ground on the thermal camera?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 48: Did Corporal Riggles see Mitchell Nelson raise his arm toward Corporal Riggles and the other officers while still holding a firearm?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 49: Did Corporal Riggles fire his rifle at Mitchell Nelson again?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 50: Did officers observe any further movement from Mitchell Nelson?

YES 0 NO 6 UNKNOWN 0

Post-Shooting

Interrogatory No. 51: After Corporal Riggles finished firing, but before SWAT officers entered the crawlspace, did SWAT officers attempt to elicit a response from Mitchell Nelson by giving instructions to him and firing less lethal rounds at him?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 52: Was it safe for other SWAT officers to enter the crawlspace to render aid in the minutes after shots were fired?

YES 0 NO 6 UNKNOWN 0



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Interrogatory No. 53: Prior to entering the crawlspace, did SWAT officers use fans to ventilate the crawlspace?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 54: Prior to entering the crawlspace, did SWAT officers use a saw to cut a hole in the kitchen floor in order to create a view into the crawlspace from above so they could provide cover?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 55: Did SWAT officers enter the crawlspace at approximately 11:25 PM?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 56: When SWAT officers entered the crawlspace, did they observe a handgun on the ground under Mitchell Nelson's legs?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 57: When SWAT officers entered the crawlspace, did they observe any movement from Mitchell Nelson?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 58: Did Mitchell Nelson have a pulse when SWAT officers made contact with him inside the crawlspace?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 59: At approximately 11:30 PM, after SWAT officers moved Mitchell Nelson to the garage, did medics pronounce Mitchell Nelson deceased?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 60: Did Mitchell Nelson die as the result of one or more shots fired by Corporal Riggles?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 61: Was the amount of time that elapsed between when Corporal Riggles finished firing and when Mitchell Nelson was removed from the crawlspace reasonably necessary to ensure officer safety?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 62: Did anyone provide medical aid or lifesaving measures to Mitchell Nelson?

YES 0 NO 0 UNKNOWN 6

Interrogatory No. 63: According to the Medical Examiner, did the amount of time between when Mitchell Nelson was shot and when he was removed from the crawlspace contribute to his death?

YES 0 NO 6 UNKNOWN 0

INTERROGATORIES REGARDING WHETHER CORPORAL RIGGLES COMPLIED WITH FEDERAL WAY POLICE DEPARTMENT POLICIES AND TRAININGS

Interrogatory No. 64: Did Corporal Riggles reasonably believe that his use of deadly force was in defense of human life, including his own life, or in defense of any person in imminent danger of serious physical harm?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 65: Did Corporal Riggles comply with Federal Way Police Department Manual of Standards Section 1.3.2(A)(1), discussing when deadly force is authorized?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 66: Did Corporal Riggles comply with training that he received on when to use deadly force?

YES 6 NO 0 UNKNOWN 0



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Interrogatory No. 67: Did Corporal Riggles issue a verbal warning prior to using deadly force?

YES 0 NO 6 UNKNOWN 0

Interrogatory No. 68: Did Corporal Riggles comply with Federal Way Police Department Manual of Standards Section 1.3.2(A)(3) on whether to issue a verbal warning prior to using deadly force?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 69: Did Corporal Riggles comply with training that he received on when to issue a verbal warning prior to using deadly force?

YES 6 NO 0 UNKNOWN 0

INTERROGATORIES DETERMINING WHETHER MITCHELL NELSON'S DEATH WAS OCCASIONED BY CRIMINAL MEANS

Interrogatory No. 70: Was Corporal Riggles' use of deadly force justified as defined in Instruction No. 9?

YES 6 NO 0 UNKNOWN 0

Interrogatory No. 71: *Only if you answered "NO" to Interrogatory No. 70,* was Corporal Riggles' use of deadly force without malice, as defined in Instruction No. 9?

YES 0 NO 0 UNKNOWN 0 DID NOT ANSWER 6

Interrogatory No. 72: *Only if you answered "NO" to Interrogatory No. 70,* did Corporal Riggles have a good faith belief that his use of deadly force was justified, as defined in Instruction No. 9?

YES 0 NO 0 UNKNOWN 0 DID NOT ANSWER 6

Interrogatory No. 73: *Given your answers to Interrogatories Nos. 70-72,* did Corporal Riggles cause Mitchell Nelson's death by criminal means, as defined in Instruction No. 9?

YES 0 NO 6 UNKNOWN 0



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DATED this 23 day of August, 2023.

David B. Sautzberg
Panel Foreperson

Stephanie Snel
Panel Member

David Toum
Panel Member

[Signature]
Panel Member

[Signature]
Panel Member

[Signature]
Panel Member



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Juror No. 1

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>10</u> :	Yes to both questions, but timing of both occurring at the same time is a remaining question. Generally, this is 2 questions in one, so difficult to answer.
Interrogatory No. <u>15</u> :	Answered as if the announcements; negotiation attempts were heard by any officer. Noted that not all could hear and some could not remember.
Interrogatory No. <u>23</u> :	Only wrote "unknown" because I didn't make specific note of that or remember that testimony specifically.
Interrogatory No. <u>39</u> :	My notes show yes with some testimony, and some didn't remember, so I'm not feeling confident one way or the other on this fact.
Interrogatory No. 46 <u>47</u> :	If the question refers to the time period between volleys, the answer is no - I believe Nelsud was still standing at this point due to testimony that he was seen 'waving' the gun.

Juror No. 1

JUROR EXPLANATION FORM

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Interrogatory No. <u>50</u> :	The testimony I remember was that the gun was between his legs, but because Nelson was laying on his side, both could be true. "under" and "between!"
Interrogatory No. <u>62</u> :	Unknown - did not hear medic testimony or see any evidence of care being given in the garage.
Interrogatory No. ___:	
Interrogatory No. ___:	
Interrogatory No. ___:	

JUROR EXPLANATION FORM

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Interrogatory No. <u>10</u> :	As a jury we struggled with the 2 parts of this question being attached while it is clear that officers were made aware of firearms/ammunition hits and that if keys were provided by homeowner, it is less clear that officers actually obtained/had possession of keys and when.
Interrogatory No. <u>25</u> :	Our answer is based on only Marie Nekar's testimony since none to the contrary was given.
Interrogatory No. <u>26</u> :	Apart from when he left the house with the car keys out to try starting car and then returning to the house.
Interrogatory No. <u>31</u> :	There was too much conflicting testimony regarding this question for us to answer this question confidently.
Interrogatory No. <u>56</u> :	We said yes even though it's our understanding it was between his legs - it could be understood that the gun was under at least one leg in that scenario.

Juror No. 2

JUROR EXPLANATION FORM

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Interrogatory No. <u>62</u> :	<p>Because no Medics provided testimony to prove any aid was given beyond declaring death, and because no witnesses could remember any aid being given.</p>
Interrogatory No. __:	
Interrogatory No. __:	
Interrogatory No. __:	
Interrogatory No. __:	

Juror No. 3

JUROR EXPLANATION FORM

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Interrogatory No. <u>16</u> :	Not exact Not 100% sure if keys were given to initial Police or SWAT
Interrogatory No. <u>39</u> :	Not enough evidence was presented as only one witness made a brief statement from what i can recall
Interrogatory No. <u>47</u> :	Evidence show that Mitchell Nelson was not on the ground after 1st volley
Interrogatory No. <u>62</u> :	No evidence
Interrogatory No. <u>67</u> :	

Juror No. 4

JUROR EXPLANATION FORM

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Interrogatory No. <u>10</u> :	<p>Officer Bassett ab received from him Obtained keys and garage door opener from homeowner, based on time line in my notes, when the homeowner arrived at the home. This would have been better split into two separate questions about keys and firearms/amma.</p>
Interrogatory No. <u>25</u> :	<p>"No" answer is based on Macie Nelson's testimony. No other testimony saying anything about asking for Mitchell Nelson's phone number.</p>
Interrogatory No. <u>26</u> :	<p>"No" during SWAT response at house.</p>
Interrogatory No. <u>39</u> :	<p>Ofc Walker's testimony was the only one that indicated chemical munitions were put in the crawl space between when Kaiser exited the second time and when Cpl Riggles fired shots. But that testimony could have been talking about chemical munitions sent in crawl space before Kaiser went in the crawl space the second time.</p>
Interrogatory No. <u>45</u> :	<p>Nelson moved gun toward Cpl Riggles, Betz and Tan, because all three were in close proximity.</p>

Juror No. 4

JUROR EXPLANATION FORM

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Interrogatory No. <u>52</u> :	<u>Officers had no way to know if it was safe or unsafe, so had to assume it was unsafe until safety could be verified.</u>
Interrogatory No. <u>47</u> :	<u>We were told this question applies to between Riggle's two volleys.</u>
Interrogatory No. <u>56</u> :	<u>Testimony was that gun was between/under legs.</u>
Interrogatory No. <u>61</u> :	<u>Given Nelson's actions throughout the day, SWAT needed to be more cautious and methodically than typically, possibly.</u>
Interrogatory No. <u>62</u> :	<u>No testimony to whether medical aid was or was not administered.</u>

JUROR EXPLANATION FORM

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<p>Interrogatory No. <u>10</u>:</p>	<p>YES - LEARNED FIREARMS: AMMUNITION INSIDE THE HOUSE. UNKNOWN - HEARD HOMEOWNER CLAIM KEYS: GARAGE OWNER GIVE TO INITIAL RESPONDING OFFICER BASSET; I DO NOT HAVE CLARITY OF POLICE ACKNOWLEDGING THEY RECEIVED KEYS AT ANY TIME AND OR WHEN: BY WHOM.</p>
<p>Interrogatory No. <u>25</u>:</p>	<p>NO - THIS IS BASED ON ONLY MACIE NELSON TESTAMONY; NO OTHER TESTAMONY KNOWN TO BE GIVEN TO SUGGEST OTHERWISE. UNSURE IT IS POLICY - TESTAMONY STATE NEGOTIATORS HAVE USED A NON-PERSONAL CELL TO THROW INTO HOUSE TO CONTACT SUSPECTS - BUT CHOSE NOT TO IN INCIDENT 9/4/2018.</p>
<p>Interrogatory No. <u>26</u>:</p>	<p>NO - RELATIVE TO SWAT TEAM RESPONSE; NELSON HAD BEEN WITNESSED PRIOR TO SWAT ARRIVAL, BY INITIAL RESPONDING OFFICER BASSET, TO LEAVE OR ATTEMPT TO LEAVE THE HOUSE.</p>
<p>Interrogatory No. <u>34</u>:</p>	<p>YES, ALTHOUGH TESTAMONY BY BETE STATED "K-9 WALKED OVER NELSON, NO REACTION" THEREFORE "CONTACT" WAS MADE, REACTION NOT ELICITED AND K-9 SENT IN A SECOND TIME. IF CONTACT IS TO BITE, THEN NO ON FIRST ENTRY OF K-9.</p>
<p>Interrogatory No. <u>39</u>:</p>	<p>WHILE OTHERS STATED UNKNOWN, WALKER'S TESTAMONY INDICATED ADDITIONAL CHEMICAL MUNITION WAS DEPLOYED BETWEEN K-9 OUT (2ND TIME); SHOTS FIRED.</p>

JUROR EXPLANATION FORM

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Interrogatory No. <u>7a</u> :	multiple testimony given the gun was between, under, between & under (under 1, between 2) as suspect was on his side.
Interrogatory No. <u>62</u> :	WITHOUT MEDICAL TESTIMONY OR PHOTO EVIDENCE TO CONFIRM, I CANNOT SAY IT WAS OR WASN'T. A CAVEAT = CHECKING PULSE, GIVING VERBAL INSTRUCTION TO MOVE TO OPENING, MOVING TO MEDICS IN GARAGE ARE ALL TYPES OF PROVIDING.
Interrogatory No. <u> </u> :	
Interrogatory No. <u> </u> :	
Interrogatory No. <u> </u> :	

JUROR EXPLANATION FORM

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<p>Interrogatory No. <u>16</u>:</p>	<p>This is 2 questions in one; I am sure that responding officers knew about guns & ammunition inside the house. I am less sure of when the homeowner gave over the keys to initial responding officer(s) or to SWAT personnel.</p>
<p>Interrogatory No. <u>23</u>:</p>	<p>Based on Sgt. Cullens' testimony</p>
<p>Interrogatory No. <u>25</u>:</p>	<p>Based on Macie Nelson's testimony & no conflicting testimonies from other witnesses</p>
<p>Interrogatory No. <u>39</u>:</p>	<p>I have testimony from Walker to say that more gas was thrown into crawlspace after K9 left and before shots fired, but I am not confident that the timeline there is correct especially considering timelines given from other officers, specifically Lt. Tan. The timeline in general for when canisters deployed in this encounter is convoluted.</p>
<p>Interrogatory No. <u>45</u>:</p>	<p>Based only on Cpl. Riggles' testimony with some supporting witness testimony from Chief Betz; Riggles and Betz were really the only ones able to see Nelson's actions so we are dependent on Riggles' testimony alone. Also some supporting evidence from Medical Examiner Dr. Tara Dixon.</p>

Juror No. 6

JUROR EXPLANATION FORM

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Interrogatory No. <u>47</u>:	From Betz' testimony & Riggles' testimony, Nelson was still standing when the 2 nd Volley of shots was fired, not on the ground
Interrogatory No. <u>56</u>:	Some testimonies said the gun was between his legs, not necessarily under, but regardless, was certainly in that general vicinity prior to handcuffing & moving the gun for safety.
Interrogatory No. <u>61</u>:	Dispersing gas & cutting the hole in kitchen floor, formulating plans & communicating with command, the level of threat Nelson presented based on past actions, and waiting for gas to disperse all combined to make this a reasonable time window of ~ 40 minutes.
Interrogatory No. <u>62</u>:	Unsure what would be considered medical aid / lifesaving measures, but if medic aid I did not hear any testimony that would or see any evidence leading me to believe that anything had been done.
Interrogatory No. <u> </u>:	