

NO. 42173-9-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

LINDSEY CRUMPTON,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
KITSAP COUNTY, STATE OF WASHINGTON
Superior Court No. 93-1-00265-1

BRIEF OF RESPONDENT

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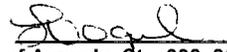
This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED December 29, 2011, Port Orchard, WA 
Original AND ONE COPY filed at the Court of Appeals, Ste. 300, 950 Broadway, Tacoma WA 98402; Copy to counsel listed at left.

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I. COUNTERSTATEMENT OF THE ISSUES

Whether the court below acted within its discretion when it denied Crumpton's motion for postconviction DNA testing where there was no likelihood that the new DNA test results would demonstrate his innocence on a more probable than not basis, where he matched the description of the rapist, was found shortly after the rape near the victim's home in the early morning hours, was sweaty and out of breath, had the victim's jewelry and linens in his possession, admitted having been in her home, and there was no evidence of a second perpetrator?

II. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

Crumpton was charged by amended information with five counts of rape in the first degree and one count of residential burglary. CP 4. After a trial, the jury returned guilty verdicts to all counts. CP 8.

At sentencing, the parties agreed that Crumpton's standard range sentence was 466-532 months, due to the requirement that the sentences for the rapes run consecutively. 12RP 27.¹ The trial court imposed an exceptional sentence above the standard range on the statutory grounds of

¹ All references to numbered volumes of reports of proceedings are to those prepared in conjunction with Crumpton's direct appeal, *State v. Crumpton*, No. 17502-9-II. The numbering is in conformance with the key set forth in Brief of Respondent, at 2 n.1, from that appeal. There was no objection below to their consideration.

particular vulnerability and deliberate cruelty. CP 8.

The Court of Appeals affirmed, *State v. Crumpton*, No. 17502-9-II, Unpublished Opinion, at 16, and the Supreme Court denied review. *State v. Crumpton*, No. 64364-4. Crumpton thereafter filed multiple collateral attacks in the Kitsap and Pierce County Superior Courts, and multiple personal restraint petitions in the Court of Appeals. *Crumpton v. Stewart*, Pierce County No. 98-2-08238-6; *In re Crumpton*, No. 17588-6-II; *In re Crumpton*, No. 18673-0-II, *review denied*, No. 62572-7; *In re Crumpton*, No. 19217-9-II; *State v. Crumpton*, No. 20206-9-II, *transfer declined*, No. 65840-4, *review denied*, 66650-4; *In re Crumpton*, No. 28194-5-II (consolidated as 28193-7-II), *review denied sub nom. In re Birchall*, No. 75401-2. Relief was denied in all proceedings.

Beginning in October 2010, Crumpton filed three motions for postconviction DNA testing in superior court. The first two appeared to address the issues under the framework of the prior version of RCW 10.73.170, which expired in 2004. CP 53. The final motion applied the framework of the current statute. CP 22. The State confined its response to the latter motion. It argued that although Crumpton appeared to meet the minimal pleading requirements under the statute, he failed to satisfy his

onerous burden of establishing a likelihood that he is innocent. CP 47.

After appointing counsel, CP 24, the trial court held a hearing. Although the court found that the motion was procedurally adequate, it denied relief on the grounds that, substantively, Crumpton had failed to show a likelihood that testing would demonstrate his innocence. RP 23. Written findings of fact and conclusions of law were entered. CP 60.

B. FACTS

On Saturday, April 10, 1993, 75-year-old D.F.E., who lived alone in a small house in Bremerton, Washington, retired for the night at 10 p.m., wearing thermal pants, a thermal top, and a pair of panties. 6RP 30-32, 34-35. D.F.E. slept on one bed in the back bedroom and her cat, Toy-Toy, slept on the other bed. 6RP 35.

D.F.E. was awakened at approximately 3:15 a.m. when Toy-Toy jumped off the bed and ran out of the room. 6RP 35, 37. After checking the clock to see what time it was, D.F.E. saw a strange man, later determined to be Crumpton, standing by the cat's bed. 6RP 38.

Crumpton grabbed D.F.E. by the neck and threw her on the floor between the beds. 6RP 38. He stuck D.F.E.'s head between the box spring and the mattress and held her there until D.F.E. said, "Please don't hurt me." 6RP 39. He then placed D.F.E. on the bed. 6RP 39. He pulled D.F.E.'s

clothes down, and he covered her head with quilts, pillows, and blankets. 6RP 40. Crumpton then forced his penis into D.F.E.'s rectum. 6RP 40-41.

After that Crumpton left the bed and began searching through D.F.E.'s drawers. 6RP 42. He eventually returned to the bedroom where he anally raped D.F.E. again. 6RP 42. Crumpton continued this sequence of leaving the bedroom to search the house for valuables only to return to rape D.F.E. three more times. 6RP 43, 45. On two of these occasions he raped D.F.E. rectally and on one occasion he raped her vaginally. 6RP 44. He also attempted to place his penis in her mouth, but D.F.E. successfully resisted. 6RP 43.

D.F.E. offered to give him the \$10.00 she had in the house but he rejected this amount as too little. 6RP 43. When D.F.E. suggested that she could get more money if he would return the following night, Crumpton responded that he would "think about it." 6RP 43.

D.F.E. found it difficult to breathe with the covers and pillows over her face. 6RP 44. When she attempted to create an air passage Crumpton told her to "stay covered up, white bitch". 6RP 44. D.F.E. did get out of the bed when the house got quiet, but when she saw Crumpton standing in the front door she got back in bed and recovered her face. 6RP 45.

After the fifth rape, Crumpton totally removed D.F.E.'s long

underwear and panties. 6RP 46. He then poured something cold on D.F.E. and rammed handkerchiefs into her perineal area. 6RP 46. The handkerchiefs that were used to cleanse D.F.E. came from a stack that was kept in the nightstand drawer. 6RP 46. Crumpton then left. 6RP 49, 78.

Shortly afterward, D.F.E. appeared at her neighbor's door in her housecoat. 6RP 49. When she arrived there at approximately 5:15 a.m., D.F.E. was missing her eyeglasses, her dentures and shoes, and she was trembling with fear. 6RP 91-92, 101. After D.F.E. was escorted to the hospital by paramedics, the neighbor noted that there was blood on the floor where D.F.E. had been standing. 6RP 105.

At the hospital, D.F.E. was transferred from the ambulance's gurney to an emergency room treatment table. There was blood on the gurney and on the back of D.F.E.'s robe. 6RP 105.

The ER doctor observed bruising on D.F.E.'s neck, tearing in D.F.E.'s rectum, and a small amount of blood in D.F.E.'s vagina. 8RP 293-95, 297. While these wounds did not require sutures, D.F.E.'s injuries were serious enough to require follow-up medical appointments and to cause pain to D.F.E. 6RP 52; 8RP 296.

Crumpton was apprehended at 5:23 a.m., half a mile from D.F.E.'s house. 6RP 162-63, 170, 7RP 244-45. Crumpton was running when the

police first saw him. 7RP 244-45, 252; 3RP 5. Crumpton was wearing soiled pants and black leather jacket without a shirt, and his chest was quite wet. 7RP 245-46, 252; 3RP 5. Crumpton appeared somewhat out of breath. 7RP 247.

Crumpton dropped several handkerchiefs when the police approached. 7RP 245; 3RP 5. Subsequent investigation of the dropped clothes revealed that they were initialed handkerchiefs. 7RP 249-50. Crumpton was carrying a flowered-print design pillow case or blanket which appeared to be slightly blood smeared. 7RP 248; 3RP 6. There was a beige phone cord. 7RP 250, 258; 3RP 10. Crumpton also had costume jewelry, a cigarette case and a lighter in his pockets and a number of handkerchiefs were taken from Crumpton's crotch area. 7RP 249, 257, 261-63; 271-72; 3RP 9. D.F.E. identified all the items as hers. 6RP 55-57, 60-61; 7RP 273-74.

Crumpton admitted to being in D.F.E.'s house for approximately 40 minutes but he denied hitting or raping D.F.E. 8RP 423, 425-26, 429.

A thorough search of D.F.E.'s house revealed that the rapist had gained egress by kicking or hitting the front door with such force that big chunks of plaster had been dislodged from the wall. 6RP 127, 7RP 179-80. The officers noted that one phone cord had apparently been cut and another phone cord had been completely removed. 6RP 129, 130. The spare

bedroom's drawers were opened and items had been taken out of them and placed on the beds in disarray. 6RP 129, 135; 7RP 224.

The linens in D.F.E.'s bedroom were in complete disarray. 6RP 128. The bed sheets were of the same pattern as the pillow case found in Crumpton's possession. 7RP 219-20. Handkerchiefs were located on the right side of D.F.E.'s bed and there was an open bottle of Crisco oil on the dresser. 6RP 128, 129. One of the handkerchiefs appeared to be soaked with some sort of liquid and there was a reddish spot on it which might be blood. 6RP 130, 140-41; 7RP 199-200.

Jewelry fragments were located on the floor of D.F.E.'s home. 7RP 206-09; Ex. 21. These fragments matched jewelry that was in Crumpton's possession when he was arrested.

Hairs that were collected from D.F.E.'s bedroom were examined by the crime laboratory. 7RP 200-03. One of the hairs that was collected from the mattress exhibited the same microscopic characteristics as the pubic hair control collected from Crumpton. 8RP 344-46.

III. ARGUMENT

CRUMPTON FAILS TO SHOW ANY LIKLIHOOD THAT THE RESULTS OF DNA TETSING WOULD DEMONSTRATE HIS INNOCENCE ON A MORE PROBABLE THAN NOT BASIS.

Crumpton argues that the court below erred in refusing his motion for

postconviction DNA testing. This claim is without merit because Crumpton failed to satisfy the court that there was a likelihood that the new DNA test results would demonstrate his innocence on a more probable than not basis.

Review is for abuse of discretion. *Riofta v. State*, 166 Wn.2d 358, ¶ 31, 209 P.3d 467 (2009). Given the overwhelming evidence of his guilt, Crumpton fails to show the trial court abused its discretion.

1. Washington's post-conviction DNA testing statute is designed to provide a vehicle only for those who can demonstrate likely innocence.

There is no constitutional right to post-conviction DNA testing. *District Attorney's Office v. Osborne*, ___ U.S. ___, 129 S. Ct. 2308, 174 L. Ed. 2d 38 (2009). The Washington Legislature has, however, authorized the use of public funds for such testing under specified circumstances. The issue in this case is whether Crumpton met these statutory requirements.

The Legislature first provided for postconviction DNA testing in 2000. Laws of 2000, ch. 92, § 1. That statute provided for an administrative procedure. The decision whether to authorize testing was made by the prosecutor, with appeal to the attorney general. This statute expired December 31, 2004.

In the 2004 legislative session, a bill was introduced to reauthorize postconviction testing. The decision-making authority was to be transferred

to the court of conviction. HB 2872 (2004). This bill was not enacted.

A similar bill was introduced the next year. HB 1014 (2005). The House Bill Report explained the relationship of this bill to the previous year's bill: "This was an agreed upon bill in 2004, but due to lack of time, the Legislature did not get a chance to have it moved and voted off the suspension report." House Bill Report on SHB 1014 at 3 (2005). The 2005 version of the bill was enacted.

Postconviction DNA testing involves a balancing of interests. On the one hand, it is important to have "a process . . . in place for cases where DNA tests could provide evidence of a person's innocence." House Bill Report on HB 2872 at 3 (2004). On the other hand, it is important to avoid unnecessary testing. Postconviction testing can be costly and place a burden on laboratories that are already overloaded. It does not always lead to useful results. *Osborne*, 129 S. Ct. at 2327-29 (Alito, J., concurring).

[E]xperience also points to the need to ensure that post-conviction DNA testing is appropriately designed so as to benefit actually innocent persons, rather than actually guilty criminals who wish to game the system or retaliate against the victims of their crimes. Frequently, the results of post-conviction DNA testing sought by prisoners confirm guilt, rather than establishing innocence. In such cases, justice system resources are squandered and the system has been misused to inflict further harm on the crime victim.

149 Cong. Rec. S14046 (daily ed. Nov. 5, 2003) (statement of Sen. Kyl, quoting Sarah Hart, Director, National Institute of Justice).

The Washington statute resolves this problem by setting a high standard for testing. “By keeping the high ‘proof of innocence’ standard in the bill, the number of requests will remain low and testing will only be ordered in cases where there is a credible showing that it likely could benefit an innocent person.” House Bill Report on HB 2872 at 3 (2004). The standard recognizes that while a criminal defendant is presumed innocent until proven guilty and his guilt must be proven beyond a reasonable doubt, a post-conviction petitioner “does not come before the Court as one who is ‘innocent,’ but . . . as one who has been convicted by due process of law” of a violent felony. *Herrera v. Collins*, 506 U.S. 390, 399-400, 113 S. Ct. 853, 122 L. Ed. 2d 203 (1993).

RCW 10.73.170 provides:

(1) A person convicted of a felony in a Washington state court who currently is serving a term of imprisonment may submit to the court that entered the judgment of conviction a verified written motion requesting DNA testing, with a copy of the motion provided to the state office of public defense.

(2) The motion shall:

(a) State that:

(i) The court ruled that DNA testing did not meet acceptable scientific standards; or

(ii) DNA testing technology was not sufficiently developed to test the DNA evidence in the case; or

(iii) The DNA testing now requested would be significantly more accurate than prior DNA

testing or would provide significant new information;

(b) Explain why DNA evidence is material to the identity of the perpetrator of, or accomplice to, the crime, or to sentence enhancement; and

(c) Comply with all other procedural requirements established by court rule.

(3) The court shall grant a motion requesting DNA testing under this section if such motion is in the form required by subsection (2) of this section, and the convicted person has shown the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis.

Subsection (2) is a pleading provision. *Riofta*, 166 Wn.2d at ¶ 13. If the defendant's motion contains the requisite allegations, the Court then considers whether the probable innocence standard has been met. *Id.*

Subsection (3) sets forth the substantive requirements that the defendant must meet. "In contrast to the statute's lenient procedural requirements, its substantive standard is onerous." *Riofta*, 166 Wn.2d at ¶ 22.

2. Pleading

Below, Crumpton appeared to argue the two alternatives under Subsection (2)(a)(ii) & (iii).² The State conceded that under the lenient standards of pleading set forth in *Riofta*, Crumpton's motion adequately alleged that one or both of these factors is met. He also alleged that the testing results would be material under subsection (2)(b).

² Crumpton did not suggest that the trial court found that DNA evidence was not admissible under (2)(a)(i). Nor could he.

3. *Actual innocence*

The onerous substantive standard is not met merely by the defendant's showing that favorable DNA results might be obtained:

RCW 10.73.170 allows a convicted person to request DNA testing if he can show the test results would provide new material information relevant to the perpetrator's identity. However, a trial court must grant the motion *only* when the petitioner "has shown the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis." RCW 10.73.170(3).

Riofta, 166 Wn.2d at ¶ 24 (emphasis supplied).

Crumpton's argument is based on the Court assuming that testing results would be favorable to him. Although there is some language in *Riofta* that could suggest such a standard, there is no language in the statute requiring such an assumption. Indeed the statute only permits testing if the defendant shows a likelihood that the *results* will demonstrate innocence. The Legislature could easily have written: "the convicted person has shown the likelihood that *favorable* DNA evidence would demonstrate innocence on a more probable than not basis." It did not.

Riofta must therefore be read in context. In that case, the Court concluded that even a favorable test result would not exonerate *Riofta*. There was therefore no need to examine whether there was any probability that the

testing would be favorable.³ See *Riofta*, 166 Wn.2d at ¶ 21 (framing the issue before the Court of Appeals as whether Riofta could show innocence on a more likely than not basis “even if” the test results were favorable).

Moreover, given that failure to request testing at trial *may* be considered under subsection (3) of the statute, it is clear that Court was not ruling out a failure to meet the substantive burden on the grounds that there was no likelihood that that the test results would be favorable:

The failure to seek DNA testing at trial is a factor the trial court may take into account in deciding whether there is a “likelihood” the requested testing would demonstrate innocence on a more probable than not basis.

Riofta, 166 Wn.2d at ¶ 21 n.1; ¶ 27 n.3. Plainly the inference is that the defense did not seek testing for fear it would inculcate the defendant.

Further, the Court cites to *United States v. Boose*, 498 F.Supp.2d 887, 891-92 (W.D. Miss. 2007), for the proposition that because initial inculpatory DNA testing “merely bolstered the testimony of numerous witnesses” that defendant kidnapped and raped the victim, further DNA testing would not support defendant’s “I didn’t do it” theory or “raise a reasonable probability that the defendant is actually innocent.” *Riofta*, 166 Wn.2d at ¶ 28.

RCW 10.73.150 thus requires that there be a likelihood that *the DNA*

³ Moreover, given the circumstances of the case, there *was* a likelihood that Riofta’s DNA would not appear on the white hat that was the subject of the motion. The hat belonged to the owner of the stolen car used in the crime and may only have been worn momentarily by the

evidence, along with other relevant evidence, would show innocence. Here, there was no such likelihood. Within 8 minutes after the victim reported the rapes, Crumpton was stopped by the police less than half a mile away. He was running, sweaty and out of breath, and he gave an unlikely account of his presence on the streets at 5:30 a.m. He matched the victim's description of her assailant, including emitting a strong odor of cologne. He was carrying several items that the rapist had taken from the victim's home, including a telephone cord, a flowered-print bed sheet that matched the linens in her home, monogrammed handkerchiefs, and jewelry that was identified by the victim and matched the broken pieces left at the scene. A specimen of his pubic hair matched a hair left at the crime scene. Further, Crumpton himself admitted being in the apartment and there is no evidence that any other assailant was present that evening. There was no likelihood that the DNA results would have been favorable and no probability on a more likely than not basis that they would have demonstrated Crumpton's innocence.

Testing the evidence in this 20-year old case would have wasted the State's precious resources and would not have shown Crumpton to be innocent. The court below properly denied Crumpton's motion.

defendant.

4. Gray and Thompson

Crumpton relies heavily on two cases from Division I of this Court. See *State v. Thompson*, 155 Wn. App. 294, 229 P.3d 901, review granted, 170 Wn.2d 1005 (2010);⁴ *State v. Gray*, 151 Wn. App. 762, 215 P.3d 961 (2009). The State would respectfully submit that Division I has misapplied the statute and the Supreme Court’s interpretation of it in *Riofta*.

Crumpton would derive from *Gray* and *Thompson* the principle that “sex cases ... are different from other cases.” Brief of Appellant at 8. There is no logical or textual basis for this conclusion. It may be that the outcome in these cases could be justified on the grounds that they were based on “shaky” eyewitness identifications. See *Gray*, 151 Wn. App. at ¶ 26 n.9; *Thompson*, 155 Wn. App. at ¶ 19. Nevertheless, their reasoning remains difficult to reconcile with the statutory language or the overall holding in *Riofta*.

Gray begins its analysis of the substantive portion of the statute (RCW 10.73.170(3)) by citing *Riofta* as enunciating that the “legislative intent behind the 2005 amendment to RCW 10.73.170 was to broaden access to DNA testing.” *Gray*, 151 Wn. App. at ¶ 25. The cited passage in *Riofta*, however, was addressing the new *procedural* aspects of the statute, which as

⁴ Oral argument in the Supreme Court was heard in *Thompson* in May 2011.

discussed above, are lenient. *Riofta*, 166 Wn.2d at ¶ 15 (“in 2005, the legislature broadened procedural requirements of the statute.”) *Gray*, however applies that exegesis to the *substantive* portion of the statute, which *Riofta* held created, in contrast, an “onerous” standard. *Riofta*, 166 Wn.2d at ¶ 22.

From this premise, it takes the language discussed above in *Riofta* as a mandate and imports a requirement that the trial court assume the DNA results will be favorable when weighing whether a defendant has met his burden of showing likely innocence. *Gray*, 151 Wn. App. at ¶ 27. *Thompson* also departs from the statutory mandate in the very first paragraph of the opinion:

A postconviction motion for DNA testing of semen samples in a rape case should be granted when testing would provide new information about the rapist's identity *and favorable results* would establish the defendant's innocence on a more probable than not basis.

at ¶ 1 (emphasis supplied). The highlighted language is not found in the statute, and as discussed above, is contrary to the holding in *Riofta*.

Insertion of the gloss “favorable results” into the statutory language directly defeats the statutory intent of *limiting* testing to those cases where there was a likelihood of innocence. The statute permits testing only where the defendant can show “the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis.” RCW

10.73.170(3). Nothing in the statute permits a presumption that the evidence will be favorable. Indeed the plain reading is that the defendant must show that it is likely to be favorable. As noted above, *Riofta* contemplates that the failure to request DNA testing at the time of trial may in some cases raise an inference that the defense believed the results would be unfavorable, and that such evidence may be considered in weighing the defendant's proof under RCW 10.73.170(3). If the court is to assume the DNA evidence will be favorable, such a calculus would make no sense.

Thompson similarly abandons the statutory prerequisite that a defendant show likely innocence by additionally declining to consider the fact that the defendant had confessed to the crime, on the grounds that the confession was not offered at trial by the State. These cases clearly depart from the Legislative intent, and the State urges this Court to not follow them.

Finally, even if a "favorable" result is assumed, when combined with the other evidence, it simply does not raise an inference of innocence. The evidence showed that Crumpton poured a liquid on his victim and wiped it off in an attempt to remove his bodily fluids from her. That would more than explain an absence of his DNA, and would no way counter the other overwhelming evidence against him.

5. *Crumpton's irrelevant policy arguments*

Crumpton devotes roughly one third of his briefing to a strawman

argument about policy. These arguments were plainly considered and rejected by the Legislature when it enacted the statute, as noted above. Moreover, in that Crumpton relies upon the dissenting opinions in *Riofta*, they were plainly considered by the Supreme Court and rejected as well. And in any event, they are unpersuasive.

Crumpton argues that cost to the public should not be considered. He contends that the cost of “a couple thousand dollars” is insignificant. At a time when the county is laying off large numbers of employees due to budget shortfalls,⁵ this argument is untenable. This is particularly true given the zero-probability that the DNA test results would exonerate Crumpton.

Moreover, Crumpton bases this claim on the arguments of his counsel below, which he would have accepted as “evidence.” He misidentifies Mr. Tibbits as head of the prosecutor’s office, Brief of Appellant at 9, when in fact he is the supervisor of the Kitsap County Public Defense Division. *See* http://www.kitsapgov.com/clerk/pubdef_main.htm. As such his job cannot be characterized as “the person charged with guarding the public coffers.” Brief of Appellant at 10. To the contrary, his primary duty would be the zealous defense of those charged with crimes. In any event, as already noted, he fails to justify the expenditure he proposes, which would be directly

⁵ *See, e.g.*, Chris Henry, *County Presents Budget For Public Review*, *Kitsap Sun* (Nov. 28, 2011) (available at <http://www.kitsapsun.com/news/2011/nov/28/county-presents-budget-for->

contrary to the intent of the Legislature.

Crumpton also sets up and purports to knock down the claim that unnecessary testing would unduly distress the victim of the crime. Even if one were to assume that Crumpton's victim, who was 75 in 1993, remains alive, it is inconceivable that she would find comfort in the reopening of her case "just to be sure" when the evidence presented to the jury 20 years ago was so overwhelming.

Finally, Crumpton contends, relying on a dissent in *Riofta*, that the Legislature intended in enacting the statute to "do everything humanly possible" to guarantee "truth in convictions." However, as discussed previously, and as reaffirmed by the *majority* opinion in *Riofta*, the Legislature was determined to allow testing in old cases only where there was shown to be a likelihood of actual innocence. The language of the statute is designed precisely to avoid the unwarranted testing on behalf of defendants, who like Crumpton, with his repeated meritless prior collateral attacks, would "game the system."

The trial court correctly carried out the intent of the Legislature and applied the statute as interpreted by the Supreme Court in *Riofta*. Because Crumpton fails to show the court below abused its discretion, its order

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denying relief should be affirmed.

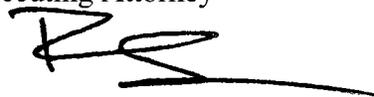
IV. CONCLUSION

For the foregoing reasons, the order denying Crumpton's motion for postconviction DNA testing should be affirmed.

DATED December 29, 2011.

Respectfully submitted,

RUSSELL D. HAUGE
Prosecuting Attorney

A handwritten signature in black ink, appearing to be 'R D Hauge', with a long horizontal flourish extending to the right.

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