

No. 45959-1

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

STATE OF WASHINGTON,

Respondent,

v.

CONLAN JADEN SHAW,

Appellant.

AMENDED BRIEF OF APPELLANT

Appeal from the Superior Court of Pierce County,
No. 13-8-00892-8
The Honorable K.A. van Doorninck, Presiding

E. ALLEN WALKER
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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	3
ASSIGNMENTS OF ERROR	3
1.THERE WAS INSUFFICIENT EVIDENCE TO CONVICT APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLARY.	3
ISSUES PERTAINING TO ASSIGNMENTS OF ERROR	3
1. WHETHER THERE WAS SUFFICIENT EVIDENCE TO CONVICT THE APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLARY?	3
STATEMENT OF FACTS	4
LAW AND ARGUMENT	10
1. WHETHER THERE WAS SUFFICIENT EVIDENCE TO CONVICT THE APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLERY.	10
ARSON IN THE FIRST DEGREE	10
LESSER INCLUDED	12
RESIDENTIAL BURGLARY	13
MALICIOUS MISCHIEF IN THE FIRST DEGREE	14
CONCLUSION	15
APPENDIX C	16
APPENDIX D	21

TABLE OF AUTHORITIES

Cases

State v. Bergeron, 105 Wn.2d 1, 711 P.2d 1000 (1985) 13
State v. Caliguri, 99 Wn.2d. 501, 664 P.2d 466 (1983) 10
State v. Galisia, 63 Wn.App. 833, 840, 822 P.2d 303 (1992) 12
State v. Siemion, 54 Wn.2d 17 (1959) 10
State v. Trout, 125 Wn.App. 403, 410 (2005) 12
State v. Veruben, 150 Wn.2d 498, 511, 79 P.3d 1144 (2003) 12

Statutes

RCW 9A.48.020 10
RCW 9A.48.040 12
RCW 9A.48.070 14
RCW 9A.52.025 13

ASSIGNMENTS OF ERROR

1. THERE WAS INSUFFICIENT EVIDENCE TO CONVICT APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLARY.

ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. WHETHER THERE WAS SUFFICIENT EVIDENCE TO CONVICT THE APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLARY?

STATEMENT OF FACTS

By Information, Appellant was charged on August 8, 2013 with Arson in the First Degree and Residential Burglary. CP 1. Charges were amended to also include Malicious Mischief in the First Degree. CP 6-7. This took place on January 28, 2014, first day of trial. Appellant was convicted of all charges. CP 19.

Following trial, the Court entered Findings of Fact and Conclusions of Law on February 27, 2014. In particular, first off the Court found that Conlan Jaden Shaw was born June 25, 2000. CP 29. All relevant events took place in Pierce County. CP 30

Tacoma Police Officer James Pincham responded to a Tacoma residence just before noon on July 20, 2013, at 4314 N. Pearl Street, Tacoma, in response to a 911 call involving hearing breaking glass at the location. CP 30. The officer had previously heard breaking glass when he drove through the neighborhood on an unrelated call. Upon arriving, the officer saw broken windows at the front of the house. CP 31. The officer and back-up officer as they approached the residence smelled the odor of smoke. The front door was unlocked. They entered the residence and could smell a stronger odor of smoke. The entryway was covered with broken glass. The officers determined the home to be unoccupied. CP 31; RP 34. There was extensive damage throughout the home, both upstairs and downstairs. There was broken glass in the kitchen, the refrigerator had been tipped over and had dents in it. CP 31-32.

There were holes in the living room area as well as a floor lamp was broken and laying on the floor. A table with a glass top was shattered. CP 32.

The hallway leading south from the living room in the upper level of the home also had broken glass on the floor. A ceiling light fixture had been broken, a damaged thermostat was on the wall and the doorbell was missing. It was later found at the entryway on the floor. The hallway ceiling was covered in black soot. In the upper level there are two bedrooms, one of which suffered little damage, but had a strong odor of smoke. The other bedroom had a broken ceiling light fixture, a broken floor lamp as well as broken glass on the floor and both windows in the bedroom were shattered. CP 32.

The upstairs bathroom had extensive damage, including a broken mirror and ceiling fan. CP 32.

On the lower level there are two bathrooms. The hallway on the lower level there again was a strong odor of smoke and the hallway walls were covered in soot. CP 33. The family room on the lower level had carpet that had been burned, but was still smoldering. The wall on the north end had been blackened by smoke. CP 33.

The laundry room also had smoke damage with broken fixtures found on the floor. CP 33.

In the hallway there was soot and smoke damage as well as apparent blood evidence that officers noticed. Forensic technician later responded to the scene and took samples. CP 33.

The lower level bathroom had a shattered window. The toilet paper dispenser had smoke damage near it and a burned roll of toilet paper was found on the floor. There was damage on the wall next to the toilet paper. CP 33.

Officer Pincham further found a burned roll of toilet paper in one of the downstairs bedrooms and saw burning embers in that bedroom's carpet indicating that the fire had recently been set there. CP 34; RP 76.

The other downstairs bedroom had a shattered window and had blood evidence on the frame of the window indicating a likely point of entry of that window. Forensic evidence was taken of that blood as well. Further forensic evidence involving latent fingerprints was also obtained from upper and lower levels of the home. CP 34; RP 79. The Court further found that since there was evidence of broken glass on the exterior of the home in the same area where the broken rear window was and the screen for the window was found on the exterior also there was blood evidence on the frame on the lower level bedroom was, the Court made a finding that the respondent broke that window to gain entry and in so doing, cut himself. Further that he smeared his fresh blood on the hallway wall as he went through the residence. CP 34. The Court found that Officer Pincham's testimony was very credible. CP 35.

The Washington State Patrol Crime Lab forensic technician and scientist extracted the DNA from the blood evidence and determined that it matched respondent's DNA beyond statistical question. The Court determined that respondent had entered the residence through the broken window in the lower bedroom and walked down the hallway and wiped his blood on the walls. Further forensic evidence by a different forensic scientist trained in comparing fingerprints determined that respondent's prints were located at several locations in the home including on the broken floor lamp found in the upper level and upon a piece of broken window glass from the residence. CP 35.

Mary Casey, a next door neighbor testified that she heard broken glass between 8:30 and 9:00 a.m. on June 20, 2013 and the last time she heard breaking glass was when the officer was walking towards the residence. CP 35; RP 54.

The residence owner, Ester Mbajah testified that the home had been vacant for some time prior to June 20, 2013, and a real estate agent had been hired to rent the property, but that she had a habit of driving past the residence each weekday on her way to work and did so on June 20, 2013, at approximately 7:30 in the morning. She saw no signs of damage at that time, including no broken windows and no broken dining chairs in the driveway. CP 36. She had last been in the residence itself a day or two prior to June 20, 2013, without any of the damage testified to having had occurred. She testified that she does not know the appellant and did

not give him permission to be in the home or cause any damage to the home. CP 36.

Ms. Mbajah testified that her insurance company estimate was roughly \$20,000, but denied the claim so she and her husband had to pay for the damages themselves and spent over \$13,000 to do so. CP 36. This did include some upgrades, but the fire damage exceeded \$5,000 including the cost of replacing the burned carpet which exceeded \$1,200. Her testimony was determined to be very credible. CP 36-37.

Tacoma Fire Department arson investigator, Kenneth Hansen testified that fires in the home originating in three separate areas of the home, including the burnt toilet paper roll found toward the middle of the floor in one of the lower level bedrooms that caused a small fire to the carpeting on the floor, another toilet paper roll that burned in the lower level bathroom that appeared to have been ignited while on the toilet paper holder prior to falling to the ground and causing additional damage to the base of the wall and the largest burned area of carpeting that occurred in the family room. The two carpet fires originated away from walls and were not near any source of potential accidental ignition such as faulty wiring based on the nature and origin of the fires, the multiple location of fires throughout the lower level, the lack of any other source of nature or accidental ignition and the degree and volume of other contemporaneous damage throughout the house. Hansen opined that the fires were intentionally set, although he was not able to offer any opinion as to

whether an accelerant was used. RP 106. Hansen testified that with fires in three different locations in the home, they are not accidental fires based on “common sense”. CP 37; RP 109.

On cross examination, the arson investigator acknowledged that he couldn’t rule out that someone maybe was playing with matches and had lit the toilet paper. RP. 110-111; 115-116. He acknowledged not doing a very “thorough” fire investigation in this case. RP 111.

The appellant stipulated that the DNA and fingerprint evidence would be admissible in Court. RP 14-15. See Appendix C and D.

Any photographs taken at the scene were also admitted without objection. RP 17.

In his closing argument, the prosecutor acknowledged that in fingerprint stipulation there was an “unidentified fingerprint in the residence.” RP 163 See Stipulation Regarding Fingerprint Evidence, Appendix C, P.3, LL 21-22. (“TDP Martin also noted that there is one fingerprint that remains unidentified”.)

Appellant’s grandmother, Nancy Pringle attended all Court hearings. She prior to trial arranged with defense counsel for Donald Gordon Spencer, to testify as to appellant’s whereabouts during the relevant time period. The Court appointed attorney refused to call Mr. Spencer. Ms. Pringle attempted to get the Court’s attention, but was chastised and quieted down. Cf RP 17-18.

The appellant was convicted of all the amended charges and sentenced on February 26, 2014. He was committed to the Department of Juvenile Rehabilitation for 103 to 129 weeks with credit for 60 days served. CP 19-25. This timely appeal follows.

LAW AND ARGUMENT

1. WHETHER THERE WAS SUFFICIENT EVIDENCE TO CONVICT THE APPELLANT OF ARSON IN THE FIRST DEGREE, MALICIOUS MISCHIEF IN THE FIRST DEGREE, AND RESIDENTIAL BURGLERY.

As the Court knows, evidence of a particular element of a crime is sufficient if, after reviewing the evidence most favorably to the State, any rational trier of fact court could have found the existence of that particular element beyond a reasonable doubt. State v. Caliguri, 99 Wn.2d 501, 664 P.2d 466 (1983).

ARSON IN THE FIRST DEGREE

The elements of Arson in the First Degree are set forth in RCW 9A.48.020 as follows in relevant part:

- (1) A person is guilty of arson in the first degree if he or she knowingly and maliciously:
 - (b) Causes a fire or explosion which damages a dwelling.

In State v. Siemion, 54 Wn.2d 17 (1959) the Court held that when the case entirely based upon circumstantial evidence, the State must not only prove its hypothesis as to the accused's guilt, but also that

is inconsistent with any hypothesis that would establish the innocence of the accused.

Arguably, the claim that appellant caused the fire is circumstantial. His prints and DNA were found in the home. There was no direct evidence presented that claimed Appellant started any fire at the residence.

Further, there is no evidence as to the precise timing for when he was exactly in the home. The home owner testified that she drove past the home and there were no broken windows before 8:00 a.m. on the date in question. The officers entered the home at approximately noon after the neighbor had called 911. The neighbor heard broken glass prior to 9:00 a.m.

That is the extent of the circumstantial evidence that the appellant was there some time over that four hour time period.

However, there is no specific evidence tying the appellant to being there precisely shortly before noon, at which time the officer testified that the fire was still going or at least smoldering when he entered the premises. CP 33. Given that there was an unidentified fingerprint at the scene, this is not sufficient evidence beyond a reasonable doubt that appellant started the fires in the residence. Appellant's fingerprints are not and no other evidence whatsoever are on the toilet paper roll, on a lighter, on anything to do with the actual fire. He was not wearing gloves which explains his fingerprints elsewhere in

the home. There is no forensic evidence that he started the fire. The fact that he was present at the residence at some point is insufficient evidence. The fact that there was a fire at the residence is also insufficient. There is no direct evidence that appellant started the fire, or was even there when any fire was started or going.

It is well settled that as set forth in State v. Trout, 125 Wn.App. 403, 410 (2005):

It is the intent to facilitate another in the commission of the crime by providing assistance through presence in actions that makes an accomplice criminally liable. State v. Galisia, 63 Wn.App. 833, 840, 822 P.2d 303 (1992). The State must show that the defendant aided in the planning or commission of the crime or had knowledge of the crime. State v. Veruben, 150 Wn.2d 498, 511, 79 P.3d 1144 (2003).

Here, we have evidence of fingerprints from a different individual that was unexplained from the residence. There is no evidence that it was appellant opposed to the other unidentified individual at the scene who had anything to do with setting fires. There is insufficient evidence to convict appellant of arson in the first degree.

LESSER INCLUDED

In the alternative, there is insufficient evidence to convict appellant of Arson in the First Degree given that all that was proved at trial was the crime of reckless burning.

RCW 9A.48.040 sets forth in relevant part:

- (1) A person is guilty of reckless burning in the first degree if he or she recklessly damages a building or

other structure. . . by knowingly causing a fire or explosion.

Where is the proof as required in Arson of the First Degree of maliciousness? As argued above, there is no motive to start the fire knowingly and maliciously. There is no witness statement evidence. There is no physical evidence. There is no evidence of burn patterns in the carpet. The fire investigator couldn't testify that it was an Arson in the First Degree and admitted that he didn't do a thorough fire investigation. He acknowledged that this was consistent with someone playing with matches. RP 169. Again, there is insufficient evidence as set forth herein above that appellant was the person that started the fires, but even had that been established, there is no evidence as to maliciousness.

RESIDENTIAL BURGLARY

RCW 9A.52.025 sets forth:

- (1) A person is guilty of residential burglary if, with intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a dwelling other than a vehicle.

Here, it has not been established what intent that appellant had in being in the relevant structure. Given that there was an unidentified fingerprint in addition to appellant's print, it was not established what crime appellant intended to commit or that he committed any crime.

Although it is clear from State v. Bergeron, 105 Wn.2d 1, 711 P.2d 1000 (1985) that no specific intended crime must be proved and the

appellant's intent may be inferred by conduct and surrounding facts and circumstances as a matter of logical probability, here all that has been established is the presence of the appellant. There was a fire in the residence. There is damage of a fairly significant extent, but no indication that this was done by appellant, given the unidentified print. Appendix C, P.3, LL 21-22. This is pinning everything on the juvenile for which the evidence showed was at the scene. That is insufficient. There is no specific tie to appellant.

MALICIOUS MISCHIEF IN THE FIRST DEGREE

RCW 9A.48.070 sets forth in relevant part:

- (1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:
 - (a) Causes physical damage to the property or another in amount exceeding five thousand dollars.

Once again, there is no evidence as to who exactly damaged the home. An unidentified fingerprint (Appendix C, P.3, LL 21-22) from the scene adds credence to the fact that it is absolutely unknown who did the damage via fire or otherwise. No evidence establishes any significant level of property damage having been done while appellant was at the residence. The most proved was a few broken windows upon entry, some walls covered with appellant's blood and a broken lamp. This does not remotely amount to \$5,000 worth of damage.

CONCLUSION

For the reasons set forth, the Juvenile Court's determination to convict on all counts should be reversed.

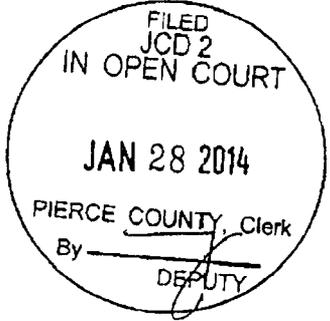
Respectfully submitted this 20 November, 2014.



E. ALLEN WALKER, WSB #19621
Attorney for Appellant

APPENDIX C

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
JUVENILE COURT

STATE OF WASHINGTON,	Plaintiff,	CAUSE NO 13-8-00892-8
	vs	
CONLAN JADEN SHAW		STIPULATION REGARDING
DOB 6/25/00		FINGERPRINT EVIDENCE
JUVIS # 942407-13R028440	Respondent	

THIS MATTER coming on for trial before the above-entitled court, the Respondent, CONLAN JADEN SHAW, represented by Jean O'Loughlin, and Plaintiff, the State of Washington, represented by Deputy Prosecuting Attorney R Brian Leech, hereby present the following stipulation to the trial court

The Respondent is charged by way of Amended Information with the crimes of Arson in the First Degree, Residential Burglary and Malicious Mischief in the First Degree The Respondent acknowledges that the State has the burden of proof as to all elements of the charged crimes The State has the burden to present evidence as to all of these elements and the Respondent has the right to confront the evidence The Respondent understands that, by entering in to this stipulation, he is giving up his right to require the State to present evidence regarding the fingerprint evidence in this case, to confront this evidence and to confront the witnesses presenting this evidence

STIPULATION REGARDING FINGERPRINT EVIDENCE
(13-8-00892-8) - 1

ORIGINAL

Office of the Prosecuting Attorney
Juvenile Division
5501 Sixth Avenue
Tacoma, Washington 98406-2697
(253) 798-3400 / Fax (253) 798-4019

1 The respondent agrees and stipulates as follows On 6/20/13 Tacoma Police
2 Department Forensic Specialist Donovan VELEZ responded to a residence located at 4314 N
3 Pearl Street in Tacoma (residence) as part of an investigation into a burglary, vandalism and
4 arson that had occurred at that residence VELEZ has training and experience in the
5 appropriate identification, collection and preservation of forensic evidence, including
6 fingerprint and blood evidence During the investigation of this case, using proper
7 procedures, VELEZ identified and collected suspected blood and fingerprint evidence in
8 several locations within the listed residence, as well as locations on the exterior of the
9 residence

10 VELEZ identified possible latent fingerprint impressions in several locations at the
11 residence, including from windows, doors, dining chairs, furniture, refrigerator and other
12 items VELEZ obtained positive results of latent fingerprint impressions from the following
13 locations

- 14 • The exterior surface of the west window frame of the lower southwest bedroom,
- 15 • The floor lamp pole located on the dining room floor,
- 16 • On a piece of broken window glass on the ledge of the east window in the lower
17 southeast bedroom, and
- 18 • The remnants of a broken window frame were located in the lower southwest
19 bedroom and was assigned property sheet identifier "MC#9" On this item
20 VELEZ found suspected blood evidence consisting of a bloody palm print on the
21 vinyl window frame that contained apparent bloody friction ridge skin
22 impressions VELEZ took initial photographs of this window frame and then
23 applied amido black to develop the bloody impressions, and then photographed
24
25

STIPULATION REGARDING FINGERPRINT EVIDENCE
(13-8-00892-8) - 2

Office of the Prosecuting Attorney
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1 them again VELEZ determined that the resulting impressions from MC#9 were
2 positive for latent prints

3 VELEZ then transported and secured the positive latent impressions in the property room,
4 where the impressions would later be retrieved and examined by Toni MARTIN, a
5 properly trained and qualified Latent Fingerprint Examiner

6 MARTIN reviewed the fingerprint impressions obtained by VELEZ and compared
7 them to the known finger and palm prints of the respondent, which are on file at the
8 Washington State Patrol Identification and Criminal History Section in Olympia WA
9 MARTIN determined the following with regard to the latent impressions

- 10 • The latent impression found on the exterior surface of the west window frame of
11 the lower southwest bedroom matches the respondent's known prints,
- 12 • One of the latent impressions described as from the "floor lamp pole on the dining
13 room floor" was made by the right middle finger of the respondent,
- 14 • The latent impression found on a piece of broken window glass on the ledge of the
15 east window in the lower southeast bedroom matches the respondent's known
16 prints, and
- 17 • The latent blood impression that were found on the window frame, identified as
18 "MC#9", matches the known prints of the respondent

19 MARTIN's identification of the latent impressions were then verified by M LALLY,
20 the Forensics Services Supervisor for TPD MARTIN also noted that there is one fingerprint
21 that remains unidentified
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25 STIPULATION REGARDING FINGERPRINT EVIDENCE
(13-8-00892-8) - 3

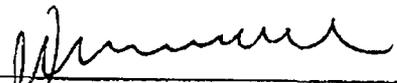
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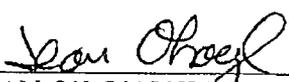
1 The respondent further stipulates that law enforcement maintained the proper chain
2 of custody of the fingerprint evidence in this case

3 This stipulation is signed and filed this 28 day of January, 2014

4 Presented by

Approved as to form and content

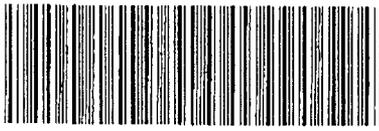
5 
6 R BRIAN LEECH
7 Deputy Prosecuting Attorney
8 WSB# 24449


JEAN O'LOUGHLIN
Attorney for Respondent
9 WSB# 14776

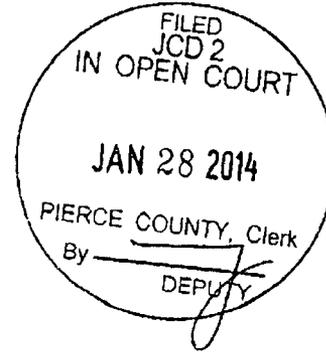
Approved as to form and content

10 CONLAN SHAW
11 CONLAN JADEN SHAW
12 Respondent

APPENDIX D



13-8-00892-8 41945375 STP 01-29-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
JUVENILE COURT

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO 13-8-00892-8

vs

CONLAN JADEN SHAW
DOB 6/25/00
JUVIS # 942407-13R028440

Respondent

STIPULATION REGARDING DNA
EVIDENCE

This matter coming on for trial before the above-entitled court, the Respondent, CONLAN JADEN SHAW, represented by Jean O'Loughlin, and Plaintiff, the State of Washington, represented by Deputy Prosecuting Attorney R Brian Leech, hereby present the following stipulation to the trial court

The Respondent is charged by way of Amended Information with the crimes of Arson in the First Degree, Residential Burglary and Malicious Mischief in the First Degree. The Respondent acknowledges that the State has the burden of proof as to all elements of the charged crimes, that the State has the burden to present evidence as to all of these elements and that the Respondent has the right to confront the evidence. The Respondent understands that, by entering in to this stipulation, he is giving up his right to require the State to present evidence regarding the DNA and fingerprint evidence in this case and to confront this evidence

STIPULATION REGARDING DNA EVIDENCE (13-8-00892-8) - 1

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Juvenile Division
5501 Sixth Avenue
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ORIGINAL

1 The respondent agrees and stipulates as follows On 6/20/13 Tacoma Police
2 Department Forensic Specialist Donovan VELEZ responded to a residence located at 4314 N
3 Pearl Street in Tacoma as part of an investigation into a burglary, vandalism and arson that
4 had occurred at that residence VELEZ has training and experience in the appropriate
5 identification, collection and preservation of forensic evidence, including fingerprint and
6 blood evidence During the investigation of this case, VELEZ followed proper procedure
7 when VELEZ identified and located suspected blood and fingerprint evidence in several
8 locations within the listed residence, as well as locations on the exterior of the residence

9 VELEZ properly collected swab samples of the suspected blood evidence found in
10 the following locations The exterior of lower west window frame, the interior hallway wall
11 adjacent to lower bathroom door, and the interior hallway wall adjacent to lower southwest
12 bedroom VELEZ then properly sealed the samples and placed them into a secure property
13 room The samples were later recovered and provided to the Washington State Patrol Crime
14 Lab in Tacoma (Tacoma Crime Lab), where the blood evidence was tested for DNA
15

16 On or about 10/07/13 Detective Jason BROOKS of the Tacoma Police Department
17 responded to Remann Hall to obtain a reference sample of DNA from the respondent
18 BROOKS is properly trained in the procedure necessary to obtain a buccal swab from a
19 suspect and the subsequent preservation of that sample for later forensic testing BROOKS
20 contacted the respondent and followed proper procedure when he collected two buccal swabs
21 from the inside of the respondent's cheeks BROOKS then sealed the swabs and placed
22 them into a secure property room BROOKS later retrieved from the property room the
23 reference samples he had taken from the respondent, as well as the swabs of suspected blood
24
25

STIPULATION REGARDING DNA EVIDENCE (13-8-
00892-8) - 2

Office of the Prosecuting Attorney
Juvenile Division
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1 evidence that had been located on the interior walls of the residence, and brought the
2 samples to the Tacoma Crime Lab

3 Marion M CLARK, a Forensic Scientist at the Tacoma Crime Lab, has appropriate
4 training and experience to test and preserve suspected blood evidence, to include DNA
5 testing and the interpretation of test results. On or about 11/15/2013 CLARK generated a
6 report detailing her DNA testing of the suspected blood samples obtained and preserved by
7 VELEZ in this matter. CLARK first conducted tests on the suspected blood evidence
8 samples to determine the presence of blood. These tests gave a positive indication for blood.
9 CLARK then extracted DNA content from the blood evidence and quantified those samples
10 for human DNA levels. The samples were amplified using generally accepted scientific
11 principles to develop an amplified short tandem repeat (STR) DNA product, which were
12 then analyzed using an Applied Biosystems 3130 Genetic Analyzer. CLARK performed
13 similar testing on the reference samples of the respondent. CLARK then compared the
14 samples and determined that the blood evidence found on the hallway walls in the listed
15 residence matched the reference samples obtained from the respondent. CLARK determined
16 that the estimated probability of selecting an unrelated individual at random from the US
17 population with a matching profile to be 1 in 68 quintillion.

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25 STIPULATION REGARDING DNA EVIDENCE (13-8-
00892-8) - 3

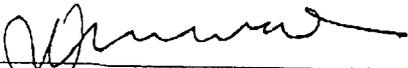
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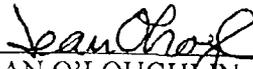
1 The respondent further stipulates that proper chain of custody of the suspected blood
2 evidence and reference samples was maintained and that the samples were not compromised
3 or contaminated in any way

4 This stipulation is signed and filed this 28 day of January, 2014

5 Presented by

Approved as to form and content

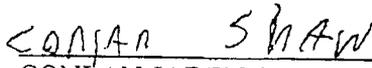
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7 R BRIAN LEECH
8 Deputy Prosecuting Attorney
9 WSB# 24449

JEAN O'LOUGHLIN
Attorney for Respondent
10 WSB# 14776

11 Approved as to form and content

12 

13 CONLAN JADEN SHAW
14 Respondent

WALKER ALLEN LAW OFFICE

November 21, 2014 - 11:53 AM

Transmittal Letter

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Court of Appeals Case Number: 45959-1

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Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Amended Appellant's

Statement of Additional Authorities

Cost Bill

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Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: E. Allen Walker - Email: awalker@tacomalegal.com

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COURT OF APPEALS DIVISION II OF THE STATE OF WASHINGTON

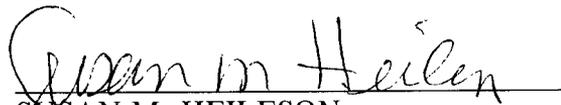
STATE OF WASHINGTON)	
)	NO. 45959-1 II
Respondent)	
)	DECLARATION OF MAILING
and)	
)	
CONLAN JADEN SHAW)	
)	
Appellant)	
_____)		

Comes now Susan M. Heilesen and declares as follows:

That on the 21st day of November, 2014, I forwarded a copy of the Amended Brief of Appellant in the above-entitled cause to Conlan Shaw, c/o Echo Glen Children Center, 33010 SE 99th St., Snoqualmie, WA 98065 whose only address known to your affiant is the same. I placed the above-described items with a legal messenger slip and viewed the messenger personally pick up and hand carry out said documents.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 21st day of November, 2014, signed at Tacoma, Washington.



 SUSAN M. HEILESON

WALKER ALLEN LAW OFFICE

November 21, 2014 - 12:53 PM

Transmittal Letter

Document Uploaded: 459591-Shaw conlan dom.pdf

Case Name: State of Washington v. Conlan Jaden Shaw

Court of Appeals Case Number: 45959-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Declaration of Mailing

Comments:

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COURT OF APPEALS DIVISION II OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)	
)	NO. 45959-1 II
Respondent)	
and)	DECLARATION OF MAILING
)	
CONLAN JADEN SHAW)	
)	
Appellant)	
_____)		

Comes now Susan M. Heileson and declares as follows:

That on the 21st day of November, 2014, I forwarded a copy of the Amended Brief of Appellant in the above-entitled cause to Brent J. Hyer, at 930 Tacoma Ave. S., Rm 946, Tacoma, WA 98402 whose only address known to your affiant is the same. I placed the above-described items with a legal messenger slip and viewed the messenger personally pick up and hand carry out said documents.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 21st day of November, 2014, signed at Tacoma, Washington.



 SUSAN M. HEILESON

WALKER ALLEN LAW OFFICE

November 21, 2014 - 11:56 AM

Transmittal Letter

Document Uploaded: 459591-Shaw DOM~2.pdf

Case Name: State of Washington v. Conlan Jaden Shaw

Court of Appeals Case Number: 45959-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Declaration of Mail

Comments:

No Comments were entered.

Sender Name: E. Allen Walker - Email: awalker@tacomalegal.com

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