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SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of:

DAROLD RAY STENSON,

Petitioner.

SUPPLEMENTAL BRIEF ADDRESSING JUDGE WILLIAMS' DETERMINATIONS ENTERED ON JANUARY 20, 2011

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I. INTRODUCTION

This matter is Darold Stenson's sixth collateral attack[1] upon a facially valid judgment and sentence. This matter was first filed on August 6, 2009, 11 years, 4 months, and 21 days, after Stenson's aggravated first degree murder case became final.[2] This matter was remanded to the Clallam County Superior Court for a reference hearing regarding timeliness, and subsequently returned to the reference hearing judge "to determine whether, during trial the Prosecution suppressed the newly discovered photographs and the FBI evidence in violation of *Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194 (1963)." Judge Williams, the original trial judge and the reference hearing judge, again concluded that had the evidence of the Englert photos and the FBI bench notes been timely disclosed to the defense the jury would have still

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[1]Darold Stenson also has a pending pro se fifth PRP. Both the fifth and the sixth PRPs were before Judge Williams. Since Stenson did not submit any new pleadings and did not tender any new substantive argument, the State will file this single supplemental brief.

[2]*See State v. Stenson*, Washington Supreme Court Cause No. 61965-4, Mandate (Mar. 16, 1998); RCW 10.73.090(3)(b); RAP 12.5(c)(3); Reference Hearing Findings and Conclusions ¶ 6 (Hereinafter cited as "Findings").

Citations to the record in this brief will be as follows:
The trial transcripts are cited as "TRP" followed by the page number.
Trial exhibits are cited as "TEx." followed by the exhibit number.
The reference hearing exhibits are cited as "REx." followed by the exhibit number.
The reference hearing transcripts are cited as follows:

1RRP	March 8, 2010 transcript	5RRP	March 15, 2010 transcript
2RRP	March 9, 2010 transcript	6RRP	March 16, 2010 transcript
3RRP	March 10, 2010 transcript	7RRP	March 17, 2010 transcript
4RRP	March 11, 2010 transcript	8RRP	March 18, 2010 transcript

convicted Stenson and would have still sentenced him to die. The cumulative impact of the Englert photographs and the FBI bench notes is not sufficient to undermine confidence in the verdict of the jury. Court's Opinion on Remand, at 17 (Jan. 20, 2011).

This brief is the third filed with this Court. To avoid repetition, the facts relevant to each argument appears with the legal argument. A careful review of the record establishes that Judge Williams' ultimate conclusion is supported by the record, and that Stenson's sixth PRP must be denied.

II. ASSIGNMENT OF ERROR

1. Judge Williams erred by considering Michael Grubb's bench notes.

2. Judge Williams erred by finding "that the Englert photos and the fact of Detective Sergeant Martin's handling of the pants in the manner indicated in the photos was "suppressed" for *Brady* analysis purposes." Court's Opinion on Remand, at 8.

3. Judge Williams erred by finding that the FBI bench notes were "suppressed."

4. Judge Williams erred by finding that the FBI bench notes were exculpatory. Court's Opinion on Remand, at 6-7.

III. STATEMENT OF ISSUES

1. Whether Stenson's allegations regarding Michael Grubb's bench

notes are barred by RCW 10.73.090, RAP 16.4(d), and the abuse of the writ doctrine?

2. Whether evidence is "suppressed" for *Brady* purposes when the defendant is informed of the existence of the evidence and the evidence is shown to the defendant's agent prior to the beginning of testimony?

3. Whether evidence is "suppressed" for *Brady* purposes when the defendant is aware of the existence of the evidence and the defendant is given unfettered access to the relevant witnesses?

4. Whether the FBI bench notes were exculpatory?

5. Whether Judge Williams correctly concluded that evidence of Stenson's motive and opportunity, and the forensic evidence is so powerful that the cumulative impact of the Englert photographs and the FBI file does not undermine confidence in the jury's verdict?

IV. ARGUMENT

A. STENSON'S TARDY AND FALSE ALLEGATIONS REGARDING MICHAEL GRUBB'S BENCH NOTES ARE NOT PROPERLY BEFORE THIS COURT

The instant matter is a sixth personal restraint petition challenging an August 19, 1994, facially valid judgment and sentence. This PRP cannot be filed unless every issue raised in the PRP satisfies one or more of the exceptions contained in RCW 10.73.100. *See* RCW 10.73.090(1); *In re Personal Restraint of Stenson*, 150 Wn.2d 207, 220, 76 P.3d 241 (2003)

("*Stenson III*"). Any proposed amendments to this PRP must also satisfy one or more of the exceptions contained in RCW 10.73.100. *In re Personal Restraint of Benn*, 134 Wn.2d 868, 938-39, 952 P.2d 116 (1998).

Stenson filed his "Petitioner's Memorandum of Law Regarding Materiality Analysis Under *Brady v. Maryland*" (hereinafter "Materiality Memo"), in the Clallam County Superior Court on December 30, 2010. December 30, 2010 was (1) 12 years, 9 months, and 14 days after Stenson's conviction and sentence became final; (2) 1 year, 7 months, and 4 days after Stenson filed his fifth PRP; (3) 1 year, 4 months, and 23 days after Stenson filed his sixth PRP; (4) 9 months and 22 days after the reference hearing ordered by this Court; and (5) 4 days prior to the argument regarding materiality.

Stenson's Materiality Memorandum contained a new allegation. Specifically, Stenson claimed, for the first time, that he did not receive copies of Michael Grubb's bench notes until 2009. *See* Materiality Memorandum at 27 and Exhibit 4. Although Stenson did not identify what exception to RCW 10.73.090 he was relying upon to raise this new basis for relief, Stenson vehemently argued that information in the allegedly suppressed Grubb bench notes which purportedly demonstrates that the pants were mishandled while the blood was still wet, in conjunction with the Englert photos and the FBI bench notes, undermines confidence in the jury's verdict.

See, e.g., RP (1-3-2011) at 13-18, 33-34, 52-53, 56-58.

The State made a timely objection to the Grubb bench notes. The State objected that the Grubb bench notes were being raised in an untimely manner and that the notes were beyond the scope of this Court's remand order. *See* RP (1-3-2011) at 59-61, 64-65. Judge Williams sustained the State's objection with respect to the scope of the remand order, but did not rule upon the State's timeliness objection. *See* Court's Opinion on Remand, at 3-5.

Stenson's claim regarding Grubb's bench notes is time barred. Stenson is attempting to add this new claim more than 1-year after the mandate issued. Assuming that Stenson is claiming the Grubb bench notes are "newly discovered evidence", Stenson must prove that he acted "with reasonable diligence in discovering the evidence and [in] filing the petition or motion." RCW 10.73.100(1). Stenson, however, did not act with reasonable diligence in raising his claim regarding the allegedly suppressed Grubb bench notes.

Stenson's own tardy submissions indicate that he received a copy of Grubb's bench notes from the Washington State Patrol Crime Laboratory on or about December 30, 2008. *See* Materiality Memorandum, Ex. 4, Declaration of Charles Formosa, at ¶ 3.[3] Stenson then waited 2-years to

[3]Stenson does not identify the date he actually received the documents. He merely indicates that the records were "produced after December 30, 2008." Appendix A contains

bring the report to any court's attention. If the Legislature has set a 1 year deadline for the filing of a collateral attack, surely 2 years exceeds any common understanding of "reasonable diligence."[4] This is particularly true in the instant case as Stenson was able to file claims based upon the Englert photographs and the FBI files within 6 months of obtaining copies of the photos and the file.[5] Stenson's failure to include an allegation regarding Grubb's bench notes in the fifth and sixth PRPs violates RAP 16.4(d), and constitutes an abuse of the writ.

Stenson submitted his new claim in a pleading that was filed a mere four days prior to argument. This provided insufficient time in which to respond to Stenson's new factual allegations. A subsequent review of the documents the State received as discovery from Ron Ness during Stenson's first PRP reveals that Stenson had the Grubb bench notes prior to Mr. Grubb's testimony. *See, e.g.*, 37-page facsimile transmission between Dave

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a certified copy of the Washington State Patrol's records regarding Darold Stenson. These records indicate that the documents requested by Stenson's collateral attack team were mailed to Corey Endo on December 30, 2008.

[4]While no Washington case explains what constitutes "reasonable diligence in filing the petition," a number of other jurisdictions have explored this concept, and generally use a 30 to 60 period to be "reasonable". *See, e.g., Evans v. Chavis*, 546 U.S. 189, 210, 126 S. Ct. 846, 163 L. Ed. 2d 684 (2006) (using 30 to 60 days as general measurement for reasonableness). For an extended discussion of this issue, please see the State's Supplemental Brief Regarding the Effects of the "Reference Hearing Findings and Conclusions", at pages 15-18.

[5]A federal public defender office's investigator obtained a copy of Mr. Englert's file on January 7, 2009. *See* 3RRP 68-69, 82; 5RRP 42-43, 140-41, 146. The FBI file was sent to Robert Gombiner on May 21, 2009. 5RRP 35-37; 7RRP 27; REx. 7.

Neupert and Fred Leatherman (July 29, 1994).[6] The evidence also reveals that Stuart James, Stenson's blood spatter expert, personally viewed the jeans.[7] This provided Stenson with the very information regarding the "shadow" that he allegedly lacked in order to challenge the handling of the jeans.

B. NO *BRADY* VIOLATION OCCURRED

"[T]he Constitution is not violated every time the government fails or chooses not to disclose evidence that might prove helpful to the defense." *Kyles v. Whitley*, 514 U.S. 419, 436-37, 115 S. Ct. 155, 131 L. Ed. 2d 490 (1995). The Constitution requires "disclosure only of evidence that is both favorable to the accused and "material either to guilt or to punishment." *United States v. Bagley*, 473 U.S. 667, 674, 105 S. Ct. 3375, 87 L. Ed. 2d 481 (1985) (citing *Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)). A successful *Brady* claim requires that the petitioner to make a four-part showing: (1) the evidence in question was favorable to the defendant, meaning that it had either exculpatory or impeachment value, (2)

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[6]The facsimile and other relevant documents received from Stenson as discovery may be found in Appendix B. The date of the facsimile transmission from Dave Neupert to Fred Leatherman is established by the machine date stamp of July 29, 1994, that is visible on page 6 of the document. The contents of this document are identical to the documents contained in Exhibit 4 to Stenson's Materiality Memorandum. Michael Grubb testified regarding his examination of the jeans on August 2, 1994. *See* TRP 1379-1406.

[7]The chain of custody log for the jeans may be found in Appendix C. This document indicates that Mr. James viewed the pants on July 8, 1994, between 11:00 a.m. and 12:30 p.m.

the State suppressed the evidence, either purposefully or inadvertently, (3) the failure to discover the allegedly favorable evidence was not the result of a lack of due diligence by the defendant, and (4) the defendant was prejudiced by the suppression. *See, e.g., State v. Lord*, 161 Wn.2d 276, 293, 165 P.3d 1251 (2007); *State v. Thomas*, 150 Wn.2d 821, 851, 83 P.3d 970 (2004). *Accord State v. Walters*, 351 F.3d 159, 169 (5th Cir. 2003).

Impeachment evidence falls within *Brady*'s definition of evidence favorable to the defense, but in such cases the petitioner must prove the undisclosed evidence was material to the outcome of trial in order to demonstrate a *Brady* violation. *Bagley*, 473 U.S. at 676-77. Where the witness was sufficiently impeached with other evidence and the withheld impeachment evidence is merely "cumulative icing on an already crumbling cake," materiality under *Brady* has not been established. *Barker v. Fleming*, 423 F.3d 1085, 1096-98 (9th Cir. 2005), *cert. denied*, 547 U.S. 1138 (2006) (nondisclosure of State witness's four convictions was not a *Brady* violation where witness was adequately impeached with other evidence). *See also Ortiz v. Stewart*, 149 F.3d 923, 929 (9th Cir. 1998), *cert. denied*, 526 U.S. 1123 (1999); *United States v. Vgeri*, 51 F.3d 876, 880 (9th Cir. 1995); *United States v. Marshall*, 56 F.3d 1210, 1212 (9th Cir. 1995), *cert. denied*, 517 U.S. 1211 (1996).

To establish materiality under *Brady*, the petitioner must demonstrate

a reasonable probability that the undisclosed evidence would have produced a different result. "[S]trictly speaking, there is never a real "*Brady* violation" unless the nondisclosure was so serious that there is a reasonable probability that the suppressed evidence would have produced a different verdict." *Strickler v. Greene*, 527 U.S. 263, 281, 119 S. Ct. 1936, 144 L. Ed. 2d 286 (1999). The reviewing court must consider the undisclosed evidence in light of all the evidence presented by the prosecution, including forensic and other physical evidence and the testimony of other witnesses. *Strickler*, 527 U.S. at 292-94. "[T]he question is whether "the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.'" *Id.* at 290 (*quoting Kyles v. Whitley*, 514 U.S. 419, 435 (1995)).

1. No Evidence Was "Suppressed"

Judge Williams found that the State suppressed both the photographs taken by Mr. Englert and bench notes of the FBI's gunshot residue ("GSR") examination of Stenson's pants pockets. His findings, however, are not supported by substantial evidence. *See In re Personal Restraint of Gentry*, 137 Wn.2d 378, 409-11, 972 P.2d 1250 (1999) (stating the standard of review for findings entered after a reference hearing).

Brady does not require that the State conduct the defendant's investigation or that the State furnish the defendant with evidence the

defendant can obtain from other sources. *Brady* merely requires that the State not withhold the fact that evidence exists. *See, e.g., United States v. Starusko*, 729 F.2d 256, 262 (3rd Cir. 1984) ("*Brady* does not compel the government "to furnish a defendant with information which he already has or, with any reasonable diligence, he can obtain himself."; quoting *United States v. Campagnuolo*, 592 F.2d 852, 861 (5th Cir. 1979)); *United States v. Wolf,* 839 F.2d 1387, 1391 (10th Cir.), *cert. denied*, 488 U.S. 923 (1988) ("If the means of obtaining the exculpatory evidence has been provided to the defense, however, a *Brady* claim fails, even if the prosecution does not physically deliver the evidence requested.").

Brady also does not require the government to peruse through all its evidence with an eye to the defendant's theory of the case and then to specify to the defendant the evidence which supports that theory. *See, e.g., Rhoades v. Henry*, 596 F.3d 1170, 1182 (9th Cir. 2010) (there is "no authority requiring the prosecution to single out a particular segment of a videotape, and we decline to impose one."); *United States v. Pelullo*, 399 F.3d 197, 212-13 (3rd Cir. 2005), *cert. denied*, 546 U.S. 1137 (2006) (the government is not required to specify which documents, portions of recorded statements, or other information will be helpful to the defense); *United States v. Mulderig*, 120 F.3d 534, 541 (5th Cir. 1997), *cert. denied*, 523 U.S. 1071 (1998) (noting "that 'there is no authority for the proposition that the

government's *Brady* obligations require it to point the defense to specific documents with [in] a larger mass of material that it has already turned over' " (quoting *United States v. Mmahat*, 106 F.3d 89, 94 (5th Cir.), *cert. denied*, 522 U.S. 848 (1997))); *United States v. White*, 970 F.2d 328, 337 (7th Cir. 1992) ("'While the Supreme Court in *Brady* held that the government may not properly conceal exculpatory evidence from a defendant, it does not place any burden upon the government to conduct a defendant's investigation or assist in the presentation of the defendant's case.'" (citation omitted)).

a. Englert Photographs

The existence of the photographs was disclosed to Stenson prior to trial. Rod Englert disclosed that photographs were taken in his handwritten notes.[8] A copy of Rod Englert's handwritten notes, minus the pages that set out his recommendations for additional testing, were issued as discovery to Stenson's defense team on June 8th and 9th, 1994. The notes were preceded by a supplemental police report that was authored by Detective Martin. In this report, Detective Martin disclosed: (1) the date the pants were taken to Englert's laboratory; and (2) that photographs were taken while at the laboratory. These two sets of documents were provided to Stenson's defense team a second time on June 14, 1994, when they were filed with the Clallam County Superior Court as part of the State's response to Stenson's motion to

[8]REx. 24, Affidavit of Monty Martin, ¶¶ 4 and 10, Exhibit 3.

dismiss the murder prosecution.[9] These disclosures were sufficient to comply with *Brady*. *See generally State v. Hornbeak*, 221 Kan. 397, 559 P.2d 385, 390-91 (1977) (prosecution could not be said to have suppressed a photograph if the existence of the photograph is known by the defense prior to trial); *Howard v. State*, 945 So.2d 326, 339 (Miss. 2006), *cert. denied*, 552 U.S. 829 (2007) (prosecution did not suppress photographs where a letter was sent to defense counsel prior to trial that advised counsel that a number of photographs were taken of the crime scene).

Although *Brady* does not require the government to develop film and to actually show the images to a defendant,[10] the Englert photos were displayed to Stenson's investigator, Jeffrey Walker, on June 7, 1994. During an hour-long meeting between Englert and Walker, Englert answered every question Walker asked him. Englert also showed his entire file, including the photographs, to Walker. Jeffrey Walker left his meeting with Rod Englert with the belief that Stenson's trial team could obtain a copy of Englert's complete file from Englert for a fee, or from the prosecutor for free. Walker

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[9]REx. 3, at appendix B, Defendant's Motion to Dismiss, Declaration of Frederick Leatherman, at page 7, ¶ 11 and page 10 at ¶ 15; REx. 24; TRP 6-9, 6-13, 6-14-94 (Volume 1) at 86-87; 2RRP 131, 181-84; REx. 63, 65, and 66.

[10]*See Howard*, 945 So. 2d at 339 (photographs of the crime scene that were developed after trial were not "suppressed" where the government told the defendant that pictures had been taken at the crime scene).

informed Englert that he would obtain a copy of the file from the State.[11]

Jeffrey Walker memorialized his meeting with Rod Englert in two reports, dated June 8, 1994, and June 13, 1994. The June 8, 1994, acknowledged that Englert had three rolls of pictures from the April 14, 1994, examination. The report does not describe the size of the pictures or the number of pictures. Rather than a detailed description of each of the photographs, the June 8, 1994, report includes the following summary paragraph:

> Also, Englert has three packages of rolls of film which have been developed and which he showed to me. These are his working photographs of the evidence. They show all of the areas where the blood is shown on D.J.'s pants.

Walker further stated in his June 8, 1994, report that "Englert, while showing me his photographs, also indicated which ones would make good blow ups or slides for presentation during testimony."[12]

The June 13, 1994, report mentioned that "Mr. Englert showed his working copies of the pictures of the left leg, the outside of the leg and the inside of the leg" while explaining the importance of the cut-out. The June 13, 1994, report further indicates that :

> There was a photo of Monte (sic) with the pants on. He put

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[11]TRP 6-9, 6-13, 6-14-94 (Volume 1) at 25, 34; Reference Hearing Findings and Conclusions ¶ 21; REx.15; REx. 16; 3RRP 17, 51,54, 72-73, 76-77; 6RRP 116-17.

[12]REx.15.

them on and kneeled down. Although there is a difference in body type, it did not matter for what they were doing.[13]

Although Stenson's team actually saw the photographs prior to trial, no member of the prosecution team[14] saw the photographs until 2009.[15] Thus, the government did not suppress the photographs either willfully or inadvertently. Judge Williams acknowledged this point, but attempted to avoid it by shifting the focus to Sergeant Martin's handling of the pants. The problem, however, is that Detective Martin was available to Stenson's team prior to trial and was interviewed by Stenson's trial team on a number of occasions. *See, e.g., United States v. Hamilton*, 107 F.3d 499, 510 (7th Cir.), *cert. denied*, 521 U.S. 1127 (1997) (no *Brady* violation where defense investigator interviewed witness prior to trial and could have questioned the witness about the allegedly exculpatory evidence). *Accord Gentry*, 137 Wn.2d at 397 (evidence was not "suppressed" where the defense investigator was able to interview the witness prior to trial).

Detective Martin had no reason to know that he "suppressed" evidence by not voluntarily highlighting certain of his actions. Detective

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[13]REx. 16.

[14]Englert, an independent expert who was also listed as a witness by Stenson, was not part of the "prosecution team" for *Brady* purposes. Englert's role was limited to evaluating blood spatters. *See, e.g., Avila v. Quarterman*, 560 F.3d 299, 308-09 (5th Cir. 2009), *cert. denied,* (2009); *United States v. Stewart*, 433 F.3d 273, 298-99 (2nd Cir. 2006).

[15]REx. 24, Affidavit of Monty Martin, Exhibits 2 and 3; 3RRP 43, 47, 78-79; 6RRP 115-16, 184; 7RRP 26, 30, 99.

Martin's handling of the pants during Englert's investigation was done at the direction of the criminologist. While Detective Martin wore gloves at some points and not at others, he had no reason to suspect that the pants could be contaminated with gunshot residue (GSR) while at Englert's laboratory.[16] This is because Detective Martin was not wearing a firearm in Englert's laboratory[17] and Englert did not do GSR testing in his laboratory.[18] It is only when Ms. Arvizu's unpublished, non-peer reviewed studies from 2005[19] are considered, that Detective Martin's interaction with Stenson's pants in Englert's laboratory becomes a possible source of GSR contamination. Surely if this Court were to depart from all other courts and hold that *Brady* requires the prosecution team to single out the potentially helpful information, this rule should be limited to the information whose exculpatory nature is clearly apparent to the prosecution team. *Cf. Arizona v.*

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[16]*See generally* 3RRP 42, 83; 7RRP 27, 33-34, 92, 115.

[17]7RRP 30-31.

[18]3RRP 99-101.

[19]4RP 85-88. Janine Arvizu's notes and her expert opinion are not part of the *Brady* analysis for two reasons. First, *Brady* does not require the State to hire Ms. Arvizu or a comparable expert to evaluate its evidence. *See Gentry*, 137 Wn.2d at 399 (*Brady* does not require the State to expand its investigation); *State v. Entzel*, 116 Wn.2d 435, 442, 808 P.2d 228 (1991) (State has no obligation to search for exculpatory evidence); *State v. Judge*, 100 Wn.2d 706, 717-18, 675 P.2d 219 (1984) (same). Second, Ms. Arvizu's hypothesis that GSR will be found throughout any building in which firearms are stored, carried or shot, and that the presence of GSR is not forensically valid is based upon studies that were performed after Stenson's trial. *Brady* does not require the State to be omnipotent, omniscient, and clairvoyant and to reveal that 11 years post-trial, information may come to light that would increase the impeachment value of the evidence. *See Stenson III*, 150 Wn.2d at 219 n.5.

Youngblood, 488 U.S. 51, 109 S. Ct. 333, 102 L. Ed. 2d 281 (1988) (police do not have an undifferentiated and absolute duty to retain or preserve all material that might be of conceivable benefit to the defendant; police need only retain evidence whose exculpatory value is apparent); *State v. Wittenbarger*, 124 Wn.2d 467, 880 P.2d 517 (1994) (same test under the Washington constitution).

b. FBI File

The State provided Stenson with unfettered pre-trial access to Special Agent Peele, the "examiner" who oversaw the gunshot residue (GSR) testing.[20] Reference Hearing Findings and Conclusions ¶ 28. SA Peele advised Stenson's investigator that the GSR test was a qualitative, not a quantitative analysis. SA Peele also provided Stenson's investigator with information regarding contamination and transfer. SA Peele specifically suggested that Stenson's defense team determine the chain of custody and whether anyone placed their hands inside the pockets.[21]

A copy of Special Agent Peele's report was provided to Stenson's defense team. Stenson's trial attorneys, Dave Neupert and Fred Leatherman, both knew that there would be bench notes from the GSR testing of the pants

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[20]TRP 670-71, 1062-64, 1075; TEx. 7; 4RRP 24, 132-36, 166-67.

[21] Reference Hearing Findings and Conclusions ¶ 28. 1RRP 117-18, 127-28, 142-144, 193-97; 2RRP 112-13, 135-36, 176-77; 4RRP 93, 117, 121-22, 75, 93; REx. 14. *See also* 2RRP 43.

pocket. *See Reference Hearing Findings and Conclusions* ¶ 15 ("All parties knew the bench notes existed.").[22] The GSR bench notes, moreover, were likely in the courtroom when Special Agent Peele testified.[23]

This record precludes a finding that the State "suppressed" the FBI bench notes. The existence of the bench notes was known to Stenson prior to trial and he had unfettered direct pre-trial contact with Special Agent Peele. *See, e.g., Villasana v. Wilhoit*, 368 F.3d 976, 979 (8th Cir. 2004), *cert. denied*, 543 U.S. 1153 (2005) (a witnesses' reference to his lab notes during a pre-trial deposition was sufficient to make the existence of the notes known to the defense); *United States v. Hamilton, supra. Accord Gentry*, 137 Wn.2d at 397 (evidence was not "suppressed" where the defense investigator was able to interview the witness prior to trial).

Judge Williams, however, found that the reports were "suppressed" because Prosecutor Bruneau had previously indicated that he would provide Stenson with all bench notes, and Stenson relied upon this statement. Case law, however, does not support the proposition that a defendant can ignore his own knowledge that the evidence exists.

Stenson cited *Strickler v. Greene*, 527 U.S. 263, 288 n. 3, 119 S. Ct.

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[22] 1RRP 168, 181-189; 2RRP 160-62.

[23] 1RRP 168; 4RRP 151-52, 160; 6RRP 118-19, 122-23, 172-73. *See also* Reference Hearing Findings and Conclusions ¶ 33.

1936, 144 L. Ed. 2d (1999), in support of his "I relied upon the State's open file policy" suppression theory. This case, however, expressly did not reach the impact of the very showing the State made here – that Stenson was aware of the existence of the documents in question and knew how to obtain them. The Supreme Court did address the impact of such knowledge in a subsequent case, holding in *Williams v. Taylor*, 529 U.S. 420, 437-40, 120 S. Ct. 1479, 146 L. Ed. 2d 435 (2000), that a *Brady* claim was precluded where defense counsel was on notice of the report's existence and did not attempt to procure a copy. *Accord High v. Head*, 209 F.3d 1257, 1265 (11th Cir. 2000), *cert. denied*, 532 U.S. 909 (2001) (*Strickler* does not support the contention that defense reliance on a general government representation of compliance with *Brady* excuses counsel for pursuing evidence that counsel knows exists). The rule announced in *Williams* is consistent with the principle that a violation of the discovery rules does not *ipso facto* amount to suppression that will support a *Brady* claim for a new trial or resentencing. *See, e.g., Jennings v. McDonough*, 490 F.3d 1230 (11th Cir. 2007), *cert. denied*, 552 U.S. 1298 (2008). While the better course is for prosecutors to strictly comply with all discovery rules and orders, a new trial is not warranted for failing to do so if the defense had knowledge that the information existed. *Jennings*, 490 F.3d at 1238-39, citing *United States v. Griggs*, 713 F.2d 672 (11th Cir. 1983). *Accord State v. Pinder*, 2005 UT 15,

114 P.3d 551, 560 (2005) (notwithstanding the prosecution's open file policy, the defendant's knowledge that the evidence existed is fatal to his suppression argument).

2. The FBI Bench Notes Were Not Favorable to Stenson

The FBI found some GSR on the dab from Stenson's right front pants pocket. The GSR was found in a qualitative test, and the actual number of particles found is not significant. Reference Hearing Findings and Conclusions ¶¶ 28 and 29. A review of the FBI bench notes indicates that the FBI did a competent test. *Id.*, at 34. Nothing contained in the FBI file would change the accurate conclusions which were testified to at trial. *Id.*[24]

The testimony was solely that the GSR was consistent with Stenson's pants pocket being in contact with a gunshot residue rich environment.[25] *See* TRP 1089-90. Judge Williams explained the ***inculpatory*** nature of this testimony:

> The finding of GSR within a pants pocket reasonably leads to a conclusion that something containing gunshot residue went

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[24]Nothing in the bench notes contradicts SA Peele's accurate testimony that he was not solely responsible for the GSR testing of the dabs. *See generally* TRP 1075 (indicating that he performed GSR testing up until the end of January of 1994); TRP 1088 (acknowledging that another examiner assisted him in the processing of the GSR kit); TRP 1089 (using pronoun "we" in explaining the results). SA Peele's testimony, based in part upon a team members work, was admissible under the rules in effect in 1994. *See, e.g., State v. Kreck*, 86 Wn.2d 112, 542 P.2d 782 (1975) (state toxicologist could testify about a test for chloroform that was performed by a trained chemist working under the direction of the state toxicologist).

[25]TRP 1089-90; 4RRP 138-39. *See also* TRP 1092-93.

> into the pocket. The first two items that inferentially jump to mind are a firearm or a hand after it has fired a firearm.

Reference Hearing Findings and Conclusions ¶ 16. The FBI notes, therefore, cannot support a *Brady* claim. *See Allen v. Sec'y, Fla. Dep't of Corr.*, 611 F.3d 740, 747 (11th Cir. 2010) (if the allegedly suppressed evidence is "not favorable, then there was no suppression of favorable evidence to begin with, and that is the end of the *Brady* inquiry"); *State v. Farrell*, 145 N.H. 733, 766 A.2d 1057, 1063-64 (2001) (laboratory notes that are consistent with the expert's inculpatory testimony do not constitute "favorable evidence").

Judge Williams speculated, however, that Stenson may have been able to impeach the credentials of the analyst that physically performed the GSR procedure. *See* Court's Opinion on Remand, at 6-7. Stenson, however, has never impugned Kathy Lundy's training or experience. The only impeachment material Stenson has identified with respect to Ms. Lundy is her 2003 conviction for providing false testimony. *See* RAP 16.9 Reply to Sixth Personal Restraint Petition, at 11. This event could not be used to impeach her testimony in a 1994 trial. *Cf. Stenson* III, 150 Wn.2d at 219, n.5 ("the State cannot be required, at the time of trial, to disclose information that has yet to come into existence").

3. Neither the Photographs Nor the Bench Notes Were "Material"

Materiality is generally the most difficult for a defendant to prove.

Mahler v. Kaylo, 537 F.3d 494, 500 (5th Cir. 2008). Judge Williams correctly concluded that Stenson did not meet this burden.

Evidence is "material" only when there exists "a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *Bagley*, 473 U.S. at 682. The materiality determination is a mixed question of law and fact. *Summers v. Dretke*, 431 F.3d 861, 878 (5th Cir. 2005), *cert. denied*, 549 U.S. 840 (2006).

The Supreme Court elaborated on this materiality standard in *Kyles*, explaining that "[a] 'reasonable probability' of a different result is . . . shown when the government's evidentiary suppression 'undermines confidence in the outcome of the trial.'" 514 U.S. at 434 (quoting *Bagley*, 473 U.S. at 678). As such, the Court clarified, "[t]he question is not whether the defendant would more likely than not have received a different verdict with the evidence," *id.*, or whether, "after discounting the inculpatory evidence in light of the undisclosed evidence, there would not have been enough left to convict." *Id.* at 434-35.

Some courts believed that *Kyles* swung the pendulum so far in favor of defendants, that a new trial was virtually ensured if the court found that the government had suppressed any evidence. *Contra Bagley,* 473 U.S. at 677 ("we do not . . . automatically require a new trial whenever a combing of the prosecutors' files after the trial has disclosed evidence possibly useful to the

defense but not likely to have changed the verdict . . . A finding of materiality of the evidence is required . . . ." (internal quotations and citation omitted)). This misconception, however, was resolved by the Supreme Court in *Strickler v. Greene*.

> [The petitioner] must convince us that "there is a reasonable probability" that the result of the trial would have been different if the suppressed documents had been disclosed to the defense. As we stressed in *Kyles*: "The adjective is important. The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence." 514 U.S. at 434.

Strickler, 527 U.S. at 289.

"[T]he analytical process of gauging materiality begins with determining the force and effect of each individual item of favorable evidence not disclosed to the defense." *Smith v. Sec'y, Dep't of Corr.*, 572 F.3d 1327, 1346 (11th Cir. 2009); *see also Kyles*, 514 U.S. at 437 n.10 ("We evaluate the tendency and force of the undisclosed evidence item by item; there is no other way. We evaluate its cumulative effect . . . separately."). This means that a Court must size up each piece of evidence before aggregating it and considering the cumulative impact. The Court must then weigh that cumulative impact against the inculpatory evidence presented at trial to decide whether its confidence in the guilty verdict is undermined. *Smith*, 572 F.3d at 1346-47; *see also Kyles*, 514 U.S. at 453.

The FBI bench notes are completely consistent with the SA Peele's trial testimony regarding GSR. The evidence in the FBI file merely provides additional grounds to challenge the already besieged GSR results. Stenson's trial counsel admitted that the bench notes were not of any significance to them because issues relating to potential contamination already existed. *See* Reference Hearing Findings and Conclusions 30. Trial counsel's belief is consistent with the case law, which holds that cumulative impeachment will not satisfy the materiality standard of *Brady*. *See, e.g., Barker*, 423 F.3d at 1097; *Westley v. Johnson*, 83 F.3d 714, 725 (5th Cir. 1996), *cert. denied*, 519 U.S. 1094 (1997); *Spence v. Johnson*, 80 F.3d 989, 995 (5th Cir. 1996), *cert. denied*, 520 U.S. 1163 (1997); *Drew v. Collins*, 964 F.2d 411, 419-20 (5th Cir. 1992).

The Englert photos introduce another possible source of GSR contamination. The jury, however, had four other sources of contamination before it. Specifically, GSR could have been transferred to the inside of Stenson's right pants' pocket when: (1) Stenson was placed in Deputy Funscher's patrol car; (2) the pants were sent to the FBI laboratory for testing and then held in State custody for one year before the dabs were collected; (3) Stenson checked Frank Hoerner for signs of life; and (4) Stenson cradled and touched his dying wife's body.[26] This additional incremental impeachment

[26]The testimony related to points one and two is quoted in the State's response to

is not, therefore, material evidence.

The marginal weight to be given to the GSR from Stenson's right front pants' pocket was fully developed before the jury. SA Peele candidly informed the jury that he generally does not do "analyses on clothing because of the interpretation problems." TRP 1107. He further advised the jury that "[t]he hand is the important thing," *id.*, and that Stenson's hands did not contain significant amounts of GSR. TRP 1084.

The cumulative effect of the FBI notes and the Englert photographs is no greater than their individual effect. The GSR evidence played a decidedly minor role in the State's case.[27] The State's primary forensic evidence was the blood spatter on Stenson's pants. Reference Hearing Findings and Conclusions 41. This blood spatter placed him on the driveway when Frank Hoerner was struck on the head before being dragged into the room where he was shot. *See Id.*, 39. "The blood spatter evidence and opinion as to its ultimate meaning, while challenged by cross examination, was not rebutted at trial." *Id.*, 40. As Judge Williams properly found:

> Even if one completely overlooks the GSR testimony, the weight of the circumstantial evidence against Mr. Stenson

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Stenson's 6th PRP. Point three is supported by Stenson's taped statement. *See* TEx. 12 and 13. The fourth point is supported by the following evidence: TEx. TRP 61-62, 67-68; TEx. 19-20; REx. 116; 6RRP 122-23. *See also* TEx. 12 and 13.

[27]This fact is underscored by David Bruneau's closing argument. In a closing argument that spans 31 pages (TRP 1695-1726), GSR is mentioned two times. *See* TRP 1711 ("Gunshot residue."); TRP 1714 (Some of which is the gunshot residue. . .").

> coupled with the blood spatter evidence directly linking him to the initial attack on Mr. Hoerner is compelling. The blood spatter evidence is a hurdle too high. As long as it stands this court cannot find that even without the GSR testimony the result of the guilt phase of the trial would "probably" have been changed.

Reference Hearing Findings and Conclusions 41. Neither the FBI bench notes nor the Englert photographs cast a new light on the evidence that establishes only Stenson, his wife, Frank Hoerner, and Frank Hoerner's wife, knew that Mr. Hoerner would be at Stenson's house on March 25, 1993. Nor does the GSR evidence expand the 20-minute window of opportunity for committing the crime.

Stenson became "death eligible" when the jury determined that he killed "more than one person" and that "the murders were part of a common scheme or plan." *State v. Stenson*, 132 Wn.2d 668, 682, 940 P.2d 1239 (1997), *cert. denied*, 523 U.S. 1008 (1998). The GSR testimony does not impact or alter this finding. Nor does the GSR constitute "mitigating evidence", as neither "lingering doubt" or "residual doubt" is a constitutional or statutory mitigating factor. *See In re Personal Restraint of Lord*, 123 Wn.2d 296, 330, 868 P.2d 835 (1991).

Respectfully submitted this 2nd day of March, 2011.

Pamela Beth Loginsky

Pamela B. Loginsky, WSBA 18096
Special Deputy Prosecuting Attorney

PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On the2nd day of March, 2010, a copy of the document to which this proof of service is appended was deposited in the mails of the United States of America, postage prepaid, in envelopes addressed to:

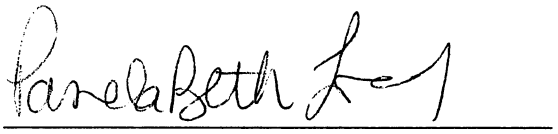
Darold Stenson
DOC No. 232018
Washington State Penitentiary
1313 North 13th Avenue
IMU/ N-D-4
Walla Walla, WA 99362-8817

Sheryl Gordon McCloud
Law Offices of Sheryl Gordon McCloud
710 Cherry St.
Seattle, WA 98104-1925

Peter Avenia
Robert H. Gombiner
Federal Public Defender
1601 Fifth Ave., Suite 700
Seattle, WA 98101

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

Signed this 2nd day of March, 2011, at Olympia, Washington.



Pamela B. Loginsky, WSBA 18096

APPENDIX A

AFFIDAVIT BY CERTIFICATION OF RECORDS CUSTODIAN

I, Taya Hendry, certify and declare that;

1. I am an employee of the Washington State Patrol Crime Laboratory Division.

2. I am the Public Records Officer for the Washington State Patrol Crime Laboratory Division. In this capacity, I am the Custodian of Records for the attached record.

3. I have researched and reviewed copies of records kept within the Washington State Patrol Crime Laboratory's files. I am including these records with this certification. The records consist of 124 pages of printed material:

a. E-mail request from Corey Endo (2 pages)
b. 20 day extension letter from Crime Laboratory Division (CLD) to Corey Endo on Washington State Patrol (WSP) Letterhead- Dated December 23, 2008
c. Response letter from CLD to Corey Endo on WSP Letterhead-Dated December 30, 2008
d. WSP Office of Profession Standards (OPS) Statistical History for Michael J. Grubb-Dated December 16, 2008
e. Request for Laboratory Examination Form (RFLE). Seattle Laboratory case number 193-02607
f. WSP CLD report by Michael J. Grubb for Laboratory number 193-02607 (3 pages)-Dated April 19, 1993
g. Draft report for WSP CLD report by Michael J.Grubb for Laboratory number 193-02607 (2 pages)
h. Case file notes pertaining to Seattle Crime Laboratory number 193-02607 (24 pages)
i. Case file notes with a date of 1-25-94
j. Case file notes with a date of 3-9-94
k. Forensic Scientist Action Check List for Seattle Laboratory Case number 193-02607 for Michael Grubb
l. Forensic Scientist Action Check List for Seattle Laboratory Case number 193-02607 for Ingrid Dearmore
m. RFLE for Marysville Crime Laboratory case number 494-0494 A
n. WSP CLD report by Michael J. Grubb for Laboratory number 494-0494 A-Dated June 22, 1994
o. Case file notes pertaining to Marysville Crime Laboratory number 494-0494 (9 pages)
p. Photos included with case file notes pertaining to Marysville Crime Laboratory number 494-0494 A (9 pages)
q. Phone log notes pertaining to Marysville Crime Laboratory number 494-0494 A and dated 6-17-94
r. Photos from scene included with case file notes pertaining to Marysville Crime Laboratory number 494-0494 A and dated 6-21-94 (7 pages)
s. Case file notes pertaining to Marysville Crime Laboratory number 494-0494 and dated 4-20-94
t. Draft report for WSP CLD report for Marysville Crime Laboratory report 494-0494 A and labeled RUSH
u. Sketch of Crime scene drawn to scale; utility-west wall and utility-north wall
v. Fax cover sheet to Dave Bruneau from M Grubb dated 6-22-94
w. Fax cover sheet to Monty Martin from M Grubb dated 6-22-94

x. Clallam County Prosecuting Attorney Facsimile cover sheet to Michael Grubb from David H. Bruneau dated July 29, 1994
y. Sketch of Crime scene drawn to scale; Garage, utlilty room, bedroom (7 pages)
z. Letter from Frederick D. Leatherman, JR. to Mike Grubb dated February 16, 1994
aa. Letter from GENELEX to David Bruneau, Prosecutor; received date stamped June 29,1994 (3 pages)
bb. Fax from Federal Bureau of Investigation Washington D.C. 20535 to Detective Sergeant Monty Martin dated November 17, 1993 (11 pages)
cc. FBI Analysis of Bloodstain Evidence in State v. Stenson-Date stamped Dec 16 1993(6 pages)
dd. Case file notes pertaining to Seattle Crime Laboratory number 193-02607 and dated 3-9-94
ee. Fax from Clallam County Sheriff's Department to Mike Grubb and dated 3-9-94 (6 pages)
ff. Fax from Frederick D. Leatherman JR. to Mike Grubb and dated 3-9-94 (3 pages)
gg. Fax from Clallam County Sheriff's Department to Mike Grubb and dated 3-16-94 (2 pages)
hh. Case file notes regarding a phone conversation dated 3-17-94
ii. Case file notes regarding a phone conversation dated 6-10-94
jj. RFLE for Marysville Crime Laboratory case number 494-0494
kk. WSP CLD report by Michael J. Grubb for Laboratory number 494-0494-Dated April 26, 1994
ll. Case file notes pertaining to Marysville Crime Laboratory number 494-0494 (3 pages) and dated 4-20-94
mm. Itemized list of suspect and victim evidence. Document labeled Luminal (2 pages)
nn. Document labeled Luminal Photograph
oo. Draft report for WSP CLD report by Michael J.Grubb for Laboratory number 494-0494 dated 4-26-94

4. The attached records accurately reflect the original documents maintained by the Washington State Patrol Crime Laboratory.

I certify or swear under the laws of the State of Washington that the forgoing is true and correct
State where signed

I am signing this document in the city (or county if unincorporated area) of Seattle in the state of Washington

DATED this 25 day of JANUARY, 2011.

Custodian of Record/Witness

Address: 2203 Airport Way S. BIDG A
Suite 250
Seattle WA 98134-2045

Phone Number 206-262-6003

RE Public Disclosure of Records Request PD 08-1047-0011.txt

From: Corey Endo [Corey_Endo@fd.org]
Sent: Tuesday, December 16, 2008 4:01 PM
To: Hendry, Taya (WSP)
Subject: RE: Public Disclosure of Records Request PD 08-1047-0011

His first name is Darold Stenson.

Thanks for your help.

Corey

Federal Public Defender | 1601 Fifth Avenue, Suite 700 Seattle, Washington 98101 P (206) 553-1100 F (206) 553-0120

<Taya.Hendry@wsp.wa.gov>

12/16/2008 01:34 PM

To <Corey_Endo@fd.org>

cc

Subject RE: Public Disclosure of Records Request PD 08-1047-0011

Hello Corey,

Would you please send me the first name of the individual in the State v. Stenson case. I simply want to make sure I have the right information for you. It looks like most of the information will be in an older searching system we had during the time the case was being done. Thank you for your time.

Taya Hendry
Washington State Patrol Crime Laboratory Division
2203 Airport Way S. Suite 250
Seattle WA. 98134
(206)-262-6003
(206)262-6091-Fax

-----Original Message-----
From: Corey Endo [mailto:Corey_Endo@fd.org]
Sent: Monday, December 15, 2008 2:53 PM
To: Hendry, Taya (WSP)
Subject: Public Disclosure of Records Request

Dear Taya,

I am writing to request inspection of the following records pursuant to Washington's Public Disclosure Act, RCW 42.56, et. seq.:

? All writings, as defined by RCW 42.56.010(3), referring or relating to disciplinary proceedings or investigations involving Michael Grubb.

? All writings, again as defined by RCW 42.56.010(3), referring or relating to the case of State v. Stenson, Clallam County No. 93-1-00039-1.

Please respond within five days of the receipt of this request by either (1) indicating that the record is available for inspection; (2) acknowledging receipt of the request and advising regarding the amount of time needed to respond; or (3) denying the request. If this request (or any part of the request) is denied, please include a statement of the specific exemption authorizing the withholding of the record (or part) and an explanation of how the exemption applies to the record withheld, as required under RCW 42.56.210(3) & .520.

If you have any questions or concerns regarding this matter, please feel free to call me or e-mail me at corey_endo@fd.org.

Thank you for your time and attention to this request.

Corey Endo
Research & Writing Attorney

Federal Public Defender | 1601 Fifth Avenue, Suite 700 Seattle, Washington 98101 P (206) 553-1100 F (206) 553-0120

CHRISTINE O. GREGOIRE
Governor

JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL
2203 Airport Way South, Suite 250 • Seattle, Washington 98134-2045 • (206) 262-6020 • www.wsp.wa.gov

December 23, 2008

Corey Endo
1601 Fifth Avenue, Suite 700
Seattle WA 98101

Dear Ms. Endo:

The Washington State Patrol has received your public disclosure request referring or relating to Michael Grubb and referring or relating to State v. Stenson. Pursuant to RCW 42.56.520, this is notification that we have received your public disclosure request, and we anticipate it may take up to 20 days from the date of this notification to provide a proper response.

If you have any questions or need further assistance with this request, please contact Ms. Taya Hendry, Crime Laboratory Division, at (206) 262-6003 in reference to PD-08-1047-0011.

Sincerely,

Mr. Kevin Jones
Crime Laboratory Division

KEJ:tmh

CHRISTINE O. GREGOIRE
Governor

JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL
2203 Airport Way South, Suite 250 • Seattle, Washington 98134-2045 • (206) 262-6020 • www.wsp.wa.gov

December 30, 2008

Corey Endo
1601 Fifth Avenue, Suite 700
Seattle WA 98101

Dear Ms. Endo:

Enclosed is a copy of the public record(s) you requested regarding State v. Stenson.

The Washington State Patrol does not have any records referring or relating to disciplinary proceeding or investigations involving Michael Grubb.

No information has been redacted or withheld from your request. If you have questions, please contact Taya Hendry, Crime Laboratory Division, at (206) 262-6003 in reference to PD-08-1047-0011.

Sincerely,

Mr. Erik Neilson
Crime Laboratory Division

ERN:tmh
Enclosure

WASHINGTON STATE PATROL

OFFICE OF PROFESSIONAL STANDARDS

OPS Statistical History

Tuesday, December 16, 2008

Name: Grubb, Michael J. **Badge #:** **Age:** 55 **Tenure:** 28

OPS #	Dist#/Det#	Allegation(s):	Finding	Sanction(s):
No History				

MLT

AGENCY CASE NO. 00001 1

REQUEST FOR LABORATORY EXAMINATION

WASHINGTON STATE PATROL — STATE CRIME LABORATORY SYSTEM

LABORATORY NO. ✓

1009302587

193-02607

EVERETT	WSP DISTRICT OFFICE BUILDING	98201	(206) 259-8988	Scan 265-8988
KELSO	HALL OF JUSTICE BUILDING	98626	(206) 577-2087	Scan 239-2087
KENNEWICK	WSP DISTRICT OFFICE BUILDING	99336	(509) 545-2022	Scan 526-2022
SEATTLE	PUBLIC SAFETY BUILDING	98104	(206) 464-7038	Scan 576-7038
SPOKANE	PUBLIC SAFETY BUILDING	99201	(509) 456-4145	Scan 545-4145
TACOMA	COUNTY-CITY BUILDING	98402	(206) 593-2006	Scan 462-2006

HAS OTHER EVIDENCE IN THIS CASE BEEN PREVIOUSLY SUBMITTED TO THIS LABORATORY? YES _____ NO X

SUSPECT(s)	LAST	FIRST	MI.
1.			
2.			
3.			

VICTIM(s)
1. DENISE STENSON
2. FRANK HOERNER

OFFENSE: DEATH INVESTIGATION

DATE OF OFFENSE: 3 / 25 / 93

EXAMINATION REQUESTED BY:

NAME (Print or Type)	RANK	SIGNATURE	DATE
Detective Sgt. Monty Martin			3-25-93

AGENCY	ADDRESS	CITY	ZIP	PHONE
Clallam Co Sheriff's Dept.				452-7836 cellular 460-0961

ITEMS TO BE EXAMINED BY ORDER OF PRIORITY:	EXAMINATION DESIRED:
CRIME SCENE ASSISTANCE-	Residence

APR 22 1993

RECEIVED

SUBMITTED BY: _____ (type or print) _____ (pers no.) Date/Time _____ Mail # _____

_____ (signature) _____ (agency) Accepted by: _____ UPS # _____

DISPOSITION

RECEIVED BY: _____ (print) _____ (pers no.) Date/Time No evidence Mail # _____

_____ (signature) _____ (agency) Released by: Crime scene UPS # _____

Copy Distribution: White and pink copies must be submitted to laboratory.

WSP-CL-005 7/81 -184-

GEORGE B. TELLEVIK
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL
2nd Floor Public Safety Bldg., 610 3rd Avenue • Seattle, Washington 98104-1820 • (206) 464-7038 • (SCAN) 576-7038

CRIME LABORATORY REPORT

Agency: Clallam County Sheriff's Office Laboratory No. 193-02607

Suspect: Agency Case No. C009302587

Victim: Stenson, Denise
Hoerner, Frank
Officer: Detective Sergeant Monty Martin

Examination of Crime Scene:

The home at 55 Kane Lane, Sequim, was examined on March 25 and 30, 1993. Also present were Forensic Scientist Ingrid Dearmore, Clallam County Sheriff Detective Sergeant Monty Martin, and several other members of the Clallam County Sheriff's Office.

For our purposes, the scene consisted of four parts; a. driveway and exterior porch, b. laundry hallway outside the downstairs bedroom door, c. downstairs bedroom where Hoerner's body was found, and d. upstairs master bedroom.

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   Bloodstains were also found on the driveway further from the house. One area on the driveway exhibited a pattern of several drops all in the same small area. Several other individual bloodstains were found (with the aid of luminol) between this area and the house.

b. In the laundry hallway, cast-off blood was present on the inside surface of the door, on the adjacent wall, on the dryer, on the top of the garbage can which was said to have been located next to the dryer, and on the linoleum floor. An additional weak or diluted bloodstain smear

Michael J. Grubb April 19, 1993
Michael J. Grubb, Supervising Forensic Scientist

Laboratory Number:	193-02607
Agency:	Clallam County Sheriff's Office
Agency Number:	C009302587
Suspect:	
Victim:	Stenson, Denise
	Hoerner, Frank
Officer:	Detective Sergeant Monty Martin

was present on the front of the freezer. This was not visible before reacting the front of the freezer with luminol. The smear tested positively using an additional chemical test for blood.

c. The body of Frank Hoerner was present during our initial examination of the downstairs bedroom. The deceased was in a prone position, with his feet under the edge of the bed and his head in contact with the fully open door. His right arm was down along his right side and his left arm was bent with his hand palm-down and extending toward the open door. Between his left hand and head was a revolver, with barrel pointing toward the head. The hammer of the revolver was pushing down on the skin of the left hand at the base of the thumb, indicating that the hand was in its final resting position before the gun settled down or was placed on/next to it. A piece of bloody tissue (possibly brain) was present at the muzzle of the revolver, on the carpet.

The left side of the headboard of the bed exhibited an apparent penetrating (but not perforating) bullet hole, surrounded by high velocity blood and tissue spatter. Bloodspatter, bone and hair fragments and dark colored particulate debris or dirt were found on the left side of the bed and on the left pillow. From this it appears that Mr. Hoerner was seated on the left side of the bed, facing the bedroom door when the shot was fired. A spent bullet was found on the floor at the right side of the deceased.

The left hand and jacket sleeve of Mr. Hoerner were examined at the scene for any evidence of backspatter of blood. None was found. There was an injury to the left palm of the deceased, and the left jacket sleeve exhibited abrasion damage and what appeared to be recently deposited dirt associated with this damage.

d. The bedding on the right side of the bed in the master bedroom was extensively bloodstained. A pattern of very small bloodstains (characteristic of blowback from a contact gunshot wound) was found on the right side of the mirrored headboard. Based on this, it appears that the second shooting victim (Mrs. Stenson) was on the bed when the shot was fired into her head.

Michael J. Grubb, Supervising Forensic Scientist — April 19, 1993

Laboratory Number:	193-02607
Agency:	Clallam County Sheriff's Office
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Suspect:	
Victim:	Stenson, Denise
	Hoerner, Frank
Officer:	Detective Sergeant Monty Martin

The following items were collected, packaged and turned over to Detective Sergeant Martin for possible later submission as evidence:

1. Blood from concrete near support pole outside residence.
2. Blood from concrete.
3. Control for samples 1 and 2.
4 and 6. Blood from support pole.
5 and 7. Controls for samples 4 and 6.
8. Blood from dryer (exterior).
9. Control for sample 8.
10. Blood from laundry hallway wall near door.
11. Control for sample 10.
12. Blood from driveway.
13. Control for sample 12.
14. Secondary blood control for Mr. Hoerner taken from the carpet under his head.
15. Secondary blood control for Mrs. Stenson taken from the pillow in the upstairs master bedroom.
16. Tissue from carpet at muzzle of revolver.
17. Blood from inside of laundry hallway door.
18. Control for sample 17.
19. Tape lift of dark particles on sheet at edge of bed (downstairs bedroom).
20. Sample of dirt and gravel from driveway, some of which is bloodstained.

Numerous other items were collected by the Clallam County Sheriff's Office.

Michael J. Grubb, Supervising Forensic Scientist — April 19, 1993

S:\9302607.mjg 193-02607

Examination of Crime Scene:

The home at 55 Kane Lane, Sequim, was examined on March 25 and 30, 1993. Also present were Forensic Scientist Ingrid Dearmore, Clallam Co. Sheriff Detective Sgt. Monty Martin, and several other members of the Clallam Co. Sheriff's Office.

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b. In the laundry hallway, cast-off blood was present on the inside surface of the door, on the adjacent wall, on the dryer, on the top of the garbage can which was said to have been located next to the dryer, and on the linoleum floor. An additional weak or diluted bloodstain smear was present on the front of the freezer. This was not visible before reacting the front of the freezer with luminol. The smear tested positively using an additional chemical test for blood.

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The following items were collected, packaged and turned over to Det. Sgt. Martin for possible later submission as evidence:

1. Blood from concrete near support pole outside residence.
2. Blood from concrete.
3. Control for samples 1 and 2.
4 and 6. Blood from support pole.
5 and 7. Controls for samples 4 and 6.
8. Blood from dryer (exterior).
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Numerous other items were collected by the Clallam Co. Sheriff's Office.

MLS

4-19-93

Rev: MLS 4/20/93

3-29-93

tt Det. Martin. 452-0544

@ autopsy, Hoerner was found to have gravel & abrasions in his butt (bare) - Also what appears to be semen on his penis.

Also blunt trauma to back of head & side of head.

Amido black was used by Tim Taylor on dryer & gave [redacted] a pattern that Taylor thought was indicative of blood wipes being present.

They want to luminol the [redacted] laundry area to see if there is any evid of blood cleanup.

Also, I asked Det Martin [redacted] if they had - for bloody clothes from ⑤ - if a scuffle w/ Hoerner, then should have more blood on him.

&

I asked him to get the flap of skin from Hoerners palm & freeze it - it could [redacted] establish this damage as due to asphalt abrasion rather than coming down on firearm.

Also told Det. Martin to consider talking to Harold Andersen re firearms & whether he has dealt w/ Stenson.

193-02607
3-30-93

2/24

tc Det. Martin -

Set up this eve. to ~ luminol on washer, dryer, freezer.
Will meet him @ ~ 8 @ scene.

Asked Martin when Koerner had last intercourse w/ wife - he said several days before homicide.

I mentioned value of taking swabs of Ø's penis to ~ for DNA (vag matl) of Mrs. Stenson -

Det Martin says Ⓥ had what appeared to be open sore herpes on penis & ~~was~~ was thinking now that what was there wasn't semen but possibly pus.

Suggested discussions w/ Dr. Brady re blunt head trauma - whether any of it could be due to fall after gsw?

93 080019 02607
3-31-93

tt Dr. Dobenson
Autopsy of Mrs Stenson:
Contact GSW → head → Soot in depths & around skull defect.

Entry L occipital. tracked → Back → Front
Left → Right
no up/down.

Bullet in 2 frags →
Cu jkt, fragmented.

4-19-93

Called & left msg for Monty Martin – He had called & asked for H. Andelsen's phone # earlier in the day. Andersen is ~~down~~ out of town for 10 days – 2 who & I left Martin that msg.

Also – I expressed concern that the evidence would be dumped on the FBI w/o sufficient introduction & some evid. – eg. Blood stains on gun
" in bbl of gun. } might be lost or overlooked
Shoes of (Spatter)

Case # C00930258?

3/25/93 ~9:30 call to Mike Grubb

10 10 ferry to Bainbridge Island

Arrive Seavm P.D ~ 12:00

Met/followed Undersheriff Sgt. Martin, Clallam Co. Sheriff

Location

1st River Rd (1st left) out of town

~1 mile - Secon, go Rt, ¼ mile, look left + see cars

55 Kane Lane Ostrich farm

phone *@ house (scene) 683-5968

*9 wood post (+) phenolphthalein

*3 off concrete (+) phenol "

V_1 Denise Stenson (F) (not @ scene now)

V_2 Frank Hoerner (M)

↳ business partner of husband + family friend, speculate crush? on Mrs S

Mr. Stensons Story: going to Tx today for ostrich business

↳ went to dinner night before

~10:30

Hoerner arrived here ~ 3:30 AM (after calling Mr. S 1st)

→ in office out back; Mr H. enters house to use bathroom. (no gunshots)

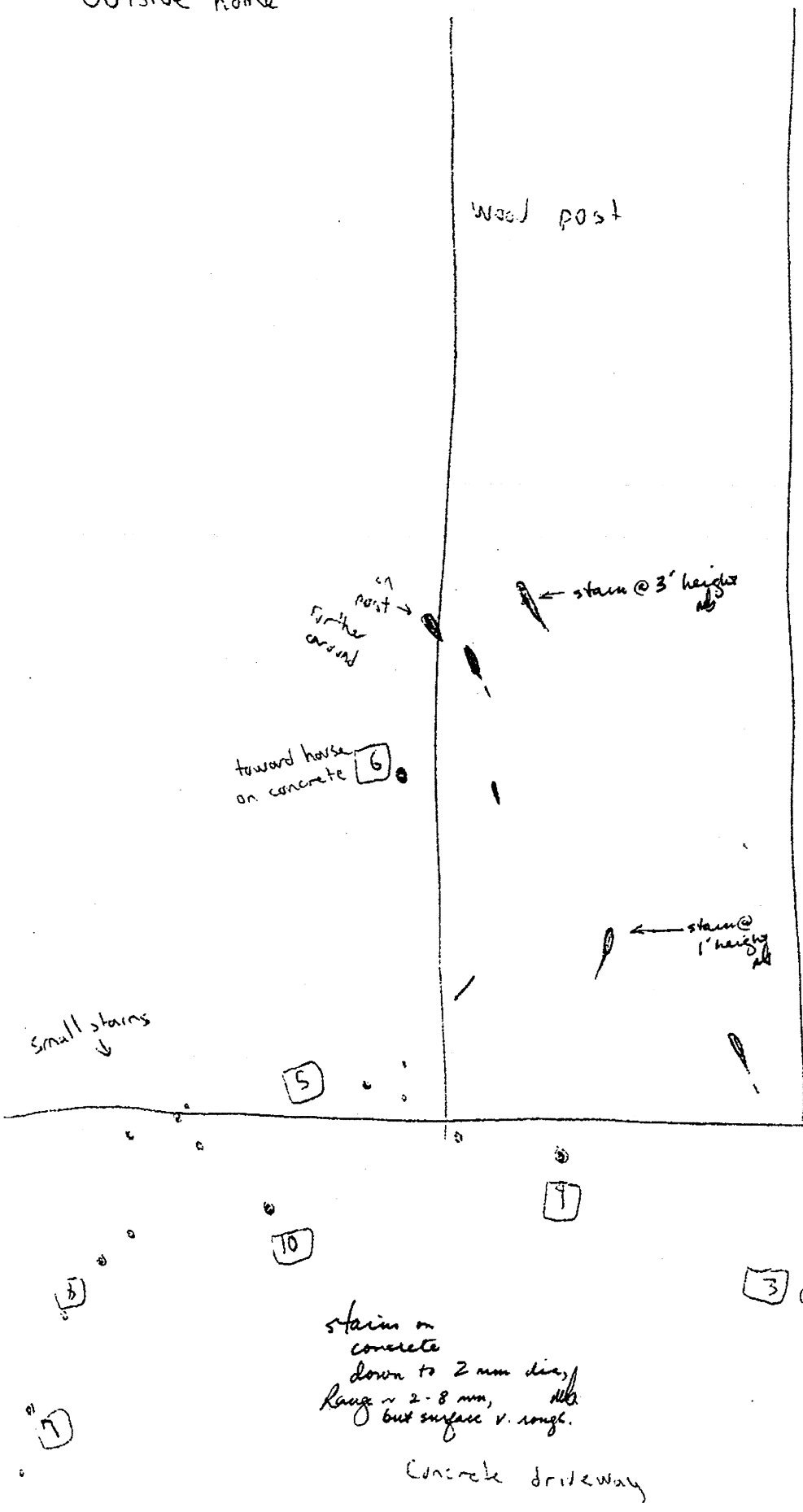
Mr. S didn't hear anything; came in to ✓ on Mr H. + found him dead + heard wife groaning upstairs. He said he held wife.

Mrs H says Mr S demanded $10,000 which she says Mr H. brought over in red van (Olympic Interior label) Supposed to be in black case of front seat.

Mr S. denies any money involved; just insurance type business for ostriches.

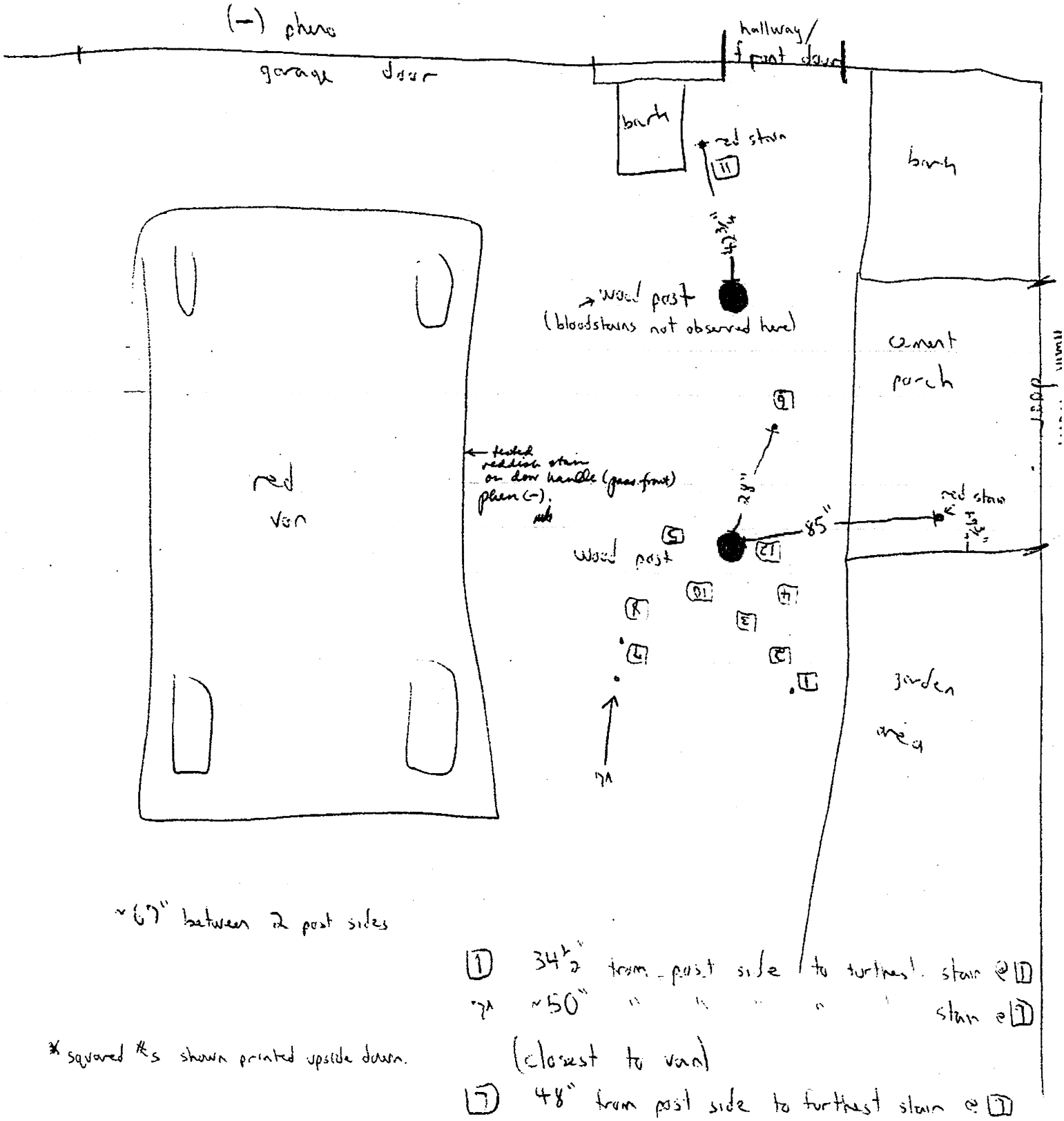
Frozen type Orange juice can in kitchen sink, along with dishes

Outside home



Parked in driveway in front of garage door:

Red van; stain on pass side front door handle tested (-) phen



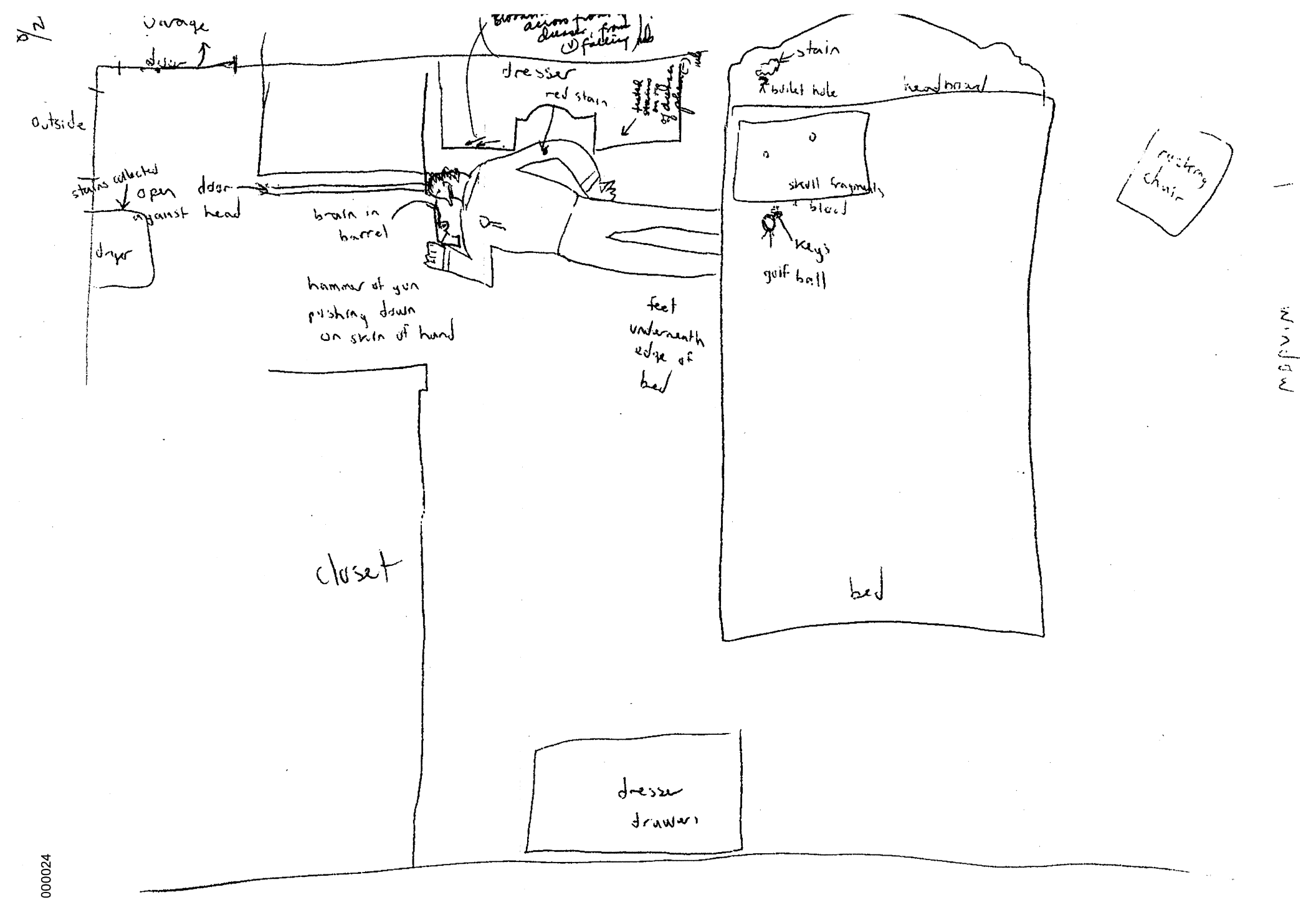
~6" between 2 post sides

1 34 1/2" from post side to furthest stain @ 1

7A ~50" " " " " stain @ 7 (closest to van)

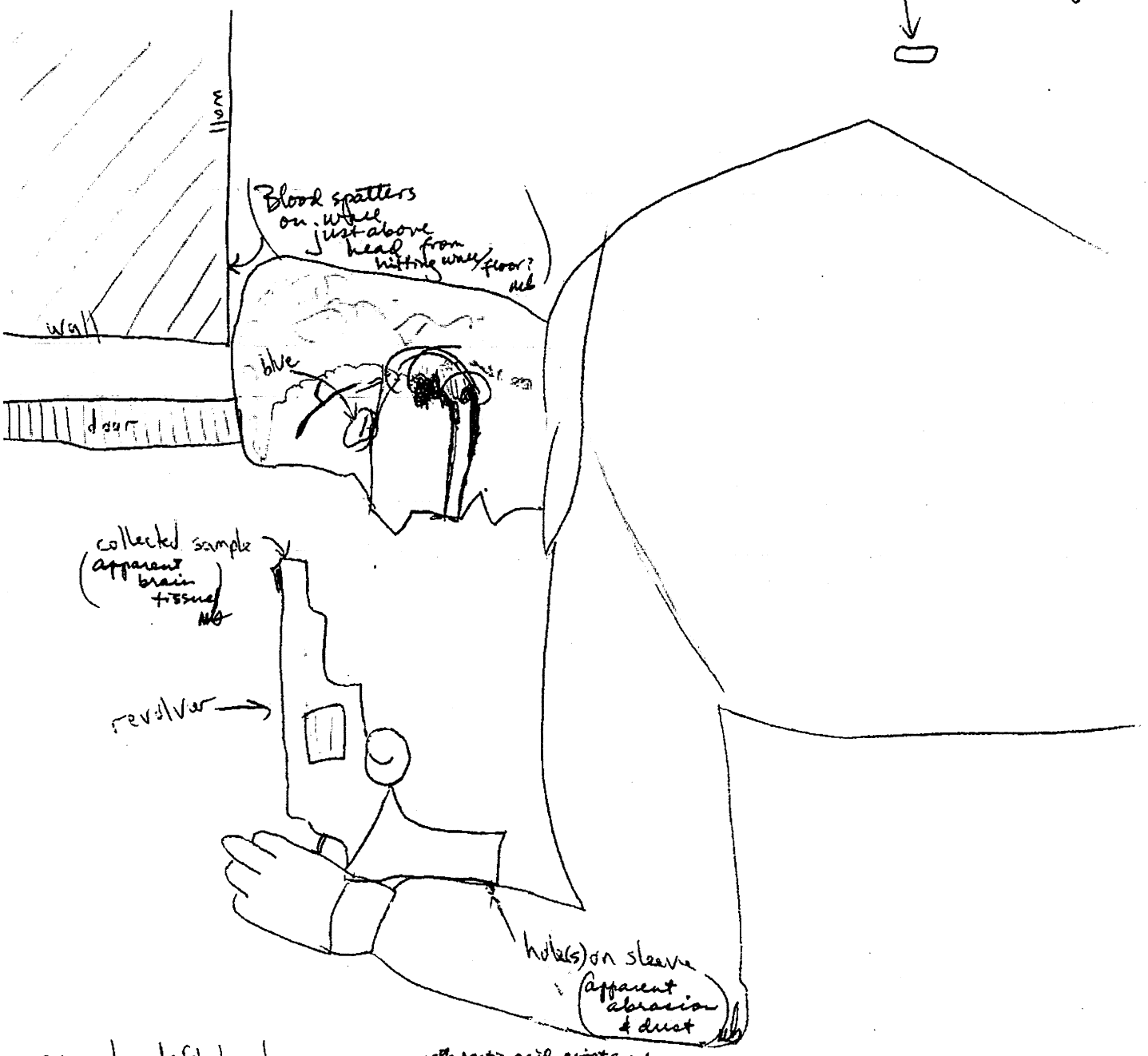
7 48" from post side to furthest stain @ 7

* squared #s shown printed upside down.



Overall layout downstairs bedroom

Close-up of male victim



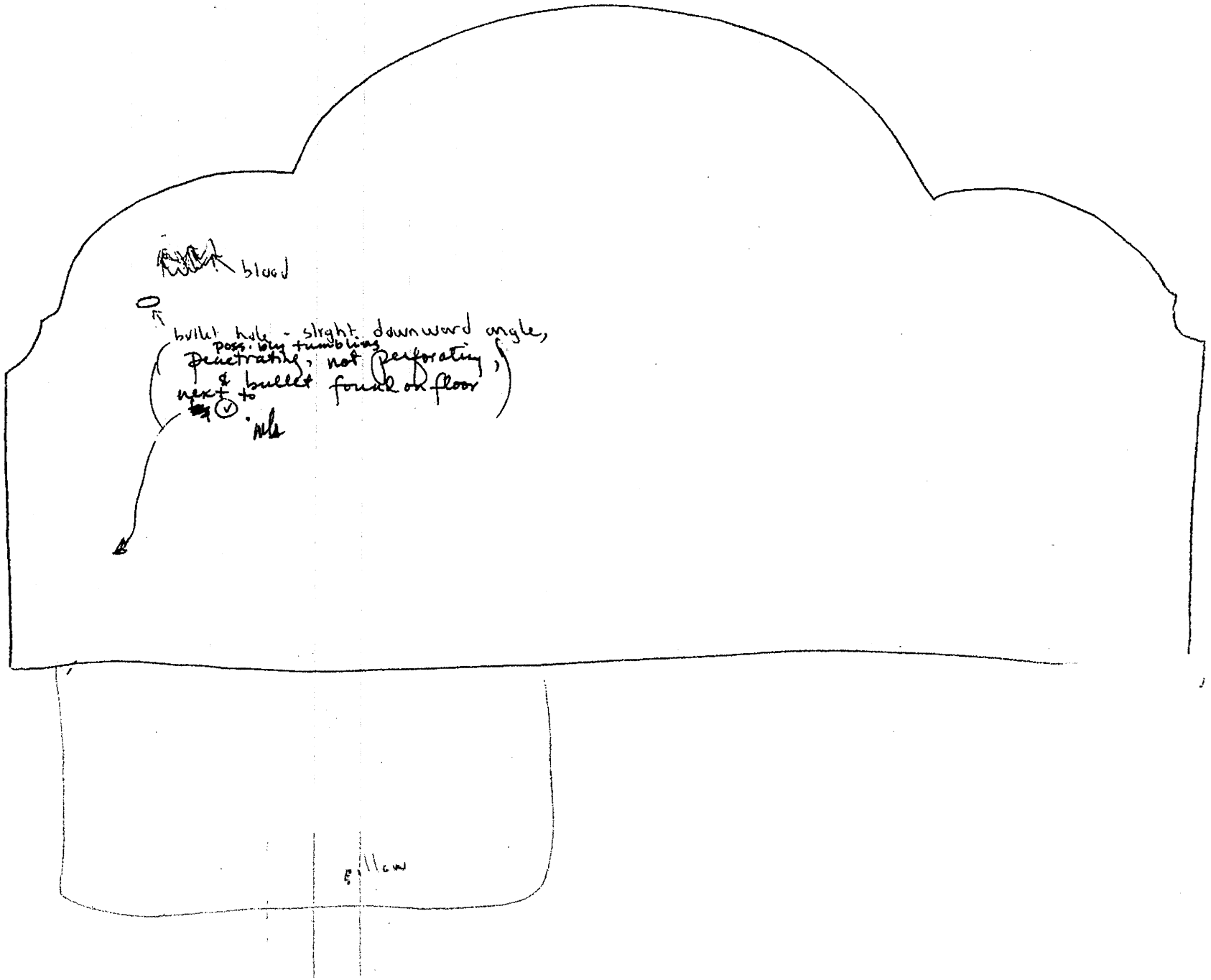
on palm left hand

abrasion injury (flap type, to red skin* poss. bleeding source) MB

(–) 15% acetic acid moist swab rhodizonate ~~MB~~/ off fabric surrounding hole on left sleeve (no lead detected)

1 1/2

Looking directly at headboard of bed in bedroom



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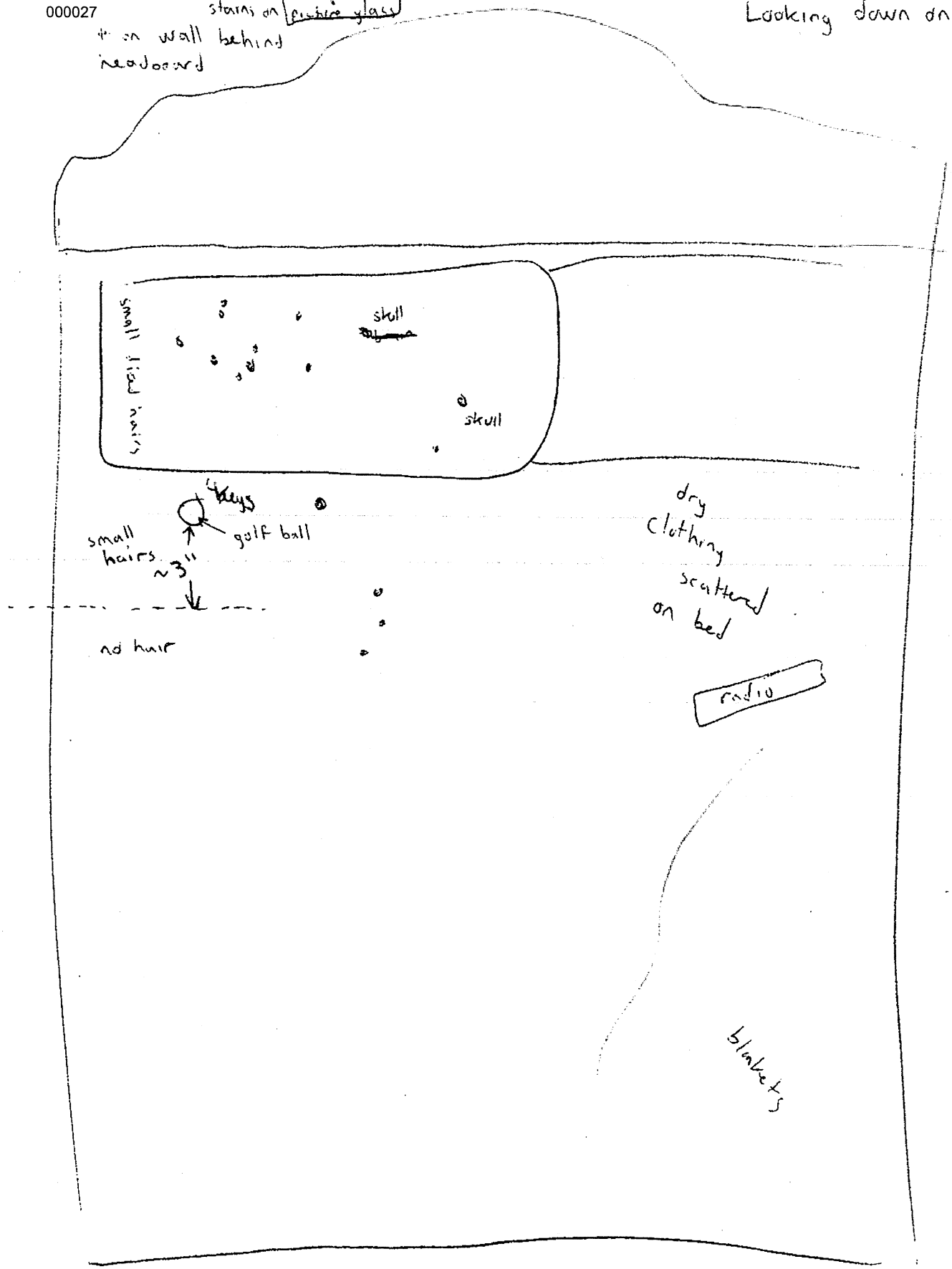
small blood stains on ~~window glass~~ * on wall behind headboard

Looking down on bed.



black particles (dirt?) around golf ball area

dried hairs (short fragments) on pillow + down onto sheet extending ~3" down from golf ball. Then sheet relatively clean.

documenting bullet hole on headboard - See Mikes notes.

tape lift of black particles off bed; suggested - Mike did.
Blood on victims white athletic shoes.
Turned body over Lt hand stuck to carpet (dried blood? Yes)
blood on back heel of Rt shoe & on top * on shoelaces (tied)
Sweater worn was tattered left sleeve, small holes, dirty. (in struggle?)

Clothing in washer wet, small quant. of laundry inside
but H_2O level set at near max. Husband size
jeans w/ stains inside along w/ child-size clothing.

(—) phos on stain on top Rt ½ of vanity adjacent to bed

Mike - ✓ blood in muzzle - how far down in it.
brain plug there?

Collect flap of skin off victim hands, including black
shirt - for microscope, to compare w/ asphalt
freeze it!

Questions Evidence Collected

1) from concrete near post, stain 1
2) ~~control~~ from concrete, stain
3) control for stains 1 & 2
4) stain from 3' height on wood post
5) control for stain 4 @ 3' high on post
6) stain from 1' high on wood post @ entryway
7) control for stain 6
8) stain from dryer (4 stains combined)
9) control from dryer surface
10) stain off wall inside near door cast off pattern
11) control for stain 10, off wall
12) stain from driveway
13) control for stain 12
14) 2° control from male victim taken from carpet under head
15) 2° control from pillow upstairs bedroom, female victim
16) tissue from gun muzzle
17) stain from back of door
18) control for stain 17
19) Tape lift off steel, edge of bed (dark particles)
20) gravel from driveway, some w/ bloodstains.

Also collected by investigating agency were the husband's pants, black long sleeve sweater, socks, shoes, and belt, + swabs of his hands. Bloodstains (like dripping blood) on knee area. Red fibers seen on black sweater, but difficult to view bloodstains. Very small apparent bloodstains observed on his shoes.

Questions

Did husband have insurance / change on wife?
How were hrs investors working out?
Was he really financially secure?
Is there documentation of $10K withdrawal by Hoerner?
Affair between husband & Mrs. Hoerner?
What brain purposely placed in muzzle to make it look like suicide?
Where was preparation for trip to Texas? Planned? Tickets?
Load of laundry?
If cuddling wife, where is blood on husbands shirt?
Where did blood on knee come from?
Blood from victims hand on gun?
Same weapon used for both ~~murd~~ victims? Same ammo?
What did husband say when he called 911?
Does any blood in muzzle differ from brain?
What was order of events? male, female, vice-versa? How choreographed if it was set up to look like murder-suicide?

000031

nlks
3-25-93 List of things we suggested Clallam Co. S.O. do:

1. Collect clothing ♂ Ⓥ – submit → lab for exam for backspatter
" " dirt/debris, esp on abrasion on L. arm.

ME:
2. ✓ for hair spatter on hands.
2a. Do GSR collection on hands of ♂ Ⓥ. → send off to Ⓢ
3. Collect sheet & pillowcase (fold in) from downstairs bedroom
Submit to lab – ✓ debris vs. driveway debris.

Compare debris from abrasion o arm of jkt to driveway debris

4. Submit bloodstain evid. to lab for testing – 2 exterior hallway.

5. Clothing of Ⓢ – ✓ shoes stairs for spatter.
✓ sweatshirt sleeve for spatter.
✓ jeans for blood typed of drips.

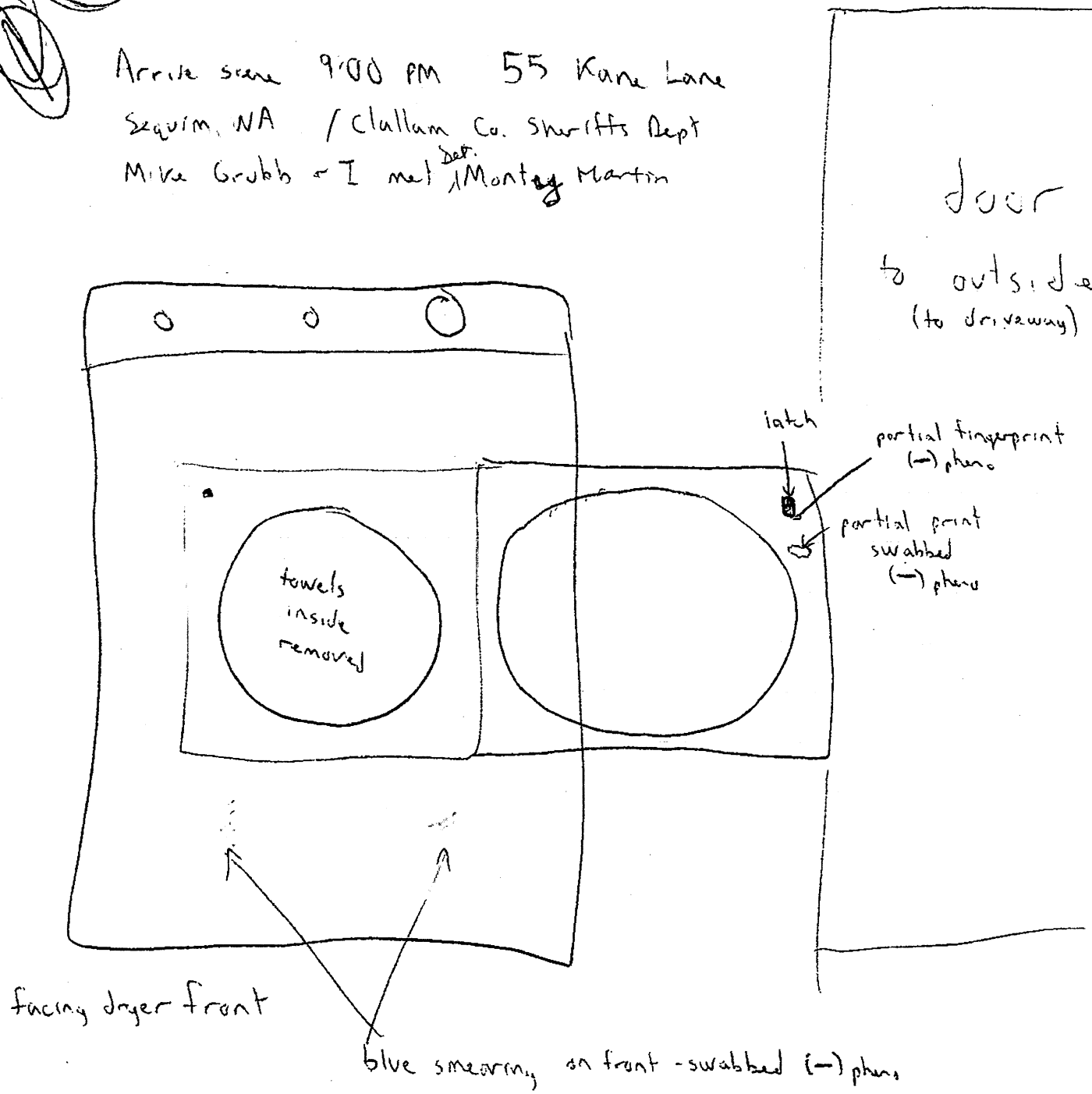
Blood & typ

6. Revolver → lab for blood pattern, esp - on grip
then → prints
then → DFA (D-

7. Submit upstairs sheet.

2/5/05

Arrive scene 9:00 PM 55 Kane Lane
Sequim, WA / Clallam Co. Sheriffs Dept
Mike Grubb - I met Det. Monty Martin

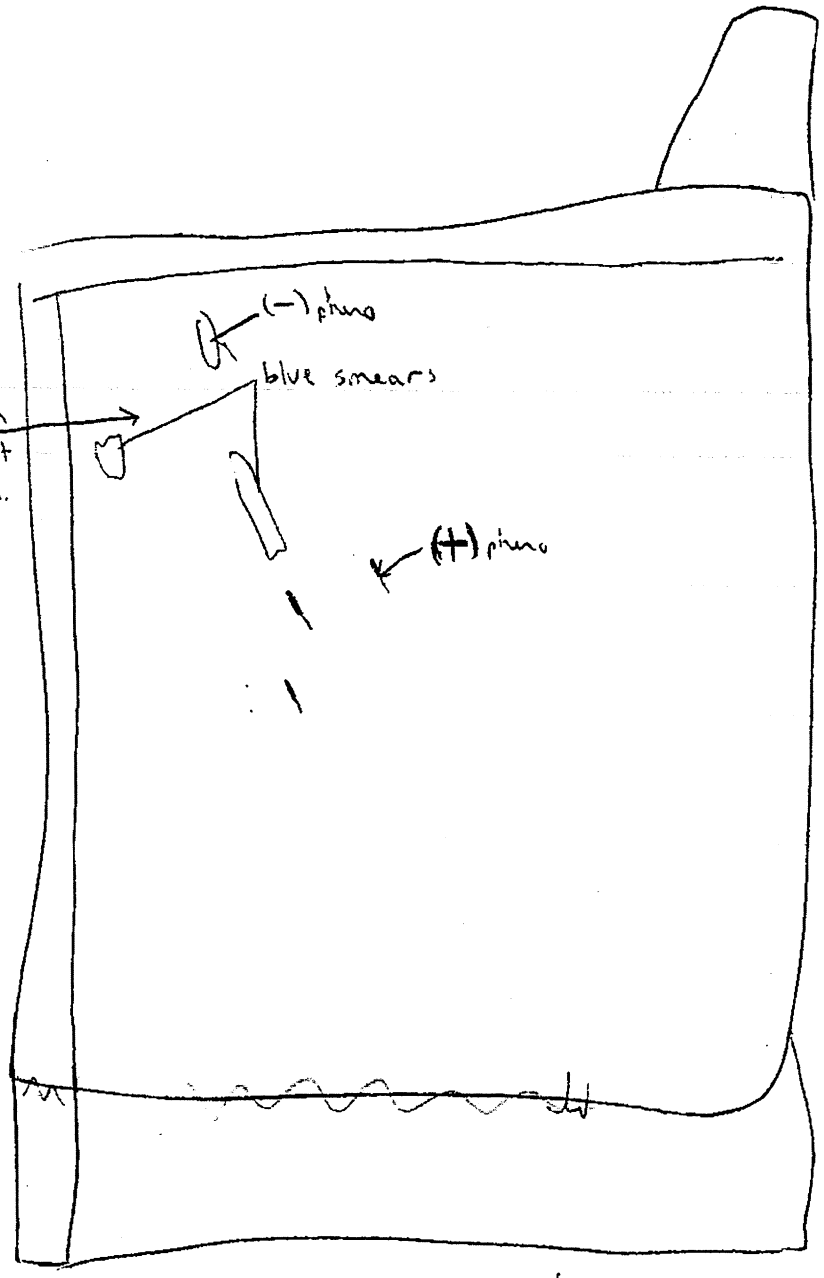


We were initially asked to check in the hall area (in front of the bedroom in which the male V. was found). Latent fingerprint examiners had already sprayed the area w/ amido black and surfaces were now mostly blue in color. These examiners suspected blood may be present inside the dryer door due to their observed reaction with the amido black.

173-02601

3/30/93

Facing right side of dryer, 90° to door to outside



Side of dryer adjacent to door to outside

[streak across floor (−) phenol. near dryer
(walked across frequently ⇒ wouldn't be surprised if positive rxn.]

193-02607

18/2

Med Ex. Info.

pistol primers inside hollow-point cavity (from rounds in gun)

primer recovered from male V. head. close-contact/proximity wound reported for him; fem V. contact wound.

Luminol

Add 3% H_2O_2 to 10% NaOH + 130 mL H_2O to powder

Mike Grubb mixed 1st batch + sprayed the floor area around the dryer, large freezer, door to outside + door into garage. The dryer sides, inside dryer door, wall w/ smear removed previous crime scene search (this wall shared w/ door into garage), and freezer were all sprayed w/ luminol.

Luminescense was noted particularly on the floor around the dryer, possibly due to a rxn. w/ detergents ← actually bleach

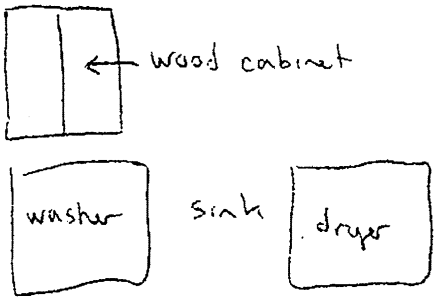
Presumptively tested (+) bloodstains showed lumines. as expected.

→ Investigating agency provided photography.

The sink next to the dryer and parts of the downstairs bathroom were sprayed w/ luminol ⇒ no significant observations.

The wood cabinet above the washer was also sprayed w/ no signif. observations.

Rt. handle to this cabinet (-).

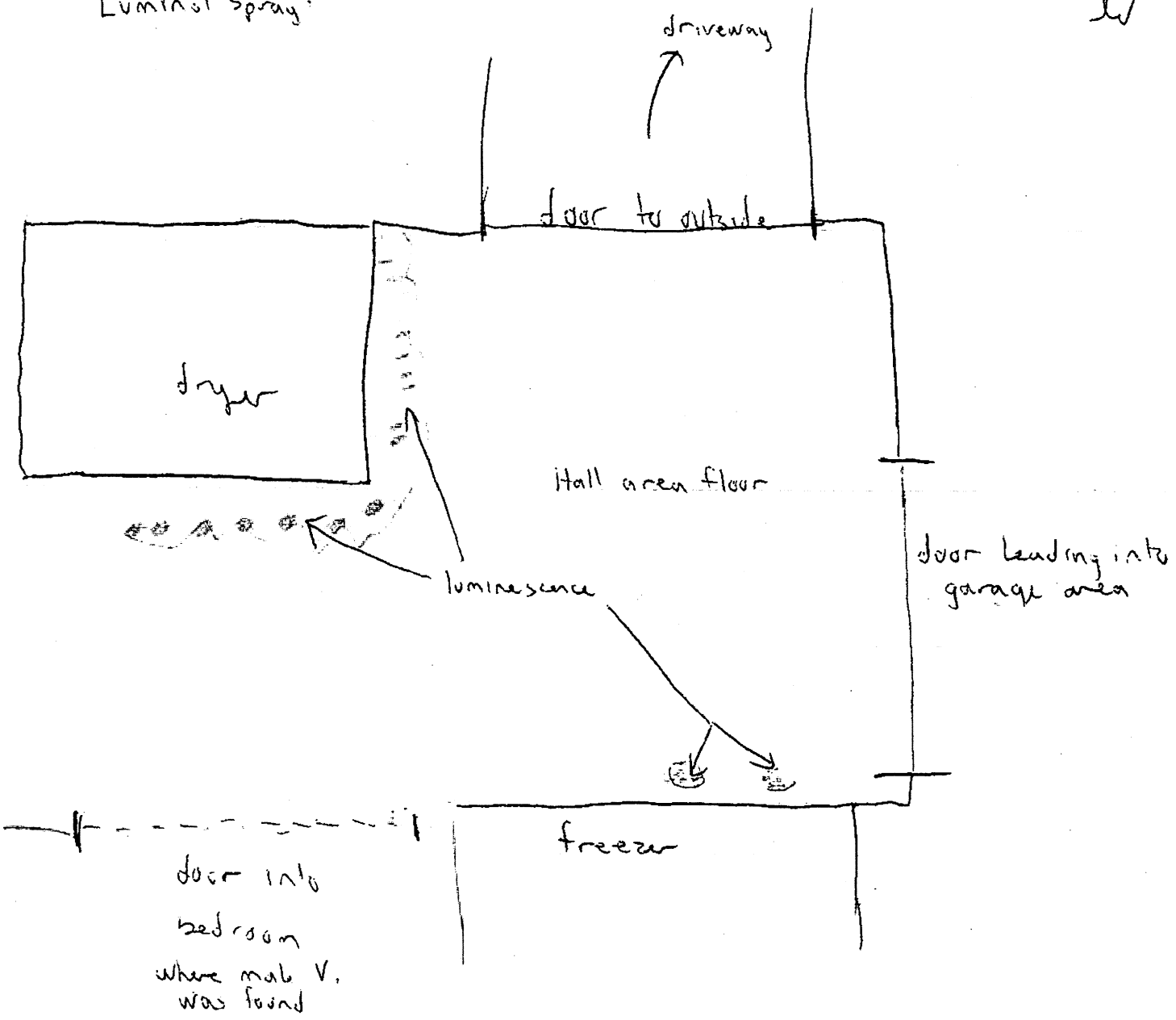


193-026001

19/24

3/30/93

Luminol Spray:



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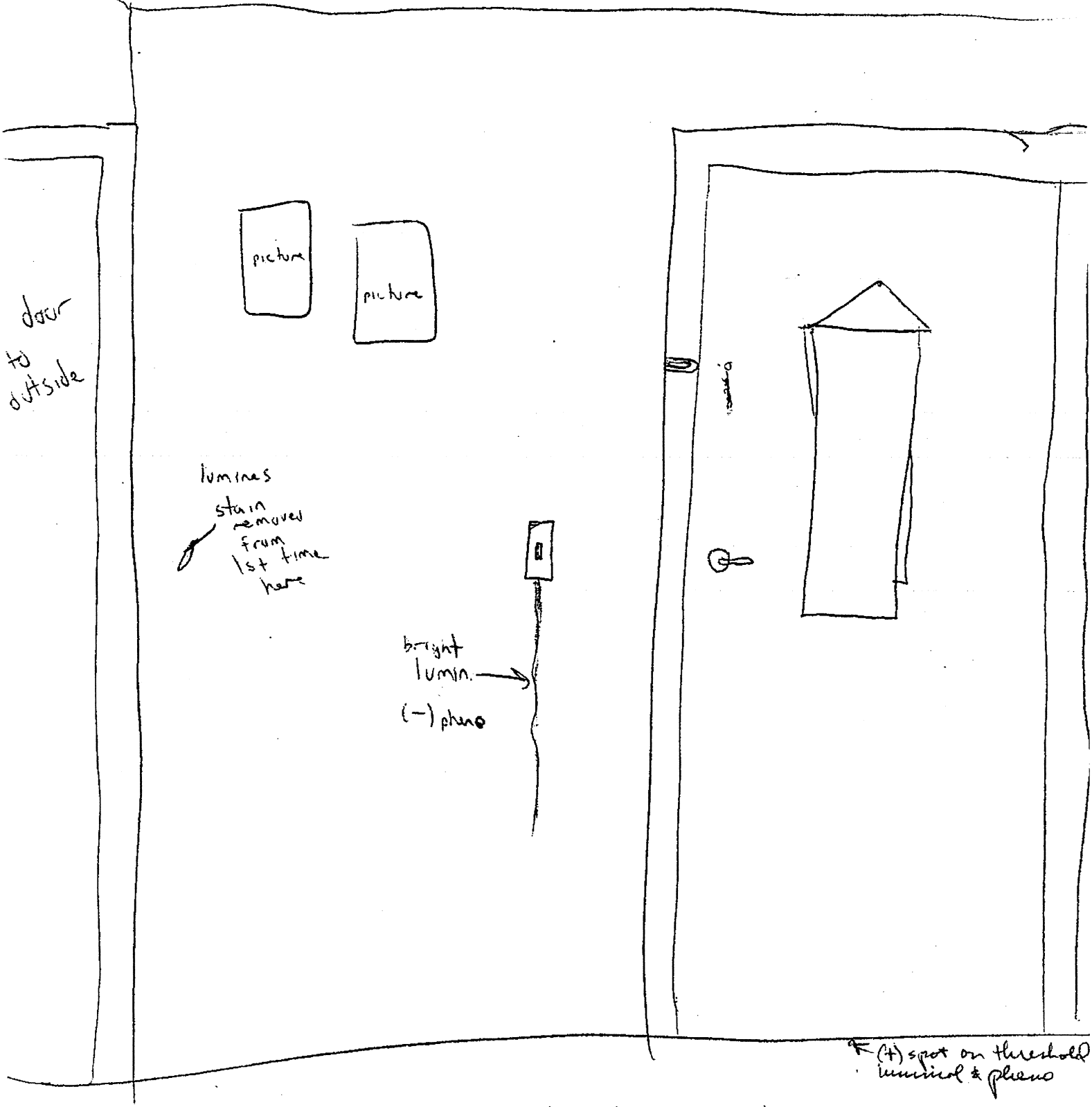
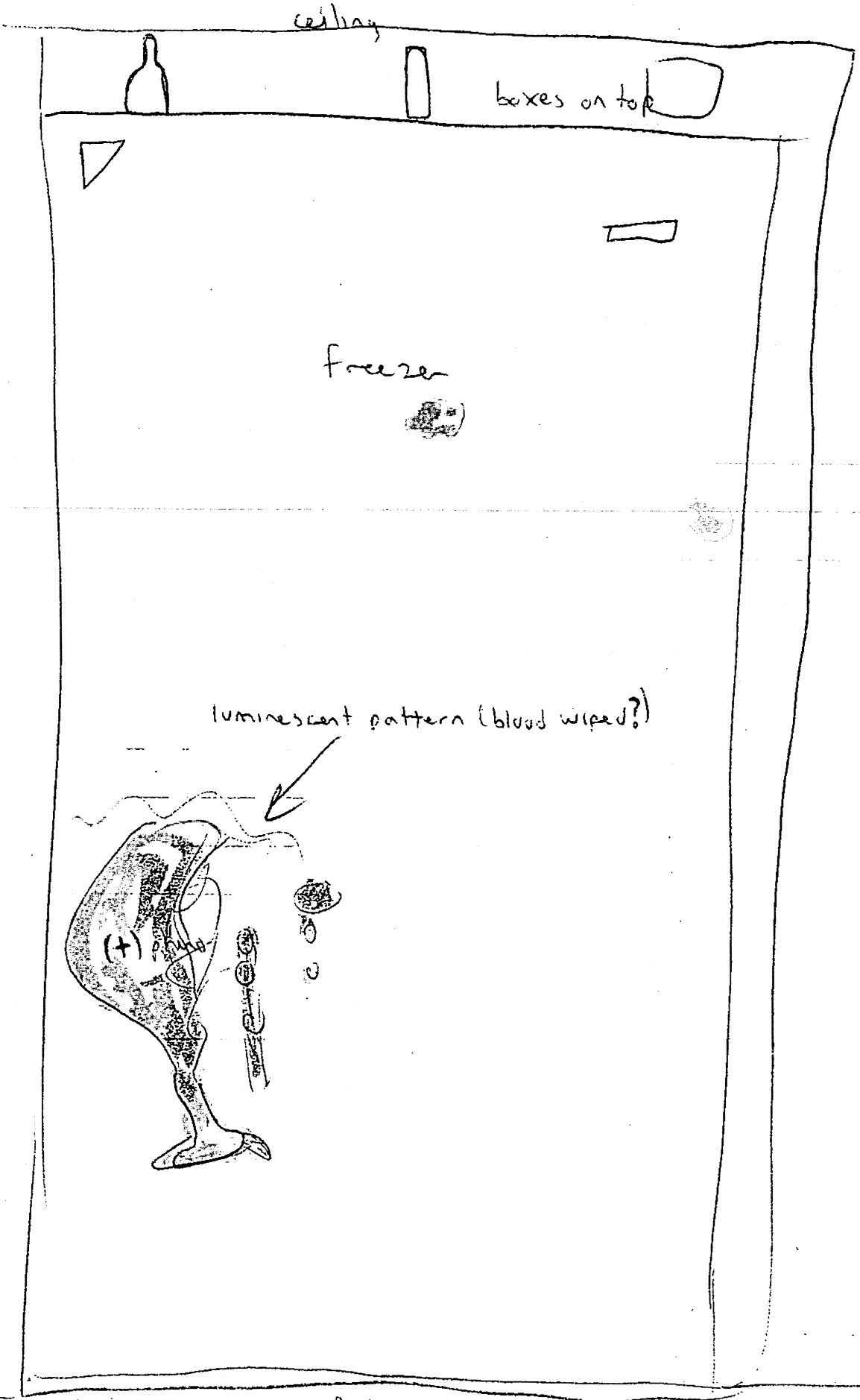


Facing wall having the door leading into the garage.

Metal surfaces of door luminesced as expected.

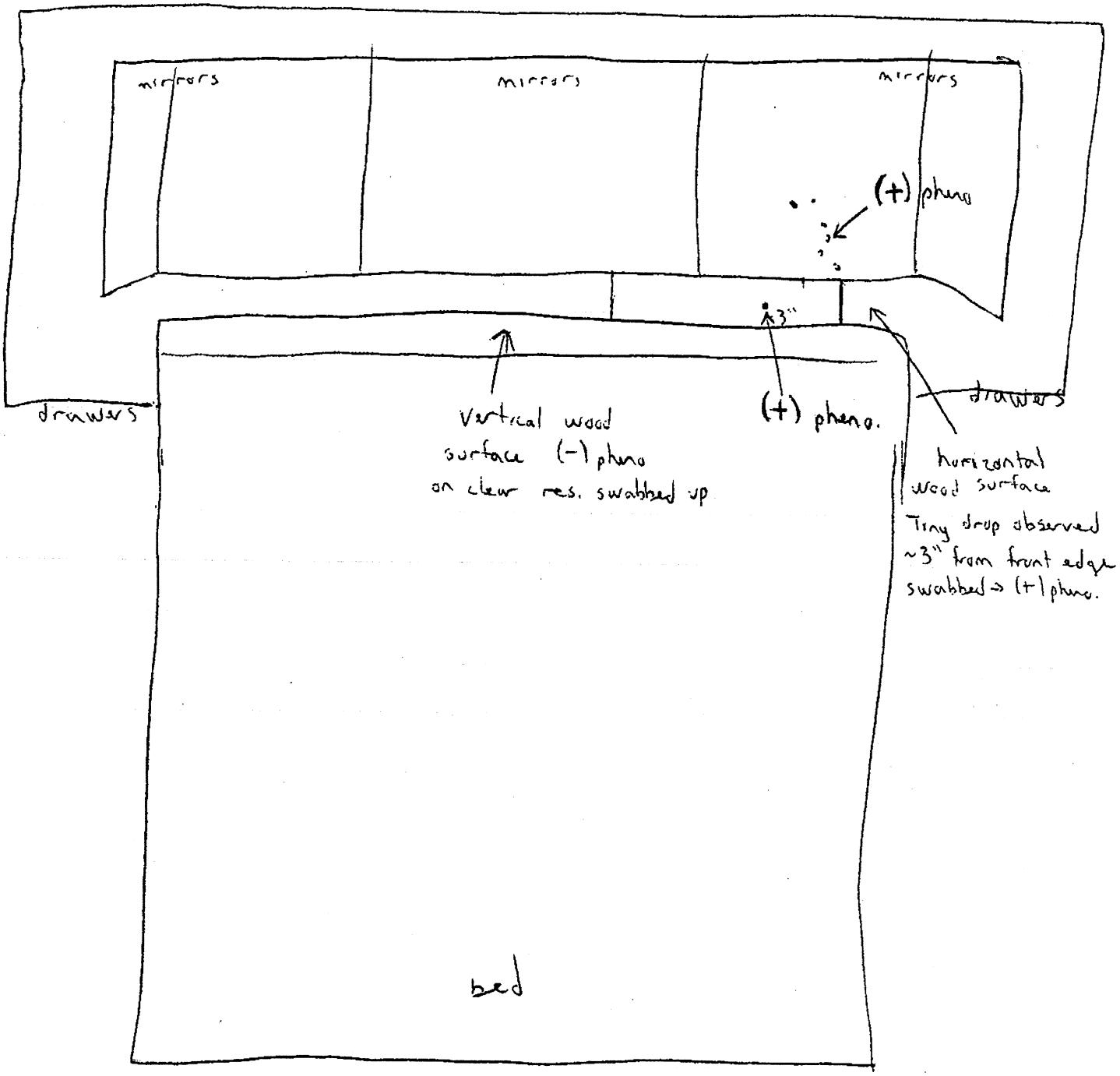
Spot on ceiling swabbed (-) pheno.



(-) pheno on swab of lumines spot in front of freezer

000038

143-02607.



Upstairs bedroom where female V. was found.
Bed has wood headboard w/ mirrors across the length and ending in drawers on the 2 sides.

5 to 6 tiny "high velocity / blow back" bloodspatters spots observed on mirror surface w/ high intensity light; 1 swabbed → (+) phen

193-02607. 23

3/30/93 JJ

~10:15 PM we went outside.

A 2nd batch of luminol was prepared.

Mike Grubb sprayed the back of the red van (which had been moved since we last saw it) and noted a small reddish stain; swabbed → tested (+) phmo

(left side, facing road)

A path ~5' wide was sprayed on the driveway surface beginning near where bloodstains had been previously observed and marked, and extending toward the house entryway area (toward wood posts). A few spots along this path w/ luminescence were marked and then tested w/ phenolphalein. Results were:

(−) spot on driveway
(+) swab off rock
(+) " " some gravel
(+) " " rock
(+) " " rock
(+) " " some gravel

A bright white rock w/ no observable blood was not tested (in path w/ others).

More of the sidewalk / walkway to house was sprayed & luminescent areas marked. These spots appeared to be either insect parts or bird droppings & were not tested.

193-02607

3/30/93

We took the luminol into the building storing martial arts weaponry and sprayed a wall immediately to the right of the door. This wall had several pairs of "nunchalks"? a mask, + daggers hanging on it. The mask luminseed brightly and one pr. of nunchalks appeared to fluores. more than others. With regular lighting, this appeared to be due to the varnish/finish. No signif observations were noted on this wall.

A pair of black rubber boots at the base of this wall had clear/white viscous liquid staining/streaking the surfaces (including sides protected from the luminol spray).

An investigator at the scene asked me to test the end of a wood club where red coloring was observed. Swabbed → (−) pheno.

A rust/brownish spot on the ceiling in the hall area (out in front of freezer) was tested (−) pheno.

We left the scene ~ 11:10 PM.

1-25-94

Had an appointment w/ Leatherman @ Seattle Lab @ 1 pm today - this had been set ~2 weeks ago.

He didn't show - I called his office & person answering phone said he'd left ~ 15 min before (~1/2-4 to go to Mercer St, but she thought he might stop by.

I was @ Lab in Sea. til 1:40 - then left.

3-9-94

F Leatherman, ~~[illegible]~~ Jeffrey Walker, & paralegal here for mtg. 10 am → 11:50 am

---

Q22 - Carpet / Stair Blood
Q23 - Woodbeam "
Q24 - Blood Scrapings Dried
Q25 - Blood Swab Floor

Q28 - Blood Near Pole
Q28A - Blood from Driveway

} ? FBI's bench notes needed

I'll send him copies of my notes.
He'll try to figure out what stains FBI tested
I told him I'd inquire about the pants.

His concerns:
Sound / children present.
Ctg css. in Hoerner's driveway.

JEFFREY WALKER

WALKER INVESTIGATIONS COMPANY
SEATTLE, WASHINGTON (206) 329-1180

000043

FORENSIC SCIENTIST ACTION CHECK LIST

SCIENTIST MIKE GRUBB

LAB # 193-02607

FUNCTIONAL AREA:
(Time in Tenths)

Biochem _____
Chem _____
Consub _____
Crime/Scn 26.0
DNA _____
Doc _____
Firearm _____
Latent _____
Micro _____
Toolmark _____
Tox _____
X/Examination _____

INSTRUMENTS:
(Number of Uses)

AA _____
ES _____
FLUO _____
FTIR _____
GC _____
GCMS _____
GRIM _____
HPLC _____
IR _____
MSP _____
UV _____
XRF _____

DRUGS:

Amphetamine
Cocaine
Codeine
D of MH
Diazepam
Heroin
LSD
Marihuana
MDA
Methadone
Methamphetamine
Methylphenidate
Phenobarbital
Psilocyn
Psilocybin
XCS (non-controlled)
Other _____

_____

_____

NCS Identified
NCS Detected

4.20.93
CL

000044

FORENSIC SCIENTIST ACTION CHECK LIST

SCIENTIST INGRID DEARMORE

LAB # 193-02607

FUNCTIONAL AREA:
(Time in Tenths)

Biochem _____
Chem _____
Consub _____
Crime/Scn ~~DBS~~ 22.5
DNA _____
Doc _____
Firearm _____
Latent _____
Micro _____
Toolmark _____
Tox _____
X/Examination _____

INSTRUMENTS:
(Number of Uses)

AA _____
ES _____
FLUO _____
FTIR _____
GC _____
GCMS _____
GRIM _____
HPLC _____
IR _____
MSP _____
UV _____
XRF _____

DRUGS:

Amphetamine
Cocaine
Codeine
D of MH
Diazepam
Heroin
LSD
Marihuana
MDA
Methadone
Methamphetamine
Methylphenidate
Phenobarbital
Psilocyn
Psilocybin
XCS (non-controlled)
Other _____
_____
_____
NCS Identified
NCS Detected

4-22

M G.

CASE NO. 1302587

REQUEST FOR LABORATORY EXAMINATION

WASHINGTON STATE PATROL — STATE CRIME LABORATORY SYSTEM

LABORATORY NO. 494-0494 A

EVERETT	WSP DISTRICT OFFICE BUILDING	98271	(206) 658-1419	Scan 261-1840
KELSO	HALL OF JUSTICE BUILDING	98626	(206) 577-2087	Scan 239-2087
KENNEWICK	WSP DETACHMENT OFFICE BUILDING	99337	(509) 545-2022	Scan 526-2022
SEATTLE	PUBLIC SAFETY BUILDING	98104	(206) 464-7038	Scan 576-7038
SPOKANE	PUBLIC SAFETY BUILDING	99201	(509) 456-4145	Scan 545-4145
TACOMA	COUNTY-CITY BUILDING	98402	(206) 593-2006	Scan 462-2006

HAS OTHER EVIDENCE IN THIS CASE BEEN PREVIOUSLY SUBMITTED TO THIS LABORATORY? YES Crime Scene Previously NO

SUSPECT(S) LAST FIRST MI.	VICTIM(S)
1. STENSON, DAROLD	DENISE STENSON
2.	FRANK HOERNER
3.	

OFFENSE: HOMICIDE

DATE OF OFFENSE: 3 25 95

EXAMINATION REQUESTED BY:

DET. SGT. MONTY MARTIN — NAME (Print or Type) — RANK — SIGNATURE — 6-16-94 DATE

CLALLAM CO. S.O. — AGENCY — ADDRESS — CITY — ZIP — 452-7836 PHONE

ITEMS TO BE EXAMINED BY ORDER OF PRIORITY:	EXAMINATION DESIRED:
HOERNER'S COAT (item MD-5)	Evaluate blood spatter on Stenson's jeans.
STENSON'S JEANS (item DS-1)	
SCENE PHOTOS	

Some xeroxed photos, the orig. jeans, photo on poster board w/ bloodspatter marks.

Evidence remained in possession of Det. Sgt. Martin - Not submitted.

RECEIVED

SUBMITTED BY: _____ type or print _____ pers no. Date/Time _____ Mail # _____

_____ signature _____ agency Accepted by: _____ UPS # _____

DISPOSITION

RECEIVED BY: _____ print _____ pers no. Report mailed Date/Time 6-22-94 Mail # _____

_____ signature _____ agency Released by: GIB Goddard UPS # _____

IMPORTANT: Copy Distribution: White and pink copies must be submitted to laboratory.

3000-210-005 9/93 Frame

STATE OF WASHINGTON

WASHINGTON STATE PATROL

2700 N.E. 116th Street • Marysville, Washington 98271-9425 • (206) 658-1419

CRIME LABORATORY REPORT

AGENCY: Clallam Co. Sheriff's Office
OFFICER: M. Martin
VICTIM: Stenson, Denise
Hoerner, Frank
SUSPECT: Stenson, Darold

Ref: Laboratory Number 494-0494A

Agency Number C009302587

Evidence Examined:

Item MD-5: Sealed bag containing a grey coat from Frank Hoerner.

Item DS-1: Sealed bag containing a pair of bluejeans from Darold Stenson.

Photographs of the crime scene and Stenson's bluejeans (right knee area) before samples of blood were removed.

Procedures and Results:
Bloodstains are present on the bluejeans in item DS-1 in the right knee area in a pattern which could have been caused by dripped blood or by contact transfer (blotting) of blood. Some blood smears are also present in the right knee area. Several of these stains have been largely removed by cutting. There are three very small (0.5 -2 mm diameter) bloodstains in the right front thigh area. These appear to have been caused by very small airborne blood droplets. On the left lower leg area are several bloodstains, three of which appear to have been caused by airborne droplets of blood. All of these stains tested positively with phenolphthalin, a presumptive chemical test for blood.

The grey coat in item MD-5 was examined in relation to the scene photographs and the bloodstains on Stenson's bluejeans, as to whether the coat could be the source for the bloodstains in the right knee area of the bluejeans.

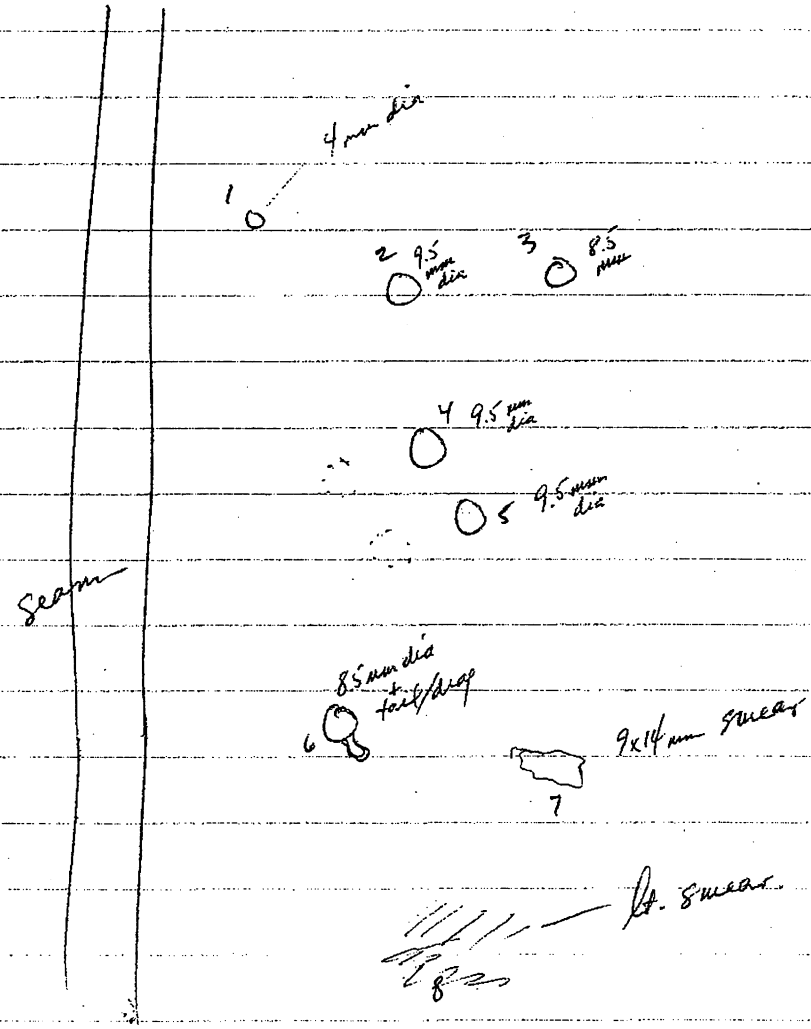
Conclusions:

The pattern of bloodstains on the right knee of Stenson's bluejeans (DS-1) could have been caused by dripped blood or by contact transfer of wet blood. Very little blood was present on the left side of Frank Hoerner's clothing as he was found. Contact with the body and clothing of Frank Hoerner as he lay on the floor of the bedroom at the scene would not cause bloodstains as seen on the right knee area of the bluejeans. The stains on the right knee area of the bluejeans could not have been caused by contact with any of the bloodstained vertical surfaces in the laundry room area of the crime scene (door, wall, freezer, dryer). There is no pattern of bloodstains on the floor of the laundry room or bedroom where Hoerner's body was found which would correspond to the pattern of bloodstains seen on the right knee of the bluejeans in item DS-1.

Michael J. Grubb, Supervising Forensic Scientist — June 22, 1994

494-0494 _ mb 6-8-94

Reid photo 6-8-94
color 8×10 of bjeans w/ blood drops



2, 3, 4, 5 look dropped on
1 too sm. to be normal
low vel. drop.
6 may be drop/smear ?
~~7~~ 7, 8 appear to be
smears
4 & 5 have shadow
drops off to side -
as if folded over
while wet.

Called & requested Det. Sgt. Martin bring ① coat, ⑤ jeans & scene photos → lab for exam. He said Thurs. the 16th OK

494-0494A

6-15-94

Blood drop experiments:

1. Blood dropped 12" (single drop from transfer ~50µl pipet) — shows satellite spattering.

2. } Blood dropped 2" from transf. pipet → jeans, & then jeans
3. } folded after 30 sec to get 2° transfer.
4. }

5. } Blood dropped from 4" w/ transfer pipet, & jeans folded over
6. } after 5 min.
7. } ← #7 smeared manually after 2 min.

8. }
9. } Blood applied to wig hair & dripped from that @ 4". #14
10. } was lightly shaken from hair. These were applied w/
11. } jeans @ a slight angle (~ 20°)
12. }
13. }
14. }

15. } Same as 8-14, but applied @ 90°.
16. }

494-0494A mks 6-15-94

17. 18. 2 drops placed on a non-porous surface (lab tabletop) Contacted w/ jeans - tried a fold 2° transfer after 5 min. which didn't show up.

19. 20. 2 drops on non-porous surface (table-top), sat there for 10 min., then transferred → jeans.

21 22 2 drops → porous surface (sweatshirt). Jean applied w/ pressure after 30 sec. Folded to get 2° transfer after another 30 sec.

23. 24. 2 drops → porous surface (sweatshirt) After 5 min, jeans applied w/ pressure. Jeans then folded after 30 sec. to get 2° transfer.

94-0494A MS

6-16-94

Blood drop experiments (continued)

25. 26. 27. 3 drops of blood → short pile carpet, wait 5 min, then jeans pressed against the stains.

Det. Sgt. Martin brought Hoerner's coat (MD-5) and Stenson's jeans (DS-1) to lab for further analysis. He kept those items in his possession rather than submitting them. Analysis for 4 hrs. & he left w/ items. He also brought crime scene photos.

28. 29. 2 drops placed onto a swatch of fabric taken from Hoerner's coat (@ 45°). Contact transfer → bj jeans. test (not Stenson's)

30. 31. Same area recontacted on Hoerner's coat matl to see if more than 1 soak stain can be picked up from a single drop on the coat. Didn't get a 2nd soak stain.

32. Single drop → Hoerner's jkt. matl. Wait 5 min — transferred → bj jeans.

33. Tried 2nd transfer of same stain as 32 on Hoerner's coat → bj jeans — Didn't get 2nd soaked stain.

494-0494 ab
6-16-94

Stains on Hoerner's L. shoulder were ~~[illegible]~~ crusted — Had there been a transfer → jeans — there would not be blood left on coat to crust up.

Bloodstain drop experiment (cont.)

34. ~35 µl drop from Eppendorf pipet, from 6" height 90° → jeans
35. " " 8" " " "
36. " " 10" " " "
37. " " 12" " " "
38. " " 14" " " "
39. " " 16" " " "

↑ 12" or less could be ruled out on Stenson's pants.

} start getting satellite spatter out here

6-21-94 (cont)

new transf → jeans

40. } Three drops placed on vert. surface of refrig. 41, 42 ran
41. } 40 is as large a drop as can remain on vert. surface.
42. } This was transferred → jeans after ~ 30 sec.
Resulting in 7×8 mm elongated stain.

43. } Four addl sm. drops placed on vert. refrig, & wait 3 min.
44. } they started to ~~[illegible]~~ elongate.
45. } These stains smaller than those on Stenson's pants, & his not elongated.
46. }

43. 5×7 mm
44. 6×9 mm
45. 4.5×8 "
46. 5×6 mm

494-0494A

6-21-94

47.
48.
49.
50. } Jeans recontacted the area on reprint to pick up addl. staining.

51. } ~50µl drops Dropped → linoleum floor from 3'. Transferred by direct
52. } blot to jeans.

53. } 35µl drops → linoleum floor from 3'. Transferred → jeans
54. } by jeans coming down in hard contact with floor,
55. } Caused some smearing — Some lateral movement, not just blotting.

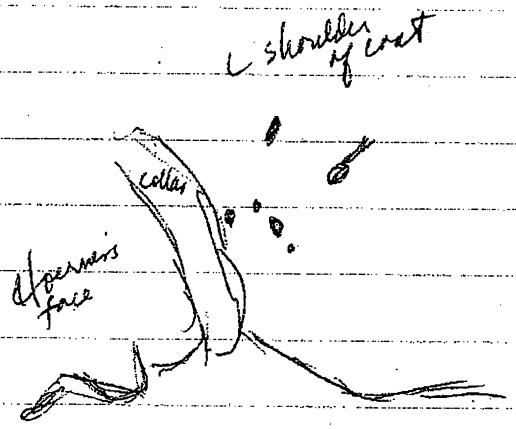
Did some drops → concrete — Causes v. irregular stains w/ satellite spatter @ 3' drop height & @ 6" drop height the stains are still v. irregular.

7/33

494-0494 A

6-16-94

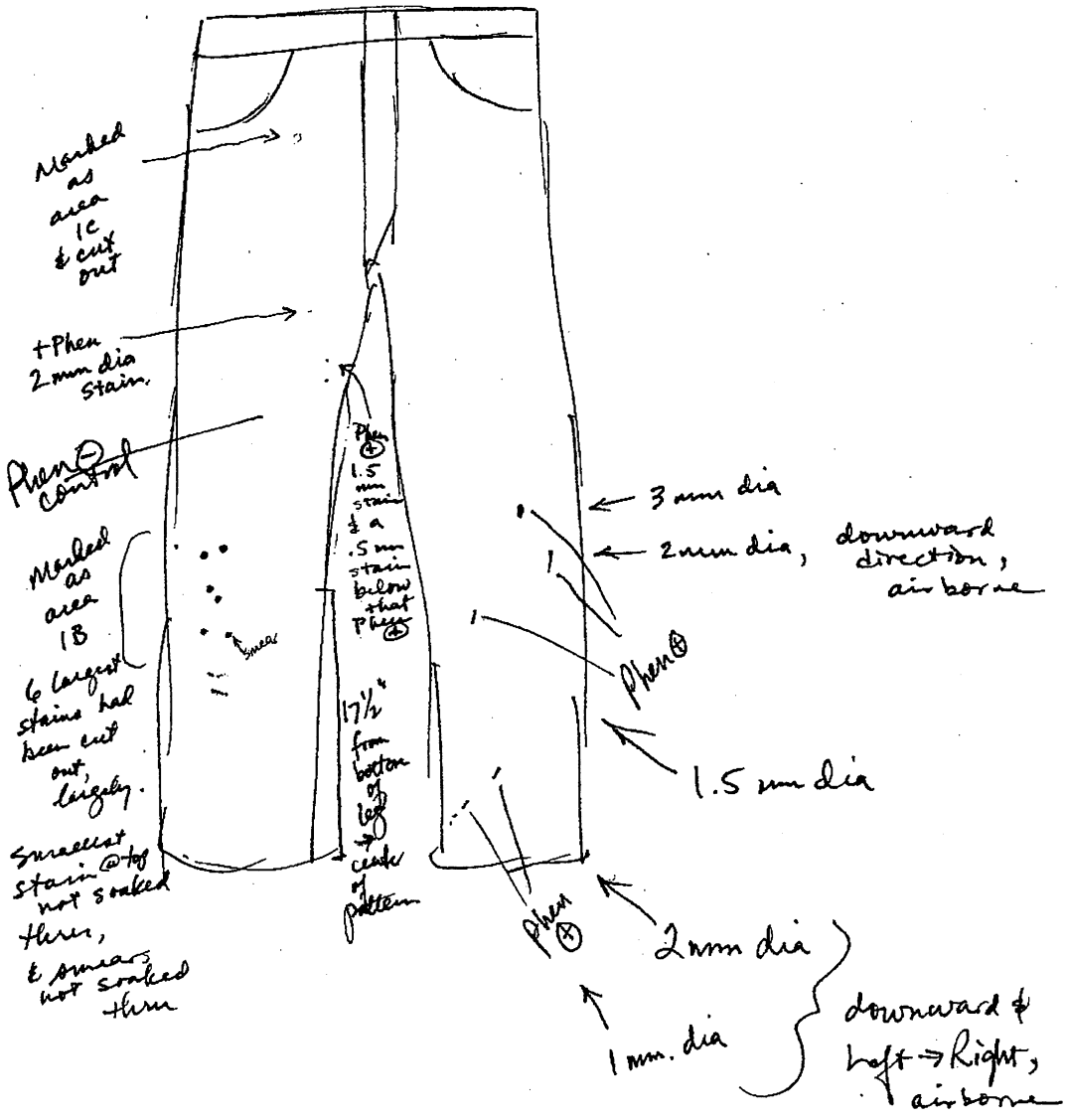
from photo 26



Case # 494 0494 A Item # DS 1 Date 6-16-94 Page 8 of 33

Packaging ts bpb

Description pr. Wrangler bjeans



✓ back of jeans - Smear across bottom of r. leg @ calf area phen ⊖

Discussed PCR as a possibility for smaller stains, airborne on pants. w/ Det. Martin.

Visual or stereomic. exam both

Amount of wear —

Cuts/tears No

Contents of pockets, cuffs —

Staining ✓

Reagent check ✓ Phen ⊕ w/ Kenblood

Location of initials Wrangler tag

Trace evidence —

Trace evidence packaging & disposition —

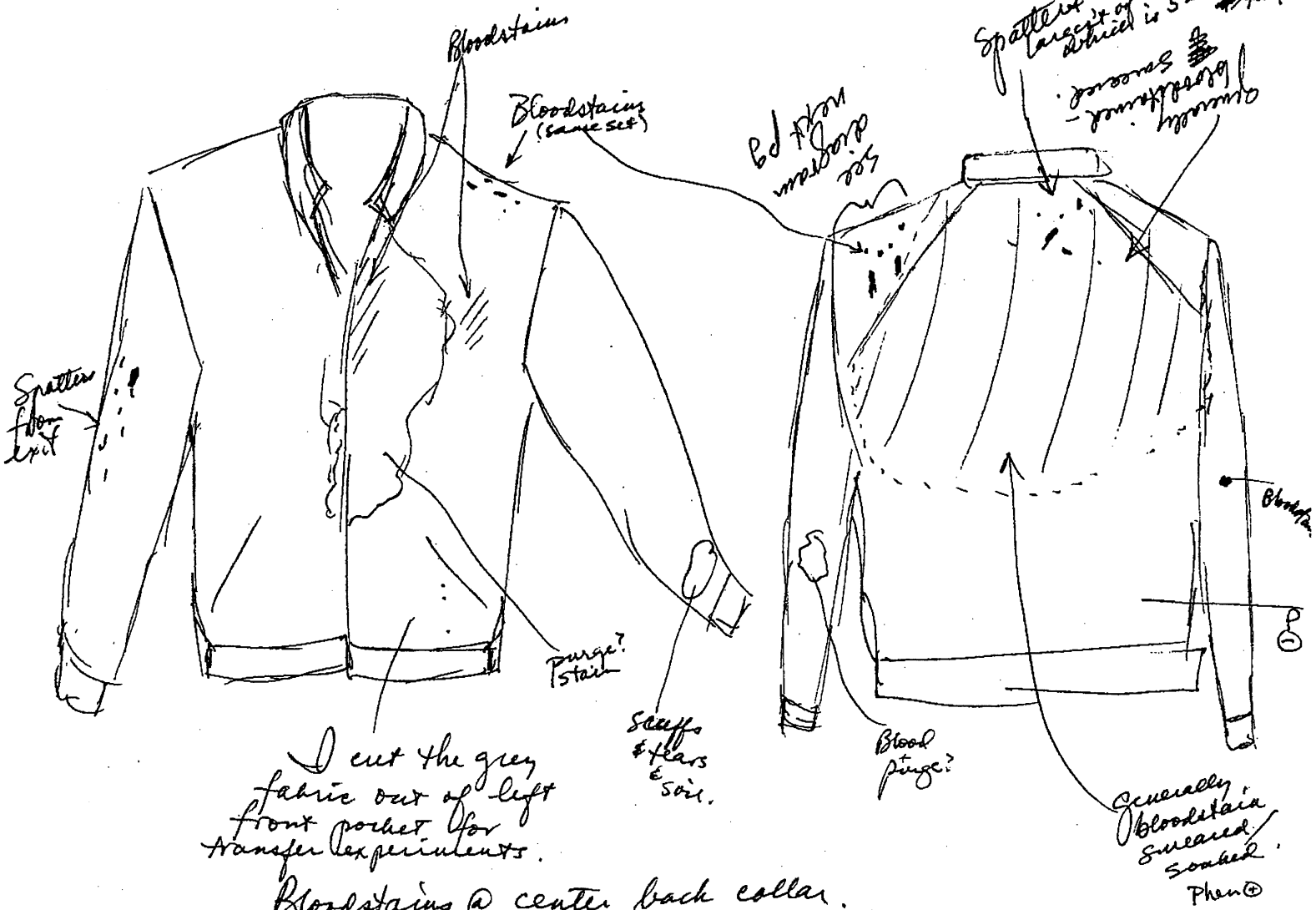
Save exam paper? —

Copy of this form to: —

Case # 94P-0894A Item # MB-5 Date 6-16-94 Page 9 of 33

Packaging ts hpt c 2 inner bpbs & a grey coat

Description Grey coat w/ red collar - from ⓥ Hoerner



I cut the grey fabric out of left front pocket for transfer experiments.

Bloodstains @ center back collar are too small to be responsible for transfer → Stenson's jeans.

Bloodstains @ L. shoulder don't correspond to stains on Stenson's knee.

Visual or stereomic. exam V, S

Amount of wear —

Cuts/tears (+)

Contents of pockets, cuffs —

Staining ✓

Reagent check

Location of initials inside L front pocket on red mark

Trace evidence —

Trace evidence packaging & disposition —

Save exam paper? —

Copy of this form to: —

494-0494 A
MB
6-16-94

15/33

Shows tag of Haerner's L. shoulder - need enlargement

17/33

494-0494 A nb
6-16-94

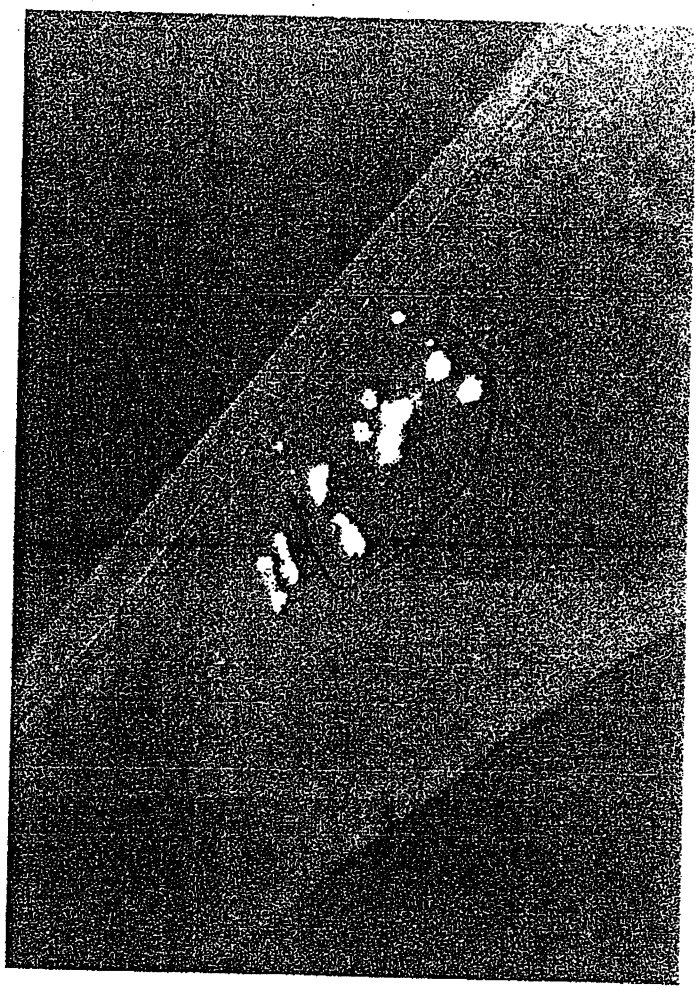
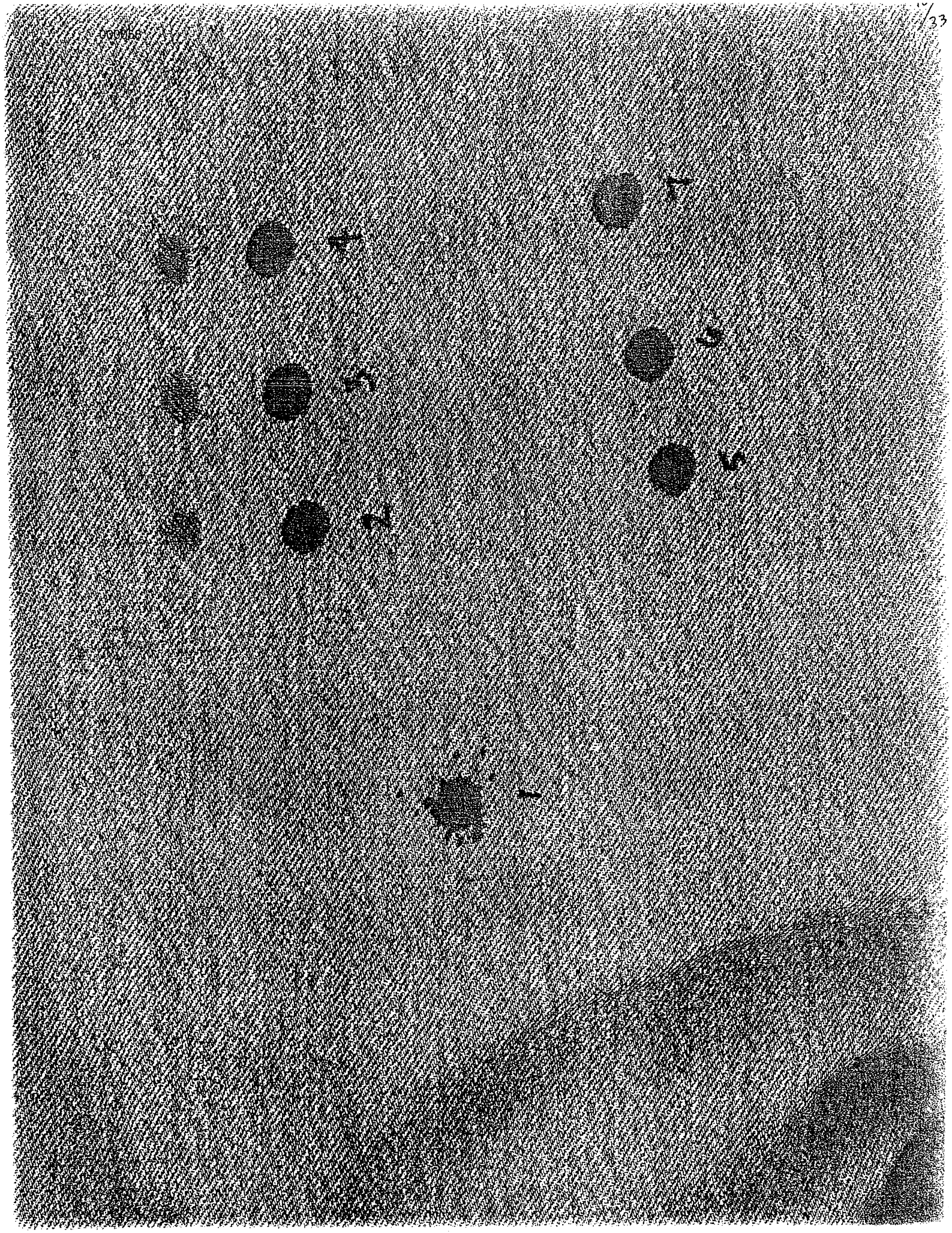
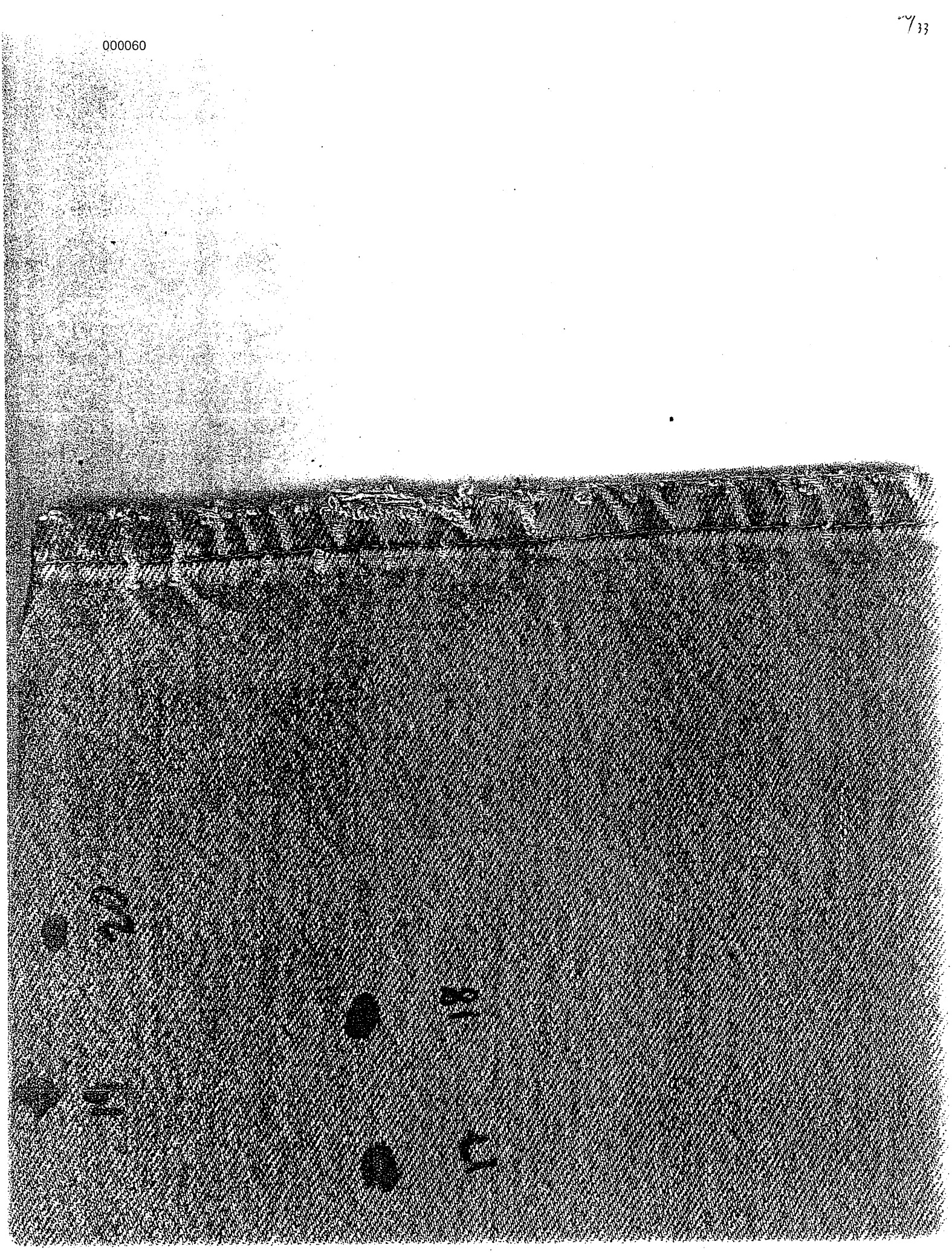
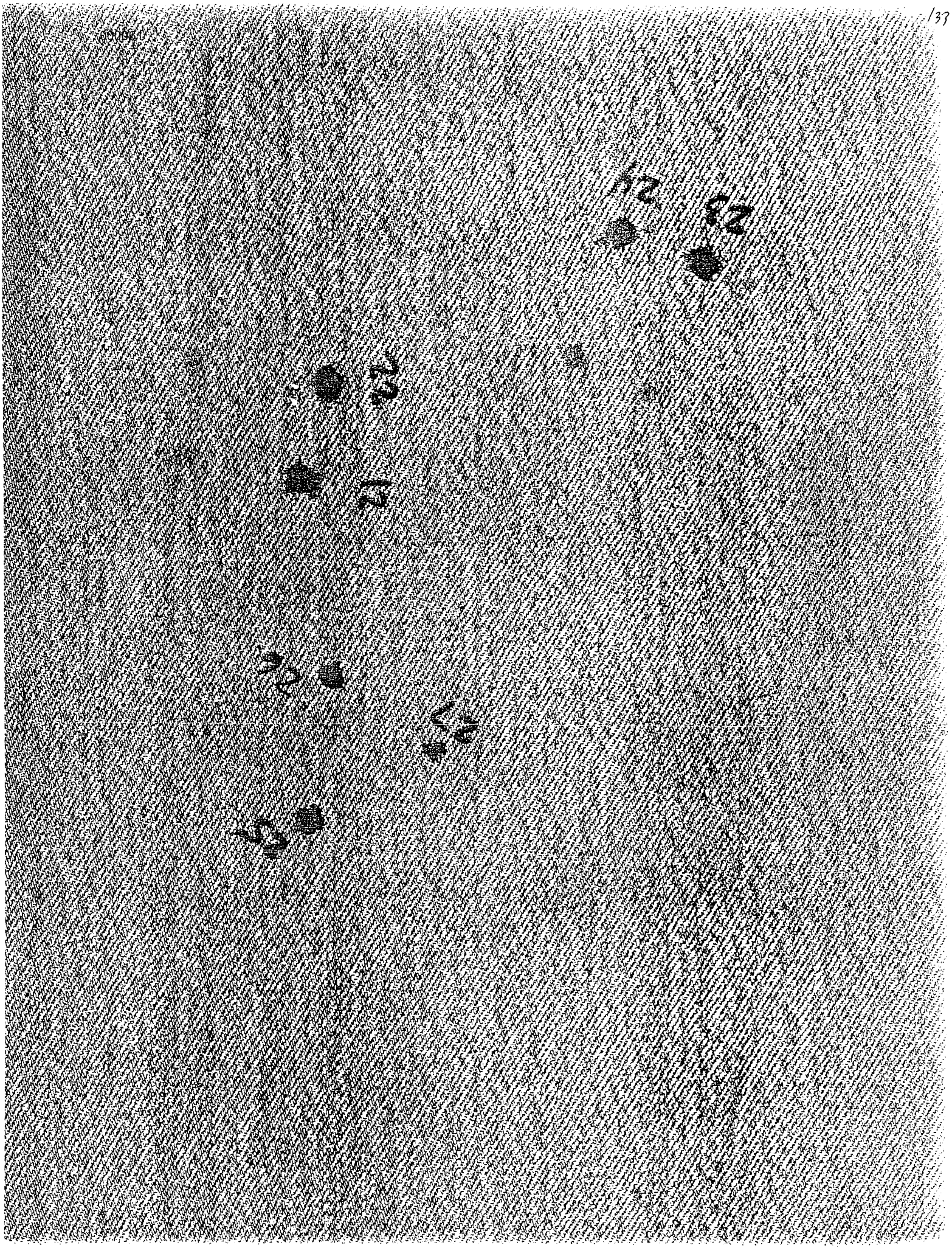
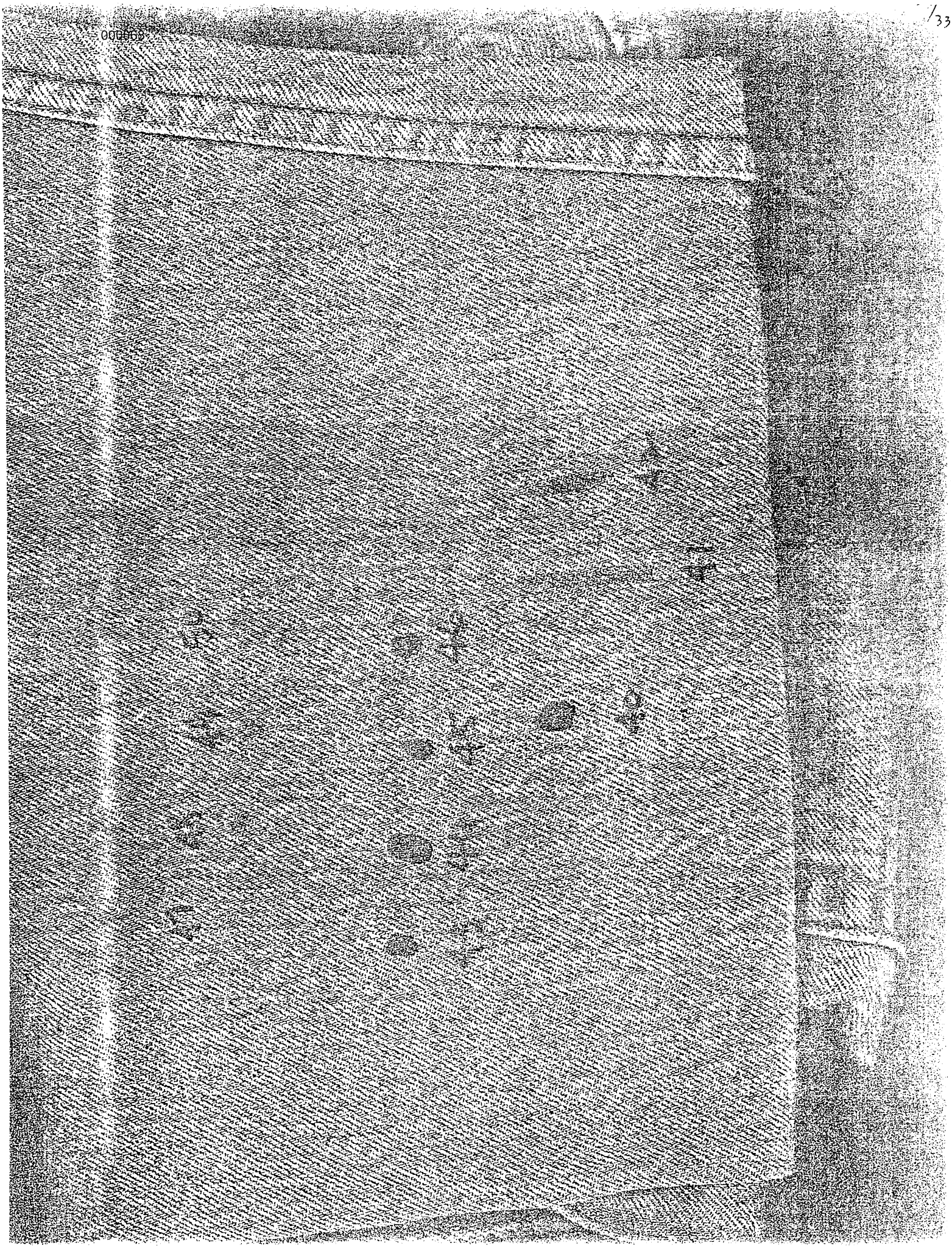


Photo of luminol rxn. r. leg of Stevenson's jeans.









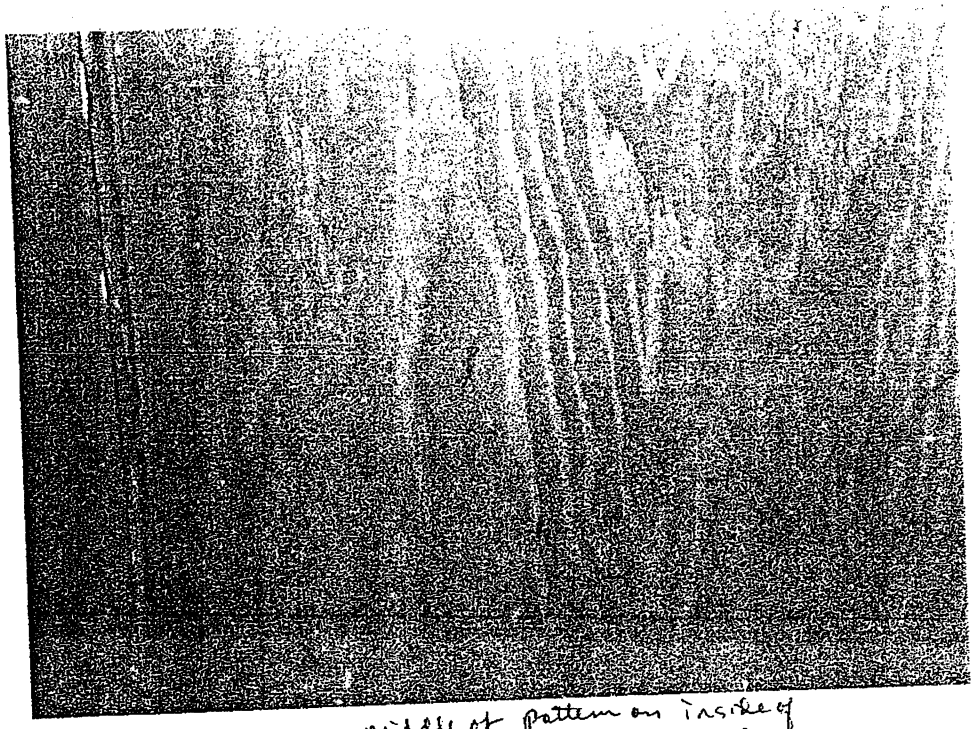
494-0494A mls
6-17-94

Call → Monty Martin
Asked him for photos of laundry rm. & garbage can in laundry rm.
He'll send those photos & photos he took here yesterday of Hoerner's jkt & Stevens pants.

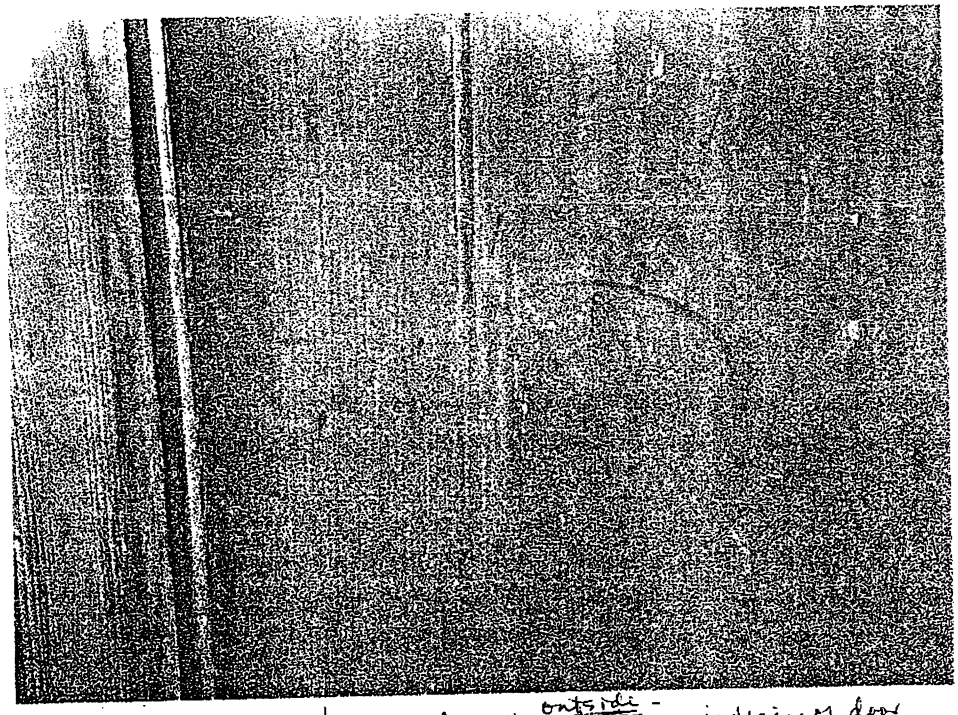
Photos from scene

494-0494A
MB
6-21-94

49/33

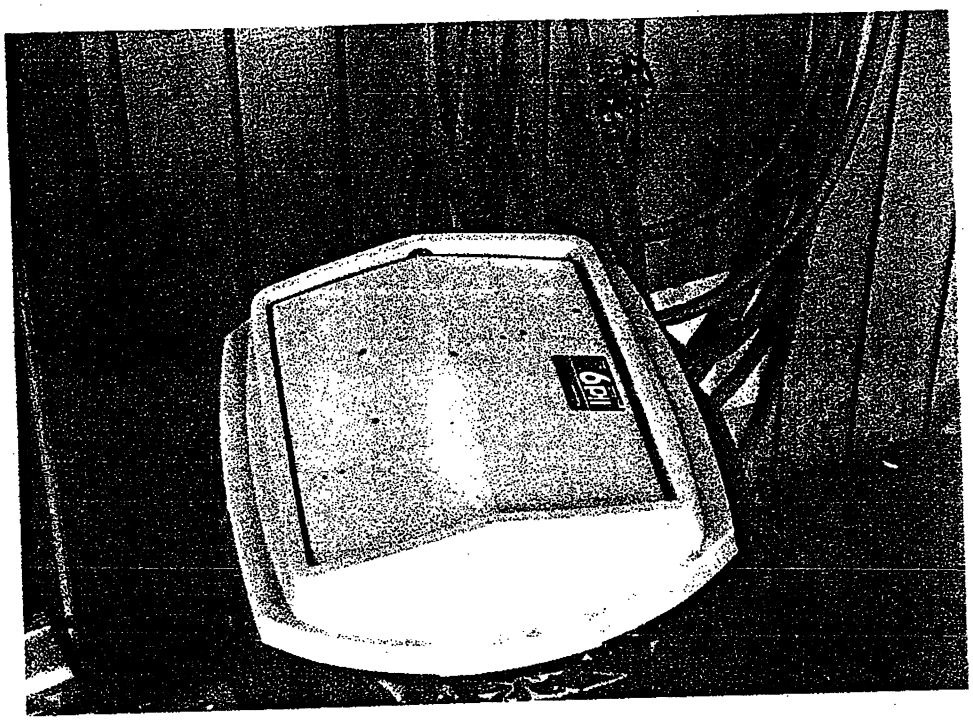


middle of pattern on inside of door to outside



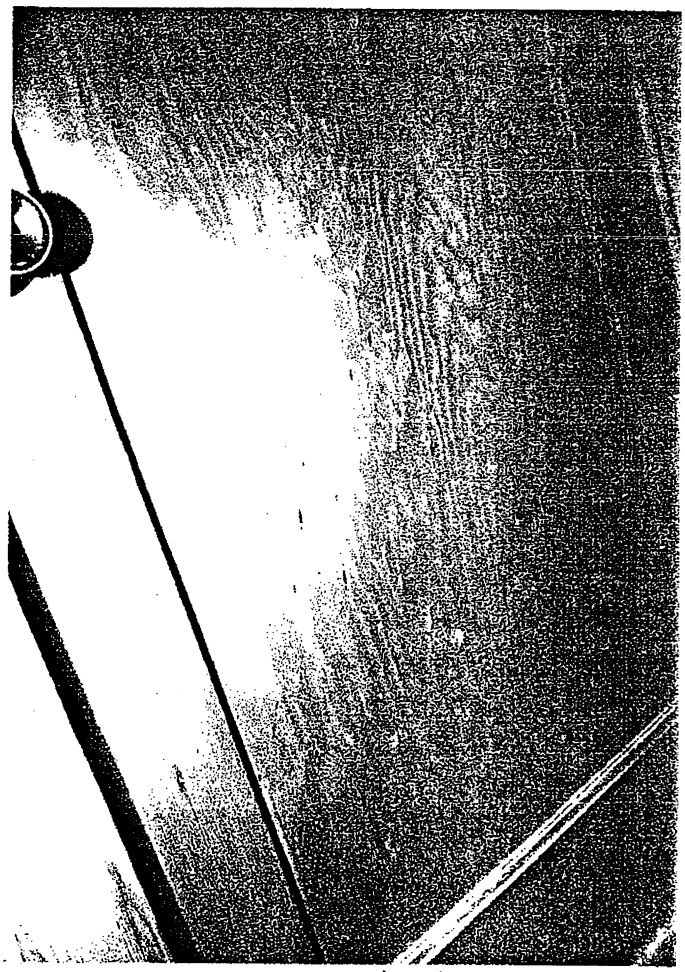
low on door to ~~outside~~ inside interior of door

494-0494A
6-21-94
27/37



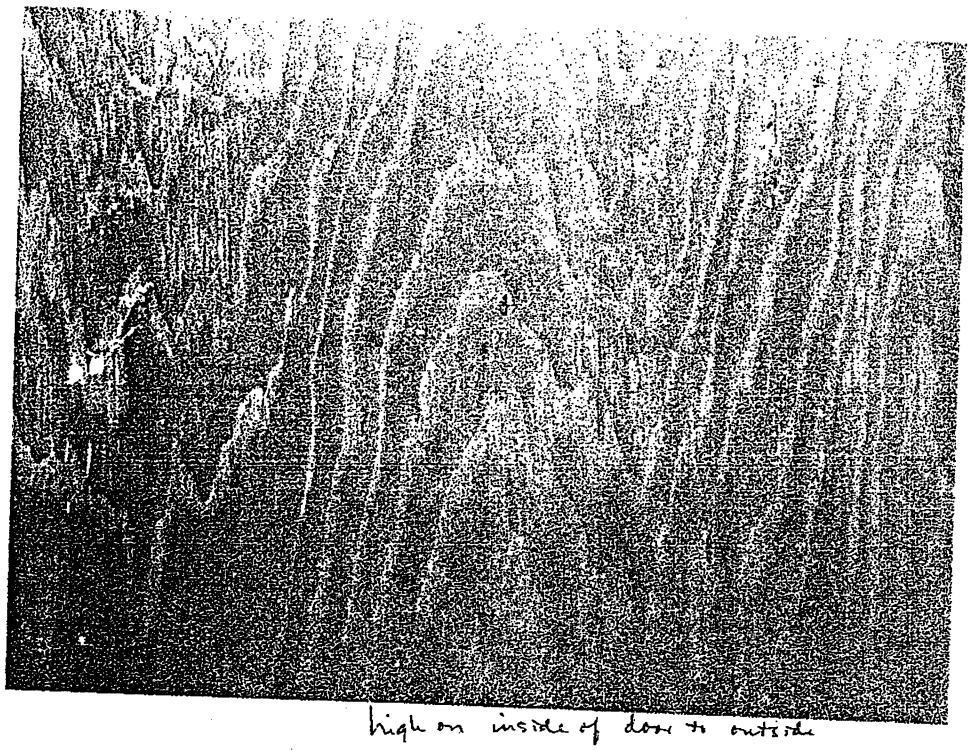
top of garbage can

494-0494A /33
MB
6-21-94

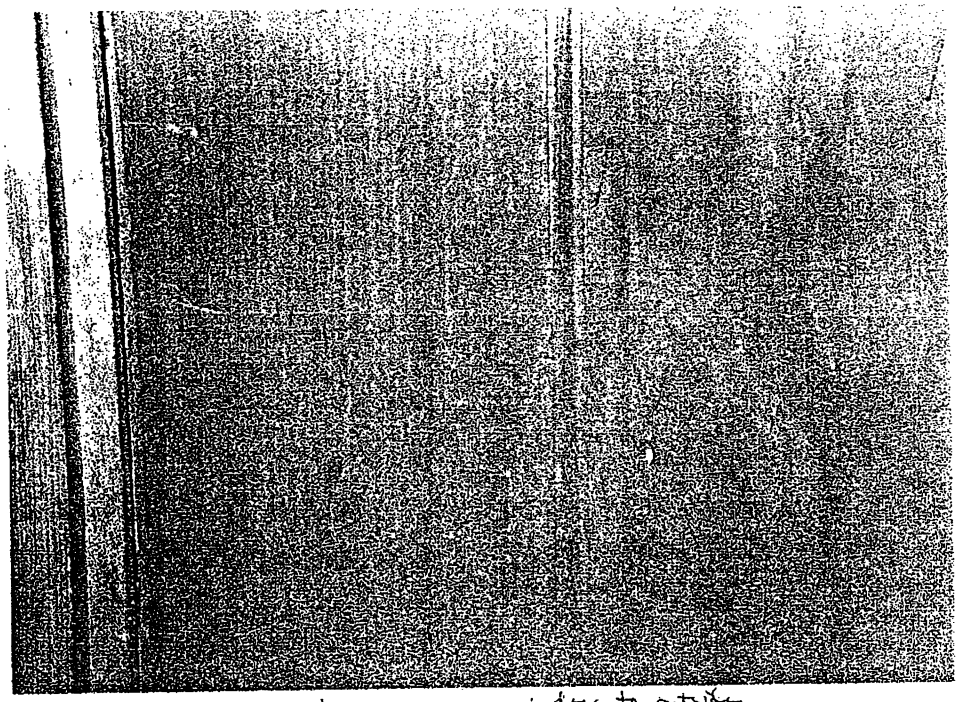


overall shot of inside of door to outside.

494-049A 1/3
mb
6-21-94



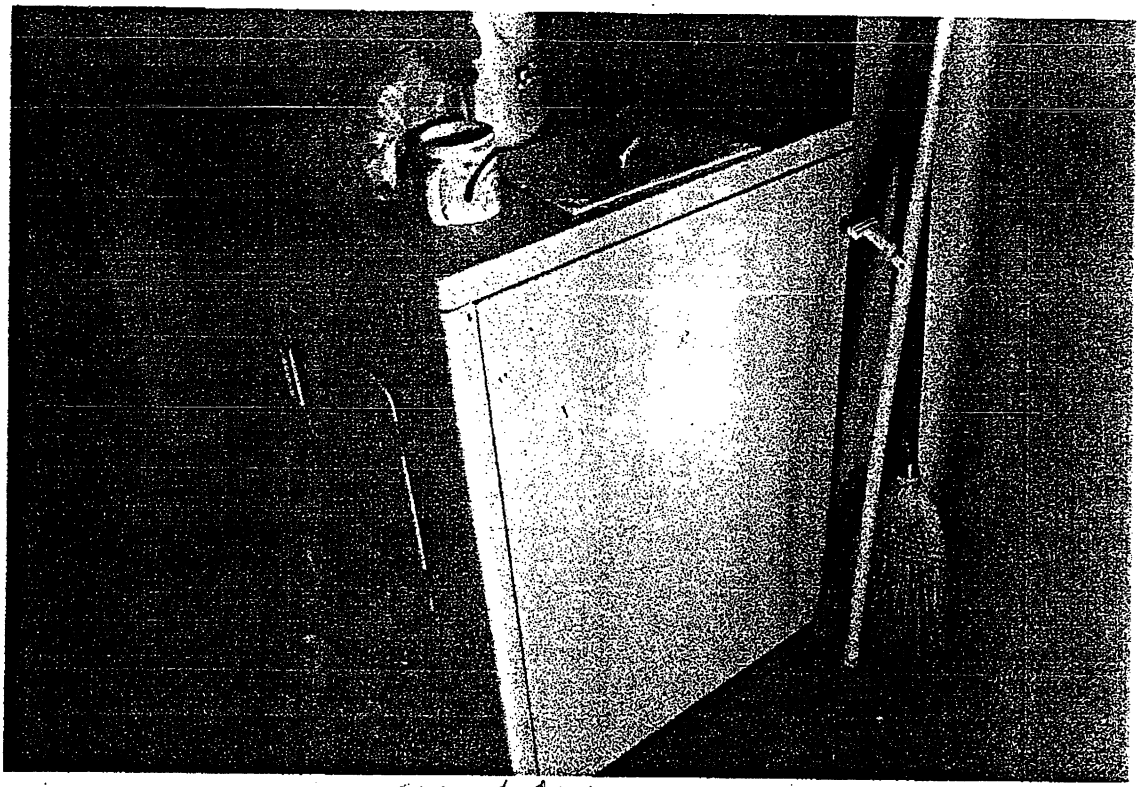
high on inside of door to outside



low on inside of door to outside

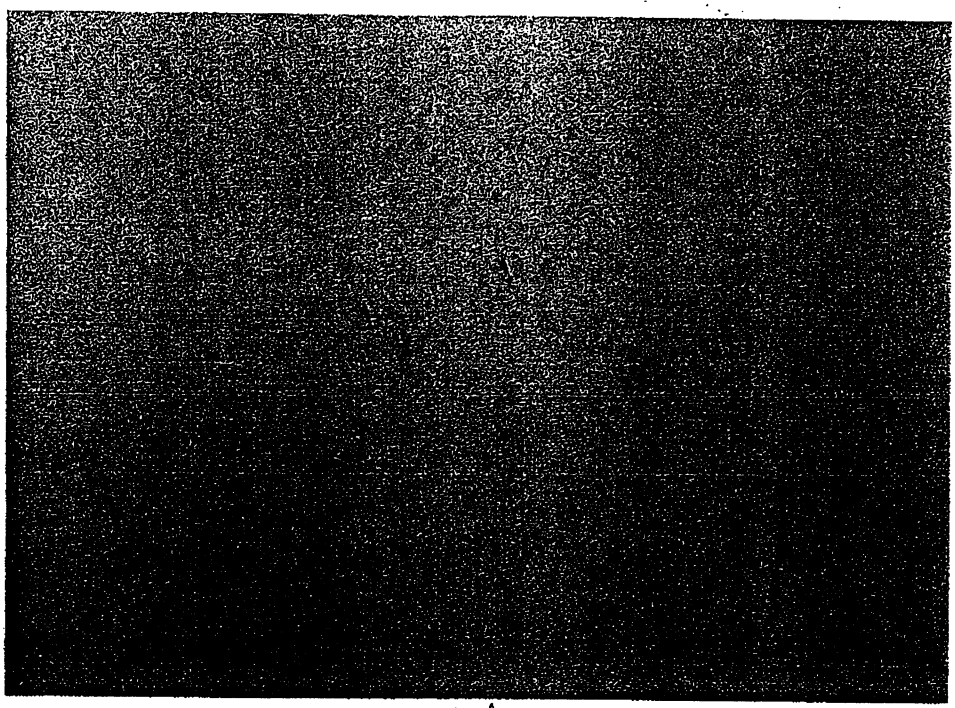
444-0494 A
mb
6-21-94
30/33

front of dryer

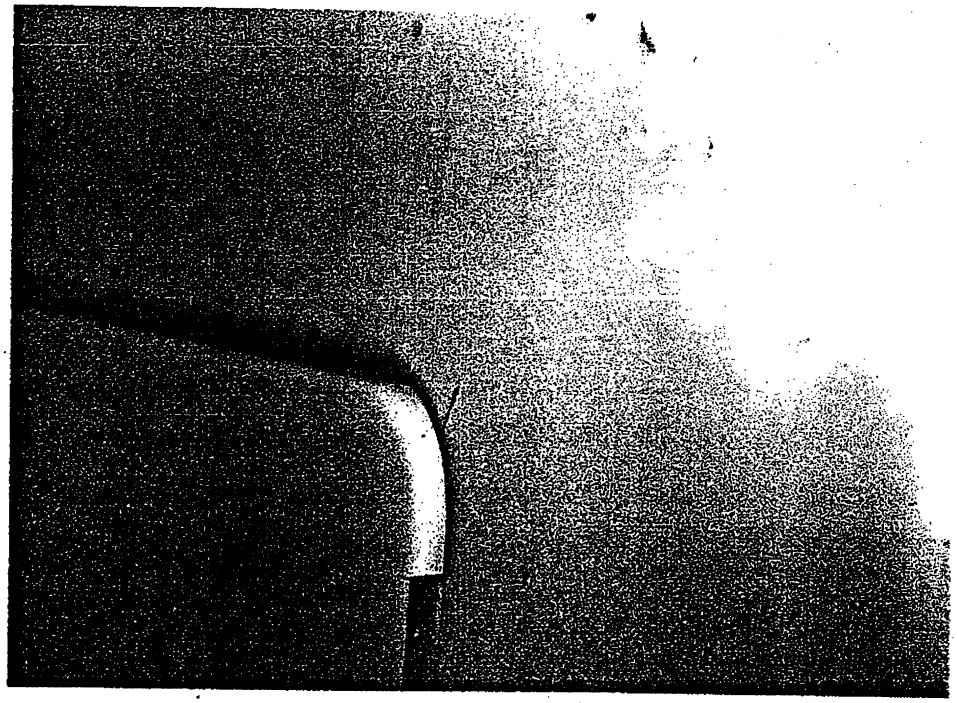


side of dryer

A94-0494A
ab
6-21-94
31/33

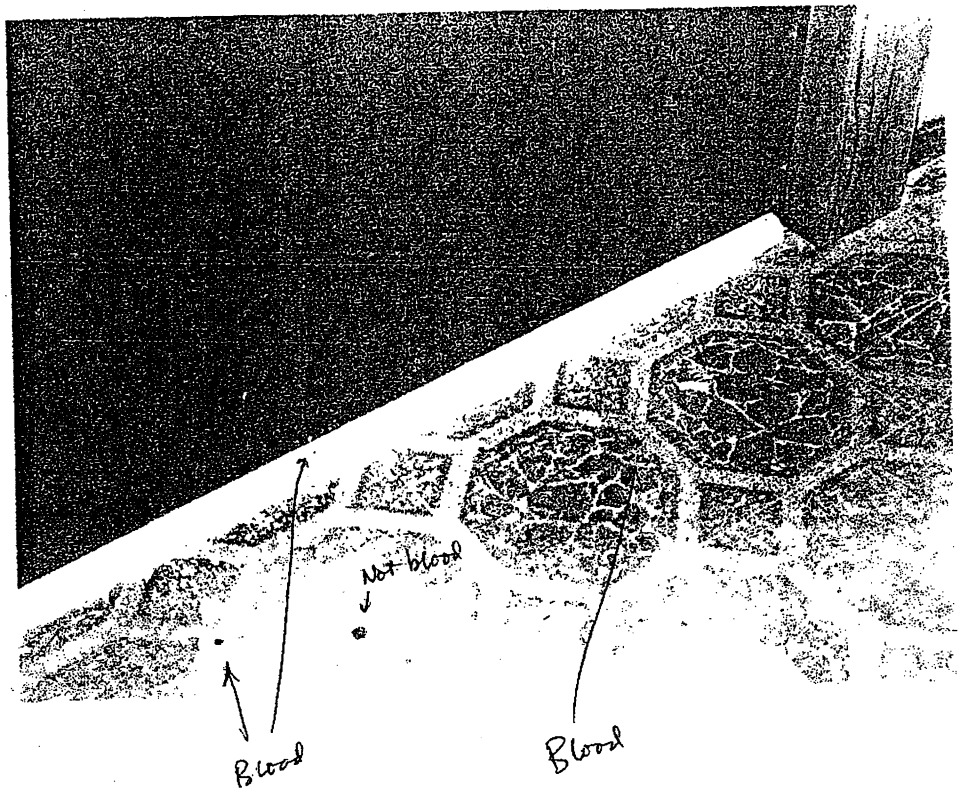


Side of dryer



front of dryer

494-494A
6-21-94
32/33



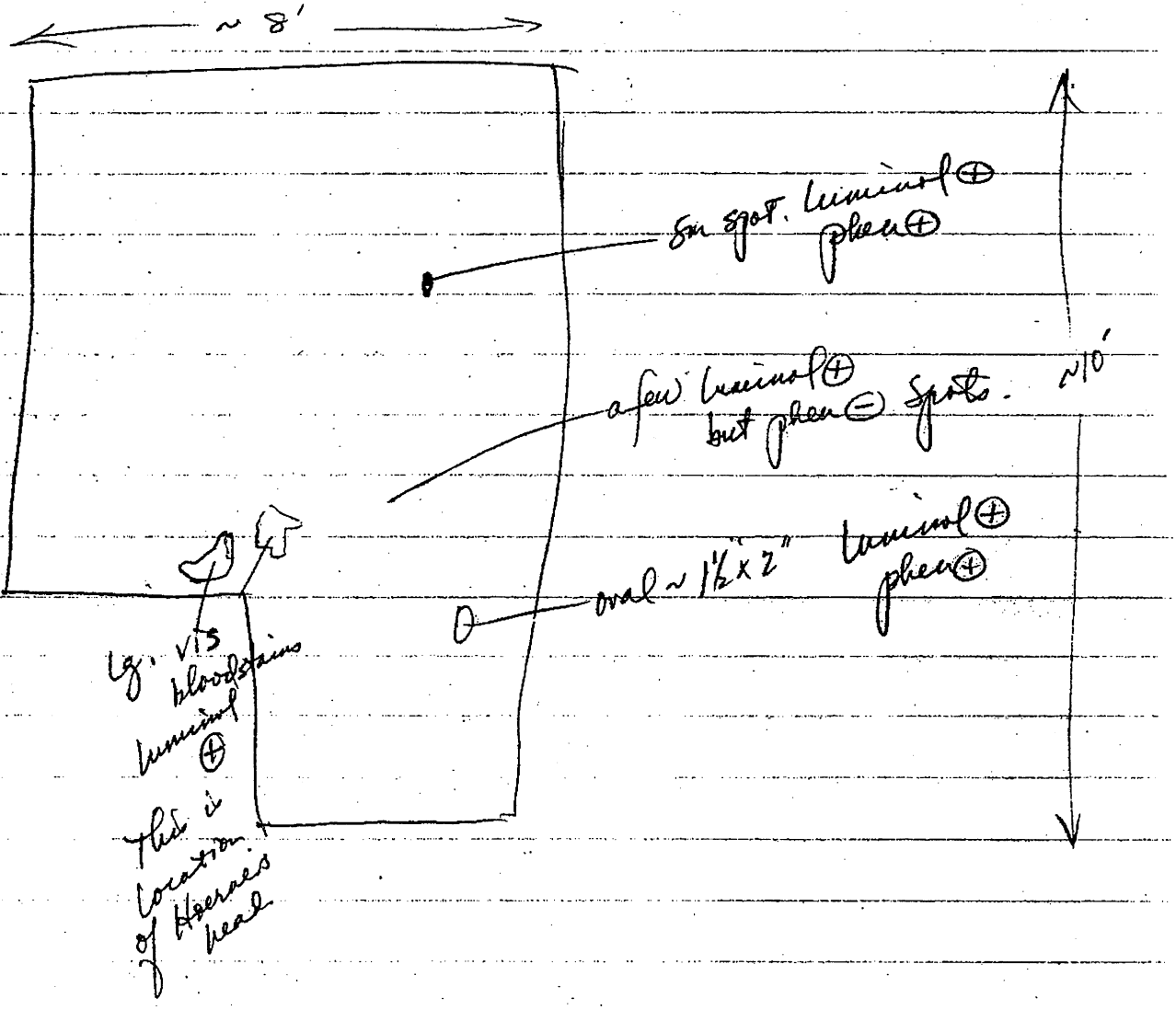
Floor in front of door → garage

494-0494

4-20-94

Hoerner's jkt (20389) sleeves — ends @ cuffs —
luminol ⊕ but phen ⊖ @ cuffs, both sides exterior

Bedrm carpet (20467)



000074

Rush

494o494a.wpw

494-0494A

Evidence Examined:

Item MD-5: Sealed bag containing a grey coat from Frank Hoerner.

Item DS-1: Sealed bag containing a pair of bluejeans from Darold Stenson.

Photographs of the crime scene and Stenson's bluejeans (right knee area) before samples of blood were removed.

Procedures and Results:

Bloodstains are present on the bluejeans in item DS-1 in the right knee area in a pattern which could have been caused by dripped blood or by contact transfer (blotting) of blood. Some blood smears are also present in the right knee area. Several of these stains have been largely removed by cutting. There are three very small (0.5 -2 mm diameter) bloodstains in the right front thigh area. These appear to have been caused by very small airborne blood droplets. On the left lower leg area are several bloodstains, three of which appear to have been caused by airborne droplets of blood. All of these stains tested positively with phenolphthalin, a presumptive chemical test for blood.

spelling

Please make change

The grey coat in item MD-5 was examined in relation to the scene photographs and the bloodstains on Stenson's bluejeans, as to whether the coat could be the source for the bloodstains in the right knee area of the bluejeans.

Conclusions:

The pattern of bloodstains on the right knee of Stenson's bluejeans (DS-1) could have been caused by dripped blood or by contact transfer of wet blood. Very little blood was present on the left side of Frank Hoerner's clothing as he was found. Contact with the body and clothing of Frank Hoerner as he lay on the floor of the bedroom at the scene would not cause bloodstains as seen on the right knee area of the bluejeans. The stains on the right knee area of the bluejeans could not have been caused by contact with any of the bloodstained vertical surfaces in the laundry room area of the crime scene (door, wall, freezer, dryer). There is no pattern of bloodstains on the floor of the laundry room or bedroom where Hoerner's body was found which would correspond to the pattern of bloodstains seen on the right knee of the bluejeans in item DS-1.

MB

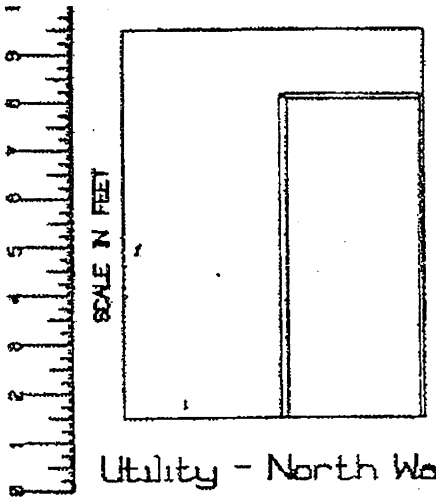
6-22-94

Rev MEJ 6-22-94

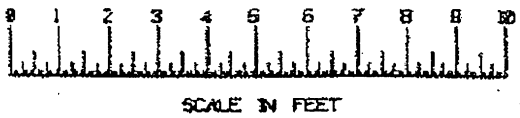
55 KANE LN.

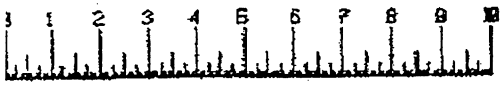
CLALLAM CO. SHERIFF'S DEPT

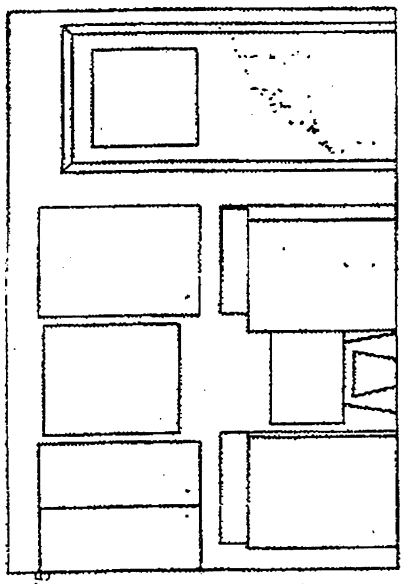
CASE NO. 9302587



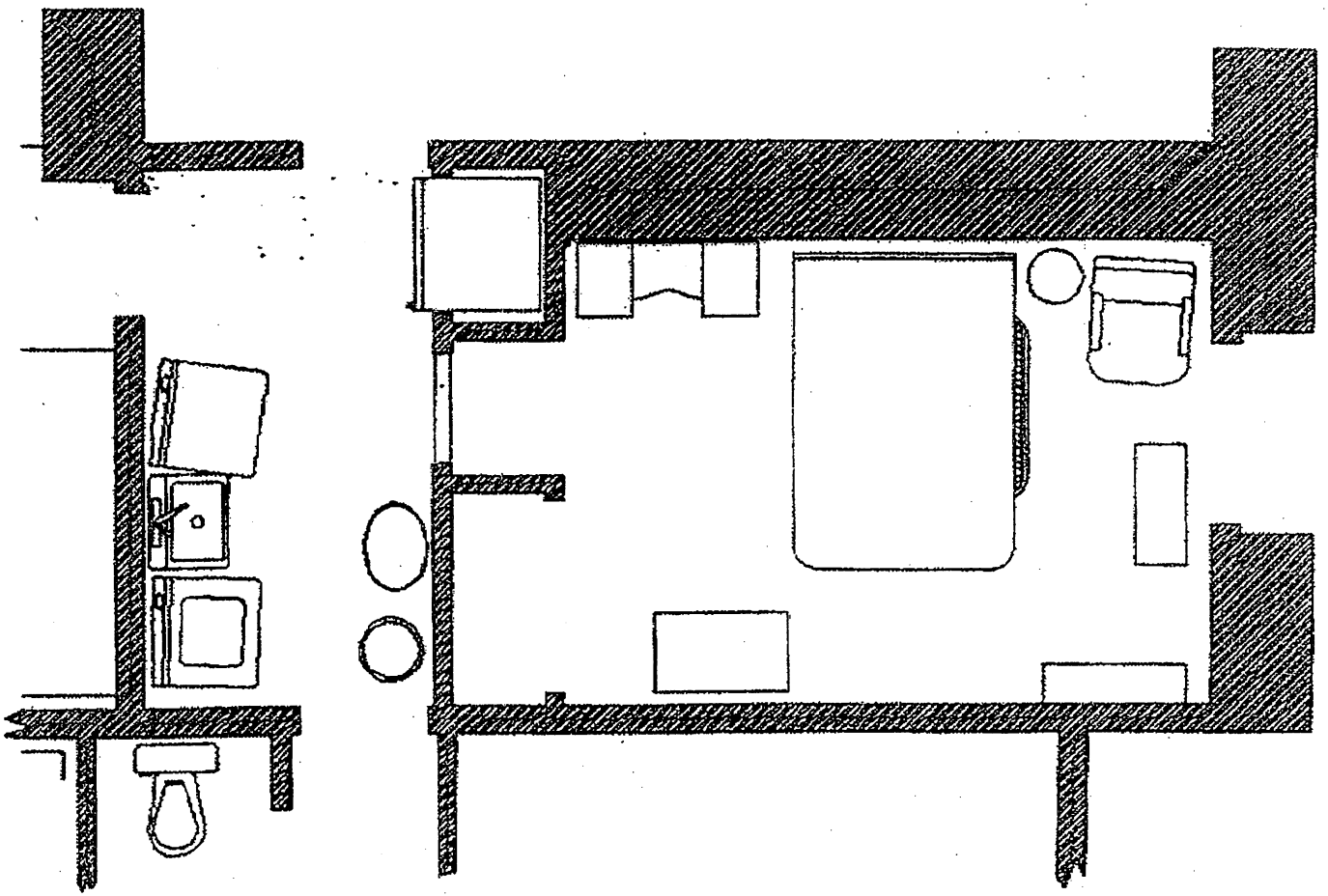
Utility - North Wall







Utility - West Wall



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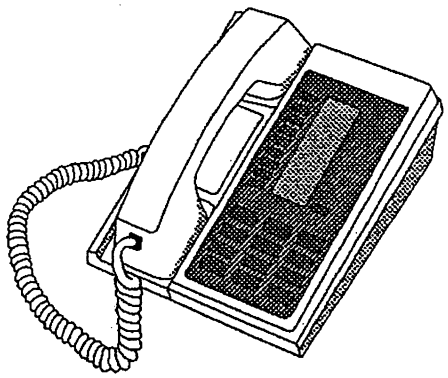
FAX COVER SHEET



DIRECTED TO:

Dave Brunean

are the accompanying 1 pages.

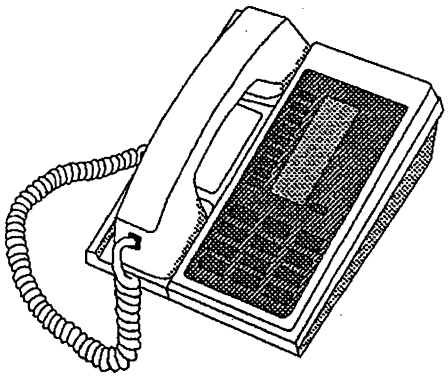
FROM:

Person	M Grubb
Location	Washington State Patrol Crime Laboratory 2700 116th Street N.E. Marysville, WA 98271-9425
Telephone	(206) 658-1419 (Micro 2440, ext. 171)
Fax	(206) 659-0255
Date	6-22-94

COMMENTS:

Report on Stenson Bluejeans —
I also faxed a copy → Monty Martin &
original of report will be mailed to him.

FAX COVER SHEET



DIRECTED TO:

Monty Martin

are the accompanying 1 pages.

FROM:

Person	M Grund
Location	Washington State Patrol Crime Laboratory 2700 116th Street N.E. Marysville, WA 98271-9425
Telephone	(206) 658-1419 (Micro 2440, ext. 171)
Fax	(206) 659-0255
Date	6-22-94

COMMENTS:

Report on Stenson Bluejeans

I also faxed a copy → Dave Bruneau. The original report will be mailed to you.

000078

CLALLAM COUNTY PROSECUTING ATTORNEY

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FACSIMILE COVER SHEET

Please deliver the following 11 page(s)

TO: Michael Grubb
Washington State Patrol Crime Lab
Facsimile Telephone Number: (206) 659-0255

THE INFORMATION IN THIS FAX MESSAGE IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE RECIPIENT NAMED ABOVE (OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT). IF YOU RECEIVED THIS IN ERROR, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. WE WILL, OF COURSE, BE HAPPY TO REIMBURSE YOU FOR ANY COSTS. THANK YOU.

Re: State of Washington v. DAROLD STENSON
Cause No.: 93-1-00039-1

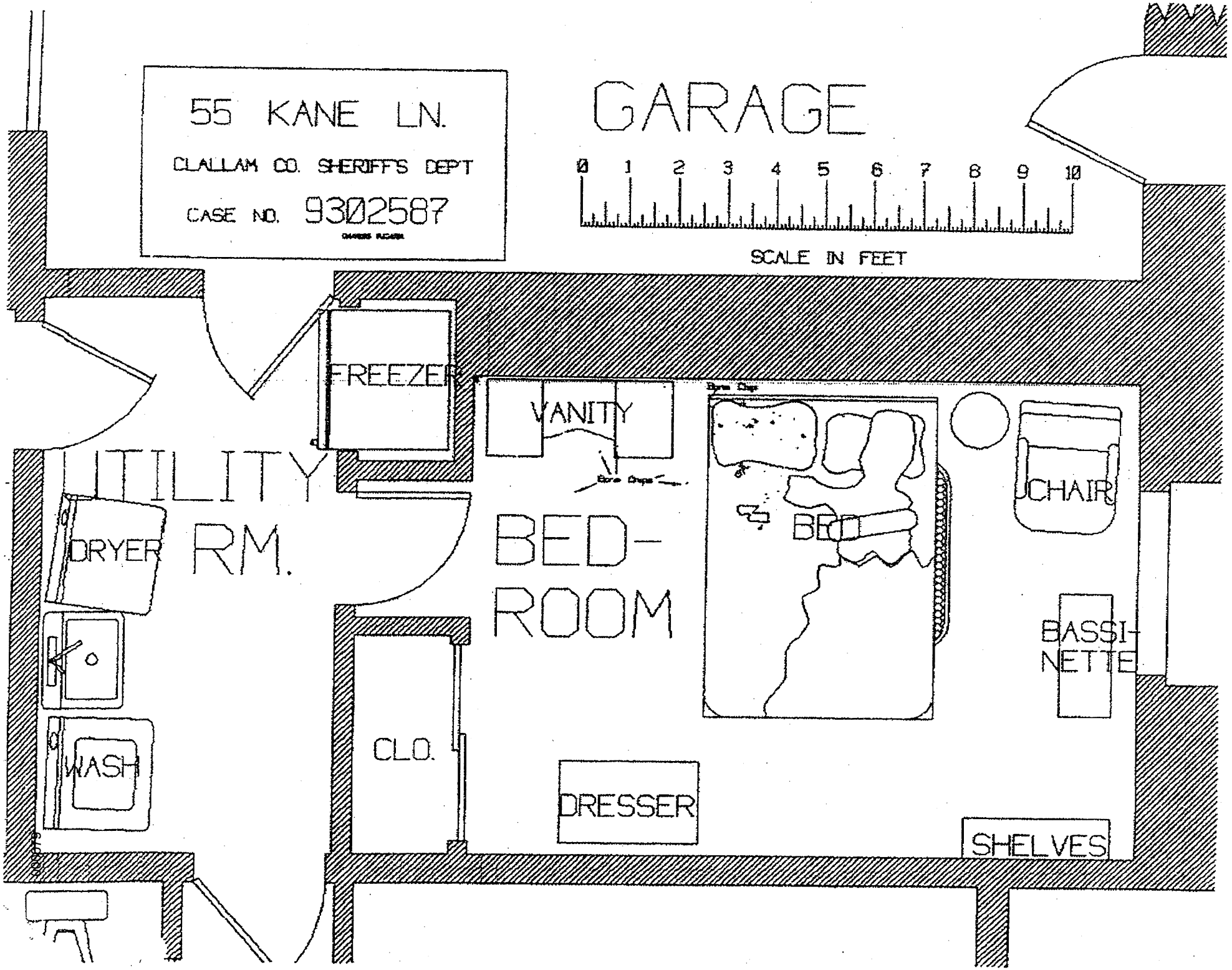
Comments: Mike, these are smaller versions of crime scene diagrams we are using in trial. Wanted to get you in the ballpark now - not ambush you on the stand. Thanks. DHB

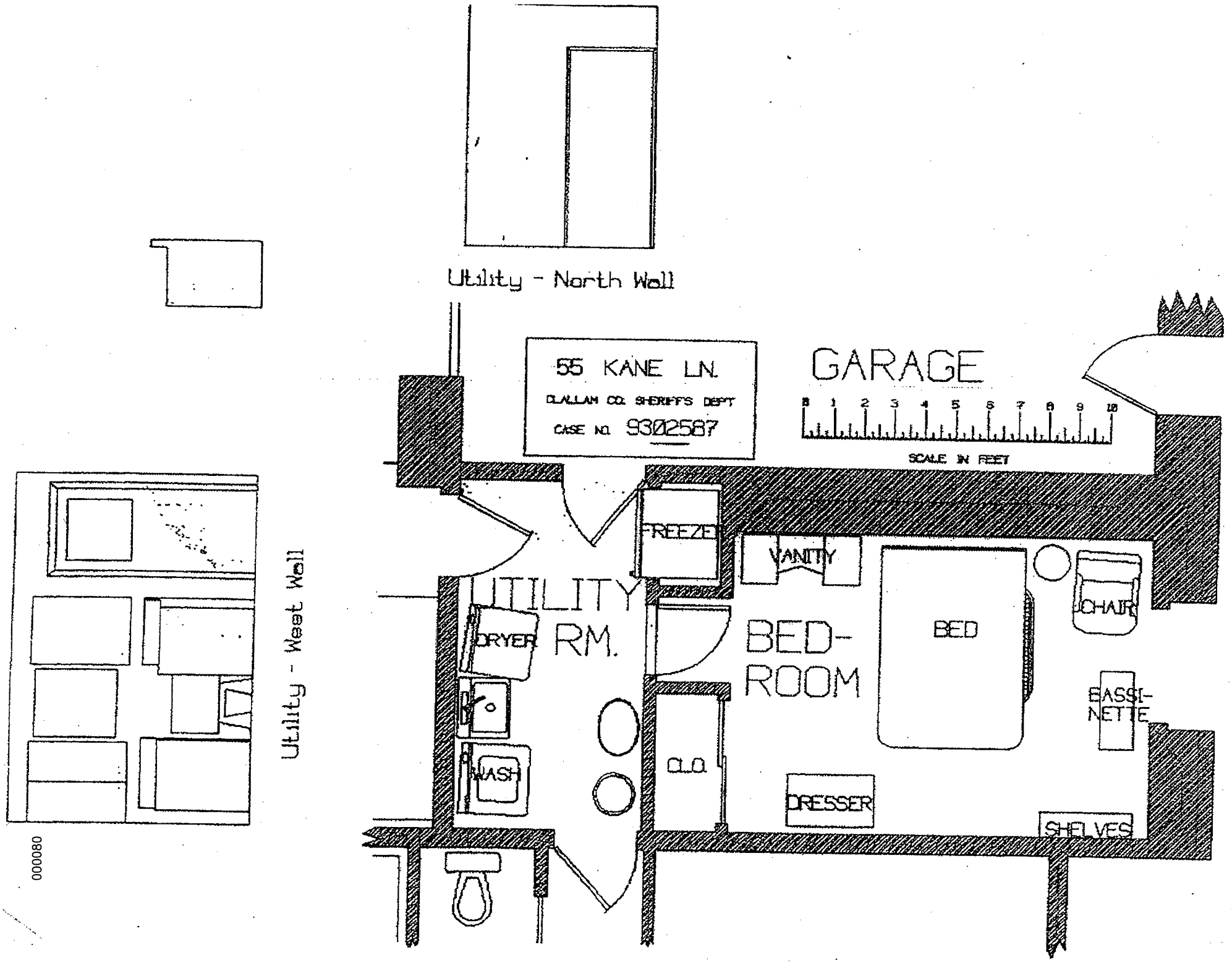
From: DAVID H. BRUNEAU
Clallam County Prosecuting Attorney
FAX telephone number: (206) 417-2469

Date Sent: July 29, 1994 Time: 4:00 p.m.

Rev.1/94

RECEIVED
JUL 29 1994
WSP Marysville Crime Lab


55 KANE LN.
CLALLAM CO. SHERIFF'S DEPT
CASE NO. 9302587
GARAGE
0 1 2 3 4 5 6 7 8 9 10
SCALE IN FEET
FREEZER
VANITY
UTILITY RM.
DRYER
BED-ROOM
CHAIR
BASSI-NETTE
CLO.
WASH
DRESSER
SHELVES

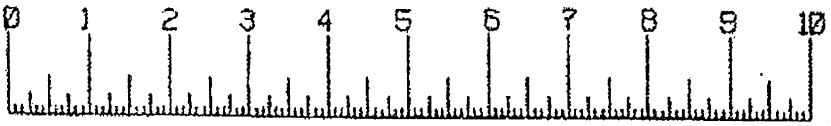

Utility - North Wall
55 KANE LN.
CLALLAM CO. SHERIFF'S DEPT
CASE NO. 9302587
GARAGE
SCALE IN FEET
FREEZER
VANITY
UTILITY
RM.
DRYER
BED-
ROOM
BED
CHAIR
BASSI-
NETTE
WASH
CLO.
DRESSER
SHELVES
Utility - West Wall

000080

55 KANE LN.

CLALLAM CO. SHERIFF'S DEPT

CASE NO. 9302587



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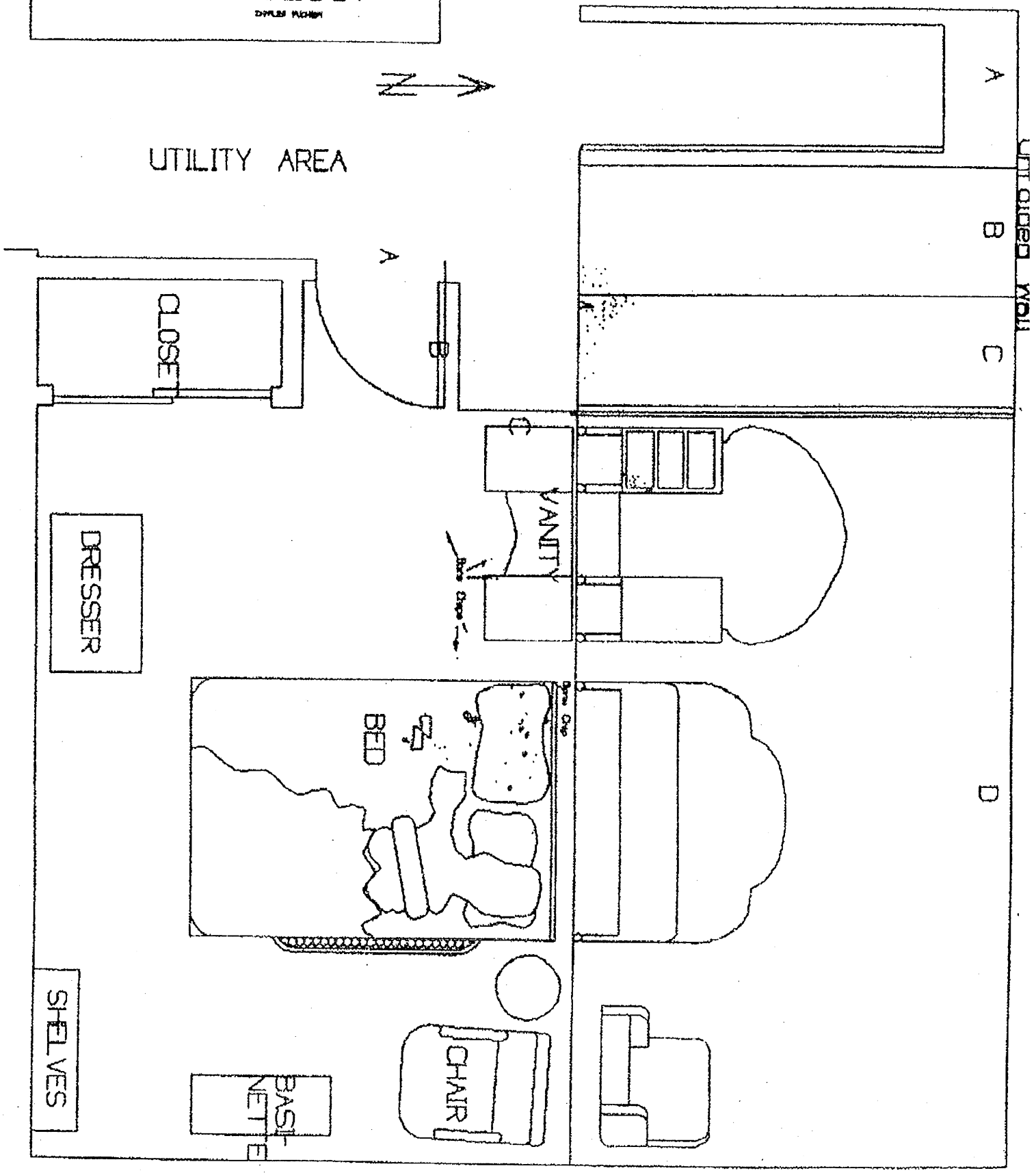
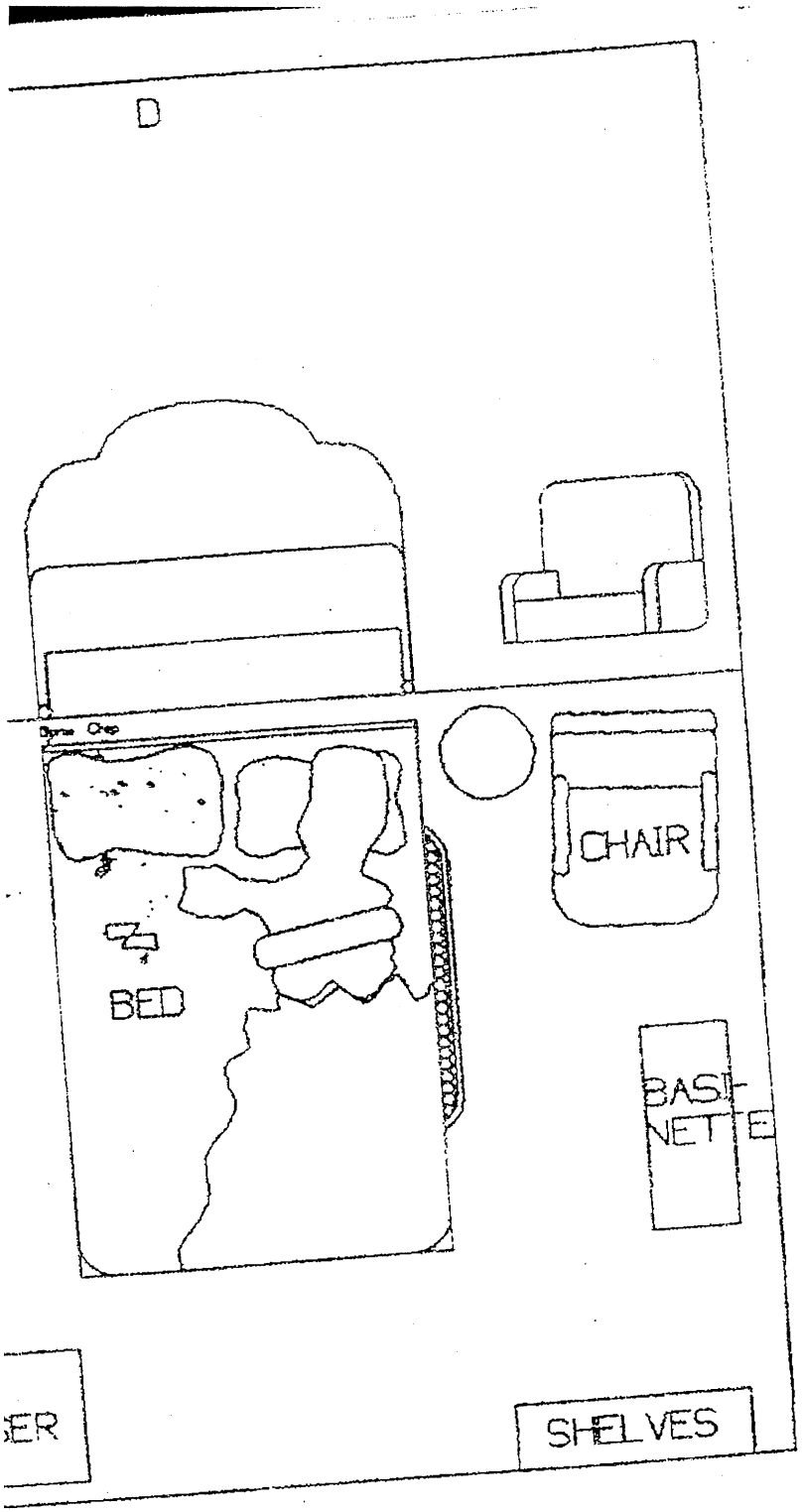
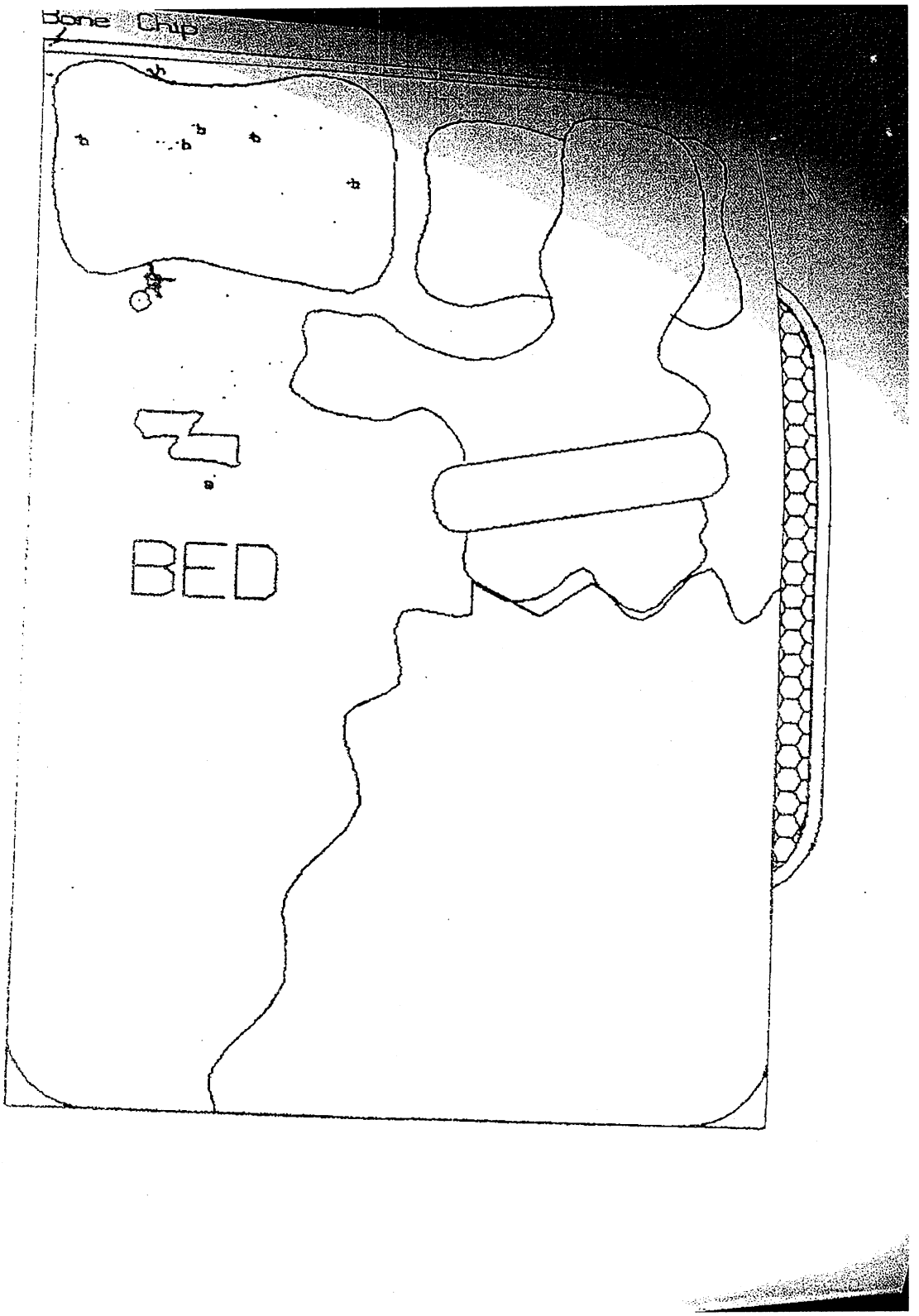



D
CHAIR
BED
SHELVES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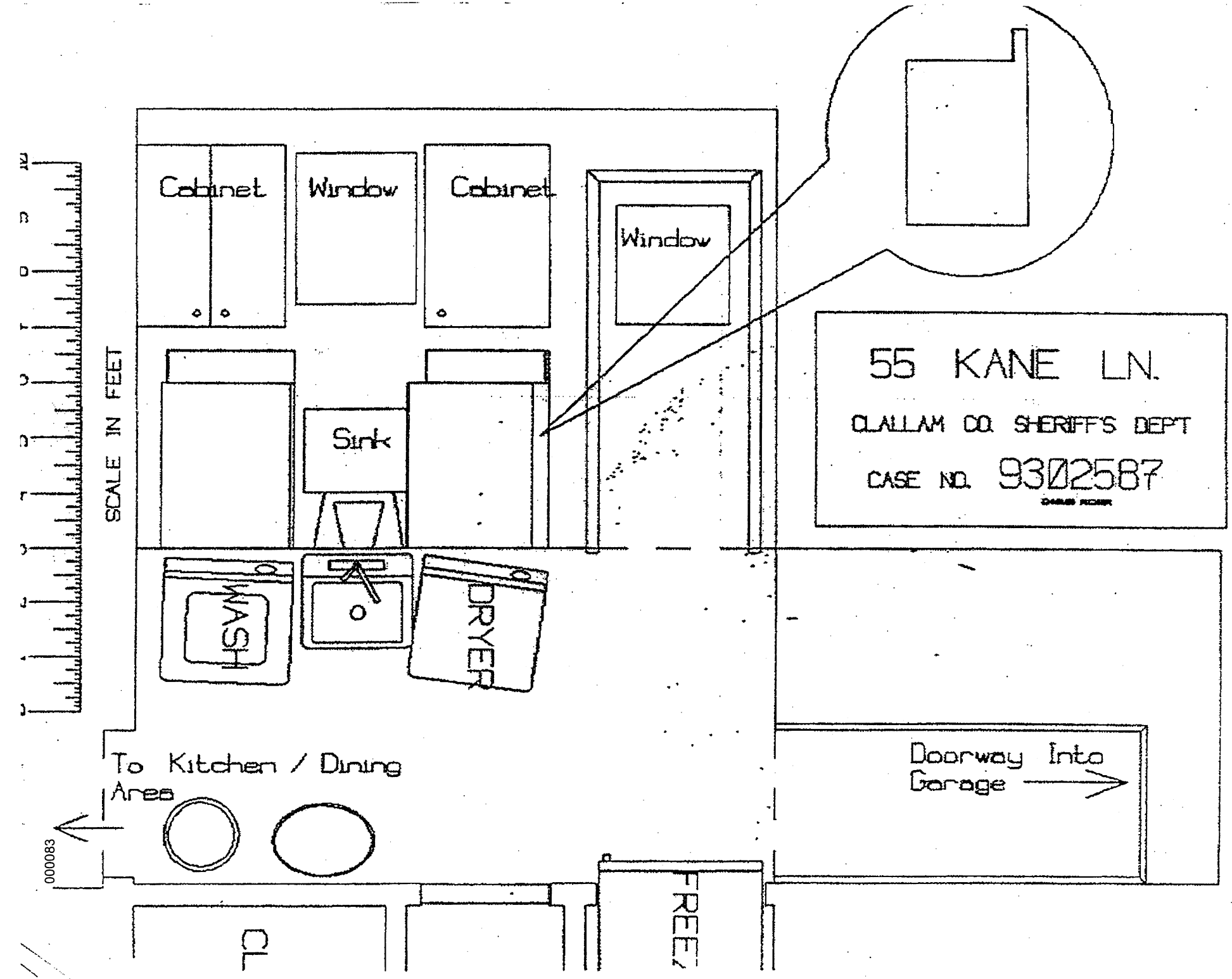

Cabinet
Window
Cabinet
Window
Sink
WASH
DRYER
55 KANE LN.
CLALLAM CO. SHERIFF'S DEPT
CASE NO. 9302587
SCALE IN FEET
To Kitchen / Dining Area
Doorway Into Garage
000083

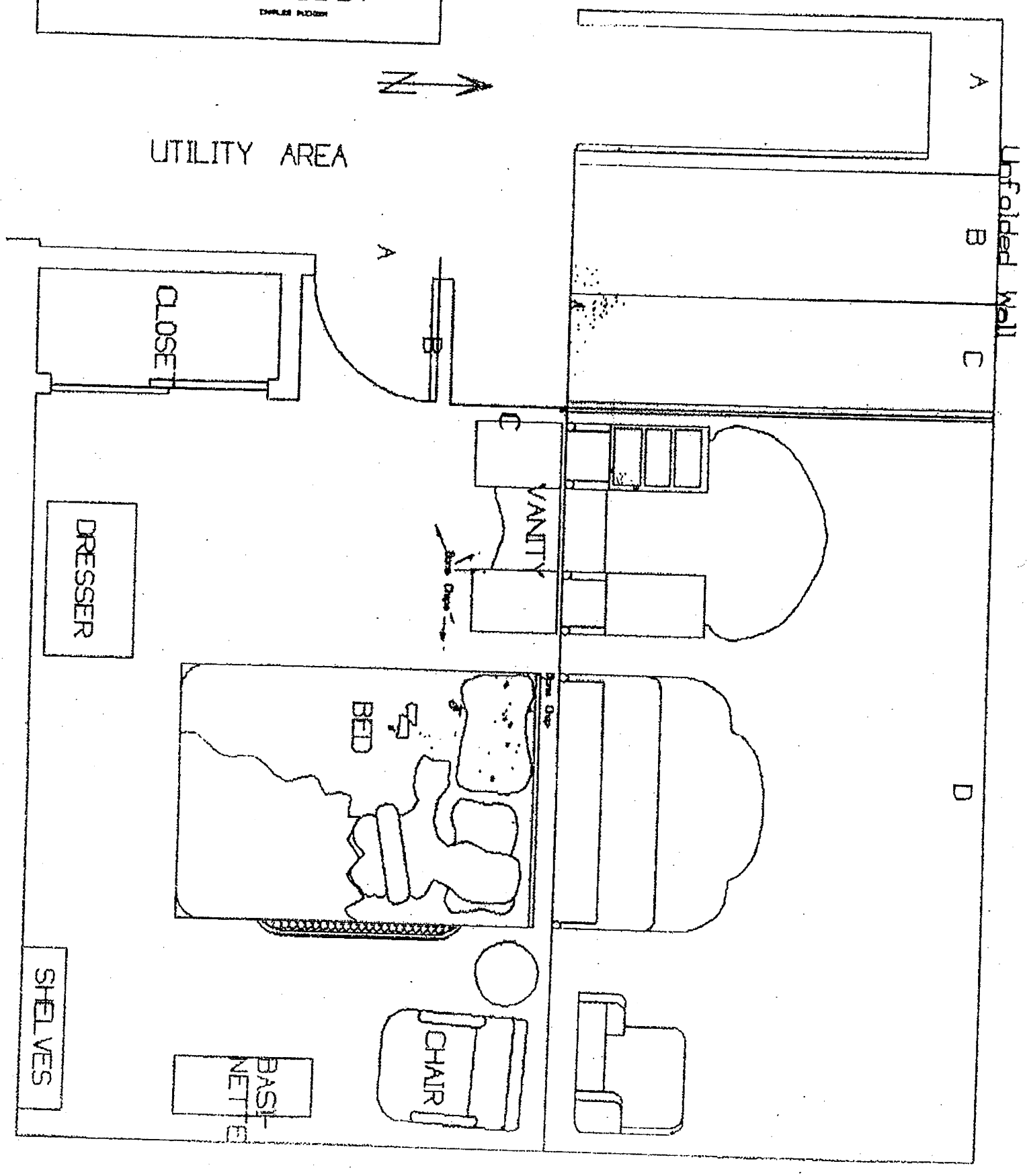
000084

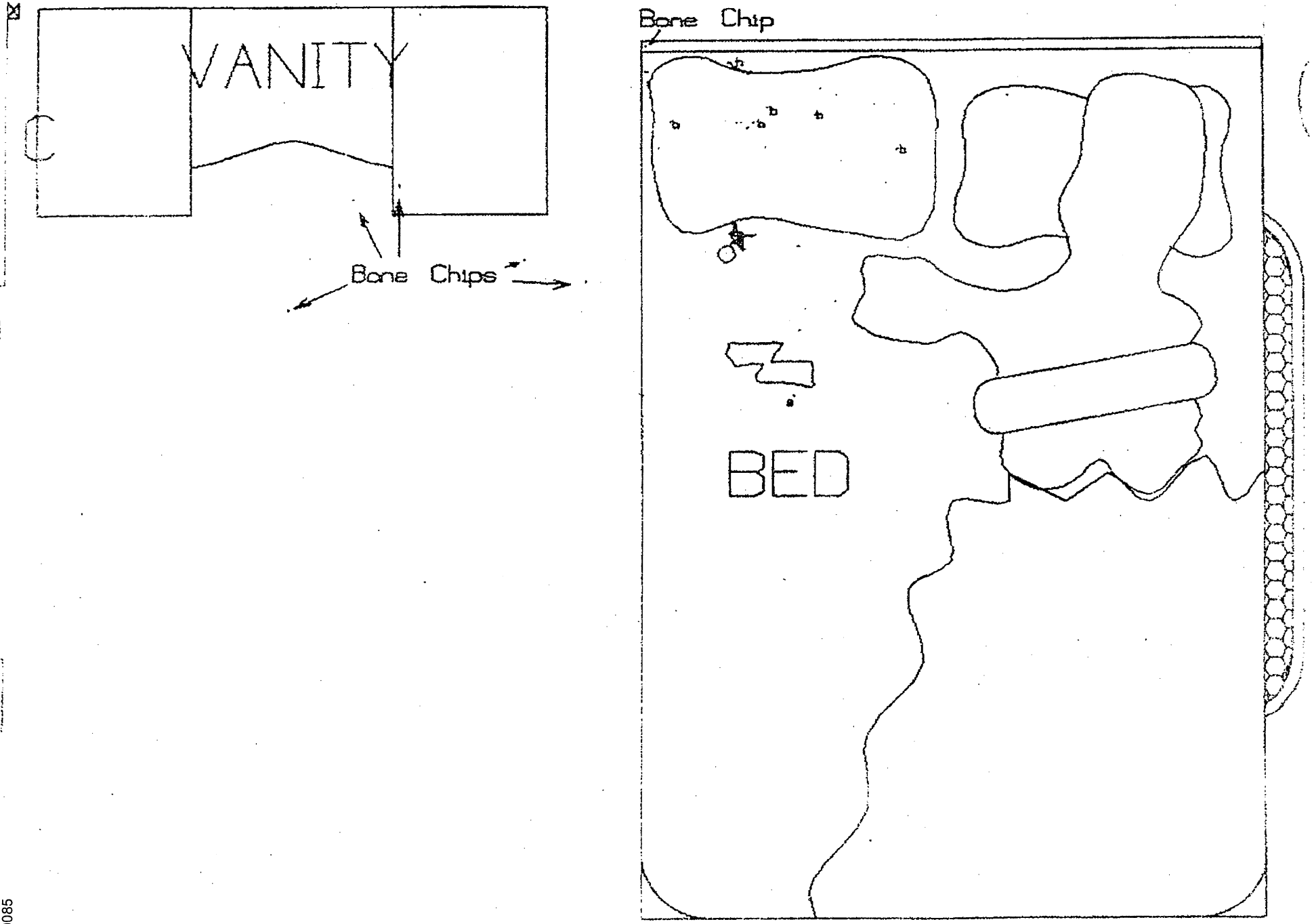
55 KANE LN.

CLALLAM CO. SHERIFF'S DEPT

CASE NO. 9302587

SCALE IN FEET





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FREDERICK D. LEATHERMAN, JR.
ATTORNEY AT LAW
1301 FIFTH AVENUE, SUITE 3500
SEATTLE, WA 98101
(206) 382-1100 FAX (206) 583-0570

February 16, 1994

Mr. Mike Grubb
WSP Crime Lab
2700 116th NE
Marysville, WA 98271

RE: State vs. Darold R.J. Stenson

Dear Mike,

Please find enclosed a copy of the FBI lab analysis from the Stenson case. I am also enclosing a copy of Fred's breakdown of their findings on the bloodstain evidence.

Fred is looking forward to getting together with you and discussing the case.

Very truly yours,

Mary Lou Crockett
Legal Assistant

MLC/aa
Enclosure

GeneLex Corporation
103 Airport Way South, Suite 350, Seattle, Washington 98134
Telephone: 206.382.9591 Fax: 206.382.6277

RECEIVED
JUN 2 9 1994
CLALLAM COUNTY
PROSECUTING ATTORNEY

June 28, 1994

David Bruneau, Prosecutor
Clallam County Prosecutor's Office
223 East Fourth Street
Port Angeles, WA 98362

Genelex Case # F94-039
Clallam County Sheriff's Dept. Case #9302587
Washington vs. Darold Stenson
Homicide: Denise Stenson
Frank Hoerner

ANALYTICAL REPORT
CONCLUSIONS

1. Denise Stenson has the HLA DQA1 genotype 1.1,4.
Frank Hoerner has the HLA DQA1 genotype 2,4.
Darold Stenson has the HLA DQA1 genotype 1.2,4.

2. The human bloodstain located on the wearer's front left pantleg knee area (stain 1E) of the blue jeans (Exhibit #16254) originated from an individual of the HLA DQA1 genotype 2,4.

   Denise Stenson and Darold Stenson are excluded as the source of this bloodstain. Frank Hoerner cannot be excluded as the source of this bloodstain. The blood could have originated from Frank Hoerner.

3. The approximate frequency of the HLA DQA1 genotype 2,4 is listed below for three major U.S. racial groups as well as Japanese and Southeast Asian population groups:

bur

Population	Estimated Profile Frequency	
Caucasians	7.5% or 1 in 13	(8.0% or 1 in 13)
Blacks	7.0% or 1 in 14	(7.6% or 1 in 13)
Mexican-Americans	6.3% or 1 in 16	(7.6% or 1 in 13)
Japanese	1.2% or 1 in 83	(1.8% or 1 in 56)
Southeast Asians	3.7% or 1 in 27	(4.7% or 1 in 21)

The value in parenthesis represents the calculated upper confidence bound (84%) for the occurrence of that profile. This is an estimate based on plus one standard deviation of the frequency for each allele.

4. HLA DQA1 typing conducted on the human bloodstain located on the wearer's front left pantleg cuff area (stain 1D) of the blue jeans (Exhibit #16254) was inconclusive.

Items Received

On June 21, 1994, the following items of evidence were hand delivered to Genelex Corporation by Detective Sergeant Monty Martin of the Clallam County Sheriff's Dept., Port Angeles, Wa. These items were identified as belonging to the Clallam County Sheriff's Dept. Case #9302587.

Exhibit #	Description
20795	Blood standard(liquid) reportedly from Denise Stenson
20474	Blood standard(dried) reportedly from Denise Stenson
20395	Blood standard(liquid) reportedly from Frank Hoerner
20449	Blood standard(liquid) reportedly from Darold Stenson
16254	One pair of blue jean pants reportedly from Darold Stenson

Analytical Report
Narrative

At the request of Detective Sergeant Monty Martin of the Clallam County Sheriff's Dept., two reddish brown stains on the wearer's left front pantleg (Exhibit #16254) were analyzed. One of the stains located near the bottom cuff area was designated stain 1D. The other stain located near the knee area was designated stain 1E. Both stains yielded positive presumptive tests for blood and were consistent in appearance with spatter pattern stains. The entire stains of 1D and 1E were removed from the garment for DNA extraction.

Results of DNA Extraction and Evaluation

A small amount of human DNA was recovered from stains 1D and 1E of Exhibit #16254, confirming the presence of human blood.

Human DNA was recovered from the blood standards of Exhibits 20474, 20395, and 20449.

No analysis was performed on Exhibit 20795.

Table of Results

DNA typing of the HLA DQA1 locus was performed using the Polymerase Chain Reaction (PCR) method of DNA analysis. The results are listed in the table below:

Exhibit #	Description	HLA DQA1 Type
20474	Blood standard - Denise Stenson	1.1,4
20449	Blood standard - Darold Stenson	1.2,4
20395	Blood standard - Frank Hoerner	2,4
16254	Blue jean pants - Bloodstain 1E	2,4
16254	Blue jean pants - 1E substrate control	NA
16254	Blue jean pants - Bloodstain 1D	NA
16254	Blue jean pants - 1D substrate control	NA

NA denotes sample did not amplify.

Thomas A. Wahl

Thomas A. Wahl, B.S.
Forensic Supervisor

cc: Detective Monty Martin

Joyce A Blair June 29, 19

JOYCE A. BLAIR
STATE OF WASHINGTON
NOTARY --•-- PUBLIC
My Commission Expires 8-24-97

-1 (Rev. 5-10-96)

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Date: November 17, 1993

To: Detective Sergeant Monty Martin
Clallam County Sheriff's
Department
223 East Fourth Street
Port Angeles, Washington 98362

FBI File No. 95A-HQ-1049334

Lab No. 30412056 S ZV WP ZG VZ TD YD
30427032 S ZV WP ZG AN MW TD YD
31012016 S ZV

Reference: Communications dated April 8, 1993, April 22, 1993 and October 8, 1993

Your No. L50-9302587

Re: DAROLD R. J. STENSON - SUBJECT;
DENISE A. STENSON AND
FRANK C. HOERNER - VICTIMS;
HOMICIDE

Specimens received: April 12, 1993, under cover of communication dated April 8, 1993 (30412056 S ZV WP ZG VZ TD YD):

Q1	Bullet recovered from floor next to victim HOERNER (16239)
Q2	Bullet from brain of victim STENSON (20794)
Q3	Bullet fragment from brain of victim STENSON (20794)
Q4	Metal fragment from brain of victim STENSON (20794)
Q5-Q7	Three cartridge cases removed from K1 revolver (16236)
Q8-Q10	Three cartridges removed from K1 revolver (16236)
Q11	Cartridge case from victim HOERNER's vehicle (15920)
Q12	Cartridge case from victim HOERNER's vehicle (15922)

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1734

Q13	Cartridge case recovered from victim HOERNER's driveway (20454)
Q14	Primer (20380)
Q15	Cartridge recovered from victim HOERNER's driveway (20468)
Q16	Seven cartridges from the pants pocket of victim HOERNER (20385)
Q16A	Cartridge (20385)
Q17	Cartridge from the pants pocket of victim HOERNER (20385)
Q18	Pants recovered from suspect DAROLD STENSON (16254)
Q18A	Belt recovered from suspect DAROLD STENSON (16254)
Q18B	Sock (16254)
Q19	Sweat-shirt recovered from suspect DAROLD STENSON (16256)
Q20-Q20A	Shoes recovered from suspect DAROLD STENSON (16255)
Q21-Q21A	Dried blood sample and water control sample recovered from suspect STENSON's hands (16260)
Q22	Portion of carpet with blood stain from main stairway (16287)
Q23	Portion of wood beam with blood stain recovered from main stairway (16289)
Q24	Dried blood scraping (16292)
Q25	Blood swabbing from floor (16292)
Q26	Not used
Q27-Q30	Dried blood samples recovered from blood spattering at the scene (16258)
Q31	Dried blood sample recovered from trash can lid in utility room (18817)

Q32 Pink throw rug with blood splattering recovered from utility (20544)

Q33 Jacket recovered from victim HOERNER at autopsy (20389)

Q34 Left shoe of vicitm HOERNER (16252)

Q35 Right shoe of victim HOERNER (16252)

Q36 Plastic cup recovered from dining room (16259)

Q37 Gravel recovered at autopsy from victim HOERNER's back and buttocks (20445)

Q38 Swabs from back of right hand of suspect DAROLD STENSON (16251)

Q39 Swabs from back of left hand of suspect DAROLD STENSON (16251)

Q40 Swabs from palm of right hand of suspect DAROLD STENSON (16251)

Q41 Swabs from palm of left hand of suspect DAROLD STENSON (16251)

Q42 Control swabs associated with specimens Q38 through Q41 (16251)

Q43 Cartridge case swabs associated with specimens Q38 through Q42 (16251)

Q44 Swabs from back of right hand of victim FRANK HOERNER (20392)

Q45 Swabs from back of left hand of victim FRANK HOERNER (20392)

Q46 Swabs from palm of right hand of victim FRANK HOERNER (20392)

Q47 Swabs from palm of left hand of victim FRANK HOERNER (20392)

Q48 Control swabs associated with specimens Q44 through Q47 (20392)

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Q49	Cartridge case swabs associated with specimens Q44 through Q48 (20392)
Q50	Pants recovered from suspect DAROLD STENSON's washing machine (16257)
Q51	Exercise hand weight (16250)
Q52-Q55	Dried swab samples from master bedroom shower stall (20550)
Q56-Q58	Dried swab samples from the upstairs bathroom tub (20552)
Q59	Not used
Q60	Wall switch plate (16281)
Q61	Wash rag recovered damp from main bathroom tub (20558)
Q62	Sponge recovered damp from utility room sink (15934)
Q63-Q68B	Towels (20578, 20579, 20580, 20581, 20585, 20862)
Q69	Blood stained white medical blanket recovered from victim STENSON's bed (16246)
K1	.357 Magnum caliber High Standard revolver, Model Sentinel MKIII, Serial Number H12715 (16235)
K2	Samples of gravel from suspect's driveway (20562)
K3	Blood samples of victim DENISE STENSON (20795)
K4	Blood samples of victim FRANK HOERNER (20395)
K5	Blood samples of suspect DAROLD STENSON (20449)

ALSO SUBMITTED:

Ink prints of victim DENISE STENSON (20469)

Ink prints of victim FRANK HOERNER (18801)

17

Ink prints of suspect DAROLD STENSON (20473)

Twenty-two latent lift cards (16300)

Four latent lift cards (20567)

Three latent lift cards (20551)

Swabbings from surface of CCSD squad car #220 (16237)

Control swabs

Specimens received April 27, 1993, under cover of communication dated April 22, 1993 (30427032 S ZV WP ZG AN MW TD YD):

Q70	Holster (18836)
Q71	Holster (18824)
Q72	Section of bed headboard (20512)
Q73	Bottle of pine cleaner (15935)
Q74	Blood swabs from vanity next to body of victim HOERNER (20538)
Q75	T-shirt from victim HOERNER (20798)
Q76	Blue jean pants from victim HOERNER (20390)
Q77-Q77C	Oral swabs from victim STENSON (18820)
Q77D-Q77G	Anal swabs from victim STENSON (18820)
Q77H-Q77K	Vaginal swabs from victim STENSON (18820)
Q77L	Vaginal wash from victim STENSON (18820)
Q78	Pubic hair combing from victim STENSON (18825)
Q79	Yellow debris taken from victim HOERNER (18827)
Q80A-Q80B	Moss samples recovered from driveway (20843)
Q81A-Q81G	Yellow paint samples from various locations at crime scene (20844)
Q82	Telephone (20843)

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.73

Q83 Semen-like material recovered from victim HOERNER (20438)

Q84 Pubic hair combings from suspect STENSON (18825)

K6 Hair samples from victim STENSON (18826)

K7 Hair samples from suspect STENSON (20448)

K8 Hair samples from victim HOERNER (20386)

K9 Pubic hair samples from suspect STENSON (18825)

ALSO SUBMITTED:

Photos and negatives (18828)

Hair samples from beard, chest and back of suspect STENSON (18825)

Specimens received October 12, 1993, under cover of communication dated October 8, 1993 (30102016 S ZV):

K10 .22 Long Rifle caliber WesternField rifle, Model M846, no serial number (20502)

K11 .30-30 Winchester caliber Marlin rifle, Model 336, Serial Number 18059944 (20527)

Results of examination:

FIREARMS UNIT:

Specimens Q1 and Q2 are .38/.357 caliber jacketed lead hollow-pointed bullets which were fired from a barrel or barrels rifled with six grooves, right twist. Specimen Q3 is a jacketed lead bullet fragment. The number, widths and direction of twist of the rifling impressions in the Q1 and Q2 bullets, and the widths of the rifling impressions in the Q3 bullet fragment are like those produced by the K1 revolver, indicating that these specimens could have been fired from the barrel of the K1 revolver. The Q1 and Q2 bullets and the Q3 bullet fragment bear limited individual microscopic marks of value for comparison purposes and no conclusion could be reached as to:

1) whether specimens Q1, Q2 and Q3 were fired from the same firearm; and
2) whether these specimens were fired from the K1 revolver to the exclusion of other similarly rifled firearms.

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Specimens Q1, Q2 and Q3 were not fired from the K10 or K11 rifles.

Specimen Q4 is a lead fragment which bears no microscopic marks of value for comparison purposes.

Specimens Q5, Q6, Q7, Q11, Q12 and Q13 are .38 Special caliber cartridge cases which were identified as having been fired in the K1 revolver.

Specimens Q8, Q9, Q10, Q15, Q16, Q16a and Q17 are .38 Special caliber cartridges. The Q10 cartridge is loaded with a primer which bears the firing pin impression of the K1 revolver; therefore, an attempt was made to fire the Q10 cartridge in the K1 revolver. The hollow-point in the nose of each of the bullets loaded into the Q9 and Q10 cartridges has been loaded with a primer. No indication could be found that these primers were commercially loaded into these bullets by the manufacturer. It should be noted that all of the above cartridges were disassembled in the Laboratory for examination. The Q8, Q9, Q15, Q16, Q16a and Q17 cartridges bear no microscopic marks of value for comparison to a firearm.

Specimen Q14 is a live primer like those loaded into the nose of the bullets loaded into the Q9 and Q10 cartridges.

No gunshot residues were detected on the Q33 jacket.

The K1 revolver and the K10 and K11 rifles functioned normally when test fired in the Laboratory.

No associations could be made between the Q70 and Q71 holsters and the K1 revolver. Further, this revolver does not properly fit into either of these holsters.

No association could be made between the hole in the Q72 headboard and the Q1 bullet.

<u>DNA UNIT I</u>:

Grouping tests conducted on the known blood samples and the human blood identified on the below-listed specimens disclosed the following:

K3	(DENISE STENSON)	"PGM 1+2-, Hp 2-1, Gc 2-1F"
K4	(FRANK HOERNER)	"PGM 1+2+, Hp 2, Gc 2-1S"
K5	(DAROLD STENSON)	"PGM 1-2+, Hp 1, Gc 1S"
K1	"PGM 1+2+"	

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.74

Q18 "PGM 1+2+, Hp 2, Gc 2-1S"
Q21 "Gc 2-1F"
Q21A "Hp 2-1"
Q22 "Hp 2-1"
Q23 "PGM 1+2-"
Q24 "Hp 2-1"
Q25 "PGM 1+2-"
Q28 "Hp 2-1, GC 2-1F"
Q28A "Hp 2"
Q28D "Hp 2"
Q29 "PGM 1+2+, Hp 2, Gc 2-1S"
Q30 "PGM 1+2+, Gc 2-1S"
Q31 "PGM 1+2+"
Q32 "PGM 1+2+"
Q72 "PGM 1+2+"
Q74 "PGM 1+2+"
Q74E "PGM 1+2+"
Q75 "PGM 1+2+, Hp 2, Gc 2-1S"

Grouping tests conducted on the human blood identified on Q27, Q28B, Q28C, Q29A, Q29B, Q74D and Q74F were inconclusive. Human blood, too limited in amount for further characterization, was identified on Q20 and Q74c. Human blood was also identified on Q74B. No blood was identified on Q19, Q20A, Q50, Q51 through Q58, Q60 through Q68, Q68A, Q68B, Q74A, Q74G, Q77 through Q77L, Q82 or Q83.

No semen was identified on Q77 through Q77C or Q83.

No examinations were performed on specimens Q33, Q34, Q35 and Q69 in DNA Unit I.

MATERIALS ANALYSIS UNIT:

The gravel recovered from the victim, specimen Q37, is consistent with having come from the suspect's driveway, specimen K2.

Specimens Q79 through Q81 did not contain mineralogical material suitable for an intercomparison.

There are small yellow particles present in the Q79 debris from the victim HOERNER. These particles were characteristic of a paint. The origin of these particles is not known.

The yellow particles in Q79 were determined to be different in color from the Q81(a) through Q81(g) specimens from various locations at the crime scene.

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There was nothing in the Q80 specimen from the driveway like the yellow particles in Q79.

ELEMENTAL AND METALS ANALYSIS UNIT:

Specimens Q38 through Q42 and Q44 through Q48 were analyzed for the elements antimony and barium. These elements are components of most primer mixtures and can be deposited on surfaces in the vicinity of a discharging firearm, such as the hand(s) of the shooter(s).

The amounts of antimony and barium detected on specimens Q38 through Q42 are insignificant. Therefore, it could not be determined if DAROLD R.J. STENSON discharged a firearm or was in an environment where gunshot primer residue was present. Detecting insignificant amounts of antimony and barium on the hands of any particular individual can result from that individual:

1. not being in an environment of gunshot primer residue;

2. being in an environment of gunshot primer residue, but not getting significant amounts of residue on his or her hands;

3. getting significant amounts of gunshot primer residue on his or her hands, but removing some or all of the residue before being swabbed; or

4. having his or her hands swabbed improperly.

No relative likelihood can be assigned to the above possibilities.

The amounts of antimony and barium detected on specimen Q47 are significant. This is consistent with FRANK C. HOERNER being in an environment of gunshot primer residue. No significant amounts of antimony and barium were detected on specimens Q44 through Q46 and Q48. It should be noted that in an investigation of a shooting, the presence of gunshot primer residue on the hand(s) of the victim must also include the possibility that the victim was shot at close range by another person.

No analyses were done on the unused Q43 and Q49 cartridge case swabs.

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The lead portion of the Q1, Q2, and Q3 bullets and fragments and the lead portion of the bullet component of the Q8 through Q10, Q15, and four of the Q16 cartridges were analyzed by instrumental means to determine their elemental composition.

The following compositional groups were found:

Group I	Q1, Q2, Q3, Q9, Q10
Group II	Q8, Q16 (all four)
Group III	Q15

Within group the compositions of the analyzed specimens are analytically indistinguishable and as such are consistent with originating from the same source. The compositions of Groups II and III are of the same general alloy and this alloy is significantly different from the composition of Group I. It is noted that the compositions of all the specimens in Groups II and III are characterized by a lack of substantial quantities of impurity elements.

CHEMISTRY AND TOXICOLOGY UNIT:

No evidence of any smokeless powder was observed on specimens Q18, Q19, Q36, Q61, Q62 through Q68 (30412056 S ZV... TD) or specimens Q73 and Q82 (30427032 S ZV... TD).

DNA UNIT II:

Deoxyribonucleic acid (DNA) profiles for genetic loci D2S44, D17S79, D1S7, and D4S139 were developed from HAE III digested high molecular weight DNA extracted from specimens Q18, K3, K4, and K5. Based on these results, the DNA profiles from Q18 match K4. The probability of selecting an unrelated individual at random from the population having a DNA profile matching the K4 sample is approximately 1 in 500,000 in Caucasians, 1 in 300,000 in Blacks, and 1 in 200,000 in Hispanics.

The DNA profiles for specimens Q21 and Q21A were uninterpretable due to insufficient and/or degraded DNA.

No further DNA analysis were conducted.

HAIRS AND FIBER UNIT:

No hairs dissimilar to the K6 pubic hairs from DENISE STENSON were detected in the Q78 combings. No hairs dissimilar to the K9 pubic hairs from DAROLD STENSON were detected in the Q84 combings.

LATENT FINGERPRINT UNIT:

The results of the requested latent fingerprint examinations are the subject of a separate report.

DISPOSITION OF EVIDENCE:

The unconsumed portions of the submitted items are being returned to your office under separate cover by Federal Express. In addition to the evidence in this case, the remaining processed DNA from specimens examined by DNA analysis is also being returned under separate cover. The processed DNA can be found in a package marked "PROCESSED DNA SAMPLES: SHOULD BE REFRIGERATED/FROZEN." It is recommended that these samples be stored in a refrigerator/freezer and isolated from evidence that has not been examined.

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DEC 16 1993

FBI ANALYSIS OF BLOODSTAIN EVIDENCE IN STATE v. STENSON

No. 93-1-00039-1

	Denise Stenson (K 3)	Frank Hoerner (K 4)	Darold Stenson (K 5)
PGM	1+2-	1+2+	1-2+
Hp	2-1	2	1
Gc	2-1F	2-1S	1S

EVIDENTIARY ITEMS	DESCRIPTION	TESTS	IDENTITY
K 1 (16235)	.357 Magnum (H12715)	PGM 1+2+	Frank Hoerner
Q 18 (16254)	DJ's pants	PGM 1+2+, Hp 2, Gc 2-1S & RFLP Match	Frank Hoerner
Q 19 (16256)	DJ's sweatshirt	No Blood	None
Q 20 (16255)	DJ's shoe	Trace -- human blood	None

000101

Q 20(A) (16255)	DJ's shoe	No Blood	None
Q 21 (16260)	Swab of DJ's hand	Gc 2-1F	Denise Stenson
Q 21(A) (16260)	Swab of DJ's hand	Hp 2-1	Denise Stenson
Q 22 (16287)	Carpet -- main stair	Hp 2-1	Denise Stenson
Q 23 (16289)	Wood beam -- main stair	PGM 1+2-	Denise Stenson
Q 24 (16292)	Dried blood scraping	Hp 2-1	Denise Stenson
Q 25 (16292)	Blood Swab From Floor	PGM 1+2-	Denise Stenson
Q 26	Not Designated	Not Used	None
Q 27 (16258)	Dried Spatter (Grubb)	Human Blood	Inconclusive
Q 28 (16258)	Dried Spatter (Grubb)	Hp 2-1, Gc 2-1F	Denise Stenson
Q 28(A) (16258)	Dried Spatter (Grubb)	Hp 2	Frank Hoerner
Q 28(B) (16258)	Dried Spatter (Grubb)	Human Blood	Inconclusive
Q 28(C) (16258)	Dried Spatter (Grubb)	Human Blood	Inconclusive
Q 28(D) (16258)	Dried Spatter (Grubb)	Hp 2	Frank Hoerner

000102

Q 29 (16258)	Dried Spatter (Grubb)	PGM 1+2+, Hp 2, Gc 2-1S	Frank Hoerner
Q 29(A) (16258)	Dried Spatter (Grubb)	Human Blood	Inconclusive
Q 29(B) (16258)	Dried Spatter (Grubb)	Human Blood	Inconclusive
Q 30 (16258)	Dried Spatter (Grubb)	PGM 1+2+, Gc 2-1S	Frank Hoerner
Q 31 (18817)	Trash Can Lid	PGM 1+2+	Frank Hoerner
Q 32 (20544)	Pink Throw Rug (Laundry Room)	PGM 1+2+	Frank Hoerner
Q 33 (20389)	Frank Hoerner's Jacket	Not Used	None
Q 34 (16252)	Frank Hoerner's Left Shoe	Not Used	None
Q 35 (16252)	Frank Hoerner's Right Shoe	Not Used	None
Q 50 (16257)	Pants From Washing Machine	No Blood	None
Q 51 (16250)	Hand Weight	No Blood	None
Q 52 (20550)	Swab From Master Bath Shower	No Blood	None
Q 53 (20550)	Same	No Blood	None

000103

Q 54 (20550)	Same	No Blood	None
Q 55 (20550)	Same	No Blood	None
Q 56 (20552)	Swab From Upstairs Bath Tub	No Blood	None
Q 57 (20552)	Same	No Blood	None
Q 58 (20552)	Same	No Blood	None
Q 59	Not Designated	None	None
Q 60 (16281)	Wall switch Plate	No Blood	None
Q 61 (20558)	Damp Wash Rag From Master Bath Tub	No Blood	None
Q 62 (15934)	Damp Sponge From Utility Room Sink	No Blood	None
Q 63 (20578)	Towel	No Blood	None
Q 64 (20579)	Towel	No Blood	None
Q 65 (20580)	Towel	No Blood	None
Q 66 (20581)	Towel	No Blood	None
Q 67 (20585)	Towel	No Blood	None

Q 68 (20562)	Towel	No Blood	None
Q 68(A) (?)	Towel	No Blood	None
Q 68(B) (?)	Towel	No Blood	None
Q 69 (16246)	Medical Blanket From Denise Stenson's Bed	Not Used	None
Q 72 (20512)	Headboard	PGM 1+2+	Frank Hoerner
Q 74 (20538)	Swab From Vanity	PGM 1+2+	Frank Hoerner
Q 74(A) (20538)	Swab From Vanity	No Blood	None
Q 74(B) (20538)	Swab From Vanity	Trace -- Human Blood	None
Q 74(C) (20538)	Swab From Vanity	Trace -- Human Blood	None
Q 74(D) (20538)	Swab From Vanity	Human Blood	Inconclusive
Q 74(E) (20538)	Swab From Vanity	PGM 1+2+	Frank Hoerner
Q 74(F) (20538)	Swab From Vanity	Human Blood	Inconclusive
Q 74(G) (20538)	Swab From Vanity	No Blood	None

000105

Q 75 (20798)	Frank Hoerner's T-shirt	PGM 1+2+, Hp 2, Gc 2-1S	Frank Hoerner
Q 77- 77(L) (18820)	Oral, Anal & Vaginal Swabs From Denise Stenson	No Blood No Semen	None
Q 82 (20843)	Master Bedroom Phone	No Blood	None
Q 83 (20438)	Semen Like Fluid From Frank Hoerner	No Blood No Semen	None

NOTE: **FRANK HOERNER'S JACKET, SHOES, & PANTS WERE NOT TYPED FOR BLOOD.**

NOTE: **K & Q NUMBERS WERE ASSIGNED BY THE FBI. NUMBERS APPEARING IN PARENTHESES BELOW THAT NUMBER WERE ASSIGNED BY THE CLALLAM COUNTY SHERIFF'S OFFICE WHEN ENTERED INTO EVIDENCE.**

NOTE: **IT IS UNCLEAR WHERE Q 27 THROUGH 30 (16258) CAME FROM. MIKE GRUBB COLLECTED THESE SAMPLES (10 IN NUMBER) -- SEE HIS REPORT REFERENCING 20 EXHIBITS INCLUDING 9 CONTROLS.**

193-02607
3-9-94

tt Det Sgt. Martin -
told him I met w/ Leatherman today.
" " ⑤ bjeans should be looked @ for blood deposition
He said the FBI cut stains out -
" him I am sending note → Leatherman
He requested copy also - OK. - Sent 3-10-94

Martin's list of what came from where:

Q20, Q20A Stenson shoes.
~~Q22~~ Blood on stairs
Q28 - Blood near pole - → Denise
Q28A - " from driveway → Frank
Q28B " from pole - Human
" C " " " " - "
" D " " dryer - → Frank
Q29 " from hall → Frank
Q29A " from driveway - - Human
Q29B Tissue from gun - Human
Q30 Blood from laundry rm door → Frank
Q31 " " trash can lid → Frank
Q32 Pink rug, laundry rm. w/ Blood → Frank

I'll fax this to me.

He explained that ctg. cso. @ Haerens hs. found back by garage.

CLALLAM COUNTY SHERIFF'S DEPARTMENT

FAX Transmission Sheet

FAX #: 659-0255 DATE: 3-9-94

TO: Mike Grubb

COMPANY: WA State Crime Lab

FROM: Monty Martin

PHONE #: 417-2544 FAX #: (206) 417-2498

TOTAL NUMBER OF PAGES (Including this cover sheet): 6

MESSAGE:

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MAR 09 1994
WSP Marysville Crime Lab

20386	K08	HAIR FRANK HOERNER
18825	K09	PUBIC HAIR DAROLD STENSON
20502	K10	.22 LONG RIFLE MOD MB46
	K10	FUNCTIONED WHEN TESTED
20527	K11	.30-30 RIFLE
	K11	FUNCTIONED WHEN TESTED
16239	Q01	BULLET NEXT TO HOERNER
20794	Q02	BULLET FROM D STENSON
20794	Q03	FRAG / D STENSON
20784	Q04	FRAG /D STENSON
16236	Q05	CARTRIDGES FROM GUN
	Q05	FIRED IN K1
16236	Q06	CARTRIDGES FROM GUN
	Q06	FIRED IN K1
16236	Q07	CARTIRDGES FROM GUN
	Q07	FIRED IN K1
16236	Q08	CARTRIDGES FROM GUN
16236	Q09	CARTRIDGES FROM GUN
16236	Q10	CARTRIDGES FROM GUN
	Q10	ATTEMPTED FIRED IN K01
15920	Q11	CARTRIDGE: HOERNER'S VAN
	Q11	FIRED IN K1
15922	Q12	CARTRIDGE: HOERNER'S VAN
	Q12	FIRED IN K1
20380	Q13	CARTRIDGE; HOERNER DRIVE

RECEIVED
MAR 09 1994
WSP Marysville Crime Lab

ity under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

REPORTING OFFICER SIGNATURE	I.D. #	DATE	SUPERVISOR APPROVING	DATE
	242	12/14/93		

CLALLAM COUNTY SHERIFF'S DEPT.
CONTINUATION REPORT

INCIDENT NUMBER: 93025887

STATUS	NAME	ORIG	SUPP	PAGE
ARA	STENSON	1	X	1 OF 5

JAN 14 1993

CLALLAM COUNTY PROSECUTING ATTORNEY

Additional vehicles: Descriptors same as on Incident Report.
Synopsis of incident: Include elements of crime and/or probable cause for arrest.
Officer's Actions and Observations. Do not include opinions.
Describe injuries: Nature, treatment, prognosis and where medical exam occurred.
Synopsis of victim's statement: List by name, date, time and place of interview.
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Indicate time and location where victim(s) and witness(es) may be contacted later by follow-up investigators. Special Routing.
Field interview comments (crime potential, etc.)
Information regarding prior criminal conduct.
Special Routing.
Case Status.

NARRATIVE

	CCSD#	FBI #	DESCRIPTION
	16235	K01	HS .357 MAG REVOLVER
		K01	PGM 1+2+"
		K01	FUNCTIONED WHEN TESTED
	20562	K02	GRAVEL SAMPLE FROM DRIVE
		K02	CONSISTANT WITH Q37
	20795	K03	DENISE STENSON'S BLOOD
		K03	PGM 1+2-,Hp2-1,Gc2-1F"
	20395	K04	FRANK HOERNER'S BLOOD
		K04	PGM 1+2+, Hp 2, Gc 2-1S"
	20449	K05	DAROLD STENSON'S BLOOD
		K05	PGM 1-2+, Hp 1, Gc 1S"
	18826	K06	HAIR DENISE STENSON
	20448	K07	HAIR DAROLD STENSON
	20386	K08	HAIR FRANK HOERNER
	18825	K09	PUBIC HAIR DAROLD STENSON
	20502	K10	.22 LONG RIFLE MOD M846
		K10	FUNCTIONED WHEN TESTED
	20527	K11	.30-30 RIFLE
		K11	FUNCTIONED WHEN TESTED
	16239	Q01	BULLET NEXT TO HOERNER
	20794	Q02	BULLET FROM D STENSON
	20794	Q03	FRAG 7 D STENSON
	20794	Q04	FRAG 7D STENSON
	16236	Q05	CARTRIDGES FROM GUN
		Q05	FIRED IN K1
	16236	Q05	CARTRIDGES FROM GUN
		Q06	FIRED IN K1
	16236	Q07	CARTIRDGES FROM GUN
		Q07	FIRED IN K1
	16236	Q08	CARTRIDGES FROM GUN
	16236	Q09	CARTRIDGES FROM GUN
	16236	Q10	CARTRIDGES FROM GUN
		Q10	ATTEMPTED FIRED IN K01
	15920	Q11	CARTRIDGE; HOERNER'S VAN
		Q11	FIRED IN K1
	15922	Q12	CARTRIDGE; HOERNER'S VAN
		Q12	FIRED IN K1
	20380	Q13	CARTRIDGE; HOERNER DRIVE

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MAR 08 1994
WSP Marysville Crime Lab

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

REPORTING OFFICER SIGNATURE	I.D.#	DATE	SUPERVISOR APPROVING	DATE
	202	1-14-93		

000110

CLALLAM COUNTY SHERIFF'S DEPT.
CONTINUATION REPORT

STATUS	NAME	INCIDENT NUMBER		
ARA	STENSON	9302587		
		ORIG	SUPP	PAGE
			✓	2 OF 5

Additional vehicles. Descriptors same as on Incident Report.
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13. Field interview comments (crime potential, etc.).
14. Information regarding prior criminal conduct.
15. Special Routing.
16. Case Status.

IARRATIVE

CCSD#	FBI #	DESCRIPTION
	Q13	FIRED IN KI
20380	Q14	PRIMER HOERNER'S HEAD
	Q14	LIVE PRIMER LIKE Q9&Q10
20468	Q15	CARTRIDGE HOENERS DRIVE
20385	Q16	7 CARTRIDGE HOENER POCKT
20385	Q16A	CARTRIDGE HOERNER POKET
20385	Q17	CARTRIDGE HOERNER POKET
16254	Q18	STENSON'S PANTS
	Q18	PCM 1+2+, Hp 2, Gc 2-1S"
16254	Q18A	STENSON'S BELT
16254	Q18B	SOCK
16256	Q19	STENSON'S SWEATSHIRT
	Q19	NO BLOOD
16255	Q20	STENSONS' SHOE
	Q20	HUMAN BLOOD PRESENT
16255	Q20A	STENSON'S SHOE
	Q20A	NO BLOOD
16260	Q21	BLOD SAMP STENSON
	Q21	Gc2-1F"
16260	Q21A	CONTROL FOR Q21
	Q21A	'Hp 2-1"
16287	Q22	CARPET/STAIR BLOOD
	Q22	Hp2-1"
16289	Q23	WOODBEAM BLOOD
	Q23	PCM 1+2-
16292	Q24	BLOOD SCRAPINGS DRIED
	Q24	Hp2-1"
16292	Q25	BLOOD SWAB FLOOR
	Q25	'PBM 2-1"
16258	Q27	DRIT AND GRAVEL FROM DRIV
	Q27	HUMAN BLOOD
16256	Q28	BLOOD NEAR POLE
	Q28	'Hp 2-1, Gc2-1F"
16256	Q28A	BLOOD FROM DRIVEWAY
	Q28A	'Hp 2"
16256	Q28B	BLOOD FROM POLE
	Q28B	HUMAN BLOOD
16256	Q28C	BLOOD FROM POLE
	Q28C	HUMAN BLOOD
16256	Q28D	BLOOD FROM DRIER

tify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

REPORTING OFFICER SIGNATURE	I.D.#	DATE	SUPERVISOR APPROVING	DATE
[signature]	242	12-14-93		

027 Pen Print, Inc

000111

CLALLAM COUNTY SHERIFF'S DEPT.
CONTINUATION REPORT

INCIDENT NUMBER 92587

STATUS	NAME	ORIG	SUPP	PAGE
ARR	STENSON		✓	3 of 5

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13. Field interview comments (crime potential, etc.).
14. Information regarding prior criminal conduct.
15. Special Routing.
16. Case Status

ARRATIVE	CCSD#	FBI #	DESCRIBTION
		Q28D	'Hp 2"
	16256	Q29	~~BLOD FROM WALL OF HALL~~
		Q29	PGM 1+2+, Hp 2, Gc2-1S"
	16256	Q29A	BLOOD FROM DRIVEWAY
		Q29A	~~HUMAN BLOOD~~
	16256	Q29B	TISSUE FROM GUN
		Q29B	HUMAN BLOOD
	16256	Q30	~~BLOD LAUNDRY DOOR~~
		Q30	PGM 1+2+, Gc 2-1S"
	18817	Q31	BLOOD TRASH CAN LID
		Q31	~~PGM 1+2+"~~
	20389	Q32	PINK RUG LAUNDRY ROOM
		Q32	~~PGM 1+2+"~~
	20389	Q33	~~HOERNER'S JACKET~~
		Q33	NOT TESTED
		Q33	NO RESIDUE A/B ETC
	16252	Q34	~~HOERNER'S LEFT SHOE~~
		Q34	NOT TESTED
	16252	Q35	HOERNER'S RIGHT SHOE
		Q36	~~NOT TESTED~~
	16259	Q36	CUP/STENSON HELD
	20445	Q37	GRAVEL HOERNER'S BAK&BUT
		Q37	CAME FROM K02
	16261	Q38	SWABS BACK RT HAND STENSN
		Q38	Q42 NO AB PRESENT
	16261	Q39	~~SWABS BACK LT HAND STENSN~~
	16261	Q40	SWABS PALM RT HAND STENSN
	16261	Q41	SWABS PALM LT HAND STENSN
	16251	Q42	CONTROL SWABS Q38-Q42
	16251	Q43	CARTRIDGE SWABS Q38-Q42
	20392	Q44	SWABS FH BACK RT HAND
	20392	Q45	SWABS FH BACK LT HAND
	20392	Q46	SWABS FH PALM RT HAND
	20392	Q47	SWABS FH PALM LT HAND
		Q47	ANTIMONY/BARIUM DETECTED
	20392	Q48	CONTROL SWABS Q44-Q47
	20392	Q49	CARTRIDGE CASE SWAB 44-48
	16257	Q50	PANTS/WASHING MACHINE
		Q50	NO BLOOD
	16250	Q51	EXCERCISE HAND WEIGHT MBR

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County

REPORTING OFFICER SIGNATURE	I.D. #	DATE	SUPERVISOR APPROVING	DATE
	242	12-14-93		

000112

CLALLAM COUNTY SHERIFF'S DEPT.
CONTINUATION REPORT

STATUS	NAME	INCIDENT NUMBER		
ALA	STENSON	930 2587		
		ORIG	SUPP	PAGE
			-	4 OF 5

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16. Case Status.

NARRATIVE

CCSD#	FBI #	DESCRIPTION
	Q51	NO BLOOD
20550	Q52	SWAB MSTR SHOWER STAL
20550	Q53	SWABS MSTR SHOWER STALL
20550	Q54	SWAB MSTR SHOWER STALL
20550	Q55	SWAB MSTR SHOWER STALL
20552	Q56	SWABS UPSTR BATH
20552	Q57	SWAB UPSTR BATH
20552	Q58	SWAB UPSTR BATH
	Q58	NO BLOOD
16281	Q60	WALL SWITCH PLATE
	Q60	NO BLOOD
20558	Q61	WASH RAG BATHTUB
	Q61	NO BLOOD
15934	Q62	SPONGE UTILITY RM SINK
	Q62	NO BLOOD
20678	Q63	TOWEL
	Q63	NO BLOOD
20679	Q64	TOWEL
	Q64	NO BLOOD
20580	Q65	TOWEL
	Q65	NO BLOOD
20581	Q66	TOWEL
	Q66	NO BLOOD
20585	Q67	TOWEL
	Q67	NO BLOOD
	Q68	NO BLOOD
	Q68A	NO BLOOD
20862	Q68B	TOWEL
16246	Q69	EMT BLANKET BLOOD
	Q69	NOT TESTED
18836	Q70	HOLSTER
18824	Q71	HOLSTRR
20512	Q72	HEAD BOARD
	Q72	PGM 1+2+
15935	Q73	PINE CLEANER
20538	Q74	BLOOD FROM VANITY SPRM
	Q74	PGM 1+2+
	Q74A	NO BLOOD
	Q74B	HUMAN BLOOD PRESENT
	Q74C	HUMAN BLOOD PRESENT

tify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in C ... County.

REPORTING OFFICER SIGNATURE	ID #	DATE	SUPERVISOR APPROVING	DATE
[signature]	242	12-14-93		

CLALLAM COUNTY SHERIFF'S DEPT.
CONTINUATION REPORT

STATUS	NAME	INCIDENT NUMBER		
VICTIM	STENSON	930587		
		ORIG	SUPP	PAGE
			✓	5 OF 5

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16. Case Status:

ARRATIVE

CCSD#	FBI #	DESCRIPTION
	Q74D	HUMAN BLOOD
	~~Q74E~~	~~PGM 1+2+~~
	Q74F	HUMAN BLOOD
	Q74G	NO BLOOD
~~20708~~	~~Q75~~	~~FH T-SHIRT~~
	Q75	PGM 1+2+, Hp 2, Gc2-1S"
20390	Q76	BLUE JEANS/ HOERNER
~~18820~~	~~Q77~~	~~ORAL SWAB DENISE STENSON~~
	Q77	Q77L NO BLOOD
	Q77	NO SEMEN
~~18820~~	~~Q77A~~	~~ORAL SWAB DENISE STENSON~~
18820	Q77B	ORAL SWAB DENISE STENSON
18820	Q77C	ORAL WASH DENISE STENSON
	~~Q77C~~	~~NO SEMEN~~
18820	Q77D	ANAL SWAB DENISE STENSON
18820	Q77E	ANAL SWAB DENISE STENSON
~~18820~~	~~Q77F~~	~~ANAL SWAB DENISE STENSON~~
18820	Q77G	ANAL SWAB DENISE STENSON
18820	Q77H	VAG SWAB DENISE STENSON
~~18820~~	~~Q77I~~	~~VAG SWAB DENISE STENSON~~
18820	Q77J	VAG SWAB DENISE STENSON
18820	Q77K	VAG SWAB DENISE STENSON
18820	Q77L	VAG WASH DENISE STENSON
18825	Q78	PUBIC HAIR DENISE STENSON
18827	Q79	YELLOW DEBRIS F HOERNER
	Q79	PAINT NOT Q81A/Q81G
20843	Q80A	Q80B MOSS SAMPLES
20844	Q81A	Q81G YELLOW PAINT SAMPLES
20843	Q82	TELEPHONE MSTR BEDRM
	Q82	NO BLOOD
20438	Q83	SEMEN-LIKE MAT F HOERNER
	Q83	NO BLOOD
	Q83	NO SEMEN
18826	Q84	PUBIC HAIR DAROLD STENSON

ify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

PORTING OFFICER SIGNATURE	I.D. #	DATE	SUPERVISOR APPROVING	DATE
[signature]	210	12 MAY		

000114

FREDERICK D. LEATHERMAN, JR.

ATTORNEY AT LAW

1301 FIFTH AVENUE, SUITE 3500
SEATTLE, WA 98101
(206) 382-1100 FAX (206) 583-0570

FAX COVER SHEET

TO: Mike Grubbs

COMPANY: State Patrol Crime Lab

FAX NUMBER: (206) 659-0255

FROM:

FREDERICK D. LEATHERMAN, JR.
3500 SECURITY PACIFIC BUILDING
1301 FIFTH AVENUE
SEATTLE, WA 98101
(206)382-1100, phone (206) 583-0570 fax

DATE: 3/9/94 TIME: 1710

NUMBER OF PAGES (WITH COVER SHEET): 2

RE: State v. Stenson

HARD COPY TO FOLLOW VIA: ✓ MAIL OR _____ MESSENGER

HARD COPY NOT TO FOLLOW: _____

NOTES: _____

INFORMATION CONTAINED IN THIS COMMUNICATION IS PRIVILEGED AND/OR CONFIDENTIAL, INTENDED ONLY FOR THE INDIVIDUAL/ENTITY NAMED ABOVE. IF READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY PHONE (206)382-1100 AND RETURN THIS FAX TO THE ABOVE ADDRESS VIA U.S. MAIL. THANK YOU

INITIALS OF SENDER: FL

FREDERICK D. LEATHERMAN, JR.

ATTORNEY AT LAW

1301 FIFTH AVENUE SUITE 3500
SEATTLE, WA 98101
(206) 382-1100 FAX (206) 583-0570

March 9, 1994

SENT VIA FAX

Mr. Michael J. Grubb
Supervising Forensic Scientist
Washington State Patrol Laboratory
2700 N.E. 116th
Marysville, WA 98271-9425

RE: State vs. Darold R.J. Stenson,
No. 93-1-00039-1
Trial Date: June 6, 1994

Dear Mike:

Thank you for the opportunity to meet with you today. You helped me to understand the crime scene evidence more clearly. Of course, I am still somewhat puzzled by the confusing numbering system assigned by the FBI to the evidence you and Ingrid Dearmore collected. I will be re-requesting the benchnotes prepared by the analysts who performed the conventional serological tests. Perhaps their notes will reflect the numbers you assigned to the samples they were testing. Then again, maybe nobody will know what's going on. After all, it's only a death penalty case.

I would greatly appreciate it if you would send or fax me a copy of your notes. I am certain they will assist me to further understand the evidence.

Thanks again for your assistance.

Very truly yours,

Frederick D. Leatherman, Jr.

FDL/aa

FREDERICK D. LEATHERMAN, JR.

ATTORNEY AT LAW

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Very truly yours,

Frederick D. Leatherman, Jr.

FDL/aa

CLALLAM COUNTY SHERIFF'S DEPARTMENT

FAX Transmission Sheet

FAX #: 6359-0255 DATE: 3 16 94

TO: Mike Grubb

COMPANY: WA State Crime Lab

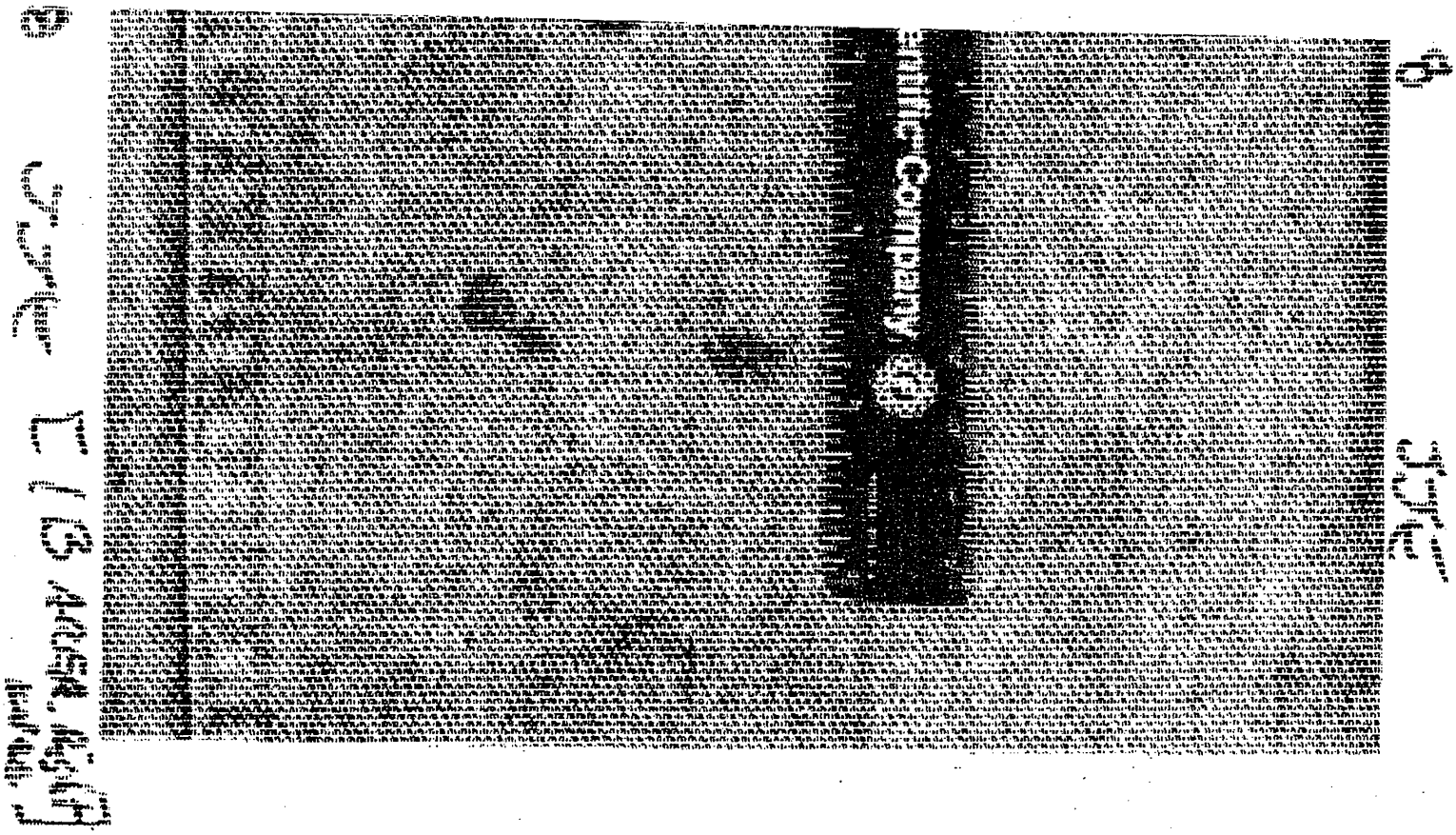
FROM: Monty Martin

PHONE #: 206-417-2544 FAX #: (206) 417-2498

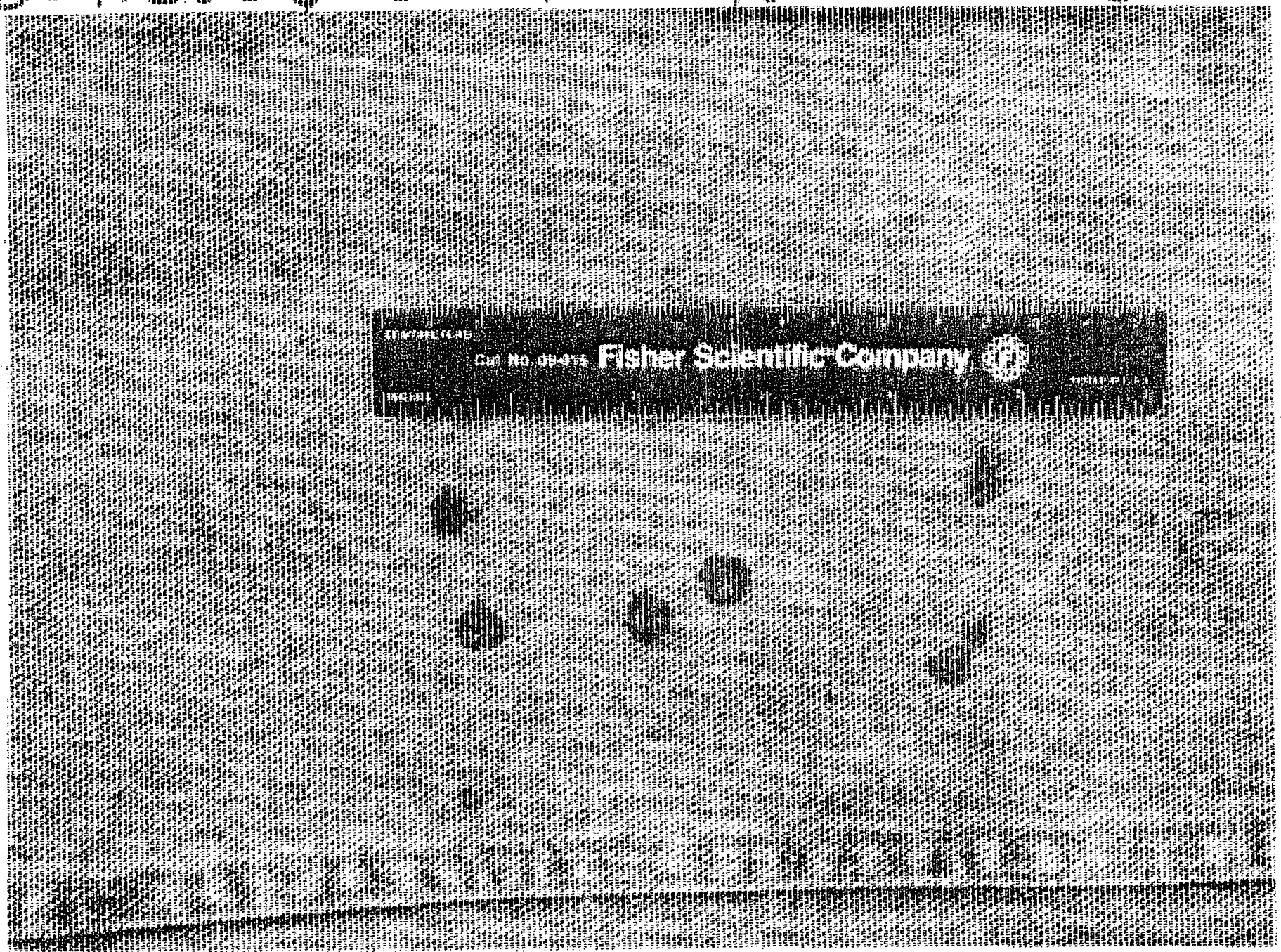
TOTAL NUMBER OF PAGES (Including this cover sheet): 7

MESSAGE:

RECEIVED
MAR 10 1994
WSP Marysville Crime Lab



30412056 2V UP Q18 JJE



30412056 2V UP Q18 JJE [B ARSA Right]

16 00011816:30 FAX:206-417-2498 PAGE 2

3-17-94

F. Leatherman called to discuss photo.

I told him it looked to me like drips or poss very slow cast off. Not much acceleration of the blood.

6-10-94

Jeff Walker — leatherman's investigator called -

Wanted to know if I knew Englert — yes

" " " " " " "

was working on this co — yes

— Was good @ it - ?

— Other stains on pants other than drips - I was unaware of those. though I briefly looked @ pants @ scene.

— Knowledge of attempts to type these other stains? No.

AGENCY CASE NO. C009302587

REQUEST FOR LABORATORY EXAMINATION

WASHINGTON STATE PATROL — STATE CRIME LABORATORY SYSTEM

LABORATORY NO. 494-0494

EVERETT	WSP DISTRICT OFFICE BUILDING	98271	(206) 658-1419	Scan 261-1840
KELSO	HALL OF JUSTICE BUILDING	98626	(206) 577-2087	Scan 239-2087
KENNEWICK	WSP DETACHMENT OFFICE BUILDING	99337	(509) 545-2022	Scan 526-2022
SEATTLE	PUBLIC SAFETY BUILDING	98104	(206) 464-7038	Scan 576-7038
SPOKANE	PUBLIC SAFETY BUILDING	99201	(509) 456-4145	Scan 545-4145
TACOMA	COUNTY-CITY BUILDING	98402	(206) 593-2006	Scan 462-2006

HAS OTHER EVIDENCE IN THIS CASE BEEN PREVIOUSLY SUBMITTED TO THIS LABORATORY? — see Seattle 193-02607 YES _____ NO X

SUSPECT(S) LAST FIRST MI.	VICTIM(S)
1.	DENISE STENSON
2. STENSON, DAROLD	FRANK HOERNER
3.	

OFFENSE: HOMICIDE

DATE OF OFFENSE: 3 25 93

EXAMINATION REQUESTED BY:

Detective Sgt. Monty Martin — NAME (Print or Type) / RANK

_____ — SIGNATURE

4-20-94 — DATE

Clallam Co. Sheriff's Office — AGENCY

_____ — ADDRESS

_____ — CITY ZIP

452-7836 — PHONE

ITEMS TO BE EXAMINED BY ORDER OF PRIORITY:	EXAMINATION DESIRED:
Stenson & Hoerner Clothing	Luminol check for blood
Carpet	
Bedsheet	
CRIME SCENE RESPONSE	
(NO EVIDENCE SUBMITTED)	

RECEIVED

SUBMITTED BY: _____ type or print _____ pers no. _____ signature _____ agency

Date/Time _____ Accepted by: _____ Mail # _____ UPS # _____

DISPOSITION

RECEIVED BY: _____ print _____ pers no. _____ signature _____ agency

Date/Time REPORT MAILED 4-27-94 Released by: Meredith Goddard Mail # _____ UPS # _____

PORTANT: Copy Distribution: White and pink copies must be submitted to laboratory.

3000-210-005 9/93 Frame

STATE OF WASHINGTON

WASHINGTON STATE PATROL

2700 N.E. 116th Street • Marysville, Washington 98271-9425 • (206) 658-1419

CRIME LABORATORY REPORT

AGENCY: Clallam Co. Sheriff's Office
OFFICER: M. Martin
VICTIM: Stenson, Denise
Hoerner, Frank
SUSPECT: Stenson, Darold

Ref: Laboratory Number 494-0494

Agency Number C009302587

Evidence Examined:

Item 16256: Black sweatshirt from Darold Stenson.

Item 16255: Pair of white athletic shoes from Darold Stenson.

Items 16252 and 16253: Pair of white athletic shoes from Frank Hoerner.

Item 20389: Grey jacket from Frank Hoerner.

Item 20467: Portion of downstairs bedroom carpet.

Items 20508, 20509 and 20510: Sheets from bed in downstairs bedroom.

Items 20504 and 20507: Pillows from downstairs bedroom.

Procedures and Results:

The pillows, items 20504 and 20507, were examined visually for possible bloodstains. Only one faint stain is present on the yellow pillow (20504), and it tested negatively with phenolphthalin, a presumptive chemical test for blood. Several stains are present on the white pillow (20507), and one of them tested positively with phenolphthalin.

The remaining above-listed items were reacted with luminol, a chemiluminescent reagent which reacts with bloodstains. For item 20389, only the cuffs of the sleeves were tested. When a positive reaction was obtained with luminol, the area was swabbed and tested with phenolphthalin. Luminol positive, phenolphthalin positive areas were found on the right sleeve of Stenson's sweatshirt (16256), on the rear and top front of Hoerner's right shoe (16253), in several areas on the carpet (20467), and on the flat sheet (20508).

Conclusions:

Blood is present on the right sleeve of Stenson's sweatshirt (16256), on the rear and top front of Hoerner's right shoe (16253), on several areas of the carpet (20467), on the flat sheet (20508), and on the white pillow (20507).

Michael J. Grubb April 26, 1994
Michael J. Grubb, Supervising Forensic Scientist

000123

494-0494 mb

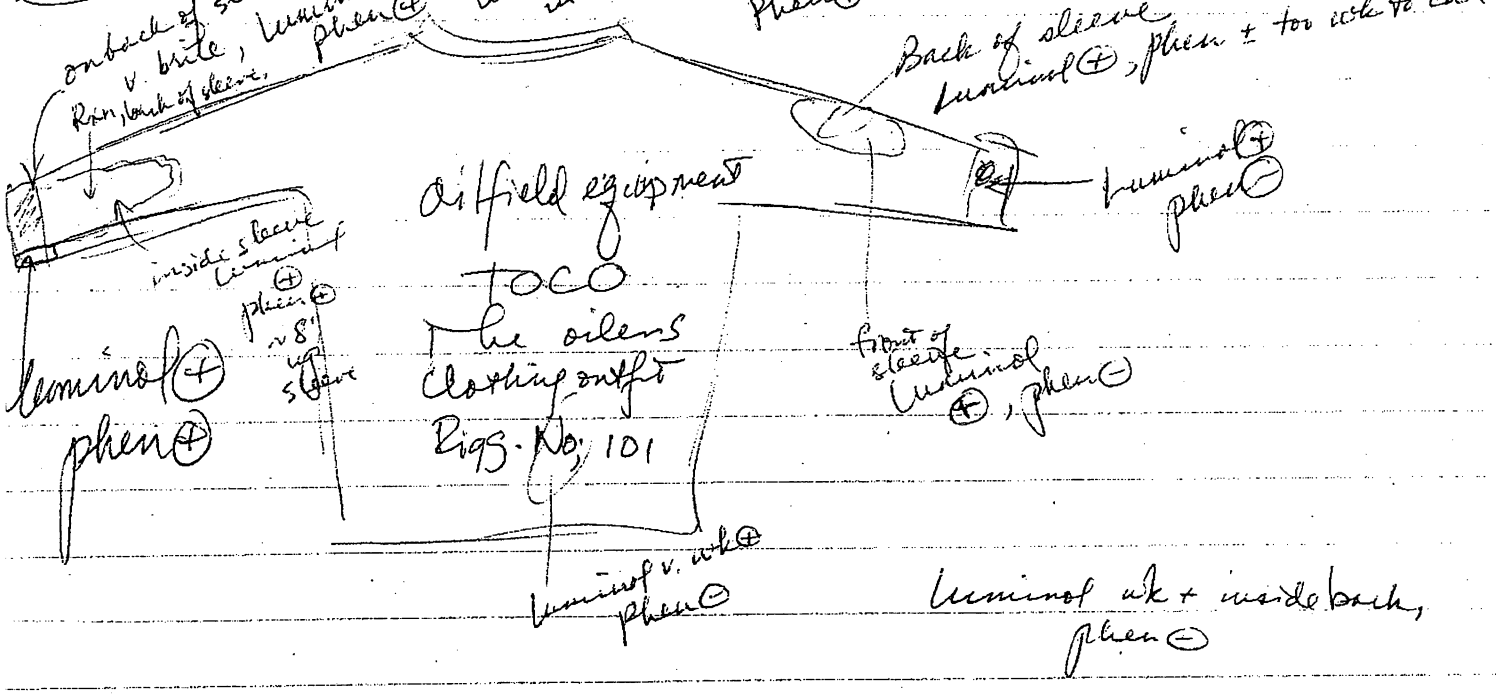
4.20.94 @ Det. Monty Martins ~~garage~~

Present
Det. Martin
Randy Pieper
Matt —
Sequim P.D.
Tom Perkins

Evid items remained in possession of Det. Martin — so No pkgng, sealing descriptions here

1/3

16256 Stenson's sweatshirt



Stenson's wht athletic shoes 16255
Shoes — luminol ⊕ in spots, but phen ⊖

Hoerner's wht athletic shoes size 8½ 16252, 16253
Blood on front (top @ laces, R. shoe
phen ⊕ luminol ⊕
& Rear of r. shoe phen ⊕, luminol ⊕

phen ⊖ control on shoe heel

~~Ab~~ luminol ⊖ L. shoe

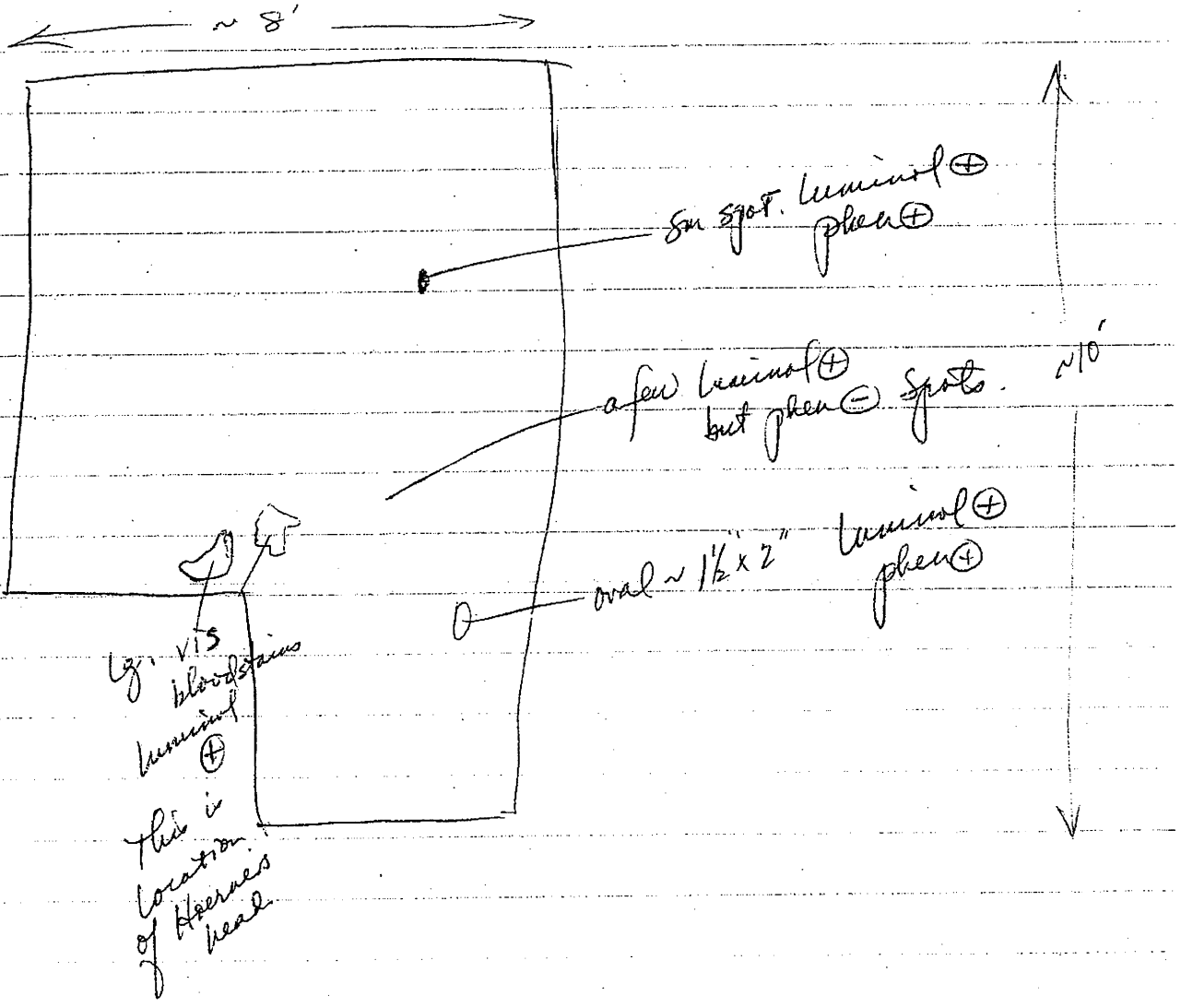
000124

494-0494

4-20-94

Hoerner's jkt (20389) sleeves — ends @ cuffs —
Luminol ⊕ but phen ⊖ @ cuffs, both sides exterior.

Bedrm carpet (20467)



2 fitted sheets off bed downstairs ⊖. both lum. (20509) (20510)

flat sheet (20508) " " " lum ⊕
vis blood, phen ⊕.
@ L. Head of bed area of sheet.
4-5 vis. stains

2 pillows looked @ - not Luminoled

(20507) wht pillow Spatter, hair frags seen — Phen ⊕, Control adj. ⊖.

(20504) Yllo. pillow vis. ⊖ No stains, except 1 lt. brn stain @ pillow end, phen ⊖.

These sheets prepared by Det. Martin

LUMINAL

O	1.	SUSPECT'S CLOTHING	POSITIVE RESULTS	
	O	LEFT SHOE	O	16255
	O	RIGHT SHOE	O	16255
	O	SWEAT SHIRT	O	16256
		O LEFT SLEEVE FRONT	O	
		O LEFT SLEEVE BACK	O	
		O LEFT CUFF	O	
		O RIGHT SLEEVE FRONT	O	
		O RIGHT SLEEVE BACK	O	
		O RIGHT CUFF	O	
		O FRONT	O	
		O BACK	O	
	O	PANTS	O	16254
		O LEFT LEG FRONT	O	
		O LEFT LEG BACK	O	
		O LEFT LEG CUFF	O	
		O RIGHT LEG FRONT	O	
		O RIGHT LEG BACK	O	
		O RIGHT LEG CUFF	O	
		O FRONT	O	
		O BACK	O	
	O	BELT	O	16254
O	2.	VICTIM'S CLOTHING	O	
	O	LEFT SHOE	O	16252
	O	RIGHT SHOE	O	16253
	O	JACKET	O	20389
		O LEFT SLEEVE FRONT	O	
		O LEFT SLEEVE BACK	O	
		O LEFT SLEEVE CUFF	O	
		O RIGHT SLEEVE FRONT	O	
		O RIGHT SLEEVE BACK	O	
		O RIGHT SLEEVE CUFF	O	
		O FRONT	O	
		O BACK	O	
	O	PANTS	O	20390
		O LEFT LEG FRONT	O	
		O LEFT LEG BACK	O	
		O LEFT LEG CUFF	O	
		O RIGHT LEG FRONT	O	
		O RIGHT LEG BACK	O	

O HOERNER'S CLOTHING CONTINUED

	O	RIGHT LEG CUFF	O	
	O	FRONT	O	
	O	BACK	O	
	O	T-SHIRT	O	20798
	O	FRONT	O	
	O	BACK	O	
O	3.	CARPET	O	20467
	O	ENTRY WAY	O	
	O	VICTIM'S HEAD AREA	O	
	O	LEFT OF VICTIM'S TORSO	O	
	O	RIGHT OF VICTIM'S TORSO	O	
	O	LEFT OF VICTIM'S KNEES TO BED	O	
	O	RIGHT OF VICTIM'S KNEES TO BED	O	
O	4.	BEDDING	O	
	O	YELLOW PILLOW BED	O	20504
	O	FLOWER PILLOW	O	20507
	O	TOP SHEET ON BED	O	20508
	O	TOP FITTED SHEET	O	20509
	O	BOTTOM FITTED SHEET	O	20510

LUMINAL PHOTOGRAPH

35 MM CAMERA

50 MM LENS

SETTING ON BULB

CABLE RELEASE

TRIPOD

ECTAR ASA 1000 FILM

PROCEDURE:

F-STOP	EXPOSURE /LESS THAN 4 FEET
1.8	15 SECONDS
2.5	30 SECONDS
3.5	1 MINUTE

IF YOU USE A HIGHER F-STOP INCREASE TIME

THE MORE DISTANCE FROM THE OBJECT MORE TIME ESPOSURE

A LARGE AREA YOU CAN EXPOSE UP TO 2 MINUTES

WHEN LUNINALED AREA STARTS TO LUMINESS BEGIN PHOTO

USE MULTIPLE CAMERAS 1@15 SEC, 2@30 SEC, 3@45 SEC, etc.

4940494.W51

494-0494

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changes made on dish

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Conclusions:

Blood is present on the right sleeve of Stenson's sweatshirt (16256), on the rear and top front of Hoerner's right shoe (16253), on several areas of the carpet (20467), and on the flat sheet (20508).

mls
4-26-94

okay [signature] 4/26/94

APPENDIX B

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLALLAM

STATE OF WASHINGTON,

Respondent,

vs.

DAROLD J. STENSON,

Petitioner.

NO. 93-1-00039-1

CERTIFICATION OF DEBORAH S. KELLY

(MTADPC)

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

CERTIFICATION

I, Deborah S. Kelly, am the elected Prosecuting Attorney for Clallam County.

Along with Pamela Loginsky who is acting as a Special Deputy Prosecuting Attorney for the State of Washington under my appointment, I have been handling matters pertaining to Darold Stenson's motions for DNA testing and Fifth and Sixth Personal Restraint Petitions for the past two and a half years.

On Thursday December 30, 2010, just prior to the commencement of the New Year holiday, Stenson's counsel filed a memorandum in the trial court concerning the remand from the Supreme Court requesting additional findings with respect to the 2010 reference hearing. In that memorandum and at the following Monday, January 3, 2011 argument before Judge Williams, they argued for the first time that bench notes from WSP Forensic Scientist Michael Grubb relating to his blood stain analysis were not provided to Stenson's trial counsel in 1994. The State made a timely objection to that argument and to the court's consideration of that argument in determining the materiality of bench notes and photographs related to gunshot residue evidence introduced at trial. Nonetheless, while acknowledging the justice of the State's objection, Judge Williams in his additional findings filed January 20, 2011 appeared concerned that his ruling might be different were he able to consider the State's alleged failure to provide Grubb's bench notes.

For that reason, I began researching the issue of whether those bench notes had ever been provided to Stenson's trial counsel. In 1999, the State came into possession of a number of defense materials from one of Stenson's attorneys, Ron Ness, who represented Stenson on his First Personal Restraint Petition. I began by looking at those materials. On February 16th of this year, as I reviewed them, I located a copy of Michael Grubb's June 22, 1994 report and the related bench notes on blood stain analysis. These

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

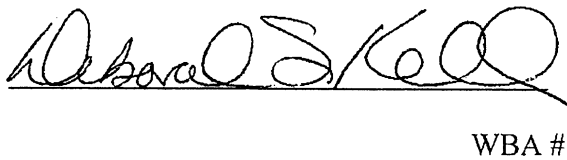
documents followed a fax cover sheet from the Clallam-Jefferson Public Defender's Office. The cover sheet stated that it was "Mike Grubb's report of 6/22/94" and that it was a thirty-five (35) page transmission. (The actual transmission including the fax cover sheet actually appears to be thirty-seven (37) pages.) Although no specific individual signed the cover sheet, it included a "letterhead" indicating that Dave Neupert, one of Stenson's two trial attorneys was a member of the Defender's Office at the time the fax was sent. It further indicated that it was sent to Fred Leatherman, Stenson's lead trial counsel. Although the cover sheet was undated, date stamps from the sending fax machine are evident at the bottom of some of the pages. These date stamps indicate that the report and notes were transmitted by the Clallam Jefferson Defender's Office on July 29, 1994.

Attached to this declaration is a true and correct copy of the above-referenced facsimile transmission and other documents that were originally submitted to my office by Ron Ness, that demonstrate Stenson's knowledge regarding Mike Grubb's involvement in Stenson's prosecution and his counsels' access to Mike Grubb.

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

SIGNED AND DATED this 2nd day of March, 2011, at Port Angeles, Washington.

DEBORAH S. KELLY, Prosecuting Attorney



WBA #8582

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

LAW OFFICE OF
RONALD D. NESS AND ASSOCIATES
(360) 895-2042
FAX (360) 895-3602

RONALD D. NESS
JOHN L. CROSS
JUDITH M. MANDEL
RAMONA C. BRANDES

420 CLINE AVENUE
PORT ORCHARD, WASHINGTON 98366

RECEIVED
SEP 22 1999
CLALLAM COUNTY
PROSECUTING ATTORNEY

September 22, 1999

Lauren Erickson
Clallam County Prosecuting Attorney's Office
223 East Fourth Street
Port Angeles, WA 98362

Re: In re Personal Restraint Petition of Darold J. Stenson
Supreme Court No. 66565-6

Dear Lauren Erickson:

Included in these documents are the following:
Documents from Mary Hudson-Goody

1. Tracy Reed File
2. Twila Wentz File
3. Wendy Cynkar File
4. Kathy Oberman File
5. Dan Caudill File
6. David Oberman File
7. Barbara Oberman File
8. Phil Oberman Jr. File
9. Janette Oberman File
10. Declaration of Janette Oberman File
11. Ostrich Article File
12. J. Owens File
13. Legal Research Materials File
14. Mykut Real Estate School File
15. Picture of Ranch
16. Letter to Darold Stenson from Mary Hudson
17. Chronology File
18. Jail File

Documents from Fred Leatherman

1. From Witness Interviews (Addleman) Binder.
    a. Michael Bednarz Police Report
    b. Mike Grubb Information and Reports
    c. Dan Caudill Interviews

e. Sharon Caudill Interviews

2. From Witness Interviews (Holt) Binder
   a. Rae Wager Interviews
   b. Twila Wentz letter to Leatherman
3. Leatherman Memos to File

Also attached is a catalogue of everything we have received on this matter. As you can see we are not turning over any of Jeff Walker's reports, any of the police reports, or any documents that do not relate to the issues raised in our Petition. It is our understanding that you have already received copies of Jeff Walker's files.

If you should have any question or comments please do not hesitate to contact the office.

Sincerely,

NESS & ASSOCIATES

Ronald D. Ness
Attorney at Law

RDN:kp

ENC.

Stenson
Mary Goody – Index of Box One

1. Darold Ray Stenson – Arapaho Community College
2. Stenson – Affidavit of Mary Hudson
3. Stenson – Edson Alison Report
4. Darold Ray Stenson – Bellevue Community College
5. Bruneau – Handwriting analysis
6. Darold Ray Stenson – Bozotronics
7. W. Cynkar – Interview and letters from Wendy
8. Stenson – Fed X Slips
9. Jail – Clallam County Corrections Facility file on Stenson
10. Shauna Cagle – Affidavit
11. Stenson – Dan Caudill, Interview
12. Stenson – General Correspondence
13. Stenson – Chronology
14. Stenson – Clallam County Background Check
15. Stenson – Jack C. Champion
16. Dixon –
17. Department of Justice
18. DJ (Meeting with DJ)
19. S Devine (Meeting with Steven Devine)
20. Stenson D.N.A.
21. Stenson Deputy Larry Dunn – Supplemental Report
22. Stenson Larry Dunn – Investigative Report
23. Stenson DEA
24. DOJ – Department of Justice, FOI Freedom of Information Request
25. Stenson – Eye Associates
26. Finances
27. Federal Court – Cocaine Delivery
28. Stenson – Far Eastern University
29. Stenson – FBI Criminal List
30. Stenson – USDC – Federal Record Center
31. Stenson – Deputy Chuck Fuchser – Investigation Report
32. Stenson – Dale and Karen Flaagan
33. Stenson – Cheryl Forde
34. Darold Ray Stenson – Grand Forks County Court
35. Death Certificate – Halvorsen
36. Stenson Meeting – October 5, 1983 (Transcription)
    Not in a File
37. Defendant's Sentencing Memorandum
    Not in a File
38. Letter to Richard A. Hansen from Gene Anderson
    Not in a File
39. 3 Pages of Handwritten Notes
    Not in a File

40. Plea Agreement
Not in a File
41. USA vs. One (1) 1977 GMC High Sierra – Consent Judgment of Forfeiture
Not in a File
42. Letter to Francis J. Diskin from Richard Hansen
Not in a File
43. Stenson Meeting – October 5, 1983 (Transcription) 2nd Copy
Not in a File
44. Stenson, Darold – Homicide – File No. 93-09
45. Stenson Seizure
46. Stenson, Darold – Federal Drugs Inv. – File No. 83-081
47. Stack of Billing clipped together
Not in a File
48. Letter to DJ with attached Satisfaction of Judgment
Not in a File
49. ABC Messenger Service Slips
Not in a File
50. Speed Letter Receipt
Not in a File
51. Summons and Complaint, Money Due and Owing (Dated 12/31/85)
Not in a File
52. Letter to David Leshner – From Richard Hansen (Dated 2/11/86)
Not in a File
53. Letter with Attached Satisfaction of Judgment (Dated 3/25/86)
Not in a File
54. Search Warrant re: Stenson (Dated 11/20/83)
Not in a File
55. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
56. Search Warrant re: Stenson (Dated 11/20/83)
Not in a File
57. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
58. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
59. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
60. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
61. Port Washington Property Incorporated (Accounting Information)
Not in a File
62. Search Warrant re: Stenson (Dated 11/20/83)
Not in a File
63. Port Washington Property Incorporated (Accounting Information)
Not in a File

64. Search Warrant re: Stenson (Dated 11/18/83)
Not in a File
65. Stenson – Curt Herman
66. Stenson – Frank Hoerner Driving Record
67. Stenson – Mary Hudson W-9 Form
68. Stenson – Don and Diane Hoveskelund
69. Stenson – Taped Interview
70. Stenson – IRS Tax Forms
71. Stenson – Information and Plea Agreement
72. Record of Telephone Conversation in Stenson Case
Not in a File
73. Letter to Shauna Cagle (Dated 8/3/94)
Not in a File
74. Memo to Fred Leatherman (Dated 5/30/94)
Not in a File
75. Chronology of Darold Stenson
Not in a File
76. Page 2 of Percy Stenson Declaration
Not in a File
77. Pioneer Human Services Termination Report on Stenson (7/11/85)
Not in a File
78. Bozotronics Letter
Not in a File
79. Arapahoe Community College Academic Record
Not in a File
80. Bellevue Community College Academic Record
Not in a File
81. Miscellaneous Information re: Stenson's previous convictions
Not in a File
82. Cumulative Personal Data Record of Darold Stenson
Not in a File
83. Cumulative Personal Data Record of Darold Stenson 2nd Copy
Not in a File
84. Stenson Birth Record
Not in a File
85. Stenson Birth Record
Not in a File
86. Stenson Birth Record
Not in a File
87. Stenson Birth Record
Not in a File
88. Table of Contents Penalty Phase Documents
Not in a File
89. Black and White pictures of Kids
Not in a File

90. Walker Investigation fax re: Nadine Prince
Not in a File
91. A Compendium of Test and Assessment Techniques
Not in a File
92. Curriculum Vitae of Muriel Lezak
Not in a File
93. Wechsler Adult Intelligence Scale re: Stenson
Not in a File
94. Letter from Eastside Mental Health re: Stenson Children's Mental Health
Not in a File
95. Penalty Phase Witness List
Not in a File
96. The Sequim Gazette dated 8/17/94
Not in a File

Stenson
Mary Goody – Index of Box Two

1. Letter to Fred Leatherman from Nadine Prince regarding the children and their mental state.
2. Peninsula Daily News – Dated August 19, 1994
3. Declarations of Jeffrey Wentz, Paula Meyer, Shauna Cagle
4. Records of Telephone Conversations
5. Handwritten Notes
6. Pictures of Ranch
7. Stenson Penalty Phase Outline
8. Penalty Phase Witness List
9. List of Phone Numbers
10. Penalty Phase Witness List
11. List of questions dated July 12, 1994
12. Declarations of Percy Stenson and Jeffrey Wentz
13. Bozotronics Letter – Original
14. Arapahoe Community College – Academic Record
15. Bellevue Community College – Academic Record (Original)

The following are in Files

16. USDC Probation
17. Darold Ray Stenson – Community Hospital
18. Darold Ray Stenson – School Records
19. Stenson – Englewood Colorado
20. Stenson – Photos
21. Stenson Authorization for Release of Confidential Information
22. Jury Selection
23. Stenson – Holding Janet
24. Stenson – Jorita Jensen Report
25. Stenson – King County Superior Court
26. King County Convictions
27. Stenson – K.G. Search Report
28. Stenson – Deputy Kirst Report
29. Student Loan
30. M. Lezack
31. Stenson – Fred Leatherman
32. Stenson – Legal Research Materials
33. Letter and Affidavit of Paula Meyer
34. Darold Ray Stenson – Mykut Real Estate School
35. Stenson – Map
36. Darold Ray Stenson – Mercy Hospital
37. Stenson – Sergeant Martin Report
38. Stenson
39. Darold Ray Stenson – Notes
40. Northwest Hospital
41. Janelle Owens

42. Ostrich Articles
43. Stenson – David Oberman
44. Stenson – Barbara Oberman
45. Stenson – Phil Oberman, Jr.
46. Stenson – Kathy Oberman
47. Stenson – Janette Oberman
48. Declaration – Janette Oberman
49. Darold Ray Stenson – Order of Appointment
50. Stenson – Lawrence Parker Report
51. Stenson – Edward Poehls
52. Stenson – Detective Pieper Report
53. Stenson – Publicity
54. Stenson – Ken Quam
55. Stenson – Correspondence file (Yellow File)
56. Research
57. Stenson – Jeff Walker Memos
58. Darold Ray Stenson – Real Estate Licensing Department
59. Stenson – Releases
60. Stenson – Prepared Releases
61. Stenson – Tracy Reed
62. Stenson – Beatrice Ryan
63. Percy Stenson
64. Sidelinger
65. Superior Court
66. Stenson – Debbie Samuelson
67. Darold Ray Stenson – Social Security Wage Earner Statement
68. Swedish Hospital
69. Stenson – Seargent Snover Report
70. Statements
71. Stenson – Rita Shaw Statement
72. Stenson – Status Reports
73. Darold Stenson – Interview
74. Stenson – Denise Stenson Driving Record
75. Stenson – Telephonic Search Warrant and Affidavit
76. Stenson – 911 Tape Transcript
77. Stenson – Cheryl Thompson
78. Stenson – "To Do" list
79. Stenson – Kearne and Lollie Twete
80. Darold Ray Stenson – University of North Dakota Records
81. Darold Ray Stenson – University of Washington Records
82. Van Meter
83. Stenson Vern Vorenkamp
84. States Witness List
85. Walker
86. Stenson – Witness Summaries
87. Wentz

88. Dr. Werner
89. Stenson Witnesses
90. Darold Ray Stenson Writings
91.
92.
93.

Stenson: Catalogue of Contents of Materials Received. Box 1.

a. Videotape marked copy Stenson residence 9302587, 12/15/93
b. Videotape titled Current Affair.
c. Motion and declaration of counsel , ex parte, for change of investigator, marked Neupert's copy. Noted for 12/3/93 at 1:00. Requests change from Skelton to Walker based upon counsels prior experience with Walker Says investigation has suffered from lack of direction from his predecessor attorney Al Lyons, Explains other reasons why he wants Walker, proximity. Walker won't reinvent the wheel. Money limit at 10,000. Also attached is Motion and declaration for appointment of neuropsychologist. Based upon Mary Hudson's investigation of Stenson's injury to his trachea while playing high school football on Oct 14, 1970. Details evaluation at Swedish for a variety of symptoms. That defendant was excellent student and then became drifter ending up in trouble with law. Requests Dr. Lezak of Oregon Health Sciences for cost of $3,600 exclusive of report or possible testimony.
d. Three volumes of the trial transcript sent to Jim Lobsenz. Dec 27, 93;Mar 14, 94; March 16,94.
e. Request for Laboratory Examination. Report of Michael Grubb. Handwritten notes of ? Notes of Jeff Walker. ********
f. Proposed ? order for jury view of premises. Blank. Marked Public defender copy.
g. Privileged and confidential attorney work product document Memo of July 23, 1994 entitled notes from conversation with Joseph Errera, special agent FBI, laboratory examiner. ****** Appears to be doc done in prep of trial Reviews his and other lab procedures re gun shot residue and fiber collection. Limits of his testing and results.
h. Copy from clerk to Supreme Court of Death Penalty Warrant of commitment,
i. Request for transcript to court reporter from county clerk
j. Copy of article from Sequim gazette entitled Ostriches
k. Portion of a copy of a handwritten letter signed by Wendy Cynkar on notebook paper. Detailing positive nature of relationship between Stenson and wife Denise
l. Letter from Leatherman to Neupert regarding choice of lawyer for appeal, Leatherman's final bill, and need to file notice of appeal. Plus asks him to present bills for Lezak and Esqueda.
m. Fax of penalty phase witness list from Mary Hudson, revised as of 7/31/94.
n. Fax memo from Mary Hudson re Stenson anger about talking to his family for penalty phase. Dated Aug 3, 94.
o. Handwritten trial notes dated 6-2-94.
p. Letter to Fred with bill from Bakken for work as expert on DNA.
q. Long handwritten letter May 25, 94 to Fred from Wendy Cynkar Very loving and supportive letter about DJ and the good things he did for her, her children, his intelligence, his heart etc. About Denise Hoerner and her relationship with Frank, prenuptual agreement, children in house, DJ and his ability to get money. Janette andDenise Hoerner. Hoerner's behavior on Current Affair and her trip to Hawaii with her boyfriend. DJ and Wendy at Harborview with Denise after shooting and his demeanor, shock, grief when told wife deteriorating. D.J. claimed that money taken from house after he went to house to get clothing the day before the funeral with Debby, After their separation, DJ never talked about getting another boat. Denise told

Wendy she was happy. Wendy admired the relationship between D.J. andDenise. Denise shared their dreams . no tension between them. Both involved with kids.

r. Envelope(manila) with reports from Walker Investigations with cover letter 8/13 showing them to be hand delivered. Memo re Nadine Prince is attached to second page that doesn't'fit.
s. Neuropsychology materials stated to be from Muriel Lezak via MH
t. Penalty phase docs in blue cover with cover note to fred. Including color prints of family pics Stenson with children, farm.
u. Fax from MH re penalty phase witnesses with telephone numbers
v. FAX doc chrono of Stenson's life. Marriage to Denise Oberman after birth of two children. Last born Conner born 1991.
w. Documents including trial setting notice for trial Nov 22, 1993 to Al Lyon and Neupert, notice of deposition of Denise Hoerner by Bradley Behrman attorney re estate Notice of associationof Al Lyon in estate action representing Stenson with Behrman , Order authorizing additional funds for investigation for Jeff Skelton by Al Lyon, Order compelling prosecutor to provide discovery, Motion for more money for Skelton, second 10,000. (all without filing stamps or signatures)
x. Handwritten notes on mitigation cases and on search and seizure law.
y. Confidential work product document interview of Twila Wentz (sister) dated May 18, 1993. Wentz is 4 years younger than DJ who is oldest, one sister between them. Supporter of brother, positive reports of marriage and responses in aftermath described as shock, family man devoted to wife and children.
z. Original of MH chronology of DJ life.
aa. Copy of witness list penalty phase (fax) briefly describing testimony type
bb. Another copy of witness list penalty phase from MH
cc. Fax copy of interview of Shauna Cagle from MH. Very supportive of client. Memo at bottom from MH to Fred indicates fear of opening up character by her testimony
dd. Hardcopy personal interview with Wendy Cynkar. Relates ordinary childhood, high achievements of DJ, love of DJ for his kids. Opened accounts for kids. Sponsoring some foster kids, bought a movie camera for her to take pics of baby. Lots of good things done by DJ for them. Found house for them in Renton gave back commission. DJ at second grade class talking about scuba, sailing Sponsored baseball team kids. DJ's investment in the Ostrich farm. Hard work, sacrifice junker cars. Positive relationship with wife after initial separation, and positive after move to Sequim. No secret that he didn't own land. Both of their dreams were involved in the ostrich farm. Great with his kids. Devoted. Bad relationship between DH and Denise because Dh would talk bad about Denise to Twila although said was best friend.
ee. Interview by MH with Debbie Samuelson brother in law of defendant very supportive. Return to page 4 for events of night of March 23 per Samuelson and DH and baby and strange feeling of being watched at house.
ff. Petition to set aside conviction to UsDC re old conviction for cocaine possession in penalty phase.
gg. Raw data psychological testing of Stenson
hh. Memo to Fred and case attached Oregon v. Stevens from MH
ii. Interview by MH, Grand Forks, ND Mrs. Percy Stenson

jj. Interview of Denise Hoerner, interviewer not identified, dated August 1, 94 Says Leatherman told her she did a good job testifying.
kk. Penalty phase exhibit list
ll. C.v. for Muriel Lezak
mm. Law review article on DNA after Cauthro
nn. Affidavit of MH, re mitigation prior to death decision
oo. Fax from MH to Fred re FOIA requests on DJ from Hoop
pp. Fax from MH, itinerary for trip to Grand Forks, phone interview memo of Twila Wentz and buying of shoe store mentions Jack Champion
qq. *******information provided by Jack Champion****** and info on the sinking of the yacht, Bil Perry and the proceeds and the marina q that DJ talked about
rr. Collected background material on DJ from MH dated Nove 23, 1993 with tabbed attachments. Makes reference to document R as something given to Neupert from Stenson after arrest but not with docs in this group (need to locate)
ss. Fax copy of Mike Grubb's report of 6/22 from Clallam prosecutor to Leatherman containing 35 pages. Including diagrams and notes and experiments with blood done re jeans
tt. Document seeking view showing aliases of defendant as James Allen Anderson and Larry Joe Przybeycien What is this about
uu. Fax docs from Jeff Walker dated July 94 of interviews interesting interview with FBI Peele about whether anyone had gone through pockets of jeans prior to residue test.Also with grubb and maitains that it was hoerner's blood on dj's knee and possibilities of transfer.Grubb describing findings of Englert re pants as transfer smear. Interview with Perry Perry's comments on Jack Champion and the issue of Eldridge quit claiming the deed after receiving the insurance
vv. 125 pages of notes typed re jury selection
ww. manila envelope with printouts of case law
xx. article from Mike Iaria on violent childhoods and violent adults
yy. yellow pads with notes from trial , phone messages to FL tucked in and one jury instruction
zz. one issue of The ostrich News; one issue of Ratite Market \place
aaa. Newspaper article about ostrich farms and neighbors
bbb. Two floppy discs

Darold R. J. Stenson
Catalogue of Contents of Materials Received
Box 2

A. Papers in Clip.
   1. Pictures of Stenson's past.
   2. Legal documents regarding Stenson's forgery case.
   3. Articles of Incorporation for United Family Products, Incorporated, formed by Stenson. Filed on August 9, 1990.
   4. License for Sequim Shoes and Boots. Dated December 31, 1991.
   5. Licenses and Registration documents for Sequim Shoes and Boots.
   6. Bill of Sale
   7. Security Agreement
   8. Promissory Note
   9. Lease and letters from Attorney regarding Sequim Shoes and Boots.
   10. Basketball tournament information and awards given to Stenson.
   11. Affidavit of Debbie Samuelson.
   12. Request from Mary Hudson to the U.S. Department of Justice requesting documents.
   13. Family tree diagram.
   14. School information.
   15. Legal documents that look like rules for selecting a jury.
   16. Riverfront Times article titled Jury-Rigged. Dated October 17, 1990.

B. Papers in rubberband.
   1. Report of the crime scene. This group of papers also appears to be Martin's report pages 2137 through 2164.
   2. Crime lab report regarding some evidence and filed copy. Page 2276 and 2245.
   3. Another copy of crime scene. Pages 762 – 754.
   4. Interview of Mike Grubb dated July 10, 1994.
   5. Telephone Interview with Mike Grubb dated July 23, 1994. Attached information on Grubb.
   6. Homicide supplemental investigation by Martin regarding pictures he took of evidence Grubb had.
   7. Ex-Parte Motion and Declaration for Order Appointing Expert Witness.
   8. Affidavit of Mary Hudson.
   9. Fax to Leatherman from Neupert regarding 5 pages of discovery, which is also attached.
   10. Tape-recorded interview with Linda Stalker by Detective Dalton taken on July 1, 1994.
   11. Taped interview with Darold Stenson.
   12. Leatherman statement to Stenson regarding professional fees.
   13. Fax to Leatherman from Mary Hudson regarding notes.
   14. Leatherman's billing worksheet re: Stenson.
   15. Fax to Leatherman from Hudson regarding affidavits from Stenson's family.
   16. Handwritten notes on Denise Hoerner's interview dated June 24, 1994.

17. Handwritten notes regarding blood spatter expert.
18. Letter to Leatherman from Certified Clinical Audiologist.
19. Note to Leatherman regarding Notice of Appeal.
20. Fax to Neubert regarding Henry Dixon's curriculum vitae.
21. Handwritten notes regarding Defendant testimony.
22. Handwritten notes regarding Jury questions.
23. Blood types and information on blood evidence. (Public Defender)
24. Letitia Kase – Notes on juror excused for cause.
25. Draft of Defendant's Memorandum in Support of Second Motion to Dismiss Special Sentencing Proceeding.
26. Letter to the Honorable William S. Sessions regarding the forensic use of DNA typing from House of Representatives.
27. Exhibit List/Trial.
28. Ex-Parte Motion and Declaration for Order Appointing Expert Witness.

C. Testimony of Michael James Grubb.
D. Cross of Michael James Grubb.
E. Yellow legal pad of handwritten notes.
F. First blue folder contents.
   1. Memorandum/Report regarding meeting with Monty Martin and week of July 6-8, 1994.
   2. Interview with Bill Perry dated July 1, 1994.
   3. Fax from Walker Investigations Company including a list of Witnesses for Trial.
   4. Letter to Leatherman from Certified Clinical Audiologist regarding the audiologic evaluation of Stenson.
   5. Notes on Tracy Reed's observations dated March 1, 1994.
G. Second blue folder contents.
   1. Tabbed by green paper as Walker Investigations Company Memorandum/Reports
   2. Memorandum to File -- Notes from telephone conversation with Leatherman dated November 30, 1993.
   3. Memorandum to File No. 2 – December 14, 1993 re Denise Hoerner.
   4. Memorandum No. 3 – List of Witnesses.
   5. Memorandum No. 4 – Notes from conversation with Fred Leatherman dated January 3, 1994.
   6. Memorandum No. 5 – Notes from telephone conference with Fred Leatherman dated February 9, 1994.
   7. Memorandum No. 6 – Notes from conversation with Fred Leatherman dated February 22, 1994.
   8. Memorandum/Report – Search for records on Stenson dated February 7, 1994.
   9. Memorandum/Report – Surveillance in Sequim dated February 7, 1994.
   10. Memorandum/Report – Interview of janette Sarah Oberman date December 14, 1993.
   11. Memorandum/Report – Conversation with Jess Kritsis dated January 10, 1994.

12. Memorandum/Report – Interview of Debbie Samuelson dated January 10, 1994.
13. Memorandum/Report – Interview of Richard Lee Holt dated January 12, 1994.
14. Memorandum/Report – Interview of Kathy Oberman dated January 12, 1994.
15. Memorandum/Report – Interview of Philip Oberman, Jr. dated January 18, 1994.
16. Memorandum/Report – Interview of Phil and Barbara Oberman dated January 18, 1994.
17. Memorandum/Report – Interview of Mike Brown dated January 24, 1994.
18. Interview of Darold J. Stenson dated February 7, 1994.
19. Interview of Jack T. Champion dated February 20, 1994.
20. Interview of Carol Johnson dated February 20, 1994.
21. Interview of Sharon and Dan Caudill dated February 28, 1994.
22. Interview of Marsha English dated February 28, 1994.
23. Interview of Janelle Owens dated March 1, 1994.
24. Interview of Mark Cleven dated March 16, 1994.
25. Interview of Cheryl Tyler dated March 21, 1994.
26. Interview of Alvin Sears dated March 21, 1994.
27. Interview of Wendy Cynkar dated March 29, 1994.
28. Interview of Twila Wentz dated April 17, 1994.
29. Interview of Special Agent Ernest R. Peele dated July 20, 1994.
30. Photocopy of a gun being fired.
31. Letter to Leatherman from Walker regarding enclosures of discovery.
32. Interview of Vern Vorncamp dated February 14, 1994.
33. Interview of Gary Sipple dated March 29, 1994.
34. Fax to Fred and Dave enclosing Denise Hoerner's interview.
35. Copy of a handwritten letter from a witness dated April 3, 1993.
36. Prenuptial Agreement of Hoerner's.
37. Supplemental investigation report by Martin re interview with Frost.
38. Fax to Fred and Dave enclosing Eldredge Interview.
39. Interview of Lincoln Lane Addleman dated July 30, 1994.
40. Notes regarding interview of Rod Englert dated June 8, 1994.
41. Notes regarding interview of Rod Englert dated June 13, 1994.
42. Information from Bill Perry regarding canceled checks paid out from the Perry Family Trust.
43. Interview of Bill Perry dated February 20, 1994.
44. Interview with Bill Perry dated July 1, 1994.
45. Interview with Bill Perry dated July 1, 1994.

H. Third blue folder contents.

1. Tabbed with green sheet of paper reading Walker Investigations Company.
2. Interview with Stenson dated April 17, 1994.
3. Notes from meeting with Stenson at Port Angeles dated May 2 1994.
4. Interview of Rae Wagner dated May 23, 1994.

5. Information dated May 24 and May 25, 1994.
6. Interview of Phil Krueger (wife Bobby) dated May 30, 1994.
7. Notes of Interview of Rod Englert dated June 13, 1994.
8. Notes from interview of Dr. Brady.
9. Tabbed with green sheet of paper reading Received from Terry Durst.
10. General Ledger Current Ledger & D Trust.
11. Tabbed with green sheet of paper reading Evidence Items: Obtained from Monty Martin
12. Copy of Rodney Lee Foley's Driver's License.
13. Accounting papers for Dakota Farms.
14. Letter to Stenson from Midwest Insurance Service regarding Liability Insurance of the Birds.
15. Maps of Texas.
16. List of things to bring to Texas.
17. Maps of Texas.
18. Licensed game farm receipts.
19. Copy of handwritten notes regarding Ostrich Wants.

I. Fourth blue folder contents:
1. A packet of information compiled by Stenson regarding the Ostriches at Dakota Farms in March of 1993 in addition to accounting information.
2. A packet of information regarding Stenson's explanation of the finances at Dakota Farms.

J. Fifth blue folder contents.
1. Tabbed with green sheet of paper reading Materials received from Jack Champion.
2. A history of Terry Durst or D&D or PWP by Jack Champion May 18, 1994. Stenson is Vice President.
3. Transcript of deposition of Christopher Eldredge.
4. Packet
   a. Letter to Mike Mastro from Stenson dated April 20, 1988 regarding Port Washington Marina.
   b. Mastro vs. Port Washington Properties, Inc – Notice of Appearance.
   c. Mastro vs. Port Washington Properties, Inc – Stipulation.
   d. Mastro vs. Port Washington Properties, Inc – Judgment on Stipulation.
   e. Easement – Statutory Warranty Deed – Eldredge
   f. Seller Settlement Statement between Eldredge and Nichols regarding property 187-B Secor Road.
   g. Deed of Trust
   h. Summary of Sellers Transactions.
   i. Search Warrant in re United States v. Stenson dated November 18, 1983
   j. Newspaper article regarding Stenson and cocaine.
   k. Letter to Champion regarding Oberman dated October 27, 1989.

l. CBI Credit Report of Stenson – 1989
m. Declaration Outline regarding Port Washington Properties.
n. Information on Dragon Weyr.
o. Letter to Dave Hancock from Lawless regarding Champion vs. Mastro
p. Dragon Weyr and the Perry Family Trust
q. Dragon Weyr settlement.
r. Information supplied by Jack Champion re sinking of Dragon Weyr.
s. Stipulated Judgment in re Eldredge vs. Washington State Lottery.
t. Motion and Affidavit for Determination of Probable Cause regarding current Stenson case.
u. Promissory Notes from April 1992 through April 2008
v. Fee agreement.
w. Letter to Martin from Petrie regarding Eldredge case.
x. Eldredge/Dakota Farms settlement.

K. Sixth blue folder contents – long.
1. Typed information on statement to Juror's during voir dire.
2. Two legal pads with handwritten notes.

L. Accordion File contents.
1. Letter to Ron Ness from James Lobsenz enclosing materials regarding Stenson materials.
2. Fax copy of En Banc filed July 24, 1997 sent to Jim Lobsenz from Lisa Bausch, Capital Case Manager.

M. Miscellaneous Papers.
1. Handwritten notes.
2. Judgment and Sentence, (Death Penalty Verdict), Warrant of Commitment.
3. Memorandum re Lesser Included Offense Instruction filed August 9, 1994.
4. Jury instructions that were revised by Judge Patrice.
5. Memorandum in Support of Motion to Set Aside Guilty Plea.
6. Defendant's Memorandum in Support of Lingering Doubt Instruction.
7. Statement of Defendant on a Plea of Guilty.
8. Order Deferring Imposition Sentence.
9. Defendant's Petition for leave to Withdraw Plea of Guilty and Enter Plea of Not Guilty and Order for Dismissal of Cause.
10. Plaintiff's Motion in Limine for Penalty Phase.
11. Plaintiff's Memorandum of Authorities Regarding Plaintiff's Motions in Limine.
12. Plaintiff's Supplementary Memorandum of Authorities regarding Use of Prior Convictions at Penalty Phase.
13. Court's Instructions to the Jury.
14. 3 different Exhibit Lists/Trial with handwritten notes.
15. Handwritten Exhibit List/Trial.

16. Affidavit of Laura Van Meter.
17. Memorandum to Fred from Mary Lou dated July 7, 1994. Regarding Motion to Set Aside Guilty Plea.
18. Court's Instructions to the Jury. Counsel Copy
19. Gunshot Primer Residue Examination Policy.
20. Typed notes regarding the case, pages 15 – 18.
21. Fax to Leatherman from Judy Hamilton regarding Gearon case.
22. Bloodstain Interpretation Questions for cross-examination.

N. Donald Stenson's personal files.

1. Loose papers:
    a. Letter to Stenson enclosing check for remaining amount of Dragon Weyr Trust Insurance.
    b. Copy of canceled check to Jess Kritsis from the Perry Family Trust.
    c. Copy of canceled check to Dragon Weyr Trust for 200,000.00.
    d. Letter from Internal Revenue Service extending the filing of 1041 to July 15, 1990.
    e. Mortgaged interest statement for 1987.
    f. Dragon Weyr Trust annual collection statement.
    g. 1987 Statement of Mortgage Account and copy.
    h. 1987 Annual Statement – Mortgage Loan Account Loan 02-46-47739.
    i. Combined Tax Statement for Calendar Year 1987.
    j. Annual Loan Statement – Equitable Mortgage.
    k. Amended Annual Summary 1986.
    l. Statement for Recipients of Interest Income – Dragon Weyr Trust.
    m. Washington Mutual Statements for the year 1987. Dragon Weyr Statement.
2. Files:
    a. Stenson Marketing Concepts 008 796 492 – 1987
    b. DJ Stenson 008763922 – 1987
    c. Dragon Weyr Trust 001 856982-4 – 1987
    d. Dragon Weyr Trust 301 345 4 – 1987
    e. Stenson Marketing Concepts 303 689 4 – 1987
    f. 1989 Cash Receipts
    g. 1987 Documents
    h. 1987 Receipts paid by check
    i. 1987 Receipts paid by cash
    j. White Dragon 008827792 – 1987
    k. Dragon Weyr Trust 001 301 3454 – 1988
    l. Dragon Weyr Trust 001 303720 6 – 1988
    m. Dragon Weyr Trust 001 856982 4 – 1988
    n. Dragon Weyr Trust 001 856982 4 – 1989
    o. 1989 Miscellaneous Documents

p. Personal Expense Receipts 1989
q. Receipts paid by cash – 1988
r. Stenson Marketing Concepts – 1988
s. Receipts paid by check – 1988
t. Miscellaneous Documents – 1988

Darold R. J. Stenson
Catalogue of Contents of Materials Received
Box 3

A. One white one inch binder. Contents include a Curriculum Vitae of Dr. Muriel D. Lezak. His notes on Stenson and the psychological tests given to Stenson. These papers were loose in the binder. In addition, the binder included the following penalty phase documents on Darold Ray Stenson.

1. Medical records – Birth – Mercy Hospital, Devils Lake, North Dakota.
2. Medical Records – Community Hospital, McVille, North Dakota
3. Educational Records – Tolna, North Dakota.
4. Employment Records – Bozotronics
5. Transcript – Arapahoe Community College
6. Transcript – Bellevue Community College
7. Termination Report – Bishop Lewis House
8. Incarceration Records – Clallam County Sheriff's Department
9. Probation Records – United States District Court
10. Licensing – State of Washington, Real Estate Licensing
11. Photographs
12. Affidavits

B. Reporter's Transcript on Appeal
Supreme Court No 61965-4
March 15, 1994 (Day 2 of 3)
State of Washington vs. Stenson

C. Blue File Folder titled Hoerner v. Stenson, Civil Case. Cause No. 93-2-00341-5

1. Defendant's First Interrogatories and First Request for Production of Documents to Defendant. (3 sets)
2. Copies and Originals of Darold R.J. Stenson's Disclaimer of Interest in Insurance Proceeds from the Mutual Life Insurance Company of New York.
3. Letter to Ms. Lingvall from Timothy Robbins
4. Letter to Judge Wood from Timothy Robbins
5. Order Authorizing Issuance of Writ of Attachment.
6. Prejudgment Writ of Attachment.
7. Letter to Clallum County Superior Court from American First National Bank with accompanying papers and copy of receipt.
8. Request for Production of Documents and Things and Entry upon Land for Inspection and Other Purposes.
9. Letter to Frederick Leatherman from Bradley Behrman.
10. Fax cover sheets.
11. Notice of Deposition of Denise Ranae Hoerner.
12. Copies of Maps.

D. Stenson file # 3. Contents included.

1. Miscellaneous letters, fax cover sheets and memorandums re: State of Washington vs. Stenson.
2. Amended List of State's Witnesses.
3. Letter to David Bruneau regarding the summary of testimony of defense witnesses and copies of the summaries.
4. Subpoena to Dedra Stenson.
5. Defendant's Declaration in Support of Petition to Set Aside Conviction Pursuant to 28 USC 2255. (additional copies in the file)
6. Certification of Service.
7. Counsel's Declaration in Support of Petition to Set Aside Conviction Pursuant to 28 USC 2255. (additional copies in the file)
8. Certification of Service.
9. Motion Under 28 USC 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (Copies throughout the file)
10. Explanation and Instructions for above motion.
11. Order for Appointment of Defense Expert (Copy)
12. EX PARTE Motion for Order Appointing Expert Witness (Copy)
13. Defendant's Memorandum in Support of Ex Parte Motion for Appointment Expert Witness.
14. Curriculum Vitae for Stuart H. James (Copy and Original)
15. Motion and Affidavit to Release CrR 3.5/3.6 Exhibits for use at Trial.
16. Order to Release CrR 3.5/3.6 Exhibits for use at Trial.
17. Plaintiff's Memorandum in Opposition to Defendant's Motion to Exclude Prior Convictions During the Penalty Phase and attached exhibits.
18. Plaintiff's Memorandum in Opposition to Defendant's Motion to Exclude Opinion of Guilt Testimony from Trial.
19. Motion and Declaration of Counsel for Order Delaying Commencement of Penalty Phase.
20. Defendant's Memorandum in Support of Motion to Exclude Opinion of Guilt Testimony from Trial.
21. Defendant's Motion to Exclude Opinion of Guilt Testimony from Trial.
22. Defendant's Motion for Additional Expert Compensation (CrR 3.1(f))
23. Discovery Order
24. Motion and Declaration of Counsel and Defendant to Set-Aside Conviction and Guilty Plea.
25. Subpoena to Vern Vorencamp and accompanying letter.
26. Subpoena to Kit Eldridge and accompanying letter.

27. Subpoena to Bill Perry and accompanying letter.
28. Subpoena to David Oberman and accompanying letter.
29. Subpoena to Tracey Reed and accompanying letter.
30. Subpoena to Denise Hoerner and accompanying letter.
31. Subpoena to Michael Grub and accompanying letter.
32. Subpoena to Barbara Oberman and accompanying letter.
33. Subpoena to Janette Oberman and accompanying letter.
34. Subpoena to Debbie Samuelson and accompanying letter.
35. Subpoena to Larry Dunn and accompanying letter.
36. Subpoena to Aimee Bakken and accompanying letter.
37. Subpoena to Katherine Drovdahl and accompanying letter.
38. Subpoena to Brian Marts and accompanying letter.
39. Subpoena to Dan Mathison and accompanying letter.
40. Subpoena to Phil Krueger and accompanying letter.
41. Subpoena to Dan Caudill and accompanying letter.
42. Subpoena to Shauna Cagle and accompanying letter.
43. Subpoena to Twila Wentz and accompanying letter.
44. Subpoena to Wendy Cynkar and accompanying letter.
45. Subpoena to Janelle Owens and accompanying letter.
46. Subpoena to Laura Van Meter and accompanying letter.
47. Subpoena to Stephen Devine and accompanying letter.
48. Subpoena to Nadine Prince and accompanying letter.
49. Subpoena to Randy Smith and accompanying letter.
50. Subpoena to Stacey Storm and accompanying letter.
51. Defendant's Witness List – Guilt Phase
52. Amended List of State's Witnesses
53. List of Potential Witnesses and Court Personnel
54. Defendant's Motion to Dismiss or, in the Alternative, Strike Special Sentencing Proceeding, Continue Trial and Impose Terms
55. Defendant's Requested Oral Admonishment To Prospective Jurors Regarding Death Qualification.
56. Defendant's Memorandum in Support of Motion to Dismiss, or in the Alternative, to Strike Special Sentencing Proceeding, Continue Trial and Impose Terms.
57. Defendant's Motion to Dismiss or, in the Alternative, Strike Special Sentencing Proceeding, Continue Trial and Impose Terms.
58. Table of Contents by Volume Number – Darold R.J. Stenson
59. Letter to Seattle City Attorney re: Donna DeMarco. (Don't think this has anything to do with this case.)
60. Memorandum in Support of Petition to Set Aside Conviction Pursuant to 28 USC 2255.

E. Stenson file # 2. Contents include.

1. Spectator/Gallery Procedures During Trial
2. Motion to Prohibit Victim Impact Testimony in Penalty Phase.

3. Copy of Courts Frye Ruling – 6/8/94
4. Court's Ruling on Motion to Dismiss Special Sentencing Proceeding – 6/8/94
5. Notice of Motion and Issue of Law – Filed on April 28, 1994 (Copies)
6. Motion to Dismiss on Ground that RCW 10.95.060(4)
7. Plaintiff's Response to Defendant's Motion to Dismiss on Ground that RCW 10.95.060(4) is Unconstitutionally Vague
8. Defendant's Reply Memorandum Regarding Constitutionality of Death Penalty Statute – Filed on June 7, 1994
9. Motion and Declarations of Counsel and Defendant to Exclude Uncharged Misconduct and Prior Convictions – Filed on May 13, 1994.
10. Plaintiff's Response to Defendant's Standards for Jury Selection – Filed on June 6, 1994.
11. Plaintiff's Response to Defendant's Motion to Dismiss on Ground that RCW 10.95.060(4) is unconstitutionally Vague – Filed on June 6, 1994.
12. Notice of Motion and Issue of Law – Defendant's Memorandum in Support of Motion to Modify Courtroom Security Measures – Motion and Declaration of Counsel to Modify Courtroom Security Measures.
13. Motion and Declarations of Counsel and Defendant to Exclude Uncharged Misconduct and Prior Convictions – Defendant's Memorandum in Support of Motion to Exclude Uncharged Misconduct and Prior Convictions.
14. Defendant's Memorandum in Support of Motion to Vacate Guilty Plea and Set-Aside Felony Conviction. Original – Not filed.
15. Application to Proceed in Forma Paupers, Supporting Documentation and Order.
16. Expert Testimony During Trial – William Perry
17. Defendant's Penalty Phase Witness List (Copy)
18. Certification of Service
19. Defendant's Witness List – Guilt Phase
20. Memorandum Opinion Re: 3.5 and 3.6 Hearings
21. State's Proposed Instructions to the Jury -- Guilt Phase – Filed May 5, 1994
22. State's Proposed instructions to the Jury – Penalty Phase – Filed May 5, 1994
23. Juror Questionnaire
24. Memorandum Opinion Re: 3.5 and 3.6 Hearings – Filed on April 28, 1994
25. Defendant Stenson's Requested Jury Instructions
26. Advance Oral Instructions

27. Verdict Form A, Count I and II
28. Verdict Form B, Count I and II
29. Special Verdict Aggravating Circumstances, Count I
30. Special Verdict Aggravating Circumstances, Count II
31. Special Sentencing Hearing No. 21 through 30
32. Sentencing Verdict
33. Certification of Service
34. Plaintiff's Brief in Opposition to Motion to Quash Subpoena Duces Tecum
35. Juror Questionnaire
36. Fax Cover Sheet to David Bruneall regarding Defendant's Witness List – Sent him a copy.
37. Declaration of Elizabeth Thompson, Ph.D. regarding her testimony in the Hollis and Defroe case. More specifically the ceiling principal, product rule, and currently proposed methods for assessing the population frequency of a DNA profile.
38. Notice of Motion and Issue of Law
39. Motion and Declarations of Counsel and Defendant to Exclude Uncharged Misconduct and Prior Convictions. (Copy)
40. Defendant's Memorandum in Support of Motion to Exclude Uncharged Misconduct and Prior Convictions. (Copy)
41. Defendant's Supplementary Memorandum in Support of Motion to Exclude Uncharged Misconduct and Prior Conviction Evidence. (Copy)
42. Paper written by David J. Balding and Peter Donnelly regarding the Inference in Forensic Identification.
43. Memorandum to Barry Scheck, Co-Chair of the NACDL Task Force. From Peter Schoenburg regarding disclosure by US Attorney's Office in a DNA Case – January 12, 1994
44. Copy of research case – State vs. Herzog, 73 Wn. App. 34 (1994)
45. Copy of research case – Stringer vs. Black, 117 L Ed 2d 367 (1992)
46. Copy of research case – State vs. Jobe, 486 N.W.2d 407 (Minn. 1992)
47. Copy of research case – State vs. Richard Robert Johnson, 498 N.W.2d 10 (Minn. 1993)
48. Copy of research case – State vs. Alt, 504 N.W.2d 38 (Minn. App. 1993)
49. Procedures for the Detection of Restriction Fragment Length Polymorphism in Human DNA – FBI Laboratory – December 7, 1990 – Marked as Appendix A.
50. List of research cases typed and handwritten notes. (Assumption is Attorney's Notes)
51. Copy of Custis v. United States, 1994 WL 197074 (U.S.)(1994)

52. Another list of research cases – handwritten note says cases in Washington containing CrR 8.3(b)
53. Memorandum to the file from Fred Leatherman, dated March 8, 1994, regarding Frye Rule and Daubert. Short excerpt "a recent article in the WACDL MAG. Defense by Tom Conom caused me to rethink my position on whether Frye is still the rule following Daubert. Conom claims that Daubert has supplanted Frye with rule 702 and the State Supreme Court will soon follow suit".
54. List of cases citing Frye since Cauthron.
55. Fax cover sheets to Dr. Sandy Zabell Ph.D. regarding interim ceiling, Frederick D. Leatherman, Jr. regarding copy of Affidavit of Elizabeth Thompson and Mary Hudson regarding 404(b) argument Stenson.
56. Donald Torfin Halvorson's certificate of death.
57. Fax to Fred Leatherman regarding Mitigation Specialist, Mary C. Hudson's trip to see the Stenson family in North Dakota. Percy and Paula were mentioned.
58. Fax to Fred Leatherman regarding Stenson penalty phase.
59. Letter to Frederick D. Leatherman from Elizabeth Thompson regarding her affidavit. Dated April 27, 1994
60. Letter to Elizabeth Thompson from Frederick D. Leatherman regarding ongoing correspondence concerning the affidavit. Dated April 29, 1994
61. Letter to Elizabeth Thompson from Frederick D. Leatherman regarding ongoing correspondence concerning the affidavit. Dated April 12, 1994
62. Letter to Frederick D. Leatherman from Ronald Acton, Ph.D. regarding inability to be available the trial that was scheduled for April 25, 1994. Dated April 9, 1994.
63. Fax to Sandy Zabell regarding a list of articles and the date of her testimony. Dated April 7, 1994
64. Letter to Fred Leatherman from Scott John Raszler, M.A. CCC-A regarding providing audiology services to the client.
65. Detective Sergeant Monty Martin's supplemental investigation report regarding (among other things) gunshot primer residue and bloodstains. These reports include hand written notes.
66. Memorandum and Report regarding Dakota Farms Projected Income for the year 1993.
67. Letter and fax to Mary Hudson from Shirley Hawes-Hieter regarding evaluation of David Bruneau. Dated May 26, 1994
68. More information from Mary Hudson regarding mitigation. List of information from Stenson's family.
69. Letter to Mary Hudson from Mark Sias, U.S. Probation Officer, regarding Stenson's previous convictions.

70. A letter dated May 11, 1977 regarding Darold Stensons continued supervision by a U.S. Probation Officer.
71. Supervision Progress Report of Darold Stenson from April 1977 and April 1978.
72. Confidential memo to attorney – subject to attorney client privilege. From Mary Hudson to Fred.
73. Letter to David Bruneau regarding three expert witnesses from Leatherman. Dated May 12, 1994
74. Memo to Sandy Zabell dated May 12, 1994 regarding articles for Frye Hearing. Attached is a list of articles.
75. Fax sending Sandy Zabell the articles.
76. Letters to Aimee Hayes Bakken, Sandy Zabell and Ronald Acton regarding their flights and stay in Port Angeles prior to the Frye hearing.
77. Letter to Leatherman regarding Elizabeth Thompson's testimony. Dated May 4, 1994.
78. Letter to Ms. Patrice Rey, clerk of the Clallam County Courthouse, from Leatherman regarding experts testimony days.
79. Handwritten notes presumably Leatherman's.
80. Attorney – Client information sheet regarding the specifics of Darold Ray Stenson's case.
81. Detective Sergeant Monty Martin's investigative report regarding among other things, crime scene investigation.
82. FBI analysis of bloodstain evidence. Received December 16, 1993
83. Handwritten notes regarding opening statement. Presumably Leatherman's.
84. West Publishing Company forms regarding printing of a research query.
85. Handwritten notes regarding Cohen's 1992 article.
86. Letter to Neupert from Leatherman regarding bill for DNA expense.
87. Bill to Leatherman from Sandy Zabell regarding DNA expert expense.
88. Questions for Aimee's testimony. Background/qualifications as expert witness etc.
89. Affidavit of Ronald T. Acton, Ph.D.
90. Copy of Spectator/Gallery Procedures during Trial in State vs. Young.
91. Report regarding Stenson Jury Selection.
92. Copy of research case – State v. Bartholomew, 101 Wn.2d 631, 683 P.2d 1079.
93. Letter to Peter Schoenburg dated January 7, 1994.
94. Memorandum to Barry Scheck from Peter Schoenburg regarding DNA case.

95. Handwritten notes regarding Outline of Testimony (suggestions).
96. Questions for Aimee's testimony.
97. Copy of an Article on DNA fingerprinting.
98. Fax cover sheets to Leatherman from Aimee.
99. Handwritten notes regarding Stenson motions.
100. Letter to Jeff Walker regarding bank and phone records for the Hoerners. Dated May 16, 1994
101. Memo to Fred from Mary Lou regarding Stenson sentencing transcripts.
102. Handwritten notes regarding the prosecutor's fallacy. Copy of the "Prosecutor's fallacy in DNA test.
103. More information to Leatherman from Aimee regarding DNA testing.
104. Quick note to Leatherman from Aimee regarding Sandy Zobell.
105. Handwritten notes regarding people to interview dated May 5, 1994
106. Letter to Stenson from Leatherman regarding discovery materials.
107. Letter to Neupert regarding copies of juror questionnaire from Leatherman.
108. Questions for Juror Questionnaire.
109. Handwritten notes in preparation for suppression hearing.
110. Page out of a T.V Guide.
111. Handwritten letter to Fred Leatherman from Twila Wentz.
112. Handwritten letter regarding Denise S and Denise H's relationship. The letter was not signed.
113. Letter from Stenson to his Mom and Dad.
114. More handwritten notes regarding Stenson.
115. Fax cover sheet attachments not included. To Ronald Acton from Leatherman.
116. Handwritten notes regarding DJ's story to Phil Oberman regarding Dragon Weyr.
117. Fax cover sheet to Bryan Tsuchida regarding CV for Muriel Tezak.

F. Accordion File. Contents include.

1. Letters from Clallam County Sheriff's Department to the following:
    a. Department of licensing regarding Stenson's real estate license.
    b. Department of licensing including a fee for a certified copy of Stenson's real estate file and license history.
    c. Federal Bureau of Prisons regarding Stenson's incarceration by the Federal Bureau of Prisons.
    d. Secretary of State regarding certified copies of the incorporation documents and annual reports of

Dakota Farms, Dragon Weyr Trust and Stenson Marketing Concepts.

e. Englewood regarding Stenson's institutional package/inmate record.

f. Pat Fousek PADI requesting Stenson's records.

g. William Pence requesting records including a list of occupants of the apartment owned by Pence.

2. Clallam County Sheriff's Department Property Room Report.
3. Letter to Sgt. Snover regarding the file under King County #KC 90873. Stenson's forgery conviction. The file is attached. Tabbed at DJ's background.
4. Clallam County Sheriff's Department – Background check. Tabbed as Larry Przybycien.
5. Anderson, James A. Information.
6. Blue tab Anderson, James A death certificate.
7. Investigative notes from Evidence Collection
8. Anderson, James A. social security report.
9. Letter to James Stonecipher from Stenson regarding Dragon Weyr.
10. Clear tab is Dragon Weyr information.
11. Driver's licenses for Anderson and Stenson.
12. Red tab includes property room report from Clallam County Sheriff's Department. Affidavit of lost license for Stenson. Letters from Carrol French of Department of Licensing regarding Stenson's expired status.

G. Financial papers in box 3.

Frank Hoerner's Business Account
 # 0887 014611

Pay to	Amount	Date	Check No.
Internal Revenue	2,500	1/28/93	1175
TNT Sales	40	1/27/93	1177
Cash	400	2/2/93	1183
Washington State Ferries	89	2/2/93	1184
Internal Revenue Service	70	2/1/99	1179
Jackpot	24	2/1/93	1182
American Express	427	2/1/93	1181
Cash	400	1/29/93	1178
Cash	300	2/9/93	1187
TNT Sales	304.98	2/1/93	1189
Denise Hoerner	450	2/17/93	1190
Mid Century Insurance	159.5	2/8/93	1186
Central Welding	12.17	2/11/93	1188
TNT Sales	125.29	2/19/93	1191
Discount Tire	106.45	2/19/93	1192

TNT Sales	90.8	2/23/93	1193
Cash	250	1/28/93	1176
US West Cellular	109.32	2/1/93	1180
TNT Sales	90.8	3/19/93	1213
Central Welding	11.87	3/19/93	1212
John Haggar	560	2/24/93	1195
Denise Hoerner	200	2/24/93	1194
Department of Licensing	59.5	2/24/93	1196
US West	16.13	2/25/93	1198
US West	262.21	2/25/93	1197
Washington State Ferry	88.8	2/26/93	1199
Denise Hoerner	200	3/1/93	1204
Red Barn	416.1	3/1/93	1203
Red Barn	158.7	2/26/93	1200
Floor Supply	1488.54	3/2/93	1205
American Express	633.7	3/1/93	1201
Mountain Meadow Ranch	3363	3/3/93	1206
US West Cellular	128.49	3/1/93	1202
TNT Sales	220.61	3/9/93	1207
Dakota Farms	1703.53	3/16/93	1209
Cash	200	3/16/93	1210
Jackpot	21	3/15/93	1208
City of Port Angeles	15.6	3/17/93	1211
Washington State Ferries	88.8	3/9/93	1214
Cash	300	1/4/93	1158
Steve's Office Equipment	700	1/2/93	1156
US West Cellular	100.39	12/26/92	1152
American Express	401.39	1/4/93	1157
TNT Sales	296.3	1/7/93	1160
Cash	300	1/11/93	1161
State of Washington Department of Revenue	112.87	1/11/93	1162
Central Welding	11.87	1/7/93	1159
State of Washington Department of Revenue	129.68	1/13/93	1164
Staves Office Equipment	19.33	1/11/93	1163
The Sequim Gazette	13	1/13/93	1165
Floor Supply	219.73	1/15/93	1167
Mid Century Insurance	160	1/13/93	1166
Cash	500	1/20/93	1171
	972.2	1/21/93	1173
Carpet Exchange	673.75	1/20/93	1172
Carpet Exchange	325	1/19/93	1170
US West	26.18	1/19/93	1169

US West	281.78	1/19/93	1168
Lloyd Desler	100	1/21/93	1174
Denise Hoerner	326.44	4/13/93	

Pay to Olympic Interiors - From	**Amount**	**Date**	**Check No.**
Heritage Home Center	90	1/18/93	3265
Heritage home Center	150	1/18/93	10137
Better Homes systems Inc.	1957.5	1/28/93	3693
Margie Snover	1161.11	1/3/93	1308
Better Homes systems Inc.	1050	2/16/93	3736
Heritage Home Center	1025	2/16/93	10231
Heritage Home Center	650	2/16/93	3309
John Gilbert Construction	703.5	2/18/93	8387
Better Homes Systems	1,300.00	3/1/93	3791
Kathleen Helms	1,568.00	3/3/93	5496
Heritage Home Center	550.00	3/2/93	10272
Heritage Home Center	375.00	3/2/93	3331
State of Washington	163.79	2/26/93	801830H
Margie Snover	1500	1/2/93	1307
Better Homes systems Inc.	790	1/4/93	3633
Heritage Home Center	400	1/7/93	3239
Bill Carel	2227.26	1/22/93	3121
Better Homes Systems	1300	1/18/93	3662

Deposit	**Amount**	**Date**
Check No. 10137 and 3265	240	1/27/93
Check No. 3693	1957.5	1/28/93
Check No. 1308	1161.11	2/9/93
Check No. 3736	1050	2/17/93
Check No.'s 10231 and 3309	1675	2/24/93
Check No. 08387	703.5	3/25/92
Check No. 3791	1300	3/2/93
Check No.'s 3331, 10272, 5496	2493	3/3/93
Check No. 801830H	163.79	3/9/93
Loan Advance	2000	3/15/93
Check No. 1307	1500	1/4/93
Check No. 3633	790	1/11/93
Check No. 3239	400	1/20/93
Check No. 3121 and 003662	3527.26	1/21/93

Frank Hoerner's Personal Checking Account # 0882 315310

Pay to	**Amount**	**Date**	**Check No.**

	20.75	2/13/93	2535
Wes Gilbert	620	1/13/93	2532
Rainbow End	5.95	12/6/92	2527
Ernst	39.11	3/15/93	2541
Olympic Lumber	62.31	3/12/93	2539
Sofies Floral	55.79	12/7/92	2530
Ernst	72.68	1/24/93	2533

Pay to Frank Hoerner - From	**Amount**	**Date**	**Check No.**
Emerald City Landscape	25	3/18/93	5343

Deposit	**Amount**	**Date**	**Credit Out**
Check No. 1178	350	1/29/93	50
Check No. 1187	250	2/9/93	50
Check No. 1190	400	2/16/93	50
Check No. 1176	230	1/28/93	20
Check No. 5343	25	3/22/93	
Check No. 1194	200	2/24/93	
Check No. 1204	150	3/1/93	50
Check No. 1158	275	1/4/93	25

Pay to John E. Haggar CPA - From	**Amount**	**Date**	**Check No.**
Olympic Interiors	560	2/24/93	1195
Dr. G. Binnington	275	2/24/93	895

Deposit	**Amount**	**Date**
Check No.'s 1195 and 895	835	2/24/93

Miscellaneous	
W WA Loan Servicing	2.36
Northwestern Nat'l	224,679.90

Dakota Farms Account

Pay to Dakota Farms - From	**Amount**	**Date**	**Check No.**
Percy Stenson	5000	2/3/93	Cashiers check # 98883
Olympic Interiors	375	2/3/93	1185
Olympic Interiors	1703.53	3/16/93	1209

Deposit	**Amount**	**Date**
Check No. 1185 and Cashier's Check No. 98883	5375	2/3/93
Check No. 1209	1703.53	3/16/93

Darold R. J. Stenson
Catalogue of Contents of Materials Received
Box 4

A. Volume No. 6 Contents

1. Handwritten letter from Wendy Cynkar.
2. The following are witness interviews and statements and are located in this binder as follows:
   a. Addleman, Lane – Nothing under this tab. (Note maybe Martin's stuff)
   b. Anderson, Harold – Interview
   c. Bednarz, Marty – Note to incident report page 8, nothing else.
   d. Bednarz, Michael Robert – Tape-recorded interview and witness statement.
   e. Bennett, Betty – Nothing under this tab. (Note maybe Martin's stuff)
   f. Benson, Jean – Nothing under this tab. (p 1566 of Martin's stuff)
   g. Boyd, Kevin – Investigation by Sergeant Martin. (Note p. 1664 and 1566 of Martin's reports)
   h. Boyd, Lonnie – Taped interview by Sergeant Martin. (Note p. 10 for name, address, etc.)
   i. Caudill, Dan – Tape-recorded interview with Dan and Sharon by Sergeant Martin. Also criminal history and background check on Dan.
   j. Caudill, Sharon – See Dan's
   k. Champion, Jack – Information and notes on phone conversation.
   l. Davenport, Darrel – Interview
   m. Daves, Glenn – No tab (Note p. 1663 of Martin's Report)
   n. Daviscourt, John – No tab (Note p. 1578 –79 of Martin's Report.
   o. Diedrich, Joseph – (Note basic information p. 008 and 009)
   p. Doig, Ann – Follow up investigation by Detective Jeff Boyd.
   q. Drennen, Jim – No tab no notes.
   r. Drovdahl, Kathleen – Taped interview with Martin.
   s. Durst, Terry – No tab (Note p. 1578-1579 of Martin's report)
   t. Edson, Allison – (p. 1578 –1579 of Martin's report)
   u. Edson, Vicki Lynn – (p. 1566 of Martin's report)

v. Eldredge, Kit -- Interview
w. English, Marcie – Interview by telephone.
x. Fabel, Cheryl – Interview regarding a phone conversation.
y. Ford, Steven's name is in the table of contents but there is nothing on him.
z. Forrester, George – No tab (note p. 1146-1151 Bkgrd check – see police reports)
aa. Gaddis, Bob – Interview
bb. Harniss, Orin – No tab (note p. 417-420, 605-607 in Reidel's reports)
cc. Henshaw, Ken – Interview
dd. Hoerner, Denise – Interview by Larry Dunn.
ee. Hoff, Denise – No tab (note p. 1575 Martin reports)
ff. Jensen, Jorita – Interview
gg. Jobe, Mary – Letter from Richard Pierson, Attorney for Mary Jobe.
hh. Johnson, Carol – No information.
ii. Johnson, Ercell – Interview
jj. Joslin, Darrell – Tape-recorded interview. (Note p. 1579 Martin Reports)
kk. Kelly, Scott – (Note p. 1666 Martin Reports)
ll. Kritasis, Jess – Interview
mm. Lambert, Linda – Tape-recorded interview with Martin. (Note p. 1665 & 1566 Martin report)
nn. Langton, Carol – No tab (note p. 009 basic information)
oo. Latten, Carol – Tape-recorded interview with Boyd.
pp. Lawrence, Beau – No tab (note p. 1573 Martin report)
qq. Lemaster, Gary – Tape-recorded interview with Martin.
rr. Lim, Dong Soo – No tab (note p. 1574 Martin report)
ss. Lowe, Thomas – No tab (note p. 007 basic information)
tt. Marts, Brian – Tape-recorded interview.
uu. Mendorff, Beki – Tape-recorded interview with Dunn.
vv. Mendorff, Jack – Tape-recorded interview with Dunn
ww. Nelson, Don – No tab (note p. 1575 Martin report)
xx. Oberman, Barbara – See Mary Hudson interviews.
yy. Oberman, David – Interview and information.

zz. Oberman, Janette – Interview
aaa. Oberman, Phillip – Interview
bbb. Olson, Mary Jo – Supplemental Report.
ccc. Ottman, Alexjandro – No tab (Note p. 414-416 Dunn reports)
ddd. Owens, Jenelle – Supplemental report.
eee. Perry, Bill – Tape-recorded interview with Martin
fff. Peshkur, Shelly – No tab (note p. 1572 Martin reports)
ggg. Peters, Tom – No tab (note p. 1663 Martin report)
hhh. Pitt, Joanne – Witness statement via telephone.
iii. Reed, Tracy – Interview
jjj. Russell, Karen – No tab (note p. 1576-1577 Martin reports)
kkk. Samuelson, Debbie – Affidavit and interview.
lll. Sawdon, Dennis – No tab (note p. 1567 Martin supplemental)
mmm. Shaw, Rita – Interview
nnn. Sims, Kathleen – Nothing in tab. (note p. 10 information)
ooo. Terrelli, Michael – Interview
ppp. Thompson, Paul – Nothing in tab. (note p. 008 basic information)
qqq. Valentini, Al – Taped interview with Cameron.
rrr. Van Meter, Laura – Nothing in tab. (note p. 12 basic information)
sss. Vorencamp, Vern – Interview
ttt. Woldman, Mike – No tab (note p. 1576 Martin report)

3. Also in this binder are North Dakota Interviewees
   a. Forde, Cheryl
   b. Herman, Curt
   c. Hoveskelund, Don and Diane
   d. Poehls, Edward
   e. Twete, Kearne & Lollie
   f. Quam, Ken
   g. Flaagan, Dale and Karen
   h. Ryan, Beatrice

B. Volume No. 1 contents:
1. Transcript of Pencom 911 tape.
2. Denise Stenson background check.
3. Frank Hoerner background check.
4. Scaled drawings of crime scene.
5. Insurance Policy of Denise Stenson.

6. Gun Make and background check on owners.
7. Dakota Farms Property Deed and information. Tab 8
8. Stenson credit report. Tab 10
9. Background check on DJ Stenson
10. Stenson's statement to detectives. Videotape transcript of walk-through with Stenson. Tape-recorded interview with Gates.

C. Volume No. 3 contents:
1. DJ driver's license and background check.
2. Dragon Weyhr Coast Guard checks and investigations in California and Washington.
3. Stenson's birth certificate.
4. DEA search warrant and agent names.
5. Clallam County Background check on Denise Hoerner.
6. Purchase of Dragon Weyhr from Jess Kristis.
7. Info on Ginger and Fred the birds.
8. Valentini background check.
9. Department of Social and Health Services for James A. Anderson (overpayment from DSHS to J.A.)
10. Department of Social and Health Services paperwork on James A. Anderson.

D. Expert Witnesses Curriculum Vitaes:
1. Curriculum Vitae for Stuart H. James
2. Tab with Aimee Bakken's name – letter to Leatherman from Ronald T. Acton, Ph.D.
3. Ronald T. Acton tab – Letter to Leatherman from Zabell
4. Geisser, Seymour tab – Seymour Geisser's information.
5. Lezak, Muriel tab – Fax to Leatherman from Mary Hudson regarding Lezak.
6. Zabell, Sandy tab – Letter to Leatherman from Aimee Bakken
7. Copy of letter to Mary Crockett from Raszler regarding audiology services.

E. Stenson, trial notes in guilt phase.
Typewritten notes in order starting with Volume I – pp. 1 –192 all the way to the return of the Jury's verdict.

F. Volume No. 8 contents.
1. Cagle, Shawna tab – Nothing
2. Caudill, Sharon tab – Interviews of Dan and Sharon Caudill by Skelton
3. Cleven, Mark tab – Interview by Skelton
4. Holt, Richard tab – Interview
5. Kritsis, Jess tab – Conversation with Jess Kritsis.
6. Lampert tab – Interview with Linda Lampert by Skelton.
7. Mendorf, Jack and Becki tab – Interview of both by Skelton.
8. Oberman, Barbara tab – Interview

9. Oberman, David tab – Interview of David Oberman and Traci Reed.
10. Oberman, Janette – Interview
11. Oberman, Kathy – Interview
12. Oberman, Phillip – Interview
13. Reed, Tracy – Interview
14. Samuelson, Debbie – Interview
15. Stenson, DJ – Interview
16. Stenson, Percy – Interview
17. Stenson, Mrs. Percy – Nothing
18. Thompson, Cheryl – Interview
19. Wentz, Twila – Nothing
20. Current Affair Tape – Current Affair 9/29/93. Transcription of video taped program on the DJ Stenson case.
21. Shoe Store - Sequim – Letter to Leatherman from Mary Hudson regarding the Shoe Store purchase in Sequim and attachments.
22. Jeff Skelton Memos – Lists of names such as witnesses, law enforcement, medical and lab.
23. Skelton's memos to the file.

G. Volume No. 7 contents: (Mary Hudson materials)

1. Handwritten questions for Fred (?)
2. Tab 9 -- Letter to Mary Hudson regarding Stenson's license as a salesperson, from Annette Davis, Real Estate Licensing.
3. Tab 10 – Application for release of evidence
4. Tab 11 – Letter to Hudson from King County Department of Adult Detention.
5. Tab 12 – Letter to Hudson from Grand Forks County Court.
6. Tab 13 – Info on Stenson from Bozotronics
7. Tab 14 – Northwest Hospital records on Stenson from 5/3/78 – 5/7/78.
8. Tab 15 – University of North Dakota records and reply to inquiry.
9. Tab 16 – Arapahoe Community College academic transcript and personal data sheet.
10. Tab 17 – FICA Statement of earnings from Social Security Administration.
11. Tab 18 – Federal Records Center – Seattle; Records from case no. 359-73D2.
12. Tab 19 – Dragon Wehyr, Mastro information supplied by Jack Champion.
13. Tab 20 – Stenson's recall from time he met Denise to her death.
14. Tab 21 – Life Applications on Darold and Denise Stenson from Mutual of New York.
15. Tab 22 – IRS reports for tax period 1981 and 1984 through 1986. Also a letter indicating what they were not able to locate.

16. Tab 23 – Letter from Far Eastern University indicating they have no record of a Darold Ray Stenson.
17. Tab 24 – Stenson's complete file from his commitment to a halfway house in 1985 from the Federal Records Center. (Bishop Lewis House) Deals with his CR84-339JLW case.
18. Tab 25 – Affidavit from Mary C. Hudson with respect to Stenson and Chronology of his life.
19. Tab 26 – Example affidavit from Mary C. Hudson.
20. Tab 27 – Declaration of Janette Oberman in Support of Defendant's motion for equality in imposition of preliminary.
21. No tab – Chronology of Darold Ray Stenson
22. No tab – Interview of Stenson
23. Miscellaneous
    a. Order for appointment of expert services.
    b. Letter in regards to the above order.
    c. Memo to counsel regarding the collected background material on Stenson.

H. Loose in box 4
1. Miscellaneous pictures of children.
2. Handwritten letters to Denise Stenson – From Diane Ziola? D. Stenson and mom.
3. Letter's and requests for a contact visit between Stenson and his kids.

Darold R. J. Stenson
Catalogue of Contents of Materials Received
Box 5

A. Darold Ray Stenson File (#1) Contents

1. Client Information Sheet
2. Handwritten notes – I believe these are both Attorney and Client's notes
3. Lists of research cases.
4. Handwritten notes.
5. Information regarding Criminal Procedure – Death Penalty – Mentally Retarded Persons
6. Research printout.
7. Memorandum to file from Mary Lou regarding things to do.
8. More Handwritten notes.
9. Lists of research cases.
10. State v. Day, 51 Wn. App. 544, 754 P.2d 1021
11. FBI Phone List.
12. Memorandum to file from Leatherman regarding possible experts.
13. More handwritten notes.
14. Letter to Stenson regarding discovery.
15. Fax to Fred from Hudson – mentioned something about not being surprised DJ pulled something on Leatherman and that it would probably go on throughout the trial.
16. Letter to Dr. Zabell regarding DNA expert testimony.
17. More handwritten notes.
18. Letter to Mary Hudson regarding Stenson's file.
19. More correspondence between Leatherman and Hudson.
20. More handwritten notes.
21. Trip itinerary for interviews with Stenson's hometown.
22. More handwritten notes.
23. Letter to Brad Behrman regarding FBI report.
24. Letter from Gail James to Stenson regarding reading material and a spiritual reading.
25. More handwritten notes.
26. Memorandum to the file regarding random observations regarding discovery.
27. More handwritten notes.
28. Fax to Jeff Walker from Leatherman regarding Dragon Wheyr
29. Bland Affidavit Regarding Attorney's Fees.
30. Client Billing Worksheet – Date 9/13/94
31. Letter to Dr. Seymour Geisser from Leatherman regarding the Dr. being a defense witness.
32. Memorandum to file from Leatherman regarding Statistics and the Ceiling Principle.
33. Letter to Sandy Zabell from Leatherman regarding DNA expert testimony.
34. FBI report summarizing their findings in regards to DNA.

35. Chart summarizing the FBI findings.
36. State Supreme Court Opinion for State of Washington vs. Richard C. Cauthron.
37. Trial Court's Oral Opinion in State vs. Hollis and Defroe.
38. Findings of Fact and Law in State vs. Hollis and Defroe.
39. DNA Update article by Frederick D. Leatherman.
40. To Leatherman from Hudson regarding interview of Stenson's family and information on Stenson's life.
41. Letter to Hudson from Mary Lou regarding information that Hudson requested.
42. Memorandum to Hudson from Mary Lou – Synopsis of cases that Hudson had her research.
43. Letter to Hudson regarding information she requested on Stenson's background.
44. Memorandum to File from Leatherman regarding Stenson's mental state.
45. Letter to Leatherman from Neupert regarding discovery attached.
46. FBI Analysis of Bloodstain Evidence.
47. Memorandum to Jeff Walker from Leatherman regarding the payment schedule for the Dragon Weyr insurance.
48. Memorandum to Jeff Walker regarding matters that needed to be checked out.
49. Letter to Brunear from Leatherman.
50. Memorandums regarding pretrial motion.
51. Handwritten notes.
52. Memorandum to the file regarding bloodstain analysis.
53. More handwritten notes.
54. Receipt from Federal Express
55. Letter to Dr. Lezak, Ph.D. regarding his evaluation of Stenson.
56. Letter to Hudson regarding signing of affidavit.
57. Letter to Skelton informing him that the investigative work would be turned over to Jeff Walker of Walker investigations.
58. Letter to Neupert regarding Hudson affidavit and additional funds.
59. Letter to Leatherman regarding the travel arrangements for the North Dakota trip from Hudson.
60. Letter to Leatherman from Hudson regarding Jury selection challenge successfully undertaken in the City of St. Louis in 1990.
61. Memo to Leatherman regarding interview of Twila Wentz.
62. Letter to Leatherman regarding expert witnesses.
63. Affidavit of Hudson.
64. Memo to Hudson from Leatherman regarding FBI lab report.
65. Memorandum to Jeff Skelton from Mary Lou regarding information requested.
66. Miscellaneous fax cover sheets.
67. Memo to File from Leatherman regarding discovery and work product concerns.
68. Miscellaneous fax cover sheets.

69. Letter to Hudson from Mary Lou regarding date and time of defense team meeting.
70. Inventory of autopsy photographs.
71. Letter to Stenson from Dave Neupert regarding supplemental investigation reports.
72. Memo to Hudson from Jeffrey Skelton regarding list of people for mitigation.
73. Copy of handwritten notes, possibly Stenson's.
74. Copy of Court's Instructions to the Jury.
75. Copy of Court's Instructions to the Jury Penalty Phase.
76. Letter to Neupert regarding status of defense motions.
77. Memo to file from Leatherman regarding research.
78. Memo to file from Leatherman regarding Stringer case.
79. Letter to Neupert from Leatherman regarding constitutionality of the death penalty.
80. List of motions to do in Stenson case.
81. Letter to Leatherman from David Bruneau regarding discovery.
82. Letter to Neupert from Mary Lou regarding Defendant's Memorandum in Support of Motion to Exclude RFLP Evidence. (Same letter to Bruneau, and Williams)
83. Memorandum to file from Leatherman regarding a conversation with Kevin McNally that included why there was no chance they could win the Guilt Phase.
84. Letter to Bruneau regarding DNA discovery request.
85. Letter to Mary Lou from Aimee Bakken regarding missing discovery for Stenson case.
86. Letter to Neupert from Mary Lou regarding Exparte Motions and Orders appointing our DNA expert witness.
87. Memo to file from Leatherman regarding Mike Grubb's notes.
88. Letter to Grubb re trial date.
89. Fax cover sheet.
90. Memo to file regarding meeting with Mike Grubb.
91. Opinion on People vs. Watson.
92. Research print out sheet.
93. Memo to Neupert regarding Stenson Pretrial Motions mostly issues on search warrants.
94. Letter to Ronald T. Acton regarding FBI reports for the DNA analysis. Letter also sent to Aimee Bakken and Sandy Zabell.
95. Memorandum to file from Leatherman regarding DNA?
96. Fax to Leatherman from Hudson regarding things to do list.
97. Memo to Leatherman form Hudson regarding interview of Keith Sidelinger.
98. Memo to File from Leatherman regarding the gun and it's last known owner.
99. Memo to Hudson from Leatherman regarding the Anderson identity.
100. Memo to file from Leatherman regarding a Bill of Sale in discovery.

101. Memo to File from Leatherman regarding a trip to Port Angeles for investigative purposes.
102. Letter to Behrman regarding interrogatories to be served on Denise Hoerner.
103. Memo to file from Mary Lou regarding her investigation of Stenson's financial statements.
104. Memo to file from Mary Lou regarding Stenson's finances.
105. Memo to file from Leatherman regarding questions in the case.
106. Memo to file from Leatherman regarding Stenson's public assistance.
107. Memo to file from Leatherman regarding Dragon Weyr.
108. Letter to U.S West regarding phone records for Denise or Frank Hoerner.
109. Subpoena Duces Tecum to U.S. West.
110. Letter to Mike Grubb regarding FBI Lab analysis.
111. Memo to file from Leatherman regarding Stenson's statements.
112. Floppy Disk for computer.
113. Defendant's Memorandum in Support of Exparte Motion for Appointment of Expert Witness.
114. Notice of Issue.
115. Exparte Motion for Order Appointing Expert Witness.
116. Order for Appointment of Defense Expert.
117. Order for Appointment of Defense Expert.
118. Exparte Motion for Order Appointing Expert Witness.
119. Order for Appointment of Defense Expert.
120. Exparte Motion for Order Appointing Expert Witness.
121. Notice of Issue.
122. Defendant's Memorandum Regarding Suppression Hearings.
123. Notice of Issue of Law
124. Notice of Issue.
125. Motion and Affidavit to Re-Address Court Appointed Counsel.
126. Subpoena Duces Tecum
127. Letter to Gwen Frady at U.S. Bank regarding a Subpoena for bank records of Denise and Frank Hoerner.
128. Defendant Nelson's Motion for Mistrial.
129. Discovery Order
130. Discovery Order
131. Motion and Declaration of Counsel for Additional Discovery.
132. Memorandum in Support of Defendant's Motion for Additional Discovery.
133. Letter to Bruneau regarding DNA discovery request.
134. Stenson's insurance disclaimer forms.
135. Motion for Order Modifying Briefing/Motion Hearing Schedule.
136. Motion and Affidavit for Order Modifying Briefing/ Motion Hearing Schedule.
137. Letter to Leatherman from Bruneau regarding Proposed Order Setting Schedule.
138. Order Setting Pretrial Motions and Briefing Schedule.

139. Letter to Bruneau regarding the schedule for pretrial matters.
140. Defendant's Motion for Additional Expert Compensation.
141. Affidavit of Mary Hudson.
142. Motion and Declaration of Counsel Exparte for Change of Investigator.
143. Order Allowing change of Defense Investigator.
144. Motion and Declaration of Counsel Exparte for Appointment of Expert to Perform Neuropsychological Evaluation.
145. Curriculum Vitae for Muriel D. Lezak, Ph.D.
146. Defendant's Memorandum in Support of Exparte Motion for Appointment of Expert t Perform Neuropsychological Evaluation.
147. Order for Appointment of Defense Expert.
148. Order Allowing Consulting Expert to Defense Access to Jail.
149. Notice of Trial Setting.
150. Motion and Declaration of counsel for continuance of Trial Date.
151. Waiver of Right to Speedy Trial.
152. Defendant's Memorandum in Support of Motion for Continuance of Trial Date.
153. Order Continuing Trial Date.
154. Notice of Appearance
155. Certificate of Filing.
156. Certification of Service.
157. List of State's Witnesses.
158. Affidavit of Kathy Oberman.
159. Affidavit of Janette Oberman.
160. Affidavit of David Oberman.
161. Affidavit of Phillip Oberman.
162. Affidavit of Phillip Oberman Sr.
163. Affidavit of Cheryle Thompson.
164. Affidavit of Barbara Oberman.

B. Darold J. Stenson Execution Hearing File.
1. Order Granting Stay.
2. ABC Legal messenger slip. Re: Application for Stay of Execution.
3. Application for Stay of Execution received April 7, 1998.
4. Application for Stay of Execution Certificate of Mailing.
5. Death Warrant
6. Judgment and Sentence for Death Penalty Verdict – Warrant of Commitment.
7. Warrant of Commitment.
8. Certificate of Mailing.
9. Death Warrant.
10. Notice of Issue. (Signing of Death Warrant)
11. Motion, Affidavit and Order for Transportation of Prisoner.
12. Mandate
13. Fax to Ms. Lisa Bausch regarding personal restraint of Stenson.
14. Fax to Kathryn Ross re Motion for Appointment of Counsel
15. Motion for Appointment of Counsel.

16. Letter to Ms. Kathryn Ross from Richard Guy regarding the En Banc conference.
17. Letter to Ms. Ann Hall from Richard Guy re issue of providing for appointed counsel in capital cases.
18. Letter to the Honorable Richard Guy from Kathryn Ross regarding appointed Counsel in Capital Cases.
19. Letter to Stenson enclosing a copy of the Order for Stay.
20. Letter to Carney, Badley, Smith enclosing an Order Granting Stay.
21. Letter to Stenson enclosing the Application for Stay of Execution and additional letters.

C. Stenson Motion for Reconsideration file.
1. Miscellaneous Correspondence.
2. Handwritten notes.
3. Motion – Order Denying Motion for Reconsideration.
4. Copy of Opinion.

D. Stenson v. United States file.
1. Miscellaneous correspondence between Stenson, Appeal's Attorney and Court.
2. Stack of research.
3. Handwritten notes.
4. Investigation report by Michael Kuhlman regarding cocaine charges on Stenson.
5. Additional information on the above case.
6. Letter to Jim Lobsenz enclosing Opening Brief in Support of Personal Restraint Petition of Robin Roberts and Memorandum Regarding Proportionality Review. (State vs. Mitchell Rupe)
7. Order – Defendant's Motion is Denied – April 25, 1995
8. Report and Recommendation
9. Petitioner's Supplemental Brief on Section 2255 Jurisdiction.
10. Supplemental Declaration of Fred Leatherman, Jr. In Support of Petition to Set Aside Conviction.
11. Order Directing Supplemental Briefing By Defendant.
12. Government's Response to Motion to Vacate or Set-Aside Conviction.
13. Government's Response to Motion to Vacate or Set-Aside Conviction.
14. Exparte Application for Appointment of Counsel, and Declaration and Memorandum in Support Thereof.
15. Counsel's Declaration in Support of Petition to Set Aside Conviction.
16. Motion Under 28 USC Section 2255 to Vacate, Set Aside, or Correct

Set Aside Conviction

Conviction Pursuant to

17. Defendant's Declaration in Support of Petition to Pursuant to 28 USC 2255.
18. Memorandum in Support of Petition to Set Aside 28 USC 2255.
19. Certificate of Service.
20. Order of Reference.
21. Court Minute Order.

22. Order Directing Answer to Pleading By the Plaintiff.

E. Stenson accordion file.
   1. File folder with Stenson's requests to go Pro Se.
   2. Appeal Brief of Respondent.
   3. Reply Brief of Appellant.

F. State v. Stenson – Suppression Hearing – Binder
   1. Case Law
      a. Christine
      b. Legas
      c. Lo-Ji Sales
      d. Perrone
      e. Riley
      f. Scott
      g. Smith
      h. Spilotro
      i. Stubbs
      j. Withers
      k. Burrows vs. Superior Court of San Bernardino
   2. Pleadings
      a. Findings of Fact, Conclusions of Law
      b. State's Memo re Suppression
      c. Defendant's Memo re Suppression
      d. Superior Court's Memorandum Opinion

G. Stenson – Search Warrants – Binder
   1. Consent to search – 3/25/93
   2. Warrant # 561 – 3/25/93
3. 3. Affidavit for Warrant # 561 – 3/25/93
4. 4. Warrant # 561 – 3/26/93
5. 5. Affidavit for Warrant # 561 – 3/26/93
6. 6. Warrant # 560 – 3/39/93
7. 7. Affidavit for Warrant # 560 – 3/30/93
8. 8. Return Warrant # 560 – 3/30/93
9. 9. Warrant # 561 Addendum for all Business Records -- 3/30/93
10. 10. Affidavit for Expanded Warrant # 561 – 3/30/93
11. 11. Return of Warrant # 561

H. Stenson – Cert Petition – Binder
   1. Miscellaneous correspondence between Brunea, James Lobsenz and Stenson.
   2. Stenson Petition
   3. Appendix
   4. Wilcher Petition

I. Big Binder – No title – Includes research on the following:
   1. Insurance Policies
   2. Phenolphthalein Test
   3. Search and Seizure
   4. Acts of Marital Discord

5. Compulsory Process
6. Execution Impact

J. Darold Stenson's High School Annual.

Darold R. J. Stenson
Catalogue of Contents of Materials Received
Box 6

A. Volume No. 2 Contents:
1. Letters to FBI for analysis from Clallam County.
2. Englert Analysis (witness)
3. FBI analysis of evidence submitted.
4. Property room report.
5. Grubb crime analysis tab – Missing
6. Emergency room notes – University of Washington Medical Centers
7. FBI blood exam analysis – Joseph Errera (witness)
8. Clallam County Financial Analysis of Dakota Farms

B. Volume No. 3 Contents:
1. Tab 1 – Permission to search signed by Denise Hoerner
2. Search Warrants
3. 911 Transcript
4. Tab 4 Police Reports – Empty
5. Jim Andres
6. Jeff Boyd
7. Ron Cameron
8. Kurt Chaney
9. Rick Crabb
10. Howard Cunningham
11. Dalton
12. Defrang – Empty
13. Michael Dick
14. Supplemental Report by Deputy Dunn regarding morning of the murders.
15. Investigation by Deputy Chuck Fuchser regarding morning of the murders.
16. Taped interview with Darold Stenson.
17. Sheriff Hawe tab – empty
18. Alice Hoffman tab – empty
19. Latent fingerprint search/recovery report
20. CCDTF Madison – Supplemental report
21. Joe Martin tab – empty
22. Monty Martin investigative report
23. John Miller tab – empty
24. Lyman Moores tab – empty
25. Randy Peiper – Supplemental investigation
26. Ken Price – Report
27. Don Reidel – Report

28. Sergeant Snover – Follow up investigation
29. Switzer tab – empty
30. Turner – Report
31. Ingrid Deermore tab – empty
32. Mike Grubb tab – empty
33. Carol Rawls tab – empty
34. Tim Taylor tab – empty
35. Tab 5 – empty
36. Dr. Brady autopsy report – Hoerner
37. Dr. Mike Dobersen – Autopsy Report
38. Tina Fernandez tab – empty
39. Louella Gebhardt tab – empty
40. William Haglund tab – empty
41. Roy Harness – Voluntary statement
42. Mike Hobbs tab – empty
43. Allen Knobbs tab – empty
44. Thomas Lowe – Fire District comments and narrative
45. Alejandro Otman tab – empty
46. Alex Ottman taped interview
47. Laurance Parker voluntary statement
48. Phil Riehle voluntary statement
49. Bill Rogers tab – empty

C. Volume No. 5 contents:

1. Credit report on James Anderson
2. Diamond Necklace retail replacement appraisal
3. Investigative notes
4. Background check on Steven Tatom
5. Background check on Daniel Caudill
6. Background check on George Forrester
7. Background check on James Stoneciper
8. Background check on Phillip Oberman
9. Background check on Michael Mastro
10. Copies of Plea Agreement, Info, Affidavits, etc. for failure to file tax return and possession of cocaine. Attorney Richard Hansen
11. FBI background check on D.J. Stenson and aliases
12. Classification study on Stenson
13. Educational scores.
14. Head and Face Injuries to Stenson dated February 8, 1974
15. Initial religious evaluation.
16. Psychological Screening
17. Off-line search printout
18. Lose in Binder – Letter to Hon. Williams regarding direct appeal representation of Stenson. Amended order for release pending sentencing.

D. Binder – No title contents: (Defendant's Exhibits)

1. Curriculum Vitae for Aimee Hayes Bakken, Ph. D.
2. Curriculum Vitae for Sandy Zabell. Ph. D.
3. Curriculum Vitae for Ronald T. Acton, Ph. D.
4. DNA analysis performed by FBI Laboratory
5. National Research Council, DNA Technology in Forensic Science, National Academy Press, Wash. DC, 1992
6. Evett, Scranage, Pinchin, "An Illustration of the Advantages of Efficient Statistical Methods for RFLP Analysis in Forensic Science
7. Lewontin, R.C., "Which Population?" Am.J.Hum. Genet. 52:205, 1993
8. Slimowitz & Cohen, Violations of the Ceiling Principle: Exact Conditions and Statistical Evidence."
9. Devlin & Risch, N., "Physical Properties of VNTR Data, and Their Impact on a Test of Allelic Independence."
10. Koehler, Jonathan J., "DNA Matches and Statistics: Important Questions, Surprising Answers."
11. Thompson & Ford, DNA Typing: Acceptance and Weight of the New Genetic Identification Tests."
12. Letters by Sullivan, Patrick; Risch, Neil & Devlin, B.; Budowle, Bruce, "DNA Fingerprint Matches."
13. Thompson, William, "Evaluating the Admissibility of New Genetic Identification Tests: Lessons From the "DNA War,"
14. Lewontin, R.C. & Hart, Daniel, "Population Genetics in Forensic DNA Typing.

E. Picture Photo Album

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

MEMORANDUM TO FILE NO. 5

February 9, 1994

Re: D. J. Stenson
Case No. 931180

NOTES FROM TELEPHONE CONFERENCE WITH FRED LEATHERMAN

Date: February 7, 1994

1. Fred would like to Walker to talk to Brady, the Medical Examiner, about the issue of the bullets. One of the police officers indicated that the bullets were in Frank Hoerner's pocket but only about half way down. The inference being that the bullets had been planted in the pocket rather than already in there. In Brady's autopsy report he did not reference that at all. He said he reached into the pocket and fished these bullets out. We would like to know if he will stick to the issue of the bullets being in the bottom of the pocket or not.

2. We also need to ask Brady the nature and extent of the head wounds on Frank Hoerner and the likelihood and what sort of weapon may have inflicted those injuries. Would there have been blood flying around? Evidently there was. Brady came up a day or two after the homicide and did the autopsy at the funeral home.

3. In response to a question Walker had regarding to the possibility of blood spurting out of Frank's body and somehow getting on D.J.'s pants, Fred replied that once the heart stops beating there is no pressure in the artery, therefore, there will not be any blood pumping anywhere. It is possible for blood to ooze out of a wound and obviously that happens. The red staining on a dead body, lividity, indicates how the body was lying because the blood actually pools to the low areas of the body and collects there after the heart stops beating.

4. Fred said there is no reason why blood would come out of Frank unless his body was disturbed which undoubtedly happened when he pitched off of the bed onto the floor, some blood flew from the head wound when his head impacted the floor. That clearly must have happened. If for some reason the body was disturbed or moved in some way, it is possible the blood would have flown that way, but it is extremely unlikely and totally inconsistent with the statement D.J. gave to the police.

5. The other possible theory is whether it could be a smear transfer. If there were drops of blood on the carpet near Hoerner's head and D.J. kneels into those little droplets would they then transfer to his pants? Would a forensic examiner be able to tell in blue jean material the difference between airborne droplets flying and impacting the cloth and a contact smear situation if he was kneeling in droplets of blood. According to Mike Grubb of the State Crime Lab, you would not see a pattern of blood droplets on blue jeans, because the nature of the droplets is that they are so small, containing such a small volume of blood that they dry almost instantaneously. In a matter of 30 seconds or a minute or so they are dry on the surfaces that they impact. He would not expect, if D.J. had leaned down and his knee had come in contact with him, that it would have transferred to the pants.

6. This blood on the pants is what we believe will be the "smoking gun evidence" against D.J. Fred will check the photographs to see if there are any blood droplets near Frank's head.

7. Mike Grubb said he thought he looked at the jeans but could not remember if he just glanced at them. We did not received a report from him on the jeans. We received a report on the various blood splatter that he checked at the scene but there was no reference to blood on D.J.'s pants. We need to talk to him in more detail about this.

8. Fred said he requested that if anybody in the FBI does that kind of analysis that we be informed of it. Fred said he feels this will be the most important evidence in the case in regard to the issue of guilt.

9. Fred would like Walker to talk to Brady and he will give us a list of items to discuss with him. The two primary issues being the <u>bullets in the pocket</u> and the <u>head wound</u>. Also, any opinions he may have about the <u>scrape type injuries</u> on Frank's body. We would like to know whether Frank was dragged or struck in some way to obtain these injuries.

10. Also, we should ask Brady what he thinks the scenario was and how Frank was killed.

11. Fred said he really has not talked to Bruno about a plea and suspects if there is going to come a time when a plea is possible, he suspects it would come at the end of March or the first part of April when he is getting ready for the Frye Hearing. Fred said he did not believe we would gain anything at this time by talking. Fred said "there is kind of a cold arrogance over there and that they pretty much think they are sitting on a pat hand."

12. Fred said if the prosecution does not get the palm print issue solved this could derail their whole case.

13. Fred said he feels the real battle will be how the blood got on the pants, not whose blood it is.

14. Fred said he wished we had a different theory to offer as a defense. For example, an argument between Frank and D.J. and then they grappled. Fred said he does not think D.J. would ever admit that this happened because he would still have to account for his dead wife.

15. Fred said there is a lot of evidence of premeditation, including the bullets, D.J. telephoning down to Texas to make sure they were expecting him, having a trailer hitch put on his truck.

16. Fred said Monty Martin has not talked much about the bullets found at Frank's house. Fred said he believes they are going to try and establish that Frank never had the gun and Denise then will say she never saw it and then a couple of people he knew most of this life will testify that he hated guns. The only evidence that Frank ever possessed a hand gun will come out of D.J.'s mouth.

17. Fred said he would like to talk to Janette Oberman, Denise's younger sister and was given her telephone number and address.

INFORMATION CONTAINED IN THIS DOCUMENT IS SENSITIVE AND SHOULD NOT BE DIVULGED TO ANY UNAUTHORIZED PERSONS, WHOSOEVER. IN ACCEPTING THIS DOCUMENT, CLIENT ACCEPTS RESPONSIBILITY FOR ANY LIABILITY ARISING FROM FAILURE TO PROPERLY SAFE-GUARD THE INFORMATION CONTAINED HEREIN.931180.M17

MEMORANDUM

TO: THE FILE
FROM: FRED LEATHERMAN
DATE: March 9, 1994
RE: MEETING WITH MIKE GRUBB

MET TODAY WITH MIKE GRUBB OF THE WASHINGTON STATE PATROL CRIME LAB AT HIS OFFICE IN MARYSVILLE. ALSO PRESENT FOR THE INTERVIEW WERE JEFF WALKER AND MARY LOU CROCKETT. THESE FACTS EMERGED.

1. DENISE STENSON WAS SHOT FIRST BECAUSE THE BRAIN MATTER IN THE BARREL OF THE GUN MATCHES FRANK HOERNER -- IF HE HAD BEEN SHOT FIRST, THE BULLET AND GASSES WOULD HAVE CLEARED OUT THE CYLINDER AND THE BRAIN MATTER WOULD NOT HAVE BEEN PRESENT.

2. DENISE STENSON WAS SHOT IN BED BECAUSE BLOOD SPATTER WAS FOUND THERE. SHE WAS NOT SHOT OUTSIDE AND CARRIED UPSTAIRS.

3. HE BELIEVES IT IS EXTREMELY UNLIKELY THAT ALL THE BLOOD FOUND ON THE GROUND NEAR THE POLE OUTSIDE THE FRONT DOOR OF THE HOUSE CAME FROM DENISE STENSON. HE BELIEVES THE BLOOD CAME FROM THE SAME SOURCE AS THE BLOOD ON THE POLE (FRANK HOERNER) -- THAT IS, A BLEEDING WOUND OR A VERY BLOODY OBJECT. HE BELIEVES THE BLOOD ON THE GROUND SUBSEQUENTLY IDENTIFIED AS DENISE STENSON'S CAME WHEN THE MEDICS WHEELED HER OUT. NOTE: SGT TURNER'S OBSERVATION OF BLOOD ON THE GROUND NEAR THE POLE PRIOR TO THE ARRIVAL OF THE EMT PERSONNEL IS CONSISTENT WITH MIKE'S VIEW.

4. MIKE DOES NOT BELIEVE NUN-CHUKS WOULD HAVE DEPOSITED THE BLOOD FOUND ON THE POLE AND AT THE FOOT OF THE POLE. THEY WOULD NOT HAVE HAD A SUFFICIENT QUANTITY OF BLOOD TO HAVE CAUSED THE SPATTERS. HE BELIEVES THE BLOOD MORE LIKELY CAME FROM AN OPEN WOUND BUT WOULD NOT SPECULATE IF THE CUT ON HOERNER'S HAND COULD HAVE BEEN THE SOURCE. MUST ASK DR. BRADY.

5. THE SHAPE OF THE BLUNT TRAUMA WOUND (A RECTANGLE WITH SHARP CORNERS) IS NOT CONSISTENT IN HIS OPINION WITH NUN-CHUKS BECAUSE IT IS TOO SHORT AND HAS FOUR SHARP CORNERS. HE BELIEVES SOME OTHER TYPE OF OBJECT WAS LIKELY RESPONSIBLE SUCH AS THE BUTT

END OF A HATCHET HANDLE OR SOMETHING LIKE THAT.

6. BOTH WOUNDS TO HOERNER AND DENISE STENSON WERE CAUSED BY FIRING A WEAPON A FEW INCHES AWAY FROM THE SKIN SINCE BOTH FEATURE STIPPLING AND POWDERBURNS (A STELLATE FEATURE WOULD INDICATE A CONTACT WOUND). HE INDICATED THAT ONE WOULD NOT NECESSARILY EXPECT BLOWBACK FROM SUCH WOUNDS SO THAT THE SHOOTER MIGHT NOT NECESSARILY HAVE ANY BLOWBACK ON HIS HANDS. HE SAID THE GUN BARREL SHOULD HAVE BEEN EXAMINED WITH A MICROSCOPE TO DETERMINE IF THERE WAS ANY BLOOD ON THE OUTSIDE OF THE BARREL.

7. ANTIMONY AND BARIUM IS A POOR TEST TO DETERMINE IF SOMEONE HAS FIRED A WEAPON. IT RUBS OFF EASILY. FOR EXAMPLE, JUST PUTTING ONE'S HANDS IN AND OUT OF POCKETS COULD EASILY REMOVE ANY DETECTABLE TRACE. AND, WASHING HANDS WOULD ALSO REMOVE ANY TRACE.

8. REGARDING CHECKING THE SINK TRAPS: CRIME LABS HAVE THE ABILITY TO DETECT BLOOD IN A QUANTITY OF 1 PART PER MILLION. THE SINK TRAPS YIELDED NO DETECTABLE BLOOD. THEN AGAIN, HE WOULD NOT HAVE NECESSARILY EXPECTED THAT TO BE THE CASE.

9. REGARDING DJ'S PANTS: HE SAID IT IS NORMAL TO FIND BLOOD ON THE LOWER PANT LEG AND SHOES OF A PERSON WHO HAS BEAT THE CRAP OUT OF SOMEONE ON THE GROUND -- THAT'S THE FIRST PLACE HE LOOKS. GIVEN SUCH A SCENARIO, HE WOULD HAVE EXPECTED A MIXED PATTERN OF SMALL AND MEDIUM SIZED DROPS POSSIBLY ELONGATED IF THEY LANDED AT AN ANGLE. A CONTACT SMEAR WOULD BE EASILY IDENTIFIED AND DISTINGUISHED FROM AIR BORN DROPLETS WITH A MICROSCOPE BECAUSE THE BLOOD BRUSHES ACROSS THE CLOTH FIBERS WHILE THE DROPLETS WILL GET BETWEEN THEM. I GOT THE IMPRESSION IT WOULD HAVE BEEN A MAJOR SCREW UP IN HIS OPINION IF THE FBI DID NOT PHOTOGRAPH AND ANALYZE THE BLOODSTAINS ON THE PANTS BEFORE CUTTING THEM OUT FOR SEROLOGICAL ANALYSIS.

10. MIKE AND INGRID DEARMORE COLLECTED SWABS FROM VARIOUS SOURCES AND PLACED THEM IN SEPARATE NUMBERED ENVELOPES WITH A DESCRIPTION WRITTEN ON THE OUTSIDE RELATING WHERE THE SAMPLE WAS TAKEN. WE MAY NEED TO SEE THE ENVELOPES AND COMPARE THEM TO HIS NOTES IN ORDER TO FINALLY DETERMINE WHICH SAMPLE CAME FROM WHICH LOCATION. HE WILL BE FAXING ME HIS NOTES FOR COMPARISON PURPOSES.

11. MIKE INDICATED THAT A PILLOW OR SOME LIKE OBJECT COULD HAVE BEEN HELD AROUND THE GUN TO DIMINISH THE SOUND AND WE WOULD NOT NOW BE ABLE TO DETECT THAT UNLESS WE ACTUALLY HAD THE PILLOW OR OBJECT TO ANALYZE (WITH DEPOSITS ON IT). IF THE GUN WAS FIRED THROUGH AN OBJECT, LIKE A PILLOW FOR EXAMPLE, ONE MIGHT BE ABLE TO DETECT TRACES OF THE OBJECT IN THE WOUND BUT NOT NECESSARILY AND IT DOES NOT APPEAR THAT SUCH AN EXAMINATION WAS PERFORMED IN THIS CASE. GIVEN THE GUN AND THE AMMUNITION, HE BELIEVED IT WOULD PRODUCE A LOUD NOISE WHEN FIRED. OF COURSE, THERE IS A PROBLEM QUANTIFYING THE LOUDNESS AND WE ARE GOING TO HAVE TO FIND A WAY TO DEAL WITH COPS TESTIFYING THAT THEY TEST FIRED THE WEAPON AND IT

WASN'T VERY LOUD.

12. MIKE WAS SURPRISED THAT SHELL CASINGS AND LIVE ROUNDS WERE DISCOVERED IN HOERNER'S DRIVEWAY (HE IS OUT OF THE LOOP AND WAS NOT TOLD THIS INFORMATION). THINKS THEY SHOULD HAVE BEEN TESTED FOR FINGERPRINTS.

13. HE BELIEVES HOERNER WAS SITTING UP FACING THE DOOR TO THE ROOM WHEN SHOT GIVEN THE TRAJECTORY OF THE BULLET. THE POSITION OF THE FEET UNDER THE BED IS NOT SURPRISING TO HIM -- IT COULD HAVE HAPPENED JUST BY FRANK'S FEET STRETCHING OUT ONCE HE FELL TO THE FLOOR.

NOTE: NOTHING ABOUT THE CRIME SCENE SURPRISED HIM. IT WAS A BOTCHED EFFORT TO MAKE IT LOOK LIKE A MURDER SUICIDE. IN HIS OPINION, THE REASON IT FAILED WAS BECAUSE OF THE TIME PRESSURE, THE LIGHTING AND A MISUNDERSTANDING OF FORENSIC ANALYSIS.

MEMORANDUM

TO: THE FILE
FROM: FRED LEATHERMAN
DATE: March 11, 1994
RE: MIKE GRUBB'S NOTES

RECEIVED AND REVIEWED MIKE GRUBB'S NOTES TODAY. I NOTED THE FOLLOWING OBSERVATIONS.

1. EVIDENTLY DR. BRADY DISCOVERED AN OPEN HERPES SORE ON FRANK HOERNER'S PENIS WHICH PROBABLY ACCOUNTS FOR THE SUBSTANCE SEEN DRIPPING OUT OF IT. IT WAS LIKELY PUS. THE FBI ANALYZED IT AND IT WAS NOT SEMEN (p. 17).

2. MIKE NOTED THAT DR. BRADY SHOULD BE ASKED IF ANY OF THE BLUNT TRAUMA WOUNDS TO THE HEAD COULD BE ATTRIBUTED TO FRANK HOERNER FALLING DURING A STRUGGLE AND HITTING HIS HEAD ON SOME OBJECT. (p.17)

3. MIKE ALSO NOTED THAT HE WAS TOLD AT THE CRIME SCENE ON 3/25 THAT MRS. HOERNER WAS CLAIMING THAT DJ HAD DEMANDED AND ADDITIONAL $10,000 WHICH SHE SAID FRANK TOOK OVER TO DJ'S HOUSE IN A BLACK CASE ON THE "FRONT SEAT." (p. 5)

4. MIKE NOTED THERE WAS SOME BLOOD ON HOERNER'S WHITE ATHLETIC SHOES (ON THE BACK HEEL OF THE RIGHT SHOE) -- I DON'T BELIEVE THE FBI TESTED IT (p. 12)

5. HE DESCRIBED THE BLOODSTAINS ON DJ'S PANTS: "LIKE DRIPPING BLOOD" WITH "VERY SMALL APPARENT BLOODSTAINS OBSERVED ON HIS SHOES" (p. 13)

6. HOWEVER, HE ALSO NOTED THAT THERE SHOULD HAVE BEEN MORE BLOOD ON DJ THAN WAS FOUND (p. 16).

7. RE THE LUMINESCENCE UNDER LUMINOL: HE SAID THE FLOOR NEXT TO THE DRYER WAS WALKED ACROSS FREQUENTLY SO HE WASN'T SURPRISED BY THE REACTION (p. 19). HE ALSO NOTED THAT IT WAS POSSIBLY DUE TO A REACTION WITH THE DETERGENTS (p. 20).

8. THE LUMINESCENCE OBSERVED IN THE MARTIAL ARTS ROOM ON ONE

PAIR OF NUN-CHUKS "APPEARED TO BE DUE TO THE VARNISH/FINISH" (p. 26).

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

MEMORANDUM/REPORT

July 11, 1994

RE: Darold J. Stenson - Mike Grubb
WIC Case No. 931180

INTERVIEW OF MIKE GRUBB
Washington State Crime Lab

Date: July 10, 1994

1. Mike Grubb said FBI lab found the bloodtype for the blood found on D.J.'s pants was found to be similar to Frank Hoerner's bloodtype. Mr. Grubb was referring to the area described as a transfer smear by Englert.

2. Mr. Grubb said he has not had the pants in the lab so he is not familiar with the other spatter drops we are referring to. Grubb said he has not personally talked to Englert nor has he visited his laboratory in regard to the pants. Grubb said Englert was involved in the luminal photography.

3. Mike Grubb said he saw the pants on March 25th and remembers seeing blood on the pants. Mike said he did not spend much time looking at the pants because he assumed they would be submitted to the lab for a more detailed analysis. Mike said he cannot remember the exact location of the blood on the pants.

4. Mike Grubb said he knows Englert and that Englert has worked on a number of cases he has been involved in. Grubb said Englert's area of specialty is blood spatter. Grubb said he does not know if Englert would be considered "good" in the field.

5. Mike Grubb said the FBI lab normally does DNA testing and they may only be interested in a blood stain which is big enough to do DNA testing on. Mike Grubb said to do a DNA test you must have sample that is at least 3/8" in diameter. They can do PCR with a smaller stain. PCR is only done in Federal cases and mail fraud type cases, etc. They use it mainly when they are looking at saliva.

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PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

MEMORANDUM/REPORT

July 13, 1994

RE: Darold J. Stenson
WIC Case No. 931180

NOTES REGARDING MEETING WITH MONTY MARTIN

Date of Interview: Telephone interview on July 6, 1994

1. Monty Martin and I discussed looking at the evidence with Stuart James. We discussed on ongoing efforts of Mike Grubb to review the pants and to make the analysis of the possibilities of how Frank Hoerner's blood got on the pants. Monty Martin explained that there had been a recent report from Grubb including a discussion of use of a wig and blood on a wig to experiment on the types of blood transfers that would be the result of denim touching blood on the scalp. Monty Martin explained that there had been a report prepared by Grubb for all the work that he has done to date.

NOTES REGARDING WEEK OF JULY 6-8, 1994

1. Continuing discussions with Phil and Barbara Oberman regarding progress of the trial and the progress of the children.

2. I also had two conversations with Janelle Owens regarding the same. There were also discussions with Brad Behrman regarding Denise Hoerner's deposition and a matter involving Tim Robbins.

3. Also, David Oberman was reinterviewed. Nothing additional was obtained. It should be noted that David Oberman's relationship with D.J. is disintegrating. He has taken a lot of heat from D.J. regarding the status of the farm. David has no additional information about anything that happened during the time of the shootings. He has apparently given the matter very little thought.

4. There have been a continuous stream of comments regarding the condition of the Dakota Farms. The house and yard is in a mess. There is garbage everywhere inside and out. There is a trailer in the front yard which is full of garbage bags. There is cat shit in nearly every room of the house and everything is filthy and totally unkept.

NOTES REGARDING JULY 9-10, 1994

1. Telephone conversations were conducted with Vern Vorencamp. Vorencamp explained that he spent the weekend at Dakota Farms with David Oberman and Dan Caudill and LeMaster.

2. Vern Vorencamp took an emergency load of bird feed to Dakota Farms because he learned that his birds were not being fed. It was also learned that LeMaster's adult male had recently died. Vern also explained that although the death had been fairly recent, the body had not been removed and was completely covered by flies and maggots. The death of all the ostriches at Dakota Farms have been attributed unofficially to the lack of care, lack of water, lack of decent food and lack of a clean living environment.

3. Vern Vorencamp's patience has finally worn out and this weekend he removed his incubator that he had purchased which is the only incubator at the farm. He has also purchased an extra sacks of food which he said will keep the birds fed that are there for approximately six weeks because by that time he will have found a new home for his birds.

4. Vern Vorencamp has lost a great deal of faith in David Oberman. More importantly, he has lost faith in D.J. Stenson. He has begun to reflect back on the nine or ten years he has known D.J. and began to question many matters including the sinking of the boat, equipment from the boat that he has seen, the production of ostriches, and in general, every aspect of his friendship and business relationship with D.J.

   Vern Vorencamp explained that the ostrich production has always been extremely low at Dakota Farms. Vorencamp now wonders is D.J. actually sold fertile eggs or sold young chicks that belonged to Vorencamp. Vern said that there was no way he would know whether he had been treated fairly by D.J. At this juncture Vern Vorencamp now is beginning to believe the worst about D.J.

5. I explained to Vorencamp that the trial looked to be difficult to win and that he should not necessarily plan on spending money to keep Dakota Farms operating so that D.J.

can step back into the operation of the farm in a couple of months.

6. During a discussion with Phil and Barbara Oberman, the following additional information was noted. Phil Oberman suggested that Janette Oberman not be used as a witness. He explained that although she is his daughter, he still feels that she would make a poor witness because of her emotional character. I explained that she was most likely not to be used as a witness. Phil Oberman said that D.J. told him that she would be a witness.

7. The Oberman's and Debbie Samuelson have been thinking about the days immediately prior to the shootings. Debbie Samuelson left Dakota Farms to go back to Seattle just one day prior to the shootings. The plan had been for Janette to go up to Dakota Farms on that day. The idea was to have one of Denise's sisters with her at all times while D.J. was away. It was explained that Denise never like to spent time alone while D.J. was away from the farm. It was noted that it had been very strange because D.J. had been asking Debbie Samuelson when she planned to leave Dakota Farms. Debbie had been there over the weekend and she had apparently stayed longer than she had planned. In any event, Barbara Oberman explained that she and Debbie Samuelson thought D.J. was treating her in a very odd fashion by asking repeatedly about her plans for leaving Dakota Farms and returning to her own house.

8. Janette did not come to stay with Denise because she had been seriously ill starting on the weekend prior to the shootings. Barbara is not 100% sure, but she believes that her memory to be that Janette was very ill that weekend and had not recovered by the middle or end of the week.

9. It was also explained that the children are limited to three telephone conversations per week with their father. This apparently has become no problem with D.J. and he has voiced no opposition to this plan to Barbara Oberman. Barbara Oberman explained that Dillon had not been very interested in talking with his father. On his last telephone conversation he was more interested in finishing a television program than he was in talking with his father.

10. Barbara Oberman explained that she is having difficulty talking with D.J. and said that he constantly wants to talk about the case and she does not want to talk about the case. Barbara Oberman said she tries to change the subject and avoid his questions and comments as much as she can to avoid entering into conversations with him. Also, with each conversation it becomes increasingly clear that Phil Oberman believes without any doubt that D.J. is guilty. It should

be noted that there remains no waivering for their concern for the children, however, and they therefore have an interest in saving D.J.'s life simply to make the children's life better.

NOTES REGARDING JULY 11, 1994

1. I had a meeting in Port Angeles with Fred Leatherman, Dave Neupert and Mary Hudson and myself. We met at Dave Neupert's office to prepare for our meeting with D.J. at the jail. We had a meeting with D.J. at the Clallam County Jail to discuss the status of the case.

NOTES REGARDING JULY 12, 1994

I had telephone conversations with Fred Leatherman and Phil Oberman. I also received a telephone call from Monty Martin.

1. The telephone call from Monty Martin was received about noon time. Monty Martin said that D.J. had thrown a curve ball during their morning session in court and that he believed it was a surprise to both the prosecution and defense and he was interested in talking about what was going on.

2. During a conversation with Phil Oberman he was briefed about the discussion and meeting we had with D.J. the previous day. Phil Oberman stated that he was interested in attending part of the trial which would be Monday, July 18. Phil Oberman stated that D.J. called David Oberman last night on the evening of July 11th at approximately 8:30 p.m. after the conclusion of our meeting. At our meeting D.J. never mentioned anything about his case or anything about the meeting that had just been concluded. The only discussion with David was regarding the operation of the farm.

3. Phil Oberman expressed concern about the possibility of D.J. escaping. He asked if D.J. were in fact to escape, the remote a possibility that may be, he was wondering how quickly the Oberman's could be notified. It was his thought that if D.J. escaped he would make a beeline for the children and the Oberman's had made some plans to protect the children in the remote chance that D.J. did escape. It was pointed out that there had been an escape from the Clallam County Jail during the time D.J. has been there. It was the Oberman's understanding that D.J. knew about the escape in advance but decided he was not going to participate because he was afraid it was a set-up. Phil Oberman said that he had spoken to Brad Behrman today. Behrman had received a call and had a message left on his

voicemail from D.J. at approximately noon time or 12:30 p.m. As of 9:00 p.m.. D.J. had not been in contact with Brad Behrman. Phil was wondering whether D.J. was contacting Brad Behrman to talk to him about challenging the Guardian Ad Litem representation of the children and the children's estate or whether he was calling him about matters relating to this criminal defense.

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PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

MEMORANDUM/REPORT

July 23, 1994

RE: Darold J. Stenson -
WIC Case No. 931180

TELEPHONE INTERVIEW WITH MIKE GRUBB

Washington State Patrol Crime Laboratory
2700 N.E. 116th Street
Marysville, Washington 98271-9425
(206) 658-1419

Date: July 22, 1994

1. Mr. Grubb has done some work on the pants. He has not met Stuart James. He has read Mr. James' book and he thinks the book is good. He faxed a copy of his Curriculum Vitae which is attached with this memo.

2. Phenlythaline and luminal are only presumptive tests for blood. Mr. Grubb thinks that if there is a stain that looks like blood and gives an immediate positive phenylthaline, in his opinion it is blood. According to Mr. Grubb, the things that interfere or give false positives generally do not look like blood and they do not react as strongly.

3. If Mr. Grubb does a luminal test and gets a positive reaction, he will not call it blood unless he also does a phenylthaline test. If he gets a good positive reaction on both, Mr. Grubb is fairly comfortable that it is blood. If the stain cannot be seen, then there is always the possibility that something else is giving the reactions.

4. If it is too small a stain, there is not much else that you can do.

5. In his report of June 22, 1994 Mr. Grubb states that the large stains on D.J.'s pants in the right knee area could have been caused by dripping or by contact transfer. More significantly, Mr. Grubb feels there was not a good place at

the scene where D.J. could have picked those up--not from the rug in the bedroom, Hoerner's body and clothing, stains on the dryer walls, or on the concrete outside. There is no good explanation of how D.J. could have gotten those stains on himself.

6. Given that it is Hoerner's blood on D.J's knee, Mr. Grubb says the stains are not consistent with D.J. just coming in and kneeling down at the body. It is more consistent with D.J. moving the body. That is a real possibility--either having some blood from Hoerner dripping on D.J.'s pants or D.J. contacting, for example, some of Hoerner's bloody hair or something, where you have drips from the hair soaking onto the knee. It just "doesn't wash" with D.J. coming in and kneeling down at the body. There is just no way he could have picked up the stains that way.

7. Mr. Grubb agrees that D.J. was in the vicinity of Hoerner when Hoerner was bleeding. Mr. Grubb says that it is either consistent with D.J. being in a struggle and then moving Hoerner or maybe D.J. got the stains after Hoerner was dead. Mr. Grubb cannot say whether or not there was a struggle.

8. Mr. Grubb says the stains are either dripped or transferred blood. There are also some real small stains on the other pant leg. Mr. Grubb understands the PCR came back as similar to Hoerner.

9. According to Mr. Grubb, certain things can be ruled out. If D.J. says that he just came in, kneeled down by the body and then left, Mr. Grubb says "that just doesn't cut it."

10. Mr. Grubb says that you have to either have Hoerner's blood dripping onto those pants or in wet droplets standing on a surface whether it be the ends of hair strands or on some surface yet to have been identified for that transfer to have happened.

11. Mr. Grubb does not know when he will testify. He sent a copy of his Curriculum Vitae.

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Michael J. Grubb

EDUCATION

B.S. in Criminalistics/Forensic Science, School of Criminology, University of California, Berkeley, 1975

Graduate study in Forensic Science, U.C. Berkeley, 1977-1978

FBI Shoeprint and Tiremark Course, 1984

spatter?

FBI Specialized Firearms Course, 1988

WORK EXPERIENCE

Criminalist, Institute of Forensic Sciences, Oakland, CA, 1975-1980

Forensic Scientist, Washington State Patrol Crime Laboratory, Seattle, 1980-1989

Supervising Forensic Scientist, WSP Crime Laboratory, Seattle, 1989-1993

Supervising Forensic Scientist, WSP Crime Laboratory, Marysville, 1993-present

PROFESSIONAL ORGANIZATIONS

Member, California Association of Criminalists, 1974-present
- CAC Biology Study Group, 1976-1979
- CAC Firearms Study Group, 1979
- CAC Training and Resources Committee, 1980-1983

Member, Northwest Association of Forensic Scientists, 1981-present
- Chairman, NWAFS Technical Advancement Committee, 1983-1985

Member, American Academy of Forensic Sciences, 1981-present

Member, Association of Firearm and Toolmark Examiners, 1985-1990
- Program Chairman, 1987 AFTE Seminar

COURT EXPERIENCE

Biochemistry, trace evidence, firearms, toolmarks, shoeprints, tiremarks, crime scene reconstruction, blood spatter

Washington, California, Nevada, New Mexico, Colorado, Missouri, Idaho, Florida, and Alaska. Municipal, Superior and Federal Courts

AWARDS

Berkeley Police Department Outstanding Service Award

TEACHING

"Forensic Investigation", University of Washington

PROFESSIONAL PAPERS

"The Chemistry of Gm Antigens"

"Theoretical and Practical Considerations on the Individuality of Blood"

"Serologic Racial Identification in Cases of Mutilations"

"Considerations on the Forensic Examination of Glass"

"KTW Metal-Piercing Ammunition"

spatter?

"Polyurethane-Soled Shoe Impressions"

"Firearms Evidence in the Wah Mee Club Massacre"

"Extracting Denatured Bloodstains"

LECTURES

"Physical Evidence Interpretation: A Seminar for Attorneys", presented to attorneys from Public Defender's Offices, District Attorneys Offices and private attorneys (California)

"Forensic Serology", presented to the California Public Defenders Association

"Criminalistics", presented to the California Homicide Investigators Association

"Laboratory Analyses in Cases of Sexual Assault", presented to:
Bay Area Sexual Assault Investigators
Criminal Justice Training Center (California)
College of American Pathologists

"Firearms and Toolmarks", presented to King County Police Training Classes

"Trace Evidence/Microanalysis", presented to:
Criminal Justice Training Center, Seattle
International Association for Identification

PUBLICATIONS

"Discussion of 'The Individuality of Human Footprints'", Journal of Forensic Sciences, 25 (2).

"Defects in Polyurethane-Soled Athletic Shoes - Their Importance to the Shoeprint Examiner" Jay and Grubb, Journal of Forensic Science Society, 1985;25: 233-238.

CLALLAM-JEFFERSON PUBLIC DEFENDER
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Staff Attorneys

FACSIMILE TRANSMISSION COVER SHEET

TO: Fred LeathermAN

at FAX number (____)

RE: StenSon

CASE NO.

ADDITIONAL INFORMATION: This is Mike Grubb's report of 6/22/94. It is a 35-page transmission.

Receiver - If you receive this material in error, please call (106) 452-3307 immediately. This is confidential material

Thank you.

PLEASE REFER TO TOP OF SHEET FOR DATE/TIME OF TRANSMISSION

MG

AGENCY CASE NO. C009302587

REQUEST FOR LABORATORY EXAMINATION

WASHINGTON STATE PATROL — STATE CRIME LABORATORY SYSTEM

LABORATORY NO. 494-0494

EVERETT	WSP DISTRICT OFFICE BUILDING	98271	(206) 658-1419	Scan 261-1840
KELSO	HALL OF JUSTICE BUILDING	98626	(206) 577-2087	Scan 239-2087
KENNEWICK	WSP DETACHMENT OFFICE BUILDING	99337	(509) 545-2022	Scan 526-2022
SEATTLE	PUBLIC SAFETY BUILDING	98104	(206) 464-7038	Scan 576-7038
SPOKANE	PUBLIC SAFETY BUILDING	99201	(509) 456-4145	Scan 545-4145
TACOMA	COUNTY-CITY BUILDING	98402	(206) 593-2006	Scan 462-2006

HAS OTHER EVIDENCE IN THIS CASE BEEN PREVIOUSLY SUBMITTED TO THIS LABORATORY? YES Crime Scene Prev NO

SUSPECT(S) LAST FIRST MI.

1. STENSON, DAROLD
2.
3.

VICTIM(S): DENISE STENSON, FRANK HOERNER

OFFENSE: HOMICIDE

DATE OF OFFENSE: 3 25 9

EXAMINATION REQUESTED BY:

DET. SGT. MONTY MARTIN — NAME (Print or Type) — RANK — SIGNATURE — DATE 6-16-94

CLALLAM CO. S.O. — AGENCY — ADDRESS — CITY — ZIP — PHONE 452-7836

ITEMS TO BE EXAMINED BY ORDER OF PRIORITY:	EXAMINATION DESIRED:
HOERNER'S COAT (item MD-5)	
STENSON'S JEANS (item DS-1)	Evaluate blood spatter on Stenson's jeans.
SCENE PHOTOS	

Evidence remained in possession of Det. Sgt. Martin — Not submitted

RECEIVED

SUBMITTED BY: type or print — pers no. — signature — agency

Date/Time — Mail # — Accepted by: — UPS #

DISPOSITION

RE[illegible]ED BY: print — pers no. — signature — agency

Report mailed Date/Time 6-22-94 — Mail # — Released by: [illegible] — UPS #

PORTANT: Copy Distribution: White and pink copies must be submitted to laboratory.

3000-210-005 9/93

Page of Pages

STATE OF WASHINGTON

WASHINGTON STATE PATROL

2700 N.E. 116th Street • Marysville, Washington 98271-9425 • (206) 658-1419

CRIME LABORATORY REPORT

AGENCY: Clallam Co. Sheriff's Office
OFFICER: M. Martin
VICTIM: Stenson, Denise
Hoerner, Frank
SUSPECT: Stenson, Darold

Ref: Laboratory Number 494-0494A

Agency Number C009302587

Evidence Examined:

Item MD-5: Sealed bag containing a grey coat from Frank Hoerner.

Item DS-1: Sealed bag containing a pair of bluejeans from Darold Stenson.

Photographs of the crime scene and Stenson's bluejeans (right knee area) before samples of blood were removed.

Procedures and Results:

Bloodstains are present on the bluejeans in item DS-1 in the right knee area in a pattern which could have been caused by dripped blood or by contact transfer (blotting) of blood. Some blood smears are also present in the right knee area. Several of these stains have been largely removed by cutting. There are three very small (0.5 -2 mm diameter) bloodstains in the right front thigh area. These appear to have been caused by very small airborne blood droplets. On the left lower leg area are several bloodstains, three of which appear to have been caused by airborne droplets of blood. All of these stains tested positively with phenolphthalin, a presumptive chemical test for blood.

The grey coat in item MD-5 was examined in relation to the scene photographs and the bloodstains on Stenson's bluejeans, as to whether the coat could be the source for the bloodstains in the right knee area of the bluejeans.

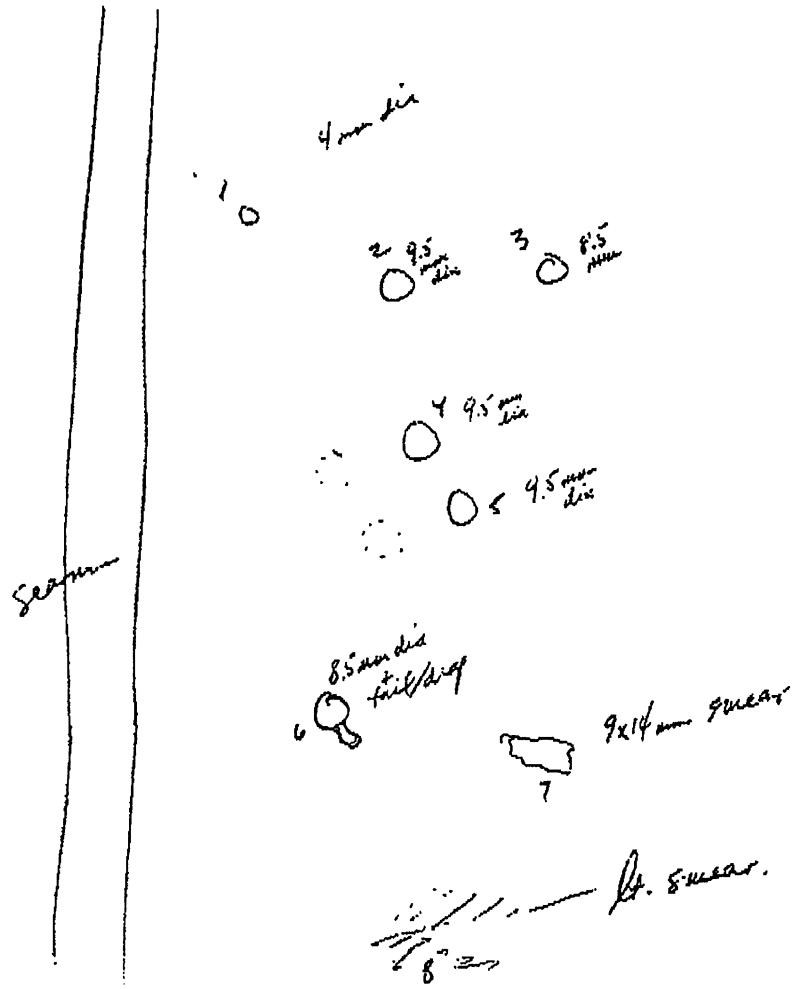
Conclusions:

[redacted] Very little blood was present on the left side of Frank Hoerner's clothing as he was found. Contact with the body and clothing of Frank Hoerner as he lay on the floor of the bedroom at the scene would not cause bloodstains as seen on the right knee area of the bluejeans. The stains on the right knee area of the bluejeans could not have been caused by contact with any of the bloodstained vertical surfaces in the laundry room area of the crime scene (door, wall, freezer, dryer). There is no pattern of bloodstains on the floor of the laundry room or bedroom where Hoerner's body was found which would correspond to the pattern of bloodstains seen on the right knee of the bluejeans in item DS-1.

Michael J. Grubb, Supervising Forensic Scientist — June 22, 1994

494-0494 _ mb 6-8-94

Rec'd photo 6-8-94
color 8x10 of bjeans w/ blood drops



2, 3, 4, 5 look dropped on
1 too sm. to be normal
low vel. drop.
6 may be drop/smear ?
7, 8 appear to be smears

4 & 5 have shadow drops off to side - as if folded over when wet.

Called & requested Det. Sgt. Martin bring (U) coat, (S) jeans & scene photos → lab for exam. He said thurs the 16th ok.

494-0494A

6-15-94

Blood drop experiments:

1. Blood dropped 12" (single drop from transfer ~50µl pipet) — shows satellite spattering.

2, 3, 4. Blood dropped 2" from transf. pipet → jeans, & then jeans folded after 30 sec to get 2° transfer.

5, 6, 7. Blood dropped from 4" w/ transfer pipet, & jeans folded one after 5 min. ← #7 smeared manually after 2 min.

Not much diff between these except 2-4 get shadow drops after the fold while 5-7 don't - This suggests that between 5 & 7 happen quite

8, 9, 10, 11, 12, 13, 14. Blood applied to wig hair & dripped from that @ 4". #14 was lightly shaken from hair. These were applied w/ jeans @ a slight angle (~20°)

These drops are slightly elongated instead of round - suggesting the 20° angle.

15, 16. same as 8-14, but applied @ 90°. → Note: NOT much diff between these & 8-14.

94-0494A mb 6-15-94

17, 18. 2 drops placed on a non-porous surface (lab tabletop) Contacted w/ pants - tried a fold 2° transfer after 5 min. which didn't show up.

19, 20. 2 drops on non-porous surface (table-top), sat there for 10 min., then transferred → jeans. If there's a tiff, it's intrinsic

21, 22. 2 drops → porous surface (sweatshirt). Jeans applied w/ pressure after 30 sec. Folded to get 2° transfer after another 30 sec.

23, 24. 2 drops → porous surface (sweatshirt). After 5 min. jeans applied w/ pressure. Jeans then folded after 30 sec. to get 2° transfer.

494-0494A [illegible]
6-16-94

Blood drop experiments (continued)

25. } 3 drops of blood → short pile carpet, wait 5 min,
26. } then jeans pressed against the stains.
27. }

Det. Sgt. Martin brought Hoerner's coat (MD-5) and Stenson's jeans (DS-1) to lab for further analysis. He kept those items in his possession rather than submitting them. Analysis for 4 hrs. & he left w/ items. He also brought crime scene photos.

28. } 2 drops placed onto a swatch of fabric taken from
29. } Hoerner's coat (@ 45°). Contact transfer → bjeans. test (not Stenson)

30. } Same area recontacted on Hoerner's coat mat'l to see if
31. } more than 1 soak stain can be picked up from a single drop on the coat. Don't get a 2nd soak stain.

32. Single drop → Hoerner's jkt. mat'l. Wait 5 min. transferred → bjeans.

33. Tried 2nd transfer of same stain as 32 on Hoerner's coat → bjeans. Don't get 2nd soaked stain.

494-0494 ab
6-16-94

Stains on Hoerner's L. shoulder were ~~[illegible]~~ crusted — Had there been a transfer ⇒ jeans - there would not be blood left on coat to crust up.

Bloodstain drop experiment (cont.)

34. ~35 µl drop from eye dropper, from 6" height 90° ⇒ jeans
35. " " 8" " " "
36. " " 10" " " "
37. " " 12" " " "
38. " " 14" " " "
39. " " 16" " " "

↑ 12" or less can be ruled out on Stevens's pants

start getting satellite spatter out here

6-21-94 (cont)

more than ⇒ jeans

40. } Three drops placed on vert. surface of refrig. 41, 42 ran
41. } 40 is as large a drop as can remain on vert. surface.
42. } This was transferred ⇒ jeans after ~ 30 sec.
Resulting in 7×8 mm elongated stain.

43. } Four addl sm. drops placed on vert. refrig, & wait 3 min.
44. } they started to ~~[illegible]~~ elongate.
45. } These stains smaller than those on Stevens's pants; & not elongated
46. }

4c. 5×7 mm
44. 6×9 mm
45 4.5×8 "
46. 5×

494.0494A

6-21-94

47.
48. } Jants recontacted the area on refrig. to pick up add'l.
49. staining.
50.

51. } ~50 µl drops Dropped → linoleum floor from 3'. Transferred by direct
52. } blot to jeans.

53. } 35 µl drops → linoleum floor from 3'. Transferred → jeans
54. } by jeans coming down in hard contact with floor,
55 } causing some smearing — Some lateral movement,
not just blotting.

Did some drops → concrete — Causes v irregular stains w/ sakellite spatter @ 3' drop height & @ 6" drop height the stains are still v. irregular.

JUL-29-94 FRI 16:03 Clallam-Jeff. Public Def 206 452 3

494-0494-A

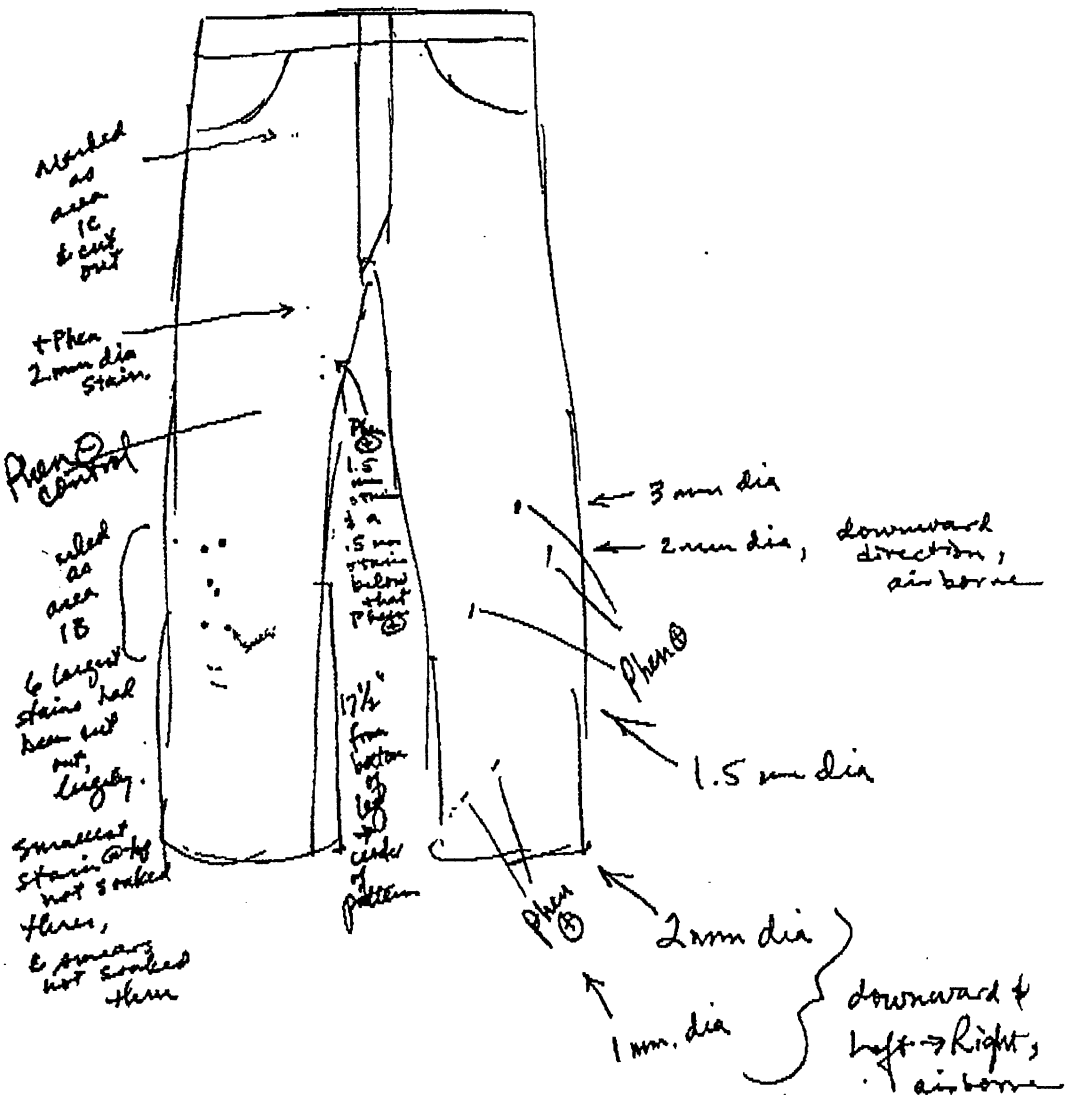
6-16-94

from photo 26

Case # 494 0494A Item # DS 1 Date 6-16-94 Page 8 of 3

Packaging to bpb

Description pr. Wrangler bjeans



✓ back of jeans - Smear across bottom of r. leg @ calf area phen ⊖

Discussed PCR as a possibility for smaller stains, airborne on pants. w/ Det Martin

Visual or stereomic. exam both

Amount of wear —

Tears No

Contents of pockets, cuffs —

Staining ✓

Reagent check ✓ Phen ⊕ w/ Kenblood

Location of initials Wrangler tag

Trace evidence —

Trace evidence packaging & disposition —

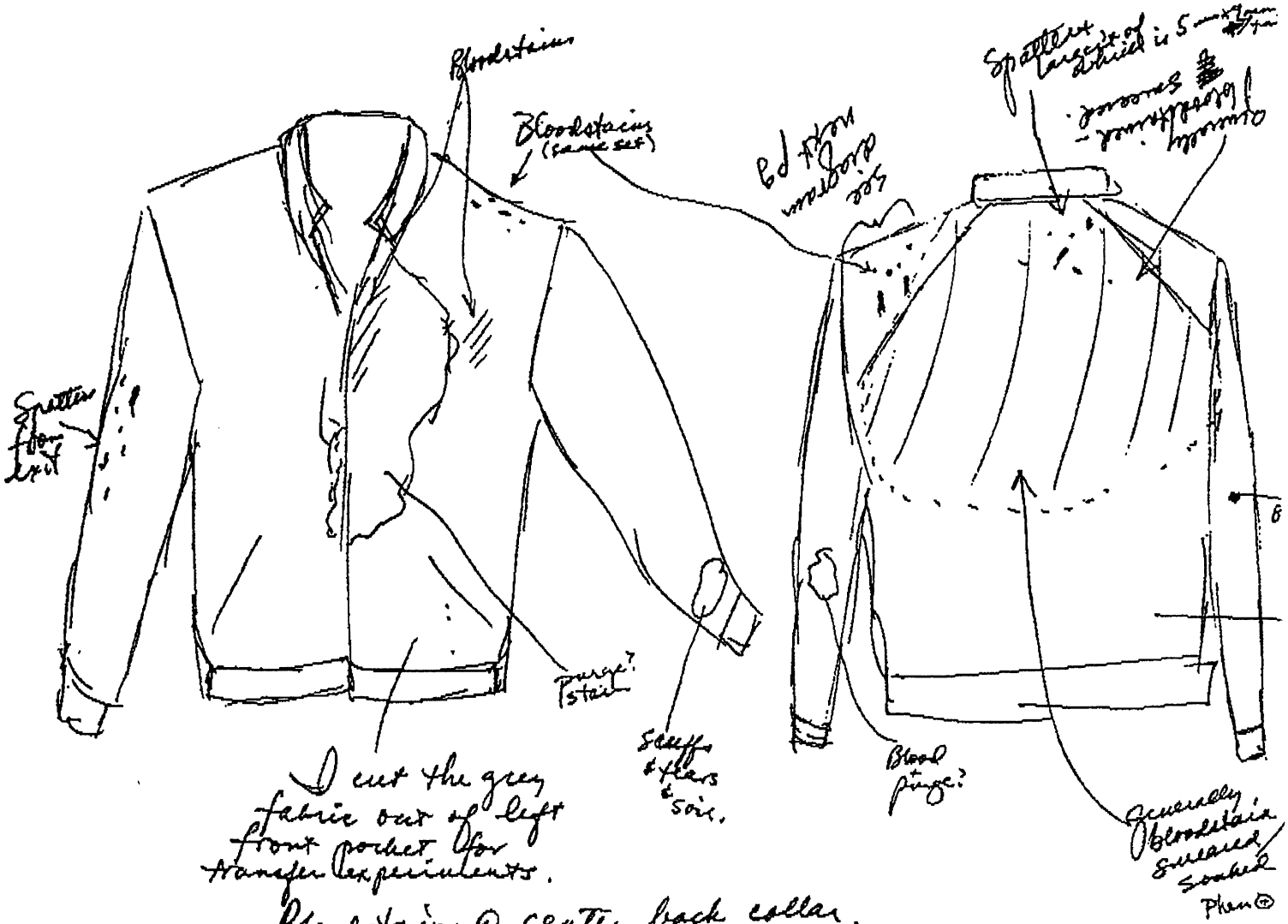
Save exam paper? —

Copy of this form to: —

Case # 494-0494A Item # MD-5 Date 6-16-94 Page 9 of 3

Packaging ts bpt c̄ 2 inner ~~bpbs~~ bpbs & a grey coat

Description Grey coat w/ red collar - from Ⓥ Hoerner



I cut the grey fabric out of left front pocket for transfer experiments.

Bloodstains @ center back collar are too small to be responsible for transfer → Stenson's jeans.

Bloodstains @ L. shoulder don't correspond to stains on Stenson's knee.

Visual or stereomic. exam Vis

Amount of wear —

Tears ⊕

Contents of pockets, cuffs —

Stain

Re

Inside L f pocket on red matl

Trace evidence —

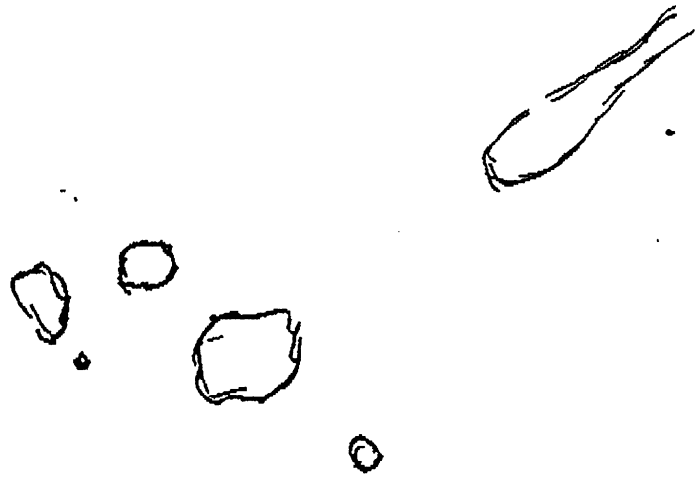
Trace evidence packaging & disposition —

Save exam paper? —

Copy of this form to:

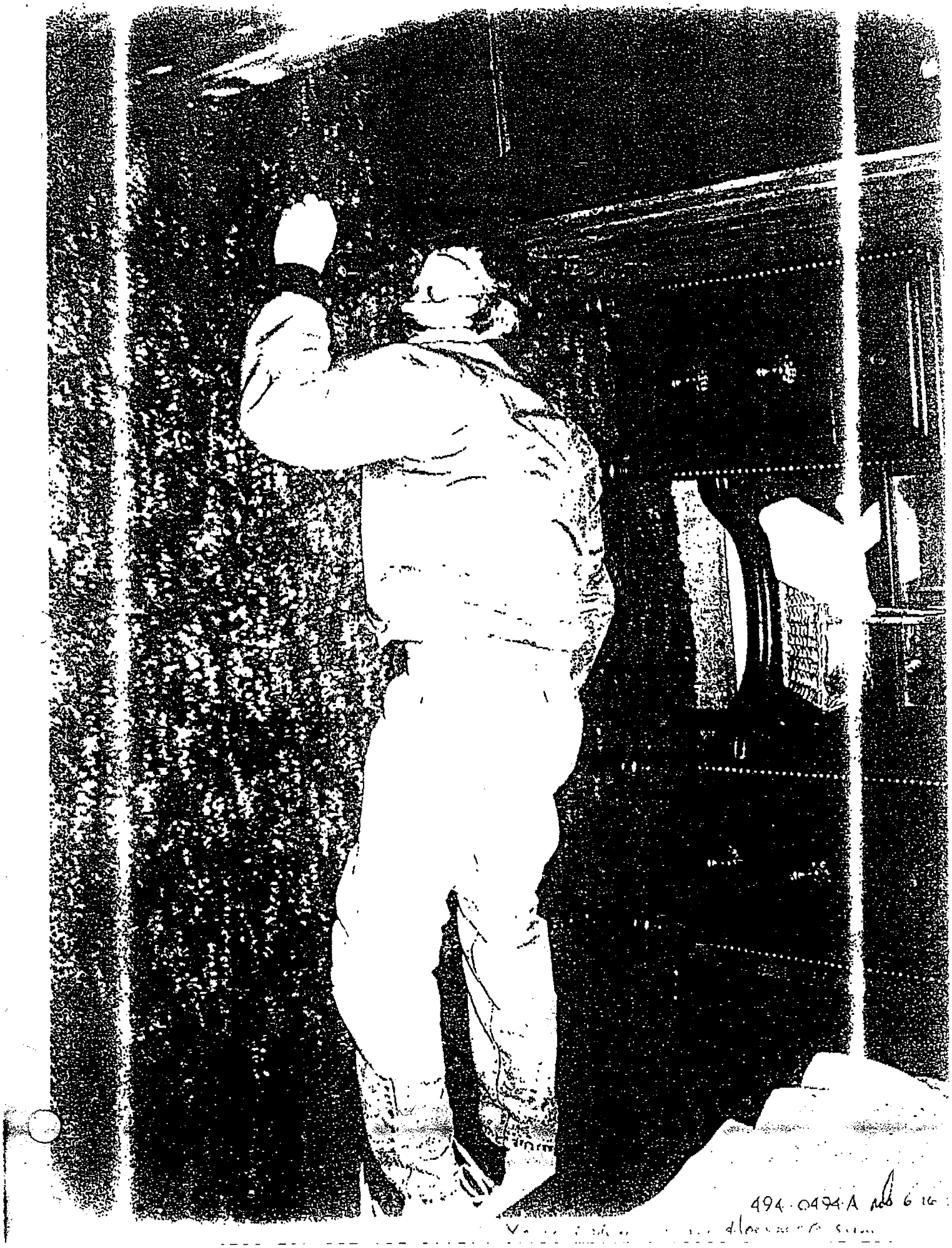
10/13

L shoulder seam



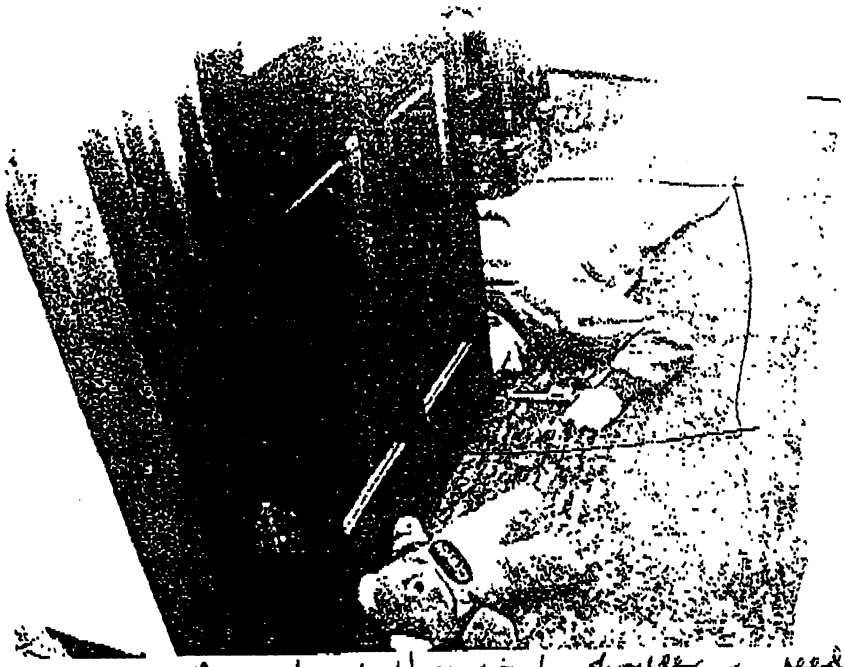
Bloodstains
L. shoulder of
sleeve coat

Note: looks like
Experimental frogs
8-16



494-0494-A 6 16

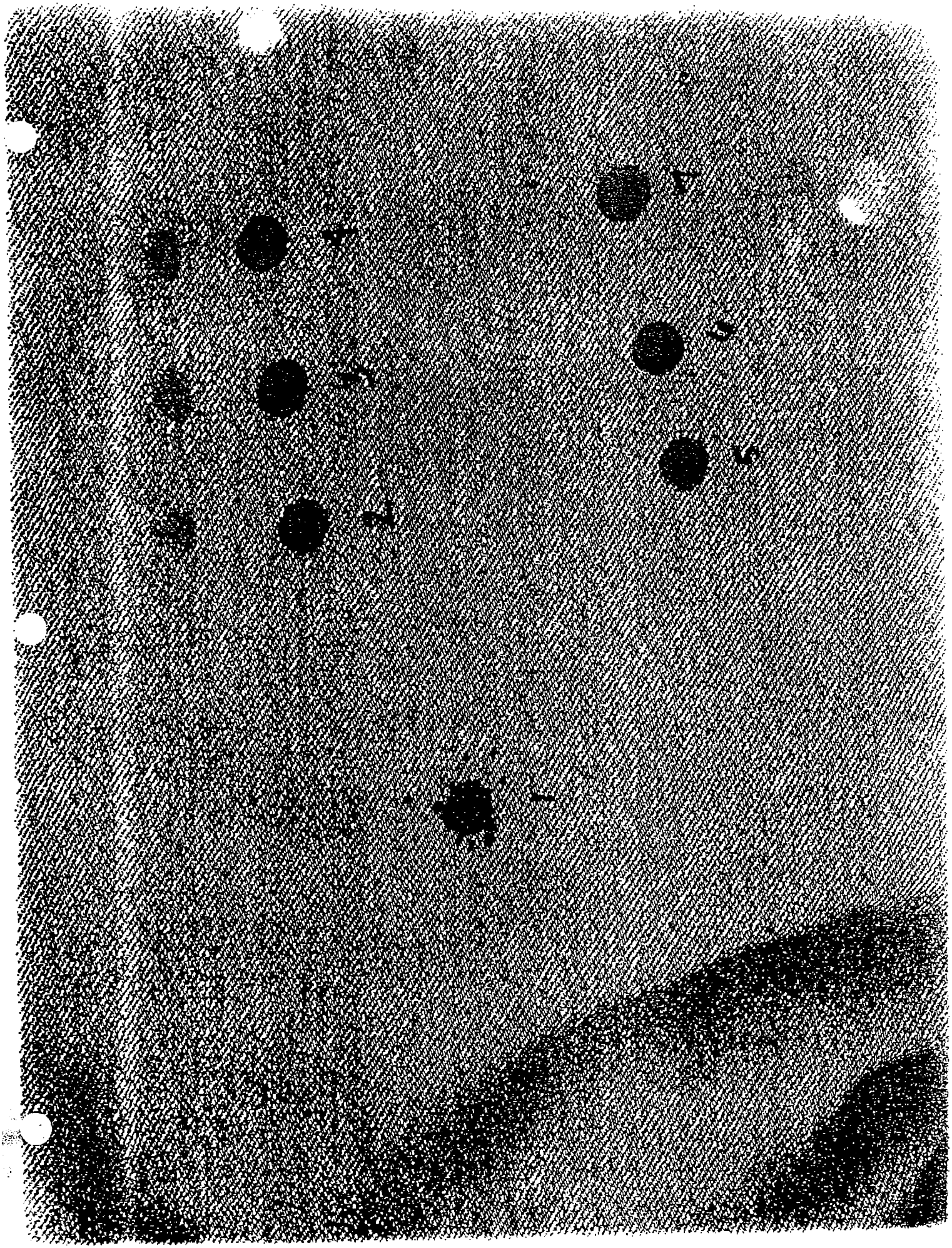
194-04-94-A
NB
6-16-94

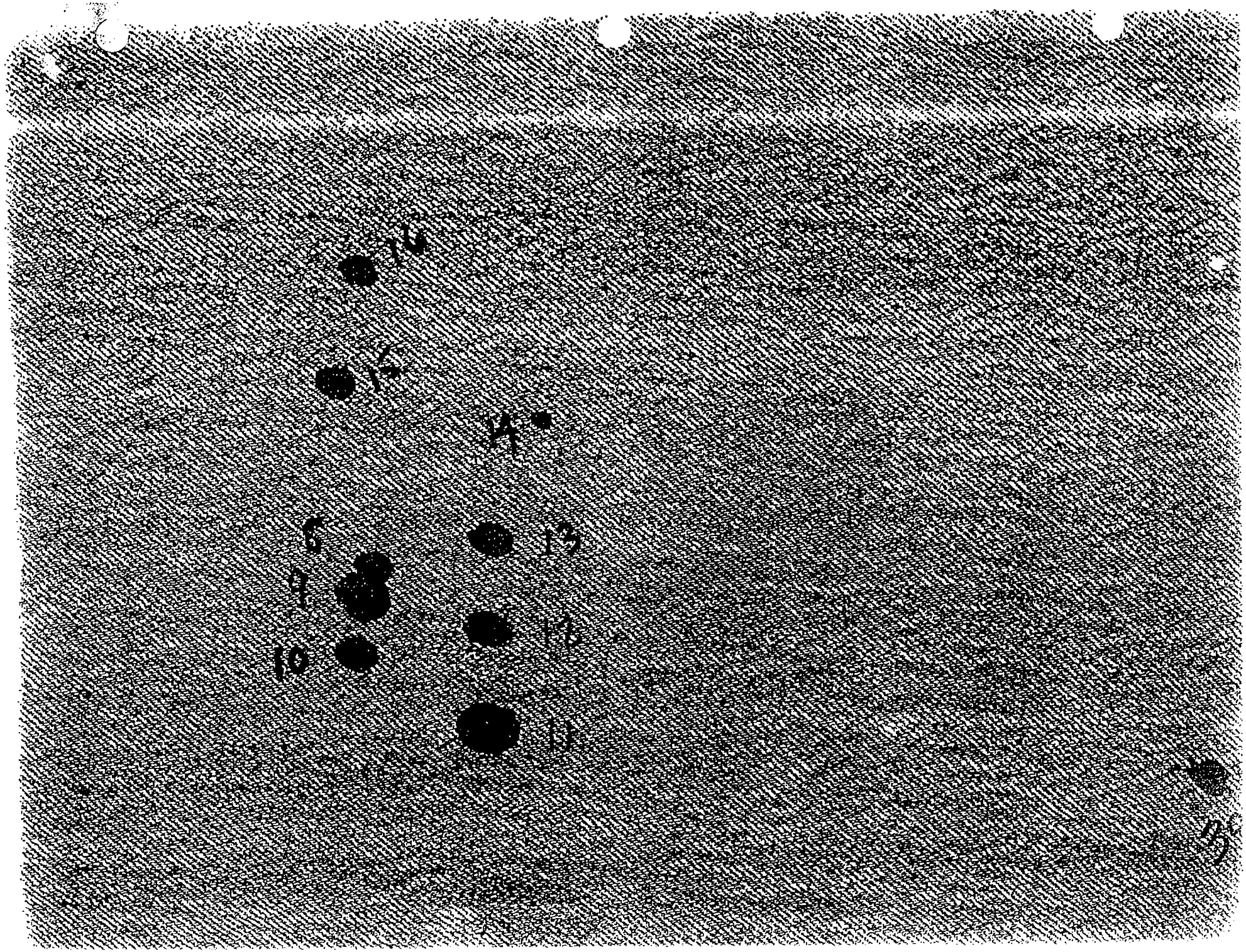


shows top of Hoerner L. shoulder - need enlargement

494-0494 A
6-16-74

Photo of luminist rxn. r. leg of Sikaron's jeans.




16
15
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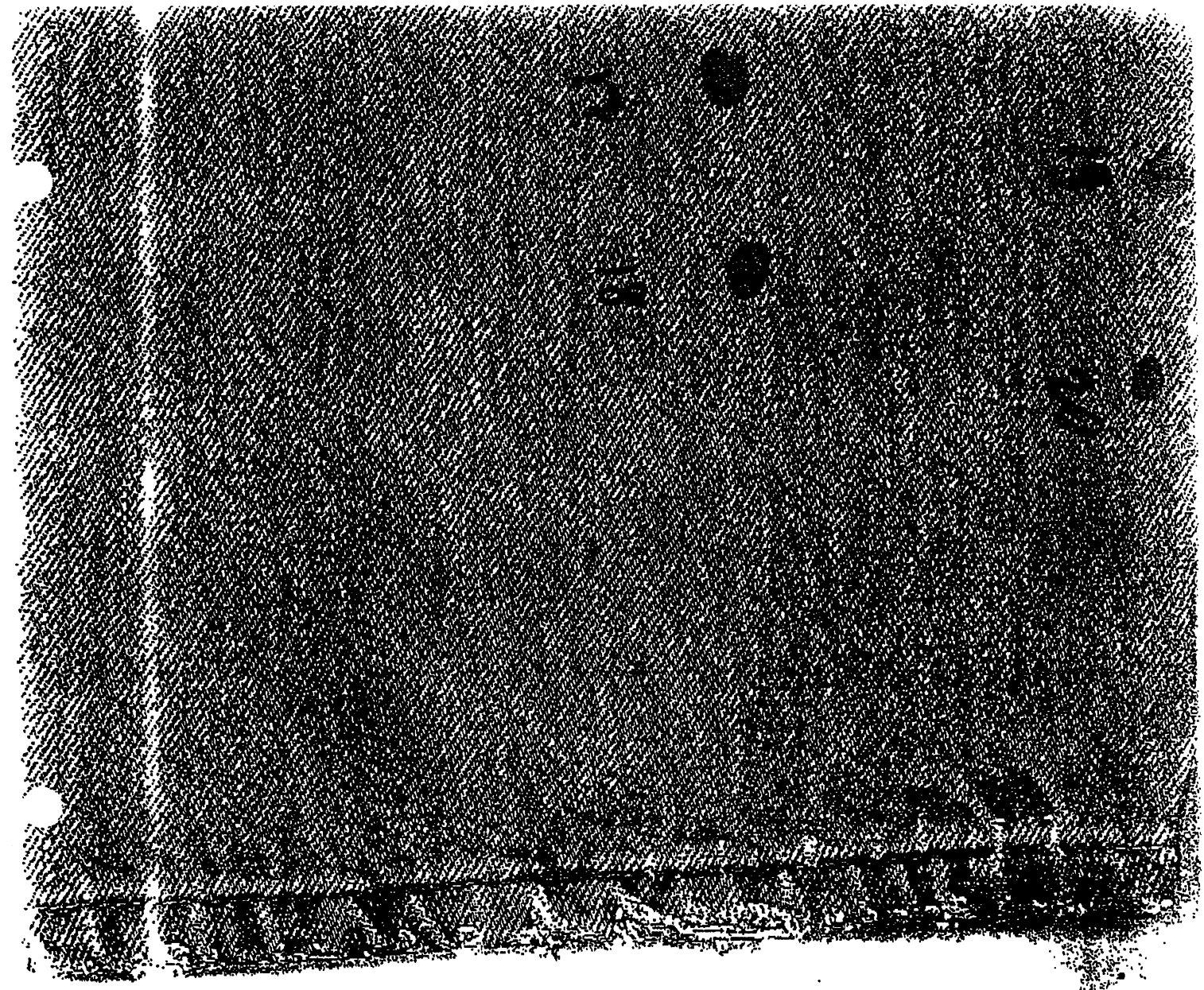
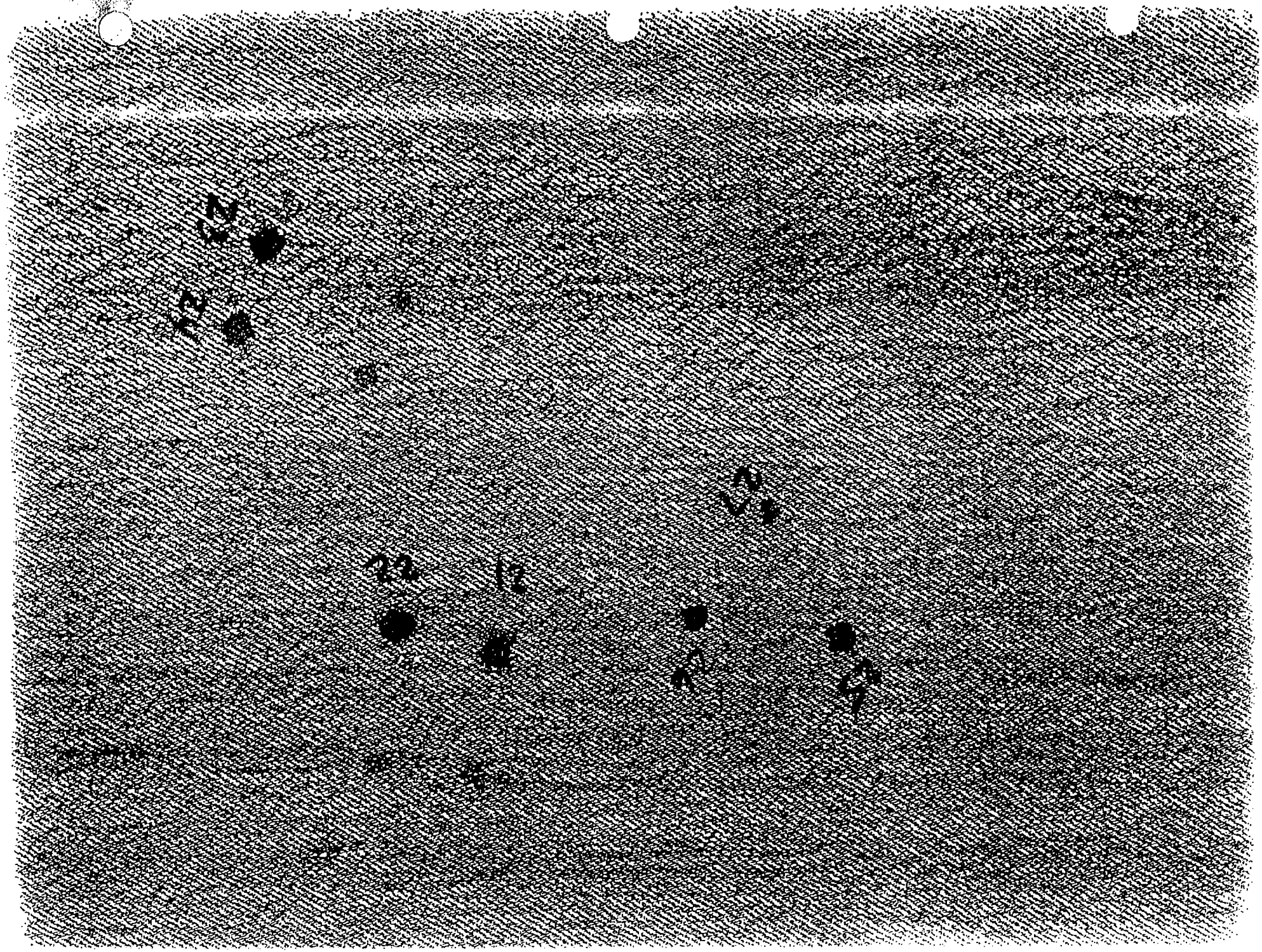
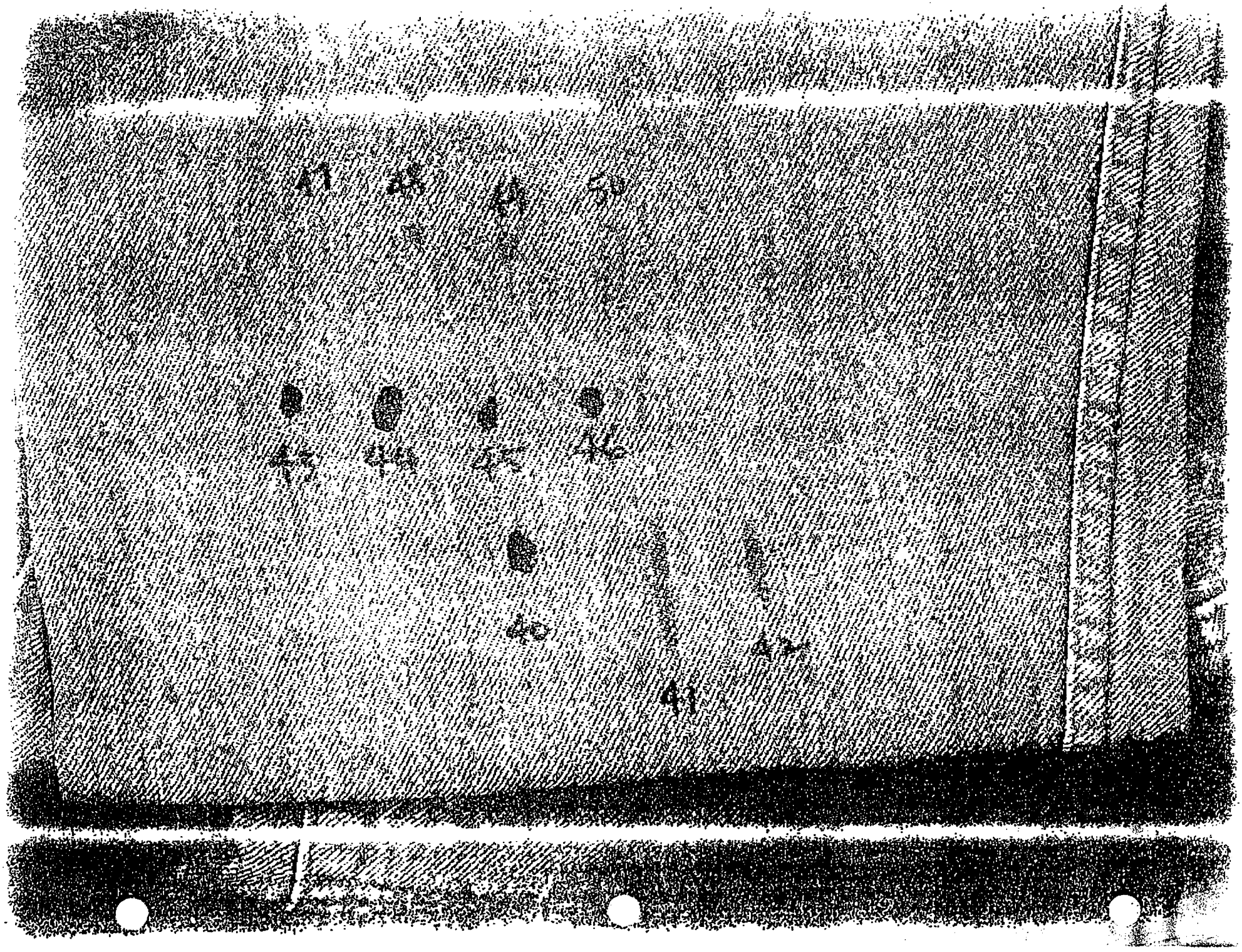
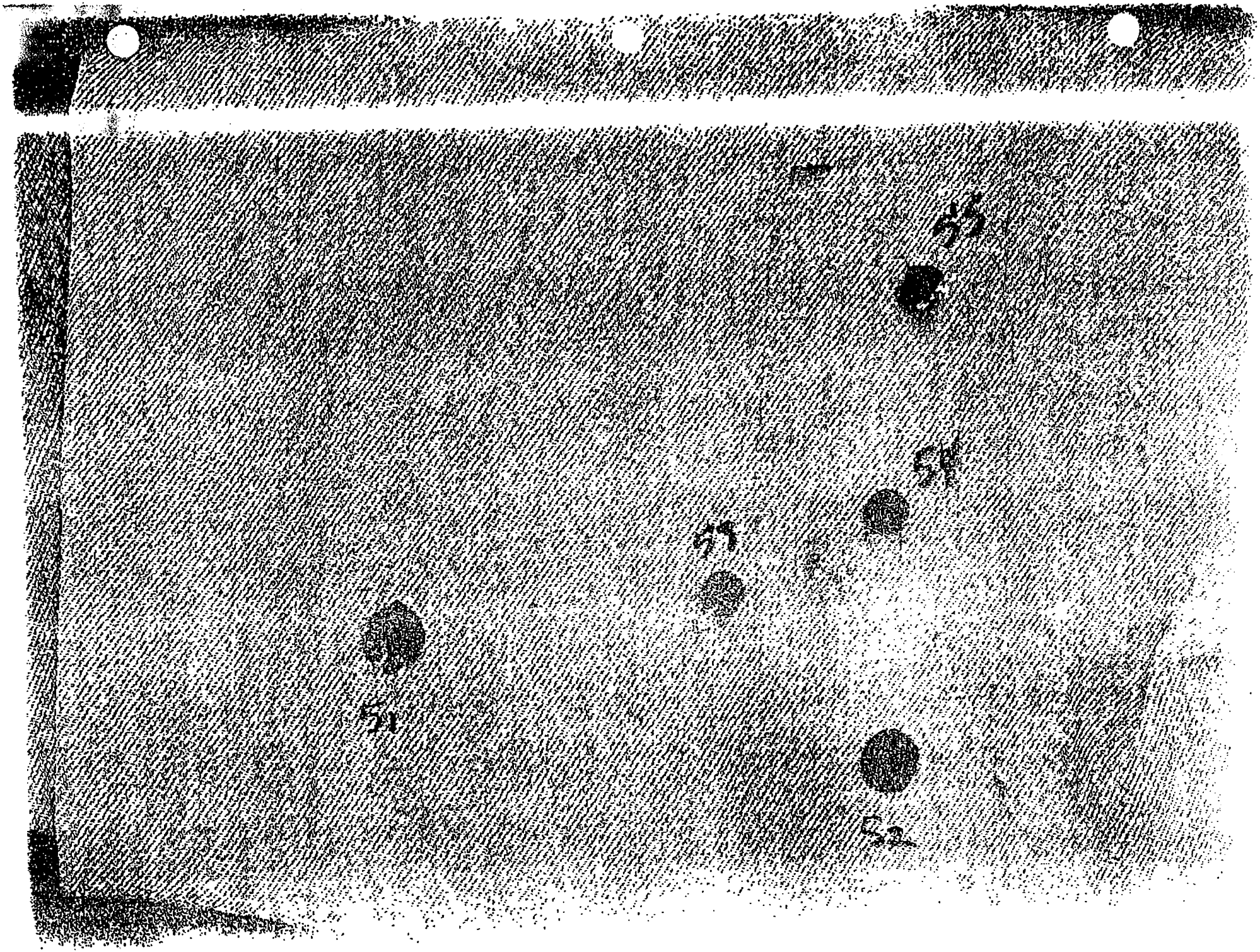







55
54
53
51
52

494-0494A nls

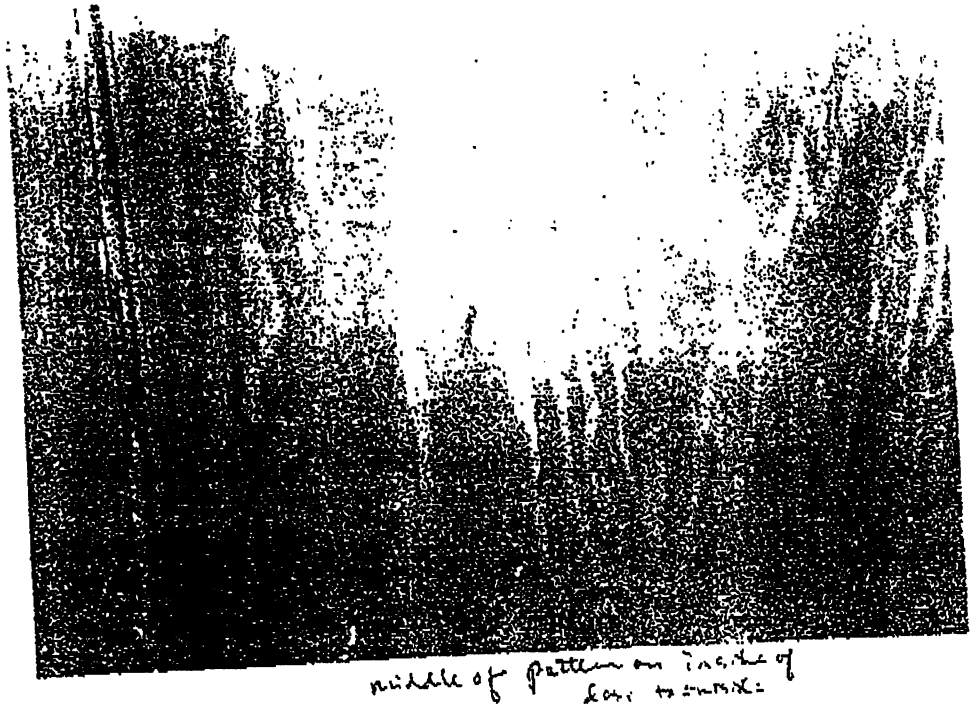
6-17-94

Call → Monty Martin

Asked him for photos of laundry rm. & garbage can in laundry rm.

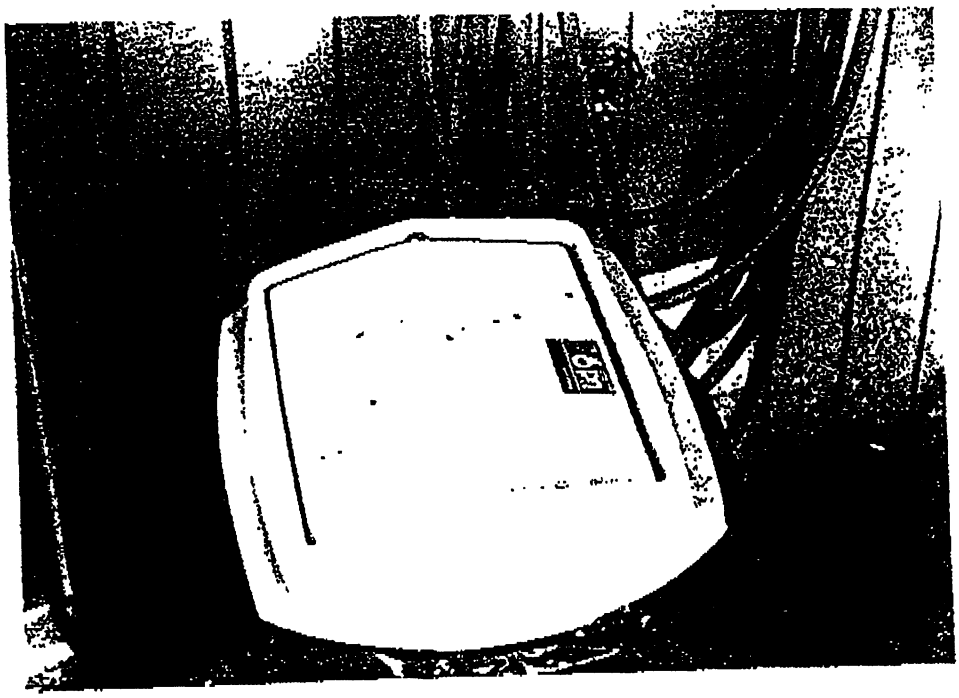
He'll send those photos & photos he took here yesterday of Jkt & pants.

Photos from scene



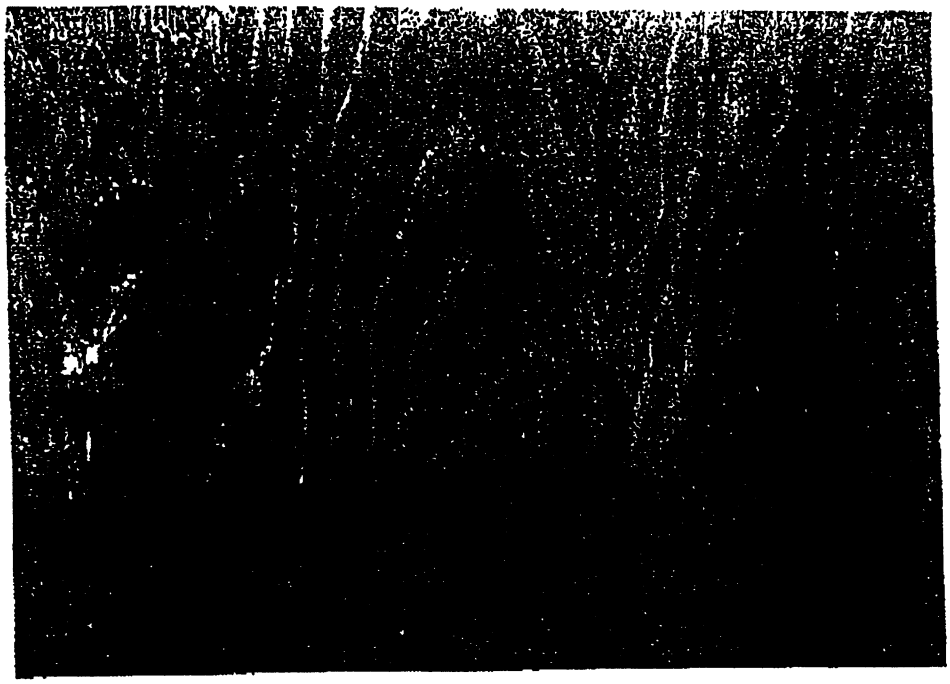
middle of pattern on inside of door to outside

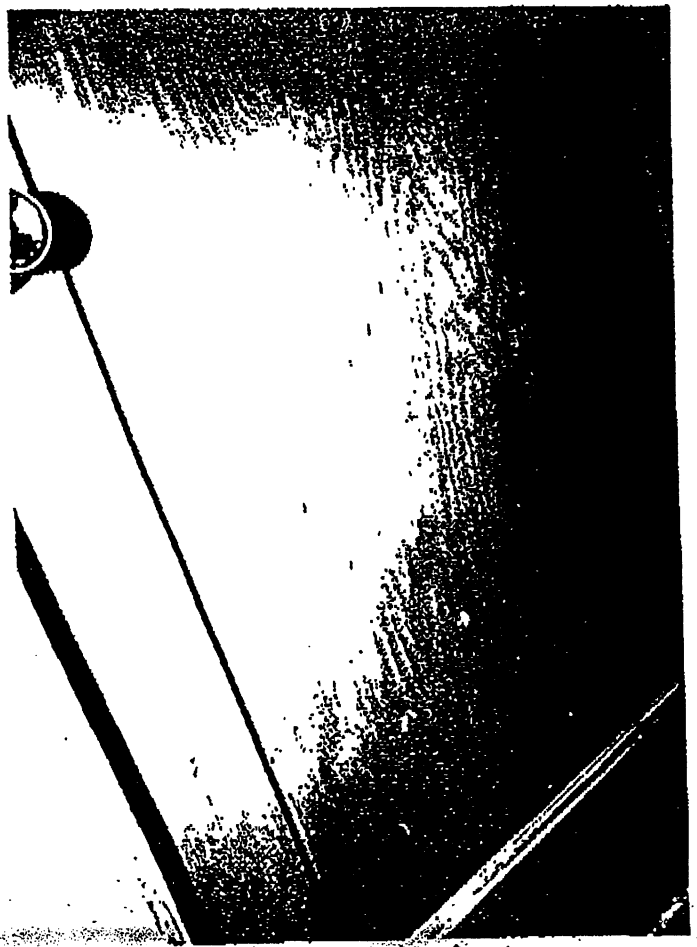
low on door to outside - interior of door



top of garbage can

6 21-79



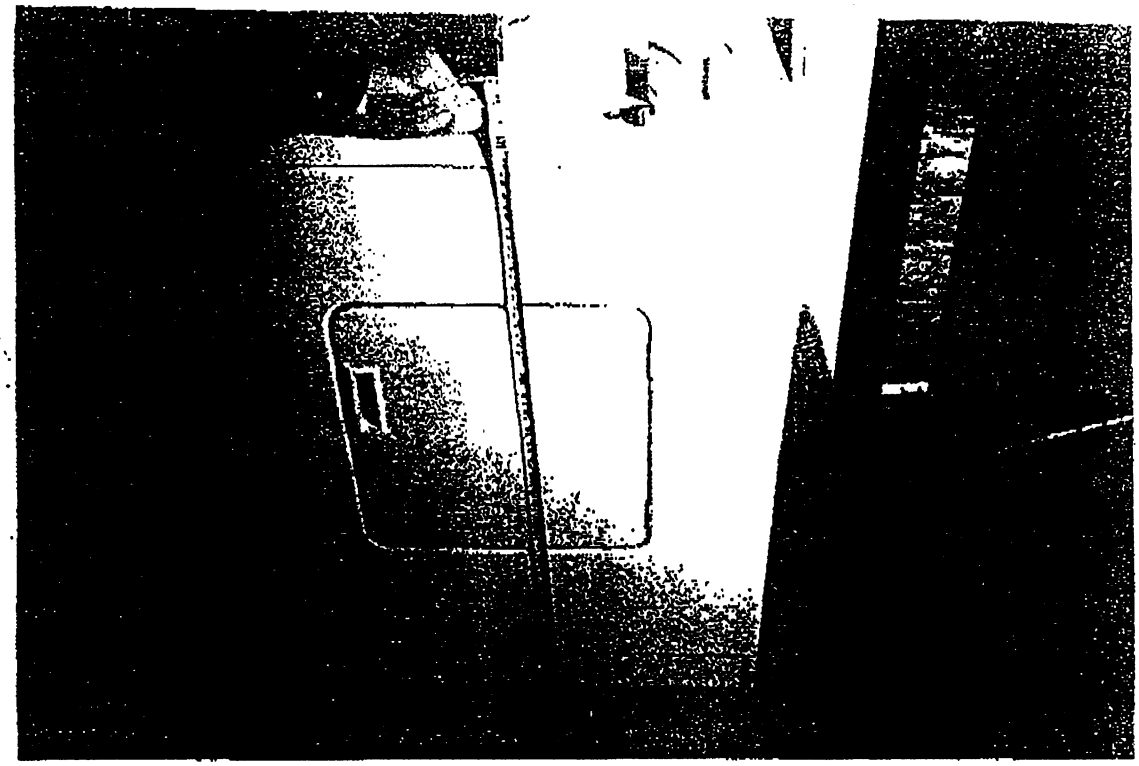


overall shot of inside of door to outside

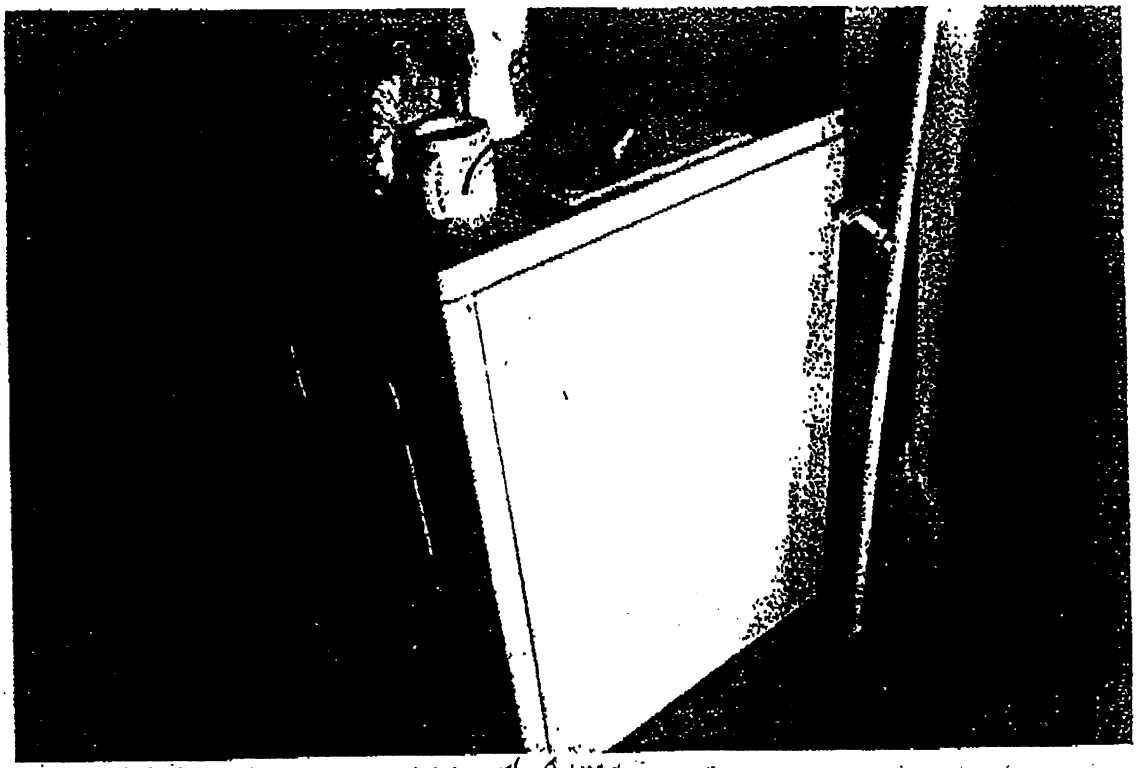
6-21-94

high on inside of door to outside

low on inside of door to outside



Front of Ship

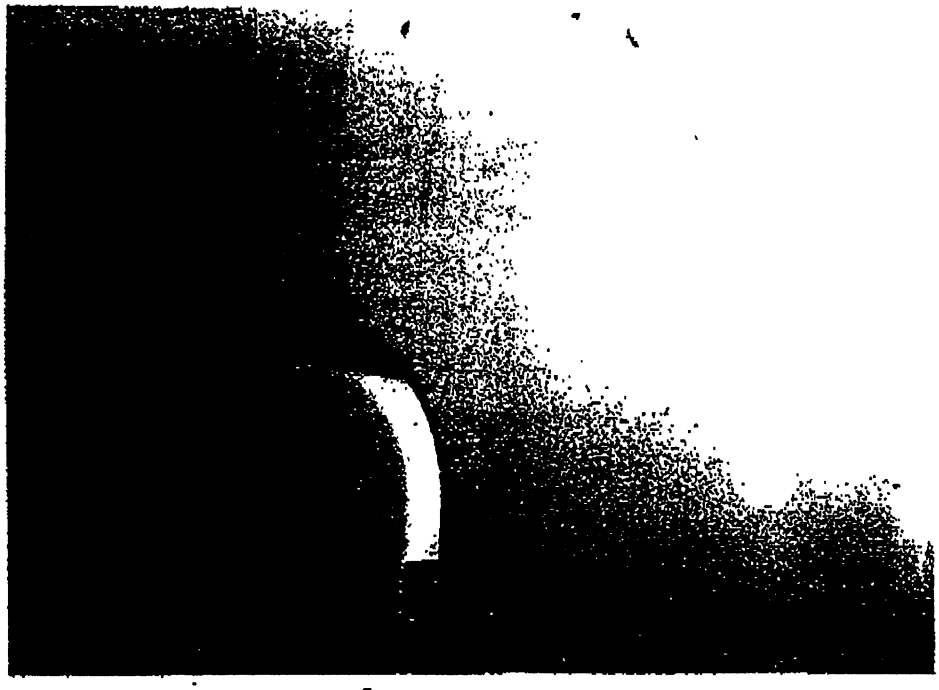


Side of Ship

adj
6-21-94

11/11

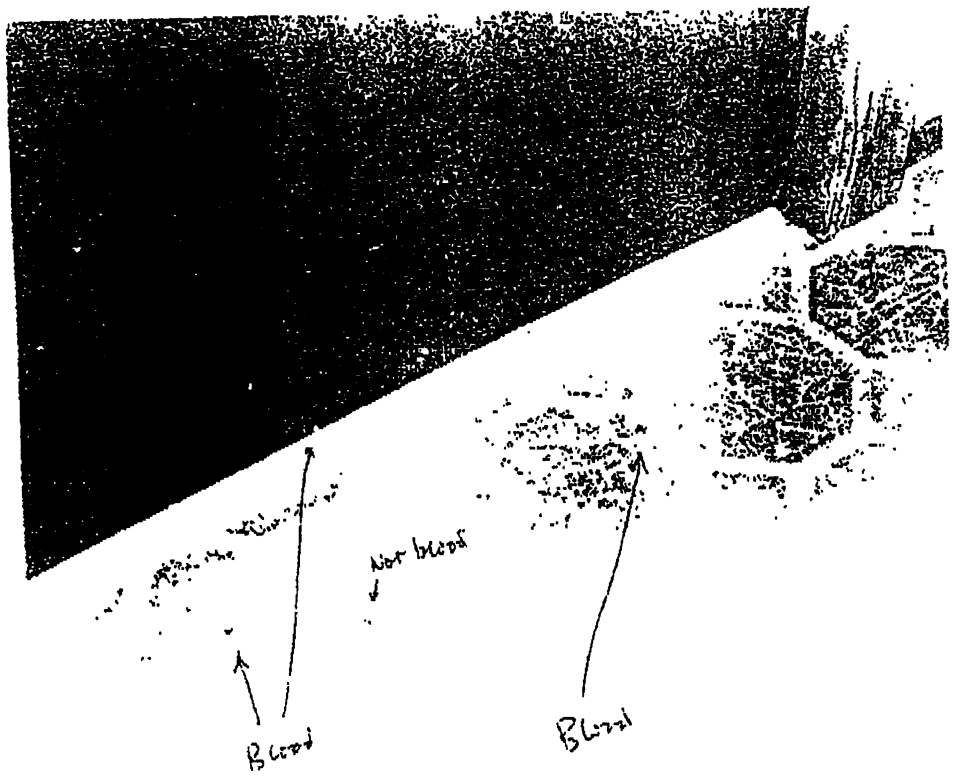
Side of dryer



front of dryer

6·21·94

34/33

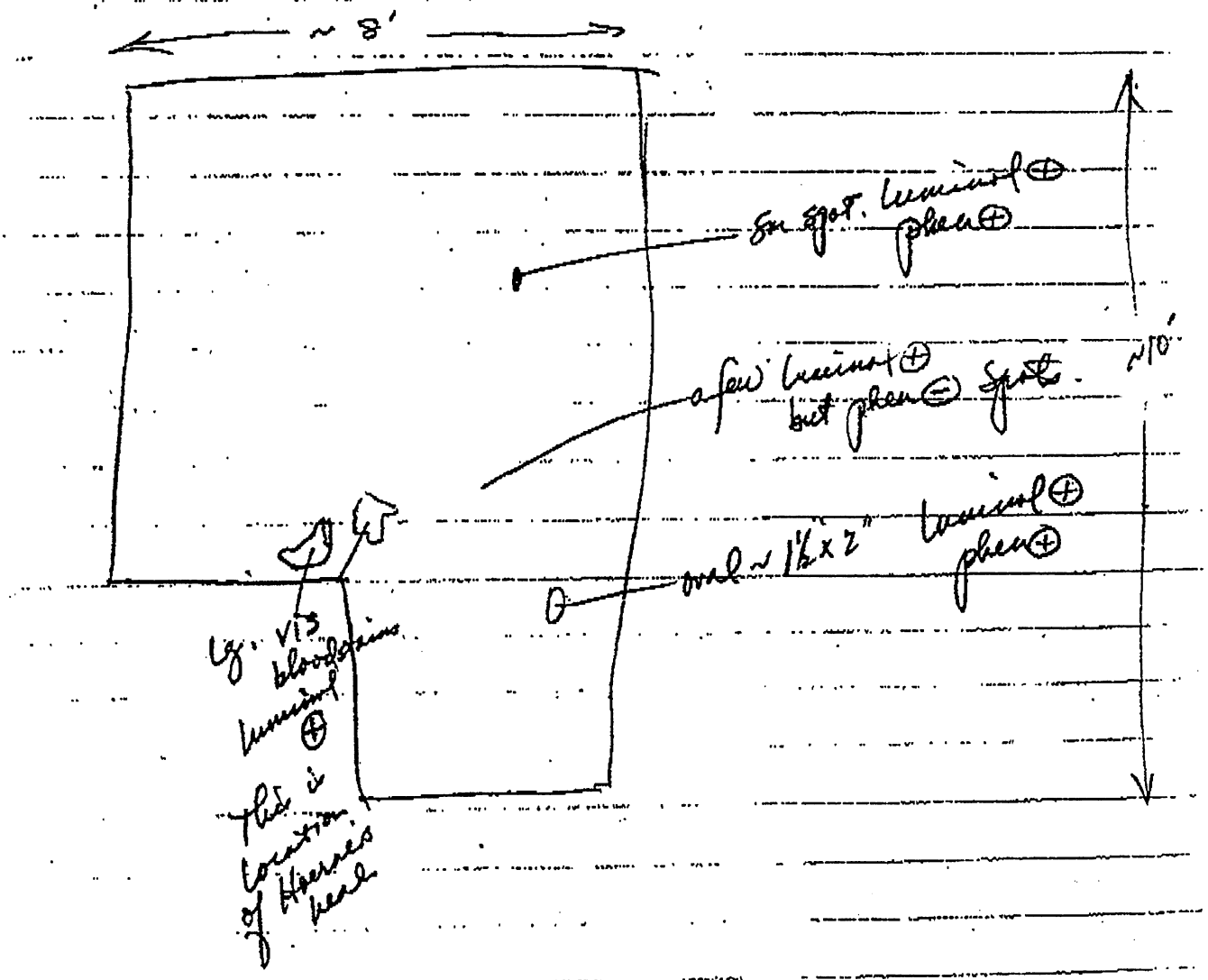


Floor in front of door → garage.

494-0494 [illegible]
4-20-94

Hoerner's jkt (20389) sleeves — ends @ cuffs
Luminol ⊕ but phen ⊖ @ cuffs, both sides exteri

Bedrm carpet (20467)



AGENCY CASE NO. C009302587

REQUEST FOR LABORATORY EXAMINATION

WASHINGTON STATE PATROL — STATE CRIME LABORATORY SYSTEM

LABORATORY NO. 193-02607

MAR 22 1994

RECEIVED MAR 18 1994 CLALLAM COUNTY PROSECUTING ATTORNEY

EVERETT	WSP DISTRICT OFFICE BUILDING	98201	(206)	259-8988	Scan 265-8988
KELSO	HALL OF JUSTICE BUILDING	98626	(206)	577-2087	Scan 239-2087
KENNEWICK	WSP DISTRICT OFFICE BUILDING	99336	(509)	545-2022	Scan 526-2022
SEATTLE	PUBLIC SAFETY BUILDING	98104	(206)	464-7038	Scan 576-7038
SPOKANE	PUBLIC SAFETY BUILDING	99201	(509)	456-4145	Scan 545-4145
TACOMA	COUNTY-CITY BUILDING	98402	(206)	593-2006	Scan 462-2006

HAS OTHER EVIDENCE IN THIS CASE BEEN PREVIOUSLY SUBMITTED TO THIS LABORATORY? YES ____ NO X

SUSPECT(s): LAST FIRST MI.

1.
2.
3.

VICTIM(s): 1. DENISE STENSON
2. FRANK HOERNER

OFFENSE: DEATH INVESTIGATION

DATE OF OFFENSE: 3 25 93

EXAMINATION REQUESTED BY:

Detective Sgt. Monty Martin — NAME (Print or Type) | RANK | SIGNATURE | DATE 3-25-93

Clallam Co. Sheriff's O/C — AGENCY | ADDRESS | CITY | ZIP | PHONE 452-7836 cellular 460-0961

ITEMS TO BE EXAMINED BY ORDER OF PRIORITY:	EXAMINATION DESIRED:
CRIME SCENE ASSISTANCE	Residence

APR 22 1993

RECEIVED:

SUBMITTED BY: ____ type or print ____ pers no. ____ signature ____ agency

Date/Time ____ Mail # ____

Accepted by: ____ UPS # ____

DISPOSITION:

RECEIVED BY: ____ print ____ pers no. ____ signature ____ agency

Date/Time No evidence Mail # ____

Released by: Crime scene UPS # ____

IMPORTANT: Copy Distribution: White and pink copies must be submitted to laboratory.

WSP-CL-005 7/81 -184-

2136

Page ____ of ____ Pages

APPENDIX C

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLALLAM

STATE OF WASHINGTON,

Respondent,

vs.

DAROLD J. STENSON,

Petitioner.

NO. 93-1-00039-1

CERTIFICATION OF ALICE HOFFMAN

(MTADPC)

CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

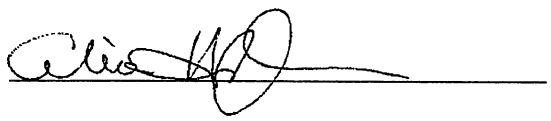
CERTIFICATION

My name is Alice Hoffman and I am the Chief Civil Deputy for the Clallam County Sheriff's Office. In 1993 and 1994, I occupied the position of Property Room/Evidence clerk for the department. While in that job, I was responsible for maintaining the Stenson evidence and maintaining records on chain of custody for that evidence. Attached to this declaration is a true and correct copy of the portions of the original evidence log pertaining to item tag # 16254 which contained pants and a belt collected from Darold Stenson on the morning of March 25, 1993. The log details each and every occasion on which the pants were viewed or removed from evidence. For example, it indicates that Stenson's attorneys viewed the pants on December 7, 1993. It also documents that these pants were removed from evidence for viewing by Sergeant Monty Martin and the defense expert Stuart James on July 8, 1994 at 11:00 a.m. and returned to evidence at 12:30 p.m. that same day.

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

SIGNED AND DATED this 2nd day of March, 2011, at Port Angeles, Washington.

ALICE HOFFMAN



CLALLAM COUNTY
PROSECUTING ATTORNEY
Clallam County Courthouse
223 East Fourth Street, Suite 11
Port Angeles, Washington 98362-3015
(360) 417-2301 FAX 417-2469

INCIDENT NO. 9302587

CLALLAM COUNTY SHERIFF'S DEPT. PROPERTY ROOM REPORT

Page 1 of 1

STATUS: D=Damaged Property E=Evidence F=Found Property R=Recovered Property SF=Safekeeping O=Other L=Lost S=Stolen

DATE OF REPORT 3-26-93

STATUS	ITEM NO.	TAG NO.	QTY	DESCRIPTION: Make / Model / Color / Size / Where Found (DRUGS: Type, Quantity, Type Measurement)	SERIAL NUMBER	VALUE:	T.E.
E	FH1	A	1	BOOT OF CRAIG CLEMENT HEARD			12 GA SHOTGUN SHELL
				PLACED IN TRACER TAPE TOWN & MAIL CAN			
				(LOWER	RECOVERY DATE 3-25-93 18.5 HRS		
E	FH2 16252	1		LEFT SHOE		AVLT	FB1
						Armory	Box 1
					RECOVERY DATE 3-25-93 1640	ARMS Room	
E	FH3 16253	1		RIGHT SHOE		AVLT	FB1
						Armory	Box 1
					RECOVERY DATE 3-25-93 1610	Armsroom	
E	DS1 16254	2		BELT & PANTS		Court	FB1
							Box 5
					RECOVERY DATE 3-25-93 0635		
E	DS2 16255	1 PR		SHOES		Court	FB1
							Box 5
					RECOVERY DATE 3-25-93 0635		
E	DS3 16256	1		BLACK SWEAT SHIRT		Court	FB1
							Box 5
					RECOVERY DATE 3-25-93 0635		
E	DS4 16257	1		PANTS FOUND IN WASHING MACHINE		AVLT	
						Armory	
					RECOVERY DATE 3-25-93 1810	Armsroom	
E	CL1 16258	5		MANILA PACKETS CONTAINING SAMPLES		Court	
						Freezer	
					RECOVERY DATE 3-25-93 1930		
E	DS5 16259	1		PINK PLASTIC CUP		AVLT	FB1
				DINING ROOM TABLE		Armory	Box 11
					RECOVERY DATE 3-25-93 2148	Armsroom	

EVIDENCE DEPUTY	REPORTING DEPUTY	DATE	TIME	PROPERTY DEPUTY	LOCATION OF STORAGE	DATE	TIME
MARTIN		3-26-93	2033		~~2094~~ AVLT	3-30-93	0900

The above inventory was conducted in my presence and completely and accurately describes property seized from my possession or premises to which I acknowledge receipt thereof. _____

(Signature)

CCSO 014 Rev. 6/89 Pen Print. Inc

OKLAHOMA COUNTY SHERIFF'S DEPT
CITY OF LUTHER, OKLAHOMA

1. INCIDENT NO.

Tag No. [2]	Item No. [3]	From: [4]	Date: [5]	Time: [6]	Received By: [7]	Date: [8]	Time: [9]	Comment [10]
16258		Evidence	4.7.93	1530	KBO			For examination & to FBI lab
16252		Evidence	4.8.93	0940				
6253		Evidence	4.8.93	0940				
6254		Evidence	4.8.93	0940				
6255		Evidence	4.8.93	0940				
6256		Evidence	4.8.93	0940				
6257		Evidence	4.8.93	0940				To FBI lab
6259		Evidence	4.8.93	0940				
6257		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6252		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6253		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6259		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6258		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6254		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6256		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
6255		FBI via mail	11.17.93	1030	Allie Wolf			Returned to evidence
16254		Evidence	12.7.93	1325	Allie Wolf			Viewing by M. Martin & Def. Attys
16254, 16255, 16256		Evidence	1.26.94	1130				To FBI lab returned 3-10.94
6258		Evidence	3.15.94	1315	Allie Wolf			Opened & reviewed by Monty Martin
								Resealed & returned to Evidence
16252, 16253, 16254, 16255, 16256		[redacted] Evidence	4.12.94	1640				Analysis
6253, 16254, 16252, 16256, 16255		M. Martin	4.16.94	0900	Allie Wolf			Returned to Evidence
6254		Evidence	4.25.94	1640				Analysis
6254		Temp Bins	5.1.94	1700	Allie Wolf			Returned to Evidence
6254		Evidence	6.13.94	1215				For Analysis
6254		M. Martin	6.17.94	0820	Allie Wolf			Returned to Evidence
6254		Evidence	6.20.94	1500				FOR ANALYSIS

INCIDENT NO.

CLALLAM COUNTY SHERIFF'S DEPT.
PROPERTY ROOM REPORT

Page _____ of _____

STATUS:. D=Damaged Property E=Evidence F=Found Property R=Recovered Property SF=Safekeeping O=Other L=Lost S=Stolen

DATE OF REPORT _____

STATUS	ITEM NO,	TAG NO.	QTY	DESCRIPTION: Make / Model / Color / Size / Where Found (DRUGS: Type, Quantity, Type Measurement)	SERIAL NUMBER	VALUE:	T.E. BIN#
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		
					RECOVERY DATE		

EVIDENCE DEPUTY	REPORTING DEPUTY	DATE	TIME	PROPERTY DEPUTY	LOCATION OF STORAGE	DATE	TIME

The above inventory was conducted in my presence and completely and accurately describes property seized from my possession or premises to which I acknowledge receipt thereof. _____

(Signature)

carried forward from previous "Chain of Custody Record"

CLALLAM COUNTY SHERIFF'S DEPT.
CHAIN OF CUSTODY RECORD

1. INCIDENT NO.

ag No. 2	Item No. 3	From: 4	Date: 5	Time: 6	Received By: 7	Date: 8	Time: 9	Comment 10
e254		M. Martin	7.5.94	0800	Alice Huff			Returned to Evidence
254		Evidence	7.8.94	1100	Alice Huff			Opened for viewing by M. Martin and Stuart James. Resealed and Returned to Evidence 7.8.94 1230hrs
255								
256								
253								
252								
258, 16254		Evidence	7.15.94	1040	Alice Huff			Viewed by Bureau. Returned to Evidence
256, 16255								
258, 16254		Evidence	7.25.94	1300				For Court
256, 16255								
252	16253	AVLT	080408	1430	[illegible] Smith	080408	1445	to evidence - 2091
252	16253	Viewed	080508	0930	[illegible] Smith			opened/viewed by defense attorney re-packaged by Lightfoot
252	16253	Evidence	080608	1100	[illegible] Smith			back to AVLT