

ATTACHMENT H

DECLARATION OF KAY SWEENEY

I, Kay Sweeney, do hereby declare:

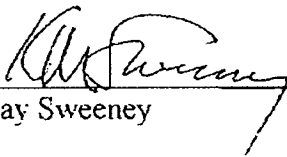
1. I currently work as a forensic scientist providing laboratory analysis of physical evidence and consulting services to a variety of clients. I have worked as a forensic scientist for over forty years. I have testified as an expert witness in the areas of firearms examinations, blood analysis, trace evidence analysis, crime scene investigation, blood spatter interpretation, and event reconstruction in the courts of Washington, Oregon, Montana, Idaho, Indiana and Alaska.
2. I have been asked by the attorneys for Mr. Darold Stenson to examine a pair of jeans, Exhibit #123, which was introduced into evidence at Mr. Stenson's 1994 trial.
3. On April 6th, 1999, I viewed Exhibit #123 at the Washington Supreme Court at the request of Mr. Stenson's prior attorneys, Ron Ness and Judy Mandel. Prior to this viewing, I was provided with records and photographs by Mr. Ness and Ms. Mandel. I have been provided with additional records regarding the jeans by the Federal Defender's Office and with records and photographs from the file of Mr. Rod Englert, a criminal investigation consultant who examined the jeans prior to Mr. Stenson's trial..
4. When I viewed the jeans on April 6, 1991, I observed that portions of the jeans had been cut out including apparent blood spots on the right knee and one spot on the lower front left leg near the cuff. I was not able to examine the cutouts themselves because they were not contained in Exhibit #123 and were never made available to me.
5. Based on all of the evidence I have reviewed, including photographs of the jeans, it is

my professional opinion that the three small elongated spots which can be observed on the front of the lower left leg, near the cuff portion of the jeans are not the result of blood spatter related to firearm discharge. If these elongated spots were gunshot induced blood spatter, there would be many more spot deposits and they would exhibit more of a fan, or cone shaped pattern. It is my opinion that the spots near the left cuff are the result of contact transference, such as the pants brushing against or blotting previously deposited blood, rather than spatter. This process obviously occurred relative to the apparent blood spot pattern on the right knee. Most of those spot deposits are fairly concentrated and yet after luminol treatment an additional set of more faint deposits were rendered visible in a mirror image pattern next to the original spot deposits, indicating that the pants were folded over in a manner that allowed for blotting transfer of the original spot deposits on the knee to adjacent fabric.

6. In order for me to analyze the manner in which blood on the right knee was deposited on the pants, it would be necessary to view both the pants and the cutouts from the pants.

I declare under the penalty of perjury under the laws of Washington and the United States of America that I have read the foregoing declaration, it is based upon personal knowledge, and it is true and correct.

Executed this ¹³17 day of March, 2009 in Kirkland, Washington.



Kay Sweeney