

ATTACHMENT N

Judge Williams:

After speaking with my father-in-law last night about his testimony I was informed by him that in fact he does not believe that I killed his daughter. His testimony was given under the instruction and direction of Mr. Leatherman. He was not allowed to testify as to how he really feels. Mr. Leatherman told him the only chance he had to help save my life was to convince the jury that killing me would be harmful to my children, and that he was sure that if my father-in-law went along with his and the jury's decision my life would be spared because that is what he had worked for the entire trial.

How can it be proper for a defense attorney to try to influence both sides of my family that I was guilty before the trial even started and how could he possibly provide me with competent legal assistance when he felt, in his own words to the court "disgusted" with myself and both sides of my family.

Please stop this farce before it proceeds any further, declare a mistrial and allow me to attempt a find a attorney who will be truthful with me and the court. I am not guilty of these crimes and if allowed to have competent representation we will prove this to a jury.
Thank you.

Sincerely,

Darold R. J. Stenson

8/19/94

Judge Williams:

Once again I petition you to stop this miscarriage of justice and declare a mistrial. Again also I apologize for my faulty spelling and the rambling on form of this petition. I do not have the legal expertise to do this properly. Mr. Leatherman has conducted himself just as I said he would in my earlier request to have him relieved as my lead counsel. He has put forward just enough effort to defend me so as to not get into trouble with the state bar association or your court, not because there was nothing to present to the jury but because Mr. Leatherman made the decision I was guilty before the trial even commenced, before any evidence was given. This decision totally clouded his judgement in terms of how he conducted any investigations, presented any evidence or challenged any evidence. This decision is proven by his statements to my father-in-law, my father, my sisters about his feelings on my guilt. Why would any attorney who planned to properly defend his client, show his family pictures of evidence that had not been reviewed by experts yet and give a negative opinion to those family members. Every single aspect of this trial he conducted was behind my back. I was informed of nothing. The majority of information he relied upon to make his decisions came from the prosecutor's evidence. I did not know how my defense was going to be conducted or even who was going to be called as witnesses. Mr. Leatherman even went so far as not to call witnesses from my family and my wife's family because he did not like their

criticism of his handling of my case. These are not "good character" witnesses but witnesses who would rebut and refute evidence presented by the prosecution. I will now describe just a few examples of prosecution evidence that could have been easily explained or challenged. The prosecutor has falsely claimed that I stood to receive mortgage insurance for Dakota Farms. I am not now nor have I ever been in an ownership position of Dakota Farms. Likewise on the Garden State policy. The policy was for the Stenson Family Trust where only my three children were the beneficiaries. I was neither a trustee or a beneficiary for this trust. The prosecution claims to have discovered this policy during the last week of the trial, yet in my taped interview with Det. Gates you can hear us plainly discuss this policy for some time. In the prosecutor's opening statement he tells the jury that I ambushed Frank as soon as he got to the farm and the insurance forms he came to sign never existed. Yet also on the Gates tape I tell him I can show the signed forms to him. I'm told it's not necessary. In Det. Boyd's video of my office the signed forms are plainly seen laying on a file on my typing desk. When informed of this the prosecution suddenly finds one of the signed forms in a file cabinet. How did it get from the desk to the cabinet? In the prosecutor's closing statement he tells the jury that the signed forms don't mean anything and that I already had the forms signed. If that were the case why did Frank come over that morning? This should have been stressed over and over to the jury. Linda Stacker stated I told her I had my finances figured out. Mr. Fred Frost of Systems Analysis in Lynnwood, Wa. after

going over the farm and the bird business in general, told us he was very excited about our business and didn't think it would be very difficult to obtain additional venture funding for us to purchase more ostriches. He was recommended to us by Boyd Real Estate in Seattle whom I had dealt with for more than 15 years. We had no reason to feel he wasn't being straight with us because he didn't get his 10% until we were funded. Mr. Leatherman didn't call him to testify to these facts and didn't even have the investigator contact him either. Ms. Stacker further stated that I threatened my wife by telling her that she could take the new pick-up to town with the kids but she was in trouble if anything happened. Again no explanation to the jury that the pick-up was not ours yet and the fact we did not purchase this vehicle, or that we had no insurance on it yet or that my wife had only gotten her drivers license back awhile ago because it had been suspended for over 2 years because of tickets and accidents. My sister-in-law Debi Samuelson was called by the prosecution and she testified that she thought I was leaving for Texas the day before the killings and she didn't know why I didn't go. I pleaded with Mr. Leatherman to cross examine her because I knew she would not lie, she just didn't remember. If he would have cross examined her he would have found out the two reasons I didn't leave on Tuesday. The trailer hitch we had ordered for the pick-up through Al Valentine did not arrive on the expected date. Both Debi and I left Dakota Farms before noon on Wed. the 24th of March, her to return home and me to go to the Valentini's residence in Kingston. U.P.S. did not deliver the hitch to us until about 2:30

p.m. Mr. Valentini and our check register can verify this. I arrived home before 6:00 so I could attend a dinner with the Hoerners with my wife. She did not want to go by herself, but she did want to go so we went. Debi knew this and would have remembered if asked. We had discussed the dinner and the fact that Debi and Denise's younger sister Janette were due to come over that night to babysit for us and stay with Denise while I was gone. Kit Eldridge was given the once over lightly cross examination. Mr. Leathennan refused to ask him about \$20,000 in cash given to him as a partial down payment for Dakota Farms. This was done in front of a witness who could have been questioned to verify this. Mr. Eldridge did not report this cash as income to the I.R.S. He is very afraid that the I.R.S. might attach part of his lottery payment if they find out. His business is not succeeding and he would be financially strapped. He did know about the mortgage insurance policy because he asked me to get the farm insurance at the same time so he could cancel his policy. He told me to put the policy in his name and Country Wide Mortgage. Months later he called and said very urgently he needed me to take Country Wide's name off the policy because they were asking him about it, and according to the loan terms, he was supposed to be living on the property. I called Vern Vorenkamp and told him we needed to delete Country Wide Mortgage and add Kit's wife's name to the policies. Vern called Mr. Eldridge and talked to him about this he later sent me a form to have Kit sign. I let this form sit on my desk for a couple of months. It was seized along with the rest of Dakota Farms records. Mr. Leathennan

refused to look for this document. Mr. Vorenkamp can verify this but was never asked. Mr. Eldridge stated he had to call me to complain about late payments every month indicating we didn't have money for our lease payments. All we had to do to disprove this is subpoena his phone records. In three years Mr. Eldridge called the farm about 4 times total. The prosecutor has Dakota Farms check register. If it would have been looked at Mr. Leatherman would have seen that every check for every month payments were due was sent out the first week of every month. The prosecutor told the jury that Dakota Farms only had \$3400 in our account. The accountant Mr. Wolfe stated that of 13 different accounts checked only one was broken down. What the jury was not told was that Dakota Farms SeaFirst account had over \$15,000 in it. Mr. Leatherman did not elect to present this to the jury. Another example of prosecution evidence given that could have been negated was where the prosecutor pointed out in the Peiper video where Det. Gates points out where a pair of num-chucks appear to be missing.

In the video I stated I saw nothing unusual and I did not because at that time I didn't recall that about a year earlier a young student I was giving a private class to had been given that pair as a graduation present. He is now a dance instructor in Sequim and could have been called to verify that I had given him that pair of num-chucks. Mr. Leatherman again chose not to even have him interviewed stating that it wasn't important. The jury should have been told that Denise Hoerner had been trying to leave and divorce Frank, she admitted this to Brad Behrman, my children's attorney, in his

deposition of her for the \$500,000 suit she has filed against us, and that she stands to get a judgement if I am convicted for these killings. They should have been told that she made statements to both my mother-in-law and my sister-in-law, stating because of her pre-nuptial agreement with Frank, he would have to die so she could collect life insurance on him, because she would get nothing if she left him. She even discussed different methods, with my sister-in-law how Frank could be done in to enable her to collect his insurance. No attempt was made by Mr. Leatherman to introduce this pre-nuptial agreement or follow-up with my in-laws or Denise Hoerner's statements. She told the jury that Frank wanted her to come over and sign the insurance forms for the birds but their pre-nuptial agreement makes very clear how Frank wanted to keep their separate estates very separate. They also should have been told that after 15 months of marriage she inherited, from four different policies, at least \$250,000 along with at least \$250,000 worth of business inventory, land, buildings and personal property. She stated on the witness stand that Frank had a rifle and ammo for it, but Mr. Leatherman allowed the prosecutor to quote friends of Franks stating he would never have a gun. This discrepancy should have brought to the jury's attention most aggressively. There were three different blood spatter experts, two of them paid over \$6,000, whose opinions were not brought to the attention of the jury. All three of them had conflicting opinions on the same piece of evidence. If three more experts were called on, there would be three more different opinions. Mr. Grubb, the only witness who was called to give testimony, stated

that the blood on my pants could not have gotten there by touching any one area where blood was present. He was never asked if it could have gotten there by contacting more than one of the areas or by contacting the spatter on the poles outside the house. These are the only ways it could have possibly gotten on my pants because I did not kill Frank and I did not beat him up! Mr. Leatherman attempted a great fraud upon this court with Mrs. Lezak's testimony. They have been friends for some time and he told her what he suspected and what he wanted. She was not entirely truthful in stating that she told me to go slowly on her tests. Just the opposite is true. She wanted to get done as quickly as possible because she was leaving for Europe that evening and she had to get back to Seattle to catch her flight. Once again when dealing with so-called experts who sell their testimony, just about every one of them will give different opinions about the same thing. Mr. Leatherman wanted medical opinions to back up Mrs. Lezak's opinion. He hired one of Mrs. Lezak's medical associates, Dr. Dixon, to examine me. Approximately three weeks ago after this examination Mr. Leatherman wanted an EEG, a MIR, and X-rays done. After about a three hour examination, Dr. Dixon decided that I had no brain damage and in fact no further clinical tests were even necessary. Other false evidence Mr. Leatherman tried to solicit was trying to badger my sisters to admit they had repressed memories of my father abusing us and trying to get my mother to say she had a break down when she was pregnant with me and took a number of prescribed drugs to combat her break down. All of these attempts by him were rebuffed by my family. My

requests to him to defend me against these charges were met with outbursts of anger totally unlike the demeanor he presents in court. When myself and family members asked him to put some passion in his voice he displayed the same anger and disgust he showed in your court when he asked to be released from being my attorney. His anger and dislike of me and family members has definitely influenced the way he has handled my defense. Just a few more sites on evidence not presented to the jury and I will close. There was unidentified finger and palm prints on the toilet seat in the master bathroom. I used the toilet that morning and I know my wife used it the night before she was killed. The only way prints could be on the seat is if someone used it after I did the morning of the killings. Sitting on the seat would totally remove prior prints. Also unidentified prints were found on the head board near where Frank was killed. Did these prints match and why was there not a more vigorous attempt to find out whose prints these were and why did Mr. Leatherman not present this to the jury? If I tried to set up a murder-suicide scene, why wouldn't I have made sure Frank's fingerprints were on the gun and why were there no prints at all found in Frank's van? Why would someone wipe down a whole van for prints? I did not arrive in the vehicle. Again, no presentation to the jury. A phrase that has stuck with me during this ordeal goes as follows. "The love of justice is simply in most men the fear of suffering injustice." In Mr. Leatherman's handling of technical legal matters, at times he has verged on being brilliant. I have seen many shared moments of understanding. Legal opinions pass between you and Mr.

Leatherman. But he does not know how to communicate with a jury - particularly from Clallam County. They did not tolerate his stereo typical lawyer lingo. Please put aside your feelings of financial responsibility to this county and see the glaring discrepancy between Mr. Leathermans pre-trial work - in quality and quantity - and the near total lack of work done on the guilt phase of this trial. These differences in quality of work are evident to all men, of legal training or not, and a mistrial should be granted and I be allowed to be represented by counsel who will provide an aggressive and competent defense for me.

Thank you,

Darold R. J. Stenson

7/14/94

Petition to Judge Williams:

I implore you do not allow me to be sentenced to life in prison, or death without my being allowed to prove my innocence! I do not know the proper form to address this problem but here I will explain my dilemma. I have been held for 464 days with no possibility of ransom. Each of these days I have longingly looked forward to my day in court! I have the utmost confidence in and respect for our judicial system. At no time since this tragedy has unfolded has my desire to prove my innocence in court wavered. I did not kill my wife. I did not kill my friend. This truth can and will be proven if I am given my constitutional right to a fair trial. Our founding fathers did not intend that a defendant should be more frightened of his own attorney than he is of a prosecutor who is trying to kill him. There is no way we can continue this case with Fred Leatherman as my lead attorney. I do not want him as my attorney. This cannot be legal or ethical to force a man charged in a capitol case, or any case, to accept an attorney who has stated to you that he doesn't think he can defeat Bruneau. It is obvious that Mr. Leatherman is serving his own agenda. One of the first things he told me, and over a 10 month period of time, repeated many times, was that "he would save my life." Initially I mistook this to mean that he was going to prove my innocence. In December of 1993 and January of 1994 I informed Mr. Leatherman that I wanted different counsel because of disagreements over how Dakota Farms finances should be presented. On both occasions

I was persuaded by Mr. Neupert and one of my sisters-in-law that Fred really would be best to prove my innocence. During the course of the next month all of his time was spent either on preparing for pre-trial motions, the penalty phase or jury selection. No time has been spent on preparation for the guilt phase of the trial. Check jail records. He visited me fewer than eight times in ten months. There was one three month period of time where I could not get a hold of him at all and even his office would not accept my calls to check on the status of my case. He admitted last week while addressing the court that he plans to cross examine witnesses but he will not call from our list of potential witnesses anyone to rebut any testimony against me. His plan is to poo-poo his way through my trial trying not to upset anyone to obtain a life sentence for me, an innocent man. You have given the presumption of more instructions to the jury. Why should it not apply to my own attorney? He also has told you that Mary Hudson, his mitigation specialist will be on vacation until August 6th, and he doesn't want to start the penalty phase until August 17th because he states it will only take him 2 days to present his case because he has tickets for Hawaii leaving on the 19th. Doesn't this all sound strange to you? I was informed on the evening of July 11th 1994 that he would not mount a challenge to any statements against me. I objected vehemently. At no time during the preceding 10 months had this course of action been discussed, not even once! I had suspected him of being sleazy but I didn't think he would deceive me like that. I asked Mr. Leatherman if he had not taken an oath to do everything he was capable of to

assist his clients in proving their innocence. His reply was that yes he had, but now his views on the sanctity of life were such that they precluded that oath. He does not have the right to act as my judge and jury in this case. Jeff Walker, Mr. Leatherman's private investigator, has told me that Mr. Leatherman has a client who has been sentenced to death and that Mr. Leatherman feels some responsibility for this, and has stated to me and the court that he will not be a party to the possibility of another client receiving the death penalty. I and my family want and need to find out what happened and why my wife was killed. Realistically this coming trial is the only opportunity to do so contrary to statements made by Mr. Leatherman to the court that I want to conduct a trial of someone else. This is not true. I don't know what happened that morning. I only know what did not happen. I don't believe a blatant tactic like that would put my case in a good light in front of the jury. But there is no doubt that more than a reasonable doubt can be created just by challenging the majority of the evidence against me and by calling rebuttal witnesses. Mr. Leatherman states that he plans on cross examining prosecution witnesses. He did not tell the court he would call rebuttal witnesses or challenge any evidence or statements given against me. He has told me that he will not do so. How can this be called effective or competent legal assistance? My challenges to a number of witnesses will be based on evidence we can produce that will show either bias, incorrect assumptions, or downright lies.

My wife has five brothers and sisters and with her parents they all support me, even after all of the negative media publicity. Not one or two of them, but all of them! One area where Fred's and my opinion clash is the matter of Dakota Farms financing. The prosecution has drawn a number of incorrect conclusions in this area, based on incorrect information they received from an insurance company on the amount of a settlement. We can document the correct amount! They have also drawn incorrect conclusions from a Dakota Farms tax return, mistaking a material inventory contribution for a cash contribution. These mistakes amount to well over \$150,000. Mr. Leatherman will not present this evidence because he too initially made the same mistakes after having spent a great deal of time and money compiling his calculations. He was very reluctant to accept the physical evidence that was produced to refute these faulty assumptions, not because the evidence was wrong but because he was wrong! He was fired twice because of these mistakes and both times I was convinced to retract the firings because he would handle this matter properly. In his words "errors were made."

My wife and I were always very secretive in our financial dealings and we kept large amounts of our assets in cash and in fact I have done this all of my life because of a basic mistrust of banks and bankers. I was involved in a marina development project in Bremerton in the early 1980. This was not a successful project for us, the developers. We did the work and the bank reaped the profits when they took it from us. We had an opportunity to get out of the project losing only our collateral put up for the loan. One of

the investors decided to fight this solution by taking over the project himself and fraudulently attempt to force the loan guarantors to accept worthless contracts. I could not agree to be a part of this and in a civil trial I testified for the guarantor. The investor is on the prosecutors witness list. His testimony can be totally discredited by subpoenaing certain phone records and obtaining copies of a restraining order we had to obtain against him because of threats made by him against my wife, my children, and myself. Mr. Leatherman has refused to do this. Because of these threats and a threat to take us to court to obtain a right of contribution judgement against us, we kept the bulk of a \$335,000 + settlement in cash. There has never been the slightest attempt on the part of the sheriffs dept. to find over \$190,000 missing from Dakota Farms after the killings. From hour one Denise Hoerner has told lie after lie, about her activities and statements both before and after the killings. She has never been asked to explain any of these inconsistent or outright lies. All of these lies were designed to implicate me. She was never checked for gunpowder residue, nor anyone else present at the scene and she was not even fingerprinted until bloody finger and palm prints found at the murder scene were, after eight months, found not be mine. Members of my wife's family as rebuttal witnesses will testify that my wife told them she was afraid of Denis Hoerner and had tried to end their relationship for over a month. She felt that she was being stalked by Denise Hoerner. Denise Hoerner is going to testify that she and my wife were best friends and closer than sisters even though my wife knew her for only eight months.

