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FILED
CLALLAM COUNTY
NOV 21 2008
BARBARA CHRISTENSEN, Clerk
[Signature]

JUDGE KENNETH WILLIAMS

IN THE SUPERIOR COURT OF WASHINGTON FOR CLALLAM COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

DAROLD RAY STENSON,

Defendant.

No. 93-1-0039-1

ORDER DENYING PETITIONER'S
MOTION FOR STAY OF EXECUTION

THIS MATTER having come on pursuant to the Defendant's motion for an order granting a stay of execution; the State being represented by Deborah S. Kelly, Prosecuting Attorney for Clallam County, and by Pamela B. Loginsky, Special Deputy Prosecuting Attorney; the defendant being represented by Robert H. Gombiner, Federal Public Defender; and the Court having reviewed the Petitioner's Motion for Stay of Execution, the Response to Motion for Stay of Execution, the Motion for DNA Testing, the State's Response to the Motion for DNA Testing, and the files and records and being fully advised in the premises, now therefore,

IT IS HEREBY ORDERED that motion for stay of execution is denied because

- Darold Stenson has not established that the requested DNA testing will demonstrate his innocence of the murders of Denise Stenson and Frank Hoerner "on a more probable than not basis." RCW 10.73.170(3).
- Darold Stenson has not made a substantial showing that any collateral attack based upon the DNA test results will not be barred by RCW 10.73 and RAP 16.4(d). See RAP 16.24(d).

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MOTION FOR STAY OF EXECUTION -- 1

WASHINGTON ASSOCIATION OF
PROSECUTING ATTORNEYS
206 10TH Ave. S.E.
Olympia, WA 98501
(360) 753-2175 FAX (360) 753-3943




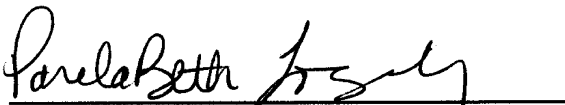
2 Darold Stenson unnecessarily delayed in bringing his motion for DNA testing and his motion
3 for stay.

4 DATED this 21st day of November, 2008.

5 
6 JUDGE KENNETH WILLIAMS

7 PRESENTED BY:

8 
9 DEBORAH S. KELLY, WSBA No. 8582
10 Prosecuting Attorney

11 
12 PAMELA B. LOGINSKY, WSBA No. 18096
13 Special Deputy Prosecuting Attorney

14 APPROVED FOR ENTRY/COPY RECEIVED:

15
16 ROBERT H. GOMBINER, WSBA No. 16059
17 Attorney for Defendant