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SUPERIOR COURT OF WASHINGTON FOR CLALLAM COUNTY

DAROLD STENSON,)	NO. 93-1-00039-1
)	
Petitioner,)	
)	MOTION FOR LEAVE TO CONDUCT
vs.)	DISCOVERY
)	
STATE OF WASHINGTON,)	
)	Noted for: October 17, 2008 at
Respondent.)	1:30 p.m.
)	

Petitioner Darold Stenson, a death sentenced defendant, requests that this Court grant him leave to conduct discovery regarding his motion for DNA testing.

On August 21, 2008, Mr. Stenson moved this Court for an order for DNA testing of enumerated items pursuant to RCW 10.73.170, the Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and Article 1, Sections 3 and 14 of the Washington State Constitution.

In order to fully pursue this motion in the most efficient manner possible and in order to ensure that all of the necessary evidence is available, not further contaminated, and tested, Mr. Stenson moves this Court for leave to conduct discovery. This motion is

1 made pursuant to the Fifth, Eighth and Fourteenth Amendments to the United States
2 Constitution and Article 1, sections 3 and 14 of the Washington State Constitution, as
3 well as RCW 2.28.150. RCW 2.28.150 provides, “When jurisdiction is, by the
4 Constitution of this state, or by statute, conferred on a court or judicial officer *all the*
5 *means to carry it into effect are also given*; and in the exercise of the jurisdiction, if the
6 course of proceeding is not specifically pointed out by statute, any suitable process or
7 mode of proceeding may be adopted which may appear most conformable to the spirit of
8 the laws.” (Emphasis added).

9 Because discovery would assist in the orderly and timely resolution of Mr.
10 Stenson’s claim, and protect Mr. Stenson’s constitutional rights, Mr. Stenson asks that
11 this Court grant the motion and allow for discovery.

12 DATED this 3rd day of October, 2008.

13 Respectfully submitted,

14 _____
15 Robert H. Gombiner
16 Attorney for Darold Stenson

17 _____
18 Sheryl Gordon McCloud
19 Attorney for Darold Stenson

1 **CERTIFICATE OF SERVICE**

2 I certify that I mailed, by U.S. Mail, first class, a copy of the foregoing
3 document to Deborah S. Kelly, Clallam County Prosecuting Attorney at 223 East Fourth
4 Street, Suite 11, Port Angeles, Washington 98362, on October 3, 2008.
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8 _____
9 Robert H. Gombiner
10 Attorney for Darold Stenson
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