

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. 94-1-00039-1

THIRD AFFIDAVIT OF  
MICHAEL CROTEAU

**FILED**  
 CLALLAM COUNTY  
 NOV 19 2008  
 BARBARA CHRISTENSEN, Clerk  
 (MTADPC)

SENT ON November 19<sup>th</sup>, 2008 VIA FAX FOR FILING IN CLALLAM  
COUNTY SUPERIOR COURT

CERTIFICATION

I, Michael Croteau, am a supervising forensic scientist with the Washington State Patrol Crime Laboratory in Marysville, Washington. I supervise the DNA section in the Marysville Laboratory and have been with the Washington State Patrol Crime Laboratory for nineteen years. I have previously provided two affidavits to the State to explain the capabilities of our lab with respect to DNA testing. This affidavit is provided to further clarify the previous affidavits.

While the Crime Lab does not do mini-STR or mitochondrial analysis, the STR testing that we do is capable of testing what is variously called "touch DNA" and/ or "handling DNA". STR testing will pick up DNA deposited as skin cells or cells accompanying sweat, if it is present in sufficient quantities. We have been doing STR testing since approximately 2000 so have had the technical ability to do the "touch DNA" since that time. There are subsets of the STR technique, often called "Low Copy Number DNA typing" which involve amplifying a sample more than the standard number of cycles associated with standard STR typing. These techniques are not currently being done in the Washington State Patrol Crime

Laboratory system. These techniques provide greater sensitivity, but less accuracy, than standard STR techniques.

While mini-STR or mitochondrial testing is more likely to provide a DNA result from an object that has been handled briefly, neither is currently searchable against the convicted felon portion of the databank, and are not currently performed by the Washington State Patrol Crime Laboratory.

When dealing with "touch DNA" testing, any method utilized will almost certainly consume or destroy the sample. For purposes of selecting any item for testing, it remains important to be as certain as possible that the particular item is actually related to the crime and is unlikely to have been handled by anyone except the perpetrator.

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 19<sup>th</sup> day of November, 2008, at  
Tulalip Washington.



Michael Croteau

1 STATE OF WASHINGTON ) AFFIDAVIT  
 COUNTY OF CLALLAM ) ss. OF MAILING

2 The undersigned, being first duly sworn on oath, states that on the  
 3 19th day of November, 2008, affiant deposited in the mails of the United  
 States of America a properly stamped and addressed envelope directed to  
 4 counsel of record: Robert H. Gombiner containing a copy of the  
 accompanying document(s).

5 I CERTIFY under penalty of perjury under the laws of the State of  
 Washington that the foregoing is true and correct.  
 DATED at Port Angeles, WA this 19th day of November, 2008.

*Linda J. Mayberry*  
 Linda J. Mayberry

**FILED**  
**CLALLAM COUNTY**  
**NOV 19 2008**  
**BARBARA CHRISTENSEN, Clerk**

7 **IN THE SUPERIOR COURT OF THE**  
 8 **STATE OF WASHINGTON**  
**IN AND FOR THE COUNTY OF CLALLAM**

9 STATE OF WASHINGTON,  
 Plaintiff,  
 10 vs.  
 11 DAROLD STENSON,  
 Defendant.

NO. 93-1-00039-1

NOTICE OF ISSUE

Clerk's Action Required

(NTIS)

13 NATURE OF MOTION OR ACTION:

14 **PRESENTATION OF ORDER**  
**CERTIFYING WITNESS LIST**

15 TO: DAROLD STENSON, Defendant  
 16 AND ROBERT H. GOMBINER, Federal Public Defender  
 1601 Fifth Avenue, Suite 700, Seattle, WA 98101, Attorney for Defendant  
 17 AND TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

18 PLEASE TAKE NOTICE that the issue of law in this cause will be brought on  
 19 Wednesday, the 26th day of November, 2008, at 1:00 o'clock p.m. before the presiding judge,  
 20 and the Clerk is requested to note this cause on the docket for that day.

DATED this 19th day of November, 2008.

DEBORAH S. KELLY, Prosecuting Attorney

*Deborah S. Kelly*

DEBORAH S. KELLY WBA #8582  
 Clallam County Prosecuting Attorney

/ljm

1 - NOTICE OF ISSUE

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