

# **APPENDIX H**

# THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,  
 Respondent/Cross-Appellant,  
 v.  
 JONATHAN LEE GENTRY,  
 Appellant.

**RELEASE OF EXHIBITS**  
**Chain of Custody**

Supreme Court No.  
 58415-0

**RECEIVED**

MAR 20 2006

ATTORNEY GENERAL'S OFFICE  
 CRIMINAL JUSTICE DIV-OLYMPIA

Pursuant to the parties' STIPULATION RE: RELEASE OF EVIDENCE TO DEFENSE (SWEENY) signed by the Chief Justice and filed in this Court on December 15, 2005, the following exhibits are released to the undersigned for a period of 60 days and are subject to the terms and conditions of the stipulation.

<u>Exhibit No.</u>	<u>Description</u>	<u>#01</u>
<del>01</del>	<del>Large Map of Area</del>	<del>#02 - Did not take at this time</del>
<del>02</del>	<del>Large Map of the Body Scene</del>	<del>Kbce</del>
04	Victim's Shoes	
05	Victim's Jeans	
06	Victim's Bra	
07	Victim's T-Shirt	
10	Victim's Sweatshirt	
11	Victim's Eyeglasses	
12	Victim's Earring	
29	Stick (small)	
30	Stick (large limb)	
30a	Parts of Stick (Exhibit 30)	
31	Rock from Crime Scene	
65	Cap	
66a	Defendant's Gray Pants	
67	Defendant's Shoes	
68	Right Shoelace	
69	Left Shoelace	
79	Blood drop Illustration (Grubb)	
80	Diagram of Blood on Shoes (Grubb)	

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 58415-0 .
Respondent/Cross-Appellant,	)	
	)	STIPULATION RE: RELEASE OF EVIDENCE
v.	)	TO DEFENSE (SWEENEY)
	)	
JONATHAN LEE GENTRY,	)	
	)	
Appellant/Cross-Respondent.	)	

COMES NOW the State of Washington, represented by Special Deputy Prosecuting Attorney Pamela B. Loginsky, and the Appellant, Jonathan Lee Gentry, by an through his federal habeas corpus attorneys, Scott Engelhard and Brian Tsuchida, to request that this Court approve the following stipulation which is intended to execute Chief Judge Robert Lasnik's order in Gentry v. Lambert, United State's District Court Cause No. C99-0289L, which directed that all items, materials, exhibits, and other evidence in the murder prosecution of Mr. Gentry be made available to Mr. Gentry's counsel for examination and inspection.

The Court having reviewed this stipulation and Chief Judge Lasnik's order now orders the release of the designated exhibits from its custody under the terms specified:

- 1) The appellant, Jonathan Lee Gentry, hereby stipulates to the chain of custody of all items released to his counsel or their agent: Kay Sweeney.
- 2) In no event shall the evidence be released, handled, turned over to, or otherwise provided to anyone other than attorneys Scott Engelhard or Brian Tsuchida and/or Kay Sweeney.

STIPULATION RE: RELEASE OF EVIDENCE

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1           3) Prior to the release of any exhibits, an agent of the State of Washington from the  
2 Kitsap County Sheriff's Department, shall be provided with an opportunity to photograph the  
3 exhibits at the Washington Supreme Court. These photographs shall be admissible in lieu of the  
4 actual exhibits at any re-trial if any of the released exhibits are destroyed or lost while out of the  
5 custody of the Clerk of the Washington Supreme Court.

6           4) The expert analyst shall not release or return the evidence to any other party or person,  
7 except those enumerated in paragraph 2, without additional stipulation being entered by this  
8 Court and the parties to this action.

9           5) Prior to the removal of any items(s) or evidence from the possession of the  
10 Washington Supreme Court, the party seeking the release shall provide to the prosecuting  
11 attorney the name and address where the item(s) will be sent.

12           6) At the option of the Washington Supreme Court, any item sought to be released may  
13 be transported to the intended destination by the registered mail or a delivery service, provided  
14 that delivery is guaranteed within a 24-hour period (i.e. UPS, Federal Express, or other similar  
15 manner of transport).

16           7) Any party taking custody of any item(s) pursuant to this stipulation shall be required to  
17 sign for the item(s).

18           8) All parties involved in the transport, handling, and /or analysis of the evidence item(s)  
19 shall document in a written report:

- 20           i) the date and time of the transport, handling, and/or analysis of the item(s),
- 21           ii) the condition of the item(s) at the time of receipt of the item(s) and the  
22 transfer of the item(s) to any other party,
- 23           iii) any changes, alterations, and/or modification to the item(s) and/or the  
24 container in which the item(s) is/are located,
- 25           iv) the nature, scope, duration, and extent of any analysis(es) performed on the  
26 actual item(s) of evidence,
- 27           v) a description of any object, items, or stain removed from the evidentiary  
28 item(s), regardless of whether the object, items, or stain is later returned to the  
29 evidentiary item(s),
- 30           vi) a description of any object, item, or stain that is placed upon the evidentiary  
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STIPULATION RE: RELEASE OF EVIDENCE

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1 item(s) regardless of whether the object, item, or stain is later removed from the  
2 evidentiary item(s).

3 9) Notwithstanding any of the above provisions, the item(s) shall be returned by Kay  
4 Sweeney to the Washington Supreme Court no later than ten (10) calendar days after their  
5 removal from the custody of the Clerk of the Washington Supreme Court.

6 10) Notwithstanding any of the above provisions, the reports referenced to under  
7 paragraph 8 shall be provided to the prosecution no later than the return of evidence to the Clerk  
8 of the Washington Supreme Court as set forth in paragraph 9 above.

9 11) Notwithstanding the above provisions, any item released under this stipulation shall  
10 not be amended, altered or consumed in such a manner as to prevent further testing of the item by  
11 the State.

12 12) Only the following item(s) may be released to Kay Sweeney, under this stipulation,  
13 and are subject to the terms and conditions of this stipulation:

<u>Exhibit No.:</u>	<u>Description:</u>
14 01	Large Map of the Area
15 02	Large Map of the Body Scene
16 04	Victim's Shoes
17 05	Victim's Jeans
18 06	Victim's Bra
19 07	Victim's T-Shirt
20 08	Large Outer Envelope (Containing #9)
21 09	Small Envelope With Mailer and Hair Slide
22 10	Victim's Sweatshirt
23 11	Victim's Eyeglasses
24 12	Victim's Earring
25 13	Photograph of Earring
26 14	Crime Scene Videotape
27 15	Video from Gentry's Home to Crime Scene
28 16	Photo of Victim's Upper Body
29 17	Close-up Photo of Victim's Head

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STIPULATION RE: RELEASE OF EVIDENCE

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1	18	Photo of Skull Fragments
2	19	Photo of Torso of Victim
3	20	Photo of Torso and Legs of Victim
4	21	Photo of Flower Bouquet
5	22	Photo of Wagner Showing Flower Location
6	23	Photo of Flowers on Trail
7	24	Photo of Detectives on Trail
8	25	Photo of Victim/ Log In Background
9	26	Photo of Woods
10	27	Photo of Woods
11	28	Photo of Woods
12	29	Stick (Small)
13	30	Stick (Large limb)
14	30a	Parts of Stick (Exhibit 30)
15	31	Rock from Crime Scene
16	32	Photo of Rock
17	33	Photo of Victim's Black Eye
18	34	Photo of Victim's Back
19	35	Photo of Victim's Body Before Washing
20	36	Photo Showing Lividity
21	37	Photo --Backside of Victim
22	38	Photo--Back of Legs
23	39	Photo of Back of Thighs
24	40	Photo of Bottom of Feet
25	41	Photo of Back of Ankles
26	42	Photo of Elbow Wound
27	43	Photo – Closeup of Face
28	44	Photo – Right Forehead
29	45	Photo—Skull Matter
30	46	Photo – Head and Upper Body
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STIPULATION RE: RELEASE OF EVIDENCE

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1	47	Photo – Head Wounds
2	48	Photo – Head Wounds
3	49	Photo – Back of Head
4	50	Photo – Ear
5	51	Photo – Back of Victim’s Head
6	52	Photo – Back of Victim’s Ear
7	53	Photo – Back of Victim’s Ear
8	54	Photo – Exposed Skull
9	55	Photo – Wounds to Brain
10	56	Photo – Wounds to Brain
11	57	Photo – Top of Head Area
12	58	X-Ray of Victim
13	65	Cap
14	66	Suitcase (Filled with Clothes)
15	66a	Defendant’s Gray Pants
16	67	Defendant’s Shoes
17	68	Right Shoelace
18	69	Left Shoelace
19	70	Outer Envelope (Containing #71 and #74)
20	71	Facial Hair of Defendant
21	74	Known Blood of Defendant
22	75	Stain from Pants
23	76	Stain from Victim’s Blood
24	77	Stain from Defendant’s Blood
25	133	Pathology Report
26	155	Diagram...Distances
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DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Clerk/Commissioner/Justice

STIPULATED BY:  
STATE OF WASHINGTON

ATTORNEY FOR APPELLANT

\_\_\_\_\_  
PAMELA B. LOGINSKY, WSBA No. 18096  
Special Deputy Prosecuting Attorney

\_\_\_\_\_  
SCOTT ENGELHARD, WSBA No. \_\_\_\_\_  
Counsel for Appellant

ATTORNEY FOR DEFENDANT

\_\_\_\_\_  
BRIAN TSUCHIDA, WSBA No. \_\_\_\_\_  
Counsel for Appellant

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