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November 24, 2008

Robert H. Gombiner
Assistant Federal Public Defender
1601 Fifth Avenue, Room 700
Seattle, WA 98101

BY E-MAIL

RE: *State of Washington v. Darold Stenson*, Clallam County Cause No. 93-1-00039-1

Dear Mr. Gombiner:

This is in response to your letter of November 23, 2008.

The Clallam County Prosecuting Attorney's Office will timely provide to you all potentially exculpatory evidence that it obtains regarding your client, Darold Stenson. The Clallam County Prosecuting Attorney's Office will also timely provide you with any reports, documents, or other information collected or generated during its follow-up investigation of Mr. Shinn's allegations.

The Clallam County Prosecuting Attorney's Office, however, will not comply with your "discovery" request to the extent that it would require an expansion of our investigation or the seeking of documents in the hands of other agencies.. *See generally In re Personal Restraint Petition of Gentry*, 137 Wn.2d 378, 391, 972 P.2d 1250 (1999) (prisoners seeking post-conviction relief are not entitled to discovery as a matter of ordinary course). Nor, will the Clallam County Prosecuting Attorney's Office expand its investigation to include a search for the items you list in your November 23, 2008, letter. *See generally, State v. Judge*, 100 Wn.2d 706, 717-18, 675 P.2d 219 (1984) ("Neither *Brady* nor *Wright*, or their progeny, imposes a duty on the State to expand the scope of a criminal investigation."); *State v. Jones*, 26 Wn. App. 551, 554, *State v. Jones*, 26 Wn. App. 551, 554, 614 P.2d 190 (1980) ("The State 'is required to preserve all potentially material and favorable evidence.' This rule, however, has not been interpreted to require police or other investigators to search for exculpatory evidence, conduct tests, or exhaustively pursue every angle on a case. The police are required only to preserve that which comes into their possession either as a tangible object or a sense impression, if it is reasonably apparent the object or sense impression potentially constitute material evidence.").

Sincerely yours,



Pamela B. Loginsky
Special Deputy Prosecuting Attorney