CAPITAL PUNISHMENT CASE STATUS REPORT

March 4, 2010

CAPITAL LITIGATION TEAM:

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INTRODUCTION

The Capital Punishment Case Status Report is published monthly by the Office of the Attorney General, Corrections Division. It details the legal status of each case where an individual is currently under sentence of death. For easy reference, the names of current counsel for each case are italicized and bolded, and the latest developments on each case are also in bold print. Further information about any of these cases may be obtained by contacting Tim Lang, Corrections Division, or the members of the Capital Litigation Team as listed on the cover page of this report.

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- *Stenson v. Vail, et al.*, Thurston County Cause No. 08-2-02080-8, WSSC Cause No. 83828-3
- *Brown & Gentry v. Vail, et al.*, Thurston County Cause No. 09-2-00273-5, WSSC Cause No. 83474-1

KEY TO COURT ABBREVIATIONS

9CIR	United States Court of Appeals for the Ninth Circuit
EDC	United States District Court for the Eastern District of Washington
USSC	United States Supreme Court
WDC	United States District Court for the Western District of Washington
WSSC	Washington State Supreme Court

DATE	CAUSE	ACTION

NAME: BROWN, Cal Coburn
D.O.B. April 16, 1958
Race: White

DATE OF CRIME: May 24, 1991

PLACE OF CRIME: King County

BRIEF FACTS: Cal Brown was convicted of aggravated first degree murder for the stabbing and strangulation death of Holly Washa. The aggravating circumstances were that the murder was committed (1) to conceal the identity of the person committing the crime, and (2) in the course of or furtherance of Kidnapping in the First Degree, Rape in the First Degree, and Robbery in the First Degree. *State v. Brown*, King County Superior Court Cause No. 91-1-03233-1.

DATE OF CONVICTION: December 10, 1993

SPECIAL SENTENCING: December 27, 1993

JUDGMENT AND SENTENCE: King County Superior Court
Cause No. 91-1-03233-1
January 28, 1994

TRIAL JUDGE: Honorable Ricardo S. Martinez

DEFENSE ATTYS:

Terry L. Mulligan
Port Orchard, WA

Lin-Marie Hupp
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Kern Cleven
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PROSECUTING ATTYS:

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APPELLANT'S ATTYS:

(Personal Restraint Petition, WSSC #66686-5)

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Judith Mandel (withdrew 10/28/98)
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Ronald D. Ness (withdrew 10/28/98)
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Michael Trickey (withdrew 05/01/96)
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PETITIONER'S ATTYS:

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DATE	CAUSE	ACTION
		(Original Action Against State Officers, WSSC Cause #82742-7) (Second PRP, WSSC Cause # 82711-7) **SUZANNE LEE ELLIOTT, ATTORNEY AT LAW**
RESPONDENT'S ATTYS:		(Personal Restraint Petition, WSSC #66686-5) Norm Maleng, Prosecuting Attorney Ann Marie Summers, Deputy Deborah Dwyer, Deputy
		(Federal Habeas Corpus, USDC WDC #C01-715C) Robert M. McKenna, Attorney General John J. Samson, Assistant Attorney General Diana M. Sheythe, Assistant Attorney General (Withdrew 11/24/03) Corrections Division Po Box 40116 Olympia, WA 98504-0116 (360) 586-1445
		(Original Action Against State Officers, WSSC Cause #82742-7) **JOHN J. SAMSON, ASSISTANT ATTORNEY GENERAL** **SARA J. OLSON, ASSISTANT ATTORNEY GENERAL**
		(Second PRP, WSSC Cause # 82711-7) **JIM WHISMAN, SENIOR DEPUTY PROSECUTING ATTORNEY** **KING COUNTY PROSECUTING ATTORNEY'S OFFICE** **W554 KING COUNTY COURTHOUSE** **516 THIRD AVENUE** **SEATTLE, WA 98104**

DATE	CAUSE	ACTION
(Note : see also *Brown and Gentry v. Vail, et al.,* Thurston County Superior Court Cause No. 09-2-00273-5, under entries for "Lethal Injection Lawsuits")		
01/28/94	61320-6 WSSC	*State v. Brown*; Notice of Appeal
02/01/94	61320-6 WSSC	State's Notice of Cross-Appeal
06/27/96	61320-6 WSSC	Oral argument held
07/24/97	61320-6 WSSC	Opinion affirming conviction and death sentence. Justice Smith authored the opinion for the Court. Justice Madsen authored an opinion concurring in part and dissenting in part, in which Justices Alexander and Sanders joined. *State v. Brown*, 132 Wn.2d 529, 940 P.2d 546 (1997).
03/09/98	97-7283 USSC	Petition for Writ of Certiorari denied. *Brown v. Washington*, 523 U.S. 1007, 118 S. Ct. 1192, 140 L. Ed. 2d 322 (1998)
03/13/98	61320-6 WSSC	Mandate issued
03/16/98	61320-6 WSSC	Amended Mandate (with regards to month, date and year)
04/08/98	66686-5 WSSC	Death Warrant (setting execution for May 13, 1998)

DATE	CAUSE	ACTION
04/08/98	66686-5 WSSC	Order (application for stay of execution, pursuant to RAP 16.24, is granted and further proceedings in the trial court are stayed until further order of this court)
04/19/01	66686-5 WSSC	Opinion denying personal restraint petition. Justice Smith authored the opinion for the Court. Justice Sanders dissented. *In re Brown*, 143 Wn.2d 431, 21 P.3d 687 (2001)
06/14/01	66686-5 WSSC	Certificate of Finality; Supplemental Judgment (costs in the amount of $64,481.44 awarded to the Appellate Indigent Defense Fund and $1,145.00 to the King County Prosecutor's Office to be paid by the Petitioner)
06/15/01	66686-5 WSSC	Order (the stay of execution is hereby lifted as of the date of the issuance of the certificate of finality)
06/19/01	C01-715 WDC	Order Staying Execution
07/15/02	C01-715-WDC	Amended Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus
09/13/02	C01-715 WDC	Respondent's Answer to Amended Petition for a Writ of Habeas Corpus
11/03-4/03	C01-715 WDC	Evidentiary Hearing held
09/16/04	C01-715 WDC	Order (denying petition for writ of habeas corpus); Judgment in a Civil Case
11/09/04	04-35998 9CIR	Petitioner's Notice of Appeal
07/14/05	04-35998 9CIR	Oral argument held
12/08/05	04-35998 9CIR	Opinion (affirming district court's judgment regarding the conviction but reversing and remanding with respect to the death sentence on the juror exclusion claim. Judge Kozinski authored the opinion, with Judges Reinhardt and Berzon concurring). *Brown v. Lambert,* 431 F.3d 661(9th Cir. 2005)
06/19/06	04-35998 9CIR	Order and Amended Opinion (opinion filed December 8, 2005 and reported at 431 F.3d 661, is withdrawn, and is replaced by the Amended Opinion. The petition for rehearing is otherwise denied. A judge requested a vote on whether to rehear this case en banc, but a majority of the non-recused active judges did not vote in favor of en banc consideration. The petition for rehearing en banc is denied. Judge Tallman, joined by Judges O'Scannlain, Kleinfeld, Callahan, and Bea, dissented from denial of rehearing en banc). *Brown v. Lambert*, 451 F.3d 46 (9th Cir. 2006).
01/12/07	06-413 USSC	Order (granting petition for writ of certiorari and Respondent's motion for leave to proceed in forma pauperis). *Uttecht v. Brown*, 127 S. Ct. 1055 (2007).
04/17/07	06-413 USSC	Oral argument held
06/04/07	06-413 USSC	Opinion reversing the judgment of the Ninth Circuit and remanding for further proceedings. Justice Kennedy authored the opinion for the Court. Justice Stevens, joined by Justices Souter, Ginsburg, and Breyer, dissented. Justice Breyer, joined by Justice Souter, authored a separate dissent. *Uttecht v. Brown*, 127 S. Ct. 2218 (2007).
07/06/07	06-413 USSC	Judgment
01/25/08	04-35998 9 CIR	Oral argument held
06/27/08	04-35998 9 CIR	Opinion (affirming the judgment of the district court. Chief Judge Kozinski authored the majority opinion. Judge Reinhardt dissented). *Brown v. Uttecht*, 530 F.3d 1031 (9th Cir. 2008).

DATE	CAUSE	ACTION
08/15/08	04-35998 9 CIR	Order (denying petition for rehearing en banc).
01/21/09	08-7204 USSC	Order denying petition for writ of certiorari. *Brown v. Sinclair*, 129 S. Ct. 1005 (2009)
01/28/09	04-35998 9 CIR	Mandate
02/11/09	82711-7 WSSC	Personal Restraint Petition [Second]; Emergency Motion to Stay Execution
02/19/09	82742-7 WSSC	Petition Against State Officers; Brief in Support of Petition Against State Officers Pursuant to RAP 16.2(b); Emergency Motion to Stay Brown's March 13, 2009 Execution Pending Consideration of his Petition Against State Officers Pursuant to RAP 16.2(b)
02/20/09	82711-7 WSSC	Response to Emergency Motion to Stay Execution
02/23/09	82711-7 WSSC	State's Response to Second Personal Restraint Petition
02/23/09	82742-7 WSSC	Answer to Petition Against State Officers; Response to Motion for Stay of Execution
02/25/09	82742-7 WSSC	Reply Brief in Support of Petition Against State Officers Pursuant to RAP 16.2(b)
02/26/09	82711-7 WSSC	Reply on Personal Restraint Petition; Withdrawal of Ground Three in Brown's Personal Restraint Petition
02/27/09	82742-7 WSSC	Supplemental Response to Petition Against State Officers
03/03/09	82742-7 WSSC	Supplemental Reply Brief in Support of Petition Against a State Officers Pursuant to RAP 16.2(b)
03/08/09	82742-7 WSSC	Second Supplemental Reply Brief in Support of Petition Against a State Officers Pursuant to RAP 16.2(b) w/ attached transcript of deposition of Marc Stern
03/09/09	82742-7 WSSC	Supplemental Response to Petition Against State Officers
03/09/09	82742-7 WSSC	Order (denying petition against state officers and motion for stay)
03/09/09	82711-7 WSSC	Order (denying personal restraint petition as time barred and denying stay)
03/12/09	82832-6 WSSC	Order (granting stay of execution pending further order of the Supreme Court; returning this matter to the Thurston County Superior Court for further proceedings in *Brown v. Vail, et al.*.) *See* "Lethal Injection Lawsuits."
07/14/09	82832-6 WSSC	Motion to Vacate Stay of Execution
07/28/09	82832-6 WSSC	Response to Vail's Motion to Vacate Stay of Execution
07/30/09	82832-6 WSSC	Reply to Brown's Response to Motion to Vacate Stay of Execution
09/10/09	82832-6 WSSC	Order (denying motion to vacate stay of execution)

DATE	CAUSE	ACTION

NAME: CROSS, Dayva Michael
D.O.B.: September 19, 1959
Race: Caucasian

DATE OF CRIME: March 6, 1999

PLACE OF CRIME: King County

BRIEF FACTS: Dayva Michael Cross pleaded guilty to three counts of aggravated first degree murder for the stabbing deaths of his wife, Anouchka Baldwin, and two stepdaughters, Amanda Baldwin and Salome Holly. The aggravating circumstances were that there was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person. *State v. Cross*, King County Cause 99-1-02212-9.

DATE OF GUILTY PLEA: October 23, 2000

SPECIAL SENTENCING: May 7, 2001

JUDGMENT AND SENTENCE: King County Superior Court
Cause No. 99-1-02212-9
June 22, 2001

TRIAL JUDGE: Honorable Joan DuBuque

DEFENSE ATTYS: Mark Larranaga
Richard Warner
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PROSECUTING ATTYS: Norm Maleng, Prosecuting Attorney
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RESPONDENT'S ATTYS: **NORM MALENG, PROSECUTING ATTORNEY**
Timothy Bradshaw, Deputy (withdrew 01/24/03)
DONALD RAZ, DEPUTY
JAMES WHISMAN, DEPUTY
RANDI J. AUSTELL, DEPUTY

DATE	CAUSE	ACTION

DATE	CAUSE	ACTION
06/29/01	71267-1 WSSC	Notice of Judgment and Sentence
06/22/04	71267-1 WSSC	Oral argument held
03/30/06	71267-1 WSSC	Opinion (affirming conviction and sentence of death). Majority opinion authored by Justice Chambers. Chief Justice Alexander filed a concurring opinion. Justice Madsen, joined by Justices Charles Johnson, Sanders, and Owens, dissented. *State v. Cross*, 156 Wn.2d 580, 132 P.3d 80 (2006).
04/06/06	71267-1 WSSC	Cost Bill [$128,781 to be paid to OPD, $706.18 to King County]
11/06/06	06-6333 USSC	Petition for Writ of Certiorari denied. *Cross v. Washington*, 127 S. Ct. 559 (2006).
11/30/06	71267-1 WSSC	Mandate
12/19/06	71267-1 WSSC	Amended Mandate
01/30/07	99-1-02212-9	Death Warrant (setting execution for February 27, 2007)
01/31/07	79761-7 WSSC	Application for Stay of Execution
02/02/07	79761-7 WSSC	Order Granting Stay of Execution and Appointing Counsel
08/01/07	79761-7 WSSC	Petitioner's Motion for Leave to Conduct Discovery
09/05/07	79761-7 WSSC	Department of Corrections' Response to Motion for Leave to Conduct Discovery; Declaration of Richard Morgan.
09/06/07	79761-7 WSSC	Order (Petitioner's motion for appointment of Professors Boerner and Denno is denied. Motion for appointment of investigator Sanderson and Dr. Souter is granted. Motion to file under seal denied.)
09/07/07	79761-7 WSSC	Reply in Support of Petitioner's Motion for Leave to Conduct Discovery
09/18/07	99-1-02212-9	Defendant's Motion to Allow Contact with Jurors
09/26/07	79761-7 WSSC	Respondent's Objection to Ex Parte Order Granting Investigator on Jury Misconduct Issue and Request for Reconsideration
10/01/07	79761-7 WSSC	Petitioner's Response to Respondent's Motion for Reconsideration
10/01/07	79761-7 WSSC	Order (Counsel for Petitioner directed to file answer to Respondent's Objection to Ex Parte Order Granting Investigator on Jury Misconduct Issue and Request for Reconsideration by October 8, 2007. Parties are directed to advise the Court in writing no later than October 8, 2007 as to what action the trial court judge took on motion for contact with jurors)
10/01/07	79761-7 WSSC	Petitioner's Motion to Vacate Superior Court's Order Precluding Contact with Jurors or, in the Alternative, to Permit Discovery Under RAP 16.26
10/02/07	79761-7 WSSC	Joint Motion to Delay Discovery, Briefing, and the Filing of Supporting Documents Relating to Lethal Injection Claims

DATE	CAUSE	ACTION
10/04/07	79761-7 WSSC	Response to RAP 16.26 Motion and Opposition to Request to Lift Order Limiting Juror Contact
10/04/07	79761-7 WSSC	Order (granting Joint Motion to Delay Discovery, Briefing, and the Filing of Supporting Documents Relating to Lethal Injection Claims; personal restraint petition now due January 29, 2008)
10/04/07	79761-7 WSSC	Clarification of Objection to RAP 16.27 Funding Order and Update on Trial Court Proceedings
10/23/07	79761-7 WSSC	Order (Parties are again directed to advise the Court in writing as to what action the trial court judge took on motion for contact with jurors no later than October 24, 2007)
10/24/07	79761-7 WSSC	Placeholder Petition
10/31/07	79761-7 WSSC	Response to Placeholder Petition
11/05/07	79761-7 WSSC	Reply to Response to Placeholder Petition
11/16/07	79761-7 WSSC	Order (Respondent's motion to reconsider is denied. The motion to contact jurors is granted as to both parties, subject to the requirements of RPC 3.5(c). The parties are also directed to specifically inform jurors that they may, but are not required, to speak with representatives of either or both the petitioner and the respondents, and may end the interviews at any time. The remaining motions are denied. All further proceedings related to discovery relative to alleged juror misconduct shall be heard by King County Superior Court Judge Joan E. DuBuque, except for any Petitioner requests for additional funding, which shall be considered by this Court)
01/29/08	79761-7 WSSC	Personal Restraint Petition; Brief in Support of Personal Restraint Petition; Declarations of Maria Ferndanda Torres, Jonathan L. Grindlinger, MD, Mark Larranaga, Todd Maybrown, Jeffrey Ellis, David Boerner, Dr. Robert Thompson, James E. Lobsenz, Jeffrey Robinson, Richard Warner.
04/24/08	79761-7 WSSC	Respondent's RAP 16.26 Motion for Discovery; Respondent's Motion for Judicial Determination of Petitioner's Competency
05/30/08	79761-7 WSSC	Petitioner's Response in Opposition to Respondent's Motion for Judicial Determination of Competency; Declaration of Todd Maybrown in Opposition to Respondent's Motion for a Competency Evaluation; Declaration of James E. Lobsenz
06/02/08	79761-7 WSSC	Reply to Response on Issue of Cross' Competency
06/04/08	79761-7 WSSC	Reply to Response to State's RAP 16.26 Motion for Discovery
07/10/08	79761-7 WSSC	Order (denying Respondent's Motion for Judicial Determination of Petitioner's Competency, Respondent's RAP 16.26 Motion for Discovery, and Petitioner's Motion for Oral Argument)
08/11/08	79761-7 WSSC	Respondent's Second Motion for Discovery Pursuant to RAP 16.26
09/03/08	79761-7 WSSC	Petitioner's Response in Opposition to Respondent's Second Discovery Motion
10/13/08	79761-7 WSSC	Response to Personal Restraint Petition

DATE	CAUSE	ACTION
10/15/08	79761-7 WSSC	Respondent's Motion to Strike Declarations of Boerner and Robinson; Respondent's Motion to Strike Declaration of Torres
10/16/08	79761-7 WSSC	State's Authority for the Restraint of Petitioner Dayva Cross
10/23/08	79761-7 WSSC	Response in Opposition to Respondent's Motion to Strike Declarations of Boerner and Robinson; Response in Opposition to Respondent's Motion to Strike Torres Declaration
10/28/08	79761-7 WSSC	Reply to Response to Motion to Strike Declaration of Torres
11/10/08	79761-7 WSSC	Order (Respondent's Second Motion for Discovery is granted; Petitioner's Motion for Oral Argument is denied; Respondent's Motions to Strike Declarations of Boerner, Robinson, and Torres are denied)
01/07/09	79761-7 WSSC	Petitioner's Renewed Motion for Discovery Re: Lethal Injection Claims
01/07/09	79761-7 WSSC	Joint Motion to Obtain Sealed Clerk's Papers and for an Extension of Time for the Filing of Petitioner's Reply Brief
01/09/09	79761-7 WSSC	Order Granting Motion for Extension of Time and Motion to Obtain Sealed Clerk's Papers
01/20/09	79761-7 WSSC	Department of Corrections' Response to Petitioner's Renewed Motion for Discovery
01/20/09	79761-7 WSSC	Petitioner's Motion to Lift Stay and Set Schedule Regarding Lethal Injection Claims
01/23/09	79761-7 WSSC	Reply in Support of Petitioner's Renewed Motion for Discovery Re: Lethal Injection Claims
01/23/09	79761-7 WSSC	Response to Motion to Lift Stay and Set Schedule Regarding Lethal Injection Claims
01/30/09	79761-7 WSSC	Reply in Support of Petitioner's Motion to Lift Stay
03/06/09	79761-7 WSSC	Order on Petitioner's Renewed Motion for Discovery re: Lethal Injection Claims
03/16/09	79761-7 WSSC	Department of Corrections' Motion for Protective Order
03/17/09	79761-7 WSSC	Order (Motion for a protective order is granted on a temporary basis only. This temporary protective order will remain in effect pending further order of the Court)
03/31/09	79761-7 WSSC	Petitioner's Opposition to DOC's Motion for Protective Order
04/03/09	79761-7 WSSC	Order (Petitioner's motion for oral argument is granted only on the *Alford* plea issues. Oral argument will be heard on June 25, 2009. All other issues in this case are stayed pending resolution of the Alford plea issues)
04/07/09	79761-7 WSSC	Department of Corrections' Reply to Petitioner's Opposition to Motion for Protective Order
04/10/09	79761-7 WSSC	Order (Motion for clarification denied as all deadlines and discovery are stayed pending *Alford* plea issues)
05/11/09	79761-7 WSSC	Supplemental Brief of Petitioner
06/03/09	79761-7 WSSC	Brief of Amicus Curiae Washington Association of Criminal Defense Lawyers
06/08/09	79761-7 WSSC	Supplemental Brief of Respondent Re: *Alford* Plea of Guilty

DATE	CAUSE	ACTION
06/15/09	79761-7 WSSC	Response to Brief of Amicus Curiae Washington Association of Criminal Defense Lawyers
06/19/09	79761-7 WSSC	Petitioner's Supplemental Reply Brief Re: *Alford* Plea of Guilty
06/25/09	79761-7 WSSC	Oral argument held
07/08/09	79761-7 WSSC	Order (the Court denies relief based on the *Alford* plea issues presented. The Court's reasoning will be set forth in its opinion on the merits of the Petitioner's Personal Restraint Petition to be released in due course.)
07/29/09	79761-7 WSSC	Respondent's Motion to (1) Lift Stay, (2) Set Reply Brief Due Date, and (3) Order Immediate Dissemination of Discovery
08/21/09	79761-7 WSSC	Petitioner's Response to Respondent's Motion to (1) Lift Stay, (2) Set Reply Brief Due Date, and (3) Order Immediate Dissemination of Discovery
11/06/09	79761-7 WSSC	Order (Respondent's motion to lift the stay is granted in part and denied in part. The motion is denied with respect to consideration of the legality of Washington's lethal injection protocol. The motion to lift the stay is granted with respect to all other claims. The Respondent's motion for immediate dissemination of discovery is granted in part.*)*
11/10/09	79761-7 WSSC	Statement of Additional Authorities
12/08/09	79761-7 WSSC	Reply Brief in Support of Personal Restraint Petition
01/11/10	79761-7 WSSC	Petitioner's Motion for Appointment of Attorney Maria Fernanda Torres
01/25/10	79761-7 WSSC	Motion for Deadline by Which Petitioner Provides Respondent with the Court-Ordered Discovery
01/28/10	79761-7 WSSC	Petitioner Cross' Response to Respondent's Motion for Deadline for Discovery
02/12/10	**79761-7 WSSC**	**Order (Petitioner's motion for the appointment of Maria Fernanda Torres is denied but Ms. Torres may provide representation under the supervision of death penalty qualified counsel at public expense. The Responent's motion for a deadline is granted. Petitioner has 30 days from entry of this order to comply with this Court's November 6, 2009, discovery order. The Respondent's motion for 60 days from receipt of discovery to file any additional relevant briefing on the ineffective assistance of counsel claims, and the Petitioner's motion for 60 days to respond, are granted.)**

DATE	CAUSE	ACTION

NAME: DAVIS, Cecil Emile
D.O.B.: September 1, 1959
Race: Black

DATE OF CRIME: January 25, 1997

PLACE OF CRIME: Pierce County

BRIEF FACTS: Cecil Emile Davis was convicted of one count of aggravated first degree murder for the suffocation/asphyxiation murder of 65-year-old Yoshiko Couch using a poisonous chemical ("Goof-Off"/Xylene), after burglarizing her home, robbing her, and raping her. The aggravating circumstance was that the murder was committed in the course of and or furtherance of the crimes of Burglary in the First Degree or Burglary in the Second Degree, Robbery in the First Degree or Robbery in the Second Degree, Rape in the First Degree and/or Rape in the Second Degree. *State v. Davis*, Pierce County Cause 97-1-00432-4.

DATE OF CONVICTION: February 6, 1998

SPECIAL SENTENCING: February 10-12, 1998
May 15, 2007

JUDGMENT AND SENTENCE: Pierce County Superior Court
Cause No. 97-1-00432-4
February 23, 1998
May 18, 2007

TRIAL JUDGE: Honorable Frederick W. Fleming

DEFENSE ATTYS: Ronald Ness
John L. Cross
Port Orchard, WA

Julia Lindstrom
Lloyd Alton, Jr.
Tacoma, WA

PROSECUTING ATTYS: Gerald Horne, Prosecuting Attorney
John W. Ladenburg (Former Prosecuting Attorney)
John M. Neeb, Deputy Prosecutor (Withdrew 01/26/00)
John Hillman, Deputy Prosecutor (Former Prosecuting Attorney)
Gerald T. Costello, Deputy Prosecutor
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APPELLANT'S ATTYS: (Direct Appeal, WSSC Cause #66537-1)
Judith Mandel
Port Orchard, WA

Ronald D. Ness
Port Orchard, WA

(Direct Appeal, WSSC Cause #80209-2)
Eric Broman (Withdrew 1/15/09)

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DATE	CAUSE	ACTION
		(206) 623-2488 **(206) 623-2488**
PETITIONER'S ATTYS:		(Personal Restraint Petition, WSSC #70834-7) Gilbert Levy Catherine Ann Chaney
RESPONDENT'S ATTYS:		(Direct Appeal, WSSC Cause #66537-1) (Personal Restraint Petition, WSSC #70834-7) Barbara Corey-Boulet, Deputy John Hillman, Deputy (Direct Appeal, WSSC Cause #80209-2) **GERALD HORNE, PROSECUTING ATTORNEY** **JOHN MARTIN NEEB, DEPUTY** **KATHLEEN PROCTOR, DEPUTY**
09/28/00	66537-1-WSSC	Opinion affirming conviction and death sentence. Justice Smith authored the opinion for the Court. Justice Sanders dissented. *State v. Davis*, 141 Wn.2d 798, 10 P.3d 977 (2000)
11/04/04	70834-7 WSSC	Opinion granting personal restraint petition in part and remanding for a new sentencing proceeding. Justice Ireland authored the opinion for the Court. Justice Chambers filed a concurring opinion. Justice Sanders dissented. *In re Davis*, 152 Wn.2d 647, 101 P.3d 1 (2004).
11/29/04	70834-7 WSSC	Certificate of Finality
05/15/07	97-1-00432-4	Sentencing hearing (death sentence imposed)
05/18/07	97-1-00432-4	Judgment and Sentence; Warrant of Commitment to DOC
06/06/07	80209-2 WSSC	Notice of Appeal
08/08/07	80209-2 WSSC	Order (Eric Broman is appointed as lead counsel and David Koch is appointed as co-counsel to represent Cecil Davis in this appeal).
01/08/09	80209-2 WSSC	Motion to Withdraw as Lead Counsel and Request to Appoint New Lead Counsel
01/15/09	80209-2 WSSC	Order (Motion to Withdraw as Lead Counsel is granted, Eric Nielsen appointed as new lead counsel)
01/15/09	80209-2 WSSC	Statement of Compliance with RCW 10.95.150
06/01/09	80209-2 WSSC	Appellant's Opening Brief; Designation of Supplemental Exhibits
09/29/09	80209-2 WSSC	Motion for Extension of Time to File State's Response Brief
10/01/09	80209-2 WSSC	Order (granting motion for extension of time; response brief due February 1, 2010)
02/01/10	80209-2 WSSC	Motion for Second Extension of Time to File State's Response Brief
02/03/10	**80209-2 WSSC**	**Order on Motions (Respondent's Motion for Extension of Time is granted. State's response brief is due March 15, 2010.)**

DATE	CAUSE	ACTION

NAME: ELMORE, Clark Richard (aka James Elmore aka James Lee Dickey)
D.O.B.: November 17, 1951
Race: White

DATE OF CRIME: April 17, 1995

PLACE OF CRIME: Whatcom County

BRIEF FACTS: Clark Richard Elmore pleaded guilty to one count of aggravated first degree murder of Christy Onstad, the 14-year-old daughter of Elmore's live-in girlfriend. The two aggravating circumstances were (1) the murder was in the course of and in flight from Rape in the Second Degree, and (2) the murder was committed to conceal the commission and perpetrator of the crime. *State v. Elmore*, Whatcom County Cause 95-1-00310-1.

DATE OF CONVICTION: July 6, 1995

SPECIAL SENTENCING: March 12, 1996

JUDGMENT AND SENTENCE: Whatcom County Superior Court
Cause No. 95-1-00310-1
May 3, 1996

TRIAL JUDGE: Honorable David Nichols

DEFENSE ATTYS: John Komorowski
Douglas Hyldahl
Bellingham, WA

PROSECUTING ATTYS: David S. McEachran, Prosecuting Attorney
Whatcom County Prosecutor's Office
Whatcom County Courthouse
311 Grand Avenue
Bellingham, WA 98225
(360) 676-6784

APPELLANT'S ATTYS: (Direct Appeal, Washington Supreme Court #64085-8)

Michael P. Iaria
Seattle, WA

Meredith Martin Rountree
Austin, TX

Rita Griffith
Seattle, WA

Charlotte Cassady (Withdrew 03-06-98)
Mobile, AL

Jon Ostlund (06/17/96)
Bellingham, WA

PETITIONER'S ATTYS: (Personal Restraint Petition, Washington Supreme Court #70233-1)

Jeffrey E. Ellis
The Defender Association
810 Third Avenue
Suite 800
Seattle, WA 98104-1655
(206) 447-3900

Meredith Martin Rountree
510 South Congress Avenue
Suite 308
Austin, TX 78704-1739
(512) 320-0334

DATE	CAUSE	ACTION
		(Federal Habeas Corpus, USDC WDC #C08-0053) **JEFFREY E. ELLIS** **ELLIS, HOLMES & WITCHLEY** **705 SECOND AVENUE, SUITE 401** **SEATTLE, WA 98104** **(206) 262-0300** **STEVE WITCHLEY** **ELLIS, HOLMES & WITCHLEY** **705 SECOND AVENUE, SUITE 401** **SEATTLE, WA 98104** **(206) 262-0300**
RESPONDENT'S ATTYS:		(Personal Restraint Petition, Washington Supreme Court #70233-1) David S. McEachran, Prosecuting Attorney (Federal Habeas Corpus, USDC WDC #C08-0053) **ROBERT M. MCKENNA, ATTORNEY GENERAL** **GREGORY J. ROSEN, ASSISTANT ATTORNEY GENERAL** **RONDA D. LARSON, ASSISTANT ATTORNEY GENERAL** **CORRECTIONS DIVISION** **PO BOX 40116** **OLYMPIA, WA 98504-0116** **(360) 586-1445**
05/13/96	64085-8 WSSC	Notice of Appeal
11/19/98	64085-8 WSSC	Oral argument held
10/07/99	64085-8 WSSC	Opinion affirming conviction and death sentence and granting State's motion to strike Appellant's "Social History". Justice Talmadge authored the opinion for the Court. Justice Sanders dissented. *State v. Elmore*, 139 Wn.2d 250, 985 P.2d 289 (1999)
10/02/00	99-9587 USSC	Petition for Writ of Certiorari denied, *Elmore v. Washington*, 531 U.S. 837, 121 S. Ct. 98, 148 L. Ed. 2d 57 (2000)
10/09/00	64095-8 WSSC	Mandate issued
10/10/00	70233-1 WSSC	Motion for Appointment of Counsel and for Stay of Execution Pursuant to Rules 16.24 and 16.25 of the Rules of Appellate Procedure
10/31/00	95-1-00310-1	Death Warrant (setting execution for November 28, 2000)
11/07/00	70233-1 WSSC	Notation Order (motion for stay of execution is granted; request for appointment of counsel will be considered upon receipt of a recommendation from the Office of Public Defense)
11/15/00	70233-1 WSSC	Petitioner's Statement Pursuant to RAP 16.25
11/16/00	70233-1 WSSC	Order (appointing Jeffrey Ellis and Meredith Martin Rountree as counsel)
06/04/01	70233-1 WSSC	Notation Order on Motions (granting Petitioner's ex parte motions for appointment of mental health experts, investigator, and attorney expert)
06/29/01	70233-1 WSSC	Petitioner's Personal Restraint Petition and Brief in Support
07/17/01	70233-1 WSSC	Order (the motion to transport is granted with the following conditions: no one other than the Department of Corrections personnel, relevant medical personnel, and counsel for Mr. Elmore shall be notified of the date, time or place of the testing or be present during testing. Counsel shall give notice to the Department of Corrections at least 24 hours prior

DATE	CAUSE	ACTION
		to the medical procedures if counsel elects to be present. The Department of Corrections shall have the ultimate authority over the arrangements for transporting Mr. Elmore)
11/20/01	70233-1 WSSC	Response to Personal Restraint Petition and Brief
12/31/01	70233-1 WSSC	Petitioner's Reply in Support of Personal Restraint Petition [Tab D of the brief is a sealed document]
01/10/02	70233-1 WSSC	Order (Petitioner's motion for subpoena duces tecum for medical records of Juror #12 is denied without prejudice)
09/27/02	70233-1 WSSC	Order (trial court is directed to hold a reference hearing on the issue of whether counsel's failure to consult and call mental health experts in the penalty phase was deficient performance. The court is directed to take evidence on whether counsel's representation in this regard fell below an objective standard of reasonableness based on consideration of all circumstances, including whether any legitimate strategic or tactical reasons supported the decision not to consult and call such experts. The trial court at the conclusion is to enter findings of fact on the issue referred and expedite the process)
04/03/03	70233-1 WSSC	Order (Petitioner's motion to expand scope of reference hearing is denied)
06/05/03	70233-1 WSSC	Order (Petitioner has not established facts that give rise to a substantial reason to believe that the renewed motion for appointment of attorney expert and renewed motion for funds to hire an investigator will produce information that would support relief under RAP 16.4(c). The order for the reference hearing does not require the trial court to make a legal conclusion regarding the adequacy of trial counsel's performance. The trial court is directed to find the facts regarding the performance of trial counsel, leaving for this court the determination whether trial counsel's performance was legally adequate. Therefore, no funds are authorized for attorney experts or an investigator. The request to file this order under seal is denied)
01/27/05	70233-1 WSSC	Trial Court Findings of Fact
04/12/05	70233-1 WSSC	Supplemental Brief of Petitioner
05/11/05	70233-1 WSSC	Respondent's Supplemental Brief
11/21/07	70233-1 WSSC	Opinion denying personal restraint petition. Justice Madsen authored the opinion for the Court. Justice Sanders dissented. *In re Elmore*, 162 Wn.2d 236, 172 P.3d 335 (2007)
12/03/07	70233-1 WSSC	Cost Bill ($238,315.31 to be paid to OPD, $7,643.22 to Whatcom County)
01/14/08	C08-0053 WDC	Application for Writ of Habeas Corpus; Application for Appointment of Counsel; Request for Stay of Execution
01/18/08	C08-0053 WDC	Order Permitting Elmore to File Amended Petition; Order Granting Motion for Stay of Execution
02/22/08	70233-1 WSSC	Order Denying Motion for Reconsideration
03/05/08	70233-1 WSSC	Ruling on Cost Bill ($245,662.53 to be paid to OPD, $496.00 to Whatcom County); Certificate of Finality
04/22/08	C08-0053 WDC	First Amended Petition for Writ of Habeas Corpus
05/29/08	C08-0053 WDC	Respondent's Submission of State Court Record Pursuant to CR 104(i)(1)

DATE	CAUSE	ACTION
12/19/08	C08-0053 WDC	Answer and Memorandum of Authorities; Respondent's Supplemental Submission of State Court Record Pursuant to CR 104(i)(1)
03/13/09	C08-0053 WDC	Petitioner's Traverse and Reply
08/27/09	C08-0053 WDC	Respondent's Second Supplemental Submission of State Court Record Pursuant to CR 104(i)(1)
09/30/09	C08-0053 WDC	Motion for Evidentiary Hearing
10/30/09	C08-0053 WDC	Response to Petitioner's Motion for Evidentiary Hearing
11/13/09	C08-0053 WDC	Reply in Support of Motion for Evidentiary Hearing
11/13/09	C08-0053 WDC	Petitioner's Supplemental Memorandum Regarding State's Newly Raised Teague Defense to Shackling Claims
11/20/09	C08-0053 WDC	Respondent's Citation to Supplemental Authority
12/01/09	C08-0053 WDC	Petitioner's Citation to Supplemental Authority
12/14/09	C08-0053 WDC	Notice of Scheduling Oral Argument on Motion for Evidentiary Hearing for January 29, 2010.
01/26/10	C08-0053 WDC	Respondent's Citation to Supplemental Authority Pursuant to Fed. R. App. P. 28(j)
01/27/10	C08-0053 WDC	Response to Petitioner's Supplemental Memorandum Regarding Teague Defense to Shackling Claims
01/29/10	C08-0053 WDC	Oral argument held on Motion for Evidentiary Hearing

DATE	CAUSE	ACTION

NAME: GENTRY, Jonathan Lee
D.O.B.: August 7, 1956
Race: Black

DATE OF CRIME: June 13, 1988

PLACE OF CRIME: Kitsap County

BRIEF FACTS: Jonathan Gentry was convicted of the aggravated first degree murder of Cassie Holden. The aggravating circumstance was that the murder was committed to protect or conceal the identity of the person committing the crime. *State v. Gentry*, Kitsap County Superior Court Cause No. 88-1-00395-3.

DATE OF CONVICTION: June 26, 1991

SPECIAL SENTENCING: July 2, 1991

JUDGMENT AND SENTENCE: Kitsap County Superior Court
Cause No. 88-1-00395-3
July 22, 1991

TRIAL JUDGE: Honorable Terence Hanley

DEFENSE ATTYS: Frederick D. Leatherman, Jr.
Jeffery P. Robinson (trial)

PROSECUTING ATTYS: Russell Hauge, Prosecuting Attorney
C. Danny Clem (former Prosecuting Attorney)
Irene K. Asai, Deputy Prosecuting Attorney
Brian T. Moran, Deputy Prosecuting Attorney

APPELLANT'S ATTYS: (Direct Appeal, Washington Supreme Court #58415-0)

Michael P. Iaria
Seattle, WA

Frederick D. Leatherman, Jr.
Seattle, WA

PETITIONER'S ATTYS: (Personal Restraint Petition, Washington Supreme Court #62677-4)
(Federal Habeas Corpus, USDC WDC #C99-0289L)

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Brian Tsuchida (withdrew on 5/13/08)
Seattle, WA

Meredith Rountree (withdrew on 5/1/09)
Austin, TX

DATE	CAUSE	ACTION
RESPONDENT'S ATTYS:		(Personal Restraint Petition, Washington Supreme Court #62677-4) Russell Hauge, Prosecuting Attorney Randy Sutton, Deputy Pamela B. Loginsky, Special Deputy Washington Association Of Prosecuting Attorneys
RESPONDENT'S ATTYS:		(Federal Habeas Corpus, USDC WDC #C99-0289L) **ROBERT M. MCKENNA, ATTORNEY GENERAL** **PAUL D. WEISSER. SENIOR COUNSEL** **GREGORY J. ROSEN, ASSISTANT ATTORNEY GENERAL** **CORRECTIONS DIVISION** **P.O. BOX 40116** **OLYMPIA, WA 98504-0116** **(360) 586-1445**

DATE	CAUSE	ACTION

(Note : see also *Brown and Gentry v. Vail, et al.,* Thurston County Superior Court Cause No. 09-2-00273-5, under entries for "Lethal Injection Lawsuits")

08/08/91	58415-0 WSSC	*State v. Gentry*; Notice of Appeal
11/09/93	58415-0 WSSC	Oral argument held
01/06/95	58415-0 WSSC	Opinion (affirming conviction and sentence of death). Majority opinion authored by Justice Andersen. Justices Utter, Johnson and Madsen dissented. *State v. Gentry*, 125 Wn.2d 570, 888 P.2d 1105 (1995)
10/02/95	94-9582 USSC	Petition for Writ of Certiorari denied. *Gentry v. Washington*, 516 U.S. 843, 116 S. Ct. 131, 133 L. Ed. 2d 79 (1995)
10/05/95	58415-0 WSSC	Mandate issued
11/02/95	88-1-00395-3	Death Warrant (setting execution for December 5, 1995)
11/14/95	58415-0 WSSC	Order staying execution date of December 5, 1995 pending certificate of finality or further order of the court
12/15/95	62677-4 WSSC	Order appointing counsel
02/18/99	62677-4 WSSC	Opinion denying personal restraint petition. Justice Talmadge authored the opinion for the Court. Justice Sanders, joined by Justice Johnson, dissented in part. *In re Gentry*, 137 Wn.2d 378, 972 P.2d 1250 (1999)
03/01/99	C99-0289 WDC	Application for Appointment of Counsel
03/08/99	C99-0289 WDC	Order Appointing Counsel (Scott J. Engelhard and Meredith Martin Rountree)
03/09/99	62677-4 WSSC	Petitioner's Motion for Reconsideration
06/30/99	62677-4 WSSC	Order (Petitioner's motion for reconsideration is denied); Order Changing Opinion; Order (Respondent's motion, to dissolve the stay of execution upon issuance of the certificate of finality, is granted)
07/19/99	C99-0289 WDC	Order (staying execution of Jonathan Lee Gentry)

DATE	CAUSE	ACTION
07/21/99	62677-4 WSSC	Certificate of Finality
07/26/99	62677-4 WSSC	Order (the State of Washington is awarded costs in the total amount of $178,869.57 to be paid by the Petitioner, Jonathan Lee Gentry)
10/22/99	C99-0289 WDC	Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254
01/24/00	C99-0289 WDC	Respondent's Answer and Memorandum of Authorities
01/24/00	C99-0289 WDC	First Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254
02/11/00	C99-0289 WDC	Respondent's Amended Answer and Memorandum of Authorities
06/02/00	C99-0289 WDC	Order (denying motion to prohibit Assistant Attorney General Brian Moran from participating in the litigation of this case); Order (granting in part and denying in part Petitioner's motion for leave to conduct discovery)
07/12/01	C99-0289 WDC	Order Regarding Exhaustion of Claims (the following claims presented were in fact exhausted in the Washington courts and may be considered here: (1) the Brady/Napue claim regarding Brian Dyste; (2) the victim impact statement claims; (3) the claim regarding the admission of petitioner's previous conviction; and (4) the juror exclusion claim. The following claims were unexhausted and cannot be considered here: (1) the Brady/Napue claims regarding Leonard Smith, Timothy Hicks, and detective misconduct; and (2) the ineffective assistance of counsel claims.)
08/30/01	C99-0289 WDC	Order for Clarification of Exhaustion Order; Order Deferring Motion to Conduct Discovery
03/25/03	C99-0289 WDC	Order Denying Motion for Reconsideration and Regarding Related Matters
07/02/03	C99-0289 WDC	Order Regarding Procedural Default (the claims identified as unexhausted in the Court's Order of Clarification [08/30/01] are now procedurally barred; directing the parties to file memoranda regarding cause and prejudice)
03/08/04	C99-0289 WDC	Oral argument held re: cause and prejudice; Court directs the filing of supplemental briefs not to exceed two pages re: applicability of *Banks v. Dretke* by March 15, 2004
03/26/04	C99-0289 WDC	Order Regarding Cause and Prejudice (reconsidering *sua sponte*, and reversing, the Court's prior decision that the *Brady/Napue* claims concerning Timothy Hicks and Detectives Wright and Wagner are unexhausted and procedurally defaulted; reserving ruling as to whether Gentry has shown cause for his default regarding the Leonard Smith claims pending an evidentiary hearing; concluding that Gentry has failed to show cause to excuse his default of the penalty phase ineffective assistance claim; denying Gentry's motion to strike)
08/03/05	C99-0289 WDC	Order Regarding Discovery and Evidentiary Hearing (granting Petitioner's request to conduct depositions of Brian Moran, Timothy Hicks, Brian Dyste, Detective Wright, Detective Wagner, and CCO Karen Adams; denying Respondent's request for depositions; scheduling evidentiary hearing on Petitioner's *Brady/Napue* claims)
01/05/06	C99-0289 WDC	Petitioner's Motion for Summary Judgment (re: Claim A [dismissal of juror for cause]).
01/23/06	C99-0289 WDC	Response in Opposition to Motion for Summary Judgment
01/27/06	C99-0289 WDC	Reply in Support of Motion for Summary Judgment
03/6-9/06	C99-0289 WDC	Evidentiary hearing held

DATE	CAUSE	ACTION
03/15/06	C99-0289 WDC	Minute Order (the Court has conducted an in camera review of witness Jan Mahan's taped interview and written notes from her subsequent telephone conversation with Brian Dyste. The Court concludes that the *Gentry* case is never mentioned or referenced in these materials and that they have no bearing on this proceeding).
03/28/06	C99-0289 WDC	Petitioner's Report of Kay Sweeney in Support of Claim that Counsel was Ineffective for Failing to Investigate Crime Scene Evidence
05/22/06	C99-0289 WDC	Petitioner's Post-Evidentiary Hearing Brief ; Petitioner's Motion for Discovery Deposition of Leonard Smith; Petitioner's Motion to Admit Supplemental Exhibits
06/05/06	C99-0289 WDC	Response to Motion to Depose Leonard Smith; Response to Motion to Supplement Evidentiary Hearing Exhibits
06/08/06	C99-0289 WDC	Petitioner's Reply to Response Motion for Discovery Deposition of Leonard Smith; Petitioner's Reply to Response to Motion to Admit Supplemental Exhibits
06/29/06	C99-0289 WDC	Respondent's Post-Hearing Brief
07/17/06	C99-0289 WDC	Reply in Support of Petitioner's Post-Evidentiary Hearing Brief
08/28/06	C99-0289 WDC	Order on Motion for Summary Judgment (denying Petitioner's motion for summary judgment re: claim A [dismissal of juror for cause])
10/18/07	C99-0289 WDC	Respondent's Motion for Summary Judgment and Memorandum in Support Thereof
11/13/07	C99-0289 WDC	Petitioner's Response to Respondent's Motion for Summary Judgment and Cross Motion for Summary Judgment
11/19/07	C99-0289 WDC	Respondent's Reply and Response to Petitioner's Cross-Motion for Summary Judgment
12/07/07	C99-0289 WDC	Reply in Support of Petitioner's Cross-Motion for Summary Judgment
09/04/08	C99-0289 WDC	Order on Petition for Habeas Relief Based on *Brady* and *Napue* Violations (denying habeas relief).
09/05/08	C99-0289 WDC	Order on *Brady/Napue* Claims Regarding Leonard Smith (denying habeas relief); Order Denying Petitioner's Motion for Evidentiary Hearing on Denial of Effective Assistance of Counsel Due to Failure to Investigate
09/15/08	C99-0289 WDC	Order Granting Respondent's Motion for Summary Judgment, Denying Petitioner's Cross-Motion for Summary Judgment, and Order Denying Amended Habeas Petition. *Gentry v. Sinclair*, 576 F. Supp. 2d 1130 (2008).
03/23/09	C99-0289 WDC	Order Denying Motion for Reconsideration
04/23/09	C99-0289 WDC	Judgment in a Civil Case
04/24/09	C99-0289 WDC	Order Denying Motion to Supplement Motions for Reconsideration; Amended Judgment in a Civil Case
05/07/09	C99-0289 WDC	Petitioner's Motion for New Trial, or to Amend Judgment
05/22/09	C99-0289 WDC	Order Denying Motion for New Trial or to Amend Judgment

DATE	CAUSE	ACTION
05/26/09	C99-0289 WDC	Notice of Appeal to the Ninth Circuit Court of Appeals; Motion for a Schedule for Briefing on the Certificate of Appealability in this Case
07/10/09	C99-0289 WDC	Motion for Certificate of Appealability
08/10/09	C99-0289 WDC	Response to Petitioner's Motion for Certificate of Appealability
08/20/09	C99-0289 WDC	Reply to Respondent's Response to Petitioner's Motion for a Certificate of Appealability
10/02/09	C99-0289 WDC	Order Granting Certificate of Appealability
10/07/09	09-99021 9 CIR	Time Schedule Order (Gentry's brief due December 7, 2009; State's brief due February 5, 2010)
11/18/09	C99-0289 WDC	Motion for Record Correction
11/23/09	09-99021 9 CIR	Appellant's Motion to Modify Briefing Schedule and Order Divided, Partly Expedited Briefing and Argument
11/24/09	C99-0289 WDC	Response to Petitioner's Motion for Record Correction
11/30/09	09-99021 9 CIR	Appellant's Additional Authority
12/02/09	09-99021 9 CIR	Appellee's Response in Opposition to Motion to Modify Briefing Schedule and Order Divided, Partly Expedited Briefing and Argument
12/07/09	09-99021 9 CIR	Appellant's Reply to Response to Motion to Modify Briefing Schedule and Order Divided, Partly Expedited Briefing and Argument; Second Dec of Ford in Support of Motion; Appellant's Request for Case Management Conference
12/08/09	09-99021 9 CIR	Order (granting Appellant's extension of time to file opening brief, denying motion for divided briefing, & denying request for case management conference; Opening brief due June 8, 2010, Answering brief due August 10, 2010)
12/11/09	C99-0289 WDC	Order Denying Motion for Record Correction
12/30/09	84039-3 WSSC	Personal Restraint Petition; Declaration of Jennifer Davis; Declaration of Timothy Ford
01/14/10	09-99021 9CIR	Appellant's Excerpts of Record Volume I
01/19/10	84039-3 WSSC	Notice of Appearance of AAG Sara Olson on behalf of Respondent
02/19/10	**C99-0289 WDC**	**Motion to File Transcripts of Proceedings in this Court that were Ordered, but not Filed by Court Reporters**
02/23/10	**C99-0289 WDC**	**Order to Show Cause (directing Petitioner Gentry to show cause within 5 days)**
02/24/10	**C99-0289 WDC**	**Gentry's Response to Order to Show Cause**
02/25/10	**C99-0289 WDC**	**Order Vacating Order to Show Cause**
03/02/10	**C99-0289 WDC**	**Response to Petitioner's Motion to File Transcripts in the District Court that were Ordered, But not Filed by Court Reporters**
03/02/010	**84039-3 WSSC**	**Response to the Department of Corrections**

DATE	CAUSE	ACTION

NAME: STENSON, Darold Ray aka Darold R. J. Stenson
D.O.B. November 24, 1952
Race: White

DATE OF CRIME: March 25, 1993

PLACE OF CRIME: Clallam County

BRIEF FACTS: Darold Stenson was convicted of two counts of aggravated first degree murder for the shooting deaths of his wife, Denise Ann Stenson, and his business partner, Frank Clement Hoerner. The aggravating circumstances were (1) the murders were part of a common scheme or plan, and (2) the murders were committed to protect or conceal the identity of the perpetrator of a crime. *State v. Stenson*, Clallam County Superior Court Cause No. 93-1-00039-1.

DATE OF CONVICTION: August 11, 1994

SPECIAL SENTENCING: August 18, 1994

JUDGMENT AND SENTENCE: Clallam County Superior Court
Cause No. 93-1-00039-1
August 19, 1994

TRIAL JUDGE: Honorable Kenneth D. Williams

DEFENSE ATTYS:
Frederick D. Leatherman, Jr.
Seattle, WA

Dave Neupert
Port Angeles, WA

PROSECUTING ATTYS: Deborah Snyder Kelly, Prosecuting Attorney
David H. Bruneau, trial counsel and former Prosecuting Attorney
Stephen Traylor, Deputy Prosecuting Attorney
Clallam County Prosecutor's Office
Clallam County Courthouse
223 East Fourth Street
Port Angeles, WA 98362-3098
(360) 417-2301

APPELLANT'S ATTYS: (Direct Appeal, Washington Supreme Court #61965-4)
James E. Lobsenz
Seattle, WA

PETITIONER'S ATTYS: (Personal Restraint Petition, Washington Supreme Court #66565-6)
Judith Mandel (1/29/01)
Port Orchard, WA

Ronald D. Ness (1/29/01)
Port Orchard, WA

(Habeas Corpus Petition, USDC WDC Cause #C01-252P)
Sheryl Gordon McCloud
Attorney At Law
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Seattle, WA 98104
(206) 224-8777

Robert H. Gombiner
Federal Public Defenders Office
1601 Fifth Avenue, Suite 700
Seattle, WA 98101-1605
(206) 553-1100

DATE	CAUSE	ACTION

PETITIONER'S ATTYS (cont.): (Personal Restraint Petition, WSSC 72009-6)

Sheryl Gordon McCloud

Nancy Lynn Talner
PMB 200
6016 NE Bothell Way
Kenmore, WA 98028-9403
(425) 489-0569

RESPONDENT'S ATTYS: (Personal Restraint Petition #1 WSSC #66565-6)
(Personal Restraint Petition #2 WSSC #72009-6)
Deborah Snyder Kelly, Prosecuting Attorney
Christopher O. Shea, Former Prosecuting Attorney
Lauren Erickson, Deputy

(Habeas Corpus Petition, WDC Cause No. C01-252P)
(Federal Habeas Corpus, USDC EDC #CT98-5028-JLQ)
Robert M. McKenna, Attorney General
John J. Samson, Assistant Attorney General
Donna H. Mullen, Assistant Attorney General
Corrections Division
P.O. Box 40116
Olympia, WA 98504-0116
(360) 586-1445

DATE	CAUSE	ACTION

(Note : see also *Stenson v. Vail, et al.,* Thurston County Superior Court Cause No. 08-2-02080-8, under entries for "Lethal Injection Lawsuits")

08/22/94	61965-4 WSSC	Notice of Appeal
12/10/96	61965-4 WSSC	Oral argument held
07/24/97	61965-4 WSSC	Opinion affirming conviction and death sentence. Justice Guy authored the opinion for the Court. Justice Sanders filed a dissenting opinion. *State v. Stenson*, 132 Wn.2d 668, 940 P.2d 1239 (1997)
03/09/98	97-7347 WSSC	Petition for Writ of Certiorari denied. *Stenson v. Washington*, 523 U.S. 1008, 118 S.Ct. 1193, 140 L. Ed. 2d 323 (1998)
03/16/98	61965-4 WSSC	Mandate issued
04/03/98	61965-4 WSSC	Death Warrant (setting execution for May 20, 1998)
04/07/98	66565-6 WSSC	Application for Stay of Execution Pursuant to RAP 16.24
04/08/98	66565-6 WSSC	Order (the application for stay of execution pursuant to RAP 16.24 is granted and further proceedings in trial court are stayed until further order of this Court)
01/04/01	66565-6 WSSC	Opinion denying personal restraint petition. Chief Justice Guy authored the opinion. Justice Sanders dissented. *In re Stenson*, 142 Wn.2d 710, 16 P.3d 1 (2001)
01/29/01	66565-6 WSSC	Certificate of Finality; Order Dissolving Stay of Execution
02/21/01	01-096M WDC	Order Appointing Public Defender (Robert H. Gombiner of Federal Public Defender's Office)

DATE	CAUSE	ACTION
03/06/01	C01-252 WDC	Order Granting Motion for Stay of Execution
05/01/01	C01-252 WDC	Order (on Respondent's motion regarding 28 U.S.C § 2261)
12/28/01	72009-6 WSSC	Personal Restraint Petition [Second]; Opening Brief in Support of Personal Restraint Petition
01/02/02	C01-252 WDC	Petition for Writ of Habeas Corpus; Memorandum in Support of Petition for Writ of Habeas Corpus; Declaration of John A. Strait
03/04/02	C01-252 WDC	Respondent's Answer, Memorandum of Authorities and Motion to Strike
04/04/02	72009-6 WSSC	Response to Personal Restraint Petition; Motion to Strike Petitioner's Personal Restraint Petition
04/30/02	C01-252 WDC	Petitioner's Memorandum Regarding Procedural Defenses Only
05/01/02	72009-6 WSSC	Petitioner's Opposition to Motion to Strike Personal Restraint Petition
05/06/02	C01-252 WDC	Motion to Expand the Record; Opposition to State's Motion to Strike
05/15/02	C01-252 WDC	Response to Motion to Expand the Record and Reply to Opposition to State's Motion to Strike
06/25/02	C01-252 WDC	Reply to Petitioner's Memorandum Regarding Procedural Defenses
09/11/02	C01-252 WDC	Order Staying Petition (the petition for writ of habeas corpus is stayed until further order of the Court. Counsel shall notify the court within 24 hours of any order issued by the Washington State Supreme Court which addresses Petitioner's personal restraint petition)
09/11/03	72009-6 WSSC	Opinion granting State's motion to strike Petitioner's Second Personal Restraint Petition. Chief Justice Alexander authored the opinion for the Court, holding that the petition is a mixed petition, containing both claims that are time-barred under RCW 10.73.090 and also claims that may fall within one of the exceptions to the time bar rule, RCW 10.73.100. The petition is dismissed. *State v. Stenson*, 150 Wn.2d 207, 76 P.3d 241 (2003).
10/06/03	72009-6 WSSC	Certificate of Finality
10/13/03	74593-5 WSSC	Personal Restraint Petition [Third]
11/18/03	C01-252 WDC	Order Granting Motion to Lift Stay, and to Proceed with Habeas Corpus Proceedings
11/24/04	74593-5 WSSC	Opinion denying third personal restraint petition as an abuse of the writ. Chief Justice Alexander authored the opinion for the Court. Justice Sanders dissented. *In re Stenson*, 153 Wn.2d 137, 102 P.3d 151 (2004).
01/07/05	74593-5 WSSC	Certificate of Finality
07/26/05	C01-252 WDC	Order (denying Petitioner's petition for writ of habeas corpus, granting Respondent's Motion to Strike; denying Petitioner's Motion to Expand the Record, denying Petitioner's Motion re: Evidentiary Hearing; and granting Petitioner's Motion to Take Judicial Notice); Judgment in a Civil Case
09/06/05	C01-252 WDC	Order Denying Petitioner's Motion for Reconsideration

DATE	CAUSE	ACTION
09/14/05	C01-252 WDC	Notice of Appeal
09/15/05	C01-252 WDC	Notice of Appeal (re-file)
10/06/05	C01-252 WDC	Order (granting Petitioner's motion for certificate of appealability)
10/13/05	C01-252 WDC	Order (granting motion for stay of execution pending appeal; stay will terminate upon issuance of mandate)
09/14/06	05-99011 9CIR	Oral argument held
09/24/07	05-99011 9 CIR	Opinion affirming the judgment of the district court. Chief Judge Schroeder authored the opinion, with Judges Kleinfeld and Bea concurring. *Stenson v. Lambert*, 504 F.3d 873 (9 Cir. 2007).
03/19/08	05-99011 9 CIR	Order (denying petition for rehearing)
04/03/08	05-99011 9 CIR	Mandate
04/09/08	05-99011 9 CIR	Order (granting motion to recall the mandate and staying the mandate pending the filing of petition for writ of certiorari)
07/15/08	08-5328 USSC	Petition for Writ of Certiorari; Motion for Leave to Proceed In Forma Pauperis
07/24/08	08-5328 USSC	Supplemental Brief in Support of Petition for Writ of Certiorari
08/18/08	08-5328 USSC	Respondent's Brief in Opposition
08/22/08	93-1-00039-1	Petitioner's Motion for DNA Testing
08/27/08	08-5328 USSC	Petitioner's Reply Brief
09/30/08	82197-6 WSSC	Petition and Memorandum in Support of Original Action Against State Officers for Writ of Prohibition and/or Mandamus; Affidavit in Support of Original Action Against State Officers for Writ of Prohibition and/or Mandamus; Motion to Proceed *In Forma Pauperis* (re: application of RCW 10.95.160(2)).
10/02/08	82197-6 WSSC	Order Granting Motion to Proceed *In Forma Pauperis*
10/06/08	93-1-00039-1	Motion for Order Requiring Preservation of Evidence; Motion for Leave to Conduct Discovery; Motion for Independent DNA Testing of Evidence; Petitioner's First Request for Admissions
10/06/08	08-5328 USSC	Order denying petition for writ of certiorari. *Stenson v. Uttecht*, 129 S. Ct. 247 (2008).
10/07/08	82197-6 WSSC	Answer to Petition Against State Officers for Writ of Prohibition and/or Mandamus
10/15/08	93-1-00039-1	Motion for Leave to Conduct Discovery Re Handling of Evidence in Possession of Clallam County Sheriff's Department
10/16/08	82197-6 WSSC	Reply to Petition Against State Officers for Writ of Prohibition and/or Mandamus
10/17/08	05-99011 9 CIR	Order (denying motion to stay issuance of mandate); Mandate

DATE	CAUSE	ACTION
10/17/08	93-1-00039-1	Response to Motion to Conduct DNA Testing; Response to Motion to Conduct Discovery; Response to Motion to Request Discovery Re: Evidence; Response to Motion to Preserve Evidence
10/20/08	93-1-00039-1	Motion to Conduct Investigation
10/21/08	82197-6 WSSC	Petitioner's Motion for Interim Relief; Declaration of Robert H. Gombiner
10/22/08	82197-6 WSSC	Response to Motion for Stay of Execution
10/24/08	93-1-00039-1	Minute Order Granting Motion for Protection Order on Evidence and Evidence Preservation
10/29/08	82332-4 WSSC	Personal Restraint Petition [Fourth]; Opening Brief in Support of Personal Restraint Petition; Motion to Proceed in Forma Pauperis
10/29/08	82332-4 WSSC	Response to Motion for Order Enjoining Execution
10/30/08	82332-4 WSSC	RAP 16.9 Response to Personal Restraint Petition
11/03/08	82332-4 WSSC	Memorandum in Support of Motion for Stay of Execution
11/05/08	82332-4 WSSC	Amici Curiae Brief of the American Civil Liberties Union and the American Civil Liberties Union of Washington
11/07/08	82197-6 WSSC	Order (denying Petition Against State Officers for Writ of Prohibition and/or Mandamus; denying motions for oral argument and for stay of execution)
11/12/08	82332-4 WSSC	Response to Amici Curiae Briefs of the Washington State Bar Association, the American Civil Liberties Union and the American Civil Liberties Union of Washington and Murder Victims' Families for Reconciliation
11/19/08	82332-4 WSSC	Order Denying Review
11/21/08	82332-4 WSSC	Motion for Reconsideration
11/21/08	82489-4 WSSC	Notice of Appeal
11/21/08	82440-1 WSSC	Notice of Appeal
11/26/08	82332-4 WSSC	Response to Petitioner's Motion for Reconsideration
11/26/08	82332-4 WSSC	RAP 8.3(b) Motion to Vacate Stay of Execution and Motion for Accelerated Review of RAP 8.3(b) Motion to Vacate Stay of Execution
11/26/08	82440-1 WSSC	Response in Opposition to State's Motion for Accelerated Review; Supplemental Response in Opposition to State's Motion for Accelerated Review; Second Supplement to Response in Opposition to State's Motion for Accelerated Review
11/26/08	82440-1 WSSC	Reply to Response in Opposition to State's Motion for Accelerated Review
12/01/08	82332-4 WSSC	Order (consideration of motion for reconsideration is deferred pending further order of the Court)
12/01/08	93-1-00039-1	Memorandum of Authorities Regarding Entry of DNA Testing Order

DATE	CAUSE	ACTION
12/01/08	82440-1 WSSC	Motion to Dismiss Review or, in the Alternative to Grant Leave Pursuant to RAP 7.2(e) to Trial Judge to Formally Enter Order
12/01/08	82440-1 WSSC	Supplemental Reply to Stenson's Supplemental Response to State's Motion for Accelerated Review of its RAP 18.3(b) Motion to Vacate the State of Execution
12/01/08	82440-1 WSSC	Opposition to Motion to Dismiss Appeal and Opposition to Motion for Leave Pursuant to RAP 7.2(e) for Entry of Order Granting DNA Testing
12/01/08	82440-1 WSSC	Order (The Court, by unanimous vote, grants the State's motion for accelerated review, but by majority vote, denies the State's motion to vacate the stay of execution, without prejudice to the State to renew before the trial court its motion to vacate the stay of execution following the passage of 90 days from the date of this order. The Court unanimously grants Stenson's motion to dismiss his notice of appeal that was filed on November 21, 2008, which leaves the trial court with authority to formally enter a subsequent order)
12/03/08	93-1-00039-1	Stipulation re Release of Evidence
12/03/08	93-1-00039-1	Order Granting Plaintiff's Motion for DNA Testing
12/04/08	93-1-00039-1	Notice of Direct Appeal
12/09/08	82489-4 WSSC	Order (Parties are to serve and file written comments as to whether or not the notice of appeal should be redesignated a notice for discretionary review. The comments should be served and filed with this court by not later than December 19, 2008. The State of Washington is requested to provide this Court with a copy of the trial court motion upon which the order of review is sought is based.)
12/09/08	82440-1 WSSC	Dissent to Order (authored by Justice Madsen, joined by Justice J. Johnson)
12/19/08	93-1-00039-1	Washington State Patrol's Response to Court's December 3, 2008 Order Granting Petitioner's Motion for DNA Testing; Declaration of Dr. Gary Shutler
12/19/08	82489-4 WSSC	Statement of Grounds for Direct Review, Statement of Reviewability as a Matter of Right and Alternative Motion for Discretionary Review
12/22/08	82489-4 WSSC	Petitioner's Memorandum Re: Appealability of Order Granting DNA Testing
12/22/08	82489-4 WSSC	Order (redesignating notice of appeal as notice for discretionary review)
01/05/09	93-1-00039-1	Memorandum re Propriety of Further DNA Testing
01/12/09	82197-6 WSSC	Certificate of Finality
01/14/09	82332-4 WSSC	Petitioner's Additional Authorities
01/15/09	93-1-00039-1	Supplemental Memorandum re the Propriety of Further DNA Testing
01/16/09	93-1-00039-1	Response to January 15, 2009 Motions
01/22/09	93-1-00039-1	Further Order on DNA Testing
01/30/09	82489-4 WSSC	RAP 2.3(b) Motion for Discretionary Review RAP 8.3 Motion for Stay of DNA Testing RAP 18.12 Motion for Accelerated Consideration; Statement of Grounds for Direct Review; Motion and Declaration for Permission to File Overlength Motion

DATE	CAUSE	ACTION
02/02/09	82489-4 WSSC	Order (at this time no action will be taken on the Motion for Discretionary Review RAP 8.3 Motion for Stay of DNA Testing RAP 18.12 Motion for Accelerated Consideration)
02/02/09	93-1-00039-1	Order and Memorandum re Latent Prints Subject to DNA Testing
02/06/09	82332-4 WSSC	Order Denying Motion for Reconsideration
02/12/09	93-1-00039-1	Plaintiff's Motion for Fingerprint Analysis
02/13/09	82332-4 WSSC	Dissent to Order Denying Motion for Reconsideration
02/26/09	82332-4 WSSC	Certificate of Finality
03/12/09	93-1-00039-1	Petitioner's Motion for Transfer and DNA Test of Additional Evidence
03/17/09	93-1-00039-1	Response to Petitioner's Motion for Fingerprint Analysis; Response to Petitioner's Motion for Transfer and DNA Testing of Additional Evidence
03/20/09	93-1-00039-1	Crime Lab Report Pursuant to Order dated January 22, 2009
03/26/09	93-1-00039-1	Final Crime Lab Report Pursuant to Order dated January 22, 2009
03/26/09	93-1-00039-1	Order Denying Petitioner's Motion for Transfer and DNA Testing of Additional Evidence; Order Granting Further DNA Typing of Items Previously Ordered to be Tested; Order Denying Motion for Fingerprint Analysis
03/26/09	93-1-00039-1	Declaration of Rick Wyant; Declaration of Greg Frank in Response to Petitioner's Motion for Transfer and DNA Testing of Additional Evidence
04/15/09	82489-4 WSSC	Motion to Dismiss Proceeding as Moot
04/15/09	93-1-00039-1	Crime Laboratory Report Pursuant to Order Granting Further DNA Testing of Items Dated March 26, 2009
04/29/09	05-99011 9 CIR	Motion to Recall the Mandate
04/30/09	93-1-00039-1	Motion for Order Terminating Stay of Execution
04/30/09	93-1-00039-1	Motion for Order Compelling State to Complete DNA Testing Previously Ordered and to Order Certain Mini-STR Testing
05/01/09	05-99011 9 CIR	Response to Stenson's Motion to Recall the Mandate
05/01/09	93-1-00039-1	Motion for Primary Data, Bench Notes, and Printouts Relevant to DNA Testing; Motion to Compel State to Provide Records Necessary for Fingerprint Testing
05/05/09	82489-4 WSSC	Order (motion to dismiss granted)
05/05/09	05-99011 9 CIR	Order (motion to recall mandate denied)
05/05/09	93-1-00039-1	Response to Petitioner's Motion for Primary Data, Bench Notes, and Printouts Relevant to DNA Testing; Response to Petitioner's Motion to Compel State to Provide Records Necessary for Fingerprinting Testing; Response to Motion for Order Compelling State to Perform Additional DNA Testing; Motion to Strike all Hearsay from the Declaration of Twila Wentz

DATE	CAUSE	ACTION
05/06/09	93-1-00039-1	Crime Lab Response to Defendant's Motion and Order Compelling State to Complete DNA Testing Previously Ordered and to Order Certain Mini-STR Testing
05/06/09	93-1-00039-1	Petitioner Darold Stenson's Response to State's Motion for Order Terminating Stay of Execution
05/06/09	93-1-00039-1	Reply to Petitioner Darold Stenson's Response to State's Motion for Order Terminating Stay of Execution
05/08/09	93-1-00039-1	Supplemental Declaration to Crime Lab Response to Defendant's Motion and Order Compelling State to Complete DNA Testing
05/11/09	93-1-00039-1	Reply to Crime Lab's Response to Defendant's Motion and Order Compelling State to Complete DNA Testing Previously Ordered and to Order Certain Mini-STR Testing; Reply to WAPA's Response to Defendant's Motion and Order Compelling State to Complete DNA Testing Previously Ordered and to Order Certain Mini-STR Testing
05/11/09	93-1-00039-1	Opposition to Motion to Strike Hearsay from Wentz Declaration
05/11/09	93-1-00039-1	Petitioner Darold Stenson's Motion for Hearing to Receive Testimony of Blank
05/12/09	93-1-00039-1	Response to Petitioner Darold Stenson's Motion for Hearing to Receive Testimony of Blank
05/12/09	93-1-00039-1	Order Denying Motion to Compel State to Provide Records Necessary for Fingerprint Testing
05/15/09	83130-1 WSSC	Personal Restraint Petition [Fifth]; Opening Brief in Support of Personal Restraint Petition
05/22/09	93-1-00039-1	Order Denying State's Motion for Order Terminating Stay of Execution and Order Directing Additional DNA Testing
05/26/09	83130-1 WSSC	Order (Response to PRP due September 23, 2009)
05/28/09	82489-4 WSSC	Certificate of Finality
06/09/09	93-1-00039-1	Motion for Order Terminating Stay of Execution
06/12/09	83130-1 WSSC	Motion to Strike
06/22/09	83130-1 WSSC	Letter from Petitioner Requesting Extension of Time
06/15/09	93-1-00039-1	Reply to Opposition to Motion to Terminate Stay of Execution
06/16/09	93-1-00039-1	Opposition to Motion to Terminate Stay of Execution
06/16/09	93-1-00039-1	Motion to Compel Primer Removal at Washington State Crime Laboratory
06/22/09	83130-1 WSSC	Order (request for extension granted, response to motion to strike due 7/17/09)
07/08/09	83130-1 WSSC	RAP 16.9 Response to Fifth Personal Restraint Petition
07/16/09	83130-1 WSSC	Petitioner's Response to State's Motion to Strike
07/17/09	93-1-00039-1	Petitioner's Motion for Retesting of Exhibit 130A

DATE	CAUSE	ACTION
07/20/09	83130-1 WSSC	Reply Re Motion to Strike
07/21/09	93-1-00039-1	Statement of Supplemental Authorities in Support of Motion to Compel Primer Removal at Washington State Crime Laboratory
07/22/09	83130-1 WSSC	Letter from Petitioner Requesting Extension of Time to File Reply to PRP
07/22/09	93-1-00039-1	Response to Petitioner's Motion to Compel Primer Removal at Washington State Crime Lab and to Motion for Retesting of Exhibit 130A
07/22/09	93-1-00039-1	Washington State Patrol Crime Lab's Response to Defendant's Motion to Compel Primer Removal at WSP Crime Lab and for Retesting of Exhibit 130A
07/24/09	83130-1 WSSC	Order (request for extension granted; Petitioner's reply due 8/27/09)
08/03/09	93-1-00039-1	Statement of Supplemental Authority in Support of Washington State Patrol Crime Labs Response to Defendant's Motion to Compel Primer Removal at WSP Crime Lab and Retesting of Exhibit 130A
08/05/09	93-1-00039-1	Response to Defendant's Oral Motion for a Stay of Execution Pending Appeal
08/07/09	93-1-00039-1	Darold Stenson's Motion to Vacate Conviction or Alternatively Vacate Sentence of Death Pursuant to CrR 7.8(b) (filed pro se)
08/12/09	83130-1 WSSC	Letter from Petitioner Requesting Extension of Time to File Reply to PRP
08/13/09	93-1-00039-1	Motion to Transfer Motion to Washington Supreme Court
08/14/09	83130-1 WSSC	Order (request for extension granted; Petitioner's reply due 9/11/09)
08/18/09	93-1-00039-1	Memorandum Opinion
08/21/09	93-1-00039-1	Order re DNA Testing of Primer Cap
09/03/09	83558-6 WSSC	Notice of Direct Discretionary Review; RAP 2.3(b) Motion for Discretionary Review; Motion to Terminate Stay of Execution; Motion for Reassignment to Different Trial Judge, RAP 18.12 Motion for Accelerated Consideration
09/03/09	93-1-00039-1	Order Denying Petitioner Darold Stenson's Motion for Retesting of Exhibit 130A
09/08/09	83130-1 WSSC	Petitioner's Reply to State's RAP 16.9 Response to Petitioner's Fifth Personal Restraint Petition
09/09/09	93-1-00039-1	Order of Transfer and Memorandum Opinion on CrR 7.8(b) Motion to Vacate Conviction or Alternatively to Vacate Sentence of Death
09/11/09	82332-4 WSSC	Order (Counsel are requested to provide supplemental briefing to the Court addressing only the following questions: 1. Which order is controlling? 2. What is the correct number for the exhibit of which testing is sought? 3. Has the trial court entered an order granting testing of the exhibit? The briefing should be served and filed by not later than September 18, 2009.)
09/15/09	83606-0 WSSC	Petitioner Darold Stenson's Motion to Vacate Conviction or Alternatively Vacate Sentence of Death Pursuant to CrR 7.8(b)
09/15/09	82332-4 WSSC	Petitioner's Reply re Release of Exhibit 91

DATE	CAUSE	ACTION
09/11/09	82332-4 WSSC	Petitioner's Answers to Court's Questions re Exhibit # and Superior Court Order
09/18/09	82332-4 WSSC	Respondent's Answers to Questions Concerning Exhibit and Testing
09/22/09	83130-1 WSSC	Statement of Additional Authorities
10/01/09	83606-0 WSSC	Order (transfer of CrR 7.8(b) motion to Supreme Court for consideration as a sixth PRP is accepted; answer to PRP due October 23, 2009)
10/05/09	83606-0 WSSC	Motion for Order Directing Compliance with RAP 16.7(a)(6)
10/06/09	83606-0 WSSC	Ruling on Motions (motion for order directing compliance with RAP 16.7(a)(6) granted in part; Stenson's declaration is due on October 30, 2009)
10/07/09	83558-6 WSSC	Respondent's Response to Petitioner's Motion for Discretionary Review
10/13/09	83558-6 WSSC	State's Reply
10/23/09	83606-0 WSSC	RAP 16.9 Response to Sixth Personal Restraint Petition
10/30/09	83606-0 WSSC	Declaration of Darold R.J. Stenson Verifying Personal Restraint Petition
11/05/09	83606-0 WSSC	Statement of Additional Authorities
11/06/09	61965-4 WSSC	Order (Appellant's "Petitioner's Motion Re: Release Of Exhibit 130A" [agreed by the parties to in fact be Exhibit 91] is granted, subject to the terms and conditions as set forth in Judge Kenneth Williams' "Order Re DNA Testing Of Primer Cap" dated August 21, 2009.)
11/06/09	83558-6 WSSC	Order (That Petitioner's "RAP 2.3(b) Motion for Discretionary Review, Motion to Terminate Stay of Execution, and Motion for Reassignment to Different Trial Judge" are denied. Accordingly, no action is necessary on the Petitioner's "RAP 18.12 Motion for Accelerated Consideration".)
11/09/09	83606-0 WSSC	RAP 16.9 Reply to Sixth Personal Restraint Petition
12/08/09	83606-0 WSSC	Respondent's Statement of Additional Authorities
12/08/09	83606-0 WSSC 83130-1 WSSC	Order (remanding matter to Clallam County Superior Court for reference hearing before Judge Ken Williams concerning Attachment D to "Personal Restraint Petition" in No. 83130-1 ("the Photographs") and Exhibit C to "Petitioner's Reply to State's RAP 16.9 Response to Petitioner's Fifth Personal Restraint Petition" in No. 83130-1 (the "FBI File"). The State's motion to strike in No. 83130-1 is deferred pending the result of the reference hearing.)
01/20/10	**93-1-00039-1**	**Petitioner Darold Stenson's Memorandum of Authorities re Evidentiary Hearing**
01/22/10	**93-1-00039-1**	**Memorandum of Authorities re Procedural Issues Related to Reference Hearing**
01/27/10	**93-1-00039-1**	**Response to Stenson's January 19, 2010 Motion for Discovery**
01/28/10	**93-1-00039-1**	**Petitioner's Memorandum re Discovery and Appointment of Judge Moreno to Review File**
01/29/10	**93-1-000391-**	**Order re Privilege Judge**

DATE	CAUSE	ACTION
02/05/10	**93-1-00039-1**	**Petitioner Darold Stenson's Motion to Suppress Due to State's Violation of RPC 4.2 and the Sixth Amendment**
02/19/10	**93-1-00039-1**	**Declaration of Sheryl Gordon McCloud re Stenson Files**
02/19/10	**93-1-00039-1**	**Declaration of Monty Martin**
02/10/10	**93-1-00039-1**	**Response to Petitioner Darold Stenson's Motion to Suppress Due to State's Violation of RPC 4.2 and the Sixth Amendment**
02/16/10	**93-1-00039-1**	**Motion for Protective Order**
02/17/10	**93-1-00039-1**	**Reply re Motion Concerning State's Violation of RPC 4.2**
02/18/10	**93-1-00039-1**	**Motion to Compel Previously Ordered DNA Testing of Exhibit 91**
02/25/10	**93-1-00039-1**	**Washington State Patrol Crime Lab's Response to Defendant's Motion to Compel Previously Ordered DNA Testing of Exhibit 91**
02/26/10	**93-1-00039-1**	**Motion to Compel Compliance with Subpoena Duces Tecum**
02/26/10	**93-1-00039-1**	**Petitioner Darold Stenson's Motion to Compel Disclosure of Notes from STA Ex Parte Unmirandized Interrogation**
03/01/10	**93-1-00039-1**	**State's Prehearing Memorandum**
03/01/10	**93-1-00039-1**	**Petitioner's Trial Brief**

DATE	CAUSE	ACTION

NAME: WOODS, Dwayne
D.O.B.: 07-04-69
Race: Black

DATE OF CRIME: April 27, 1996

PLACE OF CRIME: Spokane County

BRIEF FACTS: Dwayne Woods was convicted of two counts of aggravated first degree murder for the murders of Telisha Shaver (Count 1) and Jade Moore (Count 2). As to Count 1, the aggravating circumstances were: (1) the murder was committed to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime; and (2) there was more than one victim and the murders were part of a common scheme or plan of the defendant. As to Count 2, the aggravating circumstances were: (1) [same as #1 above]; and (2) the murder was committed in the course of or in furtherance of the crime of first degree rape; and (3) [same as #2 for Count 1]. *State v. Woods*, Spokane County Superior Court Cause No. 96-1-01143-7.

DATE OF CONVICTION: June 20, 1997

SPECIAL SENTENCING: June 25, 1997

JUDGMENT AND SENTENCE: Spokane County Superior Court
Cause No. 96-1-01143-7
July 23, 1997

TRIAL JUDGE: Honorable Michael E. Donohue

DEFENSE ATTYS: Richard Fasey
James Sheehan
James Ames
Spokane, WA

PROSECUTING ATTYS: Steven Tucker, Prosecuting Attorney
James R. Sweetser, prior counsel and former Prosecuting Attorney
John F. Driscoll, Senior Deputy Prosecutor
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PETITIONER'S ATTYS: (Personal Restraint Petition #71780-0)

Lenell Rae Nussbaum
Seattle, WA

Judith M. Mandel
524 Tacoma Ave. S.
Tacoma, WA 98402-5416
(253) 272-5640

DATE	CAUSE	ACTION
		(Federal Habeas Corpus, USDC EDC #CV-05-0319-LRS) **SUZANNE LEE ELLIOTT** **ATTORNEY AT LAW** **1300 HOGE BUILDING** **705 SECOND AVENUE** **SEATTLE, WA 98104** **(206) 623-0291** **DAVID ZUCKERMAN** **ATTORNEY AT LAW** **1300 HOGE BUILDING** **705 SECOND AVENUE** **SEATTLE, WA 98104** **(206) 623-1595**
RESPONDENT'S ATTYS:		(Personal Restraint Petition #71780-0) Steven Tucker, Prosecuting Attorney Kevin Korsmo, Senior Deputy (Federal Habeas Corpus, USDC EDC #CV-05-0319-LRS) **ROBERT M. MCKENNA, ATTORNEY GENERAL** **JOHN J. SAMSON, ASSISTANT ATTORNEY GENERAL** **CORRECTIONS DIVISION** **P.O. BOX 40116** **OLYMPIA, WA 98504-0116** **(360) 586-1445**
08/04/97	65585-5 WSSC	Notice of Appeal
03/22/00	65585-5 WSSC	Oral argument held
05/24/01	65585-5 WSSC	Opinion affirming conviction and death sentence. Chief Justice Alexander authored the opinion for the Court. Justice Sanders dissented. *State v. Woods*, 143 Wn.2d 561, 23 P.3d 1046 (2001)
06/01/01	65585-5 WSSC	Cost Bill ($50,975.71 to AIDF & $535.01 to Spokane County Prosecutor)
08/20/01	01-5921 USSC	Petition for Writ of Certiorari
10/09/01	01-5921 USSC	Petition for Writ of Certiorari denied. *Woods v. Washington*, 534 U.S. 964, 122 S.Ct. 374, 151 L. Ed. 2d 285 (2001)
10/15/01	65585-5 WSSC	Mandate issued
11/27/01	96-1-01143-7	Death Warrant (setting execution for December 12, 2001)
11/27/01	71780-0 WSSC	Application for Stay of Execution Pursuant to RAP 16.24
11/27/01	71780-0 WSSC	Notation Order (the application for stay of execution is granted)
06/03/02	71780-0 WSSC	Order (the motion for depositions, motion for appointment of mitigation expert and Respondent's motion to compel will be considered at the same time as the personal restraint petition).
07/02/02	71780-0 WSSC	Order (the matter is referred to the Spokane County Superior Court to hold a hearing and enter findings in answer to the following questions: (1) Is it Woods' desire to pursue a post-conviction relief by means of a personal restraint petition? (2) If the answer is yes, is it Woods' desire to proceed *pro se* in preparing and filing such a petition? (3) If Woods' answer to question two is no, or is a conditional or qualified yes, are his present counsel

DATE	CAUSE	ACTION
		willing to abide by Woods' instructions regarding issues to be raised in such a petition? The court should make a thorough record and transmit by not later than August 15, 2002, its findings along with a complete record of the hearing)
07/11/02	71780-0 WSSC	Petitioner's Brief
07/15/02	71780-0 WSSC	Reference Hearing Report (with attached transcript of hearing)
08/12/02	71780-0 WSSC	Additional Reference Hearing Report
09/30/02	71780-0 WSSC	Respondent's Motion to Clarify Status of Petition and Response
10/14/02	71780-0 WSSC	Order (motion to clarify will not be decided at this time. The State should respond to all issues raised in the Personal Restraint Petition and Supplemental Personal Restraint Petition filed by Petitioner's counsel. At the time the Court considers the Personal Restraint Petition and Supplemental Personal Restraint Petition, it will resolve whether it will address issues other than those verified by the Petitioner.)
04/02/03	71780-0 WSSC	Petitioner's Motion to Recall Mandate and Reopen Direct Appeal of Judgment and Sentence
04/14/03	71780-0 WSSC	Answer to Motion to Recall Mandate
04/16/03	71780-0 WSSC	Amended Personal Restraint Petition
04/25/03	71780-0 WSSC	Petitioner's Reply Re: Motion to Recall Mandate
05/07/03	71780-0 WSSC	Respondent's Motion to Strike Unverified Claims in Amended Personal Restraint Petition; Motion to Strike Time Barred Claims
05/08/03	71780-0 WSSC	Order (Petitioner's motion to recall mandate and reopen direct appeal of judgment and sentence is denied)
05/09/03	71780-0 WSSC	Order (Respondent's motions to strike will be passed to the merits and considered at the same time as the personal restraint petition)
05/23/03	71780-0 WSSC	Response to Personal Restraint Petition and Brief of Respondent; Response to Motion for Evidentiary Hearing
05/30/03	71780-0 WSSC	Petitioner's Response to Motions to Strike Time Barred and Unverified Claims
06/24/03	71780-0 WSSC	Reply Brief in Support of Amended Personal Restraint Petition; Petitioner's Second Motion for Deposition and for Protective Order
06/27/03	71780-0 WSSC	Letter (the following motions were recently filed and the Court has determined to pass them to the merits to be considered at the same time as the Personal Restraint Petition: Respondent's motion to compel deposition; Respondent's motion to strike hearsay and incompetent evidence; Respondent's motion to strike time barred claims and Petitioner's motion to strike)
06/16/05	71780-0 WSSC	Opinion denying personal restraint petition. Chief Justice Alexander authored the opinion for the Court. Justice Sanders dissented. *In re Woods*, 154 Wn.2d 400, 114 P.3d 607 (2005)
09/30/05	71780-0 WSSC	Order (denying motion for reconsideration)

DATE	CAUSE	ACTION
10/03/05	71780-0 WSSC	Certificate of Finality
10/14/05	C05-319 EDC	Emergency Order Staying Execution of Dwayne Anthony Woods
07/21/06	C05-319 EDC	Petitioner's Writ of Habeas Corpus
08/14/06	C05-319 EDC	Petitioner's Supplement to Writ Petition Under 28 U.S.C. 2254 for Habeas Corpus
09/11/06	C05-319 EDC	State Court Record filed
10/19/06	C05-319 EDC	Respondent's Supplemental Submission of State Court Record (Previously Sealed Documents)
10/31/06	C05-319 EDC	Respondent's Answer and Memorandum of Authorities
01/11/07	C05-319 EDC	Revised Petition for Writ of Habeas; Revised Supplement to Petition
07/31/07	C05-319 EDC	Order Re: Procedural Status of Claims and Request to Expand Record
10/01/07	C05-319 EDC	Petitioner's Brief Regarding Cause and Prejudice; Motion to Expand the Record and File Declarations Under Habeas Rule 7; Memorandum in Support of Motion.
11/09/07	C05-319 EDC	Response to Petitioner's Motion to Expand the Record; Response to Petitioner's Brief Re: Cause and Prejudice; Respondent's Motion for Determination of Whether Claim 4.4 is Procedurally Barred
12/06/07	C05-319 EDC	Petitioner's Response to Uttecht's Motion for Determination of Whether Claim 4.4 is Procedurally Barred; Reply Re: Motion to Expand the Record and File Declarations Under Habeas Rule 7; Petitioner's Reply Brief Regarding Cause and Prejudice
12/12/07	C05-319 EDC	Reply to Motion for Determination of Whether Claim 4.4 is Procedurally Barred
01/08/08	C05-319 EDC	Amended Order Re: Procedural Status of Claims and Request to Expand Record
01/08/08	C05-319 EDC	Order Granting Respondent's Motion For Determination of Whether Claim 4.4 is Procedurally Barred
04/03/08	C05-319 EDC	Order Re: Motion to Expand Record and File Declarations and Procedural Status of Claims 5.2 and 4.7
06/02/08	C05-319 EDC	Petitioner's Merits Memorandum
07/17/08	C05-319 EDC	Respondent's Merits Brief
08/20/08	C05-319 EDC	Petitioner's Reply Merits Memorandum
08/21/08	C05-319 EDC	Order Denying Motion to Expand Record with Documents Re: Johnny Knight
02/05/09	C05-319 EDC	Order Denying Petition, Supplement, and Revised Petition for a Writ of Habeas Corpus; Judgment in a Civil Case
02/10/09	C05-319 EDC	Notice of Appeal
02/12/09	C05-319 EDC	Order (granting stay of execution pending Court's decision regarding certificate of appealability issue; if certificate of appealability is granted, the stay of execution will remain

DATE	CAUSE	ACTION
		in effect during the pendency of the appeal and until the Court of Appeals issues its mandate)
04/10/09	C05-319 EDC	Order Granting Motion for Certificate of Appealability in Part and Denying in Part
07/06/09	09-99003 9 CIR	Opening Brief of Petitioner-Appellant
08/05/09	09-99003 9 CIR	Brief of Respondent-Appellee
09/11/09	09-99003 9 CIR	Reply Brief of Petitioner-Appellant
11/10/09	09-99003 9 CIR	Appellee's Citation to Supplemental Authority
01/04/10	09-99003 9 CIR	Order (Oral argument scheduled for March 4, 2010 in Portland, Oregon)
01/15/10	09-99003 9 CIR	Order (Respondent to file supplemental answering brief re uncertified issue A by February 3, 2010)
02/03/10	**09-99003 9 CIR**	**Respondent-Appellee's Supplemental Brief Concerning Uncertified Issue A**
02/18/10	**09-99003 9 CIR**	**Reply Brief of Petitioner-Appellant Regarding Uncertified Claim**
02/23/10	**09-99003 9 CIR**	**Appellee's Citation to Supplemental Authority**
03/01/10	**09-99003 9 CIR**	**Appellant's Citation to Supplemental Authority Pursuant to Fed. R. App. P. 28(j)**
03/04/10	**09-99003 9 CIR**	**Oral argument held**

DATE	CAUSE	ACTION

NAME: YATES, Robert Lee, Jr.
D.O.B.: May 27, 1952
Race: White

DATE OF CRIME: 1997 and 1998

PLACE OF CRIME: Pierce County

BRIEF FACTS: Robert Lee Yates, Jr. was convicted of two counts of aggravated first degree murder for the murders of Melinda Mercer in 1997 and Connie LaFontaine Ellis in 1998. The aggravating circumstances were: (1) there was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the defendant; (2) the murders were committed to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime; and (3) the murders were committed in the course of, in furtherance of, or in immediate flight from the crime of Robbery in the First Degree. *State v. Yates,* Pierce County Cause No. 00-1-03253-8

DATE OF CONVICTION: September 19, 2002

SPECIAL SENTENCING: October 3, 2002

JUDGMENT AND SENTENCE: Pierce County Superior Court
Cause No. 00-1-03253-8
October 9, 2002

TRIAL JUDGE: Honorable John McCarthy

DEFENSE ATTYS:

Roger Hunko
Port Orchard, WA

Mary Kay High
Tacoma, WA

PROSECUTING ATTYS:

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Jerry Costello, Deputy Prosecutor
Barbara Corey-Boulet, Deputy Prosecutor
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APPELLANT'S ATTYS:

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Roger Hunko (withdrew 11/04/02)
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PETITIONER'S ATTYS:

(Personal Restraint Petition, WSSC No. 82101-1)

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JUDITH MANDEL
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XI'AN SHAANXI PROVINCE ZZ 710063

DATE	CAUSE	ACTION
RESPONDENT'S ATTYS:		(Direct Appeal, WSSC No. 73155-1) Gerald Horne, Prosecuting Attorney Jerry Costello, Deputy Prosecutor Barbara Corey-Boulet, Deputy Prosecutor (Withdrew 02/03/04) Kathleen Proctor, Prosecutor Donna Yumiko Masumoto, Prosecutor (Personal Restraint Petition, WSSC No. 82101-1) **KATHLEEN PROCTOR, PROSECUTOR** **DONNA YUMIKO MASUMOTO, PROSECUTOR**
10/17/02	73155-1 WSSC	Notice of Appeal
11/30/06	73155-1 WSSC	Oral argument held
09/27/07	73155-1 WSSC	Opinion affirming conviction and death sentence. Justice Owens authored the opinion for the Court. Justices Johnson and Chambers authored opinions concurring. Justice Sanders dissented. *State v. Yates,* 161 Wn.2d 714, 168 P.3d 359 (2007).
12/24/07	73155-1 WSSC	Order Denying Appellant's Motion for Reconsideration
01/03/08	73155-1 WSSC	Ruling on Cost Bill (Costs in the amount of $173,254.08 are awarded to the Office of Public Defense and costs in the amount of $183.56 are awarded to Respondent State of Washington, Pierce County, to be paid by Appellant Yates).
06/23/08	07-10069 USSC	Petition for Writ of Certiorari denied. *Yates v. Washington*, 128 S. Ct. 2964 (2008).
08/01/08	73155-1 WSSC	Mandate
09/05/08	00-1-03253-8	Death Warrant (setting execution date for September 19, 2008)
09/08/08	82101-1 WSSC	Application for Stay of Execution Under RAP 16.24(c)
09/10/08	82101-1 WSSC	Motion for Appointment of Counsel
09/11/08	82101-1 WSSC	Personal Restraint Petition (placeholder petition)
09/11/08	82101-1 WSSC	Order Granting Stay of Execution and Appointing Counsel
10/14/08	82101-1 WSSC	Order (Petitioner's request for new counsel is denied)
10/16/08	82101-1 WSSC	Motion and Affidavit for Order Authorizing Attorney Substitution
10/22/08	82101-1 WSSC	Order (Motion for Order Authorizing Attorney Substitution is granted. Jeff Ellis is appointed as co-counsel)
04/21/09	82101-1 WSSC	Motion to Extend Time to File Opening Brief and to Enter Finding That Request for a Stay Constitutes a Properly Filed Personal Restraint Petition
04/24/09	82101-1 WSSC	State's Response to Motion to Extend Time and for Finding re His Request for Stay
04/28/09	82101-1 WSSC	Petitioner's Reply Regarding Motion to Extend Time

DATE	CAUSE	ACTION
04/29/09	82101-1 WSSC	Order (motion to extend time to file brief & finding that request for stay constitutes a properly filed PRP is granted, PRP now due June 8, 2009)
05/18/09	82101-1 WSSC	Petitioner's Statement of Grounds for Relief (requested to be filed under seal)
06/05/09	82101-1 WSSC	Order (Petitioner's motion to file petitioner's statement of grounds for direct relief under seal is denied. The motion itself will remain sealed. The petitioner's statement of grounds for relief is being returned to counsel)
06/10/09	82101-1 WSSC	Motion for Leave to Amend and/or Supplement Personal Restraint Petition, and to Set Deadline for State's Response after August 1, 2009
06/15/09	82101-1 WSSC	Opening Brief in Support of Personal Restraint Petition
07/09/09	82101-1 WSSC	Order (Motion for Leave to Amend and/or Supplement Personal Restraint Petition, and to set Deadline for State's Response after August 1, 2009, is granted. Petitioner's amended and/ or supplemented personal restraint petition shall be served and filed by not later than August 3, 2009)
08/03/09	82101-1 WSSC	Amended Personal Restraint Petition and Supporting Brief
12/01/09	82101-1 WSSC	Motion for Extension of Time to File State's Response Brief
12/02/09	82101-1 WSSC	Order (Respondent's Motion for Extension of Time to File State's Response brief is granted. The Respondent's response to Petitioner's Personal Restraint Petition should be served and filed by not later than March 31, 2010)

DATE	CAUSE	ACTION

LETHAL INJECTION LAWSUITS

NAME:

STENSON, Darold Ray aka Darold R. J. Stenson
D.O.B. November 24, 1952
Race: White

BROWN, Cal Coburn
D.O.B. April 16, 1958
Race: White

GENTRY, Jonathan Lee
D.O.B.: August 7, 1956
Race: Black

BRIEF FACTS:

In September 2008, Stenson filed an action in Thurston County Superior Court challenging the constitutionality of lethal injection and hanging. *Stenson v. Vail, et al.*, Thurston County Superior Court Cause No. 08-2-02080-8. Stenson alleges both methods are cruel and unusual punishment, and that the Department lacks authority to promulgate a policy for such a constitutional method of execution. Stenson later filed another lawsuit raising the same claims in federal court. *Stenson v. Vail, et al.*, USDC EDC Cause No. CV-08-5079. On February 5, 2009, Brown and Gentry filed a similar action in Thurston County Superior Court. *Brown, et al. v. Vail, et al.*, Thurston County Superior Court Cause No. 09-2-00273-5. On March 11, 2009, the two superior court cases were consolidated.

PETITIONER'S ATTYS:

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RESPONDENT'S ATTYS:

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09/05/08	08-2-02080-8	Summons by Personal Service; Complaint for Declaratory Judgment and Injunctive Relief (re: method of execution) [*Stenson v. Vail, et al.*]
09/19/08	08-2-02080-8	Plaintiff's Motion for Change of Judge; Affidavit of Prejudice in Support of Plaintiff's Motion for Change of Judge

DATE	CAUSE	ACTION
09/24/08	08-2-02080-8	Defendants' Motion to Dismiss or Transfer Case to the Supreme Court and Memorandum in Support Thereof
09/25/08	08-2-02080-8	Notice of Reassignment and Status Conference (Judge Wickham assigned)
10/20/08	08-2-02080-8	Plaintiff's Responding Brief in Opposition to Defendants' Motion to Dismiss or Transfer
10/24/08	08-2-02080-8	Reply to Response to Defendants' Motion to Dismiss or Transfer Case to the Supreme Court
10/29/08	08-2-02080-8	First Amended and Supplemental Complaint for Declaratory Judgment and Injunctive Relief; Plaintiff's Responding Brief to Defendants' Motion to Strike; Plaintiff's Sur-Reply to Defendants' Reply in Support of Motion to Dismiss
10/30/08	08-2-02080-8	Reply to Plaintiff's Responding Brief to Defendants' Motion to Strike; Defendants' Supplemental Memorandum in Support of Defendants' Motion to Dismiss or Transfer Case to the Supreme Court
11/03/08	08-2-02080-8	Plaintiff's Supplemental Filing in Opposition to Defendants' Motion to Dismiss or Transfer
11/13/08	08-2-02080-8	Plaintiff's Motion for Preliminary Injunction
11/13/08	08-2-02080-8	Defendants' Motion for Summary Judgment; Defendants' Response to Motion for Preliminary Injunction
11/17/08	08-2-02080-8	Defendants' Supplemental Memorandum in Response to Plaintiff's Motion for Preliminary Injunction
11/19/08	08-2-02080-8	Plaintiff's Reply in Support of Plaintiff's Motion for Preliminary Injunction
11/19/08	08-2-02080-8	Defendants' Supplemental Memorandum in Support of Defendants' Motion to Dismiss or Transfer Case to the Supreme Court
11/20/08	C08-5079 EDC	Complaint for Equitable and Injunctive Relief
11/21/08	C08-5079 EDC	Plaintiff Darold Stenson's Motion for Temporary Restraining Order
11/21/08	C08-5079 EDC	Response to Motion for Temporary Restraining Order or Preliminary Injunction
11/21/08	82438-0 WSSC	Notice of Discretionary Review
11/21/08	08-2-02080-8	Order Denying Plaintiff's Motion for Preliminary Injunction; Order Denying in Part and Granting in Part Defendants' Motion to Dismiss; Order Granting in Part and Denying in Part Defendants' Motion to Strike
11/24/08	82438-0 WSSC	Emergency Motion for Discretionary Review of Denial of Preliminary Injunction
11/24/08	82438-0 WSSC	Answer to Emergency Motion for Discretionary Review of Denial of Preliminary Injunction
11/24/08	08-2-02080-8	Defendants' Answer to Plaintiff's First Amended and Supplemental Complaint for Declaratory Judgment and Injunctive Relief
11/24/08	C08-5079 EDC	Supplemental Response to Motion for Temporary Restraining Order

DATE	CAUSE	ACTION
11/24/08	C08-5079 EDC	Plaintiff's Reply in Support of Motion for Temporary Restraining Order; Motion for Preliminary Injunction
11/25/08	C08-5079 EDC	Order Granting Stay
11/25/08	C08-5079 EDC	Defendants' Notice of Appeal - Interlocutory Order Appeal; Defendants' Amended Notice of Appeal of Preliminary Injunction or, in the Alternative, Appeal of Interlocutory Order
11/25/08	08-35974 9CIR	Emergency Motion Under Circuit Rule 27-3 to Vacate Stay of Execution
11/26/08	C08-5079 EDC	Summons for Eldon Vail, Cheryl Strange, Department of Corrections, & Steve Sinclair
11/26/08	08-35974 9CIR	Order (motion to vacate the district court's stay of execution is denied as moot)
11/26/08	08A471 USSC	Application to Vacate Stay of Execution
11/30/08	08A471 USSC	Opposition to Application to Vacate Stay of Execution
12/01/08	82438-0 WSSC	Order (consideration of emergency motion is deferred pending further order of the Court)
12/01/08	08A471 USSC	Reply to Response to Application to Vacate Stay of Execution
12/03/08	C08-5079 EDC	Defendants' Answer to Plaintiff's Complaint for Equitable and Injunctive Relief
12/03/08	08A471 USSC	Order (application to vacate stay of execution is granted). *Vail v. Stenson*, 129 S. Ct. 537 (2008).
01/12/09	08-2-02080-8	Plaintiff's Responding Brief in Opposition to Defendants' Motion for Summary Judgment
01/16/09	08-2-02080-8	Defendants' Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment
01/20/09	08-2-02080-8	Plaintiff's Motion to Compel Discovery Regarding the Lethal Injection Team
01/22/09	08-2-02080-8	Defendants' Response to Plaintiff's Motion to Compel Discovery Regarding the Lethal Injection Team
01/26/09	08-2-02080-8	Plaintiff's Reply in Support of Motion to Compel Discovery Regarding the Lethal Injection Team
02/05/09	09-2-00273-5	Summons; Complaint for Injunctive and Declaratory Relief
02/10/09	09-2-00273-5	Notice of Removal to Federal Court (USDC Eastern District) [*Brown v. Gentry v. Vail, et al.*]
02/10/09	CV-09-5012 EDC	Notice of Removal of Thurston County Superior Court Cause No. 09-2-00273-5 to Federal Court; Notice to Plaintiffs of Removal to Federal Court
02/19/09	CV-09-5012 EDC	Defendants' Answer to Plaintiff's Complaint for Injunctive and Declaratory Relief
02/19/09	08-2-02080-8	Judge's Notice of Issue (Presentation of Protective Order and Order on Motion to Compel), Proposed Protective Order, Proposed Order Granting in Part and Denying in Part Plaintiff's Motion to Compel Discovery Re Lethal Injection Team
02/20/09	CV-09-5012 EDC	Defendants' Motion to Dismiss

DATE	CAUSE	ACTION
02/23/09	CV-09-5012 EDC	Motion for a Temporary Restraining Order and Request for Oral Argument; Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order
02/23/09	CV-09-5012 EDC	Response to Motion for Temporary Restraining Order
02/24/09	CV-09-5012 EDC	Order on Remand; Notice of Remand
02/26/09	C09-5101 WDC	Motion for Temporary Restraining Order and Order to Show Cause
02/27/09	C09-5101 WDC	Response to Plaintiff Brown's Motion for Stay of Execution
02/27/09	C09-5101 WDC	Defendants' Answer to Plaintiffs' Complaint for Injunctive and Declaratory Relief
02/27/09	08-2-02080-8	Judge's Notice of Issue; Plaintiff's Position Statement in Support of Entry of Orders on Plaintiff's Motion to Compel Discovery Regarding the Lethal Injection Team Heard on January 27, 2009
03/02/09	C09-5101 WDC	Order (staying federal proceedings and remanding back to superior court)
03/03/09	09-2-00273-5	Defendants' Response to Motion for Temporary Restraining Order
03/05/09	09-2-00273-5	Plaintiff Cal Brown's Motion for a Temporary Restraining Order and Order to Show Cause
03/05/09	09-2-00273-5	Defendants' Supplemental Response to Motion for Temporary Restraining Order
03/09/09	09-2-00273-5	Defendants' Second Supplemental Response to Motion for Temporary Restraining Order
03/10/09	09-2-00273-5	Plaintiff Brown's Reply to Response to Motion for a Temporary Restraining Order
03/11/09	09-2-00273-5	Order Denying Plaintiff Brown's Motion for Temporary Restraining Order; Order Granting in Part and Denying in Part Plaintiff's Motion to Compel Discovery Regarding the Lethal Injection Team; Protective Order; Supplemental Order with Findings
03/11/09	09-2-00273-5	Emergency Notice of Discretionary Review
03/11/09	09-2-00273-5	Stipulated Order Granting Consolidation With Case No. 08-2-02080-8 (*Stenson v. Vail, et al.*)
03/11/09	82832-6 WSSC	Motion for Discretionary Review
03/11/09	82832-6 WSSC	Answer to Emergency Motion for Discretionary Review of Denial of Preliminary Injunction
03/12/09	82832-6 WSSC	Supplemental Response to Motion for Discretionary Review
03/12/09	82832-6 WSSC	Reply and Supplemental Argument in Support of Brown's Emergency Motion for Discretionary Review of Denial of Preliminary Injunction
03/12/09	C09-5101 WDC	Plaintiff Brown's Motion to Lift Stay and Renewed Motion for Temporary Restraining Order
03/12/09	C09-5101 WDC	Supplemental Response to Plaintiff Brown's Motion for Stay of Execution
03/12/09	C09-5101 WDC	Submission in Support of Plaintiff Brown's Motion to Lift Stay and Renewed Motion for a Temporary Restraining Order

DATE	CAUSE	ACTION
03/12/09	82832-6 WSSC	Order (granting motion for discretionary review for limited purpose of staying March 13, 2009 execution and returning matter to Superior Court)
03/12/09	C09-5101 WDC	Order Denying Motion to Lift Stay and Denying Motion for a Temporary Restraining Order as Moot
03/13/09	08-2-02080-8	Plaintiff Stenson's Disclosure of Primary Witnesses
03/16/09	08-2-02080-8	Defendants' Expert Witness List; Defendants' Fact Witness List
03/17/09	82832-6 WSSC	Dissent to Order (dissent regarding March 12, 2009 order granting stay of execution)
03/19/09	08-2-02080-8	Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment
03/19/09	08-2-02080-8	Defendants' Motion for Reconsideration of Rulings Concerning Plaintiff's Motion to Compel and Submission of Documents In Camera Review
03/20/09	08-2-02080-8	Motion for Reconsideration of Court's March 19, 2009 Order on Defendants' Motion for Summary Judgment
03/20/09	08-2-02080-8	Plaintiff Stenson's Motion to Amend Complaint
03/25/09	08-2-02080-8	Plaintiff Stenson's Response to Defendants' Motion for Reconsideration of Court's March 19, 2009 Order on Defendants' Motion for Summary Judgment and Motion to Strike
03/25/09	08-2-02080-8	Plaintiff Stenson's Response to Defendants' Motion for Reconsideration of Rulings Concerning Plaintiff's Motion to Compel and Submission of Documents for In Camera Review
03/26/09	08-2-02080-8	Defendants' Motion to Quash Notice of Deposition and Subpoena Duces Tecum Directed to Secretary Eldon Vail
03/26/09	08-2-02080-8	Response to Plaintiff Stenson's Motion to Amend Complaint
03/26/09	08-2-02080-8	Plaintiff Brown's Joinder in Stenson's Response to State's Motion for Reconsideration and Motion to Compel Discovery
03/27/09	08-2-02080-8	Plaintiff Gentry's Joinder in Stenson's Response to State's Motion for Reconsideration and Motion to Compel Discovery
03/27/09	08-2-02080-8	Order Granting Plaintiff Stenson's Motion to Amend
03/27/09	08-2-02080-8	Order Granting in Part and Denying in Part Defendants' Motion for Reconsideration of Rulings Concerning Plaintiff's Motion to Compel and Submission of Documents for In Camera Review; Order Denying Defendants' Motion to Reconsider Summary Judgment Motion; Trial Court's Statement in Support of Direct Discretionary Review (re Motion to Compel); Trial Court's Statement in Support of Direct Discretionary Review (re Motion for SJ)
03/30/09	08-2-02080-8	Notice of Direct Discretionary Review to the Supreme Court
03/31/09	08-2-02080-8	Defendants' Statement Regarding Lethal Injection Team

DATE	CAUSE	ACTION
03/31/09	08-2-02080-8	Plaintiff Stenson's Response to Defendants' Motion to Quash Notice of Deposition and Subpoena Duces Tecum Directed to Secretary Eldon Vail; Plaintiff Stenson's Second Amended & Supplemental Complaint for Declaratory Judgment & Injunctive Relief
04/01/09	08-2-02080-8	Defendants' Motion to Compel Plaintiff Stenson to Respond to Defendants' Interrogatories and Requests for Production
04/01/09	08-2-02080-8	Reply to Response to Motion to Quash Notice of Deposition and Subpoena Duces Tecum Directed to Secretary Vail
04/02/09	08-2-02080-8	Defendants' Motion for Summary Judgment on Plaintiff Stenson's Count Number III
04/02/09	08-2-02080-8	Plaintiff Darold Stenson's Sur-Reply to Defendants' Reply to Motion to Quash Vail Deposition
04/09/09	82901-2 WSSC	Statement of Grounds for Direct Review by the Supreme Court; Motion for Accelerated Direct Discretionary Review of Orders Denying Summary Judgment
04/14/09	08-2-02080-8	Plaintiff Stenson's Renewed Motion to Compel Discovery Regarding the Lethal Injection Team and Motion to Continue Trial Date
04/17/09	08-2-02080-8	Defendants' Response to Plaintiff Stenson's Renewed Motion to Compel Discovery Regarding the Lethal Injection Team and Motion to Continue Trial Date
04/20/09	08-2-02080-8	Plaintiffs' Reply in Support of Renewed Motion to Compel Discovery Regarding the Lethal Injection Team and Motion to Continue Trial Date; Plaintiff Stenson's Responding Brief in Opposition to Defendants' Motion for Summary Judgment on Count III of his Second Amended and Supplemental Complaint
04/21/09	08-2-02080-8	Defendants' Answer to Plaintiff Stenson's Second Amended Complaint for Declaratory Judgment and Injunctive Relief
04/21/09	82901-2 WSSC	Answer to Statement of Grounds for Direct Review; Opposition to Motion for Accelerated Direct Discretionary Review of Orders Denying Summary Judgment
04/23/09	08-2-02080-8	Plaintiff Stenson's Motion to Enforce Court's January 27 Ruling and March 11 and 27 Orders Compelling Discovery Regarding the Lethal Injection Team; Plaintiff Stenson's Motion to Continue Trial Date
04/23/09	08-2-02080-8	Defendants' Reply to Plaintiff's Response to Motion for Summary Judgment
04/23/09	08-2-02080-8	Notice of Joinder in Stenson's Motion to Enforce Court's January 27 Ruling and March 11 and 27 Orders Compelling Discovery Re LI Team
04/23/09	82901-2 WSSC	Notice of Joinder in Opposition to Defendant's Motion for Discretionary Review
04/24/09	82901-2 WSSC	Reply to Response to Motion for Accelerated Direct Discretionary Review
04/27/09	08-2-02080-8	Defendants' Response to Plaintiff Stenson's Motion to Continue Trial Date; Defendants' Response to Plaintiff Stenson's Motion to Enforce Court's Orders Compelling Discovery
04/28/09	08-2-02080-8	Defendants' Motion for Leave to File Amended Answer to Second Amended Complaint

DATE	CAUSE	ACTION
04/29/09	08-2-02080-8	Reply in Support of Plaintiff's Motion to Enforce Court's Orders Compelling Discovery Regarding the Lethal Injection Team; Reply in Support of Plaintiff's Motion to Continue Trial Date
04/30/09	08-2-02080-8	Order Denying Plaintiff Stenson's Motion to Continue the Trial Date; Order Denying Plaintiff Stenson's Motion to Enforce Court's January 27 Ruling and March 11 and 27 Orders Compelling Discovery Regarding the Lethal Injection Team
04/30/09	08-2-02080-8	Plaintiffs' Notice for Discretionary Review to the Supreme Court of Washington
05/01/09	83056-8 WSSC	Statement of Grounds for Direct Review of Orders Denying Discovery Requests and Trial Continuance; Motion for Accelerated Direct Discretionary Review
05/05/09	08-2-02080-8	Defendants' Trial Brief; Defendants' Final Witness List; Defendants' Exhibit List; Defendants' Proposed Findings of Fact and Conclusions of Law
05/05/09	08-2-02080-8	Plaintiff Stenson's Trial Brief; Plaintiff's Trial Witness List; Plaintiff's Exhibit List; Plaintiff Stenson's Proposed Findings of Fact and Conclusions of Law
05/05/09	08-2-02080-8	Notation letter (granting Defendants' Motion for Summary Judgment on Plaintiff Stenson's Count Number III)
05/05/09	82489-4 WSSC	Order (State of Washington's Motion to Dismiss is granted)
05/07/09	82901-2 WSSC	Order (denying Motion for Accelerated Direct Discretionary Review of Orders Denying Summary Judgment)
05/08/09	83056-8 WSSC	Response to Statement of Grounds for Direct Review; Answer to Motion for Accelerated Direct Discretionary Review of Orders Denying Discovery Requests and Trial Continuance
05/08/09	08-2-02080-8	Defendants' Motions in Limine
05/11/09	08-2-02080-8	Plaintiff Gentry's Joinder in Stenson's Lists of Witnesses and Exhibits
05/12/09	08-2-02080-8	Plaintiff Stenson's Motion for Entry of Protective Order Regarding Medical Records
05/12/09	08-2-02080-8	Brown's Notice of Joinder in Stenson's Lists of Witnesses and Exhibits; Brown's Notice of Joinder in Stenson's Motions in Limine
05/12/09	08-2-02080-8	Plaintiff Stenson's Omnibus Motion in Limine
05/13/09	83056-8 WSSC	Reply in Support of Motion for Accelerated Direct Discretionary Review
05/13/09	08-2-02080-8	Defendants' Response to Stenson's Motion for a Protective Order
05/14/09	08-2-02080-8	Defendants' Response to Plaintiff Stenson's Motion in Limine
05/15/09	83056-8 WSSC	Order (denying motions for discretionary review, accelerated review, & stay)
05/15/09	08-2-02080-8	Plaintiff Stenson's Response to Defendants' Motion in Limine
05/18/09	08-2-02080-8	Reply to Plaintiff Stenson's Response to Defendants' Motions in Limine
05/18/09	08-2-02080-8	Plaintiff Stenson's Reply in Support of Motion in Limine; Plaintiff Stenson's Reply in Support of Motion for Entry of Protective Order Regarding Medical Records

DATE	CAUSE	ACTION
05/21/09	08-2-02080-8	Order Granting Defendants' Motion for Summary Judgment on Count III
05/26/09	08-2-02080-8	Plaintiff Stenson's Memorandum of Law Regarding Admissibility of Physician Statements to Patient
05/27/09	08-2-02080-8	Plaintiff Stenson's Offer of Proof Regarding Testimony Related to Acquisition, Storage and Use of Lethal Injection Drugs Without Prescriptive Authority; Plaintiff Stenson's Objections to Defendants' Designations of the Deposition Testimony of Patricia Rima
05/27/09	08-2-02080-8	Defendants' Objections to Plaintiff Stenson's Designation of Portions of Patricia Rima's Deposition Transcript
05/28/09	82489-4 WSSC	Certificate of Finality
06/01/09	08-2-02080-8	Defendants' Revised Proposed Findings of Fact and Conclusions of Law
06/02/09	08-2-02080-8	Plaintiff Stenson's Post Trial Proposed Findings of Fact and Conclusions of Law
06/02/09	08-2-02080-8	Plaintiff Stenson's Offer of Proof Regarding Execution Logs
06/02/09	08-2-02080-8	Final Exhibit List; Stipulation and Order for Return of Exhibits
06/02/09	08-2-02080-8	Trial held May 21, May 22, May 26, May 27, May 28, and June 2, 2009
07/10/09	08-2-02080-8	Decision of the Court; Findings of Fact and Conclusions of Law (concluding that Washington's lethal injection protocol does not violate the federal or state constitutions)
07/28/09	08-2-02080-8	Final Judgment
08/10/09	08-2-02080-8	Stenson's Notice of Appeal
08/11/09	08-2-02080-8	Gentry's Notice of Appeal; Brown's Notice of Appeal
08/14/09	08-2-02080-8	Notice of Defendants' Cross-Appeal
08/25/09	08-2-02080-8	Order Granting Defendants' Motion for an Award of Reasonable Litigation Expenses
08/26/09	83474-1 WSSC	Petitioners-Plaintiffs' Statement of Grounds for Direct Review
08/27/09	83474-1 WSSC	Respondents'/Cross-Appellants' Statement of Grounds for Direct Review
09/02/09	83474-1 WSSC	Motion for Review at Public Expense
09/02/09	83474-1 WSSC	Letter (motion for review at public expense placed in file without further action as any request for expenditure of public funds must be initially requested in the trial court)
09/09/09	08-2-02080-8	Supplemental Notice of Appeal to the Supreme Court of the State of Washington
09/09/09	83474-1 WSSC	Appellant/Plaintiff Stenson's Statement of Arrangements
09/09/09	08-2-02080-8 83474-1 WSSC	Stenson's Designation of Clerk's Papers and Trial Exhibits
09/18/09	83474-1 WSSC	Clerk's Papers Index; Index to Exhibits

DATE	CAUSE	ACTION
09/24/09	08-2-02080-8	Unopposed Motion for Finding of Indigency Under RAP 15.2(c)(2)
10/09/09	08-2-02080-8	Defendants' Supplemental Designation of Clerk's Papers and Trial Exhibits
10/12/09	83474-1 WSSC	Renewed Motion for Review at Public Expense
10/19/09	08-2-02080-8	Clerk's Papers Index (for Supplemental Designation); Index to Exhibits (for Supplemental Designation)
10/19/09	83474-1 WSSC	Declaration of Pamela R. Jones (filing VRPs with court)
10/20/09	83474-1 WSSC	Petitioner's Motion for Extension of Time to File Trial Transcript
10/26/09	83474-1 WSSC	Notice of Filing of Verbatim Report of Proceedings (for all transcripts except trial)
10/29/09	83474-1 WSSC	Declaration of Ralph Beswick (filing VRPs from 5/19/09 with Court)
11/06/09	83474-1 WSSC	Order (That this consolidated case shall be retained for decision by this Court. However, it is further ordered that the matter of *Darold R.J. Stenson v. Eldon Vail* shall be deconsolidated from Supreme Court number 83474-1 and assigned Supreme Court number 83828-3. Accordingly, both Supreme Court number 83474-1 and Supreme Court number 83828-3 shall each be separately set for oral argument on March 18, 2009, as companion cases. The parties are directed to file separate briefs in each of the Supreme Court cause numbers. It is further ordered that the Petitioner's Renewed Motion for Review at Public Expense is granted for the limited purpose of the production of the verbatim report of proceedings, and clerk's papers and reproduction of the briefs at public expense. The Petitioners' Motion for Extension of Time to File Trial Transcript is granted and the new due date for the filing of the same is December 9, 2009.)
11/09/09	83474-1 WSSC	Notice of Filing of Verbatim Report of Proceedings (RAP 9.5)
11/12/09	83828-3 WSSC	Order (Hon. Teresa Kulik is appointed as Supreme Court Justice Pro Tem for all proceedings having to do with the resolution of this case.)
12/03/09	08-2-02080-8	Stenson's Supplemental Designation of Clerk's Papers and Trial Exhibits
12/04/09	83474-1 WSSC	Clerk's Papers Index (for Stenson's Supplemental Designation)
12/15/09	08-2-02080-8	Agreed Motion for Record Correction
12/16/09	08-2-02080-8	Order Granting Agreed Motion for Record Correction
12/18/09	08-2-02080-8	Stenson's (2d) Supplemental Designation of Clerk's Papers and Trial Exhibits
12/23/09	83474-1 WSSC	Index to Exhibits (replacing Exhibit 89 with redacted version)
12/24/09	83828-3 WSSC	Opening Brief; Appendix in Support of Opening Brief
12/24/09	83474-1 WSSC	Clerk's Papers Index (for Stenson's 2d Supplemental Designation)
12/24/09	83474-1 WSSC	Brief of Appellants Brown & Gentry
12/24/09	83828-3 WSSC	Opening Brief of Stenson

DATE	CAUSE	ACTION
01/11/10	08-2-02080-8	Defendants' (2d) Supplemental Designation of Clerk's Papers
01/14/10	83474-1 WSSC	Clerk's Papers Index (for Respondents' 2d Supplemental Designation)
01/25/10	83828-3 WSSC	Brief of Respondents-Cross-Appellants
01/25/10	83474-1 WSSC	Opening Brief of Respondents/Cross-Appellants
02/16/10	**83828-3 WSSC 83474-1 WSSC**	**Motion of the American Civil Liberties Union of Washington for Leave to File Amicus Brief and Motion of ACLU-WA to File an Over Length Brief**
02/19/10	**83828-3 WSSC 83474-1 WSSC**	**Response to Motion of the ACLU to File Amicus Brief and Over Length Brief**
02/24/10	**83828-3 WSSC 83474-1 WSSC**	**Order on Motions (Motion to File Over Length Brief is denied; revised brief to be filed by March 4, 2010)**
02/24/10	**83828-3 WSSC**	**Petitioner's Reply Brief**
02/25/10	**83828-3 WSSC**	**Respondents' Motion to Strike the Exhibits Appended to Stenson's Reply Brief**
02/25/10	**83474-1 WSSC**	**Motion for the Court to Hear Argument as a Panel of Ten**
02/25/10	**83828-3 WSSC**	**Petitioner's Motion for Leave to File Evidence Not Contained in Record on Review**
02/26/10	**83474-1 WSSC**	**Response to Motion for the Court to Hear Oral Argument as a Panel of Ten**
03/01/10	**83474-1 WSSC**	**Reply of Petitioner Stenson in Support of Motion for Court to Hear Argument as Panel of Ten**
03/02/10	**83828-3 WSSC 83474-1 WSSC**	**Respondents' Motion to Dismiss as Moot the Claims That the Three Drug Protocol is Unconstitutional**
03/03/10	**83828-3 WSSC**	**Response to Stenson's Motion for Leave to File Evidence Not Contained in Record on Review**
03/03/10	**83828-3 WSSC**	**Response of Petitioner Stenson to Respondents' Motion to Strike the Exhibits Appended to Stenson's Reply Brief**
03/03/10	**83828-3 WSSC 83474-1 WSSC**	**Amicus Curiae Brief of the American Civil Liberties Union of Washington**