

FILED

2015 APR -2 PM 12: 56

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH



CL17225504

SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

State of Washington

vs.

Plaintiff

Alan Justin Smith

Defendant

Case No. 13-1-01546-8

ORDER SUBSTITUTING ORIGINAL
EXHIBITS WITH PHOTOGRAPHS

In the matter of the following exhibits submitted during Trial before Judge Linda C. Krese, it is motioned that Exhibit Numbers 6, 8, 24, 37, 38, 39, 47 & 48, further described on the attached pages from the Exhibit List, Sub Number 124, be withdrawn and substituted with photographs per GR 20 and SCLR 79, now therefore

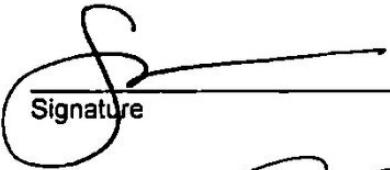
IT IS HEREBY ORDERED that the above named Exhibits be withdrawn upon the substitution of photographs per GR 20 and SCLR 79(d)(1), and the originals be withdrawn by the Clerk of this Court and returned to Bothell Police Department, or its representative, for retention per the requirements of GR20(c), upon giving receipt therefor.

Dated this 31st day of April, 2015

Judge Sonya Kraski
JUDGE

Presented by:

145



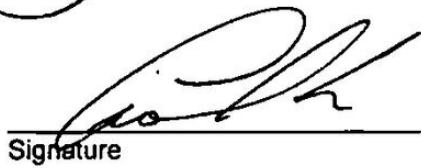
Signature

18556

WSBA No.

3/16/15

Date



Signature

17790

WSBA No.

4-1-15

Date

RULE GR 20
SECURITY IN HANDLING COURT EXHIBITS

(a) Hazardous, Valuable, and Bulky Exhibits. Upon petition of the clerk or any party and order of the court, a hazardous exhibit, money, an item of negotiable value, or an item deemed to be excessively bulky, may be admitted and then withdrawn upon the substitution of photograph(s), videotape(s), samples or other facsimile representations as provided by the order. The photograph(s), videotape(s), samples or other facsimile representations may be used to demonstrate the existence, quantity, and physical characteristic of the evidence. The order shall direct the disposition of the original evidence and shall state whether the evidence shall be further documented by a descriptive certificate issued by an authorized agency.

(b) Controlled Substances. When controlled substances or samples thereof are presented in court, such items shall be presented under sealed evidence tape in containers whose labels describe their contents. Sealed controlled substances presented as exhibits shall be unsealed in open court and, upon completion of the action for which unsealing was ordered, the item shall be sealed again.

(c) Original Exhibit. When a photograph, videotape, or other facsimile representation is substituted, the original exhibit must be retained by the presenting party or agency until at least sixty (60) days following case completion and must produce the original exhibit upon the court's direction. Case completion is defined as the date of filing of the judgment of acquittal, final judgment, or dismissal, or the date the judgment becomes final after appeal.

(d) Appeal. Exhibits handled under these rules shall have the same standing for purposes of appeal as would the original exhibits.

(e) Hazardous Exhibits. For purposes of this rule, "hazardous exhibit" means an exhibit that unreasonably threatens the health and safety of persons handling the exhibit, including exhibits having potentially toxic, explosive, or disease-carrying characteristics. Non-exclusive examples of hazardous exhibits include firearms, knives and other weapons, live ammunition, controlled substances, bodily fluid samples, and bloody clothing.

[Adopted effective September 1, 1997; amended effective September 1, 2000.]

RULE 79. BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits; Filing and Substitution. All exhibits and other papers received in evidence during trial must be filed at the time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other paper to be filed or substituted in the files, in lieu of the original.

(A) Exhibits Kept Separate. Exhibits shall be kept by the clerk separate from the file(s) in the case.

(B) Exhibits; Inspection. Unless otherwise ordered by the court, exhibits shall not be inspected in the clerk's office except in the presence of a clerk.

(C) Original Court Record; Copies. An original court record shall not be admitted as an exhibit, but a copy thereof may be so admitted.

(D) Exhibits; Packaged and Labeled. Exhibits containing bloodborn pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(i) Bloodborn pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container or styrofoam container. All items shall be labeled to identify the contents as potentially biologically hazardous materials.

(ii) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. They shall be labeled identifying the contents.

(iii) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(iv) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(v) Paper bags alone shall not constitute proper packaging.

FILED IN OPEN COURT
February 3, 2015

SONYA KRASKI
COUNTY CLERK
BY: *J. Krest Wetmore*
DEPUTY CLERK

SUPERIOR COURT OF
WASHINGTON
FOR SNOHOMISH COUNTY

LIST OF EXHIBITS FILED

PAGE 1 OF 47

CASE NO.: 13-1-01546-8

State of Washington

vs. Alan J. Smith

Craig Matheson/Katherine Wetmore

Caroline Mann/Tiffany Mecca

Exhibit Number	Party	Description	A	R	N	W
1	State	1 large brown evidence bag labeled 0080-06 Washcloth in Mesh Net	X			BIOHAZARD
2	State	1 small clear plastic evidence bag labeled 0081-01 containing The Music Man ticket	X			
3	State	1 small evidence envelope labeled 0087-01 Mouth Swabs	X			
4	State	1 brown evidence bag labeled 0087-02 Wallet Hallway	X			
5	State	1 brown evidence box labeled 0087-03 Hatchet	X			
6	State	1 large brown evidence box labeled 0087-04 Living Room Foam Mat	X			BIOHAZARD
7	State	1 brown evidence bag labeled 0087-05 Swabs (8) (containing exhibit Nos. 7a thru 7h)			X	
7a	State	1 small white evidence box labeled KJK-2	X			
7b	State	1 small white evidence box labeled KJK-3	X			
7c	State	1 small white evidence box labeled KJK-4	X			
Column Totals			9	0	1	0
Total Exhibits Filed THIS Page			10			

Codes: A = Admitted; R = Rejected; N = Not Offered; W = Withdrawn

COPY

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LIST OF EXHIBITS FILED

PAGE 2 OF 47

CASE NO.: 13-1-01546-8

State of Washington

vs. Alan J. Smith

Exhibit Number	Party	Description	A	R	N	W
7d	State	1 small white evidence box labeled KJK-5	X			
7e	State	1 small white evidence box labeled KJK-6	X			
7f	State	1 small white evidence box labeled KJK-7	X			
7g	State	1 small white evidence box labeled KJK-8	X			
7h	State	1 small white evidence box labeled KJK-9	X			
8	State	1 large brown evidence bag labeled 0087-07 Red Duvet from Room 1	X			
9	State	1 brown evidence bag labeled 0087-08 Pillow Cases from Room 1	X			
10	State	1 brown evidence bag labeled 0087-09 Fitted Sheet from Bedroom 1	X			
11	State	1 brown evidence bag labeled 0087-10 underwear/black pants from floor of Room 1	X			
12	State	1 brown evidence bag labeled 0087-11 Swabs (containing exhibit Nos. 12a thru 12c)			X	
12a	State	1 small white evidence box labeled KJK-15	X			
12b	State	1 small white evidence box labeled KJK-16	X			
Column Totals			11	0	1	0
Total Exhibits Filed THIS Page						12

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LIST OF EXHIBITS FILED

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CASE NO.: 13-1-01546-8

State of Washington

vs. Alan J. Smith

Exhibit Number	Party	Description	A	R	N	W
23b	State	Small clear plastic evidence envelope labeled Possible hairs recovered from t-shirt			X	
24	State	1 brown evidence bag labeled 0087-45 Black Men's Leather Jacket			X	
25	State	1 evidence envelope labeled 0087-56 Snohomish County Traffic Cameras Video			X	
26	State	1 clear plastic evidence bag labeled 0087-80 rubber mallet	X			
27	State	1 evidence envelope labeled 0087-87 Reference Blood Card			X	
28	State	1 evidence envelope labeled 0087-88 Preserved DUA extracts			X	
29	State	1 evidence envelope labeled 0087-89 Preserved DUA extracts			X	
30	State	1 evidence envelope labeled 0087-89A Preserved DUA Extracts			X	
31	State	1 evidence envelope labeled 0087-101 US Bank CD Drive Up ATM & South Parking Lot Cameras			X	
32	State	1 evidence envelope labeled 0087-115 US Bank Video			X	
33	State	1 evidence envelope labeled 0087-116 Enhanced	X			
34	State	1 brown evidence bag labeled 0087-117 Blue Kleenguard Coveralls	X			
Column Totals			3	0	9	0
Total Exhibits Filed THIS Page			12			

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LIST OF EXHIBITS FILED

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CASE NO.: 13-1-01546-8

State of Washington

vs. Alan J. Smith

Exhibit Number	Party	Description	A	R	N	W
35	State	1 brown evidence bag labeled 0087-118 White Kleenguard Coveralls	X			
36	State	1 evidence envelope labeled 0087-120 Photo Images of Suspect Smith's Foot Impressions w/Thumbnail Print	X			
37	State	1 clear plastic evidence bag labeled 0087-121 inked foot impression	X			
38	State	1 large clear plastic evidence bag labeled 0087-122 containing 6 brown paper rolls	X			
39	State	1 large clear plastic evidence bag labeled 0087-123 containing 6 brown paper rolls	X			
40	State	1 evidence envelope labeled 0087-133, Item DNR-5, Preserved DUA Extracts			X	
41	State	1 evidence envelope labeled 0087-134, Item DNR-6, Preserved DUA Extracts			X	
42	State	1 brown evidence bag labeled 0087-141 Blk Leather Size 11 Danner Boots	X			
43	State	1 clear plastic evidence bag labeled 0087-154, Gregg's Greenlake Cycle Invoice			X	
44	State	1 clear plastic evidence bag labeled 0087-155, Gregg's Greenlake invoice	X			
45	State	1 clear plastic evidence bag labeled 0087-156 containing Gregg's Greenlake Cycle VISA receipt	X			
46	State	1 clear plastic evidence bag labeled 0087-157 Greggs Greenlake Cycle VT Receipt			X	
Column Totals			8	0	4	0
Total Exhibits Filed THIS Page			12			

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LIST OF EXHIBITS FILED

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CASE NO.: 13-1-01546-8

State of Washington

vs. Alan J. Smith

Exhibit Number	Party	Description	A	R	N	W
47	State	1 large brown evidence bag labeled 0178-06 Backpack			X	
48	State	1 clear plastic evidence bag labeled 0278-15 Documents Bedroom #2 Floor			X	
49	State	1 clear plastic evidence bag labeled 0278-15A Bank Financial Docs			X	
49a	State	Multiple page copy: Visa Signature Bank Financial Documents	X			
50	State	1 brown evidence bag labeled 0178-18 Laundry Room, Tyvek suits from top shelf and masking tape	X			
51	State	1 clear plastic evidence bag labeled 0249-17 Bank of America letter to Bothell Police Department, 3/22/2013			X	
52	State	1 brown evidence bag labeled 0249-24 Mens Casual Walmart Shoes Size 11E	X			
53	State	1 evidence envelope labeled 0249-24 Exemplar			X	
54	State	1 clear plastic evidence bag labeled 0249-28 Wal-Mart Receipts			X	
55	State	1 brown evidence bag labeled 0249-30 containing a buckle swab from Noelani Smith	X			
56	State	1 brown evidence bag labeled 0249-32 containing a buckle swab from Felix Smith	X			
57	State	1 clear plastic evidence bag labeled 0276-01 containing Apple MacBook computer (*computer only-not contents)	X*			
58	State	1 brown evidence bag labeled 0276-05 Cell Phone (Faraday Bag)	X			
Column Totals			7	0	6	0
Total Exhibits Filed THIS Page			13			

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