

## **Exhibit F: The state failed to test petitioner's clothing for blood and pepper-spray**

According to the original witness statements, the perpetrator wore a waist length leather jacket that "seemed to fit". The officers that executed the search warrant at Petitioner's residence removed a baggy 3XL, knee length, leather trenchcoat. This jacket was tested for gun shot residue, but the prosecutor claimed that it was not tested for either blood or pepper spray. The state did not test any of Petitioner's clothing to determine if there was the presence of either blood or pepper spray.

### **Blood**

The murder victim, Joshua Rhoads, was shot in the head while laying on the floor of the laundry room, directly at the base of the closed door. The perpetrator battered down the top half of the door, then reached through the hole and shot the victim at a downward angle. It was shown that whoever shot him, did so from such a close range that "powder burns" were present on the victim's head. With this in mind, the perpetrator's entire arm would have been through the hole in the door and at a downward angle along the inside of the door.

The blood sprayed from this gunshot went up the side of the door multiple feet high. The spray pattern had a five inch gap going up the door where the perpetrator's arm was. The sleeve of the clothing worn by the perpetrator would have had a considerable amount of blood sprayed on it, as it was the sleeve that caused the gap in the spray pattern.

The state's blood spatter expert gave expert testimony stating that the blood would have sprayed around the jacket and missed the sleeve entirely.

### **Pepper-Spray**

According to Rhoads' interview, pepper-spray would have saturated the perpetrator's jacket. Rhoads claimed that the perpetrator had her in a bear hug from behind while pepper spraying her a second time. This would have left a considerable amount of pepper spray on the perpetrator's clothing. In spite of the

knowledge that pepper spray was used during the commission of this crime, the jury was led to believe that none of petitioner's clothing was tested for it.