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Date of Meeting : February 2nd , 2023

Location of Meeting: WSP Crime Lab Spokane, Washington

Individual Met with: Anna Wilson (Ballard)

**ATTN:** Appointed Legal Counsel

**RE:** Thomas Aranda

When asked if she would be willing to review one of her cases done many years ago, that a defense attorney is reviewing, Ms. Wilson (Ballard) said, yes. She said that she had recently went to Yakima and spoke to PI's and is open to giving opinions for both prosecution or defense, because her opinions will be based on science and the work she does.

Ms. Wilson (Ballard) said the technology has been changed since the date she did the Aranda case in 2008. And she said even the crime lab has gone through its own changes. And that things are not the same today as they were back then for very good reasons. She said that there was a lot of issues during the date that Aranda's case went through the WSP lab. She said even her work and technology was limited.

Ms. Wilson (Ballard) said July of 2008 was when she officially promoted to a senior scientist (3) when she first got signed off to do DNA analysis. So this case was one of the first in her early career many years ago.

Ms. Wilson, (Ballard) said she has done hundreds of cases since this case. However, she said back when this case was done they were limited on their conclusions because of the technology and because of the manuals at the time and that there has been a lot of changes in procedures at the crime lab since the date of this case. She said in this case a sexual assault kit was done on the suspect (Aranda) but that is not typically done routinely. She said she does not recall anybody asking her opinion back at the time since it never went to trial. When I asked why the case file that was disclosed that had pages missing. She said if there was more pages added that she would have to cross out the numbers and re-number them. And since she was new at the position at the crime lab, she had to ask her colleagues if more was needed to be done and if it needed to be done differently. When asked about why she mixed the external and internal swabs she said that is common practice for their lab. But knows that some jurisdictions do it different based on legal reasons for internal and external swabs meaning different things when interpreted by law.

She said that sometimes, as in this case, the evidence is not sealed properly. And since chain of custody and proper labelling and sealing is crucial to this process, they often times have to add their own seals at the crime lab, so they put tape on it and their initials. So, their protocol is that if they receive the evidence unsealed, that is what they have to do. She said that a "Betty" was the one who added seals and she said that the same nurse that did the exam or the police should have sealed them properly and addressed it prior to coming to the lab. We discussed the reasons for this being important even up to the fact that the wrong swabs from the wrong body parts, coming in unlabeled and unsealed could potentially alter the results to be able to even know where the swabs were actually taken from before being brought in as evidence to test.

Ms. Wilson (Ballard) said, “Yes it could be a quirky amp result. Typically, I analyze the profile before I analyze the comparisons. Everything was collected right after the event so if there was something to be found, then it would have been there.” Ms. Wilson said “I’ve had so many defense experts look up my results and I have to look at them and some times I agree with them because back then, a lot was different. But sometimes we did things back then because there was a chain of command, but now knowing what I know things would be different.”

Ms. Wilson (Ballard) said “That’s interesting that in this case they had me go back again and look at the results where I didn’t find something and that they asked me to go back and find something and clearly there was a chain of command and I had my completed page number and they asked me to go back to do more work and find something and then I had to go back and re number. And I don’t know why in this case there would be anything missing in my case file. But I had literally just gotten signed off as a 3 and I was getting direction from my higher ups to go back and do more work to found something on the DNA.”

Ms. Wilson (Ballard) said, “ I understand why you got a DNA expert to look at this case. I will have to pull the case file from our archives, but it is in Olympia 5 hours away. I have definitely done write ups for prosecutors when they had defense experts come review it and when I gave them my honest opinion, they decided to get a different expert other than me to come speak on the case instead of me because they didn’t like my true opinion. Why would they subpoena an expert in California to say what you want when I’m the person who did the work. Because they didn’t want to listen to what I had to say about the truth of the case. There are cases where I would have testified based on the science that somebody was innocent, but a jury found him guilty, but in some cases unfortunately, they don’t want to listen to the science. My job is to give you be opinion based on science so I can look at the records and I can pull the case from archives. It usually takes a week to pull them from archives. We have a good relationship with our innocence project here and we have exonerated some people. But we do things in our process because we are following our chain of command and their direction, but it may not be the right thing based on science.”

Ms. Wilson (Ballard) said, “I have been double teamed by state attorneys saying that they would stifle my opinion because they didn’t like my opinion but it was the truth and they had to pay the family over a million dollars and he is not alive, but they didn’t want my scientific expert opinion because the state didn’t want to lose. So, I will definitely look at this case and the report done by the DNA expert that analyzed my work on this case and just let me know who I can communicate with about my opinions at this point after looking back. All of our files have to go through a technical review and if they disagree they figure out what is needed for the final.”

Ms. Wilson (Ballard) “There was a time I had to even dispute my own bureau chief because they wanted me to go back to a crime scene to find more that wasn’t there because they just wanted me to find something so I am more than ok looking at this case to see what I did way back then before I had all the training I have now.”

**The overall outcome was that she was very knowledgeable and seemed very unbiased and willing to take an honest look at the case and the science surrounding the dates of the case. She was willing to take a look at the case and to take a look at the expert report/affidavit written up by Dr. Spence, the DNA expert that reviewed the case at the request of Aranda’s defense attorney. She just needed time to pull it from the archives. And she needed to check what the protocol would be and if a subpoena would be needed for her to speak on it but she would start by requesting the file and bringing it to the attention of her superiors. I sent an email to her to follow up:**

Below is my email to her:

Hello!

Just wanted to follow up and see if you had been able to request and review the records on the case I discussed with you when I was visiting Spokane.

I attached Craig Ballard who used to be the attorney for the person who he was representing as being wrongfully accused. He got a team of people involved to review the case to prove innocence and attempt to get him out of prison as he has been there for 15 years since he was a teenager. They are looking at new trial options and resentencing options but I am trying to help facilitate to make the process simplest and best for all parties involved.

Would you be willing to review the report and affidavit from the DNA expert that reviewed the files and simply write out an affidavit with your updated opinions with the new discovery and science surrounding the issue and coordinate with Craig so that he can provide the best plan of action for the case avoiding subpoenas and a new trial?

Lab# 208-821

Laboratory # 208-00821, 05 -08-08

Request no: 0002, 0003

Agency # 08CO3876

Thanks for your time,

Rachel D. Fischer BSN, RN, SANE-A, SANE-P

To which I did not get a response from Ms. Wilson (Ballard) but a response below from a prosecutor:

Hello Ms. Fischer,

I am one of the Assistant Attorneys General who represents the Washington State Patrol. At this time, the Washington State Patrol does not have a response to your request and a revised or additional affidavit outside of the case file is not being provided. It is my understanding that you already have a copy of the case file, through public disclosure or other means. I wanted to let you know so that you can proceed as you see fit in the event you were waiting for further response.

I can see Mr. Suffian was on this case at one point but it appears he may have withdrawn and Mr. Aranda may have other active counsel. If I am incorrect, I've included Mr. Suffian on this email and he can clarify. I intend no disrespect, but I will need to confirm your association with this matter moving forward with one of the active attorneys on the matter before I respond to any additional inquiries.

Thank you,

Taryn Jones

Assistant Attorney General

Criminal Justice Division | Office of the Attorney General

Please don't hesitate to reach out if there is anything more that you need from my end

Best,

Rachel D. Fischer BSN, RN, SANE-A, SANE-P, PI, PPO

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