

E-FILED

05-11-2022, 08:02

**Scott G. Weber, Clerk
Clark County**

CLARK COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

vs.

ANDREW MORRIS,

PLAINTIFF,

DEFENDANT.

No. 18-1-00378-4

ANDREW MORRIS'
MOTION TO DEPOSE WITNESS
DEVAN GRAHAM

MOTION AND INTRODUCTION

COMES NOW Andrew Morris, by and through the Angus Lee Law Firm, PLLC, and moves the Clark County Superior Court to order the deposition of witness: DEVAN GRAHAM. This motion is based on CrR 4.6 and the below argument, declaration, and supporting exhibits.

In this case the State has alleged that Mr. Morris attempted to murder Mr. Graham by shooting him. Mr. Morris has asserted a claim of self-defense.

Mr. Graham has previously been interviewed by the defense team and admitted (1) that Mr. Graham himself was in unlawful possession of an unmarked handgun at the time of the event in question, (2) that Mr. *Graham shot Mr. Morris*, (3) that Mr. Graham was a drug dealer, and (4) that Mr. Graham was high on unprescribed Xanax and marijuana at the time he shot Mr. Morris.



In a brazen attempt to justify shooting Mr. Morris, Mr. Graham provided a detailed (but totally false) narrative of the event, in which he asserted that the exchange of gunfire occurred while the two were both inside of a car, and while they were in very close proximity to each other.

However, other evidence, and subsequent lab testing has proven conclusively that Mr. Graham's story is flatly false. The car was searched by law enforcement and there were no bullet holes and no blood to be found. The crime lab conducted gunshot distance testing on the clothing the two parties were wearing and determined that all shots were fired when the shooter was "distant" from the target, not near or inside a car.

The defense has also learned of multiple criminal charges/convictions for Mr. Graham, including burglaries and an assault of a child. For some reason the State then showed extreme leniency to Mr. Graham and allowed the armed drug dealer into diversion and drug court on those charges.

The defense has repeatedly requested a follow up interview to inquire about the impeachable offenses and new evidence showing that Mr. Graham's narrative was false. No follow up interview has been provided.

FACTS

After a defense interview of Mr. Graham, the defense sent a letter to the prosecution team seeking testing for exculpatory evidence.

This letter is a request for distance/closeness testing of (1) the bullet holes found in the upper body garments (shirt/jacket/sweatshirt) worn by Devan Graham (the complaining witness in this matter), and (2) the bullet hole found in the pants worn by Andrew Morris (the accused).

Discovery evidence shows clearly that Mr. Morris was shot in the leg while wearing pants. Likewise, it shows that Mr. Graham was shot in the right arm while wearing upper body garments.

The State conducted limited distance/closeness testing of a pair of khaki pants worn by Mr. Graham. See BS1260-1261; Laboratory No.: 318-000191; Request No.: 0009. According to the report generated from that testing, the clothing



around the bullet hole “exhibited gunshot residues consistent with a distant muzzle-to-target distance.” (emphasis added).

The State, however, did not test Mr. Morris’ pants or Mr. Graham’s upper body garments. Thus, while the testing of the Mr. Graham’s khaki pants was relevant and helpful to both sides’ understanding of the events of this case, the distance/closeness testing, itself, is incomplete. Specifically, in light of Mr. Graham’s recently recorded defense interview, the testing of Mr. Morris’ pants and Mr. Graham’s upper body garments is now critical to the ability of both the State and the Defense to understand what happened in this matter and to determine the veracity of Mr. Graham’s claims.

Mr. Graham recently provided a detailed sequence of the events in a recorded defense interview. Key excerpts of the interview provided below.

In the defense interview Mr. Graham claimed that the first shot fired in the incident was when he was shot in the arm at point blank range by Mr. Morris, while both were still inside a car. Next, Mr. Graham claimed that he shot Mr. Morris in the leg at point blank range while both were still inside the car.

If Mr. Graham’s claims are true, the requested testing will show the presence of gunshot residue, soot, and stippling, around the area of the clothing where bullet passed through on Mr. Graham’s upper body clothing and on Mr. Morris’ pants. If, on the other hand, Mr. Graham’s claims are false, the testing will show an absence of such evidence and directly support Mr. Morris’ claim of self-defense.

Based on the discovery, there is reason to doubt the claims by Mr. Graham. Specifically, he claimed that multiple gunshots were fired inside a vehicle. However, a search of the vehicle found no bullet holes nor blood. Further, the testing that has been done showed only a distant muzzle to target range. The completion of distance/closeness testing on the remaining clothing items would help definitively determine whether any shots whatsoever were fired at close range (such as inside a car).

Ex. A (emphasis added).

Testing was later conducted that showed all bullets in this matter were fired at distance, not near or inside the back seat of a car. Ex. B.

Based on this new testing report, and the discovery of Mr. Grahams’ impeachable offenses (along with extremely favorable treatment of Mr. Graham by the prosecution), the defense has sought to re-interview Mr. Graham. In an email to the prosecution the defense made very clear the basis for the needed re-interview. Ex. C. Yet, no interview has since been provided.



LAW AND ARGUMENT

It is hard to see why the gun toting drug dealer who shot Mr. Morris not only gets a pass on the (1) delivery, (2) unlawful possession of a handgun and possession of the illegal gun with no serial number, (3) shooting someone, but then also (4) gets a diversion on a later felony, and then after failing out of diversion, (6) gets into drug court (which does not allow violent drug dealers). His stated narrative of events is totally false as shown by the State's own crime laboratory testing. The defense needs to re-interview Mr. Graham, but no interview has been provided. A deposition should be ordered.

1. AUTHORITY TO DEPOSE WITNESS

CrR 4.6 allows either party to take depositions of witnesses who may be unavailable for trial or who refuse to discuss the case with either counsel. 12 Wash. Prac., Criminal Practice & Procedure § 1302 (3d ed.) (2016).

The court at any time after the filing of an indictment or information may, upon motion of a party and notice to the parties, order that the testimony of a prospective witness be taken by deposition.¹ In addition, the witness may be required to produce any designated books, papers, documents or tangible objects which are not privileged. The party requesting the deposition must establish that such witness may be unable to attend or prevented from attending a trial or hearing ***or refuses to discuss the case with either counsel***, that such testimony is material, and that the deposition is necessary to prevent a failure of justice.

13 Wash. Prac., Criminal Practice & Procedure § 3810 (3d ed.) (2016) (emphasis added).

If a prospective witness refuses to discuss the case with either counsel, the counsel is required to make a showing of the materiality of the testimony and that it is necessary to take a deposition. CrR 4.6(a). The court, upon notice and the filing of a motion supported by such a

¹ Citing CrR 4.6(a); *State v. Hacheney*, 160 Wn.2d 503, 158 P.3d 1152 (2007) (prior to trial, state moved to conduct videotaped perpetuation depositions of witnesses intending to be in Scotland and not return for years, and of witness planning to be in Bolivia for months; defendant was present during the deposition and his attorney cross-examined the witnesses; the video testimony was admitted at trial over objection; no 6th Amendment violation).



showing, may order the testimony of the witness taken by deposition in the manner provided in civil actions. CrR 4.6(c). *State v. Peele*, 10 Wash. App. 58, 68, 516 P.2d 788, 794 (1973) (*See also State v. Gonzalez*, 110 Wash. 2d 738, 745, 757 P.2d 925, 929 (1988)).

When a deponent refuses to answer the questions propounded, the court may take such course as it deems just under the circumstances. The imposition of sanctions is within the discretion of the trial court. *State v. Peele*, 10 Wash. App. 58, 68-69, 516 P.2d 788, 794 (1973) (*citing State v. Music*, 79 Wn.2d 699, 489 P.2d 159 (1971); *State v. Butler*, 4 Wn. App. 303, 480 P.2d 785 (1971); *Annot.*, 7 A.L.R.3d 8 (1966)).

2. IMPEACHMENT EVIDENCE AND BIAS OF A WITNESS IS ALWAYS RELEVANT

In criminal cases, the right to cross-examine for bias is considered to be an extension of the Sixth Amendment right to confrontation. *State v. Dolan*, 118 Wash. App. 323, 73 P.3d 1011 (2003) (defendant's right to confrontation violated when trial court refused to allow him to show that a prosecution witness had reason to be hostile towards him and the State's case rested heavily on that witness's testimony).

“Cross-examination to reveal bias is not considered impeachment on a collateral matter. Thus, subjects may be explored for purposes of showing bias even though they might not be relevant on other issues.” 5D Wash. Prac., Handbook Wash. Evid. ER 607 (2016-17 ed.) (*citing State v. McDaniel*, 37 Wash. App. 768, 683 P.2d 231 (1984). “It has been said repeatedly that in a criminal case, the defendant should be given wide latitude in cross-examining prosecution witnesses to reveal bias.” *Id.* (*citing State v. Wilder*, 4 Wash. App. 850, 486 P.2d 319 (1971) and authorities therein). “Karl Tegland's handbook on courtroom evidence provides a check list for “Methods of Impeachment” of a witness. Number one on that list reads “1. Bias, prejudice, or interest. Rule 607.” 5D Wash. Prac., Handbook Wash. Evid. CL 15 (2016-17 ed.).



The Confrontation Clause of the Sixth Amendment “guarantees the right of an accused in a criminal prosecution to be confronted with the witnesses against him.” *United States v. Larson*, 495 F.3d 1094, 1102 (9th Cir. 2007) (en banc) (citing *Delaware v. Van Arsdall*, 475 U.S. 673, 678, 106 S. Ct. 1431, 89 L. Ed. 2d 674 (1986) (internal quotations omitted)).

CONCLUSION

Andrew Morris respectfully requests that the above motion to depose be granted.

DATED this Wednesday, May 11, 2022 A.D.

S// D. Angus Lee

D. Angus Lee, WSBA# 36473
Attorneys for Andrew Morris
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DECLARATION OF COUNSEL

I, D. Angus Lee, declare under the penalty of perjury that the following is true and correct to the best of my knowledge. I am over the age of eighteen, and I am competent to testify to the matters herein. I have personal knowledge of the matters stated herein, or as indicated, have information concerning those matters.

1. The undersigned is counsel of record for the Mr. Morris in this matter, and has reviewed the discovery provided in this matter. The following is based on the undersigned’s review of the discovery, and any witness interviews.
2. Attached as Exhibits A is a true copy of the letter referenced above.
3. Attached as Exhibits B is a true copy of the testing report referenced above.
4. Attached as Exhibits C is a true copy of email request referenced above.



I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Signed at Vancouver, Washington, on Wednesday, May 11, 2022 A.D.

S// D. Angus Lee

D. Angus Lee



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Friday, September 20, 2019

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RE: REQUEST FOR COMPLETION OF TESTING

Agency Case No.: 2318164
State v. Andrew Morris (18-1-00378-4)

Det. Watkins and Mr. Schoeman:

This letter is a request for distance/closeness testing of (1) the bullet holes found in the upper body garments (shirt/jacket/sweatshirt) worn by Devan Graham (the complaining witness in this matter), and (2) the bullet hole found in the pants worn by Andrew Morris (the accused).

Discovery evidence shows clearly that Mr. Morris was shot in the leg while wearing pants. Likewise, it shows that Mr. Graham was shot in the right arm while wearing upper body garments.

The State conducted limited distance/closeness testing of a pair of khaki pants worn by Mr. Graham. See BS1260-1261; Laboratory No.: 318-000191; Request No.: 0009. According to the report generated from that testing, the clothing around the bullet hole "exhibited gunshot residues consistent with a *distant muzzle-to-target distance.*" (emphasis added).

The State, however, did not test Mr. Morris' pants or Mr. Graham's upper body garments. Thus, while the testing of the Mr. Graham's khaki pants was relevant and helpful to both sides' understanding of the events of this case, the distance/closeness testing, itself, is incomplete. Specifically, in light of Mr. Graham's recently recorded defense interview, the testing of Mr. Morris' pants and Mr. Graham's upper body garments is now critical to the ability of both the State and the Defense to understand what happened in this matter and to determine the veracity of Mr. Graham's claims.

Mr. Graham recently provided a detailed sequence of the events in a recorded defense interview. Key excerpts of the interview provided below.

EX. A


In the defense interview Mr. Graham claimed that the first shot fired in the incident was when he was shot in the arm *at point blank range* by Mr. Morris, while both were still inside a car. Next, Mr. Graham claimed that he shot Mr. Morris in the leg *at point blank range* while both were still inside the car.

If Mr. Graham's claims are true, the requested testing will show the presence of gunshot residue, soot, and stippling, around the area of the clothing where bullet passed through on Mr. Graham's upper body clothing and on Mr. Morris' pants. If, on the other hand, Mr. Graham's claims are false, the testing will show an absence of such evidence and directly support Mr. Morris' claim of self-defense.

Based on the discovery, there is reason to doubt the claims by Mr. Graham. Specifically, he claimed that multiple gunshots were fired inside a vehicle. However, a search of the vehicle found no bullet holes nor blood. Further, the testing that has been done showed only a *distant* muzzle to target range. The completion of distance/closeness testing on the remaining clothing items would help definitively determine whether any shots whatsoever were fired at close range (such as inside a car).

Again, this letter is a request for distance/closeness testing of (1) the bullet holes found in the upper body garments worn by Devan Graham, and (2) the bullet hole found in the pants worn by Andrew Morris. In addition to the legal obligation for the State to seek out exculpatory evidence, it also has a moral obligation to seek out the truth. The truth can be identified through the requested testing.

Sincerely,


D. Argus Lee

CC: Todd Pasco

ARGUS LEE

EX. A

Devan Graham's Admissions in Defense Interview

AL: You're in the back of the car, and you say that he shot you in the right arm.

DG: Yes.

AL: And then you shot him in the leg.

DG: Yes.

Defense Interview of Devan Graham, p. 34.

AL: Okay. So you're in the car. Trying to figure out the shot sequence in relation to you being in this car. You're in the car, shot one is him shooting you in the arm.

DG: Mm-hmm.

AL: That's a yes?

DG: Yes.

AL: Shot two in the car is you shooting him in one of his legs. That's in the car.

DG: Mm-hmm.

AL: Yeah.

DG: Yeah. Sorry.

AL: All right. And then you start to try and get out after you shoot him in the leg.

DG: Yes.

AL: And that's when he shoots you two more times in the, in, in the lower extremities before you get out?

DG: Yes.

AL: All right, so there's a total of four gunshots. You're shot three times before you get out of the car, and he's shot one time before he gets out of the car.

DG: Well, that makes no, oh, yeah. Yeah, that does make sense.

Id., p. 35.

AL: Okay. Shot one, you're claiming is him shooting you in the arm while you're in the car.

DG: Yes.

AL: Okay. Shot two is you shooting him in the leg while he's in the car.

DG: Yes.

AL: And shot three and four are from him shooting you in the leg before you can get out of the car.

DG: Yes.

AL: So there's a total of four shots fired.

DG: Mm-hmm.

AL: While the two of you are inside the car.

DG: Yes. I'm on the inside.

Id., p. 36.

AL: So he's still in the car when shot number five is fired.

EX. A

ANGUS LEE



DG: Yes.

Id., p. 37.

AL: Did you do it with one hand on the gun or did you do it with two hands on the gun?

DG: One.

AL: Was it your left hand or your right hand?

DG: Right hand.

AL: So did you go like this, right here, I'm demonstrating just reach over with your right hand and point, push the gun down on his thigh and squeeze the trigger?

DG: Um, yeah.

AL: I'm sorry, I couldn't hear you.

DG: I, I did do that, yeah.

AL: Okay, so the gun was pointing at his leg, but basically straight down towards the ground?

DG: Yeah.

AL: Okay. And so your position is shot number two, when you shot him through the thigh, was you took the handgun, one-handed with your right hand, pointed it straight down at his thigh, and did, did it make contact with his thigh?

DG: Um, yeah, it was (inaudible)

AL: Okay, so you pushed it into his thigh and then you squeezed the trigger, and it went straight down into his thigh that was seated in the car seat.

DG: Yeah.

Id., p. 38-39.

EX. A

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

2502 112th Street East, Rm 273 • Tacoma, WA 98445-5104 • (253) 538-3207 • www.wsp.wa.gov

CRIME LABORATORY REPORT

Agency: Vancouver Police Department
Agency Case No.: 2318164
Agency Rep.: Carole Boswell; Deanna Watkins
Suspect: Morris, Andrew C.
Victim: Graham, Devan R.

Laboratory No.: 318-000191
Request No.: 0010

Results and Conclusions:

The conclusions in this report are based in part on the opinions and interpretations of the analyst from the examination of the evidence in this case, information provided by representatives of the Vancouver Police Department and a representative of Angus Law Firm, PLLC. If subsequent analysis or information indicates differently, it may be necessary to change and/or modify the conclusions herein.

In formulating the conclusions in this report, the following assumptions were made:

- All documented bullet defects in the clothing of both the victim and the suspect, and all of the recovered fired cartridge cases recovered from the scene were the result of a singular incident, the shooting incident investigated under incident #2318-164.

In formulating the conclusions in this report, the following limitations were recognized:


- At the time of the report the full extent of the injuries sustained by both the victim and the suspect were not known.
- No fired bullets were submitted for microscopic comparison to the firearms in this case. The type and design of the bullets fired during the shooting were not known.

Suspect's clothing

The two defects to the black Calvin Klein jeans submitted as Item 1243-017 did not exhibit any gunshot residues. In the event the two defects were caused by the passage of a fired bullet, it was determined to have been fired at a distant muzzle-to-target distance. Using the .40 S&W caliber pistol submitted as Item 1243-015 and ammunition similar to the previously identified fired cartridge case submitted as Item 1243-001, and fabric similar to these jeans, the drop-off distance for this pistol was determined to be approximately three feet.

Victim's clothing

The two defects to the top left back side of the pair of khaki Levi Strauss Co. pants previously examined and submitted as Item 1243-019 were determined to exhibit gunshot residues consistent with the passage of a bullet/s. These defects were determined to have been fired at a distant muzzle-to-target distance. Using the Zulaica .32 Auto caliber pistol submitted as Item 1243-014 and ammunition similar to the previously identified fired cartridge cases submitted as Items 1243-002 through 1243-006, and fabric similar to these pants, the drop-off distance for this pistol was determined to be approximately four feet.


Johan E. Schoeman, Forensic Scientist

11/10/2020

Date 

EX. B

Agency: Vancouver Police Department
Agency Case No.: 2318164

Laboratory No.: 318-000191
Request No.: 0010

Three of the defects to the back right upper sleeve and one defect to the chest area of the black Nike sweatshirt submitted as Item 1243-021 did not exhibit any gunshot residues. The remaining defect to the back right upper sleeve exhibited gunshot residues consistent with the passage of a bullet. This defect was determined to have been fired at a distant muzzle-to-target distance. Using the Zulaica .32 Auto caliber pistol submitted as Item 1243-014 and ammunition similar to the previously identified fired cartridge cases submitted as Items 1243-002 through 1243-006, and fabric similar to this sweatshirt, the drop-off distance for this pistol was determined to be approximately five feet.


Testing to determine the approximate drop-off distances was conducted in a laboratory setting. A variety of scenario-based variables may have affected the evidence which could change the drop-off distance greater than any measurement uncertainty in the performed laboratory tests.

Evidence:

- Item 1243-001: One fired .40 S&W caliber cartridge case headstamped HORNADY. Previously examined and was not re-examined for the purposes of this report.
- Item 1243-014: One Zulaica (Zulaica y Cia, Spain) Model Royal .32 Auto caliber semiautomatic pistol, serial number 71435/91625, with an empty associated magazine, a sealed WSP test fire envelope, and a DNA swab box.
- Item 1243-015: One .40 S&W caliber semiautomatic pistol, with a Polymer 80 Model PF940C frame (not serialized), Lone Wolf Distributors slide (not serialized), and Glock barrel stamped with number MPE512, with an empty associated magazine, a sealed WSP test fire envelope, and a DNA swab box.
- Item 1243-017: One pair of black Calvin Klein jeans.
Two Washington Instruction Permits, one United States Government Marine Corps Identification card, all for Andrew Cahleb Morris. Not examined for the purposes of this report.
One MetroPCS business card, one Mary Janes (House of Glass) business card, and a receipt. Not examined for the purposes of this report.
- Item 1243-019: One pair of khaki Levi Strauss Co. pants. Previously examined and was not re-examined for the purposes of this report.
- Item 1243-021: One black Nike hooded sweatshirt.
One black PlanB long sleeve T-shirt.
One black/white striped Zine brand T-shirt.
One quarter coin. Not examined further.
- Item 1430-003: One unfired .32 Auto caliber cartridge headstamped W-W. Previously examined and was not re-examined for the purposes of this report.

Methods and Observations:

The pistols submitted in Items 1243-014 and 1243-015 were previously examined and were not re-examined. These pistols were used only for distance determination purposes.


Johan E. Schoeman, Forensic Scientist

11/10/2020
Date

EX. B

Agency: Vancouver Police Department
Agency Case No.: 2318164

Laboratory No.: 318-000191
Request No.: 0010

Suspect's clothing

The pair of black Calvin Klein jeans submitted as Item 1243-017 was examined and determined to exhibit the following defects:

- One defect to the right buttock area.
- One defect to the left hip area.

The two defects to the pair of black Calvin Klein jeans submitted as Item 1243-017 were microscopically examined and chemically processed for the presence of gunshot residues.

Victim's clothing

The pair of khaki Levi Strauss Co. pants submitted as Item 1243-019 was previously examined and the following defects were noted:

- Two defects to the top left back side of the pants.
- One defect to the right front crotch area of the pants.
- One defect to the left front leg area of the pants. This defect appeared to be more consistent with a rip/tear.
- One defect to the right front leg area of the pants.

The defects were previously microscopically examined and chemically processed for the presence of gunshot residues.

The black Nike hooded sweatshirt submitted as Item 1243-021 was examined and determined to exhibit the following defects:

- Four defects to the back of the upper right sleeve of the sweatshirt.
- One defect to the right front chest area of the sweatshirt.

The five defects to the black Nike sweatshirt submitted as Item 1243-021 were microscopically examined and chemically processed for the presence of gunshot residues.

The black PlanB long sleeve T-shirt submitted as Item 1243-021 was examined and determined to exhibit the following defects:

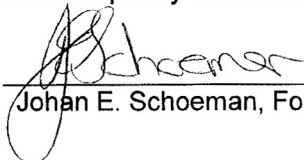
- One defect to the back of the upper right sleeve of the T-shirt.
- One defect to the right front chest area of the T-shirt.

The two defects to the black PlanB long sleeve T-shirt submitted as Item 1243-021 were microscopically examined and chemically processed for the presence of gunshot residues.

The black/white striped Zine brand T-shirt submitted as Item 1243-021 was examined and determined to exhibit the following defects:

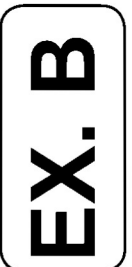
- One defect to the back of the right sleeve of the T-shirt.
- One defect to the right front chest area of the T-shirt.

The two defects to the black/white striped Zine brand T-shirt submitted as Item 1243-021 were microscopically examined and chemically processed for the presence of gunshot residues.


Johan E. Schoeman, Forensic Scientist

11/10/2020

Date



Agency: Vancouver Police Department
Agency Case No.: 2318164

Laboratory No.: 318-000191
Request No.: 0010

Distance determinations

Using the Zulaica .32 Auto caliber pistol submitted as Item 1243-014 and ammunition similar to the previously identified fired cartridge cases submitted as Items 1243-002 through 1243-006, and fabric similar to the black Nike hooded sweatshirt submitted as Item 1243-021 and the khaki Levi Strauss Co. pants submitted as Item 1243-019, test panels were created at known distances to determine the drop-off distance for this pistol.

Using the .40 S&W caliber pistol submitted as Item 1243-015 and ammunition similar to the fired cartridge case previously identified and submitted as Item 1243-001, and fabric similar to the black Calvin Klein jeans submitted as Item 1243-017, test panels were created at known distances to determine the drop-off distance for this pistol.

Remarks:

This report contains the opinions and interpretations of the analyst whose signature appears on the report.

The evidence was received by this scientist in a sealed condition unless otherwise noted.

The sealed WSP test fire envelopes and the DNA swab boxes in Items 1243-014 and 1243-015 were not opened or examined for the purposes of this report.

The pair of khaki Levi Strauss Co. pants submitted as Item 1243-019 was previously examined and was not re-examined.

No drop-off distance determinations were conducted for the black PlanB long sleeve T-shirt and the black/white striped Zine brand T-shirt submitted as Item 1243-021 as these items were likely inner clothing worn by the victim.

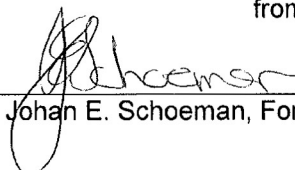
The test fired cartridge cases obtained during distance determination examinations were packaged and returned with the respective firearm.

Glossary:

Drop-off distance: Drop-off distance is the distance where the firearm and ammunition combination will no longer deposit observable/detectible residues on a specific target material.

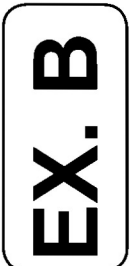
Distant: Only the bullet reaches the target (determined by chemical testing (bullet wipe), defect characteristics, or autopsy information). No tearing of the target material is observed and no gunpowder particles or soot are observed or chemically detected.

Gunshot residues: The total residues resulting from the discharge of a firearm. It includes both gunpowder and primer residues, carbonaceous material, metallic residues from projectiles, fouling, and any lubricant associated with the projectiles.


Johan E. Schoeman, Forensic Scientist

11/10/2020

Date





Andrew Morris: Interviews

D. Angus Lee <angus@angusleelaw.com>
To: Jeff McCarty <Jeff.McCarty@clark.wa.gov>
Cc: John Visser <john@investigativesolutions.us>
Bcc: "D. Angus Lee" <angus@angusleelaw.com>

Thu, Oct 28, 2021 at 11:19 AM

Jeff:

In addition to the currently outstanding interview requests in the Morris matter, we need to re-interview the Devan Graham. Prior to you coming onto the case, we interviewed him. He admitted to shooting Andrew first. He then told a story about the shooting that was, to say the least, highly suspect. As a result of his description of the events in question, additional crime lab testing was done by the State. In the Devan Graham's story, he claimed he was inside a car with Andrew when he shot Andrew from point blank. However, crime lab reports have now shown that the distance between the alleged Devan Graham and Andrew when he shot Andrew was not close or near (such as in a car), but was distant. We need to re-interview him with the benefit of the lab results.

Second, since his interview, where he admitted to being a drug dealer, he has been charged with several serious crimes, including assault of a child and multiple burglaries. And despite having admitted in our interview that he was an armed drug dealer that shot Andrew first, Devan Graham was granted admittance into drug court. My understanding is that drug court is not for drug dealers or those who commit violent crimes like assault of a child. As such, it at least appears he is receiving special privilege. We will need to address these cases with him.

If you can facilitate this limited interview please let us know.

Thanks

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Angus

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EX. C