

COURT OF APPEALS OF WASHINGTON, DIVISION 3

In re the Personal Restraint of Ted Louis Bradford

165 P.3d 31 (Wash. Ct. App. 2007) · No. No. 24448-2-III · Decided August 14, 2007

SUMMARY

The Washington Court of Appeals granted Ted Louis Bradford’s personal restraint petition and reversed his 1996 convictions for first-degree rape and first-degree burglary. The court held that newly discovered DNA evidence, including DNA from an unidentified male on tape attached to the assault mask and the absence of Bradford’s DNA, would probably change the result of a new trial when considered with the other evidence. The court affirmed the superior court’s reference-hearing determination that a new trial was warranted.

CASE DETAILS

COURT	Court of Appeals of Washington, Division 3
WRITING FOR THE COURT	Brown, J.; Sweeney, C.J.; Stephens, J.
JURISDICTION	Washington
DECIDED	August 14, 2007
DOCKET	No. 24448-2-III
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Bradford sought personal restraint relief from his 1996 convictions for first degree rape and first degree burglary based on newly discovered DNA evidence. After a reference hearing in superior court, the Court of Appeals reviewed the superior court's factual findings and legal conclusion that the DNA evidence would probably change the result of the trial.
STANDARD OF REVIEW	Reference-hearing factual findings are reviewed for substantial evidence; legal conclusions flowing from those findings and testimony, including mixed questions of law and fact, are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential value under Washington law
PARTIES	Ted Louis Bradford, Petitioner v. State of Washington, Respondent

TOPICS

state post-conviction relief

actual innocence

post-conviction relief

evidence

remedies

PRACTICE AREAS

State post-conviction relief

Criminal procedure

Evidence

DNA evidence

Newly discovered evidence

QUESTIONS PRESENTED

1. Whether newly discovered DNA evidence, considered together with the evidence presented at Bradford's original trial, would probably change the result of the trial and therefore warrant relief from personal restraint.

HOLDINGS

1. The DNA evidence, considered in the context of the entire trial record, would probably change the result of the trial; therefore, Bradford was entitled to personal restraint relief and a new trial.
2. Newly discovered evidence supports relief from personal restraint when it meets the applicable requirements, including that it probably would change the result of the trial, was discovered after trial, could not have been discovered earlier with due diligence, is material, and is not merely cumulative or impeaching.

KEY QUOTATIONS

“The new evidence, if fully accepted by a jury, would probably change the guilty verdict.” (165 P.3d at 31)

“The inference is that the unidentified male devised the mask.” (165 P.3d at 35)

FACTUAL BACKGROUND

Bradford was convicted of first degree rape and first degree burglary based primarily on a confession, although the victim could not identify him and the evidence also included disputed alibi testimony and a neighbor's testimony that she had seen him in the area. In 2005, newly available DNA testing of the mask and tape used during the assault excluded Bradford and identified DNA from an unknown male on the sticky or protected portions of the tape. The superior court found that, when considered with the trial evidence, the DNA evidence would probably change the result because it supported an inference that the unknown male prepared the mask and was the perpetrator.

PROCEDURAL HISTORY

A jury convicted Bradford in 1996, and the Court of Appeals affirmed the convictions on direct appeal; review was denied. After Bradford completed his confinement, newly available DNA testing excluded him from DNA recovered from the assailant's mask and identified an unknown male contributor. The Court of Appeals ordered a reference hearing, the superior court found that the new evidence would probably change the trial result, and the appellate court granted the petition and reversed the convictions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Bradford's 1996 rape and burglary convictions were reversed, and a new trial was warranted in light of the newly discovered DNA evidence.

CASES CITED

- State v. Bradford, 95 Wash. App. 935, 978 P.2d 534 (1999), review denied, 139 Wash. 2d 1022, 994 P.2d 850 (2000)
- In re Pers. Restraint of Brett, 142 Wash. 2d 868, 873-74, 16 P.3d 601 (2001)
- In re Pers. Restraint of Lord, 123 Wash. 2d 296, 319-20, 868 P.2d 835 (1994)
- State v. Williams, 96 Wash. 2d 215, 223, 634 P.2d 868 (1981)
- Riofta v. State, 134 Wash. App. 669, 142 P.3d 193 (2006)

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