

according to the testimony of Elizabeth Haysom, a white bed spread. No such items were found in the possession of Albright or Shifflett.

It is clear both from the laboratory report of fingerprint comparison, petitioner's Exhibit 7, and from the absence of any additional evidence from petitioner after his fingerprint expert had the opportunity to make the appropriate comparisons, that the fingerprints of Albright and Shifflett do not match any prints found at the Haysom murder scene.

It is also clear from the Department of Corrections records of their boot sizes that neither Albright nor Shifflett left the rather small bloody footprints in the Haysom home. While petitioner urges the Court to conclude from the photographs of the footprints in the grass outside that they were left by much larger feet, neither this Court nor the jury could reasonably draw any inferences concerning the size of the feet which left those prints, because of the potentially distorting effect of the grass in which they were left. Indeed, even the interior footprints could not be sized with precision for lack of knowledge of how it was made.



While petitioner argues that the Anderson knife would have been significant to the jury because its blade is more sturdy than the steak knife admitted into evidence at petitioner's trial, and the medical examiner testified that the murder weapon was of sturdy construction, this argument misapprehends the significance of the steak knife. The Commonwealth's case against petitioner did not depend on, or even suggest, that the steak knife had been the murder weapon. Indeed, petitioner's several confessions included admissions that he had thrown away two knives after the murders: the knife which he used and the knife which Nancy Haysom used in an effort to defend herself. He was evasive in his statements about the origin of the murder weapon, from which the jury very likely inferred that he had brought it with him but was unwilling to

27 Respondent's (i.e., the state's) Post-Hearing Brief, filed March 10, 1997