

Declaration of Christopher J. Kerkering Offered in Lieu of Testimony

I, Christopher J. Kerkering declare under penalty of perjury that the following information is true and correct to the best of my recollection:

1. I am an attorney working with the Federal Public Defender for the Western District of Washington. I have been employed with the Federal Public Defender since October 2005.
2. On Saturday, November 22, 2008, our office was provided information from the state indicating that Robert Shinn had made a statement to the Clallam County police regarding the murders for which Mr. Stenson was convicted.
3. According to Mr. Shinn, John Lininger identified several people who were either accessories or accessories after the fact in the murders. These people included: Patrick Nelson; Simone Nelson; Tom Lininger (John Lininger's twin brother); Ennis Caynor; and Tanya Chapman.
4. In the ensuing 48 hours, we initiated investigations regarding each of these individuals. These investigations have included conducting background checks on all of the individuals identified by Mr. Shinn, and conducting interviews of John Lininger, Tom Lininger, and Tom's ex-wife, Robin Lininger. Our investigation has corroborated Mr. Shinn's reports in the following significant respects.
5. With regard to **John Lininger**. We have learned that he does not deny having the conversation that Mr. Shinn described in his audiotape. Although he asserted that he was not involved in any crime, he indicated that he had spoken with Mr. Shinn about these issues.

6. John Lininger has an extensive criminal history and, as was apparent from the audio taped interview of Mr. Shinn, is well-known to the Clallam County police. He has been arrested on charges for assault, possession of drug paraphernalia, first degree criminal trespass, and possession of stolen property in the 2nd and 3rd degrees, among other charges.

7. He lived and worked on Lonnie Boyd's farm in the early 1990s. He met Mr. Stenson and Mr. Stenson's wife through Lonnie Boyd.

8. John Lininger identified Mr. Oberman – Mr. Stenson's brother-in-law – as the individual who lived in a trailer on the Stenson property. He identified Mr. Oberman as the "caretaker" of the property.

9. John Lininger also indicated that he would provide marijuana to Mrs. Stenson.

10. According to John Lininger, he, Lonnie Boyd, and Tanya Chapman had Thanksgiving dinner at Mr. Stenson's home the winter before the murders. At that Thanksgiving dinner, Mr. Stenson showed John Lininger his "trophy room," which contained numerous swords, throwing stars, numchuks, and other artifacts.

11. John Lininger confirmed that Patrick Nelson and his sister, Simone Nelson, squatted at the Stenson home after the murders. He confirmed that the home was used as a place to party and do drugs and stated that he would spend time there using drugs. John Lininger indicated that the property had a pool, that Mr. Oberman lived in a trailer on the property, and stated that Simone was sleeping in the same room where Mrs. Stenson's body was found. These statements indicate that John Lininger was not only familiar with the layout of the home, but was also familiar with the layout of the crime scene.

12. John Lininger described Patrick Nelson as a violent individual who was full of rage and heavily involved in the drug trade. According to John, Patrick would talk about being a hit man.

13. John Lininger described how Patrick once assaulted him. Patrick believed that John had stolen his gun. While John was asleep, Patrick came into John's apartment, grabbed John by the head, and began to swing him around the room – smashing him into walls and furniture. John was able to get away from Patrick and fled from the apartment. John found an unlocked car, ducked in, and locked the doors. Patrick chased after him and attempted to break the windows of the car. He only stopped after John's girlfriend at the time threatened to call the police.

14. According to John, Patrick Nelson was the kind of person who, if someone had something that he liked, Patrick would take it, no matter what.

15. The police also contacted John Lininger on Saturday, November 22, 2008. The police spoke with him for an hour. John Lininger's mother, Beverley, was present during the conversations. Both John and Beverley confirmed that the police tape-recorded this conversation. Although we have requested a copy of this tape recording from the state, we have yet to receive it.

16. With regard to **Tom Lininger**, we have been able to run a history check on him and also to speak with him over the phone. Our investigation has revealed that Tom Lininger also has a significant criminal history that includes assault, possession of drug paraphernalia, and theft charges. Mr. Lininger acknowledged that he was suffering from addiction, but has now been sober for several years.

25. We have also spoken to Tom Lininger's ex-wife, **Robin Lininger**. Robin met Tom in 1998, after the incidents at the Stenson home. Nevertheless, she was able to confirm that Tom Lininger, John Lininger, and their friends were, in the past, heavily into drugs and involved in significant illegal activity.

26. Robin Lininger associated most of the nefarious activity with Tom and John's father. She said that their father was involved in selling drugs, stealing motorcycles, and other significant crimes.

27. Although Tom Lininger had never mentioned any murders, she distinctly remembered an encounter in which John Lininger mentioned this kind of violent activity. This was approximately 10 years ago. She and Tom were living in Chehalis. John Lininger stopped by unannounced. He was very upset and started mentioning dead bodies and knowing about the bodies. She remembered this incident because it was the first time she had met John.

28. With regard to **Ennis Caynor**, we have not been able to interview him, but have been able to gather information that corroborates Mr. Shinn's statements.

29. According to John Lininger, Ennis Caynor, along with his brother and father, were drug dealers in Clallam County during the 1990s.

30. Mr. Caynor also has a significant criminal history. His arrest record includes second degree assault, possession of stolen property in the first and second degree, and controlled substance violations.

31. Mr. Caynor was not in custody during the time surrounding the murders at the Stenson farm.

32. He was identified as a squatter at the Stenson home and was implicated in the murder through Mr. Shinn's statements. The further investigation has confirmed that he was

associated with the Stenson farm. We have not had an opportunity to interview Mr. Caynor and determine whether he can shed any more light on his relationship to this crime.

33. With regard to **Tanya Chapman**, our limited investigation corroborates Mr. Shinn's statements.

34. John Lininger has confirmed that she was familiar with the Stenson home prior to the murders and, in fact, was in attendance at the Thanksgiving dinner held by the Stenson's the year before the murder.

35. Further, Tom Lininger, with whom Tanya Chapman has had a child, confirmed that Tanya had stayed at the Boyd farm and then was one of the squatters living at the Stenson home.

36. Tanya Chapman, too, has a significant criminal history that is consistent with the kinds of activity described by Mr. Shinn. We have not had the time or the opportunity to speak with Ms. Chapman and determine whether she has any additional information.

37. **Patrick Nelson** and **Simone Nelson** are two of the most critical links identified by Mr. Shinn and corroborated through our limited investigation. Mr. Shinn indicated that it was Patrick Nelson who wanted with the weapons.

38. This is entirely consistent with the descriptions made by both John and Tom Lininger, who described Mr. Nelson as predatory, acquisitional, and extremely violent. This description is, confirmed by Mr. Nelson's extensive record, which includes gun charges, drug charges, possession of stolen property, and numerous other crimes. Mr. Nelson recently finished a 70 month sentence in federal prison on a conviction involving guns, ammunition, knives, and significant amounts of methamphetamine.

39. It was Patrick and Simone Nelson who were identified as the lead squatters, and Simone Nelson who took up residence in the very room where Mrs. Stenson's body was found.

40. In the last 48 hours, we have been able to identify still more people who have been connected with the activities at the Stenson home and who may be able to shed light on the information provided by Mr. Shinn and corroborated by the statements of Tom, John, and Robin Lininger. As often happens, these leads will require time to identify, locate, and speak with. This is especially true here, where, as is consistent with the drug trade, many of the associations are on a first name basis only, where aliases are used, and where people lead transient lives.

Dated this Tuesday, November 25, 2008.

Christopher J. Kerkering