

**FEDERAL PUBLIC DEFENDER**  
Western District of Washington

November 23, 2008

***DELIVERED VIA E-MAIL***

Ms. Deborah S. Kelly  
Clallam County Prosecuting Attorney  
Clallam County Superior Court  
223 East Fourth Street, Suite 11  
Port Angeles, WA 98362

Re: *Darold Stenson v. State of Washington*  
Cause No. 93-1-00039-1

Dear Ms. Kelly:

I am writing in regard to the audio recording of an interview of Robert Shinn e-mailed to me and also in respect to our telephone conversation of November 22, 2008.

First, as I told you in our telephone conversation, I appreciate your promptly sending the defense a copy of the audio recording.

It is my understanding from our telephone conversation that the police have spoken to Mr. John Linninger, the person whose statements Mr. Shinn speaks about in the audio recording. I would request that you send to me at the earliest possible time any police reports of their contact with Mr. Linninger and/or any recordings or other memorializations of any contacts with Mr. Linninger. The same request applies to police interviews or contacts with any of the other persons named by Mr. Shinn as possibly being involved in the murders for which Mr. Stenson has been convicted. This would include Tom Linninger, Simone Nelson, Pat Nelson, Tanya Chapman, and Ennis Canyon.

From what I have been able to determine, it appears that all of the persons named by Mr. Shinn as well as Mr. Shinn himself have criminal records. I would request that you provide the defense with all criminal records in your possession for all of the individuals named by Mr. Shinn and for Mr. Shinn himself. In addition I would request that you provide me with any presentence reports, psychological evaluations, prison records or other relevant materials in your possession relating to either Mr. Shinn or any of the individuals he named. Further, I would ask that you request that the Sheriff's Department, the Clallam

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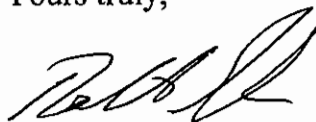
County jail, and the Department of Corrections be asked to search their records as well for pertinent information.

I would also request that you inform the defense as to whether any of the individuals named by Mr. Shinn is in the Washington State DNA database or any other DNA database. There are a number of unidentified fingerprints in Mr. Stenson's case, including the unidentified print on the coffee cup. I would request that you provide me with legible copies of all such prints as well as fingerprints from all of the persons identified by Mr. Shinn so that these items may be compared.

I am confident that I do not need to remind you of your obligations under *Brady v. Maryland*, but I am formally requesting that you continue to inform me in a prompt fashion of any *Brady* material. I am also asking that you make the necessary inquiries of other agencies in accord with *Kyles v. Whitney*, 514 U.S 419 (1995).

We intend to ask for a stay of execution on Monday, November 24, 2008. Given the statements made by Mr. Shinn which name specific other persons involved in the murders attributed to Mr. Stenson and which claim that Mr. Stenson has been framed for the murders, I believe it would be unconscionable not to at least test the available evidence to see if the DNA of one or more of the persons named by Mr. Shinn is present. If Mr. Stenson is executed without the DNA being tested or the statements of Mr. Shinn being thoroughly investigated and post-execution testing or investigation corroborates Mr. Shinn's statements, the consequence would be a devastating blow to the appearance and reality of justice. I hope you will reconsider your position and join the defense in requesting a stay of execution and DNA testing.

Yours truly,



Robert H. Gombiner  
Assistant Federal Public Defender

RHG/bh