

**FILED**

APR 27 2009

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERKSTATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**09101570-9**STATE OF WASHINGTON)  
COUNTY OF SPOKANE)

REPORT NUMBER: 07-356136

DEFENDANT: Brian L. Moore, WM, 5/8/66

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

On 12/9/07 at approximately 0142 Spokane Police Department officers responded to 1620 S. Maple, located in the City and County of Spokane, State of Washington, on the report of a shooting. Shellye Stark called 9-1-1 to report that she shot her estranged husband, Dale Stark. Once there, officers determined the victim suffered multiple gunshot wounds. He was transported to Deaconess Medical Center where he was pronounced dead.

Shellye Stark told officers she was estranged from her husband, Dale Stark. She left him for another man and moved to California in August or September of this year. Shellye Stark said her husband had recently been threatening to kill her and her family because she wouldn't pay him money. Shellye Stark traveled to Spokane on or about 12/6/07 in order to obtain a restraining order to gain custody of their 17 year old son Christopher Stark and remove Dale Stark from their residence at 1620 S. Maple.

Shellye Stark said she acquired a handgun for "protection" and was armed with that handgun on 12/8/07.

On 12/9/07 Shellye Stark was at 1620 S. Maple with Christopher Stark and her nephew, 22 year old Dale Johnson, waiting for Dale Stark to return from a two week business trip. He was to have arrived home at approximately 0300 hours but arrived early, shortly after 0100 hours. When he walked into the front door Dale Johnson handed him the restraining order and told Dale Stark he had to leave the house. Dale Stark asked Shellye Stark why she had not told him about her intentions. Dale Stark said he would not leave his own house. Shellye Stark told Christopher Stark and Dale Johnson to leave the residence because she didn't want them to get hurt. She said that Dale Stark

tried to block the door, preventing Christopher Stark and Dale Johnson from leaving. Christopher Stark and Dale Johnson managed to get around him and exited through the front door. Shellye Stark also wanted to leave but he blocked the door and prevented her escape. Shellye Stark said Dale Stark refused to move out of the way. Shellye Stark told him she wanted to leave. He began looking at a knife laying on the kitchen counter near her. At the time she was standing near her purse which contained the handgun. He called her a bitch. She thought he was going to grab the knife so she removed the handgun from her purse and "shot him."

Shellye Stark said she called 9-1-1 to report the shooting. She was told to put the gun down and go outside to wait for officers.

Shellye Stark would not elaborate further and requested counsel.

At the scene investigators discovered a .357 revolver. The cylinder contained six .357 casings. One bullet was recovered from the south wall of the living room. Trajectory would have placed the shooter in the kitchen, firing the weapon directly to the south.

Christopher Stark told investigators he lived with his father Dale Stark at 1620 S. Maple. Dale Stark was frequently out of town on business. His mother, Shellye Stark filed for divorce in September and moved to California with another man. Since his mother left town, Christopher Stark was frequently left home alone. According to his mother, Dale Stark recently sent her a threatening email indicating "he would hurt her, maybe even kill her."

Dale Stark had been gone for about two weeks on a business trip. Shellye Stark arrived in town on or about 12/6/07 and had been staying at the Stark residence, unknown to Dale Stark. Shellye Stark told Christopher that she had filed for "new paperwork" and he "wouldn't have to worry about Dad anymore." Apparently she had obtained a restraining order and wanted her nephew Dale Johnson to serve the order on Dale Stark when he returned home. Christopher Stark, Shellye Stark and Dale Johnson were waiting for Dale Stark to return in the early morning hours of 12/9/07 at approximately 0300 hours. Shellye Stark didn't want Dale Stark to know she was there.

Christopher Stark said Dale Stark arrived unexpectedly at about 0200 hours and walked through the door. The original plan was for Dale Johnson to serve the order before Dale Stark entered the residence. When Dale Stark walked into the living room, he seemed confused by Shellye Stark's presence. He walked into the kitchen and asked what was going on. Dale Johnson tried to get Dale Stark to step outside with him. Dale Stark refused and at this time Shellye Stark told Christopher Stark and Dale Johnson to leave the house. Christopher Stark said he "ran" out the front door and within two to five seconds, heard between three and six gunshots as he descended the concrete steps in front of the residence. Frightened, both he and Dale Johnson fled in Christopher Stark's vehicle from the scene.

Christopher Stark knew his mother had a gun. She had approached him a few days before and told Christopher Stark that Dale Stark "might get violent." Shellye Stark said there was a possibility that she would have to use the gun to "protect" herself. Shellye Stark said she may have to "defend" herself and asked Christopher Stark if he "had a problem with that." On 12/7/07 Shellye Stark said she was not sure how Dale Stark would react when she served the restraining order. Shellye Stark wanted to know how Christopher Stark felt about that. He told investigators, "I knew there was a possibility that she would have a gun. She said she may have to defend herself. I asked how. She said she had a gun."

Dale Johnson told investigators that he was approached by his aunt Shellye Stark on 12/8/07 and asked to serve a restraining order on her estranged husband. Shellye Stark told Dale Johnson that Dale Stark had been threatening the entire family. Dale Johnson said originally his mother (Shellye Stark's sister Karen Jacquetta) was supposed to have served the restraining order, however Karen Jacquetta was involved in a vehicular collision on 12/7/07 and was in Deaconess Medical Center ICU in serious condition. It had previously been arranged that Karen Jacquetta would supply a gun to Shellye Stark so she could use it for "protection." Karen Jacquetta had been transporting a .357 revolver and a shotgun from Priest River, ID when she struck a moose. Dale Johnson obtained the guns from Jacquetta's wrecked vehicle and completed the transaction to Shellye Stark in the parking lot at Deaconess Medical Center on 12/8/07 at about 1200 hours. (Dale Johnson only delivered the .357 revolver as the shotgun belonged to him. He claimed to have taken the shotgun home.)

Dale Johnson left the hospital on 12/8/07 at approximately 1900 hours with Shellye Stark and Christopher Stark. They were anticipating Dale Stark to return home at approximately 0300 hours. Dale Stark arrived early, shortly after 0100 hours, catching them by surprise. Shellye Stark did not want Dale Stark to know she was there and ran back toward the kitchen. Dale Stark saw Shellye Stark and Dale Johnson and asked why they were there. From the back of the kitchen Dale Johnson heard Shellye Stark tell him to serve the order on Dale Stark. Dale Johnson asked Dale Stark to step outside, but Dale Stark refused. Dale Stark wanted to know what was going on. Dale Johnson said that Dale Stark did not appear to be angry, but rather surprised and confused. Shellye Stark instructed Chris Stark and Dale Johnson to "get out of the house." Both Christopher Stark and Dale Johnson immediately proceeded to the front door. Dale Stark made no attempt to stop them. At the time Shellye Stark was standing in the threshold between the living room and kitchen. Dale Johnson said as they "ran" down the front steps he heard three or four gunshots. He estimated that only two to three seconds elapsed between last observing Dale Stark to when he heard the first shot.

Dale Johnson admitted he knew what had just taken place however he was frightened and fled the scene. They went toward Deaconess Medical Center where it had previously been arranged for them to meet after serving the restraining order.

Dale Johnson said Dale Stark had nothing in his hands. Dale Stark was holding his hands up in an inquisitive non threatening manner. Dale Johnson said Dale Stark did not appear to be angry but seemed confused about what had taken place.

Dale Johnson said he was instructed by Shellye Stark call Brian Moore as soon as the temporary restraining order was served. Brian Moore wanted to know if Christopher Stark was all right. Brian Moore then instructed Dale Johnson to call 9-1-1. Christopher Stark then called 9-1-1. A review of the calls received by 9-1-1 revealed Shellye Stark calling at 0141 hours and Christopher Stark calling approximately nine minutes later at 0150 hours.

Dale Johnson observed Shellye Stark with the same revolver he delivered to her earlier that day. He watched her pull the gun from the waistband area behind her back shortly before Dale Stark arrived at the house.

**Karen Jachetta will testify** that on or about 12/7/07 she was contacted by her sister Shellye Stark and advised of alleged death threats by Dale Stark directed at Shellye Stark and her family. At Shellye Stark's request, Jachetta acquired the .357 caliber revolver from their mother, Dennise Johnson. Shellye Stark asked Karen Jachetta to assist in serving a TRO. She was transporting the revolver and a shotgun to Shellye Stark in Spokane when her car collided with a moose. Jachetta was critically injured and subsequently transported to Deaconess Medical Center. Shellye Stark and Jachetta's son Dale Johnson responded to the accident scene and recovered the guns.

**Det. Hollenbeck will testify:**

Based on the above information Shellye Stark was arrested on one count of First Degree Murder and booked into SCSO Jail.

At autopsy it was determined that Dale Stark suffered five gunshot wounds. One to the left side of the left thigh; one to the left arm just above the elbow (which traveled through the arm and entered the left side of his chest), three additional bullets entered the left side of the victim's back.

Based on the quality grouping of gunshots, the high caliber of the involved revolver and the fact that Shellye Stark was a 46 year old woman who claimed never to have fired a handgun, investigators theorized that Shellye Stark had significant practice with the revolver prior to the shooting. (During her trial Shellye Stark showed the jury the stance she used while shooting Dale Stark. Your affiant recognized this stance as a "weaver stance" commonly used by police and shooting enthusiasts as a professional shooting position to maintain balance and accuracy.)

Information was developed that Shellye Stark left Washington State and moved to California to be with her new boyfriend, Brian Moore, in September 2007.

Shellye Stark signed a marriage dissolution agreement on 9/28/07, essentially waiving all assets with the exception of her personal vehicle and belongings and agreeing to pay \$750 a month in child support for six months, thereafter the payment would be \$500 a month until 3/22/10.

On 12/7/07 Shellye Stark obtained a Temporary Restraining Order (TRO). In this TRO, Shellye Stark claimed she was with Brian Moore on 12/5/07 when she received a telephonic death threat from Dale Stark. (It is known, based on her cellular records that she was actually in Spokane, WA from approximately 12/1/07 to 12/9/07. A search of her purse revealed receipts from Spokane area businesses dated 12/1/07 and 12/2/07. It is known based on Brian Moore's cell records that during the same time period he was in Los Angeles, CA area.)

On or about 12/7/07 Brian Moore filed a declaration in support of Shellye Stark's petition for request for a temporary order of protection. In this petition Moore described his intimate relationship with Shellye Stark. He described alleged extortion, threats and coercive behavior. He claimed on 12/4/07 during a telephone conversation, Dale Stark on speaker phone with Shellye Stark and Brian Moore, did threaten to kill Shellye Stark, Brian Moore and "our families." Brian Moore further wrote "given his state of mind, emphatic tone of voice and the preceding and following threats, I have every belief this man has the intention to cause great bodily harm to either petitioner, the party's minor child and/or me and my offspring."

Moore also referred to the e-mails in which he claimed Dale Stark was sending threats concerning blackmail. Attached to the petition were five e-mail messages, four of which were directed to Shellye Stark and one directed to Moore. It is your affiant's opinion that Moore and Shellye Stark greatly exaggerated Dale Stark's intent that Dale Stark was in fact frustrated over Shellye Stark taking money out of his accounts, failing to pay child support and failing to follow the arrangements which had been agreed upon in the marriage dissolution.

A review of the Stark's joint checking account at Spokane Teachers Credit Union revealed that between 9/25/07 and 12/10/07 Dale Stark controlled the checking account, using it for daily transactions. Shellye Stark did not appear to be involved in the day to day transactions. It is known that during this time period, Dale Stark was using two different series of check numbers, 3379-3383 and 1781-1785. Dale Stark's signature was unique, consistent and easily recognizable.

After his death, on 12/10/07, Shellye Stark immediately took over control of the account, which at the time had a balance of approximately \$3,100. On 12/28/07 the records reveal a transfer of \$9,500 from a JP Morgan/Chase Bank account into the STCU account.

A review of Dale Stark's account records from JP Morgan/Chase revealed that on or about 12/28/07 an unknown party made an electronic transfer in the amount of \$9,500 from Dale Stark's home equity line of credit account into the STCU account. (It should

be noted that Shellye Stark at that time was still incarcerated at the SCSO Jail and was not released on bond until 1/2/08.)

On 1/3/08 Curtis Johnson, Shellye Stark's father, cashed two STCU checks, #3041 and 3042 in the amounts of \$9,500 and \$3,000 respectively. The checks appear to have been post dated on 11/26/07, prior to Dale Stark's death, were written out to Curtis Johnson and were signed with Dale Stark's name. The handwriting and signature on the two checks however, were clearly not written by Dale Stark.

Between 3/6/08 and 3/7/08 Shellye Stark issued three checks in the same series as the suspected forged checks, 3043, 3044 and 3045.

Copies of check numbers 3041 and 3042 were submitted to the WSP Crime Lab for handwriting analysis. The handwriting expert suggested that Curtis Johnson was the person who issued, signed Dale Stark's name and endorsed the checks. Further analysis is required.

Based on the marriage dissolution, it was also known that Dale Stark had a \$400,000 life insurance policy through the National Guard. Shellye Stark was the lone beneficiary. Shellye Stark began making inquiries about the life insurance policy on or about 1/10/08. The money from this life insurance policy was eventually awarded to Christopher Stark later in 2008.

On 6/9/08 attorney Michael Kendall, Brian Moore's business partner, contacted your affiant and advised that Brian Moore admitted that he signed Michael Kendall's name to a life insurance policy affidavit which had been filed in order to claim Dale Stark's life insurance. Kendall said he gave Moore no authorization to sign his name to such a document. Your affiant discovered in the Spokane Superior Court Clerks Office a Declaration of California Attorney RE: Validity of Will which was filed with Spokane Superior Court on 5/5/08. It was signed in Orange County California on 4/23/08 with the assumed signature and printed name of Michael Kendall.

An insurance claim was filed by Shellye Stark on the Stark's former residence at 1620 S. Maple, claiming water damage. The water damage apparently occurred after Dale Stark's death. The house was later sold.

A review of Brian Moore's cellular records revealed repeated calls to Shellye Stark prior to the shooting on 12/09/08 at 0141 hours.

Dale Stark's Honda Accord was released to Shellye Stark's attorney, Russell Bradshaw.

On 3/2/09 at approximately 1200 hours during the trial of Shellye Stark, Deputy Pros. Mark Cipolla observed Shellye Stark and Brian Moore embracing and kissing in a yellow sports car parked in the west parking lot of the Spokane County Courthouse. Det. Hollenbeck and Det. Hill stopped that vehicle when it returned to the same parking lot at approximately 1315 hours.

The driver was identified as Brian Moore. Moore told Det. Hollenbeck that he was engaged to marry Shellye Stark and that they had recently purchased the vehicle together. He said he was currently living with Shellye Stark at 1226 W. 5<sup>th</sup> #11, Spokane, WA. A review of the vehicle's registration revealed that it was a 2007 Pontiac Solstice convertible registered to Brian Moore at the W. 5<sup>th</sup> address. Insurance paperwork from the glove box showed that the car was insured to Brian Moore. Further investigation determined that the vehicle title had recently been pawned at Northwest Title Loans in Post Falls, ID.

On 3/2/09 Det. Hollenbeck and Det. Gilmore contacted Karen Jachetta, at Shellye Stark's residence, 1226 W. 5<sup>th</sup> #11. This contact had been prearranged between Det. Hollenbeck and Brian Moore for service of a subpoena. Moore was not present. Jachetta said that Moore had gone to the store and had not returned. Jachetta told investigators that Christopher Stark purchased the Pontiac Solstice for his mother.

Over the course of this investigation, Moore has repeatedly avoided police contact in an apparent attempt to avoid subpoena service as a state's witness in Shellye Stark's trial.

**Wendy Fox will testify** that she was employed as an office assistant at Brian Moore's law office between January 2006 and January 2008. She was aware that Brian Moore was married and had at least one child. She was also aware that Moore was engaged in multiple extramarital affairs, including one with Shellye Stark.

In late November 2007, Dale Stark left four messages on the office voice mail system. According to Fox, Dale Stark sounded upset as he complained that Shellye Stark had been accessing his bank accounts and taking money without authorization; that Shellye Stark had not had much contact with their son Christopher Stark; that Shellye Stark had not been using her medication; that he was desperate for some kind of resolution and that he wanted no more contact with her. Fox said it was her impression that Dale Stark was angry over the fact that Brian Moore and Shellye Stark were interfering with his relationship with his new girlfriend. Fox said that Dale Stark did sound angry but made no threats toward Brian Moore or Shellye Stark.

On or about 12/7/07 Fox recalled Moore preparing an affidavit for a Washington State order of protection which Shellye Stark intended on filing against her husband. Moore claimed in the affidavit that Dale Stark had threatened Moore's life and the life of Moore's son.

In January 2008 Brian Moore approached Fox and told her that a private investigator would be interviewing her regarding the four voice mail messages left by Dale Stark. Moore encouraged Fox to "embellish and lie" about what had been said during the messages. Moore asked Fox to say that Dale Stark had in fact been making death threats.

Fox said that within a few weeks of Dale Stark's death, Moore asked Fox to come into his office. He was working on his computer and asked her to assist him in transferring

some money. She looked at the computer screen and realized he had accessed a bank account that belonged to Dale Stark. Moore commented that he was about to transfer "home equity" from Dale Stark's mortgage account. Fox immediately told Brian Moore that what he was doing was fraud. She continued to stand there and watched as Moore was about to complete the transfer. At this time he did not complete the transfer and commented that he would take care of it later. Fox was unsure of the financial institution but believed it may have been Citibank.

Fox was aware that Moore was actively raising money in order to bond Shellye Stark out of jail. On one occasion he came into the office with two credit cards that belonged to unknown persons. He asked Fox to run credit card charges of \$3,500 on one card and \$2,500 on the other. Fox did not recognize the names on the credit cards as clients.

On another occasion Moore came into the office with a large wad of money. She observed several \$100's. He claimed there was \$80,000 in the bundle and that he "didn't have to pay it back."

Shortly after Dale Stark's death, Moore discussed with Fox her knowledge of "erasing e-mail." He asked Fox if police could access e-mails that had been erased or deleted. She told him she didn't know. He asked her to contact Yahoo to find out if the erased e-mail could be permanently deleted. She called Yahoo and learned that deleted e-mails could not be retrieved. When Fox related this to Moore, he appeared to be relieved.

Fox was fired by Moore on 1/14/08. She believed she was fired because she refused to lie to the private investigator when questioned about the threatening phone calls from Dale Stark.

**Lucinda Knudson can testify** she was employed as an office assistant in Brian Moore's law office. She was at the time of this interview, in April 2008, still currently employed by Moore.

Knudson did recall the messages left by Dale Stark at the office shortly before Dale Stark's death. She recalled only two messages left by a male who identified himself as Dale Stark. Knudson did not hear any threats directed at Brian Moore or Moore's son. She said Stark sounded as if he was frustrated over the fact he was paying all of Shellye Stark's bills. He made several references about being tired of paying for Shellye Stark's medication. It was Knudson's impression that Dale Stark was frustrated over monetary issues.

Knudson said she saved the message for Brian Moore and believed Moore did listen to those messages.

Knudson admitted to having a sexual relationship with Brian Moore beginning after January 2007.

**Tanna Violi will testify** that she was involved in an extra martial affair with Brian Moore from July 2007 through January 2008. During this relationship Violi knew Moore was involved with other women. Violi also met Shellye Stark during this time period. Moore wanted Violi to leave her husband and volunteered to help with the divorce.

On 12/9/07 Violi met Moore at his business office. She said that Moore appeared to be excited and sexually aroused by the fact that Shellye killed her husband. Violi and Moore ended up having intercourse on a chair in his office.

On or about New Year weekend 2008 Moore approached Violi and asked for \$12,000 for "his buddy", referring to Shellye Stark. Each time he contacted her, he asked for more money, eventually arriving at the sum of \$50,000. He told Violi he was desperate and needed to bond Shellye Stark out of jail. He suggested that Violi take money out of her equity line of credit on her house. When Violi told him she would not do this, Moore became angry. He repeatedly asked for money and at one point told her to ask her mother, sister or anyone else who may be able to provide monetary assistance. He continued to pressure Violi to give him money on the pretense he was trying to bond Shellye Stark out of jail.

Violi continued to refuse his demands, at which time Moore threatened Violi saying he would make her life miserable. He said he would create a website in which he would "show the world" photographs of her in intimate poses. (Moore took photographs of Violi during their affair.) He also threatened to tell her husband and child of the affair and suggested that he would send the photos to her husband.

Moore apologized for his behavior and Violi continued to see him until approximately 1/21/08 when the relationship ended. Moore continued to pursue Violi and was repeatedly asked to stop his harassing behavior.

On or about 3/26/08 Violi reported that Brian Moore sent her husband the provocative photographs and a graphic letter describing his sexual relationship with Violi.

**Stephanie Moore can testify** that she is married to Brian Moore. She had been married to Moore for over 16 years and they have a 16 year old son in common. At the time Brian Moore still resided at the residence, however they led separate lives.

Stephanie did not become aware of the Dale Stark murder until June 2008.

Brian Moore approached Stephanie Moore in January 2008 and said that his best friend Rick had a girlfriend who was accused of murder. He told Stephanie that this girlfriend was innocent and that they were trying to raise money for her bond. He needed to come up with \$25,000 to post a \$250,000 bond. He told her that he would not fight a divorce if she agreed to co-sign a loan on their mortgage so he could post bond.

Since January 2008, Brian Moore has made repeated business trips and traveled to Spokane and the Priest River area. He spent Christmas in Spokane and claimed to be taking a deposition from a woman who had been involved in an accident with a moose.

Stephanie Moore was "physically scared" of Brian Moore and said whenever she threatened to leave the relationship, he threatened her with physical violence.

Brian Moore had multiple guns in the house and he considered himself an expert with pistols.

During this time period, Brian Moore had been attempting to borrow money from all of their friends. She knew that Brian Moore had been driving Shellye Stark's Volkswagen Bug since 2007.

In March 2009 Stephanie Moore told your affiant that Brian Moore was no longer living at her residence. While moving his belongings into boxes in the garage, she came across a box of .357 caliber ammunition and what appeared to be a homemade silencer. Stephanie Moore thought that it was unusual for him to have .357 caliber ammunition because to her knowledge he did not own any revolvers. Brian Moore later moved the boxes from the garage.

In November or December 2007 Stephanie Moore recalled hearing Brian Moore talking about a large sum of money that he anticipated acquiring in the near future. Brian kept saying he was coming into money, a big settlement out of Washington State. She recalled him saying something about "expecting a big payoff, an insurance thing." Stephanie's sister, Kris Clevenger, also heard this conversation.

**Kris Clevenger will testify** that with a week of Christmas 2007 she was in Stephanie Moore's kitchen discussing a Christmas bonus with Brian Moore. Brian commented that he was also coming into a large sum of money soon because his law firm had settled on a case. Clevenger said she was very excited about the couple thousand dollars she was going to receive. Brian Moore commented that he was expecting a lot more than that.

Clevenger was aware that Brian Moore had been flying back and forth between Washington State and California between September 2007 and New Years 2008.

**April Varvel will testify** that she had a romantic sexual relationship with Brian Moore from November 2006 until November 2007 when she discovered Moore was also dating a woman named Shellye Stark.

Brian Moore told Varvel that his wife had died in an accident. He claimed he was a retired lieutenant colonel from the Army and had previously worked for the CIA. He claimed to own two law firms.

On one occasion during their relationship she met Brian Moore at Turner's Outdoorsman, an indoor shooting range. Moore said he was involved in a shooting club and needed to purchase ammunition and a holster for a competition.

**Angela Edwards will testify** that she was a friend of Brian Moore. She was a prostitute who had sexual relations with Brian Moore. Edwards met Shellye Stark on a "work" website called truthsayers.com. This website was used to communicate with potential clients in the escort business. Shellye Stark was also acting as an escort and needed a place to live. Edwards introduced Shellye Stark to Brian Moore. Edwards learned of the idea that Shellye Stark was going to travel to Spokane in order to serve a TRO on her ex-husband. Edwards believed something bad was going to happen if Shellye Stark traveled to Spokane to serve the order. Shellye Stark told Edwards that she was scared and Edwards told her not to go. Edwards repeatedly questioned Shellye Stark as to why Shellye had to go to Spokane. Shellye Stark would not give her an answer. When Edwards confronted Brian Moore about the necessity of Shellye Stark going to Spokane to serve the order on her ex-husband, Moore became angry with Edwards' line of questioning and hung up on her.

Edwards frequently accompanied Brian Moore to local indoor gun ranges. Brian Moore recently called and asked if Shellye Stark had ever accompanied them to a shooting range. Edwards did not recall Shellye Stark doing so. Edwards believed Brian Moore was "trying to plant an idea" in her head that Shellye Stark did not go to a shooting range with him.

**Michael Kendall will testify** that he was an attorney working with Brian Moore as partners in a law practice that specialized in divorce. Brian Moore was a paralegal that owned and operated the office. Kendall oversaw the legal transactions during the course of everyday business. On or about 6/9/08 Kendall and Moore had a conversation in which Moore admitted to Kendall that he forged Kendall's name on a Spokane Superior Court document that dealt with Dale Stark's will and life insurance policy. Kendall did not give Moore permission to use his name and never signed any legal documents associated with Shellye or Dale Stark.

Moore told Kendall that he did not reveal all of the details of his knowledge of Dale Stark's murder because he didn't want "Shellye Stark to look bad."

Brian Moore approached Kendall in June 2008 and asked for a \$30,000 loan. Kendall was aware that since Dale Stark's murder, Moore had borrowed money from several friends and he knew there was no way that Brian Moore would be paying this money back.

Kendall feared for his safety because Brian Moore bragged about being an assassin for the government. He knew that Brian Moore frequently carried a firearm.

On or about 6/11/08 Michael Kendall received a telephone from Brian Moore. Moore was very angry and accused Kendall of cooperating with the police investigation.

Moore told Kendall he knew that Kendall had been speaking to your affiant and Moore threatened to sue Kendall and report him to the California Bar Association for abusing his attorney/client privilege. Moore accused Kendall of extorting money from him.

During a subsequent meeting in person, Moore accused Kendall of "wearing a wire."

**Brian Moore was interviewed** by your affiant on 1/30/08 and 1/4/08. Brian Moore admitted to your affiant the following:

- He was having an extramarital affair with Shellye Stark and several other women;
- That he encouraged Shellye Stark to "renegotiate" the marriage dissolution with Dale Stark;
- That the alleged death threats were made by Dale Stark during a telephone conversation on or about 12/5/07;
- That his employees Wendy Fox and Lucinda Knudson overheard these threats;
- That he later claimed this "conversation" was actually two or three messages left by Dale Stark on his business voice mail;
- That he encouraged Shellye Stark to serve a TRO on Dale Stark which would effectively remove Dale Stark from his residence and seize his car;
- That a "plan" was developed to serve the order on Dale Stark when he returned home from a business trip in the early morning hours of 1/9/07;
- That he told Shellye Stark to arm herself with a handgun for "protection";
- That he was aware Shellye Stark did in fact arm herself with a .357 caliber revolver obtained from a relative;
- That Shellye Stark purchased ammunition at a store;
- That he was communicating with Shellye Stark on a continual basis before and after the shooting;
- That he traveled to and from Spokane on multiple occasions before and after the shooting;
- That Dale Johnson and Christopher Stark called him immediately after the shooting and prior to calling 9-1-1;
- That he "just wanted to know" about the events that transpired after the shooting;

- That after Shellye Stark's arrest he hired a "defense team" and bonded Shellye Stark out of jail;
- That he communicated with Shellye Stark's family, including Christopher Stark, Dale Johnson, Dennise Johnson and Curtis Johnson, and encouraged them not to cooperate with the investigation;
- That he researched whether or not law enforcement could retrieve e-mail from his e-mail server after the murder;
- That he denied knowledge of Dale Stark's life insurance policy after having admitted that he reviewed the marriage dissolution paperwork;
- That he admitted sending Tanna Violi's husband a graphic letter describing his sexual affair with Violi and photographs of their sexual encounters;
- That when Moore was asked if he had sex with Tanna Violi on the day Dale Stark was murdered, he said, "No, I just wanted to talk. You don't just talk when you're with Tanna, she likes sex."
- That in February 2009 Brian Moore said he and Shellye Stark had recently purchased a 2007 Pontiac Solstice together; they were engaged to be married and were living together at 1225 W. 5<sup>th</sup> #11 in Spokane, WA.

**Ted Pulver will testify** that he was the private investigator contracted by Shellye Stark to investigate the allegation of murder filed against her. During this investigation, Pulver developed information that Brian Moore was extorting a prosecution witness and that he had additional information that would implicate Moore in the murder of Dale Stark.

On 3/26/09, a subpoena was served on Pulver in order to obtain the following information. Pulver will confirm the listed information when ordered to do so by a judge.

- That the murder of Dale Stark was preplanned in order to acquire Dale Stark's assets. Brian Moore anticipated and planned to avoid being implicated.
- Brian Moore expected monetary gain for his "service" in assisting Shellye Stark with the financial gains after Dale Stark's murder.
- Brian Moore directed the recovery of Dale Stark's assets including life insurance, insurance/sale of Dale Stark's home, bank accounts and other assets.
- Brian Moore and Shellye Stark discussed the specific date and time for this plan to be carried out.

- Prior to the murder Brian Moore and Shellye Stark were using "throw away" cell phones anticipating the eventual police investigation.
- Brian Moore anticipated that Dale Stark would become angry when served with a protection order and that Shellye Stark would be justified in shooting him. He insisted that she arm herself with a handgun. He told her that if she did not fire accurately the victim would get her.
- Prior to the murder Brian Moore and Shellye Stark were aware that Dale Stark kept a personal handgun hidden in his kitchen (this is not the handgun used in the murder). At Brian Moore's direction, Shellye Stark removed Dale Stark's handgun, a 9 mm. pistol, while he was gone on the business trip prior to 12/09/07. She then provided the handgun to Brian Moore for disposal. Brian Moore further instructed Shellye Stark to move any other firearms in the house so that Dale Stark could not immediately use one of those guns in self-defense.
- Brian Moore advised Shellye Stark to purchase hollow point ammunition.
- After the murder, Brian Moore manipulated Dale Stark's will and placed this manipulated will in Dale Stark's safe at his residence. He then instructed Pulver to obtain this manipulated will and provide it to the civil attorney handling Shellye's Stark's financial affairs. When Pulver refused to do this, Brian Moore instructed Shellye Stark to provide the manipulated will to the civil attorney.
- Brian Moore believed that the National Guard would have a copy of Dale Stark's authentic will. He instructed Shellye Stark to inquire with the National Guard as to whether or not they had an authentic will.
- Shellye Stark's civil attorney needed to authenticate the manipulated will provided by Brian Moore. Brian Moore "doctored" a court document to authenticate this manipulated will. He asked attorney Michael Kendall to sign the court document of which Kendall refused. Brian Moore admitted to Pulver that he forged the attorney's signature on this court document. Kendall found out about the forged document and was going to cooperate with the police investigation. Brian Moore boasted that he "extorted" Kendall with a manipulated conversation to make it appear that Kendall was involved in the use of drugs. Kendall feared for his reputation and stopped cooperating with the investigation. Brian Moore provided Pulver with an audio copy of this manipulated conversation. Pulver has retained the thumb drive that contains this information. Brian Moore made it very clear to Kendall that he should not cooperate with the police investigation.
- That as Pulver continued to investigate this case; he continued to discover more information that implicated Brian Moore.

On 3/18/09 Shellye Stark was convicted of First Degree Murder and Conspiracy to Commit First Degree Murder.

Your affiant believes probable cause exists to charge Brian Moore with one count of First Degree Murder and one count of First Degree Conspiracy to Commit Murder.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE 4/24/09 PLACE Spokane, WA SIGNATURE *E. Tolson*