

BOND AMOUNT \_\_\_\_\_

JUDGE \_\_\_\_\_

DATE 12/10/07

ADULT       JUVENILE

Page 1 of \_\_\_\_\_

STATEMENT OF ARRESTING OFFICER AND PRELIMINARY FINDING OF PROBABLE CAUSE

\_\_\_\_ IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

\_\_\_\_ IN THE SUPERIOR COURT JUVENILE DEPARTMENT OF THE STATE OF WASHINGTON

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON )  
COUNTY OF SPOKANE ) ss.  
CITY OF SPOKANE )

RPT # 07-356136  
\_\_\_\_ SUMMONS  
\_\_\_\_ WARRANT REQUESTED  
 IN CUSTODY

Comes now Det Kip Hollenbeck 240 / Det. Brian Hammond  
Law Enforcement Officer, and states that the following person was arrested by this officer at the following time and place:

Name: Shelley L. Stark

DOB: 2/24/02 Sex: F Race: W

Date and Time of Booking: 12/9/07 1000

Place of Arrest: PSB

Victim: Dale Stark DOB: 07-18-59

Listed Booking Charges: 1<sup>st</sup> Murder

The above individual was arrested for the listed charges based upon the following facts and circumstances:  
(List Elements of Crime and Reason for Focus on Suspect)

STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS

STATE OF WASHINGTON)  
COUNTY OF SPOKANE)

REPORT NUMBER: 07-356136

DEFENDANT: Shellye L. Stark, WF, 2/24/62

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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 DOA.

Shellye Stark told officers she was estranged from her husband, Dale Stark, of 20 plus years. 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 last Thursday, 12/6/07, in order to obtain a restraining order to gain custody of their 17 year old son Cristopher 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 Chris 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 0200 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. Stark asked why Shellye Stark didn't tell him about her intentions and said he would not leave his own house. Shellye Stark told Chris 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 Chris and Johnson from leaving. Chris and Johnson managed to get around him and exited through the front door. Shellye Stark said she 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

Chris Stark said he lived with his father at 1520 S. Maple. Dale Stark was frequently out of town on business. His mother filed for divorce in September and moved to California with another man. Since his mother left town, Chris was frequently left home alone. Recently Dale Stark sent Shellye Stark 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 Chris that she had filed for new paperwork and "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. Chris, Shellye 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.

Dale Stark arrived unexpectedly at about 0200 hours and walked through the door. The original plan was for Johnson to serve the order before Dale Stark entered the residence. 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. Johnson tried to get Dale Stark to step outside with him. Dale Stark refused and at this time, Shellye Stark told Chris and Johnson to leave the house. Chris 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 Johnson fled in Chris' vehicle from the scene.

Chris knew his mother had a gun. She had approached him a few days before and told Chris 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 Chris if he "had a problem with that." On 12/7/07 Shellye Stark said she was not sure how he would react when she served the restraining order. Shellye Stark wanted to know how Chris 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. Johnson said originally his mother (Shellye's sister Karen Jacquetta) was supposed to have served the restraining order, however Karen 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 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 around 1900 hours with Shellye Stark and Chris Stark. They were anticipating Dale Stark to return home at around 0300 hours. Dale Stark arrived early, at around 0100 hours, catching them by surprise. Shellye Stark did not want DS to know she was there and ran back toward the kitchen. Dale Stark saw Shellye Stark and Dale Johnson and he asked why they were there. From the back of the kitchen Dale Johnson heard S 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. Johnson said that Dale Stark did not appear to be angry, but rather surprised and confused. Dale Stark walked past Johnson toward the kitchen. Shellye Stark told Chris and himself to "get out of the house." Both Chris and 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. 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.

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.

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

Johnson observed Shellye Stark pulling a dark colored revolver from behind her back shortly before Dale Stark arrived at the house. It appeared that the gun had been tucked into her waist band. Johnson recognized that handgun as belonging to his grandmother.

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.

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.

Your affiant believes probable cause exists to charge Shellye Stark with one count of First Degree 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 12-10-07 PLACE Spokane, WA SIGNATURE Brian Arnold #207  
for Kip Hollenbeck

# PRELIMINARY FINDING OF PROBABLE CAUSE

The undersigned judge, having examined the statement of the arresting officer attached hereto, FINDS:

- I. That there is probable cause to believe that the crimes listed as booking charges, or other crimes in lieu of or in addition thereto, were committed;

That there is probable cause to believe that the named individual committed such crimes.

This finding is subject to review at the arraignment or the preliminary appearance of the named individual in court.

----- Based upon the above findings, the custody personnel normally used by the arresting law enforcement agency are authorized to hold the named arrested individual in custody upon the normal booking conditions set in such offenses. The named arrested individual shall be brought before (or ordered to appear at if released) the appropriate court during normal court hours for arraignment or preliminary appearance as required by the Washington Court Rules.

**OR**

- II. That the affidavit does not contained sufficient probable cause to detain defendant.

----- Accordingly, the defendant should be released from jail.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_.

AT \_\_\_\_\_ O'CLOCK A.M./P.M.

\_\_\_\_\_  
Judge

Report Number: \_\_\_\_\_