

# High court sends 1993 murder back to lower court

By Gillian Flaccus  
Associated Press

PORTLAND (AP) — The Oregon Supreme Court on Thursday said a lower court must reconsider whether a woman convicted of aggravated murder deserves a new trial because of police reports that were only received by her attorneys nearly two decades after the crime.

The decision sends Karlyn Eklof's appeal back to a post-conviction trial court, which had earlier dismissed her request based on the new evidence she believes would have helped the attorney who previously represented her discredit two of the key witnesses who testified against her.

Eklof was sentenced to life in prison for the 1993 murder of James Salmu, a boat-builder from Springfield.

She confessed to police, but now says it was a false confession, said her new attorney, Jason Weber.

The case now goes to a Washington County court, which will hold a trial to decide whether the evidence in question could have made

a difference in the outcome of the case. If the evidence is found to be pertinent, Eklof could then get a new criminal trial in Lane County, where the crime occurred, Weber said.

Salmu had taken in Eklof, who was homeless, and her three children.

But Eklof and her then-boyfriend, Jeffrey "Jethro" Tiner, got into a fight with Salmu after a pizza party on March 21, 1993. That was the last night Salmu was seen alive. Salmu's body was found almost two years later by a mushroom-picker in woods about 50 miles east of Springfield.

John Distabile, who was at the party and witnessed the fight, later told police he thought Tiner was angry because he suspected Salmu had slept with Eklof.

Court documents and police reports from the original prosecution indicate that police interviewed Distabile over the course of months and gave him multiple lie detector tests. Distabile originally said he didn't know anything about Salmu's death, but eventually told investigators he saw Tiner punch Salmu and threaten

him with a handgun.

Distabile told police he left the party while Salmu was still alive but thought that "something terrible was going to happen to him," according to court documents and 1994 police reports. He was asked on lie-detector tests if he had helped dispose of Salmu's body; he denied it and was never charged in connection with the case.

Distabile declined to comment when reached by phone Thursday by The Associated Press.

"I don't want to get involved in that again. No comment, no," he said, before hanging up.

Those police reports, however, were never given to Eklof's defense at the original trial, said Weber.

Instead, an attorney working on Tiner's post-conviction appeal in 2012 stumbled on the old exhibits and sent them to Eklof's new attorney.

"The evidence that we're talking about is not like these tiny, slight inconsistencies. It's literally the police interviewing (Distabile) over the course of months and threatening to charge him in connection with the murder

— and they don't disclose any of that," Weber told the AP in a phone interview Thursday.

Eklof also learned that another witness against her, Jeffrey Tiner's brother, had a criminal record that could have been used to discredit him in the eyes of the jury, the Thursday decision notes.

Prosecutors argued in court papers that Eklof's appeal had no standing because she didn't raise the issue within two years of her original conviction.

She also did not raise it in her first post-conviction appeal.

Erik Hasselman, chief deputy district attorney in Lane County, said he had not reviewed the opinion yet and could not comment.

He said any implications of prosecutorial misconduct in the original trial were unfounded.

Prosecutors in Lane County did not return a call seeking comment Thursday.

Weber said it would have been impossible for Eklof to raise the issue earlier than 2012 because she did not know the police reports on Distabile existed.

# Oregon probe of voter 'robocalls' suspended

SALEM (AP) — Oregon's secretary of state is suspending an investigation into automated calls that told some voters in the run-up to the November election that they were marked as "inactive" voters in registration rolls and their vote might not count.

Secretary of State Jeanne P. Atkins said Tuesday that while the calls confused voters, there is no evidence that they contained deliberately false information.

She has said previously that the contacts may have relied on outdated voter rolls.

In a statement, Atkins says in the future, political campaigns should consult with state elections officials to make sure their voter records are up-to-date.

Voters all across the state received the confusing automated calls in the week before the Nov. 8 election.

The U.S. Attorney's Office and the FBI also looked into the complaints.



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