



## OREGON SUPREME COURT ORDERS REVIEW IN CASE OF OREGON WOMAN SERVING LIFE SENTENCE FOR AGGRAVATED MURDER

LANE COUNTY PROSECUTORS FAILED TO DISCLOSE EVIDENCE, PREVENTING KARLYN EKLOF RECEIVING A FAIR TRIAL

FOR IMMEDIATE RELEASE

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PORTLAND, Ore. – The Oregon Supreme Court has ordered review of the lower courts' decision to deny post-conviction relief to an Oregon woman currently serving a life sentence for aggravated murder. The Supreme Court held that Karlyn Eklof must be allowed to argue that Lane County prosecutors failed to disclose evidence that could have helped in her defense at trial, more commonly known as a *Brady* violation.

Karlyn Eklof was convicted in 1995 in Lane County, Oregon, of killing James Salmu. Seventeen years after her trial, in 2012, Eklof learned for the first time that prosecutors had not disclosed evidence to her lawyers that may have called into question the credibility of two of the witnesses brought against her by the prosecution. The information was discovered after an attorney for her co-defendant, Jeffrey Tiner, sent her lawyer a computer thumb drive containing files from prosecutors. The files showed that one witness originally made statements to the police that were different from his later accounts. Another had a criminal history that was not revealed by prosecutors.

“By law, defendants and their legal counsel must receive all exculpatory evidence gathered by prosecutors that may be material,” said Jason Weber, attorney for Karlyn Eklof. “It appears that it did not happen in my client’s case, denying her the opportunity to receive a fair trial. We are pleased the Supreme Court has recognized the seriousness of these allegations and referred the case back to the Circuit Court for further review.”

The ACLU of Oregon, the Oregon Innocence Project\* and the Oregon Criminal Defense Lawyers Association submitted a friend-of-the-court brief to the Supreme Court in support of Karlyn Eklof's petition. In their brief, they argued that prosecutors are responsible for making evidence available to the defense, and because this did not happen in Ms. Eklof's case she is entitled to post-conviction relief.

"Prosecutorial misconduct is recognized as a leading cause of wrongful convictions," said Janis Puracal, Attorney and Co-Founder of the Oregon Innocence Project. "The evidence that came to light years after Ms. Eklof's conviction was both highly relevant and exculpatory. The court's decision is an acknowledgement of the responsibility borne by prosecutors to be proactive in disclosing evidence. Prosecutors cannot insist that defendants go on a scavenger hunt to track down evidence that was withheld by the prosecutors themselves."

The State of Oregon argued unsuccessfully that Eklof was not entitled to post-conviction relief because she already had an appeal denied and too much time had elapsed for her to bring a fresh appeal.

"We argued that the lower courts' decision to deny Karlyn Eklof's right to petition for post-conviction relief was a violation of her constitutional right to due process," said Mat dos Santos, Legal Director of the ACLU of Oregon. "As the Supreme Court has recognized, she could not reasonably have been expected to have appealed her conviction earlier based on evidence she only became aware of much more recently."

The Supreme Court has referred the case back to the Circuit Court to determine whether Karlyn Eklof should receive a new trial.

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*For more information or interviews, please contact Alice Lundell, Director of Communication, Oregon Innocence Project.*

*\*We respectfully request that you do not use the shorthand "Innocence Project" in place of "Oregon Innocence Project" because the Innocence Project is a separate organization based in New York.*