

1
3
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

5 THE STATE OF WASHINGTON,)
6) No.: 05-1-01356-0
7 Plaintiff.)
8 vs.)
9) AFFIDAVIT OF PROBABLE CAUSE
10 MICHAEL ANTHONY MULLEN,) DETERMINATION
11)
12 Defendant.)

13
14
15 STATE OF WASHINGTON)
16) ss.
17 COUNTY OF WHATCOM)

19 Mac D. Setter, being first duly sworn on oath, deposes and says: That he is a duly appointed and acting
20 Chief Criminal Deputy Prosecuting Attorney in and for Whatcom County, State of Washington. The
21 following information was received from the BELLINGHAM POLICE DEPARTMENT, Event No.
22 2005B36602. Your affiant believes that this information establishes probable cause for the detention of
23 MICHAEL ANTHONY MULLEN.

25 Reports received from the Bellingham Police Department indicate on Saturday, August 27, 2005, at 3:08
26 a.m. an occupant at 2825 Northwest Avenue in Bellingham, Washington, returned from work to find his
27 roommate, Hank Eisses, lying on the carpet in a bedroom. The witness observed blood and assumed that
28 Hank was seriously injured. The witness became scared and left the home to call 911 from a nearby
29 location where he waited for officers to arrive.

31 The responding officers entered the one story home to find Hank Eisses, 49, in the northwest bedroom
32 with dried blood on his head and scalp. Blood was pooling under his head. It was apparent that he was
33 deceased. Officers then observed a second body a few feet away in the same bedroom near a running
34 computer. This male was also deceased. He was later identified as Victor Vasquez, 68.

37 The Whatcom County Medical Examiner later confirmed the respective decedents' identities. Hank
38 Eisses died as a result of a single gunshot wound. The round entered his skull near his right ear lobe and
39 exited his left cheek. The force of the impact caused a cranial fracture. Victor Vasquez also died as a
40 result of a single gunshot wound. There was evidence that the weapon was in contact with the decedent's
41 right temple when discharged. The round exited his left eye.

43 Two spent 9mm casings were recovered during a search of the bedroom. Officers observed the computer
44 monitor near Vasquez's body to be displaying a Whatcom County website for Level III sex offenders. A
45 forensic examination of the computer revealed that information on three level III sex offenders had been
46 recently accessed on the computer: the decedents, Hank Eisses and Victor Vasquez; and a David Ackley.
47 An adult pornography site had also been accessed. These sites had been accessed between 9:30 p.m. and
48 10:00 p.m. the prior night.

49
AFFIDAVIT OF PROBABLE CAUSE
DETERMINATION

1 Detectives interviewed the surviving roommate. He stated that a man had come to the house at about
2 7:00 p.m. on Friday, August 26th. The man represented himself to be an off-duty FBI Agent who had
3 stopped by to warn the three roommates that there was a "hit list" that had been issued for level III sex
4 offenders. Each of the roommates were registered as level III sex offenders. The man represented that
5 two level III offenders had already been killed and the matter was being investigated.

6 This man wore a dark baseball cap with "FBI" printed on it. He was wearing a dark colored, warm-up
7 type suit with white stripes down the sides. He also had a tattoo on his leg that appeared to be made up of
8 two letters. The man asked the roommate to get some beer. The roommate said he didn't have any and
9 didn't drink.

11 The FBI man made a cell phone call and a van arrived. The man left for a few minutes and returned with
12 a "half-rack" of Coors beer in cans. The van appeared to be driven by a woman. The man said, "not to
13 worry because it was his partner." The vehicle left again and the man drank and smoked Camel cigarettes
14 with the decedents and the roommate for a period of time outside the house in some lawn chairs. The
15 man knew Eisses' and Vasquez's names and background. He asked each person to detail their offense
16 history and they did so. The man used a cell phone to check on their backgrounds. He told them that he
17 would get their classification reduced to protect them.

19 At this time, the roommate left to go to the bank and to prepare for work at 10:00 p.m. that night. He
20 decided to return home at about 9:30 p.m. to check on the FBI man before his shift started. The
21 roommate went into the side door only to run into the FBI man. The roommate said he forgot his wallet
22 and quickly went downstairs to his room. The FBI man said, "Don't ever leave your wallet here again."
23 The roommate didn't see or hear Eisses or Vasquez in or around the house. The roommate then exited the
24 house and returned to work.

25 The roommate said he called home for Victor at about 1:15 a.m. and was surprised not to get an answer
26 because Victor was always up late working on his computers. At 3:00 a.m., the roommate decided to
27 drive home on his lunch break to check on the house. He found the side door standing open and the hall
28 light on. He stated this is when he discovered the first body.

31 Investigators asked the roommate to identify items that the FBI man may have touched or handled. The
32 roommate pointed out the lawn chairs along with a beer can that was discarded by the man and some
33 cigarette butts.

35 Investigators located a neighbor who recalled that the prior night a man was at the decedents' home
36 talking in a loud voice to the decedents and the roommate.
37 He recalled that the man had an FBI cap and a jogging suit in a dark color with white stripes. He saw him
38 in profile and he believed the man was well over 6' tall.

39 This neighbor's attention was attracted by the noise and recalled the man was drinking beer. The
40 neighbor was aware that the decedents were level III sex offenders and recalled the FBI man talking about
41 this and making comments about the court system. He saw the FBI man throw a beer can away and
42 recalled this because the occupants always kept the yard neat and this man's actions didn't fit the way the
43 house and yard were maintained.

45 The neighbor recalled that later he heard what he thought were firecrackers coming from the direction of
46 the house between 9:10 and 9:30 p.m. After this he saw vehicle lights and a van pulling away from the
47 house.

1 driveway. Another neighbor was located who believed she heard gunshots coming from the direction of
the victims' home between 9:30 and 10:00 p.m.

3 Investigators also located a store clerk in the immediate area who recalled a man meeting the "FBI man"
5 description buying a container of beer, which she believed was either Budweiser or Coors. She recalled
the clothing with the white stripe and the FBI hat. She recalled that he paid cash and believed that the
7 sale was made between 7:40 and 8:00 p.m.

9 On August 31st, the Bellingham Police Department was notified by a local media member that a letter
had been received from a person claiming responsibility for the murders. The letter writer stated that the
11 decedents' status as level III sex offenders was the motive for the killings and promised more murders to
come. The letter contained two 33 cent stamps and a return address including "Po Box 777".

13 Examination of evidence from the crime scene revealed a full DNA profile, and a partial fingerprint on a
beer can. The forensic scientists believed that an identification would be possible if a "known" sample or
15 print was on file. On September 8th, the State Crime Laboratory confirmed that the defendant's left
thumb print was recovered from a Coors Light beer can located at the scene.

17 Laboratory examination of the recovered shell casings confirmed they were 9mm and due to the markings
19 had a high probability of having been fired from a 9mm Smith&Wesson semi-automatic. No prints could
be located on the shell casings.

21 At approximately 7:00 p.m. on September 5th, Bellingham dispatch received a call from a man claiming to
23 be responsible for the murders of Hank Eisses and Victor Vasquez. He said he wanted to turn himself in
to the authorities. He identified himself as Mike or Michael Mullen, the above-named defendant.

25 Detectives advised the Mullen of his constitutional rights. He agreed to waive his rights and talk to them.
27 The Detectives then interviewed the defendant about his background and his knowledge of the murders.
The defendant explained that he had shot each of the victims in the head with a single round from a 9mm
29 Smith & Wesson semi-automatic. The defendant explained that he was guilty and wanted to receive the
death penalty.

31 He was able to describe, in detail, the events at the house leading up to the murders. This included events
33 already related by the surviving roommate and the neighbor set forth above. The defendant was still
wearing the dark warm-up suit with white stripes. The defendant described with particularity the manner
35 in which he executed the victims. His description matched the fatal injuries detailed by the medical
examiner. He stated that he used a Smith&Wesson 9mm semi-automatic that had been stolen from a
37 friend. He related that he left a message for the friend explaining the reason he was taking the weapon.

39 The defendant also claimed to be the author of letters written to the media. He identified the "Po Box
777" and the use of two 33 cent stamps. He stated that the letter was signed "Agent Life". He asked if
41 his fingerprints were found on the "Coors Light" beer cans, explaining that he had brought gloves with
him but forgot to put them on. He then challenged the investigators to find his fingerprints on the shell
43 casings because he had placed "gun oil" on them.

45 The defendant said he had been planning this for some time. The defendant stated that he had researched
the victims on the internet as early as July 13th. At the house, he had each victim confirm his identity and
47 describe his offenses before he committed the murders. He stated that the bedroom computer was used to
log onto the County sex offender website.

1 that this had happened on the evening of Friday, August 26th. She dropped him off at the house in her van
and he told her not to come in but to visit a relative until he called on his cell phone. He called shortly
3 after this. She picked him up and he directed her to a store where he purchased some beer. She then took
him back to the same house. Some time later she received another call to pick him up. She went to the
5 house and waited in the driveway. Shortly after this, she received a call saying that he was on the street a
short distance from the house. She then picked him up and took him home.

7 She provided permission to the detectives to process her van and her computer for evidence. Letters,
connected with the investigation, were found on her computer. A crushed Coors Light beer can was
9 found in a bag in the van and what appeared to be a blood smear was found on the passenger interior
molding. She provided the phone number for his cell phone. Phone records for the landline into the
11 victim's residence revealed that the defendant's cell phone had been used to place a call to the victim's
home at 4:10 p.m. on the day of the murder. The length of the phone call was approximately two
13 minutes.

15 As the investigation continued, detectives learned that, shortly before the Defendant contacted the police,
he had disclosed to two family members that he was responsible for the murders. They had insisted that
17 he immediately turn himself into the police.

19
21 All of the above events occurred in Whatcom County, Washington.

23
25 _____
Mac D. Setter, #8031
Chief Criminal Deputy Prosecuting Attorney

27
29 SUBSCRIBED AND SWORN to before me this _____ day of September, 2005.

31
33 _____
NOTARY PUBLIC in and for the State of
Washington. My commission expires:
35 May 29, 2006