

Memorandum

To: Media Press Release

Subject: State v. Michael Anthony Mullen

From: Mac Setter, Chief Criminal Deputy

Date: 9/8/2005

Cc: file

Two counts of Aggravated First Degree Murder have been filed against Michael Anthony Mullen, 35, in the deaths of Hank Eisses, 49, and Victor Vasquez, 68.

At approximately 3:00 a.m. on Saturday, August 27, 2005, the victims were found in a bedroom at their home by a roommate. The home is located at 2825 Northwest Avenue in the City of Bellingham. The Whatcom County Medical Examiner has determined that the deaths were each the result of single gunshot wounds to the head. Investigation determined that the time of death was around 9:30 p.m. on Friday, August 26, 2005.

Investigation

Shortly before the time of the deaths, the surviving roommate reported that a man, wearing a dark-colored warm-up suit with white stripes down the sides and a baseball cap with FBI printed on it, came to the residence identifying himself as an off-duty FBI agent who was there to warn the residents that there was a "hit list" out for Level III sex offenders. This man spent a considerable period of time with the residents and drew the attention of a neighbor who was able to confirm the description of the man's clothing and vehicle. During this time the surviving resident left for work.

Gunshots or firecrackers were reported by neighbors between the hours of 9:30 and 10:00 p.m. The roommate returned from work at 3:00 a.m. to find the first body and contacted the Bellingham Police Department that is conducting the investigation in this case with the assistance of the F.B.I., the Whatcom County Sheriff's Office and the Washington State Crime Laboratory.

During the investigation, a letter was received by a local media source. The letter took credit for the killings, promised more were to come and said that the motivation was to force level III sex offenders back into prison. With the cooperation of the media source the details contained in the letter were not released to the public at that time. The letter was provided for laboratory analysis.

Working through the week and the next weekend, the Washington State Crime Laboratory was able to identify a DNA profile and a fingerprint. Prior to identifying the source, Michael Anthony Mullen called 911 to report that he was responsible for the shooting deaths and wanted to turn himself in to the Bellingham Police Department. Investigation revealed that he disclosed his actions to his family and they insisted that he "turn himself in".

Mullen related that he wanted to cooperate with the Department and establish that he was the killer. Mullen provided very detailed information about the crime and the letter. Investigators believed that only the murderer would possess this information.

Mullen indicated a variety of motives for the killing: protection of his children, his reported victimization as a child, the need to give his life value by protecting the community and the recent Idaho case which focused his attention on level III sex offenders.

Charges

The investigation in this case supports the conclusion that the killings were premeditated, shared a common plan (to rid the community of level III sex offenders) and were carried out as a continuous transaction. These elements support the filing of two Aggravated First Degree Murder charges.

An Aggravated First Degree Murder charge carries the death penalty or life in prison without the possibility of parole. A death sentence is the highest penalty known to the law. It is rarely sought or imposed, and never without very careful and thorough consideration to the facts of the case, the defendant's motivation and his background.

The Prosecutor's office is required to make the initial decision as to whether this penalty is sought. This determination turns on whether or not there are sufficient mitigating circumstances to merit leniency. The decision must be made within thirty days of the defendant's arraignment. Arraignment is currently set for Friday, September 16th at 9:30 a.m.

The Whatcom County Prosecutor David S. McEachran said: " It has been my practice in approaching this most difficult decision to assemble the Prosecutors in my office and the law enforcement investigators handling the case. We review all the facts, the defendant's background and solicit the defense to provide mitigating material. The facts and circumstances are then presented. At the conclusion of this meeting, a recommendation is made to me. With the benefit of this recommendation, I am required to make the final decision."