

18-1-01670-31
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Affidavit of Probable Cause
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SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

STATE OF WASHINGTON,
Plaintiff,

v.

TALBOTT II, WILLIAM E,
Defendant.

No. 18-1-01670-31

AFFIDAVIT OF PROBABLE CAUSE

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and that I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances. This information is not based upon any independent or personal knowledge of these events, unless specifically noted.

Sometime between November 19 and November 24, 1987, the defendant, William Earl Talbot II (DOB: [REDACTED]) murdered two teenage Canadians who had traveled from Saanich B.C. to buy furnace parts in Seattle. At some point during their travels the paths of Jay Roland Cook (DOB: [REDACTED]), and Tanya Van Cuylenborg (DOB: [REDACTED]) crossed that of the defendant, with fatal consequences. Their encounter with the defendant left Jay Cook strangled, suffocated and beaten to death, and Tanya Van Cuylenborg raped and shot fatally one time in the head. From all available information these acts of violence were as random as they were savage.

On November 18, 1987 Tanya and Jay boarded the Coho ferry in Victoria, B.C. and traveled to Port Angeles, Washington. The two were driving a distinctive brown 1977 Ford Club Wagon van that belonged to Jay's father. According to their families the plan had been for the two teens to travel to Seattle to purchase furnace parts on November 18, and then to return to Canada the following day via I-5. To purchase the furnace parts Jay's father gave him a U.S. Dollar World Money Order in the amount of \$758.11 made out to Gensco Inc. The business that they were traveling to was Gensco Heating, located 1703 6th Ave. S. in Seattle.

Law enforcement was able to trace Jay and Tanya's initial travels in Washington. The two got off the Coho ferry in Port Angeles and travelled south to Shelton. From Shelton the two traveled to Bremerton. En route to Bremerton the two stopped in the small town of Allyn and made a purchase at a convenience store. Once in Bremerton the two purchased tickets on the Sealth

ferry to Seattle. The Sealth was scheduled to arrive at 11:35 p.m. in Seattle. The ferry dock in downtown Seattle is a relatively short distance from their ultimate destination of Gensco Heating. According to family, the two had planned on sleeping in the Ford Club Wagon near Gensco the night of November 18, making their purchases on the morning of November 19, and then heading back home. Neither Jay nor Tanya ever made it to Gensco. After the purchase of the ferry tickets to Seattle on the evening of November 18 police were never reliably able to place either teen alive again.

After the two failed to return home on November 19 their parents filed missing persons reports with the Saanich Police Department in British Columbia. This started a search for the two in both the United States and Canada. Various family members traveled down from Canada to look for the two teens in the greater Seattle area.

Less than a week later, on November 24, 1987 the partially naked body of Tanya Van Cuylenborg was located in a ditch in Skagit County by a man looking for aluminum cans. Her body was found in a wooded area on Parson Creek Road, located between Old Hwy 99 and Prairie Road. The body was naked from the waist down. It was immediately apparent that her death had been caused by a single gunshot wound to the head. Located near the body were zip ties that had been fastened together to make a larger tie. A spent .380 shell casing was also located near the body.

An autopsy was conducted on November 25, 1987. The gunshot entrance wound was located in the back of Tanya's head. There was no exit wound. The entrance wound was described as "markedly jagged", and as a "star pattern", which would be indicative of a contact gunshot wound. The pathologist also described being able to visualize "sooty deposits" in the area immediately surrounding this wound. Further microscopic analysis located gunpowder throughout all levels of the entry wound. Typically, the finding of soot near the entrance wound would mean that the muzzle of the weapon was 2" or less from the victim when fired. Thus, from the physical evidence it appeared that Tanya was shot with the muzzle of the firearm either touching the back of her head or in extremely close proximity to her head, in a manner that could be described as "execution style". A fragmented bullet was recovered from the skull and was later determined to be consistent with Winchester Silvertip Hollowpoint bullets in a .380 Auto caliber. The Winchester round is the type of shell casing located at the body recovery site. During autopsy the pathologist also located physical evidence that Tanya had been sexually assaulted. The pathologist noted bloody fluid inside the vagina, and 5-10 linear parallel shallow abrasions on the right thigh. Swabs taken from both the vagina and rectum of Tanya were later microscopically examined and found to contain spermatozoa.

The pathologist ultimately concluded that the cause of Tanya's death was a gunshot wound to the head with massive disruption of the cranial contents. He put the date of death as November 19, 1987.

On November 25, 1987 Tanya's wallet, ID, keys for the Ford Club Wagon, a pair of surgical gloves and a partially full box of .380 Silvertip ammunition was located under the back porch of "Essie's", a tavern in Bellingham. The .380 Silvertip ammunition is the same caliber and manufacturer as the shell casing found near Tanya's body. The brown Ford Club Wagon was located approximately one block away in a Blue Diamond parking lot. The parking lot was located near the intersection of State and Holly Street. The parking lot was approximately one block from the Greyhound bus station, which was next door to "Essie's". Assuming that the killer had driven and dropped off the Club Wagon in the parking lot this would have given the killer easy access to a departure from Bellingham. Located inside the Ford Club Wagon were several

zip ties that had been fastened together to make a larger tie, similarly to the zip ties located at the location where Tanya's body was located. A striped comforter with blood scattered about on both sides was inside the van. Also located inside the van was a pair of black knit slacks that were identified as Tanya's. These pants were later forensically examined and found to have semen stains on them. A witness told police that the wagon had been in the parking lot since November 21.

On November 26 the body of Jay Cook was located underneath the "High Bridge", which spans the Snoqualmie River on Crescent Lake Road, south of Monroe. The body was found lying on its right side, with the upper torso covered by a powder blue blanket. Initial observation of the body at the scene by law enforcement and the Medical Examiner found a ligature wrapped around the neck, obvious trauma to the head, and what appeared to be a pack of cigarettes stuffed inside Jay's mouth. The ligature was initially described as plastic twine with two red fabric "dog collar" articles looped inside the twine. Rocks located near the body appeared to have blood and hair attached to them. These rocks were of a size and were situated in such a manner that it appeared that they had been used to batter Jay's head. Also located near the body were 8 zip ties attached to one another in a fashion similar to the zip ties located at the body recovery site of Tanya Van Cuylenborg and inside the Ford Club Wagon.

An autopsy of Jay Cook was conducted by the Snohomish County Medical Examiner on November 27. The ligature around Jay's neck was described as being a multi-stranded synthetic cord with two red cloth "choke-type" dog collars tied together and fit thru the loops of the synthetic cord. Ligature abrasions were documented around the entirety of Jay's neck. Petechial hemorrhages were observed in both eyes. Extensive hemorrhaging was located throughout all layers of the strap muscles of the neck. A gag consisting of a pack of "Camel Lights" and a tissue had been stuffed into Jay's mouth. Petechial hemorrhages were documented throughout the interior of the mouth. Multiple lacerations were noted on the head, consistent with blunt trauma. The Medical Examiner ultimately concluded that the cause of Jay Cook's death was asphyxia due to ligature strangulation, with asphyxia due to suffocation by gag a contributing factor. The manner of death was described as homicide.

In consultation with the families of the two victims it became apparent that there were a number of items that were missing, to include a green backpack, a black nylon jacket, and a Minolta 35mm camera with a Ricor 50mm lens. The family had serial numbers for both the camera and the lens. The Ricor lens was subsequently pawned in Portland, Oregon. Police were unable to determine who had pawned the lens or gather any helpful clues. Despite investigations in two counties and three counties no arrests were made for the murders of Jay Cook and Tanya Van Cuylenborg for over 30 years.

Forensic science was somewhat primitive in the 1980's. As the science improved, testing was done periodically on various items recovered from the various scenes. The initial DNA testing was conducted in 1994. The vaginal and rectal swabs taken from Tanya at autopsy, and the apparent semen stains on the black knit slacks located inside the Ford Club Wagon were all microscopically examined and spermatozoa was observed. Subsequent DNA testing showed that the DNA profile from each of these three samples (vaginal and rectal swabs and slacks stain) matched each other, but did not match the DNA profile of Jay Cook. Additional DNA testing was done in 2003. Once again, the vaginal swabs and rectal swabs and various cuttings from the black knit slacks were examined. Semen, as indicated by the presence of spermatozoa was identified in several of the vaginal swabs and one of the rectal swabs. The DNA profile obtained from the cutting identified as the "semen stained slacks cutting" was determined to be of mixed

origin. The male component of that mixture was determined to be from an unidentified male who was designated "Individual A". Jay Cook was excluded as the source of the male component of this mixture. A partial DNA profile obtained from one of the vaginal swabs was of mixed origin. Similarly to the mixed DNA profile obtained from the "semen stained slacks cutting", the male component of this mixed profile was consistent with originating from "Individual A". Jay Cook was excluded as a possible contributor to this mixed profile. In 2017 Y-STR DNA testing was performed on the DNA extract previously prepared from a cutting from the knit slacks. A Y-STR profile consistent with originating from a single male source was obtained.

The DNA profile for "Individual A" was entered into both CODIS (2003) and Interpol (2007) and no matches were located. Over the years as individuals became persons of interest in this investigation, their DNA profile was compared to that of "Individual A". None of the DNA profiles of these persons of interest matched the profile of "Individual A".

In 2017 detectives contacted a private company that did DNA work (Parabon Nanolabs) and inquired about the possibility of doing Autosomal DNA phenotyping on the DNA located during the investigation. This type of DNA typing can accurately predict the physical appearance and ancestry of unknown persons based on their Autosomal DNA. This testing was done, and it determined that the single male individual who contributed the DNA profile was of Northern European descent, fair skinned, had eyes that were likely either green or hazel, had hair that was likely red/blond with a male pattern baldness marker, and possibly had freckles. This information, in addition to a number of sketches of what the offender may look like based upon the Autosomal phenotyping were released to the media, in addition to photographs of various items associated with the two murders, i.e. the Ford Club Wagon, the blue blanket, etc. In 2018 additional testing using a technique called Genetic Genealogy was used to check public databases in an effort to potentially locate relatives of "Individual A". This new technique could reportedly determine kinship of an unknown individual through six degrees of relatedness. This technique and use of public databases ultimately came up with relatives of both the father [REDACTED] and mother ([REDACTED]) of defendant, and ultimately determined that "Individual A" was the child of [REDACTED] and [REDACTED]. The [REDACTED] had four children, three daughters and one son, the defendant.

In researching the defendant police discovered that he had lived at a Woodinville address of [REDACTED] Woodinville, with his parents. This home is located 7 miles from the "High Bridge" where Jay Cook's body was recovered. To reach the "High Bridge" from the [REDACTED] address one would only need to take two roads and make two turns. Police interviewed several people who had known the defendant during the relevant time frame. One of these individuals, Timothy M., initially met defendant thru a mutual friend, Michael S. According to Timothy M. he met defendant in approximately 1985. At the time he met defendant he still lived with his parents at the [REDACTED] address. The two became casual friends. Ultimately Timothy M. helped get defendant a job in 1987 at the business he worked at, Hirschler Mfc. Inc. At Hirschler defendant worked as a delivery driver. Part of defendant's route that he drove included numerous businesses located on 4th Ave. S. and 6th Ave. S. in Seattle. This delivery route would have made defendant familiar with the area in which Gensco Heating was located, 1703 6th Ave. S., Seattle. After starting work at Hirschler defendant moved into a home that Timothy M. and Michael S. already rented, located in south Woodinville. According to Timothy M. defendant was terminated from Hirschler at about the 6 month mark after complaints that he took too long. Shortly after defendant was terminated, he was asked to leave the rental by Timothy M. and Michael S. as he had no money to help pay rent. Timothy M. believes that defendant moved back to his parents' home on the Woodinville-Duvall Road after this. Timothy

M's memory of defendant's employment is borne out by Employment Security Records from the State of Washington which show defendant working for Hirschler Mfg. Inc for the second and third quarter of 1987, but not being employed again until the fourth quarter of 1988.

Michael S. met defendant in May of 1980. They became friends. At the time they met defendant was living at his parents' home on the Woodinville-Duvall Road. Michael S. described both he and defendant as being avid photographers. According to Michael S., several years before the murders defendant took him to the "High Point" bridge. The two parked at the bridge, then walked down to the river, and then walked until they reached a vantage point where they could see the Monroe Reformatory. At the vantage point defendant took a photo of the Reformatory. Once the photo was developed defendant gave it to Michael S. and told him to hold onto it. Michael S. still had the photo and gave it to police when interviewed. Michael S. also confirmed that defendant lived with him and Timothy M. during the first portion of 1987, prior to being asked to move out in August of 1987 when defendant lost his job at Hirschler. Michael S. believed that once defendant left the shared rental he moved back to this parents' home on the Woodinville-Duvall Road. Michael S. describes stopping at the [REDACTED] home in September 1987 and talking to both defendant and his father. Michael S. also described looking on-line the night before the 2018 interview with police, and seeing the various photographs that law enforcement had released to the media in an effort to garner leads. One of the photographs he saw was that of the Ford Club Wagon van that belonged to Jay Cook's father. According to Michael S., he saw that van parked at the [REDACTED] address in the late fall of 1987. Michael S. describes himself as a "car guy"; police noted a display case with models of Ford products in his home. Of particular note to Michael S. was the vehicle style itself, the color of the vehicle, and the wheel covers which were quite distinctive. Throughout his discussion with detectives Michael S. repeatedly indicated his certainty that he saw the van in the photo parked at the [REDACTED] address, shortly after Jay and Tanya had disappeared.

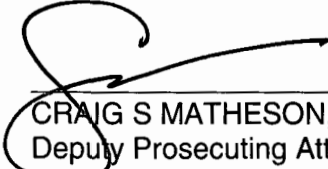
Defendant had no previous felony history, and thus was not in CODIS. In an effort to get a known sample of defendant's DNA police began surveilling defendant going to and coming home from work. On May 8, 2018 police recovered a coffee cup that had fallen from defendant's truck onto the street. This coffee cup was delivered to the WSP Crime Lab that same day. The following day, May 9, the WSP Crime Lab determined that the DNA profile they were able to extract from the coffee cup matched the DNA profile of "Individual A" that had been extracted from the "semen stained slacks cutting". On May 17 a search warrant for a confirmatory DNA sample was signed by a judicial officer and served on defendant. On May 23 the crime lab determined that the DNA profile of defendant, extracted from the confirmatory sample taken pursuant to search warrant matched the DNA profile of "Individual A" extracted from the "semen stained slacks cutting". The chances of a random match were calculated at 1-180 quadrillion. Forensic testing has shown that defendant's DNA was located in Tanya's vagina, her rectum, and on the pants she was wearing prior to being murdered.

Defendant has no felony history. However, he is charged with two brutal murders that leave him eligible for the death penalty. Given the potential ramifications for defendant flight is obviously a risk. Defendant is currently housed in the Skagit County Jail. The State would request that the Court authorize an arrest warrant and set bail at No Bail in this matter.

Based upon a review of databases maintained by state and federal agencies, the Prosecutor's understanding of the defendant's criminal history is set forth in Appendix A attached hereto and incorporated herein by reference.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

MARK K. ROE
PROSECUTING ATTORNEY



CRAIG S MATHESON, WSBA #: 18556
Deputy Prosecuting Attorney

DATED the 15 day of June, 2018 at the Snohomish County
Prosecuting Attorney's Office in Snohomish County, Washington.

APPENDIX A TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)

DATE: June 14, 2018 (tmm)
DEFENDANT: **TALBOTT II, WILLIAM EARL**
ALIAS(ES):

DOB: [REDACTED]
RACE: White / Caucasian
GENDER: Male

SID: [REDACTED]
DNA taken: NO

FBI: [REDACTED]

DOC:

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
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ADULT FELONIES:

NONE

ADULT MISDEMEANORS:	<u>DATE OF VIOLATION</u>	<u>COURT CASE #</u>
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NONE

JUVENILE FELONIES:	<u>DATE OF CONVICTION</u>
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NONE

JUVENILE MISDEMEANORS:	<u>DATE OF VIOLATION</u>
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NONE

AFFIDAVIT BY CERTIFICATION

I am a paralegal employed by the Snohomish County Prosecutor's Office, and make this affidavit in that capacity. I have reviewed the following databases maintained by federal and state agencies to determine the above named defendant's criminal history: NCIC (maintained by the FBI), WWCIC (Washington State Patrol Criminal History Section), JIS (Judicial Information System). I may have reviewed the following databases or other sources, including but not limited to: DOL (Washington State Department of Licensing) and DOC (Washington State Department of Corrections). A review of those sources indicates the defendant's criminal history is as listed above.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



PARALEGAL

DATED this 14th day of June, 2018, at the Snohomish County Prosecutor's Office

AGGRAVATED MURDER, FIRST DEGREE
(RCW 10.95.020)

DATE: June 14, 2018 (tmm)
DEFENDANT: TALBOTT II, WILLIAM EARL

I. OFFENDER SCORING

ADULT HISTORY:

Not Scored.

JUVENILE HISTORY:

Not Scored.

OTHER CURRENT OFFENSES:

Not Scored.

II. SENTENCE RANGE

A. OFFENDER SCORE: NONE
STANDARD RANGE: Death Penalty or Life sentence without Parole.
(Seriousness Level XIV)
