

# ISLAND COUNTY PROSECUTING ATTORNEY

## GREGORY M. BANKS

Eric M. Ohme, *Chief Criminal Deputy*  
Dalton Lee Pence, *Chief Civil Deputy*

*Deputy Prosecutors*  
Michael W. Safstrom  
Ian G. Michels-Slettvet  
Tamara R. Fundrella  
Sarah M. Doar  
Felicity A. M. Chamberlain

Jennifer Wallace, *Office Administrator*

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### FOR IMMEDIATE RELEASE

#### **Prosecutor Charges Jacob Gonzales With Murder In Beheading Death Of Katherine E. Cunningham**

DATE: June 29, 2018

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Yesterday, I amended the charges against 33-year-old Jacob Gonzales, charging him with Domestic Violence Murder in the Second Degree, while armed with a deadly weapon, in the death of Katherine Cunningham. Mr. Gonzales had originally been charged with firearms and vehicle theft offenses, pending additional investigation and the results of forensic testing by the Washington State Crime Lab.

A samurai sword had been recovered from the trunk of Ms. Cunningham's stolen car, which had been abandoned near Yreka, California. On Wednesday, June 27, we received results of DNA and biological testing on the sword. Those lab results indicate that Ms. Cunningham's blood was on the blade of the sword, and Mr. Gonzales' DNA was on the hilt. Based on those results, we amended the charges.

A 1 million dollar nationwide warrant remains in effect for Mr. Gonzales, whose whereabouts are still unknown. If Mr. Gonzales is convicted as charged, he faces a standard sentence of 240 – 340 months (20 years – 28 years and 4 months) in prison.

Attached to this release are the amended charging document, and the probable cause affidavit filed in Island County Superior Court on June 28, 2108.

For further information about the charging, contact Island County Prosecutor Greg Banks.

[gregb@co.island.wa.us](mailto:gregb@co.island.wa.us)  
360.240.5506

For further information about the progress of the investigation, contact Detective Ed Wallace.

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ISLAND COUNTY PROSECUTING ATTORNEY'S OFFICE

LAW & JUSTICE CENTER

PHYSICAL: 101 NE SIXTH STREET, SUITE 200; MAILING: PO Box 5000, COUPEVILLE, WASHINGTON 98239

Main extension: (360) 679-7363 / from South Whidbey: 321-5111, ext. 7363 / from Camano Island: 629-4522, ext. 7363

Fax (360) 679-7393 / [ICProsecutor@co.island.wa.us](mailto:ICProsecutor@co.island.wa.us)

JUN 28 2018

DEBRA VAN PELT  
ISLAND COUNTY CLERK

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

JACOB GONZALES,

Defendant.

NO. 18-1-00053-15

FIRST AMENDED  
INFORMATION CHARGING:

- COUNT 1 - Murder in the Second Degree  
- Domestic Violence with Special Allegation  
that Defendant Was Armed With a Deadly Weapon
- COUNT 2 - Theft of a Motor Vehicle
- COUNT 3 - Unlawful Possession of a Firearm in  
the Second Degree
- COUNT 4 - Unlawful Possession of a Firearm in  
the Second Degree
- COUNT 5 - Unlawful Possession of a Firearm in  
the Second Degree
- COUNT 6 - Unlawful Possession of a Firearm in  
the Second Degree
- COUNT 7 - Unlawful Possession of a Firearm in  
the Second Degree

COMES NOW GREGORY M. BANKS, Prosecuting Attorney of Island County, State of Washington, or his deputy, and by this Information accuses the above-named defendant of violating the criminal laws of the State of Washington as follows:

**COUNT I - Murder in the Second Degree**

Between the 14th day of February, 2018 through the 16th day of February, 2018, both days inclusive, in the County of Island, State of Washington, the above-named Defendant did, with intent to cause the death of another person, to-wit: KATHERINE CUNNINGHAM, cause the death of such person; contrary to the Revised Code of Washington 9A.32.050(1)(a).

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**SPECIAL ALLEGATION— DOMESTIC VIOLENCE**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 9A.36.041(4).

**SPECIAL ALLEGATION—ARMED WITH DEADLY WEAPON**

AND FURTHERMORE, at the time of the commission of the crime, the defendant was armed with a deadly weapon other than a firearm, to wit: a samurai sword; contrary to the Revised Code of Washington 9.94A.825.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.050(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(MINIMUM PENALTY—If the defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twenty-four (24) months is added to the presumptive range of confinement for a first offense and an additional forty-eight (48) months is added to the presumptive range of confinement if the [d/r] has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(a) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a “most serious offense” as defined by RCW 9.94A.030(33), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(38) and 9.94A.570.)

**COUNT II - THEFT OF A MOTOR VEHICLE [INCIDENT JULY 22, 2007 OR LATER]**

Between the 14th day of February, 2018 through the 3rd day of March, 2018, both days inclusive, in the County of Island, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over the property of another, to-wit: a 1998 Honda Civic belonging to Katherine

1 Cunningham,, with intent to deprive said person of said property, said property being a motor vehicle;  
2 contrary to the Revised Code of Washington 9A.56.020(1)(a) and RCW 9A.56.065.

3 (MAXIMUM PENALTY–Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW  
4 9A.56.065 and RCW 9A.20.021(1)(b), plus restitution and assessments.)  
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6 **COUNT III - Unlawful Possession of a Firearm in the Second Degree**

7 Between the 15th day of February, 2018 through the 3rd day of March, 2018, both days  
8 inclusive, in the County of Island, State of Washington, the above-named Defendant did  
9 knowingly own, possess, or have in his or her control a firearm, to wit: a Mosin Nagant style bolt  
10 action rifle with wood stock and scope, after having been previously convicted of TAKING A  
11 VEHICLE WITHOUT OWNER’S CONSENT, a crime in the State of California that is comparable to  
12 Taking a Motor Vehicle Without Permission, a felony in Washington, contrary to the Revised  
13 Code of Washington 9.41.040(2)(a)(i).

14 (MAXIMUM PENALTY–Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
15 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)  
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17 **COUNT IV - Unlawful Possession of a Firearm in the Second Degree**

18 Between the 15th day of February, 2018 through the 3rd day of March, 2018, both days  
19 inclusive, in the County of Island, State of Washington, the above-named Defendant did  
20 knowingly own, possess, or have in his or her control a firearm, to wit: a Mosin Nagant style bolt  
21 action rifle customized with a muzzle break and a modified pistol grip stock after having been  
22 previously convicted of TAKING A VEHICLE WITHOUT OWNER’S CONSENT, a crime in the State of  
23 California that is comparable to Taking a Motor Vehicle Without Permission, a felony in  
24 Washington, contrary to the Revised Code of Washington 9.41.040(2)(a)(i).

25 (MAXIMUM PENALTY–Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
26 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)  
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1                                   **COUNT V - Unlawful Possession of a Firearm in the Second Degree**

2           Between the 15th day of February, 2018 through the 3rd day of March, 2018, both days  
3 inclusive, in the County of Island, State of Washington, the above-named Defendant did  
4 knowingly own, possess, or have in his or her control a firearm, to wit: a Savage brand semi-  
5 automatic .22 caliber rifle with altered stock, after having been previously convicted of TAKING  
6 A VEHICLE WITHOUT OWNER’S CONSENT, a crime in the State of California that is comparable to  
7 Taking a Motor Vehicle Without Permission, a felony in Washington, contrary to the Revised  
8 Code of Washington 9.41.040(2)(a)(i).

9 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
10 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

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12                                   **COUNT VI - Unlawful Possession of a Firearm in the Second Degree**

13           Between the 15th day of February, 2018 through the 3rd day of March, 2018, both days  
14 inclusive, in the County of Island, State of Washington, the above-named Defendant did  
15 knowingly own, possess, or have in his or her control a firearm, to wit: a HR brand model 1871  
16 camouflaged pump action shotgun, after having been previously convicted of TAKING A VEHICLE  
17 WITHOUT OWNER’S CONSENT, a crime in the State of California that is comparable to Taking a  
18 Motor Vehicle Without Permission, a felony in Washington, contrary to the Revised Code of  
19 Washington 9.41.040(2)(a)(i).

20 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
21 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

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23                                   **COUNT VII - Unlawful Possession of a Firearm in the Second Degree**

24           Between the 15th day of February, 2018 through the 3rd day of March, 2018, both days  
25 inclusive, in the County of Island, State of Washington, the above-named Defendant did  
26 knowingly own, possess, or have in his or her control a firearm, to wit: a SCCY brand 9mm  
27 pistol, after having been previously convicted of TAKING A VEHICLE WITHOUT OWNER’S CONSENT,  
28 a crime in the State of California that is comparable to Taking a Motor Vehicle Without  
29

1 Permission, a felony in Washington, contrary to the Revised Code of Washington  
2 9.41.040(2)(a)(i).  
3 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW  
4 9.41.040(2)(b) and 9A.20.021(1)(c), plus restitution and assessments.)  
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6 DATED: Wednesday, June 27, 2018.  
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8  
9 GREGORY M. BANKS  
10 ISLAND COUNTY PROSECUTING ATTORNEY

11  
12 By: 

13 GREGORY M. BANKS  
14 PROSECUTING ATTORNEY  
15 WSBA # 22926

16 STANDARD SENTENCE RANGE: Assuming an offender score of 7: 216 – 316 months on  
17 Count I. If the defendant is found to have been armed with a deadly weapon other than a firearm  
18 at the time of the commission of the crime, an additional twenty-four (24) months is added to the  
19 presumptive range.

20 **DEFENDANT INFORMATION**

NAME: <b>Jacob Gonzales</b>		DOB: 12/17/1984			
ADDRESS: UNKNOWN					
CITY, STATE, ZIP:					
PHONE #(s): (209)355-0826		DRIV. LIC. NO. GONZAJ*1649	DL ST WA		
SEX: M	RACE: U	HGT: 509	WGT: 145	EYES: HAZ	HAIR: BLK
OTHER IDENTIFYING INFORMATION					



1 property and the elements and the equipment used in perpetrating these crimes. Your Affiant is  
2 currently assigned to the Investigations Division as a Detective, and has been involved in  
3 numerous investigations as a primary and secondary investigator. Your Affiant has attended  
4 both the 440 hours Washington State Criminal Justice Training Commission Basic Law  
5 Enforcement Academy as well as the 320-hour United States Army Military Police Academy.  
6 Your Affiant's other training includes basic as well as advanced investigator training,  
7 interviewing and interrogation, marijuana identification and eradication, methamphetamine  
8 identification and manufacturing, cybercrime investigations training and crime scene  
9 management training provided by the Federal Bureau of Investigation. Your Affiant is certified  
10 by the Department of Treasury/Homeland Security as a Seized Computer Evidence Recovery  
11 Specialist (S.C.E.R.S.), the Department of Homeland Security as a Mobile Device Investigator  
12 and the Cellebrite Corporation as a Physical Analyst and the Paraben Corporation as a Handheld  
13 Examiner (PDA, cell/mobile phone and Hybrid devices. I am also certified by the  
14 Teeltechnologies Corporation to conduct Advanced BGA Chip-off Forensics and Advanced  
15 JTAG Mobile Forensics.

16  
17 The Following information was provided to me by Deputy John NIEDER, who I know to be a  
18 fully commissioned law enforcement officer with the Island County Sheriff's Office.

19  
20 On March 3, 2018, at approximately 1421 hours, Robert JOHNSON and several friends were  
21 walking on a 10 acre unimproved parcel (later determined to be parcel R33014-163-2300)  
22 adjacent to his residence at 3485 Shady Lane, Camano Island, Washington. JOHNSON stated  
23 that he was considering purchasing the parcel so he and his friends were walking the property to  
24 scout it.

25  
26 Down in a ravine on the property JOHNSON stated that they observed a red wagon along with  
27 some tarps and other items that seemed out of place. Investigating further they approached the  
28 wagon and observed what appeared to be a sleeping bag wrapped in tarp near the front (side you  
29 pull from) of the wagon.  
30



1 One of the subjects nudged the sleeping bag with his foot and felt that there was something  
2 heavy inside. Using his foot he pushed back the top of the sleeping bag and located the body of  
3 Jane DOE (later identified as Katherine CUNNINGHAM) inside. CUNNINGHAM was  
4 obviously deceased as the top of her head from her lower jaw up was missing.

5  
6 There appeared be a trail of approximately 12 empty nylon bags (later determined to be empty  
7 sand bags) leading from the rear of the wagon to a large hole near the top of the hill  
8 (approximately 70 feet from the body of CUNNIGHAM). The hole, which is approximately 6  
9 feet deep and 4 feet around is obviously man made and reinforced with wood to keep it from  
10 collapsing. There is a ladder going down and the hole that continues under the hillside deep  
11 enough that we could not see its entirety from the surface. Based on the totality of what I was  
12 seeing I believed it to be a manmade bunker, the type used by survivalists. For officer safety we  
13 wanted to clear the bunker but could not without actually entering it. We returned to the  
14 perimeter and guarded the area until we could get a video camera to examine the interior from  
15 the surface.

16  
17 On March 3, 2018, and March 4, 2018, I requested and was granted Island County Superior  
18 Court search warrants 2018 0000027 and 2018 0000028 to search the property where  
19 CUNNINGHAM was recovered for evidence of the crime of Murder in the 2<sup>nd</sup> Degree.

20  
21 During the search of the bunker near CUNNINGHAM's body, detectives located a stash of  
22 weapons, two bolt action rifles, a Mosin Nagant with a wood stock and scope and a Mosin  
23 Nagant customized with a muzzle break and a modified pistol grip stock. A Savage semi  
24 automatic .22 cal rifle with a altered stock and a HR 1871 camouflaged pump action shotgun,  
25 along with over a thousand rounds of ammunition. All of the weapons were loaded with rounds  
26 in their chambers.

27  
28 During the search of the travel trailer on the property that served as the residence, detectives  
29 located a loaded SCCY 9mm pistol hidden in a man's hiking boot  
30

1 I was able to determine that one of the vehicles parked at the scene, a 1999 Honda Civic 4dr,  
2 Washington license AXB0408 was registered to CUNNINGHAM. A check of all vehicles  
3 registered to CUNNINGHAM revealed that a second vehicle, a 1998 Honda Civic 2dr,  
4 Washington license BHR7424 was missing. Speaking with the neighbor that lives closest to the  
5 property, he confirmed that GONZALES drives a silver compact car and specifically indicated it  
6 was not the one we towed from the scene. CUNNINGHAM's 1998 Honda Civic, Washington  
7 license BHR7424 was entered into WASIC/NCIC as a stolen vehicle.

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9 On March 7, 2018, I requested and was granted Island County Superior Court Search Warrant  
10 2018 0000031 to conduct forensic examinations of the two cell phones as well as the laptop  
11 computer. Preliminary examinations show that one of the cell phones was being used by  
12 GONZALES, the other being used by CUNNINGHAM. The computer showed usage by both  
13 CUNNINGHAM and GONZALES. The user generated activity on all three devices stops on or  
14 about February 15, 2018.

15  
16 The owner of the property provided a lease agreement signed by GONZALES on February 24,  
17 2015, allowing him to store property at the location. The lease agreement also lists  
18 CUNNINGHAM as a co-application. During his interview the property owner stated that the  
19 agreement did not specifically allow GONZALES and CUNNINGHAM to live on the property  
20 but he was aware that they have been living in a travel trailer at the location for several months.

21  
22 On March 12, 2018, I received notification that CUNNINGHAM's stolen Honda was recovered  
23 by the California Highway Patrol outside of Yreka CA. I contacted the California Highway  
24 Patrol Yreka detachment regarding the vehicle and was advised that it had been located on  
25 February 16, 2018, at 1400 hours parked disabled/abandoned on the side of the Interstate 5 near  
26 Anderson Grade Summit. At that time CHP officer Mallory #18398 had tagged the vehicle with  
27 CHP 422 (parking) notice. On February 19, 2018, at approximately 0945 hours CHP Officer M.  
28 SMITH #21593 located the vehicle while on patrol. Since the vehicle had been previously  
29 tagged, SMITH called for a tow truck to impound the vehicle and began his inventory of the  
30 contents. It should be noted that the vehicle was initially located and tagged almost two weeks

1 before the homicide was reported in Island County, but only a day after we believe the homicide  
2 occurred based on the evidence we located at the scene.

3  
4 During his inventory of the interior of the vehicle, SMITH located a medical card with a picture  
5 ID of the registered owner (CUNNINGHAM). During his inventory of the trunk, SMITH  
6 located a Samurai sword in a sheath that was wrapped in a blanket. SMITH briefly examined the  
7 outside of the sword and sheath before placing it back in the trunk and impounding the vehicle to  
8 Bruce's Towing in Yreka CA for storage. After speaking with SMITH I requested that he go to  
9 the impound yard and seal the vehicle with evidence tape while I made arrangements for the  
10 vehicle to be picked up and returned to Island County. On March 15, 2018, Island County  
11 Sheriff's Office deputies WALKER and T. DAVISON recovered the vehicle in Yreka California  
12 and towed in back to Island County where it was secured in evidence storage.


13 On March 16, 2018, I requested and was granted Island County Superior Court search warrant  
14 #2018 0000033 to search the vehicle. During that search a Samurai Sword was located in the  
15 trunk as described by CHP Officer SMITH. The sword was taken and entered into the Island  
16 County Sheriff's Office storage, along with several DNA swabs taken from the steering wheel of  
17 the vehicle. The sword and swabs were transferred to the Washington State Patrol crime lab for  
18 processing and analysis. The sword recovered appears to be consistent with the type of weapon  
19 that was used to cause the injuries to CUNNINGHAM.

20  
21 On June 22, 2018, I received the crime laboratory report regarding the submitted items. The  
22 crime lab located staining consistent with blood on the blade of the sword, testing of the blood  
23 determined that the DNA matched that of the submitted known sample of DNA belonging to  
24 CUNNINGHAM.

25  
26 Testing of the DNA recovered from the rear face of the guard on the sword revealed a mixture of  
27 at least two contributors. The major contributor genetically typed as male. The minor  
28 contributor did not have enough genetic material to test. The profile of the major contributor  
29 was entered into and searched against the Combined DNA Index System (CODIS) database and  
30 was matched to Jacob GONZALES.

1 The DNA swabs from the steering wheel of the vehicle were tested and determined to come from  
2 two significant sources and at least one trace source that could not be tested. The significant  
3 sources returned to the DNA profiles of CUNNINGHAM and GONZALES.  
4

5  
6 **I CERTIFY OR DECLARE UNDER THE PENALTY OF PERJURY UNDER THE**  
7 **LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND**  
8 **CORRECT.**

9  
10  #1067 June 27, 2010 Coupeville, WA  
11 Affiant