

FILED

MAY 27 2005

SHARON FRANZEN
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IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

JAMES EDWARD HUDEN ,

Defendant.

NO. **05 1 00109 8**

INFORMATION CHARGING:

COUNT I - First Degree Murder - Premeditated Murder

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 - First Degree Murder - Premeditated Murder

On or about December 26, 2003, in the County of Island, State of Washington, the above-named Defendant, with a premeditated intent to cause the death of another person, to-wit: Russel Albert Douglas, caused the death of said person; contrary to Revised Code of Washington 9A.32.030(1)(a).

(Maximum penalty – Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty – Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a “most serious offense” as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the

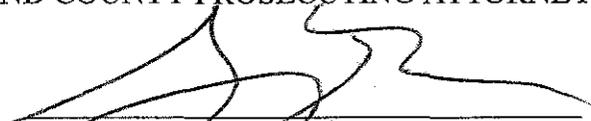
1 mandatory penalty for this offense is life imprisonment without the possibility of parole
2 pursuant to 9.94A.030(32)(a) and 9.94A.570.)

3 **FIREARM SPECIAL ALLEGATION**

4 Further, the State specially alleges that JAMES EDWARD HUDEN or an accomplice
5 at the time of the commission of said crime was **ARMED WITH A FIREARM** within the
6 meaning of RCW 9.94A.125 thereby subjecting him to the enhanced penalty as provided by
7 RCW 9.94A.310(3).
8

9 DATED: Friday, May 27, 2005.

10
11
12 GREGORY M. BANKS
ISLAND COUNTY PROSECUTING ATTORNEY

13
14 By: 

15 GREGORY M. BANKS
16 PROSECUTING ATTORNEY
17 WSBA # 22926, OIN# 91047

18 STANDARD SENTENCE RANGE: 240-320 months; plus 60 months for firearm
19 enhancement.
20

21 **DEFENDANT INFORMATION**

NAME: JAMES EDWARD HUDEN ,				DOB: 08/23/1956		
ADDRESS: 206 YUCCA ST.				CITY: PUNTA GORDA		
STATE: FL		ZIP CODE: 33995-		PHONE #(s):		
DRIV. LIC. NO.	DL ST	SEX: M	RACE: W	HGT:	WGT: 0	EYES:
HAIR:	OTHER IDENTIFYING INFORMATION:					

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7 **IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON**

8 STATE OF WASHINGTON,

9 Plaintiff,

10 vs.

11 JAMES EDWARD HUDEN,

12 Defendant.

NO. 05 1 00109 8

CERTIFICATION OF PROBABLE CAUSE IN
SUPPORT OF

SUMMONS

ARREST WARRANT

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16 That I, Detective Mark A. Plumberg, am employed with the Island County
17 Sheriff's Office, and offer this information to establish probable cause to believe that the
18 defendant, JAMES E. HUDEN, acting as a principal or accomplice, committed the offense of
19 MURDER IN THE FIRST DEGREE, RCW 9A.32.030, and to support the issuance of a warrant
20 or summons, certify as follows:

21 I have been a Deputy Sheriff for the Island County Sheriff's Office (ICSO) for more than
22 7 years assigned to the patrol division. I also served as a Reserve Deputy for Island County
23 Sheriff's Office for 8 months and am currently a Washington State Certified Peace Officer. I
24 completed the state approved 220-hour Basic Reserve Academy certification on 051896 and also
25 completed the 440-hour State Basic Law Enforcement Academy course on 072997. I have had
26 many hours of other specialized training covering a wide variety of law enforcement topics.

27 I have investigated and assisted in the investigation of numerous criminal cases of
28 various types including fraud/identity theft, property crimes and burglary, sexual assault cases,
29
30

1 multiple death investigations and am familiar with crimes against persons and property and the
2 elements of those crimes. I am currently assigned to the South Precinct as a Detective.

3
4 On December 27, 2003 at approximately 1621 the body of RUSSEL A. DOUGLAS was
5 found in the front seat of his 2002 Chevrolet Tracker Washington License 128 NXQ. The
6 vehicle was parked in the woods adjacent to a driveway at 6665 Wahl Road Freeland, Island
7 County, WA. DOUGLAS had been shot in the head. No firearm was located at the scene though
8 a shell casing from a .380 caliber firearm was recovered from the interior of the vehicle. The
9 front passenger door of the vehicle was open.

10 Island County Coroner, Dr. Robert Bishop estimated the date and time of death to be
11 December 26th 2003, between 1200 and 1400 hours. A bullet was recovered from DOUGLAS'
12 cranium by pathologist Dr. Daniel Selove during an autopsy. The bullet was turned over to
13 police. The cause of death was determined to be a gunshot wound to the head.

14 On July 26, 2004 a person named William H. HILL contacted the Island County Sheriff's
15 Office by telephone from his home in Punta Gorda, Florida. During several telephonic and two
16 subsequent face-to-face interviews, told Island County Sheriff's Commander Mike BEECH the
17 following:

18 HILL lives in Punta Gorda, Florida. HILL is 56 years old, is retired from the Air Force,
19 and has no known criminal history. Around February of 2004, his friend JAMES E. HUDEN
20 confided in him that, while visiting Whidbey Island, Washington over the 2003 Christmas
21 Holiday, he had shot a man in the head. HUDEN told HILL that he used a .380 caliber handgun.
22 HUDEN told HILL that he looked for, but was unable to locate the shell casing after the
23 shooting.

24
25 According to HILL, HUDEN was having an extra-marital affair with a woman named
26 "PEGGY" who lived in the Las Vegas, Nevada area. HILL had once gone to Las Vegas with
27 HUDEN and met "PEGGY." HILL said he understood that "PEGGY" used to work at a hair
28 salon owned by the murder victim's wife. According to HILL, HUDEN and "PEGGY" lured
29 DOUGLAS to the scene of the crime by telling him they had a present for him to deliver to his
30 (DOUGLAS') estranged wife.

1 Detectives were unable to find that HILL has any connections to Whidbey Island. Mr.
2 HILL did not know RUSSEL DOUGLAS or his estranged wife, BRENNA DOUGLAS. Mr.
3 HILL has indicated that he remained in Florida over the 2003 Christmas holiday, with his family.
4

5 Earlier in the investigation I had contacted a PEGGY S. THOMAS because her cell
6 phone number appeared in RUSSEL DOUGLAS' cell phone memory. She told me that she was
7 a Limousine Driver in Las Vegas where she now lived. She said that she was a friend with both
8 RUSSEL DOUGLAS and his wife, BRENNA DOUGLAS. She explained that she had been in
9 the Whidbey Island area visiting family and wanted to meet with RUSSEL to give him a
10 Christmas present for BRENNA. She said that she met with RUSSEL on December 23, 2003 at
11 around 2100 at his apartment in Renton, Washington and gave him a present for him to give to
12 BRENNA.

13 On August 4, 2004 Commander Beech and I contacted JAMES E. HUDEN at his home
14 in Punta Gorda, Florida while ICSO Detectives Wallace and Warwick contacted PEGGY S.
15 THOMAS at her home in Henderson, Nevada.

16 In my interview with JAMES HUDEN on that date he confirmed that he had lived with
17 PEGGY THOMAS in the Las Vegas area for a time, and that he and THOMAS traveled to
18 Whidbey Island from Las Vegas during Christmas time of 2003.

19 According to HUDEN, the couple stayed on Whidbey Island during the week before
20 Christmas, at a friend's vacation home. HUDEN said he and THOMAS left Whidbey Island on
21 December 22, or December 23, 2003, and stayed at a hotel near Seatac Airport until December
22 26, 2003. He said that on December 26, 2003, they left from their motel near the airport, and
23 headed for Nevada.
24

25 HUDEN also told me that during the holidays he had met RUSSEL DOUGLAS when he
26 dropped off a Christmas present at RUSSEL'S apartment in Renton, Washington on the night of
27 December 23, 2003. The present was from THOMAS and was to be delivered by RUSSEL
28 DOUGLAS to his estranged wife BRENNA DOUGLAS.

29 According to Detective Warwick, PEGGY THOMAS said that on the morning of
30 December 26, 2003 she and HUDEN drove back to Whidbey Island to drop off a key at the

1 home where they had stayed from 12-19-03 to 12-23-03. The house is approximately five miles
2 from the location where DOUGLAS' body was discovered. THOMAS said that while at the
3 house on the 26th, HUDEN departed the house for 30 to 45 minutes in her Lexus to go and get
4 some "smokes". She said that HUDEN did return with "smokes" and they then departed for Port
5 Townsend, Washington on the noon Keystone Ferry.

6
7 On August 19, 2004 at approximately 1245 hours Investigator BOEGLIN of the Doña
8 Anna County, New Mexico Sheriff's Office contacted Island County Sheriff's Commander Mike
9 BEECH and advised that a subject by the name of Keith OGDEN had just turned in a .380
10 caliber Bersa pistol that OGDEN believed may be the weapon that was used to murder RUSSEL
11 DOUGLAS.

12 On August 20, 2004 Commander BEECH and Detective WALLACE arrived in Las
13 Cruces, New Mexico and took custody of the weapon, a two-tone Bersa "Thunder" .380 caliber
14 pistol, serial number 573168 from the Doña Anna County Sheriff's Office.

15 On August 21, 2004 at approximately 1000 hours BEECH and WALLACE met the
16 OGDENs at their residence in Radium Springs, New Mexico. The OGDENs provided a tape-
17 recorded statement attesting to the following information:

18 Keith and Donna OGDEN stated that they met HUDEN and THOMAS via Keith's
19 cousin Scott MICKELSON while the OGDENs lived in Las Vegas. In the fall of 2003, HUDEN
20 contacted Keith OGDEN and asked if he had any guns he was willing to sell because he was
21 looking for a weapon. OGDEN told him that he did not have any guns to sell. HUDEN showed
22 up at the OGDEN's some days later with a Bersa .380 pistol. Keith OGDEN taught HUDEN
23 how to clean and operate the pistol.

24
25 Shortly after returning from his Christmas trip to Washington, HUDEN asked Keith
26 OGDEN if he would take care of the gun for him, because HUDEN did not want it around
27 THOMAS' house with THOMAS' young daughters there. OGDEN agreed to keep the gun.

28 On August 18, 2004 the OGDENs received a call from MICKELSON regarding a news
29 story about HUDEN's and THOMAS' possible involvement in the murder of RUSSEL
30 DOUGLAS. Donna OGDEN read the Internet copy of the news article in the *South Whidbey*

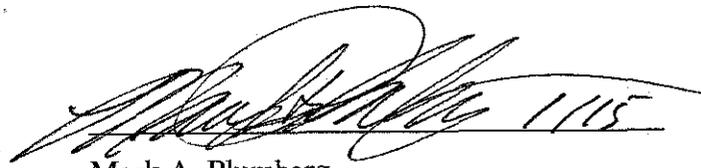
1 *Record.* Based on the information the ODGENs decided to turn the weapon over the following
2 day to the Sheriff's office. The OGDENs had maintained possession of it until they turned it
3 over to the Doña Anna County Sheriff's Office on August 19, 2004.

4 The weapon was taken to the Washington state crime lab for analysis on August 23,
5 2004. On August 24, 2004 the state crime lab provided a written report that the test round fired
6 out of the provided Bersa .380 pistol matched both the spent casing and bullet recovered from
7 the body of DOUGLAS identifying it as the weapon used to murder him.
8

9 According to William HILL, and based on follow up discussions with HUDEN's wife
10 and PEGGY THOMAS, HUDEN believed he would soon be arrested for the murder of RUSSEL
11 DOUGLAS and has disappeared from his home in Punta Gorda. HUDEN's whereabouts are
12 unknown.

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

15 Signed and dated this 27 day of MAY, 2005 at Coupeville,
16 Washington.

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21 Mark A. Plumberg

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SHARON FRANZEN
ISLAND COUNTY CLERK

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

JAMES EDWARD HUDEN,

Defendant.

NO. 05 1 00109 8

NOTICE OF PERSISTENT OFFENDER
SPECIAL PUNISHMENT PROVISION

COMES NOW the State of Washington through Gregory M. Banks, Island County Prosecuting Attorney, and advises the defendant as follows:

1. A "persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a "most serious offense" under RCW 9.94A.030; and

(ii) Has, before the commission of the offense under (a) of this notice, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in

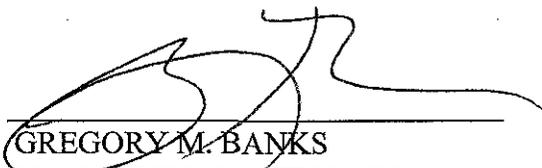
1 the second degree, assault in the first degree, assault in the second degree, assault of a child in
2 the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an
3 attempt to commit any crime listed in this subsection (b)(i); and
4

5 (ii) Has, before the commission of the offense under (b)(i) of this subsection, been
6 convicted as an offender on at least one occasion, whether in this state or elsewhere, of an
7 offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree
8 constitutes a conviction under subsection (b)(i) only when the offender was sixteen years of age
9 or older when the offender committed the offense. A conviction for rape of a child in the second
10 degree constitutes a conviction under subsection (b)(i) only when the offender was eighteen
11 years of age or older when the offender committed the offense. RCW 9.94A.030

12 A person who has been found under Washington law to be a "persistent offender" shall
13 be sentenced to a term of total confinement of life without the possibility of parole. RCW
14 9.94A.120(4).

15 Dated this 27th day of May, 2005.

16 GREGORY M. BANKS
17 ISLAND COUNTY PROSECUTING ATTORNEY

18
19
20 By: 
21 GREGORY M. BANKS
22 PROSECUTING ATTORNEY
23 WSBA # 22926, OIN 91047
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