

**FILED**

OCT 08 2008

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERKSTATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTSSTATE OF WASHINGTON)  
COUNTY OF SPOKANE)

REPORT NUMBER: 08-308233

DEFENDANT: Craig M. Heiny aka Heinz, WM, 6/13/51

**08103286-9**

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

On 10/05/08, the Spokane City Police Department responded to the location of 1909 W. 1<sup>st</sup> Apt. #C reference a call for assistance. The caller advised that two males had been stabbed. Officers responded along with medics to the location. Upon arrival, officers contacted victim Russell who was bleeding from a stab wound to the left side of his throat. The second victim was identified as Casey and was found in the stairwell leading to defendant Heiny's apartment. Casey was also found to have multiple stab wounds to his throat. Emergency aid was rendered to both Casey and Russell. Both were transported to a local hospital where Casey was pronounced dead. The victim Russell underwent surgery for the wound to his neck.

Officers learned that the suspect Heiny was still in his apartment, #C. Officers found a blood trail which led from the driveway of 1909 W. 1<sup>st</sup> to the entrance located on the east side of the apartment building. The blood trail was followed up the stairs to Apt. #C where Heiny was contacted. During the contact with Heiny, he was observed to have blood on the bottoms of his socks, hands and clothes. Heiny was asked if he would be willing to speak with detectives. Heiny stated he wished to and was transported to the Public Safety Building. During the contact with Heiny at his apartment, SPD officers observed blood inside the apartment on the furniture and carpet.

At the Public Safety Building your affiant contacted Heiny who was read his Constitutional Rights which he understood and waived. Heiny gave an account of the altercation between himself, Casey and Russell. Heiny stated he did not know who Russell and Casey were but they came to his apartment and asked for a beer. Once inside the apartment, Russell and Casey sat on the loveseat drinking beer. Heiny stated one of them observed U.S. currency that was on the table he was sitting at. At this time both Casey and Russell attempted to rob him by punching

him in the face with closed fists. Heiny stated he was able to engage Russell's and Casey's blows and block them. During the altercation, Russell was observed with the knife. Heiny stated he was able to spin Russell away from him. When he did this, Russell accidentally stabbed Casey in the throat. Heiny stated he provided a towel to Casey who left with Russell. Heiny stated he did not know how serious the injuries were until contacted by the police. During this interview, Heiny was not aware that Russell also had been stabbed. Heiny explained this stab wound by saying that Russell tripped over a chair and stabbed himself. Heiny told your affiant that he attempted to clean the blood inside the apartment. Heiny stated the bloody towels were thrown out the window of the apartment onto his roof. Heiny stated the black handled knife used by Russell was also thrown out the window into the neighbor's yard.

During the interview with Heiny, injuries consistent with the assault described were not visible on his person. Heiny smelled strongly of an alcoholic beverage. When he walked, his balance was unstable. Heiny stated this was because his lower back was sore. Heiny was questioned about being intoxicated and he replied he was fine. Heiny admitted to drinking six beers since getting off work at 3:00pm this date.

Once the interview with Heiny had been completed, Heiny's clothes were taken as evidence. Forensic Specialist Rowels took blood swabs from Heiny's right hand and from both feet. Photographs of these blood stains found on Heiny's person were also taken. As Heiny was removing his clothing, injuries were observed on his person. Heiny had bruising on the inside of his right biceps. This bruising appeared to be three small dots in a semi circle on the inner portion of his arm where it meets the armpit. An older yellowish bruise was observed on the outside of his right shoulder. On Heiny's left side at his rib cage, abrasions and bruising were observed. These abrasions appeared to be approximately 1 ½ inches in diameter. Some of these abrasions appeared fresh and others appeared to be older. An approximately 4 inch long fingernail scrape was observed at Heiny's hip just above his buttocks. An addition bruise was observed on the inside of Heiny's left biceps just above the elbow. Photographs were taken of these injuries on Heiny's person.

During the interview with Heiny, he stated he is an alcoholic and bruises easily. When asking Heiny if he was injured during the assault, the only injury he discussed was that his lower back was sore.

Heiny's clothing and the swabs taken from his person were all placed onto the property book as evidence.

A search warrant was obtained for Heiny's residence and executed. Evidence of the struggle was located in the house. This evidence included numerous knives and bloody towels used by Heiny to clean the residence along with cleaning solutions. The bloody towel was found inside a plastic bag in the garbage can located in the apartment kitchen. Also found with this bloody towel was a pair of dirty white socks. Blood was observed throughout the apartment. Blood was found on the loveseat, carpet and additional items in the small one bedroom apartment. Two baseball style hats were found next to the love seat. Both of these hats were blood stained and collected as evidence. Forensic Unit Specialists Conklin and Rowles assisted in processing this crime scene with Det. Kip Hollenbeck. During the crime scene processing, photographs and video were taken. Numerous blood swabs were taken inside the apartment, as well as on the stairwell leading to the defendant's apartment. Additional swabs were taken along the blood trail from the street and driveway leading to the apartment. All items of evidence were collected and placed on the property book as evidence.

Detectives and patrol officers have conducted two separate searches in an attempt to locate the knife used in the assault. As of the writing of this affidavit, this knife has not yet been located.

Your affiant canvassed the area around Heiny's apartment and spoke with witnesses Peterson, Hendrickson and Wolf. Your affiant also spoke with the original 9-1-1 complainant Nelson. The witnesses stated that as Russell was standing in the driveway of Heiny's residence he was yelling that, "He stabbed my friend and he's dying." All of the witnesses stated that Russell was covered in blood and appeared to be distraught. While speaking with Nelson, he advised that Russell came to his door and asked for help. Russell told him that he and his friend had just been stabbed by the owner of the Dodge van parked in the driveway. Russell did not know the name of this person but stated it was the same person who lived in the upstairs apartment, where the stabbing occurred. Nelson said he relayed this information to 9-1-1. Nelson stated when Russell told him where his friend was, he could hear movement coming from the stairwell leading to the suspect's apartment. Nelson stated he heard rustling not words.

On 10/6/08 your affiant contacted Russell at Sacred Heart Medical Center. Russell was not able to speak but was able to communicate by writings and hand gestures. Russell stated that everything happened in Heiny's apartment and that Heiny stabbed him and Casey with the knife.

On 10/6/08 your affiant re-contacted Heiny who gave a different statement of events. Heiny stated that he had met Russell and Casey at a restaurant and invited them back to his house. At the residence, Casey made a sexual pass at him. When this pass was made, Russell became enraged and began striking Heiny with open hand strikes described as a slap. Heiny stated that Russell observed a letter opener/knife on the table which he reached for. Heiny stated he obtained the letter opener first. Heiny stated that all three were fighting and during the struggle Casey was stabbed one time in the throat. He also stated that he and Russell fell to the floor in the kitchen and that's when Russell must have been stabbed. Heiny stated he did not realize Russell had been stabbed. Heiny stated he saw Casey bleeding from his throat and he gave him a white towel to apply pressure with. Heiny stated both Russell and Casey left the residence. Heiny stated he attempted to clean up the blood on the couch and carpet with a rag and cleaning solution. Heiny also admitted to discarding the cleaning rags and the letter opener/knife out the windows of the apartment.

On 10/7/08 your affiant re-contacted Russell at Sacred Heart Medical Center. Russell stated that he and his friend Casey were drinking at the Chinese restaurant possibly named Chan's. Russell said they met a man at Chan's who was going to give them a ride to Rosauers. Russell said he had already been drinking and he was not clear on why they did not go to Rosauers, but ended up at the man's apartment. Russell said everyone was drinking. Russell said that Casey and the man (later identified as Heiny) began arguing. Russell said the argument was over a sexual comment. Russell heard Casey tell Heiny that he was not gay. Russell saw Casey strike Heiny with an open hand, described as a slapping motion. Russell only recalled one slap by Casey. Russell stated that everything happened so fast, the next thing he remembered was that Casey was bleeding profusely from his chest area. Russell stated he stood up and went over to see what was going on and Heiny stabbed him in the throat. Russell said he and Casey were able to leave the apartment. Russell said he ran to a neighbor's house to get help. Russell said Casey never made it out of the apartment building. Russell said Casey probably died as they were leaving.

Numerous staples were observed on the left side of Russell's throat. Russell complained he had a hard time swallowing because of his injuries. Russell stated that his physician told him he

was a very lucky man and could have easily died from his wounds. No other injuries were observed on Russell's person.

Your affiant had prepared a photo montage containing Heiny in position #6. The montage disclaimer was read to Russell and he was shown the montage. Upon handing Russell the montage, he immediately pointed to the picture in position #6 and stated, "That's him." Russell stated that this was the driver of the van and the owner of the apartment, the one who stabbed Casey and himself. Russell denied taking a shower at Heiny's residence, but did recall Heiny giving him a new pair of socks to wear.

On 10/6/08 Det. Chet Gilmore attended the autopsy of victim Casey. During the autopsy, the medical examiner advised that the cause of death was a stab wound to the chest and the manner of death was homicide. Det. Gilmore witnessed numerous stab wounds to victim Casey to include a stab wound to the right side of Casey's chest and neck. Additional stab wounds were observed on the left side of Casey's neck, right upper arm and right forearm.

On 10/6/08 defendant Heiny was booked into the SCSO Jail. Your affiant believes probable cause exists to charge defendant Heiny with one count of Second Degree Murder (victim Casey) and one count of First Degree Assault (victim Russell.)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE 10-8-08 PLACE Spokane, WA SIGNATURE 