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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

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STATE OF WASHINGTON,
Plaintiff,

v.

MILLER, TERENCE,
Defendant.

No.

AFFIDAVIT OF PROBABLE CAUSE

DOB: [REDACTED]

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.

SUMMARY

On the late afternoon of August 23, 1972, the defendant, Terrence Miller (DOB [REDACTED]) then thirty years of age, raped and murdered twenty year old Jody Gwen Loomis (DOB [REDACTED]). Defendant killed Ms. Loomis by shooting her one time on the right side of her head with a .22 caliber handgun. The murder occurred in an area that was then heavily wooded, located east of the intersection of the Bothell-Everett Hwy (SR 527) and 164th St. SW., near Penny Creek Rd. (this road is now called Mill Creek Rd). From all accounts, defendant and Ms. Loomis had never met prior to the fatal encounter on August 23. Had Ms. Loomis survived her contact with the defendant, she would be 67 years of age today.

THE MURDER

Jody Loomis lived at [REDACTED] with her parents, [REDACTED] her then twelve year old sister, [REDACTED] and her fiancé, [REDACTED]. Jody was an avid horse rider and boarded her horse, Saudi, at a stable located at 4315 Strumme Rd.,

ORIGINAL

in unincorporated Snohomish County. Jody left her home on Winesap Rd. to ride her horse on the afternoon she was murdered. To reach the stables on Strumme Rd. where Saudi was boarded Jody rode her 10 speed bike. According to her parents and sister, this was the first time that Jody had ridden her bike to the stables, as she was typically dropped off by one of her parents. The route that she took was west on Winesap Rd. to North Rd, then north on North Rd. until it intersected with 164th, and then east on 164th. This is about a 3.5 mile ride from 20 Winesap Rd to the intersection of 164th and the Everett-Bothell Hwy. It is another approximate 3 miles to the stables on Strumme Rd. from this intersection.

The last reported sightings of Jody alive came from a friend who spoke to Jody near the intersection of 9th Ave. and 164th St., and a 14 year old girl who was working at the fruit stand at the southwest corner of the intersection of 164th and the Bothell-Everett Hwy. Jody's friend described a conversation lasting approximately 15 minutes before Jody rode her bike eastbound on 164th. The 14 year old working at the fruit stand described watching Jody at the stop sign at the intersection of 164th and the Bothell-Everett Highway, seemingly either confused or anxious on what to do next, prior to heading eastbound across the Bothell-Everett Highway, and heading up Penny Creek Rd. on her bike. Both witnesses put this last sighting of Jody at approximately 5:00 p.m.

When Jody left her home on Winesap Rd. on August 23 she was wearing a pair of brown "waffle stomper" style hiking boots. These boots actually belonged to her younger sister, [REDACTED]. According to Jana, this was the first time that Jody had borrowed that particular pair of boots. [REDACTED] was told by her mother [REDACTED] that Jody had waited some time before leaving, so she could ask [REDACTED] permission to borrow the boots. According to [REDACTED] Jody was likely attempting to make a point as she got irritated when [REDACTED] borrowed her clothing without asking. Ultimately, Jody left before [REDACTED] got home from playing.

Jody's body was initially discovered by [REDACTED] and [REDACTED] at approximately 5:30 p.m. According to Ms. [REDACTED] she and Mr. [REDACTED] had gone onto a dirt road that branched off of Penny Creek Rd. to do some target shooting. As they drove north up a dirt spur road, Morris got out of his car to move a log that lay across the road. As [REDACTED] approached the log he saw Jody laying on the ground. Jody was on her back, gasping. She had an obvious bloody injury to her head that appeared to be a single gunshot wound. Jody was mostly naked as she lay on the ground, wearing only a pair of bikini style panties, a pair of knee high socks, and a pair of brown "waffle stomper" style boots. Jody clutched her bra in her left hand, and her blue jeans and blouse lay to the right of her body. Mr. [REDACTED] and Ms. [REDACTED] loaded Jody's body and her clothing into [REDACTED] car and drove to Stevens Memorial Hospital (now Swedish, Edmonds) in Edmonds.

[REDACTED] and [REDACTED] drove directly to Stevens, arriving there with Jody's body at approximately 5:45 p.m. According to [REDACTED] Jody said nothing during the last minutes of her life. Once at Stevens Hospital Jody was immediately checked into the Emergency Room. It was too late, however, as Jody was pronounced dead on arrival.

One of the deputy coroners for Snohomish County, Ken Christensen, was called and took custody of the body at the hospital. Law enforcement was notified, with Detective Cook initially arriving at Stevens at approximately 6:00 p.m. Detective Cook interviewed both Mr. [REDACTED] and ultimately had the two take police back to where Jody's body was initially located. Both Mr. [REDACTED] wrote statements describing what they had seen and done, complete with diagrams of the scene as they found it. A search of the area by police located a pool of blood where Jody's head had been, and her 10 speed bike, which had been thrown down a nearby embankment. The body recovery site was photographed by police to document what they found.

Detectives Lewis and Clausen arrived at Stevens Hospital at approximately 7:20 p.m. Jody's body had been placed in the locked coroner's room by that time. The detectives were met by Deputy Coroner Christensen and led into the coroner's room. Deputy Coroner Christensen was present with the detectives the entirety of their time with the body of Jody Loomis. Detective Clausen carefully photographed the body as the detectives found it-documenting the single gunshot wound to her right temple, and noting an absence of an exit wound; photographing the "waffle stompers" that Jody was wearing, noting that the left boot was untied and the right shoelaces tied; photographing the clothing (jeans, blouse, bra) that had accompanied the body to the hospital. The detectives also noted that when Deputy Coroner Christensen partially pulled down the bikini panties that there appeared to be fresh seminal fluid staining the crotch of the panties and leaking from her genitals. On her buttocks, detectives noted the presence of dirt and leaves compacted inside of the panties and on her skin, indicating that Jody's bare buttocks had come into contact with the ground. At the conclusion of photographing the body and evidence the detectives seized most of the clothing items (boots, socks, blouse, jeans, bra) and booked them into evidence for later forensic testing. The panties and various jewelry that Jody had been wearing were left on the body for later dispersal by the coroner.

The following day, August 24, 1972, an autopsy was conducted on the body of Jody Loomis. Present at the autopsy were the pathologist, Dr. Robertson, Deputy Coroner Christensen, Detective Clausen, two Deputy Prosecuting Attorneys, and a professional photographer, Jim Leo. Mr. Leo photographed the autopsy proceedings and various evidence items that were ultimately collected by law enforcement. Dr. Robertson found the cause of death to be a "gunshot wound to the head with perforating wound of brain". The spent round fragments were recovered from the head of Ms. Loomis, and Dr. Robertson opined that the bullet was likely a .22 round. The pathologist also noted the debris on the buttocks and stated "external physical evidence suggests that her buttocks had contact with leaf mold recently and that the underpants had been repositioned." Cytologic smears made from vaginal swabs taken at autopsy showed "abundant intact spermatozoa." In the intervening decades Dr. Robertson has died. Dr. Mathew Lacy, current Assistant Medical Examiner for Snohomish County, has reviewed both the original autopsy report and the numerous high quality photos taken at autopsy. Dr. Lacy concurred that the cause of death was a single gunshot wound to Jody's head, and labeled the manner of death homicide. Dr. Lacy opines that given the angle of the bullet

trajectory it is likely that Jody was seated at the time she was shot, and her assailant likely standing above her, shooting downward. This trajectory, in combination with Jody's single untied boot, the dirt on her buttocks, and the evidence of very recent ejaculation tends to support an inference that Jody was in the act of getting dressed when she was shot. This single gunshot wound would have been almost instantly incapacitating.

The vaginal swabs were taken to Tacoma General Hospital the evening of August 24, 1972 after the autopsy was completed. In a letter dated the following day, August 25, 1972, Dr. Thomas Elder wrote that the vaginal swabs showed "numerous well preserved spermatozoa". Dr. Elder came to the obvious conclusion that the finding of spermatozoa "indicates recent sexual intercourse has occurred." Dr. Elder is still alive and was interviewed by detectives at his Tacoma area home.

The bike found at the body site and the bullet fragments recovered from Jody's head were sent to the FBI Crime Lab for forensic analysis. The bicycle was examined for latent fingerprints; none of value for comparison purposes were located. The bullet fragments were examined and the forensic scientist at the FBI lab concurred with Dr. Roberts' initial assessment that the round was a .22.

COLD CASE INVESTIGATION

The Snohomish County Sheriff's Office worked the case for a number of years, operating a number of different lines of investigation, and looking into a number of different persons of interest. None of these lines of inquiry went anywhere and the case went cold, ultimately ending up in the Cold Case Unit of the SCSO. With the advent of DNA technology new avenues of investigation became available for investigators.

On January 10, 2008 Detective Jim Scharf of the SCSO Cold Case Unit sent a number of items to the Washington State Patrol Crime Lab for DNA testing. Among the items sent to the crime lab were the brown "waffle stomper" boots that Jody had been wearing when she was murdered. In a report dated May 27, 2008 the WSP Crime Lab indicated that spermatozoa had been located on the left boot that Jody had been wearing when she was found dying. Spermatozoa were microscopically visible. Differential DNA extraction testing was then conducted. Differential DNA extraction attempts to separate non-sperm DNA (non-sperm fraction) from DNA from spermatozoa (sperm fraction). The partial DNA profile obtained from the semen on the left boot was determined to be that of an unknown male source. The non-sperm fraction was determined to be a mixture of at least two individuals, a male and a female. The male DNA profile from the semen was found to be possible contributor to this mixture. The partial DNA profile from the sperm fraction was then uploaded into CODIS. There were no hits in CODIS with this profile.

On July 23, 2008 the WSP Crime Lab issued another report regarding the DNA profiles, both sperm and non-sperm fractions, that had been recovered. Using a known sample

of Jody's blood (collected from the blood pool at the crime scene where she had been shot), the lab determined that Jody Loomis was included as a possible contributor to the non-sperm fraction mixture. The lab also found that the DNA profile from the semen and the known DNA profile for Jody Loomis could account for all of the alleles observed in the mixture. The testing specifically excluded Jody's sister, [REDACTED] and her mother, [REDACTED] as possible contributors to the mixture.

The partial DNA profile from the semen on the left boot were compared to known DNA profiles of a number of men who had been persons of interest at one time or another in the decades following Jody's death. All of these individuals were excluded as having been possible sources of the semen left on the left boot.

In a report dated March 18, 2019 the WSP Crime Lab issued a report indicating a comparison of a known DNA profile from [REDACTED] (Jody's mother) with the DNA profile extracted from blood collected at the body recovery site showed that it was 79 million times more likely that the source of the blood from the body site was a biological child of [REDACTED] rather than an unrelated individual selected at random from the U.S. population. In this same report, wearer DNA located in the interior heel of both of the "waffle stomper" boots included Jody Loomis as a possible contributor to this wearer DNA as opposed to a random individual selected from the U.S. population on the order of 16,000 times (left boot) and 23,000 times(right boot) more likely.

FORENSIC GENEALOGY

With increasingly sophisticated DNA technology, forensic genealogy has become an important tool for law enforcement on cold cases (locally, the William Talbott double murder case, and nationally the arrest of the alleged Golden State Killer, Joseph DeAngelo, are examples of the value of this technique). Using open source genetic data bases, genealogists are able to compare unknown DNA profiles against the known profiles in the data base and attempt to find relatives of the unknown profile. Once a relationship is established, the genealogist will attempt to then trace the relationship using standard methods (building a family tree) and attempt to locate the biological parents of the unknown profile. Once this is done, a DNA sample of the various male offspring of the parents is gathered and then compared to the unknown DNA profile from the crime scene. This was done in the current case.

Initial discussions with Parabon Labs were had on June 27, 2018, by SCSO. Parabon Labs has been at the forefront of forensic genealogy. The DNA profile extracted from the semen stain on the boot was compared to the various genetic databases, and distant relations to the unknown sample were located. The genealogist then started their work and built a family tree. On August 14, 2018 the genealogist had concluded their search, and believed that the unknown DNA profile extracted from the sperm on Jody Loomis' boot, had to belong to a male child of [REDACTED]. The [REDACTED] were longtime residents of Edmonds. They had 7 children, six of them boys. Defendant is one of those boys. Two of the brothers were deceased by the time that law enforcement

had worked its way to the [REDACTED] clan. Police elected to start surveilling defendant as he had prior sex offense history.

Based on the information from the genealogists, undercover officers from the Snohomish County Regional Narcotics Task Force (SCRNTF) began following the defendant. On August 29, 2018 law enforcement officers followed defendant to the Tulalip Casino and retrieved a coffee cup that he threw into a garbage can as they watched. Forensic scientist at the WSP Crime Lab were able to extract a DNA profile from the coffee cup. On September 6, 2018 the WSP Crime Lab indicated that the DNA profile extracted from the coffee cup matched the DNA profile extracted from the sperm left on the left boot of Jody Loomis.

Defendant and his wife operate a ceramic shop out of their garage on the back of their property located at [REDACTED]. The ceramic shop is called "Miller's Cove" and is open for business to the public on Fridays and Saturdays. On Friday, November 30, 2018, two undercover detectives from the SCRNTF approached defendant's home and saw an "Open for Business" sign in the yard. The two detectives were invited inside the garage by defendant's wife, [REDACTED]. While inside the ceramic shop the detectives noted one newspaper on a table. There were no other reading materials or periodicals out in view except this for this newspaper. The paper was the May 5, 2018 edition of the Everett Herald. The headline on the front page of this paper read "Arrest made in cold case. DNA, ancestry research led investigators to 55 year old Sea-Tac man." The Herald article outlined the recent arrest of William Talbott for the murder of Jay Cook and Tanya Van Cuylenborg in 1987, and had a large photo of Talbott entering court under guard. At the time detectives saw this newspaper in defendant's ceramic shop the paper would have been almost 7 months old. Given the similarities between the rape and murder of both Tanya Van Cuylenborg and Jody Loomis (vaginal rape with ejaculate left in the bodies, fatal gunshot wounds to the head), and the manner in which police ultimately identified Talbott as the killer, the presence of the newspaper seemed, at best, an odd coincidence. A fair inference could also be drawn that defendant was keeping track of the techniques law enforcement was using to solve cold cases.

Police officers followed defendant periodically over the next few months, attempting to gather information regarding his habits. On December 7, 2018 defendant left his home and was followed to the Red Barn Adult Airport Video store (aka "The Porn Barn"), located at 11732 Airport Rd. Everett. Defendant spent two hours there. Police did not attempt contact with him inside the video store. On January 22, 2019 police followed defendant to the Lynnwood Golf Course.

Interviews of Jody Loomis' friends and family indicates that she did not know a Terrence Miller and there is no legitimate explanation for his semen to be on her boot.

DEFENDANT

Defendant is a lifelong resident of south Snohomish County. Prior to the murder on August 23, 1972, defendant was married and divorced twice. Defendant initially married 14 year old [REDACTED] on September 7, 1960. The couple had two daughters and were divorced December 10, 1962. Defendant got custody of both daughters in the divorce. Defendant married [REDACTED] (deceased) on February 2, 1963. The couple had one daughter, [REDACTED] born on August 9, 1963. Divorce papers were filed on December 8, 1966.

During the time frame of the murder of Jody Loomis (August 1972), defendant was living in a home located at [REDACTED]. This would have been with his third wife, [REDACTED] (deceased). Defendant and [REDACTED] were married on May 27, 1967. Defendant and [REDACTED] had two girls. Defendant and [REDACTED] purchased the property at [REDACTED] on October 25, 1968. [REDACTED] petitioned for divorce on October 29, 1974, listing the home at [REDACTED] as the domicile of the couple. The divorce decree between defendant and [REDACTED] was entered on February 7, 1975. Defendant married his fourth and current wife, [REDACTED] on November 11, 1976. The couple has lived at their current address, [REDACTED] ever since their marriage in 1976.

The location where defendant was living in 1972, [REDACTED] is approximately five miles from the location of Jody's murder.

The home of defendant's parents, and where defendant spent at least some of his childhood, was located at [REDACTED]. Defendant attended Edmonds High School, but does not appear to have graduated, opting to go to work instead. Defendant's Facebook page indicates that he started work with the IUOE Local 302 in 1958, working as a heavy equipment operator all over Western Washington.

Defendant has had contact with the criminal justice system over the years. The first documented arrest of defendant occurred when he was 18. He was booked on charges of Contributing to the Delinquency of a Minor and Willful Destruction of Property. During this process defendant gave his address as [REDACTED]. This address was that of defendant's parents.

Defendant's next documented contact with law enforcement was based on an Indecent Exposure incident that occurred on September 9, 1968. The victim of the exposure was a 17 year old young woman who was walking northbound on 48th Ave. W. at 224th St. SW in Mountlake Terrace. According to the victim, defendant drove up next to her, motioned her over and then lifted himself up in the truck, exposing his naked lower half. Defendant was driving a truck that belonged to his employer during this incident, United Utilities in Kirkland. The victim of the exposure was alert enough to get the license plate number of the truck. She gave this license plate number to police. The truck's license plate is how police ultimately were able to identify defendant. On September 24, 1968

defendant came into the Mountlake Terrace Police Department, and after being advised of his rights, defendant admitted exposing himself to a "young girl". Defendant indicated he was driving his boss' truck at the time. Defendant gave his address as [REDACTED] Mountlake Terrace. Defendant was ultimately cited with Disorderly Conduct (Lewd).

Law enforcement data bases indicate that defendant was contacted by police regarding a Burglary in the Second Degree that occurred on January 31, 1975. This was ultimately dismissed on January 21, 1977.

The next contact with Law Enforcement was for Incest and Statutory Rape 2, on August 29, 1978. The disposition of this incident is reported as "deferred" on January 17, 1979. Although the police reports for this incident have apparently been purged, it appears this case deals with sexual contact that the defendant had with his daughter from his second wife, [REDACTED] based upon statements made by both defendant and his daughter in a subsequent police investigation, as described below.

On March 13, 1990 police were contacted regarding allegations that defendant had molested two granddaughters on February 10, 1988. Defendant denied molesting either of the two little girls, although he admitted he had molested their mother, [REDACTED] when she was younger. Police contacted [REDACTED] who explained the circumstances that led her to leaving the two little girls with defendant (she had been arrested for outstanding traffic fines). She wrote that defendant had "raped me for two years" when she was between 11-13 years of age, and that she had never left the girls alone with him as she did not trust him. Given the date of birth of [REDACTED] what both she and defendant describe is roughly consistent with the dates listed in the data base describing the Incest/Statutory Rape charges. It would also appear that based on the timing that the sexual abuse of [REDACTED] was at least partially responsible for defendant's divorce from his third wife. Ultimately the case regarding the two granddaughters was declined by the Snohomish County Prosecutors Office after the girls indicated the touching could have been "accidental".

The last reported contact between police and defendant occurred on March 6, 1999. There were allegations that defendant had molested his developmentally delayed brother, [REDACTED] and showed him homemade sex tapes some years previous. In attempting to date the incident [REDACTED] indicated it occurred at the "Edmonds house" while his mother was still alive. According to [REDACTED] defendant had put his "penis in my rear end" in their mother's bedroom in the Edmonds house. Based on the disclosure of a single incident that likely occurred beyond the statute of limitations, the police ultimately concluded their investigation without an arrest.

State's Bail Request - The State requests that the court set bail in the amount of \$1,000,000. Given the horrific nature of the offense defendant committed, he is looking at a significant prison sentence-a minimum of twenty years. At defendant's age (77), such a sentence would leave him virtually no possibility of ever leaving prison alive. Defendant has very little incentive to voluntarily appear for court. Defendant applied for,

and received a Concealed Carry License on April 19, 2011, allowing the permit to lapse in 2016. While the permit has lapsed, this indicates that defendant has access to firearms, at the very least, a handgun(s). This concern relating to defendant's access to firearms is highlighted by a post by defendant on his Facebook page from August, 2015 which pictures a .45 semi-automatic handgun with the caption "It is better to have a gun and not need it, than to need a gun and not have it."

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.

ADAM CORNELL
PROSECUTING ATTORNEY



CRAIG S MATHESON, WSBA #: 18556
Deputy Prosecuting Attorney

DATED the 10 day of April, 2019 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: February 15, 2019 (fjd)
DEFENDANT: **MILLER, TERRENCE (nmi)**
ALIAS(ES):

DOB: [REDACTED]
RACE: White
GENDER: Male

SID: [REDACTED]
DNA taken: N

FBI: [REDACTED]

DOC:

CRIME

DATE OF
CONVICTION

PLACE OF
CONVICTION

Incarceration/Probation
DISPOSITION

ADULT FELONIES:

NONE

ADULT MISDEMEANORS:

DATE OF
VIOLATION

COURT CASE #

NONE

JUVENILE FELONIES:

DATE OF
CONVICTION

NONE

JUVENILE MISDEMEANORS:

DATE OF
VIOLATION

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 15th day of February, 2019, at the Snohomish County Prosecutor's Office