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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,	)	
	)	
v.	)	No. 13-1-13812-0 SEA
	)	
SAMUEL KENNETH MCDONOUGH,	)	INFORMATION
	)	
Defendant.	)	
	)	
	)	

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse SAMUEL KENNETH MCDONOUGH of the following crime[s], which are of the same or similar character, and which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Burglary In The Second Degree, Theft In The First Degree, Malicious Mischief In The First Degree**, committed as follows:

Count 1 Burglary In The Second Degree

That the defendant SAMUEL KENNETH MCDONOUGH in King County, Washington, on or about December 1, 2013, did enter and remain unlawfully in a building, located at Pier 69, in said county and state, with intent to commit a crime against a person or property therein;

Contrary to RCW 9A.52.030, and against the peace and dignity of the State of Washington.

Count 2 Theft In The First Degree

That the defendant SAMUEL KENNETH MCDONOUGH in King County, Washington, on or about December 1, 2013, with intent to deprive another of property, to-wit: the Victoria Clipper IV passenger cruise ferry, did wrongfully obtain such property belonging to Clipper Navigation Inc.; and the value of such property did exceed \$5,000;

INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney  
CRIMINAL DIVISION  
W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-2385  
(206) 296-9000 FAX (206) 296-0955

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2 Contrary to RCW 9A.56.030(1)(a) and 9A.56.020(1), and against the peace and dignity of  
3 the State of Washington.

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5 Count 3 Malicious Mischief In The First Degree

6 That the defendant SAMUEL KENNETH MCDONOUGH in King County, Washington,  
7 on or about December 1, 2013, did knowingly and maliciously cause physical damage in excess  
8 of \$5,000, to the Victoria Clipper IV passenger cruise ferry, the property of Clipper Navigation  
9 Inc.;

10  
11 Contrary to RCW 9A.48.070(1)(a), and against the peace and dignity of the State of  
12 Washington.

13  
14 DANIEL T. SATTERBERG  
15 Prosecuting Attorney

16  
17 By: 

18 Ian D. Ith, WSBA #45250  
19 Deputy Prosecuting Attorney  
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2 CAUSE NO. 13-1-13812-0 SEA  
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4 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
5 CONDITIONS OF RELEASE

6 The State incorporates by reference the Certification for Determination of Probable Cause  
7 prepared by Officer Darin L Beam of the Port of Seattle Police Department for case number 13-  
8 21026.

9 Pursuant to CrR 2.2(b)(2)(i, ii, iv), the State requests a warrant because the defendant is  
10 an extreme flight risk and a danger of committing violent offenses. The State requests bail in the  
11 amount of \$200,000.00 as was set at the probable cause hearing.

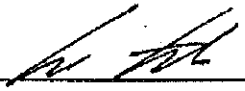
12 Mr. McDonough's crimes in this case were not only a public spectacle, but were  
13 spectacularly reckless and deadly perilous. What may be even more troublesome is how  
14 cavalierly Mr. McDonough has treated his dangerous actions. Apparently on a whim as a  
15 birthday present to himself, Mr. McDonough took control of an \$8 million, 480-ton, 132-foot  
16 passenger cruise vessel and ripped it from the dock at the Seattle waterfront in the predawn  
17 darkness. He then motored the 324-passenger boat without lights into the middle of the ferry-  
18 transit and shipping lanes of one of the West Coast's busiest seaports. Despite the fact that the  
19 33-foot-wide catamaran is capable of more than 31 knots, Mr. McDonough's only prior  
20 experience operating any kind of boat was with a Sea-Doo personal watercraft, he later told  
21 police. When contacted by police SWAT-team officers while adrift in Elliot Bay, Mr.  
22 McDonough proclaimed himself a pirate, and said he had intended to flee the country to  
23 Victoria, B.C. Despite later claims that he merely sought passage to West Seattle, he apparently  
24 has made more than one statement indicating an original intent to travel internationally aboard  
this powerful vessel. Meanwhile, the risks he created to life and limb cannot be understated.

That the defendant is a risk of flight in this case is a similar understatement. He was  
released from prison only in May after serving a term for felony Indecent Exposure, for  
masturbating in front of baristas at an Issaquah coffee stand and trying to get inside. It was his  
third conviction for felony Indecent Exposure. He also has been convicted of VUCSA (2005),

1  
2 DUI (2006) and Theft 3°. Since being released in May, the defendant has spent 110 additional  
3 days in custody for violations of his Community Custody, according to the Department of  
4 Corrections. He has removed his required GPS bracelet at least four times since his release from  
5 prison, and during his last arrest on November 6<sup>th</sup>, a Community Corrections Officer (CCO)  
6 found four removed bracelets. Indeed, when he stole the Victoria Clipper IV, he was also  
supposed to have been wearing a locator bracelet, but had removed it.

7 That the defendant is a continued danger to the community should also go without  
8 saying, given the nature of this offense and his record. During this offense, he was armed with a  
9 large folding knife. When arrested November 6<sup>th</sup> for community-custody violations, he was in  
possession of a machete, according to his CCO.

10 Signed and dated by me this 4th day of December, 2013.

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14 Ian D. Ith, WSBA #45250  
15 Deputy Prosecuting Attorney  
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# Port of Seattle PD – Probable Cause Statement

PO Box 68727  
Seattle, WA 98168  
(206) 431-3490

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LODI

DEC 04 2013

CAUSE #

## Port of Seattle Police Department Certification for Determination of Probable Cause

That I, D. Beam, am a Detective with the Port of Seattle Police Department and I have Reviewed the investigation conducted in Seattle Washington, County of King by the Port of Seattle Department Police, Case Number: 2013-51026

There is probable cause to believe that Samuel K. McDonough, DOB 12/1/80, has committed the crime(s) of:

- 1) Burglary in the First Degree
- 2) Theft in the First Degree
- 3) Malicious Mischief in the First Degree

This belief is based on the following facts and circumstances: On 12/1/13 at about 0557 hours, Darrell Brian, CEO and part owner of the Victoria Clipper cruise line noticed the Victoria Clipper IV, depart the C berth at Pier 69, Seattle WA and head south. Brian knew the Clipper IV, a 480 gross ton, 40 meter cruise vessel, was scheduled for repairs and was not scheduled to be moved. After confirming no clipper employee was on the vessel, Brian contacted the US Coast Guard to advise him the vessel had been stolen.

The Clipper IV had moved south to the middle of the Puget Sound where it appeared to lose power and was drifting. Fearing the clipper could drift onto shore and cause substantial damage to any shoreline structure it came into contact with, Brian contacted FOSS Maritime Co. and had a tug boat dispatched to the Clipper IV to secure it.

The Tug "Andrew Foss" secured the vessel and noticed a male subject still onboard. The crew locked themselves in the cabin of the tug while waiting for police to respond.

Port of Seattle Police, Seattle Police, King County Sherriff's Bomb Squad and an FBI liaison for the Joint Terrorism Task Force responded and set up incident command.

At 0948 hours, Officer Kelly, with the SPD Hostage Negotiation Team, placed a call to a cell phone kept in the Clipper IV's Pilot House. A male subject answered the line and said "I don't want to talk now" and hung up. Officer Kelly immediately called back and spoke with the subject. The subject identified himself as "Zero" and requested safe passage somewhere where he would not get in trouble for stealing the boat. Throughout the conversation, "Zero" made several rambling statements regarding maritime law, piracy and international waters. "Zero" at one time, requested a woman be brought to his location because he was lonely.

CAUSE NO. 0 CASE NO. IUndefined Bookmark, CASENO

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## Port of Seattle PD – Probable Cause Statement

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At about 1029 hours, SPD SWAT boarded the Clipper IV and took the subject into custody. The subject was identified as Samuel K. MCDONOUGH, DOB 12/1/80 from a WA DL. MCDONOUGH is listed in NCIC/WCIC as under DOC supervision for indecent exposure.

MCDONOUGH was transported to the Port of Seattle Police Department, waterfront office. MCDONOUGH was read his Miranda rights waived his rights, agreeing to speak with Detectives regarding the incident.

When asked if he had any weapons, MCDONOUGH said he had a pocket knife but he had left it on the ship because he didn't want the police to consider him a threat.

In a recorded statement, MCDONOUGH stated he jumped over the fence at the entrance to the pier where there is a large gap in the top of a seven foot fence. After entering the secured TWIK area, MCDONOUGH can be seen on video donning a life vest and releasing several of the rope moorings along the dock. MCDONOUGH then said he boarded the ship and went to the unsecured pilot house where he was able to turn on engines using the keys left in the ignitions. MCDONOUGH explained he was a mechanic and was able to figure out which systems to engage to make the vessel operational.

MCDONOUGH was able to engage the engines and snapped the remaining mooring lines to the dock, as well as ripping out a cleat and part of the deck from the aft portion of the ship causing several thousand dollars in damage. The ship can be seen on video leaving the dock, a bright flash indicates when the power cable was severed and the emergency lights on the ship automatically activate. MCDONOUGH stated he thought the anchor was down so he used the engine to "overpower it."

Once under way, MCDONOUGH began slowly cruising around the immediate area. When asked where he had intended to go, MCDONOUGH stated he just wanted to go to West Seattle or "the Duamish River" to ditch the boat. MCDONOUGH said he turned off the engines about a mile out so he could "check out the boat." MCDONOUGH said the engines were not working properly and he thought someone had remotely shut off the ship. MCDONOUGH said "I would have made it if the thing hadn't died on me." MCDONOUGH said he was just looking for somewhere where he could "Just jump off and run." When asked what he would have done after that, MCDONOUGH said "Flee from the scene of the crime in the nick of time." (See recorded statement @ 12:25 min mark).

MCDONOUGH said he made up the name Zero "right there", having used the names "Solo" and "Chaos" before. MCDONOUGH then said "In this instance I'm anonymous boat captain. Pirate. You know, I didn't want to give my real name, that's all."

MCDONOUGH said once the police had contacted him, "I was trying to hold myself and the boat hostage." MCDONOUGH said he then said he wanted to go to Victoria, Canada."

MCDONOUGH said prior to the police arriving on the boat, he had taken anything that could be considered a weapon out of his pockets.

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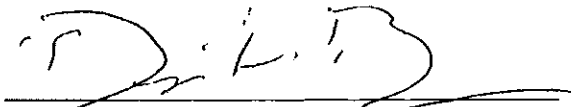
A search of the ship showed a computer, several bottles of perfume and a bottle of wine lying on the floor of the main cabin of the lower level of the ship as well as two bottles of liquor lying in a seat. The Duty Free cabinet had been forced open and one of the doors removed. A bag used for holding blankets had been dumped out and several items, including two radios, a six pack of beer and other items was found in the upper level of the ship. Among the items in the bag was a large folding knife. When asked about the perfume, liquor and duffle bag, MCDONOUGH admitted to taking them.

Because MCDONOUGH illegally accessed a secured TWIC area with a deadly weapon with the intention of committing the theft of vessel and several items contained in the ship itself, there is probable cause to believe MCDONOUGH is in violation of RCW 9A.52.020, Burglary in the First Degree.

Because MCDONOUGH boarded and took vessel, the Victoria Clipper IV, valued at about eight million dollars as well as several items contained within, there is probable cause to believe MCDONOUGH is in violation of RCW 9A.56.030, Theft in the First Degree.

Because MCDONOUGH caused several thousand dollars in damage to the Victoria Clipper during the commission of its theft, there is probable cause to believe MCDONOUGH is in violation of RCW 9A.48.070 Malicious Mischief in the First Degree.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me on this date 12/4/13, at Seattle, Washington.

  
\_\_\_\_\_  
Detective Signature

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