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NEWS RELEASE

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NO DEATH PENALTY REQUEST IN JEWISH FEDERATION SHOOTING

King County Prosecuting Attorney Norm Maleng today announced that he will not seek the death penalty in the case of Naveed Haq, who is accused in the July 28, 2006 shooting at the Jewish Federation in Seattle that killed one woman and injured five others.

Maleng cited Haq's history of mental illness as an important factor in his decision not to seek the death penalty. "I view this crime as one of the most serious crimes that has ever occurred in this city," Maleng said.

Haq, 31, has been charged with aggravated first degree murder for the killing of Pamela Waechter, the aggravating factor being burglary first degree for his use of a gun to forcibly enter the locked front door of the Federation's downtown Seattle office building. Haq has also been charged with kidnapping in the first degree for forcing the 14-year-old niece of a Federation employee to let him through the secured door.

In addition, Haq is charged with five counts of attempted first degree murder for the shooting of five other Federation office workers: Dayna Klein, Carol Goldman, Christina Rexroad, Layla Bush, and Cheryl Stumbo. Haq also faces a charge of malicious harassment, the state's hate crime law, for his intentional targeting of the victims based on his belief that they were members of the Jewish faith.

When he announced the charges in August, Maleng said, "Make no mistake: this was a hate crime. The attack on these women was an attack on the Jewish community, not only in Seattle, but throughout our nation and the world. The victims were killed and injured, not because of who they were as individuals, but because the defendant wanted to use them as symbols, to strike at members of the Jewish faith everywhere."

Maleng has met with each of the surviving shooting victims and members of the family of Pamela Waechter. He has also met with Jewish Federation leaders and a number leading rabbis in the region.

(More)

Maleng's decision to seek life in prison without possibility of release instead of the death penalty was guided by state law that requires the prosecutor to consider whether the case presents any "mitigating factors" as defined by statute.

The death penalty statute instructs the prosecutor to file the notice of intent to seek the death penalty "*when there is reason to believe that there are not sufficient mitigating circumstances to merit leniency.*" RCW 10.95.040.

The statute lists mitigating circumstances to be considered, including:

1. *Whether the defendant has or does not have a significant history, either as a juvenile or an adult, of prior criminal activity;*
2. *Whether the murder was committed while the defendant was under the influence of extreme mental disturbance;*
3. *Whether the victim consented to the act of murder;*
4. *Whether the defendant was an accomplice to a murder committed by another person where the defendant's participation was relatively minor;*
5. *Whether the defendant acted under duress or domination of another person;*
6. *Whether, at the time of the murder, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired as a result of mental disease or defect. However, a person found to be mentally retarded under RCW 10.95.030(2) may in no case be sentenced to death;*
7. *Whether the age of the defendant at the time of the crime calls for leniency; and*
8. *Whether there is a likelihood that the defendant will post a danger to others in the future.*

See RCW 10.95.070.

The Prosecuting Attorney's Office reviewed Haq's mental health treatment records accumulated over a ten-year period and considered the opinions of mental health experts who had reviewed the records. While Maleng found the mental health history to be an important mitigating factor in his decision regarding the death penalty, prosecutors believe that under Washington law, Haq should be held fully accountable in the criminal justice system for his alleged crimes.

The only other possible punishment for aggravated murder is life in prison without the possibility of release. Haq will be in court today for a case setting hearing before King County Superior Court Judge Paris Kallas at 3:30 p.m. in courtroom E-942.