

FEBRUARY 7, 2001

MR. SIMEONE: Good morning, your Honor.

THE COURT: Good morning.

MR. WETLE: Good morning, your Honor.

THE COURT: We are here on the matter of State of Washington versus John D. Grange, Cause Number 00-1-190-2.

The attorneys and I met this morning in chambers to talk about how we're going to approach this hearing today, and we have-- I have had a chance to look at the briefing. I appreciate the briefing from both of the attorneys on these issues, which are numerous.

The main two issues that we're hoping to resolve today are whether or not evidence of an alleged drug trafficking conspiracy can be established by a preponderance of the evidence. Number 2, whether or not Mr. Grange's affiliation or association or involvement in that conspiracy can be established by a preponderance of the evidence. And then in addition, whether or not that would be relevant; if so, whether the probative value is outweighed by the prejudicial effect under Evidence Rule 404 (b).

There is also some-- perhaps an issue under Rule 702 as to expert testimony, but I gather that mostly the evidence from the officers will be today just a preliminary showing that, Mr. Wetle, you hope to make in regard to those preliminary issues,

an Evidence Rule 104 type determination as to the admissibility of that conspiracy evidence. Is that right?

MR. WETLE: That's correct, your Honor.

THE COURT: Okay. The reason-- Let the record reflect that from the briefs I could tell the reason that the Prosecuting Attorney wishes to introduce this evidence is because he wishes to introduce statements from alleged co-conspirators of Mr. Grange to demonstrate motive and/or premeditation or intent, and also the res gestae, the big picture, so to speak, surrounding the occurrence of the alleged murders. And so that's what Mr. Wetle's offers of proof indicate, and also his brief.

Mr. Simeone, I know from his briefing, has strenuous objections on several bases. One, that the existence of the conspiracy cannot be established by a preponderance of the evidence which is required before any of it can come in. That'd be any of the statements of-- alleged statements of co-conspirators can even come in.

Number 2, Mr. Grange's affiliation with that can't be established by a preponderance of the evidence.

And then also even if it can be, he's indicating that much of what the State wishes to introduce would be more prejudicial than probative under Evidence Rule 404 (b) as-- as the improper character evidence.

There's some other issues Mr. Simeone raises, one being that

some of the incidents that the co-conspirators' statements talk about can't be established to have occurred by a preponderance of the evidence. And the-- That is a preliminary issue of admissibility, as well. For example, the statements having to do with prior alleged murders of persons by Mr. Grange, telling Mr. Williams and/or Mr. Cunningham of prior times of murdering other people. And that even if there were such evidence, that it would be highly prejudicial and not very probative of issues in controversy, but would be-- the prejudicial effect would far outweigh the probative value.

But let's start by putting on the record-- Mr. Simeone, you had indicated that you have an objection to the way the State wishes to proceed in regard to who should be called as witnesses at this preliminary hearing and what the court should be listening to at this preliminary hearing.

MR. SIMEONE: Thank you, your Honor. Yes, this gets to the argument which I think you aptly summarized that I made to the-- to you in chambers this morning with Mr. Wetle. That is that I think the evidence needs to be proved by a preponderance as to the conspiracy. I need-- I think the evidence needs to be proved by a preponderance as to Mr. Grange's, in particular, involvement in any such conspiracy. And any 404 (b) type evidence that they intend to use for purposes other than showing that because he's done this in the past he's going to do it in the

future, which 404 (a) doesn't permit. That also has to be proved by a preponderance, in addition to all the other requirements that are necessary, that is that there's a purpose, that there is a-- there's a relevance, that the relevance must outweigh the prejudicial value, as the court already identified.

Now, getting back to your specific question, I think

that we need evidentiary-- a full evidentiary hearing. I don't think we need to have testimony from police officers or other people who are hearsay witnesses as to what took place, because I don't think that's the kind of evidence that the court refers to in State v. Guloy, a copy of which I gave to the court, and that's 104 Wash. 2d 412.

I don't think that's the kind of evidence that the court envisions there, and I'm looking at footnote-- or headnote five of the case in particular, and I think that's page 420. The court says that: The trial judge must find that there is evidence other than hearsay statements that shows that the defendants were members of a conspiracy.

It goes on to say in the next paragraph, talking about making its independent determination, that:  
The trial court should use the preponderance of the evidence standard when deciding whether or not the defendant is a member of the conspiracy.

So I think this gets back to the argument that I raised in court that I think you listened to particularly, your Honor. That is we can't just show that there's a larger framework of a conspiracy here, and then with that alone shovel in all the hearsay that the State intends to use coming from various DEA agents as to what the Family does or what the intentions are, how they act, until we specifically identify that this individual, the defendant, was part of that conspiracy.

That's my feeling about it, and I think that's what-- that's the way I read that case. So I'm getting back to what you said specifically in your question and your comment, your Honor. I think we need an evidentiary hearing to be able to show, with independently admissible evidence that's other than hearsay, that the conspiracy existed and that this individual was a member of a conspiracy in particular. That being non-hearsay evidence.

THE COURT: All right. Mr. Wetle, anything you'd like to say in regard to the procedure we are to follow today?

MR. WETLE: Well, your Honor, I think following procedure in Rule 104 is correct and it basically states Rules of Evidence do not apply to this type of hearing, and hearsay is allowed for the court to make these preliminary findings outside the presence of the jury as to whether co-conspirator statements will be allowed.

THE COURT: All right. Well, it does indicate in Rule 104

that-- 104 (c), the second sentence:  
Hearings on other preliminary matters--

And this is other than the admissibility of confessions, so  
hearings on matters such as we're dealing with today,

--shall be so conducted when the-- conducted outside  
the hearing of the jury when the interest of justice  
require, or when an accused is a witness and so  
requests.

And I didn't clarify with you, Mr. Simeone--haven't--whether  
or not you would be intending at this preliminary hearing to  
call your client as a witness?

MR. SIMEONE: No, I would not intend to call Mr. John Grange.  
However, I did indicate to the court earlier in our conference  
that I want to call his father, Mr. Doug Grange. I think it's  
my motion, I think I have a right to call a witness.

THE COURT: Mr. Wetle, my inclination would be that in the  
court's determination, as long as we don't get too far afield,  
in the court's determination of whether or not the conspiracy  
existed or exists, and whether or not Mr. Grange is involved  
in it, Mr. John D. Grange is involved in it, that the court could,  
in its discretion, hear from your officer witnesses, and they  
would be able, under 104 (a), to offer hearsay information in  
regard to the determination of whether testimony from other  
witnesses is going to be allowed on this point. But my thought  
is also I would have the discretion to allow Mr. Simeone to call

other witnesses, and, again, as long as it doesn't get too far afield, sometimes we can do this by-- entirely by an offer of proof, entirely by hearsay testimony would be my reading of Rule 104 (a). But any objection, Mr. Wetle, to Mr. Simeone's calling Mr. Douglas Grange for this determination?

MR. WETLE: No, your Honor.

THE COURT: Okay, then that will be allowed, Mr. Simeone. My thought is, though, that contrary to what Mr. Simeone would argue to the court, the court does have, under Rule 104 (a), the right to take hearsay testimony at these hearings in making its determination. In other words, the second sentence of 104

(a) reads:  
In making its determination, the court is not bound by  
the Rules of Evidence, except those with respect  
to privileges.

And hearsay rule isn't a privilege issue, so the court can take hearsay evidence in regard to this. It's a little bit complex because we're talking about what some would call hearsay, which the evidence rules call non-hearsay, and that is statements of co-conspirators, whether or not, Number 1, they can even come in because the court has to find by a preponderance at this hearing that the conspiracy existed and that Mr. Grange was affiliated with it, involved in it, before those statements are even admissible.

And so that's the preliminary issue we're going to deal with today.

There's some other preliminary issues we need to make sure we touch on before we finish up here, but we'll start in with that. So, Mr. Wetle, let's start in with your side of this then. Did you-- Oh, Mr. Simeone, did you have--

MR. SIMEONE: Briefly, your Honor.

THE COURT: --something else preliminarily?

MR. SIMEONE: Very briefly. I wanted to add to my list, my motion in limine that I filed with the court that I failed to list, is any reference to the Irish Mafia tattoo that Mr. Grange has on his body, and any evidence that the State might introduce of testimony or a statement from Mr. Cunningham that took place in our Saturday interview that he grabbed somebody by the scruff of the neck. That is, that Mr. Grange grabbed somebody by the scruff of the neck and threatened to throw him down on his head, or words to a similar effect.

THE COURT: Okay. I'll just add that in here so that I can deal with that. Well, let me just ask you, Mr. Wetle, are you going to introduce any evidence about the Irish Mafia tattoo?

MR. WETLE: We would like to, your Honor. It's an organization in the northwest Portland, and it's sort of like a gang organization, and to the extent that we can verify that type of association to the defendant, and we think it's relevant to show his orientation toward those types of organizations. I'm not exactly sure the nature at this point of the Irish Mafia. It just connotes a



Mafia, which is kind of what we're dealing with in terms of the overall drug trafficking industry.

THE COURT: Okay. Well, I'm going to give you till day's end to come up with something better than that, Mr. Wetle, because it doesn't seem to me that that would have any relevance except the-- Well, it's not relevant at all, but I think it would have a prejudicial effect under ER 404 (b) as impermissible character evidence, and would possibly also be a violation of the First Amendment, freedom of association concern expressed in some of the case law here. The gang evidence can come in if it's relevant, but if membership in the Irish Mafia, or affiliation in some way with the Irish Mafia, as shown by this tattoo is not involved in any of the issues of this case, I don't see how it can come in--

MR. WETLE: If I don't--

THE COURT: --other than to try--

MR. WETLE: If I don't connect it--

THE COURT: --to taint--

MR. WETLE: Yes, your Honor.

THE COURT: --Mr. Grange's character, which is not allowed-- we're not allowed to have happen.

MR. WETLE: Thank you.

THE COURT: Okay, now, in regard to the statement made during or after Mr. Simeone's interview of Mr. Cunningham, I'm going

to let you cover that in your evidentiary presentation, because I gather you're wanting to introduce that as evidence of Mr. Grange's willingness to follow through with threats, or something.

On the other hand, Mr. Simeone wants it out as impermissible character evidence, action in conformity there- with, et cetera.

So am I properly paraphrasing your--

MR. SIMEONE: That's correct.

THE COURT: --respective positions on that?

MR. SIMEONE: Yes, your Honor.

THE COURT: Okay. All right, Mr. Wetle, anything else from you preliminarily?

MR. WETLE: No, your Honor.

THE COURT: Okay. Did you have an opening statement of any kind, or did you wish to just launch into your evidence?

MR. WETLE: Your Honor, I think we've covered it basically in our pre-trial or our pre-hearing conference, and the court summarized those positions quite well, and we'd be ready to proceed with evidence presentation.

THE COURT: Okay. All right, then, I'll have-- Mr. Simeone, anything by way of an opening statement that hasn't already occurred?

MR. SIMEONE: I think I've already expressed my position, your Honor.

THE COURT: Okay, thank you. Then, Mr. Wetle, you may call

your first witness.

MR. WETLE: The State would call Detective Loren Erdman.

THE COURT: All right, sir, if you'll come forward?

MR. SIMEONE: Your Honor, I would interrupt just for a moment.

I thought in chambers we talked about witness exclusion, and I don't know whether the court--

THE COURT: Oh, yes. Yeah, we did. Mr. Wetle, I think you brought it up, but I think it's appropriate that anyone who's going to be a witness in the case would need to take a seat outside the courtroom till we call for you. So anyone in the courtroom?

Is this Mr. Grange here? Mr. Douglas Grange?

MR. SIMEONE: That's right.

THE COURT: Okay, and any other officers in the court-- I see Detective Taylor's here, but you're not a witness in this hearing, are you, Detective Taylor?

MR. WETLE: He is not, your Honor. Detective Baskin was going to sit with me during the course of the trial.

THE COURT: Assist--

MR. WETLE: Yes.

THE COURT: Okay. All right, and that's allowable. Mr. Grange, the court has to allow one of the officers to remain in the courtroom to assist the State in its evidence presentation throughout. It has to be the same one, at least hearing to hearing, so not necessarily Det-- Are you-- Is this going to be your

detective throughout the trial?

MR. WETLE: I believe so, your Honor, unless he, you know, gets sick.

THE COURT: All right, then, Detective Erdman, if you'll come forward, please, and raise your right hand.

**PLAINTIFF'S CASE IN CHIEF**

**WITNESS IS SWORN**

THE COURT: If you'll start by giving us your full name, please, for the record?

DET. ERDMAN: Loren Erdman.

THE COURT: And your spelling on your last name, please?

DET. ERDMAN: E-R-D-M-A-N.

**PA SYSTEM IS TURNED ON**

THE COURT: If you would state your current business address for the record?

DET. ERDMAN: P. O. Box 186, Colville, Washington.

**ADJUSTMENTS TO MICROPHONE**

THE COURT: Mr. Wetle, you may inquire.

MR. WETLE: Thank you, your Honor.  
LOREN ERDMAN                            **Being first duly sworn, on  
oath testified as follows:**

**DIRECT EXAMINATION**

**BY MR. WETLE:**

Q.Detective Erdman, how long have you been a detective for the Stevens County Sheriff's Office?

A.Just over two years.

Q.On November 16th, year 2000, did you interview a Douglas J. Grange at 25746 Jean's Road in Vaneta, Oregon?

A.Yes, I did.

Q.And was that interview taped?

A.Yes, it was.

Q.And who was present for that interview?

A.Myself, Mr. Grange, and Detective James Danner of the Multnomah County Special Investigations Unit. Later in the interview we had a few other people show up that were residents at the house.

Q.Is that Mr. Banker?

A.Yeah, Herbert Banker and his daughter.

THE COURT: I'm sorry. I didn't get the date on it.

MR. WETLE: November 16th.

THE COURT: Of 2000?

MR. WETLE: Yes.

THE COURT: Okay. Go ahead.

Q.Did Mr. Grange say how his son, Chewy, had met Jeff Cunningham?

A.How he had met him?

Q.Yes.

A.I believe he met him at Rob's house. Okay, I'll refer to my-- the tape-- the transcript of the taped statement here to verify. Do you have the page number on that?

Q.Page 8.

A.Right. I asked him how he-- how did John know Jeff, and he replied he had met him through people in Portland, so I guess it was people in Portland.

Q. When did Mr. Grange--

THE COURT: Which? Would you specify which Mr. Grange?

MR. WETLE: Thank you, your Honor. I'm going to try to call John Grange, the defendant, Chewy, for the purposes of this hearing. That's his nickname. And then that way we'll hopefully avoid confusion.

THE COURT: Okay. Maybe you-- If you're going to use a first name for Mr. John Grange, why don't you use the first name for Mr. Douglas Grange.

MR. WETLE: Douglas?

THE COURT: Doug or Douglas or whatever he goes by.

Q. Who was living at the Crown Creek cabin and what were they doing, do you recall, from Mr. Douglas'-- or Douglas Grange's statement?

A. Right. He stated that Jeff Cunningham and John Grange were both living at the cabin the summer of 2000; that he said that they were both up there to grow marijuana. He stated that he had observed approximately a hundred marijuana plants for each of them, for a total of about 200 marijuana plants at the cabin. He was up there to visit them. The dates he stated were either June 2nd or 3rd though the 10th of June.

Q. What did Douglas Grange say about a nark and a hit?

A. Mr. Grange, Douglas Grange, stated that prior to coming up to the Northport area on June 2nd through the 10th, he had

overheard or had heard talk about a nark who had been arrested in the Seattle area who had-- He was arrested for LSD, carrying LSD. He apparently was a carrier that went from California to Seattle, and when he was up at the barter fair he heard that that nark was possibly going to show up at the barter fair. He'd also been told that the Seattle people were unhappy about it because he'd been turning people in and getting people in trouble, and that the San Francisco people were also upset about it and they'd put a hit out on this guy.

Q. Did he say anything about whether he was working with the feds or not?

A. Right. He said that--

THE COURT: I'm sorry. When you say he, I don't know who he is.

MR. WETLE: That whether--

THE COURT: Mr. Doug Grange or the alleged nark?

Q. Whether the nark was working for the feds.

A. Douglas told me that he was under the understanding that he had been arrested and had cooperated with the federal officers, and that's why people were getting in trouble.

Q. Did he say anything about whether they wanted that information to get out or not?

THE COURT: I'm sorry. They? I don't know who you're



referring to.

Q.The people that he was with, the alleged Family.

A.The people-- The people that Mr. Grange, Douglas Grange, was with?

Q.When he heard this. Did he say anything about whether or not that information, they wanted to get it out or not?

A.He-- He stated that the people that he overheard-- I believe he said he overheard it at Rob Schultz's house. I'd have to look at the exact page here to verify that, but--

THE COURT: Why don't you do that, please, so that--

DET. ERDMAN: Do you have that page number on there?

MR. WETLE: Page 12.

MR. SIMEONE: Your Honor, I'm going to object to the officer having to refer to what the Prosecutor knows about where this evidence is. I think if he's got-- If he's got knowledge of this, he should be able to know from his notes or from his independent recollection. We're dealing with hearsay, as it is. Now we're not only dealing with hearsay, we're dealing with the Prosecutor having to tell him where the hearsay is.

THE COURT: I'm going to overrule your objection, Mr. Simeone.

There is quite a bit of leeway at these hearings, and I'm going to-- But I do want to be very specific, Mr. Wetle.

I need to know-- If we're relying on Detective Erdman to

tell us at this hearing what you expect Mr. Grange to say on the witness stand, then I need to be specific about what Mr. Grange is-- what the source of his information is, whether it's personal observation or whether it is something else.

And so, for example, on this question of where this occurred, we do need to be specific. But I'm overruling Mr. Simeone's objection as to your directing him to a certain page of something.

MR. WETLE: Thank you, your Honor.

THE COURT: So would you restate your question?

Q. The question was things that was said about what the-- that Mr. Douglas Grange heard was said about the nark prior to June 2nd, and I think on-- if you recall what he said about that information getting out.

A. Right. He said that the Family didn't want the information out because people were getting in trouble because of what the nark-- the information that the nark was providing the federal officers.

Q. And did he say anything about where the nark might go or be, that he'd heard at those-- in those conversations?

A. He said that the nark was in Seattle working with federal officers.

Q. And where he might show up?

A. At the barter fair in Northport.

Q. And do you know when that barter fair in Northport was scheduled

to take place?

A. That was--

THE COURT: Hold on. I don't know if it matters whether Detective Erdman knew where it was, but whether he understood what this person was telling him, what he was referring to.

So can you clarify what you're asking in that regard?

Q. Did you understand from your conversations with Douglas Grange where this-- when this barter fair was going to take place?

A. Douglas Grange was aware of when the barter fair was going to take place. He was up there at the beginning when they were setting it up, which would have been the last part of his stay up in Northport. According to his statement, June 10th was his last day up there, and the barter fair was starting up at that point.

Q. And he heard these conversations prior to the time he went up to the barter fair?

A. I believe he-- At both times. Prior to and up at the barter fair.

Q. Was there another time that people talked about what was to be done with the nark, that Mr. Grange heard?

THE COURT: Would you state that question again? I missed the first part.

Q. Was there another time that people talked about what was to be done with the nark?

A. Other than the hit that was put out on him? Yeah, he mentioned that up at the barter fair that people were told that he might show up and to watch out for him, and everybody pretty much knew who the guy was, apparently, and basically just to watch out for him.

Q. Was there any mention about a contract being out on him?

A. Before the barter fair. I believe he over-- It was at Rob Schultz's house, he said-- Douglas stated that he heard them discussing it, including his son, John Grange, discussing it, that there was a contract that San Francisco had put out on-- on this nark.

Q. Did Douglas Grange say who or where this conversation took place? Whether it was at Schultz's or not?

A. He stated it was at Rob Schultz's house, that he spent quite a bit of time there on the weekends, as much as every other weekend, and that he had overheard it there. He said there was often ten to 15 people that were friends, associates, of Rob Schultz and the others in the Family, and that's when he overheard this discussion.

Q. Did Douglas Grange say who was upset?

A. Both the Seattle Family and the San Francisco Family.

Q. And when you say who-- who was the Seattle Family? What do they do? Did he say what type of people they were?

A. Well, he said that they were a somewhat organized group of

people that were-- their basic focus was drug dealing. He stated-- He called them the Family or the Rainbow Family.

Q. Did he say he'd heard who put the hit out on the nark? Did Mr. Grange say that he'd heard who put the hit out on the nark?

A. Douglas said that he'd heard the San Francisco Family put the hit out on him.

Q. Did Douglas say why the group as a whole didn't care for the nark?

A. Because people had gotten in trouble for the information he had provided to officers.

Q. Did he talk about whether they were-- did not like the fact he's talking-- people were talking about what they do?

A. Right. Well, he-- What Mr. Grange, Douglas Grange, stated was that this person was a carrier for the drugs, LSD and pot, and that he had specific knowledge on how the people ran their business, and--

THE COURT: I'm sorry. He being the--

DET. ERDMAN: The nark.

THE COURT: The alleged nark? Okay.

DET. ERDMAN: Right.

A. Because he knew too much about that, and providing information was very damaging to the Family.

Q. Who was talking to Douglas Grange about all this stuff? Did he identify who was talking to him about it?

A. The only person specifically he mentioned was his son. He said that there was many people at Rob Schultz's house from time to time that he overheard stating these comments. They were all in the Family or associates of the Family. He couldn't remember specifically if Rob Schultz had stated it or Shadow or others present, you know. He couldn't remember exactly who stated it, other than his son.

Q. Did he tell you-- Did he say that he knew what they called themselves?

A. The Rainbow Family.

Q. Did he tell you-- Did Mr. Grange-- Did Douglas Grange tell you what Rob Schultz was?

A. He was the boss or one of the bosses of the Portland Family.

Q. And what did he say that as the boss he did?

A. He basically kept the supply of drugs open for the Portland area.

Q. Did he say anybody else--

A. He said he believe-- His understanding was that Shadow was on the same level as Rob, as boss of-- Kind of like partners in the Family. Running the Portland Family.

Q. Did Douglas Grange say how organized the Family was?

A. He said that it was fairly organized in that they all seemed

to know what each other was doing, you know, throughout the states.

Q.And did he tell you what the main focus of the Family was?

A.Drugs.

Q.Anything about the supply?

A.Keeping the supply open.

Q.And anything about distribution?

A.Right. Basically buying, selling, making drugs, marketing it, you know. Using their members to sell the drugs.

Q.So the distribution came through their members?

A.The members of the Family.

Q.Did Douglas Grange say that he saw the nark before he left the barter fair on June 10th?

A.Douglas Grange did not see him before he left the barter fair.

THE COURT: I'm sorry. Before who left the barter fair?

DET. ERDMAN: Before Douglas left the barter fair.

THE COURT: Did not see--

MR. WETLE: The nark.

THE COURT: The nark.

DET. ERDMAN: Yeah, his statement was that he left on June 10th and had not seen the nark by that date.

THE COURT: Thank you.

Q.What did Douglas Grange say about how the defendant, Chewy, felt about the nark?

A.He stated that he didn't really have very good feelings about him because his son-- Grange was very protective of his Family, meaning Rob Schultz and also the people under him that sold the drugs for him, and that if the nark could cause problems for them, then he was, you know, upset about it.

Q.Did he say what he was going to do if he showed up in Portland?

A.Douglas stated that his son had told him that he would beat his ass, I believe's the words he said.

Q.Beat him badly?

A.Beat him badly. Beat him up bad.

Q.And why-- And the purpose to beat him up badly was so what would happen?

A.So he wouldn't come back to Portland.

Q.What did Douglas Grange say about the defendant, Chewy, coming back to Portland?

A.It was unexpected. He was kind of surprised, disappointed.

Q.What did he think that he was going to do?

A.He believed that he was going to be staying during the marijuana growing season up here in Northport and returning after-- after that.

THE COURT: I'm sorry. I wanted to clarify whether this was-- Mr. Doug Grange was disappointed or his son expressed to Doug Grange that he was disappointed. Could you clarify that?



Q.Let's clarify that.

A.Right. Douglas Grange stated that he was surprised and disappointed that his son had returned so soon, that he had expected him to stay through the grow season up in Northport. He had bought him several items, fairly expensive items, to help him out up in that area to stay there.

Q.And when-- Did he say when he-- When Chewy returned to Portland, who he was staying with?

A.He was staying with Rob Schultz.

Q.And did you recall how soon after June 11th that he said he returned to Portland?

THE COURT: That he said-- That Doug Grange said that his son had returned to Portland?

MR. WETLE: Yes.

A.Douglas told me that his son was there the following weekend after the 11th, which would have been the, what, 17th, 18th, that weekend there, that he'd heard from his son and he was back. So almost immediately following his return, his son returned.

Q.Did he talk to you about the respective roles-- Let me-- Did Douglas Grange talk to you about the respective roles of Rob Schultz and Chewy?

A.He stated that Rob Schultz was the boss and Chewy was on a level below him, basically. That Rob was the supplier of

the drugs and that Chewy was the seller.

Q.Or the dealer?

A.What was that?

Q.Or the dealer?

A.The dealer, right.

Q.And did he talk about what type of drugs they were doing?

A.He said it was marijuana at first, and then later LSD.

Q.Did he-- Did Douglas Grange tell you where Chewy got his LSD?

A.Where Chewy got his LSD?

Q.Chewy got his LSD. That'd be on--

A.I think-- I think he just stated he got his drugs from Rob Schultz, but I'm not-- I don't recall if he specifically said where he got his LSD.

Q.I could ask you to look at page 32, at the top third, and down to the middle.

A.Right. The transcript says-- I asked him about the LSD:

Do you know where it came out of?

He said no. And then I asked him-- I think that was-- And I said:

Do you know where--

Detective James Danner asked him:

Do you know where he got his LSD from? Which or who or which person supplied it?

And he said he didn't, he just knew it was a Family member.

Q. So didn't know the specific person, but it was a Family person?

A. Right. Right. It was within the Family, but he didn't say specifically who.

Q. What did Douglas Grange say that Chewy said about the nark showing up at the barter fair? Whether he showed up or not.

A. Douglas said that when he spoke to John after he'd returned from Portland-- both of them had returned from Northport, that John, or Chewy, stated that the nark did show up at the barter fair and that if he sees him around Portland he's going to beat him up.

Q. To make sure what?

A. To make sure that he didn't come back. I think his-- Didn't come around Portland again, is I think the words he said. Didn't want to get-- Chewy didn't want to get his kids in trouble, meaning his Family, in trouble.

Q. At the top of the page, on page 33, what did John tell his father?

A. Douglas Grange said that-- He mentioned that this guy did show up at the barter fair, and that: If he showed up in Portland he, you know, was going to have to, you know, make sure he-- he didn't, you know, come around Portland again-- He just considered the people he was dealing with his kids--

Q.Well, let's back up a second. I was talking the very top of the page.

A.Oh, I'm sorry.

Q.Of page 33.

A.I asked him:

When did John say if this guy comes to Portland he was going to beat his ass?

And he said:

The first weekend when he returned, a week after the barter fair, when Douglas Grange went up there to get the gun.

Meaning up to Portland.

Q.Okay, I guess I was looking-- Okay, strike that. How did John Douglas say that Chewy felt about the people that Chewy was dealing with in this matter?

A.How did--

Q.How did-- What did John Douglas say that--

A.John Douglas or--

Q.What did Douglas Grange say that Chewy felt about the people he was dealing with?

A.That they were like his kids and that he was very protective of them, didn't want to get in trouble.

Q.Is that word kids used in this group at all?

A.Yeah, they use it quite often just to describe their family. They viewed-- It was always the Family and the people that

were under them were their kids.

Q.Okay, when they talk--

A.In the hierarchy.

Q.When they talk about people in San Francisco, would they--  
would they call them people in San Francisco, or--

A.Well, the San Francisco kids. Most of the people that are  
associated in the Family, near as I can tell, are all fairly  
younger people. Around 30 or less.

Q.Did he tell you-- You said that Doug Grange said he was  
protective-- I'm sorry. That Chewy was protective. Did  
he say what particular group he was protective of?

A.His kids.

Q.He talk about any hierarchy or levels?

A.I guess I'm not understanding. He was protective of his kids,  
the people that were under him. His family in Portland.

Q.Okay, on page 33, about--

MR. SIMEONE: Your Honor, I'm going to object to leading.  
He asked him a question, he doesn't have an answer to that  
question.

THE COURT: I'm going to have to sustain that, Mr. Wetle.

MR. WETLE: The question was to refer to his notes.

THE COURT: I know, but you've gotten an answer three times  
to your question.

MR. WETLE: Okay.

THE COURT: Maybe you can come back to it later at some point, but we probably need to move on to your next question.

MR. WETLE: Thank you.

Q. Did Douglas Grange talk about Family gatherings?

A. Yes. They often-- The Rainbow gatherings, wherever they happened to be for the year, barter fairs, hempfests.

Q. Did he talk about where they were going to go in July?

A. In July they were going to the Rainbow gathering in Montana.

Q. And did he say who went?

A. The Portland family. Rob Schultz, John Grange. I don't know if he said anybody that was specific than that. I'd have to refer back to my notes here. He said everybody went, is what he said. Jeff Cunningham was with them apparently too.

Q. Where did Douglas Grange think that Chewy met Dane Williams?

A. At Rob Schultz's house.

Q. What did Douglas Grange say about Rob Schultz's contact with Family in other states?

A. His understanding was that the Family was pretty much nation-wide, and that they always knew what was going on in each other's family, and so his presumption was that they-- they're all connected fairly well.

Q. Did he-- You stated that he said it was basically in the whole United States. Did he say where he knew for sure where the

Family was?

A.He said specifically New York, Washington, Oregon, California and Montana.

Q.What did Douglas Grange say about Chewy selling drugs?

A.That he knew he sold marijuana, that he was a dealer.

Q.Did he--

A.And that he also was using LSD or selling LSD.

Q.Did he say who he was selling for?

A.For the Family in Portland. For Rob Schultz.

Q.And did he say how long he'd been selling for the Family?

A.He estimated about nine months that he was selling for the Family. He estimated about a year that he'd been selling total before he was involved in the Family.

Q.Who did Douglas Grange say was supplying Rob Schultz with pot?

A.Dane Williams and others.

Q.And did he say about how much?

A.About three to five pounds, I believe. He did state the exact amount. I'd have to refer to get the-- exactly what he believed.

Q.So page 31 and 49 and 50.

A.I see where it mentioned that-- I mean that he sold marijuana. I just don't see the amounts. I know he mentioned it, but I don't see it here. Three-- It was right around-- It was like three to five pounds. Somewhere in there.

THE COURT: I'm sorry. Are we talking about Dane Williams or are we talking about Mr. John Grange, or a transaction between the two of them? I'm sorry. I was unclear.

MR. WETLE: We're trying to say who was supplying Rob Schultz with the pot, and it was Dane Williams, and then the question was in what amounts.

THE COURT: I see. Okay, thank you.

A.I know he referred to pounds.

Q.I think it's the middle of page 50.

A.Okay. I hadn't got quite there yet. Right. He said-- I asked him if it was two pounds or five pounds. He said usually it was like two, three pounds, somewhere-- somewhere in there. He-- Douglas Grange said he once witnessed Dane Williams bring the marijuana down and give it to Rob Schultz, while he was at Rob Schultz's house.

Q.So he saw him do it personally?

A.Douglas Grange said he did, yes.

Q.And that was Dane bringing the marijuana to Schultz?

A.Correct.

Q.What did Douglas Grange say would happen if people would take the drugs and sell them and didn't pay the Family?

A.That they would try to collect it. They'd take other valuable items in place of the cash for the drugs.

Q.Did Douglas say anything about how the Family dealt with



competition, like down at the Waterside Park?

A.He recalled a conversation that Rob Schultz, Chewy and Shadow had about a larger black man that was selling drugs down at the Waterside Park that was viewed as competition. They said that they'd all three have to beat him up so that he wouldn't-- he'd leave Portland, basically, and not sell drugs there anymore.

Q.Was that the extent of your conversations with Mr. Grange about the activities?

A.Right. That-- That taped interview. On that date, anyways.

MR. WETLE: I have no further questions, your Honor.

THE COURT: All right, Mr. Simeone?

MR. SIMEONE: Thank you, your Honor. Let me review my notes here for a second.

LOREN ERDMAN

CROSS EXAMINATION

BY MR. SIMEONE:

Q. Do you have any verification of where it is that John allegedly met Jeff, Detective Erdman?

A. Verification?

Q. From any other source other than Mr. Doug Grange.

A. Jeff Conn-- Jeff Cunningham's statement, what he told me.

Q. And what do you recall he told you?

A. He stated that he had met him five and a half, six years ago, or right around five years ago, I believe. I'd have to refer to the statement to get the exact time period, but in that area of five years ago, in Portland.

Q. Now, prior to-- You have a copy of Mr. Grange's statement with you, don't you?

A. Yes, I do. Right here.

Q. Well, where in that statement does he lock himself into time as to what discussion he had at the apartment of Rob Schultz?

A. Where he locks himself into time?

Q. Specific time when these statements were made. Time or date, I mean.

A. He doesn't lock himself into a specific date.

THE COURT: One second while the witness is--

COURT TALKS TO SOMEONE ELSE OFF THE RECORD

Q.Detective, you look--

MR. SIMEONE: Are we ready to go, your Honor?

THE COURT: Go ahead.

Q.If you look on page 1707, that would be page 12 of the-- of your interview. You have a recollection of asking him those questions, don't you, Detective?

A.Right.

Q.And it was you who were interviewing him there, was it not?

A.Yes, it was.

Q.Now, he asked you at that time-- or you asked him at that time, you're talking about hits that were out on somebody, isn't that right? And you asked him--

A.Correct.

Q.--was the some-- If you look in the middle of your page there, and I'll address your attention to it specifically if you need me to.

Was there some discussion about somebody being a nark or somebody placing a hit on somebody?

And what was Mr. Grange's answer there?

A.Not while I was at the cabin.

Q.Okay, and what was your later question then? Did you say, Not at the cabin? This was discussed at a later time?

A.Right. And he--

Q.That--

A.And he says,

Even before I got up there.

Q.It was a question, wasn't it?

A.My comment was a question, right.

Not at the cabin? That was discussed at a later time?,

is a question. And he replied,

Even before I got up there, around--

He started to say something and--

Q.And those are actually--

A.--then it says,

At Rob's house.

Q. Aren't those actually all questions that he's asking you?  
You mean even before I got up there, at Portland, at Rob's  
house?

A.I didn't understand them to be a question at the time.

Q.Okay, but those could well be considered as questions, isn't  
that right?

A.From the context, when I was there, I didn't believe them to  
be a question.

Q.You don't believe that to be a question, but what was your  
next question,

And what was that discussion?

A.And what was the discussion?

I assumed that he had made it-- had answered it, and I asked

him what the discussion was.

Q.Okay, but what was his answer to that, Detective? Didn't he say that,

This guy might show up there.

A.Just about that this guy might show up there.

Q.That's what he said, isn't it?

A.At the bar-- At the--

Q.That's-- Because that's what his answer is, isn't it?

A.At the barter fair.

Q.But that doesn't say anything about a beating or something like a hit on him, does it?

A.Not that was discussed up there at the barter fair, at the cabin. I think the other discussions were prior to going up to the cabin.

Q.I beg-- I beg to draw your attention to the previous comment.

He's asking you, and I'm going to have this--

MR. SIMEONE: I'm going to ask that this be marked as an exhibit. Could I have--

MR. WETLE: May I see it, your Honor, before--

Q.Oh. You have page 12 there.

A.Yes, I do, right here.

Q.Okay, let's go then to-- And that is a copy of the interview that you took, or a transcript of the interview with Mr. Doug Grange, right?

A.Right. On the 16th of November, 2000.

Q.Verbatim, as you-- as you recall, Detective?

A.Correct.

Q.Again, I address your attention to the question that you asked

Mr. Grange.

Was there some discussion about somebody placing a hit  
on somebody?

And his answer, you correctly said, was,

Not while I was at the cabin.

Isn't that right?

A.Right.

Q.This is discussed at a later time?

Is that your next question?

A.Right.

Q.Even before I got up there, at Rob's house, or Rob's  
apartment in Portland.

That's-- That's his next comment, isn't it? And his own-- And

then your next question:

What was that discussion?

Your answer is-- Or his answer is:

Just about that the guy might show up there.

Isn't that right?

A.Right. That's what--

Q.So that's the discussion--

A.That's what that says.

Q.That's the discussion, then, that they're talking about at the cabin, that the guy might show up there. Is that right?

A.Yes, the discussion was at the cabin.

Q.No mention there, though, about a hit, is there?

A.No, I think it's on the next page.

THE COURT: Could I see the exhibit? Are you going to offer it?

MR. SIMEONE: I'm not-- I'm just afraid of losing it.

THE COURT: Okay. Mr.-- Are you offering it? Exhibit 1?

MR. SIMEONE: I'm afraid of losing it. \_\_\_\_\_

THE COURT: Because I'm missing-- I'm missing your point, unless I can read it.

MR. SIMEONE: Yeah, go ahead. **I'll offer it.**

THE COURT: Any objection, Mr. Wetle?

MR. WETLE: Yes.

THE COURT: Trying to get at what it is?

MR. WETLE: The objection is that if we're going to offer parts of the transcript, we should offer the transcript.

THE COURT: Okay. I'm going to overrule--

MR. SIMEONE: I've got no objection to that either.

THE COURT: I'm going to overrule that just for now. You can certainly refer to other parts that you need to have the court look at. I'm thinking that maybe that would have been the better way to deal with this whole issue, is offering

transcripts for the court to read. But nonetheless, you were-- These are unlined, I guess, but let me take a look at what you're referring to so I can get your drift, Mr. Simeone.

MR. SIMEONE: That would be in the middle of that page, your Honor.

THE COURT: Okay, thank you.

Q. Going to the next page then, Detective Erdman, following your lead, you said that would have been on the next page. You're talking about page 13 of your interview?

A. Right.

Q. That's right. You asked him again at that point, you asked

Doug Grange:  
Okay, so while you're at Rob Schultz's house there, they're talking about this person and that they're aware that he's been arrested and that he's cooperating with-- Not able to understand Doug Grange's answers.

But you said federal officers. He said yes. Am I right in my reading of this so far?

A. Yes, that portion there.

Q. And did they say that-- what was to be done with him?

And you (sic) said no.

That at a later time, they, other people, were talking about that there was a hit out or a contract on him.

Isn't that right?



A.Yes.

Q.So we're still talking about a time that's later than that,  
that they were talking about a hit that was out on him.

A.Right.

Q.So you're not really clear where in time this is being said,  
are you, from Doug Grange's response to you?

A.As far as specific dates?

Q.Right.

A.No, he-- he didn't have specific dates.

Q.Well, isn't it true that all the discussion before the cabin--  
When I say before the cabin, I mean Doug Grange's arrival  
at the cabin. Isn't that true that all of that discussion  
centered on the need to stay away from the informant?

A.That that was being told to the other people at the barter  
fair, right.

Q.Stay away.

A.And that's where he overheard it.

Q.But do you have any-- Do you have any reference in your interview  
with him where he said there was discussion at the cabin  
that they had to do away with him in some kind of a violent  
way? And if so, I'd like you to tell me where that is in  
his interview.

A.That they had to do away with him?

Q.That some-- We've been talking about a amorphous they.

A.I think his reference was that there was a hit out on him.

That he was aware that there was a hit out on this nark.

Q.Okay, fine, but I want you to tell me where in the interview that shows-- you show me where in that interview that that discussion took place prior to the barter fair. And I'll give you a moment to review the transcript.

THE COURT: While he's doing that, I'm admitting Exhibit 1.

A.That also could have been stated in my interview with him on the 15th, the day before, too. I'm not-- I'd have to specifically look back at that report to verify that that was said.

Q.That would have been an important point to you, wouldn't it? I mean in your whole investigation.

A.Well, my understanding from talking to him, everything did take place before he was at the barter fair. The barter fair is where they said that he might show up at.

Q.Yeah, that's your understanding, but do you have any black and white evidence that that's what he said in his transcript here?

A.That he specifically gave a date that he heard it?

Q.That's right.

A.Other than before, at Rob's. That's the only thing that he says.

Q. Isn't it true that he said, at a later time, on page 1708, Other people were talking about that there was a hit on him at a later time.

A. A later time, like at a different time that he was at Rob Schultz's house.

Q. Or at a later time after the cabin, after he was at the barter fair.

A. I don't know.

Q. Okay.

A. My-- My belief was that--

Q. That's fine.

A. --at the time it was all prior to, because of his statement.

Q. I understand your answer now, Detective. Wasn't Doug's conversation that the informant might show up, and I'll refer your attention-- address your attention to page 1710.

A. Which is which page of the transcript?

Q. Well, let's-- That's-- I'm sorry, page 15 of your interview. And you again, and correct me if I'm wrong, you are talking about what the discussion was at the cabin.

A. Yeah. Right.

Q. And he said-- You said, You heard that he might show up in Northport?

Again, you're talking about that he might show up. You're not talking about a hit in that question, are you?

A.Actually, I asked him:  
So at the time before you went up to Northport, you'd  
heard that this person had done these things?

Q.Correct.

A.And he said right.

Q.Okay, but that's not talking about a hit in that question,  
is it?

A.No.

Q.Okay. And the next question's not talking about a hit either.

You say:  
You had heard that he might show up in Northport?

A.Right.

Q.Okay, and then Doug's answer was:  
Once we met some people up there and they said he might  
show up.

We're still not talking about a hit, are we? We're just talking  
about that he might show up.

A.Right.

Q.And what was Doug's answer-- or what was the extent of what  
they said, is the next question you asked, and I'm looking  
three lines down from-- a few lines up from the bottom of  
the page, Detective.

A.Right.

Q.Your question was:  
Q.Okay, and what was the extent of what they said, is  
that he may show up?

A.Yeah, that he might show up there and to watch out.

Isn't that what he said?

A.Yep. Yes.

Q.No-- No comment there about a hit being on him, is there,  
in that answer?

A.No.

Q.Now, you mentioned a little bit in your testimony about Doug's  
knowledge of the Family, because that was important to you  
to discuss that point with him, wasn't it?

A.Yes.

Q.Did you ever-- Did you ever sound him out on how he knew anything  
about the Family?

A.Yes, I did.

Q.And what was his answer to that?

A.From hanging around with his son, John Grange.

Q.Okay, did he ever tell you that it was his understanding that  
his son was an authority in the Family?

A.An authority?

THE COURT: I'm sorry, I missed that.

Q.Yeah. Did it ever-- Did he ever mention to you that it was  
his opinion that his son was an authority on the Family?

A.Not specifically that he was an authority, no.

Q.I mean you don't particularly think that Doug is an authority

on the Family, do you?

A.I-- That he was an authority? No.

Q.Right. He's never done anything like publish any articles about them, has he?

A.No. I do not consider him to be an expert on the ongoings of the Family.

Q.Okay. When you talk about the Family, you're talking about the Rainbow Family here, right?

A.That's how he referred to them, yes.

Q.Okay. So you would agree, for purposes of my discussion here with you right now, that if the conversations that took place about hits took place after the barter fair, that those would have been conversations that took place after this murder, isn't that right?

A.If it took place after the barter fair?

Q.Right.

A.It would have had to been after the murders.

Q.Now, you wouldn't say that the only purpose of a barter fair is drug dealing, would you?

A.The purpose of a barter fair?

Q.Right.

A.No.

Q.And you agree that there might be different branches of this Rainbow Family around the country?

A.Yes.

Q.And you also talked about some of Doug's conversation where  
he tried to-- I think you said he connected John as an enforcer,  
or some kind of a collector for the Family?

A.I asked-- Yeah, I asked him about that. Yes.

Q.Did he deny that he was?

A.He said he didn't have any knowledge of that.

Q.Okay, in fact didn't he say he was not an enforcer? You can  
look on page 26 of your interview.

A.I think I asked him if, to your knowledge-- I said,  
He isn't in any way, to your knowledge, an enforcer or  
collector for the Family?

Q.And his answer there was?

A.No. No.

Q.You went back to that question a little later, I think. I  
address your attention to page 39 of your interview. Because  
some-- sometimes you'll do that.

A.Right.

Q.Ask a question again. You asked him:  
Did John ever talk to you about doing any enforcement  
for the Family?

And his answer to that was what?

A.Huh-uh.

Q.That's like a no, isn't it?

A.Right.

Q.You understood.

Or collecting?

And his answer was-- to the collecting question was?

A.No.

Q.Okay. And you mentioned what the focus of the Family was.

Do you know how he knew what that focus was?

A.From his experience of being with John and the others at Rob Schultz's residence.

Q.And I think your testimony was that he said part of the purpose of the Family was making drugs. And I was curious as to where in the transcript you might find a reference to that, specifically making drugs.

A.I don't believe it came out of this transcript. It came out from other interviews and other information. Well, other than that he was going to go up and grow marijuana. That John was.

Q.But that's not-- You don't equate John with the Family, do you?

A.Yes.

Q.John and the Family is one-- John and the Rainbow Family is one and the same?

A.As he is a member of the Family.

Q.Did Doug Grange ever tell you that he actually went to the fair?



A.Yes.

Q.That he actually went there on a day when the fair was in progress  
and under way?

A.No, I believe he said they were setting up.

Q.So he went there on a day they were setting up? Do you know  
which day that was?

A.Which day he said that he was there?

Q.Well, do you know, just from whatever--

A.Well, they--

Q.--information you have, what day they set up?

A.Generally, like-- It would have been the June 7th through  
the 9th would have been setting up, and I believe the dates  
of the actual barter far was the 9th, 10th and 11th.

Q.So the set-up days actually start the 7th?

A.Somewhere-- They start showing up even as early as a week  
before then, so-- And people show up throughout it, so any  
time in there.

Q.Now, there's other discussion and testimony that you gave in  
your quest-- in your questioning and answering-- answers,  
that John-- or that Doug said his son told him that he'd  
beat up this informant if he went to Portland. Is that right?

A.No, he didn't say he'd beat him up.

Q.He said he would, I mean, beat him up.

A.He would.

Q.And your understanding, if you're to place that comment in time, is that that took place after this fair, isn't that correct?

A.Right.

Q.Give you an explanation why?

A.Why what?

Q.He-- I'm sorry. Why he would beat this boy up?

A.To protect his Family, his kids.

Q.Did he ever say that in the interview?

A.I believe he did. I'll find it here in just a minute.

MR. WETLE: If I could speed it up, your Honor.

A.I have it. Right here on page 33. Douglas Grange says, He mentioned that this guy did show up at the barter fair, and that if he showed up in Portland he was going to have to make sure he didn't come around again. He considered that the people he was dealing with his kids and didn't want them to get in trouble and stuff.

Q.You were talking about Doug being, I guess you said disappointed, that John came back from the fair early. Or from Northport early.

A.Yes.

Q.Because he had invested in a lot of survival type equipment for him.

A.Right.

Q.But isn't it correct that Doug explained that the reason John

came back was a water shortage up there? He had to carry water?

A.He explained that that was the reason he came back, yes. That it was-- The water was drying up and that he wasn't real excited about being up there in the first place.

Q.And he had to pack it quite a ways to be able to-- A quart--

A.A quarter mile.

Q.Quarter mile.

A.Right.

Q.That in itself, on its face, is a legitimate explanation for coming back to Portland, isn't it? Is it?

A.It could be, yes.

Q.Well, is it true that Jeff Cunningham was leaving up there anyway? Did Mr. Grange tell you?

A.That Douglas was--

THE COURT: You're talking about Mr.--

MR. SIMEONE: Doug Grange.

THE COURT: Doug Grange? Okay.

A.Said that Jeff was leaving up there? Douglas didn't state that to me.

Q.Did Jeff say to you in a separate interview that he was leaving anyway?

A.He stated that he had decided, once he met Nick Kaiser and Josh Schaefer up there, that he told Chewy that he was going

to leave. He was going to go back to California with them.

Q. Did he say that because he was leaving--

THE COURT: I'm sorry, I missed that. Run that by me again.

Who said what? Doug Grange said--

DET. ERDMAN: No, this is Jeff Cunningham.

THE COURT: Oh, Jeff Cunningham.

A. In a separate interview he stated that he, on June 11th, had told Chewy that he was going to go with Josh Schaefer and Nick Kaiser back to California to sell some mushrooms, and then they were going to go to Hawaii and basically out of the country. Get lost.

Q. And at that time didn't he tell you that probably John Grange, the defendant, wouldn't-- probably wouldn't want to be up there, since he's leaving. He didn't want to be up at the cabin alone?

A. Right. He said that John said he was going to go back to Portland then.

Q. Okay. Now about the LSD use. You-- I-- I gather from what you say in your testimony that you somehow associate the use of LSD with some kind of a camaraderie among the Rainbow Family members. Membership. Is that right?

A. I'm not sure that I stated that.

Q. Okay, so it's not really important then where John got his

LSD?

A.I-- I don't know.

Q.I'm going back to the issue about when this-- when in time this discussion came up about beating up this informant, and I'll address your attention to page 33 of your interview, Detective.

A.Okay.

Q.Isn't it true that at that time you asked, When did John say that if this guy comes to Portland he's going to beat his ass?

And Doug Grange's answer to that was what?

A.The first weekend when he returned, a week after the barter fair, when he went up to get the gun.

Q.Okay, so he's talking about beating up somebody then who's dead already a week, isn't that right?

A.Right.

Q.And later you said, And did you ask him about it or did he just--

Doug's answer was,

He mentioned that this guy did show up at the barter fair, and that if he showed up in Portland he was going to have to, you know, make sure he didn't, you know, come around Portland again.

A.That's what Mr. Grange said. Douglas Grange said that John said.

Q.Again, we're talk--

A. That John said.

Q. Right. John talking about somebody arriving in Portland after the fact of his death, isn't that right?

A. That is what Mr. Douglas Grange said, yes.

Q. Well, we're relying a lot on what Mr. Douglas Grange is saying here for purposes of everything else--

A. Of-- Of this--

Q. --that we're proving.

A. Of this particular part, yes.

Q. Okay. Now, the Rainbow Family is a rather large organization, would you agree?

A. The Rain--

Q. Rainbow Family.

A. Right.

Q. Spans the nation?

A. Right. The Rainbow Family in general, as far as the Rainbow gatherings, yes.

Q. Okay, and a Rainbow gathering is not the same as a barter fair, is it?

A. No.

Q. And there-- It starts-- This organization has its roots in the 1960's or so, doesn't it?

A. To my knowledge.

Q. And it's got a lot of people who are older than 30 in it still,

doesn't it?

A. In the-- In the Rainbow Family, in general, yes.

Q. Now, you never did go to the Rainbow gathering, did you, itself?

A. Did I go?

Q. Yeah.

A. No.

Q. You don't really know what the reason or the purpose of a Rainbow Family gathering then is, do you?

A. From reading, I do.

Q. Again, no firsthand experience of what goes on?

A. No firsthand.

Q. Okay. And it's-- There are a lot of other things from your reading, I would gather, that take place at these Rainbow Family gatherings, other than just drug dealing, isn't that right?

A. Yes. I believe the gatherings say that everything they bring is supposed to be free, it's to be shared with all. That there is no dealing, supposedly, at the gatherings. What they bring they share with everyone.

Q. With a-- a benevolent kind of a philosophy.

A. From what I read.

Q. Lastly, you addressed in closing a discussion, I think it was Mr. Grange-- Doug Grange's parting comment to you. That appears on page 53 of your interview. It talked about they

were going to take care of somebody in Portland, or they were going to beat him up or something. Isn't that right?

A.Yeah, they-- they-- Apparently there was talk about it.

Q.But he never identified in his conversation with you, or in his interview with you, who it was who actually made the statements there about somebody having to be beaten up in Portland.

A.No, from-- From what he said I gathered that it was-- they were all just kind of talking about it, how to deal with the competition.

Q.Doesn't exactly say why there either, does it?

A.Well, he mentions there,  
I guess competition down at the Waterside Park-- A big black guy was arrested and put in jail and they were talking about when he got out it was-- it was going to take, you know, Shadow, John and Rob, all three of them, to gang up on this guy to beat him up to get him to leave Portland.

Q.We don't know if that ever materialized though, do we?

A.No.

Q.In fact-- In fact later it does say-- You asked him, Do you know if John or Shadow or anybody ever actually did beat somebody up?

And his answer to that was what, Detective?

A. No. That he didn't know.

Q.Okay, thank you.



MR. SIMEONE: I've got no further questions.

THE COURT: All right, Mr. Wetle?

MR. WETLE: Thank you, your Honor.

LOREN ERDMAN

REDIRECT EXAMINATION

BY MR. WETLE:

Q. Not to beat a dead horse, Detective Erdman, but on page 12--

I think the judge has the document. There's some question there about whether the statement,

Even before I got up there, around at--

Was that a question or is that a statement?

A. The one that Douglas Grange said?

Q. Right. He says,  
Not at the cabin. That was discussed at a later time.

And Douglas Grange says--

A. And he said,

Even before I got up there around at p--

He started to say something. I'd have to listen to the tape to see what-- what that part was. He says--

Q. And the reason for the question mark, is that the transcriber's--

A. Couldn't understand what the word was.

Q. And that's why the question mark is there?

A. To my knowledge, yes.

Q. And as far as you're concerned, that was not a question, but that was a statement.

A. That was his answer to when I was asking him,  
That was discussed at a later time?

And he said it was before he was at the cabin.

Q.And then he said,

At Rob's house.

A.Rob's apartment in Portland.

Q.Then he says,

Er, Rob's apartment in Portland.

A.Right.

Q.All of those are statements, as opposed to questions, or are they questions?

A.Yes, that is my understanding.

Q.They are statements?

A.Correct.

Q.And before he got up there is June 2nd?

A.June 2nd or 3rd, I think is the dates he gave me. He couldn't remember the exact date.

Q.On page 26, in the middle of the page, you answered Mr. Simeone by saying he wasn't any way, to your knowledge, an enforcer or collector for the Family. And Mr. Grange said no. Down at the bottom of the page, did you ask Douglas Grange what work he did for the Family? That Doug-- That Chewy did for the Family?

A.Yeah, I asked him:

Did John do security work for the Family?

And he said:

Yeah, at concerts and stuff. You know, the whole group

did in Portland.

And what did that work entail? Do you have any idea?

And he said no, he didn't.

Q.When-- You recall the week of the barter fair? Do you recall the weather in terms of talking to witnesses, what it was like up there that weekend?

A.Apparently they had some bad hailstorms. It was rainy, cool. Unseasonably cold.

Q.And so in light of the weather at that time and the way the fire of the car did not burn the trees, do you have any feeling for the moisture around--

A.Very high level of water in the area at the time.

Q.At that time?

A.I mean from rain in trees.

Q.So his excuse that water dried up and they didn't have water for the crops, would that a realistic--

A.It doesn't--

Q.--statement?

A.It doesn't make sense for that time of the year. We know that later in the year it does dry up.

Q.On page 32, Mr. Simeone asked where he got his-- Where John got his LSD from, and where did Mr. Grange, Douglas Grange, say that Chewy got his LSD?

A.From a Family member.

MR. WETLE: No, your Honor.

THE COURT: Okay, **Exhibit 1 is withdrawn then.** Yes, page 12 of this Exhibit 2 is identical to what Exhibit 1 was.

CLERK IS REQUESTED TO STAPLE EXHIBIT 2 TOGETHER

THE COURT: All right, Mr. Wetle, you may call your next witness.

MR. WETLE: It'd be Warren Dogeagle.

MR. SIMEONE: Your Honor, we have a request to make of the court.

THE COURT: All right.

MR. SIMEONE: It's becoming painful for Mr. Grange to have these handcuffs on. He's got-- He's in a leg brace. I'm wondering if there's any way that we can have him unrestrained for purposes of this hearing? He's going to be unrestrained at trial.

COLLOQUY REGARDING REMOVAL OF DEFENDANT'S HANDCUFFS

RIGHT HANDCUFF IS REMOVED FROM DEFENDANT

THE COURT: How's that? Okay, Mr. Wetle, you may call your next witness.

MR. WETLE: Yes, your Honor. Warren Dogeagle. Detective.

**WITNESS IS SWORN**

THE COURT: Would you state your full name, please, sir, for the record?

MR. DOGEAGLE: Warren L. Dogeagle.

THE COURT: And the spelling on your last name?

MR. DOGEAGLE: D-O-G-E-A-G-L-E.

THE COURT: Is that all one word or two different words?

MR. DOGEAGLE: One word.

THE COURT: One word, okay. Is there a capital E on the Eagle or--

MR. DOGEAGLE: No.

THE COURT: Okay, all one word. And your current business address, please?

MR. DOGEAGLE: 930 Tacoma Avenue South, Tacoma, Washington 98402.

THE COURT: Thank you. All right, Mr. Wetle?

MR. WETLE: Thank you, your Honor.

**WARREN L. DOGEAGLE**

**Being first duly sworn, on  
oath testified as follows:**

**DIRECT EXAMINATION**

**BY MR. WETLE:**

Q. Detective Dogeagle, how long have you been a detective for Pierce County?

A. I've been a detective for-- well, since last July of 2000.

Q.How long have you been in law enforcement with Pierce County?

A.A little over 24 years.

Q.And did you receive any special assignments and training?

A.Yes, I have.

Q.And what were those?

A.Pertaining to this area, Special Investigations Unit for three years, and after that, a year and a half with the DEA Task Force in Tacoma.

Q.And what were your duties with respect to the Drug Task Force in Tacoma?

A.Basically narcotics investigations.

Q.And did you have any special emphasis?

A.I happened to work several LSD cases while I was with the DEA Task Force.

Q.And were you aware of any organized LSD trafficking in your area?

A.Yes.

Q.And in the course of your investigations, were you able to break into that organization?

A.I began to.

Q.And how did you do that? What's the process you used to do that?

A.Well, first was I was approached, or our office was approached, by Bremerton detectives. They had arrested a young man for

trafficking in LSD.

Q.Okay, just specifically-- Not specifically yet, just generally what's the mode-- the operational plan that you used to get information in these situations?

A.Get information through debriefings of people who have been arrested and who have decided that they would cooperate with law enforcement.

Q.And then try to work up or down the chain?

A.Right. Correct. Mostly like to work up the chain to their sources of LSD.

Q.And did you ever go down the chain?

A.Sometimes.

Q.And what's that called?

A.Working a reverse.

Q.How did you get information on Nick Kaiser?

A.Through the Bremerton detectives. They had arrested somebody who decided to cooperate and named Nick Kaiser as his source of LSD.

Q.And so then they used him as an informant?

A.Yes.

Q.And by-- And how was he used?

A.He made a couple of controlled buys from the residence of Nick Kaiser.

Q.Did he and did you know who was living at that residence when



those buys were being made?

A.Yes.

Q.Who was living at the residence with Nick Kaiser?

A.Nick Kaiser and I believe his girlfriend, Shauna Daniels.

Q.After the controlled buys were made, what did you do?

A.We obtained a search warrant for the residence up in the Oak Harbor area, on Whidbey Island, where Nick Kaiser lived and dealt drugs from.

Q.Do you remember what date that was?

A.I believe it was April 25th.

Q.Year 2000?

A.Yes.

Q.And what happened after you got your search warrant?

A.Members of the Task Force, and with some help from the local Island County Sheriff's Department and the Bremerton detectives, we went up and served the search warrant at the address in Oak Harbor.

Q.And what did you find when you got to the residence?

A.Well, we found Nick Kaiser, Shauna Daniels, quite a large quantity of LSD in liquid form and blotter form, and a lot of quantities of marijuana, and I believe some psilocybin type mushrooms.

Q.Where was the girlfriend at the time you got to the residence?

A.Well, they were both inside the residence initially, and they

were both-- She was arrested, taken into custody in the residence. Kaiser fled out a side door and was apprehended in the yard not too far from the residence.

Q. Could you describe the-- At the time of the seizure of the LSD, what-- where it was in the process?

A. He was-- He was wearing rubber gloves at the time. He was in the process of cutting it, or diluting it, and making the LSD ready for retailing, if you will, in the form of blotter-- sheets of blotter acid. We found several of those hanging and drying in a closet. They found a pan and containers with liquid with LSD in the liquid that was used to make the blotter acid and for making what they call vials.

Q. And the time-- the date of his arrest, again, was?

A. The 25th of April, 2000.

Q. After he was arrested, what happened?

A. He was taken away from the scene by Island County Sheriff's Department, or their office there in Coupeville, and we stayed at the scene processing for evidence.

Q. And while you were processing the scene, what happened?

A. People were arriving, and the Island County Sheriffs would contact them and ask them what they were doing coming to Kaiser's residence. And there was the usual kind of stuttering, stammering from everybody, saying well, just coming by to visit. And this was a Tuesday, early afternoon, and most

of the visitors seemed to be coming from the Seattle area.

Q. Did any of those get arrested?

A. Yes.

Q. Did you subsequently talk to Nick Kaiser that night?

A. Yes, later that afternoon he requested to talk with somebody from the Task Force.

Q. And what was the nature of the purpose of that talk?

A. He wished to cooperate in hopes of getting some leniency down the road.

Q. And what type of agreement then did you make with Nick Kaiser?

A. Well, we read him his rights and he signed a waiver form, and we debriefed him for awhile, spoke with him there, and he named one of his sources of LSD and said he would help trying to get a delivery set up. And he also named another subject.  
MR. WETLE: I'd ask the bailiff to mark this as Exhibit 3.

MR. SIMEONE: No objection.

THE COURT: All right, Exhibit 3 is being offered?

MR. WETLE: **Exhibit 3, your Honor.**

THE COURT: All right, **Exhibit 3 is admitted.**

Q. What is Exhibit 3, Detective Dogeagle?

A. It's a copy of the waiver of rights form which Nick Kaiser signed, and then I witnessed and signed it, and another Task Force officer, Richard Smith, also signed it.

Q. Could you read the last two paragraphs for the court?

A. The last two paragraphs:

I understand that at a future date I will be charged with an offense or offenses as a consequence of the activity which led to my arrest. No promises have been made concerning the nature of those charges or their disposition. I have been told, however, that my cooperation will be brought to the attention of the United States Attorney's Office for their consideration.

No threats have been made to me regarding the waiver of my rights or my decision to cooperate. My decision rests solely on the hope that my cooperation will benefit me in connection with the prosecution and disposition of the criminal charges to be brought against me.

Q. And do you have a date when that was signed?

A. Yes, April 25th, 2000.

Q. And basically your agreement with the cooperating source then is that you will tell who that he has cooperated?

A. The United States Attorney. Attorney's office.

Q. After he signed that agreement and-- What happened next?

A. We interviewed him, and he told us how he made one of his connections for purchasing his quantities of LSD.

Q. And after his statement, where did he go?

A. We took him with us and we put him up at a motel.

Q. After that, what was the next thing that was done with Mr. Kaiser?

A. We'd set up a reverse transaction to take place two days later for \$10,000 worth of LSD.

Q.And did that transaction take place?

A.Yes.

Q.And was that individual sub-- that paid the ten thousand,  
was he arrested?

A.Yes, he was.

Q.What happened after that with Mr. Kaiser?

A.I believe he went in for a-- I believe it was an arraignment  
hearing, and he was subsequently-- what I refer to PR'd,  
with certain conditions.

Q.Did you expect him to go to the Northport Barter Fair on June  
9th or 10th?

A.No.

Q.Would that have been a violation of his conditions?

A.Yes.

Q.Did Nick Kaiser give up his source for the LSD in this process?

A.Yeah, he was trying. He gave up a subject.

Q.And was that subject in the local area, or was it some subject  
in a different area?

A.He was from the-- from the Northwest. He was-- This guy was  
currently living in the western Washington area.

Q.Okay, and where did-- What--

PAUSE FOR NOON SIREN

Q.What methodology did Nick Kaiser use to get his marijuana from  
his source?

A.His marijuana?

Q.I'm sorry. His LSD.

A.He would page this guy up, and then his source would call him back and say go to a phone booth and page me again when you get there. And then he would do that, and--

Q.What area are we talking about that he has to go to get his LSD?

A.Oh, where he goes to? He goes down to the San Francisco Bay area.

Q.So before he pages anybody, he-- he goes where?

A.Okay, before Nick--

Q.Would page anybody? I think-- Back up just a little bit, if you can.

A.Okay.

Q.How did-- How did he know where to go?

A.The guy would tell him to go and get a motel in the Bay area, and to page him once he had his room.

Q.Once he got his room, then he would page the individual?

A.Yes.

Q.And then what would happen?

A.He-- This other guy would either call him back and say what room, and then show up, and Nick would front the money to him, and then he would leave, and at some point he'd return with the LSD and leave it with Nick.

Q. So he gives him the money first?

A. Yes.

Q. He leaves?

A. Right.

Q. And then would come back with the LSD?

A. Right.

Q. Once he got the LSD, then what would he do?

A. Then he would return to Washington, and dilute it out for marketing.

Q. Which is what he was caught doing when--

A. Yes.

Q. --the warrant was served? How often did that occur?

A. Nick told us he did it about-- almost every two weeks.

Q. Did he tell you how many transactions he completed through this source?

A. He said ten to 15.

Q. And did he tell you the amount?

A. Anywheres from 10,000 dosage units to 70,000 dosage units.

Q. And did he tell you what the price per 10,000 dosage units is?

A. Yes. He said it was \$4500, and that there was another price break if you were ordering more than a hundred thousand doses.

Q. In your investigations, have you learned that similar methodology

is used by other drug dealers to pick up the LSD?

A.Yes.

THE COURT: I'm sorry. What was that last question?

MR. WETLE: In your investigations, have you learned that similar methodology, going to San Francisco, contacting a source, \_\_\_ a motel, has this been used to pick up LSD, and he says yes.

THE COURT: Okay.

Q.In your investigations, are you familiar with the phrase "Families" [quotations supplied] in this drug organization since?

A.Yes.

Q.And how are those-- How is that term, Family, used?

A.Well, it's used in a sense of identifying a group or groups.

Q.Do you have examples of some family groups?

A.Yeah. There's a Rainbow Family. I've heard of a Humboldt Family, Silver Family, White Fluff Family, Magic Family, and then just sometimes just use of the word Family.

Q.Do you know from your work when the last time an LSD lab was seized in the United States?

A.Yes.

Q.And when would that have been?

A.Nineteen-eighty-one.

Q.And why, for 21 or 20 years or so, we haven't been able to



seize any labs? Do you know?

A.Well, they're very careful, very-- I use the term insulated in their trafficking and distribution networks.

Q.How do they basically transact business?

A.It's with someone they'd gotten to know, felt comfortable with, that can be vouched for by someone else. They don't like-- From people I've debriefed, they say that once they've been dealing with somebody, they don't want-- part of the understanding is they're not going to bring somebody along with them.

Q.So it's always a one-person transaction.

A.It's a one-to-one. They don't see the person beyond they're dealing with, or have any way of contacting them.

Q.How do they send their product?

A.Well, there's several methods. The one-to-one setup that we described earlier, and then another method is using, say, Fed Ex. Once a relationship's been established, they'll use like a friend or an acquaintance's place for the address and use a fictitious name, so if Joe Brown lives at a certain address, he'll tell them to mail his quantity of LSD to Steve Jones at Joe Brown's address, to keep Joe Brown from getting in trouble. And then they will do the same thing, they'll wire the money back to another address or, you know, ship it Fed Ex or just wire it through Western Union or something

like that, and use fictitious names so they can't really trace it back.

COURT INQUIRES IF THIS IS A GOOD TIME FOR A RECESS

COURT RECESSED FOR LUNCH

COURT RECONVENED

THE COURT: All right. Let's see, Detective Dogeagle, you may go ahead and retake the stand.

**WITNESS IS REMINDED HE IS STILL UNDER OATH**

THE COURT: Mr. Wetle, let me just clarify, the purpose of Detective Dogeagle's testimony in regard to this case is what? As ER 702 evidence, expert testimony, or is it in regard to the alleged statements of co-conspirators?

MR. WETLE: Well, your Honor, he is-- He is making--

THE COURT: Or both?

MR. WETLE: Both, because he may have expert knowledge in the area of 702 that is useful to the jury. He also gets statements from Kaiser, who's in this bigger conspiracy, as to who his-- who he sells to and who his source is. That source ties into San Francisco, which will tie in to Schaefer and Kaiser, because that's where their-- Schaefer is in the San Francisco LSD scene. And so what will happen is he-- It will all be connected, but he is able to show that he precipitates the rumors by the bust on April 25th and that, you know, all of a sudden the Family needs to get rid of him because he is telling on other people, and so his information sets up the independent evidence that there has been a bust that confirms the rumors in the Family, and he needs-- this informant needs to be taken out. So he is telling the court that yes, in fact, that happened.

THE COURT: Well, I guess one of the things that I was thinking about was like your question, when was the last time an LSD lab was seized in the United States. Answer, 1981. I'm not sure how helpful that is.

MR. WETLE: It's not helpful, your Honor.

THE COURT: Okay.

MR. WETLE: It goes to more like the overall-- That's not helpful. I would say it goes more to the nature of the business has been around for awhile. We are-- or the government has not been able to curb it. They do well at getting the distributors, but not the manufacturers, and I guess he's just giving the court background information on that aspect of the industry. How they transact their business, why they don't get caught because they are--

THE COURT: So are you planning on presenting that at trial? I guess that's what I'm getting at is-

MR. WETLE: No, that probably would not be a --

THE COURT: All right.

MR. WETLE: How they transacted business, you know, in terms of not getting caught, we probably would like to do, to the extent that they-- how they control their people, I would like to do.

THE COURT: Okay. Well, through this witness?

MR. WETLE: Or Sean Cummings.

THE COURT: Okay. And I'm sorry. Refresh my memory as to who Sean Cummings is?

MR. WETLE: A DEA agent.

THE COURT: Okay. Well, I guess if you're going to do that, I would need more foundation than has thus far been laid in terms of how that information is known to the officers, you know. Training, experience, et cetera, as opposed to speculation or guessing or hearsay, whatever. So, I mean, the--

MR. WETLE: I can give you--

THE COURT: The information that I recall having been approved in one of the cases we read, the Campbell case, was where the witness actually had infiltrated the gang involved there, as I recall. The expert witness. And therefore he had had firsthand experience about what the signals were, what some of the terminology meant. And really, he only offered information as to the terminology and the signals, not-- not all of this history, et cetera, you know. So I don't know if we're going to get fairly far afield from that, but I guess I'm giving you a temperature reading that-- that maybe that information is better heard from witnesses that were involved, if you have them, as opposed to law enforcement officers who have a picture from, you know, deduction and whatnot as to what's happening, but may or may not have any firsthand knowledge.

MR. WETLE: Part of their firsthand knowledge, your Honor,

came from their investigations, and so I know you probably need to hear that, but I understand that you'd rather have the firsthand knowledge, and I'll try to curb that expert area to not so much a historical perspective as a practical perspective, I guess.

THE COURT: Okay. All right.

MR. WETLE: Would you like-- I do have the-- a background experience training that Detective Dogeagle has done, and I can go through that if you wish at this time, as well.

THE COURT: Well, if that's-- If part of what you're going to use him for is to provide some kind of expert testimony to the finder of fact, then I do need to hear that.

MR. WETLE: Okay, we'll start with that then.

MR. SIMEONE: Before we go, is Detective Caruso with us in your case, Mr. Wetle?

MR. WETLE: I hadn't planned on calling him, no.

MR. SIMEONE: Today?

WARREN L. DOGEAGLE

CONTINUATION OF DIRECT EXAMINATION

BY MR. WETLE:

Q. Detective Dogeagle, what experience do you have in narcotics investigations?

A. Well, like I said before, I had three years with the Pierce County Sheriff's Department in the Special Investigations Unit. I had a year and a half with the DEA Task Force in Tacoma, and I've also been a member of our clandestine lab team since 1966. And have quite a bit of training through Washington State Criminal Justice Training Commission, Drug Enforcement Administration, and there's a branch of the military that has some counter-drug training. Well over several hundred hours in just drug investigations and interdiction training. And then I have participated in numerous investigations, not just of LSD but cocaine, heroine, marijuana grow operations, methamphetamine manufacturing operations, debriefing of informants, working with informants, receiving training from other officers, formally and informally, asking questions, reading other reports, both at the state and the federal level.

Q. Have you testified in court on narcotics and controlled substance trials?

A. Yes.

Q. Do you have any estimate as to how many times you may have been in court on those types of situations or Grand Jury hearings or--

A. Well, getting actually up to testify, probably-- Oh, gosh, I don't know. That's hard to say, but I know being involved in probably over a hundred investigations, easily.

Q. And have you been certified as a clandestine lab team member?

A. Yes.

Q. Have you, yourself, conducted training in narcotics investigations?

A. Yes.

MR. WETLE: Thank you, Mr. Dogeagle. Those are the basic background that I have for Detective Dogeagle, your Honor.

THE COURT: Okay. And I guess, you know, the way I approach things on expert witnesses is depending on what opinion you're asking an expert witness, then, you know, if you ask this expert about certain drug questions, obviously he's going to be qualified; if you ask this expert about, you know, car mechanics, he's not qualified himself on the witness stand thus far to be an expert in that. So depending on what your questions are, he may be qualified as an expert witness, so to speak, on the subject matter. And then there might be other objections that a person has to such testimony, based on that foundation.



MR. WETLE: Thank you, your Honor.

Q. Where we left off just before the lunch break, Detective Dogeagle, you were talking about how the families, organizations, transact business, the LSD labs get their product disseminated.

I'll ask you how do the Family members keep track of traffickers who might be cooperating with law enforcement?

A. Well, by word of mouth, calling back and forth, almost-- I don't know if you want to call it an official grapevine or their own type of-- way of communicating with each other. Phone calls, cell phones, paging up each other. Either, you know, talking in person, word of mouth, and just using communications network that's available, public and private.

Q. And part of that is, you know, that information flow, is protecting the overall drug activities as well?

A. Yes.

Q. When members of the Family refer to themselves, do they use their true names, or how do they refer to themselves?

A. Usually they use pseudo-names, made up aliases, like Nick Kaiser's pseudo-name, or nickname, whatever, was Echo. And his girlfriend's name was Loki. And not only in this case, but other LSD cases, a very similar type occurrence where I have, you know, to find out these names, nicknames. They could be like Tree Frog, or Bear, those kinds of names.

And then you later on find out what their true legal name is later.

Q. And how do these, you know, especially upper level traffickers, make their connections?

A. Well, it's just a person to person type deal. If I'm a dealer and I deal to you, I don't want to know who you deal to, and I don't want the people you deal with to find out who I am. That's a basic understanding.

Q. So there has to be some established rapport between the individuals?

A. Right. They have to get to know them and feel safe before they're going to make an offer of any kind of transaction.

Q. And how would you describe families in this drug trafficking sense?

A. As-- I think you have your formal group that's actually controlling and distributing the LSD, and then you have your hangers-on who associate themselves with a group. And they may or may not-- You know, these fringe elements may or not be directly involved with the trafficking, but they hang around them, so to speak.

Q. Do the Families have independent or different purposes, or are they common in their purpose, or how do they-- Is there any unification between the Families?

A. I've not heard of any animosity between Families. They're

aware-- I guess I've only heard them in relationship to LSD trafficking in this regard.

Q. Based on your investigations, your experience working in the field, what type of controls do the families use to keep members in line?

A. Well, methods that are similar in any drug trafficking organization. Ostracizing, threats, fear, intimidation, assaults, ripping someone off. And a term I've heard from different-- different people over the years, they call spinning someone, which is overdosing them with LSD. And that usually won't directly cause a death, but it'll render someone just incapable of being rational anymore, or they'd have to be cared for like somebody's really disabled mentally.

Q. How-- How mobile are these traffickers?

A. Well, they have a lifestyle that is very, very mobile, especially during the nicer weather. And you'll find them congregating at barter fairs, certain concerts. Probably the most famous one would be the Deadheads, following the Grateful Dead around from concert site to concert site, making their living just selling-- oh, basically usually just acid, but then you'll find in this group LSD, marijuana and other hallucinogens.

MR. WETLE: Thank you. I have no further questions at this

time, your Honor.

THE COURT: All right, thank you. Mr. Simeone?

WARREN L. DOGEAGLE

CROSS EXAMINATION

BY MR. SIMEONE:

Q. Your testimony, Detective Dogeagle, is that as a dealer, a dealer wouldn't want another person to know about his transactions with his buyers, isn't that what you mentioned?

A. Right.

Q. They try to keep their transactions one-on-one?

A. Yes.

Q. They like to have a secrecy about their operation?

A. Yeah.

Q. How did you come upon your understanding of the ways of the Rainbow Family?

A. Well, I-- I'd heard of the names, but not specifically detail of the Rainbow Family.

Q. Yeah. Have there been any kinds of seminars offered within your Departments, the various agencies you've worked for, on this organization or this group of people?

A. Well, I've heard-- Not that I can recall.

Q. Then my (sic) answer to my next question, I would understand, you've never attended such a seminar, any kind of training?

A. Not that I can recall that mentioned Rainbow Family.

THE COURT: I'm sorry. I missed the answer to your first question, how did you come by your information regarding

the Rainbow Family.

MR. DOGEAGLE: Well, I think he asked for details of--

THE COURT: Oh, okay, your details of-- And what did you answer?

MR. DOGEAGLE: I didn't have details specifically of the Rainbow Family.

THE COURT: Okay. Thank you.

Q. Was there a different confidential source involved in the buy that you set up with Nick Kaiser and that's mentioned in your-- in the offer of proof? An individual named Gabe, I think was mentioned. Is there a different confidential source that was involved in the buy that was set up with Nick Kaiser, than that person?

A. Okay, who are you referring to as the buyer and the seller?

Q. I think in that instance, if I understand-- if I remember your testimony correctly, you set up a purchase transaction with a buyer through Nick Kaiser.

A. A buyer from Nick?

Q. Right.

A. Yes.

Q. Is that a different individual than the person whose name is mentioned here, a Gabe?

A. Yes.

Q. And you're not disclosing his name?

A.I can, I suppose.

Q.Well, who is that?

A.Pardon me?

Q.Who would that be?

A.Last name was Petee.

Q.P-E-T-I-T?

A.No, P-- It's-- I-- P-E-T-E-E.

Q.There are many branches of the Rainbow Family, in your understanding?

A.Well, I've heard of not necessarily the Rainbow Family branches, but I've heard of different families with different names.

I think I've read from reports, I've seen the name Rainbow Family mentioned in drug transactions in the East Coast and on the West Coast.

Q.Probably really not any nexus between one given branch, for lack of a better word? It's another branch on the other side of the country?

A.Yeah, possibly. I don't know.

Q.Was the answer probably not a nexus? Probably not a nexus?

A.Unknown nexus to me at this point.

Q.In any of your investigations, in any of your police work, did Mr. John Grange's name ever come up to you or to your awareness?

A.Not that I can recall.

Q. Did you ever specifically find any kind of-- or link-- I'm sorry, an individual named Rob Schultz or an individual who goes by the name of Shadow to Mr. Grange particularly in your investigation?

A. No.

Q. I think you answered this question in your testimony, but I want to confirm it. You didn't have Nick Kaiser making any controlled buys for you at the barter fair up here in Northport?

A. Correct, I did not.

MR. SIMEONE: I have no further questions for you. Thank you.

THE COURT: Okay, Mr. Wetle, any redirect?

MR. WETLE: No, your Honor.

WITNESS STEPS DOWN AND IS EXCUSED

THE COURT: Mr. Wetle, you may call your next witness.

MR. WETLE: That'd be Sean Cummings, your Honor, and they went to get him just a minute ago.