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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION III

STATE OF WASHINGTON,)

Plaintiff,)

vs.)

JOHN DOUGLAS GRANGE,)

Defendant.)

No. 20138-4-III

(Stevens County
No. 00-1-00190-2)

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CLERK OF COURT OF APPEALS
STATE OF WASHINGTON III

DATES OF TRIAL: February 7, 8, 9, 12, 13, 14, 15,
16 and 17, 2001

BEFORE: Hon. REBECCA M. BAKER, Judge.

APPEARANCES:

For the Plaintiff:

For the Defendant:

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Stevens County
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VOLUME 12 of 17
February 14, 2001
(Pages 1331 through 1460)

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February 14, 2001

TESTIMONY

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COURT RECONVENED WITH THE JURY SEATED

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

MR. WETLE: Thank you, your Honor. The State would call Maija Soucie.

WITNESS IS SWORN

THE COURT: Give us your full name, if you would, please?

MS. SOUCIE: Maija Zentra Soucie.

THE COURT: And would you spell your first and last names, please?

MS. SOUCIE: M-A-I-J-A S-O-U-C-I-E.

THE COURT: Thank you, and your current address, Ms. Soucie?

MS. SOUCIE: 3821 Southeast Harrison Street, Portland, Oregon.

THE COURT: Thank you, and, Mr. Wetle, you may inquire.

MR. WETLE: Thank you, your Honor.

MAIJA SOUCIE

Being first duly sworn, on oath testified as follows:

DIRECT EXAMINATION

BY MR. WETLE:

Q. Good afternoon, Ms. Soucie.

A. Hello.

Q. Can you please state for the court and the jury your occupation?

Maija Soucie - Direct (by Mr. Wetle)

1331.

1 A. Child care and gardening. That's what I love the most.

2 Q. Pardon?

3 A. Child care and gardening. That's what I love the most.

4 Q. Okay.

5 ADJUSTMENTS TO MICROPHONE

6 Q. Ms. Soucie, when did you first meet Jeff Cunningham?

7 A. Probably about six years ago in Colorado.

8 Q. And what was the nature of your relationship?

9 A. We were boyfriend/girlfriend.

10 Q. And how long did that last?

11 A. About four years, on and off.

12 Q. So up until about 1999, summer of '99?

13 A. Yes.

14 Q. So during the time that you were with Jeff Cunningham, did
15 you meet Nick Kaiser?

16 A. Yes, once or twice I did.

17 Q. And do you remember where that was?

18 A. At a coffee shop in Portland.

19 Q. Now, were Nick and Jeff acquaintances at that particular
20 coffee shop?

21 A. Yes, they were.

22 Q. And so they worked together there or--

23 A. Yeah. I'm not sure. We weren't really together at that
24 time.

25 Q. Okay, but--

Maija Soucie - Direct (by Mr. Wetle)

1332.

1 A. Just friends, so--
2 Q. Did you meet Rob Schultz while you were in Portland?
3 A. Yes, I did.
4 Q. And was Jeff Cunningham part of the Family then?
5 A. Yes.
6 Q. And was Nick part of the Family then?
7 A. Yes.
8 Q. What did they do for the Family?
9 A. I believe they were selling marijuana.
10 Q. Do you know if anything else was being sold at that time?
11 A. No, I don't.
12 Q. At least marijuana?
13 A. Yes.
14 Q. Did you and Jeff Cunningham then come to Stevens County in
15 1999?
16 A. Yes, we did.
17 Q. And how did that come about?
18 A. He was given permission to stay at the cabin up on Crown
19 Creek Road.
20 Q. How did you get there? I assume you're coming from
21 Portland.
22 A. Yeah, we attempted to drive our bus, but it broke down
23 half way, and so a friend of ours that came with us went
24 back to get his vehicle and we drove that the rest of the
25 way.

Maija Soucie - Direct (by Mr. Wetle)

1333.

1 Q. And who was that friend?
2 A. Wade.
3 Q. And what type of vehicle did he have?
4 A. A yellow van. I'm not sure what kind it was.
5 Q. And did that yellow van get left up at the cabin at Crown
6 Creek?
7 A. Yes. That also broke down.
8 Q. Pardon?
9 A. That also broke down.
10 Q. But it at least made it up to the-- that's where it's
11 now-- I don't know if it's still there, but it was there.
12 A. Yes.
13 Q. And when did you last see the yellow van?
14 A. Some time last year. I'm not sure exactly when.
15 Q. And where was that that you saw it?
16 A. Down at-- By the garden, below the cabin, next to the
17 creek.
18 Q. All right. When did you leave the Crown Creek cabin?
19 A. I believe it was fall of '99.
20 Q. And who was left remaining at the cabin?
21 A. Just Jeffrey.
22 Q. When did you come back to the cabin?
23 A. I believe the next time was the following winter.
24 Q. And did you bring anything?
25 A. Yeah, I brought Jeffrey back his guitar.

Maija Soucie - Direct (by Mr. Wetle)

1334.

1 Q. So it'd be the fall of '99 is when you left, and then
2 sometime that winter you brought back the guitar?
3 A. Yes.
4 Q. Where was he living at the time you came back in the
5 winter?
6 A. He was living up at the Hamlet Road cabin.
7 Q. So that was-- Do you know who else was-- who he was
8 living with at that time?
9 A. Dane.
10 Q. And did you know Dane?
11 A. Yeah, I had met him. I moved up there.
12 Q. Were you living in the area at the time of the June barter
13 fair, the year 2000?
14 A. Yes.
15 Q. And did you go to that barter fair?
16 A. Yes, I did. Early.
17 Q. What day did you go?
18 A. Early Sunday morning.
19 Q. And did you meet a lady by the name of Janell Clarke at
20 the barter fair?
21 A. Yes, I did.
22 Q. And did you ask her for anything?
23 A. I was actually looking for a ride to Portland that day.
24 That's my reason for going up there.
25 Q. The reason to go to the barter fair-

1 A. Yeah.

2 Q. --was to get a ride?

3 A. Yeah.

4 Q. And so you met Janell, what did you request of her?

5 A. To give me a ride up to the Crown Creek/Hamlet area,
6 because I had heard that possibly some people were going
7 to go back to Portland after the barter fair.

8 Q. Okay, were there Portland people at the barter fair?

9 A. Oh, I-- I saw one person that I vaguely knew, but other
10 than that, no. I didn't see anybody else.

11 Q. So you'd heard that maybe you could catch a ride, but did
12 you know for sure? Have any idea whether that was going
13 to turn out or not?

14 A. No, I didn't.

15 Q. So what did Janell Clarke offer to do?

16 A. Give me a ride to that area.

17 Q. So sometime after the barter fair, then, she was going to
18 give you a ride?

19 A. Right.

20 Q. Did you try to find a ride to Portland at the barter fair,
21 while you were there?

22 A. Yes, I did.

23 Q. And have any luck?

24 A. No.

25 Q. So do you know approximately when you left the barter

Maija Soucie - Direct (by Mr. Wetle)

1336.

1 fair?

2 A. I believe--

3 Q. With Janell?

4 A. I believe it was late afternoon, 5:00 or so.

5 Q. Do you remember where you went when you left the barter

6 fair with Janell?

7 A. Yes, she dropped me off across the creek from the Crown

8 Creek cabin.

9 Q. Okay, so is that the turn-around area?

10 A. It's just before it, and there's a little bridge that you

11 can cross the creek and go up to the cabin.

12 Q. Can you see the cabin from the Crown Creek Road at that

13 point?

14 A. I believe so. Maybe a little bit.

15 Q. Okay, could you tell if somebody was at the cabin or not

16 when Janell Clarke dropped you off?

17 A. No, I couldn't.

18 Q. And so after you got dropped off, what did you do?

19 A. I went up to the cabin and no one was there, so I decided

20 to walk over to the Hamlet Road cabin to see if anyone was

21 there.

22 Q. So that would have been to Dane's cabin?

23 A. Yes.

24 Q. How long did it take you to make that walk?

25 A. I believe it's about 20 minutes.

Maija Soucie - Direct (by Mr. Wetle)

1337.

- 1 Q. What did you see when you got to the Hamlet Road cabin?
- 2 A. Actually, I just re-remembered last night that when I had
- 3 got there nobody was there at first, and I went in, and
- 4 then a few moments later Chewy, Jeffrey and Dane all drove
- 5 up.
- 6 Q. Okay, so you get there first?
- 7 A. Yes.
- 8 Q. And what were they-- What kind of car were they in?
- 9 A. It was a dark red or burgundy Bronco.
- 10 Q. So did you end up going-- Did everybody come in the
- 11 cabin, or was there any conversation?
- 12 A. A little bit. Just chitchat. Just very-- it was very
- 13 heavy, thick air.
- 14 Q. How did-- How did you know Chewy?
- 15 A. I met him in Portland. He was a boyfriend of my girl-
- 16 friend, Melanie, for a short time.
- 17 Q. Did Chewy ever live at the Crown Creek cabin with Jeff?
- 18 A. I believe he moved up there some time that spring.
- 19 Q. In the spring, 2000?
- 20 A. Yes, I believe.
- 21 Q. And how did you know Dane Williams?
- 22 A. I-- Just through meeting the neighbors up there when I
- 23 first moved there.
- 24 Q. When the three young men and yourself were at the cabin,
- 25 do you have any sense of their demeanor?

1 A. Yeah, it was very, very uncomfortable. Very sensitive.
2 And I felt a lot of tension.
3 Q. Did you feel welcome?
4 A. Somewhat, yeah, on a surface level, but I definitely felt
5 the uncomfortable-- you know, uneasiness to have me
6 around, or anybody around, for that matter.
7 Q. So what you're saying, it was-- it was uncomfortable,
8 there was tension?
9 A. Yes.
10 Q. And was there any humor, laughter?
11 A. I don't remember any, no.
12 Q. What did you tell the individuals when they came?
13 A. That I was looking for a ride to Portland.
14 Q. And how did they respond?
15 A. They said:
16 I don't know, we have a lot of things, you
17 know, may not have room in the car, but
we'll see.
18 Q. Okay, so no answer in terms of whether or not you were
19 going to get a ride or not?
20 A. Right.
21 Q. And did you then ask Jeff anything?
22 A. I believe they-- they started to watch a movie, and I
23 just wanted to go get some air and, you know, I wanted to
24 spend a little time with Jeffrey, and so I asked if he
25 wanted to go over to the old cabin with me and see how the

1 garden was doing. So he asked Chewy if he could borrow
2 his Bronco to drive over there, so we drove that.

3 Q. So you took the Bronco and went to the cabin?

4 A. Yes.

5 Q. Was that-- Was that-- Was he happy to give you the
6 Bronco, was he happy to have Jeff going? Could you tell
7 or not?

8 A. Definitely no, not happy to do it, but he agreed to.

9 Q. Okay, was Jeff firm about going or wanting to go or not?
10 Could you tell that?

11 A. Yes, he was.

12 Q. He did want to go?

13 A. Yes.

14 Q. Did you have any conversation on the way over to the cabin
15 with Jeff?

16 A. Yes. Yeah.

17 Q. What could you tell about Jeff?

18 A. He was really hurting. He was in a lot of fear. Told me
19 something terrible happened that day.

20 Q. So he said something terrible happened that day, and
21 that's on the way over?

22 A. Yes.

23 Q. Were you at the cabin yet when that came out?

24 A. We were almost there, and we tried to cross the creek bed
25 and the car got stuck.

Maija Soucie - Direct (by Mr. Wetle)

1340.

1 Q. Okay, did he tell you what the terrible thing was that
2 happened?

3 ~~MR. SIMEONE: Your Honor, I'm going to object.~~
4 ~~Hearsay.~~

5 Q. Let's see. At that point he just said something terrible
6 happened?

7 A. Yes.

8 Q. So what happened as you then went across the-- Well, you
9 got off the Crown Creek road, what happened?

10 A. We got stuck in the creek bed, and decided to go up to the
11 cabin, and, you know, I was just in shock and--

12 Q. Well, at that point all you know is something bad hap-
13 pened? Is that correct?

14 A. He--

15 Q. You're getting to the cabin?

16 A. He pretty much told me what happened.

17 MR. SIMEONE: Your Honor, I'm going to object. He's
18 starting to elicit questions that are going to be hearsay.

19 THE COURT: Counsel, why don't you both approach the
20 bench for a minute, if you would, please.

21 UNRECORDED SIDEBAR

22 Q. So, Ms. Soucie, after you-- After the truck got stuck,
23 you walked up to the cabin?

24 A. Right. Yes.

25 Q. What did you do when you got up to the cabin?

Maija Soucie - Direct (by Mr. Wetle)

1341.

1 A. We started a fire, and for quite awhile didn't say much,
2 then we started to talk about it.

3 Q. Okay, and then after you-- after you talked, did you
4 spend the night there then?

5 A. Yes, I did.

6 Q. What happened the next day?

7 A. It was a really gray day and Jeff was supposed to be back
8 at the cabin, I believe, by 10:00 or so, and we didn't
9 know what time it was, so we got up and right away we
10 started to heard towards the Hamlet Road cabin.

11 Q. Now, did you go down the path across the little footbridge
12 to the-- or did you go back where the-- where the car,
13 or the Bronco was?

14 A. Yeah. I believe we tried to push the car one last time.

15 Q. Just the two of you?

16 A. Yeah. Yeah, and it was difficult.

17 Q. Were you successful at that at all?

18 A. No, no. So we decided to go get help, and we had just
19 started up the road a little ways and--

20 Q. Or is this going down the road now?

21 A. Towards the Hamlet Road.

22 Q. Right.

23 A. And then Dane and Chewy came walking up the road.

24 Q. What was Chewy's demeanor at that time?

25 A. He was extremely angry at Jeff for being late, saying he

1 has an appointment in Portland. He was really at a rage,
2 and so Dane asked me if I wanted to head up-- back to his
3 cabin and let Chewy and Jeff work things out, and I
4 agreed. And then--

5 Q. So then you and Dane started walking?

6 A. Yes.

7 Q. Or did they ever get the rig out?

8 A. Yeah, they did. They arrived a little while after we
9 arrived back at his house.

10 Q. Okay, did you go back to the Cameron house or to Dane's
11 house?

12 A. I believe we stopped very briefly at the Camerons', and
13 then we went back up to his cabin.

14 Q. When you got-- So then Chewy arrives at Dane's with Jeff?

15 A. Yes.

16 Q. Is the car loaded at that time?

17 A. Yes, it is.

18 Q. And I guess I'd ask if you can recall what you mean by--
19 what do you mean by loaded?

20 A. Quite a bit of things in there. I believe they might have
21 brought some more things from Dane's cabin and put them
22 in. I don't remember.

23 Q. All right. So did Dane leave after Jeff and Chewy got to
24 the cabin with the Bronco?

25 A. Yes, he left for a little while.

Maija Soucie - Direct (by Mr. Wetle)

1343.

1 Q. And do you know why Dane left?
2 A. He went to pick up something.
3 Q. But you didn't know what it was?
4 A. No.
5 Q. And what were you doing when he's going to pick up his--
6 whatever he's going to pick up? You're at the cabin?
7 A. Just taking it all in and, you know, trying to at the same
8 time, you know, not talking about it, you know, and--
9 Q. So where did you go then?
10 A. After-- From there? Oh, they gave me a ride to a
11 friend's house up the road.
12 Q. So you get dropped off at a friend's house?
13 A. Yes.
14 Q. And did you ever say anything?
15 A. No.
16 Q. What was the next thing that happened about this case? Or
17 what did you try to do about this case?
18 A. I tried to put it out of my mind as best I could. I was
19 scared about what I knew.
20 Q. So did the police then come to talk to you?
21 A. Yes, they did, and at first I was in denial about it, and
22 then I just realized, wow, I can't keep something like
23 this, you know, to myself, and ___ just start opening
24 this up and starting the healing, and so I called them
25 back and told them--

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Q. Called the officers?

A. Yes. Told them my story.

MR. WETLE: Thank you very much. I have no further questions, your Honor.

THE COURT: All right, Mr. Simeone, cross examination?

MR. SIMEONE: Thank you, your Honor.

Maija Soucie - Direct (by Mr. Wetle)

1345.

1 MAIJA SOUCIE

2 CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. Could you clarify for me, Ms. Soucie, when it was you met
5 John Grange?

6 A. When what?

7 Q. When it was that you met John Grange?

8 A. I believe a couple of years ago in Portland. I can't
9 remember exactly when or where.

10 Q. It was before you moved to Northport, do you think?

11 A. Yes.

12 Q. Okay, how immediately before?

13 A. Oh, we lived around the same area for several months
14 before.

15 Q. So do you think you met him like immediately before you
16 came up to Northport?

17 A. Immediately?

18 Q. Yeah. I don't mean the day, I mean--

19 A. No, not--

20 Q. Not too long before?

21 A. It was quite awhile before.

22 Q. And the circumstances were that, what, you lived in the
23 same area?

24 A. Yeah. I may have met him, you know, briefly at other
25 times, but he was my friend Melanie's boyfriend for some

Maija Soucie - Cross (by Mr. Simeone)

1346.

1 time, and that's when we lived near each other.

2 Q. Now, was the reason to move up here to grow marijuana or
3 get a connection through Canada for marijuana?

4 A. No. No. Grow my own food is my reasoning. Get out of
5 the city life.

6 Q. Well, was it Jeff--

7 A. Start anew.

8 Q. Was it Jeff's reason?

9 A. Not that I know of, no.

10 Q. And so you weren't here to do that for the Portland
11 Family, were you?

12 A. No.

13 Q. You weren't here to grow marijuana for the Portland
14 Family?

15 A. No.

16 Q. And when you talk about Family, it seems to be a term of
17 art so far in the trial. Is that-- Is that the Rainbow
18 Family that we're talking about when you say Family?

19 A. I believe so. I'm not sure-- quite sure.

20 Q. But you believe so?

21 A. Yes, you could say. I mean we're all family in a sense,
22 so it's--

23 Q. Now, when Mr. Grange-- I'm sorry, go ahead. I didn't
24 want to cut you off.

25 A. Oh, that's okay.

1 Q. Now, how-- What were the circumstances surrounding his
2 introduction to your friend Melanie that he started dating
3 there in Portland?
4 A. Say that again. What do you mean?
5 Q. Well, how did that come about, his meeting your friend
6 Melanie?
7 A. I don't know.
8 Q. Did he just show up out of nowhere, pretty much?
9 A. I really don't know.
10 Q. He wasn't around your circle of friends though, was he?
11 He wasn't introduced to anybody else you knew?
12 A. I--
13 Q. You know, before he met--
14 A. I really can't remember.
15 Q. Before he met Melanie, do you know whether or not he was
16 associating with any of your particular group of friends?
17 A. I'm just-- I'm having a hard time remembering that.
18 Q. Nothing stands out in your mind, though?
19 A. No. See, nothing stands out, so--
20 Q. Now, you gave police officers permission to interview you
21 then on October 6th, right?
22 A. Yes.
23 Q. Was that after they first contacted you?
24 A. Yes.
25 Q. Did they--

Maija Soucie - Cross (by Mr. Simeone)

1348.

1 A. They came up one time before that.

2 Q. They contacted you first in connection with this, right?

3 A. Right.

4 Q. And that was-- That interview was conducted at Dane's

5 cabin?

6 A. Yes.

7 Q. And you walked back over to Dane's cabin that night,

8 right?

9 A. That night, no.

10 Q. Sunday. Sunday. We're talking about Sunday the 11th.

11 A. Oh, yes, yes.

12 Q. And now I think you clarified your testimony. Before you

13 were saying that the men were there at the time you

14 arrived?

15 A. Right.

16 Q. It's now your position that they weren't there?

17 A. They-- Almost as soon as-- Soon after I got there they

18 drove up. I was about to leave, you know, and they drove

19 up.

20 Q. But when you first got there, they weren't there?

21 A. Right.

22 Q. Was there a fire going on or anything?

23 A. No, I don't believe so.

24 Q. I mean if-- Now what-- Remind me of the direction. You

25 first went to-- You first go to the Crown Creek cabin and

1 then walked over to Dane's?

2 A. Yes.

3 Q. Okay. Was there a fire at the Crown Creek cabin?

4 A. Hmm. I don't believe so. It's hard-- You know, there

5 are a few times I went back there and I do remember there

6 was a fire at one point outside, just a smoldering log,

7 but I-- I really don't know if it was that time.

8 Q. Okay.

9 A. I don't think so.

10 Q. Now, after the fair Sunday, was it your understanding that

11 the men were going to Portland right after the fair?

12 A. I-- What happened was I had called the Camerons maybe a

13 week or so before that, and I talked to Jeff and he said

14 that they were possibly going to Portland after the Barter

15 Fair.

16 Q. Okay, that plan was already pretty much cast before that

17 weekend, right?

18 A. I believe so.

19 Q. Okay. And you were maybe going to be refused because

20 there was too much stuff in the car?

21 A. That's right.

22 Q. 'Cause you needed a way back.

23 A. Right.

24 Q. Now, in your-- You made a statement. In the statement

25 you made did you tell the police that you didn't want to

Maija Soucie - Cross (by Mr. Simeone)

1350.

1 go, or the reason you didn't go was because you didn't
2 want anything to do with this incident?
3 A. Right. I just-- I-- I didn't want to be in the energy
4 any longer, you know.
5 Q. But actually--
6 A. It's not--
7 Q. --there was already a reason in existence why you couldn't
8 go back, and that is because they had too much stuff,
9 isn't that right?
10 A. Well, yeah. I'm sure, you know, they could have squeezed
11 me in.
12 Q. How would-- How would they have done that?
13 A. Just made the room, you know. If I was just--
14 Q. But--
15 A. They probably would have.
16 Q. So that I'm correct as to the order of things, it was they
17 who were telling you that they just had too much stuff,
18 isn't that right?
19 A. Yeah, but they could have given me a ride. I don't know
20 what-- What are you--
21 Q. Was there any other reason why they wouldn't want to take
22 you? You seem nice enough.
23 A. Probably just with everything that happened, you know.
24 Not wanting to--
25 Q. But they were willing to take you if they had the room,

Maija Soucie - Cross (by Mr. Simeone)

1351.

1 isn't that correct?

2 A. That's what they said.

3 Q. Okay. Now, you testified that John wasn't very happy
4 about the fact that he was-- that you were wanting to
5 borrow the Bronco from him, right?

6 A. He-- He didn't seem either way. He was very tense and
7 uneasy, and--

8 Q. Did you know that he had loaned the car to Dane all day,
9 who had it?

10 A. No.

11 Q. It was probably a natural reaction for him not to particu-
12 larly lend you his truck, wasn't it?

13 A. I don't know.

14 Q. And you said later that John got upset when you saw him
15 the next morning, or would it be the afternoon, where the
16 car was stuck in the creek bed. Is that right?

17 A. Yes.

18 Q. Well, it makes sense that he would be unhappy about that,
19 wouldn't it, because you had promised to give him back the
20 vehicle the preceding night, right?

21 A. No, he just said that they need to leave for Portland by
22 around 10:00 in the morning.

23 Q. Well, wasn't it-- Wasn't the agreement, though, that you
24 bring it back later that afternoon?

25 A. I don't think so. No, it was just basically that they had

1 to leave by a certain time to get to Portland by a certain
2 time.

3 Q. So he wasn't-- He really wasn't pushing that issue at
4 all, was he? It's the next day that he had to leave?
5 That's the impression you were left with?

6 A. Right.

7 Q. Okay. Did Jeff ever come or ever try to get Dane to help
8 retrieve the vehicle? Unstick it from the creek bed? Did
9 Jeff ever get Dane for that purpose?

10 A. Who-- When?

11 Q. When it got stuck?

12 A. Yeah.

13 Q. He did get Dane?

14 A. No, no.

15 Q. Didn't get Dane.

16 ~~THE COURT: Is your question, Did she ever at any point~~
17 ~~ask for help from Mr. Williams?~~

18 ~~MR. SIMEONE: My question was whether or not Dane-- or~~
19 ~~Jeff ever got Dane to help him unstick the vehicle.~~

20 Q. And your answer was no. Is that right?

21 A. No.

22 Q. Okay. Now, the package that Dane picked up, was that
23 marijuana?

24 A. I don't know. I thought it was, but I don't know.

25 Q. Okay.

Maija Soucie - Cross (by Mr. Simeone)

1353.

1 A. For sure.

2 Q. Could have been?

3 A. Could have.

4 Q. Now, you never bothered to tell Mr. Grange about the
5 vehicle getting stuck until the next afternoon, right?

6 A. Right.

7 Q. And the other thing I wanted to clarify, this is a
8 preliminary question I should have asked you first, but I
9 want to bring it up now. You said that you got to the
10 barter fair in the morning that Sunday. Are you-- Do you
11 think you're right about that?

12 A. Oh, yes, yes.

13 Q. You don't think it was the afternoon, like you said in
14 your statement?

15 A. Got up to the barter fair? No.

16 Q. Two o'clock?

17 A. No, I arrived in the early morning. I don't know.

18 MR. SIMEONE: Your Honor, can I approach the witness?

19 THE COURT: All right.

20 Q. Do you remember your interview-- I'm not saying verbatim,
21 but do you remember the interview and the words and how it
22 went and how it flowed?

23 A. I do. I was in a very emotional state, you know. It's
24 hard to piece facts together--

25 Q. Sure.

Maija Soucie - Cross (by Mr. Simeone)

1354.

1 A. --and times and dates.

2 Q. _____

3 A. Yeah.

4 Q. You remember, though, that it was with Detective Caruso?

5 A. Yes.

6 Q. Okay, do you remember if he asked you at that time, and
7 I'll let you read along here. Does this appear to be--
8 First of all, does this appear to be a transcript of your
9 statement?

10 A. Yes. Yes.

11 Q. Have you had an opportunity to review it before today?

12 A. Yes, I did.

13 Q. Did he ask you-- or get into some questioning after that,
14 and did you start responding okay, the weekend of the
15 spring Northport Barter Fair on June 11th, about 2000--
16 about 2:00 P.M. I went to the fair?

17 A. I must have been mistaken, because I did go in the
18 morning, because that was the only time I could get a ride
19 from a friend, because he had obligations later that day.

20 Q. Okay, I just wanted to clarify that. But you did say--

21 A. Sorry about that.

22 Q. --2:00 P.M. before?

23 A. Sorry about that.

24 Q. That's fine. You stated that Jeff and John stayed to push
25 out the vehicles. Is that right?

Maija Soucie - Cross (by Mr. Simeone)

1355.

1 A. Yes.

2 Q. Okay, and you and Dane walked towards Dane's cabin at that
3 time?

4 A. Right.

5 Q. Are you certain about this, that Jeff never came back at
6 that time to get Dane to help Jeff and John to push out
7 John's vehicle?

8 A. Yeah, because I don't remember being alone up there at any
9 point.

10 Q. Well, it wasn't too far, really, from the cabin, was it?

11 A. No.

12 Q. Is it possible that that happened?

13 A. I suppose it's possible.

14 Q. Okay. Is it fair to say, without going into detail, but
15 is it fair to say that as a result of what Jeff communi-
16 cated to you about that incident that you weren't very
17 clear about what happened that afternoon?

18 A. I was-- I know what he told me. It was pretty clear.

19 Q. There wasn't any ambiguity in it?

20 A. Excuse me?

21 Q. There wasn't any ambiguity in the account he gave you?

22 A. He was-- It was very emotional. I was more just feeling
23 everything, you know.

24 Q. But there was maybe some uncertainty about all of the
25 details that he gave you, isn't that correct?

1 A. Well, sure. Yes.

2 Q. Okay.

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

4 THE COURT: All right, Mr. Wetle, any redirect at this
5 time?

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Maija Soucie - Cross (by Mr. Simeone)

1357.

1 MAIJA SOUCIE

2 REDIRECT EXAMINATION

3 BY MR. WETLE:

4 Q. When you had called the Camerons, what was it, a week or
5 two earlier, to see if there might be somebody going back
6 to Portland, what was the status of that opportunity or
7 possibility?

8 A. Jeff had said that some friends were coming up from
9 Portland to visit before the barter fair, and so I believe
10 it was on-- And I'm not quite sure if they said because
11 they were going back to Portland or just because people
12 from Portland were coming up there, that I assume that I
13 could maybe get a ride that Sunday.

14 Q. That's when the barter fair ended?

15 A. Yes.

16 Q. Okay, then, the question is whether or not you wanted to
17 ride back to Portland with the three individuals, and one
18 of the issues is there was too much stuff in the rig?

19 A. Yeah, that was on the Sunday that they had said that, when
20 I first got there.

21 Q. On Saturday or on Sunday?

22 A. On Sunday.

23 Q. Okay. And so when you got a ride from Dane's cabin to Ron
24 Smith's house, is that where you were going?

25 A. Yes.

1 Q. Where did you sit?
2 A. In the back, kinda' squished up against the wall.
3 Q. Okay, would there have been room then to sit there to go
4 to Portland?
5 A. Uncomfortably, but yeah.
6 Q. Could have done it?
7 A. Could have, yes.
8 Q. And did you want to?
9 A. No.
10 Q. So you decided not to go for other reasons?
11 A. Yes.
12 Q. And as I think you testified, was that because of the
13 situation?
14 A. Yes.
15 MR. SIMEONE: Objection, leading. It's asked and
16 answered.
17 THE COURT: Sustained.
18 Q. What was the reason you didn't want to go?
19 MR. SIMEONE: Asked and answered, your Honor.
20 THE COURT: Sustained.
21 MR. WETLE: I have one question for the court. May we
22 approach the bench?
23 THE COURT: All right.
24 UNRECORDED SIDEBAR
25 THE COURT: Any further questions, Mr. Wetle?

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MR. WETLE: No, your Honor.

THE COURT: All right, Mr. Simeone, any redirect--
recross, excuse me.

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MAIJA SOUCIE

RE CROSS EXAMINATION

BY MR. SIMEONE:

Q. You didn't see a .22 rifle at any time at Dane's cabin that Monday, the 12th, did you?

A. No.

MR. SIMEONE: I have no further questions.

WITNESS STEPS DOWN BUT IS NOT EXCUSED

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

MR. WETLE: The State would call Kaz Young, your Honor.

1 2000, the day after the barter fair was over.

2 MR. SIMEONE: We needs to correct the date, your Honor.

3 THE COURT: Pardon me?

4 MR. WETLE: I'm sorry. The 12th.

5 THE COURT: All right.

6 Q. Monday, June 12th, the morning after-- Monday morning
7 after the barter fair. Did someone come to your house?

8 A. Dane.

9 Q. And why was he there?

10 A. To pick up some marijuana.

11 Q. And how much was he going to pick up?

12 A. Three pounds.

13 Q. And what was the marijuana-- How was it packaged?

14 A. Just a black bag.

15 Q. Black plastic bag?

16 A. Uh-huh.

17 ADJUSTMENTS TO MICROPHONE

18 Q. How did-- If you recall, how did Dane arrive that morning
19 to do the-- What did he drive to pick up the marijuana?

20 A. A Bronco.

21 Q. Do you know whose Bronco it was?

22 A. Well, he told me it was Chewy's.

23 Q. What was Dane to do with the marijuana?

24 A. Said he was going to sell it.

25 Q. And when was he going to return?

Mel Young - Direct (by Mr. Wetle)

1363.

- 1 A. A few days. Couple, few days.
- 2 Q. Two or three days?
- 3 A. Or thereabout. I mean it wasn't real precise on exact day
4 he'd be back, but, you know, a few days.
- 5 Q. Okay. Now, based on the market value for that marijuana,
6 what was the amount that-- the value that you expected to
7 get back from Mr. Williams?
- 8 A. Well, I expected to get back around eleven and a half
9 thousand.
- 10 Q. So about 11,500?
- 11 A. Yeah, around there.
- 12 Q. Did that amount include some other prior obligations, or
13 was that just the money that he owed for that marijuana?
- 14 A. It was-- that was about the total that he owed me, I
15 thought. I'm not-- there was a few hundred dollars that
16 he owed me from before, but that was-- the eleven and a
17 half was a total amount.
- 18 Q. Okay, so based on the-- If you were just going to look at
19 the marijuana that he had in his possession, you expected
20 to get back about 11,300 or so for that amount?
- 21 A. Well, or around, maybe, eleven, and he owed me a few
22 hundred.
- 23 Q. All right. Did you hear from Dane after he left with the
24 marijuana?
- 25 A. Yeah.

- 1 Q. ~~And what was--~~ What was that information that you got
2 from him?
- 3 A. He called and said that he was on his way home, that he
4 would see me like the next day.
- 5 Q. Did he ever make it back?
- 6 A. I never seen him.
- 7 Q. What did you hear next about Dane?
- 8 A. Well, he--
- 9 Q. I guess what did you next hear about Dane and your-- your
10 marijuana?
- 11 A. He-- Well, they-- I heard that he had got busted with
12 it.
- 13 Q. So the marijuana would have been seized?
- 14 A. That's the story I heard, is that he got caught with a
15 large amount of money and some of the marijuana.
- 16 Q. And in your mind that happens, and so that was okay?
- 17 A. Well, it was-- I guess. He was-- I wasn't going to look
18 for him. I don't know what you mean.
- 19 Q. So what was the next time that you got contacted by Dane?
- 20 A. He called a while after I'd heard the stories and pretty
21 much asked what people thought of him. And I wasn't sure
22 what he meant by that.
- 23 Q. Was that the last time you talked to him?
- 24 A. ~~Uh-huh.~~
- 25 Q. How do you feel about the fact now?

Mel Young - Direct (by Mr. Wetle)

1365.

1 A. Well, I don't know. What do you mean?

2 Q. Are you upset with him now?

3 A. Well, he burnt me. Yeah, it's upsetting, but--

4 MR. WETLE: Thank you very much, Mr. Young. I have no
5 further questions, your Honor.

6 THE COURT: Mr. Simeone?

7 MR. SIMEONE: Thank you.

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Mel Young - Direct (by Mr. Wetle)

1366.

Judy Americk
762 S. Pine
Colville, WA 99114
(509) 684-2267

1 MEL YOUNG

2 CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. Mr. Young, good afternoon. You seem to be talking about
5 a highly illegal activity here very openly. How is it
6 that you feel the freedom to do that?

7 A. I'm under oath.

8 Q. Did the police officers promise you some immunity from
9 prosecution in exchange for your talking about the subject
10 to them?

11 A. The police officers didn't, no.

12 Q. Nobody did?

13 A. Well, the-- the Prosecuting Attorney did.

14 Q. Well, okay. I kind of referred to them in the same
15 breath. Did you ever supply Mr. Grange with any marijuana
16 na?

17 A. Yeah.

18 Q. When was that?

19 A. June 12th, I guess is the date.

20 Q. Was that Dane Williams? Is that what you're talking
21 about? The marijuana you gave to Dane?

22 A. Uh-huh.

23 Q. Well, that's not the same thing as John, though. You're
24 not talking about one and the same packet of marijuana,
25 are you?

Mel Young - Cross (by Mr. Simeone)

1367.

1 A. What was the question you just asked me?
2 Q. Did you supply John Grange with marijuana?
3 A. John Grange, no.
4 Q. Okay. It's a rather large amount of money that you're out
5 here. Eleven thousand dollars.
6 A. Uh-huh.
7 Q. Did you ever advance Dane Williams that much marijuana
8 before?
9 A. Yeah.
10 Q. That much? Do you remember our conversation that we had
11 on the phone?
12 A. Uh-huh.
13 Q. Did you tell me that this is the first time you advanced
14 him any pot and that he burned you first time out?
15 A. Well, I don't remember that being the conversation between
16 us.
17 Q. Okay. Did the police ever tell you, or Mr. Wetle ever
18 tell you, that they needed to prove that Dane had a lot of
19 money by the time they got to Portland for some reason?
20 A. They never told me that, no, exactly that.
21 Q. Something similar? Like that's part of their case?
22 A. What's the question?
23 Q. Did they tell you something to the effect like they needed
24 to show that Dane Williams had a pocket full of dough when
25 he got to Portland?

Mel Young - Cross (by Mr. Simeone)

1368.

1 A. They said that's what Dane had told them.

2 Q. Ah. You mentioned, then, is it still true that Dane has
3 trouble telling the truth?

4 A. Well, he wasn't truthful with me.

5 Q. Proof of the pudding, huh? Are you aware that the money
6 that Dane was supposed to use to pay you was used to buy
7 a Porsche and get an apartment in Portland?

8 A. I've heard stories, yeah.

9 MR. SIMEONE: I've got no further questions. Thank
10 you.

11 THE COURT: Mr. Wetle, any redirect?

12 MR. WETLE: No, your Honor.

13 WITNESS IS EXCUSED

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

15 MR. WETLE: I'd call Doug Grange.

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WITNESS IS SWORN

THE COURT: Mr. Grange, would you state your full name, please?

MR. GRANGE: Douglas John Grange.

THE COURT: All right, sir, and your address, please?

MR. GRANGE: 25647 Jeans Road, Venita, Oregon.

THE COURT: Thank you. Mr. Wetle?

MR. WETLE: Thank you, your Honor.

DOUGLAS JOHN GRANGE

Being first duly sworn, on oath testified as follows:

DIRECT EXAMINATION

BY MR. WETLE:

Q. Good afternoon, Mr. Grange. Would you please state for the court and jury your occupation, please?

A. I'm a welder.

Q. Have you done any other type of work?

A. Bookkeeping, working in log mills, all kinds of occupations.

Q. Get work contracting?

A. Yes, I am.

Q. And do you paint? Are you a painter, as well?

A. Yes.

Q. And pretty much all around person in terms of hands-on work?

A. Yes.

Douglas John Grange - Direct (by Mr. Wetle)

1370.

1 Q. Who is John Grange, Mr. Grange?
2 A. My son.
3 Q. And was your son living in Portland during 1999 and the
4 year 2000?
5 A. Yes.
6 Q. And would you visit John Grange in Portland?
7 A. Yes.
8 Q. When you went to Portland, whose apartment did you go to
9 to see your son?
10 A. It was Rob's.
11 Q. And Rob is Rob Schultz?
12 A. Yes.
13 Q. Did you ever see John meet a person by the name of Jeff
14 Cunningham?
15 A. Yes.
16 Q. And do you recall where that would have been?
17 A. It would have been at Rob's apartment.
18 Q. Prior to the time, now, that you went up to the Crown
19 Creek cabin, assuming about June 2nd, year 2000, did you
20 ~~hear any conversations about somebody being a nark at Rob~~
21 ~~Schultz's?~~
22 A. Yes.
23 Q. Do you remember what that discussion was?
24 A. Just that-- The first time I heard about him was that he
25 had been arrested, and then the second conversation I

Douglas John Grange - Direct (by Mr. Wetle)

1371.

1 ~~heard that he'd got out and was turning people over, being~~
2 ~~a nark.~~

3 Q. And that's before you came to the Crown Creek cabin?

4 A. Yes.

5 Q. Did you hear anything about what he was doing when he got
6 arrested?

7 A. He was carrying some acid.

8 Q. And do you remember where from?

9 A. From California.

10 Q. And where to?

11 A. Seattle.

12 Q. And did-- ~~In those conversations, did you know whether~~
13 ~~the local people caught him or the feds caught him?~~

14 A. ~~I understand it was the feds.~~

15 Q. And what was he doing with the feds now, or then?

16 A. From what I understand, he was working with them.

17 Q. And did the group at Rob Schultz's, did they want that to
18 get out?

19 A. Yes, they did.

20 MR. SIMEONE: I want to object to leading.

21 THE COURT: Sustained.

22 Q. What did they-- What did the group feel about the
23 disclosure of that information?

24 A. Well, they just-- It seemed like they discussed it with
25 everybody that came into the apartment, to make sure that

Douglas John Grange - Direct (by Mr. Wetle)

1372.

1 everybody knew about it.

2 Q. So that was a-- They were warning other people?

3 A. Yes.

4 Q. Did that information have any impacts on other people?

5 A. Not as far as I know.

6 Q. Was there any concern about-- What would be the reason

7 that they would be warning each other about that?

8 A. Just so that they, you know, wouldn't get arrested. You

9 know, not to do any business with them.

10 Q. Cut him off?

11 A. Yeah.

12 Q. Were people in jeopardy because of him?

13 A. Not that I know of, no.

14 Q. In terms of getting turned in?

15 A. Not the ones I knew, no.

16 Q. But they were warning other people not to deal with him?

17 A. Right.

18 MR. SIMEONE: I'm going to object. Asked and answered.

19 THE COURT: Sustained.

20 Q. Did other people talk about what was going to be done with

21 Mr. Kaiser at a later time?

22 A. Yes.

23 Q. And what was to be done with him? What was said they were

24 going to do with him at a later time?

25 A. Well, they didn't really say. They just said that the

1 people in California were upset with him, and had put out
2 some money to do away with him.

3 Q. And the money to do away with him, do you recall when you
4 heard that?

5 A. About June 19th.

6 Q. And was Rob Schultz in on that discussion?

7 A. No. He wasn't at the apartment at that time.

8 Q. Well, was he just-- Could have been there, but not in on
9 the discussion?

10 A. Right. Yeah.

11 Q. Mr. Grange, who was upset with this informant, assumed to
12 be Mr. Kaiser?

13 A. As far as I could tell, it was the people in California.

14 Q. How about Seattle? Were there any people up there upset?

15 A. Well, they were, you know, a little upset that he was
16 turning people in, but not, you know, as upset as the
17 people in California.

18 Q. And who were these people in-- First of all, who were the
19 people in Seattle? What were their positions, do you
20 know?

21 A. Just, you know, dealer/sellers.

22 Q. And how about San Francisco?

23 A. It would have been the suppliers.

24 Q. So the California are the bigger, higher up people?

25 MR. SIMEONE: Objection, your Honor. He's leading.

Douglas John Grange - Direct (by Mr. Wetle)

1374.

1 THE COURT: Sustained.

2 Q. When you talk about the dealers and the sellers, how do
3 you compare those to the suppliers?

4 A. Well, the suppliers are always the start, the head of--
5 you know. If you didn't have the suppliers, you wouldn't
6 have the dealers.

7 Q. So how does that work? Where does the-- How does the
8 food chain work in this situation?

9 MR. SIMEONE: Your Honor, I think I'm going to object
10 here because I don't know that Mr. Grange is an expert in
11 the area of how drug trafficking is organized. He hasn't
12 really qualified in that regard, and I don't think he can
13 be qualified. He's asking him as though he's a DEA agent
14 or something. That's not the case at all.

15 MR. WETLE: Your Honor, I'm asking him because of his
16 personal knowledge, and I think he-- I think he knows
17 that.

18 THE COURT: Well, you need to ask him on what he bases
19 that first to set your foundation.

20 MR. WETLE: Thank you, your Honor.

21 Q. Mr. Grange, based on the conversations that you heard
22 around the Schultz apartment and around your son, do you
23 have an idea how the organization distributes its drugs?

24 A. Not their organization, no.

25 Q. Not which?

Douglas John Grange - Direct (by Mr. Wetle)

1375.

1 A. Not their-- Not the way they do it, no.
2 Q. The people in California?
3 A. Yeah.
4 Q. Just know the way they do it in Portland?
5 A. Ah-- I didn't know how they distributed, you know.
6 Q. How did you know that these people were drug dealers?
7 How did you know they were drug dealers, the people that
8 were upset?
9 A. The-- They-- They, you know, were getting busted and
10 stuff, so I just assumed it was for selling drugs.
11 Q. That's true, but based on your associations, how did you
12 know that the people that were upset were drug dealers?
13 You know that?
14 A. Not personally, no.
15 Q. Was it because of their friendships?
16 MR. SIMEONE: Your Honor, I think he asked the-- he
17 asked the question and he gave him the answer. He didn't
18 know.
19 THE COURT: And you're leading the witness, Mr. Wetle.
20 Q. What kind of drugs were involved with this group, Mr.
21 Grange?
22 A. As far as I know, pot and LSD.
23 MR. SIMEONE: Can we clarify which group it is that
24 he's talked about now? He's discussed several different
25 groups here.

Douglas John Grange - Direct (by Mr. Wetle)

1376.

1 THE COURT: All right. Mr. Wetle, who were you
2 referring to in your question?

3 Q. What kind of--

4 MR. WETLE: Yes, your Honor.

5 Q. The drugs that are being used and disseminated around the
6 Portland area through Mr. Schultz?

7 A. It was pot and LSD.

8 Q. What-- When you got to the barter fair, Mr. Grange, what
9 did the people that you had contact with at the barter
10 fair say about the informant?

11 A. They were just warning people that he might show up.

12 Q. And do you know where these people were from that were
13 saying that?

14 A. Most of them were from the, like, Seattle area.

15 Q. And what were they saying?

16 A. That this informant might show up, and that several other
17 people might show up that they were warning people about.

18 Q. So was there any fear that he might be working at the
19 barter fair, the informant?

20 A. Yes.

21 Q. Did the people seem to know the informant?

22 A. Yes, they did.

23 Q. And how did they know him?

24 A. I don't know. I just assumed they knew him fairly well
25 because they were from the Seattle area, and that's where

Douglas John Grange - Direct (by Mr. Wetle)

1377.

1 he was from.

2 Q. And was there anything about past experiences that would
3 have made him known to them?

4 A. I don't know.

5 Q. Had there been any prior dealings?

6 A. I have no idea.

7 Q. Do you recall how much you heard that he had when he got--
8 of drugs on him when he got caught?

9 A. A hundred thousand hits of acid.

10 Q. And did you hear when he got out of jail?

11 A. It was like two days later.

12 Q. And what did that-- What did that mean to the people that
13 you heard talking about this?

14 A. That he evident-- He had to make a deal to get out in two
15 days.

16 Q. And where did you get, basically, this information?

17 A. From people talking in Rob's apartment.

18 Q. And did you get some of that from your son?

19 A. No.

20 Q. None of it?

21 A. None of that, no.

22 Q. Of what happened to-- That the guy had been caught and--

23 MR. SIMEONE: Asked and answered, your Honor.

24 THE COURT: Sustained.

25 Q. What are the group that-- What do they call themselves?

Douglas John Grange - Direct (by Mr. Wetle)

1378.

1 A. As far as I know, the Rainbow Family.

2 Q. And how is Rob Schultz connected to that family?

3 A. I-- I just know that they call them-- I don't know how
4 he's connected into it. I just know that they call
5 themselves the Rainbow Family.

6 Q. And what's Rob Schultz's role?

7 MR. SIMEONE: Your Honor, I think he's asking the same
8 question in a slightly different way. He said: How's he
9 connected to the Rainbow Family? The answer was: I don't
10 know. What's his role? It's the same question.

11 THE COURT: All right, you can answer that question, if
12 you can, Mr. Grange. In other words, it's all right to
13 rephrase the question, so you may answer that question.
14 What is, if you know, Mr. Rob Schultz's role in the
15 Rainbow Family?

16 A. I guess, like a place where people coming into town could
17 go to, and, you know, deal with what they were doing.

18 Q. Anything else?

19 A. No. You know, I don't understand your question.

20 Q. What does Rob Schultz do for the Family?

21 A. Well, he, you know, sells drugs.

22 Q. Anything else?

23 A. Not that I know of, no.

24 Q. Where does he get his drugs?

25 A. From-- Like I said, you know, people coming from out of

Douglas John Grange - Direct (by Mr. Wetle)

1379.

1 town bring it in.

2 Q. And then does he give it to other sellers?

3 A. He has people sell it for him.

4 Q. What does Shadow do in the Family?

5 A. As far as I know, if they had trouble with somebody, he'd
6 take care of the problem.

7 Q. What level was he in relation to Rob?

8 A. It seemed like they-- they were about-- about the same
9 level.

10 Q. They do different things?

11 A. Yes.

12 Q. And when did you see Shadow?

13 A. Just a few times at Rob's apartment.

14 Q. And what did you know about the informant?

15 A. Not-- Not very much. Just what I had heard at the
16 apartment.

17 Q. Had he impacted other people in the Family?

18 MR. SIMEONE: Objection to the leading.

19 THE COURT: Sustained.

20 Q. Do you know what the informant had done?

21 MR. SIMEONE: Your Honor--

22 A. That he was working for the feds.

23 MR. SIMEONE: Excuse me, your Honor. Excuse me. I
24 think he's-- he's going over old ground here. I think
25 he's already asked these questions at the beginning of his

Douglas John Grange - Direct (by Mr. Wetle)

1380.

1 examination.

2 THE COURT: I think so, Mr. Wetle.

3 MR. WETLE: Thank you, your Honor.

4 Q. Mr. Grange, how did the Family view a nark? What did they
5 think of a nark?

6 A. Well, they-- they tried to cut-- cut 'em out and do away
7 with 'em, you know, because you don't want them around.

8 Q. How would you describe the Family's organization?

9 A. It seemed like it was pretty well set up.

10 Q. And what is the purpose of the Family?

11 A. To sell drugs.

12 Q. And how does the Family distribute drugs?

13 A. I don't know that.

14 Q. Through strangers?

15 A. Well, people-- People they know.

16 Q. Within the Family?

17 A. Yes.

18 Q. What was the security at the barter fair told about the
19 informant?

20 A. Just that he might show up.

21 Q. Were they supposed to do anything if he showed up?

22 A. No.

23 Q. Not warn anybody?

24 A. Oh, they-- Well, they were warning people, but--

25 Q. What did the Family think about the informant?

Douglas John Grange - Direct (by Mr. Wetle)

1381.

1 A. That-- just stay away from him.

2 Q. To your knowledge, had the informant showed up at the
3 barter fair by Friday, June 9th?

4 A. No.

5 Q. Is that when you left the area, Mr. Grange?

6 A. Yes, it is.

7 Q. What did your son tell you he was going to do if the nark
8 showed up in Portland?

9 A. That he was going to--

10 MR. SIMEONE: Objection. Could he locate that in time
11 so we know when it is that we're-- he's made this
12 statement?

13 MR. WETLE: He was going to answer the question, your
14 Honor.

15 THE COURT: Well, you can cross examine, Mr. Simeone.
16 So you may answer the question.

17 MR. WETLE: Thank you, your Honor.

18 Q. What did your son, John, tell you he was going to do if
19 the nark showed up in Portland?

20 A. That he was going to rough him up and make sure he knew he
21 wasn't welcome in Portland and not to come back.

22 Q. And when did he tell you that?

23 A. June 16th.

24 Q. So that'd be the weekend after the barter fair?

25 A. Yes.

Douglas John Grange - Direct (by Mr. Wetle)

1382.

1 Q. And that was the first time you saw him?

2 MR. SIMEONE: Wait a minute. Can you clarify that
3 question? The first time he saw who?

4 Q. After the barter fair?

5 THE COURT: Saw who?

6 Q. John Grange.

7 A. Yes.

8 Q. And was that at Rob Schultz's house?

9 A. Yes. His apartment.

10 Q. At his apartment, I mean. So that was one of the weekends
11 that you went to see John in Portland?

12 A. Yes.

13 Q. Mr. Grange, now while you were staying at the Crown Creek
14 cabin, before you came back to Portland, what did you
15 think John was going to be doing there that summer?

16 A. When he-- When I first got there, he was planning on
17 growing some pot plants. And while we were there it
18 looked pretty skimpy for doing that, so he had got another
19 job, a summer job, while I was there.

20 Q. How many starts did John and Jeff have, marijuana starts?

21 A. They had about a hundred apiece.

22 Q. How long did you stay at the Crown Creek area?

23 A. About a week.

24 Q. So specifically, that'd be June 2nd to about June 9th?

25 A. Yes.

Douglas John Grange - Direct (by Mr. Wetle)

1383.

1 Q. When you left the Crown Creek area on the 9th, which would
2 have been what, a Friday?
3 A. Yes.
4 Q. What did you think John was going to do?
5 A. He was going to-- You know, he had a summer job and he
6 was just going to hang out until that got going, 'cause it
7 was going to be a week or so.
8 Q. So he was going to stay in Northport?
9 A. Yes.
10 Q. Because he had a job?
11 A. Yeah.
12 Q. And do you know what that job was?
13 A. Working with garlic.
14 Q. So were you surprised to see him back in Portland?
15 A. Yes, I was.
16 Q. What was John's role in the Family, Mr. Grange?
17 A. He was one of the sellers.
18 Q. And did he-- What type of drugs did he sell, first?
19 A. Pot and LSD.
20 Q. Was the LSD later? He sold pot first, and then did he
21 move into LSD?
22 A. When-- Whenever either one was available.
23 Q. Do you know where John got his LSD?
24 A. Not really, no. You know, just something that was coming
25 through Rob's house, or apartment.

Douglas John Grange - Direct (by Mr. Wetle)

1384.

- 1 Q. So he'd get both the pot and LSD through Rob's house?
- 2 A. Yes.
- 3 Q. What did John say about the nark showing up at the barter
- 4 fair?
- 5 A. The way he talked about it, he was, you know, he was kinda
- 6 upset that he, you know, showed up up there.
- 7 Q. So he said the nark did show at the barter fair?
- 8 A. Yeah.
- 9 Q. And he was a little upset about it?
- 10 A. Yeah.
- 11 Q. How did John consider the people that he was dealing with
- 12 in his sales?
- 13 A. The ones he dealt with, you know, he felt like they were
- 14 his kids, you know, and that's why, you know, he was gonna
- 15 make sure this guy didn't hang around Portland.
- 16 Q. So how did he feel about the kids? What did he feel
- 17 toward them?
- 18 A. Well, like they, you know, were his brothers and sisters,
- 19 like real close friends, you know, and he didn't want them
- 20 to get hurt.
- 21 Q. By the nark?
- 22 A. Yeah.
- 23 Q. So was he protective of them?
- 24 A. Yeah, I guess. Yeah.
- 25 Q. Did you know of any Family gatherings that summer?

Douglas John Grange - Direct (by Mr. Wetle)

1385.

1 A. There was one in Montana.

2 Q. And did Rob have contacts with other states?

3 A. I don't know. Just the people coming through the apart-
4 ment.

5 Q. Some of them were from out of state?

6 A. Yeah.

7 Q. How would you describe the communication network?

8 A. Well, it seemed pretty fast.

9 Q. They appear to know what was going on in other areas?

10 A. Yes.

11 Q. Do you know how far the Family's spread out?

12 A. All over, that I know of.

13 Q. Are we talking world or U.S.?

14 A. The U.S.

15 Q. What states do you know of?

16 A. California, Oregon, Washington, Montana.

17 Q. How long had John been selling drugs for Rob?

18 A. I really couldn't say. I just been around him for a
19 couple months.

20 Q. And do you know who supplied Rob with pot?

21 A. One of the people was Dane and Jeff.

22 Q. How often were you at Rob's apartment?

23 A. About every other week.

24 Q. What did you hear Family members at Rob's talk about would
25 happen if you sold drugs and didn't pay?

Douglas John Grange - Direct (by Mr. Wetle)

1386.

1 A. Well, that's when they'd bring Shadow in.

2 MR. WETLE: Thank you very much, Mr. Grange. I have no
3 further questions at this time, your Honor.

4 THE COURT: All right, Mr. Simeone, we'll let you start
5 in on your cross examination.
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Douglas John Grange - Direct (by Mr. Wetle)

1387.

1 DOUGLAS JOHN GRANGE

2 CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. Hi, Mr. Grange. Good afternoon.

5 A. _____

6 Q. How you doing?

7 A. Pretty good.

8 Q. Okay. You were about to turn 50 years old and you wanted
9 to come up here and celebrate your birthday, is that the
10 way you first came up here?

11 A. Yes.

12 Q. Okay. Wanted to get away from Oregon for a little while?

13 A. Yeah, just-- Yeah.

14 Q. Now, isn't there an additional reason to go up there? Did
15 you need to bring John commodities too?

16 A. Well, John had mentioned on the phone how hard it was up
17 here and stuff, so I had bought a generator and some
18 extension cords and stuff like that to bring up.

19 Q. The kind of thing a person would need to survive in a
20 wilderness-like area?

21 A. Yes.

22 Q. Yeah. They said-- Your testimony was that he had been
23 selling. I guess you had to talk about your son selling--

24 A. Yes.

25 Q. --for a couple of months before that?

Douglas John Grange - Cross (by Mr. Simeone)

1388.

1 A. Right.

2 Q. A couple months before? That's pretty-- Actually pretty
3 recent before the killings that took place that are under
4 discussion in this trial, isn't it?

5 A. Yes.

6 Q. Do you feel your relationship with John over the years has
7 been pretty close?

8 A. Oh, yeah.

9 Q. Okay. And you would know about his closer business then,
10 wouldn't you?

11 A. Yes.

12 Q. Now, Friday at the barter fair was the 9th, correct?

13 A. Yes.

14 Q. And you were there for only a couple of hours, is that
15 right?

16 A. I didn't understand the question.

17 Q. Is that-- Were you-- How long were you at the barter
18 fair Friday?

19 A. I-- I didn't go to the barter fair Friday.

20 Q. Is that the day you left to go back?

21 A. Yes.

22 Q. Okay. You voluntarily gave a statement to the police
23 officers, didn't you?

24 A. Yes, I did.

25 Q. Okay. One of the things you bought up here when you were

Douglas John Grange - Cross (by Mr. Simeone)

1389.

1 here for John was a .22, is that right?

2 A. Yes.

3 Q. Okay. He resisted your purchase of that gun, didn't he?

4 A. Well, he really didn't ask for it or go along. I just
5 figured that was one of the items, you know, he should
6 have up there at the cabin.

7 Q. You know how to handle a weapon, don't you?

8 A. Not really, no.

9 Q. Now, a lot of knowledge that you have, that you testified
10 to when Mr. Wetle was asking you questions, that's-- it's
11 secondhand information, isn't it?

12 A. Yes, it is.

13 Q. You go by what you heard, bits and pieces from here and
14 there, and putting together your understanding of, like,
15 the Family?

16 A. Yes.

17 Q. And the way it operates?

18 A. Yes.

19 Q. And who's who?

20 A. You're right.

21 Q. Okay, so you're not-- You wouldn't consider yourself a
22 qualified expert on the subject, would you?

23 A. No.

24 Q. Now, your understanding of when these boys were killed,
25 who are the subject matter of this prosecution, when is

Douglas John Grange - Cross (by Mr. Simeone)

1390.

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that?

A. Up by the barter fair.

Q. Okay.

A. Some time during the barter fair.

Q. And the discussions that you heard John have with others about wanting to work this kid over or rough him up a bit, that was the week after?

A. Yes.

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

THE COURT: All right, Mr. Wetle, any further questions?

1 DOUGLAS JOHN GRANGE

2 REDIRECT EXAMINATION

3 BY MR. WETLE:

4 Q. Mr. Grange, did John tell you how hard it was up at the
5 cabin? How hard the living was up there?

6 A. Yes.

7 Q. Did he like living up there?

8 A. Yes, he did.

9 Q. Did he have running water?

10 A. There was a pretty good sized creek right down in front of
11 the cabin.

12 Q. Did he have electricity?

13 A. No.

14 Q. Have radio?

15 A. No, they didn't.

16 Q. When-- The first night you got there, did you stay at
17 Dane's house?

18 A. Yes, I did.

19 Q. And did everybody stay with you at Dane's house?

20 A. No. I-- They all went to a party.

21 Q. And then when you got the generator, did that allow for a
22 lightbulb in the kitchen?

23 A. Yes.

24 Q. And that was the only light that was there?

25 A. Yes.

Douglas John Grange - Redirect (by Mr. Wetle)

1392.

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MR. WETLE: Thank you very much, Mr. Grange. We have
no further questions.

THE COURT: Mr. Simeone, anything further?

MR. SIMEONE: No further questions.

WITNESS STEPS DOWN BUT IS NOT EXCUSED

COURT REQUESTS COUNSEL TO MEET IN CHAMBERS

COURT RECESSED

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COURT RECONVENES WITH JURY SEATED

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

MR. WETLE: Your Honor, the State would call Jeffrey Cunningham, and I think he's on his way.

WITNESS IS SWORN

MICROPHONE IS ADJUSTED

THE COURT: Give us your full name, spelling your last name.

MR. CUNNINGHAM: Jeffrey Steven Edward Cunningham, C-U-N-N-I-N-G-H-A-M.

THE COURT: And your current address, please?

MR. CUNNINGHAM: P. O. Box 186, Stevens County Jail.

THE COURT: Thank you. Mr. Wetle?

MR. WETLE: Thank you, your Honor.

JEFFREY CUNNINGHAM

Being first duly sworn, on oath testified as follows:

DIRECT EXAMINATION

BY MR. WETLE:

Q. Good afternoon, Mr. Cunningham.

A. How you doing?

Q. Could you tell the court and the jury what types of occupations you've had?

A. I've been a carpenter, I've been a mechanic, and I've been a cook.

Q. And how old are you?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1394.

- 1 A. Twenty-five.
- 2 Q. And how far did you go in school?
- 3 A. Eleventh grade.
- 4 Q. Where were you raised?
- 5 A. Mostly Long Island.
- 6 Q. When and where did you meet Maija?
- 7 A. In Colorado, October 14, 1996. I mean August 14, 1996.
- 8 Q. And did she go to Portland with you?
- 9 A. Yes.
- 10 Q. And when did you get to Portland, Oregon?
- 11 A. Maybe about a month later.
- 12 Q. Who did you meet in Portland?
- 13 A. I met Nicky and Shadow and this girl named Sky, and
14 probably about 200 other people.
- 15 Q. How did you meet Nick?
- 16 A. We lived on the streets together.
- 17 Q. And when we speak of Nick, we're talking Nick Kaiser?
- 18 A. Yes.
- 19 Q. So when you say you met on the street--
- 20 A. Well, I lived on the streets most of the time, and Nick
21 was always around. We hung out a lot all the time
22 together, and I met him sitting on a corner one day.
- 23 Q. How did you meet Shadow?
- 24 A. Same way.
- 25 Q. What did you and Nick do together?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1395.

1 A. We did a lot of drinking.
2 Q. And what did you and Shadow do?
3 A. I sold a lot of pot for him.
4 Q. What did you do with the pot that he supplied to you?
5 A. Sold it.
6 Q. And who was that sold to?
7 A. Whoever wanted to buy it.
8 Q. Is it other kids on the street, or other people?
9 A. Yeah. Anybody. Didn't make a difference.
10 Q. Was that how you got your money to live?
11 A. Mostly.
12 Q. How else did you support yourself?
13 A. I was a carpenter, a mechanic and a cook.
14 Q. And did you get to work through any agencies on those
15 particular jobs?
16 A. I worked through a temp agency out of Portland, Oregon.
17 Q. And they would contact you?
18 A. Uh-huh.
19 Q. Was Maija still with you in Portland--
20 A. Yes.
21 Q. --during this time?
22 A. Yes.
23 Q. Did she subsequently leave for a period?
24 A. Well, we split. Her mother lives there, and I just-- You
25 know, I stayed in Portland for awhile. I just didn't live

Jeffrey Cunningham - Direct (by Mr. Wetle)

1396.

1 with Maija any more.

2 Q. So she went with her mom for awhile?

3 A. Right.

4 Q. After she left, what did you do?

5 A. I just-- I went traveling. Went to a couple Rainbow

6 gatherings.

7 Q. Do you know where those gatherings were?

8 A. Illinois, New Mexico, Colorado, Arizona.

9 Q. At that time were you working for the Family?

10 A. No, not really.

11 Q. So you had no jobs to do for them at that time?

12 A. No.

13 Q. And how long did you travel, about?

14 A. Maybe three months, four months.

15 Q. Then where did you go?

16 A. I went back to Portland.

17 Q. And when you got back to Portland, what did you do?

18 A. I lived in a coffee house for awhile. Wait now, that was

19 later, after I came back from the winter vacation. I took

20 Maija to Florida for the winter.

21 Q. Okay, did you get to work in a pizza shop at all?

22 A. Yeah.

23 Q. Was that about that time?

24 A. Yeah, probably so.

25 Q. At this time did you become more involved with the Family?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1397.

1 A. I did.

2 Q. And could you tell the jury what the-- What is the
3 Family?

4 A. It's just a bunch of street kids that look out for each
5 other, take care of each other.

6 Q. And what's their main business?

7 A. For the street kids?

8 Q. Yeah.

9 A. The main business is selling pot.

10 Q. Do the Family members have nicknames?

11 A. Yeah.

12 Q. And do you have a nickname?

13 A. I had one, but I didn't go by it very long at all.

14 Q. And were you part of the group?

15 A. Yeah.

16 Q. And how long were you a member in the Family?

17 A. Five years, four years.

18 Q. Who did you associate with in Portland that were in the
19 drug end of the Family?

20 A. Shadow, Nick, Rob, Sky, Magic, _____.

21 Q. Those were all, except for Rob, sort of nicknames--and
22 Nick--for people that you associated with?

23 A. Uh-huh.

24 Q. Who did you primarily deal with?

25 A. At the--

Jeffrey Cunningham - Direct (by Mr. Wetle)

1398.

1 Q. At that time.

2 A. At what time?

3 Q. At the beginning.

4 A. Nick and-- Or I mean Shadow and Magic.

5 Q. And did he live with you and Nick?

6 THE COURT: Who is he?

7 MR. WETLE: I'm sorry.

8 Q. Did Magic live with you and Nick?

9 A. Yeah.

10 Q. And where was that?

11 A. In a coffee house.

12 Q. And do you remember about what time this was, when this
13 was? What year?

14 A. I don't know. Ninety-seven, '98. Ninety-seven.

15 Q. Okay, when you worked at the coffee house, what was--
16 What was the coffee house?

17 A. It was just a-- Just a coffee house. I mean like it was
18 a private club, or we tried to make it as a private club,
19 but it didn't really work that way, so we got closed down
20 after a couple months.

21 Q. By-- Who closed you down?

22 A. The Better Business Bureau.

23 Q. What was going out of the coffee shop besides coffee?

24 A. We had music all the time. You know, kids always in and
25 out. Just a lot of-- lot of stuff like that.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1399.

1 Q. Okay, were there drugs involved with the coffee house?
2 A. Yeah. People would come by and leave stuff there, yeah.
3 It wasn't like a primary gig or nothing like that, but,
4 you know, it's always on the edge. Always present.
5 Q. So when the business got shut down, did you go some-- Did
6 you go somewhere with Maija?
7 A. Yeah.
8 Q. And where was that?
9 A. We went to Florida and New Orleans and Utah.
10 Q. What happened in Florida?
11 A. It was a warm winter.
12 Q. Did you get anything in the mail?
13 A. Oh, yeah. I was working for Rob.
14 Q. And what was your job at that time?
15 A. Just selling pipes and stuff like that through the mail.
16 Q. Pot as well?
17 A. Yeah.
18 Q. So he'd mail it to you in Florida?
19 A. Yeah.
20 Q. And you'd sell it? What did you do with the money?
21 A. Sent it back to him.
22 Q. Did you get to keep a portion of that, or did he--
23 A. Yeah.
24 Q. --pay you separately?
25 A. Keep what I wanted.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1400.

1 Q. How long did you do that?
2 A. For a winter. Half a winter.
3 Q. So basically '98, '99 winter?
4 A. Yeah.
5 Q. Then in the spring of '99 where did you go?
6 A. I moved to Stevens County.
7 Q. And why did you move to Stevens County?
8 A. I wanted to get out of the city. I was tired of living
9 that life, so I came up here. I was gonna grow some pot
10 for the Family in Portland.
11 Q. Was anybody with you when you came?
12 A. Maija was. Some other kid.
13 Q. His name Wade?
14 A. Yeah.
15 Q. How did Rob Schultz play into this?
16 A. Just asked me if I'd grow some pot.
17 Q. Did he ask-- Did Rob Schultz later ask you to do more for
18 the Family?
19 A. He asked me if I can get cheap pot.
20 Q. In this area?
21 A. Yeah.
22 Q. So where did you live when you got to the Crown Creek
23 area?
24 A. In Crown Creek.
25 Q. And who owned that cabin?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1401.

1 A. Fellow by the name of Lou Ash.
2 Q. And had you ever visited there before?
3 A. Yeah.
4 Q. And do you remember when that was or for how long?
5 A. It was just for a little while, maybe a year before that.
6 Q. Could you describe the cabin in terms of it's amenities?
7 A. Doesn't have any running water or electricity or nothing
8 like that.
9 Q. How does it-- What sort of heat source do you have?
10 A. A stove.
11 Q. Would it be fair to say it's pretty primitive in terms of
12 living?
13 A. Surely.
14 Q. How long did Maija stay there?
15 A. A couple months, into the latter end of summer.
16 Q. So maybe as far as August?
17 A. Maybe around there.
18 Q. And what happened at that time?
19 A. She left.
20 Q. What happened to your relationship?
21 A. We didn't have one.
22 Q. Did you break up at that time?
23 A. Yeah.
24 Q. And what did you do after she left?
25 A. A lot of drinking.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1402.

1 Q. And where did you stay?
2 A. There. Where I was staying.
3 Q. Did you have your own garden?
4 A. Yeah.
5 Q. Were you growing pot at that time?
6 A. No.
7 Q. What happened?
8 A. I wasn't good at it. I didn't know how to do it, so--
9 Q. Had you tried to?
10 A. I tried. It just didn't work.
11 Q. So that would have been around the fall of '99?
12 A. Surely.
13 Q. Where did you go then, in the fall of '99?
14 A. Portland.
15 Q. And do you know how long you stayed there?
16 A. I don't know. A little while. A couple months.
17 Q. Did you have a place to stay there?
18 A. I did.
19 Q. And where was that?
20 A. I lived with John.
21 Q. John Grange?
22 A. Yeah.
23 Q. Then what did you do after January, February of 2000?
24 A. I moved back up here.
25 Q. It's still winter up here?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1403.

1 A. Pretty much.

2 Q. And was somebody staying at the Lou Ash cabin at Crown
3 Creek?

4 A. There was.

5 Q. So you couldn't go back to that cabin?

6 A. Well, I could, but our dogs didn't get along, so I
7 couldn't. They had a dog, I had a dog, and they didn't
8 like each other, so--

9 Q. So where did you go?

10 A. I went and stayed with Dane.

11 Q. And where was that?

12 A. The other side of the hill.

13 Q. Was that on Hamlet Road?

14 A. I-- I guess.

15 Q. About how far is Dane's place from the Crown Creek cabin?

16 A. A mile and a half, maybe.

17 Q. Who was-- Okay. How long did you then live with Dane?

18 A. Maybe 90 days. Maybe.

19 Q. Until the spring?

20 A. Yeah.

21 Q. So say around March, where did you go?

22 A. It wasn't until April, because I broke my ankle in April.

23 Q. So you were still at Dane's when your ankle was broken?

24 A. Well, I'd just moved back to my cabin, but then I broke my
25 ankle so I moved back to his house. It was easier,

Jeffrey Cunningham - Direct (by Mr. Wetle)

1404.

1 instead of having to hike for water.

2 Q. So in April you're still at Dane's?

3 A. Right.

4 Q. Did you eventually move back to the Crown Creek cabin?

5 A. Yeah.

6 Q. And who were you-- Did you have anybody with you then?

7 A. No.

8 Q. Your dog?

9 A. Yeah.

10 Q. How long have you had the dog?

11 A. Up to date, almost two years.

12 Q. What happened at Dane's in April?

13 A. There was a party. A bunch of people came up.

14 Q. Where were the people from?

15 A. Mostly from Portland.

16 Q. Do you know some of the names of those people?

17 A. The names that I said earlier. All them people were up

18 there, and a couple others as well.

19 Q. So this is mainly the people that were doing drugs in

20 Portland?

21 A. Yeah. Sure.

22 Q. About how many all told were at that party?

23 A. Thirty people.

24 Q. Where'd everybody stay?

25 A. Mostly up there that way, and Dane's. A few over at my

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1405.

1 house.

2 Q. And were these people all in the Family, or members or
3 associated with the Family?

4 A. Sure.

5 Q. When was that-- When was that party?

6 A. Had to be April 14th. That's when I broke my ankle, that
7 weekend.

8 Q. And how did you break your ankle?

9 A. I was high on nitrous and fell down.

10 Q. Did you get medical attention?

11 A. A couple days later.

12 Q. Did you ever get any information from Rob Schultz about
13 Nick Kaiser around that time, or the latter part of April?

14 A. I don't remember.

15 Q. Or the first part of May?

16 A. I was told by a lot of people that Nick was in trouble
17 with the law.

18 Q. You told anything about what the people in California
19 wanted?

20 A. Want to see Nick dead.

21 Q. So then what did you do after the party at Dane's?

22 A. I went to Portland for a little while.

23 Q. And when-- Do you know how long you stayed down in
24 Portland?

25 A. No.

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1406.

1 Q. After you stayed in Portland did you come back to the
2 Crown Creek cabin?

3 A. Uh-huh.

4 Q. And who did you bring with you?

5 A. John.

6 Q. You're talking about John Grange?

7 A. Right.

8 Q. Why did John Grange come back with you?

9 A. Wanted to live up here.

10 Q. He wanted to live up here?

11 A. Yeah. He wanted to get out of the city and stuff.

12 Q. Did he have anything to do for the Family when he came up
13 here?

14 A. I don't know. I don't know. John's more of an influen-
15 tial guy than I am, I guess, so he can represent Portland
16 better up here than I could, 'cause I didn't really care.
17 That's _____.

18 THE COURT: I'm sorry, I didn't hear that part.

19 A. I was just mumbling to myself.

20 THE COURT: All right.

21 Q. So he was going to represent the Family up here where you
22 had been doing that?

23 MR. SIMEONE: Your Honor, I'm going to object to the
24 leading.

25 THE COURT: Sustained.

1 A. Yeah.

2 Q. Just let me rephrase the question, Mr. Cunningham.

3 A. All right.

4 Q. Were you trying-- What were you trying to do when he came
5 back with you?

6 A. The same thing I was doing before. Just wasn't getting
7 done the way they wanted it done, I guess. I don't know.

8 Q. And so what was Mr. Grange supposed to do?

9 A. Some more of a presence, you know, like show more interest
10 up there than I was, I guess. I don't know. Maybe just--

11 Q. Were you able to find any suppliers?

12 A. Dane and I had an agreement that we worked out, you know.
13 Whatever.

14 Q. Was John Grange going to work in that area?

15 A. I assumed he was.

16 Q. Did you and John Grange get any plants started?

17 MR. SIMEONE: Objection to leading.

18 THE COURT: Sustained.

19 Q. What did you and John Grange do when you came back in May?

20 A. Started a garden.

21 Q. What kind of garden?

22 A. Regular vegetable garden. Corn and stuff.

23 Q. You start any other type of garden?

24 A. No, we didn't. We had the-- We had the material to, but
25 we never got around to it.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1408.

- 1 Q. Do you know who asked John Grange to join you in Stevens
2 County?
- 3 A. Rob asked me.
- 4 Q. What?
- 5 A. Said it'd be a good idea if John came up here and lived
6 with me.
- 7 Q. Who runs the Family in Portland?
- 8 A. In my eyes?
- 9 Q. Yes.
- 10 A. I'd say Rob.
- 11 Q. Anybody else?
- 12 A. Him and Shadow are pretty tight.
- 13 Q. So you and John had a vegetable garden going? How did
14 John like staying at the Crown Creek cabin?
- 15 A. He didn't like it too much.
- 16 Q. Where did he spend some of his time?
- 17 A. Up at Dane's.
- 18 Q. And do you know why?
- 19 A. He didn't like not having electricity.
- 20 Q. How long did he spend his time at Dane's?
- 21 A. I don't know. You know, we-- we went out there a lot and
22 played video games and stuff.
- 23 Q. Did John Grange's dad come up to Crown Creek area?
- 24 A. Yeah, he did.
- 25 Q. And when his dad came, where did everybody stay?

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1409.

- 1 A. In Crown Creek cabin.
- 2 Q. So now it was you and John and his dad, Doug? The three
- 3 of you?
- 4 A. Mr. Grange, yeah.
- 5 Q. What did Mr. Grange bring to the cabin?
- 6 A. A generator, chainsaw, axe.
- 7 Q. What was the generator for?
- 8 A. Electricity.
- 9 Q. So did that give you a light?
- 10 A. A lightbulb.
- 11 Q. What'd you think about that?
- 12 A. Waste of gas and electricity.
- 13 Q. What container did you have at the Crown Creek cabin to
- 14 hold gas?
- 15 A. About four or five of 'em. A couple of five-gallons,
- 16 couple of three-gallons, couple of two-gallons.
- 17 Q. And where were those kept?
- 18 A. Underneath the stairs.
- 19 Q. Coming down off the deck?
- 20 A. Uh-huh.
- 21 Q. When did you meet Dane Williams?
- 22 A. He came walking up to my house one day.
- 23 Q. Do you remember what year?
- 24 A. Oh, 1999.
- 25 Q. Was Maija still there then, or had she gone?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1410.

1 A. Uh-huh. She was still there.

2 Q. How did you meet him? Or how'd you hear about him, first?

3 A. A neighbor of mine, Ms. Cameron, told me I should meet her

4 son some day, and then, I don't know, maybe a week later,

5 maybe less, he came up to my house.

6 Q. What was the nature of your relationship with Dane?

7 A. We were friends.

8 Q. When did you find out that he was a marijuana grower?

9 A. Towards fall.

10 Q. Did that fit into one of your jobs for that area?

11 A. Yes.

12 Q. So what did you do?

13 A. Started buying pot from him.

14 Q. And was he a supplier then?

15 A. Yeah.

16 Q. And where did you get the money?

17 A. Kids from Portland would come up and bring it to me.

18 Q. What was your role in that process?

19 A. That was it. I was on-- I was only-- What do you mean?

20 A. How long were you involved in the process between Portland

21 and Dane?

22 A. Oh, I don't know. I don't know.

23 Q. Long time?

24 A. The first couple times they came to my house. After that

25 they just would go to Dane's house.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1411.

1 Q. So you were bypassed?
2 A. Sure.
3 Q. Did Dane meet Rob?
4 A. Uh-huh.
5 Q. And when was that?
6 A. I don't know. Latter end of fall of '99.
7 Q. And where was that?
8 A. At my house.
9 Q. And how did it happen?
10 A. They happened to be there and Dane just happened to come
11 by.
12 Q. So Rob was there and Dane just showed up?
13 A. Uh-huh.
14 Q. Okay. After that meeting you were no longer the middle
15 man?
16 A. No.
17 Q. Was that okay with you?
18 A. Sure. Yeah, _____. Suited me fine, to some degree.
19 Q. June, 2000, did you go to Wal-Mart with Mr. Grange and his
20 son John?
21 A. I did.
22 Q. And what was the purpose?
23 A. We were to buy some supplies.
24 Q. And do you remember what was purchased?
25 A. We bought a whole bunch of candy and some dried foods and

Jeffrey Cunningham - Direct (by Mr. Wetle)

1412.

1 a gun.

2 Q. What kind of gun?

3 A. A .22.

4 Q. Did you go in the first time to try to buy the gun?

5 A. I never tried to buy a gun.

6 Q. When the Granges went in-- When the Granges went in to

7 buy the gun?

8 A. Yeah, I was in the store.

9 Q. And then the gun wasn't able to be purchased?

10 A. No.

11 Q. And so did-- Were you there when they went back the

12 second time to get the gun?

13 A. I was in the store.

14 Q. Looking at other things?

15 A. Yeah.

16 Q. So who wanted the gun?

17 A. Well, it's good to have a gun in a cabin when you live out

18 in the middle of the woods, you know, if you don't have

19 one.

20 Q. So do you remember who wanted this gun?

21 MR. SIMEONE: I think that question was already asked,

22 your Honor.

23 THE COURT: Overruled.

24 A. We all wanted the gun.

25 Q. All of you?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1413.

1 A. Yeah.

2 Q. So is that you and John?

3 A. Yeah.

4 Q. Did there used to be a gun at the cabin?

5 A. There was.

6 Q. You know how many?

7 A. There was a couple of 'em. A 30-06 and a .22.

8 Q. Do you know where they went?

9 A. This guy that was staying with me, I went to Portland,
10 when I came back they were gone. So I found out he took
11 'em.

12 Q. Did Dane have a gun up there?

13 A. Yeah.

14 Q. And what happened to his gun?

15 A. We borrowed his .22 for a little while, until we got that
16 one.

17 Q. The one from Mr. Grange?

18 A. Right.

19 Q. And why did you borrow Dane's .22?

20 A. 'Cause we didn't have a gun.

21 Q. What did you do with it?

22 A. Mostly target practiced.

23 Q. And then when you got the other gun you gave that one back
24 to Dane?

25 A. Uh-huh.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1414.

- 1 Q. Were any game shot with the gun?
- 2 A. I don't think so.
- 3 Q. Do you eat meat?
- 4 A. No.
- 5 Q. Do you know who actually paid for the gun?
- 6 A. No.
- 7 Q. And then after the gun was purchased, what did you guys do
- 8 with it?
- 9 A. We shot it.
- 10 Q. And where did you shoot it?
- 11 A. In the front lawn.
- 12 Q. So is that in front of the Crown Creek cabin?
- 13 A. Uh-huh.
- 14 Q. And do you know-- Can you describe what kind of situa-
- 15 tion you set up for shooting the gun?
- 16 A. Across the yard there was a pole sticking out of the yard
- 17 and we set up cans and golf balls and stuff.
- 18 Q. If you were standing by the-- Where would-- Where would
- 19 you usually stand to shoot?
- 20 A. At the bottom of the stairs.
- 21 Q. And which direction would you be facing?
- 22 A. Towards the A-frame.
- 23 Q. And is that south?
- 24 A. I don't know.
- 25 Q. Okay, you face toward the A-frame?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1415.

1 A. Uh-huh.

2 Q. Where was the-- Where were the targets placed?

3 A. On top of a stump that was cut off. It used to be an old

4 water spigot. I didn't use it.

5 Q. And what kind of targets did you have?

6 A. Cans and golf balls.

7 Q. So did you do anything that night when you got back from

8 the Wal-Mart, on Thursday?

9 A. Just shot the gun.

10 Q. All right. Okay.

11 A. Yeah. That's it.

12 Q. How about the next day? What happened on Friday?

13 A. Went to a fair.

14 Q. The barter fair?

15 A. Uh-huh.

16 Q. And who'd you go with?

17 A. I went with John.

18 Q. Did you pick anybody up?

19 A. Yeah, some kid on the side of the road. Anthony.

20 Q. So basically you and Anthony and John?

21 A. Right.

22 Q. Did you have anything to sell at the barter fair?

23 A. We had some pot.

24 Q. And where did you get that?

25 A. From Dane.

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1416.

1 Q. Do you know how much pot you got?
2 A. I don't know how much it was. About \$1700 worth of pot.
3 That's what I paid for it anyway.
4 Q. So that'd be about a half a pound?
5 A. (No audible response)
6 Q. You have to say--
7 THE COURT: We need you to answer out loud.
8 A. Oh, yeah.
9 THE COURT: Thank you.
10 Q. Were you able to sell that?
11 A. Yeah.
12 Q. And how long did it take to sell it?
13 A. About an hour.
14 Q. And on what day was that?
15 A. Friday.
16 Q. After the marijuana was sold, what did you do?
17 A. I got drunk, got high, and played music.
18 Q. Where did you stay Friday night?
19 A. At the fair.
20 Q. And did you stay there overnight or did you leave?
21 A. I stayed there overnight.
22 Q. Where was the \$1700?
23 A. In my pocket.
24 Q. What did you do on Saturday, June 10th?
25 A. I woke up and saw Nicky in a truck. Heard a nitrous tank

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1417.

1 and followed the sound of the nitrous tank and found Nick.
2 Hung out with him all day.
3 Q. So a nitrous tank has a unique sound that you recognized?
4 A. Yes.
5 Q. Did you expect him to be there? Nick, that is.
6 A. No, I didn't.
7 Q. Did he have anyone with him?
8 A. He had a fellow named Josh from Mendecino Valley.
9 Q. How did you meet Josh?
10 A. Nick said: This is my friend, Josh.
11 Q. And can you describe him?
12 A. Oh, a little bit taller than me, say maybe 5'10". Reddish
13 hair. Dreadlocks.
14 Q. Have any jewelry?
15 A. Not that I can remember.
16 Q. What did you do with Josh and Nick?
17 A. Nitrous.
18 Q. In the back of the truck?
19 A. Uh-huh.
20 Q. Whose truck was it?
21 A. Nick's.
22 Q. And what kind of truck was it?
23 A. A full-size Bronco.
24 Q. What was in the back of the truck?
25 A. Nitrous tank.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1418.

1 Q. Anything else?

2 A. A mattress. Personal belongings. Bedrolls and stuff.

3 THE COURT: I'm sorry, I didn't hear that last part.

4 A. Bedrolls.

5 THE COURT: Bedrolls? Thank you.

6 Q. Did you tell Nick Kaiser anything about what Rob Schultz
7 had told you about him?

8 MR. SIMEONE: I'm going to object to the leading, your
9 Honor.

10 THE COURT: Sustained.

11 Q. What did you tell Nick about things you'd heard?

12 A. I told Nick that he was in some serious shit. I didn't
13 believe he was on the lot. I was like wow. I didn't
14 think that he'd show up somewhere like that.

15 Q. But you say you couldn't believe he was on the lot.
16 What's the lot?

17 A. Well, the fair. I couldn't believe he was at the fair.

18 Q. What'd you tell Nick?

19 A. I told him he should leave.

20 Q. Did you tell him any--

21 A. They wanted him dead.

22 Q. Pardon?

23 A. People wanted him dead.

24 Q. Did you say-- Did you tell him people from where?

25 A. Yeah. He knew San Francisco wanted him dead.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1419.

- 1 Q. He already knew that?
- 2 A. Yeah.
- 3 Q. And did-- And why was that?
- 4 A. 'Cause there was a story that was said that he spoke with
5 the DEA, and gave a whole bunch of names and stuff like
6 that to the DEA.
- 7 Q. So you talked to him about it and he already knew it?
- 8 A. Yeah.
- 9 Q. And how did he respond?
- 10 A. He just looked at me, you know. He didn't seem too-- too
11 worried about it. Found out that Josh was from Califor-
12 nia, and evidently Josh was going to speak to people in
13 California on Nick's behalf.
- 14 Q. Did-- Were you-- Did you try to arrange any meetings?
- 15 A. I did. Nick wanted to meet with Rob.
- 16 Q. That's Rob Schultz in Portland?
- 17 A. Yeah.
- 18 Q. That ever happen?
- 19 A. No.
- 20 Q. Did Nick Kaiser say why Rob was-- Why Schaefer was there?
- 21 A. He said he was there 'cause he was going to California
22 with him. They were going to try and talk to those guys
23 down there after they talked to the people in Portland.
- 24 Q. What did Josh Schaefer say about that?
- 25 A. He agreed.

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1420.

- 1 Q. What was Kaiser's attitude about doing business in
2 Portland?
- 3 A. He wanted to try and continue doing business in Portland,
4 or at least not have problems with Portland.
- 5 Q. Did Nick tell you what he'd done?
- 6 A. Yeah.
- 7 Q. What did he say?
- 8 A. He told me that he talked to the DEA and he gave five
9 people's names in Seattle that he was giving acid to.
- 10 Q. You talk about his source?
- 11 A. No.
- 12 Q. What did you think about that when you heard what he'd
13 done?
- 14 A. Didn't really bother me at all.
- 15 Q. How do you mean?
- 16 A. Made no difference to me what Nick did, you know. Didn't
17 make a difference.
- 18 Q. How did you consider him in your relationship at that
19 time?
- 20 A. Nick's my friend.
- 21 Q. Did he tell you what he planned on doing?
- 22 A. He planned on, after he went to California, going to
23 Hawaii for a while, and then leaving the country from
24 Hawaii.
- 25 Q. Why was he going to Hawaii?

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1421.

1 A. There's a lot of communes out there. Just a lot of open
2 space. You can just, you know, go sit underneath a tree
3 and nobody will find you out there, you know. It's pretty
4 desolate. Easy to get out of the country from.

5 Q. Was he looking at any jail time?

6 A. Yeah.

7 Q. Did he tell you what?

8 A. Said he was going to have to do seven years for what
9 happened.

10 Q. Did he say who was going with him?

11 A. Josh said he was going to go with him, at least to Hawaii.
12 I don't know if he was going to leave the country with
13 him, but--

14 Q. Did they ask you for any help?

15 A. Yeah, they asked if they can get some work up here to
16 maybe make some extra money, on the road down there, or
17 what have you.

18 Q. When you say get some work, what do you mean?

19 A. You know, like something to sell.

20 Q. And did you-- How did you respond to that?

21 A. I told 'em I could try and help 'em out.

22 Q. So what were you going to try to do?

23 A. I was going to try and get some work, like either some pot
24 or some mushrooms or what have you, so he could make some
25 money.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1422.

- 1 Q. And how did Nick respond to that?
- 2 A. He was all about it.
- 3 Q. Did you talk about how you were going to pay for the pot
- 4 or mushrooms?
- 5 A. Well, I only assumed that he would pay some money up
- 6 front, and either work it off and then send money back, or
- 7 he would pay for it all up front. That's pretty much how
- 8 it works.
- 9 Q. Were you going to buy mushrooms yourself?
- 10 A. Yeah, some, if I made some extra money at the fair I was
- 11 going to invest, yeah. It's a good investment.
- 12 Q. Were there any mushrooms at the Crown Creek cabin?
- 13 A. No.
- 14 Q. Were there any mushrooms near the Crown Creek cabin?
- 15 A. I could have gone and found some, yeah.
- 16 Q. How would you proceed to get those mushrooms?
- 17 A. I'd go meet a friend and then come back.
- 18 Q. Could you go with anybody? Could anybody go with you?
- 19 A. Well, Nick could have went 'cause we were mutual friends
- 20 with the people, but Josh couldn't of.
- 21 Q. Was it a fact that you really could get mushrooms from
- 22 your friend's house?
- 23 A. Yeah.
- 24 Q. And how did you know that?
- 25 A. 'Cause I was asked to sell mushrooms at the fair, but I

1 declined.

2 Q. So what were you going to do with Nick and Josh? They
3 were going to Hawaii. What were you going to do?

4 A. I was going to tag along, see what might happen.

5 Q. And why was that?

6 A. I was getting bored.

7 Q. When did this conversation occur?

8 A. At the fair, Saturday afternoon.

9 Q. Did you subsequently talk to John Grange about Nick
10 Kaiser? _

11 A. I did.

12 Q. And when was that?

13 A. Saturday night.

14 Q. And what did you tell him?

15 A. I said Nick's here.

16 Q. Anything else?

17 A. I don't remember.

18 Q. Tell him about any meetings?

19 A. Yeah, I wanted-- Told him that he wanted to meet with
20 Rob.

21 Q. And what did John Grange say?

22 A. Just told me not to go back over there. Just stay away
23 from him for awhile.

24 Q. So what did you do after he said to stay away?

25 A. I went and played music somewhere.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1424.

- 1 Q. Did you ever leave the barter fair Saturday?
- 2 A. I did.
- 3 Q. And where did you go?
- 4 A. Once I went to go cut wood, and once I went to go call
- 5 Rob.
- 6 Q. And what was the purpose of that?
- 7 A. To tell him that Nick wanted to meet with him.
- 8 Q. Were you able to get ahold of him?
- 9 A. Yeah.
- 10 Q. And how-- What did Schultz say?
- 11 A. Told me to stay away from Nick, otherwise they-- you
- 12 know, they wouldn't talk to me either, and be treated just
- 13 like Nick was.
- 14 Q. So he basically said stay away, just like John Grange had
- 15 said stay away?
- 16 A. More or less.
- 17 Q. You know where you made that call?
- 18 A. Saturday?
- 19 Q. Right.
- 20 A. Do I know where?
- 21 Q. Uh-huh.
- 22 A. I think it was Northport.
- 23 Q. How do you usually make your long distance calls?
- 24 A. Either I have a calling card or I patch three-way through
- 25 an 800 number.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1425.

- 1 Q. So how does a patch work?
- 2 A. I call the 800 number, someone answers, I give them a
3 phone number, they call the phone number that I give them,
4 and then all three of us are connected.
- 5 Q. So the person that's the middle person, do they stay on or
6 do they get off the line?
- 7 A. No, they'd hang up the phone or, you know, put it down on
8 the counter, what have you, and walk away, and then come
9 back in five minutes or ten minutes or however long I said
10 I needed or however long they felt that I needed to be on
11 the phone.
- 12 Q. Did you have a calling card?
- 13 A. Yeah.
- 14 Q. Have you done that with Rob Schultz before?
- 15 A. Yeah.
- 16 Q. Who went to Northport with you that night?
- 17 A. Dane and John and I.
- 18 Q. The three of you?
- 19 A. Yeah.
- 20 Q. After you talked to Schultz, what happened?
- 21 A. John talked to him.
- 22 Q. John Grange talked to Rob Schultz?
- 23 A. Uh-huh.
- 24 Q. After the call, did John Grange say anything about Kaiser?
- 25 A. No.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1426.

1 Q. Was there any plan--

2 MR. SIMEONE: Objection, leading.

3 THE COURT: Sustained.

4 Q. What was the plan?

5 A. The plan was Nick and Josh--well, just Nick; Josh just
6 happened to be there--would come with me up to the cabin
7 Sunday, sometime Sunday, whenever we left, and John would
8 meet with them up there.

9 Q. Did-- Who did you talk to on Sunday morning?

10 A. John and Dane.

11 Q. Actually, I'll ask before that, where did you-- where did
12 you stay Saturday night? Do you remember?

13 A. At the fair.

14 Q. So who did you talk to Sunday morning?

15 A. John and Dane.

16 Q. Anybody else on Sunday morning?

17 A. Nick and Josh.

18 Q. And what did you tell-- What did you tell Nick?

19 A. Told him that we can go up to the cabin and John would
20 meet with them up there.

21 Q. How did Kaiser respond to that?

22 A. Said fine, let's go.

23 Q. What was the plan in terms of going to the cabin and the
24 mushrooms? Can you tell the sequence there?

25 A. Go up to the cabin, and either while John was meeting with

Jeffrey Cunningham - Direct (by Mr. Wetle)

1427.

1 Nick or before or after, I don't know, you know, whatever
2 the time was allowed, I would go and grab some mushrooms
3 and then come back.

4 Q. So when did you leave the barter fair on Sunday?

5 A. Somewhere between maybe 11:00 and 1:00.

6 Q. And what vehicle were you in as you left?

7 A. I was in Nick's Bronco.

8 Q. And how were people seated?

9 A. I was in the back, and Nick and Josh were in the front.
10 Nick was driving.

11 Q. Are there any seats in the back?

12 A. No.

13 Q. Did you see John Grange when you left?

14 A. He was standing near the gate.

15 Q. Did he acknowledge you?

16 A. Yeah, he--

17 Q. When you left?

18 A. Yeah. He saw me in the vehicle.

19 Q. Did he acknowledge you?

20 A. Yeah, he, you know-- He just looked at me.

21 Q. So where did you, Nick and Josh go?

22 A. To a gas station.

23 Q. Where?

24 A. In Northport.

25 Q. And what happened there?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1428.

1 A. Got gas.

2 Q. Anything else?

3 A. Chips and stuff. I don't-- You know.

4 Q. What did you do at the gas station?

5 A. Smoked a bowl.

6 MR. SIMEONE: That would be a bowl of marijuana, your
7 Honor, for clarification purposes?

8 THE COURT: You can clarify anything on cross exam, Mr.
9 Simeone.

10 Q. Which road did you travel to the Crown Creek cabin on?

11 A. Three-ninety-five, Flat Creek.

12 Q. Did not take the Sheep Creek Road?

13 A. No.

14 Q. And where did you go?

15 A. To the cabin.

16 Q. You got to the cabin, and where did you park the Bronco?
17 Or where was the Bronco parked?

18 A. In the driveway, up towards the stairs.

19 Q. I would ask you to step to--

20 THE COURT: We need the diagram, your Honor.

21 EASEL IS SET UP

22 Q. I'd ask you to step to the easel here and see if you can
23 draw in the structures and the roads and the driveways.

24 A. All right.

25 Q. I guess I'd ask by showing-- If you can put in Crown

Jeffrey Cunningham - Direct (by Mr. Wetle)

1429.

- 1 Creek Road and--
- 2 A. _____ like this, like this. _____ down here like
- 3 that _____. This _____ like this.
- 4 Q. Where's the garden?
- 5 A. Right here.
- 6 Q. You want to put a square with garden in it? Okay, what is
- 7 the triangle?
- 8 A. _____ an A-frame.
- 9 Q. And the square?
- 10 A. That's a house.
- 11 Q. And the lower right hand corner?
- 12 A. This?
- 13 Q. The lower right hand corner of the house?
- 14 A. This?
- 15 Q. No, what's the lower right hand corner of the house,
- 16 little marks?
- 17 A. These are stairs.
- 18 Q. Okay. And what's the circle off to the-- What's the
- 19 circle--
- 20 A. This is a fire pit. This is a fire pit.
- 21 Q. Okay, was there a hood-- stove-top hood in the fire pit?
- 22 A. Yeah, there was like _____ here.
- 23 Q. Is there a path down to the road from the cabin?
- 24 A. Which road?
- 25 Q. Is there a path down to the Crown Creek Road from the

Jeffrey Cunningham - Direct (by Mr. Wetle)

1430.

- 1 cabin?
- 2 A. Well--
- 3 Q. Actually down to the creek?
- 4 A. There's a _____. There's one. Like I say, there's a van
5 parked, say, here.
- 6 Q. Is that a yellow van?
- 7 A. Yeah. Well, there is this one that went down through here
8 like this. Okay, this is the creek that runs here. There
9 was one that went like this, and there's one that went
10 like this, and then there was another one. This is
11 another one down here. _____. ____ follow this too.
12 It comes around _____.
- 13 Q. Okay, could you put Creek where the creek is? And Road
14 for the road. And Driveway for the driveway up to the
15 house.
- 16 A. This actually comes more like this. Oh, and there's a
17 road here too. _____ the van right there _____.
- 18 Q. Okay, when you drove up the driveway, where did you--
19 where did-- Who was driving the rig?
- 20 A. Nick was.
- 21 Q. And where did Nick park the rig?
- 22 A. Right about here.
- 23 Q. And which way was it facing?
- 24 A. That's the nose right there.
- 25 Q. Where was the target range that you were using?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1431.

1 A. Out here.

2 Q. And where would you stand to shoot the targets?

3 A. Right there.

4 Q. Could you draw a dotted line from the place where you
5 would usually stand to the point where you shot the
6 targets? And can you put an arrow on those dots showing
7 the direction that you're shooting? When you got out of
8 the car, where did you go?

9 A. Went over here, underneath the house _____.

10 Q. And what did you see?

11 A. Saw John's truck.

12 Q. And where was that?

13 A. Here.

14 Q. And which direction was that pointed?

15 A. This way.

16 MR. WETLE: And I'd ask the bailiff-- You can retake
17 the stand, Mr. Cunningham. I'd ask the bailiff to mark
18 that-- Is it-- I'm not sure what number is up.

19 THE CLERK: Plaintiff's Exhibit 112.

20 EASEL IS MOVED

21 Q. What did you think when you saw John's truck?

22 A. Thought he was there.

23 ADJUSTMENT TO MICROPHONE

24 Q. What did you do after you saw the truck there?

25 A. Walked back.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1432.

- 1 Q. And what were Nick and Josh doing?
- 2 A. They were just standing there.
- 3 Q. Did they ask you any questions?
- 4 A. They wanted to know about all the brass, 'cause, you know,
- 5 there was lots of brass laying around on the ground. And
- 6 I was like, well, you know, we'll get a gun, we'll do some
- 7 shooting.
- 8 Q. What did you say?
- 9 A. I went to go get a gun, we'll do some shooting.
- 10 Q. So did you go look?
- 11 A. Yeah.
- 12 Q. And what did you find?
- 13 A. I couldn't find it.
- 14 Q. Where is the gun usually kept?
- 15 A. In John's room.
- 16 Q. And did you go up in John's room?
- 17 A. I did.
- 18 Q. And what was there?
- 19 A. Nothing.
- 20 Q. Did you look anywhere else for it?
- 21 A. No.
- 22 Q. Then what did you do?
- 23 A. I went downstairs and asked Nick and Josh if they wanted
- 24 anything to eat.
- 25 Q. And do you remember where you asked them that question

Jeffrey Cunningham - Direct (by Mr. Wetle)

1433.

1 from?

2 A. Huh?

3 Q. Where were you standing when you asked them if they wanted
4 something to eat?

5 A. At the top of the stairs.

6 Q. And what did they say?

7 A. They said sure.

8 Q. So what did you do?

9 A. I went and grabbed some macaroni and cheese.

10 Q. And did what?

11 A. Went down the steps and grabbed the pan of water, and
12 started to walk down to the creek to get some water.

13 Q. So where was the pot?

14 A. It was next to the fireplace.

15 Q. Was the fire going?

16 A. No.

17 Q. Was anybody working on it?

18 A. They were going to, you know, start the fire as I went
19 down to get water, you know.

20 Q. As you came down the stairs, did you see anybody?

21 A. Dane came walking across the lawn.

22 Q. Oh, boy, I'd ask you to stand to the-- turn to the board
23 and grab the blue marker and show where you saw Dane?

24 THE COURT: Why don't you grab a different color than
25 blue? Would that help? If you're going to--

1 MR. WETLE: That'd be fine.

2 THE COURT: The red marker then, everything else being

3 blue thus far.

4 A. I'd say right about here.

5 Q. You want to put--

6 A. Well, no, maybe more out this way.

7 Q. Do you want to put D.W. by it? So that was when you first

8 saw him?

9 A. Uh-huh.

10 Q. Okay, and where were-- Without marking on the exhibit,

11 where were Nick and Josh?

12 A. Over here.

13 Q. Just around the fire?

14 A. Yeah.

15 Q. Okay, I'd ask you to retake the stand. Did that outdoor

16 faucet work there?

17 A. Yeah, if you can get suction to it, it worked.

18 Q. Is that the blue circle right by Dane, the D.W.?

19 A. No, that's a fire pit.

20 Q. That's a little fire pit?

21 A. The little square thing above 'em is where the water was.

22 Q. I see. So did it work year round or sometimes or--

23 A. I didn't really use it, so I don't know how long into the

24 year it would work.

25 Q. So where did you usually get your water that you were

Jeffrey Cunningham - Direct (by Mr. Wetle)

1435.

- 1 going to boil?
- 2 A. The water that I'd boil I'd just get from the creek.
- 3 Q. Down by the road?
- 4 A. Yeah.
- 5 Q. And how far is it to the creek from the cabin?
- 6 A. Seventy yards.
- 7 Q. Can you see the creek from the cabin?
- 8 A. Too many trees.
- 9 Q. What did you do when you saw Dane?
- 10 A. Said, How you doing?
- 11 Q. Greeted him?
- 12 A. Uh-huh.
- 13 Q. Make any introductions?
- 14 A. Yeah, I introduced him to Nick and Josh.
- 15 Q. Did any of the parties know each other?
- 16 A. I don't-- I don't know. I don't think so.
- 17 Q. Then what did you do? You've introduced the parties?
- 18 A. Uh-huh. Yeah, I walked down to the creek.
- 19 Q. Did you have the pot?
- 20 A. Yeah.
- 21 Q. And did you get all the way to the creek?
- 22 A. Yeah.
- 23 Q. And what happened when you got to the creek?
- 24 A. I filled the pot with water.
- 25 Q. Did you walk down there with anyone?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1436.

1 A. No.

2 Q. So you got the water from the creek. What did you do?

3 A. Started to walk back up.

4 Q. And did you meet anybody coming down?

5 A. Dane met me at this log in the trail.

6 Q. Had you given Dane any signs or indications while you were
7 up there getting the pan to go down and get water from the
8 creek?

9 A. No, I just left and went and got water from the creek.

10 Q. Didn't give him any--

11 MR. SIMEONE: Objection. Asked and answered.

12 MR. WETLE: Okay, strike that, your Honor.

13 THE COURT: All right.

14 Q. When Dane got to you-- You say-- What was down there by
15 the creek that you-- where you met Dane? What was down
16 there?

17 A. There was a log that goes across the path.

18 Q. And what happened at that log?

19 A. Dane walked up to me and says to me:

20 This is going to happen right now.

21 And then I heard a whole bunch of shots.

22 Q. What-- How many shots?

23 A. Half a dozen. Maybe more, maybe less.

24 Q. And the space between the shots? What kind of space was
25 there between the shots?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1437.

- 1 A. Took-- Took very few seconds for the shots to go off,
2 just like, you know.
- 3 Q. How long would you say you'd been at the cabin before the
4 shots went off?
- 5 A. Maybe ten minutes.
- 6 Q. What did you do?
- 7 A. I walked up there.
- 8 Q. And what did you see when you got up-- as you came up the
9 trail? Now is that-- You've got a few lines down there
10 through the garden. Is there-- Are those trails, or--
- 11 A. No, that was-- I was drawing a garden, but you said put
12 a square instead.
- 13 Q. Okay, the trail going down to the creek from the house, is
14 that on there?
- 15 A. Yeah, it's the one with the two lines that go like this.
- 16 Q. So is that--
- 17 A. And then the one that goes straight next to it.
- 18 Q. Is the G right in the center of it? Of the path?
- 19 A. Yeah.
- 20 Q. So did the path go through the garden or did it go around
21 the garden?
- 22 A. Both.
- 23 Q. When you walked up that path, what did you see when you
24 came up the trail?
- 25 A. I saw Nick and Josh laying in the fire pit.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1438.

1 Q. Where was John?

2 A. He was standing at the bottom of the stairs.

3 Q. Could you put a red mark where John was?

4 THE COURT: Why don't you put J.G.

5 Q. And where were Nick and Josh? Put an N and a J. So Nick
6 would be closest to the cabin, Josh farthest away from the
7 cabin?

8 A. Yeah.

9 Q. Could you-- I'm sorry, I'm going to ask you to retake the
10 stand and draw a circle, and I want you to position how
11 the bodies were in the fire pit.

12 THE COURT: You want to-- Excuse me. Mr. Wetle, why
13 don't you draw the circle for--

14 MR. WETLE: Excuse me, Mr. Cunningham.

15 Q. What I want to do is make a bigger picture. Assume this
16 is the fire pit up here.

17 A. Yeah.

18 Q. And where would the hood be in that fire pit?

19 A. Over here.

20 Q. Okay, and then if you could, please, show the jury where
21 the head was and where the legs were in the fire pit for
22 Nick. And could you put Nick on that, or N? And where
23 was Josh? Okay. And where's the cabin from there? Over
24 in that direction?

25 A. _____

Jeffrey Cunningham - Direct (by Mr. Wetle)

1439.

1 Q. How about a-- Can you put a North-- Oh, you don't know
2 the directions.

3 A. No.

4 Q. All right. Please retake the stand.

5 THE COURT: You can hang onto that pen, in case we need
6 it.

7 A. Okay.

8 Q. What was John Grange doing?

9 A. Standing there.

10 Q. What was he holding?

11 A. I don't know if he was-- if had a gun in his hand or it
12 was sitting on the side near a rock or something, leaned
13 up against the stairs or-- I don't know.

14 Q. Okay, what gun was there?

15 A. There was a rifle that we just bought.

16 Q. That had just been purchased a couple days ago?

17 A. Uh-huh.

18 Q. By Mr. Grange?

19 MR. SIMEONE: Objection, leading to the answer-- to
20 the--

21 MR. WETLE: I'm sorry.

22 THE COURT: Sustained.

23 Q. Who purchased the gun that was leaned up against the
24 stairs or in Mr. Grange's hand?

25 A. It was purchased at Wal-Mart.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1440.

1 Q. How many days prior to this?

2 A. Maybe four days. Five days.

3 Q. Do you see John Grange in the courtroom today?

4 A. Yeah.

5 Q. Where is he?

6 A. He's sitting next to his lawyer.

7 MR. WETLE: Let the record reflect he's sitting next to
8 Mr. Simeone.

9 Q. What was Dane doing?

10 A. He was pacing back and forth.

11 THE COURT: I'm sorry, this is who pacing back and
12 forth?

13 MR. WETLE: Mr. Grange.

14 THE COURT: Okay, thank you.

15 MR. WETLE: I'm sorry. I said Dane; I meant-- I did
16 say Dane.

17 THE COURT: I think I heard that, but you're asking
18 what was Mr. Grange doing?

19 MR. WETLE: It's what was-- I think I said Dane.

20 A. Yeah.

21 THE COURT: I think you did.

22 Q. So what-- You've answered that, he was pacing back and
23 forth?

24 A. Uh-huh.

25 Q. And what was-- Would you describe his demeanor?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1441.

- 1 A. He was pretty shaken up.
- 2 Q. When you looked at-- When you came up and you approached
3 the fire pit, what did you do?
- 4 A. Started washing blood off Nick's face and stuff.
- 5 Q. What did you see?
- 6 A. I saw them dead in the fire pit.
- 7 Q. What did you see on Nick-- on Nick's head?
- 8 A. There was blood everywhere, you know.
- 9 Q. See any wounds? Or what kind of-- What did you see on
10 his head?
- 11 A. Well, they're just-- They were bloody, man. It was
12 like-- I couldn't see any specific entry or exit wounds.
13 They were bloody from the top of their head to the middle
14 of their chest.
- 15 Q. Were they moving?
- 16 A. No.
- 17 Q. What were you washing Nick's face with?
- 18 A. Water.
- 19 Q. From where?
- 20 A. The pan I had in my hand.
- 21 Q. What happened next?
- 22 A. (No response from witness)
- 23 Q. Did anybody grab you?
- 24 A. Yeah, like I was moved from Nick, and Nick was pulled up
25 the side of the house a little bit, and then picked up.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1442.

- 1 Q. So where were you-- How were you pulled?
- 2 A. This way.
- 3 Q. Toward where?
- 4 A. Toward the garden.
- 5 Q. And where was Nick taken?
- 6 A. Towards the side of the house.
- 7 Q. By who?
- 8 A. John.
- 9 Q. And how did he move Nick?
- 10 A. He grabbed him like under here and pulled him up the side
- 11 of the house.
- 12 Q. How far up along the side of the house?
- 13 A. Maybe ten, 15 feet.
- 14 Q. Why was that done?
- 15 A. I don't know.
- 16 Q. Was the fire on?
- 17 A. No.
- 18 Q. Was there smoke?
- 19 A. No. It might have been smoldering. I don't know. I
- 20 wasn't paying attention.
- 21 Q. After he was pulled up along-- up toward the cabin about
- 22 ten feet, what happened then?
- 23 A. Picked him up, carried him to the truck.
- 24 Q. Who did?
- 25 A. John did.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1443.

1 Q. And how did he pick him up?
2 A. Just threw him over his shoulder.
3 Q. And you know how he was put in the truck?
4 A. I think he was put in through the back of the door. I
5 don't know. I think so.
6 Q. Did they then-- What happened to Josh?
7 A. He-- He was brought into the truck as well.
8 Q. And did you help at that point?
9 A. Yeah.
10 Q. Where were you?
11 A. I was in the truck.
12 Q. And how did Josh get in the truck?
13 A. Through the passenger door.
14 Q. Was there any reason that he came in the passenger door?
15 A. I don't know.
16 Q. But you do remember that?
17 A. (No audible response)
18 Q. Did you then look into any--
19 MR. SIMEONE: Your Honor, I didn't hear--
20 Q. --backpacks?
21 MR. SIMEONE: I'm sorry, your Honor, to interrupt. I
22 didn't hear an answer to that question.
23 THE COURT: I'm not sure what the question was.
24 Q. Did you-- Did you help him-- Do you know that he came in
25 the passenger door and did you help?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1444.

1 THE COURT: Okay, ask your question again, if you
2 would, please.

3 Q. Do you know if he came in the passenger door?

4 A. Yes.

5 Q. And did you help him come in the passenger door?

6 A. Yes.

7 MR. SIMEONE: And the person he's talking about is
8 Mr.-- is Josh or Mr. Grange? Who was that?

9 Q. Who was the person you-- Who was-- Which body did you
10 help load into the passenger door?

11 A. Josh.

12 Q. And who was assisting you to get the body in the passenger
13 door?

14 A. John.

15 Q. Did you-- What did you do in the back of the truck?

16 A. I don't remember. I don't know.

17 Q. After both Nick and Josh were in the vehicle, what hap-
18 pened?

19 A. I-- I got out of the truck.

20 Q. And what were you told?

21 A. To go bury them.

22 Q. And by who?

23 A. That's what we agreed on. That's what happened.

24 Q. And when did you agree on that?

25 A. When I got out of the truck.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1445.

1 Q. What was the agreement?
2 A. That I would go bury the bodies.
3 Q. What was in the Bronco besides the bodies?
4 A. A nitrous tank, and a bedroll, and a futon. And a shovel
5 and a pickaxe.
6 Q. Did you put anything in the back of the pickup over the
7 bodies?
8 A. I may have. I might have. I really-- I don't remember.
9 They got there somehow. It might have been me that did
10 it, yeah.
11 Q. Were the bodies covered with anything?
12 A. Yeah.
13 Q. What was--
14 A. A blanket.
15 Q. And do you know where that came from?
16 A. It was in the truck already.
17 Q. Were there tools in the truck to bury the bodies?
18 A. Yeah.
19 Q. And where did they-- Where did they come from?
20 A. I don't know. I told you, I-- Either I put them in there
21 or Dane did or John did. I don't know.
22 Q. But you don't-- Do you remember whether or not those
23 instruments were in the truck when you got there?
24 A. They-- They might have been. I don't-- I don't remem-
25 ber.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1446.

1 Q. When you were in the back of the truck doing nitrous and
2 stuff, do you remember a shovel and a pick?

3 A. No, not that I can remember.

4 Q. Did you have a shovel and a pick around the house?

5 A. Yeah.

6 Q. What was the plan at that point?

7 MR. SIMEONE: Your Honor, I think that question's asked
8 and answered.

9 MR. WETLE: No, your Honor. It's a different time.

10 THE COURT: All right.

11 MR. WETLE: The bodies are now in the car.

12 THE COURT: Are you asking what the plan was or what
13 happened next?

14 MR. WETLE: What happened next.

15 A. I got in the truck with Dane, and backed out of the
16 driveway.

17 Q. Who's driving?

18 A. I was driving.

19 Q. Backed out of the driveway, then what happened?

20 A. Nick's head fell on my lap, and I had to stop the truck
21 for a while. And then I had to, you know, rearrange the
22 body so it wasn't sitting on me. And drive up the road.

23 Q. How did the head fall in your lap?

24 A. Because I was going backwards up the hill.

25 Q. The body did what?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1447.

1 A. Slid forward and--
2 Q. So you got out of the driveway?
3 A. Yeah.
4 Q. And where did you go?
5 A. To the top of this hill.
6 Q. Did you get all the way to the top, or did you go--
7 A. Maybe three-quarters of the way up to this-- to the top
8 of this hill.
9 Q. And then what happened about-- on the way up the moun-
10 tain?
11 A. I stopped on some pull-off area part, and Dane and I got
12 out and started digging holes.
13 Q. How far was the-- were the holes from the-- I guess the
14 logging road, or skid road?
15 A. I don't know.
16 Q. Very far? Short, long?
17 A. Not-- Not that far.
18 Q. And what were you digging with? What did you use to dig?
19 A. Either a shovel or a pickaxe.
20 Q. What happened after you dug for awhile?
21 A. I stopped. Couldn't do it no more.
22 Q. Pardon me?
23 A. I couldn't do it no more.
24 Q. How did Dane respond to that?
25 A. He had no problem with it.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1448.

- 1 Q. So then what did you do?
- 2 A. Drove to the top of this hill.
- 3 Q. And then what did you both decide at that point?
- 4 A. That we'd try and burn the car.
- 5 Q. What did you do with the gas tank?
- 6 A. Tried to light it like a candle.
- 7 Q. How do you mean?
- 8 A. You know, like a wick in wax, but it didn't work.
- 9 Q. So you stuck something in the gas tank?
- 10 A. Yeah.
- 11 Q. Do you know what that was?
- 12 A. Some kind of rag or something.
- 13 Q. What happened to that rag?
- 14 A. It didn't-- Nothing.
- 15 Q. Then what did you do?
- 16 A. Tried to syphon gas out of it.
- 17 Q. And how did you try to syphon the gas?
- 18 A. With a hose from the nitrous tank.
- 19 Q. What color of hose was that? Do you remember?
- 20 A. It was just a common garden hose.
- 21 Q. So how long was that hose?
- 22 A. Maybe 50 feet.
- 23 Q. So did you do anything with the hose?
- 24 A. Tried to cut it with a shovel.
- 25 Q. Were you successful in cutting it?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1449.

1 A. I don't remember. I might have been. I probably was,
2 'cause I couldn't syphon gas for 50 feet of hose.
3 Q. So did you then-- Were you able to get any gas out of the
4 tank?
5 A. No.
6 Q. So now you've tried to bury the bodies, didn't work, and
7 you tried to light it on fire and it didn't work.
8 A. Yeah.
9 Q. What did you do next?
10 A. Went back to the cabin.
11 Q. Did you get anything out of the vehicle before you left?
12 A. A fifth of rum and a pipe.
13 Q. What kind of pipe?
14 A. Pipe to smoke pot with.
15 Q. Anything else?
16 A. Some pot to pack the pipe with.
17 Q. And where did you go?
18 A. Back to the cabin.
19 Q. When you left the car, walking back to the cabin, could
20 you describe the time of day?
21 A. Day time.
22 Q. And what did you do with that pipe?
23 A. I threw it into this area near the end of my driveway.
24 Q. Down by the Crown Creek cabin?
25 A. Uh-huh.

Jeffrey Cunningham - Direct (by Mr. Wetle)

1450.

- 1 Q. What did you do with the bottle of rum?
- 2 A. I drank it.
- 3 Q. What did you do when you got back to the cabin? What did
- 4 you see when you got back to the cabin?
- 5 A. Saw John sitting there.
- 6 Q. And where was John?
- 7 A. At the bottom of the steps.
- 8 Q. What did you do when you got to John?
- 9 A. We told him that we just-- we couldn't do nothing about
- 10 it. We were like, you know, couldn't-- couldn't bury
- 11 'em, and told him that, you know, we left it up at the top
- 12 of the mountain.
- 13 Q. Did you tell him you tried to burn it?
- 14 A. Yeah.
- 15 Q. What did he say?
- 16 A. He said he figured as much, you were back too quick.
- 17 Q. Then what happened?
- 18 A. Then we got some gas from underneath the house.
- 19 Q. What was that gas used for?
- 20 A. The generator.
- 21 Q. And what did you do with that gas?
- 22 A. Put it in the car.
- 23 Q. And where did you go?
- 24 A. The three of us drove up to the top of the hill and--
- 25 Q. Who's driving?

Jeffrey Cunningham - Direct (by Mr. Wetle)

1451.

1 A. John.

2 Q. Who was in the passenger seat?

3 A. Dane.

4 Q. And where are you?

5 A. I was in the back seat.

6 Q. What did Dane do on the way up the mountain?

7 A. Got out about three-quarters of the way up.

8 Q. And--

9 A. Staying-- Just stayed there in the middle of the road, in
10 case anybody came up there.

11 Q. Was that a likelihood that anybody would come up there?

12 A. No.

13 Q. Then what did you and John do?

14 A. We went to the top of the hill.

15 Q. And when you got to the top of the hill, what happened?

16 A. Poured some gas on the car and lit it on fire.

17 Q. Did you see John pour the gas?

18 A. Yeah.

19 Q. And do you remember where it was poured?

20 A. Inside the car.

21 Q. Any gas poured inside the car or not?

22 MR. SIMEONE: Objection, leading.

23 THE COURT: Sustained.

24 Q. Where was it poured?

25 A. Inside--

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1 MR. SIMEONE: He's answered.

2 A. --the vehicle.

3 MR. SIMEONE: That question-- Excuse me, your Honor.
4 I'm sorry. Objection. He just answered that question.

5 THE COURT: I believe he did, Mr. Wetle.

6 Q. And your-- What was the answer?

7 A. Inside the vehicle.

8 MR. WETLE: I didn't hear the answer.

9 THE COURT: Okay.

10 Q. Did you notice or did you see where else gas was poured,
11 besides inside?

12 A. Just on the door so-- Like a little trail.

13 Q. And where did the trail go?

14 A. Down the door. The back of the door.

15 MR. SIMEONE: Was that the back of the door? I'm
16 sorry.

17 A. The back door. Yeah.

18 Q. And then what happened?

19 A. Lit it on fire.

20 Q. And what happened to the car?

21 A. It caught in flames.

22 Q. What did you do at that point?

23 A. I got back in the truck.

24 Q. And where did you go?

25 A. We went down the hill and picked up Dane.

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- 1 Q. Where was everybody seated on the way back?
- 2 A. Same way as on the way up.
- 3 Q. What happened when you got back to the Crown Creek cabin?
- 4 A. I threw my shirt in the fire pit.
- 5 Q. Why?
- 6 A. Because it had blood all over it.
- 7 Q. Anybody else throw anything in the fire pit?
- 8 A. I don't know.
- 9 Q. What did John Grange say he did with the gun?
- 10 A. Said he buried it somewhere.
- 11 Q. Did he say where?
- 12 A. No.
- 13 Q. Did he say how he buried it?
- 14 A. Said he dug a hole and buried it.
- 15 Q. Did he say what he dug the hole with?
- 16 A. The gun itself.
- 17 Q. What part of the gun?
- 18 A. The butt of the gun.
- 19 Q. So was it day time or night time when you got back to the
20 Crown Creek cabin?
- 21 A. Day time.
- 22 Q. Did John Grange tell you anything about what that blanket
23 did in the fire?
- 24 A. Said it cringled (sic) and--
- 25 THE COURT: I'm sorry?

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1454.

- 1 A. Said it crunched up, you know, like when you burn plastic
2 it melts into itself. And his head kinda popped out from
3 underneath the blanket.
- 4 Q. Whose head?
- 5 A. Josh's.
- 6 Q. What happened when you got back to the Crown Creek cabin?
- 7 A. We packed all our stuff.
- 8 Q. Where-- where were your stuff put?
- 9 A. In the truck.
- 10 Q. And where did you go?
- 11 A. To Dane's.
- 12 Q. Do you remember eating anything that night?
- 13 A. No. I was drunk.
- 14 Q. At Dane's was there any discussion about getting money for
15 killing Nick and Josh?
- 16 A. John said something to the fact that there's-- there was
17 a reward of some money.
- 18 Q. Did he say where it was from? Who offered it?
- 19 A. San Francisco.
- 20 Q. Did he say how much?
- 21 A. A hundred thousand dollars.
- 22 Q. How was that money to be paid?
- 23 A. It gets sent up to Portland, either to Shadow or Rob, and
24 then wherever from there.
- 25 Q. Did you expect that Nick or Josh would have money on them?

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1455.

- 1 A. At least gas money to get home.
- 2 Q. Did you see any money taken off Nick or Josh?
- 3 A. No.
- 4 Q. Anybody look for money?
- 5 A. I don't know if they were looking for money or just
6 looking for whatever. Just-- I don't know. I couldn't--
7 I couldn't say. Somebody wanted specifically money or
8 they were looking for something else. I don't know.
- 9 Q. Did they look in either of their pants pockets?
- 10 A. Yeah. I'm sure at one time or another we all did.
- 11 Q. What happened at Dane's cabin on Hamlet Road?
- 12 A. Maija came over.
- 13 Q. What did you and Maija decide?
- 14 A. We were going to go to-- back to the house and spend some
15 time together.
- 16 Q. What did John and Dane want to do?
- 17 A. Wanted to leave to go to Portland.
- 18 Q. And when did they want to go to Portland?
- 19 A. Right then.
- 20 Q. What did you say?
- 21 A. Told them to give me my stuff and they can go without me.
- 22 Q. Then what did they agree to do?
- 23 A. They agreed that I'd take the truck with Maija back to the
24 cabin.
- 25 Q. For the night or for how long?

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1456.

- 1 A. For the night.
- 2 Q. So then how did you get to the cabin, the Crown Creek
3 cabin?
- 4 A. I drove the truck.
- 5 Q. What happened?
- 6 A. We got stuck in the cul-de-sac.
- 7 Q. And where's that cul-de-sac?
- 8 A. At the bottom of the driveway.
- 9 Q. Going up to the cabin?
- 10 A. Uh-huh.
- 11 Q. What did you do?
- 12 A. I left the truck there and walked to the cabin.
- 13 Q. When you got to the cabin, what did you do?
- 14 A. I talked with Maija.
- 15 Q. Did you tell her the story?
- 16 A. Uh-huh.
- 17 Q. How did she react?
- 18 A. She was shocked. She said to me she didn't know who I was
19 anymore.
- 20 Q. Then what did you do?
- 21 A. I-- I just sat there and talked with her, and then the
22 next day the sun came up, we started to walk back towards
23 Dane's cabin, 'cause we couldn't push the truck out by
24 ourselves.
- 25 Q. So on the way back to Dane's cabin, what happened?

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1457.

- 1 A. Dane and John were walking up the road towards us.
- 2 Q. How did John act?
- 3 A. He was pissed off that I wasn't there earlier.
- 4 Q. So you meet down there on the road. Where would you--
- 5 Where did you meet when you were walking down the road?
- 6 Where did you meet John and Dane?
- 7 A. On the main road.
- 8 Q. Is it-- Is it anywhere that can be shown on that diagram?
- 9 A. Yeah.
- 10 Q. Could you put a little circle where you met, in green?
- 11 And then put, just on the side, the initials of the people
- 12 that were there. You had Dane, Maija-- Okay, thank you.
- 13 So you meet there, and what happens?
- 14 A. Went back and pushed the truck out.
- 15 Q. Who went back?
- 16 A. John and I and Dane and Maija.
- 17 Q. So you think all four went back?
- 18 A. I think. I think it took all four of us to get it out of
- 19 the hole it was in.
- 20 Q. And then you went where?
- 21 A. We drove through Ms. Cameron's yard and left a note at
- 22 their house, 'cause they wanted to leave and we couldn't
- 23 find the dogs, and left a note if they could find the dogs
- 24 just call us in Portland or something, we'd come get 'em.
- 25 Q. Did you ever make it back to Dane's house?

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1458.

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A. Yeah.

Q. What happened at Dane's house?

A. We just packed up a few more things and then left.

Q. Did Dane at some time leave the group?

A. I don't think so. I don't think he did.

Q. And where did Maija go?

A. She came with us, we dropped her off at a house down the road.

Q. Was that on the way to Portland?

A. Uh-huh.

THE COURT: Mr. Wetle, maybe this is a logical breaking point, is it?

MR. WETLE: One question, your Honor.

Q. On the way to Portland, did John Grange say anything about who he killed first?

MR. SIMEONE: Objection, leading.

THE COURT: Sustained.

Q. Who did John Grange say he killed first?

MR. SIMEONE: Objection. Same-- Same question. Same objection.

THE COURT: Sustained. Let's-- Let's call it a day for now, and then, counsel, you can stay afterwards and deal with that issue.

Mr. Cunningham, I'm going to have you step down now, please, sir. And, ladies and gentlemen, I'll have you

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1 place your notes, please, inside your envelopes. Another
2 reminder, no discussion among yourselves or with anyone
3 else in regard to the matter until it's finally submitted
4 to you. No viewing or listening to or seeing any media
5 reports, please, on this matter, as we've indicated
6 before.

7 And I think actually what we'll do is go ahead and just
8 adjourn for the day. I'd like the jury back right at 9:00
9 tomorrow morning and we can go ahead.

10 All right, court is adjourned and I'll see counsel in
11 chambers briefly.

12 **COURT ADJOURNED FOR THE DAY**

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1460.

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