

1 A. Maija went to-- we called him Chicken Farmer Ron's. I
2 guess his name is Ron Smith, I believe.
3 Q. And what happened when you got her there?
4 A. We just dropped her off, and I believe Jeff got out of the
5 vehicle and hugged her, and we headed out to Portland.
6 Q. What happened to the dogs?
7 A. The dogs were left behind.
8 Q. And what happened to your dog?
9 A. I gave my dog to my mom. Well, she usually watched my dog
10 while I was out of town, so that's where my dog usually
11 goes when I leave.
12 Q. On the way to Portland, what, if anything, did John Grange
13 tell you about how the shootings occurred?
14 A. He told us how he took 'em out.
15 Q. Did he tell you the order in which they were taken out?
16 A. Yes, he did.
17 Q. And what was that?
18 A. He mentioned that he took Josh out first with head shots,
19 and then Nick leaned down at that point to cover his ears,
20 and he took out Nick next.
21 Q. That conversation was-- took place where?
22 A. In the vehicle on the way to Portland.
23 Q. Describe what John Grange said, if anything, about where
24 they were shot.
25 A. Said they were shot in the head.

1 Q. One or both?

2 A. Both.

3 Q. What was Chewy's attitude about the homicides?

4 A. Pretty nonchalant, like something that he had to take care
5 of. That it was just business.

6 Q. When did you arrive in Portland?

7 A. About 2:00 A.M.

8 Q. And where did you go?

9 A. To Rob Schultz's apartment.

10 Q. What did you do when you got there?

11 A. When I got in there we mentioned to Rob what had taken
12 place.

13 Q. Now, did all-- Did all of you stay there right when you
14 got there?

15 A. No, I believe Jeff and Chewy took off for a little bit,
16 then came back after awhile.

17 Q. So was there a time when you were there just alone with
18 Rob?

19 A. Yes, I was in his bedroom with him.

20 Q. Okay. What-- What happened when you got there?

21 A. When we got there we discussed what happened. Rob seemed
22 to act surprised, but that's basically what I felt, it was
23 an act. He didn't-- I don't know how to explain it. He
24 didn't seem very surprised to me.

25 Q. What did Rob say when you told him?

Dane Matthew Williams - Direct (by Mr. Wetle)

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1 A. He said: I can't believe you guys did that.

2 Q. What, if anything, did Rob Schultz say about your con-
3 science?

4 A. Oh, he asked me, you know, you're not going to get a
5 momentary lapse of reason and go to the authorities or
6 nothing, are you. I told him no.

7 Q. What, if anything, did he say about what you were supposed
8 to do with this information?

9 A. Take it to our graves.

10 THE COURT: I'm sorry?

11 A. Take it to our graves.

12 Q. So then basically who stayed there that night?

13 A. I believe we all did.

14 Q. Did you-- Did you show Rob anything that night?

15 A. Yes.

16 Q. What was that?

17 A. I showed him all the pot I had brang (sic). Brung.

18 Q. How long did you stay at Rob's?

19 A. I believe I stayed there for two or three nights.
20 Approximately.

21 Q. And then where did you go?

22 A. I headed over to Shadow's for an evening.

23 Q. And then where?

24 A. Back to Rob's.

25 Q. What did you do with the five pounds of marijuana?

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1 A. Sold everything but a half pound.
2 Q. And how much did you get?
3 A. Approximately about \$10,000.
4 Q. And what did you do with it?
5 A. The \$10,000?
6 Q. Yes.
7 A. I went out and bought a car the day I got back from
8 Shadow's.
9 Q. Do you remember how much you paid for that car?
10 A. Yeah, it was \$4,135.
11 Q. And what was the car?
12 A. It was a used, '87 Porsche.
13 Q. And do you remember what model?
14 A. 924-S.
15 Q. Remember what day you bought it?
16 A. It was Saturday. It was June 17th.
17 Q. And where did--
18 A. Yeah, June 17th.
19 Q. And where did you buy it?
20 A. Eastside Auto Sales in Portland.
21 Q. And where was that in relation to where you were staying?
22 Close or far away?
23 A. Probably about-- It was kind of far. I walked for about
24 two miles.
25 Q. Can you describe, if any, conversations about compensation

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1 for the murders?

2 A. Yeah. I believe it was on the ride back. Chewy and Jeff
3 mentioned they'd be taken care of by the Family for the
4 murders, and I would be too.

5 Q. Was there anything mentioned about the amount?

6 A. No.

7 Q. What, if anything, have you discussed with Jeff Cunningham
8 about your version of the events of the murders?

9 A. We wouldn't talk about it.

10 Q. When was the last time you saw Jeff Cunningham?

11 A. The day I bought my car. Saturday, June 17th.

12 Q. Have you talked to him at all about this case?

13 A. No.

14 Q. Have you seen any of his reports?

15 A. No.

16 Q. So the 17th would be about six days after he-- after the
17 murders, was the last time you saw him?

18 A. Yes.

19 Q. Did you have, in the fall of the year 2000, some inter-
20 views with police detectives?

21 A. Yes, I did.

22 Q. And do you recall your first interview with Detective
23 Baskin and Sergeant Caruso in Clark County on October
24 13th?

25 A. Yes.

1 Q. And what were the circumstances behind that interview?

2 A. Well, they-- they knew I was involved. They asked me
3 questions, and I answered them as directly as possible
4 without-- without making myself have too much to do with
5 what happened. Tried not to incriminate myself as much as
6 possible.

7 Q. And after that interview, were you arrested at that time?

8 A. No.

9 Q. So primarily what was your status in terms of the investi-
10 gation at that time?

11 A. I was a witness.

12 Q. Five days later, on October 18th, you were interviewed
13 again.

14 A. Yes.

15 Q. And this time was at the Gresham Police Department. And
16 who interviewed you at that particular department?

17 A. Stevens County Detectives and DEA agents.

18 Q. And what happened in the course of that interview, or
19 those interviews?

20 A. From the first interview to the second interview, more
21 started coming out as far as me having more to do with it.

22 Q. Now, between the first interview and the second interview,
23 are you talking the first interview was with the county,
24 second interview was with DEA?

25 A. Yes.

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1579.

1 Q. County was what, outside the door?

2 A. Yes.

3 Q. They were in the building, but they just weren't in the
4 room.

5 A. In the room.

6 Q. And so more came out?

7 A. Yes.

8 Q. And then what happened?

9 A. Then the detectives from Stevens County came back in the
10 room and recorded another statement.

11 Q. And can you tell generally how it changed from your first
12 statement?

13 A. Yes. From the first statement I had added that I didn't
14 go up with Jeff to bury the bodies or near the burning
15 site. I had told them that I got in the vehicle, looked
16 back at the bodies, jumped out and ran home.

17 Q. And so the second interview you said no, I did go up the
18 hill?

19 A. Yes.

20 Q. And then three days later, on October 21st, did Sergeant
21 Caruso meet you in a parking lot over in the Vancouver
22 area?

23 A. Yes, he did.

24 Q. And what was the nature of that interview?

25 A. Well, the nature of the interview was he had a receipt for

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1 my car, and he realized that I didn't realize that I
2 didn't buy the car the next day I came to Portland.

3 Q. Was that what you'd said earlier?

4 A. Yes.

5 Q. Okay, so he wanted to clarify that?

6 A. Exactly.

7 Q. And so when confronted with that, what happened?

8 A. Confronted with that, I recalled, and I basically left the
9 omission 'cause I didn't think it had anything to do with
10 the murders themselves. And he recollected my thoughts
11 and I mentioned to him how long I stayed in Portland, what
12 I did, and when I bought the car.

13 Q. And when you actually bought the car was when?

14 A. June 17th.

15 Q. Were there any other issues that needed to be clarified
16 that you can recall at that parking lot conversation?

17 A. Not at the time.

18 Q. Was there any discussion about who got out at Rob's on
19 Sunday night?

20 A. Yes, there was, actually. I had said in my opening
21 statements to Stevens County and the DEA, I believe, that
22 Chewy and Jeff left the evening that we got to Portland
23 and didn't stay there. And I corrected it once I spoke to
24 Caruso.

25 Q. And, in fact, they had come back?

1 A. Yes.

2 Q. And what about the suggestion of how to get rid of the
3 vehicles and the bodies?

4 A. They had basically told me there was a reason why I was
5 still alive and I didn't get killed, and they wanted to
6 pry into more of who suggested to burn the vehicles, which
7 I told them I believe I came up with that thought. Let's
8 just get rid of it and burn it.

9 Q. And so that incriminated you?

10 A. Yes.

11 Q. And was there any discussion about where the pot went,
12 that you had-- that you had in Portland?

13 A. Yeah.

14 Q. And what was that?

15 A. They asked who I disbursed it to, and how much I made.

16 Q. And then on November 8, 2000, at the Clark County Jail, at
17 that time you were in custody and Sergeant Caruso and
18 Erdman and Baskin then interviewed you. Were there any--
19 Do you remember the discussions that were being cleared up
20 at that time?

21 A. They were-- They were asking me about questions of
22 conflicting statements that didn't add up.

23 Q. Having talked to other witnesses?

24 A. Excuse me?

25 Q. After they had talked to other witnesses?

Dane Matthew Williams - Direct (by Mr. Wetle)

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1 A. Yes.

2 Q. And then on November 29th, after your plea, did you give
3 another statement?

4 A. Yes. I believe it was in December.

5 Q. December 29th? And what changed-- What was one of the
6 major changes in that statement?

7 A. The major chain was-- Excuse me, change that I had went
8 to the Crown Creek cabin from the barter fair with Chewy,
9 and that I had ran home, loaded my shotgun, turned around
10 and ran back.

11 Q. And before that you'd always done what?

12 A. Always said that I was dropped off at my cabin by Chewy
13 and I walked over later.

14 Q. Mr. Williams, what caused these changes?

15 A. Well, first of all, to start with, the first statements,
16 a lot of human nature. I didn't want to incriminate
17 myself any more than I had to. Since the events have
18 happened, I've changed my life. I don't do drugs any
19 more, I don't deal drugs. I have a fiancée' and I have a
20 baby on the way. I had quite a lot to lose, and I didn't
21 want to lose that at the time. I was trying not to
22 incriminate myself any more than I had to.

23 Q. Okay, besides incrimination of yourself, was there
24 anything else that caused you to hold back?

25 A. A lot of it was just remembering. It had been quite a

Dane Matthew Williams - Direct (by Mr. Wetle)

1583.

1 while since it all occurred. Some of it went away from my
2 memory, and some of it was-- Like I said, it was a lot of
3 memory loss. Things come back to me each time I talk to
4 'em.

5 MR. WETLE: Thank you very much. Your Honor, we have
6 no further questions.

7 THE COURT: All right, Mr. Simeone?

8 MR. SIMEONE: Thank you, your Honor.
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1 DANE MATTHEW WILLIAMS

2 CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. Good afternoon, Mr. Williams.

5 MR. SIMEONE: To start out with, can we hand the
6 witness Exhibit Number 92 and 95, I think? Ninety-two and
7 93.

8 Q. Mr. Williams, you had a conviction in Snohomish County,
9 Washington, 1997, for a theft, is that correct?

10 A. Correct.

11 Q. Is what you have in front of you a copy of the Clerk's
12 papers evidencing that conviction?

13 A. Yes, it is.

14 Q. And you also have pleaded guilty to rendering criminal
15 assistance, as you testified, in connection with the
16 involvement you had with the murder of Nick Kaiser and
17 Josh Schaefer, isn't that right?

18 A. Correct.

19 Q. And you'll do six to twelve months for that crime? Is
20 that correct?

21 A. Correct.

22 Q. And you're out on bail right now?

23 A. Yes, I am.

24 Q. And the conditions on your testify-- are that you'll
25 testify at this trial, is that correct?

Dane Matthew Williams - Cross (by Mr. Simeone)

1585.

1 A. Yes.

2 Q. And you won't get sentenced until after this trial, will
3 you?

4 A. Correct.

5 Q. And is Exhibit Number 93 there a copy of your plea
6 agreement with the Prosecutor?

7 A. Yes, it is.

8 Q. Are there two pages to that exhibit?

9 A. Yeah.

10 Q. And that sets forth the conditions of your agreement with
11 the Prosecutor that you'll testify here?

12 A. Yes.

13 Q. And if you didn't testify here, the deal would be off,
14 isn't that correct?

15 A. Yes.

16 MR. SIMEONE: Okay, I'd offer--

17 A. That's not-- That's not clear, actually. It wasn't made
18 clear to me that the deal was off. This was the plea
19 agreement they handed me, and I accepted and pled guilty
20 to it.

21 MR. SIMEONE: I would offer Exhibits--

22 A. I didn't ask any more questions.

23 MR. SIMEONE: I'd offer Exhibits 92 and 93.

24 THE COURT: You want to hand them to Mr. Wetle, please,
25 Mr. Smith?

Dane Matthew Williams - Cross (by Mr. Simeone)

1586.

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MR. SIMEONE: Was there any objection to that?

THE COURT: He's looking at them.

MR. WETLE: Your Honor, the offered plea agreement is-- has some additions on it and does not have the second page, but it does have--

THE COURT: So in other words you think it's not a true copy of it?

MR. WETLE: Well, I just hate to give the jury one of two pages.

MR. SIMEONE: Your Honor, we could reserve for now, and if there's another copy that the Prosecutor feels is more accurate, I'd gladly stipulate to the admission of that one.

MR. WETLE: If we added the second page, your Honor, I think we'd at least have the whole plea agreement.

THE COURT: All right. Do you have one to just stick in there right now?

MR. WETLE: I do.

THE COURT: Why don't you have Mr. Smith hand that back to Mr. Simeone and make sure he knows what's being added. As to 92?

MR. WETLE: As to 92, may I voir dire the witness, your Honor?

THE COURT: Yes.

1 DANE MATTHEW WILLIAMS

2 VOIR DIRE EXAMINATION

3 BY MR. WETLE:

4 Q. This says that you pled guilty to an attempted theft, is
5 that correct?

6 A. Yes.

7 MR. WETLE: Then it's my understanding that this is
8 correct, your Honor.

9 MR. SIMEONE: I have no--

10 MR. WETLE: No objection.

11 THE COURT: And do you have no objection, then, to 92?

12 MR. WETLE: That's correct. And 93 as completed.

13 MR. SIMEONE: I have no objection to the addition of
14 that. I would just point out for the court and the
15 Clerk's attention that the tag was put on the back of the
16 last page, and now it's got a third page, so it might
17 drive you crazy.

18 THE COURT: All right, let me-- Is page 2 inserted in
19 there, or do we need to tear it apart or what?

20 MR. SIMEONE: No, it comes after it. Yeah, it's
21 stapled.

22 THE COURT: One, two, okay. All right, Exhibits 92
23 and 93 are admitted.

24 MR. SIMEONE: Thank you, your Honor.

25
Dane Matthew Williams - Voir Dire (by Mr. Wetle)

1588.

1 DANE MATTHEW WILLIAMS

2 CONTINUATION OF CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. You gave six statement to the police-- six statements to
5 the police officers over the course of their investiga-
6 tions, didn't you?

7 A. Yes.

8 Q. Actually, you gave a seventh that wasn't recorded, between
9 October 18th and October 21st?

10 A. I can't recall for sure. I believe-- I thought all of
11 them were recorded.

12 Q. Was it with the DEA on the 18th, maybe, in between-- on
13 the October 18th day between statement two and three? You
14 remember one that wasn't recorded then?

15 A. With the DEA, it was recorded.

16 Q. Nothing in between the Sheriff's and the DEA? You don't
17 recall?

18 A. I don't recall.

19 Q. Okay. Your last statement was given December 29th, so
20 that's a little over two months time during which they
21 took various statements from you, is that right?

22 A. Yeah.

23 Q. And what is your work history?

24 A. Work history, I had-- From 19 to about 24 or 25, I worked
25 for the Washington State Council of Fire Fighters doing

Dane Matthew Williams - Cross (by Mr. Simeone)

1589.

1 fund raising. Same company I work for now.

2 Q. Are you a tele-solicitor, is that what you are?

3 A. Yeah.

4 Q. And you were not working immediately before the June, 2000

5 barter fair, were you?

6 A. No.

7 Q. And the last time you'd worked before that barter fair was

8 in-- of June 2000, was in the garlic fields?

9 A. Yes.

10 Q. With a neighbor there in Flat Creek?

11 A. Yes.

12 Q. That's where you live. Is it fair to say you earned most

13 of your money in your adult life by way of selling drugs?

14 A. Absolutely not.

15 Q. You've earned more money doing other things?

16 A. Yes. I fished in Alaska in the summers for a few years

17 also between working, doing soliciting.

18 Q. Okay, that would be your summer job?

19 A. Yeah.

20 Q. And when were you growing the marijuana?

21 A. Between the year of '99 and 2000.

22 Q. Now, you first met Jeff Cunningham around March of '99,

23 right?

24 A. Yes.

25 Q. And that's because of the proximity of your cabins there

Dane Matthew Williams - Cross (by Mr. Simeone)

1590.

1 between Hamlet Creek and Crown Creek? Is that right?

2 A. Yeah.

3 Q. And the circumstances surrounding that meeting were that
4 your mother or his mother had mentioned that somebody new
5 had moved in and she introduced you two?

6 A. Yes. My mother.

7 Q. So you're living close to him then last year, in 2000, is
8 that right?

9 A. Yeah.

10 Q. How much of that year were you living next to Jeff?

11 A. Well, he had-- He'd take off for about a month at a time
12 here and there, so the majority of the year.

13 Q. Majority of the year. And you know Rob Schultz, you
14 testified to that. Is that right?

15 A. Yes.

16 Q. And tell me about the meeting with Mr. Schultz and the
17 circumstances surrounding it again. Your first meeting.

18 A. Jeff introduced me to him as somebody I could hook up with
19 and sell pot to.

20 Q. And that was fall of '99?

21 A. Yes.

22 Q. And the first time you met him he propositioned you to
23 sell him 20 pounds of marijuana?

24 A. He said he had an order to fill for 20 pounds that he
25 could fill.

1 Q. In your very first meeting with him?
2 A. Yes.
3 Q. You never bought or sold with him before that?
4 A. No. It was actually later that day. It was the evening
5 of the barter fair.
6 Q. Now, Jeff Cunningham was selling LSD, is that right?
7 A. Yeah, here and there at barter fairs, I believe.
8 Q. You were selling marijuana at that time?
9 A. Yes.
10 Q. Now, you admitted in your testimony that you'd been in the
11 industry for a long time. Your testimony earlier today.
12 A. Uh-huh.
13 Q. That's how you knew about how the dealings went.
14 A. Yeah.
15 Q. So how long is it that you were in the industry then?
16 A. Well, off and on since I was about 16 years of age. I
17 never had dealt in big quantities like that before in my
18 life until I moved up there.
19 Q. As you got older you dealt in bigger quantities?
20 A. I hadn't dealt in big quantities like that until I moved
21 out in Stevens County.
22 Q. You also said that you're acquainted and were introduced
23 to Nick Kaiser. Is that right?
24 A. Yes.
25 Q. And I think your testimony was that you met him at his

1 house in Seattle?

2 A. Yes.

3 Q. And what year was that?

4 A. It was February, 2000.

5 Q. So your previous testimony that you gave in your first
6 statement--

7 MR. SIMEONE: Can we hand the witness some of these,
8 please?

9 Q. I'll show you those statements, Mr. Williams. Why don't
10 you see if you can identify what those are.

11 A. Identify what they are?

12 Q. Yes.

13 A. Statements that I gave.

14 Q. Do they look to be the same statements that you gave to
15 the police over the course of two or more months here in
16 this investigation?

17 A. Yes.

18 Q. So the introduction to Nick Kaiser that you talked about
19 in the first interview is a little different than what
20 you're talking about now, isn't it? Didn't you tell the
21 officers in your first interview that you met him at the
22 April barter fair, 2000?

23 A. Yes.

24 Q. So that's incorrect, isn't it?

25 A. Yes. I had forgotten. The time I first met him in

1 February was real brief, under the influence of quite a
2 few drugs.

3 Q. Okay, and how was that introduction made?

4 THE COURT: Which one?

5 Q. The introduction that you had to him at the house in
6 Seattle in February of 2000.

7 A. I had traveled with Rob Schultz to Nick's house in Oak
8 Harbor, and stayed the night there and introduced me to
9 him.

10 Q. So you became pretty good friends with Rob?

11 A. Yeah.

12 Q. That's as a result of your transactions with him?

13 A. Yeah, that was basically--

14 Q. You were basically a marijuana farmer up here and supply-
15 ing him?

16 A. I wasn't quite a farmer. Supplier.

17 Q. You were growing it, weren't you?

18 A. Yeah. Not very often.

19 Q. You were buying it from others and then selling it to him?

20 A. Yes.

21 Q. So you were a middle man?

22 A. Yes.

23 Q. And over the course of your relationship with Rob, about
24 how many transactions would you have had with him?

25 A. I believe I went to Portland three or four times, at the

1 most, and he came down to visit me quite a few. I can't
2 even-- I don't remember how many times he came down.

3 Q. Pretty many?

4 A. Quite a few.

5 Q. You got comfortable and friendly enough with him to where
6 you were traveling around with him?

7 A. The only reason I traveled around with him is-- in
8 February, 'cause I was up there delivering some pot. I
9 had no car.

10 Q. I see. Now, you apparently have some familiarity with the
11 group referred to as the Family. Is that correct?

12 A. Yes.

13 Q. When you say the Family, are you talking about the Rainbow
14 Family?

15 A. Yes.

16 Q. And your knowledge of what that organization is?

17 A. It's pretty-- pretty small knowledge. To the best of my
18 knowledge, it runs from San Francisco--that's what I've
19 been told--to Portland. And I've also been told it's
20 national through Rainbow gatherings, basically being on
21 tour, which is the old Grateful Dead band. Go around and
22 tour people. Excuse me, go around and tour with the band.
23 And people just meeting each other on those sites and
24 interacting as far as selling drugs.

25 Q. Now, not all of the members of the Rainbow Family are

1 involved in drug trafficking, are they?
2 A. I'm not sure. The ones I met are.
3 Q. Is that because you were in that kind of a business and
4 therefore those kinds of people naturally gravitated
5 toward you?
6 A. I wouldn't know about gravitating towards me.
7 Q. Now, you introduced your step-dad, Ken Cameron, to Rob at
8 your cabin in-- at some point, didn't you?
9 A. I believe so.
10 Q. And you agree that was in June of 2000?
11 A. I'm not sure.
12 Q. Was your-- Going back to the Family for a second, and
13 your belief that everyone you've met had some involvement
14 in drugs, is it that they used drugs, or is it that they
15 trafficked in drugs?
16 A. Both.
17 Q. You never met anybody in the Rainbow Family that didn't
18 traffick in drugs?
19 A. No, not that I met.
20 Q. Now, you know John Grange, is that correct?
21 A. Yes.
22 Q. And you apparently know what the hierarchy is in the
23 Rainbow Family in the Portland area?
24 A. From what I was told.
25 Q. Some are higher up, some are underlings. Is that right?

Dane Matthew Williams - Cross (by Mr. Simeone)

1596.

1 A. Yeah.

2 Q. Now, Rob Schultz, you feel, is a member?

3 A. Correct.

4 Q. And you gave a name before, his nickname. I haven't heard
5 you mention that before in any of your statements. Have
6 you ever mentioned that name before in any of your
7 statements?

8 A. No, I hadn't.

9 Q. What is his name?

10 A. Poppa Bear.

11 Q. You don't consider yourself to be a member of the Family?

12 A. No. I don't believe--

13 Q. So members of the Family can know people like you and
14 traffick in drugs with them?

15 A. Yes.

16 Q. What about your place, if any, in that hierarchy?

17 A. Just someone that would bring pot to Portland for Rob to
18 sell.

19 Q. Can you briefly run down again what you said was the
20 hierarchy of the people you know, starting with-- Well,
21 I want you to include Rob, Shadow, John, Nick.

22 A. Okay. What I believe and what I was told, I really don't
23 have a whole lot of knowledge of exactly how it ranks. I
24 was left out of a lot of that. But as far as I know, it
25 was Cunningham--Jeff--Chewy, Shadow and Rob, and then

Dane Matthew Williams - Cross (by Mr. Simeone)

1597.

1 Nick.

2 Q. Cunningham, Chewy, Shadow, Rob, Nick at the top of the
3 pyramid?

4 A. Yeah. It seemed that Rob, Shadow and Chewy were pretty
5 intertwined, as far as friends.

6 Q. As far as John Grange goes, you didn't feel he had any
7 pull at all with the Rainbow Family, did you?

8 A. Wasn't sure when I first met him.

9 Q. You want to look at page 959 of your first statement?

10 A. There is no page 959.

11 Q. I'm sorry, it's Bates' page 959.

12 A. Excuse me?

13 Q. It's Bates' page 959. It should be your fifth statement.
14 It's page 15 of the fifth interview.

15 A. Okay.

16 Q. You see that? Look through that big paragraph where you
17 gave an answer to Deputy Caruso.

18 A. Yes.

19 Q. And don't you say there that:

20 Chewy, first of all, don't have any pull.
21 He don't have any say. He basically does
what he's told.

22 Is that right?

23 A. Yes. Compared to Rob and Shadow.

24 Q. Well, now, do you want to correct your answer? You do
25 know, or have you changed your mind about--

1 A. Well, he does whatever Rob and Shadow ask him to.
2 Q. You're saying he doesn't have any pull, isn't that right?
3 A. Under Rob and Shadow? Probably not.
4 Q. But that's what you said in your statement, isn't it?
5 A. Yes. He can't-- He doesn't have any pull as far as
6 telling Rob and Shadow what to do, no.
7 Q. So that would mean that he doesn't have any influence
8 higher than this Family's second tier, so-- that you gave
9 me, of the people in the Family. Isn't that right?
10 A. Could you-- I didn't understand that question.
11 Q. Well, you told me about the hierarchy here. You said it
12 went from Cunningham to John, and then Shadow, Rob, Nick.
13 He didn't have any influence after the second tier, isn't
14 that right? He was basically at the bottom of the level,
15 in your testimony.
16 A. Yeah.
17 Q. Bottom level.
18 A. He worked for Rob and Shadow.
19 Q. Now, you know where the Hamlet Creek cabin is relative
20 to-- relative to the Crown Creek cabin. You've been
21 there quite a few times.
22 A. Yeah.
23 Q. In fact, you lived at the Hamlet Creek cabin for quite a
24 while?
25 A. Yes.

1 Q. And where--

2 MR. SIMEONE: What happened to our map? Did we take
3 that down?

4 MAP IS PUT UP

5 Q. Now, you remember the April barter fair? Remember the
6 April barter fair, Mr. Cunningham?

7 A. Yes.

8 Q. I'm sorry, Mr. Williams.

9 A. (Inaudible)

10 Q. It's correct that you gave Jeff, I think your testimony
11 was, Jeff Cunningham, a backpack with some pot to sell at
12 the fair. Is that right?

13 A. At the April fair?

14 Q. Yeah.

15 A. I don't recall.

16 Q. How about the June barter fair? I'm sorry.

17 A. Yeah, the June barter fair.

18 Q. And the value of that pot was how much?

19 A. Well, he owed me a total of \$1700. The value of the pot
20 was probably around sixteen to fifteen hundred, and he
21 owed me a couple hundred dollars for another deal.

22 Q. Did you grow that marijuana or did you get that from
23 somebody else?

24 A. I got it from somebody else.

25 Q. Now I want to go through a brief summary of the weekend.

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1600.

1 First of all, would you demonstrate for the jury on that
2 map where that Crown Creek cabin is relative to Hamlet
3 Creek? You can orient yourself on that map.

4 MAP IS MOVED SO JURY CAN SEE IT

5 A. I couldn't give you any indication. I don't know the map.
6 It's not a map _____, first of all.

7 Q. You orient yourself with the left-hand side of the map,
8 then you can see those two drainages?

9 A. Two drainages?

10 Q. _____ the red boxes on the left-hand side of that map, see
11 if that helps you.

12 A. And what was your question?

13 Q. Show me where those two cabins are then. Your cabin
14 first, point out to the jury, and then the Crown Creek
15 cabin.

16 THE COURT: If you know. If you can tell from the map.

17 A. I can't-- I can't give an intelligent answer.

18 Q. Well, let's just-- Retake your seat then, if you will.
19 What is the road layout there? Isn't it correct that you
20 drive down the Flat Creek Road along the river to get to
21 the first Crown Creek Road?

22 A. Yes.

23 Q. And then after that you get to-- How do you get to your
24 house from there?

25 A. Lael Road.

1 Q. So you go the next road over after the Crown Creek Road?
2 A. Yes.
3 Q. The next-- That'll be the next road east-- west?
4 A. Yes.
5 Q. Okay. And there's also a way that you take to get to--
6 between the two cabins that isn't on the Flat Creek Road,
7 isn't that correct? You don't always have to come back to
8 the Flat Creek Road to get over to the Hamlet Creek
9 cabin-- or to the Crown Creek cabin, do you, if you're
10 walking?
11 A. No.
12 Q. You walk through the woods or something, don't you?
13 A. Yes.
14 Q. Is that a trail that leads through your step-parents'
15 house? Your mom and step-dad's house?
16 A. Yes.
17 Q. And their house is close by yours, or pretty close by?
18 A. Yeah.
19 Q. So you walk from your cabin, down the Hamlet Creek Road a
20 little ways. Is that right?
21 A. Uh-huh.
22 Q. You get to your mom's house? Is that right?
23 A. Yes.
24 Q. Cross over from there to the Crown Creek Road?
25 A. Yes.

1 Q. And that's where you basically dump out, is right there on
2 the second cattle guard? Is that right?
3 A. Third.
4 Q. Third cattle guard? And from there you walk up the road
5 to get to the Crown Creek cabin?
6 A. Correct.
7 Q. The fastest way to get up to the cabin is on the road,
8 isn't it?
9 A. Yes, there's a--
10 Q. The Crown Creek cabin?
11 A. There's a detour beside the road to the left.
12 Q. Uh-huh.
13 A. It's an old driveway that Lou Ash, the owner, had, and
14 it's all grown over, and it's maybe a quarter mile to the
15 cabin. Maybe. I'm not sure. I'm not good with distances
16 or area. But it cuts through the back, makes it a little
17 quicker.
18 Q. Would you agree with Mr. Cunningham that the fastest way
19 to get there is on the road, Crown Creek Road?
20 A. I'd have to disagree.
21 Q. Now, going back to your introduction to Nick Kaiser, you
22 agree that he was a trafficker in LSD?
23 A. Yes.
24 Q. He was a large scale trafficker in LSD, wasn't he?
25 A. Yes.

1 Q. Is he what you would call a delator?
2 A. I found out later for that to be. I had no knowledge of
3 that at first, when I first met him.
4 Q. That means somebody that would take concentrated LSD and
5 water it down--
6 A. Yes.
7 Q. --and make it into individual dosages. So when you met
8 him at his house in Seattle, that was an LSD kitchen,
9 wasn't it?
10 A. Yes.
11 Q. Now, I just mentioned briefly the Saturday, June 10th,
12 barter fair, and you testified that you attended it,
13 didn't you?
14 A. June 10th?
15 Q. Yeah.
16 A. Yes, I did.
17 Q. You went to that barter fair, the summer barter fair?
18 A. That evening.
19 Q. Okay. Didn't you tell the officers that you stayed at
20 your cabin all weekend?
21 A. Yeah, all weekend up until Saturday.
22 Q. Well, doesn't Saturday include the weekend?
23 A. I guess it would.
24 Q. I would address your attention to page 1754 of your
25 statement.

1 A. Which one?

2 Q. I think that would be statement Number 6.

3 A. What was the number, 1754?

4 Q. That's correct.

5 A. Okay.

6 Q. Addressing your attention to about the middle of that
7 page, sir.

8 A. Yes.

9 Q. Did you say, I wasn't-- Did he say-- That's Officer
10 Baskin, I guess:

11 Were they running back and forth several
12 times during the day to get marijuana to
sell at the fair?

13 And what was your answer?

14 A. I'm not sure.

15 Q. I wasn't hanging around with them at all that
16 weekend.

17 A. Yeah.

18 Q. They were staying out there.

19 Did you mean the fair?

20 A. Yes.

21 Q. And you said:

22 I believe the majority of the weekend that I
was just at my house.

23 A. Yes.

24 Q. So you told the officers that you were at your house for
25 the weekend, right?

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1 A. For the majority of the weekend.

2 Q. But you didn't say the majority of the weekend, did you?

3 A. Yes, I did.

4 I believe the majority of the weekend that I
5 was at my house.

6 Q. But they were out there, isn't that correct? Isn't that
7 the way to read that?

8 They were staying out there, I believe, the
9 majority of the weekend?

10 Isn't that the way that reads?

11 A. Yes.

12 Q. But I was staying at my house.

13 A. Yeah, if you want to get technical.

14 Q. But that's a correct reading of that, isn't it?

15 A. Yeah.

16 Q. Okay. How did you get there that Saturday?

17 A. Chewy.

18 Q. Would you agree with your brother who said that you'd left
19 the cabin before-- or that Chewy left the cabin before
20 you went there?

21 A. Before I went where? To the barter fair?

22 Q. Before you went to the barter fair.

23 A. Yes, he left the cabin before I went out to the barter
24 fair.

25 Q. How is it that he took you to the barter fair if he left
before you did?

1 A. This was Sunday.
2 Q. I'm talking about Saturday now.
3 A. Saturday my brother wasn't over at my cabin.
4 Q. So if your mother said he was, she would be wrong?
5 A. Yes.
6 Q. If your brother said he was, he would be wrong?
7 A. Yes. I don't believe they were even around.
8 Q. Now, you talked about a phone call that you made to Rob
9 Schultz, who lives in Portland, from Ken Cameron's that
10 day.
11 A. Yeah. Uh-huh. That evening.
12 Q. That evening? Would you agree that-- Well, Mr. Wetle
13 told you that you made that phone call between 7:30 and
14 8:00 and you agreed with that, is that correct?
15 A. Yes.
16 Q. But isn't it correct that you said that you got back--
17 that you left the fair-- left to go to the barter fair
18 that night at about-- that you were at the barter fair
19 between 7:00 and 8:00?
20 A. You have to--
21 Q. I'll address your attention to page 2531, Mr. Williams.
22 A. Which statement?
23 Q. That would be your last, Mr. Williams.
24 A. Well, when I gave the statement, it was in December, and
25 as far as the daylight changing and how dark it was, I was

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1 kinda _____ when it gets dark now to when it got dark
2 then.

3 Q. You weren't just remembering what time you went to the
4 fair? Wouldn't that be an easier way for you to identify
5 the time of the day when it was at that time?

6 A. True, but I didn't remember. This happened six months
7 after (sic) I gave the statements.

8 Q. But if I understand correctly, and if you'll-- if you'll
9 read that, Loren Erdman, or Deputy Erdman, was saying:

10 Okay, do you remember about what time it was
11 that you got the money back from him?

12 Now, you're talking about the money back from Jeff
13 Cunningham, right?

14 A. Yes.

15 Q. So the chronology here, so the jury understands, is you
16 went to the fair Saturday. You're supposed to have gotten
17 the money back from Jeff for the pot you fronted him.

18 A. Yes.

19 Q. And they were asking you what time you got the money back
20 from him.

21 A. Yes.

22 Q. And you said:

23 Oh, geeze, I don't know. It was around 7:00
24 or 8:00 o'clock at night, I would say.

25 Is that right?

A. Yeah. I had no--

1 Q. So now--
2 A. I had no recollection. I can't completely remember what
3 time it was, obviously. That's why I said geeze, it was
4 around.
5 Q. But wait a minute. Seven or 8:00 at night. That means
6 that to get back to your house, or your parents' house,
7 you still have to drive all the way from the fair to
8 their-- to their cabin, right?
9 A. Drive to the fair to their cabin?
10 Q. Right. You made a phone call. Isn't that where you said
11 the phone call was made?
12 A. Yes. It was before I went to the barter fair. I was
13 mistaken on the times.
14 Q. But doesn't--
15 A. And as far as--
16 Q. Doesn't Deputy Erdman ask you about that right there in
17 that page? And I'll address your attention to the third
18 line. You said you made that before you went to the fair,
19 is that correct?
20 A. Yes.
21 Q. But if you're there at 7:30 or 8:00, at your house, how
22 could you-- Strike that question. If you're collecting
23 the money from him at about 7:00 or 8:00 at night, don't
24 you agree that there's a time difference there that you
25 can't-- you can't square up with the time that phone call

1 was made?

2 A. Completely.

3 Q. You also gave Detective Erdman what the content of your
4 conversation with Rob was in that call, isn't that right?

5 A. Yes.

6 Q. And he told you at that time that you spoke with him on
7 the phone-- or you said you spoke with him on the phone.
8 You're referring to Jeff-- or to Rob, I would assume.

9 A. Yeah.

10 Q. He basically said Nick was at the fair and told me that--
11 which they were-- already knew he was there. What does
12 that mean?

13 A. That he was already there.

14 Q. That you already had heard earlier that Nick was there?

15 A. I was told by Chewy when he came over on Saturday, but
16 when I spoke to Rob on the phone, he had told me that they
17 were there. He'd already-- He'd already known.

18 Q. Isn't it true that-- If you'll look at page 2530, isn't
19 it true that you said that you had not heard from him all
20 weekend, that being Jeff? Look at the bottom paragraph on
21 page 2530, if you would. You had not heard from him all
22 weekend. You're talking about Jeff there, right?

23 A. Yes.

24 Q. You'd fronted him the pot and were getting concerned about
25 the pot not being paid for.

1 A. Yes.

2 Q. So I was attempting to get the money from
3 him. Basically that evening I was told Nick
4 was there at the barter fair.

4 Is that right?

5 A. Yes.

6 Q. So don't you agree that that would have been before-- or
7 that would have been after you spoke to Rob?

8 A. After I spoke to Rob what?

9 Q. That you found out that Nick was at the barter fair?

10 A. Yes.

11 Q. So how is it that you can say:

12 Basically earlier I had heard--

13 Go back to page-- the other page of your testimony. How
14 is it that you can say that before that time I--

15 He basically said Nick was at the barter
16 fair,

17 which they were-- He already knew-- already knew he was
18 there?

18 A. Rob already knew he was there.

19 Q. But isn't it you who already knew he was there?

20 A. No, I didn't. Yeah, I knew he was there, by Chewy telling
21 me.

22 Q. But you're saying you're after-- you're at the barter
23 fair after the phone calls. Isn't that information that
24 you got after the time you already allegedly heard it from
25

1 Rob? From Chewy?

2 A. You have to restate the question. I don't understand.

3 Q. Okay, you're saying that you heard the information from
4 Rob, first off. Is that right?

5 A. Yes.

6 Q. But then you're saying that you heard it from Chewy
7 earlier?

8 A. Oh, when Chewy picked me up from my house, he said Nick's
9 at the fair. And Rob left a message. I called Rob back,
10 and he said Nick's out there.

11 Q. Okay, but you're saying that you heard it at the fair
12 after the phone call, so wouldn't that imply that you
13 heard it from Chewy after the phone call?

14 A. No.

15 Q. No?

16 A. No.

17 Q. Well, then, what does that mean there?

18 Basically that evening I was told that Nick
19 was at the barter fair.

20 I'm looking at page 2530 again. Is that when you heard it
21 from Mr. Grange?

22 A. It says:

23 Basically that evening I was told that Nick
24 was at the barter fair.

25 Q. Okay, so the evening in June, we're talking about late,
because won't you agree that the sun sets very late in

1 June around here?

2 A. Yes, it does.

3 Q. So you would have heard that after your 8:00 o'clock or
4 7:50 P.M. phone call with Rob, wouldn't you?

5 A. It doesn't state that.

6 Q. Wouldn't you agree that if you're talking about that
7 evening I was told that Nick was there?

8 A. The evening I was told he was there.

9 Q. That's when you were attempting to get the money back from
10 Jeff, right? From the fair that night?

11 A. Yes.

12 Q. That's when you went back?

13 A. Yes.

14 Q. And that's when you say you heard from John that Nick was
15 at the fair.

16 A. Yes.

17 MR. WETLE: Your Honor, he's been over it numerous
18 times.

19 THE COURT: I think so, Mr. Simeone.

20 MR. SIMEONE: Sorry, your Honor. Still trying to get
21 a straight answer from him.

22 A. I mean the evening is the evening. I heard he was at the
23 fair in the evening. It was the evening when he picked me
24 up, it was evening when I spoke with him, it was evening
25 when I went out to the barter fair.

1 Q. Okay, but isn't it right you went-- you're at the fair
2 after you made the phone call?

3 A. Yes.

4 Q. And that's when you heard it from Chewy, isn't that right?

5 A. I believe I heard it before I went to the fair.

6 Q. Well when, though? I mean you don't say anything about
7 that in your statement.

8 MR. WETLE: Your Honor, I'm going to object again.
9 We've asked this probably four or five times.

10 THE COURT: Overruled.

11 Q. When--

12 THE COURT: He may answer.

13 Q. When earlier did you hear it?

14 MR. SIMEONE: Thank you, your Honor.

15 Q. When earlier did you hear it?

16 A. When he picked me up. I'm sure he told me that Nick is at
17 the fair. Why wouldn't he tell me that? Nick's a nark.
18 He was concerned about it.

19 Q. Okay, but it's not what you're saying in your statement
20 there, is it?

21 A. I don't believe I stated it anywhere.

22 Q. And that's-- That's one of-- That's your last statement,
23 isn't it?

24 A. Yes.

25 Q. At the time you came around, or the time Sunday came

1 around, Jeff hadn't paid you all the money, isn't that
2 right?

3 A. Correct.

4 Q. What time did you get back the money from him on Saturday
5 night?

6 A. Saturday night? It was after the phone call, so I would
7 say if I took the phone call around 8:00, it would have
8 been about 9:00 o'clock that we got out there, so some
9 time after that we walked over to-- Chewy got Jeff out of
10 Nick's Bronco, and I talked to him. So I'd say around
11 9:30.

12 Q. Didn't you know Nick?

13 A. Yes.

14 Q. Well, why couldn't you go and get him out of the Bronco?

15 A. I didn't want to be seen.

16 Q. By Nick?

17 A. I don't want to be seen by anybody.

18 Q. By Nick in particular, though? I mean you're at the fair,
19 aren't you?

20 A. Yeah.

21 Q. So you're being seen by a lot of people?

22 A. Yeah. It was dark out. I wasn't there for very long.

23 Q. Well, it would also be dark if you went over to Nick's
24 vehicle, right?

25 A. True.

1 Q. You didn't want to have Nick see you?
2 A. There was other people in it that I didn't know.
3 Q. Isn't it correct you didn't want to have him see you?
4 A. I didn't want anyone to see me in the vehicle.
5 Q. So again, going back to the time you were at the fair, if
6 you said 7:00 or 8:00 at night, that would be incorrect,
7 right?
8 A. Yes.
9 Q. Now, Jeff actually gave you some money at that time,
10 right?
11 A. Yes, he did.
12 Q. Gave you \$800?
13 A. Yeah. A little over, I believe.
14 Q. And he gave you some pot back at that time too?
15 A. A little bit.
16 Q. And throughout the fair, as you said, you were worried
17 that maybe Jeff was selling in the presence of others?
18 A. Oh, I knew he was.
19 Q. Afraid he was selling in the presence of Nick, too,
20 weren't you?
21 A. I figured he was.
22 Q. Because he and Nick were tight, weren't they?
23 A. True. As long as I wasn't selling it to him, I didn't
24 really care.
25 Q. You were a little unhappy with him that he didn't pay you

1 all the money he owed you, weren't you?

2 A. I was mostly unhappy about the confusion on counting the
3 money and how much he thought he had. It was just
4 irritating.

5 Q. Now, speeding up and fast-forwarding a little while, I
6 want to talk about the Porsche that you bought in Port-
7 land.

8 A. Uh-huh.

9 Q. You paid forty-one hundred and change for that car, didn't
10 you?

11 A. True.

12 Q. You also got an apartment, didn't you?

13 A. Yes.

14 Q. That would require like first, last and quite a bit of
15 money for the down payment, wouldn't it?

16 A. Yeah, it was about \$2,000.

17 Q. So all in all, you laid out over \$6,000 between the
18 apartment and the Porsche?

19 A. Yes.

20 Q. Who helped you get the apartment?

21 A. Noel. He just showed me where it was.

22 Q. Now who is Noel?

23 A. Noel's a Family member. Friend of Rob's, Shadow's,
24 Chewy's.

25 Q. Are you aware that he was the brother of the person upon

1 whom Nick was informing?

2 A. I had no idea. I knew he was the brother of Noel, but I

3 had no idea that he had-- was dealing with Nick at all.

4 Q. But you did know that he was a brother of Noel?

5 A. Yes.

6 Q. And you agree when you got back to Portland there that Rob

7 sold the pot that you brought over?

8 A. Uh-huh.

9 Q. And that was one of the four trips that you said you'd

10 made in order to deliver pot to him?

11 A. Yes. The last one.

12 Q. So now you know Nick, you know Rob. Did you know Shadow

13 too?

14 A. Yes.

15 Q. How did you meet him?

16 A. Met him, I believe, my first trip to Portland, or-- I

17 don't remember. Or when they came up the first time. I

18 can't recall.

19 Q. Okay, and your familiarity with him about the same as that

20 of Rob, or how was that connection?

21 A. Pretty much. I dealt with Rob more directly.

22 Q. Okay. You also knew Jeff? Pretty tight friend with him

23 as a result of living close to him?

24 A. Yes.

25 Q. And you're still contending that you're not a member of

1 the Family, is that right?

2 A. No. Actually, they would, at times, make fun of what I
3 wore as far as Nike material goes. They didn't believe in
4 that. And I wasn't into eating vegetarian food, and the
5 whole music scene and everything like that.

6 Q. Do you agree that the transactions between people in the
7 Family were generally kept secret and one-on-one?

8 A. No.

9 Q. Don't agree with that?

10 A. No.

11 Q. That's knowledge that's pretty much disseminated to
12 others?

13 A. Yeah. In Rob's presence, yes.

14 Q. Okay, so their dealings with one another weren't secre-
15 tive, were they?

16 A. Not at Rob's apartment, no.

17 Q. Okay. Rob is friendly or is familiar with Ken, your step-
18 dad, right?

19 A. Yeah, he knows him. He's met him.

20 Q. Knows him well enough to call him on the phone, doesn't
21 he?

22 A. I'm not sure if they've spoke on the phone or not.

23 Q. Not aware of that ever happening?

24 A. I wasn't present when they had a conversation, no.

25 Q. Okay. Finally, moving on, about the weekend in Portland

1 then, did you say that you stayed at Rob's apartment all
2 weekend after the fair? All weekend when you got there?
3 Or I guess that would be Monday, Tuesday and Wednesday.
4 A. During the week?
5 Q. Right.
6 A. Some of the time.
7 Q. Is that where you slept every night?
8 A. Not every night.
9 Q. How many nights did you stay there?
10 A. Stayed there two to three nights. Went to Shadow's,
11 stayed there for an evening, and then came back to Rob's.
12 Q. Going back to the fair, you testified that you were a
13 little worried about Nick being at the fair that night. Is
14 that correct?
15 A. Who's testifying to what?
16 Q. You were testifying that you were a little worried about
17 Nick being at the fair.
18 A. Yeah, I was worried that there was an undercover person
19 there.
20 Q. Because you know that he was arrested for a large quantity
21 of LSD?
22 A. Yes.
23 Q. And you told the police that in your first statement,
24 didn't you?
25 A. Uh-huh.

1 Q. In fact, he was a major supplier, wasn't he?
2 A. Yeah. I learned later he was.
3 Q. You went to-- Going to the Sunday part of the barter fair
4 now. You went there with Janell that Sunday, is that
5 right?
6 A. Correct.
7 Q. And from your cabin to get to the fair, that takes
8 approximately 50 minutes?
9 A. Fifty minutes to an hour.
10 Q. The concerns you had on the way there were that Nick could
11 be there and be an informant? Is that right?
12 A. That was in my head, yeah. I pretty much figured he was.
13 Q. You say that John drove you home that Sunday, is that
14 right?
15 A. Yes.
16 Q. And your testimony is that you had a conversation with him
17 on the ride to the house on Sunday afternoon. Is that
18 correct?
19 A. Correct.
20 Q. Where was Jeff when you left?
21 A. I have no idea.
22 Q. Did you see him earlier that day?
23 A. Yeah, I saw him in the morning. Chewy and Jeff.
24 Q. I want to address your attention to your last statement
25 again, Mr. Williams. Page 2542, Bate's page. Do you have

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1 that page before you?

2 A. Yes.

3 Q. I'll address your attention to the middle of the page.
4 Deputy Erdman asked you:

5 Okay, so you guys were riding back.

6 Apparently he's talking about you and John. That's what
7 you were saying there, is the ride back to the cabin. Is
8 that correct? You say:

9 Ah, we go to the cabin now. Chewy's, or
10 Jeff's cabin.

11 Is that right?

12 A. Yeah.

13 Q. Loren says Jeff's cabin and,
14 Where is Jeff at?

15 What was your answer to that?

16 A. Jeff's at the barter fair.

17 Q. How does that square up with your testimony here?

18 A. Well, considering they came over Sunday morning and
19 explained-- Jeff explained to me that Nick had mentioned
20 buying some mushrooms that evening, and they were going to
21 go back out to the barter fair and see if he was still
22 there. So Chewy walks out the gate, I talk to Chewy and
23 take off. I don't see any Jeff. I figure he's inside the
24 barter fair.

25 Q. That's not your statement there. Isn't that Jeff's at the

1 barter fair.

2 A. Yeah.

3 Q. Didn't you go on after that to say, and to your knowl-
4 edge-- when Deputy Erdman asked you:

5 And to your knowledge, what's Jeff doing?
6 What did you say at that time?

7 A. He's getting Nick to come out to the cabin.

8 Q. So you not only guessed that he was there, you were
9 certain that what he's doing there is getting Nick to come
10 out to the cabin, is that right?

11 A. Because that's what they said before they went out to the
12 barter fair Sunday morning.

13 Q. So you're placing him at the barter fair in your statement
14 to-- And this is your last statement, isn't it?

15 A. Correct.

16 Q. This is the one after you had your conversion experience
17 and you thought things over and you're now ready to tell
18 everything, right?

19 A. Correct.

20 Q. Now, you discussed with-- with John some things on that
21 trip over, isn't that what you said in your statement?

22 A. Trip over to where?

23 Q. Well, you say John's taking you back to the cabin.

24 A. That's exactly what happened.

25 Q. You said that John was going to scare Nick. Is that what

1 I understand?

2 A. Yes.

3 Q. That changed somewhat too in your second statement, didn't
4 it?

5 A. I'm not sure.

6 Q. Well, I want to clarify a few things.

7 A. One thing that I would like you to understand is that this
8 happened six months after the fact that I was talked to.
9 A lot of things came back during different statements.

10 Q. I know. You're also giving police officers testimony and
11 you're verifying or, you know, representing that they are
12 true when you're giving them, aren't you?

13 A. They're the best of my knowledge.

14 Q. Okay, right. So you thought these things out before you
15 gave the statements?

16 A. I really didn't have much time. I got questioned-- got
17 pulled in for questioning. There wasn't much time to sit
18 there and make a, you know, draft of what was going on or
19 have time to really think it over--

20 Q. But isn't it correct--

21 A. --what I was going to say.

22 Q. I'm sorry. Did you have anything else to say on that
23 point?

24 A. No.

25 Q. Isn't it correct that before every statement you had warm-

1 up sessions with the sheriff?
2 A. They went over what I was going to say?
3 Q. Right.
4 A. And ask me questions?
5 Q. Right.
6 A. And they never recorded it immediately after.
7 Q. Right.
8 A. And I--
9 Q. But you had the warm-up sessions, right?
10 A. I just explained to them what happened and explained it
11 again.
12 Q. Okay, so you at least had that much time to think about
13 what it was that you were going to say?
14 A. Yeah.
15 Q. And besides that, before you went to the sessions, you
16 knew that when you were going over to talk to police
17 officers that they'd be asking you questions, didn't you?
18 A. True. Very nerve-racking.
19 Q. So you had those opportunities to talk to the sheriffs, or
20 think about what you were going to say to the sheriffs.
21 Right?
22 A. I wasn't really thinking about it at the time what I was
23 going to say to the sheriffs. I had a fiancée' that was
24 pretty upset at the whole thing. I had a lot of thoughts.
25 Wasn't just talking to them.

1 Q. But certainly this is preeminent on your mind because
2 you're involved in a murder here, aren't you?

3 A. Exactly.

4 Q. So you had from October 13th until December 29th, when you
5 gave your last _____, to think about what the answers were
6 when you gave this answer, didn't you?

7 A. At the time that I wasn't answering questions to the
8 detectives, the last thing I wanted to do was think about
9 it, to be real honest with you.

10 Q. Actually, a lot of things changed in your statements from
11 time to time, didn't they?

12 A. Yes.

13 Q. Is it in your first statement you said that John was going
14 to see--

15 John said that he was going to scare Nick.

16 Do you recall ever saying anything about any threats that
17 John was going to make in your second statement?

18 A. What was that again?

19 Q. I'll address your attention to page 785.

20 A. Which statement?

21 Q. That would be your second statement. Are you looking at
22 that page, Mr. Williams?

23 A. Yes, I am.

24 Q. Okay, Deputy Baskin says:

25 Did you talk about anything or say anything

1 on your way back?

2 Now, I presume that what you're talking about is the ride
3 back that you allegedly got from the fair by John to your
4 house, because at that time you're saying you went to the
5 Hamlet Creek cabin, right?

6 A. Yes.

7 Q. That didn't change until the seventh statement when you
8 finally said-- admitted that you went to the Crown Creek
9 cabin, right?

10 A. Yes.

11 Q. Now, on the second statement you're saying-- Deputy
12 Baskin asked:

13 Did you talk about or say anything on your
14 way back?

15 And what did you say to that?

16 A. Not that I can recall.

17 Q. And then Deputy Baskin cued you on the next statement,
18 didn't he?

19 Okay, did he make the statement to you, why
20 don't you come back-- or come over later
21 on?

22 And it wasn't until then that you remember:

23 Oh, yeah. Why don't you come over later on?

24 Is that right?

25 A. Yes. I believe this was the second statement with DEA and
 Stevens County Sheriffs, and it was-- it was pretty

1 stressful. Didn't remember a whole lot, kinda on the
2 spot.

3 Q. Right, but you remembered it on your first statement.

4 A. Yes.

5 Q. And, in fact, all you said in this statement is that he
6 said:

7 Come on over later on.

8 Right?

9 A. Yes.

10 Q. Address your attention to that page again.

11 A. Uh-huh.

12 Q. And all your first four statements clearly indicate that
13 you went directly to your Hamlet Creek cabin instead of
14 the Crown Creek cabin.

15 A. Yes.

16 Q. And finally, in your last statement to the police in
17 December, 2000, I'll address your attention to page 2541
18 of your seventh-- Dane 7.

19 A. What was the number of the page?

20 Q. That would be 2541, sir. Do you have that before you?

21 A. Yes, I do.

22 Q. Middle of the page. Loren Erdman asked you:

23 Q. Jeff's cabin? Where is Jeff at?

24 A. Jeff's at the fair.

25 Q. And to your knowledge, what's he

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doing?

A. He's getting Nick to come out to his cabin.

Q. For what purpose?

Was your answer, To sell him mushrooms?

A. Yes.

Q. And you said at that time something else right after that, didn't you?

Basically to my knowledge, we weren't out there to have them threatened or to have the shit beat out of them.

Is that right?

A. That's what I thought.

Q. Basically to your knowledge. Wasn't that your present tense knowledge?

A. Yes. My wording might-- it was-- might have been a little messed up, but that's what I stated.

Q. You know of any other statements to the sheriffs or to the DEA that haven't been recorded?

A. No.

Q. Now, on your first statement, you mentioned that you played Play Station with your brother for two to three hours after you got to the-- after you arove (sic)-- arrive-- arrived home at your Hamlet Creek cabin. Is that right? And I'll address your attention, if it helps you refresh your memory, Mr. Williams--

1 A. No, I--
2 Q. --to page 899.
3 A. I remember.
4 Q. Is that what you said at that time?
5 A. Yes.
6 Q. And you said that you had played for two or three hours,
7 isn't that right?
8 A. Yes.
9 Q. And you actually got home from the fair, according to your
10 testimony-- or to the cabin, I should say, after leaving
11 the fair at about 12:30 or 1:00.
12 A. Yes.
13 Q. So I can get the chronology right, you're saying 12:30 or
14 1:00 you're leaving the fair.
15 A. Uh-huh.
16 Q. About an hour drive to your cabin, right?
17 A. Yes.
18 Q. That's the Hamlet Creek cabin?
19 A. Yes.
20 Q. Owned by Mr. Tonka?
21 A. Tonkas, yes.
22 Q. You get home after leaving the fair, 12:30 or 1:00, about
23 an hour's drive to your cabin, the Tonka cabin. That
24 means that you get to the Tonka cabin at about 2:00.
25 Isn't that right? Your cabin?

1 A. Yeah.

2 Q. Okay, and then you played Play Station with your brother
3 for about three hours. Isn't that what you said?

4 A. That's what I said.

5 Q. Now let's go on to when you arrived at the Crown Creek
6 cabin, as I understand that you went to the Crown Creek
7 cabin after that, right? That's what you said?

8 A. Yeah, that's what I said.

9 Q. You walked over there, isn't that right?

10 A. Yeah.

11 Q. And you say that-- Referring you again to your statement,
12 that Mr. Cunningham then gave you a signal to walk to the
13 creek. Is that right?

14 A. Yes.

15 Q. He was walking down the steps with the pan at that time?

16 A. Yes.

17 Q. He got to the bottom of the steps and he gives you some
18 kind of a signal. Show the jury what he did.

19 A. Nodded his head.

20 Q. Let me see? He gave you that kind of a signal to go to
21 the creek?

22 A. Yes.

23 Q. And you said at that time that Jeff told you:
24 We're going to scare the crap out of 'em.
25 Is that right?

1 A. Yes, at that time.

2 Q. And you think that that happened within about ten minutes

3 of the time of your arrival at the Crown Creek cabin?

4 A. That's what I stated.

5 Q. So if we're using your chronology, leave the fair 12:30 or

6 1:00, hour to the Crown Creek-- to the Hamlet Creek

7 cabin, two or three hours with your brother, that's about

8 5:00. You're getting over, then, to the-- It takes some

9 time to walk from the Crown Creek cabin over to-- or the

10 Hamlet Creek cabin over to the Crown Creek, about 25

11 minutes, at least, if you're running? Isn't that right?

12 A. If you're walking, 25 to 30 minutes.

13 Q. This is about a mile, isn't it, or more?

14 A. I'm not sure on the distance exactly.

15 Q. So your chronology in that statement, does that put you

16 there about 5:30?

17 A. Yeah, the first-- This is the first statement?

18 Q. Right.

19 A. Yes.

20 Q. And then about ten minutes--

21 A. It was the statement I left omissions.

22 Q. And about from that time, ten minutes or so had passed

23 until you went down and saw Jeff, nodding you, making that

24 head motion to go down to the creek. Right?

25 A. Yeah.

1 Q. And isn't it right that you said that Jeff was carrying a
2 pan down the stairs?
3 A. Correct.
4 Q. Now, Jeff didn't walk to the creek alone, correct?
5 A. No.
6 Q. Walked with you?
7 A. Yes.
8 Q. So if Mr. Cunningham says that he walked down to the creek
9 alone after getting the pan from the fire pit, and then
10 walked down to the creek alone, that would be wrong?
11 A. Yes, it would.
12 Q. Your first statement was 36 pages long?
13 A. It says 46 here.
14 Q. Forty-six. And it took over an hour to actually give,
15 didn't it?
16 A. I'm sure. Probably more than that.
17 Q. And Deputy Caruso asked you at that time:
18 Was there anything else you had to add to
19 the statement?
20 Isn't that right? Look on page 938, sir.
21 A. Yes.
22 Q. You didn't have anything else to add?
23 A. Yeah, I did have something else to add, obviously.
24 Q. What was that? I mean in that statement. Did you have
25 anything else to add in that statement?

1 A. Yeah, it's right below it.

2 Q. You added basically your fears that you had about the fact
3 that you're giving information. You didn't add anything
4 of substance, though, to the facts of the incident, right?

5 A. No.

6 Q. That's what I was getting at. So why don't we review.
7 Your first statement, you said that Mr. Grange dropped you
8 off out at your Hamlet Creek cabin directly from the
9 barter fair. Is that right?

10 A. Yes.

11 Q. And you went back to the-- You got to that cabin some-
12 where after that, which would be probably an hour after
13 you left, so it'd be about 2:00 o'clock, right?

14 A. Yeah.

15 Q. And on the ride home John said that he's going to scare
16 you?

17 MR. WETLE: Objection, your Honor. He's already asked
18 him about this. He's gone through it, and now he's
19 reviewing through it. I'm saying that it's cumulative and
20 object on that basis.

21 THE COURT: Overruled.

22 Q. John said he was going to scare them? Right, on the drive
23 back?

24 A. Correct.

25 Q. And Jeff said to you, after he nodded you down to walk to

1 the creek, that-- he's-- We're going to scare the crap
2 out of 'em.

3 A. That's what he stated. That's what I stated.

4 Q. Okay, there's three hours of Play Station with your
5 brother in that statement, isn't there?

6 A. True.

7 MR. WETLE: Same objection, your Honor. Same question,
8 same issue.

9 MR. SIMEONE: I only have--

10 THE COURT: That has been asked and answered, Mr.
11 Simeone.

12 Q. And is it correct you said that you went down to the creek
13 and that the shots rang out in a very short time period?

14 A. Very short time period?

15 Q. Right. Did you say that?

16 A. Yeah, it-- It didn't take long for all the bullets to be
17 emptied, no.

18 Q. I'll refer your attention to page 904.

19 A. Which statement?

20 Q. That would be your first.

21 And then the shots rang out. It was a very--
22 You said it was, and Deputy Baskin said:

23 Short time period?

24 And you ratified that. You said:

25 Yeah.

1 Right? I'm looking at the bottom, Mr. Williams, to help
2 you with that. The last six or so--

3 A. Yeah, that's what it says.

4 Q. And you also said in that statement that-- Well, after
5 Deputy Baskin said to you:

6 You immediately went down to the creek with
7 Jeff?

8 You said:

9 Uh-huh. As soon as I got there.

10 Right?

11 A. Yes.

12 Q. And the shots rang out in a very short time
13 period.

14 And what did you mean there?

15 A. Basically it didn't take long for the shots to be fired.
16 I was pretty much a nervous wreck when I gave this first
17 statement. I can't remember what I was thinking at the
18 time.

19 Q. I'm sure you were.

20 A. Or what I was feeling.

21 Q. I'm sure you were, sir. But you also told the Deputy that
22 you were telling him the truth, didn't you?

23 A. Yes.

24 Q. Now, at that time there was no mention of trying to be
25 involved-- or your involvement in a burial attempt, was
there?

1 A. No.

2 Q. And there wasn't even any mention of trying to start the
3 Bronco on fire, was there?

4 A. No, I never did.

5 Q. And you said that you took off running to your folks'
6 house after the incident occurred, isn't that right?

7 A. Yes.

8 Q. And there wasn't even any mention that you went to the
9 burn site with Jeff Cunningham, right?

10 A. No, there wasn't.

11 Q. In Portland, in your first statement, you said that you
12 slept at Rob's and John left immediately. Isn't that
13 correct?

14 A. Yes.

15 Q. Okay, to back up a little bit, when you're coming back
16 from the-- I guess that's a different statement. I'm
17 sorry. Now, there were about-- A couple of other things
18 that were of some importance that you added on the second
19 statement, isn't that right?

20 A. Yeah.

21 Q. At that time you maintained, in your second statement,
22 that there are-- About two or three hours had passed
23 after you dropped-- after you were dropped off at the
24 Hamlet cabin, before you went to Crown Creek. Isn't that
25 right?

1 A. Yeah.

2 Q. If you want, I can address your attention to page 785, for
3 the record, if we need that, sir. You confirm that
4 though, don't you?

5 A. What was the question again?

6 Q. You confirmed that it was your-- You maintained the
7 position that you were-- it was two or three hours after
8 you were dropped off at the Hamlet Creek cabin before you
9 went to the Crown Creek cabin?

10 MR. WETLE: Objection, your Honor. That question has
11 been asked two or three times.

12 THE COURT: Sustained.

13 MR. SIMEONE: Well, I didn't know that I was on the
14 second statement, your Honor. I'm sorry. I was talking
15 to him about that in the context of his first statement.
16 I wanted him to ratify that this is something that had
17 bled through to the second one.

18 THE COURT: All right, go ahead.

19 Q. Is that correct? You maintained that position that it was
20 another two or-- it was still two or three hours after
21 you were dropped off at the Hamlet Creek cabin--

22 A. Yes.

23 Q. --before you went to Crown Creek?

24 A. Yes.

25 Q. And you contended, and you still contended, that you heard

1 the gunshots in a very short time period after getting to
2 the cabin and after your trip down to the creek?

3 MR. WETLE: Objection, asked and answered.

4 MR. SIMEONE: Again, it's the second statement, your
5 Honor.

6 THE COURT: Overruled.

7 Q. Is that right, Mr. Williams?

8 A. Restate the question, please.

9 Q. And you maintained that you heard the gunshots in a very
10 short time period, almost immediately, on the trip down to
11 the creek.

12 A. Yes. It's pretty vague.

13 Q. And you still maintained your position that you had no
14 participation in the attempt to burn or bury the bodies in
15 that statement, isn't that right?

16 A. Yes. Actually I believe in the second statement I did
17 implicate myself as far as burning the bodies. Having
18 something to do with it.

19 Q. You did?

20 A. Second statement, I believe so.

21 Q. Didn't that come in your next statement that was given on
22 October 18th?

23 A. Second statement is October 18th.

24 Q. This was the third statement. The second statement that
25 you gave on October 18th, because you gave two that day,

Dane Matthew Williams - Cross (by Mr. Simeone)

1639.

1 didn't you?

2 A. Correct.

3 Q. Okay, so this would be the third statement that you gave,
4 the second one of October 18th.

5 A. Yeah. Same day.

6 Q. So you're maintaining the position that you didn't have
7 anything to do with that in the second statement, but
8 later on that day you said you-- you admit to driving in
9 the Blazer to go bury the bodies with Jeff.

10 A. Yes.

11 Q. I'll refer your attention to page 805.

12 A. Yeah, it's stated here.

13 Q. Okay, because there Deputy Baskin-- Deputy Hart, I guess
14 that would be, said:

15 Okay, we've spent several hours here talking
16 with you, and you told us that there were
some omissions that you made from your
statement.

17 And you said yes, and then you went on to talk about the
18 burial attempt. Right?

19 A. Correct.

20 Q. But you denied at that time it was your idea to burn the
21 bodies, didn't you?

22 A. Yes.

23 Q. Because on page 807 that subject matter came up, didn't
24 it? At the bottom of that paragraph, if I can help you

25

1 find that, Mr. Williams, you responded to Agent Hart's
2 questioning by saying:

3 After I explained to him that Jeff grabbed
4 the hose and tried to cause an explosion,
5 tried to chop it in half, tried to suck out
6 the end of the hose, from there the decision
7 was made to burn the bodies.

8 And your comment at that time was what? Second line from
9 the bottom.

10 A. I don't think I made the decision-- decision
11 to burn the bodies. I couldn't remember.

12 Q. Okay, you said:

13 I don't even recall the exact conversation.
14 Isn't that what you said following that?

15 A. True. At the time I didn't. I was being--

16 Q. You admitted--

17 A. I was being pressed pretty hard by the DEA agents that
18 day.

19 Q. And I understand the pressure, too, but you're also
20 telling the truth, aren't you? Trying to?

21 A. Trying to.

22 Q. And at that time you also admitted that you're trying to
23 dig the graves with a pickaxe, isn't that right?

24 A. Yes.

25 Q. And you commented in a very lengthy remark, I should-- I
might add. It continues on there from page 807 and goes
on to almost-- well, I would say at least three-quarters

Dane Matthew Williams - Cross (by Mr. Simeone)

1641.

1 of the next page. You commented at some point-- You're
2 talking-- You can't be talk-- I want to know who you're
3 talking to or talking about.

4 You guys weren't supposed to fake us out
5 like that.

6 Who are you talking about there?

7 A. I have no idea where you're at.

8 Q. Look down about half way on the page, and then go up about
9 five lines.

10 It doesn't involve me. You guys-- You guys
11 weren't supposed to fake us out like that.

12 Is that what you said at that time?

13 MR. SIMEONE: May I approach the witness, your Honor?
14 Or have you found it, Mr. Williams?

15 THE COURT: All right, unless-- Have you found it?

16 MR. WILLIAMS: No.

17 THE COURT: Okay, go ahead.

18 Q. _____ color-coded these. Who were you referring to as
19 you guys?

20 A. I have no idea. I don't recall at all.

21 Q. Thank you.

22 A. I don't even recall saying that. I also found a few
23 sentences in these statements before that seem to be
24 incorrectly stated. I may have said the statement, but as
25 far as how it got put down, it seemed to be incorrect from
what I've been talking about. I'm not saying that is, but

1 a few of the statements in the various statements I've
2 given seem to be incorrectly printed.

3 Q. Now, another thing I want to bring up with you is how you
4 got back from the-- You finally did admit that you went
5 to the burn site in your third statement, isn't that
6 correct?

7 A. Yes.

8 Q. You said that you-- Yeah, this is the first time you're
9 on your way back from the burn site now, if you'll address
10 your attention to page 806. You said:

11 It's quite a ways, an hour or more, at
12 least. We didn't rapidly go through the
13 woods, running at some points, just keep
14 falling, thick brush in there.

15 Is that how you got back to the cabin after being at the
16 burn site? Running through the woods, falling?

17 A. Yes.

18 Q. Finally, in your fifth statement, you said:

19 I'm not retracting any statements. Every-
20 thing I'm saying right now, I admitted a few
21 things. Everything is correct to the point
22 where you can go ahead and look at it,
23 investigate it, it holds water. There's no
24 reason to hold anything back at this time.

25 Is that right? On page 960?

A. Yes.

Q. In your sixth statement that you gave to-- I guess it
would be with Deputies Baskin, Caruso and Erdman, did that
take place in Stevens County?

Dane Matthew Williams - Cross (by Mr. Simeone)

1643.

1 A. Which statement was that?

2 Q. That would be Number 6, Mr. Williams, on November 8th.

3 A. Yes.

4 Q. You maintained your early position-- earlier position,
5 excuse me, in that statement that you were taken directly
6 to the Hamlet Creek cabin, is that right?

7 A. I believe so.

8 Q. And you maintained there that Jeff told you that Chewy's
9 in the basement and this is going to happen now. Look on
10 page 1752, if it speeds things up for you. In fact, let's
11 go through that dialogue there, starting with the one,
12 two, three, four, five-- the fifth line. That would be
13 Deputy Caruso asking you a question. Do you see that,
14 where it begins:

15 Did you follow Jeff Cunningham down to the
16 creek?

17 Do you see that?

18 A. Yes.

19 Q. Or did you go down together?

20 And your answer to that was what?

21 A. We went down together.

22 Q. Next Deputy Caruso says:

23 Did you ever say to Jeff: Chewy's hiding in
24 the basement and it's going to happen now?

25 What did you say?

A. No, that was not told to me.

Dane Matthew Williams - Cross (by Mr. Simeone)

1644.

1 Q. Would you repeat your answer, please?

2 A. No, that was not told to me.

3 It doesn't make any sense.

4 Q. Could you read that better, please?

5 A. No, that was not told to me.

6 MR. WETLE: Could I approach the witness, your Honor?

7 THE COURT: All right.

8 A. No, that's what was told to me.

9 Q. Again, please.

10 A. No, that's what was told to me.

11 Q. So you're saying there that that's what Jeff told you, is
12 that right?

13 A. Yes.

14 Q. He told you,

15 Chewy's hiding in the basement and it's
16 going to happen now. That's what was told
to me.

17 That's what you're saying, right?

18 A. That's what it says.

19 Q. Who told you that is the next question, and what did you
20 say?

21 A. Jeff.

22 Q. The next question is:

23 Okay, and when did he tell you that?

24 And what did you say?

25 A. He told me that when we were walking on the

1 way down towards the creek.

2 Q. In your seventh statement there are a lot of revelations,
3 aren't there?

4 A. Yeah. It's-- A lot of things I remembered in some of
5 these statements, some things I didn't remember, some
6 things I took out of context like Jeff said 'em when I
7 said 'em.

8 Q. And that statement--

9 A. After you--

10 Q. I'm sorry. Did you have something you wanted to add
11 there?

12 A. Just after you talk to the detectives so many times, you
13 start getting rummy to the point where you don't even
14 remember what you said or what you didn't said (sic) or
15 what really even happened anymore.

16 Q. But if you're telling the truth, it should be told one way
17 and one way only, shouldn't it?

18 A. True.

19 Q. At that time you're with Deputy Baskin, Erdman and Caruso
20 again, and this is December 29th again, two months plus
21 from the first statement. Almost two and a half months.
22 And at that time you said that you left to go to the fair
23 about 12:00 to 1:00, as opposed to returning to the Hamlet
24 Creek cabin at 1:00 o'clock, like you said in Dane 1,
25 didn't you?

Dane Matthew Williams - Cross (by Mr. Simeone)

1646.

1 A. Yes. Also, before this statement was given, I had a
2 chance, which was suggested by my father, to write down
3 what happened. Sit down in my own place of residence, sit
4 down on the computer and write out what happened. And
5 just sit by myself and think about it so it all comes
6 back. This is before I gave that statement.

7 Q. Okay, but in your first statement you said that you
8 returned to the Hamlet Creek cabin at about 1:00, right?
9 Isn't that what we--

10 A. In which-- Which statement?

11 Q. In your very first statement.

12 A. Yes.

13 Q. Is that what you said? That would be on page 898 if you
14 need to have your memory refreshed.

15 A. Yes.

16 Q. Now you're saying that you actually went to the fair at
17 about 12:00 to 1:00, right?

18 A. Yes.

19 Q. So if you got to the fair at 1:00, what you're saying is
20 that you immediately ran into John.

21 A. Uh-huh.

22 Q. Very shortly thereafter, upon your arrival with Ms.
23 Clarke. And you went right back. That's another 50
24 minutes, right, or an hour?

25 A. Yes.

1 Q. So now if that chronology is correct, then if you got to
2 the fair at 1:00, then you're returning to the Hamlet
3 Creek cabin at 2:00, right? Or Crown Creek cabin at 2:00?

4 A. Yes.

5 Q. Now you put a couple other things in there that John was
6 supposedly saying to you on the drive to the cabin. That
7 he's going to threaten Nick. Is that right?

8 A. Yes.

9 Q. And that's in distinct contrast to what you said, which
10 was nothing, about what was said in the second statement.
11 Isn't that right?

12 A. Correct.

13 Q. And the big revelation occurs here, isn't it, that you
14 went directly to the Crown Creek cabin from the fair, and
15 that you parked John's Blazer with him. Isn't that right?

16 A. Yes.

17 Q. And this is the first time that you asked or you state
18 that John asked you to get a second gun, isn't it?

19 A. Yes.

20 Q. Well, didn't you feel that was important information that
21 the police officers would want to know before you went
22 through six different statements with them?

23 A. Like I said, a lot of pressure. It was all confusing to
24 me. Things came back a little at a time.

25 Q. And did you also say at this time that Mr. Grange said he

1 was going under the cabin?

2 A. Yes.

3 Q. That was never brought out before though, was it?

4 A. No. Well, it couldn't have been, because I had stated in
5 my past statements that I went directly to the Hamlet Road
6 cabin.

7 Q. That's right, 'cause then you wouldn't know.

8 A. Exactly.

9 Q. And now you're saying that from the Crown Creek cabin you
10 ran to your cabin at Hamlet Creek, and then ran from Crown
11 Creek again. Is that right?

12 A. Yes.

13 Q. And you did that in 25 minutes?

14 A. Thereabouts. I don't know if that's an exact time frame.
15 I'm not sure.

16 Q. Well, I'll refer you to page 2544 of your statement. That
17 would be the last statement.

18 A. Yes, that's-- That's what it says, but I wasn't timing
19 it, so I don't know exactly. I'm just assuming.

20 Q. Do you have a feel for how fast you run, I assume?

21 A. True, but not when I'm--

22 Q. Do you have a feel for the distance between the one and
23 the other?

24 A. Yeah, when I'm just running with-- You know, not thinking
25 about current events and what's going to happen.

1 Q. You have a pretty good idea of what your running ability
2 is?
3 A. Yes, then.
4 Q. So your average or your estimate there is probably pretty
5 good, isn't it?
6 A. Pretty close.
7 Q. And now there's another difference here in this statement,
8 and there's no mention of playing Play Station with your
9 brother in that last statement, is there?
10 A. No.
11 Q. But you still have-- You still contend that your brother
12 was there though, right?
13 A. Sunday?
14 Q. Right.
15 A. Yes.
16 Q. You're not going to retreat from that position?
17 A. No. I think he's confused as to--
18 Q. And your mother too?
19 A. --what day he thought he was there.
20 Q. Your mom too?
21 A. Yes.
22 Q. But you still maintain, after all is said and done, that
23 you got to the Crown Creek cabin about 4:30, just before
24 the shootings occur, isn't that right?
25 A. Yes.

1 Q. And I'll refer your attention to page 2546, if you need--
2 You said yes, though? And there's also a shift in
3 positions that you take in this last statement, isn't
4 there, regarding the conversation between you and Jeff at
5 the creek?

6 A. Correct.

7 Q. Because before that time you had it that Jeff was telling
8 you that something's going to happen, he's going to scare
9 him, things like that. It was all coming from Jeff's
10 mouth, wasn't it?

11 A. Uh-huh.

12 Q. But what did you say to Deputy Baskin that day when he
13 asked you what was said between the two of you? I'll
14 address your attention to page 2550. That would be Deputy
15 Erdman's question.

16 A. Yes.

17 Q. Six lines down.

18 Okay, so Jeff's carrying the pot.

19 That's a pot of water, right?

20 A. There was no water in it at the time, no.

21 Q. Okay, but it's pot, not pot, right?

22 A. That's a pan.

23 Q. You guys talked briefly.

24 I'm gone from there. Well, we talked brief-
25 ly.

1 This is your answer now, right?

2 A. Uh-huh.

3 Q. We talked briefly. We started down towards the
4 water, the creek, that is, to get water. A
5 conversation took place. He basically asked me
6 what's going on. I asked him, What's going on?
You know, I told him Chewy was under, you know,
the building, and that, you know, something's
going to happen.

7 Isn't that right?

8 A. Yes.

9 Q. Now, you never before this-- you never revealed any of
10 that before, did you?

11 A. No, I didn't.

12 Q. In fact, it was always until that point Jeff, to whom you
13 were imparting knowledge of the event that was supposed to
14 take place before this time, wasn't it?

15 A. Yes.

16 MR. SIMEONE: Your Honor, I have transposed everything
17 that I just took Mr. Williams through on poster boards
18 back there. They're blown up. He's just ratified
19 everything that I've put from here to there. I would like
20 him to review all my exhibits, and I would like to offer
21 them. They've been marked. May I do that now?

22 THE COURT: Well, let's take a recess and take that up
23 over the recess for a moment.

24 JURY IS RECESSED

25 THE COURT: Mr. Simeone, what is it that you're referring

1 to?

2 MR. SIMEONE: Your Honor, what I was thinking about doing
3 was taking all-- I'm sorry. Taking all of these out at the
4 time Mr. Williams was testifying, to have him go through them,
5 because the drill I went through there is basically the re-
6 creation of statements that he's made in his various state-
7 ments. I think that it is illustrative and exactly what Mr.
8 Williams has said in the various ones. Now, what I'd like to
9 do is I'd like to offer them.

10 THE COURT: Okay, when you're saying them, what are the
11 numbers and set them up here so I can see what you're talking
12 about.

13 MR. SIMEONE: Here, I'll tell you what. This will be
14 better. Let me just bring this board out here. Jerry, go
15 help him. I'll face it in your direction. These are state-
16 ments made by Mr. Williams in the chronology and in the order
17 that they occurred. I'm categorizing them by a statement
18 number, and I'm color-coding them as well so that they follow
19 along as to what parts of the story he's telling.

20 The other two exhibits are continuations of that, which I
21 presented. They are Number 6, and Number 7 is yet the same
22 thing, without the latest statement.

23 Now, as necessary, I can go ahead and have Mr. Williams
24 look at these again and ratify them, but I represent to the
25 court that these are the statements that I had him go through

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1 there laboriously and painstakingly as to what it was he said
2 at a given time. And I think that they are evidence, since he
3 has now ratified them, and I would like to offer them.

4 THE COURT: All right, Mr. Wetle, any objection?

5 MR. WETLE: Absolutely, your Honor. This is closing
6 argument that he's offering for an exhibit, and all the things
7 that he claims and ____ are Mr. Simeone's twist on what was
8 said, sometimes in context, sometimes out of context. The
9 statements that he's gone through and elicited from the
10 witness from the stand is the evidence and this is basically
11 closing argument and ____ be allowed as a-- to be given to
12 the jury.

13 THE COURT: All right, Mr. Simeone, your response to that?

14 MR. SIMEONE: My response, your Honor, is that everything
15 that I've listed here I represent to the court was taken
16 exactly from the transcripts, and I just put Mr. Williams
17 through all of these statements that have been ratified that
18 they are accurate, which he did. So for that reason I feel
19 it's evidence. It's right from his transcripts.

20 THE COURT: Okay. The objection will be sustained.
21 Obviously, it's an excellent form of closing argument, but I
22 think it is argument. The phraseology, et cetera, is argu-
23 ment-type phraseology, and you'll be certainly allowed to make
24 free use of them in your closing argument. But in terms of
25 having them admitted as exhibits, I'll sustain the objection.

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MR. SIMEONE: Fine, your Honor. I understand the court's ruling.

COLLOQUY REGARDING SCHEDULE

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COURT RECONVENED WITH THE JURY SEATED

THE COURT: Mr. Williams, you may retake the stand. All right, Mr. Simeone, you may proceed.

MR. SIMEONE: Thank you, your Honor.

DANE MATTHEW WILLIAMS

CONTINUATION OF CROSS EXAMINATION

BY MR. SIMEONE:

Q. Mr. Williams, over the course of the summer barter fair weekend, you had an opportunity to observe Jeff Cunningham then?

A. Over the weekend of the June barter fair?

Q. Yeah.

A. I had a chance to observe Jeff on Saturday evening. That was the only observation I had of him at the barter fair.

Q. Okay, you agree Jeff is a person who uses intoxicants to an extreme degree?

A. Correct.

Q. Going back to the statement that you made, that lengthy excerpt that I pointed out in your one transcript where I indicated to you that you said:

You guys didn't tell us,

or,

You guys tricked us,

are you talking about Jeff Cunningham as one of the guys?

A. I-- I have no idea at this point what my meaning was

1 there. Like I said, I don't-- I don't even recall saying
2 it. But if it's stated, I guess I did.

3 Q. Did you think Jeff was an accomplice to a killing at that
4 point?

5 A. I-- I don't know how to answer that. I don't believe
6 that he thought they were actually going to be killed.

7 Q. You assume that the bodies were loaded through the back of
8 the-- the back door of the truck, so that I can put us in
9 the ballpark here. We're talking about after the event
10 occurred, you came up from the creek. Remember that?

11 A. Yes.

12 Q. Now, you made a statement to the effect that the bodies
13 were in the truck, is that right?

14 A. Yes.

15 Q. You assumed that the bodies were loaded through the back
16 door of the truck? Is that correct?

17 A. Well, that was my assumption.

18 Q. And is that what you said on page 2560 of your last
19 statement?

20 A. Yes.

21 Q. That's because the back door of the Bronco was down?

22 A. That's what I assumed.

23 Q. You did say that the back door was open, didn't you, in
24 your statement?

25 A. Yes.

1 Q. Okay. You referred to it as the tailgate on page 2560,
2 didn't you?

3 A. Yes.

4 Q. You want to change your testimony about that now, do you?

5 A. It was an assumption.

6 Q. I refer your attention again, Mr. Williams, to page 2559.
7 If you'll please look to the bottom of that page. Let's
8 go five or six items up. Officer Caruso's question:

9 When you said the back end of Nick's vehicle
10 opened up?

11 Your response:

12 Uh-huh.

13 Deputy Caruso:

14 Okay, the tailgate or--

15 And your response there was what?

16 A. The tailgate.

17 Q. And Deputy Caruso then says:

18 It was functional?

19 And what did you say?

20 A. It was folded down.

21 Q. So that expresses a knowledge on your part that you
22 actually saw the tailgate down, doesn't it?

23 A. It was an assumption on my part.

24 Q. But you say it's folded down in your statement, don't you?

25 A. Yes, I do.

1 Q. Wasn't it also your position then that none of the other
2 doors were open? Didn't you say that? Didn't you say
3 that as well in your statement?

4 A. Yes. I never saw the bodies loaded, so I was basically
5 assuming the back tailgate was down. That's what I
6 thought I seen.

7 Q. Well, you're saying, though, that you never-- You're
8 saying that you never saw the bodies loaded, but you're
9 still saying in your statement that the tailgate's down?

10 A. Yes.

11 Q. Now, you discussed the burial of the bodies at length with
12 the police officers in your later statements, didn't you?

13 A. Yes.

14 Q. And in your-- I guess it would be your second statement,
15 third statement, you mentioned that you started to dig a
16 hole for the bodies, right?

17 A. Yes.

18 Q. And do you think that the reason you changed your state-
19 ment there is because you had counsel from your attorney
20 about the fact that you wouldn't get in very much trouble
21 if you talked about things that you did after the fact of
22 the murders?

23 A. No, I hadn't been counseled at all. My third statement?

24 Q. Right.

25 A. I didn't have an attorney. I didn't have an attorney

1 until I got to Stevens County.

2 Q. Did you get any other--

3 A. After all the state--

4 Q. Go ahead.

5 A. Go on.

6 Q. Did you get any other information from anybody else to the
7 effect that if you had-- if you act after the fact of a
8 crime that that's a lot more-- it's a lot less serious an
9 offense than if you act during the crime?

10 A. If I act after the crime, as far as reporting it later?

11 Q. No, if you participate, as in somebody who's rendering
12 criminal assistance, which is the charge that you were
13 convicted of, that you're guilty of a much less serious
14 offense. Did you get that information from anybody before
15 you made your statement?

16 A. No.

17 MR. WETLE: Excuse me. The answer was no to that, your
18 Honor?

19 A. Yes.

20 THE COURT: Correct. Correct. It was no.

21 MR. WETLE: Thank you.

22 Q. But Jeff did try to burn the truck at that time with
23 gasoline by syphoning gas out of the tank, is that right?

24 A. Yes.

25 Q. And that was, you said, unsuccessful?

Dane Matthew Williams - Cross (by Mr. Simeone)

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1 A. Yes.

2 Q. And your testimony is that you went back and you told Mr.

3 Grange that you couldn't bury the bodies?

4 A. Yes.

5 Q. Or burn them? And it's at that time that you said to Mr.

6 Grange:

7 Let's burn the thing.

8 A. Yeah.

9 Q. Did you jump out before you got to the top of the hill

10 then?

11 A. Yes, I did.

12 Q. So you suggested burning the bodies, but you didn't want

13 to help?

14 A. No. I actually suggested to jump out before the top of

15 the hill also.

16 Q. You suggested to whom?

17 A. To both of them, Jeff and Chewy.

18 Q. When you got to Portland, you had some conversation with

19 Rob. I'm going back to that now. Rob asked you questions

20 about what had happened, is that right?

21 A. Yes.

22 Q. He expressed shock, in as far as he couldn't believe that

23 this had really happened?

24 A. Uh-huh.

25 Q. But he was very curious about what had happened, you said?

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1 A. Yes. He was curious at times, and then he didn't want to
2 know anything.

3 Q. And he's a physically imposing individual, isn't he?

4 A. What's that?

5 Q. He's a physically imposing kind of an individual, isn't
6 he?

7 A. Opposing as far as--

8 Q. As he's big.

9 A. Yeah.

10 Q. About 5'9", 245 pounds or so, would you say?

11 A. Yeah.

12 Q. Is it your opinion that he was behind the plot to have
13 these individuals killed?

14 A. I never witnessed any conversations. I can't really
15 answer that. It's my assumption, sure, but as far as
16 fact, I have no idea.

17 Q. Those would include any statements that you allege Mr.
18 Grange had with him, correct?

19 A. What was that again?

20 Q. You said you witnessed no conversations.

21 A. Exactly.

22 Q. You witnessed no conversations that Mr. Grange allegedly
23 had with him either. Is that correct?

24 A. I witnessed Mr. Grange getting on the phone the Saturday
25 evening of the barter fair, but I did not overhear the

1 conversation.

2 Q. Now, you agree Jeff was a good friend of Nick, right?

3 A. Good friend of who?

4 Q. Nick.

5 A. I didn't hear you. Yes.

6 Q. Nick Kaiser.

7 A. Yes.

8 Q. But you also said that you believe that Jeff's the one who

9 set Nick up, didn't you?

10 A. Yes.

11 Q. Now, going to the trip back to the cabin then on Sunday

12 now, by Josh and Nick, that you allege you saw when you

13 testify about their leaving the fair. Is that right?

14 A. I did not see them leave the fair.

15 Q. You didn't see them leave the fair?

16 A. Josh and Nick?

17 Q. Right.

18 A. No, I did not.

19 Q. Okay, they're still at the fair, right?

20 A. As far as I knew.

21 Q. Well, isn't the purpose that they're going back to the

22 cabin there to get mushrooms?

23 A. Yes.

24 Q. Because there was a mushroom deal that was decided upon,

25 right?

1 A. Yes. By Jeff.

2 Q. And they were going to sell those in California?

3 A. I have no idea what they were going to do with them. I
4 never spoke with them.

5 Q. You didn't-- They never told you that that was their
6 plan to sell the mushrooms?

7 A. Nick and Josh?

8 Q. Right.

9 A. No, I never discussed anything with them.

10 Q. Well, what did you--

11 A. The only discussion I had with Nick was: How you doing?

12 Q. Well, how did you find out about the mushroom plan then?

13 A. Sunday morning Jeff and Chewy came over. Jeff told me the
14 previous night that they had wanted some mushrooms, so
15 they were going to go back after the barter fair and see
16 if they were still there.

17 Q. Okay. What if Jeff says he never left the barter fair?
18 What would you say about that? From Saturday night on
19 till the next day?

20 A. I believe it would be incorrect because he did show up
21 Sunday morning.

22 Q. Now, in your last statement, now, you said-- You were
23 talking-- We were talking about this before, that John
24 asked you to bring a gun out to the cabin to scare them.
25 Is that right?

1 A. Yes.

2 Q. In your fifth statement you said that you loaded a shotgun
3 to bring to the cabin, didn't you?

4 A. To bring to the Crown Creek cabin?

5 Q. Right.

6 A. Yes.

7 Q. Is that still correct?

8 A. Yes, the thought crossed my mind.

9 Q. And your reason for loading the gun was because you were
10 scared?

11 A. Yes. I was unsure of what was going to happen.

12 Q. But you left the shotgun at the cabin?

13 A. Yes.

14 Q. And that was because you were afraid what might happen if
15 you brought it over to Crown Creek?

16 A. No, I kinda figured that all the talk was b.s. and that
17 what I heard the month prior about them being killed
18 wasn't actually going to happen. I figured they were just
19 going to threaten 'em, he ain't going to kill them out
20 here.

21 Q. Well, how could you ever even fear that that was a
22 possibility of having any-- anything happen to you when
23 it's your testimony that Mr. Grange is asking you to bring
24 the gun over to the cabin?

25 A. Well, the fear I had was I'm not a part of the Family,

1 wasn't my business, as far as that goes, 'cause I didn't
2 deal anything to Nick, never got anything from Nick. And
3 as far as the fear went, I didn't know exactly what was
4 going on. I don't know what conversation took place
5 Saturday night between Chewy and Rob. I don't know
6 exactly what was said, and it's a good possibility that I
7 could be taken out also.

8 Q. In your last statement in December you said John told
9 you-- told Jeff to tell Nick to leave at the fair.
10 Isn't that right?

11 A. Yes.

12 Q. That means John wants Nick away from the fair?

13 A. Yes.

14 Q. Doesn't want Nick to be near any of the people there?

15 A. Yes.

16 Q. So can you really give me a reason why John would ask Nick
17 to stay away from the Family if the plan is to kill him
18 the next day?

19 A. Give him a warning to get out of there. He didn't leave,
20 so--

21 Q. But if the plan is to kill him, why would you even tell
22 him that--

23 A. I don't believe--

24 Q. --the day before.

25 A. --the plan was originally to kill him. I-- What I

1 believe, if he does stay, then he had to be dealt with.
2 I couldn't tell you what John was thinking.

3 Q. You had a conversation with your girlfriend, Anita Perry,
4 shortly after the incident? Is that correct?

5 MR. WETLE: Objection, your Honor. What's the nature
6 of that conversation?

7 MR. SIMEONE: I asked him if he had a conversation,
8 your Honor.

9 A. I've had many conversations with Anita.

10 THE COURT: One second. If there's an objection we
11 need to deal with it.

12 MR. WILLIAMS: Sorry.

13 THE COURT: What's your objection based on?

14 MR. WETLE: I just didn't know where it was going.
15 This is a new person, your Honor. I thought it was beyond
16 any scope of direct.

17 THE COURT: So it's beyond the scope of direct, is your
18 objection?

19 MR. WETLE: Yes.

20 THE COURT: All right, I'll have to sustain it, Mr.
21 Simeone.

22 Q. I was curious before when you were talking about the fact
23 that you had a child on the way, that that's something
24 that happened to you that made you reconsider your
25 behavior, your actions. Has your child arrived?

1 A. No, it hasn't.

2 Q. When is the baby due?

3 A. June.

4 Q. Now, you have told the various officers who've investigat-
5 ed along the way that you have a rifle, right?

6 A. I did, yes.

7 Q. Had a rifle. Is your testimony that the .22 has been
8 stolen?

9 A. It was not in my cabin. That's what I was told.

10 Q. But the shotgun is still there?

11 A. I believe my mother has it.

12 Q. That's more valuable than your .22, isn't it?

13 A. Yes.

14 Q. You don't think somebody would steal the .22 and not steal
15 the shotgun, do you?

16 A. Well, the thing of it is I traded the .22 for a chainsaw
17 of someone that does live in the area, and I figured after
18 all was said and done, they probably went back and got it,
19 'cause they didn't really like the deal to begin with, but
20 they did it anyway.

21 Q. Have the police officers ever investigated into your .22,
22 that you know of?

23 A. I believe they have. I'm not exactly sure how far.

24 Q. Now, when the .22 that Mr. Grange purchased got to the
25 cabin, he gave you your rifle back?

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1 A. Yes. I believe Jeff gave it to me back. Or gave it back
2 to me.

3 Q. Can you clarify when that was?

4 A. I can't. I don't know exactly.

5 Q. Well, how long before the incident?

6 A. Just right after he got his gun I got it back. Might have
7 been before. I can't clarify exact day. I just know it
8 was in that period.

9 Q. You never-- Do you know whether or not the police ever
10 got their hands on the gun during the course of the
11 investigation? Your .22, that is?

12 A. I'm not sure.

13 Q. Now, you have made a statement to the officers that you
14 thought John was a very stupid person, didn't you?

15 A. Yes.

16 Q. Not the kind of person who can run a Family business or
17 take care of Family activities, can he?

18 A. No.

19 Q. But he's the kind of person that you're alleging the
20 Family would entrust with a very serious matter of killing
21 two people, is that right?

22 A. Obviously it doesn't take much intelligence to kill
23 people.

24 Q. With all the secrecy and all the clandestine activity that
25 occurs therewith, you still think it doesn't take much?

1 A. There's not much secrecy. Actually, Rob and Shadow are--
2 Well, Rob, for that matter's pretty open about his
3 dealings. So I guess that wouldn't be very bright either.
4 Q. Rob's not a very bright person?
5 A. As far as his dealings, no.
6 Q. All along it's your understanding, from the very first
7 time you gave these statements-- Let me clarify this. It
8 was your understanding that if you gave police information
9 and if you cooperated with them in exchange for your deal,
10 that this is what you would get, right, a charge of and a
11 conviction for rendering criminal assistance.
12 A. There was no deal. They didn't guarantee me anything.
13 There was no guarantees at all.
14 Q. When did you get that guarantee?
15 A. When I read over the plea bargain.
16 Q. When before-- That's the first time you ever knew of an
17 agreement that you had with the police to get this charge?
18 A. It's the first time I seen the agreement.
19 Q. But isn't it--
20 A. There was no agreement between me and the police of what
21 was going to happen as far as what I get charged with, how
22 much time.
23 Q. But isn't it correct that they told you all along that you
24 were going to be given lenient treatment in exchange for
25 your testimony?

1 A. Said it would be possible but, again, they did not make
2 any guarantees to what kind of time I would do.
3 Q. In fact, you never saw Mr. Grange shoot anybody, did you?
4 A. No, I didn't see him shoot anybody.
5 Q. You're by the creek when the incident allegedly happens?
6 A. Yes.
7 Q. Your statement to the police of October 13th-- That would
8 be your first if you want to refer to it. You stated that
9 you walked up to the cabin while Chewy and Jeff were
10 already there. Is that right?
11 A. Yes.
12 Q. Jeff's the one that has the broken ankle, right?
13 A. Yes. A month ago he'd broke his ankle from that point.
14 Q. He what?
15 A. He had broke his ankle a month earlier.
16 Q. But he got there first, and he was with John? Is that
17 right?
18 A. He was-- He was there with Nick and Josh.
19 Q. I want to clarify from your direct examination, the
20 Bronco, that is Nick's Bronco, that was parked by the
21 garden and not up by the fire pit?
22 A. Yes.
23 Q. So if Mr. Cunningham clearly states it was parked by the
24 fire pit, that would be wrong?
25 A. Yes, it would.

1 Q. If Mr. Cunningham were to say that the pan for the water
2 he supposedly was going to get came from the fire pit, you
3 would say that that was wrong because you state in all
4 your statements that Jeff was walking down the stairs with
5 a pan, isn't that right?

6 A. Yes.

7 Q. And if Mr. Cunningham says that he was coming back up from
8 the creek when you were coming down, that would be wrong?

9 A. Yes, that's incorrect.

10 Q. And is it correct that you stated that Jeff asked you
11 where the Bronco was?

12 A. What was that?

13 Q. Did you-- Did Jeff after ask you-- Did Jeff ever ask
14 you where the Bronco was when he saw you?

15 A. I can't recall at this point.

16 Q. You didn't say that earlier in your direct examination?

17 A. I-- I don't remember.

18 Q. If Jeff were to say he saw the Bronco before he saw you,
19 that would be incorrect, because your--

20 A. Whose Bronco?

21 Q. That would be John's.

22 A. That he saw John's Bronco before he saw me?

23 Q. Yeah.

24 A. I believe that would be incorrect.

25 Q. Because you think he asked you where the Bronco was?

1 A. That's a possibility.

2 Q. You had a conversation with Jeff for over five minutes
3 down by the creek before the shooting occurred? Is that
4 what you said?

5 A. Approximately.

6 Q. In your last statement? Is that right?

7 A. Approximately, yes.

8 Q. But in your first statements you were saying that as soon
9 as you got to the bottom of the hill you heard the
10 gunshots, isn't that correct?

11 A. Yes.

12 Q. But now there's a five minute interval in which you had a
13 discussion with Jeff?

14 A. Yes, on the way down to the creek.

15 Q. Why do you think that part of your story changed?

16 A. Misconception. Not remembering exactly how long it was.
17 As far as time frames go, I'm not very good with it. I
18 don't remember how much time I spent. That wasn't really,
19 you know, on my mind at the point-- at that point,
20 anyway. Conversations kind of slipped my mind. Every-
21 thing. ___ and it all comes back.

22 Q. Now, are you sure that you drag-- you dragged the victim
23 by the feet?

24 A. Am I sure I drug the victim by it's--

25 Q. Yeah, was there any such testimony?

Dane Matthew Williams - Cross (by Mr. Simeone)

1673.

1 A. Well, I picked up the foot and attempted to drag the body.

2 Q. Did you say, and did you see John Grange allegedly
3 dragging Nick by his feet?

4 A. Yes, I did.

5 Q. So if Jeff were to say that he's being dragged by arms,
6 that's incorrect?

7 A. Possibly.

8 Q. Because you really can't remember?

9 A. Yeah, I don't recall. I just remember him dragging the
10 body. I figured it was by the feet.

11 Q. There's no reason then for you to interject that comment
12 that he's being dragged by the feet, unless you knew that
13 was _____, Mr. Williams?

14 A. I suppose not. He was dragging the body, and that's what
15 I was trying to recall.

16 Q. Jeff got to the top of the hill first after the shootings,
17 is that right?

18 A. Yes.

19 Q. And you said that Mr. Grange appeared at the top of the
20 hill, waving his gun, is that right?

21 Q. ~~Yes~~. you testified, or you tried to show us in the exhibit,
22 that when you got there you saw Josh laid out backwards,
23 face up, with his feet towards the fire pit. Is that
24 right?

25 Dane Matthew Williams - Cross (by Mr. Simeone)

1674.

1 A. Yes.

2 Q. Not in the fire pit?

3 A. No.

4 Q. If Mr. Grange didn't have a gun in his hands, he couldn't
5 be waving his gun at you, could he?

6 A. What was that?

7 Q. If he didn't have his gun in his hands, he couldn't very
8 well be waving the gun at you when you got to the top of
9 the hill?

10 A. If he didn't have it in his hands?

11 Q. Right.

12 A. But he did.

13 Q. Okay. So John Grange was not by the stairs when you first
14 got up there, is that correct?

15 A. No.

16 Q. And the boys who were the victims were not inside the fire
17 pit, is that correct?

18 A. I glanced over. The only thing I remember is seeing Josh.

19 Q. Outside the fire pit?

20 A. Yes.

21 Q. And Jeff was in the lead and not you?

22 A. Yes.

23 Q. On the way up the hill?

24 A. Correct.

25 Q. Jeff with his bad ankle?

Dane Matthew Williams - Cross (by Mr. Simeone)

1675.

1 A. Yes. I straggled behind.

2 Q. You ran up and down the hill a few times, is that right,
3 where you--

4 A. Yes.

5 Q. --were unclear about what you wanted to do at that point?

6 A. Yes, I was-- I was in shock. I didn't know what to do.
7 I'd never seen anyone killed before.

8 Q. Well, at some point you run back up and you see John
9 dragging Nick's body and Jeff dragging Josh's body, right?

10 A. Yes.

11 Q. And at one point you have stated that you picked up Josh's
12 leg, thinking that you'd be helping Jeff by doing that?

13 A. Yes.

14 Q. And you dropped it?

15 A. Yes.

16 Q. And ran away again?

17 A. Yes.

18 Q. And when you ran back up you saw Mr. Grange allegedly
19 carrying Nick wrapped in a blue blanket, is that right?

20 A. Yeah, I figured it was Nick.

21 Q. But how would you know that?

22 A. I wouldn't know that for a fact, but--

23 Q. Why did you tell--

24 A. --when I got in the Bronco and I did look back on the way
25 up the hill, I saw Nick in a blue blanket.

1 Q. When was that?

2 A. That was when I got inside the vehicle and we started for
3 the logging road.

4 Q. Josh is already in the Bronco, is that right?

5 A. That's what I assumed. On the way up to the logging road?
6 Is that your question?

7 Q. On the way-- After you-- After you ran up to the cabin
8 from the creek.

9 A. Yes.

10 Q. Now, you stated that Nick's head was leaning against the
11 back of the passenger seat?

12 A. Yes.

13 Q. Josh would be behind the driver's seat?

14 A. Yes.

15 Q. That's what you've said so far in your statements to the
16 police officers?

17 A. Yes.

18 Q. Pretty clear on that point?

19 A. Yes.

20 Q. Jeff's recollection to the contrary would be wrong? That
21 Nick was behind the driver's seat?

22 A. That would be wrong. That's one image that's stuck in my
23 mind that is not forgettable.

24 Q. But these images should be equally fixed in Mr. Cunning-
25 ham's mind though, shouldn't it?

1 A. True, but I don't think you could ask Jeff what he had for
2 breakfast the next day and he remember.

3 Q. So you grabbed the shovel then when you left there, and
4 Mr. Cunningham grabs a pick, and the two of you threw
5 those tools in the back window, is that right?

6 A. Yes.

7 Q. Well, how far away was it then to what we'll call the
8 burial site? That was the first stop after you left the
9 cabin. In terms of miles.

10 A. I-- I can't be exact on how far away it was.

11 Q. In terms of time?

12 A. In terms of time? Maybe ten minutes.

13 Q. And there was an upper hole and a lower hole, wasn't
14 there?

15 A. Yes.

16 Q. And you have stated that you were digging the upper hole,
17 is that correct?

18 A. Yes.

19 Q. And you also stated that you and Jeff never dug in one
20 another's separate ditches, is that correct?

21 A. No.

22 Q. You think you did?

23 A. Do I think what?

24 Q. Do you think you did dig in one another's ditches?

25 A. No, I don't believe we did that.

1 Q. Well, what's the correct answer?
2 A. What's--
3 Q. Did you dig in one another's hole?
4 THE COURT: Your question was a little ambiguous.
5 MR. SIMEONE: Oh, okay.
6 THE COURT: About what he thought versus what he said
7 he thought.
8 MR. SIMEONE: Thank you, your Honor.
9 THE COURT: Or vice versa.
10 MR. SIMEONE: Thank you.
11 Q. You would have been digging in the upper hole, is that
12 correct?
13 A. Yes.
14 Q. Did you ever dig in the lower hole?
15 A. No, I did not.
16 Q. And you were using the pickaxe, is that correct?
17 A. I believe so.
18 Q. Okay. Finally, you decided not to bury the bodies after
19 that attempt was unsuccessful, right?
20 A. Yes.
21 Q. And you just decided that it's-- the better course here
22 is to abandon the Bronco?
23 A. Yes.
24 Q. Well, what I'm trying to figure out here is if all you're
25 going to do is abandon the Bronco, why not just leave it

1 right where-- right where it was?

2 A. I couldn't tell you. I--

3 Q. Couldn't tell me?

4 A. No. We were in so much shock and so frantic that there

5 was no rational thoughts at that time at all.

6 Q. We get to what we'll call the burn site, and when you got

7 there, you and Jeff tried to burn the Bronco, is that

8 right?

9 A. Yes. Jeff tried to light a sack in the gas tank.

10 Q. And you tried to cut the hose to syphon gas or not?

11 A. Yes, I tried to cut the hose.

12 Q. So you're trying to burn the Bronco at that time too,

13 right?

14 A. I was trying to cut the hose.

15 Q. Well, that's in preparation for burning it, I would

16 assume.

17 A. True.

18 Q. Is that right?

19 A. Yeah. Jeff couldn't get through it, so I thought I might

20 be able to.

21 Q. At that point you just left the Bronco?

22 A. Yes.

23 Q. And walked back to the Ash cabin? Jeff's cabin?

24 A. Yes.

25 Q. And Jeff had a bottle of rum he took out of the Bronco at

1 that time?

2 A. Yes.

3 Q. Did you drink any of it?

4 A. No, I did not.

5 Q. Now, if Mr. Cunningham said you would, that would be

6 incorrect?

7 A. Yeah, that'd be incorrect.

8 Q. Could you be mistaken about that point too?

9 A. No. Hard liquor gives me heartburn.

10 Q. Didn't you say that you drank in the White Bird?

11 A. Yes.

12 Q. Had quite a few drinks, isn't that what you said?

13 A. I think I had a couple.

14 Q. And isn't it your statement that you had several drinks?

15 A. I probably had a few, at the most. I don't remember. I

16 can't recall exactly how many drinks I had. As far as

17 drinks, meaning beer, if that's what you're getting at.

18 Q. But you said drinks, didn't you? You didn't say beer.

19 A. Well, drinks, beer, liquor. It kinda fits in the same

20 category as far as I'm concerned.

21 Q. You walked back to the cabin on the road, right?

22 A. When?

23 Q. When you're coming back from the burn site. This would be

24 the first unsuccessful attempt to burn the vehicle.

25 Coming back to the cabin, to the Ash cabin.

Dane Matthew Williams - Cross (by Mr. Simeone)

1681.

1 A. Yes.

2 Q. You left the burn site, unsuccessful attempt, walking back
3 to the Ash cabin. Did you walk on the road?

4 A. Some of the time.

5 Q. Now, in your third statement to the police you said that
6 you were running through the woods.

7 A. There's a few place where you're walking with a _____ that
8 you can cut across and run right back into the road. It
9 winds all the way up, so you can head across the woods and
10 run right back into the road.

11 Q. Well, are you running or are you walking?

12 A. Both.

13 Q. You get back to the cabin, and you come upon Mr. Grange,
14 is that right?

15 A. Yes.

16 Q. And that spooked him?

17 A. Yes.

18 Q. He was standing by the fire pit?

19 A. Yes, with his back to us.

20 Q. If Mr. Cunningham says that Mr. Grange is sitting on the
21 steps, that would be incorrect?

22 A. Yes, 'cause I remember-- I recall spooking him.

23 Q. Pardon me?

24 A. Because I recall spooking him. If he was sitting on the
25 steps, he could have looked down the driveway and seen us.

1 Q. And the walk back took about an hour from the burn site to
2 the Ash cabin?
3 A. Approximately.
4 Q. Okay. So is it safe to say that you and Jeff were gone
5 for at least an hour and a half then?
6 A. It's possible. I'm not sure exact times.
7 Q. Well, I'm trying to put the chronology together here. You
8 drove down, you went to the burial site, you dug there for
9 ten minutes or so, you went to the burn site, you aborted
10 your effort there to burn, and you drove back.
11 A. We--
12 Q. Is that about an hour and a half?
13 A. We walked back.
14 Q. I mean you walked back.
15 A. Walked and ran.
16 Q. And your walk back was an hour.
17 A. Approximately an hour. I don't know exactly what the
18 length of time was.
19 Q. But I'm--
20 A. But approximately, sure.
21 Q. So I'm in the ball park when I say about an hour and a
22 half?
23 A. Yeah.
24 Q. Well, how is that such a short period of time that Mr.
25 Grange would say: Why are you back so soon?

1 A. Because it's quite a ways. It takes awhile, as far as
2 that, to dig holes, I would believe, big enough to bury
3 bodies.
4 Q. But how did he know how far you were going to go?
5 A. He didn't.
6 Q. So then how would he have any idea about it being so soon
7 that you're back, if an hour and a half had passed?
8 A. 'Cause it didn't take very long.
9 Q. Now, as you-- When you went back you saw Mr. Grange.
10 A. Yes.
11 Q. And he's wearing different clothes than when-- than what
12 he had when you left, right?
13 A. Yes.
14 Q. So he would have had to burn his clothes or something?
15 A. I wasn't there to see it.
16 Q. Did you see a fire going?
17 A. It was smoldering.
18 Q. Do you think he burned his clothes?
19 A. Yeah.
20 Q. You never burned any of your clothes though, right?
21 A. No, I didn't.
22 Q. And you clearly remember him wearing different clothes?
23 A. Yes.
24 Q. So Mr. Cunningham saying that Jeff was-- or John was
25 wearing the same clothes would be incorrect, isn't that

1 right?

2 A. Yes, it would.

3 Q. And that you and Jeff were the only ones to burn your
4 clothes, that also would be incorrect, is that right?

5 A. That me and Jeff?

6 Q. Right.

7 A. It's completely incorrect.

8 Q. Now I would assume that if you're carrying away bodies
9 that had been shot, that you had blood on you. Is that
10 correct?

11 A. If you're carrying the bodies, yes.

12 Q. Well, didn't you carry some of the bodies?

13 A. No, I didn't.

14 Q. Didn't you touch Mr. Schaefer's leg?

15 A. His shoe.

16 Q. Weren't you next to them in the Bronco when you were
17 driving away?

18 A. They were in the back, behind us.

19 Q. You never got in the back of the Bronco?

20 A. No, I didn't.

21 Q. So if Jeff says that you had blood on you, that would be
22 incorrect, is that right?

23 A. Incorrect. I still have the same clothes that I had that
24 day.

25 Q. And if he says that you helped John carry Jeff over to the

1 Bronco, that would be-- or Josh over to the Bronco, that
2 would be incorrect?

3 A. Yeah, it's incorrect.

4 Q. In your last statement you gave the police you said that
5 you and Mr. Grange went around to the side of the cabin,
6 you got in his Bronco, and you came around and picked up
7 Jeff. We're talking about going to the-- that would be
8 the south side of the cabin, is that right?

9 A. Yes.

10 Q. Where the Bronco is parked.

11 A. Yes.

12 Q. You walked in a southward direction to where the Bronco
13 was, and you came back and you picked up Jeff?

14 A. Yes.

15 Q. And you jumped in the back seat?

16 A. When we picked up Jeff, yes.

17 Q. So if Jeff states that at the time he was already in the
18 back seat, that's wrong?

19 A. Yes.

20 Q. Is it possible you don't know where you were sitting in
21 the Bronco?

22 A. I know exactly where I was sitting. I remember having to
23 lean the seat forward to get out.

24 Q. It's also your statement to the police that Nick and Josh
25 were lured to the cabin by mushrooms. They were lured

1 there in a mushroom deal. Is that correct?

2 A. That was my assumption.

3 Q. You don't know that for sure though, do you?

4 A. No.

5 Q. It was also your statement to the police that there was no
6 actual mushroom deal that was going down, isn't that
7 right?

8 A. I didn't think there was.

9 Q. You don't really know that either?

10 A. Well, Jeff, he always mentioned that he could get mush-
11 rooms, but never came up with them.

12 Q. So he's wrong if he says there was a mushroom deal and
13 that was a bona fide mushroom deal?

14 A. It's not wrong. He could have thought in his own mind.
15 He probably did think in his own mind that that was going
16 to happen.

17 Q. Moving to your last statement again, you had some discus-
18 sion with the officers about when Maija arrived relative
19 to the three of your arrival at the cabin. You remember
20 that discussion?

21 A. Yes.

22 Q. You agree that when you got back from the White Bird
23 Tavern that Maija was already there waiting for you?

24 A. Yes.

25 Q. She didn't arrive after you?

1 A. No.

2 Q. And it's true that you borrowed John's truck to leave the
3 barter fair Sunday? Is that what you're saying?

4 A. Incorrect.

5 Q. Isn't it true that the reason you borrowed John's truck to
6 leave the barter fair is because you told Jeff-- told him
7 that Jeff was going to California with mushrooms-- 'Cause
8 he told you Jeff was going to California with mushrooms?

9 A. No.

10 MR. WETLE: Objection, your Honor. It assumes facts
11 not in evidence.

12 THE COURT: Would you restate your question?

13 Q. Isn't it true that the reason you borrowed John's truck
14 was to leave the barter fair because John told you Jeff
15 was going to California with Nick with mushrooms?

16 A. I've never heard such a thing.

17 Q. You would be afraid that Jeff would go to California with
18 the mushrooms and leave you without being paid for the pot
19 that you fronted him?

20 A. No.

21 Q. How much time passed that morning before you walked over
22 to find the truck at Lou's cabin? That would be the next
23 day now. We're talking about Monday.

24 A. How much time passed as far as--

25 Q. Yeah. What time was it that morning before you walked

1 over to find the truck, I guess is an easier way to ask
2 it.

3 A. Well, I believe I got up about 7:00, as much as I can
4 remember. When I got up then-- It's about a 25 minute
5 walk, 30 minute walk at the most. Might have sat around
6 for awhile, then left. I-- I don't remember exactly how
7 long it took to get over there.

8 Q. How long was it from the time you had-- I'm talking about
9 when it was that you walked over. You walked over to the
10 Crown Creek cabin with Maija that day?

11 A. No, I didn't walk over to the Crown Creek cabin with
12 Maija.

13 Q. You had to retrieve the Bronco out of the ditch. Did you
14 help?

15 A. Yes.

16 Q. Okay. Could you describe the event and how that all
17 occurred, and your part that you played in helping do
18 that?

19 A. All four of us pushed the truck out, back and forth until
20 we got it out of the ravine.

21 Q. Okay, you went to-- down the road and you met Maija on
22 the road, is that right? With John?

23 A. Maija and Jeff.

24 Q. Yeah. You're walking with--

25 A. Chewy.

1 Q. --John? You're walking with John?
2 A. Yes.
3 Q. How long until the time you met her in the road there
4 until you went to Portland? Until you finally left to go
5 to Portland.
6 A. Maybe two, three hours. I'm not exactly sure.
7 Q. Now, the drive to Portland. How long does that take?
8 A. Anywhere from six and a half to seven hours.
9 Q. Would you agree that eight hours is a more reasonable
10 figure for that?
11 A. No, because I just drove over here from Vancouver. I went
12 through Portland and made it in six and a half.
13 Q. So you think it was about two hours, two and a half hours,
14 from the time you first saw Maija until you left for
15 Portland, is that right?
16 A. Approximately.
17 Q. Okay. And is it your testimony that you arrived in
18 Portland about 2:00 A.M.?
19 A. Somewhere around there.
20 Q. Okay, so let's add up the hours then. What time do you
21 think you finally left Portland, if it was-- or to
22 Portland, if it took you two hours from after the time you
23 first saw Maija on the road until you left?
24 A. I have--
25 Q. You've got the six hour drive.

Dane Matthew Williams - Cross (by Mr. Simeone)

1690.

1 A. I have no idea. Exact time, I don't know.

2 Q. Well, would you agree that that puts you in there much
3 later than 2:00 A.M., which is your testimony?

4 A. No, because I don't remember which time-- exactly what
5 time we left.

6 Q. Okay. Now, you agree that Jeff never told you that it was
7 John's idea to bring Jeff and Josh to that cabin, isn't
8 that correct?

9 A. You have to restate the question.

10 Q. Would you agree that Jeff never told you that it was
11 John's idea to bring Jeff and Josh to that cabin?

12 A. No.

13 Q. Isn't that what you said though in your statement? That
14 would be Number 5, I think, on page 1766.

15 A. You have to restate the question again. It's confusing
16 me.

17 Q. Yeah. Did you-- Do you agree that Jeff never told you
18 that it was John's idea to bring the victims to the cabin?
19 Did Jeff ever tell you that it was John's idea to bring
20 the victims to the cabin?

21 A. Not directly, no. Both of them had discussed Sunday
22 morning that they were going out there to see if they were
23 both there.

24 Q. Because you said that you're not the kind of person that
25 would do this kind of thing. You wouldn't inspire an idea

1 like this?

2 A. No. Not to kill anybody.

3 Q. You would never entertain an idea of killing somebody,
4 would you?

5 A. No.

6 Q. The idea of getting-- someone getting shot in the head
7 would never really cross your mind?

8 A. Shooting somebody in the head?

9 Q. Yeah.

10 A. No.

11 Q. You're not that type of person?

12 A. No, I don't kill people.

13 Q. But you went to Portland and you went to Portland to
14 collect your pay for the homicide, didn't you?

15 A. No.

16 Q. You didn't say that--

17 A. No.

18 Q. --to Jeff?

19 A. No, I was going to Portland to sell the pot.

20 Q. Isn't it true you went through the deceaseds' pockets for
21 money?

22 A. That's incorrect.

23 Q. So if Jeff says that, that's incorrect?

24 A. Yes. That's what Jeff did.

25 Q. Isn't it true that you were asking Rob how much you'd get

1 paid for these murders?

2 A. That's incorrect.

3 Q. Would you characterize yourself as a money greedy person?

4 A. No.

5 Q. Jeff would be wrong if he did so?

6 A. Yeah.

7 Q. How did you get the pot that you brought to Portland that

8 Monday?

9 A. I already answered that earlier.

10 Q. I know it was from Mr. Young, but did you take your mom's

11 4-Runner over there to get it?

12 A. Yes.

13 Q. If your mom said that you never took that 4-Runner that

14 would be incorrect? Is that right?

15 A. I believe so.

16 Q. If Kaz Young said you didn't show up in the 4-Runner, that

17 would be wrong too, wouldn't it?

18 A. I believe so. I believe that's what I took over there.

19 I had--

20 Q. Now is it just that you believe--

21 A. I had no other vehicle.

22 Q. Okay, Maija saying that you borrowed Mr. Grange's vehicle

23 to go over there, that would be incorrect?

24 A. I believe so.

25 Q. Okay. Do you have a tattoo, Mr. Williams?

1 A. Yes, I do.

2 Q. More than one?

3 A. No.

4 Q. You have one with a person with a gun to his head, having
5 his brains blown out?

6 MR. WETLE: Objection, your Honor. I don't know the
7 relevance of the tattoo, or the shape or the size.

8 THE COURT: Overruled. He may answer.

9 Q. Do you?

10 A. Yes, I have a tattoo of someone putting a gun to their own
11 head. I got it when I was in a drunken state, and it's a
12 ridiculous thing to do.

13 Q. How big is it?

14 A. I'm not sure. About that big.

15 Q. Where on your body?

16 A. It's on my back.

17 Q. Want to show the jury?

18 MR. WETLE: Objection, your Honor.

19 THE COURT: Let's have you approach the bench, counsel.

20 **UNRECORDED SIDEBAR**

21 THE COURT: The objection is sustained.

22 Q. Did you ever hear that the San Francisco Family had a hit
23 out on Nick?

24 A. No, I didn't.

25 Q. How is it that almost everybody else in this trial has

1 heard about it, would you say?

2 A. I couldn't tell you. The only thing I was told, Rob told
3 me.

4 Q. You remember--

5 A. I wasn't Family.

6 Q. I'm sorry, I didn't hear that, sir.

7 A. Huh?

8 Q. I didn't hear that last part.

9 A. I'm not Family.

10 Q. You made a remark to Officer Baskin in your first state-
11 ment, October 13th, and I think we can find that on page
12 917. You were describing the frantic scene after the
13 shootings. You said that John was running down the hill
14 with a body over his shoulder. You remember that?

15 A. What was that?

16 Q. On page 917 you made the statement to the deputy who was
17 interviewing you that you saw John running down the hill
18 with a body over his shoulder.

19 A. Yes.

20 Q. I'm looking at the bottom of that page, and I'll address
21 your attention to it, Mr. Williams. You made a remark to
22 him that-- You said they-- Officer Baskin's question:

23 Where in relationship to the cabin is--
24 where's he coming down from?

25 I assume you're talking about John Grange there, aren't

1 you?

2 A. Yes.

3 Q. You said:

4 Ah, behind the fire. Between the fire and
5 the steps. There's a hill that goes up and,
6 I don't know, I think they were confused
7 after they killed the--

8 And then you stop for a second, don't you, and you say:

9 After Chewy killed the guys.

10 Who's the they you were referring to there, Mr. Williams?

11 A. Confused, nervous statement. I have no idea.

12 Q. In your nervous state, could you have been referring to
13 the real killers of these boys?

14 A. And who's that?

15 Q. Are you ready to tell us who the real killers are now, Mr.
16 Williams?

17 A. Sure.

18 Q. You ready to change your testimony yet?

19 A. Absolutely not.

20 MR. SIMEONE: I have no further questions.

21 THE COURT: All right, Mr. Wetle, redirect?

22

23

24

25

1 DANE MATTHEW WILLIAMS

2 REDIRECT EXAMINATION

3 BY MR. WETLE:

4 Q. Who's the real killer?

5 A. John Grange.

6 Q. Did you get-- expect to get paid for your involvement in
7 this matter?

8 A. I knew I wasn't going to get paid for anything.

9 Q. But was there some discussion about that?

10 A. Yes.

11 Q. And were you involved in it?

12 A. Yes.

13 Q. Mr. Williams, all of your statements prior to the last
14 statement had you being dropped off at your home rather
15 than the Crown Creek cabin, right?

16 A. Correct.

17 Q. So all of those statements that were made assumed that
18 fact. It wasn't until you came and pled guilty and got
19 counsel that you made the other statement about what
20 happened?

21 A. True.

22 Q. And so you could be impeached on Statement 1, Statement 2,
23 Statement 3, Statement 4, then actually when we get to 5,
24 or 6, is when you tell that you got dropped off at the--
25 went to the cabin with John Grange?

Dane Matthew Williams - Redirect (by Mr. Wetle)

1697.

- 1 A. Yes. I don't remember making seven-- seven different
2 statements. That's--
- 3 Q. Five, and then depending on the two with the-- with the
4 officers at Gresham when the Stevens County officers
5 talked to you once, then the DEA guys talked to you, and
6 the officer from Colville came back.
- 7 A. Okay.
- 8 Q. And how many statements were made before you got an
9 attorney?
- 10 A. All of them, except for the last.
- 11 Q. And the last one is when you said that you actually went
12 to the cabin with Mr. Grange?
- 13 A. Yes.
- 14 Q. In all your statements with the police, was there any
15 promises made to you by the detectives?
- 16 A. No. They told me they couldn't promise me anything.
- 17 Q. You stated that you didn't see anybody being shot 'cause
18 you were down by the creek?
- 19 A. Yes.
- 20 Q. Prior to the shooting, the moments before the shooting,
21 who was at the cabin?
- 22 A. All that I saw in sight was Josh, Nick and Jeff.
- 23 Q. And where was Chewy's Bronco?
- 24 A. It was parked on the south side of the cabin.
- 25 Q. And you had been there with him just prior to the shoot-

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1 ing?

2 A. Yes.

3 Q. So that's how you got there?

4 A. Exactly.

5 Q. So you expected that he would be around?

6 A. Yes.

7 Q. And just after the shots, when you ran up to the cabin
8 area, who was up there?

9 A. Chewy.

10 Q. See anybody else?

11 A. No.

12 Q. Is it possible that if-- before you got to the Crown
13 Creek cabin, coming back, that Jeff Cunningham had walked
14 over to the side of the cabin, the south side of the
15 cabin?

16 MR. SIMEONE: Your Honor, I'm wondering if he could
17 clarify which trip to the Crown Creek cabin that is.

18 THE COURT: I was going to ask you to do the same, Mr.
19 Wetle.

20 MR. WETLE: Thank you, your Honor.

21 Q. When you came back to the Crown Creek cabin, just before
22 the shootings, you had left your cabin?

23 A. Yes.

24 Q. And then you knew that you and Chewy were at the cabin, at
25 the Crown Creek cabin? You leave?

1 A. Yes.

2 Q. When you come back, who's there?

3 A. Jeff, Josh and Nick.

4 Q. And you don't know whether at that-- before you got back,
5 whether Jeff Cunningham had walked over to the south side
6 of the cabin and seen that Bronco up alongside the cabin,
7 do you?

8 A. I have no idea.

9 MR. SIMEONE: I'm going to object to leading.

10 THE COURT: Sustained.

11 Q. Do you know what Jeff Cunningham did prior to the time you
12 came back to the Crown Creek cabin?

13 A. No.

14 MR. SIMEONE: Objection. How could he know what he did
15 before he got back to the cabin? He would have to be
16 speculating on that.

17 THE COURT: Well, go ahead and answer the question, if
18 you can.

19 A. I have no idea.

20 Q. Do you know how long that Jeff Cunningham, Josh and Nick
21 had been at that cabin before you got back?

22 MR. SIMEONE: Same objection.

23 THE COURT: You said do you know how--

24 Q. Long they had been at the Crown Creek cabin before you got
25 back.

1 THE COURT: You have an objection, as to?

2 MR. SIMEONE: Speculation, your Honor.

3 THE COURT: I have to sustain that, I would assume,
4 based on his previous testimony.

5 MR. WETLE: That he didn't know if he saw the car
6 'cause he wasn't there?

7 THE COURT: No. Your question was did he know how long
8 Josh and Nick had been there before he got back.

9 MR. WETLE: Right.

10 THE COURT: So he wasn't there. Wouldn't that call for
11 speculation then? Aren't you calling for speculation?

12 MR. WETLE: I'm-- Not really, but he's either going to
13 say yes or no.

14 THE COURT: Well, if he says yes, it would have to be
15 based on speculation.

16 MR. WETLE: Yes, and if he says no, it's because he
17 doesn't know.

18 THE COURT: Why don't you ask him a question that he
19 can answer without speculating.

20 MR. WETLE: I think I'll strike it, your Honor. Thank
21 you.

22 Q. Could you take that pointer that's along the handrail
23 there and use it as a .22 rifle and show how Mr. Grange
24 was holding the rifle when you came up the path?

25 A. _____ the path coming up.

1 Q. Assume that's the rifle. Are you holding it at the stock?

2 THE COURT: Position the microphone so we can hear
3 better, please, Mr. Smith.

4 Q. Can you demonstrate for the jury what he did with the .22
5 as you came up the path?

6 A. Yes. He had it in his hands, said: Jeff, come on.

7 Q. So he kept the barrel pointed down?

8 A. Yes.

9 Q. And moved it back?

10 A. Raised it up, pointed to Jeff, says come on.

11 Q. Thank you. You said you figured it was Nick. Can you
12 tell the jury why-- that was wrapped in the blue blanket,
13 why it was Nick?

14 A. 'Cause when I got in the Bronco to take off up the hill,
15 I looked back behind my seat and Nick's head was peeking
16 out of the blue blanket.

17 Q. So the blue blanket would have been on what side of the
18 Bronco?

19 A. Passenger side.

20 Q. When you say that his body was propped up behind the
21 seat--

22 A. Uh-huh.

23 Q. Can you describe that?

24 A. Well, he was bunched up with his head down against the
25 seat, so when I turned around to look at him that's the

1 first thing I saw, was his head.

2 Q. Was his head between you-- Where was the head in relation
3 to you and Mr. Cunningham?

4 A. It was closer towards the middle of the truck.

5 Q. So there's a space between the two seats?

6 A. Yes.

7 Q. The head was down in between the two seats?

8 A. His head was down against the passenger seat, almost to
9 the middle of the vehicle.

10 Q. But it had to push-- What effect did that have on the
11 seat?

12 A. The seat moved forward. I ended up having to sit up with
13 my elbows against the dash, 'cause I didn't want to lean
14 the seat back down on top.

15 Q. Would Mr. Cunningham have been able to see that-- the
16 head of Nick?

17 A. Yes.

18 Q. Talking about two types of alcohol. Hard liquor and beer.

19 A. Yes.

20 Q. What gives you heartburn?

21 A. Hard liquor, usually.

22 Q. And what does beer do?

23 A. Well, sometimes it gives me heartburn, but not as bad as
24 liquor does. Liquor's pretty instant.

25 Q. What did you drink at the White Bird?

1 A. I had beers.

2 Q. Did you drink any of the rum on the way back to Portland?

3 A. Yes.

4 THE COURT: Thank you, your Honor. I have no further
5 questions.

6 THE COURT: All right, any recross?

7 MR. SIMEONE: Yeah, briefly, your Honor.

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1 DANE MATTHEW WILLIAMS

2 RE-CROSS EXAMINATION

3 BY MR. SIMEONE:

4 Q. On the way back from the burn site, Mr. Williams, Jeff
5 Cunningham had a pipe in his hand, didn't he?

6 A. Yes.

7 Q. He took that pipe from the truck of the deceased, is that
8 right?

9 A. Yes.

10 Q. You thought that was offensive, didn't you?

11 A. Yes.

12 Q. And you expressed that point of view too, didn't you?

13 A. Yes.

14 Q. On the way back to Portland you were drinking their
15 liquor, weren't you?

16 A. Yeah, I had a couple swigs out of the liquor bottle. The
17 reason I thought the pipe was offensive, as far as one of
18 the victims, whosever pipe it was, had his lips around it,
19 and it had been used. The bottle of liquor was brand new.

20 Q. And finally, what kind of drugs were you ingesting that
21 weekend?

22 A. I was smoking pot.

23 Q. No LSD?

24 A. No, I don't do LSD.

25 Q. No nitrous?

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1 A. No.

2 Q. So it's pot and alcohol?

3 A. Yes.

4 Q. If Jeff says you ingest LSD, that would be wrong?

5 A. That weekend?

6 Q. Any time.

7 A. Oh, I have before, yes, but as far as common practice or
8 a drug of choice, that wasn't one of them.

9 Q. Okay, so it's not that you have never, it's that you
10 didn't that weekend? That's what you're saying?

11 A. Yes.

12 MR. SIMEONE: I have no further questions.

13 WITNESS STEPS DOWN BUT IS NOT EXCUSED

14 THE COURT: Well, let me ask, Mr. Wetle, any further
15 witnesses?

16 MR. WETLE: No, your Honor.

17 THE COURT: And the State rests then?

18 MR. WETLE: I just want to make sure all the exhibits
19 have been-- that have been marked have been offered
20 before I rest.

21 COUNSEL INSPECT EXHIBIT LIST

22 MR. WETLE: The Clerk says that all of ours have been,
23 so with that in mind, the State would rest.

24 COUNSEL ARE REQUESTED TO MEET IN CHAMBERS

25 COURT IS RECESSED FOR THE DAY

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