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

STATE OF WASHINGTON, )  
)  
Plaintiff, )  
)  
vs. )  
)  
JOHN DOUGLAS GRANGE, )  
)  
Defendant. )

No. 20138-4-III  
(Stevens County  
No. 00-1-00190-2)

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CLERK OF COURT OF APPEALS  
STATE OF WASHINGTON III  
File No. \_\_\_\_\_

DATE OF SENTENCING: April 20, 2001

BEFORE: Hon. REBECCA M. BAKER, Judge

APPEARANCES:

For the Plaintiff:  
  
JOHN G. WETLE  
Prosecuting Attorney  
Stevens County  
215 South Oak St.  
Colville, WA. 99114

For the Defendant:  
  
ROBERT A. SIMEONE  
Attorney at Law  
300 East Birch  
Colville, WA. 99114

Transcript prepared by:  
Judy Americk  
762 South Pine St.  
Colville, WA. 99114  
(509) 684-2267

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1  
2 APRIL 20, 2001

3 THE COURT: Good morning. I met briefly with counsel in  
4 chambers to go over this morning's schedule. We'll be taking  
5 a recess at some point, but during the middle of this proceed-  
6 ing.

7 We are here on the sentencing matter on State of Washing-  
8 ton versus John Douglas Grange, 00-1-190-2, and the first item  
9 that we need to deal with is the entry of the findings and  
10 conclusions on the motion for new trial and arrest of judg-  
11 ment.

12 Mr. Simeone have you reviewed as to form the proposed  
13 order?

14 MR. SIMEONE: I reviewed those, your Honor, and, of  
15 course, we don't agree with the conclusions, but we approve  
16 the order as presented as to form only.

17 THE COURT: All right, and, Mr. Wetle, if you could pass  
18 that over to Mr. Simeone to sign off on, then we'll get that  
19 taken care of.

20 MR. SIMEONE: Your Honor, Mr. Grange has pointed out, and  
21 I noticed that in my copy too, that there's some kind of a  
22 word missing on line 20, page 2. It doesn't make any sense  
23 the way it's written. There's a typographical error.

24 The Prosecutor's argument was well put together  
25 and just reviewed with the jury six days of  
testimony.

THE COURT: I guess that was a--

1.

1 MR. WETLE: That's a quote from the tape, your Honor.

2 THE COURT: --a quote from my tape of how I was colloqui-  
3 ally talk-- colloquially speaking, but the argument merely  
4 reviewed the--

5 MR. SIMEONE: Okay.

6 THE COURT: --six days of testimony. Madam Clerk, I'll  
7 have you mark those exhibits for purposes of this hearing,  
8 these various statements. The attorneys have indicated that  
9 they have reviewed these statements. We can mark them in  
10 sequence, one through whatever it ends up being. I'll go  
11 through them here in a minute.

12 THE CLERK: (Inaudible)

13 THE COURT: Pardon?

14 THE CLERK: (Inaudible)

15 THE COURT: Right, if you wouldn't mind.

16 THE CLERK: (Inaudible)

17 THE COURT: Well, I don't think it really is. The last  
18 one is a defendant's exhibit. So yeah, the first ones. All  
19 but the last one, plaintiff's exhibits.

20 MR. SIMEONE: Your Honor, the other point I wanted to  
21 specifically bring up that I think is an error in the find-  
22 ings, was that there was any statements by anybody about the  
23 shooting itself, because there were no statements by anybody  
24 about the shooting itself, nobody having witnessed any  
25 shooting that occurred. That would be on line 3 of page 3 of

1 the proposed findings.

2 THE COURT: Well, there were statements, there were  
3 earwitnesses if not eyewitnesses to the shootings, and that's  
4 what I was referring to in that particular finding. So I'll  
5 go ahead and sign off on the findings and conclusions on  
6 motion for new trial and arrest of judgment.

7 And then let the record reflect that I have reviewed the  
8 presentence investigation report, much of which actually was  
9 a recap of the trial testimony, or, I assume, some of the  
10 police reports were the source of the Community Corrections  
11 Officer's information in that report.

12 I've also reviewed the State's sentencing memorandum, and  
13 a copy of a portion of the sentencing manual that was provid-  
14 ed. There was also a copy of State v. Flett, 98 Wash. App.  
15 799 included, which was cited in the State's sentencing  
16 memorandum.

17 So with that-- Let's see, Madam Clerk, I guess for  
18 purposes of the record we will also mark the presentence  
19 investigation report as an exhibit, and that'll be a State's  
20 exhibit, I assume.

21 All right, we'll hear first from you, Mr. Wetle, and then  
22 from any family members that wish to speak on behalf of the  
23 victims' families, and then-- And I understand you had two  
24 per victim. Is that correct?

25 MR. WETLE: That's correct, your Honor. Both parents wish

1 to speak to the court.

2 THE COURT: And then that will conclude your presentation,  
3 is my understanding?

4 MR. WETLE: Yes.

5 THE COURT: And then we'll take a brief morning recess,  
6 and then we'll start in on the defendant's end of it.

7 Mr. Wetle, then, I'll hear from you.

8 MR. WETLE: Thank you, your Honor. As the court has  
9 noted, you have attended the trial and listened to that, made  
10 rulings all the way through so you are intimately familiar  
11 with the facts of the case. The PSI then also rehashed the  
12 facts of the case, and I don't believe it's going to be  
13 appropriate for me to go through and talk about those details  
14 again for the court.

15 I would comment on the fact that this is apparently a  
16 rather senseless murder, or murders, in that as the court  
17 looks at the motive for the crime, basically all we can find  
18 is that this was attempts of the drug industry to further  
19 their control over people involved in the manufacture and  
20 distribution of LSD and marijuana in this particular circum-  
21 stance. And that as the war on drugs escalated, the price  
22 went up and cost these two young men their lives.

23 The whole scenario is not good. It is a sign of the  
24 deterioration of our community as a whole in terms of dealing  
25 with the drug problem.

1           It is important that the court recognize the significance  
2 of this case in terms of what it means from Oakland to  
3 Portland to Seattle. Colville just happens to be the loca-  
4 tion, but I think the ramifications of this case are going to  
5 be felt along the West Coast. And I think that based on the  
6 evidence that was submitted to the jury that there was a  
7 distribution network, a network of drug manufacturing and  
8 distribution that is fairly well coordinated, and the grape-  
9 vine of communication is speedy and probably fairly accurate,  
10 as Nick Kaiser and Josh Schaefer found out.

11           So what the court does here today, I think, is important  
12 in the overall picture of how people in the drug industry  
13 treat people that cooperate with the government in terms of  
14 the illegal activity that's going on. It was too bad that Mr.  
15 Grange was not able to cooperate, at least to my knowledge, to  
16 implicate other people that were involved in this murder. His  
17 contacts with these two individuals are so slim and so remote  
18 that it is unlikely that he, on his own, decided to kill both  
19 of them. The fact that other people probably were involved  
20 remains to be seen. As I said to the court, to my knowledge  
21 there has been no cooperation on his part to follow through  
22 and let the federal authorities know other roles that were  
23 played in this particular-- in these particular homicides.

24           The lack of remorse is shown in the contact with the  
25 police officers, it's shown in the contact with his co-

1 defendants. He really didn't know these individuals that  
2 well, and they were just objects in the drug trafficking  
3 industry to him. It would seem that that may rationally show  
4 why there was a lack of remorse, but there certainly didn't  
5 appear to be any remorse, at least seen from the officers  
6 involved in this particular matter.

7 We'd ask the court to impose the maximum sentence, which  
8 is 760 months. We are still dealing with restitution. The  
9 Kaisers have submitted a bill for \$415. They also have a  
10 headstone that needs to be purchased, and so have asked the  
11 court for a continuance to get that particular item taken care  
12 of.

13 The Schaefers are having two types of restitution. One is  
14 an ongoing counseling that they are dealing with. At this  
15 point it looks like there's \$955 for their daughter, and \$165  
16 for the parents. That counseling is still ongoing. Those  
17 sessions will need to be documented and submitted to the court  
18 at a later time as well.

19 Danekas Funeral Home took care of the funeral services for  
20 both families at their end, and so there were no charges for  
21 that. However, the Schaefers do need to purchase an urn for  
22 the remnants of the remains of Josh, and that item would also  
23 be forthcoming.

24 So we would ask the court to schedule a restitution  
25 hearing at a later time when these firm figures could be



1 submitted to the court, and that, certainly, they would not  
2 attend that hearing but documents would be submitted, hopeful-  
3 ly to the satisfaction of Mr. Simeone, and we'd ask that Mr.  
4 Grange waive his presence at that particular hearing.

5 Of course, the State would ask for the Crime Victims Fund  
6 of \$500, the court costs, attorney's fees, and any defense  
7 experts that were involved so that they can be added to those  
8 costs. As I told the court before, it's my understanding that  
9 Mr. Grange would be able to have some moneys taken out of any  
10 jobs that he does at the prison, and that money then, a  
11 portion, could be allocated to the legal financial obligations  
12 that the court imposes.

13 By statute, the State would ask that he be sentenced to 24  
14 months of community placement. There are various conditions  
15 that are set forth in the PSI, and also in the Sentencing  
16 Guideline Manual, as to what conditions the court wishes to  
17 impose with respect to community placement. Also, depending  
18 on the length of the sentence, it's a matter whether some of  
19 those are relevant for purposes of sentencing.

20 We also ask that there be no contact with Tom and Pat  
21 Schaefer, Wayne and Judy Kaiser, Maija Soucie, Jeff Cunningham  
22 and Dane Williams. If at some time there is a desire on the  
23 part of any of the parties involved in this matter to change  
24 that no-contact order, I have advised them that they can go  
25 through the court to modify that no-contact order for purposes

1 of either limited contact or contact to the degree that is  
2 necessary. But at this time, I believe all the families wish  
3 to have a general no-contact order.

4 THE COURT: I'm sorry, I missed-- Other than the Schaefer-  
5 rs, the Kaisers--

6 MR. WETLE: Maija Soucie and--

7 THE COURT: Mr. Williams and Mr.--

8 MR. WETLE: Cunningham.

9 THE COURT: --Cunningham. Okay. Thank you.

10 MR. WETLE: With that, I would ask, and I'm not sure who  
11 would like to go first, Mr. Kaiser or Mr. Schaefer? If Tom  
12 Schaefer would come forward and address the court, your Honor.

13 THE COURT: All right. That would be fine right there,  
14 sir. And it'll pick you up. You don't have to speak right  
15 into it.

16 MR. SCHAEFER: Okay. I guess I'd like to give the court  
17 a sense of what we've lost with Josh, the kind of person he  
18 was.

19 Josh was a very loving, caring, gentle, gentle soul. He,  
20 as a kid, 14, 15 years old, he, as part of the church youth  
21 group, he worked in what they call Work Group. He would take  
22 two Saturdays a month and they would go out to the elderly and  
23 the poor and help them with repairs and do things for them.

24 He worked two summers as a volunteer at a camp, Care Free,  
25 a camp run for disabled children by the Easter Seals. Then

1 after the two years as a volunteer, they hired him as a  
2 counselor. He loved children and loved working with children.  
3 During those years he used to go to a soup kitchen and help on  
4 Friday nights to feed the homeless. That's the kind of person  
5 he was. He still was that person.

6 He-- You know, he stumbled. We had the incident in  
7 Oakland, and him, Kim and Sequoia came down and lived with us  
8 for two months. They came down at the beginning of February  
9 and left early April a year ago. During that time we spoke a  
10 lot. Josh was only-- only 20. I mean he had a lot to  
11 lose, he knew. He had a wonderful baby that he loved. He had  
12 a wife, Kim. They called each other husband and wife. They  
13 gave me such joy to see how in love they were. They just  
14 truly called each other soul mate, and they were just wonder-  
15 ful together.

16 His son, Sequoia, his joy in being a daddy was just-- It  
17 was just so beautiful. He would get up-- The baby was  
18 breast-feeding and he'd get up early so that Kim could sleep  
19 after being up feeding the baby at night, and take care of the  
20 baby in the morning. He'd give the baby his baths, and every  
21 day after the bath he'd take some body oil and massage the  
22 baby. He'd take Sequoia out and for walks. He just-- just  
23 loved children. He loved being a dad.

24 And you talk about impact, this poor child will never know  
25 the love of his father. He'll never learn the lessons of--

1 have that relationship that a father and son have. Sequoia,  
2 this is a life sentence for him. Sequoia gets no parole, no  
3 probation. When he gets older he's going to have to live  
4 with the pain of knowing what this-- what has happened here.

5 And Kim-- Kim's devastated. She's living with us now.  
6 She has nightmares every night. She sleeps with a light on.  
7 She's having a horrible time dealing with this. Josh was the  
8 love of her life. You know, she had plans. They wanted to  
9 have more children. She feels as though that part of her life  
10 is over. She's just crushed, as we all are. Our families,  
11 extended families, are as well.

12 You know, Josh's sister, Jessie-- When Josh turned up  
13 missing, we spent three and a half months in that hell of  
14 searching for him. Spent a fortune. Flew up here, put  
15 posters everywhere. Our long distance bills were running \$500  
16 a month. We were desperate trying to find him and-- 'Cause  
17 we knew. I mean he called me every week. We were close. He  
18 would never have left Kim or the baby. We knew that. We knew  
19 that he was-- We were hoping that he had some kind of  
20 amnesia or some kind of injury, but-- Anyway, I was talking  
21 about Jessie. She-- She went into counseling shortly after  
22 he disappeared. Just a couple weeks ago we had to-- Pat had  
23 to take off work to go get Jessie at school. She just  
24 couldn't stop crying. When-- You know, our counselor has  
25 told us that this is really, really starting to hit her hard.

1 I mean she's 17 years old, she's just trying to learn how to  
2 be an adult and how to deal with life, and this has devastated  
3 her.

4 One day we were sitting at home, I was talking about  
5 Sequoia, and, you know, we always show Sequoia pictures of his  
6 daddy and talk about him, and him and Kim were reading a book  
7 and they flipped the book, and there's a picture of Josh. And  
8 Sequoia goes:

9 Daddy. Daddy gone.

10 He picks the picture up and walks over and drops it in the  
11 trash can. I mean our heart breaks every day.

12 Pat has carried this boy in her womb, he's our firstborn,  
13 our only son. She's basically had a nervous breakdown. She's  
14 working part time and she can't work all the time. She misses  
15 a lot of work. She's-- Her memory's shot. She can't--  
16 She's just surviving.

17 I live with the image. You know, I have these-- Trying  
18 to remember Josh and the good times and the good pieces of  
19 him. He was-- He was a good person. And sitting in this  
20 courtroom-- It was actually my birthday, February 14th, when  
21 the medical examiner showed us the bullet wounds to the back  
22 of Josh's head. And it was Dane that described the bullet  
23 wound to his forehead and his face, and the bloody mess and  
24 moving the bodies, and the quote, the defendant \_\_\_\_ with a  
25 head shot. I live with this image. I can't think of my son

1 without thinking of this image. This is 24 hours a day. I  
2 wake up in the middle of the night, and that's the image I  
3 have in my head.

4 People talk about the good times, his old birthdays,  
5 Christmas, and this just comes to me. And the image ends with  
6 Grange holding the gun, just like they described, and I have  
7 to live with that every day of my life, every moment of every  
8 day.

9 I mean I'm going to try and-- I realize that it's-- it's  
10 not good. I've gone to counseling. I started counseling a  
11 few weeks ago to try to get over that. I have to be able to  
12 think of my son in the beautiful way that we had our relation-  
13 ship, and not-- not continuing this hateful, ugly thought.

14 I mean devastated is the only word that can describe the  
15 impact this has had on our family. And that's just-- not  
16 just me and Pat, Jessie, Kim and Sequoia. It's my brothers  
17 and sisters, Josh's cousins. Some of his cousins he grew up  
18 with and, you know, I talk to them and they just cry and just  
19 can't believe this happened.

20 I live with the fear of my daughter-- I mean she's 17,  
21 she's a teenager, and, my God, when she's out of my sight I--  
22 I worry.

23 Our lives have been changed forever by this, and none of  
24 us get probation or parole. I mean this is a lifetime  
25 sentence. Jessie has no brother. Kim has no love. Sequoia

1 has no daddy. I \_\_\_ no son. I have no son.

2 I've been diagnosed, since I've gone to this counseling,  
3 that I have-- Clinically depressed and that I have-- I  
4 forget what it's called. Anyhow, the stress syndrome kind of  
5 thing people get when they go to battle, because it's been  
6 almost a year of battle. I mean he was missing for three and  
7 a half months, and they found him murdered. Not only mur-  
8 dered, but mutilated, burnt, even left for animals. And, you  
9 know, the whirlwind of the investigation and the trial, and  
10 now this.

11 There's another victim here too, and I don't know-- It's  
12 this killer's father. I mean I'm a dad who lost my son, and  
13 I've been devastated by this. The relationship between a  
14 father and son is something special. And this-- this killer,  
15 when he took Josh and Nick, he took a piece of his father with  
16 him. I know his father came up to me during the trial and  
17 said if my son did this he should get what he deserves. And  
18 I didn't know what to say. Still don't know what to say,  
19 except that I think he's probably an honorable man who came  
20 here and tried to tell the truth, and he bought the gun that  
21 killed my boy, and he must-- I believe he's in pain, and that  
22 this killer killed-- took a piece of his father's heart when  
23 he killed these boys.

24 I'll probably think of something I wish I had said later,  
25 but I don't know what else to say, except that we are devas-

1 tated emotionally and financially. I'm supporting Josh's son  
2 and his wife. I spent a lot of money searching for Josh.  
3 Emotionally, we're-- we're a wreck, you know. And this  
4 killing, in my mind, I mean this animal kills for money, he  
5 kills for prestige in his organization, and I keep thinking in  
6 my mind why-- why didn't they try to separate Josh from Nick?  
7 From the testimony in the trial, Nick was the target of this  
8 killing, and, I mean, they talked about spending. I mean they  
9 spent-- They overdose them on LSD. They could have done that  
10 to Josh and he never would have known what happened. They  
11 made no attempt to separate Josh from the target. He even  
12 made a comment that someone testified to that:

13 I feel sorry for whoever comes with Nick.  
14 Not that he felt sorry, but they're going to get what Nick's  
15 getting. Like it was more trouble to try to separate them  
16 than it was to kill him. It's easier to kill than to make an  
17 effort to separate the person that's not the target of this  
18 hit. So we've got a guy that kills for money, kills for  
19 prestige in his crime organization, and kills for convenience,  
20 because it's more convenient to kill than to separate someone  
21 that's not the target. He should get the maximum sentence,  
22 and he should get what Josh got, but I know that's not in the  
23 Sentencing Guidelines.

24 But, you know, we'll never have peace with this, I don't  
25 think. Hopefully we'll have justice and we'll get the



1 punishment deserved in the worst penitentiary that he can be  
2 sent to. I'm told Walla Walla is not a pleasant place to be.  
3 And a double, premeditated murder deserves to be in the  
4 hardest place to be.

5 I have a little letter that Kim wrote. Can I-- Can I  
6 read that? She's not here.

7 THE COURT: All right.

8 MR. SCHAEFER: And she kind of wrote this to Grange:

9 Well, I can think of a lot of things I'd like  
10 to say-- call you and say to you, but I won't go  
11 there. You're a sorry excuse for a man with  
plenty of time to think about what a soulless  
person you are.

12 I can't even begin to say how many-- how this  
13 has affected so many beautiful people's lives.  
14 Josh brought complete joy to everyone. He is our  
15 bright shining light. Just think of how Josh's  
16 parents and sister must feel. I'm sure you wouldn't  
want your family to have to go through this  
pain. They are dealing with you, but you \_\_\_\_\_  
are somehow still on this planet with no benefit  
or value to anyone.

17 Josh's son, Sequoia, now has no sweet poppa to  
18 guide and teach him with the amazing talents the  
19 only way-- the way only a daddy could. He was  
the best ever.

20 I'm sure you aren't thinking about who he could  
21 possibly be when you violently took him away from  
us. For no reason does anyone ever deserve that  
type of execution.

22 Josh was the sweetest, kindest and gentlest man  
23 and friend I've ever known. I miss him so much.  
24 I'm glad you'll never have the chance to have  
25 children or a family. You'll have plenty of time  
sitting in Walla Walla to think about what it  
would be like to have a happy family and be with  
the woman you love.

1 And she says:

2           Where are your friends now? They're not back-  
3           ing you. They've abandoned you. \_\_\_\_\_ able to  
4           visit you in your nightmares, because I know you  
5           come to mine. We live in a hell you provided with  
6           the cold-blooded murder of the love of my life.

7           Kim didn't want to be here 'cause she didn't want to be in  
8           this ugly-- Didn't want to bring Sequoia up to this environ-  
9           ment. She anguished over that, but I think it was best. I  
10          don't want to be here either. I don't want to be in the room  
11          with this killer.

12          I guess there's nothing else to say, except that there's  
13          a lot of people that Josh was-- Josh stumbled. I mean, no  
14          doubt. I mean he was a wonderful person. He still was that  
15          wonderful person when he got involved in drugs. He was 21 for  
16          five weeks. He was 21-- He'll be 22 next Friday, and, you  
17          know, when they came down and stayed with us for those two  
18          months, I mean I could see the growth in him. I mean we  
19          talked a lot, and I really believe that he knew what he had to  
20          lose. He had that child and he loved him more than anything,  
21          more than life, as I loved him. And he, given time, I believe  
22          would have-- And he was. I mean he was backing away from  
23          that life. I mean now he doesn't get a chance to grow, he  
24          doesn't get a chance to-- to reach his potential, which was  
25          great.

26          I guess that's all. Thank you.

27          THE COURT: Thank you, Mr. Schaefer. All right, Mr.

1 Wetle?

2 MR. WETLE: Pat Schaefer would be next, your Honor.

3 THE COURT: All right, Mrs. Schaefer?

4 MRS. SCHAEFER: Your Honor, I have a letter that my  
5 daughter wrote, \_\_\_\_\_. She couldn't be here today. She  
6 didn't want to be in the same room.

7 My brother, Josh, didn't deserve to die. He  
8 did nothing to deserve what you did to him. Josh  
9 had a wife and a son. Now Sequoia will never get  
10 to know his father like he should have, and some-  
11 day we will have to explain to him what happened  
12 to him.

13 You took more from this family than you'll ever  
14 know. Josh was a loveable person who would never  
15 hurt a soul. I feel sorry for you because you  
16 thought by killing Nick and my brother that your  
17 life would get better and that your friends would  
18 stand by you. Now you're going to jail for a very  
19 long time. Now you are the one with your life  
20 being taken away from you. I hope you think about  
21 Josh every day of your life.

22 Your Honor, I don't know-- Jessie wanted me to show  
23 Grange a picture of Josh and her and Sequoia the last time we  
24 were together on our camping trip. I don't know if that's all  
25 right?

THE COURT: All right. Why don't you hand it over to Mr.  
Simeone, if you would, please.

MRS. SCHAEFER: She made-- She made me promise I would  
show it. That was a camping trip we had taken when Josh was  
down, and we had a real nice time. But that was their last  
picture together. Josh and Jess were close.

1           And I just wrote a few notes here. Tom said a lot of what  
2 I wanted to say, but the pain and agony is unimaginable. My  
3 soul's been ripped out of me, and my heart, and I'll never be  
4 the same person. I used to be a very happy, optimistic  
5 person, and I-- and I easily thought that if you put good  
6 karma out there, good karma will come to you. That's not the  
7 way the world works. Forty-five years old and I just found  
8 that out.

9           When you murdered Josh, you killed our family also. Our  
10 whole family has not slept since Josh disappeared. I'm on  
11 antidepressants and Zanax (?). I'm in dire pain, our whole  
12 family's in dire pain. I'm in therapy with a therapist who  
13 specializes in trauma. I was \_\_\_ traumatized by all of this.  
14 Now I have nightmares, I can't sleep, I can't function. I  
15 work part-time and I barely can make my job. I have a muscle  
16 disorder that is aggravated by stress, and some days I can't  
17 even walk. You have emotionally and physically crippled me.

18           We suffer from posttraumatic stress syndrome, and that's  
19 what you get when you go to war, and we went to battle looking  
20 for Josh. Josh called me twice before he disappeared. Josh  
21 and I are tight, really tight. My children are everything to  
22 me.

23           Unfortunately, Josh called and I wasn't home that Friday  
24 night. At that time I didn't know he was calling me from up  
25 here. So when I found out he hadn't been in touch with Kim,

1 I knew something drastic had happened because Josh and I had  
2 long talks.

3 When Sequoia was born I went up to stay with them, and we  
4 talked about what being a dad meant to him, and that he'd  
5 found a soul mate in Kim. And the happiest day of my life was  
6 April 27th when Josh was born, and his birthday is Friday. I  
7 get to bring his ashes home. I get to go there after the  
8 other two sentencings in \_\_\_\_\_. This will be a day from  
9 hell, as my life has been since you took him from me. You  
10 didn't even know Josh. He was just-- He was an inconvenience  
11 to you 'cause he was there. He was there to be a friend to  
12 Nick. You didn't even know him. And the word that always  
13 comes to mind, all my-- cause we have a large \_\_\_\_\_ with  
14 Tom and I that Josh was very, very tight with. Very tight  
15 with. And we're all just devastated, and they all said the  
16 same thing, what a gentle soul. You didn't know him. He did  
17 stumble. Drugs are bad. He knew he had made mistakes and was  
18 trying to change his life, but you took that from him.

19 When Josh was little he was afraid of monsters, and-- I  
20 mean really deathly afraid of monsters. And I would always  
21 tell him that monsters were pretend and that they really  
22 didn't exist, and that I would always be there to protect him.  
23 But I was wrong. I was really wrong, 'cause you came out of  
24 the darkness and you ambushed my baby, and you are a monster.

25 You know, I never saw Josh fight with anyone, and he was

1 21. He just was gentle from the time he was born, and we've  
2 lost a lot, and my heart and soul has been broken, and I've  
3 always tried to-- to believe that my goal was to get through  
4 life with my soul intact and my heart intact, and that's not  
5 possible now. You took all that from me.

6 I'll never be the same person I was, but I refuse to let  
7 you make me a bitter person. I won't be bitter.

8 And what you've done to your family, I can't even imagine.  
9 It broke my heart to see your father every day and \_\_\_\_\_.  
10 And your sister. It just broke my heart.

11 And now I have a picture of Josh on his 21st birthday with  
12 Sequoia, and a picture of Josh with Sequoia this Christmas,  
13 this past Christmas, but he'll never have that. I hope you  
14 look at them, \_\_\_\_\_ Josh's face and his family, and his baby  
15 \_\_\_\_\_. You've caused us such hell. We were so happy  
16 that Christmas. And this was on his 21st birthday up at their  
17 cabin, with the pride and joy of his life. Sequoia is the  
18 pride and joy of my life now. Thank God we have him.

19 I read Jessie's letter. My daughter is devastated. I  
20 only have one child now left. It's hard enough being 17  
21 without having to deal with the death of your brother, the  
22 murder, and brutal murder. The trauma therapy is hopefully  
23 going to help because I just keep reliving the trial in my  
24 head and the agony of Josh being missing for so long, and  
25 knowing that something terrible happened to him, and having to

20.

1 function and still deal with life and still go to the grocery  
2 store and still exist. That's \_\_\_\_\_, exist. And that's about  
3 all I do is exist. I don't sleep, I don't go out of the  
4 house. Hopefully one day I'll get some of my life back, but  
5 I don't smile anymore, and I used to smile and laugh all the  
6 time.

7 You took a lot more than just Joshua. You brutally shot  
8 him in the head. He was the most non-violent person I've ever  
9 met in my life. So for him to die so violently is just--  
10 \_\_\_\_\_. But hopefully my trauma therapy will work and I  
11 won't be as traumatized and maybe I'll be able to sleep some  
12 day. But I hate to say it, but may you burn in hell because  
13 you put us through such hell. We'll never get relief from  
14 this, and may you never get relief \_\_\_\_\_. May you think of  
15 Josh when you close your eyes at night, and may he be the  
16 first thing you think of the rest of your life when you wake  
17 up, because I won't have him this April 27th to celebrate his  
18 birthday with him. I have his ashes.

19 Thank you.

20 THE COURT: Thank you, Mrs. Schaefer.

21 MR. WETLE: Your Honor, we'd ask that Judy Kaiser come  
22 forward.

23 MRS. KAISER: Your Honor, we not only lost a son, but we  
24 lost a brother too. He has two younger brothers at home. One  
25 is 13 and one just turned eight. Our eight year old son is

1 afraid to grow up. He's afraid that once he leaves our house  
2 something bad's going to happen to him too.

3 Again, Nicholas was only 21. He called us constantly,  
4 every day, or at least every week, to let us know that he was  
5 okay, to let us know where he was at, that we could know that  
6 he was okay.

7 He was looking forward to coming home and starting a life  
8 over. He knew he had made mistakes. He should have been  
9 allowed to rectify the mistakes that he made; he didn't get  
10 that chance.

11 He was our first son. And the hardest day of my life was  
12 the day that we received a phone call stating that his vehicle  
13 had been found, and could we please send his dental records  
14 for identification. Our hearts and souls were tore out when  
15 that call came stating that that was our son. How do you  
16 tell his brothers that Nick's never coming home anymore?

17 All our hopes and dreams for Nick died that day too. We  
18 knew something must have happened 'cause, like I say, he  
19 always called us constantly. That's the only thing I ever  
20 asked him, is if he'd go anywhere, please call us and let us  
21 know where you're at, that you're okay, that we have that  
22 peace of mind. And he always did that. Even if it was  
23 calling late at night 'cause he never remembered the time  
24 difference, that he'd call just to say he was thinking of us  
25 and that he loved us. That he just wanted to call to say hi.



1           We've had to go through Nick's birthday without him. It  
2 was the hardest day of my life.    \_\_\_ November the 11th he  
3 turned 22.

4           Like I said, he made mistakes. I believe with all my  
5 heart and soul that, giving it more time and our prayers and  
6 our encouragement, he could have turned his life around. He  
7 could have made a life for himself. We won't ever know, or we  
8 will never have a grandchild from Nicholas. He did not get a  
9 chance or a choice to get married, to have a son or a daugh-  
10 ter, and that's something that we've lost, we can never get  
11 back.

12           I lost my train of-- The day that Nicholas was killed--  
13 I know. The only thing we're guilty of is loving our son, and  
14 the day that Mr. Grange killed him, he gave us a life sen-  
15 tence. We have to live our lives without him now. We don't  
16 get a chance to appeal. We don't get the chance to have a  
17 mistrial. We don't get a chance to get off for good behavior.  
18 We don't get a chance to maybe get paroled.

19           I have trouble sleeping at night. My concentration at  
20 work is out the window. I still function, but it's like I'm  
21 on automatic pilot. I'm just so thankful I do have two sons  
22 that I can lean on. And they're so much like their brother  
23 that I can see Nicholas in them when I look at them. When  
24 they speak they sound a lot like him. My oldest one is  
25 looking a lot like Nicholas, and they both loved him very

1 much. Every time Nicholas called they always asked,

2           When's Nick-Nick coming home?

3 Or when they talked to him on the phone,

4           Nicholas, when are you coming home?

5 And he had plans on coming home. He wanted to go back to  
6 school. He wanted to get his life on track. And each letter  
7 that I wrote to him, I just tried to give him words of  
8 encouragement, that there is a better life, this isn't the way  
9 to go. And he knew that. It was hard for him to distance  
10 himself from that, but he was trying his best to do that. And  
11 now he's never going to get that chance to prove to us that he  
12 could do that, that he could have had a productive life, that  
13 he could have had a family of his own, that he could have had  
14 children of his own and could watch them grow up.

15           His brothers have lost a brother that was very dear to  
16 them, and it's something that they have to live with for the  
17 rest of their life too. We weren't the only two that was  
18 victimized. He had cousins, aunts and uncles that loved him  
19 very much, and their lives have been devastated too.

20           Mr. Grange should have to pay for what he's done to us.  
21 Like I say, we've already been sentenced to life, and we don't  
22 get anything from that, and this is something that we're going  
23 to have to live with and deal with for the rest of our lives,  
24 to go through all the holidays, the birthdays that we'll never  
25 have any more.

1 I'd just like to thank you for letting me speak.

2 THE COURT: Thank you, Mrs. Kaiser.

3 MR. WETLE: Lastly, your Honor, we'd ask that Mr. Wayne  
4 Kaiser come forward.

5 THE COURT: All right, Mr. Kaiser?

6 MR. KAISER: Your Honor, our son meant the world to us  
7 when he came into this world, and we believed that God only  
8 had the right to take him out of this world, and we still  
9 believe that and everything. We taught him right from wrong.  
10 We taught him the Bible. We \_\_\_\_\_ Satan.

11 And when Nick left to come out here and everything, we had  
12 mixed emotions and everything. We knew he was young. He come  
13 out here, down in Portland, when he was 18 years old, and we  
14 told him, you know, he was just too young, but he knew-- he  
15 thought he knew everything. Nick was a \_\_\_\_\_. Nick had some  
16 friends down in Portland that told him how beautiful it was  
17 out here, and even my wife, yesterday, flying over we could  
18 see what-- you know, together, what he enjoyed out here. And  
19 we knew-- We don't know why Nick changed his life when he  
20 came out here. And-- Well, we-- we do know some. But he  
21 got into the wrong company, and that's the wrong road you take  
22 sometimes.

23 And after he got involved with the drugs and everything,  
24 you know, and he got caught, in the five weeks that he lived  
25 after that and everything, everybody down in Seattle that we

1 talked to, and even the calls and the conversations that I had  
2 and my wife had, we could see a change in his life. And we  
3 knew that once-- Well, we-- we made an agreement with the  
4 DA's office that when Nick got out of the mess he did that a  
5 plane ticket would be ready for him to come back home and we  
6 were going to do everything possible to help him out and  
7 everything out of this. \_\_\_\_ back the right way instead of  
8 the wrong way. Of course, we'll never get that right now.

9 I got to somehow look to Mr. Grange \_\_\_\_ because it's the  
10 way I believe in the Bible and what we're commanded to do.  
11 Somehow, my heart will forgive you some day and everything,  
12 because I have to. But I question why and everything you  
13 could do this and everything. Nick never done anything to  
14 you. You didn't know him and everything, and, you know, he  
15 had a life. He enjoyed life to the fullest and everything.  
16 And he didn't want it to be this way. We saw the fear when he  
17 was out, in his voice, the five weeks, and that's the hardest  
18 thing I've had to live with. By not going out to see really  
19 what he was involved with, because the DA's office down in  
20 Seattle never told us what he was involved with and how deep  
21 and everything, and what danger he was really in.

22 And I listened on the trial, and I watched, and I saw the  
23 jurors, and all 12 of them convicted you of what you done, and  
24 I think any other jury down the road will do the same thing  
25 and everything. I don't have nothing against you and every-

1 thing, and I disagree with Jerry here one thing. He says you  
2 have a lack of remorse. You have no remorse if you don't want  
3 to help us and the police to find out who-- to get everybody  
4 that was involved in this and everything. We want everybody.  
5 If you have any kindness in your heart, you'll help us. We've  
6 been told different things where you don't want to work with  
7 the DA's office. I do not know why. I can't believe that you  
8 have feelings. Look what you're going through now. Why would  
9 you cover up for somebody and take the big rap? I don't know  
10 where you get being a snitch or a nark and everything.  
11 Don't--

12 Listen to your parents. I talked to your dad many times  
13 and everything in the trial and everything. He's a good man.  
14 I'm sure he taught you right from wrong growing up, and why  
15 you would do this and hold back from us, don't you think we  
16 care about-- cared about our son as much as he cares about  
17 you now? I don't know what your life was with (sic) and  
18 everything. I don't know how much your dad loved you and  
19 everything. But you should have-- You should do right, not  
20 wrong, and everything. I don't know how much your accompli-  
21 ces were involved in this. You should speak out. Don't hold  
22 it in. I don't know why.

23 We have two other sons at home. They asked me what's  
24 going to happen to them and everything. I don't know what to  
25 tell them. They want us to-- They tell me to tell the judge

1 to lock you up and throw away the key. Do I tell them that?  
2 You know, this has been hard and everything. I sleep at  
3 night. I wake up. I can wake up, I jump out of bed, I run to  
4 the hallway. I see my son in my sleep. I see his tears. I  
5 hear his cries for help, and I can't do nothing. It's very,  
6 very sad that you can't do nothing. And for someone \_\_\_\_\_  
7 and find out they've done this and everything, you know, I  
8 can't believe anybody in the world, you could hold back from  
9 not cooperating and getting the ones that ordered this. It's  
10 sad and everything. But if you \_\_\_\_\_ way then I have no  
11 feelings toward you, and everything, you know. You get what  
12 you deserve, and everything. I don't--

13 Judge, your Honor, when you kill somebody, where's the law  
14 at? This man's killed two people. We're talking about years  
15 and everything, you know. How-- I never thought it'd be like  
16 this. We're talking years. I get so tired of hearing points  
17 and years and things, you know. When you take someone's life,  
18 you shouldn't have a life and everything. You shouldn't be  
19 on the outside. Where's our law going today, and everything  
20 if we keep this up? We get lenient, lenient, lenient and  
21 everything. This man was convicted of two murders, and now  
22 we're going to talk about years, and then good time? Does my  
23 son get a second chance? Does my son get good time? No, he  
24 won't get any of that and everything. You got to take into  
25 consideration this man and everything. Granted, he'll--

1 Whenever he gets out, in the time he spends, he'll be an old  
2 man and everything, but, you know, he shouldn't see the  
3 outside of a jail if he doesn't work with and tell who ordered  
4 this deal. There should-- You know, there should be no  
5 second chance. I-- I just wish that there was some way of  
6 getting through to him, your Honor, you know.

7 That's all I have to say, you know.

8 THE COURT: Thank you, Mr. Kaiser. Could I please have  
9 those exhibits?

10 Mr. Wetle, is there anything further you wanted to add?

11 MR. WETLE: No, your Honor.

12 THE COURT: All right, and that would conclude the State's  
13 side of the presentation, then?

14 MR. WETLE: Yes.

15 THE COURT: All right, I'm going to take about a ten  
16 minute recess, and then we'll come back and complete the  
17 sentencing hearing.

18 COURT RECESSED

1 COURT RECONVENED

2 THE COURT: All right, Mr. Simeone, I'll hear from you  
3 next.

4 MR. SIMEONE: Thank you, your Honor. In my presentation  
5 this morning I'd like to have two people speak on behalf of  
6 Mr. Grange as character witnesses. I'd like to have his  
7 father speak, as well, and then I would speak, and lastly I'd  
8 like Mr. Grange to address the court, if he so desires.

9 THE COURT: All right.

10 MR. SIMEONE: First I'd like to have Jeff Cunningham come  
11 forward and-- to present to the court--

12 THE COURT: All right, Mr. Cunningham, if you'll come over  
13 and stand next to Mr. Simeone, please.

14 Would you turn that monitor slightly? Thank you.

15 All right, Mr. Cunningham, what would you like to have the  
16 court know at this point?

17 MR. CUNNINGHAM: I've been friends with John for a right  
18 many years, and I've known him to ever be violent in any way.  
19 I really don't know why this all happened, but I never thought  
20 that John would ever do anything like this. He's always been  
21 a good person. \_\_\_ helped a lot of people. I can't apologize  
22 for him or myself. It's-- I know it's-- I don't know the  
23 words-- I don't even know what I should say. I just know  
24 that, you know, I've never known anything like this to ever  
25 happen. John's always been a good person.



1 THE COURT: All right, thank you, Mr. Cunningham. I think  
2 you can go ahead and accompany the officer back-- this  
3 officer back downstairs, I guess, and then I guess we'll see  
4 you this afternoon. A little bit later. Thank you, sir.

5 And Mr. Simeone?

6 MR. SIMEONE: Your Honor, the next person I'd have address  
7 the court would be Corrections Officer Wattel (sp?) from the  
8 Spokane County Jail. Officer Wattel, if you'd come forward,  
9 please?

10 THE COURT: And did you want him to testify?

11 MR. SIMEONE: No, your Honor.

12 THE COURT: All right, sir, did you-- You can stand kind  
13 of close to-- Mr. Simeone, would you put that microphone a  
14 little closer? I think the other remarks were picked up  
15 fine.

16 MR. SIMEONE: \_\_\_\_\_

17 THE COURT: Yes, sir?

18 MR. WATTEL: I work for the Spokane County Sheriff's  
19 Office, and I work in corrections. Mr. Grange here is-- he's  
20 an inmate on my floor. I was asked to come as kind of a  
21 character witness. I don't know much about the case. I try  
22 and keep it that way with the guys I work with, it makes my  
23 job easier.

24 The only thing I know is, you know, John's fairly quiet,  
25 keeps to himself a lot of the times. We talk off and on. I

1 really don't know anything about the case. He keeps his room  
2 clean, he's polite. I do feel for all the families involved  
3 on both sides. I just know that I was raised-- born and  
4 raised a Christian, and it's up-- I believe it's-- God knows  
5 the truth, and I hope the best for everyone.

6 That's all I have to say.

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

8 MR. SIMEONE: Your Honor, the next to speak on Mr.  
9 Grange's behalf would be his father, Mr. Douglas Grange.

10 THE COURT: All right, sir, if you'll come over here close  
11 to this microphone.

12 MR. DOUGLAS GRANGE: First of all, I didn't know I could  
13 read letters in the court, and my daughter's written a letter  
14 and I'd like to read it.

15 THE COURT: Yes, I have seen that. I think that's the one  
16 Mr. Simeone made sure that I had, and also Mr. Wetle has seen  
17 it as well.

18 MR. DOUGLAS GRANGE: Okay, thank you.

19 Before you make your decision this morning,  
20 I would like to share my own thoughts. The  
21 future of my little brother rests in your  
22 hands. The \_\_\_ in the courtroom which convicted  
23 John of murder knew him the way I knew  
24 him. I did not hear anything that convinced me  
25 he killed those two people. I heard the testimony  
of two criminals that had their own lives  
as motive to lie. They will spend approxi-  
mately one year each in prison, while my brother  
is looking at the rest of his life.

1 John is not a criminal. He had never been  
2 suspected of any crime or drug or gang activi-  
3 ty. We were teenagers in the very heart of  
4 gang activity, and John participated in-- not  
5 in any of that. He is a good kid. When I  
6 first heard what John was charged with, two  
7 counts of second degree murder, I was shocked.  
8 I thought that was impossible, it was a mis-  
9 take, or that his life was in danger, self-  
10 defense.

11 Chewy is short for Chewbacca, a character in  
12 the original Star Wars film. A huge, hairy  
13 thing with an even bigger heart that wouldn't  
14 hurt a mouse. That is how John's friend de-  
15 scribed him at Outdoor (?) School where he was  
16 first called Chewy. Outdoor School was proba-  
17 bly the best time he ever had in his life. He  
18 was accepted for who he was, be-- other kids  
19 actually liked him. He fit in. And he went  
20 back to camp in high school as a camp counselor  
21 to try and give other kids the same terrific  
22 experience that he had.

23 John also loves animals very much. They  
24 have been a way for him to give and receive  
25 unconditional love his entire life. You saw  
the love in the courtroom when the Prosecutor  
mentioned John abandoned his dog, Drexler, in  
the woods. To everyone else, John probably  
appeared irrational and angry, but keep in mind  
John never stopped trying to get his dog back.  
Dane's mother lied on the stand and said that  
John made no attempt to get his dog back. I  
personally overheard several phone conversa-  
tions where John attempted to make arrangements  
to get his dog back. She also stated that she  
kept the dog right up until the month before  
the trial took-- trial, and then took the dog  
to the pound, where it could be destroyed. I  
know the information came as a hurtful shock to  
John.

I do believe that John was a drug dealer en-  
forcer for a drug family, was living--

Oh.

1 I don't believe that John was a drug dealer,  
2 the enforcer for a drug family. He was living  
3 at home with his mom, sister and niece. I  
4 think that a big time drug dealer could at  
5 least afford his own apartment.

6 I would like to thank you for taking the  
7 time to read this letter. \_\_\_\_\_ these points  
8 when making your decision.

9 THE COURT: All right.

10 MR. DOUGLAS GRANGE: And then I have a statement of my  
11 own.

12 THE COURT: Okay. Mr. Grange, go ahead.

13 MR. DOUGLAS GRANGE: John Douglas Grange is my only son.  
14 He's a gentle boy. He has never been in any trouble.

15 I raised this young man, and while he sat in the courtroom  
16 during the trial, I was kept outside these door and I was not  
17 called to testify as a witness for both the prosecution and  
18 defense. I have and-- have relevant information about his  
19 innocence, and he will soon discover more facts that would  
20 show my son is not involved in these murders. I waited  
21 outside these doors to present that information, but my son's  
22 attorney, Robert Simeone, did not call me to testify as he had  
23 promised and as my son expected, and as the court expected.  
24 So I sat outside while my son sat in this room where justice  
25 is supposed to be dispensed.

I know that my son did not receive justice because I was  
never called to the witness stand to testify on his behalf.  
And neither were other witnesses. There are other witnesses

1 who know the truth. I sat outside this courtroom for the  
2 entire trial, not knowing how little justice my son would  
3 receive. When the few witnesses had been called, and the  
4 defense and prosecution had finished, I was finally allowed  
5 in the courtroom. While the court gave instructions to the  
6 jury, my son's attorney, Robert Simeone, was not present in  
7 the courtroom. The Honorable Rebecca Baker, here to see that  
8 justice is done, asked my son if it was okay to continue the  
9 proceedings if the Prosecutor, Jerry Wetle, left the room. I  
10 wanted to tell my son no, wait for your attorney. My son did  
11 not want to anger the judge and did not understand the  
12 terrible mistake he was making by waiving his fundamental  
13 rights. And yes, how does this happen? A guilty verdict  
14 followed these instructions with no physical evidence on the  
15 record that proves my son murdered his friends. Only bartered  
16 highly suspect hearsay testimony.

17 I know that my son still weeps over the murder of his  
18 friends, Nick Kaiser and Josh Schaefer. I know that he did  
19 not commit these terrible murders.

20 Therefore, your Honor, I move that this court-- for an  
21 order of continuance and an innocent stay on these proceedings  
22 today, thus allowing my son at least a month's additional time  
23 to file renewed motions for discovery, and issue of subpoenas  
24 which when fulfilled and presented will provide significant  
25 evidence this honorable court needs to order a new trial for

1 my son.

2 Furthermore, I ask the court to appoint a new defense  
3 counsel who will provide my \_\_\_\_\_ son with an adequate and  
4 efficient defense. My son has tried repeatedly to ask your  
5 honor to provide efficient defense counsel, but was told that  
6 he must go through his appointed attorney first, and Simeone  
7 has not brought this request of my son to your court.

8 Your Honor, I thank you for your attention.

9 THE COURT: All right, thank you, Mr. Grange. And, Mr.  
10 Simeone, did you have another person to speak before yourself?

11 MR. SIMEONE: No, your Honor.

12 THE COURT: All right, then, I'll hear from you.

13 MR. SIMEONE: Thank you, your Honor, counsel. Your Honor,  
14 it's a difficult day. It's an unpleasant day. It's an  
15 unpleasant day for the court, it's an unpleasant day for the  
16 relatives of the decedents. It's an unpleasant day for  
17 society itself, who is bringing before the bar one of its own,  
18 about to impose serious punishment. No-- Not the least of  
19 all, an unpleasant day for Mr. Grange, who sits here before  
20 you, and you're about to impose sentence.

21 Your Honor, I want to start with a premise. It's a very  
22 simple premise. It's probably one that's very obvious and  
23 really doesn't strike us straight off, but there is no way  
24 that any fact surrounding the charge and conviction of a  
25 murder are going to be pleasant. There's no way that you're

1 going to get any kind of a case like this before your court  
2 that's not of an egregious nature. By very definition, it is  
3 that. A murder, the taking of a life. A conviction of that  
4 crime.

5 But I also want to review and have the court consider and  
6 keep foremost in its mind the purpose of sentencing, and what  
7 it does and what its goal is and what it's supposed to  
8 achieve, and what it's not supposed to achieve, more impor-  
9 tantly.

10 The purpose of imprisonment, the purpose of that kind of  
11 a sanction, is for punishment. We've heard that it's for  
12 rehabilitation. It's for deterrence. It's for protection of  
13 society. But what's not among the purposes of imposition of  
14 jail time and sentencing is revenge. What it's not, it is not  
15 a mechanism, it is not a means by which we vent our hate. It  
16 is not a means by which we vent our bitterness.

17 The State is seeking a sentence of 63.3 years. That would  
18 be 53.3 years of jail time under the conviction for the  
19 murder, and two more five year terms for a weapons enhance-  
20 ment, that is a firearms enhancement, for a Class A felony,  
21 which is a five year sentence apiece.

22 John Grange is 26-plus years of age right now. With the  
23 imposition of the maximum sentence that the State asks, he  
24 will be 90 years old at the time he's released from prison.  
25 There will be little life left, considering what the life

1     expectancy is, if any. There will be very little, if any,  
2     vitality in him at that age.

3             So it crosses my mind to wonder what drives such a  
4     recommendation that the State's making, the bottom end of this  
5     range being 50 years, that in itself being a substantial,  
6     substantial period of time. John being 76 years of age, if  
7     he's fortunate enough to live out his sentence in prison, at  
8     the time he's released, if that sentence were imposed. What  
9     drives a recommendation of the high end of the range here, and  
10    why?

11            You know, we already started out by saying that there's  
12    never a situation involving a conviction of a murder where  
13    you're going to have less than heinous facts. You've got  
14    deaths, you've got shooting, you've got family members who  
15    appear before you today in obvious grief. They testify as to  
16    the difficulty they're having with their lives, the posttrau-  
17    matic stress disorder they're having, and I understand that.  
18    It's very difficult for me to get up today to try to do  
19    anything to negate the emotional tsunami that's flooded over  
20    the court here today with their presentations. It's just too  
21    much, and it is not a very enviable position for one to have,  
22    and it's hard to do it with any aplomb or any dignity.

23            But there's a flavor, there's a flavor to the statements  
24    that were made, your Honor, and what you see is-- and it's  
25    very detectable, it's very palpable. You see a hatred, you



1 see a bitterness, you see an anger, you see a blood lust. Mr.  
2 Kaiser, I think, came closest to anybody who spoke today to  
3 showing some kind of compassion when he began his presenta-  
4 tion, and he said that he will someday in his heart forgive,  
5 it will be hard. But it wasn't long into his presentation  
6 before his attitude changed and his position changed, and it  
7 became he wants to see the maximum, and he doesn't know why it  
8 is that he should get out-- that is John Grange get out of  
9 jail any time before the maximum sentence would be served. So  
10 that changed. So the whole flavor of everything we've heard  
11 was hatred. It was anger. It was bitterness.

12 I wonder if there wasn't something else we heard, though,  
13 your Honor. I wonder if what we heard was a little bit of  
14 pain as the result of some guilt that people feel here. How  
15 minimized-- We minimized the extent of the deceaseds'  
16 involvement in a very dangerous, the most dangerous, business  
17 there is. We heard them called stumbling. I have to  
18 characterize it as more than stumbling. The fact of the  
19 matter is that this shooting, the shooting that occurred of  
20 these young boys, it was the culmination, it was the culmina-  
21 tion of a force that was already set in motion. It had  
22 already happened when they entered the drug trade, not on a  
23 simple possession or simple trafficking level, but probably on  
24 the highest scale there was. And it's un-- It's-- It's  
25 unfortunate. I don't like it any more than anybody else likes

1 it, but the fact of the matter is that their death-- their  
2 deaths were pre-cast, by virtue of the fact of what they had  
3 engaged in here. It was a fait accompli. It was hap-- It  
4 was destined to happen. This shooting was-- This shooting  
5 was just nothing but the-- this was the end result of  
6 something that had already designed and was irreversible.

7 So if we're talking about a sentence, your Honor, that has  
8 a range, there's a reason for a range. There's a reason why  
9 the Legislature, when it set about trying to develop the  
10 guidelines we have here, came up with a range. There's--  
11 There's no question but that the fact of a killing is a  
12 heinous-- it's a heinous matter. But that being said, and  
13 that being understood, there is still a range, and there is a  
14 reason why there is a range.

15 If there is any meaning at all to a range, if there's any  
16 meaning at all to a low end and a high end, then there has  
17 to be some consideration of a low end, and there has to be  
18 some consideration of why a recommendation of the high end.  
19 Because the court, even today, has to act and has to sit as an  
20 unbiased, unprejudiced body. It cannot be influenced by  
21 passion or prejudice. And what comes out here in the sentenc-  
22 ing, the facts that really drive a recommendation of high  
23 here, does not have anything to do with the facts of what  
24 happened in the killing of these young men. Does not have  
25 anything to do with that. It does not have anything to do

1 with that it was a tortuous kind of a killing. It does not  
2 have anything to do with the fact that they were entirely  
3 blameless, innocent, uninvolved in any criminal activity.  
4 Babes in the woods. That they were minors. What it has to do  
5 with is preying upon the sympathy of the court here to see  
6 what the emotional effects upon survivors has been, and why  
7 that's sad. That, I submit, will always be the fact when it  
8 comes to a death of anybody, anywhere in this world. There  
9 will be a survivor, there will be a friend, there will be an  
10 acquaintance, there will be somebody who will be mourning,  
11 shedding tears for those survivors. I-- I have nothing but  
12 compassion, and I feel the sorrow of the family members, and  
13 I-- My-- My total-- My heart goes out to you. And whether  
14 or not that's ever something that's going to register in your  
15 mind, I'll never know.

16 But the fact of the matter, your Honor, is that there's a  
17 range for a reason. Mr. Grange has an offender score of zero  
18 in his life. He's 26 years old. He has never been convicted  
19 of any crime. And contrary to the impression that has been  
20 imposed upon the court here by the State in its presentation,  
21 and almost anybody else's that had anything to do with it, Mr.  
22 Grange was not a member and not involved in a high level drug  
23 selling or drug trafficking operation. When he was apprehend-  
24 ed he had \$5 in his possession. He's lived a very modest  
25 life. He drove a 15 or 16 year old pickup truck. He's never

1 had any material possessions, nor has he wanted any. So if  
2 there's any suggestion that there's a money motive here, or  
3 need for glorification of himself, or betterment of his  
4 worldly lot, it's-- it's ill-stated, it's misstated, it's  
5 wrong, because that's not what he wants, that's not who he is.

6 In the SRA, your Honor, there's a section, and I don't  
7 have it quoted because I didn't write it back, but it talks  
8 about a governor's pardon. And a governor's pardon is some-  
9 thing that can be given and granted when you have-- people  
10 have life sentences without the possibility of parole. And  
11 one of the conditions that are set in place there in the  
12 statute with regards to that governor's parole, is that the  
13 individual under consideration not be less than 60 years old.  
14 But what's the-- What's the reason for that? Well, the  
15 Legislators and whoever advised them when that statute was  
16 written knew that when a person reaches that age, largely any  
17 of the criminal kind of tendencies, any of the fight, any of  
18 that spirit that generally will lead a younger person to act  
19 in a criminal way, or to be a disruptive member of society,  
20 that's gone. It's mostly out. At that time the governor can  
21 consider that, because there becomes a point in our life where  
22 the spirit's gone.

23 If the sen-- If the court imposes a sentence of the  
24 bottom of the range here, which is 50 years, considering the  
25 enhancement, Mr. Grange will be 76 years old, if he lives-- if

1 he has the good fortune to live to that age being in the  
2 prison system, your Honor. He deserves that. He deserves  
3 that extra bit of consideration.

4 Your Honor, I presented to you the drawings that Mr.  
5 Grange did. I showed them to you. These are renderings of an  
6 individual who's never before drawn seriously, or never made  
7 an attempt to draw in his life. I dare say that if I were to  
8 try to draw any one of these, if I spent a year on it I  
9 probably couldn't really match it in terms of its quality and  
10 its detail. I don't present those to you because I'm trying  
11 to show him off. I'm presenting them to you for another  
12 reason. That reason is that if you look at those, you'll see  
13 nothing about them that expresses any kind of an attitude or  
14 a feeling except that one of happiness and joy. Those are  
15 all happy pictures. They all are expressions of an individual  
16 who has a happy spirit. They're not the kinds of renderings  
17 that you'd see of a mad man or a mad person or angry person.  
18 A person with hate in his heart. I think they're expressions  
19 of his soul, and they are, and I encourage him to continue  
20 doing those because I think it's good for him, but I think  
21 it's also good for the court to know what kind of an individu-  
22 al you're talking about.

23 Mr. Cunningham testified against Mr. Grange at trial. He  
24 also at trial said that he's never known John to do anything  
25 violent in his life. In a personal interview I had with him

1 before trial he said he loves him. It strikes me as curious  
2 that that testimony that he had never seen John do anything  
3 violent in his life came out after the State's testimony  
4 elicited that he personally witnessed or thought he witnessed  
5 John shoot these victims. I can't see the consistency any-  
6 where in what he said, never mind the rest of his statement,  
7 but that point in particular.

8 Your Honor, there's nothing lenient about a 50 year  
9 sentence, especially if the statute is read to mean that  
10 there's no time to be gained beneath 50 years. I know that  
11 there's no good time to be gained on the ten year sentence for  
12 the weapons enhancement. If the statute is to be read that  
13 there's a 20 year minimum for first degree murder, that  
14 meaning 20 years for each count, then we're talking about a  
15 rock solid 50 years. There's nothing lenient about that. But  
16 there's everything in the way of mercy about that. And the  
17 court has to show mercy, because your sentence here today,  
18 your Honor, should be one that inflicts punishment, but it's  
19 got to be punishment that's tempered with mercy, because this  
20 is, after all-- After all is said and done, we are a civil  
21 society, and we're taking one of our own today and we're  
22 depriving him of effectively the rest of his life if the  
23 maximum sentence is imposed. To do more than that, your  
24 Honor, I think plays right into the hands of the pressure  
25 that's been placed upon the court, plays right into the hands

1 of the pressure that the prosecution is succumbing to when it  
2 agrees to recommend the maximum sentence here, for no other  
3 good reasons except that there is a lot of emotional pressure,  
4 a lot of emotional push, to see to it that anger, bitterness,  
5 guilt is all shifted from one place to another, and that right  
6 into the lap of Mr. Grange. There's nothing more in this  
7 whole process than somebody who's at the end of the pipe, at  
8 the end of a long process that began when these individuals  
9 who are now deceased first found their way into high level  
10 drug trade.

11 Thank you.

12 THE COURT: All right, thank you, Mr. Simeone. Now, Mr.  
13 Grange, I'll have you stand, please, sir, and I'll ask you, is  
14 there anything you would like to say before I make a decision  
15 on your case?

16 MR. GRANGE: Yes, your Honor, there's a couple things. I  
17 want the families to know that I did think about Nick and Josh  
18 24 hours a day. That's what it means by being in prison for  
19 such a crime, because you are constantly reminded. All night  
20 long while you sleep, and all day long while you're awake, why  
21 you're in jail, because two people were murdered. That's why  
22 you're there. And I remember, I-- You're right, I didn't  
23 know Josh, but I remember Josh's face. I remember Josh's face  
24 as he was sitting in the passenger seat of Nick's Bronco when  
25 him and Jeff and Nicholas left the barter fair, and I waved to

1 them, have a good trip. I remember Josh's face very clearly,  
2 and I remember Nicholas' face. I remember his face from  
3 earlier barter fair. In that April I met him for the first  
4 time, and I hung out with him and partied with him. Yes, I do  
5 remember, and yes, I do cry over them every day. Not because  
6 of my punishment, not because I'm in jail because of them. I  
7 cry over them because they truly were people of my family, the  
8 Rainbow Family, which I am a member of. And as you people  
9 well know, especially family members, know that is not a drug  
10 organization. Yes, there may be people that do deal drugs in  
11 the Rainbow Family. I'm not one of them. I don't believe  
12 Josh was one of them, although there were statements given by  
13 people that he was. And, of course, we know Nick was. But I  
14 would not have killed anybody, because within the Rainbow  
15 Family, and especially within my religion, which is Rastafari-  
16 an, Rastafarian being a descendent of King Solomon, believes  
17 in forgiveness for all things. No matter what you do, for-  
18 giveness for all things. And there would be no reason  
19 whatsoever for me to kill these two individuals.

20 Of course, as I stand in this court today, I'm found  
21 convicted of killing Nicky and killing Josh, and so I must  
22 face a sentence for that.

23 I want to state that Josh and Nick and myself, and Jeff,  
24 all were rebellious in nature. And rebellion mostly means  
25 being lost and desperately trying to find somebody to listen



1 to you and some place to belong. And we had found that in the  
2 Rainbow Family.

3 The prosecution had the audacity to say that the Rainbow  
4 Family was a drug organization that I was an enforcer for,  
5 that I was a debt collector for, that I was \_\_\_\_ for.

6 I want to read right now the Rainbow mantra which people  
7 of the Rainbow Family live by, and this is our philosophy and  
8 this is what we believe.

9 When the earth is ravaged and the animals are  
10 dying, a new tribe of people shall come unto  
11 the earth from many colors, classes, creeds,  
12 and who, by their actions and deeds, shall make  
13 the earth green again. They will be known as  
14 the Warriors of the Rainbow.

15 That family that you over and over and over again attacked  
16 as being a drug family is no such thing, as you well knew  
17 before we even came to trial. But yet you let the jurors sit  
18 here and think that the Rainbow Family was somebody that would  
19 put a hit out on somebody, would order a murder of somebody.  
20 That is not true. You people know that. You people knew that  
21 before the trial started, you people knew that during the  
22 trial.

23 I would like to address you, Judge, and put these thoughts  
24 into your mind. What would it be like to live in a building  
25 all your life-- to live in a building all your life and have  
all the light controlled, the flow of air controlled, the  
temperature controlled, the humidity controlled. Every

1 person, you are controlled. Every person you meet, con-  
2 trolled, and the whole day scheduled, having never changing  
3 except how many days left until your grave. In that, that  
4 will be my life until I'm released. That was \_\_\_\_\_. My  
5 daily event every day will be the same day as the day before.  
6 If that is not death, I do not know what is.

7 The last thing I'd like to say, when you-- when you're  
8 leaving at night and you find yourself listening to their keys  
9 jingle as they walk the floors, and owning none of your own,  
10 you will come close to understanding the sheer terror of the  
11 soul that comes from being banished from all commerce with  
12 mankind.

13 That's all I have to say.

14 THE COURT: All right, thank you, Mr. Grange. Anything  
15 else, Mr. Simeone?

16 MR. SIMEONE: Your Honor, a couple of housekeeping matters  
17 that I did not bring up in my statement to the court. With  
18 regards to any restitution order, I'd ask that it be waived.  
19 I ask that attorney's fees be waived, as well. Mr. Grange  
20 will be in no position to pay those costs back over the course  
21 of his life. He'll need whatever money-- whatever menial  
22 amounts of money he earns in prison for himself and his own  
23 personal needs.

24 THE COURT: All right, thank you. All right, Mr. Grange,  
25 I'll have you stand, please, sir.

1 MR. DOUGLAS GRANGE: Your Honor, were you going to move on  
2 my order?

3 THE COURT: No, sir, not at this time. That would need to  
4 be dealt with on the next level of appeal. Thank you, sir.  
5 I'll touch on it in my remarks here.

6 Mr. Grange, your remarks point up to me one of the things  
7 that came to mind during the course of the trial on how-- how  
8 the specific deterrence principle involved in sentencing is--  
9 has to be foremost in my mind. Not specific deterrence,  
10 excuse me, but general deterrence. I don't think that you  
11 need to be deterred from doing this again, although some of  
12 the letters I received mention that you should not be let out  
13 because you would maybe be able to do this again. Certainly,  
14 that would be a possibility if there weren't sentencing  
15 guidelines. But even the low end of the sentencing guideline  
16 would be adequate to deter you individually from ever re-  
17 committing such an offense, or any other crime, really,  
18 probably.

19 But we don't just stop there. We don't just stop at  
20 whether or not you would do this again, or whether you  
21 wouldn't.

22 You're, at this juncture, still maintaining your innocence  
23 of this crime. You do have another couple of levels of appeal  
24 that will allow you to pursue those arguments, as well as your  
25 father's remarks that he made today. It's unfortunate in many

1 ways, and very sad that your father did not get the chance to  
2 hear the testimony of the various witnesses at trial. You  
3 heard it, and, of course, I heard it, and my conclusion was  
4 that the evidence was overwhelming, and there was no-- You  
5 were afforded every aspect of a fair trial throughout, as well  
6 as excellent representation, as I mentioned before during a  
7 previous hearing.

8 At this point it's always very convenient, very easy, for  
9 the family and for even the defendant to blame his attorney  
10 for a conviction, but I don't think that anything but the  
11 facts themselves are to blame for your conviction, and  
12 certainly the evidence that was presented in an orderly  
13 fashion in court was clear and, as I indicated, overwhelming.

14 But I don't think you-- I think you probably in your  
15 heart of hearts know what you did, and you have a sense of the  
16 magnitude of it, and that you do have some remorse. What is  
17 getting in your way is still trying to get out of it, still  
18 trying not to have the total consequences of your actions come  
19 upon you. One day, I hope for your benefit, that you will  
20 admit and do something to take responsibility for your  
21 actions. If you do, it may result in some forward movement in  
22 your own development. But when I hear people talk about lack  
23 of remorse, I am struck by the presentence investigation  
24 remarks of the CCO, the corrections officer, who did the PSI,  
25 who indicates that you have absolutely no remorse and no-- no

1 indication that you would ever take a different path in terms  
2 of your drug involvement, for example.

3 MR. GRANGE: Your Honor--

4 THE COURT: And I hear also that you say that you are  
5 still devoted to the people who got you into this. Your--  
6 Your friends, you call them. Your family, you call them. And  
7 I think it's to those people that the kind of sentence that  
8 comes out of the court today, a message has to go to. In  
9 other words, it's the people who are you associates and  
10 friends who might choose the road that you did to fulfill a  
11 sense of obligation to the higher-ups.

12 You say it wasn't a drug organization. I doubt that it  
13 started out as a drug organization, but certainly that was an  
14 aspect, a very sordid aspect, of the Rainbow Family that came  
15 out in the trial at some-- at some length that was very--  
16 provided a very persuasive motive for you to do what you did.

17 So the general deterrence principle is what I think has to  
18 be looked at, along with several aspects of what we look at in  
19 a sentence. What will send a message to others who might  
20 choose this road. Others who might decide to follow through  
21 with a favor of this kind, if this can even be called a favor  
22 to someone. And certainly, with the monetary motive that was  
23 mentioned in the trial, even now you deny that that occurred,  
24 but-- And I think it's true, you never got any money. You  
25 were probably used, as well as others, in the process.

1           Mr. Simeone talked about revenge not being a proper  
2 concern of the court in sentencing. That may be so, but  
3 retribution is an element that we can and do concern ourselves  
4 with at sentencing. What is a fair result when one is talking  
5 about trying to render a just punishment that takes into  
6 account both mercy, so to speak, to the various parties, and  
7 punishment to those responsible? I think you have, as I  
8 indicated, a lack of insight as to how your actions led you  
9 down this road. This was a cold-blooded, very senseless act,  
10 money and status related for you in your misguided way. The  
11 choices you have made since may be also an indication of your  
12 lack of insight into how to make it right, as opposed to how  
13 to make it worse. You know, not working with the DA's office  
14 or whatever is your right. It takes courage to do the right  
15 thing, though. It's easy to take the wrong path. It's much  
16 harder to take the right path.

17           And we have had some talk here that we usually do in these  
18 kinds of situations where we talk about whether the victims  
19 were totally innocent, or whether they are to blame in their  
20 own deaths. Yes, they were involved in dangerous activities.  
21 They have been deterred from any further involvement in those  
22 dangerous activities. Others who have seen this have also  
23 been deterred, I hope, from involvement in that level of  
24 activity. But this does not take from the-- take away the  
25 fact that they were members of families. They were 21 year

1 olds. And the devastation of their families and their  
2 permanent loss can't be ignored by the court, and can't be  
3 ignored, also, is the kind of suffering that they went through  
4 even leading up to learning that there was a murder. Then, of  
5 course, the suffering that the family goes through in having  
6 to live through the gruesome images at the trial, hearing  
7 about the callous nature of the crime.

8 And in some ways your father-- I saw your sister present  
9 during the trial. Your father was deprived of hearing of the  
10 details, and has probably been shielded from the details by  
11 you. I gather that he has, from what he said. But there's  
12 obviously a ripple effect within your family. There are  
13 people in your family--your family of origin--that care about  
14 you, and whose lives have also been devastated by the choices  
15 that you've made. It has that ripple effect.

16 All I can say is thank goodness for professional help,  
17 because those families, all of them, will need that help in  
18 order to recover in some small way from the results of your  
19 actions.

20 So what to do? Definitely the court will sentence you to  
21 the high end of the standard range, Mr. Grange. I think that  
22 that has to be done, not just to send a message to you, but to  
23 send a message to others who might choose this road, as I say.

24 The sentence will be 760 months. I have no, of course,  
25 say over what particular prison environment you end up in, but

1 I have my predictions in that. I certainly hope that you will  
2 process this in a way that you can take some responsibility  
3 for it at some point down the line.

4 The restitution will be an absolute necessity in that you  
5 may well have a job within the prison setting that can pay the  
6 families back in some small measure for the financial loss  
7 that they've suffered. There's no way of paying back to them,  
8 except perhaps in some way by taking responsibility directly  
9 for what they've lost. But at least the financial restitution  
10 will be ordered, but that will be at a later hearing and, Mr.  
11 Grange, you have right to be present at that hearing, or you  
12 can leave it up to counsel to deal with it, with contact with  
13 you on the particulars of it by mail, and that'll be up to  
14 you.

15 There'll be no contact with the Schaefers, there'll be no  
16 contact with the Kaisers, no contact with Ms. Soucie, no  
17 contact with Mr. Williams, and no contact with Mr. Cunningham.  
18 And that will be in effect for your entire life.

19 There will also be a crime victims penalty. It sounds--  
20 Just the pittance that it is, of \$500. There will be the  
21 court costs of \$110, and I will order that you pay the  
22 attorney fees that have been incurred. Those are amounts that  
23 the State has many, many years to collect from you while  
24 you're in prison, and you should have the responsibility of  
25 paying as much of it back as you possibly can, from whatever



1 limited earnings that you can experience while you're in  
2 prison.

3 And I know that it's not a happy prospect for you to be in  
4 prison. It's not meant to be a happy prospect. I can only  
5 hope that there can be some good that comes out of it from  
6 your end in terms of rehabilitation from reordering your  
7 thinking, and taking a better approach to life, being of some  
8 use to younger prisoners when they come in, once you're an  
9 old-timer there, in trying to get them to take their lives in  
10 a different direction before they end up being either like  
11 you, in prison for the vast majority of your life, or like the  
12 two victims, who have had even worse results. So perhaps you  
13 can find it in your heart and in your mind at some point in  
14 the future to serve that kind of positive purpose.

15 Even though your options will be severely limited, there  
16 is always something you can do to make it better, and I hope  
17 that you will.

18 So have a seat now and we'll go over the paperwork.

19 MR. WETLE: Your Honor, did you want to include court  
20 appointed defense experts and other defense costs?

21 THE COURT: Yes.

22 MR. WETLE: And did you-- I think the statute talks about  
23 community placement, even though it's--

24 THE COURT: Yes, there will be the two years of community  
25 placement with the standard conditions, in addition to the no-

1 contact conditions. The court will also adopt the conditions  
2 that are set forth in Appendix H proposed by the CCO. You  
3 want to just take it off the back end of--

4 MR. WETLE: Actually, I think I have those down, your  
5 Honor.

6 THE COURT: Okay.

7 MR. WETLE: Your Honor, one of the conditions in the PSI  
8 talks about have no contact with witnesses associated with the  
9 case. That would be \_\_\_\_ need dates of birth for all those  
10 individuals.

11 THE COURT: Well, I'm thinking the ones that are--

12 MR. WETLE: That are listed?

13 THE COURT: --listed. Schaefers, Kaisers, Maija Soucie,  
14 Dane Williams and Jeffrey Cunningham would be the ones that--

15 MR. WETLE: Thank you. In terms of the restitution  
16 hearing, we need to set a date for that.

17 THE COURT: Yes, we need to set that within something like  
18 90 days, I think, so why don't we give it about two months.

19 MR. SIMEONE: Your Honor, did you see the motion and  
20 affidavit for order of indigency that I placed on--

21 THE COURT: I did. I didn't see the order, but I looked  
22 over the motion. It looks fine.

23 MR. SIMEONE: May I hand the order up to the court, your  
24 Honor?

25 THE COURT: Yes.

1 MR. SIMEONE: As well as the Notice of Appeal?  
2 THE COURT: Yes.  
3 MR. SIMEONE: I'll mark those \_\_\_\_\_ today, your Honor.  
4 THE COURT: Okay.  
5 MR. WETLE: So we were talking two months. Does the court  
6 have a specific date in mind?  
7 THE COURT: Yes, I'm sorry, I got sidetracked. Let's see,  
8 how about the 29th of June? That's a little over two months,  
9 but--  
10 MR. WETLE: Thank you, your Honor.  
11 THE COURT: I think we have six months to get it done, if  
12 we need it, but hopefully that'll be plenty of time to get  
13 whatever figures together that are needed.  
14 MR. WETLE: At 11:00 o'clock or 9:00 o'clock or--  
15 THE COURT: Nine o'clock would be fine.  
16 MR. SIMEONE: That's 5/29?  
17 THE COURT: Yes. No, no, 6/29. June 29th.  
18 MR. SIMEONE: Okay.  
19 MR. WETLE: Your Honor, I also attached a motion dismiss-  
20 ing all the prior no-contact orders that we had at the 3.2  
21 hearings, with the understanding that the judgment and  
22 sentence would supersede all of those prior orders. So that's  
23 attached as well.  
24 THE COURT: All right.  
25 MR. SIMEONE: Your Honor, what about the release of non-

1 evidentiary items that were seized from Mr. Grange pursuant to  
2 search warrants that were never put into the State's case?  
3 Can we get those released now and get an order to that effect?

4 MR. WETLE: As far as I'm concerned, anything that was not  
5 used in the trial could be released, your Honor.

6 THE COURT: All right.

7 MR. SIMEONE: And we need to include that in the judgment  
8 and sentence?

9 THE COURT: You could, or you could draw up a separate  
10 order. Why don't you do that, actually. Just draw up a  
11 separate order and get Mr. Wetle to sign off on it.

12 MR. SIMEONE: Okay.

13 THE COURT: Then we only have one page to copy to give to  
14 the Sheriff.

15 MR. SIMEONE: Okay.

16 THE COURT: Instead of 90. Let the record reflect that I  
17 did have the Clerk mark as exhibits, what, 1 through what?

18 THE CLERK: Seventeen.

19 THE COURT: One through 17, the various statements of  
20 family members and others that were submitted as letters, and  
21 I also had the PSI marked as an exhibit for purpose of this  
22 hearing, in case there was any need for that to be reviewed.

23 MR. WETLE: I notice in the Notice of Appeal to the Court  
24 of Appeals-- I don't know if Mr. Simeone handed the court  
25 that copy. It talks about two counts of murder in the first

1 degree entered on April 11th, and I think that probably should  
2 be April 20th.

3 MR. SIMEONE: I note that correction.

4 THE COURT: Okay.

5 MR. SIMEONE: Would you make that--

6 THE COURT: Do you want to change that on here and initial  
7 it? Also, I inserted the date in it, of when it was--

8 MR. SIMEONE: Your Honor, the other point that I thought  
9 should be clarified is that the financial obligations to the  
10 Schaefers are joint and several with Cunningham and Williams,  
11 and I don't know that I've seen that yet.

12 THE COURT: That would be true, wouldn't it, Mr. Wetle?

13 MR. WETLE: That's correct, your Honor. That should be  
14 reflected there.

15 MR. SIMEONE: It wasn't.

16 MR. WETLE: I don't know if it is or not, but it should  
17 be, so--

18 MR. SIMEONE: Maybe I missed it. I'm not sure.

19 MR. WETLE: I know that both of them are--

20 THE COURT: You can insert it if you want to, right below  
21 the-- where they list it in the form.

22 MR. WETLE: I know their names are listed in there  
23 somewhere. Cunningham's and Williams' name.

24 MR. SIMEONE: Okay. Got it.

25 MR. WETLE: Is it listed as--

1 MR. SIMEONE: Yeah, it's \_\_\_\_.

2 MR. WETLE: Should be in there.

3 MR. SIMEONE: I'll hand that up to the court, your Honor.  
4 Let the record reflect that Mr. Grange \_\_\_\_ decision to waive  
5 presence at the restitution hearing.

6 THE COURT: All right. Let's see, one place we're missing  
7 Mr. Grange's signature, so before he gets his fingerprints  
8 here, he can sign off on the last page.

9 MR. SIMEONE: The defendant indicated to me that he  
10 doesn't care to sign the judgment and sentence, your Honor.

11 THE COURT: All right. I'll indicate-- All right, Mr.  
12 Grange, I'll have you come forward, please, and-- Actually,  
13 the Clerk can go over to the counsel table. Probably be the  
14 easiest \_\_\_\_\_. We do need your fingerprints for identifica-  
15 tion purposes on the last page. And also we do need your  
16 signature on the last page for identification purposes.

17 And court will be at recess.

18 **END OF HEARING**

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**CERTIFICATE**

I, Judy Americk, do hereby certify that the within proceedings were recorded pursuant to Civil Rule 80, and further certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is a true and accurate transcript of the sentencing hearing held in the above matter on April 20, 2001.

DATED at Colville, Washington, this 17th day of June, 2001.

  
\_\_\_\_\_  
Judy Americk

