



VICTIM IMPACT STATEMENT INFORMATION PACKET

2025

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1. What is a Victim Impact Statement?

A Victim Impact Statement is a written or oral statement made by the victim of a crime, their family members and/or friends. It is read to the court at the time of sentencing as a way for the judge to understand how the crime affected the victim. The Statement provides insight to the court as to the full extent of harm caused: physically, emotionally, and financially, and can influence the way the Defendant is sentenced.

2. Do I need to come to court to give a Victim Impact Statement?

No. Courts understand that reading a Victim Impact Statement in open court is not an easy task for crime victims. Not only can public speaking be uncomfortable by itself, but the subject matter of the Victim Impact Statement will likely make it even more difficult to read aloud in front of public onlookers. Additionally, courts understand that travel distance, work schedules and other barriers can make coming to court to read your Statement unfeasible. **Be that as it may, if you wish to give a Victim Impact Statement but for whatever reason cannot or do not want to be present in court during sentencing, our office encourages you to write your Statement and have one of our prosecutors read it in court on your behalf.**

3. Who hears my Statement?

The Statement is often read aloud in court on the record to the judge, defense counsel/defendant, and any other parties in the courtroom at time of sentencing. You can either

read your statement, have someone else read it for you, or elect to have one of our prosecutors read it for you.

4. What should I include in my Statement?

Write how you are feeling in your own words. It may be painful and hard, but you are strong! Do not worry about it being “perfect” or done all at once. If you need to break it up and write a paragraph one day and another in a week, that’s okay. Some questions to help you brainstorm include:

- How has the incident affected you in the short term, long term, past, present, and future? How has it affected you physically, emotionally, and financially?
- How has it affected your relationship with others? Has it impacted your family or friends?
- How do you feel about sentencing? (The judge is ultimately the one who will decide, but your opinion matters.)

What to do

- Be descriptive, you want the court to understand what you went through and feel the trauma. Use feeling evoking words and phrases and descriptive words to help people form an image of what you are saying.
- Address the judge when you speak. If you want to say something directly to the defendant, ask the court first. Either way, you can still say what you need regarding the defendant through the judge.
- Ask the court if you can use a picture or some visual aid before using it.
- Write your statement or bullet points prior to court. Sometimes in the heat of the moment with all the emotions, you may lose your thoughts or ability to speak.
- If you cannot finish reading your statement, have a backup plan, such as someone else who can finish reading it for you. This can be one of our prosecutors or someone you wish to be there with you.

What NOT to do

- Don't use inappropriate or vulgar language. No jokes, name calling, cuss words, etc.
- Don't describe any physical harm you wish on the defendant.
- Don't put personal/contact information you don't want on the record (address, email, phone number). These statements are retained for the record and may be public.

5. Why should I write a Victim Impact Statement?

These statements are not mandatory but could be beneficial for many reasons. The judge will get to hear your side of the story and the effects it had on you. Hearing directly from the victim can make it more impactful as the judge can see this happened to a real person and it wasn't just a story.

You can tell the judge how you'd like sentencing, it doesn't mean it'll be exactly what you want, but it may have an impact. Lastly, having the opportunity to tell the Defendant through the court, what they did to you hurt can be incredibly empowering and can boost your emotional wellbeing. These statements are part of the defendant's permanent file and can be a constant reminder of the harm caused.

6. Example Victim Impact Statements

We have included some examples below of statements. If you have any questions, we are here to help. Please give us a call at (315) 376-5390 and we can offer guidance or have a victim advocate reach out.

EXAMPLE 1

Every morning when I wake up, I have to remind myself that my attacker won't be able to hurt me today. If I don't tell myself that I simply can't get out of bed. Since I was assaulted I have lost the full function of my right leg. I still have to go to the doctor for physical therapy and they fear that I still won't be able to walk the same. I used to love to run, until my attacker took that away from me. It hurts emotionally and physically to even make it to work in the morning. When I drive past the place that this all happened I try not to shake in fear. I can't sleep most nights without nightmares of my attacker. I so desperately want my life back. The life I had before he took my life away.

EXAMPLE 2

January 1, 2008

Victim Impact Statement

State of Washington vs. John. A. Doe

Spokane County Cause No: 08-1-00123-4

Honorable Judge,

The actions of Mr. Doe have greatly affected my life. Since he committed this crime, I have been unable to sleep at night. I am constantly afraid that someone will break into my home and injure me again. I am no longer able to trust people like I did before. My children are also afraid. They do not want to go out in the yard to play because they fear that Mr. Doe or someone will try to hurt them. The used to play with other children in the neighborhood, but now will not even go to the bus stop without me.

Mr. Doe's crime has also had a deep financial impact on our family. As we do not have insurance, we have been unable to replace the items broken when he broke into our home. Although Crime Victims Compensation has been covering our medical bills, the healing process is taking a long time. I had to miss six weeks of work, using all of my sick and vacation leave. Prior to this incident, I had rarely missed a day at work.

People should not be able to commit crimes like this and get away with it. The emotional and financial impact will be felt for years to come. I believe Mr. Doe needs to spend at least 5 years in prison for this crime. I know this is not the first time he has committed a felony, and it's time that he be held accountable for his actions.

Very truly yours,

Jane A. Smith

EXAMPLE 3

On November 10, 2007 Jay Dooley beat me. He slammed my back over the top of my chain link fence over and over and pulled my hair forcing my neck as far back as he could. He turned me around and started slamming me into my fence hitting my chest against the fence. He punched me in the neck, chest, and abdomen. He kept threatening to punch me in the face. He tried to break my arm. I begged him to stop while trying to protect my face. He slammed me face first into the side of my house and tried to pull my pants down, grabbing me and bruising my inner thighs. He pushed me over the hood of my car and kept threatening to f-me bloody. He pulled my hair bending my neck backwards until he knocked me down on the ground and then he was on top of me and I could not breathe. He bit me so hard on my back that it broke the skin. He kicked me in the upper back before he left. I had over 40 bruises on my body. He called me the next morning and laughed and said, "boy I sure f-d you up didn't I?"

A few days later he tackled me in my own driveway as I was trying to get into my car and he whispered in my ear asking me, "If I knew what kind of damage he could do to me?" He then asked me "if I was ready to die", and he had his car key between his knuckles with his clenched fist. He said he was going to kill me and himself and then we could spend eternity together. My landlord showed up and stopped him. I then realized that he was possibly going to kill me if I called the police or not; so I went for help knowing that he might follow through with his threats.

He told me if I tried to get a restraining order or call the police that I would be dead before the police could even get to me and then he would kill himself.

On April 14, 2007 Jay showed up at my house with a knife to his own throat and said he was going to do it. He then cut his wrist in front of my son and me. I thought he was going to kick my gate in and get my son or me. It was terrifying. There was so much blood everywhere. I had to scrub all the blood away that the fireman didn't get with their fire hose.

Jay Dooley has hurt my body causing permanent damage to my jaw, neck, and back. He has damaged my car and my home. He has threatened to burn my house down if I didn't meet him; he has kicked in my locked gate too many times to count. He has slammed me against my front door breaking my door. He has called me just to tell me that he didn't get rid of all his guns. He has threatened to rape me. He has stalked me and as he words it, "hunt me down

like the dog I am to him." He has jumped on the hood of my car while I was moving, trying to stop me from getting away. He has thrown things at me. He has gone to my work, my gym, and my meetings and humiliated me in front of my friends. He has even followed one of my friends scaring her so she was afraid to drive home. He has threatened to go to my sons work, my family's homes and kill himself in front of one of them if I didn't meet him. He has come to my work threatening to make a scene if I didn't leave work. He has blocked my way on the road with his truck and his motorcycle trying to get me to pull over and talk with him. He has hit me in the side of the head, the face, and taken my cell phone and destroyed it while I tried to call police. He has choked me. He has tried to break into my house when I wasn't home and forced his way into my house when I was home. He has kept me from my home for hours in fear of him finding me. He has kept me against my will in parking lots by blocking my car so I couldn't leave. He has followed me into a public restroom, kicking in the stall door to get to me. He has rammed my car with his while I was driving. He has threatened to kill me, my landlord, himself, and the police officer that arrested him. He has terrorized me for months.

This has cost me emotionally, mentally, physically and financially. I have been getting treatment for my neck and back. I have missed time from work. This has affected my family and the people that love me because they are afraid he is going to kill me and they did not need this worry especially in the midst of a family tragedy. My hands shake all the time and I don't feel safe anywhere. I was diagnosed with posttraumatic stress disorder and am getting treatment for that. My therapist explained to me that I was in flight or fight mode for so many months and what kind of damage that has done to me mentally, emotionally and to my physical health. I still hear noises at night and I still get scared, even when I knew he was in jail and couldn't get me. He has taken away my security and sense of safety. He has now filed for a restraining order against me and I have not done anything, it is just another way for him to harass me. Jay has no regard for anyone else. He has no regard for the law. He has violated the court ordered restraining order. He has already violated the plea bargain agreement and that makes me even more afraid for my life.

EXAMPLE 4

Your Honor,

In the interest of the court, I want to state briefly the effects that the criminal actions of Rosemary Catherine Davis have had on me.

Since the crime, as much as I would like to enjoy my house, I go there with a certain amount of fear. I have spent a large sum of money safeguarding my house with an alarm system and cameras. Yet I still feel very little security. When I am there, I try to enjoy myself with the things I like to do, such as gardening, but find myself constantly on the alert. I have no idea what she might do next. But of more importance to me, neither my friends nor my family feel comfortable staying up at my house because of what has happened. I have a hard time relaxing or sleeping in my own home.

KNOWING THAT SHE WAS LIVING RIGHT NEXT DOOR HAS BEEN VERY UNSETTLING.

Besides the emotional trauma she has caused me, there is a significant financial impact. Along with the security measures, I am unable to rent my property as I had intended as, under the law, I must divulge any criminal acts occurring on the property. My insurance has been canceled and finding another carrier has been difficult because this is not the first time a similar break-in and vandalism have occurred.

I realize that a judgment for \$2276.28 has been ordered but, this doesn't begin to cover the full costs of the vandalism that occurred and the loss of my clothes she stole. My front door will not close like it used to and it never will because of her recklessness and disregard for other people's property. SHE INTENDED TO SOLELY ROB AND VANDALIZE ME.

Rosemary Catherine Davis should be ordered to spend more time in jail or ordered to show up for community service every day. She should have to think about this criminal act and behavior. Ms. Davis also needs to have some substance abuse counseling and some mental health counseling or treatments to help her with the aggressive drug problem she has. Ms. Davis, in my opinion, did not spend enough time in jail and has had flagrant disregard for the court. Ms. Davis should not be able to commit 2 burglary crimes

and get away with hardly and jail time. My robbery is not the only felony on her record.

I would ask the court to give me an extended retraining order against Rosemary Catherine Davis for an extended amount of years. I am afraid of her and what she might try to do to me or my property in the future.

Sincerely,

Patricia Smissen

EXAMPLE 5

I will always think of February 13, 2019, as the night that changed our lives. It still hurts to remember the events of that night, and reliving them to write this statement has been extremely hard and emotional. Remembering our lives before that night, and comparing that to our lives today has been especially painful.

I remember how happy my daughter, **name redacted**, and I were after celebrating my birthday earlier that evening. **Name redacted** was only 15-years-old at the time. We were on our way home, still laughing. Looking back, I'm saddened to remember how comfortable we used to be speaking Spanish to each other in public. We felt safe because we live in a diverse community. Since the attack, **name redacted** and I have avoided speaking Spanish in public because we fear being targeted. We also try to avoid the area where this all occurred, although it is difficult to avoid a place so close to our home.

This has been hard for us, physically, emotionally and financially. I missed many days of work after that night because I needed to take to her therapy appointments and we had to have follow ups for our physical injuries. Seeing my daughter wearing a neck brace was extremely difficult. These were all difficult reminders of the attack, but I knew that tending to my daughter's trauma was very important.

Name redacted is the most important thing in the world to me. To see how she has lost so much of herself after this happened hurts me in ways that I cannot describe with words. My daughter was happy, she was friendly, and she was outgoing. I have watched my **name redacted** wither into a sad, reclusive girl who avoids making new friends and struggles daily. For a long time, **name**

redacted had recurring nightmares of being attacked and still has flashbacks and feelings of guilt. She feels that it was her duty to protect me, and that she failed. It broke my heart to see her emotionally broken. It is very difficult to put on a brave face for my daughter and be strong for her, especially when I see her crying, because I too am still suffering and traumatized from what happened that night. I feel like I should have been able to protect her because a parent should always be able to protect their child. I feel a deep sense of shame because I was unable to defend my daughter and keep her safe. She was only 15 years-old at the time of the attack. She's a minor. I will never be able to understand why this happened to us and the images of what I saw that night and the hateful tone behind the words that I heard constantly replay in my mind.

My relationship with my daughter has been affected. I have become overly protective and call her frantically when she is late. The fear of **name redacted** being hurt again is debilitating. I constantly worry about it.

To the women who did this, I would like to say: What you did was wrong. I hope that you never have to feel fear like I did, for my daughter's life. I hope that no one ever hurts someone you love in your presence. You will never understand how much you have changed our lives and made us feel unsafe in our own community. I truly hope you learn from this because you have taken so much from us. You took our confidence. You took our dignity. You took my daughter's innocence.

To the court, I would like to respectfully say: Since the attack, we have heard so many stories similar to ours from members of our community. These attacks happen more than we think. We were very lucky to have the support of the District Court's Office and

Lawyers for Civil Rights by our side to help us navigate all this. Others were not as fortunate and they have kept quiet. My greatest fear is that there won't be justice and that my daughter will have to live with that for the rest of her life. Holding our attackers accountable is important to me and my daughter, but it is also important to our community. Thank you.

EXAMPLE 6

We never got to say goodbye. My brother Gary was stolen from my family. He was 39 years old. Gary wasn't the only victim. There were many victims in this murder. Gary is no longer breathing, but he leaves behind a mother, father, older brother and sister. We were a close family. He also had a sister-in-law, brother-in-law, nieces, nephews, grandparents, aunts, uncles, cousins, a fiancé and her children, a longtime love, friends, customers who became friends, and two young boys who called him "Uncle Gary". All have been impacted by the callous decisions of one person.

My brother was not perfect. He was human. He made mistakes, as we all do, but he never harmed anyone. He was kind, very generous, funny and thoughtful.

There were two last times I saw my brother. One time, alive, it was a few weeks before he died. He was taking my kids to their very first Patriots game. He invited me, too, because I celebrated my birthday recently and he wanted to spend time with me. My kids jumped at the chance to go with their fun Uncle Gary, but it was a rainy and cold day, and it did not sound like fun to me. I'd give anything to go back to that cold, rainy day and go to the Patriots game with my little brother. I will forever regret not going. When he dropped my kids off, I cannot remember if I hugged him. I definitely said thank you and I love you. That's something we do in my family. I replay the drop-off many, many times in my head. Did I hug my brother? How was I supposed to know it would be the last time I saw him alive?

The next time I saw my brother was when he was dead, lying on the ground at the murder scene. This haunts me. It keeps me up at night. My brother lying dead, unmoving, on the cold ground, not breathing, blood everywhere. That was the hardest day of my life. Or so I thought.

On November 21st, my father called me on the phone, telling me my brother was dead, that he just found him in his truck with the cup holders filled with blood. My dad's moans, an indescribable helpless sound; gut-wrenching screaming; telling my children and husband that Gary was dead; driving to the location. The hardest thing we ever experienced until:

- Seeing my brother lying on the ground; waiting to find out who killed him; finding out it was someone we knew. Unbeknownst to us all, the murderer led us to the crime scene and was standing beside us the whole time.

- My family having to view my brother's body more than a week after he died because we had to wait for an autopsy.
- Choosing to view my brother's body three separate times in the basement of the funeral home because the people who loved him couldn't do it alone.
- Going through pictures for my brother's service and finding pictures of the murderer at parties and on camping trips when we were young.
- Watching my parents devastated, picking out the clothes for their youngest son's service.
- Reading a eulogy at my brother's service and saying goodbye. It was **the last time** I hugged my brother. His body was cold, lifeless and badly bloated. This is my last memory of him.
- Doing my brother's taxes; my heart breaking all over again when the accountant broke down in tears over Gary's passing.
- Having to go through three bail hearings, anxiously awaiting to hear if the person who killed my brother would go free.
- Arguing with the loan company for my brother's new truck that he was murdered in. The person on the phone told me that I had to pay a \$500 cleaning fee – telling me I had to pay a \$500 cleaning fee to get the blood out of the cab of my brother's truck that he was murdered in.
- Calling my brother's credit card company to find out why there was a \$14,000 charge for a medical procedure. It was for fertility treatment – finding out my brother was trying to have a baby, and knowing that I will never get to meet his child or children.
- Worrying about my parents' and brother's health. The stress that we all have experienced has impacted us all.
- Accepting that Gary will never stop over after work ever again. He will not have dinner with my family or go out for Rita's Italian Ice. It was his favorite. He will never go on annual summer vacations with the whole family. He will never go on more adventures like camping or boating with my children. He will never go to the Big E with us, buying everyone cheesesteaks. I will never hear my brother make appreciative noises while he is eating, to show appreciation for a good meal that I cooked. There are so many things he will miss. He would have been around at least 40 more years of birthdays, anniversaries, weddings, births and everyday occasions to make memories.

I'm not sure my worst days are over. I have spent hours/days/weeks/months/years of settling my brother's financial and personal matters. These issues will be ongoing. My brother was stolen from us, but hours, days, weeks, and months and years have been stolen away from my family. My children now have a different mother. My husband stated that he missed the old me. I'm not sure she is coming back. I am not the same person. No one in my family is. We are all broken.

I also have physical symptoms from this murder. I have gained a lot of weight due to stress. I suffer from PTSD, anxiety and depression. I never had these issues before my brother Gary was murdered. Every day, I am confronted by triggers due to this trauma: a car backfiring, someone standing too close to me, lack of trust for people I do not know well, seeing white pickup trucks and landscaping equipment. To treat these ailments, I also spend time in trauma therapy. It is once or twice a week, and it will continue for a long time. Again, more time is taken away from me and my family. But I will do what I have to do.

My brother will not be forgotten because he gave us so much to remember.

Tracy (Gary's sister)

EXAMPLE 7

Hello, I am the mother of (insert name), one of the victims of this crime. I am here representing my son and my entire family. On (insert date), at approximately (insert time), I received a phone call. A call that no one wants to receive. Someone called me to tell me that (insert name) was in the (insert name) hospital. My first thought and reaction was that my son got sick, since he was born with health problems (a cyst and a cavernous malformation in his brain) so I got so nervous. The first thing I said was, please he needs help, he has some health problems. Then the person told me that he was in the hospital because he was shot. I felt that my whole world collapsed. I asked her if he was alright and she said that she did not know and didn't have any information. I remember that day as if it were yesterday. When I received the call, I was lying in bed because I had surgery two days prior. I got up and someone took me to the hospital. When I arrived, (insert name) was on his way to (insert name) hospital in a helicopter. I didn't even get a chance to see him. I felt so much anguish and despair for not having been able to see him and make sure that he was fine, alive. They took me inside to a hospital room to speak with the investigators, and the doctor who treated my son. The doctor told me that he was doing very badly. My son's body was all damaged and the doctor did not know how many bullets he had received since he had many holes in his body, so I asked him if he was going to survive. He told me that he didn't know, since (insert name) body was all damaged. He told me that they were going to operate on (insert name) as soon as he got to the hospital. That's the day our nightmare began. You can already imagine, or maybe not, how I felt. My son was in a helicopter on the way to the hospital, seriously injured, and I did not know if I was going to see him alive when I arrived at the hospital. I remember having a hard time breathing. Even right now as I'm writing this status, it's hard for me to breathe. My chest hurts and I feel sad just remembering that day- to the point that I have tears in my eyes. I went to the hospital and when I got there, they wouldn't let me in because it wasn't visiting hours and (insert name) was in surgery. One of the social workers got my information and told me that she would make sure the doctor called me when the surgery was done. That night was one of the longest nights of my life. I was so anxious and praying to God in the name of his son Jesus to let my son live. I was very afraid that (insert name) would die. I felt anxious to see him and, at the same time, I felt powerless because I couldn't do anything for him but pray and ask God for his life. I remember that I couldn't sleep all night. Every second I looked at my watch and waited anxiously for the call from the doctors to find out about my son. To me, the minutes seemed like

hours, and the hours like years. Around 4 or 5 am, the call that I had been waiting so long for arrived. The doctor called me and informed me that my son had already undergone surgery and was in the ICU and that everything seemed fine. That call gave me a peak of consolation, but I wanted to go in to see my son. I couldn't see him until after 9 am, which is the time that the visits begin, due to the covid. I remember that when I entered the room where (insert name) was, it was a horrible scene. The truth is, I did not expect to see him like this. He was connected to many machines and intubated. I had a big shock. It seemed that he was dead. It was a tremendous shock for me. I started to cry and a nurse came to comfort me. For the next few days, I prayed every day for my son to wake up from his coma. I think he woke upon the sixth day, thank God. When it was almost time for me to leave, he wanted to talk, but I told him to calm down and that everything was okay. I told him that he can't talk because he was intubated. He started to cry. I told him I wanted him to know that he did nothing wrong, and that none of this was his fault. I told him I wasn't mad at him and that I love him, and he calmed down. Due to the gunshot injury, (insert name) underwent many surgeries in a short period of time. I estimate that it was about 9-15 days. Sometimes the doctors let his body rest for one or two days and then they would take him back to the surgery room. He spent about two months in the hospital, of which one month he was in the ICU. (insert name) stay in the hospital was not pleasant. He was induced into a coma many times as he was intubated. Some days he was fine and other days his health was not good at all. There were days when I got to the hospital and he was crying because he wanted to go home. He told me that he missed his brother and his dog a lot and he was afraid of being there. He didn't want to sleep sometimes because he was afraid of not waking up. It was a nightmare every time his health worsened. There were times when everything seemed to be going well and then the next minute, he became very sick to the point that his life was in danger. One of the doctors told me that as long as he was in the ICU, it was going to be up and down. The doctor explained that he's here so we can monitor him and help him immediately. Every day I was waking up with the fear that I wouldn't see my son alive. I have two very marked days, one in which they told me to stay because suddenly (insert name) became very ill. He had a high fever and his heart raced all night long. The nurses and doctors came and went all the time. They couldn't figure out what was wrong with him until the next day. He had pneumonia. Another day when I arrived at the hospital, he was very sick and in a lot of pain and the doctors did not know what was wrong with him, nor could they give him medicine because they did not know what they were going to do. When he saw me he said, " Mom, I'm dying, please get me out of here. I'm in a lot of pain and they don't want to give me anything for the pain. I don't want to die here. I want to go home to see my brother and my dog." I couldn't control my

tears. I looked at him and told him that I couldn't do that because I didn't have medication at home to calm the pain. I told him that everything was going to be fine. At that moment, a doctor came and pressed on his stomach and gastric juices and blood began to come out. The doctor told the nurses that it was his pancreas and that they had to operate immediately. They prepared everything and called the team of surgeons and Anesthesiologists. When I heard that, I felt so scared that my son might not make it. The doctor took me by the door of the room to talk to me. He told me that they were doing everything they could, but they were very worried about him and that he was really sorry but things were not looking good. At that moment, I looked at (insert name) and I went with him. I prayed for him before they took him back and I told him how much I love him. I was watching my son die. I was very afraid that those minutes would be his last minutes alive. I had to be strong, when I didn't want to. All I wanted to do was to scream and give up, but I couldn't. I had to be strong and push my son to be strong. I remember that I repeated to my son over and over again that everything was going to be fine, and he told me, "If everything is going to be fine, why are you crying? Mom, I know I'm dying." I didn't even know what to say to him, so one of the nurses looked at me and him and told him that she was going to visit him when he was in the other room just to distract him. So I told him with tears in my eyes and my broken voice, "I cried because it hurts me a lot to see you like this. You shouldn't be going through this and I wish we could change places so that I was the one in bed and with pain and not you. But I can't and that's why I'm crying. Look, right now they're going to take you to have an operation and you have to be very strong and fight for your life. You know you're very strong and you're going to be able to do it." He only accentuated the head "yes". And I said to him, "Remember that your brother and I are waiting for you to come home. We love you very much." The medical team took my son to the surgery room around 11 am-12 pm. They told me that surgery would only take 5 hours, but it lasted until around 9 pm. The doctors found many things. One of the bullets damaged the pancreatic tube. The spleen was removed because there was damage by one of the bullets. The colon was detached from the last surgery, so they ended up doing a colostomy, so now he has a colostomy bag that he poops out of, which he hasn't accepted very well. Doctors also left his stomach open. Every day was a challenge. Some days he used to tell me with tears in his eyes to let him go and that he couldn't fight anymore. On one occasion, I told him with all the pain of my heart, "Listen to me, you're going to keep fighting until the last minute. I'm doing my part. I get up every day, even though I'm tired, to come see you. I leave your brother in the care of your cousin so I can be here for you. So you have to do your part." And he said, "Look at me mom. I'm connected to all these machines. I'm in pain every day and I'm scared." So I told him, "I know and I understand

it, but you have to keep fighting for us. We need you and don't want you to leave us behind, so keep fighting." Every day I was scared because every noise made him very anxious and terrified that someone would come and hurt him. He had nightmares almost every day. The hardest part was when visiting hours were over and I had to go home. I couldn't stay because of Covid restrictions. He didn't want to stay in the hospital. He thought that if I wasn't there with him, something bad was going to happen to him and he wanted to go home with me. So an hour before I went home, I had to remind him that it was almost time for me to go home. Half an hour before I left, I had to remind him again. Sometimes he would start crying and get anxious. There were also nights when he would have panic attacks, especially at night. So sometimes they would let me stay because the nurses said that he responded better, and slept better, when I stayed with him. Because when he was alone, he didn't want to sleep. I remember asking him one day why he doesn't want to sleep when I'm not there and he told me that it was because he was afraid of not waking up and that I wasn't there. I had to lie to him so that he would stay calmer. I would tell him that I was not going home and that I was going to stay outside in my car. If something happened he could call me and I would come in right away and I would take care of him from outside. I asked the medical staff for a psychologist to come see him to help him cope with his fear. I remember the professional asked him, "What is your name?" and he said, "(insert name)." "What is today's date and where are you?" and he said, "I'm in a hospital in (insert name)." The professional then said, "I want you to repeat this every time you feel scared." (insert name) then said, "I'm (insert name) and today is.... I'm in the hospital in (insert name) and I'm safe. No one can come and hurt me." So whenever my son would get anxious and scared, he would repeat that. Now he does it at home when he's scared. Due to his panic attacks, they began to medicate him. To this day, he continues to take medication to help him with his panic attacks. Nowadays we have to talk softly. We cannot make loud noises at home because he freaks out. He says that sometimes he even gets scared when I'm walking in the house. When I open the door to his room, he jumps in fear, so now I have to knock on the door before going in and tell him it's me so he doesn't get scared. He says that sometimes vague memories of what happened come to him and he is afraid. People screaming and trying to find the way out to be safe. He also has flashbacks of that day and feels scared. For a while, I was afraid that he wanted to hurt himself due to the trauma. Sometimes it used to seem that he was there physically, but not mentally. He used to have a fixed look of fear and he didn't want to leave his room. I would say that physically he is much better, we are not sure what will happen in the future as he still needs one more surgery to reverse his colostomy. The doctors have not done it because, since they did many surgeries in a short period of time, they say that it would be very imprudent to do

it right now. That if they do it, it would not work, and they would have to open his stomach again and intubate him again and he would end up in the same position as before. The doctor says that when they do this kind of surgery, they usually like to wait 3-6 months and then do the reversal, but because my son had a lot of surgeries, it's hard to do it in that short amount of time. So we decided to wait until July to talk about it and see if his body is ready. At this point his future is uncertain. Even though he is back home, we are still dealing with medical appointments and the hardest part, the emotional part. I don't know when we are going to recover from the trauma that this crime brought us. And I say "us" because it not only affects my son (insert name), who was the one who took the brunt of this crime, but it also affects my youngest son and myself. That somehow we are also victims of this crime. My younger son refused to eat during those first days and experienced emotional stress and depression because his brother was in the hospital. Now, he is receiving therapy for the trauma and the fear of losing his brother. I got diagnosed with PTSD. A few days ago, I let (insert name) go to the supermarket with a friend. Not even an hour had passed since they left when I started to worry and feel anxious. I don't know how to explain this feeling. It's not a good feeling. I felt sick to my stomach. It hurts. I felt desperate because I was afraid that something bad could happen to him again. Even my youngest son asked me if his brother was already at home and I told him not yet and he asked me if I was going to look for him. I told him we were going to wait a bit and if he doesn't come we will go to look for him. I regretted letting him go. Luckily, 10 minutes later he came home. I also sometimes get nightmares and I tend to get up and go check on (insert name) to make sure he is breathing. Now, when my family calls from (insert name), the first thing I always ask is if something bad happened. Sometimes I have flashbacks of when we were in the hospital and everything we went through and I break down in tears. I was so scared to come home without (insert name). Many people tell me that I am strong. But the truth is that I am not. I simply have no choice or time to collapse. I have to make an effort every day and push myself forward. I have no choice, especially being a single mom. I have to wipe my tears because I don't want my kids to be worried about anything. My children only have me and I have to keep standing and not let myself be defeated because I love them and they are the most important. The only thing I want for them is to be happy, although perhaps at this moment, they are not completely happy due to the trauma that this crime brought us. But I am doing everything in my power to make things better and easier for them. I wish this was just a bad dream, but unfortunately it's not. I wake up and the nightmare is still happening. Almost a year after this crime, and we're still fighting. All these months, I've felt like I am in a dead end hole, which I want to get out of, but I can't. I feel like I can't find the way out.

Unfortunately, (insert name) attackers put us in a really bad position. They almost killed him and us as his family. Because, without him, things would not have been the same. I was afraid every day that my son would no longer come home. The house was quiet and empty without (insert name). I ended up closing his room because it hurt me to get home, pass by his room, and he wasn't there. And I didn't know if he was going to come home. I remember I forced myself to eat because one of the nurses told me that if I didn't eat, I was going to get sick and then who's going to take care of my children. When I went out to eat, I used to look out through the big windows at how life carried on. People walked and cars passed, while for us life had stopped on (insert date). Nothing has ever been the same. Even so, they have changed our lives, sinking us into this nightmare. I continue to live in fear of losing (insert name) since his medical treatment continues. It is not over yet. I don't know what will happen in the future. The only thing I know is that these criminals stole our peace and tranquility that we had before this happened. I don't know if we will ever recover from this post-traumatic stress. Right now, I am in therapy, as my two children try to deal with this trauma. Due to this crime, (insert name) lost half a school year. It was difficult for him to return to his (insert name) program. (insert name) is a program for children with disabilities through the (insert name). He was afraid to go out and was embarrassed to go to the program because of his colostomy bag. He is also taking many medications due to all his physical and mental health problems that this crime brought him. And since he does not have a spleen, he will also be receiving injections for the rest of his life. He takes medicine for anxiety and to help prevent nightmares. Even with taking medication, he gets nightmares from time to time. And when that happens, he doesn't want to go back to sleep because he is afraid. His self esteem is low because of how his body looks due to the surgery. He sometimes feels frustrated and angry about what happened and he tells me why him? And my heart becomes small and I can't wait to cry. I just tell him that things happen for a reason and that God has a mission for him. Due to his illness, (insert name) was restricted from playing sports for many years. The doctors then cleared him to play any sport, but now that this crime has occurred, he cannot play any sport. He can only do low impact exercise. My youngest son's anxiety increased to the point that his grades have been affected. His grades have dropped. Also because of this, we have lost, and continue to lose, a lot of time and money. As you already know, (insert name) spent two months in the hospital and four months hospitalized at home. When he was in the hospital, I went to see him every day and then returned home, since they would not let me stay due to the pandemic. If he got very sick or anxious, they let me stay, which made me spend a lot of money. Parking was \$20 a day and I had to put gas in 3-4 times a week. There were times when I was just getting home and they would call me

from the hospital and ask that I return to the hospital, even very early in the morning. Before, gasoline lasted me two weeks. Now, only one week. I still pay for parking when I take my son to his appointments. I also spend money on things that I use for him such as vitamins, wet wipes, bed protectors, and more. I missed work days and still miss work because of his appointments or court day as today. After (insert name) came home, we had therapists and nurses come to our house for about four months. (insert name) left the hospital with an open stomach wound and needed medical assistance with the vacuum wound, bandaging, colostomy bag change, Speech, physical, and OT therapy. This was all performed in the house. Speech therapy was performed because his vocal cords were damaged since he was intubated many times. So they were paralyzed and it was hard for him to talk. His voice is not the same, and never will be. Because of that, he was unable to eat when he was in the hospital, so the doctor placed a tube from his nose to his stomach to feed him and give him water. He sometimes cried because he wanted to eat solid food and drink water, but he couldn't. The doctors told us that he could get pneumonia and he could die. I felt bad when he asked me for water while crying. I told him that I couldn't give him any because it was dangerous for him. It was also very frustrating for (insert name) to have the wound vacuum attached to his body. He said that it doesn't feel good to have to carry it with him because he can't even take a shower. He had to sleep with it and we had to make sure it was charged. He also used a walker for a while, as he had a hard time walking. For almost two months, he was unable to eat or drink water by mouth. I had to learn how to take care of and clean (insert name) wounds. The last day my son was in the hospital, one of the registered nurses taught me how to change the dressing, since there was no nurse in place to come to the house. So the first few weeks I did the bandage change for my son, it was difficult for me to do it because it was a big and deep wound. I was afraid of hurting him or not doing it right, or that the wound would get infected. I also learned how to change his colostomy bag. At first, it took me about an hour and sometimes I had to change the colostomy bag up to 3 times a day. But, over time, I learned some tricks to prevent the bag from opening, and over time I got better. I used to get very frustrated. We still have some incidents with the colostomy bag, but not as often as before. Sometimes at 3 or 4 in the morning, I would have to get up to clean everything and put a new bag on it. It has been very exhausting all this time. It is not easy to take care of a person with medical problems, but I do it with great pleasure because it is my son. (insert name) also had many medical appointments after coming home. He still has now, but not as many as he used to. He is still receiving physical therapy. His doctor said at the last appointment that his legs are still weak. This causes us to spend time and money on gas and sometimes money to buy food when medical appointments take a long time. Because this

crime brought a lot of stress and anxiety to my children, I ended up signing them up for classes to help them cope with the trauma that this crime caused them. (insert name) is in a guitar class and my youngest is in soccer, which implies more economic expenses, not only for classes, but also to buy the things they need for classes, along with gas money and time consuming. I believe time is one of the things that we are never going to get back. (insert name) attackers stole that from us. Time is very expensive and you can never get it back. This is something that I would not wish on anyone, not even to my son's attackers. It has been one of the worst nightmares in my life. To have to go through the pain of almost losing a child. No parent should go through this. Even though he is getting better, the truth is I don't know what his future will be. The only thing I know is that he still has a long way to go and his future is uncertain. As a result of all this, he has PTSD and I don't know if he will ever recover, or be the same as he was before the tragedy. I ask you to please take into account all the consequences and the suffering that we as the victims and families of the victims have gone through, and continue to go through just because these young kids made a bad decision. I believe right now that the defendant is a danger to our community. He knew what he was doing from the first moment they acquired his weapon. I ask you to please not forget who the victims are here because he is not. He deserves to be punished after terrifying the people who were in the store, and for making us live in a deep pain. They don't deserve mercy, since they had no mercy for my son(insert name) and the rest of the victims and the people who were at (insert name) on (insert date). Thank you!

EXAMPLE 8

"Your Honor, **name redacted** and the newspaper have reported that he was Josh's friend. The dictionary defines a friend as a person you know well and regard with affection and trust. Josh knew the meaning of friendship, I watched him live it from the time he was a little boy to the time that **name redacted** brutally murdered him.

"The first part of the definition reads that a friend is a person you know well. If Alex knew Josh well, then he would have known that Josh was extremely outgoing, fun loving and playful. He would have known Josh's terrific sense of humor. Alex would have known that Josh had a big heart; he loved small children, old people and animals. He would have known that Josh very much wanted to parent. He would have known that Josh already had a name picked out for what could have been my first grandchild. Alex would have known that he was protective and loving toward his family and friends. He would have known too, that at the age of 22 he still affectionately called me Mommy and hugged me with strength, appreciation and meaning.

"Alex would also have known that after a few years in and out of the ugly world of drugs and addiction Josh had decided to bring sobriety into his life. As he described it: 'to fight the good fight' in life. As Josh's friend, Alex would have known that he wanted the peace and serenity that sobriety would bring him and that Josh was striving to obtain it. Josh's close friend would know that he was going in a new and healthy direction. That he worked hard to get his GED in the fall of 1997, in part because it was so important to me. Alex would also know that I cried with happiness and pride when Josh gave me a picture of himself in a cap and gown holding his GED as my 1997 Christmas gift. What we know now, thanks to **name redacted**, was Josh's last Christmas.

"Webster's Dictionary also says to be a friend is to treat with affection and trust. Josh was fully capable of deep affection and trust. If in fact Alex were Josh's friend, Josh would have cared for and trusted him. How then is it possible for Alex to so badly betray Josh's trust and friendship? If Alex was Josh's friend then he and I *both* know that Josh was completely incapable of doing to Alex what Alex did to him. Josh would have run to Alex's aid if he were being ganged up on and screaming for his help. Josh wasn't a fighter, but he could never and would never have allowed Alex to have his head and hands taped so he was completely unable to defend himself. He would never have allowed his 'homeys' to beat, kick, rape and stab Alex. He could never have stabbed Alex himself. Your Honor, I don't understand how Alex can call himself Josh's friend when he personally stood by and/or participated in kidnapping, physically confining, beating, kicking, raping, and stabbing Josh. How dare he call himself Josh's friend.

"I want to read from some things that Josh wrote and gave me. He gave me many letters, written in his own handwriting, his own words, and many times accompanied by a drawing or picture he made for me. This [card]

is something Josh made for me for Mother's Day of 1983. his bright 8 year old smile and beautiful face in the middle of the word Mom. Inside it says:

Why I Love My Mother

She lets me play sports. She gives me treats to eat. And she loves me. And she gives me things. She takes care of me when I am sick.

Love, Josh

"[Next] is a letter he gave me for Mother's Day in 1996. As you can see, at the age of 20, he was still drawing me pictures and sharing his life with me. Not in store bought cards but his own words and handwriting. I want to read an excerpt from this:

I wanted to write you Mom and say thank you for all of the support you've given me, all these years I've been trying to grow up. I love you lots and have deeply appreciated all the times you've been there for me, all the times I was down and out. I guess I could say that we've been through a lot of big dramatic things in my life. I'm just glad to know that you'll always be there and now the same goes for me. Love you always and forever, your big baby **name redacted**.

"Alex's violent and unthinkable actions have made it so that Josh can't be there for me like he wanted. He can no longer hug me nor I him. He can no longer express his love on paper or otherwise to me. **Name redacted** has taken from me one of the most precious gifts I've had in my life. He murdered one half of my children. I only had two. I hate what he did to Josh and in doing so what he has done to Josh's brother. Casey is now an only child. He has had to experience tremendous pain at a time in his life when he should be carefree, having fun and finding his way into adulthood. I hate what he has done to my life by taking the life of my oldest son. The first one that ever called me Mommy. The first one that taught me true, unconditional love.

"Now the only way I can be there for Josh is to attend **name redacted** court hearings and trial and that of his violent and evil homeys. The only way I can be there for Josh now is to make sure that Alex, defense attorneys, prosecuting attorneys and you, Judge Mott, know how much Josh mattered. How important his life was. How necessary it is to punish the evil people that so brutally murdered him. If Alex were Josh's friend, he would admit his actions and those of his homeys. He will explain to the court and to me who did what, and why. He will make sure that all of the others that helped him murder Josh will also go to prison where they, too, belong.

"When I told Josh's Dad of Alex's jury's verdict he said he wished capital punishment was an option in Minnesota. He wanted to watch Alex die in an electric chair. I think that that is too good for him. Too easy. He now faces at least 30 years in prison. Like Josh, he will not have the freedom to go about life. To experience the love of a woman, to participate in family as a son, brother, and as a father himself, and to spend time with the people that truly care about him. His homeys don't

care about him. They are hoping that his guilty verdict will get them off the hook. I watched Alex's mother sob as the jury's guilty verdict was read. The pain that he created by murdering Josh is not only affecting the many people that loved and cared about Josh. His actions are also deeply hurting the people that love and care about him. The grave difference here, your honor, is that Alex made choices, and carried out actions that landed him in this position. Josh did not. Alex's absence from his loved ones makes sense, has direct correlation to his actions. Josh's absence does not. **Name redacted** has given Josh and his loved ones a life sentence of relentless sadness. Insane pain. Deep feelings of mistrust and fear. Extremely ugly, brutal, and violent circumstances surrounding his death. A constant nightmare of how helpless, betrayed, and scared Josh must have been in his final hours.

"We are here today to place Mr. **redacted** in prison for a minimum of 30 years. It will be the year 2029 before he will be able to petition for parole. In 30 years, if he and I live that long, he will be 51 and I will be 74. I promise you and Mr. **redacted** that I will attend that parole hearing and remind the court and prison officials how Alex treats his 'friends.' I will be there to share, what at this time I can only imagine, how much Josh's death took from me. I will share how long Josh's violent death kept me from sleeping, living life to the fullest and learning to trust others again.

"I hope, your honor, that my beautiful Josh's death is a wakeup call in Mr. **redacted** life. That he will take the gift of life that he still has and use it to make good, generous and loving choices. The kind Josh would make, if he were able."