

Honorable Judge Mark Rowland  
Alaska Court System  
Anchorage, AK 99501

Dear Judge Rowland:

As of my writing of this, my parents have decided not to speak at the sentencing of Jon Norton for the murder of their son Duane. Because of the circumstances surrounding our case, specifically the six year time frame to complete what began as an open and shut case, both my mother and father have lost all confidence in the criminal justice system. We all realize that the delays in this case are not the issue that is being decided, and that the extended time frame should have no bearing on your sentencing decision, but the wait has been extremely painful for all of my family. My parents also feel, and to a certain extent my sister and I agree with them, that much of your decision is already made by the time the courtroom proceedings begin, and that there is little relevance in delivering the victim impact statements in an oral fashion.

Since my parents will not be testifying, and since they also chose not to go into detail in their written statement on the effects that Duane's murder had on them, I will try to give you a little insight into what the loss of a child has done to Charles and Barbara Samuels. My mother was traveling to the east coast when Duane was murdered. After we found the body, and talked to the police, I then drove my father, who was in no condition to drive, to my sister's house, where we told her what had happened. My brother-in-law Larry, who was

with us when we found Duane had to take the two children into a bedroom while we told my sister Paula what we had found. I thought at the time that this was one of the most difficult things I had ever done. Little did I know that this was nothing compared to watching Dad call Mom long distance and tell her that Duane was dead. I can remember every detail of watching and listening to that phone call. It is a painful memory which I will have for the rest of my life. If it is that painful for me, I cannot even imagine what it was like for both my mother and father.

For several years after the murder, Dad would not drive down the Old Seward Hwy. anywhere near Duane's house. My mother has told me that for many months after the murder my father would not go into his own closet. Instead she would have to get clothes out for him. For the first few weeks after the killing, I would attempt to screen calls and visitors. My family has been in Alaska since the 1950's (Paula, Duane and myself were born here), and there were many well-wishers. I became the guardian of the gate, since it took some time, even after the funeral, for anyone but family to be allowed into the house.

Surely there is no worse fate in this world than to lose a child, especially in such a senseless, brutal fashion. And for my father to be the one that found the body pretty much makes the situation one where there are few that could be worse. My parents, as most parents, would gladly have traded places with their oldest son in order to give Duane a chance at life. My parents will never recover

from this tragedy, and to even think that I could begin to put their pain down in words would be but a pipe dream on my part. In their opinion, any sentence but a maximum sentence would be adding salt to a wound which will never heal anyway.

I will not comment on the above statement during the oral victim impact statement. I will limit my comments to the statement below.

This is not a case about a drug deal gone bad...nor is it about a gang revenge killing, nor was it a fight over a woman...had any of these things been true, it would probably been easier to deal with. But it wasn't, instead Duane Samuels was murdered while crawling across the bedroom floor of his own home. I am sure that Mr. McCune is going to tell you that this was a mistake of youth, but I feel that there is only one story of wasted youth that the Court should concern itself with, and that is the story of a 29 year old man who was a victim in the truest sense of the word. Duane did not hang out with the criminal crowd, he did not do drugs, he did not drink excessively. He was polite, he was thoughtful, he was intelligent. He worked, paid his bills and enjoyed life. I wish that this was the Duane that I remember, but Jon Norton took that memory away, and replaced it with memories of dead bodies, and funerals, and phone calls to relatives, and hearings and courts and lawyers.

Just as Mr. McCune is going to tell you this brutal crime was a mistake of youth, he is also going to argue for a lenient sentence because Norton has thrown himself on the mercy of the Court by

pleading guilty. If Norton is truly remorseful, and is truly looking for mercy from this Court, then he should make all records available to the Court for examination. In particular, psychiatric records from early childhood through the Charter North Hospital evaluations done within several months of Duanes murder. Since these records are sealed and have not been offered to be unsealed by Norton, it can only be assumed that they would show a poor chance of rehabilitation. Since the murder, there have been other psychiatrists have examined Norton, but because of court rules, if Norton does not want them used in Court, then they are never seen. In six years of various court proceedings, we have never seen one. The first counselor Norton saw at McGlaughlin Youth Center had had luck working with other young violent offenders, but when he finished working with Norton, he was going to testify at the waiver hearing to the effect that we should lock Jon Norton up, and throw away the key. This also was not allowed as evidence in Court. The records evaluation done by Dr. Sperbek is yet another example of a professional who says that Norton is a sociopath, which by definition is incapable of remorse, but is very capable of telling you what you want to hear.

The letter which Jon Norton wrote to this Court speaks as though he has remorse for his crime. I would like to point out to the Court, just as there are no atheists in foxholes during a battle, there are no unremorseful prisoners at sentencing time. This "changed man" has been guilty to doing drugs in prison, of plotting escapes from

McGlaughlin, and of various other prison rule infractions. These are not the actions of a man who has "seen the light".

For the better part of six years, various lawyers have been arguing about different aspects of the videotaped Norton confession. They spent a long time asking whether Norton had nodded when he was Mirandized, and we spent several years deciding whether or not his parents should have been called. Seemingly lost in all of this legal rhetoric were the quotes which I remember most of all. I think about these statements all too often. And when I do think of them, I thank God that my parents were not in the courtroom when the entire videotape was played.

Q. Did you know he (Duane) was home?

A. Yes, that's why I brought the gun.

Q. What did you do then (after shooting Duane.)

A. He fell to his knees and I shot him again.

Q. What happened then?

A. He was crawling across the floor towards the closet, and I shot him in the head.

Q. Why did you go back to the house?

A. To get some beer.

These are the things which I remember from the confession.

These are the things that I think about when I cannot sleep at night and I stare for hours into my own closet.

I wonder what Duane thought about when he felt the gun to his head and knew he was going to die. Did he think about his life? Did he think about God? The sheer terror of what he must have felt during the last few moments of his life, and especially the last few seconds of his life, should be reflected in the sentence handed down by this Court.

Every aspect of my life changed at noon on October 5, 1989. How I view life, how I view my friends and family, How I view strangers, how I view God. To this day, I feel a great amount of anxiety whenever my doorbell rings and I am not expecting someone. With an almost morbid sense of curiosity, I follow murder cases in Anchorage. It is not what I would call an emotionally healthy habit, but I do it anyway.

I can never get back what was lost, not only Duane, but a certain innocence about the world. And until someone gets close to violence, they were never have a complete understanding of the this. Most people, unless they have been on a battlefield, or work in the law enforcement community, will never lose that innocence which Jon Norton took from us.

I will never forget what I saw in that closet on October 5, 1989. I will live with that memory for the rest of my life. That, however is

not the worst memory I have....that particular memory is reserved for the experience of seeing how this murder has affected my parents..

Every day, for the rest of my life I will have an image in my mind of how my father looked when he came out of the closet after he had found his oldest sons body with three bullet holes in it...He sat down crying on the couch and said over and over again..."How am I going to tell your mother"

The only peace that my family will have is if there is some semblance of justice that this Court delivers. And the only justice for us is with a maximum sentence for Jon Norton.

Sincerely,

Ralph Samuels  
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