

1 P R O C E E D I N G S

2 THE CLERK: Page 7, line 13, Joseph Francis
3 Sandoval, II.

4 THE COURT: Before we proceed with the actual
5 sentencing in this matter I need to address a couple
6 things before we get to hearing from the parties.

7 This matter, as I indicated, is on for
8 sentencing. There was a request for several media
9 outlets to have cameras in the courtroom or to be able
10 to have cameras in the courtroom and the Court issued
11 an order denying that request.

12 I note for the record that there are some
13 people that are appearing by Zoom. I don't know -- I'm
14 not able to see them but I know my clerk has access to
15 that. There may be one or two people -- there's only
16 one person, Mr. Rait, that actually joined by Zoom.
17 And I don't know -- I think it's McGowan is here by
18 Zoom. I did not authorize anyone else to appear by
19 Zoom.

20 So everybody that's in the courtroom, there is
21 to be no recording of this proceeding at all. The
22 Court did receive numerous communications from several
23 different attorneys some representing, I believe what
24 is listed as trusts or the trustees of one or both of
25 the victims in this matter, indicating that they did

1 not object to the media coverage. The Court also
2 received significant communications from attorneys
3 representing Kare 11 or Tegna, T-E-G-N-A, regarding the
4 media coverage asking to be heard regarding the Court's
5 decision not to allow media coverage and I think that
6 they wanted to be heard.

7 I note for the record that under Rule 403 and
8 402 of the Minnesota Rules of Practice regarding media
9 coverage that media outlets are not entitled to have a
10 hearing. They're not entitled to be heard.

11 I am just going to make a further record why I
12 have made the decision not to allow media coverage.

13 This Court finds that media coverage, under
14 the particular facts of this case and the particular
15 sensitive nature of the situation that the defendant
16 finds himself in and found himself in when these
17 horrific offenses occurred, because of their sensitive
18 nature this Court believes that the, first of all,
19 media coverage would diminish the -- I never know what
20 the right word to use is because it's not solemnness.
21 It's not solemnity. But it would -- Counsel, help me
22 with what I want to say. I believe that the media
23 coverage would make this case more of a circus than a
24 solemn proceeding in which the Court is making a
25 decision about many people's lives.

1 The purpose of media coverage is supposed to
2 be, supposedly what I have been instructed, is to have
3 transparency about what is going on in a courtroom. I
4 don't think that that's what the purpose is of media
5 coverage quite frankly.

6 The public is welcome in any courtroom in the
7 whole State of Minnesota. And as you can see there are
8 numerous places where the public, if they were
9 interested in this case, could come in court and could
10 watch what's going on in court and they have chosen not
11 to. And in this particular case a camera in the
12 courtroom would serve no public interest at all and
13 would in fact detract from the fair administration of
14 justice.

15 In addition I know the attorneys from Kare 11
16 have challenged this Court's finding that the defendant
17 and at least one of the victims was -- were in a
18 domestic relationship as defined by statute. I would
19 only site the attorneys representing Kare 11 to the --
20 I believe it's 518(b) --

21 MS. KANNMACHER: 01.

22 THE COURT: .01, which defines a domestic
23 relationship and it includes people that live together.

24 I understand Kare 11's position that they
25 haven't been provided any information that establishes

1 that the folks lived together. But based on the
2 information that I have received I believe that at
3 least the one victim and Mr. Sandoval were living
4 together in the sober house, which is one of the
5 reasons not to allow cameras in the courtroom.

6 In addition, I know that there is going to be
7 potentially victim impact from an underage victim,
8 which should not be covered by media coverage.

9 So for all of those reasons I am finding that
10 in this particular case coverage by the media is not
11 appropriate.

12 One more thing before we get there.

13 Ms. Kannmacher has provided the Court with a
14 requested protective order because it's my
15 understanding that for some reason our filing clerks
16 improperly filed something that Ms. Kannmacher had
17 filed confidentially and it was rejected by apparently
18 somebody by court admin for some reason that is unknown
19 to me. But I believe it was rejected incorrectly and
20 should have been accepted as confidential.

21 It is my understanding that at least one media
22 outlet was able to access that information that should
23 have been confidential and Ms. Kannmacher has requested
24 that the Court issue a protective order.

25 And I don't know, Ms. Kannmacher, if you want

1 to be heard further about that?

2 MS. KANNMACHER: Just, Your Honor, that I
3 have provided a copy to Mr. Rait and he has had the
4 opportunity to review it this morning and I'm asking
5 the Court to please sign it.

6 THE COURT: Okay. And, Mr. Rait, do you want
7 to be heard at all regarding that?

8 MR. RAIT: Simply that I have no objection to
9 that order, Your Honor.

10 THE COURT: All right. So I am going to sign
11 this order and it will be filed with the Court after
12 court today. But I do want to notify anybody that is
13 here from the media that may have had access to
14 information that should have been confidential, which
15 is including the memorandum that the defense prepared.
16 The sentencing memorandum which discusses significant
17 issues regarding Mr. Sandoval's private information,
18 that this order says that if there were copies made
19 that no additional copies or any portion of the
20 memorandum should be made by parties who had access to
21 it or their representatives or agents of the parties
22 who accessed it. And that includes that it can't be
23 shared with any of the other attorneys that are
24 involved in this case.

25 If there is -- and I don't know if it's part

1 of this order -- but if somebody printed a copy of that
2 memo, I'm ordering that they destroy any printed copy
3 of that memo. If that memo was shared with anyone and
4 they received it, it should be destroyed. And anybody
5 is prohibited from disbursing it further.

6 That memorandum shall not be used for any
7 purpose other than consideration by the Court and
8 parties for sentencing.

9 The memorandum shall not be published,
10 publicly exhibited, shown, displayed, used for
11 educational, research, or demonstrative purposes or
12 used in any other fashion except in judicial
13 proceedings in the above-referenced action. And the
14 memorandum may be viewed only by the parties, their
15 counsel, and their counsel's employees, investigators
16 and experts as directed by the Court for judicial
17 proceedings in the above-referenced action. So that's
18 going to be filed shortly.

19 What is not included in there is my order that
20 I just made that if there are any copies that were
21 reproduced they -- that those should be destroyed and
22 are not to be distributed.

23 Now, with that, I want to welcome everyone
24 here and I want to apologize that you have been delayed
25 in getting this matter heard. To be honest I wasn't

1 aware that there was a worldwide problem with the
2 internet and other computer issues until about 20
3 minutes ago because I did not turn on my TV this
4 morning or listen to the news. So I thought it was
5 just something that was limited to Ramsey County, but
6 apparently it's worldwide. And that made issues with
7 the jail being able to transport people over to even
8 get people out of lockdown. They had to do something
9 to override systems, from what I understand, to get
10 people transported over here. We had issues and have
11 had issues with the internet here in our courthouse.
12 And so I want to apologize.

13 I don't know that I did anything wrong in
14 making you be delayed, but I know it's no fun to sit
15 here when you are dealing with a very difficult,
16 stressful and emotional issue. And so I want to
17 welcome you even though I didn't start off sounding
18 very welcoming. But I am glad that you all are here.

19 It is very important for all of us in the
20 system to have people here that are concerned for the
21 parties, both the defendant and the victims, in this
22 matter. And so I am pleased that you're here and I
23 want you to know that court is open and we are going to
24 proceed with sentencing at this point.

25 So the matter on the calendar is here for

1 sentencing. I ordered a presentence investigation. I
2 have received it, I have reviewed it, and I am prepared
3 for sentencing.

4 As part of the presentence investigation
5 process the Court did receive a confidential victim
6 impact statement from the -- a victim statement on
7 behalf or as the mother of a victim J.M. I have
8 received that statement and reviewed it. It is
9 three-plus pages.

10 I received a victim impact statement from
11 Bob -- I'm not going to say people's names. But if
12 they read them then we'll make that known. But that's
13 the father of the victim J.M.

14 I received a victim impact from the daughter
15 of victim J.M and I have read those.

16 I received a victim impact statement from the
17 mother of the victim J.W.

18 All of those were received as part of the
19 presentence investigation and also sent to the Court
20 separately.

21 I note for the record that the statement that
22 is from what's listed as the mother of the victim of
23 J.W., she indicates that it is not confidential. So I
24 will note for the record that her name is Sandra Wentz.
25 I have reviewed that, as I said.

1 Mr. Rait, were there any other written ones
2 that were submitted?

3 MR. RAIT: That's the entirety of the written
4 ones.

5 THE COURT: Okay. Thank you. So I did
6 review all of those. I have also received, as I
7 mentioned, a confidential defense sentencing
8 memorandum, which included attachments. I note for the
9 record that it references Rule 20 evaluations as well.

10 And with that I am prepared to proceed with
11 sentencing.

12 Mr. Rait, I will allow you to proceed however
13 you believe to be appropriate at this point.

14 MR. RAIT: Let me start, Your Honor, I have
15 no additions or corrections to the PSI.

16 I have three people who would like to address
17 the Court today. I have two statements to read and I
18 would go in that fashion if that's okay.

19 THE COURT: Sure. Go ahead.

20 MR. RAIT: At this time I will begin with
21 Marsha Murphy.

22 THE COURT: Ms. Murphy if you can come up
23 here. You can have a seat, Ms. Murphy. You look
24 familiar, so I think I've probably seen you on Zoom a
25 time or two in this matter. So welcome to the actual

1 courthouse. Can you tell us how you spell Marsha for
2 the record?

3 MS. MARSHA MURPHY: M-A-R-S-H-A.

4 THE COURT: Thank you.

5 MS. MARSHA MURPHY: Murphy is M-U-R-P-H-Y.

6 THE COURT: Thank you. You can go ahead and
7 tell me what you want to tell me.

8 THE WITNESS: Okay. Okay. I'm the mother of
9 Jason Murphy. What does one write when you have no
10 words to explain an event that would change your life
11 forever?

12 On October 20, 2022, my husband and I were on
13 our 50th anniversary cruise. Little did we know that
14 three days prior to us stepping off the ship, our son's
15 life had been taken. The night we got home on
16 October 23rd at about 8:00 we had a police officer at
17 our front door. He was there to inform us that our son
18 Jason was gone. But how? Was it a car accident? An
19 overdose to his prescriptions? Was it a fight in
20 Minneapolis where he worked and lived? The officer
21 just looked at us and said "no."

22 So what is left? Jason was part of a double
23 homicide in a sober house in St. Paul where he was
24 working. He was helping out the man who ran the sober
25 houses. Jason often helped him. Jason was a handyman

1 working in the basement doing what he loved to do,
2 helping others out. Jason took a lot of pride in the
3 work he did for others and each job he did.

4 Jason used to help his dad with many jobs and
5 he took pride in the work he did for others. He was in
6 an employee for us for many years with our business,
7 Surface Specialists, a bathtub repair and refinishing
8 company. Over the years he was Bob's main man working
9 at our house putting in flooring, brick on the house,
10 new oak railing in the house. When we lost Jason, Bob
11 lost his right-hand man.

12 Jason was to end his life in a very brutal and
13 senseless way by the hands of a man who was taken from
14 a secure place and brought to St. Paul unsecure home to
15 relace him with a tenant who they thought was acting up
16 and bad off. Joseph was dropped off and just a short
17 time after arriving while watching TV he went
18 downstairs and he took Jason's life and the life of
19 another man in the house.

20 I can't begin to imagine or understand what my
21 son had to endure or what his thoughts could have been.
22 If he even was aware of what was happening. Did he
23 have to look at Joseph in the face? Did Jason cry for
24 help? Will we ever know in our lifetime? We will
25 never know. But my hope and prayers as a mother is

1 that it went quickly.

2 Jason was born on November 11, 1981 and was
3 adopted into our family. He was our first child.
4 After ten years of waiting for a child in our home we
5 adopted him on December 17, 1981. It was the best
6 Christmas present ever. Jason was a happy baby and as
7 he grew up he became creative in his art projects and
8 imagination. He was good in sports, baseball,
9 wrestling, Taekwondo, and was in scouts for many years,
10 which his dad got to be a part of.

11 We later found Jason had a love of making wood
12 things. He made me two beautiful cabinets and numerous
13 other things.

14 Jason, as he grew up, had some struggles in
15 life, but he survived as well all did. Jason met a
16 girl, he fell in love, and he and Molly gave us our
17 best gift ever, our beautiful granddaughter Madisyn
18 Jason's only child. He loved Madisyn so much. Jason's
19 last years was his best. He was healthier and happier
20 than he had been. He smiled more and he had just
21 gotten a new set of dentures. He was very proud of
22 that. He had a beautiful smile.

23 Our last visit with him in September of 2022,
24 just a month before this terrible event, was our best
25 day ever. Jason took us to a shop where he made many

1 beautiful things out of wood. He showed us the things
2 that were going to be sold. Such pride he had. Jason
3 made a bench, his best project ever, about 100 hours.
4 Little did Jason know it wasn't ever sold. It's now
5 sitting in our entryway.

6 Jason got to explain to his dad about all of
7 the types of wood. He was so happy that day. We
8 talked, we laughed, and Jason treated us to lunch. I
9 had Bob take a picture of Jason and his mom and it
10 turned out so wonderful. Little did I know that that
11 would be the picture of my son -- that would be my last
12 picture with my son. And little did we know that
13 picture of Jason would be used to sit on his coffin.
14 We will forever be grateful for that day and our
15 special memories. And this happens to be the picture.

16 On October 20, 2022, at about 4:15 we had made
17 a phone call from the ship. Little did we know it
18 would be our last phone call to Jason. Jason wanted to
19 borrow some money and I was trying to Venmo from
20 Canada. It wasn't working so I said we had to call
21 him. Thank you God that Jason needed money this last
22 time. We got to say goodbye, have fun, and I love you.

23 So many emotions came out of this act of
24 senseless murder. It's hard to understand my feelings
25 of how this has hurt my feelings as a mom and

1 grandmother to Madisyn. Our whole family has been
2 affected. Sadness, unsureness, depression, some PTSD
3 from the trauma. I am a strong woman with a lot of
4 faith, I know it helps, but all the faith in the world
5 can't take away my hurt and sadness. Nothing can
6 prepare you for something like this.

7 I had a new role in my life since Jason's
8 death. Being an advocate in the family to try to
9 understand what each court event came up and relaying
10 messages to my husband and to my granddaughter's
11 mother, Molly, since Madisyn was only 15. I just
12 realized after the plea trial how tired and exhausted
13 and sad I was. I would never see my son again.

14 I don't watch much TV due to the fact that
15 there's too much violence in shows and now it's very
16 real. Sadness comes and goes without warning.

17 The financial expenses that came along with
18 this was more than just a funeral and burial. And the
19 fact that it's a murder, we didn't just Jason's body
20 back for three months to finally have a funeral,
21 finally mourn, and celebrate our son. Then we had to
22 release his body back to the morgue. When would we
23 finally get our son's body back home to have him
24 cremated and allow us to go on in our days and an urn
25 and just special memories? It was five months from the

1 murder when Jason's body finally came home to be
2 cremated. One would never think a mother would be so
3 happy to receive that phone call.

4 I still have many reminders of unfinished
5 trial. Many notes, folders and conversations. Our
6 family is forever changed. We have a missing piece in
7 our family that we can't ever get back. We lost our
8 son, Chris lost his brother, Jason lost his father,
9 Madisyn lost her father. Bob has struggled with some
10 anxiety and PTSD. Chris has suffered daily with
11 depression and anxiety and has actually gone away from
12 our life because it's too hard.

13 Madisyn has so many emotions and has been
14 working with counselors trying to make sense, which
15 there is none. When you lose a father -- when you lose
16 a father, the person you want you look up to when you
17 graduate, to walk you down the aisle, to hold his first
18 grandchild, none of this can happen now. Yes, we are
19 all forever changed. We only have memories, pictures,
20 and the things we hold in our heart that are Jason.

21 Your Honor, when I heard Joseph's voice for
22 the first time at the plea trial I heard a man with a
23 calm voice. He answered his attorney and he seemed to
24 understand. I truly believe that Joseph is in a
25 different place than he was 21 months ago tomorrow.

1 He's been regulated with meds and some mental health
2 support.

3 Why did this have to happen after such a
4 terrible crime? We need more help and support with
5 mental illness before these acts have to happen. Our
6 story, as well as his, could have been different. I
7 believe that Joseph should have the maximum time given
8 and continued help with his meds and mental health.
9 And I want Joseph to know how our family has been so
10 affected by Jason's tragic death. He can never change
11 what happened. But, Your Honor, I hope and pray that
12 Joseph has remorse for the act of murder and the sense
13 to understand the seriousness of his actions.

14 My last hope is that while he's in prison or
15 whatever he will go, that he will be able to use this
16 time and possibly help others who deal with mental
17 illness. He could possibly make a difference on the
18 inside.

19 We will continue to honor our son, brother,
20 and father the best we can. Thank you.

21 This is a picture of the four of us.

22 THE COURT: Thank you.

23 MS. MARSHA MURPHY: Thank you.

24 MR. RAIT: Madisyn Murphy would also like to
25 address the Court.

1 THE COURT: Take your time.

2 MS. MADISYN MURPHY: Hello. My name is
3 Madisyn Murphy and I am the daughter of the victim,
4 Jason Murphy. I am writing this statement with a heart
5 heavy with grief and unimaginable pain.

6 On October 20, 2022, my father, Jason, was
7 taken from me in a senseless act of violence. His life
8 was abruptly cut short leaving a void in our family
9 that can never be filled.

10 Since the incident every aspect of my life has
11 been shattered. The simple joys of everyday life have
12 turned into painful reminders of his absence.

13 Birthdays, holidays and milestones now just
14 reminders of what our life could have been. The
15 emotional trauma of losing my father has been
16 overwhelming. For the last 638 days there hasn't been
17 a day I was able to sleep without waking up screaming
18 or crying from the nightmares. The thought of never
19 seeing him again, never hearing his voice or feeling
20 his embrace is a pain that words cannot adequately
21 describe. The pain is constant and overwhelming. The
22 thought of knowing I never got to the say goodbye and
23 never will be able to.

24 The daily reminders from just small words that
25 trigger my emotions to the pictures hung up on up my

1 wall I am reminded once again that he wasn't able to be
2 there for my sweet sixteen, my golden birthday, and now
3 he won't get to experience my 18th birthday, my high
4 school graduation, my college acceptance and college
5 graduation. He won't get to walk me down the aisle of
6 my wedding day and he won't get to experience his first
7 grandchild.

8 Every 15-year-old girl dreams of all of these
9 things. Of the 15-year-old girl 638v days ago found
10 out she would get to share these moments with her
11 father. It was heartbreaking to say the least.

12 The questions of why and why him are
13 constantly running through my mind. Wondering what my
14 life could be like now if he were still here. Would I
15 be happy? Would we have a good relationship? I ask
16 these questions daily but know I won't ever have the
17 answers. The questions of what if he didn't go to work
18 that day? Or what could have been done to prevent it?
19 All of these questions circle my brain daily. I don't
20 ever get a break and it's so emotionally draining for a
21 17 year old to have to constantly deal with it. I
22 haven't been able to go a single day without tearing up
23 because I miss him so deeply.

24 I would give anything to say goodbye and give
25 him one last hug and to hear his voice again. But all

1 I am left with are images and videos of who he once
2 was. Thank you for listening.

3 THE COURT: Thank you. That was brave of
4 you.

5 MS. MADISYN MURPHY: Thank you.

6 MR. RAIT: Your Honor, the last person to
7 address the Court themselves is Daniel Blask.

8 THE COURT: Can I have you spell your name
9 for me.

10 MR. BLASK: My name is Daniel Blask,
11 B-L-A-S-K.

12 THE COURT: Thank you. Go ahead.

13 MR. BLASK: Your Honor, I stand before you
14 today on behalf of my brother-in-law, Jon Ross Wentz.
15 Despite facing his own demons, Jon was a man of
16 incredible kindness and unwavering love for his family.
17 His journey of self-improvement was cut short by the
18 unforgiving and unforgivable actions of the accused.

19 Jon's life fitted with the potential
20 heartwarming moments -- sorry -- was stolen from us in
21 the senseless act of violence. The laughter, the joy
22 he brought into our lives has been replaced with grief
23 and irreplaceable void. His absence deeply felt by all
24 of us, especially his three beloved grandchildren;
25 Tristian, Jax, and Banks. These innocent children will

1 never experience the warmth of their grandfather's
2 love, his humor, his guidance. The dreams and hopes
3 they had of growing up with their grandpa have been
4 shattered.

5 Mr. Sandoval is not a stranger to violence and
6 drug use. His cowardly act has left a permanent scar
7 on our hearts. Jon's efforts to rise about above his
8 challenges, his kindness and his love were extinguished
9 by his selfishness and brutality.

10 He has proven to be a menace, a void of basic
11 human decency that Jon, even at his lowest point, never
12 lost.

13 His actions are blight upon society and he
14 must be held accountable. There is no redemption for
15 the pain he has caused. No escape from the heavy
16 consequences that he rightfully deserves. The memory
17 of Jon Ross Wentz demands justice. A justice that will
18 ensure that he faces the harshest penalties he's
19 allowed by law.

20 Jon deserved a chance to overcome his battles
21 and to continue being the light in our family. Instead
22 he was robbed of his future by his Ruthless hands. As
23 we mourn Jon we also demand that he face the full
24 measure of justice. Let the weight of his actions
25 follow him for the rest of his days as the emptiness of

1 Jon's absence will follow us.

2 I urge this Court to deliver a sentence that
3 reflects the profound loss and suffering inflicted upon
4 us. Jon's memory deserves nothing less than the full
5 extent of justice and, you, his killer, deserve to face
6 the severest consequences for your heinous crime.

7 Thank you.

8 THE COURT: Thank you.

9 MR. RAIT: Then two statements to be read,
10 Your Honor.

11 First is: 6/3/24, "This it is my victim
12 impact statement. It is not confidential. To the
13 Honorable Joy D. Bartscher and Tom Stephens,

14 My husband of 57 years died in February of
15 2022. My only son and oldest child was murdered in
16 October of 2022. Jon could have been the rock of our
17 family. The one we leaned on. I had only eight months
18 of comfort from him before he was brutally murdered by
19 someone who was provisionally discharged from a mental
20 health facility and left on his own, even though
21 Evergreen's website says it has a live-in house
22 manager.

23 I believe Jon's murder was partially the
24 result of many system failures. The mental health
25 system needs more funding and accountability.

1 Hopefully Jon's death can be the beginning of change.
2 There seems to me to be a huge lack of communication
3 between Anoka, Hennepin, and Ramsey Counties.

4 I believe my son had the right to be kept safe
5 in a Minnesota licensed group home. Mr. Sandoval had a
6 civil commitment and was supposed to be under strict
7 court supervision. Did DHS put him in a community
8 setting without giving the Courts advance notice? The
9 person who that decision is guilty also. I don't
10 understand how a judge could revoke a provisional
11 release after the murders.

12 In May of 2022, a court evaluation said
13 Mr. Sandoval's mental health was deteriorating and he
14 was a risk to others. Just five months later, it
15 proved to be true.

16 My girls will never again have a big brother.
17 I will never have another son. My hope is that
18 Mr. Sandoval's sentence will be required to run
19 consecutively for each murder."

20 Signed Sandra Wentz.

21 The last statement was from Angela McGowan.
22 It reads.

23 "When I was little my dad was something I
24 always wanted to have but couldn't because his
25 addiction consumed all of him." At a young age I

1 conditioned myself to be prepared for the day that I
2 got the call that my dad was dead.

3 I often wondered if he would be by himself on
4 the park bench because he'd homeless or how long it
5 would take for someone to notice he was gone.
6 Premature grief over a death that has not happened yet
7 is a large part of my anxiety and fear of loss today.

8 Then there came a point when I could no longer
9 tether my wellbeing and my dad's. I had to walk away.
10 But my dad didn't give up. And after 40 years of
11 addiction he'd finally been clean and was off
12 methadone. This is when I received a call that I had
13 prepared myself for. However, I never had imagined my
14 dad would die the way he did. And my years of
15 preparation were for nothing.

16 The worst part of losing my dad is the hope I
17 had held onto for 30 years, it is like there is a
18 larger void than ever before if that is even possible
19 and there was almost nothing to to begin with.

20 Now what will remain is unspoke words,
21 unhealed traumas, forgiveness not given, and unopened
22 messages. He will never know that I sent a message to
23 him at 3:33 p.m. on the day of his murder. That I was
24 willing to move forward in rebuilding our relationship.
25 I will always wonder if those were the moments he was

1 being stabbed and beaten with a hammer. It should have
2 with a time of release or possibly happiness but
3 instead he was dying.

4 I have a new baby boy today who was born 15
5 weeks early and is currently in the NICU and it's
6 another grandson that my dad will never get to know.
7 When he was fighting for his life and we were unsure if
8 he was going to make it, I thought to myself, maybe it
9 is because my dad always wanted to be a grandpa and
10 this is going to be his grandson in heaven. Thankfully
11 that is not case as of today. But those will always be
12 thoughts in the back of my head because of what
13 happened.

14 My dad deserved a safe place to live and a
15 chance to reclaim the life his addiction stole from
16 him. I deserve the dad I waited 30 years for and my
17 boys deserve a grandpa. I can't explain the loss I
18 feel of what could have been because it's fueled only
19 by imagination and hope instead of reality. It almost
20 feels like it's a worse way to lose someone because
21 it's a loss of a life of longing."

22 Those are the statements, Your Honor. Would
23 you like the State to go into argument at this point or
24 hear from the defense?

25 THE COURT: Sure. I will hear from the

1 defense next.

2 Ms. Kannmacher.

3 MS. KANNMACHER: Starting off, Your Honor, I
4 did receive a copy of the presentence investigation and
5 Mr. Sandoval and I did review it together. We do not
6 have any additions or corrections at this time.

7 As far as the defense's position on
8 sentencing, Your Honor, I did, as the Court has noted,
9 file a sentencing memorandum. And within it I made a
10 request of this Court to durational departure depart
11 from the sentencing guidelines.

12 And as I prepared for this hearing today I did
13 research as I normally do. And I did legal research to
14 support that motion for a departure from the
15 guidelines. But before I submitted my arguments to
16 this Court I received the victim impact statements that
17 the Court also just heard. And those statements ended
18 in up me doing a different kind of research. And I
19 researched on the grief for those who have lost their
20 loved ones. I read about how co-victimization of
21 family members and friends of people is a very real one
22 of those who died by murder and that co-victimization
23 is the grief unlike that felt in other loses.

24 And as we heard here today the grief from
25 homicide are forced to bear sudden death shock from

1 knowing violence was inflicted with purpose by another
2 person or infuses that with trauma. And the prolonged
3 court process can also complicate that healing process.
4 And as you also heard the why and the wondering why.

5 One of the sources that I read talked about
6 how justice in the form of clear information about the
7 death of the loved one shared with respect and
8 compassion can help settle the body and mind. There's
9 nothing that I can say from myself or on behalf of
10 Mr. Sandoval to undo what has happened and bring Jason
11 Murphy and Jon Wentz home. The explanation I'm going
12 to attempt to provide respectfully and with compassion
13 is the actually the same reasoning that I've asked Your
14 Honor to sentence Mr. Sandoval to less than the
15 presumptive sentence.

16 So Mr. Sandoval's brain is wired differently
17 in a way that results in him suffering from auditory
18 hallucinations and a delusional thought process. When
19 he is unmedicated he's hears command hallucinations.
20 Command hallucinations are auditory hallucinations that
21 instruct a person to act in a specific way. Those
22 commands can range in seriousness from innocuous, or as
23 happened here, life threatening.

24 In July of 2021 a Hennepin County Court deemed
25 Mr. Sandoval to meet the criteria for a civil

1 commitment. This was due to his mental health
2 diagnosis, which deemed to pose him a threat to himself
3 and others. Mixed in with his mental illnesses was
4 more faulty wiring in that his brain sought to use
5 illicit substances. Under the commitment of Human
6 Services was ordered to hold Mr. Sandoval safe and
7 secure for the period of his commitment and that did
8 not happen.

9 Mr. Sandoval transitioned from one locked
10 hospital to another locked treatment facility. His
11 medication, regiment changed repeatedly as doctors were
12 trying to find the best combination for Mr. Sandoval.

13 For reasons that do not make sense and should
14 not justify, in December of 2021, Mr. Sandoval was
15 moved to St. Paul and placed at Evergreen Recovery
16 Center. Within a matter of a month or two Mr. Sandoval
17 was out of medications. His medications were refilled
18 and changed. He was testing positive repeatedly for
19 different substances. A court in Hennepin continued to
20 find that he was incompetent to proceed in his pending
21 criminal matters. His civil commitment was extended
22 but yet he remained in the community, struggling with
23 his mental illnesses and self-medicating. The people
24 tasked with keeping Mr. Sandoval safe and secure
25 weren't doing their jobs.

1 As this Court is aware there were a lot of
2 hearings where a lot of conversations were had ahead of
3 time or not on the record. And that was because
4 Mr. Sandoval's psychosis was so severe he needed months
5 in a controlled setting in a jail to stabilize.

6 The 638 days that these families have had to
7 wait for this case to come to an end is not because of
8 some conscious desire by Mr. Sandoval to drag it out or
9 prolong it. It took many months for the medications to
10 allow for Mr. Sandoval to retain competency, meaning he
11 was able to comprehend the court proceedings in
12 assisting in the case so that the Court case could move
13 forward. More than that though it took months for
14 Mr. Sandoval to get to a place where it was safe and
15 okay for him mental health to talk about this case.

16 His mental status was so fragile that many of
17 our meetings were just check ins. He had consistent
18 updates in the mental health orders at the jail to
19 ensure any sign of decompensation. There were physical
20 indicators of his inability, not unwillingness, but
21 inability to talk about this case.

22 Only after adjusting his medication, to
23 include heavy-hitting antipsychotics that he receives
24 by injection, were we able to truly discuss this case.
25 And we needed to do that. We needed to discuss it and

1 we needed to review it. Because Mr. Sandoval could not
2 differentiate what happened in his mind versus what
3 happened in reality.

4 He entered the plea that he did in the way he
5 did because he did not remember what happened. Not to
6 avoid accountability or deflect in some way. He
7 doesn't have a personal why in this case.

8 In many other cases, other murder cases that
9 have come through these courtrooms, there was some
10 relationship. There was a grudge, there was history,
11 there was something to provide some context of why.
12 The why here was because Joseph Sandoval's brain is
13 broken. It told him he needed to kill or he would be
14 killed. And his brain can be treated to fix that
15 faulty wiring, but that treatment wasn't there on
16 October 20th of 2022.

17 He was the actor that day. He will receive a
18 prison sentence from Your Honor. He has accepted that
19 he will receive a prison consequence from Your Honor.

20 Mr. Sandoval feels horrible about what
21 happened to Jason and Jon and he can't change it and he
22 will do his time. However, given everything that this
23 Court knows, a lesser sentence is appropriate in this
24 matter. I know this Court has sentenced prior second
25 degree murder cases. And in this case there are

1 substantial grounds that exist that tend to excuse or
2 mitigate Mr. Sandoval's culpability under the law.
3 Mr. Sandoval's lack of substantial capacity for
4 judgment is that basis and he caused the deaths of
5 Jason Murphy and Jon Wentz.

6 The Court has received ample documentation
7 about Mr. Sandoval's diminished capacity, his
8 impairment as to the extreme or deprived him of control
9 over his actions. His paranoia was that people were
10 trying to kill him. He believed that people in that
11 house were going to kill him if he went to sleep. His
12 paranoia existed both in the community and in
13 controlled settings. Multiple doctors believed that
14 Mr. Sandoval lacked the ability to filter his internal
15 experience from his external reality. He did not wake
16 up on October 20th with a clear conscience and decide
17 to end two people's lives.

18 Your Honor, death is not an acceptable outcome
19 for mental illness, but it was the outcome for Jason
20 Murphy and Jon Wentz. Mr. Sandoval caused their
21 deaths. And the same system for Mr. Sandoval failed.
22 And they also failed Jason, Jon and their families.
23 This Court cannot impose a sentence on the civil
24 commitment court or the treatment providers who were
25 responsible for Mr. Sandoval in October when this

1 happened. And it can only determine the appropriate
2 sentence for Mr. Sandoval.

3 When making the request for this Court to
4 sentence Mr. Sandoval to less than the presumptive
5 sentence, I am mindful this is a difficult request.
6 There is a lot of hurt and pain attached to this case
7 and in this room today. And that attachment is to the
8 loss of the lives of two people. My intention is to do
9 my job and not to insult the loss of those lives. And
10 neither with the intent not to insult or cause further
11 harm. That could still be the result, and I apologize
12 if the outcome for any of the families here today.

13 However, for the reasons I outlined in my
14 sentencing memorandum in this argument today, I am
15 asking the Court to find substantial and compelling
16 reasons to durational depart from the Sentencing
17 Guidelines to the proposals that I submitted in my
18 memorandum.

19 THE COURT: Thank you.

20 Mr. Rait.

21 MR. RAIT: Your Honor, I'll be brief. Two
22 lives were taken by the defendant and the it was set by
23 failures in the mental health system, but the defendant
24 alone is responsible for those two lives that were
25 taken.

1 You heard today how that loss has affected the
2 families. What you might not know it how bad loss
3 affected the communities. Because they came to my
4 office, they made their voice heard, and they didn't
5 want group homes, halfway homes, sober homes. They
6 didn't want him in the neighborhoods anymore. They
7 wanted to know what was going on out there. And this
8 hurt was already struggling for the people that needed
9 the services.

10 The only other issue I take with defense's
11 memorandum is to characterize this, I'm not going to
12 say less onerous, but because it wasn't a gang shooting
13 that it wasn't a typical homicide. I agree it wasn't
14 typical. I'm not a seasoned veteran, but I've been
15 around, and I'm haunted by the images that I saw of
16 that crime scene. This was a severe act done by one
17 person.

18 To be proportioned, I'm asking the Court to
19 sentence middle of the box, consecutive for the lives
20 of these two lost gentlemen. I'm also asking the Court
21 to order restitution as contained in the PSI. Thank
22 you.

23 THE COURT: Mr. Sandoval, did you want to say
24 anything?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: For those of you that have never
2 been in my courtroom before on a sentencing calendar,
3 or probably on any calendar, you'd be surprised that I
4 find myself with this case to be really at a loss of
5 words. And that doesn't happen very frequently with
6 me.

7 This case to me represents everything that's
8 wrong with the way we are currently dealing with each
9 other as a society and the fact that we do not want to
10 take responsibility for each other.

11 I grew up in a family -- now I'm probably
12 going to start crying. So I grew up in a family that
13 taught me to care about other people. And I went to
14 college and got my degree in social work because I
15 thought I could fix the world. And I became an
16 attorney because I thought I fix the world. And
17 Madisyn is smiling over there because maybe that's what
18 she's thinking about. And I don't know how we're going
19 to fix our world.

20 And I hope that when I'm talking that I don't
21 discourage you, Madisyn, from doing every wonderful
22 thing that you could do. And I will tell you that I
23 hope and I say this to young ladies like yourself or
24 young boys, men, like yourselves or other people, this
25 is only one part of your life. And it's a huge part of

1 your life but it should not define who you are, okay?
2 It should be always a part of you. Your dad is always
3 going to be a part of you. And you should always keep
4 that special spot in your heart. But hopefully you can
5 get past this. Hopefully the rest of you all as family
6 and friends can get past this and not make it be all of
7 your life. And hopefully this is one step in getting
8 you to that point.

9 But when I was thinking about what to say and
10 I cried, as you can probably guess since you just kind
11 of saw me, I cried when I read every victim impact
12 statement. I cried when I read Ms. Kannmacher's
13 sentencing memorandum. And I believe that you all from
14 the victim's family -- because I saw some heads
15 shaking -- I think you also were probably raised in a
16 way that is similar to me. And what is very difficult
17 for me as a judge is sometimes no matter what I do I
18 can't fix things. I can't make this better. I can't
19 fix the system. And this case is beyond a tragedy.
20 Because all three -- well for sure two of the young men
21 and Jason, were helping or getting help. Which is what
22 we want to happen. We want people to get help. We
23 want people to get better. And all three of these
24 young men, their lives were failed by this system that
25 we have currently in place.

1 And, yes, Mr. Sandoval is responsible for what
2 happened. And, yes, he should be held accountable for
3 what happened. But we also have to figure out a way as
4 a society to hold ourselves accountable for the
5 decisions that we make. And for whatever reason, the
6 way that our system works is it's broken. Mr. Sandoval
7 should not have been out in the community. And that
8 was a decision that the mental health workers made.
9 And the decisions that were made were not made because
10 it was what was best for him. They were not made
11 because it was what was best for society or for the
12 rest of us or for the public. But they were made
13 because of money. And to me that is absolutely
14 inexcusable.

15 And I'm saying that now on the record because
16 I said it many times off the record to all of the
17 people that are sitting here as practitioners. I may
18 have said it on the record before, but we have to stop
19 making decisions based on money. We have to start
20 doing some things that are going to protect us as
21 members of the public and being in a society and in a
22 community demands that of us.

23 And my job is to figure out if there's
24 anything out I can try to do to fix this and I don't
25 think there is. Nothing I do, no sentence I impose

1 will ever take away the hurt and sadness that all of
2 the participants are feeling.

3 And so you, Joseph Francis Sandoval, having
4 entered a plea of guilty in open court on May 17, 2024,
5 to the charge of murder in the second degree that's
6 charged in Count 1 of the complaint of the County
7 Attorney's Office in 62-CR-22-6099. That charge is in
8 violation of Minnesota Statute 609.19.1(1), which
9 defines the penalty as 40 years.

10 And standing convicted of said crime upon your
11 plea of guilty I accept your plea of guilty and you are
12 hereby adjudged to be guilty of that crime.

13 Now, therefore, it is the sentence of law and
14 judgment of this Court that as punishment for that
15 crime you be sentenced to the Commissioner of
16 Corrections for a period of 278 months. The minimum
17 period of incarceration is 185-and-a-third months. The
18 maximum period of supervised release is
19 92-and-two-thirds months. The sentence is executed
20 forthwith and you are remanded to the custody of the
21 sheriffs to begin serving that sentence. Against that
22 sentence you are entitled to custody credit for 638
23 days for the time you have already served in custody.

24 I will order out-of-pocket restitution in
25 Count 1. I will leave probation to determine what the

1 appropriate amount is and what the out-of-pocket amount
2 is and look for an order. I will note for the record
3 that I know Mr. Sandoval himself has absolutely no
4 resources or ability to pay restitution. But he will
5 be in custody for a significant period of time and
6 could potentially make some reasonable payments towards
7 that. So the Court has taken into consideration his
8 ability to pay.

9 You, Joseph Francis Sandoval, II, having
10 entered a plea of guilty in open court on May 17, 2024,
11 to the charge of murder in the second degree. That is
12 in Count 2 of complaint of the County Attorney's Office
13 in 62-CR-22-60899. That charge is also in violation of
14 Minnesota Statute 609.19.1(1). That also defines the
15 penalty as 40 years.

16 And standing convicted of said crime upon your
17 plea of guilty I accept your plea of guilty and you are
18 hereby adjudged to be guilty of that crime.

19 Now, therefore, it is the sentence of law and
20 judgment of this Court that as punishment for that
21 crime you be sentenced to the Commissioner of
22 Corrections for a period of 180 months consecutive to
23 the sentence that the Court just imposed in Count 1.
24 You are not entitled to any custody credit against that
25 sentence.

1 The minimum period of incarceration is 120
2 month; the maximum period of supervised release is 60
3 months.

4 I assume that there will be -- are there
5 registration requirements, Mr. Rait?

6 MR. RAIT: Your Honor, I'm unsure of the
7 answer without electronic access today.

8 THE COURT: Okay. There may are or may not
9 be. I don't know.

10 The record should reflect that the Court has
11 imposed a brief durational departure from the Minnesota
12 Sentencing Guidelines on Count 2. The Court adopts all
13 of the reasoning in the defense memorandum as the
14 grounds for the departure, but I will state a few
15 things for the record regarding that brief durational
16 departure.

17 First of all, the Court does find that when
18 this offense occurred Mr. Sandoval did lack the
19 capacity to make rational decisions that, although not
20 rising to the level of a defense, does minimize his
21 culpability as it relates to both of these charges.

22 The Court finds also that he lacked the
23 ability to make decisions at the point of these
24 horrific events to filter out what was real and what
25 was not reality.

1 And the Minnesota Supreme Court has said that
2 as to mental illness, in order to constitute a
3 mitigating factor in sentencing, a defendant's
4 impairment must be extreme to the point that it
5 deprives the defendant of control over his actions.
6 The Court finds that Mr. Sandoval, that his mental
7 illness at the time of these offenses, was so extreme
8 that the system's knew that his mental illness was so
9 extreme that it deprived him of control of his actions.
10 Even so the system allowed him to be in the community,
11 to continue to use mood-altering substances that
12 interfered with his mental health and his ability to
13 make decisions.

14 The Court believes that those findings support
15 a brief durational departure from the Minnesota
16 Sentencing Guidelines.

17 I don't know whether my decision in this case
18 does anything to give anyone any closure. And I don't
19 know whether -- I think it makes legal sense. I don't
20 know that it makes other sense to any of you. I hope
21 that I have done justice and I hope that you all at
22 some point will be able to understand why I have made
23 the decision that I have made.

24 I believe strongly in what I do and I believe
25 that I make fair decisions. But even I can get it

1 wrong some of the time. I want you all to know, and I
2 say this on behalf of the attorneys as well, my heart
3 goes out to all of you, including Mr. Sandoval. This
4 case should have never, ever, ever, have happened.
5 Mr. Sandoval will be dealing with the consequences of
6 it, you're all going to be dealing with the
7 consequences of it. And I hope that I have not failed
8 the system by imposing the sentence that I have
9 imposed.

10 Mr. Sandoval, you are remanded to the custody
11 of the sheriffs to begin serving your sentence.

12 (Proceedings Concluded.)

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24 STATE OF MINNESOTA)
25 COUNTY OF RAMSEY)

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Be it known that the foregoing proceedings were taken by Teresa Cromey, Official Stenographic Court Reporter for the Second Judicial District in the State of Minnesota, and as such, the proceedings were recorded in stenotype by myself and transcribed into writing by computer-aided transcription, and that the transcript is a true record of the testimony to the best of my ability.

Dated and signed the 20th day of July, 2024.

/s/ Teresa Cromey

Teresa Cromey
Official Court Reporter