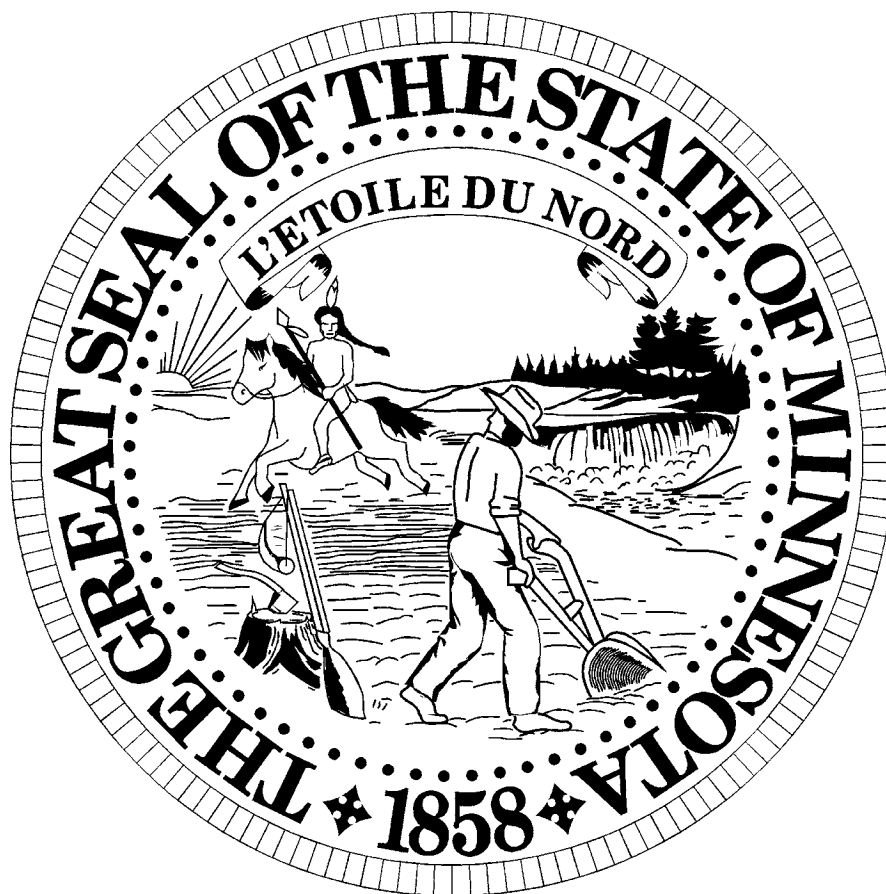


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

**Monday 17 June 2019
Volume 43, Number 51
Pages 1403 - 1420**

Official Notices

U.S. Mail: John M. Harvanko, Director
Office of Energy Assistance Programs
Minnesota Department of Commerce
85 7th Place East, Suite 280
St Paul MN 55101-2198

Fax: 651-539-0109

If any reasonable accommodation is needed to enable you to fully participate in the public hearing (e.g., sign language or large print materials), please contact 651-539-1530 at least one week in advance of the hearing.

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-539-1530 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

Department of Natural Resources Lands and Minerals Division Notice of Hearing for Sale of State Land

NOTICE IS HEREBY GIVEN, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, at the DNR Cambridge Office, 800 Oak Savanna Lane Southwest, Cambridge, MN 55008 on **July 2, 2019 at 5:00 p.m.**

The purpose of the hearing is for public input regarding the sale of state land situated in the County of Kanabec, Minnesota, and described as:

Part of the Northwest Quarter of Section 30, Township 38, Range 23, lying West of Highway No. 65, Kanabec County, Minnesota.

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The parcel is designated as part of the Joseph O'Brien Wildlife Management Area.

It is proposed that this parcel of land be offered for sale by the Department of Natural Resources in a public sale. This parcel is no longer needed for public purposes. If, after public hearing, the Commissioner of Natural Resources determines the disposal of the land is in the public interest, the Commissioner may vacate the parcel from Wildlife Management Area designation for this parcel.

Questions regarding this proposal can be directed to Amy Schwarz, Department of Natural Resources, Division of Lands and Minerals, 500 Lafayette Road, St. Paul, Minnesota 55155; telephone: (651) 259-5435; TTY: 1-800-657-3929; fax: (651) 896-5939; email: amy.schwarz@dnr.state.mn.us.

Signed June 5, 2019 by Susan E. Damon, Acting Director, Division of Lands and Minerals.

Minnesota Sentencing Guidelines Commission Notice of Public Hearing to Consider Amendments to the Sentencing Guidelines

THE MINNESOTA SENTENCING GUIDELINES COMMISSION WILL HOLD A PUBLIC HEARING on **Thursday, July 18, 2019, at 1:30 p.m.** in Room 1100, of the Minnesota Senate Building, 95 University Ave. W., Saint Paul, Minnesota 55155. The public hearing is being held to consider proposed modifications to the Minnesota Sentencing Guidelines and Commentary resulting from legislative amendments, non-legislative amendments, and technical

corrections. Modifications described in sections A through E, below, are subject to final adoption after public hearing. Modifications described in section F, below, are subject to public hearing, final adoption, and submission to the Legislature by January 15, 2020. The modifications are effective on the date described in the header for each section. The following briefly describes the nature and effect of the proposed modifications.

A. New Crime Laws Affecting the Guidelines – Effective August 1, 2019. The Commission reviewed new felony offenses created or amended in 2019 Minn. Laws 1st Sp. Sess. ch. 5, art. 4, §§ 7–8 & 11–18; and 2019 Minn. Laws 1st Sp. Sess. ch. 7, art. 3, §§ 14–16. As a result of its review, the Commission proposes related modifications to 2018 Minn. Sentencing Guidelines §§ 2.E.3, 4.B, 5.A, 5.B, 6, & 7; Comment 2.B.105; and Appendix 3. Among other changes, these modifications rank the new third- and fourth-degree CSC offenses (in which the actor is a peace officer) consistently with the existing third- and fourth-degree CSC offenses that prohibit sexual conduct by offenders in particular occupational relationships; rank child pornography offenses involving children under 13 consistently with existing child pornography offenses committed by repeat or predatory offenders; rank Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 13) at Severity Level D on the Sex Offender Grid; rank Surreptitious Observation Device (Minor Victim and Sexual Intent) at Severity Level G on the Sex Offender Grid; make style changes to the Sex Offender Grid; and rank Wage Theft at Severity Level 2 (\$5,000 or less), Severity Level 3 (over \$5,000), and Severity Level 6 (over \$35,000).

B. Amended Crime Laws Affecting the Guidelines – Effective August 1, 2019. The Commission reviewed felony and felony-sentencing-related offenses amended in, or affected by, 2019 Minn. Laws ch. 10; 2019 Minn. Laws ch. 16; and 2019 Minn. Laws 1st Sp. Sess. ch. 5, art. 4, §§ 2–9; art. 5, § 9; and art. 6, § 3. The Commission proposes no resulting modifications.

C. Technical Amendment to Crime Laws Affecting the Guidelines – Effective August 1, 2019. The Commission reviewed felony offenses amended in 2019 Minn. Laws 1st Sp. Sess. ch. 5, art. 2, § 17–21 & 26. As a result of the review, the Commission proposes conforming technical modifications to 2018 Minn. Sentencing Guidelines §§ 5.A, 5.B, & 6, and Comment 2.D.308.

D. Non-Legislative Amendments to the Guidelines – Effective August 1, 2019. As a result of actions taken at its meetings on December 20, 2018, May 9, 2019, and June 6, 2019, the Commission proposes modifications to 2018 Minn. Sentencing Guidelines §§ 2.B.1.h, 2.C.3.e, 2.F.1.b, 2.F.2.a.(2)(i), & 3.G, Comment 2.F.102, and Appendix 1; and to 2019 amendments to Minn. Sentencing Guidelines § 2.G.14.a.

E. Non-Legislative Technical Amendments to the Guidelines – Effective August 1, 2019. As a result of action taken at its meeting on June 6, 2019, the Commission proposes technical modifications to 2018 Minn. Sentencing Guidelines §§ 2.D.3.a(8), 4.A, 5.A, and 5.B; and Comment 2.B.107; and to 2019 amendments to Minn. Sentencing Guidelines §§ 2.B.2.e(4)(iv), 2.B.3.e, and 2.G.14.a(1).

F. Non-Legislative Amendments to the Guidelines – Effective August 1, 2020. As a result of action taken at its meetings on May 9, 2019, and June 6, 2019, the Commission proposes to rank escape from electronic monitoring under Minn. Stat. § 609.485, subd. 4(f), at Severity Level 3; to make conforming modifications to, and a modification to the offense title in, 2019 Minn. Sentencing Guidelines §§ 5.A and 5.B; to rank counterfeiting of currency under Minn. Stat. § 609.632, subd. 3, at Severity Level 2 (\$5,000, or Less), Severity Level 3 (Over \$5,000), and Severity Level 6 (Over \$35,000); and to make conforming modifications to 2019 Minn. Sentencing Guidelines §§ 5.A and 5.B.

A copy of the proposed modifications is available free of charge on the agency's website at mn.gov/sentencing-guidelines or by contacting the Minnesota Sentencing Guidelines Commission by mail at 658 Cedar Street, Suite G-58, Saint Paul, MN 55155; or by telephone at (651) 296-0144. Persons with hearing or speech disabilities may contact us via their preferred Telecommunications Relay Service. If you need special accommodations to attend the public hearing, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission's office at the above address or telephone number, or by e-mail at sentencing.guidelines@state.mn.us.

Official Notices

The Commission will hold the record open for five calendar days after the public hearing to accept written comment. On Thursday, July 25, 2019, the Commission will meet at 1:30 p.m. in the Lady Slipper Conference Room, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155, to finally adopt or reject the proposed modifications.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/>

Minnesota Department of Health (MDH) Request for Proposal (RFP) for Grant Funds for Sexual Violence Prevention: Providing Opportunities to Empower and Support Girls and Women

The Minnesota Department of Health's Sexual Violence Prevention Program (MDH-SVPP) is seeking proposals for the award of grant funding for implementation of a project that is designed to strengthen economic supports for women and families with the ultimate goal of decreasing sexual violence.

The department will award **one** applicant as a result of this Request for Proposal (RFP).

A full RFP can be found at: <https://www.health.state.mn.us/communities/svp/svpgrant.html>

To obtain this information in a different format, call: 651-201-5410.

Letter of Intent Deadline:

Applicants intending to submit an application should provide a Letter of Intent (LOI) to MDH no later than 11:59 p.m. Central Time, on June 28, 2019. LOIs should be sent via email to: Amy.Kenzie@state.mn.us. Please include "RFP_LOI_SVP Empowering Women and Girls" in your subject heading.

Proposal Deadline:

All applications must be received by MDH no later than **4:00 p.m. Central Time, on Wednesday, July 17, 2019**, at the MDH Golden Rule Building reception office (Suite 220), whether mailed or sent via courier. Applications submitted electronically must be submitted by 11:59 p.m. on Wednesday, July 17, 2019.

Attn: Amy Kenzie
Sexual Violence Prevention Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882
Amy.Kenzie@state.mn.us

Public Hearing Summary

July 18, 2019

A public hearing of the Minnesota Sentencing Guidelines Commission (MSGC) was held on July 18, 2019, in Room 1100 of the Minnesota Senate Building, 95 University Ave. W., Saint Paul, MN 55155.

Commission members present were Commission Chair Kelly Mitchell and Commission members Tonja Honsey, Cathryn Middlebrook, and Peter Orput.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Nicole Jaspersen, Kathleen Madland, Linda McBrayer, Jilly Payne, and Anne Wall.

Members of the public present included Bill Lemons, Minn. County Attorneys Association, Chuck Turchick, and Terry Gruzebeck.

1. Call to Order

Chair Mitchell called the public hearing to order at 1:32 p.m. and welcomed those in attendance.

2. Opening Statement

Chair Mitchell announced the purpose of the public hearing, to give interested persons the opportunity to present statements regarding proposed modifications to the Minnesota Sentencing Guidelines and Commentary resulting from legislative amendments, non-legislative amendments, and technical corrections.

Chair Mitchell explained that copies of the proposal, which was published and made available on the Commission's website beginning Monday, June 17, 2019, were available in the room.

Chair Mitchell explained that one person was registered in advance with Commission staff; that person would be called to testify first, followed by any other people wishing to testify. Chair Mitchell explained that people must register their name, address, telephone number, and the names of any individuals or associations that the person represents in connection with the hearing. Chair Mitchell further explained that people may make oral or written statements today regarding the proposed amendments. People may also address questions about the proposed amendments to the Commission, its staff, or witnesses, and, if you make an oral statement, the Commission or its staff may ask questions of you. Chair Mitchell stated the record will remain open for five calendar days to accept and record written materials.

Chair Mitchell stated that, on Thursday, July 25, 2019, the Commission would meet at 1:30 p.m. in the Lady Slipper Conference Room, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota, to finally adopt or reject the proposal.

3. Public Testimony

Chair Mitchell then called forward the following members of the public who wished to speak.

Bill Lemons, Minnesota County Attorneys Association (MCAA)

On behalf of the MCAA, Mr. Lemons spoke to oppose maintaining the existing severity levels for various child pornography offenses when a child under 13 was involved, or when committed by a repeat or predatory offender, instead urging the Commission, on public safety grounds, to raise each of the severity levels by at least one. Pending the Commission's mandated review of these offenses' severity rankings, which will take an unknown amount of time, Mr. Lemons recommended making these changes to reflect the clear Legislative guidance that the presence of any of these three factors make the offense more serious and negatively impact public safety. Noting that the initial ranking decision received only four of the eleven Commission members' votes (as only seven Commission members were present for the vote), Mr. Lemons urged the Commission to revisit the ranking decision with all members present.

Mr. Lemons agreed to submit a written copy of his testimony for the record.

Terry Gruzebeck

Mr. Gruzebeck spoke about a proposal to modify Minnesota Sentencing Guidelines for convicted murderers. The proposal is to adopt the United Kingdom's new 'Helens law'. Helen's law provides that no convicted murderer who has not disclosed the location of the decedent's body may be granted probation or parole of any form until they disclose that location. His proposal would require that any conviction for any form of murder under any classification in Minnesota statutes criminal code be given a minimum mandatory life sentence if the murderer has not revealed the location of the body. Also, the offender would not be allowed consideration of any form of executive clemency unless the offender disclose the location of the decedent's body.

Chair Mitchell asked if anyone else in attendance wished to testify. No one came forward.

4. Adjournment

Chair Mitchell adjourned the public hearing at 1:46 p.m., without objection.

TESTIMONY BEFORE THE MINNESOTA SENTENCING GUIDELINES COMMISSION
THURSDAY JULY 18, 2019

Good afternoon. My name is Bill Lemons. I am a staff attorney at the Minnesota County Attorneys Association, a nonprofit organization of Minnesota's 87 elected county attorneys. The association has asked me give a brief oral statement about the association's opposition to the Commission's proposal regarding the severity level ranking for the various Child Pornography offenses.

The Commission's proposal is to maintain the existing severity level rankings for the various Child Pornography offenses with the involvement of a Child under 13 or if the offenses are committed by a repeat or predatory offender.

The County Attorneys Association opposes maintaining these existing severity levels and urges the Commission to raise each of these severity levels to at least one higher severity level on the Sex Offender Grid. We urge this action in the interests of public safety. The changes the legislature made to these statutes this past session recognizes that if these offenses involve a child under 13 or are committed by repeat or predatory offenders, the offenses are more serious than those offenses before the amendments. As they are more serious, to maintain the existing severity levels and have the sentences for these offenders be the same as before the Legislative changes just doesn't make common sense.

We recognize that the Legislature also mandated the Commission to review and consider how the Sentencing Guidelines and the sex offender grid address the crimes of the USE OF MINORS IN SEXUAL PERFORMANCE and the POSSESSION OF PORNOGRAPHIC WORK INVOLVING MINORS. As you know, the impetus for this legislative action was a report that came to the attention of Legislators by the National Association to Protect Children that Minnesota has some of the weakest sentencing provisions in the nation as it relates to Child Pornography. We also recognize that the Commission is of the view that pending

the completion of this mandated review, the existing ranking should be maintained. However, the public doesn't know how long that review will take and the Commission should make these changes to reflect the clear Legislative view that the presence of any of these three factors make the offense more serious and negatively impact public safety.

Lastly, there were only 7 of 11 Commissioners present at the meeting when these recommendations passed on a 4-3 vote. The County Attorneys Association is of the view that this is an important matter and urge the Commission to revisit it with all 11 Commissioners present.

From: [Terry Gruzebeck](#)
To: [Guidelines, Sentencing \(MSGC\)](#)
Cc: [MN Senator Warren Limmer](#)
Subject: ADDENDUM TO: Proposed Changes to MN Sentencing Guidelines Re Murderers Who Refuse to Reveal Victim's Body Locations, to be Denied Probation, Parole, Clemency or Commutation
Date: Saturday, July 20, 2019 5:39:13 PM

Dear MSGC:

Please forgive this late change, but we'd like to include in our Proposed "Airtight" Sentencing Guideline below, that any included convict, whether they took part in the murder to which this section pertains, or, alternatively, helped secret away a murder victim's body after the fact, and who has failed to relinquish the whereabouts of said murder victim's body, be denied post-conviction bail or bond while pending appeal of their conviction, if this is constitutionally permissible, both federally and in Minnesota.

Thank you for including this addendum to our proposed sentencing guidelines amendment heard on July 18, 2019 and detailed below.

Terry Gruzebeck

Terry Gruzebeck wrote on 7/18/2019 6:30 PM:

Dear MSGC:

Thank you for taking my oral testimony this afternoon in defense of our proposal detailed below, i.e., for adopting the U.K.'s new "Helen's Law" into Minnesota's sentencing guidelines scheme. Pursuant to our discussion at the hearing this afternoon, and in reference to your email reply below, attached hereto is the "sanitized" version of our proposal. We understand that it will be made part of the public record of today's hearing, and that it may be perpetuated further into the public record of proposals adopted for inclusion in this year's MN sentencing guidelines changes.

This version of our proposal obfuscates the identity of the principal whose interests herein are the impetus behind our 50-state sentencing guidelines amendment initiative. However, this version does leave intact documentary evidence of my principal's consent to use his deceased loved one's case as an exemplar of all the many cases throughout America over the decades where murder victim's bodies have been secreted away, and thereby effectively ransomed by the perpetrators in furtherance of their own interests.

We are most grateful for the Commission's late-noticed consideration of our proposal for inclusion in this year's sentencing guidelines amendments, i.e., to be enacted effective this August. Please reply to me directly for the resolution of any questions, or for making any clarifications, that the Commission requires before passing final judgment on the suitability of our proposal for such inclusion.

I know that to see some productive justice come from so much angst and torment that my principal has suffered for the decades following the disappearance of his murdered loved one, that it will provide great comfort and peace of mind to him.

Very truly yours,

Terry Gruzebeck
7350 York Ave S Apt 104
Edina MN 55435-4724
952-842-9361

Guidelines, Sentencing (MSGC) wrote on 7/18/2019 11:36 AM:

Good morning:

We have received your electronic message. It appears that you want the message to be part of the record of the public hearing that is taking place today. As part of the public record, the information it contains will become accessible to the public.

Your message contains the following language, however: "For Mr. [XXX]'s Safety: Per his reply below, [Mr. XXX] limits his consent for releasing this information to only your office at this point. Your prudent discretion is herewith requested, insofar as this is a very sensitive matter for Mr. [XXX]."

This directive appears to be inconsistent with placing the message into the public-hearing record. We are therefore requesting clarification: Do you want this message to be part of the public-hearing record, or not? Please advise.

Sincerely,

Minnesota Sentencing Guidelines Commission
658 Cedar Street, Suite G-58, St. Paul, MN 55155
Main: 651-296-0144 | mn.gov/sentencing-guidelines



From: Terry Gruzebeck
Sent: Thursday, July 18, 2019 11:06 AM
To: Guidelines, Sentencing (MSGC)
Cc: MN Senator Warren Limmer; Mr. XXX
Subject: Fwd: Proposed Changes to MN Sentencing Guidelines Re Murderers Who Refuse to Reveal Victim's Body Locations, to be Denied Probation, Parole, Clemency or Commutation

We herewith forward a copy of our proposal to modify MN sentencing guidelines for murder convictions; specifically, to adopt a facsimile of reasonable fidelity to that of the U.K.'s new "Helen's Law," as detailed below. Please consider this proposal during your public meeting today. I regret that it comes at such late notice.

Terry Gruzebeck
7350 York Ave S Apt 104
Edina MN 55435-4724
952-842-9361

----- Forwarded Message -----

Subject: Proposed Changes to MN Sentencing Guidelines Re Murderers Who Refuse to Reveal Victim's Body Locations, to be Denied Probation, Parole, Clemency or Commutation
Date: Sat, 13 Jul 2019 01:17:03 -0500
From: Terry Gruzebeck
To: MN Senator Warren Limmer
CC: <Mr.XXX@nomail.com>

Dear Senator Limmer,

Based loosely on the U.K.'s new "[Helen's law](#)", I propose a 50-state legislative initiative to obtain [statutory uniformity of murder-sentencing guidelines across America](#). These amendments would adhere only in cases where murder convicts refuse to relinquish the location of their decedent victim's body(ies). The objective is to thwart murder convicts from employing such reticence while exhausting lengthy appeals processes (particularly in death penalty states). Ideally, by treaty amendment, we would possibly extend this sentencing policy to Canada, Mexico, and all attendant international waters, thus [leaving no sanctuary of impunity](#) for the wicked (due to, e.g., lapses or gaps in statutory coverage). Insofar as we initiators are legislative neophytes, we would be **very grateful** for whatever assistance your office can provide in shepherding this proposal through Minnesota's state legislative process.

The Impetus Behind This Initiative: Attached hereto is an archive of emails exchanged between me and [Mr.XXX], the surviving [relative] of a murder victim to whom this initiative pertains. This is one of the more infamous cases of two viciously-brutal, psychopathic (according to the consulting forensic psychologist), convicted murderers having secreted the disposal of their victim's body; i.e., that of Roger Scott Dunn (on whom I retain a reasonably complete research file of news coverage, scene photos and documentary videos for your edification should you so desire).* "Scott" Dunn's case has been the celebrated subject matter of two books, "[Trail of Blood](#)," by Wanda Evans; and, "[The Murder Room](#)," by Michael Capuzzo. Additionally, it is the subject of a widely-syndicated criminal forensics documentary television show, a radio show interview, and innumerable news articles and blog posts, including the [blog](#) of renowned "[no body](#)" expert, [Thomas A. \(Tad\) DiBiase](#), with whom I've briefly corresponded about Scott Dunn's case in the past.

For Mr. XXX's Safety: Per his reply below, [Mr. XXX] limits his consent for releasing this information to only your office at this point. **Your prudent discretion is herewith requested**, insofar as this is a very sensitive matter for [Mr.XXX]. [One of the paroled murderers of his son](#), [convicted murderer of Roger Scott Dunn], [has indirectly threatened him with bodily harm, and with other vaguely-described forms of retribution](#).**

Other Stakeholders and Interested Parties: In further support of this proposed legislative initiative, provided that it shows reasonable promise of coming to fruition, [\[Mr.XXX\] will seek the cooperation and backing of \(but perhaps not the funding of\) an advocacy group for the surviving parents of child murder victims](#) (of which he is a member). For the reasons stated above, [Mr.XXX] would prefer that this group take the lead as the public relations "face" of this initiative. However, we need some reasonable showing of potential success to justify committing the significant resources we anticipate this initiative will require in order to scale it up so that it becomes "airtight" nationwide. Personally, I envision having to recruit a college student intern to assist me with the administrative burdens of this project should it "take flight".

The Proposed "Airtight" Sentencing Guideline: Our opening sentencing demand for such post-conviction reticence should be a [mandatory minimum of a life sentence of imprisonment](#), regardless of the statutory homicide classification under which such convictions were or could be adjudicated. Such sentences should specifically [deny any means or opportunity for modification](#); i.e.:

- No probation or parole.
- No executive clemency or commutation of sentencing options.
- [No reprieve for the reticent convict if the body of the decedent in question is discovered](#) by any means, or by any person, [without the help of the convict\(s\)](#) who absconded with or who otherwise hid or concealed the body, or who otherwise aided and abetted same, or who counseled others while engaging in or otherwise indulging such conspiracy to do so, with the intent that said victim's body not be found.
- The "no reprieve" provision necessarily pressures the convict(s) to be forthcoming with victim body location information sooner rather than later, while they attempt to exhaust their appeals processes in the meantime.
- The "No reprieve" provision also [girds the general deterrence sought](#) by our proposed sentencing guidelines amendments.

Other Policy Considerations: We fully realize that the no-clemency-or-commutation-of-sentence provisions might interfere with the MN state governor's executive prerogatives, but is he (presently a Democrat) likely to oppose a constitutional amendment that modifies his relevant powers in this limited scope, given the political/public relations "optics" of such opposition? Historically, Democrats have represented the interests of the socio-economic class from which most murder victims, [whose bodies were absconded with or otherwise secreted away](#), originate (e.g., serial murder victims).

Statutory Continuity: This proposal for cross-jurisdictional statutory "harmonization" would inform the various state legislatures of whatever amendments they would have to make to their sentencing guidelines in order to conform their individual criminal codes [uniformly](#). [Such uniformity would eliminate loopholes](#) that could be exploited by transporting soon-to-be murder victims, or alternatively, their corpses, [across state lines](#), and for the purposes of both evidence obfuscation and penalty avoidance, should a future murder conviction be adjudicated.

[Mr. XXX] and I therefore implore your office to contact me at your earliest practicable convenience to inform us as to whether your office can assist us in this endeavor, and to what extent other state offices, or other public resources, may be available for supporting this initiative.

* <!--[if lvm]--> <!--[endif]-->Both the forensic psychologist ([forensic group] co-founder, [consulting psychologist]) hired by the decedent's [relative], ([Mr.XXX]), and, ostensibly, the Lubbock Police Dept., speculate that there may be a third, but as yet unidentified and unindicted co-conspirator to Roger Scott Dunn's 1991 disappearance from his Lubbock, TX apartment for 21 years.

As to [consulting psychologist's], his belief thereon is documented in [book author's] book, "[Book Name](#)."

Besides the location of Scott Dunn's shallow and barely adequate grave (i.e., for concealment purposes (see footnote below)) being a "red flag" that someone else may have dug it (if only that),* much of the crime scene evidence was never

Police say there may be 'additional responsible persons' in Dunn case

June 16, 2012 at 5:36 PM CDT - Updated June 27 at 7:54 AM



Scott Dunn's headstone in the City of Lubbock Cemetery

LUBBOCK, TX (KCBD) - Lubbock police might not be finished with the murder case of Roger Scott Dunn.

Dunn turned up missing in 1991 and was presumed dead. His former girlfriend, Leisha Hamilton, was convicted of murdering him even though prosecutors at the time had not found his body. She is still serving prison time.

Hamilton's subsequent boyfriend, Tim Smith, was also convicted of murder, and sentenced to probation.

Then in May of this year, 21 years later, Dunn's body was found in a shallow grave at the Chaparral Apartments not even 100 feet from where he lived.

After the discovery, KCBD Newschannel 11 made a routine open records request pertaining to the Dunn case.

The city's response indicates there may be more to come. Specifically, the city is asking the Texas Attorney General's office for permission to withhold certain police records.

In a letter dated June 13, the city says to the A.G.'s office, "Although there have been two convictions in this case, the department is concerned there may be additional responsible persons that could be revealed upon discovery of new evidence."

It continues, "Although the case is not currently being actively investigated, the department has not closed it. If additional evidence were discovered that implicates another party, the department would actively pursue the investigation."

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Roger Scott Dunn

found.

The lead Lubbock Police Dept. investigator on Scott's case, [Detective Sergeant Tal English](#), was quoted saying, "Somehow they managed to bury a body in a small area, and all those apartments were occupied. It was interesting that they were able to do that and no one noticed anything at all." [Emphasis added.]

Ostensibly, therefore, in addition to there being no time-delimiting statute in Texas for prosecuting murders, this may be why the Lubbock Police Dept., "... ask[ed] the Texas Attorney General's office for permission to withhold certain police records." www.kcbd.com/story/18805641/police-say-there-may-be-additional-responsible-persons-in-dunn-case/

* [After his grave site was initially discovered by his \[a concerned party\]](#), Dunn's body remained hidden for

approximately 21 years until it was inadvertently discovered by maintenance men. Dunn was buried in a proverbial "shallow grave", under 1½ feet of dirt in an apartment resident's backyard. [The grave was situated](#) behind a tall wooden fence, and [some 70 feet from Dunn's apartment](#). Prior to discovery, his grave site lied within the gap between Dunn's former apartment building and a neighboring apartment building, which is the gap between buildings 5818-B and 5816 on 24th Street in Lubbock, TX, and where the backs of the two structures abut one another. Like Sgt. Tal English suggested, who could have dug a grave under the resident's windows of those two apartment buildings without any resident of either building either noticing or giving it a second thought? And if a third co-conspirator aided and abetted in Dunn's disappearance, why would both Hamilton and Smith protect them with silence, at great personal sacrifice, in the face of offers of leniency, for so long?

In addition to the actual murder weapon that produced the horrific blunt-force trauma (which is what the Lubbock County Medical Examiner, Sridhar Natarajan, determined to be the cause of Scott's death, to wit: "His remains, [wrapped in] a sheet, comforter and what ... was the remains of a [blue vinyl] waterbed, were found in a shallow grave ..." [Dunn's cause of death](#) was homicidal violence with blunt-force trauma to the skull, Natarajan said.), we have some reason to believe that there is more missing crime scene evidence than just a bludgeon/truncheon/cudgel, even though the murder apparently didn't go as planned:

- Leisha Hamilton allegedly wrote/drew a related diagrammatic plan for Scott Dunn's punishment, which was later found.
- The macabre diagram depicted some kind of platform, like a wooden pallet, or maybe the base of Scott's waterbed, to which Scott was intended to be bound, and some kind of restraint used for that purpose.
- Extensive searches found none of these items other than a roll of duct tape in Tim Smith's apartment, which forensic evidence and testimony revealed was used in transplanting carpet from Dunn's living room to his bedroom, where he was indisputably beaten to death (according to the recovered blood-spatter evidence).

"While questioning DPS criminologist Cathy McCord, prosecutor Roy Carper asked if [defendant Timothy] Smith could be brought to the DPS lab to provide a blood sample. Police Detective Tal English told jurors that police never requested such a sample. Using a search warrant, they earlier had obtained hair samples from Smith. English said police are allowed to serve only one warrant, so he did not ask for a blood sample. [McCord's tests revealed](#) that **at least two people had been bleeding in the bedroom where the carpet was found**, she testified. [Emphasis added.] Indications of Type O blood were found on the carpet and Type A blood on the bedroom's doorknob."

[My Editorial Note: We know from [DNA evidence](#) that at least one of the above-mentioned blood samples was Scott Dunn's. [If both Hamilton and Smith would have had their blood tested, and if neither of them matched the blood sample that was not Scott Dunn's, then another person must have been present at the crime scene, and that person could have absconded with Dunn's body.\]](#)

[Moreover, the murder site, and any other place to where either Scott's body or evidence of the crime had been taken](#), both directly and without unreasonable delay, and for the express purpose of secreting/hiding it away forthwith, [constitutes res gestae](#); i.e., it becomes part of and a continuation of the original crime; and thus as the agency or facilitator thereof (particularly in premeditated murder cases where the perpetrators scheme in advance to cover their crimes up as missing persons cases (e.g., as Hamilton and Smith did)), [the final disposition site, and everywhere in between as the crime scheme evolves, become an extension of the original crime scene.](#)

** This vendetta, ostensibly, stems from [Mr. XXX] having [hired](#) the forensics consulting firm that produced the [blood-spatter expert's report](#), which

ultimately resulted in Leisha Hamilton actually being brought to trial, much less convicted.* Both defendants, i.e., Hamilton and co-conspirator Timothy James Smith, were duly convicted in separate trials in 1997 and 1998 respectively, in Texas' 99th District Court (Lubbock). The convictions rested largely on blood, hair, fiber and duct tape evidence found both at the murder scene and in Smith's apartment. [Hamilton appealed her conviction](#) to the state Seventh Court of Appeals in Amarillo, TX. A three-judge panel unanimously denied her appeal.

* As an aside, it was both [consulting psychologist's] persistence, and the incontrovertible and legally-conclusive expert opinion report of

Scotland Yard's then leading blood evidence expert, Dr. Richard Shepherd of London (Richard Thorley Shepherd, B.S.C., M.B., B.S., M.R.C.C. PATH, D.M.J., senior lecturer and honorary consultant in forensic medicine. United Medical Schools of Guy's and St. Thomas's, Guy's Hospital, London), titled, "*Forensic Pathology and Analysis of the Crime Scene in the Murder of Roger Scott Dunn*", which ultimately got Lubbock County District Attorney, Travis Ware, off of his "no body, no crime" stance on this case, which had the inertia of years behind it at that point.

Very truly yours,

Terry Gruzebeck
952-842-9361
7350 York Ave S Apt 104
Edina, MN 55435-4724

[Mr.XXX] wrote on 7/12/2019 12:01 PM:

Terry,

You make the changes you like to the original email and forward to Senator Limmer.

I hope he might move this along, just keep me posted.

[Mr. XXX]

[Mr.XXX] wrote on 7/12/2019 12:00 PM:

Hello Terry,

If you attend the public hearing on the 18th and see an opportunity for follow up. Let me know.

Thanks for keeping me in the loop on this. It's a huge effort, but could be worth the effort.

[Mr. XXX]

From: Terry Gruzebeck
Sent: Thursday, July 11, 2019 4:32 PM
To: [Mr.XXX]
Subject: UPDATED: Murderers who refuse to reveal where bodies are buried to be denied parole under new [UK] law

Hi [Mr. XXX],

This "action plan" update reflects some recent research, and it focuses our proposed endeavor on reforming the various 50 state's *sentencing guidelines*, accordingly. If you can get your parent's advocacy group on board by the date of the public meeting noticed below, I thought I might attend it just to "get our foot in the door," and get some feedback about our proposed agenda.

[Notice of Public Hearing](#)

The Minnesota Sentencing Guidelines Commission will hold a **Public Hearing on Thursday, July 18, 2019**, at 1:30 p.m. in Room 1100, at the Minnesota Senate Building, 95 University Ave. W., Saint Paul, MN 55155. The public hearing is being held to consider [proposed modifications](#) to the Minnesota Sentencing Guidelines and Commentary resulting from legislative and non-legislative amendments. Visit our [meetings page](#) for further details.

Like I said earlier, I will begin researching the statutory language of the British bill, including any attendant parliamentary deliberations (e.g., enforcement considerations or contentions), and then compare those findings to what the various 50 U.S. states may or may not have that are similar.

Legislative Goals: My ultimate ambition, as I alluded to earlier, is to obtain statutory uniformity of sentencing guidelines across America. Ideally, we would possibly extend that to Canada, Mexico, and all attendant international waters, thus leaving no sanctuary of impunity for the wicked due to, e.g., lapses in statutory coverage. To that end, it would also be helpful to get the assistance of whomever amends the U.S. model penal code. Through them, a model statute, with the sanction of that group, could be proposed to the various 50 state's legislatures.

Closing Loopholes: This proposal for statutory "harmonization" would inform the various state legislatures of whatever amendments they would have to make to their sentencing guidelines in order to conform their individual criminal codes *uniformly*. Such uniformity

would eliminate loopholes that could be exploited by transporting soon-to-be murder victims, or alternatively, their corpses, [across state lines](#), and for the purposes of both obfuscation and penalty avoidance, should a future murder conviction be adjudicated. In fact, I would propose [additional penalties for attempting to transport](#) a murder victim or a prospect thereof (i.e., where evidence of such a plot is discovered, but where inadequate evidence exists with which to obtain convictions for actual murder) (including for co-conspirators or accessories/accomplices (e.g., those who act as lures or bait with the intent to trap a prospective abduction victim)) or for actually transporting a would-be victim, or, alternatively, their corpse, with the intent to hide or conceal the deceased body thereof, if some states presently have no such statutory provisions. Such interjurisdictional offenses would or should trigger [federal criminal liabilities](#) as well.

Additionally, [closing off all avenues to executive clemency or commutation of sentence should be insisted upon](#), thus precluding any end runs around the sentencing guidelines we seek to impose upon the various state courts.

Our opening sentencing demand for refusing to relinquish knowledge of the location of the body of the possible decedent in question should be a [mandatory minimum of a life sentence of imprisonment](#), regardless of the statutory homicide classification under which convictions were or could be adjudicated. [Such sentences should specifically deny any means or opportunity for modification](#); i.e., no parole, no executive clemency or commutation of sentence options, and [no reprieve for the convict if the body of the decedent in question is discovered](#) by any means, or by any person, [without the help of the convict\(s\)](#) who absconded with or otherwise hid or concealed the body with the intent that it not be found.

This "no reprieve" clause necessarily pressures the convict(s) to be forthcoming sooner rather than later, while they attempt to exhaust their appeals processes. It also girds the general deterrence sought by our proposed sentencing guidelines changes.

International Considerations: As I alluded to above, I would further propose that both Canada and Mexico adopt "[sister](#)" clauses in their penal codes.* Perhaps an [addendum to existing international treaties](#) would appropriately serve such purposes. These initiatives should also uniformly provide for similar additional penalties, and, of course, for denying parole for not revealing the locations of murder victim's bodies upon adjudication of convictions, either for murders, or for hiding or attempting to hide corpses of any such [victims in abscondence](#), regardless of their country of origin, the likes of which might occur transnationally in the various respective countries.

* Besides realizing the obvious and immediate benefits to such treaty provisions, as neighbors, due to the annoyance and animosity stemming from pending trade and immigration disputes, we need something to come together around that every civilly-oriented society can agree upon, and which serves the mutual interests of all parties thereto.

Terry

[Mr.XXX] wrote on 7/9/2019 2:59 PM:

Terry,

That would be a good possibility and they would be the right group.

I'll see if I can get more information.

Thanks,

[Mr. XXX]

From: Terry Gruzebeck
Sent: Monday, July 8, 2019 9:02 PM
To: [Mr.XXX]
Subject: Re: REVISED: Murderers who refuse to reveal where bodies are buried to be denied parole under new [UK] law

[Mr. XXX], [a confidential source] mentioned that at one time you were a member of an advocacy group for parents of murdered children. Could they be prevailed upon to front the legislative initiative I proposed?

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On Jul 8, 2019, at 7:44 PM, Terry Gruzebeck wrote:

Thank you for your kind reply, [Mr. XXX]. May I forward this reply of yours to MN state senator, Warren Limmer, or, alternatively, an edited reply of yours to my original email message, which you would be more comfortable with?

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On Jul 8, 2019, at 12:12 PM, [Mr.XXX] <Mr.XXX@nomain.com> wrote:

Hi Terry,

Thanks for your interesting email regarding the new U.K. law, yes it would be a God send for the US.

I would like to follow up on your suggestion but at this point I am going to pass. Yes, Leisha is out walking the streets of Dallas free as a bird, married to a prison mate, James Cockerham, really disgusting. I have promised my wife not to

involve myself in anything that might stir up Leisha. As she promised she wants revenge on me, I am not to concerned, but my wife has had enough. Three TV shows have asked me to participate and I had to turn them down.

Now if you are someone else can move the effort forward with the MN AG and I could add in, I could consider that, just not be the lead person.

Let me know if things can develop in this needed situation.

All the best,

[Mr. XXX]

From: Terry Gruzebeck
Sent: Friday, July 5, 2019 10:34 PM
To: [Mr.XXX]
Subject: REVISED: Murderers who refuse to reveal where bodies are buried to be denied parole under new [UK] law

[Mr. XXX], we need this new U.K. law in the U.S. (see the Telegraph article below).

Unfortunately, in the U.S., it would require a state-by-state campaign. However, it would carry a politically-neutral "payload", thus allowing partisans to appear to be "working across the aisle" for the "people's interest". This might be the right time, considering the public's dim, cynical view of partisan-crazy politicians. The largest pitfall to this initiative is that it could easily be marginalized by more "sexy" issues that the media can whip up a political fervor over. Such an initiative would take some skillful public relations handling, which I am incapable of providing for you. Perhaps the [forensics group] could help you with that.

Proof of concept is already available to you through this U.K. legislation (below). If the British can do it with *their* immigration and trade (i.e., Brexit) issues, etc., why can't we?

I do know a state senator here in Minnesota, Warren Limmer. We've know each other since the early 1980's. He knows that I'm a fierce advocate for my policy positions. Warren presently chairs the [MN Senate Judiciary ... Committee](#) (651-296-2159, Sen.Warren.Limmer@senate.mn). Our legislative session is over for this year, but Warren will need campaign fodder, and something with which to marshal committee support (votes) around, if he needs to get re-elected. He has a very good track record of re-election, by the way.

I could test the waters with Warren, but before he commits any political skin to carrying this football, he's going to want a persuasive, compelling witness who has broad (i.e., multi-constituency), public-sympathy appeal. **He'll both want and need a face for the focus of publicity**, so that any proposed bill will capture the public's imagination and go "viral" (as much as possible, given the timing of the press releases). This will be absolutely imperative so that any forthcoming initiative doesn't get sidetracked, tabled, and taken off calendar. **That face is yours, [Mr. XXX]**. You have the public profile and the CV already built. You are a survivor of a soul-splitting tragedy that will command identification with your cause, and will engender a needful feeling (in the most cynical and Machiavellian of hearts) to do right by you and by others of similar plight.

You are, of course, welcome to contact Senator Limmer directly. But do let me know if I can assist you with this proposed endeavor. I have still retained my research file on Scott's death, and the subsequent recovery of his remains 20 years later. We may never know why Leisha and Tim, in the face of offers of leniency, would not reveal where Scott's body was buried. But you can turn this new, hard-won U.K. victory for parents like you into a positive outcome for those in the U.S. who shall surely face similar tragedy, given the propensity of man's beastly nature to repeat its past grisly aberrations.

Best wishes,

Terry Gruzebeck
952-842-9361
7350 York Ave S Apt 104
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Murderers who refuse to reveal where bodies are buried to be denied parole under new law

<https://www.telegraph.co.uk/news/2019/07/05/murderers-refuse-reveal-bodies-buried-denied-parole-new-law/>

6 July 2019 • 12:01am

The Following Excerpts Are Quoted Out-of-Context From the Featured Article

The mother of murdered Helen McCourt said she is "elated" laws are to finally change so killers are denied

parole [if they refuse to reveal where they hid their victim's body.](#)

Marie McCourt has begged murderer Ian Simms to tell her the whereabouts of her daughter's remains ever since the insurance clerk vanished on her way home from work in 1988.

But the pub landlord, who was convicted by a jury on overwhelming DNA evidence of the 22-year-old's abduction and murder and is still in jail, has always maintained his innocence.

"Helen's Law" [UK] will make it a legal requirement for the Parole Board to take into account a killer's failure to disclose the location of their victim's remains when considering them for release.

Terry Gruzebeck wrote on 3/15/2016 4:22 AM: Leisha Hamilton Approved for Release to Parole June 2016

Hi [Mr. XXX],

I found this record at: <https://offender.tdcj.texas.gov/OffenderSearch/reviewDetail.action?sid=04357171&tdcj=00792720&fullName=HAMILTON%2CLEISHA>

You may (or may not) want to verify the accuracy of this record. Contact info: *Texas Board of Pardons and Paroles at 844-512-0461 or bpp-osw@tdcj.texas.gov*

Name: HAMILTON,LEISHA **SID Number:** 04357171 **TDCJ Number:** 00792720

SID Number: 04357171

TDCJ Number: 00792720

Name: HAMILTON,LEISHA

Race: W

Gender: F

DOB: 1962-06-26

Parole Review Information

Parole Review Status

Not in Parole Review

The offender is currently not in the review process. **Offender was approved for release.** [Emphasis added.]

Last Parole Decision

Approved on 01/12/2016

FI-3R (03/2016)- Transfer to a TDCJ rehabilitation program, such as Changes/Lifeskills, and **release to parole on or after completion and not earlier than three months from the specified date of 03/2016.** [Emphasis added.]

Next Parole Review Date

N/A

For questions and comments concerning Parole Review Information, please contact the Texas Board of Pardons and Paroles at 844-512-0461 or bpp-osw@tdcj.texas.gov. This information is made available to the public and law enforcement in the interest of public safety. Any unauthorized use of this information is forbidden and subject to criminal prosecution.

The Texas Department of Criminal Justice updates this website regularly to ensure it is complete and accurate — please be aware, this information can change unexpectedly. This website is regenerated on working days only and the offender status information is at least 24 hours old. Therefore, details about an offender's parole review information may not accurately reflect "real time" status.

For technical difficulties with the search, please email: webadmin@tdcj.texas.gov and explain the problem you are having. We will address the issue as quickly as possible.



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