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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BEDFORD

COMMONWEALTH OF VIRGINIA

v.

JENS SOERING

THE HONORABLE WILLIAM W. SWEENEY, JR., PRESIDING

Bedford County, Virginia
September 4, 1990

* * * * *

VIVIAN P. NEAL
Court Reporter
1221 Twin Springs Court
Forest, Virginia 24551

(804) 385-8341

1 APPEARANCES:

2 JAMES W. UPDIKE, ESQUIRE
3 Commonwealth's Attorney
4 County of Bedford
5 Counsel the Plaintiff

6 RICHARD A. NEATON, ESQUIRE
7 Neaton & Fenner
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9 Detroit, Michigan 48226
10 Out-of-State Counsel for Defendant

11 WILLIAM H. CLEAVELAND, ESQUIRE
12 Southwest VA Savings & Loan Bldg.
13 Roanoke, Virginia
14 Local Counsel for Defendant
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1 THE COURT: We are here this afternoon for the
2 sentencing in the case of Commonwealth versus Jens Soering
3 and I have previously been furnished a copy of the
4 pre-sentence report by the probation officer and I have
5 today reviewed that report. First, does the Commonwealth
6 have any evidence it wishes to put on today in connection
7 with the sentencing?

8 MR. UPDIKE: No, sir, Your Honor. We would like
9 the record to reflect that Mr. Wayne Arthur, probation and
10 parole officer, did prepare the report, should there be
11 any question. Thank you.

12 THE COURT: Mr. Neaton and Mr. Cleaveland, the
13 Court will hear any evidence or argument which you care to
14 put on which is contemplated by the statute for
15 sentencing.

16 MR. NEATON: We have no questions for the parole
17 officer, Mr. Arthur. We have no additions or corrections
18 to make to his report. As evidence or additional
19 information that we would like to present at the
20 sentencing, I have been asked by the parents of my client
21 to read a statement to the Court on their behalf. They
22 are unable to be here today. Mr. Soering doesn't have
23 anymore vacation time left to take leave of his Embassy
24 and Mrs. Soering is under doctor's orders not to travel to
25 the United States or anywhere out of Germany.

1 So with the Court's permission, I would
2 like to read a statement that they have asked me to read.

3 THE COURT: That permission is granted under the
4 circumstances.

5 MR. NEATON: It's a statement that they both
6 make and I have consulted with them by telephone and I
7 understand that this -- It involves some translation of
8 some German, but this is accurate as to what they would
9 like the Court to consider.

10 "It is very difficult for us to speak about
11 such a tragedy as the killings of Mr. and Mrs. Haysom. On
12 one hand, we believe that the person who committed such a
13 violent crime should be punished. On the other hand, it
14 is our son Jens who stands convicted of the crime. Please
15 forgive us for feeling two very contradictory emotions at
16 this time.

17 We find it very hard to believe that Jens
18 could have committed such a violent crime. We feel this
19 way not because he is our son, but because the killing of
20 anything or anybody has always been so totally against his
21 nature. Jens always tried to calm people down and get
22 them to forsake violence. While he never ran away from a
23 verbal argument on any subject, he always ran away from
24 physical confrontations.

25 Until this time, we have avoided commenting

1 upon the legal proceedings against Jens because we did not
2 feel our opinions mattered for anything but media gossip.
3 Now, our son stands convicted of killing Mr. and Mrs.
4 Haysom. He insists that he did not commit these horrible
5 crimes.

6 We have tried very hard to look at the
7 evidence and the proceedings against our Jens as
8 objectively as possible. Admittedly, this is a very
9 difficult thing to do. However, we have tried very hard
10 to do this. We are not convinced that Jens killed Mr. and
11 Mrs. Haysom.

12 We know that Jens loved Elizabeth Haysom
13 very much. He would constantly recount to us the stories
14 that Elizabeth told him about herself and her life. We
15 thought that most of these stories were lies or
16 exaggerations, but Jens believed them. We tried very hard
17 to convince Jens not to see Elizabeth any further. He
18 resisted all of our efforts because he was in love with
19 Elizabeth and he was blind to her obvious storytelling.

20 However, despite our son's deep love for
21 Elizabeth, we do not believe that Jens killed Elizabeth's
22 parents. We believe that it is more consistent with Jens'
23 character for him to have stepped in and taken the blame
24 out of some foolish sense of love. We base our judgment
25 on other similar actions which Jens has taken on behalf of

1 friends at an earlier age. Unfortunately, in none of
2 those earlier deeds did Jens risk imprisonment for
3 another. Jens may have had a high IQ, but he was very
4 foolish and naive in the practical aspects of life. Like
5 most eighteen year old children, he believed that nothing
6 bad could happen to him. He was very wrong about that.

7 We also have some questions about the
8 trial. Please forgive us if we do not completely
9 understand the American legal system. However, these
10 questions have remained with us ever since the trial.

11 Why did Judge Sweeney not remove himself
12 from Jens' case after it became known that he has been a
13 friend of Mrs. Haysom's brother for about 40 years? In
14 Germany, a judge in this situation would have voluntarily
15 stepped aside so that no one could have questioned the
16 motives for his decisions even if he knew that he actually
17 could have been fair. We know that it would be very
18 difficult for us to fairly judge the accused killer of the
19 sister of such a friend of ours.

20 Why was it so wrong for Jens to refer to
21 the local police as "yokels," but it was not wrong for Mr.
22 Updike to state that the Germans can "go to hell" --

23 MR. UPDIKE: Objection. First of all, it's
24 opinion and, secondly, it's not a direct quote. It seems
25 to me I have tried to show the parents of this man some

1 courtesy, because I did not have to allow Mr. Soering to
2 remain in the Courtroom during the period of other
3 evidence having been heard and yet he testified. If the
4 parents cannot be heard and wish to express in written
5 form some type of admissible statement concerning their
6 son, then under the circumstances, I have to object.

7 I would think if they are going to get into
8 all kinds of thought and observations that does not seem
9 to me to be appropriate, and if the Court disagrees with
10 me in that respect, I would like an opportunity to see
11 what is about to be read into the record. Would I not at
12 least be entitled to that?

13 THE COURT: Mr. Neaton, do you care to reply to
14 that?

15 MR. NEATON: Your Honor, these are simply the
16 feelings of the parents of my client. If he wants to see
17 it, he can look at it. It's a statement that they have
18 asked to be read at their son's sentencing, for whatever
19 value it has. The Court can give it whatever
20 consideration it has. I don't think, in talking to these
21 people -- In talking to Mr. and Mrs. Soering about the
22 statement and discussing the contents, they had asked that
23 I read it to the Court. I don't think they mean any
24 disrespect. These are questions they would like asked and
25 statements they'd like made. If Mr. Updike wants to see

1 it, he can take all the time he wants to in order to look
2 at it.

3 MR. UPDIKE: In any type of legal proceedings,
4 before anything is brought to the attention of the Court,
5 whether defense, prosecution, civil, plaintiff, doesn't
6 the other side have the opportunity to see it before it is
7 brought to the Court's attention? We think that that,
8 first of all, comes within the requirements of the rules
9 of evidence and some requirements of due courtesy.

10 THE COURT: The Court will allow Mr. Updike to
11 look at the statement.

12 (Mr. Updike reads the statement.)

13 MR. UPDIKE: Your Honor, I do not feel, nor is
14 it appropriate matter for a sentencing hearing, but I
15 don't think there is any real way to stop it, so we
16 withdraw our objections to reading it.

17 THE COURT: Go ahead, Mr. Neaton, read your
18 statement.

19 MR. NEATON: The statement of my clients'
20 parents. "Why was it so wrong for Jens to refer to the
21 local police as "yokels," but it was not wrong for Mr.
22 Updike to state that the Germans can "go to hell" and
23 imply that all Germans are Nazis? We agree that Jens'
24 comment was disrespectful to residents of this area, but
25 he made the comment in a letter to his girlfriend. Mr.

1 Updike made his remarks as a public official at a public
2 news conference after Jens won his appeal to the European
3 Court of Human Rights. When World War II ended, we were 9
4 years old. We, our family and our friends were deeply
5 offended by Mr. Updike's comments. Yet, we did not see
6 him criticized for his disrespectful remarks the same way
7 he criticized our son.

8 Why was Jens' trial not moved to a location
9 far away from Bedford? We have been told that the trial
10 of a prominent local citizen of a nearby county was moved
11 many miles away even though there was much less publicity
12 about his case than Jens' case. We have been told that
13 this man was found not guilty by the jury from the far
14 away location. Why was our son not given the same chance
15 as the local resident?

16 We do not intend any disrespect by these
17 questions. However, these questions have lingered in our
18 minds for over two months.

19 We would like to thank Sheriff Wells and
20 his staff for all of their assistance in enabling us to
21 stay in contact with Jens. Specifically, we appreciate
22 being allowed to speak with our son by telephone on his
23 birthday. It meant a lot to us because it was the first
24 time we have spoken to Jens on his birthday since 1985.
25 We hope the telephone company will be slow in processing

1 our phone bill which is sure to be quite high.

2 Also, we thank those people from the
3 Bedford area who have taken the time to try to comfort us
4 during this ordeal. Your words, whether in writing or in
5 person, have helped us cope with the loss of our son. We
6 deeply appreciate your kindness.

7 Our hearts have always gone out to the
8 family and friends of Mr. and Mrs. Haysom. Although our
9 anguish is great, their loss is permanent and, therefore,
10 much greater than ours could ever be. Unfortunately, the
11 circumstances of the past several years have caused us not
12 to state in public what we have felt all along. Our
13 belief in our son's innocence should not be mistaken for
14 our condonation of the act itself. It was wrong to kill
15 Mr. and Mrs. Haysom; but, we are not convinced that our
16 son committed this wrong.

17 Finally, we have one request. We ask that
18 Jens be allowed to serve all or part of his sentence in
19 Germany. We do not ask this for Jens' sake. We ask this
20 for our sake. We are both of such an age that we may not
21 live long enough to see Jens released from prison in
22 Virginia. If he were sent to Germany, we could at least
23 visit him with some frequency while he was in prison.
24 German prisons are not country clubs; they are harsh, too.
25 Travel costs would prohibit us from making many visits to

1 see him here in Virginia. Please excuse our selfishness,
2 but if you are a parent, we hope you will understand and
3 grant our request.

4 Thank you for allowing our statement to be
5 presented in court."

6 THE COURT: I did not have to allow that
7 statement. That statement is technically hearsay. I felt
8 under the circumstances the parents' feelings should be
9 available today and I allowed it. I will only say in my
10 own defense, if the public is my Judge -- a lot of people
11 saw this case -- if they feel that the trial I conducted
12 was conducted unfairly because of some relationship with
13 one of the parties, not a close relationship, so be it.
14 I'll let the public Judge whether or not this Court
15 conducted a fair trial and leave it at that. What else do
16 you have to present, Mr. Neaton?

17 MR. NEATON: We have nothing else to present as
18 evidence in this hearing.

19 THE COURT: I will hear closing statements on
20 both sides. Mr. Updike, do you desire to present any
21 further evidence or make any proffer at this time?

22 MR. UPDIKE: The only statement we feel at this
23 point is really unnecessary, because the case has been
24 tried. It's been argued. The Jury has heard all the
25 evidence. There was a lot of evidence. That was a long

1 trial. The case was tried fairly and a fair and impartial
2 decision was rendered and a just punishment was fixed by
3 the Jury.

4 The only thing for us to say, and it's
5 really not necessary, we feel that the sentence that was
6 fixed by the Jury should be formally imposed, a life
7 sentence as to each conviction, the sentences should be
8 run consecutively. That's not necessary to say, but in
9 the event there is argument to the contrary, we will make
10 that statement now. We oppose any portion of the sentence
11 being served in Germany. I'm not sure, and I'm not in the
12 habit and will not try now to start telling the Court what
13 the Court should or should not do. I wonder if that's an
14 appropriate matter to address at this point.

15 I would state that I would oppose any
16 portion of the sentence being served in Germany. No
17 portion of the offense was committed in Germany. It was
18 committed here in Bedford County, Virginia. Secondly, it
19 was shown by the evidence and the verdict of the Jury that
20 these convictions warrant just punishment. Though there
21 may be those who disagree, and if they disagree, they are
22 entitled to do so. I don't believe any transfer to
23 Germany would result in any just punishment, because I
24 don't think any meaningful portion of the sentence would
25 be served there. That's my opinion and that doesn't

1 matter.

2 The only other thing I've got to say, I
3 didn't object to the reading of the statement, I didn't
4 object to Mr. Soering staying in the Courtroom. I tried,
5 when I felt it necessary to question him, to do it in a
6 respectful fashion. I tried to accord him that degree of
7 courtesy. Perhaps he didn't see it that way. There
8 again, that doesn't matter. What does matter, in my
9 opinion, is that throughout this matter, from the very
10 beginning of the proceedings in January through the
11 pre-trial matters, through the trial itself and even
12 though there has been an effort to talk about everything
13 except the evidence on the part of the defense, the
14 Commonwealth, at least I have done my best to address the
15 evidence and that's what we rely on there.

16 Should there be an appeal, which we
17 wouldn't understand why there wouldn't be, the
18 Commonwealth stands prepared to argue the facts in the
19 record. We are prepared to deal with that. The rest of
20 the criticism and the innuendos, I'm tired of it, and I'm
21 not going to waste anymore of my time to respond to it.
22 We ask that Jens Soering, on both convictions of first
23 degree murder, be sentenced to life imprisonment.

24 THE COURT: Mr. Neaton?

25 MR. NEATON: Your Honor, I would like to thank

1 the Court and Mr. Updike for allowing the parents'
2 statement to be read at sentencing. I understand that
3 technically that did not have to be allowed. I appreciate
4 the courtesy that you both extended in allowing the
5 parents to express their views. I'm not going to argue
6 the case or comment upon whether I think the proceedings
7 were fair or not, in a legal sense. That would be left to
8 any appeals that we would file in this case. And before I
9 get into anything else, I'd like to say personally that I
10 appreciate the courtesy and helpfulness that Mrs. Black
11 and her staff provided us in this case and that your
12 secretary, Donna, has provided us in this case.

13 Coming down here from the outside and
14 probably being as curious about you as you were about me,
15 I was happy to note that I was treated with courtesy and
16 friendliness. And anything that I've said or done in this
17 trial or at this sentencing, or during the future appeal,
18 does not come from any personal bitterness or feelings,
19 but I feel it comes from my sense of duty, sense of duty
20 that Bill and I have in representing our client to the
21 fullest extent of the law and in the tradition of the
22 American justice that defense attorneys are supposed to
23 do.

24 And in saying that, I would like to address
25 some of the issues in the sentencing that I think you

1 should consider. I am possibly in the most unique
2 situation of anyone here in this Courtroom, because of
3 probably all of the people in the Courtroom, I know the
4 defendant best. I have known him since 1986. My
5 knowledge of him consists of talking to him in person,
6 both here in Bedford and over in London. It consists of
7 talking to him on the telephone many times over the past
8 years and it consists of a lot of exchange of letters and
9 correspondence between us that have occurred over the past
10 four plus years.

11 I say to you as an attorney who has been
12 practicing for about fourteen years, and most of my
13 experience has been in the criminal justice system, that I
14 find it inconsistent with the character as I have come to
15 know it that he would commit a crime of violence. That
16 doesn't mean that people don't commit acts that are
17 inconsistent with their character, but what I'm saying to
18 you is that in approximately fourteen years of practice,
19 he is a unique case in the sense that you come to judge
20 people, you come to learn about people and defendants in
21 dealing with them one-on-one in a jail cell, you come to
22 be, I think, a pretty good judge of people and can
23 ascertain, I think, in most cases, what type of client
24 you're dealing with.

25 And I say to you, as an officer of the

1 Court, that I don't find my client to have a character
2 that would be consistent with the actions for which he is
3 convicted. I also have found him not to be the
4 unemotional, unfeeling type of person that has been
5 suggested or somehow portrayed, either by people that have
6 written about him or maybe you have gotten that impression
7 from seeing him testifying at the suppression hearing and
8 at the trial. I don't know what impression you have of my
9 client. I can tell you that he isn't that way. I think
10 to understand him, you have to understand that he is not
11 American, that behavior patterns of a German are different
12 than the behavior patterns of an American, even as there
13 is a difference in the way people from the North approach
14 things as opposed to people from the South.

15 There is a difference in the way that a
16 German approaches things and the way an American
17 approaches things. What people may perceive as arrogance,
18 abruptness, what some may perceive as not being interested
19 in the proceedings, is really just a kind of stoic
20 behavior pattern that I have found to be consistent with a
21 lot of German people, from the section of Germany that he
22 and his parents are from. I would ask the Court, in
23 looking at the possibility of rehabilitation, which I
24 think should be a factor in your sentencing, to take that
25 into consideration, because three or four hours on the

1 witness stand on the day that the air-conditioning broke
2 and being subjected to vigorous cross examination by a
3 prosecutor, who a year ago was calling to have you put on
4 death row, is a very trying experience.

5 And I don't think it gives you a true sense
6 of the individual who was on the stand. In other words,
7 when we interact with people, we don't usually do it using
8 lawyers and the witness box. We usually do it over a cup
9 of tea or a cup of coffee in someone's home or on the
10 street. And the Jens Soering I know is a caring, feeling,
11 human being and does have emotions, does care about the
12 proceedings against him, but I think you also have to
13 remember that he has spent now over four years in an
14 English prison. And in a way, you get a glimpse of what
15 imprisonment does to a person, because you get an idea of
16 the breakdown of the individual that occurs within the
17 prison system.

18 Not only that, but many of his years was
19 spent as a Category A prisoner in England, which means
20 that he was in the same section as terrorists from the
21 IRA, the same gentlemen that blew up the Air India Jet
22 over the Atlantic Ocean. He had to deal with those types
23 of people every day. There is a certain dulling of
24 senses, I think, that occurs to an individual who has to
25 experience this, depersonalization every day in a prison.

1 You may think that, "Well, he is convicted of certain acts
2 that occurred five years ago and he has to be punished."
3 But I think in determining, for example, whether the
4 sentences ought to be consecutive or concurrent, whether a
5 sentence ought to allow for parole at one time as opposed
6 to parole at another time, you should take into
7 consideration and at least be willing to look at those
8 factors, because you're not looking at an individual who
9 has just walked off the street in your Courtroom, you're
10 looking at an individual who has been subjected to
11 imprisonment and that's not a nice thing, whether it's
12 justified or not in your mind.

13 It breaks down an individual and it makes
14 an individual different than he was at an earlier date. I
15 just ask you to consider that before you impose sentence.
16 I also ask you to consider the evidence at trial, as well.
17 I am not going to argue the case, as I said before, again,
18 but in that respect, I ask you to consider the involvement
19 of Elizabeth Haysom in this case, what her role or
20 influence was. Whether you believe what my client said on
21 the stand or whether you believe what Elizabeth Haysom
22 said on the stand, I think you have to look at the fact
23 that at the time of the offense, my client was eighteen,
24 at the time of the offense my client had not really had a
25 girlfriend in his life, at the time of the offense,

1 whatever theory you subscribe to in this case, my client
2 was greatly influenced by Elizabeth Haysom. And Elizabeth
3 Haysom was the one who wanted her parents dead.

4 In either situation, she was the one who
5 volunteered about killing her parents. If you recall all
6 of the letters that my client wrote, and there were a
7 whole lot of them, if you recall that thirty-four page
8 diary, the letters that talked about such things as voodoo
9 and the dinner scene, you will note that in spite of what
10 was presented at trial, that Jens never talked about
11 killing his parents. In other words, despite the tension
12 that may have existed between Jens and his parents at the
13 time, the thought never entered his mind and the thought
14 never was translated from the mind onto paper that he
15 would kill his parents. And I think, at least the way I
16 view it, and you know what I say doesn't mean anything,
17 but at least the way I view the evidence in this case, I
18 think both people ought to be treated equally, because I
19 think that if you subscribe to the view -- and I don't
20 subscribe to the view -- that my client actually committed
21 the murders, but if you subscribe to that view, I think
22 you have to also look at the evidence as saying they are
23 both equally responsible, whether one is in Washington and
24 the other one is in Virginia.

25 I also think you have to look at the

1 prospect of what the future would hold, the chances for
2 rehabilitation of this young man, and also look at the
3 amount of time he has already served in prison and take
4 that into consideration, as well as his age. I am not
5 saying that age excuses a criminal act. I'm not saying
6 that time in prison excuses a criminal action, but as a
7 Court who is trying to impose a sentence and trying to
8 determine whether the Jury's fixing punishment at life is
9 a proper sentence, I think you have to look at these
10 things as being mitigating factors.

11 As I said, I am making this statement to
12 you, understanding that my client has been convicted of
13 these crimes. In making the statement that I have stated,
14 I am not agreeing with the verdict and I'm not making any
15 personal endorsement of the verdict. In fact, my own
16 thoughts tend toward the other way, but I'm saying that I
17 have also represented a lot of guilty people, too, and I
18 have also prosecuted a lot of guilty people and so I'm
19 saying even whatever your belief is, on the facts of this
20 case, I think these are facts that I would ask you to
21 consider, these are facts that I feel comfortable in
22 representing to you as an officer of the Court and I feel
23 comfortable in saying to you, and confident that they're
24 true, based on my knowledge of Jens over the past four
25 plus years.

1 Therefore, I would ask that you impose a
2 sentence that is not life, but is the same that you
3 imposed against Elizabeth Haysom, because I think that
4 they are both equally responsible. If you subscribe to
5 that theory, they are both guilty. Also, I would ask that
6 you make my client's sentences run concurrently rather
7 than consecutively. I think because of his age and, I
8 think, the prospects of rehabilitation are greater for him
9 than they are for Elizabeth Haysom. And I think if you
10 take into account the time already put in, I think a
11 concurrent sentence would be warranted in this case.

12 So I ask for your consideration and, again,
13 I thank your staff, on a personal basis, for the courtesy
14 they have extended me. And I thank you for the courtesy
15 you have extended me during this trial.

16 THE COURT: Thank you, Mr. Neaton. Mr. Updike?

17 MR. UPDIKE: My only response is very simply
18 that I don't think it's proper for me to stand up here and
19 argue my opinions regarding the character of Mr. Soering.
20 I'm not even going to get into that.

21 The only thing we would state is what we
22 very often state, and as well as I can remember, I always
23 try to state, and what that is, when a sentence comes
24 before Your Honor as fixed by a Jury, unless there is some
25 compelling reason to alter or modify it, along those lines

1 and in response to that, we respectfully submit that
2 anything the Court has heard today, anything in the
3 evidence, anything in the pre-sentence report itself, when
4 considered, does not amount to anything that warrants any
5 modification or alteration of the Jury verdict in any way.
6 And when the Court considers what we feel must be
7 considered, that is, the evidence of guilt, first of all,
8 and secondly, the brutality of the facts themselves, the
9 defendant should be sentenced to life imprisonment on each
10 count, as those sentences were fixed by the Jury. Thank
11 you.

12 THE COURT: Do you feel that this Court has the
13 jurisdiction to direct that a sentence which I give in
14 Bedford County may be served in a foreign country? As a
15 professional, I ask you that. Do you think that there is
16 some question about my authority to do that?

17 MR. NEATON: I don't know, quite honestly,
18 whether you have the authority to do that. I think you
19 could make recommendations.

20 THE COURT: You wouldn't want me to do that
21 unless I had the authority to do it, would you?

22 MR. NEATON: I would not want you to do anything
23 unless you had the authority to do it.

24 THE COURT: I thought that would be your answer.

25 MR. NEATON: That issue would be no different

1 than stating to the parole board or the Department of
2 Corrections your feeling on whether somebody should be
3 paroled or not. I think you also have a right as a
4 citizen of this country to say anything that you want to
5 say. My feelings would be that the ability of my client
6 to serve a sentence in Germany, all of the sentence or any
7 part of the sentence, would first be determined on the
8 existence of any treaties that might exist between our
9 country and the New Federal Republic of Germany.

10 And secondly, it would depend upon what the
11 language of those treaties would say. I would indicate to
12 Your Honor that there is no treaty between the two
13 countries that has been ratified by the United States, but
14 not yet ratified by all of the states of the current
15 Federal Republic of Germany. It has not even been
16 submitted to what would be the new five states of the Old
17 East Germany which are going to annexed into the New
18 Republic of Germany, so frankly I do think the issue is in
19 limbo on what actually can be done. I think you can make
20 recommendations and that recommendations can be taken by
21 the proper authorities for whatever value they want to
22 give it.

23 I think they would give the recommendations
24 high consideration, whatever that recommendation was.

25 THE COURT: Thank you. Well, I feel that I have

1 been dealing with professionals, as far as attorneys on
2 both sides in this case, and I have listened carefully to
3 both attorneys. The Jury was presented with two theories
4 of how this terrible thing happened and in accordance with
5 the American Jury system, the Jury made their unanimous
6 decision and adopted the Commonwealth's version. Do I
7 have opinions about the case? Of course I have opinions
8 about the case. I am human.

9 I probably know as much about the case or
10 have read as much about the case as anyone. After all, I
11 have seen evidence that didn't even go into the trial.
12 That was of necessity that I see such evidence. But I do
13 not intend to express my opinions as to how I might feel
14 about this case; first, because I think that would be
15 inappropriate for me to do so and, secondly, because I
16 really don't think that's necessary. I have given this
17 case a lot of thought and I sat here sometimes comfortably
18 and sometimes uncomfortably for three weeks listening to
19 the evidence and I'm sure that the trial was not a perfect
20 trial, but in my own judgment, I feel it was a fair trial.

21 I feel that the Jury listened to the
22 evidence attentively, I feel I instructed the law of the
23 case to the Jury on the theories presented by the
24 defendant and by the Commonwealth, and I feel that the
25 Jury was fairly instructed. I recall that I gave one

1 instruction to the Jury which the defense asked for that I
2 really had some serious question about. It was the
3 instruction dealing with the effects of alcohol on the
4 issue of premeditation. I told the Jury if the Jury felt
5 that Jens Soering was under the influence of alcohol to
6 such an extent on the night of the murders that he was
7 incapable of premeditation, as the law knows it, that the
8 Jury would then have to find him guilty of only second
9 degree murder, which as you know could only carry twenty
10 years maximum sentence on each offense.

11 The Jury had that option. The Jury also
12 had the option of deciding that Jens Soering was the
13 person who actually committed these murders and that he
14 did it with premeditation and that he should be given the
15 maximum sentence allowable in the case. They adopted that
16 version. And after a full consideration of the
17 pre-sentence report, the arguments of counsel, and my own
18 conscience, I have decided to approve the Jury verdict and
19 not disturb it. The Jury has spoken and the Jury verdict
20 will stand, at least at this level. I am, however, going
21 to make one recommendation in my judgment order.

22 Jens Soering is still a young man and I
23 have concerns about his being put in the prison system
24 where he might not be treated well. I have children and I
25 have grand-children. I am not unsympathetic to some of

1 the things you say, Mr. Neaton. I am going to provide in
2 my judgment order that he be placed with other youthful
3 offenders and not with the general prison population. I
4 don't know that that recommendation will carry any weight.
5 It does not in any way lessen his sentence. The State of
6 Virginia, the Commonwealth of Virginia, has appropriate
7 facilities for youthful offenders and it's my
8 understanding that youthful offenders could be someone as
9 old as twenty-three years old. I'm not sure about that,
10 but it would seem more appropriate at this time that he be
11 confined to some location where he could be safe, at some
12 location where his talents can be built upon, where there
13 can be some degree of rehabilitation.

14 I'll have to leave that to the Department
15 of Corrections as to exactly where this will be. I think
16 the sense of my feelings will be expressed in the final
17 judgment order in this statement which I'm now making for
18 the record. Jens Soering, would you stand?

19
20 (The defendant stood.)

21
22 THE COURT: Jens Soering, do you know of any
23 reason why this Court should not now pronounce judgment
24 and sentence in your case?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: You may speak.

2 THE DEFENDANT: I am innocent. Thank you.

3 THE COURT: In accordance with the Jury verdict,
4 the Court finds you guilty of first degree murder in each
5 of the two cases. In accordance with the Jury verdict,
6 the Court sentences you to life imprisonment in each of
7 the two cases and provides that the sentences are to run
8 consecutively and not concurrently. The Court will make a
9 recommendation as to where you should be incarcerated, as
10 I have previously stated. That's all. The accused is
11 remanded to jail.

12 MR. NEATON: Thank you, Your Honor.

13 THE COURT: If there is nothing further, we will
14 recess Court.

15
16 (AND WHEREUPON THE PROCEEDINGS WERE CONCLUDED.)
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I, VIVIAN P. NEAL, Court Reporter, do hereby certify
that the foregoing is a true and accurate transcript of
the proceedings in the aforementioned case, taken on
September 4, 1990, to the best of my ability.

Court Reporter