

NO. 78979-7

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

MITCHELL LEE VARNELL,

Petitioner.

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SUPPLEMENTAL BRIEF OF RESPONDENT

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## **I. ISSUE**

A defendant met once with an undercover officer posing as a “hit” man to hire him to kill the defendant’s ex-wife, her brother, and her mother and father. In a prosecution for solicitation to commit first-degree murder, does each intended victim comprise a separate “unit of prosecution,” when the targets were named, lived in different locations, and the defendant discussed separate and specific logistical hurdles to be overcome in order to slay each one?

## **II. STATEMENT OF THE CASE**

The statement of facts in the Court of Appeals decision<sup>1</sup> is sufficient for this Court’s review, with the following additions:

Karen Varnell’s parents, Jack and Juanita Worbass, live in Arlington, 1-½ blocks from the house Karen Varnell moved into after her divorce from the defendant. 3 TRP 154, 156-59. Her brother, Steven Worbass, lives in Lacey but frequently visits his parents in Arlington, sometimes for 3-4 days at a time. 3 TRP 154; 4 TRP 231-33.

When the defendant asked his secretary, Mary Wilson, if she would kill his ex-wife for \$50,000, she initially did not take him seriously. 3 TRP 171-72. However, she knew the defendant’s

business was profitable and that he had the cash from taking care of the books. 3 TRP 164-65, 171.

After meeting with police, Ms. Wilson told the defendant she knew someone who could help him, and he agreed to meet this person. 3 TRP 180-82; 4 TRP 237-39, 258; Ex. 8; 15A at 18. It took several tries for undercover detective Terence Warren, posing as a “hit” man named “Mike,” to set up a meeting. 4 TRP 260-66, 270, 280.

The defendant came late to the pre-arranged time and place, wearing sunglasses, a scarf, and a black knit cap. 4 TRP 272-75, 278-79, 335-36. He walked past the restaurant windows with a Post-It note saying “Mike?” When they made eye contact, “Mike” motioned the defendant inside, but the defendant indicated he wanted to meet outside. 4 TRP 276-78. He later apologized to “Mike” for making him meet with him outside and inconveniencing the waitstaff, but said he just didn’t feel comfortable talking inside a restaurant. Ex. 16A at 26.

During the hour-long meeting outside the restaurant, the defendant made specific suggestions and recommendations to

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<sup>1</sup> State v. Varnell, 132 Wn. App. 441, 444-47, 132 P.3d 772 (2006); see also respondent’s briefing in the Court of Appeals, BOR 2-12.

"Mike." He repeatedly sketched a plan for first going into the in-laws' home, knocking Jack, Juanita, and Steven Worbass unconscious, then seatbelting them into a car. His proposed plan then involved going into his ex-wife Karen Varnell's house and knocking her out as well, putting her in the same car, then driving the car into a river to drown them all. Ex. 16A at 10, 11, 35, 39, 46.<sup>2</sup> He told "Mike" of a place along the Snohomish River that would be ideal. Ex. 16A at 35-36. To make it look like an accident, he stressed the four had to still be alive when the car was pushed into the river. Ex. 16A at 35, 39. He added the car windows should be left partially open so fish and crabs would feed on the bodies. Ex. 16A at 35-36.

The defendant explained he had originally contemplated just going into his ex-wife's house and dragging her out into her own car. Ex. 16A at 23. But he understood Ms. Varnell to have arranged things so her parents and brother would assume responsibility if anything happened to her. Since he wanted to make sure they did not get custody of his two sons, his in-laws had to be eliminated as well. Ex. 16A at 18, 23, 28. And since

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<sup>2</sup> The defendant's meeting with the undercover officer was recorded. Ex. 16A is a transcript of that meeting. The transcript is attached to this supplemental brief.

suspicion would immediately fall upon him, he needed someone else to do the job, so he would have an alibi. Ex. 16A at 15-16.

The defendant told "Mike" he had been watching both houses for over a year. Ex. 16A at 13, 16, 27, 45. He boasted he found it easy to sneak into people's homes. Ex. 16A at 15. He had gone into Karen Varnell's house two or three times, hugged his sleeping children, and sat on the edge of Karen's bed and looked at her. Ex. 16A at 14, 22-23, 38. Her house had been easy to get into: she always leaves the door from the garage into the house open. Ex. 16A at 22-23. But the defendant understood his ex-wife had now installed an alarm system. To get around that, he suggested watching her drive in, then running in behind her before the garage door closed. Or one could just break into the house at daytime, when the alarm presumably is not on, and wait for her to come home Ex. 16A at 31-32, 45-46. As for his in-laws' home, the defendant had once walked around it undetected, checking doors and windows, while his wife, her brother, and her parents were all there. Ex. 16A at 13, 16, 45. He could see them through a window. Id. He knew the floor plan from having been inside the house before they bought it, and said he could draw it for "Mike." Ex. 16A at 45.

The defendant agreed that killing four people would have to involve more than the original \$50,000. Exh. 16A at 29-30. They ultimately settled on \$60,000, but the defendant did not have the money then. Ex. 16A at 44, 47. The defendant agreed to show “Mike” the two houses the following day. Exh. 16A at 46-47. He was arrested minutes thereafter. 4 TRP 280.

Weeks later, when Karen Varnell was cleaning out the original family residence for sale, she found a floor plan of her parent’s home in the defendant’s divorce file. 3 TRP 150-53.

The defense expert, Dr. August Piper, who testified to the defendant’s “erotomaniac” disorder, could not explain how the defendant’s arranging to have his brother- and parents-in-law killed fit into a delusional plan to prove his love for his ex-wife by “rescuing” her. 6 TRP 436. As the Court of Appeals decision notes, Dr. Piper’s diagnosis rested in large part on what the defendant disclosed to him, and the defendant had not told him about this part of the plan. 6 TRP 436; State v. Varnell, 132 Wn. App. at 446-47.

The defendant was charged with five counts of solicitation to commit first-degree murder. 4 CP 617-18. Count I involved the earlier offer made to Mary Wilson to kill Karen Varnell; Counts II

through V involved the offer to “Mike,” at the meeting on February 16, 2002, to kill Karen Varnell, her brother Steve Worbass, and her parents Jack and Juanita Worbass. Id. The defendant does not appear to dispute that Count I is a separate crime meriting separate punishment, Pet. for Review 3-4, but argues Counts II through V comprise a single crime, not four.

### **III. THE COURT OF APPEALS’ DECISION**

Division One of the Court of Appeals affirmed the conviction in a decision published in part. State v. Varnell, 132 Wn. App. 441, 132 P.3d 772 (2006). The Court of Appeals held that “the proper unit of prosecution for solicitation of murder is not an overall agreement or incitement, but each solicitation for conduct constituting a murder.” State v. Varnell, 132 Wn. App. at 452-53.

### **IV. ARGUMENT**

#### **A. THE “UNIT OF PROSECUTION” FOR CRIMINAL SOLICITATION IS EACH CRIME SOLICITED.**

The double jeopardy clause of the Fifth Amendment and the state constitutional rule against double jeopardy protect a defendant from being punished multiple times for the same offense. State v. Adel, 136 Wn.2d 629, 632, 965 P.2d 1072 (1998). When a defendant is convicted of violating a single statute multiple times, the proper inquiry is what “unit of prosecution” the Legislature has

intended as the punishable act under the specific criminal statute.

Adel, 136 Wn.2d at 634.

The criminal solicitation statute provides in relevant part:

(1) A person is guilty of criminal solicitation when, with intent to promote or facilitate *the commission of a crime*, he offers to give or gives money or other thing of value to another to engage in *specific conduct* which would constitute such crime . . . .

RCW 9A.28.030 (emphasis supplied). The Court of Appeals found that the unit of prosecution for criminal solicitation is each solicitation for conduct constituting a crime, the crime here being murder. State v. Varnell, 132 Wn. App. at 452-53. This tracks the statutory language. Compare RCW 9A.28.030 with Varnell, 132 Wn. App. at 452-53. Thus, the unit of prosecution is each crime solicited.

“The first step in the unit of prosecution inquiry is to analyze the criminal statute.” Adel, 136 Wn.2d at 635. The Legislature’s use of the phrase “a crime” in the statute at issue here illuminates its intent to punish each solicited crime separately. In State v. DeSantiago, this Court examined the use of the article “a” in the phrase “armed with a firearm” or “armed with a deadly weapon” in former 9.94A.510(3) and ~(4). This Court concluded “a” means “one” and “each,” indicating a legislative intent to allow separate

prosecution for each deadly weapon or firearm. State v. DeSantiago, 149 Wn.2d 402, 418-21, 68 P.2d 1065 (2003). The same result obtains here: the unit of prosecution is *each* crime solicited, not *all* the crimes solicited.

The Legislature could have worded it differently, defining criminal solicitation as acting “with intent to promote or facilitate the commission of *any* crime.” In State v. Westling, this Court examined the Legislature’s definition of second-degree arson as the causing of “a fire” that damages, among other things, “any automobile,” and concluded “any” meant “every” and “all,” not “each.” State v. Westling, 145 Wn.2d 607, 611, 40 P.3d 669 (2002). As a result, a single fire that damaged three automobiles was one unit of prosecution, not three. Id. Had the phrase “any crime” been used in the criminal solicitation statute, RCW 9A.28.030, one could argue, as petitioner does, that the unit of prosecution is a single solicitation for *any* and *all* crimes contained therein. But that is not the language the Legislature used, nor the result it intended. “A” crime is very different from “any” crime. DeSantiago, 149 Wn.2d at 419-20 (distinguishing “a” from “any,” citing Westling, 145 Wn.2d at 611-12). Per the plain language of

the statute, the unit of prosecution for criminal solicitation is each separate crime solicited, not each solicitation.

**B. WHEN THE CRIMINAL SOLICITATION IS TO COMMIT THE VICTIM-SPECIFIC CRIME OF MURDER, THE UNIT OF PROSECUTION FOR EACH SOLICITED CRIME IS VICTIM-SPECIFIC AS WELL.**

Inquiry then turns to the unit of prosecution for the underlying crime or crimes solicited. This is consistent with the principle explained by this Court in State v. Graham that “an inchoate crime draws its essential character from the consummated form of the crime[.]” State v. Graham, 153 Wn.2d 400, 407, 103 P.3d 1238 (2005).

Here, the crimes solicited were four premeditated murders.

First-degree murder is defined as follows:

A person is guilty of murder in the first degree when:  
(a) With a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person..

RCW 9A.32.030(1) (emphasis supplied). The “unit of prosecution” for first-degree murder is each victim slain. See Burroughs v. State, 88 Md. App. 229, 247, 594 A.2d 625, 633 (1991) (“[i]n homicide cases, the units of prosecution are dead bodies”). The Legislature’s use of the phrase “another person” in the definition of murder means “each person.” State v. Graham, 153 Wn.2d at 406-

08; (unit of prosecution for reckless endangerment, defined as reckless conduct “that creates a substantial risk of death or serious physical injury to *another person*,” is each individual endangered, not the single endangering act) (emphasis supplied); RCW 9A.36.050(1).

Murder is a victim-specific crime; thus, each separate solicitation to commit it will be victim-specific as well. See Graham, 153 Wn.2d at 407. The Court of Appeals was correct when it so found. State v. Varnell, 132 Wn. App. at 452-53. The solicited crimes here were certainly victim-specific: The defendant sought to hire “Mike” to kill Karen Varnell as well as her parents Jack and Juanita Worbass and her brother Steven Worbass. Exh. 16A at 10, 31, 33. That these separate, named individuals were targeted in a single “murder for hire” conversation does not turn four separate solicited crimes against four specific victims into one crime. State v. Clapp, 67 Wn. App. 263, 267, 269-70, 834 P.2d 1101, review denied, 121 Wn.2d 1020 (1992) (solicitations to kill two people in single conversation affords sufficient evidence to support two separate prosecutions).

**C. ALTERNATELY, THE UNIT OF PROSECUTION FOR SOLICITATION TO COMMIT MURDER IS VICTIM- AND CONDUCT-SPECIFIC.**

In the alternative, the unit of prosecution for criminal solicitation is not only victim-specific, but also reflective of specific conduct directed towards the targeted victim.

In reaching its decision, the Court of Appeals cited a similar case from Maryland. Varnell, 132 Wn. App. at 453, citing Meyer v. State, 47 Md. App. 679, 425 A.2d 664, 665-68 (1981). Meyer, on similar facts (four targeted victims), had rejected as too simplistic a “per capita” theory that there are necessarily as many solicitations as there are victims,” Meyer, 425 A.2d at 670. The defendant argues that defining the unit of prosecution as victim-specific here reflects the “per capita” theory rejected in Meyer.

In Meyer, a defendant solicited an undercover officer to kill, in different locations, his wife, two detectives, and a witness against him. Meyer v. State, 425 A.2d at 665-68. While it rejected a “per capita” theory, the Meyer court nonetheless concluded that where a “solicitee is being importuned directly to commit separate and distinct acts of murder to kill, individually, [four] different specified victims possibly at different times and places,” there are four solicitations that can be punished separately, not one. Meyer, 425

A.2d at 670; accord, People v. Cook, 151 Cal.App.3d 1142, 1145-47, 199 Cal. Rptr. 269, 270-272 (1984) (soliciting cellmate to kill rape victim, her parents, and a girlfriend of rape victim comprises four “separate and distinct acts” of murder, citing Meyer).

Meyer and Cook articulate a “separate and distinct acts of murder” standard that is both victim- and conduct-specific. This standard tracks the language of the criminal solicitation statute at issue here. That statute not only speaks of the offeror’s having the “intent to promote or facilitate the commission of a crime” but as also offering consideration to another “to engage in *specific conduct* which would constitute such crime[.]” RCW 9A.28.030 (emphasis added). Thus, alternately, the unit of prosecution for criminal solicitation to commit murder is defined as each solicitation for *specific conduct* constituting the crime of murder of *another person*. RCW 9A.28.030; RCW 9A.32.030. The unit of prosecution, so articulated, comprises both a specific targeted victim and planned specific conduct directed towards that victim.

Applied to the facts here, such a standard still yields four punishable crimes. The defendant sought to hire “Mike” to commit “separate and distinct” acts of murder upon four targeted victims at two or more locations. His hour-long conversation with “Mike” was

replete with suggestions of "specific conduct" to accomplish this. He discussed knocking out Jack, Juanita, and Steve Worbass at one house and seatbelting them into a car, then going to his ex-wife Karen Varnell's house, knocking her out and putting her into the same car, and then rolling the car into the Snohomish River. Ex. 16A at 10, 11, 35, 39, 46. He had a riverbank spot all picked out. Ex. 16A at 35-36. He volunteered drawing a floor plan of the Worbass home, and discussed methods of entry into Karen Varnell's house (e.g., through the garage) and the possibility of her having an alarm system. Ex. 16A at 31-32, 45-46. As in Cook and Meyer, these are four separate, distinct, and specific solicitations comprising separately punishable crimes.

The defendant disagrees, urging the result obtained in People v. Morocco, 191 Cal. App. 3d 1449, 237 Cal. Rptr. 113 (1987). In Morocco, a defendant asked someone (who turned out to be a police informant) to kill his ex-wife and her new husband. The solicitee was not told of the defendant's motives, or initially even that the woman was the solicitor's ex-wife, other than that the defendant had suffered a beating at the hands of the new husband. Other than showing the informant the house, the defendant did not offer specifics on how to execute the murders. People v. Morocco,

191 Cal. App. 3d at 1451-52. The California Court of Appeals held there to have been but one solicitation on these facts: the targeted victims were husband and wife, the killing was to be in the same place (their home), and there was no evidence of independent motives as to each victim. Morocco, 191 Cal. App. 3d at 1453-54. It stressed the inquiry was fact-specific and distinguished Cook (decided by the same court) as involving solicitations with different motives, with the murders to occur at different places and possibly by different means. Id.

The Court of Appeals here similarly distinguished Morocco, since “[defendant] Varnell’s plan contemplated the abduction of four people from their residences to be murdered elsewhere.” Varnell, 132 Wn. App. at 453. The defendant’s plan to murder the in-laws arose only because he feared his ex-wife had arranged her estate so he would be denied custody even if she were dead. Ex. 16A at 18, 23, 28. The plan, thus amended, involved breaking into two separate houses and abducting four people to a third location to drown them. Ex. 16A. These are four separate and distinct solicitations to kill four different people, comprising separately punishable crimes.

**D. ANALYSIS OF THE UNIT OF PROSECUTION FOR CONSPIRACY DRAWS ON A DIFFERENT STATUTE WITH A UNIQUE LEGISLATIVE HISTORY, AND DOES NOT CONTROL HERE.**

Lastly, citing this Court's decision in State v. Bobic, the defendant argues that the definition of the "unit of prosecution" for criminal conspiracy be carried over to criminal solicitation.

In State v. Bobic, two defendants and their confederates engaged in a sophisticated auto theft conspiracy, which involved stealing vehicles and stripping them of their contents and key parts, then abandoning the hulks. They stored the stolen car parts and other stolen goods in commercial storage facilities. Insurance carriers subsequently sold the hulks of the cars at auto auctions, where the defendants or their confederates would buy them, thereby gaining clear title. They then reassembled the vehicles with the stripped parts and sold them. State v. Bobic, 140 Wn.2d 250, 254, 996 P.2d 610 (2000).

The defendants were convicted, among other things, of conspiracy to commit first-degree theft, conspiracy to commit first-degree possession of stolen property, and conspiracy to commit first-degree trafficking in stolen property. Bobic, 140 Wn.2d at 256. This Court examined the conspiracy statute, both former RCW

9.22.010<sup>3</sup> and current RCW 9A.28.040,<sup>4</sup> and concluded the Legislature intended the unit of prosecution to be an agreement plus an overt act, rather than the specific criminal objects or goals of the conspiracy. Bobic, 140 Wn.2d at 260-67. The defendant urges the same be found of criminal solicitation: namely, that the focus be on one overall, overarching agreement, not the specific victims targeted.

In order to ascertain the Legislature's intent, this Court in Bobic looked to legislative history that was unique to the conspiracy statutes. It noted Washington's general conspiracy statute was taken nearly verbatim from 18 U.S.C. § 371. That federal conspiracy statute had been interpreted by the United States Supreme Court in Braverman v. United States, a bootlegging case. Braverman held that where there is a single agreement violating several provisions of a single statute, only a single penalty can be imposed under the federal conspiracy statute, no matter how diverse the objectives of the agreement. Braverman v. United

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<sup>3</sup> Former RCW 9.22.010, the general conspiracy statute, read in relevant part: "Whenever two or more persons shall conspire – (1) To commit a crime . . . every such person shall be guilty of a gross misdemeanor."

<sup>4</sup> "A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he or she agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement." RCW 9A.28.040(1).

States, 317 U.S. 49, 54, 63 S. Ct. 99, 87 L. Ed. 23 (1942). In Bobic this Court found that since Washington's law was taken substantially verbatim from the federal statute, "it carries the same construction as the federal law and the same interpretation as federal case law." Bobic, 140 Wn.2d at 264. Further, it noted the effect of the Legislature's repeal of RCW 9.22.010 and enactment of RCW 9A.28.040 in 1975 in light of Braverman:

[W]hen our Legislature enacts a statute, it is presumed to be familiar with judicial interpretations of statutes, and absent an indication it intended to overrule a particular interpretation, amendments are presumed to be consistent with previous judicial decisions. . . . No mention is made anywhere in the legislative history of this statute that the Legislature intended to depart from the federal interpretation proffered in Braverman.

Bobic at 264 (citations deleted).

This is an analysis specific to conspiracy. Solicitation does not have a similar legislative history; indeed, before passage of the 1975 criminal code, it was not a crime in Washington at all. Fine & Ende, 13A Washington Practice: Criminal Law § 602 at 121 (2d ed. 1998), citing State v. Gay, 4 Wn. App. 834, 839-40, 486 P.2d 341 (1971) (under prior law, solicitation could be punished only if accompanied by sufficient overt act to constitute attempt). The analogous federal statute, solicitation to commit crime of violence,

18 U.S.C. § 373, reads differently,<sup>5</sup> and respondent has located no decision interpreting its unit of prosecution.<sup>6</sup> The legislative history of an entirely different and much older state statute, derived from an entirely different federal statute and a United States Supreme Court decision interpreting it, is not helpful in determining legislative intent here. Bobic is not dispositive of the outcome.

The Court of Appeals was correct in concluding that “[w]hile the inchoate crimes of solicitation and conspiracy have many similarities, the proper unit of prosecution for solicitation of murder is not an overall agreement or incitement, but each solicitation for conduct constituting a murder.” Varnell, 132 Wn. App. at 452-53. Separately punishable victim- and conduct-specific solicitations can be made in the course of a single conversation. Meyer, cited with approval in Varnell, rejected the argument that “merely because

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<sup>5</sup> “(a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half of the maximum fine prescribed for the punishment of the crime solicited, or both[.]” 18 U.S.C. § 373(a).

<sup>6</sup> But see United States v. Guerrero, 28 M.J. 223 (Court of Military Appeals, 1989), interpreting a different statute: simultaneously soliciting false testimony from two potential witnesses is one violation of obstructing justice under UCMJ Art. 134, 10 U.S.C. § 934.

there is but one solicitor, one solicitee, and one conversation, only one solicitation can arise." Meyer, 425 A.2d at 670, cited in Varnell, 132 Wn. App. at 453. On these facts, this Court should find the same.

#### **V. CONCLUSION**

The petitioner's guilt being unchallenged on review, the Court of Appeals' decision should be *affirmed*.

Respectfully submitted on May 7, 2007.

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**APPENDIX**

**Ex. 16A**

**TRANSCRIPT OF RECORDED MEETING 2/16/02  
BETWEEN DEFENDANT VARNELL AND  
UNDERCOVER OFFICER TERENCE WARREN**

ORIGINAL

I 48  
SO 02-03092  
TF 02-085

RECORDED CONVERSATION BETWEEN DETECTIVE TERRY  
WARRAN AND MITCHELL VARNELL ON 02-16-02 AT THE  
COOKBOOK RESTAURANT

*SPOKANE TAPE*

[a lot of background noise, talking and music]

[second tape turned on]

Det. Warren: I'm gonna order.

Waitress: (unintelligible)

Det. Warren: I'm ready to order.

Waitress: Oh, you ready to order?

Det. Warren: New York steak.

Waitress: 'kay. How'd you like that cooked?

Det. Warren: Medium.

Waitress: What kind of potato?

Det. Warren: Uh, french fries.

Waitress: Soup or salad?

Det. Warren: Salad.

Waitress: With what kind of dressing?

Det. Warren: French.

[a lot of background noise, talking and music]

*Mitch Varnell:* Yeah dude.

Det. Warren: (unintelligible) need quarters (unintelligible)

*Mitch Varnell:* I'm not really hungry.

Det. Warren: Huh?

*Mitch Varnell:* I'm not really hungry.

Det. Warren: Yeah, I know. (unintelligible) buy me dinner.

*Mitch Varnell:* Whatever you think. (unintelligible)

Det. Warren: Huh?

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**Mitch Varnell:** Whatever you think (unintelligible)

Det. Warren: Where?

**Mitch Varnell:** Right here.

Det. Warren: stand right here?

**Mitch Varnell:** Sure.

Det. Warren: Alright. I'll follow ya. And I just ordered. (unintelligible) You gonna buy it for me?

**Mitch Varnell:** Sure.

Det. Warren: Huh?

**Mitch Varnell:** Sure.

Det. Warren: Alright. (unintelligible) You're not sending somebody else? Set me up or anything?

**Mitch Varnell:** (unintelligible)

Det. Warren: Alright. I just wanted to make sure cuz it's safer inside so...

Det. Warren: Huh?

[someone yelling at him in background]

Det. Warren: Yeah. I'm just gonna go (unintelligible) Hold off a bit. And I got my keys in there too so...

**Mitch Varnell:** What?

Det. Warren: You got uh, you pay for my dinner?

**Mitch Varnell:** Yeah.

Det. Warren: Alright.

[talking in background]

Det. Warren: Yea how about over by the pay phone at least so (unintelligible)

**Mitch Varnell:** (unintelligible)

Det. Warren: 'kay.

**Mitch Varnell:** Yeah. (unintelligible) ya know, (unintelligible) fuckin' 85. (unintelligible) that you get.

Det. Warren: Okay.



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**Mitch Varnell:** Again if uh, we receive from my favorite (unintelligible) in my life.

**Det. Warren:** On the project?

**Mitch Varnell:** Yeah.

**Det. Warren:** (laughs) Is it, is it important that I know who this project is? I mean, somebody who did you bad or, or...

**Mitch Varnell:** Well yeah.

**Det. Warren:** Okay.

**Mitch Varnell:** Bad in a big way anyway I'm lookin' at the next 10 years of my life of fuckin', duckin', duckin' and hidin' and just going through hell because this person can't figure out what life's all about. Anyway I don't know what your situation is in that area.

**Det. Warren:** (unintelligible)

**Mitch Varnell:** (unintelligible)

[a lot of background noise]

**Det. Warren:** So...

**Mitch Varnell:** Well I understand that part.

**Det. Warren:** Yeah.

**Mitch Varnell:** But at the same time uh, (unintelligible)

**Det. Warren:** Oh the job'll get done right that's for damn sure.

**Mitch Varnell:** Yeah?

**Det. Warren:** You tell me what you want me to do. You got uh, you got plans? You got something you want you want it done a certain way I'll do it a certain way but but it'll cost extra. You want me to take care of it my way.

**Mitch Varnell:** (unintelligible)

**Det. Warren:** (Unintelligible) she told me that. Fuck yeah.

**Mitch Varnell:** (unintelligible) for that was four people.

**Det. Warren:** Four people? Twelve and a half thousand a piece?

**Mitch Varnell:** All in the same place, same time.

[traffic in background]

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Det. Warren: (unintelligible)

*Mitch Varnell:* I got a mother and a father and a brother and a, a problem.

Det. Warren: A mother and a father and a brother and a problem. Are you talking the problem, you want the problem done. And the problems mother and the problems father and the problems...we're talking, I'm gonna fry in the fucking electric chair if you ever say anything.

*Mitch Varnell:* (unintelligible)

Det. Warren: Oh no. Oh I doubt that.

*Mitch Varnell:* Well I have plans to take care of this in my own way. I'm just waiting for the proper opportunity. I've been almost a year now that put together where I know where people are at certain times.

Det. Warren: Yeah.

*Mitch Varnell:* When they go places, where they go and when uh, the brother is up with em. There's a little deal coming up this next week that I'm not a little, not sure about. The uh, problem is taking one of my one of my treasures, one of my treasured boys over to a deal in Idaho. She's gonna be going over there on her own with him for a jazz band concert.

Det. Warren: (unintelligible) Okay. So she's going to Idaho? (unintelligible) like a, a girlfriend of yours?

*Mitch Varnell:* My ex.

Det. Warren: Your ex wife? Okay.

*Mitch Varnell:* Ex wife whole deal went sour, kids wanted to live with their dad type of deal. That she's uh, she's an ex paralegal. Very smart bitch.

Det. Warren: Uh huh [that's a yes]

*Mitch Varnell:* And uh, she completely manipulated a (unintelligible) evaluator. She manipulated a judge. And she has the judge believing, she has the judge believing that, that I'm the one that's making up excuses and that I'm the one telling lies and my attorney's about to pull his fricken hair out. (unintelligible) It's like it's already cast in stone.

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Det. Warren: Uh huh [that's a yes]

**Mitch Varnell:** She just gets what the hell she wants. And uh, stripped away at, from being a coach. Everyone of their sports for years both the assistant coach, bosses, involved in their schools you name it, I'm one of them kind of guys that would I decided I devoted my life to be there for my kids. Kids are very much so (unintelligible) their father. Made a great (unintelligible) process that they aren't to live with their father. They got a long great with their dad. They've never even had a little argument with their dad let alone never been mad at him. Yet, claims the same thing that they're arguing with their mother all the time. Fighting with her all the time. She calls them names and yellin' at em all the time. Then she assaulted my 8 year old son. Beat the shit out of him and knocked two vertebrae's out of his neck and everything else. Identical evidence (unintelligible) I got a protection order that kept the kids away from her. Turns around and goes to the court and lies and tells the court that in a desperate action to gain custody of my children by coercing these children into making up this story. Even though there was medical evidence showing injuries on both boys she got, she got off based on the fact that this was the first time (unintelligible) nothings ever been recorded. She's got one son that she refuses to take him in to get his neck fixed now. Cuz she's in charge of that part of the custodian task. She won't take him in to get it fixed.

Det. Warren: Jesus Christ.

**Mitch Varnell:** Both, both quarterbacks on football teams. Both wonderful kids and they're getting' their hearts ripped out on a day to day basis because their mother won't let their father be involved in their lives. She went in there and lied to the, the system even though I had a fucking principal and two, two teachers testify how well I was in school with the kids and how definitely a benefit to their programs going on at the school. She got up there and just said Mitchell's a problem with people at the school. It's a problem with the children. I don't want em (unintelligible)

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Det. Warren: Hmm.

**Mitch Varnell:** It's the verbal hissing. Even though I had a fistful of teachers in the courtroom testifying.

Det. Warren: Hmm.

**Mitch Varnell:** So I get kicked out of their schools for a year completely. I can't even fuckin' go in to say hi to em.

Det. Warren: No shit?

**Mitch Varnell:** And at the same time she turns around and does the same thing with my sports. Warn the coach,

Det. Warren: Huh.

**Mitch Varnell:** assistant coach, (unintelligible)

Det. Warren: Um huh [that's a yes].

**Mitch Varnell:** And uh, I'd be goddamned if she didn't have five, five coaches and get up there and testify on my behalf pertaining to that. Boys and Girls Club, the Arlington Youth (unintelligible) Association

Det. Warren: (unintelligible)

**Mitch Varnell:** (unintelligible) little league.

Det. Warren: Jeeze.

**Mitch Varnell:** Everybody uh,

Det. Warren: Huh.

**Mitch Varnell:** (unintelligible)

Det. Warren: Um,

**Mitch Varnell:** And she gets me kicked out of their sports for a year and now the association won't even let me coach because of what Karen has done to me through the court system. Well I can't even go coach other children that, that care a lot from what I have to offer also. Ya know, my energy was kinda relaxed from being around kids and teaching kids and gettin' (unintelligible)

Det. Warren: Uh huh [that's a yes].

**Mitch Varnell:** I like to teach kids including my own. She took that all away from me.

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Det. Warren: Well,

**Mitch Varnell:** After Karen had taken my privileges away from me and my property away from me she just doing every little thing she can to keep me away from the kids. Fucking play these little tricks on me to get me to fuck up on the rules because I'm not a legal smart person.

Det. Warren: Uh huh [that's a yes].

**Mitch Varnell:** If I was a smart person I'd (unintelligible) here today.

Det. Warren: Yeah. I hear ya.

**Mitch Varnell:** (unintelligible) around somebody that's gonna beat the shit out of me for the next 10 years until these kids are adults and can

Det. Warren: And then you don't have to deal with her anymore.

**Mitch Varnell:** (unintelligible) go fuck herself but I don't

Det. Warren: Uh huh [that's a yes].

**Mitch Varnell:** think after the last year that I'm gonna be able to handle another 9 years of it. That's one of the things that bothers me right now. Is she's uh...

Det. Warren: Okay.

**Mitch Varnell:** she's just got too many things that she's holding against me and I'm suppose to get additional visitation with my kids this next month. (unintelligible) I thought at first she was gonna do something to intentionally fuck that up for me. She went into the court system, she told a bunch of fuckin' lies. She got me in trouble with the court. She got all my time taken away from me that I've been waitin' since November to get. Mid week visits and phone calls. She just took it away from the kids and she's so goddamn stuck on being vindictive to me and this is (unintelligible)

Det. Warren: Really?

**Mitch Varnell:** And I got the...she's was friendly to me right up until the protection order that I got on behalf of the children per my attorney's advice that she needed to go to anger management class and get her shit straightened out. She's taking out

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all her stress on the kids. Barkin' at em everyday, yelling at em, just not doing any thing with em and treatin' em like shit.

Det. Warren: Uh huh [that's a yes].

**Mitch Varnell:** But yet she wanted to hang on to em for the dollar sign ya know. (unintelligible) pay her off and

Det. Warren: Uh huh [that's a yes].

**Mitch Varnell:** (unintelligible) definitely a wrong court. (unintelligible)

Det. Warren: Oh, no, I agree.

**Mitch Varnell:** I was able to show the court I'm an excellent father, an excellent provider and there all the time for the kids in schools or sports. (unintelligible) fuckin' thing, next thing I know I got this judge making judgments that completely blew me and my attorney completely fuckin' away.

Det. Warren: Yeah.

**Mitch Varnell:** So I'm basically fucked for the rest of their childhood. And I don't wanna miss out on it.

Det. Warren: Yeah.

**Mitch Varnell:** And at the same time that I'm missin' out on that she's trying to destroy me. Literally trying to destroy me. (unintelligible) she got the police arresting my ass on this and that and this and that shit. (unintelligible) always wanted to give me uh, flowers and card (unintelligible) birthday. We meet in the Safeway parking lot on the way back from football practice we won't make any big deal of it. So I say okay. So I'm gonna do this for my kids. I go get the card, the balloons and the fucking card and I meet em there at Safeway. I was standing (unintelligible) and it was just gonna be a quick handoff here, happy birthday and see ya guys. Good to see ya guys. Love ya to the kids and happy birthday to Karen and hand em the shit and go and the next thing I know she starts talking to me about kid's (unintelligible) thing and about sports coming up (unintelligible) I didn't understand ya know, she'd been not

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wantin' to talk to me for quite some time and then all of a sudden here come two cop cars.

Det. Warren: Uh, man.

*Mitch Varnell:* She called the cops (unintelligible)

Det. Warren: So you Restraining order or something?

*Mitch Varnell:* (unintelligible)

Det. Warren: Ah, man.

*Mitch Varnell:* Anyway, cuffed my ass right in front of my kids and hauled me to jail.

Det. Warren: That's bad.

*Mitch Varnell:* Now she's wantin' to prosecute and she told me 30 days. They were gonna drop the fuckin' thing on probation and then now they're, now they're going for 30 fucking days so I have to hire a defense attorney over that little bullshit.

Det. Warren: Oh man.

*Mitch Varnell:* Over giving her flowers.

Det. Warren: That's bad.

*Mitch Varnell:* Her, her requests she denies ever talking to me, never saying a word to me and that's the kinda shit that she keeps doing. Apparently into these little things because I'm a fuckin' human being and I got (unintelligible) and she's just a tall empty shell.

Det. Warren: Yeah. Well, when we were talking the other night you said a weed, it's a weed. That's a we man, yeah.

*Mitch Varnell:* It's just absolutely terrible

Det. Warren: Yeah.

*Mitch Varnell:* that the shit that she's doing to the boys. Fucking trying to alienate their father from them. I think (unintelligible) that they want me there and she just keeps feeding them this bullshit well these are the rules and they have to stick to em. But then when she wants to break the fucking rules, she just faxes me a thing saying she wants to change this to that and that to this. The kids are

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very smart and understand that mom can make all the fucking changes she wants to.

Det. Warren: Um huh [that's a yes].

**Mitch Varnell:** And dad can't make any fuckin' changes.

Det. Warren: That sucks. That sucks. That's fucked. Hey, you want it done. It, it's gonna be more than, more than twelve five. I ain't gonna do it for that. Ya know, we can negotiate later. You got uh, you give me that much in cash and something on her what's left is you got something to trade or something. I'll take that too but it's not uh, I thought it was fifty.

**Mitch Varnell:** Yeah, it is. For all four.

Det. Warren: Well who, who are the other four? The brother?

**Mitch Varnell:** Four all together.

Det. Warren: Do they live at the same place? I mean will I be able to do a one night thing or a...

**Mitch Varnell:** Block away from, block away from the brother.

Det. Warren: Okay.

**Mitch Varnell:** And half the time they're over at the (unintelligible) and they've got the kids on my weekends.

Det. Warren: Yeah. Okay.

**Mitch Varnell:** Her brothers up there and (unintelligible) it'd have to be one of these (unintelligible) The way that I had it figured originally was to go to one house and take out the fuckin' mom and pop and the brother.

Det. Warren: Yeah.

**Mitch Varnell:** Load em up in the fuckin' car.

Det. Warren: 'kay.

**Mitch Varnell:** Then go get the fuckin' mamma, load her up in the fuckin' same car,

Det. Warren: Yeah.

**Mitch Varnell:** drive em off and dump em in the fuckin' river. Seatbelted into the fuckin' car. If anybody ever finds it looks like they drove off the fucking road.

Det. Warren: 'kay.

**Mitch Varnell:** Even look like a...

Det. Warren: Is that what you want me to do?

**Mitch Varnell:** (unintelligible)

Det. Warren: You want me to do that or do you want me to do something else?

**Mitch Varnell:** Well, I don't really want the fuckin' kids. The kids have already been told by their mother that their father has threatened to kill her.

Det. Warren: Well you need...

**Mitch Varnell:** That's the thing the age that the kids are at if something like that happens and it was an outright

Det. Warren: Well...

**Mitch Varnell:** single shell deal that the kids are gonna grow up and they're gonna have an assumption (unintelligible) and I don't want, I don't want that on me.

Det. Warren: Alright.

**Mitch Varnell:** Well I even felt comfortable myself about

Det. Warren: You doing it?

**Mitch Varnell:** Go right into the home and waltz right in there (unintelligible) go right through the fuckin' front door and (unintelligible) in the car knock em the fuck out, give em the goddamn flower and just seat belt em in and drivin' off where it already has (unintelligible) drive the fuckin' vehicle right off the (unintelligible) there, deep river and hop on the motorcycle and head back to where my vehicle was and I can load it right in the back of the truck (unintelligible) get outta there and (unintelligible) already have a, already have a already have it set up .... right up to Stevens Pass (unintelligible)

Det. Warren: Yeah, I don't...

**Mitch Varnell:** (unintelligible) Stevens Pass and park your fuckin' motorhome and have a bunch of people there dialed in that you talk to that think you're staying there and then blitz outta there, head back, head back and take care of your deed and then head back up there and

Det. Warren: Uh huh [that's a yes]

*Mitch Varnell:* then all they're gonna know is that they disappeared on the same night  
(unintelligible)

Det. Warren: Uh huh.

*Mitch Varnell:* And when they ever did find em (unintelligible)

Det. Warren: Yeah.

*Mitch Varnell:* that, that was my (unintelligible) been a matter of puttin' it together.

Det. Warren: Uh huh.

*Mitch Varnell:* So I don't know. I don't know

[original tape starts here]

[a lot of traffic noise]

*M. Varnell:* Well I don't know, I don't know about that. I mean the deal with...where you going? To Idaho? Out of state?

Det. Warren: Yeah. You want me to follow her or something?

*M. Varnell:* (unintelligible) follow her?

Det. Warren: Look, I don't want, I don't want the kids

[a lot of traffic noise]

*M. Varnell:* (unintelligible) follow her and the kid was involved in his, in his music thing is when you'd have to go after her and I don't how far away that she would be from him when that would happen but it would definitely be hard on her, him.

Det. Warren: 'kay.

*M. Varnell:* Be over there doin' something special he was one of the uniques got picked to go over with the school. I got excluded of course.

Det. Warren: Yeah.

*Mitch Varnell:* (unintelligible) gas deal.

Det. Warren: Yeah.

*Mitch Varnell:* But I know that (unintelligible) guess her folks are gonna be back here on this end watching my younger son (unintelligible)

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Det. Warren: Okay. For sure they're gonna be back here? And if they went there would you want me to do them also? I mean it's, and then we'll talk price later but cuz it's, it's ya know, do you want me to...

*M. Varnell:* I don't know whether they're going or not.

Det. Warren: Okay. But if they did would you want me to?

*M. Varnell:* I'm thinkin' it wouldn't be a bad fuckin' idea having it done out of state.

Det. Warren: Yeah.

*M. Varnell:* Goin' to Idaho. (unintelligible) just be a matter of figuring out how to fuckin' not have the kids involved. But she specifically wrote me a fax saying that Tyler was going and so if the grandparents are planning on going, they're retired I honestly can't see why they wouldn't wanna go.

Det. Warren: Right.

*M. Varnell:* And pull Connor out of school for a couple days and take him unless he plans on staying at a friends house for a couple days and the mom and dad are going.

Det. Warren: Uh huh [that's a yes]

*Mitch Varnell:* And then in that case her brother Steve would probably be going too.

Det. Warren: Is Steve the one that you want done?

*M. Varnell:* All four would be there at the same time.

Det. Warren: Okay.

*M. Varnell:* I mean I've caught em at, at the goddamn house like back here on New Year's.

Det. Warren: Uh huh.

*M. Varnell:* They were all right there together. I'm standin' outside the fuckin' window lookin' at em inside their window at the house, all four of em right there.

Det. Warren: Okay.

*Mitch Varnell:* But unfortunately they got kids in their back bedroom asleep.

Det. Warren: Okay.

[sirens]

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**Mitch Varnell:** Ya know, I don't wanna (unintelligible) in the fuckin' (unintelligible)

Det. Warren: You caught them in the house? In your house?

**M. Varnell:** In their house. I've only been around...

Det. Warren: Oh, you've been in their house?

**M. Varnell:** Yeah, in and out of (unintelligible)

Det. Warren: Okay. You...

**M. Varnell:** Now she, now she's (unintelligible)

Det. Warren: When they were home?

**M. Varnell:** Yeah.

Det. Warren: Is it easy?

**M. Varnell:** It was.

Det. Warren: Is there an alarm?

**M. Varnell:** Until uh, she's got an alarm system on her home now.

Det. Warren: Okay.

**M. Varnell:** I, I don't know if the parents do or not.

Det. Warren: Okay.

**M. Varnell:** Parents don't have a clue that I've ever been over there before.

Det. Warren: Do you have a key?

**M. Varnell:** No.

Det. Warren: To either place?

**M. Varnell:** Huh uh [that's a no]

Det. Warren: Okay.

**M. Varnell:** Slipped right in with a MasterCard to the side of the garage door at her place and went right in the fuckin' house. Been in there three times sittin' on the edge of the fuckin' bed.

Det. Warren: Uh, in her house?

**M. Varnell:** Um huh [that's a yes]

Det. Warren: Three times? Well, then I don't wanna...does she know?

**M. Varnell:** No. She didn't have a clue.

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Det. Warren: Okay. Cuz if she knows or anything I don't wanna fricken' I don't want any suspicion on you because if it goes to you they're gonna, you're gonna be sayin' ya know,

*M. Varnell:* They're gonna come at me regardless.

Det. Warren: you're gonna fuckin' sing and, and stuff and the next thing ya know, you're gonna say some fat guy named Mike

*M. Varnell:* All I have to do is (unintelligible)

Det. Warren: Well, yeah.

*M. Varnell:* I've been through this kind of shit before when people have fucked me over in business over the years and...

Det. Warren: Um huh.

*M. Varnell:* (unintelligible) Never have problems sneakin' around at night and walkin' right in people's houses (unintelligible)

Det. Warren: No shit (laughs)

*M. Varnell:* Fucking (unintelligible)

Det. Warren: What'd he say? What'd he say?

*M. Varnell:* (unintelligible) your ass right then and there.

Det. Warren: No way (laughs).

*M. Varnell:* Yeah. (unintelligible) The next time there won't be no fucking sticky except on your name tag on your toe tag.

Det. Warren: (laughs) Oh shit.

*M. Varnell:* But this deal right here because of the accusations that she's made...

Det. Warren: Uh huh.

*M. Varnell:* with me coming after her ass. I have to have an alibi.

Det. Warren: Yeah. Yeah. I hear ya.

*M. Varnell:* Otherwise I'd have to be able to take em and do the (unintelligible)

[a lot of traffic noise]

[unable to hear Varnell at all]

Det. Warren: Okay.

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**M. Varnell:** That way nobody knows exactly (unintelligible) alibi they don't know when exactly

Det. Warren: Yeah, I hear ya

**Mitch Varnell:** (unintelligible) so that's kinda where it's been.

Det. Warren: 'kay.

**Mitch Varnell:** And like I said I'd been right there lookin' at em right through the living room window and they didn't have a fuckin' clue I was standin' right there (unintelligible)

Det. Warren: The mom and dad and does the kid live there too?

**M. Varnell:** Getting rid of the fuckin' shoes that I (unintelligible) I've taken more stuff that I can dispose of.

Det. Warren: Like right now?

**M. Varnell:** Yep. (unintelligible) instructed on the way home I get rid of and if I need to come up later and started checkin' around for this and that and that this I didn't have anything that ties it to me.

Det. Warren: Nothing ties, yeah.

**M. Varnell:** And uh, not that big a deal that uh, (unintelligible) several pairs of glove and, and rubber gloves for inside and then have em laying around for when you need to fuckin' go out and check shit out.

Det. Warren: Um huh [that's a yes].

**Mitch Varnell:** Ya know, I thought I was gonna be able to walk away from this (unintelligible) did the best I could to deal with this till the other weekend bullshit and uh, now that she's trying to take everything away from me that she can on top of that. I mean she (unintelligible) and take away more of my time and I'm only gonna get to see my boys from Friday night till Sunday night. And that's it. No phone call communications. No communication whatsoever. Other than that and here I was the one that the kids (unintelligible) I was the affectionate dad and the kids loved to be around and

mom was the one that's always sittin' on the other couch by herself while the boys were climbin' all over dad on the other, on the other couch.

Det. Warren: Um huh.

**M. Varnell:** She's just not a lovable person and I don't want it rubbin' off on these boys that are full of love and full of affection and they're being completely just tossed around like they're in fuckin' army camp. And they're not being allowed to have the childhood that they wanna have.

Det. Warren: Um huh.

**M. Varnell:** So this is more or less...it's probably a fifty, fifty deal of something that I'm doing for my kids so that they can have their childhood that

Det. Warren: You're doing it for them.

**M. Varnell:** they wanna have.

Det. Warren: Yeah.

**M. Varnell:** They can be with the person that they wanna be with.

Det. Warren: Yeah, I understand.

**M. Varnell:** They've made it very clear that they don't wanna be with their mother. In a way that they don't...they love her as a mother but they don't like her as a person.

Waitress: (unintelligible)

Det. Warren: Yeah. Ya know, can you put it in a box and I'll just take it home and heat it up.

Waitress: 'kay.

Det. Warren: Just talkin' to my buddy.

**M. Varnell:** I mean (unintelligible) we're okay with this, everything's workin' out alright. That'd be a whole nuther thing.

Det. Warren: Um huh.

**M. Varnell:** (unintelligible) and everytime they see ya they askin' ya, dad, has anything changed yet that we can come live with you yet? Things are gettin' really fucked at mom's. And I gotta tell em look, ya know. And I get that lousy fuckin' two days and it goes by so fast that they (unintelligible)

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Det. Warren: Yeah.

**M. Varnell:** And now she just got done (unintelligible) this weekend. I had plans to take em somewhere. She just faxed me something today telling me that I gotta have my younger son at two different events, a track meet and a fuckin' uh, sign up for baseball on Saturday when I planned on leavin' Friday night.

Det. Warren: Today?

**M. Varnell:** Yeah. I just find out today. This coming, this next (unintelligible)

Det. Warren: Oh next, okay. Alright.

**M. Varnell:** I just find out that whenever they got plans so I either have to fax her back telling her that I have plans for that weekend and those'll have to be taken care of on another day. But I already know that the track meet's on Saturday and the way she's got the fuckin' paperwork drawn up, according to the court, I'm suppose to take them to any of their school related and sport related functions. So that means I'm suppose to cancel my fuckin' plans on my lousy two days and do whatever it is that she wants to set up on my time.

Det. Warren: Well, you uh,

**M. Varnell:** (unintelligible)

Det. Warren: you, you know the price is right. You won't have that problem anymore. Um,

**M. Varnell:** My point, my point is, I know that the ways that the wills are set up

Det. Warren: Yeah.

**M. Varnell:** and shit like that. Because (unintelligible) possibility depending on what the judge would say, that the grandparents could end up with my fuckin' kids or her brother.

Det. Warren: Okay. So that's why you want them?

**M. Varnell:** Yeah. I don't wanna

Det. Warren: Alright.

**M. Varnell:** I don't wanna fuckin' go part way

Det. Warren: (unintelligible) Alright.

**M. Varnell:** just to end with my kids even worse off than they are now.

Det. Warren: Hey, what are you willing to spend?

*M. Varnell:* It's just to get my kids for free, freedom for my children is what this is all about.

Det. Warren: I, I hear ya but, but ya know, what are ya...bottom line is what are you willing to spend ya know?

*M. Varnell:* Fifty grand.

Det. Warren: Fifty for all four?

*M. Varnell:* Yeah. (unintelligible)

Det. Warren: Well, you gonna give me some money up front so I can do some, buy some things? And ya know?

*M. Varnell:* I don't know. I'm a little bit nervous about the whole thing here to be honest with ya.

Det. Warren: Well, ya know, I mean I'm not to like thrilled about standin' here I mean they're all inside wiggin' out because I walked out here to eat tuh, instead of eatin'.

*M. Varnell:* Well, I don't know you from fuckin' (unintelligible)

Det. Warren: Well no shit. And that's why I wanna leave man.

*M. Varnell:* for all I know you been wavin' that phone around in my face it's got a fuckin'...

Det. Warren: Ya know, I mean, I ain't got a fuckin' gun there.

*M. Varnell:* Well,

Det. Warren: No, I mean it's

*M. Varnell:* It could have a listening device on it couldn't it?

Det. Warren: No.

*M. Varnell:* I've seen under...undercover cops that looks worse than you do and

Det. Warren: Well hey,

*M. Varnell:* and I ain't interested in goin' to fuckin' jail

Det. Warren: ya know,

*M. Varnell:* because someone's tryin' to ruin my life.

Det. Warren: So be it. Uh, uh, ya know, I don't, I don't particularly care about it either ya know, I mean, standin' here like this. You, you understand where I'm comin' from.

*M. Varnell:* (unintelligible)

Det. Warren: I know, you're, you're tellin' me

*M. Varnell:* You want me to trust you (unintelligible) and I gotta trust you too.

Det. Warren: When I hear money, but when I hear money, it's like fuck ya know, I'm willing to take a chance and as soon as if anything came down right here I'm walkin', I'm outta here. I don't know you, I never saw you.

*M. Varnell:* (unintelligible) comin' down.

Det. Warren: Well that's what I'm sayin'. If you try to do something I mean, I don't know.

*M. Varnell:* The only thing I'm tryin' to do is tryin' to keep my ass outta jail.

Det. Warren: Well, I want my ass outta jail too.

*M. Varnell:* Me talkin' to you and Mary already having something...knowledge of it.

Det. Warren: I don't want, I don't want anything ya know, to do with that lady ever again if this happens. If this happens uh, I've already, I've already planned I'm, I'm leavin' my old lady. So, it's, it ain't gonna

*M. Varnell:* Ya know,

Det. Warren: I'm, I'm...

*M. Varnell:* you leavin' the old lady. Does the old lady know about it the way Mary does?

Det. Warren: Nope. Nope. She don't know shit. She don't know shit. Ya know, I'll deal

*M. Varnell:* I'm a little bit worried about Mary cuz Mary

Det. Warren: I'll deal my end.

*M. Varnell:* Mary's got a mouth on her. Mary's talked to my employee about shit, she's ripped up her husband about shit and

Det. Warren: I don't know her. I don't know her like you know her. I met her through, through my old lady, I don't know her very well. I don't want any, she said it, gave me a number...

*M. Varnell:* My point, my point is to be perfectly blunt with you

Det. Warren: There's another person who knows right?

*M. Varnell:* perfectly blunt with you is that when all hell breaks lose they're obviously gonna be all over me like flies on shit

Det. Warren: Yeah.

*M. Varnell:* regardless if I have an alibi.

Det. Warren: Well,

*M. Varnell:* And they're gonna be checkin' with all the people that I've had communication with for the last fuckin'

Det. Warren: You're right.

*M. Varnell:* last fuckin' who knows how many years.

Det. Warren: Yeah, you're right. They probably will won't they.

*M. Varnell:* Yeah, that's what detectives jobs are. They don't give a fuck if it takes em five years to come up with what they need to put me away. That's their fuckin' job.

Det. Warren: Well, I like Idaho. If Idaho ya know, I, I like that a hell of a lot better than...

*M. Varnell:* The only way it could work is if I knew for sure that all four are goin' and the problem is, is that they're goin' sometime Tuesday and I don't know who all is goin'.

Det. Warren: Okay.

*M. Varnell:* If, if they're all goin' I don't know what the hell is goin' on with my younger son Connor where he's suppose to be.

Det. Warren: Okay. Uh, what would you want if...

*M. Varnell:* I don't know how I'm suppose to find that out.

Det. Warren: Alright but let's, let's, I'm thinkin' this, if just, if just your wife goes to Idaho, you gonna give me where she is so I can, I can figure out what I'm gonna do right?

*M. Varnell:* I'd have, I'd have to call the school and find out where this would be and...

Det. Warren: No, I mean where, no, I don't care about that. I'll, I wanna, you tell me where she lives and I'll watch her from the time she gets out of her door and, and I'll go. That won't be a problem. I've done that before.

*M. Varnell:* Part of that is, part of that is that she lives in Glen Eagle.

Det. Warren: Where's that?

*M. Varnell:* It's right off of Highway 9 and out of Arlington and it's one of these great big housing developments that's got all nice houses all over the place.

Det. Warren: Okay.

*M. Varnell:* And she's already went through neighbor to neighbor through the whole fuckin' area around her house and let em know...

Det. Warren: But, but I don't need to sit at her house.

*M. Varnell:* Let her know (unintelligible)

Det. Warren: I don't need to sit at her house. I don't need to watch from her house. Do you even know what car she's gonna be in?

*M. Varnell:* Yeah.

Det. Warren: Okay. I mean ya know, and I'll, I'll probably go by there and take a look at the car myself.

*M. Varnell:* Most the time it's in the garage.

Det. Warren: Okay.

*M. Varnell:* But you could check it out to where you I mean a lot of times she (unintelligible)

Det. Warren: Which, which door did you get into?

*M. Varnell:* Oh that's right oh they're outta fuckin' school on Monday.

Det. Warren: Which, well I won't do it when, I, I won't do it with kids around.

*M. Varnell:* Well she's, she's already, she's already fucked that up.

Det. Warren: Alright.

*M. Varnell:* Some kid, some teenager apparently went by there one night when she left her garage door wide open

Det. Warren: Uh huh [that's a yes].

*M. Varnell:* and was in there fiddly fuckin' around with the bicycles according to Tyler and, and made a bunch of noise and she came down and some kid ran outta the garage and the next thing I know she's got fuckin' motion light up over the

door that I was able to just go right in like it was nothin' that the master lock (unintelligible) was lose and

Det. Warren: Okay.

*M. Varnell:* an easy deal to walk right in and then she always had the fuckin' door from the garage into the house open and like I said I went in there three times.

Det. Warren: Okay.

*M. Varnell:* (unintelligible)

Det. Warren: No, you know they're gonna have (unintelligible)

*M. Varnell:* Plan was originally was to go in there while the kids were with me. We'd go home in the middle of the night once they're sleepin' and go over there and walk right in her fuckin' house and run upstairs and take her out. Drag her right out of the fuckin' house and in to her own car and down the road just like I was sayin' and get rid of her.

Det. Warren: Okay. You, is that what you want me to do?

*M. Varnell:* No. And then I, then I got to lookin' at the way she changed shit around and I found out through the courts where all the, as far as the responsibility of the children because she's the custodian mother she's got the responsibility of those kids if anything were to ever happen to her onto her parents and her brother.

Det. Warren: Okay.

*M. Varnell:* So if the court wanted to and saw me as a problem from this shit that they dumped on me

[loud traffic noise]

*M. Varnell:* (unintelligible) the grandparents are chronic alcoholics. Are completely worthless fuckin' hollow shelves.

Det. Warren: You'd probably never see em would ya?

*M. Varnell:* I've never, I've never seen the two of em to give each other a hug in the 18 years that I've known my wife. I've never heard these two people say I love you or even give a hug to each other in 18 fuckin' years.

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Det. Warren: Huh.

*M. Varnell:* That's how full of emotion they are. When you got a dad man, these kids when they get around me it's like Velcro. They won't leave me alone.

Det. Warren: They wanna hang to you huh?

*M. Varnell:* They're all over me just like I'm their mamma. And I love it and I'm their best friend

Det. Warren: Yeah.

*M. Varnell:* and they know it, we're best buddies. And this best buddy relationship is gettin' fucked up and it's rippin' my goddamn heart out and I've just about had it and I'm up to the point where I'm gonna, I'm gonna blow a fuckin' gasket then I'm gonna do somethin' stupid and end up doing it all fuckin' wrong and not control. End up in deep shit for a long fuckin' time.

Det. Warren: Um huh.

*M. Varnell:* And I don't need that. I'm already, I'm already being pushed to the position where I'm involved in trying to sell my place take a gym bag and move to fuckin' Hawaii and say adios to all this shit and say here, you can have the kids. When they get old enough to drive you fuckin' nuts and tell ya to go fuck yourself then you can call me up and tell me to come get em.

Det. Warren: Um huh, take em back huh?

*M. Varnell:* Cuz that's what's gonna happen according to the counselors and the attorneys and everybody else involved that these kids are gonna get old enough that their finally gonna have enough and they're gonna say fuck this and they're gonna walk. So my position is do I fuckin' wait for that, do I just fuckin' wait for that and toughen it out for a few years and my one son's only nine. He's got five, six years before he realistically gonna be able to walk on his, before he tells his mom I'm outta here.

Det. Warren: Yeah.

*M. Varnell:* Tyler, he's, he's goin' on 13. He's only got a year or two that he can say hey, I'm outta here. But they're both best buddies too. I brought em up 3-1/2 years

apart and all three of us can communicate on the same level as best buddies and it's just bullshit the way they get along and the way the three of us get along and what they're askin' for, for them not to have it. It's their fuckin' life, not the goddamn judge that probably ain't never had kids for all I know.

Det. Warren: Alright. Yep.

**M. Varnell:** You know how a judge became a judge don't ya?

Det. Warren: Huh uh [that's a no].

**M. Varnell:** Well it sure as hell wasn't spending any time with his kids.

Det. Warren: (laughs) Yeah, no shit. Spend all those hours on the doin' shit.

**M. Varnell:** Goin' to law school, doin' attorney

Det. Warren: Yep.

**M. Varnell:** doin' a prosecutor, be a judge. When do they ever get to ever play with their kids? And you can understand the position of a guy that's self employed

Det. Warren: Yeah.

**M. Varnell:** that spent everyday playin' with their fuckin' kids.

Det. Warren: Yeah, I hear ya there.

**M. Varnell:** Pull em out of school for weeks at a time and take em on vacations that all over the fuckin' world and now I ain't been able to do any of that for two years man. These kids are like they feel completely trapped. They get home from school and their mom shoves em to their fuckin' desk for homework. Shoves em into, into dinner and I mean it's just do this do that, you can't (unintelligible) for now instead of an open buddy, buddy as long as you get this and that done guys you can do whatever you want ya know. And more and more incentive to get their stuff done that needs to get done so they can play as kids. You only got one fuckin' childhood.

Det. Warren: Yeah.

**M. Varnell:** Mine got taken away and I don't want theirs to be taken away from them.

Det. Warren: Yeah. I hear ya.

**M. Varnell:** So like I said, this deal for Tuesday would probably well it'd be a good solo deal other than it would be a uh, see I know if those kids were with me for instance on a weekend that they were with me

Det. Warren: Right.

**M. Varnell:** it wouldn't trauma, traumatize them as much.

Det. Warren: Okay.

**M. Varnell:** For something to happen to...

Det. Warren: All four.

**M. Varnell:** fuckin' works while, while they're in my possession somewhere.

Det. Warren: Do you want

Unk Male: (unintelligible)

Det. Warren: Huh? No, I asked her to put it in a box.

Unk Male: I know. She did.

Det. Warren: I'm gonna come back in and pay.

Unk Male: I know. She just wants you to come and pay.

Det. Warren: I will. Ah jeeze.

**M. Varnell:** I apologize about that.

Det. Warren: Alright.

**M. Varnell:** I didn't feel comfortable about sittin' in a fuckin' restaurant (unintelligible)

Det. Warren: Well, you wanted to come here. That's why

**M. Varnell:** Like I said, for all I knew, for all I knew you were an undercover cop and you coulda had two other guys fuckin' sittin' in there with a listening device goin' on and...

Det. Warren: Well hey, hey I hear ya.

**M. Varnell:** Who's to say that that couldn't be the fucking exactly the case.

Det. Warren: I know, I know. I know. I hear ya. It's ya know, we're careful, you're careful, I'm careful.

**M. Varnell:** Are you a cop?

Det. Warren: No, I am not a cop. Are you?

**M. Varnell:** No.

**Det. Warren:** Okay. I hate cops (laughs).

**M. Varnell:** They're all liars and that's the problem.

**Det. Warren:** No shit. No shit.

**M. Varnell:** Got an attorney that that's a Superior Court Judge, no shit and he's my defense attorney

**Det. Warren:** Uh huh.

**M. Varnell:** and he told me flat out every cop is a fuckin' liar.

**Det. Warren:** Well...

**M. Varnell:** They think they're doin' their job and to lie, lying to people to get em to say what they want em to say just like this if you were a cop.

**Det. Warren:** Um huh.

**M. Varnell:** I just spilled the fuckin' beans and I'd be goin' to fuckin' jail for conspiracy or whatever.

**Det. Warren:** Well, are you goin' to jail right now? No, alright so...

**M. Varnell:** It goes a little farther than that.

**Det. Warren:** I, I don't pay attention to that shit. I just know.

**M. Varnell:** I've been into it for a year and a half now checkin' shit out and that's why I'm half assed camouflaged and a little bit nervous about it.

**Det. Warren:** I'm wipin' you out of my memory as soon as this shit's done so...

**M. Varnell:** Well has anything like this ever happen to you before a deal?

**Det. Warren:** This? Not, not somebody goin' like this. I've takin' care of my brothers ya know. Roughed some people up a bit. Now...

**M. Varnell:** Go in and slaughter a fuckin' family before?

**Det. Warren:** Not a whole family. This is gonna be new. Not a whole family.

**M. Varnell:** You don't have a problem with that in your head?

**Det. Warren:** Not...in my head? Fuck no. It's all about money dude.

**M. Varnell:** I don't have a problem with it in my head. Somebody would fuckin' hire me right now for fifty grand to go take out four people I'd be there tonight doin' it.

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Det. Warren: Well, well I want more than fifty though that's the thing. I mean fifty

*M. Varnell:* Fifty's a pretty good chunk of dough.

Det. Warren: Yeah, but for four. Ya know, I mean, how much you gonna get out from insurance? You're gonna get fuck, what'd ya got a six million dollar policy?

*M. Varnell:* Who knows that I'll get anything.

Det. Warren: 10 mil...I don't know how much your insurance is I don't know.

*M. Varnell:* She's already got, my wife's father

Det. Warren: Yeah.

*M. Varnell:* has a sister from California. She came up here right after the divorce and I know goddamn well that they came up here to (unintelligible) insurance policies that are now put into other people's names that are out of state so I'm not gonna get life insurance policies. The thing that I'm tryin' to cover my ass on is that if I go through with something I get my boys and somebody else doesn't, like her brother or mother or her father. And whatever gets willed over to my kids, I'm sure there's some things that will get willed over to my kids,

Det. Warren: Um huh.

*M. Varnell:* but there ain't anything that's gonna go to me.

Det. Warren: 'kay.

*M. Varnell:* And it might be whatever my wife's got that she took from me in the first place I mean literally, everything she's got was bein' a fuckin' having a lucky position as a stay home mom that I gave her. I kept her away from a fuckin' drive a metro bus down to Seattle everyday.

Det. Warren: Uh huh.

*M. Varnell:* And carpools and work in a fuckin' tower all day long and take the traffic back and forth everyday, I took her away from that. I offered her a stay home mom job do some paperwork at home and take care of the boys and then they're there when I'm takin' time off from work and blah, blah, blah. And she had it fuckin' easy like a goddamn queen.

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**M. Varnell:** *And carpools and work in a fuckin' tower all day long and take the traffic back and forth everyday, I took her away from that. I offered her a stay home mom job do some paperwork at home and take care of the boys and then they're there when I'm takin' time off from work and blah, blah, blah. And she had it fuckin' easy like a goddamn queen.*

Det. Warren: Yeah?

**M. Varnell:** One day she hit this midlife crisis where she turned to shit

Det. Warren: Yeah.

**M. Varnell:** and she couldn't pull out of it and the next thing I know she's throwin' 17 years down the fuckin' drain over nothin'.

Det. Warren: Yeah.

**M. Varnell:** Totally because she just changed. That's all there is to it. There wasn't anything bad that went on between us. What she, what she's turned into since makes me wonder whether she was livin', until I hurt my back the last time, that I decided to shut the business down for a winter, first time ever. I didn't have the big bucks rollin' in. Still had plenty of money in the bank and owned every fuckin' thing we got and wham, just like that. She takes half of it with divorce papers.

Det. Warren: (laughs) Yeah, hey, ya know the song.

**M. Varnell:** Yeah.

Det. Warren: You get the shaft.

**M. Varnell:** And because I haven't been workin' I've been goin' backwards up the ass in attorney's fees in the last year and a half going through a divorce. I spent a hundred and ten thousand dollars in attorney fees while I wasn't workin'.

Det. Warren: Huh.

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**M. Varnell:** It just about fuckin' cleaned me out. So now it's come down to a point of survival. How am I gonna survive if she's gonna keep doing this shit to me.

Det. Warren: Well shit, fifty thousand dollars ain't even half of what you paid on an attorney. (laughs)

**M. Varnell:** Well that's what I mean. That's all I had was a hundred and fifty thousand dollars.

Det. Warren: Okay.

**M. Varnell:** So I'm right down to where I'd be, I'd be basically startin' out fresh with my kids and maybe ten, maybe ten or twenty grand in the bank if I was lucky.

Det. Warren: Uh huh.

**M. Varnell:** If I sold a couple things.

Det. Warren: And this is with all four?

**M. Varnell:** Like I said, that's with gettin' rid of fifty thousand dollars that I've had hidden away cash money that wouldn't, I wouldn't be able to

Det. Warren: Well how am I gonna get it?

**M. Varnell:** Well, I'd just have to fuckin' pay it to you.

Det. Warren: I know, how? I mean, I don't wanna see you after this is done. I don't want anything to do with you. Ya know, mean you gonna do, have you thought of that?

**M. Varnell:** Well, it would be

Det. Warren: I mean I thought of it.

**M. Varnell:** pretty easy to figure out a fuckin' some kind of a drop point of where you would want it.

Det. Warren: Yeah. I thought about sending something from like my, my lawyer to, to you certified and you got it. Something in code or something like that?

**M. Varnell:** From a lawyer?

Det. Warren: Yeah. Because that way they can't say anything. Ya know, they don't know what the letter is. Just ya know, I don't want to have a letter come with my

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name on it. Ya know, a letter from my lawyer go there. They ain't gonna say shit cuz they can't. I mean ya know, I'm gonna talk to my lawyer first.

*M. Varnell:* I don't know how they would treat something that when it comes to something like this.

Det. Warren: I know. They're all snakes anyway though.

*M. Varnell:* There's all kinds of rules they fuckin' break and then they think they got somethin'.

Det. Warren: Yeah. Well, you uh,

*M. Varnell:* Having the money's not the problem.

Det. Warren: Okay.

*M. Varnell:* The problem would be just gettin' it to you where it wasn't traceable.

Det. Warren: Alright. You want me to, you want me to do all four at once next weekend when you got the kids or do you want me to do your wife...

*M. Varnell:* Well that's one of the problems

Det. Warren: in Idaho.

*M. Varnell:* see, I, I've already been over there two times when I've had the kids.

Det. Warren: Been where?

*M. Varnell:* And all, and all...over to the folks house.

Det. Warren: Okay.

*M. Varnell:* And ya know, the mother and the father and their son were there but Karen wasn't there.

Det. Warren: Well I could deal with that. I mean if she's next door or whatever I could...

*M. Varnell:* Well she's got an alarm system.

Det. Warren: but I can...

*M. Varnell:* You'd have to do something with the fuckin' door.

Det. Warren: I, I might just, I might just follow her some place and, and take her somewhere. I, ya know, and deal with the other three later, the same night. I mean, it's gonna be my doin'. My decision I guess cuz ya know, unless you want me to do somethin' your way.

**M. Varnell:** (unintelligible)it wouldn't work. It'd have to be all in one night.

**Det. Warren:** Yeah, I know. If you want me to do all four in one night I can do that. Or the Idaho thing.

**M. Varnell:** You know realistically when I pick up my, this would be something that would work,

**Det. Warren:** Okay, what?

**M. Varnell:** I pick up my boys on Friday night

**Det. Warren:** Uh huh [that's a yes].

**M. Varnell:** and meet her at, at a certain place.

**Det. Warren:** Okay.

**M. Varnell:** And then she drives off by herself.

**Det. Warren:** Okay. And then I can follow her?

**M. Varnell:** So it would be pretty...well she usually drives right straight back home.

**Det. Warren:** Okay.

**M. Varnell:** But uh,

**Det. Warren:** Alright.

**M. Varnell:** If a guy knew where she lived I mean the way you could deal that where you wouldn't even have to deal with the alarm is that you would have to basically pull the car over and run in the fuckin' garage door before it got shut.

**Det. Warren:** Okay.

**M. Varnell:** Ya know what I'm sayin'?

**Det. Warren:** Yeah, I hear ya.

**M. Varnell:** And you (unintelligible) her.

**Det. Warren:** But then my car's out there though. Ya know, well uh, this...

**M. Varnell:** Well I don't know. I guess you'd have to figure out some of this on your own.

**Det. Warren:** Yeah. I will.

**M. Varnell:** Either that or you take her out right there at the fuckin' I don't know, somethin'. She's one of these women, believe it or not, who's got fuckin' reception where she lives on her mobile phone. And she damn near wears that



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fucker in her hand. She's got speed dial for 9-1-1, she's got speed dial for the Arlington Police Department.

Det. Warren: Well uh, okay.

*M. Varnell:* So according to this...

Det. Warren: Thanks for telling me that. That's good to know.

*M. Varnell:* She does. So...

Det. Warren: Where does, does she work?

*M. Varnell:* Want something...the way I was gonna do this to get around the alarm deal is to literally be at her fuckin' house...

Det. Warren: Uh huh.

*M. Varnell:* and wait for her to come home...

Det. Warren: Okay.

*M. Varnell:* by herself. She goes in the garage door

Det. Warren: Okay.

*M. Varnell:* and you just slip around the fuckin' corner of the garage door and then

Det. Warren: Alright.

*M. Varnell:* once she gets out of her car you fuckin' got her.

Det. Warren: Okay.

*M. Varnell:* She wouldn't even see you slip in the door behind her.

Det. Warren: And what about the other three?

*M. Varnell:* The other three are a block away in another house.

Det. Warren: Alright. Alright. You give me, you got a picture of her?

*M. Varnell:* Yeah I do.

Det. Warren: Okay.

*M. Varnell:* I just can't scrounge one up that's recent.

Det. Warren: I'll, I'll ya know, I'll figure that out. You give...and I don't wanna call you again.

*M. Varnell:* There's only one woman at this fuckin' house. A guy could check her out with a pair of binoculars when she comes out of the fuckin' place or somethin'. I don't know.

Det. Warren: Uh, yeah, I'll, I'll look at that. Give me that picture and their, the address, both addresses if you want me to do all four and I'll look at things and stuff and, and then what I'll do, I don't know, where do you hang out where I can just like drive, be, be, be there ya know, where ya know, maybe like

*M. Varnell:* I don't.

Det. Warren: I mean I wanna be able to, I don't wanna, I don't wanna see, I don't wanna call anymore. No more calls at your house. No more, no more, no more communication by phone. It's all face.

*M. Varnell:* Well I could contact you on your...

Det. Warren: Alright.

*M. Varnell:* you're claiming that you have a car phone that's not traceable.

Det. Warren: Yeah. Yeah. Yeah, that's, it's, you pay for the phone, you pay for the minutes.

*M. Varnell:* Well I can go to the phone booth and call you then

Det. Warren: Alright.

*M. Varnell:* where I'm the one makin' the contact.

Det. Warren: Alright. You do that. That's fine.

*M. Varnell:* Problem with like I said today I called it twice, one right after another

Det. Warren: I don't know why it didn't work.

*M. Varnell:* to tell ya I was runnin' late and it it's not even, it's not a long distance number is it?

Det. Warren: It might, it might well I have to dial I have to dial one when I call you.

*M. Varnell:* 'kay. Well I dialed it both ways. The 425 and then the number and then 1-425 and then the number and I didn't get through either time.

Det. Warren: Yeah. I've got it. So...

*M. Varnell:* I'm just sayin'.

Det. Warren: Yeah. Yeah. Okay. Um, well you call me but listen if you, if I do this shit and I don't hear from you ya know, I'm not gonna be very fuckin' happy

*M. Varnell:* I wouldn't, I wouldn't be that way.

Det. Warren: and I'm gonna have some friends. Cuz I don't like this shit.

*M. Varnell:* It wouldn't be that way.

Det. Warren: Alright.

*M. Varnell:* Believe me. The last fuckin' thing I want is somebody takin' out my family then they're gonna come take my fuckin' ass out.

Det. Warren: Well,

*M. Varnell:* After they take a finger at a time off.

Det. Warren: I want, I want this clean,

*M. Varnell:* I've got the fuckin' money ya know, and I...

Det. Warren: Okay.

*M. Varnell:* and I want the fuckin' thing clean too.

Det. Warren: Alright.

*M. Varnell:* And I'd preferably would want it to look like a fuckin' accident.

Det. Warren: I can do that. You want an accident, I'll do that.

*M. Varnell:* Like I said you smack em in the back of the fuckin' neck or something, you load em in the car, you seatbelt em down and you drive em into a fuckin' river.

Det. Warren: Okay.

*M. Varnell:* If they ever were found...

Det. Warren: I'd be a long time.

*M. Varnell:* nobody would be able to,

Det. Warren: Yeah.

*M. Varnell:* if they're seat belted in and the windows are left partly open so the fish and shit can get in and the crabs and whatever and feed on em. And I know a place actually unless you do, I know a place where you can drive em right off the fuckin' bank and into a deep fast river.

Det. Warren: Where?



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**M. Varnell:** Snohomish.

**Det. Warren:** In, in, in town or out...

**M. Varnell:** Snohomish River just, just outside of town comin' down stream there's an area, there's nobody there it's a big fuckin' farm area, there's not a fuckin' house anywhere.

**Det. Warren:** Oh yeah, there's lots of cars there, yeah.

**M. Varnell:** You can go right up the fuckin' corner in the bank and right into the fuckin' river and, and you wouldn't even see the fuckin' tire tracks.

**Det. Warren:** Okay. Alright. So I'll make it an accident. I will, if, if I can't get all four

**M. Varnell:** The main thing is gettin' all four of em

**Det. Warren:** I won't get em,

**M. Varnell:** (unintelligible)

**Det. Warren:** I won't get em, if I can't get all four at once or at the same night then I'll wait. Alright? I'll get all four at the same time. I mean the same night. But I want more than fifty. And you gotta give me some money up front cuz it's gonna cost me some expenses.

**M. Varnell:** What do you got for expenses?

**Det. Warren:** Well, I'm gonna need, I'm gonna need another set of wheels. I'm gonna need some other shit.

**M. Varnell:** Well you're not, you don't think you're gonna need any help then huh?

**Det. Warren:** I'm not, I'm not gonna get help. I'm not using help. No fricken way.

**M. Varnell:** Well what I'm saying is, is I don't have a problem workin' with somebody because

**Det. Warren:** You wanna do it with me?

**M. Varnell:** my lips, my lips are fuckin' sealed. Ya know, I have, I have when it comes to my, my point is I can help set it up.

**Det. Warren:** Alright.

**M. Varnell:** I have to be somewhere with the fuckin' witness and the shit goes down.

**Det. Warren:** Yes you do.

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**M. Varnell:** With my boys.

Det. Warren: And, and I've got my own alibi that I gotta take care of too cuz it ain't...if anything ever comes down and you spill the fuckin' start singin' like a songbird...

**M. Varnell:** No, there would never be anything spilled outta me.

Det. Warren: Alright.

**M. Varnell:** I know what my consequences are if I open my fuckin' mouth. I went, I'm doin' this for my kids. Believe me,

Det. Warren: 'kay.

**M. Varnell:** believe me, I know that if it's done right that I can handle the interrogation. I can handle the bullshit and say I don't have a fuckin' clue what you're talkin' about and that's all I got to say. And I'm outta there.

Det. Warren: Yeah.

**M. Varnell:** That's, I mean that's how I would be. I've been in jail a couple times with the shit that she's pulled on me and I just flat told em, I don't have nothin' to say. I'll wait until you tell me I can have my phone call and I'll phone my fuckin' attorney.

Det. Warren: Yeah.

**M. Varnell:** I just got told that I could sue the city of Arlington for their fuckin' illegal search and illegal uh, uh, arrest.

Det. Warren: Okay. Well you give me half of that money plus the fifty. You okay with that?

**M. Varnell:** Half of what money?

Det. Warren: If you're gonna sue the city, half of what you make plus fifty.

**M. Varnell:** I don't know if that's even gonna happen. I just know that my attorney said

Det. Warren: Well?

**M. Varnell:** that, that if it was him he would sue the mother fucker's for what they did to me.

Det. Warren: If, if you do, I mean I'm makin' ya know, it's a big



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**M. Varnell:** You know the way I want things to be right now?

**Det. Warren:** How?

**M. Varnell:** Simplifying.

**Det. Warren:** So do I.

**M. Varnell:** I'd like to get rid of every fuckin' attorney that I, that I know period.

**Det. Warren:** (laughs)

**M. Varnell:** And have my kids. I know I can take wonderful care of my kids

**Det. Warren:** Yeah.

**M. Varnell:** and give em the lives that they want and the freedom that they want.

**Det. Warren:** Um huh.

**M. Varnell:** And she's not givin' that to em. And I am willing to, to sacrifice and pay and hope that I can deal in my mind with the fact that I had their fuckin' mom taken out.

**Det. Warren:** Well, yeah. I'm glad I don't wanna see em. Cuz I don't wanna have that picture in my head so...

**M. Varnell:** Well, and I think I can deal with that. I've thought about it, like I said I've been there literally up the stairs give my kids hugs in the middle of the night in, in their mother's home and, and walked into her room and sit there on the edge of her fuckin' bed lookin' at her tellin' her ya know, I wish you knew what the fuck you're doin' to myself cuz all you're doin' is diggin' yourself a hole by thinkin' that you're gonna fuckin' beat me at this game of keeping my children away from me with absolutely no reason other than to be a completely vindictive bitch for no reason.

**Det. Warren:** Yeah.

**M. Varnell:** She got everything she wanted out of the divorce. All I wanted was to spend time with my kids and be there as a father and she's taken that away from them more than me. And I see them as me when I was a kid when my dad was taken away from me for the same fuckin' reason. My mother was a vindictive bitch and wouldn't let my dad see us without causing a huge



problem for em everytime. He got so upset inside that he walked away and he disappeared for five years out of our lives. When he came back I knew he was my dad but I didn't have the love for him that my kids have for me right now.

Det. Warren: You wanna keep that.

*M. Varnell:* My kids fuckin' love me.

Det. Warren: You need to keep that. Yep.

*M. Varnell:* And they're gonna continue to love me especially if they don't think I had any fuckin' thing to do with their mom and her family disappearing. It was like I said, if they were ever found it looked like they just drove off the goddamn road accidentally and into a river and drowned.

Det. Warren: Okay.

*M. Varnell:* As long as they're just knocked out and they're still fuckin' breathin' they're gonna drown as soon as they hit the fucking water and that's where if something ever did come up it's not gonna look like a fuckin' intention, it's gonna look like an accident.

Det. Warren: Yeah. Well, I dabble in...stuff that'll take care of that. So...

*M. Varnell:* Chemicals?

Det. Warren: Yeah.

*M. Varnell:* Well that's fine too.

Det. Warren: I, that'll be easy.

*M. Varnell:* Traceable or untraceable?

Det. Warren: No fuckin' way. Nope. Out of the body in an hour.

*M. Varnell:* And knock somebody out (unintelligible)

Det. Warren: Outta the body in an hour.

*M. Varnell:* Knock somebody out then (unintelligible)

Det. Warren: Out, no I'll do something (unintelligible)

*M. Varnell:* Injections?

Det. Warren: Yeah, outta the body in an hour. I won't even inject. But I'll take care of that. I don't want you knowing anything about that.

**M. Varnell:** Yeah, well my point is when they're found there can't be any sign of foul play

**Det. Warren:** Huh uh.

**M. Varnell:** or it's all gonna come right back to me.

**Det. Warren:** Nope. There won't be.

**M. Varnell:** That's where it'll go is it'll go to me.

**Det. Warren:** Well yeah, I know. And then from you to me and then...

**M. Varnell:** No. It would never go any farther than me.

**Det. Warren:** 'kay.

**M. Varnell:** But my point is and I'm, I'm a very, very I mean I've been through nine spinal operations, two shoulder operations and four knee operations and I kept the business goin' through all of that except for the last two. I finally said fuck it. This is when the divorce and everything hit. I said fuck it. If I'm gonna go through a divorce and shit I don't need to be runnin' 15 guys and all this iron. I'm gonna shit can this down to a couple guys and one set of equipment and try to get through this shit.

**Det. Warren:** Yeah.

**M. Varnell:** And that's what I've been doin' for the last goin' on comin' up this June it'll be two years that I've been livin' fuckin' hell. I went down from 2, 220 to 185 pounds and then back up, I got my weight back up now, I'm startin' to figure shit out and uh, but I tell ya what she just about put me to the floor emotionally where I was fuckin' cryin' and shit everyday

**Det. Warren:** Yeah.

**M. Varnell:** and stuff like that and ya know, when a guy's goin' through that over the love for his kids and then I realizes and nothing, she's not gonna change. I've done everything I fuckin' can to try to get her to ease up and back off and just realize that you got what you wanted, now give the kids what they want.

**Det. Warren:** Yep.

**M. Varnell:** That's all I'm askin' for from her and she won't fuckin' budge an inch. She actually budges the other direction to make things even worse. Now I'm on a



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six month probation as of this last Monday. I was held in, in uh, contempt for three different counts of little Mickey Mouse nothing bullshit. I violated the parenting plan by not contacting my kids. You wanna know how? I sent em uh, a fax on Christmas says Merry Christmas, love dad.

Det. Warren: (laughs)

**M. Varnell:** On New Year's I sent em a fax saying Happy New Year's, love dad.

Det. Warren: Uh huh.

**M. Varnell:** She takes those into court and I get held in contempt for violating the no contact order in my children

Det. Warren: Uh huh.

**M. Varnell:** out on my residential time.

Det. Warren: No shit?

**M. Varnell:** She claims I called her on the phone one time verbally. All she does is say that I did it she

Det. Warren: And that's enough.

**M. Varnell:** they hold me in contempt for violating a restraining order. And the child support deal got all fucked up too. The court registry system they fucked it up, I didn't have nothing to do with it. We even had all the paperwork showing that it was them that fucked it up, I got held in contempt. And now I'm on six months probation so if I get in any trouble at all in the next six months they can throw me in jail, they can fine me, they can take away more of my parenting rights to right down to where I'm gonna end not seeing my fuckin' kids.

Det. Warren: Hmmm.

**M. Varnell:** This woman is so good at trickery

Det. Warren: Uh huh.

**M. Varnell:** that she's gonna, she'll fuck with me again. I did everything I could to abide by the rules. My attorney said that he didn't see those faxes as being anything

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different than a Christmas card or a Christmas present and it shouldn't be an intentional violation of the parenting plan.

Det. Warren: Right.

*M. Varnell:* But yet they fuckin' found me in contempt of it anyway over those two Mickey Mouse fuckin' items. And their whole plan was to take this time away from me that's comin' up next month. That's her plan and now that I've broke the rules see I can't phase two where I get, there's a phase two where I'm suppose to get that extra time with the kids. I knew she was gonna try to take it away from me and now it's time for me to start taking.

Det. Warren: Okay. Alright. Well,

*M. Varnell:* I've been plannin' and plannin' and plannin' and holdin' off hopin' that she would change and realize okay, you got your money you fuckin' need to chill out now and let the kids live their life. Huh uh. She wants me out of their life. She'd love to see me pack a bag and fuckin' walk.

Det. Warren: Well,

*M. Varnell:* And I'm about that close to it. It's either take care of the problem to where I can stay and be with those kids and help em grow up and have a life they want or, or deal with it and pack the fuckin' bag and get the hell outta town and hopefully when I come back in five years that my kids will know who I'm at, who I am.

Det. Warren: Yeah. Alright. Well,

*M. Varnell:* It's a fucked up deal. If she had her way right now I'd be dead okay.

Det. Warren: Probably huh.

*M. Varnell:* I know that. She uh, if I dropped off the face of the earth right she'd be the happiest woman in the fuckin' world, that's how she's thinkin' right now. She's got no reason to.

Det. Warren: Um huh [that's a yes]

*M. Varnell:* But she's went into this, into this fuckin' mode that her attorney got her goin' in. And now she can't get out of it. Ya know what I mean?

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Det. Warren: Yeah.

*M. Varnell:* She can't stop. She still, she's still not workin'. She's still just blowin' money like it's growin' on fuckin' trees.

Det. Warren: Your money?

*M. Varnell:* Yeah. Money that I was, had to give her from the court and I mean I can't believe that she came out with in her fuckin' pocket and she's just pissin' it away like an idiot thinkin' that there's gonna be more and more and more and more comin' around here and in a couple years she's gonna be broke, then what's she gonna do.

Det. Warren: Yeah. Her folks rich?

*M. Varnell:* No.

Det. Warren: No? Okay. You got pictures of them?

*M. Varnell:* Yeah. I have a I have a big family picture.

Det. Warren: 'kay.

*M. Varnell:* She's got everybody in it. I couldn't find the son of a bitch for some reason. I took it down off the wall and ditched it somewhere.

Det. Warren: 'kay. Well,

*M. Varnell:* It had, I can't stand her, I mean her goddamn mother and her brother got up on the stand and lied through their fuckin' teeth. Their whole family is the biggest liars you ever seen. She manipulated the court system and won because they lied through the whole thing.

Det. Warren: Hmmm.

*M. Varnell:* I tried to get up there and be an honest father and tell the truth ya know, and I got my fuckin' ass

Det. Warren: Stabbed in the back huh?

*M. Varnell:* and everyone beat the shit outta me.

Det. Warren: Yeah.

*M. Varnell:* Beat the livin' shit outta me by being truthful. She's a paralegal, she knew what she had to say and she knew how she had to act.



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Det. Warren: Uh huh.

*M. Varnell:* That's what she did per the game of the law and she kicked my ass big time. Right to the point of taken the kids almost completely out of my life. And it's all I can do to fuckin' deal with it. And knowing how I felt as a kid when my fuckin' dad walked outta my life.

Det. Warren: Yeah.

*M. Varnell:* I don't wanna have to fuckin' feel like I, like I've walked outta the kid's life.

Det. Warren: Um huh.

*M. Varnell:* I hardly get to see em as it is. And it's total bullshit to be excluded from their musical stuff and sports and their schooling. I mean if she don't wanna see me that's fine. I don't want nothin' to do with her either. But she flat ass wants me away from those kids. She wants to fuckin' ruin me ruin my heart by taking those kids away from me and she has no consideration for what she's doing to their heart. Ya know what I mean?

Det. Warren: Um huh.

*M. Varnell:* The kids are very emotional and we're fucking tormenting them and...

Det. Warren: How uh, uh, huh, I can take care of it. Well, you got money for me now?

*M. Varnell:* Well I don't have but I have a little bit of money, yeah.

Det. Warren: Alright. Why don't you give me enough money to pay for dinner.

*M. Varnell:* 'kay.

Det. Warren: Twenty five bucks. And uh, will you give me a call later tonight with some money? I need, I need the addresses. I need to ya know,

*M. Varnell:* I'm gonna have to I'm not sure what their folk's actual address number is and that's why I say I don't know whether some of us or if I oughta be just drivin' by and showin' you

Det. Warren: Okay.

*M. Varnell:* exactly where they live.

Det. Warren: Alright.

*M. Varnell:* Ya know, so that you can take some time and go sneak around

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Det. Warren: Well that's, that's just it

*M. Varnell:* a little bit.

Det. Warren: I mean ya know, if you want me to do this right,

*M. Varnell:* Like I say, I walked right up to the parents house and walked right around the house, checked all the doors, I checked all the fuckin' windows.

Det. Warren: Did you go in their house too?

*M. Varnell:* While they were in the fuckin' house.

Det. Warren: Did you go in their house too?

*M. Varnell:* Yeah, I was in the house just before they bought it.

Det. Warren: Oh.

*M. Varnell:* I went through the whole floor plan of the house before they bought it.

Det. Warren: Okay. Can you draw that up for me?

*M. Varnell:* Yeah.

Det. Warren: Okay. Is it easy to get around and shit or is like (unintelligible)

*M. Varnell:* It's a fuckin' Rambler.

Det. Warren: Oh.

*M. Varnell:* It's one, one level.

Det. Warren: Okay.

*M. Varnell:* Parents house you gotta go up the fuckin' stairs to where she's at, at night.

Det. Warren: Well, I'm...

*M. Varnell:* Karen's gonna be another deal with that alarm system. And I'm not sure whether her parents mighta got set up on the same deal when she did.

Det. Warren: Hmm. Okay.

*M. Varnell:* It's one of those, one of those wireless fuckin' things.

Det. Warren: I can always test it out can't I?

*M. Varnell:* One of those deals that's been goin' around.

Det. Warren: Okay. I'll test it out.

*M. Varnell:* 'bout the best way, the best way to proceed is the way I saw it is just to go right in the fucker's front door during daylight

Det. Warren: Yeah.

**M. Varnell:** when they don't have the alarms on. You're in the fuckin' house, somebody's at the door, they come and answer the door and you barge in and you fuckin' tell em all what the fuck to do and that's the deal.

Det. Warren: Been done before.

**M. Varnell:** (unintelligible) can't remember again anyway so...

Det. Warren: No. (laughs)

**M. Varnell:** why does it matter if you walk right in the door and tell em to file in line to the fuckin' garage and whap em over the head as you load em in the fuckin'...set em all up in the goddamn seats and buckle em in, head for your goddamn launch pad.

Det. Warren: Yep. Yep.

**M. Varnell:** That's the way I saw it.

Det. Warren: Yep.

**M. Varnell:** And I could still do that myself if you think that you don't wanna be part of this. I'm gonna keep workin' in the direction that's makin' things right.

Det. Warren: 'kay. So what do you want me to do? I mean...

**M. Varnell:** Well, I think that the only way this can work right and look like an accident is for me to show you where she lives.

Det. Warren: Okay.

**M. Varnell:** Show you where they live.

Det. Warren: Alright.

**M. Varnell:** For you to be able to go check

Det. Warren: Alright.

**M. Varnell:** out the premises yourself.

Det. Warren: Alright. Don't, don't give me pictures tonight then. I don't need it. If you're gonna show me I mean, just have the shit ready.

**M. Varnell:** 'kay.

Det. Warren: Give me a call later tonight.

*M. Varnell:* Alright.

Det. Warren: You take care of that?

*M. Varnell:* I was gonna, suppose to be runnin' over to Snohomish to spend some time with my mom.

Det. Warren: Okay. Well, tomorrow I mean...

*M. Varnell:* So in other words I'm not gonna be able to find any pictures tonight cuz I'm not goin' back home until later.

Det. Warren: Give me a call tomorrow. Alright?

*M. Varnell:* Alright.

Det. Warren: Until tomorrow but I want, I gotta talk I mean straight up because I don't wanna even, don't even bother callin'. I want, I gotta have sixty.

*M. Varnell:* Well I could probably do sixty but that'd be about the max.

Det. Warren: And you want all four?

*M. Varnell:* That'd be for all four.

Det. Warren: Alright.

*M. Varnell:* On the same deal.

Det. Warren: Alright.

*M. Varnell:* I mean it's all four or nothin'. Four, four is four.

Det. Warren: Four or nothin'.

*M. Varnell:* Four don't mean three, four don't mean one.

Det. Warren: Alright. And then

*M. Varnell:* Four means four.

Det. Warren: when next time we meet I need five at least that you that you could be ready to walk away from if I think that you're gonna turn me, turn me in or anything like that.

*M. Varnell:* It ain't gonna be me. Or if any problem's gonna arise it's gonna be on your end.

Det. Warren: It ain't fuckin' my end.

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*M. Varnell:* I've been committed for a long time okay? You're just somebody to help me  
is all this is.

Det. Warren: Alright. On a buck thanks. Later.

*M. Varnell:* 'kay.

Det. Warren: Alright. Thanks. Be careful.

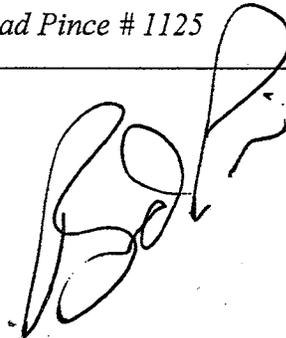
Unk Male: Huh?

Det. Warren: Be careful.

[tapes ends]

*Transcribed on 04/03/02 by L.E. Secretary M. Noland #4116*

*Reviewed and corrected on 12-23-02 by Detective Brad Pince # 1125*



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