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## Parents, educators 'forever changed' as three sentenced in Ferndale child's overdose death

By Denver Pratt, *Bellingham Herald*

All three people arrested in connection with the overdose death of a Ferndale 5-year-old last year have resolved their criminal cases, and will spend the next several years in prison.

Ferndale police responded shortly after 9:15 a.m. on March 8, 2023, to a home in the 2300 block of Douglas Road in Ferndale after 36-year-old Melissa Ann Welch called 911 to report that her 5-year-old daughter was dead.

Police found the girl, Olivia R. Doane, dead in her bed in her bedroom. Due to foam in her mouth, police suspected possible drug overdose or poisoning.

Drug paraphernalia, including a butane lighter and foils, and suspected narcotics were found in multiple locations around the home. The items, which tested positive for fentanyl, methamphetamine and methadone, were found in areas accessible to both the 5-year-old and her 8-year-old sister, according to Whatcom County Superior Court records.

The Whatcom County Medical Examiner's Office ultimately determined the Eagleridge Elementary School student died from acute fentanyl intoxication, and ruled in early May 2023 that her manner of death was undetermined.

"Undetermined" is used as a classification when the information pointing toward a manner of death is no more compelling than any others, such as homicide, accidental or suicide, Deborah Hollis, chief investigator and operations manager with the county medical examiner's office, previously told The Bellingham Herald.

The Whatcom County Prosecuting Attorney's Office charged the girl's parents, Welch, and Michael Wayne Doane, 34, as well as Welch's boyfriend, Cody Curtis Craig, 33, for the child's death.

All three were present at the home the night Olivia died. Her older sister was also present. Ferndale police and Child Protective Services have since relocated the 8-year-old sibling, who is living with other family members, according to court records.

It remains unclear how Olivia came into contact with the fentanyl that killed her, but an autopsy found enough of the drug in her system to kill an adult.

All three people charged have since been sentenced for their respective roles in the 5-year-old's death. While each will serve time in prison, the emotional sentencing hearings for Olivia's parents highlighted the realities and tragedies of drug addiction.

## **Background**

Prosecutors originally charged Welch, Doane and Craig with one count each of first-degree murder April 7, 2023, in Whatcom County Superior Court for their roles in the child's death.

Each were charged under the first-degree murder prong that stated they acted "under circumstances manifesting an extreme indifference to human life." Each of their murder charges included an aggravating factor that stated Welch, Doane and Craig knew or should have known that the child was particularly vulnerable, according to court records.

All three have all been incarcerated in the downtown Whatcom County Jail since their respective arrests in mid-April 2023. Bail was originally set at \$1 million each, but court records show Doane's was reduced to \$500,000 in early June 2023.

Welch and Craig were also charged in separate cases following the 5-year-old's death, in which they were both accused of continuing to sell narcotics five days after the girl's death. Craig was accused of being connected to a large-scale drug trafficker, while Welch was alleged to have been the contact person and provided a location for one of the drug deliveries, The Herald previously reported.

Prosecutors also filed an additional charge July 8 of this year of first-degree manslaughter against Doane, court documents show.



*Melissa Welch, right, makes a first appearance by video Thursday, April 13, 2023, in Whatcom County Superior Court in Bellingham, Wash. With her is criminal defense attorney Ryan Swinburnson. Welch, along with Cody Craig and Michael Doane, were booked into the Whatcom County Jail earlier Thursday on suspicion of first-degree murder in connection with the death of her 5-year-old daughter. The child died March 8, 2023, due to a "very high and fatal amount" of fentanyl in her bloodstream, according to police in Ferndale, Wash.*

## **Welch sentenced**

Welch pleaded guilty July 11 to an amended charge of second-degree manslaughter. Prosecutors agreed to dismiss Welch's drug-trafficking case and lower her charges in her murder case in exchange for her guilty plea in the manslaughter case, court records state.

During an emotional sentencing hearing Thursday, Aug. 22, Whatcom County Prosecuting Attorney Andrew Bogle, who handled the cases, recommended that Welch spend three years, four months in prison.

Bogle explained that the recommendation was agreed between the prosecution and defense, and that it was closer to the lower end of the standard range for Welch's manslaughter charge. This was done in exchange for Welch's cooperation and willingness to testify against Doane at trial, he said.

While it's unclear how Olivia came into contact with the fentanyl the night of her death, both Welch and Doane consumed the drug and brought the substance into the Ferndale home where Olivia lived, Bogle said.

Olivia's school counselor, Leslie Tate, who spoke at both Welch and Doane's sentencing hearings, said it is her job to be an advocate for students and families.

Three weeks prior to Olivia's death, Tate met with Welch during a school conference. Tate said she told Welch both Olivia and her older sister had expressed concerns to her about what had been occurring at home. As a former CPS investigator, Tate said she believed there were things of "great concern" happening in the Douglas Road residence, but that the girls had not shared enough to trigger Tate's mandatory reporting duties.

Tate said she told Welch she was available to help in whatever ways the family needed. It wasn't until the morning of Olivia's death that Welch reached out, when Tate received a call from a firefighter on Welch's behalf requesting that she come to the scene to support the family, Tate said during court Thursday.

"I know that she knew that I was available. I will spend the rest of my life with my life being bisected before she died and after she died, and always feeling like I could have done more. It's hard to know that the rest of my career I will always second guess and doubt every choice I make and every effort that I put into a family that's struggling and a

kid that comes to me with concern, because I'm going to be afraid that I'm going to end up with the same situation," Tate said Thursday.

Olivia's kindergarten teacher, Sam Wood, also spoke at both Welch and Doane's sentencing hearings. Throughout both proceedings and as he addressed the judge, he held a framed photograph of Olivia on her first day of kindergarten.

Olivia was loved by her classmates and had "so much potential," Wood said through tears in court Thursday.

"Today is not about Melissa, it's about Olivia. And she deserves to have the justice that she brought, because she did nothing. She gave love and happiness, and it was gone in an instant," Wood said. "I worry for her sister, because the consequences seem so minimal in my own opinion, and it scares me that one more ... choice could put her sister in the same position."

"I know this could have been prevented, and I will forever be changed and ... second-guessing every time I hear about a potential something in a household," added Wood, who will begin his 22nd year teaching kindergarten in September. "I'm just hurt and want you to know that she was a real person and she will not be forgotten."



*Olivia R. Doane, 5, of Ferndale, shown on her first day of kindergarten at Eagleride Elementary School in during the 2022-2023 school year. Doane died March 8, 2023, from a fentanyl overdose. Three people, including her parents, were sentenced to prison for their roles in the girl's death.*

Welch sobbed throughout the entire proceeding, and could be heard at various points saying "I'm so sorry," and "my baby," while she held her hands in her face or wiped tears from her eyes and cheeks.

Welch's defense attorney, Ryan Swinburnson, said Welch has known from "day one that something tragic has happened."

Swinburnson said Welch has earned herself a life sentence, because her daughter is gone. There's likely an "endless array" of decisions, second-guessing and "what ifs" that Welch will contend with for the rest of her life, he said.

"There's not a single act that Ms. Welch can point to and say 'This is what caused the death of my daughter.' But what she does understand and is taking responsibility for is the series of choices that put her child in harm's way and not protecting (her). As parents, all we can do is protect our children," Swinburnson said. "She is taking responsibility for the fact that she didn't protect her child like she should have."

In a statement to the court and people present, Welch said her daughter's death has been "the most devastating, Earth-shattering, tragically and publicly humiliating thing that can ever happen to somebody. ... She didn't deserve this. This is a nightmare I have to wake up to everyday forever."

Welch apologized to Olivia for not keeping her safe. She said the 5-year-old was smart, funny, creative and had "the biggest heart ever."

Welch explained that her family suffered a series of tragedies, including multiple deaths of immediate family members, that ultimately led to Welch relapsing. She said her drug use was a way for her to escape the pain of losing both her older brother and mother, but that it was where she "absolutely failed" both her daughters. Her relapse into addiction "opened the door to the greatest suffering" of her life, she said.

Welch said if there's one thing she wants people to take away from the publicity of her prosecution, it's her message to other parents struggling with substance use disorder or relapse.

"No matter how careful you are, no matter how well you think you are managing your double life, no matter how clean your house is, how clean your kids are, no missed doctors or dentist appointments, them doing okay in school, none of that matters when you're dealing with fentanyl. None of it. The tiniest morsel or little flake is all it takes and you'll be living my horror," Welch said through tears. "Please get help and face your demons. Put yourself in my shoes. I'll never be done grieving."

Whatcom County Superior Court Judge Evan Jones said Welch was right that it was her job to keep her daughter safe, and that she failed to do so. "That's the accountability you're facing here in court today. But it's not just your accountability. You see how it affected everyone in the community," Jones said. "This court's going to give you a sentence that's an example of that accountability."

Jones then threw out the recommended sentence for Welch proposed by the prosecution and defense and sentenced her to the maximum time allowed by law.

She was given four years in prison, with 1½ years of probation.

"That's the time that's commensurate with the accountability that you deserve for your failure of your daughter in this circumstance and the effect that that's had on the community," Jones said, before encouraging Welch to be an example in the way she responds to her crime and sentence.

At the end of the hearing, Welch looked at both Tate and Wood and through tears, said "Thank you, I'm so sorry. I should have reached out to you guys."

In a statement sent to The Herald, Bogle, the prosecutor said he was surprised by Jones' decision to throw out the agreed recommendation, but said he could appreciate the factors Jones took into account in making Welch's sentence similar to that of Doane's.

"The State's recommendation was for less time due to her cooperation, but at the end of the day it was both parents who put Olivia in jeopardy by bringing fentanyl into a home where children were present. I believe the judge took that shared responsibility and subsequent failure into consideration by imposing the sentence that he did," Bogle said.

Swinburnson, Welch's defense attorney, declined to comment on Jones' ruling, but said that Welch "is deeply remorseful for not protecting her daughter," which he said was shown through her emotion and the statement she read in court.

"Drugs are causing extreme hardships on individuals, families, and society. Ms. Welch's case is an unimaginable tragedy. Losing a child is every parent's worst nightmare, and making decisions that contribute to that loss is a pain that will never subside," Swinburnson said.



*Michael Doane, right, makes a first appearance by video Thursday, April 13, 2023, in Whatcom County Superior Court in Bellingham, Wash. With him is attorney Richard Larson, a public defender with the Whatcom County Public Defender's Office. Doane, Melissa Welch and Cody Craig, were booked into the Whatcom County Jail earlier Thursday on suspicion of first-degree murder in connection with the death of his 5-year-old daughter. The child died March 8, 2023, due to a "very high and fatal amount" of fentanyl in her bloodstream, according to police in Ferndale, Wash.*

## **Doane sentenced**

Doane's murder and manslaughter charges were reduced July 25 to a single count of second-degree manslaughter, which he pleaded guilty to the same day, as part of an agreed plea deal between the prosecuting and defense attorneys.

He was sentenced July 29 to four years in prison, with 1.5 years of probation. As part of his sentence, Doane will not be allowed to consume controlled substances or own or possess weapons or firearms.

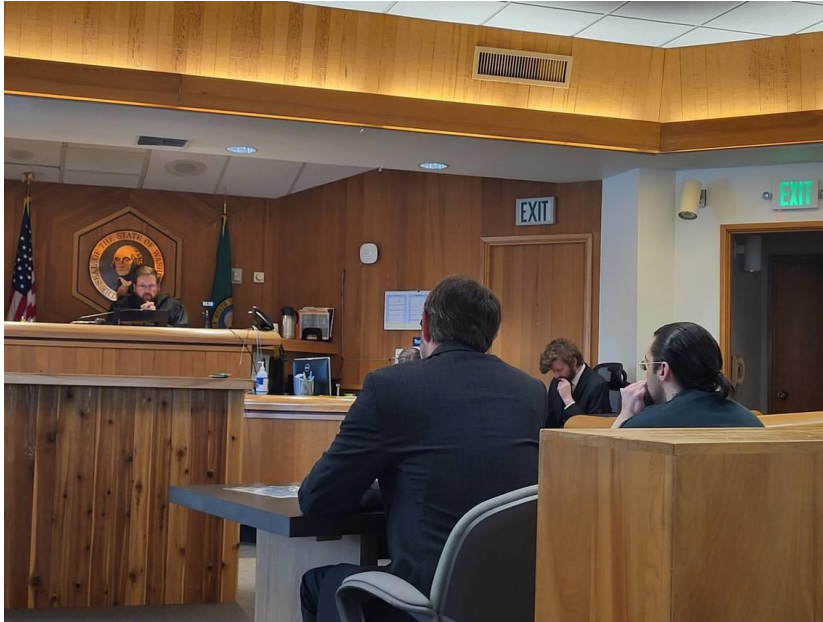
During his sentencing hearing, Doane's defense attorney, Richard Larson, said Doane is not perfect, and that he "has some faults" and struggles with addiction.

"But I want to be clear that he did not disregard his children. They made absolute efforts to shield their children from this use," Larson said. "Olivia should not have died. No one disagrees with that. .... I wish it was different. I wish Olivia was alive. I wish we weren't here and I wish Mr. Doane didn't have to deal with the overwhelming grief that a child's death causes. But we are here. And we are getting closure as best we can, as best as Mr. Doane is going to do."

In his statement to the court which was read aloud on his behalf by Larson, Doane said losing his daughter is the worst thing that's happened to him. He said it was "a horrible accident" caused by Welch. He said he believed it was unfair that Welch's recommended prison sentence was less than his own, and called attention to the fact that his other daughter has lost her sister, mother and father throughout this situation.



"This time is being taken away from her also," Doane said in referring to Olivia's older sister. "The sooner I get back into her life and my life, the better."



*Michael Wayne Doane, 34, of Ferndale, (right) sits silently during his sentencing hearing in Whatcom County Superior Court on July 29, 2024. Doane was sentenced to four years in prison for the March 2023 manslaughter overdose death of his 5-year-old daughter.*

Jones, the judge, told Doane that the decisions Doane made about how he was going to behave and the behavior he allowed in his home is what led to the death of Olivia.

"The law punishes you for that behavior, and it's deserving of punishment. You need to understand that often decisions that people make are bigger than themselves, bigger than how they might affect you, and in particular when you have dependents and vulnerable people that rely on you, and that was your situation," Jones said. "You knew that there was someone that relied on you, and you failed in that regard. And the result of that failure was the death of Olivia."

In an interview with The Herald following Doane's sentencing, Tate, the school counselor, said Olivia's life was worth more than the prison sentence Doane received.

"I understand that the judge was bound by the law but the system is flawed when the consequences for Olivia losing her life due to the selfish needs of her parents is less than the time she spent on Earth," Tate said. "She was a lovely and bright little girl. I wanted ... to make sure that the little girl was not forgotten and that she still matters to those who were impacted by her death."

Wood, Olivia's kindergarten teacher, expressed similar sentiments in carrying on Olivia's memory. She was smart, talented, curious and caring, and an important member of his



classroom community, Wood said in an interview with The Herald following Doane's sentencing.

"She made friends easily. She had an infectious smile. She was curious about the world around her and was an excellent student. She cared about her classmates very much and made the lives of those around her better," Wood said. "Olivia's passing isn't just another fentanyl death statistic. She was a real person with real hopes and dreams, and she was taken too soon."

Wood said he hopes Olivia's death sparks change so that no other teacher, family, or school community has to go through the pain that he and the friends and family of Olivia have endured. While her death hasn't changed any official policies in the school district, he said it has encouraged stronger bonds between teachers and students.

"We ensure, to the best of our abilities, our students are fed, have warm clothes, are in a safe environment, are given the best education possible, and most importantly are loved," Wood said.



*Cody Curtis Craig, 33, appears in Whatcom County Superior Court for a sentencing hearing on Thursday, Aug. 1, 2024. Craig was arrested in connection with the March 8 overdose death of 5-year-old Olivia R. Doane. Craig pleaded guilty to amended charges of two counts of delivery of a controlled substance. The rest of his charges in the case were dismissed, as well as his murder case that involved Doane. He was sentenced to 30 months in prison and 12 months probation.*

### **Craig sentenced**

Craig pleaded guilty Aug. 1 to two counts of delivery of a controlled substance. His charges were amended down as part of an agreed plea deal between the prosecution and defense attorneys.

Craig's murder case was also dismissed the same day, in exchange for his guilty pleas in the drug-trafficking case. Bogle, the prosecutor, said as they were nearing trial, investigators determined Craig was not at the Douglas Road residence as much as previously believed.

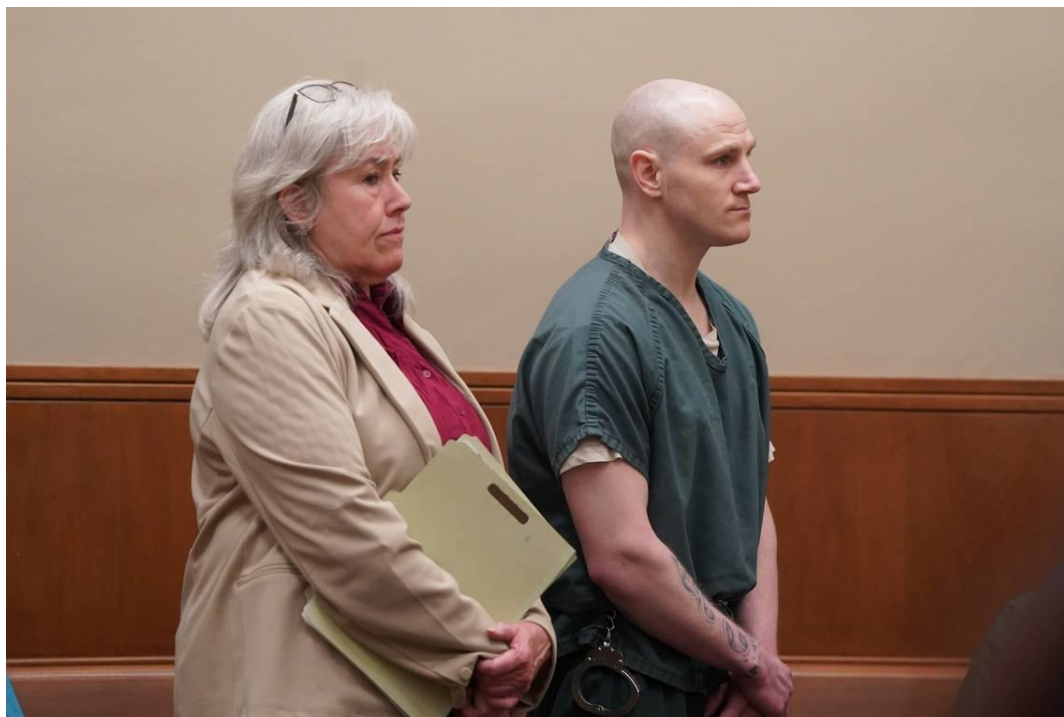
"The alarming thing to the state was that Mr. Craig continued to sell fentanyl after Olivia's demise," Bogle said at the Aug. 1 court hearing.

Craig's defense attorney, Paula Plumer, said Craig has had a "longstanding drug problem."

While Craig has been unable to remain sober in the past, Plumer said he was committed to changing his life. He has resources and has "spent extensive time talking about what needs to change and how to do it," she said at the Aug. 1 hearing.

In addressing the judge, Craig reiterated that he was trying to change his life. He said while he's been incarcerated, he has done educational programs and planned his re-entry following his release from prison.

"I'm just really trying to change my life," Craig said at the hearing.



Cody Curtis

*Craig, 33, appears with his court-appointed public defense attorney Paula Plumer in Whatcom County Superior Court for a sentencing hearing on Thursday, Aug. 1, 2024. Craig was arrested in connection with the March 8, 2023, overdose death of 5-year-old Olivia R. Doane. Craig pleaded guilty to amended charges of two counts of delivery of a controlled substance. The rest of his charges in the case were dismissed, as well as his murder case that involved Doane. He was sentenced to 30 months in prison and 12 months probation.*

Whatcom County Superior Court Judge Lee Grochmal said it was clear Craig could see firsthand the danger of the opioid epidemic.

"This is a really stark example of the dangers associated with the use and sale of opioids," Grochmal said.

Grochmal sentenced Craig to 2.5 years in prison, with one year of probation. As part of his sentence, Craig will not be allowed to possess or consume controlled substances. He will also be required to pay \$172 in restitution to the Whatcom County Prosecuting Attorney's Office drug task force fund, according to court records.

In a statement sent to The Herald following Craig's sentencing, Bogle, the prosecutor, said they determined this was the best resolution in Craig's cases after additional interviews with trial witnesses were conducted, which allowed investigators to learn more about the habits and routines of all three defendants.

"It eventually became apparent that it is unlikely the fentanyl that killed Olivia Doane originated from Cody Craig. Based on the information we learned as the case progressed, it would also (have) been very difficult to prove beyond a reasonable doubt a Murder in the First Degree charge at trial, specifically that Mr. Craig had acted with extreme indifference to all human life," Bogle said in his statement.

Bogle said Craig's decision to continue selling fentanyl within the community in the weeks following Olivia's death "significantly influenced" the prosecution's approach in resolving Craig's criminal cases.

"We believe the imposed sentence appropriately holds him accountable for distributing such a dangerous substance, especially given his direct awareness of its lethal consequences," Bogle said in his statement.