

VICTIM IMPACT STATEMENT

Commonwealth of Pennsylvania vs. Xavier Rodriguez-Colon

Docket #: CP-06-CR-0004799-2007

NAME: Donald Stormer

1. As a result of this crime, were you physically hurt? N/A

2. Did you get medical care?

If so, tell us about the treatment you need(ed), for how long and if it is still continuing.

I am being treated in conjunction with counseling for Depression and Post Traumatic Stress Disorder. I have also been diagnosed with borderline nervous and emotional exhaustion. Termination date unknown at this time.

3. Please tell us about the emotions you felt as a result of this crime.

Heavy anger, insecurity, hopelessness, deep depression, paranoia, loss of my sense of humor. Much of the time I'm emotionally numb, moving from task to task with no motivation or enthusiasm. I'm just going through the motions Surviving and not living. Nothing seems important anymore. This is an emotional roller coaster with no highs. It goes from low to lowest and back with nothing pleasant about it. Every time I/we have to come back here, it takes a psychological wound which is barely tolerable and rips it open again so that I/we must start again and again in the attempt to carry on with our lives. The tsunami of negative feelings and emotions brought on by this event cannot be described with words.

4. Have you received counseling as a result of this crime?

If, so, please tell us the length of time you have been, or will be going to counseling.

I have been in counseling for almost two years; diagnosis is Depression and Post Traumatic Stress Disorder. Currently my counselor has also added emotional and nervous exhaustion to the mix. There is currently no set termination date.

5. Has this crime changed your ability to earn a living?

If so, please tell us about your job and how things have changed.

The answer to this is yes and no.

I work for the Department of Defense and basically help to write the catalog utilized by the Armed forces for supplies and repair parts. Although I can still perform my job, my productivity has been greatly decreased. This crime has cost me promotions as I no longer think fast and/or well "on my feet". As a part-time Sheriff's Deputy, I have been excluded from some assignments which fall within the realm of my primary job responsibilities. As a State of Michigan Limited Licensed Counselor, I have been unable to practice. How can I help others when my own head is not screwed on straight?

6. Has this crime changed your lifestyle or your family's lifestyle?
If so, please describe what being the victim of a crime has meant to you and your family.

Because of the financial burden this act has placed on my wife and me, our lifestyle has become more Spartan. It has eaten up the inheritance left to me by my mother and has totally depleted the funds which were set aside to make our home more handicapped accessible to my wife. We no longer enjoy our lives and basically sit at home most of the time making small talk, if we talk, instead of communicating as we did. Our living children are continually reminding us that they are still alive and push for our attention. Our grandchildren also know that something is wrong and they are treated differently than before, but are too young to comprehend why. Nothing seems to matter anymore.

7. Assuming that the charges against the defendant can be proved, which of the following outcomes more closely reflects your beliefs about an appropriate outcome. Please check all that apply.

_____ Probation Supervision (less than 3 years)

_____ Long term probation (more than 3 years)

_____ County prison sentence (less than 1 year)

_____ State prison sentence (more than 1 year)

XXXXXX

_____ Maximum sentence possible under the law

_____ Community service

XXXXX

Conditions such as drug/alcohol treatment, psychological Counseling, Anger Management

A no contact with victim condition

Restitution

What ever sentence the District Attorney's Office believes Is appropriate based on the law and other similar cases.

No position on sentencing

Other thoughts:

Everything about this case has been about you. You killed a nameless face, not knowing her name until the news broke. I want to tell you something about HER:

When Shawnee was born, she almost immediately contracted Spinal Meningitis and was not expected to live. Obviously she did, but it inhibited her mental and emotional growth by two to three years. She was a happy child and was very loving and giving. When it was time for her to start school, my wife and I agonized as to whether or not to allow her to start school due to her "disability". We decided not to wait, knowing full well that Shawnee would have a hard time. We were just as proud of Shawnee's C's as if she had been a straight A student. Being in the Military, we moved every two to three years. Shawnee always adjusted quickly and almost immediately made many new friends. Shawnee was a Brownie, a Girl Scout and a Cheerleader. She enjoyed nature, music, unicorns and helping people. She graduated from high school and married and had three sons. When the marriage dissolved, Shawnee gave up custody of her boys to their father as she knew that she could not properly provide for them. She stayed in Reading to be close to her sons. My wife and I continually tried to get her to come home, but her response was always that she needed to work through her problems on her own and that she did not want to leave her boys. Shawnee was a dedicated, hard worker. She was a Certified Nurses Aid, but due to transportation problems, she could not hold a position. In 2004, Shawnee graduated from the PACE Program as a Medical Transcriptionist. She worked two jobs in the attempt to support herself and provide some assistance to her boys. When we came to Reading for Shawnee's funeral, we sat afterwards at the reception and for over three hours were approach by people from the neighborhood who told us how much she had helped them when they had problems. Even in her death Shawnee has still helped people. Her Kidneys, Liver, Pancreas and a part of her heart

went to others so that they may live. She was giving even after her end. This is but a small glimpse of the person which you removed from this earth without so much as a thought.

About you. First I want you to know that I feel no sorrow for you at all. You deserve much more than what you are getting from the sentencing. If it was up to me you would be facing the same sentence as your codefendants. You would have never been offered the plea deal.

I listened and watched you through two trials. In all honesty, I do not know whether I believe you or not. Especially since it apparently took over a year for you to reveal the third defendant. Only you know the truth. You responded to a question that you were "smarter than that". Well you may be smart, but you don't think. A smart, thinking person considers the consequences of their actions. Let's see, steal a car – possible capture, court and prison. Underage with a handgun – possible capture, court and prison. Robbery – possible capture, court and prison. Pointing a loaded handgun at a person – purposeful or accidental discharge of the weapon which could injure, maim or kill – possible capture, court and prison. While you are locked up, I hope that you learn to think.

It has been almost two years since you did the deed which shattered our lives, and those of your family and friends, not to mention your own. Your stupid, senseless act has affected more people than you will ever know.

Life is about making choices. Some choices only affect the person who makes them while others, like the one you made, negatively affect others. When I look at you, my vision is colored with anger and rage. I have the impulse to strike out and hurt you badly. It's hard, but I choose not to act on that impulse. My choice keeps you from being hurt and me from being arrested and prosecuted. Your choice not only destroyed my life as I knew it, but places you in a position which may make you uncomfortable for a while, but you will probably become acclimated to prison life. As I have spent the majority of my adult life defending people's right to make choices, your action has proven that the choices which you have made are not the best. I am glad that most people appear to make better choices.

You have brought pain to my family, your family and all of the people that Shawnee helped in her lifetime. Where she attempted to build things up and make them better, you have torn down and destroyed. When you talk to and see your family while you are incarcerated, I hope that you remember that as you visit, I will never see, talk to or be able to touch my daughter again.

When it is all over and you draw your final breath, if you believe in God as I do, I believe that you will face a harsher judgment than that levied by the court here today.

What gives you the right to come here and do what you did? Did you come here for the opportunities, or did you come here for the express reason to just take what you wanted, no matter whom or how much you hurt people.

I have only sketchy information on you, but if you came here for the opportunities, you need to know this. They do exist. However, no one will hand them to you on a silver platter. They must be earned. A person earns them by going to school, learning the language, staying out of trouble and applying themselves to their own betterment. It is incumbent on you to look out for yourself and take the steps necessary to accomplish positive goals. All of the Latino's whom I have known (one of my uncles was Latino), have been law-abiding, industrious, productive persons. Your actions have added to the stereotype of machismo, lawlessness and uncaring acts which currently plague all of the Latino peoples. I have always tried to take a person as a person and not hold any preconceived notions about them. Throughout the trial I observed your interaction with Mr. Kirwan when the jury was, and wasn't present, and I watched you on the stand. I did not prejudge you, entering the courtroom thinking or knowing that you were guilty. Twelve impartial jurors sat there and heard what I heard and saw what I saw. They decided that you were guilty after careful consideration of all of the evidence which was presented. The prosecution proved their case beyond a reasonable doubt.

You violated my daughter in the most vicious of ways. You violated me, my wife, my living daughter, my son, my grandchildren and my great-grandchildren. You violated your parents, relatives and friends. You violated all those that Shawnee helped. You have violated the residents of Reading and all of the citizens of the Commonwealth of Pennsylvania on whom you will be a burden until the end of your days. Yet you still have an opportunity. You have the opportunity to see your family. You still have the opportunity to watch television, taste food and breathe air. You will see the sun shine. Even though you may not have pulled the trigger, you share responsibility for taking away that opportunity, that right from my daughter.

You have been judged here on earth and found guilty. If you believe in God like I do, then you know that there is an even harsher judgment awaiting you in the next world.