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DEFENDANT'S COPY-PINK
STATE'S ATTORNEY'S COPY-WHITE
PEACE OFFICER'S COPY-CANARY

No Carbon Required

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT

CLARK COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

NO. 84-CF-70

FRED GRABBE
DEFENDANT

FILED
NOV 8 1984
Deon V. Burkholder
CIRCUIT CLERK

INFORMATION

The State's Attorney of said County charges:

That on or about July 24, 1981, in Clark

FRED GRABBE committed the offense of

MURDER

in that SAID DEFENDANT, without lawful justification, and with the
intent to kill Charlotte Grabbe, did choke Charlotte Grabbe around
the neck, knowing said act would cause the death of Charlotte
Grabbe, thereby causing the death of Charlotte Grabbe.

in violation of Chapter 38, Section 9-1(a)(1) Paragraph _____, Illinois Revised Statutes.

David L. Lewis
(State's Attorney)

STATE OF ILLINOIS

COUNTY OF CLARK

} ss.

on information & belief

The undersigned, on oath, says that the facts set forth in the
foregoing Information are true in substance and matter of fact.

Michael C. Lewis

SWORN TO before me November 8, 1984

David L. Lewis
(Signature)

Notary Public
(Official Capacity)

C23

Information filed November 8, 1984. Bail set at \$ WITHOUT BAIL

WARRANT OF ARREST order to issue.

[Signature]
Judge *C38*

COPY

IN THE CIRCUIT COURT OF THE Fifth JUDICIAL CIRCUIT
Clark COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

CASE NO. 84-CF-70 & 85-CF-1

VS.

JUDGE Paul C. Komada

Fred B. Grabbe

FILED
Defendant
SEP 13 1985
Doris V. Busby
CIRCUIT CLERK

DATE OF SENTENCE 9/11/85

IJI DCN NO. D 04673611

STATE BUREAU NO. _____

COPY

JUDGMENT AND SENTENCE ORDER
(IMPRISONMENT)

The above named defendant having been found guilty of committing the offense(s) enumerated below:

Count	Name of Offense	Chap.	Par.	Class
_____	<u>Murder</u>	<u>38</u>	<u>9-1 (a) (1)</u>	<u>X</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

and the commission of the offense or the arrest of the defendant having occurred in the municipality or town of Marshall;
(population of ~~more~~ less than 25,000 persons)

and the defendant having been found to be a habitual criminal No;
(Yes or No)

and the defendant having been found guilty but mentally ill No;
(Yes or No)

IT IS THEREFORE ORDERED AND ADJUDGED that the above named defendant is hereby sentenced to imprisonment and fixes the term as follows:

Count	Sentence Term	Sentence Status
_____	<u>Natural lifetime</u>	Counts _____ run concurrently
_____	_____	Counts _____ run consecutively
_____	_____	
_____	_____	
_____	_____	

C375 C436

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ORDER FOLLOWS: (CHECK APPROPRIATE BOXES)

1. That the term of imprisonment ordered herein shall run _____ with the term of imprisonment ordered by (concurrently or consecutively) _____ (specify county, state or federal district court) _____, Case No(s) _____.

2. That defendant: (insert the number of days if credit time applicable)
a) shall be given credit for 129 days jail time; *
b) shall be given credit for _____ days periodic imprisonment time;
c) shall be given credit for _____ days probation or conditional discharge time;
d) shall be given credit for _____ days in custody of Department of Mental Health or other public or private mental health facility;
e) shall be given credit for _____ days in custody of another state.
* If the number of days which the defendant has been in custody and for which he is entitled credit is not available at the time the Judgment and Sentence order is completed, the sheriff shall provide to the clerk this information which shall be attached to the Judgment and Sentence order

3. That defendant shall not be given credit for time while on probation or conditional discharge.

4. That the defendant is committed to the Adult Division of (Adult or Juvenile) the Illinois Department of Corrections for the term herein specified, and the Sheriff of said county shall transport defendant to the nearest reception center designated by the department, and said Department of Corrections is hereby commanded to confine defendant until discharged.

5. That the defendant is committed to the custody of the _____ and when released from confinement whether by parole or by termination of sentence, the defendant shall be transferred by the Sheriff of said county to the Illinois Department of Corrections, and said Department of Corrections is commanded to take and confine defendant to serve the balance of his sentence until discharged.

6. That the defendant pay costs in the amount of \$ as taxed by Clerk.

7. Other Orders: _____

ENTER: Sept. 13, 1985 Paul C. Kovach
JUDGE

The following items accompany the commitment order:

- Pre-sentence Report
- Statement by the State's Attorney
- Statement by the Court
- Statement by Counsel for Defendant
- Medical or Mental Health
- Other as directed by the Court:

C437

ARTB

COPY

Receipt for Prisoner

I certify that I have delivered the body of the within named defendant to the Warden
of the _____ Correctional Center, this _____ day of _____
19 ____ . Time _____.

SHERIFF

By: _____

Deputy

The _____ Correctional Center received the within named prisoner this
day _____.

WARDEN

C438

~~C. 377~~

COPY

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
CLARK COUNTY MARSHALL, ILLINOIS

FILED
SEP 12 1985
Deans V. Burkholder
CIRCUIT CLERK

THE PEOPLE OF THE STATE OF ILLINOIS)
)
 vs)
)
 FRED GRABBE,)
)
 Defendant.)

No. 84-CF-70
85-CF-1

ORDER IMPOSING SENTENCE

This cause came on for sentencing August 28, 1985. After hearing evidence and arguments from the parties, the Court announced sentence would be imposed in writing, to be delivered by mail to the parties.

The Court selected this procedure believing it necessary for the protection of court personnel, defendant, and general public. Evidence was offered at the sentencing hearing that on July 11, 1985, thirteen days after a jury found the defendant guilty of murder and attempt subornation of perjury, an attempt by armed force was made to free defendant from the Clark County Jail. The evidence suggested a former girlfriend of the defendant conspired with several other persons to consummate the jail break. As a result, a jailer was shot and wounded. The Court ruled this evidence lacked sufficient reliability and corroboration to be considered for sentencing purposes. In light of the numerous threats reported to this Court during the pendency of this case, it would be foolish, indeed, to not consider a threat of danger would exist once sentence is imposed.

Persons interested in this case, some supportive and others antagonistic to the defendant, are the source of danger the Court intended to avoid. Strong feelings expressed by these persons might well lead to explosive and violent

369 C430

reaction to the imposition of a sentence. The defendant, being in the custody of the sheriff, is considered no different than any other person so situated; and these matters are categorically excluded from consideration by the Court in sentencing the defendant.

In imposing sentence, the Court has considered the evidence received upon trial, the presentence report and the arguments of counsel as to sentencing alternatives. The evidence in aggravation offered by the People suggesting defendant participated in the jail break attempt is specifically rejected by this Court and not considered in imposing sentence. The defendant declined to avail himself of his right of allocution.

The Court shall first consider whether under Chapter 38, Section 1005-8-1(a) (1), the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty. The evidence was defendant repeatedly strangled Charlotte Grabbe, intermittently easing his grip on her throat, allowing her to gasp for breath, while betting Vickie McCalister that Charlotte would die with her eyes closed. After Charlotte died, defendant abused the body. Holding the head by the hair, he banged the head against a barrel. Defendant then sodomized the body, noting with apparent satisfaction Charlotte dislike such behavior. Using a grease gun, defendant pumped the body cavities full of grease to facilitate burning. He then calmly ate sardines and crackers, washing them down with a glass of milk.

After burning the body in a large barrel, defendant removed the skull. He carefully checked the mouth with his finger to ascertain all teeth that might provide a means of identification were destroyed. After cracking the skull on a tree, he threw the pieces in the Wabash River, saying it would make good fish bait.

~~C370~~ C431

The behavior of defendant according to the testimony of Vickie McCalister is so bizarre and outrageous as to shock the sensibilities of reasonable persons. In fact, the behavior seems more like the plot of a horror movie than what might be expected in real life. The Court finds the defendant's perpetration of this offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty. The defendant is, therefore, found eligible for the extended term penalties or a term of natural life imprisonment.

The Court next considers the factors in mitigation under Section 1005-3-1(a). The Court finds only paragraph (7) regarding the lack of prior criminal activity applies. Defendant's suggestion there were substantial grounds tending to excuse or justify his conduct (paragraph 4) and defendant's conduct was the result of circumstances unlikely to recur are specifically rejected. Since the defendant's conduct covered a period of two days, it went beyond the period of any post-seizure effect. Vickie McCalister's testimony of threats and physical abuse directed toward her by defendant suggests if defendant feels sufficiently threatened, he may repeat his conduct.

Reviewing the factors in aggravation under Section 1005-5-3.2(a), the Court finds paragraph (1), the defendant's conduct caused serious harm, and paragraph (7), the sentence is necessary to deter others from committing the same crime, apply. The remaining statutory factors in aggravation are found not to exist.

The Court next considers the defendant's potential for rehabilitation. Evidence at trial disclosed that prior to the death of Charlotte, defendant planned and conspired to lure her alone to Terre Haute, Indiana. He considered several means of disposing of her remains, including grinding the body and feeding it to hogs. He also contemplated burning the body in an aluminum smelter.

Defendant noted the advantage in stopping her car along the highway, assaulting and shooting Charlotte, to make it appear she was the victim of a rape and robbery, thus eliminating the waiting period for presumption of death and allowing him to immediately inherit from her estate.

While burning the body defendant expressed regret he did not have more time to torture Charlotte before her death; he wanted to have more fun with her, he would have enjoyed hanging her and watching her kick.

Other items in evidence that bear upon the defendant's likelihood for rehabilitation include the threats he directed toward Vickie McCalister, his conviction for attempt subornation of perjury, and calculated cover-up he engaged in following Charlotte's death. The cover-ups included burning the body over two nights, bringing gloves and insect repellent, destroying his and Vickie's clothes after the burning, burning the body where flood waters would wash away all traces of the crime, creating exculpatory stories for Vickie and himself to tell the authorities, and the abandonment of Charlotte's car in Terre Haute to make it appear she had run off.

All these matters make it appear unlikely the defendant will ever become rehabilitated. Further, defendant's behavior immediately following the crime suggests a total absence of remorse or contrition on his part. It is noted that since defendant plead not guilty and persists in that plea, his failure to express remorse at the sentencing hearing is expressly not considered by the Court.

Based upon the evidence reasonable persons may never fathom the depravity that must exist in the soul of Fred Grabbe. This Court is of the opinion it is absolutely necessary for the protection of the public that defendant be sentenced to a term of natural life imprisonment. The absence of prior criminal activity

C433

~~C372~~

by defendant is insufficient to overcome this need. The defendant is, therefore, sentenced to a term of natural life imprisonment.

Mr. Cohen, having assured the Court in open court that a notice of appeal will be filed on behalf of defendant, explanation of defendant's right to appeal may be moot. However, to avoid the suggestion that the Court failed to comply with Supreme Court Rule 605, the defendant is advised:

- (1) He has the right to appeal,
- (2) He has the right to request the Clerk of the Circuit Court of Clark County to prepare and file a notice of appeal,
- (3) He has the right, if indigent, to be furnished without cost to him a transcript of the proceedings at trial and appointed counsel to prosecute his appeal, and
- (4) He can preserve his right to appeal only by filing a notice of appeal in the trial court within thirty days of the date of entry of this sentence.

Mr. Cohen is directed to immediately provide the defendant with a copy of this order.

Entered at Charleston, Illinois, this 11th day of September, 1985.


Circuit Judge

~~C373~~ C434

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STATE'S ATTORNEY'S COPY-WHITE
PEACE OFFICER'S COPY-CANARY

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STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT

CLARK COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

NO. 84-CF-70

FRED GRABBE

DEFENDANT

INFORMATION

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in violation of Chapter 38, Section 9-1(a)(1) Paragraph, Illinois Revised Statutes.

David L. Lewis
(State's Attorney)

STATE OF ILLINOIS

COUNTY OF CLARK

ss.

on information & belief

The undersigned, on oath, says that the facts set forth in the foregoing Information are true in substance and matter of fact.

Michael C. Heun

SWORN TO before me November 8, 19 84

David L. Lewis
(Signature)

Notary Public

(Official Capacity)

Information filed November 8, 19 84 Bail set at \$ WITHOUT BAIL

WARRANT OF ARREST order to issue.

Judge

C39

COPY

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT

CLARK COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

No. 84-CF-70

FRED GRABBE

(Defendant)

WARRANT OF ARREST

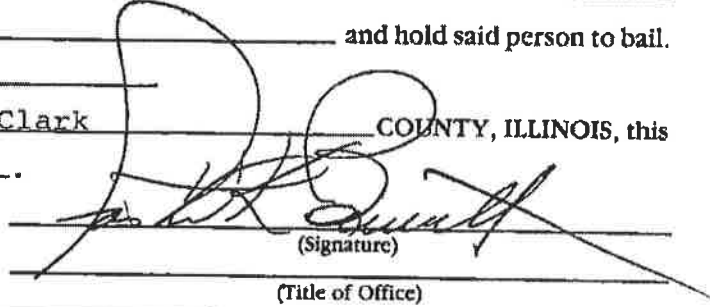
TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

You are hereby commanded to arrest FRED GRABBE
and bring said person without unnecessary delay before The Honorable Caslon K. Bennett
of the Circuit Court of the Fifth Judicial Circuit, Clark
County, in the courtroom usually occupied by him in the Clark County Courthouse in the
City of Marshall, or if he is absent or unable to act, before the nearest or most accessible
court in said County, to answer a charge made against said person for the offense of MURDER
and hold said person to bail.

The amount of bail is \$ WITHOUT BAIL

ISSUED AT Marshall, Clark COUNTY, ILLINOIS, this

8th day of November, 19 84.


(Signature)
(Title of Office)

State of Illinois

County of CLARK

s.s.

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with
the provisions of Paragraph 110-9, Chapter 38, Illinois Revised Statutes, defendant released on bail in
Sum of \$ _____, with security: _____

(Description of Security)

(Surety: FRED GRABBE RR1 MARSHALL
this 9 day of NOVEMBER 19 84, to appear in court on Friday, the
9 day of NOVEMBER, 19 84 at _____ M o'clock, Central _____ Time

FEES: Service and Return \$ 11.00; Mileage (1 mi. @ 80 c) \$ _____; TOTAL: \$ 11.80

24

J.W. Parsley
Deputy Sheriff
(Official Capacity) C40

COURT COPY