

STATEMENT OF R.I. SUPERIOR COURT
ASSOCIATE JUSTICE FRANCIS J. DARIGAN JR.

STATE OF RHODE ISLAND V. DANIEL BIECHELE K1/2003-0653A

This matter had been scheduled today for final pretrial conference. Pretrial conferences are a regular part of the criminal justice system. They are designed to allow each side of a criminal case to discuss their views of the case. The parties discuss what they see as the relative strengths and weaknesses of their respective cases and attempt to ascertain what an appropriate sentence would be, both after trial and at the time of a pretrial plea. In this case, there has been an effort to resolve this matter without the need for a lengthy and costly trial that could be difficult for the families of the victims and the entire Rhode Island community.

The matter had previously been formally conferenced with the court on many prior occasions. The parties did not engage in disposition discussions until after the State provided the Defendant with an extensive response to the Defendant's discovery request and the Court heard and subsequently denied the complex and comprehensive motions to dismiss that the Defendant filed and which both parties extensively briefed and argued before the Court.

During these various Pretrial Conferences, both sides have made tremendous efforts to structure a resolution that meets the ends of justice and will bring some conclusion to the case. As a result, the Defendant, Daniel Biechele, has indicated that he wishes to accept responsibility for his actions leading up to the tragic February 20, 2003 fire at The Station nightclub. The Defendant, through counsel, has indicated that he will enter a plea of guilty to one hundred counts of this indictment. The Court has indicated that in exchange for his plea the Defendant will receive a term to serve which will not exceed 10 years in the ACI. It is important to understand that in engaging in a plea

agreement, both the State and the Defendant have given up substantial rights in foregoing the trial of this case. This agreement on sentencing parameters has been reached in an effort to successfully conclude this aspect of this most sorrowful and tragic case.

Mr. Biechele was originally charged by way of indictment with two hundred counts of involuntary manslaughter, reflecting two counts for each death based on the two independent legal theories of involuntary manslaughter. Although these are independent legal theories under Rhode Island law, they are merely avenues that allow the fact finder to arrive at a verdict on the charge of involuntary manslaughter, a violation of R.I. Gen. Laws § 11-23-3. The Double Jeopardy Clause of the Rhode Island and United States Constitutions mandates that the Defendant only be sentenced to one count of involuntary manslaughter for each death. Accordingly, upon Mr. Biechele's entering a plea of guilty to one hundred counts of misdemeanor manslaughter, the one hundred counts alleging the gross negligence theory of involuntary manslaughter will be dismissed because the Defendant cannot be sentenced twice for the same conduct.

Formal entry of the plea by the Defendant is scheduled to occur before this court one week from today, February 7, 2006, at 3:00 P.M. Mr. Biechele will not be sentenced on February 7th. Rather, the Court will order the preparation of a Pre-sentence Report by the Probation Department. The Pre-sentence Report is an investigation into the Defendant's background and is an effort to provide extensive information about the Defendant, his family history, his work history, any history of involvement in the criminal justice system and information elicited from those families affected by the crimes charged. Additionally, because of the magnitude of this case, the State and Defendant Biechele will each be required to prepare and submit an extensive sentencing

memorandum. These memoranda will assist the Court in determining an appropriate sentence based on the parameters previously discussed. Sentencing will occur some weeks after the entry of the guilty plea and only after the families of the victims have had an opportunity to provide victim impact statements, either through the Probation Department or the Department of the Attorney General, prior to the sentencing date. More information will be provided regarding this process.