

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI
TWENTY-FIRST JUDICIAL CIRCUIT
DIVISION 1
The Honorable Robert S. Cohen Presiding

STATE OF MISSOURI,)
)
) Plaintiff,)
) Cause No.
v.) 14SL-CR1101
)
BRANDON MILBURN,)
)
) Defendant.)

=====

EXCERPTS FROM SENTENCING

on
March 30, 2015

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Twenty-First Judicial Circuit
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1 **EXCERPTS FROM SENTENCING PROCEEDINGS**

2 March 30, 2015

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4 **STATEMENT OF ROGER FAUBEL**

5 THE COURT: Please tell us your name, sir.

6 ROGER FAUBEL: Your Honor, my name is Roger
7 Faubel. I'm here today to speak on behalf of Brandon,
8 but first I would like to say that I agree, these are
9 brave young men. Being a survivor of child abuse, as
10 well, from an adult neighbor when I was a young boy,
11 I know life does go on. It gets better. What happened
12 to us doesn't define who we are. Don't forget that.

13 I'm a Captain with the LA City Fire
14 Department. I've been there 29 years. I also serve as
15 a chaplain with our department. Brandon Milburn came to
16 California and began working with my wife at our church.
17 Similar to the stories you heard here, instantly my wife
18 fell in love with him. She brought him to our home and
19 he became a part of our family, but differently. He had
20 gone through some counseling. He had, I think, grown up
21 and become a different person, which does not minimize
22 what he did prior to that.

23 I have four children, boys and girls
24 different ages. Brandon not only had the opportunity
25 but at times would say, Your children shouldn't be left

1 alone with strangers. He made that a point, to when he
2 was driving or going somewhere with my children, that he
3 didn't want them to be in his vehicle. That we would
4 have to drive them and meet him. Not knowing his past,
5 we had several conversations through our time together,
6 and Brandon and I became very good friends. I think
7 I became a mentor to him, which he probably did not have
8 throughout his life. He talked about things that he did
9 in his past that he was ashamed of and how he hurt
10 people, and would ask me, How do I get past that? We
11 talked about God's grace, and how to forgive, and to
12 seek forgiveness, Your Honor.

13 Brandon, after going through a counseling
14 session here in St. Louis, Missouri or wherever it was
15 prior to coming to California, which is where he was for
16 two years, never did any inappropriate act with
17 children. I assume that the prosecution did their job
18 and looked intently for that, and nothing to be found.
19 He is a totally different individual, Your Honor. He
20 understands what he did. He understands the pain that
21 he has caused the victims and their families.

22 I do believe in the justice system and I do
23 believe there is a punishment deserved for the crimes
24 committed. I do not believe he is a predator. I do not
25 believe he is a deviant and out looking to victimize

1 children. I think there was a time in his life. Why
2 I don't know. How it occurred I don't know. But the
3 man that came to California and lived with our family is
4 not the same individual that was with these families.

5 I love Brandon. My children love Brandon.
6 If Brandon was released today, he would be welcome to
7 come and live in my home. I think he's a changed man.
8 And people do change, Your Honor. I know in your
9 business you have seen the worst of the worst in people.
10 In my career I've seen the worst of the worst in people.
11 But people do change. I think there are those that will
12 not change. They will always be predators, deviants,
13 and they need to be locked up and never see the sunshine
14 again. But truly, in my heart and soul, I would not
15 have come from California and traveled here if I felt
16 that Brandon was anything like that. Again, this is not
17 to minimize what he did and the horrible impact he had
18 on those families and those young men, but I do believe
19 he is a different individual, Your Honor.

20 I do believe he should be punished. There
21 should be a sentence and he should serve that. But
22 I would hope that you would see that there is another
23 side to him other than what the prosecution said,
24 because that's not the individual I know. He had ample
25 opportunity, if he was that type of person still today,

1 to have done the same heinous crimes he did with these
2 other individuals, and he chose not to. He chose to
3 protect children. Without saying what occurred, he
4 said, I should not be alone with your children. He
5 lived with us for many months at a time, several days
6 during the week. He watched my kids when my wife and
7 I would travel.

8 When we heard what had occurred, our church
9 did an in-depth investigation with the children and all
10 the families involved that Brandon had contact with.
11 I had to interrogate my children, but I was not even
12 concerned that there was an issue.

13 I think he's a different individual,
14 Your Honor, and I just hope that you will in your
15 sentencing keep that in mind.

16 I thank you for this opportunity.

17 THE COURT: Thank you for coming up.

18 Mr. Bert?

19 MR. BERT: Yes, Your Honor. We also have
20 Ms. Brazel.

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23 THE COURT: Good afternoon. Please state
24 your name.

25 BARBARA BRAZEL: Yes. Barbara Brazel.

1 THE COURT: Okay, you may proceed.

2 **STATEMENT OF BARBARA BRAZEL**

3 BARBARA BRAZEL: Your Honor, I've known
4 Brandon the entire duration of his time in St. Louis.
5 Early on, in the 2007 to 2009 years at the time of the
6 allegations, he was really just an acquaintance. We
7 were fellow members at the Christian Church. I was on
8 staff at St. Louis Christian College, where he attended.
9 It was approximately three and a half years ago that
10 Brandon became a closer part of mine and my family's
11 life. Since that time, we have maintained contact
12 through phone conversations, messages, and occasional
13 visits by my family to California, and he back with my
14 family in St. Louis.

15 I know and love and have an incredible
16 amount of admiration for the victims and their families,
17 and we've been friends a long time into the past.
18 I, too, want to say that these two young men are some of
19 the best I've ever met. They are top of the line.

20 The reason I'm standing here, though, is not
21 to speak about the Brandon Milburn that I was acquainted
22 with but the man that I know now, the Brandon Milburn
23 that sits before us here today. I want you to please
24 believe me, if I had any doubt that Brandon would harm
25 any young person now or in the future, I would be

1 sitting back there with my friends -- who are so
2 courageous -- because they've gone through a nightmare.
3 I wouldn't be standing on this side to speak for
4 Brandon.

5 Being allowed to walk through life with him
6 in a support role these past few years, though, has
7 allowed me a lot of insight, I believe, into who he is.
8 It was while Brandon was still here in St. Louis, not
9 long before his venture to California, that I remember a
10 conversation we had. He told me that his past had
11 really been messed up. Later, after he was established
12 in California, in another conversation we had he
13 mentioned that he had done some really bad things.
14 Things that he was so ashamed of. I didn't pry into
15 what, but as I look back and think through all the
16 events of this past year, it seemed that Brandon, even
17 at that time, grasped that his actions had been wrong
18 and he was seeking to heal from this really bad and ugly
19 thing.

20 In winter and spring of 2013, Brandon came
21 for a visit immediately following a time of intense
22 personal healing at the Colorado Ranch. It seemed like
23 he had had a metamorphosis from an insecure and not so
24 confident young man into a man with passion, who was so
25 sure who he was and what he was about. Other people

1 here that week who spoke to him also commented on the
2 difference in who he was. He had a renewed drive and
3 direction.

4 It was around that same time that Brandon,
5 when he was no longer ministering at Mission Church,
6 needed to find work somewhere to sustain himself so that
7 he didn't have to come back to St. Louis. He loved
8 California. He landed a job as a barista at Starbucks.
9 I worried about him a lot during that time. I worried
10 that the three-o'clock-in-the-morning long drives to
11 work and the normal wear and tear of life, bills, and
12 payments would suck him under. But I found him to be
13 positive, embracing life, and thankful for the job he
14 had. He would talk about the people that he was able to
15 show care and concern for, and he told me about the
16 lives of those that were around him. It seemed like the
17 change from Colorado had stuck, and he wasn't reverting
18 back. He was looking forward to the future, but really
19 thankful for what he had right now.

20 I would sometimes speak to him after his
21 sessions with a counselor in Santa Barbara and he would
22 talk about breakthroughs he was experiencing. Again, we
23 didn't talk in depth about what kind of issues they
24 were, but he was so excited to be on the road to healing
25 and the road to recovery. Though I didn't know what

1 issues he was dealing with, it was obvious that progress
2 was happening.

3 This year I've had many conversations with
4 Brandon in the jail, on the phone, and in the mail.
5 Throughout this all, three things kept resurfacing.
6 There was sorrow for pain he caused the victims, his
7 family who loves him dearly, and the people that love
8 him. He also looked for ways in jail to help the people
9 that were around him. He saw a lot of needs in his
10 fellow inmates and he was well-respected there. He
11 always asked the question, What can I do to move forward
12 and make a difference in the world?

13 I don't take this stand lightly. It's
14 really painful to be up here. I love all these people
15 in this room. But I fully believe there has been change
16 that has occurred in his life. I believe he is a very
17 different man than the kid of years ago. I think he
18 exhibits security, not fear, patience, not impulse, and
19 wisdom. He gained those really recently. I am hopeful
20 that who he is at present will clearly be seen by the
21 Court, and that it will help him as he navigates his
22 future.

23 Thank you.

24 THE COURT: Thank you, ma'am.

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STATEMENT OF THE COURT

THE COURT: Okay. Now it's time for the Court to speak. I think everybody understands that this is a very difficult situation. It's difficult for everybody.

First of all, I do want to say that I thank everybody for their letters and communications with me. As is my practice -- and I get a lot of communications -- I read everything that's been sent to me. I take it all to heart and I'm very grateful for the different points of view that are expressed. I say that on both sides of this subject.

I am appreciative of everybody who has come in on the victim's side. I know they are sincere and I know it's heart-felt. I know it was hard for people to come in and stand up for Mr. Milburn here. They are obviously sincere, they are good people, and they are speaking from their heart, too.

I say this all the time. It's true today and it's been true in all the time that I've been here. I am not here to pass moral judgment on anybody. I am not any more able to pass moral judgment than anybody in this courtroom. Just because I'm a lawyer and I have a judicial office does not qualify me to pass moral judgment. So I do not pretend to pass moral judgment on

1 anybody.

2 I am a legalist. My job is to follow the
3 law and in this instance to exercise my discretion.
4 I also say all the time -- and it's always true -- we
5 are not in a dictatorship here. Everybody has the right
6 to agree with me or any other judge, or to disagree.
7 There is no offense taken if somebody agrees, and
8 especially if they disagree with me. Everybody is
9 entitled to their opinion.

10 As I'm sure you can imagine, meting out
11 justice is a difficult process because the world looks
12 different depending upon your point of view. Well,
13 that's human nature. That's only natural. I wouldn't
14 expect people on the victims' side to have the point of
15 view of Mr. Milburn's supporters any more than I would
16 expect Mr. Milburn's supporters to have the point of
17 view of others on the victims' side. We all see things
18 from our own point of view, and the world looks
19 different depending upon your point of view. That's
20 just the way it is.

21 Another thing that's important to
22 understand, I think, is that we all know one another in
23 different ways. Listen, I have murder cases here. All
24 manner of human frailty is expressed in this legalistic
25 setting. Mothers and sisters and other relatives and

1 friends of those who have committed terrible, terrible
2 acts don't look at these criminal defendants in the same
3 way as victims would, or as law enforcement would, or as
4 judges would. They are still their sisters, their
5 mothers, their aunts, and their grandmothers. And
6 I wouldn't have it any other way. I would expect
7 mothers and other loved ones to be loyal to the last
8 minute. They know their loved one in a particular way.

9 We all know one another in different ways.
10 That's my point. So for those who can't imagine
11 Mr. Milburn in the way that has been described on the
12 victims' side, I can understand that. They don't know
13 him that way. The folks over on this side of the
14 courtroom know him that way, though, only too well. And
15 many, many times people will say to me, well, I hear all
16 these bad things but I don't know this individual that
17 way and I don't believe that that's really a true
18 picture.

19 The truth is that it's all a part of the
20 picture of who a human being is. We are all what we do.
21 So where I am sitting, I am listening not from the point
22 of view of passing moral judgment, as I say, but looking
23 at behavior. Behavior is what we deal with here, and
24 that's more than enough to deal with.

25 You know, it's all well and good to say --

1 and I'm sure it's heart-felt and sincerely believed --
2 that Mr. Milburn regrets what he did. That was then and
3 this is now. The problem with the sort of behavior that
4 Mr. Milburn has shown is that it's not like other kinds
5 of situations. Even Mr. Bert said that these
6 molestation cases are not like other kinds of cases.

7 Yes, there are situations that we've all
8 seen many, many times of youthful indiscretions, I will
9 call it. Youthful indiscretions. As a kid grows up, he
10 makes bad choices, he is involved with others, he is
11 immature, he is stealing, he is getting into fights and
12 so on, and then he outgrows it. There are lots of
13 examples of that. But they grow up, they mature and
14 they put these youthful indiscretions behind them.

15 What we know about molestation, with all due
16 respect to everybody, is that this is a very, very, very
17 stubborn problem. And that isn't what Judge Cohen says.
18 This is what the psychologists say. This is what the
19 psychiatrists say. This is what the counselors say.
20 The professionals say there is no such thing in this
21 area. There is no feeling like, oh, boy, that was
22 youthful indiscretion, and that was wrong, and I'm
23 ashamed of it, and that was then and this is now. If
24 only that were true. If only that were true.

25 But it's not true. And I will repeat that

1 statement. It's not true. You cannot will it away. It
2 is an aberration that is part of your character
3 development. It takes a lifetime of work and in many,
4 many instances we fail because we cannot get at that
5 which has created this behavior. I have files and files
6 and files and reports that prove this over and over and
7 over and over again. It is the most stubborn problem.

8 We have murderers who are involved in
9 violent confrontations and situations where, after this
10 horrible thing -- and I'm not justifying it at all --
11 but after this horrible thing has been done where maybe
12 they were drunk and they got in a fight and they got a
13 gun and killed somebody, a horrible, despicable act, it
14 is very unlikely that will happen again, and nothing
15 like that had ever happened before.

16 But not with the child molester. Not with
17 the child molester. That is a different category. We
18 send people to prison and they work and work on trying
19 to get at what caused this aberration, and what can be
20 done to reach down into this person to bring it forward.
21 If only it were so, where you could say I'm embarrassed
22 and I'm humiliated by what I have done, but it's over
23 with. No, it doesn't work that way. I wish it did work
24 that way, but it doesn't. And this has all been
25 documented. The social scientists write articles and

1 speak at seminars and write books on this subject. This
2 is Mr. Milburn's life-long issue.

3 We don't know that he is going to do this
4 again, and we don't know that he won't do it again. The
5 jury is out on that. But the likelihood is great that
6 he will. We know that what I will call clergy abuse,
7 using religious authority and orientation, is not an
8 accident. It is not an accident. It's a way to get
9 close to people. This is what the molester does, and
10 this is what the pedophile does. This has all been
11 documented. They write articles on it all the time, and
12 they write books on it.

13 It's no accident that Mr. Milburn chose this
14 activity and then abused his position and abused his
15 authority to gain proximity, respect, and the
16 opportunity to do this. That was not an accident. It
17 happens all the time. If you were in my position, you
18 would see it happening all the time. And if you doubt
19 me, just pick up a newspaper and read it. It's the same
20 in LA, it's the same in St. Louis, and it's the same in
21 New York. It's a pattern.

22 Do I hope that this is the end of it for
23 Mr. Milburn? Of course I do. Of course I do. I don't
24 want there to be any more victims. But one of the great
25 issues of human behavior is what brings people to this

1 point and what has to be done to remove this aberration
2 and this desire? But in the meantime, lives are really
3 hurt. They are really hurt.

4 As this nice man said who came from LA to
5 speak and who shared with us that he was a victim, too,
6 I do believe that life goes on. I believe that it's
7 never the same, but that doesn't mean you can't live a
8 fulfilled life. It doesn't mean you can't have love in
9 your life. It doesn't mean that you can't have normal
10 relationships and a good, satisfying career, as this
11 nice man does. He's an example of this.

12 I've seen this over and over. I have no
13 doubt that this man has had counseling, and had his weak
14 moments, and a bleak view of his life, but he struggled
15 and persisted, as others here have. However you want to
16 see it, whether you believe that it's with God's will or
17 with time, others here will persevere and find a life.
18 I believe that, too.

19 It's not easy. If I only had a pill for
20 everybody, for Mr. Milburn and for the victims. If only
21 we could say take this pill, Mr. Milburn, and you will
22 be cured. It's like penicillin. It's great. The
23 doctors say all you have to do is take this pill and
24 it's done.

25 And if only we could tell the folks over

1 here who have suffered so terribly, take this pill and
2 it won't haunt you any more. It won't trouble you any
3 more. It won't bring dark days to you. It won't bring
4 black thoughts to your soul. Well, it's not like that.
5 It's not like that.

6 How do we measure what has happened against
7 some sort of sentence? In this job, in the final
8 analysis the judge has to do what the judge thinks is
9 right. So I'm coming back to where I was before.
10 People can agree or disagree with me. I'm not God.
11 I am not God. I'm just a man with an important
12 responsibility, doing it as best as I can, with the
13 understanding that anybody has the right to disagree
14 with me. Any judge who is wounded by people disagreeing
15 with them shouldn't be a judge. It goes with the
16 territory. If you want approval all the time, I don't
17 know, do something else. I get letters all the time,
18 and some of them say I'm doing great, some of them say
19 I'm doing terrible. Maybe they are both right at one
20 time or another. Maybe they are. I can't say it's not
21 so.

22 I am very concerned about Mr. Milburn. And
23 I know one thing for sure, his statement that he is
24 ashamed and that he has worked through it and it's over
25 with is not true. It's just not true. It is an illness

1 and the illness is not cured. It's with him.

2 I don't know whether or not he will live
3 long enough to master this demon within him. I don't
4 know. He can say what he wants but he doesn't know,
5 either. None of us in the courtroom know. God willing,
6 it's true that he will find peace and understanding
7 within himself.

8 So far as forgiveness is concerned, it's not
9 for me to say. It's not for me to say whether the
10 victims should find forgiveness or not. It's your life
11 and that's for you to decide. Whatever authority
12 I have, I don't have the authority to tell people what
13 they should think or what they should feel because
14 everybody has the right to think as they wish and to
15 feel as they wish.

16 You all didn't want to hear from
17 Mr. Milburn. I have no criticism of that. None.
18 I think I can begin to understand why you didn't want to
19 hear from him. It's not for me to say that you should
20 have stayed here to listen to him. You have to do what
21 you think is right.

22 This is a serious, serious, serious matter.
23 It's very troubling. It's very concerning. Mr. Bert
24 has pointed out, as a good defense attorney would, that
25 there have been a lot of allegations about other

1 behaviors of Mr. Milburn. What should I believe? What
2 should I believe? They haven't been charged as crimes.
3 They haven't been prosecuted. I don't know.

4 Would I be surprised? Well, I've been
5 sitting on this bench for 40 years. It's hard to
6 surprise me any more. This is the pattern of child
7 molesters and Mr. Milburn is a child molester. So that
8 wouldn't surprise me a bit. It doesn't just happen
9 once. It's what we would call a youthful indiscretion
10 when a kid makes a mistake and does something when he's
11 going through adolescence and experimenting with his
12 body, trying to get through that stage of life, and he
13 does some little thing. Okay. That happens. It may
14 happen to a lot of people. But that's not Mr. Milburn.
15 Mr. Milburn is different than that.

16 So what to say? I'm going to say what
17 I feel I have to say. I am not about trying to please
18 everybody in the courtroom. I don't know, maybe the
19 Biblical King Solomon could please everybody with his
20 wisdom, but I'm not King Solomon. I'm just a judge in
21 the state of Missouri.

22 We have seven counts for Mr. Milburn. The
23 Court is going to sentence him to 25 years in prison on
24 each of the seven counts, the seven counts to run
25 concurrent with one another. 25 years in Missouri

1 Department of Corrections on Counts I, II, III, IV, V,
2 VI, and VII, to run concurrent with one another.

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