

G. Wiese - D

1

DIRECT EXAMINATION

2

BY MR. AMOS:

3

Q Mr. Wiese, how are you this afternoon?

4

A Good.

5

Q So first, I want to talk in part why you are

6

here.

7

MR. AMOS: Your Honor, if I may approach the

8

witness?

9

THE COURT: You may.

10

MR. AMOS: Thank you.

11

BY MR. AMOS:

12

Q Mr. Wiese, I want to put this out there, because

13

in February of 2014, you got caught with a lot of drugs?

14

A Correct.

15

Q Is that correct? How much drugs were you caught

16

with?

17

A It was like two pounds of heroin and about six

18

pounds of meth.

19

Q Okay. Was there cocaine as well?

20

A Yeah, I think about eight or ten ounces.

21

Q Now for folks who aren't familiar with

22

quantities of drugs, is that a significant amount of

23

drugs?

24

A Yes.

25

Q Give us an idea of how much that would be. Can

## G. Wiese - D

1 you show us with your hands or something like that.

2 A Like for how much if we put a package together?

3 Q Yes. How much would it be?

4 A A package is probably that by that. So maybe a  
5 foot by three inches.

6 Q What about the cocaine?

7 A Like half of that cup would be an ounce, so  
8 eight of those in a baggy.

9 Q What about the other drugs?

10 A Probably if you took a sandwich Ziploc baggy and  
11 packed that up, probably half a pound. So two of those  
12 for each one of the pounds.

13 Q It is fair to say those are not user amounts?

14 A No.

15 Q And you were going to deal those drugs?

16 A Yes.

17 Q And make some money?

18 A Yes.

19 Q In fact, you were indicted by a Clackamas County  
20 grand jury on some serious charges?

21 A Yes.

22 Q In the course of that you have pled guilty?

23 A Yes.

24 Q To numerous crimes?

25 A Yes.

G. Wiese - D

1 Q Which crimes have you pled guilty to, Mr. Wiese?

2 A Delivery.

3 Q Okay. That has exposed you to a substantial  
4 amount of time, correct?

5 A Correct.

6 Q To be fair to the jury, we have State's Exhibit  
7 No. 89. On the cover of that, that is called an  
8 indictment, right?

9 A Yes.

10 Q You have seen that before?

11 A Yes.

12 Q And that's what is issued by a Clackamas County  
13 grand jury. There is a foreman of the grand jury. There  
14 is signatures on the back. One of my former colleagues  
15 has signed there as well?

16 A Correct.

17 Q So you were officially charged with all of the  
18 charges?

19 A Correct.

20 MR. SCHMONSEES: Your Honor, if we could avoid  
21 the leading questions.

22 THE COURT: You are leading.

23 MR. AMOS: Fair enough.

24 THE COURT: Okay.

25

G. Wiese - D

1 BY MR. AMOS:

2 Q I want to hand this to you, Mr. Wiese. Read  
3 this to the jury. I want to make sure they understand  
4 everything -- the charges were you charged with.

5 A "Unlawful delivery of methamphetamine, unlawful  
6 possession of methamphetamine" -- keep reading?

7 Q Pardon me?

8 A Keep reading?

9 Q Yes.

10 A "Unlawful delivery of cocaine, unlawful  
11 possession of cocaine, unlawful delivery of heroin" -- I  
12 don't see one that says possession of heroin.

13 Q So after you were charged, it looks like on the  
14 indictment -- read the date of the indictment. What date  
15 would that be?

16 A The 24th day of February, 2014.

17 Q That is on this page for the jury on the  
18 indictment. That is when you were charged, correct?

19 A Correct.

20 Q Up here it talks about another date,  
21 February 18th?

22 A Correct.

23 Q What is that date? Why is that date  
24 significant?

25 A February 18th?

G. Wiese - D

1 Q Yes, sir. Is that the day you were caught with  
2 the drugs?

3 A Yes.

4 Q Are you feeling a little nervous here today?

5 A Yes.

6 Q Fair enough. There are some other factors below  
7 that. We talked about the quantities. That's substantial  
8 quantities?

9 A Correct.

10 Q After you were indicted on February 24th, 2014,  
11 you were facing some serious charges with a lot of prison?

12 A Correct.

13 Q And afterwards you went to the police to offer  
14 some information to them; is that correct?

15 A Correct.

16 Q And there were two what they call "proffers" --  
17 we have heard that word -- with the task force. We have  
18 heard about your drug dealing, correct?

19 A Correct.

20 Q Pursuant to your agreement to talk to them, you  
21 ended up pleading guilty to which charges again?

22 A The delivery of methamphetamine, heroin, and  
23 cocaine.

24 Q Okay. So we're looking at State's Exhibit  
25 No. 89. Just to make sure the jury can read this

G. Wiese - D

1 correctly, petition to enter plea of guilty. That's where  
2 you agree you are going to enter a plea of guilty to those  
3 charges, correct?

4 A Correct.

5 Q And you actually went to court. In open court  
6 you sat at one of those tables, and you admitted to doing  
7 what you did on February 18th, 2014?

8 A Correct.

9 Q Okay. And you have yet to be sentenced on those  
10 charges, correct?

11 A Correct.

12 Q Is there any definitive sentence you are going  
13 to get?

14 A No.

15 Q You don't know what is going to happen  
16 necessarily?

17 A No.

18 Q But there was an agreement between you and the  
19 state, meaning my office and law enforcement?

20 A Correct.

21 Q They call it a cooperation agreement?

22 A Correct.

23 Q So I'm handing you what has essentially looks  
24 like a letter dated October 1st, 2014. Do you recognize  
25 that?

G. Wiese - D

1 A Yes.

2 Q And what is that?

3 A That's a letter saying that I'm going to  
4 cooperate and testify on my dealings.

5 Q Testify truthfully about what was going on?

6 A Yes.

7 Q Now, on the back of that cooperation agreement,  
8 there are three signatures. Is one of those signatures  
9 your signature?

10 A Correct. The one on the top.

11 Q The one on the top. The one below it is your  
12 attorney?

13 A Yes.

14 Q The one below that would be the deputy district  
15 attorney?

16 A Yes.

17 Q That would not be myself. That would be  
18 somebody else, correct?

19 A Correct.

20 MR. AMOS: Your Honor, may I publish this to the  
21 jury, please?

22 THE COURT: You may.

23 BY MR. AMOS:

24 Q Mr. Wiese, we are talking about these proffers.  
25 There was how many proffers in total?

G. Wiese - D

1 A For the drug charges?

2 Q Yes.

3 A There were six.

4 Q There were six. Officially how many were there  
5 with the DA's office and some other folks as well? Were  
6 there two?

7 A Two. I'm sorry. I thought you were asking  
8 about the delivery and possession. So, yeah, two.

9 Q Then there was a third one; is that right?

10 A I don't remember the third one.

11 Q September 5th, 2014, with a very tall detective?

12 A Oh, that's correct.

13 Q And in that one you asked about something  
14 different?

15 A Correct.

16 Q And in that one what did you talk about?

17 A I talked about another crime that involved a  
18 home burglary.

19 Q And was that the one that occurred October 1st,  
20 2011?

21 A Yes.

22 Q Mr. Wiese, did you commit that home invasion  
23 robbery?

24 A I was a party in that.

25 Q Okay. So you were a part of a commission of



G. Wiese - D

1 those crimes on that day?

2 A Correct.

3 Q Who else was with you?

4 A Floyd Marsh.

5 Q Do you see Mr. Marsh sitting in the courtroom  
6 this afternoon?

7 A Yes.

8 Q Can you identify for the jury where he is  
9 sitting and what he is wearing?

10 A Sitting at the defendant's table with the  
11 mike -- earphones and a suit.

12 MR. AMOS: The record will reflect he has  
13 identified the defendant, Mr. Marsh?

14 THE COURT: It will.

15 BY MR. AMOS:

16 Q Why don't we go back to how you first got to  
17 know Mr. Marsh, Mr. Wiese. Tell the jury how you first  
18 met Mr. Marsh.

19 A I met him when I was approximately 20 years old.  
20 We trained at a martial arts studio together, and that's  
21 when I originally met him.

22 Q Do you know what year that would have been  
23 approximately?

24 A About 28 or 29 years ago. So '87 or '88.

25 Q And how old was Mr. Marsh approximately, the

G. Wiese - D

1 defendant, when you first met him in karate class?

2 A Approximately 30 years old.

3 Q Was his wife, Julie Marsh, was she part of that  
4 karate class?

5 A Yes.

6 Q Did you immediately become friends with  
7 Mr. Marsh?

8 A No, not immediately. Immediately we about got  
9 into a fist fight.

10 Q Eventually you became friends with him, it  
11 sounds like?

12 A Yeah. Very soon after that.

13 Q Did you continue a friendship throughout the  
14 years with Floyd Marsh?

15 A Yes.

16 Q Was it a close friendship or were you  
17 acquaintances?

18 A No. We were really good friends. We had a lot  
19 of mutual friends.

20 Q Moving forward in time, Mr. Wiese, probably  
21 around, I guess, 2003, 2004, 2005, I'll let you clarify  
22 the details. What were you doing around that period of  
23 time?

24 A Well, I was running -- I owned a karate school,  
25 so I was working that and working some construction on the

G. Wiese - D

1 side.

2 Q Where was the karate school that you owned?

3 A Vancouver, Washington.

4 Q And you were the sole owner of that karate  
5 school?

6 A Yes.

7 Q How long had you owned that school before, say,  
8 2003?

9 A It was -- I managed the school. That was part  
10 of the school that Floyd and I went together. I bought it  
11 from the owner, and I owned it myself for about six years.

12 Q You mentioned you owned this karate dojo, but  
13 you were also doing construction on the side?

14 A Uh-huh.

15 Q What does that mean? Were you doing it just by  
16 yourself? Odd jobs?

17 A I worked off and on in the carpenter's union.

18 Q How long have you been a carpenter?

19 A Since I was a teenager.

20 Q At some point over the years -- Mr. Marsh was a  
21 police detective and patrol deputy, correct?

22 A Correct.

23 Q He worked for the Sheriff's Office?

24 A Correct.

25 Q At some point did he take on a second job? Did

G. Wiese - D

1 he start doing construction?

2 A Yeah. He was doing small remodeling and  
3 installing septic tanks and things like that.

4 Q Do you recall when it was that he started that  
5 business?

6 A I don't know the exact date. I think he had  
7 been doing it for a couple of years before he asked me to  
8 work with him.

9 Q What was the name of that business?

10 A Silvergate Construction.

11 Q And when did he ask you to come work for him?

12 A I can't remember the exact year, but it was  
13 about -- about two to two and a half years before the date  
14 of the crime.

15 Q Okay. Now how did that come about? Is that  
16 something you guys talked about for a while, that you had  
17 worked for him, or was it more of a spontaneous decision?

18 A It was spur of the moment. He was in the middle  
19 of a project that had been dragging on. The people that  
20 he had working on it couldn't figure out what they were  
21 doing, so he asked if I could come take a look at it. So  
22 I went and took a look at it and helped him out to get it  
23 back on track and get the job finished.

24 Then at that point -- it was soon after that  
25 that he asked if I would partner up with him and kind of

G. Wiese - D

1 take charge of the field operations, and I could work for  
2 him and he'd give me a profit sharing, and so there was  
3 some incentive to do the work.

4 Q How big was his construction company at that  
5 point?

6 A At that point he just had sometimes his son, and  
7 there were like four other people working with him.

8 Q So it sounds like he made you a really good  
9 offer and you accepted it?

10 A Yeah. It was a good thing -- I had a lot of  
11 experience with that. So to build the company was a good  
12 opportunity to go in there, especially with the profit  
13 sharing and wage and that.

14 Q What happened to the karate dojo?

15 A I was still working with that, because that was  
16 part of what I told him is that I didn't want to give that  
17 up. So I was running that at night and working during the  
18 day with him. But soon, I had to shut it down because we  
19 had some contracts in Seattle, and I just couldn't be at  
20 both places at once. The karate school was suffering, so  
21 I shut it down.

22 Q And when was that? What year was it that you  
23 shut the karate dojo?

24 A That was approximately the first year of working  
25 with Floyd.

G. Wiese - D

1 Q When would that have been?

2 A I can't remember the exact date or the year.

3 Q Okay. Fair enough. When you officially went to  
4 work for him full-time, were you guys busy when you sold  
5 the dojo and went to work for him full-time?

6 A Well, it didn't start out that way. We had some  
7 smaller jobs going on, but it soon started picking up  
8 because Floyd was able to have his time freed up to go and  
9 solicit more work, and because I was in the field handling  
10 it, he was able to market it better. So we started  
11 getting more and more jobs, and we got connected with a  
12 couple bigger construction companies, and that's where the  
13 work from Seattle came from.

14 Q Over the years, you have been friends with  
15 Mr. Marsh, but now you were not only good friends with  
16 him, working with him almost every day with his business,  
17 and you guys became closer. Is that fair to say?

18 A Correct.

19 Q Now, at some point while you're working for him  
20 full-time and doing this profit sharing, did you learn  
21 that the business was starting to struggle?

22 A That was after about -- shortly after the first  
23 year. It seemed like things were really moving forward;  
24 that they should have been doing good. Then he came and  
25 told me that they weren't; that they were in pretty severe

G. Wiese - D

1 financial problems. And I didn't really understand why.

2 Q Do you remember where you were when you had that  
3 first conversation with the defendant, Mr. Marsh,  
4 financial situation?

5 A I believe we were loading equipment/stuff at the  
6 shop where Julie Marsh lives.

7 Q Did he bring it up out of the blue or how did  
8 the conversation begin?

9 A It was kind of saying that he had something to  
10 talk to me about; that there were problems as far as  
11 getting money to finish out some of the projects and that.  
12 But he said not to worry; that he had a solution that was  
13 actually going to work really well for us and give us a  
14 lot of opportunity, so I wanted to hear about it. And  
15 after talking with him about it, I felt really encouraged  
16 thinking about the business being able to move forward and  
17 be successful.

18 Q So you mentioned a few minutes ago that when he  
19 first told you, you were surprised. Why were you  
20 surprised the business was struggling?

21 A Because I know that -- I helped put together the  
22 bids on the project, and because I was the one hands-on  
23 working the project. I knew that there was profit being  
24 made on some of the jobs. Maybe not a lot, but there was  
25 profit. Other jobs were significant profit.

G. Wiese - D

1 Q So obviously when he tells you this, and you  
2 knowing what you just told us, did you ask him about that,  
3 like, "Hey, how could this be happening," or something of  
4 that nature?

5 A Yeah. He had off-and-on problems going on with  
6 his girlfriend at the time, and he told me that she had  
7 been misdirecting money, taking money out.

8 Q Who was his girlfriend at the time?

9 A I did.

10 Q Did he tell you any more about what she had been  
11 doing or what specifically was going on with the finances?

12 A He said he wasn't even really sure. He was  
13 saying that the money wasn't there. He couldn't account  
14 for it. He was going to have to get an accountant to go  
15 through the books and find out where everything went.

16 Q After this initial meeting, so to speak, when he  
17 shares this issue with you, do you guys continue to talk  
18 about it afterwards?

19 A Yeah. We had a more formal sit-down talk.  
20 That's when he was telling me his plan to be able to  
21 inject money into the business to be able to take on  
22 bigger projects and move forward.

23 Q In the context of telling you his plan to move  
24 forward, did he disclose any more details about the  
25 specific financial condition of the business, how bad it



G. Wiese - D

1 really was?

2 A Just that there was no money. Everything he had  
3 in it was gone. So that was just the first start of  
4 things, just that the money wasn't there. Jobs weren't  
5 going to be able to be completed, and basically all the  
6 money that we had invested in from the profit was also  
7 gone. It was basically that the company was going to be  
8 bankrupt.

9 Q How did you feel when he basically told you all  
10 of that?

11 A Angry, because we worked hard at it, both of us,  
12 and it was basically taken away.

13 Q Did he give you any other explanations other  
14 than the one he had given you before about Ms. Loop?

15 A That's the only one I ever got; that she was --  
16 she was brought in as the office manager, so she was, you  
17 know, writing the contracts, taking care of the  
18 accounting, payroll, that type of stuff.

19 Q So as time went on, did you continue to work  
20 jobs and try to do what you could for the company?

21 A Yeah. It was the same thing, just trying to get  
22 things finished out. Basically it was starting over at  
23 square one again. He was able to start working the plan  
24 that he was talking about, so there was money that was  
25 infused into the company and everything was back on track

G. Wiese - D

1 and moving forward again and looking real good. We were  
2 able to hire other crews. He was able to buy property,  
3 and we started building houses.

4 Q When approximately would that have been when the  
5 business essentially kinds of rebounds and you guys start  
6 to grow? Do you recall?

7 A It was almost right away. He was able to use  
8 that money.

9 Q Do you know the approximate year when that  
10 occurred?

11 A A year to 14 months after I started working for  
12 him.

13 Q So how did you feel at that point?

14 A I felt excited again that it was going to get  
15 going. I expressed my concerns continually about Connie  
16 being involved in it. But he assured me that it wasn't  
17 going to be a problem; that everything was fine; that we  
18 would start moving forward again. So I was excited about  
19 moving forward again. I was excited about getting that  
20 going, because I was looking at that as a retirement.

21 Q Did you have any other savings or any other  
22 money in the bank or any other investments besides what  
23 you were getting from this construction company?

24 A No. At that point, like I said, it was that  
25 first year that I worked that part of our contracts were

G. Wiese - D

1 in Seattle. We had people working up there that were  
2 messing up the jobs. So basically it required that I go  
3 up there and work. I couldn't stay down here doing jobs  
4 down here. So that's when I went up there. That's when I  
5 closed the school. So at this point my sole income was  
6 Silvergate Construction.

7 Q Were you getting paid on like a monthly basis  
8 from the company or how did that work?

9 A We got paid, I believe, every two weeks.

10 Q So things appear to be rebounding. You appear  
11 to be moving forward. Is there another time in the future  
12 after that that there is some additional concern about the  
13 business?

14 A It didn't go to like a concern. It went to pure  
15 panic mode. He had overtaken a house that we were working  
16 on where the investors that were having the house built,  
17 they ran into financial difficulty. So Floyd took it  
18 over. He had purchased some other lots that we were going  
19 to build houses on. He had a house built that they were  
20 living in.

21 Then all of a sudden work stopped. It was  
22 basically done. He said that the money was gone, and it  
23 was large sums of money. It was the money he got with his  
24 retirement from the Sheriff's Office

25 Q So did he tell you that he had used any of that

G. Wiese - D

1 money for the construction company?

2 A Yeah. The plan was -- he had another  
3 corporation set up that was handling that money to be able  
4 to be used in the construction, and he said that it was --  
5 basically he was supposed to be getting like monthly  
6 payments or something from the pension, but he said he was  
7 able to cash it out as long as he did it this certain way.  
8 I don't know the particulars of how that works, but what  
9 he did, he was able to cash out the whole thing.

10 Q And put that back in the construction business?

11 A Yeah. He bought some lots with it. He put it  
12 in to fund some projects. The rest was just -- it was in  
13 an account to use if it needed to be used.

14 Q You mentioned. Let me make sure it is clear to  
15 us. You had been working there about 14 months when the  
16 first financial crisis came to light, and it rebounded.  
17 Did it rebound because of the investment that you were  
18 talking about where Mr. Marsh cashed in his retirement and  
19 invested it back in the company?

20 A Yeah. That was able get things moving again, to  
21 start projects, and he was able to buy the lots, have  
22 houses that we could build.

23 Q And then how long after that 14-month period was  
24 it that the panic mode came to light?

25 A Within that next year. So it was like two --

G. Wiese - D

1 slightly over two years. It was another year's worth of  
2 time.

3 Q So within two years of you leaving, doing your  
4 diligent working with Mr. Marsh, it was in panic mode?

5 A Correct.

6 Q Do you remember specifically where you were when  
7 you had that conversation with him when you basically said  
8 it was gone and there was no more work?

9 A I believe we were at his house in Creswell.

10 Q And who did he live at that house with?

11 A I did.

12 Q And do you remember approximately a time  
13 frame -- I know it is hard to say for sure -- but maybe  
14 the year that you had that conversation with Mr. Marsh?

15 A Probably 2012 -- '13, 2012.

16 Q I'll give you a time frame. The event that you  
17 mentioned that you participated in that we are at trial  
18 here in this case occurred on October 1st, 2011?

19 A Okay. So it would have been -- sorry. I'm  
20 trying to keep days -- it would have been two years before  
21 that. So 2009 -- so 2008 or 2009.

22 Q So what do you feel? What's going on in your  
23 head when he tells you he is in panic mode; it is all  
24 gone; there is no money; there is no work?

25 A Devastated. But the other part was he was

G. Wiese - D

1 looking into it. He was being audited by the IRS, and he  
2 had a firm belief that he was going to be going to prison  
3 for tax evasion and the embezzlement. I said, "Well, it  
4 is Connie who did it." He said, "Well, no one is going to  
5 believe that I had no idea that it was going on."

6 Q What was his demeanor like when he was telling  
7 you?

8 A He was shaken up, really nervous.

9 Q So did you -- how did you respond to him when he  
10 tells you all of that?

11 A "What are you going to do? What can you do?"  
12 He said he was going to get a lawyer, look into it with  
13 Connie, and see what he can recoup. It wasn't that he  
14 wanted to abandon the business. We were able to get a  
15 couple of jobs that we didn't have to fund money into,  
16 while he was trying to figure out what was going on, to at  
17 least have some money to pay rent and eat.

18 Q Did things after that start to get better?

19 A No.

20 Q Was it getting worse?

21 A Yes. It was getting worse.

22 Q How was it getting worse?

23 A Well, the pressure was coming on. He kept  
24 bringing up being audited and that there was going to be a  
25 trial for the money from the retirement from the

G. Wiese - D

1 Sheriff's Office. So he said there would be criminal  
2 charges that were going along with that. So he was  
3 stressed out over it.

4 Q Was there any more money coming into the  
5 business at all?

6 A No. Other than just little tiny small jobs we  
7 do off and on. They basically paid a bill.

8 Q At that point were you basically living bill to  
9 bill, paycheck to paycheck?

10 A I was, yes.

11 Q So moving forward in time to about 2011, a few  
12 months along or before this incident that happened that we  
13 are here about, were there conversations about doing what  
14 happened at Gage Road in Wilsonville? When did those  
15 first conversations occur?

16 A The first time the conversation came up was kind  
17 of when we were first doing the -- starting the  
18 construction business. He was telling me about how he met  
19 with Connie, how they initially started getting together,  
20 and that she was involved in another relationship; that  
21 she supposedly was the brains of this operation and made  
22 all this huge money, and then the guy kicked her out and  
23 kept the money. She knew that the money was in a hidden  
24 place in the house --

25 MR. SCHMONSEES: Judge, we have got a couple of

G. Wiese - D

1 layers of hearsay here, so I'm going to object.

2 THE COURT: Okay. Sustained.

3 MR. AMOS: Your Honor, it goes to the  
4 defendant's state of mind. These are statements that the  
5 defendant is making about his concerns and what is going  
6 on.

7 THE COURT: That's not exactly clear to me. You  
8 can clear that up though with another question though,  
9 Counsel.

10 MR. AMOS: Okay.

11 BY MR. AMOS:

12 Q So let me back up, I guess, for a second,  
13 Mr. Wiese. You mentioned a few minutes ago Connie Loop  
14 and this guy that she was with. Did you later learn the  
15 name of that individual?

16 A Arnold. I think the last name is pronounced  
17 Kachlik.

18 Q Okay. So that was the person that she had been  
19 with that -- I don't want to put words in your mouth, but  
20 to be specific, that Mr. Marsh was upset about when he was  
21 telling you about these things?

22 A Yes. That was her ex-boyfriend, I guess you  
23 call him -- business partner/boyfriend. Yeah, Floyd and  
24 him had extreme problems with each other.

25 Q We will go into the conversation a little bit



G. Wiese - D

1 more. But these conversations started right when you  
2 began to work for Mr. Marsh?

3 A Yeah. It was just kind of the subject that came  
4 up, talking how he met Connie. So he was telling me how  
5 he went. He was doing an investigation against Arnold.  
6 So he was just telling me that the process of how they  
7 met.

8 Q So were there numerous conversations over the  
9 two years that you were working for him before this  
10 construction company went under? Was there more than one  
11 conversation that you had with him about Mr. Kachlik?

12 A It would come up in the beginning every once in  
13 a while because Connie would still be over there to drop  
14 her son off, see Arnold. They would go out to lunch, this  
15 and that, and that would send Floyd into orbit. He would  
16 be mad. It wasn't like a daily thing, but every once in a  
17 while it would come up.

18 Q And you were talking a few minutes before about  
19 you would talk about a fact that, in his opinion,  
20 Mr. Kachlik owed Connie Loop some money. Is that what you  
21 were referring to before?

22 A Yeah. He said that Arnold stiffed Connie out of  
23 a bunch of money. That is what he told me.

24 Q How many times would he bring that up, the fact  
25 that he thought Arnold Kachlik owed Connie Loop money? Do

G. Wiese - D

1 you have any idea during the course of those years?

2 A Five or six times.

3 Q You mentioned before, I guess when Connie Loop  
4 would go up and pick up Erik, that would set him off?

5 A Yeah, because he didn't like Connie being around  
6 him. Connie would be real flirty with him. Connie, even  
7 though she still wasn't with him, had a thing for him and  
8 thought that he was a brilliant businessman and talked him  
9 up, and Floyd hated it.

10 Q During these conversations did Floyd Marsh ever  
11 express an idea to you about potentially getting the  
12 money?

13 A He talked about it before, you know, when the  
14 subject was first coming up that it was -- he was asked to  
15 go and get the money. At first it was like kind of, you  
16 know, a conversation, almost something like out of a  
17 movie. You didn't think anything would happen or come  
18 with it. Somebody makes you mad, and you think you are  
19 going to pay them back by taking what they got. They took  
20 something from you; you are going to take something from  
21 them. Even though you talk about it, it never really  
22 happens. That's what I took it as.

23 Q How many times did you talk about it?

24 A Just like I said, at the beginning, when it  
25 would just come up, it was like five or six times. Then

G. Wiese - D

1 as things were getting bad, the subject came up a little  
2 bit more. But it came up more after the time that Connie  
3 went and had an affair with him, and Floyd was enraged  
4 over it. At that point he wanted to take it because he  
5 felt that was going to be a way to hurt Arnold.

6 Q And take what? Did he say specifically what he  
7 wanted to take?

8 A He wanted to take his money. He knew there was  
9 either -- they called it a hidey hole. But it was just a  
10 built in hidden spot in the floor somewhere, or it could  
11 have been a floor safe. He wasn't sure about that part.

12 Q Did he tell you where he learned this  
13 information?

14 A He told me that he learned it from Connie when  
15 she asked him to go get it.

16 Q And do you recall when it was that he expressed  
17 to you that Connie had an affair with Arnold Kachlik?

18 A It was, I believe, about six months before.

19 Q Six months before this incident?

20 A Yes.

21 Q At some point did the plan become more serious?

22 A Yeah. Just due to the real extreme money  
23 issues, Connie had -- the house they were living in was  
24 owned outright, I guess, by the investment company that he  
25 used the retirement funds. So there was a property and a

G. Wiese - D

1 house that was built, and he was living in that. Through  
2 the course of working, Connie had owed money to other  
3 people, so she orchestrated -- I don't know how -- but  
4 orchestrated the paperwork to go get -- saying she was the  
5 owner in the interest and got an interest only loan for  
6 \$60,000.

7 MR. SCHMONSEES: Your Honor, question in aid of  
8 an objection.

9 THE COURT: Certainly.

10 BY MR. SCHMONSEES:

11 Q Is this something that Mr. Marsh told you  
12 directly?

13 A Yes.

14 Q You didn't learn it this from Ms. Loop?

15 A No.

16 MR. SCHMONSEES: Objection withdrawn.

17 THE COURT: All right. Go ahead.

18 THE WITNESS: So Floyd was telling me about  
19 this; that he was under the pressure of having to pay --  
20 basically he had a free and clear house he was living in,  
21 he now had a monthly payment every month struggling to get  
22 that so that the house wouldn't be foreclosed on.

23 BY MR. AMOS:

24 Q Which house was that?

25 A It was the house in Creswell -- I can't remember

G. Wiese - D

1 the name of the street it was on.

2 Q So you said around this time and in this context  
3 the conversations he became more serious about doing  
4 something involving Arnold Kachlik. Describe what you  
5 mean when it became more serious. What does that mean?

6 A Well, there was really no money coming in to the  
7 Silvergate Construction. The work we were doing was so  
8 small. There was hardly any money coming in. We couldn't  
9 find work; couldn't get it. The house payment for the  
10 loan was coming up to a couple months behind. There was a  
11 shop that he owned -- he didn't own -- he rented in  
12 Creswell that all the equipment was in. That was several  
13 months behind. It was becoming real big, pressing money  
14 issues with that, myself included. My rent was like two  
15 months behind.

16 Q So give us an idea of the conversation that you  
17 were having with him where you are now. It sounds like  
18 you are talking more seriously like you are doing  
19 something. What are you guys planning? Whose plan is it?  
20 Just give us an idea what those conversations are.

21 A Well, basically it came to a point where he  
22 was -- if he didn't pay those bills, he was going to lose  
23 the shop. He was going to lose the house. So he said  
24 that he was going to go ahead with it; that he was going  
25 to do it, but he needed my help.

G. Wiese - D

1 Q Now, remembering that this is the incident  
2 occurring on October 1st, 2011, when was it before that  
3 that you had conversation where Floyd Marsh apparently  
4 said he was going to do it?

5 A Three to four weeks.

6 Q Do you remember where you were when you had that  
7 conversation with him?

8 A We were in Creswell.

9 Q At that moment in time had you ever met  
10 Mr. Kachlik?

11 A No.

12 Q Had you ever been to his house?

13 A I have been there, I think twice, not to the  
14 house, but to the driveway, when Floyd would drop off  
15 Erik, Arnold's son, from a visitation.

16 Q But you had never been inside the house?

17 A Not at that point.

18 Q And you never met him?

19 A No.

20 Q Do you know anything about Mr. Kachlik besides  
21 what Mr. Marsh told you?

22 A No.

23 Q Do you know if he was dating anybody at the  
24 time?

25 A Yeah. There was talk -- there was another lady

G. Wiese - D

1 who lived in the house that was supposed to be his  
2 girlfriend.

3 Q You were at the Creswell residence three to four  
4 weeks before it happened, and he said he was going to do  
5 it. What did you say to him?

6 A I just asked, how is he going to do it? Has he  
7 thought it out? The concern was he said -- he has always  
8 talked about if he did it, he would be basically the No. 1  
9 suspect in doing it. It was just seeing that concern,  
10 well, you have to have it done right and not leave any  
11 evidence, and it would be fine. Basically he said it was  
12 so bad with everything else -- the IRS problems, the  
13 problems at the house, the problems with the shop --  
14 everything. He just said that there is no other option at  
15 this point because supposedly the amount of money at the  
16 house would have fixed all of those problems.

17 Q So he is telling you this and the context of  
18 this, I think you mentioned a few minutes ago that he  
19 needed somebody's help. Did he solicit you to help him do  
20 this?

21 A Yes.

22 Q What was your thought when he first asked you to  
23 help him out?

24 A Hesitation. But it was -- I was -- I had my own  
25 financial incentives, which were astronomical out of this

G. Wiese - D

1 world. But they were enough for me, because I had no  
2 income coming in or anything. As a friend, I wanted to  
3 help him out. I felt bad for him.

4 Q At that point in time was he your closest  
5 friend?

6 A Yeah. I would say he was closest friend. I  
7 mean, we were basically together every day.

8 Q So it sounds like the motivation was loyalty,  
9 but also you needed the money?

10 A Yes.

11 Q Did you end up agreeing to doing it with him?

12 A Yes.

13 Q Who developed the plan?

14 A He told me -- I asked what was going to go on.  
15 He told me that he had gotten a key from Connie, snuck it  
16 away from her and made a copy of it. The times that he  
17 has taken Erik to the door, he has figured out the alarm  
18 code to get into the house. So basically he was saying  
19 the plan was pretty simple. He needed somebody to drive  
20 and look out for anybody coming into the place. He needed  
21 me to ask anybody if I could borrow a little van.

22 Q So your role, according to him, would be the  
23 driver?

24 A Correct.

25 Q Was the expectation that you were going to stay



G. Wiese - D

1 in the car the whole time?

2 A That was the initial expectation, unless he  
3 found -- if it was a safe or something that needed to be  
4 taken out, if he needed a hand getting it out, that he  
5 would call me in. But it was basically to drive the car  
6 and watch the driveway for anybody coming in.

7 Q Then he asked you to get a vehicle?

8 A Yes.

9 Q Did you end up getting a vehicle for him?

10 A Yes.

11 Q What kind of vehicle did you get?

12 A It was a white cargo minivan.

13 Q And did you steal a car?

14 A No. It was from a friend of mine. I was going  
15 to be moving some stuff, and I asked if I could use his  
16 van.

17 Q When did you actually borrow your friend's van  
18 in relation to when this happened?

19 A It was the day of. I went in the morning,  
20 picked up the van, and brought it over to Floyd.

21 Q What time in the morning was it that you arrived  
22 to meet Floyd?

23 A I think it was around 7:30 or 8:00.

24 Q Where exactly did you meet him?

25 A In Julie Marsh's residence.

G. Wiese - D

1 Q Is that here in Oregon City?

2 A Correct.

3 Q Prior to that date, had he told you any more  
4 details on what he was planning on doing?

5 A It was basically that he had the key and the  
6 code and was going to have access. He knew that Arnold  
7 was out of the country, and so it was kind of in that time  
8 frame that he wanted to go get it.

9 Q So what is he doing when you arrive at  
10 Julie Marsh's house that morning with the van? What is  
11 Mr. Marsh doing?

12 A He was waiting for me. He had -- he had some  
13 hard hats and vests -- stuff that he wanted to use as a  
14 disguise to make it look like we were workers. There is a  
15 cell tower on the premises.

16 Q At that moment in time did you know anything  
17 about the cell tower at the Kachlik residence?

18 A Yeah. I have known about that for a long time.

19 Q How did you know about that?

20 A He would talk about that Arnold had the tree  
21 farm there. He had money because the cell tower is there  
22 so you get money. It was just conversation of where --  
23 money made at his house.

24 Q When you say he had a hard hat and other sort of  
25 clothing, can you describe it in any more detail -- what

## G. Wiese - D

1 color it was, what did it look like, exactly what it was?

2 A It was like the orange/yellow fluorescent vests  
3 like maybe you would see on a road worker, a construction  
4 work.

5 Q Do you recall what else he was wearing,  
6 Mr. Marsh?

7 A Sunglasses. We had gloves. Bandanna put around  
8 the face.

9 Q So it sounds like you guys collect all that  
10 stuff. Do you collect any other tools or anything else to  
11 assist you with what you are about to do?

12 A No, we didn't really take any tools or anything  
13 there, because the thought was that it wasn't -- it wasn't  
14 a safe. It was just supposed to be a hidden compartment  
15 and there was -- he said that there was supposed to be  
16 other stuff like in vases or cans. There would be bricks  
17 of money that were just hidden around the house. So it  
18 wasn't really -- he didn't think there would have to be  
19 tools and stuff needed. It was to find the money, get it  
20 in, and go. That's why initially it was thought that I  
21 wouldn't have to go in to do anything.

22 Q What happened next after you guys collect these  
23 clothing items?

24 A We drive over to the house.

25 Q How long does it take to you get there? Do you

G. Wiese - D

1 have any idea?

2 A Well, just from Julie's house, from there,  
3 probably about 15 minutes to 20 minutes max.

4 Q That morning, if Mr. Marsh wouldn't have driven  
5 you to that house, would you have known where that house  
6 was located, could you have gotten there?

7 A Yes, because I had been there two times to help  
8 drop off Erik when I was driving with Floyd.

9 Q So can you see the screen from where you are,  
10 Mr. Wiese?

11 A Yes.

12 Q Scroll all the way back, and I apologize.  
13 Looking at State's Exhibit No. 4, Mr. Wiese, can you see  
14 that from there, just to make sure?

15 A Yes.

16 Q What is that a picture of?

17 A It is a driveway leading up to the house.

18 Q Do you know what time it was approximately on  
19 October 1st, 2011, when you got a ride to the Kachlik  
20 residence?

21 A Approximately 9:00 to 9:30, I believe. I didn't  
22 have a watch or cell phone or any of that stuff with us,  
23 so I don't know the exact time, but it was the morning.

24 Q Had you guys gotten dressed in the outfits you  
25 had described before, the hats and the vests?

G. Wiese - D

1           A     We had the vests on. As we were getting closer  
2 to the house, we put the gloves on and the hard hats as we  
3 were pulling in.

4           Q     Is Mr. Marsh the one driving?

5           A     No, I'm driving.

6           Q     You are driving. Okay. So you go up the  
7 driveway in State's Exhibit No. 6. Is that the driveway?

8           A     Yes.

9           Q     At the top there is a diagram to your left.  
10 When you get to the top of the driveway, you can make a  
11 right, and it goes off to the side, and there is a barn in  
12 the distance, or you can go to the left where it  
13 dead-ends. Do you remember which direction you pulled  
14 into?

15          A     I pulled in coming in here to where the cell  
16 tower is and then back by the garage.

17          Q     So you pulled in. Did you like back up to the  
18 garage backwards?

19          A     Yeah. So that way I could look out forward over  
20 where the entrance to the driveway was coming in.

21          Q     Okay. So State's Exhibit No. 11, do you  
22 recognize that photograph?

23          A     Yeah. That's the little turnaround where the  
24 cell tower is.

25          Q     Going back, State's Exhibit No. 9, do you

G. Wiese - D

1 recognize that?

2 A That's the garage to the house.

3 Q Do you remember there being other vehicles there  
4 at the time?

5 A Yes. There was a minivan on the property. I  
6 don't remember if it was in front of the garage or the  
7 side, right by the trees there.

8 Q Okay. So you pull in. Tell us what happens  
9 when you basically come to a stop in the driveway.

10 A That's when Floyd went out and was going to go  
11 into the house.

12 Q So does he back it out to go?

13 A Yes.

14 Q What do you do?

15 A I sat there waiting.

16 Q When he gets out and goes out towards the house,  
17 can you see where he is going in relation to the front  
18 door?

19 A No. You can't really see the front door from  
20 where we were parked at. It goes around that little  
21 inset.

22 Q State's Exhibit No. 17. Do you recognize that?

23 A That's the house.

24 Q Is the front door to the left by the deer?

25 A Yes.

G. Wiese - D

1 Q And the driveway is behind it?

2 A Yes.

3 Q So Mr. Marsh walks over to the front door. You  
4 can't see anything. Can you hear anything from where you  
5 are in the van?

6 A No.

7 Q So you are just sitting there waiting?

8 A Correct.

9 Q So what happens next?

10 A It was just within -- it seemed like one to two  
11 minutes, real fast, he came out and was like waving me in,  
12 like hurry. I thought maybe he found it -- found  
13 whatever. It was basically like, "Get in here."

14 Q What do you do when he waves you in?

15 A I get out of the truck and run over to the  
16 front.

17 Q And State's Exhibit No. 18, do you recognize  
18 that exhibit?

19 A That's the entrance coming into the house.

20 Q So when you get out of the car and you go in, is  
21 that where you go to the front door?

22 A Yes.

23 Q Do you go inside the house?

24 A Yes.

25 Q What do you do or what's going on when you walk

G. Wiese - D

1 inside the house?

2 A When I walk inside the house, I hear somebody  
3 screaming inside a closet that's right on the edge of the  
4 end of the hallway, banging on the door, banging against  
5 it.

6 Q I'm looking over at State's Exhibit No. 1, the  
7 diagram. If you need to get down for a second, you can.  
8 Where would that closet be?

9 A Did you say to get down?

10 Q If it will help you, go ahead.

11 A So you come into the entrance. The closet is  
12 right there.

13 Q Thank you. So you come in and you can hear  
14 somebody. What exactly do you hear?

15 A What did I hear?

16 Q Yeah.

17 A Just screaming to "let me out," like they are  
18 banging their body against the wall, thrashing around in  
19 the closet, wanting to get out.

20 Q What are you thinking at that point?

21 A Shock, panic, because that was not -- that was  
22 not supposed to be going on. There was not to be anybody  
23 home. That's why he had the key and the alarm code to get  
24 in.

25 Q What happens next?



G. Wiese - D

1           A     He had a chair that was up against the doorknob,  
2     so she couldn't get out. He said, "It is going to be  
3     okay. Let's hurry. Let's get going." So he wanted me to  
4     look for either like pots or vases or things that  
5     supposedly he had random cash hidden in them. It was  
6     supposed to be a lot. He was going to look for the floor  
7     hiding spot.

8           Q     Okay. So looking at State's Exhibit No. 1,  
9     which direction or part of the house did you go to go look  
10    for anything?

11          A     Can I go down again?

12          Q     Sure.

13          A     We were here when he told me to start looking.  
14    I came into this sitting area first, went through here,  
15    then I went up through the den and into the kitchen  
16    looking. So I was looking in that area.

17          Q     Okay. Which direction of the house did  
18    Mr. Marsh go to?

19          A     He went back over towards these bedrooms because  
20    supposedly he had an idea where he thought it might be.  
21    So he was going to going to go look for those areas.  
22    That's why he told me to look for what is supposed to be  
23    in a vase or flowerpot or something.

24          Q     So let's look at State's Exhibit No. 24. Do you  
25    see that from where you are, Mr. Wiese?

## G. Wiese - D

1           A     Yes.

2           Q     It looks like it is a room -- if I was taking  
3 this picture, where would I be standing?

4           A     You would be coming out of the entrance to the  
5 house going down the hallway to the left.

6           Q     Is that first room on the right? Is that the  
7 sitting room as labeled on diagram 1 that you just  
8 referred to?

9           A     Yes.

10          Q     So you went in there looking for stuff?

11          A     Yes.

12          Q     I'm looking at State's Exhibit 25, the  
13 photograph. Is that what it looked like in the sitting  
14 room?

15          A     Yes.

16          Q     Is that what it looked like that day?

17          A     Yes.

18          Q     State's Exhibit No. 26, is that another picture  
19 of the sitting room?

20          A     Yes.

21          Q     So before getting into this room, what are you  
22 doing?

23          A     I mean, I don't know. He told me that -- it is  
24 like with that flowerpot thing there, there is supposed to  
25 be vases, flowerpots, things like that that are supposed

G. Wiese - D

1 to have bundles of cash rolled up that he just keeps them  
2 there. I don't know why, but that's how he likes doing  
3 it, cash on hand or whatever. So I was looking in those  
4 types of things for where money was supposed to be  
5 sitting.

6 Q Did you find anything in that sitting room?

7 A No.

8 Q When you are picking these items up and things  
9 like that, are you throwing them around or throwing them  
10 back, or what are you doing with these things?

11 A I wasn't destroying things as I go. It wasn't  
12 supposed to be like that. It was supposed to be something  
13 that you could basically identify it, and there it is. So  
14 I was looking in it. It wasn't there. I went to go look  
15 at the next thing.

16 Q So the next room, after the sitting room, when  
17 you didn't find anything, what room would that have been?

18 A Continuing up to the den area that goes over by  
19 the kitchen.

20 Q Is this a picture of State's Exhibit No. 28 of  
21 that den area?

22 A Yes.

23 Q Okay. So tell us, you get into that room now,  
24 tell us what you are doing in that room.

25 A It is the same thing. I'm looking for those

G. Wiese - D

1 types of objects because that's where that's supposed to  
2 be in. So anything that was like a vase or something you  
3 would put maybe umbrellas in or walking sticks, things  
4 like that, when I went from there, because the kitchen is  
5 right on it, it is all the stuff that was like containers  
6 that would you keep flour or sugar, that type of stuff.  
7 So I was opening those types of containers up.

8 Q Did you find anything in that den room?

9 A No.

10 Q Where did you go to after that?

11 A From there, because the kitchen is right  
12 connected to it, I was looking in the kitchen.

13 Q In State's Exhibit 30, what is that a picture  
14 of, Mr. Wiese?

15 A It is like a dining room like by the kitchen.

16 Q That's where you went to next?

17 A Yes.

18 Q You see the couch in the den on the left-hand  
19 bottom of that picture?

20 A Yes.

21 Q Did you continue to do the same thing in the  
22 kitchen?

23 A Yes.

24 Q Did you find anything in there?

25 A No.

G. Wiese - D

1 Q What happened next?

2 A He came over toward -- it would have been back  
3 toward that corner, that hallway where the closet is. He  
4 could see me over in the corner. He goes, "Hey, forget  
5 about that now. Come over here now." So I went with him  
6 back to the back -- going down the hallway towards the  
7 rooms.

8 Q Now, before we talk about you going with him  
9 down the hallway, when you were searching the other part  
10 of the house, the right side, could you hear anything that  
11 was going on near the closet?

12 A I could hear her screaming, "Let me out. Let me  
13 out. I can't breathe. I'm scared." A couple of times I  
14 was there by the closet, and I was telling her to relax;  
15 that we are going to be leaving soon. "Just relax. It  
16 will be okay."

17 Q How was she actually locked into that closet?

18 A There was a chair that was propped against the  
19 doorknob.

20 Q Was it pretty firmly propped against the  
21 doorknob?

22 A Yes.

23 Q The person inside, did you hear her pushing  
24 against the door?

25 A She tried. She was banging against it, trying

G. Wiese - D

1 to get out.

2 Q During that period of time, when you are  
3 searching that part of the house, you go back to the  
4 closet, did you ever open the door?

5 A Did I open it?

6 Q Correct.

7 A When I was searching the house?

8 Q Correct?

9 A No.

10 Q Did you have anything with you like any sort of  
11 a weapon?

12 A No.

13 Q Did you know if Mr. Marsh had any sort after  
14 weapon?

15 A No.

16 Q Did you think that he had one?

17 A The original -- when he was talking about this,  
18 he wasn't to have any weapons there or anything.

19 Q Okay. So he comes to get you when you are  
20 looking at the right side of the house and you start to  
21 follow him down the hallway. Tell us what happens next.

22 A He motions me to go into the one master bedroom  
23 area, and there is a safe bolted into the floor.

24 Q So you don't go into any of the other bedrooms.  
25 He just takes you straight back to the master bedroom; is

G. Wiese - D

1 that correct?

2 A Yeah. It was kind of like pressing, wanting to  
3 get out of there, to not spend longer in there. I thought  
4 it was hidden in the floor. He goes, "No, I can't find  
5 it." So he goes, "We are just going to take this."

6 Q So looking at State's Exhibit No. 45. Do you  
7 recognize that photograph?

8 A Yes. That's the master bedroom where the safe  
9 was.

10 Q Now, was that what it looked like when you first  
11 walked into the master bedroom?

12 A Yes.

13 Q State's Exhibit No. 46, what is that a picture  
14 of?

15 A The same, the bedroom.

16 Q Okay. State's Exhibit No. 47?

17 A Yes. So it is the same bedroom where the safe  
18 was bolted into the floor.

19 Q When you first walk into that room following  
20 Mr. Marsh, is that where that piece of furniture in  
21 State's Exhibit 47 was located?

22 A I don't remember that there. That's the thing  
23 puzzling to me. I don't remember that being that close to  
24 where the safe was.

25 Q Where would the safe have been in State's

G. Wiese - D

1 Exhibit 47?

2 A It was bolted right up against the wall.

3 Q So if you are looking at the photograph  
4 underneath that cabinet door that's open, there is carpet  
5 that you can see and a black spot. Is that where it would  
6 have been?

7 A Yeah. That's where it was bolted at.

8 Q So walk us through. What happens? You walk  
9 into the room. What happens next?

10 A You are trying to push and pull the safe, but it  
11 is bolted down. He said, "Just try to see if you can ram  
12 it. I'm going to go to the garage and see if there is a  
13 tool or something that we can break the bolt with."

14 Q Can you describe the safe that we're talking  
15 about?

16 A The safe is approximately like two,  
17 two-and-a-half feet wide by two, two-and-a-half feet wide  
18 by maybe three feet tall.

19 Q Okay. So what do you do after he tells you kind  
20 of what he wants you to do? What do you do?

21 A Trying to muscle against the safe and see if --  
22 to see how strong it is bolted in. If it was -- sometimes  
23 they are not bolted in very strongly. Working with  
24 construction, they could have used a small bolt, not a big  
25 washer. It might have popped right loose.



G. Wiese - D

1 Q So what happens when you grab it and start  
2 shaking it?

3 A Nothing. It didn't do anything.

4 Q So what do you do then?

5 A I was waiting there. I went back to the door to  
6 kind of look, and Floyd came out from where the garage  
7 area was.

8 Q Did he have anything with him when he came back?

9 A Yeah. There was like a mallet and an ax. He  
10 had a couple of tools.

11 Q So we are looking at State's Exhibit No. 50. Do  
12 you recognize anything depicted in that photograph that he  
13 had in his hand when he came back?

14 A Yeah. Those were what he brought back from the  
15 garage.

16 Q All of them?

17 A Yeah. Like he had ones -- the saws that were  
18 cradled in his arm. But when he came around, he had the  
19 ax and the sledge hammer.

20 Q So what happens when he comes back with these  
21 tools?

22 A He starts chopping away at the floor where the  
23 corners of the safe is.

24 Q Kind of describe that for us. How exactly is he  
25 chopping away at the floor? What is he doing?

G. Wiese - D

1           A     Just right where the -- you can imagine where  
2 the corner of the safe is. That's where you are going to  
3 have a bolt in each one of those corners. He is just  
4 chopping away at the floor to break away from the wood  
5 from where the bolt would be.

6           Q     What are you doing?

7           A     Standing -- I went back to the corner of the  
8 room so I could watch where the closet was. So I was  
9 watching him chopping and where the closet was. Then  
10 basically he got tired. So he handed it to me -- "Hey,  
11 you can take over." So I chopped on another portion of  
12 it, and we got a couple of the bolts loose/broken away.  
13 Then at that point him and I pushing on it back and forth,  
14 we were able to break it free from the other two.

15          Q     Do you have any idea how long it took you to  
16 break through to that safe on the ground?

17          A     Seven to ten minutes maybe.

18          Q     So once it breaks free, what do you guys do  
19 next?

20          A     We were just going to take it out and leave, but  
21 we went to pick it up and he couldn't -- he was so tired  
22 from the chopping on it, he couldn't carry the half. It  
23 kept falling.

24          Q     So what did you guys do?

25          A     I grabbed one of the blankets off the bed, and

G. Wiese - D

1 we rolled the safe onto the blanket, and we pulled it out  
2 like a sled.

3 Q Looking at State's Exhibit 45, is that a picture  
4 of the bed in the master bedroom?

5 A Yes.

6 Q Is that where you retrieved the blanket from?

7 A Yes.

8 Q Tell us how you actually positioned the blanket  
9 in the safe.

10 A How to position the blanket in the safe?

11 Q Yeah.

12 A Well, the safe was just laying flat on its side,  
13 so we put the blanket on the side by it and rolled the  
14 safe over onto it.

15 Q Then what did you guys do?

16 A We just each grabbed a corner of the blanket and  
17 slid it out the bedroom and down the hall to take it out  
18 to the garage where the van was parked.

19 Q So using State's diagram No. 1, which is next to  
20 you, can you go ahead and show this jury the path you took  
21 to take the safe out of the house.

22 A We came out of the bedroom here. Then we came  
23 down to this utility room to the garage and out to the  
24 van.

25 Q So what happens when you get to the garage?

G. Wiese - D

1           A     Just opened the open garage door. We pulled it  
2 out to the van and tilted the safe to the back of the van,  
3 and then both of us together just lifted it back and slid  
4 it in.

5           Q     So both of you guys together were able to lift  
6 that safe into the van?

7           A     Yeah. It wasn't carrying it. It was leaning  
8 against one, so both of us were on one side so we could  
9 lift it and push it in.

10          Q     What happens after you get this safe in the van?

11          A     I ran back into the house to make it look  
12 like -- he was going, "Where are you going?" I said, "I  
13 have got to grab something." I ran back into the house to  
14 make it look like I was going to close the garage door,  
15 but I ran over to the closet and kicked the chair away  
16 from it.

17          Q     Why did you do that?

18          A     Because I didn't want her stuck in the closet.

19          Q     So you kicked the chair away and you run back  
20 towards the garage?

21          A     Yeah. I ran back to the garage, and I got in  
22 the van. Floyd was driving out of there. So he was  
23 already getting -- even though the initial plan was I was  
24 driving there and driving back, everything basically  
25 changed. So because I ran back from the house, he got in

G. Wiese - D

1 the van, and then I jumped in the passenger side, and we  
2 took off.

3 Q Okay. Where did you guys go?

4 A Driving back to Julie's -- Julie Marsh's house.

5 Q Was Julie home when you guys got back?

6 A No.

7 Q Had she been there earlier in the morning when  
8 you guys left?

9 A No.

10 Q Was there anybody else when you got to Julie's  
11 house when you got there?

12 A No.

13 Q So tell us what you do. So Mr. Marsh is driving  
14 the van. Where does he take the van? Where does he park  
15 it?

16 A Where does he park it?

17 Q Correct.

18 A In the driveway by the shop at Julie's house.

19 Q And then what happens?

20 A We get out; took the safe into the shop. He got  
21 a fire started. He wanted to burn all of the clothes.

22 Q And where did he start that fire?

23 A There was a burn barrel on the property that  
24 they burned light trash and stuff in.

25 Q Okay. So does he actually start a fire in the

G. Wiese - D

1 burn barrel?

2 A Yes.

3 Q What happens next?

4 A He wanted -- because -- he was saying with his  
5 police background and being a detective and SIU and all  
6 these things, he had a worry of leaving any kind of DNA or  
7 any kind of evidence behind, so he had a complete -- he  
8 had a complete change of clothes. So he wanted to burn  
9 the shoes, the pants, the shirts, the vests, gloves,  
10 everything. Everything got burnt.

11 Q Did you have a change of clothes? Did that  
12 include your clothes as well?

13 A Yes.

14 Q Did you have a change of close there to change  
15 into?

16 A Yes.

17 Q So that's the first thing you guys did, was burn  
18 the clothes and then change?

19 A Yes.

20 Q And what did you do after that?

21 A Went inside the shop, and he said that he had  
22 bought a grinder in case the safe -- to be able to get  
23 into it with some kind of special blade.

24 Q Okay. Then what happened?

25 A He started cutting into the top of the safe.

G. Wiese - D

1 Q And that was back in the shed at Julie Marsh's  
2 house?

3 A It is not a shed. It is a big shop. There is  
4 like three big warehouse doors to it. It is a big shop.

5 Q And who was actually doing the cutting on the  
6 safe?

7 A Floyd.

8 Q What did you do?

9 A Just watching him.

10 Q Was he able to successfully cut open the safe?

11 A Yes.

12 Q How long did it take him to do that?

13 A Half an hour.

14 Q So give us a visual of when he opens the safe,  
15 what does that look like? Does he cut a piece of it?

16 A He just cuts a square out of the top so he could  
17 reach in.

18 Q And then what happened after he cut out that  
19 square?

20 A He was taking the contents of the safe out.

21 Q Do you remember the contents that he was taking  
22 out; some of the things that he had taken out of that  
23 safe?

24 A There were green containers that were probably  
25 about 12 to 14 inches long and about six inches wide and

G. Wiese - D

1 about that tall. So there was a few of those containers.  
2 They were full of silver coins.

3 Q Do you remember anything else -- other stuff he  
4 had taken out of the safe?

5 A Yeah. There was paperwork. There was some  
6 passports. Different identification paperwork; some other  
7 paperwork that was written in another language. I don't  
8 know what those were. There was some foreign currency,  
9 paper and coins. There was a gun.

10 Q So as you guys are taking this stuff out of the  
11 safe, was there a plan in regards to what you guys were  
12 going to do with this stuff?

13 A No plan right then, because what he thought was  
14 in the house was either gold or what he called bricks of  
15 paper currency, U.S., like bricks of 10,000. There was  
16 supposed to be -- he thought that there was half a million  
17 dollars or more in the house.

18 Q So what you guys do with all of this stuff that  
19 you are taking out of this safe?

20 A Well, the paperwork stuff, like passports and  
21 stuff like that, he went and threw those into the fire.  
22 The rest the stuff, he put back in the safe. He said  
23 there was nothing he could do with it. He would have to  
24 research what it was and what it was worth and that.

25 Q Okay. After putting the rest of the stuff back



G. Wiese - D

1 in the safe, what did you guys do with the safe?

2 A He didn't want to drive around with the safe.  
3 He stuck it back into the shop. The shop is loaded with  
4 all kinds of stuff. There is car parts. It is huge. It  
5 is a huge shop. So he put it in there and kind of hid it  
6 behind a bunch of stuff, and we went to go work on one of  
7 the jobs that I had going on through a friend of mine.

8 Q Which job would that have been?

9 A That was for Tim Johnson.

10 Q What kind of job were you doing for Tim Johnson?

11 A Tim Johnson asked me if I could help him -- he  
12 was going to put a little addition/room on the back side  
13 of his house, so we were -- we had started working on that  
14 like a week or two prior to this.

15 Q When you say "we," who was working on it?

16 A Floyd and me.

17 Q So you left Julie Marsh's house and went to go  
18 work on this house?

19 A Yes.

20 Q And what did you do for the rest of the day?

21 A Just working on that project at the Johnson  
22 residence and then went home.

23 Q So over the next few days, did you and  
24 Mr. Marsh, the defendant, talk about what to do with the  
25 proceeds?

G. Wiese - D

1           A     Well, he had -- he was doing research, I guess,  
2 on the Internet as to what the coins were and what the  
3 value of them was and then what to do with them.

4           Q     And are we talking about the coins that you said  
5 were inside of these boxes/containers?

6           A     Yes.

7           Q     And so did he talk any more about what to do  
8 with those?

9           A     He said that basically there -- you could buy  
10 them on the open market. People buy them for investments.  
11 You can buy gold, silver. That's what they were. I think  
12 they called them American Eagles or Silver Eagles or  
13 something like that.

14          Q     So was there a plan to sell these coins?

15          A     He said he -- he said basically you could go to  
16 any kind of coin shop. There are people that deal in  
17 them. You could sell them back and forth. But he said he  
18 would have to look and see how to do it; what's going to  
19 be the risks of turning them in or exchanging them. He  
20 didn't know if they were marked specifically like you went  
21 and bought a specific one. So he didn't know if those  
22 could be tied back to Arnold.

23          Q     What about the other stuff that was in the safe  
24 besides these coins?

25          A     You mean the gun and the other coins and

G. Wiese - D

1 currency?

2 Q Correct. Was that safe a pretty full safe?

3 A No. A lot of it was just -- a couple of the  
4 green containers. Like I said, there was a gun, that  
5 paperwork that got burnt, a handful of other coins. There  
6 was a few pieces of jewelry. I don't know if they were  
7 worth anything. I don't know if they were cosmetic or  
8 not, just like a necklace and a couple of rings.

9 Q So do you know what he did with the gun or the  
10 jewelry or any of that stuff?

11 A He took that stuff with him back to Creswell.

12 Q So the only thing left essentially were these  
13 coins?

14 A Yeah. So he could figure out what to do with  
15 them. He didn't want to drive stuff back and forth all  
16 over the place. So he left them until he could figure out  
17 what he was going to do with them.

18 Q At some point after that did the defendant  
19 figure out what he was going to do with those coins?

20 A Yeah.

21 Q Did you guys need to talk about that?

22 A Yeah. We were working on the job and we talked  
23 about that.

24 Q That was the job at Mr. Johnson's house?

25 A Yes.

G. Wiese - D

1 Q Okay. And what was the ultimate plan with  
2 regard to the coins?

3 A Basically he said that there wasn't really that  
4 much risk to it. He didn't want to exchange anything in  
5 the Oregon City area, so there was a place kind of between  
6 Vancouver and Battle Ground that -- a coin shop that we  
7 took some and exchanged them.

8 Q Okay. Before we talk about you going there, you  
9 guys have cleaned out the safe. What did you guys  
10 actually do with the safe?

11 A We were -- the part that -- we were parking on  
12 the job. We had the foundation poured for the addition we  
13 were going to put on. It is all open. It is just a  
14 concrete foundation.

15 So he had his backhoe or excavator there. One  
16 morning I was there at the job waiting for him, and he  
17 shows up in the truck, got out, got in the excavator, and  
18 dug out a hole in the center. It wasn't normally digging  
19 a hole. We was digging a big hole.

20 Q How big was the hole?

21 A Eight feet deep.

22 Q What happened after he dug this hole?

23 A He backed the truck up to it and goes, "Come  
24 over here and give me a hand," and he had the safe in the  
25 back of his truck.

G. Wiese - D

1 Q What time of day was it that this was going on?

2 A 9:30, 10:00 in the morning.

3 Q Is this a pretty rural area you are working?

4 A It is right off of River Road, but the house is  
5 on a really big lot. It is all trees, enclosed. There is  
6 no neighbor viewing or anything like that.

7 Q So what happens after he shows you the safe?

8 A He said, "We are going to put it in the hole and  
9 bury it. Once the addition is built on it, it will never  
10 be found. It is gone."

11 Q And what did you guys do?

12 A We threw the safe in the hole.

13 Q How did you bury it?

14 A You just pushed all the dirt back over it again.  
15 Eventually it had a mesh and a layer of rocks for a  
16 foundation. Then we put the post and beam of the  
17 building.

18 Q So now essentially the only thing that was left  
19 from what happened on October 1st was these coins?

20 A Yeah. The foreign ones, the silver ones, the  
21 gun, and the jewelry.

22 Q Talking about coins, you mentioned that you had  
23 gone somewhere in Washington?

24 A Yeah.

25 Q Do you remember exactly where that was?

G. Wiese - D

1           A     It is up off of -- just north Vancouver, off  
2 where SR 500 turns into, I think, 117th street. I can't  
3 remember the exact name of the area. It is kind of the  
4 Orchards area is the name of the place.

5           Q     Is there anywhere specifically that you are  
6 going to?

7           A     Yeah. It is a coin shop. I can't remember the  
8 name of the place though.

9           Q     Okay. So what happened when you guys got to  
10 that coin shop?

11          A     We went in and exchanged the coins.

12          Q     Do you remember how many coins you exchanged?

13          A     I went in and exchanged like two of the  
14 containers -- two or three of the containers.

15          Q     Do you remember how much money you guys got in  
16 exchange for those coins?

17          A     It was like, I think, \$750 for the little  
18 container.

19          Q     These are not the same containers that were  
20 found in the safe. They are different containers?

21          A     The one silver container, like I said, was so  
22 big and had little containers inside of it that stack the  
23 silver dollars.

24          Q     So you exchanged the small container for \$750.  
25 Were there other coins you exchanged?

G. Wiese - D

1           A     No. It was to see how it would work, and he  
2 wanted to see what kind of cameras were in there. He  
3 wanted to see what the process was.

4           Q     And did everything work as planned?

5           A     Yeah. It wasn't anything -- the people in  
6 there, they didn't even blink an eye over it. It was a  
7 common thing.

8           Q     So as you leave, are there other plans made with  
9 regard to the coins?

10          A     Not right then. It is basically -- he gave me a  
11 couple thousand dollars to pay -- to catch my rent up and  
12 that and then he was going to see -- not to be going  
13 around all over the place and exchanging the little tubes,  
14 because he needed the bigger money where he could make  
15 that kind of transaction.

16          Q     Okay. So who was doing all the leg work, the  
17 research and stuff like that, for where you guys could  
18 exchange these coins?

19          A     Floyd.

20          Q     Did you eventually find a place was better in  
21 his opinion?

22          A     Yeah. Doing a really big kind of chunk of what  
23 he wanted -- he didn't want to do it anywhere close. He  
24 said he found some place has were in Olympia and Tacoma.  
25 So we made a drive up there.

G. Wiese - D

1 Q And how many places did you go to in that area?

2 A In Olympia we went to, I believe, two, but they  
3 didn't handle the larger amounts, so we didn't do anything  
4 there.

5 Q Then where did you guys go?

6 A I believe it was -- I can't remember if it was  
7 in Olympia -- that was one -- or Tacoma. There was one  
8 where he exchanged just one of the little packets. But  
9 then we went to the place in Tacoma where he took in a big  
10 block of it, and I think he got -- he wasn't able to give  
11 him cash. They gave him a check that was, I believe,  
12 10,000 or \$11,000.

13 Q You don't remember the name of that place?

14 A No.

15 Q And when would that have been in relation when  
16 the crime was actually committed on October 1st? A few  
17 days? Longer?

18 A That particular one, probably about two to three  
19 weeks.

20 Q You mentioned that you received a check. Did he  
21 ever tell you what he did with that check?

22 A He said he signed it over to Julie to put it  
23 into her account -- I think his accounts with the business  
24 and personal where it would get taken. So he used Julie's  
25 account and told her it was a down payment on a job that



G. Wiese - D

1 we were going to be starting.

2 Q Did you ever get any of that money, that 10,000  
3 or \$11,000?

4 A No.

5 Q Did he exchange any other coins?

6 A None that I know. I mean, he may have. Maybe  
7 not. He had -- his bills, the problems he had, he never  
8 said what he did with any of the rest.

9 Q Did you ever receive any additional money or  
10 anything else?

11 A No, not out of that.

12 Q So now it is about a month after the commission  
13 of these crimes. Does life just go on as normal?

14 A Yeah, basically, for us, the most part. It was  
15 working the little jobs we had. Trying to get  
16 construction going again.

17 Q How was the business after that, the  
18 construction business?

19 A It was still nothing. It wasn't going to  
20 survive. The money taken out of that wasn't near a drop  
21 in the bucket of what he needed. I don't think it helped  
22 him at all other than pay some immediate bills.

23 Q So moving forward in time to, I think February  
24 of 2014, or the beginning of 2014, that's when you got  
25 caught with the drugs?

G. Wiese - D

1 A Yes.

2 Q And just so it is clear, why were you dealing  
3 drugs, Mr. Wiese? It may sound obvious, but explain that  
4 to us.

5 A Well, I had -- you know, as far as options with  
6 me, I had my bills I had to pay. It was quick money and I  
7 was trying to use money -- to make some money to re-put  
8 into getting the construction going again. If it would  
9 have been enough, I wanted to help Floyd out with ending  
10 his problems. So that was the whole purpose of that was  
11 the idea of making money -- fast money.

12 Q In that period of time did you ever tell anybody  
13 else about what you guys did --

14 A No.

15 Q -- at the residence on Gage Road?

16 A No.

17 Q Leading up to September 5th, 2014, when you sat  
18 down with detectives from the Sheriff's Office for this  
19 proffer, is that the first time you told anybody about  
20 what had happened?

21 A Yes.

22 Q Now, Mr. Wiese, I just have to ask you this  
23 question. Obviously you are under a cooperation  
24 agreement. You have a lot on the line to be here today.  
25 Some people might think that for that reason you are being

G. Wiese - D

1 dishonest. What do you think about that?

2 A Are you asking if I'm being dishonest?

3 Q What do you think about that?

4 A No. I'm telling the truth. It was a  
5 situation -- everything I did was to help out my friend,  
6 and I basically -- I put my future on the line for it.  
7 That's how good a friend he was. In the long run, it did  
8 not work out. It all back-fired and fell apart, and I  
9 lost everything. I lost everything that I owned -- my  
10 clothes -- everything over this situation.

11 When it came down to it and sitting in jail,  
12 when they were wanting me to give information on this, I  
13 didn't want to lose anymore, so I made a better deal. I  
14 figured I paid enough.

15 MR. AMOS: That's all I have, Judge.

16 Thank you.

17 THE COURT: I'm going to take an afternoon  
18 break, and we will get back and start cross-examination.

19 If you would wait, sir.

20 Ladies and gentlemen, you are excused for your  
21 break for about 10 or 15 minutes. We will get you back in  
22 here. Leave your notebooks where they are on your chairs.

23 Thank you.

24 (Recess taken, 3:29 p.m. - 3:44 p.m.)

25

G. Wiese - X

1 (Open court; proceedings resumed; jury not  
2 present.

3 THE COURT: Okay. You may go get the jury,  
4 please.

5 (Pause in proceedings.)

6 THE COURT: Stand for the jury, please. Thank  
7 you. You may be seated.

8 You are finished. Is that correct,  
9 Mr. Amos?

10 MR. AMOS: Yes, Judge.

11 THE COURT: Cross-examination, Counsel.

12 MR. SCHMONSEES: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. SCHMONSEES:

15 Q Mr. Wiese, good afternoon. I want to ask you  
16 about October 1st, 2011. The first thing I want to ask  
17 you, you testified on direct -- you testified in your  
18 proffer that you did not enter the house until  
19 Zdenka Trnkova was in the closet; is that correct?

20 A Correct.

21 Q At no point did you ever observe Ms. Zdenka  
22 outside the closet?

23 A No.

24 Q So if Ms. Zdenka was to say that when she got  
25 stunned and saw two men, would that be a lie?