CLOSING STATEMENT ERRORS MADE BY PROSECUTOR RUSSELL AMOS

IN THE CASE OF FLOYD W. MARSH, JR.

By Connie Marsh

Let us now examine Clackamas County Deputy District Attorney (CC DDA), Russell Swanson Amos' *Closing Statement Errors* on pages 819-854 of the Trial Transcript. As it will be helpful for the reader to refer to that document- it may be found on the Cases tab of www.innocencefoundation.org under Floyd W. Marsh Jr. All pages and lines referenced hereafter are from the actual Trial Transcript unless otherwise noted, and italics are for emphasis only.

Please read Trial Transcript page 819, line 21 through page 821, line 1, where Amos depicts the defendant, Mr. Marsh, as angry and desperate, while Mr. Wiese is loyal, trustworthy, helpful, honest, and self-sacrificing. Character indeed seems at the heart of this case. Would the jury believe Amos' rendition?

Amos reiterates to the jury that Mr. Wiese "gave up everything" to work "with" Mr. Marsh, even though ADP records prove he only ever worked "for" us. Amos asked the jury to envision Mr. Wiese "selling his karate dojo," yet neither discovery nor subsequent testimony corroborates that Mr. Wiese ever had a dojo to sell. In fact, on page 571, Amos asked Wiese, "What happened to the karate

dojo?" Mr. Wiese answered, "So I was *running that* at night and working during the day with (Floyd). But soon, *I had to shut it down* because we had some contracts in Seattle... *The karate school was suffering, so I shut it down*." (The jobs to which Mr. Wiese refers were the Decatur and Tobira high-rise residential buildings in Seattle that Mr. Marsh's company, Silvergate Construction, began sheet-rocking in 2006.) On page 568, Wiese had said that before working with Mr. Marsh, he "was *running*…" then corrects himself to say, "I *owned* a karate school." Amos immediately reinforced that correction, "Where was the karate school *that you owned*?" Then, "And you were the *sole owner…*?" Mr. Wiese answers affirmatively. Mr. Wiese then says he "managed it…bought it from the owner, and… owned it," yet nowhere does Mr. Wiese claim that he *sold* it. If he *did* sell it, to whom? Where are the proceeds or transaction history? I was unable to locate a business license for Mr. Wiese's Vancouver, Washington dojo. It seems more likely that someone else owned the building that Mr. Wiese loosely occupied to give after-school lessons. This is an example of Amos simply making stuff up, perhaps attempting to elevate his star witness from known drug-dealer to that of respected business owner/sensei.

On Trial Transcript page 821, line 2, Amos begins to discuss how it came to be that Mr. Wiese transformed from drug-runner to robbery informant, but Amos

was neither forthright nor transparent. Consider his following statement to the jury found on page 821, lines 8-15.

"Some of you might be sitting (here) asking yourself how is it the State makes a deal with a drug dealer? How did we get here? Why does that happen? Well, we have a criminal act or a crew, in this case two individuals, there is no evidence, no leads, how do you find out what they did? How do you know? How does the State make a cooperation agreement with a drug dealer? Well, one answer is simple. Zdenka Yrnkova. Justice."

Bear with me. There is so much wrong with this section, it is difficult to know where to begin.

First and foremost, Mr. Wiese violated every term of his cooperation agreement, which required him to testify truthfully and substantially the same as his earlier proffered interviews. The jury is never made aware of Mr. Wiese's numerous material testimonial changes from proffer to trial, for which the defense was not given opportunity to prepare. In fact, Amos claims the opposite, espousing Mr. Wiese's openness, and honesty at every opportunity.

Just as importantly, Mr. Wiese did not "come clean" regarding the drugs in 2014 as Mr. Amos told the jury. The defense was only made aware on the first day

of Floyd's 2017 trial that Mr. Wiese was going to stop blaming Mr. Marsh for the meth, cocaine and heroin found in Mr. Wiese's possession in February 2014. It is an undisputed point of fact that Mr. Wiese lied in all three of his 2014 proffers about those drugs. So why was the final tainted proffer relied upon to indict Mr. Marsh?

Mr. Wiese did not come clean. He did not want "out." It was not "just time." He was rearrested for more drug-running right after Mr. Marsh's trial - this time in Multnomah County, where he admitted to Sgt. Kevin Hogan that he never has and never will reveal his true drug source, whom he fears more than law enforcement - and likely for good reason. This should shed some light on the true motives of Mr. Wiese.

Amos feigned that "Zdenka Trnkova" was the State's rationale for entering into an official agreement with a drug dealer, which seems to have been easier for Amos than to pronounce her name correctly. (Her formal given name is Zdena. To add a "K," softens and informalizes it. As she is his elder, some find Amos' casual reference to Ms. Trnkova to be disrespectful.)

The point is that the crime victims seem mere stepping-stones for Amos' career. He appears to know little about them and hold even less regard for

accuracy concerning how they or others are publicly portrayed. For example, Mr. Kachlik and Ms. Trnkova have never been married, but Amos led the jury to believe they were. This leads me to conclude that Amos is likely the one who misrepresented the same to the Oregonian during the first week of Mr. Marsh's trial in 2017. The resulting Oregonian article falsely printed that 1) Mr. Kachlik and Ms. Trnkova were married and 2) "guns were seized from the home of Marsh's girlfriend." I am the girlfriend, and no guns were ever seized from me. Why not? No search warrant was ever conducted upon me. No law enforcement member ever searched my Wilsonville apartment where I lived with my son at the time any of the 2014 warrants were issued on Mr. Marsh and Mr. Wiese, which were done not even in conjunction with the robbery. As the Oregonian's story was as misleading as Amos' tales to the jury, they likely shared the same source.

If only Amos' understanding of the case had improved throughout the trial! Unfortunately, his *Closing Statement* reveals otherwise.

Still working through Trial Transcript page 821, lines 8-15, let us also now examine Amos' claim that the case had no crime-scene leads and no evidence to go on.

First, there was the statement given initially by Ms. Trnkova about her attacker. Details would have been freshest in her mind right after the event. Every police report indicates that neither masks nor any kind of facial disguises were worn by the robbers, even though there are prompts on every report about it. She even described one robber's facial hair, which is another indication of no disguises. At trial, in Ms. Trnkova's description of her attacker on pages 275-276, she mentions no disguise - other than a construction vest. (If it *were* Mr. Marsh, his great plan would be to go disguised *as himself*?) Ms. Trnkova says that after she retained her consciousness, there were *two* men telling her what to do. This conflicts with Mr. Wiese's testimony on page 598 where he says he was waiting in the white cargo minivan for Mr. Marsh, and that the first thing he heard upon entering the Kachlik residence was "somebody screaming inside a closet."

Ms. Trnkova's earliest police reports describe the man who attacked her as being in his mid-20's to early 30's. At the time of the robbery, Mr. Marsh was 54 and Mr. Wiese was 43, so which one would more easily pass for being mid 20's to early 30's? But wait! There is a 3rd option. The owner of the white "getaway van," was in his mid to late 20's. Police made no real effort to question him, and that brings us to our next point.

Amos claimed that no robbery evidence or leads were initially available until Mr. Wiese came forward. This is false. For starters, there was an exceptionally good fingerprint found at an odd angle in the mirror in the hallway. It was preserved but only matched against persons whom the police believed (or wanted to believe) were involved, and no one else.

Page 821, lines 16-21 are confusing. It is unclear what Amos is saying. He appears to forget that Ms. Trnkova has repeatedly maintained she was making her son's *lunch* when robbers first knocked on her front door. Rather, Amos paints a picture of her "sitting… in that sitting room…" and then "making *breakfast*." However, he quickly paints a new image of Ms. Trnkova.

Page 821, lines 22-25 and page 822, lines 1-16, Amos begins by stating, "She (Ms. Trnkova) is sitting there thinking about you folks today and this trial." He then walks the jury through her attack, concluding with "Does she deserve justice?" The answer, of course, is emphatically Yes. Yet how was justice served by coercing Mr. Wiese to lie under oath to escape the consequences of his crimes? Amos was long aware of Mr. Wiese's habit of blaming his crimes on Mr. Marsh, yet Amos withheld this from the jury. They had a right to know. I would like to know how Ms. Trnkova was served justice by Amos ensuring Mr. Wiese

obtained cart blanche immunity for his drug trade, locking her in a closet, chastising her, threatening her, repeatedly attacking her with a weapon, ransacking her home, selling her valuables to pay his drug debts, or being freed to continue his drug trade on our streets?

On page 822, line 17, Amos corrects one of his *Opening Statement* errors by changing the year in which Ms. Trnkova came to America to 1996. In the following two lines, slipping once again into his famous third person, Amos states, "She loves America. Now she is here today looking for some American justice, wondering, I'm (un)sure if it is even going to happen." Trust me on this. It didn't happen, and she knows it. Ms. Trnkova was disgusted by the trial, which she told me was unfair. She wanted to be able to testify about what she knew, but she was not allowed. Ask her opinion about American justice today.

Amos returned to barraging the defendant's character. Beginning on page 822, line 20, Amos speaks of Mr. Marsh's experience, knowledge, sophistication, and manipulation. How do we know manipulation occurred? According to Amos on page 822, line 25 and page 823, lines 1-2, "It is manipulation that we know exists because of the loyalty and trust that Mr. Wiese expressed to you last week." Mr. Amos would know a thing or two about manipulation, as he held

serious prison time over Mr. Wiese's head throughout this entire trial. Notice how Amos' only evidence to Mr. Marsh's alleged manipulation were verbal claims made by Mr. Wiese.

On page 823, lines 3-7, Amos says, "He (Mr. Wiese) gave up everything for that business, everything for Floyd Marsh. So why, when he is sitting down in February of 2014 with police officers, paying the piper. Yeah, he got caught. It is just time. It is time to let it go. I paid the price. He was here to tell you what happened, but of course, he wanted a better deal."

Let's think about all that for a moment.

First, it has nowhere been established, verified, or confirmed by any investigator, or anyone else, that Mr. Wiese had anything to give up. All who know Mr. Wiese will have personal knowledge of his many failed attempts to keep his struggling karate school open over the years. If it was so successful, why did Mr. Wiese reveal in both discovery interviews as well as court, that he needed to work construction on and off his entire life? The answer is that the karate school was a passion and hobby for Mr. Wiese. It was even a strong part of his identity, but it was never a viable entity. It certainly was not "sold," as Amos often wrongfully espoused. It held no value.

Secondly, Amos claims Mr. Wiese gave up and confessed to his crimes in February of 2014. “It was just time… I paid the price,” (mimicking Mr. Wiese). What price? The fact that Mr. Wiese was arrested? Rather, Amos was aware that when Mr. Wiese sat down with law enforcement even *as late as October 2014*, he was STILL not coming clean about the drugs. In fact, at no time prior to the beginning of Mr. Marsh’s August 2017 trial, did Amos reveal that Mr. Wiese was changing his tune to accept ownership of the drugs with which he had been arrested in February 2014. Amos knew all of this, so it was dishonest for him to convey otherwise to the jury. When did Mr. Wiese change his story? Under what circumstances? There are no reports and no new interviews introduced into discovery that the public defender had opportunity to review in preparation for trial. Suddenly at trial, and in contrast to years of entrenchment otherwise, Amos is just suddenly like, “Oh, by the way, the drugs were Mr. Wiese’s after all.” This appears a major Brady violation - yet only one of dozens of examples of such in this case!

On page 823, line 15, Amos explains that Mr. Wiese “wanted to get a better deal.” He failed to inform the jury that, for Mr. Wiese to get that better deal, he would be required to lie. Since Mr. Wiese had 100% immunity from all crimes, why did he need to lie? Mr. Wiese was required to place Mr. Marsh where Amos

wanted him so that Amos could obtain a conviction. Amos had no interest in convicting yet another ordinary drug thug like Mr. Wiese. Rather, he was after the headline-worthy Mr. Marsh. And if Mr. Wiese truly did not lie, then *which* time are we talking about? Because the *Amos/Wiese Project* reveals that Mr. Wiese's testimony at court looked nothing like that of his proffered interviews on which his agreement was based. When does a prosecutor go to trial with a known liar? When he has something to gain, and when he thinks he can win by cheating.

It has been said by some that it matters not whether Mr. Wiese lied every minute leading up to Mr. Marsh's trial, but only that he finally told the truth at trial. The problem I have with this argument is that the jury was kept from knowing that Mr. Wiese had ever lied. Amos vouched for Mr. Wiese's character reaching back into early 2014, knowing he had lied in all three 2014 proffered interviews, as well as in numerous 2014 police reports.

Although Amos showered his witness with praise for his honesty at every turn, the fact that the jury originally looked to convict Mr. Marsh solely of "aiding and abetting" Mr. Wiese and, when they were not allowed, found Mr. Marsh instead guilty primarily of money-laundering, appears to indicate that its

members gave more weight to Mr. Marsh's loyalty toward Mr. Wiese, than vice versa.

On page 824, lines 24-25 and on page 825, lines 1-4, Amos claims that two people interacted with Ms. Trnkova while she was locked in the closet; however, neither police reports nor her testimony bore that out. Rather, she testified that - while both men put her in the closet - only one stayed nearby to ensure she did not escape. She distinctly testified she could hear the other one in the distance rummaging through drawers and opening and closing doors, "robbering all over the place."

On page 824, lines 24-25 and page 825, lines 1-3, Amos once again misquotes Ms. Trnkova's testimony. Amos told the jury, "Ms. Trnkova came in here and told you there were two people. She heard two voices. We know that both of those people came back to the closet that day. One zapped her and the *other one* told her to stay inside; *it is going to be over in a minute*. They kept her inside, locked up in that closet with her hands tied."

Nowhere does Ms. Trnkova say she interacted with two people when the closet door was reopened. Amos took it upon himself to separate out the "one who zapped her" from the "other one who told her… it was all going to be over in

a minute." Why? Amos needed two people there. The jury was not likely to forget that Ms. Trnkova recounted how the closet reopened and she was once again attacked. Nor would they likely have forgotten that Mr. Wiese reported himself standing sentinel at that closet door. Understand that Ms. Trnkova never said anything resembling that any robber had told her it would "all be over *in a minute*." The jury heard Mr. Wiese testify that he had tried to console Ms. Trnkova when she attempted to escape, but what the jury had *not* been allowed to hear is *her* version of the conversation when the closet door was opened. She persononally explained to me that when she was "too noisy," the robber opened the door to taser her again, and said, "Now see what you made me do."

Amos knows the rules of the court. He knows full well that the only people at this trial who were allowed to mimic others, were himself and Mr. Wiese. No other witness, including the victim or defendant, was allowed to testify as to what anyone *said* to them, yet Amos insultingly quotes Mr. Wiese quoting Ms. Trnkova.

At one point in Ms. Trnkova's testimony, she was asked if she could see the person outside the closet door when it was opened. She testified no, because he was "behind the door." When one walks up to that closet from the outside, the doorhandle is on the left. You pull it toward you to swing the door open, so a

right-handed person would reach across their body to open the door, exposing the left side of their body to the closet interior. However, a left-handed person would still be behind the door after they open it with their primary hand. Mr. Wiese is left-handed. Once the closet door was opened enough for his intended task, Mr. Wiese, being lefthanded, could then use his primary hand to reach around the door of the closet from behind it, unseen, to re-taser Ms. Trnkova as she described.

Similarly, also in the Kachlik household, the front door handle is on the left when approached from the inside, and when Ms. Trnkova answered the front door earlier, she likewise pulled it toward herself to open it. Ms. Trnkova is right-handed; therefore, in so doing, she would have exposed the left side of her body to the visitors first. At that point, any *right*-handed attacker's primary hand could easily have slipped inside around the door to taser her exposed left side. This did not occur. As Ms. Trnkova testified on Trial Transcript page 303, line 10, the person at the door first "pushed (her) inside." He then closed the door. Only then, *she said twice*, did he use the "stun gun." If her forward-facing attacker had been righthanded, then most of the bruises would be on the left side of Ms. Trnkova's body, but they are not. Discovery photos show that eighty percent of the bruises

on Ms. Trnkova's body were to her right side. Mr. Wiese is lefthanded. Mr. Wiese attacked her.

Did you ever read the book, "To Kill a Mockingbird"? If so, did you need to get to the point in the story where Atticus finally revealed to the court that it was physically impossible for Tom Robinson to have caused Mayella's injuries - because Tom has no use of his left hand - before you realized that Tom was innocent? Of course not. Identically as in the Marsh case, there should never have been any need for this piece of evidence to be brought up now, years after his (wrongful) conviction. Clackamas County Sheriff's Office refusal to do an investigation, and its District Attorney's seizure and withholding of exculpatory evidence, added to the physical abuse endured by Mr. Marsh in the Clackamas County Jail, said it loudly and clearly from the very beginning.

Trial Transcript page 825, lines 5-14, Amos describes how two people zapped Ms. Trnkova. Two people put her in the closet and interfered with her liberty. This is consistent with Ms. Trnkova's testimony, but not with Mr. Wiese's, who told the jury he just walked into the house and heard someone screaming.

Amos makes an odd statement on page 825, lines 8-9 concerning Ms. Trnkova's confinement in the closet: "It doesn't get really much more restrictive

except for the fact that they didn't lock *her in* the closet." Is Amos trying to say the chair that blocked the door was not acting as a lock? A few syllables later, he contradicts. "They locked her up."

On pages 825-827, Amos continues listing charges against Mr. Marsh, detailing why we know they happened, but omitting how the defendant was responsible.

Page 827, lines 9-10, Amos (speaking of the final charge of money laundering) said, "We know of numerous transactions." What? Is this true? Let's add them up! Ready? #1 There is the silver Mr. Marsh sold at the Tacoma coin shop that was discussed in detail, along with receipts, explanations and so on. #2 There is no #2. Although Mr. Wiese *claimed* there were many other transactions, either his descriptions were too vague, or investigators too lazy, or both, for any other transactions to ever be verified. More likely, both Mr. Wiese and his eager proffer audience knew that nothing else existed to be found. No other silver transactions attributed to Mr. Marsh were ever confirmed by anyone, so this is another example of Amos lying to the jury. Fact: there was only one silver sale attributed to the defendant. Did Amos believe the jury could not count?

Page 827, lines 12-20, Amos - speaking of the one silver sale tied to Mr. Marsh, said, “That’s a financial transaction. Then he deposits that (cashier’s) check into his ex-wife’s account. That’s a financial transaction, knowing the property in the financial transaction represents the proceeds of some form of unlawful activity…”

Let us break this down. How would Mr. Marsh know the proceeds were tainted? 1) He had a valid receipt from Mr. Wiese’s friend for the silver he had just purchased from her, and Mr. Marsh used a reputable retail establishment to turn that into a profit. The police seized that receipt with a warrant and withheld it to this day. It was not made available at trial. 2) Mr. Marsh and I were not initially informed about the robbery; the victims will verify this. No one asked Mr. Marsh or me how we found out about the robbery. I will tell you. In December 2011, a neighbor of Mr. Kachlik, who works with Mr. Marsh’s ex-wife, Julie Marsh, told her about it. Thus, we found out and I immediately confronted Mr. Kachlik. He then confessed that is why he phoned me from Europe in early October 2011, uncharacteristically at that point in our relationship, rightfully determining upon doing so that I “had nothing to do with it.” Yet, Amos equates Mr. Marsh’s bank deposit with certain knowledge of stolen proceeds, ignoring valid reasons for the transaction (hidden in his property room). Additionally, I am certain that if Mr.

Marsh or I had been informed early on of the silver robbery, then we would have been suspicious toward any silver linked to Mr. Wiese in that timeframe.

Moving on to page 827, lines 10-20, Amos says, "…Mr. Marsh went down October 28th, 2011, and exchanged a check from Tacoma Mall Coin and Stamp for a cashier's check. That's a financial transaction. Then he deposits that check into his ex-wife's account. That's a financial transaction… designed in full or in part to conceal and disguise the nature, location, source, ownership, or control of the proceeds of unlawful activity. That happened." How so, Amos?

Mr. Marsh was once the premier financial investigator in his department. He was an associate member of the prestigious Association of Certified Fraud Examiners (ACFE). Once, he even used financial computer forensics to solve a murder case! His credentials on this matter remain unquestioned by anyone. And yet, Amos would have us believe that Mr. Marsh successfully committed a violent robbery without leaving any trace of his identity at the crime scene, but thereafter blatantly violated every rule of successful money laundering possible, by his actions on October 28, 2011. It remains undisputed that Mr. Marsh walked into a licensed retail coin shop on that day with security cameras rolling, knowing the transaction would be reported to the IRS, yet Mr. Marsh used his own

identification and signature. He drove his own vehicle to the site and did not wear a disguise of any sort. When issuing a business check to Mr. Marsh, the coin shop clerk made a $1,000 mistake in Mr. Marsh's favor. (This is broken down in detail in the *Amos/Wiese (A/W) Project*.) Mr. Marsh says that he pointed out the mistake, but the clerk did not understand it. The clerk sent Mr. Marsh on his way.

Mr. Marsh had borrowed the money with which to make a quick profit on the discounted silver he had just obtained nearby from Mr. Wiese's companion, Olympia - and he needed to repay it. In addition, Mr. Marsh needed to pocket his profit quickly, as he incurred expenses daily on the jobs on which he was then working. (For this too, more detail is provided in the *Amos/Wiese Project*.) Mr. Marsh could not afford to deposit the business check directly anywhere back home in Oregon, because an out-of-state check for that amount would no doubt incur a lengthy and inconvenient hold. Instead, he drove to the bank off which it had been drawn and *he asked that it be cashed*. Any money laundering expert would know a transaction that close to $10,000 would be reported to the IRS under the 1970 FinCEN *Bank Secrecy Act*; yet Mr. Marsh, being an expert, made no attempt to conceal his transactions in any way. He had every intention of paying taxes on his quick profit, which is why he had obtained a receipt for his purchase from Olympia. Officers seized this receipt from among the records in

Julie Marsh's garage. They were among items given to them by Robbie Marsh, Mr. Marsh's youngest son. This receipt was withheld from defense.

When Mr. Marsh arrived at Sterling Bank, he had driven his own vehicle, used his own identification without disguise, and presumed security cameras were rolling. It is not unusual for someone to ask to cash a check, but the bank did not have that amount on hand, which is also not unusual. They suggested Mr. Marsh trade it for a cashier's check. Because banks do not typically put holds on cashier's checks like they do private party or business checks, a cashier's check would achieve Mr. Marsh's goal of having access to funds sooner, so he agreed to trade the coin shop's check for one. However, first he made another attempt to rectify the error in his favor that the coin shop had made. He showed the receipt to the bank teller, who confirmed the math error. The bank teller then consulted with her supervisor, who advised her to phone their client, the coin shop. The teller phoned the coin shop, who assured her everything was okay. If Mr. Marsh were dishonest or a thief, why would he go to such lengths to return money he did not believe was rightfully owed to him?

On page 828, lines 2-4, Amos advises the jury that if Mr. Marsh were present at the crime scene, then he must be guilty of every charge. The jury would soon disagree with him.

On page 828, lines 6-7, Amos says, “So let’s go back to the story of the timeline that we talked about at the beginning.” Yikes! If Amos’ timeline of events was that upon which this case was based, then the case should have been thrown out. The document, *Opening Statement Errors*, has already identified numerous places in which Amos was off by many years at the trial’s onslaught. If you review Mr. Wiese’s trial testimony and those of most others, you will hear one recurring theme concerning dates and timelines throughout: “I don’t remember.” Event dates were verifiable before and during trial. They remain available today. Yet Amos and his “investigators” apparently didn’t think it necessary to confirm anything. Since Amos sought to tie the historical connections of trial participants with motive, calling it “evidence,” and since his *Opening & Closing Argument* timelines were so bizarrely inaccurate, then by Amos’ own reasoning, they should not have been relied upon by the jury to form any conclusion.

Here is another example. Page 828, lines 13-21, Amos gives the jury a history lesson concerning the robbery victim, Mr. Kachlik. Amos explains, “We

know in 1966 Arnold Kachlik moved from Czechoslovakia. Remember, he was fleeing a communist regime when he went to Germany. He didn't want to be there, and he came to Chicago…" This is *almost* true - right up until the part about Mr. Kachlik not wanting to be in Germany. It is well known by anyone who knows Mr. Kachlik that German was his fourth language - right after 1) his native Slovak 2) the 12-years of Russian that was required in his birth-country's school system, and 3) the nearby and similar Polish language. Unlike Mr. Kachlik's first three languages, the German tongue is not of Slovak root. Therefore, it would be more difficult for a Czech person to learn. Is this the reason Mr. Kachlik did not want to stay in Germany? Of course, not! Mr. Kachlik had long wanted to escape specifically to West Germany. To this end, he diligently studied German for five years, and prides himself on having been his German teacher's best student. He did not otherwise apply himself strongly in the classroom as a youth. To get to Germany, Mr. Kachlik visited Austria and defected from there. Germany would not accept him permanently as he did not apply for residency through official channels. Mr. Kachlik was forced to return to Austria, where he worked for one year, waiting for countries in the Western hemisphere to accept him. Eventually, he was given a choice between Mexico, Canada, and America. He chose the latter,

where he would soon learn his 5th language, English. He arrived in January 1966. He was 27, and I was three months old.

Amos alleges details are important, but he slaughters them at every opportunity. Why? Amos does not appear to believe it is very important to get to know his victims, their true concerns, connections, or motivations. They do not appear necessary for his conviction goals.

Page 828, lines 17-21, Amos continues to toss facts into a blender. He says, "In 2000, when (Mr. Kachlik) saved some money and bought two cabs, if you remember, he also invested in an apartment complex, which did very well, and it was successful. He invested in numerous more apartment complexes before he moved to Oregon in 1977." I didn't know timelines went backward, except in movies.

Here is the real story, which Mr. Kachlik would confirm if anyone had bothered to ask him. Mr. Kachlik worked 80 hours per week driving taxicabs in Chicago during his first year here in America, 1966. He made so much money so fast, he bought a brand-new car 11 months later with cash, which earned him the attention of the IRS. He also owned more than just a couple of cabs; he owned a thriving business. He eventually bought a 5-let apartment building too. He owned

it for about three years. He sold it for a $185,000 profit and moved to Oregon around 1977. That was the ONLY apartment building he ever owned in Chicago. So, when Amos says on page 828, lines 19-21, Mr. Kachlik "…invested in numerous more apartment complexes *before* he moved to Oregon in 1977," it means Amos had no clue when Mr. Kachlik did what. Fact: Mr. Kachlik did not again buy rental property until the early 1990's and it was here in Oregon. He would buy many apartments and commercial buildings over the next 20-ish years. This is yet another example of Amos neither doing proper record searches, nor bothering to learn about the ones for whom he claims he sought justice. If none of it matters, then why is Amos including it in his *Closing Argument*?

On pages 828, lines 22-25 and 829, lines 1-15, Amos is astoundingly accurate as far as I can tell. But his story deteriorates again beginning on page 828, line 15, where he says, "Arnold Kachlik stopped seeing Connie Loop in 2003." Recall that Mr. Kachlik had attempted to downplay his relationship with me. He told the jury we lasted "about 10 years." That would mean we broke up in 1998 when Erik was about two. In fact, we broke up in September 2001, just shy of 13 years, when Erik was about five. So, as much as I would like to agree with Amos' 15-year version (since both Mr. Kachlik and I independently and rightly testified our relationship began in December 1988), it simply is not true.

Page 829, line 20, Amos says, “2005, Arnold Kachlik divorced (Gail) Kachlik.” Wrong! Divorce was final in 2010. Five years off, Amos. You know, if one is too lazy to research public records, I’m sure the victims could have answered these questions before Amos decided to use them as “evidence” in his *Closing Argument*.

Page 829, line 21, Amos said, “2006, the defendant has a small remodel business.” On page 830, lines 1-2, he says, “In 2004, 2006, (Mr. Marsh) starts the construction business.” So, which is it? Neither. Mr. Marsh obtained his CCB license in 2002. In 2005, he hired me part-time in his office and Mr. Wiese nearly full-time in the field. In 2006, we had 1-2 small crews working in two states. At our peak in 2007, by the time Mr. Marsh retired from his first career, we had over 20 employees.

Right after telling the jury on page 829, lines 4-5 that “Arnold Kachlik began having an affair with Connie Loop in 1988,” Amos says, “The defendant moved to Julie Marsh’s current residence on (Navajo) Way in Oregon City.” For some unknown reason, this time Amos doesn’t venture a guess as to what year the latter may have occurred. It was 1992.

Page 830, line 3, Amos guesses, "*Around* 2007, the defendant retired." It was not "around" 2007. It was smack in the middle of it - in June. Mr. Marsh did not want a large to-do concerning the retirement from his 25-year career. Nevertheless, a small pizza party on Oregon City's hilltop one afternoon was held. His brother and I attended and toasted to his continued success. Long-time Sheriff Craig Roberts gave a speech and reinstated Mr. Marsh's lost promotion. It was smiles all around. We invited guests not to be strangers. "Come visit us down on High Street at our 800-sq. ft. commercial office space overlooking the Willamette River." Later, we campaigned for Craig. He was our friend and a good man, or so we thought.

Page 830, lines 6-15, Amos describes how "unlikely" that Mr. Wiese would give up "his successful karate dojo in Vancouver" in "2007 (or 2008)" to work for a journeyman's salary. Maybe true, but once again, Amos never substantiated that Wiese ever owned a dojo, much less a successful one. If Amos or "investigators" had ever once asked for our ADP records, they would have realized we paid Mr. Wiese $25 per hour since early 2005, which was always garnished for in-arrears child support. His last paycheck from us was in mid-summer of 2008. After that, Mr. Wiese was hanging out at local Mexican clubs all night, so he was not able to work daylight hours. He was also stealing Mr. Marsh's expensive tools. It was

around that time that Mr. Wiese seemed to begin to fancy his future primarily as a drug lord. Local Mexicans had a word for him that, loosely translated, meant something like, “Big White Cheese.” As Mr. Marsh had no employees after the big crash of October 2008, he began to do odd jobs that Mr. Wiese, still living in the Portland area, sometimes found for them. For a while beyond that, Mr. Marsh kept Silvergate Construction’s CCB business license active, yet at no time was Mr. Wiese ever on its license, bond, insurance, or bank account. Further, Amos’ timetables for events tend to lag by about three years throughout the trial, leaving gaps in motivating factors by those involved. Mr. Wiese did not begin to work for Silvergate Construction in 2007 or 2008 as Amos falsely described, but rather in 2005. Thank goodness Amos had the foresight not to pull ADP records. They would not have served his purposes.

Also in this section, Amos states that Mr. Wiese “… gave up his *livelihood* for Mr. Marsh.” Reality check: That karate school never provided a livelihood or a profit for anyone. It could not even stay afloat when Mr. Wiese funneled money to it by working elsewhere.

Amos would have us to believe on page 830, line 16, that Mr. Kachlik met Ms. Trnkova in 2008. This is possible. Mr. Marsh and I leased Silvergate

Construction's commercial office at 615 High Street, Suite C, in Oregon City, Oregon for three full years, 2005-2008. Paul Kolias was our landlord. Ms. Trnkova once accompanied Mr. Kachlik to our office there during a parenting exchange. That could not have occurred after our lease ended in October 2008, so they had to have at least begun dating by 2008.

On line 16-17 of page 830, Amos guessed that Mr. Marsh officially divorced Julie Marsh in 2009. Even a blind dart thrower will get lucky once in a while.

Continuing lines 17-19 of page 830, Amos says, "In 2009, 2010, financial trouble for the construction company." It appears Amos would do anything to label me as the culprit. If only *anyone* had inspected the books of Silvergate Construction that were archived in clearly marked file boxes in the middle of Mr. Marsh's Creswell, Oregon shop when cops burst through its doors in early 2014 looking for a non-existent meth lab! Those financial records, still available through Clackamas Community FCU, prove unmistakably that Mr. Marsh closed his Silvergate Construction business checking account in October 2008 as soon as the market crashed. That same month we immediately ended both our Oregon City, Oregon commercial lease, as well as my residential lease at Summerlinn in West Linn, Oregon. These facts are verifiable. We moved to Creswell together to finish

our own new housing projects there because Mr. Wiese refused to keep working for us beyond the summer of 2008. He was too busy hanging out in Mexican clubs all night, prepping for his budding career as a drug dealer.

Why was there trouble for construction company finances after Mr. Marsh divorced Julie Marsh - aside from the market crash of October 2008? Back in 2007, when they were still married, Mr. Marsh allowed her to do their joint taxes. She is not an accountant by trade. She is a nurse. She made a mistake, to which she testified. She put a figure on the wrong line while filing electronically. It triggered an IRS audit for which she and Mr. Marsh were notified in 2010 and that eventually strung into 2012. As Mr. Marsh's CCB license was issued as a sole proprietorship, anything that impacted his personal finances would by fiat affect any company owned by him that had not been properly incorporated. (He and I had talked earlier about converting Silvergate Construction from a sole proprietorship into an LLC, but the reasons we did not do so, now escape me.) As a result of the audit against Mr. Marsh and Julie Marsh, the IRS attached four lots, our Creswell home, and Julie Marsh's Oregon City, Oregon home in 2012. After Mr. Marsh's 2014 false arrest, I was eventually and thankfully able to get liens removed at least from my house and two lots in Creswell, Oregon. The two lots in Oregon City remain encumbered by the IRS to this day. Despite Amos' confusing

line of questioning to me on the stand, Mr. Marsh's construction company did not own real estate at any point in time. Perhaps Amos thought Mr. Wiese's word was more reliable than public records? Neither he nor investigators did due diligence.

Was there financial trouble in 2011? Yes. Mr. Marsh's company had downsized. The market had crashed. We had no crew left. On page 830, line 20-24, Amos reminds the jury that Mr. Marsh had downplayed 2011 financial struggles. Reasons for this may have been that Mr. Marsh was still able to work, the IRS did not attach any real estate until it concluded its audit in 2012, plus Mr. Marsh owned much personal property, which included an airplane, a classic Camaro, a low-mile Harley Davidson motorcycle, numerous work trailers, an excavator, a backhoe with attachments, and a shop full of expensive tools. Any of these could have been liquidated if necessary. The proceeds would have supported us for many years. So, yes, things were tighter than they had been for us, but it isn't like we owed the cartel a bunch of money for drugs we took on credit, distributed on credit, and failed to pay for - like Mr. Wiese. He had far more reason for desperate measures than we did. He lived in an apartment in Milwaukie, Oregon for which no permit had been issued. His vehicle did not run, and his Washington driver's license had been revoked due to unpaid child

support. To top it off, his drug business was about as successful as his dojo apparently had been.

On page 831, lines 5-15, Amos states there was no connection between Mr. Wiese and the Kachliks, but that is not true. Mr. Wiese had been to the Kachlik home on more than one occasion. As he could not legally drive, Mr. Wiese often rode with Mr. Marsh to and from jobsites. Over the years, Mr. Wiese easily picked up tidbits of information about the Kachlik household. However, by 2011, his information was stale and incomplete. For one, he did not initiate the robbery prepared for any safe, and he only found the one in the bedroom. He did not find the one installed earlier in a main room in the house. An old police report reveals that Mr. Kachlik complained to law enforcement that Mr. Marsh "burst in" and saw a small safe being installed in 2003. Mr. Marsh had visited Mr. Kachlik that year during a previous unrelated investigation, so yes, he saw a safe being installed, but that safe remained untouched on October 1st, 2011, during Mr. Wiese's robbery. This suggests that Mr. Wiese did not obtain sufficient intel from Mr. Marsh in which to maximize his robbery loot.

Speaking of law enforcement, Amos goes on, on page 831, lines 16-17 and 20-21, "They didn't have any evidence that it was the defendant at that time.

They kept investigating. There was nothing… But, of course, there was no evidence. They exhausted all leads." Quite the contrary! Mr. Lee had testified he basically took Mr. Wiese's word for everything. I could fill another book with a list of leads he did not follow up on. Mr. Lee's mind was made up ahead of time. He wanted Mr. Marsh to be guilty and he refused to entertain evidence otherwise. He, in fact, personally threatened me twice that if I "knew anything," I'd "be in trouble." In other words, to silence me, it was made clear to me early on that I was not to attempt to offer exculpatory information pertaining to the case, or else.

In page 832, lines 2-5, Amos says of Mr. Wiese, "He was implicating himself. It was a very serious crime. Did he do it to get out of trouble? Sure, he told you that. He also knew because he had enough, and he came clean." Not true. Mr. Wiese made his robbery deal in September or October 2014, but he did not "come clean" about the drugs until nearly three years later in August 2017 on the first day of Mr. Marsh's trial. That's sort of a big detail concerning Mr. Wiese's trustworthiness, as it shows a pattern of Mr. Wiese blaming Mr. Marsh for his own crimes. Amos told the jury otherwise. This was not just laziness or a mistake on his part. Amos knew better.

Amos then diatribes about lack of evidence. Page 832, lines 14-16, he inserts, “Where is the DNA going to be? Where is *the fingerprint* going to be? We heard there was none found at the scene.” In truth, there was one very good out-of-place fingerprint found at the home by detectives on the day of the robbery. It was matched against homeowners, and later suspects. It did not belong to the homeowners. Neither was it Mr. Marsh’s print. Did Amos know this? I think he did, which is why he uses the phrase, “*the* fingerprint,” singular, when most people would reference (plural) fingerprints in this situation.

On page 832, lines 23-25 and 833, lines 1-2, Amos goes on, “Of course, there is a possibility that nobody leaves DNA or fingerprints, especially when you are dealing with *somebody this sophisticated* in the area of physical evidence crime scene investigation, and forensics.” Nonsense. The house was full of evidence, plus there are Ms. Trnkova’s descriptions of what happened, physical descriptions of her attackers and what they said to her, plus the fact that the robbers spoke Spanish to one another.

Just how sophisticated were the thieves? Amos would have us believe that Mr. Marsh had so little training that he would need to resort to tasering a tiny senior citizen to subdue her, after which he failed to search Ms. Trnkova for a

phone before stuffing her in the closet. The zip-ties he installed would then be overcome for the first time in his 2.5-decade career - not by a big strong bad guy, but - by the small and elderly Ms. Trnkova. If we believe Amos, recall that Mr. Marsh came disguised as himself and brought no tools. And he made sure to hire a "getaway driver" *with no driver's license*, because that would go over so well if they got stopped. Real sophisticated plan.

I will insert a personal speculation, since there are no reports in discovery as there should have been on this point. How did Mr. Wiese first come to decide to confess about the robbery? Was he not in enough trouble over his drug arrest? I envision him sitting in Clackamas County jail, busted. During drug interviews, he quickly ascertains that the CCSO staff are far more interested in getting dirt on Mr. Marsh who had embarrassed them in their minds, than they had concerns with Mr. Wiese, who was merely your average everyday drug dealer. Mr. Wiese formed a scheme to use his past friendship with Mr. Marsh to blame his robbery on him, and it worked far better that he could have imagined. He was given full immunity for drug running, senior citizen tasering and silver selling, plus he even got to keep 100% of his ill-gotten gains.

Page 833, lines 3-8, Amos feigns that an investigation was done. “So, they follow up on everything they could. They went to Vancouver pawn shops. There were no records. They went to *Tacoma Coin & Pawn* during the course we are going to talk about, and there it is. That transaction is not in the name of Gerald Wiese, but in the name of Floyd Marsh.” The prosecution who had just stated how clever Mr. Marsh was to have left no evidence at a robbery (a crime to which he had only been rarely assigned) now has him leaving a sloppy financial trail of breadcrumbs the size of I-5 at a coin shop and bank in Tacoma, Washington.

First, let us correct Amos’ grammar. The name of the shop where Mr. Marsh sold the silver was not “Coin & Pawn.” It was “Coin, Stamp & Jewelry.” On more than one occasion, Amos claimed Mr. Marsh pawned the silver coins. Untrue. Mr. Marsh received full spot price for them. This can be verified by comparing his receipt with what Google says silver prices were on that given day.

Did investigators ever go anywhere but this one establishment for this one transaction tied to Mr. Marsh? If so, I recall no reports in discovery about that. If they made any inquiries, did they inquire about transactions done in Mr. Wiese’s name, or only in Mr. Marsh’s, which they wanted to be true?

Page 833, line 14, we find Amos speaking of law enforcement, “They went to Sterling Silver Bank…” Again, I recall no reports about this in discovery. Anyhow, there is no such place as “Sterling Silver Bank.” The name of the bank that offered Mr. Marsh the cashier’s check in lieu of cash, is *Sterling Bank*. Amos simply has silver on the brain.

Page 833, lines 23-25, Amos takes us back to Ms. Trnkova’s initial attack. “We know that Ms. Trnkova… when the door was opened, she was zapped. She immediately fell to the ground.” Not true. She said the person came inside first, shut the door behind himself and only then tasered her. This is important for reasons described earlier that reveal her attacker seems to have been left-handed, as Mr. Wiese is.

On page 834, lines 1-9, Amos attempts to explain why Ms. Trnkova was unable to identity her attacker. Did investigators apply even basic identification techniques? Was Ms. Trnkova shown a line up - or even photos - of Mr. Marsh or Mr. Wiese? Never. Neither was she ever allowed to hear an audio recording of either Mr. Marsh or Mr. Wiese so she could compare their voices to that of her attacker. As the Clackamas County Sheriff’s Office pursued the case against Mr. Marsh, they actively ensured Ms. Trnkova would never be able to identify Mr.

Wiese as her true attacker. Consider my following experience. At Grand Jury in October 2014, I was standing in the lobby of the Clackamas County Courthouse, chit-chatting with Mr. Kachlik and Ms. Trnkova. It was early in the case and Mr. Marsh had been in custody in Chicago for only a few months. I had many unanswered questions then, but one thing I knew for certain was that Mr. Wiese was not a truthful person. While the victims of his robbery and I visited in the lobby, suddenly a court employee hustled over to usher Ms. Trnkova out of the lobby so they could bring Mr. Wiese through it and into the tiny adjacent room packed with the Grand Jury. Officials clearly did not want her to see, hear or otherwise be able to identify him. Had she done so, this would have blown their entire scheme because it would have contradicted Mr. Wiese's numerous interviews and Grand Jury testimony.

On page 835, Amos expounds on the "hatred" between Mr. Marsh and Mr. Kachlik, leaving out the fact that Mr. Wiese tends to hate everyone whose life is thought to exceed his in terms of prestige. This would include Mr. Marsh, Mr. Kachlik, and likely several members of the jury.

On page 835, lines 14-17, Amos cruelly extrapolates upon Mr. Marsh's testimony concerning his positive feelings for his stepson, Erik Kachlik. "We know

that there is this connected relationship with Erik, who is Mr. Kachlik's son, and Mr. Marsh. Mr. Marsh said, 'He is essentially my son,' but he is not. And that's going to create conflict, jealousy." From where did Amos draw this conclusion? Perhaps he was referring to Mr. Kachlik's comment on Trial Transcript page 356, line 19, wherein the latter testified that Mr. Marsh and Erik Kachlik "seemed to be getting along."

Erik went through a difficult period in his mid-teens, wherein he smoked weed and cigarettes. We were all worried. Mr. Kachlik invited Mr. Marsh to his property to try to obtain from Erik the whereabouts of his stash. Mr. Marsh met with Erik in Mr. Kachlik's barn and successfully obtained the contraband. Mr. Kachlik and I deeply appreciated his assistance. Although tensions once existed between some of the parties, over the years there was never one harsh word said concerning the way in which Mr. Marsh interacted with Erik Kachlik. Mr. Marsh also taught Erik the construction trade when Erik was young, at which he is very skilled today - to the current benefit and great convenience of Mr. Kachlik.

Page 835, lines 19-21, Amos says, "We also know from Mr. Wiese that apparently Mr. Marsh felt that Mr. Kachlik owed Connie Loop money for back child support." (Is this why Mr. Wiese yelled at Ms. Trnkova while he tied her up,

"Arnold owes me a lot of money?") If Mr. Wiese said this, then he is regurgitating very old information. Mr. Kachlik didn't owe me any child support. When Mr. Kachlik and I first broke up in 2001, he did not want to pay it, but later I received government benefits available to our son due to Mr. Kachlik's Social Security status. When Erik lived with me, I received it; when he lived with his father, I didn't. That was fair. Yes, in 2004, I was still very angry at Mr. Kachlik over his earlier stubbornness. However, in November 2005, a few months after Mr. Wiese began working for us, I received a six-figure settlement and an apology from Mr. Kachlik. Ask anyone. I healed quickly after that. Since then, Mr. Kachlik and I have been on good terms, and he owes me nothing. When Mr. Lee asked me in the autumn of 2014 about financial standings between Mr. Kachlik and me, I simply shrugged and said, "We're good." Therefore, despite Amos' preference of Mr. Wiese's version, no lingering animosity existed between Mr. Kachlik and me by 2011, nor thereafter. If Mr. Lee reported otherwise, he knows he lied.

On page 836, Amos role-played Mr. Wiese's version of events - that business was going great until one day, on lines 12-14, Mr. Marsh says, "Oh, by the way, we are broke," to which Wiese answers, "What do you mean we are broke? I've been busting my tail." (Everyone who works hard must have money regardless how they run their lives. Is that how it works?)

On page 836, lines 16-17, Amos reports, “According to Gerald Wiese, he said that Connie Loop has taken the money. The money is missing.” If this is true, why did not one “investigator” ever ask me about it in all those years leading to trial - including financial expert, Mr. Marsh? Why did no one interview our two bookkeepers, Rose Cooley or Zella Richardson? Why has no one asked for our credit union records to this day? Why did they ignore Silvergate Construction’s obvious, clearly marked original source documents such as receipts, contracts, ledgers, check copies, payroll records, and so on that were archived in Mr. Marsh’s shop? I mean, if one thinks one is serving a warrant on a drug dealer, why would you trip over or dismiss his financials? They would seem like a gift from above to any investigator worth his salt. Why would you not take and examine them? The truth is that I was brought into the IRS office in downtown Portland during Mr. Marsh’s audit around 2011, where I was questioned and audited so that the IRS could compare my financials with that of Mr. Marsh & his ex-wife, Julie Marsh. No one mentioned anything to me about any missing money - not ever, not once. The first I heard about such comments was years later in 2017 from Mr. Marsh right before his trial. He informed me that Mr. Wiese had alleged it in discovery. I laughed. It had to be a joke. Incidentally, Mr. Marsh’s 2010-2012 IRS audit had very little to do with his construction company and almost

everything to do with Mr. Marsh's retirement funds. I was never listed as a signer or owner on those retirement accounts. I never saw the accounting for them. Mr. Marsh hired someone locally by the name of Stephanie Ammerman to help him with those. As I was already doing his Silvergate Construction books, he did not want even the appearance of any "disqualifying (tax-triggering) events," such as mixing non-distributed retirement funds with taxable ones. Ultimately, his precautions didn't work because Julie Marsh took a figure and put it on the wrong line while doing their 2007 or 2008 taxes, triggering audits for all of us. This resulted in a tax bill for Mr. Marsh that we both still deem unfair as he had taken great care to follow all rules of distribution, under the direction of a very expensive CPA in Lake Oswego, Oregon, by the name of Gary Burroughs. Mr. Marsh's arrest in 2014 prevented him from completing his audit appeal.

On page 837, lines 1-3, Amos says, "Motive. Opportunity. Who would have known that Mr. Kachlik is gone? Was it Mr. Wiese? How would Mr. Wiese know?" Mr. Wiese would easily have known Mr. Kachlik was on a prolonged visit out of the country because he worked with Mr. Marsh every day. He could also have found out, without much trouble, Erik Kachlik's visitation schedule, that he would not be at his father's house that day. Erik Kachlik would have been able to instantly recognize Mr. Wiese, as they were once coworkers. Incidentally, if Mr.

Marsh was the one who planned the robbery, he could have easily made sure Ms. Trnkova was not at home either, because she undoubtedly would have recognized him. Mr. Wiese did not have an easy ability to check specifically on Ms. Trnkova's schedule ahead of time, and obviously decided it was rather irrelevant to his mission.

On page 837, lines 9-10, Amos asks, "Who knew that Mr. Kachlik had money?" There is not one person who has ever driven into Mr. Kachlik's driveway who would try to argue that he does not have money. A more obvious point is Mr. Wiese mistakenly believed Mr. Kachlik had money *at home*.

On lines 12-20, Amos role-plays a mimic of Mr. Marsh, quoting hearsay through Mr. Wiese, and describes an alleged robbery plan. "We are going to be pretending to be a cell tower guy." Amos does not address that Mr. Wiese, having been to the Kachlik property on more than one prior occasion, would also have been able to notice the cell tower. He could have observed workers there and gotten the idea to pose as one. Because how would two guys appear as one? Circus costume?

On lines 21-22, Amos says, "Tools. Who knew where the tools were?" Apparently, no one, Amos. The thieves, having no knowledge of a safe, had to run

all over, looking for tools. They had arrived in a van that could easily have held enough tools with which to remove a safe, but it didn't. If you ask me, they didn't bring a van to load up a safe. They came prepared to haul away a body or two.

There is one silver transaction linked to Mr. Marsh, and many others admitted to by Mr. Wiese that investigators never verified. So, when Amos asks on page 838, lines 24-25, "Money Laundering. Who was in charge here? Who was handling the money? Who was getting the proceeds?" he could only have been referring to the one silver transaction tied to Mr. Marsh. Amos does not account for the numerous other alleged silver sales by Mr. Wiese.

On page 839, lines 4-5, Amos quotes Mr. Wiese, "Nobody was supposed to be there." But Mr. Wiese came prepared in case there was. Thankfully, he did not kill Ms. Trnkova. Had her son happened upon the robbers, that could easily have happened.

On page 839, lines 9-19, Amos attempts to depict Mr. Wiese as an "orderly" robber who at first merely nonchalantly moseyed through the right side of the home, ensuring all that he touched was kindly returned to its proper place. Conversely, Amos portrayed Mr. Marsh as trashing the left side of the house, in his "anger and frustration." The jury was never informed that in his robbery

proffer, Mr. Wiese claimed it was not he, but instead Mr. Marsh who first went running around the right side of the home while Mr. Wiese went left. It appears the jury never received a copy of that robbery proffer to compare the dozens of contradictions in Mr. Wiese's testimonies from proffer to trial.

Page 839, lines 20-22, Amos says to the jury, "Oh, he had the ability. He is an experienced police detective. No DNA, no physical evidence, no cell phones. Burn and bury it." Or maybe he just wasn't there, Amos.

Really? There was no evidence? There was a hole in the master bedroom floor and mess all over the house. The thieves came in with a wrecking-ball approach. Amos would have us to forget that Mr. Wiese, who claims to have just taken the time to rearrange the homeowner's flowers in the sitting room "vases" into which he dared to peer, immediately thereafter took part in forcibly ramming a heavy safe to rip its bolts out with the subflooring - causing many thousands of dollars in damage to the home.

What about the cell phones? I don't believe Mr. Marsh's cell phone records were introduced at trial. Why not? They would have proven he was elsewhere - just like his job notes that police seized, and that Amos also withheld from trial.

What about the burning and burying? On page 839, line 25, and page 840, lines 1-5, Amos said, “You heard about search warrants in 2014, but they didn’t find anything… It is highly unlikely that you would find anything. Somebody this sophisticated, a 25-year veteran, is going to leave something around for years?” Amos’ order of events is wrong. It is true that Mr. Wiese’s robbery confession took place just about exactly three years after its commission, but no search warrants were then issued because of it. (Warrants had only been issued months prior and were not in connection with the robbery.) Hence, no one ever looked in the burn barrel after Mr. Wiese confessed to the robbery. This is yet another instance of Amos misleading the jury.

On page 840, lines 6-14, Amos talks about “the proceeds of the financial transactions.” According to Amos, Mr. Wiese had given the following explanation for why Mr. Marsh and Mr. Wiese were at Tacoma coin shop on October 28th, 2011, the day of Mr. Marsh’s silver sale. “*They had to research*, right? They thought they were getting cash. They didn’t know this was *going to be a problem* trying to get rid of the proceeds of the criminal act, that robbery, so Mr. Marsh had to do his own *research*. It took some *time to figure it out*.”

Let's break this down. If Mr. Wiese believed that Mr. Kachlik had cash laying around, then he was acting on old verbal information that I had given to Mr. Marsh in 2003, which was even outdated by then because I had no business dealings with Mr. Kachlik beyond September 2001. At best, Mr. Wiese's "intel" was a decade old and clearly based upon wishful thinking.

"This was going to be a problem." That echoes Mr. Wiese's terminology when he gave his robbery proffer in 2014, to which Amos was party. Envisioning the scenario if Ms. Trnkova had been able to escape the closet and run around, Mr. Wiese said that "would'a been a problem."

To someone completely unfamiliar with legitimate silver sales or illicit money laundering techniques, liquidating silver *would* require research, whereas to someone who was already an expert in both - like Mr. Marsh - it would require no "time to figure it out" other than to simply google silver "spot prices" on a given day. Mr. Marsh had long been familiar with ways in which gold and silver were used by money launderers to "wash" money. Therefore, if he was selling silver to hide fund origins, then he 1) would not have needed time to research how to sell silver and 2) would have behaved very differently when he did sell it. Apparently, Amos would have us to believe that it took Mr. Marsh longer to

unsuccessfully “figure out” how to sell silver (and get caught), than it did the uneducated Mr. Weise, whose unidentified transactions allegedly preceded Mr. Marsh’s.

Amos clearly identifies himself as a person with no precious metals experience. On page 840, lines 15-22, he tells the jury, “Then they did some test cases in Vancouver. They sold some of the coins for a couple grand. After that, he wanted to make a larger transaction. He wanted to *move more of the load for a higher price*, so they went *up to Olympia* and they ended up getting (indiscernible). A couple of weeks after the criminal act occurred, it is the defendant up there with the form selling it. That is undisputed.”

Test cases were not necessary to someone like Mr. Marsh who had long been intimately familiar with silver-selling policies, procedures, and IRS reporting laws due to his profession. The transaction of “a couple grand” was never verified by law enforcement, probably because they refused to look for transactions done by Mr. Wiese. Further, selling “more of the load” would not result in “a higher price.” That’s not how it works. Silver sells for its going “spot price” that changes daily just like the stock market. Its price is not affected up or down by how little or much one buys or sells. Further, Amos claims the duo went “up to Olympia,” but

Mr. Marsh knows Olympia to be - not your proverbial town in Washington, but rather - Mr. Wiese's long-time friend *and* the source of the silver Mr. Marsh purchased only an hour earlier at a discount (due to her alleged divorce issues). Finally, Amos is off in his timeframe. The silver transaction was almost precisely four weeks after the robbery, not two. So again, if we believe Amos, it took the educated Mr. Marsh a full month to figure out how to sell enough silver at a time to ensure being reported to the IRS.

On page 840, lines 23-25 and page 841, line 1, Amos says, "Then what happens? He takes those coins, and he gets cashier's checks. Why not just *go to the bank*? Why not *just deposit that check*? (Indiscernible). Of course, he deposits the check into his wife's account." Once again, there is much wrong with this. It has already been amply explained why Mr. Marsh did not simply deposit the check issued to him by the coin shop. There would have been a lengthy hold placed on the funds - likely 14 days. This was due to the amount, plus that it originated from outside of Oregon. Apparently, Amos has never run a business before either. And there were not cashier's checks, plural. There was one. And Mr. Marsh did not take coins to get it. Banks don't take precious metals in on trade because its value is based on fluctuating spot prices per ounce, not on set face values. "Why not just go to the bank?" He did! Mr. Marsh took a traceable

business check to the only bank with the ability to verify the account off which it was drawn, to be able to cash it or trade it in for an instrument considered "collected funds" (otherwise known as a cashier's check), so that no hold would be placed on it. Mr. Marsh did not deposit the funds into his "wife's account." He was not married. He deposited it into his ex-wife's account. It may seem unconventional for them to have had such a cozy financial arrangement two years after their official divorce, but that was their long-time way of doing things and no one's business. Mr. Marsh had to realize that account would be viewed during their joint IRS audit that was already well underway - or even by warrant if he was guilty of any wrong-doing or attempting to hide transactions! Yet he took no steps at all to conceal his money trail. On page 841, lines 9-10, Amos says, "It is undisputed that the defendant had access to that account." So, what! Mr. Marsh's utilization of Julie Marsh's account was by no means illegal. It was motivated by nothing more sinister than habit, convenience, and perhaps a touch of laziness.

By the way, where are all the other transactions for silver in Julie Marsh's account? They don't exist, as Amos knows.

On page 841, lines 11-14, Amos says, “He (Mr. Marsh) had access to the card, and with that card he also had the ability to deposit money into that bank account. *They are probably not going to audit that bank account*.” (Here Amos, the mind reader, goes again, speculating hearsay in the third person.) Why in God’s name would the IRS *not* be going to look at Julie Marsh’s bank account! They were already auditing her and Mr. Marsh’s joint tax return. She, in fact, ended up with a large tax lien against her home.

Amos admits on page 841, lines 16-17, that Mr. Marsh did not appear to be hiding his financial transactions associated with Julie Marsh’s account. “Look at all these purchases. He is actively using them. There is no disregard and no concern.” True, but had Mr. Marsh robbed the Kachlik home, he would have taken precautions to distance himself from any funds that could be traced back to silver. He knew how to do so, but he was unaware of any need to do so.

On page 841, lines 16-25 and page 842, lines 1-6, Amos compares the number of debit transactions in Clackamas versus Lane counties, from Julie Marsh’s account; however, the point is lost. Mr. Marsh essentially lived, worked, and had shops in both places. Mr. Marsh’s own job notes, if provided, would have

proven he was within a 20-mile vicinity as the robbery occurred. He was at the Johnson residence in Gladstone, Oregon that morning.

On page 842, lines 11-16, Amos asks the jury to speculate. “Well, *maybe* that’s because Connie Loop has taken *all* of the money? That’s *maybe* because the IRS was after him?”

Earlier in the trial, Mr. Marsh testified there were problems with our company books; however, that was not expounded upon. By 2009, Silvergate Construction had been closed for months. We had closed our Oregon City, Oregon office, and our business checking account at the Clackamas County FCU, and we had moved to Creswell, Oregon. The IRS audit would not begin for another year. In 2009, Mr. Marsh hired our independent West Linn, Oregon bookkeeper, Rose Cooley, to conduct an audit of our books, looking for discrepancies. She was already intimately familiar with our QuickBooks and had previously been complimentary in my detailed labeling of transactions. Her conclusion to Mr. Marsh was that I was not stealing. Quite the contrary! She reported to Mr. Marsh that I had his best interests in mind. When Rose was done, Mr. Marsh took a closer look. The books were fine, but something was still not adding up. It was then he discovered a scam by our two supervisory employees, Mr. Gerald Wiese,

and Mr. Edward Lopez. They would buy similar orders at Home Depot for the same job, using our company credit cards. They would then return one of the orders without a receipt so these returns would not appear on our company statements. Without a receipt, our thieves would receive in-store gift cards. They would use said gift cards for other jobs they bid and did on the side. (Likewise, they used our company trucks, materials, and employees toward their own ventures! In the summer of 2008, just prior to us shutting down the business, there was an example where Mr. Wiese turned in crew hours for two weeks of work on a client's building project in Creswell, Oregon. We paid our crew, but when we visited the jobsite to inspect, it appeared as though no one had even been there. To curtail this, in late summer of 2008, Mr. Marsh installed a $3,000 timeclock. The entire Wiese/Lopez-led crew, quit immediately.) Later, when I cross-referenced purchase orders, statements, receipts, and invoices, I failed to identify their gift card scam. Mr. Marsh discovered it because Mr. Wiese and Mr. Lopez had accidentally turned in receipts to our office for items that they had purchased with ill-gotten gift cards, for other jobs. (Apparently, they had no need to "job cost" for their other projects, duh.) As I had been unable to attach those receipts to anything, I dismissed them as irrelevant personal receipts. After all, the other receipts they turned in matched against statements and invoices. Mr.

Marsh was the only one between us capable of recognizing line items or inventory numbers on a Home Depot receipt to determine their legitimacy, and I relied on him to do so. Yes, I probably wondered about (and expressed annoyance at) the seemingly higher-than-reasonable number of expensive line items being routinely purchased, yet I assumed some tool replacements were necessary because I had observed that our employees routinely abandoned tools outside at job sites. My role as Office Manager was primarily to record what transpired in the field, and I did my best. The company had leaks, abuses, and cancer, but it was not me standing in line at Home Depot or leaving hammers and saws in the rain. Mr. Marsh's once-thriving company was not behaving sustainably even before the Big Crash, due to theft and lack of productivity. Yet he and I failed to make hard choices until it was too late. Meanwhile and unbeknownst to me, Mr. Wiese had started his rumor brigade that Connie was embezzling. He no doubt hoped this would explain the growing unprofitability of the company due to the unnecessary loss of several $10,000's of dollars in unnecessary overage charges that he was aggressively skimming. The only individual Mr. Wiese seems to have successfully fooled long-term, was Amos.

Amos would have us to believe that Mr. Marsh used his ex-wife, Julie Marsh's bank account "…maybe because… the IRS was after him. He can't put it in

his account. He has got to put it somewhere else." That makes no sense. Julie Marsh was party to the same audit, ultimately subject to the same fines as Mr. Marsh because they filed jointly for the year in question. In 2011, the IRS was already aware of the finances of both Mr. Marsh and Julie Marsh, but no determination had yet been made. The IRS would issue no ruling or judgments until the following summer of 2012. Yet Amos says, on page 842, lines 16-18, "Of course, that deposit, (who) is going to find it in my ex-wife's account -- Julie Marsh. No one is going to suspect her." Suspect her of what?

To back up a bit, on page 842, lines 11-12, Amos reminds the jury that I had testified that Mr. Marsh and I had a small joint checking account together around 2011. More precisely, by that time it had been closed. We opened it at Banner Bank in Creswell, Oregon, shortly after we moved there in October 2008, to cover household bills. Its only deposits were from my 18 months of unemployment checks from early 2009 to mid-2010. I was able to draw unemployment because we had closed Silvergate Construction office in October 2008 - the month of the famous economic collapse. These payments were uncharacteristically extended until mid-2010, thanks to President Obama's relief efforts after the crash of October 2008.

On page 842, lines 19-22, Amos begins to discuss the coins I gave to investigators when they visited my home in Creswell, Oregon in September 2014. He says, "We know these coins were found years later *in the Creswell residence where Connie Loop was living with the defendant Mr. Marsh*." Wrong! I was NOT living with Mr. Marsh for almost a year prior to his arrest. I had moved to back to Wilsonville in June 2013 with my minor son and did not return to Creswell, Oregon again until after Mr. Marsh's arrest in 2014. Investigators did not find the coins. They were not found in my home. I did not find the coins. I never saw them in the shop. Let me explain. About three months after I returned to Creswell, Oregon after Mr. Marsh's 2014 arrest, the coins were found by Randy and Toshua Mogstad. How so? They had purchased mostly empty paint cans in the spring of 2014 around the time of a yard sale I conducted to liquidate what was left from Mr. Marsh's Creswell, Oregon shop, after his two grown sons had made multiple trips to it to carry off what they wanted first. My family had thereafter helped me to clean out the shop, and - during that process - we carried numerous, mostly empty paint cans outside. Local, Randy Mogstad, drove by, saw them, and asked if he could have them. That would save me disposal efforts, so I agreed upon the condition he recycle them when done - and only in a proper facility. A few days later, Toshua Mogstad phoned me. They had heard some rattling in one of the

cans. They saw coins. Curious, they took them to a pawn shop, only to be told they were small change from the Czech Republic. They phoned me. I drove there to pick up the coins. Afterward, I verified their small value at a local coin shop. I also phoned Mr. Kachlik and told him I found something that “might be from the robbery.” If he could identify them, I would give them to him. The coins were found in little plastic sleeves, so even if he could not identify the coins, he surely should have been able to recall how they were stored. He was unable to even come close in his guesses. As they were Czech coins, I then labeled them to go to our son, Erik Kachlik, because half of his heritage is Czech. Then I got on with my life because Mr. Marsh had been arrested in Chicago where the average wait for trial is five years. Like everyone else, I did not believe he would ever make it back to Oregon. Later in 2014, I volunteered the Czech coins to “Detectives” Eric Lee and Maurice Delehant - not because they had proven thereto to be responsible, but because, as I told them plainly, I hoped they would have more success in finding out if they had anything to do with the Kachlik robbery than I did. Incidentally, when they visited me in Creswell, Oregon in September of 2014, they did not originally tell me they were there about the robbery. They asked me if I knew why they were there. I looked at them with my jaw on the ground. Were they stupid? Mr. Marsh was sitting in a Chicago jail cell connected to some

marijuana found (though not on his person or in his truck), and Mr. Lee had already harassed me at my Wilsonville apartment and jobsite in connection to that earlier that year. Mr. Lee explained he had come to my house to instead ask about the Kachlik robbery. He told me Mr. Wiese confessed to it and claimed Mr. Marsh participated. When I handed the common coins to Mr. Lee, he exclaimed, "These are from the robbery!" I smirked in skepticism. Mr. Kachlik had not been able to identify them. I would later find out they were not listed in any police reports as among robbed items. Further, *later* police reports detail Mr. Lee leaving my residence and immediately phoning Mr. Kachlik, who *still* could not identify them to Mr. Lee either. So, Mr. Lee described them to him. They *still* did not ring a bell, so Mr. Kachlik put Mr. Lee on hold and asked Ms. Trnkova if she might have had any common Czech coinage in the stolen safe. She said she might, but she was unsure. That is a very loose connection to the coins between Mr. Marsh and the crime victims. That the above was never brought out prior to the trial is due to investigators being rushed and uninterested in details. That none of this was brought out at trial itself is because Mr. Marsh's attorney never once spoke to me before putting me on the stand in 2017. Mr. Marsh's attorney and I had no communication whatsoever prior to trial, so he had no idea what or whom I saw, found, heard or knew, nor how. Regarding Mr. Lee, I had tried to be patient

with him to that point because he was obviously new and a bit slow. I later concluded he was incredibly dishonest and simply lazy.

On Trial Transcript pages 288-297, Ms. Trnkova testified that the coins found in Mr. Marsh's shop three years after the robbery were like ones stolen from Mr. Kachlik's safe. She stated that her husband (meaning Mr. Kachlik) had stored some common Czech coins in little plastic sleeves like the ones returned to me by the Mogstads. If this were the case, why did she not recall this when Mr. Kachlik asked her about it when Mr. Lee phoned them? And why had Mr. Kachlik been unable to identify them prior, either to me or to Mr. Lee? Why had he needed to ask Mr. Trnkova about them if he himself had provided their distinctive packaging? Is Ms. Trnkova's sudden recollection of plastic sleeves another example of Amos' witness tampering?

Mr. Kachlik is arguably a man of above-average intelligence; however, he justifies lying if he deems it will suit a higher truth at stake. Here is an example. When we were first dating, he darted into a parking spot at a Tigard, Oregon grocery store during the holiday rush. A young driver took exception, as she felt it should have been her spot. She angrily confronted Mr. Kachlik, who ignored her. When he later came out of the store, the side of his vehicle had been keyed. He

phoned the police. He assumed the culprit was the young woman who had confronted him in the parking lot. He had not seen her key his car, but he told police he had. Based upon Mr. Kachlik's alleged eye-witness account of her crime, she confessed her guilt to police. Mr. Kachlik lied, and it worked out for him. But what if she had not done it? Should we all go around lying about things we presume "must" be true to fit our worldview? Or should we trust the universe to reveal truth and bring about justice in its own time? I want to believe Ms. Trnkova's testimony did not change due to undue influence. Yet, let us give her the benefit of the doubt. I am not convinced, but let us presume those coins in Creswell, Oregon came from her safe. It would still be a far stretch to say Mr. Marsh alone put them there. Many people had access to that shop in the three years between the robbery and their discovery across town from Mr. Marsh's shop - including Erik Kachlik and Mr. Wiese - both of whom we all know to have been in the Kachlik residence plus had access to the shop between 2011-2014. Did anyone attempt to prove Mr. Marsh even knew about the coins found in the shop three years after the robbery? No.

On page 844, lines 7-11, Amos states, "Is there any evidence whatsoever that it was anybody else? We have to think of that. Was there any evidence that it was anybody else? No. There just so happens to be quite a bit of evidence that it

was the defendant." (Is an empty pocket alone considered a receipt?) Investigator laziness, motivated by not wanting to accept or reveal any evidence that would exonerate Mr. Marsh, does not mean evidence does not exist. How about that fingerprint found at the scene that no one identified yet? I bet you I could name that fingerprint in three notes. No one has yet proven brave enough to try me.

On page 844, lines 16-19, Amos asks the jury to "… ask yourself a few questions. Was Silvergate struggling financially? Were they 'broke' or not? Do you believe that the company was struggling?" By 2011, Silvergate Construction had had neither bank account nor employees for nearly three years. Mr. Marsh took odd jobs with Mr. Wiese up north in 2011. Sometimes he got paid; other times, Mr. Wiese stiffed him. What did Amos mean by broke? If he meant we had liquidity and cash flow issues, he would be correct. If he meant we were insolvent, that is incorrect. We had the ability to solve our liquidity issues by selling assets, but we chose not to. Recall that the IRS was still a year out in issuing judgments or encumbering property. As a reminder, we had a home with $200,000 in equity, plus four free-and-clear buildable lots. In addition, Mr. Marsh owned many trailers, tools, recreational vehicles, a classic car, a camper, a sailboat, an airplane, a $10,000 pottery kiln and much more. Yes, the economy had turned, and yes, our crew had left us, but we had options.

On page 845, lines 1-5, Amos says, “Was the IRS involved? They were audited. The audit begins, and she (Connie Loop) admitted in an interview in 2010 that… (undiscernible). He (Mr. Marsh) is confused about why they are broke. He didn’t know. Is he concerned? The IRS is sniffing around, and they are like, ‘What is going on here?’” Here, Amos mimics the IRS auditor. Did he ever speak with her? Does she sniff? I would love to know what it is to which I supposedly (and undiscernibly) admitted. Police conducted no interviews with eventual robbery suspects prior to 2014 (and *never* with Mr. Marsh), so perhaps Amos’ “2010 interview” refers to my IRS audit in which I was 100% cleared of any wrongdoing? I received no sanctions whatsoever from that event. It has already been explained that the audit originated from an explainable mistake by Julie Marsh doing her and Mr. Marsh’s joint taxes shortly before their divorce. Mr. Marsh and I do not agree with the IRS’s eventual findings that his retirement funds should be considered disbursed. Rather, they were invested in carefully established qualified accounts. Even so, that has nothing to do with embezzlement. Let us humor Amos for a moment anyway. Let us say that I embezzled money from Mr. Marsh’s construction company. Would the IRS care? No, that would rather have been a matter for local law enforcement, but the IRS would surely at least have noticed. So where are they?

On page 845, line 6-7, Amos reminds the jury, “Gerald Wiese said business was booming. So where is all the money?” Yes, Mr. Marsh and Mr. Wiese had jobs to do in 2011, but Mr. Wiese had found most of them and shadiness abounded. Mr. Marsh continued to be sucked in, hoping for access to more lucrative contacts Mr. Wiese suddenly seemed to know. (For more information on the Johnson job that overlapped the robbery timeframe, see the last portion of the *Amos/Wiese Project*.) Also, that homeowner lied under oath about seemingly benign issues pertaining to that remodel project. Why? No one has explored this yet.

On page 845, lines 16-19, Amos asks, “Why is the defendant *pawning* coins? Why do you *pawn* coins? Why did he go to a *pawn* shop? Why did he google ‘*pawn* shop’? To sell coins for a fraction of what they are worth? Why did he do that?” First, one does not “pawn” precious metals. They are a commodity. They have a spot price issued daily that is based on a universally established and accepted market value like stocks, and that is the full price Mr. Marsh received for them. The name of the shop where he sold the silver is Tacoma Coin, Stamp & Jewelry - not Tacoma Pawn. Mr. Marsh did not sell the silver for less than the coins were worth; rather, he took advantage of someone who did - Mr. Wiese’s friend, Olympia. Here, Amos forgets he earlier told the jury Mr. Marsh sold the silver *in* Olympia, as in Washington. The *real Ms. Olympia*’s whereabouts was

never pursued by “investigators,” despite that Mr. Marsh repeatedly requested they locate and interview her. Her contact information would have been in Mr. Wiese’s phone that was seized upon his 2014 drug arrest. Mr. Marsh’s receipt from her for the silver had been seized from him in early 2014 search warrants, and it was not made available at trial.

On page 845, lines 20-23, Amos asks, “Why Tacoma? Does he really want you to believe that Tacoma is the only place that has a pawn shop that will *take that much coin*? Why did he drive 156 miles away…?” Again, it was not a pawn shop. Amos just likes using that word a lot. And Mr. Marsh never said he was looking for a place that would “take that much.” Mr. Wiese said that because he is unsophisticated in IRS reporting laws. If one is laundering money, one desires to rather stay *under* certain transaction limits - not seek to maximize them. This is laughable. As to why Mr. Marsh drove so far, that is where Ms. Olympia wanted to meet. She is a Washington resident. Perhaps she lives nearby? Mr. Marsh drove all that way expecting to make a profit on the silver, which he did. The math is broken down in detail, explained in the foregoing *Amos/Wiese Project.*

On page 846, lines 20-22, Amos asks, “Then why would an experienced detective get a cashier’s check?” The answer is, he would not do so if he were hiding anything, because those are traceable.

On page 843, lines 23-25 and page 847, line 1, Amos again reveals how little he knows about the workings of investment commodities. “If you’ve bought the coins in Tacoma and you go down the street to the coin shop and sell them for a fraction of that? That doesn’t make any sense.” Of course, it doesn’t make sense! And it did not happen. Mr. Marsh bought the coins for less than he sold them, and he made a profit. (See foregoing *Amos/Wiese Project* for additional details.)

On page 847, lines 2-3, Amos asks, “If it is a legitimate transaction, you cash the check.” Amos forgets that *Mr. Marsh attempted to do so* at the bank with security cameras rolling. The bank was unable to accommodate, as it did not have that much on hand that day.

On lines 3-6, Amos asks, “Why is there a need to get a cashier’s check? There is zero, if you believe Mr. Marsh. There is zero need, unless there are crimes involved.” Again, incorrect. Mr. Marsh never said there was no need to get a cashier’s check. There *was* a need. If he had not, Julie Marsh’s bank would certainly be expected to put a long hold on a large, out-of-state, third-party check

like that. They would not have simply cashed it. A cashier's check, on the other hand, is considered "collected funds," thus sooner available. So, when Amos asks on page 847, lines 7-8, "Why didn't he (Mr. Marsh) deposit it in his account and withdraw the money?" Amos displays his lack of understanding of standard banking procedures. Also, the insinuation that the obtaining of a cashier's check would assist to conceal a crime is ludicrous. It does quite the opposite. It was as traceable as the business check from the coin shop. Mr. Marsh well knew this, and he didn't care. He had nothing to hide.

On page 847, line 25 through page 848, lines 1-4, Amos faults Mr. Marsh for not saying where he got the coins. Amos knows full well that people are not allowed to answer questions in court that they have not been asked. "Narrative" is not allowed. Amos goes on, "It was only on cross-examination when I was asking questions that he acknowledged the fact that he had bought them in Tacoma. We don't know where. *It is not important*." How much more important can anything be? What could be more central to the case? This is the reason Amos had diverted his questioning immediately.

"And he pawned them afterwards," Amos says on line 5 of page 848. It has already been established the coins were not pawned. They were sold in a

legitimate licensed establishment for full market spot price without attempt to conceal. Mr. Marsh made money off Mr. Wiese's friend.

On lines 6-8 of page 848, Amos again faults Mr. Marsh for not revealing why he had to get a cashier's check. No one asked Mr. Marsh about that. Schmonsees, at least, should have done so.

On page 850, line 13, Amos says, "Of course, he (Mr. Marsh) is pawning coins." Coins are not pawned; this just seems to be Amos' favorite word.

On page 852, lines 11-13, Amos again faults Mr. Marsh for not answering questions he was not asked. "Silver American Eagle coins. Cross-examination again, when it came up, 'I bought the coins in Tacoma.' Not only did he say that, but there was no mention about who, what, when and where." I agree that would have made a fabulous follow-up question, but the attorneys failed to ask.

Amos closes on pages 853-854 by reminding us that Mr. Wiese was a loyal friend, needing money, who decided that "enough was enough." At the time Mr. Wiese came forward for the robbery deal, he had not come truly clean regarding his meth, heroin, and cocaine, plus he thereafter lied through the trial to save his own skin - facts Amos knew and likely orchestrated, which you will see in the accompanying *Amos/Wiese Project*. Right after Mr. Marsh's trial, Mr. Wiese went

straight back out onto the streets to sell drugs, so his alleged desire to "come clean" only gained him a few more weeks of freedom. Since then, he has been rearrested many times. Perhaps, by today, he is no longer even alive. Yet Mr. Marsh sits condemned in a prison Covid-ward, for one silver transaction. He was not convicted of anything having to do with the attack of Ms. Trnkova. No one ever was.

In conclusion, this document has been provided in the interest of truth, because justice was not done. We agree with Amos' assessment, "It is the details that matter." But, to whom? Certainly not to him. His lack of knowledge about the crime, the victims and those he sought to blame for the crime, is astonishing. Throughout the trial, he constantly asked the most ludicrous of questions, not knowing who was related to whom, who owned what, and so on. He was years off in his stories. Why? Simply, he had not done basic homework. But worse! A pattern is emerging that demonstrates Amos discards due process, being more concerned with his own career than with ensuring the right man goes to prison. In the Marsh case, as in the Weaver case and very likely others, Amos is known to have actively facilitated a violent, ruthless, home-invading, drug dealer (or worse) going free, apparently for the sole purpose he can be associated instead with more famous convictions. Clearly this is without regard to the public's best

interests or safety. What is the answer? *Every* case in which a plea deal has been made by Amos, should be immediately scrutinized, and his bar license placed on hold until the matter is sorted. Ms. Trnkova, Mr. Marsh, Mr. Spangler and Mr. Weaver - among others - deserve this and want this.

If this document tends to bounce back and forth between topics, so did Amos' *Closing Argument*. Dear reader, please overlook repetitious explanations. Unlike Amos and Wiese's, at least ours have remained consistent over the years. As always, we urge you never to take our word for anything. Your verification is the highest compliment you could pay to justice, and the most soothing salve you could apply to her wounds.