

In The Matter Of:
STATE OF MISSOURI v.
JEFFREY R. WEINHAUS

MICHAEL MARUSCHAK
July 23, 2013
Franklin County, Missouri No. 12AB-CR02409-01

Court Reporting Associates
PO Box 440014
Brentwood, Missouri 63144
Phone (314) 275-4160

Original File Eastwood-7-23-13(Weinhaus2).txt
Min-U-Script® with Word Index

Page 1

1 IN THE CIRCUIT COURT FOR THE COUNTY OF FRANKLIN
2 20TH JUDICIAL CIRCUIT
3 STATE OF MISSOURI

3 STATE OF MISSOURI,)
4 Plaintiff,) Cause No. 12AB-CR02409-01
5 vs.)
6 JEFFREY R. WEINHAUS,)
7 Defendant.)

8
9
10
11
12
13 DEPOSITION OF MICHAEL MARUSCHAK
14 Taken on Behalf of the Defendant
15 July 23, 2013

16
17
18
19
20
21 COURT REPORTING ASSOCIATES
22 P.O. BOX 440014
23 ST. LOUIS, MISSOURI 63144
24 314-961-6306
25 314-265-4602

Reported by: Jane M. Rich, RPR, CSR, CCR

Page 3

1 IN THE CIRCUIT COURT FOR THE COUNTY OF FRANKLIN
2 20TH JUDICIAL CIRCUIT
3 STATE OF MISSOURI

3 STATE OF MISSOURI,)
4 Plaintiff,) Cause No. 12AB-CR02409-01
5 vs.)
6 JEFFREY R. WEINHAUS,)
7 Defendant.)

8
9 DEPOSITION OF MICHAEL MARUSCHAK, taken on behalf of
10 the Defendant, on the 23rd day of July, 2013, between the
11 hours of eight o'clock in the forenoon and six o'clock in
12 the afternoon of that day, in the offices of the Franklin
13 County Prosecuting Attorney's office, 15 S. Church Street,
14 Union, Missouri, before Jane M. Rich, a Missouri Certified
15 Court Reporter, license number 411.

16 A P P E A R A N C E S

17 The Plaintiff was represented by Mr. Robert H.
18 Parks, II, Franklin County Prosecuting Attorney, 15 S.
19 Church, Room 204, Union, Missouri 63084.

20 The Defendant was represented by Mr. Hugh
21 Eastwood, Attorney at law, 7777 Bonhomme, Suite 1603,
22 Clayton, Missouri 63105.

23
24
25

Page 2

1 I N D E X
2 DEPOSITION EXHIBITS:
3
4 Plaintiff's Exhibits A and B Page 6
5 Plaintiff's Exhibit C-1 and C-2 28
6
7 EXAMINATIONS:
8 Direct Examination by Mr. Eastwood 4
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 4

1 -oOo-
2 MICHAEL MARUSCHAK,
3 of lawful age, having been first duly sworn to testify to
4 the truth, the whole truth, and nothing but the truth,
5 deposes and says on behalf of the Defendant as follows:
6 DIRECT EXAMINATION
7 QUESTIONS BY MR. EASTWOOD:
8 Q Okay. Could you state your name, please, for
9 the record?
10 A Michael Maruschak.
11 Q And the court reporter has the spelling now.
12 And who's your employer, sir?
13 A FBI.
14 Q And what is your rank or title?
15 A A special agent.
16 Q Okay. How long have you been with the FBI?
17 A November of 2003.
18 Q Okay. What's your highest level of education?
19 A Bachelor's.
20 Q Okay. You've been in the military?
21 A No.
22 Q Okay. You've had any other employers over the
23 past 10 years, other than the FBI?
24 A No.
25 Q Okay. You ever been formally disciplined or

Page 5

1 reprimanded?
2 A No.
3 Q Ever been arrested, or convicted of a crime?
4 A No.
5 Q Ever been a party to civil litigation in the
6 past 10 years?
7 A No.
8 Q And you are competent and of sound mind and
9 body to testify today?
10 A Yes, I am.
11 Q Who did you talk to to prepare for today's
12 deposition?
13 A Bob Parks.
14 Q You talked to Pat Cunningham as well?
15 A Yeah. Partner.
16 Q Okay. Your partner. And did you review any
17 documents in order to prepare for today?
18 A Yes.
19 Q Okay. Did you review, for instance,
20 handwritten report?
21 A Yes. My handwritten report, yes.
22 Q And we'll call that Exhibit A, and that's the
23 handwritten report?
24 A Yes.
25 Q Okay. And is there anything -- Would you

Page 6

1 change anything in that report sitting here today?
2 A No.
3 Q Is there anything that's omitted from that
4 report that you feel you want to supplement today?
5 A No.
6 Q Okay. There's also Exhibit 2, which is a
7 statement from --
8 MR. PARKS: Wait a minute, wait a minute.
9 We've already used Exhibit --
10 MR. EASTWOOD: I'm sorry, Exhibit B.
11 MR. PARKS: Okay. The first one, the
12 handwritten statement, let's call that Exhibit A.
13 MR. EASTWOOD: A, yes.
14 MR. PARKS: And the highway patrol report,
15 let's call Exhibit B.
16 MR. EASTWOOD: Yes, sir.
17 MR. PARKS: So we're not all confused.
18 MR. EASTWOOD: So we don't have the issue like
19 last time.
20 [Mr. Eastwood marked Defendant's Exhibits A and
21 B].
22 Q (By Mr. Eastwood) Okay. And did you review
23 that, this document, Exhibit B, the typed document in
24 preparation for today?
25 A Yes, I did.

Page 7

1 Q Okay. And did Corporal Ashby take that report
2 from you?
3 A Yes, he did.
4 Q And would you change anything about that,
5 Corporal Ashby's summary of your statement?
6 A No.
7 Q Okay. Would you supplement it with anything
8 that you feel is omitted?
9 A No.
10 Q Okay. And you and your partner, Pat
11 Cunningham, Special Agent Cunningham, were you backup on
12 September 11th, 2012 to help Missouri state troopers
13 execute an arrest warrant on Jeff Weinhaus?
14 A Yes.
15 Q And part of that arrest warrant was related to
16 drug possession, but part of it was also related to a
17 You Tube video that allegedly threatened Judge Kelly
18 Parker.
19 Have you seen that You Tube video?
20 A I think I've seen portions of that.
21 Q Do you recall, did it have captions, the one
22 you saw on it?
23 A I do not recall.
24 Q Okay.
25 A I don't recall.

Page 8

1 Q To your knowledge, was there any -- ever a
2 federal investigation into that You Tube?
3 A No.
4 Q And did you ever view any other You Tube
5 videos created by Jeff Weinhaus?
6 A Yes, yes.
7 Q Okay. Tell me about those.
8 A I don't recall, but I know there was one,
9 there was like one after the troopers performed a search
10 warrant, but the recall on the information about it does
11 not stick in my head.
12 Q Do you recall whether Jeff Weinhaus made
13 threats to Sergeant Folsom of the Missouri State Highway
14 Patrol in that video?
15 A I'm not sure if he called him out by name. I
16 don't recall the exact details.
17 Q Do you -- Did you have -- Well, let me put it
18 a different way: On September 11th, did you have
19 particular concern for Sergeant Folsom's safety based on
20 Jeff's prior statements?
21 A Can you rephrase that?
22 Q Based on -- On September 11th, did you have
23 heightened concern for Sergeant Folsom's safety in
24 particular?
25 A I wouldn't say any more than any other arrest

Page 9

1 warrant.
2 Q Did you believe on September 11th that Jeff
3 may have singled out Sergeant Folsom for a particular
4 criticism?
5 A Possibly.
6 Q Okay. Were you aware whether, before
7 September 11th, that -- whether Jeff had made a Google
8 Circles friend request of Sergeant Folsom?
9 A I've never heard that.
10 Q Okay. Did you feel personally threatened by
11 Jeff Weinhaus before he arrived on the scene at
12 September 11th?
13 A No.
14 Q Never met the guy before?
15 A Never met him.
16 Q All right. Let's -- So you were backup to
17 help execute an arrest warrant on Jeff Weinhaus on
18 September 11th. Do you know who issued that warrant?
19 A Franklin County.
20 Q Okay. Do you routinely provide support to
21 Missouri State Highway Patrol to execute arrest
22 warrants?
23 A We provide support to any local law
24 enforcement that would call us.
25 Q How often, in your experience, do you provide

Page 10

1 support for arrest warrants?
2 A Not regularly. As needed, as a needed basis
3 for -- if they are low on personnel, we'll help them
4 out.
5 And that goes not just for Highway Patrol, but,
6 you know, state and locals.
7 Q Did you have knowledge of why you were being
8 asked to provide backup in this particular instance?
9 A To provide backup for an arrest warrant.
10 Q Was there a heightened concern for officer's
11 safety?
12 A I didn't think there was.
13 Q Okay. And do you know who contacted Jeff to
14 come to the gas station?
15 A I believe it was Sergeant Folsom.
16 Q Okay. And did you -- Do you know who chose
17 that location?
18 A I believe the highway patrol did.
19 Q Did you think it was unusual to have the gas
20 station be the location for Jeff Weinhaus to come and be
21 arrested?
22 A Not at all.
23 Q Do you think it was odd that the gas station
24 was not the location, as opposed to, say, a Troop C, or
25 Troop I, or a police station?

Page 11

1 A No, I didn't find anything odd.
2 Q Were you concerned about your safety at this
3 location?
4 A No.
5 Q Were you wearing a bullet resistant vest?
6 A No.
7 Q Did you have a fear that Jeff might bring
8 someone else to the station with him?
9 A Not a fear.
10 Q Okay. Did you have a, did you have a basis
11 for belief that?
12 A Yes.
13 Q And what was the basis for the belief?
14 A After, I believe it was Sergeant Folsom made
15 the contact with Weinhaus, they informed us that he made
16 contact with Weinhaus, and that Weinhaus said he was in
17 Union, enroute to the gas station and he was bringing
18 some friends. So that was the first indication that
19 there may be other people coming with him.
20 Q And did you have concern that there might be
21 friends or allies of Jeff Weinhaus lurking in the area?
22 A Not concerns.
23 Q Okay. There were other people at the gas
24 station before Jeff got there?
25 A Right about the same time.

Page 12

1 Q Okay. And what do you recall of those other
2 people?
3 A There was a crew of individuals, I don't know
4 if there's two or three people, that were replacing the
5 gutters on the gas station.
6 Q Sure.
7 A I believe there was a red truck that was
8 parked on the west side of the parking lot. There may
9 have been another car parked on the southeast side near
10 my vehicle at the time. They all pulled in right around
11 the same time.
12 Q Okay. Did you have any heightened concern for
13 your safety based on the presence of these civilians?
14 A We did not know who these people all of a
15 sudden were.
16 Q Did you have conversations with any of them?
17 A After the event took place, yes.
18 Q Before the event take place, did you?
19 A No. I was only asked to move my car by the
20 gutter people. I was initially parked on the southeast
21 corner, there's a parking spot there.
22 The gutter truck moved up and they were working
23 off the back of their truck. I, at that point, they said,
24 hey, can you move? You're blocking us. And at that point
25 I rearranged my car.

Page 13

1 Q Just to back up for the record here. There's
2 a gas station building, is that fair to say?
3 A **That's correct.**
4 Q There's a porch in front of it?
5 A **Yes.**
6 Q Does it have columns, or supports?
7 A **That is correct.**
8 Q And the gutter people were working on the
9 gutter along that front porch?
10 A **Yes.**
11 Q And how far away were you -- Were you parked
12 in your car?
13 A **Yes.**
14 Q About how far away from Sergeant Folsom were
15 you parked?
16 A **Approximately 60 yards, I would say.**
17 Q Okay. Fair enough. And when the gutter
18 people asked you to move, where did you move? Did you
19 move farther away?
20 A **I'm sorry. That's where I ended up, was about**
21 **60 yards away. I only moved about 10 yards, maybe 15**
22 **yards max.**
23 Q So you might have started at 50, ended up at
24 60?
25 A **Yes.**

Page 14

1 Q Was your view obstructed of Sergeant Folsom?
2 A **No.**
3 Q Was it obstructed by the building?
4 A **No.**
5 Q Wasn't obstructed by the gutter men?
6 A **No.**
7 Q Wasn't obstructed by the red truck?
8 A **No.**
9 Q Wasn't obstructed by the gas pumps?
10 A **I don't recall them being in the way.**
11 Q Okay. And do you know, and I'm asking for
12 your knowledge, if you have any, not a speculation, --
13 A **Okay.**
14 Q -- if Jeff knew he was going to be arrested
15 before he got to the gas station?
16 A **I have no knowledge.**
17 Q Did you know of a rouse that Sergeant Folsom
18 created? That Jeff was going to have computer equipment
19 returned to him?
20 A **I believe so. I believe that was part of the**
21 **plan.**
22 Q Okay. So it's quite possible that Jeff could
23 have been surprised by the arrest warrant?
24 A **I couldn't answer.**
25 Q Do you know at the time if Jeff was recording

Page 15

1 the incident?
2 A **No.**
3 Q Do you know now?
4 A **Yes.**
5 Q Okay. And what is your knowledge?
6 A **It was on the Internet.**
7 Q And is this the wrist-watch video?
8 A **Telephone video.**
9 Q Okay. It's --
10 A **I think. I think it was recording of a**
11 **telephone.**
12 Q Did it have both audio and visual, though?
13 A **Both. There was one just with audio and one**
14 **with visual. I'm not sure which is which.**
15 Q How long did you wait before, when you got to
16 the scene and when Jeff arrived?
17 A **Are you asking the point to when we initially**
18 **met the detectives, until the time that, that he**
19 **arrived?**
20 Q Yes, sir. I mean, don't speculate, but
21 guesstimate if you need to.
22 A **Over an hour.**
23 Q Okay. And the gutter men, when do they get
24 there in that hour?
25 A **Approximately, probably five minutes, to the**

Page 16

1 **best of my recollection, before Weinhaus arrived.**
2 Q Okay. And relative to where Jeff entered the
3 parking lot to where Sergeant Folsom was, was that on an
4 incline, do you recall, or was it level?
5 A **I think it was a fairly level parking lot.**
6 Q Okay. Maybe there was an incline, but if
7 there was, there would have been --
8 A **The grade would be very minimal.**
9 Q Okay. And what did you observe of
10 Mr. Weinhaus' car when he pulled into the parking lot,
11 until he came to a stop, if anything?
12 A **I observed him pointed to the north entrance**
13 **performing a U-turn, for lack of better words, to come**
14 **face south on that highway, Highway K. there, so he was**
15 **a little bit in front of, or south of the detectives'**
16 **car.**
17 Q And when he came to a stop, was the trunk of
18 his car, the back of his car facing the detective?
19 A **Yes.**
20 Q More or less?
21 A **Generally, yes.**
22 Q Did you have concerns about the speed at which
23 Mr. Weinhaus entered the parking lot?
24 A **I noticed it. It was faster than I would**
25 **expect. That's, that's it.**

Page 17

1 Q Did it raise the threat level of Mr. Weinhaus
2 to you at that time?
3 A **Are you asking an opinion?**
4 Q I'm just saying, was your concern for your
5 safety or the troopers' safety raised by the speed of
6 Mr. Weinhaus driving?
7 A **Minimally.**
8 Q At that time you were armed?
9 A **Yes.**
10 Q Okay. Had you drawn your weapon at that
11 point?
12 A **No.**
13 Q You're just sitting in your car observing?
14 A **Correct.**
15 Q Were you wearing glasses of any kind?
16 A **No.**
17 Q Do you need glasses?
18 A **No.**
19 Q Were you using any kind of binoculars, or
20 photographic equipment?
21 A **No.**
22 Q Were you sitting driver or passenger?
23 A **Driver.**
24 Q And did you have an unobstructed view of
25 Corporal Mertens when Mr. Weinhaus arrived?

Page 18

1 A **No.**
2 Q Did you have an unobstructed view of Sergeant
3 Folsom?
4 A **Not during the whole time, because his car's**
5 **being blocked by Weinhaus'.**
6 Q Okay. When you say his car, what about the
7 individual, the man himself, Sergeant Folsom, do you
8 have an unobstructed view of him?
9 A **No. I did not have an unobstructed view.**
10 Q And what was blocking him, the car?
11 A **Partial car, partial Weinhaus.**
12 Q Okay. And then did Jeff get out of the car?
13 A **Yes.**
14 Q Okay. And what did he do when he got out of
15 the car? Did he stand still, or did he start walking?
16 A **No. He approached Sergeant Folsom.**
17 Q Do you recall the pace of his walking when he
18 started walking towards Sergeant Folsom?
19 A **It was a deliberate pace.**
20 Q Okay. Did the pace of his walking heighten
21 your concern for his threat level?
22 A **Yes.**
23 Q Okay. Why was that?
24 A **Just the manner that it was done. From the**
25 **time he stopped the car, got out and made the approach,**

Page 19

1 **it was a beeline.**
2 Q And so it was in a, perhaps, faster than
3 normal canter, for lack of a better word?
4 A **Yes.**
5 Q And do you recall what he was doing with his
6 hands when he got out of the vehicle?
7 A **No.**
8 Q Did you notice a firearm or a holster when he
9 got out of the vehicle?
10 A **No, I did not.**
11 Q Did you see the back of his body, or the front
12 of his body?
13 A **I saw the back of his body only.**
14 Q Did you see the right side of his body?
15 A **No. I was -- My position, I only saw his back**
16 **to maybe 10 percent to the right of his back, so the**
17 **back of him.**
18 Q Did you see to the left of his body?
19 A **No.**
20 Q Did Mr. Weinhaus come to a stop at any point
21 during his walk?
22 A **Yes.**
23 Q Okay. And when he came to a stop, did he
24 change, in terms of his stance towards?
25 Did he turn around?

Page 20

1 A **He did not turn around.**
2 Q Okay. Are you familiar with the expression, a
3 bladed position?
4 A **Yes.**
5 Q And did Mr. Weinhaus assume a bladed position?
6 A **He did tilt, I will say, blade a little, it**
7 **would be to my right. It would be his right.**
8 Q So you saw a little more of his right side?
9 A **Right hip, yes.**
10 Q Did you then see a holster?
11 A **No.**
12 Q Did you see a gun?
13 A **No.**
14 Q And could you hear Mr. Weinhaus?
15 A **No.**
16 Q Could you hear the general -- could you hear
17 any general conversation, noises, but not the words
18 themselves?
19 A **No, I could not.**
20 Q Did you hear any yelling, or shouting?
21 A **No.**
22 Q Were your windows down?
23 A **My windows were down approximately five**
24 **inches.**
25 Q The fact that you couldn't hear the

Page 21

1 conversation, did this concern you?
2 **A No.**
3 **Q** Okay. And did you -- Do you know whether a
4 conversation was occurring based on other cues?
5 **A Yes.**
6 **Q** Visual, perhaps?
7 **A Yes. I could see that some sort of**
8 **conversation was happening, at least from Sergeant**
9 **Folsom's point. I couldn't see Jeffrey's face.**
10 **Q** And was Sergeant Folsom, did he have his gun
11 drawn at any point during this conversation?
12 **A I did not see it drawn.**
13 **Q** Okay. Did you ever see him draw his gun?
14 **A Not until the firing.**
15 **Q** Okay. Did you ever view what Sergeant Folsom
16 was doing with his hands or arms?
17 **A Yes, I did see over Jeff's shoulder -- I'm**
18 **sorry, Mr. Weinhaus.**
19 **Q** Call him Jeff is fine, too.
20 **A Sergeant Folsom was holding, it looked like to**
21 **me, some kind of folder in his hand, and --**
22 **Q** Which hand was that?
23 **A That would be his right hand.**
24 **Q** Okay.
25 **A And I saw it in the air. So I did see at that**

Page 22

1 point there a conversation was taking place, from what I
2 could tell.
3 **Q** And do you know what he did with that folder?
4 **A No, I do not.**
5 **Q** Was he holding it still when he -- when the
6 shooting began?
7 **A I do not recall.**
8 **Q** Okay. And do you know what Jeff Weinhaus was
9 doing with his hands and arms prior to the shooting?
10 **A No.**
11 **Q** Okay.
12 **A I did not see his hands.**
13 **Q** Where were his hands?
14 **A In the front of him.**
15 **Q** Did you see any sudden movement by
16 Mr. Weinhaus' arms, or hands?
17 **A I saw a sudden movement by his elbow.**
18 **Q** Okay. Which elbow?
19 **A Right elbow.**
20 **Q** And where was that in time related to the
21 shooting?
22 **A Seconds before, or milliseconds before the**
23 **shooting.**
24 **Q** And it was only the right elbow?
25 **A Right elbow.**

Page 23

1 **Q** Okay. Did you ever see sergeant -- Sorry.
2 Did you ever see Jeff's left arm or hand move?
3 **A I could not see, the left arm was almost**
4 **completely in front of his body.**
5 **Q** Did you ever see his left arm or hand go up to
6 his shoulder level?
7 **A No.**
8 **Q** Okay. Did you ever see it go up in the air?
9 **A No, no.**
10 **Q** Do you recall how much time passed between
11 Mr. Weinhaus', Jeff's right elbow moving and the
12 shooting?
13 **A Second.**
14 **Q** Very brief?
15 **A Very brief.**
16 **Q** And once the shooting began, what happened to
17 Mr. Weinhaus' body?
18 **A He rotated and fell backwards.**
19 **Q** Okay. Do you remember whether he rotated to
20 his right or to his left?
21 **A I don't recall.**
22 **Q** Did you ever see a gun in Mr. Weinhaus' hand?
23 **A No. No. Go ahead.**
24 **Q** Did you ever see a -- where Mr. Weinhaus'
25 hands were located once he went down?

Page 24

1 **A Yes.**
2 **Q** Okay. Tell me about that.
3 **A His hands were underneath his body --**
4 **Q** Okay.
5 **A -- when I approached.**
6 **Q** And where were they underneath his body?
7 **A Right on the stomach.**
8 **Q** And he was face down?
9 **A Face down.**
10 **Q** Lying on his belly, more or less?
11 **A Yeah. More or less, twisted.**
12 **Q** And did you -- When the shooting started, I
13 would imagine that your concern for everyone's safety
14 became raised?
15 **A Correct.**
16 **Q** Did you exit your vehicle?
17 **A Yes.**
18 **Q** Okay. Did you draw your weapon?
19 **A Yes.**
20 **Q** And did you start to approach Mr. Weinhaus and
21 Sergeant Folsom?
22 **A Both Agent Cunningham and myself.**
23 **Q** And were you concerned for your safety as to
24 other persons in the area?
25 **A Yes.**

Page 25

1 Q They might have been a threat?
2 A **Correct.**
3 Q Do you do a visual sweep of the area?
4 A **Yes.**
5 Q Okay. Were you doing this visual sweep, were
6 you observing Sergeant Folsom and Jeff Weinhaus?
7 A **Secondary concern was Sergeant Folsom and**
8 **Weinhaus.**
9 Q Did you believe that Jeff Weinhaus may still
10 have been a threat once he went down?
11 A **Unknown at that point. During the approach, I**
12 **had no idea.**
13 Q If he was, he was only one of many possible
14 threats at this point?
15 A **That is correct.**
16 Q Did you ever see the gun or holster?
17 A **Yes.**
18 Q Okay. When did you see it? Where did you see
19 it, excuse me, first, see it?
20 A **Sergeant Folsom was in the process of removing**
21 **it from underneath Weinhaus' body. When I made the**
22 **approach, I had no idea a weapon was involved. At that**
23 **point gun, gun, I got to get it removed, get it removed.**
24 **He tries to get his hand out underneath from Weinhaus'**
25 **body, at that point I see an olive drab holster, and a**

Page 26

1 **weapon in it.**
2 Q You saw the weapon in it?
3 A **Yeah. I believe it was a black automatic, it**
4 **looked like to me, but split second seeing it.**
5 Q How much of the weapon did you see, just the
6 butt, or grip?
7 A **No. Almost the grip.**
8 Q Was the holster open or closed?
9 A **I can't -- I saw the grips, I don't know what**
10 **type of holster it was. It's not the type that I carry.**
11 Q All right. And did you see where, on
12 Mr. Weinhaus' body, Sergeant Folsom removed the holster
13 from?
14 A **It was underneath him.**
15 Q But you didn't see him unbuckle it from a
16 certain --
17 A **No.**
18 Q -- part of a belt, for example?
19 A **It took a while to get it out, I do recall**
20 **that.**
21 Q Could it have been on the left-hand side?
22 A **I --**
23 Q To your knowledge?
24 A **To my knowledge, I don't know.**
25 Q Okay.

Page 27

1 A **I'm sorry.**
2 Q That's okay. Did you -- Let's go back for a
3 second. You said you saw a right elbow movement --
4 A **Uh-huh.**
5 Q -- about a second before the shooting; fair to
6 say?
7 A **Fair.**
8 Q Okay. How did the elbow move? Could you
9 describe it?
10 A **Yes. Back and up.**
11 Q Back and up. Did you see the elbow go down?
12 A **No. The elbow went back and up.**
13 Q And you didn't see it up and down movement?
14 A **No.**
15 Q And after it went back and up, the shots rang
16 out and Mr. Weinhaus fell to the ground?
17 A **Correct.**
18 Q We established earlier you were interviewed by
19 Corporal Ashby?
20 A **Yes. That's correct.**
21 Q And you also wrote a handwritten statement?
22 A **Correct.**
23 Q Did you ever talk with a Sergeant Perry Smith
24 about this shooting, from the Highway Patrol?
25 A **I believe he was at the scene, but nothing**

Page 28

1 **like this, no. No interview.**
2 Q An informal conversation possibly, but that's
3 it?
4 A **It was minimal talking at the shooting.**
5 Q Did you ever talk to a Lieutenant George
6 Knowles about the shooting?
7 A **I believe they were at the shooting. But I**
8 **had almost no contact with Highway Patrol.**
9 Q And to your knowledge, you shot no one at the
10 scene that day? To your knowledge, you didn't shoot
11 anyone at the scene that day?
12 A **No, I did not shoot anybody at the scene.**
13 Q Okay. It's a good thing. I want to show you
14 a diagram prepared by the Missouri State Highway Patrol,
15 and we're going to call it Exhibit C-1 and C-2.
16 C-2 I submit to you is just a blow-up, so to
17 speak, of C-1.
18 A **Uh-huh.**
19 [Mr. Eastwood marked Defendant's Exhibits C-1
20 and C-2].
21 Q First question, does this, to your
22 recollection, fairly and accurately represent the scene
23 of the shooting?
24 A **There were more cars there.**
25 Q Before, or during the shooting?

Page 29

1 A Yes.
 2 Q Okay. And I'm going to give you a pen. Could
 3 you -- So were these cars all there at the time of the
 4 shooting?
 5 A No.
 6 Q Which cars were not there?
 7 A Two fifty-one H.P., B. 27 H.P.
 8 Q So if you want, you can just take a squiggle
 9 through those, just kind of scribble them out.
 10 A [Indicating].
 11 Q And which car was yours?
 12 A It's labeled FBI.
 13 Q Okay. Great. You're indicating that.
 14 And which car was Corporal Mertens?
 15 A Unmarked. [Indicating].
 16 Q Could you draw an M., a little M. next to
 17 Corporal Mertens?
 18 A [Indicating].
 19 Q And did you know where he was standing? Maybe
 20 do an X.
 21 A I do not recall.
 22 Q That would be speculation on your part, --
 23 A That is correct.
 24 Q -- or you don't recall?
 25 A Uh-huh.

Page 30

1 Q And could you draw a small F. where Sergeant
 2 Folsom was standing at the time of the shooting, if you
 3 can recall?
 4 A [Indicating].
 5 Q And could you draw a small W. where Jeff
 6 Weinhaus was standing?
 7 A [Indicating].
 8 Q Okay. And you established these two cars
 9 weren't there.
 10 Could you draw where the gutter truck was?
 11 A Oh. It would be speculation.
 12 Q Okay. Well, I don't want you to speculate.
 13 But were they next to the building?
 14 A It was in front of the building or around this
 15 building, the front of the building at that time.
 16 Q Were they between the tanks and the building?
 17 A To my recollection, I thought the tanks were
 18 further over, but I haven't been back there in a year.
 19 Q Okay. But generally speaking, they were in
 20 this line, this area between the tanks and the building?
 21 A Correct.
 22 Q Okay. And this other red truck, where was
 23 that, approximately?
 24 A Do you want me to mark it with a T.?
 25 Q Just do a big R. for red.

Page 31

1 A Okay. [Indicating].
 2 Q And were there any other cars in the vicinity?
 3 A No.
 4 Q Okay. I'm going to play for you a video. And
 5 this is an excerpt of the shooting.
 6 A Oh, okay.
 7 Q Of the wrist-watch video. And the -- turn the
 8 sound on. This is a brief video. I submit to you --
 9 [Whereupon, the video was viewed].
 10 Q Obviously, you didn't have that perspective
 11 that day?
 12 A No.
 13 Q But does anything in that video not jive with
 14 your recollection?
 15 A No.
 16 Q Okay. Is there any other subject of testimony
 17 that you expect to give testimony on?
 18 A No.
 19 Q At trial in this matter?
 20 A No.
 21 Q Okay. Were you involved in any other type of
 22 follow-up investigation of the incident?
 23 A No.
 24 Q Were you involved in any follow-up
 25 investigation of Jeff Weinhaus' alleged threats against

Page 32

1 judges, or other elected officials?
 2 A No.
 3 MR. EASTWOOD: Okay. Thank you very much.
 4 THE WITNESS: Okay.
 5 MR. PARKS: I think these were the ones.
 6 Signature waived.
 7
 8 [SIGNATURE OF THE WITNESS WAIVED BY AGREEMENT
 9 OF COUNSEL AND CONSENT OF THE WITNESS].
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 CERTIFICATE

2 I, JANE M. RICH, a Certified Court Reporter,

3 within and for the State of Missouri, license #411, do

4 hereby certify that pursuant to notice there came before

5 me in the offices of Mr. Robert H. Parks, II, Franklin

6 County Prosecuting Attorney, 15 S. Church, Room 204,

7 Union, Missouri,

8 MICHAEL MARUSCHAK,

9 who was first duly sworn to testify to the truth and

10 nothing but the truth of all knowledge touching and

11 concerning the matters in controversy in this cause; that

12 the witness was thereupon examined, and signature of the

13 witness waived by agreement of counsel and consent of the

14 witness, and that this deposition is a true and accurate

15 record of the testimony given by the witness.

16 I further certify that I am not of counsel, nor

17 attorney for either of the parties to said suit, nor

18 related, nor interested in any of the parties or their

19 attorneys.

20 IN WITNESS WHEREOF, I have hereunto set my hand

21 this 20th day of August, 2013.

22 _____

23 Jane M. Rich, CCR No. 411.

24

25

1 IN THE CIRCUIT COURT FOR THE COUNTY OF FRANKLIN

2 20TH JUDICIAL CIRCUIT

3 STATE OF MISSOURI

4 STATE OF MISSOURI,)

5 Plaintiff,) Cause No. 12AB-CR02409-01

6 vs.)

7 JEFFREY R. WEINHAUS,)

8 Defendant.)

9 CERTIFICATE OF OFFICER AND STATEMENT

10 OF DEPOSITION CHARGES

11 (Rule 57.03(g) (2) (A) & Section 492.590 RSMO 1985)

12 DEPOSITION OF MICHAEL MARUSCHAK,

13 Taken on behalf of the Defendant

14 July 23, 2013

15 Name and address of person having custody of the original

16 transcript: Mr. Hugh Eastwood, 7777 Bonhomme, Clayton,

17 Missouri 63105.

18 TAXED IN FAVOR OF: Defendant

19 34 pages original transcript.....\$127.50

20 Attendance of Reporter..... 40.00

21 TOTAL \$167.50

22 TAXED IN FAVOR OF: Plaintiff. Attorney for Plaintiff,

23 Mr. Robert H. Parks, II, Franklin County Prosecuting

24 Attorney, 15 S. Church, Room 204, Union, Missouri 63084.

25 34 pages copy of transcript.....\$59.50

Upon delivery of transcripts, the above charges had not yet been paid. It is anticipated that all charges will be paid in the normal course of business.

COURT REPORTING ASSOCIATES

P.O. BOX 440014

BRENTWOOD, MO 63144

(314) 961-6306

IN WITNESS WHEREOF, I have hereunto set my hand on this 20th day of August, 2013.

Jane M. Rich, CCR #411

[7:17 allies (1) 11:21	based (4) 8:19,22;12:13;21:4	C	8:23;11:2;24:23 concerns (2) 11:22;16:22
[Indicating] (6) 29:10,15,18;30:4,7; 31:1 [Mr (2) 6:20;28:19 [SIGNATURE (1) 32:8 [Whereupon (1) 31:9	almost (3) 23:3;26:7;28:8 along (1) 13:9 approach (4) 18:25;24:20;25:11,22 approached (2) 18:16;24:5 Approximately (4) 13:16;15:25;20:23; 30:23	basis (3) 10:2;11:10,13 became (1) 24:14 beeline (1) 19:1 began (2) 22:6;23:16 behalf (1) 4:5 belief (2) 11:11,13	C-1 (3) 28:15,17,19 C-2 (2) 28:15,16 C-2] (1) 28:20 call (6) 5:22;6:12,15;9:24; 21:19;28:15 called (1) 8:15 came (3) 16:11,17;19:23 Can (4) 8:21;12:24;29:8;30:3 canter (1) 19:3 captions (1) 7:21 car (17) 12:9,19,25;13:12; 16:10,16,18,18;17:13; 18:6,10,11,12,15,25; 29:11,14 carry (1) 26:10 cars (5) 28:24;29:3,6;30:8; 31:2 car's (1) 18:4 certain (1) 26:16 change (3) 6:1;7:4;19:24 chose (1) 10:16 Circles (1) 9:8 civil (1) 5:5 civilians (1) 12:13 closed (1) 26:8 columns (1) 13:6 coming (1) 11:19 competent (1) 5:8 completely (1) 23:4 computer (1) 14:18 concern (9) 8:19;10:10;11:20; 12:12;17:4;18:21;21:1; 24:13;25:7 concerned (3)	confused (1) 6:17 CONSENT (1) 32:9 contact (3) 11:15,16;28:8 contacted (1) 10:13 conversation (7) 20:17;21:1,4,8,11; 22:1;28:2 conversations (1) 12:16 convicted (1) 5:3 corner (1) 12:21 Corporal (6) 7:1,5;17:25;27:19; 29:14,17 COUNSEL (1) 32:9 County (1) 9:19 court (1) 4:11 created (2) 8:5;14:18 crew (1) 12:3 crime (1) 5:3 criticism (1) 9:4 cues (1) 21:4 Cunningham (4) 5:14;7:11,11;24:22
1	area (4) 11:21;24:24;25:3; 30:20	belly (1) 24:10		
10 (4) 4:23;5:6;13:21;19:16 11th (7) 7:12;8:18,22;9:2,7,12, 18 15 (1) 13:21	arm (3) 23:2,3,5 armed (1) 17:8 arms (3) 21:16;22:9,16 around (4) 12:10;19:25;20:1; 30:14	belt (1) 26:18 best (1) 16:1 better (2) 16:13;19:3 big (1) 30:25 binoculars (1) 17:19 bit (1) 16:15 black (1) 26:3 blade (1) 20:6 bladed (2) 20:3,5 blocked (1) 18:5 blocking (2) 12:24;18:10 blow-up (1) 28:16 Bob (1) 5:13 body (13) 5:9;19:11,12,13,14,18; 23:4,17;24:3,6;25:21,25; 26:12 both (3) 15:12,13;24:22 brief (3) 23:14,15;31:8 bring (1) 11:7 bringing (1) 11:17 building (8) 13:2;14:3;30:13,14, 15,15,16,20 bullet (1) 11:5 butt (1) 26:6		
2	arrest (8) 7:13,15;8:25;9:17,21; 10:1,9;14:23 arrested (3) 5:3;10:21;14:14 arrived (5) 9:11;15:16,19;16:1; 17:25			
2 (1) 6:6 2003 (1) 4:17 2012 (1) 7:12 27 (1) 29:7	Ashby (2) 7:1;27:19 Ashby's (1) 7:5 assume (1) 20:5 audio (2) 15:12,13 automatic (1) 26:3 aware (1) 9:6 away (4) 13:11,14,19,21			
5				
50 (1) 13:23				
6				
60 (3) 13:16,21,24				
A				
accurately (1) 28:22 against (1) 31:25 age (1) 4:3 agent (3) 4:15;7:11;24:22 AGREEMENT (1) 32:8 ahead (1) 23:23 air (2) 21:25;23:8 alleged (1) 31:25 allegedly (1)	B B] (1) 6:21 Bachelor's (1) 4:19 back (14) 12:23;13:1;16:18; 19:11,13,15,16,17;27:2, 10,11,12,15;30:18 backup (4) 7:11;9:16;10:8,9 backwards (1) 23:18			

15:18 detectives' (1) 16:15 diagram (1) 28:14 different (1) 8:18 DIRECT (1) 4:6 disciplined (1) 4:25 document (2) 6:23,23 documents (1) 5:17 done (1) 18:24 down (8) 20:22,23;23:25;24:8, 9:25;10:27;11,13 drab (1) 25:25 draw (6) 21:13;24:18;29:16; 30:1,5,10 drawn (3) 17:10;21:11,12 driver (2) 17:22,23 driving (1) 17:6 drug (1) 7:16 duly (1) 4:3 during (5) 18:4;19:21;21:11; 25:11;28:25	enough (1) 13:17 enroute (1) 11:17 entered (2) 16:2,23 entrance (1) 16:12 equipment (2) 14:18;17:20 established (2) 27:18;30:8 event (2) 12:17,18 everyone's (1) 24:13 exact (1) 8:16 EXAMINATION (1) 4:6 example (1) 26:18 excerpt (1) 31:5 excuse (1) 25:19 execute (3) 7:13;9:17,21 Exhibit (8) 5:22;6:6,9,10,12,15, 23;28:15 Exhibits (2) 6:20;28:19 exit (1) 24:16 expect (2) 16:25;31:17 experience (1) 9:25 expression (1) 20:2	4:13,16,23;29:12 fear (2) 11:7,9 federal (1) 8:2 feel (3) 6:4;7:8;9:10 fell (2) 23:18;27:16 fifty-one (1) 29:7 find (1) 11:1 fine (1) 21:19 firearm (1) 19:8 firing (1) 21:14 first (5) 4:3;6:11;11:18;25:19; 28:21 five (2) 15:25;20:23 folder (2) 21:21;22:3 follows (1) 4:5 follow-up (2) 31:22,24 Folsom (22) 8:13;9:3,8;10:15; 11:14;13:14;14:1,17; 16:3;18:3,7,16,18;21:10, 15,20;24:21;25:6,7,20; 26:12;30:2 Folsom's (3) 8:19,23;21:9 formally (1) 4:25 Franklin (1) 9:19 friend (1) 9:8 friends (2) 11:18,21 front (8) 13:4,9;16:15;19:11; 22:14;23:4;30:14,15 further (1) 30:18	glasses (2) 17:15,17 goes (1) 10:5 good (1) 28:13 Google (1) 9:7 grade (1) 16:8 Great (1) 29:13 grip (2) 26:6,7 grips (1) 26:9 ground (1) 27:16 guesstimate (1) 15:21 gun (7) 20:12;21:10,13;23:22; 25:16,23,23 gutter (8) 12:20,22;13:8,9,17; 14:5;15:23;30:10 gutters (1) 12:5 guy (1) 9:14	18;16:14,14;27:24;28:8, 14 himself (1) 18:7 hip (1) 20:9 holding (2) 21:20;22:5 holster (7) 19:8;20:10;25:16,25; 26:8,10,12 hour (2) 15:22,24 HP (2) 29:7,7
E	F	G	H	I
earlier (1) 27:18 EASTWOOD (9) 4:7;6:10,13,16,18,20, 22;28:19;32:3 education (1) 4:18 elbow (10) 22:17,18,19,24,25; 23:11;27:3,8,11,12 elected (1) 32:1 else (1) 11:8 employer (1) 4:12 employers (1) 4:22 ended (2) 13:20,23 enforcement (1) 9:24	face (4) 16:14;21:9;24:8,9 facing (1) 16:18 fact (1) 20:25 fair (4) 13:2,17;27:5,7 fairly (2) 16:5;28:22 familiar (1) 20:2 far (2) 13:11,14 farther (1) 13:19 faster (2) 16:24;19:2 FBI (4)	gas (9) 10:14,19,23;11:17,23; 12:5;13:2;14:9,15 general (2) 20:16,17 Generally (2) 16:21;30:19 George (1) 28:5	hand (7) 21:21,22,23;23:2,5,22; 25:24 hands (8) 19:6;21:16;22:9,12, 13,16;23:25;24:3 handwritten (5) 5:20,21,23;6:12;27:21 happened (1) 23:16 happening (1) 21:8 head (1) 8:11 hear (5) 20:14,16,16,20,25 heard (1) 9:9 heighten (1) 18:20 heightened (3) 8:23;10:10;12:12 help (3) 7:12;9:17;10:3 hey (1) 12:24 highest (1) 4:18 highway (10) 6:14;8:13;9:21;10:5,	idea (2) 25:12,22 imagine (1) 24:13 inches (1) 20:24 incident (2) 15:1;31:22 incline (2) 16:4,6 indicating (1) 29:13 indication (1) 11:18 individual (1) 18:7 individuals (1) 12:3 informal (1) 28:2 information (1) 8:10 informed (1) 11:15 initially (2) 12:20;15:17 instance (2) 5:19;10:8 Internet (1) 15:6 interview (1) 28:1 interviewed (1) 27:18 into (2) 8:2;16:10 investigation (3) 8:2;31:22,25 involved (3) 25:22;31:21,24 issue (1) 6:18 issued (1) 9:18

<p>J</p> <p>Jeff (25) 7:13;8:5,12;9:2,7,11, 17;10:13,20;11:7,21,24; 14:14,18,22,25;15:16; 16:2;18:12;21:19;22:8; 25:6,9;30:5;31:25</p> <p>Jeffrey's (1) 21:9</p> <p>Jeff's (4) 8:20;21:17;23:2,11</p> <p>jive (1) 31:13</p> <p>Judge (1) 7:17</p> <p>judges (1) 32:1</p>	<p>little (4) 16:15;20:6,8;29:16</p> <p>local (1) 9:23</p> <p>locals (1) 10:6</p> <p>located (1) 23:25</p> <p>location (4) 10:17,20,24;11:3</p> <p>long (2) 4:16;15:15</p> <p>looked (2) 21:20;26:4</p> <p>lot (5) 12:8;16:3,5,10,23</p> <p>low (1) 10:3</p> <p>lurking (1) 11:21</p>	<p>5:8</p> <p>minimal (2) 16:8;28:4</p> <p>Minimally (1) 17:7</p> <p>minute (2) 6:8,8</p> <p>minutes (1) 15:25</p> <p>Missouri (4) 7:12;8:13;9:21;28:14</p> <p>more (6) 8:25;16:20;20:8; 24:10,11;28:24</p> <p>move (7) 12:19,24;13:18,18,19; 23:2;27:8</p> <p>moved (2) 12:22;13:21</p> <p>movement (4) 22:15,17;27:3,13</p> <p>moving (1) 23:11</p> <p>much (3) 23:10;26:5;32:3</p> <p>myself (1) 24:22</p>	<p>obstructed (5) 14:1,3,5,7,9</p> <p>Obviously (1) 31:10</p> <p>occurring (1) 21:4</p> <p>odd (2) 10:23;11:1</p> <p>off (1) 12:23</p> <p>officer's (1) 10:10</p> <p>officials (1) 32:1</p> <p>often (1) 9:25</p> <p>olive (1) 25:25</p> <p>omitted (2) 6:3;7:8</p> <p>once (3) 23:16,25;25:10</p> <p>one (8) 6:11;7:21;8:8,9;15:13, 13;25:13;28:9</p> <p>ones (1) 32:5</p> <p>only (6) 12:19;13:21;19:13,15; 22:24;25:13</p> <p>oOo- (1) 4:1</p> <p>open (1) 26:8</p> <p>opinion (1) 17:3</p> <p>opposed (1) 10:24</p> <p>order (1) 5:17</p> <p>out (12) 8:15;9:3;10:4;18:12, 14,25;19:6,9;25:24; 26:19;27:16;29:9</p> <p>over (4) 4:22;15:22;21:17; 30:18</p>	<p>29:22</p> <p>partial (2) 18:11,11</p> <p>particular (4) 8:19,24;9:3;10:8</p> <p>Partner (3) 5:15,16;7:10</p> <p>party (1) 5:5</p> <p>passed (1) 23:10</p> <p>passenger (1) 17:22</p> <p>past (2) 4:23;5:6</p> <p>Pat (2) 5:14;7:10</p> <p>patrol (8) 6:14;8:14;9:21;10:5, 18;27:24;28:8,14</p> <p>pen (1) 29:2</p> <p>people (8) 11:19,23;12:2,4,14,20; 13:8,18</p> <p>percent (1) 19:16</p> <p>performed (1) 8:9</p> <p>performing (1) 16:13</p> <p>perhaps (2) 19:2;21:6</p> <p>Perry (1) 27:23</p> <p>personally (1) 9:10</p> <p>personnel (1) 10:3</p> <p>persons (1) 24:24</p> <p>perspective (1) 31:10</p> <p>photographic (1) 17:20</p> <p>place (3) 12:17,18;22:1</p> <p>plan (1) 14:21</p> <p>play (1) 31:4</p> <p>please (1) 4:8</p> <p>point (12) 12:23,24;15:17;17:11; 19:20;21:9,11;22:1; 25:11,14,23,25</p> <p>pointed (1) 16:12</p> <p>police (1) 10:25</p> <p>porch (2) 13:4,9</p>
<p>K</p> <p>Kelly (1) 7:17</p> <p>kind (4) 17:15,19;21:21;29:9</p> <p>knew (1) 14:14</p> <p>knowledge (9) 8:1;10:7;14:12,16; 15:5;26:23,24;28:9,10</p> <p>Knowles (1) 28:6</p>	<p>Lying (1) 24:10</p>	<p>M</p> <p>man (1) 18:7</p> <p>manner (1) 18:24</p> <p>many (1) 25:13</p> <p>mark (1) 30:24</p> <p>marked (2) 6:20;28:19</p> <p>MARUSCHAK (2) 4:2,10</p> <p>matter (1) 31:19</p> <p>max (1) 13:22</p> <p>may (4) 9:3;11:19;12:8;25:9</p> <p>maybe (4) 13:21;16:6;19:16; 29:19</p> <p>mean (1) 15:20</p> <p>men (2) 14:5;15:23</p> <p>Mertens (3) 17:25;29:14,17</p> <p>met (2) 9:15;15:18</p> <p>MICHAEL (2) 4:2,10</p> <p>might (4) 11:7,20;13:23;25:1</p> <p>military (1) 4:20</p> <p>milliseconds (1) 22:22</p> <p>mind (1)</p>	<p>N</p> <p>name (2) 4:8;8:15</p> <p>near (1) 12:9</p> <p>need (2) 15:21;17:17</p> <p>needed (2) 10:2,2</p> <p>net (1) 9:14</p> <p>next (2) 29:16;30:13</p> <p>noises (1) 20:17</p> <p>normal (1) 19:3</p> <p>north (1) 16:12</p> <p>notice (1) 19:8</p> <p>noticed (1) 16:24</p> <p>November (1) 4:17</p>	<p>pen (1) 29:2</p> <p>percent (1) 19:16</p> <p>performed (1) 8:9</p> <p>performing (1) 16:13</p> <p>perhaps (2) 19:2;21:6</p> <p>Perry (1) 27:23</p> <p>personally (1) 9:10</p> <p>personnel (1) 10:3</p> <p>persons (1) 24:24</p> <p>perspective (1) 31:10</p> <p>photographic (1) 17:20</p> <p>place (3) 12:17,18;22:1</p> <p>plan (1) 14:21</p> <p>play (1) 31:4</p> <p>please (1) 4:8</p> <p>point (12) 12:23,24;15:17;17:11; 19:20;21:9,11;22:1; 25:11,14,23,25</p> <p>pointed (1) 16:12</p> <p>police (1) 10:25</p> <p>porch (2) 13:4,9</p>
<p>L</p> <p>labeled (1) 29:12</p> <p>lack (2) 16:13;19:3</p> <p>last (1) 6:19</p> <p>law (1) 9:23</p> <p>lawful (1) 4:3</p> <p>least (1) 21:8</p> <p>left (5) 19:18;23:2,3,5,20</p> <p>left-hand (1) 26:21</p> <p>less (3) 16:20;24:10,11</p> <p>level (6) 4:18;16:4,5;17:1; 18:21;23:6</p> <p>Lieutenant (1) 28:5</p> <p>line (1) 30:20</p> <p>litigation (1) 5:5</p>	<p>MARUSCHAK (2) 4:2,10</p> <p>matter (1) 31:19</p> <p>max (1) 13:22</p> <p>may (4) 9:3;11:19;12:8;25:9</p> <p>maybe (4) 13:21;16:6;19:16; 29:19</p> <p>mean (1) 15:20</p> <p>men (2) 14:5;15:23</p> <p>Mertens (3) 17:25;29:14,17</p> <p>met (2) 9:15;15:18</p> <p>MICHAEL (2) 4:2,10</p> <p>might (4) 11:7,20;13:23;25:1</p> <p>military (1) 4:20</p> <p>milliseconds (1) 22:22</p> <p>mind (1)</p>	<p>O</p> <p>observe (1) 16:9</p> <p>observed (1) 16:12</p> <p>observing (2) 17:13;25:6</p>	<p>P</p> <p>pace (3) 18:17,19,20</p> <p>parked (5) 12:8,9,20;13:11,15</p> <p>Parker (1) 7:18</p> <p>parking (6) 12:8,21;16:3,5,10,23</p> <p>Parks (6) 5:13;6:8,11,14,17; 32:5</p> <p>part (5) 7:15,16;14:20;26:18;</p>	<p>only (6) 12:19;13:21;19:13,15; 22:24;25:13</p> <p>oOo- (1) 4:1</p> <p>open (1) 26:8</p> <p>opinion (1) 17:3</p> <p>opposed (1) 10:24</p> <p>order (1) 5:17</p> <p>out (12) 8:15;9:3;10:4;18:12, 14,25;19:6,9;25:24; 26:19;27:16;29:9</p> <p>over (4) 4:22;15:22;21:17; 30:18</p> <p>pace (3) 18:17,19,20</p> <p>parked (5) 12:8,9,20;13:11,15</p> <p>Parker (1) 7:18</p> <p>parking (6) 12:8,21;16:3,5,10,23</p> <p>Parks (6) 5:13;6:8,11,14,17; 32:5</p> <p>part (5) 7:15,16;14:20;26:18;</p>

portions (1) 7:20	12:7;14:7;30:22,25	29:9	speak (1) 28:17	13:6
position (3) 19:15;20:3,5	regularly (1) 10:2	search (1) 8:9	speaking (1) 30:19	sure (3) 8:15;12:6;15:14
possession (1) 7:16	related (3) 7:15,16;22:20	Second (4) 23:13;26:4;27:3,5	special (2) 4:15;7:11	surprised (1) 14:23
possible (2) 14:22;25:13	relative (1) 16:2	Secondary (1) 25:7	speculate (2) 15:20;30:12	sweep (2) 25:3,5
Possibly (2) 9:5;28:2	remember (1) 23:19	Seconds (1) 22:22	speculation (3) 14:12;29:22;30:11	sworn (1) 4:3
preparation (1) 6:24	removed (3) 25:23,23;26:12	seeing (1) 26:4	speed (2) 16:22;17:5	
prepare (2) 5:11,17	removing (1) 25:20	September (7) 7:12;8:18,22;9:2,7,12,18	spelling (1) 4:11	T
prepared (1) 28:14	rephrase (1) 8:21	Sergeant (27) 8:13,19,23;9:3,8; 10:15;11:14;13:14;14:1, 17;16:3;18:2,7,16,18; 21:8,10,15,20;23:1; 24:21;25:6,7,20;26:12; 27:23;30:1	split (1) 26:4	talk (3) 5:11;27:23;28:5
presence (1) 12:13	report (7) 5:20,21,23;6:1,4,14; 7:1	shoot (2) 28:10,12	spot (1) 12:21	talked (1) 5:14
prior (2) 8:20;22:9	reporter (1) 4:11	shooting (17) 22:6,9,21,23;23:12,16; 24:12;27:5,24;28:4,6,7, 23,25;29:4;30:2;31:5	squiggle (1) 29:8	talking (1) 28:4
probably (1) 15:25	represent (1) 28:22	shot (1) 28:9	stance (1) 19:24	tanks (3) 30:16,17,20
process (1) 25:20	reprimanded (1) 5:1	shots (1) 27:15	stand (1) 18:15	Telephone (2) 15:8,11
provide (5) 9:20,23,25;10:8,9	request (1) 9:8	shoulder (2) 21:17;23:6	standing (3) 29:19;30:2,6	terms (1) 19:24
pulled (2) 12:10;16:10	returned (1) 14:19	shouting (1) 20:20	start (2) 18:15;24:20	testify (2) 4:3;5:9
pumps (1) 14:9	review (3) 5:16,19;6:22	show (1) 28:13	started (3) 13:23;18:18;24:12	testimony (2) 31:16,17
put (1) 8:17	right (18) 9:16;11:25;12:10; 19:14,16;20:7,7,8,9; 21:23;22:19,24,25; 23:11,20;24:7;26:11; 27:3	side (5) 12:8,9;19:14;20:8; 26:21	state (6) 4:8;7:12;8:13;9:21; 10:6;28:14	thought (1) 15:12
Q	rotated (2) 23:18,19	Signature (1) 32:6	statement (4) 6:7,12;7:5;27:21	thought (1) 30:17
quite (1) 14:22	rouse (1) 14:17	singled (1) 9:3	statements (1) 8:20	threat (4) 17:1;18:21;25:1,10
R	routinely (1) 9:20	sitting (3) 6:1;17:13,22	station (10) 10:14,20,23,25;11:8, 17,24;12:5;13:2;14:15	threatened (2) 7:17;9:10
raise (1) 17:1	S	small (2) 30:1,5	state (6) 4:8;7:12;8:13;9:21; 10:6;28:14	threats (3) 8:13;25:14;31:25
raised (2) 17:5;24:14	safety (9) 8:19,23;10:11;11:2; 12:13;17:5,5;24:13,23	Smith (1) 27:23	statement (4) 6:7,12;7:5;27:21	three (1) 12:4
rang (1) 27:15	same (2) 11:25;12:11	someone (1) 11:8	statements (1) 8:20	tilt (1) 20:6
rank (1) 4:14	saw (9) 7:22;19:13,15;20:8; 21:25;22:17;26:2,9;27:3	sorry (5) 6:10;13:20;21:18; 23:1;27:1	station (10) 10:14,20,23,25;11:8, 17,24;12:5;13:2;14:15	title (1) 4:14
rearranged (1) 12:25	saying (1) 17:4	sort (1) 21:7	stick (1) 8:11	today (5) 5:9,17;6:1,4,24
recall (19) 7:21,23,25;8:8,10,12, 16;12:1;14:10;16:4; 18:17;19:5;22:7;23:10, 21;26:19;29:21,24;30:3	scene (7) 9:11;15:16;27:25; 28:10,11,12,22	sound (2) 5:8;31:8	still (3) 18:15;22:5;25:9	today's (1) 5:11
recollection (4) 16:1;28:22;30:17; 31:14	scribble (1)	south (2) 16:14,15	stomach (1) 24:7	took (2) 12:17;26:19
record (2) 4:9;13:1		southeast (2) 12:9,20	stop (4) 16:11,17;19:20,23	towards (2) 18:18;19:24
recording (2) 14:25;15:10			stopped (1) 18:25	trial (1) 31:19
red (4)			subject (1) 31:16	tries (1) 25:24
			submit (2) 28:16;31:8	Troop (2) 10:24,25
			sudden (3) 12:15;22:15,17	troopers (2) 7:12;8:9
			summary (1) 7:5	troopers' (1) 17:5
			supplement (2) 6:4;7:7	truck (6)
			support (3) 9:20,23;10:1	
			supports (1)	

12:7,22,23;14:7; 30:10,22	31:9		
trunk (1) 16:17	visual (5) 15:12,14;21:6;25:3,5	Y	
truth (3) 4:4,4,4	W	yards (4) 13:16,21,21,22	
Tube (4) 7:17,19;8:2,4	wait (3) 6:8,8;15:15	year (1) 30:18	
turn (3) 19:25;20:1;31:7	waived (2) 32:6,8	years (2) 4:23;5:6	
twisted (1) 24:11	walk (1) 19:21	yelling (1) 20:20	
two (3) 12:4;29:7;30:8	walking (4) 18:15,17,18,20		
type (3) 26:10,10;31:21	warrant (8) 7:13,15;8:10;9:1,17, 18;10:9;14:23		
typed (1) 6:23	warrants (2) 9:22;10:1		
U	way (2) 8:18;14:10		
unbuckle (1) 26:15	weapon (6) 17:10;24:18;25:22; 26:1,2,5		
underneath (5) 24:3,6;25:21,24;26:14	wearing (2) 11:5;17:15		
Union (1) 11:17	Weinhaus (27) 7:13;8:5,12;9:11,17; 10:20;11:15,16,16,21; 16:1,23;17:1,6,25;18:11; 19:20;20:5,14;21:18; 22:8;24:20;25:6,8,9; 27:16;30:6		
Unknown (1) 25:11	Weinhaus' (11) 16:10;18:5;22:16; 23:11,17,22,24;25:21, 24;26:12;31:25		
Unmarked (1) 29:15	weren't (1) 30:9		
unobstructed (4) 17:24;18:2,8,9	west (1) 12:8		
unusual (1) 10:19	What's (1) 4:18		
up (11) 12:22;13:1,20,23; 23:5,8;27:10,11,12,13, 15	whole (2) 4:4;18:4		
used (1) 6:9	who's (1) 4:12		
using (1) 17:19	windows (2) 20:22,23		
U-turn (1) 16:13	WITNESS (2) 32:4,8		
V	WITNESS] (1) 32:9		
vehicle (4) 12:10;19:6,9;24:16	word (1) 19:3		
vest (1) 11:5	words (2) 16:13;20:17		
vicinity (1) 31:2	working (2) 12:22;13:8		
video (10) 7:17,19;8:14;15:7,8; 31:4,7,8,9,13	wrist-watch (2) 15:7;31:7		
videos (1) 8:5	wrote (1) 27:21		
view (7) 8:4;14:1;17:24;18:2,8, 9;21:15			
viewed] (1)			



MISSOURI STATE HIGHWAY PATROL

SHP-70C 07/03

WRITTEN STATEMENT

The foregoing statements are true and are made under oath or affirmation under penalty of making a false affidavit. False statements are punishable by law.

ALL CORRECTIONS SHOULD BE INITIALED BY THE PERSON GIVING THE STATEMENT. ATTACH AND NUMBER ADDITIONAL PAGES IF NECESSARY.

PAGE 1 OF 1

On 9-11-2012 SA Michael Marschick and SA Patrick Cunningham, FTS, Rolla, arrived at the MFA (Coc) Station located on Hwy K in St Clair MO, at approximately 1:20 pm. We were contacted by Det James Folsom and asked to assist in the arrest of Jeffrey Weinhaus. We were asked to provide "rear" security.

I SA Marschick drove my vehicle and positioned it approximately 55 yards from Det Mertens car located on the opposite side of the parking lot.

I observed a green Subaru pull into the north entrance and pull along side of Det. Mertens's vehicle, facing south.

I observed Weinhaus exit his vehicle and approach Det Folsom. I did not see any other occupants in the green Subaru. I saw Weinhaus reach to the front of his waistband. At the same time I observed Det Folsom raise his right hand and took a side step. At that time Det Folsom fired his weapon. Weinhaus fell to the ground. At this point I assisted with securing the scene.

DEFENDANT'S EXHIBIT A JR 7-23-13

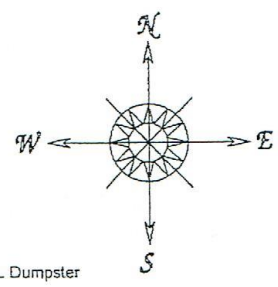
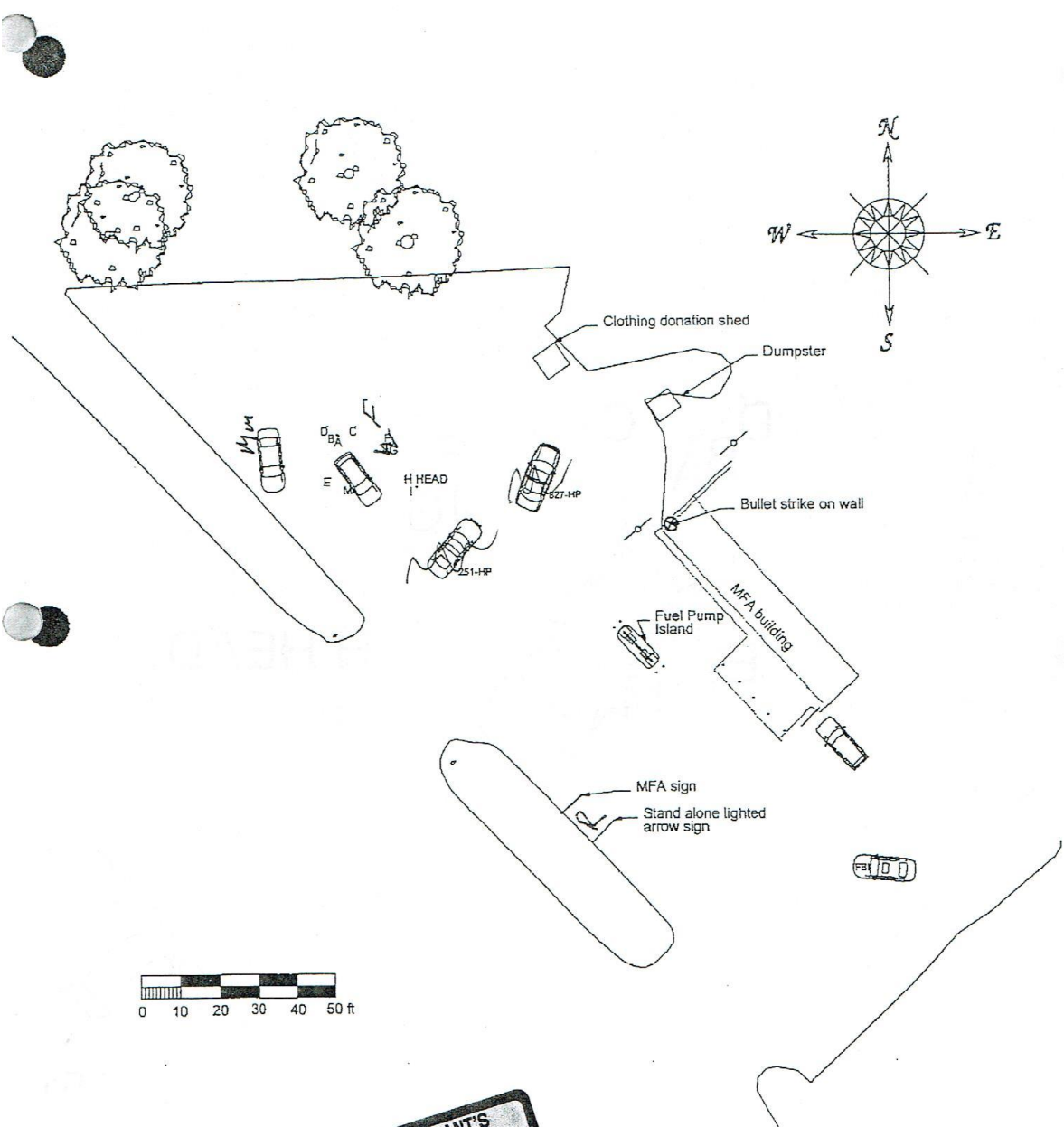
I fully understand the contents of the entire statement made by me. I have made this freely without hope of benefit or reward, threat of punishment, or unlawful inducement. I realize false statements are punishable by law.

Signature of person giving statement: Michael A. Marschick, TIME: 2:30 pm, DATE: 9-11-12, LOCATION OF STATEMENT: St. Clair, Missouri. Includes fields for Date of Birth, Race (W), Sex (M), and Officer's Signature/Date (109-11-12).

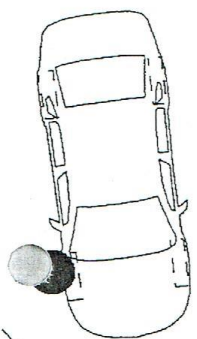
6. Agent Maruschak wrote a written statement to what he observed during the time of the incident. The statement was seized as evidence and later released to the evidence custodian at Troop C Headquarters with property control number 02220911121340. A copy of the statement is attached to this report.

J. Scott Ashby, Corporal
Division of Drug and Crime Control

JSA:ejs

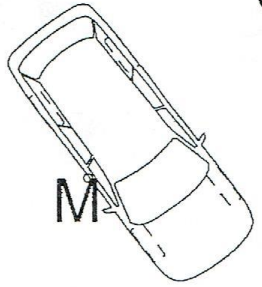


DEFENDANT'S
 EXHIBIT
 C-1
 DL 7-23-13



D°
BA° C°
+

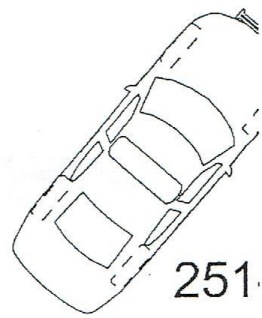
F°
J°G°



E°

M°

H° HEAD
I°



251



DEFENDANT'S
EXHIBIT
C-2
JR 7-23-13