

1 evidence and are to be considered by you as such.

2 Opening statement on behalf of the State.

3 **(OPENING STATEMENT ON BEHALF OF THE STATE)**

4 MR. PARKS: Thank you, Your Honor. In
5 August of 2012, Sergeant Folsom received a call from
6 Judge Parker, who is a presiding judge in Crawford
7 County. Judge Parker asked Sergeant Folsom to
8 investigate a harassing You Tube video that had been
9 put up that Judge Parker had felt was a threat to
10 him. So, Sergeant Folsom will tell you that he came
11 up, he got a copy of the video, he looked at the
12 video and he started his investigation. He started
13 his investigation in Crawford County because the
14 defendant was running for coroner in Crawford
15 County, and it was believed since he was running for
16 office in Crawford County, he lived in Crawford
17 County. Sergeant Folsom will tell you that he
18 checked to see what effect this video had had on the
19 Court system and the judicial system and the police
20 system in Crawford County. He then began to do the
21 investigation. He went to the house where the
22 defendant listed his address in his campaign filings
23 and couldn't find him. They then ran a license
24 check of a car that people had seen the defendant
25 driving and that car came back registered to a woman

1 who lived in Piney Park here in Franklin County.
2 And so Sergeant Folsom and Corporal Mertens with the
3 Highway Patrol went to Piney Park to talk to the
4 defendant. When they arrived at Piney Park, they
5 knocked on the door, defendant came to the door,
6 they recognized him from the You Tube video.
7 Sergeant Folsom was on the steps and he'll tell you
8 there's bushes, it's a narrow step, but when the
9 defendant opened the door and came out and closed
10 the door behind him very quickly, Sergeant Folsom
11 will tell you he smelled the odor of marijuana.
12 They asked the defendant if they could move over to
13 the driveway because of the small size of the porch,
14 which the defendant readily agreed to do. They
15 began to talk to him about the You Tube video. He
16 admitted making the You Tube video, and they had
17 about a 20 or 30 minute conversation about the
18 contents of the You Tube video. At this time the
19 defendant turned to go back into the house.
20 Sergeant Folsom told him, "I'm sorry, you can't go
21 back in. Can we have permission to search your
22 house? We smell marijuana. Will you open the
23 door?" And the defendant said no.

24 And so, Sergeant Folsom will tell you that he
25 came, applied for and was granted a search warrant

1 to go back and search the house at Piney Park. That
2 when he got there, he and Corporal Mertens went in
3 to search the house. He'll tell you that in the
4 upstairs drawer they find a nine millimeter pistol
5 in an Army style holster. That they went downstairs
6 and they found what the defendant had called his
7 command center, and this is the area where he had
8 made the You Tube broadcast. And in searching the
9 area of the command center, as the defendant called
10 it, they found in a Camel snuff tin a pill and a
11 half, which when sent to the lab, the lab personnel
12 will tell you these pills tested positive for
13 Morphine. They will also tell you that they
14 continued to search, they found other drug
15 paraphernalia, and just outside of the door of the
16 command center on a bag up on top of a high shelf
17 they found a bag containing marijuana. They seized
18 this evidence, they sent it to the lab, they seized
19 the defendant's computer to check and see if there
20 was anymore threatening emails or videos or anything
21 on there, and they will tell you that this is the
22 normal practice that normally these items,
23 especially drug items, need to be sent off to the
24 lab before they can be -- before we charge anybody
25 with a crime.

1 Sergeant Folsom will tell you that in the
2 video, and you will see the video, the defendant had
3 given until September 17th for Judge Parker and
4 other officials in Crawford County to vacate their
5 office. If they did not vacate their office by
6 September 17th, that the defendant and his followers
7 would come, would forcibly remove them from office,
8 would try them in a peoples Court and hang them for
9 treason. This worried the people in Crawford
10 County, and this worried the people in the Highway
11 Patrol. So it was decided that before September
12 17th, Sergeant Folsom and Corporal Mertens would
13 place defendant under arrest for threatening a
14 judicial official, for the possession of the illegal
15 Morphine and for possession of the marijuana.

16 They did not want to go back to the defendant's
17 house, because as they told you, it wasn't a very
18 easy place to access, especially through the front
19 door, so they devised a ruse. The defendant had
20 been asking for the return of a computer, so
21 Sergeant Folsom called the defendant and said hey,
22 we've got your computers. And Sergeant Folsom will
23 tell you that the defendant said fine, I want to
24 meet you at a public place. And so it was decided
25 at the MFA station on Highway K in Franklin County

1 on September 11th, 2012 the two parties would meet
2 the Highway Patrol there with the intention of
3 taking defendant into custody, the defendant going
4 with the intention of receiving his computers.

5 Sergeant Folsom and Corporal Mertens will tell
6 you that they arrived and had picked this place
7 because there wasn't much traffic there. They'd
8 also brought two Highway Patrol agents from Rolla to
9 help them to secure the scene, and they had also two
10 uniformed troopers in cars at either end of Highway
11 K in case the defendant ran, they had cars to try to
12 stop him, and it was their intention to take the
13 defendant under arrest when he showed up to pick up
14 his computers. And they will testify to you that
15 they weren't expecting any trouble from the
16 defendant. They hadn't had any trouble with him in
17 the past, and they will tell you they didn't have
18 their ballistic vests on. They had their detective
19 weapons, which are service weapons but with small
20 capacity magazines. They didn't get their high
21 capacity pistols out of the car. They didn't get
22 their shotguns or AR-15 rifles because they weren't
23 expecting any trouble from the defendant. And they
24 will tell you that they were parked on the parking
25 lot back away when the defendant came in, made a

1 very high rate of speed turn. While he was turning,
2 they thought he was going to strike their car.
3 Before he stopped, he unhooked his seat belt and got
4 out of the car. And there was an exchange between
5 the troopers and the defendant because Sergeant
6 Folsom will testify when defendant got out of the
7 car, he had an Army type holster with a pistol in
8 that holster. And there was an exchange between the
9 two. Sergeant Folsom will tell you he told him what
10 are you doing with that gun, and the defendant will
11 say what are you doing with that gun. And Sergeant
12 Folsom will tell you at this time the defendant had
13 unhooked the flap, put his hand under the flap, put
14 his hand on the pistol and started to remove the
15 pistol from the holster, at which time the defendant
16 said, "You're going to have to shoot me, man", and
17 he was. Sergeant Folsom and Corporal Mertens opened
18 fire striking the defendant twice in the chest, once
19 in the neck and once in the head. The defendant is
20 charged with making the threats of the judicial
21 officers, he's charged with possession of Morphine,
22 charged with possession of the marijuana, charged
23 with the assault of the two law enforcement officers
24 by trying to draw his weapon to shoot them. He's
25 charged with armed criminal action for the use of

1 that weapon, and he's charged with resisting arrest
2 of the arrest that the two officers were trying to
3 do.

4 There's one other interesting fact about this
5 case. Unbeknownst to anyone at the time, the
6 defendant was wearing a video/audio recording watch,
7 and we have the shooting recorded on the defendant's
8 watch, which you will be allowed to see. After
9 hearing the evidence presented by the State, the
10 State will ask you to find the defendant guilty of
11 all eight charges charged against him.

12 JUDGE SUTHERLAND: Any opening statement for
13 the defendant at this time?

14 MR. EASTWOOD: Yes, Your Honor. May I
15 proceed?

16 JUDGE SUTHERLAND: Yes.

17 **(OPENING STATEMENT ON BEHALF OF THE DEFENDANT)**

18 MR. EASTWOOD: May it please the Court,
19 Mr. Parks, members of the jury. Jeff Weinhaus for
20 many years has been a newspaper publisher and a
21 blogger, and he's not really known in Franklin
22 County, but the evidence will show that he is known
23 in Jefferson and Crawford County, and in fact he was
24 running for coroner of Crawford County. And Jeff
25 published a You Tube broadcast, had a channel on You