

<p>IN THE IOWA DISTRICT COURT FOR SAC COUNTY</p> <p>STATE OF IOWA, No. FECR 011900</p> <p>Plaintiff,</p> <p>v.</p> <p>TRACEY ANN RICHTER,</p> <p>Defendant.</p> <p>DEPOSITION of RAMONA WEHDE, taken on behalf of the Defendant, reported by Robin R. Qualy, CSR, RMR, CRR, starting at 10:44 a.m., on September 12, 2011, at the Sac County Courthouse, Sac City, Iowa.</p> <p>APPEARANCES</p> <p>Ben Smith Sac County Attorney 100 N.W. State Street Sac City, IA 50583 On behalf of the Plaintiff.</p> <p>Scott L. Bandstra Karmen Anderson The Bandstra Law Firm, PC 505 5th Avenue, Suite 810 Des Moines, IA 50309 On behalf of the Defendant.</p> <p>ALSO PRESENT: Tracey Richter, Robert Powers, Deputy Kristan Erskine</p>	<p>3</p> <p>1 L "The Daily Journal" handwritten notes99-102</p> <p>2</p> <p>3</p> <p>4 Adjournment at 2:30 p.m.124</p> <p>5 Certificate of Reporter125</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>2</p> <p>INDEX</p> <p>Stipulation 4</p> <p>RAMONA WEHDE</p> <p>EXAMINATION</p> <p>By Mr. Bandstra4-123</p> <p>By Mr. Smith123-124</p> <p>EXHIBIT DESCRIPTION/PAGE(S)REFERRED TO</p> <p>A 5/16/95 Dustin Wehde PLEP 7-8</p> <p>B 9/22/98 University of Nebraska Medical Center - Dustin Wehde Neurobehavioral Clinic Report 9-11</p> <p>C Iowa Division of Vocational Rehab Services Health Assessment Questionnaire - Dustin Wehde14</p> <p>D 9/24/01 Carroll Psychiatry / Dr. Theodore Liautaud - Dustin Wehde Diagnostic Evaluation and 10/23/98 Arrowhead AEA Parent Notification of Staffing Conference16-17</p> <p>E 9/26/08 Transcript of DCI Interview of Ramona Wehde21,90,100-101,120</p> <p>F 9/14/01 [sic] Report of DCI Interview of Mona Jean Wehde41-44</p> <p>G 12/16/01 Transcript of DCI Interview of Mona Wehde (16 pages)46-54</p> <p>H 12/18/01 Report of DCI Interview of Brett and Mona Wehde55</p> <p>I 12/6/01-12/14/01 McLeod USA telephone record of Wehde Real Estate - 712-273-5442 60-76,79</p> <p>J 3/28/02 Report of DCI Interview of Brett and Mona Wehde66,86</p> <p>K 12/13/01 Report of DCI Interview of Brett Wehde66</p>	<p>4</p> <p>1 * * *</p> <p>2 RAMONA WEHDE</p> <p>3 sworn by the reporter, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. BANDSTRA:</p> <p>6 Q. Will you, please, state and spell your</p> <p>7 name, for the record.</p> <p>8 A. Ramona Jean Wehde. And it's R-A-M-O-N-A</p> <p>9 J-E-A-N W-E-H-D-E.</p> <p>10 Q. Now, Ms. Wehde, I know you've had your</p> <p>11 deposition taken before, but let's go through some</p> <p>12 ground rules.</p> <p>13 When I'm asking you a question, I'm</p> <p>14 going to ask that you not interrupt me and I'm</p> <p>15 going to try not to interrupt you.</p> <p>16 A. Okay.</p> <p>17 Q. And the court reporter can only take</p> <p>18 down affirmative responses. She can't take down</p> <p>19 nods of the head or uh-huhs or huh-uhs.</p> <p>20 A. Yes.</p> <p>21 Q. If you answer my question, I'm going to</p> <p>22 presume you understood the question and you're</p> <p>23 responding thereto.</p> <p>24 A. Yes.</p> <p>25 Q. Do you understand that it's being taken</p>

<p>5</p> <p>1 down by Ms. Qualy and that any statements you make</p> <p>2 today could be used at the time of the first</p> <p>3 degree murder trial?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. How old are you?</p> <p>6 A. 49.</p> <p>7 Q. Okay. And other -- Well, what have you</p> <p>8 done in preparation for your deposition today?</p> <p>9 A. Read over some past material work.</p> <p>10 Q. Okay. And what would that be?</p> <p>11 A. Just the previous depositions we did.</p> <p>12 Q. Oh, in the civil action?</p> <p>13 A. Yeah.</p> <p>14 Q. All right.</p> <p>15 MR. SMITH: Scott, before we go any</p> <p>16 further, are we going to reserve all objections</p> <p>17 for trial?</p> <p>18 MR. BANDSTRA: Yeah, this is a discovery</p> <p>19 deposition.</p> <p>20 MR. SMITH: Okay. Yeah.</p> <p>21 MR. BANDSTRA: It's not a perpetuation</p> <p>22 deposition.</p> <p>23 MR. SMITH: Oh, no, and, like I said, I</p> <p>24 just haven't done a whole lot of these.</p> <p>25 MR. BANDSTRA: Okay.</p>	<p>7</p> <p>1 A. Just one N.</p> <p>2 Q. I'm sorry, one N. Were those your three</p> <p>3 children?</p> <p>4 A. Yes.</p> <p>5 Q. And my understanding is Dustin Wehde's</p> <p>6 date of birth was August 1st of 1981?</p> <p>7 A. Correct.</p> <p>8 Q. And he died on December 13th of 2001?</p> <p>9 A. Correct.</p> <p>10 Q. And I'm sorry for your loss on that as</p> <p>11 well.</p> <p>12 Did you have difficulties with Dustin</p> <p>13 growing up?</p> <p>14 A. There were difficulties, yes.</p> <p>15 Q. And would you agree that in May of 1995</p> <p>16 you indicated that Dustin was known to lie?</p> <p>17 A. Can you ask that question again?</p> <p>18 Q. Sure. In May of 1995 did you indicate</p> <p>19 that Dustin was known to lie?</p> <p>20 A. I don't recall.</p> <p>21 (At this time, Exhibit A was marked for</p> <p>22 identification by the reporter.)</p> <p>23 BY MR. BANDSTRA:</p> <p>24 Q. I'm handing you what's marked as</p> <p>25 Defendant's Discovery Exhibit A.</p>
<p>6</p> <p>1 MR. SMITH: I just want to make clear.</p> <p>2 BY MR. BANDSTRA:</p> <p>3 Q. My understanding is you were previously</p> <p>4 married to Brett Wehde?</p> <p>5 A. Yes.</p> <p>6 Q. And Brett died on Thanksgiving of 2002?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. I'm sorry for your loss.</p> <p>9 How long were you and Brett married?</p> <p>10 A. Twenty- -- I don't know. I have to stop</p> <p>11 and think. 25 years.</p> <p>12 Q. Would you describe it as a strong</p> <p>13 marriage?</p> <p>14 A. That's a difficult question to answer.</p> <p>15 Q. And it's not a trick question. Did you</p> <p>16 have a strong marriage?</p> <p>17 A. We were married 25 years. We had three</p> <p>18 children together. We survived like typical</p> <p>19 families did raising a family.</p> <p>20 Q. So you would identify it as a strong</p> <p>21 marriage?</p> <p>22 A. Yes.</p> <p>23 Q. And you had three children by that</p> <p>24 marriage, Dustin, Ashley, and Briana, and I</p> <p>25 believe Briana is B-R-I-A-N-A?</p>	<p>8</p> <p>1 Were you familiar with the Present</p> <p>2 Levels of Educational Performance or PLEP?</p> <p>3 A. No.</p> <p>4 Q. So you've never seen this document</p> <p>5 before?</p> <p>6 A. I don't recall it. Do you want me to</p> <p>7 read it so --</p> <p>8 Q. Oh, please do.</p> <p>9 A. Well, I see what you want me to read</p> <p>10 there. You know, if I said the statement at that</p> <p>11 point, yeah, he might have lied and said he didn't</p> <p>12 have homework.</p> <p>13 Q. Okay. So Defendant's Exhibit A, it has</p> <p>14 your son's name at the top left-hand corner?</p> <p>15 A. Yes.</p> <p>16 Q. And it indicates a date of 5/16 of 1995?</p> <p>17 A. Correct.</p> <p>18 Q. And in the second full paragraph you'd</p> <p>19 agree it says, "He has lied and hidden books to</p> <p>20 avoid doing homework"?</p> <p>21 A. Yes.</p> <p>22 Q. Does that refresh your recollection?</p> <p>23 A. I don't recall this at all.</p> <p>24 Q. Okay. Are you familiar with a Dr. White</p> <p>25 who was at the University of Nebraska?</p>

<p>9</p> <p>1 A. I don't remember the doctor's name</p> <p>2 there.</p> <p>3 (At this time, Exhibit B was marked for</p> <p>4 identification by the reporter.)</p> <p>5 BY MR. BANDSTRA:</p> <p>6 Q. Would you look at that, what's been</p> <p>7 marked as Defendant's Exhibit B.</p> <p>8 A. Is there anything specific you would</p> <p>9 like me to read or just read it?</p> <p>10 Q. Well, first of all, let me back up.</p> <p>11 Did you take Dustin to the University of</p> <p>12 Nebraska Medical Center to see a Dr. White in</p> <p>13 September of 1998?</p> <p>14 A. I must have.</p> <p>15 Q. And was this a Neurobehavioral Clinic</p> <p>16 Report?</p> <p>17 A. Yes.</p> <p>18 Q. Were you present when Dustin was taken</p> <p>19 to the University of Nebraska in 1998?</p> <p>20 A. Yes.</p> <p>21 Q. And if you'll turn to Page 2 of this</p> <p>22 document, do you see where it says "Past</p> <p>23 Psychiatric History"?</p> <p>24 A. Yes.</p> <p>25 Q. And would you agree that the first line</p>	<p>11</p> <p>1 White was doing this evaluation on Dustin?</p> <p>2 A. I don't believe I was in the room with</p> <p>3 him. I really don't recall. I know I took him.</p> <p>4 Q. Do you see where it says right after</p> <p>5 that "He ... has been aggressive and put holes</p> <p>6 into the walls. He has cornered his mom in the</p> <p>7 past as well"?</p> <p>8 A. Yes, I do.</p> <p>9 Q. And did Dustin corner you in the past?</p> <p>10 A. I really don't remember.</p> <p>11 Q. You don't have a recollection of Dustin</p> <p>12 being violent towards you or your family?</p> <p>13 A. Not violent, no.</p> <p>14 Q. You're sure?</p> <p>15 A. He was a kid, a typical kid. We had</p> <p>16 issues.</p> <p>17 Q. Would you turn to the next page on that</p> <p>18 document, which is Defendant's Exhibit B. Did</p> <p>19 Dustin ever threaten anybody with the use of a gun</p> <p>20 in the house?</p> <p>21 A. Dustin had a BB gun once.</p> <p>22 Q. Do you see under where it says "Mental</p> <p>23 Status Examination"?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Is that a yes?</p>
<p>10</p> <p>1 of that section says, "As noted in the history of</p> <p>2 present illness, his problems first started in</p> <p>3 third grade"?</p> <p>4 A. Yes.</p> <p>5 Q. Do you agree or disagree with that</p> <p>6 statement?</p> <p>7 A. I would agree.</p> <p>8 Q. And that Dustin was diagnosed with ADHD</p> <p>9 and oppositional defiant disorder?</p> <p>10 A. Yes, that's what they diagnosed him as.</p> <p>11 Q. In 1998 did you have any concerns</p> <p>12 regarding Dustin's hostile behavior towards you or</p> <p>13 other people?</p> <p>14 A. In 1998?</p> <p>15 Q. Yes.</p> <p>16 A. I don't recall the date.</p> <p>17 Q. Under that "Past Psychiatric History,"</p> <p>18 at the bottom of that subsection, am I reading</p> <p>19 this accurately where it says, "Several weeks ago,</p> <p>20 he called the police on his father stating 'he was</p> <p>21 trying to kill him'"?</p> <p>22 A. Dustin called the police on his father?</p> <p>23 Q. I don't know. I wasn't there.</p> <p>24 A. I am not aware of that myself.</p> <p>25 Q. Okay. So you weren't present when Dr.</p>	<p>12</p> <p>1 A. Yes.</p> <p>2 Q. And am I reading this correctly, the</p> <p>3 last full line, "There was a period over -- of</p> <p>4 time over the summer when he threatened to use a</p> <p>5 gun in the home; however, he did not give the</p> <p>6 nature of his intent"?</p> <p>7 A. I don't recall a threat of using a gun</p> <p>8 in the home. We didn't keep guns in our home.</p> <p>9 Q. So it would be inaccurate if there was</p> <p>10 testimony that Brett Wehde had had to hide the</p> <p>11 guns prior to December 13th of 2001 in your house?</p> <p>12 A. He did not hide them. He secured them</p> <p>13 in a safe place.</p> <p>14 Q. And why was that?</p> <p>15 A. That's where Brett wanted the guns. We</p> <p>16 had children in the house. You don't leave guns</p> <p>17 around for kids to play with.</p> <p>18 Q. Were you concerned about Dustin being</p> <p>19 suicidal in 1998?</p> <p>20 A. I don't recall what year, but I -- yeah,</p> <p>21 he was an unhappy child.</p> <p>22 Q. Would you turn to, it's identified as</p> <p>23 Page 5 of Defendant's Exhibit B, under "Behavioral</p> <p>24 Concomitants," and that's C-O-N-C-O-M-I-T-A-N-T-S,</p> <p>25 "of Presenting Illness." Do you see that?</p>

<p style="text-align: right;">13</p> <p>1 A. Yes.</p> <p>2 Q. And I was spelling for the court</p> <p>3 reporter.</p> <p>4 A. Yes.</p> <p>5 Q. The last two lines, it indicates,</p> <p>6 "She --" I assume that's you "-- is concerned he's</p> <p>7 depressed and may one day become suicidal." Did</p> <p>8 you make that statement to Dr. White?</p> <p>9 A. I'm sure I did.</p> <p>10 Q. Okay. And the last line says, "He has</p> <p>11 made subtle threats in the past, per parental</p> <p>12 report." Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Did Brett go with you to this University</p> <p>15 of Nebraska- --</p> <p>16 A. No, no.</p> <p>17 Q. -- Nebraska report?</p> <p>18 A. No.</p> <p>19 Q. So you would have been the one</p> <p>20 indicating that Dustin had made subtle threats in</p> <p>21 the past, if you were the only one who took him?</p> <p>22 A. Yeah, and I don't recall.</p> <p>23 Q. So you don't -- you don't have a</p> <p>24 recollection of what you told Dr. White or you</p> <p>25 don't have a recollection of Dustin making subtle</p>	<p style="text-align: right;">15</p> <p>1 A. Yes.</p> <p>2 Q. And at the top of it, who completed this</p> <p>3 document on behalf of Dustin?</p> <p>4 A. I know I wrote this, but I don't see my</p> <p>5 name on here.</p> <p>6 Q. Does it say right at the top of this,</p> <p>7 "Completed by Mother to Dustin Wehde applicant"?</p> <p>8 A. Where?</p> <p>9 Q. At the top of it, it's handwritten. Oh,</p> <p>10 flip it over, please.</p> <p>11 A. Oh. Yes.</p> <p>12 Q. Okay. Look at Number 5 under "Work</p> <p>13 Tolerance." It says, "Anger management problems."</p> <p>14 Do you see that?</p> <p>15 A. I sure do.</p> <p>16 Q. And this is your handwriting?</p> <p>17 A. Yes.</p> <p>18 Q. So tell me what anger-management</p> <p>19 problems Dustin would have had at the time that</p> <p>20 you completed this Health Assessment</p> <p>21 Questionnaire.</p> <p>22 A. I don't have an explanation for those</p> <p>23 choice of words. I can't answer that for you.</p> <p>24 Q. But you wrote that, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">14</p> <p>1 threats?</p> <p>2 A. The subtle threats, I don't recall</p> <p>3 those.</p> <p>4 Q. Best guess on what you would have told</p> <p>5 Dr. White?</p> <p>6 A. I have no idea.</p> <p>7 Q. Did Dustin ever apply for vocational</p> <p>8 rehabilitation?</p> <p>9 A. I know he was at voc. rehab., but I</p> <p>10 don't really who know.</p> <p>11 Q. And did Dustin have anger-management</p> <p>12 problems?</p> <p>13 A. I don't know that I would call them</p> <p>14 anger-management problems.</p> <p>15 Q. What would you call them?</p> <p>16 A. He got angry at different things.</p> <p>17 (At this time, Exhibit C was marked for</p> <p>18 identification by the reporter.)</p> <p>19 BY MR. BANDSTRA:</p> <p>20 Q. Would you agree at the top of Exhibit C,</p> <p>21 as in Charlie, it says the Iowa Division of</p> <p>22 Vocational Rehabilitation Services Health</p> <p>23 Assessment Questionnaire?</p> <p>24 A. Yes.</p> <p>25 Q. And is this a two-page document?</p>	<p style="text-align: right;">16</p> <p>1 Q. And you would have put that in that</p> <p>2 questionnaire?</p> <p>3 A. I did.</p> <p>4 Q. Okay. Are you familiar with a Dr.</p> <p>5 Liautaud?</p> <p>6 A. Liautaud.</p> <p>7 Q. Liautaud. Do you know what Dustin's</p> <p>8 mental health diagnosis was in 2001?</p> <p>9 A. No.</p> <p>10 Q. Is Dr. --</p> <p>11 A. -- Liautaud.</p> <p>12 Q. Thank you. Is Dr. -- And I'll probably</p> <p>13 mess that up again.</p> <p>14 A. That's fine.</p> <p>15 Q. Is Dr. Liautaud, is he with Carroll</p> <p>16 Psychiatric Services?</p> <p>17 A. I'm going to say yes, but I don't</p> <p>18 recall.</p> <p>19 (At this time, Exhibit D was marked for</p> <p>20 identification by the reporter.)</p> <p>21 BY MR. BANDSTRA:</p> <p>22 Q. Have you ever seen what's marked as</p> <p>23 Defendant's Exhibit D?</p> <p>24 A. I've seen so many papers, it's -- I</p> <p>25 don't recall this, no, you know.</p>

<p style="text-align: right;">17</p> <p>1 Q. Would you agree Defendant's Exhibit D is</p> <p>2 Dr. Liautaud's October 22nd [sic], 2001 report</p> <p>3 regarding a diagnostic evaluation on your son,</p> <p>4 Dustin Wehde? Do you see the file stamp on the</p> <p>5 top of it?</p> <p>6 A. Okay, yep. Yep.</p> <p>7 Q. So this would have been less than two</p> <p>8 months prior to his death?</p> <p>9 A. Yes.</p> <p>10 Q. And do you see on the second-to-the-last</p> <p>11 page there's a "Current Diagnosis"?</p> <p>12 A. Yeah.</p> <p>13 Q. And am I reading this correctly, under</p> <p>14 "Axis I: Major depressive disorder, severe, with</p> <p>15 concerns of mood congruent psychotic features,</p> <p>16 auditory hallucinations and suicide attempt by</p> <p>17 history"?</p> <p>18 A. Yes, you read that correct.</p> <p>19 Q. "Rule out bipolar disorder of mood</p> <p>20 congruent psychotic features and suicidal --" or,</p> <p>21 I'm sorry, I already read that. "Rule out general</p> <p>22 anxiety disorder, social anxiety disorder,</p> <p>23 parent-child relational problems, relational</p> <p>24 problems NOS related to peers in the community"?</p> <p>25 MR. SMITH: Scott, I'm sorry to</p>	<p style="text-align: right;">19</p> <p>1 THE WITNESS: Yeah.</p> <p>2 MR. SMITH: I mean, the only thing is --</p> <p>3 and I know that I can't testify -- I just didn't</p> <p>4 hear "concerns for."</p> <p>5 MR. BANDSTRA: Okay.</p> <p>6 MR. SMITH: I just heard --</p> <p>7 MR. BANDSTRA: That's fine.</p> <p>8 BY MR. BANDSTRA:</p> <p>9 Q. And under "Axis II," did it indicate</p> <p>10 that Dustin had "Schizoid personality disorder</p> <p>11 with schizotypal features"?</p> <p>12 A. Yes.</p> <p>13 Q. And right above that, "Regarding</p> <p>14 psychotic symptoms, --" and this is right above</p> <p>15 Axis I, "-- there is a concern with possibility of</p> <p>16 auditory hallucinations"? At the top of the page.</p> <p>17 A. Yes.</p> <p>18 Q. And Dustin was having auditory</p> <p>19 hallucinations at the time of the -- Dr.</p> <p>20 Liautaud's report, correct?</p> <p>21 MR. SMITH: Define "auditory</p> <p>22 hallucinations."</p> <p>23 THE WITNESS: Yeah, I don't even know</p> <p>24 what that is.</p> <p>25 MR. BANDSTRA: Well, I'm asking her her</p>
<p style="text-align: right;">18</p> <p>1 interrupt. Can you repeat the Current Diagnosis</p> <p>2 that you just read before, please? I think there</p> <p>3 might have been a misstatement.</p> <p>4 MR. BANDSTRA: Oh, sure.</p> <p>5 MR. SMITH: Yeah.</p> <p>6 BY MR. BANDSTRA:</p> <p>7 Q. Under "Axis I," does it say, "Major</p> <p>8 depressive disorder, severe, with concerns for</p> <p>9 mood congruent psychotic features, auditory</p> <p>10 hallucinations and suicide attempt by history.</p> <p>11 Rule out bipolar disorder with mood congruent</p> <p>12 psychotic features and suicidal ideation by</p> <p>13 history." I'm sorry. "Rule out general [sic]</p> <p>14 anxiety ... related to peers in the community,</p> <p>15 attention deficit hyperactive [sic] disorder by</p> <p>16 history, oppositional defiant disorder by</p> <p>17 history"? Did I read that correctly?</p> <p>18 THE WITNESS: I don't have the same.</p> <p>19 BY MR. BANDSTRA:</p> <p>20 Q. He can't answer.</p> <p>21 A. I don't have the same as what you just</p> <p>22 read.</p> <p>23 MR. SMITH: I think you missed a line.</p> <p>24 I mean, it's identical.</p> <p>25 MR. BANDSTRA: Okay.</p>	<p style="text-align: right;">20</p> <p>1 opinion.</p> <p>2 BY MR. BANDSTRA:</p> <p>3 Q. Was he talking to himself?</p> <p>4 A. I talk to myself.</p> <p>5 Q. That wasn't my question.</p> <p>6 A. Yes, he talked to himself.</p> <p>7 Q. And if you didn't believe that your son</p> <p>8 was having auditory hallucinations, you would have</p> <p>9 had a conversation with Dr. Liautaud about that,</p> <p>10 correct?</p> <p>11 A. We probably did talk about it.</p> <p>12 Q. Okay. So do you agree or disagree that</p> <p>13 your son was having auditory hallucinations at the</p> <p>14 time?</p> <p>15 A. I don't agree. I don't agree.</p> <p>16 Q. And I asked you this earlier or</p> <p>17 something to this effect, but were you afraid to</p> <p>18 leave your daughters home with Dustin prior to his</p> <p>19 death?</p> <p>20 A. Was I afraid to leave Dustin home with</p> <p>21 my daughters?</p> <p>22 Q. Yes.</p> <p>23 A. No, I didn't like leaving my kids home</p> <p>24 alone.</p> <p>25 Q. Okay. But my question was: Were you</p>

<p style="text-align: right;">21</p> <p>1 afraid to leave --</p> <p>2 A. No.</p> <p>3 Q. -- your girls home with Dustin?</p> <p>4 A. No.</p> <p>5 Q. Do you know who Special Agent Vileta is?</p> <p>6 THE WITNESS: Is that Trent's last name?</p> <p>7 A. Yes.</p> <p>8 Q. He can't answer questions for you. All</p> <p>9 right?</p> <p>10 A. He's not answering. I just asked.</p> <p>11 Q. Okay.</p> <p>12 (At this time, Exhibit E was marked for</p> <p>13 identification by the reporter.)</p> <p>14 BY MR. BANDSTRA:</p> <p>15 Q. Do you remember -- Oh, go ahead. Take</p> <p>16 your time.</p> <p>17 Do you remember having a taped</p> <p>18 conversation with Special Agent Vileta on December</p> <p>19 26th of 2008?</p> <p>20 MR. SMITH: Can I have a copy?</p> <p>21 MR. BANDSTRA: Oh, I'm sorry. Yes, you</p> <p>22 can.</p> <p>23 A. The date -- you know, I don't recall</p> <p>24 dates, but, yes, I had a conversation with Trent.</p> <p>25 Q. Would you turn to Page 69 of that</p>	<p style="text-align: right;">23</p> <p>1 A. I must have.</p> <p>2 Q. If you turn to Page 70, and we're going</p> <p>3 to go to Line 2821. Are you there?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see it says RW there?</p> <p>6 A. Yes.</p> <p>7 Q. It says, "... my son was hurting my</p> <p>8 daughters. I didn't much care for it. And it --"</p> <p>9 and then it says "-- (unintelligible)." Did you</p> <p>10 make that statement to Trent Vileta?</p> <p>11 A. I must have.</p> <p>12 Q. Okay. So do you want to change your</p> <p>13 testimony on whether your son was -- you were</p> <p>14 afraid to leave your son alone with your daughters</p> <p>15 prior to his death?</p> <p>16 A. My testimony is: I didn't like leaving</p> <p>17 my kids at home. They were kids. They were</p> <p>18 siblings. They fought. And I didn't like it.</p> <p>19 Q. And Dustin was hurting them, correct?</p> <p>20 A. Kids hurt people, yeah.</p> <p>21 Q. Your son was hurting your daughters?</p> <p>22 A. He did on an occasion, yes.</p> <p>23 Q. Your son, Dustin, was killed on December</p> <p>24 13th of 2001. That must have been a devastating</p> <p>25 for you?</p>
<p style="text-align: right;">22</p> <p>1 interview. Tell me when you're there.</p> <p>2 A. I'm there.</p> <p>3 Q. And do you see on the left-hand side</p> <p>4 there's numbers sequentially down the page?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And so I'm going to try to give</p> <p>7 you lines on this. Under Line Number 2770, RW</p> <p>8 would be for Ramona Wehde?</p> <p>9 A. 2770?</p> <p>10 Q. Yes.</p> <p>11 A. Yes.</p> <p>12 Q. And it said, "I didn't like my son left</p> <p>13 home alone with my daughters." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Did you make that statement?</p> <p>16 A. Yes, I did.</p> <p>17 Q. And if you go down to Line 2780, it says</p> <p>18 RW?</p> <p>19 A. Yes.</p> <p>20 Q. And am I reading this correctly, "He was</p> <p>21 hurting 'em. I mean I took Ashley to the doctor</p> <p>22 once because he grabbed her and he threw her</p> <p>23 across the room and he ripped her wrist and</p> <p>24 (unintelligible) you know." Did you say that to</p> <p>25 Special Agent Vileta?</p>	<p style="text-align: right;">24</p> <p>1 A. Yes.</p> <p>2 Q. I can't imagine. Were you cooperative</p> <p>3 with law enforcement?</p> <p>4 A. Yes.</p> <p>5 Q. Did you provide them with all the</p> <p>6 information you had?</p> <p>7 A. Yes.</p> <p>8 Q. Are you sure?</p> <p>9 A. To the best of my ability, yes.</p> <p>10 Q. Okay. Did you withhold anything?</p> <p>11 A. No.</p> <p>12 Q. On December 13th of 2001, Dustin lived</p> <p>13 with you and Brett?</p> <p>14 A. Correct.</p> <p>15 Q. And you were married to Brett at the</p> <p>16 time?</p> <p>17 A. Correct.</p> <p>18 Q. You didn't see Dustin on December 13th</p> <p>19 of 2001, did you?</p> <p>20 A. No.</p> <p>21 Q. You would have seen him -- I think, in</p> <p>22 looking at documents, you would have seen him last</p> <p>23 on December 12th of 2001?</p> <p>24 A. Correct.</p> <p>25 Q. Tell me what time you learned of</p>

<p style="text-align: right;">25</p> <p>1 Dustin's death on December 13th of 2001.</p> <p>2 A. Approximately 8:30, I believe.</p> <p>3 Q. And who told you?</p> <p>4 A. No one. My husband drove by the house</p> <p>5 and seen his car there, and we went down there.</p> <p>6 And actually one of the officers there said, yes,</p> <p>7 he was dead.</p> <p>8 Q. Okay.</p> <p>9 A. I don't know.</p> <p>10 Q. Who's Brandon Wehde?</p> <p>11 A. My nephew.</p> <p>12 Q. And how old's Brandon?</p> <p>13 A. I think he's a couple years younger than</p> <p>14 Dustin. I honestly don't know.</p> <p>15 Q. So did Brandon call your house and tell</p> <p>16 you that there were police officers around the</p> <p>17 Roberts residence on December 13th of 2001?</p> <p>18 A. No, because he didn't call my house.</p> <p>19 Q. He didn't call your house?</p> <p>20 A. No.</p> <p>21 Q. So if he indicated that he called --</p> <p>22 Brandon Wehde called your house, that would be</p> <p>23 inaccurate?</p> <p>24 A. He did not call my house.</p> <p>25 Q. Did Brandon come over at approximately</p>	<p style="text-align: right;">27</p> <p>1 recollection of talking to any law enforcement</p> <p>2 after your son had died?</p> <p>3 A. I think the next day. I mean, I met</p> <p>4 them at the house.</p> <p>5 Q. You met who at the house?</p> <p>6 A. There were police officers at the house</p> <p>7 when we went down there.</p> <p>8 Q. Okay.</p> <p>9 A. And they sent us home, and I think we</p> <p>10 talked the next day. I don't remember.</p> <p>11 MR. SMITH: Are you okay?</p> <p>12 MR. BANDSTRA: Do you want to take a</p> <p>13 break? You can take a break anytime you want.</p> <p>14 Go ahead and take a break.</p> <p>15 MR. SMITH: Is that cool?</p> <p>16 MR. BANDSTRA: Oh, absolutely.</p> <p>17 (A recess was taken from 11:13 a.m. to</p> <p>18 11:21 a.m.)</p> <p>19 MR. BANDSTRA: Are you ready to go?</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. BANDSTRA:</p> <p>22 Q. Okay. And Ms. Wehde -- We're back on</p> <p>23 the record. -- I know this is difficult for you.</p> <p>24 If you need to take a break at any time, just stop</p> <p>25 me and we'll stop and you can take a break. All</p>
<p style="text-align: right;">26</p> <p>1 8 p.m. to speak with Brett Wehde about there being</p> <p>2 law enforcement over at --</p> <p>3 A. No.</p> <p>4 Q. Okay. You got to let me finish my</p> <p>5 question --</p> <p>6 A. I'm sorry.</p> <p>7 Q. -- so she can -- No, you're okay. I</p> <p>8 just want to make sure we have a clean record.</p> <p>9 So it's your testimony that Brandon</p> <p>10 Wehde did not come over and tell Brett Wehde that</p> <p>11 there were law enforcement over at the Roberts</p> <p>12 residence on December 13th, 2001 --</p> <p>13 A. No.</p> <p>14 Q. -- at approximately 8 p.m.?</p> <p>15 A. No.</p> <p>16 Q. My understanding is that your husband</p> <p>17 was interviewed at the Early Library by Special</p> <p>18 Agent Moser, M-O-S-E-R, at 10:45 p.m.</p> <p>19 A. I don't know.</p> <p>20 Q. Were you present when Brett spoke with</p> <p>21 Mr. Moser or Special Agent Moser?</p> <p>22 A. I don't know.</p> <p>23 Q. And in fairness to you, I'm sure a lot</p> <p>24 of this is a blur or you'd rather not remember it.</p> <p>25 So when's the first time you have a</p>	<p style="text-align: right;">28</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 MR. SMITH: Scott, before we continue, I</p> <p>4 think that there was something that Mona -- And I</p> <p>5 think maybe it was just the way the question was</p> <p>6 worded, but she might want to, like, supplement</p> <p>7 one of her answers.</p> <p>8 BY MR. BANDSTRA:</p> <p>9 Q. Okay. After talking with Mr. Smith, do</p> <p>10 you want to change any of your testimony today?</p> <p>11 A. Yes.</p> <p>12 Q. And what would that be?</p> <p>13 A. Just when you asked me if Brandon called</p> <p>14 the house. Brandon didn't call the house. He</p> <p>15 called my cell phone. I was not at home, and I'm</p> <p>16 pretty sure Brandon did not come and talk to</p> <p>17 Brett.</p> <p>18 Q. Okay.</p> <p>19 Let me back up for a minute. On the</p> <p>20 exhibits that I've provided you regarding Dustin</p> <p>21 Wehde and his mental-health issues, and I can go</p> <p>22 through each and every one of them, but were you</p> <p>23 aware of those reports?</p> <p>24 A. Yes.</p> <p>25 Q. Were you the one who took Dustin to</p>

<p style="text-align: right;">29</p> <p>1 mental-health providers as well as --</p> <p>2 A. Yes.</p> <p>3 Q. -- getting him involved with vocational</p> <p>4 rehabilitation?</p> <p>5 A. Yes.</p> <p>6 Q. And were you the one who also got him</p> <p>7 Social Security disability prior to his death?</p> <p>8 A. Yes.</p> <p>9 Q. So the documents I provided you, you're</p> <p>10 familiar with them?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And going back to your new</p> <p>13 response regarding how you learned about the</p> <p>14 shooting of your son, tell me specifically how you</p> <p>15 found out that there had been a shooting at the</p> <p>16 Roberts residence.</p> <p>17 A. I was coming home from Sioux City. I</p> <p>18 stopped at Correctionville. My cell phone rang.</p> <p>19 It was Brandon. Brandon said, "Something really</p> <p>20 bad happened at your friends' house," and I said,</p> <p>21 "Who's my friends?" He said, "Your friends' house</p> <p>22 down the road." I said, "Brandon, who's my</p> <p>23 friends?" He says, "Your friends down the road."</p> <p>24 And I go, "The Roberts?" He goes, "Yeah." And I</p> <p>25 said, "What do you mean?" He goes, "Well, it's --</p>	<p style="text-align: right;">31</p> <p>1 with Jeremy Collins?</p> <p>2 A. Jeremy and I -- I was on AdvoCare at the</p> <p>3 time, and he got involved in that.</p> <p>4 Q. What's AdvoCare?</p> <p>5 A. AdvoCare is a nutritional supplement.</p> <p>6 Q. Okay. So was your relationship with</p> <p>7 Jeremy, was that a professional relationship?</p> <p>8 A. It became more than professional.</p> <p>9 Q. Okay. And what do you mean by that?</p> <p>10 A. We had an affair.</p> <p>11 Q. Okay. And tell me how tall Jeremy is.</p> <p>12 A. I don't think he's six foot. I don't</p> <p>13 know.</p> <p>14 Q. Okay. How old is Jeremy?</p> <p>15 A. I don't know.</p> <p>16 Q. Well, you'd have a better idea than I</p> <p>17 would.</p> <p>18 A. I know he was younger than me so I -- I</p> <p>19 have no idea. Maybe -- Like now? How old is he</p> <p>20 now?</p> <p>21 Q. Sure. How old is he now?</p> <p>22 A. 40? I don't know.</p> <p>23 Q. How tall is Jeremy?</p> <p>24 A. I --</p> <p>25 Q. Oh, you said he was six foot,</p>
<p style="text-align: right;">30</p> <p>1 the house is taped off and the cops had approached</p> <p>2 and they left," and he said that he had heard on</p> <p>3 the scanner that there was a fatality. And I</p> <p>4 thought, "Oh, my God, Michael shot Tracey. Oh, my</p> <p>5 God, Tracey shot Michael." That's what I thought.</p> <p>6 And then I called my husband at the</p> <p>7 shop --</p> <p>8 Q. Can I stop you there for a second?</p> <p>9 A. Yes.</p> <p>10 Q. Because I don't know this from looking</p> <p>11 at the discovery. Best guess on what time Brandon</p> <p>12 Wehde would have called you and told you that</p> <p>13 there had been a fatality at the Roberts</p> <p>14 residence?</p> <p>15 A. I believe it was possibly 8 or 8:30.</p> <p>16 Q. Okay. And at that time did you talk to</p> <p>17 anybody else at 8 or 8:30?</p> <p>18 A. My husband.</p> <p>19 Q. And did you talk to anyone else at 8:30</p> <p>20 or around that time on December 13th of 2001?</p> <p>21 A. I think prior to Brandon calling I was</p> <p>22 in a conversation with Jeremy Collins.</p> <p>23 Q. Okay. And who is Jeremy Collins?</p> <p>24 A. He was the Schwan's man.</p> <p>25 Q. Okay. And what was your relationship</p>	<p style="text-align: right;">32</p> <p>1 approximately six foot?</p> <p>2 A. No, he wasn't six foot tall. He was not</p> <p>3 six foot. You know, maybe 5-8? I don't know.</p> <p>4 Q. And what color of hair did he have?</p> <p>5 A. Brown.</p> <p>6 Q. And how long did you have a</p> <p>7 relationship, an affair, with Jeremy Collins?</p> <p>8 A. Maybe two months we were seeing each</p> <p>9 other.</p> <p>10 Q. What did Jeremy -- What kind of vehicles</p> <p>11 did Jeremy drive?</p> <p>12 A. I just know he had a truck.</p> <p>13 Q. Okay. That was an extended-cab truck?</p> <p>14 A. I don't really recall.</p> <p>15 Q. And when did you first meet this Jeremy</p> <p>16 Collins?</p> <p>17 A. October maybe. I'm not for sure.</p> <p>18 Q. October of what?</p> <p>19 A. 2001.</p> <p>20 Q. That's when you first met him. When did</p> <p>21 you begin having an affair with him?</p> <p>22 A. Probably in November.</p> <p>23 Q. And how long did the affair last? You</p> <p>24 said two months, so would it have gone into</p> <p>25 January of 2002?</p>

<p style="text-align: right;">33</p> <p>1 A. No, I didn't talk to Jeremy after Dustin 2 died for a long time.</p> <p>3 Q. And why was that?</p> <p>4 A. He just didn't respond to phone calls.</p> <p>5 Q. And so I'm unclear. When did you break 6 up the relationship with Jeremy Collins?</p> <p>7 A. Nobody broke up. I talked to him the 8 night that Dustin died, and he said, "I'll be at 9 the funeral," and I never seen him or talked to 10 him for months after that.</p> <p>11 Q. How long did you talk to Jeremy Collins 12 on December 13th of 2001?</p> <p>13 A. Half an hour. It was -- I don't know -- 14 quite awhile.</p> <p>15 Q. And did you call him right after you 16 learned about Dustin's death or --</p> <p>17 A. No, we were talking prior to learning 18 about it. And I don't know when I called him 19 afterwards.</p> <p>20 Q. And my guess is December 13th of 2001 is 21 similar to a lot of people on September 11th of 22 2001 when there was the World Trade Center, so my 23 guess is you remember that day very clearly.</p> <p>24 A. Yes, pretty much.</p> <p>25 Q. So give me your best guess on what times</p>	<p style="text-align: right;">35</p> <p>1 talked to him at all, but I know I called my 2 husband.</p> <p>3 Q. And best guess, what did you and Jeremy 4 Collins talk about at 8:30 or 8:35?</p> <p>5 A. I don't have a clue.</p> <p>6 Q. And I wasn't there, ma'am, and I know it 7 was a long time ago, but ...</p> <p>8 A. We were just having conversation. I 9 don't remember our conversation.</p> <p>10 Q. Did you talk to Jeremy Collins on 11 December 13th after you learned about Dustin's 12 death?</p> <p>13 A. I don't know.</p> <p>14 Q. And after your nephew, Brandon Wehde, 15 called you at 8 or 8:30, tell me how you learned 16 that Dustin had died in the house.</p> <p>17 A. I talked to my husband on the phone, 18 asked him if he had heard anything about what 19 happened at the Roberts house, because he used to 20 be on the fire department but he had resigned from 21 that, and he goes, "Hell, no, I didn't hear 22 anything," and so I'm like, "Okay, well, I'm 23 halfway home. I'm going to stop and drop off 24 Christmas presents at the house -- at the shop," 25 because we hid them down there.</p>
<p style="text-align: right;">34</p> <p>1 you would have talked to Jeremy Collins on 2 December 13th of 2001. You said it was before the 3 shooting?</p> <p>4 A. Yeah. I just know when I was driving 5 home from Sioux City, we were talking, and I hung 6 up when I stopped, it's the halfway point, to use 7 the rest room.</p> <p>8 I'm assuming we probably talked a few 9 times during the day while I was shopping. I 10 don't know how many times or how long they were, 11 and I honestly at this point can't recall.</p> <p>12 I think I talked to him for a very short 13 period of time after Brandon had called me, but at 14 that point I did not know Dustin was dead.</p> <p>15 Q. Well, you told me earlier that Brandon 16 Wehde called you approximately 8:30 p.m.</p> <p>17 A. 8 or 8:30.</p> <p>18 Q. And you thought that either Tracey had 19 shot Michael or Michael had shot Tracey.</p> <p>20 A. Correct.</p> <p>21 Q. And your testimony is that then you 22 talked to -- immediately talked to -- immediately 23 talked to Jeremy Collins?</p> <p>24 A. I don't remember after I talked to 25 Brandon if I talked to Jeremy immediately, if I</p>	<p style="text-align: right;">36</p> <p>1 And then I left there and went home, and 2 I was sitting in the back porch talking with my 3 daughter and her boyfriend, and Brett comes flying 4 through the door, and he goes, "Is Dustin at 5 home?" and I said, "I don't know," because Dustin 6 usually hung out in the basement and watched TV 7 down there.</p> <p>8 And Brett goes, "I think Dustin's car is 9 at the Roberts'," and we just go flying out the 10 door and drive down there and go through the 11 barricades and jump out and go running towards the 12 house, and four police officials jumped out of 13 a -- maybe a Suburban that was there, and I 14 screamed at them, and I said, "Is my son here?" 15 and they said, "Yes," and I said, "Is he dead?" 16 and they said, "Yes," and I asked them, "When the 17 fuck were you going to tell me that?"</p> <p>18 Q. Okay. And do you remember what officer 19 you would have spoken with?</p> <p>20 A. I'm pretty sure it was Bill McClure. 21 Somebody told me that but, no, I don't remember.</p> <p>22 Q. And I'm just confused, and I'm sorry to 23 keep on bringing this up, but Jeremy Collins, he 24 broke up with you or did you break up with him?</p> <p>25 A. We didn't really break up and we didn't</p>

<p style="text-align: right;">37</p> <p>1 really go out. We got together on a couple</p> <p>2 occasions.</p> <p>3 Q. Okay. But you said you quit seeing each</p> <p>4 other right after --</p> <p>5 A. Immediately.</p> <p>6 Q. -- Dustin died?</p> <p>7 A. Yeah. I never seen him after Dustin</p> <p>8 died.</p> <p>9 Q. And did Jeremy then leave Sac City --</p> <p>10 or, I'm sorry, he was from Ida Grove, wasn't he?</p> <p>11 A. Yes.</p> <p>12 Q. Did he leave Ida Grove after that?</p> <p>13 A. I have no idea. All I knew was last</p> <p>14 residence was Ida Grove.</p> <p>15 Q. Okay. Was he still working as the</p> <p>16 Schwan's man on December 13th of 2001?</p> <p>17 A. No, no.</p> <p>18 Q. When did he quit?</p> <p>19 A. A week before that maybe. I'm not for</p> <p>20 sure.</p> <p>21 Q. Could have it been two days before the</p> <p>22 shooting?</p> <p>23 A. Could have been. I don't know.</p> <p>24 Q. In reviewing Brett Wehde's interview, it</p> <p>25 appears that Dustin had previously paintballed</p>	<p style="text-align: right;">39</p> <p>1 Q. My understanding is Tracey claimed that</p> <p>2 there were two people that would have been</p> <p>3 involved in this December 13th, 2001, home</p> <p>4 invasion?</p> <p>5 A. Tracey claims that?</p> <p>6 Q. Yeah.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And it appears that Special Agent</p> <p>9 Moser would have looked at your caller ID, and</p> <p>10 there were two people who called prior to Dustin's</p> <p>11 death, and that would be Aaron Mendenhall?</p> <p>12 A. That's my -- That was my daughter's</p> <p>13 boyfriend at the time.</p> <p>14 Q. And it also appears that Jeremy Collins</p> <p>15 called at 4:34 p.m. on December 13th of 2001. Are</p> <p>16 you aware of that?</p> <p>17 A. Someone told me he did but I wasn't</p> <p>18 home.</p> <p>19 Q. Would you agree with me that Jeremy</p> <p>20 Collins would have matched a general description</p> <p>21 of who Tracey identified as the second intruder?</p> <p>22 A. I would have never thought that, no.</p> <p>23 Q. You would have never thought that?</p> <p>24 A. No.</p> <p>25 Q. Did you ever tell law enforcement, and</p>
<p style="text-align: right;">38</p> <p>1 with Michael Roberts?</p> <p>2 A. Yes.</p> <p>3 Q. And I believe that Brett told Special</p> <p>4 Agent Moser that up to 16 people would go to a</p> <p>5 farm house somewhere near Odeboll, and that's</p> <p>6 O-D-E-B-E-L-L, or Ida Grove to participate in</p> <p>7 paintball-gun exercises?</p> <p>8 A. I don't know exactly where they went,</p> <p>9 but I was thinking Ida Grove.</p> <p>10 Q. And were they home invasions where</p> <p>11 people would go in and shoot?</p> <p>12 A. No clue. I never participated.</p> <p>13 Q. Can you tell me what your home telephone</p> <p>14 number and cell phone number would have been at</p> <p>15 the time of the shooting?</p> <p>16 A. I know my home was 273-5442.</p> <p>17 Q. I'm sorry, 273 --</p> <p>18 A. -- 5442. Hmm. My cell? I don't know.</p> <p>19 Q. Okay. Do you know if you still have</p> <p>20 those records from 2001, your cell phone records</p> <p>21 and the home phone records?</p> <p>22 A. I'm pretty sure the police took what we</p> <p>23 had.</p> <p>24 Q. So you don't have them?</p> <p>25 A. No.</p>	<p style="text-align: right;">40</p> <p>1 that would include Special Agent Moser and/or</p> <p>2 Dennis Cessford, that you were having an affair</p> <p>3 with Jeremy Collins at the time?</p> <p>4 A. I did.</p> <p>5 Q. Who did you tell?</p> <p>6 A. I know Dennis Cessford was there, and</p> <p>7 maybe Dan was there too.</p> <p>8 Q. What did you tell them?</p> <p>9 A. I just told them -- They asked me if I</p> <p>10 had an affair, and I said yes.</p> <p>11 Q. Did you tell them anything about Jeremy</p> <p>12 Collins or him matching the description of the</p> <p>13 other intruder?</p> <p>14 A. Not that I recall. I didn't think</p> <p>15 Jeremy was the other intruder. I thought Tracey</p> <p>16 and Jeremy were the ones that did this.</p> <p>17 Q. Okay. So you did or didn't tell law</p> <p>18 enforcement that you thought that Jeremy Collins</p> <p>19 would have been -- could have been the second</p> <p>20 intruder?</p> <p>21 A. No. What I was telling them is that I</p> <p>22 basically thought Jeremy was, like, luring me or</p> <p>23 distracting my attention while Tracey was luring</p> <p>24 Dustin down to the house for her whatever reason.</p> <p>25 Q. And do you remember when you would have</p>

<p style="text-align: right;">41</p> <p>1 told law enforcement about your affair with Jeremy 2 Collins? 3 A. Do I remember when? 4 Q. Yeah. 5 A. Yeah. 6 Q. When was that? 7 A. The day they took me to the restaurant 8 to interview me, but I don't know what day that 9 was. 10 Q. Okay. In my review of the discovery 11 file is that you would have been interviewed on 12 December 13th of 2001, December 16th of 2001, 13 December 20th of 2001, December 29th of 2001, 14 December 30th of 2001, and then February of 2002. 15 Does that sound correct? 16 A. I'm sure it is. I don't recall at all 17 the dates. I probably don't recall the 18 interviews. 19 (At this time, Exhibit F was marked for 20 identification by the reporter.) 21 BY MR. BANDSTRA: 22 Q. I'm handing you what's marked as Exhibit 23 F, which is an Iowa Division of Criminal 24 Investigation interview. 25 I think we can both agree -- The date on</p>	<p style="text-align: right;">43</p> <p>1 it says on the 13th at approximately 8 a.m., so I 2 don't know when that is. I'm not sure if this is 3 your first interview or a subsequent interview, so 4 if you'll look at F and see if you can tell me if 5 this is your first or second interview. 6 A. I don't know if they interviewed me 7 prior to this. Is that the question you want 8 answered? 9 Q. Fair enough. If you don't understand 10 one of my questions, ask me to repeat it or 11 rephrase it. 12 I don't know, based on the incorrect 13 date on this, whether this is the first time they 14 interviewed you and it would have been with 15 Special Agent Moser and Sheriff Roger Owens or if 16 this was a subsequent interview based upon them 17 putting the wrong date on it. 18 So all I'm asking first is: To the best 19 of your recollection, is this your first interview 20 with law enforcement? 21 A. It could be. 22 Q. Okay. Do you remember what law 23 enforcement would have been -- I'm trying to 24 figure out if this is the first or the second or 25 the third interview.</p>
<p style="text-align: right;">42</p> <p>1 this says September 14th of 2001. We'd agree that 2 they didn't interview you on September 14th of 3 2001, did they? 4 A. Ask that question again. 5 Q. Do you see where it says "Date" colon, 6 and then it says September 14th of 2001? 7 A. Yes. 8 Q. You'd agree that you weren't interviewed 9 prior to Dustin Wehde's death by the DCI? 10 A. Like on the 13th? 11 Q. Well, this says -- 12 A. You're saying was I interviewed prior? 13 Q. Yeah, there's a wrong date on that. 14 That's my question. Right? 15 A. I don't know what date I was 16 interviewed, honestly. 17 Q. Okay. But the Iowa Division of Criminal 18 Investigation did not interview you prior to 19 Dustin's death? 20 A. No. 21 Q. Okay. 22 A. I gotcha now. I was, like, totally 23 confused. 24 Q. Okay. 25 This is an interview at your residence,</p>	<p style="text-align: right;">44</p> <p>1 Do you remember, when you first talked 2 to law enforcement, who would have interviewed 3 you? 4 A. I'm going to honestly say I don't recall 5 because I wasn't in a very clear state of mind. I 6 don't know -- I mean, Elvis Presley could have 7 been there interviewing me. I don't recall. I 8 seriously don't recall. 9 Q. Okay. On Exhibit F, first page, it 10 indicates that the last time you saw your son 11 would have been sometime on Wednesday evening on 12 the 12th. I assume that's December 12th of 2001? 13 A. Correct. 14 Q. And at this time you were the Realtor 15 for Michael and Tracey Roberts? 16 A. Correct. 17 Q. Did you have access to, did you have a 18 key to the Roberts residence? 19 A. No. 20 Q. You're sure about that? 21 A. I'm positive. 22 Q. And if you turn to Page 2, last full 23 paragraph, it indicates that you would have 24 cleaned out the white Pontiac 6000 and a computer 25 was not in it at that time.</p>

<p style="text-align: right;">45</p> <p>1 A. Correct.</p> <p>2 Q. On Page 3 you confirmed that Dustin had</p> <p>3 participated in paintball exercises with the</p> <p>4 Roberts and a couple other of the employees at</p> <p>5 Xellex? And that's X-E-L-L-E-X.</p> <p>6 A. Correct.</p> <p>7 Q. Did you tell them that?</p> <p>8 A. Yes.</p> <p>9 Q. Would you agree, at least by this DCI</p> <p>10 report, which is Defendant's Deposition Exhibit F,</p> <p>11 as in Frank, that there is no mention made of</p> <p>12 Jeremy Collins at that time?</p> <p>13 A. That's correct.</p> <p>14 Q. And if you turn to Page 4 of this</p> <p>15 document -- Are you there?</p> <p>16 A. Yes.</p> <p>17 Q. Where at the top full paragraph it says,</p> <p>18 "Mona indicated that she believes Dustin would</p> <p>19 stop down at the Roberts home and/or business in</p> <p>20 the past and believes two days ago, stopped down</p> <p>21 to check and see if there was a job available for</p> <p>22 him and apparently Dustin got the impression that</p> <p>23 there possibly would be some copying or something</p> <p>24 of that nature that could be done and possibly</p> <p>25 could get a job. Apparently, Dustin was under the</p>	<p style="text-align: right;">47</p> <p>1 A. I don't really remember Roger being</p> <p>2 there, but, yeah, I knew there were two.</p> <p>3 Q. Okay. And tell me, what was your</p> <p>4 relationship with Dennis Cessford prior to</p> <p>5 Dustin's death on December 13th of 2001?</p> <p>6 A. I barely knew him. My husband knew him,</p> <p>7 but, you know, I knew he was a police officer.</p> <p>8 Q. Did you socialize with Dennis Cessford?</p> <p>9 A. No.</p> <p>10 Q. Do you remember being interviewed at the</p> <p>11 Crossroads Cafe?</p> <p>12 A. Yes.</p> <p>13 Q. And to save a few trees, whether it</p> <p>14 seems like it or not, you had 40 pages or 41 pages</p> <p>15 in your interview. I've photocopied the first 16.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is that a yes?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And did they give you as much</p> <p>20 time as you needed to tell them of what you knew</p> <p>21 about Dustin and the shooting itself?</p> <p>22 A. I'm sure they did.</p> <p>23 Q. Okay. And on Page 2, do you see on the</p> <p>24 left-hand column, same thing, it has a line and</p> <p>25 then it says NIV, which I assume is the</p>
<p style="text-align: right;">46</p> <p>1 impression that after a couple days he would go</p> <p>2 back and then find out if there would be some type</p> <p>3 of work available for him." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Did you tell law enforcement that at the</p> <p>6 time?</p> <p>7 A. Not exactly like that, I would not agree</p> <p>8 to that.</p> <p>9 Q. Okay. You'd agree that's what the</p> <p>10 report says, correct?</p> <p>11 A. Right. Just the way they worded it</p> <p>12 is -- Yeah.</p> <p>13 (At this time, Exhibit G was marked for</p> <p>14 identification by the reporter.)</p> <p>15 BY MR. BANDSTRA:</p> <p>16 Q. You testified earlier that you would</p> <p>17 have had an interview, a taped interview, at the</p> <p>18 Crossroads Cafe?</p> <p>19 A. Correct.</p> <p>20 Q. And it appears under Exhibit G, as in</p> <p>21 Gary, that that would have occurred on December</p> <p>22 16th of 2001.</p> <p>23 A. I'll agree with that.</p> <p>24 Q. And those present would have been Roger</p> <p>25 Owens and Dennis Cessford?</p>	<p style="text-align: right;">48</p> <p>1 interviewer, and then there's an MW. Can we agree</p> <p>2 that MW is Mona Wehde?</p> <p>3 A. Yes.</p> <p>4 Q. And on Line 53, are you there?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I just want to make sure.</p> <p>7 Does it say, "... just recently my</p> <p>8 daughter had told me that Tracey had a job for</p> <p>9 Dustin and he was gonna make copies at their</p> <p>10 office and right now we're in the middle of a</p> <p>11 transaction in real estate and we're supposed to</p> <p>12 be closing on Monday and then back to when I</p> <p>13 called Michael, ..." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And it goes on, but is it your</p> <p>16 understanding that your daughter had told you that</p> <p>17 Tracey had allegedly said that she had a job for</p> <p>18 Dustin? Is that what you had told law enforcement</p> <p>19 on that day?</p> <p>20 A. Yes, yes.</p> <p>21 Q. On Page 3 of that document, top line,</p> <p>22 you asked Michael that night, meaning either early</p> <p>23 December -- I think it was December 14th of 2001,</p> <p>24 you had a lengthy conversation with Michael</p> <p>25 Roberts, correct?</p>

<p style="text-align: right;">49</p> <p>1 A. I don't recall the length, but I know I</p> <p>2 had talked to him at some point.</p> <p>3 Q. In fact, did you call him at 3 in the</p> <p>4 morning?</p> <p>5 A. I don't honestly know if I called him or</p> <p>6 he called me.</p> <p>7 Q. Okay. And did you ask him to speak at</p> <p>8 Dustin's funeral?</p> <p>9 A. I did.</p> <p>10 Q. In fact, you wanted him to do the</p> <p>11 eulogy?</p> <p>12 A. Well, I don't know that I wanted him to</p> <p>13 do it. I think he offered and made a couple</p> <p>14 comments that I didn't like that he was going to</p> <p>15 put in it, and I told him he had to let me read it</p> <p>16 before we would use it.</p> <p>17 Q. But you weren't in disagreement at least</p> <p>18 at that time about Michael Roberts doing the</p> <p>19 eulogy for Dustin Wehde?</p> <p>20 A. No.</p> <p>21 Q. Okay. And on Line 86 it says,</p> <p>22 "... she's like Tracey didn't know it was Dustin</p> <p>23 and I said I know she didn't, I know Tracey</p> <p>24 wouldn't hurt Dustin and I said beings Michael</p> <p>25 wasn't there, I said would Tracey wanna talk to</p>	<p style="text-align: right;">51</p> <p>1 the time of the shooting, correct?</p> <p>2 A. It concerned me that Michael knew that?</p> <p>3 Q. Yeah.</p> <p>4 A. See, I don't recall that particular</p> <p>5 concern.</p> <p>6 Q. Would you turn to Page 8. And I'm on</p> <p>7 Line 33 -- I'm sorry, 333. 333, let's do it that</p> <p>8 way. Actually let's go to 332.</p> <p>9 Does it say, "... I went to Brett and I</p> <p>10 said you know Brett there's one thing that kinda</p> <p>11 makes -- seems to make sense with stuff. Michael</p> <p>12 ... made a comment that Dustin wasn't wearing his</p> <p>13 glasses and I never told Michael that the funeral</p> <p>14 home told us that Dustin's glasses was in his</p> <p>15 pocket so I'm like you know Brett what does that</p> <p>16 tell us." Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. What did that tell you at the time, Ms.</p> <p>19 Wehde?</p> <p>20 A. Well, I don't recall stating those</p> <p>21 words, but right now, hearing it, I would say that</p> <p>22 in our thought it sounded like Michael was there</p> <p>23 because he knew that and he didn't have a way to</p> <p>24 know that.</p> <p>25 Q. And would you agree around the time of</p>
<p style="text-align: right;">50</p> <p>1 me ..." So at that time you were saying you</p> <p>2 didn't believe that Tracey had intentionally meant</p> <p>3 to shoot Dustin?</p> <p>4 A. At that time I thought Dustin was shot</p> <p>5 once.</p> <p>6 Q. Okay.</p> <p>7 A. My whole thought changed when I learned</p> <p>8 he was shot nine times.</p> <p>9 Q. Okay. But at the time of this</p> <p>10 interview, you were saying that you didn't think</p> <p>11 that Tracey knew it was Dustin and you didn't</p> <p>12 think she'd do it?</p> <p>13 A. That would be correct.</p> <p>14 Q. My understanding is that you spoke with</p> <p>15 the funeral home director. Was his name Karl?</p> <p>16 A. Yes.</p> <p>17 Q. And Karl told you that Dustin had -- his</p> <p>18 glasses were in his pocket, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you were surprised to learn at that</p> <p>21 time that Dustin had his glasses off at the time</p> <p>22 of the shooting?</p> <p>23 A. Correct.</p> <p>24 Q. It also concerned you that Michael</p> <p>25 Roberts knew that Dustin had his glasses off at</p>	<p style="text-align: right;">52</p> <p>1 the shooting there were some questions or people</p> <p>2 had said that they thought that you and Michael</p> <p>3 Roberts were in a sexual relationship at the time?</p> <p>4 A. Ask that question again.</p> <p>5 MR. BANDSTRA: Do you want to read it</p> <p>6 back to her, Robin.</p> <p>7 (At this time, the last question was</p> <p>8 read back by the reporter.)</p> <p>9 A. I know I heard people state that, and it</p> <p>10 probably was police officers asking me that</p> <p>11 question, and I flat-out told them, no, we were</p> <p>12 not.</p> <p>13 Q. You testified earlier that you and --</p> <p>14 you and Brett had a strong relationship or</p> <p>15 marriage. Do you remember that?</p> <p>16 A. I didn't really say -- Well, yes, I did</p> <p>17 say it was strong. Yeah, I remember that.</p> <p>18 Q. Okay. And three days prior to the</p> <p>19 shooting, had you filed for divorce?</p> <p>20 A. I don't think so.</p> <p>21 Q. Okay. Would you turn to Page 13.</p> <p>22 A. Okay.</p> <p>23 Q. And if you look at Line 528, does it say</p> <p>24 MW for Mona Wehde?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">53</p> <p>1 Q. Does it say, "Yeah, more than three days 2 ago three days probably before the incident 3 happened"? 4 A. Yes. 5 Q. Okay. And up the page at Line 514, MW, 6 does it say, "And I filed because of the way 7 Dustin and Brett couldn't get along"? 8 A. Yes. 9 Q. And then does it say on Line Number 518, 10 "... I've had a conversation with him --" I assume 11 it's Brett "-- about three days ago about filing 12 ... a divorce and I'm like I can't do it now, it's 13 Christmas time"? 14 A. Yes, it does say that. 15 Q. Okay. So I'll ask you again: Did you 16 have a strong relationship with Brett Wehde at the 17 time of Dustin's death? 18 A. Strong? No. 19 Q. I'm going to have you turn to Page 15 of 20 this document, Line 619. Does the interviewer 21 say, "Okay. Is there anything else you wanna tell 22 us tonight?" And your answer was what? 23 A. "No." 24 Q. I've reviewed this interview, and I 25 reviewed the previous interview. I didn't see any</p>	<p style="text-align: right;">55</p> <p>1 reference to Jeremy Collins. 2 A. That would be correct. I know they were 3 done recording when that question was answered, 4 because it was brought up and it was asked, and 5 why it's not -- Well, they weren't recording. 6 That's why it's not in there. And Dennis Cessford 7 should be able to vouch that that was discussed. 8 Q. Okay. 9 (At this time, Exhibit H was marked for 10 identification by the reporter.) 11 BY MR. BANDSTRA: 12 Q. Ms. Wehde, I'm handing you what's marked 13 as Defendant's Deposition Exhibit H, as in Harry. 14 It appears that Special Agent Moser and Lieutenant 15 Dennis Cessford would have spoken with you and 16 Brett Wehde on December 18th of 2001. 17 A. Correct. 18 Q. And I asked you earlier what your 19 telephone numbers were at the time, and I want to 20 make sure I'm correct. Were your telephone 21 numbers at the time, and I'm looking at the bottom 22 of Page 1, 712-732-2662 at work and 23 1-877-732-2662? 24 A. I honestly don't recall those numbers, 25 but I am sure that is correct.</p>
<p style="text-align: right;">54</p> <p>1 reference to Jeremy Collins at that time. Can you 2 tell me why you didn't tell law enforcement about 3 Jeremy Collins at that time? 4 A. I'm pretty sure they asked me, and I'm 5 pretty sure I told them. 6 Q. Okay. And I'll give you as much time as 7 you want on looking at Defendant's Exhibit G, as 8 in Gary, to look to see if there's any reference 9 to Jeremy Collins. Do you want to do that now? 10 A. Sure. I mean, I remember sitting at the 11 restaurant and that question came up, and -- Oh, 12 it was off the record. How do you like that? 13 They asked me off the record. 14 Q. Okay. 15 A. "Have you ever had an affair?" and I 16 said, "Yes, I have." 17 Q. And who was that with? 18 A. Jeremy Collins. 19 Q. Okay. 20 A. Yeah. 21 Q. So my question to you, Ms. Wehde, is, 22 and you can look through Exhibit G, but I don't 23 see any reference to it in that recorded 24 statement, and they said, "Is there anything else 25 you want to tell me?" and I didn't see any</p>	<p style="text-align: right;">56</p> <p>1 Q. And is the latter one, the 877 number, 2 is that your cell phone? 3 A. No, it's a toll-free number to the 4 office. 5 Q. Okay. And what was your cell phone 6 number there at the time? 7 A. I don't recall, honestly. 8 Q. Okay. Can you get that for me? Is 9 there a way you can go back and find out who was 10 your cell phone provider as well as your cell 11 phone number on December 13th of 2001? 12 A. I'm assuming there's a way to figure it 13 out. 14 Q. Would you do that and provide that to 15 Mr. Smith? 16 A. Sure. 17 Q. Thank you. And I'm sure that some of 18 this was a blur, but do you remember talking with 19 Special Agent Moser and Lieutenant Cessford on 20 December 18th of 2001? 21 A. I remember talking to them but not 22 specific dates. 23 Q. And would you agree at that time there 24 was no reference to your relationship with Jeremy 25 Collins?</p>

<p style="text-align: right;">57</p> <p>1 A. Without reading this, I --</p> <p>2 Q. Go ahead. Take your time.</p> <p>3 MR. SMITH: When she reads that, do you</p> <p>4 have any objection to me going to use the men's</p> <p>5 room right behind her?</p> <p>6 MR. BANDSTRA: No, not at all. I won't</p> <p>7 ask her any questions until you're back.</p> <p>8 (A recess was taken from 12:00 p.m. to</p> <p>9 12:01 p.m.)</p> <p>10 A. I would agree that there's nothing in</p> <p>11 this statement about Jeremy Collins.</p> <p>12 Q. Okay. Do you think it would have been</p> <p>13 important for law enforcement to know about your</p> <p>14 affair with Jeremy Collins at the time?</p> <p>15 A. They did know.</p> <p>16 Q. Okay.</p> <p>17 A. It was discussed many times.</p> <p>18 Q. Many times? Okay.</p> <p>19 Had you ever ridden in Jeremy Collins'</p> <p>20 truck prior to the shooting?</p> <p>21 A. Yes.</p> <p>22 Q. What color is it?</p> <p>23 A. I don't recall, but I think it's silvery</p> <p>24 gray. I don't know.</p> <p>25 Q. Did you receive any personal effects</p>	<p style="text-align: right;">59</p> <p>1 before.</p> <p>2 A. I don't really know if I cleaned it out.</p> <p>3 I was probably in there, and you're probably</p> <p>4 referring to a receipt that I found and gave the</p> <p>5 police?</p> <p>6 Q. Yes. And what receipt did you find in</p> <p>7 that --</p> <p>8 A. It was a gas ticket receipt with</p> <p>9 Kendall's name on it, and I don't know who Kendall</p> <p>10 is.</p> <p>11 Q. I noticed in looking at the photographs</p> <p>12 there's also a towel in the driver's seat. There</p> <p>13 was a multi-colored towel in the driver's seat.</p> <p>14 Do you know why that would have been there?</p> <p>15 A. Unless it's a beach towel, but no.</p> <p>16 Q. Was there ordinarily a towel sitting on</p> <p>17 the front seat of that vehicle?</p> <p>18 A. I don't think so. No one ever told me</p> <p>19 about a towel that I recall so ...</p> <p>20 Q. Did you tell law enforcement at that</p> <p>21 time that Brett, that's your former husband,</p> <p>22 indicated that some time back he took all the guns</p> <p>23 he owned in his shop so that they could better be</p> <p>24 secured?</p> <p>25 A. Did we tell a police officer? Is that</p>
<p style="text-align: right;">58</p> <p>1 from the funeral home after your son's death? Did</p> <p>2 they give you his clothing or other items?</p> <p>3 A. When we went for preparation for the</p> <p>4 funeral, they handed us two baggies. One baggy</p> <p>5 had a pop can cooler koozie in it, \$80 in cash and</p> <p>6 a pen; and the other one I believe had a watch in</p> <p>7 it. I don't really remember what was in the other</p> <p>8 one. We were just shocked about the money in his</p> <p>9 pocket.</p> <p>10 Q. And why were you shocked about the money</p> <p>11 in his pocket?</p> <p>12 A. Because Dustin didn't carry money.</p> <p>13 Dustin didn't -- He had access to money but he</p> <p>14 didn't have money.</p> <p>15 Q. There was a white Pontiac 6000 that</p> <p>16 would have been found outside of the Roberts</p> <p>17 residence after the December 13th, 2001, shooting.</p> <p>18 A. Correct.</p> <p>19 Q. And whose car would that be?</p> <p>20 A. Basically Dustin's.</p> <p>21 Q. Did you own it?</p> <p>22 A. I don't even -- I'm thinking my husband</p> <p>23 might have had title on it.</p> <p>24 Q. Okay. Did you clean out the car after</p> <p>25 the shooting? I know you cleaned it out the day</p>	<p style="text-align: right;">60</p> <p>1 the question?</p> <p>2 Q. Yes.</p> <p>3 A. I'm sure we did.</p> <p>4 Q. And you had concerns at that time that</p> <p>5 you feared that your son may attempt to commit</p> <p>6 suicide? Did you tell them that at the time?</p> <p>7 A. I probably did.</p> <p>8 Q. When you provided police your phone</p> <p>9 records, did you give them all of your phone</p> <p>10 records?</p> <p>11 A. I gave them what -- I think actually</p> <p>12 they went and got them from somebody.</p> <p>13 Q. Okay.</p> <p>14 A. I don't know.</p> <p>15 Q. And what I've been provided -- This is</p> <p>16 I.</p> <p>17 (At this time, Exhibit I was marked for</p> <p>18 identification by the reporter.)</p> <p>19 BY MR. BANDSTRA:</p> <p>20 Q. I've handed you what's marked as</p> <p>21 Defendant's Deposition Exhibit I, and that's not</p> <p>22 all of the records that I've been provided, but</p> <p>23 here's my question: On the records that I was</p> <p>24 provided by the government, all I saw were your</p> <p>25 outgoing long-distance telephone calls.</p>

<p style="text-align: right;">61</p> <p>1 A. Okay.</p> <p>2 Q. And my question is: When you provided</p> <p>3 the documents to law enforcement -- I'm sorry, the</p> <p>4 phone records to law enforcement, did you provide</p> <p>5 them just your long-distance outgoing calls or did</p> <p>6 you provide them the entire -- your entire billing</p> <p>7 for your telephone calls?</p> <p>8 A. I don't recall, and, seriously, I think</p> <p>9 they went and got these records themselves.</p> <p>10 Q. And that's fair. I'm just asking you</p> <p>11 what you provided them because this is what I</p> <p>12 have.</p> <p>13 A. Yeah, I don't recall.</p> <p>14 Q. And assume that these are your</p> <p>15 long-distance outgoing calls. On December 13th of</p> <p>16 2001, you received a call -- or you made a call at</p> <p>17 8:42 p.m. to Ida Grove, Iowa. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Whose telephone number would that be,</p> <p>20 the 712-364-4223?</p> <p>21 A. You know, honestly, I don't have a clue</p> <p>22 if that's Jeremy's phone number or not. And what</p> <p>23 time did I call him?</p> <p>24 Q. Well, there's two calls. There's one</p> <p>25 from Ida Grove at 8:42 p.m., and eight minutes,</p>	<p style="text-align: right;">63</p> <p>1 Early.</p> <p>2 Q. Okay.</p> <p>3 A. That's Storm Lake's services at my</p> <p>4 office.</p> <p>5 Q. Okay. So if you look at the top of that</p> <p>6 that has -- where it says "Long Distance Service."</p> <p>7 A. Okay.</p> <p>8 Q. It's on the other side.</p> <p>9 A. Yes.</p> <p>10 Q. And then it says, "Location: Mona and</p> <p>11 Brett Wehde."</p> <p>12 A. Yeah, it does say our address in Early.</p> <p>13 Q. And then it has the line or the</p> <p>14 telephone number?</p> <p>15 A. Yeah.</p> <p>16 Q. That's your home phone at the time?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay.</p> <p>19 A. But it doesn't make any sense that this</p> <p>20 is supposed to be coming out of my office, or is</p> <p>21 this supposed to be coming out of my house?</p> <p>22 Q. These are the records, is my</p> <p>23 understanding, that were yours. That's all I can</p> <p>24 tell you.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">62</p> <p>1 712-364-4223.</p> <p>2 A. And this is from my real estate office?</p> <p>3 Q. Yes.</p> <p>4 A. I was not at my real estate office so I</p> <p>5 didn't make that phone call.</p> <p>6 Q. Okay.</p> <p>7 A. On the 13th. I was at the office in the</p> <p>8 morning, but I wasn't at the office at 8:42 at</p> <p>9 night. I was at home.</p> <p>10 Q. Okay. Did you tell me earlier your home</p> <p>11 phone was 712-273-5442?</p> <p>12 A. I believe that was correct.</p> <p>13 Q. Okay. So if you look at the top of --</p> <p>14 Yeah, get your glasses on. -- Exhibit I, where it</p> <p>15 says McLeod USA. No, turn it around to the other</p> <p>16 side. And it says line: 712-273-5442. That's</p> <p>17 your home phone, correct? It's at the top</p> <p>18 left-hand column.</p> <p>19 A. Yes, yeah.</p> <p>20 Q. So these are the telephone calls made</p> <p>21 out from your home phone.</p> <p>22 A. How is this a billing for Wehde Real</p> <p>23 Estate and it came from my house?</p> <p>24 Q. I can't answer that. Is the --</p> <p>25 A. Because, see, we didn't have McLeod in</p>	<p style="text-align: right;">64</p> <p>1 Q. So if this is the line for 712-273-5442,</p> <p>2 that's your home phone?</p> <p>3 A. Correct.</p> <p>4 Q. And these are long-distance calls?</p> <p>5 A. Okay. I mean, I'm not trying to be</p> <p>6 difficult, but this is totally confusing because</p> <p>7 I'm pretty sure McLeod USA was Storm Lake phone</p> <p>8 service, and I'm pretty sure we had Frontier in</p> <p>9 Early.</p> <p>10 Q. All right.</p> <p>11 A. So I'm confused by it.</p> <p>12 Q. At the time of the shooting, were you</p> <p>13 living at 201 Linden -- excuse me, Linda, as in a</p> <p>14 woman's name, Lane?</p> <p>15 A. It's Linden is actually -- That's</p> <p>16 incorrect. It's Linden Lane.</p> <p>17 Q. Okay. And if you look down the</p> <p>18 left-hand column, do you see where it says 280?</p> <p>19 A. Yep. Yes.</p> <p>20 Q. And there was a call on December 13th,</p> <p>21 2001, at 8:42 p.m. from an Ida Grove number?</p> <p>22 A. Yes, there is. And you're saying this</p> <p>23 came out of our house to Ida Grove, correct?</p> <p>24 Q. Yes.</p> <p>25 A. Okay.</p>

<p style="text-align: right;">65</p> <p>1 Q. And you would have spoken to that person</p> <p>2 for eight minutes at 8:42 p.m.?</p> <p>3 A. Somebody did.</p> <p>4 Q. Okay. Do you have any reason to dispute</p> <p>5 that that's Jeremy Collins' telephone number?</p> <p>6 A. I have absolutely no idea if it is or</p> <p>7 isn't.</p> <p>8 Q. Do you agree Number 281 is a telephone</p> <p>9 call made at 9:54 p.m.?</p> <p>10 A. Yes.</p> <p>11 Q. Let me back up. I'm sorry, my error.</p> <p>12 Call Number 279 was on December 13th, 2001, at</p> <p>13 8:30 p.m. to a Lidderdale, L-I-D-D-E-R-D-A-L-E,</p> <p>14 Iowa, telephone number for 8.8 minutes?</p> <p>15 A. I don't think so.</p> <p>16 Q. Okay. Do the same thing I did. Just do</p> <p>17 a page.</p> <p>18 A. Do what?</p> <p>19 Q. Take a page across to follow along.</p> <p>20 A. Oh, okay, gotcha, yep. Yeah, so that</p> <p>21 one is, yep, 8.8 minutes.</p> <p>22 Q. And you don't have any reason to dispute</p> <p>23 that that's Jeremy Collins' telephone number?</p> <p>24 A. I don't even know where Lidderdale,</p> <p>25 Iowa, is. Is that the one you're referring to?</p>	<p style="text-align: right;">67</p> <p>1 your caller ID. You had caller ID at the time.</p> <p>2 A. Correct.</p> <p>3 Q. It says, "At 4:34, a telephone call was</p> <p>4 registered 210-0106, and was identified as Jeremy</p> <p>5 Collins." Do you see that? And, I'm sorry, it</p> <p>6 goes on to Page 4.</p> <p>7 A. Okay, yep. 210-0106?</p> <p>8 Q. Yes.</p> <p>9 A. Hmm. It must be a cell phone number.</p> <p>10 Q. Okay. Does that refresh your</p> <p>11 recollection on whose telephone?</p> <p>12 A. Oh, sure, yeah, because I don't recall</p> <p>13 numbers. I just don't remember them.</p> <p>14 Q. So can we agree that, according to</p> <p>15 Special Agent Moser, that Jeremy Collins would</p> <p>16 have called at 4:34 p.m. to your residence?</p> <p>17 A. Yeah.</p> <p>18 Q. And can we also agree that you spoke</p> <p>19 with Jeremy Collins on December 13th of 2001 at</p> <p>20 8:30 for 8.8 minutes?</p> <p>21 A. I'm going to say somebody spoke to him.</p> <p>22 I would say that's a weird time, but I don't have</p> <p>23 a clue who talked to him.</p> <p>24 Q. Okay. And then the next phone call out</p> <p>25 is at 8:42 p.m., and that's 712-364-4223?</p>
<p style="text-align: right;">66</p> <p>1 Q. Yes, ma'am.</p> <p>2 A. I don't know where Lidderdale, Iowa, is</p> <p>3 and I don't have a clue if that would connect to</p> <p>4 Jeremy.</p> <p>5 (At this time, Exhibit J was marked for</p> <p>6 identification by the reporter.)</p> <p>7 MR. BANDSTRA: Let me take that back for</p> <p>8 a minute. Sorry about that.</p> <p>9 (At this time, the witness handed</p> <p>10 Exhibit J to Mr. Bandstra.)</p> <p>11 (At this time, Exhibit K was marked for</p> <p>12 identification by the reporter.)</p> <p>13 BY MR. BANDSTRA:</p> <p>14 Q. I am handing you Defendant's Deposition</p> <p>15 Exhibit K. Would you agree this is an Iowa</p> <p>16 Division of Criminal Investigation interview on</p> <p>17 December 13th of 2001 by Brett Moser?</p> <p>18 A. Brett Moser?</p> <p>19 Q. I'm sorry. Dan Moser?</p> <p>20 A. Yes.</p> <p>21 Q. And it would be regarding your husband,</p> <p>22 Brett Wehde?</p> <p>23 A. Correct.</p> <p>24 Q. If you turn to Page 3, the bottom line,</p> <p>25 does it say at 4:34 -- and they were looking at</p>	<p style="text-align: right;">68</p> <p>1 A. Correct.</p> <p>2 Q. For 54 minutes and 6 seconds?</p> <p>3 A. Correct.</p> <p>4 Q. And you don't have any reason to dispute</p> <p>5 that that's also Jeremy Collins' telephone number?</p> <p>6 A. I don't have any reason to dispute it,</p> <p>7 but I can't say, yes, it is.</p> <p>8 Q. So we can agree that you had two</p> <p>9 telephone calls with him shortly after Dustin's</p> <p>10 death?</p> <p>11 A. Well, I'm almost wondering if that isn't</p> <p>12 before we knew but -- I don't know. I don't</p> <p>13 recall. I don't recall having that time of day</p> <p>14 that long of a phone conversation from my house</p> <p>15 with Jeremy.</p> <p>16 Q. In Lieutenant Cessford's report, it</p> <p>17 indicates that on December 18 of 2001, that you</p> <p>18 would have provided an envelope that had seven</p> <p>19 yellow sheets of paper that had Dustin's</p> <p>20 handwriting in them.</p> <p>21 Do you know, do you have a recollection</p> <p>22 of what documents you would have provided to them</p> <p>23 on that day?</p> <p>24 A. I gave the police seven yellow pieces of</p> <p>25 paper?</p>

<p style="text-align: right;">69</p> <p>1 Q. That's what the report says.</p> <p>2 A. I -- They asked for stuff. I gave it to</p> <p>3 them. I found things. I don't recall at all.</p> <p>4 Q. And I understand this was at least nine</p> <p>5 years ago, but can you tell me what items from</p> <p>6 Dustin's basement area that you would have</p> <p>7 provided to law enforcement at that time?</p> <p>8 A. I know there was different pages of</p> <p>9 stuff. I don't have a clue what was on them at</p> <p>10 this point. Post-It notes. There was a little</p> <p>11 black notebook, and I don't really recall anything</p> <p>12 else.</p> <p>13 Q. On the Post-It note, did it say, "Money</p> <p>14 in Des Moines hotel"?</p> <p>15 A. No, it's not what it said but --</p> <p>16 Q. What did it say?</p> <p>17 A. It said -- One Post-It note said, "Money</p> <p>18 in November," and another Post-It note had a</p> <p>19 Des Moines hotel number on it.</p> <p>20 Q. Okay. So the Post-It note that said,</p> <p>21 "Money in November," did that appear to be in</p> <p>22 Dustin's handwriting or someone else's?</p> <p>23 A. Dustin's, if I recall correctly.</p> <p>24 Q. And what did the second Post-It note</p> <p>25 say?</p>	<p style="text-align: right;">71</p> <p>1 Q. And why would you need to know the</p> <p>2 number for a hotel in Des Moines, Iowa?</p> <p>3 A. Dustin just always is responsible for</p> <p>4 taking messages from people, and I don't recall,</p> <p>5 but it appears that that was the hotel that Jeremy</p> <p>6 and I met at. He stayed there. I just met him</p> <p>7 there. I was staying elsewhere.</p> <p>8 Q. And when would have you and Jeremy</p> <p>9 stayed at this hotel in Des Moines?</p> <p>10 A. No clue. I was at a real estate class</p> <p>11 and he was at a ball game. I don't know what date</p> <p>12 it was.</p> <p>13 Q. Okay. And what was the name of the</p> <p>14 hotel? If you went there, you had to know the</p> <p>15 name.</p> <p>16 A. I don't recall at all.</p> <p>17 Q. To use Dustin's death as a point of</p> <p>18 reference, what's your best guess of when you</p> <p>19 would have stayed at this hotel in Des Moines with</p> <p>20 Jeremy Collins?</p> <p>21 A. November. I just don't know.</p> <p>22 Q. And the Post-It note that indicated that</p> <p>23 there was money in November, you've testified to</p> <p>24 that?</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">70</p> <p>1 A. One of the Post-It notes had a</p> <p>2 Des Moines motel/hotel phone number on it.</p> <p>3 Q. Do you remember what it was?</p> <p>4 A. The number?</p> <p>5 Q. Or the name of the hotel?</p> <p>6 A. No.</p> <p>7 Q. Did it have a telephone number on there</p> <p>8 as well?</p> <p>9 A. Yeah. I don't think like the hotel name</p> <p>10 was on there or anything. I just think it was --</p> <p>11 Well, maybe it was on there. I know that we knew</p> <p>12 it was a motel/hotel phone number.</p> <p>13 Q. And how did you know that?</p> <p>14 A. I don't remember what was on the note</p> <p>15 exactly.</p> <p>16 Q. Okay. And I wasn't there so --</p> <p>17 A. Yeah, I -- I don't know if we called the</p> <p>18 number and found out or if it had a hotel name on</p> <p>19 the number or what, and I'm assuming Dustin took a</p> <p>20 message for me and that was on there.</p> <p>21 Q. And you've given me two Post-It notes:</p> <p>22 one is "Money in November," another one is a hotel</p> <p>23 in Des Moines with a telephone number. Which one</p> <p>24 do you believe that Dustin took for you?</p> <p>25 A. The motel/hotel phone number.</p>	<p style="text-align: right;">72</p> <p>1 Q. Is that a yes?</p> <p>2 A. Yes.</p> <p>3 Q. Did that have to do with your real</p> <p>4 estate transaction, or do you know?</p> <p>5 A. I do not know.</p> <p>6 Q. All you know is that there was a Post-It</p> <p>7 note that said, "Money in November"?</p> <p>8 A. Correct.</p> <p>9 Q. And did you look -- Who called the hotel</p> <p>10 to determine it was a telephone number? I mean,</p> <p>11 was that Dennis Cessford or would that have been</p> <p>12 you?</p> <p>13 A. I believe it was Dennis Cessford that</p> <p>14 did it.</p> <p>15 Q. And I saw a reference to an address</p> <p>16 book. Did you look through that address book?</p> <p>17 A. I'm sure I did at the time.</p> <p>18 Q. And were there just addresses of people</p> <p>19 or what?</p> <p>20 A. Well, I wouldn't have called it an</p> <p>21 address book. It was a mini notepad, notebook,</p> <p>22 little mini notebook, and, you know, until it was</p> <p>23 just showed to me again, I didn't even hardly</p> <p>24 remember giving it to them, but I know there were</p> <p>25 names -- there was a couple names in there, and I</p>

<p style="text-align: right;">73</p> <p>1 couldn't tell you what else is in that notebook.</p> <p>2 Q. Okay.</p> <p>3 A. Because -- Yeah.</p> <p>4 Q. And who showed that you mini notebook?</p> <p>5 You said, "Somebody showed it to me."</p> <p>6 A. I think -- I don't know if it was Trent</p> <p>7 or Ben when we were reviewing things.</p> <p>8 Q. Okay. And when you say "Trent," are you</p> <p>9 referring to Trent Vileta?</p> <p>10 A. Yes.</p> <p>11 Q. And "Ben," I assume you're referring to</p> <p>12 Ben Smith?</p> <p>13 A. Correct.</p> <p>14 Q. And so how recent was it that you looked</p> <p>15 at this address book?</p> <p>16 A. Hmm. It could have been -- How recent</p> <p>17 or the first time?</p> <p>18 Q. Well, good question.</p> <p>19 A. Yeah.</p> <p>20 Q. When's the first time that you saw the</p> <p>21 address book?</p> <p>22 A. Other than when I gave it to the police,</p> <p>23 you know, years ago, it could have -- I don't</p> <p>24 remember when we actually looked at it, but it</p> <p>25 could have been up to three years ago when Trent</p>	<p style="text-align: right;">75</p> <p>1 (A recess was taken from 12:32 p.m. to</p> <p>2 12:56 p.m.)</p> <p>3 MR. BANDSTRA: Back on the record.</p> <p>4 BY MR. BANDSTRA:</p> <p>5 Q. Ms. Wehde, I want some clarification.</p> <p>6 Jeremy Collins is how tall?</p> <p>7 A. 5-8. I don't know.</p> <p>8 Q. How tall are you?</p> <p>9 A. 5-1.</p> <p>10 Q. And how much taller is Jeremy Collins</p> <p>11 than you?</p> <p>12 A. You know, I haven't seen him for ten</p> <p>13 years. (Witness indicating.)</p> <p>14 Q. Okay. Well, and just for the record,</p> <p>15 you've put your hand about six inches above your</p> <p>16 head, so your testimony is he's 5-8, 5-9?</p> <p>17 A. Yeah, I don't know.</p> <p>18 Q. Where does he live now?</p> <p>19 A. I don't know.</p> <p>20 Q. And you testified that you weren't sure</p> <p>21 if his vehicle had a -- was an extended cab or</p> <p>22 not. Is there a backseat to that pickup truck?</p> <p>23 A. No, I don't think there was, but I --</p> <p>24 It's been ten years ago.</p> <p>25 Q. And you testified that you weren't</p>
<p style="text-align: right;">74</p> <p>1 and I started visiting.</p> <p>2 Q. Okay.</p> <p>3 A. I don't recall when it was first brought</p> <p>4 up.</p> <p>5 Q. And I haven't seen an address book, so</p> <p>6 tell me when the last time you saw this address</p> <p>7 book or this mini notebook.</p> <p>8 A. I don't think our last visit we looked</p> <p>9 at it so -- Oh. I'm like, Ben, when did we get</p> <p>10 together? I don't know. I -- I have no idea when</p> <p>11 we got together. I can't even tell you if it</p> <p>12 was -- I'm going to say April. I don't know.</p> <p>13 Q. April of this year?</p> <p>14 A. Yes.</p> <p>15 Q. And who would have shown you that</p> <p>16 address book again?</p> <p>17 A. I'm not for sure if Trent or Ben asked</p> <p>18 me if I remembered it.</p> <p>19 Q. Now, do you remember the color of this</p> <p>20 book?</p> <p>21 A. Yes. It's black.</p> <p>22 MR. BANDSTRA: Can we go off the record</p> <p>23 for just a minute, Robin.</p> <p>24 (At this time, an off-the-record</p> <p>25 discussion was held.)</p>	<p style="text-align: right;">76</p> <p>1 sure -- We went over Exhibit -- I think it's I,</p> <p>2 the phone records, and you weren't sure if you</p> <p>3 made those long-distance calls to Jeremy?</p> <p>4 A. The time of the day it is, it doesn't</p> <p>5 seem like that's when I would have been talking to</p> <p>6 him.</p> <p>7 Q. Okay.</p> <p>8 A. So I can't say I did and I can't say I</p> <p>9 didn't.</p> <p>10 Q. Okay. Well, let's talk through this. I</p> <p>11 mean, was Brett Wehde, was he a friend of Jeremy</p> <p>12 Collins?</p> <p>13 A. Not really. He just knew him because he</p> <p>14 was the Schwan's man that came.</p> <p>15 Q. Okay. So more likely than not, can we</p> <p>16 agree that these are the telephone calls that you</p> <p>17 would have made to Jeremy Collins if you're having</p> <p>18 an affair with him at the time?</p> <p>19 A. You would think so, but the time just</p> <p>20 doesn't seem right to me is all I can say. Yeah,</p> <p>21 I probably did, but it just doesn't -- the time</p> <p>22 doesn't seem right at all.</p> <p>23 Q. And then if you look down on Exhibit I,</p> <p>24 on Number 287, there's a call at -- on December</p> <p>25 14th at 1:56 a.m. to that same Ida Grove telephone</p>

<p style="text-align: right;">77</p> <p>1 number, correct?</p> <p>2 A. Correct. And that would be the number</p> <p>3 that I would say I recall, the time I recall</p> <p>4 calling him.</p> <p>5 Q. Okay. And you indicated that you quit</p> <p>6 having a relationship with him at the time of</p> <p>7 Dustin's death. What did Jeremy Collins tell you</p> <p>8 on the night of Dustin's death that led you to</p> <p>9 believe that he did not want to have a</p> <p>10 relationship with you any longer?</p> <p>11 A. Like I clarified earlier, it really</p> <p>12 wasn't a relationship. It was more of a fling.</p> <p>13 It was an affair, and he said nothing of the sort</p> <p>14 that would make me think that anything was any</p> <p>15 different.</p> <p>16 He told me, "I will be at your son's</p> <p>17 funeral," and that is probably at that 1 a.m.</p> <p>18 phone call, and that is the last time I really</p> <p>19 recall talking to him for quite some period of</p> <p>20 time.</p> <p>21 Q. But I think I remember you testifying</p> <p>22 that you attempted to call him after that?</p> <p>23 A. Yeah, but I never got him. I never got</p> <p>24 answers.</p> <p>25 Q. Okay. And do you know about how many</p>	<p style="text-align: right;">79</p> <p>1 with me. He just, like, vanishes the day after</p> <p>2 Dustin's dead basically, and so I just -- I told</p> <p>3 the police about him, and I said, you know, did</p> <p>4 Tracey and Jeremy have something to do with this</p> <p>5 together?</p> <p>6 Q. And I guess my question -- I've never</p> <p>7 met Jeremy -- why did you think that Jeremy was</p> <p>8 distracting you so Tracey could lure Dustin into</p> <p>9 the house? I'm not clear about that.</p> <p>10 A. I don't -- It's total thought process</p> <p>11 going through your head, you know, going, why did</p> <p>12 he come into my life? Why did he leave my life</p> <p>13 the day after my son died? It was a very strange</p> <p>14 situation, and so I had asked somebody if the</p> <p>15 Schwan's man went to her residence. Well, at</p> <p>16 first I was informed no. Well, he was, because I</p> <p>17 found out that it was on route, so, therefore, I</p> <p>18 knew they knew each other, and it was just weird.</p> <p>19 It was just weird.</p> <p>20 Q. In these three calls on Exhibit I, and</p> <p>21 they would be the two on December 13th of 2001 and</p> <p>22 then in the morning of December 14th of 2001 --</p> <p>23 A. Correct.</p> <p>24 Q. -- did Jeremy Collins at that time tell</p> <p>25 you that he was going to leave the area?</p>
<p style="text-align: right;">78</p> <p>1 times you would have tried to call him for the</p> <p>2 rest of the month of December of 2001?</p> <p>3 A. Probably a lot. I don't know.</p> <p>4 Q. More than ten?</p> <p>5 A. Probably.</p> <p>6 Q. Did it seem to you suspicious that after</p> <p>7 the night of your son's death that Jeremy Collins</p> <p>8 doesn't want to have contact with you again?</p> <p>9 A. I thought it was extremely suspicious.</p> <p>10 Q. And you believe you called him --</p> <p>11 attempted to call him at least ten times?</p> <p>12 A. Correct.</p> <p>13 Q. And I think you testified to this</p> <p>14 earlier, but let me make sure I have this correct.</p> <p>15 I think you testified earlier that you thought</p> <p>16 Jeremy Collins was distracting you so Tracey could</p> <p>17 lure Dustin to her house. Did you say that?</p> <p>18 A. Correct. I thought those two were in --</p> <p>19 involved.</p> <p>20 Q. And tell me what you mean by that. I'm</p> <p>21 confused.</p> <p>22 A. The guy comes into my life, strange as</p> <p>23 strange can be.</p> <p>24 Q. Okay.</p> <p>25 A. He just acts like he's totally amazed</p>	<p style="text-align: right;">80</p> <p>1 A. No.</p> <p>2 Q. Do you remember what you talked about</p> <p>3 for 54 minutes?</p> <p>4 A. No. But I know in conversation -- See,</p> <p>5 I honestly don't remember those phone calls at the</p> <p>6 8 o'clock time. I remember the one at like 1 a.m.</p> <p>7 in the morning. I'm laying in my bed talking to</p> <p>8 him, and he just was: "Oh, my God, I can't</p> <p>9 believe it. Oh, my God, oh, my God," and he just</p> <p>10 says, "I will be there. I will be at your son's</p> <p>11 funeral."</p> <p>12 Q. And he didn't show up at Dustin's</p> <p>13 funeral, did he?</p> <p>14 A. No, no.</p> <p>15 Q. When we stopped -- and I apologize for</p> <p>16 taking so long, but we want to make sure we have</p> <p>17 stuff so we don't have to bring you back -- you</p> <p>18 indicated that there were two Post-It notes that</p> <p>19 were found and you provided to law enforcement.</p> <p>20 Where specifically were the Post-It notes found?</p> <p>21 A. To my memory, it was in the family room,</p> <p>22 and I think there was, like -- the TV was, like,</p> <p>23 on a little stand, and there was a shelf below it,</p> <p>24 and papers got thrown in there, and I believe I</p> <p>25 found it in that area.</p>

<p style="text-align: right;">81</p> <p>1 Q. And if the hotel room had to do with the</p> <p>2 fling that you and Jeremy had had, why would have</p> <p>3 you given that to law enforcement?</p> <p>4 A. Because I told him about Jeremy. I</p> <p>5 didn't know what the -- I didn't know what the</p> <p>6 number was for. And so I just showed it to him.</p> <p>7 I mean, like, my son wrote the number down so he</p> <p>8 had to have taken a message for me, and I didn't</p> <p>9 know what it was, so I gave it to Dennis, and</p> <p>10 that's what it was.</p> <p>11 Q. And that hotel, was that on the west</p> <p>12 side of town, the north side of town, the south</p> <p>13 side of town?</p> <p>14 A. I'm going to assume west, but I honestly</p> <p>15 don't -- I don't even remember where my real</p> <p>16 estate was held. It was probably in West Des</p> <p>17 Moines. I just -- I don't really know the other</p> <p>18 areas that well.</p> <p>19 MR. SMITH: Scott, can I stop for a</p> <p>20 second?</p> <p>21 (At this time, an off-the-record</p> <p>22 discussion was held.)</p> <p>23 MR. BANDSTRA: All right. We can go</p> <p>24 back on the record.</p> <p>25 If you find it, Mr. Smith, make sure to</p>	<p style="text-align: right;">83</p> <p>1 Justin and Dustin played video games.</p> <p>2 Q. In reviewing Lieutenant Cessford's</p> <p>3 report, it indicates that you talked to him on</p> <p>4 December 30th of 2001 and you told him that you</p> <p>5 thought that Jeremy Collins may be involved.</p> <p>6 A. Could have on that date.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah.</p> <p>9 Q. But you're sure that you told Lieutenant</p> <p>10 Cessford --</p> <p>11 A. Absolutely.</p> <p>12 Q. Let me finish.</p> <p>13 A. Oh, I'm sorry.</p> <p>14 Q. You told Lieutenant Cessford on December</p> <p>15 16th of 2001 that you thought he may be involved?</p> <p>16 A. I don't recall the dates but, yes, I did</p> <p>17 tell them.</p> <p>18 Q. You told them as soon as you knew?</p> <p>19 A. Yeah.</p> <p>20 MR. SMITH: Can we clarify that? As</p> <p>21 soon as you knew what?</p> <p>22 MR. BANDSTRA: Well, fair enough.</p> <p>23 BY MR. BANDSTRA:</p> <p>24 Q. You indicated to law enforcement on the</p> <p>25 first time that you spoke with them that you</p>
<p style="text-align: right;">82</p> <p>1 get it to me. Hopefully we'll try to avoid having</p> <p>2 to come back.</p> <p>3 BY MR. BANDSTRA:</p> <p>4 Q. Who paid for the hotel room in</p> <p>5 Des Moines?</p> <p>6 A. It was Jeremy's room. I had my own</p> <p>7 room. I don't recall if I had a hotel room or</p> <p>8 stayed at a friend's house down there.</p> <p>9 Q. And the reference to the Post-It note</p> <p>10 that says, "Money in November," did that cause you</p> <p>11 concern?</p> <p>12 A. Yeah, it was weird. I'm like, well,</p> <p>13 who's giving who money in November? It was</p> <p>14 November, not December. I'm not for sure what you</p> <p>15 just said.</p> <p>16 Q. In reviewing Lieutenant Cessford's</p> <p>17 report, it indicates that on December 20th of 2001</p> <p>18 you indicated that there was a -- about a Justin</p> <p>19 possibly being a suspect. Do you remember Justin?</p> <p>20 A. Well, at first when I reviewed that, I</p> <p>21 was like, who on earth was Justin? Justin was, I</p> <p>22 think, Aaron Mendenhall -- is that his last name?</p> <p>23 That I told you was my daughter's boyfriend at the</p> <p>24 time? I think Justin was a friend of theirs from</p> <p>25 Storm Lake, and they came down a few times, and</p>	<p style="text-align: right;">84</p> <p>1 thought that Jeremy Collins may be a suspect or</p> <p>2 the second intruder?</p> <p>3 A. No.</p> <p>4 Q. Okay. Well, when did you tell them that</p> <p>5 you had concerns that he may be involved?</p> <p>6 A. I don't know what date I told him, but I</p> <p>7 never said that I thought Jeremy could be the</p> <p>8 second intruder. I plain and simple thought</p> <p>9 Jeremy and Tracey were doing something together to</p> <p>10 accomplish whatever she accomplished.</p> <p>11 Q. And what led you to that conclusion?</p> <p>12 A. Like I told you earlier, Jeremy came in</p> <p>13 my life, it was very weird, and Jeremy went out of</p> <p>14 my life and it was very weird.</p> <p>15 Q. On December 30th of 2001, did you make a</p> <p>16 statement to Lieutenant Cessford that Mona was</p> <p>17 concerned he may be involved, his name is Jeremy</p> <p>18 Collins?</p> <p>19 A. Yes, but that doesn't mean I thought he</p> <p>20 was the second intruder.</p> <p>21 Q. Okay. And your belief that Tracey was</p> <p>22 involved -- or that Jeremy was involved was based</p> <p>23 on what?</p> <p>24 A. I don't have --</p> <p>25 Q. Just that he came in your life and went</p>

<p style="text-align: right;">85</p> <p>1 out?</p> <p>2 A. Yeah, yeah, and he also lied that he</p> <p>3 never went to Tracey's house. Why would you lie</p> <p>4 about that? He was the Schwan's man; you go to</p> <p>5 everybody's house, you know.</p> <p>6 Q. You indicated that you tried to get</p> <p>7 ahold of Jeremy Collins at least ten times from</p> <p>8 December 14th of 2001 for the following month, is</p> <p>9 that correct?</p> <p>10 A. Pretty close, yeah.</p> <p>11 Q. And when did you next get ahold of</p> <p>12 Jeremy?</p> <p>13 A. Months and months and months later he</p> <p>14 called me out of the blue.</p> <p>15 Q. Okay. And your thought process</p> <p>16 regarding Jeremy being involved had to do with the</p> <p>17 fact that he delivered Schwan's products to</p> <p>18 everyone in Early, Iowa?</p> <p>19 A. No. It was because he said he didn't</p> <p>20 deliver to Tracey's house and he didn't know her,</p> <p>21 and he did.</p> <p>22 Q. And when did he tell you that?</p> <p>23 A. He didn't. I figured it out on my own.</p> <p>24 I asked if she was on his route, and I found out</p> <p>25 she was.</p>	<p style="text-align: right;">87</p> <p>1 A. Correct.</p> <p>2 Q. And you indicated they were still</p> <p>3 looking for that second individual?</p> <p>4 A. Correct.</p> <p>5 Q. Then you made reference to a woman, an</p> <p>6 Erin, E-R-I-N, who worked in a nursing home that</p> <p>7 had a grandson that fit the description of the</p> <p>8 second subject?</p> <p>9 A. Correct, John Steffen told me about</p> <p>10 that.</p> <p>11 Q. Did you talk to Special Agent Moser at</p> <p>12 that time or make any reference to Jeremy Collins?</p> <p>13 A. Probably not at that time.</p> <p>14 Q. And if you look on Page 3 of this</p> <p>15 document --</p> <p>16 A. Yes.</p> <p>17 Q. -- and you indicate that you wanted to</p> <p>18 make sure investigators knew that on December 12th</p> <p>19 of 2001, on Wednesday before the shooting, she had</p> <p>20 a conversation with Tracey?</p> <p>21 A. Correct.</p> <p>22 Q. And that you had stated that there was a</p> <p>23 real estate transaction and that Tracey had</p> <p>24 specifically asked you to send Dustin down to do</p> <p>25 photocopying?</p>
<p style="text-align: right;">86</p> <p>1 Q. I'm now handing you Exhibit J. Did you</p> <p>2 have a conversation with Special Agent Moser on</p> <p>3 March 28th of 2002?</p> <p>4 A. Yes.</p> <p>5 Q. And would have Brett Wehde also been</p> <p>6 present?</p> <p>7 A. Yes.</p> <p>8 Q. Will you take a minute to look through</p> <p>9 Exhibit J.</p> <p>10 A. I'm familiar with what's in this. Is</p> <p>11 there a particular question?</p> <p>12 Q. I just wanted to have you familiarize</p> <p>13 yourself with this document.</p> <p>14 A. Okay.</p> <p>15 Q. Okay. Do you remember making this</p> <p>16 statement to Special Agent Moser?</p> <p>17 A. Specifically, no, but ...</p> <p>18 Q. Okay. You made reference on the first</p> <p>19 page that there was a John Steffen?</p> <p>20 A. Correct.</p> <p>21 Q. S-T-E-F-F-E-N.</p> <p>22 A. Correct.</p> <p>23 Q. And that Steffen had asked if they were</p> <p>24 still looking for the second subject concerning</p> <p>25 the reference to the December 13th incident?</p>	<p style="text-align: right;">88</p> <p>1 A. Correct.</p> <p>2 Q. Would you agree this was the first time</p> <p>3 that you told law enforcement that Tracey</p> <p>4 allegedly had told you to have Dustin come down</p> <p>5 and make photocopies on December 12th of 2001?</p> <p>6 A. I don't think that's -- No, I don't</p> <p>7 think that's the first time I told them.</p> <p>8 Q. Would you expect them to have put that</p> <p>9 in their report if you had said that to them?</p> <p>10 A. There's a lot of stuff they should have</p> <p>11 put in the reports and weren't there.</p> <p>12 Q. Will you please answer my question?</p> <p>13 A. Yes.</p> <p>14 (At this time, an off-the-record</p> <p>15 discussion was held.)</p> <p>16 BY MR. BANDSTRA:</p> <p>17 Q. On October 23rd of 2003, you filed a</p> <p>18 wrongful death action regarding your son, Dustin</p> <p>19 Wehde?</p> <p>20 A. Yes.</p> <p>21 Q. And would you agree with me that you</p> <p>22 don't have any evidence that Dustin had permission</p> <p>23 to be in the Roberts residence on December 13th of</p> <p>24 2001 prior to the shooting?</p> <p>25 A. No, I don't agree.</p>

<p style="text-align: right;">89</p> <p>1 Q. You don't agree with that statement?</p> <p>2 A. No.</p> <p>3 Q. Do you remember having your deposition</p> <p>4 taken on July 22nd of 2004?</p> <p>5 A. Barely.</p> <p>6 Q. In your deposition, Page 13, Line 2, I</p> <p>7 asked you: "Do you have any direct evidence to</p> <p>8 show that Dustin Wehde had consent to be in the</p> <p>9 Roberts home on December 13th of 2001?" And your</p> <p>10 answer was -- Can you read your answer into the</p> <p>11 record?</p> <p>12 A. "Only to the conversation where he was</p> <p>13 asked to come down." And I agree.</p> <p>14 Q. And then I asked you: "No, I'm talking</p> <p>15 about -- I'm not talking about December 12th. I'm</p> <p>16 talking about December 13th at approximately</p> <p>17 5:30 --" and your answer was what?</p> <p>18 A. "No, I have no proof of that." But that</p> <p>19 wasn't your question.</p> <p>20 Q. And you were asked interrogatory</p> <p>21 questions at that time, and there was a specific</p> <p>22 interrogatory that asked if you had any knowledge</p> <p>23 regarding the second intruder. Do you remember</p> <p>24 what your response was?</p> <p>25 A. I would assume it was "No."</p>	<p style="text-align: right;">91</p> <p>1 A. Yes.</p> <p>2 Q. And would you agree that was taken on</p> <p>3 December 26th of 2008?</p> <p>4 A. Correct.</p> <p>5 Q. And it was 97 pages?</p> <p>6 A. Could have been.</p> <p>7 Q. Well, no, look at the back page.</p> <p>8 A. Yes.</p> <p>9 Q. And you started at 5:37 p.m. and you</p> <p>10 went until 7:26 p.m., so almost two hours? And</p> <p>11 you can see that by looking on Page 2, Line 3. It</p> <p>12 says 5:37 p.m.</p> <p>13 A. Correct.</p> <p>14 Q. And you concluded, if you look at the</p> <p>15 last page, which is 97, that you would have</p> <p>16 concluded that interview at 7:26 p.m.</p> <p>17 A. Correct.</p> <p>18 Q. And you can look through the entire</p> <p>19 thing, but do you have a recollection of telling</p> <p>20 Special Agent Vileta about Jeremy Collins?</p> <p>21 A. I can't say I recall in this interview,</p> <p>22 but I know I've shared it with him.</p> <p>23 Q. Okay. When did you share it with him?</p> <p>24 A. I have no idea. He has totally been</p> <p>25 informed.</p>
<p style="text-align: right;">90</p> <p>1 Q. And in the civil discovery case,</p> <p>2 obviously there was no reference to the police</p> <p>3 reports at that time. Why didn't you disclose</p> <p>4 your relationship with Jeremy Collins at that</p> <p>5 time?</p> <p>6 A. I did. They didn't put it in the</p> <p>7 report. I did.</p> <p>8 Q. Sure. I'm talking about in the civil</p> <p>9 wrongful death action, why didn't you ever</p> <p>10 disclose that you were having a relationship with</p> <p>11 Jeremy Collins at the time and you believed he may</p> <p>12 have been involved?</p> <p>13 A. Was I asked? Was I asked?</p> <p>14 Q. Yes, you were. You were asked</p> <p>15 specifically if you had any knowledge regarding a</p> <p>16 second intruder and your answer was "No."</p> <p>17 Correct?</p> <p>18 A. I don't believe Jeremy was a second</p> <p>19 intruder. I don't believe Dustin and Jeremy had</p> <p>20 anything to do with this together. I believed</p> <p>21 Jeremy and Tracey were involved. There is no</p> <p>22 second intruder.</p> <p>23 Q. Okay. All right. Let's go back to your</p> <p>24 conversation with Mr. Vileta. That would be</p> <p>25 Exhibit E. Do you have that in front of you?</p>	<p style="text-align: right;">92</p> <p>1 Q. Okay. In your interview with Special</p> <p>2 Agent Vileta, you were shown a journal that was</p> <p>3 found on Dustin's front seat of that white</p> <p>4 Pontiac, correct?</p> <p>5 A. When was I shown this?</p> <p>6 Q. By Officer Vileta.</p> <p>7 A. I never actually seen a notebook. I</p> <p>8 seen a piece of paper, photocopy.</p> <p>9 Q. Okay. Are you familiar with a gentleman</p> <p>10 by the name of John Pitman?</p> <p>11 A. Yes.</p> <p>12 Q. And who is John Pitman?</p> <p>13 A. Tracey's ex-husband, Bert's dad. John</p> <p>14 Pitman, Sr. or Jr.?</p> <p>15 Q. Good question. Tracey Richter's</p> <p>16 ex-husband, so I don't know if that's Jr. or Sr.</p> <p>17 A. Jr.?</p> <p>18 MR. BANDSTRA: Objection, leading.</p> <p>19 MR. SMITH: No, I was telling you it was</p> <p>20 the Third.</p> <p>21 BY MR. BANDSTRA:</p> <p>22 Q. John Pitman, III. Can we agree if we're</p> <p>23 talking about John Pitman, at least right now,</p> <p>24 we're speaking of Tracey Richter's ex-husband?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">93</p> <p>1 Q. Is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And when's the first time you</p> <p>4 ever spoke to him?</p> <p>5 A. Months after Dustin died.</p> <p>6 Q. And I want to make sure I understand</p> <p>7 this. Look on Page 7 of this interview. Okay.</p> <p>8 And TV, I assume, would be Trent Vileta, and I'm</p> <p>9 sorry, it's V-I-L-E-T-A, and it says here, "Also</p> <p>10 in one of the statements you said her ex-husband,</p> <p>11 Dr. Pitman, had contacted you after the incident,"</p> <p>12 it says "(unintelligible)" and your answer was:</p> <p>13 "Actually, before Dustin was buried."</p> <p>14 A. What line, may I ask, are you on?</p> <p>15 Q. Oh, fair enough. I started on Line 265.</p> <p>16 A. That makes absolutely no sense,</p> <p>17 absolutely no sense. I did not talk to John,</p> <p>18 Tracey's ex-husband, until months after Dustin</p> <p>19 died.</p> <p>20 Q. Okay. But since I wasn't there and I</p> <p>21 didn't know you until I took your deposition the</p> <p>22 first time, but at least you'd agree in here that</p> <p>23 you indicated that John Pitman, the ex-husband,</p> <p>24 would have talked to you before Dustin was buried?</p> <p>25 A. John Pitman, I guess you would call him</p>	<p style="text-align: right;">95</p> <p>1 the day after Dustin was shot, if not two days.</p> <p>2 Q. And you understand under oath that it's</p> <p>3 your testimony today that you never had any</p> <p>4 contact with John Pitman, III, which is Tracey's</p> <p>5 ex-husband, or his parents prior to Dustin's</p> <p>6 death?</p> <p>7 A. Correct.</p> <p>8 Q. And they sent you -- Someone in the</p> <p>9 Pitmans, either John Pitman, III, or his parents,</p> <p>10 provided you money for your civil suit, correct?</p> <p>11 A. It wasn't really for my civil suit.</p> <p>12 John and Helene sent me a \$1,000 check just to</p> <p>13 help out, and that was six months to a year after</p> <p>14 Dustin died.</p> <p>15 Q. Will you turn to Page 8 of this</p> <p>16 document.</p> <p>17 A. Okay.</p> <p>18 MR. BANDSTRA: Helene is Helen with an</p> <p>19 E.</p> <p>20 A. I'm ready.</p> <p>21 Q. Okay. I direct you to Line 299. It</p> <p>22 says RW. It says, "They sent me money. Um, I</p> <p>23 know they -- we had a conversation a few times"</p> <p>24 when -- or "while we were in the civil lawsuit.</p> <p>25 They were going to -- They were going to send me</p>
<p style="text-align: right;">94</p> <p>1 Sr., Tracey's ex-husband's father, I spoke with</p> <p>2 him and Helene before Dustin was buried, but I</p> <p>3 never talked to John until a long time -- John and</p> <p>4 Helene, we had many conversations, but I didn't</p> <p>5 talk to her son until, I'm going to say a couple</p> <p>6 months later. I don't recall exactly when it was.</p> <p>7 Q. Okay. And I'm just looking through this</p> <p>8 recorded statement --</p> <p>9 A. I see it. I see it. But I did not talk</p> <p>10 to her ex-husband prior to Dustin being buried.</p> <p>11 Q. Okay. Even though that's what this</p> <p>12 says?</p> <p>13 A. Even though that's what that says.</p> <p>14 Q. Okay. So when's the first time that you</p> <p>15 would have talked to John Pitman, Tracey Richter's</p> <p>16 ex-husband?</p> <p>17 A. A couple months after Dustin was buried</p> <p>18 because I always talked to his parents.</p> <p>19 Q. All right. And when did you talk to</p> <p>20 John Pitman, Tracey's ex-husband -- when did you</p> <p>21 first talk to John Pitman's parents?</p> <p>22 A. When's the first time I talked to John</p> <p>23 Pitman's parents?</p> <p>24 Q. Correct.</p> <p>25 A. John and Helene. I would swear it was</p>	<p style="text-align: right;">96</p> <p>1 money to help with that."</p> <p>2 Does that refresh your recollection</p> <p>3 whether the Pitmans provided you money in the</p> <p>4 civil suit?</p> <p>5 A. They did not, quote, "provide me money"</p> <p>6 for the civil suit. They sent me a check.</p> <p>7 Q. Okay. Would you agree that's what the</p> <p>8 recorded conversation said when you talked with</p> <p>9 Trent Vileta?</p> <p>10 MR. SMITH: That's a complete</p> <p>11 mischaracterization of that statement.</p> <p>12 MR. BANDSTRA: Okay. Well, you'll have</p> <p>13 your turn when we're done.</p> <p>14 MR. SMITH: Well, I know, but, I mean,</p> <p>15 if you could reread it then.</p> <p>16 MR. BANDSTRA: Why don't you wait.</p> <p>17 BY MR. BANDSTRA:</p> <p>18 Q. Go ahead.</p> <p>19 A. Ask -- What's your question again?</p> <p>20 Q. My question was: They provided you</p> <p>21 money for the civil suit?</p> <p>22 A. I do not agree with that, no.</p> <p>23 Q. You testified earlier that Special Agent</p> <p>24 Vileta didn't show you Dustin's journal?</p> <p>25 A. He showed me a photocopy, and I read the</p>

<p style="text-align: right;">97</p> <p>1 first paragraph the first time I ever knew about 2 the journal. 3 Q. And you determined that it was a journal 4 that was in a book or a tablet or on a piece of 5 paper? Did you say that to Special Agent Vileta? 6 A. I don't recall. I would think not 7 because I didn't see it. I just -- And that's, 8 like, it's so vague. It's like -- You know, I 9 think he showed me the tablet, but he didn't show 10 me the tablet. He showed me a photocopy and, you 11 know, it was out of a tablet so ... 12 Q. Okay. And can we agree, at least for 13 right now, that's Dustin's journal, just for the 14 sake of this line of questions? 15 A. I don't really -- Dustin wrote it. 16 MR. SMITH: Scott, are you talking about 17 that one page, or are you talking about the whole 18 thing? 19 MR. BANDSTRA: I'm talking about the 20 whole thing. 21 MR. SMITH: Well, you just asked her -- 22 She didn't say she saw the whole thing. 23 THE WITNESS: I didn't. 24 MR. BANDSTRA: All right. 25 MR. SMITH: I have it right here if you</p>	<p style="text-align: right;">99</p> <p>1 MR. SMITH: No, but it's also in the DCI 2 folder in their case file. 3 (At this time, an off-the-record 4 discussion was held.) 5 (At this time, Exhibit L was marked for 6 identification by the reporter.) 7 BY MR. BANDSTRA: 8 Q. I'm handing you a copy of what's marked 9 as Exhibit L, as in Larry. Take a minute to look 10 at that. There's -- They're double-sided, so I 11 want to make sure that you're seeing what we're 12 talking about. 13 A. Well, I have seen all of this now. 14 Q. Okay. 15 A. But when I was first shown, I got to 16 read this right here (indicating). 17 Q. Okay. And my question -- the reason why 18 I gave it to you is I don't want there to be 19 confusion. So my question is: When was the first 20 time that -- If we can identify this Exhibit L as 21 Dustin's journal, when did you first see that? 22 A. This paragraph right here was shown to 23 me the first time Trent and I got together, which 24 must have been -- No, wait. I honestly don't 25 recall if it was the -- I don't think it was the</p>
<p style="text-align: right;">98</p> <p>1 want to show it to her. 2 MR. BANDSTRA: Why don't we do that. 3 MR. SMITH: What I'm bringing up, if you 4 want to see it on your computer, Karmen, if you 5 don't have it. 6 MS. ANDERSON: Well, if it's the 7 document Scott's looking at -- 8 MR. SMITH: Well, I mean, it's just the 9 one that's entitled "The Journal," I believe, and 10 it's -- 11 MS. ANDERSON: Oh, the picture? I have 12 it handy right here actually. Sorry. 13 (At this time, an off-the-record 14 discussion was held.) 15 MS. ANDERSON: Right? You're talking 16 about just that one photo of the notebook, right, 17 in the same place we found the address book and 18 the property inventory? 19 MR. SMITH: There's just one, there's 20 the front page, that's it? 21 MS. ANDERSON: That's all we have in 22 this file. 23 MR. SMITH: Well, the full copy of it is 24 in -- 25 MS. ANDERSON: -- the Trial Information.</p>	<p style="text-align: right;">100</p> <p>1 first time Trent and I met, not when he first came 2 on the case. Hmm. Maybe it was. December 2007. 3 Q. What I have is Exhibit E, as in Edward, 4 just so there's not a confusion, is December 26th 5 of 2008. You just said 2007, so I'm just making 6 sure that you and I are on the same page. 7 The first time that you would have seen 8 Exhibit L was at the time that you met with Vileta 9 or did you see that before? 10 A. Oh, I didn't see it -- I knew nothing of 11 this other than I was always asked if my son 12 journaled, and the answer was no, and the first 13 time I seen this, Trent showed it to me. 14 Q. And my question to you, since you made 15 reference to 2007 before, would have that been in 16 the meeting that you had with Trent Vileta in 17 December 26th of 2008? 18 A. Well, it can't be. I do not believe the 19 very first time that I met with Trent that this 20 was a discussion. 21 Q. Okay. How many times have you met with 22 Trent Vileta? 23 A. Actually personally met him? Five or 24 six times. 25 Q. And to use Exhibit E as a point of</p>

<p style="text-align: right;">101</p> <p>1 reference, it identifies December 26th of 2008 you 2 met with him at the Creston Police Department. 3 A. And, you know, that is, like, the 4 craziest thing. I read this earlier, and I don't 5 recall that being where we first met, but 6 obviously we did meet there. 7 Q. And all I'm trying to do is figure out 8 if this recorded conversation, which is 9 Defendant's Exhibit E, whether, to the best of 10 your recollection, this was the first time that 11 you met with Trent Vileta. 12 A. I'm going to say this should be the 13 first time I met with him, but, yes, I seen 14 Creston Police Department on there, and that was 15 very confusing to me. 16 Q. Okay. 17 A. That that's where we first met. 18 Q. And during this recorded conversation 19 did you just see one page of Exhibit L, or did you 20 see the entire thing? 21 A. I seen this much. That's all he let me 22 read, and I still don't recall how soon I got to 23 see this because I'm 99 percent sure I did not see 24 this on our very first interview. It was probably 25 two or three interviews later is when he actually</p>	<p style="text-align: right;">103</p> <p>1 Q. And you're clear that you never spoke 2 with John Pitman, III, who's Tracey Richter's 3 first ex-husband, that you had not talked to him 4 prior to Dustin's death? 5 A. Absolutely positive. 6 Q. And, in fact, on Page 18 of this 7 document, your question to Special Agent Vileta, 8 Line 718 was: "How would John Pitman know us or 9 Dustin?" 10 A. I would agree with that. 11 Q. Tell me what led to John and Helene 12 Pitman calling you. Do you know why they called 13 you? 14 A. I don't know why they called, but what 15 they said is why they called. I mean, how would I 16 know why they called? 17 Q. Fair. And what did they tell you? 18 A. "Tracey Roberts murdered your son." 19 Q. Okay. Were they present or were they 20 just guessing? 21 A. I'm going to assume they were guessing. 22 I do not believe they were there. 23 Q. Do you know how they got your telephone 24 number? 25 A. No idea.</p>
<p style="text-align: right;">102</p> <p>1 showed this to me. 2 Q. Can I see that for just a second? 3 A. Do you want this? 4 Q. I want all of Exhibit L. 5 A. See, and I don't remember what year 6 Trent and I first met, but I know -- It has to be 7 the second year. I bet we met -- It's just, like, 8 this is weird because -- The dates are confusing, 9 but it's just because they are. 10 Q. All right. So your testimony is Exhibit 11 L, which is five or six pages, the only thing that 12 you were shown by Special Agent Vileta would have 13 been the top page and then the first paragraph of 14 the second page? 15 A. I don't even recall if I seen this. 16 This is what I got, right here, to read, and he 17 didn't let me read any more. 18 Q. And you would agree that Exhibit L, it 19 says "The Daily Journal," and that is your son, 20 Dustin Wehde's handwriting? 21 A. Yep. 22 Q. And you would also agree that on the 23 first full paragraph of the second page, there's a 24 reference to John Pitman? 25 A. Yes.</p>	<p style="text-align: right;">104</p> <p>1 Q. And you said that Jeremy Collins called 2 you approximately a month after Dustin's death. 3 What was said during that conversation? 4 A. I would assume it was more like six 5 months after Dustin died. 6 Q. Okay. 7 A. And he just like, "Hi, how are you?" He 8 had been someplace. I don't remember where he 9 said he was at. He had been busy. We -- I -- I 10 didn't really want to talk to him at that point. 11 Q. In your conversation with Trent Vileta 12 there was a reference, he talked about an MCI 13 card, telephone card, that had a Mountain Dew 14 insignia on the front of it, and it had 155 15 minutes on it at the time. 16 Do you have any idea where your son got 17 that from? 18 A. Trent told me it was off the Mountain 19 Dew box. I have no idea. 20 Q. And you're indicating you were surprised 21 when \$80 was found in Dustin's wallet at the time 22 of his death? 23 A. Did you say I was surprised? 24 Q. Yes. 25 A. Yes.</p>

<p style="text-align: right;">105</p> <p>1 Q. Did you make the statement to Trent 2 Vileta that you thought that Tracey was trying to 3 seduce Dustin, and Michael came home and killed 4 him? 5 A. I very well could have. I don't know. 6 If it's in there, I said it. 7 Q. Did you say, "That's my theory"? 8 A. It probably was a theory, a thought. 9 Q. So as we're sitting here, you believe 10 that Tracey seduced Dustin, and Michael came to 11 the home and killed him? 12 A. Do I believe that now? No. At that 13 time, maybe, yes. It was a thought. 14 Q. And what's changed to lead you to 15 believe that Michael wasn't the shooter? 16 A. Trent. 17 Q. Okay. 18 A. Has led me to believe that Michael 19 wasn't the shooter. He said Michael didn't have 20 anything to do with this. 21 Q. Okay. And did Special Agent Vileta tell 22 you what his basis was for that opinion that 23 Michael hadn't had anything to do with it? 24 A. Just that he had talked to Michael and 25 they've interviewed him and he just -- Michael</p>	<p style="text-align: right;">107</p> <p>1 A. Okay. 2 Q. Line 2404, TV for Trent Vileta, "Were 3 you scared of Dustin?" And your answer was: 4 "Yeah, once. Because I had a bad back and he 5 stole my car keys or my locks or something. And 6 we used to fight over the computer. And I used to 7 be able to --" and then it's (unintelligible) 8 "-- behind him and throw him down and hold his 9 hands and sit on top of him." 10 Did you say that to Trent Vileta? 11 A. Yeah. 12 Q. And do you further confirm later on, but 13 he did scare you once? 14 A. Yeah, he did scare me once. 15 Q. And that Dustin was violent to his 16 sisters; you said that -- 17 A. I might have said he was violent, but 18 it's, like, seriously violent? He did 19 brother-sister fighting, you know. It was -- It's 20 a word, "violent." No, he wasn't violent. He 21 didn't take knives out and stab them, you know. 22 He threw his sister across the room. 23 Q. Well, did you tell Trent Vileta that 24 Dustin was violent to his sisters? Yes or no. 25 A. I'm going to say yes if it says that in</p>
<p style="text-align: right;">106</p> <p>1 didn't do it. And that was hard for me to believe 2 because I believe Michael did do it but ... 3 Q. Okay. And what led you to believe that 4 Michael Roberts was the one who killed -- 5 A. Michael has always said weird stuff. 6 Q. Okay, but what specific evidence or 7 information do you have that led you in 2008 to 8 believe that Michael, not Tracey, was the 9 shooter -- 10 A. Nothing led me in 2008 to believe 11 Michael was the shooter. Back when he died, I 12 just assumed Michael did it. 13 Q. And what led you to that conclusion? 14 A. I have no idea. At that point I just 15 believed Michael did it. 16 Q. Did you tell Officer -- or Special Agent 17 Vileta that you were scared of Dustin? 18 A. I don't know. 19 Q. Well, were you scared of Dustin? 20 A. I wasn't scared of Dustin. Sometimes I 21 didn't like his behavior. I mean, it wasn't like 22 I feared for my life because my son was in my 23 house. 24 Q. Will you turn to Page 60 of Special 25 Agent Vileta's report.</p>	<p style="text-align: right;">108</p> <p>1 the report. 2 Q. And when Dustin was 17 or 18 he pointed 3 a gun at Brett because he was going to take dogs 4 from him? 5 A. His dad was going to kill his dog, and 6 he had a BB gun. He says, "You're not taking my 7 dog." 8 Q. So he pointed the gun at Brett? 9 A. He was standing there holding it. He 10 didn't hold it up and point it at his father like 11 in his face or anything like that. He just says, 12 "You're not taking my dog and killing it." 13 Q. Okay. Will you turn to Page 73 of Trent 14 Vileta's report. 15 A. 73? 16 Q. Yes, ma'am. 17 A. Okay. 18 Q. And I'm on Line 2943, and does it say, 19 "And Dustin pointed the BB gun at his dad and says 20 don't touch my dog or I'll shoot you"? Did you 21 make that statement to Trent Vileta? 22 A. Of course I made it to him. It's wrote 23 right there. 24 Q. Would you agree that you dismissed your 25 wrongful death action based upon your attorney</p>

<p style="text-align: right;">109</p> <p>1 telling you you should write a book and make a</p> <p>2 movie?</p> <p>3 A. No.</p> <p>4 Q. You never said that to him?</p> <p>5 A. No. He -- He said that to me.</p> <p>6 Q. And did you dismiss your wrongful death</p> <p>7 action?</p> <p>8 A. I did because he advised me to because</p> <p>9 there was no money, and there was a lot of</p> <p>10 expenses left to finish out the trial.</p> <p>11 Q. Sure. But he told you you should write</p> <p>12 a book and then turn it into a movie?</p> <p>13 A. He had mentioned that that was something</p> <p>14 that I could do.</p> <p>15 Q. And you relied on that advice and</p> <p>16 dismissed the lawsuit?</p> <p>17 A. I didn't dismiss the lawsuit because of</p> <p>18 that advice. I had nothing to do with the</p> <p>19 dismissal of the lawsuit.</p> <p>20 Q. So why did you decide to dismiss the</p> <p>21 civil wrongful death lawsuit regarding the estate</p> <p>22 of Dustin Wehde?</p> <p>23 A. Because he told me that there was no</p> <p>24 money to -- even if we won, I wouldn't get any</p> <p>25 money, and he was breaking down all the expenses</p>	<p style="text-align: right;">111</p> <p>1 affair?</p> <p>2 A. No. Once again, that was a theory of a</p> <p>3 thought.</p> <p>4 Q. Okay. Special Agent Vileta requested</p> <p>5 that you take a polygraph examination. Did you</p> <p>6 take that polygraph examination?</p> <p>7 A. I don't recall him suggesting that.</p> <p>8 Q. Okay.</p> <p>9 A. And, no, I did not take one.</p> <p>10 Q. Did you agree at that time to take a</p> <p>11 polygraph examination?</p> <p>12 A. I'm pretty sure I would have.</p> <p>13 Q. Okay. And you didn't?</p> <p>14 A. I don't recall him advising me to do</p> <p>15 that because I would.</p> <p>16 (At this time, an off-the-record</p> <p>17 discussion was held.)</p> <p>18 BY MR. BANDSTRA:</p> <p>19 Q. So I want to make sure I understand</p> <p>20 this. Your testimony, Ms. Wehde, is that Trent</p> <p>21 Vileta never asked you to take a polygraph</p> <p>22 examination?</p> <p>23 A. I'm not going to say he didn't ask me.</p> <p>24 I don't recall him asking me to do that.</p> <p>25 Q. So if he asked you and said, "Would you</p>
<p style="text-align: right;">110</p> <p>1 that we had left to prepare for trial and what it</p> <p>2 would still cost.</p> <p>3 Q. Did you ever think that Michael Roberts</p> <p>4 had bought off your previous attorney in the</p> <p>5 wrongful death action?</p> <p>6 A. Yes, I did.</p> <p>7 Q. And why is that?</p> <p>8 A. Because I thought it was very odd that</p> <p>9 my attorney told me to drop it when we were a week</p> <p>10 from trial, and I thought Michael had more money</p> <p>11 than I did, so that's just -- You know, it's a</p> <p>12 thought. I have no proof of that.</p> <p>13 Q. You told Special Agent Vileta that you</p> <p>14 thought that Tracey tried to hit on Dustin to have</p> <p>15 an affair. Do you have any evidence to support</p> <p>16 that Tracey was trying to hit on Dustin?</p> <p>17 A. No, and that's a very confusing</p> <p>18 statement. I -- What did I say? I told Trent</p> <p>19 what?</p> <p>20 Q. Well, did you make the statement, "Well,</p> <p>21 I think Tracey lured Dustin down there. I think</p> <p>22 Tracey tried to hit on Dustin to have an affair"?</p> <p>23 A. Yeah, I made that statement.</p> <p>24 Q. Do you have any evidence to substantiate</p> <p>25 that Tracey was hitting on Dustin to have an</p>	<p style="text-align: right;">112</p> <p>1 be willing to take it? Would you take a polygraph</p> <p>2 test?" and your response was: "I'd love to," you</p> <p>3 don't remember saying that?</p> <p>4 A. No.</p> <p>5 Q. And you haven't taken a polygraph</p> <p>6 examination?</p> <p>7 A. No.</p> <p>8 Q. In 2008 when you had the conversation</p> <p>9 with Trent Vileta, your belief was that Michael</p> <p>10 Roberts shot your son, Dustin, correct?</p> <p>11 A. That's what I believed then, yes,</p> <p>12 correct.</p> <p>13 Q. And your opinion has changed allegedly</p> <p>14 by statements made by Trent Vileta?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What has Trent told you that</p> <p>17 would lead you to believe that Michael wasn't the</p> <p>18 shooter if you testified to that -- or you</p> <p>19 provided that information to Trent Vileta on</p> <p>20 December 26th of 2008?</p> <p>21 A. All I can tell you is that Trent assured</p> <p>22 me that Michael had nothing to do with it. He</p> <p>23 said he had nothing to do with it.</p> <p>24 Q. Okay. Had other people told you that</p> <p>25 before?</p>

<p style="text-align: right;">113</p> <p>1 A. No.</p> <p>2 MR. BANDSTRA: Just a second.</p> <p>3 BY MR. BANDSTRA:</p> <p>4 Q. All right. Ms. Wehde, you indicated</p> <p>5 that Michael Roberts had said some weird stuff</p> <p>6 that led you to believe that he had shot your son.</p> <p>7 What weird stuff did Michael Roberts say and when?</p> <p>8 A. Michael was always talking. Michael --</p> <p>9 just Michael and his demeanor. He -- He just -- I</p> <p>10 can't even explain it. I mean, clear back -- I</p> <p>11 mean, I haven't talked to Michael for ten years.</p> <p>12 Look at the eulogy. He wrote that. I mean, how</p> <p>13 insane is that? That's an example.</p> <p>14 Q. Well, what did you think was insane</p> <p>15 about the eulogy?</p> <p>16 A. I haven't read that for many years</p> <p>17 either, but it's just the way he talked.</p> <p>18 Q. Okay.</p> <p>19 A. Just the words and, you know, I remember</p> <p>20 the lamb in it, and, you know, I'm going, this is</p> <p>21 not a eulogy. Why would you even say this stuff?</p> <p>22 I just thought it was very odd.</p> <p>23 Q. Okay. And I'm just asking: What</p> <p>24 specific weird statements did Michael Roberts make</p> <p>25 to you to lead you to believe that he was involved</p>	<p style="text-align: right;">115</p> <p>1 talked to his wife. And she said, "Jeremy does</p> <p>2 not know that house. There was a picture in the</p> <p>3 paper of the house." She said, "He's never seen</p> <p>4 it."</p> <p>5 And I asked the new Schwan's man if that</p> <p>6 address was on his route or was it a new -- And it</p> <p>7 was on his route, and I said, "Well, is this a new</p> <p>8 added customer to your route or was it on your</p> <p>9 route from the previous Schwan's man?" And he</p> <p>10 said, "No, they've been on the route." So, plain</p> <p>11 and simple, he was there.</p> <p>12 Q. Okay. Why were you talking to Jeremy</p> <p>13 Collins' wife?</p> <p>14 A. I don't even remember how that even came</p> <p>15 up. But she knew. She found out about the</p> <p>16 affair. She knew.</p> <p>17 Q. When would have you talked -- What's</p> <p>18 Jeremy Collins's wife's name?</p> <p>19 A. Maybe Stacy? I don't know.</p> <p>20 Q. Or Heidi?</p> <p>21 A. Could be. I don't know.</p> <p>22 Q. Well, I've never talked to her so --</p> <p>23 A. I don't -- I don't know.</p> <p>24 Q. And when would have you allegedly talked</p> <p>25 to Jeremy Collins' wife about his route?</p>
<p style="text-align: right;">114</p> <p>1 in the shooting of your son?</p> <p>2 A. And, you know, I can't honestly tell</p> <p>3 you. It was ten years ago when I talked to the</p> <p>4 man, and whenever we talked, it was just Michael</p> <p>5 and who he was. It just -- It was just an</p> <p>6 assumption. That's what I thought. I thought</p> <p>7 Michael did it.</p> <p>8 Q. Okay.</p> <p>9 A. Everybody thought Michael did it.</p> <p>10 Q. Well, who's "everybody"?</p> <p>11 A. Anybody you talk to. That's the best</p> <p>12 answer I can give you.</p> <p>13 Q. Well, if you talked to Ben, Ben's filing</p> <p>14 first degree murder charges against Tracey, so I</p> <p>15 don't think everyone believes that.</p> <p>16 A. I did not talk to Ben ten years ago. It</p> <p>17 was people in the community, and I'm not going to</p> <p>18 sit here and start naming off every person in the</p> <p>19 town that I talked to because I wouldn't even know</p> <p>20 who I talked to.</p> <p>21 Q. You indicated earlier that Jeremy</p> <p>22 Collins had lied about knowing Tracey now Richter,</p> <p>23 based upon your talking to somebody else.</p> <p>24 A. I asked Jeremy at one point -- and</p> <p>25 actually I don't think I got to talk to Jeremy. I</p>	<p style="text-align: right;">116</p> <p>1 A. I think you're getting confused in what</p> <p>2 I said. I talked to Jeremy Collins' wife, and she</p> <p>3 said that Jeremy didn't know the Roberts, nor had</p> <p>4 he been to that place, and she made a comment</p> <p>5 there was a picture in the paper of the house and</p> <p>6 he had never seen it before. That's what she</p> <p>7 said.</p> <p>8 Q. And when was that conversation?</p> <p>9 A. I don't know. I'm going to say within a</p> <p>10 month after Dustin died. I don't recall exactly</p> <p>11 when it was.</p> <p>12 Q. So you said you were trying to call</p> <p>13 Jeremy Collins --</p> <p>14 A. Yeah, and I don't remember how it</p> <p>15 actually happened or who called who. I don't</p> <p>16 recall even if she called me or I called her, but</p> <p>17 she told me that Jeremy admitted that we had had</p> <p>18 an affair, and so she knew about it, and I don't</p> <p>19 know how it came up in the conversation either,</p> <p>20 but I recall asking her if Jeremy used to go to</p> <p>21 the Roberts house, and she said, "No, he's never</p> <p>22 seen that house," and then the new Schwan's man</p> <p>23 started stopping at our house.</p> <p>24 Q. Hold on. Let me stop you there.</p> <p>25 A. Okay.</p>

<p style="text-align: right;">117</p> <p>1 Q. I'm confused, because --</p> <p>2 A. I'm confused.</p> <p>3 Q. -- you've had a relationship -- Well,</p> <p>4 you're the one who's lived it. You're having a</p> <p>5 relationship with Jeremy Collins. He breaks it</p> <p>6 off the day after Justin's death, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And then you have a conversation with</p> <p>9 his wife because he's married as well as you?</p> <p>10 A. Correct.</p> <p>11 Q. And best guess on when this was that you</p> <p>12 spoke to, I believe her name's Heidi Collins.</p> <p>13 A. Okay.</p> <p>14 Q. About the route and Tracey Roberts'</p> <p>15 residence in Early, Iowa. When was that?</p> <p>16 A. To the best of my knowledge, within a</p> <p>17 month after Dustin died. I don't know.</p> <p>18 Q. So Jeremy's not calling you back, but</p> <p>19 then you're calling his wife who you've had an</p> <p>20 affair with her husband?</p> <p>21 A. I don't recall who called who. If I</p> <p>22 called. I was probably calling for her -- for</p> <p>23 Jeremy and she answered the phone, and maybe</p> <p>24 because she knew about it, she called me. I don't</p> <p>25 remember. It was less than 30 days after my son</p>	<p style="text-align: right;">119</p> <p>1 Q. And I don't know when you quit, so can</p> <p>2 you give me a ballpark idea of when she would be</p> <p>3 no longer employed by you?</p> <p>4 A. I pretty much walked away after my</p> <p>5 husband took his life, and that was -- I didn't</p> <p>6 work any longer after that, so Debbie stayed on at</p> <p>7 Century 21.</p> <p>8 Q. Do you know whether Debbie Moize --</p> <p>9 A. Moize.</p> <p>10 Q. -- Moize is still working for First</p> <p>11 Realty?</p> <p>12 A. No, I don't know if she's working there</p> <p>13 or not.</p> <p>14 Q. But the last you knew, she was in</p> <p>15 Newell, Iowa?</p> <p>16 A. Yeah, I believe that was ...</p> <p>17 Q. Okay. Remember when we were talking</p> <p>18 about the address book and there were two Post-It</p> <p>19 notes found?</p> <p>20 A. Yes.</p> <p>21 Q. When did you find that address book and</p> <p>22 the two Post-It notes?</p> <p>23 A. I have no idea when I found them. After</p> <p>24 Dustin died.</p> <p>25 Q. Did you know they were there before you</p>
<p style="text-align: right;">118</p> <p>1 was dead, and I don't remember many details of</p> <p>2 what happened in my life.</p> <p>3 MR. BANDSTRA: Give us just a second.</p> <p>4 (A recess was taken from 2:02 p.m. to</p> <p>5 2:23 p.m.)</p> <p>6 (At this time, Deputy Kristan Erskine is</p> <p>7 present.)</p> <p>8 BY MR. BANDSTRA:</p> <p>9 Q. All right. My understanding is you had</p> <p>10 a secretary who was helping you on December 13th</p> <p>11 of 2001. What was her name?</p> <p>12 A. Debbie Moize, I believe is how you say</p> <p>13 her last name.</p> <p>14 Q. Debbie what?</p> <p>15 A. Moize. M-O-Z-I-E, I think. M-O- --</p> <p>16 Q. Yeah, I got how it's spelled, but can</p> <p>17 you tell me where does she live now or what's her</p> <p>18 last known address?</p> <p>19 A. I don't know her address, but I know she</p> <p>20 lived in the country by -- maybe it was Newell.</p> <p>21 Q. Newell?</p> <p>22 A. Newell. I don't know her address at</p> <p>23 all.</p> <p>24 Q. When did she quit working for you?</p> <p>25 A. When I quit. No -- Yeah. No.</p>	<p style="text-align: right;">120</p> <p>1 turned those over to law enforcement?</p> <p>2 A. When I found them, I turned them over.</p> <p>3 Q. As soon as you found them?</p> <p>4 A. Yeah, I would call and somebody would</p> <p>5 come pick up stuff.</p> <p>6 Q. Okay. Did Michael on the day after the</p> <p>7 shooting, so that would be December 14th of 2001,</p> <p>8 did he come over and was he over at your house for</p> <p>9 an extended period of time on the day after the</p> <p>10 shooting?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Was he over at your house at all on</p> <p>13 December 14th of 2001?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Turn to Exhibit E, which is your</p> <p>16 interview with Trent Vileta.</p> <p>17 A. Okay.</p> <p>18 Q. Page 95.</p> <p>19 A. Okay.</p> <p>20 Q. And I direct your attention to Lines</p> <p>21 3857 and 3858.</p> <p>22 A. Okay.</p> <p>23 Q. It was your opinion on December 24 --</p> <p>24 excuse me, December 26th of 2008, was it your</p> <p>25 opinion that Tracey shot your son, correct?</p>

<p style="text-align: right;">121</p> <p>1 A. I don't understand the question. Can</p> <p>2 you repeat it?</p> <p>3 MR. BANDSTRA: Will you read it back to</p> <p>4 her.</p> <p>5 (At this time, the last question was</p> <p>6 read back by the reporter.)</p> <p>7 BY MR. BANDSTRA:</p> <p>8 Q. I want to strike the whole question.</p> <p>9 It was your opinion when you talked to</p> <p>10 Trent Vileta on December 26th of 2008 that Tracey</p> <p>11 had not shot Dustin? Yes or no.</p> <p>12 A. Yes.</p> <p>13 Q. You did think that she shot him?</p> <p>14 A. No. That's what I mean. Yes, that's my</p> <p>15 opinion, that she did not shoot him. That was my</p> <p>16 opinion at that point.</p> <p>17 Q. And other than your theories, you don't</p> <p>18 have any proof that Dustin broke into Tracey's</p> <p>19 house on December 13th of 2001?</p> <p>20 A. He didn't break in.</p> <p>21 Q. You don't have any evidence to show that</p> <p>22 he didn't break in?</p> <p>23 A. Only what the police said. Yeah, I</p> <p>24 don't have no evidence, no.</p> <p>25 Q. And you don't have any first-hand proof</p>	<p style="text-align: right;">123</p> <p>1 additional information. You've been very patient</p> <p>2 through this, but if there's additional</p> <p>3 information that I didn't know as of this time, we</p> <p>4 may call you back, but thank you for your time.</p> <p>5 THE WITNESS: You're welcome.</p> <p>6 EXAMINATION</p> <p>7 BY MR. SMITH:</p> <p>8 Q. Just one, and this would have been</p> <p>9 included in the Trial Information, but it was just</p> <p>10 kind of learned. But describe to me, Mona,</p> <p>11 Dustin's fingernails.</p> <p>12 A. Dustin kept his fingernails long and he</p> <p>13 liked to make them pointed.</p> <p>14 Q. Describe to me "long." When you say</p> <p>15 "long," what do you mean by "long"?</p> <p>16 A. Can I show them my length of</p> <p>17 fingernails?</p> <p>18 Q. Sure, and then we can give a best --</p> <p>19 A. Is that a quarter of an inch? Kind of,</p> <p>20 yeah, it's more than an eighth of an inch. He</p> <p>21 kept them longer past the tips of his fingers.</p> <p>22 Q. And how long had you, I guess, known him</p> <p>23 to do that?</p> <p>24 A. Probably a couple years.</p> <p>25 Q. And did he ever give you a reason as to</p>
<p style="text-align: right;">122</p> <p>1 that Tracey wasn't assaulted by Dustin Wehde and</p> <p>2 the second intruder on December 13th of 2001?</p> <p>3 A. That she was or wasn't?</p> <p>4 Q. That she was.</p> <p>5 A. I have no proof.</p> <p>6 Q. And you testified in your original</p> <p>7 deposition, the civil deposition, that you'd do</p> <p>8 anything to protect your own children?</p> <p>9 A. Correct.</p> <p>10 Q. And if someone came into your house and</p> <p>11 assaulted you, you would do whatever it took to</p> <p>12 protect yourself and your children?</p> <p>13 A. Yes.</p> <p>14 Q. You previously, prior to the shooting,</p> <p>15 you had been an employee of Xellex, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And was there a time after that you were</p> <p>18 fired that you were caught in the Xellex office,</p> <p>19 which would have been at 103 West South Avenue?</p> <p>20 A. No.</p> <p>21 Q. So you never were in there without</p> <p>22 permission?</p> <p>23 A. No.</p> <p>24 MR. BANDSTRA: Okay. I don't have any</p> <p>25 further questions unless through discovery there's</p>	<p style="text-align: right;">124</p> <p>1 why he did it?</p> <p>2 A. He kept them long and made them pointed</p> <p>3 so he could use them as his defense.</p> <p>4 Q. Defense for what?</p> <p>5 A. People picking on him.</p> <p>6 MR. SMITH: I don't have anything else.</p> <p>7 MR. BANDSTRA: I don't have any</p> <p>8 questions.</p> <p>9 * * *</p> <p>10 (The testimony ended at 2:30 p.m.)</p> <p>11 * * *</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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CERTIFICATE
STATE OF IOWA
COUNTY OF CALHOUN

I, Robin R. Qualy, a Certified Shorthand Reporter in and for the State of Iowa, do hereby certify that the deponent was duly sworn by me, and that the transcript as above set forth is a true and accurate record of the testimony given.

That the within and foregoing deposition was taken by me at the time and place herein specified.

That I am not counsel, attorney, or relative of either party or otherwise interested in the event of this suit.

IN TESTIMONY WHEREOF, I have hereunto placed my hand September 14, 2011.

ROBIN R. QUALY, CSR, RMR, CRR

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