

99-27-00
#70
99CF817

STATE OF WISCONSIN

CIRCUIT COURT
OUTAGAMIE COUNTY
FILED
SEP 22 2000

OUTAGAMIE COUNTY

STATE OF WISCONSIN
Plaintiff

Vs.

RUTH H. JANSSEN
CLERK OF COURTS

AFFIDAVIT

NICHOLAS R. WALES
Defendant

Case No. 99CM1057,00CM0763

I Nicholas R. Wales having been duly sworn under oath state as follows:

During the years of 1997 and 1998 I was employed by So's Drycleaners on Wisconsin Avenue in Appleton, Wisconsin. So Man Chu owned the business. His son, Dale Chu was also an employee there and I developed a fairly close relationship with him.

Sometime during the year of 1998 So's Drycleaners building caught on fire and burned. I did not have any involvement whatsoever in the fire but Dale Chu confided to me that he set the fire in order to collect insurance money. The police never contacted me or interviewed me regarding the arson during the initial investigation in 1998.

I moved to Las Vegas, Nevada in October 1999 and returned to Appleton, Wisconsin during the first week of January, 2000. I was arrested the day I arrived back in Appleton on a retail theft warrant. State Public Defender Brian Figy was appointed to represent me and I was released on bond on January 5th 2000.

Sometime during the second or third week of January 2000, Detective Sgt. Cook from the Appleton Police department contacted me and asked me if I had any knowledge of Dale Chu's involvement in the arson at So's Drycleaners in 1998. I denied that I knew anything and the matter was dropped.

Approximately a week or two later Investigator Steve Malchow from the Outagamie County District Attorney Office contacted me and asked if I would meet with him. I agreed and he picked me up at my residence.

F-1

We rode around in his van for a while and he questioned me about the arson. I initially denied any knowledge of Dale Chu's involvement. Eventually Mr. Malchow handed me a file folder containing copies my pending court cases and told me he could get rid of them if I would cooperate with him on the Chu arson case. I decided to cooperate with him and told him everything I knew about Dale Chu's involvement in the fire. Mr. Malchow tape-recorded my statement and told me Sgt. Cook would re-contact me. Sgt. Cook did re-contact me approximately two or three days latter. Sgt. Cook gave me a tape recorder and asked that I try to tape-record a conversation with Dale Chu about the arson. Sgt. Cook did not make any promises or offer to help intervene with my up coming court cases.

My next contact with Investigator Malchow was sometime during the middle of March, 2000. He contacted me at my place of employment and informed me that a warrant for my arrest had been issued because I did not appear in court on March 8th for a hearing on my retail theft case. He told me that if I kept cooperating with him on the arson case he would talk with Judge Dyer and get the warrant quashed so that I didn't have to go to jail. About a week later Investigator Malchow met me at work again and gave me a court order signed by Judge Dyer that quashed the warrant for my arrest. Mr. Malchow told to keep the court order on my person at all times in case the police stopped me again. During our conversation Investigator Malchow told me that it would look bad for the case if anyone found out that he was doing favors like this for me. He told me not to tell my Attorney Brian Figy anything about our deal or the favor he was doing for me because he knew Figy didn't like him and would try to make things look bad. He didn't want him to know anything. Mr. Malchow also told me that if I was asked on the witness stand, I should say that he [Malchow] never made any deals or promised me anything. Mr. Malchow told me that I should testify that the reason I may have received consideration was that the minister at my church intervened on my behalf.

Mr. Malchow did not ask me any questions about my retail theft case during the course of any of our conversations. He told me that he couldn't ask me anything because an attorney on those charges represented me. He did tell me that I shouldn't tell my attorney anything about the deal he made with me and that I should lie on the witness stand if I was asked about my cooperation and his favors with the warrant for doing so.

Dated this 28th day of June, 2000



Nicholas R. Wales

Subscribed and sworn to before me
This 28th day of June, 2000



Steven C. Faulks
Notary Public State of Wisconsin

My commission expires on July 19th 2001