

## Oak Knoll testimony recounts fire's origin

December 8, 2010

John David Thiry tried to stamp out the fire he started, but when it raced out of control, he and others in the grassy field in south Ashland ran for their lives, said the first of more than 40 witnesses expected to testify at the trial of a homeless man accused of causing the Oak Knoll blaze that destroyed 11 homes.

Thiry, 40, is facing 10 counts of recklessly endangering another and 14 counts of reckless burning for allegedly starting the Aug. 24 blaze that caused more than \$3 million in property damage.

Like Thiry, John Marler was living in the grassy field off Washington Street. The afternoon the fire started, Marler was lying in his hammock, reading a book, when he heard Thiry arrive.

Thiry was always hollering at the top of his lungs about something, Marler said.

"Some people conversate (sic)," he said. "They're talking, thinking out loud. John hollers."

But this time Thiry's voice sounded different. Marler looked up from his book and saw Thiry stamping at the ground, he said.

"John was trying to put the fire out," said Marler. "But it was like the wind came with the fire and it just went. John did what we all did, he ran."

Marler grabbed his dog and raced to a nearby barn to retrieve his backpack. By the time he made it across the field, the fire already had consumed an adjacent trailer.

"I got my clothes, my dog and me," he said. "At one point the fire wasn't more than 10 feet from me."

In her opening statement, Jackson County Deputy District Attorney Michelle Pauly told Circuit Court Judge Lorenzo Mejia that Thiry was living both under an Interstate 5 overpass and in the open field where the fire started. Within 45 minutes, winds had caused the fire to jump the freeway. It raced toward several homes, which were quickly engulfed.

"Wind, weather and fuel caused the fire to move very quickly," Pauly said.

People who were home at the time will testify during what is expected to be a four-day trial, she said. They will describe the noise and the smell. How their windows shattered. How paint and gas cans exploded, she said.

"They said it was like a war zone," Pauly said.

The fire was Ashland's biggest structure fire loss ever recorded. Eleven homes were lost, each valued at about \$300,000 in today's market, fire officials have said.

Marler helped police locate Thiry at about 2 a.m. Thiry pointed out where he'd been living. Beer cans were strewn near cigarette butts too numerous to count, Pauly said.

Thiry told investigators, "I woke up and the fire was in a circle. I tried to stomp it out," Pauly said.

Thiry has remained lodged in the Jackson County Jail on \$500,000 bail since his Aug. 25 arrest after being deemed a flight risk by Circuit Court Judge Tim Barnack.

All of Thiry 's charges are misdemeanor crimes, each punishable by a maximum one year in jail. He has pleaded not guilty to all charges. Thiry also has waived his right to a jury trial.

Prosecutors do not believe the fire was set intentionally, which would be considered arson, a felony. Also, no injuries were reported. If someone had been injured in the fire, Thiry could have faced other felony charges, they said.

Thiry 's trial was originally slated for October. But Barnack agreed to the delay in order to give Thiry 's court-appointed attorney, Andrew Vandergaw, more time to mount a defense.

Vandergaw did not present an opening argument.

As Marler left the stand, he smiled at Thiry and offered up a peace sign.