

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

- - -

IN THE MATTER OF:	:	
	:	VOLUME 1
JOHN MAYER,	:	PAGES 1
	:	THROUGH 250
APPELLANT,	:	
	:	CASE NO.
VS.	:	09-REM-04-0189
	:	
DEPARTMENT OF REHABILITATION	:	
AND CORRECTION, PAROLE AND	:	
COMMUNITY SERVICES,	:	
	:	
APPELLEE.	:	

- - -

65 EAST STATE STREET  
COLUMBUS, OHIO  
OCTOBER 29, 2009

MET, PURSUANT TO ASSIGNMENT,

BEFORE:

JAMES R. SPRAGUE  
ADMINISTRATIVE LAW JUDGE

## APPEARANCES :

VINCENT N. DE PASCALE  
ATTORNEY-AT-LAW  
786 NORTHWEST BOULEVARD  
GRANDVIEW HEIGHTS, OHIO 43212-3832,

AND

CASSANDRA J. MAYER  
ATTORNEY-AT-LAW  
79 S. MAIN STREET  
MANSFIELD, OHIO 44902,

ON BEHALF OF THE APPELLANT.

JACK W. DECKER  
PRINCIPAL ASSISTANT ATTORNEY GENERAL  
30 E. BROAD STREET, 23RD FLOOR  
COLUMBUS, OHIO 43215,

AND

DREW C. PIERSALL  
ASSISTANT ATTORNEY GENERAL  
30 E. BROAD STREET, 23RD FLOOR  
COLUMBUS, OHIO 42315,

ON BEHALF OF THE APPELLEE.

- - -

I N D E X

- - -

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JOHN MAYER	--	16	--	--
JENNIFER LEECH	160	197	--	--

- - -

<u>APPELLEE EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
NOS. 1 AND 2	25	--
NOS. 3 AND 4	17	--
NO. 5	18	--
NO. 6	19	--
NO. 7	22	--
NOS. 8 THROUGH 10	23	--
NO. 11 AND 12	24	--
NOS. 13 AND 14	20	--
NO. 15	34	--
NO. 17	143	--
NO. 18	120	--
NO. 19	142	--
NO. 21	196	--

- - -

P R O C E E D I N G S

- - -

1 MR. SPRAGUE: GOOD MORNING. WE'RE ON THE  
2 RECORD. STATE OF OHIO, STATE PERSONNEL BOARD OF  
3 REVIEW. THIS IS THE CASE OF JOHN MAYER VERSUS THE  
4 DEPARTMENT OF REHABILITATION AND CORRECTION, PAROLE  
5 AND COMMUNITY SERVICES, CASE NUMBER 09-REM-04-0189.  
6 I AM ADMINISTRATIVE LAW JUDGE JAMES R. SPRAGUE.  
7 TODAY'S DATE IS OCTOBER 29TH, 2009.

8 WOULD THE PARTIES OR THEIR  
9 REPRESENTATIVES PLEASE IDENTIFY THEMSELVES FOR THE  
10 RECORD AT THIS TIME?  
11

12 MR. DECKER: FOR THE APPELLANT (SIC), JACK  
13 W. DECKER, PRINCIPAL ASSISTANT ATTORNEY GENERAL.

14 MR. PIERSALL: DREW C. PIERSALL,  
15 ASSISTANT ATTORNEY GENERAL, ON BEHALF OF THE  
16 APPELLEE.  
17

18 MR. DECKER: AND OUR DESIGNEE IS JESSICA  
19 DENNIS FROM THE ADULT PAROLE AUTHORITY.

20 MR. SPRAGUE: THANK YOU.

21 MR. DE PASCALE: VINCENT DE PASCALE, SIR,  
22 (SPELLING) CAPITAL D-E CAPITAL P-A-S-C-A-L-E,  
23 0013227. I REPRESENT JOHN MAYER.

24 MR. SPRAGUE: THANK YOU.

25 MS. MAYER: ATTORNEY CASSANDRA MAYER AND

1 I ALSO REPRESENT JOHN MAYER.

2 MR. SPRAGUE: THANK YOU.

3 MR. MAYER: AND JOHN MAYER.

4 MR. SPRAGUE: THANK YOU. THIS CAUSE  
5 COMES ON DUE TO APPELLANT'S TIMELY FILING OF AN  
6 APPEAL WITH THIS BOARD ON APRIL 6TH, 2009, FROM  
7 SERVICE OF AN R.C. 124.34 ORDER OF REMOVAL. THAT  
8 ORDER WAS SIGNED ON MARCH 31, 2009, WAS SERVED ON  
9 APRIL 1, 2009, AND WAS EFFECTIVE ON APRIL 2ND, 2009.  
10 THANK YOU. FILING TIMELY, JURISDICTION HAS BEEN  
11 ESTABLISHED.

12 IMMEDIATELY PRIOR TO GOING ON THE RECORD  
13 TODAY WE DID A VARIETY OF ACTIVITIES THAT INCLUDED  
14 THE FOLLOWING. THERE WAS AN IDENTIFICATION OF  
15 POTENTIAL WITNESSES. DOCUMENTS TO THE EXTENT WE  
16 COULD WERE EXCHANGED.

17 STIPULATIONS WERE TAKEN REGARDING AUDIO  
18 RECORDS IN THIS CASE WHICH INCLUDES A D.V.D. OF  
19 THREE INVESTIGATIVE INTERVIEWS AND A C.D. OF A  
20 DISPATCH CALL. THERE WAS ALSO A STIPULATION  
21 REGARDING THE CONTENTS AND SERVICE OF THE R.C.  
22 124.34 ORDER.

23 SEPARATION OF WITNESSES WAS MOVED AND  
24 GRANTED BY ME. AND WE DISCUSSED SOME OF THE VARIOUS  
25 PROCEDURAL COMPONENTS INCLUDING THE RECORD HEARING

1 PROCEDURE. DOES THAT GENERALLY COMPORT WITH YOUR  
2 RESPECTIVE MEMORIES OF WHAT WE JUST DID?

3 MR. DECKER: YES, IT DOES, YOUR HONOR.

4 MR. SPRAGUE: YES?

5 MR. DE PASCALE: YES, SIR.

6 MR. DECKER: I BELIEVE THERE WAS ALSO A  
7 STIPULATION AS TO THE TRANSCRIPTION OF THE INTERVIEW  
8 OF -- OF THE APPELLANT, THAT IT'S A --

9 MR. SPRAGUE: IS THAT ONE OF THE  
10 INVESTIGATIVE -- OH, OKAY.

11 MS. MAYER: YES, THAT'S ONE OF  
12 (INDISCERNIBLE).

13 MR. SPRAGUE: -- ONE OF THE INVESTIGATIVE  
14 INTERVIEWS?

15 MS. MAYER: UH-HUH.

16 MR. SPRAGUE: OKAY. SO AND TRANSCRIPT OF  
17 THAT. IS THAT RIGHT?

18 (NO AUDIBLE RESPONSE.)

19 MR. SPRAGUE: OKAY.

20 MS. MAYER: SHOULD WE MENTION THE AIRLINE  
21 RECORDS AT THIS POINT OR WAIT TILL IT'S RAISED?

22 MR. SPRAGUE: OH, YOU KNOW, YOU DID  
23 MENTION THEM, BUT I -- SINCE THEY DON'T HAVE THEM  
24 YET, (INDISCERNIBLE).

25 MR. DECKER: WE STIPULATED TO THE

1 AUTHENTICITY OF CERTAIN AIRLINE RECORD --

2 MR. SPRAGUE: OKAY.

3 MR. DECKER: -- REGARDING A TICKET  
4 PURCHASED BY EDWIN GRIFFETH ON -- IN JUNE, WAS THAT,  
5 OF 2007?

6 UNIDENTIFIED SPEAKER: EIGHT.

7 MR. DECKER: 2008.

8 MS. MAYER: YES, IT WAS 2008, --

9 MR. SPRAGUE: ALL RIGHT.

10 MS. MAYER: -- FOR A TRIP TO FLORIDA, I  
11 THINK, THAT TOOK PLACE IN AUGUST.

12 MR. SPRAGUE: OKAY, SO NOTED. IS THAT IT  
13 PRETTY MUCH?

14 MR. DECKER: I BELIEVE SO.

15 MR. SPRAGUE: ALL RIGHT. WITH THAT IN  
16 MIND, WE'LL GO OFF THE RECORD FOR JUST A MOMENT  
17 WHILE I NOTE A COUPLE OF ITEMS, THEN WE CAN GET  
18 ROLLING ON ANY MOTIONS THE PARTIES NEED TO BRING TO  
19 THE ATTENTION OF THE BOARD ON THE RECORD AFTER WHICH  
20 WE WILL TAKE OPENINGS.

21 (OFF THE RECORD.)

22 MR. SPRAGUE: WE'RE BACK ON THE RECORD.  
23 WELL, BEFORE WE DO OPENINGS, DOES ANYBODY -- DO ANY  
24 OF THE PARTIES HAVE ANY -- DO YOU HAVE ANYTHING TO  
25 BRING TO THE ATTENTION OF THE BOARD ON THE RECORD

1 BEFORE WE DO OPENINGS?

2 MR. DECKER: NO.

3 MR. SPRAGUE: MOTIONS? NO?

4 MR. DE PASCALE: NO, SIR.

5 MR. SPRAGUE: GOOD. EXCELLENT. OH, ONE  
6 MORE THING. FOR EITHER SIDE, ACTUALLY, FOR DIRECT  
7 OR CROSS IF YOU WOULDN'T MIND LETTING ME KNOW IN  
8 ADVANCE WHO'S GOING TO BE DOING THAT, THAT WAY WE  
9 AVOID WHAT I CALL THE JACK-IN-THE-BOX WHERE ONE SIDE  
10 POPS UP AND YOU KNOW WHO YOU'RE SUPPOSED TO ADDRESS  
11 -- AND YOU DON'T NEED TO STAND UP FOR OBJECTIONS,  
12 OBVIOUSLY. HOPEFULLY, THERE WON'T EVEN BE ANY. SO  
13 IF YOU'D JUST LET ME KNOW IN ADVANCE, THAT KIND OF  
14 HELPS COMMUNICATION, SO -- ALL RIGHT.

15 SO ARE WE GOING TO BE DOING AN OPENING  
16 AND IF SO, WHICH ONE OF YOU WILL BE DOING IT?

17 MR. DECKER: I WILL BE DOING OPENING  
18 BRIEFLY.

19 MR. SPRAGUE: ALL RIGHT. PLEASE PROCEED,  
20 MR. DECKER.

21 MR. DECKER: WELL, MR. MAYER WAS HIRED BY  
22 THE A.P. -- A.P.A. IN (INDISCERNIBLE) AS A PAROLE  
23 OFFICER. HE BECAME A SUPERVISOR IN FEBRUARY OF  
24 2002.

25 AT THE TIMES RELEVANT TO THIS CASE, HIS



1 DIRECT SUPERVISOR WAS DAVID LOMAX WHO'S THE REGIONAL  
2 ADMINISTRATOR FOR THE MANSFIELD OFFICE OF THE OHIO  
3 A.P.A., AND ONE OF HIS DIRECT SUBORDINATES WAS A  
4 PERSON NAMED RUSSELL DAUBENSPECK (PHONETIC). MR.  
5 DAUBENSPECK WAS A PAROLE OFFICER WHO'S -- AND ONE OF  
6 THE PERSONS UNDER HIS SUPERVISION WAS A GENTLEMAN BY  
7 THE NAME OF EDWIN GRIFFETH.

8 MR. GRIFFETH HAD BEEN CONVICTED OF A SEX  
9 OFFENSE SEVERAL YEARS -- OR EARLIER. HE WAS WHAT WE  
10 CALL A COMMUNITY CONTROL VIOLATOR. THAT IS, HE WAS  
11 UNDER THE -- ESSENTIALLY UNDER THE CONTROL OF THE  
12 COMMON PLEAS COURT, JUDGE DEWEESE, AND THEN PURSUANT  
13 TO A CONTRACT THAT THE A.P.A. HAD WITH THE COURT WE  
14 WOULD PROVIDE SUPERVISION OVER THOSE OFFENDERS.

15 MR. GRIFFETH HAD BEEN ACQUAINTED IN ONE  
16 WAY OR ANOTHER WITH -- IN 2004 WITH ONE JENNIFER  
17 LEECH WHO IN 2007 MARRIED MR. MAYER. THEIR MARRIAGE  
18 WAS TUMULTUOUS AND SHORT, AND BY AUGUST 2008 THEY  
19 WERE DIVORCED. AND THEY HAD BEEN SEPARATED FOR  
20 SEVERAL MONTHS PRIOR TO THAT.

21 IN THE SUMMER OR FALL OF 2008, MR. MAYER  
22 CAME INTO -- CAME INTO INFORMATION SUGGESTING THAT  
23 MR. GRIFFETH AND HIS EX-WIFE, MS. LEACH, WERE  
24 RENEWING THEIR ACQUAINTANCESHIP. HE HEARD RUMORS  
25 ABOUT A TRIP TO FLORIDA THAT THEY ALLEGEDLY TOOK

1 TOGETHER AND BEGAN TO, QUOTE, INVESTIGATE THIS  
2 RELATIONSHIP AS A POTENTIAL VIOLATION OF THE  
3 CONDITIONS OF MR. GRIFFETH'S PROBATION.

4 MR. MAYER DID NOT TELL MR. LOMAX OR  
5 ANYONE ELSE OF WHAT HE WAS DOING AND DID NOT TELL  
6 THEM THAT HE HAD A POTENTIAL CONFLICT OF INTEREST IN  
7 THIS INVOLVEMENT BECAUSE OF THE OBVIOUS FEELINGS  
8 THAT HE HAD FOR HIS EX-WIFE AND HOW THAT MIGHT  
9 POTENTIALLY COLOR HOW HE WAS BEHAVING TOWARD MR.  
10 GRIFFETH.

11 ONE THING LED TO ANOTHER. MR. MAYER HAS  
12 ADMITTED THAT HE SPENT SOME TIME FOLLOWING EITHER  
13 MR. GRIFFETH OR HIS EX-WIFE AROUND TO DETERMINE  
14 WHETHER THEY WERE HAVING CONTACT.

15 AT 5:00 A.M. IN THE MORNING OF THE 20TH  
16 OF NOVEMBER -- THAT'S A THURSDAY -- MR. MAYER CLAIMS  
17 THAT AT APPROXIMATELY 5:00 A.M. HE SAW MR.  
18 GRIFFETH'S CAR IN THE VICINITY OF MS. LEECH'S HOUSE  
19 ON A PLACE CALLED RHEIN (PHONETIC) AVENUE IN  
20 MANSFIELD. THIS UPSET HIM BECAUSE IT APPEARED THAT  
21 -- FOR OBVIOUS REASONS, BUT IT WAS ALSO POTENTIALLY  
22 -- THERE WAS A CURFEW FOR MR. GRIFFETH FROM 10:00  
23 A.M. -- 10:00 IN THE EVENING TO 5:00 IN THE MORNING  
24 WHICH MR. MAYER CLAIMED WAS BEING VIOLATED BY THE  
25 PRESENCE OF THIS VEHICLE IN THE VICINITY OF HIS

1 WIFE'S HOUSE.

2 HE WAS UPSET ENOUGH THAT HE WENT TO MR.  
3 LOMAX AT AROUND 12:30 IN THE AFTERNOON ON THE 20TH  
4 AND SAID I'M REALLY UPSET, I'LL TALK TO YOU ABOUT IT  
5 LATER, CAN I GO HOME FOR THE REST OF THE DAY ON  
6 VACATION? HE SAYS THAT ABOUT 5:00 -- 5:00 IN THE  
7 AFTERNOON HE WENT TO THE RED FOX TAVERN WHERE HE  
8 ENCOUNTERED MR. LEITENBERGER (PHONETIC) AND CONSUMED  
9 FOUR BEERS IN AN HOUR.

10 HE THEN CLAIMS HE WENT HOME FOR AN HOUR  
11 AND THEN WAS DRIVING AROUND SOMEWHERE BETWEEN 7:00  
12 AND 8:30 AT NIGHT WHEN HE DROVE PAST THE HOME OF MR.  
13 GRIFFETH ON VANDERBILT (PHONETIC) ROAD SOUTH OF  
14 MANSFIELD. HE CLAIMS THAT HE SAW MR. GRIFFETH AND  
15 MS. LEECH TOGETHER IN AN AUTOMOBILE.

16 THERE ARE A COUPLE OF VERSIONS THAT MR.  
17 MAYER HAS ABOUT WHAT HAPPENED, BUT ESSENTIALLY THEY  
18 LEFT AND HE TOOK OFF AFTER THEM, PURSUING THEM UP  
19 ROUTE 13 WHICH IS THE MAJOR NORTH/SOUTH ROAD IN AND  
20 OUT OF MANSFIELD, UP TOWARDS MANSFIELD. GRIFFETH  
21 AND LEECH TURNED AROUND, CAME BACK TO THE HOUSE.

22 BY THE WAY, THERE IS A STRICT A.P.A.  
23 PROHIBITION AGAINST ENGAGING IN VEHICULAR PURSUITS.  
24 SOMEWHERE ALONG THIS -- THE LINE OF THIS PURSUIT,  
25 MR. -- MR. MAYER MADE A CALL, I BELIEVE, TO THE

1 SHERIFF'S DEPARTMENT -- AND THAT'S THE SUBJECT OF  
2 ONE OF THESE DISKS -- IN WHICH HE ASKED THAT FOR  
3 BOTH PERSONAL AND PROFESSIONAL REASONS THE POLICE  
4 COME AND STOP THE GRIFFETH VEHICLE.

5 APPARENTLY, BEFORE ANY OF THAT HAPPENED,  
6 GRIFFETH WAS BACK AT HIS OWN HOUSE AND MR. MAYER  
7 THEN CONFRONTED MR. GRIFFETH. MR. MAYER DID NOT  
8 HAVE HIS SERVICE WEAPON WITH HIM AS HE IS REQUIRED  
9 TO DO WHEN COMING INTO FACE-TO-FACE CONTACT WITH  
10 PEOPLE UNDER THE SUPERVISION OF THE A.P.A., ANOTHER  
11 POLICY VIOLATION.

12 BUT, THEN, WHAT HAPPENED WAS -- I THINK  
13 THERE IS PROBABLY A DISPUTE ABOUT WHAT HAPPENED.  
14 THE EVIDENCE, I BELIEVE, WILL SHOW THAT MR. GRIFFETH  
15 WAS OVER THE TOP IN HIS -- MR. MAYER WAS OVER THE  
16 TOP IN HIS DEALINGS WITH JANET GRIFFETH WHO IS THE  
17 -- THE OFFENDER'S MOTHER, WITH THE OFFENDER, AND  
18 WITH MS. LEECH, AND WAS UNPROFESSIONAL IN HIS  
19 DEALINGS WITH THEM. EVENTUALLY, THE POLICE ARRIVED  
20 AND MR. MAYER REQUESTED THAT MR. GRIFFETH BE  
21 ARRESTED AS A PROBATION VIOLATOR.

22 LATER THAT NIGHT -- WELL, IT'S UNCLEAR  
23 WHAT HAPPENED AFTER THAT EXCEPT THAT MR. MAYER  
24 AROUND -- SOMEWHAT LATER WENT INTO THE A.P.A. OFFICE  
25 AND FILLED OUT WHAT'S CALLED AN A.P.A. HOLD ORDER

1 WHICH IS A BRIEF PIECE OF PAPER WHICH TELLS THE LAW  
2 ENFORCEMENT ENTITY THAT THE A.P.A. WANTS SOMEONE  
3 DETAINED.

4 IN THE MEANTIME, REPORTS START  
5 CIRCULATING THAT MR. MAYER IS INTOXICATED AND, IN  
6 FACT, SERGEANT SWEAT, WHEN MR. MAYER SHOWS UP AT THE  
7 JAIL TO DELIVER THE HOLD ORDER, INSTRUCTS MR. MAYER  
8 THAT HE'S NOT TO LEAVE THERE IN HIS OWN PERSONAL  
9 VEHICLE WHICH HE HAS BEEN USING, BUT HE HAS TO GET A  
10 RIDE BECAUSE HE APPEARS TO BE INTOXICATED.

11 A SERIES OF PHONE CALLS HAPPENED. MR.  
12 LOMAX IS NOTIFIED OF THIS. MR. LOMAX GETS MR. MAYER  
13 ON THE PHONE, TELLS HIM TO MEET HIM AT 8:00 A.M. THE  
14 NEXT DAY. MR. MAYER UNDERSTANDS THAT, SHOWS UP.

15 MR. LOMAX TELLS MR. MAYER IN THE PRESENCE  
16 OF HIS A.A. THAT HE IS TO HAVE NO MORE INVOLVEMENT  
17 WITH THIS CASE WHATSOEVER. THAT APPARENTLY IS A  
18 BONE OF DISPUTE, TOO, BECAUSE MR. MAYER THEN TURNS  
19 AROUND AND ON THE MORNING OF THE 24TH, WHICH IS THE  
20 FOLLOWING -- THE DIRECT ORDER HAPPENS ON FRIDAY, THE  
21 21ST.

22 THE NEXT MONDAY AT ABOUT 7:30 OR 7:45 IN  
23 THE MORNING, MR. LEITENBERGER, MR. MAYER, AND JUDGE  
24 DEWEESE MEET TO HAVE A -- WELL, THEY HAVE A MEETING  
25 ABOUT MR. GRIFFETH. IT IS DECIDED AT THAT MEETING

1       BASED ON WHAT MR. MAYER REPORTS TO JUDGE DEWEESE  
2       ABOUT WHAT HAD HAPPENED AND WHAT MR. MAYER NOW  
3       ADMITS IS A CONFLICT OF INTEREST HAVING TO DO WITH  
4       THE -- YOU KNOW, HIS INVOLVEMENT IN THE CASE THAT  
5       SUPERVISION OF MR. GRIFFETH IS GOING TO BE RETURNED  
6       TO THE COMMON PLEAS COURT. IN SO DOING, THE LEVEL  
7       OF SUPERVISION OF MR. GRIFFETH IS INCREASED.

8                SO THAT'S ESSENTIALLY WHAT HAPPENED AND  
9       IT ADDS UP TO ALL OF THE VARIOUS VIOLATIONS IN THE  
10      124.34 ORDER BASED ON THOSE FACTS.

11               MR. SPRAGUE: THANK YOU. DOES APPELLANT  
12      WISH TO OFFER AN OPENING STATEMENT OR DO YOU --

13               MR. DE PASCALE: I THINK WE'LL WAIVE THE  
14      -- OR NOT WAIVE -- I WOULD WANT TO --

15               MR. SPRAGUE: HOLD IT IN ABEYANCE?

16               MR. DE PASCALE: -- DELAY --

17               MR. SPRAGUE: OKAY.

18               MR. DE PASCALE: -- UNTIL WE ARE READY TO  
19      PUT ON OUR CASE.

20               MR. SPRAGUE: ALL RIGHT, SO NOTED. IS  
21      APPELLEE PREPARED TO CALL ITS FIRST WITNESS?

22               MR. DECKER: YES, WE ARE, AND THE FIRST  
23      WITNESS WILL BE JOHN MAYER, THE APPELLANT.

24               MR. SPRAGUE: ALL RIGHT. IF YOU WOULD,  
25      PLEASE TAKE THE STAND.

1 MR. MAYER: JUDGE, CAN I PLEASE GET SOME  
2 WATER --

3 MR. SPRAGUE: SURE. AND, MR. DECKER, YOU  
4 HAVE AN EVIDENCE BOOK UP THERE, I BELIEVE?

5 MR. DECKER: YES, WE DO.

6 MR. SPRAGUE: ALL RIGHT. AND WILL YOU BE  
7 CONDUCTING THE AS IF ON CROSS FOR MR. MAYER OR WILL  
8 THAT BE MR. PIERSALL?

9 MR. DECKER: I WILL BE DOING THAT.

10 MR. SPRAGUE: ALL RIGHT.

11 (PAUSE.)

12 MR. SPRAGUE: DO WE NEED TO GO OFF  
13 (INDISCERNIBLE) BE BACK IN A SECOND. PARDON?

14 MS. MAYER: YES, I THINK HE HAD TO GO  
15 DOWN THE HALL TO THE DRINKING FOUNTAIN.

16 MR. SPRAGUE: OH, ALL RIGHT. WELL, WE'LL  
17 JUST GO OFF FOR JUST A MINUTE.

18 (OFF THE RECORD.)

19 MR. SPRAGUE: WE'RE BACK ON THE RECORD.  
20 THANK YOU. MR. MAYER HAS TAKEN THE STAND. MR.  
21 MAYER, THE SEPARATION OF WITNESSES DOES NOT APPLY TO  
22 YOU, OBVIOUSLY, SINCE YOU'RE A PARTY. MR. DECKER?  
23 OH, LET'S SWEAR MR. MAYER IN, PLEASE. MR. MAYER,  
24 WOULD YOU PLEASE RAISE YOUR RIGHT HAND?

25 (WITNESS SWORN.)

1 MR. SPRAGUE: PLEASE STATE YOUR FULL NAME  
2 FOR THE RECORD, SPELLING YOUR LAST NAME.

3 THE WITNESS: JOHN A. MAYER, (SPELLING)  
4 M-A-Y-E-R.

5 MR. SPRAGUE: THANK YOU, MR. MAYER. MR.  
6 DECKER?

7 - - -

8 JOHN MAYER

9 BEING FIRST DULY SWORN, AS PRE-  
10 SCRIBED BY LAW, WAS EXAMINED  
11 AND TESTIFIED AS FOLLOWS:

12 - - -

13 CROSS-EXAMINATION

14 - - -

15 BY MR. DECKER:

16 Q MR. MAYER, MY NAME IS JACK DECKER. I AM  
17 WITH THE A.G.'S OFFICE AND REPRESENT THE DEPARTMENT  
18 IN THIS CASE. WE --

19 A HOW ARE YOU --

20 Q -- WE MET EARLIER THIS MORNING.

21 A HOW ARE YOU DOING, SIR?

22 Q IT'S A PLEASURE. COULD YOU -- IN FRONT  
23 OF YOU IS A BIG BOOK WITH A GREEN COVER FULL OF  
24 PAPER AND IT'S ALL TABBED. THESE CONSIST OF  
25 EXHIBITS. I'M GOING TO BEGIN THE CASE, ASK YOU SOME



1 QUESTIONS ABOUT WHAT'S IN THE BOOK.

2 A OKAY.

3 Q COULD YOU TURN TO APPELLEE'S EXHIBIT  
4 NUMBER 3 BEHIND THE 3 TAB?

5 A YES.

6 Q DO YOU RECOGNIZE THIS AS AN O.A.K.S.  
7 EMPLOYEE HISTORY REPORT FOR YOURSELF?

8 A YES.

9 Q OKAY. YOU'VE HAD THE OPPORTUNITY TO LOOK  
10 AT THIS --

11 A YES.

12 Q -- BEFORE TODAY; HAVEN'T YOU?

13 A YES.

14 Q AND IS THIS AN ACCURATE DEPICTION OF THE  
15 POSITIONS YOU'VE HELD AND THE RATES OF PAY YOU'VE  
16 HAD WITH THE ADULT PAROLE AUTHORITY FROM FEBRUARY  
17 11TH, 1991, WHEN YOU WERE HIRED UNTIL APRIL 2ND,  
18 2009, WHEN YOU WERE TERMINATED?

19 A YES.

20 Q OKAY. AND IT SHOWS THAT YOU WERE  
21 PROMOTED TO PAROLE SERVICES SUPERVISOR EFFECTIVE  
22 FEBRUARY 24TH, 2002. IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q OKAY. AND COULD YOU TURN TO APPELLEE'S  
25 EXHIBIT NUMBER 4, PLEASE? IS EXHIBIT NUMBER 4 A

1 TRUE AND ACCURATE COPY OF YOUR POSITION DESCRIPTION  
2 AS A PAROLE SERVICES SUPERVISOR?

3 A YES.

4 Q AND DOES IT WITH A REASONABLE DEGREE OF  
5 ACCURACY DESCRIBE WHAT YOUR JOB WAS AS A PAROLE  
6 SERVICES SUPERVISOR?

7 A YES.

8 Q YOU WERE IN CHARGE OF UNIT ONE?

9 A MANSFIELD UNIT ONE.

10 Q YES. WHAT WAS THE FUNCTION OF MANSFIELD  
11 UNIT ONE?

12 A MANSFIELD UNIT ONE WAS A SUPERVISION UNIT  
13 WHERE WE SUPERVISE OFFENDERS THROUGH THE RICHLAND  
14 COUNTY COURTS WHICH WOULD BE JUDICIAL RELEASE CASES,  
15 COMMON PLEAS CASES. WE DID HAVE APPROXIMATELY 50  
16 POST-RELEASE CONTROL CASES AND P.R.C. CASES WHICH  
17 WERE THROUGH THE RE-ENTRY COURT. AND OUR OBJECTIVE  
18 WAS TO SUPERVISE THE OFFENDERS FOR THE COURTS.

19 Q THOSE WOULD INCLUDE WHAT I DESCRIBED  
20 EARLIER AS COMMUNITY CONTROL CASES?

21 A WE HAD COMMUNITY CONTROL AND JUDICIAL  
22 RELEASE. YES, SIR.

23 Q OKAY. LET'S GO TO EXHIBIT NUMBER 5. IS  
24 EXHIBIT 5 A TRUE AND ACCURATE COPY OF THE STANDARDS  
25 OF EMPLOYEE CONDUCT GOVERNING ALL EMPLOYEES OF THE

1 DEPARTMENT OF REHAB AND CORRECTION INCLUDING  
2 YOURSELF?

3 A YES.

4 MS. MAYER: THE ONLY OBJECTION I WILL  
5 NOTE IS I DON'T KNOW IF THIS IS THE ENTIRE THING OR  
6 IF THIS IS JUST A PORTION THEREOF OR -- BECAUSE EACH  
7 OF THE PAGE NUMBERS SAY LIKE ONE OF ONE, TWO OF TWO,  
8 THREE OF THREE, SO I WASN'T SURE IF THIS WAS THE  
9 ENTIRE POLICY OR --

10 BY MR. DECKER:

11 Q ARE YOU AWARE, SIR, OF ANY OTHER -- ANY  
12 ADDITIONAL PAGES THAT GO WITH THE STANDARDS OF  
13 EMPLOYEE CONDUCT AS THEY HAVE BEEN PRESENTED TO YOU  
14 OVER THE YEARS?

15 A NO, NOT THAT I -- NOT TO MY KNOWLEDGE --

16 Q (INDISCERNIBLE).

17 A -- UNLESS THEY'VE ADDED MORE TO IT.

18 Q WELL, AS OF NOVEMBER 2008, WAS THIS THE  
19 POLICY IN EFFECT TO YOUR RECOLLECTION WHEN YOU --

20 A TO MY RECOLLECTION, YES.

21 Q OKAY. AND COULD YOU TURN TO APPELLEE'S  
22 EXHIBIT NUMBER 6?

23 A YES.

24 Q THIS IS A RECEIPT YOU SIGNED BACK IN 2004  
25 FOR A COPY OF THE STANDARDS OF EMPLOYEE CONDUCT,

1 EXHIBIT 5?

2 A YES.

3 Q OKAY. LET'S GO TO, WELL, EXHIBIT 14-10.  
4 IS 14-10 A TRUE AND ACCURATE COPY OF AN INCIDENT  
5 REPORT YOU SUBMITTED ON NOVEMBER 21ST, 2008, AT THE  
6 REQUEST OF YOUR IMMEDIATE SUPERVISOR, MR. LOMAX?

7 A YES.

8 Q OKAY. AND LET'S GO TO EXHIBIT 13.  
9 EXHIBIT 13 IS A TRUE AND ACCURATE COPY OF A NOTICE  
10 OF ADMINISTRATIVE LEAVE THAT WAS GIVEN TO YOU ON OR  
11 ABOUT NOVEMBER 25TH, 2008. IS THAT CORRECT?

12 MS. MAYER: EXHIBIT 13?

13 MR. DECKER: 13.

14 MS. MAYER: STRAIGHT 13 OR 14-13?

15 MR. DECKER: 13.

16 MS. MAYER: (INDISCERNIBLE) EXHIBIT 14.

17 MR. DECKER: I'LL TRY TO VERY DISTINCTLY  
18 SAY --

19 MS. MAYER: OKAY.

20 MR. DECKER: -- 14 DASH 13 --

21 MS. MAYER: YES, OKAY.

22 MR. DECKER: -- IF I'M GOING TO --

23 MS. MAYER: OKAY. THANK YOU.

24 MR. DECKER: -- 14. NOW, 13, PLEASE.

25 MS. MAYER: THE WHITE TAB 13, JUST PLAIN

1 WHITE.

2 BY MR. DECKER:

3 Q FORGET ABOUT THE 14.

4 A OKAY.

5 Q 13. LET ME HELP YOU (INDISCERNIBLE) --

6 A OKAY.

7 Q -- IF I MAY APPROACH.

8 A OKAY. OKAY, I SEE IT NOW.

9 Q WE HAVE -- WE HAVE STRAIGHT NUMBERS  
10 THROUGH 13 --

11 A OKAY.

12 Q -- THEN WE HAVE 14 WITH SUBDIVISIONS --

13 A OKAY.

14 Q -- AND THEN WE HAVE AFTER THAT STRAIGHT  
15 NUMBERS.

16 A OKAY.

17 Q IS EXHIBIT 13 A TRUE AND ACCURATE COPY OF  
18 A NOTICE OF ADMINISTRATIVE LEAVE THAT YOU RECEIVED  
19 ON OR ABOUT NOVEMBER 25TH, 2008?

20 A YES.

21 Q AND TURNING TO THE NEXT EXHIBIT WHICH  
22 SAYS 14, IT'S BEHIND THE TAB THAT SAYS 14 WITH NO  
23 DASHES --

24 A YES.

25 Q -- IS THIS A COPY OF A SUMMARY REPORT

1 THAT YOU RECEIVED ON OR ABOUT DECEMBER 9TH, 2002,  
2 FROM (INDISCERNIBLE) --

3 MR. SPRAGUE: NOW, LET'S HANG ON A  
4 SECOND. 14 NO DASHES --

5 MR. DECKER: 14 NO DASHES.

6 MR. SPRAGUE: OH, IT'S THE YELLOW TAB?

7 MR. DECKER: YES.

8 MR. SPRAGUE: (INDISCERNIBLE) YELLOW TAB,  
9 ALL RIGHT.

10 BY MR. DECKER:

11 Q IS THIS A TRUE AND ACCURATE COPY OF AN  
12 INVESTIGATION REPORT SUBMITTED BY RON NELSON  
13 (PHONETIC)?

14 A YES.

15 Q DID YOU RECEIVE A COPY ON OR ABOUT  
16 DECEMBER 9TH, 2009, OR DID YOU RECEIVE THAT LATER?

17 A I CAN'T RECALL WHEN I RECEIVED THIS ONE,  
18 BUT I THINK SEVERAL DAYS AFTERWARDS.

19 Q OKAY. BUT YOU DID RECEIVE --

20 A YEAH.

21 Q -- A COPY; CORRECT?

22 A YES.

23 Q OKAY. BACK TO EXHIBIT 7, IS EXHIBIT 7 A  
24 COPY OF A NOTICE OF A PREDISCIPLINARY CONFERENCE  
25 THAT YOU RECEIVED ON OR ABOUT FEBRUARY 5TH, 2009,

1 ABOUT A CONFERENCE THAT WOULD BE CONDUCTED ON  
2 FEBRUARY 24TH, 2009?

3 A I THINK I RECEIVED THAT ON THE 17TH.

4 Q OKAY. YOU RECEIVED THIS NOTICE ON THE  
5 17TH?

6 A YES.

7 Q GOT IT. BUT IT IS A TRUE AND ACCURATE  
8 COPY OF WHAT YOU RECEIVED THAT DAY?

9 A YES.

10 Q AND AS I UNDERSTAND IT, YOU ASKED FOR A  
11 CONTINUANCE OF THAT CONFERENCE?

12 A YES. I THINK THAT BOTH SIDES DID.

13 Q OKAY. AND TURNING TO EXHIBIT 8, IS THIS  
14 A NOTICE OF A RESCHEDULED PREDISCIPLINARY CONFERENCE  
15 TO OCCUR ON MARCH 3RD, 2009?

16 A YES.

17 Q OKAY. EXHIBIT 9 IS AN ACKNOWLEDGMENT  
18 THAT YOU RECEIVED NOTICE AND INTENDED NOT TO WAIVE  
19 THE RIGHT TO A PREDISCIPLINARY CONFERENCE; CORRECT?

20 A YES.

21 Q IS THIS YOUR SIGNATURE AT THE BOTTOM OF  
22 THE NOTICE --

23 A YES.

24 Q -- ON THE LEFT? THANK YOU. EXHIBIT 10.  
25 IS THIS ANOTHER ACKNOWLEDGMENT SIGNED BY YOU ON OR

1 ABOUT FEBRUARY 5TH, 2009, ACKNOWLEDGING YOUR RIGHT  
2 TO HAVE A REPRESENTATIVE OF CHOICE PRESENT AT THE  
3 CONFERENCE?

4 A YES.

5 Q AND, IN FACT, DID YOU HAVE COUNSEL  
6 PRESENT AT THE CONFERENCE WHEN IT HAPPENED?

7 A YES.

8 Q WHO WAS THAT?

9 A CASSIE MAYER.

10 Q OKAY. AND EXHIBIT 11 IS ANOTHER RECEIPT  
11 FOR A NOTICE OF THE PREDISCIPLINARY MEETING THAT YOU  
12 JUST SAID YOU GOT; RIGHT?

13 A YES. I (INDISCERNIBLE) YES.

14 Q AND DID THE PREDISCIPLINARY MEETING OCCUR  
15 AS SCHEDULED ON MARCH 3RD?

16 A YES.

17 Q AND TURNING TO EXHIBIT 12, IS THIS A TRUE  
18 AND ACCURATE COPY OF THE REPORT THAT YOU RECEIVED  
19 SOMETIME AFTER MARCH 9TH OF THE RESULTS OF THE  
20 PREDISCIPLINARY MEETING?

21 A YES.

22 Q AND THE PERSON WHO PRESIDED OVER THE  
23 PREDISCIPLINARY MEETING WAS TINA PATRICK (PHONETIC);  
24 CORRECT?

25 A YES.



1 Q OKAY. AND SHE IS THE AUTHOR OF EXHIBIT  
2 12; CORRECT?

3 A YES.

4 Q AND THEN, EXHIBIT 1 IS THE 124.34 ORDER  
5 WHICH YOU RECEIVED BY HAND DELIVERY ON OR ABOUT  
6 APRIL 1ST, 2009; CORRECT?

7 A YES.

8 Q AND EXHIBIT 2 IS YOUR RECEIPT OF THAT  
9 124.34 ORDER; CORRECT?

10 A DID YOU SAY 14?

11 Q 2.

12 A 2, OKAY.

13 Q RIGHT AFTER 1.

14 A RIGHT.

15 Q I WILL TRY TO BE VERY DISTINCT --

16 A RIGHT.

17 Q -- WITH 14.

18 A OKAY. YES, YEAH.

19 Q OKAY, MR. MAYER. I THINK YOU SAID THAT  
20 YOUR UNIT PROVIDED SUPERVISION SERVICES FOR THE  
21 COURT OF COMMON PLEAS FOR (INDISCERNIBLE) OFFENDERS  
22 UNDER THE COURT'S CONTROL. IS THAT CORRECT?

23 A YES.

24 Q AND JUST TURNING TO EXHIBIT 14-23, THERE  
25 ARE A COUPLE COVER LETTERS ON IT, BUT IS THIS A TRUE

1 AND ACCURATE COPY OF THE CONTRACT BETWEEN THE A.P.A.  
2 AND THE COMMON PLEAS COURT UNDER WHICH YOU  
3 UNDERSTOOD YOUR UNIT WAS TO OPERATE?

4 A YES.

5 Q NOW, FROM TIME-TO-TIME A CONFLICT OF  
6 INTEREST WOULD ARISE BECAUSE MANSFIELD ISN'T THAT  
7 BIG A PLACE; RIGHT? AND THERE WOULD BE SOME REASON  
8 TO BELIEVE THAT SOMEONE IN EITHER YOUR OFFICE OR THE  
9 COURT'S PROBATION DEPARTMENT MIGHT HAVE SOME SORT OF  
10 CONFLICT OF INTEREST IN DEALING WITH AN OFFENDER;  
11 RIGHT?

12 A YES.

13 Q AND I BELIEVE IT IS YOUR TESTIMONY THAT  
14 WHEN SUCH CONFLICTS AROSE, A COMMON WAY OF DEALING  
15 WITH THEM WAS TO TRANSFER SUPERVISION OF THE  
16 OFFENDER FROM THE A.P.A. TO THE COMMON PLEAS COURT  
17 IF THE CONFLICT WAS WITH THE A.P.A., OR FROM THE  
18 COURT TO THE A.P.A. IF THE CONFLICT WAS WITH THE  
19 COURT.

20 A YES.

21 Q WOULD THAT BE ACCURATE?

22 MS. MAYER: THERE'S AN OBJECTION. IF YOU  
23 CAN CLARIFY COURT, ARE YOU TALKING ABOUT COUNTY  
24 PROBATION OR ARE YOU TALKING ABOUT THE COURT  
25 DIRECTLY?

1 MR. DECKER: WELL, I --

2 MS. MAYER: IT'S JUST --

3 BY MR. DECKER:

4 Q AND WHEN YOU UNDERSTOOD I SAID COURT --  
5 THAT'S A GOOD POINT -- YOU UNDERSTOOD ME TO MEAN THE  
6 COUNTY PROBATION DEPARTMENT THAT WORKED FOR THE  
7 COURT?

8 A YES.

9 Q OKAY. BECAUSE THE COURT ITSELF, JUDGE  
10 DEWEESE OR THE OTHER JUDGE, WOULD HAVE ACTUAL  
11 SUPERVISION OVER THE OFFENDER NO MATTER WHETHER  
12 SUPERVISION SERVICES WERE PROVIDED BY THE COUNTY  
13 PROBATION DEPARTMENT OR THE A.P.A.; CORRECT?

14 A YES.

15 Q OKAY. THANK YOU. YOUR IMMEDIATE  
16 SUPERVISOR WAS DAVID LOMAX; CORRECT?

17 A YES.

18 Q WHEN DID HE BECOME YOUR SUPERVISOR?

19 A MARCH 17TH OF '08.

20 Q AND ONE OF THE -- RUSSELL DAUBENSPECK WAS  
21 ONE OF YOUR SUBORDINATES IN UNIT ONE?

22 A YES.

23 Q AND ONE OF THE PEOPLE THAT MR.  
24 DAUBENSPECK SUPERVISED WAS EDWIN GRIFFETH; --

25 A YES.

1 Q -- CORRECT? AND MR. GRIFFETH WAS A SEX  
2 OFFENDER OF SOME NATURE. IS THAT CORRECT?

3 A YES.

4 Q WHAT WAS THE NATURE OF HIS OFFENSE AS YOU  
5 UNDERSTOOD IT?

6 A TWO COUNTS OF SEXUAL BATTERY AND IT WAS  
7 FINALLY ONE COUNT OR I THINK IT WAS WHAT IT WAS,  
8 FINAL, I (INDISCERNIBLE) ONE COUNT OR TWO COUNTS.  
9 IT'S ONE OF -- ONE OF -- EITHER ONE.

10 Q AND THE CIRCUMSTANCE OF HIS OFFENSE AS  
11 YOU UNDERSTOOD IT WAS HAVING SEX WITH WHAT, 17 OR  
12 18-YEAR-OLD -- TWO 17 OR 18-YEAR-OLD GIRLS WHO FOR  
13 ONE REASON OR ANOTHER WERE NOT IN A CONDITION TO  
14 CONSENT.

15 A YES.

16 Q IS THAT A FAIR SUMMARY?

17 A YEAH. 18, 19, YES.

18 Q OKAY. AND I KNOW THIS WILL COME OUT  
19 LATER. LET'S JUST GET IT ON THE TABLE NOW. YOU'VE  
20 GOT A LOT OF RELATIVES IN THE TOWN OF MANSFIELD. IS  
21 THAT CORRECT?

22 A YES.

23 Q OKAY. YOU'VE GOT A --

24 MS. MAYER: (INDISCERNIBLE) THE RELEVANCY  
25 OF THIS AS TO FAMILY.

1 MR. DECKER: IT WON'T TAKE LONG AND I'LL  
2 TIE IT UP LATER.

3 BY MR. DECKER:

4 Q YOUR BROTHER IS THE COUNTY PROSECUTOR;  
5 CORRECT?

6 A YES.

7 Q YOU'VE GOT ANOTHER BROTHER WHO'S A  
8 PROBATE JUDGE?

9 A YES.

10 Q ONE OF YOUR COUNSEL'S RELATED TO YOU. IS  
11 THAT CORRECT?

12 A YES.

13 Q IN WHAT WAY?

14 A SHE'S MY NIECE.

15 Q OKAY. YOU'VE GOT A NEPHEW WHO'S AN  
16 IMPORTANT CRIMINAL DEFENSE LAWYER IN TOWN; CORRECT?

17 A YES.

18 Q YOU'VE GOT A BROTHER WHO ALSO WORKS FOR  
19 THE MANSFIELD REGION OF THE A.D.A. -- A.P.A. AND A  
20 SISTER-IN-LAW WHO WORKS THERE; CORRECT?

21 A YES.

22 Q AND HAVE I MISSED ANYONE?

23 MR. SPRAGUE: I LOST YOU AFTER THE NIECE.  
24 SORRY. A NEPHEW IS A PROMINENT SOMEONE?

25 MR. DECKER: PROMINENT CRIMINAL DEFENSE

1 ATTORNEY IN TOWN.

2 THE WITNESS: CASSIE'S PRETTY GOOD, TOO.

3 MR. SPRAGUE: OKAY. AND THEN, THE LAST  
4 ONE WAS, I THINK, SOMEBODY'S WITH THE A.P.A. --

5 MR. DECKER: HE'S GOT A -- I BELIEVE HE  
6 TESTIFIED THAT THERE WAS A BROTHER AND SISTER-IN-LAW  
7 WHO ALSO WORK FOR THE MANSFIELD A.P.A. OFFICE.

8 BY MR. DECKER:

9 Q AND THE LAST QUESTION WAS I DON'T THINK  
10 I'VE MISSED ANYBODY; HAVE I?

11 A CHRISTOPHER.

12 Q CHRISTOPHER IS WHAT?

13 A HE'S A PROBATION OFFICER FROM THE COUNTY.

14 Q FOR THE -- WORKING FOR MR. LEITENBERGER  
15 AT THE COUNTY?

16 A YES, YES.

17 MR. SPRAGUE: OKAY. NOW, CHRISTOPHER IS?

18 THE WITNESS: A NEPHEW.

19 MR. SPRAGUE: OKAY.

20 THE WITNESS: MY BROTHER (INDISCERNIBLE)

21 A SHERIFF DETECTIVE FOR THE --

22 MR. SPRAGUE: I MISSED --

23 THE WITNESS: -- (INDISCERNIBLE)

24 SHERIFF'S DEPARTMENT.

25 MR. SPRAGUE: WAIT. I MISSED THAT ONE,

1 TOO.

2 MR. DECKER: A BROTHER --

3 MR. SPRAGUE: (INDISCERNIBLE) MISSED THAT

4 ONE --

5 THE WITNESS: MATT.

6 MR. DECKER: -- MATT WORKS FOR THE

7 SHERIFF'S DEPARTMENT AS A DETECTIVE?

8 MR. SPRAGUE: OKAY.

9 THE WITNESS: YES.

10 MR. SPRAGUE: OKAY. I'M NOT GOING TO GET

11 ALL THE NAMES, BUT -- ALL RIGHT, (INDISCERNIBLE)

12 MOST OF THEM. OKAY.

13 MS. MAYER: ARE YOU GOING TO TIE THIS IN

14 NOW TO THE IMPORTANCE OR --

15 MR. DECKER: NO. IT WILL BECOME EVIDENT.

16 MS. MAYER: OKAY. IT'S MY --

17 MR. SPRAGUE: AS LONG AS --

18 MS. MAYER: -- I'M JUST GOING TO LODGE MY

19 OBJECTION THAT -- FOR RELEVANCY REASONS.

20 MR. SPRAGUE: SO NOTED. (INDISCERNIBLE).

21 MS. MAYER: OKAY.

22 BY MR. DECKER:

23 Q NOW, ON OR ABOUT JUNE 24TH, 2007, YOU

24 MARRIED SOMEONE NAMED JENNIFER LEECH; CORRECT?

25 A YES.

1 Q AND IT WAS A BIG WEDDING AND LOTS OF  
2 PEOPLE SHOWED UP, SEVERAL HUNDRED PEOPLE SHOWED UP;  
3 CORRECT?

4 A YES.

5 Q AND YOU AND MS. LEECH HAD SOME PROBLEMS  
6 PRETTY MUCH RIGHT AWAY AND AFTER ABOUT THREE MONTHS  
7 SHE MOVED OUT. IS THAT CORRECT?

8 A NO. WE -- YOU MEAN AFTER WE WERE  
9 MARRIED?

10 Q AFTER YOU WERE MARRIED.

11 A IT WAS NINE MONTHS.

12 Q YOU LIVED TOGETHER NINE MONTHS?

13 A YEAH.

14 Q OKAY. WHEN WERE YOU --

15 A IT WAS MARCH --

16 Q -- WHEN WERE YOU SEPARATED? MARCH OF  
17 2008?

18 A MARCH, APRIL OF '08.

19 Q AND YOU WERE DIVORCED ON -- ON AUGUST  
20 18TH, 2008; CORRECT?

21 A YES.

22 Q WOULD IT BE FAIR TO SAY THAT MS. LEECH  
23 WANTED THE DIVORCE MORE THAN YOU DID?

24 A WOULD IT BE FAIR? YES.

25 Q OKAY. AND LET'S TURN TO EXHIBIT 14-5.



1 IS 14-5 A TRUE AND ACCURATE COPY OF A DECREE OF  
2 DIVORCE FROM JENNIFER LEECH AND JOHN MAYER?

3 A YES.

4 MR. SPRAGUE: AND JUST FOR THE RECORD,  
5 MR. DECKER -- WELL, CLOSE ENOUGH -- JUST SPELL MS.  
6 LEECH'S FIRST AND LAST NAME.

7 MR. DECKER: (SPELLING) J-E-N-N-I-F-E-R,  
8 MIDDLE INITIAL M., LEECH, L-E-E-C-H, AT LEAST  
9 ACCORDING TO THE COMMON PLEAS COURT. IS THAT  
10 CORRECT?

11 MR. SPRAGUE: IF WE COULD JUST GET THAT  
12 BECAUSE WE -- WE HAVE A VARIETY OF RELATIVELY LONG  
13 NAMES THAT MIGHT NOT BE EVIDENT FOR THE RECORD  
14 UNLESS WE SPELL THEM ONCE.

15 MR. DECKER: GREAT.

16 BY MR. DECKER:

17 Q THIS IS A COPY OF YOUR DECREE OF DIVORCE?

18 A YES.

19 Q AND IF YOU WILL GO TO PAGE TWO AT THE END  
20 IT SAYS EACH PARTY SHALL BE PERMANENTLY MUTUALLY  
21 ENJOINED AND RESTRAINED FROM BOTHERING, HARASSING OR  
22 ANNOYING THE OTHER; CORRECT?

23 A YES.

24 Q NOW -- EXCUSE ME A MINUTE. I  
25 (INDISCERNIBLE). AROUND THE TIME YOU GOT DIVORCED

1 DID YOU RECEIVE INFORMATION THAT -- WELL, STRIKE  
2 THAT.

3 YOU LEARNED THROUGH YOUR MARRIAGE TO  
4 JENNIFER LEECH THAT SHE HAD KNOWN EDWIN GRIFFETH  
5 BACK IN 2004 BEFORE YOU MET HER. IS THAT CORRECT?

6 A BEFORE I MET HER? YOU MEAN  
7 (INDISCERNIBLE) --

8 Q YOU LEARNED AFTER YOU MET JENNIFER LEECH  
9 THAT BEFORE YOU HAD BECOME MARRIED TO HER SHE HAD  
10 KNOWN EDWIN GRIFFETH?

11 A YEAH. YES.

12 Q GRIFFETH. AND YOU ALSO CAME INTO SOME  
13 INFORMATION AROUND THE TIME OF YOUR DIVORCE THAT MR.  
14 GRIFFETH MAY BE SEEING JENNIFER LEECH AGAIN. IS  
15 THAT CORRECT?

16 A SEPTEMBER, MID -- MID SEPTEMBER OF '08.

17 Q SEPTEMBER OF '08 YOU CAME INTO THIS  
18 INFORMATION. WELL, LET'S GET SOME MORE BACKGROUND.  
19 LET'S LOOK AT EXHIBIT 15. IS EXHIBIT 15 A COPY OF  
20 AT LEAST MR. GRIFFETH'S INITIAL CONDITIONS OF  
21 SUPERVISION THAT YOU SIGNED OFF ON BACK IN 2006?

22 A YOU'RE JUST TALKING 15; RIGHT?

23 Q YES, STRAIGHT 15.

24 A I DON'T THINK I HAVE A 15.

25 MS. MAYER: STRAIGHT 15, JUST A LITTLE

1 WHITE TAB. IT'S AFTER 14.

2 (INDISCERNIBLE).

3 MR. DECKER: THERE'S 14 --

4 THE WITNESS: OKAY.

5 MR. DECKER: -- AND THEN YOU GO TO A

6 BUNCH OF OTHER 14'S --

7 THE WITNESS: I SEE, OKAY.

8 MR. DECKER: -- THEN THERE'S 15

9 (INDISCERNIBLE).

10 THE WITNESS: OKAY.

11 MR. SPRAGUE: OKAY, I SEE.

12 (INDISCERNIBLE).

13 MR. DECKER: PARDON ME?

14 MR. SPRAGUE: (INDISCERNIBLE) THE OTHER

15 (INDISCERNIBLE).

16 BY MR. DECKER:

17 Q OKAY. THE QUESTION IS, IS THIS AN  
18 ACCURATE COPY OF THE CONDITIONS OF SUPERVISION FOR  
19 MR. GRIFFETH WHICH YOU SIGNED OFF ON SOMETIME -- IT  
20 LOOKS LIKE NOVEMBER 2006?

21 A YES.

22 Q NOW, THIS IS SORT OF HARD TO READ, BUT  
23 THERE ARE CERTAIN -- ABOUT THE FOURTH PAGE, SEX  
24 OFFENDER SPECIAL CONDITIONS THAT ARE ROUTINELY  
25 IMPOSED IN ONE COMBINATION OR ANOTHER FOR SEX

1 OFFENDERS UNDER YOUR SUPERVISION. IS THAT CORRECT?

2 A YEAH.

3 Q OKAY. I THINK MAYBE -- I'M TOLD THAT 14-

4 11 IS A CLEANER COPY. MAYBE WE SHOULD GO THERE.

5 A 14-11.

6 Q SORRY ABOUT THAT. WE CAN AT LEAST SEE

7 WHAT'S CHECKED.

8 MR. SPRAGUE: 14-11?

9 MR. DECKER: 14-11.

10 A OKAY.

11 BY MR. DECKER:

12 Q OKAY. AND 14-11, PAGE THREE, HAS SEX

13 OFFENDER SPECIAL CONDITIONS AND AMONG THEM IS I WILL

14 HAVE NO UNSUPERVISED CONTACT WITH CHILDREN UNDER THE

15 AGE OF 18 AND MUST OBTAIN PERMISSION FROM MY

16 SUPERVISING OFFICER BEFORE HAVING SUPERVISED CONTACT

17 WITH CHILDREN UNDER 18; CORRECT?

18 A YES.

19 Q I WILL NOT FORM A RELATIONSHIP WITH A MAN

20 OR A WOMAN WHO HAS PHYSICAL CUSTODY OF CHILDREN

21 WITHOUT THE KNOWLEDGE AND PERMISSION OF MY

22 SUPERVISING OFFICER; CORRECT?

23 A YES.

24 Q THESE WERE ALL CONDITIONS FOR GRIFFETH?

25 A YES.

1 Q I WILL NOT HAVE SEXUAL CONTACT WITH  
2 ANYONE WITHOUT THE KNOWLEDGE AND PERMISSION OF MY  
3 SUPERVISING OFFICER IS ANOTHER CONDITION; CORRECT?

4 A YES.

5 Q AND SO, AS A PROBATION OFFICER MR.  
6 DAUBENSPECK IS EXERCISING -- GIVEN THE TOTALITY OF  
7 ALL OF THESE CONDITIONS, SEVERAL OF WHICH I'VE  
8 POINTED OUT, MR. DAUBENSPECK HAS ENORMOUS CONTROL  
9 OVER THE LIFE OF SOMEBODY UNDER HIS SUPERVISION;  
10 CORRECT?

11 A YES, AND ANYONE IN OUR UNIT, ANY OTHER  
12 OFFICER.

13 Q THAT'S CORRECT.

14 MR. SPRAGUE: OKAY, MR. DECKER, COULD YOU  
15 SPELL --

16 MR. DECKER: DAUBENSPECK?

17 MR. SPRAGUE: YES, FOR THE RECORD.

18 MR. DECKER: COULD YOU DO THAT FOR ME?

19 THE WITNESS: (SPELLING) D-A-U-B-E-N-S-P-  
20 E-C-K.

21 MR. SPRAGUE: THANK YOU.

22 BY MR. DECKER:

23 Q NOW, AS THE COMMUNITY CONTROL PEOPLE  
24 YOU'VE ALSO GOT PRETTY SIGNIFICANT ARREST POWERS;  
25 DON'T YOU?

1 A (INDISCERNIBLE).

2 Q WHAT'S YOUR UNDERSTANDING OF WHEN YOU CAN  
3 ARREST SOMEONE WHO'S UNDER COMMUNITY CONTROL OR  
4 CAUSE THEIR ARREST?

5 A OKAY. WELL, IT COULD BE ACTUALLY A  
6 PROBATION VIOLATION, ACTUALLY SEEING IT,  
7 INVESTIGATING ANOTHER CRIME TO LOOK INTO IT ARE  
8 USUALLY THE ONES THAT WE GO BY.

9 Q ACTUALLY, IF WE GO TO 14-23, YOUR  
10 CONTRACT WITH THE -- WITH THE COURT HERE ON PAGE  
11 FOUR, PARAGRAPH FIVE, AS SOON AS THE STATE HAS  
12 REASON TO BELIEVE THAT ONE OR MORE SANCTIONS OR  
13 CONDITIONS OF SUPERVISION HAVE BEEN VIOLATED, THE  
14 STATE WILL CONDUCT AN INVESTIGATION AND MAY ARREST  
15 OR CAUSE THE ARREST OF AN OFFENDER PURSUANT TO  
16 REVISED CODE SECTION 2951.08; CORRECT?

17 A YES.

18 Q AND IS THAT YOUR UNDERSTANDING OF YOUR  
19 AUTHORITY TO ARREST OR CAUSE THE ARREST OF AN  
20 OFFENDER?

21 A YES.

22 Q NOW, WAS IT YOUR UNDERSTANDING THAT AT  
23 LEAST THROUGH MID 2008 MR. GRIFFETH WAS DOING PRETTY  
24 WELL AS HE WAS COMPLYING WITH ALL OF THE CONDITIONS  
25 OF HIS PROBATION?

1 MS. MAYER: OBJECTION; ONLY IF HE HAS THE  
2 KNOWLEDGE OF THAT.

3 MR. DECKER: WELL, I'M ASKING HIM.

4 A WHAT I'D KNOWN, YES, OR WITH, YOU KNOW,  
5 ANY OTHER OF THE (INDISCERNIBLE).

6 BY MR. DECKER:

7 Q AS FAR AS YOU KNEW --

8 A YES.

9 Q -- HE WAS DOING WELL?

10 A YEAH, AS FAR AS I KNEW. YEAH.

11 Q AND DID YOU HAVE ANY DISCUSSIONS WITH MR.  
12 DAUBENSPECK ABOUT APPROACHING THE JUDGE TO HAVE MR.  
13 GRIFFETH -- OR ASK THE JUDGE TO RELEASE MR. GRIFFETH  
14 FROM THE CONDITIONS OF HIS PROBATION EARLY BEFORE  
15 THE COMPLETION OF --

16 A (INDISCERNIBLE) YOU MEAN MR. -- MR.  
17 DAUBENSPECK APPROACHED ME?

18 Q YES. DID YOU HAVE ANY DISCUSSIONS WITH  
19 HIM ONE WAY OR THE OTHER?

20 A YES.

21 Q HE APPROACHED YOU?

22 A YES.

23 Q AND WHAT DID HE SAY TO YOU ABOUT MR.  
24 GRIFFETH?

25 A WELL, HE SAID THAT SINCE HIS CASELOAD WAS

1 GETTING HIGH HE'D LIKE TO POSSIBLY GET HIM OFF  
2 SUPERVISION. AND I SAID, WELL, THERE'S TWO THINGS.  
3 FIRST OF ALL, HE'S A SEX OFFENDER. THE JUDGE IS  
4 PROBABLY NOT GOING TO LET HIM OFF BECAUSE HE WANTS  
5 THREE-FOURTHS OF THE TIME ON A SEX OFFENSE OR A  
6 CRIME OF VIOLENCE.

7 AND I ALSO TOLD THEN RUSS (PHONETIC) THAT  
8 THERE IS POSSIBLY -- I WAS LOOKING INTO RUMORS OF  
9 HIM PROBABLY HAVING OTHER VIOLATION BEHAVIOR.

10 Q AND BY THE WAY, IF MR. GRIFFETH WASN'T  
11 DOING -- DOING WELL, WOULDN'T MR. DAUBENSPECK  
12 ORDINARILY WANT TO STAFF THE CASE WITH YOU AND  
13 DISCUSS WHAT THE PROBLEMS WERE?

14 A AT TIMES, YES.

15 Q THAT WAS HIS NORMAL WAY OF GOING ABOUT  
16 THINGS IF THERE WERE PROBLEMS WITH AN INMATE --

17 A YES.

18 Q -- STRIKE THAT -- A PROBATIONER'S --

19 A YES.

20 Q AND HE DIDN'T DO THAT. IS THAT CORRECT?

21 A RUSS?

22 Q YES.

23 A HE -- HE TALKED TO ME ON THE 19TH OF  
24 NOVEMBER AND --

25 Q OKAY, WE'LL GET TO THE 19TH OF NOVEMBER--



1 A OKAY. WELL, THAT'S WHEN HE -- THAT'S  
2 WHEN HE --

3 Q -- BUT RIGHT NOW WE'RE IN THE MIDDLE OF--  
4 THE MIDDLE OF 2008.

5 A OKAY.

6 Q AS OF THEN, MR. GRIFFETH IS DOING FINE;  
7 CORRECT?

8 A YES, BUT RUSS DIDN'T -- I DON'T REMEMBER  
9 HIM STAFFING -- HE COULD HAVE STAFFED SOMETHING WITH  
10 ME AT THAT TIME.

11 Q HE DIDN'T STAFF -- YOU DON'T HAVE ANY  
12 MEMORY OF HIS STAFFING ANYTHING WITH YOU WITH  
13 RESPECT TO MR. GRIFFETH PRIOR TO NOVEMBER WHAT,  
14 19TH?

15 A I THINK HE WAS -- HAD A REASSESSMENT  
16 DONE. I THINK THAT WAS THE ONLY THING THAT I THINK  
17 HE STAFFED WITH ME.

18 Q OKAY. NOW, AT SOME POINT YOU LEARNED  
19 THAT MR. GRIFFETH AND MS. LEECH MAY HAVE GONE TO  
20 FLORIDA TOGETHER?

21 A YES.

22 Q AND WHEN DID YOU FIRST GET INFORMATION  
23 THAT THAT MIGHT HAVE HAPPENED?

24 A AROUND MID SEPTEMBER (INDISCERNIBLE).

25 Q 2008?

1 A YEAH, MID SEPTEMBER OR LATE SEPTEMBER.

2 Q AND WHAT INFORMATION DID YOU GET THAT LED  
3 YOU TO BELIEVE THAT MR. GRIFFETH AND MS. LEECH MAY  
4 HAVE GONE TO FLORIDA TOGETHER?

5 A ACTUALLY, I RAN INTO JENNIFER'S BROTHER  
6 AND I TALKED TO HIM, AND HE ASKED HOW I WAS DOING  
7 AND I TOLD HIM FINE. THEN IT GOT HIM IN -- I ASKED  
8 HOW, YOU KNOW, JEN (PHONETIC) WAS DOING AND HE -- HE  
9 SAID FINE. AND HE ASKED ME IF I WAS DATING ANYBODY  
10 AND I TOLD HIM YES.

11 THEN I SAID IS JEN DATING ANYBODY AND HE  
12 SAID YES, A PERSON NAMED ED. HE DIDN'T SAY THE LAST  
13 NAME, THOUGH.

14 Q SO WHAT LED YOU TO BELIEVE THAT THIS  
15 MIGHT BE ED GRIFFETH?

16 A WELL, WITH THAT INFORMATION HE WENT ON  
17 VACATION IN AUGUST --

18 MR. SPRAGUE: HE BEING?

19 THE WITNESS: THE OFFENDER, ED GRIFFETH.  
20 AND HER GOING ON VACATION TOGETHER -- SHE -- SORRY  
21 -- HER GOING ON VACATION AT THE SAME TIME, BECAUSE I  
22 ASKED TO GET A HAIRCUT, AND WHEN I CALLED OUT THERE  
23 SHE SAID SHE WAS ON VACATION. AND SHE ALSO RAN INTO  
24 HIM DOWN AT SNOW TRAILS ON 12/31/07. AND IT WAS  
25 RUMORS AND SUSPICION.

1 BY MR. DECKER:

2 Q WHAT SHE EARLIER TOLD YOU BACK IN -- AT  
3 SOME POINT THAT SHE HAD RUN INTO MR. GRIFFETH AT  
4 SNOW TRAILS --

5 A YES.

6 Q -- ON NEW YEAR'S EVE 2007?

7 A YES. THAT WAS FEBRUARY OF '08 OR MARCH.

8 Q IN FEBRUARY OR MARCH OF '08, SHE TOLD YOU  
9 THAT SHE'D RUN INTO HIM ON DECEMBER 31ST?

10 A YES.

11 Q OKAY. AND SO, WHAT YOU HAD WAS A BROTHER  
12 SAYING JENNIFER WAS DATING A PERSON NAMED ED, AND  
13 JUST FOR THE RECORD LET'S GO TO -- AND THE FACT THAT  
14 JENNIFER WAS ON VACATION IN EARLY AUGUST OF 2008,  
15 AND MR. GRIFFETH'S TRAVEL PLANS. COULD YOU TURN TO  
16 EXHIBIT 14-12?

17 (PAUSE.)

18 BY MR. DECKER:

19 Q IS 14-12 A TRAVEL PERMIT SIGNED BY MR.  
20 GRIFFETH -- OR REQUESTED BY MR. GRIFFETH?

21 A YES.

22 Q AND THAT'S YOUR SIGNATURE THERE ALMOST TO  
23 THE BOTTOM OF THE PAGE?

24 A YES.

25 Q AND HE LISTED HIS DEPARTURE DATE AS

1 AUGUST 1, '08, AND RETURN DATE 8/9/08?

2 A YES.

3 Q HE SAYS HE'S GOING THERE WITH HIS MOM?

4 A YES.

5 Q AND SO, THIS IS ONE OF THE PIECES OF  
6 INFORMATION THAT YOU HAD ABOUT MR. GRIFFETH'S TRAVEL  
7 PLANS WHICH LED YOU TO SUSPECT THAT PERHAPS HE WAS  
8 GOING DOWN THERE WITH JENNIFER LEECH?

9 A YES, BY RUMOR.

10 Q WHAT OTHER RUMOR DID YOU HAVE THAT -- IN  
11 YOUR POSSESSION AROUND SEPTEMBER OF 2008 OTHER THAN  
12 WHAT YOU'VE ARTICULATED TO ME ALREADY THAT LED YOU  
13 TO BELIEVE THAT THERE WAS SOMETHING -- A TRIP TO  
14 FLORIDA, THAT THE TWO OF THESE PEOPLE WERE GOING ON?

15 A AND I THINK THE OTHER TIME IS I'VE SEEN  
16 HER DRIVING AND I FOLLOWED HER DOWN TO HIS -- HIS  
17 ROAD. THAT WAS IN OCTOBER.

18 MR. SPRAGUE: OCTOBER OF '0 --

19 THE WITNESS: '08.

20 MR. SPRAGUE: -- '08?

21 BY MR. DECKER:

22 Q '08; RIGHT?

23 A YES.

24 Q AND BY THE WAY, MR. GRIFFETH LIVED ON A  
25 PLACE CALLED VANDERBILT ROAD. IS THAT CORRECT?

1 A YES.

2 Q AND VANDERBILT ROAD IS A ROAD THAT  
3 INTERSTATE -- STRIKE THAT -- THAT INTERSECTS STATE  
4 ROUTE 13 --

5 A YES.

6 Q -- SOUTH OF MANSFIELD?

7 A YES.

8 Q IT'S ALSO SOUTH OF THE INTERSECTION OF 13  
9 AND INTERSTATE 71; CORRECT?

10 A YES, AND ALSO SHOOTS RIGHT STRAIGHT  
11 THROUGH DOWN TO LEXINGTON, I THINK 97.

12 Q SO VANDERBILT ROAD IS A TOWNSHIP ROAD  
13 THAT CONNECTS STATE ROUTE 13 AND STATE ROUTE 97?

14 A YES.

15 Q SO IT'S ABOUT FOUR OR FIVE MILES SOUTH OF  
16 -- MAYBE SIX MILES SOUTH OF DOWNTOWN MANSFIELD?

17 A APPROXIMATELY, YEAH, SIX-TO-EIGHT MILES.

18 Q AND SO, ONE NIGHT YOU SAID YOU FOLLOWED  
19 JENNIFER LEECH IN HER CAR AND SHE TURNED ONTO  
20 VANDERBILT ROAD.

21 A YES.

22 Q DID YOU FOLLOW HER DOWN VANDERBILT ROAD?

23 A YES.

24 Q AND WHERE DID YOU SEE HER GO?

25 A WELL, WHAT I -- I WAS BEHIND HER AND SHE

1 WAS AHEAD OF ME, THEN SHE WENT OVER A HILL AND HER  
2 CAR DISAPPEARED. AND THE ONLY THING I CAN THINK OF,  
3 SHE MIGHT HAVE PULLED OFF TO MARIAH (PHONETIC) MANOR  
4 WHICH IS A -- WHAT DO YOU SAY -- A CAMPGROUND THAT  
5 THE OFFENDER OWNS AND HIS FAMILY.

6 Q SO ALONG VANDERBILT ROAD PRETTY MUCH NEXT  
7 TO EACH OTHER IS THIS CAMPGROUND --

8 A YES.

9 Q -- AND THEN, MR. MAYER'S RESIDENCE AND  
10 THEN HIS MOTHER'S -- STRIKE THAT --

11 A YES.

12 Q -- MR. GRIFFETH'S RESIDENCE --

13 A YES.

14 Q -- AND THEN HIS MOTHER'S RESIDENCE;  
15 CORRECT?

16 A YES.

17 (PAUSE.)

18 BY MR. DECKER:

19 Q WELL, IN FACT, IS IT NOT TRUE THAT ON  
20 SEVERAL OCCASIONS YOU -- THROUGH THIS PERIOD OF  
21 SEPTEMBER, OCTOBER, NOVEMBER 2008, YOU WOULD FOLLOW  
22 JENNIFER LEECH IN HER AUTOMOBILE OR MR. GRIFFETH IN  
23 HIS AUTOMOBILE, ATTEMPTING TO DETERMINE WHETHER  
24 THESE TWO INDIVIDUALS WERE HAVING A RELATIONSHIP  
25 THAT COULD BE A VIOLATION OF THE TERMS OF HIS

1 PROBATION? IS THAT CORRECT?

2 A NO, NOT MR. GRIFFETH. I -- WELL, I THINK  
3 I SEEN COMING -- SHE WAS COMING DOWN 13 WHEN I WAS  
4 GOING THE OPPOSITE WAY AND I SAW HER AGAIN PULL DOWN  
5 HIS ROAD. AND THAT'S WHY I THINK THERE'S TWO -- TWO  
6 OCCASIONS I THINK I'VE SEEN HER GO DOWN TO HIS  
7 PLACE.

8 Q YOU FOLLOWED HER AROUND ON OTHER  
9 OCCASIONS AND DIDN'T SEE HER DOING ANYTHING. IS  
10 THAT CORRECT? OR DID YOU JUST HAPPEN TO GET LUCKY  
11 AND EVERY TIME YOU WERE FOLLOWING HER AROUND SHE WAS  
12 GOING DOWN --

13 A WELL, I THINK THAT --

14 Q -- VANDERBILT ROAD?

15 A -- I THINK THAT I DID MAYBE THREE OR FOUR  
16 TIMES TOPS, WHAT I -- WHAT I RECALL.

17 Q EVER FOLLOW EDWIN GRIFFETH AROUND TO SEE  
18 WHAT HE WAS DOING AND WHETHER HE WAS VIOLATING THE  
19 TERMS OF HIS PROBATION?

20 A NO.

21 Q DID YOU EVER DRIVE BY MR. GRIFFETH'S  
22 HOUSE TO DETERMINE WHETHER HE WAS VIOLATING THE  
23 TERMS OF HIS PROBATION BECAUSE PEOPLE WHO SHOULDN'T  
24 BE THERE WERE THERE?

25 A I WENT OUT AND DID HOME VISITS ON HIM FOR

1 ONE OF MY OFFICERS, MR. DAUBENSPECK.

2 Q DID YOU -- OTHER THAN A HOME VISIT WHERE  
3 YOU WOULD STOP AND TALK TO MR. GRIFFETH, DID YOU  
4 EVER DRIVE BY HIS HOUSE?

5 A NOT TILL THE NIGHT IN -- I THINK, IN  
6 QUESTION, WAS 11-20-08.

7 Q OTHER THAN 11-20-08, DID YOU EVER DRIVE  
8 BY MR. GRIFFETH'S HOUSE DURING THE DAY?

9 A YOU MEAN DURING THAT PERIOD, SEPTEMBER TO  
10 OCTOBER?

11 Q SEPTEMBER, OCTOBER, NOVEMBER 2008.

12 A I THINK JUST THE NIGHT WHEN I FOLLOWED  
13 HER AND THE NIGHT I DID A HOME VISIT ON THE 8TH.

14 Q DID -- HOW ABOUT JENNIFER LEECH'S HOUSE?  
15 WOULD YOU DRIVE BY HER HOUSE DURING THE SAME PERIOD,  
16 SEPTEMBER, OCTOBER, NOVEMBER 2008, MIDDLE OF THE  
17 NIGHT, IN THE MIDDLE OF THE DAY, TO SEE WHAT WAS UP?

18 A YES, ON A COUPLE OCCASIONS. YES.

19 Q ON A COUPLE OCCASIONS?

20 A YES.

21 Q DID YOU -- AND WAS THE PURPOSE OF DRIVING  
22 BY HER HOUSE TO DETERMINE WHETHER THE OFFENDER WAS  
23 HAVING A RELATIONSHIP WITH HER THAT COULD VIOLATE  
24 THE TERMS OF HIS PROBATION?

25 A YES. IT WAS AN UNAUTHORIZED -- IF IT WAS



1 AN UNAUTHORIZED RELATIONSHIP I WAS LOOKING FOR.

2 Q BY THE WAY, DID JENNIFER LEECH HAVE A  
3 CHILD?

4 A YES.

5 Q WHAT'S THE NAME OF THE CHILD?

6 A JENNIFER.

7 Q JENNIFER. AND HOW --

8 A OH, I'M SORRY. DEMI (PHONETIC). I'M  
9 SORRY.

10 Q WHAT A COINCIDENCE. WHAT'S THE CHILD'S  
11 NAME?

12 A DEMI.

13 Q DEMI?

14 A YES.

15 Q HOW OLD IS THE -- A FEMALE?

16 A YES.

17 Q AND HOW OLD?

18 A SHE'S NINE.

19 Q NINE YEARS OLD, OKAY. AND --

20 MR. SPRAGUE: I'M ASSUMING THAT WOULD BE  
21 PUBLIC RECORD UNLESS SOMEONE TELLS ME OTHERWISE IF  
22 THAT NEEDS TO BE REDACTED.

23 MR. DECKER: I DON'T SEE ANY REASON THAT  
24 NEEDS TO BE REDACTED THAT SHE HAS INDISCERNIBLE) --

25 MR. SPRAGUE: OKAY.

1 MS. MAYER: BECAUSE ACTUALLY, I THINK SHE  
2 SPEAKS ABOUT IT IN HER INTERVIEW --

3 MR. SPRAGUE: ALL RIGHT, THAT'S FINE. AS  
4 LONG AS IT'S NOT SOMEBODY UNDER THE CUSTODY,  
5 CONTROL, WARD OF THE COURT --

6 MS. MAYER: NO.

7 MR. SPRAGUE: -- (INDISCERNIBLE) SERVICES  
8 OR --

9 MR. DECKER: THIS CHILD WAS NOT UNDER THE  
10 CUSTODY OR CONTROL --

11 MR. SPRAGUE: THAT'S FINE.

12 MR. DECKER: -- OF ANY COURT AS FAR AS --

13 MR. SPRAGUE: ALL RIGHT, THAT'S FINE.

14 BY MR. DECKER:

15 Q THIS CHILD WAS YOUR FORMER STEPDAUGHTER?

16 A YES.

17 Q AND ONE OF THE CONDITIONS OF MR.  
18 GRIFFETH'S PROBATION WAS THAT HE WAS NOT TO BE IN  
19 THE CUSTODY OF -- IN THE PRESENCE OF MINOR CHILDREN  
20 WITHOUT PERMISSION; CORRECT?

21 A YES.

22 Q OKAY. NOW, I MAY HAVE JUST ASKED YOU  
23 THIS QUESTION, BUT AT ANY TIME IN SEPTEMBER,  
24 OCTOBER, NOVEMBER OF 2008 UP UNTIL THE 20TH, DID YOU  
25 NOTIFY MR. LOMAX EITHER OF YOUR -- THESE ACTIVITIES

1 THAT YOU HAVE DESCRIBED ATTEMPTING TO SEE IF THERE  
2 WAS A PROBATION VIOLATION OR OF THE FACT THAT YOU  
3 FELT THERE WAS A CONFLICT OF INTEREST IN YOUR UNIT'S  
4 SUPERVISION OF MR. GRIFFETH?

5 MS. MAYER: OBJECTION. I DON'T THINK  
6 HE'S TESTIFIED THAT HE HAD A CONFLICT OF INTEREST AT  
7 THAT POINT.

8 MR. DECKER: MY QUESTION IS DID HE INFORM  
9 ANYBODY THAT HE DID?

10 A AT THIS TIME?

11 BY MR. DECKER:

12 Q YES.

13 A NO, BECAUSE I DIDN'T KNOW IF IT WAS  
14 RUMORED -- IF IT WAS JUST RUMORED -- IF IT WAS -- I  
15 DIDN'T KNOW FOR SURE.

16 Q OKAY. SO IT WAS YOUR VIEW THAT AS LONG  
17 AS YOU COULD NOT PROVE THAT THERE WAS A RELATIONSHIP  
18 BETWEEN MS. LEECH AND MR. GRIFFETH, THAT YOU DID NOT  
19 HAVE A CONFLICT OF INTEREST. IS THIS CORRECT?

20 A YES.

21 Q AND SO, WHAT YOU WERE GOING TO DO IS GO  
22 INVESTIGATE AND DETERMINE WHETHER THERE WAS A  
23 RELATIONSHIP AND, THEREFORE, A VIOLATION OF MR.  
24 GRIFFETH'S PROBATION BEFORE YOU WERE GOING TO INFORM  
25 ANYBODY THAT THERE WAS A PROBLEM; CORRECT?

1 A WELL, IF THERE WASN'T A PROBLEM, I  
2 PROBABLY WOULD HAVE -- IF THERE WAS NO FACTS THAT I  
3 COULD COME UP WITH, I PROBABLY WOULDN'T HAVE SAID  
4 ANYTHING.

5 Q WELL, DID YOU TALK TO MR. DAUBENSPECK ON  
6 OR ABOUT NOVEMBER 19TH, 2008, ABOUT MR. GRIFFETH?

7 A YES.

8 Q WHAT DID YOU TALK ABOUT ON NOVEMBER 19TH?

9 A I THINK HE WAS WANTING TO KNOW IF HE CAN  
10 RELEASE THE OFFENDER. AND I STATED, WELL, I DON'T  
11 THINK THE JUDGE WOULD ALLOW IT BECAUSE HE HAD A  
12 FOUR-YEAR SUPERVISION AND SINCE IT WAS A SEX OFFENSE  
13 HE WOULD WANT THE OFFENDER TO DO THREE YEARS BEFORE  
14 HE'D BE ELIGIBLE FOR AN EARLY RELEASE.

15 AND I DID TELL HIM THAT I HEARD RUMORS  
16 THAT HE MIGHT BE INVOLVED IN PROBATION VIOLATIONS  
17 AND I INFORMED HIM EITHER THE NEXT DAY OR THE  
18 FOLLOWING DAY.

19 Q AND THOSE RUMORS WERE WHAT, OF -- OF  
20 PROBATION VIOLATIONS WERE WHAT?

21 A THE RUMORS THAT HE WAS WITH -- A CURFEW  
22 VIOLATION, UNAUTHORIZED RELATIONSHIP, STAYING WITH A  
23 WOMAN THAT HE WASN'T SUPPOSED TO, AND BEING WITH A  
24 WOMAN WITH A CHILD.

25 Q OKAY. AND THOSE RUMORS WERE ABOUT THE

1 RELATIONSHIP OF MR. GRIFFETH AND MS. LEECH; CORRECT?

2 A YES.

3 Q WHAT INFORMATION AT THAT POINT DID YOU  
4 HAVE THAT MR. GRIFFETH HAD BEEN OUT PAST CURFEW?

5 A ON THE -- WHAT, ON THE 19TH?

6 Q WHEN YOU TALKED TO MR. DAUBENSPECK ON THE  
7 19TH WHAT INFORMATION DID YOU HAVE THAT MR. GRIFFETH  
8 HAD BEEN OUT PAST CURFEW?

9 A IT IS THAT ON -- HE WAS AT THE SNOW  
10 TRAILS BACK ON THE 31ST OF '07, THAT HE WAS DOWN  
11 THERE AT A BAR WHERE HE WASN'T SUPPOSED TO BE AT.

12 Q AND THAT WAS SOMETHING YOU'D HEARD FROM  
13 MS. --

14 A RIGHT.

15 Q -- LEECH?

16 A YES.

17 Q WAS THAT A CURFEW VIOLATION?

18 A YES.

19 Q WHY?

20 A BECAUSE HE WAS OUT -- HE WAS DOWN THERE  
21 PAST 10:00 O'CLOCK.

22 Q AND THAT WAS ALSO THE DRINKING VIOLATION,  
23 THAT --

24 A YEAH.

25 Q -- HE'D BEEN IN A BAR?

1 A YEAH, IN A BAR AND DRINKING.

2 Q AND THEN, HAVE YOU FULLY ARTICULATED ALL  
3 OF THE OTHER INFORMATION THAT YOU HAD UP TO NOVEMBER  
4 19TH, 2008, THAT MR. GRIFFETH AND MS. LEECH WERE IN  
5 AN UNAUTHORIZED RELATIONSHIP OR DID YOU LEARN  
6 SOMETHING ELSE BY THAT TIME?

7 A NO. IT WAS PRETTY MUCH STILL JUST  
8 RUMORED.

9 Q WELL, WHAT RUMORS HAD YOU HEARD?

10 A THE RUMORS WERE, YOU KNOW, THAT SHE WAS,  
11 YOU KNOW, POSSIBLY WITH THIS GUY THROUGH HER  
12 BROTHER, A GUY NAMED ED, AND --

13 Q SO IT WAS THE GUY NAMED ED RUMORED?

14 A YEAH. AND THAT THEY WENT ON VACATION  
15 SOMEWHERE.

16 (INDISCERNIBLE).

17 MR. DECKER: MR. MCPHILLIPS (PHONETIC) IS  
18 NOT A WITNESS. HE'S HERE TO MAKE SURE I'M DOING MY  
19 JOB.

20 (INDISCERNIBLE).

21 MR. SPRAGUE: ALTHOUGH IF IT GETS ANY  
22 WARMER IN HERE WE'RE GOING TO HAVE TO START CHARGING  
23 PEOPLE FOR AIR (INDISCERNIBLE).

24 BY MR. DECKER:

25 Q I'M SORRY. I DIDN'T GET YOUR TESTIMONY.

1 DID YOU SAY YOU WERE GOING TO GET BACK TO MR.  
2 DAUBENSPECK IF YOU -- AFTER YOU FOUND OUT MORE ABOUT  
3 WHETHER MR. GRIFFETH WAS IN VIOLATION OF THE TERMS  
4 AND CONDITIONS --

5 A YES.

6 Q -- OF HIS PROBATION? SO IT'S MY  
7 UNDERSTANDING THAT ON -- ABOUT 5:00 IN THE MORNING  
8 ON NOVEMBER 20TH YOU WERE DRIVING BY YOUR EX-WIFE'S  
9 HOUSE AT 208 RHEIN AVENUE. IS THAT CORRECT?

10 A YES.

11 Q DID YOU RECORD THE TIME?

12 A DID I RECORD THE TIME?

13 Q YES. WAS IT BEFORE OR AFTER 5:00 A.M.?

14 A IT WAS PROBABLY I'D SAY APPROXIMATELY  
15 RIGHT AT 5:00.

16 MR. SPRAGUE: CAN YOU SPELL RHEIN FOR THE  
17 RECORD?

18 MR. DECKER: (SPELLING) R-H-E-I-N.

19 BY MR. DECKER:

20 Q AND WHAT DID YOU SEE?

21 A APPEARED TO BE THE OFFENDER'S CAR PARKED  
22 OUT IN FRONT OF HER HOME.

23 Q WHAT WAS -- WHAT KIND OF CAR WAS IT?

24 A IT WAS A WHITE -- IT LOOKED LIKE SOME  
25 TYPE OF STATION WAGON, DEALER PLATES.

1 Q NOW, WHAT BUSINESS IS MR. GRIFFETH IN?

2 A HE'S IN THE CAR BUSINESS.

3 Q HE'S A USED CAR DEALER; RIGHT?

4 A YES.

5 Q SO HE DRIVES DIFFERENT CARS ALL THE TIME;  
6 RIGHT?

7 A HE SHOULDN'T.

8 Q BUT -- HE SHOULDN'T?

9 A NO. HE HAS TO HAVE -- LET THE PROBATION  
10 DEPARTMENT KNOW WHAT CAR HE'S DRIVING AT ALL TIMES,  
11 OR IF HE DOES HAVE MORE THAN ONE OTHER CAR HE HAS TO  
12 LET THEM KNOW, BUT I -- I THOUGHT HE -- THAT LOOKED  
13 LIKE HIS CAR.

14 Q IT LOOKED LIKE HIS CAR --

15 A YES.

16 Q -- BECAUSE IT WAS A WHITE WAGON AND IT  
17 HAD DEALER PLATES ON IT?

18 A YES.

19 Q DID YOU RECORD THE NUMBER OF THE DEALER  
20 PLATES?

21 A YEAH, I THINK I DID, BUT I -- I DON'T  
22 RECALL NOW.

23 Q YOU DON'T RECALL CHECKING IT AGAINST --

24 A NO.

25 Q -- ANY RECORDS --



1 A NO.

2 Q -- TO DETERMINE THEY WERE -- WHETHER THEY  
3 WERE HIS?

4 A NO.

5 Q WAS HIS CAR OUT IN THE STREET? WAS IT IN  
6 THE DRIVEWAY? WHERE WAS THIS VEHICLE?

7 A IT WAS -- IT WAS OUTSIDE THE -- THE  
8 STREET BY HER HOUSE. SO IF YOU LOOKED OUT HER -- IF  
9 YOU CAME OUT HER FRONT DOOR, IT'D BE RIGHT OUT  
10 THERE.

11 Q NEAR HER FRONT DOOR?

12 A YEAH.

13 Q AND HOW MANY TIMES DID YOU -- DID YOU  
14 JUST OBSERVE THIS VEHICLE THERE ONCE? DID YOU DRIVE  
15 BY SEVERAL TIMES?

16 A JUST ONCE.

17 Q JUST ONCE. AND YOU DIDN'T SEE MR.  
18 GRIFFETH OR MS. LEECH?

19 A NO.

20 Q SO YOU -- I TRUST YOU ASSUMED THAT MR.  
21 GRIFFETH HAD BEEN THERE OVERNIGHT?

22 A YES.

23 Q BUT YOU DID NOT OBSERVE WHETHER HE'D JUST  
24 PULLED UP FIVE MINUTES BEFORE YOU GOT THERE?

25 A THAT'S CORRECT.

1 Q AND THEN I BELIEVE YOU -- THIS UPSET YOU;  
2 DIDN'T IT?

3 A YES.

4 Q AND WHY DID IT UPSET YOU, IF I HAVE TO  
5 ASK THE OBVIOUS QUESTION?

6 A OKAY, BEING THAT I LOOKED -- WAS CHECKING  
7 INTO THESE RUMORS AND I WAS PRETTY SURE IT WAS HIS  
8 CAR -- NOT FOR SURE YET, BUT I WAS PRETTY SURE IT  
9 WAS HIS CAR AND THAT UPSET ME.

10 Q IT UPSET YOU BECAUSE YOU -- SOMEONE WAS  
11 IN VIOLATION OF THEIR PROBATION OR IT UPSET YOU  
12 BECAUSE SOMEONE WAS APPARENTLY STAYING OVERNIGHT  
13 WITH YOUR EX-WIFE?

14 A LET'S SAY BOTH. UPSET ME BECAUSE IT WAS  
15 PROBATION VIOLATION BEHAVIOR AND ALSO IT WAS MY EX-  
16 WIFE'S HOUSE AND HER -- HER DAUGHTER'S HOUSE.

17 Q AS A MATTER OF FACT, YOU WERE PRETTY  
18 AGITATED ABOUT THIS; WEREN'T YOU?

19 A YES.

20 Q AS A MATTER OF FACT, YOU TALKED TO DAVE  
21 -- YOU WENT TO WORK, DIDN'T YOU, ABOUT WHAT TIME  
22 THAT DAY?

23 A I WENT TO WORK (INDISCERNIBLE) 7:30.

24 Q THAT'S YOUR NORMAL TIME TO REPORT TO  
25 WORK?

1 A I USUALLY GET THERE EARLY, 7:00, 7:30,  
2 8:00 O'CLOCK.

3 Q AND DID YOU NOT TALK TO DAVE LOMAX AND  
4 ASK HIM IF YOU COULD TAKE THREE HOURS OF VACATION  
5 TIME --

6 A YES.

7 Q -- THAT DAY ON THE 20TH?

8 A YES.

9 Q AND YOU TOLD HIM YOU HAD SOME PERSONAL  
10 PROBLEMS AND YOU'D LET HIM KNOW LATER AND NEEDED HIS  
11 SUPPORT IN THE SITUATION?

12 A YES.

13 Q AND YOU DIDN'T EXPLAIN ANYTHING ELSE TO  
14 MR. LOMAX; RIGHT?

15 A NO.

16 Q AND MR. LOMAX GAVE YOU PERMISSION TO GO  
17 HOME; DIDN'T HE?

18 A YES.

19 Q SO ABOUT WHAT TIME DID YOU LEAVE WORK  
20 THAT DAY?

21 A 12:00, 12:30.

22 Q RIGHT AFTER YOU TALKED TO MR. LOMAX?

23 A YEAH, AROUND THAT. PROBABLY ABOUT 15, 20  
24 MINUTES (INDISCERNIBLE).

25 Q AND THE REASON YOU WANTED TO GO HOME

1 EARLY WAS BECAUSE YOU WERE UPSET AT WHAT -- ABOUT  
2 WHAT YOU HAD SEEN AT 5:00 IN THE MORNING; CORRECT?

3 A YES.

4 Q AND THEN, AT SOME POINT YOU DECIDED TO GO  
5 TO THE RED FOX; DIDN'T YOU?

6 A YES.

7 Q WHAT IS THE RED FOX?

8 A IT'S A LOCAL TAVERN WHERE A LOT OF THE  
9 LAW ENFORCEMENT AND PROFESSIONAL PEOPLE HANG OUT AT.

10 Q AND DID YOU ARRANGE BEFOREHAND TO MEET  
11 MR. LEITENBERGER THERE?

12 A YES. I CALLED HIM.

13 Q WHO IS DAVID LEITENBERGER?

14 A HE'S THE CHIEF PROBATION OFFICER FOR THE  
15 COMMON PLEAS COURT PROBATION DEPARTMENT.

16 Q DID MR. LEITENBERGER USED TO WORK -- USED  
17 TO BE YOUR BOSS AT THE A.P.A.; WASN'T HE?

18 A YES.

19 Q AND HE'S ONE OF YOUR BEST FRIENDS; ISN'T  
20 HE?

21 A HE'S ONE OF MY BEST FRIENDS, YES.

22 Q AND SO, YOU HAD FOUR BEERS WITH MR.  
23 LEITENBERGER IN THE SPACE OF ABOUT AN HOUR, BETWEEN  
24 5:00 AND 6:00 P.M. IS THAT CORRECT?

25 A WELL, IT WAS APPROXIMATELY, I THINK, 4:30

1 TO 5:00, ABOUT -- APPROXIMATELY FOUR BEERS, YES.

2 Q FROM 4:30 TO 5:00?

3 A YEAH, YEAH. I THINK I GOT THERE A LITTLE  
4 EARLY. HE GOT THERE AROUND 5:00.

5 Q LET'S LOOK AT EXHIBIT 14-10. STARTING --  
6 THIS IS YOUR INCIDENT REPORT THAT YOU SUBMITTED ON  
7 THE 21ST.

8 A YES.

9 Q IS THAT CORRECT?

10 A YES.

11 Q AND GOING DOWN TO PARAGRAPH THREE, AT  
12 APPROXIMATELY 5:00 P.M. I MET --

13 A YES.

14 Q -- RICHLAND COUNTY PROBATION CHIEF DAVE  
15 LEITENBERGER FOR DRINKS AT THE RED FOX ON MARION  
16 AVENUE?

17 A YES.

18 Q IS IT YOUR TESTIMONY NOW THAT YOU GOT  
19 THERE AT 4:30 P.M. AND MR. LEITENBERGER GOT THERE AT  
20 5:00?

21 A APPROXIMATELY. I WAS THERE BEFORE HIM  
22 FOR ABOUT 15 MINUTES AND HE GOT THERE AROUND 5:00 --  
23 OR A HALF-HOUR.

24 Q OKAY. AND YOU CLAIM THAT YOU HAD FOUR  
25 BEERS --

1 A YES.

2 Q -- AND STOPPED DRINKING AT 6:00?

3 A YES.

4 Q AND THAT'S WHEN YOU WENT HOME?

5 A YES.

6 Q DID YOU HAVE ANYTHING TO DRINK BEFORE YOU  
7 WENT TO THE RED FOX?

8 A NO.

9 Q WHAT WERE YOU DOING AT HOME?

10 A I WENT HOME, FED MY CATS, AND ATE -- ATE  
11 SOMETHING, THEN WATCHED A LITTLE TELEVISION, AND  
12 THEN I LEFT.

13 Q THAT'S WHAT YOU DID THE AFTERNOON OF THE  
14 20TH?

15 A YES.

16 Q WHAT DID YOU TALK TO MR. LEITENBERGER  
17 ABOUT?

18 A WE DIDN'T TALK ABOUT THIS INCIDENT. I  
19 DIDN'T TALK TO HIM ABOUT IT.

20 Q YOU DIDN'T TALK ABOUT JENNIFER LEECH --

21 A NO.

22 Q -- OR EDWIN GRIFFETH?

23 A NO. NO, I DID NOT.

24 Q ALL RIGHT. BUT THAT'S WHAT --

25 MR. SPRAGUE: LET ME BACK YOU UP A LITTLE

1 BIT. ALL RIGHT, FROM WORK YOU WENT HOME,  
2 (INDISCERNIBLE) FED THE CATS, LEFT, AND THEN WENT TO  
3 THE RED FOX?

4 THE WITNESS: (INDISCERNIBLE).

5 MR. SPRAGUE: OR YOU WENT TO THE RED FOX  
6 -- ALL RIGHT, IT WAS A LITTLE CONFUSING.

7 THE WITNESS: I WENT TO THE RED FOX  
8 AROUND 4:30 OR 5:00 O'CLOCK, --

9 MR. SPRAGUE: RIGHT.

10 THE WITNESS: -- THEN I -- AT 6:00  
11 O'CLOCK I STOPPED -- WE LEFT -- I LEFT AT 6:00  
12 O'CLOCK FROM THE FOX, AND THEN I WENT HOME, FED MY  
13 CATS, ATE SOMETHING, THEN I LEFT AGAIN AROUND -- I  
14 DON'T KNOW, AROUND 8:00 (INDISCERNIBLE).

15 MR. SPRAGUE: OKAY, THAT'S FINE. I'VE  
16 GOT IT, ALL RIGHT.

17 BY MR. DECKER:

18 Q WHAT'D YOU DO IN THE AFTERNOON BETWEEN  
19 12:30 AND WHEN YOU WENT TO THE RED FOX?

20 A 12:30 TO --

21 Q YOU SAID YOU WENT HOME AROUND 12:30 IN  
22 THE AFTERNOON. YOU WENT HOME; CORRECT?

23 A YES.

24 Q IS THAT WHERE YOU STAYED BETWEEN 12:30  
25 AND 4:30 IN THE AFTERNOON?

1 A NO.

2 Q WHAT'D YOU DO?

3 A I THEN LEFT AND I WAS HAVING PROBLEMS  
4 WITH MY CAR BECAUSE I HAD GOTTEN IN AN ACCIDENT ON  
5 THE 25TH, AND I WENT AND -- I WAS HAVING PROBLEMS  
6 WITH MY ELECTRICAL SYSTEM, SO I WENT TO GET A RENTAL  
7 CAR.

8 Q OKAY. THEN YOU WENT TO THE BAR.

9 A UH-HUH.

10 Q YOU HAD FOUR BEERS WITH LEITENBERGER.  
11 DID YOU SEE ANYBODY ELSE AT THE BAR?

12 A YES.

13 Q WHO?

14 A BAMBI COUCH-PAGE.

15 Q ANYONE ELSE?

16 A HER -- HER BOYFRIEND, BILL.

17 MR. SPRAGUE: COUCH -- YOU BETTER SPELL  
18 -- SPELL THAT.

19 MS. MAYER: HYPHEN PAGE.

20 MR. SPRAGUE: OKAY. (SPELLING) B-A-M --

21 MS. MAYER: P-A-G-E.

22 MR. SPRAGUE: OKAY, B-A-M-B-I C-O-U-C-H  
23 HYPHEN P-A-G-E?

24 MS. MAYER: YES.

25 MR. SPRAGUE: THANK YOU. OKAY.



1 BY MR. DECKER:

2 Q BY THE WAY, YOU WENT TO THE -- YOU SAID  
3 YOU WERE HAVING TROUBLE WITH YOUR CAR AND YOU WENT  
4 TO A DEALER AND --

5 A (INDISCERNIBLE).

6 Q -- YOU TRADED IT FOR A RENTAL CAR?

7 A NO. I WENT IN AND RENTED A RENTAL  
8 BECAUSE MY -- MY ELECTRICAL -- MY GAUGES WEREN'T  
9 WORKING IN IT.

10 Q SO YOU WERE USING A RENTAL FOR THE REST  
11 OF THAT EVENING?

12 A YES.

13 Q OKAY. WHAT KIND OF CAR WAS THAT?

14 A IT WAS A BROWN BLAZER.

15 Q I'M SORRY?

16 A BLAZER OR -- YOU CALL THEM BLAZERS?  
17 BROWN OR --

18 Q I THINK A PACER WOULD PROBABLY BE A  
19 (INDISCERNIBLE) --

20 A NO, NO. I SAID BLAZER.

21 Q BLAZER.

22 A I'M SORRY. BLAZER.

23 Q I'M DATING MYSELF. YOU SAID A BROWN  
24 BLAZER?

25 A BLAZER. IS THAT WHAT YOU CALL THEM,

1 BLAZERS?

2 MR. SPRAGUE: ALL RIGHT, THAT'S THE KIND  
3 OF CAR?

4 THE WITNESS: YEAH.

5 MR. DECKER: THANK YOU.

6 MR. SPRAGUE: WE'LL TAKE NOTICE OF THAT.  
7 BY MR. DECKER:

8 Q OKAY, YOU HAD A BROWN BLAZER, WENT TO THE  
9 BAR, --

10 A UH-HUH.

11 Q -- YOU MET BAMBI COUCH-PAGE, BILL, AND  
12 MR. LEITENBERGER, AND EVEN THOUGH WHAT HAD BEEN  
13 BOTHERING YOU ALL DAY AND CAUSED YOU TO GO HOME WAS  
14 YOUR KNOWLEDGE OR SUSPICION THAT SOMETHING WAS GOING  
15 ON BETWEEN LEECH AND GRIFFETH, YOU DIDN'T TALK ABOUT  
16 THIS AT ALL AT THE BAR; CORRECT?

17 A NO.

18 MS. MAYER: JUST A QUICK CLARIFICATION.  
19 DO YOU MEAN HIS KNOWLEDGE OR HIS SUSPICION? I THINK  
20 THE TWO (INDISCERNIBLE) --

21 MR. DECKER: SUSPICION.

22 A DID I SPEAK TO THEM? NO, I DIDN'T SPEAK  
23 TO BAMBI OR DAVE.

24 BY MR. DECKER:

25 Q ABOUT?

1 A THIS INCIDENT.

2 Q ABOUT THIS INCIDENT, OKAY. NOW, YOU WENT  
3 -- THEN YOU LEFT THE BAR AT 6:00 O'CLOCK; RIGHT?

4 A UH-HUH, YES.

5 Q AND YOU SAID YOU WENT HOME AND FED THE  
6 CAT AND GOT SOMETHING TO EAT?

7 A UH-HUH.

8 Q AND YOU LEFT AT 7:00 O'CLOCK AND  
9 ACCORDING TO EXHIBIT 14-10 YOU SAID YOU WENT DRIVING  
10 AROUND THE COUNTRYSIDE DUE TO BEING STRESSED AND  
11 KNOWING THAT I HAD OBSERVED THE OFFENDER'S VEHICLE  
12 AT MY EX-WIFE'S HOUSE. IS THAT TRUE?

13 A YES, YES.

14 Q WHERE'D YOU DRIVE?

15 A WELL, I LIVE SORT OF OUT IN THE COUNTRY.  
16 I LIVE OUT TOWARD ASHLAND. I DROVE UP THROUGH THE  
17 PAVONIA AREA WHERE I HUNT AT AND I ALSO THEN DROVE  
18 BACK INTO TOWN, THEN DOWN TO HOME (PHONETIC) AND  
19 DROVE DOWN HOME AVENUE.

20 Q HOME AVENUE IS IN DOWNTOWN --

21 A YEAH. WELL, IT'S IN TOWN, THEN IT GOES  
22 OUT TO THE RURAL AREAS.

23 Q DOES THAT GO SOUTH OF --

24 A YES, YES.

25 Q DID YOU GO TO BELLVILLE?

1 A NO.

2 Q DID YOU KNOW THAT JENNIFER LEECH  
3 ORDINARILY PICKS UP HER CHILD IN DAYCARE SOUTH OF  
4 MANSFIELD?

5 A DAYCARE?

6 Q YES, OR -- OR SOMEPLACE HER CHILD IS KEPT  
7 WHILE SHE WORKS.

8 A IN BELLVILLE? NO.

9 Q OR IN THAT AREA SOUTH OF MANSFIELD.

10 A NO.

11 Q DID YOU FOLLOW JENNIFER LEECH NORTH ON  
12 ROUTE 13 THE NIGHT OF NOVEMBER 20TH BEFORE GOING  
13 DOWN VANDERBILT ROAD AND GOING TO THE GRIFFETH  
14 HOUSE?

15 A NO.

16 Q DID YOU DRIVE ON THE EVENING OF THE 20TH  
17 PAST MS. LEECH'S HOUSE ON RHEIN AVENUE?

18 A NO.

19 Q DID YOU DRIVE PAST THE GRIFFETH HOME AT  
20 ANY TIME AND NOT STOP --

21 MS. MAYER: OBJECTION. WHICH --

22 Q -- THE NIGHT OF THE 20TH?

23 MS. MAYER: -- WHICH GRIFFETH HOME? I  
24 THINK THERE'S TESTIMONY THERE ARE THREE DIFFERENT  
25 RESIDENCES THERE.

1 MR. DECKER: FINE.

2 BY MR. DECKER:

3 Q ANY OF THEM?

4 A THAT NIGHT BEFORE --

5 Q THAT NIGHT BEFORE YOU STOPPED.

6 A NO.

7 Q SO, THEN, IT'S YOUR TESTIMONY THAT YOU  
8 DROVE DOWN VANDERBILT ROAD --

9 A YES.

10 Q -- AND WHY DID YOU DRIVE DOWN VANDERBILT  
11 ROAD?

12 A I WANTED TO SEE IF -- BECAUSE EARLIER  
13 THAT DAY I THOUGHT I SAW HIS CAR THERE, THE WHITE  
14 CAR. I THOUGHT IF I'D DRIVE BY AND SEE HIS CAR OR  
15 HER CAR THERE THAT WOULD VERIFY THAT IT WOULD BE A  
16 VIOLATION BEHAVIOR, THEN I WOULD INFORM DAVE LOMAX  
17 AND RUSS DAUBENSPECK.

18 Q AND THIS IS -- OKAY. AND WHEN YOU DROVE  
19 BY VANDERBILT -- DROVE DOWN VANDERBILT ROAD, WHAT  
20 DID YOU SEE?

21 A I SAW ED GRIFFETH AND JENNIFER LEECH  
22 PULLING DOWN THEIR DRIVEWAY IN THE WHITE STATION  
23 WAGON.

24 Q WERE THEY STOPPED?

25 A THEY STOPPED, YES, WHEN I PULLED -- I WAS

1 DRIVING UP THE ROAD AND I STOPPED AT THE END OF HIS  
2 DRIVEWAY AND HIS CAR WAS THERE FACING ME, SO BOTH OF  
3 THEM (INDISCERNIBLE) WOULD HAVE T-BONED ME IF THEY  
4 WOULD HAVE KEPT GOING STRAIGHT.

5 Q OKAY. SO WHEN YOU SAW THEM THEY WERE  
6 MOVING OUT THE DRIVEWAY?

7 A YES.

8 Q AND YOU PULLED YOUR CAR IN A POSITION  
9 PERPENDICULAR TO THE DRIVEWAY --

10 A I WAS --

11 Q -- TO BLOCK THEIR EXIT?

12 A ACTUALLY, I WAS ON THE ROAD. NO, I  
13 DIDN'T BLOCK THEIR EXIT. I WAS ACTUALLY ON THE ROAD  
14 AND PULLED BACK A LITTLE AROUND THIS AREA. THEN  
15 WHEN I GOT OUT OF THE CAR TO SAY ED, YOU'RE NOT  
16 SUPPOSED TO HAVE ANY -- HE TOOK OFF.

17 Q DID YOU SEE JENNIFER LEECH'S CAR THERE?

18 A NO.

19 Q DID YOU LOOK FOR JENNIFER LEECH'S CAR  
20 THERE?

21 A I WANTED TO, YEAH, BUT I -- I RAN INTO  
22 THEM TOGETHER.

23 Q WERE YOU IN OR OUT OF YOUR VEHICLE WHEN  
24 GRIFFETH AND LEECH DROVE AWAY?

25 A I WAS OUT.

1 Q DO YOU RECALL --

2 MR. SPRAGUE: HANG ON A SECOND. DID YOU  
3 SAY RAN AWAY?

4 MR. DECKER: DROVE AWAY.

5 THE WITNESS: DROVE AWAY. I'M SORRY.  
6 DROVE AWAY.

7 MR. SPRAGUE: OKAY.

8 (INDISCERNIBLE).

9 MR. DECKER: THAT COULD HAVE BEEN THE  
10 QUESTION.

11 MR. SPRAGUE: DROVE OFF?

12 THE WITNESS: YES, I DROVE OFF.

13 BY MR. DECKER:

14 Q THEY DROVE OFF.

15 A YEAH.

16 Q YOU CLAIM YOU WERE OUT OF THE VEHICLE?

17 A YES.

18 Q AND THEY HEADED TOWARD ROUTE 13 IN THE  
19 WHITE STATION WAGON?

20 A YEAH. I GOT OUT AND WANTED HIM TO STOP,  
21 THEN HE PULLED OUT AND I HAD TO GET OUT OF THE WAY.

22 Q WHAT DID YOU SAY TO HIM?

23 A I SAID -- THE ONLY THING I THINK I COULD  
24 GET OUT WAS ED -- AND I WANTED TO TELL HIM YOU'RE  
25 NOT -- YOU'RE TO STAY PUT AND SHE'S TO LEAVE. AND

1       BEFORE I COULD EVEN DO THAT, HE -- HE PULLED OFF AND  
2       I HAD TO GET OUT OF THE WAY.

3       Q               DID YOU HAVE YOUR SERVICE WEAPON WITH  
4       YOU?

5       A               NO.  NO, I DIDN'T.

6       Q               NOW, I BELIEVE IT'S YOUR TESTIMONY YOU  
7       DIDN'T EXPECT TO ENCOUNTER THEM THERE AND YOU JUST  
8       GOT LUCKY; RIGHT?

9       A               YES.  WELL, ACTUALLY, I WAS HOPING THAT  
10      IF I SEEN THE CAR THERE, THEN I WOULD VERIFY THE  
11      RUMORS THAT WERE GOING ON, THEN I WOULD INFORM DAVE  
12      AND RUSS THE NEXT DAY.

13     Q               IF YOU SAW THEIR CAR?

14     A               AND MY INTENTION WASN'T TO ARREST HIM,  
15     EITHER.

16     Q               BUT SINCE YOU SAW THEM IN THE CAR, YOUR  
17     INTENTION CHANGED?

18     A               WELL, ONLY -- NO.  MY INTENTION DIDN'T  
19     CHANGE UNTIL HE -- I TOLD HIM, YOU KNOW, ED -- I  
20     WANTED TO TALK, THEN HE TOOK OFF.  AND WHEN HE TOOK  
21     OFF I DIDN'T KNOW IF HE WAS GOING TO ABSCOND OR  
22     WHATEVER.  THAT'S WHEN I CALLED FOR BACKUP.

23     Q               OKAY.  DO YOU RECALL ATTENDING A  
24     PREDISCIPLINARY HEARING IN MARCH ABOUT THE CHARGES  
25     AGAINST YOU?



1 A YES.

2 Q AND LET'S LOOK AT EXHIBIT 12, PAGE SIX.

3 A WHAT WAS IT AGAIN? I'M SORRY.

4 Q EXHIBIT 12 -- NO 14 IN FRONT OF IT --  
5 STRAIGHT 12 --

6 A OKAY.

7 Q -- AND THEY'RE UNNUMBERED -- LET'S COUNT  
8 SIX PAGES BACK -- TWO, THREE, FOUR, FIVE, SIX.  
9 ISN'T IT TRUE --

10 MR. SPRAGUE: CAN WE JUST MAKE SURE WE'RE  
11 ON THE SAME PAGE, SIR? IS THAT MR. MAYER STATED  
12 THAT HE PURSUED THE OFFENDER --

13 MR. DECKER: THAT'S CORRECT.

14 MR. SPRAGUE: OKAY.

15 BY MR. DECKER:

16 Q IS THAT THE PAGE YOU'RE ON?

17 A IS THAT THE TOP PARAGRAPH?

18 Q YES.

19 A YES.

20 Q MR. MAYER STATED THAT --

21 A I SEE IT, YEAH.

22 Q -- HE PURSUED THE OFFENDER --

23 A UH-HUH.

24 Q -- BECAUSE HE DID NOT KNOW WHERE HE WAS  
25 GOING.

1 A UH-HUH.

2 Q DURING THE TESTIMONY MR. MAYER STATED HE  
3 WAS IN HIS VEHICLE WHEN THE OFFENDER LEFT IN HIS  
4 VEHICLE. THE OFFENDER WAS IN THE DRIVEWAY AND HE  
5 GAVE A DETAILED DESCRIPTION OF HOW THE VEHICLES WERE  
6 PARKED. THE OFFENDER WAS IN HIS DRIVEWAY AND MR.  
7 MAYER PULLED BEHIND THE OFFENDER PERPENDICULAR.

8 DID YOU TELL THE HEARING OFFICER --

9 MS. MAYER: I HAVE JUST A BRIEF  
10 OBJECTION. MAYBE I'M A BIT CONFUSED, BUT I GUESS MY  
11 RESPONSE WILL BE THIS IS THE HEARING OFFICER'S  
12 OPINION AS TO THE TESTIMONY GARNERED RATHER THAN --  
13 I THINK IT'S HARD TO SAY EXACTLY WHETHER HE SAID IT  
14 OR DIDN'T SAY IT. THIS IS THE HEARING OFFICER'S  
15 INTERPRETATION OF IT --

16 MR. DECKER: BEFORE YOU OBJECT I THINK  
17 YOU NEED TO OBJECT TO A QUESTION.

18 MS. MAYER: OKAY.

19 MR. DECKER: MY QUESTION WAS GOING TO BE  
20 IS THIS WHAT YOU TOLD THE HEARING OFFICER?

21 MS. MAYER: I GUESS NOW I'LL RENEW MY  
22 OBJECTION ON THAT.

23 MR. SPRAGUE: BASIS?

24 MS. MAYER: THE BASIS BEING I THINK --  
25 ONCE AGAIN I DON'T THINK IT COMES DOWN TO -- I THINK

1 THIS IS FOR CREDIBILITY PURPOSES. I GUESS IF IT  
2 GOES TO CREDIBILITY THIS IS A SYNOPSIS OF WHAT THE  
3 HEARING OFFICER'S IDEA WAS, BUT --

4 MR. SPRAGUE: OKAY. ALL RIGHT. WELL, --

5 MR. DE PASCALE: MAY I SPEAK?

6 (NO AUDIBLE RESPONSE.)

7 MR. DE PASCALE: APPARENTLY NOT, OKAY.

8 MR. SPRAGUE: WELL, THAT'S ALL RIGHT.

9 YOU CAN DO IT THIS TIME, JUST (INDISCERNIBLE) --

10 MR. DE PASCALE: YOUR HONOR, THIS IS A  
11 SITUATION WHERE COUNSEL IS ATTEMPTING TO SHOW A  
12 PRIOR INCONSISTENT STATEMENT. I THINK IN ORDER TO  
13 SHOW A PRIOR INCONSISTENT STATEMENT YOU FIRST OF ALL  
14 HAVE TO SHOW THAT THE STATEMENT WAS VALID AND WAS  
15 MADE.

16 TO ASK MR. MAYER TO GIVE HIS OPINION OF  
17 SOMEONE ELSE'S OPINION OF WHAT HE SAID AT THE TIME,  
18 I THINK WE'RE JUST GETTING WAY TOO FAR AFIELD FOR  
19 THAT TO BE THE CORRECT PROCEDURE. I MEAN, I SEE  
20 WHAT HE'S TRYING TO DO AND I DON'T OBJECT TO WHAT  
21 HE'S TRYING TO DO, BUT I DON'T THINK THIS IS THE WAY  
22 TO DO IT.

23 MR. SPRAGUE: LET'S TRY THIS GIVEN WHAT  
24 WE NEED TO COMPRESS INTO TWO DAYS. MR. MAYER, DO  
25 YOU REMEMBER WHAT YOU TOLD THE HEARING OFFICER AT

1 THE PREDISCIPLINARY CONFERENCE?

2 THE WITNESS: OKAY, I THOUGHT I TOLD HER  
3 WHAT I'M TELLING HIM AND I DON'T --

4 MR. SPRAGUE: SO IT'S (INDISCERNIBLE) --

5 THE WITNESS: -- YOU KNOW, I -- I -- YOU  
6 KNOW, THAT'S WHAT I THOUGHT I TOLD HER. I DON'T  
7 KNOW IF SHE TAPED THAT OR ANYTHING OR -- I DON'T  
8 KNOW.

9 BY MR. DECKER:

10 Q SO, MR. MAYER, IT'S YOUR TESTIMONY THAT  
11 YOU DID NOT TELL MS. PATRICK AT YOUR PREDISCIPLINARY  
12 HEARING THAT YOU NEVER GOT OUT OF YOUR CAR, THAT YOU  
13 PARKED PERPENDICULAR TO THE MAYERS AND THEN THEY  
14 TOOK OFF -- I'M SORRY -- TO MR. GRIFFETH AND THEN HE  
15 TOOK OFF? IS THAT YOUR TESTIMONY?

16 A MY TESTIMONY IS WHAT I TOLD YOU. AGAIN,  
17 I DON'T KNOW HOW SHE INTERPRETED WHAT I WAS SAYING  
18 BECAUSE I DON'T KNOW IF SHE RECORDED IT OR --

19 Q AND YOUR TESTIMONY IS THEN YOU DID NOT  
20 TELL --

21 A AND I DON'T WANT TO SAY SHE'S A LIAR OR  
22 ANYTHING.

23 Q -- DID NOT TELL THE -- MS. PATRICK WHAT  
24 SHE RECORDED HERE?

25 A WELL, I'M JUST SAYING WHAT I -- WHAT I'M

1 RECALLING. I DIDN'T -- I DON'T REMEMBER SAYING  
2 THIS.

3 Q YOU DON'T REMEMBER ONE WAY OR ANOTHER  
4 WHETHER YOU SAID WHAT SHE RECORDED?

5 MS. MAYER: I THINK IT'S BEEN ASKED AND  
6 ANSWERED AT THIS POINT.

7 A YEAH, YEAH. I THOUGHT IT WAS WHAT I'M  
8 TELLING YOU.

9 MR. SPRAGUE: (INDISCERNIBLE).

10 BY MR. DECKER:

11 Q OKAY. LET'S GO TO EXHIBIT 14-29.

12 MR. SPRAGUE: IS THERE A RECORDING OF THE  
13 PREDISCIPLINARY CONFERENCE?

14 MR. DECKER: NO. WE HAVE PEOPLE WHO WERE  
15 THERE.

16 MS. MAYER: I THOUGHT SHE INDICATED SHE  
17 RECORDED IT.

18 MR. DECKER: WELL, THEN MAYBE THERE IS.

19 MS. DENNIS: IT WAS OVER A VIDEO  
20 CONFERENCE AND (INDISCERNIBLE) --

21 MS. MAYER: OKAY.

22 MR. SPRAGUE: WELL, MS. DENNIS, WE DON'T  
23 HAVE YOU ON -- SWORN, SO THAT'S ALL RIGHT.

24 MR. DECKER: THE RECORDING'S NOT AN  
25 EXHIBIT, --

1 MR. SPRAGUE: OKAY, OKAY.

2 MR. DECKER: -- IF THERE WAS ONE.

3 BY MR. DECKER:

4 Q LET'S GO TO EXHIBIT 14-29.

5 MR. SPRAGUE: IN THE HEARING OFFICER'S  
6 REPORT IS THERE A SUMMARY OF WHO TESTIFIED OF WHAT  
7 THEY TESTIFIED TO (INDISCERNIBLE)?

8 MR. DECKER: I THINK THEY -- THERE IS  
9 SOMETHING THAT SAYS TESTIMONY. DO YOU HAVE THE  
10 EXHIBITS IN FRONT OF YOU?

11 MR. SPRAGUE: YES, I DO, BUT I WAS --

12 MR. DECKER: IF YOU GO TO EXHIBIT 12,  
13 PAGE ABOUT FOUR OR FIVE, THERE'S A (INDISCERNIBLE)  
14 THING THAT -- FIVE (INDISCERNIBLE) TESTIMONY --

15 MR. SPRAGUE: ALL RIGHT.

16 MR. DECKER: -- AND I BELIEVE THE ONLY  
17 PERSON WHO TESTIFIED WAS MR. MAYER.

18 MR. SPRAGUE: OKAY. I HAVEN'T  
19 (INDISCERNIBLE) OBVIOUSLY, SO --

20 MR. DECKER: AND THERE'S A SYNOPSIS OF  
21 WHAT HE SAID.

22 MR. SPRAGUE: ALL RIGHT.

23 MS. MAYER: MR. MAYER AND MR. NELSON WERE  
24 THE ONLY TWO THAT TESTIFIED AT THAT HEARING  
25 (INDISCERNIBLE).

1 MR. DECKER: THAT'S CORRECT. MR. NELSON  
2 TESTIFIED.

3 MR. SPRAGUE: OKAY.

4 BY MR. DECKER:

5 Q BACK TO EXHIBIT 14-29, IS THIS A TRUE AND  
6 CORRECT COPY OF THE FIREARMS POLICY OF THE  
7 DEPARTMENT OF REHAB AND CORRECTIONS?

8 A YES.

9 Q AND THIS APPLIED TO YOU -- I'M SORRY --  
10 OF THE ADULT PAROLE AUTHORITY?

11 A YES.

12 Q IS THAT CORRECT?

13 A (NO AUDIBLE RESPONSE.)

14 Q AND THIS POLICY APPLIED TO YOU; CORRECT?

15 A YES.

16 Q AND I'D LIKE YOU TO TURN TO PAGE 9 OF 19.

17 A PAGE 9 OF 19.

18 Q ARE YOU WITH US?

19 A YEAH, MY (INDISCERNIBLE) BRIGHTNESS IN  
20 HERE (INDISCERNIBLE).

21 Q OKAY. LET'S GO DOWN TO PARAGRAPH C,  
22 FIREARMS ACCESS. DO YOU SEE C1, ALL EMPLOYEES  
23 AUTHORIZED TO CARRY A FIREARM SHALL HAVE IMMEDIATE  
24 ACCESS TO THEIR AUTHORIZED FIREARMS AT ALL TIMES  
25 DURING THE NORMAL WORKDAY; --

1 A UH-HUH.

2 Q -- CORRECT?

3 A YES.

4 MS. MAYER: OH, YOU'RE TALKING BIG C.

5 I'M SORRY.

6 MR. DECKER: BIG C --

7 MS. MAYER: I WAS LOOKING

8 (INDISCERNIBLE).

9 MR. DECKER: -- 1.

10 THE WITNESS: YES.

11 BY MR. DECKER:

12 Q THAT'S WHAT WE JUST READ; RIGHT?

13 A YES.

14 Q YOU ARE AUTHORIZED TO CARRY A FIREARM;  
15 CORRECT?

16 A YES.

17 Q PARAGRAPH THREE REQUIRES WHEN AN EMPLOYEE  
18 IS IN OR IS LIKELY TO BE IN FACE-TO-FACE WITH AN  
19 OFFENDER, THE FIREARM MUST BE CARRIED ON THE PERSON  
20 UNLESS PRIOR APPROVAL WAS OBTAINED FROM THE  
21 IMMEDIATE SUPERVISOR NOT TO CARRY THE FIREARM. DO  
22 YOU SEE WHAT I'M SAYING?

23 A YEAH.

24 Q YOU UNDERSTOOD THAT POLICY APPLIED TO  
25 YOU?



1 A YES.

2 Q AND YOU DIDN'T HAVE PERMISSION FROM YOUR  
3 IMMEDIATE SUPERVISOR NOT TO CARRY A FIREARM WHEN YOU  
4 WERE CONFRONTING EDWARD GRIFFETH; RIGHT -- EDWIN  
5 GRIFFETH?

6 A DID HE GIVE ME PERMISSION NOT TO CARRY IT  
7 YOU'RE SAYING?

8 Q THAT'S THE QUESTION.

9 A YES.

10 Q HE DID GIVE YOU PERMISSION --

11 A NO, HE DIDN'T. I'M SORRY.

12 Q OKAY. NOW, WHEN YOU SAW MR. GRIFFIN --  
13 GRIFFETH IN HIS DRIVEWAY YOU DIDN'T HAVE YOUR  
14 FIREARM; CORRECT?

15 A CORRECT.

16 Q AND ANY FACE-TO-FACE CONTACT THAT YOU HAD  
17 WITH MR. GRIFFETH WAS AS A RESULT OF ACTIONS YOU  
18 TOOK. IS THAT CORRECT?

19 A ACTIONS THAT I TOOK? YES.

20 Q YES.

21 A YES.

22 Q NOW, WHAT HAPPENED WHEN MR. GRIFFETH  
23 DROVE AWAY?

24 A WHAT HAPPENED WHEN HE DROVE AWAY? I --

25 Q YES.

1 A -- I CALLED DISPATCH AND I FOLLOWED HIM  
2 TO GIVE THEM THE DESCRIPTION OF THE CAR.

3 Q ACTUALLY, YOU FOLLOWED HIM FIRST AND THEN  
4 YOU CALLED DISPATCH. IS THAT CORRECT?

5 A WELL, ABOUT THE SAME TIME, YES, YEAH. I  
6 WAS TRYING -- YEAH -- GET -- YEAH, CALL THE  
7 DISPATCH, YES.

8 Q NOW, MR. GRIFFETH WENT OUT VANDERBILT  
9 ROAD TOWARDS ROUTE 13; CORRECT?

10 A YES.

11 Q THAT'S WHAT, A QUARTER OF A MILE,  
12 SOMETHING LIKE THAT?

13 A YES, APPROXIMATELY.

14 Q OKAY. AND THEN YOU TURNED LEFT ON ROUTE  
15 33 AND HEADED TOWARDS MANSFIELD?

16 A YES.

17 Q WAS HE DRIVING AT A HIGH RATE OF SPEED?

18 A WAS HE?

19 Q YES.

20 A NO.

21 Q WAS HE DRIVING APPROXIMATELY THE SPEED  
22 LIMIT OR SLOWER?

23 A APPROXIMATELY THE SPEED LIMIT.

24 Q OKAY. AND WHAT'S THE SPEED LIMIT UP  
25 ROUTE 13?

1 A 50, 55, 45, (INDISCERNIBLE).

2 Q 55, 45, SOMETHING LIKE THAT. AND YOU  
3 WERE FOLLOWING HIM; CORRECT?

4 A YES.

5 Q HOW CLOSELY WERE YOU FOLLOWING HIM?

6 A SAY PROBABLY 50 YARDS BACK.

7 Q AND FOR WHAT PURPOSE WERE YOU FOLLOWING  
8 HIM?

9 A I WAS GIVING THE INFORMATION TO THE LAW  
10 ENFORCEMENT, THE MAKE OF THE CAR AND WHERE IT WAS  
11 BECAUSE (INDISCERNIBLE) TOLD THEM THAT, YOU KNOW,  
12 THIS GUY COULD BE IN VIOLATION OF HIS PROBATION AND  
13 HE -- AND HE LEFT. HE TOOK OFF FROM ME.

14 Q AND YOU -- YOU WERE FOLLOWING HIM FOR THE  
15 PURPOSE OF BRINGING ABOUT HIS APPREHENSION?

16 A YES.

17 Q AND HOW FAR DID MR. GRIFFETH DRIVE UP  
18 ROUTE 13 TOWARDS MANSFIELD?

19 A SAY PROBABLY ABOUT A QUARTER, A HALF A  
20 MILE TO -- I THINK IT WAS STANFORD (PHONETIC) ROAD,  
21 TOOK A LEFT.

22 Q DID HE GET UP TO -- DID HE -- DID HE PASS  
23 UNDER INTERSTATE 71?

24 A WHEN HE WENT -- CIRCLED BACK, I THINK,  
25 WHEN HE CIRCLED BACK AROUND --

1 Q SO IT'S YOUR TESTIMONY --

2 A -- WHAT I -- WHAT I RECALL BECAUSE  
3 STANFORD ROAD IS THE NEXT ROAD UP FROM HIM. THAT'S  
4 THE ONE I THINK HE TOOK.

5 Q OKAY. AND WHAT DID MR. GRIFFETH -- WHERE  
6 DID MR. GRIFFETH GO THEN?

7 A WELL, THAT CIRCLES BACK TO HIS ROAD I'M  
8 PRETTY SURE AND YOU GO -- THEN HE WENT BACK TO HIS  
9 MOTHER'S HOUSE -- WELL, MOTHER AND HIS HOUSE  
10 (INDISCERNIBLE) --

11 Q OKAY. AND --

12 A -- RIGHT BESIDE EACH OTHER

13 Q -- HIS HOUSE AND HIS MOTHER'S HOUSE ARE  
14 RIGHT BESIDE EACH OTHER?

15 A YES.

16 Q AND WHEN YOU CALLED -- WHO DID YOU CALL  
17 ABOUT THIS ON YOUR -- ON YOUR CELL PHONE OR YOUR  
18 RADIO?

19 A IT WAS MY CELL PHONE. I DIDN'T HAVE MY  
20 RADIO WITH ME.

21 Q WHO DID YOU -- WHO DID YOU CALL?

22 A I CALLED THE SHERIFF'S DEPARTMENT  
23 DISPATCH.

24 Q AND YOU TOLD THEM THAT THIS WAS A MATTER  
25 THAT WAS BOTH PERSONAL AND PROFESSIONAL; DIDN'T YOU?

1 A YES.

2 Q AND SO, MR. GRIFFETH PULLED BACK INTO --  
3 WHEN HE CIRCLED BACK --

4 A YEAH.

5 Q -- TO HIS HOUSE DID YOU STILL BELIEVE  
6 THAT MR. GRIFFETH WAS ATTEMPTING TO FLEE THE  
7 JURISDICTION OR -- STRIKE THAT. THAT'S A BAD  
8 QUESTION. DID YOU EVER BELIEVE THAT MR. GRIFFETH  
9 WAS GOING TO DISAPPEAR FROM MANSFIELD OR NOT BE  
10 AVAILABLE TO BE ARRESTED LATER OR CONFRONTED LATER  
11 OR TALKED TO LATER?

12 A WHEN HE TOOK OFF?

13 Q YES.

14 A YES.

15 Q WHEN HE CIRCLED DOWN STAFFORD (PHONETIC)  
16 ROAD DID YOU STILL BELIEVE THAT WAS THE CASE?

17 A YES.

18 Q WHEN HE WAS BACK AT HIS HOUSE DID YOU  
19 STILL BELIEVE THAT WAS THE CASE?

20 A YES.

21 Q OKAY.

22 MR. SPRAGUE: IS IT STANFORD OR STAFFORD?

23 MR. DECKER: I DON'T KNOW. WHAT IS IT?

24 MR. DE PASCALE: I BELIEVE IT'S STAFFORD,  
25 YOUR HONOR, (SPELLING) S-T-A-F-F-O-R-D.

1 BY MR. DECKER:

2 Q IS THAT CORRECT?

3 A I THINK SO.

4 Q WHILE WE'RE AT IT, LET'S LOOK AT EXHIBIT  
5 14-25. IS THIS THE A.P.A. VEHICULAR PURSUIT POLICY?

6 A YES.

7 Q WAS THIS IN EFFECT AT THE TIME -- ON  
8 NOVEMBER 20TH, 2008?

9 A YES.

10 Q DOES THIS POLICY APPLY TO YOU?

11 A YES.

12 Q AND THIS POLICY ESSENTIALLY SAYS THAT NO  
13 EMPLOYEE WHILE OPERATING A PERSONAL MOTOR VEHICLE OR  
14 A MOTOR VEHICLE OWNED BY THE ADULT PAROLE AUTHORITY  
15 MAY ENGAGE IN THE VEHICULAR PURSUIT OF ANY OFFENDER  
16 WHO HAS VIOLATED FEDERAL, STATE, OR LOCAL LAWS OR  
17 ORDINANCES, CONDITIONS OF PROBATION, PAROLE OR OTHER  
18 SUPERVISED RELEASE, ET CETERA, ET CETERA. AND YOU  
19 UNDERSTOOD THAT --

20 A YES.

21 Q -- WHEN YOU WERE FOLLOWING MR. GRIFFETH--

22 A YES.

23 Q -- TO BRING ABOUT HIS --

24 A YES.

25 Q -- HIS APPREHENSION; CORRECT?

1 A YES.

2 Q AND A VEHICULAR PURSUIT IS IN PARAGRAPH H  
3 ON PAGE TWO THE PURSUIT BY A LAW ENFORCEMENT OFFICER  
4 OF A PERSON FLEEING OR ATTEMPTING TO AVOID A LAWFUL  
5 ARREST WHEN BOTH PARTIES ARE IN MOTOR VEHICLES;  
6 CORRECT?

7 A YES.

8 Q SO YOU WERE, IN FACT, PURSUING UNDER THE  
9 DEFINITION OF THIS POLICY MR. GRIFFETH WHEN YOU WERE  
10 FOLLOWING HIM UP ROUTE 13, AROUND STAFFORD ROAD, AND  
11 BACK TO HIS HOUSE IN YOUR CAR; CORRECT?

12 A NO.

13 Q YOU WERE NOT?

14 A NO.

15 Q WHY NOT?

16 A OKAY, I WAS FOLLOWING THE OFFENDER -- AND  
17 IT SAYS RIGHT IN THE -- IN HERE IT SAYS THAT YOU  
18 HAVE TO -- ONCE YOU SEE THE VEHICLE YOU'RE TO CALL A  
19 LAW ENFORCEMENT OFFICER.

20 Q YOU DID THAT, --

21 A YES.

22 Q -- BUT YOU KEPT FOLLOWING HIM; DIDN'T  
23 YOU?

24 A YES.

25 Q OKAY.

1 A I DIDN'T HAVE MY -- NO SIRENS, NO OVER --  
2 SPEEDING OR ANYTHING LIKE THAT. I WASN'T --

3 Q YOU WERE DRIVING A RENTAL CAR?

4 A YES, BUT I --

5 Q AND EVEN IN YOUR REGULAR CAR OR AN A.P.A.  
6 CAR YOU DON'T HAVE SIRENS OR ANY OF THOSE THINGS?

7 A YES.

8 Q THAT'S WHY THIS POLICY SAYS YOU'RE NOT  
9 SUPPOSED TO PURSUE PEOPLE; CORRECT?

10 A WELL, THAT'S --

11 MS. MAYER: OBJECTION. I THINK THAT'S  
12 ARGUMENTATIVE. I DON'T KNOW IF THAT --

13 BY MR. DECKER:

14 Q IS THAT YOUR UNDERSTANDING?

15 A WHAT WAS THAT AGAIN, SIR? I'M SORRY.

16 Q ONE OF THE REASONS FOR THIS POLICY IS  
17 THAT YOU'RE NOT SUPPOSED TO PURSUE PEOPLE FOR THE  
18 PRECISE REASON THAT THE VEHICLE YOU'RE USING IS NOT  
19 EQUIPPED WITH SIRENS, FLASHING LIGHTS, OR ANYTHING  
20 ELSE THAT MIGHT BE USEFUL IN CAUSING SOMEBODY TO  
21 PULL OVER?

22 A YES.

23 Q NOW, HOW CLOSELY WERE YOU FOLLOWING THE  
24 GRIFFETHS WHEN -- OR MR. GRIFFETH AND MS. LEECH WHEN  
25 THEY RETURNED TO THE GRIFFETH RESIDENCE?



1 A OH, I DON'T KNOW. I WOULD SAY PROBABLY  
2 25 FEET -- I MEAN 25 YARDS BACK, 20 YARDS. I WASN'T  
3 ON THEIR REAR END.

4 Q AND WHERE DID MR. GRIFFETH GO? DID HE GO  
5 TO HIS MOTHER'S HOUSE, HIS OWN HOUSE? WHERE'D HE  
6 GO?

7 A I THINK HE -- HE WENT TO HIS MOTHER'S  
8 HOUSE.

9 Q WHICH IS IMMEDIATELY CONTIGUOUS TO HIS  
10 OWN HOUSE?

11 A YES. THEY'RE RIGHT BESIDE EACH OTHER.

12 MR. DECKER: CAN I TAKE ABOUT THREE  
13 MINUTES --

14 THE WITNESS: YES.

15 MR. DECKER: -- TO GET SOME WATER AND GO  
16 DOWN THE HALL?

17 MR. SPRAGUE: WE'LL GO OFF FOR A MOMENT.

18 THE WITNESS: YES.

19 UNIDENTIFIED SPEAKER: WE'RE ALL GETTING  
20 (INDISCERNIBLE).

21 (OFF THE RECORD.)

22 MR. SPRAGUE: WE'RE BACK ON THE RECORD  
23 AFTER A BRIEF BREAK. MR. DECKER, PLEASE CONTINUE.

24 BY MR. DECKER:

25 Q I JUST WANT TO -- I'M SORRY -- I JUST

1 WANT TO CLARIFY A COUPLE THINGS. ONE, YOU LEARNED  
2 IN FEBRUARY OF '08 ABOUT SNOW TRAILS ON -- ON NEW  
3 YEAR'S EVE 2007, BUT DID NOTHING ELSE WITH OR ABOUT  
4 THAT INFORMATION UNTIL NOVEMBER 19TH, 2008. IS THAT  
5 CORRECT?

6 A YES.

7 Q ALSO, I WANTED TO CLARIFY THAT YOU CLAIM  
8 TO HAVE HAD NOTHING FURTHER TO DRINK BY THE TIME --  
9 BETWEEN THE TIME YOU WENT HOME ON -- AT ABOUT 6:00  
10 O'CLOCK ON NOVEMBER 20TH UP TO THROUGH AND INCLUDING  
11 YOUR -- FOR THE REST OF THE NIGHT?

12 A YES. AFTER 6:00 O'CLOCK I DIDN'T HAVE  
13 (INDISCERNIBLE).

14 Q AFTER 6:00 O'CLOCK. FOUR BEERS IN AN  
15 HOUR OR SO --

16 A THAT'S IT.

17 Q -- YOU WERE DONE?

18 A YES. CORRECT.

19 Q LET'S GO BACK TO THIS PURSUIT POLICY.  
20 DID YOU RECEIVE TRAINING IN THIS POLICY?

21 A YES, I'M SURE I HAVE. I CAN'T RECALL  
22 WHEN.

23 Q ISN'T IT TRUE, IF YOU KNOW, THAT ONE OF  
24 THE PURPOSES FOR THE NO PURSUIT POLICY IS THAT IF  
25 YOU FOLLOW AN OFFENDER WHO YOU THINK IS GOING TO

1 FLEE THAT MAY PROVOKE THE -- THE OFFENDER TO FLEE  
2 FASTER, THEREBY ENDANGERING OTHERS?

3 A DID I KNOW THAT?

4 Q YES.

5 A (INDISCERNIBLE) NO. I -- NO --

6 Q DO YOU KNOW WHETHER THAT'S TRUE OR NOT?

7 A -- NO. NO, I DON'T.

8 Q OKAY.

9 A HE WASN'T GOING OVER THE SPEED LIMIT,  
10 SIR. IF HE WOULD HAVE, I WOULD HAVE NOT FOLLOWED  
11 HIM.

12 Q WE ALL REMEMBER WATCHING THE O.J. SIMPSON  
13 PURSUIT ON TELEVISION; RIGHT?

14 A YES.

15 Q THAT WAS LOW SPEED?

16 A YES.

17 Q IT WAS STILL A PURSUIT; WASN'T IT?

18 A YES, YES.

19 Q OKAY.

20 MS. MAYER: OBJECTION ON, I GUESS,  
21 RELEVANCY OF THAT TO -- I BELIEVE THAT WAS LIGHTS  
22 AND (INDISCERNIBLE) AND THAT WAS A TOTALLY  
23 (INDISCERNIBLE).

24 BY MR. DECKER:

25 Q LET'S GO BACK NOW TO THE GRIFFETH

1 RESIDENCE WHILE YOU WERE ON THE -- YOU'VE NOW  
2 FOLLOWED THE GRIFFETHS -- GRIFFETH AND LEECH UP  
3 ROUTE 13, THEY'VE CIRCLED BACK, THEY PULL INTO THE  
4 RESIDENCE, YOU PULL IN?

5 A YES.

6 Q WAS MS. LEECH'S VEHICLE THERE?

7 A I DIDN'T SEE HER VEHICLE THERE.

8 Q DO YOU KNOW WHETHER IT WAS THERE OR NOT,  
9 OR YOU JUST DIDN'T SEE IT?

10 A WELL, I HEARD LATER IT WAS THERE, BUT,  
11 NO, I DIDN'T SEE (INDISCERNIBLE).

12 Q WHAT HAPPENED THEN? DID THE -- MR.  
13 GRIFFETH AND MS. LEECH GET OUT OF THE VEHICLE?

14 A I THINK ED GOT OUT OF THE GRIFFETH -- I  
15 MEAN, ED GOT OUT OF THE CAR -- I'M SORRY  
16 (INDISCERNIBLE).

17 Q ED GOT OUT OF THE CAR.

18 A (INDISCERNIBLE).

19 Q YOU GOT OUT OF YOUR CAR?

20 A YES.

21 Q WHAT HAPPENED THEN?

22 A I WAS SPEAKING WITH DISPATCH WHEN I GOT  
23 OUT OF THE CAR AND I WAS ASKING THE OFFENDER WHAT  
24 HIS ARREST -- I MEAN, ADDRESS WAS. AND I -- HE  
25 REFUSED A COUPLE TIMES AND I KEPT SAYING I NEED TO

1 KNOW. AND HE GOES WHY? I SAID, WELL, IT'S  
2 PROBATION VIOLATIONS.

3 AND HE GOES I DON'T -- WHAT I RECALL I  
4 SAID (INDISCERNIBLE) I DON'T THINK I NEED TO GIVE  
5 YOU THE ADDRESS. I SAID ED, (INDISCERNIBLE) GIVE ME  
6 THE ADDRESS, I HAVE THE LOCAL LAW ENFORCEMENT ON THE  
7 PHONE, WHAT'S THE ADDRESS HERE?

8 Q DID HE GIVE YOU THE ADDRESS?

9 A HE -- HE EVENTUALLY GAVE IT TO ME, I  
10 THINK AFTER I ASKED HIM THREE -- THREE OR FOUR  
11 TIMES.

12 Q OKAY. THAT'S ON THE TAPE; RIGHT? THE  
13 TAPE OF THE DISPATCH CALL?

14 A UH-HUH.

15 Q THEN WHAT HAPPENED?

16 A THEN I TALKED TO ED AND I TOLD HIM THAT  
17 HE WAS IN VIOLATION OF PROBATION VIOLATIONS BY BEING  
18 WITH JENNIFER LEECH, ALSO THAT I OBSERVED HIS CAR,  
19 WHICH ONE HE WAS DRIVING AT HER RESIDENCE AT 5:00  
20 A.M. AND I THINK JENNIFER GOT OUT OF THE CAR AND  
21 STARTED SCREAMING AT ME.

22 Q OKAY. SO THE VIOLATION WAS HIS BEING  
23 WITH JENNIFER LEECH WHEN?

24 A WELL, RIGHT THEN THERE AND --

25 Q WHY IS THAT A VIOLATION?

1 A BECAUSE IT'S -- SHE'S NOT -- HE'S NOT TO  
2 HAVE ANY CONTACT WITH THE -- A WOMAN WITHOUT -- WITH  
3 A -- WITH A CHILD OR AN UNAUTHORIZED RELATIONSHIP.  
4 SEX OFFENDERS ARE NOT ALLOWED TO HAVE ANY  
5 RELATIONSHIP UNLESS THEY INFORM THE PROBATION  
6 OFFICER.

7 Q AND DOES THAT PROHIBIT HIM FROM LIKE  
8 TALKING TO ANY FEMALE?

9 A NO.

10 Q DOES IT PROHIBIT HIM FROM -- IT PROHIBITS  
11 HIM FROM HAVING A ROMANTIC RELATIONSHIP WITH A  
12 FEMALE. IS THAT CORRECT?

13 A NO. IT DOESN'T HAVE TO BE NECESSARILY A  
14 ROMANTIC RELATIONSHIP.

15 Q WELL, I MEAN, HE CAN GO TO THE  
16 SUPERMARKET AND HAVE A FEMALE BAG HIS GROCERIES;  
17 CAN'T HE?

18 A YES.

19 Q HOW DO YOU DEFINE RELATIONSHIP, SIR?

20 A WELL, WITH THE COURT I (INDISCERNIBLE)  
21 YOU'D -- YOU'D INVESTIGATE IT AND YOU'D INFORM THE  
22 COURT WHAT YOU THINK THE RELATIONSHIP WAS.

23 Q WHAT DID YOU THINK THE RELATIONSHIP WAS  
24 THAT YOU --

25 A WELL, --

1 Q -- ARE TELLING MR. GRIFFETH HE WAS IN  
2 VIOLATION OF (INDISCERNIBLE) --

3 A IT WAS AN UNAUTHORIZED RELATIONSHIP  
4 BECAUSE HE HAD -- SHE WAS -- HAD A CHILD AND AS A  
5 SEX OFFENDER YOU'RE NOT ALLOWED TO HAVE A  
6 RELATIONSHIP WITH A WOMAN OR A WOMAN WITH A CHILD  
7 WITHOUT GIVING, YOU KNOW, THE P.O. WHO THE PERSON'S  
8 GOING TO BE (INDISCERNIBLE).

9 Q SO IF THE GROCERY BAGGER HAS A CHILD  
10 THAT'S -- AND -- AND YOU ALLOW SOMEBODY TO BAG YOUR  
11 GROCERIES WHO HAS A CHILD, THAT'S NOT --

12 MS. MAYER: OBJECTION. THIS APPEARS TO  
13 BE ARGUMENTATIVE.

14 BY MR. DECKER:

15 Q -- THAT'S A VIOLATION? I DON'T  
16 UNDERSTAND --

17 A NO, NO, THAT'S NOT.

18 Q WHAT KIND OF RELATIONSHIP DOES ONE HAVE  
19 TO HAVE WITH A WOMAN WITH A CHILD --

20 MS. MAYER: (INDISCERNIBLE) MY OBJECTION  
21 I --

22 Q -- TO VIOLATE ONE'S PROBATION?

23 A A RELATIONSHIP IS TO STAY OVER AT THEIR  
24 HOUSE, TO BE OUT WITH THEM, TO GO OUT EATING WITH  
25 THEM, JUST NOT IN PASSING. IT'S GOT TO BE SOMETHING

1 THAT THEY, YOU KNOW, CONTACT EACH OTHER NUMEROUS  
2 TIMES, PHONE CALLS OR ANYTHING LIKE THAT. THEN  
3 THAT'S WHAT WE WOULD SAY IS A -- A RELATIONSHIP.

4 IF HE JUST MET A GIRL AT A GROCERY STORE  
5 AND TALKED TO HER AND SHE HAD A CHILD, EVEN IF THE  
6 CHILD WAS WITH HER THAT'S NOT GOING TO BE A  
7 VIOLATION, NO. NOW, IF HE'S ASKED HER OUT FOR  
8 DINNER OR HAD HER PHONE NUMBER OR SOME OTHER THINGS,  
9 HE NEEDS TO INFORM US OF THAT.

10 BY MR. DECKER:

11 Q OKAY. SO THE EVIDENCE YOU HAD ABOUT MR.  
12 GRIFFETH'S RELATIONSHIP WITH MS. LEECH WAS THAT YOU  
13 SAW A VEHICLE THAT APPEARED TO BE HIS --

14 A YES.

15 Q -- IN FRONT OF HER HOUSE --

16 A CORRECT.

17 Q -- AND THAT YOU SAW THEM TOGETHER IN A  
18 VEHICLE LATE AT -- 8:30 AT NIGHT AT HIS HOUSE --

19 A UH-HUH.

20 Q -- AND YOU'D HEARD FROM MS. LEECH THAT  
21 THEY HAD HAD DRINKS TOGETHER AT SNOW TRAILS ON NEW  
22 YEAR'S EVE 2007; CORRECT?

23 A YES. THERE WAS A PROBATION VIOLATION AS  
24 -- OF CURFEW BECAUSE HE WAS OVER AT HER RESIDENCE,  
25 AND ME SEEING THEM TOGETHER VERIFIED IT WAS THE SAME



1 CAR, THAT HE WAS OVER AT HER RESIDENCE.

2 ALSO, THERE'S A COHABITATION RULE. YOU  
3 CAN'T SPEND THE NIGHT, WHICH IS THE JUDGE'S  
4 CONDITION. YOU -- YOU'RE NOT ALLOWED TO STAY WITH A  
5 PERSON UNLESS YOU GET THE PERMISSION. AND BEING  
6 THERE SORT OF FALLS UNDER THE UNAUTHORIZED  
7 RELATIONSHIP WITH A FEMALE OR (INDISCERNIBLE) --

8 Q YOU DIDN'T -- YOU DIDN'T KNOW WHETHER MR.  
9 GRIFFETH HAD BEEN AT MS. LEECH'S HOUSE ON THE  
10 MORNING OF THE 20TH FOR FIVE MINUTES OR FIVE HOURS;  
11 DID YOU?

12 A NO.

13 Q OKAY. SO YOU DIDN'T KNOW WHETHER ANYBODY  
14 WAS COHABITING; DID YOU?

15 A AT THAT TIME, NO.

16 Q OKAY. AND YOU DIDN'T KNOW TO WHAT EXTENT  
17 THEY HAD A SOCIAL RELATIONSHIP FROM THE FACT THAT  
18 THEY WERE -- THAT HIS CAR WAS IN FRONT OF HER HOUSE  
19 EARLY IN THE MORNING AND THAT THEY WERE BOTH AT HIS  
20 HOUSE IN THE EVENING; DID YOU?

21 A COULD YOU SAY THAT AGAIN? I'M SORRY.

22 Q YOU DIDN'T KNOW WHAT KIND OF SOCIAL  
23 RELATIONSHIP THEY HAD AS A RESULT OF THE TWO PIECES  
24 OF EVIDENCE THAT YOU HAD GATHERED ON THE 20TH; DID  
25 YOU?

1 A YES, I DID.

2 Q YOU DID?

3 A YES.

4 Q WHAT SOCIAL RELATIONSHIP --

5 A IT WAS AN UNAUTHORIZED --

6 Q -- DID YOU CONCLUDE --

7 A -- IT WAS AN UNAUTHORIZED RELATIONSHIP  
8 BECAUSE SEEING HIS CAR AT 5:00 O'CLOCK IN THE  
9 MORNING AND THEN SEEING THEM LATER IS THAT -- NOW,  
10 I'VE SEEN THE PROBATION VIOLATION BEHAVIOR. IT WAS  
11 RUMORED --

12 Q MEANS THAT THEY (INDISCERNIBLE) --

13 A -- (INDISCERNIBLE) YEAH. THEY'D KNOWN  
14 EACH OTHER AND THEY -- HE WAS AT HER HOUSE WHICH IS  
15 A VIOLATION OF HIS SUPERVISION.

16 Q DID YOU KNOW HOW MS. LEECH HAPPENED TO BE  
17 AT MR. GRIFFETH'S HOUSE?

18 A THAT NIGHT?

19 Q YES.

20 A I THINK SHE DROVE THERE.

21 Q YOU DIDN'T KNOW WHAT CAUSED HER TO BE  
22 THERE?

23 A NO.

24 Q OKAY. WOULDN'T THAT MAKE A DIFFERENCE AS  
25 TO WHAT --

1 A NO, IT WOULD NOT.

2 Q -- WHAT KIND OF RELATIONSHIP THEY HAD?

3 A NO. NO, IT WOULD NOT. HE SHOULD HAVE  
4 INFORMED HIS P.O. OR SOMEONE ELSE.

5 Q OKAY. LET'S GO BACK OUT TO -- TO THE  
6 HOUSE. YOU TOLD MR. GRIFFETH HE WAS IN VIOLATION.  
7 WERE YOU CALM?

8 A YES.

9 Q DID YOU USE PROFANITY?

10 A (NO AUDIBLE RESPONSE.)

11 Q WAS MRS. GRIFFETH, ED'S MOTHER, PRESENT--

12 A YES.

13 Q -- FOR ANY OF THIS?

14 MS. MAYER: OBJECTION. I THINK THAT'S  
15 TWO QUESTIONS. YOU ASKED IF HE USED PROFANITY AND  
16 IF --

17 MR. DECKER: AND THE WITNESS ANSWERED THE  
18 QUESTION AND SAID NO. AND THEN THE NEXT QUESTION IS  
19 -- DIDN'T YOU?

20 MS. MAYER: OKAY.

21 THE WITNESS: NO. I -- I DIDN'T USE  
22 PROFANITY THEN (INDISCERNIBLE).

23 MR. DECKER: I THOUGHT YOU ANSWERED THAT  
24 QUESTION.

25 MS. MAYER: OKAY.

1 BY MR. DECKER:

2 Q THE NEXT QUESTION IS WAS MRS. GRIFFETH,  
3 ED'S MOTHER, PRESENT?

4 A YES.

5 Q AND I ASSUME AT SOME POINT JENNIFER LEECH  
6 GOT OUT OF THE VEHICLE?

7 A YES.

8 Q AND YOU DIDN'T USE PROFANITY TOWARDS ANY  
9 OF THESE INDIVIDUALS?

10 A NO.

11 Q YOU WERE NOT YELLING OR SCREAMING?

12 A NO.

13 Q YOU DID NOT CALL EDWIN GRIFFETH A SON-OF-  
14 A-BITCH?

15 A NO.

16 Q YOU DID NOT SAY I WILL GET YOU?

17 A NO.

18 Q DESPITE THE FACT THAT YOU CLAIM TO HAVE  
19 BEEN UPSET VIRTUALLY ALL DAY ABOUT THIS  
20 RELATIONSHIP, YOU WERE TOTALLY -- AND HAVING HAD AT  
21 LEAST FOUR BEERS BEFORE YOU WENT OUT THERE, YOU WERE  
22 CALM AND PROFESSIONAL IN ALL OF YOUR DEALINGS WITH  
23 THESE PEOPLE?

24 A YES.

25 Q YOU WERE NOT OUT OF CONTROL AND

1 THREATENING?

2 A I WAS NOT OUT OF CONTROL OR THREATENING.

3 Q YOU DID NOT SAY I CAN'T BELIEVE SHE CHOSE

4 YOU OVER ME, YOU'RE A SEX OFFENDER?

5 A NO.

6 Q DID YOU TELL JENNIFER LEECH I CAN'T

7 BELIEVE YOU DID THIS TO OUR FAMILIES BECAUSE YOU'RE

8 INVOLVED WITH A SEX OFFENDER?

9 A YES.

10 Q NOW, WHEN MR. -- HOW LONG WERE YOU THERE

11 WITH MR. GRIFFETH BEFORE ANY POLICE ARRIVED?

12 A I'D SAY FIVE MINUTES, THREE-TO-FIVE

13 MINUTES.

14 MR. SPRAGUE: THIS WOULD BE AFTER

15 EVERYBODY PULLS BACK IN, BASICALLY?

16 MR. DECKER: RIGHT.

17 BY MR. DECKER:

18 Q THIS IS THE TIME BETWEEN WHEN YOU PULL

19 INTO THE GRIFFETHS' DRIVEWAY --

20 A YES.

21 Q -- AND THE TIME THE POLICE ARRIVED?

22 A YEAH, YES.

23 Q WHO ARRIVED FIRST?

24 A I THINK THE BELLVILLE POLICE OFFICER

25 ARRIVED FIRST.

1 Q WHO WAS THAT?

2 A I THINK HIS NAME'S BERT SKEEN. I -- I'M  
3 NOT SURE OF HIS LAST NAME.

4 Q OKAY. WHO ELSE -- THEN WHO ELSE ARRIVED?  
5 MR. SPRAGUE: HOW DO YOU SPELL THAT,  
6 PLEASE, IF YOU KNOW?

7 THE WITNESS: I --

8 MS. MAYER: (SPELLING) S-K-E-E-N.

9 A THEN I THINK THE STATE HIGHWAY PATROL.  
10 BY MR. DECKER:

11 Q WHERE WAS MR. GRIFFETH WHEN THESE  
12 INDIVIDUALS -- WHEN THE BELLVILLE POLICEMAN ARRIVED?

13 A I THINK HE WAS -- HE WALKED OVER TO HIS  
14 RESIDENCE -- WELL, IT'S -- I MEAN, HIS YARD. THEY  
15 ARE SORT OF CONNECTED. AND WHEN THEY GOT THERE, THE  
16 POLICE, WE WERE OVER, I THINK, IN HIS YARD.

17 Q DO YOU RECALL WHETHER YOU GAVE THE POLICE  
18 MRS. GRIFFETH'S ADDRESS OR MR. GRIFFETH'S ADDRESS?

19 A YEAH. I THINK I DID AFTER HE TOLD ME  
20 WHAT IT WAS. I THINK I DID ON (INDISCERNIBLE).

21 Q YOU GAVE THEM ED'S ADDRESS?

22 A I THINK -- I THINK SO ON THE DISPATCH  
23 CALL BECAUSE I ASKED HIM SEVERAL TIMES. HE FINALLY  
24 GAVE IT TO ME.

25 MR. SPRAGUE: WAIT A MINUTE. NOW, WHICH

1 -- IT WAS WHICH ADDRESS?

2 THE WITNESS: THE VANDERBILT ADDRESS, 424  
3 MAYBE --

4 MR. SPRAGUE: NO, NO, NO. WHICH HOUSE?

5 MS. MAYER: MOM'S OR ED'S.

6 THE WITNESS: I THINK IT WAS -- HE PULLED  
7 INTO MOM'S.

8 MR. SPRAGUE: OKAY.

9 THE WITNESS: YEAH.

10 BY MR. DECKER:

11 Q JUST SO I'VE GOT A PICTURE OF THIS,  
12 VANDERBILT ROAD IS A NARROW TOWNSHIP ROAD; CORRECT?

13 A YES, YES.

14 Q AND BOTH MR. AND JANET GRIFFETH'S HOUSES  
15 ARE WHAT, ABOUT 150 FEET BACK FROM THE ROAD?

16 A THEY'RE SET -- THEY'RE SET BACK. THEY'RE  
17 PROBABLY ABOUT I'D SAY 50, 60 YARDS, 70 YARDS. YOU  
18 CAN SEE IT FROM THE ROAD.

19 Q YOU CAN SEE IT FROM THE ROAD --

20 A YEAH.

21 Q -- BUT THERE'S A --

22 A (INDISCERNIBLE).

23 Q -- A BIG FRONT YARD?

24 A YEAH, YES.

25 Q AND TO THE -- OKAY. AND -- AND YOUR CAR

1 AND ED GRIFFETH'S CAR AND ALL THE POLICE CARS WERE  
2 PULLED INTO JANET GRIFFETH'S DRIVEWAY?

3 A YES.

4 Q AND -- OKAY. IN THE THREE-TO-FIVE  
5 MINUTES THAT YOU WERE THERE BEFORE THE POLICE  
6 ARRIVED, --

7 A UH-HUH.

8 Q -- WHAT DID MR. GRIFFETH DO?

9 A MR. GRIFFETH? WELL, ACTUALLY, ED WASN'T  
10 TOO BAD. IT WAS MY EX-WIFE, JENNIFER, WHO WAS  
11 CAUSING A LOT OF TROUBLE.

12 Q OKAY. ED WASN'T TOO BAD MEANING WHAT?

13 A NO. WELL, I MEAN, BESIDES --

14 Q WHAT DID HE DO?

15 A WELL, BESIDES NOT TRYING TO GIVE MY (SIC)  
16 ADDRESS, THEN, YOU KNOW, I WAS TELLING HIM ON  
17 PROBATION VIOLATIONS AND THEN -- ACTUALLY, THEN SHE  
18 STARTED INTERFERING WHEN SHE GOT OUT OF THE CAR.

19 Q WHAT DID -- WHAT DID JENNIFER LEECH DO?

20 A I THINK SHE STARTED SCREAMING YOU --  
21 YOU'RE NOT TO BE HERE, YOU CAN'T BE HERE. AND I  
22 SAID, WELL YOU KNOW, YOU'RE -- YOU'RE MESSING WITH  
23 OFFICIAL BUSINESS, YOU KNOW, YOU NEED TO STEP BACK.  
24 AND SHE WAS TRYING TO GET IN MY FACE AND TRYING TO  
25 PROVOKE ME TO DO SOMETHING TO HER.



1 Q DID YOU UNDER --

2 A (INDISCERNIBLE).

3 Q WHY DID YOU UNDERSTAND JENNIFER LEECH TO  
4 BE SAYING YOU CAN'T BE HERE?

5 A WHY? I (INDISCERNIBLE).

6 Q DID YOU KNOW WHAT SHE WAS TALKING ABOUT?

7 A WHAT -- I HAD ALL THE RIGHT TO BE THERE.

8 Q PARDON?

9 A I HAD THE RIGHT TO BE THERE.

10 Q DO YOU UNDERSTAND WHY SHE -- DO YOU HAVE  
11 ANY UNDERSTANDING WHY -- WHAT SHE WAS TALKING ABOUT  
12 WHEN SHE CLAIMED YOU COULDN'T BE THERE?

13 A NO.

14 Q YOU REMEMBER WE LOOKED AT YOUR DECREE OF  
15 DIVORCE, --

16 A YES.

17 Q -- EXHIBIT 14-5?

18 A YES.

19 MS. MAYER: OBJECTION. HE'S ALREADY  
20 ANSWERED THE QUESTION THAT HE DOESN'T KNOW WHAT HER  
21 UNDERSTANDING WAS.

22 MR. DECKER: I HAVEN'T ASKED A NEW  
23 QUESTION OTHER THAN DO YOU REMEMBER LOOKING AT THE  
24 DECREE OF DIVORCE.

25 MR. SPRAGUE: I'LL ALLOW IT.

1 (INDISCERNIBLE) MR. DECKER.

2 BY MR. DECKER:

3 Q AND DO YOU REMEMBER IT SAYS YOU'RE NOT  
4 SUPPOSED TO HARASS OR -- JENNIFER LEECH?

5 A OR EACH OTHER?

6 Q OR EACH OTHER?

7 A YES.

8 Q OKAY.

9 A UH-HUH.

10 Q AND IS IT YOUR TESTIMONY THAT BECAUSE YOU  
11 WERE -- YOU WERE DEALING WITH A PROBATION VIOLATION  
12 OF MR. GRIFFETH THAT MS. LEECH MAY OR MAY NOT HAVE  
13 BEEN INVOLVED IN THAT YOU WERE STILL ENTITLED TO  
14 DRIVE BY HER HOUSE AND -- AND APPREHEND THE OFFENDER  
15 IN THE MANNER THAT YOU DID?

16 A YES, (INDISCERNIBLE) ABLE TO LOOK INTO  
17 THINGS, YES. I'M ALLOWED TO GO -- I HAD NO  
18 RESTRICTIONS ON ME TO GO ANYWHERE IN MANSFIELD,  
19 OHIO. IF SHE PUTS HERSELF INVOLVED WITH AN  
20 OFFENDER, I HAVE ALL THE RIGHT TO CHECK INTO IT OR  
21 EVEN -- EVEN ACCUSATIONS.

22 Q DO YOU REMEMBER DISCUSSING THE DECREE  
23 WITH MR. NELSON IN DECEMBER OF 2008?

24 A YEAH. I REMEMBER BRIEFLY SPEAKING WITH  
25 HIM.

1 Q DO YOU REMEMBER TELLING MR. NELSON YOU  
2 DIDN'T BELIEVE THE DIVORCE DECREE APPLIED AFTER YOUR  
3 DIVORCE WAS FINAL?

4 A DO I REMEMBER THAT?

5 Q YES.

6 A YEAH, I THINK SO.

7 Q IS THAT WHAT YOU TOLD MR. NELSON?

8 A YEAH, I THINK I DID, OR I -- I JUST CAN'T  
9 REMEMBER THAT PART OF IT.

10 Q WELL, LET ME REFRESH YOUR RECOLLECTION.

11 A OKAY.

12 Q LET'S LOOK AT EXHIBIT 14 DASH -- WHAT IS  
13 THIS -- ITEM C.

14 A ITEM C.

15 UNIDENTIFIED SPEAKER: 14 DASH WHAT? I'M  
16 SORRY.

17 MS. MAYER: ITEM C.

18 MR. DECKER: IT'S ITEM C. IT'S AT THE  
19 END OF ALL THESE 14 DASHES. IT'S AFTER 14-29.

20 MS. MAYER: I DON'T HAVE ANYTHING THAT'S  
21 14-C.

22 (INDISCERNIBLE).

23 MR. SPRAGUE: IT KIND OF LOOKS LIKE  
24 (INDISCERNIBLE).

25 MR. DECKER: YES. HERE YOU GO. LET ME

1 HELP. MAY I APPROACH?

2 MR. SPRAGUE: YES.

3 MR. DECKER: THANK YOU.

4 MR. SPRAGUE: YES.

5 MR. DECKER: ITEM C, RIGHT HERE.

6 THE WITNESS: OKAY, I'M SORRY. ALL  
7 RIGHT.

8 MR. DECKER: THIS IS THE (INDISCERNIBLE)  
9 TRANSCRIPT.

10 THE WITNESS: OKAY.

11 BY MR. DECKER:

12 Q AND THERE ARE TWO WAYS OF PAGINATING  
13 THIS. LET'S GO TO WHAT IN THE UPPER RIGHT-HAND  
14 CORNER IS PAGE 38.

15 MR. SPRAGUE: AND THIS IS A TRANSCRIPT  
16 FROM WHAT, MR. DECKER? (INDISCERNIBLE).

17 MR. DECKER: THIS IS THE TRANSCRIBED  
18 INTERVIEW ON DECEMBER 23RD, 2008, AN INVESTIGATORY  
19 INTERVIEW DONE BY -- IS IT RON NELSON?

20 THE WITNESS: YES.

21 MR. SPRAGUE: OKAY.

22 MR. DECKER: -- RON NELSON OF MR. MAYER.

23 MR. SPRAGUE: ALL RIGHT.

24 MR. DECKER: DID I DO THE WRONG THING  
25 HERE?

1 MR. DE PASCALE: YOU'VE GOT THE WRONG  
2 PAGE, JACK.

3 MR. DECKER: OKAY. AND THE REASON IS  
4 THAT WE NOW HAVE A DIFFERENT VERSION OF THIS THAN  
5 THE ONE I MADE (INDISCERNIBLE) SO WE'LL GO BACK TO  
6 THAT. IN FACT -- NO, BECAUSE I'VE GOT ALL MY NOTES  
7 ON A DIFFERENT ONE.

8 MR. SPRAGUE: ALL RIGHT. WE'RE STRIKING  
9 THAT OR WHAT ARE WE DOING?

10 MR. DECKER: NO, WE HAVE -- I HAVEN'T  
11 ASKED A QUESTION EXCEPT BY ASKING HIM TO GO TO A  
12 PAGE WHICH DOESN'T HAVE ON IT WHAT I THOUGHT IS ON  
13 IT.

14 MR. SPRAGUE: CAN WE STILL STATE IT'S  
15 ACCURATE, THAT IT'S A TRANSCRIPT OF THE DECEMBER 23,  
16 2008, INVESTIGATIVE INTERVIEW WITH RON NELSON --

17 MR. DECKER: YES. WE STIPULATED.

18 MR. SPRAGUE: -- AND MR. MAYER? AND MR.  
19 NELSON WAS THE -- LET'S SEE -- ADULT DETENTION  
20 ASSISTANT CHIEF FOR THE BUREAU, RIGHT? BUT HE'S THE  
21 ASSIGNED INVESTIGATOR.

22 MR. DECKER: UH-HUH.

23 MR. SPRAGUE: IS THAT CORRECT?

24 (INDISCERNIBLE).

25 MR. DECKER: LET'S GO TO PAGE 46.

1 MR. SPRAGUE: ALL RIGHT.

2 MR. DECKER: NOW, I SEE HOW THE  
3 PAGINATION WORKS.

4 MR. SPRAGUE: (INDISCERNIBLE) GIVE US A  
5 MINUTE. OKAY.

6 BY MR. DECKER:

7 Q ACTUALLY, THE QUESTION STARTS ON LINE 24  
8 ON PAGE 45. NOW, GIVEN THE CONDITIONS THAT WERE  
9 LISTED IN YOUR DIVORCE DECREE, WHY WERE YOU DRIVING  
10 BY YOUR EX-WIFE'S HOUSE? ANSWER, WELL, I WAS  
11 LOOKING BECAUSE I GOT INDICATION THAT WHEN SHE PUTS  
12 HERSELF AT RISK WITH AN OFFENDER THEN SHE OPENS  
13 HERSELF UP. ALSO, THE DECREE WAS UNTIL THE DIVORCE  
14 WAS FINAL. IS THAT WHAT YOU TOLD MR. NELSON?

15 A YES.

16 Q OKAY. WHAT WAS MRS. GRIFFETH DOING IN  
17 THE YARD IN BETWEEN THE TIME THAT YOU GOT THERE AND  
18 THE BELLVILLE POLICE ARRIVED?

19 A MY PERIPHERAL VISION -- SHE WAS ON THE --  
20 ON -- ON THE SIDE OF ME. I -- I REMEMBER SEEING  
21 HER, BUT I DON'T REMEMBER HER SAYING TOO MUCH.

22 Q YOU DON'T REMEMBER HAVING ANY -- ANY  
23 DISCUSSION WITH HER WHATSOEVER?

24 A NO.

25 Q DID YOU ADDRESS ANY COMMENTS TO HER THAT

1 YOU CAN RECALL?

2 A NO.

3 Q AND AGAIN, WHEN YOU WERE HAVING THIS  
4 CONVERSATION WITH MR. GRIFFETH YOU DIDN'T HAVE YOUR  
5 DUTY WEAPON; RIGHT?

6 A NO, I DIDN'T HAVE IT.

7 Q NOW, WHO ACTUALLY TOOK MR. GRIFFETH INTO  
8 CUSTODY? WAS THAT BERT SKEEN?

9 A YES.

10 Q WHEN MR. GRIFFETH WAS TAKEN INTO CUSTODY,  
11 WAS HIS CELL PHONE TAKEN FROM YOU -- HIM?

12 A YES.

13 Q AND THAT WAS GIVEN TO YOU?

14 A YES.

15 Q AND YOU USED THE CELL PHONE TO CALL  
16 JENNIFER LEECH?

17 A YES.

18 MR. SPRAGUE: LET'S HANG ON JUST A  
19 MINUTE.

20 (PAUSE.)

21 MR. SPRAGUE: AND AT SOME POINT -- OKAY,  
22 OFFICER SKEEN ARRIVES. THE TROOPER -- THE TROOPERS  
23 ARRIVE. WE HAVE SOME CONVERSATION SOMEWHERE IN  
24 HERE. EVENTUALLY, OFFICER SKEEN TAKES MR. GRIFFETH  
25 INTO CUSTODY?

1 MR. DECKER: THAT'S CORRECT; RIGHT?

2 THE WITNESS: YES.

3 MR. SPRAGUE: OKAY. THEN --

4 MR. DECKER: WHEN HE'S DOING THAT HE  
5 TAKES HIS CELL PHONE AWAY FROM HIM; RIGHT?

6 THE WITNESS: YES.

7 MR. SPRAGUE: SO THESE --

8 MR. DECKER: AND GIVES IT TO YOU?

9 THE WITNESS: YES.

10 MR. SPRAGUE: -- THESE ALLEGED  
11 CONVERSATIONS I WOULD ASSUME OCCURRED BEFORE THEY  
12 (INDISCERNIBLE) --

13 MR. DECKER: ALL OF MY QUESTIONING -- I  
14 HATE TO INTERRUPT, BUT ALL OF MY QUESTIONING HAS  
15 BEEN ABOUT WHAT HAPPENED IN THE TIME BETWEEN WHEN  
16 MR. MAYER ARRIVED ON THE SCENE AT THE GRIFFETH HOUSE  
17 AND WHEN THE POLICE ARRIVED.

18 MR. SPRAGUE: OKAY.

19 MS. MAYER: YOU MEAN THE SCENE THE SECOND  
20 TIME WHEN THEY CIRCLED BACK?

21 MR. DECKER: THAT'S CORRECT. AND THAT'S  
22 HOW YOU UNDERSTOOD MY QUESTIONING. IS THAT CORRECT?

23 THE WITNESS: YES.

24 MR. DECKER: OKAY.

25 MR. SPRAGUE: ALL RIGHT. LET ME JUST



1 NOTE THAT.

2 (PAUSE.)

3 MR. SPRAGUE: OKAY, I HAVE THAT. AND  
4 YOU'RE NOT INTERRUPTING. MR. DECKER, I APPRECIATE  
5 YOU ALLOWING ME TO FIGURE OUT WHAT WAS GOING ON.  
6 ALL RIGHT, PLEASE (INDISCERNIBLE).

7 MR. DECKER: ACTUALLY, THIS IS THE  
8 PURPOSE OF THIS EXERCISE, I BELIEVE, IS TO HELP YOU  
9 FIGURE OUT WHAT'S GOING ON.

10 MR. SPRAGUE: YOU'RE ALL DOING A FINE  
11 JOB. ALL RIGHT.

12 BY MR. DECKER:

13 Q NOW, BY THE WAY, SINCE I HAVE BEEN ASKING  
14 YOU ABOUT WHAT HAPPENED UP UNTIL THE TIME THAT  
15 OFFICER SKEEN ARRIVED, DO YOU RECALL ANYTHING  
16 SPECIFIC THAT YOU, MR. MAYER -- YOU ARE MR. MAYER --  
17 THAT YOU, MR. GRIFFETH, JANET GRIFFETH OR JENNIFER  
18 LEECH DID AFTER THE POLICE ARRIVED?

19 A AFTER THE POLICE ARRIVED?

20 Q AFTER THE POLICE ARRIVED WAS THERE ANY  
21 MORE DISCUSSION --

22 A NO.

23 Q -- AMONG YOU?

24 A OH, AFTER?

25 Q AFTER THE POLICE ARRIVED, UH-HUH.

1 A WITH ANY OF THEM, EVERY --

2 Q YES.

3 A YES.

4 Q WHAT HAPPENED?

5 A I -- LIKE YOU SAID, I WAS GIVEN THE  
6 OFFENDER'S PHONE AND I'D USED IT TO CALL MY EX.

7 Q DO YOU RECALL -- BUT THAT'S ALL YOU  
8 RECALL THAT HAPPENED AFTER THE POLICE ARRIVED OTHER  
9 THAN THE NORMAL THINGS THAT ARE EXCHANGED IN SAYING  
10 YOU'RE UNDER ARREST, COME WITH US?

11 A WITH THE PEOPLE THERE, RIGHT?

12 Q RIGHT.

13 A YES.

14 Q WHEN DID YOU -- YOU USED THE PHONE TO  
15 CALL JENNIFER LEECH?

16 A YES.

17 Q AND THE REASON YOU USED MR. GRIFFETH'S  
18 PHONE TO CALL JENNIFER LEECH WAS THAT SHE WASN'T  
19 TAKING YOUR CALLS; CORRECT?

20 A YES.

21 Q DID YOU CALL HER THAT NIGHT WITH HIS  
22 PHONE OR --

23 A YES.

24 Q -- SOME OTHER TIME?

25 A (INDISCERNIBLE).

1 Q I'M SORRY. I DIDN'T HEAR YOUR ANSWER.

2 A IT WAS -- I'M -- IT WAS THAT NIGHT.

3 Q OKAY. WHAT TIME?

4 A I DON'T KNOW. APPROXIMATELY AROUND  
5 MIDNIGHT OR SO.

6 Q YOU WEREN'T UPSET AT THAT TIME; WERE YOU?

7 A YES.

8 Q WERE YOU UPSET WHEN YOU WERE IN THE  
9 GRIFFETHS' YARD?

10 A YES, BUT NOT OUT OF CONTROL.

11 Q AND WHY WERE YOU UPSET?

12 A I WAS UPSET WITH THE WHOLE SITUATION,  
13 THAT UNDER -- WAS IN VIOLATION -- A PROBATION  
14 VIOLATION AND -- AND THE PERSON HE'S WITH WAS WITH  
15 MY EX-WIFE.

16 Q AND THAT MADE YOU ANGRY, JEALOUS,  
17 DISAPPOINTED? WHAT DID IT MAKE YOU?

18 A AT THAT TIME?

19 Q YES.

20 A A LITTLE OF EVERYTHING, BUT NOT WHERE I  
21 -- I BLURTED OUT OR DID ANYTHING I SHOULDN'T HAVE.  
22 I WAS PROFESSIONAL.

23 Q NOW, AFTER THE POLICE TOOK MR. GRIFFETH  
24 AWAY WHERE'D YOU GO?

25 A WHERE'D I GO?

1 Q YES.

2 A OH, I LEFT, AND I WENT -- VANDERBILT ROAD  
3 UP TO (INDISCERNIBLE) BELLVILLE TO THE MARATHON  
4 STATION.

5 Q TO THE MARATHON STATION?

6 A YEAH.

7 Q IN BELLVILLE?

8 A NO. IT'S UP ON LEXINGTON AVENUE OF  
9 MANSFIELD.

10 Q OKAY. WHAT'D YOU DO THERE?

11 A GOT SOME CIGARETTES.

12 Q OKAY. WHERE'D YOU GO FROM THE MARATHON  
13 STATION?

14 A WELL, I -- I THEN WENT DOWN TO MY OFFICE.

15 Q THAT'S ACROSS FROM THE COURTHOUSE DOWN IN  
16 DOWNTOWN MANSFIELD?

17 A YES.

18 Q AND WHAT'D YOU DO THERE?

19 A I WENT INSIDE, FILLED OUT A HOLDER AND  
20 SPOKE TO ONE OF THE CO-WORKERS THAT WORK THERE.

21 Q WHO'D YOU SPEAK TO?

22 A JANET -- I FORGET HER LAST NAME. SHE  
23 WORKS WITH THE D.R.C. SHE COMES UP THERE ON  
24 OCCASION. MR. LOMAX WOULD KNOW HER NAME.

25 Q WHAT'D YOU TALK TO JANET ABOUT?

1 A JUST SAYING WHAT IS SHE DOING HERE SO  
2 LATE. AND I THINK JAY GLOUNER (PHONETIC) WAS THERE,  
3 TOO, BUT HE -- I DIDN'T SEE HIM. HE WAS BACK IN THE  
4 OTHER AREA.

5 Q HOW LONG DID YOU -- WELL, LET'S LOOK AT  
6 EXHIBIT 14-14.

7 MR. SPRAGUE: DASH?

8 MS. MAYER: 14.

9 MR. DECKER: 14-14.

10 (INDISCERNIBLE).

11 MR. SPRAGUE: YOU JUST CAN'T WIN, MR.  
12 DECKER.

13 (INDISCERNIBLE).

14 BY MR. DECKER:

15 Q DO YOU NEED HELP?

16 A NO. I'VE GOT IT.

17 Q YOU'VE GOT IT?

18 A YEAH.

19 MR. SPRAGUE: ALL RIGHT.

20 BY MR. DECKER:

21 Q OKAY, THE TOP HALF OF THIS PAGE IS THE  
22 HOLD ORDER THAT YOU COMPLETED; RIGHT?

23 A YES.

24 Q THIS DOESN'T -- THIS IS NOT A ROCKET  
25 SCIENCE FORM. IT TAKES A COUPLE MINUTES TO FILL

1 OUT; RIGHT?

2 A RIGHT. YEAH.

3 Q AND IT SAYS STATE OF OHIO A.P.A. RIGHT AT  
4 THE TOP; RIGHT?

5 A YES.

6 Q AND ALL ALONG HERE EVER SINCE AT LEAST  
7 SINCE YOU ENCOUNTERED MR. GRIFFETH AND MS. LEECH THE  
8 FIRST TIME AT THE GRIFFETH RESIDENCE IN THE CAR  
9 YOU'VE BEEN ACTING IN YOUR CAPACITY AS AN A.P.A.  
10 EMPLOYEE; CORRECT?

11 MR. SPRAGUE: OKAY.

12 A YES.

13 MR. SPRAGUE: CAN WE GO OFF FOR JUST A  
14 SECOND?

15 MR. DECKER: SURE.

16 (OFF THE RECORD.)

17 MR. SPRAGUE: WE'RE BACK ON THE RECORD  
18 AFTER A REDACTION QUESTION.

19 MR. DECKER: OKAY.

20 BY MR. DECKER:

21 Q OKAY, WE'RE BACK ON THE RECORD AND AT  
22 SOME POINT YOU TALKED TO DAUBENSPECK; DIDN'T YOU?

23 A YES.

24 Q DID YOU TALK TO DAUBENSPECK WHILE YOU  
25 WERE AT THE A.P.A. OFFICE? HE WASN'T THERE, BUT

1 WERE YOU THERE --

2 A NO. I -- I DON'T RECALL WHEN I TALKED TO  
3 RUSS. I DON'T KNOW IF IT WAS -- I THINK IT MIGHT  
4 HAVE BEEN RIGHT AFTER THE ARREST AND MAYBE LATER ON  
5 THAT EVENING.

6 Q DID YOU TELL MR. DAUBENSPECK THAT THE  
7 REASON --

8 UNIDENTIFIED SPEAKER: HE ANSWERED  
9 (INDISCERNIBLE).

10 BY MR. DECKER:

11 Q I JUST WANT TO MAKE CLEAR THAT FROM THE--  
12 I THINK YOU'VE ANSWERED THIS QUESTION ALREADY, BUT  
13 I'M NOT SURE.

14 A OKAY.

15 Q AT LEAST FROM THE TIME THAT YOU FIRST  
16 ENCOUNTERED GRIFFETH AND LEECH IN THEIR CAR LEAVING  
17 THE GRIFFETH RESIDENCE UP THROUGH FOLLOWING THEM UP  
18 AND DOWN ROUTE 13 AND BACK AROUND TO THEIR HOUSE  
19 THROUGH THE OCCURRENCES IN THEIR YARD AND WHEN YOU  
20 WERE PLACING A HOLD ORDER ON HIM YOU WERE ACTING IN  
21 YOUR -- IN YOUR OFFICIAL CAPACITY AS A -- AN A.P.A.  
22 SUPERVISOR; CORRECT?

23 A YES.

24 Q OKAY. THANK YOU. NOW, DID YOU TELL MR.  
25 DAUBENSPECK THAT THE -- THAT MR. GRIFFETH HAD BEEN

1 ARRESTED?

2 A YES, I THINK I INFORMED HIM OF THAT.

3 Q AND WHY DID YOU TELL HIM HE HAD BEEN

4 ARRESTED?

5 A BECAUSE OF PROBATION VIOLATIONS,  
6 UNAUTHORIZED RELATIONSHIP, BEING WITH A CHILD WHO  
7 HAD A MOTHER, CURFEW VIOLATIONS, COHABITATION.

8 Q LET'S LOOK AT EXHIBIT 14-10.

9 A 14-10.

10 Q OH, PHOOEY. LET'S LOOK INSTEAD AT  
11 ANOTHER ONE. LET'S LOOK AT EXHIBIT 18.

12 A EXHIBIT 18.

13 Q I'M SORRY. WE'RE (INDISCERNIBLE) THE  
14 WRONG EXHIBIT. OKAY, DO YOU SEE EXHIBIT 18?

15 A YES.

16 Q IS THIS -- DOES THIS APPEAR TO YOU TO BE  
17 AT LEAST THE NOTES PORTION OF YOUR -- OF YOUR  
18 DEPARTMENT'S SUPERVISION FILE FOR MR. GRIFFETH?

19 A YES.

20 Q OKAY. AND I'D LIKE TO LOOK -- YOU TO  
21 LOOK AT THE NOTATION FOR NOVEMBER 21ST OF 2008, --

22 A YES.

23 Q -- AND THEN UNDER THAT IT SAYS 11/20/08?

24 A UH-HUH.

25 Q S.O. DEPT CALLED. WHAT'S THAT, S.O. DEPT



1 CALLED?

2 A SHERIFF'S DEPARTMENT, SHERIFF'S OFFICE.

3 MR. SPRAGUE: LET'S HANG ON JUST A

4 MINUTE. ALL RIGHT. WHERE ARE WE AT?

5 MR. DECKER: OKAY, EXHIBIT 18 --

6 MR. SPRAGUE: YES, I GOT THAT.

7 MR. DECKER: -- PAGE ONE, --

8 THE WITNESS: SHERIFF'S DEPARTMENT

9 CALLED.

10 MR. DECKER: -- SECOND COLUMN. IT'S IN  
11 BOLD, 11/21/08, AND THEN RIGHT AFTER IT -- UNDER IT  
12 IT SAYS 11/20/08 --

13 MR. SPRAGUE: OH, S.O. DEPARTMENT CALLED.

14 MR. DECKER: -- AND SHERIFF'S OFFICE  
15 DEPARTMENT CALLED, STATED OFFENDER IN JAIL ON A  
16 VERBAL HOLD BY J. MAYER. P.O., WHO I ASSUME IS  
17 DAUBENSPECK --

18 THE WITNESS: YEAH.

19 MR. DECKER: -- CALLED J.M., THAT'S YOU.

20 THE WITNESS: UH-HUH.

21 MR. DECKER: AND THEN HE SAYS OFFENDER  
22 OUT PAST CURFEW AND DRINKING AND PICKED UP BY  
23 BELLVILLE (INDISCERNIBLE) DEPARTMENT.

24 MR. SPRAGUE: OKAY.

25 BY MR. DECKER:

1 Q IS THAT WHAT YOU TOLD MR. DAUBENSPECK  
2 ABOUT THE REASON FOR THE ARREST?

3 A I THINK I -- I TOLD HIM THAT IT WAS  
4 COHABITATION, UNAUTHORIZED RELATIONSHIP WITH A WOMAN  
5 AND A CHILD. I MIGHT HAVE SAID CURFEW, DRINKING,  
6 AND IN A BAR.

7 Q CURFEW, DRINKING -- OR THE DRINKING IN A  
8 BAR REFERRING TO NEW YEAR'S EVE --

9 A YES.

10 Q -- 2007?

11 A YEAH. IF I -- IF I RECALL. I JUST KNOW  
12 THEY SAID THERE WAS PROBATION VIOLATIONS.

13 Q OKAY. SO IT PROBABLY TOOK YOU ALL OF  
14 FIVE MINUTES TO FILL OUT YOUR HOLD FORM; RIGHT?

15 A YES.

16 Q OKAY. BUT YOU DIDN'T GET OUT TO THE  
17 RICHLAND COUNTY JAIL UNTIL WHAT, ABOUT 10:30?

18 A 10:30?

19 Q 10:30 AT NIGHT? 10:00 O'CLOCK AT NIGHT?

20 A I -- I DON'T RECALL WHAT TIME IT WAS,  
21 10:00, 10:30, BUT I DON'T KNOW -- I'D SAY I WAS  
22 PROBABLY GONE ABOUT 45 MINUTES FROM (INDISCERNIBLE).

23 Q OKAY. SO WHAT WERE YOU DOING OTHER THAN  
24 BUYING A PACK OF CIGARETTES AND FILLING OUT THIS  
25 FORM?

1 A WELL, ACTUALLY, AT THE MARATHON STATION I  
2 PULLED ASIDE AND I HAD A CIGARETTE, THEN I -- MY  
3 EMOTIONS CAME AND I STARTED CRYING, AND I JUST SAT  
4 THERE FOR A WHILE.

5 Q SO YOU WERE EMOTIONAL AND UPSET?

6 A YEAH, YEAH, I WAS -- YEAH. EVERYTHING  
7 HAD JUST -- FINALLY HAD COME OUT.

8 Q AND AGAIN, WHAT DID YOU FIND UPSETTING?  
9 IT CERTAINLY WASN'T THAT ANOTHER OFFENDER HAD  
10 COMMITTED A PROBATION OFFENSE; WAS IT?

11 A NO. I WAS UPSET BECAUSE OF THE  
12 RELATIONSHIP WITH THE OFFENDER WITH THE EX AND THE  
13 -- THE DAUGHTER.

14 Q THE FACT THAT THIS SERIES OF VIOLATIONS  
15 INVOLVED --

16 A YES.

17 Q -- YOUR EX-WIFE AND YOUR --

18 A AND THE DAUGHTER.

19 Q -- STEPDAUGHTER?

20 A YES, YES. AND ALSO, TO DRIVE -- YOU  
21 KNOW, THAT NIGHT IT WAS SNOWING AND -- AND GOING UP  
22 VANDERBILT ROAD TOOK ME ALMOST 15, 20 MINUTES TO GET  
23 TO THE MARATHON STATION.

24 Q IT'S WHAT, ABOUT FIVE MINUTES FROM YOUR  
25 OFFICE TO THE COUNTY JAIL?

1 A THE COUNTY JAIL? NO. I'D SAY IT'S  
2 PROBABLY LESS, PROBABLY ABOUT THREE OR FOUR MINUTES.  
3 IT'S RIGHT ACROSS THE STREET PRETTY MUCH.

4 Q IS THAT -- IS THE COUNTY JAIL IN THE  
5 COURTHOUSE OR IS THAT SOMEWHERE ELSE?

6 A THEY'RE RIGHT BESIDE EACH OTHER ALMOST.  
7 MY OFFICE IS --

8 Q RIGHT NEXT TO THE COURTHOUSE?

9 A YEAH.

10 Q OKAY. SO THAT'S WHERE YOU ENCOUNTERED  
11 SERGEANT SWEAT?

12 A YES.

13 Q WHAT HAPPENED AT THE COUNTY JAIL, IF  
14 ANYTHING?

15 A I CAME IN AND I WENT TO WHERE THE BOOK-IN  
16 PEOPLE ARE AND GAVE THEM THE HOLDER, THEN LIEUTENANT  
17 RHOADS AND DEPUTY SWEAT SAID HEY, JOHN, WE NEED TO  
18 TALK TO YOU HERE IN THE -- ONE OF THEIR BACK ROOMS.

19 Q AND WHAT DID THEY TALK TO YOU ABOUT?

20 A THEY SAID JOHN, WE HEARD THAT YOU -- HAD  
21 A COMPLAINT THAT YOU MIGHT HAVE BEEN DRINKING WHEN  
22 YOU MADE THIS ARREST.

23 Q WHAT'D YOU SAY?

24 A I JUST TOLD THEM I WAS VERY EMOTIONAL AND  
25 UPSET (INDISCERNIBLE) BE WITH MY EX-WIFE.

1 Q DID YOU TELL THEM THAT YOU HAD HAD AT  
2 LEAST FOUR BEERS WITH RUSS -- WITH --

3 A LEITENBERGER.

4 Q -- DAVE LEITENBERGER AND OTHERS AT THE  
5 RED FOX?

6 A NO.

7 Q DID YOU DENY IT?

8 A NO.

9 Q JUST SAID YOU WERE EMOTIONALLY UPSET?

10 A YES.

11 Q AND THEN, SERGEANT SWEAT SAID I'M NOT  
12 GOING TO LET YOU DRIVE HOME?

13 A NO.

14 Q WHAT DID HE SAY?

15 A IT WAS DALE RHOADS, LIEUTENANT, WHO TOLD  
16 ME THAT. I -- ACTUALLY, I THINK THEY WERE BOTH  
17 TALKING TO ME. I WAS TALKING MORE TO DALE, THOUGH,  
18 DALE RHOADS, THE LIEUTENANT.

19 MR. SPRAGUE: (INDISCERNIBLE) SPELL THAT.

20 THE WITNESS: (SPELLING) R-H-O-A-D-S.

21 BY MR. DECKER:

22 Q DIDN'T HAVE YOUR DUTY WEAPON WHEN YOU  
23 REPORTED TO THE JAIL, EITHER?

24 A NO.

25 Q DID YOU ENCOUNTER EDWIN GRIFFETH WHEN YOU

1 WENT TO THE JAIL?

2 A I WALKED IN AND I SAW HIM TO MY RIGHT.

3 Q WHAT WAS HE DOING, IF ANYTHING?

4 A I THINK HE WAS HANDCUFFED TO THE -- ONE  
5 OF THE BENCHES -- THERE'S HOLDING CELLS ALL AROUND  
6 -- CLOSE TO ONE OF THE HOLDING CELLS.

7 Q NOW, DO YOU KNOW WHETHER YOU SMELLED OF  
8 ALCOHOL EITHER AT THE GRIFFETH RESIDENCE OR BACK IN  
9 THE OFFICE OR AT THE COUNTY JAIL?

10 A DO I -- DO I? NO.

11 Q YOU DON'T KNOW WHETHER YOU DID OR NOT?

12 A NO.

13 Q MOST PEOPLE DON'T, DO THEY?

14 A (NO AUDIBLE RESPONSE.)

15 MR. SPRAGUE: CAN I BACK UP A LITTLE BIT?

16 MS. MAYER: UH-HUH.

17 MR. SPRAGUE: DEPUTY RHOADS --

18 UNIDENTIFIED SPEAKER: NO, HE'S A  
19 LIEUTENANT.

20 MR. SPRAGUE: -- LIEUTENANT -- I'M SORRY  
21 -- LIEUTENANT RHOADS, YES (INDISCERNIBLE) HE SAID  
22 WHAT REGARDING DRIVING HOME? I THINK YOU SAID HE  
23 WAS THE ONE THAT -- WHAT DID HE SAY ABOUT --

24 THE WITNESS: WELL, HE TOLD ME HE WAS  
25 GOING TO GET A RIDE BECAUSE I WAS UPSET, EMOTIONALLY

1 UPSET, AND HE WAS GOING TO LET ME USE A PHONE CALL  
2 TO CALL SOMEBODY.

3 BY MR. DECKER:

4 Q DID HE TELL YOU THAT HE WAS GOING TO LET  
5 PEOPLE -- THAT HE WAS GOING TO ARRANGE A RIDE FOR  
6 YOU BECAUSE YOU WERE EMOTIONALLY UPSET OR DID HE  
7 AND/OR SERGEANT SWEAT TELL YOU THAT IN THEIR OPINION  
8 YOU WERE TOO INTOXICATED TO DRIVE HOME?

9 A NO. I THINK THEY SAID BECAUSE I WAS  
10 EMOTIONALLY UPSET.

11 Q SURE OF THAT?

12 A YES.

13 Q IN FACT, YOU DENY BEING INTOXICATED AT  
14 ANY POINT IN YOUR DEALINGS WITH MR. GRIFFETH OR THE  
15 SHERIFF'S DEPARTMENT OR ANY OTHER LAW ENFORCEMENT  
16 PEOPLE THAT NIGHT. IS THAT CORRECT?

17 A DID I DENY --

18 Q DO YOU DENY IT?

19 A THAT I WAS -- I DENY I WAS INTOXICATED.

20 Q AS A MATTER OF FACT, YOU SAID IF YOU  
21 WOULD HAVE BLOWN --

22 A YEAH.

23 Q -- IF THEY HAD TESTED YOU --

24 A YES.

25 Q -- YOU INSISTED THAT YOU WOULD NOT HAVE

1 BEEN OVER THE LEGAL LIMIT; CORRECT?

2 A YES.

3 Q ALTHOUGH YOU DO ADMIT HAVING AT LEAST

4 FOUR BEERS IN AN HOUR?

5 A APPROXIMATE --

6 MS. MAYER: OBJECTION; --

7 A APPROXIMATELY.

8 MS. MAYER: -- ASKED AND ANSWERED.

9 MR. SPRAGUE: I'LL ALLOW IT.

10 BY MR. DECKER:

11 Q NOW, AT ANY POINT DURING THE EVENING OF

12 NOVEMBER 20TH DID YOU TALK TO MR. DAVE LOMAX, YOUR

13 IMMEDIATE SUPERVISOR?

14 A YES.

15 Q AND WHAT DID YOU AND MR. LOMAX TALK ABOUT

16 THAT EVENING?

17 A THE -- THE VIOLATION BEHAVIOR OF THE

18 OFFENDER AND HE WANTED TO SEE ME THE FOLLOWING DAY.

19 Q DID HE TALK TO YOU ABOUT ANYTHING ELSE?

20 A NOT THAT I RECALL.

21 Q OKAY. AND HE WANTED TO MEET YOU AT 8:00

22 A.M. ON FRIDAY, THE 21ST; CORRECT?

23 A YES.

24 Q AND DID YOU, IN FACT, MEET WITH MR. LOMAX

25 ON -- AT 8:00 A.M. ON FRIDAY, THE 21ST?



1 A YES.

2 Q WHO WAS THERE BESIDES MR. LOMAX, IF  
3 ANYONE?

4 A I THINK IT WAS JUST DAVE.

5 Q DO YOU DENY THAT HIS ADMINISTRATIVE  
6 ASSISTANT, LAURA RICHERT WAS THERE?

7 A NO, I DON'T DENY --

8 Q YOU DON'T KNOW WHETHER SHE WAS THERE OR  
9 NOT?

10 A NO, NO. I JUST DON'T RECALL HER BEING  
11 THERE.

12 Q OKAY. AND YOU WERE NOT FEELING ALL THAT  
13 WELL ON THE 21ST; WERE YOU?

14 A NO.

15 MR. SPRAGUE: COULD YOU SPELL RICHERT,  
16 TOO? I'M SORRY.

17 MR. DECKER: (SPELLING) R-E-I-C-H --

18 UNIDENTIFIED SPEAKER: NO E. R-I-C-H-E-  
19 R-T.

20 MR. DECKER: OVERRULED AGAIN.

21 MR. SPRAGUE: R-I-C-H-E- -- I'VE GOT IT  
22 BACK IN MY NOTES.

23 UNIDENTIFIED SPEAKER: E-R-T.

24 MR. SPRAGUE: ALL RIGHT. AND LAURA IS L-  
25 A-U-R- --

1 MR. DECKER: A.

2 MR. SPRAGUE: -- A. OKAY. ALL RIGHT.

3 BY MR. DECKER:

4 Q OKAY, AND YOU -- YOU WERE NOT FEELING  
5 WELL BECAUSE YOU HAD ONLY SLEPT FOR AN HOUR THAT  
6 NIGHT?

7 A YES.

8 Q AND YOU HAD ONLY SLEPT FOR AN HOUR THE  
9 PRECEDING NIGHT WHY? BECAUSE YOU WERE UPSET?

10 A YES. THE NIGHT BEFORE? I -- I'M SORRY.  
11 CAN YOU SAY THAT AGAIN?

12 Q WHY -- WHY HAD YOU ONLY SLEPT FOR AN  
13 HOUR?

14 A THAT NIGHT?

15 Q YES.

16 A OH, BECAUSE I WAS UPSET.

17 Q YOU WERE EMOTIONALLY DISTRAUGHT ABOUT  
18 WHAT HAD HAPPENED THE NIGHT BEFORE --

19 A YES.

20 Q -- THE DAY BEFORE?

21 A YES.

22 Q AND DID YOU AND MR. LOMAX HAVE ANY  
23 DISCUSSION WHATSOEVER ABOUT WHAT HAD HAPPENED THE  
24 NIGHT BEFORE?

25 A YEAH. HE TOLD ME WHY -- WHY IS THIS GUY

1 ARRESTED AND I TOLD HIM ABOUT THE PROBATION  
2 VIOLATIONS. AND THEN HE TOLD ME TO COME IN AND SEE  
3 ME THE NEXT DAY.

4 Q I'M TALKING ABOUT THE -- WE'RE TALKING  
5 ABOUT THE CONVERSATION ON THE 21ST --

6 A OH, IN THE MORNING.

7 Q -- IN HIS OFFICE AT 8:00 IN THE MORNING.

8 A OKAY. WHAT I RECALL HIM -- IS HE ASKED  
9 ME IF I HAD BEEN DRINKING AND I TOLD HIM I WAS OUT  
10 AND I HAD DRINKS BEFORE OR ABOUT, LIKE YOU SAID,  
11 4:30, 5:00, TO WHEN I LEFT AT 6:00, APPROXIMATELY  
12 FOUR BEERS. AND LET ME SEE (INDISCERNIBLE) AND WE  
13 DISCUSSED THE PROBATION VIOLATIONS AND THE CASE.

14 Q DID YOU TALK ABOUT ANYTHING ELSE?

15 A NOT THAT I RECALL.

16 Q WELL, YOU TALKED ABOUT THE PROBATION  
17 VIOLATIONS THE NIGHT BEFORE. WHAT -- WHAT DID YOU  
18 TELL HIM ON THE 21ST THAT YOU HADN'T TOLD MR. LOMAX  
19 ON THE 20TH?

20 A THE SAME BECAUSE HE PROBABLY ASKED THE  
21 SAME QUESTION.

22 Q DID MR. LOMAX TELL YOU THAT YOU WERE NOT  
23 TO HAVE ANY CONTACT WITH THE CASE INVOLVING MR.  
24 GRIFFETH IN THE FUTURE?

25 A I DON'T RECALL THAT.

1 Q YOU DON'T RECALL THAT --

2 A NO.

3 Q -- ONE WAY OR ANOTHER?

4 A NO.

5 Q SO YOU CAN'T DENY THAT --

6 A NO. I WON'T DENY THAT, EITHER.

7 Q LET'S LOOK AT EXHIBIT 12.

8 A OKAY.

9 Q AND LET'S GO TO PAGE FIVE. THAT'S WRONG.  
10 SIX. THE ONE -- THE SAME ONE AGAIN THAT SAYS...

11 (PAUSE.)

12 MR. SPRAGUE: MR. MAYER STATED?

13 MR. DECKER: THAT'S WHAT IT SAYS AT THE  
14 TOP AND NOW I'M NOT SURE EXACTLY WHERE --

15 MR. SPRAGUE: THAT'S WHERE WE WERE  
16 BEFORE.

17 MR. DECKER: -- WHERE I WANT TO BE.

18 MR. SPRAGUE: OKAY. CAN'T HELP YOU  
19 THERE.

20 BY MR. DECKER:

21 Q LET ME ASK THIS QUESTION. DID YOU DENY  
22 HAVING RECEIVED A DIRECT ORDER FROM MR. LOMAX NOT TO  
23 HAVE ANY FURTHER CONTACT OR INVOLVEMENT IN MR.  
24 GRIFFETH'S CASE --

25 A (INDISCERNIBLE).

1 Q -- WHEN YOU WERE AT YOUR PREDISCIPLINARY  
2 HEARING?

3 A I DON'T RECALL HIM SAYING THAT, BUT I  
4 SAID HE COULD HAVE TOLD ME THAT.

5 Q AND THAT'S WHAT YOU SAID AT YOUR  
6 PREDISCIPLINARY HEARING?

7 A YES, YEAH. I SAID -- YES. I SAID I AM  
8 NOT SURE HE SAID THAT, BUT I SAID I'M NOT GOING TO  
9 DENY THAT HE SAID THAT.

10 Q OKAY.

11 A I DON'T RECALL IT.

12 Q BUT, IN FACT, YOU CONTINUED TO HAVE  
13 INVOLVEMENT WITH MR. GRIFFETH'S CASE; DIDN'T YOU?

14 A YES.

15 Q AND LET'S GO BACK TO OUR EXHIBIT 14-14,  
16 THE SOON TO BE REDACTED HOLD ORDER. THERE'S A  
17 RELEASE ORDER AT THE BOTTOM OF THIS THAT'S SIGNED BY  
18 YOU; CORRECT?

19 A YES.

20 Q AND YOU DATED THAT NOVEMBER 24TH, 2008;  
21 CORRECT?

22 A YES, YES.

23 Q IS THAT WHEN YOU FILLED IT OUT?

24 A ON THE 24TH?

25 Q YES.

1 A YES.

2 Q OKAY. AND WHAT, YOU TOOK IT ACROSS THE  
3 STREET TO THE COUNTY JAIL TO THEM?

4 A YES.

5 Q AND YOU ALSO TALKED TO JUDGE DEWEESE  
6 ABOUT THE CASE. IS THAT CORRECT?

7 A YES.

8 Q NOW, HOW DID THAT COME ABOUT? WAS THAT  
9 IN A MEETING THAT YOU ARRANGED WITH THE JUDGE?

10 A WHAT'S THAT? YEAH, --

11 Q HOW DID IT --

12 A YEAH, YEAH.

13 Q -- HOW DID IT COME ABOUT THAT YOU --

14 A YEAH. I --

15 Q -- YOU MET WITH THE JUDGE?

16 A I WENT OVER AND TALKED WITH DAVE  
17 LEITENBERGER AND I TALKED WITH JUDGE DEWEESE,  
18 BECAUSE ONCE WE MAKE THE ARREST WE HAVE TO INFORM  
19 THE COURT OF THE VIOLATION BEHAVIOR AND WE ALSO HAVE  
20 TO LET THE JUDGE KNOW IF WE WANT TO GO FORWARD  
21 THROUGH A PROBATION VIOLATION OR NOT.

22 Q WHEN YOU SAY WE, YOU MEAN THE A.P.A. HAS  
23 TO DO THAT?

24 A YES.

25 Q THAT ISN'T SOMETHING PERSONALLY YOU HAD

1 TO DO. IS THAT CORRECT?

2 A WHAT'S THAT, PERSONALLY?

3 Q (INDISCERNIBLE).

4 A NO, I HAD TO PERSONALLY GO OVER AND TALK  
5 WITH HIM BECAUSE I'M THE ONE THAT MADE THE ARREST.

6 Q WELL, ACTUALLY, YOU'RE THE ONE WHO  
7 DIRECTED THE BELLVILLE POLICE DEPARTMENT TO MAKE THE  
8 ARREST?

9 A YES.

10 Q SO IT'S YOUR -- BUT THIS WAS A MEETING  
11 THAT YOU SET UP, NOT THE JUDGE; RIGHT?

12 A THIS IS -- THIS IS SOMETHING WE DO  
13 COMMON, SIR. I'M TRYING TO SAY THAT, YOU KNOW, IF  
14 SOMEONE MAKES AN ARREST ON A OFFENDER  
15 (INDISCERNIBLE) --

16 Q IT'S ROUTINE TO GO --

17 A YES.

18 MR. DE PASCALE: LET HIM FINISH HIS  
19 ANSWER, PLEASE.

20 BY MR. DECKER:

21 Q SORRY. GO AHEAD.

22 A OKAY -- IS THAT IT'S -- IT'S -- IT'S VERY  
23 COMMON WHEN AN OFFICER MAKES AN ARREST. THE JUDGE  
24 WANTS TO KNOW IF YOU'RE GOING TO GO WITH THE  
25 VIOLATION BEHAVIOR OR NOT.

1           NOW, IF YOU'RE NOT GOING TO VIOLATE IT HE  
2           WANTS TO PROBABLY KNOW, WELL, WHAT ARE YOU GOING TO  
3           DO WITH THIS CASE. I MADE -- TO ME OUT THERE THAT  
4           NIGHT AND HE WOULD WANT TO KNOW THE INFORMATION  
5           ABOUT MR. GRIFFETH.

6           AND DUE TO THE FACT THAT THE OFFENDER --  
7           I DID WANT HIM TO GO TO THE INSTITUTION AS IN PAST  
8           PRACTICES -- BECAUSE THERE WAS A CONFLICT WHICH MR.  
9           LOMAX, I THINK, DIDN'T KNOW BECAUSE HE WAS ONLY  
10          THERE FOR EIGHT MONTHS FOR THE PAST PRACTICES.  
11          THERE WAS A CONFLICT. SO I HAD TO EXPLAIN TO THE  
12          JUDGE ABOUT THE CONFLICT, ALSO, AND MR. LEITENBERGER  
13          WOULD BE TAKING THE CASE TO ASSIGN TO HIS SUPERVISOR  
14          -- ONE OF HIS SUPERVISORS.

15          Q           SO IT'S YOUR BELIEF THAT THE JUDGE WOULD  
16          HAVE BEEN EXPECTING TO HEAR FROM YOU, THE PERSON WHO  
17          WITNESSED THE BEHAVIOR --

18          A           YES.

19          Q           -- THAT WAS AN ALLEGED VIOLATION AND  
20          THAT'S WHY YOU WENT OVER TO SEE HIM?

21          A           YES, AND THE CONFLICT.

22          Q           AND YOU ALSO WANTED TO EXPLAIN TO HIM  
23          THAT YOU HAD A CONFLICT OF INTEREST?

24          A           YES.

25          Q           AND IN YOUR JUDGMENT THE CONFLICT OF



1 INTEREST DID NOT ARISE UNTIL YOU HAD -- UNTIL WHEN?

2 A 11/20/08, THE NIGHT OF THE ARREST.

3 Q AND WHAT HAPPENED ON 11/20/08 THAT CAUSED

4 A CONFLICT THAT DID NOT CAUSE A CONFLICT BEFORE?

5 A BECAUSE I ACTUALLY SAW THE TWO TOGETHER

6 WHICH WAS PROBATION VIOLATIONS.

7 Q OKAY. AND --

8 A THE EX-WIFE -- SORRY -- THE EX-WIFE AND

9 THE OFFENDER.

10 Q SO YOU WENT OVER AT A MEETING THAT YOU

11 ARRANGED BECAUSE YOU THOUGHT THE JUDGE EXPECTED IT--

12 A YES.

13 Q -- AND MET WITH DAVE LEITENBERGER AND

14 TOLD THE JUDGE WHAT HAD -- WHAT HAD HAPPENED FROM

15 YOUR PERSPECTIVE ON THE MORNING AND EVENING OF THE

16 20TH?

17 A YES.

18 Q DID YOU ALSO TELL THE JUDGE ABOUT THE

19 RUMOR YOU'D HEARD FROM JENNIFER LEECH ABOUT NEW

20 YEAR'S EVE 2007?

21 A YES. I THINK I DID, YES.

22 Q WAS ANYONE PRESENT BESIDES MR.

23 LEITENBERGER, YOURSELF, AND JUDGE DEWEESE FOR THIS

24 MEETING?

25 A NO, JUST US THREE.

1 Q AND YOU MADE A COLLECTIVE DECISION, DID  
2 YOU NOT, TO -- NOT TO REVOKE MR. GRIFFETH'S  
3 PROBATION, BUT RATHER TO PROGRESSIVELY SANCTION HIM;  
4 CORRECT?

5 A WELL, THEY DIDN'T SAY ANYTHING. IT WAS  
6 -- THE JUDGE ASKED ME IF I WANTED TO (INDISCERNIBLE)  
7 THE OFFENDER AND I SAID NO, I'D RATHER SEE HIM GET A  
8 PROGRESSIVE SANCTIONING.

9 Q ULTIMATELY, IT WAS THE JUDGE'S DECISION;  
10 CORRECT?

11 A YES.

12 Q BUT WHAT YOU RECOMMENDED WAS A  
13 PROGRESSIVE SANCTION; CORRECT?

14 A YES. AND THAT HADN'T -- WHATEVER HE  
15 WANTED TO DO WITH IT THEN IT WAS UP TO THE JUDGE.

16 Q BASED ON THE INFORMATION YOU GAVE HIM?

17 A YES, YES.

18 Q NOW, THE JUDGE AND MR. LEITENBERGER  
19 WEREN'T OUT DRIVING AROUND AT THE GRIFFETH HOUSE.  
20 THEY WEREN'T DRIVING AROUND IN FRONT OF MS. LEECH'S  
21 HOUSE. THEY HAD NO FIRSTHAND --

22 MS. MAYER: OBJECTION (INDISCERNIBLE)  
23 ARGUMENTATIVE.

24 BY MR. DECKER:

25 Q THEY HAD NO FIRSTHAND INFORMATION OF WHAT

1 HAD HAPPENED; RIGHT?

2 MR. SPRAGUE: ARE YOU REPHRASING THAT?  
3 BY MR. DECKER:

4 Q DID THE JUDGE -- TO YOUR KNOWLEDGE, DID  
5 THE JUDGE OR MRS. -- MR. LEITENBERGER HAVE ANY  
6 FIRSTHAND INFORMATION ABOUT ANY ALLEGED PROBATION  
7 VIOLATION ABOUT MR. GRIFFETH?

8 A FROM ME. THEY HEARD THAT FROM ME.

9 Q THEY DIDN'T --

10 A THEY WEREN'T THERE, THOUGH, NO.

11 Q THEY WEREN'T THERE?

12 A NO.

13 Q THEY DIDN'T HAVE ANY FIRSTHAND  
14 INFORMATION?

15 A NO, NO. YEAH.

16 Q EVERYBODY WAS RELYING ON WHAT YOU SAID?

17 A YES.

18 Q DO YOU RECALL ANYTHING ELSE ABOUT YOUR  
19 MEETING WITH THE JUDGE AND MR. LEITENBERGER OTHER  
20 THAN WHAT YOU'VE DESCRIBED?

21 A JUST IT WAS PAST PRACTICES THAT WE'VE  
22 DONE IN THE PAST WHEN THERE WAS A CONFLICT, THEN I  
23 WASHED MY -- THEN I ACTUALLY WASHED MY HANDS OF THE  
24 CASE BECAUSE THAT'S THE PROCEEDING I HAD TO GO  
25 THROUGH.

1 Q WELL, YOU WEREN'T QUITE DONE; WERE YOU?

2 A I HAD TO RELEASE THE (INDISCERNIBLE) --

3 Q YOU LEFT DIRECTIONS AT THE JAIL TO HAVE

4 MR. GRIFFETH REPORT TO YOU AND MR. DAUBENS- --

5 AND/OR MR. DAUBENSPECK ON THE MORNING OF THE 24TH

6 AFTER HE GOT OUT OF JAIL; CORRECT?

7 A YES, YES.

8 Q AND YOU PERSONALLY TOLD MR. GRIFFETH TWO

9 THINGS, DIDN'T YOU, BEING YOU TOLD HIM A, THAT HE

10 WAS NOW UNDER THE SUPERVISION OF THE COURT --

11 A YES.

12 Q -- AND THAT -- WELL, THREE THINGS -- THAT

13 HIS DEGREE OF SUPERVISION WOULD BE INCREASED TO MORE

14 INTENSIVE SUPERVISION; CORRECT?

15 A YES.

16 Q AND THAT HE WAS TO STAY AWAY FROM YOUR

17 EX-WIFE, JENNIFER LEECH; CORRECT?

18 A AND DEMI LEECH PER THE JUDGE.

19 Q AND DEMI LEECH PER THE JUDGE?

20 A YES.

21 Q IS THERE ANY REASON WHY IT WAS NECESSARY

22 THAT YOU RATHER THAN MR. DAUBENSPECK OR MR.

23 LEITENBERGER OR ANYONE ELSE TELL MR. GRIFFETH THIS?

24 A YES. THE JUDGE WANTED IT TO COME FROM ME

25 THEN. HE WANTED THE CONFLICT -- IF THERE WAS A

1 CONFLICT, IT WOULD COME FROM ME TO EXPLAIN TO HIM --

2 Q THE JUDGE INSTRUCTED YOU TO TELL --

3 A THAT'S IN PAST PRACTICES. YES. IF THERE  
4 IS A CONFLICT OF AN ARREST OR ANYTHING HE'D WANT TO  
5 KNOW. THE COMMON PLEAS JUDGE WOULD WANT TO KNOW  
6 WHAT THAT CONFLICT WAS.

7 Q NOW, THIS IS DIFFERENT. DID THE JUDGE  
8 SPECIFICALLY INSTRUCT YOU TO HAVE A MEETING WITH MR.  
9 GRIFFETH AND TELL MR. GRIFFETH WHAT HAD HAPPENED AS  
10 A RESULT OF YOUR EARLIER MEETING WITH THE JUDGE?

11 A OKAY, SAY THAT AGAIN.

12 Q DID THE JUDGE TELL YOU TO MEET WITH MR.  
13 GRIFFETH ON THE MORNING OF NOVEMBER 24TH --

14 A UH-HUH.

15 Q -- AND EXPLAIN TO MR. GRIFFETH TO STAY  
16 AWAY FROM JENNIFER LEECH AND THAT HE WOULD NOW BE  
17 SUPERVISED BY THE COUNTY PROBATION DEPARTMENT AND  
18 THAT HE WAS GOING TO I.S.P.?

19 A YEAH. HE SPOKE -- YEAH. HE SPOKE TO ME  
20 AND TOLD ME THAT, SO I RELATED (INDISCERNIBLE)

21 Q HE TOLD YOU --

22 A YES.

23 Q -- PLEASE GO MEET WITH MR. GRIFFETH?

24 A WHAT ELSE WAS HE GOING TO TELL? HE  
25 WASN'T GOING TO -- GOING TO TELL MR. LEITENBERGER.

1 IT WAS ME. HE TOLD ME --

2 Q WHY? HE WAS NOW UNDER MR. LEITENBERGER'S  
3 SUPERVISION.

4 A NO, NOT UNTIL I RELEASED HIM FROM THE --  
5 MY HOLDER HE WASN'T.

6 Q WHY COULDN'T MR. DAUBENSPECK HAVE DONE  
7 THIS?

8 A WELL, HE COULD HAVE, BUT THE JUDGE WAS  
9 SPEAKING TO ME.

10 Q AND THE JUDGE TOLD YOU --

11 A YES.

12 Q -- TO DO IT? WHO DO YOU WORK FOR, SIR,  
13 THE JUDGE --

14 A I WORK FOR BOTH.

15 Q -- OR MR. LOMAX?

16 A I WORK WITH BOTH OF THEM.

17 Q WHO DO YOU WORK FOR?

18 MS. MAYER: OBJECTION.

19 A I (INDISCERNIBLE) WITH BOTH OF THEM.  
20 IT'S A PAST PRACTICE.

21 MR. SPRAGUE: A QUESTION AND A RESPONSE,  
22 ALL RIGHT.

23 BY MR. DECKER:

24 Q LET'S LOOK AT EXHIBIT 19.

25 (PAUSE.)

1 BY MR. DECKER:

2 Q ARE YOU AT 19?

3 A I'M AT -- YES.

4 MR. SPRAGUE: I'M NOT QUITE THERE. HOLD  
5 ON A SECOND. THERE WE GO. ALL RIGHT.

6 BY MR. SPRAGUE:

7 Q THIS ISN'T A BIG DEAL. THIS IS THE  
8 DOCUMENT THAT WAS COMPLETED BY YOU AND MR.  
9 DAUBENSPECK THAT TRANSFERRED OR AT LEAST CLOSED YOUR  
10 CASE ON MR. GRIFFETH; RIGHT?

11 A YES.

12 Q OKAY. LET'S LOOK AT EXHIBIT 17.

13 A 17 (INDISCERNIBLE) OKAY.

14 Q IS EXHIBIT 17 AN E-MAIL THAT YOU WROTE TO  
15 LINDA JANES AND COPIED TO DAVE LOMAX ON OR ABOUT  
16 NOVEMBER 24TH, 2008?

17 A YES.

18 Q AND DID YOU DO THIS AT 7:42 A.M.?

19 A YEAH, IT LOOKS LIKE IT. YES.

20 Q WAS THIS BEFORE OR AFTER YOUR MEETING  
21 WITH THE JUDGE?

22 A THIS WAS BEFORE.

23 Q OKAY. PARAGRAPH ONE -- I DON'T KNOW --  
24 ABOUT EIGHT OR NINE LINES DOWN YOU SAY THE OFFENDER  
25 WHO WAS HAVING CONTACT WITH MY EX-WIFE WILL BE

1 TRANSFERRED TO RICHLAND COUNTY I.S.P. HOW DID YOU  
2 KNOW THAT WAS GOING TO HAPPEN?

3 A BY PAST PRACTICES. WHEN THERE'S A  
4 CONFLICT OF INTEREST ON A CASE, THEN THEY TRANSFER  
5 THE CASE OVER OR VICE-VERSA.

6 Q AND AT THE TOP YOU SAY I'D FIRST LIKE TO  
7 APOLOGIZE FOR MY ACTIONS ABOUT THE INCIDENT ON  
8 THURSDAY, 11/20/08. I LET MY EMOTIONS GET THE BEST  
9 OF ME. WHAT WERE YOU REFERRING TO?

10 A APOLOGIZING BECAUSE I SHOULD HAVE  
11 PROBABLY INFORMED RUSS DAUBENSPECK SOONER, AND AFTER  
12 I CALLED THE POLICE THAT NIGHT I SHOULD HAVE CALLED  
13 HIM AND HAD HIM PROBABLY GET WITH THE HOLDER AND I,  
14 YOU KNOW, SHOULD (INDISCERNIBLE) --

15 Q YOU SHOULD HAVE LET HIM FILL OUT THE  
16 HOLDER?

17 A (INDISCERNIBLE) OR COULD HAVE LET HIM  
18 TAKE THE CASE AND ME STAND BACK IS WHAT I SHOULD  
19 HAVE DONE. THAT'S WHAT I APOLOGIZED FOR. I SHOULD  
20 HAVE INFORMED HIM A LITTLE SOONER.

21 Q WHEN -- AT WHAT POINT SHOULD YOU HAVE LET  
22 MR. DAUBENSPECK TAKE THE CASE?

23 A I'D SAY WHEN I FOUND THE -- THE VIOLATION  
24 BEHAVIOR WHICH WAS TRUE THAT NIGHT, THE 20TH. I  
25 SHOULD HAVE INFORMED HIM AND CALLED HIM SOONER.



1 Q SO WHEN YOU FOUND THE VIOLATION BEHAVIOR  
2 WHICH IS WHEN YOU SAW GRIFFETH AND LEECH TOGETHER IN  
3 THE CAR THE FIRST TIME YOU DRIVE BY, YOU SHOULD HAVE  
4 CALLED RUSS DAUBENSPECK?

5 A WELL, AFTER I MADE THE CALL FOR THE  
6 POLICE, THEN AFTERWARDS CALLED MR. DAUBENSPECK. BUT  
7 AGAIN, I WAS ON THE PHONE WITH THE POLICE WHEN I  
8 PULLED UP TO THE RESIDENCE, AND THE NEXT THING YOU  
9 KNOW, YOU KNOW, THE EX WAS, YOU KNOW, BEING IRATE.  
10 AND I SHOULD HAVE CALLED RUSS MAYBE SOONER AFTER  
11 THAT, AFTER WE LEFT THE SCENE.

12 Q SO THAT WAS ALL YOU WERE APOLOGIZING FOR  
13 IS --

14 A YES.

15 Q -- NOT CALLING RUSS DAUBENSPECK --

16 A OR ANOTHER --

17 Q -- WHEN YOU ENDED UP AT THE GRIFFETH  
18 HOUSE THE SECOND TIME?

19 A YES, OR ANOTHER OFFICER FROM ADULT PAROLE  
20 AUTHORITY.

21 Q YOU WEREN'T APOLOGIZING FOR ANYTHING  
22 ELSE?

23 A NO.

24 Q LET'S LOOK AT EXHIBIT 14-10.

25 A 14-10, 14-10.

1 (PAUSE.)

2 BY MR. DECKER:

3 Q THE LAST PARAGRAPH, PAGE TWO.

4 MR. SPRAGUE: LET'S -- LET'S --

5 MR. DECKER: IT'S EXHIBIT 14-10.

6 MR. SPRAGUE: LET'S -- LET'S GO OFF FOR  
7 JUST A MINUTE.

8 (OFF THE RECORD.)

9 MR. SPRAGUE: BACK ON.

10 BY MR. DECKER:

11 Q THIS IS THE REPORT YOU WROTE ON THE 21ST;  
12 RIGHT? THIS INCIDENT REPORT, EXHIBIT 14-10?

13 A YES, YES.

14 Q AND AGAIN YOU SAY I'M TRULY -- I TRULY AM  
15 EXTREMELY UPSET WITH THIS WHOLE SITUATION AND FOR  
16 PUTTING MYSELF IN SUCH A BAD PREDICAMENT, BUT I DID  
17 NOT WANT THIS OFFENDER TO BE AROUND TWO PEOPLE THAT  
18 I LOVE AND CARE ABOUT. I SHOULD HAVE INFORMED OTHER  
19 CO-WORKERS, BUT I WAS NOT WANTING THEM TO KNOW ABOUT  
20 MY PERSONAL LIFE.

21 NOW, WHAT WAS THE BAD PREDICAMENT THAT  
22 YOU PUT YOURSELF IN THAT YOU WERE UPSET ABOUT?

23 A AGAIN, ON THE NIGHT IN QUESTION,  
24 11/20/08, I SHOULD HAVE INFORMED MR. DAUBENSPECK OR  
25 ANOTHER OFFICER IN THE ADULT PAROLE AUTHORITY THAT

1 -- WHEN I SEEN THEM TOGETHER, CALLED THEM MAYBE  
2 AFTER THE POLICE.

3 Q I COULDN'T HEAR YOU. I'M SORRY. PAPERS  
4 WERE RUSTLING. YOU SHOULD HAVE CALLED MR.  
5 DAUBENSPECK AND WHAT?

6 A I SAID I SHOULD HAVE CALLED HIM RIGHT  
7 AFTER THE INCIDENT AND TOLD HIM THAT HE NEEDS TO  
8 COME AND I -- HE COULD HELP ME ASSIST AND I COULD  
9 HAVE STAYED BACK FROM THE CASE.

10 Q WHAT WAS THE BAD PREDICAMENT THAT YOU  
11 WERE INVOLVED IN THE CASE? YOU DIDN'T DO ANYTHING  
12 INAPPROPRIATE AT THE GRIFFETH HOUSE; DID YOU?

13 A NO.

14 Q AND YOU DIDN'T DO ANYTHING INAPPROPRIATE  
15 WHEN YOU WENT TO THE JAIL; DID YOU?

16 A NO.

17 Q SO WHAT WAS BAD ABOUT THE PREDICAMENT?

18 A BAD ABOUT THE PREDICAMENT? BECAUSE  
19 AGAIN, I SHOULD HAVE INFORMED ONE OF MY -- MY OTHER  
20 OFFICERS.

21 Q WELL, YOU -- IN THE INVESTIGATORY  
22 INTERVIEW YOU WERE ASKED OVER AND OVER WHY YOU  
23 DIDN'T INFORM MR. DAUBENSPECK OR MR. LOMAX EARLIER  
24 ABOUT YOUR SUSPECTED -- ABOUT THE SUSPECTED  
25 INVOLVEMENT OF MS. LEECH AND MR. GRIFFETH. DO YOU

1 RECALL THAT?

2 A NO, EXCEPT FOR THE NIGHT IN QUESTION,  
3 11/20, WHEN I FOUND OUT FOR SURE.

4 Q YOU WEREN'T ASKED ABOUT THAT BEFORE?

5 A I (INDISCERNIBLE) I DON'T RECALL.

6 Q NEVER MIND. NOW, PURSUANT TO THIS OTHER  
7 MEMO WE LOOKED AT, THE E-MAIL YOU WROTE --

8 A UH-HUH.

9 Q -- TO -- NUMBER 17 -- TO LINDA JANES --

10 A YES.

11 Q -- WHO IS LINDA JANES, BY THE WAY?

12 A SHE'S THE DEPUTY DIRECTOR OF THE ADULT  
13 PAROLE AUTHORITY, MY BOSS.

14 Q DID YOU, IN FACT, RECEIVE LEAVE? ONE OF  
15 THE THINGS YOU ASKED FOR IN HERE IS TO TAKE OFF FOR

16 A WHILE?

17 A YEAH. I WANTED TO TAKE MY OWN LEAVE --

18 Q RIGHT.

19 A -- (INDISCERNIBLE) ADMINISTRATIVE LEAVE,  
20 THOUGH.

21 Q AND DID YOU TAKE YOUR OWN LEAVE?

22 A NO, I DID NOT.

23 Q DID YOU CONTINUE TO WORK --

24 A I WORKED --

25 Q -- AFTER NOVEMBER 24TH?

1 A I WORKED THE 25TH, I THINK, AND THEN I  
2 WAS OFF --

3 Q THEN YOU WERE OFF --

4 A -- ON ADMINISTRATIVE LEAVE, NOT MY -- I  
5 DIDN'T USE MY LEAVE. I DON'T RECALL USING MY LEAVE.

6 Q OKAY. AND THEN, DO YOU RECALL MEETING  
7 WITH MR. NELSON ON THE 23RD OF DECEMBER, 2008?

8 A YES.

9 Q THAT WAS AN INVESTIGATOR INTERVIEW --

10 A YES.

11 Q -- ABOUT SOME OF THE ALLEGATIONS IN THIS  
12 CASE?

13 A YES.

14 Q AND DO YOU UNDERSTAND YOURSELF WHEN  
15 YOU'RE IN AN INVESTIGATORY INTERVIEW TO BE UNDER AN  
16 AFFIRMATIVE DUTY TO COOPERATE FULLY BY ANSWERING ALL  
17 INQUIRIES TRUTHFULLY?

18 A DO I UNDERSTAND THAT?

19 Q YES.

20 A YES.

21 Q AND YOU WERE UNDER AN OBLIGATION TO  
22 PROVIDE ANY AND ALL PERTINENT INFORMATION WHICH YOU  
23 POSSESSED; CORRECT?

24 A YES.

25 Q AND ONE OF THE THINGS THAT MR. NELSON

1 ASKED YOU WAS THE SOURCE OF YOUR INFORMATION, WHY  
2 MS. LEECH -- THE SOURCE OF YOUR INFORMATION THAT MS.  
3 LEECH AND MR. GRIFFETH MAY HAVE TRAVELLED TO  
4 (INDISCERNIBLE) TOGETHER IN AUGUST OF 2008?

5 A YES.

6 Q YOU WERE ASKED ABOUT THAT; WEREN'T YOU?

7 A YES.

8 Q AND, IN FACT, YOU DID REFUSE TO PROVIDE  
9 THAT INFORMATION TO MR. NELSON; DIDN'T YOU?

10 A YES, UNTIL LATER, UNTIL I GAVE IT TO HIM  
11 LATER.

12 Q WELL, ACTUALLY, YOU GAVE IT TO -- YOU  
13 PROVIDED IT LATER AT YOUR PREDISCIPLINARY HEARING?

14 A YES, YES.

15 Q YOU DID NOT TELL MR. NELSON THAT YOU WERE  
16 GOING TO PROVIDE IT TO HIM LATER; DID YOU?

17 A I THINK I MIGHT HAVE TOLD HIM THAT OR --  
18 WHAT I RECALL.

19 Q AND IF YOU TOLD HIM THAT, THAT WOULD BE  
20 IN THE INVESTIGATORY (INDISCERNIBLE) RECORDED?

21 A IF I RECALL.

22 Q DID YOU HAVE ANY OTHER CONVERSATION WITH  
23 MR. NELSON BETWEEN DECEMBER 20TH AND THE DATE OF  
24 YOUR PREDISCIPLINARY HEARING?

25 A YES.

1 Q WHAT DID YOU TALK TO MR. NELSON ABOUT?

2 A I THINK I TOLD HIM TO CALL THE DOMESTIC  
3 COURT TO TALK WITH BOBBY POWERS (PHONETIC). YOU  
4 MEAN AFTER THE -- YOU MEAN -- YEAH, DURING THE TIME  
5 TO MY HEARING I'VE TALKED TO HIM, I THINK, SEVERAL  
6 TIMES.

7 Q BETWEEN --

8 A DECEMBER 23RD TO THE MARCH 3RD?

9 Q YES.

10 A YES. I THINK I'VE CALLED HIM ON SEVERAL  
11 OCCASIONS TO LOOK INTO CERTAIN THINGS FOR ME.

12 Q IS IT YOUR TESTIMONY THAT YOU GAVE HIM  
13 THE INFORMATION AT THAT POINT ABOUT WHERE YOU GOT  
14 YOUR INFORMATION ABOUT THE -- MS. LEECH AND MR.  
15 GRIFFETH GOING TO FLORIDA?

16 A YES, FROM THE SISTER WHICH GAVE  
17 (INDISCERNIBLE) --

18 Q AND IT'S YOUR TESTIMONY NOW THAT YOU TOLD  
19 MR. NELSON ABOUT THAT ORALLY ON THE PHONE SOMETIME  
20 BETWEEN THE 20TH AND YOUR PREDISCIPLINARY HEARING?

21 A YOU'RE TALKING ABOUT -- SAY THAT AGAIN --  
22 THE FLORIDA TRIP? I'M SORRY.

23 Q LET'S BACK UP.

24 A OKAY.

25 Q (INDISCERNIBLE) --

1 (INDISCERNIBLE).

2 BY MR. DECKER:

3 Q I THINK THIS IS -- WE'RE GETTING CONFUSED  
4 (INDISCERNIBLE).

5 MR. SPRAGUE: WE'VE GOT TWO DAYS WE KEEP  
6 THROWING AROUND, DECEMBER 20TH AND DECEMBER 23RD.  
7 WHAT WAS THE DATE OF THE INVESTIGATORY INTERVIEW?  
8 WAS IT THE 20TH OR 23RD?

9 MR. DECKER: IT WAS THE 23RD AND THE 20TH  
10 IS IN ERROR.

11 MR. SPRAGUE: OKAY.

12 THE WITNESS: YEAH.

13 MR. DECKER: OKAY.

14 BY MR. DECKER:

15 Q SO I'M GOING TO TRY TO ASK THIS AGAIN.

16 A OKAY.

17 Q WE'RE TALKING ABOUT THE PERIOD OF TIME  
18 BETWEEN THE INVESTIGATORY INTERVIEW ON THE 23RD AND  
19 YOUR PREDISCIPLINARY HEARING ON MARCH 3RD --

20 A YES.

21 Q -- OF '08. YOU SAID YOU HAD SEVERAL --

22 MR. DE PASCALE: '09.

23 MR. DECKER: '09.

24 MR. DE PASCALE: 23 DECEMBER '08, MARCH  
25 '09.



1 THE WITNESS: YES.

2 MR. DECKER: MARCH '09.

3 THE WITNESS: UH-HUH.

4 MR. DE PASCALE: YES.

5 MR. DECKER: I AM TIRED AND I AM MESSING  
6 THIS UP.

7 BY MR. DECKER:

8 Q DECEMBER 23RD, '08, TO MARCH '09, IS THE  
9 TIME FRAME --

10 A YES.

11 Q -- WE'RE TALKING ABOUT?

12 A YES.

13 Q AND YOU SAID YOU HAD SEVERAL TELEPHONE  
14 CONVERSATIONS WITH MR. RON NELSON --

15 A YES.

16 Q -- DURING THAT INTERVAL OF TIME?

17 A YES, YES.

18 Q DECEMBER 23RD --

19 MR. SPRAGUE: NO, I GOT THAT. I'M JUST  
20 TRYING TO REMEMBER BACK IF WE HAD SAID DECEMBER 23  
21 OF '07 SOMEWHERE. I WROTE IN MY --

22 MR. DECKER: WE PROBABLY DID.

23 MR. SPRAGUE: OKAY, ALL RIGHT. ALL  
24 RIGHT, THAT'S FINE. WE'LL FIX THAT. ALL RIGHT.

25 MR. DECKER: OKAY.

1 BY MR. DECKER

2 Q AND DO YOU SPECIFICALLY RECALL GIVING MR.  
3 NELSON IN ONE OF THOSE TELEPHONE CONVERSATIONS THE  
4 INFORMATION THAT YOU LEARNED FROM JENNIFER LEECH'S  
5 BROTHER, SOME INFORMATION THAT YOU -- LED YOU TO  
6 BELIEVE THEY WERE GOING TO FLORIDA TOGETHER?

7 A YEAH, YEAH. I THINK IT COULD HAVE BEEN  
8 NOT -- IN THE -- IN THE INTERVIEW I THINK I TOLD HIM  
9 IT WAS -- CAME FROM MR. DAUBENSPECK, THE  
10 INFORMATION, BECAUSE THE OFFENDER'S SISTER TOLD MR.  
11 DAUBENSPECK THAT THEY WERE TOGETHER IN FLORIDA.

12 AFTERWARDS, I CALLED HIM AND TALKED ABOUT  
13 A DOMESTIC PROBLEM THAT I WENT OVER AND FILED IN THE  
14 DOMESTIC COURT AGAINST MY EX.

15 MS. MAYER: IF I -- MAYBE WE CAN GO OFF  
16 THE RECORD A SECOND. I THINK I KNOW WHERE THE  
17 DISCREPANCY IS IN THAT YOU --

18 MR. SPRAGUE: LET'S -- WELL, --

19 MS. MAYER: LIKE I SAID, JUST TO TRY TO  
20 CLEAR IT UP. I THINK PART OF IT IS A MISSTATEMENT.  
21 THE BROTHER'S INFORMATION WAS THAT SHE WAS DATING A  
22 GUY NAMED ED, NOT THAT THEY WENT TO FLORIDA  
23 TOGETHER.

24 AFTER HE GOT THAT INFORMATION IS WHEN HE  
25 WAS PUTTING IT TOGETHER BECAUSE THEY WERE BOTH GONE

1 ON VACATION AT THE SAME TIME.

2 MR. DECKER: LET ME ASK THE QUESTION A  
3 DIFFERENT WAY.

4 THE WITNESS: OKAY.

5 BY MR. DECKER:

6 Q DO YOU SPECIFICALLY RECALL TELLING RON  
7 NELSON BETWEEN DECEMBER 23RD, 2008, AND MARCH 3RD,  
8 2009, THAT YOU HAD LEARNED FROM JENNIFER LEECH'S  
9 BROTHER THAT SHE WAS DATING SOMEONE NAMED ED?

10 A FROM THE 23RD TO MARCH 3RD YOU SAID?

11 Q YES.

12 A YEAH. I TOLD THEM -- I TOLD THEM AT THE  
13 -- THE HEARING IT WAS THE BROTHER WHO GAVE ME THE  
14 INFORMATION.

15 Q OKAY. AND YOU DON'T RECALL GIVING THAT  
16 INFORMATION TO MR. NELSON PRIOR TO THE  
17 PREDISCIPLINARY HEARING?

18 A NO, BUT I EXPLAINED TO HIM THAT DAUBEN-  
19 -- MR. DAUBENSPECK HAD INFORMATION FROM THE SISTER  
20 THAT WOULD VERIFY THAT THE OFFENDER WENT TO FLORIDA  
21 WITH MY EX IN AUGUST.

22 Q MR. DAUBENSPECK GOT THIS INFORMATION ON  
23 THE 24TH OF NOVEMBER; DIDN'T HE?

24 A YES, YES.

25 Q SO THAT COULDN'T HAVE HAD ANYTHING TO --

1 TO DO WITH YOUR MOTIVATION OR KNOWLEDGE ON THE 20TH  
2 OR THE 21ST?

3 A MOTIVATION?

4 Q YOU DIDN'T -- NEVER MIND.

5 A OKAY, NO. ON THE (INDISCERNIBLE) --

6 Q (INDISCERNIBLE).

7 A OKAY.

8 MR. DECKER: MAY I -- MAY WE HAVE JUST A  
9 COUPLE MINUTES TO CIRCLE THE WAGONS --

10 THE WITNESS: YES.

11 MR. SPRAGUE: LET ME -- LET ME MAKE SURE  
12 I'VE JUST GOT THIS RIGHT. OKAY, AT THE  
13 PREDISCIPLINARY CONFERENCE, 3/20 -- SORRY -- YES,  
14 3/03/09 THE APPELLANT TOLD -- APPRISED THE WHATEVER  
15 -- THE HEARING OFFICER THAT HE HAD LEARNED FROM MS.  
16 LEECH'S BROTHER THAT SHE WAS DATING SOMEONE NAMED  
17 ED, --

18 MR. DECKER: YES.

19 MR. SPRAGUE: -- BUT NOT DURING -- BUT  
20 THAT HE DID NOT APPRISE MR. NELSON OF THAT FACT  
21 DURING THE INVESTIGATIVE INTERVIEW --

22 MS. MAYER: I THINK HE --

23 MR. DECKER: OR AT ANY POINT --

24 MR. SPRAGUE: OR IN THE --

25 MR. DECKER: -- BETWEEN THE INTERVIEW AND

1 THE PRE-D.

2 MR. SPRAGUE: -- TIME FRAME IN BETWEEN,  
3 RIGHT.

4 MS. MAYER: I THINK HE APPRISED HIM OF  
5 THE FACT, BUT JUST NOT WHO TOLD HIM.

6 THE WITNESS: YES. I TOLD HIM  
7 (INDISCERNIBLE) --

8 MS. MAYER: IT'S IN THE INTERVIEW. HE  
9 KNEW THE FACT. HE JUST DID NOT --

10 MR. SPRAGUE: OH, ALL RIGHT.

11 MS. MAYER: -- INDICATE WHO TOLD HIM  
12 THAT, --

13 THE WITNESS: YEAH.

14 MR. SPRAGUE: OKAY.

15 MS. MAYER: -- BUT HE PROVIDED THE NAME  
16 AT THE HEARING.

17 MR. DECKER: I THINK THAT'S CORRECT.

18 THE WITNESS: YES.

19 MR. SPRAGUE: OKAY, OKAY. ASKED ABOUT  
20 THE SOURCE OF INFORMATION AND HE DIDN'T TELL NELSON  
21 AT THAT TIME. OKAY, I'VE GOT IT.

22 MR. DECKER: MAY WE HAVE A COUPLE MINUTES  
23 OFF THE RECORD TO MAKE SURE THAT WE ARE PRESENTLY  
24 DONE --

25 MR. SPRAGUE: SURE.

1 MR. DECKER: -- WITH MR. MAYER?

2 MR. SPRAGUE: ALL RIGHT, WE'LL GO OFF FOR  
3 A FEW MINUTES.

4 (OFF THE RECORD.)

5 MR. SPRAGUE: BACK ON.

6 MR. DECKER: THIS CONCLUDES OUR CROSS-  
7 EXAMINATION FOR THE MOMENT OF MR. MAYER AS PART OF  
8 OUR CASE, RESERVING, OF COURSE, THE RIGHT TO CROSS-  
9 EXAMINE HIM IF HE TESTIFIES AGAIN.

10 MR. SPRAGUE: ALL RIGHT, THANK YOU VERY  
11 MUCH. I THINK THIS WOULD BE AN OPPORTUNE TIME FOR A  
12 LUNCH BREAK.

13 MR. DE PASCALE: HOW LONG DO WE HAVE,  
14 SIR?

15 (OFF THE RECORD.)

16 MR. SPRAGUE: ALL RIGHT, WE'RE BACK ON.  
17 MS. MAYER HAS -- WELL, I'LL JUST (INDISCERNIBLE) --

18 MS. MAYER: GO AHEAD.

19 MR. SPRAGUE: -- SHE'S RE-ENTERED HER --  
20 REMINDED ME OF HER PENDING OBJECTION REGARDING THE  
21 POTENTIAL LACK OF RELEVANCE TO THE FAMILY TIES OF  
22 THE APPELLANT AND THE COUNTY, SO MR. DECKER HAD  
23 RESPONDED THAT HE WILL HOOK IT UP, AND IF HE  
24 DOESN'T, WE'LL ENTERTAIN A MOTION TO STRIKE.

25 MS. MAYER: OKAY.

1 MR. SPRAGUE: ALL RIGHT. VERY WELL. MS.  
2 LEECH HAS TAKEN THE STAND. MS. LEECH, I WILL NEED  
3 TO SWEAR YOU IN AT THIS TIME. PLEASE RAISE YOUR  
4 RIGHT HAND.

5 (WITNESS SWORN.)

6 MR. SPRAGUE: PLEASE STATE YOUR FULL NAME  
7 FOR THE RECORD, SPELLING YOUR LAST NAME.

8 THE WITNESS: JENNIFER M. LEECH,  
9 (SPELLING) L-E-E-C-H.

10 MR. SPRAGUE: THANK YOU. MS. LEECH, I  
11 HAVE GRANTED A SEPARATION OF WITNESSES. THEREFORE,  
12 I WOULD ASK YOU NOT TO DISCUSS YOUR TESTIMONY WITH  
13 ANY OF THE OTHER WITNESSES TO THIS PROCEEDING UNTIL  
14 THIS HEARING HAS CONCLUDED, ALL RIGHT?

15 THE WITNESS: YES, YOUR HONOR.

16 MR. SPRAGUE: THANK YOU. MR. PIERSALL?

17 MR. PIERSALL: THANK YOU, YOUR HONOR.

18 - - -

1 JENNIFER LEECH

2 BEING FIRST DULY SWORN, AS PRE-  
3 SCRIBED BY LAW, WAS EXAMINED  
4 AND TESTIFIED AS FOLLOWS:

5 - - -

6 DIRECT EXAMINATION

7 - - -

8 BY MR. PIERSALL:

9 Q GOOD AFTERNOON, MS. LEECH.

10 A GOOD AFTERNOON.

11 Q MS. LEECH, ARE YOU PRESENTLY EMPLOYED?

12 A YES, I AM.

13 Q AND BY WHOM?

14 A L.A. HAIR.

15 Q AND WHERE IS THAT LOCATED?

16 A ON FOURTH STREET IN MANSFIELD.

17 Q AND HOW LONG HAVE YOU HELD THAT -- BEEN  
18 EMPLOYED BY L.A. HAIR?

19 A A LITTLE OVER FOUR YEARS.

20 Q AND WHAT DO YOU DO THERE?

21 A I AM A HAIR STYLIST.

22 Q THANK YOU. DO YOU KNOW THE APPELLANT,  
23 MR. JOHN MAYER?

24 A YES, I DO.

25 Q AND HOW DO YOU KNOW MR. MAYER?



1 A I WAS FORMERLY MARRIED TO HIM.

2 Q AND HOW LONG WERE YOU MARRIED TO MR.  
3 MAYER, APPROXIMATELY?

4 A JUST A LITTLE OVER A YEAR.

5 Q WHAT WAS THE TIME PERIOD ON THAT?

6 A JUNE OF '07 TO AUGUST OF '08.

7 Q OKAY. AND AT ANY POINT IN YOUR  
8 RELATIONSHIP OR YOUR MARRIAGE DID YOU RESIDE WITH  
9 MR. MAYER?

10 A SHORTLY, YES.

11 Q AND WHAT WAS THE GENERAL TIME PERIOD ON  
12 THAT?

13 A OCTOBER UP UNTIL SOMETIME IN JANUARY.

14 Q IF YOU WOULD, DESCRIBE YOUR MARITAL  
15 RELATIONSHIP WITH MR. MAYER.

16 A IT WAS VERY ROCKY FROM PRIOR -- THE DAY  
17 BEFORE THE WEDDING. THE WEDDING -- THERE WAS A HUGE  
18 PROBLEM DURING THE CEREMONY THAT WAS LEFT EXTREMELY  
19 UNSETTLED FROM --

20 MR. DE PASCALE: YOUR HONOR, CAN I ASK  
21 THE RELEVANCE OF THIS TESTIMONY?

22 MR. PIERSALL: WELL, THEIR RELATIONSHIP--  
23 MR. MAYER HAS ALREADY TESTIFIED HE WAS UPSET. I'M  
24 JUST TRYING TO GET A BACKGROUND ON THE RELATIONSHIP  
25 BETWEEN THE TWO OF THEM AND WHAT CAUSED HIM TO BE

1 UPSET THAT EVENING.

2 MR. DE PASCALE: SHE'S TALKING ABOUT JUNE  
3 OF '07. THIS INCIDENT WAS NOVEMBER OF '08.

4 MR. PIERSALL: YOU'RE ASSERTING THAT  
5 THEIR MARRIAGE AND THEIR RELATIONSHIP HAS NOTHING TO  
6 DO WITH THE EVENTS IN NOVEMBER OF '08?

7 MR. DE PASCALE: I'M NOT ASSERTING  
8 ANYTHING. I'M JUST -- LIKE YOU TO TELL US WHAT  
9 RELEVANCE ANY ARGUMENTS THEY HAD AT THE TIME OF  
10 THEIR ORIGINAL MARRIAGE HAS TO DO WITH SOMETHING 14,  
11 15 MONTHS LATER.

12 MR. SPRAGUE: PERHAPS WE CAN ONCE AGAIN  
13 SHORT COURSE THIS. COULD THE PARTIES STIPULATE THAT  
14 THEIR RELATIONSHIP WAS ROCKY, FOR LACK OF A BETTER  
15 WORD?

16 MR. DE PASCALE: YES. THEY GOT A  
17 DIVORCE.

18 UNIDENTIFIED SPEAKER: YES.

19 MR. DE PASCALE: OBVIOUSLY, IT WAS ROCKY.

20 MR. PIERSALL: THAT'S FINE.

21 MR. SPRAGUE: ALL RIGHT.

22 MR. PIERSALL: OKAY. THANK YOU.

23 BY MR. PIERSALL:

24 Q SPEAKING OF ROCKINESS, LET'S TURN TO  
25 WHAT'S BEEN MARKED AS EXHIBIT 14-5 IN YOUR EXHIBIT

1 BOOK. ARE YOU THERE, MS. LEECH?

2 A I'M HERE, YES.

3 Q IF YOU WOULD, TURN TO PAGE TWO AND THE  
4 LAST SENTENCE ON PAGE TWO OF EXHIBIT 14-5. IT  
5 STATES EACH PARTY SHALL BE PERMANENTLY AND MUTUALLY  
6 ENJOINED AND RESTRAINED FROM BOTHERING, HARASSING OR  
7 ANNOYING THE OTHER. DO YOU SEE THAT?

8 A YES, I DO.

9 Q AND THAT WAS, IN FACT, PART OF YOUR  
10 DIVORCE DECREE?

11 A YES, IT WAS.

12 Q DID MR. MAYER ABIDE BY THIS PORTION OF  
13 YOUR DIVORCE DECREE --

14 MR. DE PASCALE: OBJECTION. SHE CAN  
15 RELATE FACTS, BUT WHETHER OR NOT HE ABIDED IS UP TO  
16 YOU --

17 MR. PIERSALL: IF YOU'D LET ME FINISH MY  
18 QUESTION I WAS GOING TO ASK HER IN YOUR OPINION.

19 MR. DE PASCALE: SHE'S NOT ENTITLED TO  
20 GIVE THAT OPINION.

21 THE WITNESS: I WAS CLEARLY STALKED FOR  
22 HOW MANY MONTHS --

23 MR. SPRAGUE: EXCUSE ME, MS. LEECH. I'LL  
24 ENTERTAIN THE WITNESS' OPINION AND WITH THE  
25 UNDERSTANDING THAT IT IS PURELY PROVIDED FROM THE

1 PERSPECTIVE OF A LAY INDIVIDUAL AND NOT A MEMBER OF  
2 THE BAR.

3 MR. DE PASCALE: THANK YOU, YOUR HONOR.

4 BY MR. PIERSALL:

5 Q GO AHEAD.

6 A RESTATE YOUR QUESTION AGAIN. I'M SORRY.

7 Q IN YOUR OPINION, DID MR. MAYER ABIDE BY  
8 THIS LAST SENTENCE ON PAGE TWO?

9 A NOT AT ALL, NO.

10 Q IN WHAT MANNER DID HE NOT?

11 A THE LETTERS, THE PHONE CALLS CONTINUED,  
12 THE FOLLOWINGS, JUST COINCIDENTALLY RUNNING INTO ME  
13 EVERY MORNING, EVERY AFTERNOON. IT -- THERE WAS NO  
14 -- HE DIDN'T CARE. HE HAD ALREADY BEEN ASKED A  
15 MONTH PRIOR TO OUR DIVORCE BY A POLICEMAN TO STOP  
16 CALLING ME, TO STOP --

17 MR. DE PASCALE: OBJECTION TO WHAT SOME  
18 OTHER POLICEMAN MAY HAVE SAID AT SOME POINT.

19 THE WITNESS: IT WASN'T SOMETHING HE  
20 SAID.

21 MR. SPRAGUE: MS. LEECH --

22 THE WITNESS: IT WAS AN ACTION MADE ON A  
23 POLICE CALL.

24 MR. SPRAGUE: -- MS. LEECH, WHEN WE HAVE  
25 AN OBJECTION PENDING WE NEED TO GET A RESPONSE AND A

1 RULING BEFORE YOU PROCEED.

2 THE WITNESS: OKAY.

3 BY MR. PIERSALL:

4 Q YOU CAN'T TESTIFY AS TO WHAT OTHER PEOPLE  
5 MAY HAVE INSTRUCTED MR. MAYER, BUT I JUST WANT YOUR  
6 TESTIMONY AS TO HOW YOU BELIEVE IN YOUR OPINION MR.  
7 MAYER DID NOT FOLLOW THE FINAL SENTENCE ON PAGE TWO  
8 OF YOUR DIVORCE DECREE. JUST LEAVE OUT WHAT OTHERS  
9 MAY HAVE INSTRUCTED (INDISCERNIBLE).

10 A OKAY. AGAIN, THE LETTERS, THE CALLS, AND  
11 THE CONSTANT FOLLOWING.

12 Q OKAY. THANK YOU. DO YOU KNOW MR. EDWIN  
13 GRIFFETH?

14 A YES, I DO.

15 Q AND HOW DO YOU KNOW MR. EDWIN GRIFFETH?

16 A IN 2004 I PURCHASED A VEHICLE FROM HIM  
17 AND THAT'S BASICALLY HOW I FIRST MET HIM.

18 Q AND DID YOU ESTABLISH A RELATIONSHIP WITH  
19 MR. GRIFFETH BEYOND THE PURCHASING OF THE CAR?

20 A I HAD A FRIENDSHIP WITH HIM, YES.

21 Q AND WHEN APPROXIMATELY DID THIS  
22 FRIENDSHIP RELATIONSHIP BEGIN?

23 A SHORTLY, PROBABLY INTO JULY OF 2004.

24 Q AND DESCRIBE AS PART OF YOUR  
25 ACQUAINTANCESHIP OR FRIENDSHIP WITH HIM WHAT TYPES

1 OF ACTIVITIES YOU WOULD DO?

2 A OBSERVE FIREWORKS, WENT OUT TO DINNER UP  
3 UNTIL HIS CONVICTION, AND I STILL MADE -- HAD  
4 CONTACT WITH HIM THROUGH PHONE CALLS AND LETTERS  
5 PROBABLY INTO 2005.

6 Q AND WHEN WAS -- WHEN YOU REFER TO THE  
7 CONVICTION, ARE YOU REFERRING TO MR. GRIFFETH'S  
8 CONVICTION ON SEXUAL BATTERY?

9 A YES, I AM.

10 Q AND DO YOU RECALL APPROXIMATELY WHEN HE  
11 WAS INCARCERATED FOR THAT OFFENSE?

12 A POSSIBLY SEPTEMBER, AUGUST, SEPTEMBER.

13 Q OF '04?

14 A YES.

15 Q OKAY. AND DID YOU --

16 A WHEN I FIRST LEARNED OF IT, I GUESS.

17 Q OKAY. AND HE WAS INCARCERATED SHORTLY  
18 THEREAFTER?

19 A YES, HE WAS.

20 Q OKAY. AND YOU TESTIFIED YOU MAINTAINED  
21 SOME SORT OF LETTER WRITING AND CALLING --

22 A YES.

23 Q -- MR. GRIFFETH WHILE HE WAS IN PRISON?

24 A YES.

25 Q AT ANY POINT DID YOU CEASE THAT ACTIVITY?

1 A I DID, YES.

2 Q WHY DID YOU DO THAT?

3 A I JUST FELT LIKE I HAD -- I WAS JUST  
4 UNCOMFORTABLE WITH IT. I DIDN'T SEE THE SENSE IN  
5 CONTINUING A RELATIONSHIP AT THAT POINT. I -- I  
6 JUST FELT UNCOMFORTABLE WITH IT.

7 Q AND YOU PREVIOUSLY TESTIFIED YOU  
8 PURCHASED A CAR FROM MR. GRIFFETH'S --

9 A YES.

10 Q -- AUTO COMPANY?

11 A YES, I DID.

12 Q WAS THERE EVER A POINT IN TIME WHERE YOU  
13 FILED A LAWSUIT AGAINST MR. --

14 A YES, I DID.

15 Q -- LET ME FINISH MY QUESTION.

16 A I'M SORRY.

17 Q I KNOW YOU KNOW WHAT I'M GOING TO ASK,  
18 BUT LET ME JUST FINISH IT SO WE'RE CLEAR, OKAY?

19 A UH-HUH.

20 Q WAS THERE EVER A POINT IN TIME WHERE YOU  
21 FILED A COMPLAINT OR A LAWSUIT AGAINST MR.  
22 GRIFFETH'S AUTO COMPANY?

23 A YES. I DID NOT WANT THE LAWSUIT TO BE  
24 FILED DIRECTLY AGAINST HIS CAR DEALERSHIP. I WAS  
25 FILING A LAWSUIT AGAINST EAGLE WARRANTY COMPANY

1 WHICH THEY FAILED TO HOLD UP ON THEIR END OF THE  
2 PURCHASE OF THE WARRANTY.

3 AND THROUGH THAT MY ATTORNEY HAD SAID  
4 THAT DUE TO A LAW THAT SINCE I PURCHASED THAT  
5 WARRANTY THROUGH HIS CAR LOT THAT I -- THAT HE HAD  
6 TO BE INCLUDED IN THAT. AND I FELT TERRIBLE ABOUT  
7 IT. I MEAN, TO ME THE MAN HAD ALREADY HAD ENOUGH  
8 AND I CERTAINLY DIDN'T -- HE -- HIS CAR DEALERSHIP  
9 HAD NOTHING TO DO WITH IT.

10 Q YOUR CONCERN WAS WITH THE WARRANTY --

11 A EXACTLY.

12 Q -- AND NOT WITH THE CAR COMPANY; CORRECT?

13 A YES.

14 Q OKAY. DID YOU EVER HAVE AN OCCASION TO  
15 SPEAK WITH MR. GRIFFETH AFTER HE WAS RELEASED FROM  
16 PRISON?

17 A YES, I DID.

18 Q AND APPROXIMATELY WHEN WAS THAT?

19 A I HAD RAN INTO HIM IN WAL-MART I'M  
20 THINKING FEBRUARY, MARCH OF '09, FOR THE FIRST TIME.

21 Q '08?

22 A OR I'M SORRY. OF '08, YES.

23 Q OKAY. AND DID YOU RE-ESTABLISH A  
24 RELATIONSHIP WITH MR. GRIFFETH AT THAT POINT IN  
25 TIME?



1           A           HE HAD JUST EXPRESSED THAT HE REALLY  
2           WISHED HE WOULD HAVE KNOWN ABOUT THE ENGINE FAILURE  
3           PRIOR TO FILING THE LAWSUIT BECAUSE HE WOULD HAVE  
4           MADE THINGS RIGHT AND COVERED THE COST OF THE  
5           ENGINE.   AND I SAID THAT I REALLY WOULDN'T HAVE  
6           WANTED HIM TO DO THAT ANYHOW BECAUSE IT WAS A -- IT  
7           WAS A HUGE MATTER WITH THE WAY THEY HAD TREATED ME  
8           IN NOT FULFILLING THEIR END OF THE BARGAIN.

9                    AND HE SAID BUT HE FELT TERRIBLE BECAUSE  
10          I DID, INDEED, PURCHASE THE CAR THROUGH HIM AND HE  
11          SOLD ME THE WARRANTY, AND HE DID FEEL BAD ABOUT  
12          THAT.   HE SAID HE WOULD ALSO SEE WHAT HE COULD DO  
13          WITH THE WARRANTY COMPANY BECAUSE HE STILL HAD  
14          CONTACT WITH THEM AT THAT POINT, AND HE SAID IF  
15          THEY'RE NOT WILLING TO RESOLVE THIS WITH YOU, I'M  
16          NOT GOING TO USE THIS COMPANY ANYMORE.

17          Q           DID YOU ENTER INTO A ROMANTIC  
18          RELATIONSHIP WITH MR. GRIFFETH AFTER HE WAS RELEASED  
19          FROM PRISON?

20          A           I DID NOT.

21          Q           HOW WOULD YOU DESCRIBE YOUR RELATIONSHIP  
22          WITH MR. GRIFFETH ONCE YOU RAN INTO HIM AT WAL-MART  
23          AND DISCUSSED THE CAR ISSUE?

24          A           I TOLD HIM WHERE I WAS CURRENTLY DOING  
25          HAIR AT AND HE WAS WELCOME TO COME IN AND HAVE HIS

1 HAIR DONE AT ANY TIME. AND WE BUILT, I WOULD SAY, A  
2 FRIENDSHIP STRICTLY OF A FRIENDSHIP TYPE BASIS FROM  
3 THAT POINT.

4 Q THERE HAS BEEN SOME DISCUSSION TODAY  
5 CONCERNING A TRIP TO FLORIDA AND I WANTED TO ASK YOU  
6 ABOUT THAT. DID YOU ACCOMPANY MR. GRIFFETH ON A  
7 PLANE FLIGHT TO FLORIDA?

8 A I DID NOT TAKE A TRIP WITH ED GRIFFETH.  
9 HE PURCHASED A TICKET. I HAD EXPRESSED HOW I REALLY  
10 NEEDED TO GET AWAY. I HAD A FRIEND I COULD VISIT IN  
11 FLORIDA.

12 AND AGAIN, HE HAD STILL FELT BAD OVER THE  
13 LAWSUIT AND HE SAID YOU KNOW WHAT, I CAN PRETTY MUCH  
14 GET YOU A TICKET, BUT YOU CANNOT CONTACT ME, GO WITH  
15 ME, THAT WOULD BE A NO. AND I SAID ABSOLUTELY.

16 Q DID YOU FLY TO FLORIDA WITH MR. GRIFFETH?

17 A YES, I DID.

18 Q DID YOU RETURN BACK TO OHIO WITH MR.  
19 GRIFFETH?

20 A THE FLIGHT CAME BACK TO OHIO, YES.

21 Q OKAY.

22 A THE -- THE TICKETS HAD BEEN PURCHASED --

23 Q OTHER THAN AT --

24 A -- TOGETHER.

25 Q -- OTHER THAN AT THE AIRPORT, DID YOU SEE

1 MR. GRIFFETH AT ANY POINT IN TIME DURING THIS TRIP  
2 TO FLORIDA?

3 A ABSOLUTELY NOT.

4 Q WHO DID YOU STAY WITH IN FLORIDA?

5 A TWYLA JONES (PHONETIC).

6 Q THAT'S YOUR FRIEND YOU MENTIONED?

7 A YES.

8 Q MS. LEECH, I WANT TO SKIP FORWARD NOW TO  
9 THE NOVEMBER 20TH, 2008, INCIDENT. WHEN IS THE  
10 FIRST TIME YOU SAW MR. MAYER ON THURSDAY, NOVEMBER  
11 20TH, 2008?

12 A ROUGHLY ABOUT 2:30 IN MY EVERYDAY  
13 ROUTINE, 2:30, 2:45-ISH -- I WAS RUNNING LATE -- AND  
14 HE WAS AT A GAS STATION WITHIN LIKE A MILE OF MY  
15 WORK STANDING OUTSIDE OF HIS CAR, HOLDING A CELL  
16 PHONE, STARING AT ME AT THE LIGHT. AND I HAD A CO-  
17 WORKER IN THE CAR WITH ME.

18 MR. DE PASCALE: I'M SORRY. I MUST HAVE  
19 MISSED SOMETHING, YOUR HONOR. WOULD YOU SAY THAT  
20 AGAIN, PLEASE? I -- I -- WHAT I GOT IS THAT YOU  
21 WERE AT WORK AND HE WAS AT A STATION.

22 THE WITNESS: I WAS LEAVING WORK --

23 MR. DE PASCALE: OKAY.

24 THE WITNESS: -- AT 2:30, 2:45 ON MY  
25 EVERYDAY ROUTINE --

1 MR. DE PASCALE: OKAY.

2 THE WITNESS: -- TO LEAVE -- MY NORMAL  
3 ROUTINE IS TO LEAVE WORK, GO TO MY HOUSE, LEAVE MY  
4 DOG OUT, AND GET TO ST. MARY'S SCHOOL TO PICK MY  
5 DAUGHTER UP, RETURN TO WORK BY 3:30. I DID THIS  
6 EVERY DAY AND HE SHOULD KNOW VERY WELL BECAUSE HE  
7 MADE SURE HE WAS PRESENT NEARLY EVERY DAY OF THIS.

8 MR. DE PASCALE: SO WHERE DID THE --

9 MR. PIERSALL: WHOA, WHOA, WHOA. WHY IS  
10 HE ASKING QUESTIONS?

11 MR. DECKER: THIS IS OUR EXAMINATION.

12 MR. DE PASCALE: I UNDERSTAND. I'M JUST  
13 TRYING TO UNDERSTAND HER ANSWER.

14 MR. DECKER: YOU CAN CLARIFY WHEN WE TURN  
15 IT OVER TO YOU.

16 THE WITNESS: THE FIRST TIME I SEEN JOHN  
17 MAYER THAT DAY WAS AT 2:30, 2:45.

18 MR. DE PASCALE: THANK YOU.

19 BY MR. PIERSALL:

20 Q AND WAS IT AT THE GAS STATION YOU -- YOU  
21 MENTIONED PREVIOUSLY?

22 A YES.

23 Q THAT'S WHERE HE WAS STANDING?

24 A YES.

25 Q DID THAT SURPRISE YOU?

1 A NO.

2 Q WHY NOT?

3 A NEARLY A DAILY OCCURRENCE SOMEWHERE IN  
4 THE PROCESS, USUALLY SEVERAL TIMES WITHIN THAT ONE  
5 TRIP, LEAVING WORK, GOING HOME, GOING TO MY  
6 DAUGHTER'S SCHOOL, TAKING HER TO THE SITTER, AND  
7 RETURNING TO MY WORK.

8 Q DID IT CAUSE YOU ANY CONCERN THAT YOU SAW  
9 HIM ON THAT PARTICULAR DAY IN THE PARKING LOT?

10 A I HAD ALREADY HAD A PHONE CALL FROM A CO-  
11 WORKER STATING SHE WAS AT ANOTHER SALON --

12 MR. DE PASCALE: OBJECTION TO WHAT THE  
13 CO-WORKER SAID.

14 THE WITNESS: OKAY, I --

15 MR. PIERSALL: IT ESTABLISHES WHY SHE WAS  
16 CONCERNED THAT DAY, YOUR HONOR. I DON'T -- I THINK  
17 IT WOULD HELP AS TO HER STATE OF MIND.

18 MR. SPRAGUE: I'LL ALLOW IT.

19 A I WAS CALLED BY A CO-WORKER WHO SAID SHE  
20 HAD WITNESSED JOHN AT 1:30 IN ANOTHER SALON WHERE  
21 SHE WAS HAVING A HAIR SERVICE DONE AND THAT HE WAS  
22 ACTING REALLY FREAKY, STARING AT HER. SHE HAD PRIOR  
23 CONTACT WITH HIM IN OUR SALON PRIOR TO THIS WHEN HE  
24 USED TO COME IN AND HAVE HIS HAIR CUT BY ME, AND SHE  
25 DOES KNOW SOMEWHAT OF HIS CHARACTER AND SAID HE WAS

1 ACTING VERY WEIRDLY.

2 BY MR. PIERSALL:

3 Q OKAY. THANK YOU. DID YOU RETURN TO WORK  
4 AFTER MAKING THAT TRIP?

5 A WELL, WHEN I WAS ON MY WAY TO MY HOME  
6 AFTER PASSING THE GAS STATION, PROBABLY ABOUT FOUR  
7 MILES INTO MY DESTINATION I WAS CALLED BY THE CO-  
8 WORKER I DROPPED OFF AT HER DOCTOR'S APPOINTMENT  
9 RIGHT EN ROUTE TO MY HOUSE, AND WAS TOLD SHORTLY  
10 AFTER I DROPPED HER OFF IN THE DRIVE --

11 MR. DE PASCALE: OBJECTION TO WHAT THIS  
12 ONE SAID.

13 THE WITNESS: IT'S VERY IMPORTANT.

14 MR. PIERSALL: IT GOES TO HER STATE OF  
15 MIND AND WHY SHE WAS CONCERNED THAT DAY, WHAT WAS  
16 TRANSPIRING THAT DAY.

17 MR. SPRAGUE: I'M GOING TO ALLOW ONE MORE  
18 (INDISCERNIBLE) IS GOING TO HAVE TO BE IT. WE'RE  
19 GETTING FAR AFIELD. ALL RIGHT.

20 A I WAS TOLD HE WAS FOLLOWING ME -- SHE  
21 LOOKED OUT THE RECEPTION WINDOW OF THE DOCTOR'S  
22 OFFICE -- THAT MR. MAYER WAS, INDEED, SHORTLY BEHIND  
23 ME.

24 BY MR. PIERSALL:

25 Q AND WHAT TIME DID YOUR WORK SHIFT END

1 THAT DAY?

2 A 8:00 O'CLOCK.

3 Q AND DID YOU HAVE A CONVERSATION WITH MR.  
4 ED GRIFFETH PRIOR TO THE END OF YOUR SHIFT THAT DAY?

5 A YES, I DID.

6 Q AND WHAT WAS THE NATURE OF THE  
7 CONVERSATION WITH MR. GRIFFETH?

8 A I HAD CALLED HIM FROM MY WORK PHONE AND  
9 EXPRESSED TO HIM THAT I REALLY NEEDED TO HAVE A  
10 PERSON-TO-PERSON CONVERSATION WITH HIM, PERHAPS HE  
11 COULD MEET ME IN A PARKING LOT ON HIS PREMISES WHICH  
12 -- WHEN I LEAVE WORK I PICK UP MY DAUGHTER, AND I  
13 SAID ON MY WAY THAT WOULD BE GREAT IF HE COULD BE  
14 THERE, I'M GETTING READY TO LEAVE RIGHT NOW.

15 Q AND WHAT DID YOU INTEND TO DISCUSS WITH  
16 MR. GRIFFETH DURING THIS PERSON-TO-PERSON MEETING?

17 A THAT I JUST REALLY WANTED TO CEASE  
18 CONTACT WITH HIM FOR A WHILE BECAUSE I DIDN'T WANT  
19 TO SOUND LIKE I WAS OUT OF MY MIND -- IS WHAT I FELT  
20 LIKE -- BECAUSE I BELIEVED I WAS BEING LISTENED TO  
21 ON MY PHONE CALLS, THAT I WAS BEING FOLLOWED, AND I  
22 KNEW ED GRIFFETH WAS ON PROBATION, AND I CERTAINLY  
23 DID NOT WANT TO CAUSE HIM ANY HARM IN THAT.

24 Q AND WHO DO YOU BELIEVE WAS LISTENING TO  
25 YOUR PHONE CALLS?

1 A JOHN MAYER.

2 Q AND WHAT -- WHAT'S THE FOUNDATION OF THAT  
3 BELIEF?

4 A IN JANUARY OF '08 HE STATED TO ME AFTER  
5 GOING TO A BIRTHDAY PARTY THAT HE KNEW WHERE I WENT  
6 AND HE WAS PROUD OF MY BEHAVIOR THERE, AND HE KNEW  
7 WHERE I WENT, WHICH I HADN'T TOLD HIM --IT WAS A  
8 BIRTHDAY PARTY -- AND THAT HE COULD LISTEN TO MY  
9 PHONE CALLS WITHIN FIVE MILES. AND I WAS, OF  
10 COURSE, LIKE WHAT?

11 AND HE SAID YES, OUR NEXTELS ARE ABLE TO  
12 DO THIS; WE'RE NOT SUPPOSED TO USE THEM LIKE THAT,  
13 BUT WE CAN.

14 Q HE WAS REFERRING TO HIS WORK ISSUED  
15 NEXTEL?

16 A YES.

17 Q HOW LONG OF A DRIVE IS IT FROM YOUR WORK  
18 IN DOWNTOWN MANSFIELD TO MR. GRIFFETH'S HOME?

19 A MY WORK BEING DOWNTOWN?

20 Q HOW FAR IS IT FROM YOUR WORK --

21 A OKAY.

22 Q -- TO MR. GRIFFETH'S HOME?

23 A 20, 25 MINUTES PROBABLY.

24 Q AND DID YOU SEE MR. MAYER AT ANY POINT ON  
25 YOUR DRIVE FROM --



1 A ALMOST IMMEDIATELY.

2 Q OKAY.

3 A I NOTICED -- I WAS NOT KEEPING A  
4 CONSISTENT SPEED, AND I LOOKED IN MY REARVIEW  
5 MIRROR, AND I WAS GOING EXTREMELY SLOW. I WAS  
6 FIDGETING WITH SOMETHING IN MY PURSE.

7 I STARTED TO DO A NORMAL SPEED CLOSER TO  
8 50 AND IT'S FUNNY, THIS CAR -- BECAUSE I'M  
9 CONSTANTLY TO THIS DAY EVEN CHECKING IN MY REARVIEW  
10 MIRROR IN FEAR OF BEING FOLLOWED EVERYWHERE -- AND I  
11 LOOKED IN MY REARVIEW MIRROR AND THIS CAR WOULD NOT  
12 GET CLOSER TO ME NO MATTER HOW FAST OR SLOW I WENT.  
13 IT STAYED AT A STEADY DISTANCE, WHICH TO ME IS VERY  
14 ODD.

15 Q DID YOU KNOW WHO WAS FOLLOWING YOU AT  
16 THAT POINT IN TIME?

17 A WELL, I MEAN, I COULD GUESS, SO I PULLED  
18 OVER AT A FOUR-WAY STOP, A BIKE TRAIL, LEFT THE CAR  
19 PASS ME, DIDN'T RECOGNIZE THE CAR -- IT WAS A BROWN  
20 VIBE -- AND CONTINUED BACK EN ROUTE AFTER THE CAR  
21 PROCEEDED TO GO DOWN, AND THERE'S THE VIBE PULLED  
22 OFF PARALLEL TO THE ROAD --

23 Q AND WHAT ROAD ARE YOU REFERRING TO?

24 A HOME ROAD. AND I STOPPED ON THE ROAD AND  
25 LOOKED AND IT WAS, INDEED, JOHN MAYER DRIVING THIS

1 BROWN VIBE. HE WENT THE OPPOSITE WAY IN WHICH I WAS  
2 GOING. I CONTINUED TO CHECK MY REARVIEW MIRROR.

3 PROBABLY -- THIS IS A ROUGH GUESS -- FOR  
4 THE NEXT SAY FIVE-TO-SEVEN MILES IT WAS DARK OUT.  
5 THERE WAS NO HEADLIGHTS ANYWHERE IN RANGE, ANYTHING  
6 LIKE THAT. THERE WAS CLEARLY NOBODY FOLLOWING ME  
7 EVEN DOWN STATE ROUTE 97. YES, THERE'S SOME BENDS,  
8 BUT THERE'S ALSO SOME STRAIGHT POINTS, AND THERE WAS  
9 NOBODY FOLLOWING ME.

10 Q AND IS MR. GRIFFETH'S HOME OFF OF STATE  
11 ROUTE 97?

12 A YES, IT IS.

13 Q AND DID YOU EVENTUALLY ARRIVE AT MR.  
14 GRIFFETH'S HOME OR WHERE -- I'M SORRY. LET ME  
15 STRIKE THAT.

16 WHERE DID YOU -- WHERE WERE YOU SUPPOSED  
17 TO MEET MR. GRIFFETH?

18 A IN A PARKING LOT OFF THE ROAD, SOME  
19 APARTMENTS THAT THEIR FAMILY HAS OWNED. HE WAS IN  
20 HIS CAR. I PULLED UP, GOT OUT OF MY CAR, STARTED TO  
21 GET IN, AND SEEN THE BROWN CAR JOHN MAYER WAS SEEN  
22 -- ON HOME ROAD AT THE END OF THE DRIVEWAY.

23 Q AND DID YOU INFORM MR. GRIFFETH OF WHAT  
24 WAS GOING ON?

25 A I SAID THIS IS WHAT I WANTED TO TALK

1 ABOUT. AND HE SAID GET IN. HE SAID WHAT'S WRONG?  
2 I SAID THAT IS JOHN MAYER RIGHT THERE. AND HE'S  
3 LIKE WHAT? AND I SAID IT'S -- HE'S -- HE'S CRAZY.  
4 I SAID THERE'S -- SOMETHING'S GOING TO HAPPEN.

5 Q AND THEN --

6 A AND I SAID GO TO THE STATE HIGHWAY PATROL  
7 POST.

8 Q DESCRIBE FOR ME WHERE MR. MAYER'S CAR WAS  
9 POSITIONED. WAS THIS THE PARK -- YOU WERE IN THE  
10 PARKING LOT YOU'RE REFERRING TO?

11 A WE WERE IN THE PARKING LOT, YES.

12 Q AND WHERE WAS MR. MAYER'S CAR?

13 A AT THE END OF THE PARKING LOT ON THE  
14 ROAD.

15 Q AND WAS HE PERPENDICULAR TO THE ROAD OR  
16 WAS HE --

17 A JUST RIGHT AS IF HE WERE DRIVING PAST,  
18 YES.

19 Q OKAY. DID HE --

20 A HE DIDN'T BLOCK THE DRIVE.

21 Q AND WHAT HAPPENED AFTER YOU INSTRUCTED  
22 MR. GRIFFETH TO GO TO THE HIGHWAY PATROL STATION?

23 A HE SAID WHAT COULD HE POSSIBLY BE DOING?  
24 I SAID I DON'T KNOW, LET HIM FOLLOW US RIGHT TO THE  
25 STATE HIGHWAY PATROL POST.

1 Q AND AT THAT POINT, DID MR. GRIFFETH --  
2 MR. GRIFFETH WAS DRIVING THE CAR?

3 A YES.

4 Q AND WHAT HAPPENED NEXT?

5 A AND IT DIDN'T MATTER HOW FAST OR HOW SLOW  
6 WE WENT. HE WAS -- YOU COULDN'T EVEN SEE LIKE THE  
7 FRONT END OF THE CAR. I MEAN, IT WAS LIKE -- AND I  
8 SHOULDN'T HAVE SAID IT, BUT I EVEN SAID HIT THE  
9 BRAKES, LET HIM HIT YOU.

10 Q AND JUST SO I'M CLEAR, VANDERBILT ROAD  
11 RUNS EAST/WEST. IS THAT CORRECT?

12 A YES, IT DOES.

13 Q AND MR. GRIFFETH WAS PROCEEDING  
14 EASTBOUND?

15 A EASTBOUND, YES.

16 Q AND HEADING IN THE DIRECTION OF STATE  
17 ROUTE 13. IS THAT CORRECT?

18 A YES.

19 Q AND THEN, AT SOME POINT I TAKE IT YOU  
20 TURNED NORTH ONTO STATE ROUTE 13?

21 A YES.

22 Q AND APPROXIMATELY HOW FAR DID YOU GO  
23 NORTH ON STATE ROUTE 13?

24 A I BELIEVE TO ORCHARD PARK ROAD, WHICH  
25 WOULD BE MAYBE A HALF A MILE.

1 Q DO YOU HAVE ANY IDEA WHY MR. GRIFFETH DID  
2 NOT GO TO THE HIGHWAY PATROL POST?

3 A NO, I DIDN'T. AND HE SAID I JUST -- I  
4 DON'T NEED ANY TROUBLE. AND I SAID, WELL, THERE'S  
5 GOING TO BE TROUBLE, OBVIOUSLY. HE'S FOLLOWING US  
6 LIKE THIS. HE GOES I DON'T KNOW WHAT TO DO, I DON'T  
7 KNOW WHAT TO DO.

8 Q AND YOU TURNED AROUND -- I'M SORRY --  
9 WHAT --

10 A AND HE SAID MY MOTHER -- MY MOM'S AT  
11 HOME. HE SAID I'M GOING -- JUST I'LL GO TO MY  
12 MOM'S. SHE CAN AT LEAST WITNESS WHATEVER IS GOING  
13 TO TAKE PLACE.

14 Q OKAY. AND YOU TURNED AROUND AT WHAT  
15 ROAD? I'M SORRY.

16 A ORCHARD PARK ROAD.

17 Q OKAY. AND THEN WHAT DIRECTION DID MR.  
18 GRIFFETH PROCEED AS HE OPERATED THE VEHICLE?

19 A WOULD BE SOUTH.

20 Q ON STATE ROUTE 13?

21 A ORCHARD PARK ROAD, YEAH, COMES OUT, BACK  
22 OUT ON STATE ROUTE 13.

23 Q AND WAS MR. MAYER -- DID HE MAKE THAT  
24 SAME TURNAROUND AT THAT POINT?

25 A OH, YES, YES, RIGHT ON US.

1 Q AND WHAT HAPPENED AFTER THE TURNAROUND AT  
2 ORCHARD PARK?

3 A PULLED INTO THE DRIVEWAY --

4 Q I'M SORRY. OF WHOSE HOME?

5 A OF JANET GRIFFETH'S. AND WE PULLED  
6 DIRECTLY BEHIND THE HOUSE BY THE MAIN DOOR AND  
7 PULLED LIKE DIRECTLY UP TO THE BACK PORCH I GUESS  
8 YOU'D SAY. AND HE SAID JUST STAY IN HERE, AND HE  
9 GOT OUT OF THE CAR. ED GRIFFETH DID.

10 AND JOHN HAD ALREADY -- WAS OUT OF HIS  
11 CAR AND HE HAD PULLED SIDWAYS BLOCKING THE DRIVE  
12 FROM THAT POINT OUT, I GUESS SO NOBODY COULD LEAVE  
13 OR GET IN. I DON'T KNOW.

14 Q AND DID MR. MAYER EXIT HIS VEHICLE?

15 A YES, HE DID.

16 Q AND COULD YOU TELL IF MR. MAYER WAS ON  
17 THE TELEPHONE AT THAT POINT IN TIME?

18 A I COULDN'T. I WAS STILL INSIDE MY  
19 VEHICLE OR THE VEHICLE THAT I WAS IN.

20 Q WHO EXITED THE VEHICLE FIRST, YOU OR MR.  
21 MAYER -- I'M SORRY -- MR. GRIFFETH?

22 A MR. GRIFFETH DID.

23 Q AND WHAT HAPPENED AFTER MR. GRIFFETH  
24 EXITED THE VEHICLE?

25 A THERE WAS -- JOHN MAYER WAS BEING VERY

1 LOUD AND CARRYING ON AND WENT ON -- I CAN'T RECITE  
2 EXACTLY WHAT WAS SAID. I HEARD I'M GOING TO GET YOU  
3 NOW, YOU SON-OF-A-BITCH. AND AT THAT POINT, I'M --  
4 I'M GETTING OUT.

5 Q WHY DID YOU DECIDE TO GET OUT AT THAT  
6 POINT?

7 A HE HAD MENTIONED SOMETHING ABOUT -- OR I  
8 HEARD -- I DID HEAR -- ED SAID WHAT HAVE -- I  
9 HAVEN'T DONE ANYTHING, WHAT HAVE I DONE? AND HE  
10 SAID YOU -- I DON'T KNOW IF THIS WAS JOHN MAYER'S  
11 EXACT WORDS, BUT SOMETHING EXPRESSING THAT HE BROKE  
12 HIS CURFEW.

13 AND ED SAID IT'S WHATEVER TIME IT WAS.  
14 AND HE SAID NO, I'M REFERRING TO LAST NIGHT, YOU  
15 SPENT THE NIGHT AT HER HOUSE. I HAD YELLED THAT'S  
16 IMPOSSIBLE. I SAID WHAT ARE YOU TALKING ABOUT?

17 HIS MOTHER CHIMED IN, JANET GRIFFETH, AND  
18 SAID MY SON WAS AT A CAR AUCTION WITH MY OTHER SON  
19 AND BARELY MADE IT HERE AT 10:00 O'CLOCK. HE WAS  
20 PULLING IN THE DRIVEWAY AT 10:00 O'CLOCK. AND JOHN  
21 GOT VERY LOUD AND JUST NOT EVEN ACCEPTING ANYTHING  
22 BEING SAID.

23 AND I SAID THAT'S CRAZY. I SAID MY  
24 DAUGHTER EVEN SLEPT IN BED WITH ME. AND HE SAID  
25 THAT MAKES IT EVEN WORSE.

1 Q MR. MAYER SAID THAT?

2 A YES.

3 Q JUST SO WE'RE CLEAR, DID MR. GRIFFETH  
4 SPEND THE NIGHT AT YOUR HOUSE ON THE NIGHT OF  
5 NOVEMBER 19TH INTO THE 20TH?

6 A ABSOLUTELY NOT.

7 Q WAS HIS CAR IN FRONT OF YOUR HOME OR IN  
8 YOUR DRIVEWAY --

9 A NO.

10 Q -- THAT MORNING?

11 A NO.

12 Q WOULD YOU CHARACTERIZE MR. MAYER AS  
13 SCREAMING DURING THIS INCIDENT?

14 A VIOLENT. I HAD RUINED HIS LIFE. I CHOSE  
15 A SEX OFFENDER OVER HIM. I SAID I AM FRIENDS WITH  
16 ED. I SAID THIS HAS NOTHING TO DO, NOTHING TO DO  
17 WITH YOU AND I. AND HE SAID -- I SAID WHY -- I  
18 DON'T KNOW. I THINK I HAD ASKED SOMETHING ABOUT WHY  
19 WOULD YOU IMPLY THAT OR -- YOU KNOW IT.

20 HE SAID YOU HAVE RUINED MY LIFE AND  
21 EMBARRASSED OUR FAMILIES, AND REFERRED TO DAVID  
22 LEITENBERGER, WHICH IS LIKE A SECOND COUSIN OF MINE  
23 THAT IS A GOOD FRIEND OF HIS, OF JOHN MAYER'S. I  
24 DON'T EVEN KNOW WHAT THAT WAS REFERRING TO,  
25 SOMETHING ABOUT DAVID LEITENBERGER WAS EMBARRASSED



1 OR ASHAMED, TOO, AND I HURT OUR FAMILIES, AND -- AND  
2 LIKE WE WERE PURELY FRIENDS.

3 I SAID YOU ARE OUT OF YOUR MIND. I SAID  
4 YOU NEED TO THINK ABOUT WHAT YOU ARE DOING. I SAID  
5 WHAT ARE YOU DOING? AND HE SAID YOU ARE IN SERIOUS  
6 TROUBLE. HE SAID AND I WILL DEAL WITH YOU LATER.

7 Q HE WAS REFERRING TO YOU OR ED --

8 A ME, YES.

9 Q DID YOU FEEL THREATENED BY MR. MAYER'S  
10 ACTIONS?

11 A ABSOLUTELY.

12 Q DID YOU BELIEVE THAT MR. MAYER WAS GOING  
13 TO BE PHYSICALLY VIOLENT?

14 A WELL, AT THIS POINT HE WAS ORDERING ED  
15 GRIFFETH OVER TO HIS YARD, NOT KNOWING EVEN, THOUGH,  
16 WHICH HOUSE WAS ED GRIFFETH'S HOUSE, ASKING HIM --  
17 HE WANTED TO KNOW THE PHYSICAL ADDRESS. WHAT'S YOUR  
18 PHYSICAL ADDRESS?

19 ED STARTED TO WALK TOWARDS IT AND --

20 Q HIS HOME?

21 A TOWARDS HIS HOME. JANET GRIFFETH WAS  
22 TELLING HIM NOT TO GO -- DON'T GO ANYWHERE, SHE  
23 SAID, WITH THAT MAN. AND THEN, SHE ASKED ME WHO I  
24 WAS, WHO WAS THIS MAN, HOW DID I KNOW HIM.

25 Q HAD YOU EVER MET MRS. GRIFFETH BEFORE

1 THEN?

2 A NEVER, NO. AND -- WELL, YOU ASKED ME IF  
3 HE HAD --

4 Q RIGHT.

5 A -- GOTTEN VIOLENT. AND WE -- SHE SAID GO  
6 OVER THERE, FOLLOW HIM OVER THERE, I'M GOING TO GO  
7 IN AND CALL THE ATTORNEYS OR BOB WHITNEY (PHONETIC),  
8 HIS ATTORNEY, AND HIS BROTHER. SHE SAID GO OVER, DO  
9 NOT LET HIM BE BY HIMSELF WITH THAT MAN.

10 SO I WALKED INTO THE YARD, AND JOHN AND I  
11 ENGAGED IN PHYSICAL -- OR I'M SORRY -- VERBAL  
12 YELLING, FACE-TO-FACE. HIS TEETH WERE GRITTING AS  
13 HE WAS TALKING THROUGH THEM AND HE HAD HIS FISTS  
14 CLENCHED UP AND HAD THEM RAISED BACK LIKE THIS. AND  
15 I DID CALL HIM -- I USED A PROFANITY AND I SAID GO  
16 AHEAD. I SAID DO IT. I SAID GO AHEAD AND HIT ME.

17 AT THAT POINT, EDWIN GRIFFETH PUT HIS  
18 HAND ON MY SHOULDER AND HE SAID GET BACK AWAY FROM  
19 HIM. AND HE SAID DON'T TOUCH MY WIFE.

20 Q AND YOU WERE DIVORCED AT THAT POINT?

21 A YES.

22 Q DID MR. MAYER USE ANY PROFANITIES DURING  
23 THIS?

24 A YES.

25 Q DO YOU RECALL ANYTHING SPECIFIC OTHER

1 THAN THE SON-OF-A-BITCH COMMENT YOU REFERENCED  
2 EARLIER?

3 A WE WERE ENGAGED IN VERBAL CONVERSATION  
4 THIS CLOSE. I CAN'T EVEN TELL YOU WHAT THAT  
5 CONVERSATION WAS, TO BE HONEST.

6 Q APPROXIMATELY HOW LONG -- HOW MUCH TIME  
7 PASSED BETWEEN MR. MAYER PULLING INTO JANET  
8 GRIFFETH'S DRIVEWAY AND WHEN OFFICERS ARRIVED?

9 A 15 MINUTES MAYBE. YEAH, I WOULD SAY 10,  
10 15 MINUTES.

11 Q AND WHICH -- WELL, WHO ARRIVED FIRST,  
12 WHICH LAW ENFORCEMENT AGENCY ARRIVED FIRST, IF YOU  
13 CAN RECALL?

14 A I CANNOT RECALL THAT.

15 Q DO YOU RECALL ANY -- WHICH DEPARTMENT --

16 A I KNOW THERE WAS A BELLVILLE POLICEMAN  
17 THERE, STATE HIGHWAY PATROL, AND SHERIFF? I  
18 REMEMBER THE BELLVILLE CAR DISTINCTLY BECAUSE I HAD  
19 APPROACHED THAT.

20 Q OKAY. AND DURING THIS 15 MINUTES BETWEEN  
21 WHEN MR. MAYER ARRIVED AND WHEN THE FIRST LAW  
22 ENFORCEMENT AGENCY ARRIVED, DID HIS BEHAVIOR --  
23 PATTERN OF BEHAVIOR CHANGE IN ANY WAY OR DID HE --  
24 WAS HE CONTINUALLY (INDISCERNIBLE) --

25 A I LEFT TO WALK DOWN TO GET MY CAR. HIS

1 BROTHER WAS THERE, WAS WALKING UP --

2 Q EDWIN'S?

3 A YES, WHICH -- I DIDN'T KNOW WHO IT WAS,  
4 BUT ASSUMED MAYBE (INDISCERNIBLE) COMING FROM JANET  
5 GRIFFETH'S HOUSE, SO I WENT AHEAD AND WALKED TO MY  
6 CAR TO BRING MY CAR UP TO THAT DRIVEWAY WHICH -- I  
7 PULLED BEHIND THE BELLVILLE POLICE, INTO EDWIN'S  
8 DRIVEWAY BEHIND THE BELLVILLE POLICE.

9 Q COULD YOU SMELL ALCOHOL ON MR. MAYER?

10 A YES, I COULD.

11 MR. DE PASCALE: OBJECTION; LEADING.

12 MR. SPRAGUE: I'LL ALLOW IT.

13 BY MR. PIERSALL:

14 Q WHAT WAS YOUR ANSWER AGAIN?

15 A YES. IT -- I DID.

16 Q DID YOU HAVE ANY DISCUSSIONS WITH ANY LAW  
17 ENFORCEMENT OFFICERS THAT EVENING OTHER THAN MR.  
18 MAYER?

19 A I HAD APPROACHED, I BELIEVE IT WAS THE  
20 BELLVILLE POLICE. IT WAS -- HE WAS BY THE CAR. AND  
21 I HAD JUST SAID SOMETHING TO THE MATTER OF THIS IS--  
22 JOHN MAYER IS MY EX-HUSBAND. AND I SAID HE'S  
23 ABSOLUTELY OUT OF HIS MIND RIGHT NOW. I SAID YOU  
24 NEED -- I SAID THIS GUY IS ON PROBATION AND IS A  
25 FRIEND OF MINE.

1                   AND I SAID HE'S MAKING UP ALLEGATIONS OF  
2 HIS CURFEW VIOLATION OR WHATEVER HE'S DOING. AND I  
3 SAID YOU NEED -- SOMEBODY NEEDS TO STOP THIS. AND  
4 HE SAID, MA'AM, I CAN'T -- I CAN ONLY RESPOND TO  
5 WHAT HE CALLED IN OR SOMETHING TO THAT EFFECT.

6 Q                   WHAT HAPPENED TO MR. GRIFFETH AS A RESULT  
7 OF THIS INCIDENT?

8 A                   HE WAS TAKEN TO JAIL.

9 Q                   DO YOU REMEMBER BY WHOM?

10 A                   NO. I PULLED OUT AFTER THAT.

11 Q                   DID MR. MAYER -- WAS HE IN THE SAME CAR  
12 WITH MR. GRIFFETH OR WERE THEY IN SEPARATE --

13 A                   I DON'T KNOW.

14 Q                   WHEN IS THE NEXT TIME, IF ANY, THAT YOU  
15 SPOKE WITH MR. MAYER?

16 A                   ABOUT 11:30 THAT EVENING HE CALLED ME ON  
17 ED GRIFFETH'S CELL PHONE.

18 Q                   WHAT DID MR. MAYER STATE TO YOU DURING  
19 THAT CALL?

20 A                   HE SAID I CANNOT BELIEVE YOU CHOSE A SEX  
21 OFFENDER OVER ME. THAT'S A REALLY GOOD ROLE MODEL  
22 FOR DEMI, MEANING MY DAUGHTER.

23 Q                   ANYTHING ELSE THAT HE SAID THAT YOU CAN  
24 RECALL?

25 A                   NOT THAT NIGHT, NO. NOT ON THAT PHONE

1 CALL. THAT WAS IT. I -- MY BROTHER WAS STANDING  
2 DIRECTLY BESIDE ME AND I SAID ARE YOU HEARING THIS?

3 Q DID YOU RESPOND --

4 A AND HE HUNG UP. HE HUNG UP AFTER I SAID  
5 TO MY BROTHER ARE YOU HEARING THIS?

6 Q AFTER THAT PHONE CALL AT 11:30 P.M. ON  
7 NOVEMBER 20TH, WHEN IS THE NEXT TIME YOU SPOKE WITH  
8 MR. MAYER, IF ANY?

9 A THE VERY NEXT MORNING HE CALLED ME ON HIS  
10 OWN CELL PHONE.

11 Q DID -- DID YOU ANSWER THAT CALL?

12 A YEAH.

13 Q AND DID MR. MAYER STATE ANYTHING ON THAT  
14 PHONE CALL?

15 A AGAIN, I CAN'T BELIEVE YOU CHOSE A SEX  
16 OFFENDER OVER ME AND SOMETHING TO THE MATTER OF -- I  
17 DON'T KNOW. THAT'S PRETTY MUCH WHAT I REMEMBER, AND  
18 I HUNG UP.

19 Q YOU DIDN'T RESPOND?

20 A NO. AND AGAIN, THAT MONDAY MORNING  
21 FOLLOWING WHICH --

22 Q NOVEMBER 24TH?

23 A YES -- CALLED IN THE MORNING AGAIN, WHICH  
24 I BELIEVE THAT WAS A MESSAGE ON MY CELL PHONE  
25 STATING THAT HE HAD HIS CLOSURE, THAT WE HAVE CAUSED

1 ENOUGH EMBARRASSMENT TO OUR FAMILIES, THAT NOW HE  
2 HAD HIS CLOSURE. AND AT THAT POINT I CALLED DAVID  
3 LOMAX AND LET HIM KNOW THIS IS INSANE.

4 Q WHAT TIME DID MR. MAYER CALL YOU ON THE  
5 MORNING OF THE 21ST, IF YOU RECALL?

6 A I -- I CAN'T RECALL. IT WAS BEFORE 8:00  
7 O'CLOCK IN THE MORNING.

8 Q THANK YOU. IF YOU WOULD, TURN TO WHAT'S  
9 BEEN MARKED AS APPELLEE'S EXHIBIT 14-7. MS. LEECH,  
10 DO YOU RECOGNIZE EXHIBIT 14-7?

11 A YES, I DO.

12 Q AND WHAT IS THAT?

13 A IT IS A REPORT THAT I HAD MADE REGARDING  
14 THAT INCIDENCE.

15 Q AND WHAT'S THE DATE ON THE TOP OF THE  
16 PAGE THERE STATE?

17 A REPORT DATE NOVEMBER 24TH, '08.

18 Q AND WHO DID YOU CONTACT TO MAKE THIS  
19 REPORT?

20 A THE MANSFIELD POLICE DEPARTMENT. I WENT  
21 THERE AND DID THIS.

22 Q AND WHAT DATE DID YOU GO THERE; DO YOU  
23 RECALL?

24 A NO.

25 Q OKAY. IS IT FAIR TO SAY SHORTLY AFTER --

1 A YES, IT WAS --

2 Q -- THE INCIDENT?

3 A -- WHENEVER I COULD WORK INTO MY WORK  
4 SCHEDULE.

5 Q IF YOU'D LOOK AT PAGE TWO OF THAT  
6 EXHIBIT, IF YOU'D TAKE A LOOK AT THE -- IT STATES  
7 NARRATIVE, THE VICTIM ADVISED THAT THE SUSPECT HAD  
8 BEEN FOLLOWING HER DURING THE LISTED DATES AND  
9 TIMES. IT LOOKS LIKE JULY 5TH OF '08 TO NOVEMBER  
10 20TH, '08 --

11 MR. DE PASCALE: OBJECTION, YOUR HONOR.  
12 THE DOCUMENT, IF ADMITTED, IS THE BEST EVIDENCE OF  
13 ITS OWN CONTENTS. I DON'T THINK HE NEEDS TO READ IT  
14 INTO THE...

15 MR. PIERSALL: WELL, I'M GOING TO ASK HER  
16 ABOUT IT, AND SHE CAN EITHER READ IT OR I CAN READ  
17 IT INTO THE RECORD, OR MAYBE JUDGE SPRAGUE CAN TAKE  
18 A LOOK AT IT LATER. I DON'T CARE. I MEAN, THAT'S--

19 MR. DE PASCALE: WHY DON'T YOU JUST ASK  
20 HER?

21 MR. SPRAGUE: ARE YOU ASKING TO REFRESH  
22 HER --

23 MR. PIERSALL: I HAVEN'T ASKED HER  
24 ANYTHING. I'M READING THE STATEMENT. I DON'T EVEN  
25 KNOW WHY HE IS OBJECTING.



1 MR. SPRAGUE: WELL, I THINK IT'S --

2 MR. PIERSALL: HE MAY NOT LIKE WHAT IT  
3 SAYS --

4 MR. DE PASCALE: (INDISCERNIBLE).

5 MR. SPRAGUE: -- BASED ON THE BEST  
6 EVIDENCE RULE.

7 BY MR. PIERSALL:

8 Q WHY DID YOU COMPLAIN TO THE MANSFIELD  
9 POLICE DEPARTMENT?

10 A I WANTED -- I WANTED IT DOCUMENTED AND I  
11 FELT THAT ANYTHING COULD HAPPEN AT THIS POINT. I  
12 FELT VERY IN DANGER. I WAS SCARED. I WAS TIRED. I  
13 WAS -- I JUST WANTED HIM TO LEAVE ME ALONE.

14 Q DOES THIS NARRATIVE HERE ACTUALLY RECORD  
15 WHAT YOU TOLD THE MANSFIELD POLICE DEPARTMENT WHEN  
16 YOU FILED YOUR COMPLAINT?

17 A I REALLY DIDN'T STATE TO THEM THAT I  
18 DIDN'T WANT -- I THINK THEY HAD ASKED ME IF THEY  
19 COULD CONTACT HIM AND I'M LIKE, OH, AT THIS POINT IT  
20 WOULDN'T -- THAT WASN'T LIKE MY EXACT WORDS. I  
21 DIDN'T GO IN THERE AND SAY, OH, I DON'T WANT YOU TO  
22 CONTACT HIM.

23 Q IS THE INFORMATION WITH RESPECT TO THE  
24 DATES UTILIZED FOR MR. MAYER'S FOLLOWING YOU, IS  
25 THAT ACCURATE?

1 A YES. THERE'S ANOTHER POLICE REPORT THAT  
2 I HAD MADE IN AUGUST OF '08, BUT THIS IS THAT ONE,  
3 YES.

4 Q WHAT WAS THE POLICE REPORT YOU MADE IN  
5 AUGUST OF '08?

6 A WHERE HE HAD PROBABLY CALLED ME -- I  
7 DON'T KNOW -- 30-SOME TIMES UP UNTIL PROBABLY 3:00  
8 O'CLOCK IN THE MORNING.

9 Q HE BEING MR. MAYER?

10 A HE BEING MR. MAYER. AND IT WAS JUST  
11 TERRIBLE AND MY FAMILY HAD JUST SAID YOU KNOW WHAT,  
12 MAYBE YOU NEED TO MAKE A POLICE REPORT. AND I SAID  
13 I WILL PROBABLY BE LAUGHED AT FOR MAKING A POLICE  
14 REPORT OVER PHONE HARASSMENT.

15 AND WHEN I CALLED THE POLICE DEPARTMENT  
16 SHE SAID THAT IT'S ABSOLUTELY NOT A JOKE, WE TAKE  
17 THAT VERY SERIOUSLY AND WE WILL SEND AN OFFICER OUT  
18 TO YOUR HOUSE. I WAS AT WORK. THEY -- I -- THEY --  
19 I WAITED TILL I GOT HOME, CALLED THEM, THEY CAME  
20 OUT, AND THEY ACTUALLY MADE A PHONE CALL TO MR.  
21 MAYER STANDING IN MY LIVING ROOM AND TOLD HIM TO  
22 STOP.

23 Q IF YOU'D TAKE A LOOK AT EXHIBIT 14-8,  
24 PLEASE, MS. LEECH. DO YOU RECOGNIZE EXHIBIT 14-8?

25 A ABSOLUTELY.

1 Q AND WHAT IS IT?

2 A IT IS THE PAPERWORK THAT I FILLED OUT TO  
3 HAVE A PROTECTION ORDER PUT INTO EFFECT.

4 Q AND IS THIS YOUR HANDWRITING?

5 A YES, IT IS.

6 Q IF YOU WOULD, TAKE A LOOK AT THE TOP OF  
7 THE THIRD PAGE. IS THAT A -- IS THAT THE WRITTEN  
8 SUMMARY YOU PROVIDED TO --

9 A YES, IT IS.

10 Q -- IN FILING YOUR PROTECTION ORDER  
11 REQUEST?

12 A YES.

13 Q AND WHEN IT STATES THERE THE VOICE MAIL  
14 ON NOVEMBER 24TH -- THE LAST LINE THERE OF YOUR  
15 HANDWRITING -- WAS THAT THE VOICE MAIL YOU  
16 PREVIOUSLY TESTIFIED TO?

17 A YES, IT IS.

18 Q WHAT BECAME OF THIS REQUEST FOR A  
19 PROTECTION ORDER?

20 A BASICALLY, THE MAGISTRATE AT THAT TIME  
21 WAS ALREADY INFORMED OF -- HE JUST CARED ABOUT,  
22 WELL, WHOSE HOUSE WERE YOU -- DID HE FOLLOW YOU TO?  
23 THAT WAS IRRELEVANT. AND HE BASICALLY WAS INFORMED  
24 OF ALL THAT. HE WOULDN'T HAVE EVEN KNOWN THAT BY  
25 READING THIS.



1 Q HAS YOUR DAUGHTER ASSOCIATED WITH MR.  
2 GRIFFETH AT ANY POINT IN TIME?

3 A NO. 2004, SHE WAS PRESENT WITH ME WHEN I  
4 PURCHASED MY GRAND AM.

5 Q HAS SHE EVER BEEN IN MR. GRIFFETH'S  
6 COMPANY SINCE MR. GRIFFETH WAS RELEASED FROM PRISON?

7 A ABSOLUTELY NOT.

8 MR. PIERSALL: THAT'S ALL THE QUESTIONS  
9 WE HAVE AT THIS TIME, YOUR HONOR.

10 MR. SPRAGUE: THAT'S IT? ALL RIGHT.

11 MR. PIERSALL: YES.

12 MR. SPRAGUE: WHO WOULD BE DOING THE  
13 CROSS (INDISCERNIBLE)?

14 MR. DE PASCALE: I WILL CROSS THIS  
15 WITNESS, YOUR HONOR.

16 - - -

17 CROSS-EXAMINATION

18 - - -

19 BY MR. DE PASCALE:

20 Q MS. LEECH...

21 (PAUSE.)

22 MR. DE PASCALE: THANK YOU.

23 BY MS. DE PASCALE:

24 Q WHO IS JENNIFER HAYWOOD (PHONETIC)?

25 A VICTIM SERVICES REPRESENTATIVE.

1 Q AND JESSICA DENNIS?

2 A REPRESENTATIVE FROM THE ADULT PAROLE.

3 Q OKAY. YOU HAD AN INTERVIEW ON 4  
4 DECEMBER, 2008, WITH RON NELSON; DID YOU NOT?

5 A YES, I DID.

6 MR. DE PASCALE: WE HAVE ANOTHER COPY OF  
7 THIS; RIGHT?

8 MS. MAYER: UH-HUH.

9 MR. DE PASCALE: YOUR HONOR, I'M GOING TO  
10 GIVE THE WITNESS ONE OF THE TRANSCRIPTIONS. WE WERE  
11 SHORT --

12 MR. SPRAGUE: ALL RIGHT.

13 MR. DE PASCALE: -- A COUPLE OF COPIES OF  
14 THIS. THANK YOU.

15 BY MR. DE PASCALE:

16 Q WILL YOU TURN TO PAGE NINE OF THAT?

17 MR. SPRAGUE: WHICH EXHIBIT IS THIS, MR.  
18 DE PASCALE?

19 MR. DE PASCALE: ACTUALLY, IT IS A  
20 TRANSCRIPT, A WITNESS TRANSCRIPT OF ONE OF THE  
21 DISKS.

22 MR. SPRAGUE: OH, ALL RIGHT.

23 MR. DE PASCALE: THIS PARTICULAR DOCUMENT  
24 IS NOT MARKED AS AN EXHIBIT.

25 MR. SPRAGUE: ALL RIGHT.

1 MR. DE PASCALE: IT'S JUST A WRITTEN  
2 THING FOR EVERYBODY'S CONVENIENCE.

3 MR. SPRAGUE: ALL RIGHT.

4 (PAUSE.)

5 MR. DE PASCALE: IF I MAY HAVE A MINUTE,  
6 YOUR HONOR.

7 MR. SPRAGUE: ALL RIGHT. DO WE NEED TO  
8 GO OFF?

9 MR. DE PASCALE: NO, JUST -- I DID THIS  
10 VERY LATE AT NIGHT AND THE PAGE NUMBER THAT I  
11 PERSONALLY WROTE DOWN DOES NOT APPEAR TO BE THE PAGE  
12 NUMBER THAT CORRESPONDS WITH THIS TRANSCRIPT, SO I  
13 NEED TO --

14 MR. SPRAGUE: WELL, NOW WE'RE EVEN  
15 BECAUSE APPELLEE HAD ONE OF THOSE EARLIER.

16 (PAUSE.)

17 MR. SPRAGUE: AND JUST SO THE RECORD'S  
18 CLEAR, THIS IS A TRANSCRIPTION OF AN INVESTIGATIVE  
19 INTERVIEW THAT BUREAU CHIEF NELSON HAD WITH MS.  
20 LEECH. IS THAT CORRECT?

21 MR. DE PASCALE: YES, SIR.

22 UNIDENTIFIED SPEAKER: YES.

23 MR. SPRAGUE: ALL RIGHT.

24 (PAUSE.)

25 MR. DECKER: THIS REALLY WOULD BE A GOOD

1 TIME TO TAKE TWO MINUTES TO RUN DOWN THE HALL.

2 MR. DE PASCALE: WHY DON'T YOU DO THAT?

3 MR. SPRAGUE: ALL RIGHT. WE'LL GO OFF  
4 FOR A MINUTE.

5 (OFF THE RECORD.)

6 MR. SPRAGUE: WE'RE BACK ON.

7 MR. DE PASCALE: THANK YOU, SIR.

8 BY MR. DE PASCALE:

9 Q MS. LEECH, DIRECTING YOUR ATTENTION TO  
10 PAGE NINE, THIS IS A TRANSCRIPT OF THE RECORDED  
11 STATEMENT THAT YOU GAVE TO MR. NELSON. IF YOU LOOK  
12 AT BASICALLY STARTING AT LINE 19, IT SAYS REGARDLESS  
13 OF WHETHER YOU SAID THAT OR NOT, I HAVE A DAUGHTER  
14 THAT'S ABSOLUTELY PETRIFIED, A 13-YEAR-OLD THAT'S  
15 HYSTERICAL. AND THEN YOU GET TO THEY HAVE LOCKED  
16 THEMSELVES IN A ROOM AND NOW THEY WON'T ANSWER THE  
17 PHONE.

18 A UH-HUH.

19 Q OKAY?

20 A OKAY.

21 Q DID YOU SAY THAT AT THE HEARING?

22 A OBVIOUSLY, IT'S HERE. YES.

23 Q OKAY. THEN LINE 25, YOU SAY I GOT THEM  
24 CALMED DOWN.

25 A OKAY.



1 Q HOW DID YOU GET THEM CALMED DOWN IF THEY  
2 WOULDN'T ANSWER THE PHONE?

3 A BECAUSE THEY FINALLY CALLED ME BACK.

4 Q OKAY. OKAY, SO THEY FINALLY CALLED YOU  
5 BACK?

6 A YES.

7 Q OKAY. NOW, IF YOU LOOK AT PAGE TEN WE  
8 GET TO THE START OF THE INCIDENT WITH THE GUN.

9 A OKAY.

10 Q OKAY. NOW, YOUR TESTIMONY WITH RESPECT  
11 TO THESE MATTERS IS THAT JOHN GAVE YOU A GUN AND  
12 THAT YOU DID NOT WANT TO TAKE THE GUN.

13 A CORRECT.

14 Q IS THAT A CORRECT RECITATION AS FAR AS IT  
15 GOES OF YOUR POSITION TO THAT POINT?

16 A ABSOLUTELY.

17 Q OKAY.

18 MR. PIERSALL: YOUR HONOR, I WOULD -- I  
19 WOULD OBJECT TO THE INTRODUCTION OF THIS SUBJECT.  
20 I'M NOT -- I DON'T UNDERSTAND THE RELEVANCE OF IT.

21 MR. DE PASCALE: SHE'S YOUR WITNESS. SHE  
22 GAVE THIS STATEMENT WITH RESPECT TO THESE CHARGES.

23 MR. PIERSALL: HE WASN'T REMOVED FOR THE  
24 GUN INCIDENT.

25 MR. DE PASCALE: DOESN'T MATTER. IT GOES

1 TO HER TESTIMONY, HER CREDIBILITY. IT GOES TO THE  
2 FACTORS THAT RESULTED IN HIM BEING REMOVED. HE'S  
3 STILL GONE, SO YOUR VERSION OF WHY HE WAS REMOVED  
4 DOES NOT LIMIT ME AS TO --

5 MR. SPRAGUE: OKAY, (INDISCERNIBLE).  
6 YOU'RE JUST SAYING -- YOU'RE SAYING THIS IS A  
7 CREDIBILITY ISSUE. YOU'RE TRYING TO --

8 MR. DE PASCALE: I'M SAYING THAT PART OF  
9 IT IS A CREDIBILITY ISSUE, YOUR HONOR. PART OF IT  
10 DEALS WITH ATTITUDE AND WHETHER OR NOT HER ATTITUDE  
11 IS SUCH THAT SHE WILL, SHALL WE SAY, SLANT WHATEVER  
12 ELSE SHE SAYS WITH RESPECT TO WHAT ELSE OCCURRED.

13 MR. PIERSALL: YOUR HONOR, THIS GUN PIECE  
14 WASN'T PART OF THE INVESTIGATION. MR. MAYER WAS NOT  
15 REMOVED FOR ANYTHING TO DO WITH THE GUN INCIDENT.

16 MR. SPRAGUE: ALL RIGHT. I UNDERSTAND  
17 THAT. IF IT DEALS WITH IMPEACHMENT OR CREDIBILITY,  
18 OBVIOUSLY, COUNSEL GETS SOME LATITUDE ON THAT, BUT--

19 MR. DE PASCALE: YES, SIR. THAT'S WHAT  
20 IT'S FOR.

21 MR. SPRAGUE: -- AS LONG AS WE UNDERSTAND  
22 THAT WE NEED TO GET TO THE POINT AND MOVE ON --

23 MR. DE PASCALE: I'M NOT GOING TO TAKE  
24 LONG --

25 MR. SPRAGUE: ALL RIGHT, THAT'S FINE.

1 BY MR. DE PASCALE :

2 Q AT A POINT JOHN ASKED FOR THE GUN BACK ;  
3 DIDN'T HE ?

4 A NEVER ASKED UNTIL THE DAY AFTER THE  
5 DIVORCE .

6 Q THAT'S A POINT ; ISN'T IT ? I SAID AT A  
7 POINT JOHN ASKED FOR THE GUN BACK ?

8 A YES .

9 Q OKAY . WHEN HE ASKED FOR THE GUN BACK ,  
10 YOU REFUSED TO GIVE IT TO HIM ; DIDN'T YOU ?

11 A I NO LONGER HAD THE GUN .

12 Q DID YOU REFUSE TO RETURN THE GUN ?

13 A YES , I DID .

14 Q THANK YOU . DID YOU TELL HIM THE GUN HAD  
15 BEEN SOLD ?

16 A YES , I DID .

17 Q WERE YOU CONTACTED BY A MEMBER OF THE  
18 RICHLAND COUNTY PROSECUTOR'S OFFICE ?

19 A I SURE WAS .

20 Q INDIVIDUAL BY THE NAME OF BAMBI COUCH ?

21 A ABSOLUTELY .

22 Q SHE TOLD YOU THAT YOU NEEDED TO RETURN  
23 THE GUN ; DIDN'T SHE ?

24 A YES , SHE DID , BUT --

25 Q YOU TOLD --

1 A -- I DIDN'T HAVE THE GUN.

2 Q YOU TOLD HER THE GUN WAS SOLD; DIDN'T  
3 YOU?

4 A YES, I DID.

5 Q WAS THE GUN, IN FACT, SOLD?

6 A TRADED WAS PROBABLY A BETTER TERM.

7 Q YOUR BROTHER HAD THE GUN AT THAT POINT;  
8 DIDN'T HE?

9 A YES, HE DID.

10 Q SO YOU HAD GIVEN THE GUN TO YOUR BROTHER  
11 IRRESPECTIVE OF WHAT YOU WANT TO CALL THE  
12 CIRCUMSTANCES?

13 A I DIDN'T WANT A LOADED GUN THAT I HAVE  
14 NEVER USED IN MY HOUSE OR IN MY PRESENCE, THE OWNER  
15 REFUSING TO TAKE IT BACK PRIOR TO ASKING FOR IT.

16 Q WELL, AT THAT POINT HE SURE WANTED IT  
17 BACK; DIDN'T HE?

18 A SURE DID.

19 Q OKAY.

20 A WONDER WHY?

21 Q THAT WAS A STATE ISSUED FIREARM; WASN'T  
22 IT?

23 A NOT TO MY KNOWLEDGE. I NEVER WOULD HAVE  
24 ALLOWED IT TO BE IN MY HOUSE HAD I KNOWN IT HAD BEEN  
25 A STATE ISSUED FIREARM.

1 Q OKAY. SO YOU NEVER KNEW THAT?

2 A NO.

3 Q NOW, YOUR ATTORNEY, MR. TYREE (PHONETIC),  
4 TO YOUR KNOWLEDGE WAS CONTACTED BY BAMBI COUCH ON  
5 THE SAME ISSUE; WASN'T HE?

6 A CORRECT.

7 Q MR. TYREE --

8 MR. SPRAGUE: CAN WE SPELL THAT FOR THE  
9 RECORD, PLEASE?

10 MR. DE PASCALE: SAY IT AGAIN, SIR?

11 MR. SPRAGUE: TYREE?

12 THE WITNESS: (SPELLING) T-Y-R-E-E.

13 MR. DE PASCALE: THANK YOU.

14 BY MR. DE PASCALE:

15 Q YOU HAD CONVERSATION WITH MR. TYREE WITH  
16 RESPECT TO THE GUN; DID YOU NOT?

17 A YES, I DID.

18 Q WAS IT YOUR UNDERSTANDING THAT MR. TYREE  
19 TOLD YOU THAT YOU SHOULD RETURN THE GUN?

20 A IF IT WAS A STATE ISSUED GUN. I SAID I  
21 NEED EVIDENCE THAT IT IS A STATE ISSUED GUN.

22 Q OKAY. AND AS A RESULT OF THAT  
23 CONVERSATION YOU FIRED MR. TYREE; DIDN'T YOU?

24 A HE WAS MY DIVORCE ATTORNEY. I SAID I  
25 WILL HANDLE BAMBI COUCH-PAGE, I WILL TALK TO

1 WHOEVER. AND THAT'S WHEN I TRIED TO GET AHOLD OF  
2 DAVID LOMAX.

3 Q OKAY. IN ANY EVENT, MR. TYREE'S SERVICES  
4 WERE NO LONGER REQUIRED; CORRECT?

5 A ABSOLUTELY.

6 Q OKAY. NOW, AT WHAT POINT DID YOU GET MR.  
7 LOMAX'S CELL PHONE NUMBER?

8 A I DIDN'T CALL HIM DIRECTLY AT THAT -- AT  
9 WHAT POINT DID I GET --

10 Q THAT WASN'T MY QUESTION, MA'AM.

11 A AT THE TIME OF GIVING THE FIREARMS TO MR.  
12 LOMAX.

13 Q IS THE TIME THAT YOU GOT HIS CELL PHONE  
14 NUMBER?

15 A YES.

16 Q OKAY. WHAT DATE WAS THAT; DO YOU KNOW?

17 A I DON'T KNOW.

18 Q WHAT'S YOUR BEST MEMORY OF WHAT DATE IT  
19 PROBABLY WAS?

20 A I -- I COULDN'T TELL YOU WITHOUT LOOKING  
21 AT MY TIMELINE. I -- DON'T REALLY KNOW.

22 Q LOOK AT ANYTHING YOU WANT.

23 A OKAY.

24 (PAUSE.)

25 A WELL, LET'S SEE. OUR DIVORCE WAS FINAL

1 IN AUGUST, SO IT HAD TO BE -- I DON'T KNOW. IT WAS  
2 SOMETIME AFTER 8/27.

3 BY MR. DE PASCALE:

4 Q OF WHAT YEAR?

5 A '08.

6 Q THANK YOU. DO YOU THINK IT WAS CLOSE TO  
7 8/27 OR --

8 A IT WAS CLOSE, AROUND --

9 Q OKAY.

10 A -- YES.

11 Q THAT'S PLUS OR MINUS. THAT'S GOOD  
12 ENOUGH. OKAY. NOW, I BELIEVE YOU TOLD MR. PIERSALL  
13 THAT --

14 A WHO IS MR. PIERSALL?

15 (NO AUDIBLE RESPONSE.)

16 A OKAY. I'M SORRY.

17 MR. PIERSALL: I'M SORRY.

18 MR. DE PASCALE: THE GUY THAT WAS  
19 EXAMINING YOU.

20 BY MR. DE PASCALE:

21 Q -- THE FIRST TIME YOU SAW MR. GRIFFETH  
22 AFTER HE GOT OUT OF JAIL WAS IN FEBRUARY OR MARCH  
23 '08 AND THAT YOU RAN INTO HIM AT A WAL-MART?

24 A CORRECT.

25 Q IS THAT YOUR BEST MEMORY?

1 A YEAH.

2 Q DIRECTING YOUR ATTENTION TO THE 31ST OF  
3 DECEMBER 2007 AT SNOW TRAILS --

4 A YES.

5 Q -- DID YOU HAVE OCCASION TO SEE MR.  
6 GRIFFETH THERE?

7 A SOMEBODY HAD WAVED AT ME WITH A HAT ON  
8 CARRYING A SKI AND WAVED THROUGH A WINDOW AS I WAS  
9 ENGAGING IN CONVERSATION WITH MY GIRLFRIEND. I DID  
10 NOT KNOW WHO MADE THE WAVE. I WASN'T EVEN SURE IT  
11 WAS AT ME. MY EYESIGHT IS VERY BAD AT A DISTANCE  
12 WITHOUT MY GLASSES ON. I KIND OF WENT LIKE THAT,  
13 FEELING STUPID NOT KNOWING IF I WAS REALLY -- IF THE  
14 PERSON WAS EVEN WAVING AT ME.

15 BUT REGARDLESS OF THAT, APRIL, MAY, UPON  
16 CUTTING EDWIN GRIFFETH'S HAIR HE INFORMED ME DID YOU  
17 SEE ME AT SNOW TRAILS WHEN I WENT AND WAVED? I SAID  
18 I DID NOT KNOW THAT WAS YOU.

19 Q SO IF MR. GRIFFETH'S VERSION OF THAT SNOW  
20 TRAILS INCIDENT WAS THAT HE ACTUALLY SPOKE TO YOU  
21 AND MADE ARRANGEMENTS FOR YOU TO START CUTTING HIS  
22 HAIR AT THAT TIME, THAT WOULD BE INACCURATE?

23 A YEAH. I DID NOT ENGAGE IN CONVERSATION  
24 WITH HIM.

25 Q OKAY. NOW, GOING BACK TO YOUR DIVORCE



1 DECREE AND THAT LINE WHICH YOUR COUNSEL TALKS ABOUT  
2 THE INJUNCTION AGAINST HARASSING AND ANNOYING --

3 A YES.

4 Q -- EACH OTHER, YOU WERE HARASSED OR  
5 ANNOYED BECAUSE JOHN MAYER WAS ON THE SAME PUBLIC  
6 STREET YOU WERE ON?

7 A CONSTANTLY, YES.

8 Q OKAY, TALK ABOUT CONSTANTLY HERE. YOU  
9 SAY THAT YOU SAW JOHN IN THE MORNING WHEN YOU WERE  
10 GOING TO WORK AND MY UNDERSTANDING OF YOUR ANSWER  
11 WAS THAT YOU SAW HIM SEVERAL MORNINGS A WEEK EVERY  
12 WEEK. IS THAT A CORRECT UNDERSTANDING?

13 A MORNINGS AND AFTERNOONS, YES.

14 Q WELL, LET'S JUST TALK ABOUT THE MORNING  
15 FIRST.

16 A OKAY, SURE.

17 Q OKAY. MY UNDERSTANDING OF YOUR ANSWER  
18 WAS THAT YOU SAW HIM SEVERAL MORNINGS A WEEK EVERY  
19 SINGLE WEEK ON YOUR WAY TO WORK; CORRECT?

20 A YES.

21 Q WHAT TIME DID YOU GO TO WORK IN THE  
22 MORNING?

23 A I WOULD TAKE MY DAUGHTER TO SCHOOL FIRST  
24 WHICH -- SHE HAD TO BE THERE AT TEN MINUTES AFTER  
25 8:00 O'CLOCK AND USUALLY THAT'S WHEN I GOT HER TO

1 SCHOOL. I WOULD MAYBE LEAVE HE HOUSE AT 8:00  
2 O'CLOCK.

3 Q OKAY. WOULD YOU NORMALLY SEE JOHN BEFORE  
4 OR AFTER YOU DROPPED HER OFF?

5 A USUALLY BEFORE AND DIRECTLY AFTER MANY  
6 TIMES.

7 Q OKAY. NOW, YOU ALSO SAID THAT YOU SAW  
8 HIM IN THE AFTERNOONS?

9 A ABSOLUTELY.

10 Q OKAY. NOW, IN THESE AFTERNOONS, AGAIN  
11 WAS THAT SEVERAL DAYS A WEEK EVERY WEEK?

12 A ABSOLUTELY.

13 Q OKAY. AND APPROXIMATELY WHAT TIME WOULD  
14 THAT BE?

15 A BETWEEN THE TIME SLOT OF 2:30 TO 3:30.

16 Q OKAY. NOW, IF I REMEMBER CORRECTLY YOUR  
17 WORK HOURS WERE FROM LIKE 9:00 TO 6:00 OR SOMETHING  
18 LIKE THAT?

19 A YEAH. EVERY DAY THEY'RE DIFFERENT. I  
20 CAN GIVE YOU MY WORK SCHEDULE IF YOU'D LIKE.

21 Q NO. I'M JUST -- JUST WONDERING WHY  
22 YOU'RE OFF EVERY DAY AT 2:30.

23 A I CAN DO THAT WITH MY POSITION THAT I  
24 HAVE. MY DOG NEEDS LEFT OUT ON MY LONG DAYS OF  
25 WORK. I'M AT WORK A LOT OF TIMES FROM 9:00 IN THE

1 MORNING UNTIL 7:00 AT NIGHT. AND I ALSO NEED TO --

2 Q THAT'S (INDISCERNIBLE).

3 A -- SO I LEAVE MY DOG OUT RIGHT BEFORE I  
4 PICK MY DAUGHTER UP AT HER SCHOOL, TAKE HER TO THE  
5 BABY-SITTER'S AND RETURN TO WORK. MY LINE OF WORK  
6 ALLOWS ME TO BLOCK OUT A TIME EVERY DAY FOR THE  
7 WHOLE YEAR IF I WOULD LIKE TO.

8 Q OKAY, I UNDERSTAND THAT. I'M JUST TRYING  
9 TO ESTABLISH --

10 A I WORK ON APPOINTMENT BASIS ONLY --

11 Q RIGHT, YES. I UNDERSTAND.

12 A -- SO NOBODY CAN SCHEDULE MY APPOINTMENTS  
13 FROM 2:30 TO 3:30.

14 Q RIGHT. SO EVERY DAY YOU SCHEDULE  
15 YOURSELF OUT OF THE SHOP FROM 2:30 TO 3:30?

16 A ON TUESDAYS AND THURSDAYS --

17 Q ONLY?

18 A -- AND FRIDAYS.

19 Q OKAY.

20 A YES.

21 Q JUST THREE DAYS A WEEK?

22 A YES.

23 Q OKAY. AND THOSE WERE THE THREE DAYS WHEN  
24 YOU WOULD SEE JOHN?

25 A NO, NO. I STILL TOOK MY DAUGHTER TO

1 SCHOOL EVERY DAY, EVERY MORNING, AND THAT'S --

2 Q I'M TALKING ABOUT THE AFTERNOONS NOW.

3 A OH, NOW, YOU'RE TALKING ABOUT THE  
4 AFTERNOONS. WELL, I PICK MY DAUGHTER UP FROM SCHOOL  
5 EVERY DAY AT THE SAME TIME REGARDLESS OF WHETHER I'M  
6 AT WORK DURING THAT TIME OR NOT.

7 Q HOW CAN YOU PICK HER UP IF YOU'RE AT  
8 WORK?

9 A THAT'S WHY I HAVE BLOCKED OUT FROM 2:30  
10 TO 3:30 AT MY WORK.

11 Q MA'AM, THAT'S WHAT I -- THAT'S WHAT I  
12 JUST TRIED TO ASK YOU. DO YOU BLOCK OUT THE TIME  
13 EVERY DAY? AND YOU SAID NO, --

14 A I DON'T WORK ON WEDNESDAYS AND I'M OFF  
15 BEFORE 2:00 -- I'M OFF AT 2:30 ON MONDAYS, SO  
16 MONDAYS --

17 Q OH, OKAY.

18 A -- I DO NOT BLOCK MY TIME OFF.  
19 WEDNESDAYS I DO NOT BECAUSE I'M OFF WORK THEN.

20 Q OKAY. SO YOU ARE EITHER BLOCKED OUT OR  
21 OFF WORK ALL FIVE DAYS OR SIX DAYS OF THE WORKWEEK  
22 FOR THOSE HOURS?

23 A YES.

24 Q OKAY. NOW, HOW MANY OF THOSE DAYS IN THE  
25 AFTERNOONS WOULD YOU SEE JOHN ON THE STREET?

1 A OH, I WOULD SAY AT LEAST THREE, SOMETIMES  
2 EVERY DAY.

3 Q NOW, YOU WERE MARRIED TO HIM FOR A WHILE;  
4 RIGHT?

5 A UH-HUH, FOR --

6 Q (INDISCERNIBLE).

7 A -- A SHORT TIME.

8 Q YES, RIGHT. WHAT ARE HIS WORK HOURS?

9 A 8:00 O'CLOCK IN THE MORNING UNTIL 4:00  
10 WHAT, 4:30, 5:00 O'CLOCK IN THE EVENING.

11 Q OKAY. SO IF YOU SEE JOHN EVERY MORNING  
12 OR THREE DAYS A WEEK OR SOMETIMES FOUR DAYS A WEEK  
13 AT OR AROUND 8:00 O'CLOCK IN THE MORNING HE'S,  
14 OBVIOUSLY, NOT AT WORK BEFORE 8:00 --

15 A IT WAS AFTER 8:00 O'CLOCK.

16 Q -- CORRECT? I MEAN, HE'S NOT IN HIS  
17 OFFICE; IS HE?

18 A CORRECT.

19 Q OKAY. AND IF YOU'RE SEEING HIM AT PLUS  
20 OR MINUS 2:30 IN THE AFTERNOON, HE'S ALSO NOT IN HIS  
21 OFFICE; IS HE?

22 A CORRECT.

23 Q NOW, WHAT ELSE DID YOU CONSIDER TO BE A  
24 VIOLATION OF THAT LAST SENTENCE IN YOUR DIVORCE  
25 DECREE OTHER THAN SEEING JOHN OUT ON THE PUBLIC

1 STREETS TWICE A DAY?

2 A CONTINUING TO CALL ME VERY OFTEN,  
3 CONTINUING TO WRITE ME LETTERS.

4 Q OKAY.

5 A THERE WAS TO BE NO CONTACT.

6 Q WHAT'S THIS --

7 A THE INITIAL DIVORCE --

8 Q EXHIBIT 14-5. LET'S GO TO 14-5. DOING  
9 DOMESTIC WORK (INDISCERNIBLE). GOT IT?

10 A GOT IT.

11 Q NO PLACE IN THERE DOES IT SAY NO CONTACT;  
12 DOES IT?

13 A ACTUALLY, IN THE INITIAL DIVORCE PAPERS  
14 THAT HE WAS SERVED --

15 Q MA'AM, WE'RE TALKING ABOUT THIS --

16 A OKAY.

17 Q -- DOCUMENT.

18 A THAT'S FINE.

19 Q OKAY. IT SAYS IN BOTHERING, HARASSING OR  
20 ANNOYING, CORRECT?

21 A CORRECT.

22 Q OKAY. AND I ASKED YOU WHAT WAS  
23 BOTHERING, HARASSING OR ANNOYING, AND YOU TOLD ME  
24 THE PHONE CALLS --

25 A YES.

1 Q -- AND THE LETTERS,

2 A YES.

3 Q -- IN ADDITION TO THE STUFF WE'D ALREADY  
4 TALKED ABOUT?

5 A YES.

6 Q OKAY. HOW MANY TIMES DID YOU FILE A  
7 CONTEMPT CITATION AGAINST JOHN FOR DOING THESE  
8 THINGS?

9 A PRIOR TO OR JUST OVERALL?

10 Q WELL, AFTER THE DATE OF THE DECREE,  
11 BECAUSE THAT'S THE ONLY TIME YOU CAN HAVE A  
12 CONTEMPT. YOU'VE GOT TO HAVE AN ORDER FIRST.

13 A I GUESS WITH DAVE LOMAX AND THEN AFTER  
14 THE NOVEMBER 20TH INCIDENTS.

15 Q OKAY. SO YOU NEVER ACTUALLY WENT TO THE  
16 DOMESTIC RELATIONS COURT IN RICHLAND COUNTY --

17 A YES.

18 Q -- AND ASKED THE COURT TO FIND HIM IN  
19 CONTEMPT FOR VIOLATING THIS PROVISION OF YOUR  
20 DEGREE; DID YOU?

21 A NO, NO.

22 Q NOT PRIOR TO THE DATE THAT -- AT LEAST  
23 PRIOR TO THE DATE THAT MR. GRIFFETH WAS ARRESTED?

24 A CORRECT.

25 Q OKAY. NOW, ALSO, SUBSEQUENT TO THE DATE

1 THAT MR. GRIFFETH WAS ARRESTED YOU ATTEMPTED TO FILE  
2 AN ACTION FOR A CIVIL PROTECTION ORDER; DID YOU NOT?

3 A THAT'S WHAT I DID WHEN I FILED THAT --  
4 THAT'S WHY I FILED THAT, TO GET A PROTECTION ORDER.

5 Q I UNDERSTAND AND I'M -- (INDISCERNIBLE)  
6 SAY WE'RE NOT TRYING TO -- I'M NOT TRYING TO -- TO  
7 FOOL YOU HERE. I JUST WANT TO GET -- THAT'S EXHIBIT  
8 14.8.

9 MR. SPRAGUE: 14-8?

10 MR. DE PASCALE: DASH 8. I'M SORRY, YOUR  
11 HONOR.

12 (INDISCERNIBLE)

13 MR. DE PASCALE: YES.

14 BY MR. DE PASCALE:

15 Q PETITION FOR DOMESTIC VIOLENCE, CIVIL  
16 PROTECTION ORDER.

17 A UH-HUH.

18 Q AND YOU FILLED THAT OUT, AND YOU TOOK IT  
19 DOWN TO THE DOMESTIC RELATIONS COURT OF RICHLAND  
20 COUNTY, AND YOU FILED IT IN FRONT OF A ROBERT L.  
21 CONSTAM; CORRECT, AS JUDGE?

22 A (INDISCERNIBLE) WILLIAM MCKINLEY?

23 Q THE DOCUMENT I'M LOOKING AT SAYS ROBERT  
24 CONSTAM.

25 A THAT'S NOT CORRECT, ACTUALLY.



1 Q YOUR SAYS SOMETHING DIFFERENT?

2 A IT SAYS ROBERT CONSTAM. I'M JUST SAYING  
3 THAT'S NOT WHO -- IT WASN'T A JUDGE. IT WAS A  
4 MAGISTRATE IN THERE.

5 Q WELL, THAT IS A -- OKAY, HE'S PROBABLY A  
6 MAGISTRATE.

7 A BUT I THINK IT WAS WILLIAM MCKINLEY FOR  
8 WHATEVER DIFFERENCE THAT MAKES.

9 Q WHATEVER. OKAY. WHATEVER. IN ANY  
10 EVENT, --

11 MR. SPRAGUE: THEY'RE NOW REFERENCED --

12 Q -- SOMEBODY WAS ON THE BENCH.

13 MR. SPRAGUE: YES. THEY'RE NOW  
14 REFERENCED AS MAGISTRATE JUDGES, SO THAT MAY BE,  
15 YES, OUR CONFUSION.

16 MR. DE PASCALE: I UNDERSTAND.

17 BY MR. DE PASCALE:

18 Q IN ANY EVENT, SOMEBODY WAS ON THE BENCH?

19 A UH-HUH.

20 Q OKAY. AND YOU WENT IN THERE AND ASKED  
21 FOR WHAT IS CALLED AN EX PARTE ORDER; DID YOU NOT?

22 A YES.

23 Q OKAY. DO YOU KNOW WHAT AN EX PARTE ORDER  
24 IS?

25 A NO. I DON'T RECALL.

1 Q OKAY. AN EX PARTE ORDER IS ONE WHERE YOU  
2 GO IN, THE OTHER SIDE IS NOT REPRESENTED, AND YOU  
3 GET TO MAKE YOUR CASE WITHOUT THEM BEING PRESENT.

4 A OKAY.

5 Q AND THAT IS WHAT YOU ATTEMPTED TO DO;  
6 CORRECT?

7 A UH-HUH, YES.

8 Q THE MAGISTRATE REFUSED YOU THAT ORDER;  
9 DID THEY NOT?

10 A UH-HUH.

11 Q AND THEY TOLD YOU THAT THEY WOULD GIVE  
12 YOU A NEW COURT DATE --

13 A UH-HUH.

14 Q -- IF YOU WOULD GIVE THEM ADDITIONAL  
15 FACTS AND JOHN WOULD BE ABLE TO BE PRESENT WITH A  
16 LAWYER; CORRECT?

17 A UH-HUH.

18 Q AND IS IT NOT A FACT THAT YOU NEVER TOOK  
19 THAT CASE PAST (INDISCERNIBLE) --

20 A (INDISCERNIBLE) THERE WAS NO POINT IN  
21 THAT FOR A PIECE OF PAPER. NO.

22 Q PLEASE LET ME FINISH THE QUESTION.

23 A UH-HUH.

24 Q -- THAT YOU NEVER TOOK IT PAST THE POINT  
25 OF THE EX PARTE ORDER ONCE YOU FOUND OUT JOHN COULD

1 BE THERE?

2 A UH-HUH. ABSOLUTELY.

3 Q OKAY. NOW, YOUR FRIENDSHIP WITH MR.

4 GRIFFETH BEGAN IN '04?

5 A UH-HUH.

6 Q YOU DATED HIM PERIODICALLY UNTIL SUCH  
7 TIME AS HE WENT TO PRISON; CORRECT?

8 A I WOULDN'T EXACTLY SAY DATED HIM. WE  
9 WENT OUT --

10 Q WELL, LET'S SEE. YOU WENT TO DINNER --  
11 GO AHEAD.

12 A DINNER, FIREWORKS, AND BASICALLY TALKED  
13 WITH HIM ON THE PHONE.

14 Q OKAY. HOW OFTEN DID YOU GO TO DINNER  
15 WITH HIM?

16 A I BELIEVE THAT WAS THE ONE AND ONLY TIME.

17 Q OKAY. AND HOW OFTEN DID YOU GO TO  
18 FIREWORKS WITH HIM?

19 A THAT WAS THE SAME -- IT WAS ACTUALLY THE  
20 FOURTH OF JULY.

21 Q OKAY.

22 A WE WENT TO DINNER AND FIREWORKS.

23 Q OKAY. SO YOU GO OUT WITH AN INDIVIDUAL  
24 ONE TIME --

25 A UH-HUH.

1 Q -- AND WHEN HE GOES TO PRISON ON A SEX  
2 VIOLATION YOU WRITE HIM LETTERS?

3 A UH-HUH, YEAH.

4 Q YOU BOUGHT A CAR FROM HIS FAMILY'S CAR  
5 DEALERSHIP?

6 A CORRECT.

7 Q OKAY. THEY SELL USED CARS ONLY; CORRECT?

8 A RIGHT.

9 Q WHAT KIND OF A CAR DID YOU BUY?

10 A A 2002 PONTIAC GRAND AM.

11 Q AND YOU BOUGHT THAT IN '04?

12 A CORRECT.

13 Q SO AT THAT POINT IT WAS A TWO-YEAR-OLD  
14 CAR, GIVE OR TAKE?

15 A UH-HUH.

16 Q AT A POINT YOUR ENGINE IN THAT CAR  
17 FAILED; CORRECT?

18 A UH-HUH.

19 Q HOW LONG HAD YOU HAD THE CAR?

20 A THE WARRANTY WAS STILL COVERING THE  
21 ENGINE COMPONENTS. GOSH, I'D SAY THREE YEARS. I'M  
22 -- I'M NOT SURE WHEN THE ENGINE WENT OUT OFF THE TOP  
23 OF MY HEAD --

24 Q OKAY. SO YOU HAD ALREADY HAD IT FOR  
25 THREE YEARS WHEN THE ENGINE WENT OUT?

1 A YES.

2 Q OKAY. SO THE WARRANTY YOU'RE TALKING  
3 ABOUT WAS NOT THE MANUFACTURER'S WARRANTY, --

4 A NO.

5 Q -- IT WAS THE AFTERMARKET WARRANTY THAT  
6 YOU PURCHASED?

7 A YES.

8 Q OKAY. NOW, THE AFTERMARKET WARRANTY WAS  
9 PURCHASED THROUGH THE GRIFFETH DEALERSHIP; CORRECT?

10 A CORRECT.

11 Q AND IT WAS PROVIDED BY SOME AFTERMARKET  
12 WARRANTY COMPANY. I FORGET THE NAME OF IT

13 (INDISCERNIBLE) --

14 A EAGLE WARRANTY.

15 Q EAGLE?

16 A YES.

17 Q OKAY. YOU CONTACTED AN ATTORNEY?

18 A I TRIED TO DEAL WITH EAGLE WARRANTY TO  
19 BEGIN WITH.

20 Q WELL, THAT WAS A WASTE OF YOUR TIME, SO  
21 YOU CONTACTED AN ATTORNEY. AND THE ATTORNEY FILED  
22 SUIT ON YOUR BEHALF AGAINST EAGLE AND AGAINST THE  
23 CAR DEALERSHIP?

24 A DUE TO SOME LAW SHE SAID THEY HAD TO  
25 INCLUDE THEM.

1 Q NOW, YOU WERE UPSET OVER THE FACT THAT  
2 THEY FILED AGAINST THE CAR DEALERSHIP; CORRECT?

3 A YEAH. I FELT TERRIBLE ABOUT THAT.

4 Q OKAY. BUT THE CAR DEALERSHIP IS THE ONE  
5 THAT SOLD YOU THE CAR; AREN'T THEY?

6 A (NO AUDIBLE RESPONSE.)

7 Q AND THEY'RE THE ONES THAT SOLD YOU THE  
8 WARRANTY?

9 A UH-HUH.

10 Q OKAY. AND YOU NEVER HAD ANY DEALINGS  
11 WITH EAGLE; DID YOU?

12 A NO.

13 MR. PIERSALL: YOUR HONOR, ONE MORE TIME  
14 I'D LIKE TO RAISE A RELEVANCE OBJECTION. I HAVE NO  
15 IDEA WHERE THIS IS GOING. WE CAN TALK ABOUT  
16 WARRANTIES --

17 MR. DE PASCALE: WE DON'T CARE ABOUT THE  
18 WARRANTY, MR. PIERSALL. WHAT WE CARE ABOUT IS THE  
19 FACT THAT SHE'S UPSET ABOUT SUING A CAR DEALERSHIP  
20 RUN BY A GUY THAT (INDISCERNIBLE) --

21 MR. PIERSALL: SHE ALREADY TESTIFIED TO  
22 THIS. WHAT DO YOU WANT FROM HER? THIS IS  
23 REPETITIVE, A WASTE OF TIME --

24 MR. DE PASCALE: WELL, I'M ENTITLED TO DO  
25 MY CROSS MY WAY, NOT YOUR WAY.

1 MR. PIERSALL: SUBJECT TO THE JUDGE --

2 UNIDENTIFIED SPEAKER: CAN I MAKE A  
3 STATEMENT IN YOUR QUESTIONING? I MEAN --

4 MR. PIERSALL: MR. SPRAGUE CAN INSTRUCT  
5 YOU THAT YOU'RE WASTING TIME WHICH --

6 MR. SPRAGUE: WELL, MR. PIERSALL, YOU  
7 ASKED ABOUT THE WARRANTY SITUATION AND ALL THIS, AND  
8 THIS IS ADMITTEDLY A COROLLARY ISSUE, BUT YOU DID  
9 ELICIT SOME TESTIMONY ON IT (INDISCERNIBLE) --

10 MR. PIERSALL: THEN LET'S GO AT IT ALL  
11 DAY THEN. LET'S DO IT.

12 MR. SPRAGUE: WELL, WE SPENT SOME TIME ON  
13 IT WITH YOUR SIDE, SO --

14 MR. PIERSALL: WELL, IF WE'RE GOING TO  
15 HAMMER AWAY AT DETAIL LET'S DO IT.

16 BY MR. DE PASCALE:

17 Q ULTIMATELY, YOU RECEIVED FROM THE  
18 GRIFFETH FAMILY AN AMOUNT OF MONEY FOR THEIR  
19 DISMISSAL FROM THE LAWSUIT; CORRECT?

20 A CORRECT.

21 Q AND THAT AMOUNT OF MONEY WAS WHAT,  
22 SOMEWHERE AROUND \$1,000?

23 A MY ATTORNEY RECEIVED \$1,000. I RECEIVED  
24 \$600.

25 Q OKAY. DID YOU TELL MR. GRIFFETH, EDWIN,

1 THAT YOU WERE SO UPSET ABOUT THE FACT THAT HIS  
2 FAMILY PAID THAT MONEY THAT YOU WERE GOING TO PAY IT  
3 BACK TO THEM?

4 A YES, AND I DID PAY IT BACK.

5 Q YOU PAID THEM BACK \$1,000?

6 A \$600. WHATEVER MONEY I RECEIVED FOR IT  
7 WAS \$600 --

8 Q OKAY.

9 A -- AND I HAD SAID -- AND, ACTUALLY, I --  
10 GO AHEAD. THAT'S -- GO AHEAD.

11 Q OKAY. AND THESE ARE PEOPLE WHO SOLD YOU  
12 A CAR WITH A -- WITH AN ENGINE (INDISCERNIBLE)?

13 A UH-HUH.

14 Q NOW, LET'S TALK ABOUT THE FLORIDA TRIP.  
15 YOU TOOK A TRIP TO FLORIDA --

16 A CORRECT.

17 Q -- ON AN AIRPLANE USING A TICKET  
18 PURCHASED FOR YOU BY EDWIN GRIFFETH; CORRECT?

19 A CORRECT.

20 Q OKAY. YOU WANT THE ADMINISTRATIVE LAW  
21 JUDGE TO BELIEVE THAT YOU HAD NO PERSONAL  
22 RELATIONSHIP WITH EDWIN GRIFFETH; CORRECT?

23 A ABSOLUTELY.

24 Q AT THE TIME THAT YOU TOOK THIS TRIP TO  
25 FLORIDA WITH MR. GRIFFETH, OR AT LEAST ON THE SAME



1 AIRPLANE WITH MR. GRIFFETH BY VIRTUE OF A TICKET  
2 PAID FOR BY HIM, YOU WERE STILL MARRIED TO MR.  
3 MAYER; WEREN'T YOU?

4 A UH-HUH.

5 Q OKAY. WHERE DID YOU GO IN FLORIDA?

6 A TAMPA BAY.

7 Q WHAT CITY DID MR. GRIFFETH GO TO?

8 A I HAVE NO IDEA TO BE HONEST.

9 Q WHERE DID THE AIRPLANE LAND?

10 A I BELIEVE IT WAS RIGHT IN TAMPA.

11 Q OKAY. DID YOU GET OFF THE AIRPLANE?

12 A YES.

13 Q DID MR. GRIFFETH GET OFF THE AIRPLANE?

14 A YEAH.

15 Q SO IT WOULD PROBABLY BE REASONABLE TO  
16 CONCLUDE THAT HE ALSO WENT TO TAMPA BAY?

17 A ABSOLUTELY NOT.

18 Q OH, DID YOU SEE HIM GET ON ANOTHER  
19 AIRPLANE?

20 A DON'T KNOW. I DIDN'T SEE HIM, NO.

21 Q OKAY.

22 (PAUSE.)

23 BY MR. DE PASCALE:

24 Q OKAY, WOULD YOU PLEASE TURN TO PAGE 26 OF  
25 THAT COMPILATION OF PAPERS THAT I GAVE YOU?

1 A TO? I'M SORRY --

2 Q THE TRANSCRIPT OF YOUR --

3 A GOT YOU.

4 Q -- OF YOUR DISK.

5 A 26?

6 Q YES. LINES 11 THROUGH 15. IT SAYS HOW  
7 LONG DID WE DATE PRIOR TO THIS? TECHNICALLY, I  
8 DIDN'T FEEL THAT WE EVER DATED. WE WENT OUT TO  
9 DINNER A COUPLE OF TIMES AND DUE TO MY CIRCUMSTANCES  
10 THERE WAS NEVER A RELATIONSHIP. I MEAN, HE WENT TO  
11 PRISON.

12 ISN'T IT A FACT THAT THE REASON THAT THE  
13 RELATIONSHIP SORT OF STOPPED AT THAT POINT IS  
14 BECAUSE HE WAS IN THE SLAMMER?

15 A NOT -- NOT EXACTLY, NO.

16 Q OKAY.

17 A WE HAD REALLY NEVER ESTABLISHED -- HAD  
18 TIME TO ESTABLISH A ROMANTIC RELATIONSHIP AND I  
19 WASN'T EVEN SURE THAT IT WOULD HAVE WENT THERE  
20 REGARDLESS.

21 Q OKAY. IN RESPONSE TO MR. PIERSALL'S  
22 QUESTION, PART OF YOUR ANSWER AS TO WHY YOU REALLY  
23 DIDN'T WANT TO ENGAGE IN A LAWSUIT AGAINST GRIFFETH  
24 WAS YOU SAID YOU FELT TERRIBLE BECAUSE THE MAN  
25 ALREADY HAD HAD ENOUGH.

1 A UH-HUH.

2 Q ENOUGH WHAT?

3 A ENOUGH IN LAW DEALINGS. I WASN'T -- IT  
4 WOULDN'T MATTER IF I KNEW EDWIN GRIFFETH OR NOT, OR  
5 WHO THIS WAS. I DON'T BELIEVE THAT ANY DEALERSHIP  
6 -- THEY WEREN'T THE ONES RESPONSIBLE. IT WAS THE  
7 WARRANTY COMPANY. I FELT BAD GOING BACK ON THEM  
8 REGARDLESS OF WHETHER I KNEW THE PEOPLE OR NOT.

9 Q OKAY.

10 A I DIDN'T FEEL THAT WAS RIGHT.

11 Q IF WE UNDERSTAND THAT AT A POINT YOU HAD  
12 MR. LOMAX'S CELL PHONE NUMBER, AND IF WE UNDERSTAND  
13 THAT YOU'RE SEEING JOHN ANYWHERE FROM THREE-TO-FIVE  
14 DAYS A WEEK --

15 A UH-HUH.

16 Q -- ON THE ROAD IN THE MORNINGS AND  
17 ANOTHER THREE-TO-FIVE DAYS A WEEK ON THE PHONE IN  
18 THE AFTERNOONS, --

19 A UH-HUH.

20 Q -- HOW MANY TIMES DID YOU CALL MR.  
21 LOMAX'S PHONE AND TELL HIM THAT?

22 A I THOUGHT HE WOULD THINK I WAS  
23 RIDICULOUS, SO I -- I DIDN'T.

24 Q OKAY. DID YOU CALL 911?

25 A AND TELL THEM WHAT? OH, I CROSSED PATHS

1 WITH JOHN MAYER AGAIN?

2 Q OKAY. NOW, GETTING TO THE -- THE DATE OF  
3 THE 20TH OF NOVEMBER, --

4 A OKAY.

5 Q -- BOTH ON DIRECT AND IN THAT TRANSCRIPT  
6 YOU SEEMED TO INDICATE THAT YOU CALL MR. GRIFFETH, --

7 A UH-HUH.

8 Q -- YOU TELL HIM YOU NEED TO SEE HIM --

9 A UH-HUH.

10 Q -- BECAUSE YOU NEED TO TERMINATE YOUR  
11 RELATIONSHIP WITH HIM BECAUSE OF JOHN MAYER?

12 A I DIDN'T TELL HIM THAT ON THE PHONE. I  
13 JUST TOLD HIM THAT I WANTED TO MEET WITH HIM.

14 Q BUT THAT WAS YOUR PURPOSE; WAS IT NOT?

15 A ABSOLUTELY.

16 Q OKAY. AND WHEN YOU PHYSICALLY GOT TO  
17 WHERE HE WAS, THAT IS WHAT YOU STARTED TO TELL HIM  
18 WHEN JOHN'S CAR CAME UP?

19 A JOHN'S CAR HAD ALREADY CAME UP BEFORE I  
20 REALLY EVEN GOT A CHANCE TO EXPLAIN. I WASN'T IN  
21 THE CAR YET.

22 Q I UNDERSTAND. BUT, I MEAN, THE -- YOU  
23 WERE IN THE PROCESS OF STARTING --

24 A YES.

25 Q -- TO SAY THAT?

1 A YES.

2 Q HOWEVER FAR YOU GOT YOU NEVER HAVE SAID  
3 AT EITHER PLACE AND WE DON'T KNOW, BUT, NOW, WE KNOW  
4 THAT YOU BARELY GOT A CHANCE TO GET STARTED.

5 A OKAY.

6 Q NOW, I'M AT A LITTLE BIT OF A LOSS HERE  
7 BECAUSE I'M HAVING TROUBLE UNDERSTANDING IF YOU HAVE  
8 NO RELATIONSHIP WITH EDWIN GRIFFETH WHY YOU NEED TO  
9 CALL EDWIN GRIFFETH AND TELL HIM THAT YOU NEED TO  
10 BREAK OFF THE RELATIONSHIP --

11 A I HAVE A FRIENDSHIP RELATIONSHIP WITH HIM  
12 THAT -- OBVIOUSLY, IF I'M BEING FOLLOWED OR SEEN  
13 WITH HIM, AND HE'S ON PROBATION AND JOHN MAYER HAS  
14 BEEN NUTS OVER ANYTHING I DO, THEN IT'S A PROBLEM.  
15 AND IF I BELIEVE MY PHONE'S BEING LISTENED TO, I  
16 WOULDN'T WANT HIM TO GIVE HIM THE BENEFIT OF THE  
17 DOUBT OF GOING, OH, EDWIN, I DON'T THINK I SHOULD  
18 HAVE CONVERSATION WITH YOU ANYMORE. BOY, WOULD THAT  
19 MAKE HIM SO HAPPY I'M SURE.

20 Q WELL, JUST FOR THE SAKE OF -- OF THE NEXT  
21 COUPLE OF QUESTIONS, LET US ASSUME WITHOUT ADMITTING  
22 THAT JOHN IS, IN FACT, NUTS OVER THIS INCIDENT,  
23 OKAY? YOUR WORD. I STILL DON'T UNDERSTAND WHY YOU  
24 NEED TO CALL GRIFFETH AND TELL HIM YOU'VE GOT TO  
25 STOP HAVING A RELATIONSHIP WITH HIM WHEN YOU SAY YOU

1 WERE HAVING NO RELATIONSHIP.

2 A I WASN'T HAVING A RELATIONSHIP, A  
3 FRIENDSHIP RELATIONSHIP. THAT'S A RELATIONSHIP --

4 Q OKAY, AND WHAT'S THAT CONSIST OF?

5 A TALKING.

6 Q TALKING WHERE?

7 A ON THE PHONE, WHILE I WAS CUTTING HIS  
8 HAIR. I BELIEVE ONE TIME OF A DINNER, NOT IN A  
9 ROMANTIC FASHION.

10 Q DO YOU KNOW WHETHER OR NOT MR. GRIFFETH  
11 PUT YOU ON HIS FEMALE CONTACT LIST?

12 A I DO NOT KNOW.

13 Q DID YOU REQUEST OF HIM THAT HE DO THAT?

14 A I DON'T BELIEVE I HAD ANY KIND OF  
15 KNOWLEDGE OR -- I WOULDN'T EVEN KNOW WHAT THAT IS.  
16 I'VE NEVER HEARD OF IT.

17 Q OKAY. DID YOU KNOW THAT IF HE HAD PUT  
18 YOU ON HIS FEMALE CONTACT LIST AND IF HIS P.O., MR.  
19 DAUBENSPECK, HAD APPROVED IT, THAT YOU AND HE COULD  
20 HAVE A PERSONAL FACE-TO-FACE RELATIONSHIP?

21 A I DIDN'T KNOW THAT I COULDN'T BE FRIENDS  
22 OR HE COULDN'T BE FRIENDS, NO. I HAD NO KNOWLEDGE  
23 OF THAT.

24 Q THAT'S NOT AN ANSWER TO MY QUESTION. IT  
25 DOESN'T EVEN RELATE TO MY QUESTION. MY QUESTION WAS

1 DID YOU KNOW THAT IF HE HAD PUT YOU ON HIS FEMALE  
2 CONTACT LIST --

3 A NO, I DID NOT.

4 Q PLEASE, LET -- LET ME FINISH THE  
5 QUESTION. DID YOU KNOW THAT IF HE HAD PUT YOU ON  
6 HIS FEMALE CONTACT LIST AND IF MR. DAUBENSPECK HAD  
7 APPROVED IT, THAT YOU TWO COULD HAVE A FAR MORE  
8 SERIOUS RELATIONSHIP THAN JUST TALKING ON THE  
9 TELEPHONE?

10 A NO.

11 Q YOU DID NOT KNOW THAT?

12 A NO.

13 Q SO HE NEVER TOLD YOU THAT, EITHER?

14 A IT WASN'T -- IT WASN'T IMPORTANT. IT  
15 WASN'T OF RELEVANCE. THERE WASN'T --

16 Q OKAY.

17 A -- A NEED FOR IT.

18 Q WHY DID YOU NEED TO CALL HIM AT ALL IF  
19 THERE WAS NOTHING GOING ON? YOU WEREN'T GOING TO  
20 STOP CUTTING HIS HAIR; WERE YOU?

21 A YEAH. I ACTUALLY THOUGHT I SHOULD.

22 Q OKAY. YOU DIDN'T TELL HIM THAT WHEN HE  
23 WAS AT THE SHOP?

24 A NO. I CAN'T REMEMBER HOW LONG IT HAD  
25 BEEN BEFORE THAT, BUT HE WASN'T IN THE SHOP RIGHT

1 AROUND THAT TIME.

2 Q OKAY. HOW DID YOU KNOW WHERE HE LIVED?

3 A I HAD ACTUALLY -- LET'S SEE -- THE FIRST  
4 TIME WAS FIREWORKS WHICH WAS AT HIS FAMILY'S -- I  
5 DON'T KNOW WHAT YOU WANT TO SAY -- THEIR PROPERTY,  
6 ON THEIR PROPERTY (INDISCERNIBLE) --

7 Q OKAY. SO THEY HAD A PRIVATE FIREWORKS  
8 EXHIBIT ON THEIR PROPERTY?

9 A UH-HUH. THEY DO EVERY YEAR ACTUALLY.

10 Q OKAY. IN ANY EVENT, YOU ARRIVE,  
11 VANDERBILT DRIVE, 20 NOVEMBER, 2008, AT  
12 APPROXIMATELY WHAT TIME?

13 A IT WAS AFTER 8:00 O'CLOCK. MAYBE 8:00...

14 Q 8:00-PLUS?

15 A 8:00-PLUS.

16 Q OKAY.

17 A PROBABLY BEFORE 8:30, THOUGH.

18 Q OKAY. JOHN GETS THERE AND COMES UP.

19 A WHERE ARE WE AT NOW? AFTER THE DRIVE,  
20 BEFORE THE DRIVE?

21 Q NO, NO, NO. YOU'RE -- YOU'VE JUST  
22 ARRIVED --

23 A OKAY.

24 Q -- AND YOU SAY JOHN IS JUST LIKE  
25 VIRTUALLY RIGHT THERE.



1 A AFTER I HAD PARKED MY CAR AND GOTTEN OUT  
2 OF IT AND WAS WALKING TOWARDS EDWIN'S CAR, YES.

3 Q OKAY. WHERE DID YOU PARK YOUR CAR?

4 A DROVE IN A DRIVEWAY AND I PARKED OFF TO  
5 THE RIGHT. EDWIN WAS MAYBE ACROSS A LITTLE WAYS TO  
6 THE LEFT, I'M GOING TO GUESS 15, 20 FEET, SOMEWHERE  
7 IN THAT -- AWAY FROM THAT CAR IS HOW FAR I WALKED TO  
8 IT.

9 Q OKAY. AND WAS THAT IN HIS DRIVEWAY OR  
10 HIS MOTHER'S DRIVEWAY?

11 A NEITHER. IT WAS THE DRIVEWAY OF THEIR  
12 APARTMENTS WHICH IS PAST HIS MOTHER'S  
13 (INDISCERNIBLE) --

14 Q OKAY. SO THAT'S -- THERE'S AN APARTMENT  
15 COMPLEX THERE?

16 A YEAH.

17 Q DO THEY OWN THAT?

18 A YES.

19 Q WOULD THAT PARTIALLY BE ONE OF THE  
20 REASONS FOR FIREWORKS THEN, FOR THE PEOPLE IN THE  
21 APARTMENT COMPLEX?

22 A NO.

23 Q OKAY. NOW, EDWIN -- AT THAT POINT YOU  
24 GET IN HIS CAR AND HE DRIVES AWAY?

25 A YEAH.

1 Q ALL RIGHT. AND THE TWO OF YOU DISCUSS  
2 THAT YOU'RE GOING TO GO TO THE OHIO HIGHWAY PATROL  
3 POST UP ON 13?

4 A I HAD SUGGESTED THAT.

5 Q OKAY. BUT YOU DIDN'T GO THERE?

6 A NO. I -- IF I WAS DRIVING, I WOULD HAVE.

7 Q OKAY. NOW, DID YOU HAVE A CELL PHONE  
8 WITH YOU?

9 A YES.

10 Q DID MR. GRIFFETH HAVE A CELL PHONE WITH  
11 YOU?

12 A I HAVE NO IDEA.

13 Q BUT AT LEAST YOU HAD ONE?

14 A UH-HUH, I DID.

15 Q DID YOU CALL 911?

16 A NO, DID NOT.

17 Q DID YOU CALL ANY POLICE DEPARTMENT?

18 A NO.

19 Q IN YOUR PRESENCE DID MR. GRIFFETH CALL  
20 ANYBODY?

21 A I DON'T KNOW. I DON'T -- I CAN'T  
22 REMEMBER THAT HE DID.

23 Q OKAY. SO NEITHER OF YOU CALLS ANY PUBLIC  
24 AGENCY FOR ASSISTANCE. YOU DON'T GO TO THE HIGHWAY  
25 PATROL POST. WHAT DID HE DO?

1 A IT WASN'T REALLY A MATTER OF SLOW  
2 THINKING, HUM, WHAT ARE WE GOING TO DO. HE JUST  
3 DECIDED TO GO BACK TO HIS -- GO TO HIS MOM'S. AT  
4 LEAST THERE WOULD BE A THIRD WITNESS.

5 Q A WITNESS TO WHAT?

6 A WHATEVER WAS GOING TO HAPPEN. IT WASN'T  
7 GOING TO BE A CALM THING THE WAY WE WERE BEING  
8 TAILGATED --

9 Q OKAY.

10 A -- AND THAT -- THERE WAS NO REASON FOR  
11 THIS AND THAT I HAD JUST BEEN STALKED FROM MY  
12 WORKPLACE.

13 MR. DE PASCALE: OBJECTION, NOT  
14 RESPONSIVE ON THE LAST SENTENCES, MOVE TO STRIKE.

15 MR. SPRAGUE: I'M GOING TO ALLOW IT.

16 MR. DE PASCALE: OKAY.

17 MR. SPRAGUE: (INDISCERNIBLE).

18 BY MR. DE PASCALE:

19 Q OKAY, SO HE GOES TO HIS MOTHER'S AND JOHN  
20 FOLLOWS HIM THERE?

21 A UH-HUH.

22 Q MR. GRIFFETH GETS OUT OF THE CAR. YOU  
23 REMAIN IN THE CAR. JOHN GETS OUT OF HIS CAR?

24 A I'M NOT SURE IF JOHN GOT OUT FIRST OR ED  
25 -- I BELIEVE JOHN GOT OUT FIRST.

1 Q WELL, WHATEVER. THEY'RE BOTH OUT OF THE  
2 CARS?

3 A YES.

4 Q AND YOUR TESTIMONY TO THIS ADMINISTRATIVE  
5 LAW JUDGE IS THAT JOHN IS RANTING, RAVING,  
6 SCREAMING, AND THREATENING MR. GRIFFETH?

7 A UH-HUH.

8 Q NOW, IS THAT AS TRUE AS EVERYTHING ELSE  
9 YOU'VE TOLD US TODAY?

10 A ABSOLUTELY.

11 Q NOW, DID YOU CALL MR. LOMAX RIGHT AT THAT  
12 POINT?

13 A NO, I HAD NOT. MR. LOMAX NEVER CALLED ME  
14 BACK A PRIOR TIME TO THAT, SO I THOUGHT HE REALLY  
15 DIDN'T CARE.

16 Q I SEE. NOW, I BELIEVE YOU SAID THAT -- I  
17 UNDERSTAND (INDISCERNIBLE).

18 MS. MAYER: I KNOW. I JUST WANT TO MAKE  
19 SURE (INDISCERNIBLE).

20 BY MR. DE PASCALE:

21 Q YOU SAID THAT JOHN COULD LISTEN TO YOUR  
22 TELEPHONE CALLS ON HIS WORK PHONE; CORRECT?

23 A THAT'S WHAT HE HAD TOLD ME, YES.

24 Q DO YOU BELIEVE THAT?

25 A I DON'T KNOW. THERE WAS A CASE ACTUALLY

1 GOING ON IN MANSFIELD AT THE TIME WHERE THERE WAS  
2 ILLEGAL ACTION OF THAT GOING ON, YES.

3 Q YES, BUT THAT WAS -- THAT WAS AN ILLEGAL  
4 WIRETAP BY THE POLICE DEPARTMENT; WASN'T IT?

5 A I DON'T -- DIDN'T KNOW THAT IT WAS A  
6 WIRETAP, NO.

7 Q THE -- THE COMBINED DRUG UNIT?

8 A YEAH, YEAH, YEAH.

9 Q BUT THEY WERE USING SOMETHING OTHER THAN  
10 A TELEPHONE FOR THAT; WEREN'T THEY?

11 A I HAD -- I HAD -- I HONESTLY HAVE NO  
12 IDEA.

13 Q YOU HAVE NO -- OKAY.

14 A NO, I DON'T.

15 Q YOU DON'T KNOW HOW THEY WERE DOING IT?

16 A NO, I DIDN'T. NO.

17 Q YOU JUST KNEW THAT THE --

18 A I DIDN'T KNOW WHETHER TO BELIEVE IT OR  
19 NOT, TO BE HONEST.

20 Q I FORGET THE NAME OF THAT UNIT. YOU JUST  
21 KNEW THAT YOU'D HEARD THAT THE -- THAT THE MULTI-  
22 COUNTY DRUG UNIT WAS -- WAS DOING THAT?

23 A UH-HUH.

24 Q OKAY. YOU SAY YOU FELT THREATENED WHILE  
25 THAT WAS GOING ON, BUT JOHN WASN'T EVEN TALKING TO

1 YOU; WAS HE?

2 A ON NOVEMBER 20TH?

3 Q WHILE HE'S -- WHILE HE'S YELLING AT  
4 GRIFFETH.

5 A HE'S FULLY ENGAGED -- I MEAN, I'D SAY  
6 OVER HALF THE TIME HE WAS FULLY ENGAGED IN  
7 CONVERSATION WITH ME, SCREAMING ABOUT HOW I HAD  
8 RUINED HIS LIFE.

9 Q OKAY, SO HE WAS TALKING TO BOTH OF YOU?

10 A YEAH.

11 Q OKAY.

12 A I MEAN, WHEN HE WAS TALKING TO ME IT WAS  
13 MORE LIKE HE WAS TALKING TO ME AND NOBODY ELSE WAS  
14 THERE. IT WASN'T LIKE HE WAS MAKING IT A GROUP  
15 CONVERSATION BETWEEN EDWIN AND ME, LIKE -- LIKE IT  
16 WAS ONE-ON-ONE WHEN HE WAS TALKING TO ME AND  
17 BASICALLY ONE-ON-ONE WHEN HE WAS TALKING TO EDWIN.

18 Q NOW, YOU SAY THAT MRS. GRIFFETH, EDWIN'S  
19 MOTHER, DID NOT KNOW YOU?

20 A NOT AT ALL, DIDN'T KNOW MY NAME, DIDN'T  
21 KNOW --

22 Q NOW, ON PAGE 62 OF THE TRANSCRIPT OF YOUR  
23 STATEMENT --

24 A UH-HUH.

25 Q -- YOU RECITE THE FACT THAT AT ONE POINT

1 SHE CALLED YOU?

2 A SHE DID CALL ME AND ASKED ME IF SHE WAS  
3 TO BE -- WHY I WASN'T -- DID I NOT WANT TO HAVE ANY  
4 MORE -- ASKED ME IF I DID NOT WANT TO HAVE ANY MORE  
5 CONTACT WITH ED. AND I SAID NO, I DO NOT.

6 Q HOW DID SHE KNOW WHO TO CALL IF SHE  
7 DIDN'T KNOW WHO YOU WERE?

8 A EDWIN ASKED HER TO CALL ME BECAUSE I  
9 WASN'T ACCEPTING ANY MORE COLLECT CALLS.

10 Q OKAY. SO YOU TOLD HER TO CALL YOU AND  
11 YOU GAVE HER THAT INFORMATION?

12 A I DIDN'T TELL HER TO CALL ME. EDWIN TOLD  
13 HER TO CALL ME. THAT WAS THE ONLY TIME I'VE EVER  
14 TALKED TO HER. SHE SAID THIS IS...

15 Q DO YOU KNOW WHETHER OR NOT MR. GRIFFETH  
16 HAD YOUR CELL PHONE NUMBER MEMORIZED?

17 A I WOULD HAVE NO IDEA.

18 (PAUSE.)

19 MR. SPRAGUE: LET'S GO OFF FOR A MOMENT.

20 (OFF THE RECORD.)

21 MR. SPRAGUE: BACK ON.

22 BY MR. DE PASCALE:

23 Q NOW, YOU SAY THAT JOHN CALLED YOU ON MR.  
24 GRIFFETH'S CELL PHONE AND TOLD YOU THAT A SEX  
25 OFFENDER WOULD BE A ROTTEN ROLE MODEL FOR YOUR

1 DAUGHTER?

2 A NO. HE SAID THAT -- THAT'S NOT WHAT HE  
3 SAID, NO. HE SAID HE -- YOU CHOSE A SEX OFFENDER  
4 OVER ME. THAT'S A REAL GREAT ROLE MODEL FOR DEMI.

5 Q WELL, THAT'S A TRUE STATEMENT. IT'S --

6 A I DIDN'T KNOW IF YOU WANTED THE WORDING  
7 MORE APPROPRIATE. HE DIDN'T SAY THE WORD ROTTEN.  
8 THAT'S ALL I'M SAYING.

9 Q OKAY. I UNDERSTAND. THE FACT REMAINS  
10 THAT A WOMAN WHO CHOOSES A SEX OFFENDER AS A ROLE  
11 MODEL FOR HER DAUGHTER HAS REALLY CHOSEN A REALLY  
12 ROTTEN PERSON; HASN'T SHE?

13 MR. PIERSALL: OBJECTION; ARGUMENTATIVE.

14 A OH, MY GOSH.

15 MR. SPRAGUE: SUSTAINED.

16 BY MR. DE PASCALE:

17 Q YOU -- I'M HAVING A LITTLE TROUBLE WITH  
18 14-7. I LOOK AT THIS DOCUMENT, PAGE ONE, AND I  
19 CAN'T FIND YOU ON IT ANYPLACE. AND YOU SAY THAT  
20 IT'S A RECORD OF YOUR CALL TO THE MANSFIELD POLICE  
21 DEPARTMENT?

22 A I NEVER SAID I HAD A CALL TO THE  
23 MANSFIELD POLICE DEPARTMENT.

24 Q WELL, PAGE TWO DOES HAVE YOUR NAME ON IT.

25 A I WENT TO THE POLICE DEPARTMENT.



1 Q OKAY. WHAT DOES PAGE ONE HAVE TO DO WITH  
2 PAGE TWO?

3 MR. DE PASCALE: JACK, I DON'T SEE IT. I  
4 MEAN, TELL ME WHAT I'M LOOKING FOR.

5 MR. DECKER: THE REPORT, I THINK, STARTS  
6 (INDISCERNIBLE) --

7 A I GUESS THIS IS WHEN HE WAS FOLLOWING ME.

8 MR. DECKER: -- BOTTOM OF PAGE ONE AND IT  
9 LISTS JOHN MAYER AS A SUSPECT.

10 MR. DE PASCALE: IS 41 BALDWIN AVENUE --

11 MR. DECKER: I DON'T KNOW.

12 THE WITNESS: THAT'S WHAT --

13 MR. DECKER: IT'S GOT JOHN MAYER'S NAME  
14 HERE (INDISCERNIBLE) --

15 THE WITNESS: THEY PULLED UP THAT AT THE  
16 POLICE DEPARTMENT --

17 MR. DE PASCALE: OKAY. ALL RIGHT. OKAY.  
18 NOW, I UNDERSTAND.

19 MR. DECKER: I DON'T THINK WE'RE  
20 ASSERTING THAT WHAT'S ABOVE THAT (INDISCERNIBLE) --

21 MR. DE PASCALE: THAT'S WHAT I NEEDED TO  
22 UNDERSTAND.

23 MR. DECKER: OKAY.

24 BY MR. DE PASCALE:

25 Q MY QUESTION -- THE SECOND PART OF THE

1 QUESTION IS YOU TELL THE POLICE THAT YOU WANT TO BE  
2 LEFT ALONE; CORRECT?

3 A CORRECT.

4 Q BUT YOU TELL THEM NOT TO CONTACT JOHN TO  
5 TELL HIM THAT; CORRECT?

6 A HE WAS ALREADY GIVEN THAT. HE WAS WELL-  
7 AWARE OF THAT BY THIS POINT.

8 Q DID YOU TELL THE POLICE DEPARTMENT NOT TO  
9 CONTACT JOHN?

10 A THEY SAID WE COULD CALL HIM, DO YOU WANT  
11 US TO? AND I SAID IT'S NOT GOING TO DO ANY GOOD.

12 Q SO YOU TOLD THEM NO?

13 A RIGHT. BUT THAT WASN'T SOMETHING I  
14 REQUESTED RIGHT -- I DIDN'T REQUEST IT OF THEM.  
15 THEY ASKED ME.

16 Q IN ANY EVENT, YOU TOLD THEM NOT TO CALL  
17 HIM; DIDN'T YOU?

18 A SURE. YES. WHY HUMOR...

19 Q WHEN MR. GRIFFETH WAS ARRESTED ON THE  
20 NIGHT OF THE 20TH OF NOVEMBER, 2008, DID YOU FEAR  
21 THAT HE WAS GOING TO GO BACK TO PRISON?

22 A NO.

23 Q DID THAT THOUGHT ENTER YOUR MIND AT ALL?

24 A NO.

25 Q YOU WERE AFRAID THAT HE WAS GOING TO GET

1 VIOLATED AND GO BACK TO PRISON IF YOU CUT HIS HAIR,  
2 BUT IT DIDN'T BOTHER YOU AT ALL --

3 A I DIDN'T SAY BACK TO PRISON. I JUST  
4 DIDN'T WANT HIM HAVING ANY KIND OF HARDSHIPS OVER A  
5 RELATIONSHIP THAT MEANT NOTHING OTHER THAN A  
6 FRIENDSHIP.

7 Q WELL, BEING HANDCUFFED AND PUT IN THE  
8 BACK SEAT OF A POLICE CAR IS A LITTLE MORE THAN A  
9 HARDSHIP; ISN'T IT?

10 A BUT THERE WASN'T A REASON FOR IT. IT WAS  
11 FALSE ACCUSATIONS THAT WERE MADE.

12 Q YOU WERE PHYSICALLY PRESENT WITH HIM;  
13 WERE YOU NOT?

14 A AT THE TIME OF THE ARREST?

15 Q YES.

16 A YES.

17 Q YOU WERE IN THE CAR PRIOR TO THAT TIME;  
18 WEREN'T YOU?

19 A YES.

20 Q TO THE BEST OF YOUR KNOWLEDGE,  
21 INFORMATION, AND BELIEF, YOU ARE NOT ON HIS FEMALE  
22 CONTACT LIST; CORRECT?

23 A OKAY.

24 Q CORRECT OR NOT?

25 A CORRECT.

1 Q OKAY. TO THE BEST OF YOUR KNOWLEDGE,  
2 INFORMATION, AND BELIEF, YOU ARE NOT AN APPROVED  
3 FEMALE CONTACT; CORRECT?

4 A I DIDN'T KNOW THERE WAS SUCH A THING.

5 Q WELL, AGAIN, YOUR ATTORNEY -- OR THE  
6 ATTORNEY REPRESENTING THE STATE HAS SHOWN YOU A LIST  
7 OF TERMS AND CONDITIONS OF PROBATION --

8 A AS OF TUESDAY, YES.

9 Q NO, YOU SAW IT TODAY.

10 A AND PRIOR TO THIS THE FIRST TIME I EVER  
11 SEEN IT, YES. IT WAS NEVER GIVEN TO ME.

12 Q BUT IT SAYS RIGHT ON THERE THAT HE CAN'T  
13 HAVE ANY CONTACT WITH YOU; DOESN'T IT?

14 A AFTER NOVEMBER 20TH, YES.

15 Q THE DOCUMENT SAYS HE CAN'T HAVE CONTACT  
16 WITH YOU?

17 A NOW, YES. AS OF -- AFTER NOVEMBER 20TH,  
18 YES.

19 Q PLEASE LISTEN TO MY QUESTION.

20 A I AM.

21 Q THE DOCUMENT SAYS HE CAN'T HAVE ANY  
22 CONTACT WITH YOU.

23 A OKAY.

24 Q HE SIGNED THE DOCUMENT (INDISCERNIBLE).

25 A OKAY.

1 Q SO HE KNEW THAT; DIDN'T HE?

2 A NOT BEFORE NOVEMBER 20TH, NO.

3 MR. DE PASCALE: (INDISCERNIBLE).

4 MS. MAYER: WHAT'S THE INITIAL --

5 MR. SPRAGUE: I BELIEVE THERE'S AN  
6 ADDITIONAL CONDITION --

7 MS. MAYER: RIGHT. THAT WAS ADDED, BUT  
8 THERE ARE INITIAL -- THERE ARE INITIAL -- HIS FIRST  
9 SEX OFFENDER CONDITIONS THAT DON'T SPECIFICALLY NAME  
10 -- BUT ARE --

11 (INDISCERNIBLE).

12 UNIDENTIFIED SPEAKER: I THINK IT WAS 11;  
13 WASN'T IT?

14 MR. DE PASCALE: OKAY, THAT ONE'S 1106.

15 MR. PIERSALL: THE ONE I SHOWED  
16 (INDISCERNIBLE) 21.

17 MR. DECKER: YES, YES, --

18 MR. DE PASCALE: PARDON ME?

19 MR. PIERSALL: THE EXHIBIT I SHOWED HER  
20 IS EXHIBIT 21 AND THAT'S --

21 THE WITNESS: RIGHT AND THAT'S --

22 MR. PIERSALL: -- THAT'S SIGNED ON  
23 NOVEMBER 24TH (INDISCERNIBLE) COUNTY.

24 MS. MAYER: WHICH IS THE ONE IN 14 THAT  
25 READS BETTER THAN (INDISCERNIBLE).

1 (INDISCERNIBLE).

2 MS. MAYER: (INDISCERNIBLE) 14-11.

3 MR. DE PASCALE: OKAY.

4 MS. MAYER: (INDISCERNIBLE) CONDITIONS  
5 14-11, PAGE THREE, THAT TALKS ABOUT NO  
6 (INDISCERNIBLE) RELATIONSHIPS.

7 MR. DE PASCALE: RIGHT. YES.

8 MS. MAYER: BUT HERS WAS NOT UNTIL AFTER  
9 NOVEMBER.

10 MR. DE PASCALE: I UNDERSTAND. I'M JUST  
11 CURIOUS AS TO HOW SHE KNOWS THAT SO WELL.  
12 BY MR. DE PASCALE:

13 Q WHEN'S THE FIRST TIME YOU SAW THAT  
14 DOCUMENT THAT HE SIGNED ON THE 24TH?

15 A TUESDAY OF THIS WEEK.

16 Q OKAY.

17 (INDISCERNIBLE).

18 A BECAUSE JANET GRIFFETH CALLED ME.

19 BY MR. DE PASCALE:

20 Q SHE CALLED YOU TUESDAY?

21 A NO. WHY DID -- HOW DID -- I BELIEVE MS.  
22 MAYER ASKED IF -- HOW DID I KNOW --

23 Q WELL, SHE WAS ASKING ME A QUESTION.

24 A OH, I -- I COULD HEAR IT, SO I JUST  
25 THOUGHT I'D SAVE SOME TIME.

1 Q WELL, NOBODY ELSE HEARD THE QUESTION.

2 MR. PIERSALL: I DID.

3 BY MR. DE PASCALE:

4 Q THE QUESTION WAS, FOR THE EDIFICATION OF  
5 EVERYONE ELSE, HOW DID YOU KNOW YOU WEREN'T SUPPOSED  
6 TO HAVE ANY MORE CONTACT WITH ED?

7 A SIMPLY BY MRS. GRIFFETH CALLING ME AND  
8 MAKING THE STATEMENT THAT I ALREADY MADE EARLIER.  
9 THERE -- JOHN MAYER TOLD MY SON THAT I'M NOT ALLOWED  
10 TO CALL YOU, I'M NOT ALLOWED TO CALL YOUR MOM,  
11 YOU'RE NOT ALLOWED TO CALL ME. AND I SAID THAT'S  
12 ABSOLUTELY RIDICULOUS. AND I CALLED DAVID LOMAX AT  
13 THAT POINT.

14 Q AND THIS TIME HE TOOK YOUR CALL?

15 A YES, HE DID. HE WAS IN COLUMBUS AT THAT  
16 TIME TRYING TO DO SOMETHING ABOUT MR. MAYER THEN.

17 MS. MAYER: OBJECTION; NOT RESPONSIVE.

18 A AND HE DENIED -- HE SAID -- HE SAID WHAT  
19 ARE YOU TALKING ABOUT? JOHN CAN'T EVEN BE --

20 MR. DE PASCALE: OBJECTION; NOT  
21 RESPONSIVE.

22 MR. SPRAGUE: ALL RIGHT, ALL RIGHT, MS.--

23 A -- THERE --

24 MR. SPRAGUE: -- WE NEED TO HAVE A  
25 QUESTION PENDING.

1 (PAUSE.)

2 BY MR. DE PASCALE:

3 Q WHEN IS THE FIRST TIME THAT YOU CONTACTED  
4 THE A.P.A. CONCERNING JOHN'S CONDUCT ON THE 20TH OF  
5 NOVEMBER, 2008?

6 A MONDAY.

7 Q WHICH WOULD HAVE BEEN WHAT DATE?

8 A THE 24TH.

9 Q OKAY. THE 20TH WAS WHAT, THURSDAY?

10 A YES.

11 Q SO YOU DIDN'T CALL MR. LOMAX ON THE 20TH  
12 NOR THE 21ST, THE 22ND, OR THE 23RD, BUT YOU DID  
13 CALL HIM ON THE 24TH?

14 A I'M SURE HE WAS VERY WELL-INFORMED  
15 ALREADY.

16 Q THE QUESTION WAS YOU DIDN'T DO IT UNTIL  
17 THE 24TH?

18 A I DIDN'T, NO.

19 Q THANK YOU.

20 MR. DE PASCALE: I THINK THAT'S ALL I  
21 HAVE OF THIS WITNESS, YOUR HONOR.

22 MR. SPRAGUE: THANK YOU.

23 MR. DE PASCALE: (INDISCERNIBLE).

24 MR. DECKER: GIVE US JUST A SECOND.

25 (PAUSE.)



1 MR. SPRAGUE: WE'LL GO OFF FOR A MINUTE.

2 (OFF THE RECORD.)

3 MR. SPRAGUE: YOU HAVE NO QUESTIONS?

4 MR. PIERSALL: NO QUESTIONS, YOUR HONOR.

5 MR. SPRAGUE: VERY WELL. MS. LEECH, YOU  
6 MAY STEP DOWN. THANK YOU FOR OFFERING YOUR  
7 TESTIMONY TODAY. (INDISCERNIBLE).

8 MR. DE PASCALE: SINCE WE'RE NOT GOING TO  
9 FINISH TOMORROW ANYWAY, YOUR HONOR, WHAT TIME DO YOU  
10 WANT TO START?

11 MR. SPRAGUE: WELL, I THINK WE SHOULD  
12 (INDISCERNIBLE) LET'S START BY 9:30 AND GET AS MUCH  
13 AS WE CAN IN (INDISCERNIBLE).

14 MS. MAYER: OKAY.

15 MR. SPRAGUE: ALL RIGHT, WE'LL GO OFF FOR  
16 THE REMAINDER OF THE DAY. THANK YOU.

17 MR. DECKER: THANK YOU.

18 (OFF THE RECORD.)

19 - - -

C E R T I F I C A T E

- - -

STATE OF OHIO :  
COUNTY OF FRANKLIN : SS:

I, CONNIE J. LEE, A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD BEFORE THE STATE PERSONNEL BOARD OF REVIEW, STATE OF OHIO, IN THE MATTER OF JOHN MAYER VERSUS DEPARTMENT OF REHABILITATION AND CORRECTION, PAROLE AND COMMUNITY SERVICES, CASE NO. 09-REM-04-0189, HEARD ON 10/29/2009, AS TRANSCRIBED BY ME OR UNDER MY SUPERVISION FROM ELECTRONIC RECORDINGS PROVIDED TO ME BY THE STATE PERSONNEL BOARD OF REVIEW, STATE OF OHIO.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL OF OFFICE AT COLUMBUS, OHIO, THIS 19TH DAY OF MARCH, 2010.

  
CONNIE J. LEE  
NOTARY PUBLIC  
STATE OF OHIO

MY COMMISSION EXPIRES  
NOVEMBER 8, 2010.