

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

- - -

IN THE MATTER OF:	:	
	:	VOLUME 2
JOHN MAYER,	:	PAGES 251
	:	THROUGH 492
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 30, 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>
JAMES SWEAT	255	283	--	--
JANET GRIFFETH	304	326	--	--
EDWIN GRIFFETH	350	409	--	--

- - -

<u>APPELLANT EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
NO. A	333	--
NO. B	458	--

- - -

P R O C E E D I N G S

- - -

1
2
3 MR. SPRAGUE: GOOD MORNING. WE'RE ON THE
4 RECORD. THIS IS DAY TWO OF JOHN MAYER VERSUS THE
5 DEPARTMENT OF REHABILITATION AND CORRECTION, PAROLE
6 AND COMMUNITY SERVICES. THE CASE NUMBER, THE
7 PARTIES, AND REPRESENTATIVES STAY THE SAME. TODAY'S
8 DATE IS OCTOBER 30, 2009.

9 WE WILL BEGIN TODAY'S PROCEEDINGS WITH
10 THE TESTIMONY OF SERGEANT JAMES SWEAT. THE SERGEANT
11 HAS TAKEN THE STAND. SERGEANT, I WILL NEED TO SWEAR
12 YOU IN AT THIS TIME. PLEASE RAISE YOUR RIGHT HAND.

13 (WITNESS SWORN.)

14 MR. SPRAGUE: PLEASE STATE YOUR FULL NAME
15 FOR THE RECORD, SPELLING YOUR LAST NAME.

16 THE WITNESS: JAMES P. SWEAT, (SPELLING)
17 S-W-E-A-T.

18 MR. SPRAGUE: THANK YOU. SERGEANT, A
19 SEPARATION OF WITNESSES HAS BEEN GRANTED.
20 THEREFORE, I WOULD ASK YOU NOT TO DISCUSS YOUR
21 TESTIMONY WITH ANY OF THE OTHER WITNESSES TO THIS
22 PROCEEDING UNTIL THIS HEARING HAS CONCLUDED.

23 THE WITNESS: YES, SIR.

24 MR. SPRAGUE: THANK YOU. MR. PIERSALL?

25 MR. PIERSALL: THANK YOU, YOUR HONOR.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

JAMES SWEAT

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

- - -

DIRECT EXAMINATION

- - -

BY MR. PIERSALL:

Q GOOD MORNING, MR. -- SERGEANT SWEAT.

A GOOD MORNING.

Q THANK YOU FOR BEING HERE. WE APPRECIATE
YOUR TAKING TIME OUT OF YOUR JOB DUTIES TO BE
PRESENT HERE TODAY. ARE YOU PRESENTLY EMPLOYED?

A YES, SIR, I AM.

Q AND WHERE ARE YOU EMPLOYED?

A I AM A PATROL SUPERVISOR WITH THE
RICHLAND COUNTY SHERIFF'S OFFICE.

Q AND HOW LONG HAVE YOU HELD THAT POSITION
WITH THE SHERIFF'S DEPARTMENT?

A I'VE BEEN WITH THE SHERIFF'S OFFICE SINCE
1996.

Q AND, IF YOU COULD, TAKE US THROUGH THE
VARIOUS POSITIONS YOU'VE HELD AT THE SHERIFF'S
OFFICE.

1 A I BEGAN IN 1996 AS A CORRECTIONS OFFICER.
2 I WAS PROMOTED TO A PATROL DEPUTY IN 1998 AND I HELD
3 THAT POSITION UNTIL 2007 WHEN I WAS PROMOTED TO
4 PATROL SUPERVISOR.

5 Q AND AS A PATROL SUPERVISOR, IF YOU WOULD,
6 IN SOME DETAIL PROVIDE US WITH YOUR JOB DUTIES.

7 A MY BASIC JOB DUTIES ARE TO ENSURE THAT MY
8 SUBORDINATES, THE ROAD PATROL DEPUTIES, ARE
9 PERFORMING THEIR FUNCTIONS, AND TO ASSIST THEM IN
10 ANY WAY THAT IS NEEDED FOR THEM TO PERFORM THEIR
11 JOB. AND, ALSO, I HANDLE ALL COMPLAINTS THAT ARE
12 FORWARDED TO THE SHERIFF'S OFFICE REGARDING
13 EMPLOYEES DURING MY WORK HOURS.

14 Q AND FOR US LAYMEN ARE YOU ON THE ROAD
15 MORE? ARE YOU IN THE OFFICE MORE? HOW DOES THAT
16 WORK?

17 A WELL, INITIALLY IT WAS MORE OF AN
18 ADMINISTRATIVE POSITION, BUT DUE TO CUTBACKS IT'S
19 BEEN MORE OF ROAD DUTIES.

20 Q AND THIS -- THE POSITION YOU'RE
21 DESCRIBING TO US NOW, IS THAT THE POSITION YOU HELD
22 ON NOVEMBER 20TH, 2008?

23 A YES.

24 Q AND ARE YOU FAMILIAR WITH THE APPELLANT,
25 MR. JOHN MAYER?

1 A YES, SIR.

2 Q AND HOW ARE YOU FAMILIAR WITH MR. MAYER?

3 A I'VE WORKED WITH MR. MAYER SINCE I'VE
4 BEEN BASICALLY ON THE ROAD AT THE SHERIFF'S OFFICE
5 AND IN HIS CAPACITIES AS A PAROLE OFFICER WITH THE
6 STATE.

7 Q APPROXIMATELY HOW LONG OF A TIME HAVE YOU
8 KNOWN MR. MAYER?

9 A SINCE MY BEGINNING DUTIES ON THE ROAD AND
10 THAT WOULD HAVE BEEN 1996 -- OR 1998. EXCUSE ME.

11 Q AND DO YOU HAVE A -- OTHER THAN A
12 PROFESSIONAL RELATIONSHIP DO YOU HAVE ANY SORT OF
13 PERSONAL RELATIONSHIP OR FRIENDSHIP OF ANY SORT WITH
14 MR. MAYER?

15 A I WOULD CONSIDER OURSELVES FRIENDS. I
16 MEAN, WE -- I SEE HIM ON THE STREET. WE HAVE
17 CONVERSATION, BUT, YOU KNOW, WE DON'T GO OUT OF OUR
18 WAY TO MEET EACH OTHER AT OUR HOMES OR AFTER WORK OR
19 ANYTHING TO THAT EXTENT.

20 Q OKAY. AND ARE YOU FAMILIAR WITH AN
21 INCIDENT THAT OCCURRED ON NOVEMBER 20TH, 2008, WHICH
22 PARTIALLY FORMS THE BASIS OF WHY WE'RE HERE TODAY?

23 A YES, SIR.

24 Q OKAY. AND WHO DID THAT INCIDENT INVOLVE?

25 A A PROBATIONER WHOM I DON'T RECALL THE

1 NAME OF AND P.O. MAYER.

2 Q ED GRIFFETH? DOES THAT NAME RING A BELL?

3 A THAT SOUNDS TO BE CORRECT.

4 Q AND PRIOR TO NOVEMBER 20TH OF 2008, DID
5 YOU KNOW MR. EDWIN GRIFFETH?

6 A I DON'T BELIEVE THAT I'VE EVER HAD ANY
7 CONTACT WITH HIM PRIOR TO THAT DATE.

8 Q GOING BACK TO THE INCIDENT, HOW DID --
9 HOW DID YOU FIRST BECOME AWARE OF THE -- THE
10 INCIDENT INVOLVING MR. MAYER AND MR. GRIFFETH?

11 A I WAS CONTACTED BY LIEUTENANT RHOADS AND
12 REQUESTED TO RESPOND TO THE JAIL. I ARRIVED AT OUR
13 JAIL FACILITY, AND AT THAT POINT I WAS INFORMED BY
14 LIEUTENANT RHOADS THAT THE PROBATIONER HAD MADE SOME
15 ALLEGATIONS AS TO BEING UNLAWFULLY ARRESTED AND THAT
16 P.O. MAYER WAS INTOXICATED AT THE TIME THAT HE WAS
17 ARRESTED. AT THAT POINT, YOU KNOW, WE BEGAN LOOKING
18 INTO THE MATTER.

19 Q AND WHO IS LIEUTENANT RHOADS?

20 A HE IS A RETIRED LIEUTENANT FROM THE
21 SHERIFF'S OFFICE, PATROL SUPERVISOR.

22 Q AT THE TIME, I TAKE IT HE WAS NOT
23 RETIRED?

24 A CORRECT.

25 Q OKAY. AND WAS HE YOUR DIRECT SUPERVISOR

1 AT THAT TIME?

2 A CORRECT.

3 Q AND WHAT -- I'M SORRY. WHAT -- WHAT DID
4 LIEUTENANT RHOADS INSTRUCT YOU TO DO OR WHAT -- WHAT
5 ASSIGNMENT DID HE GIVE YOU WITH RESPECT TO THIS
6 ARREST?

7 A TO LOOK INTO THE MATTER AND FIND OUT --
8 AT THAT POINT, OUR -- OUR PRIMARY CONCERN AT THE
9 SHERIFF'S OFFICE WAS THE FACT THAT WE HAD NO
10 PAPERWORK TO HOLD THE PROBATIONER, AND THE JAIL
11 STAFF WAS WISHING TO MAKE INQUIRIES AND TO FIND OUT
12 WHY WE DIDN'T HAVE THAT PAPERWORK, SO THAT'S HOW I
13 INITIALLY BECAME INVOLVED.

14 OBVIOUSLY, THE PROBATIONER DID ADVISE,
15 LIKE I SAID EARLIER, THAT HE FELT THAT HE WAS
16 WRONGFULLY ARRESTED AND THAT P.O. MAYER HAD BEEN
17 INTOXICATED, BUT OUR PRIMARY CONCERN AT THAT POINT
18 WAS WHY WAS HE THERE AND IF SO, WHERE WAS THE
19 PAPERWORK TO HOLD HIM?

20 Q WHICH SHIFT WERE YOU WORKING THAT
21 EVENING?

22 A SECOND SHIFT. IT'S 2:00 P.M. TO 10:00
23 P.M.

24 Q WAS THAT YOUR STANDARD TYPICAL SHIFT THAT
25 YOU WORKED?

1 A YES, SIR.

2 Q AND WHERE WERE YOU WHEN YOU RECEIVED THE
3 CALL FROM LIEUTENANT RHOADS TO REPORT TO THE JAIL?

4 A I WAS OUT ON THE STREET AS I REMEMBER.
5 IT WAS CLOSE TO THE END OF THE SHIFT, SOMETIME
6 AROUND 9:30, 10:00 O'CLOCK, IN BETWEEN THOSE TIMES,
7 BECAUSE I REMEMBER I WAS ON THE WAY TO THE STATION
8 WHEN THE LIEUTENANT HAD CONTACTED ME.

9 Q AND WHEN YOU USE THE TERM HOLD, WHAT --
10 AGAIN, FOR US LAYMEN, WHAT -- WHAT DOES A HOLD MEAN?

11 A A HOLD WOULD BE BASICALLY IN LIEU OF A
12 WARRANT OR A SUMMONS, WOULD BE A HOLDER AUTHORIZED
13 BY THE PROBATION OFFICER OR PAROLE OFFICER TO
14 INCARCERATE THE PROBATIONER IN OUR FACILITY.

15 Q WOULD A HOLD BE USED IN ANY OTHER CONTEXT
16 OTHER THAN WITH A PROBATIONER?

17 A NO, NOT TO MY KNOWLEDGE.

18 Q OKAY. AND WHAT DOES THAT HOLD DO?
19 WHAT'S THE PURPOSE OF THAT HOLD?

20 A BASICALLY, JUST PAPERWORK, STARTS THE
21 PAPERWORK PROCESS FOR US. THE JAIL HAS THAT IN LIEU
22 OF, YOU KNOW, A WARRANT OR A SUMMONS. AND THEN, IT
23 DIRECTLY RELATES INTO THE PROBATIONER HAVING A COURT
24 HEARING OR THE JUDGE TEMPORARILY -- IT BRIDGES THE
25 GAP TILL THE JUDGE CAN ISSUE THE WARRANT.

1 Q SO IS IT FAIR TO SAY THAT THE PROBATIONER
2 WOULD HAVE TO HAVE COMMITTED SOME SORT OF VIOLATION
3 OR VIOLATED THE LAW IN SOME MANNER IN ORDER TO BE --
4 THIS HOLD TO COME ABOUT?

5 MR. DE PASCALE: OBJECTION TO THE
6 QUESTION, YOUR HONOR, IN THE FACT THAT I -- I'M NOT
7 SURE IT'S CLEAR TO THIS OFFICER WHAT A -- A
8 VIOLATION TO HIM MAY OR MAY NOT HAVE ANYTHING TO DO
9 WITH AN A.P.A. VIOLATION. I MEAN, I DON'T -- I JUST
10 WANT TO MAKE THE QUESTION CLEAR. I DON'T OBJECT TO
11 THE TYPE OF QUESTION.

12 MR. PIERSALL: WE COULD ASK HIM IF HE
13 UNDERSTANDS.

14 MR. SPRAGUE: MAYBE WE CAN DELVE JUST A
15 BIT MORE INTO THE PROCEDURE FOR THE ISSUANCE OF A
16 HOLD TO THE EXTENT THAT --

17 MR. DE PASCALE: THANK YOU, SIR.

18 MR. SPRAGUE: -- THE WITNESS KNOWS.

19 BY MR. PIERSALL:

20 Q WHAT I'M -- I'M JUST TRYING TO GET AT
21 WHEN IS A HOLD -- HOW ABOUT THIS -- WHEN IS A HOLD
22 PLACED ON A PROBATIONER?

23 A COULD BE FOR SEVERAL REASONS. IF THEY
24 VIOLATE AN ADMINISTRATIVE SANCTION OF THEIR
25 PROBATION, PAROLE, OR THEY'VE COMMITTED ANOTHER LAW

1 INFRACTION, A CRIMINAL VIOLATION.

2 Q AND WHO DETERMINES WHETHER OR NOT THAT
3 INFRACTION OR THAT SUPERVISION VIOLATION HAS
4 OCCURRED?

5 A PAROLE OFFICER OR PROBATION OFFICER.

6 Q DO YOU HAVE ANY ROLE IN THAT PROCESS?

7 A ON OCCASION. WE HAVE A GREAT WORKING
8 RELATIONSHIP WITH ALL THE PROBATION DEPARTMENTS IN
9 OUR COUNTY, SO A LOT OF TIMES WE'LL BE OUT, WE'LL
10 RUN ACROSS SOMEBODY, AND WE'LL GIVE THE P.O. A CALL,
11 AND WE'LL SAY THIS IS WHAT WE HAVE, EITHER BE IT AN
12 ADDITIONAL CRIMINAL VIOLATION, OR A CURFEW VIOLATION
13 OR THEY'VE BEEN DRINKING.

14 AND WE'LL JUST ASK THE PROBATION OFFICER
15 WOULD YOU LIKE FOR US TO, YOU KNOW, TAKE THEM DOWN
16 TO THE JAIL AND YOU'LL ISSUE A HOLDER, OR A LOT OF
17 TIMES THEY'LL SAY JUST HAVE THEM MEET US IN OUR
18 OFFICE TOMORROW MORNING AT 8:00 O'CLOCK AND WE'LL
19 ADDRESS IT THEN, BUT THEN ON OTHER OCCASIONS THEY'LL
20 SAY YEAH, TAKE THEM DOWN AND WE'LL BRING A HOLDER
21 DOWN TO YOUR FACILITY FOR YOU.

22 Q WHEN YOU'RE DEALING WITH A PROBATIONER IS
23 IT -- LET'S SAY YOU WITNESS A VIOLATION, OKAY? ARE
24 YOU REQUIRED OR IS IT NORMAL PRACTICE TO INVOLVE THE
25 PROBATION DEPARTMENT?

1 A WELL, YEAH, WE TRY TO AS MUCH AS
2 POSSIBLE. NOT ALWAYS DOES IT MEAN A DIRECT PHONE
3 CALL TO THE PROBATION OFFICER AT THE TIME. I MEAN,
4 IT'S OFFICER DISCRETION BASED ON WHAT TIME OF DAY IT
5 IS AND WHAT'S GOING ON, BUT IF NOTHING ELSE WE'LL DO
6 A REPORT OR SEND THEM OVER A FAX OR GIVE THEM A CALL
7 AND LEAVE THEM A VOICE MAIL TELLING THEM THE
8 PROBATIONER'S NAME AND -- AND WHAT WE OBSERVED.

9 Q AND WERE YOU PRESENT WHEN MR. GRIFFETH
10 ARRIVED AT THE JAIL THAT EVENING OR DID YOU ARRIVE
11 AFTER MR. GRIFFETH WAS BROUGHT IN?

12 A I ARRIVED AFTER HE WAS THERE.

13 Q ARE YOU AWARE OF WHO BROUGHT MR. GRIFFETH
14 TO THE JAIL, WHO TRANSPORTED HIM?

15 A YES. IT WAS A OFFICER FROM THE BELLVILLE
16 POLICE DEPARTMENT.

17 Q DO YOU REMEMBER HIS -- HIS OR HER NAME?

18 A I BELIEVE IT WAS OFFICER SKEEN.

19 Q AND DID YOU HAVE ANY CONVERSATIONS WITH
20 BELLVILLE OFFICER SKEEN THAT EVENING?

21 A NO, I DID NOT.

22 Q APPROXIMATELY WHAT TIME FRAME ARE WE
23 TALKING ABOUT THAT EVENING WHEN MR. -- OR WHEN YOU
24 ARRIVED AT THE JAIL?

25 A I ARRIVED, AS I REMEMBER, SOMETIME

1 BETWEEN 9:30 AND 10:00 O'CLOCK, BECAUSE I KNEW IT
2 WAS TOWARDS THE END OF THE SHIFT.

3 Q AND YOU PREVIOUSLY TESTIFIED THAT
4 LIEUTENANT RHOADS CHARGED YOU WITH LOOKING INTO THIS
5 MATTER FURTHER. WHAT DID YOU DO? WHAT WAS YOUR
6 INITIAL STEP?

7 A INITIALLY I SPOKE WITH THE PROBATIONER.
8 I ASKED HIM, YOU KNOW, WHAT WAS GOING ON IN HIS
9 WORDS. AT THAT TIME, HE TOLD ME THAT HE WAS UPSET
10 DUE TO THE FACT HE THOUGHT P.O. MAYER HAD UNLAWFULLY
11 ARRESTED HIM DUE TO THE FACT THAT HE WAS WITH HIS
12 SOON TO BE EX-WIFE OR EX-WIFE AT THE TIME.

13 I DON'T KNOW THE EXACTS OF MR. MAYER'S
14 RELATIONSHIP AT THAT POINT, BUT AS I UNDERSTOOD IT
15 THEY WERE EITHER IN THE PROCESS OF GETTING A DIVORCE
16 OR HAD RECENTLY BEEN DIVORCED. AND THAT -- ALSO,
17 THAT P.O. MAYER WAS INTOXICATED AT THE TIME.

18 AS I STATED EARLIER, INITIALLY THAT'S,
19 OBVIOUSLY, A CONCERN, BUT OUR PRIMARY CONCERN WAS TO
20 FIND OUT WHY THE PROBATIONER WAS THERE AND WHERE THE
21 PAPERWORK WAS OR THE HOLDER WAS. I ATTEMPTED TO
22 CALL P.O. MAYER. I DID NOT GET AN ANSWER ON HIS
23 CELL PHONE.

24 I TRIED TO CALL THE NUMBER THAT WE HAD
25 LISTED FOR HIM FOR HIS HOME RESIDENCE, ACTUALLY

1 RECEIVED HIS EX-WIFE OR SOON TO BE EX-WIFE AT THE
2 TIME. SHE WASN'T A VERY HAPPY PERSON. SHE RELATED
3 TO ME AT THAT TIME THAT SHE FELT THAT P.O. MAYER WAS
4 STALKING HER AND I -- I LEFT THAT AT THAT AND LATER
5 LOCATED A PHONE NUMBER TO THE ACTUAL PROBATIONER'S
6 DIRECT PROBATION OFFICER OR PAROLE OFFICER.

7 I CALLED THAT GENTLEMAN AND I THINK -- I
8 DON'T REMEMBER HIS NAME, TO BE HONEST WITH YOU, WHO
9 I SPOKE WITH. IT MAY HAVE BEEN (INDISCERNIBLE) --

10 Q DOES RUSSELL DAUBENSPECK RING A BELL?

11 A DAUBENSPECK.

12 Q OKAY.

13 A HE SAID THAT HE WOULD GET AHOLD OF P.O.
14 MAYER AND P.O. MAYER WOULD BE IN TO ISSUE THE
15 HOLDER. AT THAT POINT, WE HAD ALREADY, I BELIEVE --
16 I SPOKE WITH SEVERAL PEOPLE. THE EXACT TIME FRAME
17 OF WHO I SPOKE TO FIRST AND SECOND I DON'T EXACTLY
18 REMEMBER.

19 I KNOW WE -- INITIALLY, I TRIED TO GET
20 AHOLD OF HIS -- P.O. MAYER'S IMMEDIATE SUPERVISOR.
21 I THINK THE GENTLEMAN THAT I SPOKE WITH HAD TOLD ME
22 THAT HE NO LONGER WAS EMPLOYED WITH THE -- WITH THE
23 STATE, SO HE GAVE ME A COUPLE OTHER NAMES AND --

24 Q WAS THAT (INDISCERNIBLE)?

25 A THAT -- THAT VERY WELL COULD HAVE BEEN.

1 Q OKAY.

2 A EVENTUALLY, I ENDED UP OBTAINING A PHONE
3 NUMBER TO AN ADMINISTRATIVE ASSISTANT OR AN OFFICE
4 PERSONNEL PERSON THAT WAS ABLE TO DIRECT ME TO HIS
5 IMMEDIATE SUPERVISOR. AND THERE AGAIN, I DON'T
6 RECALL THE NAME AT THIS TIME OF THE -- THE
7 SUPERVISOR THAT I DID END UP SPEAKING WITH.

8 Q COULD IT HAVE BEEN DAVID LOMAX?

9 A THAT SOUNDS FAMILIAR. THAT COULD VERY
10 WELL BE.

11 Q OKAY. LET'S GO BACK TO YOUR -- DID YOU
12 HAVE AN UNDERSTANDING, GOING BACK TO WHEN YOU
13 ARRIVED AT THE JAIL, OF WHY MR. GRIFFETH WAS -- WAS
14 TRANSPORTED TO THE JAIL AT THAT TIME?

15 A NO. PRIOR -- PRIOR TO SPEAKING WITH HIM,
16 THE ONLY KNOWLEDGE I HAD OF THE INCIDENT WAS OUR
17 OFFICE WAS INITIALLY DISPATCHED TO THE LOCATION
18 WHERE THE ARREST WAS INITIALLY MADE. P.O. MAYER WAS
19 ON OUR RADIO FREQUENCY PRIMARY AND REQUESTED
20 ASSISTANCE.

21 WE IMMEDIATELY SENT TWO UNITS, EMERGENCY
22 STATUS. O.S.P., STATE HIGHWAY PATROL, SENT TWO
23 UNITS, EMERGENCY STATUS, AND BELLVILLE POLICE
24 DEPARTMENT SENT ONE UNIT, EMERGENCY STATUS, TO
25 ASSIST HIM. IT WAS MY UNDERSTANDING BASED ON THE

1 RADIO TRAFFIC THAT HE -- HE WAS IN -- ASSISTANCE AND
2 NEEDED HELP IMMEDIATELY.

3 Q WHEN YOU SAY HE YOU'RE REFERRING TO MR.
4 MAYER?

5 A CORRECT. PRIOR TO MY OFFICE'S ARRIVAL,
6 O.S.P. AND BELLVILLE POLICE DEPARTMENT HAD ARRIVED
7 ON SCENE AND CANCELLED OUR UNITS. THEY JUST
8 HAPPENED TO BE GEOGRAPHICALLY CLOSER TO THE
9 LOCATION. SO THAT'S THE ONLY KNOWLEDGE I HAD PRIOR
10 TO SPEAKING WITH THE PROBATIONER AT THE JAIL.

11 Q TELL ME ABOUT YOUR CONVERSATION WITH MR.
12 MAYER'S EX-WIFE, JENNIFER LEECH. HOW LONG -- ABOUT
13 HOW LONG WAS IT?

14 A IT WAS AN UNPLEASANT ABOUT 30 SECONDS.

15 Q AND WHAT MADE IT UNPLEASANT?

16 A SHE WAS VERY UPSET THAT WE CONTACTED HER
17 AT ALL. SHE WAS UPSET -- IT WAS MY OPINION THAT SHE
18 WAS UPSET BASED ON THE FACT THAT THE PROBATIONER HAD
19 BEEN ARRESTED. SHE HAD SOME TYPE OF RELATIONSHIP
20 BASED ON HIS CONVERSATION PRIOR TO SPEAKING WITH
21 HER, AND SHE FELT THAT P.O. MAYER WAS STALKING HER
22 AND NOBODY WOULD DO ANYTHING ABOUT IT.

23 Q AND DESCRIBE YOUR CONVERSATION WITH MR.
24 MAYER'S SUPERVISOR, MR. LOMAX.

25 A IF I'M NOT MISTAKEN, I HAD SEVERAL

1 CONVERSATIONS OR AT LEAST TWO CONVERSATIONS WITH
2 HIM. I BELIEVE THE FIRST CONVERSATION WAS JUST
3 SIMPLY FORWARDING THE ALLEGATIONS MADE BY THE
4 PROBATIONER AND ALSO FORWARDING THEM OUR COMPLAINT
5 THAT WE DID NOT HAVE A HOLDER OR ANY PAPERWORK TO
6 HOLD THE PROBATION VIOLATION OR THE PROBATIONER.

7 Q AND WHAT WAS MR. LOMAX'S RESPONSE TO THAT
8 INITIAL PHONE CALL?

9 A THAT HE WOULD MAKE SURE THAT SOMEONE WAS
10 THERE TO ADDRESS THE ISSUE OF THE HOLDER AND THE
11 PAPERWORK FOR OUR FACILITY, AND THAT IF WE HAD ANY
12 CONTACT WITH P.O. MAYER THAT WE WERE TO CONTACT HIM
13 BACK WITH THAT INFORMATION.

14 Q AND YOU TESTIFIED THERE WAS A SECOND
15 PHONE CALL YOU BELIEVE?

16 A AFTER WE -- I HAD SPOKE WITH P.O. MAYER
17 IN PERSON.

18 Q OKAY. SO YOU SPEAK WITH MR. LOMAX AND
19 THEN MR. MAYER ARRIVES?

20 A AS I RECALL, YES. LIKE I SAID, THERE WAS
21 PROBABLY 20, 30 PHONE CALLS BEING MADE JUST TO GET
22 IN TOUCH WITH THE RIGHT PEOPLE, AND I DON'T REMEMBER
23 THE EXACT ORDER OF THE PHONE CALLS, BUT I DO
24 REMEMBER SPEAKING TO MR. LOMAX ON MORE THAN ONE
25 OCCASION.

1 Q WERE YOU THE ONLY INDIVIDUAL MAKING THESE
2 20-TO-30 CALLS OR WERE OTHER INDIVIDUALS AT THE JAIL
3 MAKING CALLS?

4 A NO. I -- I WAS PLACING THE PHONE CALLS.

5 Q DO YOU RECALL ANYONE ELSE YOU CONTACTED
6 THAT NIGHT?

7 A YES. WE -- MRS. RICHERT. THEY WERE --
8 THAT WAS A NAME THAT I WAS PROVIDED AND I BELIEVE
9 THAT WAS BY THE -- SAMSON (PHONETIC), MR. SAMSON THE
10 FIRST TIME WHEN I SPOKE WITH HIM.

11 WE COULDN'T LOCATE A DIRECT NUMBER TO
12 HER, BUT I KNEW THAT HER HUSBAND IS A CAPTAIN AT THE
13 ASHLAND COUNTY SHERIFF'S OFFICE, SO I KNEW WE'D BE
14 ABLE TO LOCATE HER PHONE NUMBER. SO THROUGH THEIR
15 DISPATCH AT ASHLAND COUNTY I WAS ABLE TO OBTAIN
16 CAPTAIN RICHERT'S PHONE NUMBER AND THEN SPOKE WITH
17 HIS WIFE. I BELIEVE SHE WAS THE ONE THAT PROVIDED
18 ME WITH MR. LOMAX'S PHONE NUMBER.

19 Q AND THAT'S WHAT YOU PREVIOUSLY TESTIFIED
20 WAS THE ADMINISTRATIVE ASSISTANT, MS. RICHERT?

21 A CORRECT.

22 Q OKAY. ANYONE ELSE YOU SPOKE WITH THAT
23 EVENING CONCERNING THIS INCIDENT?

24 A I IMMEDIATELY CONTACTED MY SHERIFF TO
25 ADVISE HIM WHAT WAS TAKING PLACE, AND EXPLAINED TO

1 HIM THROUGHOUT THE PROCESS, PROBABLY MADE SEVERAL
2 CALLS TO HIM KEEPING HIM UPDATED THROUGHOUT THE
3 PROCESS. AS I SPOKE WITH HIM, HE TOLD ME THAT HE
4 FELT CONFIDENT THAT THE WAY I WAS HANDLING IT WAS
5 MORE THAN SUFFICIENT AND THAT IF THERE WAS ANYTHING
6 ELSE THAT WE NEEDED TO CONTACT HIM AT ANY TIME.

7 Q YOU STATED AFTER YOUR INITIAL PHONE
8 CONTACT WITH MR. LOMAX THAT'S WHEN MR. MAYER ARRIVED
9 AT THE JAIL?

10 A CORRECT.

11 Q OKAY. AND DID HE, IN FACT, BRING THIS
12 HOLD ORDER WITH HIM?

13 A THAT -- I'M ASSUMING THAT HE DID. I DID
14 NOT PERSONALLY SEE THAT. I WAS NOT IN THE RECEIVING
15 AREA IMMEDIATELY UPON P.O. MAYER'S ARRIVAL. I WAS
16 IN ONE OF THE JAIL SUPERVISOR OFFICES MAKING PHONE
17 CALLS.

18 Q SO DID YOU -- JUST SO I'M CLEAR, DID YOU
19 EVER SEE THE HOLD ORDER THAT NIGHT?

20 A I NEVER PERSONALLY SAW THE HOLD ORDER.

21 Q DID YOU AT ANY POINT SEE THE HOLD ORDER
22 AFTER THAT EVENING OR AT ANY (INDISCERNIBLE)?

23 A NO. I HAVE NEVER PERSONALLY SEEN THE
24 HOLD ORDER.

25 Q APPROXIMATELY WHEN DID MR. MAYER ARRIVE

1 AT THE JAIL THAT NIGHT?

2 A I DON'T REMEMBER EXACTLY WHAT TIME THAT
3 HE ARRIVED. I KNOW -- I'M ESTIMATING THAT I HAD
4 BEEN AT THE JAIL AT LEAST A HALF-HOUR OR 45 MINUTES,
5 MAYBE EVEN AN HOUR, SO (INDISCERNIBLE) BASED ON THE
6 TIMES THAT I TOLD YOU, BETWEEN 9:30 AND 10:00,
7 ARRIVING AT THE JAIL, SO I'M ESTIMATING SOMETIME
8 AROUND 10:00, 10:30.

9 Q WHEN MR. MAYER ARRIVED?

10 A CORRECT.

11 Q AND DID YOU SPEAK WITH MR. MAYER WHEN HE
12 ARRIVED AT THE JAIL THAT EVENING?

13 A I IMMEDIATELY ASKED MR. MAYER TO
14 ACCOMPANY ME TO THE JAIL SUPERVISOR'S OFFICE AND HAD
15 A CONVERSATION WITH HIM.

16 Q AND IF YOU COULD -- I'M SORRY. WHERE DID
17 THE CONVERSATION TAKE PLACE?

18 A THE JAIL SUPERVISOR'S OFFICE.

19 Q WAS ANYONE ELSE PRESENT DURING THIS
20 CONVERSATION?

21 A YES, LIEUTENANT RHOADS.

22 Q AND, IF YOU WOULD, DESCRIBE FOR US THE
23 NATURE OF THAT CONVERSATION THAT YOU HAD WITH MR. --
24 OR LIEUTENANT RHOADS AND WITH MR. MAYER.

25 A BASICALLY, I ASKED P.O. MAYER WHAT --

1 WHAT HAD HAPPENED, YOU KNOW, WHAT WAS GOING ON, IF
2 THE HOLDER WAS PROVIDED. HE TOLD ME THAT HE DID
3 TAKE CARE OF THE HOLDER PAPERWORK.

4 AS WE TALKED, IT WAS OBVIOUS THAT P.O.
5 MAYER HAD BEEN CONSUMING ALCOHOL. HE HAD A STRONG
6 ODOR OF ALCOHOL ABOUT HIS PERSON AND BREATH. HIS
7 EYES WERE BLOODSHOT AND GLASSY. HE WAS UPSET.

8 AT ONE POINT, HE -- HE APOLOGIZED TO ME
9 AND MADE A COMMENT, DO YOU KNOW WHAT IT EVER FEELS
10 LIKE TO BE IN LOVE? AND, YOU KNOW, OBVIOUSLY, I
11 THINK WE'VE ALL EXPERIENCED THAT.

12 AT THAT POINT, WE HAD SOME FURTHER
13 DISCUSSION ON WHAT HAD TAKEN PLACE. HE GAVE ME --
14 OR PROVIDED SOME SPECIFICS AS TO WHY HE MADE THE
15 ARREST.

16 IF I RECALL CORRECTLY, THEY INCLUDED THAT
17 THE -- THE PROBATIONER WAS A SEX OFFENDER, HAD A
18 CURFEW AND SOME RESTRICTIONS AS TO NOT BEING ALLOWED
19 TO BE AROUND CHILDREN OF A CERTAIN AGE, AND THAT
20 P.O. MAYER HAD BEEN WATCHING HIM ON SEVERAL
21 OCCASIONS AND FOUND HIM TO BE IN VIOLATION THAT
22 NIGHT.

23 Q WAS IT YOUR UNDERSTANDING THAT -- STRIKE
24 THAT.

25 PURSUANT TO YOUR CONVERSATION WITH MR.

1 MAYER, WHAT WAS YOUR UNDERSTANDING OF WHY MR.
2 GRIFFETH WAS BEING HELD THAT -- THAT NIGHT?

3 A BASICALLY, YOU KNOW, HE TOLD ME THAT HE
4 HAD VIOLATED HIS PAROLE AND HE WAS ARRESTING HIM FOR
5 THAT VIOLATION. YOU'LL HAVE TO ASK HIM DIRECTLY,
6 YOU KNOW, WHAT HIS OPINION WAS. I MEAN, I DON'T
7 (INDISCERNIBLE) --

8 Q I'M JUST ASKING FOR YOUR UNDERSTANDING.

9 A -- ALLOWED TO ASK FOR OPINIONS OR GIVE AN
10 OPINION OR WHAT, BUT...

11 Q SO IT'S YOUR TESTIMONY THAT MR. MAYER --
12 THE REASON MR. MAYER -- IS MR. GRIFFETH BEING HELD
13 OR IS HE ACTUALLY BEING ARRESTED?

14 A WELL, HELD, I SHOULD SAY, YES.

15 Q IS THAT TWO DIFFERENT THINGS, BEING HELD
16 AND BEING ARRESTED?

17 A WELL, I MEAN, THEY'RE INTERCHANGEABLE
18 AMONGST US --

19 Q OKAY.

20 A -- ARREST THEM ON A HOLDER OR DETAIN THEM
21 ON A HOLDER. I MEAN, THE TECHNICAL LEGAL TERM --

22 Q I'VE JUST NEVER HEARD THE TERM HELD OR
23 HOLD UNTIL THIS CASE. I JUST (INDISCERNIBLE) --

24 A YEAH, YEAH. I MEAN, TECHNICALLY WE'RE
25 JUST HOLDING HIM UNTIL A WARRANT IS ISSUED FOR THE

1 EITHER ADMINISTRATIVE OR CRIMINAL VIOLATION.

2 Q AND JUST SO WE'RE ALL CLEAR, THE REASON
3 MR. MAYER WAS HOLDING OR ARRESTING MR. GRIFFETH THAT
4 EVENING WAS, ACCORDING TO MR. MAYER, A -- HE HAD --
5 MR. GRIFFETH HAD VIOLATED THE CONDITIONS OF HIS
6 PROBATION

7 A CORRECT.

8 MR. SPRAGUE: IS THERE A CONSTITUTIONAL
9 LIMITATION ON BEING HELD ON A HOLD WARRANT? I
10 ASSUME IT'S 24 HOURS.

11 MR. DE PASCALE: NO, SIR.

12 MR. SPRAGUE: NO?

13 MR. DE PASCALE: NO, SIR.

14 MS. MAYER: NOT UNDER CRIMINAL --

15 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)
16 WITH COMMON PLEAS COURT.

17 MR. SPRAGUE: OKAY.

18 UNIDENTIFIED SPEAKER: I'M NOT
19 (INDISCERNIBLE). I'M NOT TOUCHING THAT --

20 MR. SPRAGUE: NO. ALL RIGHT, ALL RIGHT,
21 THAT'S ALL RIGHT.

22 MR. DE PASCALE: I MEAN, YOU CAN'T MAKE
23 HIM ROT IN JAIL, BUT --

24 MR. SPRAGUE: WELL, THAT'S OKAY. I WAS
25 -- OKAY. ALL RIGHT. I'M GLEANING FROM THE

1 TESTIMONY THAT THERE'S OBVIOUSLY A -- BUT YOU DON'T
2 HAVE TO RESPOND TO THIS, ANYBODY, BUT IT WOULD
3 APPEAR THAT THERE IS AN OBVIOUS POLICY OR NEED TO
4 MOVE THE CASE ALONG TO ITS NEXT APPROPRIATE
5 ADMINISTRATIVE STEP (INDISCERNIBLE) --

6 MS. MAYER: AND, ACTUALLY, I THINK A LOT
7 OF THAT WILL BE GLEANED FROM --

8 MR. SPRAGUE: YES, (INDISCERNIBLE).

9 MS. MAYER: -- JUDGE DEWEESE.

10 MR. SPRAGUE: YES, (INDISCERNIBLE). ALL
11 RIGHT.

12 BY MR. PIERSALL:

13 Q SERGEANT SWEAT, IN YOUR OPINION, WAS MR.
14 MAYER ACTING IN HIS OFFICIAL CAPACITY THAT EVENING?

15 MR. DE PASCALE: I'LL OBJECT. I DON'T
16 KNOW THAT HE CAN MAKE THAT DETERMINATION.

17 MR. PIERSALL: I'M JUST ASKING FOR HIS
18 OPINION.

19 MR. SPRAGUE: YOU CAN ASK HIM IF THAT WAS
20 HIS IMPRESSION. HOW ABOUT THAT?

21 MR. PIERSALL: I WILL ASK THAT.

22 MR. SPRAGUE: ALL RIGHT.

23 MR. DE PASCALE: (INDISCERNIBLE)
24 UNDERSTANDING.

25 MR. PIERSALL: I'LL GO WITH IMPRESSION.

1 BY MR. PIERSALL:

2 Q WAS IT YOUR IMPRESSION THAT MR. MAYER WAS
3 ACTING IN HIS OFFICIAL CAPACITY THAT EVENING?

4 A YES.

5 Q AND WHY? WHY IS THAT YOUR IMPRESSION?

6 A HE WENT TO A PROBATION -- A LOCATION A
7 PROBATIONER WAS AT, REQUESTED UNITS ON OUR RADIO
8 FREQUENCY TO EFFECT AN ARREST OR A HOLD AND A
9 TRANSPORT, REQUESTED A TRANSPORT OF THAT PERSON, AND
10 THEN CAME ON STATION AND ADVISED ME THAT HE ISSUED A
11 HOLDER FOR THE PROBATIONER.

12 MR. PIERSALL: YOUR HONOR, I JUST SAW A
13 WITNESS ARRIVE, SO I'LL CLOSE THE DOOR.

14 MR. SPRAGUE: OKAY.

15 (INDISCERNIBLE).

16 (PAUSE.)

17 BY MR. PIERSALL:

18 Q SERGEANT SWEAT, YOU PREVIOUSLY TESTIFIED
19 YOU HAD A CONVERSATION WITH MR. MAYER AND LIEUTENANT
20 RHOADS, AND DURING THAT CONVERSATION MR. MAYER
21 INFORMED YOU OF WHAT TRANSPIRED THAT EVENING WITH
22 RESPECT TO MR. GRIFFETH. IF YOU COULD, DESCRIBE IN
23 A LITTLE MORE DETAIL WHAT THE NATURE OF -- WHAT YOUR
24 UNDERSTANDING WAS.

25 A WELL, INITIALLY, OUR -- OUR INITIAL

1 CONTACT OR MY INITIAL CONTACT WITH P.O. MAYER WAS --
2 I JUST ASKED HIM -- I SAID WHAT THE -- WHAT THE
3 HECK, MAN, YOU KNOW, WHAT -- WHAT'S GOING ON. AND
4 THAT'S -- THAT'S AT THE POINT WHERE HE HAD MADE THE
5 COMMENT, YOU KNOW, DO YOU EVER KNOW WHAT IT FEELS
6 LIKE TO BE IN LOVE?

7 AND IT WAS OBVIOUS THAT HE WAS UPSET AND
8 -- AND HAVING SOME TROUBLE DEALING WITH THE -- HIS
9 BREAKUP, PENDING DIVORCE OR JUST RECENT DIVORCE.
10 LIKE I SAID, I DON'T KNOW WHAT PROCESS OR WHAT STEP
11 IN THE PROCESS IT WAS IN.

12 DURING THAT -- THAT CONVERSATION, YOU
13 KNOW, HE -- HE WAS OBVIOUSLY INTOXICATED, UNDER THE
14 INFLUENCE OF ALCOHOL, A STRONG ODOR OF ALCOHOL. IT
15 WASN'T JUST FRESH ALCOHOL ODOR. IT WAS AN OLDER
16 ODOR OF ALCOHOL AND IT APPEARED TO BE CONSISTENT
17 WITH LIQUOR, NOT BEER.

18 AS I SAID, HIS WORDS WERE EVERY NOW AND
19 THEN SLIGHTLY SLURRED. HIS EYES WERE BLOODSHOT AND
20 GLASSY. I DON'T THINK THAT HE WAS INTOXICATED TO
21 THE POINT WHERE HE COULDN'T WALK OR TALK, BUT HE WAS
22 DEFINITELY BEYOND THAT OF OPERATING A MOTOR VEHICLE
23 IN MY OPINION OR BEING OUT WALKING DOWN THE STREET
24 BY HIMSELF.

25 Q AND DO YOU HAVE ANY TRAINING OR EDUCATION

1 ON DEALING WITH INDIVIDUALS OR -- HOW ABOUT THIS?
2 DO YOU HAVE ANY EDUCATION OR TRAINING ON INDICATORS
3 OF INTOXICATION?

4 A YES. I'M A.D.A.P.T. (PHONETIC) CERTIFIED
5 WHICH IS FOR THE DETECTION OF O.V.I. DRIVERS, D.U.I.
6 DRIVERS, WHICHEVER PHRASE YOU (INDISCERNIBLE).

7 Q WHAT DOES A.D.A.P.T. STAND FOR --

8 A ALCOHOL --

9 Q -- IF YOU KNOW?

10 A YEAH. IT'S ALCOHOL -- BASICALLY, ALCOHOL
11 DETECTION AND WHATNOT. IT'S -- THEY TEACH YOU THE
12 STANDARDIZED FIELD SOBRIETY TEST, INDICATORS FOR
13 DRIVING, INDICATORS FOR INTOXICATED PERSONS WALKING,
14 NYSTAGMUS GAZE TEST, SO ON AND SO FORTH.

15 Q AND DO YOU RECEIVE ANNUAL UPDATES OR
16 ANNUAL --

17 A WE RECEIVE FREQUENT UPDATES FOR THAT,
18 YES. AND THEN, OBVIOUSLY, FIELD EXPERIENCE.

19 Q HAVE YOU EVER ARRESTED AN INDIVIDUAL
20 THAT'S UNDER THE INFLUENCE OF ALCOHOL?

21 A YES, SIR.

22 Q AND APPROXIMATELY HOW MANY ARRESTS WOULD
23 YOU SAY YOU'VE MADE OF THAT NATURE?

24 A OVER MY CAREER?

25 Q OVER YOUR CAREER.

1 A I'M SURE IT FAR EXCEEDS A HUNDRED.

2 Q AND ARE THERE ANY OTHER INDICATORS OTHER
3 THAN WHAT YOU PREVIOUSLY TESTIFIED THAT MR. MAYER
4 WAS EXHIBITING THAT EVENING THAT LED YOU TO THE
5 CONCLUSION HE WAS UNDER THE INFLUENCE OF ALCOHOL?

6 A NO. AS I STATED EARLIER, THE ODOR OF
7 ALCOHOL, HIS BLOODSHOT, GLASSY EYES, SLIGHTLY
8 SLURRED SPEECH ON OCCASION. HE WASN'T INTOXICATED
9 TO THE POINT THAT HE COULDN'T WALK, YOU KNOW. HE --
10 HE WASN'T EXTREMELY UNSTEADY ON HIS FEET BY ANY
11 MEANS, SO, NO, THOSE WOULD BE THE CORE...

12 Q AND APPROXIMATELY HOW LONG WAS THIS
13 CONVERSATION YOU HAD WITH LIEUTENANT RHOADS AND MR.
14 MAYER?

15 A FROM THE TIME WE INITIALLY STARTED TO
16 SPEAK TILL HE LEFT THE FACILITY, PROBABLY 15-TO-20
17 MINUTES I'M GUESSING. I DON'T KNOW -- I DON'T
18 REMEMBER EXACTLY. THAT WOULD BE AN ESTIMATE.

19 Q ALL RIGHT. AND YOU PREVIOUSLY TESTIFIED
20 MR. MAYER APOLOGIZED TO YOU AND LIEUTENANT RHOADS.
21 WHAT DO YOU -- WHAT WAS YOUR UNDERSTANDING OF WHY
22 MR. MAYER WAS APOLOGIZING?

23 A MY OPINION? HE NEVER SPECIFICALLY TOLD
24 ME WHY, BUT IT WAS MY OPINION THAT -- I THINK THAT
25 P.O. MAYER KNEW THAT THE CIRCUMSTANCES WEREN'T

1 EXACTLY THE BEST OF CIRCUMSTANCES TO BE IN AND THAT
2 HE WAS APOLOGIZING TO US FOR HAVING TO BE INVOLVED
3 IN THE SITUATION AT ALL.

4 Q YOU MEAN YOUR OFFICE BEING INVOLVED?

5 A CORRECT, OR US PERSONALLY EVEN.

6 Q AND AFTER YOUR CONVERSATION WITH MR.
7 MAYER AND LIEUTENANT RHOADS WHICH LASTED
8 APPROXIMATELY 15-TO-20 MINUTES, WHAT HAPPENED NEXT?

9 A I RE-CONTACTED MR. LOMAX. I SPOKE WITH
10 HIM. I ADVISED HIM OF WHAT HAD TRANSPIRED WITH MY
11 CONVERSATION WITH P.O. MAYER, THAT THE JAIL DID HAVE
12 A HOLDER. I WAS TOLD THAT THEY HAD A HOLDER.

13 MR. LOMAX RAISED A FEW QUESTIONS AS TO
14 HOW DID P.O. MAYER ARRIVE THERE. WELL, HE HAD
15 DRIVEN, BUT I DID NOT OBSERVE HIM DRIVE TO THE JAIL.

16 THEY ASKED HIM IF HE HAD A DEPARTMENT
17 ISSUED WEAPON WITH HIM. HE HAD NO WEAPON ON HIM,
18 OBVIOUSLY, INSIDE THE JAIL. HE DID NOT CHECK A
19 WEAPON AT THE FACILITY, SO TO MY KNOWLEDGE HE HAD NO
20 WEAPON WITH HIM. I DID ASK P.O. MAYER LATER IF HE
21 HAD A FIREARM WITH HIM OR IN THE VEHICLE AND HE TOLD
22 ME NO.

23 AT THAT POINT, I INFORMED MR. LOMAX THAT
24 WE WOULD BE CALLING FOR SOMEONE TO COME AND PICK MR.
25 MAYER UP (INDISCERNIBLE) AND THAT WE WERE NOT --

1 WOULD NOT BE CHARGING HIM. WE THOUGHT IT WAS KIND
2 OF TRIVIAL TO ISSUE HIM A SUMMONS FOR MINOR
3 MISDEMEANOR INTOXICATION WITH ALL THE OTHER
4 ALLEGATIONS THAT WERE BEING BROUGHT TO OUR ATTENTION
5 THAT WERE BEING INVESTIGATED.

6 Q YOU PREVIOUSLY TESTIFIED MR. MAYER DROVE
7 TO THE JAIL THAT EVENING, BUT YOU DID NOT WITNESS
8 HIM?

9 A CORRECT.

10 Q HOW DO YOU KNOW HE DROVE IF YOU DID NOT
11 WITNESS THAT?

12 A HE TOLD ME THAT HE HAD DROVE THERE.

13 Q OKAY. AND DID YOU -- OTHER THAN ASKING
14 MR. MAYER IF HE HAD HIS FIREARM AND ASCERTAINING
15 WHETHER HE HAD CHECKED A FIREARM INTO THE JAIL THAT
16 EVENING, DID YOU DO ANY OTHER INVESTIGATION AS TO
17 WHETHER OR NOT MR. MAYER WAS CARRYING A FIREARM?

18 A NO.

19 Q DID YOU CHECK HIS CAR?

20 A NO, I DID NOT. TOOK HIS WORD FOR IT.

21 Q AND WHY DID YOU NOT PERMIT MR. MAYER TO
22 DRIVE AWAY FROM THE JAIL?

23 A HE HAD BEEN DRINKING. MY OPINION WAS
24 THAT HE HAD BEEN DRINKING TO THE EXTENT THAT -- OR
25 UNDER THE INFLUENCE TO THE EXTENT THAT IT WOULD NOT

1 BE SAFE FOR HIM TO OPERATE A MOTOR VEHICLE.

2 Q AFTER MR. MAYER -- I'M SORRY. HOW DID
3 MR. MAYER LEAVE THE FACILITY THAT -- THAT NIGHT?

4 A I DON'T RECALL WHO HE CALLED, BUT HE
5 CALLED FOR SOMEONE TO COME AND PICK HIM UP. THAT
6 PERSON ARRIVED AND WE WALKED HIM OUT.

7 Q AND WHAT WAS YOUR -- WHAT, IF ANYTHING,
8 DID YOU DO AFTER MR. MAYER EXITED THE FACILITY?

9 A AS -- AS FAR AS I REMEMBER, THAT WAS
10 PRETTY MUCH THE END OF THE INCIDENT FOR ME. THE
11 NEXT DEALING I HAD WITH IT WAS WHEN THE DEPARTMENT
12 OF CORRECTIONS CONTACTED ME SOMETIME LATER FOR AN
13 INTERVIEW.

14 Q AND DID YOU HAVE AN INTERVIEW WITH THE
15 DEPARTMENT?

16 A YES, I DID.

17 Q AND DO YOU REMEMBER WHO THAT WAS WITH?

18 A AS I RECALL, IT WAS -- I BELIEVE HIS
19 TITLE WAS ASSISTANT DIRECTOR OR -- I DON'T REMEMBER
20 HIS NAME, TO BE HONEST WITH YOU.

21 Q WAS IT RON NELSON? DOES THAT RING A
22 BELL?

23 A THAT COULD VERY WELL BE IT.

24 MR. PIERSALL: OKAY. THANK YOU, SERGEANT
25 SWEAT. THAT'S ALL THE QUESTIONS WE HAVE AT THIS

1 MOMENT .

2 MR. SPRAGUE: THANK YOU, MR. PIERSALL.

3 MR. DE PASCALE: THANK YOU.

4 MR. SPRAGUE: MR. DE PASCALE?

5 MR. DE PASCALE: YES.

6 - - -

7 CROSS-EXAMINATION

8 - - -

9 BY MR. DE PASCALE:

10 Q SERGEANT SWEAT, I AM VINCE DE PASCALE.

11 (PAUSE.)

12 MR. DE PASCALE: (INDISCERNIBLE) HERE SO
13 I CAN READ WHAT COUNSEL (INDISCERNIBLE).

14 MR. SPRAGUE: OKAY.

15 (PAUSE.)

16 BY MR. DE PASCALE:

17 Q SERGEANT, YOU TESTIFIED IN RESPONSE TO
18 MR. PIERSALL'S QUESTIONS THAT YOU KNOW JOHN FAIRLY
19 WELL. YOU DON'T HANG OUT TOGETHER, BUT, YOU KNOW,
20 YOU KNOW HIM WELL ENOUGH TO SPEAK TO HIM WHEN YOU
21 SEE HIM AND YOU HAVE A FRIENDLY RELATIONSHIP; --

22 A YES.

23 Q -- CORRECT?

24 A YES, SIR.

25 Q THAT WOULD NOT PREVENT YOU FROM DOING

1 YOUR OFFICIAL DUTIES IF YOU SAW JUST CAUSE; WOULD
2 IT?

3 A ABSOLUTELY NOT.

4 Q OKAY.

5 A AS A MATTER OF FACT, I EVEN RELAYED THAT
6 TO THE PROBATIONER. HE SAID THAT WE WOULD DO
7 NOTHING FOR HIM BECAUSE WE'RE FRIENDS WITH JOHN.
8 AND I SAID -- BASICALLY, I TOLD HIM THAT THAT'S NOT
9 A GAME THAT WE PLAY.

10 Q I UNDERSTAND. I JUST WANTED TO CLEAR
11 THAT UP. YOUR LIEUTENANT THEN ASKED YOU TO LOOK
12 INTO THE SITUATION AS TO THE ALLEGATIONS MADE BY THE
13 PROBATIONER AND TO SORT OF FIND OUT EXACTLY WHAT WAS
14 GOING ON?

15 A CORRECT.

16 Q SO THAT BASICALLY WAS YOUR -- YOUR
17 MISSION AT THAT TIME AT THE JAIL ON THAT DAY DURING
18 THOSE HOURS?

19 A CORRECT.

20 Q OKAY. AND YOU CAME IN OFF THE STREET IN
21 ORDER TO DO THAT?

22 A CORRECT.

23 Q OKAY. BY VIRTUE OF THE FACT THAT YOU
24 WERE CALLED IN BY THE LIEUTENANT?

25 A CORRECT.

1 Q SO THIS WAS NOT SOMETHING YOU DID
2 VOLUNTARILY?

3 A CORRECT.

4 Q OKAY. THIS IS NOT ONE OF THOSE
5 SITUATIONS WHERE YOU WOULD HAVE SEEN THE
6 PROBATIONER, DECIDED THAT THEY WERE IN VIOLATION,
7 AND WOULD HAVE BROUGHT THEM IN AND WOULD HAVE
8 CONTACTED THE P.O.'S?

9 A CORRECT.

10 Q OKAY. YOU ASKED THE PROBATIONER WHAT WAS
11 GOING ON AND HE TOLD YOU THAT HE WAS ARRESTED
12 BECAUSE HE WAS WITH MRS. -- MS. LEECH WHO WAS JOHN'S
13 EX-WIFE. DO YOU REMEMBER ANYTHING ELSE THAT HE SAID
14 WITH RESPECT TO LEECH AT THAT TIME?

15 A NO, I DON'T. I WAS ONLY PARAPHRASING
16 WHAT HE HAD TOLD ME (INDISCERNIBLE) EVERY WORD AND
17 EVERY SPECIFIC DETAIL I DON'T RECALL. I JUST
18 REMEMBER THAT HE HAD MADE THE ALLEGATION THAT P.O.
19 MAYER HAD ARRESTED HIM OR ISSUED A HOLDER DUE TO THE
20 FACT THAT HE WAS SEEING HER.

21 Q OKAY. NOW, THAT'S YOUR UNDERSTANDING OF
22 WHAT HE TOLD YOU IRRESPECTIVE OF THE ACTUAL EXACT
23 WORDS?

24 A THAT IS THE CORE OF WHAT HE TOLD ME, YES.

25 Q AND BEING A POLICE OFFICER IT IS PART OF

1 YOUR BOTH TRAINING AND YOUR JOB EXPERIENCE TO BE
2 ABLE TO LISTEN TO WHAT PEOPLE SAY AND TO GET TO THE
3 CORE OF WHAT THEY'RE TELLING YOU; CORRECT?

4 A YES.

5 Q I MEAN, YOU'RE QUITE ADEPT AT THAT OR YOU
6 WOULDN'T BE A SERGEANT.

7 A YES, SIR.

8 Q OKAY. NOW, YOU'VE USED THE WORD SEEING
9 HER AS OPPOSED TO WAS WITH HER TONIGHT. IS THERE A
10 DISTINCTION IN YOUR MIND BETWEEN THOSE TWO NOW THAT
11 YOU THINK BACK TO THAT CONVERSATION?

12 A I -- I HAD JUST ASSUMED THAT BASED ON
13 EVERYTHING THAT I HAD LEARNED THAT THEY WERE
14 TOGETHER AT THE TIME OR I -- BUT, SPECIFICALLY, I
15 DON'T KNOW IF AT THE TIME THE -- THE ARREST OR
16 HOLDER WAS ISSUED BY P.O. MAYER IF THEY WERE
17 TOGETHER AT THE TIME.

18 Q OKAY.

19 A I JUST ASSUMED SEEING MEANT THEY WERE
20 EITHER IN THE PROCESS OF GOING TO MEET OR THEY WERE
21 TOGETHER.

22 Q OKAY. ALL RIGHT. MY -- THAT WASN'T MY
23 QUESTION, BUT IF THAT'S YOUR UNDERSTANDING THAT'S
24 FINE. YOU HEARD RADIO TRAFFIC WHILE YOU WERE OUT ON
25 THE STREET THAT RELATED TO WHY YOU ULTIMATELY WOUND

1 UP AT THE JAIL; CORRECT?

2 A YES, SIR.

3 Q DO YOU REMEMBER WHETHER OR NOT THERE WAS
4 IN THAT -- ANYTHING IN THAT RADIO TRAFFIC OTHER THAN
5 THE FACT THAT A PAROLE OFFICER NEEDS ASSISTANCE?

6 A INITIALLY, NO. I DO REMEMBER THAT THERE
7 WAS SOME CONVERSATION ABOUT A TRANSPORT --

8 Q OKAY.

9 A -- BEING TAKEN TO THE JAIL, BUT, NO.
10 BASICALLY, THE PROBATION OFFICER NEEDED ASSISTANCE
11 AND THAT'S WHY (INDISCERNIBLE) RESPONDED EMERGENCY
12 STATUS.

13 Q OKAY. SO BASICALLY, ALL OF THAT -- ALL
14 THAT RADIO TRAFFIC WAS (INDISCERNIBLE)?

15 A I WOULDN'T SAY SO. I MEAN, ANY TIME AN
16 OFFICER NEEDS ASSISTANCE THAT'S PRETTY -- PRETTY
17 SERIOUS.

18 Q NO, NO. I MEAN -- I'M NOT SAYING IT
19 WASN'T SERIOUS. I'M SAYING THERE WASN'T ANYTHING IN
20 THERE --

21 A ROUTINE?

22 Q -- THAT WOULD TELL YOU WHAT WAS GOING ON
23 OTHER THAN THE FACT THAT, YOU KNOW, YOU'RE SENDING
24 AN OFFICER ASSISTANCE CALL?

25 A CORRECT.

1 Q OKAY. THEN YOU HAVE OCCASION TO TALK TO
2 LEECH BEFORE YOU TALK TO JOHN; CORRECT?

3 A CORRECT.

4 Q OKAY. I THINK YOU SAID IT WAS AN
5 UNPLEASANT 30 SECONDS?

6 A YES.

7 Q AGAIN, TALKING ABOUT YOUR UNDERSTANDING,
8 WHAT YOU GATHER FROM WHAT PEOPLE TELL YOU, YOU KNOW,
9 BASED ON YOUR TRAINING AND YOUR EXPERIENCE, IT WAS
10 YOUR UNDERSTANDING THAT LEECH CLEARLY ADMITTED THAT
11 SHE'D HAD A RELATIONSHIP WITH THE PROBATIONER,
12 ALTHOUGH SHE DIDN'T SAY WHAT KIND?

13 A I -- I DON'T KNOW THAT I CAN SAY THAT.
14 ALL I COULD SAY IS THAT --

15 Q WHAT CAN YOU SAY?

16 A -- SHE FELT THAT THE PROBATIONER -- OR
17 P.O. MAYER WAS STALKING HER AND THAT NO ONE WOULD DO
18 ANYTHING TO HELP HER.

19 Q OKAY. AND DID SHE SAY WHY HE WAS
20 STALKING HER?

21 A SHE MADE SOME COMMENTS ABOUT EVERY TIME
22 SHE TURNS AROUND HE'S THERE, HE'S FOLLOWING HER.
23 SHE RAMBLED ON, BUT THAT WAS THE GIST OF THE
24 CONVERSATION.

25 Q OKAY.

1 A SHE WASN'T REAL HAPPY TO BE SPEAKING WITH
2 ME.

3 Q IF SHE HAD AN OPPORTUNITY TO COMPLAIN TO
4 A POLICE OFFICER ABOUT WHAT SHE CONSIDERED TO BE
5 WRONGFUL CONDUCT ON THE PART OF JOHN, CONSIDERING
6 THE FACT THAT IF YOU FOUND THERE TO BE PROBABLE
7 CAUSE FOR THE COMMISSION OF A CRIME, DO YOU HAVE ANY
8 UNDERSTANDING AS TO WHY SHE WOULD NOT BE HAPPY TO
9 SPEAK TO YOU?

10 MR. PIERSALL: OBJECTION AS TO FORM AND
11 SPECULATION.

12 MR. SPRAGUE: SUSTAINED. LET'S -- THAT'S
13 -- YOU'VE GOT A LOT ON THE PLATE THERE, MR. --

14 MR. DE PASCALE: WITH THAT QUESTION?

15 MR. SPRAGUE: YES. PERHAPS WE CAN
16 DISTILL THAT ONE DOWN OR SOME (INDISCERNIBLE) --

17 MR. DE PASCALE: YES, MAYBE I CAN DISTILL
18 SOME OF THAT DOWN.

19 BY MR. DE PASCALE:

20 Q WAS IT YOUR UNDERSTANDING THAT SHE WAS
21 COMPLAINING ABOUT CONDUCT THAT SHE BELIEVED WAS
22 IMPROPER?

23 A YES.

24 Q YOU ARE A POLICE OFFICER?

25 A CORRECT.

1 Q SHE KNEW THAT?

2 A CORRECT.

3 MR. SPRAGUE: A LAW ENFORCEMENT OFFICER?

4 MR. DE PASCALE: THAT'S WHAT I MEAN, YES.

5 MR. SPRAGUE: YES, (INDISCERNIBLE).

6 MR. DE PASCALE: WELL, HE'S ACTUALLY A
7 DEPUTY SHERIFF, BUT...

8 BY MR. DE PASCALE:

9 Q DID SHE GIVE YOU ANY INDICATION THAT
10 WOULD CAUSE YOU TO UNDERSTAND WHY SHE WAS UNHAPPY
11 SPEAKING TO YOU UNDER THOSE CIRCUMSTANCES?

12 A OTHER THAN THE FACT I ASKED FOR MR. MAYER
13 WHEN SHE ANSWERED THE PHONE, NO. I DON'T
14 (INDISCERNIBLE).

15 Q OKAY. NOW, YOU RESPONDED TO MR. PIERSALL
16 THAT YOU HAD NEVER SEEN THE HOLD ORDER. THE HOLD
17 ORDER WASN'T YOUR CONCERN; WAS IT?

18 A NO. THAT WAS MY PRIMARY CONCERN
19 INITIALLY.

20 Q OKAY. I THOUGHT YOUR -- SAID YOUR
21 CONCERN WAS TO LOOK INTO THE CIRCUMSTANCES OF THE
22 PROBATIONER'S COMPLAINT.

23 A NO. I SAID THAT WAS SECONDARY TO THE
24 FACT THAT MY WHOLE PURPOSE INITIALLY WAS WITH THE
25 HOLDER ITSELF, --

1 Q OKAY.

2 A -- WHY WE WERE HOLDING THIS PERSON, AND
3 WHERE WAS THE PAPERWORK FOR THAT.

4 Q OKAY. WELL, IN THAT CASE, WHY WERE YOU
5 NOT CONCERNED BECAUSE YOU DIDN'T SEE THE HOLD ORDER?

6 A THE CORRECTIONS STAFF HAD TOLD ME THAT
7 THEY RECEIVED IT --

8 Q OKAY.

9 A -- (INDISCERNIBLE) MAYER SAID THEY
10 RECEIVED IT.

11 Q OKAY. ALL RIGHT. DURING -- BACK TO THE
12 PHONE CALL YOU HAD WITH LEECH FOR A SECOND, SHE
13 NEVER REQUESTED THAT YOU FILE CHARGES; DID SHE?

14 A NO, SHE DID NOT.

15 Q WHEN YOU FINALLY GET TO TALK TO JOHN, MR.
16 MAYER, YOU CAN CLEARLY SEE THAT HE IS EMOTIONALLY
17 UPSET; CORRECT?

18 A HE WAS UPSET, YES.

19 Q YOU SAID THAT HE HAD BLOODSHOT EYES AND
20 THE QUESTION IS YOU CAN HAVE BLOODSHOT EYES FROM THE
21 CONSUMPTION OF AN ALCOHOLIC BEVERAGE; CAN'T YOU?

22 A YES, SIR.

23 Q YOU CAN HAVE BLOODSHOT EYES FROM CRYING;
24 CAN'T YOU?

25 A YES, SIR.

1 Q OKAY. AND THERE'S NO WAY TO TELL THE
2 DIFFERENCE; IS THERE?

3 A JUST BASED ON THOSE TWO THINGS, NO, BUT
4 TO PUT IT IN PERSPECTIVE WITH ALL THE OTHER
5 INDICATORS, YES.

6 Q SO YOU WOULD SAY THAT IF YOU SMELL AN
7 ODOR OF ALCOHOL AND YOU KNOW THE PERSON'S BEEN
8 CRYING, THE BLOODSHOT EYES ARE THE RESULT OF THE
9 ALCOHOL AND NOT THE CRYING?

10 A OR BOTH.

11 Q OKAY. WHEN YOU ASKED HIM WHAT HAD
12 OCCURRED, WAS HE ABLE TO RECITE A COGENT AND
13 COHESIVE STORY TO YOU?

14 A HE PROVIDED THE DETAILS THAT I TESTIFIED
15 TO EARLIER, YES.

16 Q BUT, I MEAN, HE WASN'T RAMBLING AND
17 INCOHERENT OR ANY OF THAT STUFF?

18 A NO. AS I TESTIFIED EARLIER, HE WASN'T
19 INTOXICATED TO THE POINT THAT HE COULDN'T WALK AND
20 TALK, NO.

21 Q OKAY. THERE IS A DIFFERENCE, IS THERE
22 NOT, BETWEEN BEING UNDER THE INFLUENCE FOR THE
23 PURPOSES OF THE O.V.I. STATUTE AND BEING INTOXICATED
24 FOR THE PURPOSE OF THE INTOXICATION STATUTE; ISN'T
25 THERE?

1 A YES, SIR.

2 Q AND YOU'VE TESTIFIED THAT JOHN WAS
3 CLEARLY IN YOUR MIND A CANDIDATE FOR NOT DRIVING BY
4 VIRTUE OF THE O.V.I. STATUTE?

5 A CORRECT.

6 Q OKAY. IF YOU THINK BACK TO THE ELEMENTS
7 OF THE INTOXICATION STATUTE --

8 A UH-HUH.

9 Q -- IS IT NOT TRUE THAT HE WAS NOT REALLY
10 A CANDIDATE FOR THAT ONE? I MEAN, HE WASN'T A
11 DANGER TO HIMSELF OR OTHERS.

12 A WELL, SPECIFICALLY STANDING WITH ME
13 INSIDE THE JAIL FACILITY, NO, BUT WALKING DOWN THE
14 STREET OR TRYING TO GET INTO A MOTOR VEHICLE, THEN,
15 YES.

16 Q GETTING INTO A MOTOR VEHICLE IS A
17 DIFFERENT QUESTION AND WOULD KICK BACK TO THE O.V.I.
18 PROBLEM.

19 A WELL, --

20 Q OKAY. ALL RIGHT. NOW, JOHN TELLS YOU
21 THAT HE'S APOLOGIZING BECAUSE THE CIRCUMSTANCES WERE
22 NOT THE BEST AND THAT HE WAS VERY SORRY THAT YOU
23 FOLKS HAD TO BE INVOLVED; CORRECT?

24 A THAT WAS MY UNDERSTANDING OF THE APOLOGY.

25 Q DID HE AT ANY TIME TELL YOU THAT HE WAS

1 APOLOGIZING FOR THE FACT THAT HE HAD ARRESTED THE
2 PROBATIONER?

3 A NO.

4 Q WAS THERE ANY DOUBT IN YOUR MIND THAT
5 BASED UPON THE FACTS AS YOU KNEW THEM AT THAT TIME
6 THAT THERE WAS PROBABLE CAUSE FOR THE ARREST OF THE
7 PROBATIONER?

8 A I DID NOT HAVE ENOUGH INFORMATION TO MAKE
9 THAT DETERMINATION.

10 Q OKAY. YOU NEVER GOT ENOUGH INFORMATION,
11 OKAY.

12 A AND WHAT I MEAN BY THAT IS -- IS THAT I
13 DIDN'T -- I WASN'T PRESENT. I DON'T KNOW IF -- YOU
14 KNOW, I DON'T HAVE -- DIDN'T HAVE THE SPECIFICS TO
15 HIS PROBATION TERMS. I --

16 Q OKAY.

17 A -- DIDN'T HAVE THE SPECIFICS TO WHO WAS
18 THERE AT THE TIME IF THERE WAS A VIOLATION AT ALL.

19 Q I UNDERSTAND. HOW MANY TIMES HAVE YOU
20 BEEN CALLED IN OFF THE STREET TO DEAL WITH THE FACT
21 THAT A PROBATIONER HAS BEEN BROUGHT IN ON A HOLD?

22 A WITH NO OTHER STRINGS ATTACHED? JUST --

23 Q YES. JUST LIKE THIS -- THIS SITUATION.

24 A WELL, I GUESS YOU'RE GOING TO HAVE TO --
25 I'M NOT UNDERSTANDING YOUR QUESTION. IF IT'S JUST--

1 Q OKAY.

2 A -- IF A PROBATION OFFICER IS BRINGING IN
3 SOMEONE OR SOMEONE'S ARRESTED ON A HOLDER AND
4 EVERYTHING IS DONE APPROPRIATELY, NEVER.

5 Q OKAY. LET ME TRY TO CLEAR UP MY QUESTION
6 FOR YOU. THIS IS A SITUATION WHERE YOU HAD A
7 PROBATIONER BROUGHT IN, BUT THE P.O. DID NOT BRING
8 THEM IN AND THERE WAS NO HOLD PAPERWORK WITH THE
9 CRUISER THAT BROUGHT HIM IN, OKAY? SO THIS IS, AS
10 YOU CALL IT, AN ABNORMAL SITUATION. HOW MANY TIMES
11 HAVE YOU BEEN CALLED IN FOR THAT KIND OF A
12 SITUATION?

13 A VERY FEW.

14 Q OKAY. BUT THERE WERE OTHERS OTHER THAN
15 THIS SITUATION?

16 A YES. THERE HAVE BEEN TIMES WHERE THE
17 JAIL WILL RECEIVE AN INMATE OR A PRISONER AND THE
18 PROPER PAPERWORK IS NOT ATTACHED. AND THEY WILL
19 CONTACT THE -- THE PATROL OR THE ROAD SUPERVISOR TO
20 ASSIST THE JAIL WITH OBTAINING THE PROPER PAPERWORK.

21 Q OKAY. NOW, DO YOU REMEMBER MR. -- MR.
22 GRIFFETH MAKING ANY OTHER ALLEGATIONS OTHER THAN THE
23 FACT THAT JOHN ARRESTED HIM IMPROPERLY AND THAT JOHN
24 WAS INTOXICATED?

25 A NO.

1 Q YOU GAVE TWO STATEMENTS TO MEMBERS OF THE
2 ADULT PAROLE AUTHORITY WHEN YOU WERE INTERVIEWED.
3 DO YOU REMEMBER THOSE?

4 A YES.

5 Q DO YOU REMEMBER IN EITHER ONE OF THEM
6 TELLING THOSE PEOPLE -- EITHER OF THOSE PEOPLE THAT
7 MR. GRIFFETH HAD ADMITTED TO YOU THAT HE WAS IN A
8 RELATIONSHIP WITH MS. LEECH?

9 A I DON'T RECALL EVER HEARING HIM SAY
10 THAT, --

11 Q OKAY.

12 A -- OR PROVIDING THAT.

13 Q BUT IF IT'S IN ONE OF YOUR STATEMENTS,
14 THEN IT'S PROBABLY ACCURATE?

15 A I WOULD HAVE TO READ IT IN THE CONTEXT
16 BEFORE I COULD MAKE THAT STATEMENT.

17 MS. MAYER: IT'S EXHIBIT (INDISCERNIBLE)
18 YES.

19 (PAUSE.)

20 MR. SPRAGUE: DO WE NEED TO GO OFF FOR A
21 MINUTE?

22 MS. MAYER: YES, (INDISCERNIBLE).

23 MR. SPRAGUE: THAT WAS A YES?

24 MS. MAYER: YES. I'M SORRY.

25 MR. SPRAGUE: OKAY. WE'LL GO OFF FOR A

1 MINUTE.

2 (OFF THE RECORD.)

3 MR. SPRAGUE: WE'RE BACK ON THE RECORD.

4 MR. DE PASCALE: THANK YOU, YOUR HONOR.

5 BY MR. DE PASCALE:

6 Q WOULD YOU PLEASE OPEN THE BOOK OF
7 EXHIBITS THAT ARE IN FRONT OF YOU AND TURN TO PAGE
8 14-2?

9 A I'M THERE, SIR.

10 Q THANK YOU. THAT IS A STATEMENT OR AN
11 INCIDENT REPORT WRITTEN BY A PERSON BY THE NAME OF
12 LAURA A. RICHERT. THAT REPORT INDICATES THAT YOU
13 HAD A CONVERSATION WITH HER BY TELEPHONE ON THE 20TH
14 DAY OF NOVEMBER, 2008, AT APPROXIMATELY 9:30 P.M.
15 DO YOU REMEMBER THAT CONVERSATION, FIRST OF ALL?

16 A YES, I DO.

17 Q OKAY. WOULD YOU TAKE A LOOK AT THE --
18 SORT OF THE MIDDLE OF THAT STATEMENT STARTING WITH
19 ABOUT THE SEVENTH LINE DOWN?

20 (PAUSE.)

21 A OKAY.

22 BY MR. DE PASCALE:

23 Q IT SAYS SERGEANT SWEAT ALSO STATED THAT
24 HE WAS TOLD THAT OFFENDER GRIFFETH WAS IN A
25 RELATIONSHIP WITH SUPERVISOR MAYER'S EX-WIFE AND

1 THAT SUPERVISOR MAYER HAD BEEN STALKING THEM ALL
2 NIGHT, FOLLOWED THEM TO THE RESIDENCE, AND ARRESTED
3 THE OFFENDER. FIRST OF ALL, DO YOU REMEMBER HAVING
4 MADE THAT STATEMENT?

5 A I DON'T SPECIFICALLY REMEMBER SAYING THAT
6 THEY WERE IN ANY TYPE OF RELATIONSHIP --

7 Q OKAY.

8 A -- I DO REMEMBER SAYING THAT -- YOU KNOW,
9 AS I STATED EARLIER, THAT THEY WERE -- AT LEAST, IT
10 WAS MY UNDERSTANDING THAT THEY WERE SEEING EACH
11 OTHER OR EN ROUTE TO MEET EACH OTHER OR WERE
12 TOGETHER AT THE TIME.

13 Q OKAY. SO LET'S -- LET'S SEE WHERE THAT
14 WOULD HAVE COME FROM. PRIOR TO THE 20TH DAY OF
15 NOVEMBER, 2008, YOU HAD ABSOLUTELY NO IDEA WHO THESE
16 PEOPLE WERE; DID YOU?

17 A OTHER THAN KNOWING P.O. MAYER AND HIS
18 WIFE, NO.

19 Q RIGHT. YES. I UNDERSTAND. SO WE FAST
20 FORWARD TO 20 NOVEMBER, 2008. YOU'RE CALLED IN OFF
21 THE ROAD. YOU GET TO THE STATION AND AT THAT POINT
22 YOU HAVE ZERO INFORMATION; CORRECT?

23 A CORRECT.

24 Q YOU START AT THAT POINT ASCERTAINING
25 INFORMATION?

1 A YES.

2 Q YOU TALK TO PROBATIONER GRIFFETH?

3 A YES.

4 Q OKAY. YOU TALK TO MS. LEECH?

5 A YES.

6 Q SERGEANT -- I'M SORRY -- P.O. MAYER IS
7 NOT THERE YET?

8 A CORRECT.

9 Q YOU THEN TALK TO MS. RICHERT; CORRECT?

10 A YES.

11 Q SO AT THE TIME YOU TALKED TO HER, THE
12 ONLY INFORMATION YOU HAVE TO RELATE TO HER IS FROM
13 GRIFFETH OR LEECH; CORRECT?

14 A CORRECT. AND I DON'T --

15 Q OKAY.

16 A -- EVEN RECALL -- I BELIEVE THAT I DID
17 TALK TO LEECH --

18 Q SERGEANT, I -- I UNDERSTAND YOUR MEMORY,
19 YOU KNOW -- I'M NOT TRYING TO GET YOU TO REMEMBER
20 SAYING THAT. I'M JUST TRYING TO ESTABLISH WHERE YOU
21 GOT YOUR INFORMATION. AND IF SHE SAYS YOU SAID IT
22 AND YOU DON'T DENY IT, THEN IT PROBABLY WAS SAID.
23 THAT'S ALL I'M LOOKING FOR, OKAY? I BELIEVE YOU.

24 A NO, THAT'S FINE. I JUST -- I DON'T
25 REMEMBER MAKING THAT COMMENT. I -- I DON'T KNOW IF

1 SHE'S (INDISCERNIBLE) SO --

2 Q I BELIEVE YOU DON'T REMEMBER, OKAY? I'M
3 NOT TRYING TO -- I'M NOT TRYING TO GO THERE. I'M
4 TRYING TO SAY THAT YOU, A RESPONSIBLE SERGEANT
5 RELATING OFFICIAL INFORMATION --

6 MR. PIERSALL: YOUR HONOR, IS THERE A
7 QUESTION COMING OR ARE WE GOING TO JUST --

8 MR. DE PASCALE: YES. THERE --

9 MR. PIERSALL: -- HAVE MR. DE PASCALE
10 TESTIFY?

11 MR. DE PASCALE: -- IS A QUESTION.

12 BY MR. DE PASCALE:

13 Q RELATE FOR ME WHAT YOU KNOW

14 (INDISCERNIBLE) --

15 MR. PIERSALL: YOUR HONOR, CAN I ASK FOR
16 YOU TO DIRECT HIM TO ASK A QUESTION?

17 MR. SPRAGUE: I THINK WE'RE GETTING IT.
18 I'M SURE IT'S COMING --

19 MR. DE PASCALE: YES.

20 MR. PIERSALL: OKAY.

21 MR. SPRAGUE: -- VERY SHORTLY. ALL
22 RIGHT.

23 BY MR. DE PASCALE:

24 Q YOU'RE ONLY GOING TO RELATE WHAT YOU
25 KNOW; RIGHT?

1 A CORRECT.

2 Q THANK YOU. JOHN AGREED NOT TO DRIVE;
3 CORRECT?

4 A I DON'T KNOW THAT HE HAD A OPTION TO.

5 Q OKAY. THAT ELIMINATES THE NEXT QUESTION.
6 HOW MANY PEOPLE TOLD YOU JOHN WAS INTOXICATED BEFORE
7 HE GOT THERE?

8 A AS I RECALL, TWO. IT WOULD HAVE BEEN
9 LIEUTENANT RHOADS TELLING ME WHAT HE HAD HEARD FROM
10 THE PROBATIONER AND THEN DIRECTLY FROM THE
11 PROBATIONER.

12 Q OKAY. DID LEECH SAY THAT HE WAS DRUNK?

13 A NO, SHE DID NOT.

14 Q OKAY. BUT YOUR MEMORY IS THAT YOU
15 BELIEVED HE HAD BEEN DRINKING HARD LIQUOR RATHER
16 THAN BEER?

17 A OR AT LEAST A COMBINATION. I DEFINITELY
18 SMELLED THE ODOR CONSISTENT WITH LIQUOR CONSUMPTION.

19 (PAUSE.)

20 BY MR. DE PASCALE:

21 Q SERGEANT, THIS IS A TOUGHER QUESTION.
22 CAN YOU RELATE TO US YOUR UNDERSTANDING OF THE
23 DIFFERENCE IN ODOR BETWEEN THE HARD LIQUOR AND THE
24 BEER?

25 A ABSOLUTELY. BEER HAS MORE OF A DEEPER

1 SMELL. IT'S MORE OF AN OPAQUE ODOR, WHERE ALCOHOL,
2 LIQUOR IS USUALLY MORE OF AN ACETONE SWEET-SMELLING.
3 IT'S VERY DISTINGUISHABLE.

4 Q OKAY. YOU USED THE WORD OPAQUE.

5 A YES.

6 Q OPAQUE TO ME MEANS SOMETHING THAT I CAN'T
7 SEE THROUGH. HOW DOES THAT REFER TO AN ODOR?

8 A WELL, BECAUSE WHEN SOMEONE'S SPEAKING TO
9 YOU WITH A -- WITH AN ODOR OF BEER IT'S MORE OF A --
10 HITS YOU RIGHT IN THE FACE ODOR THAT KIND OF -- IT'S
11 DEEPER AND -- AND STAYS, WHEREAS LIQUOR IS MORE OF A
12 SWEET SMELLING, ACETONE-TYPE, KIND OF FLOATS AND
13 MIXES MUCH MORE WITH -- WITH THE AMBIENT AIR AND
14 WHATNOT.

15 MR. DE PASCALE: OKAY, THANK YOU VERY
16 MUCH. I HAVE NO FURTHER QUESTIONS.

17 MR. SPRAGUE: I'M SORRY?

18 MR. DE PASCALE: I SAID I HAVE NO FURTHER
19 QUESTIONS.

20 MR. SPRAGUE: OKAY. I'M SORRY.

21 MR. PIERSALL: WE HAVE NO FURTHER
22 QUESTIONS, YOUR HONOR.

23 MR. SPRAGUE: OKAY. THANK YOU.

24 SERGEANT, YOU'RE FREE TO GO. REMEMBER MY ADMONITION
25 AND THANK YOU FOR TESTIFYING TODAY. WE'LL GO OFF

1 FOR A MOMENT.

2 (OFF THE RECORD.)

3 MR. SPRAGUE: WE'RE BACK ON THE RECORD.
4 MS. GRIFFETH HAS TAKEN THE STAND. MS. GRIFFETH, I
5 WILL NEED TO SWEAR YOU IN AT THIS TIME. PLEASE
6 RAISE YOUR RIGHT HAND.

7 MS. GRIFFETH: DO YOU WANT ME TO STAND
8 UP?

9 MR. SPRAGUE: NO, MA'AM. YOU CAN JUST
10 RAISE YOUR HAND. THAT'S FINE.

11 (WITNESS SWORN.)

12 MR. SPRAGUE: OKAY, THANK YOU. PLEASE
13 STATE YOUR FULL NAME FOR THE RECORD, SPELLING YOUR
14 LAST NAME.

15 THE WITNESS: JANET EILEEN GRIFFETH,
16 (SPELLING) G-R-I-F-F-E-T-H.

17 MR. SPRAGUE: THANK YOU, MS. GRIFFETH. A
18 SEPARATION OF WITNESSES HAS BEEN GRANTED BY ME.
19 THEREFORE, I WOULD ASK YOU NOT TO DISCUSS YOUR
20 TESTIMONY WITH ANY OF THE OTHER WITNESSES TO THIS
21 PROCEEDING UNTIL THE HEARING HAS CONCLUDED.

22 THE WITNESS: OKAY.

23 MR. SPRAGUE: OKAY. MR. PIERSALL?

24 MR. PIERSALL: THANK YOU, YOUR HONOR.

25

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JANET GRIFFETH

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

- - -

DIRECT EXAMINATION

- - -

BY MR. PIERSALL:

Q GOOD MORNING, MS. GRIFFETH. THANK YOU
FOR BEING HERE.

A GOOD MORNING.

Q MS. GRIFFETH, ARE YOU PRESENTLY EMPLOYED?

A YES, I AM.

Q AND WHO IS YOUR EMPLOYER:

A LEXINGTON SCHOOLS.

Q AND WHAT DO YOU DO FOR LEXINGTON SCHOOLS?

A I'M AN EDUCATIONAL AIDE, ASSISTANT.

MR. DE PASCALE: I'M SORRY, MA'AM. I
CANNOT HEAR YOU.

THE WITNESS: I'M SORRY.

MR. PIERSALL: THAT'S OKAY.

THE WITNESS: I'M AN EDUCATIONAL AIDE
ASSISTANT AND I AIDE ON A SPECIAL NEEDS SCHOOL BUS.

MR. PIERSALL: THANK YOU.

MR. SPRAGUE: AND, MS. GRIFFETH, THE

1 REASON PARTICULARLY SINCE WE'RE RECORDING OUR
2 PROCEEDING, IF YOU CAN KEEP YOUR VOICE UP JUST A BIT
3 IT HELPS TO MAINTAIN THE INTEGRITY OF THE RECORDING.

4 THE WITNESS: YES. OKAY.

5 MR. SPRAGUE: THANK YOU VERY MUCH.

6 BY MR. PIERSALL:

7 Q DO YOU HAVE ANY CHILDREN, MS. GRIFFETH?

8 A I DO.

9 Q AND DO YOU HAVE A SON NAMED ED GRIFFETH?

10 A I DO.

11 Q DO YOU RECALL AN INCIDENT ON NOVEMBER
12 20TH, 2008, THAT OCCURRED AT YOUR HOME --

13 A I DO.

14 Q -- WHICH FORMS PART OF THE BASIS WHY
15 WE'RE HERE TODAY?

16 A I DO.

17 Q PRIOR TO NOVEMBER 20TH, 2008, DID YOU
18 KNOW AN INDIVIDUAL BY THE NAME OF JENNIFER LEECH?

19 A I KNEW HER NAME.

20 Q AND HAD YOU EVER PHYSICALLY SEEN MS.
21 LEECH PRIOR TO NOVEMBER 20, 2008?

22 A NO.

23 Q HOW DID YOU KNOW MS. LEECH'S NAME?

24 A FROM MY SON, EDWIN.

25 Q AND IN WHAT CONTEXT?

1 A WELL, I KNEW THAT THEY HAD BEEN FRIENDS
2 OR WERE FRIENDS.

3 Q AND DID YOU KNOW THE APPELLANT SITTING
4 HERE TODAY, MR. MAYER, PRIOR TO NOVEMBER 20TH, 2008?

5 A NO.

6 Q HAD YOU EVER MET HIM?

7 A NO.

8 Q DID YOU KNOW OF HIM, EVER HEARD HIS NAME?

9 A YES. I'VE HEARD HIS NAME.

10 Q AND IN WHAT CONTEXT?

11 A FROM MY SON.

12 Q AND WHAT DID YOUR SON TELL YOU ABOUT MR.
13 MAYER?

14 A WELL, I JUST KNEW THAT JOHN MAYER WAS, I
15 BELIEVE, SUPERVISOR OF A PROBATION OFFICE AND THAT
16 -- I KNEW AT ONE POINT THAT HE IS THE ONE THAT HAD
17 ORDERED AN ELECTRONIC MONITOR ON MY SON AND I DIDN'T
18 UNDERSTAND WHY. THAT'S ALL I KNOW ABOUT HIM.

19 Q PRIOR TO THAT DATE?

20 A THAT'S RIGHT.

21 Q OKAY. AND WHERE DO YOU RESIDE, MS.
22 GRIFFETH?

23 A WHERE DO I RESIDE?

24 Q WHAT'S YOUR ADDRESS?

25 A 430 VANDERBILT ROAD, MANSFIELD, OHIO.

1 Q THANK YOU. AND IF YOU WOULD, THERE'S A
2 BIG EXHIBIT BOOK IN FRONT OF YOU.

3 A THERE'S A WHAT?

4 Q A BIG EXHIBIT BOOK.

5 A YES.

6 Q IF YOU WOULD, WE'RE GOING TO BE TALKING
7 ABOUT YOUR STATEMENT WHICH IS 14-(INDISCERNIBLE).

8 MR. SPRAGUE: I'M SORRY. IT'S 14 DASH
9 WHAT?

10 MR. PIERSALL: NINE.

11 MR. SPRAGUE: THANK YOU.

12 BY MR. PIERSALL:

13 Q AND, MS. GRIFFETH, THE FIRST TWO PAGES OF
14 THAT EXHIBIT ARE SOME E-MAIL CORRESPONDENCE AND YOU
15 CAN FLIP PAST THOSE TWO PAGES. JUST FLIP THOSE TWO,
16 THE FIRST TWO PAGES. AND THE NEXT ONE
17 (INDISCERNIBLE) --

18 A I'M SORRY.

19 Q YOU'RE FINE. YOU'RE DOING FINE.

20 A OKAY.

21 Q AND DO YOU RECOGNIZE THESE TWO PAGES?
22 THE LAST PAGE -- I GUESS IT WOULD BE PAGE THREE AND
23 FOUR OF EXHIBIT 14-9?

24 A I DO.

25 Q AND WHAT IS THAT?

1 A A COMPLAINT THAT I HAD FILED.

2 Q AND IS THAT YOUR HANDWRITING, MS.
3 GRIFFETH?

4 A YES, IT IS.

5 Q AND IS THAT YOUR SIGNATURE THAT APPEARS
6 ON THE -- IN THE BOTTOM RIGHT-HAND CORNER OF THE
7 FOURTH PAGE OF THAT EXHIBIT?

8 A YES, IT IS.

9 Q AND WHEN YOU SAY YOU -- YOU FILED THAT
10 COMPLAINT, WHO DID YOU FILE THAT COMPLAINT WITH?

11 A I -- I WAS INSTRUCTED TO GO TO, I
12 BELIEVE, THE PROBATION OFFICE IN MANSFIELD. AND I
13 BELIEVE I TALKED TO A GENTLEMAN BY THE NAME OF
14 LAZARUS (PHONETIC).

15 Q LAZARUS TODD (PHONETIC)?

16 A TODD, YES.

17 Q AND WHO INSTRUCTED YOU TO FILE THAT
18 COMPLAINT AT THE PROBATION OFFICE?

19 A I DON'T REMEMBER, BUT IT WAS SOMEBODY
20 THAT -- I WAS SHARING MY EXPERIENCE WITH THEM AND
21 THEY SAID I NEEDED TO FILE A COMPLAINT. I DON'T
22 REMEMBER WHO IT WAS.

23 Q DID YOU CALL --

24 A I THINK POSSIBLY MY DAUGHTER.

25 Q OKAY. AND IF YOU LOOK AT THE TOP RIGHT-

1 HAND CORNER OF PAGE THREE IT'S CHOPPED OFF A LITTLE,
2 BUT I THINK WE CAN MAKE IT OUT, BUT IS THAT DATED
3 NOVEMBER 26TH, 2008?

4 A I BELIEVE, YES. YES.

5 Q AND IS THAT THE DATE ON WHICH YOU MADE
6 YOUR COMPLAINT?

7 A YES, (INDISCERNIBLE). I BELIEVE IT WAS
8 SIGNED AND DATED. ALSO, I ASKED LAZARUS TO SIGN AND
9 DATE IT, ALSO.

10 Q AND IF YOU LOOK, I GUESS IT WOULD BE IN
11 THE BOTTOM LEFT-HAND CORNER OF THE FOURTH PAGE IN
12 VERY, VERY TINY PRINT, IS THAT WHAT YOU'RE REFERRING
13 TO THERE (INDISCERNIBLE) --

14 A YES, IT IS.

15 Q -- SIGNATURE?

16 A YES, IT IS.

17 Q AND DID YOU HAVE -- I'M SORRY. JUST SO
18 I'M CLEAR, YOU -- YOU PHYSICALLY WENT INTO THE
19 A.P.A. OFFICE THAT DAY?

20 A I DID.

21 Q DID YOU HAVE A CONVERSATION WITH MR.
22 TODD?

23 A I DID.

24 Q AND WHAT DID YOU DISCUSS?

25 MR. SPRAGUE: MR. --

1 MR. PIERSALL: LAZARUS TODD.

2 MR. SPRAGUE: OH, THAT'S --

3 MR. PIERSALL: THAT'S THE INDIVIDUAL'S
4 NAME, YES.

5 MR. SPRAGUE: OKAY.

6 A WELL, I STARTED TO DISCUSS THIS WITH HIM
7 AND HE SAID THAT -- AND HE JUST PULLED OUT SOME
8 PAPER AND TOLD ME THAT I HAD TO DO A WRITTEN
9 COMPLAINT, AND SO THERE WASN'T A LOT DISCUSSED, BUT
10 HE DID GO OVER MY REPORT.

11 BY MR. PIERSALL:

12 Q WE'LL USE YOUR STATEMENT AS SORT OF A
13 GUIDEPOST. I WANT TO TAKE YOU THROUGH THE EVENING
14 OF NOVEMBER 20TH. YOU INDICATE HERE IN THE THIRD
15 LINE OF YOUR STATEMENT THAT YOU HEARD SOMEONE
16 SCREAMING AND YELLING, AND YOU LOOK OUT -- LOOKED
17 OUT YOUR UPSTAIRS WINDOW. WHO DID YOU HEAR
18 SCREAMING AND YELLING?

19 A AN UNIDENTIFIED PERSON. I DIDN'T KNOW
20 WHO IT WAS.

21 Q AND WHAT WERE YOU DOING ABOUT -- THIS
22 STATEMENT STATES 8:00 OR 9:00 P.M. IS THAT THE
23 APPROXIMATE TIME THIS OCCURRED?

24 A I WAS UPSTAIRS IN MY BEDROOM WAITING FOR
25 A SHOW TO COME ON T.V. AND IT WAS -- IT'S "THE

1 OFFICE."

2 Q OKAY.

3 A AND I THINK IT COMES ON AT 9:00 O'CLOCK.
4 I'M NOT POSITIVE, BUT I THINK IT'S 9:00.

5 Q I'M NOT EITHER. I -- I TAPE THAT ONE.

6 A I THINK IT'S 9:00.

7 Q I DON'T KNOW WHEN IT STARTS. AND YOU'RE
8 WAITING FOR YOUR SHOW TO COME ON. WHAT DID YOU HEAR
9 AS FAR AS THE YELLING AND SCREAMING? COULD YOU MAKE
10 OUT ANY WORDS?

11 A NO. I JUST HEAR YELLING AND SCREAMING,
12 AND SO I IMMEDIATELY WENT DOWNSTAIRS, AND I WALKED
13 OUTSIDE, AND THERE WAS A CAR PARKED BESIDE MY HOUSE
14 IN THE DRIVEWAY, THE MAIN ENTRANCE, WITH HEADLIGHTS
15 ON AND THE CAR WAS RUNNING. AND THE -- SOME
16 UNIDENTIFIED PERSON IS STILL YELLING AND SCREAMING
17 AT MY SON.

18 AND I TRIED TO APPROACH AND I SAID WHAT
19 IS GOING ON HERE? AND THE ONLY THING I GOT WAS YOU
20 GET OUT OF HERE, I'LL --

21 Q WHO SAID --

22 A -- GET BACK TO YOU. THE UNIDENTIFIED
23 PERSON THAT WAS THERE.

24 Q DO YOU KNOW WHO THAT PERSON IS --

25 A NO.

1 Q -- AS YOU SIT HERE TODAY?

2 A OH, TODAY? NOW, I KNOW IT WAS JOHN
3 MAYER.

4 Q OKAY.

5 A I DID NOT KNOW THAT THEN.

6 Q I UNDERSTAND. THANK YOU. OTHER THAN THE
7 STATEMENT THAT MR. MAYER MADE TO YOU OF YOU GET OUT
8 OF HERE, I'LL DEAL WITH YOU LATER OR SOMETHING TO
9 THAT EFFECT, DID HE MAKE ANY STATEMENTS OTHER THAN
10 THAT DIRECTED TOWARDS YOU DURING THAT EVENING, THAT
11 NIGHT?

12 A NO, OTHER THAN REPEATEDLY HAS TOLD ME TO
13 GET OUT OF THERE.

14 Q OKAY. HOW MANY TIMES WOULD YOU SAY HE
15 TOLD YOU THAT?

16 A TWO OR THREE.

17 Q DID YOU RESPOND TO MR. MAYER'S STATEMENT?

18 A WELL, I BACKED UP. THE FIRST TIME HE
19 TOLD ME THAT I DID BACK UP. I BACKED AWAY FROM HIM
20 BECAUSE I WASN'T SURE WHAT WAS GOING TO HAPPEN.

21 Q HOW FAR WERE YOU STANDING AWAY FROM MR.
22 MAYER THE INITIAL TIME BEFORE YOU BACKED UP?

23 A PROBABLY 12, 15 FEET.

24 Q AND I THINK THERE'S BEEN SOME TESTIMONY
25 THAT YOU HAVE A FAIRLY LONG -- FAIRLY LONG DRIVEWAY.

1 WHERE DID THIS OCCUR -- WELL, FIRST OF ALL, HOW FAR
2 BACK OFF THE ROAD DOES YOUR HOUSE SIT?

3 A I'M NOT GOOD ON DISTANCE, BUT --

4 Q YOU CAN (INDISCERNIBLE) --

5 A -- THE LENGTH OF A FOOTBALL FIELD I WOULD
6 SAY, PROBABLY.

7 Q IT'S A GOOD (INDISCERNIBLE)?

8 A I DON'T KNOW.

9 Q THAT'S HELPFUL. I THINK WE ALL KNOW HOW
10 LONG A FOOTBALL FIELD IS. AND HOW FAR DOWN THE
11 DRIVEWAY WAS MR. MAYER'S CAR PARKED?

12 A RIGHT BESIDE MY HOUSE, RIGHT DIRECTLY --
13 YOU COULDN'T HAVE GONE IN OR OUT WHERE HE WAS
14 PARKED.

15 Q SO APPROXIMATELY A HUNDRED YARDS OFF THE
16 ROAD --

17 A YES.

18 Q -- IF WE'RE ASSUMING A FOOTBALL FIELD IS
19 ABOUT A HUNDRED YARDS LONG.

20 A OKAY.

21 Q AND IF YOU LOOK AT THE -- I BELIEVE IT'S
22 THE SEVENTH LINE DOWN -- SIXTH OR SEVENTH LINE
23 DOWN, --

24 A OKAY.

25 Q I'M SORRY -- MAYBE FIFTH -- YOU SAID I

1 SEE SOME GUY --

2 MR. SPRAGUE: WHICH -- ARE WE ON PAGE --

3 MR. PIERSALL: I'M SORRY. PAGE THREE. I
4 GUESS THE FIRST PAGE OF HER HANDWRITTEN STATEMENT
5 WHICH IS PAGE THREE OF EXHIBIT 14-9.

6 MR. SPRAGUE: LINE AGAIN? I'M SORRY.

7 MR. PIERSALL: ONE, TWO, THREE, FOUR,
8 FIVE, SIX.

9 BY MR. PIERSALL:

10 Q YOU STATE THAT I SEE SOME GUY THROWING
11 HIS ARMS AROUND MY SON, ED. WHAT DID YOU -- WHAT
12 DID YOU MEAN BY THAT?

13 A WELL, HIS ARMS WERE QUITE ACTIVE AND THEN
14 IT LOOKED LIKE HE HAD -- KIND OF WAS DOING THAT TO
15 MY SON'S SHOULDER, BUT HE WAS FLYING AROUND THE
16 PLACE. I MEAN --

17 Q WHEN YOU SAY HE YOU'RE REFERRING TO MR.
18 MAYER?

19 A YES.

20 Q OKAY. WELL, WHEN YOU SAY THROWING HIS
21 ARMS AROUND YOUR SON I'M THINKING -- WAS HE TRYING
22 TO RESTRAIN HIM OR --

23 A NO, NO, NO, NOT -- NO, NOT -- NO, NOT
24 LIKE THAT.

25 Q OKAY. AND WHEN YOU SAY NOT LIKE THAT, I

1 GUESS I'M SORT OF DOING --

2 A NO.

3 Q -- A HUGGING MOTION (INDISCERNIBLE).

4 A NO, NO, NO. NO, NO, NO.

5 Q YOU MEAN JUST VERY ACTIVE WITH HIS ARMS?

6 A VERY ACTIVE WITH HIS ARMS AND THEN HE'D
7 GO TOWARDS MY SON, BUT I WAS BACK FAR ENOUGH, YOU
8 KNOW, AND THE WHOLE TIME I'D HAVE TO SAY THAT THE
9 UNIDENTIFIED PERSON WAS -- HAD HIS BACK TO ME. HE
10 WAS DIRECTLY FACING MY SON --

11 Q UH-HUH.

12 A -- AND I WAS STANDING A LITTLE WAYS FROM
13 THEM, SO --

14 Q OKAY. AND THEN YOU SAID THIS MAN BLOCKED
15 MY DRIVEWAY (INDISCERNIBLE) WITH HIS -- WITH HIS
16 VEHICLE. HOW DID HE DO THAT?

17 A HE JUST PARKED HIS CAR RIGHT BESIDE -- I
18 HAVE A -- A ROOM, SUNROOM, AND IT EXTENDS OUT FROM
19 MY HOUSE, AND SO THAT NARROWS MY DRIVEWAY. AND IT
20 USED TO BE AN ENTRANCE TO A PRIVATE CAMPGROUND, SO
21 MY DRIVEWAY USED TO BE WIDER, BUT BECAUSE WE ADDED A
22 SUNROOM ON THERE IT NARROWED THE DRIVEWAY. AND
23 THAT'S WHERE HE HAD HIS CAR PARKED, RIGHT DIRECTLY
24 BESIDE THE SUNROOM.

25 Q OKAY. SO IS IT FAIR TO SAY NO CARS COULD

1 -- UNLESS THEY --

2 A NO ONE COULD PASS --

3 Q -- WENT INTO THE YARD, THEY COULDN'T --

4 A NO.

5 Q -- ENTER OR EXIT?

6 A NO.

7 Q OKAY. AND WHAT DO YOU MEAN BY RUNNING
8 FROM ED TO HIS VEHICLE? WHAT DID YOU MEAN BY THAT?

9 A I DON'T KNOW WHAT -- HE KEPT GOING BACK
10 AND FORTH FROM MY SON -- MY SON STAYED IN THE SAME
11 AREA, BUT HE WOULD KEEP RUNNING FROM THERE TO HIS
12 CAR. HIS DOOR WOULD BE OPEN.

13 AND THEN, SOMETIMES HE'D GET IN THE CAR.
14 SOMETIMES HE'D RUN BACK TO MY SON. SOMETIMES HE
15 WOULD JUST GO TO THE CAR AND REACH IN THERE, THEN
16 HE'D RUN BACK TO MY SON. I HAVE NO IDEA WHAT HE WAS
17 DOING.

18 Q OKAY. WAS HE --

19 A I DIDN'T UNDERSTAND WHAT HE WAS DOING.

20 Q WAS HE ON THE TELEPHONE OR ANYTHING
21 (INDISCERNIBLE) --

22 A I DON'T KNOW.

23 Q -- CELL PHONE?

24 A I DON'T KNOW.

25 Q AND YOU STATE I WENT OUTSIDE AND SAID

1 SIR, WHAT IS THE PROBLEM HERE? IS THAT THE ONLY
2 COMMUNICATION YOU HAD WITH MR. MAYER?

3 A BASICALLY, YES. I TRIED TO TALK TO MY
4 SON AND HE KEPT TELLING ME TO GET -- GET AWAY.

5 Q OKAY. AND HE MADE THAT SAME STATEMENT --
6 YOU SAID HE SAID TWO OR THREE TIMES --

7 A YES.

8 Q OKAY. WHERE DOES YOUR SON LIVE?

9 A RIGHT NEXT-DOOR TO ME.

10 Q OKAY. AND YOU STATE ED HAS BOTH ARMS
11 DOWN AT HIS SIDE AND TRYING TO TAKE SLOW STEPS TO
12 GET AWAY FROM THIS MAN, TO GET IN HIS HOUSE --

13 MR. DE PASCALE: YOUR HONOR, I OBJECT.
14 COULD HE ASK HER WHAT HAPPENED OR SOMETHING RATHER
15 THAN ASKING HER TO VERIFY HER WRITTEN STATEMENT?

16 MR. PIERSALL: I HAVEN'T ASKED HER A
17 QUESTION YET.

18 BY MR. PIERSALL:

19 Q WHAT DID YOU MEAN BY -- WELL, HOW ABOUT
20 THIS? WHAT WAS -- HOW LONG OF A TIME DID THIS
21 INCIDENT TAKE --

22 A I -- I (INDISCERNIBLE) --

23 Q -- FROM THE POINT YOU WALKED OUT -- LET'S
24 CLARIFY -- FROM THE POINT YOU WALKED OUTSIDE YOUR
25 HOME TILL THE TIME MR. GRIFFITH, AND MR. MAYER, AND

1 MS. LEECH DISPERSED?

2 A I DON'T KNOW. I DON'T KNOW WHAT TIME
3 THEY PICKED HIM UP.

4 Q I JUST MEAN FROM THE TIME YOU WALKED
5 OUTSIDE YOUR HOME UNTIL THE INCIDENT WAS OVER?

6 A IT WAS A WHILE, BUT I DON'T -- I DON'T
7 KNOW IF I COULD EXPRESS IT IN TIME-WISE BECAUSE I
8 LOST TRACK OF TIME.

9 Q OKAY. THAT'S FAIR.

10 A IT SEEMED LIKE FOREVER FOR ME, BUT IT
11 WASN'T, I'M SURE.

12 Q I UNDERSTAND. WHAT DO YOU MEAN BY ED WAS
13 TRYING TO TAKE SLOW STEPS?

14 A APPARENTLY, FOR SOME REASON HE WAS TRYING
15 TO GET OVER ON HIS PROPERTY WHICH I'M NOT SURE I
16 UNDERSTAND, BUT HE'D TAKE SIDE -- SIDEWAYS STEPS.
17 AND EVERY TIME HE TOOK A STEP, JOHN WOULD BE RIGHT
18 THERE IN FRONT OF HIM AGAIN. AND I DON'T KNOW WHY
19 HE WAS TRYING TO GET OVER THERE, BUT HE WAS. AND HE
20 KEPT IT UP.

21 AND FINALLY, HE GOT OVER ABOUT A THIRD OF
22 THE WAY FROM MY PROPERTY LINE AND I WAS TRYING TO
23 FOLLOW THEM. AND -- AND I SAID EDDIE, CAN I TALK TO
24 YOU? AND AGAIN, JOHN TOLD ME TO GET OUT OF THERE
25 AND I -- SO I JUST STOOD THERE AND EDDIE WAS STILL

1 TRYING TO MOVE.

2 AND I SAID DO YOU WANT ME TO CALL
3 ATTORNEY JOHN RHINEHART (PHONETIC) -- OR NOT JOHN
4 RHINEHART -- I'M SORRY -- BOB WHITNEY (PHONETIC)?
5 AND EDDIE SAID, PLEASE, DO NOW. AND I DID THAT.

6 I FLEW TO THE HOUSE AS FAST AS I COULD,
7 WENT IN TO TRY AND FIND MY PHONE, AND I DID CALL
8 BOB'S HOUSE. AND HE WAS AT A LEXINGTON SCHOOL BOARD
9 MEETING AND HIS WIFE SAID I WILL HAVE HIM CALL YOU
10 AS SOON AS HE GETS IN.

11 Q OKAY. DID YOU HEAR MR. MAYER USE ANY
12 PROFANITY AT ANY POINT DURING THIS INCIDENT?

13 A WELL, HE CALLED MY SON A SON-OF-A-BITCH.

14 Q IN WHAT CONTEXT?

15 A HE JUST SAID YOU SON-OF-A-BITCH, I'LL GET
16 YOU. HE SAID YOU ARE GOING BACK TO PRISON.

17 Q ANYTHING ELSE THAT YOU CAN RECALL?

18 A THAT WAS PROBABLY THE WORST. HE SAID I
19 CAN'T BELIEVE THAT SHE CHOOSES YOU OVER ME, YOU SEX
20 OFFENDER.

21 Q AND YOU'RE SAYING MR. MAYER WAS REFERRING
22 TO YOUR SON AT THAT POINT IN TIME?

23 A YES.

24 Q AT ANY POINT THAT EVENING DID YOU SPEAK
25 WITH MS. LEECH?

1 A YES.

2 Q AND WHAT WAS YOUR CONVERSATION WITH MS.
3 LEECH?

4 A SHE CALLED ME. I WOULDN'T HAVE HAD HER
5 NUMBER, BUT SHE DID CALL ME. IT WAS LATE. I DON'T
6 KNOW HOW LATE. AND SHE TOLD ME THAT SHE HAD JUST
7 GOTTEN A CALL -- SHE THOUGHT FROM MY SON, BUT IT WAS
8 JOHN MAYER, AND HE HAD CALLED HER WITH MY SON'S CELL
9 PHONE.

10 Q OKAY. AND WHY DID SHE CALL YOU WITH THIS
11 INFORMATION, IF YOU KNOW?

12 A SHE -- SHE WANTED ME TO KNOW THAT JOHN
13 HAD HIS CELL PHONE BECAUSE I WAS TRYING TO CALL MY
14 SON.

15 Q ON HIS CELL PHONE?

16 A YES. WE ALL WERE AND WE COULDN'T GET
17 HIM.

18 Q DID YOU EVER TALK TO MS. LEECH DURING THE
19 INCIDENT, NOT THE PHONE CALL AFTERWARDS, BUT DURING
20 THE INCIDENT?

21 A YES. AFTER I HAD TRIED TO CONTACT
22 ATTORNEY WHITNEY, I INFORMED EDDIE THAT I HAD MADE
23 THAT PHONE CALL. AND WHEN I TURNED AROUND TO LEAVE
24 MY SON'S PROPERTY, TURNED AROUND TO GO BACK INTO MY
25 PARKING LOT, I SAW THIS LADY STANDING AT THE CORNER

1 OF MY GARAGE .

2 SO I WALKED UP TO HER AND I SAID DO YOU
3 KNOW WHO THIS NUTSO (PHONETIC) IS? SHE SAID YES, I
4 DO, IT'S MY EX. AND I SAID WHY IS HE HERE? SHE
5 SAID HE FOLLOWED ME .

6 AND I SAID WHAT DID MY -- SHE SAID HE'S A
7 PAROLE OFFICER. I SAID WHAT DID MY SON DO? SHE
8 SAID YOUR SON DID NOTHING. AND I SAID WHY IS HE
9 HERE THEN?

10 Q DID SHE RESPOND?

11 A SHE SAID BECAUSE HE'S NUTS .

12 Q ANY OTHER CONVERSATIONS THAT YOU HAD WITH
13 MS. LEECH DURING THE INCIDENT?

14 A NO, NOT UNTIL SHE CALLED ME ON THE PHONE .

15 Q AND YOU'VE ALREADY TOLD ME ABOUT THAT;
16 CORRECT?

17 A (NO AUDIBLE RESPONSE .)

18 Q WHY DID YOU CALL YOUR OLDEST SON, KELLY
19 (PHONETIC)?

20 A BECAUSE I WAS SCARED TO DEATH OF WHAT WAS
21 GOING TO HAPPEN TO MY SON. I DIDN'T KNOW WHAT WAS
22 GOING TO HAPPEN .

23 Q AND WHAT -- WHAT DID YOU TALK ABOUT WITH
24 KELLY?

25 A I ASKED MY SON IF HE COULD PLEASE GET UP

1 THERE AS FAST AS HE COULD. AND HE SAID, YES, MOM.
2 AND HE SAYS YOU GET BACK OVER TO EDDIE'S HOUSE, AND
3 YOU WATCH AND SEE WHAT HAPPENS, YOU KEEP AN EYE ON
4 THAT. AND I SAID OKAY. AND MY SON DID GET UP THERE
5 AND I WAS JUST STANDING OUT IN THE PARKING LOT.

6 AND THEN, SOME TIME WENT BY, AND THE NEXT
7 THING I KNOW THERE'S A HIGHWAY PATROLMAN IN EDDIE'S
8 DRIVEWAY, AND I BELIEVE A BELLVILLE POLICE CAR. I
9 THOUGHT POSSIBLY THERE WERE THREE THERE. I DON'T
10 REMEMBER IF THERE WAS TWO OR THREE VEHICLES, BUT
11 THERE WERE VEHICLES IN THE END OF HIS DRIVEWAY.

12 AND THE NEXT THING I KNOW, THEY'RE
13 LOADING EDDIE IN A CAR, THE BELLVILLE POLICE CAR.

14 Q WERE YOU AWARE AT THE TIME EDDIE WAS
15 LOADED INTO THE CAR WHY HE WAS BEING TAKEN TO JAIL?

16 A I ASKED THEM WHY.

17 Q AND WHO IS THEM? WHAT DO YOU MEAN BY
18 THEM?

19 A I ASKED THE BELLVILLE POLICE DEPARTMENT,
20 I GUESS.

21 Q OKAY.

22 A AND THEY SAID THAT THEY COULDN'T DISCUSS
23 IT WITH ME.

24 Q SO IS IT FAIR TO SAY YOU DID NOT KNOW
25 WHY?

1 A I -- I HAD NO IDEA, NO.

2 Q DID YOU ASK MR. MAYER WHY, WHY ED WAS
3 GOING TO JAIL?

4 A HE WASN'T THERE. HE WASN'T EVEN AROUND.

5 Q SO HE LEFT BEFORE --

6 A I ASKED WHERE NUTSO WAS. I SAID I THINK
7 YOU'RE HAULING THE WRONG PERSON IN.

8 Q WHO DID YOU SAY THAT TO?

9 A THE OFFICERS.

10 Q THE BELLVILLE POLICE (INDISCERNIBLE) --

11 A YES.

12 Q OKAY.

13 A -- AND THE HIGHWAY PATROLMAN.

14 Q DID THEY RESPOND TO THAT?

15 A NO, BUT NO ONE COULD SEEM TO TELL ME WHAT
16 MY SON DID.

17 Q YOU INDICATED YOU'VE BEEN -- YOU WERE
18 TRYING TO CALL ED THAT NIGHT. WHEN IS THE NEXT TIME
19 YOU SPOKE WITH ED, IF YOU CAN RECALL?

20 A I DIDN'T GET TO TALK TO HIM UNTIL -- I
21 THINK I VISITED UP THERE (INDISCERNIBLE) I'M TRYING
22 TO REMEMBER IF I DID, BUT I THINK I VISITED HIM
23 WHILE HE (INDISCERNIBLE) --

24 Q IN JAIL?

25 A YES.

1 Q DO YOU REMEMBER WHICH DAY THAT WAS? WE
2 KNOW THIS INCIDENT OCCURRED ON NOVEMBER 20TH.

3 A I DON'T REMEMBER HOW SOON WE WERE ALLOWED
4 TO GO.

5 Q YOU STATE HERE YOU CALLED THE SHERIFF'S
6 OFFICE. WHAT DID YOU TALK TO THE SHERIFF'S OFFICE
7 ABOUT?

8 A I WANTED TO KNOW WHY THEY TOOK HIM IN OR
9 WHY THEY -- IF THEY WERE HOLDING HIM, WHY THEY WERE
10 HOLDING HIM. I DIDN'T FIND ANYTHING OUT.

11 Q DO YOU REMEMBER WHO YOU SPOKE WITH AT THE
12 SHERIFF'S OFFICE?

13 A NO. I THINK WHEN I CALLED IN IT WAS A
14 WOMAN. I DON'T KNOW HER NAME. BUT I DID GET TO
15 TALK TO -- THEY FINALLY PUT AN OFFICER RHOADS ON THE
16 PHONE AND HE TOLD ME THAT MY SON WOULD BE HOME
17 TONIGHT.

18 Q OKAY.

19 A AND I DON'T PERSONALLY KNOW AN OFFICER
20 RHOADS. I DON'T EVEN KNOW WHO I WAS TALKING TO.
21 BUT I DID WRITE HIS NAME DOWN.

22 Q OKAY. AND THEN, IN YOUR STATEMENT HERE
23 YOU SAY ABOUT 11:30 YOU GOT A CALL FROM THE LADY IN
24 MY PARKING LOT WHO YOU NOW KNOW AS JENNIFER LEECH.

25 A THAT'S (INDISCERNIBLE).

1 Q IS THAT THE PHONE CALL YOU TOLD ME ABOUT
2 PREVIOUSLY?

3 A THAT'S RIGHT.

4 Q AFTER THAT PHONE CALL WITH JENNIFER LEECH
5 PER YOUR STATEMENT AT APPROXIMATELY 11:30 THAT
6 NIGHT, DID YOU HAVE ANY OTHER OCCASION -- OR WHEN IS
7 THE NEXT TIME YOU SPOKE WITH MS. LEECH?

8 A I DON'T KNOW. I DON'T KNOW IF SHE WOULD
9 HAVE CALLED ME A DAY OR TWO LATER. I DON'T KNOW.

10 Q AND WHAT DID YOU DISCUSS?

11 A SHE WANTED TO KNOW IF I KNEW WHY HE WAS
12 INCARCERATED AND I SAID, NO, I DID NOT. AND I HAD
13 EVEN GONE TO THE SHERIFF'S DEPARTMENT AND ASKED FOR
14 A COPY OF THE ARREST, AND THEY SAID THEY HAD
15 NOTHING, HE WASN'T ARRESTED. AND I SAID THEN WHY IS
16 HE STILL HERE?

17 Q I'M SORRY. YOU WENT TO THE --

18 A SHERIFF'S OFFICE.

19 Q AND DO YOU RECALL WHAT DAY THAT WAS?

20 A I THINK IT WAS THE NEXT DAY.

21 Q IS THAT THE SAME DAY YOU TRIED TO VISIT
22 YOUR SON; DO YOU RECALL?

23 A NO, I DON'T THINK -- I DON'T REALLY
24 REMEMBER FOR SURE.

25 Q OKAY, THAT'S FINE. BUT YOU STILL DIDN'T

1 KNOW AT THAT POINT WHY ED WAS IN JAIL?

2 A I STILL DON'T KNOW.

3 (PAUSE.)

4 MR. PIERSALL: THAT'S ALL THE QUESTIONS
5 WE HAVE AT THIS POINT, YOUR HONOR.

6 MR. SPRAGUE: THANK YOU.

7 MR. DE PASCALE: THANK YOU, YOUR HONOR.

8 - - -

9 CROSS-EXAMINATION

10 - - -

11 BY MR. DE PASCALE:

12 Q MRS. GRIFFETH, I TRIED TO GET A FEEL FOR
13 YOUR PROPERTY. YOU HAVE YOUR HOUSE WHICH SITS BACK
14 A FOOTBALL FIELD OR SO FROM -- FROM THE -- THE ROAD?

15 A (NO AUDIBLE RESPONSE.)

16 Q YOUR DRIVE --

17 MR. SPRAGUE: YOU'RE NODDING, MS.

18 GRIFFETH. IF YOU WOULDN'T MIND JUST SAYING THAT'S
19 RIGHT OR YES JUST SO WE HAVE IT FOR THE RECORD.

20 A I BELIEVE SO.

21 BY MR. DE PASCALE:

22 Q OKAY.

23 A I DON'T KNOW THE DISTANCE OF A FOOTBALL
24 FIELD.

25 Q I UNDERSTAND. BEHIND YOUR HOUSE IS A

1 PRIVATE CAMPGROUNDS?

2 A CORRECT.

3 Q OKAY. AND THE -- YOUR DRIVEWAY USED TO
4 BE THE ENTRANCE TO THAT CAMPGROUNDS?

5 A CORRECT.

6 Q BUT IT NOW NO LONGER IS?

7 A CORRECT.

8 Q OKAY. YOUR SON LIVES NEXT-DOOR TO YOU?

9 A CORRECT.

10 Q EDWARD -- WIN?

11 A YES.

12 Q OKAY. HOW FAR FROM YOUR DRIVEWAY IS HIS
13 PROPERTY LINE?

14 A TWO OR THREE FEET.

15 Q OKAY. AND HOW FAR FROM YOUR DRIVEWAY IS
16 HIS DRIVEWAY?

17 A NOT FAR, BUT I -- I DON'T KNOW

18 (INDISCERNIBLE) --

19 Q OKAY, NOT FAR.

20 A -- TO SAY IN DISTANCE.

21 Q ALL RIGHT. FURTHER THAN SAY THE LENGTH
22 OF THIS ROOM?

23 A NO.

24 Q OKAY. FURTHER THAN FROM YOU TO ME?

25 A YES.

1 Q OKAY. SAY THAT THE CAR MR. MAYER WAS
2 DRIVING WAS IN YOUR DRIVEWAY RIGHT NEXT TO YOUR
3 SUNROOM?

4 A YES.

5 Q OKAY. AND THE SUNROOM TAKES UP ONE OF
6 THE LANES THAT USED TO BE THE DRIVEWAY; CORRECT?

7 A IT NARROWED IT DOWN, BUT NOT A COMPLETE--

8 Q OKAY.

9 A -- IT'S DEFINITELY NARROWER, YES.

10 Q OKAY. SO THE SUNROOM TOOK UP SOME OF THE
11 OLD DRIVEWAY, BUT NOT ALL OF IT?

12 A NINE OR TEN FEET I WOULD SAY.

13 Q OKAY. NOW, WHERE WAS ED'S CAR AT THIS
14 TIME?

15 A I DON'T KNOW. ED DRIVES A DIFFERENT CAR
16 EVERY DAY, SO I WOULDN'T KNOW WHICH CAR --

17 Q WHERE WAS THE CAR HE DROVE THAT NIGHT?

18 A I DON'T KNOW.

19 Q OKAY. SO YOU DON'T KNOW HOW ED GOT TO
20 YOUR HOUSE?

21 A NO, I DO NOT.

22 Q OKAY. DID YOU SEE A CAR IN ED'S
23 DRIVEWAY?

24 A I DON'T REMEMBER.

25 Q BUT YOU'RE SURE THAT THE ONLY CAR IN YOUR

1 DRIVEWAY WAS THE CAR THAT WAS DRIVEN BY MR. MAYER?

2 A NO.

3 Q WHAT OTHER CARS WERE IN YOUR DRIVEWAY?

4 A THERE WAS ANOTHER CAR ON THE OPPOSITE
5 SIDE OF THE DRIVEWAY BETWEEN MY HOUSE AND MY GARAGE.
6 I HAVE A U DRIVEWAY THAT GOES COMPLETELY AROUND MY
7 HOUSE.

8 Q OKAY. SO IT COMES IN ONE SIDE AND GOES
9 AROUND THE BACK OF YOUR HOUSE --

10 A CORRECT.

11 Q -- AND COMES OUT THE OTHER SIDE?

12 A CORRECT.

13 Q OKAY. AND THERE WAS ANOTHER CAR IN THE
14 OTHER SIDE OF THE DRIVEWAY?

15 A CORRECT.

16 Q THE OTHER SIDE -- THE OTHER LEG OF THE U?

17 A IT WAS ON THE OTHER SIDE -- IT WAS
18 BETWEEN MY HOUSE AND MY GARAGE. THE DRIVEWAY RUNS
19 BETWEEN MY HOUSE AND MY GARAGE, --

20 Q OKAY.

21 A -- AND THAT'S WHERE THE OTHER CAR WAS, AT
22 THE CORNER OF THE GARAGE.

23 Q OKAY. SO THE CAR DRIVEN BY MR. MAYER AND
24 THE SUNROOM ARE ON THE FAR SIDE FROM THAT DRIVEWAY?

25 A MR. MAYER'S CAR WAS AT THE MAIN ENTRANCE

1 WHERE YOU COME STRAIGHT IN FROM MY MAILBOX. THAT'S
2 THE MAIN ENTRANCE. AND IF YOU WERE TO PULL IN THAT
3 DRIVE, YOU COULD PULL RIGHT INTO MY GARAGE, BUT THEN
4 THERE'S ANOTHER -- THE DRIVEWAY EXTENDS BETWEEN MY
5 HOUSE AND MY GARAGE, AND THERE WAS A CAR PARKED
6 THERE.

7 Q OKAY. SO THE TWO CARS WERE NOT THAT FAR
8 APART?

9 A I HAVE A PRETTY GOOD SIZE HOUSE. YEAH, I
10 WOULD SAY THERE'S SOME DISTANCE BETWEEN THE TWO. I
11 DON'T HAVE A SMALL HOUSE.

12 Q OKAY. BUT BOTH CARS WERE ON THE SAME LEG
13 OF THE U?

14 A ONE CAR CAME IN THIS WAY AND THE OTHER
15 CAR CAME THIS WAY ON OPPOSITE SIDES --

16 Q ON OPPOSITE SIDES OF THE U?

17 A THAT'S -- THAT'S CORRECT.

18 Q OKAY. AND THE -- THE TWO CARS WERE
19 HOWEVER FAR APART THE LENGTH OF YOUR HOUSE IS?

20 A YES, BASICALLY.

21 Q YOU'RE CERTAIN THAT THOSE WERE THE ONLY
22 TWO CARS IN YOUR DRIVEWAY?

23 A THEY'RE THE ONLY TWO THAT I REMEMBER
24 SEEING.

25 Q FAIR ENOUGH.

1 A I WAS NOT IN VERY GOOD CONDITION AT THAT
2 TIME. I WAS A LITTLE EXCITED.

3 Q BUT YOU DO REMEMBER THAT THE TWO CARS
4 WERE NOT ON THE SAME LEG OF THE U?

5 A THAT'S TRUE.

6 Q OKAY. NOW, WHEN YOUR SON AND JOHN WERE
7 HAVING THEIR DISCUSSION, WHERE WERE THEY? BY THE
8 CAR THAT MR. MAYER HAD DRIVEN OR BY THE OTHER CAR ON
9 THE OTHER SIDE OF THE U?

10 A NEITHER.

11 Q THEY WERE WHERE?

12 A I HAVE A LARGE PARKING LOT AND THEY WERE
13 IN THE PARKING LOT.

14 Q WHERE'S THE PARKING LOT?

15 A WHERE MY FOUR-CAR GARAGE IS.

16 MR. DE PASCALE: YOUR HONOR, I'M -- IS IT
17 OKAY IF I HAVE HER DRAW ME SOME KIND OF A MAP?

18 MR. SPRAGUE: IF SHE CAN DO THAT, THAT'S
19 FINE. I DON'T WANT TO BELABOR THIS POINT. I DON'T
20 KNOW THAT THE GEOGRAPHIC -- SPECIFIC GEOGRAPHIC
21 LOCATION IS ACTUALLY CRITICAL. I MEAN, MAYBE THE
22 PROPERTY LINE THING MIGHT BE RELEVANT LATER, BUT --

23 MR. DE PASCALE: NO, I DON'T THINK THE
24 PROPERTY LINES ARE. I'D JUST LIKE TO KNOW WHERE THE
25 TWO CARS ARE, WHERE THE GARAGE IS, WHERE THIS

1 PARKING LOT IS.

2 MR. SPRAGUE: IF SHE FEELS CAPABLE OF
3 THAT -- MS. GRIFFETH, DO YOU THINK YOU COULD KIND OF
4 SKETCH --

5 MR. DE PASCALE: CAN YOU DRAW ME A
6 DIAGRAM?

7 MR. SPRAGUE: -- IT OUT FOR US ON A PAD?

8 THE WITNESS: I'LL TRY.

9 MR. SPRAGUE: ALL RIGHT. WHY DON'T WE DO
10 THAT FOR JUST A COUPLE MINUTES --

11 MR. PIERSALL: CAN WE TAKE A QUICK BREAK?

12 MR. SPRAGUE: YES. IF YOU DON'T THINK
13 YOU CAN DO IT, THAT'S FINE. IF YOU THINK YOU CAN,
14 THAT'S FINE.

15 THE WITNESS: I CAN DO IT.

16 MR. DE PASCALE: OKAY.

17 THE WITNESS: I'LL TRY.

18 MR. SPRAGUE: OKAY. LET'S --

19 THE WITNESS: IT WON'T TAKE ME LONG.

20 MR. SPRAGUE: OKAY. LET'S GO OFF FOR A
21 MOMENT OR A FEW MINUTES AND YOU CAN DO THAT, AND
22 THEN WE'LL GET RIGHT BACK ON. THANK YOU.

23 (OFF THE RECORD.)

24 MR. SPRAGUE: WE'RE BACK ON THE RECORD.

25 MS. GRIFFETH HAS USED HER CARTOGRAPHIC SKILLS THERE

1 AND COME UP WITH A MAP FOR US, SO WE'LL PROCEED FROM
2 THERE.

3 BY MR. DE PASCALE:

4 Q OKAY. MS. GRIFFETH, YOU HAVE DRAWN ME A
5 MAP WHICH HAS BEEN LABELLED AS DEFENDANT'S -- OR I'M
6 SORRY -- APPELLANT'S EXHIBIT A, AND I HAVE GIVEN YOU
7 NOW A RED PEN. YOU HAVE -- NO, NO, NO. YES, YOU'RE
8 CORRECT. YOU HAVE PUT YOUR HOUSE AND YOUR DRIVEWAY
9 AND YOU HAVE PUT YOUR GARAGE AND WE'VE PUT IN A
10 PROPERTY LINE, AND WE'VE PUT IN EDWIN'S PROPERTY,
11 AND A PARKING LOT.

12 WOULD YOU PLEASE TAKE THE RED PEN AND
13 WHEREVER THE CAR WAS THAT WAS DRIVEN BY MR. MAYER,
14 TAKE AND PUT A BIG M ON THAT CAR. OKAY. AND WHERE
15 THE CAR WAS THAT EDWIN DROVE, PUT A G ON THAT CAR.

16 A I DON'T KNOW WHAT CAR EDWIN DROVE.

17 Q OKAY. YOU SAID THERE WAS, HOWEVER,
18 ANOTHER CAR IN YOUR DRIVEWAY?

19 A YES.

20 Q OKAY. MARK THAT CAR THEN WITH A -- A U
21 FOR UNKNOWN? PUT A U.

22 MR. PIERSALL: U'S FINE.

23 BY MR. DE PASCALE:

24 Q OKAY.

25 A THAT'S -- I GUESS THAT'S A U.

1 Q THAT'S FINE. OKAY. AND THERE WERE NO
2 OTHER CARS IN THE DRIVEWAY AT THAT TIME?

3 A NO, NOT THAT I KNOW OF.

4 Q OKAY. WHICH SIDE OF YOUR HOUSE DID YOU
5 COME OUT OF?

6 A THE SUNROOM RIGHT HERE.

7 Q OKAY. WOULD YOU PUT LIKE A LITTLE
8 DOORWAY THERE IN RED SO THAT WE KNOW WHERE YOU CAME
9 OUT? THANK YOU.

10 A YOU'RE WELCOME.

11 MR. SPRAGUE: GOT IT?

12 MR. DE PASCALE: I THINK WE GOT IT.

13 MR. SPRAGUE: ALL RIGHT.

14 BY MR. DE PASCALE:

15 Q OKAY.

16 A MY SUNROOM PROBABLY EXTENDS -- MY SUNROOM
17 ACTUALLY IS AT THE EDGE OF THE DRIVEWAY.

18 Q I UNDERSTAND. THAT'S OKAY. WE JUST
19 NEEDED SOMETHING TO GET US CLOSE. WE ALL AGREE THAT
20 THAT IS NOT TO SCALE.

21 MR. PIERSALL: WE AGREE ON THAT.

22 BY MR. DE PASCALE:

23 Q OKAY. SO YOU COME OUT OF YOUR HOUSE AND
24 AT THAT POINT YOU'RE VERY CLOSE TO THE CAR MARKED M,
25 AND EDWIN AND MR. MAYER ARE IN THE PARKING LOT AREA

1 WHICH ON YOUR MAP IS SORT OF HIGHER ON THE PAGE THAN
2 YOUR HOUSE AND MORE TO THE RIGHT; CORRECT?

3 A I AM NOT SURE I UNDERSTAND YOUR QUESTION.
4 ARE YOU TRYING TO DETERMINE WHERE MY SON WAS
5 STANDING?

6 Q YES, ALONG WITH MR. MAYER.

7 A HE WAS BACK QUITE A WAYS FROM THE HOUSE.

8 Q OKAY. WHY DON'T YOU TAKE AND PUT AN X
9 WHERE MR. MAYER AND YOUR SON WERE. OKAY, THANK YOU.
10 NOW, WHEN YOU CAME OUT OF THE HOUSE, I BELIEVE YOU
11 TOLD MR. PIERSALL THAT YOU HEARD MR. MAYER MAKING
12 SEVERAL STATEMENTS. IS THAT CORRECT?

13 A CORRECT.

14 Q YOU'VE GOT TO SPEAK UP, MA'AM.

15 A CORRECT.

16 Q THANK YOU. AND THAT HE WAS GESTICULATING
17 WILDLY?

18 A CORRECT.

19 Q COULD YOU TELL IF HE HAD ANYTHING IN HIS
20 HANDS?

21 A I WASN'T LOOKING AT HIS HANDS --

22 Q OKAY.

23 A -- AT THAT TIME.

24 Q OKAY.

25 A I -- I DON'T KNOW.

1 Q COULD YOU TELL WHETHER OR NOT HE WAS
2 TALKING ON A TELEPHONE OR A RADIO?

3 A NO.

4 Q YOU TESTIFIED THAT IT WAS A WHILE BETWEEN
5 THE TIME THAT YOU WENT OUTSIDE AND -- UNTIL THE
6 INCIDENT WAS OVER. HOW DO YOU DEFINE A WHILE? I
7 MEAN, A COUPLE OF MINUTES? 15 MINUTES? HALF AN
8 HOUR?

9 A I AM NOT SURE AT WHAT -- I WAS IN AND
10 OUT. I MADE PHONE CALLS. I WAS IN AND OUT, SO I
11 DON'T KNOW WHICH TIME YOU'RE ASKING ME ABOUT.

12 Q WELL, I'M ASKING YOU BETWEEN THE TIME YOU
13 FIRST WENT OUTSIDE AND THE TIME THEY TOOK EDWIN
14 AWAY?

15 A THERE WAS QUITE A -- THERE WAS QUITE A
16 TIME THERE. I DON'T KNOW WHAT TIME THEY PICKED HIM
17 UP.

18 Q OKAY.

19 A I KNOW WHAT TIME I WAS WAITING FOR A
20 SHOW.

21 Q RIGHT.

22 A I DON'T KNOW WHAT TIME HE WAS PICKED UP.

23 Q WAS THAT SHOW OVER BEFORE THE INCIDENT
24 WAS OVER?

25 A I NEVER SAW THE SHOW. I'D BEEN OUTSIDE,

1 AND RUNNING IN AND OUT ALL THAT TIME.

2 Q OKAY. NOW, YOU ASKED YOUR SON DO YOU
3 WANT ME TO CALL WHITNEY; CORRECT?

4 A ATTORNEY BOB WHITNEY, YES, I DID.

5 Q DID IT OCCUR TO YOU TO CALL ANYONE ELSE
6 OTHER THAN MR. WHITNEY?

7 A YES.

8 Q WHO?

9 A MY CHILDREN.

10 Q OKAY. DID YOU BELIEVE YOUR SON WAS IN
11 ANY PHYSICAL DANGER?

12 A YES, MOST DEFINITELY, BECAUSE THERE WAS
13 AN OUT OF CONTROL, UNIDENTIFIED PERSON ON THIS
14 PROPERTY, AND I DIDN'T UNDERSTAND WHY MY SON WAS
15 BEING TREATED THE WAY HE WAS.

16 Q OKAY, FINE. YOUR SON IS A CONVICTED
17 FELON; IS HE NOT?

18 A HE IS.

19 Q WHEN HE HAS MADE COURT APPEARANCES, HAVE
20 YOU BEEN TO THE COURTHOUSE WITH HIM AND IN THE
21 COURTROOM WHEN HE HAS HAD HIS COURT HEARINGS?

22 A I HAVE.

23 Q OKAY. AND HAVE YOU PRETTY MUCH BEEN TO
24 ALL OF THEM?

25 A I HAVE.

1 Q AND YOUR TESTIMONY TODAY IS THAT THE
2 FIRST TIME YOU EVER REMEMBER SEEING JOHN MAYER WAS
3 THAT NIGHT IN YOUR DRIVEWAY?

4 A I SAW AN UNIDENTIFIED MAN IN MY DRIVEWAY
5 THAT NIGHT. I DID NOT KNOW WHO HE WAS. THAT'S AT
6 9:00 O'CLOCK AT NIGHT. AND, NO, I DID NOT KNOW HIM.

7 Q THANK YOU. I THINK THAT ANSWERS MY
8 QUESTION. DID YOU KNOW WHO YOUR SON'S PROBATION
9 OFFICER WAS?

10 A AT WHICH TIME?

11 Q AT ANY TIME.

12 A I MET ONE OF HIS PROBATION OFFICERS, AND
13 HIS NAME WAS DAN AND I DON'T KNOW HIS LAST NAME.

14 Q THANK YOU.

15 A YOU'RE WELCOME.

16 Q DO YOU REMEMBER WHEN THAT HAPPENED?

17 A WHEN WHAT HAPPENED?

18 Q WHEN YOU MET THIS INDIVIDUAL WHO WAS HIS
19 PROBATION OFFICER.

20 A DAN?

21 Q YES.

22 A YES.

23 Q WHEN?

24 A I WAS VISITING MY SON AT A. AND E.
25 MOTORS, WHICH IS WHERE MY SON WORKS, --

1 Q UH-HUH.

2 A -- AND THIS DAN CAME IN THERE AND
3 INTRODUCED HIMSELF AND DID A DRUG TEST OR SOMETHING
4 ON MY SON AT HIS PLACE OF BUSINESS.

5 Q OKAY. NOW, A. AND E. MOTORS IS OWNED BY
6 YOUR FAMILY?

7 A MY SON. MY SON OWNS IT.

8 Q OKAY. EDWIN?

9 A YES.

10 Q OKAY. BUT YOU AND YOUR HUSBAND DO NOT?

11 A THE -- THE DEALER'S LICENSE IS IN MY NAME
12 BECAUSE MY SON IS A FELON AND COULDN'T GET THE
13 LICENSE. I DO NOT OWN THE -- HIS UNCLE OWNS THE
14 BUSINESS, THE BUILDING, BUT I HAVE NO FINANCIAL
15 MONEY OR -- IN THIS BUSINESS. IT'S STRICTLY MY SON.

16 Q OKAY. LET'S TRY TO -- LET'S TRY TO
17 ESTABLISH EXACTLY WHAT THE -- WHAT THE CHAIN IS
18 THERE.

19 MR. PIERSALL: IS THIS RELEVANT, YOUR
20 HONOR?

21 MR. DE PASCALE: YES, AND I WILL GLADLY
22 EXPLAIN WHY.

23 MR. SPRAGUE: I'LL ALLOW IT, ASSUMING
24 IT'S RELEVANT.

25 MR. DE PASCALE: THANK YOU.

1 BY MR. DE PASCALE :

2 Q OKAY, SO YOU HAVE A BUSINESS CALLED A.
3 AND E. MOTORS?

4 A CORRECT.

5 Q THE DEALER'S LICENSE ISSUED BY THE STATE
6 OF OHIO, BUREAU OF MOTOR VEHICLES, IS IN YOUR NAME?

7 A CORRECT.

8 Q IS THE COMPANY A CORPORATION?

9 A NO.

10 Q OKAY. SO IT'S A SOLE PROPRIETORSHIP?

11 A YES.

12 Q OKAY. SO IN THEORY, AT LEAST, SINCE THE
13 -- THE LICENSE IS IN YOUR NAME, YOU OWN THE BUSINESS
14 IN THEORY?

15 A I OWN THE LICENSE. I CAN OWN THE LICENSE
16 AND NOT OWN THE BUILDING.

17 Q NO, NO, I'M NOT TALKING ABOUT THE
18 BUILDING. I'M TALKING ABOUT THE BUSINESS.

19 A I OWN THE LICENSE.

20 Q OKAY. ALL RIGHT. AND YOUR -- YOUR
21 BROTHER OR YOUR BROTHER-IN-LAW OWNS THE BUILDING?

22 A CORRECT.

23 Q WHICH?

24 A BROTHER-IN-LAW.

25 Q THANK YOU. OKAY. SO ED, EDWIN GRIFFETH

1 RUNS A CAR DEALERSHIP CALLED A. AND E. MOTORS OUT OF
2 A BUILDING OWNED BY HIS UNCLE?

3 A CORRECT.

4 Q AND HE OPERATES UNDER A LICENSE ISSUED TO
5 YOU?

6 A CORRECT.

7 Q BUT NEITHER YOU, NOR YOUR HUSBAND, NOR
8 THE UNCLE WORK IN THE BUSINESS?

9 A CORRECT.

10 Q GOT IT.

11 A I HAVE HELPED HIM WHEN HE NEEDED IT.

12 Q I UNDERSTAND. (INDISCERNIBLE). DO YOU
13 HAVE ANY IDEA HOW MS. LEECH GOT YOUR TELEPHONE
14 NUMBER?

15 A MY ASSUMPTION WOULD BE FROM MY DAUGHTER.
16 SHE IS -- MY DAUGHTER IS A BEAUTICIAN.

17 Q OKAY.

18 A I DON'T KNOW THAT FOR SURE.

19 Q YOU DON'T KNOW?

20 A NO.

21 Q OKAY. NOW, YOU SAID SORT OF AT THE END
22 OF YOUR DIRECT TESTIMONY I STILL DON'T KNOW WHY MY
23 SON WAS PUT IN JAIL. DO YOU MEAN AS OF TODAY YOU
24 DON'T KNOW WHY YOUR SON WAS PUT IN JAIL, OR YOU
25 DIDN'T KNOW BACK THEN WHY HE WAS PUT IN JAIL?

1 A BOTH.

2 Q SO UP TO TODAY NOBODY'S EVER TOLD YOU WHY
3 HE WAS PUT BACK IN JAIL?

4 A THAT'S CORRECT.

5 Q DID YOU ASK YOUR SON?

6 A YES.

7 Q AND HE DID NOT TELL YOU THAT IT WAS FOR A
8 PAROLE VIOLATION?

9 A HE TOLD ME THAT -- THAT SOMEBODY SAID
10 THAT HE WAS ON A CELL PHONE VIOLATION, AND WHILE HE
11 WAS INCARCERATED AT THE SHERIFF'S DEPARTMENT THERE
12 MUST HAVE BEEN A KEN COFFMAN (PHONETIC) WHO IS --
13 WAS ED'S PAROLE OFFICER AT ONE TIME, SAW HIM IN
14 THERE AND HE SAID, GRIFF, WHAT ARE YOU DOING HERE?
15 AND ED SAID, I GUESS I'M HERE BECAUSE OF A CELL
16 PHONE VIOLATION. HE SAID, THAT CAN'T BE, YOU HAD
17 PERMISSION FROM ME TO HAVE A CELL PHONE.

18 Q NO, I'M ASKING YOU WHAT ED TOLD YOU HE
19 WAS IN JAIL FOR.

20 A THAT'S WHAT ED TOLD ME.

21 Q OH, OKAY, OKAY. IN, I BELIEVE, AUGUST OF
22 '08, YOUR SON WENT TO FLORIDA?

23 A YES, HE DID. I GUESS HE DID.

24 Q OKAY. DID YOU GO WITH HIM?

25 A I DID NOT.

1 Q DID YOU SEE HIM IN FLORIDA?

2 A NO, I DID NOT.

3 Q OKAY. YOU NEVER LEFT OHIO AT THAT TIME?

4 A YES, I DID.

5 Q WHERE'D YOU GO?

6 A I DROVE TO NORTH CAROLINA TO MY NIECE'S--

7 Q OKAY.

8 A -- AND THEN SHE DROVE TO FLORIDA.

9 Q OKAY. DID YOU GO TO FLORIDA WHERE ED
10 WAS?

11 A I DID NOT SEE ED, SO APPARENTLY I DIDN'T.

12 Q OKAY. SO YOU DIDN'T GO TO TAMPA BAY AT
13 THE SAME TIME THAT HE DID?

14 A NO.

15 Q OKAY.

16 (PAUSE.)

17 BY MR. DE PASCALE:

18 Q DO YOU HAVE ANY KNOWLEDGE OF WHAT THE
19 PAROLE AUTHORITY WAS TOLD BY ED WHEN HE ASKED FOR
20 HIS TRAVEL PERMIT?

21 A CAN YOU REPEAT THAT AGAIN?

22 Q DO YOU HAVE ANY KNOWLEDGE OF WHAT EDWIN
23 TOLD THE ADULT PAROLE AUTHORITY WHEN HE ASKED FOR
24 HIS TRAVEL PERMIT TO GO TO FLORIDA?

25 A YES.

1 Q WHAT DO YOU THINK HE TOLD THEM?

2 A HE TOLD THEM THAT I WAS GOING WITH HIM.
3 AT THE TIME, I WAS GOING TO GO WITH HIM.

4 Q OKAY.

5 A THAT'S CORRECT.

6 Q OKAY. SO YOUR ORIGINAL INTENTION WAS TO
7 GO DOWN THERE WITH HIM?

8 A ABSOLUTELY.

9 Q BUT, THEN YOU CHANGED YOUR MIND BECAUSE
10 YOU WENT TO SEE YOUR NIECE?

11 A NO. I CHANGED MY MIND BECAUSE AT THE
12 TIME I COULDN'T LEAVE RIGHT AT THE VERY TIME HE WAS
13 LEAVING. AND WE WERE SUPPOSED TO GO DOWN AND HE HAD
14 TO REPAIR A SEA WALL ON HIS PROPERTY.

15 Q OKAY. HOW LONG AFTER HE LEFT DID YOU
16 LEAVE?

17 A I'M NOT POSITIVE, BUT IT WAS A DAY OR
18 TWO.

19 Q OKAY. AND YOU COULD NOT LEAVE BECAUSE OF
20 YOUR EMPLOYMENT?

21 A NO. THAT WASN'T IT.

22 Q OH, WHY COULDN'T YOU LEAVE WHEN HE DID?

23 A I CAN'T REMEMBER IF I HAD -- I CAN'T
24 REMEMBER --

25 Q (INDISCERNIBLE).

1 A -- EXACTLY WHY. I DON'T REMEMBER, BUT I
2 COULDN'T.

3 (PAUSE.)

4 BY MR. DE PASCALE:

5 Q WHEN -- WHEN EDWIN HAD A REVIEW HEARING
6 WITH JUDGE DEWEESE AFTER THIS INCIDENT, DID YOU GO
7 TO THAT COURT HEARING?

8 A I DON'T REMEMBER, BUT --

9 Q OKAY.

10 A -- I DON'T REMEMBER. I DON'T THINK SO.

11 Q OKAY. IF YOU DON'T REMEMBER, YOU DON'T
12 REMEMBER.

13 A I PICKED HIM UP THAT DAY, BUT I DON'T
14 REMEMBER -- OR WHATEVER DAY IT WAS.

15 Q I UNDERSTAND.

16 A I DON'T REMEMBER A HEARING, THOUGH.

17 Q WHEN ED TOLD YOU THAT HE KNEW JENNIFER
18 LEECH, DO YOU REMEMBER WHEN HE TOLD YOU THAT?

19 A HE KNEW HER MANY YEARS AGO. I DON'T KNOW
20 EXACTLY WHAT YEAR, BUT HE -- HE'S KNOWN HER FOR
21 QUITE A WHILE.

22 Q LET'S TALK ABOUT SINCE HE GOT OUT OF
23 JAIL. HAD YOU HAD --

24 A JAIL? JAIL OR --

25 Q OH, LET'S TALK ABOUT PRISON, OKAY?

1 A (NO AUDIBLE RESPONSE.)

2 Q SINCE HE GOT OUT OF --

3 A DO WE HAVE TO? OKAY.

4 Q SINCE HE GOT OUT OF PRISON, --

5 A YES.

6 Q -- DID HE HAVE ANY DISCUSSIONS WITH YOU
7 ABOUT JENNIFER LEECH?

8 A SINCE HE WAS OUT OF PRISON?

9 Q YES.

10 A WHEN DID HE GET OUT?

11 Q I DON'T KNOW.

12 A I DON'T KNOW, EITHER.

13 MR. DE PASCALE: (INDISCERNIBLE) OF WHAT,

14 '07?

15 UNIDENTIFIED SPEAKER: '06.

16 MR. DE PASCALE: '06. HE GOT OUT --

17 MR. PIERSALL: IT'S NOVEMBER 6, 2006.

18 THE WITNESS: YES.

19 BY MR. DE PASCALE:

20 Q HE GOT OUT IN 2006.

21 A OKAY. GOSH, I DON'T REMEMBER HEARING HER
22 NAME.

23 Q OKAY.

24 A I DON'T -- I DON'T KNOW.

25 Q OKAY. YOU HAVE NO MEMORY?

1 A WELL, I HAVE SOME MEMORY, BUT I WOULDN'T
2 SAY YEARS AGO. I -- I WOULD SAY MORE RECENT.

3 Q WELL, THAT'S WHAT I'M TRYING TO FIGURE
4 OUT. WHEN IS THE LAST TIME YOU REMEMBER HIM TELLING
5 YOU ABOUT JENNIFER LEECH?

6 A I DON'T KNOW. IT'S NOT BEEN LONG.

7 Q OKAY.

8 A I DON'T KNOW.

9 Q DO YOU REMEMBER IF HE TALKED TO YOU ABOUT
10 JENNIFER LEECH MORE THAN ONE TIME AFTER HE GOT OUT
11 OF PRISON?

12 A YEAH.

13 Q OKAY. DO YOU --

14 MR. SPRAGUE: YES, YOU --

15 MR. DE PASCALE: I'M SORRY, SIR?

16 MR. SPRAGUE: YES, SHE REMEMBERS OR, YES,
17 IT WAS MORE THAN ONE TIME?

18 MR. DE PASCALE: OKAY.

19 BY MR. DE PASCALE:

20 Q YES, YOU REMEMBER OR, YES, IT WAS MORE
21 THAN ONE TIME?

22 A I WOULD SAY, YES, MORE THAN ONE TIME.

23 Q OKAY. DID YOU HAVE AN UNDERSTANDING THAT
24 JENNIFER LEECH WAS HIS GIRLFRIEND?

25 A NO. I HAD AN UNDERSTANDING THAT THEY

1 WERE FRIENDS BECAUSE OF MANY YEARS AGO.

2 Q OKAY. DO YOU KNOW WHETHER OR NOT HE HAD
3 A GIRLFRIEND?

4 A AT WHAT POINT?

5 Q IN 2008. LAST YEAR.

6 A I DON'T KNOW WHERE HE WAS IN -- OH, LAST
7 YEAR. NO, I DON'T HONESTLY KNOW.

8 Q OKAY.

9 (PAUSE.)

10 MR. DE PASCALE: OKAY, I HAVE NOTHING
11 FURTHER, YOUR HONOR.

12 THE WITNESS: THANK YOU.

13 MR. SPRAGUE: THANK YOU. MR. PIERSALL,
14 ANYTHING FURTHER?

15 MR. PIERSALL: NOT AT THIS TIME, YOUR
16 HONOR.

17 MR. SPRAGUE: VERY WELL. WE'RE NOT
18 ANTICIPATING RECALLING MS. GRIFFETH. IS THAT
19 CORRECT?

20 MR. PIERSALL: I DO NOT.

21 MR. SPRAGUE: ALL RIGHT, VERY WELL.

22 MR. DE PASCALE: I DO NOT, EITHER, AT THE
23 MOMENT. MAY I HAVE THAT DIAGRAM (INDISCERNIBLE) --

24 THE WITNESS: CERTAINLY.

25 MR. DE PASCALE: -- AND MY PEN? THANK

1 YOU.

2 MR. SPRAGUE: ALL RIGHT, MS. GRIFFETH,
3 YOU'RE FREE TO GO. THANK YOU FOR OFFERING YOUR
4 TESTIMONY TODAY.

5 THE WITNESS: THANK YOU. THANK YOU VERY
6 MUCH.

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

8 (OFF THE RECORD.)

9 MR. SPRAGUE: WE'RE BACK ON THE RECORD.
10 MR. GRIFFETH HAS TAKEN THE STAND. MR. GRIFFETH, I
11 WILL NEED TO SWEAR YOU IN AT THIS TIME. PLEASE
12 RAISE YOUR RIGHT HAND.

13 (WITNESS SWORN.)

14 MR. SPRAGUE: PLEASE STATE YOUR FULL NAME
15 FOR THE RECORD, SPELLING YOUR LAST NAME.

16 THE WITNESS: EDWIN GRIFFETH, (SPELLING)
17 G-R-I-F-F-E-T-H.

18 MR. SPRAGUE: THANK YOU. MR. GRIFFETH, I
19 HAVE GRANTED A SEPARATION OF WITNESSES. THEREFORE,
20 I WOULD ASK YOU NOT TO DISCUSS YOUR TESTIMONY WITH
21 ANY OF THE OTHER WITNESSES TO THIS PROCEEDING UNTIL
22 THIS HEARING HAS CONCLUDED, ALL RIGHT?

23 THE WITNESS: YES, SIR.

24 MR. SPRAGUE: THANK YOU. MR. PIERSALL?

25 MR. PIERSALL: THANK YOU, YOUR HONOR.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

EDWIN GRIFFETH

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

- - -

DIRECT EXAMINATION

- - -

BY MR. PIERSALL:

Q GOOD AFTERNOON, MR. GRIFFETH.

A HOW ARE YOU DOING?

Q MR. GRIFFETH, ARE YOU PRESENTLY EMPLOYED?

A YES.

Q AND WHO EMPLOYS YOU?

A I WORK WITH, ACTUALLY, LAKE MARIA AND A.
AND E. MOTORS.

Q AND WHAT IS LAKE MARIA?

A I'M SORRY?

Q WHAT IS LAKE MARIA?

A OH, A CAMPGROUND. IT'S A CAMP --

Q AND WHAT DO YOU DO FOR THE CAMPGROUND?

A USUALLY MOWING, FIX WATER LINES, YOU
KNOW, THAT'S -- YOU KNOW, IN SEASON, SO --

Q GENERAL MAINTENANCE?

A CORRECT.

1 Q OKAY.

2 MR. SPRAGUE: COULD YOU SPELL MARIA FOR
3 THE RECORD, PLEASE?

4 THE WITNESS: (SPELLING) M-A-R-I-A.

5 BY MR. DE PASCALE:

6 Q AND YOU ALSO WORK AT A. AND E. MOTORS?

7 A CORRECT.

8 Q AND WHAT DO YOU DO FOR A. AND E.?

9 A PURCHASE, PRIMARILY PURCHASE THE
10 VEHICLES, AND I ACTUALLY SELL, AS WELL. I HAVE A
11 LICENSE (INDISCERNIBLE) THROUGH THE STATE.

12 Q TO SELL AUTOMOBILES?

13 A ABSOLUTELY.

14 Q OKAY.

15 A YEAH.

16 Q AND HOW LONG HAVE YOU WORKED -- WELL,
17 LET'S START WITH LAKE MARIA. HOW LONG HAVE YOU
18 WORKED FOR LAKE MARIA?

19 A WELL, IT WAS KIND OF MARIA MANOR
20 ORIGINALLY. IT WAS KIND OF A -- IT'S A COMBINED
21 BUSINESS, SO I STARTED WITH THE MANOR WHEN I WAS
22 RELEASED FROM -- PROBABLY ABOUT THREE MONTHS AFTER I
23 WAS RELEASED FROM PRISON TO THE (INDISCERNIBLE).

24 Q OKAY.

25 A AND THEN I KIND OF BRANCHED OUT OF THAT

1 AND THEN HELPED WITH THE CAMPGROUND, WHICH IS ALL
2 CONNECTED, YOU KNOW. IT'S WITHIN WALKING DISTANCE.

3 Q OF YOUR HOME?

4 A OF THE BUSINESS. YEAH, OF WHERE I LIVE,
5 AS WELL. YEAH.

6 Q OKAY. IS LAKE MARIA LOCATED ON
7 VANDERBILT ROAD?

8 A YES.

9 Q OKAY. AND WE KNOW THAT YOU WERE RELEASED
10 FROM PRISON ON NOVEMBER 6TH, 2006. DOES THAT SOUND
11 ABOUT RIGHT?

12 A YEP.

13 Q SO YOU STARTED WORKING FOR LAKE MARIA --

14 A WELL, I THINK --

15 Q -- A FEW MONTHS LATER?

16 A -- I WANT TO SAY IT WAS PROBABLY ABOUT
17 THREE MONTHS. NOVEMBER, DECEMBER, JANUARY -- THREE
18 -- I'D SAY THREE-TO-FOUR MONTHS --

19 Q OKAY.

20 A -- BECAUSE YOU HAD TO GO THROUGH SOME --
21 YOU KNOW, YOU HAD TO DO SOME THINGS AT THE CENTER
22 BEFORE YOU COULD, YOU KNOW, BRANCH INTO EMPLOYMENT,
23 YOU KNOW, SO --

24 Q AND HOW LONG HAVE YOU WORKED FOR A. AND
25 E.

1 A JUST A LITTLE OVER A YEAR. IT WAS FORMED
2 ABOUT A YEAR AGO SEPTEMBER. YOU KNOW, THAT'S A --
3 MY DAD OWNS THE ACTUAL GROUND AND MY MOM HAD GOT THE
4 LICENSE IN HER NAME, YOU KNOW, SO -- I COULDN'T HAVE
5 THE LICENSE AT THAT TIME.

6 Q OKAY. AND WHY COULDN'T YOU HAVE THE
7 LICENSE?

8 A BECAUSE OF THE FELONY CHARGE.

9 Q AND WHEN WERE YOU CONVICTED OF THE
10 FELONY?

11 A 2004, SEPTEMBER, LATE SEPTEMBER, OCTOBER
12 MAYBE.

13 Q AND YOUR INITIAL DATE OF INCARCERATION
14 WAS OCTOBER 7TH, 2004. DOES THAT SOUND ABOUT RIGHT?

15 A I THINK IT WAS THE 4TH, I THINK. OCTOBER
16 4TH, I BELIEVE.

17 Q OKAY. AND --

18 A COULD BE THE 7TH. I THOUGHT IT WAS THE
19 4TH, BUT --

20 Q THAT'S FINE.

21 A -- I'M NOT (INDISCERNIBLE).

22 Q EARLY OCTOBER OF 2004 --

23 A SOMEWHERE IN THERE, YEAH.

24 MR. DE PASCALE: CLOSE ENOUGH.

25 MR. PIERSALL: I'M JUST TRYING TO PIN

1 DOWN SOME DATES. THAT'S ALL.

2 THE WITNESS: YEAH, CLOSE ENOUGH FOR ME.

3 BY MR. PIERSALL:

4 Q AND WHAT WERE YOUR -- YOUR CONVICTION OR
5 CONVICTIONS?

6 A I PLED GUILTY TO TWO COUNTS OF SEXUAL
7 BATTERY.

8 Q AND WHAT WERE -- BRIEFLY, WHAT WERE THE
9 -- WHAT TRANSPIRED THAT RESULTED IN YOUR PLEADING
10 GUILTY TO TWO COUNTS OF SEXUAL BATTERY?

11 A IT WAS -- I HAD HAD A GRADUATION PARTY
12 FOR MY SON AND IT JUST, OBVIOUSLY, GOT OUT OF HAND,
13 AND I GOT INTOXICATED, WHICH -- I DON'T NORMALLY
14 DRINK, SO -- AND, YOU KNOW, THAT'S WHERE THAT ALL
15 KIND OF STARTED, ENDED TERRIBLE, SO --

16 Q OKAY. AND DO YOU KNOW AN INDIVIDUAL BY
17 THE NAME OF JENNIFER LEECH?

18 A YES.

19 Q HOW DO YOU KNOW MS. LEECH?

20 A I SOLD HER A CAR IN 2004. I BELIEVE IT
21 WAS '04. IT WOULD HAVE BEEN PRIOR TO THIS SITUATION
22 WITH THE INCARCERATION.

23 Q AND PRIOR TO SELLING MS. LEECH THE
24 AUTOMOBILE IN '04, HAD YOU HAD -- DID YOU KNOW HER
25 AT ALL PRIOR TO THAT?

1 A I DIDN'T KNOW HER AT ALL, NOT AT ALL, NO.

2 Q DESCRIBE YOUR RELATIONSHIP WITH MS. LEECH
3 AT THE TIME SHE PURCHASED THE CAR IN '04.

4 A THE -- I DIDN'T EVEN KNOW HER
5 (INDISCERNIBLE) --

6 Q WELL, AFTER SHE -- THAT'S A GOOD POINT --
7 AFTER SHE PURCHASED THE CAR, WHAT --

8 A AFTER SHE PURCHASED THE CAR? I TALKED TO
9 HER MAYBE OCCASIONALLY, BUT I CAN'T REALLY RECALL
10 ANY -- YOU KNOW, MAYBE RUNNING INTO HER HERE AND
11 THERE, BUT I COULDN'T RECALL WHERE, SAYING HI, AND
12 THAT WAS PRETTY MUCH IT.

13 Q DID YOU HAVE AN OCCASION TO GO OUT WITH
14 HER?

15 A YOU MEAN RIGHT AFTER --

16 Q I'M TALKING OF THE PERIOD IN '04 --

17 A (INDISCERNIBLE).

18 Q -- PRIOR TO YOUR INCARCERATION. THIS IS
19 THE TIME FRAME --

20 A YEAH. WE HAD ACTUALLY -- I HAD SEEN HER
21 SOMEWHERE -- I CAN'T REMEMBER WHERE -- AND I ASKED
22 HER IF SHE WANTED TO GO TO SOME FIREWORKS, AND THAT
23 WAS PRIOR TO THE CONVICTION. AND WE HAD WENT TO --
24 I THINK WE WENT TO DINNER AT LIKE APPLEBEE'S, GOT
25 SOMETHING TO EAT, AND THEN WATCHED THE FIREWORKS.

1 AND THAT WAS, YOU KNOW, TOTALLY JUST A FRIENDSHIP.

2 YOU KNOW, THERE WAS NO -- YOU KNOW, AND
3 WE -- AFTER TALKING WE FIGURED OUT THAT WE HAD A LOT
4 OF COMMON PEOPLE THAT WE KNEW, AND SHE KNEW MY EX-
5 WIFE AND WENT TO SCHOOL WITH HER, SO IT WAS REALLY
6 JUST KIND OF LIKE A HANGING OUT, YOU KNOW, HAVING
7 DINNER AND THAT WAS IT.

8 Q OKAY.

9 A NOTHING EVER LED, YOU KNOW, FROM THAT
10 POINT. I COULDN'T TELL YOU HOW -- I MEAN, HOW
11 FREQUENTLY WE TALKED LIKE AFTER -- BECAUSE WHAT HAD
12 HAPPENED, I -- YOU KNOW, THIS CASE HAD HAPPENED AND
13 I, OBVIOUSLY, DEPARTED, SO...

14 Q PRIOR TO YOUR INCARCERATION WOULD YOU
15 EXCHANGE PHONE CALLS WITH MS. LEECH?

16 A I CAN'T RECALL -- YOU KNOW, LIKE ON A
17 RELIGIOUS BASIS, ABSOLUTELY NOT. I COULDN'T RECALL
18 IF I'VE TALKED TO HER ON THE PHONE.

19 Q OKAY.

20 A IF I DID, IT WAS NOT MUCH AT ALL. I
21 CAN'T EVEN RECALL IT REALLY.

22 Q DID YOU CONTINUE TO COMMUNICATE WITH MS.
23 LEECH WHILE YOU WERE INCARCERATED?

24 A I DID WRITE HER, I THINK ONCE OR TWICE,
25 AND I DID CALL HER PROBABLY A FEW TIMES. AND THEN,

1 SHE BASICALLY JUST SAID THAT, YOU KNOW, A LOT WAS
2 GOING ON IN HER LIFE, AND SHE SAID, YOU KNOW, I JUST
3 DON'T REALLY WANT TO HEAR FROM YOU.

4 IT WASN'T LIKE BRUTAL. SHE JUST SAID,
5 YOU KNOW -- AND I SAID I UNDERSTAND, AND I SAID I'VE
6 GOT TO GET THROUGH THIS, AND WISH YOU THE BEST. AND
7 THAT WAS THE LAST I HAD TALKED TO HER.

8 ACTUALLY, MY NEPHEW HAD DIED WHEN I WAS
9 INCARCERATED AND I TRIED TO CALL -- THEY ALLOWED ME
10 -- IT WAS LIKE IN THE MIDDLE OF THE NIGHT. THEY
11 WOKE ME UP, AND TOOK ME TO THE CAPTAIN'S OFFICE, AND
12 THEY ALLOWED ME TO TRY TO CALL A COUPLE FRIENDS.
13 AND I TRIED AND I COULDN'T GET ANYBODY.

14 AND I DID -- I THINK I HAD MY MOM TRY TO
15 CALL HER TO SEE IF I COULD AT LEAST TALK TO HER. I
16 JUST NEEDED SOMEBODY TO TALK TO. AND SHE SAID JUST
17 DON'T CALL, SO I DIDN'T CALL.

18 Q OKAY.

19 A THAT WAS IT. THAT WAS THE END OF THAT,
20 SO --

21 Q DO YOU RECALL A GENERAL TIME PERIOD ON
22 THAT?

23 A I'M SORRY?

24 Q DO YOU RECALL A GENERAL -- I MEAN, IT
25 SOUNDS LIKE THE RELATIONSHIP ENDED AT SOME POINT--

1 A (INDISCERNIBLE).

2 Q -- YOU STOPPED COMMUNICATING WITH MS.
3 LEECH AT SOME POINT (INDISCERNIBLE).

4 A WELL, IT REALLY WASN'T A RELATIONSHIP
5 ANYWAY, SO --

6 Q I'M JUST TALKING ABOUT COMMUNICATING. AT
7 WHAT POINT DID --

8 A THE COMMUNICATION WOULD HAVE BROKEN OFF--
9 AT THAT POINT, THAT PROBABLY WAS IN '05, EARLY '05,
10 I WOULD GUESS. IF I KNEW THE DATE HE DIED, I WOULD
11 HAVE -- I COULD -- BECAUSE THAT WAS THE LAST TIME,
12 YOU KNOW -- ACTUALLY, I DIDN'T EVEN TALK TO HER THAT
13 TIME, SO -- I THINK MY MOM HAD CALLED HER, AND SHE
14 DIDN'T EVEN KNOW HER, BUT --

15 Q THAT'S FINE. I'M JUST TRYING TO GET A
16 GENERAL --

17 A YEAH.

18 Q -- GENERAL IDEA. IF YOU WOULD, MR.
19 GRIFFETH, TURN TO PAGE -- OR EXHIBIT 14-11.

20 A OKAY.

21 Q AND TAKE A LOOK THROUGH THAT EXHIBIT. I
22 BELIEVE IT'S A THREE-PAGE EXHIBIT.

23 A UH-HUH.

24 Q HAVE YOU EVER SEEN THAT EXHIBIT BEFORE?

25 A YEAH.

1 Q WHAT IS THAT?

2 A CONDITIONS OF SUPERVISION.

3 Q AND IF YOU LOOK AT PAGE TWO AND PAGE
4 THREE AT THE BOTTOM, THOSE PAGES, --

5 A OKAY.

6 Q -- IS THAT YOUR SIGNATURE THAT APPEARS AT
7 THE BOTTOM OF THOSE TWO PAGES?

8 A YEAH. THAT WOULD BE MY SIGNATURE.

9 Q AND THAT'S DATED NOVEMBER 6TH, 2006. IS
10 THAT CORRECT?

11 A YEP.

12 Q AND I BELIEVE THAT'S THE DAY YOU WERE
13 RELEASED FROM PRISON. DOES THAT SOUND RIGHT?

14 A YEAH. THAT WOULD HAVE BEEN THE DAY.

15 Q AND DID YOU MEET WITH ANYONE FROM THE
16 ADULT PAROLE AUTHORITY ON THAT DAY?

17 A YEAH.

18 Q WHO DID YOU MEET WITH?

19 A JOHN MAYER RIGHT AT THE -- ACTUALLY, AT
20 THE JUDICIAL HEARING.

21 Q AND WHERE DID THIS JUDICIAL HEARING TAKE
22 PLACE?

23 A RICHLAND COUNTY. I THINK IT WAS
24 DEWEESE'S COURTROOM, I BELIEVE.

25 Q OKAY. AND PRIOR TO NOVEMBER 6, 2006, DID

1 YOU KNOW JOHN MAYER?

2 A I -- NO, NOT AT ALL.

3 Q NEVER HEARD OF HIM?

4 A NEVER HEARD OF HIM.

5 Q OKAY. AND YOU -- IS IT FAIR TO SAY YOU
6 COMPLETED THIS FORM WITH MR. MAYER, YOUR -- YOUR --

7 A YEAH.

8 Q -- REVIEWED YOUR CONDITIONS --

9 A I CAN RECALL, YEAH.

10 Q DID YOU HAVE A CURFEW AS PART OF YOUR
11 CONDITIONS OF SUPERVISION?

12 A YEAH.

13 Q AND WHAT CURFEW --

14 A 5:00 TO 10:00, YEAH.

15 Q I'M SORRY. WHAT WAS THAT?

16 A 5:00 A.M. TO 10:00 P.M.

17 Q OKAY. I THINK -- JUST SO WE'RE CLEAR, I
18 THINK IT --

19 UNIDENTIFIED SPEAKER: 10:00 P.M. TO 5:00
20 A.M.

21 MR. PIERSALL: RIGHT.

22 (INDISCERNIBLE).

23 BY MR. PIERSALL:

24 Q I ASSUME YOU COULD GO OUT BETWEEN 5:00
25 A.M. AND 10:00 P.M.?

1 A RIGHT.

2 Q RIGHT. YOU HAD TO STAY IN AT NIGHT?

3 A 10:00 O'CLOCK, RIGHT. 10:00 P.M., YEAH.

4 Q RIGHT. OKAY. WAS MR. MAYER YOUR PAROLE
5 OFFICER?

6 A NO.

7 Q WHO WAS YOUR PAROLE OFFICER ASSIGNED TO
8 YOU AT THAT TIME?

9 A KENNY COFFMAN ORIGINALLY.

10 Q WAS MR. MAYER EVER YOUR P.O. WHILE YOU
11 WERE UNDER THE SUPERVISION --

12 A NO.

13 Q -- OF THE A.P.A.?

14 A NO.

15 Q DID YOU (INDISCERNIBLE) --

16 A HAD A COUPLE OF VISITS WITH HIM WHEN
17 DAUBENSPECK WAS NOT PRESENT --

18 Q OKAY. WELL, LET'S --

19 A -- ONE OR TWO, BUT NOT MY OFFICER
20 (INDISCERNIBLE).

21 Q OKAY. BUT HE WASN'T --

22 A RIGHT.

23 Q -- JUST SO WE'RE CLEAR, --

24 A NO.

25 Q -- HE WAS NOT YOUR ASSIGNED --

1 A NO.

2 Q -- PROBATION OFFICER?

3 A NO.

4 Q OKAY. OTHER THAN MR. COFFMAN, IT SOUNDS
5 LIKE MR. DAUBENSPECK WAS ALSO YOUR PAROLE OFFICER?

6 A FOR A BRIEF -- YEAH -- A BRIEF TIME,
7 YEAH.

8 Q DO YOU RECALL THE TIME FRAME GENERALLY
9 WHEN YOU WERE SWITCHED FROM COFFMAN TO DAUBENSPECK?

10 A NO. I -- I REALLY COULDN'T TELL YOU. I
11 REALLY DON'T --

12 Q OKAY.

13 A -- I REALLY DON'T KNOW. I THINK I HAD
14 KENNY COFFMAN PROBABLY A LITTLE OVER A YEAR, BECAUSE
15 HE WAS MY OFFICER THROUGH THE RE-ENTRY COURT. I CAN
16 TELL YOU THAT MUCH. AND THEN -- SO IT WOULD HAVE
17 BEEN SOMETIME AFTER A YEAR.

18 Q SO DAUBENSPECK TOOK OVER AS YOUR P.O.
19 MAYBE EARLY '08 OR THEREABOUTS?

20 A I WOULD SAY SOMEWHERE IN THERE.

21 Q OKAY.

22 A YEAH.

23 Q DO YOU HAVE TO REPORT TO YOUR PAROLE
24 OFFICER AS A PART OF YOUR CONDITIONS OF SUPERVISION?

25 A CORRECT.

1 Q AND WHO WOULD YOU -- I'M SORRY. HOW
2 OFTEN WOULD YOU MEET WITH YOUR P.O.?

3 A IT WAS ONCE EVERY TWO WEEKS.

4 Q DID YOU EVER HAVE AN OCCASION TO SEE MRS.
5 -- MS. LEECH AFTER YOU WERE RELEASED FROM PRISON?

6 A I'M SORRY?

7 Q WAS THERE EVER A OCCASION WHERE YOU --
8 HOW ABOUT THIS? WHEN WAS THE FIRST TIME YOU SAW
9 JENNIFER LEECH AFTER YOU WERE RELEASED FROM PRISON?

10 A I HAD -- I HAD SEEN HER AT SNOW TRAILS.
11 I WAS SKIING. AND IT WAS PROBABLY ABOUT LIKE 8:30,
12 9:00 O'CLOCK I HAD SEEN HER. I WAS DONE SKIING, AND
13 I WALKED UP TO THE PATIO AREA, AND I WAS OUTSIDE,
14 AND I SAW HER THROUGH THE GLASS, AND I JUST WAVED,
15 AND SHE WAVED, AND -- AND THAT'S THE FIRST TIME THAT
16 I HAD SEEN HER.

17 Q DID YOU SPEAK TO HER THAT NIGHT?

18 A I WALKED IN TO GO OUT TO THE EXIT AND I
19 DID -- SHE WAS WITH SOMEBODY, A COUPLE PEOPLE, I
20 THINK -- I COULDN'T TELL YOU WHO -- BUT I JUST -- I
21 -- I SAID SOMETHING LIKE HELLO, HOW ARE YOU DOING,
22 EVERYTHING OKAY FOR YOU, AND SHE REALLY DIDN'T EVEN
23 SAY ANYTHING, --

24 Q OKAY.

25 A -- SO I JUST WALKED RIGHT ON OUT. I -- I

1 KNOW IT WAS PROBABLY -- I THINK THEY SHUT THE LIFTS
2 DOWN AT LIKE 9:00. AT THAT TIME THEY DID. AND IT
3 WAS PROBABLY ABOUT 9:00, 9:15.

4 Q OKAY.

5 A KENNY COFFMAN WAS AWARE OF ME SKIING. HE
6 KNEW I WAS A SKIER AND HE SAID YOU CAN'T GO INTO THE
7 -- THE BAR AREA, WHICH THAT'S -- I WASN'T IN THE BAR
8 AREA AT ALL EVER, SO --

9 Q WERE YOU DRINKING THAT EVENING?

10 A ABSOLUTELY NOT, NO.

11 Q AND IT'S YOUR TESTIMONY YOU WERE NOT IN
12 THE BAR AREA THAT EVENING?

13 A I WAS NOT IN THE BAR AREA.

14 Q WHEN IS THE NEXT TIME YOU SAW JENNIFER
15 LEECH AFTER THAT ENCOUNTER AT SNOW TRAILS ON
16 DECEMBER 31ST, '07?

17 A I CAN'T RECALL WHEN IT WAS, BUT I HAD
18 SEEN HER AT THE WAL-MART, BUT I -- I REALLY CAN'T
19 RECALL. I WOULD THINK IT WOULD HAVE BEEN PROBABLY
20 SEVERAL MONTHS AFTER THAT AND I SAW HER AT WAL-MART.

21 Q DID YOU TALK TO MS. LEECH AT WAL-MART?

22 A I DID. I TALKED TO HER. I WALKED UP,
23 SHE SAID HELLO AND -- YOU KNOW, AND I ASKED HER
24 ABOUT, YOU KNOW, GETTING A HAIRCUT, AND -- I KNEW
25 SHE CUT HAIR, YOU KNOW. AND SHE SAID, YEAH, THAT'S

1 FINE. SHE TOLD ME WHERE SHE WORKED. THAT WAS IT,
2 YOU KNOW.

3 Q AND DID YOU START RECEIVING HAIRCUTS FROM
4 MS. LEECH?

5 A IT WAS LIKE PROBABLY TWO MONTHS AFTER
6 THAT. IT WAS AT LEAST A COUPLE MONTHS. AND I DID--
7 YEAH, I DID GET A HAIRCUT. SEVERAL, ACTUALLY.

8 Q AFTER YOU SAW MS. LEECH AT WAL-MART, DID
9 YOU RESUME YOUR ACQUAINTANCESHIP, YOUR FRIENDSHIP,
10 HOWEVER YOU WANT TO CHARACTERIZE?

11 A NO. I MEAN, NOT -- YOU MEAN AT THAT
12 POINT OR (INDISCERNIBLE) --

13 Q I'M JUST WONDERING WHAT YOUR -- THE
14 NATURE OF YOUR INTERACTIONS WITH MS. LEECH AFTER YOU
15 RAN INTO HER AT WAL-MART, IF ANY.

16 A NOT -- NOT REALLY, JUST BASICALLY JUST
17 WANTED HER TO -- I KIND OF WANTED TO EXPLAIN TO HER
18 THAT -- YOU KNOW, WHY I TRIED TO CALL HER WHEN I WAS
19 GONE AND, YOU KNOW, I WAS REALLY UPSET AT THAT TIME,
20 JUST KIND OF WANTING TO CLEAR THE AIR, YOU KNOW, LET
21 HER KNOW THERE WAS NO HARD FEELINGS. AND SHE SAID
22 THE SAME AND THAT WAS KIND OF -- YOU KNOW, THAT WAS
23 BASICALLY IT.

24 Q DID YOU DEVELOP A ROMANTIC RELATIONSHIP
25 WITH MS. LEECH AT ANY --

1 A ABSOLUTELY NOT.

2 Q I MEAN, I KNOW WHAT I'M ASKING, --

3 A (INDISCERNIBLE).

4 Q -- BUT LET ME JUST FINISH MY QUESTION SO
5 THE RECORD'S CLEAR. DID YOU EVER DEVELOP A ROMANTIC
6 RELATIONSHIP WITH MS. LEECH AFTER YOU WERE RELEASED
7 FROM PRISON?

8 A DIDN'T BEFORE AND DIDN'T AFTER.

9 Q WAS THERE A POINT IN TIME WHERE MS. LEECH
10 FILED A LAWSUIT AGAINST YOUR --

11 A YES.

12 Q -- A. AND E.?

13 A YEAH, SHE -- WELL, IT WOULD HAVE BEEN --
14 THE PREVIOUS NAME WAS LEXINGTON, SO --

15 Q OKAY. WAS THERE A POINT IN TIME WHERE
16 MS. LEECH FILED A LAWSUIT AGAINST LEXINGTON MOTORS?

17 A YES, SHE DID.

18 Q AND WHAT WAS THE NATURE OF THAT LAWSUIT
19 TO YOUR UNDERSTANDING?

20 A WHEN I SOLD THE CAR TO HER, I SOLD HER
21 THE EXTENDED WARRANTY THROUGH A COMPANY CALLED EAGLE
22 WARRANTY COMPANY. AND WHILE I WAS GONE, OBVIOUSLY,
23 SHE HAD A FAILURE WITH A VEHICLE ENGINE PROBLEM.
24 THE ENGINE FAILED.

25 AND THEY EVIDENTLY DIDN'T FOLLOW THROUGH

1 WITH THEIR PART OF THE DEAL. THEY DIDN'T COVER THE
2 CLAIM, SO SHE, OBVIOUSLY, FILED A LAWSUIT, AND FILED
3 THE LAWSUIT AGAINST THEM AND THE DEALERSHIP.

4 Q AND WHAT WAS THE RESOLUTION OF THAT SUIT?

5 A THE RESOLUTION OF THE SUIT -- WE AT ONE
6 POINT -- OUR ATTORNEY WAS HARRY WELSH (PHONETIC) AND
7 HE -- HE INDICATED THAT IT WOULD BE CHEAPER TO JUST
8 TRY TO GET OUT OF IT, SO HE HAD COMMUNICATED WITH
9 HER ATTORNEY. I COULD NOT TELL YOU WHO THAT WAS. I
10 DON'T REMEMBER.

11 BUT -- AND HE -- MY DAD AND I MET WITH
12 HIM, AND HE SAID WE NEED TO JUST TRY TO SETTLE IT.
13 IF YOU FIGURE ALL THE COURT COSTS, AND THE LEGAL
14 FEES -- AND WE TOLD HIM TO GO AHEAD WITH THAT, YOU
15 KNOW, SEE WHAT WE CAN DO, KIND OF A NEGOTIATION --

16 Q RIGHT.

17 A -- YOU KNOW. AND THAT'S HOW THAT --
18 THAT'S WHAT HAPPENED. BASICALLY, THEY --

19 Q SO YOU (INDISCERNIBLE) --

20 A -- CAME TO SOME KIND OF AN AGREEMENT
21 (INDISCERNIBLE).

22 Q AND YOU DID END UP SETTLING WITH MS.
23 LEECH FOR A CERTAIN AMOUNT OF MONEY

24 A YEAH, YEAH. I DON'T REMEMBER WHAT THE
25 DOLLAR AMOUNT WAS.

1 Q THAT'S FINE. AND AT SOME POINT, I
2 BELIEVE MS. LEECH TESTIFIED SHE PAID A PORTION OF
3 THAT MONEY BACK?

4 A TO MY FATHER, NOT TO ME. I --

5 Q OKAY. YOU WEREN'T INVOLVED IN THAT?

6 A NOT AT ALL, NO. I DID COMMUNICATE WITH
7 HER, YOU KNOW, A FEW TIMES ABOUT THE -- THE LAWSUIT,
8 TRYING TO FIND OUT WHAT -- YOU KNOW, IF I COULD
9 HELP. I TRIED TO CALL THE COMPANY, YOU KNOW, THE
10 WARRANTY COMPANY --

11 Q EAGLE?

12 A -- BASICALLY -- YEAH -- TO -- IN HER
13 DEFENSE AND IN MY DEFENSE, YEAH. I SPOKE WITH THEM
14 ACTUALLY, I THINK, PROBABLY A FEW TIMES -- PROBABLY
15 TWO, I WOULD SAY. I DIDN'T GET VARY FAR, SO --

16 Q I'M SORRY. YOU SPOKE WITH WHO ON A
17 COUPLE OCCASIONS?

18 A I'M SORRY?

19 Q YOU SAID YOU TALKED TO THEM --

20 A I SPOKE -- I WAS TALKING TO JENNIFER AND
21 I CALLED HER SEVERAL TIMES, YOU KNOW. AND I CALLED
22 THE WARRANTY COMPANY SEVERAL TIMES. THERE WERE SOME
23 QUESTIONS THAT THE -- THE FELLOW AT THE COMPANY HAD
24 AND I WOULD CALL HER TO FIND OUT, YOU KNOW, WHAT --
25 YOU KNOW, JUST QUESTIONS ABOUT THE -- WHAT HAPPENED.

1 Q JUST SO WE'RE CLEAR, THE INDIVIDUAL FROM
2 EAGLE WARRANTY HAD SOME QUESTIONS?

3 A CORRECT.

4 Q OKAY. AND YOU DISCUSSED THOSE QUESTIONS
5 FROM EAGLE WARRANTY WITH MS. LEECH?

6 A ABSOLUTELY. YEP.

7 Q OKAY.

8 A AND THAT -- THAT LAWSUIT PROBABLY AROSE
9 SOMETIME AROUND THE TIME I WAS WITH DAUBENSPECK, I
10 BELIEVE -- IS WHEN I STARTED TO GET INVOLVED IN
11 THAT, --

12 Q OKAY.

13 A -- TO GIVE YOU A TIME FRAME SO --

14 Q ALL RIGHT. AND YOU TESTIFIED IT WAS
15 APPROXIMATELY EARLY '08 WHEN YOU WERE SWITCHED FROM
16 COFFMAN TO DAUBENSPECK?

17 A I BELIEVE SO.

18 Q OKAY.

19 A YEAH.

20 Q LET'S TALK ABOUT THE FLORIDA TRIP. IF
21 YOU WOULD, TURN TO EXHIBIT 14-12. MR. GRIFFETH, DO
22 YOU RECOGNIZE EXHIBIT 14-12?

23 A YES, YEP.

24 Q AND WHAT IS IT?

25 A SURE DO. TRAVEL PERMIT.

1 Q AND FOR WHOM?

2 A FOR MYSELF.

3 Q AND WHY WERE YOU TRAVELLING TO FLORIDA,
4 IT LOOKS LIKE BETWEEN AUGUST 1ST, '08, AND AUGUST
5 9TH, '08?

6 A I HAD A PROPERTY IN BRADENTON, AND THE
7 SEA WALL WAS ERODING, AND I HAD RENTED THE PROPERTY,
8 YOU KNOW, BUT THEY HAD CALLED ME SEVERAL TIMES AND
9 SAID THAT IT WAS GETTING TO BE, YOU KNOW, A PROBLEM,
10 AND BASICALLY WASHING THE LAND AWAY --

11 Q THE RENTERS HAD CALLED YOU?

12 A CORRECT.

13 Q OKAY.

14 A YEAH. SO THE PURPOSE OF THAT TRIP FOR ME
15 WAS TO GO DOWN AND, YOU KNOW, --

16 Q AND IF YOU LOOK --

17 A -- GET THINGS SET UP TO -- TO REPAIR THAT
18 DAMAGE.

19 Q OKAY. AND IF YOU LOOK AT -- I DON'T KNOW
20 -- ABOUT A THIRD OF THE WAY DOWN ON THE RIGHT-HAND
21 SIDE OF THAT FIRST PAGE IT STATES PERSONS
22 ACCOMPANYING, MOM AND HIMSELF. DID YOUR MOM MAKE
23 THAT TRIP WITH YOU?

24 A SHE DIDN'T ACTUALLY TRAVEL WITH ME, NO.
25 WE ORIGINALLY WERE GOING TO, AND THEN SOMETHING CAME

1 UP. SHE DID GO, BUT SHE DID NOT GO, YOU KNOW, WITH
2 ME, SO --

3 Q AND DID YOU FLY DOWN?

4 A I DID.

5 Q AND WHO FLEW WITH YOU, IF ANYONE?

6 A IT WAS -- JENNIFER ACTUALLY DID.

7 Q OKAY.

8 A YEAH.

9 Q AND ONCE YOU ARRIVED IN FLORIDA, I SEE
10 SOME INDICATIONS HERE FROM IT LOOKS LIKE THE
11 CLEARWATER, FLORIDA POLICE DEPARTMENT. DID YOU HAVE
12 TO CHECK IN OR --

13 A YEAH.

14 Q -- WHAT WAS THE PROCESS WITH THEM?

15 A YEAH, I DID, RIGHT ON THE WAY BACK I
16 CHECKED IN WITH THEM.

17 Q OKAY. AND DID YOU ASSOCIATE WITH MS.
18 LEECH AFTER YOU LANDED IN FLORIDA, IT LOOKS LIKE ON
19 AUGUST 1ST?

20 A NO. I DIDN'T HAVE ANY -- NO, NOT AT ALL.
21 NO.

22 Q DO YOU KNOW WHERE SHE WAS DURING THAT
23 EIGHT OR NINE-DAY PERIOD?

24 A SAID SHE'D HAD A FRIEND DOWN THERE AND I
25 DON'T RECALL WHO IT WAS, BUT I DIDN'T -- I DIDN'T

1 COMMUNICATE WITH HER.

2 Q DO YOU KNOW WHERE SHE STAYED DOWN THERE?

3 A SAID SHE WAS GOING TO THE TAMPA BAY AREA
4 SOMEWHERE TO STAY IN A PLACE THAT HER FRIEND HAD OR
5 WAS ABLE TO USE OR SOMETHING.

6 Q WHERE'D YOU STAY?

7 A I STAYED AT THE SEA CAPTAIN'S AT
8 CLEARWATER, ACTUALLY.

9 Q AND THAT'S STATED THERE ON THE SECOND
10 PAGE. IS THAT CORRECT?

11 A YEP.

12 Q SEA CAPTAIN'S RESORT IN CLEARWATER?

13 A YEP. I HAD STAYED THERE MANY TIMES
14 BEFORE, SO --

15 Q HOW LONG HAVE YOU OWNED THAT PROPERTY?

16 A PROBABLY ABOUT SIX YEARS I WOULD SAY.

17 Q AND IF YOU LOOK AT -- TOWARDS THE BOTTOM
18 OF BOTH PAGE ONE AND PAGE TWO, IT LOOKS LIKE YOUR
19 SIGNATURE. IS THAT YOUR SIGNATURE THAT APPEARS
20 THERE THAT DATED JULY 30TH OF '08?

21 A YEAH.

22 Q AND IF YOU LOOK IMMEDIATELY TO THE RIGHT,
23 IT APPEARS TO BE MR. DAUBENSPECK'S --

24 A UH-HUH.

25 Q -- SIGNATURE? WERE YOU -- DID YOU

1 DISCUSS THIS TRIP WITH MR. DAUBENSPECK?

2 A I DID DISCUSS IT WITH HIM.

3 Q AND I TAKE IT HE HAD TO AUTHORIZE THIS
4 TRIP --

5 A RIGHT.

6 Q -- AS PART OF HIS DUTIES?

7 A YEAH.

8 Q AND DID YOU ALSO -- I THINK WE CAN --

9 A I TRIED TO -- I TALKED TO HIM ABOUT IT
10 LIKE ACTUALLY ABOUT A -- I'D SAY ABOUT A MONTH
11 BEFORE AND HE JUST KEPT SAYING, WELL, JUST BRING IT
12 IN, YOU KNOW, A WEEK BEFORE YOU SEE ME, YOU KNOW,
13 (INDISCERNIBLE) EVERYTHING THAT YOU HAVE AND --

14 Q AND DID -- UNDER YOUR NAME, UNDER YOUR
15 SIGNATURE THERE IT INDICATES APPROVED BY UNIT
16 SUPERVISOR, AND I BELIEVE THAT'S MR. MAYER'S
17 SIGNATURE. DID YOU HAVE A DISCUSSION WITH MR. MAYER
18 ABOUT THIS TRIP?

19 A NO.

20 Q DID HE -- DID MR. MAYER SIGN THIS FORM IN
21 YOUR PRESENCE?

22 A NOT IN MY PRESENCE HE DIDN'T.

23 Q OKAY.

24 A RUSS -- I DON'T EVEN THINK RUSS DID
25 ACTUALLY. HE JUST GAVE IT BACK TO ME --

1 Q OKAY.

2 A -- YOU KNOW.

3 Q LET'S TURN NOW TO THE INCIDENT ON
4 NOVEMBER 20TH OF '08. PRIOR TO THAT DATE, HAD YOU
5 HAD ANY SUPERVISION VIOLATIONS, PROBATION
6 VIOLATIONS?

7 A NO, NO.

8 Q AT SOME POINT DURING THAT DAY, DID
9 JENNIFER LEECH CONTACT YOU?

10 A WHAT DAY?

11 Q AT ANY POINT IN THAT -- DURING THAT DAY.

12 A NO -- WHICH DAY WAS THAT?

13 Q NOVEMBER 20TH, 2008, THE DAY OF THE
14 INCIDENT. IT WAS A THURSDAY.

15 A YEAH. SHE DID CALL, ACTUALLY, YES. SHE
16 CALLED. I'M TRYING TO REMEMBER. I KNOW I WENT TO
17 DINNER WITH MY DAD. I CAN'T REMEMBER LIKE THE TIME
18 THAT SHE HAD CALLED, BUT, YES, SHE DID CALL,
19 ACTUALLY.

20 Q AND WHAT WAS THE NATURE OF YOUR PHONE
21 CONVERSATION WITH MS. LEECH?

22 A SHE BASICALLY STATED THAT SHE FELT THAT
23 IT WOULD BE BEST IF WE DON'T EVEN TALK TO EACH
24 OTHER, YOU KNOW, BECAUSE SHE FELT THAT HER EX-
25 HUSBAND, WHATEVER, HUSBAND, SAID THAT HE WAS -- SHE

1 FELT THAT HE WAS GETTING, YOU KNOW, VERY AGGRESSIVE,
2 AND SHE DIDN'T WANT THAT TO, YOU KNOW, BE A PROBLEM
3 FOR ME.

4 Q HOW LONG WAS THAT PHONE CALL, IF YOU
5 RECALL?

6 A SAID SHE WAS AT WORK. HOW LONG DID THE
7 PHONE CALL LAST?

8 Q YES, APPROXIMATELY.

9 A I'D SAY A MINUTE. BASICALLY, IT WAS --
10 THAT'S -- SHE JUST SOUNDED, YOU KNOW, LIKE SHE WAS,
11 YOU KNOW, KIND OF AT WORK, AND IT WAS KIND OF A
12 RUSHED CALL.

13 Q BETWEEN NOVEMBER 6TH, 2006, WHEN YOU --
14 THE DAY YOU WERE RELEASED FROM PRISON, AND YOU MET
15 WITH MR. MAYER, YOU SIGNED OFF ON YOUR CONDITIONS OF
16 SUPERVISION WITH MR. MAYER, AND NOVEMBER 20TH OF
17 2008, THE DAY OF THE INCIDENT, HAD YOU HAD ANY
18 INTERACTION WITH MR. MAYER?

19 A YES. HE SAT IN FOR RUSS DAUBENSPECK A
20 FEW TIMES, SO I HAD TO SEE HIM INSTEAD OF RUSS,
21 REPORTING --

22 Q RIGHT. AS PART OF YOUR --

23 A -- NORMAL REPORTS.

24 Q -- EVERY COUPLE OF WEEKS YOU HAD TO CHECK
25 IN WITH THE (INDISCERNIBLE)?

1 A RIGHT. THAT WOULD HAVE -- YEAH. I WOULD
2 SAY THERE WAS AT LEAST TWO, IF I CAN REMEMBER.

3 Q DO YOU HAVE A GENERAL TIME FRAME ON THAT?
4 WAS IT TOWARDS THE BEGINNING WHEN DAUBENSPECK
5 STARTED SUPERVISING YOU?

6 A I THINK ONE OF THEM WAS, AND THEN -- AND
7 THEN, THERE WAS LIKE ANOTHER ONE KIND OF MIDDLE OF
8 THE ROAD, YOU KNOW. I REALLY CAN'T SAY UNDER OATH.
9 I DON'T WANT TO SAY. I -- I COULDN'T GIVE YOU A
10 DATE, UNFORTUNATELY.

11 Q SO YOUR BEST RECOLLECTION IS
12 APPROXIMATELY TWO TIMES --

13 A I KNOW THAT THE --

14 Q -- MR. MAYER SAT IN --

15 A -- THE ONE TIME WAS ABOUT THE TIME OF THE
16 WARRANTY THING GOING ON, YOU KNOW. AND I MENTIONED
17 TO HIM AT ONE OF THE VISITS THAT I WOULD HAVE TO
18 CONTACT HER AND TALK TO HER ABOUT THAT.

19 AND HE SAID, YOU KNOW, I KNEW YOU DATED
20 HER BEFORE AND -- WHICH I DON'T KNOW WHERE THAT CAME
21 FROM. BUT, ANYWAY, HE SAID JUST DON'T TELL RUSS
22 ABOUT THIS, DON'T TELL ANYBODY ABOUT THIS. HE SAID
23 IT LIKE TWO TIMES. HE WAS ADAMANT ABOUT IT FOR SOME
24 REASON, SO --

25 Q ALL RIGHT. AND SO LET'S -- JUST SO WE'RE

1 CLEAR, MR. -- WHEN YOU SAY HE, YOU'RE REFERRING TO
2 MR. MAYER, VISITING --

3 A CORRECT.

4 Q -- WITH MR. MAYER?

5 A YES.

6 Q OKAY. AND DID YOU USE -- WHEN YOU SAY
7 YOU BROUGHT UP THE LAWSUIT, I TAKE IT YOU WERE
8 TALKING ABOUT JENNIFER LEECH'S LAWSUIT?

9 A WE DISCUSSED IT, ACTUALLY.

10 Q OKAY.

11 A HE KNEW MORE ABOUT IT THAN I DID. HE
12 SAID THE ENGINE CAME FROM TUCKER'S AND HE ELABORATED
13 A LITTLE BIT ON IT, SAID THAT IT WAS BAD OF THE
14 WARRANTY COMPANY. AND I AGREED, AND I TOLD HIM, YOU
15 KNOW, WE WERE GOING TO TRY TO CORRECT IT SOMEHOW,
16 SO, YOU KNOW -- TO GET OUT OF IT. I DIDN'T WANT TO
17 GET SUED, YOU KNOW.

18 SO I DID MENTION TO HIM THAT I WOULD NEED
19 TO TALK TO HER OR IT'S POSSIBLE. AND HE SAID DO NOT
20 SAY ANYTHING TO RUSS DAUBENSPECK, WHICH I WOULD HAVE
21 SAID SOMETHING TO RUSS, BUT HE TOLD ME NOT TO, AND
22 HE'S A SUPERVISOR, SO I ASSUMED THAT, YOU KNOW, IT'S
23 NOT A BIG DEAL.

24 Q DO YOU HAVE ANY IDEA WHY - WHY MR. MAYER
25 INSTRUCTED YOU NOT TO BRING THAT UP WITH RUSS?

1 A I REALLY DON'T. I -- I REALLY DON'T. AT
2 THAT TIME, I COULDN'T TELL YOU.

3 Q AND YOUR OTHER -- SECOND VISIT WITH MR.
4 MAYER OCCURRED --

5 A THAT WOULD HAVE BEEN PROBABLY THE SECOND
6 ONE, I THINK.

7 Q OKAY.

8 A I BELIEVE.

9 Q IT'S YOUR TESTIMONY YOU RECALL
10 APPROXIMATELY TWO VISITS WITH MR. MAYER?

11 A I BELIEVE SO. YEAH, I BELIEVE THERE WERE
12 TWO. THERE COULD HAVE BEEN ANOTHER ONE, BUT THERE
13 WAS AT LEAST TWO.

14 Q OKAY. AND OTHER THAN THE ONE WHERE YOU
15 DISCUSSED THE LAWSUIT AND --

16 UNIDENTIFIED SPEAKER: EXCUSE ME.

17 BY MR. PIERSALL:

18 Q OTHER THAN THE ONE MEETING WHERE MR.
19 MAYER FILLED IN FOR DAUBENSPECK, IN THE OTHER
20 MEETING DID -- WAS THE TOPIC OF JENNIFER LEECH
21 DISCUSSED OR THE LAWSUIT?

22 A NO, NO, I DON'T BELIEVE. NO, NO. I
23 THINK THERE WAS REALLY ONE VISIT WHERE THAT WAS --
24 AND I BELIEVE THAT WAS THE SECOND ONE. I'M PRETTY
25 CERTAIN.

1 Q OKAY. AS PART OF YOUR SUPERVISION, DOES
2 THE ADULT PAROLE AUTHORITY -- DO THEY CONDUCT HOME
3 INSPECTION OR HOME VISITS?

4 A YES, YEP.

5 Q AND HOW OFTEN ARE THOSE, APPROXIMATELY?

6 A I HAD ONE AT THE 458 ADDRESS BY KENNY
7 COFFMAN, AND --

8 Q 458 VANDERBILT?

9 A I'M SORRY? YEAH, YEAH. HE --

10 Q IS THAT YOUR HOME?

11 A CORRECT. YEAH.

12 Q OKAY.

13 A APARTMENT, YEAH. I HAVE A LITTLE
14 APARTMENT. HE ACTUALLY CAME TO WORK WHERE I WORKED
15 AND HE HAD ANOTHER FELLOW WITH HIM, AND I HAD SEEN
16 HIM. I WAS WORKING OUTSIDE AND HE SAID, WELL, WE
17 NEED TO GO INTO YOUR APARTMENT. IT'S A RANDOM, YOU
18 KNOW, WHAT HAVE YOU.

19 AND I WALKED OVER WITH HIM, AND THEY
20 BASICALLY JUST KIND OF BASICALLY TORE THINGS APART,
21 YOU KNOW, LOOKING -- HAD GLOVES ON, AND MADE ME
22 STAND IN ONE SPOT, AND, YOU KNOW, SO -- HE DIDN'T --
23 YOU KNOW, THERE WAS NOTHING -- HE HAD NO PROBLEM
24 WITH ANYTHING THAT I COULD (INDISCERNIBLE) --

25 Q YOU DIDN'T HAVE ANY CONTRABAND OR

1 ANYTHING LIKE THAT?

2 A NO, NO.

3 Q OKAY.

4 A NO.

5 Q AND WHO CONDUCTED THE OTHER -- I'M SORRY.
6 I THOUGHT YOU SAID -- WERE THERE TWO HOME VISITS OR
7 JUST THE ONE BY COFFMAN?

8 A HE -- KENNY COFFMAN DID ONE, YEAH. I
9 DON'T REMEMBER -- IT WAS PROBABLY -- PROBABLY TWO OR
10 THREE MONTHS AFTER I WAS OUT OF THE V.O.A. I'M
11 GUESSING SOMEWHERE IN THAT.

12 Q SO APPROXIMATELY EARLY '07?

13 A I WOULD SAY SO, YEAH.

14 Q OKAY. DID MR. MAYER EVER CONDUCT ANY
15 HOME VISITS?

16 A NO. YOU MEAN TO MY HOME?

17 Q YES.

18 A NO, NO. RUSS DAUBENSPECK DID ONE WHEN I
19 MOVED. I HAD MOVED BACK TO ANOTHER HOUSE THAT I HAD
20 AND HE CAME, YOU KNOW, AND DID A HOME VISIT. I
21 DON'T KNOW WHEN THAT WAS, PROBABLY A MONTH AFTER I
22 WAS TRANSFERRED TO HIM (INDISCERNIBLE) --

23 Q SO OTHER THAN THOSE --

24 A -- SOMEONE ELSE AND --

25 Q I'M SORRY. WHAT WAS THAT?

1 A HE WAS WITH ANOTHER OFFICER, --

2 Q OKAY.

3 A -- YOU KNOW, AND AGAIN, I WAS RIGHT
4 THERE. I FORGET WHAT -- I WAS IN THE DRIVEWAY OR
5 SOMETHING, BUT -- YOU KNOW, SO HE CONDUCTED ONE AT
6 THAT POINT.

7 Q SO OTHER THAN DAUBENSPECK ON THE ONE
8 OCCASION AND COFFMAN ON THE FIRST OCCASION, ANY
9 OTHER HOME VISITS THAT YOU CAN RECALL CONDUCTED BY
10 THE A.P.A.?

11 A NO, HUH-UH. NO.

12 Q LET'S TURN BACK TO NOVEMBER 20TH. MS. --
13 YOU TESTIFIED MS. LEECH CONTACTED YOU VIA CELL PHONE
14 OR TELEPHONE?

15 A SHE CONTACTED -- SHE CALLED TWICE,
16 ACTUALLY. SHE CALLED FROM HER WORK --

17 Q OKAY.

18 A -- EARLIER AND -- AND THEN I WOULD SAY IT
19 WAS PROBABLY BETWEEN 7:00 AND 8:00 O'CLOCK MAYBE,
20 7:20 OR SOMETHING, AND SHE WAS FRANTIC, YOU KNOW.
21 AND I SAYS WHAT'S -- I -- YOU KNOW, I WAS KIND OF
22 SURPRISED SHE CALLED BECAUSE SHE SAID SHE WASN'T
23 GOING TO, YOU KNOW -- AND SHE WAS OBVIOUSLY FRANTIC.

24 SHE SAID SOMEBODY WAS FOLLOWING HER. AND
25 I SAID, WELL, YOU KNOW, WHO? CAN YOU IDENTIFY THE

1 VEHICLE? AND SHE SAYS NO, I CAN'T. I -- SHE SAID
2 IT'S NOT JOHN'S CAR. SHE SAID IT'S NOT HIS CAR.

3 AND I SAID, WELL, YOU KNOW, DON'T STOP
4 THE CAR, JUST KEEP DRIVING, AND I'M HERE AT MY
5 MOM'S, YOU'RE WELCOME TO, YOU KNOW, COME HERE, AND
6 I'LL DO WHAT I CAN, YOU KNOW. SHE WAS VERY UPSET,
7 THOUGH. I MEAN, IT WAS LIKE, YOU KNOW -- AND
8 SOMEBODY WAS FOLLOWING --

9 Q WAS SHE EN ROUTE TO YOUR HOME; DO YOU
10 KNOW?

11 A WAS SHE --

12 Q WAS SHE (INDISCERNIBLE) --

13 A I DON'T KNOW WHERE SHE WAS. I DIDN'T
14 REALLY ASK. SHE WAS -- I THOUGHT SHE WAS NOT FAR
15 FROM, YOU KNOW, WHERE SHE GETS OFF WORK
16 (INDISCERNIBLE).

17 Q AND AT SOME POINT DID YOU SEE MS. LEECH
18 THAT NIGHT?

19 A YES, YEAH.

20 Q AND WHERE DID YOU SEE HER?

21 A SHE -- I HAD -- I CALLED HER AND TOLD HER
22 TO JUST GO DOWN TO ONE OF THE DRIVEWAYS WHICH IS
23 CONNECTED TO THE BUSINESS --

24 Q WHICH BUSINESS? (INDISCERNIBLE).

25 A THE MANOR.

1 Q OKAY.

2 A YEAH. IT'S KIND OF A BACK ENTRANCE, A
3 DELIVERY ENTRANCE. AND I TOLD HER -- I SAID I'LL BE
4 THERE IN A VEHICLE AND, YOU KNOW, WE'LL SEE WHAT
5 HAPPENS.

6 AND SHE HAD PULLED IN, AND AT THAT POINT
7 I DO BELIEVE -- AND THERE WASN'T ANYBODY RIGHT THERE
8 BEHIND HER, BUT SHE WAS FRANTIC. SHE SAID THEY'RE
9 BACK THERE, THEY'RE BACK THERE, AND SHE JUMPED IN
10 THE CAR. AND THEN, THAT'S WHEN THERE WAS A CAR
11 COMING.

12 Q DID SHE SAY THEY'RE BACK THERE OR DID SHE
13 RECOGNIZE WHO WAS THE THEY --

14 A SHE DIDN'T -- SHE DIDN'T TELL ME. SHE
15 JUST SAID THERE WAS A CAR FOLLOWING HER
16 AGGRESSIVELY.

17 Q AND YOU STATE SHE GOT INTO YOUR CAR?

18 A SHE DID GET IN THE PASSENGER SIDE, YEAH.
19 AND I PUT IT IN GEAR AND KIND OF SAT THERE, AND THEN
20 THERE CAME A CAR, SO --

21 Q WHAT KIND OF CAR; DO YOU RECALL?

22 A IT WAS A PONTIAC VIBE, ACTUALLY.

23 Q DO YOU REMEMBER THE COLOR?

24 A I WANT TO SAY GRAYISH, MAYBE.

25 Q OKAY.

1 A SOMETHING LIKE THAT. I CAN'T BE SURE,
2 THOUGH.

3 Q OKAY. FAIR ENOUGH.

4 A THEY HAVE KIND OF A TWO-TONE DEAL, SO
5 SOMETHING LIKE THAT. IT WAS A PONTIAC VIBE, THOUGH.
6 I CAN TELL YOU THAT.

7 Q DID THAT PONTIAC VIBE STOP?

8 A I -- I REALLY CAN'T HONESTLY SAY WHAT IT
9 WAS DOING, BUT IT -- IT PULLED UP, AND THEN I JUST
10 KIND OF, YOU KNOW, TOOK OFF TO SEE -- YOU KNOW, I
11 REALLY DIDN'T KNOW WHAT WAS GOING ON, YOU KNOW.

12 Q DID YOU RECOGNIZE THE DRIVER OF THE
13 (INDISCERNIBLE)?

14 A I DIDN'T AT THAT POINT, NO. I DIDN'T. I
15 CAN'T SAY THAT I DID, NOT UNTIL I PROCEEDED, YOU
16 KNOW, ONTO 13, TO THE ROUTE --

17 Q THE STATE ROUTE?

18 A RIGHT.

19 Q AND WHO DID YOU DETERMINE THE DRIVER WAS?

20 A IT WAS JOHN MAYER. THERE'S NO QUESTION.
21 AND I COULD SEE HIS FACE IN THE MIRROR AND HE WAS
22 DRIVING, YOU KNOW, ERRATICALLY, SO -- BEHIND, YOU
23 KNOW --

24 Q BEHIND YOUR VEHICLE?

25 A RIGHT.

1 Q DID YOU HAVE A DISCUSSION IN THE VEHICLE
2 WITH JENNIFER?

3 A I -- A LITTLE BIT. I CAN'T RECALL
4 EXACTLY WHAT I -- I WAS ASKING HER WHAT -- YOU KNOW,
5 WHAT -- BEFORE I KNEW IT WAS HIM SHE DIDN'T EVEN
6 KNOW. AND I SAID IT'S DEFINITELY HIM, YOU KNOW.

7 AND I SAID WE'RE JUST GOING TO GO DOWN
8 HERE -- THERE'S A PATROL POST NEARBY THAT
9 INTERSECTION. THERE'S A LEFT LANE. AND HE -- HE
10 WAS SWERVING AROUND, AND THEN HE FINALLY GOT BEHIND
11 ME AND -- AND I -- MY INSTINCTS -- I THOUGHT, WELL,
12 WE'LL GO RIGHT THERE, YOU KNOW, TO THE PATROL POST.

13 AND THEN, I JUST DECIDED THAT -- I KNOW
14 THEIR DOOR'S LOCKED AND I THOUGHT BY THE TIME, YOU
15 KNOW -- I DIDN'T KNOW WHAT THIS GUY WAS GOING TO DO,
16 SO I TOOK A U-TURN AND WENT BACK UP 13, THE
17 DIRECTION WHICH I CAME FROM.

18 Q OKAY. DO YOU RECALL WHERE YOU TURNED
19 AROUND ON 13?

20 A AT THE HANLEY (PHONETIC) ROAD
21 INTERSECTION.

22 Q OKAY. HOW FAR WAS --

23 A THERE'S A LEFT TURN LANE. I DON'T KNOW
24 THAT YOU'RE SUPPOSED TO DO A U-TURN, BUT I DID, SO--

25 Q OKAY. HOW FAR --

1 A AND I WAITED FOR THE TRAFFIC LIGHT, YOU
2 KNOW. I WASN'T DRIVING OUT OF CONTROL
3 (INDISCERNIBLE) --

4 Q UNDERSTOOD. HOW FAR AWAY FROM -- LET'S
5 SAY HOW FAR DID YOU TRAVEL ON ROUTE 13 BEFORE YOU
6 TURNED AROUND?

7 A I'D SAY TWO MILES PROBABLY.

8 Q OKAY. AND THEN, YOU HEADED BACK TOWARDS
9 VANDERBILT ROAD?

10 A HEADED BACK TOWARDS VANDERBILT ROAD.

11 Q (INDISCERNIBLE).

12 A AND I HAD IT IN MY MIND PROBABLY WHEN I
13 MADE THE TURN I'LL -- I'LL GO TO MY MOM'S HOUSE
14 BECAUSE THAT'S WHERE I WAS. I KNEW SHE WAS AWAKE
15 AND -- BECAUSE I FIGURED I'D NEED SOME KIND OF A
16 THIRD-PARTY WITNESS. YOU KNOW, I DON'T KNOW WHAT'S
17 GOING TO HAPPEN AND I WAS PRETTY SCARED, YOU KNOW.
18 I DIDN'T KNOW WHAT TO EXPECT, SO --

19 Q WHAT TIME OF THE NIGHT WAS THIS?

20 A I WOULD SAY IT WOULD HAVE BEEN AROUND
21 8:00-ISH.

22 Q OKAY. AND I TAKE IT EVENTUALLY AT SOME
23 POINT YOU ARRIVED BACK AT YOUR MOTHER'S?

24 A YEAH, SURE DID.

25 Q OKAY. AND --

1 A PROBABLY TWO MINUTES, YOU KNOW.

2 Q WHAT HAPPENED NEXT ONCE YOU ARRIVED AT
3 YOUR MOTHER'S?

4 A I GOT OUT -- I PULLED UP KIND OF ADJACENT
5 TO HER HOUSE, AND HE PULLED INTO THE DRIVEWAY. AND
6 HE --

7 Q HE BEING MR. MAYER?

8 A RIGHT. I'M SORRY. YEAH.

9 Q THAT'S FINE. I JUST WANT TO BE CLEAR.

10 A AND HE HAD -- JOHN MAYER GOT OUT OF THE
11 CAR AND I GOT OUT OF THE CAR, AND HE JUST STARTED
12 YELLING AND SCREAMING. I -- I COULDN'T TELL YOU
13 WHAT HE SAID, SOMETHING ABOUT I'M GOING TO GET YOU,
14 YOU SON-OF-A-BITCH OR -- YOU KNOW. I -- AT THAT
15 POINT, I JUST KIND OF -- YOU KNOW, I DIDN'T KNOW
16 WHAT TO EXPECT REALLY.

17 Q WHAT'S -- WHERE WAS MR. MAYER PARKED?

18 A HE HAD THE DRIVEWAY KIND OF BLOCKED I
19 WOULD SAY.

20 Q OKAY. WHERE? YOUR MOM --

21 A BY THE HOUSE.

22 Q OKAY. YOUR MOM TESTIFIED THAT HER
23 DRIVEWAY'S --

24 A KIND OF A CIRCLE --

25 Q -- LIKE A U-SHAPE?

1 A RIGHT.

2 Q AND HE, MR. MAYER, PARKED NEXT -- ON THE
3 SIDE OF THE HOME, YOUR MOTHER'S HOME?

4 A I THINK SO.

5 Q AND WHERE WERE --

6 A YEAH.

7 Q -- AND WHERE WERE YOU PARKED?

8 A I WAS PARKED KIND OF RIGHT AGAINST THE
9 HOUSE, ACTUALLY, SIDEWAYS, YOU KNOW. THERE'S A
10 BOTTOM DRIVE. I COULD HAVE BASICALLY WENT RIGHT
11 AROUND, SO I WAS PULLED KIND OF IN, YOU KNOW
12 (INDISCERNIBLE) BLOCKED, BASICALLY.

13 Q AND THEN YOU STATE MR. MAYER EXITED THE
14 VEHICLE; CORRECT?

15 A YEAH. HE GOT OUT OF HIS VEHICLE.

16 Q DID YOU -- COULD YOU SEE WHETHER OR NOT
17 HE WAS ON HIS CELL PHONE OR ON A TELEPHONE?

18 A I CAN'T RECALL. I MEAN, HE HAD IT OUT AT
19 SOME POINT, BUT I DON'T KNOW IF HE WAS ON IT. I
20 THINK HE ASKED ME WHAT THE ADDRESS WAS --

21 Q WHAT DID YOU TELL HIM?

22 A -- I BELIEVE. I -- I DIDN'T TELL HIM THE
23 ADDRESS. I JUST SAID YOU SHOULD KNOW THE ADDRESS,
24 YOU'VE BEEN HERE MANY TIMES, SO, YOU KNOW --

25 Q WHAT DO YOU MEAN HE HAD BEEN THERE MANY

1 TIMES?

2 A WELL, HE HAD BEEN AT MY HOUSE BEFORE IN A
3 DIFFERENT VEHICLE. I'VE SPOTTED HIM THERE.

4 Q IN YOUR DRIVEWAY?

5 A YEAH. HE'D PULL IN THE DRIVE. HE'D PULL
6 IN THE NEIGHBOR'S DRIVE. ONE CAR WAS A WHITE DODGE
7 AVENGER WITH AN INDIANA PLATE, BUT I COULD SEE HIM.
8 I KNEW IT WAS HIM. THERE'S NO QUESTION.

9 Q HOW MANY OCCASIONS DID MR. MAYER PULL IN
10 YOUR DRIVE --

11 A I WOULD SAY --

12 Q -- OR THE NEIGHBOR'S DRIVE?

13 A -- TWO, AT LEAST TWO, BEFORE THAT
14 INCIDENT.

15 Q DID YOU -- DID THE TWO OF YOU SEE EACH
16 OTHER OR WERE YOU LOOKING OUT YOUR WINDOW?

17 A I MEAN, NOT EYE CONTACT, BUT I COULD SEE
18 HIM, YEAH. I COULD SEE THE CAR AND I SAW HIS FACE,
19 SO --

20 Q WERE YOU INSIDE YOUR HOME WHEN THIS
21 OCCURRED?

22 A YEP.

23 Q DID YOU EVER EXIT YOUR HOME AND --

24 A NO, NO. IT WAS -- NO.

25 Q OKAY. TURNING BACK TO THE NIGHT OF THE

1 20TH, FIRST OF ALL, HOW -- HOW LONG WAS IT BETWEEN
2 THE TIME MR. MAYER AND YOU PULLED INTO YOUR MOTHER'S
3 DRIVEWAY AND YOU WERE TAKEN TO JAIL APPROXIMATELY?

4 A PROBABLY AN HOUR. I THINK I WAS IN JAIL
5 BY 9:30 OR AT THE JAIL. THEY REALLY DIDN'T KNOW
6 WHAT TO DO, SO I SAT THERE FOR A WHILE.

7 Q OKAY.

8 A BUT I HAD WALKED OVER TO MY HOUSE BECAUSE
9 THEY -- THERE WAS ARGUING GOING ON BETWEEN HIM AND
10 JENNIFER, JOHN AND JENNIFER, AND I KIND OF WALKED
11 OVER TO MY HOUSE THINKING -- I WAS JUST THINKING
12 THAT'S -- THAT'S MY HOUSE, SO I WANT TO BE THERE,
13 YOU KNOW. AND THEN, HE FOLLOWED ME OVER AT SOME
14 POINT.

15 Q DID YOU AND MR. MAYER -- IT SOUNDS LIKE
16 HE HAD A CONVERSATION WITH MS. LEECH AND --

17 A YEAH. THERE WERE CONVERSATIONS WITH
18 BOTH, YEAH.

19 Q WHERE DID THE CONVERSATION BETWEEN
20 YOURSELF AND MR. MAYER TAKE PLACE?

21 A WHERE DID IT?

22 Q YES, GENERALLY.

23 A IN MY FRONT YARD ACTUALLY.

24 Q AND TO THE BEST OF YOUR RECOLLECTION,
25 WHAT -- WHAT WAS HE SAYING TO YOU?

1 A CLAIMING THAT I BROKE MY PROBATION, AND
2 HE KNEW I WAS AT HER HOUSE, AND SLEEPING WITH HER,
3 AND HE SAID IF YOU ADMIT THAT YOU HAD SEX WITH HER
4 YOU WON'T GO TO JAIL. AND HE JUST STARTED
5 SCREAMING.

6 AND I TRIED TO STAY AWAY FROM HIM BECAUSE
7 I HATE ALCOHOL AND HE STUNK LIKE BOOZE, SO I STEPPED
8 BACK AND MADE SURE I WAS WATCHING HIS GUN, YOU KNOW,
9 SO -- MAKE SURE HE DIDN'T GRAB THAT. SO I WAS KIND
10 OF FOCUSED ON THAT.

11 Q OKAY.

12 A I WASN'T REALLY PAYING ATTENTION TO WHAT
13 HE WAS SAYING, BUT HE DID SAY IF YOU ADMIT THAT YOU
14 HAD SEX WITH HER AND YOU'VE BEEN SLEEPING WITH HER,
15 I WON'T TAKE YOU TO JAIL. AND THEN, HE SAID
16 SOMETHING ABOUT YOU'RE LYING TO ME, I'M AN EXPERT AT
17 LIES.

18 I DON'T KNOW IF HE MEANT BECAUSE HE LIES
19 HABITUALLY OR HE JUST TOOK A CLASS, BUT NONETHELESS,
20 AT THAT POINT I SAID YOU NEED TO MAKE A PHONE CALL,
21 I'M READY TO GO TO JAIL BECAUSE I'M NOT TELLING YOU
22 -- I'M NOT GOING TO TELL YOU A LIE. I'M NOT
23 SLEEPING WITH HER. I DIDN'T. I DIDN'T BREAK MY
24 CURFEW SO, PLEASE, MAKE YOUR CALL --

25 Q (INDISCERNIBLE).

1 A -- AND HE DID AND --

2 Q AND THEN WHAT HAPPENED? I'M SORRY. GO
3 AHEAD.

4 A AND THEN, IN THE MEANTIME HE WENT BACK TO
5 ARGUING WITH JENNIFER, SO I FOLLOWED A LITTLE BIT,
6 YOU KNOW. AND AT ONE POINT I WAS JUST TRYING TO GET
7 HER AWAY, YOU KNOW, AND I THINK I HAD PUT MY HAND
8 LIKE ON HER SHOULDER OR STARTED TO AND HE SAID DON'T
9 TOUCH HER.

10 AT THAT POINT, I JUST -- I GAVE UP. I --
11 I WASN'T GOING TO DO ANYTHING TO HER. I WAS TRYING
12 TO JUST -- YOU KNOW, IT WAS MORE OF A GESTURE, NOT A
13 GRAB, BUT EVIDENTLY HE TOOK OFFENSE TO IT FOR SOME
14 REASON, BUT HE WAS INTOXICATED.

15 SO HE AT THAT POINT CALLED THE
16 AUTHORITIES OR HAD, AND THEN THEY SHOWED UP, AND I
17 WALKED RIGHT TO THEM, ACTUALLY. I WENT RIGHT TO --
18 I WANTED TO BE WITH THEM, NOT WITH HIM, SO -- AND I
19 WAS HANDCUFFED RIGHT THERE IN THE DRIVEWAY.

20 Q WHO HANDCUFFED YOU?

21 A I BELIEVE IT WAS A BELLVILLE POLICEMAN.

22 Q DID ANY OTHER LAW ENFORCEMENT OFFICERS --

23 A STATE PATROLMAN, AND I THOUGHT THERE WAS
24 A RICHLAND COUNTY, BUT I THINK THERE WERE THREE, BUT
25 I REALLY CAN'T RECALL. I'M PRETTY SURE THERE WERE

1 THREE CRUISERS AND THE BELLVILLE WAS THE ONE THAT --
2 I'M PRETTY SURE THAT'S WHO TOOK ME (INDISCERNIBLE)
3 HANDCUFFED ME.

4 Q OKAY.

5 A YEAH. AND I HAD SAID TO THE STATE
6 PATROLMAN -- HE WAS IN HIS CAR, AND I SAID YOU NEED
7 TO BREATHALYZE THIS GUY BECAUSE HE'S, YOU KNOW,
8 OBVIOUSLY DRIVING DRUNK. AND HE WOULDN'T SAY
9 ANYTHING AND NOBODY DID. I TOLD EVERY OFFICER THERE
10 THE GUY'S INTOXICATED.

11 YOU KNOW, I DON'T REALLY CARE. I MEAN,
12 THERE'S PEOPLE ON THE ROAD, YOU KNOW. I MEAN, I
13 KNEW HE WAS INTOXICATED. HE WAS STUMBLING AROUND IN
14 MY YARD EARLIER WHEN HE WAS TRYING TO MAKE FALSE
15 ACCUSATIONS AND WHATNOT, SO -- BUT IT DIDN'T GO
16 ANYWHERE.

17 THEY HANDCUFFED ME, AND -- AND AT THAT
18 POINT, THAT WAS PRETTY MUCH THE END OF IT FOR ME, SO
19 -- I DID HAVE MY CELL PHONE IN MY JACKET POCKET AND
20 -- BECAUSE THEY ASKED ME IF I HAD ANYTHING. AND I
21 SAID YEAH, THERE'S A CELL PHONE IN MY RIGHT POCKET.

22 AND I'M PRETTY CERTAIN THAT HE REACHED IN
23 AND GRABBED IT, BUT SOMEBODY GOT IT. HE WOUND UP
24 WITH IT ONE WAY OR ANOTHER, BUT I THINK HE REACHED
25 IN MY POCKET, JOHN, --

1 Q MR. MAYER?

2 A -- AND TOOK MY CELL PHONE.

3 Q OKAY.

4 A YEAH.

5 Q AT ANY POINT, DID YOUR MOM BECOME
6 INVOLVED IN THE INCIDENT?

7 A I THINK HE HAD SAID SOME THINGS TO HER,
8 YELLING AT HER I'LL GET WITH YOU LATER OR -- YOU
9 KNOW, SOMETHING TO THAT EFFECT, BUT I CAN'T RECALL
10 EXACTLY WHAT HE -- WHAT WAS SAID BETWEEN THEM OTHER
11 THAN HE SAID HE WOULD GET WITH HER LATER.

12 Q AND DO YOU RECALL WHAT THE CONVERSATION
13 BETWEEN MR. MAYER AND MS. LEECH WAS CONCERNED WITH?

14 A I REMEMBER SOMETHING ABOUT I CAN'T
15 BELIEVE YOU CHOSE A SEX OFFENDER OVER ME, YOU'VE
16 RUINED MY LIFE. I REMEMBER HEARING THAT. SHE
17 CALLED HIM A PEDOPHILE OR SOMETHING, YOU KNOW. SHE
18 WAS HIGHLY UPSET. HE WAS UPSET.

19 Q WAS MR. MAYER YELLING? WOULD YOU SAY HE
20 WAS YELLING DURING THIS -- THIS INCIDENT?

21 A I MEAN, HE -- HE YELLED. THERE WERE
22 MOMENTS WHEN HE DID. HE DIDN'T YELL AT ME WHEN HE
23 WAS TALKING TO ME IN THE YARD. HE WAS ACTUALLY, YOU
24 KNOW -- BECAUSE I WAS TRYING TO KIND OF MAKE THE
25 BEST OF A BAD SITUATION. I JUST SAID, LOOK, I -- I

1 KNOW YOU'RE GOING THROUGH SOME THINGS, BUT, YOU
2 KNOW, YOU GOT THE WRONG GUY, SO -- I SAID SOMETHING
3 LIKE THAT.

4 SO, I MEAN, IT -- YOU KNOW, HE WASN'T
5 BALLISTIC, BUT HE JUST -- IT WAS -- THERE WAS
6 YELLING BEFORE AND AFTER OUR CONVERSATION, SO I
7 GUESS YOU COULD SAY OUR CONVERSATION WASN'T, YOU
8 KNOW, PROBABLY AS BRUTAL AS THE OTHERS WERE.

9 Q AND YOU'RE REFERRING TO MR. MAYER'S
10 CONVERSATION WITH MS. LEECH?

11 A I'M SORRY?

12 Q AND YOU'RE --

13 A THEY WERE YELLING.

14 Q THEY WERE YELLING?

15 A YEAH.

16 Q OKAY.

17 A THEY WERE YELLING AT EACH OTHER,
18 ACTUALLY.

19 Q OKAY.

20 A SHE WAS YELLING, TOO, SO --

21 Q THAT'S ALL --

22 A -- THEY BOTH WERE. I COULDN'T TELL YOU
23 WHAT THEY -- I REMEMBER HEARING THOSE THINGS, YOU
24 KNOW, HIM SAYING YOU CHOSE A SEX OFFENDER, HER
25 SAYING SOME THINGS, BUT THAT WAS ABOUT IT.

1 MR. PIERSALL: (INDISCERNIBLE) TAKE A
2 REAL QUICK BREAK?

3 UNIDENTIFIED SPEAKER: I REALLY
4 (INDISCERNIBLE).

5 MR. SPRAGUE: OKAY, WE'LL GO OFF FOR A
6 MOMENT.

7 (OFF THE RECORD.)

8 MR. SPRAGUE: BACK ON.

9 BY MR. PIERSALL:

10 Q MR. GRIFFETH, YOU TESTIFIED THAT YOU
11 BELIEVE BELLVILLE P.D. TRANSPORTED YOU TO THE
12 RICHLAND COUNTY JAIL. IS THAT RIGHT?

13 A I WAS THINKING THEY DID.

14 Q OKAY.

15 A YEAH.

16 Q AND DID YOU HAVE ANY CONVERSATIONS WITH
17 ANYONE AT THE RICHLAND COUNTY JAIL THAT NIGHT?

18 A WITH STAFF OR --

19 Q YES, WITH (INDISCERNIBLE).

20 A YEAH, ABSOLUTELY, WHEN I WALKED IN THE
21 DOOR.

22 Q WHO DID YOU SPEAK WITH, IF YOU CAN
23 REMEMBER?

24 A I REALLY -- I THINK IT WAS A SERGEANT
25 SWEAT. HE WAS NOT ACTUALLY WHO I WAS TALKING TO,

1 BUT HE ENDED UP PICKING UP MY CONVERSATION. AND I
2 WAS BASICALLY LETTING HIM KNOW THAT, YOU KNOW, JOHN
3 MAYER WILL BE COMING SOON, HE'S BEEN DRINKING, AND I
4 WOULD APPRECIATE IT IF SOMEBODY WOULD BREATHALYZE
5 HIM. AND NOBODY WOULD SAY ANYTHING.

6 AND THEN FINALLY I SAID, YOU KNOW, YOU
7 KNOW -- STARTED GETTING A LITTLE OUT OF CONTROL. I
8 SAID, OH, THAT'S RIGHT, RICHLAND COUNTY, YOU KNOW,
9 IT'S BEEN NOTED TO BE IN A CESSPOOL.

10 BUT AT ANY RATE, SERGEANT SWEAT GOT UPSET
11 AND -- HE GOT PRETTY UPSET AND HE SAID YOU KNOW
12 WHAT? HE SAID I'LL TAKE CARE OF THAT. HE SAID I'M
13 SERGEANT SWEAT AND I DON'T PLAY LIKE THAT.

14 AND SHORTLY AFTER THAT, HE DID COME
15 WALKING IN THE DOOR, AND HE WAS TRYING TO COME TO
16 ME. I'M HANDCUFFED TO A BENCH -- JOHN
17 (INDISCERNIBLE) --

18 Q OKAY.

19 A -- AND THAT'S WHEN MR. SWEAT, OBVIOUSLY,
20 GUIDED HIM SOMEWHERE ELSE, AND THEN THAT'S THE LAST
21 I SAW OF EITHER ONE OF THE TWO. IT SEEMED LIKE
22 THERE WAS A PRETTY GOOD TIME SPAN BETWEEN THE TIME I
23 GOT TO JAIL AND THE TIME THAT JOHN MAYER DID, BUT I
24 CAN'T -- YOU KNOW, WHEN YOU'RE, YOU KNOW, HEADED TO
25 JAIL IT'S DIFFERENT. I DON'T KNOW. I MEAN, I DON'T

1 KNOW HOW LONG IT WOULD BE, BUT IT SEEMED LIKE IT WAS
2 A WHILE.

3 AND I DID TELL THEM I WAS ON PROBATION,
4 SOMEBODY, AND I WOULD LIKE SOMEONE TO CALL RUSS
5 DAUBENSPECK. AND THAT WAS PRETTY MUCH THE EXTENT OF
6 (INDISCERNIBLE).

7 Q AT THAT TIME, WHAT WAS YOUR UNDERSTANDING
8 OF WHY YOU WERE BEING SENT TO -- WHY YOU WERE SENT
9 TO JAIL?

10 A AT THAT TIME?

11 Q AT THAT TIME.

12 A I HAD ASSUMED HE FELT THAT THERE WAS
13 SOMETHING, YOU KNOW, GOING ON BETWEEN ME AND HIS EX-
14 WIFE.

15 Q DID ANYONE INFORM YOU OF WHY YOU WERE
16 BEING SENT TO JAIL THAT NIGHT?

17 A THAT -- NOBODY SAID ANYTHING, NO. THE
18 BELLEVILLE COP EVEN ASKED ME WHAT -- YOU KNOW, WHAT
19 I DID, AND I DIDN'T REALLY SAY ANYTHING THAT I CAN
20 REMEMBER. I DON'T KNOW. BUT, NO, NOBODY SAID
21 ANYTHING.

22 Q HOW LONG WERE YOU IN JAIL?

23 A FOUR DAYS.

24 Q WHEN DID YOU GET OUT?

25 A MONDAY. THAT WAS A THURSDAY THAT I WENT.

1 Q THURSDAY NIGHT?

2 A YEAH.

3 Q AND YOU WERE LET OUT MONDAY. WAS IT IN
4 THE MORNING?

5 A MONDAY, YEAH. THAT'S RIGHT.

6 Q AND AT ANY POINT IN TIME YOU WERE IN JAIL
7 -- AT ANY TIME YOU WERE IN JAIL, DID ANYONE INFORM
8 YOU OF WHY YOU'RE SPENDING THE TIME IN JAIL THAT YOU
9 DID?

10 A TALKED TO A LAURA RICHERT. SHE CAME AND
11 SPOKE TO ME, BUT I DIDN'T HAVE ANY CONTACT. NOBODY
12 SAID ANYTHING (INDISCERNIBLE) --

13 Q YOU SPOKE WITH LAURA RICHERT?

14 A AT SOME POINT. I THINK IT WAS FRIDAY.

15 Q WAS THIS IN PERSON?

16 A YEAH, YEP. SHE CAME -- I HAD TO GO OUT
17 OF JAIL, AND GO TO A ROOM, AND TALK TO HER.

18 Q WHAT DID YOU AND MS. RICHERT DISCUSS?

19 A BASICALLY, WHAT HAD HAPPENED. SHE WANTED
20 TO KNOW WHAT WAS GOING ON BASICALLY. IT WAS LIKE
21 SHE WAS KIND OF INVESTIGATING IT, I THINK.

22 Q OKAY.

23 A AND I PRETTY MUCH JUST TOLD HER WHAT
24 HAPPENED AND --

25 Q THAT WAS IT?

1 A -- SHE SAID THAT THEY CAN HOLD YOU FOR SO
2 MANY HOURS, YOU KNOW, ON AN INVESTIGATION, SO SHE
3 MADE ME BELIEVE THAT IT WAS BEING INVESTIGATED. SO
4 THAT'S REALLY THE ONLY THING I CAN -- YOU KNOW, I
5 DIDN'T SEE A PAROLE OFFICER OR ANYBODY, NO.

6 Q AFTER THE NIGHT OF THE 20TH OF NOVEMBER
7 OF 2008, WHEN IS THE NEXT TIME YOU SAW MR. MAYER?

8 A OH, HE -- I HAD TO GO SEE HIM WHEN I WAS
9 RELEASED FROM JAIL, YOU KNOW, UNFORTUNATELY, YEAH.

10 Q WHO -- WHERE DID THAT MEETING OCCUR?

11 A (INDISCERNIBLE) CAN'T STAND HIM. WHAT'S
12 THAT?

13 Q WHERE DID THAT MEETING OCCUR?

14 A IT OCCURRED IN HIS OFFICE, ACTUALLY, I
15 GUESS -- SOMEBODY'S OFFICE.

16 Q AT THE ADULT PAROLE AUTHORITY?

17 A YEAH. I CAN'T EVEN STAND TO LOOK AT HIM.

18 Q THAT'S -- THAT'S FINE. LET'S JUST --

19 A I REALLY CAN'T. HE'S SUCH A LIAR --

20 Q ED, ED, ED, WE'RE GOING TO FOCUS --

21 A HE IS. HE'S A MAGGOT.

22 Q -- JUST FOCUS ON MY QUESTIONS.

23 A OKAY.

24 Q FOCUS ON MY QUESTIONS. DON'T LOOK AT
25 HIM.

1 A YEAH, I WON'T LOOK AT HIM. HE'S
2 (INDISCERNIBLE).

3 Q JUST LOOK AT -- JUST LOOK AT ME.

4 A ALL RIGHT.

5 Q DON'T MAKE (INDISCERNIBLE) COMMENTS,
6 PLEASE. JUST ANSWER MY QUESTIONS.

7 A I SPENT FOUR DAYS IN JAIL FOR
8 (INDISCERNIBLE) FOR BASICALLY NOTHING, SO --

9 Q I UNDERSTAND.

10 A -- IT'S NOT FUN, AND NOBODY SEEMS TO --
11 IT'S NO BIG DEAL, YOU KNOW, SLEEPING ON CONCRETE,
12 PLANS WITH MY SON, YOU KNOW --

13 Q I UNDERSTAND.

14 A -- DESTROYED. AND THEN, HE THINKS I DID
15 SOMETHING AND, YOU KNOW --

16 Q LET'S -- I UNDERSTAND.

17 A OKAY.

18 Q I UNDERSTAND.

19 A SO I WANT YOU TO UNDERSTAND THE EMOTIONS,
20 YOU KNOW. I DON'T EVER WANT TO SEE THAT MAN THE
21 REST OF MY LIFE --

22 Q I UNDERSTAND.

23 A -- OR TODAY. I DON'T -- I DON'T NEED TO.

24 Q AGAIN, WE APPRECIATE YOU BEING HERE. I
25 KNOW IT'S NOT COMFORTABLE. WE'RE JUST GOING TO --

1 I'M JUST GOING TO ASK YOU SOME QUESTIONS. WE'LL GET
2 THROUGH IT, THEN YOU'RE GOING TO BE DONE AFTER
3 TODAY.

4 A GOOD, GOOD.

5 Q WHAT HAPPENED MONDAY MORNING AT THE ADULT
6 PAROLE AUTHORITY OFFICE?

7 A HE TOLD ME THAT HE KNEW WHAT I DID AND --
8 BUT HE WAS A FORGIVING MAN AND THAT HE WAS GOING TO
9 TRANSFER ME TO INTENSE PROBATION BECAUSE OF A
10 CONFLICT. AND THAT'S EXACTLY WHAT HE DID. AND I
11 WAS WALKED OVER AND THAT WAS -- I THINK THAT WAS THE
12 EXTENT OF THAT CONVERSATION.

13 Q THAT MEETING THAT TOOK PLACE MONDAY
14 MORNING AT THE ADULT -- ADULT PAROLE AUTHORITY
15 OFFICE, WHO WAS PRESENT?

16 A RUSS DAUBENSPECK AND KENNY COFFMAN,
17 ACTUALLY, I BELIEVE.

18 Q AND MR. MAYER?

19 A YEAH. HE WAS IN THERE.

20 Q OKAY.

21 A YEAH.

22 Q HOW LONG DID THAT MEETING LAST,
23 APPROXIMATELY?

24 A IT WASN'T LONG. AND HE DID GIVE ME MY
25 CELL PHONE BACK, ACTUALLY, CHARGED, AND IT WAS DEAD

1 WHEN HE GOT IT, BUT, NONETHELESS, --

2 Q OKAY.

3 A -- IT WAS PROBABLY -- YEAH, FUNNY, ISN'T

4 IT? IT WAS ABOUT A MINUTE ACTUALLY --

5 Q OKAY.

6 A -- OR TWO MINUTES. I DIDN'T SAY

7 ANYTHING. I HAD NOTHING TO SAY TO HIM.

8 Q AND THEN YOU RETURNED ACROSS THE STREET

9 TO (INDISCERNIBLE) --

10 A TO WHERE HIS -- YEAH -- HIS BUDDY WORKS

11 AND (INDISCERNIBLE) HE KNEW WHAT HE WAS DOING, GOT

12 -- GOT AN ANKLE BRACELET, WAS PLACED ON INTENSIVE

13 PROBATION, AND NO VIOLATIONS. HOW ABOUT THAT?

14 Q WHO DID YOU SPEAK WITH AT --

15 A THEY TRIED. YOUR BUDDIES TRIED. I'M

16 SORRY.

17 Q ED, WHO DID --

18 A OKAY.

19 Q -- YOU'RE FINE. WHO DID YOU SPEAK WITH

20 AT RICHLAND COUNTY MONDAY MORNING WHEN YOU WERE

21 TRANSFERRED (INDISCERNIBLE) --

22 A WHO DID I SPEAK WITH?

23 Q AT RICHLAND COUNTY PROBATION. YOU SAID

24 YOU WERE SENT OVER TO RICHLAND COUNTY AFTER YOUR

25 MEETING --

1 A SOME PETE GUY. I DON'T KNOW WHO HE IS.
2 SAID HIS NAME WAS PETE. AND THEY ASSIGNED ME DAN
3 GEORGE (PHONETIC).

4 Q IF YOU WOULD, TURN TO EXHIBIT 21. NOT
5 14-21, BUT WAY -- WAY BACK, THE LAST EXHIBIT.

6 A GOT IT (INDISCERNIBLE).

7 Q THERE'S A LOT OF PAGES IN THIS. IN THIS
8 EXHIBIT WHAT I'M FOCUSING ON --

9 A ONE THING I FORGOT IS HE DID SAY I HAD A
10 MEETING WITH JUDGE DEWEESE, JOHN DID, --

11 Q DURING YOUR MEETING --

12 A -- WHEN WE MET.

13 Q -- ON MONDAY MORNING?

14 A AND IT WAS GOING TO BE THE FOLLOWING
15 MONDAY. AND HE SAID THAT HE WOULD BE THERE

16 (INDISCERNIBLE)

17 Q ALL RIGHT. WE'LL TALK ABOUT THAT --

18 A -- HE WASN'T.

19 Q WE'LL TALK ABOUT THAT IN A SECOND. TURN
20 TO PAGE -- I GUESS IT WOULD BE THE SECOND PAGE AND
21 THE FOURTH PAGE (INDISCERNIBLE) --

22 (INDISCERNIBLE).

23 MR. DE PASCALE: THANK YOU.

24 MR. PIERSALL: STRAIGHT 21, NOT 14-21.

25 MR. SPRAGUE: ALL RIGHT.

1 BY MR. PIERSALL:

2 Q THE SECOND AND THE FOURTH PAGE, IS THAT
3 YOUR SIGNATURE THAT APPEARS THERE IN THE RIGHT --
4 BOTTOM RIGHT-HAND CORNER OF PAGE TWO AND FOUR?

5 A YEP.

6 Q THAT'S DATED NOVEMBER --

7 A THAT'S THE GUY THAT WAS PETE SOMEBODY.
8 YEAH.

9 Q OKAY. DO YOU RECALL PETE'S LAST NAME?

10 A I DON'T. (INDISCERNIBLE).

11 Q WHO WAS YOUR PROBATION OFFICER WHEN YOU
12 WERE INCREASED TO I.S.P.?

13 A DAN GEORGE.

14 Q OKAY.

15 A I -- I DON'T REMEMBER IF I SAW HIM THAT
16 DAY OR -- I THINK IT WAS THAT DAY, THAT MONDAY.

17 Q YOU MET WITH MR. GEORGE, AS WELL?

18 A YEAH, I DID. AND THEN, I THINK HE --
19 WELL, WHEN I SIGNED THIS, THEY HAD A PICTURE OF
20 JENNIFER LEECH AND HER DAUGHTER, AND SAID THAT I
21 COULD NOT HAVE ANY CONTACT WITH HER OR
22 (INDISCERNIBLE) --

23 Q IF YOU'D TURN TO PAGE THREE OF THAT
24 EXHIBIT, IS THAT WHAT YOU'RE REFERRING TO? SPECIAL
25 CONDITIONS --

1 A RIGHT.

2 Q -- OF SUPERVISION?

3 A YEAH.

4 Q AND IT STATES HERE YOU WILL AVOID
5 ASSOCIATION WITH JENNIFER AND DEMI LEECH --

6 A RIGHT.

7 Q -- PER THE COURT? AND I THINK THAT SAYS
8 C.P.O. IS THAT WHAT YOU WERE TALKING ABOUT THERE?

9 A YEAH.

10 Q AND WHO WROTE THAT IN, IF YOU RECALL?

11 A I THINK IT WAS THIS PETE.

12 Q OKAY.

13 A DAN GEORGE ACTUALLY CAME TO MY HOUSE, I
14 THINK, THAT NIGHT, I BELIEVE. I BELIEVE SO. YOU
15 KNOW WHAT? I DON'T -- I'M NOT SURE THAT -- I THINK
16 I MET WITH HIM, AND THEN HE STOPPED AT MY HOUSE THAT
17 NIGHT TO DO A HOUSE SEARCH, BREATHALYZE AND, YOU
18 KNOW.

19 AND HE BASICALLY EXPLAINED THE CONDITIONS
20 AGAIN BECAUSE HE SAID, YOU KNOW, HE WANTED ME TO BE
21 CLEAR. AND HE SAID TO STAY AWAY FROM THOSE TWO AND,
22 YOU KNOW --

23 Q HAVE YOU STAYED AWAY FROM --

24 A ABSOLUTELY.

25 Q -- MS. LEECH AND HER DAUGHTER --

1 A ABSOLUTELY.

2 Q -- SINCE NOVEMBER 24TH?

3 A YEAH. AND I WAS TOLD BY THE JUDGE, TOO,
4 AS WELL, TO DO THAT.

5 Q AND LET'S TALK ABOUT THAT MEETING. YOU
6 HAD A MEETING YOU SAID A WEEK -- ONE WEEK LATER
7 AFTER --

8 A RIGHT.

9 Q -- THE 24TH?

10 A YEP. MONDAY. DAN GEORGE WASN'T WORKING
11 THAT NIGHT AND IT WAS -- DAVE MYERS (PHONETIC) SAT
12 IN ON THAT ONE.

13 Q AND THAT WAS IN THE -- WAS THAT IN THE
14 COURTROOM?

15 A DEWEESE'S OFFICE, I THINK.

16 Q OKAY. AND WHAT DID YOU DISCUSS WITH
17 JUDGE DEWEESE AND THIS MYERS GUY?

18 A DEWEESE ASKED ME IF I HAD ROMANTIC
19 FEELINGS. I SAID NO. AND THEN HE SAID --

20 Q FOR MS. LEECH?

21 A RIGHT. AND I STARTED TO BRING UP JOHN,
22 AND HE SAID THIS ISN'T ABOUT JOHN, HAS NOTHING TO DO
23 WITH IT. HE SAID I WANT YOU TO CONTINUE ON THE
24 PROBATION YOU'RE ON FOR THREE OR FOUR MONTHS, AND
25 THEN YOU WILL BE RELEASED PROVIDING THERE'S NO, YOU

1 KNOW, PROBLEMS.

2 Q OTHER THAN THE INCIDENT THAT OCCURRED ON
3 NOVEMBER 20TH, ARE YOU AWARE OF ANY -- HAVE YOU BEEN
4 CHARGED WITH ANY VIOLATIONS OF YOUR SUPERVISION?

5 A NO, NONE. NO, NOT THAT I'M AWARE OF, YOU
6 KNOW.

7 Q THAT'S ALL I'M ASKING.

8 A YEAH.

9 Q ARE YOU STILL UNDER SUPERVISION?

10 A YEAH.

11 Q AND WHAT'S THE DATE OF THAT? I TAKE IT
12 THERE'S A LENGTH ASSOCIATED WITH YOUR SUPERVISION OR
13 -- WHEN YOU GET OUT OF PRISON YOU'RE SUPPOSED TO
14 SERVE A CERTAIN NUMBER OF YEARS?

15 A IT'S FIVE YEARS, I THINK, IS THE --

16 Q OKAY.

17 A YEAH.

18 Q SO IT IS TO EXPIRE, I WOULD ASSUME,
19 NOVEMBER OF 2011?

20 A RIGHT. YEP.

21 Q BUT AS WE SIT HERE TODAY YOU'RE ON
22 SUPERVISION UNDER RICHLAND COUNTY?

23 A YEAH, ABSOLUTELY. AND I CALLED HER
24 BEFORE I LEFT, SO (INDISCERNIBLE).

25 MR. PIERSALL: THANK YOU, MR. GRIFFETH.

1 THAT'S ALL WE HAVE, YOUR HONOR.

2 MR. SPRAGUE: THANK YOU. MR. DE PASCALE,
3 (INDISCERNIBLE) --

4 MR. DE PASCALE: YES, (INDISCERNIBLE).

5 MR. SPRAGUE: -- CROSS?

6 MR. DE PASCALE: YES, SIR.

7 - - -

8 CROSS-EXAMINATION

9 - - -

10 BY MR. DE PASCALE:

11 Q MR. GRIFFETH, I'M VINCE DE PASCALE. YOU
12 TELL US THAT YOU SAW MS. LEECH AT SNOW TRAILS AFTER
13 YOU WERE RELEASED TO PRISON -- FROM PRISON. DO YOU
14 REMEMBER WHEN THAT OCCURRED, WHEN YOU SAW HER?

15 A IT WAS ACTUALLY JANUARY 1ST, NEW YEAR'S
16 (INDISCERNIBLE) DECEMBER 31ST, NEW YEAR'S EVE.

17 Q OF '07?

18 A THAT WOULD HAVE BEEN OF '07.

19 Q OKAY.

20 A I'M PRETTY CERTAIN OF THAT.

21 Q HOW LONG HAD YOU BEEN OUT OF PRISON AT
22 THAT TIME?

23 A WOULD HAVE BEEN OVER A YEAR --

24 Q OKAY.

25 A -- OR RIGHT AROUND THAT, I GUESS. NO,

1 TWO YEARS. LET'S SEE.

2 Q NOW, --

3 A I DON'T KNOW. DO YOU NEED TO KNOW? DO
4 YOU WANT ME TO TRY TO FIGURE IT OUT (INDISCERNIBLE)?

5 Q WELL, I ASSUME THAT YOU'RE STILL
6 ANSWERING MY QUESTION, SO I'M SITTING HERE
7 LISTENING.

8 A WHAT WAS YOUR QUESTION?

9 Q THE QUESTION WAS HOW LONG AFTER YOU GOT
10 OUT OF PRISON DID YOU SEE HER AT SNOW TRAILS?

11 A I DON'T KNOW. IT WAS NEW YEAR'S EVE OF--
12 PROBABLY A YEAR OR TWO. IT'S ONE OF THE TWO.

13 Q OKAY.

14 A MY POINT WAS I'LL HAVE TO DO SOME MATH
15 FOR YOU IF YOU NEED TO KNOW EXACTLY, YOU KNOW.

16 Q AT THE TIME THAT YOU SAW HER AT SNOW
17 TRAILS YOU WERE, IN FACT, ON PROBATION; CORRECT?

18 A THAT IS CORRECT.

19 Q AND YOU WERE UNDER SUPERVISION; CORRECT?

20 A THAT'S CORRECT.

21 Q AND AT THAT TIME YOU WERE NOT ALLOWED TO
22 BE IN A BAR; WERE YOU?

23 A I WAS NOT IN A BAR. THANK YOU.

24 Q PLEASE ANSWER MY QUESTION. YOUR
25 CONDITION OF SUPERVISION WAS YOU WERE NOT ALLOWED TO

1 BE IN A BAR. IS THAT CORRECT?

2 A THAT'S A CORRECT (INDISCERNIBLE).

3 Q THANK YOU.

4 A YOU'RE WELCOME.

5 Q WHEN YOU SAW MS. LEECH AT SNOW TRAILS,
6 SHE WAS SITTING AT A TABLE; WASN'T SHE?

7 A SITTING AT A TABLE?

8 Q YES.

9 A SHE WAS SITTING AT A TABLE.

10 Q OKAY.

11 A YEAH.

12 Q IS IT NOT A FACT THAT ALL OF THE TABLES
13 AT SNOW TRAILS ARE IN THE BAR AREA?

14 A NO. THAT'S NOT A FACT, ACTUALLY. NO.
15 THE BAR IS ON THE RIGHT SIDE. SHE WAS ON THE LEFT
16 SIDE. THERE'S -- ACTUALLY, THERE'S KIDS IN THERE,
17 YOU KNOW. I MEAN, IT'S A -- IT'S A SNOW -- IT'S A
18 SKI RESORT. IT'S NOT ACTUALLY A NIGHTCLUB. IT'S A
19 SKI RESORT.

20 Q THAT IS ALL ON THE SECOND FLOOR; ISN'T
21 IT?

22 A THE SECOND FLOOR --

23 Q UH-HUH.

24 A -- IS WHERE -- YEAH.

25 Q THE SECOND FLOOR IS WHERE THE BAR IS;

1 ISN'T IT?

2 A THE SECOND FLOOR IS -- YEAH, THAT'S WHERE
3 THE BAR IS. YEAH.

4 Q THE FIRST FLOOR, THERE ARE NO -- THERE'S
5 NO BARS; CORRECT?

6 A NO BARS ON THE FIRST FLOOR, NOT THAT I'M
7 AWARE OF.

8 Q AND NO TABLES?

9 A NO TABLES ON THE --

10 Q FIRST FLOOR.

11 A -- FIRST FLOOR, JUST BENCHES, CORRECT.

12 Q OKAY. SO WE HAVE AN OPEN ROOM ON THE
13 SECOND FLOOR CONTAINING A BAR AND CONTAINING TABLES.
14 YOU SEE MS. LEECH AT A TABLE, AND YOU WANT THIS
15 HEARING OFFICER TO UNDERSTAND THAT YOU WERE NOT IN
16 THE BAR.

17 A I WAS OUTSIDE, ACTUALLY, YEAH. THERE'S A
18 LOFT RIGHT THERE, A PORCH.

19 Q OH, SO YOU WEREN'T IN THE BUILDING?

20 A HEY, YOU'RE RIGHT.

21 Q (INDISCERNIBLE).

22 A I THOUGHT I SAID THAT.

23 Q NO, I DON'T BELIEVE YOU DID.

24 A OH, YEAH, I DID, ACTUALLY. I SAID I SAW
25 HER FROM A WINDOW. I WAS ON THE OUTSIDE. SHE WAS

1 ON THE INSIDE SITTING AT A TABLE.

2 Q AH, GLAD TO HEAR THAT. NOW, TELL ME --

3 A I THOUGHT I DID TELL YOU THAT.

4 Q -- HOW'D YOU TALK TO HER FROM THE
5 OUTSIDE?

6 A I DIDN'T TALK TO HER. I WAVED AT HER.

7 Q I SEE. OKAY. WHERE IS IT? ED GRIFFETH,
8 RIGHT.

9 (INDISCERNIBLE).

10 BY MR. DE PASCALE:

11 Q MR. GRIFFETH, I'M GOING TO HAND YOU WHAT
12 IS A TAPE -- A TRANSCRIPT OF THE TAPE RECORDED
13 STATEMENT THAT YOU GAVE TO AN INDIVIDUAL BY THE NAME
14 OF RON NELSON. PLEASE TURN TO PAGE 28 OF THAT
15 STATEMENT.

16 MR. SPRAGUE: THAT IS EXHIBIT --

17 MR. DE PASCALE: IT'S NOT AN EXHIBIT,
18 YOUR HONOR.

19 MR. SPRAGUE: OH, THAT'S -- ALL RIGHT.

20 MS. MAYER: IT'S THE TRANSCRIPT

21 (INDISCERNIBLE) --

22 MR. SPRAGUE: ALL RIGHT, (INDISCERNIBLE).

23 MR. DE PASCALE: IT'S A TRANSCRIPT OF AN
24 EXHIBIT --

25 MR. SPRAGUE: OKAY. ALL RIGHT.

1 THE WITNESS: OKAY.

2 MR. DE PASCALE: -- FOR EVERYONE'S
3 CONVENIENCE.

4 BY MR. DE PASCALE:

5 Q LOOKING AT LINE TWO, IT SAYS THERE I WENT
6 INTO THE LODGE, I HAD SEEN HER THERE WITH SOMEONE
7 ELSE WHO I KNEW AND DIDN'T RECOGNIZE. I SAW HER AT
8 THE TABLE. I SAID HEY, YOU, HOW ARE YOU DOING? SHE
9 GOES GOOD TO SEE YOU. I SAID CAN YOU CUT MY HAIR,
10 CAN WE GET BACK TO THAT? SHE GAVE ME HER CARD. IT
11 HAD ACTUALLY JUST HAD THE WORK NUMBER. SHE SAID I'M
12 GLAD TO SEE YOU ARE BACK.

13 DID YOU TELL THAT TO MR. NELSON?

14 A I DON'T RECALL, BUT I MUST HAVE.

15 Q NOW, I WANT YOU TO EXPLAIN TO THE
16 ADMINISTRATIVE LAW JUDGE HOW YOU DID ALL OF THAT
17 FROM OUTSIDE THE BUILDING.

18 A NO. I DID GO IN, BUT I WALKED INTO THE
19 DOOR AND SHE WAS SITTING ON THE LEFT.

20 Q OKAY. SO, NOW, WE'RE BACK IN THE
21 BUILDING. WE'RE ON THE SECOND FLOOR WHERE THE BAR
22 IS.

23 A WELL, THERE'S AN ENTRANCE AND THE BAR IS
24 PROBABLY A GOOD -- I WOULD THINK, A LONG WAY FROM
25 THE -- THE DOORWAY. THERE'S A DOORWAY THAT IS AN

1 ACTUALLY ENCLOSED AREA TO THE INSIDE --

2 Q WELL, THAT'S DIFFERENT. THAT'S A
3 DIFFERENT STATEMENT THAN NOT HAVING ENTERED THE
4 BUILDING; ISN'T IT?

5 A YEAH, IT IS. I --

6 Q OKAY. SO WAS YOUR --

7 A I DON'T RECALL --

8 Q -- PREVIOUS STATEMENT A LIE OR IS YOUR
9 STATEMENT NOW THE LIE?

10 A I TALKED TO HER THAT NIGHT. I DID TALK
11 TO HER THAT NIGHT.

12 Q OKAY. SO WHAT YOU JUST TOLD US --

13 A BUT I DIDN'T TALK TO HER IN ANY KIND OF
14 LENGTH AND I DON'T REMEMBER THE CARD --

15 Q SO WHAT YOU JUST TOLD MR. PIERSALL WAS
16 UNTRUE?

17 A NO. I TOLD HIM THAT I WALKED IN AND I
18 SAID SOMETHING TO HER, BUT I DON'T RECALL, YOU KNOW,
19 WHAT SHE HAD SAID, SO --

20 Q OKAY. SO WHAT YOU JUST TOLD ME WAS
21 UNTRUE?

22 A THAT I DIDN'T COMMUNICATE WITH HER?

23 Q THAT ALL YOU DID WAS WAVE AT HER FROM
24 OUTSIDE THE BUILDING.

25 A I DID WAVE AT HER FROM OUTSIDE THE

1 BUILDING, ACTUALLY.

2 Q BUT YOU ALSO WENT IN THE BUILDING, TALKED
3 TO HER, GOT HER CARD, TALKED TO HER ABOUT CUTTING
4 YOUR HAIR?

5 A I TALKED TO HER ABOUT CUTTING MY HAIR A
6 FEW TIMES, SO IT COULD HAVE BEEN THAT NIGHT. I --
7 YOU KNOW, WE'RE TALKING SEVERAL YEARS AGO. I SKIED
8 ALL NIGHT, YOU KNOW. I WAS TIRED. I -- I DON'T
9 KNOW WHAT TO TELL YOU --

10 Q WE'RE TALKING ABOUT DECEMBER 11TH, 2008.

11 A RIGHT, ALMOST TWO YEARS AGO. RIGHT.

12 Q LESS THAN A YEAR.

13 MR. PIERSALL: WAIT, WE'RE TALKING ABOUT
14 DECEMBER --

15 MS. MAYER: FROM THE STATEMENT DATE.

16 UNIDENTIFIED SPEAKER: THE STATEMENT
17 DATE.

18 MR. DE PASCALE: DECEMBER 11TH, 2008, IS
19 WHEN HE TOLD THIS TO NELSON.

20 MR. PIERSALL: YES. HE WAS TALKING ABOUT
21 THE NIGHT HE WAS SKIING.

22 MR. DE PASCALE: WELL, YEAH, BUT HE SURE
23 AS HELL REMEMBERED IT -- I'M SORRY -- HE SURE
24 REMEMBERED IT IN 2008.

25 MR. PIERSALL: OKAY. LET'S TALK ABOUT

1 SNOW TRAILS. LET'S DO IT.

2 MR. DE PASCALE: WELL, WE'RE JUST -- WE
3 JUST TALKED ABOUT SNOW TRAILS. WE'RE GOING TO TALK
4 ABOUT (INDISCERNIBLE) --

5 THE WITNESS: I TOLD YOU I TALKED TO HER
6 AT SNOW TRAILS. I DID, BUT I CAN'T RECALL --

7 MR. PIERSALL: THAT'S FINE.

8 MR. DE PASCALE: WELL, THAT'S ALL RIGHT.
9 WE'RE DONE --

10 (INDISCERNIBLE).

11 MR. DE PASCALE: -- WE'RE DONE WITH THAT
12 RIGHT NOW.

13 THE WITNESS: I MEAN, IF YOU WANT TO, YOU
14 KNOW --

15 MR. DE PASCALE: YOU BETCHA I DO.

16 THE WITNESS: GOOD FOR YOU.

17 BY MR. DE PASCALE:

18 Q NOW, IN RESPONSE TO MR. PIERSALL'S
19 QUESTIONS YOU STATED THAT MS. LEECH CALLED YOU TWO
20 TIMES ON 20 NOVEMBER, 2008. IN YOUR STATEMENT THAT
21 WE JUST WENT TO -- AND YOU CAN LOOK AT IT AT PAGE
22 THREE IF YOU LIKE -- YOU STATED THAT SHE CALLED YOU
23 ONE TIME, THAT SHE WANTED TO STOP BY BECAUSE SHE
24 WANTED A -- TO BASICALLY PUT A DELAY IN THE
25 RELATIONSHIP BECAUSE JOHN WAS STOPPING -- STALKING

1 HER AND TAPPING HER PHONE.

2 TODAY YOU TOLD THE ADMINISTRATIVE LAW
3 JUDGE THAT SHE CALLED YOU TWO TIMES, THE FIRST TIME
4 SHE TOLD YOU OVER THE PHONE THAT SHE WANTED TO STOP
5 THE RELATIONSHIP, AND THEN SHE CALLED YOU BACK AND
6 SAID SHE WANTED YOUR HELP BECAUSE SOMEONE WAS
7 FOLLOWING HER. WHICH IS TRUE?

8 A SHE HAD CALLED TWO TIMES THAT NIGHT, I DO
9 BELIEVE. SHE DEFINITELY CALLED TO SAY SOMEBODY WAS
10 FOLLOWING HER.

11 Q OKAY. SO YOUR STATEMENT TO MR. NELSON IS
12 INACCURATE; CORRECT?

13 A THAT'S A GOOD CHANCE THAT IT IS.

14 Q OKAY. NOW, WHEN --

15 A (INDISCERNIBLE).

16 Q -- SHE CALLED YOU TOLD HER TO GO TO YOUR
17 MOTHER'S HOUSE; CORRECT?

18 A I TOLD HER I WAS AT MY MOTHER'S HOUSE,
19 BUT I BELIEVE -- I CAN'T RECALL PRECISELY -- BUT I
20 THINK I TOLD HER TO MEET ME DOWN AT THE DRIVEWAY, AT
21 THE ENTRANCE, AND I EXPLAINED WHERE IT WAS, I
22 BELIEVE.

23 Q PAGE THREE, LINE 11 -- ACTUALLY, 10 AND
24 11 -- AND I SAID DON'T GET OUT OF YOUR CAR, JUST
25 HEAD OVER TO MY MOM'S HOUSE, YOU KNOW.

1 A YEAH. I DID TELL HER THAT, --

2 Q OKAY. SO --

3 A -- BUT AT SOME POINT I TOLD HER TO MEET
4 ME AT THE DRIVEWAY (INDISCERNIBLE) --

5 Q SAME CONVERSATION? DIFFERENT
6 CONVERSATION? LENGTHY CONVERSATION?

7 A I CAN'T RECALL.

8 Q THANK YOU.

9 A NO PROBLEM.

10 Q NOW, AT THE TIME THAT YOU HAD THAT
11 CONVERSATION -- JUST TELL ME THE NUMBER. I GOT --
12 (INDISCERNIBLE).

13 MS. MAYER: IT'S 14-11, I THINK. YES,
14 14-11. (INDISCERNIBLE).

15 BY MR. DE PASCALE:

16 Q GO TO PAGE 14-11 -- I'M SORRY -- GO TO
17 SECTION 14-11.

18 (INDISCERNIBLE).

19 (PAUSE.)

20 BY MR. DE PASCALE:

21 Q PAGE THREE, SEX OFFENDER SPECIAL
22 PROVISIONS.

23 A OKAY.

24 Q OKAY. AND THERE'S A DOCUMENT THERE THAT
25 HAS WHAT PURPORTS TO BE THE SIGNATURE OF AN EDWIN

1 GRIFFETH. IS THAT YOUR SIGNATURE?

2 A YEP.

3 Q ALL RIGHT.

4 A SURE IS.

5 Q THERE'S A CHECKMARK IN AN ITEM EIGHT.

6 A EIGHT.

7 Q IT SAYS I WILL HAVE NO UNSUPERVISED
8 CONDUCT -- I'M SORRY -- I WILL NOT FORM A
9 RELATIONSHIP WITH A MAN OR WOMAN WHO HAS PHYSICAL
10 CUSTODY OF CHILDREN WITHOUT THE KNOWLEDGE AND
11 PERMISSION OF MY SUPERVISING OFFICER; CORRECT?

12 A YEP.

13 Q OKAY. AND IF YOU GO DOWN FURTHER, NUMBER
14 16 --

15 A THESE AREN'T NUMBERED. YOU'LL HAVE TO
16 JUST --

17 Q I JUST COUNTED DOWN. I UNDERSTAND
18 THEY'RE NOT NUMBERED.

19 A OKAY. MY PAGE ISN'T. I DIDN'T KNOW IF
20 YOURS WAS.

21 Q NO, IT'S NOT. IT SAYS I WILL NOT DRIVE
22 OR RIDE IN A MOTOR VEHICLE WITH A FEMALE WITHOUT THE
23 KNOWLEDGE AND PERMISSION OF MY SUPERVISING OFFICER;
24 DOESN'T IT?

25 A YES, IT DOES.

1 Q AND YOU X'D THAT; DIDN'T YOU?

2 A YES, I DID.

3 Q OKAY.

4 A WELL, SOMEBODY DID.

5 Q WELL, IS THAT YOUR X --

6 A ME OR SOMEONE --

7 Q -- OR SOMEBODY ELSE'S?

8 A I DON'T THINK IT WAS MINE, BUT --

9 Q OKAY. BUT THAT IS YOUR SIGNATURE --

10 A -- NONETHELESS, IT'S A CONDITION AND I
11 SIGNED IT, SO IT'S --

12 Q OKAY.

13 A -- CHECKED OFF, SO IT'S A CONDITION --

14 Q THE LAST TIME YOU CHECKED WAS MS. LEECH A
15 FEMALE?

16 MR. PIERSALL: OBJECTION. IT'S
17 ARGUMENTATIVE. WE KNOW SHE'S A FEMALE. DO WE NEED
18 TO (INDISCERNIBLE) --

19 MR. SPRAGUE: WE CAN TAKE NOTICE OF THAT.

20 MR. DE PASCALE: THANK YOU.

21 BY MR. DE PASCALE:

22 Q WERE YOU IN A MOTOR VEHICLE?

23 A YES, I WAS.

24 Q DID SHE GET IN THAT MOTOR VEHICLE?

25 A YES, SHE DID.

1 Q DID THE MOTOR VEHICLE MOVE?

2 A YES, IT DID.

3 Q DID YOU DRIVE IT?

4 A YES. I WAS DRIVING.

5 Q DID YOU GET PERMISSION FROM MR.

6 DAUBENSPECK BEFORE YOU DID THAT?

7 A NO. I DID NOT -- DID NOT DO THAT.

8 Q SO YOU WERE IN VIOLATION OF THAT

9 CONDITION THE MINUTE THAT VEHICLE MOVED; WEREN'T
10 YOU?

11 A YOU'RE CERTAINLY RIGHT. I WAS.

12 Q THANK YOU.

13 A YOU'RE WELCOME.

14 Q NOW, YOUR TESTIMONY IS THAT YOU STARTED
15 DRIVING INTENDING TO GO TO THE HIGHWAY PATROL POST;
16 CORRECT?

17 A THAT WAS MY INTENTIONS AFTER I NOTICED
18 THAT HIS CAR WAS AGGRESSIVELY AFTER MY CAR, YEAH.

19 Q OKAY.

20 A YEAH.

21 Q WHERE DID YOU INTEND TO GO BEFORE YOU SAW
22 HIS VEHICLE?

23 A WHERE DID I GO -- INTEND TO GO?

24 Q YES. YOU'D ALREADY STARTED DRIVING THE
25 CAR BEFORE YOU SAW THAT HE WAS FOLLOWING YOU, SO

1 WHERE DID YOU INTEND TO GO?

2 A BASICALLY, EITHER -- I REALLY WASN'T
3 INTENDING TO GO ANYWHERE, ACTUALLY. I DIDN'T KNOW
4 WHAT WAS GOING ON. I WANTED TO SEE WHAT -- WHAT THE
5 DEAL WAS WITH THE CAR THAT WAS FOLLOWING HER,
6 ACTUALLY. I DON'T KNOW THAT --

7 Q OKAY.

8 A -- THERE WERE ANY INTENTIONS AT ALL.

9 Q SO AT THE TIME YOU STARTED DRIVING YOU
10 DIDN'T KNOW WHERE YOU WERE GOING TO GO?

11 A I DID NOT KNOW WHERE I WAS GOING TO GO.

12 Q THANK YOU.

13 A I PROBABLY WOULDN'T HAVE WENT ANYWHERE IF
14 THERE WOULDN'T HAVE BEEN A CAR FOLLOWING HER. I
15 WOULD HAVE -- THE CAR WOULDN'T HAVE MOVED AND SHE
16 WOULD HAVE LEFT.

17 Q WELL, AT THE TIME THAT THE CAR STARTED
18 MOVING YOU DIDN'T SEE THE OTHER VEHICLE; DID YOU?

19 A I SAW THE CAR KIND OF SIMULTANEOUSLY WHEN
20 SHE GOT OUT OF HER CAR. THE CAR -- I COULD SEE THE
21 CAR COMING UP AND SLOWING DOWN, IF I'M NOT MISTAKEN,
22 YOU KNOW. I CAN'T GIVE YOU PRECISE, YOU KNOW, HOW
23 IT WENT, BUT THERE WAS A CAR COMING.

24 AND AT THAT POINT, I ASSUMED SHE WAS
25 UNDER DURESS, SO I DID BREAK THE SPECIAL CONDITION

1 BECAUSE I FIGURED SHE WAS UNDER DURESS. I DIDN'T
2 KNOW WHO WAS FOLLOWING HER OR CHASING HER. I WAS
3 ONLY TAKING HER WORD FOR IT.

4 Q OKAY. NOW, YOU STARTED HEADING FOR THE
5 HIGHWAY PATROL POST, BUT YOU DON'T GO THERE; RIGHT?

6 A I DID NOT GO THERE. YOU'RE RIGHT.

7 Q AND I BELIEVE YOUR REASON WAS YOU DIDN'T
8 KNOW IF IT WOULD BE OPEN?

9 A THE DOOR AT SOME POINT -- I'D BEEN IN AND
10 OUT OF THERE SEVERAL TIMES -- IT IS LOCKED AT SOME
11 POINTS. IT USED TO BE. IT MAY NOT BE NOW, BUT AT
12 ONE TIME YOU HAD TO PUSH A BUTTON --

13 Q TO GET SOMEBODY TO COME TO THE DOOR?

14 A -- TO GET SOMEBODY TO COME TO THE DOOR.

15 Q OKAY.

16 A IT'S A POST, YOU KNOW (INDISCERNIBLE) --

17 Q AND HAVE YOU EVER SEEN A POST THAT WAS
18 UNOCCUPIED?

19 A HAVE I EVER SEEN ONE UNOCCUPIED?

20 Q YES.

21 A I DON'T THINK SO.

22 Q OKAY.

23 A I'M NOT SURE.

24 Q I WAS GOING TO SAY BECAUSE I HAVEN'T
25 (INDISCERNIBLE) --

1 A BUT I'M AWARE OF THAT PARTICULAR POST AND
2 I KNOW THAT THE DESK IS PRETTY FAR FROM THE
3 ENTRANCE.

4 Q SO IT MIGHT HAVE TAKEN SOMEONE SOME
5 SECONDS TO GET TO THE DOOR?

6 A COULD -- COULD HAVE TAKEN SEVERAL -- IT
7 COULD HAVE TAKEN A MINUTE, ACTUALLY. WHO KNOWS?
8 THAT'S --

9 Q OKAY. SO, NOW, YOU DECIDE YOU'RE NOT
10 GOING TO GO TO THE PATROL POST, BUT YOU WANT
11 WITNESSES AS TO WHAT'S GOING ON; CORRECT?

12 A WELL, ACTUALLY, I DON'T KNOW WHAT THIS
13 MAN'S GOING TO DO, SO I'M THINKING DIFFERENT THINGS.
14 I'M THINKING, WELL, YOU KNOW, HE PROBABLY HAS A GUN,
15 IS HE GOING TO SHOOT, YOU KNOW. I DON'T KNOW WHAT'S
16 GOING ON.

17 Q OKAY.

18 A SO TO SAY THAT I WAS THINKING CLEAR --

19 Q DO YOU KNOW WHERE 30 NORTH -- NORTH
20 DIAMOND (PHONETIC) STREET IS?

21 A 30 NORTH DIAMOND STREET?

22 Q YES.

23 A YEAH.

24 Q WHAT'S THERE?

25 A 30 NORTH DIAMOND STREET? THAT IS THE

1 A.P.A., I BELIEVE.

2 Q I DON'T THINK SO.

3 A 30 NORTH DIAMOND STREET? WELL, WHY DON'T
4 YOU SHARE (INDISCERNIBLE) --

5 Q HOW ABOUT THE MANSFIELD POLICE
6 DEPARTMENT?

7 A OH, YEAH (INDISCERNIBLE) I DON'T -- I
8 DON'T GO THERE.

9 Q WELL, --

10 A THAT'S -- THAT'S FIVE MILES FROM THE
11 INTERSECTION.

12 Q IT CERTAINLY IS A PLACE WHERE THERE WOULD
13 BE PEOPLE THAT COULD TAKE CARE OF YOUR PROBLEM;
14 RIGHT?

15 A I -- I WOULD HAVE TO SAY I'M NOT SURE
16 ABOUT THAT, ACTUALLY.

17 Q OKAY.

18 A I DON'T KNOW WHAT THE PROBLEM IS. ALL I
19 KNOW IS THERE'S A CAR AGGRESSIVELY AFTER MY CAR, AND
20 THEN WHEN I DISCOVER IT'S HIM I'M ASSUMING -- I
21 DIDN'T ASSUME -- I REALLY DIDN'T KNOW WHAT WAS GOING
22 TO HAPPEN. I DIDN'T KNOW WHAT HE WAS GOING TO DO
23 (INDISCERNIBLE).

24 Q WELL, YOU HAVE AN INDIVIDUAL THAT YOU
25 THINK IS GOING TO CAUSE EITHER YOU OR HER BODILY

1 HARM, AND YOU DON'T GO TO THE POLICE WHICH YOU KNOW
2 CAN HANDLE THAT SITUATION. IS THAT CORRECT?

3 A I DID NOT. I WAS GOING TO GO TO THE
4 STATE PATROL BECAUSE THAT WAS THE CLOSEST, AND THEN
5 I CHOSE NOT TO.

6 Q RIGHT. I'M TALKING ABOUT AFTER YOU CHOSE
7 NOT GO TO THE O.S.P., YOU ALSO CHOSE NOT GO TO THE
8 M.P.D.; DIDN'T YOU?

9 A I REALLY DIDN'T EVEN -- IT WASN'T A
10 SELECTION, ACTUALLY.

11 Q OKAY.

12 A IT NEVER --

13 Q WELL, HOW ABOUT --

14 A -- ENTERED MY MIND. FORGIVE ME. I
15 SHOULD HAVE THOUGHT OF THAT.

16 Q WHAT'S ACROSS THE STREET FROM THE
17 MANSFIELD POLICE DEPARTMENT ON THE LOWER LEVEL OF
18 THE COMMON PLEAS COURT BUILDING?

19 MR. PIERSALL: OBJECTION AS TO RELEVANCE.

20 A I HAVE NO CLUE. WHY DON'T YOU TELL ME?
21 (INDISCERNIBLE).

22 MR. DE PASCALE: IT'S VERY RELEVANT, YOUR
23 HONOR. THAT'S WHERE THE SHERIFF'S DEPARTMENT IS
24 LOCATED.

25 THE WITNESS: OH, THAT'S WHERE I WENT

1 THAT NIGHT.

2 MR. PIERSALL: DO WE WANT TO GET A
3 (INDISCERNIBLE) MAP AND PULL UP BELLVILLE P.D.,
4 LEXINGTON P.D., WHEREVER YOU'RE (INDISCERNIBLE) --

5 MR. DE PASCALE: WE'RE JUST -- WE'RE JUST
6 INDISCERNIBLE) --

7 MR. SPRAGUE: ALL RIGHT, (INDISCERNIBLE).

8 MR. DE PASCALE: -- STOP AT THE SHERIFF'S
9 DEPARTMENT.

10 MR. SPRAGUE: YES, LET'S -- YOU CAN TELL
11 US WHAT'S THERE, IF YOU KNOW. I MEAN, WE DON'T WANT
12 TO JUST PLAY A GUESSING GAME.

13 MR. PIERSALL: I THINK WE'VE BELABORED
14 WHERE (INDISCERNIBLE) --

15 (INDISCERNIBLE).

16 BY MR. DE PASCALE:

17 Q ALL RIGHT, SO YOU DIDN'T GO TO THE
18 SHERIFF'S -- OKAY, SO YOU DIDN'T GO TO THE SHERIFF'S
19 DEPARTMENT, EITHER; CORRECT?

20 A THAT -- IT'S PRETTY OBVIOUS; ISN'T IT?

21 Q WELL, --

22 A I MEAN, DOESN'T IT SHOW THAT I DIDN'T.
23 OF COURSE, I DIDN'T (INDISCERNIBLE) --

24 Q OKAY. SO YOU WENT BACK TO YOUR MOTHER'S
25 HOUSE?

1 A ABSOLUTELY. I SURE DID --

2 Q OKAY.

3 A -- BECAUSE I KNEW SHE WAS THERE BECAUSE I
4 WAS JUST THERE.

5 Q NOW, YOU PULL INTO HER DRIVEWAY; CORRECT?

6 A THAT'S CORRECT.

7 Q THE VEHICLE WHICH HAS BEEN FOLLOWING YOU
8 PULLS IN DIRECTLY BEHIND YOU; CORRECT?

9 A NOT DIRECTLY ON MY TAIL, BUT PULLED IN
10 AND PARKED AT A DIFFERENT SPOT THAN I DID.

11 Q HOW FAR AWAY?

12 A PROBABLY 20 FEET MAYBE. I DON'T KNOW.

13 Q WHERE EXACTLY DID YOU STOP YOUR VEHICLE?

14 A AT THE ENTRANCE OF MY MOM'S HOUSE,
15 ACTUALLY, OR KIND OF MAIN DOOR THAT SHE USES.

16 Q WOULD THAT BE NEAR THE SUN PORCH?

17 A YES. THAT'S IT. YEAH.

18 Q OKAY. SO YOU WERE RIGHT NEXT TO THE SUN
19 PORCH WITH YOUR VEHICLE?

20 A YES, I WAS.

21 Q OKAY.

22 A I'M PRETTY SURE OF THAT.

23 Q OKAY. AND THEN, MR. MAYER'S VEHICLE
24 WOULD HAVE BEEN SOME DISTANCE BEHIND YOURS IN THE
25 SAME DRIVEWAY?

1 A YEAH. I MEAN, PULLED INTO HER RESIDENCE

2 -- I MEAN, HER DRIVEWAY, YEAH.

3 Q OKAY.

4 A ABSOLUTELY.

5 Q DO YOU HAVE A MEMORY AS TO HOW FAR BEHIND
6 YOUR VEHICLE MR. MAYER'S VEHICLE WAS?

7 A I -- I REALLY DON'T --

8 Q OKAY.

9 A -- TO BE HONEST WITH YOU. I --

10 Q ALL RIGHT. YOU SHUT YOUR CAR OFF. HE
11 SHUTS HIS CAR OFF. WHO GETS OUT OF THE VEHICLE
12 FIRST?

13 A I COULDN'T TELL YOU, REALLY.

14 Q OKAY.

15 A I REALLY (INDISCERNIBLE) --

16 Q WELL, DID YOU GET OUT OF YOUR VEHICLE?

17 A I DID GET OUT. I TOLD YOU THAT EARLIER.

18 Q OKAY.

19 A DIDN'T YOU HEAR THAT?

20 Q DID HE GET OUT OF HIS VEHICLE?

21 A OBVIOUSLY, HE DID. WHAT'S THAT?

22 Q DID HE --

23 A YEAH, HE DID.

24 Q -- GET OUT OF HIS VEHICLE?

25 A YES.

1 Q OKAY. AT THE TIME THAT HE GOT OUT OF HIS
2 VEHICLE, DID HE SAY ANYTHING?

3 A YEAH. HE SAID SOMETHING. I MEAN, I
4 DON'T RECALL --

5 Q WELL, DO YOU REMEMBER WHAT IT WAS?

6 A I DON'T RECALL WHAT HE INITIALLY SAID
7 WHEN HE GOT OUT OF HIS CAR. I THOUGHT HE SAID
8 SOMETHING LIKE I'M GOING TO GET YOU, YOU SON-OF-A-
9 BITCH, OR --

10 Q OKAY.

11 A -- SOMETHING LIKE THAT. I DON'T KNOW.

12 Q ALL RIGHT. SO IT WAS --

13 A MAYBE HE DIDN'T. I'M UNDER OATH, SO I
14 DON'T KNOW WHEN HE SAID I'M GOING TO GET YOU, YOU
15 SON-OF-A-BITCH, BUT HE SAID THAT, SO --

16 Q ALL RIGHT. BUT YOU DON'T REMEMBER
17 WHETHER HE SAID I WANT TO KNOW WHAT THE ADDRESS IS
18 OR I'M GOING TO GET YOU, YOU SON-OF-A-BITCH -- YOU
19 DON'T REMEMBER WHICH OF THOSE WAS FIRST?

20 A I REALLY DON'T.

21 Q BUT YOU DO REMEMBER HE SAID THEM BOTH?

22 A (INDISCERNIBLE). HE ASKED WHAT THE
23 ADDRESS WAS.

24 Q OKAY.

25 A AND HE -- YEAH, ABSOLUTELY.

1 Q OKAY. DID HE SAY ANYTHING ELSE OTHER
2 THAN WHAT IS THE ADDRESS AND I'M GOING TO GET YOU,
3 YOU SON-OF-A-BITCH?

4 A I CAN'T RECALL AT THAT POINT INITIALLY --
5 MR. SPRAGUE: SORRY. WE'RE GOING TO HAVE
6 TO GO OFF FOR JUST A MINUTE.

7 (OFF THE RECORD.)

8 MR. SPRAGUE: BACK ON. THANK YOU.

9 (PAUSE.)

10 MR. SPRAGUE: WE'RE BACK ON.

11 MR. DE PASCALE: OH, THANK YOU, SIR. I'M
12 SORRY. I DIDN'T HEAR YOU.

13 MR. PIERSALL: I THOUGHT THERE WAS A
14 QUESTION PENDING, ACTUALLY.

15 MR. DE PASCALE: YES, I THOUGHT THERE
16 WAS, TOO. COULD YOU TELL ME WHAT MY LAST QUESTION
17 WAS, PLEASE?

18 THE WITNESS: SOMETHING ABOUT WHAT HE
19 SAID FIRST OR -- WHEN HE GOT OUT OF THE CAR.

20 MR. DE PASCALE: NO, WE GOT PAST THAT.

21 MR. SPRAGUE: WELL, --

22 MR. PIERSALL: I THINK YOU ASKED -- YES,
23 I THINK YOU ASKED --

24 MR. DE PASCALE: DOESN'T THE THING SHOW
25 YOU?

1 MR. PIERSALL: -- DISTANCE.

2 MR. SPRAGUE: NO. IT (INDISCERNIBLE)--

3 MS. MAYER: I THINK THAT'S WHAT IT WAS.
4 AND THEN HE SAID HE DIDN'T -- THEN HE STARTED HIS
5 OWN STATEMENT ABOUT HE DOESN'T RECALL ANYTHING -- HE
6 REMEMBERS THOSE TWO STATEMENTS AND STARTED TO SAY I
7 DON'T RECALL ANYTHING --

8 THE WITNESS: YEAH, I THINK THAT --

9 MR. DE PASCALE: OKAY.

10 MR. PIERSALL: I THINK YOU ASKED HIM DO
11 YOU REMEMBER ANYTHING ELSE --

12 UNIDENTIFIED SPEAKER: THAT'S CORRECT.
13 THAT'S IT. YEAH, THAT WAS RIGHT.

14 BY MR. DE PASCALE:

15 Q NOW, WHAT WAS JOHN'S DEMEANOR WHILE HE
16 WAS HAVING THIS CONVERSATION WITH YOU?

17 A HE WAS PRETTY -- LOOKED PRETTY ANGRY, BUT
18 -- ACTED ANGRY, YOU KNOW. I DON'T REALLY KNOW WHAT
19 HIS DEMEANOR WAS. I DON'T KNOW THE GUY FROM ADAM --

20 Q WAS HE YELLING?

21 A HE WAS NOT -- NOT, YOU KNOW -- HE WAS
22 YELLING AT SOME POINT, BUT I DON'T KNOW INITIALLY IF
23 HE STARTED YELLING. THAT'S WHAT I CAN'T TELL YOU.
24 I WON'T EVER BE ABLE TO, SO -- UNLESS I SAW THE FILM
25 OF THE WHOLE THING I COULDN'T TELL YOU.

1 Q WELL, THIS WAS A PRETTY IMPORTANT
2 INCIDENT TO YOU; WASN'T IT?

3 A IT TURNED OUT TO BE, YEAH. SURE WAS.

4 Q YOU DISCUSSED IT WITH SEVERAL PEOPLE
5 SEVERAL TIMES; CORRECT?

6 A RON NELSON. THAT'S -- I THINK HE'S
7 REALLY ABOUT THE ONLY ONE I'VE DISCUSSED IT WITH.

8 Q OKAY.

9 A I CAN'T RECALL WHAT HE -- WHETHER HE WAS
10 SCREAMING, YELLING. HE WAS AT SOME POINT AND THEN
11 HE WASN'T, YOU KNOW.

12 Q NOW, HOW LONG DO YOU THINK IT WAS BETWEEN
13 THE TIME THAT YOU PULLED INTO THE DRIVEWAY AND THE
14 FIRST POLICE CAR SHOWED UP?

15 A I'M GOING TO SAY A HALF-HOUR. I COULD BE
16 WRONG. THAT WOULD BE MY GUESS. 20 MINUTES. HAVE
17 YOU GOT A RECORD OF IT?

18 Q (INDISCERNIBLE) JUST LOOKING FOR YOUR
19 MEMORY. IF THAT'S YOUR MEMORY, IT'S YOUR MEMORY.
20 NOW, --

21 A WELL, I WASN'T LOOKING AT THE CLOCK WHEN
22 HE CAME IN AND THEN LOOKED AT THE CLOCK WHEN I LEFT,
23 SO I COULD HAVE TOLD YOU IF I WOULD HAVE
24 (INDISCERNIBLE).

25 Q AT WHAT POINT DO YOU REMEMBER YOUR MOTHER

1 COMING OUTSIDE?

2 A I REALLY DON'T KNOW WHAT POINT SHE CAME
3 OUT. I THOUGHT SHE WAS UPSTAIRS (INDISCERNIBLE)
4 SOMETHING.

5 Q OKAY. DO YOU REMEMBER WHETHER OR NOT SHE
6 CAME OUT BEFORE THE POLICE TOOK YOU AWAY?

7 A I'M ALMOST POSITIVE SHE CAME DOWNSTAIRS.
8 I'M ALMOST POSITIVE SHE DID, BUT I -- I'M ALMOST
9 POSITIVE SHE DID. I CAN'T SAY, THOUGH. I -- I
10 REALLY CAN'T.

11 Q OKAY. SO MAYBE SHE DID NOT BEFORE YOU
12 WERE TAKEN AWAY?

13 A IT'S POSSIBLE SHE WOULDN'T HAVE CAME
14 OUTSIDE, BUT I CAN'T -- I REALLY CAN'T TELL YOU.

15 Q OKAY.

16 A I'M NOT GOING TO BE ABLE TO TELL YOU
17 THAT.

18 Q DO YOU REMEMBER JOHN SAYING ANYTHING ELSE
19 TO YOU OTHER THAN WHAT'S THE ADDRESS AND I'M GOING
20 TO GET YOU, YOU SON-OF-A-BITCH?

21 A WE HAD A CONVERSATION IN MY FRONT YARD
22 WHICH IS NOT RIGHT THERE. I REMEMBER SOME OF THAT
23 CONVERSATION.

24 Q OKAY, BUT THAT -- YOUR FRONT YARD IS JUST
25 A FEW FEET AWAY; ISN'T IT?

1 A PROBABLY ABOUT ACTUALLY 50 FEET MAYBE OR
2 MORE.

3 Q I WAS UNDER THE IMPRESSION THAT YOUR
4 PROPERTY LINE WAS RIGHT AT THE EDGE OF YOUR MOTHER'S
5 DRIVEWAY. IS THAT NOT ACCURATE?

6 A WELL, THERE'S -- THERE'S A PINE TREE --
7 THERE'S A ROW OF PINES IN BETWEEN THE PROPERTY LINE,
8 ACTUALLY, AND THERE'S SOME DISTANCE BETWEEN IT --

9 Q OKAY.

10 A -- FROM THE POINT WHERE I WALKED TO,
11 WHICH WAS MY FRONT YARD -- I HAVE NO CLUE WHY, BUT
12 THAT'S WHERE I WALKED, AND HE WALKED WITH ME.

13 Q UH-HUH.

14 A I CAN'T TELL YOU IF WE -- WHAT WAS SAID,
15 YOU KNOW, IN LENGTH BEFORE THAT. IT SEEMS LIKE I
16 WENT THERE PRETTY QUICKLY. I JUST THOUGHT I SHOULD
17 BE AT MY ADDRESS, YOU KNOW.

18 Q AND YOU -- AS YOU TOLD MR. PIERSALL, YOU
19 HAVE NO REASON -- NO MEMORY AT THIS POINT WHY YOU
20 THOUGHT THAT?

21 A LOOKING BACK ON IT, PROBABLY JUST BECAUSE
22 I WAS ON PROBATION AND I FIGURED IT'D BE BETTER FOR
23 ME TO BE AT MY RESIDENCE --

24 Q OKAY.

25 A -- FOR WHATEVER REASON, YOU KNOW. I

1 DON'T KNOW, BUT --

2 Q BUT YOU HAVE --

3 A -- THERE WAS NO -- THERE'S NO REALLY
4 REASON FOR ME TO GO OVER THERE, BUT I DID. I -- I
5 FELT LIKE I NEEDED TO. THAT'S --

6 Q BUT YOU HAVE NO MEMORY OF WHAT THE
7 CONVERSATION WAS WITH JOHN MAYER WHILE YOU WERE
8 THERE?

9 A WHILE I WAS IN MY FRONT YARD?

10 Q YES.

11 A ABSOLUTELY, I DO. I TOLD HIM --

12 Q OH, WELL, I'M SORRY. I MISUNDERSTOOD
13 YOU. TELL ME WHAT THAT CONVERSATION WAS.

14 A THAT CONVERSATION WAS HIM BASICALLY
15 SAYING I KNOW THAT YOU -- YOU BROKE YOUR PROBATION,
16 I KNOW YOU'RE SLEEPING WITH HER, AND IF I'M AN
17 EXPERT AT LIES -- BECAUSE I TOLD HIM I WASN'T -- AND
18 HE SAID I'M AN EXPERT AT LIES.

19 AND I BASICALLY SAID -- HE SAID IF YOU
20 DON'T TELL ME THAT YOU ARE, IF YOU -- IF YOU DON'T
21 TELL ME YOU'RE NOT -- IF YOU DON'T ANSWER IT THE WAY
22 I WANT YOU TO, YOU'RE GOING TO JAIL. HE WAS
23 BASICALLY TELLING ME WHAT TO TELL HIM IS WHAT HE WAS
24 DOING.

25 AND I DID NOT DO THAT. I TOLD HIM I

1 WASN'T AND I DIDN'T BREAK MY PROBATION CURFEW. AND
2 I SAID GO AHEAD AND MAKE THE CALL. AT THAT POINT --

3 Q SO YOU WERE MORE THAN WILLING TO GO TO
4 JAIL?

5 A YES, I WAS, BECAUSE I DIDN'T TRUST --

6 Q THEN WHY ARE YOU UPSET ABOUT GOING?

7 A I'M SORRY?

8 Q THEN WHY ARE YOU UPSET ABOUT GOING?

9 A ABOUT GOING TO --

10 Q JAIL.

11 A WELL, YOU KNOW, I DON'T KNOW IF YOU'VE
12 EVER BEEN IN ONE, BUT IT'S NOT A GREAT PLACE TO
13 STICK AROUND. THAT'S WHY I WAS UPSET.

14 Q OKAY. NOW, --

15 A I HAD PLANS WITH MY SON THAT NIGHT,
16 ACTUALLY.

17 Q HOW OLD IS YOUR SON?

18 A 20- --

19 Q OH, OKAY, NEVER MIND.

20 A OKAY. YEAH, YOU CAN'T GET ME FOR THAT,
21 EITHER.

22 Q NO, I JUST --

23 A NO, HE'S (INDISCERNIBLE) --

24 Q -- WASN'T AWARE HE WAS THAT OLD.

25 A THAT'S THE ONLY BOY I HAVE. YEAH.

1 Q OKAY.

2 (INDISCERNIBLE).

3 BY MR. DE PASCALE:

4 Q I MEAN, I FIGURED WE WERE TALKING ABOUT--

5 A AND, YOU KNOW -- AND, ACTUALLY, WITH HIM
6 DRINKING, AND HAVING A GUN, AND I SMELLED THE
7 ALCOHOL, I JUST FIGURED JAIL MIGHT BE A SAFER PLACE,

8 SO I WASN'T EXCITED TO GO TO JAIL, BUT, YOU KNOW, I
9 WOULD KIND OF LIKE TO SEE MY KID THROUGH SCHOOL --

10 Q WELL, WE -- WE'VE GOT AN ESTIMATE OF A
11 30-MINUTE TIME LIMIT --

12 A I DON'T KNOW THAT IT WAS 30 MINUTES. I
13 SAID THAT WAS MY STAB (INDISCERNIBLE) --

14 Q THAT'S YOUR BEST MEMORY AND WE'RE WORKING
15 WITH THAT.

16 A I WOULD THINK WE WOULD HAVE SOME RECORD
17 OF IT, BUT EVIDENTLY THEY DON'T EVEN DO THAT OR --

18 Q WELL, WE HAVE OTHER TESTIMONY, BUT WE'RE
19 NOT TALKING ABOUT THAT. WE'RE TALKING ABOUT YOUR
20 TESTIMONY AND YOUR MEMORIES.

21 A OKAY. WELL, I DIDN'T STUDY IT, SO I'M
22 JUST TELLING YOU WHAT I FEEL --

23 Q SO WE'RE TALKING ABOUT PLUS OR MINUS 30
24 MINUTES?

25 A I WOULD SAY SO.

1 Q OKAY. AND YOU SPENT MOST OF THAT IN YOUR
2 FRONT YARD; DIDN'T YOU?

3 A ABSOLUTELY. YEP.

4 Q AND YOU'VE TOLD US FOUR STATEMENTS THAT
5 JOHN MADE AND I'M KIND OF WHAT -- WHAT CHEWED UP THE
6 REST OF THE TIME?

7 A WHAT CHEWED UP THE REST OF THE TIME? HE
8 WAS YELLING AND ARGUING AT HIS EX-WIFE.

9 Q FROM YOUR FRONT YARD 50 FEET AWAY?

10 A FROM MY -- I'M SORRY?

11 Q FROM YOUR FRONT YARD 50 FEET AWAY?

12 A THEY WEREN'T AT THE SPOT THAT I WAS. I
13 WAS IN THE FRONT WITH HIM, AND SHE WAS YELLING FROM
14 A DIFFERENT AREA --

15 Q RIGHT.

16 A -- KIND OF THE PROPERTY LINE, YEAH, --

17 Q YES.

18 A -- I BELIEVE.

19 Q YES. SO THEY'RE SEPARATED BY SOME
20 DISTANCE BECAUSE HE'S WITH YOU?

21 A HE'S WITH ME, AND THEN HE STARTED WALKING
22 TOWARDS HER OR SHE STARTED WALKING TOWARDS US. I
23 DON'T REMEMBER, BUT AT SOME POINT I WALKED KIND OF
24 -- PROBABLY NO MORE THAN 20 FEET. I DIDN'T STAND
25 THERE. I MEAN, I -- I FOLLOWED -- I FOLLOWED HIM OR

1 WALKED OVER TOWARDS THE TREE LINE, YOU KNOW, TO
2 WHERE THEY WERE, THOSE TWO ARGUING, HIM AND HIS EX-
3 WIFE.

4 Q OKAY. YOU SAID YOU REFUSED TO GIVE HIM
5 THE ADDRESS FIRST, BUT YOU ULTIMATELY GAVE HIM THE
6 ADDRESS. DID YOU GIVE HIM YOUR ADDRESS OR YOUR
7 MOTHER'S?

8 A I DON'T REMEMBER. I REALLY DON'T.

9 Q OKAY. YOU GAVE AN ADDRESS AT SOME POINT
10 IN YOUR TESTIMONY TO MR. PIERSALL THAT WAS DIFFERENT
11 THAN THE TESTIMONY -- OR THE ADDRESS I SAW ON A FORM
12 THAT WAS IN FRONT OF ME AT THAT TIME. HOW MANY
13 PIECES OF REAL ESTATE DO YOU OWN OR OCCUPY IN
14 RICHLAND COUNTY?

15 A PERSONALLY?

16 Q YES.

17 A I OWN ONE, BUT -- THAT'S IT.

18 Q HOW MANY DO YOU OCCUPY?

19 A OCCUPY? I DON'T LIVE -- I LIVE IN AN
20 APARTMENT NOW --

21 Q NEXT-DOOR TO YOUR MOTHER'S?

22 A I DIDN'T AT THAT POINT. MY -- I WAS
23 LIVING AT THE HOUSE THAT I OWNED AT THAT TIME,
24 LIVING IN --

25 Q I UNDERSTAND THAT.

1 A NOW, I DON'T, AND I DIDN'T BEFORE THAT.

2 Q OKAY.

3 A I LIVED IN AN APARTMENT.

4 Q WELL, LET'S TALK ABOUT ON NOVEMBER 20TH.

5 A OKAY.

6 Q YOU LIVED AT THE HOUSE NEXT-DOOR TO YOUR
7 MOTHER?

8 A CORRECT.

9 Q AND THAT ADDRESS WAS?

10 A 424.

11 Q OKAY. WHAT IS THIS 458?

12 A THAT'S THE APARTMENT THAT I LIVED AT.

13 Q OKAY. AND THAT'S ALSO ON VANDERBILT
14 ROAD?

15 A CORRECT. IT'S PROBABLY A COUPLE FOOTBALL
16 FIELDS, MAYBE A LITTLE FURTHER --

17 Q AWAY?

18 A RIGHT.

19 Q OKAY. WHO OWNS THAT APARTMENT BUILDING?

20 A THAT'S MY FATHER, ACTUALLY.

21 Q OKAY.

22 A YEAH.

23 Q DO YOU PAY HIM RENT?

24 A YEAH, YEAH.

25 Q OKAY. AND YOU GET RENT FOR THE HOUSE

1 YOU'RE RENTING OUT?

2 A RIGHT.

3 Q OKAY. WHAT IS THE ADDRESS OF THE CAR
4 DEALERSHIP?

5 A 2828 LEXINGTON AVENUE.

6 Q OKAY. SO THAT'S WAY AWAY FROM THERE?

7 A RIGHT.

8 Q OKAY.

9 A YEAH.

10 Q NOW, THE CAR DEALERSHIP AT ONE POINT WAS
11 CALLED LEXINGTON MOTORS AND NOW IT'S A. AND E.

12 A CORRECT.

13 Q IS THAT THE SAME DEALERSHIP?

14 A IT'S THE SAME SPOT. IT'S NOT THE SAME
15 DEALERSHIP.

16 Q OKAY. WHO OWNED LEXINGTON MOTORS?

17 A THAT WOULD HAVE BEEN MY FATHER, ACTUALLY.

18 Q AND WHEN DID HE OWN THAT?

19 A I THINK HE BOUGHT IT IN '78 AND HE STILL
20 OWNS IT.

21 Q OKAY.

22 A HE STILL OWNS THE PROPERTY.

23 Q AND YOU'RE OPERATING A. AND E. OUT OF
24 THAT SAME BUILDING RIGHT NOW?

25 A YEAH, YEAH.

1 Q OKAY.

2 A YEAH.

3 Q SO YOU'VE GOT A CAR DEALERSHIP OWNED BY
4 YOU THAT'S --

5 A NO. I DON'T OWN THE DEALERSHIP.

6 Q OPERATED BY YOU --

7 A THANK YOU.

8 Q -- THAT SITS ON LAND OWNED BY YOUR
9 FATHER, --

10 A CORRECT.

11 Q -- AND A BUILDING OWNED BY YOUR UNCLE?

12 A NO. HE OWNS BOTH.

13 Q YOUR FATHER OWNS THE BUILDING, TOO?

14 A THERE'S NOT A SEPARATE -- YEAH.

15 Q OKAY.

16 A YEAH.

17 Q I WAS TOLD THAT YOUR UNCLE OWNED THE
18 BUILDING, BUT THAT'S FINE.

19 A NO.

20 Q AND THE LICENSE IS IN THE NAME OF YOUR
21 MOTHER?

22 A THE DEALERSHIP IS, YES.

23 Q YES.

24 A YES. THAT'S CORRECT.

25 Q YOU, HOWEVER, HAVE WHAT, A SALESMAN'S

1 LICENSE UNDER THE AUTHORITY OF THE BUREAU OF MOTOR
2 VEHICLES?

3 A ABSOLUTELY.

4 Q OKAY.

5 A YEAH.

6 Q AND HOW LONG HAVE YOU HAD SUCH A LICENSE?

7 A PROBABLY A LITTLE OVER -- I'VE HAD IT OFF
8 AND ON. I MEAN, I'VE -- I'VE HAD IT AT LEAST A
9 YEAR. I GOT IT WHEN WE STARTED IT -- YOU KNOW, THE
10 DEALERSHIP.

11 Q WHERE DID YOU WORK WHEN YOU GOT OUT OF
12 PRISON?

13 A I WORKED AT MARIA MANOR, WHICH WAS A
14 BUILDING THAT WAS OWNED BY MY DAD, AND HE HAD LEASED
15 IT TO A JERRY SMITH (PHONETIC) WHO OWNS NURSING
16 HOMES. AND HE WAS ACTUALLY TURNING THE -- IT WAS A
17 NURSING HOME AND WE WERE TURNING IT INTO APARTMENTS,
18 ASSISTED LIVING APARTMENTS. SO I ACTUALLY DID THE
19 CONSTRUCTION AND -- OF THAT BUILDING
20 (INDISCERNIBLE).

21 Q AND DID YOU WORK AT THAT UNTIL YOU
22 STARTED ANOTHER CAR DEALERSHIP?

23 A I WORKED THERE UNTIL WE REOPENED THE
24 DEALERSHIP, AND THEN I HELPED OUT WITH IT EVEN
25 BEYOND THAT.

1 Q OKAY. THE MEMORY I HAVE OF YOUR
2 TESTIMONY TO MR. PIERSALL WAS THAT WHEN YOU WERE
3 FIRST BROUGHT INTO THE RICHLAND COUNTY JAIL SOMEONE
4 HANDCUFFED YOU TO A BENCH OR SOMETHING?

5 A YEP.

6 Q AND WHERE WAS THAT BENCH LOCATED?

7 A RIGHT BY THE ENTRANCE, CLOSE TO IT.

8 Q OKAY. WAS THAT IN THE HOLDING AREA OR IN
9 THE WAITING ROOM AREA?

10 A WELL, I MEAN, THE BENCH IS -- IT'S FACING
11 THE HEADQUARTERS, WHATEVER YOU'D CALL IT. I MEAN, I
12 DON'T KNOW. IT'S -- IT WAS RIGHT BY WHERE YOU COME
13 IN THE DOOR (INDISCERNIBLE) OFFICE --

14 Q WAS IT (INDISCERNIBLE) --

15 A I DON'T KNOW.

16 Q LET ME ASK YOU THIS.

17 A I DON'T KNOW THE LAYOUT OF THE BUILDING.

18 Q WAS IT IN THE SECURE AREA OR THE
19 UNSECURED AREA?

20 A I WOULD ASSUME IT WAS SECURED. I THINK
21 IT WAS IN THE SECURED AREA --

22 Q OKAY.

23 A -- I DO BELIEVE. I THINK I HANDCUFFED
24 MYSELF, ACTUALLY, SO -- THEY TOLD ME TO HANDCUFF MY
25 LEG TO THE BENCH. THEY DIDN'T EVEN DO IT, I DON'T

1 BELIEVE, IF I'M NOT MISTAKEN.

2 Q BUT IT CERTAINLY WAS THEIR IDEA RATHER
3 THAN YOURS?

4 A WHAT'S THAT?

5 Q TO HANDCUFF YOU TO THE BENCH.

6 A NO. THEY TOLD ME TO HANDCUFF MYSELF, MY
7 LEG TO THE BENCH.

8 Q DID YOU HEAR MY QUESTION? MY QUESTION
9 WAS --

10 A YEAH, AND I JUST ANSWERED --

11 Q -- IT WAS THEIR IDEA RATHER THAN YOURS?

12 A DID YOU NOT HEAR MY ANSWER OR --

13 Q YOU SAID NO.

14 A I SAID NO, NO, IT WAS NOT MY IDEA TO
15 HANDCUFF MYSELF TO A BENCH.

16 Q I UNDERSTAND.

17 A WHY WOULD I, YOU KNOW --

18 Q OKAY.

19 A (INDISCERNIBLE). KEEP YOUR EYE ON THE
20 BALL.

21 (PAUSE.)

22 MR. PIERSALL: DO YOU WANT A BREAK?

23 THE WITNESS: NO. I'M GOOD.

24 MR. PIERSALL: OKAY.

25 THE WITNESS: HE'S -- HE'S ONTO SOMETHING

1 HERE.

2 BY MR. DE PASCALE:

3 Q LET'S -- LET'S TRANSFER TO A DIFFERENT
4 SUBJECT. YOU WENT TO FLORIDA IN AUGUST --

5 A YEAH.

6 Q -- OF '08?

7 A YEAH.

8 Q YOU FLEW ON AN AIRPLANE FROM MANSFIELD,
9 OHIO, TO TAMPA, FLORIDA; CORRECT?

10 A COLUMBUS.

11 Q OH, I'M SORRY. YOU FLEW OUT OF COLUMBUS
12 TO --

13 A UH-HUH.

14 Q -- TAMPA, FLORIDA.

15 A COLUMBUS.

16 Q OKAY. HOW DID YOU GET TO COLUMBUS?

17 A I ACTUALLY DROVE TO COLUMBUS.

18 Q ANYBODY IN THE CAR WITH YOU?

19 A NO, NOBODY IN THE CAR.

20 Q OKAY. NOW, WHAT'D YOU DO WITH THE CAR?

21 A PARKED THE CAR.

22 Q LONG TERM PARKING?

23 A RED, RED DOT PARKING, --

24 Q OKAY.

25 A -- LONG TERM PARKING.

1 Q FLEW FROM COLUMBUS TO TAMPA BAY, FLORIDA?

2 A TAMPA, TAMPA AIRPORT.

3 Q TAMPA AIRPORT?

4 A YEAH.

5 Q I HAVE NEVER BEEN DOWN THERE, BUT I KEEP
6 HEARING ABOUT TAMPA, --

7 A UH-HUH.

8 Q -- CLEARWATER, BRADENTON, AND SEVERAL
9 OTHER PLACES. HOW CLOSE ARE THEY TOGETHER?

10 A CLEARWATER, ST. PETE'S KIND OF CONNECT TO
11 EACH OTHER, AND ST. PETE'S CONNECTS TO BRADENTON
12 WITH THE SUNSHINE BRIDGE, THE SKYWAY BRIDGE, SO
13 THEY'RE KIND OF SOMEWHAT NEIGHBORING, BUT I'VE
14 ALWAYS THOUGHT CLEARWATER, ST. PETE'S WAS KIND OF
15 ITS OWN LITTLE, YOU KNOW (INDISCERNIBLE).

16 Q AND WHERE'S TAMPA -- TAMPA OR TAMPA BAY
17 WITH RESPECT TO --

18 A TAMPA'S NORTH OF THAT.

19 Q HOW FAR?

20 A PROBABLY 30, 30 MILES I WOULD SAY.

21 Q OKAY.

22 A SOMETHING LIKE THAT, THE CITY ITSELF. I
23 MEAN, TAMPA BAY IS A PRETTY BIG AREA. IT'S A BAY.

24 Q OKAY. BUT THAT'S WHERE THE PLANE LANDED;
25 RIGHT? TAMPA?

1 A YEAH, TAMPA AIRPORT, INTERNATIONAL
2 AIRPORT.

3 Q OKAY. HOW'D YOU GET FROM TAMPA TO
4 CLEARWATER?

5 A I RENTED A CAR, ACTUALLY.

6 Q OKAY.

7 A YEP.

8 Q ANYBODY IN THAT CAR WITH YOU?

9 A NO, SIR, JUST MYSELF AND MY LUGGAGE.

10 Q NOW, YOUR TRAVEL DOCUMENT, YOUR
11 PERMISSION TO GO, SAID THAT YOU INTENDED TO TAKE
12 YOUR MOTHER.

13 A AND I DID INTEND TO TAKE MY MOTHER.

14 Q I UNDERSTAND. BUT YOU DIDN'T TAKE YOUR
15 MOTHER; CORRECT?

16 A NO. I DIDN'T TAKE HER WITH ME, NO.

17 Q OKAY. DID YOU TELL MR. DAUBENSPECK THAT
18 YOU DID NOT TAKE YOUR MOTHER?

19 A I PROBABLY DID NOT.

20 Q OKAY.

21 A I DON'T RECALL TELLING HIM MUCH. HE
22 DIDN'T REALLY ASK MUCH ABOUT IT, BUT PROBABLY NOT.

23 Q OKAY. IN ANY EVENT, YOU -- YOU GOT YOUR
24 TRAVEL PERMIT AND IT LOOKS LIKE MR. MAYER GAVE YOU
25 PERMISSION TO GO TO FLORIDA; CORRECT?

1 A HE SIGNED IT OR FAR AS I KNOW HE SIGNED
2 IT. HE DIDN'T GIVE ME PERMISSION. DAUBENSPECK
3 ACTUALLY DID.

4 Q WELL, WHEN MR. MAYER SIGNED THIS
5 APPROVAL, DID HE GIVE YOU PERMISSION TO TAKE HIS
6 WIFE?

7 A NO.

8 Q OKAY.

9 A NO. NO, HE DID NOT.

10 Q JENNIFER LEECH, HOWEVER, WAS ON THE SAME
11 AIRPLANE YOU WERE ON; WASN'T SHE?

12 A YES, SHE WAS. YES, SHE WAS.

13 Q AND YOU PAID FOR HER TICKET; DIDN'T YOU?

14 A I SURE DID. YES, I DID.

15 Q OKAY.

16 (PAUSE.)

17 BY MR. DE PASCALE:

18 Q WHEN THE PLANE LANDED, DID YOU TWO GO
19 ANYWHERE?

20 A TO BAGGAGE CLAIM.

21 Q OKAY. AND FROM THERE DID YOU GO ANYWHERE
22 TOGETHER?

23 A NO, SURE DID NOT.

24 Q SO WHAT IS --

25 A IN FACT, --

1 Q -- YOUR TESTIMONY AS TO THE NEXT TIME YOU
2 SAW HER?

3 A THE NEXT TIME I SAW HER WAS AT -- BACK AT
4 THE AIRPORT --

5 Q OKAY.

6 A -- ON WHATEVER DATE IT WAS. I COULDN'T
7 TELL YOU.

8 Q WHEN YOU FLEW BACK TO COLUMBUS, OHIO?

9 A YEAH. SHE ACTUALLY WAS -- I THINK, IF I
10 REMEMBER RIGHT, I WAS -- I GOT THERE EARLY AND SHE
11 GOT THERE LATE. I THINK SHE ALMOST MISSED THE
12 FLIGHT, BUT I DON'T REMEMBER. I WAS THERE FIRST, I
13 BELIEVE. BUT I RETURNED THE RENTAL CAR EARLIER,
14 THEN I -- YOU KNOW, I GOT THERE A CONSIDERABLE
15 AMOUNT EARLIER THAN I NEEDED TO.

16 Q THIS IS DOWN IN FLORIDA?

17 A RIGHT. THEY HAD SAID THAT YOU NEED TO
18 GET THERE EARLY BECAUSE OF BAGGAGE CHECKING OR
19 SOMETHING, AND THE RENTAL CAR PLACE HAD CALLED ME
20 DURING -- WHEN I WAS -- ACTUALLY, I WAS IN BRADENTON
21 WORKING ON THE LAND, AND THE RENTAL CAR CALLED, AND
22 THERE WAS SOME KIND OF A -- THEY DIDN'T -- THEY
23 OVERCHARGED ME OR SOMETHING, SO THEY SAID THAT THEY
24 WERE GOING TO MAKE A -- AN ADJUSTMENT OR SOMETHING
25 ON IT.

1 AND IF I REMEMBER RIGHT, THEY SAID TO GET
2 THERE EARLY AND TURN THE CAR IN EARLIER THAN YOUR
3 FLIGHT SO THEY COULD DO THE PAPERWORK ON THE MISTAKE
4 THEY MADE. THEY GAVE ME A DIFFERENT PRICE OR
5 SOMETHING.

6 Q OKAY. HOW DID THEY KNOW HOW TO REACH
7 YOU?

8 A WELL, THEY HAD MY PHONE NUMBER.

9 Q YOUR CELL PHONE?

10 A YEAH. THEY CALLED ME ON MY CELL PHONE.

11 Q OKAY. WHEN DID YOUR MOTHER ACTUALLY SHOW
12 UP DOWN THERE IN FLORIDA?

13 A I CAN'T RECALL WHEN SHE SHOWED UP. I
14 DIDN'T...

15 Q DID YOU SEE HER THERE?

16 A I HAD NOT -- ACTUALLY, I DID NOT SEE HER.
17 WE TALKED BY PHONE. IT JUST DIDN'T WORK OUT. SHE
18 WAS DOWN THERE, BUT I DID NOT SEE HER.

19 Q OKAY. NOW, WHEN YOU WERE IN THE VEHICLE
20 WITH JENNIFER LEECH --

21 A WHICH VEHICLE?

22 Q WELL, I'LL GET THERE.

23 A OKAY.

24 Q -- AND THE TWO OF YOU WERE DRIVING AROUND
25 MANSFIELD, AND YOU DECIDED TO GO TO THE O.S.P., AND

1 THEN YOU CHANGE YOUR MIND, AND YOU'RE AFRAID, YOU
2 HAD YOUR CELL PHONE WITH YOU THAT NIGHT?

3 A YEAH.

4 Q WAS IT CHARGED?

5 A I DON'T THINK IT -- I THINK IT WAS
6 GETTING WEAK.

7 Q OKAY. DO YOU KNOW WHETHER OR NOT SHE HAD
8 A CELL PHONE?

9 A I DON'T -- I DON'T KNOW IF SHE HAD A CELL
10 PHONE ON HER. I HAVE NO CLUE.

11 Q OKAY. IN ANY EVENT, NEITHER ONE OF YOU
12 TRIED TO CALL 911 OR ANY OTHER POLICE AGENCY?

13 A I DIDN'T, NO.

14 Q OKAY.

15 A NO, I DID NOT.

16 Q NOW, I BELIEVE YOUR TESTIMONY TO MR.
17 PIERSALL WAS THAT WHEN JOHN TOOK YOUR CELL PHONE
18 AWAY FROM YOU IT WAS DEAD, AND WHEN YOU GOT IT BACK
19 IT WAS FULLY CHARGED?

20 A IT WAS.

21 Q OKAY.

22 A I KNOW FOR A FACT.

23 Q DO YOU KNOW HOW THAT HAPPENED?

24 A NO, I DON'T.

25 Q OKAY. I MEAN, YOU DON'T KNOW WHETHER OR

1 NOT HE HAS A CELL PHONE CHARGER THAT WILL WORK ON
2 YOUR CELL PHONE; DO YOU?

3 A I HAVE NO CLUE. I HAVE NO IDEA.

4 Q OKAY. I UNDERSTAND.

5 A ALL I KNOW IS IT WAS CHARGED. THAT COULD
6 MEAN ONE OF TWO THINGS. HE EITHER PUT A BATTERY IN
7 IT OR CHARGED IT, UNLESS HE'S GOT SOME DEVICE -- HE
8 MAY HAVE. WHO KNOWS?

9 Q OKAY. NOW, YOU COMPLAINED WHEN YOU SPOKE
10 WITH MR. NELSON THAT YOU DID NOT HAVE A GUN. YOU'RE
11 NOT ALLOWED TO HAVE A GUN; ARE YOU?

12 A I DIDN'T HAVE A GUN.

13 Q I DIDN'T SAY YOU DID. I SAID YOU'RE NOT
14 ALLOWED TO HAVE ONE?

15 A YEAH, OBVIOUSLY.

16 Q OKAY. YOU COMPLAINED THAT JOHN DID HAVE
17 A GUN?

18 A HE DID HAVE A GUN.

19 Q DID YOU SEE THAT GUN?

20 A I SAW PART OF A GUN INSIDE OF A VEST -- I
21 THOUGHT WAS A GUN. THAT'S WHAT I SAW.

22 Q I'M SORRY. INSIDE OF WHAT KIND OF VEST?

23 A HE HAD A VEST ON, SOME KIND OF A VEST,
24 YOU KNOW, THAT HAS THE SLEEVES FREE AND IT'S A VEST.

25 Q I KNOW WHAT A VEST IS.

1 A WELL, THEN WHY'D YOU ASK ME WHAT A VEST
2 WAS? YOU JUST DID. A VEST. THAT'S WHAT HE HAD ON.

3 Q I UNDERSTAND. WAS HE WEARING A SUIT?

4 A I DON'T THINK HE HAD A SUIT. I DON'T --
5 I DON'T KNOW WHAT HE HAD ON. A SHIRT, T-SHIRT, I
6 DON'T.

7 Q WELL, THAT'S WHAT I'M TRYING TO
8 UNDERSTAND, WHY HE WOULD HAVE A VEST IF HE WASN'T
9 WEARING A SUIT.

10 A I'M NOT TALKING ABOUT A SUIT VEST. I'M
11 TALKING ABOUT A VEST, LIKE A -- JUST A VEST.

12 Q OH, --

13 A YEAH.

14 Q -- OKAY.

15 A YEAH.

16 Q WHAT KIND OF A VEST THEN? LET'S GO
17 THERE.

18 A I DON'T KNOW WHAT KIND OF A VEST. I
19 DON'T WEAR VESTS. I DON'T SEE ANY IN HERE.

20 Q BUT YOU COULD SEE PART OF A GUN STICKING
21 OUT OF THE VEST?

22 A I THOUGHT I SAW A GUN INSIDE OF THE VEST.

23 Q WAS THE VEST OPEN OR CLOSED?

24 A PARTIALLY OPEN. I MEAN, NOT ZIPPED, LIKE
25 ZIPPED MAYBE HERE.

1 Q HALFWAY?

2 A YEAH, SOMEWHERE IN THERE.

3 Q OKAY. DID THE GUN APPEAR TO BE IN A
4 HOLSTER?

5 A I DIDN'T -- I JUST SAW -- IT LOOKED LIKE
6 A HANDLE OF A GUN.

7 Q WHAT KIND OF HANDLE DO YOU THINK YOU SAW?

8 A COULDN'T TELL YOU.

9 Q WHAT DID IT LOOK LIKE?

10 A THE HANDLE OF A GUN, JUST A METAL END OF
11 A GUN. I DON'T KNOW WHAT KIND OF A HANDLE OR --

12 Q DO YOU HAVE ANY FAMILIARITY WITH
13 FIREARMS?

14 A NOT TOO MUCH REALLY.

15 Q BECAUSE REVOLVERS HAVE A TOTALLY
16 DIFFERENT HANDLE SYSTEM THAN SEMIAUTOMATIC PISTOLS.

17 A I COULDN'T TELL YOU.

18 Q DON'T KNOW, OKAY.

19 A NO.

20 Q THAT'S FINE.

21 A I WASN'T REALLY TRYING TO SEE WHAT KIND
22 OF A GUN. IT JUST SEEMED LIKE HE HAD REACHED IN HIS
23 VEST A FEW TIMES AND I WAS CONCERNED THAT HE WAS
24 GOING FOR A GUN, AND I THOUGHT I SAW A GUN.

25 Q OKAY.

1 (PAUSE.)

2 BY MR. DE PASCALE:

3 Q MR. GRIFFETH, PLEASE GO TO PAGE 22 OF THE
4 DOCUMENT YOU HAVE IN FRONT OF YOU.

5 MR. SPRAGUE: IS THAT THE TRANSCRIPT?

6 MR. DE PASCALE: YES, SIR, THE
7 TRANSCRIPT.

8 MR. SPRAGUE: ALL RIGHT.

9 MR. DECKER: CAN WE TAKE A 30-SECOND
10 BREAK?

11 MR. SPRAGUE: SURE.

12 MR. DE PASCALE: NO OBJECTION.

13 MR. SPRAGUE: ALL RIGHT, WE'LL GO OFF FOR
14 A SHORT --

15 MR. DECKER: IT'S EASIER --

16 (OFF THE RECORD.)

17 MR. SPRAGUE: WE ARE BACK ON.

18 MR. DE PASCALE: THANK YOU, YOUR HONOR.

19 BY MR. DE PASCALE:

20 Q MR. GRIFFETH, I'M GOING TO HAND YOU WHAT
21 HAS BEEN MARKED APPELLANT'S EXHIBIT B -- IT IS A
22 THREE-PAGE DOCUMENT -- AND ASK YOU TO TAKE A LOOK AT
23 IT FOR A MINUTE.

24 (PAUSE.)

25 A OKAY.

1 BY MR. DE PASCALE :

2 Q NOW, PLEASE, ALSO TURN TO EXHIBIT 14-12.

3 A OKAY.

4 Q EXHIBIT 14-12 IS YOUR TRAVEL PERMIT. ON
5 PERSONS ACCOMPANYING IT SAYS MOM AND HIMSELF, AND IT
6 IS SIGNED BY YOU.

7 A YEP.

8 Q IS THAT WHAT YOU TOLD MR. DAUBENSPECK?

9 A I COULDN'T TELL YOU. I MUST HAVE.

10 Q THE DATE ON THAT DOCUMENT IS 7/16/08;
11 CORRECT?

12 A YEAH.

13 Q JULY 16TH?

14 A JULY 16TH, YEAH.

15 Q EXHIBIT APPELLANT'S BRAVO IS A COPY OF AN
16 AIRLINE REGISTRY SHOWING THE PURCHASE OF TWO
17 TICKETS--

18 A UH-HUH.

19 Q -- FOR ONE EDWIN GRIFFETH -- THAT'S YOU--

20 A YES, IT IS.

21 Q -- AND ONE JENNIFER LEECH WHO IS MS.
22 LEECH; CORRECT?

23 A RIGHT. YEP.

24 Q WHO AT THE TIME IS JOHN MAYER'S WIFE;
25 CORRECT?

1 A THAT I DON'T KNOW, BUT, YEAH, --

2 Q OKAY.

3 A --IF YOU SAY SO.

4 Q IF I SAY SO?

5 A YEAH.

6 Q NOW, THOSE TICKETS WERE PURCHASED ON THE
7 7TH DAY OF JUNE, 2008; CORRECT?

8 A YEAH, CORRECT.

9 Q OKAY. SO YOU PURCHASED MS. LEECH'S
10 TICKET ON THE 7TH DAY OF JUNE, 2008, AND ON THE 16TH
11 DAY OF JULY, 2008, YOU TOLD MR. DAUBENSPECK THAT YOU
12 WERE TAKING YOUR MOTHER TO FLORIDA; CORRECT?

13 A I TOLD HIM SHE WAS GOING TO BE GOING. HE
14 ASKED WHO WAS GOING, AND I TOLD HIM SHE WOULD BE
15 GOING, AND INITIALLY SHE WAS GOING TO.

16 Q WELL, IT SAYS PERSON ACCOMPANYING, MOM
17 AND HIMSELF, AND YOU WANTED TO GO TO CLEARWATER,
18 FLORIDA. THAT'S WHAT THE FORM SAYS; DOESN'T IT?

19 A YEAH, UH-HUH.

20 Q OKAY. AND YOU SIGNED THAT FORM; CORRECT?

21 A YEAH.

22 Q BUT IN REALITY, AT THE TIME YOU SIGNED
23 THAT FORM YOU HAD IN YOUR POSSESSION TWO TICKETS TO
24 FLORIDA, ONE IN THE NAME OF YOURSELF AND ONE IN THE
25 NAME OF JENNIFER LEECH; CORRECT?

1 A YEAH.

2 Q WHERE IS JENNIFER LEECH'S NAME ON THIS
3 TRAVEL PERMIT REQUEST?

4 A IT'S NOT ON THERE.

5 Q NOW, AT THE TIME THAT YOU DID THIS, YOU
6 MISREPRESENTED THAT TRIP TO MR. DAUBENSPECK; DIDN'T
7 YOU?

8 A I FAILED TO TELL HIM -- YEAH, I DID.

9 Q OKAY. NOW, THAT IN AND OF ITSELF IS A
10 PROBATION VIOLATION; ISN'T IT?

11 A YEAH.

12 Q OKAY.

13 A YEAH, IT WOULD (INDISCERNIBLE).

14 Q AND IF IT IS TRUE THAT JENNIFER LEECH WAS
15 JOHN MAYER'S WIFE AT THE TIME, THEN YOU NOT ONLY
16 ENGAGED IN A -- AN UNAUTHORIZED RELATIONSHIP WITH A
17 FEMALE, YOU ENGAGED IN AN ADULTEROUS, UNAUTHORIZED
18 RELATIONSHIP WITH A FEMALE.

19 MR. PIERSALL: OBJECTION.

20 A NO, THAT'S NOT TRUE, --

21 MR. PIERSALL: HOLD ON.

22 A -- ACTUALLY.

23 MR. PIERSALL: OBJECTION; ARGUMENTATIVE.

24 HE ALREADY TESTIFIED THAT THEY WERE SEPARATED BY THE
25 TIME THIS TRIP TOOK PLACE.

1 MR. DE PASCALE: HOW MUCH DOMESTIC LAW DO
2 YOU PRACTICE? THEY'RE STILL MARRIED.

3 MR. PIERSALL: WHAT'S ADULTERY USUALLY
4 INVOLVE? I THOUGHT IT INVOLVED SEX WHICH HE
5 TESTIFIED (INDISCERNIBLE) --

6 MR. SPRAGUE: YES, IT'S --

7 MR. PIERSALL: -- I DON'T KNOW HOW YOU
8 DEFINE ADULTERY (INDISCERNIBLE) --

9 MR. DE PASCALE: MY -- MY APOLOGIES, YOUR
10 HONOR. I SHOULD NOT HAVE STARTED (INDISCERNIBLE)
11 AND I DO APOLOGIZE TO YOU AND TO THE COURT.

12 UNIDENTIFIED SPEAKER: HOW ABOUT
13 (INDISCERNIBLE)?

14 MR. DE PASCALE: YOU'RE STILL WRONG, BUT
15 I'LL APOLOGIZE TO YOU, TOO.

16 MR. PIERSALL: HE'S BEEN DOING IT A LOT
17 LONGER THAN I HAVE I KNOW, BUT I DON'T KNOW WHAT I'M
18 TALKING ABOUT, AND I DON'T DO ANY DOMESTIC. HE'S
19 RIGHT, --

20 MR. SPRAGUE: CAN I GET A COPY --

21 MR. PIERSALL: -- BUT I DO KNOW WHAT
22 ADULTERY --

23 MR. SPRAGUE: -- DO WE HAVE THE SEAT
24 NUMBERS ON THAT THING?

25 MS. MAYER: IT'S SOUTHWEST AIRLINES.

1 THERE ARE NO SEAT (INDISCERNIBLE) --

2 MR. DE PASCALE: I DON'T HAVE ANY SEAT
3 NUMBERS, --

4 MS. MAYER: -- IT'S A (INDISCERNIBLE).

5 MR. DE PASCALE: -- BUT THE SAME
6 AIRPLANE.

7 MS. MAYER: IT'S THE (INDISCERNIBLE).

8 MR. SPRAGUE: WELL, BUT -- YES, OKAY.
9 (INDISCERNIBLE).

10 MR. DE PASCALE: PURCHASED ON THE SAME
11 DAY ON THE SAME CREDIT CARD, YES.

12 MR. SPRAGUE: OKAY.

13 MR. DE PASCALE: YOU HAVE A COPY OF ALL
14 OF IT.

15 MR. SPRAGUE: OKAY. NOW, I'M SURE WE'LL
16 FOLLOW UP. ALL RIGHT. BUT I DON'T KNOW IF THEY SAT
17 TOGETHER. YOU KNOW, THEY MIGHT SEE EACH OTHER IN
18 BAGGAGE. DON'T KNOW. I'M NOT SURE WHAT
19 ACCOMPANYING MEANS, SO --

20 MR. DE PASCALE: I'M SORRY, SIR. YOU'RE
21 NOT SURE WHAT?

22 MR. SPRAGUE: I DON'T KNOW WHAT
23 ACCOMPANYING MEANS AS FAR AS THOSE DESCRIPTIONS.
24 I'M NOT A PROBATION/PAROLE EXPERT, SO I DON'T KNOW
25 (INDISCERNIBLE) A.P.A. DEFINES THAT. THAT COULD BE

1 A VIOLATION. DON'T KNOW.

2 MR. DE PASCALE: HE JUST AGREED IT WAS,
3 SIR.

4 MR. SPRAGUE: WELL, HE DID. THAT'S TRUE.
5 ALL RIGHT. OKAY.

6 BY MR. DE PASCALE:

7 Q NOW, AS WE GO -- I WOULD LIKE TO HAVE YOU
8 ACQUAINT ME, MR. GRIFFETH -- SO FAR WE HAVE
9 ESTABLISHED THAT YOU BELIEVE THAT IT IS JOHN MAYER'S
10 FAULT THAT YOU WENT TO JAIL ON 20 NOVEMBER, 2008.
11 WE HAVE ESTABLISHED THAT YOU AGREE YOU WERE IN
12 VIOLATION OF THE TERMS AND CONDITIONS OF YOUR
13 SUPERVISION ON 20 NOVEMBER, 2008, BECAUSE YOU WERE
14 WITH MS. LEECH IN A VEHICLE, AND WE HAVE ESTABLISHED
15 THAT ON THE 16TH OF JULY, 2008, YOU WERE IN
16 VIOLATION OF YOUR TERMS AND CONDITIONS BECAUSE YOU
17 FAILED TO ADVISE MR. DAUBENSPECK, BUT YOU HAD A
18 TICKET FOR MS. LEECH TO GO WITH YOU ON THAT AIRLINE
19 TRIP.

20 PLEASE TELL ME WHY IT'S JOHN MAYER'S
21 FAULT YOU WENT TO JAIL.

22 A PROBABLY BECAUSE HE WAS THE ONE THAT CAME
23 TO MY HOUSE AND TOOK ME TO JAIL. THAT WOULD
24 PROBABLY BE MY ANSWER, YES.

25 Q OKAY.

1 A THAT'S WHAT I'M GOING TO SAY. HE DIDN'T
2 DISCUSS ANY OF THIS WITH ME. HE DIDN'T DISCUSS
3 ANYTHING OTHER THAN SOME BOGUS CURFEW VIOLATION
4 WHICH NEVER HAPPENED, AND THAT'S ALL HE SAID TO ME,
5 ALONG WITH OTHER ACCUSATIONS THAT WEREN'T TRUE, AS
6 WELL, SO --

7 Q OKAY. PLEASE GO TO PAGE 22 OF THE --
8 BLESS YOU, BLESS YOU -- OF THE TRANSCRIPT THAT I
9 STARTED TO GO TO WHEN WE GOT OUR --

10 A YEAH.

11 Q -- 30-SECOND RECESS.

12 A I'VE GOT IT. OKAY, I'M THERE.

13 Q LINE 15. YOUR STATEMENT. NO, AND FOR
14 THEM TO USE THE HAVING CONTACT WITH HER -- BLESS YOU
15 -- I DON'T FEEL IS RIGHT BECAUSE WHEN A SUPERVISOR
16 GAVE ME PERMISSION HOW CAN THEY SANCTION ME FOR
17 SOMETHING LIKE THAT.

18 TO WHOM WERE YOU REFERRING THAT GAVE YOU
19 PERMISSION, FIRST OF ALL, IN THAT STATEMENT?

20 A I -- YOU KNOW, IT'S IN THE MIDDLE OF A --
21 I DON'T KNOW WHAT -- WHAT IT WAS ABOUT FROM READING
22 (INDISCERNIBLE) --

23 Q WELL, READ THE REST OF THE PAGE. I'M NOT
24 TRYING TO FOOL YOU HERE.

25 A NO, I -- I'M TRYING TO READ IT. I'M --

1 Q GO AHEAD.

2 A -- READING IT.

3 Q TAKE YOUR TIME.

4 (PAUSE.)

5 A I'M ASSUMING IT WAS WHEN I TALKED TO MR.
6 MAYER ABOUT HAVING TO COMMUNICATE WITH HER ABOUT THE
7 WARRANTY LAWSUIT. I AM ASSUMING.

8 OR IT COULD BE THE FACT THAT -- BECAUSE
9 HE HAD ASKED ME ABOUT ESTABLISHING A RELATIONSHIP,
10 AND THAT RELATIONSHIP WAS NOT A ROMANTIC
11 RELATIONSHIP, AND IT WAS ESTABLISHED BEFORE I LEFT
12 FOR PRISON, SO SHE WAS A FRIEND BEFORE I LEFT, SO I
13 DIDN'T SEE WHERE THAT WAS ESTABLISHING SOMETHING
14 THAT WAS ALREADY THERE, WHICH WOULD BE AN
15 ACQUAINTANCE OR FRIENDSHIP.

16 BY MR. DE PASCALE:

17 Q OKAY. SO --

18 A I'M ASSUMING IT'S ONE OF THE TWO THAT I'M
19 REFERRING TO.

20 Q SO I AM UNDERSTANDING FROM YOUR ANSWER
21 THAT YOU WERE, IN FACT, IN THAT SENTENCE REFERRING
22 TO JENNIFER LEECH. IS THAT CORRECT?

23 A I WOULD ASSUME SO.

24 Q OKAY.

25 A YEAH. I (INDISCERNIBLE) --

1 Q NOW, YOU'RE ALSO UNDERSTANDING THAT YOUR
2 INTERPRETATION OF WHATEVER YOU WERE TOLD IS THE
3 BASIS FOR THE STATEMENT. IS THAT ALSO CORRECT?

4 A COULD YOU SAY THAT AGAIN?

5 Q YES.

6 A I WAS READING.

7 Q I SAID I AM ALSO UNDERSTANDING THAT YOUR
8 INTERPRETATION OF WHATEVER YOU WERE TOLD IS THE
9 BASIS FOR THAT STATEMENT --

10 A YEAH. I NEVER WAS --

11 Q -- AND THAT THE -- THE QUESTION. IS THAT
12 ALSO CORRECT?

13 A -- AT THAT POINT, YEAH.

14 Q OKAY. ON PAGE 23 YOU SAY SOMETHING THAT
15 I DON'T UNDERSTAND AT ALL. YOU SAID I HAVE VOTED
16 THIS YEAR.

17 A WHERE? WHAT NOW?

18 Q PAGE -- LINES 24, 25, PAGE 23.

19 A I DON'T KNOW WHAT I'M TALKING ABOUT THERE
20 REALLY, TO BE HONEST WITH YOU.

21 Q BECAUSE THAT'S MY QUESTION. YOU ARE --

22 A I DON'T KNOW.

23 Q -- NOT PERMITTED TO VOTE UNLESS YOU HAVE
24 FILED PLEADINGS FOR RESTORATION OF CIVIL RIGHTS,
25 WHICH I AM NOT AWARE YOU DID.

1 A I KNOW THAT I DID VOTE.

2 Q YOU DID VOTE?

3 A I BELIEVE I DID.

4 Q HOW DID YOU DO THAT?

5 A WENT UP TO THE -- I GOT REGISTERED AND
6 WENT UP TO THE CHURCH AND VOTED. I WOULD THINK IT
7 WOULD BE UP TO THEM TO NOT COUNT THAT VOTE, WOULDN'T
8 IT, NOT ME? WOULDN'T THAT BE THEIR RESPONSIBILITY?

9 Q (INDISCERNIBLE). EXCUSE ME A MINUTE.

10 A SURE.

11 MR. SPRAGUE: DO YOU WANT TO GO OFF --

12 MR. DE PASCALE: YES, PLEASE, OFF THE
13 RECORD. I NEED TO CONFER WITH COUNSEL FOR A MINUTE.

14 MR. SPRAGUE: WE'LL GO OFF.

15 (OFF THE RECORD.)

16 MR. SPRAGUE: WE'RE BACK ON.

17 MR. PIERSALL: YOUR HONOR, I'D LIKE TO
18 LODGE AN OBJECTION BEFORE WE BEGIN DOWN THIS ROAD --

19 MR. DE PASCALE: YOU DON'T NEED TO DO
20 THAT.

21 MS. MAYER: HE'S GOING TO --

22 MR. DE PASCALE: JUST A SECOND.

23 UNIDENTIFIED SPEAKER: YES, LET HIM

24 (INDISCERNIBLE) --

25 (INDISCERNIBLE).

1 MR. DE PASCALE: YOUR HONOR, I --

2 MR. PIERSALL: CAN I FINISH, PLEASE?

3 MS. MAYER: IT'S OKAY. JUST LET HIM GO.

4 MR. SPRAGUE: I THINK MR. DE PASCALE IS
5 GOING TO CORRECT HIMSELF HERE, BUT IF YOU FEEL IT'S
6 NECESSARY YOU CAN LODGE AN OBJECTION.

7 MR. PIERSALL: I'M LODGING AN OBJECTION
8 AS TO RELEVANCY OF MR. GRIFFETH'S STATUS AS A VOTER.
9 IT'S NOT RELEVANT TO THIS CASE. NOW, IF HE IS GOING
10 TO CLEAN THAT UP -- PLEASE, CLEAN IT UP.

11 MR. DE PASCALE: YOUR HONOR, FOR THE
12 RECORD, I HAVE JUST BEEN ADVISED BY COUNSEL -- CO-
13 COUNSEL THAT THERE HAS BEEN A CHANGE IN THE LAW OF
14 WHICH I WAS UNAWARE. THERE BEING SOME 80,000 OF
15 THEM, I CAN'T KEEP THEM ALL IN MY HEAD AT ONE TIME.

16 APPARENTLY, MR. GRIFFETH IS PERMITTED
17 UNDER THE NEW LAW TO VOTE. I WAS UNAWARE OF THIS.
18 I, THEREFORE, REQUEST THAT YOU STRIKE MY QUESTIONS
19 WITH RESPECT TO THOSE -- THAT ISSUE AND THAT YOU
20 STRIKE HIS ANSWERS, ALSO, BECAUSE AT THIS POINT THAT
21 BEING ALLOWED, MR. PIERSALL IS CORRECT, AND THEY
22 ARE, IN FACT, NOT RELEVANT. IN ADDITION TO THAT, I
23 MADE A MISTAKE.

24 MR. SPRAGUE: ALL RIGHT. ANY ISSUE WITH
25 STRIKING THAT, MR. PIERSALL?

1 MR. PIERSALL: I DO NOT HAVE
2 (INDISCERNIBLE).

3 MR. SPRAGUE: NO? VERY WELL. YOUR
4 MOTION IS GRANTED. THAT WILL BE STRUCK FROM THE
5 RECORD.

6 MR. DE PASCALE: THANK YOU, SIR.
7 (PAUSE.)

8 BY MR. DE PASCALE:

9 Q GOING TO PAGE 29 OF THAT SAME
10 TRANSCRIPT, --

11 A YEP. I'M THERE.

12 Q -- LINES 15 THROUGH 21, --

13 A YEP.

14 Q -- MOSTLY LINES 17, 18, 19, WE WERE JUST
15 TALKING, AND THEN -- BUT WHEN SHE MENTIONED THAT SHE
16 HAD MARRIED JOHN MAYER, AND IT WAS A MISTAKE, AND
17 THAT SHE WANTED OUT OF IT -- WHEN DID THAT OCCUR?

18 A I -- I DON'T KNOW REALLY. I DON'T KNOW
19 WHEN SHE SAID THAT. SHE DID SAY IT AT SOME POINT,
20 BUT I CAN'T RECALL. I REALLY CAN'T.

21 Q IT IS IN YOUR RECITATION THE SAME GENERAL
22 AREA AS YOUR CONVERSATIONS WITH HER AT SNOW TRAILS.

23 A I DON'T KNOW. I REALLY DON'T. SHE
24 DIDN'T EXPOUND ON IT. SHE JUST SAID -- JUST LIKE
25 THAT. SHE JUST SAID IT WAS A MISTAKE. I DIDN'T SAY

1 ANYTHING.

2 (PAUSE.)

3 A I INFORMED HER THAT I -- HE WAS THE ONE
4 THAT TOOK ME TO THE V.O.A. AND THAT WAS IT.

5 MR. PIERSALL: JUST WAIT FOR A QUESTION.

6 THE WITNESS: ALL RIGHT.

7 BY MR. DE PASCALE:

8 Q DO YOU HAVE KNOWLEDGE AS TO WHY SOMEONE
9 YOU SAY WAS A CASUAL FRIEND WOULD TELL YOU THAT HER
10 MARRIAGE WAS ABOUT TO BLOW UP?

11 A I'VE HAD OTHER PEOPLE DISCUSS THAT WITH
12 ME THAT ARE JUST FRIENDS, YEAH. IT'S NOT --

13 Q WELL, YOU HADN'T SEEN THIS ONE FOR A
14 COUPLE OF YEARS.

15 A I DIDN'T FIND IT OUT OF THE ORDINARY, NO.

16 Q OKAY.

17 A REALLY, I GUESS AT THE TIME I DIDN'T AND
18 I DON'T NOW. I DON'T UNDERSTAND (INDISCERNIBLE).

19 (PAUSE.)

20 BY MR. DE PASCALE:

21 Q DID YOU HAVE ANY DISCUSSION AT ANY POINT
22 WITH MR. MAYER WITH RESPECT TO WHETHER OR NOT YOUR
23 MOTHER HAD ACCOMPANIED YOU TO FLORIDA?

24 A I DON'T THINK I HAD ANY DISCUSSION AT ALL
25 WITH HIM. I DON'T BELIEVE.

1 Q OKAY. I'M TALKING ABOUT AFTER --

2 A I CAN'T REMEMBER.

3 Q -- I'M TALKING ABOUT SUBSEQUENT TO THE
4 TRIP.

5 A I CAN'T RECALL. IF THERE WAS A
6 CONVERSATION, I CAN'T RECALL IT.

7 Q BECAUSE YOU HAVE NO MEMORY?

8 A I'M SORRY?

9 Q YOU HAVE NO MEMORY OF SUCH A DISCUSSION?

10 A ON THAT PARTICULAR SUBJECT?

11 Q YES.

12 A I -- I DON'T RECALL. IT COULD HAVE BEEN
13 BROUGHT UP. I -- I DON'T RECALL IT.

14 Q OKAY. WELL, IF IT WAS BROUGHT UP AND IF
15 YOU TOLD JOHN MAYER THAT, IT WOULD HAVE BEEN UNTRUE;
16 WOULD IT NOT?

17 MR. PIERSALL: OBJECTION AS TO FORM.

18 A WHAT?

19 MR. DE PASCALE: I'M SORRY. SAY AGAIN.

20 MR. PIERSALL: OBJECTION AS TO FORM.

21 MR. DE PASCALE: WOULD YOU LIKE ME TO
22 REPHRASE?

23 MR. SPRAGUE: WELL, SINCE HE DOESN'T
24 RECALL THAT CONVERSATION IT'S (INDISCERNIBLE).

25 MR. DE PASCALE: OKAY.

1 MR. SPRAGUE: SUSTAINED ON OTHER GROUNDS.

2 MR. PIERSALL: THANK YOU.

3 BY MR. DE PASCALE:

4 Q WHEN YOU WERE IN JAIL FOR THE FOUR DAYS
5 OVER THE --

6 A 20TH THROUGH THE -- WHATEVER.

7 Q -- YES, 20TH TO THE 24TH OR 6TH -- DID
8 YOU HAVE YOUR MOTHER CALL MS. LEECH?

9 A I DON'T REMEMBER HAVING ANYBODY CALL
10 ANYBODY.

11 Q OKAY.

12 A I DON'T RECALL IT IF I DID.

13 Q WHEN YOU WENT OVER FROM THE COMMON PLEAS
14 BUILDING OVER TO THE -- OVER TO COUNTY PROBATION TO
15 SIGN UP FOR THE I.S.P., --

16 A UH-HUH.

17 Q -- MR. DAUBENSPECK WENT WITH YOU; DIDN'T
18 HE?

19 A YEAH. HE DID WALK WITH ME, YEAH.

20 Q OKAY. AND I THINK HE DID THAT BECAUSE
21 YOU REQUESTED THAT HE DO SO.

22 A I DON'T REMEMBER.

23 Q OKAY.

24 A I THOUGHT I SAID KENNY COFFMAN, BUT I
25 CAN'T REMEMBER.

1 Q ALL RIGHT. WELL, IN ANY EVENT, DO YOU
2 REMEMBER TELLING MR. DAUBENSPECK WHILE YOU WERE IN
3 THE PROCESS OF GOING FROM ONE LOCATION TO THE OTHER
4 THAT JENNIFER USED BOTH JOHN AND ME?

5 A I DON'T REMEMBER SAYING THAT. I CAN'T
6 BELIEVE I WOULD HAVE SAID THAT, BUT --

7 Q OKAY.

8 A -- I DON'T KNOW WHY I WOULD HAVE SAID
9 THAT.

10 MR. DE PASCALE: YOUR HONOR, WE WOULD
11 LIKE TO INQUIRE AS TO A SPECIFIC POINT ABOUT WHICH I
12 KNOW VERY LITTLE, AND MY CO-COUNSEL, MS. MAYER,
13 KNOWS QUITE A BIT. MAY I REQUEST THAT SHE ASK THE
14 QUESTIONS WITH RESPECT TO THAT POINT SO THAT WE DO
15 NOT WASTE A LOT OF TIME WITH MY FUMBLING AROUND?

16 MR. SPRAGUE: THAT'S FINE, AS LONG AS --
17 AS LONG AS WE KNOW WHO'S DOING (INDISCERNIBLE) --

18 MR. DE PASCALE: RIGHT. BUT, I MEAN,
19 IT'S -- IT'S ONLY FOR THAT POINT.

20 MR. SPRAGUE: THAT'S FINE AS LONG AS
21 EVERYONE KNOWS IN ADVANCE THAT THAT'S THE PLAN.

22 MR. DE PASCALE: OKAY.

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

24 MS. MAYER: AM I GOING TO DO IT NOW AT
25 THIS --

1 MR. DE PASCALE: YOU'RE GOING TO DO IT
2 RIGHT NOW.

3 MS. MAYER: OKAY. THIS IS GOING TO BE IN
4 EXHIBIT 21, WHICH IS QUITE EXTENSIVE. IT'S HIS
5 PROBATION FILE. IT'S THE TWO S.A.Q. SCORE --
6 SCORINGS, SO IT SHOULD START -- THE FIRST ONE STARTS
7 BACK RIGHT AFTER THAT (INDISCERNIBLE) FIRST ONE,
8 DECEMBER 3RD, AND THE SECOND ONE IS FEBRUARY 25TH OF
9 '09.

10 MR. SPRAGUE: AND WHAT PAGE ARE WE ON
11 AGAIN?

12 MS. MAYER: IT'S IN (INDISCERNIBLE) IT IS
13 IN 21 --

14 MR. PIERSALL: ABOUT HOW MANY PAGES IN?
15 (INDISCERNIBLE).

16 MS. MAYER: ABOUT THIS MUCH IN FOR THE
17 FIRST ONE.

18 MR. DECKER: OKAY, WHAT'S IT SAY AT THE
19 TOP?

20 MS. MAYER: IT SAYS S.A.Q. ADULT
21 PROBATION THREE, PAGE ONE OF SEVEN, AND IT'S GOT
22 LIKE A GRAPH ON IT.

23 (INDISCERNIBLE).

24 MS. MAYER: THEN THERE'S ANOTHER ONE
25 FURTHER BACK.

1 MR. DECKER: S.A.Q. ADULT PROBATION
2 THREE.

3 MS. MAYER: YES.

4 MR. DECKER: I HAVE ONE OF FOUR.

5 MS. MAYER: YES, THAT'S THE SECOND ONE.

6 THERE'S ONE (INDISCERNIBLE). WE NEED BOTH OF THEM.

7 MR. PIERSALL: THERE'S ONE. I JUST FOUND
8 THAT. THAT'S ONE OF SEVEN (INDISCERNIBLE).

9 MS. MAYER: YES, THAT'S THE FIRST ONE,
10 THEN THERE'S ANOTHER ONE BACK HERE. WE'LL NEED TO
11 FLIP TO GO THROUGH BOTH OF THEM.

12 MR. PIERSALL: JUST SO YOU KNOW, YOUR
13 HONOR, WE'RE VERY AWARE THAT THIS EXHIBIT IS FRAUGHT
14 WITH INFORMATION THAT NEEDS --

15 MS. MAYER: YES.

16 MR. PIERSALL: -- TO BE REDACTED, SO --

17 MS. MAYER: THAT WAS (INDISCERNIBLE)
18 ACTUALLY (INDISCERNIBLE).

19 MR. PIERSALL: WE WILL --

20 MR. SPRAGUE: OKAY. LET'S --

21 MS. MAYER: ARE YOU ABLE TO FIND THAT,
22 SIR?

23 MR. SPRAGUE: NOT QUITE YET. WELL, I
24 MIGHT BE GETTING CLOSE. SUMMARY (INDISCERNIBLE) --

25 MS. MAYER: YEAS. THAT'S THE SECOND --

1 THIS IS THE FIRST ONE, SO WE NEED THIS ONE AND THE
2 ONE (INDISCERNIBLE).

3 MR. DECKER: THERE'S ANOTHER
4 (INDISCERNIBLE). MY GOODNESS.

5 MS. MAYER: THIS (INDISCERNIBLE) BETWEEN
6 THOSE TWO.

7 MR. SPRAGUE: OKAY. BEFORE WE GO INTO
8 THIS, LET'S HAVE A SIDE BAR IF WE COULD --

9 MR. PIERSALL: OKAY. HOLD ON ONE -- LET
10 ME JUST MARK THIS BEFORE I GET UP.

11 MR. SPRAGUE: YES, REALLY. LET'S --
12 WELL, I'LL TELL YOU WHAT. I'LL TELL YOU WHAT.
13 LET'S -- ACTUALLY, LET'S -- MR. GRIFFETH, COULD YOU
14 -- IF YOU WOULDN'T MIND, WE JUST HAVE TO HAVE A --

15 THE WITNESS: YES.

16 MR. SPRAGUE: -- DISCUSSION ABOUT
17 EVIDENCE -- DO YOU WANT TO STEP OUT FOR JUST A
18 SECOND AND CLOSE THE DOOR.

19 (INDISCERNIBLE).

20 MR. SPRAGUE: ALL RIGHT, LET'S
21 (INDISCERNIBLE). THIS IS A --

22 MS. MAYER: S.A.Q. (INDISCERNIBLE).
23 (INDISCERNIBLE).

24 MR. SPRAGUE: I'M ACTUALLY NOT VERY
25 FAMILIAR WITH THIS, SO THIS IS A SCALING OF --

1 MS. MAYER: (INDISCERNIBLE).

2 MR. DE PASCALE: I'M GLAD TO SEE THAT
3 THERE'S SOMEBODY BESIDES ME.

4 MS. MAYER: I AM JUST GOING TO REFER TO
5 THE TRUTHFULNESS.

6 MR. SPRAGUE: YES. IS IT A LIE DETECTOR
7 TEST --

8 MR. DE PASCALE: NO.

9 MS. MAYER: NO.

10 MR. SPRAGUE: -- PLUS OTHER THINGS, OR
11 IT'S A --

12 MS. MAYER: NO.

13 MR. SPRAGUE: -- LIKE A PROBABILITY
14 INDICATOR OF --

15 MS. MAYER: YES, OF CERTAIN --

16 MR. SPRAGUE: -- RECIDIVISM FOR LACK OF A
17 BETTER WORD?

18 MS. MAYER: YES, FOR -- FOR CERTAIN
19 TRAITS AS TO WHAT TO EXPECT.

20 UNIDENTIFIED SPEAKER: LYING, ANGER --
21 (INDISCERNIBLE).

22 MR. SPRAGUE: OKAY, ALL RIGHT. WELL,
23 NOW, THE STUFF --

24 MR. DE PASCALE: I DON'T EVEN OBJECT.

25 MR. SPRAGUE: YES, OKAY. WELL, NOW --

1 OKAY, I THINK (INDISCERNIBLE). WELL, AND THEN
2 YOU'RE GOING TO HAVE TO REDACT THE SOCIAL
3 (INDISCERNIBLE).

4 MS. MAYER: YES. ALL OF THAT'S GOING
5 (INDISCERNIBLE).

6 MR. SPRAGUE: OKAY, SO WHAT'S THE PURPOSE
7 THIS IS GOING TO BE INTRODUCED FOR?

8 MS. MAYER: BASICALLY, I AM JUST TALKING
9 TO HIM REGARDING HIS SCALE. HE FIRST TOOK THE --
10 THE S.A.Q. IN -- DECEMBER 3RD OF '08, RIGHT AFTER
11 THIS EVENT HAPPENED WHEN HE WAS PLACED ON I.S.P., --

12 MR. SPRAGUE: OKAY.

13 MS. MAYER: -- AND THEN, HE RETOOK IT --
14 HE WAS REASSESSED FEBRUARY 25TH OF '09, AND THERE
15 WAS A SIGNIFICANT INCREASE REGARDING ISSUES OF
16 TRUTHFULNESS AND --

17 MR. SPRAGUE: NOW, HOW IS THAT --

18 MS. MAYER: AND I THINK IT'S RELEVANT --

19 MR. SPRAGUE: -- HE DOES LIKE AN
20 INTERVIEW AND IT'S --

21 MS. MAYER: IT'S A TEST, ACTUALLY, AND I
22 WAS GOING TO HAVE HIM TESTIFY -- IT'S SEVERAL --

23 MR. SPRAGUE: LIKE A --

24 MS. MAYER: -- PAGES OF QUESTIONS THAT HE
25 TAKES.

1 MR. SPRAGUE: SO LIKE A MULTIPLE CHOICE
2 SCAN?

3 MS. MAYER: UH-HUH.

4 MR. SPRAGUE: ALL RIGHT.

5 MR. PIERSALL: I'D OBJECT BOTH ON, ONE,
6 RELEVANCE, TWO --

7 MS. MAYER: RELEVANCE, I GUESS, I WAS --
8 I WAS LOOKING AT CREDIBILITY ISSUES AND --

9 MR. DE PASCALE: THAT'S IN YOUR EXHIBIT.

10 MS. MAYER: -- AND THAT IS PART OF THE
11 EXHIBIT. IT'S PART OF THIS FILE.

12 MR. PIERSALL: AND THERE'S NO FOUNDATION,
13 EITHER, YOUR HONOR.

14 MR. SPRAGUE: YES, THAT'S GOING TO BE --

15 MS. MAYER: UH-HUH.

16 MR. SPRAGUE: -- I'M -- I'M NOT --

17 MS. MAYER: I GUESS I LOOKED AT IT FROM
18 THE STANDPOINT OF IT WAS PROVIDED AS AN -- AS A --
19 AS AN EXHIBIT. IT WAS PART OF HIS FILE, SO I
20 THOUGHT (INDISCERNIBLE) --

21 MR. PIERSALL: IT WAS RICHLAND COUNTY'S
22 FILE. I --

23 MS. MAYER: RIGHT, SO -- BUT I GUESS
24 (INDISCERNIBLE) --

25 MR. DE PASCALE: I CAN'T HELP YOU

1 (INDISCERNIBLE) --

2 MR. SPRAGUE: I MEAN, I'M NOT -- YOU
3 KNOW, AT SOME POINT I SUPPOSE I COULD COME UP TO
4 SPEED ON THAT, BUT I COULDN'T -- I COULDN'T BE
5 QUALIFIED AT THIS POINT TO GIVE YOU AN ACCURATE
6 ASSESSMENT OF ITS --

7 MS. MAYER: UH-HUH. I MEAN, --

8 MR. SPRAGUE: -- EVIDENTIARY VALUE.

9 MS. MAYER: YES. THE -- I MEAN, THEY
10 GIVE SUMMARY PARAGRAPHS EXPLAINING WHAT THE -- WHAT
11 THEY MEAN, WHAT THE SCORES MEAN, AND WHAT TO LOOK
12 FOR AS FAR AS -- AND IT'S UTILIZED BY PROBATION
13 OFFICERS --

14 MR. SPRAGUE: AND (INDISCERNIBLE) --

15 MR. DECKER: I MEAN, THIS IS IN A FILE SO
16 THERE --

17 MS. MAYER: UH-HUH.

18 MR. DECKER: -- THERE IS NO QUESTION THAT
19 IT'S A GENUINE REPORT OF SOMETHING, BUT TO FIGURE
20 OUT WHAT IT MEANS AND WHAT ITS SIGNIFICANCE IS WOULD
21 REQUIRE A FOUNDATION OF EXPERT TESTIMONY. AND EVEN
22 THEN, I THINK IT WOULDN'T BE ADMISSIBLE TO BRING IN
23 SOMEBODY TO SAY HOW TRUTHFUL (INDISCERNIBLE) --

24 MS. MAYER: I GUESS I WASN'T LOOKING AT
25 IT SO MUCH AS --

1 MR. DECKER: -- BUT THERE'S NO FOUNDATION
2 FOR WHAT THIS IS.

3 MS. MAYER: I GUESS I WASN'T LOOKING SO
4 MUCH AS TRUTHFULNESS OF HIM SPECIFICALLY
5 (INDISCERNIBLE) BUT THESE ARE THE THINGS THAT'S
6 LOOKED AT BY THE PROBATION DEPARTMENT IN ASSESSING--
7 IN ASSESSING HIM, AND I THINK THAT IT IS RELEVANT,
8 ESPECIALLY SINCE PART OF WHAT WE'RE TALKING ABOUT
9 HERE IS PROBATION VIOLATION ISSUES, AND SOME OF THE
10 FINDINGS REGARDING GUARDED SELF-DISCLOSURE, DENIAL
11 AND RESISTANCE TO INQUIRY AND SELF-REPORTING, THINGS
12 LIKE THAT THAT I THINK ARE (INDISCERNIBLE) --

13 (INDISCERNIBLE).

14 MR. DECKER: THESE ARE ALL
15 (INDISCERNIBLE) THESE WERE ALL TAKEN
16 (INDISCERNIBLE).

17 MR. SPRAGUE: LET'S ALL JUST --

18 MR. DECKER: -- (INDISCERNIBLE).

19 MR. SPRAGUE: YES. LET'S MAKE SURE WE
20 TALK JUST -- ALL RIGHT, I'M SORRY. NOW, I'M TALKING
21 OVER YOU. LET'S ALL MAKE SURE WE TALK JUST ONE AT A
22 TIME, PLEASE.

23 MR. DECKER: IT'S MY UNDERSTANDING THAT
24 THESE RESULTS WERE AFTER NOVEMBER 20TH, 2008, RIGHT?

25 MS. MAYER: YES. ONE WAS DECEMBER 3RD,

1 2008, WHEN HE WAS PLACED ON I.S.P., AND THE SECOND
2 ONE IS FEBRUARY 25TH OF '09.

3 MR. DECKER: SO THESE MIGHT EXPLAIN TO
4 SOME EXTENT SOME DECISION MAKING THAT OCCURRED WITH
5 RESPECT TO HIS CASE AFTER NOVEMBER OF 2008, IF
6 SOMEONE RELIED ON THESE TEST RESULTS TO DO
7 SOMETHING.

8 MR. DE PASCALE: YES, LIKE EVALUATING HIS
9 TESTIMONY IN A HEARING.

10 MR. DECKER: SO IF SOMEBODY -- IF SUCH A
11 WITNESS WERE TO TESTIFY, THEN THEY COULD TALK MAYBE
12 OH, I SAW THIS TEST RESULT AND IT LOOKED LIKE HE WAS
13 A MEDIUM TRUTH TELLER, SO I DID SOMETHING, BUT WE
14 DON'T HAVE SUCH A WITNESS AND I DON'T SEE WHAT HE
15 CAN SAY ABOUT HIS OWN TEST RESULTS OTHER THAN THERE
16 THEY ARE.

17 MS. MAYER: AND I -- I GUESS --

18 MR. PIERSALL: IT'S AFTER THE 24TH OF
19 NOVEMBER --

20 (INDISCERNIBLE).

21 MR. DECKER: IT'S -- YOU KNOW, TO THE
22 EXTENT THAT IT BECOMES RELEVANT --

23 MR. DE PASCALE: (INDISCERNIBLE).

24 MR. DECKER: -- TO THE EXTENT THAT IT
25 BECOMES RELEVANT WHAT THE COUNTY DEPARTMENT DID WITH

1 THIS GUY AFTER NOVEMBER 2008, WHICH I DON'T THINK
2 REALLY HAS A LOT TO DO WITH JOHN MAYER'S CASE --

3 MR. DE PASCALE: JACK, LET THE MAN THINK.

4 MR. SPRAGUE: ALL RIGHT. WELL, HERE'S --

5 MS. MAYER: (INDISCERNIBLE).

6 MR. DE PASCALE: (INDISCERNIBLE).

7 MR. SPRAGUE: ALL RIGHT, ONE AT A TIME,
8 AND, NOW, IT'S MY TURN, OKAY, JUST FOR THE -- SO WE
9 DON'T OVERLAP EACH OTHER ON THIS THING. ALL RIGHT,
10 WHAT I CAN DO IF YOU WANT IS I COULD -- I DON'T KNOW
11 HOW HE'S GOING TO TESTIFY ABOUT THIS, BUT, I MEAN,
12 IF YOU WANT I COULD DO A PROFFER THROUGH I WOULD
13 HAVE TO SAY ANTICIPATED TESTIMONY, AND THEN YOU
14 COULD HAVE THAT COMPONENT IN THE RECORD. I CAN
15 LEAVE, COME BACK WHEN YOU'RE DONE. THAT WAY, AT
16 LEAST IT WILL BE PART OF THE RECORD. BUT I JUST
17 DON'T REALLY SEE THAT IT'S GOING TO BE RELEVANT AT
18 THIS POINT.

19 AND THERE'S A NUMBER OF FOUNDATIONAL
20 ISSUES, OBVIOUSLY, THAT I DON'T THINK WE'RE GOING TO
21 BE ABLE TO ADDRESS TODAY, SO IF YOU WANT TO DO THAT,
22 THAT'S FINE. IF YOU WANT TO HOLD OFF AND APPROACH
23 IT FROM ANOTHER ANGLE --

24 MS. MAYER: I WAS GOING TO SAY --

25 MR. SPRAGUE: -- ON DAY THREE, THAT'S

1 FINE.

2 MS. MAYER: -- IS THAT SOMETHING -- MAYBE
3 I WILL APPROACH FROM ANOTHER ANGLE --

4 MR. DE PASCALE: YOUR HONOR --

5 MR. SPRAGUE: DO YOU NEED SOME TIME TO
6 THINK ABOUT IT?

7 MR. DE PASCALE: MAY I SPEAK?

8 MR. SPRAGUE: SURE.

9 MR. DE PASCALE: CAN WE AGREE AMONG THE
10 FIVE OF US -- ONE, TWO, THREE, FOUR, FIVE -- THAT WE
11 WILL LOOK INTO PROPERLY AUTHENTICATING THIS
12 TESTIMONY, AND IF WE CAN DO THAT WE WILL STAFF IT
13 WITH THE OTHER SIDE -- I THINK IS THE TERM THAT THEY
14 USE IN THE A.P.A. -- AND THEN WE WILL GET BACK TO
15 YOU AS TO WHETHER OR NOT WE WOULD LIKE TO RECALL MR.
16 GRIFFETH FOR THAT PURPOSE?

17 MR. SPRAGUE: OKAY. WELL, NOW, LET'S --
18 LET'S FIGURE OUT SOMETHING ELSE HERE. THE PURPOSE,
19 THOUGH, THEORETICALLY, IF WE CAN GET ALL THE OTHER
20 COMPONENTS ASIDE AND DEALT WITH APPROPRIATELY, WOULD
21 BE TO SOMEHOW DEMONSTRATE TO ME THAT HIS PROPENSITY
22 FOR TRUTH TELLING HAS DIMINISHED BETWEEN NOVEMBER
23 20TH, 2008, AND WHEN THIS SECOND BATTERY OF TESTS
24 WAS ADMINISTERED. IS THAT RIGHT?

25 MS. MAYER: TO A POINT. I THINK, IN

1 ADDITION TO THAT, AS FAR AS RELEVANCY GOES, BECAUSE
2 -- SINCE THIS HAS OCCURRED IN THIS TIME PERIOD HE
3 HAS HAD OTHER ISSUES GO ON, THERE HAVE BEEN
4 STATEMENTS HE'S GIVEN TO OTHER PEOPLE, TESTIMONY
5 THAT'S DIFFERENT TODAY, AND SO THAT'S WHY I FIND --
6 I THINK THAT IT IS -- IS RELEVANT DURING THIS
7 INVESTIGATION --

8 MR. SPRAGUE: AND WHEN IS THE SECOND ONE
9 OF THESE? WHEN WAS IT --

10 MS. MAYER: FEBRUARY OF THIS YEAR,
11 FEBRUARY OF '09.

12 MR. SPRAGUE: HAVE YOU GOT ANYTHING MORE
13 RECENT SO WE CAN GET A LONGITUDINAL ANALYSIS, I
14 SUPPOSE, FOR LACK OF A BETTER WORD?

15 MS. MAYER: ACTUALLY, I MEAN, IT'S
16 SOMETHING THAT I'M SURE THE PROBATION OFFICER COULD
17 GIVE ANOTHER TEST -- AND THAT COULD BE REQUESTED
18 BEFORE THE THIRD --

19 MR. SPRAGUE: BECAUSE THEORETICALLY, NOT
20 THAT I'M TRYING TO INTERPRET THIS, BUT WHAT IF --

21 MS. MAYER: UH-HUH.

22 MR. SPRAGUE: -- HIS PROPENSITY FOR TRUTH
23 TELLING HAS --

24 MR. DE PASCALE: GONE BACK UP?

25 MR. SPRAGUE: -- INCREASED SUBSTANTIALLY

1 SINCE THE SECOND TEST?

2 MS. MAYER: UH-HUH.

3 MR. SPRAGUE: WHAT DOES THAT TELL US?

4 HE'S, YOU KNOW --

5 MS. MAYER: UH-HUH. AND, LIKE I SAID, I

6 -- I DIDN'T THINK A WHOLE LOT THROUGH FOUNDATION-

7 WISE BECAUSE --

8 MR. SPRAGUE: ALL RIGHT.

9 MS. MAYER: -- IT WAS AN EXHIBIT, SO

10 THAT'S WHY --

11 MR. SPRAGUE: I'LL -- I WILL GIVE YOU AN

12 OPPORTUNITY TO ASCERTAIN HOW AND WHY THIS MIGHT NEED

13 TO COME IN --

14 MR. DE PASCALE: THANK YOU.

15 MS. MAYER: OKAY.

16 MR. SPRAGUE: -- ON DAY THREE. HOW ABOUT

17 THAT?

18 MR. DE PASCALE: THANK YOU, SIR.

19 MS. MAYER: THANK YOU.

20 MR. SPRAGUE: IF WE --

21 MR. DE PASCALE: NOW, YOU SEE WHY I

22 DIDN'T ADDRESS THIS. I KNOW LESS ABOUT IT THAN YOU

23 DO.

24 MR. SPRAGUE: OKAY. LET US THEN RECALL

25 MR. GRIFFETH AND HOPEFULLY WE CAN WRAP THIS UP TODAY

1 IN THE VERY NEAR FUTURE.

2 MR. DE PASCALE: YES.

3 (PAUSE.)

4 MR. SPRAGUE: OKAY. MOVING ALONG, THANK
5 YOU, MR. GRIFFETH, FOR YOUR PATIENCE.

6 THE WITNESS: (INDISCERNIBLE).

7 MR. SPRAGUE: LET'S TAKE ANOTHER EXHIBIT.

8 MR. DE PASCALE: THANK YOU.

9 MR. SPRAGUE: ALL RIGHT.

10 MR. DE PASCALE: ARE WE BACK ON THE
11 RECORD?

12 MR. SPRAGUE: WE'VE BEEN ON. YES.

13 MR. DE PASCALE: OH. THANK YOU, SIR.

14 BY MR. DE PASCALE:

15 Q MR. GRIFFETH, YOU ARE NOT PRESENTLY IN
16 JAIL; ARE YOU?

17 A NO, (INDISCERNIBLE).

18 Q AND YOU ARE NOT PRESENTLY IN JAIL BECAUSE
19 MR. MAYER REQUESTED THAT JUDGE DEWEESE NOT PUT YOU
20 IN JAIL; CORRECT?

21 A I COULD NOT TELL YOU THAT. HOW WOULD I
22 KNOW THAT?

23 Q WELL, I ASSUME THAT YOU HAD --

24 A I KNOW JAIL WASN'T EVEN DISCUSSED WITH
25 MR. DEWEESE. IT WAS JUST PROBATION VIOLATION. HE

1 JUST SAID HE'S NOT GOING TO VIOLATE.

2 Q OKAY.

3 A HE SAID HE WASN'T. HE DIDN'T SAY -- HE--
4 ACTUALLY, THE ONLY THING HE SAID ABOUT JOHN MAYER IS
5 IT HAD NOTHING TO DO WITH JOHN MAYER, SO I'M NOT IN
6 JAIL BECAUSE --

7 Q OKAY, THAT'S FINE.

8 A -- THAT'S MY RECOLLECTION OF IT.

9 Q IF -- IF JUDGE DEWEESE HAD VIOLATED YOU,
10 HOW LONG WOULD YOU HAVE TO SERVE?

11 A I COULDN'T TELL YOU. I DON'T KNOW.

12 Q WELL, HOW MUCH DO YOU THINK YOU STILL
13 HAVE HANGING OVER YOUR HEAD?

14 A HANGING -- TWO YEARS OF PRISON TIME, I
15 WOULD ASSUME. LESS THAN THAT, ACTUALLY, SIR.

16 Q OKAY. HOW ABOUT COUNT TWO?

17 A WHAT'S THAT?

18 Q HOW ABOUT COUNT TWO?

19 A COUNT TWO? FIVE YEARS' PROBATION.

20 YOU'RE GOING TO HAVE TO TELL ME BECAUSE I DON'T KNOW
21 THE LAWS ON THAT.

22 Q WELL, I'M JUST --

23 A DON'T -- IF YOU'RE ASKING ME, --

24 Q OKAY. IF YOU --

25 A -- YOU'RE NOT GOING TO GET AN ANSWER --

1 Q -- IF YOU DO NOT KNOW THE ANSWER, THEN
2 JUST TELL ME THAT.

3 A I DON'T KNOW THE ANSWER --

4 Q THANK YOU.

5 A -- WITHOUT GUESSING.

6 MR. DE PASCALE: OKAY, YOUR HONOR, I HAVE
7 NOTHING FURTHER OF THIS WITNESS AT THIS TIME.

8 MR. SPRAGUE: THANK YOU.

9 MR. DECKER: MAY WE CONFER?

10 MR. SPRAGUE: YES. WE'LL GO OFF FOR A
11 MOMENT.

12 (OFF THE RECORD.)

13 MR. SPRAGUE: BACK ON.

14 MR. PIERSALL: WE HAVE NO FURTHER
15 QUESTIONS, YOUR HONOR.

16 MR. SPRAGUE: THANK YOU. MR. GRIFFETH,
17 YOU ARE FREE TO GO TODAY. THANK YOU FOR OFFERING
18 YOUR TESTIMONY TODAY. AND WE WILL GO OFF THE RECORD
19 UNTIL DAY THREE. THANK YOU.

20 ANYTHING ELSE BEFORE WE STOP OUR
21 PROCEEDINGS TODAY?

22 MR. DECKER: WE PROBABLY OUGHT TO FIGURE
23 OUT SOME NEW HEARING DATES.

24 MR. SPRAGUE: WELL, WE CAN DO THAT, BUT I
25 DON'T KNOW THAT WE NEED TO DO THAT ON THE RECORD, DO

1 WE?

2 MS. MAYER: NO.

3 MR. DECKER: OKAY.

4 MR. SPRAGUE: PROBABLY NOT. ALL RIGHT,
5 WE WILL GO OFF TODAY. THANK YOU.

6 (OFF THE RECORD.)

7 - - -

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 10/30/2009, 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 24TH DAY OF MARCH, 2010.



CONNIE J. LEE
NOTARY PUBLIC
STATE OF OHIO

MY COMMISSION EXPIRES
NOVEMBER 8, 2010.