

EXHIBITS

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|----------------|--|
| Exhibit No. 1 | Transcription of Taped Recording of: Witness No. 3 and Witness No. 1 |
| Exhibit No. 2 | Email Correspondence to Sheena Chestnut Greitens |
| Exhibit No. 20 | Email Correspondence from Witness No. 1 to Eric Greitens |
| Exhibit No. 23 | Correspondence from counsel for Eric Greitens to Speaker Todd Richardson, Speaker Pro Tem Elijah Haahr, and Floor Leader Rob Vescovo; Correspondence between counsel for Eric Greitens and Chairman Jay Barnes |
| Exhibit No. 24 | April 9, 2018, Correspondence to Chairman Jay Barnes from Attorney Scott Simpson |

TRANSCRIPTION OF TAPED RECORDING OF:

WITNESS NO. 3 AND WITNESS NO. 1

PREPARED FOR COUNSEL
PROTECTED AND CONFIDENTIAL

REPORTED BY: CARRIE A. CAMPBELL, RDR CRR CSR CCR

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WITNESS NO. 3: This might be a long grocery run.

WITNESS NO. 1: So --

WITNESS NO. 3: I need -- I need every single bit of the truth. You owe me every single bit of the truth because this has been a torturous evening and day, and you owe me, and I am not -- I'm not going to ask questions because you're going to tell me everything.

WITNESS NO. 1: Okay. My first question for you is knowing this and this alone, yes, I lied to you. No, I didn't sleep with him. No, we're not having an affair, and I'm not talking to him. But, yes, I lied to you. Yes, I've had feelings and --

WITNESS NO. 3: I have (inaudible) --

WITNESS NO. 1: Right. But, no, I need to know this from you: Would -- knowing how you feel right now and how you have felt, would that make you want to work on our relationship knowing that I've lied to you?

WITNESS NO. 3: I can't tell you what I'm going to feel or any of that kind of stuff --

WITNESS NO. 1: But I want to --

WITNESS NO. 3: -- except that this is what I know: I know that I'm not stupid.

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WITNESS NO. 1: I know you're not stupid.

WITNESS NO. 3: And stop -- and you need to know I'm not stupid and that I deserve 100 percent of the truth, and that means without having to ask, I know every single detail. Okay. No, stop. I need to know every single detail without having to ask, and that is the first step in feeling like you're finally being honest with me about every single thing. That is the first step to me building anything for us and the working on -- and the working on things and figuring out what's next, this way or that way or the other thing. Like it doesn't -- it doesn't -- it doesn't change anything except for the pain of knowing that you've been lying to me, knowing that I don't know all the story, but knowing that you didn't want to work on things allowed me to shut that out and say I know -- I know that I don't know the truth. And I have gotten past that and surrendered to that.

WITNESS NO. 1: So that's why I'm asking you would it be easier --

WITNESS NO. 3: Well -- no, listen, it would be easier to know nothing.

WITNESS NO. 1: Okay.

WITNESS NO. 3: If you wanted a divorce and it was completely over like you said. If you want a

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glimpse of hope at anything else, anything else, then I'm going to stop talking and you're not going to finish until I know every single detail. Don't make me ask a question.

Did you confess to [REDACTED]?

WITNESS NO. 1: No, that would be worse (inaudible) in my whole entire life. I'm never seeing [REDACTED] again. Ever. I've never felt more (inaudible), never felt worse in my life, ever.

WITNESS NO. 3: Maybe you needed to because he knows that you're lying about something.

WITNESS NO. 1: It was really, really awful. If you know somebody is lying about something, wouldn't you want to offer them a place to talk?

WITNESS NO. 3: I have offered you a safe place to talk.

WITNESS NO. 1: I know you have, and you're the only person I feel safe with, but I don't want to hurt you. If we're not going to be together -- I'm not having an affair, [REDACTED]. The man is married and he has a baby.

WITNESS NO. 3: Yeah, I'm aware of everything.

WITNESS NO. 1: I know. I'm sure you dug into everything you can dig into.

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Exhibit 1

1 WITNESS NO. 3: No.

2 WITNESS NO. 1: No, you haven't? Look at me

3 and don't lie to me. First of all, don't lie to me.

4 Did you look at my phone to get [REDACTED]'s

5 number, or did you look at my phone because you were

6 curious?

7 WITNESS NO. 3: I looked at my -- I looked

8 at your phone because I saw it on the thing.

9 WITNESS NO. 1: Okay. Thank you for telling

10 me that.

11 WITNESS NO. 3: Now, I did need [REDACTED]'s

12 number.

13 WITNESS NO. 1: No. No.

14 WITNESS NO. 3: That was a true story. That

15 is --

16 WITNESS NO. 1: You're justifying a lie with

17 a true story, you know what I mean.

18 WITNESS NO. 3: No. No. No. That's what

19 you've done every single time.

20 WITNESS NO. 1: Yes, that's true.

21 WITNESS NO. 3: That's what you've done

22 every single time.

23 WITNESS NO. 1: I will take 100 percent --

24 WITNESS NO. 3: Now, I have never lied to

25 you and said, "I lied to you because," and given you a

1 reason. And every single time you've --

2 WITNESS NO. 1: You just did that.

3 WITNESS NO. 3: No. No, I didn't. Every

4 single time I have lied to you and confessed, I have

5 said -- I have said, "I am so sorry," and I have

6 never, never tried to defend it with a "but" or "this

7 is a reason" or "this is why it made sense" or "it's

8 your fault" or any of that. Every single time --

9 WITNESS NO. 1: But none of this is your

10 fault. It's not --

11 WITNESS NO. 3: Stop. Every time I have

12 lied to you and confessed, I have said, "There is no

13 excuse. I am sorry." That's (inaudible) why don't

14 tell me something and then tell me why because I've

15 never faulted you for me wronging or lying to you --

16 lying to you.

17 So I knew something is up. I'm not a

18 fucking idiot.

19 WITNESS NO. 1: I know.

20 WITNESS NO. 3: I deserve to know. I knew

21 that I was being lied to. I know that you were lying

22 to me and when you --

23 WITNESS NO. 1: I couldn't go anywhere --

24 WITNESS NO. 3: Stop. I understand. I

25 understand. But I'm not the coward that when I lie, I

1 make sense of it as I'm apologizing.

2 WITNESS NO. 1: I am a coward.

3 WITNESS NO. 3: Please begin and put it all

4 on the table. It's the only chance we have. It's the

5 only chance. No more half-truths. No more things to

6 make it make sense. Just free yourself.

7 WITNESS NO. 1: I'm telling you (inaudible).

8 WITNESS NO. 3: Free yourself. Free

9 yourself.

10 WITNESS NO. 1: You have to promise me

11 (inaudible).

12 WITNESS NO. 3: It won't leave the car.

13 That's up to you.

14 WITNESS NO. 1: No, it really won't.

15 WITNESS NO. 3: It won't leave the car.

16 (Inaudible).

17 WITNESS NO. 1: So the truth is, yes, I've

18 had horrible feelings for four years, [REDACTED] three

19 years, whatever, constantly suppressing, and I do feel

20 guilty about that. That's the first truth.

21 Whether it be the guy who did my boobs, I

22 thought he was great; the guy in Vegas, he was great;

23 clients, whatever, and I know that it's me. So, no, I

24 have not acted on anything. I don't flirt with

25 anybody. There's no acting, but my mind has been

1 going crazy, and I know it's me. Because I -- I have

2 everything in you except for something. I don't know.

3 And whenever that shut off, that's what I've been

4 dealing with. So I know that it's not these people, I

5 know that, but in knowing that, I can't shut this off

6 and my brain has been going insane.

7 So, yes, I met Eric a year ago and I

8 instantly had a big crush on him. It would help it if

9 would look at me.

10 I instantly had a big crush on him. No, I

11 never flirted with him. Never confided in him except

12 for I talked about [REDACTED] and he helped me with that

13 and just talked about life and whatever. He is very

14 motivating. That's his personality. He's very

15 persuasive. He never flirted with me other than

16 complimenting me a couple of times on, "Oh, I really

17 like your hair like that," or whatever.

18 Meanwhile, I did develop a big crush, and I

19 felt insanely guilty about it. I couldn't stop my

20 brain. I don't know about you, but I can't control my

21 brain, as much as I would like to. It's the most

22 aspect of me in that way. Since I was a kid, I just

23 can't stop it. Whatever I don't want it to think, it

24 does and...

25 Anyways, he quit coming in, and then I

1 didn't see him at all for five months. Like I wasn't
2 lying about that. And then he came in, it was a
3 Friday, and I was so nervous to even have him come in
4 because I knew that I had those feelings, those
5 unexplained feelings of I shouldn't have a crush on
6 anybody; I'm married; this is so stupid. So then I
7 had really bad anxiety.

8 He came in. Knowing that I felt better
9 whenever he came in and I felt more calm and that made
10 me feel better, but while I was shampooing his hair
11 and telling him about my class -- at first I thought
12 it was just me, but then I realized it wasn't. He
13 was -- I was in the middle of talking and he was doing
14 "this" to my leg. And at first I ignored it because I
15 didn't know if that was just me, and then I realized
16 he was doing that and I said, "Eric, you need" --
17 well, I said: "You need to stop."

18 And he looked at me and he said: "What?"

19 And then I said: "You know what you're
20 doing. I know what you're doing. You need to stop."

21 And he didn't say anything. And then he
22 came back and sat down in the chair and I said --
23 because there was silence. And I said: "Is that why
24 you didn't come in for five months?"

25 And he said: "Yes." Or, no, he said:

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1 period.

2 So anyways, I forgot he had my e-mail. He
3 sent me an e-mail, I think just to check to see if I
4 was okay, but it said nothing. There was nothing in
5 the e-mail.

6 But he asked me a question, whatever he
7 asked me. I answered back and said, "When you book
8 your next appointment, you need to make sure that you
9 ask for me because they will tell you I'm booked until
10 April whatever." And he said -- and he said: "That's
11 great. What's the best number I can reach you at?"

12 I did not, I promise you, [REDACTED], I swear, I
13 did not think that that meant to call me to roll this
14 ball. So I e-mailed him back and said: "Call this
15 line. They will -- if you can't get an appointment,
16 they will take your number, and I will call you back.
17 If you can't reach me there, this is my cell phone
18 number."

19 What I didn't know -- and I said -- and I
20 was trying to send a message through there. I said:
21 [REDACTED] -- it was [REDACTED] birthday party night. I
22 said: "[REDACTED]'s birthday is tonight. My husband and
23 my family will be over at my house." And that was
24 just trying to send a message of like, look, I get it
25 now, we know we both have this weird attraction, but I

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1 "Maybe." Because I guess he was attracted to me.

2 And this happened to be after you and I had
3 just had that week of whatever. It happened to be
4 when I was really in escape mode. I guess I really
5 wanted an escape.

6 So whenever he was getting ready to leave,
7 he said: "[REDACTED], come here." I guess to like talk to
8 me about whatever just happened or whatever, and I
9 said: "No. Let's go to the front." And then he came
10 over and by me and I said: "Eric, we're both
11 married."

12 He said: "I know. I know."

13 [REDACTED] this can't leave the car.

14 WITNESS NO. 3: It won't.

15 WITNESS NO. 1: So then we walked to the
16 front. I said "bye." That was it.

17 He came by later and dropped off his book,
18 his new book, and just said "enjoy," and that was it.
19 And then he sent me an e-mail and that is how he got
20 my phone number. That's the truth. He sent me an
21 e-mail and just said: "[REDACTED]" -- that he had my
22 e-mail for exactly the reason why I told you he had my
23 number, but it was actually my e-mail from like a year
24 ago. He was doing some sort of book thing and asked
25 for my e-mail. And then he just never e-mailed me,

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1 know 100 percent his attraction is he has a wife with
2 a baby. He's exactly in the boat you were in, similar
3 boat, I'm sure. I'm sure his wife is -- whatever.

4 So he actually called me. I didn't know
5 that. Didn't talk to him, nothing, throughout the
6 whole week, nothing. The only reason why I know that
7 he had called me was because whenever he called me
8 Saturday night, I noticed that the number was a DC
9 number and got scared knowing that you would look and
10 realize that that same number had called me that
11 night.

12 So, anyways, I went throughout the whole
13 week and nothing. And I just kept trying to process
14 my thoughts, and I felt like I was going crazy and
15 that's when I couldn't sleep because I knew everything
16 I was feeling was wrong. I don't know why I can't
17 control it. It's fucking horrible.

18 So on Saturday, I did the wrong thing. It
19 was me who e-mailed him and said: "My friend is
20 having troubles with her thoughts. Can you please
21 call me about that" or something. So that's the
22 reason why he called me that night. And we talked
23 about my friend, and essentially I was just looking
24 for "you're so motivating on everything, please help
25 me just turn off my thoughts because this is horrible."

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1 It's driving me insane."
 2 And he said: "I might have a solution, but
 3 I will have to get back to you on it. And I'm sorry
 4 that you feel that way, I know how that feels," and
 5 just roundabout. There wasn't any sort of deep
 6 talking because we're talking about my friend.
 7 WITNESS NO. 3: This is the 14th?
 8 WITNESS NO. 1: So then he said: "I
 9 think -- I have a solution. I can see you next
 10 weekend." So that was this past weekend.
 11 WITNESS NO. 3: So nothing happened on the
 12 14th?
 13 WITNESS NO. 1: No, nothing happened on the
 14 14th.
 15 WITNESS NO. 3: But there were two phone
 16 calls.
 17 WITNESS NO. 1: The second phone call was
 18 him asking if I would come outside to meet him.
 19 WITNESS NO. 3: And?
 20 WITNESS NO. 1: I came outside to meet him.
 21 WITNESS NO. 3: You told me (inaudible).
 22 WITNESS NO. 1: I didn't -- but I didn't
 23 touch him. Nothing. I just -- that was him saying:
 24 "I think I have a solution. I know that you're in a
 25 bad spot. I'm really sorry." Whatever. I know this

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1 I knew I had so many wrong thoughts in my mind that I
 2 just couldn't figure out.
 3 WITNESS NO. 3: What did you do?
 4 WITNESS NO. 1: I don't think you really
 5 want to know. It's horrible.
 6 WITNESS NO. 3: Just tell me.
 7 WITNESS NO. 1: I don't think you want to
 8 know.
 9 WITNESS NO. 3: Tell me the details and the
 10 truth.
 11 WITNESS NO. 1: (Inaudible).
 12 WITNESS NO. 3: (Inaudible) tell me the
 13 truth. The truth. Only the truth.
 14 WITNESS NO. 1: So on Saturday morning
 15 before my first client, I did go to his house.
 16 WITNESS NO. 3: For the first time?
 17 WITNESS NO. 1: For the first time. Ever.
 18 Like I said, nothing, period, had ever happened or
 19 taken place until this snowball. This fucking tornado
 20 just happened. I know I brought it on.
 21 I showed up and I said: "I'm only here to
 22 talk."
 23 And he said: "I know."
 24 I said: "I just want to tell you I feel
 25 like you're always hope because I don't know your

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1 whole thing is wrong, [REDACTED] so (inaudible) I don't
 2 know what to do.
 3 And then he said: "Well, I want you to come
 4 over next weekend."
 5 And I said: "I can't. I can't do that."
 6 And he said: "I want you to come over."
 7 So then I said: "No, I can't."
 8 And then he said: "Well, at least call me
 9 if you can't."
 10 And on Friday I called him from work and
 11 said: "I'm going to home. It's [REDACTED]'s
 12 birthday. I cannot come over."
 13 And he said: "Well, I understand."
 14 And I said: "I would like to discuss or to
 15 try to get all of these thoughts away from me. Will
 16 you just meet me for coffee for something so that way
 17 we can just talk."
 18 And he said: "No, I can't -- I can't be
 19 seen with you. This is wrong."
 20 And I said: "I know."
 21 So he said: "Just -- please just come to my
 22 house."
 23 WITNESS NO. 3: Keep going.
 24 WITNESS NO. 1: So that's the reason why I
 25 was so torn talking to [REDACTED] birthday night because

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1 relationship." He doesn't talk about his
 2 relationship, at all. He didn't talk about himself at
 3 all, so I don't even know.
 4 But I said: "I just had a feeling that you
 5 wouldn't be attracted to me if you didn't have a wife
 6 with a baby. I'm just trying to process why I'm
 7 feeling this way, and I hate it. I really hate it."
 8 And then he -- basically had been
 9 fantasizing about me tried to live out that fantasy.
 10 He just coaxed me, kept talking to me gently and
 11 touching me, whatever he could do to still have that
 12 fantasy play out. And I did it.
 13 WITNESS NO. 3: Did what?
 14 WITNESS NO. 1: We're getting divorced,
 15 [REDACTED].
 16 WITNESS NO. 3: It's up to you right now.
 17 Tell me the truth. Set yourself free, please, and
 18 tell me the truth.
 19 WITNESS NO. 1: I was so confused with
 20 emotion. (Inaudible) I can't even believe it because
 21 it's not really in my character. I don't even fucking
 22 know. I'm so confused.
 23 WITNESS NO. 3: Tell me the details, please.
 24 WITNESS NO. 1: He said: "I'll make you
 25 feel better. I'll make you feel good. Come

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1 downstairs. I want to show you how to do a proper
2 pullup." And I knew that he was being sexual, and I
3 still let him. And he used some sort of tape, I don't
4 know what it was, and taped my hands to these rings
5 and then put a blindfold on me.

6 WITNESS NO. 3: Keep going.

7 WITNESS NO. 1: And said: "If you're going
8 to do proper pullups, you need to know how to drink,"
9 and I guess put water in his mouth and tried to pour
10 it in mine and it scared me. And I spit because I
11 didn't want to kiss him. I mean, I'm so --
12 (inaudible) I thought -- I thought (inaudible).

13 He just kept touching me over my clothes and
14 just kept touching me. And then undid my clothes. I
15 just didn't say anything at all. I didn't -- I was
16 just completely numb. I didn't even know. I feel
17 like I don't even know. I was just numb. I just
18 stood there and didn't fucking know. I was so -- he
19 was sort of messing with me with his hands.

20 WITNESS NO. 3: Inside?

21 WITNESS NO. 1: Inside, yes.

22 WITNESS NO. 3: And?

23 WITNESS NO. 1: I mean, that was (inaudible)
24 and he stepped back, and I saw a flash through the
25 blindfold, and he said: "You're never going to

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1 doesn't feel right. I told you I was only here to
2 talk."

3 WITNESS NO. 3: What else?

4 WITNESS NO. 1: And then I left.

5 WITNESS NO. 3: Is that every detail? Don't
6 lie.

7 WITNESS NO. 1: No, it's not every detail.
8 I left, went to work in a really fucked up state of
9 mind. I felt fucking horrible. (Inaudible) I left my
10 fucking keys at his place and so I had to go back and
11 get the fucking keys after work.

12 WITNESS NO. 3: And?

13 WITNESS NO. 1: And I showed up, said: "I'm
14 so sorry for what happened earlier."

15 "I'm just obsessed over you, and I fantasize
16 about you: it's wrong and in real life, but I need to
17 not do that. I know. I love my wife, and I'm really
18 sorry. And we should not ever talk again, and I hope
19 that you get everything figured out."

20 WITNESS NO. 3: And?

21 WITNESS NO. 1: I said: "Well, I'm
22 leaving."

23 He said: "Just stay for a little while
24 longer, please."

25 And I said: "No, I really have to go."

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1 mention my name, otherwise there will be pictures of
2 me [sic] everywhere."

3 WITNESS NO. 3: Keep going.

4 WITNESS NO. 1: He said: "You're not going
5 to mention my name, are you?" I didn't say anything.
6 I didn't realize what -- I don't know what the fuck
7 I'm doing. And then he asked me again. And I just
8 said: "No."

9 WITNESS NO. 3: Did he (inaudible).

10 WITNESS NO. 1: Well, my pants were down.

11 WITNESS NO. 3: Keep going, please.

12 WITNESS NO. 1: And then he tried kissing my
13 stomach and tried to kiss me down there but didn't
14 quite get there because I flipped out and I said:
15 "You need to stop. I don't want this. I don't want
16 this. I don't want this."

17 And he instantly stood up and freaked out
18 and took off the blindfold and undid my hands and
19 said: "I'm really sorry. Oh, my God, [redacted] I'm so
20 sorry. I thought -- I want to be -- I want to make
21 you feel better."

22 And then I was like: "This doesn't make me
23 feel good at all. I'm so pissed off. I don't know
24 anything about you. I'm so lost. I'm so vulnerable
25 right now. I'm in a really fucked up place. It

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1 "Please just stay."

2 And then he held me for a long time and then
3 made me feel better, just kept kind of touching me
4 and...

5 WITNESS NO. 3: And?

6 WITNESS NO. 1: I just -- it was like, I
7 don't know, 45 minutes of me being there, me leaving,
8 and then him going: "You know, are you sure you
9 really want to go? I'm just never going to see you
10 after this and" --

11 WITNESS NO. 3: And?

12 WITNESS NO. 1: And that was it. It was
13 just --

14 WITNESS NO. 3: You never touched him?

15 WITNESS NO. 1: No. He kept touching me.

16 WITNESS NO. 3: He touched you (inaudible)?

17 WITNESS NO. 1: I told you he touched me
18 seven times. He didn't get me undressed, but he just
19 kept kind of messing with me.

20 WITNESS NO. 3: (Inaudible). It's really
21 fucked up. Did he turn you on?

22 WITNESS NO. 1: Yeah, and then didn't, did
23 both. I felt every emotion. That's the reason why
24 I'm so tormented.

25 WITNESS NO. 3: So the only contact

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1 (inaudible)?
 2 WITNESS NO. 1: And touching me, touching me
 3 all over, touching my boobs or my -- I let him. I'm
 4 100 percent wrong.
 5 WITNESS NO. 3: How about kissing?
 6 WITNESS NO. 1: Not really. I don't know.
 7 I don't think I really ever kissed him. He kept
 8 trying to kiss me.
 9 WITNESS NO. 3: Did you (inaudible)?
 10 WITNESS NO. 1: No, I was turned on in the
 11 beginning because I made this really long and maybe
 12 his putting into all these feelings and just so much
 13 built-up feelings. I mean, it's not like we had
 14 talked about shit. We had not not talked about shit.
 15 WITNESS NO. 3: This is only one day, on
 16 Saturday?
 17 WITNESS NO. 1: Yeah.
 18 WITNESS NO. 3: Do I know every detail about
 19 this?
 20 WITNESS NO. 1: Yes.
 21 WITNESS NO. 3: For the rest of my life?
 22 WITNESS NO. 1: Yes. (Inaudible) Oh, yes.
 23 WITNESS NO. 3: No other people that you
 24 know?
 25 WITNESS NO. 1: No other people.

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1 erased it." And my mouth fucking (inaudible).
 2 WITNESS NO. 3: I'm sure you're not the
 3 first. I need to know that there's not one ounce of a
 4 detail that you're lying to me?
 5 WITNESS NO. 1: No.
 6 WITNESS NO. 3: You never had sex?
 7 WITNESS NO. 1: No.
 8 WITNESS NO. 3: Are you ever going to see
 9 him again?
 10 WITNESS NO. 1: There's a chance, yes.
 11 WITNESS NO. 3: Did you ever touch him?
 12 WITNESS NO. 1: No. (Inaudible).
 13 WITNESS NO. 3: I don't want to you to lie
 14 (inaudible). Where are you now?
 15 WITNESS NO. 1: I don't know if we can make
 16 it.
 17 WITNESS NO. 3: Where are you --
 18 WITNESS NO. 1: You're a great dad.
 19 WITNESS NO. 3: Are you asking for
 20 forgiveness, or are you saying this is what happened?
 21 WITNESS NO. 1: Oh, I definitely want
 22 forgiveness.
 23 WITNESS NO. 3: Just to make it clear to you
 24 that the grass is not greener on the other drive.
 25 WITNESS NO. 1: I wanted to tell you. I've

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1 WITNESS NO. 3: Will you ever see
 2 (inaudible)?
 3 WITNESS NO. 1: I don't know. I can't say
 4 no because he may come in and get his hair cut. I
 5 don't know. I don't want to not ever see him again.
 6 WITNESS NO. 3: Why not?
 7 WITNESS NO. 1: Because.
 8 WITNESS NO. 3: Because you love him?
 9 WITNESS NO. 1: No, I don't love him. It
 10 takes a lot more to love somebody. I have so many
 11 mixed emotions about something (inaudible) I also care
 12 for --
 13 WITNESS NO. 3: You've been half-raped and
 14 blackmailed.
 15 WITNESS NO. 1: Yes.
 16 WITNESS NO. 3: And you're not going to tell
 17 anybody about that? Why? Because (inaudible)?
 18 WITNESS NO. 1: When I came back, I said to
 19 him: "I'm very, very, very pissed off at you. I'm
 20 grossed out. I'm so pissed off."
 21 He said: "I know."
 22 "You took a picture."
 23 He said: "[REDACTED] it's just because I
 24 fantasized about you, I fantasized about all these
 25 things, and you could ruin my life. And -- but I

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1 been fucked up. Like, I don't know. I've been
 2 depressing (sic) so many thoughts I thought that --
 3 there's this weird torment of -- I never felt that
 4 before.
 5 WITNESS NO. 3: If there is a chance in hell
 6 for us or (inaudible)? To able to say to go somewhere
 7 else (inaudible) but of course (inaudible) but if
 8 there is a chance in hell for us, and I mean even way
 9 down the road, you need to show some sort of real
 10 remorse and adult ability to put yourself in better
 11 situations.
 12 WITNESS NO. 1: (Inaudible).
 13 WITNESS NO. 3: I don't know about that.
 14 WITNESS NO. 1: You obsessed over the
 15 fucking (inaudible) things.
 16 WITNESS NO. 3: Just because I'm not an
 17 idiot and I knew someone and I knew something was
 18 going on. I know the person from the first time you
 19 talked about him. I need you to stop talking about
 20 him and then hit me or he's going to look at us, and
 21 then two calls, and then lied to about this and then I
 22 lied to -- asked you to tell me the truth and not
 23 fucking (inaudible) and things add up and I let it go
 24 and I did not (inaudible). Have you told me the
 25 entire truth?

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1 WITNESS NO. 1: Would you rather I not tell
2 you?
3 WITNESS NO. 3: For the sake of our
4 relationship and any sort of future, I absolutely need
5 to know every fucking truth. That's it. Obsessing
6 and all that, that's on me. But the fucking truth is
7 on you.
8 WITNESS NO. 1: I can't ever go back to
9 h.
10 WITNESS NO. 3: You need it.
11 WITNESS NO. 1: No. No (inaudible).
12 WITNESS NO. 3: You (inaudible).
13 WITNESS NO. 1: Are you kidding me?
14 WITNESS NO. 3: You don't have the option of
15 telling (inaudible).
16 WITNESS NO. 1: (Inaudible).
17 WITNESS NO. 3: Do you want a divorce?
18 WITNESS NO. 1: I don't know what I want.
19 WITNESS NO. 3: Have you spoken to him
20 since?
21 WITNESS NO. 1: No.
22 WITNESS NO. 3: There are no other truths --
23 WITNESS NO. 1: No.
24 WITNESS NO. 3: E-mails? Phone calls?
25 Texts?

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1 WITNESS NO. 1: No, nothing. Zero percent.
2 WITNESS NO. 3: Is there anyone else
3 (inaudible)?
4 WITNESS NO. 1: No. No. Nothing. I just
5 felt surprised at all. I just think -- do you have
6 those thoughts?
7 WITNESS NO. 3: I've had those thoughts in
8 the past, yeah, I told you that.
9 WITNESS NO. 1: No, you haven't.
10 WITNESS NO. 3: Yes, I have, but nothing
11 like that. This is just a line that I know, and I
12 have not fucked with that line. The closest thing
13 that ever happened to me was I was blacked out and
14 someone kissed me and I stopped it. And, yes, I was a
15 coward for not telling you, and then I told you. And
16 what I told you was --
17 WITNESS NO. 1: You were like --
18 WITNESS NO. 3: -- not your fault, not your
19 fault. Not me being confused or any of that because
20 of you, I was confused and I fucked up, and that was
21 the closest.
22 WITNESS NO. 1: But I'm telling you, [REDACTED] I
23 don't blame you for Vegas. I don't blame you for
24 this, but I do think that there's something wrong with
25 the way that I --

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1 WITNESS NO. 3: You need to have any
2 (inaudible) from here?
3 WITNESS NO. 1: (Inaudible) I'm so ashamed
4 of myself. I'm so ashamed. I feel like the only way
5 to be really faithful to you is to love you with my
6 whole heart because this is so unshaking. I mean, it
7 is shaking. I don't want to be like this. I want to
8 be strong and --
9 WITNESS NO. 3: You didn't kiss him once
10 (inaudible) when you came over?
11 WITNESS NO. 1: No, I didn't.
12 WITNESS NO. 3: And you've never been to his
13 home other than those two times that one day?
14 WITNESS NO. 1: No. No, I swear on that
15 baby.
16 WITNESS NO. 3: Never walked with him around
17 the neighborhood?
18 WITNESS NO. 1: No. Never. [REDACTED] please, I
19 just told you the hardest thing ever. I swear, no.
20 WITNESS NO. 3: I know everything?
21 WITNESS NO. 1: You know everything.
22 WITNESS NO. 3: And I've heard that several
23 times this week, and I really want (inaudible).
24 WITNESS NO. 1: I mean, do you still love me
25 now? Because this is a pretty fucked up thing.

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1 WITNESS NO. 3: I love you. I hate you
2 right now. I hate you for what you've done to
3 yourself. (Inaudible). Look at me. I love you.
4 Right now I just don't (inaudible) knowing that you
5 lied to me this whole time. I still try. [REDACTED] you
6 lied to me.
7 WITNESS NO. 1: I'm so sorry. Like, I even
8 don't know, [REDACTED]. I was just wanting so bad to get
9 rid of all of my thoughts. I thought that would do
10 it.
11 WITNESS NO. 3: A woman who was raped and
12 blackmailed 50 Shades of Grey style. How fucking
13 poetic.
14 And you never came? How long does it
15 (inaudible)?
16 WITNESS NO. 1: What do you mean? Like
17 30 minutes in the morning and then I don't know how
18 long -- that's how long I was there. 45 minutes
19 (inaudible).
20 WITNESS NO. 3: The whole time when you went
21 over to get your keys, was still touching you and
22 fingering you and all this shit?
23 WITNESS NO. 1: Just coaxing and, you
24 know --
25 WITNESS NO. 3: If you want to --

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1 WITNESS NO. 1: It was just tormenting.
 2 WITNESS NO. 3: To avoid to let that happen.
 3 WITNESS NO. 1: Yeah.
 4 WITNESS NO. 3: How did you feel
 5 (inaudible)? Was he masturbating?
 6 WITNESS NO. 1: He touched himself.
 7 WITNESS NO. 3: You never put your hand on
 8 him?
 9 WITNESS NO. 1: No. It was him trying to
 10 make me feel good and, I don't know, whatever,
 11 (inaudible).
 12 WITNESS NO. 3: Do you think that you could
 13 ever heal and be able to have sex with me again?
 14 WITNESS NO. 1: I don't know. I thought
 15 about you. I know you would never (inaudible) -- you
 16 wouldn't cheat on me like that.
 17 WITNESS NO. 3: I'm going to be honest with
 18 you and say I knew you lied and I knew something
 19 horrible had happened. But when you said it was over,
 20 I tried to let go and I took a step in my life to
 21 not (inaudible) and to not stress, to let you have
 22 whatever it was that you had to lie about. I had
 23 hoped that (inaudible) and it wouldn't be a
 24 relationship that shoved me a lot, but I knew that I
 25 didn't want to deal with it because it will only hurt

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1 me so I'm not obsessing and loving you and (inaudible)
 2 loving and sink into myself.
 3 WITNESS NO. 1: Without being with me, it's
 4 so hard. I can't.
 5 WITNESS NO. 3: (Inaudible).
 6 WITNESS NO. 1: I wanted to because I just
 7 wanted to stop feeling the way that I feel. I hate
 8 it. I feel so guilty a lot of times.
 9 WITNESS NO. 3: The grass is always greener.
 10 WITNESS NO. 1: But it's not that. I don't
 11 have those thoughts. It's not the thoughts of "this
 12 would be better; this would be better." It's not
 13 that. It's more just like --
 14 WITNESS NO. 3: Did he ask for you to have
 15 sex with him?
 16 WITNESS NO. 1: No.
 17 WITNESS NO. 3: Did ask him?
 18 WITNESS NO. 1: No.
 19 WITNESS NO. 3: Did you guide him?
 20 WITNESS NO. 1: No.
 21 WITNESS NO. 3: Did you tell him what to do?
 22 WITNESS NO. 1: No. I don't --
 23 WITNESS NO. 3: Did you ever want to have
 24 sex when you saw his face?
 25 WITNESS NO. 1: No. No. The only time I

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1 me because I was letting you go.
 2 WITNESS NO. 1: I know.
 3 WITNESS NO. 3: So last night was the worst
 4 night ever and the night before hearing you question.
 5 WITNESS NO. 1: I'm sorry.
 6 WITNESS NO. 3: And when you started
 7 questioning, I didn't want to hear it because I had
 8 already started my healing. And you cannot suck me
 9 back into this loveless place where I loved so much
 10 and I'm not loved or at least loved for. And I'm not
 11 saying that you haven't done a lot and work at us, but
 12 after all that work and all that I've been to you
 13 recently to have this happen on the day after [REDACTED]
 14 birthday, fucked up.
 15 WITNESS NO. 1: I know.
 16 WITNESS NO. 3: It sucks me back into this
 17 tornado, but I need to know is this a real tornado
 18 because then I have a decision, do I get back into the
 19 storm and ride it out, or do I just let the storm
 20 happen and help you resettle? That is a question for
 21 you to fucking answer. Sorry for the pressure, but
 22 this is on you. I am not going to emotionally put
 23 myself back into this spot. Not going to (inaudible)
 24 just a pretty fucking (inaudible) all week because I
 25 was letting go, changing and opening a new chapter for

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1 was really turned on was in the very beginning and
 2 once he (inaudible).
 3 WITNESS NO. 3: You're just going to let
 4 this man get away with this?
 5 WITNESS NO. 1: I don't know how to describe
 6 it.
 7 WITNESS NO. 3: He took such advantage of
 8 you. You need to tell.
 9 WITNESS NO. 1: No. I don't want you to --
 10 WITNESS NO. 3: If there's -- a time to
 11 learn from this fucking lesson with [REDACTED], then you
 12 need to tell. Risk it. Risk the embarrassment.
 13 WITNESS NO. 1: It's not like that, though.
 14 WITNESS NO. 3: It's not like what? This
 15 motherfucker is running for senator.
 16 WITNESS NO. 1: What else can help us?
 17 WITNESS NO. 3: I know that he comes off as
 18 this mother fucking manly hero and it's all about
 19 resilience and honor and all that.
 20 WITNESS NO. 1: I knew you would obsess.
 21 You're obsessed.
 22 WITNESS NO. 3: No. No. No. This was
 23 when -- before that I knew you were lying to me.
 24 WITNESS NO. 1: Bullshit. Don't lie to me.
 25 WITNESS NO. 3: I promise.

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1 WITNESS NO. 1: You haven't looked today or
2 yesterday?

3 WITNESS NO. 3: Fuck no. [REDACTED] on [REDACTED]
4 birthday, you told me it was over, and I let it all
5 go. I told you yesterday that devastating cry was
6 about the kids because I knew that there was nothing I
7 could do to control it. So not one fucking ounce of
8 energy from me has been spent on learning about you or
9 catching you or anything. I know -- I knew and I know
10 that you lied to me, but I knew that nothing would
11 come of it if I dug except for pain for me. I didn't
12 want to know. Every single person told me, "none of
13 this adds up. Humans are mathematical; deducing she's
14 cheating on you," and I said --

15 WITNESS NO. 1: But I'm not --

16 WITNESS NO. 3: Stop. And I said, "I don't
17 even care anymore. I don't want to know because it
18 only hurts me." That's the fucking (inaudible).
19 That's the truth. Anything I knew from before was
20 when I was panicking a week before you did this
21 knowing you had lied to me about this man. And I'll
22 have you know, I can destroy his career in a half an
23 hour.

24 WITNESS NO. 1: If you do that, then I would
25 hate you.

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1 WITNESS NO. 1: Well, fine, then he's like
2 Bill Clinton or whatever, but it doesn't mean he can't
3 be a great governor. It doesn't mean he's not
4 brilliant or when I -- when I go back there
5 and (inaudible) a lot better, that's the hard things,
6 persuasive and --

7 WITNESS NO. 3: Are you in love with this
8 guy?

9 WITNESS NO. 1: No, I'm in love with the
10 idea of -- of him, you know; not him.

11 WITNESS NO. 3: You don't think you're
12 falling in love with this guy?

13 WITNESS NO. 1: No. I think that that takes
14 an open heart, you know, like, both parties. I've
15 never loved the way I love you. All of your worries
16 are my worries except --

17 WITNESS NO. 3: You know (inaudible).

18 WITNESS NO. 1: I feel like in doing this
19 I'm afraid that there's no way we could be together
20 with you (inaudible) and me being okay because the
21 thing that I have hated more than anything in our
22 relationship is the researching everything, I hate it.
23 I hate it more than I hate anything and --

24 WITNESS NO. 3: And every time I've been
25 right.

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1 WITNESS NO. 3: He took a picture of my wife
2 naked as blackmail.

3 WITNESS NO. 1: I would hate you.

4 WITNESS NO. 3: He took a picture of my wife
5 naked as blackmail. There is no worse person. So you
6 tell him -- actually, you tell him nothing. I don't
7 want you in contact with this person ever again.
8 If -- if you come to the conclusion that you want to
9 try (inaudible) but you cannot (inaudible) would have.
10 Take a cue from our 16-year-old.

11 WITNESS NO. 1: There's a big difference,
12 [REDACTED] I --

13 WITNESS NO. 3: This man is a part of
14 ruining our family and he's got away with it.

15 WITNESS NO. 1: It's my fault, though. It
16 really is, like --

17 WITNESS NO. 3: Yeah, some of it is, but you
18 didn't take his pants off, you didn't ask him to go to
19 your house, you didn't --

20 WITNESS NO. 1: He's at fault, I know he is.

21 WITNESS NO. 3: He's the one running for
22 senator, not you. Or governor, not you. You cannot
23 let this man charade his life as this great,
24 upstanding, everything, look at me, I've got it all
25 together, and it's always bullshit.

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1 WITNESS NO. 1: Not every time, [REDACTED]. Fuck
2 that. You look into shit all the time. No, not every
3 time, [REDACTED]. Two times in fucking 12 years. One time
4 really is the only time I've ever really cheated.

5 WITNESS NO. 3: I was right that you would
6 lie to me. I was right that you would cheat on me.

7 WITNESS NO. 1: You haven't lied to me? You
8 haven't looked through shit? You haven't -- [REDACTED]
9 don't you dare try to pretend like you're this perfect
10 man.

11 WITNESS NO. 3: I'm not.

12 WITNESS NO. 1: I don't search through your
13 shit, so I don't know. For all I know you've had many
14 conversations with women online. You've had many
15 conversations with women through phone.

16 Have you?

17 WITNESS NO. 3: Yes, tons. No.

18 WITNESS NO. 1: Have you?

19 WITNESS NO. 3: No. I don't fucking do
20 anything. I support you in everything. I come home,
21 I'm with the kids.

22 WITNESS NO. 1: In all this time you
23 haven't?

24 WITNESS NO. 3: No. [REDACTED] you can
25 fucking -- all my minutes are accounted for.

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1 WITNESS NO. 1: But you have all my minutes
2 accounted for.

3 WITNESS NO. 3: No, I don't. Going to work,
4 I don't know when you don't have clients. I don't get
5 to go to work and have spaces. Spaces --

6 WITNESS NO. 1: Bullshit, [REDACTED]. You have
7 all kinds of time. I don't know when you do things.
8 I would never in a million years look into that.

9 WITNESS NO. 3: Okay.

10 WITNESS NO. 1: I can't be with you if
11 you're going to search into everything. It happened
12 with the thought in my mind of --

13 WITNESS NO. 3: Right, justifying your
14 (inaudible) behavior.

15 WITNESS NO. 1: No, no, it's not at all.

16 WITNESS NO. 3: Well, listen, some people
17 are just different, and if I'm a little suspicious on
18 that kind of stuff, maybe that's somewhat on you and
19 your generosity or your commitment --

20 WITNESS NO. 1: (Inaudible).

21 WITNESS NO. 3: Okay. Okay. Other people
22 are, too. So maybe that's a part of your commitment
23 or generosity to go out of your fucking buffer zone
24 and help somebody and say, "No, babe, I love you.
25 Like, I promise we're" -- you know, blah-blah. But

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1 instead you get angry and you do understand what that
2 looks like, and you do understand what it looks like
3 when I end up being right.

4 WITNESS NO. 1: [REDACTED], all of those other
5 times, all of those other times, those millions of
6 times that you were wrong, that's why I'm angry.

7 WITNESS NO. 3: This has been a different
8 weekend and week for me, and the last thing I want to
9 do is be sucked back into your tornado that you were
10 or that I was, okay. And this last week has been
11 fucking liberating and beautiful for me.

12 WITNESS NO. 1: I'm sorry for everything.

13 WITNESS NO. 3: Yeah, me, too. [REDACTED]
14 there's something I need to know. I need to know
15 you're not going to hurt yourself. I don't want make
16 this to become overwhelming and you do something rash.

17 WITNESS NO. 1: Seriously?

18 WITNESS NO. 3: Seriously.

19 WITNESS NO. 1: I did. I mean, to me doing
20 that, it was weird. It was like I wanted that. I
21 wanted to hurt myself.

22 WITNESS NO. 3: Could you have sex with me
23 after this? This was last weekend.

24 WITNESS NO. 1: No. Just --

25 WITNESS NO. 3: And you just talked to him

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1 for a moment on the 20th when you were supposed to be
2 out with your friends?

3 WITNESS NO. 1: I was out with my friends.
4 They thought I was talking to you. I lied to them.

5 WITNESS NO. 3: Oh, the circles we weave.

6 WITNESS NO. 1: [REDACTED] I don't know who I am.

7 WITNESS NO. 3: That's nice.

8 WITNESS NO. 1: I'm so scared.

9 WITNESS NO. 3: What do you want from me?

10 WITNESS NO. 1: You (inaudible) so strong.

11 WITNESS NO. 3: Don't tell me that you're
12 never going to see [REDACTED] again.

13 WITNESS NO. 1: Well, that was the worst.

14 WITNESS NO. 3: No, because I finally
15 (inaudible).

16 WITNESS NO. 1: No. Fuck no. I've had such
17 a -- are you fucking kidding me?

18 WITNESS NO. 3: What did he say? Because
19 obviously he picked up on something that I didn't.

20 WITNESS NO. 1: It was horrible.

21 WITNESS NO. 3: What did he say? What did
22 he say that was not the truth?

23 WITNESS NO. 1: It was how he acted to me,
24 [REDACTED]. It was how he acted. So horrible.

25 WITNESS NO. 3: And you (inaudible) I'm

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1 back.

2 WITNESS NO. 1: No, [REDACTED] I'm telling you,
3 it was horrible. When you left the room he said:
4 "Something's changed in you this last three to four
5 months, so tell me what the fuck is going on."

6 WITNESS NO. 3: And what did you say?

7 WITNESS NO. 1: I said: "Three or four
8 months?"

9 And he said: "Yeah. You're obviously
10 cheating on him."

11 WITNESS NO. 3: He was right.

12 WITNESS NO. 1: How wish that I --
13 (inaudible) see, to be able to tell him I have never
14 felt so scared in my life. It was so horrible.

15 WITNESS NO. 3: You've been calm the whole
16 time and you haven't told him the truth so --

17 WITNESS NO. 1: No, bullshit, [REDACTED].
18 Whenever he said --

19 WITNESS NO. 3: What did you say in
20 response? Did you say no? Did you lie to him?

21 WITNESS NO. 1: Yeah, I just said no. I
22 couldn't say anything, [REDACTED]. I just sat there. It
23 was so uncomfortable. And he said: "Well, my wife
24 cheated on me, and I know what it looks like, [REDACTED].
25 Don't fuck around with me. I've been doing this for

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1 35 years, you know, and you know what, you're giving
2 up. No wonder why you're sad, [REDACTED], you're giving up
3 on your family. You are stopping out on your family."

4 WITNESS NO. 3: You don't feel like that was
5 true?

6 WITNESS NO. 1: You don't fucking talk to
7 somebody like that, though, when you're a counselor.
8 You really think that that's the best way to be a
9 counselor?

10 WITNESS NO. 3: I'm not a counselor. Maybe
11 it is. I don't know. I do know that I trust him
12 beyond what I understand.

13 WITNESS NO. 1: I don't. It was horrible.

14 WITNESS NO. 3: Well, that's an issue.

15 (Inaudible) knows the truth.

16 WITNESS NO. 1: I can't do it, [REDACTED].

17 WITNESS NO. 3: I would like to you think
18 about that.

19 Who else knows?

20 WITNESS NO. 1: [REDACTED] and [REDACTED] are the
21 only two people I told.

22 WITNESS NO. 3: You told them the details?

23 WITNESS NO. 1: Yeah.

24 WITNESS NO. 3: And what did they say?

25 WITNESS NO. 1: Well, they didn't say

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1 somebody else. I love the idea of us so much, I love
2 it, but I also don't want to continue to fight all
3 these feelings. And I know the second that you feel
4 depressed, it sparks that in me, and it's not your
5 fault, but it does do that. And if that's something
6 that I can work on with a separate counselor, I would
7 absolutely do that. I want to do that anyways. But
8 there's no way in hell I'm seeing [REDACTED]. I never felt
9 more sick to my stomach.

10 WITNESS NO. 3: I don't like the fact that
11 you're in the position that in you're right now and
12 you're making rules, saying novers. I don't like
13 that. And that's one of the things I don't like about
14 this whole situation is that you make these decisions,
15 you may think they're so solid and you stick with them
16 because you're fucking stubborn like that. You're a
17 rule maker.

18 WITNESS NO. 1: I am?

19 WITNESS NO. 3: I'm learning to be very,
20 very flexible. [REDACTED], I've done all
21 these things, so you can dig the things that you say
22 or things that you've done and thinking you know it
23 all and defining everything.

24 WITNESS NO. 1: I don't. We should probably
25 let -- [REDACTED] go into the grocery store. Park up

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1 anything. Obviously it's out of character for me to
2 do anything and that they didn't know what they would
3 do if they were me and...

4 WITNESS NO. 3: They don't know what they
5 would do, as in toll or (inaudible)?

6 WITNESS NO. 1: Because I said it's killing
7 me. I wanted to tell you so bad that first night,
8 that's why I made [REDACTED] sleep with me. It was just
9 a year ago and I couldn't process the whole -- it's so
10 bizarre. I don't know. I had so many mind games that
11 day. Like this scared, like, dislike, hate, pissed
12 off, core -- you know, I mean, just every emotion I
13 felt so I just wanted to do something. I felt
14 horrible. But --

15 WITNESS NO. 3: You got it out of your
16 system?

17 WITNESS NO. 1: I don't know. That's my
18 hope.

19 WITNESS NO. 3: But you don't know?

20 WITNESS NO. 1: The only reason why I say I
21 don't know is because I'm so jumbled without sleeping,
22 and I know that the second that I'm around you and the
23 kids, I want -- I want -- I want to do whatever I can
24 to make us work. I can't envision a life without you
25 at all, and I can't envision a life with you with

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1 closer. It's 5:56.

2 WITNESS NO. 3: (Inaudible) in your entire
3 life?

4 WITNESS NO. 1: My entire life, yes.

5 WITNESS NO. 3: Is his number still under
6 [REDACTED] folder?

7 WITNESS NO. 1: Yes, I haven't touched it.

8 WITNESS NO. 3: I don't know what to say
9 right now except there will be zero contact if there's
10 a chance. I don't even know what you're asking for.
11 Are you asking for a chance? Because quit fucking
12 with me.

13 WITNESS NO. 1: I know. I know. I know. I
14 know. I know.

15 WITNESS NO. 3: This is worse than the
16 cheating. This is going to take some processing for
17 me in a new way. I do love you. Every goal and
18 aspiration that I had with you is still the same. I
19 don't know what that path looks like anymore than I
20 did yesterday, although now I see half of it. All
21 right. I see it half as clearly.

22 WITNESS NO. 1: Do you think you would be
23 able to not worry every single time my phone rings --

24 WITNESS NO. 3: Now -- now you know what a
25 slippery slope is and can do.

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1 WITNESS NO. 1: Yeah. I know what a tornado
2 is, actually.

3 WITNESS NO. 3: I want to say and things if
4 I feel like I've thought it through and it's necessary
5 for me to say something like, you know, you'll never
6 speak or see this person again, even if it's in the
7 salon briefly, but I can't say that right now because
8 I need to process this. But you need to quit fucking
9 with me, and you need to tell me what it is that you
10 want or what it is that you're willing to try because
11 you are at ground zero with trust right now. And
12 that's everything to me because I have finally trusted
13 myself again.

14 I feel bad for you, and I want to help you,
15 but I really need my distance for a minute in many
16 ways because you can't help me.

17 WITNESS NO. 1: Okay.

18 WITNESS NO. 3: The ball is in your court as
19 to what you want to do, what you want to ask me to do.
20 You feel free. You need to feel open. You need to
21 feel like I'm trustworthy. So if you're having a
22 thought, you need to tell me; you need to ask me. If
23 it's something I can do for you, I'll think about it,
24 and I'll do it. If it's something I can't, I'll think
25 about it, and I'll let me know why or when.

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1 Right now I'm not going to bounce this ball.
2 You're -- it's in your hands because you're fucking me
3 up and taking me into your fucked up world, and I'm
4 better off without that because I was doing well. I
5 know I'm a stronger man than even I know that I am,
6 and I know I'm a stronger man than you've ever thought
7 I was.

8 So we'll see. What it is, we'll see, I
9 don't know, because I still don't know what you're
10 asking. So when you have a question, you let me know.
11 I'm going to walk it off. Get groceries.

12 WITNESS NO. 1: (Inaudible).

13 WITNESS NO. 3: This is exactly the time for
14 to you do this. I'm sorry, but you got to deal with
15 however it is I have to deal with this right now. Let
16 me process.

17 WITNESS NO. 1: (Inaudible).

18 WITNESS NO. 3: Go home and get your purse
19 and come back. I'll be home with the kids. I'm
20 sorry. Look at me. I love you. (Inaudible) fucking
21 hate you. Our love is more stronger than (Inaudible),
22 but there's your honesty and there's mine. You
23 (Inaudible) -- you really do. Our love is so much
24 stronger than that. (Inaudible).
25

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1 NOTARIAL CERTIFICATE

2
3
4 STATE OF MISSOURI)
5) SS
6 COUNTY OF ST. LOUIS)

7 I, CARRIE A. CAMPBELL, RDR, CRR, MO CCR, IL CSR,
8 and Notary Public in and for the State of Missouri,
9 duly commissioned, qualified and authorized, do hereby
10 certify that I reported the following tape-recorded
11 conversations in shorthand and transcribed into
12 typewriting, and that the foregoing pages correctly
13 set forth the conversation of the parties, to the best
14 of my ability, and is in all respects a full, true,
15 correct and complete transcript of the conversations.

16 I further certify that I am not of counsel or
17 attorney for any of the parties in the conversation,
18 not related to nor interested in any of the parties.

19 IN WITNESS WHEREOF, I have hereunto subscribed my
20 name and affixed my Notarial Seal on this 8th day of
21 January, A.D., 2018.

22 My Commission expires February 2, 2018.

23 *Carrie A. Campbell*

24 Carrie A. Campbell, RDR CRR CSR CCR
25 Certified Shorthand Reporter
Certified Realtime Reporter

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chris canpershell <canpershell@yahoo.com.sg>

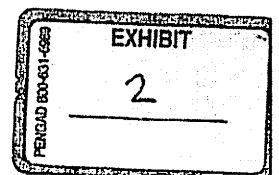
To sheena.greitens@gmail.com

07/03/15 at 9:45 AM

There
is
another
woman
in your
home
right
now.
I'm
assumi
ng
you're
out of
town
again.
If you
want to
know
more
contact
me
here.
I'm
sorry.
This
isn't
fake or
spam.
They
are at
the
Maryla
nd
addres
s
Chris

canpershell@yahoo.com.sg

Sheena Chestnut Greitens



Thanks very much for writing. I'm travelling from June 24 to July 5 with limited access to email. I look forward to responding to your message when I return.

--

Sheena Chestnut Greitens
Assistant Professor, University of Missouri
Non-Resident Senior Fellow, Brookings Institution
<http://www.brookings.edu/experts/greitens>
<http://politicalscience.missouri.edu/people/greitens.shtml>

To: Sheena Greitens

Today was not the first time he has had her in your home.

From: Sheena Chestnut Greitens <sheena.greitens@gmail.com>;
To: <canpershell@yahoo.com.sg>;
Subject: Out of the office June 24-July 5 Re: Another woman with eric
Sent: Fri, Jul 3, 2015 2:49:00 PM

Thanks very much for writing. I'm travelling from June 24 to July 5 with limited access to email. I look forward to responding to your message when I return.

--

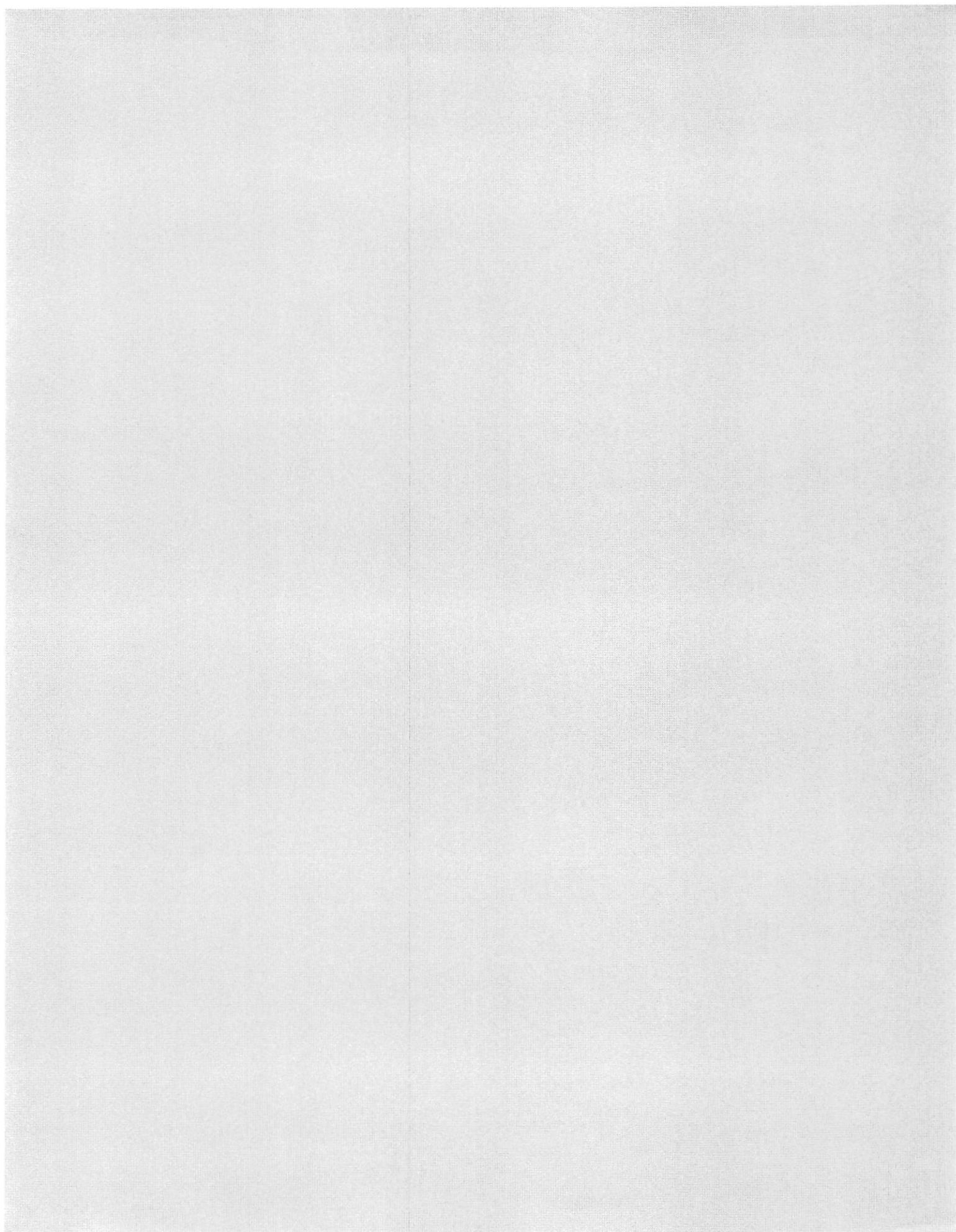
Sheena Chestnut Greitens

Assistant Professor, University of Missouri

Non-Resident Senior Fellow, Brookings Institution

<http://www.brookings.edu/experts/greitens>

<http://politicalscience.missouri.edu/people/greitens.shtml>



Format Window Help

Sent (1366 messages)

→ P ↓

Q Search

10/23/15

ch stronger word
ns. When I say love...

10/23/15

ch stronger word
ns. When I say love...

10/20/15
2
Sent from my iPhone

10/20/15

2 »

ave this from my junk
Thursday. So, what a...

10/15/15

NAR I FA2015: F... 2 »
Sent from my iPhone

10/14/15

in forwarded message:

10/13/15

To: [REDACTED]
Appointments

Eric,
I am asking you to please consider all who are involved and the circumstances around us. I need you to not book at the salon anymore. This isn't fair to me, nor anyone close to us. Please respect me and my wishes. I need to move forward in my life as I know you are doing as well. Take care,
[REDACTED]

Sent from my iPhone

October 20, 2015 at 7:19 AM

To: [REDACTED]
Appointments

Eric,
I am asking you to please consider all who are involved and the circumstances around us. I need you to not book at the salon anymore. This isn't fair to me, nor anyone close to us. Please respect me and my wishes. I need to move forward in my life as I know you are doing as well. Take care,
[REDACTED]

Sent from my iPhone

EXHIBIT

tabbles

20

DOWD BENNETT LLP

Edward L. Dowd

Direct Dial: 314.889.7301

edowd@dowdbennett.com

February 22, 2018

By Email

Todd Richardson, Speaker of the House
Elijah Haahr, Speaker Pro Tem
Rob Vescovo, Majority Leader
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, Missouri 65101
todd.richardson@house.mo.gov
elijah.haahr@house.mo.gov
rob.vescovo@house.mo.gov

Re: House Committee Investigation of Governor Greitens

Dear Messrs. Richardson, Haahr, and Vescovo:

We welcome reviewing this issue with the independent, bipartisan committee of the Missouri House of Representatives

For 40 years as an attorney for the public and for private litigants, I have never seen anything like this. The charges are unfounded and baseless. The Governor is absolutely innocent. Not only is he presumed innocent – he is innocent. The Circuit Attorney's investigation is completely unusual.

This statute has never been used like this in Missouri history. In unprecedented fashion, the Circuit Attorney circumvented the local police force and hired her own investigators. We attempted to meet with the Circuit Attorney and make the Governor available to discuss the issues. They refused. They proceeded to file an indictment that has no facts.

We will work with the committee. We will be deposing witnesses and will be happy to share information with you with the Court's permission.

Sincerely,



Edward L. Dowd
Partner
Dowd Bennett LLP

7733 FORSYTH BOULEVARD, SUITE 1900 • ST. LOUIS, MISSOURI 63105
314.889.7300 • FAX 314.863.2111 • WWW.DOWDBENNETT.COM

EXHIBIT

23

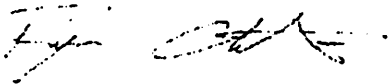
Ryan Clearwater

From: Ryan Clearwater
Sent: Wednesday, February 28, 2018 5:59 PM
To: 'edowd@dowdbennett.com'
Subject: RFD to EG
Attachments: 2018.02.28 - RFD to EG.pdf; 2018.02.28 - RFD to EG 2.pdf

Good Evening:

Attached are two documents from Representative Jay Barnes for you. Please let me know if you have any questions.

Sincerely,



RYAN M. CLEARWATER

Offices of Representatives Jay Barnes & Paul Curtman
Missouri House of Representatives
201 West Capitol Avenue
Jefferson City, MO 65101
573-751-2412
573-751-3776



CAPITOL OFFICE
State Capitol
201 West Capitol Avenue
Jefferson City, MO 65101-6806

Tele: (573) 751-3412

E-Mail:
Jay.Barnes@house.mo.gov



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Chairman:
Rules – Administrative Oversight
Member:
Elementary and Secondary Education
Crime Prevention and Public Safety
Joint Interim Committee on State
Employee Wages
Joint Committee on Administrative
Rules

MISSOURI HOUSE OF REPRESENTATIVES
JAY BARNES
State Representative
District 60

February 28, 2018

Edward L. Dowd, Jr.
Dowd Bennett
Via email:
edowd@dowdbennett.com

Dear Counsel:

It was good to speak with you briefly this morning. Thank you for reaching out to discuss some key facts that you deem relevant. As I stated in the press conference announcing formation of this committee, our task is to gather facts in a fair, thorough, and timely manner. To that end, it would be helpful to start with the evidence that the St. Louis Circuit Attorney turned over to your team in response to your discovery requests. Please find attached a formal request for said documents.

At this point in time, the precise schedule of the committee has not been determined. However, we expect to take sworn testimony from relevant witnesses within the next three weeks. We are happy to work with you on the timing of that schedule so that it does not conflict with other obligations in the Circuit Attorney's case.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Barnes", is written over a horizontal line.

Rep. Jay Barnes

**HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

PLEASE TAKE NOTICE THAT pursuant to § 21.400, RSMo, the House Special Investigative Committee on Oversight requests that Governor Eric Greitens and his counsel produce for inspection and copying the documents described below. Production shall be made by 5:00 p.m. on Wednesday, March 6 at the office of Chairman Jay Barnes, Room 306 of the State Capitol Building.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the term "document" means the original or drafts of any kind of written or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, and all copies thereof which are different in any way from the original (whether by interlineation, receipt stamp, notation, indication of copies sent or received or otherwise), regardless of whether designated "confidential," "secret," "privileged," or otherwise and, including without limitation, any writing, paper, account ledger, invoice, statement, bill, agreement, contract, memorandum, letter, object, evaluation, report, record, study note, diary, working paper, minute books, index sheet, summary, recording (including audio or video), or memorandum of telephone or other conversation, or of interviews, or of conferences, however produced or reproduced, whether computer or electronically retained or generated to which the defendant has or has had possession, custody or control of, has or has had access to, or has knowledge of. "Document" also includes, but is not limited to, any electronically stored *data* or paper document. This includes, but is not limited to, electronically stored data on *magnetic or optical storage media* as an "active" file or files (readily readable by one or more *computer applications or forensics software*); any electronic files saved as a *backup*; any "deleted" but recoverable electronic files on said media; any electronic file fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory [RAM] on a *hard drive* during the normal operation of a computer [file slack and or RAM slack] or residual data left on the *hard drive* after new data has overwritten some but not all of previously stored data). However, in no case does "document" require disclosure of materials protected by attorney-client privilege or attorney work product.

B. "You," "Your," and "Yourself" refers to the person to whom these Requests are directed and any of his, her or its officers, directors, shareholders, employees, consultants, agents or attorneys.

C. If your response to any request herein is that the responsive documents are not in your possession, custody, or control, then please identify who has possession, custody, or control of the documents and where they are located.

D. With respect to any document called for by these requests which is withheld pursuant to any claim of privilege other than attorney-client or attorney work product privilege, please list the following information for each such document:

- (1) The title and general subject matter of the document;

- (2) The date of the document;
- (3) The identity of the author of the document;
- (4) The nature of and basis for the claim of privilege; and
- (5) The identity of all persons who saw the contents of the document.

E. When the term "person" is used, it means a natural person, firm, partnership, corporation, proprietorship, business trust, joint venture, association or any other organization or definable entity.

F. When the term "identify" refers to a person, it means to state the full name, present or last known address, and employment of each such person.

G. Whenever your answers to document requests refer to other sources of information, please identify such source with sufficient detail to enable Plaintiff to subpoena any persons who are the source of such information and/or to obtain by a subpoena *duces tecum* any document which serves as a source of information.

H. To the extent required by law, these document requests are to be deemed continuing, and if you or your attorneys, agents, representatives or other responsible persons discover additional information as to matters inquired of in such document requests between the time the answers are made and the date of trial on the merits in this case, supplemental answers shall be served, fully setting forth such newly discovered information.

I. Space is included for answers to these document requests upon the original as required by rule. If additional space is required, separate attachments may be used and properly designated.

REQUESTS FOR PRODUCTION

Request #1: All documents disclosed to Eric Greitens or his counsel by the office of the Circuit Attorney of the City of St. Louis in connection with the criminal indictment filed on or about February 22, 2018, including but not limited to all documents referenced in the cover letter sent by the Circuit Attorney that was publicized on or about February 27, 2018.

Request #2: All documents in your possession, custody, or control other than the documents provided as a response to Request #1 relating to the criminal indictment filed on or about February 22, 2018.

Request #3: All documents consisting of or relating to communications between you and [REDACTED] including but not limited to emails or text messages.

Request #4: All agreements or contracts between [REDACTED] and you or any person or entity acting on your behalf.



CIRCUIT ATTORNEY
CITY OF ST. LOUIS

KIMBERLY M. GARDNER

CARNAHAN COURTHOUSE
1114 Market St. Room 401
St. Louis, Missouri 63101
(314) 622-1941
FAX: (314) 622-3369

February 27, 2018

Mr. Jack Garvey
Mr. James Martin
773 Forsyth Blvd, Suite 1900
St. Louis, Missouri 63105
Re: State v. Grellens
Cause Number: 1822-CR00642-01

FILED
FEB 27 2018
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

Mr. Jack Garvey and James Martin:

My records reflect that you are in possession of the following discovery:

1. Grand Jury Indictment filed on February 22, 2018

Please find enclosed the following discovery:

1. Request for Discovery (2 pages);
2. Transcripts of taped recordings of P.S. and K.S. (47 pages);
3. Email questions and answers for KMOV interview of P.S. (5 pages);
4. Email of K.S. to P.S. dated March 24, 2015 (1 page)
5. Email of K.S. to P.S. dated March 26, 2015 (1 page)
6. Email of K.S. to P.S. dated July 8, 2015; (2 pages)
7. E.G.'s statements to the public (1 DVD);
8. Taped statements of K.S. (1 DVD);
9. Picture of admin contact of E.G. (1 page);
10. Picture of K.S. (1 page);
11. Picture of email from E.G. to K.S. dated August 25, 2015 (1 page);
12. Picture of email of K.S. to E.G. dated October 20, 2015 (1 page);
13. E.G.'s Facebook post (3 pages);

I have not received any discovery from you to date. Please forward any discovery you may have. If you have any questions or would like to discuss the case, please call me at (314) 589-6289. I look forward to speaking with you.

Sincerely,

/s/ Robert Steele

First Assistant Circuit Attorney
MO Bar #

cc: Court File

ENTERED
FEB 27 2018
CRH

Jay Barnes

From: Ed Dowd <edowd@dowdbennett.com>
Sent: Monday, March 05, 2018 2:36 PM
To: Jay Barnes
Subject: Re: Discovery Materials

Dear Jay, Sounds good. Ed

Ed Dowd
314.330.5160 (mobile)
edowd@dowdbennett.com

This email is from the law firm of Dowd Bennett LLP and may be privileged.

On Mar 5, 2018, at 2:16 PM, Jay Barnes <Jay.Barnes@house.mo.gov> wrote:

Dear Ed:

Thank you for the quick phone call today. Consistent with our phone call from this afternoon, we expect to hear from you by noon tomorrow (Tuesday, March 6) regarding the status of our request for documents. We will decide how to proceed next after having that conversation.

Sincerely,
Jay Barnes

Representative Jay Barnes
60th District
Missouri State Capitol, Room 306A
573-751-2412
Jay.Barnes@house.mo.gov

Jay Barnes

From: Jay Barnes
Sent: Thursday, March 22, 2018 4:19 PM
To: edowd@dowdbennett.com
Attachments: 2018.03.22 - First Interrogatories to Gov. Greitens via Dowd.pdf

Dear Ed:

Please find attached requests for sworn answers to written interrogatories directed. These questions are more appropriate via interrogatory because they involve details that your client may have difficulty recalling on-the-spot in an interview with the committee. Answers to these interrogatories are due next Thursday. Please also be aware that the committee has the authority and will, in fact, protect any personally-identifiable device or account information provided to the committee against public disclosure.

I am looking forward to our meeting tomorrow. As we discussed, Vice Chair Don Phillips will be present, as well as staff attorneys Alex Curchin and Alix Hallen. In advance of our meeting, I request that you be prepared to provide a time at which your client will be made available for sworn testimony before the committee. We are happy to accommodate your and your client's schedule at any time between Wednesday, March 28 to Thursday, April 5.

Your client would be provided with the same courtesies and procedures as those for other witnesses who have appeared before the committee. At your request, we would schedule the hearing at the Jefferson City Police Department for privacy and security. In addition, counsel are permitted to sit at the witness table, but not permitted to testify.

If your client plans to invoke his constitutional right not to testify, I kindly request that you inform the committee of this fact via written response by Monday of next week so that we can fill out our schedule over the next few weeks and fulfill our responsibilities in a timely fashion.

Sincerely,

Jay Barnes

TO: Eric Greitens, via hand-delivery and email to Edward Dowd at edowd@dowdbennett.com

**BEFORE THE HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
*REQUEST FOR SWORN ANSWERS TO INTERROGATORIES***

You are hereby requested to provide answers, sworn under oath, to the following interrogatories and to provide the same by 5:00 p.m. Thursday, March 29, 2018 to the office of Chairman Jay Barnes, Room 306-B, State Capitol Building, Jefferson City, Missouri.

As used herein, "you" or "your" or any derivative of the same refers to Eric Greitens.

"Communications device" refers to any phone (including, but not limited to smart-phones), tablet, laptop, desktop, or Internet-connected device capable of storing, receiving, or sending any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature.

1. How many communications devices have you used since January 1, 2015 for any purpose, personal or professional? For each such communications device, answer the following:
 - a. Whether you still have possession or access to that device;
 - b. The phone number associated with that device;
 - c. The unique device identifier associated with that device;
 - d. The IP addresses for any such devices;
 - e. For phones, whether the phone is or was a pay-by-month or "burner" phone;
 - f. Whether you used any method to back-up or store the contents of communications, photographs, or other documents sent, received, or created on that device;
 - g. The service providers you used for purposes of sending or receiving communications with the device;
 - h. The service providers you used to back up or store the contents of communications, photographs, or other documents sent, received, or created on that device;
 - i. Whether you have an account or access to an account where data sent by, received by, or generated by the communications device is backed-up or accessible on the Internet;
 - j. Whether you have a server or other computer equipment to which data from the communications device is backed-up;
 - k. Whether you currently have or have ever had an iCloud account with Apple relating to the use of Apple devices, such as an iPhone, iPad, or Mac computer; and if so, the dates such accounts were opened and closed and identifying information for your iCloud account, including your username;

ANSWER:

2. How many email accounts have you used since January 1, 2015 for any purpose, personal or professional? For each such account, identify the address used and the dates for which you used the account.

ANSWER:

3. Do you have an Apple ID account? Is so, how many and what email addresses are associated with those accounts?

ANSWER:

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY of _____)

I, Eric Greitens hereby state under oath that I have read the allegations of the foregoing Interrogatories and the same are true to the best of my information and belief.

By: _____
Eric Greitens

Subscribed and sworn to before me this _____ day of _____, 2018.

Notary Public

My Commission expires: _____

Jay Barnes

From: Jay Barnes
Sent: Friday, March 23, 2018 1:17 PM
To: edowd@dowdbennett.com
Subject: Follow-up on This Morning

Dear Ed:

It was great to meet with you this morning. As we discussed, your client has the opportunity to testify before the committee under the same courtesies and circumstances as other witnesses who have testified. I would note that your client has been aware of this opportunity since the beginning of the investigation -- starting with the first communication we had on February 28 and following with several subsequent conversations.

While it is, of course, true that he has a right not to testify in the criminal trial, it is also true that he has the right to testify so if he so chooses. As for our investigation, while he does not have a constitutional right to testify before the committee at this point, we are treating it as if he does.

Now, nearly a month after the first notice, the committee needs a firm answer from your client as to whether he will testify. So that we may plan accordingly, we kindly request a written answer on whether he will exercise or waive this right by Monday at 5:00 p.m. If your client chooses not to participate in the process, that is his choice. However, regardless of his choice, the committee will issue its report on time.

We also discussed the possibility of reviewing discovery from the criminal case pending in the City of St. Louis. We are happy to review evidence from that case and are supportive of a motion by either party to make an exception to the current order against disclosure to third parties. However, in the event any such evidence is provided, we would insist on having the complete set of evidence. In other words, we will not accept cherry-picked evidence from either the Circuit Attorney's office or your client.

Sincerely,

Jay Barnes

March 26, 2018

Chairman Jay Barnes
Vice Chairman Donald Phillips
Representative Kevin Austin
Representative Shawn Rhoads
Representative Jeanie Lauer
Representative Gina Mitten
Representative Tommie Pierson, Jr.

Dear Reps. Barnes, Phillips, Austin, Rhoads, Lauer, Mitten and Pierson:

First and foremost, we wish to reiterate what we told the Chairman and Vice-Chairman of the Committee when we met with them last week: Governor Greitens will cooperate fully with the work of this committee.

Rep. Barnes has made two demands of the Governor: 1) That we let him know by 5:00 p.m. today whether the Governor will testify and 2) that if the Governor agrees to testify, he do so within two weeks.

On the first request, our answer is: yes, the Governor is willing to provide testimony to the committee, as well as all necessary documentation, discovery, depositions, and other key information. Rep. Barnes' second request, however, is unreasonable. This Committee was formed to investigate allegations made by St. Louis City Circuit Attorney Kim Gardner. Trial in that case is 7 weeks away, and the court just today ordered that the case proceed to a trial by jury. Moreover, the court's restrictions on what information can and cannot be released make it impossible for the Governor to provide what the Committee needs to complete its work.¹ That includes discovery information from the Circuit Attorney, transcripts of depositions of key witnesses, and other critical information that is not currently available to the Committee, by court order. That information will be available only after the criminal trial is concluded.

The Committee, the House, and the people of Missouri deserve a full and complete report. But due to no fault of the Committee or the Governor, it is impossible for the Committee to accomplish that goal by April 9. The timing of the release of any documents or reports from this Committee is all the more important in light of a jury trial. Anything published by this Committee will no doubt influence the jury pool and the public about this case, and thus it is vital that the Committee's work reflect the full facts. That is why we respectfully request that the members of the Committee grant yourselves a brief extension of a few weeks so that you may complete a thorough and comprehensive investigation.

Moreover, as you all know, the Governor is unable to testify prior to the criminal proceedings, as doing so would violate his right to a fair trial. He would be under no such restriction once the trial concludes. In other words, even though the Governor can and will provide information to the Committee over the next two weeks not subject to the court's orders, critical information that the Committee needs to complete its work will not legally be available by the Committee's original April 9 deadline.

For example, while the Committee has heard from some witnesses, there are others who have and will testify at depositions, which by court order the Committee will not have access to before the original

¹ As you may be aware, Mr. Dowd had spoken with the Chairman weeks ago and offered to provide the Committee with discovery in the criminal case, but at the request of the Circuit Attorney, the judge ordered that no third parties, including this Committee, may obtain discovery materials from the case, including information derived from the Circuit Attorney's investigation and exculpatory evidence (evidence showing the Governor is innocent).

April 9 deadline. The Committee deserves to see those accounts, many of which show that accusations made against the Governor are false. The Committee also deserves to see all of the discovery material assembled by the Circuit Attorney herself, some of which shows that the Governor is innocent. By court order, this information may not be shared with the Committee until after the trial.

In order to get that key information, the Committee ought to give itself a brief extension, through just after the criminal trial has concluded. The Circuit Court trial will begin on May 14 and is expected to last only two or three days. A brief extension of five weeks past the Committee's deadline will give the Committee all the information and evidence it cannot currently obtain.

Although the Governor asked the Court for a trial date of April 3—in part so that the trial would be completed before the Committee's report was due—the Court set trial for shortly *after* the Committee's current due date. Fortunately, the Resolution authorizing the Committee and its work allows it to extend its deadline and permits such an extension by simple majority vote of the Committee. In a matter of such weight and seriousness, surely all of us—and the people of Missouri—will agree that completing a full, thorough, and accurate report is more important than sticking to an arbitrary schedule, particularly when the extension need only be for a few weeks.

The Committee Chairman has stated that the "committee's job is to investigate the underlying facts and report back to the General Assembly." A brief extension will enable the Committee to do just that: conduct a thorough, complete, fair investigation of *all* the underlying facts. On the other hand, absent a brief extension, the Committee:

- Will not have the benefit of the discovery in the pending case, which includes information that exonerates Governor Greitens.
- Will not have the benefit of the depositions taken in the pending case, which include cross-examinations and testimony of witnesses, some who have testified before the committee and others who have not.
- Will not have the benefit of testimony and evidence elicited at trial.
- Will not have the testimony of the Governor.
- Will disseminate incomplete, false and misleading information that will cause damage to entirely innocent people, some of whom are families and children.
- Will cause pretrial publicity that interferes with the fairness and due process of the Circuit Court trial and unduly influences the jury pool.
- Will cause disruption of the legislative session and confusion among legislators who will be justifiably perplexed as to what, if any, action they should take based on an incomplete and inaccurate report.

Based on all of the above, we see no compelling reason not to provide a brief extension of this Committee's work. Over 36 months have passed since the incidents being investigated by this Committee allegedly took place. Surely the committee can spare six additional weeks to get a full and complete accounting of what actually occurred. The matters being investigated by the Committee are not urgent, nor, for that matter, are they matters directly related to the continued functioning of state government.

During the course of this investigation, the Governor has continued to govern, just as he will during the five additional weeks the committee ought to take to complete its work.

Please take an additional five weeks to do a complete and thorough review of *all* of the underlying facts and the evidence as shown at trial in order to write a full, fair, complete, and truthful report. We strongly believe that a rushed, incomplete, inaccurate report will not serve the Committee, the House, or the people of Missouri well. Speed is not of the essence here; accuracy is.

We respectfully request the Committee approve this brief extension to provide the public and your fellow lawmakers with a complete and accurate report that preserves the constitutional rights of every person involved and does not unduly interfere with the Governor's right to a fair trial by an untainted jury. There is no compelling reason not to allow yourselves more time to do this work right, and we respectfully submit that doing so would be in the interest of the Committee, the House of Representatives, and the people of Missouri.

Respectfully submitted,

/s/ Edward L. Dowd
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Counsel on behalf of Eric Greitens

Counsel on behalf of the Office of the Governor of Missouri

cc: Speaker Todd Richardson

Jay Barnes

From: Ed Dowd <edowd@dowdbennett.com>
Sent: Monday, April 09, 2018 10:13 AM
To: Jay Barnes; Don Phillips; Kevin Austin; Shawn Rhoads; Jeanie Lauer; Gina Mitten; Tommie Piersonjr; Todd Richardson
Attachments: 2018.04.08 Defendant's Motion to Compel Immediate Production of all Exculpatory Information.pdf; 2018.04.09 Letter to Chairman and Committee sending 4.8.18 Motion to Compel.pdf

For your information and review. Thank you for your consideration.

Ed

Edward L. Dowd, Jr.

Direct Dial: (314) 889-7301

Email: edowd@dowdbennett.com

April 9, 2019

Chairman Jay Barnes
jay.barnes@house.mo.gov

Dear Chairman Barnes:

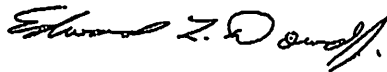
Attached is a Motion to Compel we filed on behalf of Mr. Greitens on April 8, 2018.

As you will see, there are several important developments revealed in the deposition of the alleged victim.

1. The alleged victim admitted some of her memory of certain evidence may have been from dreams instead of reality, and she had earlier informed the Circuit Attorney's Office of her dream or visions;
2. The alleged victim described that her contact with Eric was consensual and that she was a very willing participant; and
3. The Circuit Attorney's Office videotaped an interview of the alleged victim but is now claiming that the video is lost or the equipment malfunctioned. These are matters that were not disclosed to the defense until her deposition on Friday, April 6.

We would appreciate it if you would review this important information. Thank you for your assistance with this matter.

Sincerely yours,



Edward L. Dowd, Jr.

ELD:djs

cc:	Vice Chairman Don Phillips	don.phillips@house.mo.gov
	Representative Kevin Austin	kevin.austin@house.mo.gov
	Representative Shawn Rhoads	shawn.rhoads@house.mo.gov
	Representative Jeanie Lauer	jeanie.lauer@house.mo.gov
	Representative Gina Mitten	gina.mitten@house.mo.gov
	Representative Tommie Pierson, Jr.	tommie.piersonjr@house.mo.gov
	Speaker Todd Richardson	todd.richardson@house.mo.gov

**IN THE CIRCUIT COURT FOR THE
TWENTY-SECOND JUDICIAL CIRCUIT
CITY OF ST. LOUIS
STATE OF MISSOURI**

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	Cause No. 1822-CR00642
v.)	
)	
ERIC GREITENS,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO COMPEL IMMEDIATE
PRODUCTION OF ALL EXCULPATORY INFORMATION**

Defendant Eric Greitens requests a court order compelling the Circuit Attorney to immediately produce all exculpatory information in her possession. Recent deposition testimony has confirmed that information that supports the Defendant's innocence has been withheld from him – as well as from the Grand Jury and the House Committee reviewing this matter.

Background on Recent Events

Counsel for the Defendant questioned K.S. under oath on Friday, April 6, 2018. This testimony provided information establishing that the Circuit Attorney lacks evidence to prove the offense. However, it also established that the Circuit Attorney has withheld evidence from the defense. Similarly, the House Committee looking into these matters has been deprived of essential information. Of note, the sworn testimony established that K.S. never saw a photograph, has no evidence of transmission of any image, and that any assertion by K.S. that she saw a phone on the day in question was based on a dream or vision. In addition, the Circuit Attorney videotaped an interview of witness K.S. but now claims that this tape (which Defendant

believes would further provide proof of his innocence) does not exist due to a claimed malfunction. The loss or destruction of such key evidence bears scrutiny.

A. Undisclosed Dreams or Visions

The prosecution admits it does not have any photograph that forms the basis of the charges. Nor has the prosecution provided any evidence that K.S. ever saw such a photograph. Nor has evidence of any transmission been provided. Nor does K.S. recall seeing a telephone or camera. When K.S. was asked by defense counsel, "Did you ever see him in possession of a camera or phone?" she answered: "Not to my knowledge. I didn't see him with it." The question was then asked: "And as you sit here now, you cannot state under oath that you ever saw him in possession of a camera – with a camera or a phone?" and K.S. replied, "Correct." And then, "And you can't say you saw it on his person, you can't say you saw him put it down in the kitchen, take it from the kitchen, or put it down anywhere in the basement. Those are all correct statements, are they not?" K.S. answered, "Yes. I cannot say."

Apparently recognizing the difficulty this testimony presented for the charges, the Assistant Circuit Attorney later asked K.S. "did you see what you believed to be a phone?" K.S. answered: "... I haven't talked about it because I don't know if it's because I'm remembering it through a dream or I – I'm not sure, but yes, I feel like I saw it after that happened, but I haven't spoken about it because of that." She later re-confirmed, however, that she could not testify under oath that she saw a phone.

A witness who is "remembering it through a dream" is not a witness upon which a prosecution can be based. K.S. testified that she had informed the Circuit Attorney that her recollections may well be from a dream or vision, but the Circuit Attorney did not turn that information over to the defendant. It was not until after hours of testimony that K.S. revealed

she was having a dream or vision about what happened. Nor did K.S. inform the Missouri House Committee looking into these matters of this key fact. These dreams and visions may well extend to multiple other aspects of K.S.'s recollection of these three-year-old events. For the Circuit Attorney to have been told by K.S. about these dreams and visions and to have not disclosed it to the defense is a violation of Brady.

B. Witness K.S. Provides Other Undisclosed Evidence That is Exculpatory

There are also differences between the testimony K.S. gave in her deposition versus what she said to the Grand Jury. On key points, K.S. admitted she had not disclosed to the Grand Jury or the House Committee important facts. K.S. also acknowledged that the recordings made by her ex-husband contained what she describes as lies. These differences make it critically important that the defense obtain accurate information about what K.S. has said on different dates about the events in question.

By way of example, apparently a theory of the Circuit Attorney is that K.S. would not consent to creation of images involving partial nudity. But in an event never previously disclosed to the Grand Jury or House Committee, K.S. now admits that in June of 2015, she transmitted images via Facetime of herself to the Defendant while she was in a state of partial nudity. In a similar manner, K.S. acknowledged that for months after the alleged "invasion of privacy," K.S. continued to see the defendant willingly. One of those events took place that very same afternoon on March 21, 2015, and another just days later. Other events took place weeks and months later, again suggesting that K.S. did not view the Defendant as having violated her privacy rights back in March. K.S. acknowledged that she never viewed anything that happened as a criminal matter, agreeing that the "last thing on [her] mind" even in January of 2018 was

potential criminal prosecution. Moreover, key information tending to prove innocence was not provided to the Grand Jury or House Committee.

The facts disclosed in the deposition establish that this was a months-long relationship and that K.S. was a co-equal participant; any current testimony to the contrary appears to be the product of dreams or visions that make it difficult to remember what happened, the passage of time after the defendant decided to terminate the relationship, or the continuous interviews on this subject. The defense therefore requests a report of any statement by K.S. to the government that would tend to be exculpatory, including in the sense of showing that K.S.'s conduct after March 21, 2015 was unlike a person who was the victim of an invasion of privacy. These multiple statements by this witness are key to the defense and have not been provided in any detail. Therefore, full memoranda of what was said by K.S. at all interviews should be provided.

C. The Circuit Attorney's Missing Tape of K.S. Interview

Given the passage of time and inconsistencies between what K.S. says on different occasions, it is essential that the Defendant have copies of all prior statements of witness K.S. One of these prior statements was given to the Circuit Attorney months ago. On Friday, K.S. testified that the Circuit Attorney and Mr. Tisaby had a video camera at this key interview. They told K.S. and her attorney that the interview was being videotaped. The camera was set up by Mr. Tisaby. As far as K.S. was aware, the interview was videotaped. This videotape is essential to the defense of the case because it likely would confirm even more inconsistencies in the evidence or corroborate important exculpatory details. Already the evidence contains different statements by K.S. (a) to her husband on recordings; (b) to the Grand Jury; (c) what K.S. testified in her deposition that she said to the House Committee; and (d) in her deposition. A videotape of

an interview would be particularly powerful evidence for the Defendant. Its production is essential.

Apparently, the Circuit Attorney claims that the videotape machine did not work. If proper investigation technique was followed, the tape machine would have been checked before the interview started, the tape would have been marked as involving an interview of K.S. on the date at issue, and the tape would be preserved. Yet no tape has been provided. At a minimum, a written report should exist that described the attempted taping and why it failed. No report has been provided. Nor has any other explanation been given for the malfunction. This tape is essential to the defense, both for the substance of what was said and to confirm what was told to the prosecutors. Defendant believes that if the St. Louis Police Department – and not an unlicensed private investigator – conducted this investigation this valuable evidence for the defense would not have been lost or destroyed.

Background on Discovery Issues in this Case

Over a month ago, at the March 6, 2018 court hearing in which The Circuit Attorney participated, the Circuit Attorney's Office stated, "the State will absolutely turn over anything that is Brady, whether or not it's in a report, and it will be put in writing and in a report." 3-6-18 Transcript, p. 15. Similarly, the Circuit Attorney's Office had promised "anything potentially exculpatory ... we will absolutely turn it over within 48 hours of getting it." 3-6-18 Transcript, p. 15-16.

The Court is aware of some of the difficulties defense counsel has had trying to obtain accurate information as to what K.S. has said in prior statements made to the Circuit Attorney. The claim that there are no notes from the January 29, 2018, interview of K.S. conducted by Mr. Tisaby and The Circuit Attorney is well documented in defense counsel's motion to compel a

second deposition of Mr. Tisaby. After Mr. Tisaby had been grilled as to how he could have conducted a two-hour interview without taking a single note, suddenly the following day the Circuit Attorney produced notes she had from that interview. Notations related to what K.S. said regarding the events of March 21 and the days following are minimal to say the least. Additionally, K.S. had been interviewed on January 24, 2018. However, no one other than The Circuit Attorney participated in that interview. While defense counsel has notes of The Circuit Attorney from that interview, as discussed below, the exculpatory facts were not referenced within the notes. Consequently, until K.S.'s deposition last Friday, significant exculpatory information had not previously been revealed, as promised to the Court and to defense counsel.

Time and effort was wasted in the deposition of K.S. obtaining information that the Circuit Attorney chose not to disclose to defense counsel or the grand jury before the deposition. Defense counsel raised the concerns about not getting exculpatory information more than a month ago. The Circuit Attorney's Office promised "anything potentially exculpatory" would be turned over. The failure to do so in such an important matter is inexcusable. Moreover, what other exculpatory information may also be available is still unknown. K.S. was interviewed once by only The Circuit Attorney, yet her notes have no exculpatory information included. The second interview was videotaped, but the Circuit Attorney's Office claims the equipment did not work. The Circuit Attorney's Office has acknowledged that exculpatory information must be turned over whether written into a report or not. However, that did not happen in this case. With The Circuit Attorney sitting there in the courtroom, her office made clear they knew the rules:

"[W]e will make sure if there are any things that are not contained in the report, and I candidly can't imagine anything that would fall into that that hasn't been turned over, but should there be anything, it's turned over in advance of the deposition."

3-6-18 Transcript, p. 17. When this statement was made, the Circuit Attorney knew at least some of the information set out above.

Request for Relief

Defendant requests that the Court order the Circuit Attorney to produce all exculpatory information in its possession, including any further statements by K.S. that her testimony may be based on "dreams" or "visions"; any further statements by K.S. that negate or call into question the essential elements of the case; and further statements that suggest that K.S. did not view herself as being a victim of an invasion of privacy after March of 2015, and the video tape and machine at issue (or any report related thereto). This request extends to all exculpatory information, whether documented in writing or retained only orally.

Dated: April 8, 2018

Respectfully submitted,

DOWD BENNETT LLP

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the City of St. Louis Circuit Attorney's Office this 8th day of April 2018.

/s/ James G. Martin

Jay Barnes

From: Scott Simpson <scott@knightsimpson.com>
Sent: Monday, April 09, 2018 8:46 PM
To: Jay Barnes
Subject: RE: Subpoena for Testimony March 12
Attachments: Statement - Greitens 4-9-18.pdf

Mr. Barnes,

I have read the motion that Gov. Greitens team filed in response to her deposition testimony. Please be advised, the motion mischaracterizes my client's testimony. I am happy to provide any supplemental information your committee might find helpful.

I have attached statement calling for the release of my client's complete deposition transcript.

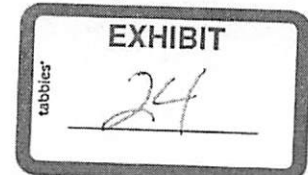
Thank you,
Scott Simpson

Scott Simpson

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Joshua G. Knight
Scott Simpson
Attorneys at Law
Kathryn FC Ryan
Paralegal

FOR IMMEDIATE RELEASE
April 9, 2018
Media Contact: Scott Simpson (636) 947-7412

Missouri Gov. Greitens

Navy Seals have a code that directs its members to take responsibility for their actions and the actions of their teammates. With that code in mind, it is time for Gov. Eric Greitens to take responsibility for his actions as well as the actions of his team which is made up of the best lawyers other people's money can buy. Gov. Greitens has admitted to my client, on multiple occasions that he took her photograph, without her consent, and threatened to release it if she ever told anyone about their relationship. Instead of taking responsibility for his actions, Gov. Greitens has decided to let his team attack my client by mischaracterizing her deposition testimony.

In an effort to preserve her privacy and the privacy of her children, my client has refused to comment on this case and her silence has allowed a number of false and misleading statements to go unanswered. However, the most recent attack on my client's credibility cannot be ignored; it is time to set the record straight. We will support a motion to release the complete transcript of my client's deposition, so long as her name and other identifying information is redacted. Gov. Greitens needs to take responsibility for his actions and be honest about the fact that he took my client's photograph without her consent.

The governor can continue to try this case in the media but at his trial the facts will speak for themselves. My client has taken responsibility for her actions and it is time Gov. Greitens accepts responsibility for his.

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