

Exhibit B

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IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
vs.) NO. 08 CF 1496
)
MEANITH HUON,)
)
Defendant.)

REPORT OF PROCEEDINGS
JURY TRIAL

REPORT OF PROCEEDINGS of the hearing held before
Associate Judge Janet Heflin, on May 4, 2010.

APPEARANCES:

MR. CHRIS HOELL and MS. AMY CHAPMAN,
Assistant State's Attorney,
for the People of the State of Illinois.

MR. SCOTT ROSENBLUM and MR. MICHAEL METTES,
Attorneys at Law,
for the Defendant.

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1 (Court convened.)

2 (The following proceedings were had out
3 of the presence of the jury.)

4 THE COURT: We are back on the record. You have
5 the 911 tape ready to play?

6 MR. HOELL: I do, your Honor.

7 THE COURT: All right.

8 MR. HOELL: If you can't hear it let me know. It
9 is on the laptop. I can walk it up to the Bench, but I
10 think it should be loud enough. Are you ready?

11 THE COURT: Yes.

12 MR. METTES: There are jurors outside. I would
13 ask that it be a little bit lower.

14 THE COURT: Can you go ahead and bring it up here.
15 I don't think they will be able to hear it, but I
16 understand.

17 (Playing 911 tape.)

18 THE COURT: All right. Any further argument on
19 that?

20 MR. HOELL: Just that everyone heard on that tape
21 from the operator to the victim to Miss Bueller the
22 caller who is going to be a witness who will be subject
23 to cross. State would argue, A, it is a business record
24 which foundation will be laid. B, it is an excited

1 utterance of the victim. And, thirdly, it is the best
2 evidence record. It is event two years ago rather than
3 hearing from people what they remembered or heard. This
4 was recorded at that time, and it is the best evidence
5 that the jurors can hear on that matter. So for all
6 those reasons the State would argue that.

7 THE COURT: Any further argument from the defense?

8 MR. METTES: Your Honor, stand on our argument it
9 is hearsay and it is testimonial in nature, and in our
10 opinion it is not subject to cross examination and that
11 I believe because people are already going to testify to
12 it that it is cumulative in nature and I don't believe
13 it should be admissible.

14 THE COURT: Illinois Courts have repeatedly held
15 that 911 tapes are admissible, so the 911 tape will be
16 admitted.

17 Let's quickly take up the issue of the
18 internet search that occurred after the incident. Any
19 further argument on that?

20 MR. HOELL: State would stand on the arguments made
21 yesterday, your Honor.

22 MR. METTES: Your Honor, I have got a stack of
23 papers out in my car I can bring in and show you just
24 how voluminous these records are and that there was a

1 report written back in September of last year didn't
2 indicate anything and apparently it is a little bit late
3 in the game to be coming up with new things to present,
4 and our expert hasn't had a chance to review that
5 particular search because it didn't come up. We were
6 told that there was rape searches and that's what we
7 were looking for and we were concerned with and --

8 THE COURT: All right.

9 MR. METTES: This was turned over to us 30 days
10 ago.

11 THE COURT: Well, it was turned over. You did have
12 an expert review it apparently. So at this point that
13 also is going to be admitted into evidence.

14 All right. Are we ready for the jury to come
15 in?

16 MR. HOELL: One other matter, your Honor, we had
17 made a Motion some days ago about photos of the victim
18 you asked to see. We wanted to bar those. He has them.
19 I showed them to Mike. Those are the ones she sent to
20 the Defendant at his request. I believe you said you
21 wanted to see those before you ruled on that Motion.

22 I know Mike has already seen them and now Mr.
23 Rosenblum. These were located on the defendant's
24 computer but were sent attached to an e-mail at his

1 request by the victim.

2 THE COURT: I will take a closer look at these and
3 think about that after we get the jury picked, okay.

4 All right. Are we ready? Let me make sure
5 everybody is here and we will convene.

6 Does anyone have any issues without
7 Mr. Williams appearing today?

8 MR. ROSENBLUM: Given that I anticipated that Mr.
9 Hoell would have used one of his peremptories he
10 wouldn't have seen this jury anyway. I would say we
11 don't have an issue.

12 THE COURT: All right. Any other issues before the
13 jury comes in?

14 MR. HOELL: No, your Honor.

15 THE COURT: For the time being we will leave them
16 seated as they were yesterday to avoid any confusion as
17 to who they are at this point.

18 MR. HOELL: So our panel would be number 9, 11, 12
19 and 13 then.

20 THE COURT: Our panel will be -- of four will be
21 Barbara Gauen, number 9; Cynthia Zinna, 12; Rebecca
22 Davis, 13; and George Wade, 14.

23 Everybody agree with that?

24 MR. HOELL: Yeah.

1 (The following proceedings were had out
2 of the presence of the jury.)

3 MR. HOELL: I just want to make a Motion. I don't
4 know that it is even going to be an issue, but just to
5 cover ourselves that with respect to the cross
6 examination of our victim we haven't -- we haven't been
7 provided or may not be any sort of photos or anything
8 else which counsel intends to use with her or ask her
9 about. We have been provided with no documents which is
10 fine, but I just want to say anything that has not been
11 provided to the State we ask be barred since obviously
12 discovery is a two way street and he has not provided it
13 to us and should not be allowed to be used with the
14 witness.

15 THE COURT: Is there anything that the defense
16 anticipates or has other than the pictures which I need
17 to take a look at and decide whether those -- you will
18 be able to use those.

19 MR. ROSENBLUM: The pictures -- and just for some
20 context of the pictures, Miss Counts responds by e-mail
21 and those pictures that are included in her response,
22 and I think that is basically, given the issues in the
23 case are probative. Additionally I mean she
24 specifically sent those pictures to --

1 THE COURT: You are talking about specifically
2 about the picture, these two pictures that have already
3 been provided to me, is that correct?

4 MR. ROSENBLUM: Are these the pictures you gave
5 me?

6 MR. HOELL: Yes.

7 THE COURT: Before you continue with your argument
8 I guess my first question is, is there anything beyond
9 these two that you would anticipate using?

10 MR. ROSENBLUM: Yes. A lot of it would have
11 depended on the cross examination, but Miss Counts tells
12 different versions of how much she had to drink that
13 night. The first version is different than her written
14 statement and is different than Marconi. At some point
15 she settles with Marconi saying that she is familiar
16 with alcohol and in my view downplays it. She is on a
17 website called -- and she acknowledged this in
18 discussions between the prosecutor and Miss Counts under
19 Princess D82 that she is on a website called "St. Louis
20 Drunks" with the same picture that she forwarded to
21 Mr. Huon.

22 So to the extent that I would like to ask her
23 some questions with respect to her being on a website of
24 "St. Louis Drunks", I think that is certainly

1 appropriate cross examination especially given the
2 issues of alcohol in the case and given what I believe
3 in cross examination or direct examination that she may
4 try to minimize the extent of her drinking that evening,
5 inconsistent with some of her other statements.

6 THE COURT: Have you seen this particular
7 information?

8 MR. HOELL: I asked my victim about this. She
9 acknowledged that -- and I don't believe -- I don't even
10 know if that is something she posted or that was posted
11 by someone else, but she did say that anything
12 regarding that was prior to these events. And I guess I
13 just don't see, unless she is asked and said I never
14 drank before, what the relevance is.

15 He can cross examine her all day long about
16 inconsistencies in her statements regarding that evening
17 but I think once we get a little far afield, it is going
18 to confuse and prejudice, you know, the State and in
19 terms of it has no relevance what happened that night.

20 THE COURT: May I take a look at that? In terms of
21 witness testimony we will probably need to make a copy
22 of that for the State as well.

23 Why don't you take care of making a copy of
24 that and, Mr. Hoell and Miss Chapman, in terms of

1 witnesses and when witnesses will testify when do you
2 anticipate calling Miss Counts?

3 MR. HOELL: It would be this afternoon, your
4 Honor, I anticipate our third or fourth witness but
5 definitely today.

6 MR. ROSENBLUM: And she listed something under
7 MySpace and just describing herself in her profile. I
8 assume she is going to admit it, so I don't think I
9 would have to impeach her with anything, but just
10 portions of her profile and talking about what type of
11 person she is.

12 MR. HOELL: I will be objecting to all this for
13 relevance as being completely irrelevant to what
14 occurred that night.

15 MR. ROSENBLUM: You know, I don't think I need to
16 go into my defense strategy right now. I mean I think I
17 can tell you before I use it I can approach the Bench.

18 THE COURT: All right. We will do that. But I do
19 -- I mean as far as I would like to take a look at that.
20 So, Mr. Hoell, why don't you go ahead and make copies of
21 that when we break and let me take a look at that over
22 the lunch hour.

23 MR. HOELL: Thank you, your Honor.

24 THE COURT: Thank you.

1 (Lunch recess taken.)

2 (The following proceedings were had out
3 of the presence of the jury.)

4 THE COURT: Counsel, before we bring the jury in
5 let's address the issues that came up before lunch and
6 earlier in the day.

7 First in regard to the State's Motion in
8 Limine regarding the pictures which were given to me
9 that -- it is my understanding were attached to an
10 e-mail which was sent, those pictures are coming in.

11 I don't think they are particularly -- I don't
12 think they are prejudicial at all to the witness. My
13 understanding from what I have heard so far in the case
14 of the State's case she was looking for a modeling job
15 and these I don't think are prejudicial in that regard.

16 In regard to the website stldrinks.com at this
17 point I am not going to allow it unless something comes
18 up in direct testimony that it could be used potentially
19 to impeach the witness with. I think this particular
20 website, it does appear to be highly prejudicial unless
21 there is some posting on the website regarding this
22 event or the Defendant or that night I think -- it would
23 seem to me that the only impeachment would be if she
24 testifies that, for example, she never drinks or she has

1 never been drunk or something along those lines.

2 After listening to her direct testimony if
3 further argument needs to be made in that regard then we
4 will do that, okay. All right.

5 Is everybody ready?

6 MR. HOELL: Yes. Actually, Judge, could I have
7 those two photos. We don't have a copy up here. Sorry.
8 Thank you.

9 THE COURT: Are we ready?

10 MR. HOELL: Yes. State is ready.

11 THE COURT: Bring the jury in.

12 (The following proceedings were had in
13 presence of the jury.)

14 THE COURT: Thank you. You can be seated. Okay.
15 Ladies and gentlemen, we will now proceed with opening
16 statements. As I indicated before the break the
17 prosecution will go first and the defense may follow.

18 A couple other things I do want to go over
19 with you, I see that you have found your notebooks.
20 There are notebooks underneath each of the seats. You
21 can take notes during these proceedings if you like, but
22 you do not have to take notes if you don't want to.

23 The notes will have to stay in the courtroom
24 during each break and over night and at the end of the

1 proceedings when you are through with deliberations just
2 to let you know, your notes will be destroyed. So no
3 one else will see them. So you can take notes as I
4 indicated, but also please don't get so engrossed in
5 your note taking that you are not observing witnesses
6 and seeing what's going on in the courtroom.

7 One other thing I want to address with you,
8 from time to time and you have already heard it, there
9 will be objections that may be made by one side or the
10 other. If I sustain the objection, that means I am
11 allowing it, disregard the question and any answer that
12 may have been given. If I overrule the objection the
13 witness will be allowed to answer and argument will be
14 allowed to be made.

15 So we will proceed with opening statements.
16 Are you ready, Prosecution?

17 MS. CHAPMAN: Thank you, your Honor.

18 OPENING STATEMENT

19 BY MS. CHAPMAN:

20 In the summer of 2008 Diana Counts was not
21 unlike most women in their mid 20s. She enjoyed hanging
22 out with friends. She worked hard to make ends meet,
23 and she was just trying to make it out in the world.

24 In the years leading up to the summer of 2008

1 Diana Counts found work as a promotional agent. What
2 that means is she travelled the country. She got jobs
3 with different employers and went to those different
4 events. At those events depending on the employer that
5 hired her, she would do promotions. She would hand out
6 items. She would try and obtain customers. She would
7 talk to the people at those events on behalf of her
8 employer.

9 She had done this for years leading up to June
10 of 2008. Some of her prior employers included
11 Coca-Cola, Bank of America and Verizon Wireless. That's
12 what she did. That was her job.

13 Now specifically in June of 2008 she was
14 looking on Craigslist which was one way that she
15 obtained employment in promotions. She found a specific
16 ad with regard to being a promotional assistant or being
17 a promotional advisor.

18 She responded to that ad and received an
19 e-mail back, and that e-mail asked for a resume and some
20 pictures which Diana Counts will tell you was not out of
21 the ordinary in her field. That's what you did when you
22 were trying to seek out work in promotions. You were
23 often asked for a resume and for pictures. That's
24 exactly what she sent to this person.

1 Ultimately the person that she was
2 corresponding to on e-mail identified himself as "John".
3 He gave her a phone number which she then used to
4 contact him, and he requested a time to meet with her in
5 order to determine if she would be part of the
6 promotional team that he was putting together.

7 The other thing that Diana will explain to you
8 is these were not jobs done by just one person. Usually
9 in promotions there is a team of employees working
10 together at these events, and she would have to talk to
11 the employers ahead of time to determine if she wanted
12 to take the job and if they wanted her to do the
13 promotions.

14 So in late June of 2008 she had contact with
15 this person named John, and he specifically called her
16 on June 28th and said, I have got a job for you. I
17 would like to meet with you tomorrow evening. Where can
18 we meet? At that time Diana had other plans and she
19 told him she was unavailable, but she will tell you that
20 actually once she thought about it and thought about her
21 cash flow, how she was doing she needed the money.

22 So she decided, I am going to call him back
23 and we are going to meet. She did that, and John told
24 her this is a promotion in the downtown St. Louis area.

1 I would like to meet you at a bar that's in downtown St.
2 Louis in the Landing area, and meet me there
3 approximately 6:00 -- 5:30, 6 on Sunday night. He told
4 her where to meet and where to go and told her what
5 time. She said, okay.

6 So in the evening of Sunday June 29th she
7 proceeds to the Landing area in downtown St. Louis. She
8 meets this person named John. You will see on the
9 surveillance their actual meeting, shaking hands,
10 introducing each other.

11 And then they proceed to talk. They proceed
12 to talk about her experience for years in promotions.
13 They proceed to talk about what would be expected of her
14 if she were chosen to be a part of this team, and while
15 they are everything these conversations, ladies and
16 gentlemen, throughout the course of this evening he is
17 purchasing alcoholic beverages for her.

18 She had drinks that night with him. She will
19 tell you that. She also inquired of him on multiple
20 occasions, where is the rest of the team? Where are the
21 other members of the group? And he kept telling her,
22 well, they are not here. They are at the next bar, and
23 we are going to meet up with him. That's what he had
24 explained to her and then he would turn the topic onto

1 something else.

2 So over the course of this evening she wore a
3 promotional outfit like she would typically wear. She
4 talked to him about prior job experience and what she
5 would be able to bring to the team if she were chosen to
6 be a part of this team, and he asked her all sorts of
7 questions with regard to her experience.

8 But throughout the course of the evening she
9 started to become -- just wondering where are these
10 other girls and ultimately asked at around 10 or so --
11 you will hear the timeframe from her -- I would like to
12 meet up with the other girls. Where are they?

13 He informed her at this point -- they are
14 still at a bar on the Landing. They are at Pop's. For
15 those of you who aren't familiar with that, that is a
16 bar located across the river. You have to cross over
17 the bridge into Missouri to get there. Diana says, I
18 don't have any gas in my car. I am on fumes. There is
19 no way I can even make it across the Poplar Street to
20 get to Pop's. Meanith said, we are all meeting there.
21 You are going to be a part of the team. We will all
22 meet up at Pop's and actually I will give you a ride.
23 She agreed.

24 She will tell you that was a decision that she

1 forever will regret. She got into his vehicle. They
2 are crossing from Missouri into Illinois on the Poplar
3 Street Bridge, and she sees the exit because it is right
4 there where this next establishment was where they were
5 going. It is right there off the exit. He is not
6 veering over to where the exit is. He is not going on
7 that direction on 55 North. So she tells him, hey, the
8 exit is right there. You got to get into that lane. He
9 starts slowing up. He starts sort of acting like he is
10 trying to get over but he doesn't get over, ladies and
11 gentlemen.

12 He breezes right by. This is when Diana
13 Counts starts to realize that something has gone
14 terribly wrong in this evening. He continues north on
15 55 into Illinois. She is asking, what are you doing?
16 What's going on? He tells her to calm down. Everything
17 is fine, and then he reaches over.

18 He is driving but he reaches over and he
19 starts touching her. At first it is on her leg. She
20 looks at him and says, what are you doing? Because
21 prior to that point it had been strictly professional.
22 There had been no flirting. There had been no touching.
23 There had been no kissing. There had been nothing of
24 any sort of sexual nature at all between the two of

1 them.

2 So she pushes his hand away. What are you
3 doing? Again he starts touching her leg. He tells her,
4 just calm down. Just, you know, sit there. Sit on your
5 hands at one point and then she will tell you he
6 snapped. He changed the demeanor of John, the person
7 who she had been with that entire evening turned from
8 pleasant, talkative to a totally different, aggressive
9 hostile, angry, mean person.

10 He started yelling at her, calling her names,
11 saying, I want -- and then telling her the things to do
12 which you will hear from her. And you will do these
13 things to me and you will listen to me and she was
14 terrified, scared beyond belief that, what is this man
15 going to do to me? I am in this car. What is he going
16 to do to me if I don't do what he tells me to do?

17 He is now completely changed and has terrified
18 her beyond belief. He begins to tighten his touching of
19 her. He starts fondling her breast area. He tries to
20 pull down her skirt. Again she is trying to keep him
21 away, but he is insistent and he basically through his
22 threats tells her, you will take down your underwear and
23 you will take down your skirt.

24 And at this point she is so scared of what is

1 going to happen if she doesn't she starts to comply out
2 of -- I am just going to do what he tells me. She tells
3 him and this is a detail that you will hear: I am on my
4 period right now, I am on my period. And he said, take
5 out the tampon. Take it out and get rid of it. And she
6 did, because she was terrified.

7 He then proceeded to insert a finger into her
8 vagina while he is still driving north on 55, while he
9 is still yelling obscenities at her, calling her names:
10 whore, bitch, while she is still terrified for her life.
11 And then he unzips his own pants, ladies and gentlemen,
12 and he tells her that she must perform oral sex on him.

13 He then forcibly takes her head and puts it
14 into his lap. He does this over and over because she
15 keeps trying to struggle and go against his hand, and
16 she gets up and then he will push her back down into his
17 lap. She will tell you about this, how it felt, how her
18 neck was sore the next day because of how much she was
19 fighting back from doing that to him.

20 After approximately from Diana's -- clearly
21 she didn't have a clear timeframe here; she didn't have
22 a clock on her or watch, but after approximately she
23 thinks 45 minutes he is still driving north into
24 Illinois. He gets off at an exit around the Staunton

1 area in Madison County. She is thinking to herself, if
2 I am going to get myself out of this situation I am
3 going to have to take matters in my own hands.

4 I am going to have to save my own life. He
5 gets off the exit and he tells her, I am going to find a
6 quiet place to make out. His demeanor changed again,
7 and she will tell you about this. He went from
8 screaming and threatening her and saying just, shut up,
9 sit still, I won't hurt you to, I know a lot about you.
10 I know what you need. I can take care of you. All I
11 want to do is take care of you and trying to comfort her
12 and basically telling her that everything is going to be
13 fine and they are just going to find a place to make
14 out.

15 But she realized this is going to be an
16 opportunity for me. This is going to be it. Well, he
17 didn't like what he saw on this exit, unfortunately went
18 fairly quickly back onto 55. Now he is on 55 South
19 going back in the direction of St. Louis, but
20 fortunately for Diana Counts he took the next exit which
21 was in New Douglas.

22 When you get off that exit -- and you are
23 going to hear from two people who live off that exit --
24 there are some houses rights there, and he doesn't like

1 the look of those houses, ladies and gentlemen. They
2 were a little too close to the highway, little too close
3 for him. So again he turned around.

4 When he is going back up to a stop sign where
5 if you turn left you get back on the highway and you
6 turn right and you go near where these houses are that's
7 when Diana Counts decided, I am going to take matters
8 into my hands now.

9 And if he goes left I have to get out of this
10 car. He stops. He starts going into his turn and,
11 ladies and gentlemen, that's when Diana Counts jumps
12 from his moving vehicle, and she had to fight him off,
13 And she will tell you that he was trying to grab her
14 seat belt.

15 He was trying to grab her physically, but she
16 fought him off. She prevailed in that instance, and she
17 was able to leap from his car while he is still driving
18 and start running, start running anywhere that she could
19 go that was not anywhere near John, near this man that
20 had just sexually assaulted her.

21 Where did he go? Hightailed it right back to
22 the highway. You know what was in his car when he drove
23 away? Diana's shoes, Diana's purse which contained her
24 ID and her cell phone, which she will also tell you was

1 dead. It had died throughout the course of the evening.
2 She had no way to even call anybody or do anything like
3 that to try to save her own self that way. The only way
4 she saved herself was jumping from a moving vehicle.
5 That's what happened to her on Sunday, June 29, 2008.

6 Now you are going to hear evidence from people
7 other than Diana. You are going to hear from her, and
8 she will tell you in detail much more than what I just
9 told you that happened to her. But you will also hear
10 evidence from other people, other witnesses, from law
11 enforcement, from people from Illinois State Police
12 Crime Lab.

13 And all of that evidence, ladies and
14 gentlemen, goes to support Diana's story. It tells you
15 that she is to be believed. First, you are going to
16 hear from the two neighbors, the two houses that I just
17 told you about. She went to the first house. She is
18 banging on the door, banging on the door. Somebody let
19 me in. She is hysterical.

20 Donald Granda is going to tell you that this
21 is something that is actually not unusual. The fact
22 that a girl is hysterical was unusual but somebody
23 coming to his house in the middle of the night in the
24 New Douglas area off the highway, it actually happens

1 quite frequently. So he was not inclined to let her in,
2 but he talks to her through the door and says, Please
3 just sit down on the porch and I will call 911 for you,
4 which he does and he will tell you that.

5 Diana will tell you she was so freaked out and
6 just wanted help and didn't know if this guy was turning
7 around and coming back to get her or not she did sit for
8 a little bit just, I need help, somebody help me. But
9 the house was so close to the highway she didn't feel
10 comfortable sitting and waiting there for police to
11 come.

12 So she ends up running to the next house that
13 she can see. That's Marlin Mitchell and Linda Bueller.
14 That's where they live, and they will talk to you as
15 well. You will hear from them, again a similar
16 description of Diana, hysterical, tearful and scared.
17 Yes, she had a smell of alcohol on her. She had been
18 drinking drinks that John had been buying for her the
19 entire time they were together.

20 But she did not have a purse. She did not
21 have her shoes. She was terrified, and they will
22 describe that. They will describe what they saw. They
23 don't have any bias. They don't have any reason to say
24 those statements. They are going to tell you exactly

1 what they saw because that's the truth.

2 So Diana Counts had the name John, and she has
3 a phone number of this person that did this to her.

4 That's it. When she talks to police about what
5 happened, that's all she can say. She can describe what
6 this man looked like. She can give description of the
7 car, and she can say, here is the phone number that I
8 called to try and reach him.

9 But because of the very diligent and hard work
10 of the Madison County Sheriff's Department, Detective
11 Marconi and Sergeant Vucich, both of which you will hear
12 from in this case, were able to use their skills in
13 investigation and track with that small amount of
14 evidence the identity of the Defendant Meanith Huon.

15 How did they do that? First off they talked
16 to the different establishments in St. Louis. They knew
17 from Diana the different places where they had been that
18 night, and one had surveillance.

19 So they got surveillance tapes and you will
20 see these tapes as well showing the two of them
21 together. That gave a better description or better idea
22 of what their suspect looked like. That's what you see
23 on crime shows if you can get a picture, if you can get
24 a moving picture that's even more helpful in law

1 enforcement --

2 MR. METTES: Your Honor, I will object as argument.

3 THE COURT: That's sustained.

4 MS. CHAPMAN: So they have the surveillance tape.
5 Then they received the phone number from Diana, and with
6 that phone number they are able to talk to the cell
7 phone provider and find out where that phone can be
8 traced to. Basically there was a GPS coordinate that
9 gave a general location as to where that phone could be
10 found.

11 The detectives obtained a search warrant, and
12 they were able to find a location in the Chicago area
13 that traced back to the area where this phone, this
14 physical phone with that number was located.

15 So with all that information these detectives
16 got an additional search warrant. They were able to put
17 in the fact that now we have got a location. We have
18 got Chicago PD on board. They called Chicago police --
19 you will hear from one of them as well -- and told them
20 this location. And they put some officers on that house
21 in that area where the GPS returned to.

22 And during that surveillance there was a
23 package that was noted by one of the detectives. They
24 looked at the package. The name on the package was the

1 defendant's name Meanith Huon. They informed the
2 Madison County Sheriffs that, and they were able to look
3 at the Secretary of State website and see a picture
4 with this person's name, with this person's address they
5 are now looking at in the Chicago, Illinois area.

6 And guess what? It exactly matched the
7 description Diana Counts gave, the person seen on the
8 surveillance, and the person whose house that they were
9 outside of was the Defendant's. It was Meanith Huon.

10 So in obtaining a search warrant Detectives
11 Vucich and Marconi go up to Chicago. They go up, knock
12 on the Defendant's door and tell him, we have a warrant
13 here. We have a warrant here to go through your
14 apartment, and that's exactly what they did.

15 And what was found in his apartment which you
16 will hear, you will hear Sergeant Vucich talk about this
17 because still at this point all we have is a phone cell.
18 So he calls the cell phone number that he had that was
19 the phone being used by the Defendant. He hears ringing
20 in the apartment, follows the tone, opens the closet in
21 the Defendant's bedroom and in a white trash bag is the
22 phone that's ringing, Diana's shoes, her purse, her ID,
23 all of her personal effects that were still in the car
24 when she jumped and saved her own life.

1 They will tell you what they found pursuant to
2 that search, and that was all found in his residence in
3 his bedroom.

4 Sergeant Vucich will also tell you as part of
5 his search that he took the computer that was used by
6 the Defendant. The Defendant has no roommates. No one
7 else had access to this computer. It was his computer.
8 Sergeant Vucich will tell you about two specific things
9 that he found when he did his forensic review of the
10 computer.

11 First, he will tell you that in the days
12 leading up to June 29th when the attack occurred that
13 the Defendant found typed in the search "rape" on the
14 internet less than ten times, did an internet search
15 with that term. He will also tell you that the day
16 after the attack on July 1st it was found on his
17 computer that the Defendant did the following search on
18 the internet, and I want to make sure I get this right:
19 Can you take fingerprints off of clothes? That was a
20 search that he did on the internet also. You will hear
21 that from Sergeant Vucich.

22 All of these pieces of evidence come together
23 and tell you that Diana is telling the truth. You will
24 hear some DNA evidence from the Crime Lab. What they

1 are going to tell you is that they reviewed and looked
2 at the shorts that the Defendant was wearing that night,
3 and that there was a saliva stain indicated that was of
4 a very large nature that was then tested and found to be
5 a match with the victim in this case Diana Counts, again
6 corroborates her story.

7 And lastly you are going to hear specifically
8 the 911 call that Linda Bueller made that night when
9 Diana Counts came to her door hysterical, pleading for
10 help, running away from someone that she was afraid for
11 her life that night.

12 You will hear Diana on that tape. You will
13 hear that at that point she was no longer like most
14 women in her mid 20s. She wasn't as similar to them
15 anymore.

16 MR. ROSENBLUM: Your Honor, I will object. This is
17 argument.

18 THE COURT: I agree. Move on.

19 MS. CHAPMAN: As we discussed in Voir Dire at the
20 end of all the evidence in this case we are going to ask
21 you to return a verdict. There are two Counts of sexual
22 assault that the Defendant is charged with here. One
23 with regard to digital penetration and one with regard
24 to oral penetration, and we believe after you hear all

1 of the evidence, after you hear from all the witnesses
2 and seen all of the physical evidence that we are
3 confident that you will return a verdict of guilty,
4 guilty against this man for sexually assaulting Diane
5 Counts. Thank you very, very much.

6 THE COURT: Mr. Rosenblum, do you wish to make an
7 opening statement?

8 Mr. Mettes.

9 MR. METTES: Thank you, your Honor.

10 OPENING STATEMENT

11 BY MR. METTES:

12 Ladies and gentlemen, my name is Mike Mettes
13 and I represent -- we represent Mr. Meanith Huon. In
14 June of 2008 Mr. Huon was a 38 year old attorney from
15 the Chicago area. He was working for Edward Jones. In
16 late June of 2008 he was working -- he was in St. Louis
17 with Edward Jones for training, and that's why he was in
18 St. Louis that week.

19 In June of 2008 Diana Counts was a promotional
20 model. She did promotions for liquor companies, and she
21 also did what was called "gigs" modeling. She found
22 these gigs on various places on the internet, Craigslist
23 being one and other social networking sites on the
24 internet.

1 In late June -- and there is discrepancy as to
2 when it was, there was an ad placed on the web and the
3 ad was placed first as Mr. Huon told the police for
4 party girls or girls wanting to hang out. He put that
5 ad on the internet and sometime during that week Miss
6 Counts answered that ad. She sent him a -- some
7 pictures and a response that she sends to all the people
8 that she wants to do her modeling and promotional gigs
9 for.

10 When the -- when she met with John, there was
11 a reference to his name as being John and you will see
12 that sometimes when Meanith contacts people on the
13 internet he uses a different name. He is an attorney,
14 and he likes to protect his identity when he meets
15 people. That in an age of the internet is an important
16 thing, and that's what he was doing in this situation.

17 He received a response from Miss Counts and he
18 called her. Miss Counts -- he told her that he wanted
19 to hook up and asked if she was going to be available
20 the next day. This was on June the 28th, 2008. And he
21 asked if she was available tomorrow and she said no, I
22 have got an engagement. I already have something to do,
23 and he hung up. He said, okay, fine, see you. He
24 wasn't trying to get her necessarily to come. He was

1 just looking to hang out with somebody in St. Louis.

2 And after the contact with Miss Counts was
3 over and he was looking through phone records she
4 decides that she wants to do this job because she has
5 money problems, and she wanted the job because she
6 needed the money. So she calls him back and they set up
7 a plan. He is going to be down near the Landing,
8 actually down near the stadium the next day. Would you
9 mind coming down there to meet me? She agreed. He
10 agreed to buy her drinks and he agreed for her to come
11 down there.

12 The next day about 5:00 she was going down
13 there to meet Meanith, and she was running low on gas
14 and she was also late. She calls up Meanith and she
15 says, hey, I am running late and I also am low on gas
16 and she -- he says to her, that's okay. We are going to
17 go over to this other bar, and it is over by a BP where
18 you can get gas and over by White Castle. So she drives
19 over there and the bar they end up going to is called
20 Bushwoods. It is down near the stadium in the City of
21 St. Louis, and they proceed to hang out there.

22 Diana Counts shows up there and she is wearing
23 a club outfit. She is wearing a dress and high heels.
24 Meanith shows up. He is wearing a polo shirt, shorts

1 and tennis shoes, not exactly professional attire. They
2 proceed to hang out at Bushwoods for a while. They are
3 buying drinks, and they are drinking alcohol.

4 They hang out at Bushwoods and talk. They
5 talk about jobs. They talk about their lives. She
6 talked about a lot of different things during that
7 period of time. Now, the time is important when they
8 first meet up because it is about 6:15 when she actually
9 meets up with John.

10 At 6:15 they first meet up and proceed to have
11 drinks at Bushwoods. You can hear all this which she
12 tells the police later on. She had a couple drinks
13 there. Then they decide to go across the street to a
14 place called the Broadway Oyster Bar. At the Oyster Bar
15 and you can see the video from this, she is in her dress
16 and high heels, and he is in his polo shirt and shorts
17 and tennis shoes.

18 They are hanging out. They are having drinks.
19 At the Oyster Bar they are drinking what's called a Long
20 Island Tea, and you will hear her say that contains
21 three or four different forms of alcohol. It is a very
22 strong drink.

23 They have many drinks at the Broadway Oyster
24 Bar, and they are hanging out and having a good time.

1 They are just talking about their lives. They are
2 talking about Diana's mother with cancer. They are
3 talking about her family and her father, how she grew up
4 in different places.

5 He tells her he is from Chicago. He opens up
6 and tells her some things about his life. That's how
7 she knows these things. When they still stay there for
8 an hour or so, then they go to another place. They go
9 to this place called Hotshots next door. And they are
10 hanging out at Hotshots for another one, having more
11 drinks. Only now the drinks are martinis and you will
12 be able to see from one of the waitresses there that she
13 remembered them because she remembered that Diane really
14 liked the martinis.

15 In fact she told them where to go to get
16 martinis, to the Martini Bar in Lafayette Square. They
17 are there hanging out drinking martinis after drinking
18 Long Island Teas. By this time they are still talking,
19 hanging out and one thing that is very important is that
20 there is nobody else there. There is no teams here.
21 There is just Meanith and Diana. They are just hanging
22 out.

23 They go -- and from now we get to probably
24 around 9:30, and we know this from the phone records,

1 and they leave from Hotshots and they decide to go to
2 the landing and that's a little bit further walking
3 distance. So they get -- each get into their cars.

4 Now, you heard evidence -- you heard a
5 recitation by the State's Attorney that she was low on
6 gas. Where she was located drinking with him was right
7 next to a BP station, and despite the fact that she was
8 right there and low on fumes, apparently she had never
9 got gas because she drove to the Landing on her own.

10 He drove his car. She drove her car. They
11 went to the Landing, went to a place called the Morgan
12 Street Brewery where they proceeded to have more drinks.
13 This is about 9:30 because we can see from the phone
14 records they kind of lost each other, didn't know
15 exactly where they were going to meet up.

16 And the -- they called each other on their
17 cell phone. Hey, where are you? Where am I? They meet
18 at the Morgan Street Brewery. They proceed to have more
19 drinks. They are hanging out. They are having a good
20 time because at some point this evening just becomes a
21 social occasion.

22 They are just hanging out. They are having
23 fun. They are talking about their lives. At
24 approximately 10:30, which she will tell you that she

1 was told that this gig was going to be from 6 to 11, so
2 now we are at 10:30. We are a half hour away from when
3 she was going -- supposed to be leaving anyway, and now
4 they are drinking on the Landing and they decide to go
5 somewhere else. Bars close early in City of St. Louis
6 on Sunday nights. This is a Sunday night. They go east
7 side.

8 Now, this is where stories start to diverge
9 even more because there is no real good reason for Diana
10 to get into Meanith's car. You will hear that she says
11 she is low on gas. She can't make it over there despite
12 the fact she couldn't get gas before, and we know that
13 she had money to buy gas because later on when the
14 police find her purse she has \$41.00 cash in there.

15 We also know that along the Route 3 where
16 Pop's is located there is three or four different gas
17 stations there. So we have the one story that she is
18 low on gas and she gets into his car. The other version
19 is the one that she gives Linda Bueller.

20 Linda Bueller is the woman who she knocked on
21 her door out on new Douglas. When she knocks on the
22 door in New Douglas, Miss Bueller asked, What's going
23 on? How did you get here? She tells Miss Bueller that
24 she was going to sign a modeling contract and she got

1 into his car because he offered her a contract, and she
2 needed to come out to the car to get inside to sign the
3 contract and she got in the car and he took off with
4 her. That's a different story than the one told to the
5 police.

6 And when you think about it Diana Counts lives
7 in Carlinville, Illinois. If you are going east side
8 why wouldn't you take your car? It is on the way home.
9 So the fact of the matter is they end up in Meanith's
10 car because they are still hanging out. They are still
11 going out. They are still having a good time.

12 When -- you are going to hear evidence that
13 there were sex acts that took place in Meanith's car.
14 You are going to hear evidence that sex acts were
15 performed, oral sex on Meanith Huon while he is driving
16 a motor vehicle on Highway 55 through East St. Louis,
17 and out to New Douglas. You are going to hear and see
18 that all of those sex acts were consensual. You are
19 going to see that Diana Counts was a willing participant
20 in these sex acts and that these were 100 percent
21 consensual.

22 When -- now, they leave the Landing at about
23 10:30. The next time that anybody sees them is
24 midnight, an hour and a half later they are in the

1 vehicle. At some point during their trip in the car
2 Diana Counts asks Meanith Huon for money. She asks him
3 for \$500.00 and it is pretty obvious that she asked for
4 \$500.00 for sex. Meanith doesn't agree with that and
5 says, no, I am not going to do that. She becomes angry
6 and she threatens to call the police. She threatens to
7 turn him in and call the police and say she was raped.

8 Well, understandably Meanith at this point in
9 time is pretty frightened. He is a guy who is not from
10 here. He was driving around with a girl who now is
11 saying, I am going to cry rape and he is scared, doesn't
12 know what to do.

13 So he pulls over on the side of the road near
14 the New Douglas exit, and as he pulls over and the car
15 is coming to a stop you are going to hear that Diana
16 Counts got out of the vehicle, not that she jumped out
17 of a moving vehicle because you are going to see that
18 there is no medical injuries which comport with the idea
19 that someone jumps out of a moving vehicle on a gravel
20 road and doesn't have any injuries.

21 After Diana Counts gets out of the car Meanith
22 is still pretty freaked out and he leaves because he
23 doesn't want to stick around. He doesn't know what to
24 do so he heads back to Chicago.

1 Diana Counts goes over to Mr. Granda's house
2 and then goes over to the Bueller's house, and the first
3 thing that Linda Bueller will tell you, her first
4 impression of Diana Counts that day was alcohol. She
5 smelled, she wreaked of alcohol. Their first question
6 was, what happened and how much have you had to drink?

7 Diana Counts in the first of many times starts
8 to minimize exactly how much it is she has had to drink.
9 She just said, I just had a couple. And it is pretty
10 obvious to them she has had more than just a couple.
11 The police get called and the police get there, and from
12 this point the police accept Diana Counts' version of
13 what happened.

14 She tells them that they met up over the
15 internet, that they went to some bars, they hung out and
16 then she was raped. She was sexually assaulted, forcing
17 a man -- being forced by a man to perform oral sex. She
18 says that she was trying to push her head up and he was
19 pushing back on her neck. You are going to see no
20 evidence that she suffered any injuries to her neck.
21 You are not going to see any medical evidence at all
22 because despite her claim she was sexually assaulted
23 Diana Counts never went to a hospital.

24 She never was examined. She was never -- she

1 never went to a doctor. She never went anywhere to
2 complain about the injuries. The police didn't even
3 bother to do that. They sent her home that night.

4 When you look at the evidence you see what
5 happened in that car and you hear her account. You are
6 not going to hear any evidence of any weapons. You are
7 not going to hear any evidence of any violence. You are
8 not going to hear any evidence of any threats of
9 violence. You are only going to hear Diana Counts say,
10 He told me to suck his dick and I did.

11 That is the account that she gives the police,
12 and despite the fact that she is interviewed three times
13 and writes a written statement that has some glaring
14 inconsistencies with each other, they buy it. She has
15 been sexually assaulted so they proceed with their
16 investigation.

17 It is pretty easy for them to take it from
18 there because Meanith takes her phone that she left in
19 the car along with her purse and takes it home because
20 he is going to send it back to her. Is this a serial
21 rapist, somebody who is going to rape somebody? He is
22 going to send it back to her. He has it at his house
23 and they find it there. Back when the police got there
24 he told them where it was. He said, yeah, I was down in

1 Madison County. It was there.

2 You really have to look at the difference
3 between the treatment of Diana Counts and Meanith Huon.
4 Diana Counts - everybody takes everything she says and
5 just swallows it. They get a search warrant. They go
6 to Meanith Huon's house. He lets them in. They put
7 handcuffs on him. They tell him to sit down, shut up,
8 search his house and then they ask him what happened and
9 he tells them.

10 He tells them what happened between him and
11 Diana. They don't believe it, and they tell him they
12 don't believe it because the hard questions that didn't
13 get asked of Diana Counts get asked of Meanith Huon, and
14 they grill him and they keep asking him, we don't
15 believe this. This didn't make sense. We don't believe
16 this. This doesn't make sense. And he tells them, but
17 they don't want to hear it.

18 They end the conversation with him because
19 they are so frustrated he is not giving them the answers
20 that they want. You are going to hear evidence about
21 things that were found at Meanith's house. You are
22 going to hear evidence of things found on his computer
23 taken out of context, an attorney in Chicago looking at
24 things on Google. You are going to see they were taken

1 out of context, and they are red herrings.

2 You will look at all of the evidence and you
3 see it, you hear it and the people here on the stand you
4 are going to see that the sex between Diana Counts and
5 Meanith Huon was consensual.

6 Once you do that you will return a verdict of
7 not guilty. Thank you.

8 THE COURT: One thing I do want to caution the jury
9 before we proceed, the word "evidence" was used in one
10 of the opening statements. I do want to caution you
11 that neither opening statements by either side nor
12 closing arguments are evidence. Opening statements are
13 limited to what each litigant thinks they are going to
14 prove. So I just want to make sure you do not consider
15 anything that is said in Opening Statement as evidence.
16 Are you ready to proceed?

17 MR. HOELL: Yes, your Honor. State would call as
18 their first witness Mr. Donald Granda.

19 THE COURT: Sir, if will you step forward and
20 approach the Clerk to be sworn.

21 (Witness sworn.)

22 THE COURT: Come around, sir, and have a seat and
23 please watch your step.

24 MR. HOELL: Thank you, your Honor.

1 DONALD GRANDA,
2 called as a witness on behalf of the People, being first
3 duly sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HOELL:

6 Q. Sir, could you please state your name?

7 A. Donald William Granda.

8 Q. And where do you currently live?

9 A. 11207 New Douglas Road.

10 Q. How long have you lived at that address?

11 A. Forty-four years.

12 Q. And does anyone besides yourself reside there?

13 A. My wife.

14 Q. Mr. Granda, I am showing you what has been
15 marked previously -- or maybe I should not mark but is
16 State's Exhibit One.

17 Your Honor, if need be could he step down to
18 this?

19 THE COURT: Yes.

20 Q. (Mr. Hoell) Sir, can you see from there or do
21 you need to step down?

22 A. Step down.

23 Q. If you don't mind. Do you recognize anywhere
24 on that State's Exhibit One an area that shows where

1 approximately your home is?

2 A. Right here.

3 Q. Okay. And you are indicating location on a
4 blown up portion of the lower right of the map, is that
5 correct?

6 A. That's correct.

7 Q. And is that near an intersection?

8 A. Yes, it is.

9 Q. And of what road, sir?

10 A. Interstate 55, and this is the Rezy Road here.

11 THE COURT: One moment. Can you all hear him?

12 A. Near Interstate 55 and New Douglas Road and the
13 Rezy Road runs north and south.

14 Q. And to your knowledge is there a stop sign at
15 that intersection of Rezy Road and New Douglas?

16 A. There is here, yes.

17 Q. Thank you, sir. You can return to the box.

18 Approximately if you know how far is your home from
19 Interstate 55?

20 A. Fourth of a mile.

21 Q. I want to specifically, sir, direct your
22 attention to the evening of June 29th, 2008, and do you
23 recall whether or not anything unusual happened on that
24 night?

1 A. Well, yes.

2 Q. Okay. And could you tell us what that was
3 please?

4 A. I had just gone to bed. It was somewhere after
5 11:00. My wife was already in bed. Can you guys hear me
6 all right? And I don't think I was asleep yet. My wife
7 was. All of a sudden I here this clamor at my front
8 door. I have a full glass storm door, and it sounded
9 like somebody was trying to break in. I hear hollering,
10 beating on my door and ringing my door bell, sort of all
11 the same time.

12 Q. After hearing all this, sir, what did you do?

13 A. I went to the front door. I have stained glass
14 in my front door. And I looked and I saw this young lady
15 standing at my front door hysterical, hollering, waving
16 her arms asking for help. And I said, sit down here on
17 my front stoop. I turned my yard light on. I said I
18 will call the authorities.

19 Q. Could you see her in terms -- could you
20 describe her? Do you remember what she was wearing?

21 A. Well, I have etched glass in my window and I
22 could tell that she was a small person, I think maybe
23 some kind of black and white clothing.

24 Q. Do you recall what color hair she had?

1 A. Maybe light colored.

2 Q. Did you notice whether or not she was wearing
3 shoes?

4 A. I think she was bare foot because she did run
5 back down my driveway and then come back, and at that
6 time I think I saw she had no shoes on.

7 Q. And you said, sir -- you told her to sit on
8 your porch. Why was it you didn't open the door?

9 A. I have had numerous times when I have had
10 problems coming off the highway, sort of the same kind of
11 thing, and I just wouldn't let somebody in my house
12 especially at that time of night.

13 Q. So this wasn't the first time that a stranger
14 had showed up at your house unannounced?

15 A. Oh, no, not the first time.

16 Q. And after telling her to wait on your porch,
17 what did you do?

18 A. I then called 911.

19 Q. And do you recall what you said to the 911
20 operator?

21 MR. ROSENBLUM: Objection, your Honor. The tape
22 speaks for itself if he wants to play it.

23 THE COURT: Overruled. Go ahead.

24 A. This has been over two years ago. I really

1 can't recall. I guess I told her --

2 MR. ROSENBLUM: Object if he is guessing at this
3 point.

4 A. -- that --

5 THE COURT: Wait a minute, sir. That objection
6 will be sustained.

7 Q. (Mr. Hoell) Okay. Did you request that
8 police respond to your house?

9 A. Sure.

10 Q. And do you know what the female who was
11 outside did after you told her to wait on the porch. Do
12 you have any idea?

13 A. She did go around my house. I don't know if
14 she went around the west side or the east side. She
15 ended up on the back side pounding on my dinette window
16 in the same manner, you know, hysterical and I told her
17 again to go back and sit down on my front stoop. And she
18 did, and then all of a sudden she gets up and the last I
19 saw her she was running around the west side of my home
20 and headed left. That's the last time I saw her.

21 Q. And, sir, the front of your house, the porch
22 is that --

23 A. It is really not a porch. It is just a
24 concrete stoop.

1 Q. Does that face any roads?

2 A. New Douglas Road.

3 Q. How far would you estimate that would be from
4 the front of your home?

5 A. Sixty-five, seventy feet.

6 Q. At some point the police arrive at your home?

7 A. Yes.

8 Q. And did you tell them substantially what you
9 just told us?

10 A. Well, they really didn't ask me all that. They
11 asked me first my name and my age and then I started to
12 say what -- tell them some things and he said, I believe
13 I had the same call from your neighbor behind you. He
14 got in his police car and left and went back there.

15 Q. And do you know someone by the name of Linda
16 Bueller?

17 A. Yes, sir.

18 Q. Who is she?

19 A. She is my neighbor behind us.

20 Q. Do you have any idea approximately how far she
21 lives from you?

22 A. Three or four hundred yards probably.

23 Q. Are there any homes between your home and Miss
24 Bueller's home?

1 A. No.

2 Q. And does she reside with anyone there, do you
3 know?

4 A. A Marlin Mitchell.

5 Q. And when was the next time you saw this girl
6 that evening who was -- had come to your home?

7 A. As she ran around the west side of my property,
8 evidently towards their home.

9 Q. Thank you, sir.

10 MR. HOELL: I have no further questions of this
11 witness, your Honor.

12 THE COURT: Mr. Rosenblum.

13 CROSS EXAMINATION

14 BY MR. ROSENBLUM:

15 Q. Mr. Granda, how are you this afternoon?

16 A. Fine.

17 Q. You said that for better or worse this is not
18 an unusual circumstance for you. You have late night
19 visitors from time to time, did I get that right?

20 A. Yes, from humans to deer.

21 Q. From humans to deer. And sometimes the humans
22 put you on some alert because you are right off the
23 highway and sometimes you have to deal with people that
24 have been drinking, would that be fair?

1 A. I can't say they have been drinking. That I
2 don't know because --

3 Q. You just don't know what they are up to?

4 A. Well, in most cases you know. Sometimes they
5 run out of gas and different things like that.

6 Q. On this particular instance you said that you
7 were sort of just about to go to sleep and that's when
8 you were awakened or not awakened or alarmed, fair
9 enough?

10 A. Fair enough.

11 Q. And that was by pounding on your screen door,
12 on your glass door?

13 A. Yes, ringing the door bell.

14 Q. You never really got close enough to this
15 young lady to smell her, right?

16 A. No, I never opened my door.

17 Q. She appeared to be acting somewhat
18 erratically, would that be fair?

19 A. That would be fair.

20 Q. Did you act -- you seem to be a pretty calm
21 guy. Did you approach her in the same calm manner?

22 A. Tried to.

23 Q. Okay. When you approached her, what you said
24 to her in your manner was, just have a seat right on my

1 front stoop, right, and I am going to call the
2 authorities, right?

3 A. Correct.

4 Q. And you didn't waste any time. You dialed
5 911, right?

6 A. Yes.

7 Q. You communicated that to her, right?

8 A. Yes.

9 Q. And there wasn't anything else out on your
10 front stoop that would cause anybody concern, was there?

11 A. I didn't see anything.

12 Q. And her response at that point was then
13 within, what, a matter of seconds to run around and
14 start banging on your dinette window?

15 A. Yes.

16 Q. Pretty matter of --

17 A. Short period of time, yes.

18 Q. Short period of time. And again you calmly
19 conveyed the same message?

20 A. Tried to, yes.

21 Q. And at that point I think you said she did go
22 and take a seat for just a moment?

23 A. Yes.

24 Q. She didn't stay there long, did she?

1 A. No.

2 Q. Because the police showed up in pretty short
3 order, did they not?

4 A. Not -- I didn't think so, no. In fact I think
5 it was 27 minutes. I am not sure.

6 Q. In any event the young lady didn't stay there,
7 did she?

8 A. No.

9 Q. She took off running?

10 A. Yes.

11 Q. You said at one point you saw her on your
12 driveway and she appeared to be running barefoot best
13 you could tell?

14 A. Best I could tell.

15 Q. And then she took off west towards the
16 Mitchells?

17 A. Northwest.

18 Q. And you said that was between three and four
19 hundred feet?

20 A. Yards.

21 Q. I am sorry, almost four football fields?

22 A. Approximately, yes.

23 Q. And those fields are corn fields?

24 A. First field is my pasture.

1 Q. Okay.

2 A. I have a fence on my boundary back there, and
3 then the next field is a ten acre field that my neighbor
4 over in the other direction owns, and if I am correct I
5 think it probably was either corn stubbles or it had been
6 planted in soybeans at that time. I am not sure.

7 Q. So there is a pasture, right?

8 A. That's mine.

9 Q. Okay. Then you would have to navigate a
10 fence?

11 A. No.

12 Q. No fence?

13 A. She went down -- evidently down the road. I
14 don't think she went over my fences.

15 Q. And then there was -- to get to the Mitchells
16 they have to navigate potentially corn stubble?

17 A. Either that or road.

18 Q. And you don't know?

19 A. Pardon me.

20 Q. You don't know?

21 A. I don't know.

22 Q. Corn stubble is difficult to navigate, is it
23 not, at night?

24 A. Well, when I say corn stubble they would have

1 been disked. They would have been soft. They are not
2 high corn.

3 Q. But it is not smooth ground to run across?

4 A. It is field ground.

5 Q. Okay, with corn stubbles?

6 A. I am sure. I am trying to say maybe, yes.

7 Q. Thank you.

8 MR. ROSENBLUM: I have nothing further.

9 THE COURT: Anything further, Mr. Hoell?

10 MR. HOELL: No, your Honor.

11 THE COURT: Thank you, sir. You may be excused.

12 (Witness exits stand.)

13 MR. HOELL: At this time the People would call
14 Linda Bueller.

15 THE COURT: Ma'am, if will you step forward please
16 and approach the Clerk.

17 (Witness sworn.)

18 THE COURT: Just step around, step over here and
19 watch your step. Mr. Hoell.

20 MR. HOELL: Thank you, your Honor.

21 LINDA BUELLER,
22 called as a witness on behalf of the People, being first
23 duly sworn, was examined and testified as follows:

24 DIRECT EXAMINATION

1 BY MR. HOELL:

2 Q. Good afternoon, ma'am. Could you please state
3 your name?

4 A. Linda Bueller.

5 Q. And the court reporter here is taking down
6 everything you say, so just if you can make sure you
7 speak up and feel free to move that microphone towards
8 you as needed.

9 Where do you live, ma'am?

10 A. The whole address?

11 Q. Sure.

12 A. 11231 Hillsboro Road, New Douglas.

13 Q. And I am going to ask you if you don't mind to
14 step down here a minute and tell me if you see on what's
15 been marked People's Exhibit One approximately where
16 your home is?

17 A. It is right there.

18 Q. Okay. Is that a road in front of that, ma'am?

19 A. Yeah.

20 Q. What road is that?

21 A. Hillsboro Road, Rezy Road.

22 THE COURT: All right. You are going to have to
23 use the microphone. I am sorry, ma'am. You have a low
24 voice. We are all trying to hear you. Don't worry

1 about the microphone.

2 A. We live on Hillsboro Road.

3 THE COURT: Wait one second.

4 A. We live on Hillsboro Road.

5 Q. And do you see Hillsboro Road indicated on
6 that map anywhere, ma'am? Do you recognize the road as
7 Hillsboro Road?

8 A. Yes.

9 Q. Thank you. You can go back.

10 Ma'am, does anyone live with you at that
11 address on Hillsboro Road?

12 A. Yes.

13 Q. Who?

14 A. Marlin Mitchell.

15 Q. Who is Marlin Mitchell?

16 A. My roommate, kind of like a fiance.

17 Q. How long have the two of you resided at that
18 address on Hillsboro Road?

19 A. Eleven years.

20 Q. Ma'am, I want to specifically draw --
21 actually, strike that. Do you know somebody by the name
22 of Donald Granda?

23 A. That's my neighbor.

24 Q. Okay. And approximately how far if you know

1 from your home is his house?

2 A. I am not good at this, but I am going to --
3 approximately 300 yards.

4 Q. Are there any homes between your home and
5 Mr. Granda's?

6 A. No, corn fields.

7 Q. And I want to draw your attention, ma'am, to
8 the evening of June 29, 2008. Did anything unusual
9 happen on that night?

10 A. Yes.

11 Q. Okay. And do you have any idea approximately
12 what time?

13 A. Around midnight.

14 Q. What was it that happened that was unusual
15 that evening, ma'am?

16 A. We were in bed and we heard bang, bang, bang,
17 bang, bang on the door.

18 Q. That's the door to your home?

19 A. Yes.

20 Q. Front or back door?

21 A. We use the kitchen door, the side door.

22 Q. And what did you do after hearing what you
23 described as bang, bang, bang, bang, bang?

24 A. I jumped up and went to the door.

1 Q. And did you look outside before you opened the
2 door?

3 A. I did.

4 Q. How did you do that?

5 A. We have -- the kitchen door has on the vertical
6 blinds, and I moved them and I thought it was my daughter
7 at first.

8 Q. So you saw someone outside?

9 A. Yes.

10 Q. Do you remember -- can you give a physical
11 description of them if you remember?

12 A. Like I said at first I thought it was my
13 daughter, a very slim girl, and I just remember she was
14 hysterical and I immediately opened the door.

15 Q. Where was Mr. Mitchell while this was going
16 on?

17 A. Getting dressed to see what was going on.

18 Q. And was he with you when you opened the door
19 for this young woman?

20 A. No.

21 Q. And what happened after you opened the door?

22 A. There was a young lady there, and like I said
23 she was hysterical. She was crying that someone was
24 trying to kill her, and I grabbed her by the arm and

1 pulled her in the kitchen and closed the door and locked
2 it.

3 Q. And did anything prompt you to call 911?

4 A. Immediately I came to the phone while I was
5 trying to get information from the girl, trying to get
6 her calmed down enough to understand what was going on so
7 I made the call immediately.

8 Q. And where was Mr. Mitchell while this was
9 going on?

10 A. At that time I think that he was dressed, and
11 he went outside to see if there was someone out there.

12 Q. Did you have an opportunity to be in close
13 proximity to this young lady?

14 A. Yes.

15 Q. Did you at any time learn a name that you
16 remember?

17 A. I did but I forgot it.

18 Q. Do you recall what color hair she had?

19 A. Yeah, at that time it looked like it was brown
20 at that time.

21 Q. Do you remember how she was dressed or not?

22 A. In a dress.

23 Q. And you had an opportunity to speak with her
24 as well?

1 A. Yes.

2 Q. Ma'am, did you notice an odor of alcohol?

3 MR. ROSENBLUM: Objection, leading, your Honor.

4 MR. HOELL: I asked, did you notice.

5 THE COURT: Overruled.

6 Q. Did you notice an odor of alcohol about this
7 young lady?

8 A. I did.

9 Q. Ma'am, in your life experience have you ever
10 had had an opportunity to be around people who had been
11 drinking alcohol?

12 A. My ex-husband was an alcoholic, yes.

13 THE COURT: Ma'am, I am going to need you to pull
14 the microphone closer to you and try to speak up just a
15 little bit. Thank you.

16 Q. Have you had an opportunity to be around
17 people you believe to be drunk or intoxicated?

18 A. Yes, I have.

19 Q. In your opinion was this young lady drunk or
20 intoxicated?

21 MR. ROSENBLUM: Objection, your Honor, to the form
22 of the question.

23 THE COURT: Overruled.

24 Q. I will repeat the question. In your opinion

1 was that young lady you let into your home drunk or
2 intoxicated?

3 A. If she was drunk she got sober quick. She
4 didn't appear drunk. I just smelled the alcohol on her.

5 Q. Was she slurring her speech when she spoke to
6 you?

7 A. Not at all, no.

8 Q. Did you observe her to be stumbling or falling
9 or having trouble with her balance?

10 A. No.

11 Q. Did -- you brought her in the house and called
12 911. What if anything did you do next?

13 A. Whenever I got out the phone I tried calming
14 her down because she was very upset and tried talking to
15 her, asking her some questions and offered her some water
16 and just tried to keep her calm until help came.

17 Q. Do you recall if she was wearing shoes?

18 A. No shoes.

19 Q. And at some point did the police eventually
20 show up at your home?

21 A. Yes, they did.

22 Q. And did you speak with them? Did they talk to
23 you?

24 A. I am trying to remember. I believe just

1 briefly.

2 Q. And at some point did this young lady leave
3 your home?

4 A. Yes, she did.

5 Q. Do you have any idea about what time that was?

6 A. I am going to say probably a good -- from the
7 time she had gotten to my house until she left probably a
8 good half an hour maybe --

9 Q. Okay.

10 A. -- to 45 minutes maybe.

11 Q. Have you ever seen that young lady prior to
12 that night?

13 A. No.

14 MR. HOELL: I have no further questions.

15 THE COURT: Mr. Rosenblum.

16 CROSS EXAMINATION

17 BY MR. ROSENBLUM:

18 Q. Would it be fair this young lady that showed
19 herself on your doorstep wreaked from booze?

20 A. I could tell she had been drinking, yes.

21 Q. I think in the past you described it as
22 smelled like a brewery?

23 A. She had -- you could smell the alcohol, yes.

24 Q. Okay. And in your experience which you talked

1 about you don't acquire that smell from one or two
2 drinks?

3 A. That would be correct.

4 Q. Okay. So it appeared from your experience
5 that a person to develop that type of stench of alcohol
6 had been drinking for quite a period of time, even if as
7 you say she appeared to be maybe sobered up at the point
8 she presented herself to you, correct?

9 A. I would say that would be right.

10 Q. You got close enough to realize that she
11 hadn't spilled any alcohol on her person. This was all
12 coming from her breath, right?

13 A. I would say that would be correct.

14 Q. Okay. Now, you don't know -- you didn't know
15 at the time that she had been to Mr. Granda's house
16 before you?

17 A. At the time that she came, no, I did not until
18 she told me.

19 Q. When she presented herself to you she had come
20 right across your corn fields, had she not?

21 A. That's what she said.

22 Q. Those corn fields, how are they -- well,
23 describe them.

24 A. Well, there is corn on them. Whenever they are

1 done getting the corn harvested you have like, I don't
2 know.

3 Q. Stubble?

4 A. Stubble.

5 Q. Okay. In your opinion would it be difficult
6 to run across the corn field stubble at night barefoot?

7 A. Would it be difficult to do it? She was
8 barefoot but she said that's what she did.

9 Q. I am not questioning that, but is the stubble
10 hard?

11 A. I would think it would hurt.

12 Q. Okay. Would it be difficult to maintain your
13 balance in your opinion?

14 A. If it was me, but I don't know. If you are
15 running for your life I guess you could do anything.

16 Q. Well, if that's a fact because you don't know
17 what happened, do you?

18 A. Exactly, I don't know exactly. It would be
19 hard. It would hurt definitely.

20 Q. And not only would it hurt did you see -- when
21 you looked at Miss Counts did you see mud?

22 A. In trying to remember because it has been so
23 long ago her legs -- I just remember her legs.

24 Q. Had mud on them?

1 A. And see I can't even honestly remember if it
2 was blood or mud or -- but I just remember her legs.
3 There was something wrong with her legs.

4 Q. And you have never met this girl before,
5 right?

6 A. Never met the girl.

7 Q. So girl shows up, to use your term smelling
8 like a brewery, wreaking of alcohol, right?

9 A. I thought it was my daughter.

10 Q. You have no idea what her emotional history
11 is, right?

12 A. No. She was very upset.

13 Q. You have no idea what happened just before,
14 what if anything happened before she got to your home,
15 right?

16 A. That's correct.

17 Q. You have no idea what conversations she may or
18 may not have had with the person that she left, right?

19 A. I have no idea, never met them.

20 Q. Or what threats she made against that person
21 you have no idea, right?

22 A. No.

23 Q. And with respect to looking outside of your
24 residence you didn't see anybody, did you?

1 A. No.

2 Q. Now, you said you sat her down and the first
3 thing she said was, somebody was trying to kill me? You
4 heard those words?

5 A. Yes, somebody was trying to kill her.

6 Q. You also asked how she got in a car, why she
7 got in this gentleman's car?

8 A. Yes, I did.

9 Q. Because you were curious?

10 A. I was trying to be the mother to find out.

11 Q. So you sat her down. Is she next to you on
12 the couch?

13 A. Actually she never really sat down. She stood
14 up.

15 Q. So you are asking her what brought her to the
16 car, right?

17 A. That's correct.

18 Q. And what she told you was --

19 MR. HOELL: I am going to object here, your Honor.
20 This is hearsay. It doesn't go to show subsequent
21 action. The girl in question Diana will testify.

22 MR. ROSENBLUM: Objection --

23 THE COURT: Let's have a side bar.

24 MR. HOELL: Basically calls for hearsay.

1 (A discussion was held at the bench out of
2 the hearing of the jury and was not
3 reported.)

4 Q. (Mr. Rosenblum) So getting back to my
5 question you asked her specifically what caused her to
6 get into the car, right?

7 A. Yes.

8 Q. And what she told you is this person
9 essentially lured her to the car, right?

10 A. She went there for a modeling interview or
11 something and supposedly the papers were -- he left them
12 in the vehicle and he wanted her to go with him to go
13 read over those papers or get the papers.

14 Q. So according to what she told you he
15 essentially lured her to the car with some papers,
16 right?

17 A. For those, yeah.

18 Q. Modeling papers and then took off before she
19 had an opportunity to get out is what she told you?

20 A. He left with her, yeah.

21 Q. Nothing about going to a bar called Pop's
22 across the river, nothing of that nature?

23 A. I don't recall that.

24 MR. ROSENBLUM: Thank you. Nothing further.

1 THE COURT: Anything further, Mr. Hoell?

2 MR. HOELL: One moment please, your Honor.

3 REDIRECT EXAMINATION

4 BY MR. HOELL:

5 Q. Miss Bueller, between your house and
6 Mr. Granda's you mentioned there is a corn field. Could
7 you get to Mr. Granda's house from your house by another
8 route that didn't involve going through the corn field?

9 A. Yeah, the main road is right there. In fact
10 you have to get on most of it -- you know, you have to
11 get on that side of the road because he has two fences in
12 the yard, so you are on the grass or on the main road.

13 Q. And when this young lady was at your home you
14 said she had no shoes. Do you recall whether she had a
15 purse with her?

16 A. She had no purse with her.

17 Q. Do you recall if she had a phone?

18 A. She did not have the phone but she had
19 mentioned having a phone.

20 MR. ROSENBLUM: Objection.

21 THE COURT: That's sustained.

22 MR. HOELL: Thank you, ma'am. I have no further
23 questions.

24 THE COURT: Mr. Rosenblum.

1 RE CROSS EXAMINATION

2 BY MR. ROSENBLUM:

3 Q. She told you she came across the corn fields,
4 right?

5 A. She crossed over through the corn fields.

6 Q. That's what she said, right?

7 A. Yes.

8 Q. She didn't describe a different route. She
9 said the corn fields?

10 A. Right.

11 Q. And --

12 MR. ROSENBLUM: Thank you. Nothing further.

13 THE COURT: Thank you, ma'am. You may step down.

14 (Witness exits stand.)

15 THE COURT: Is the State ready to call its next
16 witness?17 MR. HOELL: We are, your Honor. The next witness is
18 the victim. I expect both her Direct and Cross will be
19 very lengthy, and the only reason if we could request a
20 bathroom break.21 THE COURT: All right. We will take a 15 minute
22 recess. Again do not discuss the case during this
23 recess period and leave your notes on your chairs.

24 Thank you.

1 (Brief recess taken.)

2 (The following proceedings were had in
3 presence of the jury.)

4 THE COURT: Ladies and gentlemen, our next witness
5 is actually going to be taken out of order. The next
6 witness is actually being called by the defense. The
7 reason he is being taken out of order is scheduling
8 problems. The witness has other commitments and can't
9 come back when they normally would call them in their
10 case.

11 So this witness we will be doing a little bit
12 differently. Defense counsel will question the witness
13 first, and it will be the State cross examining the
14 witness and again taking this witness out of order and
15 this is actually part of the defense's case.

16 (Witness sworn.)

17 THE COURT: Step around to the witness stand and
18 please watch your step. Mr. Rosenblum.

19 MR. ROSENBLUM: Thank you.

20 MARLIN RUSSELL MITCHELL,
21 called as a witness on behalf of the Defendant, being
22 first duly sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. ROSENBLUM:

1 Q. State your name please.

2 A. Marlin Russell Mitchell.

3 Q. And, Mr. Mitchell, where do you live?

4 A. I live in New Douglas.

5 Q. And with whom do you live?

6 A. My fiance Linda Bueller.

7 Q. And she is the lady that testified here
8 earlier?

9 A. Yes.

10 Q. Directing your attention to the early morning
11 hours of June 29th and June 30th, do you recall that?

12 A. I can't remember it. I mean it is two years
13 ago. It is about a year and a half ago.

14 Q. Do you recall an event around that period of
15 time where the young lady showed up to your door?

16 A. Yeah.

17 Q. Were you present along with your fiance?

18 A. Yes.

19 Q. And fair to say your fiance was doing most of
20 the interacting with the young lady?

21 A. Yes.

22 Q. Do you recall a conversation with the young
23 lady with respect to an attorney or Chicago attorney?

24 A. No, because I really didn't talk to her that

1 much if at all.

2 Q. What do you recall?

3 A. I think I asked her where is her car because my
4 main concern was the safety of me, my fiance and the
5 young lady, so I didn't really talk to her.

6 Q. What did you hear? Did you hear anything with
7 respect to that?

8 A. An attorney?

9 Q. Chicago attorney.

10 MR. HOELL: Object as asked and answered. He said
11 no already.

12 THE COURT: Overruled.

13 A. We are talking about a year and a half ago. I
14 can't remember what I had for supper last week.

15 Q. I understand. Do you recall just talking to
16 me about it just moments ago in the hall?

17 A. Yeah, well, I said something was brought up to
18 that effect Chicago attorney but I don't know if it came
19 from her, you know.

20 Q. Something was brought up to what effect?

21 A. I heard a Chicago attorney but I don't know if
22 it was from her because I remember watching something on
23 TV that, you know, something on Channel 4 news that came
24 up and I think --

1 Q. I am specifically talking about that evening.
2 Do you recall having a conversation with Mr. Mettes and
3 myself?

4 A. No.

5 MR. ROSENBLUM: Okay. I have nothing further.

6 A. Like I said I didn't talk to her that much.

7 THE COURT: Mr. Hoell.

8 MR. HOELL: No questions, Judge.

9 THE COURT: Thank you, sir. You are free to go.

10 (Witness exits stand.)

11 THE COURT: Are you ready to call your next
12 witness?

13 MR. HOELL: We are, your Honor. State would call
14 Diana Counts.

15 THE COURT: Ma'am, if you will step forward please
16 and approach the Clerk.

17 (Witness sworn.)

18 THE COURT: Before we get started, ma'am, we are
19 having a lot of trouble hearing witnesses today. You
20 need to speak up as best you can and also talk into the
21 microphone so the jury and the attorneys can hear you.
22 Okay. Mr. Hoell.

23 MR. HOELL: Thank you, your Honor.

24 DIANA COUNTS,

1 called as a witness on behalf of the People, being first
2 duly sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HOELL:

5 Q. Excuse me. Would you please state your name?

6 A. Diana Counts.

7 Q. And, Diana, how old are you?

8 A. Twenty-eight.

9 Q. And where do you live?

10 A. Bunker Hill, Illinois.

11 Q. Are you nervous as you sit up there?

12 A. Yes, extremely.

13 MR. ROSENBLUM: Objection to relevance, and I
14 didn't hear the answer.

15 THE COURT: What's the relevance objection to, that
16 you didn't hear the answer?

17 MR. ROSENBLUM: No, the relevance objection is the
18 nervousness. I didn't hear the answer.

19 MR. HOELL: I will withdraw the question.

20 THE COURT: All right. The answer was Bunker Hill.
21 State has withdrawn the question. So the jury will
22 disregard that question and answer. Thank you.

23 Q. (Mr. Hoell) I want to draw your attention,
24 Diana, back to the summer of -- June specifically, 2008.

1 Were you working at that time?

2 A. Yes, part time.

3 Q. And specifically what kind of work were you
4 doing?

5 A. Promotional marketing work.

6 Q. Can you explain to the jury what promotional
7 marketing work entails?

8 A. Sure. It can vary from working either at a
9 fair, a concert, a local venue, sporting events, bars, or
10 clubs or I mean really ranges from anything to anywhere
11 and different products.

12 Q. And did you work for one or more than one
13 employer doing this type of work?

14 A. Several.

15 Q. And was that usually continuous work for a
16 long period of time or one time events? How did that
17 work?

18 A. Sometimes long-term, sometimes one day. It
19 depended on the event itself.

20 Q. And were these -- any of these events ever
21 occur outside of the metro east area?

22 A. Yes.

23 Q. Outside of the State of Illinois?

24 A. Yes.

1 Q. Who were some of the employers that you worked
2 for around that time when you were doing promotional
3 work?

4 A. The name of the company or the brand itself
5 that I was representing?

6 Q. Brands.

7 A. I have worked for McDonald's, Infiniti,
8 National City Bank, Bank of America, Coca Cola, St. Louis
9 Cardinals, TBS, Comcast, Charter, Verizon, AT&T, list
10 kind of goes on and on and on.

11 Q. How was it that you would go about finding
12 these jobs?

13 A. Primary common source is through Craigslist.

14 Q. And tell us to your knowledge what Craigslist
15 or how would you use Craigslist?

16 A. Craigslist to me, it is a world wide
17 classifieds page for pretty much anything and everything.

18 Q. And you visit that through the internet, is
19 that correct?

20 A. Yes, correct.

21 Q. Is there a specific way on there only to
22 search jobs for those related to what you are interested
23 in?

24 A. Yes.

1 Q. How was that done?

2 A. Usually underneath the gig section.

3 Q. There is a specific section called "gigs"?

4 A. Yes.

5 Q. Was that only promotional work?

6 A. No.

7 Q. And would employers post ads on there?

8 A. Yes.

9 Q. To your knowledge was this a common practice
10 in the field of promotions as a way to find work?

11 A. Very, very competitive.

12 Q. And in late June of that year, 2008, did you
13 respond to an ad on Craigslist regarding promotional
14 work in the St. Louis area?

15 A. Yes.

16 Q. And specifically if you recall, what did that
17 ad entail or describe?

18 A. I know it was in regard to a liquor promotion.

19 Q. And on average, let's say in a month's time,
20 how many of these type of promotional job placements
21 would you respond to?

22 A. Several.

23 Q. Specifically how did you respond to that ad?

24 A. Through e-mail.

1 Q. So is there a link or something on the ad with
2 an e-mail address?

3 A. There is a predetermined Craigslist address
4 that you apply to and then that in turn gets forwarded to
5 the actual person's real e-mail.

6 Q. There is a not a real e-mail; it is Craigslist
7 e-mail?

8 A. No.

9 Q. What did you say in your e-mail responding to
10 this ad?

11 A. I primarily usually say: I am interested in
12 applying for the position. I have four plus years of
13 experience in the promotional marketing industry, and
14 then I would in turn -- they always ask for a resume, a
15 head shot and body slot. That's a requirement on pretty
16 much every ad that anyone ever replies to.

17 Q. So in response to that ad, did you include a
18 resume?

19 A. I did.

20 Q. Did you include any photos of yourself?

21 A. I did.

22 Q. And photos that you included, were those used
23 specifically and only for this ad or was that something
24 you were using for other ads at this time?

1 A. Other ads as well.

2 Q. I am going to show you now what's been marked
3 as People's Exhibit Nine, and do you recognize that
4 photograph?

5 A. I do.

6 Q. And is that you pictured in that photograph?

7 A. It is.

8 Q. Is that the photograph or one of the
9 photographs that you sent in response to that e-mail?

10 A. It is.

11 Q. Now showing you what's been marked as People's
12 Exhibit 10, do you recognize that photo?

13 A. I do.

14 Q. And is that you pictured in that photograph?

15 A. Yes.

16 Q. And was that the second photograph that you
17 sent?

18 A. Yes.

19 Q. Was -- what proportion of your work in
20 promotions was -- took place at bars or establishments
21 like bars?

22 A. At that time I can't really give you a specific
23 percentage, but I mean I had done some here and there. I
24 was familiar with the industry.

1 Q. In your opinion were looks -- your looks
2 specifically important or relevant in finding work in
3 the field?

4 MR. ROSENBLUM: Objection, relevance and the
5 foundation.

6 THE COURT: Overruled.

7 Q. (Mr. Hoell) You can answer the question.

8 A. Yes, very.

9 Q. Okay. Were these photographs that you just
10 identified, were they taken specifically to use in
11 finding promotional work?

12 A. No.

13 Q. Is that what you used those for?

14 A. Yes.

15 Q. The resume that you included in responding to
16 that Craigslist posting, did that have a phone number
17 for you on it?

18 A. It did.

19 Q. Was that a home phone or cell phone?

20 A. My cell phone.

21 Q. And do you recall what your phone number was
22 at that time?

23 A. Yes.

24 Q. Can you tell us please?

1 A. 360-909-0907.

2 Q. Did you receive any contacts from anyone in
3 response to your e-mail?

4 A. Yes.

5 Q. How were you contacted?

6 A. By phone.

7 Q. Do you know the person that contacted you, was
8 it male or female?

9 A. Male.

10 Q. Did they identify themselves by any name?

11 A. Yes.

12 Q. What name was that?

13 A. John.

14 Q. Did that person indicate whether or not they
15 were the individual who had placed the ad?

16 A. Yes.

17 Q. And they indicated they were?

18 A. Yes.

19 Q. In speaking with that person identified as
20 John, what did you talk about?

21 A. The -- he said that he had a promotion coming
22 up the very next day, and he had some -- a girl or couple
23 girls cancel at the last minute, and he needed someone at
24 the last minute to fill in.

1 Q. In your line of work was it normal in
2 promotions for events to work by yourself, or was that a
3 team concept?

4 A. With liquor promotions in particular, there is
5 always another girl there.

6 Q. Did he specify where this event was that he
7 wanted you to work the next day?

8 A. Yes.

9 Q. Where was that?

10 A. Patty O's.

11 Q. What is Patty O's?

12 A. It's a Sports bar next to Busch Stadium in St.
13 Louis, Missouri.

14 Q. And did he indicate hours for work?

15 A. Yes.

16 Q. What were they?

17 A. I was supposed to arrive there 5:30, and it was
18 to go no later than 11.

19 Q. Did he indicate whether you would be the only
20 girl needed for this job?

21 A. He said there would be other girls there.

22 Q. And was pay discussed --

23 A. Uh --

24 Q. -- if you recall?

1 A. Yes, yes.

2 Q. Did you initially have an interest or accept
3 that offer of employment?

4 A. No.

5 Q. Why not?

6 A. I had had plans for that next day for an actual
7 -- to have dinner with a friend that night.

8 Q. At some point did you change your mind?

9 A. Yes.

10 Q. Why was that?

11 A. I needed work at the time, so anyone can
12 understand that.

13 Q. So how did you get back in contact with this
14 John individual?

15 A. I called the number that had shown up on my
16 caller ID on my cell phone.

17 Q. And did you indicate you now had changed your
18 mind?

19 A. Yes.

20 Q. Were arrangements made on where and when you
21 would meet this individual?

22 A. Yes.

23 Q. What date was that for?

24 A. He called on a Saturday, and it was for the

1 very next Sunday.

2 Q. Was that the 29th of June?

3 A. (Nodding.)

4 Q. And where were you to meet at?

5 A. Still at Patty O's.

6 Q. Were there any discussions on behalf of this
7 John individual on how you should dress for this event?

8 A. Yes.

9 Q. Did he have a request?

10 A. Yes.

11 Q. What was that?

12 A. Club attire.

13 Q. What did you take that to mean?

14 A. Usually club attire is going to mean nice black
15 pants or short black skirt.

16 Q. I want to draw your attention to the next day,
17 the 29th. You testified you had arrangements to meet
18 this individual at Patty O's around 5:30?

19 A. Yes.

20 Q. Where were you coming from that afternoon?

21 A. North County.

22 Q. And did you leave that area in enough time to
23 arrive at the arranged time of 5:30?

24 A. No.

1 Q. You were running late?

2 A. I was.

3 Q. And did you let the John individual know that?

4 A. Yes, I did.

5 Q. What did he tell you?

6 A. He said that's fine. He was running late as
7 well and for me to instead meet him at a different
8 location.

9 Q. Do you know where that location was?

10 A. Yes. Well, at the time I didn't, but he gave
11 me directions.

12 Q. How did he describe the next location?

13 A. He said it was a little bit past the stadium
14 over where near there is a White Castle.

15 Q. And what type of place was that?

16 A. It is a small bar.

17 Q. How were you to know who he was? How were you
18 two to meet?

19 A. I did ask him to describe himself so I of
20 course would find who I was meeting. He described
21 himself as short, stocky male that was balding. That was
22 about it.

23 Q. Based on the directions given, did you find
24 the bar?

1 A. I did, yes.

2 Q. And did you go inside that bar?

3 A. I did.

4 Q. Did you see anyone you believed to match that
5 description?

6 A. No.

7 Q. Were you approached by anyone while in that
8 bar?

9 A. Yes, on my way out.

10 Q. And what did that person say?

11 A. He said, Hi, are you Diana? And I said, yes.
12 He says, Hi, I am John.

13 Q. Do you see the individual in the courtroom
14 today who introduced himself to you in that bar on the
15 29th of June as John?

16 A. Yes, I do.

17 Q. And for the record could you please point out
18 where he is and what he is dressed in?

19 A. The Navy blue suit and Navy blue tie.

20 Q. You pointed towards defense counsel -- or
21 excuse me, defense table?

22 A. Yes.

23 Q. Let the record reflect that the witness has
24 identified the Defendant, your Honor.

1 THE COURT: Record will reflect that.

2 MR. HOELL: Thank you.

3 Q. After introductions were made, what happened
4 next?

5 A. He said, let's leave here and go over to next
6 bar over which was -- I can't think of the name of the
7 place right now, Oyster Bar.

8 Q. The first bar you met at, how long were you
9 there?

10 A. I would say maybe half an hour.

11 Q. Before the Oyster Bar, excuse me.

12 A. Oh, literally like walking in and didn't see
13 anybody, walking out and almost instantaneously.

14 Q. No drinks were ordered there?

15 A. No, I couldn't even tell you what the place
16 looked like really.

17 Q. So you proceeded to go to the Oyster Bar?

18 A. Yes.

19 Q. What did you do when you got to the Oyster
20 Bar?

21 A. We went and sat at a table, half booth, half
22 chairs outside on the patio.

23 Q. Were there any other girls present for
24 promotion work?

1 A. No.

2 Q. Did you ask about that?

3 A. I did.

4 Q. And what did the Defendant tell you?

5 A. He said being that I was late arriving that he
6 couldn't hold up the girls any longer and that he sent
7 them on to other bars to work already and that we would
8 meet up later on.

9 Q. And did he indicate what the two of you would
10 be doing?

11 A. He said then that was like -- because I was
12 late this was just going to be an interview.

13 Q. Were drinks ordered?

14 A. Yes.

15 Q. By whom?

16 A. John.

17 Q. And you indicated John is the Defendant, is
18 that correct?

19 A. Correct.

20 Q. And do you recall what he ordered at the
21 Broadway Oyster Bar for you?

22 A. I believe it was a Long Island.

23 Q. And in ordering or talking about ordering did
24 he mention anything to you or did you discuss alcoholic

1 drinks or alcohol in general?

2 A. Yes.

3 Q. What did he say?

4 A. It was the purpose of ordering drinks, he was
5 testing me if I knew what the drink was made of. He said
6 he wanted to see what my knowledge of the alcohol
7 industry was.

8 Q. Do you know what he was drinking?

9 A. I assumed it to be alcohol.

10 Q. How long would you estimate if you know that
11 you stayed at Broadway Oyster Bar?

12 A. About half hour.

13 Q. At that time did you have conversation with
14 the Defendant?

15 A. Yes.

16 Q. What topics did you discuss?

17 A. He asked me my previous work experience, and I
18 went over the years of experience I had and different
19 things I had done. And he proceeded to say what his
20 experience was and what position he had as well.

21 Q. During this conversation how would you
22 describe his demeanor?

23 A. Professional.

24 Q. And did he discuss or did the two of you

1 discuss work opportunities involving you?

2 A. Yes.

3 Q. Specifically if you recall what were they?

4 A. Liquor promotions for his supposed, I guess he
5 started a new marketing company in downtown St. Louis
6 that he had been with for like four weeks now.

7 Q. Did the Defendant talk about himself at all or
8 his personal life?

9 A. He did say that he was from Chicago -- from
10 Texas and he had a marketing company down there and just
11 moved up here to the area.

12 Q. When you say the area --

13 A. St. Louis.

14 Q. Did he mention at all whether he was married
15 or had a girlfriend?

16 A. At that point, no.

17 Q. And did -- at any time during that
18 conversation did he mention he was an attorney?

19 A. Absolutely not.

20 Q. At any time during that conversation did he
21 mention that he resided or was from Chicago?

22 A. Absolutely not.

23 Q. During the time you spent with him at the
24 Oyster Bar, did he act in any way that you found to be

1 inappropriate?

2 A. No.

3 Q. Was he flirty?

4 A. No.

5 Q. At some point did you leave Broadway Oyster
6 Bar?

7 A. Yes.

8 Q. Why was that?

9 A. He said he wanted to go to the place next door.

10 Q. And did he indicate what that place was?

11 A. I believe -- it seemed like he had been there
12 before. I had never been there before.

13 Q. Was that within walking distance?

14 A. Yes.

15 Q. Did you proceed there?

16 A. Yes.

17 Q. Do you know what the name of that
18 establishment was?

19 A. Yes, Hotshots.

20 Q. So you arrived at Hotshots. What do you do
21 when you get to Hotshots?

22 A. Sit at a table kind of in the middle of the
23 place.

24 Q. Did you have any alcoholic drinks while you

1 were at Hotshots?

2 A. I did.

3 Q. Do you recall how many?

4 A. No.

5 Q. Who ordered those drinks?

6 A. John.

7 Q. By John, you mean the Defendant?

8 A. Yes.

9 Q. Who paid for those drinks?

10 A. He did.

11 Q. And what if anything did you talk about while
12 you were at that bar?

13 A. The beginning of the conversation still mostly
14 work. Then it got into a little bit personal. He asked
15 me about my family, what my parents did, if I was
16 married, if I had a serious boyfriend, if I had any
17 brothers or sisters and started to be kind of intrusive I
18 think.

19 Q. Did -- you say he mentioned things, questions
20 about your personal life. Did he volunteer anything
21 about his personal life?

22 A. No.

23 Q. And beyond the questions that you thought were
24 perhaps intrusive did he act in any other way that you

1 found to be inappropriate?

2 A. No.

3 Q. Flirty?

4 A. No.

5 Q. Do you have any idea approximately how long
6 you were located or remained at that location?

7 A. Probably over an hour.

8 Q. And at some point did you leave there?

9 A. Yes.

10 Q. Why?

11 A. He said that there was a couple girls on the
12 Landing working, and he wanted me to go to the Landing,
13 said there was a couple girls at Morgan Street. He asked
14 if I would go to Morgan Street.

15 Q. Was that walking distance to your knowledge?

16 A. No.

17 Q. Did you agree to go there?

18 A. Yes.

19 Q. How did you get there?

20 A. I drove.

21 Q. You drove yourself?

22 A. Yes.

23 Q. And do you know how he got there?

24 A. I assume he drove his own car.

1 Q. Did you arrange where you would meet?

2 A. At Morgan Street.

3 Q. And to your knowledge you were going to be
4 going there to meet other girls doing promotion work?

5 A. Yes.

6 Q. Did you arrive at Morgan Street?

7 A. I did.

8 Q. Where did you park?

9 A. I parked in the lot across from the Drunken
10 Fish which was right on, I think that's Second Street.

11 Q. Did you proceed into Morgan Street?

12 A. I did.

13 Q. Was the Defendant present there?

14 A. Yes.

15 Q. And what did you do upon arriving there?

16 A. I walked up to him and sat at a table right up
17 kind of close to the front door.

18 Q. Were drinks ordered there, alcoholic drinks?

19 A. One.

20 Q. And do you recall who ordered that?

21 A. John.

22 Q. Do you recall who paid for that?

23 A. John.

24 Q. And again John you mean the Defendant, is that

1 correct?

2 A. Yes.

3 Q. Were other girls present?

4 A. No.

5 Q. Doing promotions work?

6 A. No.

7 Q. Did you inquire about that?

8 A. Yes.

9 Q. How did he respond?

10 A. He said they had just left.

11 Q. Did he indicate where they had gone?

12 A. Yes.

13 Q. Where was that?

14 A. He said they had gone over to finish the last
15 promotion at Pop's.

16 Q. Are you familiar with what Pop's is?

17 A. I had been there once.

18 Q. What is Pop's?

19 A. More of like a place concerts are held.

20 Q. Is it a bar type place?

21 A. Yes.

22 Q. Do you know where it is located?

23 A. Yes.

24 Q. Tell us?

1 A. In Sauget.

2 Q. Illinois?

3 A. Across the bridge in Illinois.

4 Q. And did he indicate whether or not he wanted
5 you to go to that location?

6 A. Yes.

7 Q. And for what purpose did he say he wanted you
8 to do that?

9 A. He said he really wanted me -- he is like, I
10 think you would be a great fit and I want you to meet the
11 other crew of girls so you can get to know them.

12 Q. Did you agree to go over there?

13 A. Yes.

14 Q. Do you have any idea approximately what time
15 it was when you were leaving Morgan Street?

16 A. Yes.

17 Q. What time was that?

18 A. It had to be around 10:30. I kept asking, we
19 are almost done here, right?

20 Q. Describe his demeanor during your time at
21 Morgan Street.

22 A. Pretty much the same.

23 Q. Was it ever flirty?

24 A. No.

1 Q. Inappropriate?

2 A. No.

3 Q. Was there any physical contact on his part?

4 A. No.

5 Q. And did you drive yourself to Pop's?

6 A. I did not.

7 Q. Why not?

8 A. My car was completely on E.

9 Q. And at one of the earlier bars where you first
10 parked your car, was that located near any gas station?

11 A. It was.

12 Q. Why did you not get gas there?

13 A. I forgot.

14 Q. Were there any gas stations near Morgan Street
15 to your knowledge?

16 A. Not at all.

17 Q. Did the Defendant offer to drive you to Pop's?

18 A. Yes.

19 Q. And do you recall if you know what type of car
20 the Defendant had?

21 A. I believe so.

22 Q. If you know, tell us please.

23 A. Honda Civic.

24 Q. And if you know how many drinks, alcoholic

1 drinks did you consume in the course of the time spent
2 in the company of the Defendant?

3 A. I would say around four.

4 Q. Do you feel that you were intoxicated?

5 A. Slightly.

6 Q. Were you familiar with the route that one
7 would take to get to Pop's from your location on Morgan
8 Street?

9 A. Yes.

10 Q. And do you know what highway the Defendant got
11 on?

12 A. Yeah.

13 Q. What highway?

14 A. You have to take 55 North.

15 Q. And does that take you over to the bridge into
16 Illinois?

17 A. It does.

18 Q. Do you know approximately how far from there
19 the exit is that you take to go to Pop's?

20 A. As soon as you go over the bridge it is the
21 first exit to the right.

22 Q. You knew which exit he should get off at?

23 A. Yes.

24 Q. Did he exit or was he preparing to exit?

1 A. Not at all.

2 Q. Did that concern you?

3 A. Yes.

4 Q. Did you mention that to him?

5 A. Yes.

6 Q. What did he say?

7 A. We were in the middle lane and I said, you know
8 you need to get in the very far right lane. I go, the
9 exit is coming up. You need to get in the far right
10 lane. He says I know, I know. He drives a couple
11 hundred more feet. I said, you need to get in the right
12 lane now. He says, I know. I will exit. Well, we drive
13 past the exit.

14 Q. And what did you do or say after that
15 happened?

16 A. I started to freak out. I said, why didn't you
17 get off the exit? Why did you pass the exit? He goes,
18 oh, I forgot. I will get off the next exit and I will
19 turn around.

20 Q. What happened next after that conversation?

21 A. We came up to the next exit and passed it.

22 Q. At any point did the defendant's demeanor
23 change from that which you had observed all evening?

24 A. Polar opposite.

1 Q. Describe that please.

2 A. It is like, it wasn't even the same person.

3 Q. How was he acting that you felt was different
4 than how he had been acting throughout the evening?

5 A. Well, as soon as he passed the exit I obviously
6 started to freak out and I am looking at him like, why
7 didn't you get off the exit? I am like freaking out
8 here, and first thing he did is put his right hand on my
9 thigh and first thing I did was push it away.

10 Q. What did you do after he pushed his hand away?

11 A. Kept pushing it back.

12 Q. How many times did that happen?

13 A. Several.

14 Q. Was he saying anything?

15 A. He kept telling me to calm down, don't freak
16 out.

17 Q. What was his tone of voice?

18 A. Very stern and starting to get very scary.

19 Q. What did he start doing next after you pushed
20 the hand away several times?

21 A. I mean I kept just pleading with him, please
22 just get off the next exit. Please just get off the next
23 exit. I promise I won't tell anybody. Please just let
24 me out. And he was refusing, and he got just slowly

1 moving his hands like further up my shirt and like down
2 my legs. And I was trying to push him away, and he just
3 keeps saying, calm down, don't freak out. And then he
4 eventually started getting extremely forceful and told me
5 to not move my hands anymore and to put my hands down,
6 for me to sit on my hands and I wasn't allowed to move my
7 hands.

8 Q. Did you comply with that?

9 A. I did, yeah.

10 Q. Why?

11 A. I was scared for my life by this point.

12 Q. Did you ever ask to be taken back to your car?

13 A. Repeatedly.

14 Q. What did he say?

15 A. He just kept saying he wasn't going to hurt me.

16 Q. At any time were you trying to physically
17 resist him?

18 A. Yes.

19 Q. After he told you to put your hands at your
20 side and you complied, what happened next?

21 A. He kept grabbing my head and trying to make me
22 kiss him and I mean and all the while I am just saying, I
23 am so -- I am like, I don't care I don't care if you get
24 off an exit. You can just pull over the side of the road

1 and leave me on the freeway. I don't care.

2 Q. You said that he touched your leg and you
3 indicated, you didn't say, he was touching you and went
4 like this over your upper body, is that correct?

5 A. Yes.

6 Q. Did he touch your breasts?

7 A. Yes.

8 Q. Over or under your clothing?

9 A. Over.

10 Q. Do you know how many times?

11 A. It was continuous throughout the trip.

12 Q. Besides that, did he touch you anywhere else?

13 A. Yes.

14 Q. Where?

15 A. He had tried pulling down my skirt and then he
16 eventually told me to remove my skirt, and I was like, I
17 can't do this. And I go -- and it is my time of the
18 month too. What are you doing?

19 Q. You indicated it was your time of the month?

20 A. Yes.

21 Q. Were you wearing a tampon?

22 A. I was.

23 Q. Did you inform him of that fact?

24 A. Yes.

1 Q. How did he respond?

2 A. He said, well, then take it out then. Take it
3 out right now.

4 Q. What did you do?

5 A. I removed it and I went to sit it down like on
6 the floorboard and then he freaked out and said, no, no,
7 throw it out the window.

8 Q. Is that what you did?

9 A. Yes.

10 Q. While all this is going on, where is the car
11 at? Are you moving?

12 A. Yeah.

13 Q. To your knowledge are you still on the
14 highway?

15 A. Yeah.

16 Q. After you removed your tampon what happened
17 next?

18 A. He proceeded to fondle me and --

19 Q. I apologize in advance for asking what may be
20 personal questions. When you say he fondled you, can
21 you please specifically tell us what you mean?

22 A. He proceeded to finger me.

23 Q. When you say that, are you indicating that he
24 put his finger in your vagina?

1 A. Yes.

2 Q. Do you have any idea how many times that
3 occurred?

4 A. No.

5 Q. More than once?

6 A. Yes.

7 Q. Was he saying anything to you while this was
8 going on?

9 A. Just same thing like -- then at that point he
10 got, he kept saying, I am not going to hurt you. I am
11 too important of a person. I make too much money. I
12 make \$200,000 a year. I don't want to hurt you. I want
13 to take care of you. I love you. I will give you money.
14 How much money do you want? I don't want money from you.
15 Just let me out of the car. He said, if you want money I
16 will send you money. I will send you money. How much
17 money do you want?

18 Q. At any point during this entire incident did
19 he call you any names if you remember?

20 A. Yes.

21 Q. Do you remember what they were?

22 A. No, not specifically.

23 Q. After he penetrated you with his finger, what
24 if anything happened next?

1 A. He proceeded to pull down his -- like partly
2 pull down his shorts, unzip his pants.

3 MR. HOELL: May I approach the witness, your Honor?

4 THE COURT: Yes.

5 Q. (Mr. Hoell) Do you recall what he was
6 wearing?

7 A. Yeah.

8 Q. Can you tell us please if you know?

9 A. Khaki shorts.

10 Q. When you say he pulled down his pants, do you
11 mean his shorts?

12 A. Yeah, just pulled them down slightly.

13 Q. Did he have on underwear?

14 A. Yes.

15 Q. Did he pull that down as well?

16 A. I believe so.

17 Q. What happened next after he did that?

18 A. He very forcefully grabbed me on the back of my
19 neck and forced my head into his lap.

20 Q. At that time was his penis exposed?

21 A. Yes.

22 Q. Could you tell whether or not it was -- if he
23 had an erection?

24 A. Semi.

1 Q. What happened next?

2 A. He proceeded to force my head and held my head
3 down.

4 Q. Is he saying anything while doing that?

5 A. Yeah, he said -- he goes that's the only time
6 he said, as soon as you finish this, as soon as I come
7 then I will get off the next exit and take you back to
8 your car.

9 Q. And did he indicate or did you attempt in any
10 way to physically resist against this?

11 A. Yes.

12 Q. How?

13 A. Trying to pull my neck back and lift my head
14 up, and a couple times I was able to wiggle free and get
15 back up to the upright portion of the passenger seat. He
16 had -- again would grab my neck and force my head down.

17 Q. Do you have any idea how long this went on
18 for?

19 A. Quite a while, felt like an eternity.

20 Q. Do you know whether or not the Defendant ever
21 ejaculated?

22 A. He didn't.

23 Q. At some point did he remove his hands from
24 your head?

1 A. Yes.

2 Q. Did he say anything at that time?

3 A. He was frustrated I guess for the fact --

4 MR. ROSENBLUM: Objection, speculation.

5 THE COURT: Sustained.

6 Q. You said he was frustrated specifically. Did
7 he say anything to you that you recall?

8 A. He just told me -- he was like, fine, just get
9 over there and get dressed.

10 Q. When he forced your head down, did he force
11 his penis into your mouth?

12 A. Yes.

13 Q. After he let you up and I think you just
14 indicated he told you to get dressed?

15 A. Yes.

16 Q. Where are you at now? Do you have any idea?

17 A. Way up 55.

18 Q. Haven't left the highway this entire time?

19 A. No.

20 Q. At any time did he make any statements about
21 offering you money?

22 MR. ROSENBLUM: Objection, leading, your Honor.

23 THE COURT: Overruled.

24 Q. (Mr. Hoell) Did you hear the question or do

1 you need me to repeat it?

2 A. Please repeat it.

3 Q. Did he make any statements at any time during
4 this about offering you money?

5 A. Yes.

6 Q. What did he specifically say?

7 A. He said he wanted to take care of me, that he
8 loved me and that he had -- he knew everything about me
9 and that he had looked up my background and my Social
10 Security number and he wanted to support me and he would
11 Western Union me money. It was crazy.

12 Q. At any time during this entire incident on the
13 highway, did you attempt to get the attention of other
14 drivers?

15 A. I tried, yes.

16 Q. What would happen when you did that?

17 A. He pushed my head back down.

18 Q. Did you have a cell phone with you?

19 A. Yes.

20 Q. Was it operational?

21 A. No.

22 Q. Why?

23 A. It had died while at Morgan Street.

24 Q. Did you make any statements to the Defendant

1 about the fact that your phone had died?

2 A. Yes.

3 Q. What if anything did he say in response?

4 A. Actually while at Morgan Street I said my phone
5 was dying. He said that he had a charger in his car that
6 I could use.

7 Q. When you got to the car, did you use the
8 charger?

9 A. I asked him and he said he didn't have it.

10 Q. At some point did he exit the highway?

11 A. Yes.

12 Q. Do you know where that was at, what exit?

13 A. Yes.

14 Q. Where?

15 A. Staunton.

16 Q. Were you familiar with that area?

17 A. Yes.

18 Q. And did he say anything upon exiting the
19 highway to you?

20 A. Yes.

21 Q. What was that?

22 A. He said he just wanted to find a nice dark
23 secluded area to make out with me.

24 Q. How did you respond to that?

1 A. I said -- I go, I don't want to make out with
2 you. I just want you to take me home.

3 Q. What happened when you got off -- when he got
4 off that exit?

5 A. He said that he wasn't going to drive very far.
6 We drove probably not even a mile and realized that there
7 was nothing down that road and we ended up turning down a
8 side road, making a u-turn and heading up towards the on
9 ramp.

10 Q. Did he make any statements why he was heading
11 back to the highway?

12 A. No.

13 Q. And did he get back on Highway 55?

14 A. Yes.

15 Q. Which direction was he heading then?

16 A. South.

17 Q. Did he make an exit off of the highway again
18 after the Staunton exit?

19 A. Yes.

20 Q. Do you know where that was at?

21 A. Yes.

22 Q. Do you know the name of that exit?

23 A. New Douglas.

24 Q. And how many exits is that from the Staunton

1 exit, if you know?

2 A. The very next one.

3 Q. Did he make any comments to you about why he
4 was getting off that exit?

5 A. Same reason.

6 Q. Which was what?

7 A. To find a secluded, dark secluded spot to make
8 out with me.

9 Q. What happened next?

10 A. Well, before getting to that exit he had
11 actually taken my purse and all the belongings that I had
12 and stuck them behind me and wouldn't allow me -- I tried
13 several times reaching behind me to get them back. He
14 wouldn't let me get them.

15 Q. And when you get off that exit or he exits the
16 highway, where does he go?

17 A. We get off the exit and make a left and go over
18 the freeway and we were making a left down the very first
19 street.

20 Q. How far did he drive down that street?

21 A. Not a very long street, but to the end of it.
22 All the while I am saying the most random things just to
23 get him to turn around, to stop driving down the street.

24 Q. At some point did he turn around?

1 A. He did, yes.

2 Q. Did he say anything why he was turning around?

3 A. Too many houses.

4 Q. What happened after he turned the car around?

5 A. We turned around. He headed back up to the
6 street, and I was praying that he was hopefully going to
7 go back on to the freeway hopefully to take my back to my
8 car. And I had made a decision to myself if he wasn't
9 going to go back towards the freeway I had to do
10 something drastic to get out of there. And as soon as we
11 stopped at the stop sign and as soon as I saw that he was
12 turning the car to the left I did everything I possibly
13 could to struggle to get my way out of that car.

14 Q. Do you remember if the doors were locked or
15 unlocked?

16 A. Locked.

17 Q. Did you have to unlock it?

18 A. I did.

19 Q. What did you do after unlocking the door?

20 A. I opened it and had to struggle to get out of
21 the seat belt and struggle with him. He was still
22 holding on to my arm to keep me from jumping out. I was
23 eventually able to struggle free and jump out.

24 Q. And when you jumped out -- strike that. Did

1 you have a purse with you that night?

2 A. I did.

3 Q. And did you have that purse with you when you
4 got in the defendant's vehicle?

5 A. Yes.

6 Q. And were you able to grab that purse when you
7 jumped out of the vehicle?

8 A. No.

9 Q. You mentioned your phone already. Were you
10 able to grab your phone?

11 A. No.

12 Q. Did you have shoes on?

13 A. No.

14 Q. When you had entered the vehicle did you have
15 shoes on?

16 A. Yes.

17 Q. Were you able to grab those?

18 A. No.

19 Q. And was his vehicle stopped or moving when you
20 jumped?

21 A. Moving.

22 Q. Were you -- do you know what kind of roadway
23 you were on, what it was made of?

24 A. Pavement.

1 Q. And did you land on your feet or how did you
2 come out of the car?

3 A. I really have no idea how I landed. I mean I
4 guess my feet.

5 Q. I am sorry, I didn't mean to cut you off. Did
6 you receive any injuries from jumping from the vehicle?

7 A. Yes.

8 Q. Can you describe what they were?

9 A. Bruises on my legs, a pretty severe cut on my
10 ankle, cuts on my toes.

11 Q. And you described earlier partially what you
12 were wearing that night. Do you recall specifically
13 what you were wearing?

14 A. Yes.

15 Q. Can you tell us?

16 A. I had black heels, a short black skirt, and I
17 had on a -- I think it was a black and white kind of
18 flowery, dressier type top that was a little bit longer,
19 short sleeve.

20 Q. I am showing you what's been -- excuse me,
21 your Honor, what's been marked People's Exhibit Two.
22 Can you tell us what that's a photograph of?

23 A. At the Sheriff's Department the very end of the
24 night.

1 Q. Is that you?

2 A. Yes.

3 Q. And does that depict how you were dressed on
4 that evening?

5 A. Yes.

6 Q. I will now show you what's been marked
7 People's Exhibit Three. Can you tell us if you know
8 what that is a photo of?

9 A. My ankle.

10 Q. Do you have any idea when that was taken?

11 A. I believe that was taken the next day with the
12 detectives.

13 MR. HOELL: May I approach, your Honor?

14 THE COURT: Yes.

15 Q. (Mr. Hoell) This is a laser pointer. Does
16 that photo show any injuries that you received that
17 evening?

18 A. Yes, right here.

19 Q. When did you receive that?

20 A. That night jumping out of the vehicle.

21 Q. I will now show you what's been marked as
22 People's Exhibit Five. Can you tell us what that is a
23 photograph of?

24 A. Same injury from my ankle.

1 Q. Is that taken at the same or a different time
2 than the last photo?

3 A. Different time.

4 Q. Do you know if it was after?

5 A. This was -- this would be after, later than the
6 other photo.

7 Q. Do you know who took that photo?

8 A. The detectives.

9 Q. And I don't know if you said, where did you
10 receive that injury?

11 A. From jumping out of the car that night.

12 Q. Show you what's been marked People's Exhibit
13 Six. Do you know -- can you tell what that is a photo
14 of?

15 A. My knees.

16 Q. Was this taken around the same time as the
17 last photo you looked at?

18 A. Yes, same day.

19 Q. Who took this photo if you know?

20 A. Detectives.

21 Q. Does that show any injuries you received on
22 that evening?

23 A. Yes, you can see a big bruise here and bruise
24 here.

1 Q. And for the record you are indicating on the
2 knee and also below the knee on the other leg, is that
3 correct?

4 A. Yes.

5 Q. And finally, Diana, showing you what's been
6 marked People's Exhibit Four. Do you know what that's a
7 photo of?

8 A. My foot.

9 Q. Do you know when that photograph was taken?

10 A. Like the next day with the detectives.

11 Q. It was taken by the detectives?

12 A. Yes.

13 Q. Does that show any injuries that you received
14 that evening?

15 A. Yes.

16 Q. And can you show on there where?

17 A. Cuts here and these are cuts here. Up here
18 there were cuts.

19 Q. You are indicating on at least two toes?

20 A. Three toes, first three.

21 Q. Does that appear to be on your left foot?

22 A. Yes.

23 Q. What did you do after you jumped out of the
24 vehicle?

1 A. Ran in hysterics to the closest house that was
2 on the corner.

3 Q. Could you describe the area were you jumped
4 out of the car, what was around there?

5 A. The terrain that I ran through was partially
6 woods, brush, grass.

7 Q. What were the lighting conditions?

8 A. Very dark.

9 Q. Did you see where the defendant's vehicle
10 went?

11 A. Sped straight ahead.

12 Q. And where did you run to?

13 A. To the closest house I saw on the corner.

14 Q. And I want to show you what's been marked as
15 People's Exhibit One.

16 MR. HOELL: Your Honor, could the witness step
17 down for identification purposes please.

18 THE COURT: Yes.

19 Q. Diana, does People's Exhibit One indicate or
20 somewhere on there where you and the Defendant were
21 having drinks in St. Louis?

22 A. Yes.

23 Q. Could you show the jury where that was at
24 please? And for the record you are pointing towards --

1 can you describe what was on the map.

2 A. I guess it is kind of the center of it, but
3 Morgan Street is right there.

4 Q. You are indicating Morgan Street Brewery?
5 Does the map indicate anywhere on there the exit where
6 you indicated the Defendant first got off the highway?

7 A. Yes.

8 Q. Could you show for the jury where that is?

9 A. I believe the Staunton exit is here.

10 Q. You are indicating the top right of the map,
11 is that correct?

12 A. Yes.

13 Q. Was that Staunton?

14 A. Yes.

15 Q. And if you know can you indicate what his
16 vehicle did upon exiting that highway?

17 A. Got off exit here, made a left, went down here
18 and somewhere there is a side road that ends up turning
19 left. We made a u-turn, we back up and go right and
20 getting back on the freeway heading north.

21 Q. North or south?

22 A. Well, at this point that's south.

23 Q. Finally does this People's Exhibit One show
24 where he exited the highway the second time?

1 A. Yes.

2 Q. And could you point that out for the jury
3 please?

4 A. Down here, exit here, made a left, went across
5 the freeway and then came up and made a left down Rizzi
6 Road.

7 Q. And does this map indicate anywhere where it
8 was that you left the vehicle?

9 A. Yes.

10 Q. If you know, can you point out where that is?

11 A. About right here.

12 Q. And for the record you are pointing to the
13 intersection of New Douglas and Rizzi or Rezzi, is that
14 correct?

15 A. Yes.

16 Q. And can you show the jury from that location
17 which direction you ran?

18 A. Over here to this house.

19 Q. That was the house you ran to?

20 A. Uh-huh.

21 MR. HOELL: I have no further questions about the
22 map. Thank you.

23 Q. What happened when you got to the house that
24 you saw after you jumped from the vehicle?

1 A. I was frantically banging on any windows I
2 could find, screaming, somebody please help me. Please
3 call 911. I have been kidnapped.

4 Q. I am sorry. Did someone answer the door or
5 come to the door?

6 A. No, I was actually running up knocking on
7 windows in the back side of the house.

8 Q. Did anybody speak to you from inside the home?

9 A. Yes.

10 Q. And what did he tell you?

11 MR. ROSENBLUM: Objection, hearsay, your Honor.

12 MR. HOELL: It would go not for the truth of the
13 matter but her subsequent action of why she left that
14 residence.

15 THE COURT: Overruled.

16 A. He told me to calm down and he would call the
17 cops, for me to just sit on his foot steps and wait.

18 Q. And the place that he indicated for you to
19 sit, where did that face?

20 A. The street that I just jumped out on.

21 Q. And did you do as this person instructed?

22 A. I waited -- I don't know probably a good five
23 minutes there until I couldn't wait there any longer. I
24 didn't feel safe. I thought John was going to come back

1 and look for me.

2 Q. Where did you go from there?

3 A. I started just running straight further down
4 that street as fast as I could.

5 Q. And little premature, I am sorry. With the
6 Judge's permission, step down one more time.

7 THE COURT: Yes.

8 Q. (Mr. Hoell) Is it indicated on here where you
9 ran? Could you show the jury?

10 A. I ran all the way down this street here and
11 actually ended up going across this field and knocking
12 again on a door for a house over here whom no one
13 answered, and then I ended up going to the house here
14 where I saw two vehicles in the driveway and figured
15 someone was hopefully home and someone did end up
16 thankfully answering there.

17 Q. So at the second house you indicated you
18 knocked on the door?

19 A. Yes.

20 Q. Did someone come to that door?

21 A. The third house.

22 Q. I am sorry, the third house?

23 A. Yes.

24 Q. No one answered at the second house?

1 A. Yes.

2 Q. Third house someone answered?

3 A. Yes.

4 Q. Who was it?

5 A. A woman and her husband or boyfriend.

6 Q. And were you let into the home?

7 A. I was.

8 Q. How would you describe your demeanor at that
9 time?

10 A. Hysterics.

11 Q. And did you inform them what -- did you tell
12 them what happened?

13 A. That I had been kidnapped and sexually
14 assaulted and just that I probably just needed help.

15 Q. Are you aware of whether or not they called
16 911?

17 A. They did.

18 Q. And what did the two of them do after? What
19 happened after you told them and they called the 911?

20 A. They welcomed me into their home.

21 Q. At some point did the police arrive?

22 A. Yes.

23 Q. Did -- strike that. Before the police arrived
24 did you speak with a woman in the home?

1 A. Yes.

2 Q. And did she ask you any questions about what
3 had happened, if you recall?

4 A. I don't remember specifically.

5 Q. When the police arrived, did you speak with
6 them?

7 A. Yes.

8 Q. And did you tell them what happened?

9 A. Yes.

10 Q. Do you have any idea what time it was at this
11 point?

12 A. Extremely late.

13 Q. Were you asked to prepare a written statement?

14 A. Yes.

15 Q. And the person who arrived, do you know if
16 that was a patrol officer or detective or what was it?

17 A. I don't know his position.

18 Q. How was he dressed, if you remember?

19 A. The officer that came, just in a normal police
20 uniform.

21 Q. Did you actually prepare a summary after
22 requested?

23 A. Yes.

24 Q. Did that summary contain every single detail?

1 MR. ROSENBLUM: Objection, your Honor, impeaching
2 his own witness.

3 THE COURT: Overruled.

4 Q. Did that summary include every detail of what
5 had occurred that night?

6 A. No.

7 Q. Were you asked by police if -- or did they
8 request you to go to the hospital?

9 A. I don't remember.

10 Q. Besides the scrapes and cuts you indicated in
11 those photos were you otherwise injured?

12 A. Yes.

13 Q. How?

14 A. For several days later I had some pretty bad
15 neck and shoulder pain.

16 Q. Why didn't you go to the hospital that night?

17 A. I just wanted to go home.

18 Q. I am showing you what's been marked People's
19 Exhibit 11. Do you recognize that item?

20 A. Yes.

21 Q. Can you tell us what it is?

22 A. My purse.

23 Q. And when you say "my purse", are you
24 indicating the purse you had on that evening?

1 A. Correct.

2 Q. And where did you last see this purse?

3 A. The back seat of the Honda Civic.

4 Q. And have you received that purse before seeing
5 it today?

6 A. No.

7 Q. I am now showing you what's been marked as
8 People's Exhibit 12, and do you recognize that item?

9 A. Yes.

10 Q. Tell us what it is please?

11 A. My flip flops.

12 Q. And when did you last have these in your
13 possession?

14 A. That night.

15 Q. When you say that night, what do you mean?

16 A. They were left in the car.

17 Q. These were the shoes you had on when you were
18 in the defendant's vehicle?

19 A. Yes.

20 Q. And were these the shoes that you were wearing
21 when you first arrived to meet him?

22 A. No.

23 Q. What were you wearing then?

24 A. Black heels.

1 Q. And when did you switch into these shoes?

2 A. Before I went into Morgan Street because my
3 heels hurt.

4 Q. Where did you get them?

5 A. In my car. I always keep them in my car.

6 Q. So you switched shoes?

7 A. Yes.

8 Q. Did you have any items in your purse?

9 A. Yes.

10 Q. Do you recall what?

11 A. Yes.

12 Q. Can you tell us please?

13 A. I know my cell phone was in there, my wallet
14 which had bank cards, money, ID, probably had makeup in
15 there.

16 Q. Showing you what's been marked as People's
17 Exhibit Seven, and can you tell us if you know what that
18 is a photograph of?

19 A. All the stuff that was in my purse.

20 Q. Is your phone included there?

21 A. Yes, it is.

22 Q. And that is some currency?

23 A. Yes.

24 Q. From -- looks like cosmetic items?

1 A. Yep.

2 Q. And is there an I.D. of any sort?

3 A. My driver's license.

4 Q. And all these items were in your purse?

5 A. Yes.

6 Q. Did you receive any or some of these items
7 back?

8 A. Yes.

9 Q. When?

10 A. One of the meetings with the detectives.

11 Q. So you received these items from the
12 detectives?

13 A. Yes.

14 Q. And specifically is People's Exhibit Eight,
15 tell us what that is a photo of if you know?

16 A. My driver's license.

17 Q. Was that also in your purse?

18 A. Yes.

19 Q. Did you receive this item back?

20 A. Yes.

21 Q. And when was that?

22 A. I don't remember the specific date.

23 Q. Whom did you receive it from?

24 A. The detectives.

1 Q. Did you prior to today see the Defendant after
2 leaving from his vehicle?

3 A. No.

4 Q. Did you ever speak to him?

5 A. No.

6 Q. Did you ever call his phone again after that
7 night?

8 A. Yes.

9 Q. Why?

10 A. The detectives requested that I do so.

11 Q. Do you know why they requested that? Did they
12 tell you why?

13 A. Yes. They wanted me to try to set up a meeting
14 with him so they could arrest him.

15 Q. Did you get ahold of or speak to the
16 Defendant?

17 A. I did not.

18 Q. Did you leave a message?

19 A. I did.

20 Q. Diana, did you consent to any of the things
21 that happened inside that vehicle?

22 A. Absolutely not.

23 Q. At any point in that evening did you have a
24 romantic interest in the Defendant?

1 A. Not -- none whatsoever.

2 MR. HOELL: Thank you, Diana. I have no further
3 questions of this witness.

4 THE COURT: Mr. Rosenblum.

5 CROSS EXAMINATION

6 BY MR. ROSENBLUM:

7 Q. Good afternoon, Miss Counts.

8 A. Good afternoon.

9 Q. We haven't met before, have we?

10 A. Have not.

11 Q. If I -- if there is anything I ask you that
12 you don't understand, ask me to rephrase it, okay?

13 A. Okay.

14 Q. I am not here to try to trick you or ask you
15 any kind of confusing questions. I want to make sure we
16 are communicating, fair enough?

17 A. Fair enough.

18 Q. Okay. Now prior to testifying here today, you
19 had the opportunity to meet with the prosecuting
20 attorneys in this case?

21 A. Yes.

22 Q. In fact you have reviewed your testimony with
23 them, did you not?

24 A. Yes.

1 Q. You have gone over -- on how many occasions
2 did you review your testimony with the prosecuting
3 attorneys?

4 A. Just once.

5 Q. And for how long a period of time?

6 A. I don't know. I had one meeting with them last
7 week.

8 Q. And for how long a period of time?

9 A. Maybe an hour.

10 Q. An hour. During the course of that evening
11 there was a discussion of the types of questions I may
12 be asking you, was there not?

13 A. Yes.

14 Q. And there was your anticipated answers, was
15 there not?

16 A. Yeah.

17 Q. And during the course of that meeting when you
18 went over the questions that you were going to be asked
19 and the types of questions that I may be asking, your
20 anticipated answers, there was also a discussion of some
21 of the issues in the case that may be troublesome, fair
22 enough?

23 A. Yes.

24 Q. And some of the issues that you guys discussed

1 and may be troublesome for instance was this issue of
2 the cell phone. That was the first time you ever
3 mentioned that your cell phone died that evening to
4 these people last week, is that not fair?

5 A. I don't believe that's true.

6 Q. Well, can you give me anywhere -- before you
7 testified here today you read the police reports, have
8 you not?

9 A. Yes.

10 Q. You read all the accounts of your statements,
11 have you not?

12 A. I believe so.

13 Q. You read the initial statement that Officer
14 Goeken took. You read your written statement and you
15 read the account of your statement which you gave by
16 phone for quite a period of time to Marconi and to the
17 other Officer Vucich, correct? You read all that?

18 A. I did not.

19 Q. You didn't read the police reports?

20 A. I didn't read the report that Marconi wrote.

21 Q. And getting back to the discussions you had
22 with these prosecutors one of the issues that they
23 talked to you about was the cell phone, right?

24 A. No.

1 Q. They didn't discuss with you that I was going
2 to question you today about the fact that you had your
3 cell phone with you?

4 A. No.

5 Q. Well, in fact you never mentioned any story
6 about this cell phone not working to the first officer
7 on the scene, correct? That's a fact, isn't it, ma'am?

8 A. I don't remember.

9 Q. Well, would his rendition of your conversation
10 with him refresh your recollection?

11 A. To be honest, I don't remember.

12 Q. I am asking if reading his report would
13 refresh your recollection?

14 A. Possibly.

15 Q. All right.

16 A. This is the officer that came to the scene that
17 night?

18 Q. That's correct. Does that refresh your
19 recollection? You didn't mention to that first officer
20 anything about this issue with the cell phone and that
21 it died at Morgan Street and that Meanith offered to let
22 you charge it? None of that was mentioned, right?

23 A. Right.

24 Q. In fact that was the first officer that you

1 had an occasion to talk to, right?

2 A. Correct.

3 Q. He was -- and that's a rather lengthy -- you
4 spent some time telling him everything that happened,
5 right?

6 A. Right.

7 Q. You don't know whether he is a detective or
8 patrolman. He was just the first officer that reported,
9 and you want to make sure that all the information was
10 conveyed, right? That's what you were doing, right?

11 A. Yeah, giving as much as I could think of at the
12 time, yeah.

13 Q. You answered his questions, right?

14 A. I guess I did.

15 Q. Then he gave you an opportunity to put
16 everything down in writing, right?

17 A. Right.

18 Q. He didn't limit the amount of pages, did he?

19 A. There is only three pages there.

20 Q. I understand there is only three, but my
21 question is did he say you couldn't ask for more?

22 A. No.

23 Q. He told you to be detailed as possible?

24 A. Right.

1 Q. He told you to put down everything that may
2 have some significance in this case, did he not?

3 A. Sure.

4 Q. And is there anything at all about that cell
5 phone in there?

6 MR. HOELL: Objection, asked and answered. She
7 already said no.

8 THE COURT: Overruled. It's a little different
9 question.

10 Q. That's your written statement, isn't it?

11 A. It is.

12 Q. That was done at about 2:00 that night,
13 correct, that morning?

14 A. Yes.

15 Q. Do you need to look at it, or can you tell me
16 you never mentioned a word about this cell phone not
17 working?

18 A. I know I mentioned it to the detectives.

19 Q. You mentioned it to what detectives?

20 A. I mentioned it to somebody.

21 Q. Well, we have already ruled out Goeken. You
22 didn't put it down in writing, right? The next
23 opportunity you had to speak to the detectives was when
24 they called you on speaker phone later on June 30th,

1 right?

2 A. The day after.

3 Q. Later that day, right?

4 A. Right.

5 Q. And you were on the phone with them quite a
6 bit of time, right?

7 A. Yes.

8 Q. They were pretty detailed, correct? You
9 remember the names Detective Marconi --

10 A. I do now.

11 Q. -- and Detective Vucich, right?

12 A. Yes.

13 Q. Are you claiming because I have them under
14 subpoena, are you claiming that you told these
15 detectives this story about the cell phone and that it
16 died at Morgan Street and that Mr. Huon offered to
17 charge it? Is that your testimony here today under
18 oath?

19 A. No, that's not my testimony.

20 Q. Because those are the only other detectives we
21 are talking about. It's a fact, ma'am, that you didn't
22 mention anything about this cell phone until you had a
23 discussion with these prosecutors. That's a fact, yes,
24 ma'am, right?

1 A. To be honest I can't say yes or no.

2 Q. And the fact that that came up then is because
3 you were being quizzed because if this activity happened
4 the way you said it happened why wouldn't you have used
5 that cell phone? And you had to come up with a reason.
6 That's why it was never mentioned until today and the
7 reason is because --

8 MR. HOELL: Objection. Is there a question in
9 here?

10 THE COURT: That's sustained, argument.

11 Q. (Mr. Rosenblum) The first time we are hearing
12 about it today is because it gives you a reason not to
13 have used it that evening, right?

14 A. Absolutely not.

15 Q. And that was a discussion you had with these
16 prosecutors about the cell phone, right?

17 A. Absolutely not.

18 Q. So it is just on that particular evening,
19 although never mentioned to one detective before, not
20 the first one, not in writing. You want to look at
21 Marconi's report? I can show you that as well or do you
22 accept that it is not there?

23 A. I will accept it is not in there.

24 Q. Never mentioned this whole story about your

1 charger, about the cell phone not working or dying at
2 Morgan Street, fair enough?

3 A. Fair enough.

4 Q. You would think that that is a fairly
5 significant issue, wouldn't you, ma'am?

6 A. Yes.

7 Q. You just neglected to ever mention it to any
8 of these detectives with all these conversations, ma'am?

9 A. I believe that I have.

10 Q. Now, you applied to these on line ads as -- do
11 you have some exhibits?

12 As I understand you go on gigs, right?

13 A. Yes.

14 Q. In answering the prosecutor's questions you
15 answered when you go on gigs it is not all about just
16 promotional jobs, all sorts of things coming up?

17 A. Yes.

18 Q. Adult jobs?

19 A. No.

20 Q. You have never seen an adult job on gigs?

21 A. No.

22 Q. Not asking if you applied, I am asking if they
23 come up when you apply?

24 MR. HOELL: Objection, relevance.

1 THE COURT: Let's have a side bar.

2 (An off the Record discussion was held
3 at the Bench outside the hearing of the
4 jury.)

5 Q. (Mr. Rosenblum) With respect to the e-mails
6 that you are sending out, you send out e-mails sort of
7 in mass, I think you said to 30 to 40 times a month,
8 right?

9 A. Completely false.

10 Q. Well, don't you respond to approximately 30 to
11 40 per month?

12 A. No.

13 Q. So it is your testimony that when you were
14 questioned about that by officers -- do you recall
15 speaking with Officers Vucich -- with Officer Vucich on
16 June 30th at 4:53 p.m. by telephone?

17 A. I don't remember specifically dates and times.
18 I spoke with him.

19 Q. Do you remember speaking to him the very day
20 that you are claiming these events happened, do you
21 recall that?

22 A. Yes.

23 Q. Do you recall it was on a telephone?

24 A. I spoke with him on the phone.

1 Q. Do you recall there were actually two
2 detectives on the other end of the line?

3 A. I don't recall.

4 Q. But do you recall having that conversation?

5 A. Yes, I remember having a conversation.

6 Q. You recall you were specifically asked
7 information about your Craigslist posting and that you
8 told Detective Vucich that it would not be uncommon for
9 you to reply to 30 to 40 different postings for
10 marketing ad promotions within a month or two, do you
11 recall making that statement?

12 A. No.

13 Q. Would his police report refresh your
14 recollection?

15 A. Possibly.

16 MR. HOELL: I am going to object. She didn't say
17 she didn't make that statement. She said she doesn't
18 recall.

19 MR. ROSENBLUM: She said she doesn't recall it. I
20 asked her if his report would refresh her recollection.

21 MR. HOELL: That's not her report. You can ask
22 Detective Vucich if she told him that.

23 MR. ROSENBLUM: I get that, but anything can
24 refresh a witness's recollection and she said this

1 report would.

2 THE COURT: She said possibly, but I will allow
3 just that portion of the report.

4 A. Where is it? Oh. Two months, yes. One month,
5 no.

6 Q. Do you recall making that statement that you
7 applied at 30 to 40 one to every two months?

8 A. I still don't recall specifically making that
9 statement to him.

10 Q. You don't recall making that statement?

11 A. No.

12 Q. You do apply to a substantial amount of these
13 ads, would that be fair to say?

14 A. Apply, yes. Post ads myself, no.

15 Q. That's what you told the detective though,
16 right? Yes?

17 A. Like I said I don't recall.

18 Q. When you send these e-mails in, you apply to
19 for instance gigs as you said, right?

20 A. Yes.

21 Q. You apply under the subject of promos, right?

22 A. Subjects different. Can you clarify?

23 (Defendant's Exhibit A marked for

24 identification.)

1 Q. Let me show you Defendant's A. Looking at
2 Defendant's Exhibit A, does that look like an e-mail
3 that you sent from you to Detective Vucich?

4 A. Yes.

5 Q. The subject there was promos, right?

6 A. Yes.

7 Q. That's sort of one of your mass responses,
8 right?

9 A. No, I individualize responses to the listing
10 that I apply to.

11 Q. And then this would have been the response to
12 the gigs that promos, right: Hello, I saw your listing,
13 right? That's you, isn't it?

14 A. Yeah, I mean that's my e-mail, but I am a
15 little bit confused with your question.

16 (Defendant's Exhibit B marked for
17 identification.)

18 Q. Show you what's been marked Defendant's
19 Exhibit B. This is essentially the same exact wording,
20 is it not?

21 A. Yes.

22 Q. And the only difference is that you are
23 applying because a model is needed, correct?

24 A. Right.

1 Q. And models would be for these types of
2 promotions you are talking about?

3 A. Yes.

4 Q. And attached to that would have been State's
5 10, this picture, right?

6 A. Yes.

7 Q. Which I think you said you took independently
8 and not specifically to submit to these ads, is that
9 right?

10 A. Yes.

11 Q. Along with State's Nine, correct?

12 A. Yes.

13 Q. Do I have that right?

14 A. Yes.

15 Q. I think what you said to the detective was
16 that you apply to so many of those, of these types of
17 ads you wouldn't be able to determine exactly which ad
18 you applied to on this particular occasion?

19 A. That's correct.

20 Q. That's correct?

21 A. Yes.

22 Q. In fact what -- in discussing what you do and
23 what kind of work you wind up with, you talked about all
24 of these companies but what you wind up doing is like

1 Bud girls and Miller girls and things of that nature,
2 right?

3 A. I have done that, yes.

4 Q. Incidentally just outside of curiosity in your
5 experience how many job interviews have you gone on
6 where you have drank, where you have consumed alcohol
7 for five or more hours with the interviewer? Is that
8 something common in your business?

9 A. No.

10 Q. Is it common in your business, ma'am, that
11 this interview that you talked about that you didn't
12 find unusual in the promotional business occurs over
13 several bars where the two of you, the interviewee and
14 the interviewer, are consuming Long Island Iced Teas and
15 martinis and other alcohol. That's not very common, is
16 it, ma'am?

17 A. I have worked for companies where we do have
18 liquor tastings for the whole evening.

19 Q. That wasn't my question. My question was a
20 follow up to the first question where you said it is a
21 little unusual for you to go on these interviews where
22 you drink all night, right?

23 A. Yes.

24 Q. Now, with respect to -- do you recall whether

1 the ad that you answered was for a party girl? Do you
2 have a specific recollection with all these ads that you
3 are answering, you said you couldn't pin-point it to
4 Detective Vucich?

5 A. I know it was for a liquor promotion
6 specifically. I do know that.

7 Q. Could it have the words "party girls" in it if
8 it was for a liquor promotion?

9 A. No.

10 Q. You specifically don't recall that?

11 A. No.

12 Q. Other than doing some of this modeling work,
13 do you do any actressing?

14 A. No.

15 Q. Have you ever worked as an actress?

16 A. No.

17 Q. Now, this particular event that you responded
18 to that you are talking about, as I understand it your
19 understanding was that you were going to receive \$35 to
20 \$40 an hour, right?

21 A. Yes.

22 Q. And you were going to work from approximately
23 6 to 11?

24 A. Yes.

1 Q. Regardless of how long you worked though you
2 were going to be paid for seven or eight hours?

3 A. I don't remember.

4 Q. You don't recall making that statement to one
5 of the detectives?

6 A. I possibly could have.

7 Q. So you are not debating me on that?

8 A. No.

9 Q. Does that ring a bell to you that you were
10 going to pay for seven or eight hours?

11 A. Now that you say it.

12 Q. To be certain in this instance when you left
13 your home that evening you thought part of this deal you
14 thought you were going to be compensated, correct?

15 A. Correct.

16 Q. Typically you don't get compensated for a job
17 interview, do you?

18 A. I didn't believe it to be job interview at
19 first.

20 Q. Okay. So when it was converted to as you said
21 an interview was there a discussion, well, if this is
22 job interview I am leaving? Did you say that?

23 A. No.

24 Q. Did you say, well, if I am not actually going

1 to be working because I canceled plans and I need money
2 I don't need just to sit around with you and chat and
3 drink? Did you ever say that?

4 A. No.

5 Q. In fact I think what you said was your
6 understanding was that when you were going to meet John,
7 who is Meanith Huon, that the idea was you were going to
8 meet him at Patty O's, right?

9 A. Correct.

10 Q. And you knew where Patty O's was, right?

11 A. Yes.

12 Q. You had been there a number of times, right?

13 A. On occasions.

14 Q. I would say more than ten, right?

15 A. Incorrect.

16 Q. Between five and ten?

17 A. Probably less than five.

18 Q. You certainly know what kind of place it is,
19 right?

20 A. Yeah.

21 Q. You certainly know it is not a night club,
22 right?

23 A. Right.

24 Q. So now it is your claim that John tells you to

1 dress like you are going to a club to meet up with girls
2 at Patty O's, right?

3 A. Yes.

4 Q. You call him during the course -- you call him
5 to tell him you are going to be late?

6 A. Yes.

7 Q. Now, it wasn't the other way around where he
8 called you during the course of the day on the 29th to
9 say to go to some other club. That didn't happen?

10 A. No.

11 Q. Did you tell that to the detectives that's the
12 way it happened, that he actually called you?

13 A. No.

14 Q. Would their report refresh your recollection?

15 A. I suppose.

16 Q. And incidentally you guys were exchanging
17 phone calls back and forth all day, right? Throughout
18 the course of the day were you not exchanging phone
19 calls?

20 A. Only time I called him was to let him know I
21 was going to be running late.

22 Q. Okay. So it wasn't a situation where you were
23 exchanging phone calls?

24 A. No.

1 Q. You weren't in contact with him all day on
2 Sunday in regards to working?

3 A. No.

4 Q. You are certain of that, right?

5 MR. HOELL: Object to the vagueness, all day on
6 Sunday. She did testify she spoke to him one --

7 MR. ROSENBLUM: Your Honor, I would ask the
8 prosecutor make an objection and not testify.

9 MR. HOELL: I object. The question is vague and
10 ask that he be more specific as to the timing.

11 THE COURT: Rephrase your question.

12 MR. ROSENBLUM: Be glad to.

13 Q. My question is, were you in contact with John,
14 the person you thought to be John all day on Sunday?

15 A. No.

16 Q. And your testimony is your only contact was
17 once when you told him you were going to be late? Is
18 that your testimony?

19 A. I think I may have called him a couple times.

20 Q. Let me show you your written statement
21 specifically starting towards the end of the third line.
22 That's your handwriting, is it not?

23 A. Yeah.

24 Q. What does your handwriting say at the end of

1 the third line? Can you read it?

2 A. Yeah.

3 Q. Can you read it to the jury?

4 A. "I was in contact with John all day Sunday in
5 regards to working."

6 Q. Is that something you just made up on that
7 written statement? You were writing that at 2:00 in the
8 morning, right?

9 A. Right.

10 Q. Right after this incident, right? Those are
11 your words and in your hands, is it not, ma'am?

12 A. Yeah.

13 Q. Now, did you also exchange calls with him the
14 night before, that Saturday night?

15 A. Yes.

16 Q. You called him back, right?

17 A. Yes.

18 Q. That's because you needed money and you
19 changed your plans?

20 A. Yes.

21 Q. You changed your plans because specifically
22 you wanted to answer this gig because you were low on
23 money, did I get that right?

24 A. Yes.

1 Q. You are -- now I think your memory is
2 refreshed that you guys are talking to each other all
3 day, right?

4 A. I guess that's what I wrote, but it wasn't like
5 all day.

6 Q. Did anybody force you to write that?

7 A. No.

8 Q. And during the course of Sunday as you are
9 having this conversation, as I understand it you are
10 supposed to meet at Patty O's because he said that's
11 where the other girls are going to be, right?

12 A. Yep.

13 Q. Now, this conversation that you had about the
14 fact that you are late now and the girls aren't going to
15 be there, did you ever say that before to any detective
16 or did we hear that for the first time today?

17 A. I believe I said it before today.

18 Q. Well, do you believe you said it before today?

19 A. Yeah.

20 Q. Did you see it in your written statement?

21 A. No.

22 Q. Did you see it in the statement that you made
23 that you read to Officer Goeken?

24 A. No.

1 Q. Would you like to -- would the statement you
2 made to Marconi refresh your recollection as to what you
3 said to them?

4 A. Sure.

5 Q. Starting at the bottom of the page.

6 MR. HOELL: Can you specify what part of the
7 report you are showing her?

8 MR. ROSENBLUM: The entire report to see whether it
9 was in there. She said it would refresh her
10 recollection.

11 MR. HOELL: You are having her review Detective
12 Vucich's entire report as she sits on the stand right
13 now?

14 MR. ROSENBLUM: I am.

15 MR. HOELL: All 58 pages?

16 MR. ROSENBLUM: Just her portion.

17 A. What's your question again?

18 Q. Whether or not you ever mentioned to
19 detectives the fact that the reason the girls weren't
20 there is because you were late and they had to move on.
21 Do you recall mentioning that to any other detectives,
22 or was that the first time we heard it today?

23 A. It does say in here that I did say I was late
24 and there were supposed to be girls there.

1 Q. I understand. I am talking about the comment
2 you attributed to Mr. Huon where you said because you
3 were late now the girls have left.

4 A. I guess that's not in here, no.

5 Q. It certainly wasn't in the other reports that
6 we talked about, right?

7 A. No.

8 Q. Now, with respect to when you arrived at
9 Pop's, you know Pop's doesn't require cocktails or club
10 wear, right, just from the times you have been there?
11 It is like an after Cardinal place, right?

12 A. You mean Patty O's.

13 Q. Patty O's, right?

14 A. I had only been there after a Cardinal game.

15 Q. Pretty casual place, right?

16 A. But I had done other promos there where I had
17 dressed up so --

18 Q. That wasn't my question. My question was,
19 that's a pretty casual place, right?

20 A. Yep.

21 Q. I think what you said when you first went
22 there you thought the purpose was to work but then you
23 realized it was just about an interview, it turned into
24 an interview. Is that what I am understanding?

1 A. Yes.

2 Q. It was never about the possibility -- didn't
3 start out to be about the possibility of employment,
4 never started out that way?

5 A. I am sorry?

6 Q. This meeting that you had with Mr. Huon it was
7 never originally about the possibility of you becoming
8 employed?

9 A. I was going to work.

10 Q. You were going to work?

11 A. Yes.

12 Q. You weren't going there to learn about whether
13 or not there was the possibility of employment. That
14 would be inaccurate?

15 A. Right.

16 Q. Read the last paragraph of your written
17 statement.

18 A. Okay.

19 Q. Does that refresh your recollection?

20 A. Yeah.

21 Q. In fact what you told the police officer in
22 your written statement is that this evening was not
23 about working, but it was about to discuss the
24 possibility of employment. You made that clear. You

1 added that to your written statement, did you not?

2 A. I did.

3 Q. Not exactly what you testified to here today
4 in Court, would you agree?

5 A. Yeah.

6 Q. And once you got to Pop's and there is no
7 promo girls as you say, then you went to Bushwoods?

8 A. No.

9 Q. You met originally at Bushwoods?

10 A. Correct.

11 Q. At Bushwoods you said that's where the girls
12 were supposed to be according to you, according to your
13 story? You said the girls were supposed to be at
14 Bushwoods, they left?

15 A. No.

16 Q. That's not accurate?

17 A. No.

18 Q. Look at the first -- look at the sixth
19 paragraph on the second page of Marconi's report. See
20 if that refreshes your recollection about what you told
21 Detective Marconi and Detective Vucich about where the
22 girls went and why?

23 A. Where at again?

24 Q. Page two.

1 A. He never said Bushwoods though, never said the
2 girls were going to Bushwoods.

3 Q. My question is, do you recall telling Marconi
4 that while advising John you would be late, John stated
5 that all the girls left Patty O's where they originally
6 agreed to meet and were now meeting at another bar near
7 the stadium? Do you recall making that statement?

8 A. Yes.

9 Q. That would have been the bar that you wound up
10 at Bushwoods, right? Did you go to another bar by the
11 stadium?

12 A. No. Well, if you are saying Bushwoods is near
13 the stadium then yes.

14 Q. It is by the stadium, is it not?

15 A. Little bit away, yeah.

16 Q. When you arrived at Bushwoods on the promise
17 that these girls were going to be there as you claimed,
18 did you see any girls?

19 A. No.

20 Q. You said you stayed there for just a brief
21 period of time, right?

22 A. Yeah.

23 Q. Then you went on to Broadway Oyster Bar,
24 right?

1 A. Right.

2 Q. Incidentally this evening is kicking off at
3 about 6:15 or so. That's when you met Meanith, right?

4 A. Approximately.

5 Q. So a brief period of time as you claim in
6 Bushwoods now you are over to Broadway Oyster Bar and
7 you start drinking with him, right?

8 A. Yes.

9 Q. Still no girls?

10 A. Right.

11 Q. You don't leave, do you?

12 A. No.

13 Q. You don't say, well, this sounds weird. All
14 these girls are supposed to be walking around in Bud
15 girl outfits and Miller girl outfits, and I don't see
16 any of them. So I am going to start talking to this guy
17 and leave. You didn't do anything like that, did you?

18 A. No.

19 Q. You stayed with him and you drank, right?

20 A. Yes.

21 Q. You drank Long Island Teas, correct?

22 A. Correct.

23 Q. And the police officers asked you if you were
24 familiar with Long Island Teas and you are, are you not?

1 A. Yes.

2 Q. In fact you know what goes in a Long Island
3 Tea, right?

4 A. Not exactly.

5 Q. But there is a whole lot of alcohol going on,
6 is there not?

7 A. There is.

8 Q. There is three, if not four shots of white
9 liquor? Did I get that right?

10 A. I have no idea.

11 Q. Have you had them before?

12 A. Yes.

13 Q. Do you know what they taste like?

14 A. Yeah.

15 Q. Do you know a good one from a bad one?

16 A. I couldn't say that.

17 Q. If I tell you the recipe is one part vodka,
18 one part 1800 Tequila, one part rum, one part gin?

19 MR. HOELL: Object to the relevance. She said she
20 didn't know what was in it.

21 MR. ROSENBLUM: I am just asking her if it sounds
22 familiar.

23 THE COURT: Sustained.

24 Q. So you had at least a few at that time Long

1 Island Teas at the first part, did you not?

2 A. No.

3 Q. Do you recall what you told Goeken about how
4 many cocktails you had at the first bar?

5 A. I do not.

6 Q. His report is in front of you? See if that
7 refreshes your recollection about the first stop you had
8 and what term you used to describe your alcohol intake.

9 MR. HOELL: I just ask that he clarify if is he
10 talking about the statement or the report by --

11 THE COURT: Are you having her read the statement
12 or the report?

13 MR. ROSENBLUM: I am having her read Goeken's
14 report specifically.

15 Q. Do you recall telling Goeken that upon
16 arriving at the bar on the patio, that would be the
17 Broadway Oyster Bar, right?

18 A. Uh-huh.

19 Q. You stated that you and John had a few
20 alcoholic beverages?

21 A. It does say that.

22 Q. Pardon?

23 A. It does say that.

24 Q. That's what it says, right?

1 A. Yes.

2 Q. That's what you were telling Goeken at your
3 first opportunity to report this?

4 A. Yes.

5 Q. When it was a lot nearer in time than it is
6 today?

7 A. Correct.

8 Q. And how you described your alcohol intake at
9 that time was at the first stop you had a few, right?

10 A. Yes.

11 Q. And you know the difference between one, a
12 couple and a few, right? You are familiar with that
13 terminology, are you not?

14 A. Yes.

15 Q. You know one means one, couple typically means
16 two and a few typically means three or more? That's what
17 that typically means, correct?

18 A. Correct.

19 Q. I am not making that up, right?

20 A. No.

21 Q. That's the word you chose that you had a few
22 at your first stop, right?

23 A. Right.

24 Q. That would tell us three or more according to

1 the report?

2 A. According to the report.

3 Q. We know you were drinking Long Island Teas

4 according to that report according to you, right?

5 According to you you were drinking Long Island Teas at

6 that stop, correct?

7 MR. HOELL: Object.

8 A. I can't say yes or no to that.

9 Q. I am saying from your recollection that the
10 few drinks that you were referring to were Long Island
11 Teas?

12 A. That's incorrect.

13 Q. So you had one Long Island Tea and then had
14 something else. You just made up a few? You help me.

15 A. No, I did have one Long Island there.

16 Q. And possibly other drinks at that stop?

17 A. I believe one other one.

18 Q. You believe only one other one. You are not
19 certain?

20 A. I am not certain.

21 Q. Which is why you use the term "few"?

22 MR. HOELL: Object again, misstatement of the
23 facts. She did not write that report. It is not in her
24 statement.

1 MR. ROSENBLUM: I asked if it refreshed her
2 recollection.

3 THE COURT: Let's have a side bar.

4 (An off the Record discussion was held
5 at the Bench outside the hearing of the
6 jury.)

7 THE COURT all right. Ladies and gentlemen of the
8 Jury, I don't know if you can see the clock. It is
9 about 5 minutes until 5 and there is still some more
10 time that this witness is going to take.

11 So at this point I need to ask you folks if
12 there are any particular time issues or time crunches
13 that you have somewhere you have to be at a certain
14 time. A few of you are indicating that there is.
15 Ma'am, what approximately what time do you need to be
16 where you need to go?

17 PROSPECTIVE JUROR: At least 5:30. My daughter is
18 at day-care.

19 THE COURT: Then at this point let's go about
20 another five to ten minutes and then we will break at
21 that point.

22 Q. (Mr. Rosenblum) So you are not arguing with
23 me that the first stop you told Goeken you had a few
24 drinks, right? You are not arguing that you made that

1 statement?

2 A. I don't recall.

3 Q. And at least one was a Long Island Tea and one
4 was something else that you can't remember?

5 A. Correct.

6 Q. From there you went on to Hotshots, correct?

7 A. Correct.

8 Q. And you were drinking at Hotshots for some
9 period of time, were you not?

10 A. Yes.

11 Q. During the time that you were drinking at
12 Hotshots you were drinking martinis?

13 A. Was not.

14 Q. Is it your testimony here today, ma'am, that
15 you didn't have any martinis at Hotshots?

16 A. I don't recall.

17 Q. You don't recall or no?

18 A. I don't remember what I was drinking --

19 Q. You don't remember what you were drinking?

20 A. -- but I don't normally drink martinis.

21 Q. Do you recall having a conversation with a
22 waitress at martinis (sic.) that you like martinis and
23 she actually gave you advice or gave you a suggestion to
24 go to the Chocolate Bar Martini down at Lafayette Square

1 - a Miss Cash, is that possible?

2 A. I don't recall.

3 Q. You don't recall. During the course of the
4 time that you were drinking, is it fair to say that
5 possibly your memory could be impaired from the
6 drinking?

7 A. No.

8 Q. Not at all?

9 A. No.

10 Q. Now, with respect to how many you had at
11 Hotshots, regardless of whether you recall what they
12 were at Hotshots is it fair to say you also had a few at
13 Hotshots, which would be three or more. Is that fair to
14 say?

15 A. I can't say. I don't recall. I don't
16 remember.

17 Q. Well, it is interesting you said you can't
18 recall, you don't remember because I specifically
19 remember you answering the prosecutor when he asked you
20 how many drinks you had that night and you said four.
21 Were you just making that up?

22 A. That's the number that I remember.

23 Q. Well, were you just making that up? Were you
24 just guessing when you answered the prosecutor?

1 A. No.

2 Q. We already talked about the first bar, the
3 statement you made about the first bar to Goeken. Do
4 you specifically recall telling Officer Goeken, the
5 first police officer, when you proceeded to Hotshots you
6 had a few drinks when you went to Hotshots. Do you
7 recall making that statement?

8 A. I don't.

9 Q. Are you saying that you didn't make it?

10 A. I am not saying I didn't. I am saying I don't
11 remember.

12 Q. And again you know what a few means, do you
13 not?

14 A. Yeah.

15 Q. Three or more, right?

16 A. Three.

17 Q. Just three?

18 A. To me.

19 Q. Then do you recall going to Morgan Street?

20 A. Yeah.

21 Q. You drank there, did you not?

22 A. A drink was ordered, yes.

23 Q. Do you recall talking to Officer Goeken what
24 you had to drink at Morgan Street?

1 A. I don't remember.

2 Q. Do you recall making a statement to Officer
3 Goeken that when you arrived at Morgan Street around
4 10:30 you had a few more drinks and continued talking
5 about job related topics. Do you recall making that
6 statement?

7 A. No.

8 Q. Would your report refresh your recollection,
9 page 3 at the top?

10 A. Got it right here.

11 Q. If you read it will that refresh your
12 recollection?

13 A. I still don't remember saying that.

14 Q. Are you debating that you said it?

15 A. No, I am saying I don't remember saying it.

16 Q. You are not saying that officer is making that
17 stuff up, are you?

18 A. No.

19 MR. HOELL: Objection.

20 Q. (Mr. Rosenblum) Would you agree --

21 THE COURT: Wait a minute. There is an objection.

22 MR. HOELL: I am objecting that he is stating what
23 the witness said. She stated clearly several times what
24 her answer is.

1 THE COURT: This is cross examination. Move on to
2 your next question.

3 Q. At least according to what we went over with
4 Goeken a few and a few and a few equals nine, does it
5 not, according to your definition of a few?

6 A. Yes.

7 Q. Which may or may not have been martinis. You
8 just can't remember whether you drank martinis, and
9 certainly there is a Long Island Tea involved. Do I
10 have that accurately now?

11 A. Sure.

12 Q. One thing we can't certainly say is when you
13 answered the question from this prosecutor about four,
14 you can't say that after we just reviewed this, isn't
15 that fair?

16 A. I guess.

17 Q. And, ma'am, these drinks that you were
18 drinking, that was over a period of about five hours or
19 so?

20 A. Correct.

21 Q. Because you started at 6:15 or thereabouts,
22 right?

23 A. Uh-huh.

24 Q. You say there was none of these promo girls at

1 Bushwoods when you went, but you then went to the next
2 bar which was the Broadway Oyster Bar, correct?

3 A. Correct.

4 Q. You were there for a period of time and as you
5 said you are not keeping track of the time. When you
6 guess 30 minutes you don't know whether that is accurate
7 either, do you?

8 A. No.

9 Q. And during the period of time you were at
10 Broadway Oyster Bar looking for these alleged promo
11 girls, did they ever show up?

12 A. No.

13 Q. You are not an unsophisticated girl, are you?

14 A. No.

15 Q. You are sitting there drinking with Meanith
16 Huon and these promo girls never show up? You don't
17 pull the cord on the date -- on the engagement at that
18 time, do you?

19 A. No.

20 Q. You continue hanging out with him, right?

21 A. Yes.

22 Q. You continue drinking with him, do you not?

23 A. Yes.

24 Q. You go to Hotshots where we talked about

1 drinking with him then?

2 A. Yes.

3 Q. Supposedly the promo girls are supposed to be
4 at Hotshots?

5 A. No.

6 Q. He didn't say you were going to catch up with
7 them at Hotshots?

8 A. He said -- I asked where they were at when we
9 went to Oyster Bar. He said that he sent them to several
10 other bars around the St. Louis area.

11 Q. Wasn't the whole idea you were supposed to see
12 these promo girls according to your testimony?

13 A. Not entirely, not at that point, no.

14 Q. So at that point at Hotshots what are you
15 doing? Are you working and being paid for sitting with
16 the guy?

17 A. At that point he said it was an interview.

18 Q. So it was an interview. So under your
19 impression you are sitting there drinking with the guy
20 that you don't know having an interview, getting paid
21 \$35 to \$40 an hour regardless. Did I get that right?

22 A. No.

23 Q. So you were going to be interviewing so you
24 need money. You mess up your plans, and you are going to

1 sit there all night with a guy you don't know and
2 interview with him and not be paid, is that your
3 testimony?

4 A. Yes.

5 Q. Even though your idea and the reason you were
6 there in the first place is you were getting \$35 to \$40
7 an hour for five hours and you were going to be paid for
8 seven or eight regardless. Did I get that right?

9 A. Yes.

10 Q. So on this particular occasion because when
11 you show up what you thought was going to happen didn't
12 happen and somehow mysteriously got converted into an
13 interview you are just going to waive your promotional
14 fee? You are just not going to be paid even though you
15 needed the money?

16 A. I was late.

17 Q. So you were late -- because you were late you
18 were going to punish yourself and not get paid for
19 sitting there for five hours with a guy you don't know
20 and don't want to be with?

21 A. Yes.

22 Q. You were going to sit there and sit in this
23 what you call, have no attraction to the guy,
24 essentially sit there in this misery and drink with a

1 guy and punish yourself because you were late, is that
2 your testimony?

3 A. Yes.

4 Q. Pardon me?

5 A. Yes.

6 Q. Okay.

7 THE COURT: All right, Mr. Rosenblum. At this
8 point we are going to break for the evening.

9 Ladies and gentlemen of the Jury, I must once
10 again admonish you not to discuss this case among
11 yourselves or with anyone else. Don't read the
12 newspaper, anything regarding this case. Any research
13 or anything on the internet or otherwise regarding the
14 circumstances of this case. We will reconvene tomorrow
15 at 9:00. Please leave your notes in the chair and we
16 will see you tomorrow morning.

17 Thank you.

18 (Jury excused for the day.)

19 (The following proceedings were had out
20 of the presence of the jury.)

21 THE COURT: The jury will be here. Once again I
22 would like the attorneys here at 8:30 in case there is
23 any pre-testimony issues we need to take up at this
24 time. Is there anything that needs to be addressed

1 right at this moment?

2 Mr. Rosenblum, Mr. Mettes, anything that needs to
3 be addressed?

4 MR. ROSENBLUM: No, ma'am.

5 THE COURT: I do have one request from all the
6 attorneys and that is when I am on the Bench and talking
7 I would really appreciate --

8 MR. ROSENBLUM: No Blackberries.

9 THE COURT: -- refrain from using the Blackberry
10 except in a dire emergency. So if you will do that for
11 me I would greatly appreciate it. We will see you all
12 tomorrow morning at 8:30.

13 (Trial adjourned to Tuesday, May 5, 2010 at 9 a.m.)

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