

1 But if that's not enough, point three. Everyone
2 involved in this case knows that points one and two in any
3 other case, any other case would have been enough for the
4 circuit attorney to dismiss it.

5 The reason she isn't is because now the evidence
6 is becoming clear that there are clearly political factors
7 driving this case. We'd always believed that before. But
8 it wasn't until last week that suddenly we had all the
9 evidence. \$100,000 in cash to take care of a witness, from
10 who Mr. Al Watkins says some political operative, not saying
11 who, but some political operative. Two other payments, as I
12 said before, \$10,000 apiece, to him. And then it's a
13 mystery as to who's paying Mr. Watkins' legal fees.

14 I respect the judge's ruling on it, but it's still
15 a mystery. Al Watkins doesn't even know who's paying his
16 legal fees. So the two obvious questions are how can Al
17 Watkins not know who's paying his legal fees, and who is it
18 that's trying to keep this such a secret. Politics.

19 Additionally, we learned last week through new
20 text messages, and we submitted this in our supplemental
21 also, that as this news was breaking, political operatives
22 were reaching out to K.S. recommending that she get a lawyer
23 and that she contact Ms. Gardner directly.

24 What this explains is that why Ms. Gardner may
25 have been handling this case by herself. Why she wouldn't

1 use the police department. Why she hired a private
2 investigator with such a questionable background, and why
3 she raced to an indictment when she didn't have the
4 evidence. Nobody can deny at this point, it smells of
5 politics.

6 But now, Judge, what that also tells you is
7 instead of looking at this case as if Ms. Gardner and her
8 office simply didn't know what they were doing, it's
9 becoming clearer and clearer she knew exactly what she was
10 doing. Making secret political friends happy and trying to
11 destroy the sitting governor.

12 So if the Court wants to consider their thumbing
13 their nose at the sanctions, the fact that they have no
14 evidence and that there is clearly a political motivation
15 for this, those three should be enough to stop this case,
16 whether it be by dismissing the case or prohibiting the
17 testimony of the witnesses tainted by the misconduct.

18 But there is also prejudice. The circumstances of
19 last week show that the prejudice is not curable. As the
20 Court knows, the lying and the hiding and misconduct's
21 gotten so bad that Mr. Tisaby, in his deposition, a
22 deposition ordered to cure the prejudice, is taking the
23 Fifth Amendment out of concern that his answers might
24 incriminate him. If this was a drug case or some
25 co-conspirator or something, somebody refusing to testify

1 might not warrant severe sanction.

2 This is the lead investigator, hand-selected by
3 the circuit attorney. The two of them worked hand in hand
4 and were the only two for much of the case that had any
5 involvement at all. He was Ms. Gardner's right-hand man.
6 He was asked to interview the most critical witness after
7 being debriefed by Ms. Gardner.

8 Yet he testified he was in St. Louis three or four
9 days a week for two months straight and 70 percent of his
10 time was being spent on this specific invasion of privacy
11 allegation. But he's only told us about two interviews.
12 Clearly he did much more.

13 We have proveable lies of him under oath,
14 encouraged and permitted by the circuit attorney. And when
15 the Court tries to rectify it, first Mr. Tisaby doesn't
16 show, and then he takes the Fifth Amendment.

17 Now, while it's understandable that he would have
18 fear about testifying at this point, there are clearly facts
19 that only he would know. That are clearly important if not
20 critical to our defense. And facts now that we will never
21 know. Facts that we needed to properly impeach the
22 witnesses and specifically K.S.

23 We wanted to ask him what are the facts and what
24 are you just making up. How did you get debriefed by Ms.
25 Gardner about her interview with K.S., and how did you

1 interact with witnesses? What happened in the first 10
2 minutes in that video that now there's no audio on it? How
3 did that 10 minutes of audio disappear? And what was said
4 in those 10 minutes?

5 What was said to any witness that didn't make the
6 notes, or didn't make the tape? Why were certain things
7 suggested to witnesses during interviews? And we've
8 presented a lot of that to you. How many contacts did Mr.
9 Tisaby have with witnesses before or after the identifying
10 interviews he said he had?

11 As we said, we just learned about a new interview
12 of K.S. last week. What information was shared with the
13 witnesses and what interaction did he have with the
14 witnesses that's never been documented?

15 We don't get to ask him any of that. Because he's
16 taken the Fifth, which itself just screams volumes of the
17 problems of this case.

18 But we have presented evidence to you, Judge, that
19 Mr. Tisaby participated in molding the witness' testimony.
20 Obviously, the Court -- one of the core issues in the case
21 is a photo and a transmission. As to those issues, there is
22 abundant evidence that Ms. K.S. has been and can be molded.

23 Was there a camera? Was there something in the
24 basement that could have even been used to take a picture?
25 Late in her deposition, K.S. referred to an iPhone. Now,