

1 paragraph in this typed draft and then one sentence removed.

2 The problem is one of the sentences removed is
3 very significant. Because according to the notes that Mr.
4 Tisaby took, according to the first draft that he wrote in
5 hand, and according to the first draft we have that was
6 typed, though we don't know who it was typed by, J.W. told
7 Mr. Tisaby that K.S. had told her following the March 21
8 alleged incident, the first encounter between Mr. Greitens
9 and K.S., said, quote, K.S. thought the defendant cared
10 about her.

11 So her feelings immediately after the events of
12 March 21 communicated to her good friend, J.W., were K.S.
13 thought the defendant cared about her. That was removed
14 from what we were given back in March. The whole rest of
15 the paragraph is there, and that's not there.

16 Now, would Mr. Tisaby remove that by himself? I
17 regret to say I highly doubt it. It seems improbable that
18 the agent would decide on his own that that sentence needed
19 to be removed. We don't know who removed it.

20 But what we know is it's clearly exculpatory.
21 This is significant evidence. When the prosecutor is trying
22 to claim and actually puts words in K.S.'s memorandum of
23 interview like traumatized and victimized, which she never
24 says in the videotape we have, and then K.S., we now know,
25 testified to the House Committee that she, quote, that Mr.

1 Greitens viewed her as, I was a thing, quote, I was a thing
2 to him.

3 The idea that she told her good friend within days
4 of the event that she thought Mr. Greitens cared for her
5 completely contradicts that information. It is, without a
6 doubt, exculpatory, and it was, without a doubt, removed by
7 somebody on the prosecution team.

8 We didn't -- which, your Honor, exemplifies
9 exactly why that evidence was never turned over to us
10 because it exposed exculpatory information that didn't fit
11 the story that the circuit attorney wants to put out in
12 public.

13 We have Rule 25 that demands that the circuit
14 attorney turn over statements of the witnesses in any form
15 that they are summarized, whether asked for or not. On
16 February 23rd, we submitted a request for discovery, which
17 specifically asked for all statements and notes related to
18 interviews taken of their witnesses.

19 On February 27th, we submitted a separate request
20 for discovery that focused particularly on Mr. Tisaby and
21 his company, and any notes they had related to any interview
22 of witnesses. We didn't get any information that you have
23 now in front of you, those 10 pages, at that time.

24 They weren't produced when they were requested.
25 They weren't produced when K.S. and P.S. were both deposed.