


**MISSOURI HOUSE OF REPRESENTATIVES
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT**


SUPPLEMENT TO COMMITTEE REPORT #1

April 30, 2018


EXHIBITS







Exhibit No. 25	Statement of Eric Greitens – April 11, 2018
Exhibit No. 26	Statement of Eric Greitens – April 12, 2018
Exhibit No. 35	Order dated April 16, 2018 by the Circuit Court for the City of St. Louis
Exhibit No. 36	Request of the Missouri House of Representatives Special Investigative Committee on Oversight for the Court's Instruction to the Circuit Attorney and Counsel for Defendant Eric Greitens to Comply with the Subpoena Issued by Missouri House of Representatives Special Investigative Committee on Oversight Requiring Production of the Deposition and Any Accompanying Video Recording and Transcript of Witness #1

**Eric Greitens**

Sponsored · 


Let's call this what it is: a political witch hunt, now based on the testimony of someone who has said under oath that they may have been remembering this through a dream.







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3.1K Comments1.5K Shares547K Views

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Exhibit 25

Posts



Eric Greitens

April 12 at 4:00pm · 🌐

We told you yesterday afternoon that the House report would be incomplete. It was.

We told people that they needed to see all the evidence. And now, we have proof that Circuit Attorney Kim Gardner and her team hid evidence from the people of Missouri and from the Missouri House of Representatives—evidence that undermined the narrative pushed in the House report.

Kim Gardner hid a video that she knew directly contradicted allegations in the House report, and she allowed her lead investigator to lie about it, under oath.

Just last night—as false stories were being pushed to press—the prosecutor turned over a videotape of her interview with the woman. This was evidence that the prosecutor was legally required to turn over months ago. She purposefully kept it hidden until one hour after the false report was released.

The House report contained explosive, hurtful allegations of coercion, violence, and assault. They are false. Those allegations can be refuted with facts. Despite the Circuit Attorney's attempts to keep it from the people of Missouri, we have video evidence that contains some of those facts.

In the video, the woman talks for almost two hours, and never once mentions any coercion. In the House report, there is a false allegation that I slapped the woman. That allegation had been made once before, and it was disproven. The story changed, so I will say again: it did not happen. On this new video, she says that when this story broke in the media, she asked her two friends if they ever remembered her talking about a slap, and they both said "No." The witness claimed to the House that she was coerced into sexual activity on the morning of March 21st. This is inconsistent with her statements in the video interview with the Circuit Attorney.

The report that was put out last night did not contain this evidence, and the allegations in that report will be refuted by facts, including this video, depositions, discovery, and other evidence that will be subjected to the rigors of a courtroom analysis. In 32 days, a court of law and a jury of my peers will let every person in Missouri know the truth and prove my innocence.



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Exhibit 26

IN THE CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
CITY OF ST. LOUIS

STATE OF MISSOURI,

Plaintiff,

v.

ERIC GREITENS,

Defendant.

Cause No. 1822-CR00642

FILED

APR 16 2018

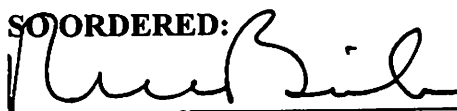
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

ORDER

After this morning's hearing, it has come to the Court's attention that the videotape of the interview of witness K.S. was acquired by the Missouri Special Investigative Committee that is reviewing evidence related to the Defendant. The distribution of this videotape is in violation of Paragraph 5 of the Joint Proposed Scheduling Plan entered by the Court on March 8, 2018. As a result, the Defendant has requested the opportunity to respond to the Missouri Special Investigative Committee regarding the contents of the videotape, which response, the Defendant is concerned, may also violate Paragraph 5 of the Joint Proposed Scheduling Plan.

Thereon, the Court GRANTS the Defendant's request. Defendant and his counsel are permitted to submit information to the Missouri Special Investigative Committee which may otherwise be in violation of the Court's Scheduling Order and the Order issued by the Court on April 10, 2018. Defendant's response shall be limited to the contents of the videotape interview of witness K.S.

S/O ORDERED:

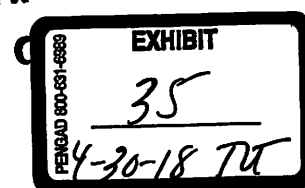


Rex M. Burlison
Circuit Judge
Division 16

Dated: April 16, 2018

ENTERED

APR 16 2018



Missouri Circuit Court
Twenty-Second Judicial Circuit
(City of St. Louis)

FILED
APR 24 2018

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

This Relates to:

State of Missouri

Plaintiff,

v.

Eric Greitens,

Defendant.

No. 1822-CR00642

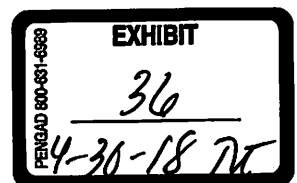
Division No. 16

Request of the Missouri House of Representatives Special Investigative Committee on Oversight for the Court's Instruction to The Circuit Attorney and Counsel for Defendant Eric Greitens to Comply with the Subpoena Issued by Missouri House of Representatives Special Investigative Committee on Oversight Requiring Production of the Deposition and Any Accompanying Video Recording and Transcript of Witness #1

The Missouri House of Representatives Special Investigative Committee on Oversight ("The Committee") respectfully requests that this Honorable Court instruct the parties in this case to comply with the subpoena issued and produce the deposition and any accompanying video and/or transcript Witness #1.

1. The Committee is a duly constituted committee of the Missouri House of Representatives charged with investigating matters relating to claims of misconduct and other acts and failures to act of the Defendant in this case, Eric Greitens.

2. As such, the Committee operates with independent constitutional authority to conduct the affairs of the co-equal legislative branch of Missouri government.



3. The fulfillment of its constitutionally-protected duties requires that the Committee obtain, through its subpoena power, relevant information, or information which may lead to the discovery of information relevant to, its constitutionally-protected duties.

4. The Chair of the Committee, as a member of the House of Representatives, “has an absolute right to have a subpoena issue to obtain evidence concerning an offense over which the house of representatives has jurisdiction.” *In re Marshall*, 478 S.W.2d 1, 3 (Mo. 1972). See also §21.400, RSMo (granting authority for the Speaker of the House to authorize subpoena).

5. The House of Representatives has jurisdiction over the impeachment of an executive officer of Missouri, including a governor. MO. CONST. Art. VII, §1.

6. The Speaker of the House has issued a subpoena requiring production of the deposition and any accompanying video and/or transcript Witness #1. (Exhibit 1, to be filed under seal).

7. In an Order dated April 16, 2018, the Court permitted counsel for Defendant Greitens to respond to the Committee’s receipt of a transcript of an interview of Witness #1 (also sometimes called “K.S.” in Court documents). The Court’s Order stated that “Defendant’s response shall be limited to the contents *of the videotape interview* of witness K.S.” (Italics supplied).

8. Defendant Greitens, through counsel, provided the Committee with a 16-page letter citing to *selected portions of the deposition* of Witness #1. (Exhibit 2, to be filed under seal). The Committee did not receive the entire deposition.

9. Whether Defendant Greitens violated the Court’s April 16, 2018 Order by providing testimony from the *deposition* rather than highlighting “the contents of the *videotape interview*” is not a matter that falls within the interests or authority of the Committee.

10. What does concern the Committee is that the Committee only received a carefully edited portion of a much longer deposition, with claims by Defendant Greitens that the carefully edited portions he provided conflict with other evidence the Committee has received.

11. These excerpts from the *deposition* came to the Committee on April 17, 2018, *prior to* the Committee's review of the *interview* of Witness #1.

12. Defendant Greitens' letter to the Committee properly assesses the Committee's purpose: "The Governor and we greatly appreciate your commitment to reaching the truth." (Exhibit 2 at 16).

13. On April 17, 2018, the Committee reviewed a video of an interview of Witness #1 taken by the Circuit Attorney's office. The Committee unanimously voted that Defendant "Greitens' public claims about the content of the Circuit Attorney interview mischaracterized the actual testimony from the interview received and reviewed by the Committee."

14. Given the Committee's conclusion that Defendant Greitens mischaracterized the *interview* video, the Committee is concerned that the carefully edited portions of the *deposition* testimony might likewise prove less than accurate.

15. The subpoenas issued by the Committee now seek only the full disclosure of information that Defendant Greitens has already provided in part and without which the Committee cannot "reach the truth" by comparing what was reported in part to what was said in full by Witness #1.

16. The Committee acknowledges the Court's interest in providing every criminal defendant a fair trial consistent with the Sixth Amendment. The United States Supreme Court has concluded that when the press's First Amendment rights clash with Sixth Amendment guarantees,

any restraint on the First Amendment is improper except when no other recourse exists. *See, Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 539, 96 S. Ct. 2791, 2793, 49 L. Ed. 2d 683 (1976).

17. This case is the subject of constant and pervasive media coverage. Even were this deposition to make its way into the public media, the additional publicity will not risk Defendant Greitens' rights under the Sixth Amendment.

18. If, as Defendant Greitens' letter suggests, full disclosure only helps his case, and, where partial disclosure has already occurred, he should not hesitate to permit the Committee to obtain full disclosure of the deposition in question.

19. The Committee believes that its standing and constitutional duties as a co-equal branch of government make its interests at least, if not more, compelling than First Amendment rights.

20. Thus, given the constitutional equality of the legislature with the judiciary, and the constitutional imperative that forbids one branch of government from interfering with the prerogatives of another branch, the Committee respectfully believes and requests the Court should allow the Committee full access to the complete facts already partially before the Committee by authorizing the parties to its Orders to comply with the subpoena.

21. Undersigned counsel is authorized to report that the Circuit Attorney and counsel for Witness #1 are prepared to honor the subpoena, subject to the Court's direction. On Friday, April 20, 2018, Counsel for Defendant Greitens indicated that additional time was needed to assess Defendant Greitens' position. Despite requests to learn of Defendant Greitens' position, counsel has yet to respond, but has agreed to discuss the issue on Wednesday.

22. This Request is filed to place the matter before the Court for a hearing on Thursday morning, April 26, 2018. In the event that the discussion with Defendant Greitens' counsel results in an agreement, the Court will be so informed.

WHEREFORE, for the reasons stated, the Missouri House of Representatives Special Investigative Committee on Oversight respectfully requests that this Honorable Court instruct the parties in this case to comply with the subpoena issued and produce the deposition and any accompanying video and/or transcript Witness #1.

Most Respectfully Submitted,

/s/ Edward D. Robertson

Edward D. Robertson, Jr. #27183
Bartimus, Frickleton, Robertson,
Rader, P.C.
715 Swifts Highway
Jefferson City, MO. 65109
573-659-4454
crobertson@bflawfirm.com

Mark T. Kempton, #25653
T. Brody Kempton, #63929
KEMPTON AND RUSSELL, LLC
114 E. 5th Street
Sedalia, MO 65301
Phone: (660) 827-0314
Fax: (660) 827-1200
mark@kemptonrussell.com
brody@kemptonrussell.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 2018, the foregoing was served via email and/or U.S. Mail, to:

Kimberly M. Gardner
Robert E. Steele
Robert H. Dierker
Circuit Attorney's Office
1114 Market Street Suite 401
St. Louis, MO 63101
steller@stlouisco.org

Attorneys for the State of Missouri

Ronald S. Sullivan Jr.
6 Everett Street
Suite 5116
Cambridge MA, 02138

Special Prosecutor for the State of Missouri

James F. Bennett
Edward L. Dowd, Jr.
James G. Martin
Michelle Nasser
Dowd Bennett LLP
7733 Forsyth Blvd., Suite 1900
St. Louis, Missouri 63105
jbennett@dowdbennett.com
edowd@dowdbennett.com
jmartin@dowdbennett.com
mnasser@dowdbennett.com

Attorneys for Defendant

John F. Garvey
Carey Danis & Love
8235 Fortsyth, Suite 1100
St. Louis, Missouri 63105
jgarvey@careydanis.com

Attorney for Defendant

N. Scott Rosenblum
Rosenblum Schwartz & Fry
120 South Central Ave., Suite
130
St. Louis, Missouri 63105
Nkettler@rsflawfirm.com

Attorney for Defendant

Scott Simpson
Knight & Simpson
423 Jackson Street
St. Charles, MO 63301
scott@knightsimpson.com

Attorney for Witness #1

/s/ Edward D. Robertson, Jr.

**SUBPOENA FOR PRODUCTION OF DOCUMENTS
BEFORE THE HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT**

STATE OF MISSOURI

)

ss.

COUNTY OF COLE

)


)

THE STATE OF MISSOURI, TO: Ms. Kimberly Gardner, Circuit Attorney, City of St. Louis,
1114 Market St., Room 401, St. Louis, MO 63101

YOU ARE HEREBY COMMANDED, setting aside all manner of excuse and delay, to bring forth documents described herein to the House Special Investigative Committee on Oversight to Chairman Jay Barnes, State Capitol Building, 201 West Capitol Ave, Room 306-A, Jefferson City, MO 65101, by Friday, April 20th at 5:00 pm. Such documents to be disclosed shall include the following:

1. All depositions and/or transcripts of depositions of Ms. [REDACTED] taken by counsel for Eric R. Greitens.

WITNESS my hand. Done at my office in Jefferson City in said County aforesaid, on this 18th day of April, 2018.


Speaker Todd Richardson

ATTESTED BY:

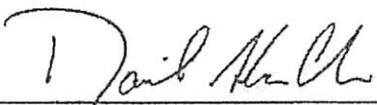

Chief Clerk Adam Crumbliss

EXHIBIT 1

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