

# REPORT OF THE MISSOURI HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

April 11, 2018



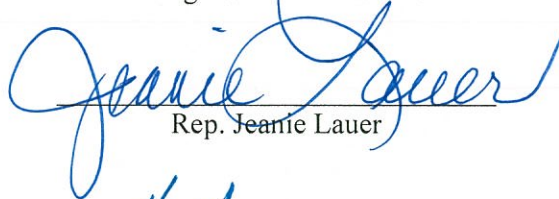
Chairman Jay Barnes



Vice-chairman Don Phillips



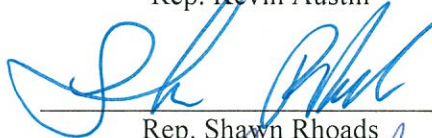
Ranking Member Gina Mitten



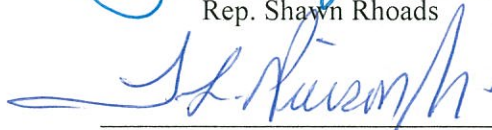
Rep. Jeanie Lauer



Rep. Kevin Austin



Rep. Shawn Rhoads



Rep. Tommie Pierson Jr.

## SENSITIVE CONTENT WARNING

This report contains content of a sensitive and sexual nature. The House Special Investigative Committee on Oversight has kept descriptions of an adult nature and coarse language in order to provide an unfiltered record of witness testimony. In some cases, the identities of witnesses and sensitive information have been redacted from the record to protect privacy.

## HISTORY OF THE COMMITTEE

The House Special Investigative Committee on Oversight (the Committee) was formed by Speaker Todd Richardson on February 27, 2018, and consists of seven members: Chairman Jay Barnes, Vice-chairman Don Phillips, Ranking Member Gina Mitten, Rep. Jeanie Lauer, Rep. Kevin Austin, Rep. Shawn Rhoads, and Rep. Tommie Pierson Jr.

House Resolution 5565, adopted by a unanimous vote of the House of Representatives on March 1, 2018, established procedures for the Committee. In particular, HR 5565 empowered and required the Committee to “investigate allegations against Governor Eric R. Greitens” and “report back to the House of Representatives within forty days of such committee being appointed[.]” It further permitted the Committee to close all or a portion of hearings to hear testimony or review evidence, and to redact testimony transcripts and other evidence to protect witness identities or privacy.

Subpoenas were issued to compel the appearance of witnesses and the production of documents. Every witness before the Committee testified under oath.

- On February 22, 2018, Speaker Todd Richardson indicated he would form a committee to investigate allegations against Governor Greitens (Greitens). In response, counsel for Greitens stated that they would “welcome reviewing this issue with the independent, bipartisan committee of the Missouri House of Representatives.” Counsel promised to “work with the committee,” after faulting the Circuit Attorney for the City of St. Louis for refusing to meet with Greitens.<sup>1</sup>
- On February 27, 2018, the Committee was formed by Speaker Todd Richardson.
- On February 28, 2018, Chairman Barnes made contact with attorneys Ed Dowd, Counsel for Greitens; Scott Simpson, counsel for Witness 1; and Al Watkins, counsel for Witness 3. Requests were made for production of documents.
- Counsel for Witnesses 1 and 3 timely responded to the Committee’s request for documents. Counsel for Greitens declined to provide any documents, stating that they were under a non-disclosure order from the Circuit Court of the City of St. Louis in an existing criminal case not to disclose documents from that case. However, the Committee notes that only one of the requests for documents to Greitens involved documents from the current pending case.
- On March 7, 2018, pursuant to subpoena, the Committee took testimony from Witness 1.
- On March 9, 2018, pursuant to subpoena, the Committee took testimony from Witness 2, who identified herself as a close friend of Witness 1, and Witness 3, the ex-husband of Witness 1.

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<sup>1</sup> See Ex. 23, Correspondence with Greitens’ Counsel.

- On March 12, 2018, pursuant to subpoena, the Committee took testimony from Witness 4, a close friend of Witness 1.
- On March 22, 2018, Chairman Barnes sent requests for sworn answers to interrogatories to counsel for Greitens, and requested that counsel be prepared at a meeting the next morning to provide available dates and times at which Greitens could testify before the Committee.
- On March 23, 2018, Chairman Barnes, Vice-chairman Phillips, and staff attorneys Alex Curchin and Alixandra Hallen met informally with Ed Dowd, counsel for Greitens and Ross Garber, counsel for the Office of the Governor of Missouri. Chairman Barnes informed counsel that, although Greitens did not have a constitutional right to testify before the Committee at this point, the Committee was treating the process as if he did. Chairman Barnes requested that counsel inform the Committee by Monday, March 26, 2018 whether Greitens intended to exercise or waive his right to testify before the Committee at this point in time.
- On March 26, 2018, counsel for Greitens informed the Committee that Greitens would decline to testify before the Committee at this point in time. The Committee notes that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.
- On April 3, 2018, the Committee met to discuss the process for redactions of the record and drafting of this report.
- On April 5, 2018, the Committee met to vote on redactions of the record and discuss a draft of this report.

### **LIMITATIONS OF THE COMMITTEE**

The Committee operated under significant time and resource constraints pursuant to the resolution. The Committee also notes that Greitens has declined to participate in this fact-finding process at this time. Greitens declined to provide the requested testimony, documents, and sworn answers to interrogatories. Greitens enjoys a fifth amendment constitutional right not to testify in his criminal trial – and before this Committee. Yet, it is also true that he enjoys a constitutional right to testify in his criminal trial if he so chooses. Further, this Committee treated the process to date as if Greitens also had a right to testify before it.

Greitens has effectively waived the right to testify before this Committee at this point in time. Thus, to the extent this report does not include Greitens' perspective, that is the result of his choice not to participate. While disappointing to the Committee, his failure to participate is not held by the Committee as an indication of the truthfulness of the allegations. Finally, the Committee also notes that Greitens will be afforded further opportunities to present evidence should additional proceedings of the Committee be deemed necessary.

Finally, this Committee was not tasked with recommending specific actions for the House of Representatives or Senate to take following this report. Instead, the Committee's purpose, per HR 5565, is to determine, to the best extent possible, the underlying evidence to allegations made against Greitens. Accordingly, while individual members of the Committee may have recommendations and beliefs about appropriate actions given these facts, those beliefs are the Committee members' as individual representatives, not of the committee as a whole. The Committee also notes that the seriousness of this process is such that it would be inappropriate for it to make recommendations after a series of closed hearings and before other elected officials and the public have been made aware of the facts included in this report.

## **FINDINGS OF THE COMMITTEE**

### **A. Conduct in Relation to Witness 1**

Based on the testimony and evidence received by the Committee to date, the Committee finds reason to believe the following:

1. The Committee finds Witness 1 to be an overall credible witness.
2. Witness 2, a confidant of Witness 1, testified she has known Witness 1 for ten years.<sup>2</sup>
3. Witness 3 authenticated a surreptitious recording of a conversation with Witness 1 that took place on March 25, 2015, approximately four days after Witness 1's sexual encounter with Greitens.
4. Witness 4, a confidant of Witness 1, testified that she has known Witness 1 for thirty years, dating back to elementary school.<sup>3</sup>
5. Greitens declined the opportunity to testify and failed to respond to the Committee's request for production of documents and sworn answers to written interrogatories.<sup>4</sup> The Committee notes that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.
6. Witness 1, a hair stylist, met Greitens in 2013, when he became her client.<sup>5</sup> Witness 1 testified:

He became a regular client of mine. And – I don't know. I saw him pretty regularly, unless he was traveling. Seemed pretty typical...we got to know each other pretty well, and I thought he was great. I thought he was this perfect guy. I probably knew too much about what he had maybe done in the past, as far as – I knew – I knew

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<sup>2</sup> Tr. W2 at 7:2-11.

<sup>3</sup> Tr. W4 at 7:19 to 8:15.

<sup>4</sup> See Ex. 23, Correspondence with Greitens' Counsel.

<sup>5</sup> Tr. W1 at 5:21 to 7:1.

that he was an author, I knew he was a motivational speaker, I knew he was a Navy SEAL. I knew he had volunteered at the Mother Theresa House...I don't want to say that he was speaking highly of himself, but he found a way to tell me these things, and so I just thought he was wonderful.<sup>6</sup>

7. From the fall of 2014 to March 2015, Greitens did not make any appointments with Witness 1. Then, on or about March 7, 2015, Greitens returned for a haircut.<sup>7</sup>

[W]hen I saw Eric was coming in that time, I was super nervous because he was one of – you know, really, my only client that I had somewhat of a crush on and thought he was this great guy, and so I just felt kind of nervous having him come in, and because I thought that maybe he didn't come in to see me after that time because he felt bad flirting with me, because he was having a baby soon.<sup>8</sup>

8. Witness 1 testified that, during the March 7 appointment, Greitens moved his hand up her leg and "all the way up to [her] crotch" without her consent.<sup>9</sup>

9. On or about March 7, Greitens attempted to call Witness 1 on her cell phone, but she did not answer.<sup>10</sup> Witness 1 explained her feelings:

I was at least curious. Did he have the same feelings for me? Was he going through something similar with his wife? Why did he feel like he could do that? Because he didn't know I was separated. So, anyway – so I was at least curious. I didn't want to talk to him, but I did want him to call me.<sup>11</sup>

10. On or about March 14, Witness 1 called Greitens while she was out with friends in the Central West End area of St. Louis. Witness 1 testified:

[W]e were trying to have a conversation in code of sorts, like, I'm really – my friend is really curious – she's in a situation. She was really curious what happened and why...you know, it was kind of in code. The way he was talking, I could tell he was most likely at his house because he wasn't really talking.

And – so he said, Actually – hey can you meet me outside of Starbucks in an alley – oh, because he asked me where I was, and I said – I was in the Central West End with some of my friends...<sup>12</sup>

11. They met for a few minutes in an alleyway behind Starbucks. There was no sexual contact during this meeting. Witness 1 testified:

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<sup>6</sup> Tr. W1 at 6:8-24.

<sup>7</sup> Tr. W1 at 7:2 to 9:19.

<sup>8</sup> Tr. W1 at 9:11-18.

<sup>9</sup> Tr. W1 at 11:6-11.

<sup>10</sup> Tr. W1 at 13:22-25.

<sup>11</sup> Tr. W1 at 13:9-15.

<sup>12</sup> Tr. W1 at 14:6-17.

[H]e asked where I was, and I said I was at a restaurant in the Central West End – a Mexican restaurant there. And he said, Well, can you meet me in a few minutes in the alleyway behind Starbucks, because I think I have a solution to your friend's problem. So I said, Okay. And I went over to kind of where he was talking about behind the Starbucks, and I was, like, shaking, because I was nervous to even be talking to him like this. And he kind of hugged me and just said, Listen, calm down, it's not – it'll be okay. I have an idea of, you know, of a time when we can talk about this openly. Next weekend, my wife is going out of town, you can come over to my house, we can discuss these things, because ... I have to get back to my house in a minute.<sup>13</sup>

12. On Friday, March 20, Witness 1 called Greitens from her salon and told him, "I don't feel comfortable coming to your house, can you please meet me at Starbucks or Coffee Cartel?" Greitens responded that he could not be seen in public with her because he was running for office and people would be watching him, especially in the Central West End. Instead, he insisted they meet at his house where she could "come in through the back door, nobody will see you, we can talk, you can get back to work, it'll be fine."<sup>14</sup>

13. Witness 1 arrived at the backdoor to Greitens' home at approximately 7 a.m. on Saturday, March 21.<sup>15</sup>

14. Witness 1 had to be at work by approximately 7:45 a.m. that morning.<sup>16</sup>

15. Upon entering the home, Greitens made a "shush motion" to Witness 1, took her purse and keys, removed all items from her purse and searched it, patted her down from head-to-toe, and then went back outside to check if anyone had seen her enter the home.<sup>17</sup>

16. Witness 1 testified that she was nervous, and Greitens attempted to calm her down. Greitens asked if she could come back later after she finished working. Witness 1 informed him that she would be finished at 4:00 p.m., but that she had to pick her children up at that time so she could not return that afternoon. Witness 1 then testified to the following:

[H]e said, Well, okay, I have this idea. And I thought about you so much, and I have this idea, and it's to make you feel good. I feel like you haven't been treated good in so long. And I said, Well, I want to talk to you. I want to know what is going on in your relationship. You don't even know what's going on in mine. And he said, I know...but we don't have a whole lot of time. Have you exercised today?

It was like he was on a mission, sort of, like this kind of high energy – it was kind of high energy. And I said, No I haven't exercised. And he said, Will you let me

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<sup>13</sup> Tr. W1 at 15:11 to 16:1.

<sup>14</sup> Tr. W1 at 17:12 to 18:1.

<sup>15</sup> Tr. W1 at 18:11-15.

<sup>16</sup> Tr. W1 at 18:16-18.

<sup>17</sup> Tr. W1 at 18:25 to 19:22.

take you through an exercise – like, through a workout? I just have this idea. It's going to make you feel so good and – for whatever reason, I trusted him, thought this is okay, this is – somehow we're going to get to this – I don't know – I'm going to leave here feeling more clarified that, obviously, he has feeling for me.<sup>18</sup>

17. Witness 1 explained that Greitens had prepared clothes for her to change into:

So he said, I have these clothes I want you to put on. He had clothes sitting on his countertop. I want you to go change into these – take off all of your stuff – take off everything you're wearing and put on these clothes. And I just kind of looked at him like, Oh, God, what do you have? And he said, Just trust me. ... I just want to make you feel good.

So I went – he has, like, a little bathroom off his kitchen, and I went in there, changed into these clothes. The shirt was his – like, a man's white T-shirt that he had cut a slit at the top, and the pants were men's pajama pants.<sup>19</sup>

18. When Witness 1 emerged from the bathroom wearing the clothes Greitens had set out for her, Witness 1 testified that Greitens told her he would show her “how to do a proper pull-up.” Witness 1 testified that she believed “this is going to be some sort of sexy workout.”<sup>20</sup> She explained, “I thought this was going to be some sort of, like, sexy workout. I knew he – he had asked if I worked out that morning. I knew he – he said he had this idea that – something that would be – make me feel really good and I did work out, because he wanted to take me through a workout. And at this point I thought – we hadn't worked out together ever, so I thought, Oh, maybe it'll be some sort of – I don't know – sexy workout.”<sup>21</sup>

19. Witness 1 testified that she “was shocked” and “confused” at that point in time:

I still really thought he was perfect. He definitely knew – I know I had made it clear I had not cheated on my husband before and that, you know, I didn't want to do anything physical with him. So I think I was just confused, kind of shocked. And I was curious enough – he likes me this much that he has something planned for our workout? I don't know. I – I guess more than anything, confused.”<sup>22</sup>

20. At that point, Witness 1 testified that she would not have been “okay with a normal sexual encounter with him if he said, Hey I just want to have sex in the basement.”<sup>23</sup>

21. When asked if she thought she was being led into a “a situation,” Witness 1 testified:

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<sup>18</sup> Tr. W1 at 19:27 to 20:25.

<sup>19</sup> Tr. W1 at 21:1-13; 86:8-17, answering in the affirmative to question posed by Rep. Lauer whether Greitens appeared to have “planned to have those available.”

<sup>20</sup> Tr. W1 at 21:14 to 22:1. This testimony is consistent with statements Witness 1 made to Witness 3 in the surreptitiously recorded phone call of March 24, 2015. See Ex. 1 at 16:24 to 17:5.

<sup>21</sup> Tr. W1 at 111:11-19.

<sup>22</sup> Tr. W1 at 86:22 to 87:5.

<sup>23</sup> Tr. W1 at 111:20-23, responding in the negative to a question posed by Rep. Rhoads.

I did. But at this point, not a bad situation...More that he had a plan and – like I said, I think I really thought maybe he will, you know, have some sort of sexy workout planned, which is why – because he said, Change your clothes into these, and I said, What do you mean? And he said, I just want to take you through a workout, come on. Just trust me. I want to make you feel good. And I just feel like you haven't been treated good in so long. So at this point, it was more curiosity / confusion.<sup>24</sup>

22. Upon entering the basement, Witness 1 testified that Greitens taped her hands to pull-up rings with “this gauzed tape stuff” and then put a blindfold on her. Witness 1 testified that these items were laying on a “workout bench right there, and that’s where he had that stuff.”<sup>25</sup>

23. Witness 1 testified to Greitens’ demeanor at the time, stating, “[H]e kind of had this controlling sort of – again, it almost as if he had a – like we were on a movie set. So he’s got this whole thing down of what he was going to say or whatever, but he was super – he was in a controlled state, which at this point was intriguing to me.”<sup>26</sup>

24. Witness 1 testified that Greitens then spit water into her mouth:

And then he said, First, before we start a workout, you have to be hydrated and puts water in his mouth and tries to spit it in my mouth, at which point I realized he’s trying to kiss me, but I don’t even want to kiss him. ...

So I just spit it out. He does it and he’s like, You’re not going to be a bad girl, are you? Tries to do it again, to which I just let it dribble out, because I didn’t even want to kiss him.<sup>27</sup>

25. Witness 1 testified that she had not spoken to that point, and that Greitens then, “[S]tarts kissing down my neck and he starts kissing kind of like down to my chest. And he takes the shirt and rips it open.”<sup>28</sup>

26. Witness 1 testified that she did not consent to Greitens’ tearing of the shirt, exposing her.<sup>29</sup>

27. Witness 1 testified that Greitens then commented on a scar on Witness 1’s stomach, before “kissing down [her] stomach” and “pull[ing] down [her] pants.”<sup>30</sup>

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<sup>24</sup> Tr. W1 at 87:6-20.

<sup>25</sup> Tr. W1 at 22:2-5; 99:18 to 100:6; 102:13-23; Ex. 1 at 17:3-5.

<sup>26</sup> Tr. W1 at 22:5-10.

<sup>27</sup> Tr. W1 at 22:14 to 23:9. See Ex. 1 at 17:7-11.

<sup>28</sup> Tr. W1 at 22:22 to 23:12. See Ex. 1 at 17:13-19.

<sup>29</sup> Tr. W1 at 70:7-24, responding in the negative to question posed by Rep. Mitten.

<sup>30</sup> Tr. W1 at 23:12-19.



28. Witness 1 testified she did not consent to Greitens pulling her pants down to her ankles.<sup>31</sup>

29. After Greitens pulled down her pants, Witness 1 testified, “[T]hen I hear him kind of, like, step back – take a step back and I hear – I can hear like a, like a cell phone – like a picture, and I can see a flash through the blindfold.”<sup>32</sup>

30. Witness 1 testified that she felt like her “privacy was invaded.”<sup>33</sup>

31. Witness 1 testified that she never saw an actual picture.<sup>34</sup> Nor did she recall “the first time she saw his phone.”<sup>35</sup>

32. On April 9, 2018, the Committee was made aware of a motion filed in the criminal case by Greitens’ counsel that asserted Witness 1 testified as follows:

Q: Did you ever see him in possession of a camera or phone?

A: Not to my knowledge. I didn’t see him with it.

Q: And as you sit here now, you cannot state under oath that you ever saw him in possession of a camera – with a camera or a phone?

A: Correct.

Q: And you can’t say you saw it on his person, you can’t say you saw him put it down in the kitchen, take it from the kitchen, or put it down anywhere in the basement. Those are all correct statements, are they not?

A: Yes, I cannot say.

The motion notes that, when asked by the Assistant Circuit Attorney, “did you see what you believed to be a phone?” Witness 1 answered, “... I haven’t talked about it because I don’t know if it’s because I’m remembering it through a dream or I – I’m not sure, but yes, I feel like I saw it after that happened, but I haven’t spoken about it because of that.”<sup>36</sup>

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<sup>31</sup> Tr. W1 at 72:12-14, responding in the negative to question posed by Rep. Mitten.

<sup>32</sup> Tr. W1 at 23:19-23; 62:3-24, testifying that Greitens admitted to her that he took the picture and that she “could hear it and [she] could see the flash;” Tr. W1 at 78:13-25, testifying again to hearing a click, seeing a flash, and that Greitens “acknowledge[d] it after he took it and sa[id], I’m going to put this picture everywhere. And then whenever [she] came back, telling [her] that he had erased it;” Ex. 1 at 17:24 to 18:2, stating four days later, “[H]e stepped back, and I saw a flash through the blindfold, and he said, ‘You’re never going to mention my name, otherwise there will be pictures of [you] everywhere.’”

<sup>33</sup> Tr. W1 at 65:17-24, responding in the affirmative to question posed by Rep. Phillips. The Committee notes that this question was related to a general feeling of invasion of privacy and not necessarily to the elements required for a conviction under §565.252, RSMo.

<sup>34</sup> Tr. W1 at 103:15-17.

<sup>35</sup> Tr. W1 at 99:6-12.

<sup>36</sup> The Committee notes that it includes these quotes in the absence of a full transcript from the deposition. It does so in reliance upon Greitens’ counsels’ obligation of candor as officers of the court. The Committee also notes that, on March 23, 2018, Chairman Barnes informed Greitens’ counsel that the Committee would support a motion by either party to the criminal case to make an exception to the current non-disclosure order in that case. “However, in the event any such evidence is provided, we would insist on having the complete set of evidence. In other words, we

33. When asked whether she had reason to believe a photograph of her was transmitted in a way that allowed access via a computer, Witness 1 stated she knew “he had an iPhone ... And if he had iCloud, yes.”<sup>37</sup>

34. The committee does not possess any physical or electronic evidence of a photograph or its transmission.<sup>38</sup>

35. Witness 1 testified that Greitens then said, “You’re not going to mention my name. Don’t even mention my name to anybody at all, because if you do, I’m going to take these pictures, and I’m going to put them everywhere I can. They are going to be everywhere, and then everyone will know what a little whore you are.”<sup>39</sup>

36. Witness 1 explained her reaction:

I just stood there, because I was like What the fuck? He doesn’t have feelings for me, he just wants to fuck me. So anyways, I was completely silent. I didn’t say anything, especially – so I didn’t even – my husband traveled for a living, and I didn’t even let him get pictures of me. So I just stood there quietly, and then he came up close to me and he said, Are you going to say anything? Are you going to mention my name? Of course, in my head, I was screaming, Fuck, all I want to do is tell people right now. I’m dying. This is the most embarrassing thing that’s ever happened to me. So I just didn’t answer at all, and then he spanked me and said, Are you going to mention my name? And I said – I just gritted through my teeth and I said, No. And he’s like Good – now that’s a good girl and was, like, back in his – whatever – you know, the thing that he had in his mind, the thing that he was going to do with me.<sup>40</sup>

37. Witness 1 testified that Greitens began kissing down her stomach again, and “as soon as he got, like, low on me, I just started freaking out and I started ripping down my hands. I was like, Get me out of here. I’m not ready for this. I don’t want this. I don’t want this.”<sup>41</sup>

38. Witness 1 described her emotions at that point:

I was definitely fearful. I was so embarrassed and ashamed, because I really felt like a whore because I had let him get me in this position before we’ve even kissed.

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will not accept cherry-picked evidence from either the Circuit Attorney’s office or your client.” Greitens’ counsel’s motion may be found in Exhibit 23. Counsel for Witness 1 responded with a statement and an email asserting that said motion “mischaracterizes” her deposition testimony. Counsel for Witness 1’s statement and email is labeled Exhibit 24.

<sup>37</sup> Tr. W1 at 103:18-25.

<sup>38</sup> The Committee’s requests for documents and sworn answers to interrogatories directed to Greitens sought photographs and information identifying all computing devices and electronic communications accounts under Greitens’ custody or control during the relevant period. Greitens declined to respond.

<sup>39</sup> Tr. W1 at 23:24 to 24:5.

<sup>40</sup> Tr. W1 at 24:6-25; 101:20-25; Ex. 1 at 18:4-8.

<sup>41</sup> Tr. W1 at 24:25 to 25:5; Ex. 1 at 18:12-16.

I felt really used. I felt like what the – who are you? I think it was the thing that just kept playing through my mind is, who are you? What is this? What is this? Oh, my God, where am I? Get me out of here – because I just kept saying, Get me out of here. I’m not ready for this. It was also, too, that feeling of, I came here not wanting to do anything – nothing.<sup>42</sup>

39. Witness 1 testified that after she stated, “I don’t want this,” Greitens “stood up and started helping me take down this tape. He was like...calm down, it’s okay. It’s okay.”<sup>43</sup>

40. Witness 1 testified that she responded by stating, “No I’m leaving, I’m leaving.” However, as soon as she “start[ed] walking out – or going to go up the stairs, ... he grabs me and like – like, in a bear hug, and was like, Shh, shh, it’s okay, calm down, calm down, and like, lays me down on this ground in the basement. ... Not, like, hard, like – I mean, I was like a puddle of – no. I just, like, was crying.”<sup>44</sup>

41. Witness 1 then testified:

So he was laying there and I was laying next to him just crying – like uncontrollably crying. And he was like, Shh, shh, it’s okay, it’s okay. That’s all he was really saying at this point. And he was trying to, like fondle my body. ...

I’m bawling my eyes out. Yeah, so I’m still crying. And then he’s like – I can tell he’s still, like, in it – he’s still in this – in this thing that he’s got in his mind of whatever he’s doing, and he’s still like messing with me.

He starts undoing his pants, and he takes his penis out and puts it, like, near where my face is. And I’m like – so this guy literally just wants me for this, and this is all he wants, and then he’ll let me – because at this point, too, I also know I have to be at work, and he’s not going to let me leave, because he’s obviously still horny. So I gave him oral sex at this point.<sup>45</sup>

42. Witness 1 further testified that Greitens pulled his pants down and “pulled his penis out...max, six inches or something” from her face while she was still crying and felt that she had no other choice if she were going to get out of the basement.<sup>46</sup>

43. As to whether she consented to oral sex at that point, Witness 1 testified, “It’s a hard question because I did it – it felt like consent, but, no, I didn’t want to do it.”<sup>47</sup> She further explained, “Coerced, maybe. I felt as though that would allow me to leave. That’s what he wanted – I felt that’s what he wanted....”<sup>48</sup> Witness 1 then agreed with the statement that she “didn’t feel

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<sup>42</sup> Tr. W1 at 130:7-18.

<sup>43</sup> Tr. W1 at 25:5-7; 74:8-17; Ex. 1 at 18:17-21.

<sup>44</sup> Tr. W1 at 25:8-16.

<sup>45</sup> Tr. W1 at 25:18 to 26:12.

<sup>46</sup> Tr. W1 at 132:6-25

<sup>47</sup> Tr. W1 at 73:22-24.

<sup>48</sup> Tr. W1 74:2-4.

necessarily able to leave without performing oral sex.”<sup>49</sup> She further testified, “Looking back, yes” she believed that saying no when she was bound and blind-folded extended to not consenting to further contact, but, “In the moment, I was so emotional” and that one of the emotions was “definitely” fear for her “physical self.”<sup>50</sup>

44. Later, Witness 1 presented conflicting testimony as to whether she was physically afraid at that particular moment. When directly asked, “Did you feel afraid to leave?” she answered, “No. Not at this point. I feel like he hadn’t gotten what he wanted,” but also affirming she was crying, under duress, felt as if she had no other choice if she was going to get out of the basement at that moment, and that it was only after feeling she had no other choice that she performed oral sex.<sup>51</sup>

45. Witness 1 testified that after performing oral sex, “He did exactly what I thought he would do. He was just like, Okay. I literally got up – he didn’t stop me from leaving. I walked upstairs, went into the bathroom, got dressed, and left and went to work.”<sup>52</sup>

46. Witness 1 forgot her keys and had to return to Greitens’ house to retrieve them after work.<sup>53</sup>

47. Witness 1 testified that Greitens was waiting for her when she returned at the end of her workday at 4:00 p.m. She testified that she then confronted Greitens about the picture:

[H]e was already in the kitchen and opened the door and said, You forgot your keys. I said, Yeah. And I was obviously pissed. And he said, You’re angry. And I said, I’m really angry. I’m so angry. That is not at all what I wanted to do, Eric. And he said, I know, I know, I just – I kept thinking about you. And I said, No, you took a freaking picture of me. My husband doesn’t even have a picture of me. You took a picture of me. And he said, I know...but you have to understand, I’m running for office, and people will get me, and I have to have some sort of thing to protect myself. And I thought about you, though, and I felt bad, so I erased it. To which – you know, I didn’t believe him, but at least, he, like, acknowledged that it was messed up and had a reason why[.]<sup>54</sup>

48. Witness 1 further testified that after she and Greitens talked for a while:

[H]e was back to kind of being that guy that I knew from the salon. It was extremely charismatic, very – kept looking at me straight in my eyes and engaged – like, I felt like he cared about me. He kept trying to hug me and touch me and kind of fondle me, meaning, like maybe hugging me and trying to put his hand up my shirt. And

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<sup>49</sup> Tr. W1 at 74:5-7, responding in the affirmative to question posed by Rep. Mitten.

<sup>50</sup> Tr. W1 at 74:18 to 75:1.

<sup>51</sup> Tr. W1 at 132:17 to 133:4.

<sup>52</sup> Tr. W1 at 26:13-17.

<sup>53</sup> Tr. W1 at 26:18 to 28:1.

<sup>54</sup> Tr. W1 at 28:5-21; 88:2-10, testifying, “And that’s when he explained...I have to protect myself, and you have to understand this. You know, but I thought about you all day and I feel, you know – I erased the picture.”

at this point, it – I was really kind of mixed, because I hated him from earlier, but I also loved the man that I knew before[.]”<sup>55</sup>

49. Witness 1 further testified that she had never been photographed in a state of partial or complete nudity either before or after March 21, 2015.<sup>56</sup>

50. Witness 2 testified that she spoke with Witness 1 within days of the encounter between Witness 1 and Greitens on March 21, 2015. Witness 2’s testimony about the contents of her conversation with Witness 1 is consistent with key portions of Witness 1’s testimony before the Committee. Witness 2 testified that, in an emotional phone call,<sup>57</sup> Witness 1 told her:

- a. “Greitens had suggested that she come over to his house, that she had said that she really didn’t feel comfortable going there, that she would rather do something like talk at a coffee shop. He said that he could not do that because he could not be seen in public with her. And so – that he wanted her to come over to his house. And it was within walking distance of...where she worked, and that she did – she did end up going over there.”<sup>58</sup>
- b. “She had went into his house, that he was trying to make her feel comfortable because she was nervous. He had given her some sort of loungewear – some sort of lounge pant to put on and some sort of T-shirt – not what she wore over there, but clothes that he had had, and that he invited her down to his basement to teach her how to do a proper pull-up – she’s really into fitness.”<sup>59</sup>
- c. “She went downstairs. He had bound her hands to some sort of pull-up equipment with some sort of tape that he had, put a blindfold over her eyes. He had ripped her shirt and pulled down her pants some, because – she has a...a scar[.]...He had made some comment about that.”<sup>60</sup>
- d. “She had seen a flash through the blindfold and that he had taken a picture.”<sup>61</sup>
- e. “[S]he did not consent” to the taking of the picture. “She said she was embarrassed and shocked that he had said that she had better not mention his name because he would then distribute the pictures.”<sup>62</sup>
- f. “[S]he was embarrassed and upset. She was married, so she was worried about the stuff being out. She has a family that she’s close to, that she had gotten upset, and that Greitens was trying to comfort her, telling her that it was going to be okay, and that she

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<sup>55</sup> Tr. W1 at 29:10-19.

<sup>56</sup> Tr. W1 at 104:21-24.

<sup>57</sup> Tr. W2 at 29:23 to 30:2.

<sup>58</sup> Tr. W2 at 9:8-16.

<sup>59</sup> Tr. W2 at 9:21 to 10:3.

<sup>60</sup> Tr. W2 at 10:4-11.

<sup>61</sup> Tr. W2 at 10:11-13.

<sup>62</sup> Tr. W2 at 10:14-21.

did end up performing oral sex on him. ... I think it was on a floor – a basement floor. She was upset, and he was consoling her. That's the only thing I can remember from that, besides the actual fact."<sup>63</sup>

- g. "[S]he had went back upstairs. She got back to the salon. She had forgotten her keys there, so she had to go back to his house. She was upset, she was angry, she was embarrassed, and that he said, Just don't worry about it; I have deleted the picture."<sup>64</sup>

51. Witness 4 testified that she spoke with Witness 1 soon after the encounter between Witness 1 and Greitens on March 21, 2015. Witness 4's testimony about the contents of her conversation with Witness 1 are consistent with key portions of Witness 1's testimony before the Committee. Witness 4 testified that Witness 1 told her:

- a. "She said that she went to his home and that when she entered his home he had checked her for bugs as far as being bugged, wired I guess, and made her disrobe into one of his dress shirts. And he checked her purse and her belongings for any devices, recording devices."<sup>65</sup>
- b. "[A]fter he had blindfolded her that she had saw a flash type and recognized that he had taken a photograph of her, and he said that if you mention my name that I'll put this out there or put this on the Internet, something to that effect. And she got very upset and wanted to get down, wanted him to get her down."<sup>66</sup>
- c. "[W]hen he said that to her about the photograph or that incident that he sounded different and that she was afraid at that point."<sup>67</sup>
- d. "[H]e helped her down, and was trying to comfort her. She was very upset. Freaking out was how she described it. And said that – he said that 'I deleted it. I deleted it.'"<sup>68</sup>
- e. "I don't know when this incident occurred. I'm not sure if it was from the original encounter or not, I don't know, but there's pieces of things that we've talked about and she had described an encounter where she was really upset and that she had given him oral sex and she said that she just did it so that she could leave."<sup>69</sup>

52. On March 24 or 25, 2015, Witness 1 testified that she decided that she had to tell Witness 3 about the encounter. The resulting conversation was recorded by Witness 3 without her knowledge or consent, and portions of it have been broadcast on television.<sup>70</sup> Witness 3 promised

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<sup>63</sup> Tr. W2 at 10:25 to 11:12.

<sup>64</sup> Tr. W2 at 11:14-19.

<sup>65</sup> Tr. W4 at 11:12-16.

<sup>66</sup> Tr. W4 at 12:9-15; 32:7-20.

<sup>67</sup> Tr. W4 at 22:19-21.

<sup>68</sup> Tr. W4 at 12:18-21.

<sup>69</sup> Tr. W4 at 16:4-10; 29:20 to 30:8.

<sup>70</sup> The transcript of the surreptitiously recorded conversation is part of the Committee's file labeled as Exhibit 1.

their conversation would not “leave the car.”<sup>71</sup> Witness 1’s statements in the conversation are consistent with key portions of her testimony before the Committee. In that conversation, Witness 1 told Witness 3:

- a. “I met Eric a year ago and I instantly had a big crush on him. No, I never flirted with him. Never confided in him except for I talked about...and he helped me with that and just talked about life and whatever. He is very motivating. That’s his personality. He’s very persuasive. He never flirted with me other than complimenting me a couple of times on, ‘Oh, I really like your hair like that,’ or whatever.”<sup>72</sup>
- b. “[H]e quit coming in, and then I didn’t see him at all for five months. Like I wasn’t lying about that. And then he came in, it was a Friday, and I was so nervous to even have him come in because I knew that I had those feelings, those unexplained feelings of I shouldn’t have a crush on anybody; I’m married; this is so stupid. So then I had really bad anxiety.”<sup>73</sup>
- c. “He came in. Knowing that I felt better whenever he came in and I felt more calm and that made me feel better, but while I was shampooing his hair and telling him about my class – at first I thought it was just me, but then I realized it wasn’t. He was – I was in the middle of talking and he was doing ‘this’ to my leg. And at first I ignored it because I didn’t know if that was just me, and then I realized he was doing that and I said, ‘Eric, you need’ – well, I said, ‘You need to stop.’ And he looked at me and he said, ‘What?’ And then I said, ‘You know what you’re doing. I know what you’re doing. You need to stop.’ And he didn’t say anything. And then he came back and sat down in the chair and I said – because there was silence. And I said, ‘Is that why you didn’t come in here for five months?’ And he said, ‘Yes.’ Or, no, he said, ‘Maybe.’ Because I guess he was attracted to me.”<sup>74</sup>
- d. That she met Greitens on the weekend of March 14, but “nothing happened on the 14<sup>th</sup>,” but that she had met him outside and he told her that he wanted to see her the next weekend.<sup>75</sup>
- e. “[O]n Friday, I called him from work and said, ‘I’m going home. ... I cannot come over. ... I would like to discuss or to try to get all of these thoughts away from me. Will you just meet me for coffee or something so that way we can just talk’. And he said, ‘No, I can’t – I can’t be seen with you. This is wrong.’ And I said, ‘I know.’ So he said, ‘Just please come to my house.’”<sup>76</sup>
- f. “So on Saturday morning before my first client, I did go to his house. ... For the first time. Ever. Like I said, nothing period, had ever happened or taken place until this

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<sup>71</sup> Ex. 1 at 10:13-14.

<sup>72</sup> Ex. 1 at 8:7-17.

<sup>73</sup> Ex. 1 at 8:25 to 9:7.

<sup>74</sup> Ex. 1 at 9:8 to 10:1.

<sup>75</sup> Ex. 1 at 13:11-14.

<sup>76</sup> Ex. 1 at 14:10-22.

snowball. This fucking tornado just happened. I know I brought it on. I showed up and I said, 'I'm only here to talk.' And he said, 'I know.' I said, 'I just want to tell you I feel like you're always hope because I don't know your relationship.' He doesn't talk about his relationship, at all. He didn't talk about himself at all, so I don't even know. But I said, 'I just had a feeling that you wouldn't be attracted to me if you didn't have a wife with a baby. I'm just trying to process why I'm feeling this way, and I hate it. I really hate it.' And then he – basically had been fantasizing about me, tried to live out that fantasy. He just coaxed me, kept talking to me gently and touching me, whatever he could do to still have that fantasy play out. And I did it.”<sup>77</sup>

- g. “I was so confused with emotion. I can't even believe it because it's not really in my character. I don't even fucking know. I'm so confused. He said, 'I'll make you feel better. I'll make you feel good. Come downstairs. I want to show you how to do a proper pullup.' And I knew that he was being sexual, and I still let him. And he used some sort of tape, I don't know what it was, and taped my hands to these rings and then put a blindfold on me.”<sup>78</sup>
- h. “And said, 'If you're going to do proper pullups, you need to know how to drink,' and I guess put water in his mouth and tried to pour it in mine and it scared me. And I spit because I didn't want to kiss him. I mean, I'm so .... I thought .... I thought.”<sup>79</sup>
- i. “He just kept touching me over my clothes and just kept touching me. And then undid my clothes. I just didn't say anything at all. I didn't – I was just completely numb. I didn't even know. I was just numb. I just stood there and didn't fucking know. I was so – he was sort of messing with me with his hands.”<sup>80</sup>
- j. “[A]nd he stepped back, and I saw a flash through the blindfold, and he said, 'You're never going to mention my name, otherwise there will be pictures of [you] everywhere.' ... He said, 'You're not going to mention my name, are you?' I didn't say anything. I didn't realize what – I don't know what the fuck I'm doing. And then he asked me again. And I just said, 'No.’”<sup>81</sup>
- k. “And then he tried kissing my stomach and tried to kiss me down there but didn't quite get there because I flipped out and I said, 'You need to stop. I don't want this. I don't want this. I don't want this.' And he instantly stood up and freaked out and took off the blindfold and undid my hands and said, 'I'm really sorry. Oh, my God...I'm so sorry. I thought – I want to be – I want to make you feel better.’”<sup>82</sup>
- l. “I left my fucking keys at his place and so I had to go back and get the fucking keys after work. ... And I showed up, said, 'I'm so sorry for what happened earlier. I'm just

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<sup>77</sup> Ex. 1 at 15:14 to 16:12.

<sup>78</sup> Ex. 1 at 16:19 to 17:5.

<sup>79</sup> Ex. 1 at 17:7-12.

<sup>80</sup> Ex. 1 at 17:13-19.

<sup>81</sup> Ex. 1 at 17:24 to 18:8.

<sup>82</sup> Ex. 1 at 18:12-21.



obsessed over you; it's wrong and in real life, but I need to not do that. I know. I love my wife, and I'm really sorry. And we should not ever talk again, and I hope that you get everything figured out. ... I said, 'Well, I'm leaving.' He said, 'Just stay for a little while longer, please.' And I said, 'No, I really have to go.' 'Please just stay.' And then he held me for a long time and then made me feel better, just kept kind of touching me. ... I just – it was like, I don't know 45 minutes of me being there, me leaving, and then him going, 'You know, are you sure you really want to go? I'm just never going to see you after this and.' ... And that was it." Witness 1 stated that she never touched him, but, "He kept touching me," that he turned her on, "and then didn't, did both," she felt "every emotion."<sup>83</sup>

- m. When Witness 3 said, "You've been half-raped and blackmailed," Witness 1 responded simply, "Yes."<sup>84</sup>
- n. When Witness 3 asked why she was "not going to tell anybody," Witness 1 responded, "When I came back, I said to him, 'I'm very, very pissed off at you. I'm grossed out. I'm so pissed off.' He said, 'I know.' 'You took a picture.' He said, '... it's just because I fantasized about you, I fantasized about all these things, and you could ruin my life. And – but I erased it.'"<sup>85</sup>

53. Greitens came in for an appointment with Witness 1 approximately a week and a half or two weeks after her conversation with Witness 3. Witness 1 testified that Greitens first question was, "You didn't tell anybody, did you?" Witness 1 told Greitens that she had not, and Greitens told her that he could not quit thinking about her and wanted to see her again.<sup>86</sup>

54. The next time Witness 1 met Greitens was for another appointment at the salon, for which Greitens arrived 30 minutes early so that he was the first appointment of the day. Witness 1 testified, "When he showed up, I consensually kissed him – so that would have been like the first time that I was – that was totally my decision. He came in – at that time we stayed clothed and everything, but essentially made out. And then he – my client – my coworkers showed up, I did his hair and he left."<sup>87</sup>

55. The next encounter between Witness 1 and Greitens occurred in May 2015. Witness 1 was reading a book outside her salon when Greitens drove by, stopped his car, and invited Witness 1 to his house that evening. Witness 1 agreed to meet him for "a little bit" and went to Greitens' house sometime around 6:30 p.m. She entered through the backdoor again, and the two of them had consensual oral sex.<sup>88</sup>

56. The next encounter occurred on a Saturday in June 2015. Witness 1 testified:

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<sup>83</sup> Ex. 1 at 19:9 to 20:23.

<sup>84</sup> Ex. 1 at 22:13-15.

<sup>85</sup> Ex. 1 at 22:16 to 23:1.

<sup>86</sup> Tr. W1 at 35:19 to 36:11.

<sup>87</sup> Tr. W1 at 37:23 to 38:4; Tr. W2 at 13:18-22.

<sup>88</sup> Tr. W1 at 38:10 to 39:10.

I went out with a few of my girlfriends after work and then went over to his house afterwards. So this – my guess would have been 10:00 p.m., kind of later. And at first was consensual, you know – he has a spare bedroom upstairs and took me up there, and we were, like making out at this point. My guess is at least seminude at this point. And he looks at me and asked me ... have you been intimate with anybody? And I said, What do you mean? And he said, Well, since you and I started – because he knew that I had been separated from my husband. And I said, Well, I slept with my husband – because I know at some point I had. And he slapped me across my face, just like hard to where I was like, What? Eric, what in the heck? You're married. Why would – what do you mean? And he just said, No. Like, that was – you're mine. This is – what do you mean you slept with your husband? You are not supposed to be sleeping with him, you know? And I said, I think you're screwed up from being in the Navy[.]<sup>89</sup>

57. Witness 1 testified that she did not believe the slap was intended to physically hurt her. Instead, she said, "I felt like he was trying to claim me."<sup>90</sup> The slap did not leave a mark but "was just jarring. It wasn't sweet and gentle; it was forceful."<sup>91</sup>

58. Witness 1 testified that immediately afterwards, "[W]e laid there and talked about him being in the Navy and what happened there. Because I know we talked about – there was a bomb that went off – I don't know. That was pretty much our conversation after that, because it was just bizarre."<sup>92</sup>

59. Witness 2 testified that she spoke with Witness 1 after the slapping incident, and that Witness 1 had told her:

[H]e was communicating with her through a TracPhone, and that she had went there. His wife was out of town, that she had – he had asked if she had any sort of sexual relationship with anybody since they had been together last. She stated that she had had sex with her husband – her husband at the time, and that that had made him angry, and that he had slapped her in the face and called her a whore.<sup>93</sup>

60. Witness 1 testified that she spoke with Greitens a few times over the next week via a burner phone that he had purchased, and then "saw him one more time, which was in the morning before work." Greitens asked if she wanted to come over to workout. Witness 1 testified:

[W]e did exercise and went through, like, a workout, and then at the end of it, then it turned sexual in nature. And at first it was fine, and then we were in a position that would have been as if we were having sex, like doggy style, but we didn't ever have intercourse throughout all of the times that I saw him. So he was essentially,

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<sup>89</sup> Tr. W1 at 39:17 to 40:13.

<sup>90</sup> Tr. W1 at 76:2-7.

<sup>91</sup> Tr. W1 at 119:12-16.

<sup>92</sup> Tr. W1 at 40:16-21.

<sup>93</sup> Tr. W2 at 13:4-12.

like fingering me and – but in that position, and out of nowhere, just, like, kind of smacked me and grabbed me and shoved me down on the ground.

And I instantly just started bawling and was just like, What is wrong with you? What is wrong with you? And I just laid there crying while he was just like...you're fine, you're fine. You know, not really – I think he was just – I don't know. Maybe that's normal, but, to me, it's not. So, after that, I got ready and left and went to work.<sup>94</sup>

61. Witness 1 testified that this incident “might have actually left a mark”:

[I]t actually hurt, and I know that I actually was really scared and sad when that happened. The only reason why I say it might have actually left a mark is because I can remember afterwards looking in a mirror – so it was only maybe a week and a half, two weeks, tops, later that my husband and I were back together of sorts – at least considering it. I remember looking in the mirror and thinking, Can he see anything? So – I think that there's probably a good chance that there was something there. I didn't take pictures of it.<sup>95</sup>

62. Witness 1 testified that Greitens was waiting for her when she left work that afternoon. He told Witness 1 “there's an issue” and she needed to follow him in her car. Eventually, they pulled into a parking lot by a Kmart and Greitens asked her to get in his car. He then told her, “Somebody has emailed my wife today. I think it's this Democratic operative that lives in my neighborhood.” Witness 1 suspected it was actually Witness 3, and her belief was confirmed by later testimony and documents from Witness 3.<sup>96</sup> Witness 1 testified that Greitens informed her that he planned to fly out to see his wife, convince her that Witness 1 was “running in the neighborhood,” “came up to the door to get a book for [her] daughter,” and that Greitens gave her a tour of the house and she “went out the back way.” Witness 1 then told Greitens that they should not see each other again in any setting. She testified, “I said, No, do not come into the salon. This is not fair to me, this is not fair to your wife, just leave me alone.”<sup>97</sup>

63. In October 2015, Greitens came into the salon again and the receptionist told him Witness 1 had just had a cancelled appointment that Greitens could fill. Witness 1 then told Greitens again that she did not want to see him anymore. Greitens informed Witness 1 that his wife “doesn't think anything.” After telling Witness 3 of the encounter that evening, Witness 1 then sent Greitens an email stating, “Please think of everyone involved and just leave me alone. Don't come in at all.”<sup>98</sup> Greitens never returned and Witness 1 never saw him again.<sup>99</sup>

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<sup>94</sup> Tr. W1 at 42:1-21; 120:8 to 121:2.

<sup>95</sup> Tr. W1 at 119:18 to 120:4.

<sup>96</sup> See Ex. 2, email stating “There is another woman in your home right now. I'm assuming you're out of town again. If you want to know more contact me here. I'm sorry. This isn't fake or spam. They are at the Maryland address.”

<sup>97</sup> Tr. W1 at 42:20 to 44:2.

<sup>98</sup> See Ex. 20, screenshot of email from October 20, 2015 from Witness 1 to Greitens stating, “Eric, I am asking you to please consider all who are involved and the circumstances around us. I need you to not book at the salon anymore. This isn't fair to me, nor anyone close to us. Please respect me and my wishes. I need to move forward in my life as I know you are doing as well. Take care.”

<sup>99</sup> Tr. W1 at 44:24 to 46:4.

64. When asked why she would continue to have contact with Greitens after the first encounter, Witness 1 testified:

I've asked myself that so many times. I think it comes down to a few things. One, I felt really disgusted with myself that I allowed that first time to happen. Really embarrassed that he thought of me as a whore. And so after my – I told my husband and he was clear that he did not want anything to do with me, that he wanted to move into an apartment, and when Eric came back in and he was normal and so kind to me, that felt so much better and it allowed me to just ignore any of those bad feelings about myself, in particular. Because if I thought he was this horrible person, I really felt shameful of myself.

And so, I think I just wanted to feel better about it. I didn't want to think that he thought of me as just a whore. I wanted to think that he actually really liked me and wanted to have a relationship with me of sorts.<sup>100</sup>

65. Witness 1 testified that she thought it was her intent at the time to have a relationship with Greitens:

I think at the time – I think – I don't even know. I think just to feel better than whatever I felt the day before. Because then I would have – we had chunks of time where we didn't see each other where I did feel more like myself, I started to feel better. And then when I would see him, it was almost like this excitement would build up, and then I would feel, you know, a ton of emotions again, and then I would feel awful and disgusting and I hated myself and it was horrible. And then I would start to feel better, and then he would come in again – you know, it was just such an up and down. Because I didn't want to be involved with somebody who was married. I didn't want to be having any feelings for him, in particular because I was so embarrassed about the first encounter. He basically made it clear that he felt that I was a thing to him.<sup>101</sup>

66. Witness 4 testified that she had a similar impression of Witness 1's motivation to continue to have contact with Greitens. She testified that Witness 1 "was very embarrassed by what had happened. She had been called a whore by her husband and felt as though she was a whore to Eric and was trying to find some thing that she felt that he cared about her for her to feel okay with herself. She was very critical of herself."<sup>102</sup>

67. Greitens declined to testify, stating through counsel that he would be willing to testify at the conclusion of the criminal trial. Greitens also declined to provide documents, or answer interrogatories under oath.<sup>103</sup>

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<sup>100</sup> Tr. W1 at 88:23 to 89:15.

<sup>101</sup> Tr. W1 at 89:18 to 90:10.

<sup>102</sup> Tr. W4 at 28:1-6.

<sup>103</sup> The Committee notes again that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.

- a. On February 28, 2018, Chairman Barnes sent a request for production of documents to counsel for Greitens that included four requests, including one request for all documents produced in the criminal case against Greitens. Subsequent to the request, an order was entered prohibiting disclosure of information in that case. Accordingly, Greitens' counsel was prohibited from releasing the documents called for in one of the requests. However, the Committee's request was broader than the documents that had been disclosed in the criminal case, and Greitens' counsel did not provide those documents.
- b. From February 28 to March 23, 2018, Chairman Barnes engaged in several conversations with Greitens' counsel in which he repeatedly informed Greitens' counsel that Greitens had the opportunity to testify before the Committee.
- c. On March 22, 2018, Chairman Barnes sent requests for sworn answers to interrogatories to counsel for Greitens, each of which sought disclosure of the various computing devices and electronic communications accounts under Greitens' control. Greitens failed to respond.
- d. On March 23, 2018, Chairman Barnes sent correspondence to Greitens' counsel requesting that they inform the Committee whether Greitens would exercise or waive his opportunity to testify by Monday, March 26.
- e. On Monday, March 26, Greitens' counsel informed the Committee that he would be waiving his right to testify.

68. Though he waived his opportunity to testify before the committee, Greitens has been asked several times in public settings whether he took a picture during the encounter at on March 21, 2015.

69. On or about January 20, 2018, Greitens was interviewed by the Associated Press.<sup>104</sup>

- a. When asked, "Did you tie or bind the hands or blindfold your former hairdresser?" Greitens answered:

[T]his was a consensual relationship. There was no blackmail. There was no violence. There was no threat of violence. There was no threat of blackmail. There was no threat of using a photograph for blackmail. All of those things are false. The mistake that I made was that I was engaged in a consensual relationship with a woman who is not my wife. And that is a mistake for which I am very sorry, sorry to Sheena. I'm sorry to our boys. I'm sorry to our family, to our friends and to everyone who has been affected by that. Beyond that this is—it's a private matter

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<sup>104</sup> See AP Interview with Gov. Greitens at <https://soundcloud.com/user-834153029/associated-press-interview-with-missouri-gov-eric-greitens>. See also, Tr. Greitens's Public Statements at 3.

and everyone involved has asked for privacy and I respect that and I'd ask you to as well.<sup>105</sup>

- b. When asked the follow-up, "Did you actually take a photo of her?" Greitens responded:

As I said, this was a consensual relationship, David. And there was no blackmail. There was no threat of using a photograph for blackmail. And there was no violence. The mistake that I made, as I said, was that I was engaged in a consensual relationship with a woman who wasn't my wife. And beyond that, everyone--- Sheena, everyone has asked for privacy and again, we would ask you to respect that.<sup>106</sup>

70. On January 22, 2018, Greitens held a press conference to discuss the state budget.

- a. When asked, "[T]here's one point we want to clarify. Did you take a picture of the woman in question?" Greitens responded:

...I'm happy to address this for everyone here once. And to make sure that we can move on, and talk about the budget and other important priorities that are, before us. As I said before, I made a personal mistake years ago before I was elected. A personal mistake for which I take full responsibility. And it's something that Sheena and I dealt with years ago. We dealt with it by the book. We dealt with it openly. And it was hard, but with loving family and a lot of prayer and tremendous support, we've made it.

And I am grateful, grateful to Sheena, for her forgiveness and grateful to God, for His forgiveness. I'm also grateful for people around the state of Missouri who, at this time, come to us, with tremendous love and compassion and prayer, who have helped us through a very difficult time. And we also appreciate those who understand that this is a private issue that Sheena and I dealt with years ago that's now been dragged into the public. We look forward--I look forward to working with legislators in this building, people around the State of Missouri in getting their priorities passed and making a difference for them.

A lot of what's been put out is not true. There was no blackmail. There was no violence. There was no photograph for blackmail. There was no threat of using a photograph for blackmail. There was no threat of violence. The mistake that I made was that I was engaged in a consensual relationship and a mistake for which I am deeply sorry. For Sheena and I, that is where the story begins and ends. Everyone involved has asked for privacy. I'm going to respect that privacy and I would ask you to respect that privacy.<sup>107</sup>

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<sup>105</sup> Tr. Greitens' Public Statements at 5:1-15.

<sup>106</sup> Tr. Greitens' Public Statements at 5:16-25.

<sup>107</sup> See Greitens Budget Press Conference, Jan. 22, 2018, available at <https://www.youtube.com/watch?v=vlcukJ1jcOI> ; See also, Tr. Greitens' Public Statements at 29:23 to 31:12.

- b. When asked the follow-up, “[T]he woman’s now ex-husband asked her if she was quote “half-raped and blackmailed” and she said yes. How do you account for the difference in those two accounts?” Greitens responded, “Ma’am, ma’am, ma’am, I have addressed everything in the answer that I just gave you and in the interviews that we did over the weekend. We are now—there’s been a lot of people in the State of Missouri who are counting on us.”<sup>108</sup>
- c. When asked another follow-up, “The question is: why did she say she was blackmailed and you say she wasn’t?” Greitens responded, “I answered your question, and we answered them in interviews throughout the weekend. Does anyone have a question on the budget?”<sup>109</sup>
- d. When asked, “Governor, yes or no, did you ever take her picture?” Greitens responded, “Sir, again, I just answered. We answered them over the course of the weekend, and we are moving forward.”<sup>110</sup>
- e. When pressed, “With all due respect, Governor, you haven’t answered the photo questions.” Greitens responded, “Sir—sir, I’ve answered your question. We answered them with multiple outlets this weekend, and we’re moving forward.”<sup>111</sup>

71. On February 8, 2018 at a luncheon for the Missouri Press Association, Greitens was asked again, “[D]id you take a photograph of the woman?” Greitens responded, “Actually ...we have answered all of those questions.” When pressed, “So what is the answer to that one?” Greitens responded, “We’ve answered them in multiple interviews with multiple people. ...we’re ready to move forward, which we have, which we are, and we have.”<sup>112</sup>

72. In review of the evidence as a whole, this Committee does not view Witness 1’s non-reporting of these events to law enforcement or others as bearing on her credibility.

73. Witness 1 did not initiate sharing these details with the public, law enforcement, this Committee, or anyone other than close friends. To the contrary, she testified that she would rather not have to endure recounting the events of 2015:

I’m angry that I’m in the middle of this. I am – of course, I’m upset with myself for any of my involvement with him. In particular, because he was married, but, also, because he didn’t share the same type of feelings. And also because I was still technically married.

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<sup>108</sup> Tr. Greitens’ Public Statements at 32:8-19

<sup>109</sup> Tr. Greitens’ Public Statements at 33:2-6.

<sup>110</sup> Tr. Greitens’ Public Statements at 45:5-9.

<sup>111</sup> Tr. Greitens’ Public Statements at 46:14-18

<sup>112</sup> See Mo. Press Association luncheon video, available at <https://www.youtube.com/watch?v=QHis4AU8IVY>; See also, Tr. Greitens’ Public Statements at 48:8-17.

But I'm also dealing with things for the first time these past two months that I never did before. I just pushed them aside because it was too scary. I didn't want to think about it. I didn't want to talk about it. I just wanted it to go away, and then maybe it never happened like that. And knowing that I'm in the situation and knowing that at this point, the only parts that Eric has denied are the parts that were hurtful. The other parts weren't traumatic to me at all. You know, it was – it was consensual, and those parts were not traumatic. The parts that he denies are the parts that I'm finally dealing with and going – I feel sad for that person I was. That was so vulnerable. I was so vulnerable. I just feel really taken advantage of, I think – and also by my ex-husband, hugely.<sup>113</sup>

74. Witness 1 testified that she could not read the transcript of the conversation her husband had surreptitiously taped, "I started to read part of it, and I got to the part where he took the picture, and I just couldn't read it, so I have not read any of the rest of it."<sup>114</sup>

75. Witness 2 described Witness 1 as suffering from anxiety and stress after the news reports in January. "[S]he never wanted this to come out. She would have never brought this out. She's got minor children; she has her own business and – a lot of stress."<sup>115</sup>

76. Witness 3 repeatedly threatened her with release of information about Witness 1 and Greitens. Witness 1 testified that Witness 3 told her, "Just wait, because your good reputation...your outstanding reputation is going to be ruined and so is Eric Greitens'. You guys are going to go down because I have proof of it."<sup>116</sup> Witness 1 further testified that Witness 3 repeatedly said, "I'm going to ruin this guy, I'm going to ruin this guy."<sup>117</sup>

77. Witness 3 released the recording to media outlets in December 2017.<sup>118</sup>

78. Witness 3 testified that an unidentified third-party had paid at least \$15,000 "to cover lawyer fees and all of the things that were about to happen to me financially because of the fallout" relating to these events.<sup>119</sup>

79. The first time Witness 1 heard from a news organization occurred in December 2017 when a reporter named Lauren Trager "booked a fake appointment under a fake name, and ... came in and announced that she wasn't there for a haircut, that she was just working on a story about the governor."<sup>120</sup> Witness 1 testified that she cried and asked Trager not to run a story,

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<sup>113</sup> Tr. W1 at 90:20 to 91:16.

<sup>114</sup> Tr. W1 at 108:2-5.

<sup>115</sup> Tr. W2 at 19:16-19.

<sup>116</sup> Tr. W1 at 49:14-20.

<sup>117</sup> Tr. W1 at 47:3-4.

<sup>118</sup> Tr. W3 at 73:22 to 74:12.

<sup>119</sup> Tr. W3 at 53:24 to 54:9, Witness 3: "I spoke to the Post-Dispatch well before, and I have received nothing so far. My lawyer has a trust account that someone put something in after speaking to the Post-Dispatch, to cover lawyer fees and all of the things that were about to happen to me financially because of the fallout, but I had spent \$15,000 or so dollars of my own prior to all of this[.] ... And while I was talking to the Post, someone contacted my lawyer and said he was going to help with legal fees."

<sup>120</sup> Tr. W1 at 52:2-5.



saying, “No, you do not understand how traumatic this whole thing is. I cannot go there. I have kids. My ex-husband is so, so vindictive, he wants to hurt me so bad. Please do not run this story... please do not do this to me. I have children. I’m in school full-time. I work full-time – my life is so busy.”<sup>121</sup>

80. The next time Witness 1 heard from Trager was the day before the story aired. Trager told her that she was in possession of a recording.<sup>122</sup> Trager was soon informed by Witness 1’s counsel at the time that Witness 1 “does not want any part of this. Please do not do this.”<sup>123</sup> Trager called Witness 1’s lawyer three minutes before the story aired, stating that Greitens had admitted to the affair and that they would air the story.<sup>124</sup>

81. Witness 1 testified that she learned the story was going to air moments before it went live, explained to the Committee the circumstances of the airing of the report, and how she was forced to inform her children about it.<sup>125</sup>

82. Witness 1 testified to concerns she presently has:

How will this affect my kids? Because it has already. What’s going to come of all of this, you know? What will people think of me that don’t know me? I’ve had huge support with family and friends and clients – and that’s the other thing too. Beforehand, I thought what will happen to all of my clients? I have a huge client base, and I love my clients, and a big part of why we love each other is because I am – I’m a very open book, normally. This is the one thing I just kept in a pit in my stomach and I never talk about this. And so far, that’s actually been a pretty good – my clients have been pretty good to me, for sure.

So now I think my fear is if this comes – becomes public – I’m in school full-time. So far I don’t think the students on campus know, but then how does that affect my schooling? ... Does that push me back?

Luckily, I’m not as fearful physically anymore, because I feel like anybody would be crazy to hurt me because they would know who it is, so – that’s one huge positive thing that’s happened.<sup>126</sup>

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<sup>121</sup> Tr. W1 at 52:6-16.

<sup>122</sup> Tr. W1 at 53:18-19.

<sup>123</sup> Tr. W1 at 54:18-19.

<sup>124</sup> Tr. W1 at 54:24-25.

<sup>125</sup> Tr. W1 at 55:1-24.

<sup>126</sup> Tr. W1 at 92:24 to 93:20.