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ROUGH DRAFT OF TRIAL TESTIMONY OF

MEGAN PEPPERS

MAY 2, 2017

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**REPORTER'S NOTE:** Since this proceeding is being realtimed and is in rough draft form, please be aware that there is a discrepancy regarding page and line numbers when comparing the rough draft, rough ASCII, and the final transcript.

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THEREUPON,

**MEGAN PEPPERS,**

having been duly sworn by the court clerk, was examined and testified upon her oath as follows:

**DIRECT EXAMINATION**

BY MS. STRATIS:

Q Megan, can I have you state your full name for

1 the record?

2 A Megan Nicole Peppers.

3 Q Okay. And, Megan, how old are you now?

4 A Twenty-two.

5 Q Back in July of 2012, how old were you?

6 A Twenty.

7 Q Okay. Where were you living in July of 2015?

8 A I was living with my aunt in Orange City.

9 Q Do you know the exact address in Orange City?

10 A 730 South Carpenter Avenue.

11 Q Okay. How long had you been living there,  
12 roughly?

13 A Since the beginning of the year.

14 Q Okay. I want to talk to you specifically  
15 about July 7th, that afternoon --

16 A Okay.

17 Q -- late afternoon, early evening. Can you  
18 tell me where you were?

19 A At what time? I'm sorry.

20 Q Late afternoon, around 4:00.

21 A I was going for a walk.

22 Q Okay. Where were you walking?

23 A I had walked up the highway -- I'm not sure  
24 what the exact road is at this moment -- over towards  
25 Enterprise and back to my house.

1 Q Okay. Why were you out, walking?

2 A Just to get some fresh air and some lunch as  
3 well.

4 Q Okay. Where did you go for lunch?

5 A I decided go to Burger King that day.

6 Q Okay. And what happened on your walk?

7 A Nothing on my way there. On the way back, as  
8 I was getting towards my house, I was stopped by a  
9 vehicle at the Cumberland Farms gas station.

10 Q Okay. Tell us about that. What kind of  
11 vehicle?

12 A A charcoalish gray-colored truck.

13 Q Okay. And what do you mean when you say you  
14 were stopped by the vehicle?

15 A I was walking at -- you know, the entrance  
16 into the store, that cars go to get in and out of the  
17 store? I was walking through there. And as I was  
18 walking, I was stopped the the vehicle that was coming  
19 out.

20 Q Okay. At this point, where were you headed on  
21 your walk?

22 A I was headed back to my house.

23 Q Okay. The one on Carpenter that you  
24 mentioned?

25 A Correct.

1 Q Okay. What happened during the time that this  
2 vehicle stopped you?

3 A I was asked where I was going, and I was  
4 telling them that I was, you know, going home. I only  
5 lived less than a block away.

6 Q Did you know the person that was in the  
7 vehicle?

8 A No.

9 Q Okay. What else happened during that time  
10 that you were having this exchange with this person?

11 A I was asked if I needed a ride.

12 Q Okay. And what was your response?

13 A My first response was no because of how short  
14 of a walk it was back to my house.

15 Q Okay. Roughly, about how long was it, the  
16 walk?

17 A Less than a block away.

18 Q Okay. Did your response change at some point?

19 A Yes.

20 Q Okay. Tell us about that.

21 A I was asked a few different times if I was  
22 sure that I didn't need a ride. And after being asked a  
23 few times, I decided that I would, in fact, go ahead and  
24 take the ride.

25 Q Okay. Why did you change your mind?

1           A     I didn't think that there would be any harm in  
2 taking the ride.

3           Q     Okay. Now, the person that was talking to  
4 you -- let me ask you this: How many people were in the  
5 truck, first of all?

6           A     Just one person.

7           Q     Okay. And did he tell you who he was? Did  
8 you exchange names, information like that?

9           A     Yes. He told me his name.

10          Q     Okay. What was the name?

11          A     He told me his name was Zach.

12          Q     Okay. Excuse me. Okay. So you get in the  
13 vehicle with Zach?

14          A     Correct.

15          Q     Okay. What happens once you get in the  
16 vehicle with him?

17          A     We drive back to my house.

18          Q     Okay. Were you guys still speaking during  
19 that time?

20          A     Yes. We sat in the car in my driveway for a  
21 few moments and discussed, like, who we were, like, just  
22 got familiar with each other.

23          Q     Okay. Did you guys talk about anything else  
24 about later that evening?

25          A     I was asked to go to the Oyster Bar and have a

1 bite to eat.

2 Q Okay. And what did you say to that?

3 A I told him that I didn't mind to go.

4 Q All right. What was the plan for later that  
5 evening?

6 A The plan was he had just gotten off work, so  
7 he was supposed to go back to his house and take a  
8 shower, get ready, and then I think it was, like, 6:30  
9 he would be back to pick me up and we would go and have  
10 dinner.

11 Q All right. Now, the person that was in that  
12 vehicle that stopped you, who told you what his name  
13 was, do you see that person in the courtroom? Can you  
14 please point to him and describe some clothing that he's  
15 wearing?

16 A He's right there, and he's wearing a suit with  
17 on a plaid-looking tie.

18 THE COURT: Let the threat record reflect the  
19 witness has identified Mr. Minton.

20 BY MS. STRATIS:

21 Q Okay. Megan, did you meet up with Zach or the  
22 person you identified, did you meet up with him later  
23 that night?

24 A Yes.

25 Q Tell us about that, please.

1           A     He arrived on time to my house at the time  
2     that he said he would, and we started to the Oyster Bar.  
3     I was not exactly sure where the Oyster Bar was because  
4     I was unfamiliar with the town. I was told that we were  
5     going to stop at one of his friends'/coworkers' places,  
6     and we stopped there for a few minutes, and then  
7     proceeded to go to the Oyster Bar.

8           Q     Okay. When you were talking with Zach, did  
9     you talk about how old you were, how old he was, things  
10    like that?

11          A     I'm not sure if I ever got an exact age on  
12    him, but I did state that I was 20 years old. Yes.

13          Q     Okay. When he picked you up, that was, again,  
14    at the Carpenter address that you told us about?

15          A     Yes.

16          Q     Okay. Now, you mentioned you weren't real  
17    familiar with where the Oyster Bar was.

18          A     Yes.

19          Q     Why not?

20          A     Because I just wasn't familiar to the area and  
21    I had never been to an -- the Oyster Bar before, so I  
22    just didn't know exactly where he was talking about.

23          Q     Okay. So he picked you up. What happens  
24    after he picks you up?

25          A     We went to see his friend, like I had said.

1 Q Okay. Do you know where the friend's house  
2 was or where that was in relation to your place or the  
3 Oyster Bar?

4 A No. We took, like, the back roads there  
5 instead of the main highway, so I was unaware exactly  
6 where we were in relation to my home.

7 Q Okay. Was it roads you were familiar with?

8 A A few of them were.

9 Q Okay. All right. And did he tell you who the  
10 friend was or anything about him?

11 A He didn't say his name, I don't believe. He  
12 did say something about him being a coworker and having  
13 to just discuss something with the business.

14 Q Okay. Did you guys arrive at the friend's  
15 house?

16 A Correct. Yes.

17 Q What happened once you were there?

18 A He got out of the car and talked to his  
19 friend, not close to the truck. They were more toward  
20 the house. The driveway was pretty long, and I sat in  
21 the vehicle and waited on him.

22 Q Okay. Were you in any way part of their  
23 conversation or whatever was going?

24 A No.

25 Q Okay. What did you do in the truck while you



1       were waiting there?

2           A     I just sat and waited, kind of twiddled my  
3 thumbs, you know.

4           Q     Okay. Do you know roughly how long you were  
5 at the house?

6           A     No longer than ten minutes, I would say.

7           Q     After you left that house, tell us what  
8 happened, please.

9           A     We went to the Oyster Bar.

10          Q     Okay. And tell us about going to the Oyster  
11 Bar. What happened when you got there?

12          A     We parked, and he brought me in the side or  
13 the back entrance, and we got the menus and started  
14 playing a few games of pool.

15          Q     Okay. Where were you sitting within the  
16 Oyster Bar?

17          A     I was sitting in the back with the pool  
18 tables.

19          Q     Okay. And what else happened while you guys  
20 were there?

21          A     He asked me if I wanted any alcohol, and I  
22 told him that I didn't because of my kidney issues. And  
23 he kept asking a few more times and, you know, stated  
24 things like, you know, "We're just going to forget about  
25 that tonight, we're just going to have a good time."

1 So I allowed him to order me a rum drink.

2 Q Okay. And how did he get this drink, if you  
3 know?

4 A He just went up to the bar.

5 Q Okay. Tell us about the Oyster Bar inside,  
6 the pool tables and where the bar is that he went to,  
7 roughly how far apart are those two things are.

8 A Probably -- I was -- I would say I was here in  
9 this seat.

10 Q Okay.

11 A And the bar would be the doors, but there was  
12 a threshold in between. Like the bar was in one room  
13 and we were in a different one.

14 Q Okay. A little bit divided?

15 A Yes. With no doors or anything. But it did  
16 have a threshold there.

17 Q Okay. So not completely closed off.

18 A Correct.

19 Q Okay. And did he bring you this drink?

20 A Yes.

21 Q Anything else?

22 A We played a few more games of pool. I know he  
23 ordered a few fireball shots. The first one, you know,  
24 he made the comment about them just giving them to us,  
25 like, "Oh, look, they gave us some fireball shots, let's

1 have one."

2 Q Okay. Do you know, roughly, how many mixed  
3 drinks or shots you had that night?

4 A I had the one mixed drink that I had earlier  
5 stated. I did not ever finish that one. And I had  
6 about approximately three fireball shots to myself.

7 Q Okay. Who was giving you the shots?

8 A Zach.

9 Q Okay. Anything else happen while you guys  
10 were at the Oyster Bar?

11 A I think we kissed once or twice. Yes.

12 Q Okay. At this point did you find him  
13 attractive?

14 A I mean, I wouldn't have really went out with  
15 him if there wasn't some mild attraction.

16 Q Okay. Anything concerning you at this point  
17 you -- between you and the person who told you he was  
18 Zach?

19 A No.

20 Q Okay. Did you guys eat?

21 A No, we did not.

22 Q Was there a reason you didn't eat while you  
23 were there?

24 A I was looking at the menu and kind of deciding  
25 what I wanted. And once I had, you know, discussed with

1 him ordering food there, that's whenever he told me  
2 that, "Oh, you know, we don't want to eat the food here.  
3 We'll go to Chili's, where it's better food."

4 Q Okay. And did you guys go to Chili's?

5 A No, we did not.

6 Q Did you at some point leave the Oyster Bar?

7 A Yes.

8 Q Tell us about that, please.

9 A Tell you about leaving the --

10 Q Yes.

11 A We left the Oyster Bar. I'm not sure exactly  
12 what time it was. When I left, I was walking down the  
13 stairs to the Oyster Bar, and I remember thinking to  
14 myself that something was different, like I felt as if I  
15 was drugged at some -- like some effect. I did not feel  
16 myself at that point walking out of the Oyster Bar.

17 Q Okay. When you were walking out of the Oyster  
18 Bar, were you able to walk out on your own?

19 A I do believe so.

20 Q Okay. And when you say "different," is there  
21 any other way you can describe how you felt?

22 A Disoriented, dizzy. I know I had a problem  
23 standing up. I felt like I could fall over.

24 Q Okay. But you didn't fall over at all.

25 A No.

1           Q     Okay.  After, when you were leaving the Oyster  
2     Bar, tell us what happened next.

3           A     As we were leaving the Oyster Bar, we got in  
4     the car.  And I was trying to pay attention to what --  
5     which direction we were going and where we were headed,  
6     but I was unable to because of feeling so foggy.  And  
7     then we arrived at an unknown dwelling.

8           Q     Okay.  Your plan, I think you just said, was  
9     something about Chili's?

10          A     Correct.

11          Q     So you're telling us you went to some sort of  
12     home?

13          A     Yes.

14          Q     Tell us about -- do you know why you went to  
15     that home?

16          A     No.  When we first got there, I was confused.  
17     I had asked him, you know, "Where are we?  Whose place  
18     is this?"  I've never seen the house before, so I was  
19     concerned with what we were doing.

20                     And that's whenever he stated that he just  
21     wanted to go inside real quick and smoke a little  
22     marijuana before we went to the Chili's.

23          Q     Okay.  And when you got to the house, did you  
24     go inside the house?

25          A     Yes.

1 Q Okay. When you went in, tell us about --  
2 well, first of all, tell me about the house. Do you  
3 remember anything about it?

4 A It was a smaller, one-story house. I know I  
5 remember seeing, like, a carport type spot in it that  
6 had, like, tarps --

7 Q Okay.

8 A -- up.

9 Q When you went into the house, do you remember  
10 anything about the inside of the house?

11 A When we went inside the house, the first room  
12 I remember seeing, it was an empty room with a bed,  
13 maybe a few chairs, and, like, a TV dinner tray.

14 Q Okay. When you got in the house, tell us what  
15 you did, please.

16 A When I go into the house, I had just sat down  
17 on the bed, just because it was the closest relevant  
18 spot to me. And, as I said, I wasn't feeling very well,  
19 so I just kind of had a seat and tried to get myself  
20 undizzy.

21 Q Okay. Do you know what the gentleman was  
22 doing?

23 A At that moment he had pulled out the  
24 marijuana, like he had said, and he had put it onto the  
25 table.

1 Q Okay. What else went on?

2 A I never saw him actually grab or smoke  
3 marijuana or anything. I just remember him pulling out  
4 a pill. And I asked -- I kept asking him what it was  
5 because at that point I was really nervous on to what  
6 was happening. And I was told that it was supposed to  
7 help me come back, to wake me back up from being so  
8 disoriented.

9 Q Had you mentioned to him how you were feeling?

10 A I don't remember.

11 Q Okay. Where was he when he brought out this  
12 pill?

13 A He was standing in front of me while I was  
14 sitting on the bed.

15 Q Okay. Now, where was this bed in the house?

16 A It would be in -- as you walked into the room,  
17 the bed was to the right, pushed up against the wall in  
18 the corner.

19 Q Like in the first room you walk into from the  
20 front door?

21 A The first room that I remember seeing from the  
22 front door. Yes.

23 Q Okay. Is there anything else -- before we go  
24 on, is there anything else you remember about the inside  
25 of the house, anything else you remember seeing that

1 stands out to you?

2 A No. I don't think so.

3 Q Okay. Now, tell us about the pill. Where did  
4 he get it from, if you know?

5 A I think it might have been out of his pocket,  
6 but I do remember seeing it in, like, a cellophane, like  
7 plastic package, you know, like a cigarette pack would  
8 you have on the outside or whatnot.

9 Q How were you feeling at this point? At that  
10 time, I mean?

11 A At the time the pill was brought forward?

12 Q Yes.

13 A Scared.

14 Q Okay. You were talking earlier about, though,  
15 not feeling like yourself as well?

16 A Correct.

17 Q How were you feeling in that sense at this  
18 point in the night?

19 A I'm sorry. I didn't understand the question.

20 Q Okay. You're telling us about the pill, and  
21 you said nervous, but what about not feeling like  
22 yourself? Are you back to normal yet? Are you still  
23 feeling off?

24 A I feel like myself, yes. I just -- I still  
25 can remember the feeling of that in the past. I



1 remember what it felt like to be disoriented and not  
2 know what was happening.

3 Q Okay. Let me ask it a different way. At the  
4 time that he's bringing out this pill, are you still  
5 feeling disoriented?

6 A Oh. Yes. Sorry.

7 Q That's okay.

8 What happens once he brings out the pill?

9 A He was telling me that it was going to help me  
10 wake up. And at that point I was pretty cautious, and I  
11 was like, "No, I don't really -- I don't really know."

12 And at that point I was having a hard time  
13 moving my arms and moving my body. And that was at the  
14 point where he had put it into my mouth.

15 Q Okay. What were you doing as he was putting  
16 this pill into your mouth?

17 A I was still sitting on the bed.

18 Q Okay. Can you describe the pill at all?

19 A I just remember it being small and white. I  
20 do not know what it is.

21 Q Okay. Did you try to not have the pill put  
22 into your mouth?

23 A I didn't want to, but I couldn't control my  
24 body at the time, like, I couldn't -- I didn't take it  
25 myself. It was put into my mouth.

1 Q Okay.

2 A So I was unable to fight back because I  
3 couldn't -- I had no control over my muscle movement.

4 Q Okay. Did the pill ultimately go down your  
5 throat and --

6 A I do believe so. Yes.

7 Q Okay. What's the next thing you remember?

8 A The next thing I remember, I had blacked out,  
9 and I woke up, and he was on top of me.

10 Q Okay. When you say he was on top of you, I  
11 need you to talk about that in a little more detail with  
12 us.

13 First of all, where were you within the house?

14 A I was in the bed.

15 Q Okay. And were you still sitting? Were you  
16 laying? Tell us about that.

17 A I think at that point I had been laid back on  
18 my back. Yes.

19 Q And you say that he was on top of you. Can  
20 you tell us a little bit more about what you mean by  
21 that? Was he sitting on you? Was he laying on top of  
22 you? How was he on top of you?

23 A I just remember seeing him hovering over me.

24 Q Okay. What happened once you realized that  
25 was going on?

1           A     When I realized that was going on, I started  
2     trying to, like, kind of fight because I didn't know  
3     what was happening. And then I realized that he was  
4     starting to penetrate me.

5           Q     Okay. When you say that you were starting to  
6     fight -- I'm going to have to walk you through this a  
7     little bit -- what do you mean but that? How were you  
8     trying to --

9           A     I was trying to tell him to stop and, you  
10    know, tell him that I was on my period, you know, "What  
11    are you doing? I don't want to do this." And is  
12    that --

13          Q     Uh-huh.

14          A     Is that what you're asking?

15          Q     Sure. Well, let me ask you this too: In  
16    terms of -- you used the word "fight." Did you -- were  
17    you able to -- were you punching him? kicking him?

18          A     I was trying to push and punch, but, like I  
19    had stated before, I didn't have very much control over  
20    my muscle movement.

21          Q     Okay. And you mentioned telling him that you  
22    were on your period at that point.

23          A     Yes.

24          Q     Okay. Do you know why you mentioned that to  
25    him?

1           A     Because I felt like that might prevent what  
2 was happening from happening.

3           Q     Tell us about your clothes. At this point are  
4 you -- are your clothes on?

5           A     I don't know.

6           Q     Okay. Let me ask you, do you remember what  
7 you were wearing that night?

8           A     I remember mostly what I had on.

9           Q     Okay. Can you tell us what that was?

10          A     I remember there were a black pair of pants  
11 that had, I think, three-gold buttons on them. They  
12 weren't actual buttons, they were just for looks. They  
13 were skinny leg jeans. I had a tank top on, no sleeves,  
14 I do believe. And I had a bra on, a black bra.

15          Q     Okay. Any other undergarments?

16          A     I did not. No.

17          Q     Why not?

18          A     I don't wear bottom underwear.

19          Q     You mentioned that -- well, again, you  
20 mentioned that you told him you were on your period.  
21 What happened after you mentioned that?

22          A     It still started to take place.

23          Q     Okay. Tell us specifically what started to  
24 take place as best you can.

25          A     I just remember him -- I just remember putting

1       himself into me first. I do believe it was anally, I'm  
2       not sure. But he was trying to put me up on to all  
3       fours, and he was getting mad because I couldn't because  
4       I couldn't hold myself up. And then he was yelling at  
5       me and telling me how stupid I was and calling me crazy  
6       and calling me a bitch. And I couldn't understand that  
7       because I was just trying to get away. And I was just  
8       trying to get it to stop.

9           Q       Okay. When you said he was trying to put  
10       himself in you, what was he trying put in you?

11          A       He was trying to put his penis into me.

12          Q       And you said that was anally?

13          A       Yes.

14          Q       Okay. You you mentioned that you couldn't  
15       hold yourself up.

16          A       Yes.

17          Q       Why not?

18          A       I do not know why, but I could not -- I felt  
19       like I had no strength in my body. I couldn't sit up.  
20       I couldn't think. I couldn't move. I was just laying  
21       there, crying, trying to figure out why I was you  
22       feeling this way.

23          Q       Okay. And you mentioned that this seemed to  
24       be the frustrating him?

25          A       Yes. Yes.

1 Q Did he say anything else to you besides  
2 calling you the names that you just mentioned?

3 A I know at one point he had stated that I would  
4 be able to go home if he could just finish, ejaculate,  
5 you know.

6 Q Okay. Did he -- did this continue, or did he  
7 let you up?

8 A It continued for a few moments. Yes.

9 Q What else happened?

10 A I remember throwing up and crying and he --  
11 him getting upset that I was throwing up on his bed.  
12 Yeah.

13 Q Okay. Did he continue to try to touch you in  
14 any way, shape, or form?

15 A Yes.

16 Q Tell us about that, please.

17 A He was still penetrating me, and I was still  
18 trying the best I could to get him off of me and get to  
19 safety. And I'm not sure how because I was still  
20 blacking out, but he had got up out of frustration,  
21 like, and once he got up, I ran out the door.

22 Q Okay. When you talk about him trying to  
23 penetrate you, was there any other way that he tried to  
24 do that?

25 A He, at one point, I'm not sure when, was

1       trying to put in my mouth orally, his penis into my  
2       mouth.

3             Q       Okay.  What about vaginally?

4             A       Yes.

5             Q       Do you know the order of when he was trying to  
6       do each of these things?

7             A       Orally, I think that was the end because we  
8       had -- I had gotten to the cemetery, but that's later on  
9       in the story, but I do remember anally and vaginally  
10      were first.

11            Q       Okay.  And we're going to talk -- we're just  
12      talking about in the house right now.

13            A       Yes.

14            Q       Do you know if he ever finished, if he  
15      ejaculated?

16            A       No, I do not.

17            Q       Okay.  Do you know whether or not he used a  
18      condom or anything?

19            A       Not that I'm aware of.  No, I don't know.

20            Q       Megan, at some point you talked about being  
21      able to get up.

22            A       Yes.

23            Q       Tell us about that, please.

24            A       I remember having an opportunity to get up  
25      because he was no longer on top of me.  I also forgot to

1 state the fact that he was holding me by my hair at most  
2 of the points while he was penetrating me.

3 Q Okay.

4 A And when he let go of his release, I ran  
5 outside.

6 Q When you ran outside -- let me ask you this.  
7 What about your clothing? Do you know where that was?

8 A I do not remember.

9 Q Okay. Did you have clothing when you left?

10 A Yes. I do believe so. I wasn't really paying  
11 attention.

12 Q Okay. Tell us about when you left. You got  
13 up, and where did you go?

14 A I ran out into the street, and I remember  
15 seeing lights of a vehicle coming towards me.

16 Q Okay. What happened once you saw the lights?

17 A I tried to wave them down because I was  
18 screaming and crying, and I didn't know where I was, so  
19 I was waving them down to try to get me to help me.

20 Q Do you know what time this was?

21 A I do not know what time, but I know it was  
22 already dark at this point.

23 Q Okay. Did the vehicle stop for you that you  
24 saw?

25 A No, they didn't.



1 Q What happened after that?

2 A I remember feeling like I was running,  
3 although it was, like, I was in a dream state. It was  
4 like I was doing it, but I didn't know where I was. And  
5 I somehow ended up back up into the truck with him, and  
6 he told me that he was going to take me home.

7 Q Do you remember how you got back in the truck  
8 or where it was?

9 A No. No. I don't -- I don't.

10 Q Okay.

11 A I've never been able to remember how I got  
12 back in the truck.

13 Q Okay. Once you were back in the truck, do you  
14 remember any of that?

15 A I remember seeing a few road signs that I knew  
16 were close to my house that he was passing. And I  
17 started freaking out again because I was, like, "You're  
18 not taking me home. Where are you taking me? You just  
19 missed my turn." And I remember coming to a stop and  
20 realizing that I was, in fact, at the cemetery that is a  
21 few steps away from my house.

22 Q You're familiar with where the cemetery was in  
23 relation to your house?

24 A Yes.

25 Q Okay.

1           A     It was about the same proximity as the gas  
2     station, just in a little bit different of direction.

3           Q     Okay. What happened once you recognized or  
4     once you saw the cemetery?

5           A     I noticed that I was close to home, but I was  
6     still in the car. And I remember him saying that he was  
7     still going to finish, that once that he was able to  
8     ejaculate, that he would let me out of the car. And  
9     when -- I'm not sure, but I think when we came to the  
10    stop, I reached for the door handle and got out.

11          Q     Okay. When he said he was still going to  
12    finish before he let you out, what did you take that to  
13    mean?

14          A     That he was going to continuously try to  
15    penetrate me or have me perform oral things on him.

16          Q     Okay. Why did you -- well, did anything  
17    happen within the truck other than what we've talked  
18    about?

19          A     Not that I remember. No.

20          Q     At any point during the time in the truck, was  
21    there any contact between the two of you, any physical  
22    contact?

23          A     I don't remember.

24          Q     Now, just a few moments ago you mentioned some  
25    oral sex or an attempt at oral sex. When was that?

1           A     That was in the truck as well.  Yes.

2           Q     Okay.  That's what I want to talk about.

3     Describe that, please.

4           A     I just remember him saying that, and I don't  
5     remember any physical contact.  My memory is a little  
6     hazy at that moment, but I do remember him stating that,  
7     and I remember just seeing the door handle and exiting  
8     the vehicle.

9           Q     Okay.  What do you remember next?

10          A     I woke up and my aunt was asking me what had  
11     happened.  I was in front of the -- I was on the floor  
12     in my bathroom.

13          Q     Okay.  In the house on Carpenter?

14          A     Yes.

15          Q     Okay.  Do you remember what happened once your  
16     aunt was asking you, you know, or once your aunt came in  
17     and found you?

18          A     I remember just crying to her and repetitively  
19     saying, "He hurt me, he hurt me."  And I think that's  
20     when she called -- she called the cops or took me to the  
21     hospital at that point.

22          Q     Okay.  Do you remember going to the hospital?

23          A     I don't remember actually going.  I remember  
24     them putting me into the car, and then I woke up in the  
25     hospital.

1 Q So you remember being at the hospital.

2 A A little bit. Yes.

3 Q Okay. Do you remember speaking with law  
4 enforcement?

5 A I remember talking with them somewhat. I was  
6 coming to a little bit as I was talking to them. I  
7 remember waking up and seeing people around me.

8 Q Okay. Megan, let's talk about the clothing  
9 from that night. Can you describe the shirt again a  
10 little bit for us?

11 A I'm not exactly sure of what the shirt, but I  
12 do believe it was gray and blue with maybe a little bit  
13 of flower work on it, but I'm not -- I'm not sure if  
14 that was -- I'm not sure.

15 Q Tell us about the style of shirt, if you  
16 could.

17 A If I remember the shirt correctly, because my  
18 memory is a little hazy on that, I do believe it was --  
19 it didn't have shoulders on it, like, sleeves. It was  
20 like the one that I'm wearing now that cut off around my  
21 shoulder line.

22 Q Okay. Did it have a strap?

23 A It did have a small strap. Yes.

24 Q Okay. But no sleeve?

25 A Correct.

1 Q Okay. And you said the pants were black  
2 pants, kind of like skinny jeans type?

3 A Yes.

4 Q Anything happen to those items of clothing  
5 during this time period?

6 A Either -- I think it was my shirt was the one  
7 that was ripped. I remember at some point some part of  
8 my article of clothing being ripped.

9 Q Tell us about the bra you were wearing that  
10 night. What kind of bra was it?

11 A I had purchased it at a shop called Rue 21.  
12 It was black. I do believe it was like a 34C, if I  
13 remember correctly.

14 Q Do you remember what happened to that bra?

15 A I did not have it with me, being back at my  
16 house. No.

17 Q Okay. Is there anything else that you had  
18 with you that night when you left to go on this date  
19 that you didn't have once you got back to the house?

20 A I had a necklace on, and it took me to being  
21 in the sheriff's department the next morning to remember  
22 that I didn't have it.

23 Q Okay. What kind of necklace was it?

24 A It was an angel necklace. On the back it had  
25 the words "peace" on it. I'm actually wearing it today.

1 Q Okay.

2 MS. STRATIS: Your Honor, may I approach the  
3 witness?

4 THE COURT: Yes.

5 MS. STRATIS: For the record, I'm showing  
6 defense counsel Exhibits L and N.

7 BY MS. STRATIS:

8 Q Megan, first I'm going to show you exhibit L.

9 A Okay.

10 Q I want you to take a look at this and tell me  
11 if you recognize what it is.

12 A I do recognize this. Yes.

13 Q What is it?

14 A It's my angel necklace we had just discussed.

15 Q Okay. The one you had on that night?

16 A Yes.

17 Q Now, I'm going to show you Exhibit N. Can you  
18 take a look at that and tell me if you recognize that?

19 A I do recognize this.

20 Q What is that?

21 A It's my bra.

22 Q The one that we just talked about you wearing  
23 that night?

24 A Yes, ma'am.

25 Q Okay. All right. Megan, you mentioned

1 earlier also that you had been on your period at that  
2 time. Were you using any sort of feminine product?

3 A I used tampons. Yes.

4 Q Okay. Specifically that night, anything -- do  
5 you remember what kind of tampon it was?

6 A I do believe it was the equivalent of a  
7 Walmart brand U by Kotex.

8 Q Anything about it that you remember how it  
9 looked?

10 A They had colored strings on them. I do  
11 believe, honestly, but that was one was a lime green  
12 one.

13 Q Okay. All right. Do you know what happened  
14 to that tampon?

15 A No, I do not.

16 Q Okay. Now, Megan I'm going to -- take you  
17 now, you're at the hospital.

18 A Yes, ma'am.

19 Q Do you remember -- you remember speaking with  
20 law enforcement for a bit?

21 A A little bit. Yes.

22 Q And did you also go through an examination  
23 with a nurse?

24 A Yes.

25 Q Okay. After the examination was done, can you

1 tell us what happened.

2 A After the examination was over, I do believe I  
3 stayed in the hospital a little while until I was  
4 capable of speaking with the sheriff's department.

5 Q Okay. Can you some point go to the sheriff's  
6 department and speak with an investigator there?

7 A Yes. They drove us over, and I do believe it  
8 was a sheriff's department in DeBary. If it wasn't in  
9 DeBary, it was in Orange City.

10 Q Okay. When you were speaking with law  
11 enforcement at that time, did they also, at some point  
12 show you some line-ups?

13 A They did. Yes.

14 Q At that time did you identify someone in the  
15 line-ups that you were shown?

16 A I did not.

17 Q Why not?

18 A They give -- gave me two line-ups, and  
19 although a few stuck out to me, I was too afraid to pick  
20 one. I didn't want to wrongfully accuse anybody of  
21 something that I didn't do.

22 Q Okay. But you're able to identify Mr. Minton  
23 today.

24 A Yes.

25 Q Why is that?



1           A     I have the picture of his face permanently  
2 burned into my head from the events that took place that  
3 night.

4           Q     After speaking with the investigators at the  
5 sheriff's office, do you remember going to try to take a  
6 look at that house with Sergeant Ford?

7           A     Yes, I do.

8           Q     Were you able to point out the house that this  
9 happened in?

10          A     I don't remember. I remember when we got  
11 there, looking across the street and realized that that  
12 was the house that he had taken me to his friend's, and  
13 then they were -- and then I identified his house after  
14 looking at it further.

15          Q     Okay. And these events that you've talked  
16 about, Megan, did they all occur within Volusia County?

17          A     Yes.

18                MS. STRATIS: Okay. Nothing further for the  
19 witness at this time, Judge.

20                THE COURT: Here's what we're going to do.  
21 We're going to keep going and take a late lunch. I  
22 don't want to break during her testimony. I want  
23 to keep going. So go ahead, cross-examination.

24                MR. DAMORE: Judge, may we approach?

25                THE COURT: Sure.

1 (A bench conference was had.)

2 \* \* \* \* \*

3 THE COURT: All right. Cross-examination, Mr.  
4 Delgado?

5 MR. DELGADO: Yes. Thank you, judge.

6 **CROSS-EXAMINATION**

7 BY MR. DELGADO:

8 Q Good afternoon, Ms. Peppers. Megan,  
9 Ms. Peppers, before we get into kind of the meat of your  
10 testimony, do you have a condition where if you don't  
11 eat, you pass out?

12 A I have had that happen a few times, yes. I  
13 haven't had it any diagnosis or anything.

14 Q Okay. And is one of the things that happens  
15 when you don't eat, that you have, like, episodes where  
16 you see or talk to people that aren't there?

17 A I have -- I've had times where I've -- I've  
18 had to where I've felt like I was telling somebody that  
19 I was hungry and needed to eat quickly, and it actually  
20 hasn't happened. Yes.

21 Q So you believed you were talking to people  
22 when, in fact, you were not.

23 A With telling them I was actually hungry. Yes.  
24 I have had that before.

25 Q Okay. And that's just brought on by nothing

1 other than not eating in time.

2 A As much as I'm aware of. Yes.

3 Q Okay. Now, you have a good memory, in  
4 general?

5 A Yes.

6 Q Okay. In fact, you have a photographic  
7 memory; right?

8 A To some extent. Yes.

9 Q Okay. And you work as a waitress; right?

10 A Correct.

11 Q And you told me when we talked before, that as  
12 a waitress, having a good memory helps you remember  
13 people's orders, things like that?

14 A Yes.

15 Q Okay. So your memory is for details as well  
16 as faces?

17 A Yes.

18 Q Okay. In fact, you said that you have a very  
19 good memory when it comes to both details and faces when  
20 we talked before; right?

21 A Yes.

22 Q Okay. And jumping ahead, you were given two  
23 different photo line-ups where you were unable to  
24 identify Mr. Minton; right?

25 A Correct.

1 Q Okay.

2 A I didn't want to --

3 Q You didn't want to get it wrong.

4 A Yes. And they were very similar in  
5 characteristics, all of them.

6 Q Right. Everybody in that line-up was similar?

7 A Yes.

8 Q Okay. And you couldn't pick out anyone at  
9 that time?

10 A No.

11 Q Even though his face was burned into your  
12 memory, as you just said, you were unable to pick anyone  
13 out?

14 A I was afraid to pick anybody without being  
15 wrong.

16 Q Okay. Now, you're a cautious person; right?

17 A I try to be.

18 Q Okay. And you're aware that, you know, men  
19 approach young women and ask them out for dates and  
20 things like that, right?

21 A Yes.

22 Q And I'm sure you've been asked out in the  
23 past.

24 A Yes.

25 Q And, in fact, when you first met Mr. Minton,

1       you found him attractive and were willing to go on a  
2       date with him; right?

3           A       Yes.

4           Q       Okay. Now, let's talk about when you first  
5       met Mr. Money. Did Mr. Minton offer you a cigarette?

6           A       I don't remember. I don't think so.

7           Q       Do you smoke?

8           A       I did then. Yes.

9           Q       Okay. But you don't recall if Mr. Minton  
10       offered you a cigarette as part of his flirtation with  
11       you?

12          A       Yeah, I don't remember.

13          Q       Would it be fair to say that he was flirting  
14       with you?

15          A       Yeah.

16          Q       Yes?

17          A       Somewhat. Yeah.

18          Q       Okay. Were you flirting back?

19          A       I mean, I was being nice back. Yes.

20          Q       Okay.

21          A       I wouldn't --

22          Q       And certainly you didn't feel uncomfortable  
23       getting in the car with him.

24          A       I had my suspicions, but I decided that it  
25       would be okay. Yes.

1 Q Okay. You carry a weapon with you?

2 A Sometimes. I don't have a concealed weapons  
3 or anything, but I do try to carry knives or small  
4 things like that.

5 Q So were you carrying a knife with you when you  
6 met Mr. Minton?

7 A I don't remember.

8 Q Okay. Did you have a cell phone with you when  
9 you met Mr. the Minton?

10 A I did have it with me. Yes.

11 Q Okay. Did Mr. Minton offer to let you take a  
12 picture of him?

13 A He offered, yes.

14 Q And did you take a picture of him?

15 A No.

16 Q Did he offer to let you see his ID?

17 A No.

18 Q He never showed you, offered to show you a  
19 driver's license?

20 A Not that I can remember. No.

21 Q Is it possible that he did and you don't  
22 remember?

23 A I'm not sure. All I remember is he said that  
24 he could take a picture of me, the truck, the license  
25 plate, whatever I needed to to feel safe to go onto the

1 date with him.

2 Q Okay. Whatever you needed to feel safe.

3 A Yes.

4 Q And did you take any of those precautions?

5 Did you take a picture or anything like that?

6 A No. But the time we met back up later on that  
7 evening, I had kind of forgot about it from the  
8 excitement of going out.

9 Q So you were excited to go out with him.

10 A Yes. I don't know very many people here. I  
11 still don't.

12 Q Okay. You were excited to have someone pay  
13 attention, take you out to dinner, the usual kinds of  
14 reasons people get excited for a date.

15 A Yes.

16 Q Okay. Did you tell anyone that you were going  
17 out for a date that night?

18 A Yes, I did.

19 Q You told your cousin, Clinton?

20 A Yes.

21 Q Okay. And was your cousin, Clinton, home when  
22 Mr. Minton dropped you off the first time?

23 A Yes.

24 Q Did your cousin, Clinton, see Mr. Minton?

25 A Not when he first -- I don't remember,

1 honestly.

2 Q Okay. Did you tell your cousin, Clinton,  
3 about your plan to go out later that night?

4 A Yes, I did. I told him about it to see what  
5 he thought, like, his advice on whether I should or not.

6 Q And why did you want his advice on whether you  
7 should go out or not?

8 A Because he knows that I have -- I'm always  
9 cautious and I felt like it would be a good idea to ask  
10 somebody else's opinion of going out with a complete  
11 stranger.

12 Q Okay. And he told you that he thought it  
13 would be okay?

14 A Yeah. Yes, he did.

15 Q Okay. And Mr. Minton dropped you off, what,  
16 around an hour, hour and a half before --

17 A Yes. Somewhere between around four-ish, I  
18 would say.

19 Q Okay. Now, did you guys spend some time  
20 chatting in the vehicle when he first took you home?

21 A Yes, very momentarily.

22 Q Okay. And, again, did you give him your  
23 telephone number?

24 A I had given him my number while we were in the  
25 car so he could get in contact with me, and then that's



1 when I remembered that my cell phone had, in fact, died.

2 Q What do you mean "died"?

3 A The battery lost charge.

4 Q Okay. So you had the phone with you, but it  
5 was dead?

6 A Correct.

7 Q Okay. Did Mr. Minton give you his number?

8 A No, he didn't.

9 Q Did you ask for his number?

10 A I don't remember.

11 Q Okay. But you gave him your number so that he  
12 could stay in touch with you and coordinate things for  
13 later?

14 A Yes.

15 Q Okay. Did you tell your aunt you were going  
16 out on a date?

17 A Not that I remember. I don't think she was  
18 home at the time. I think she was out of town -- or no,  
19 I'm sorry. She wasn't out of town.

20 Q Was she home when Mr. Minton dropped you off?

21 A No, she wasn't.

22 Q Okay. So what did you do to get ready for the  
23 date? Did you change clothes?

24 A Yes.

25 Q Did you, you know, change your outfit? Did

1 you do anything else to get ready?

2 A I remember changing my outfit. I don't  
3 remember if I did anything else, like wear make-up or  
4 anything. I don't remember.

5 Q Okay. Did you charge your phone?

6 A No.

7 Q Why not?

8 A My aunt did not pay the electric bill, so the  
9 power was cut that day.

10 Q Okay. Now, did you have anyone that you were  
11 romantically involved with at this time?

12 A I wouldn't say romantically involved. I mean,  
13 I was talking with somebody that I had met at work on  
14 and off --

15 Q And who was that?

16 A -- at the time. Joey or Joseph Raviggio  
17 (phonetic).

18 Q Okay. Were you having sex with Joey at this  
19 time?

20 MS. STRATIS: Objection.

21 THE COURT: Overruled.

22 A I do not recall if we were sexually involved  
23 at the time of the date, no.

24 Q Okay. Do you remember talking to me earlier,  
25 February of last year, about this case?

1 A Yes.

2 Q And do you remember me asking you that  
3 question?

4 A Yes.

5 Q And do you remember if you gave an answer to  
6 that?

7 A I remember stating that I don't remember if we  
8 had prior to the event or not.

9 Q Okay. And do you remember me showing you a  
10 notation that the nurse had made that you had told her  
11 that you had had sex with your boyfriend the day before?

12 A Yes. And then that's whenever I told you that  
13 I still didn't remember, but if I had said it, then I  
14 don't see why I would have said it if it wasn't true.

15 Q Okay. So it's possible that you had had sex  
16 with Joey the day before this date.

17 A I don't -- I wouldn't say it was the day  
18 before, but prior, I could have possibly had sexual  
19 contact, yes.

20 Q But you didn't consider him to be your  
21 boyfriend?

22 A No. We weren't officially dating at the time.  
23 No.

24 Q Okay. Your car was broken down; right?

25 A Yes. My cousin had wrecked it a little while

1 before. Yeah.

2 Q Is that Clinton?

3 A Yes.

4 Q Okay. And the car, that was your vehicle;  
5 right?

6 A Correct.

7 Q Okay. Do you remember having a conversation  
8 with Mr. Minton about your car being damaged?

9 A Yes. We were discussing the reasoning of me  
10 walking and just along those lines, and that's how it  
11 was brought up. My car was still in the driveway, so I  
12 was able to show him, he could see outside of the truck,  
13 the damage to my car.

14 Q So the conversation about your car being  
15 damaged, that was at the gas station when you first met  
16 him?

17 A No. That was at the residency when we were  
18 sitting, talking --

19 Q Okay.

20 A -- when he dropped me off.

21 Q And you pointed out to him the car?

22 A Yes. We were discussing it. Yes.

23 Q Okay. And he offered to -- he told you that  
24 he had someone who could help or he offered to help?

25 A Yeah. He says that he knows somebody that

1 works on cars or something to that extent.

2 Q Okay. Did you discuss anything about what you  
3 did for work or what he did for work?

4 A I remember talking a little bit about his job,  
5 but I'm not exactly sure what he had said. Just I don't  
6 remember.

7 Q Did he offer to help you find, like, a better  
8 paying job or anything like that?

9 A No, not that I'm aware of.

10 Q Did you discuss anything about financial  
11 difficulty, getting money for the car, things like that?

12 A I don't know. I don't think so.

13 Q You don't remember?

14 A I don't remember.

15 Q Okay. Now, do you remember pretty clearly  
16 what Mr. Minton's truck looked like?

17 A Yeah.

18 Q Okay. You know -- can you describe it for us?

19 A I know it was big. I think it was four-door,  
20 but I don't want to say that and be wrong, but I do  
21 remember distinctively a big Florida-grown decal on the  
22 back with the Florida shape and everything.

23 Q Okay. And what color was it?

24 A Like a charcoal gray, a dark gray.

25 Q Okay. Was it a nice, new truck?

1           A     It was a newer truck.  Yes.

2           Q     Did you get the impression, when Mr. Minton  
3 was talking to you, that he was -- had a good job, was  
4 doing well financially?

5           A     Yes.  He had discussed about how he doesn't  
6 have very much time off and needed a break, and that's  
7 why we were going to go out to dinner together.

8           Q     Okay.  And, in fact, you were actually kind of  
9 underwhelmed when you saw where he lived; right?

10          A     Yes.  I remember thinking that to myself.

11          Q     What was it that you thought to yourself?

12          A     I just remember thinking, like, you know, he  
13 was pretty -- he was talking about his job and being a  
14 boss and this, that, and the other, and I remember  
15 seeing the house, and it wasn't fancy or anything.  It  
16 was just a plain, simple Jane house, and that's what I  
17 remember thinking, like, oh, this is pretty basic.  It's  
18 not anything extraordinary or anything.

19          Q     Right.  And that was -- you thought it was --  
20 your house was nicer; right?  That's what you said?

21          A     Yeah.  I did say that at one point.  Yes.

22          Q     Okay.  So when you saw the house, you thought,  
23 perhaps, he had been maybe exaggerating how well off he  
24 was?

25          A     Well, I was confused because it looked kind

1 of, like, vacant. It was, like, not a home. It was  
2 just, like, it had the tarps over the carport and  
3 different things like that.

4 Q It was under -- it looked like it was under  
5 repair?

6 A Yeah. It didn't look like it was functional  
7 home. Yes.

8 Q Do you remember the floors being up, things  
9 like that?

10 A I do not remember the floors. No.

11 Q Okay. Do you remember the layout of the house  
12 inside?

13 A I remember the only room that I was in.

14 Q Okay. Now, you only went to the house one  
15 time; right?

16 A Correct.

17 Q And that was after you had already been to the  
18 bar?

19 A Yes.

20 Q Okay. So your perception of the house and how  
21 it looked compared to your expectation, that was after  
22 you had already been at the bar?

23 A Yeah.

24 Q And that was in your foggy state that you were  
25 in.

1 A Yeah.

2 Q Yes?

3 A Yes.

4 Q Okay. So in that state, you still remembered  
5 what he had said about his house, what your expectation  
6 had been and how it compared --

7 A I didn't -- he never said, really, anything  
8 about his house. He never said, "Oh, I have a beautiful  
9 home" or anything like that, so no.

10 Q My question was, in that state is when you  
11 made the judgment about his house in comparison to your  
12 house.

13 A I just remember thinking about his house and  
14 making that observation in my mind. Yes.

15 Q All right. And that was when you were --

16 A Yes.

17 Q -- all foggy having left the bar. Is that  
18 yes?

19 A Yes.

20 Q Okay. So you're in the -- in his truck,  
21 outside, you are talking about the car, you're making  
22 plans to meet later. You go inside. You talk to your  
23 cousin, Clinton. And then Mr. Minton shows up to pick  
24 you up and he's on time; right?

25 A Correct. Yes.



1 Q Okay. And when he gets to your house, you  
2 don't have any alarm in your mind about what's going on  
3 up to this point.

4 A No.

5 Q As far as you're concerned, everything is  
6 going normally for a date.

7 A Correct. Yes.

8 Q Okay. So no suspicion, no concern at all  
9 about Mr. Minton and your safety.

10 A I mean, we all have a little hesitant about  
11 when we meet new people, and I had that, but I wouldn't  
12 say I was completely comfortable because I didn't know  
13 him, but I didn't think anything wrong. I didn't have  
14 any gut feelings towards going. No.

15 Q None of your internal alarms went off at any  
16 point while you were driving to the Oyster Pub?

17 A No.

18 Q Okay. And before you left, you had given  
19 Mr. Minton's description and the description of his  
20 truck to your cousin, Clinton.

21 A Yes.

22 Q Okay. Now, on the way to -- do you know where  
23 your house is in connection to the Oyster Bar?

24 A I do now. Yes.

25 Q Okay. It's not terribly far away.

1 A No.

2 Q Okay. And you'd never been to the Oyster Bar  
3 before.

4 A No.

5 Q Have you been since?

6 A No.

7 Q Okay. Now, on the way to the Oyster Bar,  
8 Mr. Minton stops at someone's house; right?

9 A Correct.

10 Q And he explained to you that that was a  
11 coworker or his boss, someone like that?

12 A Yes.

13 Q Okay. Did you meet that person?

14 A I didn't know they -- I didn't get a cordial  
15 meeting. No, I did not.

16 Q Okay. How long do you think you were at this  
17 other gentleman's house?

18 A Ten minutes --

19 Q Okay.

20 A -- or so.

21 Q And did you stay in the car?

22 A I did. Yes.

23 Q Okay. Did the gentleman come over and where  
24 you could see him?

25 A At one point they were a little bit closer,

1 but, for the most part, they were off more at a  
2 distance. Like I said, the driveway was a little long.

3 Q And what were they doing while you watched?

4 A They were talking and smoking a cigarette --

5 Q Okay.

6 A -- I do believe.

7 Q And he had told you that he was stopping there  
8 for work-related things?

9 A Yes.

10 Q Okay. So you knew that that was his coworker,  
11 or you thought that was --

12 A From what he said. Yes.

13 Q Okay. And you were at the coworker's house,  
14 you said, at least ten minutes?

15 A Yes.

16 Q Okay. Do you know if Mr. Minton was inviting  
17 the coworker to come with you guys?

18 A I don't think he did. No.

19 Q Okay. Did you have any discussion about if  
20 anyone would be joining you or if it was just going to  
21 be the two of you?

22 A We didn't discuss any other people. No.

23 Q Okay. Now, you didn't -- when you were at  
24 this person's house, did you know where you were in  
25 connection to your house?

1 A No.

2 Q Did you know where you were in connection to  
3 the Oyster Bar?

4 A No.

5 Q Did you have any idea where you were  
6 whatsoever?

7 A No.

8 Q Okay.

9 A We took the back roads from my house instead  
10 of the main highway, so I was unaware exactly where I  
11 was.

12 Q Okay. Now, after being at this gentleman's  
13 house, that's when you go to the Oyster Bar; right?

14 A Yes.

15 Q All right. And along the ride, Mr. Minton  
16 doesn't touch you or do anything inappropriate; right?

17 A No.

18 Q Okay. And the drive can't be that long;  
19 right? A couple minute?

20 A Yes.

21 Q Okay. When you get to the Oyster Bar, do you  
22 recognize where you are now, or are you still confused?

23 A I don't really remember, honestly.

24 Q Okay. Had you -- when you saw where you were,  
25 the Oyster Bar, was that a place you recognized from --

1           A     Yes. I've passed it a few times on my way to  
2 my house and different things like that, yes.

3           Q     So at that point did you have a sense that you  
4 were maybe near your home or --

5           A     I didn't know exactly how far away it was from  
6 my home. No.

7           Q     Okay. Now, did you -- while -- is this a  
8 residential area? Are there houses around?

9           A     Where?

10          Q     The Oyster Bar. Are there houses near by?

11          A     I think further down the road. I'm not sure,  
12 though.

13          Q     Is the Oyster Bar, like, on a main road?

14          A     It's off the main road, I do believe. Yes.

15          Q     What main road is that? Is it 17-92?

16          A     I think so.

17          Q     Okay.

18          A     I'm not good with that.

19          Q     When you went into the -- into the bar with  
20 Mr. Minton, did people in the bar seem to know him?

21          A     I think so. A little, yes.

22          Q     Okay. And you guys went in, but you guys came  
23 in from the back entrance; right?

24          A     Yes. It was the back or the side. It was  
25 definitely not the main entrance.

1 Q Okay. You guys parked in the back, though;  
2 right? There's a parking lot in the back?

3 A Yes, I think.

4 Q Okay. And so if you parked in the back, you  
5 walked in the back or the side.

6 A Yes. Up a big flight of stairs into --

7 Q There's like a wooden staircase outside, like  
8 a patio?

9 A Yes.

10 Q Did you go up through that?

11 A Yes.

12 Q Okay. So you walked up the wooden stairs in  
13 through the back and into one of the entrances near the  
14 pool hall?

15 A Yes. Yes.

16 Q Okay. Do you play pool?

17 A I have a few times. Yes.

18 Q Okay. Are you good? Are you sharkiness or --

19 A I am not good. I am actually, by luck, I do  
20 pretty good but not because I know exactly what I'm  
21 doing.

22 Q All right. Well, that's important.

23 When you get in there, did you guys play pool?

24 A Yes.

25 Q Okay. And you ordered -- he ordered drinks?

1           A     Not right away, but after we discussed it, a  
2     few.  Yes.

3           Q     Okay.  What's the discussion?

4           A     I had stated multiple times that I couldn't  
5     drink.  I still don't drink because of kidney issues  
6     that I have.

7           Q     And also you're underage?

8           A     Yes.

9           Q     Okay.  Did anyone ID you or card you at the  
10    bar?

11          A     No.

12          Q     Okay.  Did you guys have a discussion about  
13    being ID'd, or carded?

14          A     He told me that it would be fine and that's  
15    why we were going into the side.

16          Q     Okay.  So you ultimately agreed to drink the  
17    alcohol; right?

18          A     Yes.

19          Q     Okay.  I mean, there's no question that you  
20    willingly drank.

21          A     Yes.

22          Q     Okay.  And you had some -- you had a pineapple  
23    mixed drink; right?

24          A     Yes.

25          Q     Which you didn't finish.

1 A Correct.

2 Q And then three fireball shots.

3 A Yeah.

4 Q Okay. And, again, all of that was voluntary  
5 on your part.

6 A Yeah.

7 Q Now, you said earlier that the drinks would  
8 just appear. Did you see Mr. Minton go and get the  
9 drinks and come back or --

10 A He would leave me sitting there, and then he  
11 went and got the first drink. And then without saying  
12 anything, he went and got the first round of fireball  
13 shots. Yes.

14 Q Okay. Now, the problems you have with your  
15 memory, getting fuzzy and hazy, that doesn't occur until  
16 you go and leave the bar; right?

17 A Yes.

18 Q So you remember everything that happened in  
19 the bar.

20 A Yes.

21 Q Okay. And the fog, that doesn't hit you until  
22 you've left. I just want to be clear about that.

23 A Until I was leaving. As soon as I started  
24 walking back down the stairs, I noticed something wasn't  
25 right.



1 Q Okay. Now you've been intoxicated before?

2 A A few times.

3 Q Okay. Now, did you see Mr. Minton put  
4 anything in your drink while you were in the bar?

5 A I did not.

6 Q Now, you were watching for that kind of thing,  
7 though; right?

8 A Loosely, yes, but I did go to the bathroom  
9 without taking my drink, maybe twice, so there could  
10 have --

11 Q But one of the things we talked about before  
12 in your -- when we talked before was the attention that  
13 you paid to your drinks, to make sure that no one puts  
14 anything in your drink.

15 A Yes. I was trying to be as aware as possible.  
16 Yes.

17 Q Okay. And, really, you had no concern that he  
18 put anything in your drink while you were at the bar,  
19 did you?

20 A No.

21 Q In fact, you told me that you saw him walk to  
22 the counter and back, and there were no delayed times  
23 where he wasn't out of your sight?

24 A Except for when I was in the bathroom. Yes.

25 Q Do you recall talking with me about ordering

1 the drinks in our deposition?

2 A Yes.

3 Q Okay. And do you recall me asking you  
4 questions about whether you were watching to make sure  
5 that he couldn't have put anything in your drink?

6 A Yes.

7 Q Okay. And at that time do you remember what  
8 your answer was?

9 A I do believe it's what I'm saying now.

10 Q Okay. Did you ever tell me that you went to  
11 the bathroom and left your drinks alone while in our  
12 deposition?

13 A I'm not sure, but I do believe I did.

14 Q Are you sure that you went to the bathroom?

15 A Yes, I am positive.

16 Q Okay. And you're sure that you left the  
17 drinks?

18 A I am positive. Yes.

19 Q Aren't shots something that you do kind of all  
20 in one motion?

21 A The shots are, yes, but, like I had said, I  
22 never finished my actual mixed drink, so that was still  
23 sitting there the whole time we were there?

24 MR. DELGADO: May I approach the witness?

25 THE COURT: Sure.

1 BY MR. DELGADO:

2 Q Ms. Peppers, I'm handing you your deposition.  
3 Now, you recall a time when you came -- I was there,  
4 Mr. Damore was there, Ms. Stratis was there -- and there  
5 was a court reporter taking down everything that was  
6 said?

7 A Yes.

8 Q And that was in February of last year.

9 A Yes.

10 Q And you were placed under oath at that time.

11 A Yes, I think so.

12 Q The same oath you took today to tell the  
13 truth.

14 A Yes.

15 Q And when I asked you questions, you answered  
16 them. The answer that you gave me was the truth at that  
17 time.

18 A Yes.

19 Q Okay. If you'll turn to page 39 in your  
20 deposition?

21 A Okay.

22 Q Now, I asked you how long did you think you  
23 were at the Oyster Bar. Your answer was, "Maybe an  
24 hour."

25 MS. STRATIS: Judge, I'm going to object to

1 counsel --

2 THE COURT: Can you identify what line you're  
3 on?

4 MR. DELGADO: Yeah. Page 15, line 39 --  
5 page 39, line 15.

6 THE COURT: Is that what you're asking?

7 MS. STRATIS: No. I mean, he hasn't asked her  
8 about that on the stand. I don't know if he's  
9 trying to impeach her or refresh her memory.

10 THE COURT: I think he's refreshing her  
11 memory. Maybe not. I thought he did ask her. Go  
12 ahead, page 39, line 15.

13 BY MR. DELGADO:

14 Q If you'll just read from that part down to the  
15 next page, maybe lines -- just, basically, from page 39,  
16 line 12, all the way to page 41, please. And then look  
17 up when you're done reading so that I know that you have  
18 read it.

19 A To page 41, you said?

20 THE COURT: Read all of page 40 is what he's  
21 saying.

22 MR. DELGADO: Yes.

23 THE WITNESS: Okay. I'm done reading.

24 BY MR. DELGADO:

25 Q And I do apologize. You did tell me that you

1       went to the bathroom. I'm sorry.

2                   Having read that testimony, I asked you about  
3       you specifically watching for anything suspicious;  
4       right?

5           A       In this, yes.

6           Q       And your response to me was that you had  
7       been -- you had no suspicion whatsoever and that you  
8       were able to keep a clear line of sight on him.

9           A       To the best of my ability, I tried. Yes.

10          Q       Okay. And I asked you if you were suspicious  
11       that he slipped you anything or that he was acting  
12       inappropriately, and you said you were not suspicious.

13          A       No. Like I said in this, he did walk to the  
14       bar and back, and he did not have any delay in times.  
15       But I also stated that, yes, I did go to the bathroom,  
16       which left idle time.

17          Q       Okay. But when I asked you about it at the  
18       deposition, you didn't think that he had slipped you  
19       anything at the bar.

20          A       No. I didn't think anything of it until I  
21       started feeling different than normal.

22          Q       Okay. And when you drank your fireball shots,  
23       you drank them right when they came, you drank them?

24          A       As far as I remember correctly, yes.

25          Q       So the only thing that you would have been

1 sipping on would maybe be the mixed drink?

2 A Yes.

3 Q Okay. But you tried to be -- you tried your  
4 best to be as fully aware as possible where your drinks  
5 were to make sure that nothing happened; right?

6 A Yes. I was trying to be aware, especially  
7 because I was partaking in alcohol.

8 Q Okay. The fact you were drinking made you be  
9 more aware and made you be more cautious.

10 A I was trying to. Yes.

11 Q Okay. And until you left, you didn't see  
12 anything that made you suspicious.

13 A No.

14 Q Was it a male or female bartender, do you  
15 remember?

16 A I do not remember, but I do believe it was  
17 female. Yes.

18 Q Okay. Now, while you guys were playing pool,  
19 are you feeling the effects of the alcohol?

20 A I could feel that I was starting to become a  
21 little intoxicated. Yes.

22 Q Okay. But nothing like what you describe  
23 later, that fog.

24 A Correct.

25 Q Okay. Now, were you guys physically

1 affectionate with each other while you were playing  
2 pool?

3 A A little bit. I think we kissed a few times.  
4 Yes.

5 Q And that was consensual?

6 A Yes.

7 Q And, I mean not to overstate the obvious, you  
8 kissed him because you were attracted to him.

9 A Yes.

10 Q Okay. And was it just like one little kiss,  
11 or were you, you know, making out?

12 A I don't remember. I know we kissed at least  
13 twice, but I don't -- I don't think it was anything  
14 heavy or like that.

15 Q Well, I take it there were other people around  
16 as well?

17 A Not in the room that we were in. All the  
18 other people that were in the bar were in the main bar,  
19 and we were in the pool area.

20 Q Okay. So, now, when you go -- how long do you  
21 think you were at the Oyster Bar?

22 A I would say an hour, between an hour, two  
23 hours, tops. Not incredibly long.

24 Q So one to two hours?

25 A Yeah. Long enough to play -- I think we

1 played like four games of pool or so.

2 Q Okay. And the mixed drink was the first drink  
3 you got?

4 A Yes.

5 Q And, I mean, all the drinks tasted the way  
6 they were supposed to, nothing strange about any of the  
7 drinks; right?

8 A Right.

9 Q Is that correct?

10 A Correct. Yes.

11 Q Okay. So now after this is when you begin to  
12 leave -- you decide to leave bar because you're going to  
13 get food?

14 A Yes. We were supposed to get food at the  
15 Oyster Bar, but he had stated that he didn't want to eat  
16 there, that Chili's was better so that we would actually  
17 go there instead.

18 Q At this point, how long has it been since  
19 you've eaten?

20 A I had lunch right prior to meeting him, a  
21 little bit of lunch.

22 Q So, like, four o'clock?

23 A Yeah. Around three, yeah, three or four.

24 Q That was when you had the cold Burger King or  
25 whatever?



1           A     Uh-huh.

2           Q     Okay.  So you had eaten in the last, maybe --  
3     it might have been five or six hours since you'd eaten?

4           A     Yeah.  It wasn't very long.

5           Q     Okay.  Now, as you're leaving the bar, do you  
6     go out the same way you came in, through the back?

7           A     Yes.

8           Q     You don't have any difficulty going down those  
9     stairs or anything like that, do you?

10          A     I was having a little trouble going down the  
11     stairs.  Yes.

12          Q     Okay.  Did you say anything to Mr. Minton?

13          A     I don't remember.

14          Q     Did you tell him you didn't feel well?

15          A     I don't remember actually saying it or not.  I  
16     was feeling it, but whether I actually said it out loud  
17     or not, I don't remember.

18          Q     Okay.  Well, when you leave the Oyster Bar,  
19     you've got to go down, like, two flights -- like, down  
20     at least a flight or two of stairs; right?

21          A     Yes.  It was a pretty long one flight of  
22     stairs.

23          Q     Yeah.  And then you go out to the car and all  
24     that.  You're already, at this point, you said, starting  
25     to not feel yourself.

1 A Correct.

2 Q Did you vomit or anything like that at the  
3 Oyster Bar?

4 A Not that I remember, no.

5 Q Okay. Did you say anything about, "Hey, I  
6 don't feel good, let's stay here, let me get a glass of  
7 water," anything like that?

8 A No, I did not.

9 Q Now the Oyster Bar is near your house; right?

10 A Somewhat. Yes.

11 Q Okay. Did you suggest that you could just go  
12 home, "Take me home, I don't feel well"?

13 A No. I was still under the impression that we  
14 were going out to dinner, so I inclined to go.

15 Q So even with whatever kind of you're feeling,  
16 you're still comfortable with the idea of going to  
17 dinner at this point?

18 A Not thinking about it. Yes.

19 Q Okay. And then you get in the car and again  
20 you're not alarmed or concerned at this point.

21 A I was becoming pretty suspicious because of  
22 the fact that I wasn't feeling good. I couldn't figure  
23 out why I felt that way.

24 Q But you don't remember saying anything about  
25 that to him.

1           A     I don't remember.  No.

2           Q     And you don't remember saying "Take me home.  
3     I don't want to go to Chili's," or anything like that?

4           A     Right.

5           Q     In fact, when you went to his house, you were  
6     concerned because it was not Chili's, where you were  
7     expecting to go?

8           A     Yes.  When we left the Oyster Bar, I was under  
9     the impression, when we pulled out of the Oyster Bar  
10    that that's where we were head.

11          Q     Okay.

12          A     And so when we stopped at the house, I was  
13    really confused and that --

14          Q     Do you remember how long of a ride it was from  
15    the Oyster Bar to --

16          A     It was only a few memos.

17          Q     So it's a short ride; right?

18          A     Correct.

19          Q     And he told you he needed to stop at the house  
20    really quickly?  Is that --

21          A     Once we got to his house and I asked him where  
22    we were, he said that we were at his house and he just  
23    wanted to stop in real quick.

24          Q     Okay.  Did he invite you in?

25          A     Yes.  I went in with him.  Yes.

1 Q Okay. Did you say, "No, I don't feel good,  
2 I'll stay here in the car?" Did you make any comments  
3 like that?

4 A No. I went in with him.

5 Q Okay. And, again, at this point you don't  
6 recall telling him at all that you don't feel well.

7 A I don't remember saying that to him. No.

8 Q But at this point you're feeling -- have you  
9 started to lose control of your body already?

10 A Yes. When we made it inside, whenever --  
11 immediately sat down on the bed, and I think that's at  
12 the point when I told him I wasn't feeling too good.

13 Q Okay. So that was before any of the pill  
14 we're going to talk about and all that.

15 A Correct.

16 Q Okay. Now, do you remember if the outside of  
17 his house is well lit? Do you remember anything about  
18 what the outside of his house looked like?

19 A If I remember correctly, it was -- there  
20 wasn't very many lights. It was very dim.

21 Q Okay. When you go -- when you go inside the  
22 house, you said -- did you go in through the side, under  
23 the tarp?

24 A I don't remember. I think it was through the  
25 front, though.

1 Q Okay. And you said that you sat on the bed  
2 and he went and broke up some marijuana?

3 A Correct. Yes.

4 Q But you don't remember smoking any marijuana?

5 A No, we didn't.

6 Q You did not smoke any marijuana.

7 A No.

8 Q Okay. Now, at this point when you're in the  
9 house, are you totally lost?

10 A Yes.

11 Q Okay. So you have no idea where this house is  
12 in relation to anything else.

13 A Correct.

14 Q Okay. And if you had had to drive from that  
15 home to your home, you would not have been able to do  
16 that; right?

17 A Not without anybody telling me which way to  
18 go. No.

19 Q Okay. And at this point, before the pill,  
20 you're already -- you're already, like, not aware of  
21 your surroundings?

22 A Yes. I was very disoriented.

23 Q Okay. But -- and now you tell Mr. Minton,  
24 what, that you don't feel good or that you're nauseous  
25 or what?

1           A     I don't remember the exact words, but I  
2     remember saying like, "Something's wrong, I don't feel  
3     right," something to that effect.

4           Q     Okay. And did you say to take you home?

5           A     I do not think so. I don't remember, though.

6           Q     Okay. In your mind, you were still going to  
7     go to Chili's?

8           A     At that point in time, yes.

9           Q     Okay. Now, this pill that he pulled out, you  
10    have no idea what the pill is.

11          A     No idea.

12          Q     Okay. Now, did the pill hit you instantly, as  
13    soon as it was in your mouth?

14          A     I remember him putting the pill into my mouth  
15    and blacking out right afterwards.

16          Q     So you blacked out immediately after taking  
17    the pill?

18          A     Yes. Between there and being woken up to him  
19    on top of me. That's the next thing I remember.

20          Q     Okay. Now, did he -- you said that he put the  
21    pill in your mouth?

22          A     Yes.

23          Q     Did he cover your mouth or do anything to  
24    force you to swallow the pill?

25          A     I think he just put it in. I don't think it

1 was forceful.

2 Q Okay. So would it be fair to say that you  
3 swallowed the pill yourself?

4 A Yes.

5 Q Would it be fair to say you voluntarily  
6 swallowed the pill?

7 A In my state of mind, yes.

8 Q At this point, had you told him that you felt  
9 ill?

10 A Like I said, whenever we first came in, I  
11 think it was the only time that I said I felt a little  
12 funny. And that's why he had brought up the pill,  
13 because he told me that it was supposed to wake me up,  
14 make me feel better. And I'm still questioning, like,  
15 "I don't know what you're giving me, so, no, I really  
16 don't want to take it." I just know that I feel weird,  
17 and then that's whenever it was placed into my mouth.

18 Q Okay. So the most you told him was one time  
19 that you felt a little funny.

20 A As far as I can remember. Yes.

21 Q Okay. You didn't tell him anything about that  
22 you can't see, that you can't control your body, that  
23 things are hazy or blurry, any of those things.

24 A Not that I can remember, no.

25 Q Okay. You didn't tell him anything about the

1 extent of what you were experiencing.

2 A No. I was having a hard time communicating at  
3 that point.

4 Q Okay. So he might not have even known how you  
5 were feeling.

6 A I'm not sure.

7 Q Right. You don't -- you certainly didn't  
8 convey to him the extent of how you were feeling?

9 A I don't know. Like I said, I was having a  
10 hard time communicating. It was like I couldn't speak,  
11 I couldn't move.

12 Q Okay. But, I mean, were you sitting up or  
13 standing up when you took the pill?

14 A I was sitting on the bed at the time. Yes.

15 Q Okay. So, I mean, you -- and, again, I know  
16 we just went over this -- you voluntarily consumed a  
17 pill that you didn't know exactly what it was.

18 A Yes.

19 Q And could you have spat it out if you wanted  
20 to?

21 A I guess, but I really wasn't thinking clearly  
22 because of the state of mind that I was in.

23 Q Okay. And the pill kicked in instantly, and  
24 you lost consciousness.

25 A As much as I can remember. Yes.



1 Q Okay.

2 A I say that because I don't remember exactly  
3 what happened after the pill.

4 Q How long do you think you had been in the  
5 house before you took the pill?

6 A Only a few moments.

7 Q Okay. Minutes?

8 A Yes. It was very quickly upon being there  
9 that that took place. Yes.

10 Q Okay. And now, Ms. Peppers, I have to ask you  
11 some detailed questions about what happened.

12 A Okay.

13 Q And I'm sorry, but it's really important that  
14 I ask kind of very specific questions.

15 A I understand.

16 Q All right? So bear with me. And I'm sorry.  
17 I don't mean to pry, but I have to know.

18 When we talked before, I asked you about what  
19 you remembered from this incident. And would it be fair  
20 to say that whatever occurred sexually, you don't have a  
21 very clear memory of?

22 A Yes.

23 Q Okay. Do you remember me asking you a lot of  
24 detailed questions about what happened?

25 A A few. Yes.

1 Q Okay. And if you still have that deposition  
2 transcript, if you'll look at page 63, lines 15 to the  
3 bottom of the page.

4 A 63, lines 15, you said?

5 Q Yes, ma'am. To the bottom of the page, down  
6 to 25.

7 A Okay.

8 Q Was it your testimony at that time that you  
9 really only remembered screaming, throwing up, him being  
10 on top of you, but you didn't remember the specifics of  
11 what happened?

12 A Correct.

13 Q Okay. And did you have an actual -- do you  
14 have an actual memory of him -- of ever seeing his  
15 penis?

16 A I don't remember actually seeing his penis,  
17 no.

18 Q Okay. I was having a hard time keeping my  
19 eyes open.

20 Okay. And do you actually recall whether or  
21 not he had vaginal sex with you?

22 A Yes.

23 Q Okay. Do you recall me asking that in your  
24 deposition?

25 A I think so. Yes.

1           Q     And do you remember telling me that the only  
2 thing --

3           MS. STRATIS: Judge, objection. I don't know  
4 where he's pointing to.

5           THE COURT: What page and line?

6           THE WITNESS: Yeah.

7 BY MR. DELGADO:

8           Q     Sixty-five and, actually, 64, 23 to 25, and  
9 then page 65.

10          THE COURT: Did you hear him, ma'am?

11          THE WITNESS: Yes, I think so.

12          THE COURT: Starting on page 64, line 23.

13          MS. STRATIS: Judge, I'm not sure if he's  
14 trying to refresh his recollection or impeach her.  
15 I'm not clear what he's trying to do.

16          THE COURT: I believe --

17          MR. DELGADO: I'm going to impeach her,  
18 actually, at this point. Well, first of all, let  
19 her read it to see if she remembers making a  
20 different statement.

21          THE WITNESS: So which pages am I supposed to  
22 be reading?

23 BY MR. DELGADO:

24          Q     Sixty-three, the bottom, 23 to 25, and then go  
25 ahead and read the next --

1 A Sixty-three, you said?

2 Q Yes, ma'am. I'm sorry. Yeah. Sixty-four.

3 THE COURT: It was 64, line 23.

4 MR. DELGADO: Yeah. That's how I got  
5 confused.

6 BY MR. DELGADO:

7 Q So the next page.

8 A Okay. I'm finished reading.

9 Q And then did you read the next page, page 65?

10 A The whole page?

11 Q Yes, ma'am.

12 A Not yet.

13 Q Okay.

14 A Okay. I'm finished reading.

15 Q Having read that, do you remember what you  
16 told me when I asked you about what kind of incidents  
17 you remember?

18 A I'm not understanding the question.

19 Q Okay. Do you recall me asking you if you had  
20 had vaginal sex?

21 A Yes. Just then. Yes. Yeah.

22 Q And do you recall what your answer was?

23 A On the page or -- yes.

24 Q On the page. What was your answer on the  
25 page?

1           A     That I couldn't remember exactly.

2           Q     Okay.  Would it be fair to say during your  
3 deposition, the only thing -- you claimed to be able to  
4 remember was anal penetration?

5           A     Yes.

6           Q     And you specifically said you didn't recall  
7 performing oral sex on him?

8           A     Yes.  I don't remember if I remember it being  
9 brought up in -- like, I remember him saying that that  
10 was at that later date at the cemetery, which I'm sure  
11 we'll cover it.  I don't remember at the time of the  
12 house being -- I don't remember.

13          Q     So at the house, you don't remember having  
14 oral sex with him?

15          A     I don't remember.  No.

16          Q     Okay.  And at the house, do you remember  
17 having vaginal sex with him?

18          A     I remember feeling it go from my anal to in  
19 the front, vaginally.  I remember that.  Yes.

20          Q     Okay.  Now, when I asked you at your  
21 deposition, "Do you recall --" this is page 64, lines  
22 23, and on to page 65.

23          A     Correct.

24          Q     My question was, "Okay.  And do you recall,  
25 was that orally?  anally?  vaginal?  What do you recall?"

1                   Your answer was, "I recall it being anally. I  
2 don't know for sure the anal -- I don't -- I know for  
3 sure the anal penetration took place. As far as frontal  
4 penetration from the mouth, I'm not a hundred percent  
5 recollection."

6           A     Correct.

7           Q     Okay. So did you ever tell me in your  
8 deposition that you had vaginal sex with him?

9           A     I'm not sure. I don't think so.

10          Q     Okay. But it's your testimony here today that  
11 you did have vaginal sex with him?

12          A     As much as I can remember. Yes.

13          Q     Well, I mean, you either remember it or you  
14 don't.

15                   MS. STRATIS: Objection. Asked and answered,  
16 Judge.

17                   THE COURT: Sustained.

18 BY MR. DELGADO:

19          Q     Do you have a specific memory of having  
20 vaginal sex with him?

21          A     Yes.

22          Q     And is there a reason that you didn't tell me  
23 that in any of the times that we talked when I asked you  
24 about all the details that you remembered?

25          A     In the deposition, I couldn't remember, but

1 looking through the case and getting some of my memories  
2 back, I was, in fact, able to remember going in between  
3 vaginal and anal penetration. Yes.

4 Q So your testimony is your memory now is  
5 different than your memory was at the time that we took  
6 your deposition?

7 A Yes.

8 Q Okay. Now, but you do -- you still do not  
9 recall having performed oral sex on Mr. Minton at the  
10 house.

11 A No.

12 Q Did you ever perform oral sex, or did he just  
13 ask you to?

14 A I don't recall. No.

15 Q So the answer is as far as you know, you've  
16 never performed oral sex on Mr. Minton.

17 A Correct.

18 Q Okay. Now, it was your testimony, however,  
19 that Mr. Minton performed oral sex on you.

20 A I remember. Yes.

21 Q Okay. And was that one of the first things  
22 that happened? Was that towards the middle? When was  
23 that?

24 A I remember at the beginning, whenever I first  
25 woke up to him on top of me, that that's what was going

1 on. I remember him -- starting to go down toward my  
2 vagina with his mouth. And that's, I think, whenever I  
3 was telling him, you know, "I'm on my period." Like,  
4 "Please don't do this," that sort of thing. Yes.

5 Q Okay. So you're saying when you became  
6 conscious, he was beginning to perform oral sex on you.

7 A As far as you can remember. Yes.

8 Q Okay. And then at some point he had you on  
9 all fours?

10 A I remember he was trying to get me on all  
11 fours, to help him be able to easier, and I remember not  
12 being able to hold myself up.

13 Q Okay. And you remember him grabbing your hair  
14 with both hands? one hand?

15 A I don't want to say both hands. I don't  
16 remember that, but I do remember being held by my hair.  
17 Yes.

18 Q Do you remember him undressing you?

19 A I don't remember. No.

20 Q Okay. If you look at your deposition,  
21 page 54, at the very top -- actually, let's start on  
22 page 53, line 23, read that, and then read --

23 A Page 53, you said?

24 Q Yes, ma'am. Fifty-three, the bottom from 23  
25 down and then all of page -- the first half of page 54.



1           A     Okay.  I'm done reading halfway through the  
2 page 54.

3           Q     Thank you, ma'am.

4                     Do you remember me -- my question was, "When  
5 you wake up and someone is on top of you, what do you  
6 remember?"

7                     You respond, "I just remember screaming and  
8 crying and telling him to stop and I didn't want to and  
9 that I was on my period.  And at the time, whenever I  
10 had first woken up, I don't think he was in full  
11 penetration yet, but I think he was trying to, you know,  
12 undress me.  You know, I'm telling him on my period, I  
13 don't want to do this, you know, I have a tampon in."

14                    That's different than what you just described  
15 to me; right?

16           A     Not that I'm aware of okay.

17           Q     A moment ago you said that when you first  
18 became aware, he was performing oral sex on you and that  
19 you didn't see him undress you or you weren't aware of  
20 that.

21                    MR. DELGADO:  Objection.  Counsel  
22 mischaracterizing.  She said she didn't remember.  
23 She didn't say it didn't happen.

24                    THE COURT:  Sustained.

25           BY MR. DELGADO:

1           Q     Well, having read your deposition testimony,  
2 do you agree with me that your deposition testimony is  
3 different than what you just told me?

4           A     I believe -- I'm not sure the question. I'm  
5 sorry.

6           Q     Do you remember being undressed?

7           A     I don't really remember that, but I do  
8 remember him being on top of me. I remember him going  
9 towards there. I don't remember if he was undressing  
10 me. I can't really recall if he was taking all of my  
11 clothes off or not, but I remember him being on the  
12 verge of that happening. Yes. Just like I had said in  
13 the deposition.

14          Q     Okay. You don't remember -- do you remember  
15 him taking off his clothes?

16          A     I don't remember seeing him do that. I don't  
17 know.

18          Q     Now, the point that you're -- that this is  
19 happening, you said you have no control over your body.

20          A     Correct.

21          Q     You're not able to fight him off or anything  
22 like that?

23          A     No. I remember trying to push him off.

24          Q     Do you remember anybody coming to the house or  
25 banging on the back door?

1 A No.

2 Q Okay. Do you remember meeting any female at  
3 his house?

4 A No.

5 Q Okay. The next thing you remember is somehow  
6 getting away?

7 A Yes. After a while of screaming and laying in  
8 my vomit and being attacked, yes, at one point he had  
9 gotten off of me, and I ran instantly.

10 Q Okay. And you ran out the door you had come  
11 in?

12 A I think so, but I don't remember a hundred  
13 percent.

14 Q Well, do you remember if your clothes were on?

15 A I think they were, like, half off. I think I  
16 remember pulling up my pants. I'm not sure exactly.

17 Q Okay. How about your shirt, was your shirt on  
18 or off?

19 A I don't remember thinking about it at that  
20 moment until I was -- I think it was either when I was  
21 at my house after I had finally made it home or on my  
22 way to the hospital, whenever I realized that my  
23 clothing was ripped.

24 Q Okay. So do you remember whether you had your  
25 shirt on or not when you ran out of the house?

1 A I don't think I did. No. I'm not --

2 Q Okay. And you didn't have a bra on because  
3 the bra was over there.

4 A I'm not -- I didn't have the bra on. I'm not  
5 sure about the shirt. I don't remember. I think it was  
6 on, but I think that was the part that was ripped.

7 Q Okay. And he didn't run after you or try to  
8 grab you or anything like that.

9 A I don't remember.

10 Q It's a pretty small house.

11 A Yes. I don't remember struggling with him or  
12 anything. I just remember running out and seeing  
13 headlights.

14 Q So at no point do you recall you having to  
15 struggle to get free to escape the house?

16 A No. There was no biting or fighting or  
17 struggling or anything. He was off of me at the time,  
18 so I ran out.

19 Q Okay. Okay. And now, you had no idea where  
20 you were.

21 A No.

22 Q You said that you ran into a yard, and you saw  
23 headlights coming and tried to flag down the car?

24 A I just ran into the road. It wasn't a yard.  
25 I think it was the road I was in. I was seeing somebody

1 turning onto the road. I saw their headlights, and I  
2 was waving at them. Yes.

3 Q And they didn't stop for you.

4 A Not that I'm aware of. No.

5 Q Okay. Now, how long do you think you ran for  
6 before you got home?

7 A I'm not sure. I remember running. It was  
8 very, very bizarre. I couldn't -- it was like a  
9 dream-like state, like I had stated previously. And I  
10 just remember the feeling of running, and then I  
11 remember being back into the truck.

12 Q Do you remember if you were barefoot?

13 A I don't remember.

14 Q Okay. Look at your deposition, page 56,  
15 line 17 to 19.

16 A Fifty-six, page 17 through 19?

17 Q Page 56, lines 17 through 19.

18 A Okay.

19 Q Do you remember whether you were running  
20 barefoot?

21 A From this, I would say yes.

22 Q Okay. And do you recall where you got back in  
23 Mr. Minton's truck?

24 A No.

25 Q Okay. Did you knock on any doors of any

1 houses that you ran by?

2 A No. I don't remember seeing any houses. It  
3 was very tunnel vision.

4 Q Okay. So do you know if it took you five  
5 minutes to get home? twenty minutes to get home? an  
6 hour?

7 A I have no idea the time span. No.

8 Q Okay. Do you know, as we sit here, how far it  
9 is from Mr. Minton's home to your home?

10 A Prior to the case? No.

11 Q As we sit here now?

12 A Now, yes.

13 Q And about how far is it?

14 A Only a few miles.

15 Q Excuse me. And you were -- but you ran in  
16 your condition, you ran almost two and a half miles,  
17 barefoot?

18 A I'm not sure how long I ran, because as I  
19 previously stated, I was picked back up by the  
20 defendant.

21 Q But you have no idea where he picked you back  
22 up?

23 A No. I have no idea where I got back into the  
24 car with him. No.

25 Q And at some point you ended up at the cemetery

1 right by your house?

2 A Yes. I remember as we were in the truck again  
3 together, seeing the street signs and one of the roads  
4 being Spartan, which is the next street after Carpenter.  
5 And then that's when I realized that he did not turn on  
6 my road. And that's whenever I was stating, "You're not  
7 taking me home, like, this is not where we're going.  
8 Where are we going?" And then that's when we ended up  
9 at the cemetery.

10 Q You don't recall the conversation, any  
11 conversation about how you got back in the car?

12 A No.

13 Q Okay. And when you went to get out of the  
14 car, did Mr. Minton try to grab you?

15 A Not that I remember. I just saw the door  
16 handle, and I opened it and woke up in my bathroom.

17 Q Okay. So, to your knowledge, he didn't do  
18 anything to force you to get in the car?

19 A Not that I'm aware of. No.

20 Q And he didn't do anything to force you to stay  
21 in the car.

22 A Not that I'm aware of. No.

23 Q Okay. And when you opened the car, you're not  
24 aware of any -- he didn't chase you or come after you  
25 with the car.

1           A     Not that I know of.  No.  I have no memory of  
2     that, whatsoever.

3           Q     So it would be fair to say you have no memory  
4     of any difficulty with Mr. Minton preventing you from  
5     leaving his house, leaving the car, anything.

6           A     After he got off of me, no.

7           Q     Okay.  Now, when you got back in the car, you  
8     testified on direct that he said something about wanting  
9     oral sex, but you guys did not have oral sex in the car.

10          A     Not that I remember, no.

11          Q     Okay.

12          A     I don't know.

13          Q     So no oral sex at the house or in the car?

14          A     Not that I remember.  No.

15          Q     Did you have any bruises or anything on you  
16     from falling or anything like that?

17          A     As I remember from being in the hospital, I  
18     know there was a few minor bruises, I think a few on my  
19     leg and different things, but I don't remember exactly.

20          Q     So you managing to run in the direction of  
21     your home is just pure blind luck; right?

22          A     I guess so.

23          Q     Okay.  Because coming out of Mr. Minton's  
24     house, you had no idea which way to turn -- left, right,  
25     north, south.



1           A     No. I still don't know how I made it home.

2           Q     Okay. Now, isn't there a house directly  
3 across from Mr. Minton, the house where his -- you had  
4 been earlier?

5           A     Yes.

6           Q     Okay. Did you go over to that house and try  
7 to get --

8           A     I didn't know that that's -- that it was there  
9 at the time. No.

10          Q     You couldn't see it when you came out?

11          A     No. I didn't -- I didn't know that that house  
12 was next to his house. It was after, when I went with  
13 the sheriff, when I realized that that was the house.

14          Q     Right. I guess my question is when you came  
15 out of Mr. Minton's house, did you see any other houses  
16 near by?

17          A     No. I couldn't see anything but darkness, it  
18 seemed like.

19          Q     Okay. But do you know that to be a  
20 residential area?

21          A     For the most part, I would say yes.

22          Q     Okay. And do you know now that there are  
23 houses all around there?

24          A     Yes.

25          Q     Okay. And would you agree with me that pretty

1 much any way that you ran from Mr. Minton's house  
2 towards your house, you would have run by homes?

3 A I do believe so.

4 Q Okay. Or businesses.

5 A Yes.

6 Q Okay.

7 A I don't remember seeing any, though.

8 Q And you have no recollection of stopping and  
9 trying get help at any house or business.

10 A No.

11 MR. DELGADO: Okay. Your Honor, one moment.

12 THE COURT: Take your time.

13 BY MR. DELGADO:

14 Q When you were trying to push -- you said you  
15 pushed -- you were pushing Mr. Minton off. Did you  
16 scratch him or anything like that?

17 A I don't remember. No.

18 Q Okay. Are you even able to tell us exactly  
19 what you did as far as what your physical actions were,  
20 or is that foggy?

21 A I remember trying my hardest to move and push  
22 him off me and scream, but as I stated before, I had  
23 zero control over my body, so I was unable to do that.

24 Q So you were --

25 A To put enough strength to push him off of me.

1 No.

2 Q So you were unable to do that.

3 A Correct.

4 Q Okay. And do you remember actually being able  
5 to scream, or were you unable to scream?

6 A As far as I know, I was screaming.

7 Q Okay. So you don't remember any actual real  
8 fight or struggle with Mr. Minton.

9 A While the assault was taking place, he was  
10 holding me down, and I was trying to get him off of me.  
11 That was the only time.

12 Q But as far as when you -- leaving, nothing  
13 like that.

14 A Correct.

15 Q Okay. And you're struggling, you said you  
16 were kind of unable to struggle. That was your intent,  
17 but you weren't actually able to struggle.

18 A Correct.

19 Q Does that mean you didn't actually -- you  
20 wanted to move but just couldn't move?

21 A I was trying to move, but I feel as if I was  
22 barely succeeding at it.

23 Q Okay. The kidney issue, is that something --  
24 is that a serious issue, the problems you have with your  
25 kidneys?

1           A     I mean, I get kidney stones. I'm not allowed  
2     to drink caffeine or anything like that. I have a very  
3     strict diet to ensure that my kidneys don't get hurt.  
4     Yes.

5           Q     Okay. But you were willing to kind of put  
6     that to the side because --

7           A     After I was asked multiple times, I decided to  
8     go ahead and just say yes. Yeah.

9           Q     Okay. You kind of gave in to the moment.

10          A     Yes.

11          Q     Is that --

12          A     Yes.

13          Q     Okay. At some point did the drugs or whatever  
14     that was affecting you, did they wear off?

15          A     I didn't start regaining my consciousness  
16     until earlier the next morning.

17          Q     Okay.

18          A     I do believe.

19          Q     So after you get back home?

20          A     Even at the hospital I was still pretty  
21     sedated. Yes.

22          Q     Okay. But at some point you're able to bolt  
23     from the house and run some distance?

24          A     I initially ran. I wouldn't say that I was  
25     running. I don't know because I have no memory of doing

1 so. But I remember trying to hastily get out of the  
2 situation. Yes.

3 Q But you went from being unable to move at all  
4 to being able to travel some distance away from the  
5 home?

6 A I was trying to do my best. Yes. I think  
7 survival instincts and everything.

8 Q And then when you got out of the truck by  
9 cemetery, it's still, what, a couple hundred feet to  
10 your house; right?

11 A Yes.

12 Q And you made -- do you remember that walk  
13 home?

14 A No, I don't remember it at all.

15 Q Okay. Suffice it to say, if you had  
16 difficulties moving, it would not have been hard for  
17 Mr. Minton to grab you.

18 A Yes.

19 Q Okay. In fact, you think your kind of  
20 impairment would be such that he would have been able to  
21 get you back in his truck if he wanted to?

22 A Yes. He did have me in his truck once, so  
23 yes.

24 Q But he didn't force you to get in his truck.  
25 You got back in his truck willingly; right?

1 A As well as I remember it. Yes.

2 Q But you're not telling us that he forced you  
3 or threatened you to get back in the truck.

4 A As far as I remember, no.

5 Q Okay. And his vehicle, it's a truck; right?  
6 It's up a little bit. You got back in.

7 A I don't know. I don't know. I don't remember  
8 any of it.

9 Q You don't remember any of --

10 A I don't remember getting back in the truck. I  
11 don't remember exiting the truck and running. I don't  
12 remember any of it. After the assault, I have hardly  
13 any memory of how I got home, what happened after that I  
14 just remember me being woken up by my aunt and saying  
15 "He hurt me, he hurt me," in my bathroom, and then  
16 that's whenever was I taken to the hospital and then to  
17 the sheriff's department.

18 Q So the conversation in the truck, that's not  
19 something you remember?

20 A I mean, I remember vaguely, but, like I said,  
21 I don't have very many memories whatsoever but what I  
22 have said.

23 Q Okay. Do you agree that you have said  
24 different -- you've said different things about what  
25 happened today than you did in your deposition as far as

1 the types of sex that occurred?

2 A I mean, there might have been a few with the  
3 sexual encounters, yes, but that's because I did not  
4 remember at the time.

5 Q But your memory is better now.

6 A Yes.

7 MR. DELGADO: I don't have any further  
8 questions.

9 THE COURT: Redirect?

10 MS. STRATIS: One moment, Judge.

11 THE COURT: Yes.

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