

**Minutes and Transcript of Proceedings
Before the May 2009 – April 2010 Grand Jury,
Thompson County, State of Marshall**

July 29, 2009

[Assistant State's Attorney Frank Orlando] Q: You are Pat Siewert, and you live at 5400 N. Lombard, Marshall City, Thompson County, State of Marshall, and you appeared before this grand jury in this building on June 23, 2009? You are employed at the Lake Kennedy Federation, here in Marshall City and have been so employed for the past five years now.

A: Yes.

Q: You are acquainted with the executive director of that organization, Casey Cutter, and the staff attorney, Connie Cutter.

A: Yes.

Q: On the night of June 23 or the early morning hours of June 24, were you and your spouse at home in your home at 5400 N. Lombard, Marshall City, Thompson County, State of Marshall?

A: Yes, we were.

Q: All night?

A: Yes. I got home about 7 PM. Remember, I was here all morning with, in the grand jury room, and then I went to work all that afternoon. I stayed at the office until after 6 PM. So, that night, my spouse, R.J., and I had dinner together, listened to music, and went to bed. It was a long day because that morning I was down here early for the grand jury and I then had a full afternoon at the office. Just before I wanted to leave, around 5 PM, I had a discussion, kind of an argument, with Connie Cutter.

Q: The same Connie Cutter who is the legal counsel for the Lake Kennedy Federation?

A: Yes. It was a troublesome conversation.

Q: Tell the members of the grand jury what that was about.

A: A little before 5 PM, Connie Cutter came to my cubicle and said that I had come in at noon, and wanted to know if I had any particular reason for coming in late. I apologized, and I said that I

had a good reason, but I didn't think I should talk about it. I knew right away that I had said the wrong thing, because the one thing that Connie Cutter will do is, if you say you do not want to talk about something Connie will badger you until you explain everything. So I knew that Connie was not going to leave it alone. Connie smiles and says, "Well, you ought to give a better reason than that." I said, "I really cannot talk about it." Connie says, "Are you saying you can't trust me?" I say, "No, it's just private and personal, and I don't want to talk about it." Connie then gives me the attorney approach, and says, "It's OK, I am a lawyer, and what you tell me is confidential." I say, "I think you should appreciate that I may have a relationship elsewhere, and I might feel obliged to keep a confidence."

Q: A confidence?

A: I mean, I do not want to tell Connie that I was in here that morning talking about The Lake Kennedy Federation. So Connie sits down in my cubicle and says, "O.K., let me tell you what I heard. I heard you were at the courthouse this morning. Are you in trouble?" I say, "No, I am not in any trouble." Connie says, "I hear you were up on the fourth floor where the grand jury sits." I say, "I don't know where you heard that." Connie says, "One of the police officers who knows you says you were up there." I say, "So who is the police officer?" Connie says, "A friend of a friend. What's going on?" I say, "I really cannot discuss it. Grand juries are secret." Connie says, "That's only for members of the grand jury. If you are a witness, you are not bound by any rule of secrecy." I say, "I really do not want to talk about this. I have to get home." Connie says, "I also hear that you are talking about the Lake Kennedy Federation." So I say, "There's nothing to talk about." Connie looks at me and says, "We have been friends for many years now. I am one of your best friends. You come to my home, and I go to your home. I just want to make sure that we are still friends." I do not say anything, and Connie gives me a big smile and gets up, and says, "I have to drive Casey to the airport. We can talk about this tomorrow. And don't forget, I'm counting on you for the 4th of July block party."

I say, "I'm on board. You can count on me to help while Casey is out of town." Connie says, "You know, we want to do everything to keep the Lake Kennedy Federation as a strong voice for the environment."

I don't say anything. So Connie says, looking right at me, you know, like staring me down, "I want all of us to do what it takes to keep the Lake Kennedy Federation as a viable and important organization."

I am unnerved by this, so I figure that anything can happen now if Connie knows that I am testifying before the grand jury. Before I leave the office, I take my laptop and I download all the Federation's

financial records onto my laptop. These are on Excel, Word, and Outlook, and include many scanned copies of receipts, invoices, and claims. The laptop actually belongs to the Federation, but I am allowed, actually I am encouraged, to take it home so that I can keep up on emails or do work at home sometimes. Well, I like to leave the office behind when I go home. But that night I took the laptop so I could get copies of all the Federation files. I left the office about 6:15, and got home around 7. Connie was not in the office when I left. I was the last one out, and I locked the office behind me.

Q: Are you sure you were the last one out?

A: Pretty sure. I saw that the other cubicles were empty, and no one answered when I called out to see if anyone was still around. Connie's office door was open and the lights were out.

Q: You had your laptop with you?

A: Yes. When I got home I put it next to my desk on the first floor, and did not touch it again.

Q: When did you next see it?

A: I never saw it again. It was gone the next morning. I came downstairs around 6 AM, the sun was just coming up, and I could see that something did not look right. The DVR cable box that was next to our TV was gone. It was there the night before, because we watched cable news briefly before we went to bed. In fact, I set it to record the rest of the news before I went to bed. So I went upstairs and woke up R.J., and asked, "Did you move the cable box?" R.J. said, "No." So I said, "Somebody came in last night and took out cable box, unless you let in the cable guy early this morning." R.J. came downstairs right away. Not only was the DVR cable box gone, but so was the Federation laptop. We looked around. That's when we discovered that a silverware chest had been opened and the silverware was gone. There were maybe a hundred pieces of silverware, my grandmother's silverware, all gone. The chest was all emptied out. You have no idea how hard that hit me. Actually, that was my great-grandmother's silver chest and silverware, so we are talking about heirlooms that had been on my side of the family for over a hundred years. My heart sank, and I was like hit in the stomach. Thank goodness, the police found the silverware a couple of days later. It was thrown into an empty lot just a couple of blocks from our house, just north of our house.

I did not notice anything else gone, but I was really upset over the silverware. There was some loose change on a coffee table, and it

was still there. There was no break-in. No windows or doors were broken.

Q: How did anyone get in?

A: Well, we live in a pretty safe neighborhood, and over the years we've been, like, leaving the front doors unlocked more and more. We obviously left both of the front doors unlocked. They are two doors and sometimes we lock just one, sometimes both. And most of the time we might leave both unlocked at night, like both day and night. So someone or somebody just walked right in. Besides, we have two big dogs who are like burglar alarms. They are real territorial, and raise all kinds of alarms if a stranger tries to come in, or even comes to the door. Yesterday at 9 AM someone rings the doorbell, and the dogs run downstairs and they are barking like crazy the whole way. It was a couple of Jehovah's Witnesses at the door. I settled the dogs down, then opened the door, and saw who it was. So I said no thanks, and wished them luck, and they went away happy.

Q: Were the dogs there that night, the night of the 23rd of June?

A: Yes. In the middle of the night one of the dogs, Kira, went to the bedroom door that's at the top of the stairway. She barked a couple of times, then came back to bed. The other dog, Oliver, might have woke up, but did not move. In the past, if someone came in the house and the dogs did not know that person really well, those dogs, there would all kinds of hell barking and growling. We've had other dogs. We always have two or three, you know, so that the kids always have a couple of dogs. All our dogs have always had a very protective attitude about the house and the children. The boys, Mike and Matt, were away at camp in Michigan, a Camp Crystal Air, so they are gone for a few weeks. These two dogs are pretty good at challenging strangers, but not that night. Ollie is a half-lab we have had since he was born; the other is a black lab, and his mother. They are members of the family. I have a picture of Oliver and Kira. (Shows a snapshot of the dogs to the jury).

So I know that whoever came in was someone the dogs already knew really well. But I have my suspicions that it might have been a neighbor, someone who might come in and leave a lot, and who the dogs would treat like family. I had my suspicions, but I kept my ideas to myself.

Q: Well, let's go to what happened on the night of July 5, Sunday night.

A: On Sunday night, July 5, just before we were going to bed, I was cleaning up from the holiday weekend and I noticed that something

else was missing from the house, my stuffed animal – a collectible JAMBLAS souvenir. It's a special collectible. It was gone -- it has a JAMBLAS shirt on -- and it is really valuable. I mean, that really freaked me out – like more than the silverware, as this was my very special JAMBLAS dog. And I thought, there is only one person who would have known the value of that collectible, Connie Cutter. Given what I know about Connie Cutter, this is just the kind of stunt I would expect, taking my JAMBLAS

[Court Reporter: Spell that, please.]

A: All capital letters, J-A-M-B-L-A-S. It was gone from a bookcase shelf in the family room. I kept it up on the shelf not too far from the TV set and cable box. This was a souvenir from the final concert of the JAMBLAS Rock group, the singers, you know, the ones who died in that plane crash three years ago the day before the final concert? Only 2,000 of these JAMBLAS stuffed dogs were made, and they were given away to the ticket holders who showed up first for the final JAMBLAS concert. I was first in line. I went over to the concert hall two days ahead of time and camped out to make sure I got the first collectible stuffed puppy. There was no regular concert, because the singers who were named different colors, colored dogs. But there was a huge memorial concert.

Q: Please explain.

A: Well, the group was called JAMBLAS, and the singers, ah, there was Red Dog, Blue Dog, and, oh yeah, Top Dog. Three singers, and the backup band was called the Four Pups. Anyway, the three Dogs were killed when their plane crashed a day before, so there was a huge memorial concert and service, so these JAMBLAS puppy dogs are a very emotional thing. Some people keep their JAMBLAS collectible in a safety deposit box or a safe. I, we, had number 1 in 2000. The first stuffed dog that was handed out. We kept it on the bookshelf where we could look at it.

Q You did not report it missing right away?

A: We did not notice until Sunday night, and I immediately called the police. They told me to come in the next morning and make a report of stolen property.

Q: Was there anything unique about your stuffed dog, doll?

A: Yes. It has a numbered tag on it to show that it was number 1 of 2000. I was first in line. I got the first one.

Q: I am going to show you an exhibit tagged "Exhibit A." Recognize it?

A: Yes, that is my JAMBLAS dog, here is the tag. It's number one of two thousand.

Q: You know where this was found?

A: It was in Connie Cutter's home on July 7. On Monday morning, that's July 6th, I was going to go to the police station to report that this was missing, and was probably taken on the night of the burglary. I got to the office at 9 AM, and Donnie Thompson and our new intern, Leslie Foote, were already there. I told them that I was going over to the police station to make a report on my missing collectible. Well, Donnie told me that there was a dog like that at the Cutter house, in a closet on the second floor, on Saturday when Donnie was over there. Donnie went into the closet to get shoes. Donnie had worn regular shoes to walk over to the Cutter house that morning, but had changed into floppy shoes to relax in for the day. So, Donnie had kept the extra pair of shoes in that closet; and saw my collectible next to the shoes. I kept asking questions, because I was sure that Connie did not have a JAMBLAS collectible. Donnie said it had a tag on it, but did not know anything more. Donnie did not touch it.

Q: What did Leslie Foote say?

A: Leslie did not seem interested.

Q: What about Connie or Casey?

A: Connie was not in yet, and Casey was still out of town. So, Donnie saw it in Cutter's home, and told me that Cutter had a stuffed dog just like mine. I told Donnie to come with me to the police station to report it. We went there, and an Assistant State's Attorney came along, and I repeated what I just told you, and Donnie told him about seeing the collectible on Saturday night at Connie's home, so the State's Attorney talked to the police, and they got a warrant from a judge, they waited until early the next morning before going to search the Cutter house and that's when they found the stuffed JAMBLAS dog with the identifying tag - number one in two thousand. They also found a marker that looked like it could have been used to mark up the wall in the Federation office, you know, the graffiti that said "Screw the Lake."

Q: No laptop, though.

A: Right. Someone found the cable box in a garbage bin a couple of days after the burglary, and someone else found a lot of silver matching our silver, and it was thrown into a creek not too far from the garbage bin. The laptop is still gone. The police took that search warrant and they went through the Cutter house and only found the stuffed dog. Oh, and they found a marker -- a big red "magic" marker. Nothing else. They are checking to see if the ink matches the ink from the graffiti on the Lake Kennedy wall. The Lake Kennedy offices were also robbed the same night as my home. The two laptops and a lot of Federation records were stolen and trashed in that burglary.

Q: Do you think Connie Cutter did both? Took the laptop from your home and also faked a burglary on the Lake Kennedy Federation offices?

A: Yes. I have not said anything to Connie, but I know Connie or Eddie fired Donnie Thompson for no apparent reason a few days later. Donnie told the police about the JAMBLAS dog in the Cutter home, and that's why the police got, could get, a search warrant. That's how the police found my JAMBLAS stuffed dog in Connie's home a few days after it was stolen. I believe the Cutters blamed Donnie. Connie said that Donnie must have stolen the collectible from me and planted it. But Donnie never came into my house because of the dogs.

Q: I am going to ask you some technical questions. Did you give Connie Cutter or anyone else permission to come into your home on the night of June 23 or the early morning hours of June 24?

A: No.

Q: Did you give Connie Cutter permission to take silverware or a cable box from your home?

A. No.

Q: Did you give Connie Cutter or anyone else permission to take this JAMBLAS collectible from your home?

A: Not at all. In fact, from the time I first got it, Connie kept asking about it and trying to buy it two years ago, but I said it was not for sale. Connie once offered \$2,000 for it, but I think this collectible goes for more than that on e-bay, and this is number one of 2,000 and is even more valuable. Anyway, there is no way I would sell it. Connie can be obsessive, and really put the screws to me, you know. Connie would say, "Come on, you got it for nothing, and you can get

\$1000 cash – you know, tax free cash – for the doll. Later, it was \$2,000. By now it could be worth \$3,000.00 or \$4,000.00. Then Connie would say, “Make me an offer I can’t refuse.” It’s like the time Connie tried to get the free ice cream with an outdated coupon.

Q: What? Oh, you told us about that before.

A: I was not about to sell my collectible, especially not to Connie. Never to Connie, no how. When Connie would come over to the house, I noticed that my JAMBLAS dog had been moved and sometimes Connie would come into another room with it and say, “I really love this dog. I am a great collector of JAMBLAS records and memorabilia.” But, at the end of the day, my dog always stayed home on my shelf.

Q: Connie used to go to, into your home?

A: A lot. Connie and Casey live less than, like right up the street, on the same block. We visit each other’s homes. You know, maybe for dinner or a social thing, like watching something on TV on a Sunday afternoon, football or whatever.

Q: When were you last at the Cutter home?

A: On the 4th of July. There was a holiday block party. The street was blocked off with sawhorses, you know, those wooden things that can be moved. So, that way through traffic goes around, and local cars can come and go. But most cars were, there were almost no cars parked on the street on July 4th. Most people moved the cars. Then everyone in the neighborhood set up tables and chairs in the front yard or in the middle of the street. The Cutters, Connie Cutter, had a kind of open house where anyone could go in and use the upstairs washroom or cut through the house to get to the back yard where drinks and food were served. I was like one of the hosts, so I was back and forth. I think that I was still thinking about the burglary. The cable box had no value except to the cable company, and the laptop belonged to the Federation. I was very aware, however, that some very important and sensitive data was stored in the laptop, and I was upset that that was missing, especially as the same data was probably missing from the Federation offices.

Q: How so?

A: Well, I’m sure you know.

Q: Tell the grand jury.

A: I thought I did. Well, coincidentally or not, the Federation offices were trashed and the other laptop computers stolen the same night as the burglary on my house. Someone broke in the glass window of the front door to the office, came in, wrote in big letters "Screw the Lake" on the wall, threw papers around, threw out or destroyed all kinds of our papers, and took the hard drive and two of the Federation's laptop computers. The police dusted for prints, but found nothing useful, nothing new.

Q: And you think the Cutters did all this?

A: Yes. The Cutters. They found out that, you know, that there is an investigation going on, and I am positive that Connie and maybe even Casey Cutter broke the window on the office door, threw around a lot of papers, made it look like vandals or anti-environmentalists had come in, and took the two laptops and the common hard drives – not the monitors – and disposed of them. I am absolutely positive that this was the work of Connie Cutter. We don't call Connie, "Corner Cutter," for nothing. I mean, all that information was on the Federation's laptops and hard drive, including the laptop I had in my home that night. Maybe somebody was surprised to find only two laptops in the Federation office that night, and came after mine. So all the files are gone -- the paper files are all missing, and all the electronic data is gone, and the Federation does not have any backup. Well, at least I got my JAMBLAS dog back

Q: Thank you for your testimony. At this time, there are NO FURTHER QUESTIONS.