

1 Q And upon that representation you were satisfied  
2 everything was okay, isn't that right?

3 A Well, I asked her a couple of times if she wanted to go  
4 with me. She said no. That is when I asked her again,  
5 "Are you sure your mother is going to be here?" I asked  
6 if she was going to leave. I took her telling the  
7 truth. She knew what was going on.

8 Q With respect to the -- she couldn't be there alone with  
9 Anderson?

10 A Yes, sir.

11 Q And when you said you asked her those particular things  
12 she made representation to you that everything was going  
13 to be okay, right? Her mother was going to be there?

14 A Yes, sir. Exactly.

15 Q That was your concern; that you didn't want her alone  
16 with Randy Anderson?

17 A Right.

18 Q And that would not have made a difference even if Sean  
19 Thibault was with her, isn't that true?

20 A I don't -- didn't know Sean Thibault. It was  
21 supposedly, you know, going over there to meet the  
22 mother, she told me.

23 Q I understand that, but even if Sean Thibault was with  
24 her, with Lisa, if Donna wasn't at Sandy Lane Apartments  
25 you would not have wanted your daughter to go, isn't

1           that true?

2   A       Correct.  Yes.

3   Q       So, it didn't make a difference whether she was with  
4           Sean or not with Sean?

5   A       Correct.

6   Q       And then you told your daughter you would arrive at  
7           3:30 at Sandy Lane?

8   A       Yes.

9   Q       And you did?

10  A       Correct.

11  Q       You were punctual?

12  A       Yes.

13  Q       That was routine with you?  If you said you're going to  
14           be there at that time you were going to be there at that  
15           time?

16  A       Had to be, because my last stop I leave 3:20 every day.  
17           It was 3:30.  Takes about ten minutes to get there.

18  Q       It's fair to say this particular day, March 9, 1995, it  
19           was like clockwork.  You were there 3:30?

20  A       Correct.

21  Q       When you did arrive Lisa got into the vehicle and sat  
22           there as you have told us, is that right?

23  A       Exactly.

24  Q       Did -- anything unusual about it?

25  A       Unusual about it?  As far as what?

1 Q That is exactly my point, as far as anything? Did you  
2 notice anything about your daughter when she got in the  
3 vehicle at that time that was strange?

4 A Yes, sir. When I -- like said before, I pulled up,  
5 beeped the horn. I pulled kind of like facing the  
6 apartment, because the horn wasn't very loud. And she  
7 came out about a minute, whatever. And she just came  
8 over. She had kind of a, like I said, blank-looking  
9 face, kind of dazed look, you know. I don't know how to  
10 explain. Quiet, very quiet. She got in the truck. And  
11 I just kind of looked at her. "Are you okay?" She  
12 said, "Why? Yeah." I says, "You're sure?" She said,  
13 "Yeah." And then I says, "Is your mother there?" She  
14 just nodded her head.

15 Q She nodded her head?

16 A Yes.

17 Q As if it had been -- took that to be a yes, is that  
18 right?

19 A (Nodded in the affirmative)

20 Q Well, I mean, as that was the communication you  
21 understood to be yes with your daughter, isn't that  
22 true?

23 A No, not all the time.

24 Q Well, then, if you did not believe at that time that  
25 that was an affirmative response by your daughter would

1       you explain to us why you didn't say, "Lisa, I asked you  
2       is your mother there. Would you tell me, answer me yes  
3       or no."

4   A    I didn't do that, no. No, I didn't go that far.

5   Q    Accepted her gesture was an affirmative response to your  
6       question, didn't you, correct?

7   Q    So, whether -- whatever that blank stare was she never  
8       said, "No, mommy was not there, Randy is there; and  
9       Randy did 'X,' 'Y,' and 'Z.'" She never said?

10  A    No, she didn't.

11  Q    Now, your relationship with your daughter on March 9,  
12       1995 would you characterize that as a good relationship  
13       with Lisa?

14  A    As when I was picking her--

15  Q    No, general relationship with her in March '95?

16  A    There was a problem going on.

17  Q    Well, you indicated that Donna was having a problem with  
18       Lisa, and I thought you told us that you were not -- you  
19       were able to handle Lisa, am I correct in that?

20  A    What happened was I didn't have any problem with Lisa  
21       when I was picking her up two nights a week every other  
22       weekend. We had no problem at all. I think the problem  
23       started a lot because her mother and her fighting,  
24       arguing. The mother wasn't spending much time with her,  
25       doing anything with her; taking her to the prison quite

1 a bit. Lisa did not want to be there. Things of that  
2 nature. That is -- I think was starting to get  
3 behavioral problems because of it. That is what it  
4 seemed to be to me.

5 Q But my question is your relationship with your daughter  
6 -- Lisa was a very good kid, didn't you think?

7 A Before that, yes.

8 Q Before March 9th of 1995?

9 A It was getting steadily worse as July she came with me.  
10 I could see it getting -- she wasn't seeing her mother  
11 at all. Her mother did not want to see her.

12 Q But you're telling us that the fact she wasn't seeing  
13 her mother at all deteriorated your relationship with  
14 your daughter?

15 A Wasn't deteriorating our relationship; it was  
16 deteriorating Lisa's actions, and now there was no  
17 problem going on with her mother since July until a  
18 certain time. She hadn't seen her mother July '95,  
19 fourth, I think, beginning August. I can't be positive  
20 on the days, but I started seeing about marital problems  
21 arise; because of that -- because there was ongoing  
22 between them. They weren't talking, and things of that  
23 nature at first.

24 THE COURT: Well, what Mr. Smith wants to know, I  
25 think, Mr. Lupino, is notwithstanding the problem that

1 Lisa may have been having with her mother did you and  
2 daughter have a reasonably decent relationship?

3 THE WITNESS: Not like it was before, no.

4 Q When was "before"?

5 A Before July when she came with me problems with her  
6 mother, I was trying to explain.

7 Q So, you had a fair to say great relationship with your  
8 daughter before she started staying with you, is that  
9 right?

10 A Before that, yes.

11 Q And as soon as your daughter starts staying with you now  
12 your relationship isn't as good as it was before, is  
13 that right?

14 A Like I said, only because of problems with her mother.  
15 I can't explain any.

16 Q I'm not asking why, I'm asking you it's a fact that your  
17 relationship with your daughter started to go down hill,  
18 ever so slightly, but down hill, in any event, once she  
19 started -- moved in with you?

20 A Correct. Yes.

21 Q But, is it not fair to say March of 1995 you believed  
22 your daughter would confide in you?

23 A About what?

24 Q About anything?

25 A Confide in me about anything?

1 Q Yes?

2 A She always been pretty honest with me, truthful before  
3 we let her -- it was, like, "Lisa, you have to do this."  
4 Or, Lisa you know wanted to go to a friend's, would not  
5 confide as far as confide. It would -- like, normal  
6 everyday things.

7 Q You told us that she told Susan, then spoke to you about  
8 this conduct she's experienced with Randy and concerning  
9 the homework, isn't that true?

10 A Correct.

11 Q She had no problem telling you about that, did she?

12 A No.

13 Q And was she open with you when she discussed it with you  
14 after she spoke to Susan?

15 A Yes.

16 Q So, that was in February of '95, wasn't it?

17 A Yes.

18 Q So, it's fair to say at least in February of '95 your  
19 daughter was open and confided in you with respect to  
20 problems she was having like this?

21 A Well, went through Susan first.

22 Q I understand that.

23 A That is what I'm saying.

24 Q Susan still with you in March '95, wasn't she?

25 A Yes.

1 Q As a matter of fact, she was looking for the cat on  
2 March 12th, '95, isn't that right?

3 A Correct.

4 Q So, are you saying that at some point after the meeting  
5 in February of '95 concerning the homework scenario that  
6 your daughter would confide in you less now; it was  
7 deteriorating more?

8 A Not really.

9 Q I will move on.

10 A I don't understand where you're coming from.

11 Q That is fine. So, she is sitting in the car, catering  
12 truck on March 9, 1995. She has, as you say, this blank  
13 stare. You asked her if her mother was there. She  
14 gives an affirmative response. You pull out, correct?

15 A Correct.

16 Q Does she go home with you?

17 A I can't be positive. I think we had to go back to the  
18 restaurant first.

19 Q I think you said that?

20 A We went home.

21 Q Did she eat at the restaurant? She eat at home? Do you  
22 remember?

23 A I don't know.

24 Q Did she indicate to you, if you recall, whether she was  
25 hungry that night?



1 A Don't recall.

2 Q You don't recall Lisa saying to you, "I'm sick to my  
3 stomach. I'm not hungry. I'm not going to eat," do  
4 you?

5 A I can't be sure. I don't remember everything that day.

6 Q I understand that, but would you not remember that if  
7 she said, "I'm sick to my stomach. I can't eat. I'm  
8 sick. I'm upset," she never said that, did she?

9 A Let me think. I have to think. I can't be sure.

10 Q Would you like to say she did?

11 A Why?

12 Q Well, when you say "I can't be sure," would that not  
13 have caused some thought by you if your daughter had  
14 said that if she she was sick, upset to her stomach?

15 A Normally, if she had. I don't remember.

16 Q You would have gotten her aspirin, asked if she needed a  
17 doctor, wouldn't you have done that?

18 A Yes.

19 Q You didn't do that that particular evening, did you?

20 A No, not at all.

21 Q So, any time after March 9th through the morning of  
22 March 12th of 1995 did Lisa give you any impression  
23 something was wrong?

24 A Not that I can remember.

25 Q So, you would have watched for something like that,

- 1           would you not?
- 2    A     If she said something; yes, sir.
- 3    Q     Also would you not have watched her character to see if
- 4           she had a blank stare?
- 5    A     Yes, if it came to that point, you know, whatever.
- 6    Q     And do you work Saturdays?
- 7    A     I was working, but I don't know if I was working that
- 8           time. I can't remember the short time I was working.
- 9    Q     You don't remember?
- 10   A     No.
- 11   Q     In any event, had you noticed something unusual about
- 12           Lisa you would have made some kind of note of that,
- 13           would you not?
- 14   A     Correct.
- 15   Q     And you didn't, did you?
- 16   A     No.
- 17   Q     Now, you told us about the March 12th, '95 dinner at
- 18           Lisa's grandmother; you remember that?
- 19   A     Correct.
- 20   Q     And do you know how Lisa was supposed to get to the
- 21           grandmother in Coventry?
- 22   A     Lisa was talking in the morning. I don't exactly to
- 23           who, but she got off the phone. I took it as truth she
- 24           said her mother was picking her up.
- 25   Q     Lisa told you her mother was picking her up?

1 A Yes, sir.

2 Q So, not only did Lisa nod her head when asked if her  
3 mother was home at Sandy Lane she also said on the 12th  
4 that her mother would give her a ride to the  
5 grandmother's, is that right?

6 A Correct.

7 Q And then you and Susan left because your daughter was  
8 going to be with Donna that day?

9 A Correct.

10 Q And did you ever learn how Lisa got to the grandmother's  
11 in Coventry?

12 A No.

13 Q Did you ever ask her?

14 A No.

15 MR. REGINE: When?

16 Q I'm sorry, March 12th of 1995, I thought that was the  
17 day that we went to the grandmother's. I'm sorry, I  
18 meant did you ever ask on that day how she had -- I will  
19 ask a question. Did you ask Lisa on that day, March  
20 12th, 1995 how she was going to get to her  
21 grandmother's?

22 A Yes.

23 Q She said her mother was going to give her a ride?

24 A Correct.

25 Q There's no doubt about that? That's what she said?

- 1 A Correct.
- 2 Q You certainly took that as a truth, didn't you?
- 3 A Yes.
- 4 Q And then you told us about a cat being gone. And, Lisa  
5 came home approximately what time?
- 6 A I would say about 8:15 and 8:30, around that area. I  
7 was outside.
- 8 Q Between 8:15 and 8:30, and she was in the car with Randy  
9 Anderson, isn't that right?
- 10 A Correct.
- 11 Q What kind of car did he have; do you remember?
- 12 A Honda.
- 13 Q And did Randy Anderson get out of the car?
- 14 A Yes, he did.
- 15 Q Lisa did, too; isn't that right?
- 16 A Yes.
- 17 Q The house you lived in, were you living on the first  
18 floor, second floor?
- 19 A Second floor.
- 20 Q Lisa went up into to apartment and into the house?
- 21 A Correct.
- 22 Q Now, when was that she was informed about the cat?
- 23 A Susan followed her, like, right up, right after.
- 24 Q Did she say anything to you when she got out of the car?
- 25 A Not much. She said she had to go upstairs. I said

1           okay, and then I said, "Susan, do you mind telling her,  
2           going upstairs?" I know she was going to be pretty  
3           horrified. She said okay. She went up right behind  
4           her.

5   Q       When she got out of Randy Anderson's car could you  
6           describe to the ladies and gentlemen of the jury the  
7           manner in which she walked into the house?

8   A       No, I can't.

9   Q       Did you notice anything unusual about it?

10  A       No. It was dark out.

11  Q       She didn't get out, slam the door, call him names, run  
12           into the house screaming, "Daddy, daddy," did she?

13  A       No, she didn't.

14  Q       So, when you saw your daughter Lisa come into the house  
15           on the March 12th, 1995 evening there was nothing to  
16           warn you in any way something may have happened to your  
17           daughter, isn't that correct?

18  A       Correct.

19  Q       And then she was informed about the cat and that is when  
20           she started crying, is that true?

21  A       Yes.

22  Q       Not beforehand, right?

23  A       No, she wasn't.

24  Q       No question about that? No tears? No whimpering as she  
25           got out of that car?

- 1 A No.
- 2 Q And she learned of the cat and then the -- respectfully  
3 -- so affectionate animal she cries. She wants her  
4 kitten back?
- 5 A Correct.
- 6 Q And Mr. Anderson participates for five, ten minutes. He  
7 leaves, says he'll come back tomorrow?
- 8 A Correct.
- 9 Q And then is the cat found, by the way?
- 10 A Yeah. I found the cat the next morning.
- 11 Q I got another question. What was the cat's name?
- 12 A Oreo.
- 13 Q Oreo. All right. Now, from the next morning was Lisa  
14 told the cat was found?
- 15 A The next morning Lisa had to go to school. Lisa went to  
16 school. Got on the bus; went to school. I came to the  
17 gas station -- as a matter of fact Mondays; that was  
18 Monday. I didn't have to go to my father's pizza place.  
19 They're not open Mondays. I just went directly to my  
20 apartment. I figured I could go stop across the street  
21 right away. I go look again, a little bit. I went to  
22 stop across the street, asked the mechanics if they had  
23 seen him. They said no. I went back across the street  
24 to my apartment. I went to the mechanic next door. He  
25 owns the house next to mine, owns the gas station. I

1 walked through his yard, found the cat in the boat. Got  
2 him out, bringing him upstairs. The phone ringing. I  
3 rushed upstairs. It was Lisa's school, and there was --  
4 Lisa was concerned about the cat, if I found the cat.

5 -Q So, when you say Lisa's school, was it the counselor,  
6 the principle's office? Do you know?

7 A Geez, I don't remember exactly. Had to be the either  
8 principal, teacher, something.

9 THE COURT: Come closer to the "mike," if you would  
10 please. I'm losing you.

11 Q Mr. Lupino, the next day you received a phone call from  
12 Lisa's school; that is St. Kevin's, correct?

13 A Correct.

14 Q And the phone call is not about sexual assault but a  
15 question concerning has the cat been found?

16 A Correct.

17 Q And nothing comes to your knowledge from the evening of  
18 March 12th until, as you say, April 12th, approximately  
19 one month, before you learn that Lisa was assaulted on  
20 March 9th and March 12th, isn't that true?

21 A Right.

22 Q And she was staying with you for that entire month, was  
23 she not?

24 A Correct.

25 Q You?

1 Q Would you see her every evening?

2 A Yes, sir.

3 Q And every evening about how much time would you have  
4 with your daughter before you or she went to bed? Hour  
5 or two?

6 A Yes. We have supper. Maybe a half-hour after she'd be  
7 on the phone with her friends, or doing homework;  
8 whatever she had to do.

9 Q So, at least whatever suppertime is maybe a half-hour  
10 after that you had opportunity to at least talk to her  
11 and observe her, correct?

12 A Yes.

13 Q Was there anything unusual for that entire month that  
14 you observed about your daughter Lisa during that supper  
15 hour, or half-hour afterwards?

16 A Nothing I noticed.

17 Q Did you ever see her cry?

18 A See her cry? I don't remember.

19 Q Did she ever appear depressed?

20 A She did appear depressed.

21 Q She did? And as a result of seeing your daughter  
22 depressed did you ask her any questions?

23 A Lisa kind of keeps to herself quite a bit. You would  
24 ask her, "Is everyting all right?" If you ask -- "Yes,  
25 it's okay." "Anything wrong?" "No." That is the way



1           it always went. It was, you know, something was wrong;  
2           that is what she answered lots of time.

3    Q       Are you telling this jury now you thought something was  
4           wrong for the month of March 12th through April 12th of  
5           1995 when you daughter was staying with you?

6    A       No, not saying that. It's just, you know, see -- you  
7           know, kind of try to put it together as it is, menstrual  
8           times she changed, depressed with friends or, you know,  
9           you don't know. I didn't know, exactly.

10   Q       But, you are not telling us that for thirty days you  
11           thought your daughter was depressed?

12   A       Oh, no, no. I didn't say that. No. No.

13   Q       And fair to say for that 30 days your daughter did not  
14           appear to be confused?

15   A       Confused? No.

16   Q       She appeared to be the same daughter for the last sixty  
17           days before that, wasn't she? There's no difference,  
18           was there?

19   A       I can't -- be perfectly honest I know probably maybe not  
20           or -- day to day everything is different, you know.

21   Q       I understand.

22   A       Kids.

23   Q       I understand, but there was no clue to you that there  
24           was something major going on with respect to your  
25           daughter Lisa between March 12th and April 12th?

1 A Major? No.

2 Q And, it's fair to say that once you learned on April  
3 12th what your daughter says happened, you would  
4 consider that major, wouldn't you?

5 A I'm sorry, repeat.

6 Q I asked if anything major that month period that  
7 appeared troubling Lisa -- you said no, there wasn't?

8 A Correct.

9 Q But you would certainly consider what she said happened  
10 to her in March 9th, March 12th to be major events in  
11 her life?

12 A Right.

13 Q But she gave you no indication that that allegedly  
14 happened, isn't that right?

15 MR. REGINE: Objection, asked five times, during that  
16 time no indication from her anything happened. He has  
17 answered that.

18 MR. SMITH: I will move on.

19 THE COURT: If you're about to go on to a different  
20 subject we can quit for the night. If you're still on  
21 this one we'll keep going.

22 MR. SMITH: I think I'm almost done, Judge.

23 Q You learned about the --

24 MR. SMITH: Actually I think I may change. So, if  
25 the Court desires, we can take a recess now.

1           THE COURT: All right. We'll quit for the evening,  
2 folks. And, if you would be in the jury room tomorrow  
3 morning at 9:30 I would appreciate it. I think we can  
4 get started fairly well on time. Mr. Lupino, I think you  
5 need be back tomorrow, unless counsel advises me  
6 afterwards they don't want you here. Sounds to me more  
7 a question for you. All right, the jury is excused. I  
8 would like to see counsel briefly in chambers, please.

9                           (Court recessed at 4:20 P.M.)  
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