

1 A Yes.

2 Q So, he really didn't force himself upon you, did he?

3 A Well, yes. He jumped on top of me and, you know, I kind  
4 of --

5 THE COURT: You say he tried to take your clothes  
6 off?

7 THE WITNESS: Yes, he took his shirt off and then  
8 told me that he wanted to have sex with me, and I pushed  
9 him away, told him I wasn't ready for that. That is why  
10 I came to Randy and asked him about it; see how he felt  
11 about it, because that is the kind of relationship I had  
12 with Randy where I could talk to him about anything.

13 THE COURT: He tried to take some of your clothes  
14 off?

15 THE WITNESS: Yes.

16 MR. SMITH: So the Court is aware, Judge, I have  
17 subpoenaed Joseph Theroux. I spoke to him, and an offer  
18 of proof I would make --

19 MR. REGINE: Judge, --

20 THE COURT: I'm not sure you make it in front of--

21 MR. SMITH: That is fine. I have no further  
22 questions of this particular witness.

23 THE COURT: Why don't you wait in the hallway,  
24 please?

25 MR. REGINE: Actually, I have a question, though.

1 THE COURT: All right.

2 MR. REGINE: One question, Miss Lupino. I'm sorry,  
3 go back on the stand, please.

4 MR. REGINE: Miss Lupino, my question to you,  
5 though, is some point though did you actually have  
6 either sexual relations with Joseph Theroux?

7 THE WITNESS: They -- after I did. It wasn't that  
8 day, though, after I made the decision.

9 THE COURT: How long after?

10 THE WITNESS: About a week after.

11 MR. REGINE: Nothing further, Judge.

12 THE COURT: That was consensual?

13 THE WITNESS: Yes.

14 MR. SMITH: As I understand it then in -- some time  
15 in May of '94 Mr. Theroux wants to have sex with you,  
16 and you say no, you are not ready; is that true?

17 THE WITNESS: Yes.

18 MR. SMITH: Then you tell Randy Anderson that he was  
19 trying to take advantage of you, or assaulting you  
20 sexually?

21 THE WITNESS: No, I just -- I came to Randy asking  
22 him what I should do as I twelve year old; that I didn't  
23 know anything about this stuff, because I thought then  
24 at twelve I thought I was going to be with Joe forever,  
25 and it was a mistake I made, and himself; so that is --