
Transcript of Assault by Leo Loza, 9-1-05

Background:

For years Leo had withheld the boys from court-ordered weekend and mid-week visitations. He had previously assaulted Jan at the children's school during her scheduled visitation with them. (See the Affidavit.)

On Thursday, 9-1-05, Jan defied Leo's threats that she would never see her sons and went to her sons' soccer practice to exercise her court-appointed visitation with them. She took her camera to take pictures of Sterling's game. She was wearing a recorder because Leo had taken Ian away from her an hour earlier during her visitation with him and because of his extensive pattern of threats and violence. This is what followed.

(numbers in parentheses represent location on recording)

(swishing and road noise as Jan approaches Ian at St. Louis soccer field. Leo is across the field, talking with Ian's coach. Jan walks toward Ian and sits next to him on the bench.)

Ian Mom, I can't come over tonight.

Jan <sigh> (looks for Sterling on soccer field) My, Sterling's put on weight.

Ian I know. Mom? I thought you were going home. I didn't know you were coming over.

Ian Sweetheart, this is the court-appointed time to do this.

Ian (notices his dad approaching) Hey, Mom, my Dad's coming back.

Jan I know. He's not supposed to hurt me or do anything.

Ian He won't. It's about time you leave.

Leo *I was sitting there.*

Jan O.K. This is 6-8 on Thursday.

Leo *Yep.*

Jan This is the time when I'm supposed to spend with the boys.

Leo *Well, you need to do something about it then, O.K.?*

Jan Leo, you wrote the decree.

Leo Yep.

Jan 6-8 on Thursday is MY time with the boys...

Leo *(Leo talks over Jan's voice) ...I told you nothing was going to change. You said you were going to do something about it—go do something about it. (reference to Jan's Disability that prevents her from going to court)*

Jan What do you mean nothing's going to change?

Leo *Nothing's going to change. You're not going to visit during the week as long as you live in a tent, Jan, and as long...*

Jan You didn't let them come to me when I lived in Lost Creek...

Leo *Would you explain to me...*

Jan ...and when I was on Academy Drive.

Leo *Alright, alright...*

Jan ...That has nothing to do with it.

Leo *You are violating my territory at the very moment...*

Jan O.K. Leo. This is my time...

Leo *You do not need to be here. Go somewhere else.*

Jan You need to go someplace else or I will call the police.

Leo *(grabs Ian away from Jan) Let's go.*

Jan Ian, Ian!

Leo *Get your hands off of him!*

Jan Excuse me. This is my time with him.

Sterling *(from the soccer field) Dad... (louder) Dad!*

Leo *(yelling to Sterling) It's O.K., don't worry about it.*

Ian Go where?

Leo *(to Jan) You know, you have come here and you have upset all of us. You need to leave.*

Jan Go away. Go away.

Ian Dad...

Leo *You need to leave.*

Jan Go away. Go away.

Leo *I was here first. You go. Go away (approaches Jan menacingly). (320)*

Jan No! No!...

Leo *Go away.*

Jan Don't touch me!

Leo ***Then you're going to get slapped...***

Jan (backs away) Don't touch me! No!...

Leo ***You're going to get slapped!*** (grabs Jan's arm tightly and shoves Jan backwards)

Jan Leo, (indistinguishable) ...

Leo *Go away. We don't want you here. Go away.*

Jan Leo, you need to go away. Jim, please call right now (voice shaking). Please. Please. (Jan is fearful; Jim calls police.)

Leo *Call who? You tell me how you think you can get around, you don't have a job, you don't work, you're handicapped, you're disabled.*

Jan Go away. This is my time with them.

Leo ***O.K, listen, let me tell you what's going to happen. If you show up here, if you show up here again, I'm changing the boys' team.***

Jan Don't do that.

Leo ***I will do everything to keep you away from them for the rest of their lives!*** (401)

Jan *Stop it. Do not say that around the boys. Do not say that around me.*

Leo *Leave. You need to leave. You need to leave.*

Jan You need to stop this.

Leo *You came here and you started this. Leave. You have insulted the boys, you have embarrassed them. Why are you here? If it is your time, why do you choose to be here when I'm here? Leave!*

Jan It is 6-8 on Thursday...

Leo *Go away...*

Jan It is by decree, I'm supposed to be here.

Leo *Go do something about it. You're not going to get it. You will not get it. (swings heavy Igloo container) Do you want me to hit you with this?*

Jan Stop!

Leo *(lunges at Jan) Do you want me to take the camera away from you?*

Jan (backs up) Stop it!

Leo *Go away!*

Jan Stop it.

Leo *Go away.*

Jan Stop it. Stop it.

Leo *I swear to God I'm going to douse you. Go on, get out of here. Get out of here.*

Jan No.

Leo *Do I need to...*

Jan Stop it.

Leo *You need to leave.*

Jan (to Ian) I was going to be here this time...even if it was hard for me to do. You know, honey, this is not my fault. I am supposed to be with you from 6-8.

Leo *I can't believe you came here. Go away. (takes Ian's hand) Go on, get in the car, let's go.*

Ian Can I take the ball with me?

Jan (to Leo) Are you going to leave before anyone gets here?

Leo *I don't care who comes.*

Jan Yes, you do.

Leo *No, I don't.*

Jan Oh, yes you do. Ian, ...

Leo *(to Ian) Go get in the car.*

Ian Dad, no, no way.

Leo *Go away. Go away. We don't want you here. **We don't want you in our lives.***

 Jan You have no say about that.

Leo *Do you want to bet me?*

 Jan Stop it.

Leo *You haven't won anything yet, Jan. (referring to his repeated successes in court; starts car)*

 Jan Leo, stop!

Leo ***Watch your foot!*** *(backs up quickly, swings car wide so it nearly hits Jan's foot)*

 Jan Stop it, Stop it! (jumps away)

Leo *(speeds away with Ian)*

endnotes: *Sterling sits crying on the sidelines with his head in his hands as a coach consoles him.*

Police arrive and take Leo to jail, sending the children home with Jan. Sterling initially complains of a migraine headache to the police and begs for aspirin. Later, after his father is taken to jail, he forgets about his headache.

Both children initially blame their mother for their father's behavior, saying if their mother had not been there, their father would not have had to go to jail. They later accuse the judge of setting up their Dad, saying any decree that allows their mother to see them will make their Dad do things that will send him to jail.

The next day the boys ask what will happen to them if their mother is dead and their father is in jail. Two weeks later, just as he threatened, Leo takes the boys out of soccer.

This particular assault was relatively minor, but it is part of much larger pattern of violence that is causing great harm to our two sons and to me.

I am afraid of Leo, especially now that I am standing up to him and seeing my sons again. In short, he assaulted me in the past, he continues to assault me, and he will assault me again. This remains his stated intent. It has been Leo's unwavering, unaltered, and consistent pattern of behavior for over twelve years. Leo flatly ignores judge's orders and decrees.

Please refer to the Affidavit and confidential Attorney Notes.