

"Q. What kind of things would he say to you?

A. Umm, he wanted to get my phone number. Umm, he wanted, you know, to go out one night or something and I told him that it was against rules and regulations of the club, that we were not allowed to...

Q. ...Then did that conversation develop any further after that?

A. Ahh, well, he had left with his friend and about maybe 15 minutes after they left, he called me on the phone.

Q. There at the Pier?

A. There at the Pier.

Q. And what did he say to you in the telephone conversation?

A. Ahh, he wanted to know if I wanted to go out to breakfast, and wanted to know what time I got off work and I said I didn't get off until late and, you know, I just go home, it's too late and I just go home afterwards and I told him that we are not allowed to date anybody and I had to leave because I was getting busy and I just hung up.

Q. All right. Ahh, what was your mental state at the time that you were listening to him talk to you?

A. Well, he made me kind of nervous because he was persistent...

Q. Okay. How, at the height of his persistence, how would you typify his--

A. Very, very, very, at a point where, and after, at a point after, you know, I told him no several times, he just kind

of seemed to get a little bit upset and irritated and that's when they left...

Q.Q Was there anything that occurred in the recent past, ahh, from the precept from that point of time, that had occurred in that point of time, that would tend to make you feel uneasy...?

A. ...Ahh, I had been followed for, being followed for about, at least a week...ahh, on several occasions while I was driving home, ahh, I would notice this red car following me and, ahh, when I would be driving to work, I would notice it and I don't think it ever knew where I lived, but, umm, I would be on my way to work and all of a sudden, there it would be. I never saw it from where I would leave my house, but it almost was like they knew where I worked. I kind of got the impression that I would be followed to work and I would watch them follow me a little while and if I would see them following me, I wouldn't go home.

Q. Okay. What type of vehicle was it that was following you?

A. It was a red car, a smaller car. Ahh, one thing I did notice, it had the flip-up lights on it. What kind, I didn't know exactly. I don't know that for sure..." (T. at 124-129; see also the Testimony of Warren Bates, at 138, line 6, to 141, line 7). The defendant drove a red Mazda with flip-up lights.

The law of Utah and other jurisdictions states that "...This..." court "...allows considerable discretion in the trial judge. However we will...disturb the trial judge's