

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

**SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT**

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COMMONWEALTH OF MASSACHUSETTS,

Plaintiff

v.

BRANDON WINSTON,

Defendant

* * * * *

DOCKET NO. MICR2012-1160

**TESTIMONY OF BRANDON WINSTON (Part 1 of 2)
EXCERPTED FROM JURY TRIAL - DAY 5
BEFORE THE HONORABLE MAYNARD KIRPALANI**

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Courtroom 630
Monday, March 2, 2015

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1 **BRANDON WINSTON, Sworn.**

2 THE CLERK: Please step forward and follow Mr.
3 McDonough and have a seat.

4 **DIRECT EXAMINATION BY MR. ZALKIND:**

5 Q Mr. Winston, you have to speak loud and clear so
6 the ladies and gentlemen of the jury can hear you.

7 Please state your full name.

8 A My name is Brandon Justin Winston.

9 Q And how old are you, Mr. Winston, at this time?

10 A I'm 30 years old.

11 Q And where were you born?

12 A Camp Lejeune, North Carolina.

13 Q Was your father a Marine officer there, that's why
14 you were born there?

15 A Yes.

16 Q And at some point after living a short while in
17 North Carolina, where did you move?

18 A Brooklyn, New York.

19 Q And did you move with your father and your mother
20 and your brother?

21 A Yes, the family.

22 Q And your mother, where is she employed?

23 A My mother became a school teacher, a high school
24 math teacher.

25 Q And your grandmother was a school teacher, as

1 well; is that correct?

2 A Yes, she was.

3 Q Your great grandmother was a school teacher?

4 A My grandmother's grandmother, yes.

5 Q Yes. And your father, did he become employed in
6 New York City?

7 A Yes. My father became a New York City
8 firefighter.

9 Q And has he been a firefighter since then?

10 A Yes.

11 Q But is he on special assignment to the Air Force
12 at this time?

13 A Yes. He's working full time right now for the Air
14 Force.

15 Q Now, did you go to public school in the Brooklyn,
16 New York system?

17 A Yes, through eighth grade.

18 Q And were you tested as a gifted child at some
19 point?

20 A Yes, I was.

21 Q And did your mother -- and your brother, by the
22 way, what's your brother's name?

23 A His name is Braxton Winston.

24 Q And is he employed?

25 A Yes. He's a freelance sports cameraman.

1 Q Now, were you involved in a program, you and your
2 brother, called Prep V Prep (sounds like)?

3 A Yes.

4 Q And what kind of a program was that?

5 A To get the students out of the city, and it
6 prepared them to go to secondary schools.

7 Q And did you and your brother get into a secondary
8 school?

9 A Yes, Phillips Academy.

10 Q And did you go to Phillips Academy?

11 A Yes, I did.

12 Q And did you graduate from Phillips Academy?

13 A Yes, in 2002.

14 Q And after you went to Phillips Academy, did you
15 then go on to university?

16 A Yes. I went on to the University of Miami.

17 Q And what was your field that you studied at the
18 University of Miami?

19 A Computer Science Systems Analysis.

20 Q And how long did you go to the University of
21 Miami?

22 A Two and a half years.

23 Q And at some point did you decide that you wanted a
24 different kind of education?

25 A Yes, a Liberal Arts education.

1 Q And did you find a school to go to?

2 A I went to St. John's College.

3 Q And where is that?

4 A Santa Fe, New Mexico.

5 Q And in St. John's do they ever accept any credits
6 from any other education you have?

7 A No, they don't.

8 Q And could you just tell us a little bit about St.
9 John's College.

10 A Well, the classes are conducted around a table.
11 It's all through conversations, no lectures. No
12 textbooks, only primary texts.

13 Q You learned Ancient Greek there?

14 A Yes.

15 Q And does everybody learn the sciences?

16 A Yes. There's three years of science, four years
17 of math, all original texts.

18 Q And are there grades?

19 A The registrar keeps grades, but no one checks
20 them.

21 Q And at some point during your school years there
22 did you take a year off?

23 A Yes, I did.

24 Q And what did you do?

25 A I played in a band.

1 Q And then -- but you graduated from St. John's?

2 A Yes. In 2009 I graduated.

3 Q And did you work, when you were there, with
4 anybody?

5 A Yeah, I worked with an artist, the Stone Sculptor.

6 Q And what would you do with him?

7 A I maintained the studio, I sanded a lot of stone,
8 carved a bit.

9 Q Now, did you take an exam to get into law school?

10 A Yes, the LSAT.

11 Q And did you apply to a number of law schools?

12 A Yes.

13 Q And where were you accepted?

14 A Columbia, Stanford, Harvard, NYU, Duke, Chicago.

15 Q And did you choose one of those schools?

16 A Harvard.

17 Q And what year did you start your Harvard Law
18 School education?

19 A 2009.

20 Q And at some point after you started in 2009 did
21 you meet a woman by the name of Kamilah Willingham?

22 A Yes, I did.

23 Q And is that the woman who testified here last week
24 in the trial?

25 A Yes, the same one.

1 Q And how did you meet her?

2 A We were in a program called the Recording Artists
3 Project. And we met at the orientation training for
4 that program.

5 Q And how did you -- did you work with her?

6 A Yes.

7 Q How did that occur?

8 A Well, all the team leaders were assigned cases.
9 And then the team leaders chose who they wanted to be
10 on their team, and she chose me.

11 Q And were there other people on the team?

12 A Yes, two others.

13 Q And during that project, how much of the work did
14 you and Kamilah do and how much of the work did the
15 other people on the team do?

16 A Kamilah and I did the majority of the work. The
17 other two, one was a Berklee School of Music student
18 who didn't participate so much in the drafting of the
19 contract we had to do.

20 Q And sometime after you met Kamilah, did you start
21 to see her socially at all?

22 A Yes. Soon after, we started going out to parties.

23 Q And at some point did you go back to her home with
24 her and a roommate?

25 A Yes. This was a night when Kamilah, her roommate

1 and I started at her place, walked to party, stayed
2 there for a while, and then walked back to her place.

3 Q And did she invite you to her place or did you --

4 A Yes.

5 Q And was her roommate there?

6 A Her roommate was present, yes.

7 Q And had you been drinking at all that night?

8 A Yes.

9 Q Had she, Kamilah?

10 A Yes.

11 Q And what happened in that apartment that night?

12 A We started making out. We started kissing, we
13 started touching each other. I remember me sitting on
14 the couch and her mounted on top of me and me with my
15 hands around her and us kissing for a quite a while,
16 with her roommate also present in the apartment. And
17 her roommate pretty much was trying to engage her in
18 conversation intermittently while we were kissing, so
19 we went to the bedroom.

20 Q Did you both go together?

21 A Yes.

22 Q And then what happened in there?

23 A And then her roommate started interrupting us
24 while we were in the bedroom, too. And we kissed some
25 more, touched some more. I remember she had her shirt

1 off. But this whole time was probably about an hour.

2 And then I left.

3 Q Did it end?

4 A Yes, it ended there. And that was the last time.

5 Q And after that did you, at some point, meet up
6 with her again in a social situation shortly after
7 that?

8 A Yes. We would see each other around. And the
9 next time after that, that I remember, was we happened
10 to see each other at a bar, crossed paths, she was
11 leaving as I was coming in. And we had been texting
12 and communicating, but this was an unexpected running-
13 into. So, I just remember -- I don't remember what we
14 said. I remember feeling that I didn't want to see her
15 anymore, in terms of being intimate, after that.

16 Q In terms of a romantic relationship?

17 A Yeah.

18 Q And did the romantic relationship stop?

19 A Yes.

20 Q And did she -- and is it fair to say she wasn't
21 showing any interest in you romantically, as well?

22 A Yes, that's fair to say.

23 Q And during the school year how long did this
24 course go on for?

25 A We were working on our project until the spring of

1 2010.

2 Q And where would you meet with Kamilah Willingham?

3 A We would meet at coffee shops off campus, we would
4 meet places around campus, and we would sometimes meet
5 at her apartment.

6 Q And did you ever get a code to her apartment?

7 A No.

8 Q And about how many times did you go over her
9 apartment, if you can remember?

10 A A handful of times.

11 Q And there was no romantic, anything romantic --

12 A No.

13 Q -- by either of you?

14 A No.

15 Q And at some point did she have, as far as you
16 knew, have a boyfriend?

17 A Yes.

18 Q And when she went on vacation did she ever, during
19 that year, ever contact you?

20 A No.

21 Q And when the summer came the summer of 2010, did
22 you have any contact with her during that summer?

23 A No.

24 Q And when you went back to law school as a second
25 -- you completed your first year of law school and went

1 back as a second-year student, --

2 A Yes.

3 Q -- initially did you have any contact with her?

4 A No.

5 Q And at some point was contact made again?

6 A Yes.

7 Q And did that occur? What happened?

8 A Well, at some point she invited me out to a music
9 event at the House of Blues.

10 MR. ZALKIND: And I just want to take a look at
11 the exhibits.

12 *(Pause.)*

13 MR. ZALKIND: May I approach the witness, your
14 Honor?

15 THE COURT: You may.

16 BY MR. ZALKIND:

17 Q Mr. Winston, is this a picture that was -- this is
18 Exhibit No. 7 -- that was taken of you and Kamilah
19 Willingham at the House of Blues?

20 A Yes, it is.

21 Q And was this a drinking establishment, the House
22 of Blues?

23 A Yeah.

24 Q And after you saw her at the House of Blues, did
25 anything romantically happen?

1 A No.

2 Q And did you at some time after that go to another
3 establishment with Kamilah?

4 A Yes. The next place I remember meeting Kamilah at
5 is Ryles.

6 Q And did she bring somebody with her?

7 A Yes. Her friend [REDACTED] came soon after she did.

8 Q And had you ever met [REDACTED] when you were a student
9 during your first year working on the project with
10 Kamilah?

11 A No.

12 Q Had you ever met her when you started, when you
13 went to the House of Blues?

14 A No.

15 Q Had you ever been over her house, [REDACTED] house?

16 A No.

17 Q And that's [REDACTED] [REDACTED]

18 A That is.

19 Q And how long did you spend at Ryles with Kamilah
20 and [REDACTED] [REDACTED]

21 A The duration of the show, from start to finish, so
22 two to three hours,

23 Q Did you have much to say with [REDACTED] [REDACTED]

24 A No.

25 Q Did she say much to you?

1 A No.

2 Q And in any way were you making a play for her?

3 A Not at all.

4 Q And was she, you?

5 A No.

6 MR. ZALKIND: If I can get that exhibit.

7 Q Now, I'm showing you Exhibit No. 8. And was this
8 when you went to Ryles with Kamilah and met [REDACTED]

9 [REDACTED]

10 A Yes.

11 Q And after you were at Ryles, did you and Kamilah
12 go anywhere?

13 A No.

14 Q And you didn't go with [REDACTED] anywhere?

15 A No.

16 Q So there was no romance that happened between you
17 and --

18 A No romance.

19 Q -- either of these women?

20 A No.

21 Q Now at sometime did you start to talk to Kamilah
22 on texts?

23 A Yes. We started communicating more often around
24 then.

25 Q You communicated over Thanksgiving?

1 A Yes. I remember sending her a Happy Thanksgiving
2 text message.

3 Q And at some point in time did Kamilah Willingham
4 and [REDACTED] go to Africa?

5 A Yes.

6 Q And while they were in Africa, did you hear from
7 Kamilah Willingham?

8 A Yes.

9 Q Had you ever heard from her before when she took a
10 trip or a vacation?

11 A No.

12 Q And were you sent a photograph of Kamilah
13 Willingham?

14 MS. TAGLIARENI: Objection.

15 I would just object to the leading nature of
16 the questions.

17 MR. ZALKIND: At this point this is
18 preliminary, your Honor, to the events.

19 THE COURT: I'll overrule it at this point.

20 A Yes. The photograph was part of an e-mail she
21 sent me from Africa.

22 BY MR. ZALKIND:

23 Q And I show you Exhibit No. 9 and ask you if this
24 was the e-mail and the attachment, which is a
25 photograph?

1 A Yes, that is it.

2 Q And is that Kamilah Willingham?

3 A That is Kamilah Willingham.

4 Q And had she ever sent you photographs before, that
5 you remember?

6 A No.

7 Q And at some point when Kamilah Willingham got --
8 oh, while she was in Africa, was there some kind of a
9 communication that was made between you and Ms.
10 Willingham?

11 A Yes.

12 Q What was that?

13 A I received a video call, similar to Skype, but it
14 was over Google. And it was a very choppy quality, but
15 I could see that she was there with [REDACTED] in a tent or
16 cabin of some sort, in a strange landscape that I was
17 told was Africa.

18 Q And had she ever called you before when she was on
19 vacation?

20 A No.

21 Q Now, when she came back from Africa, did she start
22 to try to meet up with you?

23 A Yes. She sent me a text message asking me if I
24 was in Cambridge.

25 Q And what did you say, to your memory?

1 A And my response was that, yes, I was in Cambridge
2 but I wasn't going out tonight. Because she asked me
3 what I was up to, also.

4 Q And did she ask you why?

5 A Yes. She said, "Why not?" And I said I was just
6 hanging out with a friend who had just had surgery, and
7 I was taking it easy that night, I believe, watching
8 TV.

9 Q And what else did -- did she ask you out again?

10 A We stayed in touch and, yes, I believe she asked
11 me within the next few days what I was up to again,
12 yes.

13 Q And what did you say then?

14 A Well, I told her that I wouldn't be able to meet
15 up, until one day when we actually did get to meet up.

16 Q Did she ask you out on her birthday?

17 A Yes. I wasn't able to go out that night, so she
18 said, "Yes, it's my birthday and I want you to come
19 out." And I remember saying, you know, "I feel torn,
20 but I would love to come out and see you on your
21 birthday, I just can't do it tonight."

22 Q And did she ask you out sometime on the 9th at one
23 o'clock in the morning?

24 A Yes. She sent me a text message saying that I
25 should come over. I wasn't able to come over, so I

1 didn't.

2 Q And at some point did you meet up with her at the
3 Cambridge Common?

4 A Yes.

5 Q And was that a place that you had met when you
6 were working on the school project?

7 A Yes, many times.

8 Q And was that near her house, her apartment?

9 A Yes, across the street.

10 Q And did you meet with her at the Cambridge Common?

11 A Yes.

12 Q And did the two of you have a talk there?

13 A Yes, we talked.

14 Q And to the best of your memory, tell us what you
15 were telling her and what she was telling you.

16 Q I told Kamilah -- well, this was the first time we
17 had seen each other in while. I told Kamilah what I
18 had been going through with a girl that I was involved
19 with at the time and how I was breaking up with her,
20 and that I was trying to get out of my current
21 relationship with this girl but that certain things
22 were keeping me sort of tied down to it, and that it
23 was very complicated. So I told her this, and she told
24 me about her trip to Africa with [REDACTED]

25 And she told me that she was having problems with

1 [REDACTED] and she said that [REDACTED] was getting too close with
2 her in Africa and that staying in the same tent with
3 her, [REDACTED] had -- [REDACTED] had tried to hook up with her,
4 and that she had refused [REDACTED] and that [REDACTED] was also,
5 in the meanwhile, getting too close with her mom. She
6 said that she was calling her mom 'Mom' and it was
7 making Kamilah uncomfortable with [REDACTED] doing that,
8 yeah.

9 Q And did she tell you that she told [REDACTED] about
10 these issues?

11 A No. She said specifically that she didn't but
12 that she was really upset with [REDACTED] for those things.

13 Q And on the 13th did you get a text from her asking
14 you out, "Come out of hiding"?

15 A Yes. She asked me out. I think she said, yes,
16 "Time to come out of hiding."

17 Q And you didn't see her on the 13th, did you?

18 A No.

19 Q Now, on the 14th did you make contact with her,
20 though?

21 A Yes, I did.

22 Q And as a result of that, did you go to her
23 apartment on Mass. Ave.?

24 A Yes, in the early evening.

25 Q And how did you get in? How did you get into the

1 apartment?

2 A I was buzzed in.

3 Q Is that the only way you ever got into that
4 apartment?

5 A Yes.

6 Q And did you have something with you when you went
7 into that apartment?

8 A I had a bag.

9 Q And when you got to the apartment, to your memory
10 about what time did you get to that apartment?

11 A This was just after work, so I would say somewhere
12 between seven and 7:30.

13 Q And was anybody else there?

14 A Kamilah.

15 Q And what happened before anyone else came there?

16 A While Kamilah and I were there at the apartment
17 alone, we started drinking. She was already drinking a
18 drink when I got there, and she made me the same kind
19 of drink that she was drinking.

20 Q And what was that?

21 A It was a sweet chocolate drink with liqueur in it,
22 Baileys.

23 Q And how many of those did you have?

24 A Through the course of the night I probably had
25 three of them.

1 Q And did you see Kamilah drinking?

2 A Yes.

3 Q And at some point did somebody else come over?

4 A Yes, [REDACTED] came over.

5 Q And [REDACTED] came over?

6 A Yes.

7 Q And did she come before [REDACTED] [REDACTED] came over?

8 A [REDACTED] later came over, yes.

9 Q Now after [REDACTED] -- by the way, was [REDACTED] drinking?

10 A Yes. [REDACTED] started drinking, Kamilah gave her the
11 same drink that she had given me. And, yeah, we were
12 all drinking.

13 Q And during that time how many drinks did you
14 observe [REDACTED] drinking?

15 A [REDACTED] must have had -- I mean, I saw her drink two
16 drinks.

17 Q Now at some point did [REDACTED] come over?

18 A Yes.

19 Q And who was [REDACTED] [REDACTED]

20 A [REDACTED] [REDACTED] another law student, was a friend of
21 Kamilah's. I didn't know him. And so that's as far,
22 as far as I knew, that's who he was.

23 Q Now at some point did Kamilah bring out some
24 cocaine?

25 A Yes.

1 Q And tell us a little it about that. Who was there
2 when the cocaine came out?

3 A Kamilah brought out a very small bag of cocaine
4 just as [REDACTED] arrived. And she put the cocaine on the
5 table in front of the couch. She offered [REDACTED] [REDACTED]
6 declined the cocaine. I had a line of cocaine, and so
7 did Kamilah.

8 Q Did [REDACTED] Did [REDACTED] have any cocaine?

9 A When [REDACTED] came later there was still some out
10 and, yes, he had some.

11 Q And what about Kamilah?

12 A Kamilah, I remember myself only doing one line and
13 I remember seeing [REDACTED] only doing one line. And [REDACTED]
14 I didn't see [REDACTED] do any. So I believe Kamilah did
15 whatever was left there.

16 Q And at some point do you have a memory of any
17 beers arriving at this?

18 A Yes. I don't remember the exact moment that beers
19 came. I'm not sure if they were in the refrigerator
20 already or if [REDACTED] had brought them. But, yes, I
21 remember toward the end of the night, toward the end of
22 our time at the apartment, drinking a beer.

23 Q Now at some point did Kamilah do some kind of a
24 video for her mother?

25 A Yeah. It was video, I don't know whose idea it

1 was, to -- we sent about a minute-long video to her
2 mother. Well, we made the video; I don't remember
3 specifically her sending it. But it was a video of me,
4 Kamilah and [REDACTED] saying hello to her mom.

5 Q And was [REDACTED] in the area but -- she wasn't in the
6 video, was she?

7 A She was not in the area but, yes, she was in the
8 apartment while that was done.

9 Q And at some point did you leave to go to the
10 Middlesex Lounge?

11 A Yes.

12 Q And how did [REDACTED] seem?

13 A [REDACTED] to me, seemed totally with it. She was
14 eager to go out. You know, we had all been drinking
15 and talking, and --

16 Q How did you feel?

17 A I felt good.

18 Q And Kamilah? Did you observe her?

19 A Kamilah seemed -- well, just as you can see in the
20 video, we were all hanging out, having a good time.

21 Q And how did you get to the Middlesex Lounge?

22 A We took a taxi.

23 Q And whose idea was it to go to Middlesex? Do you
24 know?

25 A That was [REDACTED] idea.

1 Q And when you got to the Middlesex Lounge, what did
2 you do?

3 A The first thing I remember is going to the bar.

4 Q And did you set up a tab at that bar?

5 A Yes.

6 Q And did you, during that night, did you, were all
7 the drinks put on your -- not all the drinks in the
8 place, obviously -- but did you put drinks on your tab?

9 A Yes, I did.

10 MR. ZALKIND: May I approach the witness,
11 please?

12 THE COURT: You may.

13 BY MR. ZALKIND:

14 Q I'm going to show you a tab with a -- did you have
15 a Bank of America card?

16 A Yes, I did.

17 Q And I'll show you this tab. What does that
18 reflect?

19 A That reflects a charge at the Middlesex Lounge in
20 Cambridge, Massachusetts for \$125.

21 Q And I show you another one. Can you tell us what
22 that is?

23 A That reflects another charge at the Middlesex
24 Lounge posted on the same date in the amount of \$42.

25 Q And is that what you spent totally at the

1 Middlesex Lounge?

2 A Yes.

3 MR. ZALKIND: May this be offered, your Honor?

4 MS. TAGLIARENI: I have no objection.

5 THE COURT: It may be.

6 (Exhibit No. 18, admitted; Middlesex Lounge Bar
7 Receipt, \$125.)

8 (Exhibit No. 19, admitted; Middlesex Lounge Bar
9 Receipt, \$42.)

10 BY MR. ZALKIND:

11 Q Now, tell us in your own words what happened when
12 you, what happened first when you -- about what time
13 did you get there?

14 A We must have gotten to the Middlesex around 11:30,
15 somewhere between eleven and 11:30.

16 Q And you said you went to the bar?

17 A I went to the bar and got drinks for all four of
18 us.

19 Q And then what did you do?

20 A And then I started to go around the place, dance,
21 drink more and talk to people.

22 Q And how big was the dance area?

23 A Middlesex, first of all, about ninety percent of
24 the space there is a dance area. It's a square room,
25 probably about half the size of this courtroom.

1 Q And do you remember who you were dancing with at
2 that point in time?

3 A I was dancing with people that I don't remember
4 and didn't know at the time.

5 Q And did you see Kamilah?

6 A Yes.

7 Q What did you see her doing?

8 A I saw her dancing with people, and I saw her
9 drinking and talking.

10 Q And what about [REDACTED]

11 A She was doing the same thing, dancing, drinking
12 and talking.

13 Q And so for the first, let's say, hour or so, or
14 more than an hour, were you dancing with [REDACTED] at all?

15 A No.

16 Q Were you dancing with Kamilah?

17 A No. If I had went by while she was dancing and I
18 was dancing, it wasn't me dancing with Kamilah. I
19 didn't really see them much at the very beginning, that
20 first hour at the club.

21 Q And were you drinking?

22 A I was drinking the entire time.

23 Q And what were you drinking?

24 A I was drinking beers, Bud Lights. If there was
25 anything else, I don't remember.

1 Q And how much had you had to drink at Kamilah's?

2 A Three, maybe four drinks.

3 Q And at some point did you and [REDACTED] start to dance?

4 A Yes.

5 Q Could you tell us how that occurred?

6 A Well, I was going around. I remember I was
7 walking through the club and I started walking toward
8 [REDACTED] and Kamilah. And I was walking toward
9 Kamilah, and [REDACTED] was dancing there, and so I started
10 dancing. And [REDACTED] all of a sudden got really close to
11 me and pressed her body against mine, and we started
12 dancing. And about thirty seconds later, [REDACTED] puts her
13 arms around my neck and starts kissing me. And this is
14 while we were dancing. And I start kissing her back.
15 And for about five minutes we were standing there
16 dancing and kissing.

17 And after that five minutes, when we finally
18 stopped that sort of first kiss, we'd keep on dancing.
19 And it was really, it was very, very close dancing,
20 very sexual. And, you know, I was turned on. We were
21 kissing intermittently the whole time, and my hands
22 were wrapped around her. My hands were touching her,
23 and her hands were touching me, too. I remember at one
24 point her legs were completely off the floor, wrapped
25 around my body as we were grinding together, and my

1 hands supporting her ass.

2 And basically, it was this very fun, very lively
3 dancing that went on until the club closed.

4 Q And what kind of shoes did she have on?

5 A She had on high heels.

6 Q And were you talking at all when you were dancing?

7 A Yes, the whole time.

8 Q And do you remember what you were saying?

9 A No.

10 Q And you were saying she was kissing you. Was she
11 doing that during the whole time?

12 A Yes. Intermittently, yes.

13 Q And what kind of dancing was it? Was it slow
14 dancing? Fast?

15 A No, it was very fast. The DJ had loud, fast music
16 on.

17 Q And did you see her fall down?

18 A No.

19 Q Did she stumble at all?

20 A She may have stumbled on the dance floor. We were
21 both balancing each other while we were dancing.

22 Q And were you happy to be with her?

23 A I was.

24 Q And at some point -- did you ever go to the
25 bathroom with her, to the Ladies Room?

1 A No.

2 Q And do you remember, did you see -- did you ever
3 get her a glass of water?

4 A No.

5 Q And was Kamilah concerned with her? Did she come
6 to tell you how sick she was, or something?

7 A No.

8 Q And at some point did the lights go on? What did
9 that mean to you?

10 A Yeah. Well, the lights went on probably between
11 1:30 and two.

12 Q And what happened then?

13 A After the lights went on, we all went to get our
14 coats.

15 Q And what was your state of inebriation at that
16 point?

17 A I was very drunk.

18 Q And what about [REDACTED]

19 A She was also drunk.

20 Q And what about Kamilah?

21 A She was also drunk.

22 Q And did you get her coat or did she get her own
23 coat?

24 A She got her own coat.

25 Q And did you observe her coming back towards you?

1 A Yes.

2 Q What did you observe?

3 A Well, I observed that other guys were trying to
4 talk to her as she was making her way back across the
5 room. And I remember standing there. Kamilah was next
6 to me. And we were both watching [REDACTED]

7 And I remember I felt like I had to go get her
8 because these guys were chatting her up and we wanted
9 to get out of there. But I didn't, and I let her be.
10 And eventually she came, came back to us, and we left
11 the club together.

12 Q And while you were kissing and making out,
13 dancing, did you see Kamilah at all?

14 A Yes.

15 Q And how close was Kamilah to you?

16 A Kamilah was very, very close, I'd say not even
17 four feet away, almost the entire time.

18 Q Now at some point you leave the club. Did you
19 remember whether or not [REDACTED] had her jacket on?

20 A Yes, she had her jacket on.

21 Q And did you watch the way she was walking? Did
22 you notice anything unusual about her walk?

23 A No. We were walking side by side and I had my arm
24 around her.

25 Q Did you try to help her zip up her jacket?

1 A Yes.

2 Q And do you remember pictures being taken?

3 A Yes. I remember Kamilah snapped a couple of
4 pictures, yes.

5 Q And did any of you get a cab?

6 A Yeah. So we, it was very cold out and we wanted
7 to get a taxi. And everyone outside the place was also
8 trying to get a taxi, so Kamilah told me that she would
9 go ahead and try and find a taxi. So Kamilah walked
10 ahead of us, and [REDACTED] and I followed her.

11 Q And was [REDACTED] able to walk?

12 A Yes.

13 Q Was there any problem? Was she stumbling?

14 A No.

15 Q Was she falling down?

16 A No.

17 Q Did you see her falling down when she was leaving
18 the club?

19 A No.

20 Q And did Kamilah eventually get a cab?

21 A Yes.

22 Q Tell us about that.

23 A Well, Kamilah hailed a cab. We could see in the
24 distance that she had got it. And so Kamilah gets a
25 cab, gets in the cab, leaves the door open. [REDACTED] gets

1 in and I close the door behind [REDACTED] and I go around
2 the other side and hop in.

3 Q And so who did you sit beside?

4 A I sat next to Kamilah, and [REDACTED] was on the other
5 side of her.

6 Q Now, did you have a conversation with Kamilah
7 regarding whether you could stay over or not?

8 A I asked her in the cab whether I could stay over.

9 Q And what'd she say?

10 A She said that was okay.

11 Q And when you were in the cab, was there any
12 talking going on?

13 A Yes. Kamilah talked about the guy that she was
14 making out with at the club, and she had asked me, "Did
15 I really make out with that guy?" And I said yeah.

16 And we talked about how we were going to pay for
17 the cab, because none of us had cash. And I'd been
18 using a card; I didn't have cash. So I said, "You guys
19 go ahead. When we get to the place, you guys go ahead
20 and I'll just go to the ATM and come upstairs after I
21 pay the cab."

22 Q And did you stop on Mass. Ave.?

23 A Yeah. So the taxi first stopped across the street
24 from the apartment, a little bit ahead of it, and [REDACTED]
25 and Kamilah got out.

1 Q And did you observe them at all going across the
2 street?

3 A Yes.

4 Q Tell us what you observed.

5 A Well, the taxi lingered for a second at the light.
6 And I remember seeing them cross the street. Kamilah
7 was ahead of [REDACTED] And I remember seeing them as they
8 got to the other side of the street.

9 Q Now, was there any kind of a barrier or something
10 in the street?

11 A Yeah, there's a divider in the street.

12 MR. ZALKIND: May I approach the witness, your
13 Honor?

14 THE COURT: You may.

15 BY MR. ZALKIND:

16 Q I show you a photograph marked Exhibit No. 11. Is
17 this the barrier and is that the building that Kamilah
18 lived in?

19 A That is the building, and that's the barrier that
20 was there that night.

21 Q Now after you saw them going across the street,
22 you didn't see them going into the apartment at that
23 point in time?

24 A No.

25 Q And what did you do?

1 A So I stayed in the cab until it crossed the
2 intersection. The ATM is just directly on the other
3 side of the intersection, so.

4 I gave the taxicab driver my driver's license. I
5 said, "Hold this while I go in so you know I'm not just
6 gonna run off." And so I got out of the taxi, went to
7 the ATM, got cash out, and then came back to the taxi,
8 paid him with the cash, got my I.D. back, and then I
9 ran back, I ran to the apartment building.

10 Q And how did you get into the apartment this time?

11 A I was buzzed in.

12 Q And did you have to press an apartment number?

13 A Yeah, you have to press the apartment number in
14 the lobby, and then you get buzzed in.

15 MR. ZALKIND: May I approach the witness, your
16 Honor?

17 THE COURT: You may.

18 BY MR. ZALKIND:

19 Q I show you Exhibit No. 14. Is this the apartment
20 buzzer that you have to press?

21 A That is it.

22 Q And were you buzzed in?

23 A Yes, I was.

24 Q And is there something that would stop you from
25 going in if you weren't buzzed in?

1 A There's a locked door.

2 MR. ZALKIND: May I approach the witness?

3 THE COURT: You may.

4 BY MR. ZALKIND:

5 Q I show you Exhibit No. 13. Is this it?

6 A This is the door, yes.

7 Q And you didn't know the code to that door?

8 A No, I did not.

9 Q Now, when you get to the front of the building, do
10 you have to go up a flight of stairs before you get
11 into the lobby?

12 A Yes. There's a flight of stairs, yes.

13 Q And did you go up those flight of stairs?

14 A Yes, I did.

15 MR. ZALKIND: May I approach the witness, your
16 Honor?

17 THE COURT: You may.

18 BY MR. ZALKIND:

19 Q I'm showing you this picture of the stairs. Is
20 this the stairs that go up in front of the building?

21 A This is a picture of those stairs, yes.

22 MR. ZALKIND: I offer this, your Honor.

23 MS. TAGLIARENI: No objection.

24 THE COURT: It may be admitted.

25 (Exhibit No. 20, admitted; Photograph, Outside

1 Front Stairs of Apartment Building.)

2 BY MR. ZALKIND:

3 Q And those are the stairs you went up.

4 Now once you were buzzed in, what did you next do?

5 A I ran up the stairs.

6 Q And is there some reason you didn't take the
7 elevator?

8 A I grew up on the fifth floor. It's nothing for me
9 to run up five flights of stairs.

10 Q And when you got to the top of the stairs, would
11 you go to Kamilah's apartment?

12 A Yes, I went.

13 Q And what was the door like, if you remember?

14 A The door was ajar.

15 Q And was there anybody at the door, --

16 A Nobody.

17 Q -- that you remember?

18 A No.

19 Q Did you see [REDACTED]

20 A No.

21 Q Did you see Kamilah?

22 A No.

23 Q Did you see them together?

24 A No.

25 Q Did you hear them talking about you?

1 A No.

2 Q Now, once you entered the door, what did you do
3 next?

4 A I went into Kamilah's bedroom.

5 Q And did you know where Kamilah was?

6 A No.

7 Q Did you know where [REDACTED] was?

8 A Well, I saw [REDACTED] in the bed.

9 Q But before you got to the bedroom, did you know
10 where [REDACTED] was?

11 A No.

12 Q And who were you trying to find?

13 A I was trying to find [REDACTED]

14 Q And when you got to the -- whose room did you see
15 [REDACTED] in?

16 A I saw [REDACTED] in Kamilah's room on Kamilah's bed.

17 Q And was there any light coming into the room?

18 A Yes.

19 Q And that was from where? From the hallway?

20 A I'm not sure exactly where it was coming from.
21 The hallway light was off.

22 There is a window in Kamilah's room. It could have
23 been from the bathroom to the hallway to the room, or
24 through the window. I'm not sure. It was very dim.

25 Q And how big a room is it?

1 A It's a small room, 15 by 15 perhaps. Maybe 10 by
2 10.

3 Q And did you see Kamilah in there?

4 A No, I didn't.

5 Q And did you see [REDACTED]

6 A Yes, I did.

7 Q And where was [REDACTED]

8 A [REDACTED] was laying on the bed, close to the wall.

9 Q And what did you do?

10 A I laid down beside her and said her name in her
11 ear, and put my hand on her shoulder and shook her
12 awake.

13 Q And what did she do?

14 A She woke up. I told her to sit up, and she sat
15 up.

16 Q And after she sat up, what did you do?

17 A I started kissing her.

18 Q And what did she do?

19 A She started kissing me back.

20 Q Did she do anything with her hands?

21 A She had her hands around my neck while we were
22 making out and I had my hands around her body.

23 Q And then did something else happen while you were
24 -- what happened next?

25 A Yes. I tried to take her shirt off.

1 Q And what happened with that?

2 A Well, for a brief moment I wasn't able to, so I
3 told her to lift her arms up.

4 Q And what did she do?

5 A She lifted her arms up.

6 Q And what did you do?

7 A I took her shirt off.

8 Q And then what happened next?

9 A We kept making out. And while we were doing that,
10 I started trying to unhook her bra.

11 Q And what happened then?

12 A I wasn't able to. I tried for about a minute, and
13 I wasn't able to unhook the back hook from it. And so
14 I, I passed out.

15 Q And when you were making out with her, do you know
16 what you were doing with your hands? What were you
17 doing with your hands?

18 A While I was making out with her, like I said, I
19 was trying to take off her bra. I don't know exactly
20 where my hands were the whole time, but primarily they
21 were wrapped around her. But --

22 Q Did -- go ahead.

23 A But, you know.

24 Q Do you remember ever touching her in the vaginal
25 area?

1 A No.

2 Q Could you have?

3 A Yes. I was -- it was dark. My hands were -- it
4 was dark. I was drunk. Perhaps.

5 Q And so you pass out?

6 A Yes.

7 Q Do you remember waking up?

8 A Yes.

9 Q And tell us -- and by the way, how long did this
10 whole period of time that you were with [REDACTED] on the
11 bed, how long did that last?

12 A From the time I got in the room until the time I
13 passed out was probably from three to five minutes.

14 Q And, now, you passed out. But suddenly -- well,
15 in the evening did you wake up?

16 A Yeah. I woke up, yes.

17 Q What woke you up?

18 A I woke up because I felt a body that was rubbing
19 against mine and a tongue in my mouth.

20 Q And who did you think that was?

21 A I thought it was [REDACTED]

22 Q And at some point did you find out it wasn't [REDACTED]

23 A It wasn't [REDACTED]

24 Q How long did that take?

25 A It took me about ten seconds after I came to, to

1 realize it. Because as I came to, to get in a more
2 comfortable position instead of laying on my side
3 kissing, I rolled over on top of her. And I rolled
4 over the opposite way that I remembered [REDACTED] was.

5 Q And where were Kamilah's legs when you got on top
6 of her?

7 A Kamilah's legs, she wrapped her legs around me.
8 And so when I got on top of her, her arms were around
9 my body and her legs were wrapped around my body.

10 Q And what were you doing to her, with her?

11 A I was kissing her, and we were moving, we were
12 grinding against each other. She was grinding her
13 midsection against mine, and me, as well.

14 Q How long did that take?

15 A Thirty seconds.

16 Q And then what did you do?

17 A I stopped.

18 Q And what did you do with your head?

19 A So I rested my head on her midsection, her torso,
20 probably just below her breasts. I rested my head
21 there. And I remember looking up at her, and I said,
22 "We should probably stop."

23 Q Did she say something to you first?

24 A Yes. She said, "Don't you have a wife at home?"

25 Q And did you have a wife at home?

1 A No.

2 Q Did you have a girlfriend at home?

3 A I had a girl that I was involved with that, like I
4 said earlier, that I had told her at Cambridge Common
5 that I didn't want to be with but was trying to get out
6 of the relationship at the time, yeah.

7 Q And what was said next?

8 A Well, after that -- well, the next thing I said, I
9 said, "Oh, did I do something wrong," referring to the
10 fact that I had a wife at home. And then I said, "I'll
11 just go sleep on the couch."

12 Q And what did she say, Kamilah?

13 A And she said, "No, go sleep in my roommate's bed."

14 Q And who was the roommate? Did you know who the
15 roommate was?

16 A Her roommate Andreea. I had met her before. I
17 had known her a long time.

18 Q Did you know where her room was?

19 A Yes.

20 Q Where was it?

21 A It was further on in the apartment, past Kamilah's
22 bedroom, on the right just before the kitchen.

23 Q Was there any -- what happened next?

24 A Well, I mentioned one more time, "No, I'll just go
25 sleep on the couch." And then she insisted I go sleep

1 in the roommate's bed, so I said okay, I'll go sleep in
2 the roommate's bed. And then I went there to the
3 roommate's room.

4 Q Do you remember what you were wearing at that
5 point in time?

6 A I was wearing clothes.

7 Q And did you go to the roommate's room?

8 A Yes.

9 Q Did you have any conversation with Kamilah about

10 [REDACTED]

11 A No.

12 Q Did you see [REDACTED]

13 A Yes.

14 Q And did you, when you were sitting there did you
15 fondle [REDACTED] breasts?

16 A No.

17 Q Did you cup her breasts?

18 A No.

19 Q Did you do anything with her breasts?

20 A No.

21 Q Did you touch her breasts?

22 A No.

23 Q And was there any discussion on who undressed [REDACTED]
24 at that point in time?

25 A No.

1 Q Now, you go to Andreea's room --

2 A Yes.

3 Q -- down the corridor. And do you remember Kamilah
4 coming into your room sometime in the night --

5 A No.

6 Q -- and waking you?

7 A No.

8 Q Could it have happened?

9 A Yes.

10 Q And if you remember, there was testimony about,
11 something about you hooking up and then falling asleep,
12 and that [REDACTED] was awake, when Kamilah testified. Is
13 that what happened?

14 A Is that what happened --

15 Q With you and [REDACTED]

16 A That's what happened. We hooked up, and [REDACTED] was
17 awake, and that's what happened.

18 Q But you don't remember saying that to her, though?

19 A No.

20 Q Now, did you have something to do the next day?

21 A Yes.

22 Q And what was that?

23 A Well, we had to get in -- I was working at the
24 Berkman Center for Internet Law and Media, and Media
25 Law. So were filing an amicus brief for a case in

1 Chicago, and I had to get in a part of that brief by
2 that afternoon.

3 Q And did you do something with your alarm clock
4 when you went into Andreea's bedroom?

5 A Yes. I set an alarm because I figured I would
6 have an e-mail from my supervisor. I remember waking
7 up just before the alarm and checking my e-mail, and I
8 did have an e-mail from him saying that I needed to get
9 this done. So that's when I got dressed.

10 Q And you got dressed. And where did you go?

11 A I went down the hall and I stopped at Kamilah's
12 room.

13 Q And did you say something to her?

14 A Yeah. Well, I went in there --

15 Q Or did she say something to you?

16 A I went into her room. And the next thing I
17 remember is I kneeled down next to the bed, and she
18 asked me, "Why is [REDACTED] shirt off?" And I said,
19 "'Cause I took it off."

20 And she said, "Well, she's gonna freak out" in the
21 morning, "She's gonna freak out when she wakes up."

22 And I said, "Why would she freak out?" And Kamilah
23 said, "Because I know [REDACTED] And she said, Kamilah
24 said, "This is gonna be a problem for me." And I said,
25 "Well, if it's gonna be such a problem for you, why

1 don't you put her shirt back on."

2 And then Kamilah, I don't know what Kamilah said
3 right then, but basically I left it at that. I left
4 the room. I said goodbye, and I left.

5 Q Did you tell her that you could put her shirt on
6 or did she offer to put it on?

7 A No, I told her that.

8 Q You told her that?

9 A Yeah.

10 Q And what did you think when she was asking you
11 about the shirt? What was going through your mind at
12 that point?

13 A First of all, I thought it was, I thought it was
14 offensive, what she was getting at, because she
15 obviously knew how [REDACTED] shirt got off.

16 Q And how did she know that?

17 A Because we had woke up and she had come in the
18 room. The door was open the whole time when I came in
19 and I was hooking up with [REDACTED] and we had the hooking
20 up at the club. And, you know, it was just something
21 she would have known.

22 Q And then you left; is that right?

23 A Then I left.

24 Q And the next day did you start to text Kamilah?

25 A Yes.

1 Q And when you text her, at that point in time did
2 you think you had done something wrong that night?

3 A No.

4 MS. TAGLIARENI: Objection. Leading.

5 THE COURT: Well, no, I don't think it suggests
6 the answer. I'll overrule that.

7 You may answer.

8 A When I texted her, I asked about the video we had
9 sent.

10 BY MR. ZALKIND:

11 Q What was in your head then, at that point in time?

12 A Well, I was trying to, I was working on this brief
13 and I was having, you know, I was having recollections
14 about the night before and I remembered the video being
15 made. So I just texted her about it.

16 Q And then do you remember her saying that "[REDACTED] is
17 super sick. Haha. Should I tell her to take a
18 pregnancy test?"

19 A I remember her saying that, yes.

20 Q And what was your reaction yourself?

21 A I said --

22 Q But how did you feel when she said that?

23 A When she said that, I was, I thought she was
24 joking. And I thought she was sort of way out in left
25 field with it.

1 Q Do you remember saying to her, "Very, very funny,
2 Kamilah"?

3 A Yes.

4 Q And saying, "I hope she gets better. I'm trying
5 to finish this brief in the library before the game
6 starts"? Is that right?

7 A Yes.

8 Q And do you remember her saying, "Ha ha ha. But
9 for realz, did you put your p in her v?"

10 A Yes.

11 Q What did you think of that? How did that affect
12 you?

13 A Well, I thought, you know, the simple answer was
14 no. And I don't -- I was kind of confused because I
15 didn't see how she would even suspect that I did that.

16 Q And do you remember saying, "No. I passed out
17 after some minor touching. No more than what you and I
18 were doing. The finger briefly in the v at most"?

19 A Yes.

20 Q Did you put a finger in the v?

21 A No.

22 Q And what were you trying to convey to Kamilah at
23 that point in time?

24 A That there was no need for [REDACTED] to take a
25 pregnancy test.

1 Q And why was that?

2 A Because nothing that could impregnate her had
3 happened.

4 Q And you told her, "Tell her not to worry," right?

5 A Yes.

6 Q And then she says to you, "She has no idea.
7 Trying to explain to her why she woke up topless was
8 dramatic enough. So I think I might just save her the
9 therapy expenses and keep quiet." Do you remember her
10 saying that?

11 And by the way, did you know when she was doing
12 these texts to you that [REDACTED] was sitting beside her
13 doing the texts?

14 A I had not idea.

15 Q And what did you think of therapy, the idea that
16 she would need therapy for what that night?

17 A I thought Kamilah was completely misunderstanding
18 the situation. I thought there was no reason she would
19 have any qualms about what happened that night.

20 Q And did you consider yourself a good friend of
21 hers, of Kamilah's?

22 A Yes. As far as law school goes, yes. We had
23 known each other since I had started.

24 Q And she was asking you to talk, wanted to talk
25 with you soon?

1 A Yes. She said that.

2 Q And you told her you were around through the
3 afternoon; is that right?

4 A Yes.

5 Q Then, "[REDACTED] meet at Starbucks or something? It's
6 more private." This happens later. At some point you
7 do meet up with her at the Cambridge Common?

8 A Yes, that Tuesday.

9 Q And do you remember that also, besides the text
10 messages, were you getting some types of e-mail, some
11 chats?

12 A Yes. Through Gmail there's a chat system, and we
13 had also been talking on that.

14 Q Do you remember when you were e-mailing, wanting
15 to talk to her?

16 A Yes.

17 Q Why would you want to talk to her?

18 A Because she was obviously upset. And I felt that
19 the text medium was insufficient for actually
20 discussing what she was upset about.

21 Q And she told you something about this has turned
22 into a shit storm?

23 A Well, she said a shit storm.

24 Q Well, what did that mean to you? Did you think
25 there was something wrong?

1 A I didn't think there was anything wrong about the
2 situation, but I knew she was upset.

3 Q And you asked her about a shit storm about with
4 work, right?

5 A Yeah, because she said, "a shit storm."

6 Q And did you tell her, 'I want to straighten this
7 thing out'?

8 A Yes, I told her that.

9 Q And what were you trying to straighten out?

10 A That she was obviously upset about something. And
11 I wanted to talk to her about the situation. Whatever
12 happened to make her upset I firmly believe was a
13 misunderstanding.

14 Q And did you tell, in these things, "It was
15 reckless of me and I apologize," and then right with
16 the same set of e-mails, "I remember better now. There
17 wasn't any real touching going on. No fingering. I
18 took her shirt off and then passed out. The next day I
19 was still so wrecked. Couldn't remember very clearly"?
20 Is that what happened?

21 A Yes.

22 Q When you said that to her?

23 A Yes.

24 Q She wasn't satisfied with that, though, was she?

25 MS. TAGLIARENI: Objection.

1 THE COURT: Sustained.

2 BY MR. ZALKIND:

3 Q And do you remember her saying, "And when she
4 passed out the moment we got into my apartment," and
5 you said, "It wasn't. I'm sorry. It wasn't. I was
6 hoping she'd wake up, and when I realized that she
7 wasn't, I quit"? And at some point, "I wasn't trying
8 to force her. I know it sounds like that. I was
9 talking to her the whole time and she was talking back
10 in that passed-out mumble-y way that's essentially
11 being asleep and I was totally reckless, I know."

12 Did you feel you were totally reckless?

13 A No.

14 Q Why were you telling her that?

15 A Because I wanted to calm her down.

16 Q Did you think you did anything wrong?

17 A No.

18 Q And at some point does she meet up with you --
19 when I say she, Kamilah -- at the Cambridge Common?

20 A Yes.

21 Q On the 18th?

22 A Yes.

23 Q And what was she talking about then?

24 A Well, we sat at a booth and she started talking
25 about [REDACTED] And I remember her talking about this

1 condom that she had found. And I remember her saying
2 that there was blood on it and that [REDACTED] had been
3 menstruating at the time, and that they were gonna go
4 get the condom tested.

5 Actually, she had said at the time that they had
6 actually already gone to get it tested but that they
7 had not mentioned my name to the police.

8 Q How did that affect you? How'd you feel then?

9 A Well, I was shaken.

10 Q And why were you shaken?

11 A Well, she made it very clear that she expected the
12 test to come out a certain way and she was accusing me
13 of rape.

14 Q And did you talk to her about that?

15 A No, because she got up and left the table sort of
16 before I could really -- I wanted to talk more, but I
17 didn't get a chance to talk to her more about it.

18 Q Did you say it was cosmically possible?

19 A For me to have used the condom? Yes, I did say it
20 was possible. I was drunk.

21 Q And did you look in your wallet?

22 A I looked in my wallet, and --

23 Q And what was in your wallet?

24 A -- I saw there was a condom in my wallet. And I
25 keep a condom there in case I ever need to use it, and

1 there was one in there.

2 Q Were you frightened when she was talking to you
3 about this?

4 A Yes.

5 Q You remember talking to Sally [REDACTED] is that
6 right?

7 A Yes.

8 Q And that was about five months after this
9 occurred?

10 A Yes.

11 Q And you had finished your second year of law
12 school?

13 A Yes.

14 Q And at some point you entered your third year of
15 law school?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q And while you were in your third year of law
20 school, you found out about these charges?

21 A Yes.

22 Q And because of these charges, you cannot finish
23 your law school until this is decided; is that right?

24 A That's right.

25 Q And is it fair to say there never was any criminal

1 complaint against you by Kamilah Willingham?

2 A That is true.

3 Q And you're not facing one now?

4 A No.

5 Q And you don't know of any criminal complaint
6 against you, right, by Kamilah Willingham?

7 A That's true.

8 MR. ZALKIND: May I approach, your Honor?

9 THE COURT: You may.

10 BY MR. ZALKIND:

11 Q I'm showing you this exhibit, which is for
12 identification. Is this a fair representation of the
13 window in Kamilah's room?

14 A Yes.

15 Q And are those the blinds that were there, to your
16 memory?

17 A Yes.

18 MR. ZALKIND: I'd offer this now, your Honor.

19 MS. TAGLIARENI: No objection.

20 THE COURT: It may be admitted.

21 (Exhibit No. 21, admitted; Photograph, Bedroom
22 Window and Blinds. Formerly B for I.D.)

23 BY MR. ZALKIND:

24 Q Were there any other windows in there?

25 A Not that I remember.

1 MR. ZALKIND: May I approach, your Honor?

2 THE COURT: You may.

3 BY MR. ZALKIND:

4 Q I show you this photograph. Is this a fair
5 representation of the corridor that you walked into
6 heading towards the living room in Kamilah's apartment?

7 A Yes, that's it.

8 Q And what's this on the left?

9 A That's the buzzer to let people in downstairs.

10 Q And to the right of that buzzer, what's that?

11 A The door directly on the right of that buzzer is
12 Kamilah's room.

13 MR. ZALKIND: I'd offer this, your Honor.

14 MS. TAGLIARENI: No objection.

15 THE COURT: It may be admitted.

16 (Exhibit No. 22, admitted; Photograph, Hallway
17 Leading to Living room, Door Buzzer.)

18 MR. ZALKIND: May I approach again, your Honor?

19 THE COURT: You may.

20 BY MR. ZALKIND:

21 Q I show you this photograph. Is this the living
22 room area? Do you see a couch there?

23 A Yes, I do.

24 Q That's not the couch that she had; is that
25 correct?

1 A No.

2 Q Is that where the couch was?

3 A Yes, same position.

4 Q And what is the room off on the right-hand side
5 there?

6 A That was at the time Kamilah's roommate's room.

7 Q And how big is that living room?

8 A That living room looks to be about 15 to 20 feet,
9 roughly. Square.

10 MR. ZALKIND: May this be marked, your Honor?

11 MS. TAGLIARENI: No objection.

12 THE COURT: It may be admitted.

13 (Exhibit No. 23, admitted; Photograph, Living
14 Room.)

15 BY MR. ZALKIND:

16 Q And is that the room that Kamilah brought out the
17 cocaine and that [REDACTED] was sitting there and [REDACTED] was
18 there?

19 A Yes. That was the room that we were in primarily
20 when all that happened earlier that night.

21 Q Have you ever used the bathroom in Kamilah's
22 house?

23 A Yeah.

24 MR. ZALKIND: May I approach the witness, your
25 Honor?

1 THE COURT: You may.

2 BY MR. ZALKIND:

3 Q Is this a fair representation of the bathroom?

4 A Yes, that's it.

5 MR. ZALKIND: May this be marked, your Honor?

6 MS. TAGLIARENI: No objection.

7 THE COURT: It may be admitted.

8 (Exhibit No. 24, admitted; Photograph,
9 Bathroom.)

10 MR. ZALKIND: Pray your Honor's indulgence.

11 THE COURT: Take your time.

12 *(Pause.)*

13 BY MR. ZALKIND:

14 Q When you went to Andreea's room, is that when you
15 took your clothes off?

16 A Yes.

17 MR. ZALKIND: I have no further questions, your
18 Honor.

19

20 **(Witness testimony suspends for the day.)**

21

22

23

24

25

CERTIFICATION

I, Christina O'Neill, Official Court Reporter, do hereby certify that the foregoing, Pages 1 through 59 inclusive, is a true and accurate transcription, to the best of my knowledge, skill and ability, from the record of the court proceedings in the above-entitled matter.

I, Christina O'Neill, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Administrative Format.

I, Christina O'Neill, further certify that I neither am counsel for, related to, nor employed by any of the parties to this action in which this hearing was taken, and further certify that I am not financially nor otherwise interested in the outcome of the action.

Christina O'Neill

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Date

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