

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

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COMMONWEALTH OF MASSACHUSETTS \*

VS. \*

JOHN DOE \*

\* \* \* \* \*

PRESENTED BY:

THOMAS CALDWELL, ESQUIRE  
ENTERPRISE & MAJOR CRIMES DIVISION  
CRIMINAL BUREAU, 19TH FLOOR  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

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THURSDAY, FEBRUARY 4, 2016  
SUFFOLK SUPERIOR COURT  
3 PEMBERTON SQUARE, FLOOR 6  
BOSTON, MASSACHUSETTS

Ellen K. Cassola  
Professional Court Reporter

\*\*\*\*\*COMPUTER AIDED TRANSCRIPTION\*\*\*\*\*

A P P E A R A N C E S

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ENTERPRISE & MAJOR CRIMES DIVISION  
Criminal Bureau, 19th Floor  
One Ashburton Place  
Boston, Massachusetts 02108  
Thomas Caldwell, Esquire

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1 (Grand jury called to order)

2 (Whereupon, Grand Jury Exhibit 24, was pre-  
3 marked by the court reporter.)

4 MR. CALDWELL: Good morning, ladies and  
5 gentlemen. My name is Thomas Caldwell. I'm an  
6 Assistant Attorney General, and today I'm continuing  
7 an investigation concerning the Amherst drug  
8 laboratory and the Department of Public Health;  
9 matters that allegedly occurred on diverse dates  
10 between January 2004 and January 2013. At this time  
11 I have one witness for your consideration.

12 Ma'am, can you raise your right hand?

13 \* \* \* \*

14 SHARON SALEM, SWORN.

15 \* \* \* \*

16 BY MR. CALDWELL:

17 Q Thank you. You may have a seat. Ma'am, can you  
18 please state your name for the grand jurors and spell  
19 your last name for the record?

20 A My name is Sharon Salem, S-A-L-E-M.

21 Q And where are you currently employed?

22 A I am currently employed with the State Police Crime  
23 Laboratory in Springfield.

24 Q And what is your title at the Mass State Police Crime

1 Laboratory?

2 A I am a Forensic Scientist III.

3 Q And what does that entail? What are your duties and  
4 responsibilities?

5 A I'm assigned to the Criminalistics Unit and the Crime  
6 Scene Unit in Springfield. I process evidence that's  
7 been used in crimes, basically.

8 Q And prior to your current employ, what did you do  
9 before that?

10 A I worked at the Amherst drug laboratory for 25 years.  
11 Once the State Police acquired the laboratory in July  
12 2012, I started working under the State Police in  
13 Amherst.

14 Q And at some point that laboratory was closed,  
15 correct?

16 A Correct.

17 Q And that's when you shifted to your current job?

18 A Basically, yes.

19 Q And what was your role at the Amherst drug  
20 laboratory?

21 A I served as the Evidence Officer. I would receive  
22 and give back samples to the police departments; I  
23 would assign cases to the chemists within the  
24 laboratory and I would handle a lot of the paperwork

1           for the laboratory.

2           Q     About how long were you evidence officer for?

3           A     Approximately the last seven years that I was there.

4           Q     And previously you were a chemist?

5           A     Previous to that I worked on samples within the  
6                 laboratory.

7           Q     In your time as evidence officer did you test any  
8                 drug samples ever submitted to the lab?

9           A     There was a period of transition for maybe a year or  
10                two while I did both jobs and transitioned into the  
11                evidence officer position, but after that, no.

12          Q     Thank you.  Ma'am, I'm approaching you with what was  
13                 previously marked as Grand Jury Exhibit Number 24.  
14                 Can you please take a look at that and look up when  
15                 you're finished.

16          A     Okay.

17          Q     What is that item that I placed before you?

18          A     This is a statement saying that I will not be  
19                 indicted or anything -- any of my statements will not  
20                 be held against me in this hearing unless I lie or  
21                 perjure myself.

22          Q     And this is essentially I think what was discussed as  
23                 a proffer agreement, correct?

24          A     Correct.

1 Q And it's made out to an attorney, correct?

2 A Correct.

3 Q And that's Mr. Eric Kline?

4 A Yes.

5 Q And he is a MOSES representative?

6 A Yes.

7 Q And what is MOSES?

8 A MOSES is the union that represents me.

9 Q Okay. And you sat down in November with me and a  
10 member of the Mass State Police, correct, Captain  
11 Fennessey?

12 A Yes.

13 Q And you gave a statement in regard to your employment  
14 at the Amherst drug laboratory?

15 A Yes.

16 Q And your attorney was present for that?

17 A Yes.

18 Q And he reviewed this proffer agreement with you?

19 A Yes.

20 Q And on the second page is my signature, Thomas  
21 Caldwell, correct?

22 A Yes.

23 Q And on the -- there's also your signature, correct?

24 A Correct.

1 Q And that of the attorney, Eric Kline?

2 A Yes.

3 MR. CALDWELL: I'm going to enter this as Grand  
4 Jury Exhibit Number 24 and publish it to the grand  
5 jurors.

6 Q Ma'am, we're going to step back. You had testified  
7 earlier that you worked for 25 years at the Amherst  
8 drug laboratory?

9 A Yes.

10 Q And you were a chemist?

11 A Yes.

12 Q In the beginning. Can you please explain to the  
13 grand jurors what your duties and responsibilities as  
14 a chemist at the laboratory entailed?

15 A I would analyze the drugs that were brought into the  
16 laboratory by the police departments, put them  
17 through a variety of testings and determine what  
18 drugs were present, if any, within that sample.

19 Q Okay. And you received on-the-job training for this?

20 A Yes, I did.

21 Q Do you hold any advanced degrees?

22 A I have a Bachelors in Chemistry.

23 Q And what institution did you attend?

24 A University of Massachusetts in Amherst.



1 Q And you said you would test and try to -- your job  
2 was to test certain possible narcotic substances and  
3 samples that were submitted by the police department?

4 A Correct.

5 Q Can you walk through for the grand jurors how you did  
6 that?

7 A There would be -- you would weigh your sample to  
8 determine a net weight of how much was submitted, you  
9 would process it through some instrumentation called  
10 a gas chromatograph and a gas chromatograph/mass  
11 spectrometer. You would do, depending on what was  
12 found you would either do a crystal test on the  
13 sample, if it was cocaine, you could do a series of  
14 color testings. There were different tests that we  
15 could use to determine what drug was present.

16 Q And when you started working at the lab your employer  
17 was the Department of Public Health, correct?

18 A Yes.

19 Q And in terms of the steps you took to detect certain  
20 narcotic substances, was there any type of protocol  
21 that the Department of Public Health had in place to  
22 tell you what to do?

23 A It was done by word of mouth within the lab.

24 Q Who was your supervisor at the time you began at the

1 lab?

2 A James Hanchett.

3 Q It was James Hanchett?

4 A Yes.

5 Q Was there another individual there by the name of  
6 Allen Stevenson?

7 A He was the lab manager above Jim, above James  
8 Hanchett.

9 Q Now you had discussed the mass spectrometer and the  
10 gas chromatograph. Can you just explain briefly to  
11 the grand jurors what those two instruments are?

12 A They are sophisticated pieces of instrument -- of  
13 machinery that will separate out different compounds  
14 as -- oh, it's been a long time. When you inject --  
15 you would dissolve a little bit of your sample in a  
16 solvent and inject that into the instrument. A gas  
17 chromatograph will elute that sample through a column  
18 that is very long and very small, and as it elutes  
19 off of that column it will, based on the retention  
20 time and how long it takes to come off of the column,  
21 compared to the standard that you've already run and  
22 that would give you a screening test essentially as a  
23 gas chromatograph. If it comes off at the same time  
24 as your cocaine standard then you would think that

1           that was cocaine. After you determine that there's a  
2           possibility that cocaine is there you would run it  
3           through the gas chromatograph/mass spectrometer which  
4           is essentially the same thing only it's coupled with  
5           the mass spectrometer detector which actually breaks  
6           apart that molecule into little pieces and analyzes  
7           each one of those pieces to determine that yes, this  
8           is cocaine.

9       Q   And you had, you just mentioned the standard. Can  
10       you please explain to the grand jurors what a  
11       standard is?

12      A   A standard is something that is proven to already be  
13       cocaine or already proven to be heroin.

14      Q   And when you say "already been proven" what do you  
15       mean by that?

16      A   It is either supplied by a manufacturer and it is  
17       certified, or it can be already run through the same  
18       paces as our analysis and then it is determined to be  
19       cocaine and then we could use that as a standard  
20       also.

21      Q   So is it fair to say that's called a secondary  
22       standard?

23      A   Secondary or in-house standard, yes.

24      Q   Now after you ran though the tests on the machinery,

1           what was your next step as a chemist?

2           A     Depending on what the sample was you would have to  
3                 determine whether -- if it was cocaine you would have  
4                 to do a crystalline test on the cocaine to determine  
5                 what isomer was present because that was the way the  
6                 law was written that we had to determine -- we  
7                 actually had to determine whether it was D or L.  
8                 Heroin we didn't have to go through those -- that  
9                 crystal test. After it was done with the mass  
10                spectrometer you can do your paperwork on it and have  
11                a certificate on that particular sample made up.

12          Q     And that certificate would indicate to the district  
13                 attorney and the police department whether or not it  
14                 was a controlled substance?

15          A     Correct.

16          Q     And that would be signed by the chemist who did the  
17                 test and also the evidence officer?

18          A     The notary.

19          Q     The notary?

20          A     It was notarized.

21          Q     So Ms. Salem, we're going to talk about your duties  
22                 and responsibilities as the evidence officer. If a  
23                 piece of evidence was brought to you by the police  
24                 department, what did you do with it when you were the

1 evidence officer?

2 A I would assign a lab number. I would weigh it and I  
3 would store it into our evidence locker.

4 Q And what did you do after it was stored into the  
5 evidence locker?

6 A When it came time for me to assign a case or a sample  
7 to a chemist, I would pull it out of that evidence  
8 locker, scan it again to the custody of the chemist  
9 and they would take it and do their analysis in the  
10 laboratory on it. Once they were finished they would  
11 bring it back to me. I would scan it back to my  
12 evidence locker, write up the paperwork for it to get  
13 the certificates done and when the police department  
14 came back in I would give it back to the police  
15 department along with the certificate.

16 Q And when the police departments brought the evidence  
17 to you, how was it packaged?

18 A Typically it would be in a plastic bag, a police-  
19 issued evidence bag.

20 Q And in that police-issued evidence bag would they  
21 give you any other type of paperwork along with the  
22 sample?

23 A They would typically have just a list in front of  
24 them with their listing of samples that they were

1 bringing to me with the suspect names and what they  
2 were submitting to me, and as we went through each  
3 sample I would log it into my computer.

4 Q And did you ----

5 A The same information that they had on their list.

6 Q Were the bags always sealed when they came in?

7 A Most of the time. I did have a heat sealer on my  
8 desk so that if it wasn't sealed when they brought it  
9 in they could seal it at the time.

10 Q Okay. So it's fair that sometimes different  
11 departments would bring in evidence bags that were  
12 open?

13 A Correct.

14 Q Did you -- and within those evidence bags were the  
15 pills or baggies or -- can you explain what usually  
16 you would see inside the bags?

17 A Depending on what the sample was. It could be  
18 tablets, it could be smaller bags -- smaller plastic  
19 bags, it could be marijuana, vegetable matter within  
20 a plastic bag.

21 Q Did you ever count -- for example, if it was pills  
22 did you ever yourself count the pills or count the  
23 baggies or did you just simply rely on what the  
24 police were telling you?

1 A I would have to rely on what the police were telling  
2 me for the most part. If I happened to notice it  
3 was, you know, if it was a small amount of plastic  
4 bags of small amount of tablets that they were  
5 submitting, like less than 10 that I could eyeball  
6 right at the time, and say this doesn't look like  
7 four, it looks more like five. Or, you know, you  
8 want to check this? And I could eyeball it at the  
9 time. But for the most part I had to take their word  
10 for it. That was the reason for the gross weights,  
11 why things were weighed rather than counted at that  
12 time.

13 Q Were there any times -- excuse me. Strike that.

14 Why is that? Why didn't you count the items  
15 that were in the bag when they were being submitted?  
16 Was there any policy or any -- anything you had in  
17 place that you wouldn't do that, why you wouldn't do  
18 that?

19 A There's no -- well, it was a sealed plastic bag.  
20 It's impossible to sit there and count 500 heroin  
21 packets at the time of submission, it would -- it's  
22 just not feasible.

23 Q At any time when you received the evidence back from  
24 the chemist, was there any time a discrepancy in what

1           they initially told you and what the chemist later  
2           found?

3       A     Yes, that would happen occasionally, yes.

4       Q     And when you say "occasionally" how often would that  
5           occur?

6       A     Maybe a couple times a month maybe.  It -- it  
7           happened frequently.

8       Q     So were they large discrepancies or they were simply  
9           off by maybe one or two?

10      A     Correct.  It would just be one or two.  It's easy to  
11           miscount.  When I was a chemist I would have to count  
12           things three times sometimes because they're so small  
13           and you would just, "Okay, this didn't match" you'd  
14           do it again and you know, everything kind of lines up  
15           in the end hopefully.  But it is very easy to  
16           miscount these things.

17      Q     Now as you received the evidence, you assigned it an  
18           evidence number and logged it into your computer  
19           system, what did you do after that with it?

20      A     After I logged it into the computer I would give the  
21           police department a receipt as to what they had just  
22           submitted and then I would store it in my evidence  
23           locker.

24      Q     And where was the evidence locker located?



1       A     About ten feet from my desk. It was actually a walk-  
2             in closet with shelving in it and I would store the  
3             evidence in that closet.

4       Q     Now in terms of that evidence locker, were there any  
5             security features in that locker?

6       A     It had a key and a card swipe.

7       Q     Was the door left open during the working hours at  
8             the lab?

9       A     No.

10      Q     So was it always locked?

11      A     Yes.

12      Q     Who had access to that evidence locker?

13      A     All of us who worked in the Amherst drug laboratory.

14      Q     So everyone had a swipe card and everyone had a key?

15      A     Correct.

16      Q     And it's fair to say that the key could bypass the  
17             swipe card and vice versa?

18      A     Correct.

19      Q     If you know, did the swipe card record times or  
20             individuals who accessed the safe?

21      A     I assume it did. I have never seen a log. It was  
22             kept by the University of Massachusetts lock shop.  
23             They were responsible for our alarm system and the  
24             card swipes.

1 Q So there was an alarm system at the lab, correct?

2 A Yes.

3 Q And that was at the front door?

4 A It was on the front door to my office area and the  
5 laboratory across the hall.

6 Q So your office was located across the hall from the  
7 actual laboratory?

8 A Yes.

9 Q Did Jim Hanchett also have an office there with you?

10 A His office was adjacent to mine on the other side of  
11 the hallway.

12 Q So it was your office, Jim Hanchett's office and the  
13 evidence locker?

14 A Yes.

15 Q And then across the hall was the working laboratory?

16 A Yes.

17 Q And that's where the other -- that's where the  
18 chemists conducted all their testing?

19 A Yes, there was also a small laboratory on the other  
20 side of Jim's office on that same side of the  
21 hallway.

22 Q And what was that laboratory used for?

23 A It was used for -- that was our working hood and that  
24 was where we would test marijuana samples.

1 Q And how would you test the marijuana samples?

2 A Marijuana required a visual test to look for certain  
3 characteristics in the actual leaves and it also  
4 required a wet chemistry color change type of test  
5 called a Duquenois.

6 Q Now, as evidence officer, beyond receiving the  
7 samples, logging them in and assigning them to the  
8 chemists, did you have any other duties and  
9 responsibilities such as record keeping?

10 A Yes, I kept records on the samples, on all of the  
11 chain of custodies.

12 Q And when you say "chain of custody" what is --

13 A The chain of custody ----

14 Q -- can you explain to the grand jurors -----

15 A A chain of custody is following that sample from the  
16 time it arrives into my laboratory until the time it  
17 leaves the laboratory. So every time it's scanned to  
18 the evidence locker, it's scanned to the chemist,  
19 it's scanned back to the evidence locker and out the  
20 door.

21 Q Now the computer system you used, it was a computer  
22 at your desk?

23 A Yes.

24 Q And it's fair to say that all the chemists had access

1 to that computer?

2 A Yes.

3 Q And there was a pass code to that computer, correct?

4 A I do not recall.

5 Q But if another chemist wanted to go in there and look  
6 for a piece of evidence or get some paperwork they  
7 could readily access that computer if they needed to?

8 A Yes.

9 Q So can you please explain to the grand jurors how you  
10 would go about assigning certain samples to the  
11 chemists for testing?

12 A We tried to do a first-in/first-out for our samples.  
13 So I would assign the oldest samples first to the  
14 chemists and I would assign them in batches of 10 to  
15 15 samples at a time based on their difficulty.

16 Q And would the chemist come to you or would you go to  
17 the chemist with these samples?

18 A The chemist would come into my office area and then I  
19 would assign them on the counter top in the office  
20 area.

21 Q And could the chemist ever assign themselves samples  
22 to test?

23 A They could technically. It was frowned upon. Most  
24 of the time the girls, Sonya and Rebecca would come

1 to Jim or I for their samples if they needed more  
2 samples. Jim, sometimes would assign his own samples  
3 because he came in very early in the morning and he  
4 would, you know, get a batch of samples for himself  
5 at that time sometimes, if necessary. But for the  
6 most part I did the assigning.

7 Q But if you weren't in, for example, a certain day,  
8 one of the chemists could assign themselves their own  
9 samples?

10 A They technically could, yes.

11 Q Did you have any knowledge of -- or excuse me.  
12 Strike that.

13 Was it the practice that one chemist would  
14 assign to the other or a chemist would go in by  
15 themselves and just assign themselves a sample and go  
16 into the safe?

17 A No, they would not assign samples to each other.  
18 Maybe Jim Hanchett, as the supervisor would assign  
19 samples to Rebecca or Sonya. They would not --  
20 Rebecca and Sonya would not assign samples to each  
21 other but they -- Jim would assign his own samples to  
22 himself when he did it at certain times.

23 Q And after you gave the chemist their samples in your  
24 office, what would they do with them?

1 A They would bring them across the hall and begin their  
2 analysis.

3 Q And did you have the occasion to ever observe them  
4 doing their analysis?

5 A Occasionally when I would walk into the laboratory.

6 Q Now, you said you assigned these samples in batches  
7 of between 10 to 15; is that correct?

8 A Correct.

9 Q And how frequently or how long would it usually take  
10 a chemist to get through a batch of samples?

11 A It would depend on the difficulty of the batch. Some  
12 batches could take a week, some batches would take  
13 six hours. It depends on how quickly, how easy the  
14 samples were basically.

15 Q And you say "easy" what do you mean?

16 A Whether it was one bag of cocaine versus a thousand  
17 bags of cocaine you -- a thousand bags obviously  
18 would take longer to weigh out and analyze.

19 Q If you assigned a batch of samples to a chemist in  
20 the afternoon and they didn't finish that batch  
21 because of its difficulty or whatever, what would  
22 they do with it? Would they bring it back to you or  
23 how did that work?

24 A No, they would store it in a safe that was within the

1           laboratory. We had two safes that were for chemist  
2           storage.

3       Q     And they would just leave them in that safe  
4           overnight, correct?

5       A     Correct.

6       Q     And the bags were usually open, correct, when they  
7           were stored in that safe? If you know?

8       A     I don't know that for sure. It would depend on the  
9           chemist as to how they analyze their samples.

10      Q     And did the chemist, the two chemists there who  
11           worked there, their names were Sonya Farak and  
12           Rebecca Pontes, correct?

13      A     Yes.

14      Q     And they both had access to these safes, correct?

15      A     Yes.

16      Q     Were they locked, if you know, or were they just left  
17           open during the overnight hours?

18      A     They were locked at night.

19      Q     And everyone had access to those, correct?

20      A     Yes.

21      Q     Was it by a swipecard or a key or both?

22      A     It actually had an old fashioned combination lock.

23      Q     Okay, let's talk about the standards at the lab. You  
24           had indicated previously that a standard was a known

1 substance that was confirmed to be what it said it  
2 was?

3 A Correct.

4 Q Whether it be cocaine, THC, marijuana, LSD, heroin,  
5 things of that nature?

6 A Yes.

7 Q And where -- can you explain to the grand jurors  
8 where they came from?

9 A The standards could be bought by manufacturers and  
10 shipped into the lab or they could be -- in the case  
11 of coke and heroin, because we -- a lot of our work  
12 was with coke and heroin, they would be manufactured  
13 within the lab.

14 Q Now where were these standards stored?

15 A We had a cabinet within the lab where the  
16 manufactured standards were stored and the -- and  
17 some of the other standards were stored in the  
18 refrigerator.

19 Q So this cabinet that the standards were stored in,  
20 where was it located within the laboratory?

21 A On one of the walls over by the instruments.

22 Q How close was that to the work stations where the  
23 tests were actually done?

24 A It was on the other side of the laboratory from the



1 chemists' benches.

2 Q And if you were at the chemists' benches could you  
3 see the standards locker?

4 A No.

5 Q And everyone had access to that standards locker,  
6 correct?

7 A Yes.

8 Q And it was simply a key lock?

9 A Yes.

10 Q Who did the ordering of the standards for the  
11 laboratory?

12 A Jim Hanchett.

13 Q And Jim Hanchett had to apply to get a license from  
14 the Drug Enforcement Agency in order to do that,  
15 correct?

16 A Yes.

17 Q Did you yourself ever have the opportunity to order  
18 standards or apply for an application through the DEA?

19 A I did not.

20 Q And that was the lab supervisor's job?

21 A Yes.

22 Q Did you ever have the opportunity to receive  
23 standards as they came into the laboratory via mail  
24 or ----

1 A I would assume so. I don't recall. I would assume  
2 that when they were dropped off by UPS I might accept  
3 the package, yes.

4 Q Was there any type of inventory at any time that you  
5 know of that was done on these standards?

6 A I don't know.

7 Q Who -- if there were to be an inventory done, who  
8 would do that?

9 A Jim Hanchett.

10 Q Now when the standards need to be placed in the  
11 machine, okay, because it was essentially running a  
12 known substance, the standard, versus an unknown, who  
13 would do that?

14 A The chemist.

15 Q The chemist? And would they go to the refrigerator  
16 and the file cabinet themselves to get those  
17 standards to place in the machine?

18 A There would be a working standard within the  
19 refrigerator. If they needed -- for coke and heroin,  
20 if they needed. If they needed something more  
21 unusual I believe they would ask Jim to provide it to  
22 them from the cabinet.

23 Q Did you yourself ever see them go get the standards  
24 themselves from the cabinet or the refrigerator?

1 A No.

2 Q Were there any policies or procedures in place by the  
3 Department of Public Health in terms of dealing with  
4 these standards that you know of?

5 A No.

6 Q The standards were fairly expensive to purchase,  
7 correct?

8 A Yes.

9 Q Now you had initially discussed working standards or  
10 secondary standards. You had briefly explained what  
11 they were. Can you please explain to the grand  
12 jurors how these secondary standards or working  
13 standards were manufactured in the laboratory?

14 A They would be made from samples that were submitted  
15 by the police departments, any leftover sample would  
16 be utilized to be made into a standard.

17 Q And can you explain to the grand jurors, if you know,  
18 the process of making that standard?

19 A I do not know the exact process that was used all the  
20 time. I know I -- when I was a chemist I could use  
21 the discarded vials from the instruments and use that  
22 as a standard. I don't know the exact procedure that  
23 somebody else would use.

24 Q Who made the secondary or working standards at the

1 Amherst lab?

2 A After -- for the most part, Jim Hanchett did.

3 Q And did you ever have the occasion to observe him  
4 doing that?

5 A No, I never actually observed him doing it.

6 Q And he stored these samples -- when he made these  
7 secondary or working standards, they were stored in  
8 the refrigerator?

9 A The solution of the working standard would be stored  
10 in the refrigerator.

11 Q And why is that?

12 A Because it's in a solvent and it evaporates quite  
13 easily. So if you lower the temperature it would  
14 evaporate slower.

15 Q What would be the typical, if you know, the typical  
16 shelf life of a working or secondary standard?

17 A I don't know.

18 Q In your experience would it be fair to say that a  
19 primary standard or a standard that was manufactured  
20 at an outside laboratory lasts longer than a  
21 secondary standard that was manufactured by Jim at  
22 the lab?

23 A It would depend on how often -- we had standards in  
24 that cabinet that had been there for 30 years,

1           whether they were good or not I do not know what  
2           their expiration dates were. The working in-house  
3           standards we used frequently in the lab, so we would  
4           be going through it more frequently.

5           Q    What were the standards that you went through the  
6                most?

7           A    Coke and heroin.

8           Q    And was coke and heroin the primary drugs or the  
9                drugs you tested most frequently at the lab?

10          A    Yes, along with marijuana.

11          Q    Now in terms of these secondary standards, in your  
12                training and experience as a chemist, was this the  
13                best practice to use these secondary standards over  
14                the primary standards?

15          A    The best practice was what I was trained to do  
16                originally when I came into the lab, it was what they  
17                had always done. It was standard practice. My  
18                training now that I'm in the State Police Crime  
19                Laboratory is somewhat different from that because  
20                it's an accredited lab, they only used manufactured  
21                standards.

22          Q    So the State Police lab now currently is an  
23                accredited laboratory?

24          A    Yes.

1 Q In your time at the lab under the Department of  
2 Public Health, it was not an accredited laboratory?

3 A Correct.

4 Q And why was it not accredited, if you know?

5 A I believe they never put the effort into getting it  
6 accredited.

7 Q And what would be -- can you explain to the grand  
8 jurors what an accredited lab would do differently  
9 from an unaccredited laboratory?

10 A An accredited lab follows a strict guideline as to  
11 what is standard practice, what your paperwork will  
12 show, what testing is done on a particular item, and  
13 it's actually a national accreditation process so  
14 that every lab in the country is on the same page and  
15 doing the same type of testing and working towards  
16 the same goal rather than having somebody else doing  
17 it one way over here and somebody else doing it  
18 another way over there. Accreditation standardizes  
19 all the practices.

20 Q Did the Department of Public Health have any type of  
21 policies or procedures that they had in writing in  
22 place of this accreditation?

23 A A few. There were a few roaming around the lab. It  
24 was never a priority.

1 Q And do you know, was there any discussion by the  
2 Department of Public Health with you at the Amherst  
3 laboratory in any attempts to work towards  
4 accreditation?

5 A Yes, they were supposed to be getting us accredited  
6 through the years and they just never had the funding  
7 for it, they never made it a priority.

8 Q Was the -- there was another laboratory in the  
9 Commonwealth, correct, that tested drugs?

10 A Yes.

11 Q And that was located in Jamaica Plain in Boston and  
12 it was called the Hinton Laboratory, correct?

13 A Yes.

14 Q Did you, if you know, did you follow the same  
15 policies and procedures that they did at the Hinton  
16 Laboratory?

17 A Somewhat. We did do things a little bit differently  
18 than Jamaica Plain did. I don't know exactly what  
19 their procedures were but we -- I would have to say  
20 that yes, we did do things somewhat differently in  
21 Amherst than what JP was doing.

22 Q Now when you say that, what do you mean by that? Is  
23 there anything you could point out that you did  
24 differently from Hinton?

1       A     In Amherst we had one chemist do all of the testing  
2             on each sample. They would follow it through from  
3             start to finish, one chemist. In JP they would have  
4             several chemists working on the same sample. One  
5             chemist would do this, another chemist would do that  
6             part of the testing and in that sense they did things  
7             differently. We tried to keep things simpler. They  
8             would have one chemist to the GC, another chemist do  
9             the GC/mass spec. Another chemist would do the  
10            weighing and it was just a lot more complicated.

11       Q     Did you ever have the opportunity to go to the Hinton  
12             laboratory?

13       A     Several times I went to the Hinton laboratory to  
14             transport drugs back and forth to Amherst.

15       Q     And why were you transporting drugs back and forth to  
16             Amherst?

17       A     The backlog in the Hinton laboratory was so high that  
18             they had asked us in Amherst to help out.

19       Q     Were there any specific -- or the drugs that they  
20             asked you to test, were they specific drugs in,  
21             meaning did you just test all the heroin or did you  
22             just test pills, or was there any consistency to what  
23             they assigned you?

24       A     I believe they didn't give us many of the trafficking



1 cases. They would give us the simpler cases, like  
2 under 10 bags per sample so that we could do a few  
3 more of them and give us a simpler ones, hopefully  
4 they weren't going to court on those cases. But that  
5 would be the only guideline. We would also -- we  
6 could get cocaine, we could get heroin and tablets  
7 also.

8 Q And how did you transport these drugs?

9 A In the back of my car.

10 Q Did anyone else pick up drugs from Hinton to be  
11 tested at Amherst?

12 A Jim Hanchett would do it most often.

13 Q And he would also use his personal vehicle to do  
14 that?

15 A Yes.

16 Q Now at any time do you recall, did Jim Hanchett have  
17 a discussion with the chemists, Sonya Farak and  
18 Rebecca Pontes, about the standards?

19 A Yes.

20 Q And can you please tell the grand jurors what that  
21 conversation was about?

22 A Jim had noticed that some of the manufactured  
23 standards in the cabinet were lower than he thought  
24 they should be.

1 Q And he had a conversation with the chemists about  
2 that?

3 A Yes.

4 Q And you were present for that conversation, correct?

5 A Yes.

6 Q Do you recall when that conversation took place?

7 A It was sometime after the State Police audit of our  
8 lab in October of 2012, but before the DEA came to  
9 inspect us for our licensure under the State Police.  
10 I don't recall the exact dates.

11 Q And where did the conversation take place?

12 A In the laboratory.

13 Q And if you recall, what did Jim Hanchett say to the  
14 chemists?

15 A I recall it as he just asked them if they had been  
16 preparing a lot of standards lately.

17 Q And what was their response?

18 A And they said, "No, not really." And it was just  
19 dropped.

20 Q Did Jim Hanchett relay any concerns to you about  
21 this?

22 A He was concerned. He brought it up to me first. He  
23 was concerned about it but he was unsure whether it  
24 was from normal usage or if some wrongdoing had been

1           done.       He didn't know.

2       Q     And if you know, how did he notice that the standards  
3           were running low?

4       A     I don't know how he noticed. I don't know if he was  
5           preparing for the DEA inspection. I don't know why  
6           he noticed.

7       Q     You said, you mentioned the State Police audit. At a  
8           certain point in time the State Police took over the  
9           laboratory from the Department of Public Health,  
10          correct?

11      A     Yes.

12      Q     And why did they do that?

13      A     They acquired the Public Health Drug Laboratories by  
14           the state budget, whatever, July 1, 2012 they were  
15           trans -- the laboratories were transferred from  
16           Public Health to the State Police.

17      Q     And why was it transferred to the State Police, if  
18           you know?

19      A     I believe it was probably fiscal reasons.

20      Q     Was the Hinton lab still running at this point in  
21           2012?

22      A     Yes.

23      Q     At any point did the Hinton laboratory close?

24      A     After the State Police acquired them they closed

1 immediately -- almost immediately afterwards.

2 Q That's because there was some issues at the Hinton  
3 lab, correct?

4 A Correct.

5 Q Regarding one chemist?

6 A Yes.

7 Q And who was that individual?

8 A Annie Dookhan.

9 Q And what did you know that -- if you know, what was  
10 Annie Dookhan doing at the Hinton laboratory?

11 A I only know what I've read in the papers. I had no  
12 clue any of this was going on. Apparently she was  
13 accused of tampering with results more so than  
14 anything, dry labbing which would be just deciding it  
15 looks like cocaine, it must be cocaine. I don't know  
16 exactly what all the charges were.

17 Q So at a certain point the State Police came in and  
18 they did an audit of the laboratory?

19 A In Amherst, yes.

20 Q At Amherst. And it's fair to say that you were doing  
21 some things right but other things you were not doing  
22 right, according to the audit?

23 A Correct.

24 Q And it was the goal, it's fair to say it was the goal

1 of the State Police to remedy those deficiencies and  
2 allow the lab to become fully accredited, correct?

3 A Yes.

4 Q And how long did the audit take of the lab, if you  
5 know?

6 A Probably six hours or so. They were there all day.

7 Q Were they aware at this point that you were using  
8 these working or secondary standards at the lab?

9 A Yes. I believe we had taken -- when the State Police  
10 took us over in July one of the drug lab supervisors  
11 had come out earlier in August I want to say. I'm  
12 not sure exact, of the exact date, and he had  
13 discussed, you know, our procedures. He only -- he  
14 had come out on an informal basis and discussed our  
15 procedures with us and you know, determined, you  
16 know, whether we were testing things properly or not.  
17 And Jim had mentioned to him at the time that those  
18 were the standards that we were using and how we were  
19 obtaining our standards. And he said, "Well, don't  
20 do that anymore." And that was the -- and Jim  
21 stopped it, that was the end of it, we hadn't done it  
22 again.

23 Q And at that State Police lab, currently they use only  
24 primary standards or purchased standards, correct?

1 A Currently, yes.

2 Q Now in terms of the -- talking a little bit more  
3 about the standards. When Jim manufactured -- Jim  
4 Hanchett manufactured these standards, did he do it  
5 solely by himself or did the other chemists at the  
6 lab, Rebecca Pontes and Sonya Farak, assist him in  
7 doing this, if you know?

8 A Solely by himself.

9 Q At any point, if you know, did the chemists flag  
10 certain samples for Jim saying that this would be a  
11 good candidate for a secondary working sample?

12 A No, not that I'm aware of.

13 Q Did the chemists ever keep, if you know, standards at  
14 their work station?

15 A Yes.

16 Q And how did they have them? How did they keep them  
17 at their work station?

18 A It would be in a GC vial.

19 Q And what's a GC vial?

20 A A GC vial would be little vials that we would put on  
21 the instruments.

22 Q And how many milliliters would a typical vial  
23 contain?

24 A I believe it's two milliliters.

1 Q And would they just have that one vial at their work  
2 station or would they have several vials of different  
3 substances at their work station?

4 A You might have several vials.

5 Q Ms. Salem, approximately how long did you work with  
6 Rebecca Pontes, the chemist?

7 A She started at the lab in 2004, so I've worked with  
8 her since then.

9 Q Did you have the opportunity to train Ms. Pontes at  
10 the lab?

11 A Yes.

12 Q And can you please walk through how you trained Ms.  
13 Pontes at the laboratory?

14 A I would just have her tag along with me. I would  
15 walk through the paces of what I would do for each  
16 sample and explain to her along the step of the way -  
17 - each step of the way as what I was doing and why.  
18 And just have her observe me.

19 Q Okay, so it was simply on-the-job training?

20 A Yes.

21 Q Did Jim Hanchett have the opportunity to also train  
22 Rebecca Pontes?

23 A I'm sure he did.

24 Q And in that training process did she just simply

1           observe you in the beginning and then take on testing  
2           under your observation or how did that work?

3       A     I -- yes, she would have to observe first. I don't  
4           know the actual training process of when she would  
5           actually be assigned samples.

6       Q     When she first started testing samples were there any  
7           types of samples that would be assigned to her?

8       A     You would start with marijuana samples. Those are  
9           the simplest ones to go and then progress to powders.

10      Q     And it's fair to say that marijuana was a drug that  
11           was very easy to test?

12      A     Yes.

13      Q     And fair to say you could get through a lot of those  
14           samples on a day-to-day basis?

15      A     Absolutely.

16      Q     How long did you work with Sonya Farak?

17      A     She also started in 2004.

18      Q     And was she also trained at the Amherst laboratory?

19      A     She was trained in the Hinton laboratory.

20      Q     So when Ms. Farak first came to the Amherst  
21           laboratory she immediately started testing samples,  
22           correct?

23      A     Yes.

24      Q     And your observations of Ms. Farak, did she do



1 anything differently then how you trained Rebecca or  
2 how you did things yourself?

3 A No. I mean, it was pretty much the same things that  
4 she would, you know, maybe she asked a few questions  
5 in the beginning but I thought that she pretty much  
6 knew what she was doing when she arrived.

7 Q How would you describe Rebecca Pontes's work at the  
8 lab?

9 A Very good.

10 Q How would you describe Sonya Farak's work at the  
11 laboratory?

12 A Very good.

13 Q Did you ever have the opportunity to observe Sonya  
14 Farak and Rebecca doing their tests?

15 A Yes.

16 Q And in terms of those observations, did you ever see  
17 them conversing with each other?

18 A Well, we would converse within the laboratory, all of  
19 us. Well, I would be across the hall most of the  
20 time but there would be a lot of conversation going  
21 on.

22 Q In terms of your observations specifically of Ms.  
23 Farak, was there anything that you noticed about her  
24 that was unusual or different?

1       A     Sonya didn't take much pride in her appearance, I  
2             believed. She would also talk to herself at times.  
3             But I also talk to myself when I'm stressed or  
4             whatever, I talk to myself. But other than that  
5             there was no real observation -- you know, there's no  
6             real crazy observations.

7       Q     So you had a chance -- you saw her essentially every  
8             day?

9       A     Yes.

10      Q     And you saw Rebecca every day. And outside of what  
11             you had just mentioned there was nothing else that  
12             you found to be unusual about Ms. Farak or any  
13             changes or any differences in her behavior or things  
14             of that nature?

15      A     No, I mean there were -- you know, she was moody at  
16             times. She -- I noticed that she would disappear  
17             within the laboratory at times. I would try and  
18             transfer a phone call to her and she would not be  
19             present in the lab so I would have to take a message  
20             for her. But other than that there was no real overt  
21             issues.

22      Q     Did anyone outside of the laboratory like a police  
23             officer or assistant district attorneys ever make any  
24             comments about Sonya Farak, negative or positive?

1 A No, actually she did get positive feedback from some  
2 of the DAs that her testimony went well, but I never  
3 heard anything negative.

4 Q At any point of you working with Sonya were there any  
5 dramatic changes that you observed of her?

6 A The last few months I noticed that she had been  
7 losing some weight but no other dramatic changes, no.

8 Q Was she leaving the lab more frequently?

9 A It's possible that she was leaving more frequently.  
10 I didn't keep a log. I don't -- I was in my office  
11 area so I don't know how often she was actually  
12 leaving the lab. I don't know if it was happening a  
13 lot more frequently or not. It was more of an  
14 ongoing issue.

15 Q And when you say "ongoing issue" that was just the  
16 leaving the lab and not being accounted for?

17 A Correct.

18 Q Now at a certain point in time it was required of the  
19 chemist to go into court and testify about the  
20 results that they found in the lab concerning the  
21 alleged drugs, correct?

22 A Yes.

23 Q And it's fair to say that there was a lot of coming  
24 and going in the lab, correct?

1 A Yes.

2 Q And essentially sometimes an individual would be  
3 alone at the lab and there would be no one else  
4 there?

5 A Yes.

6 Q And it was very easy -- you could basically come and  
7 go at any time that you wanted, correct?

8 A Yes.

9 Q Because you had not only the pass code to the alarm  
10 but also a key and a swipe card?

11 A Correct.

12 Q So if you wanted to come into the lab late at night  
13 and do work, you could?

14 A Yes.

15 Q And you would also have access to all the equipment  
16 and machinery, the standards and also the police  
17 submitted samples, if you wanted to?

18 A Yes.

19 Q Now I'm going to move forward to the date of  
20 approximately January 18th of 2013. Do you recall  
21 that day?

22 A Yes, I do.

23 Q And why do you recall that day?

24 A That is the day they shut us down.

1 Q Can you please explain the facts and circumstances  
2 surrounding the closing of the lab to the grand  
3 jurors?

4 A Yes. Is January 18th the Friday or a Thursday, the  
5 day before they shut us down. I'm not sure of the  
6 date.

7 Q Do you remember?

8 A Back me up.

9 Q Okay. Let me back you up. At any point on or around  
10 that date was there an issue at the lab?

11 A One afternoon, I believe it was a Thursday afternoon,  
12 I was organizing samples and checking my certificates  
13 versus the actual samples, getting them prepared to  
14 go back to a police department and I noticed that I  
15 was actually missing two samples out of my evidence  
16 locker. It was late in the afternoon. I checked  
17 through various bags in the evidence locker. I went  
18 across the hall and checked the safes and could not  
19 find these missing two samples. I decided I wanted  
20 to go home and talk to Jim about it in the morning  
21 and tell him, you know, they're missing, I don't know  
22 where they are, and talk to him about that the next  
23 morning.

24 Q Okay, let me stop you right there. Did samples go

1 missing frequently at the lab?

2 A No.

3 Q It's fair to say sometimes things got misplaced  
4 though?

5 A Yes.

6 Q And how frequently would that happen?

7 A Not very frequently. When you're dealing with 200  
8 samples spread out on your bench top and you're  
9 trying to organize things you might be ruffling  
10 through and not be able to find something momentarily  
11 or it might get misplaced into a different bag when  
12 you're handing, you know. These cases going back and  
13 forth between the chemist and into the lockers and  
14 they have to be put back in the certain order. Maybe  
15 once every six months I'd have a panic attack and say  
16 where is this, you know, where did it go? And I  
17 would find it momentarily later. I have never  
18 actually lost a sample where I had to contact the  
19 police department or the DA's office and say, "I  
20 don't know where it is." That never happened.

21 Q Were there any policies and procedures in place  
22 through the Department of Public Health if that were  
23 to happen?

24 A No.

1 Q So going back to that day, you said it was a  
2 Thursday, you couldn't find two samples and you  
3 decided to go home for the evening and talk to Jim  
4 Hanchett about it in the morning?

5 A Correct.

6 Q Okay. So now on the following day, did you approach  
7 Jim Hanchett and indicate the samples were missing?

8 A Yes.

9 Q And what did he say to you?

10 A He said, "Okay, let's look around and see if we can  
11 find them." I went through every bag in my evidence  
12 locker. He started looking around the laboratory.

13 Q Was it just you and Jim Hanchett at the lab at this  
14 time?

15 A Rebecca Pontes was there also.

16 Q Did she assist in looking in the lab or did she  
17 continue doing her work?

18 A She continued doing her work, I believe or -- she  
19 wasn't actively searching the laboratory, no.

20 Q Where was Ms. Farak?

21 A She had gone to court earlier in the morning. She  
22 was in the laboratory earlier that day and was called  
23 out to testify in Springfield Court, I believe.

24 Q And so you and Mr. Hanchett began searching for the

1 drugs?

2 A Yes.

3 Q Were they eventually found?

4 A I believe one of them was actually found, the other  
5 one was missing.

6 Q Where did Mr. Hanchett look for the drugs?

7 A He looked underneath Sonya's bench, within Sonya's  
8 bench.

9 Q And that's because those drugs were assigned to Sonya  
10 Farak, correct?

11 A Yes.

12 Q Had she already completed the tests on those drugs?

13 A She had already completed the test and returned them  
14 to me and I had stored them in the drug locker.

15 Q So a certificate of analysis was generated?

16 A A certificate of analysis was generated for one of  
17 those samples. I was awaiting her written results  
18 back from the other sample. I hadn't received her  
19 paperwork on it although she had returned the sample,  
20 the actual sample to me.

21 Q Did that happen frequently? Would a chemist return  
22 the sample to you already analyzed but without,  
23 lacking any notes?

24 A Yes, because there's a lag time. There's a lot of



1 dead time when you're putting these samples on the  
2 instruments. So you could technically have samples  
3 on the instruments, work on the paperwork for the  
4 previous run and multi-task. And so there was a lag  
5 time between returning the samples to me and when I  
6 would actually get the paperwork back on that sample  
7 from the chemist.

8 Q At any time while you were the evidence officer did  
9 Ms. Farak show any interest in certain samples over  
10 others?

11 A When Holyoke would come in, Holyoke is a very large  
12 city and would bring in quite a few samples at a  
13 time, it would take me several hours to log in their  
14 samples. And every time it would be, "Did you get  
15 anything good? What did you get today?" And I would  
16 mention, you know, a few of the larger samples, not  
17 thinking anything of it. And that -- but that would  
18 be the only interest. I didn't purposely assign  
19 certain samples to her, it was always first-in,  
20 whatever is -- whatever your up next for.

21 Q So she never came to you and said, would say  
22 something like, "Hey, can I have that trafficking  
23 sample from Holyoke that you got in the other day?"

24 A No.

1 Q Now going back to the day where Jim Hanchett was  
2 searching Ms. Farak's work station, you were with  
3 him?

4 A I was close by, yes.

5 Q And at any point did he alert you to things that he  
6 had found?

7 A Yes.

8 Q And can you please tell the grand jurors what he  
9 found?

10 A I believe he found a bucket, a container that we used  
11 within the laboratory underneath her bench with  
12 weighing dishes in it, what looked like fake crack to  
13 me, a stash of fake crack and a plastic bag with  
14 white powder in it.

15 Q What did Jim do?

16 A He pulled it out and he was panicking too. This was  
17 highly unusual, not normal, and I believe he  
18 continued looking for the missing samples.

19 Q Did he find anything else; envelopes or any type of  
20 packaging?

21 A He continued looking and found a manilla envelope  
22 with samples within the envelopes.

23 Q So there was actual drugs in the envelopes?

24 A I believe one of them had no drugs in it and the

1           other one had no drugs -- it had a fake drug in it.  
2           Once the State Police had -- we had called the State  
3           Police and once they arrived they asked Jim to run  
4           that sample, run that fake drug that was in there,  
5           although we didn't know it was fake. She had said  
6           that it was cocaine, and ran it on the instruments  
7           and found out that it was no longer cocaine.

8           Q    What happened after Jim ran the test and found out it  
9                was not in fact a controlled substance?

10          A    I don't understand your question.

11          Q    I'm sorry. What did the State Police do next after  
12                Jim ran that test?

13          A    I don't know. We were out in the hallway. We  
14                weren't allowed into the laboratory at that point. I  
15                think Jim ran that on his own -- or you know, I was  
16                out in the hallway, Jim was in the laboratory running  
17                it with them at that point. The State Police were  
18                still searching the laboratory and conducting their  
19                investigation.

20          Q    Was any other missing substances found to the best of  
21                your knowledge?

22          A    There was another sample that was found missing from  
23                my locker and I don't know -- I was not present when  
24                they discovered it and I believe they discovered that

1 under her bench also.

2 Q And what were the samples? What type of drugs were  
3 the samples that were missing, if you remember?

4 A They were cocaine.

5 Q Were they base cocaine, crack cocaine or were they  
6 powder cocaine, if you remember?

7 A I don't recall. But the Holyoke sample that went  
8 missing had not been analyzed yet, so I don't know,  
9 you know, I'm assuming it was cocaine. It was a  
10 white powder.

11 Q Now after the State Police were there was the lab  
12 closed right then and there?

13 A Yes.

14 Q Was the lab ever reopened?

15 A No.

16 Q And after that day did you ever have the opportunity  
17 to see Ms. Farak again?

18 A No.

19 Q Now, concerning the evidence bags, every chemist when  
20 they did a test they initialed the bag, correct?

21 A Initial and date at the top of the bag.

22 Q Okay. Did they do that in front of you? Did they  
23 initial and date the bag when they returned it to  
24 you, when they received it? Can you just walk

1 through for us how that worked?

2 A They would do it at their bench after they finished  
3 analyzing the drug.

4 Q And would they heat seal the bag also?

5 A Yeah, heat seal it and then initial and date over the  
6 heat seal so that if it was opened again you would  
7 know where exactly the seal was.

8 Q Was there ever an occasion that a chemist would have  
9 to go back in after doing an analysis and open that  
10 bag back up again?

11 A That's possible. If -- like I said, there was a lag  
12 time between receiving back the paperwork because  
13 they have the samples on the instruments at the time.  
14 Well, if for some reason they weren't happy with  
15 those results they could come back to me and say,  
16 "Can I have that sample back?" And I would reassign  
17 that sample back to them so that they could look at  
18 it again and resample or whatever they had to do.

19 Q And why would they do that, look at the sample a  
20 second time?

21 A If it didn't -- if it turned out to be something  
22 different than what they were expecting or if you had  
23 to do an extra mass spectrometer on it. If there was  
24 a problem with the concentration and it didn't show

1 up on the mass spectrometer like they were expecting.

2 Q Did the chemists ever initial their bags before they  
3 did the analysis, if you know?

4 A Not that I'm aware of.

5 Q But was it practice and procedure to complete the  
6 task and then initial and date the bag?

7 A I believe some of them may have been initialing,  
8 throwing their initials on some of the empty Kapak  
9 bags so that when they actually finished their  
10 analysis they could just heat seal right through  
11 those initials, I believe maybe they were doing that.  
12 I'm not positive.

13 Q When you were a chemist did you do that?

14 A No.

15 Q What did you do?

16 A I initialed it after I sealed it.

17 Q Ms. Salem, I'd like to talk about the classifications  
18 of drugs with you. Under the Mass General Laws  
19 Chapter 94C certain drugs are classified Class A,  
20 Class B, Class C, Class D and Class E, correct?

21 A Yes.

22 Q And can you give the grand jurors an example of a  
23 Class A substance?

24 A Heroin.

1 Q A Class B substance?

2 A Cocaine.

3 Q A Class C substance?

4 A LSD.

5 Q A Class D substance?

6 A Marijuana.

7 Q Now as to Class E, what would be a Class E substance?

8 A Typically they were prescription drugs. A lot of the  
9 prescription drugs like Alprazolam, I can't recall  
10 any.

11 Q But they were usually in pill form?

12 A Yes.

13 Q Or were they in powder form also?

14 A Mostly pill form. Mostly pill form.

15 Q Now when I say "club drug" what does that mean to you  
16 as a chemist?

17 A Absolutely nothing.

18 Q It doesn't mean anything to you?

19 A No.

20 Q If I mentioned to you Ecstasy, what class of  
21 substance is Ecstasy?

22 A Ecstasy, I believe is a -- it's been a long time.

23 Q If you know.

24 A I know it's MDMA. I believe it's a B.

1 Q Now in terms of the tests on Class E drugs or the  
2 tests -- or what would you do to a Class E drug or  
3 something that was alleged to be a Class E drug when  
4 it came into the laboratory?

5 A It would go through the GC and the GC/mass spec just  
6 like any other drug.

7 Q Was that step ever skipped and it was just a visual  
8 test?

9 A Yes, I'm sorry.

10 Q Or a visual observation of the pill?

11 A Yes, if we could identify the tablet with the  
12 markings that were on the tablet and it was deemed to  
13 be a Class E drug then we would just do a visual by  
14 appearance identification on that tablet.

15 Q Okay. Do you have any manuals that you could look at  
16 in order to do this?

17 A Yes. I don't recall the names of the manuals at this  
18 point. PDRs.

19 Q Now, in terms of Class E substances, they're all  
20 contained within the General Laws, correct? When I  
21 say that they're specifically named within the  
22 statute, if you know?

23 A Class E drugs?

24 Q Yes.



1 A No, they're not. I don't believe they are.

2 Q So what if a drug came in and there was no way to  
3 identify it in terms of the book or the reference  
4 materials; what would you do?

5 A Then it would be run on the gas chromatograph and the  
6 mass spectrometer.

7 Q And if a drug came in that was classified under the  
8 Federal Laws as a controlled substance but wasn't  
9 under the Mass General Laws, Chapter 94C, what would  
10 the chemist do, or what would you do?

11 A Technically it would be negative. I believe at times  
12 I would actually type on the certificate that it was  
13 negative and I could also hand type in that this may  
14 be a federally controlled substance. I did do that  
15 certain times. I don't recall what substances I did  
16 that with. I don't recall at this moment where --  
17 when those instances would be.

18 Q So do you have any knowledge of chemists classifying  
19 things as a Class E drug when in fact it wasn't  
20 classified in that manner under the General Laws?

21 A I believe it could happen. I don't think we would  
22 have done it purposely or I don't think it was done -  
23 - at times it could happen that we would classify it  
24 as a Class E but I don't believe it was done

1           maliciously. I think it was one more as we didn't  
2           know what to call it.

3           Q     I'm going to mention a type of substance to you, BZP.  
4           Are you familiar with that drug?

5           A     Yes.

6           Q     Is that a Class E substance, if you know?

7           A     I believe it's federally controlled but not  
8           Massachusetts controlled, and I believe at times we  
9           may have been calling that a Class E.

10          Q     And is it fair to say that would usually be up to the  
11          particular chemist, or was there any conversations  
12          amongst the chemists how to handle that situation?

13          A     I don't recall any conversations about how to handle  
14          that.

15          Q     Ms. Salem, at any point did you begin to scrutinize  
16          Sonya Farak's work at the lab?

17          A     When the State Police took us over in July of 2012 we  
18          were required to do technical reviews of every  
19          chemist's work and I would conduct those reviews.

20          Q     And that would be the reviews of both Sonya Farak and  
21          Rebecca Pontes's work, correct?

22          A     Correct. And Jim Hanchett's.

23          Q     Was there anything that you found unusual about Ms.  
24          Farak's work?

1 A It was meticulous and now I realized that she wasn't  
2 recording gross weights of her samples.

3 Q And what does that mean?

4 A When I would receive the sample from the police  
5 department I would obtain a gross weight from it.  
6 When the sample is transferred to the chemist and the  
7 chemist has it at their bench they would weigh it  
8 again to compare those two weights and make sure that  
9 they were in line with each other. It was a check  
10 and balance. And Sonya would not record her gross  
11 weights.

12 Q Did you ever ask her why she doesn't do this, or why  
13 she didn't do that, excuse me?

14 A I think I mentioned it to her and I don't think she  
15 had a very good answer for it, she just didn't do it,  
16 it wasn't her habit.

17 Q Were there any -- did Allen Stevenson or Jim  
18 Hanchett, the lab supervisors, did they ever do  
19 employee reviews at any time and submit it to the  
20 Department of Public Health?

21 A Yes.

22 Q And when did they do that? Was it monthly, yearly,  
23 every couple of years?

24 A Every couple of years. It wasn't done very

1           regularly. I believe it was supposed to be done  
2           every year or every six months even, and I don't  
3           believe it was.

4           Q    Was there any reason that you know of why that wasn't  
5           being done?

6           A    No real reason, just lackadaisical.

7           Q    Did anyone or any supervisors from the Department of  
8           Public Health or perhaps any supervisors from the  
9           Hinton laboratory ever visit the Amherst lab?

10          A    Once or twice.

11          Q    When you say "once or twice" who came once or twice?

12          A    Julie Nassif and Chuck Salemi came out for a visit  
13               once when we were undergoing some construction. And  
14               it was another occasion where Julie came out and it  
15               was a press -- one of a -- a press issue where they  
16               had threatened to close us down and they came out to  
17               visit to see what we were all about.

18          Q    And is it fair to say that it was perhaps a lack of  
19               oversight by the Department of Public Health of the  
20               laboratory?

21          A    Yes.

22          Q    If you know, was Jim Hanchett ever required to draft  
23               any reports or do any quality -- essentially quality  
24               control reports and submit them to the Department of

1 Public Health?

2 A Not that I'm aware of.

3 MR. CALDWELL: I have no further questions of  
4 this witness. Are there any questions from the grand  
5 jurors? Ma'am?

6 JUROR: You had mentioned that sometimes the  
7 secondary standard were made from leftover samples.  
8 Wouldn't that interfere with the weight that was  
9 going back into the evidence locker if the samples  
10 were being used for making new standards?

11 A Yes, it would. It would only require a very small  
12 amount to make a standard, like a few hundred  
13 milligrams.

14 JUROR: Would that be registered on a log if that  
15 was taken off of the final weight?

16 A I don't know if it was registered or not.

17 JUROR: You're saying that Ms. Farak didn't  
18 record the weights when she received these particular  
19 drug samples?

20 A Correct.

21 JUROR: And she didn't record them when she --  
22 reseal them and you know send them like, ----

23 A She would obtain the net weight which is what would  
24 be the actual weight of the powder, that would go

1           onto the certificate. But the check and balance of  
2           the gross weight when she would begin her analysis  
3           was not written in her notebook.

4           JUROR: And that was a habit or hers or just a  
5           lack of responsible tactic on her part?

6       A     I ----

7           JUROR: Okay, she just didn't do it?

8       A     Correct.

9           MR. CALDWELL: Are there any other questions from  
10          the grand jurors? Ma'am?

11          JUROR: You had said that it was frowned upon if  
12          a chemist were to assign themselves samples. But if  
13          they had access to the computer could they assign  
14          themselves samples? Would it say who took the  
15          samples out? Like if you saw your computer the next  
16          day, would it say that -- would you know someone had  
17          been in the computer to take out samples, or would  
18          they write your name? Do you understand my question?

19       A     I do understand what you're saying. I don't know if  
20          it would actually log that in as to who was signed in  
21          on the computer at that particular time. It would  
22          show that they had been transferred, that they were  
23          no longer in the custody of the evidence locker and  
24          who they had gone to, but I don't know if it would

1           actually say who did that.

2           Q     I have a follow-up question to that, Ms. Salem.  So  
3                 it's fair to say that someone could go in and  
4                 manipulate the records on the computer ----

5           A     I believe they may have been able to do that, yes.

6           Q     And that's not only manipulate what samples but also  
7                 manipulate the weights as they came in?

8           A     Yes.

9                     JUROR: We're talking about the -- when you were  
10                    the evidence officer and your computer where you made  
11                    an inventory based upon what the police brought in  
12                    and you were asked if there was a pass code required  
13                    to get access to that.

14          A     Correct.  I don't think there was a -- I cannot  
15                 recall at this time whether there was a certain  
16                 password that I had to enter into the computer every  
17                 morning to log on.  It was -- it was too long ago, I  
18                 don't remember.

19          Q     Just sort of a follow-up to that.  There was just one  
20                 pass code?

21          A     Correct.  It wouldn't be an individual pass code just  
22                 for me, everybody would have that same access to that  
23                 pass code.

24                     MR. CALDWELL: Any further questions?

1 (No response by grand jurors.)

2 MR. CALDWELL: Seeing no hands raised, no further  
3 questions from the grand jurors, I'm suspending  
4 testimony of this witness at this time. Thank you,  
5 ma'am, you're excused.

6 THE WITNESS: Thank you.

7 (Whereupon, the witness was excused.)

8 (OFF THE RECORD.)

9 \* \* \* \*

10 (Whereupon, Grand Jury Exhibit 25, Proffer  
11 Agreement, was pre-marked by the court reporter.)

12 MR. CALDWELL: Good morning again, ladies and  
13 gentlemen. My name is Thomas Caldwell and I'm an  
14 Assistant Attorney General and I'm continuing an  
15 investigation concerning the Amherst drug laboratory  
16 and the Department of Public Health and matters that  
17 occurred on diverse dates between January of 2004 and  
18 January of 2013. I have one additional witness for  
19 your consideration today.

20 Ma'am, can you please raise your right hand?

21 \* \* \* \*

22 REBECCA PONTES, SWORN.

23 \* \* \* \*

24 BY MR. CALDWELL:



1 Q Please have a seat. Good morning, ma'am.

2 A Good morning.

3 Q Can you please identify yourself and spell your last  
4 name for the record?

5 A Rebecca Pontes, P-O-N-T-E-S.

6 Q And Ms. Pontes, can you tell us where you are  
7 currently employed?

8 A I am currently employed at the State Police Crime  
9 Laboratory in Springfield.

10 Q And how long have you worked for the State Police  
11 Crime Laboratory in Springfield?

12 A In Springfield, since July, 2013.

13 Q And where were you employed prior to that?

14 A Prior to that I was employed at the Amherst drug  
15 laboratory.

16 Q And was that also under the Mass State Police?

17 A For a year, yes.

18 Q And prior to that who was operating the laboratory at  
19 Amherst?

20 A The Department of Public Health.

21 Q And approximately how long were you working at the  
22 Amherst drug laboratory under the Department of  
23 Public Health and the State Police?

24 A It was about eight, eight and a half years, since

1 May, 2004.

2 Q And what was your title at the laboratory?

3 A A Chemist II.

4 Q And can you just briefly explain your duties and  
5 responsibilities as a Chemist II at the Amherst drug  
6 laboratory?

7 A Yes, I examined substances submitted to the lab for  
8 controlled substances.

9 Q And was that your only duty that you had at the  
10 Amherst laboratory?

11 A Yes.

12 Q Ms. Pontes, where did you attend undergraduate  
13 school?

14 A UMASS Dartmouth.

15 Q And what was your major there?

16 A Biology.

17 Q Subsequent to receiving your diploma at there did you  
18 go on to get an advanced degree anywhere else?

19 A I did not.

20 Q What other training have you received from the  
21 Department of Public Health and the Mass State Police  
22 in regards to the testing of alleged narcotics?

23 A I attended a seminar put on by the Drug Enforcement  
24 Agency.

1 Q And how long was that?

2 A That was a week long.

3 Q And where was that? Where did that take place?

4 A Dulles, Virginia.

5 Q Now in your time as a chemist at the laboratory for  
6 that eight and a half year, approximately how many  
7 samples did you test?

8 A Tens of thousands. I don't know an exact number.

9 Q So approximately say 20 to 30 thousand samples; is  
10 that fair to say?

11 A Upwards of that, yeah.

12 Q Approximately how many samples would you test per  
13 month, if you know?

14 A I can break it down. It was probably like 10 to 20  
15 per batch which could be a one or two day thing. So  
16 monthly maybe a few hundred samples.

17 Q Ms. Pontes, I'm approaching you with what was pre-  
18 marked as Grand Jury Exhibit Number 25. I'm just  
19 going to place that in front of you. And if you  
20 could just take a look at it and look up when you're  
21 done.

22 A Okay.

23 Q You've seen this document before, correct?

24 A Correct.

1 Q And this is a proffer agreement, correct?

2 A Yes.

3 Q And it's addressed to Michelle Gates who is an  
4 attorney, correct?

5 A Yes.

6 Q And the letter is dated November 24, 2015, correct?

7 A Yes.

8 Q And that was when you sat down with myself and  
9 Captain Steven Fennessey of the Massachusetts State  
10 Police at the Office of the Attorney General,  
11 correct?

12 A Yes.

13 Q And we had a conversation with you?

14 A Yes.

15 Q In regards to your employment at the drug laboratory?

16 A Yes.

17 Q And at that time you and your attorney had the  
18 opportunity to review this?

19 A Yes.

20 Q Your attorney explained what this document was to  
21 you?

22 A Yes.

23 Q And you understand what it is?

24 A Yes.

1 Q Can you please tell the grand jurors what you  
2 understand it to be?

3 A It's a agreement for me to tell the truth and nothing  
4 I say will be used against me.

5 Q And it's signed on the second page by myself, Thomas  
6 Caldwell?

7 A Yes.

8 Q And it's also signed by yourself, Rebecca Pontes?

9 A Yes.

10 Q And it's dated November 24, 2015?

11 A Yes.

12 Q And it's also signed by your attorney, Ms. Michelle  
13 Gates, correct?

14 A Correct.

15 Q And also dated 11/24/2015?

16 A Yes.

17 MR. CALDWELL: I will enter what was previously  
18 marked as Grand Jury Exhibit Number 25 and publish  
19 that to the grand jury.

20 Q Ms. Pontes, do you recall your start date at the  
21 Department of Public Health drug testing laboratory? 22

A It's May 23, 2004.

23 Q And when you arrived at the laboratory you were given  
24 certain training, correct?

1 A Yes.

2 Q Who trained you there at the lab?

3 A Jim Hanchett.

4 Q And can you tell us what the training consisted of?

5 A It consisted of individualized on-the-job training in  
6 the different controlled substances that we would  
7 come across.

8 Q Prior to starting at the lab did you have any  
9 experience testing alleged controlled substances?

10 A Not controlled substance, no.

11 Q What did you do before that?

12 A I worked at an environmental laboratory using the  
13 same sort of instrumentation testing environmental  
14 samples.

15 Q And where did you do that?

16 A Rhode Island Analytical.

17 Q And this on-the-job training you received from Jim  
18 Hanchett, can you tell us specifically what you did?

19 A So he would go through the process of how to weigh  
20 out the individual items, also how to sample the  
21 items and run them on, we used a gas chromatograph  
22 for screening and we confirmed on a mass spectrometer  
23 and we would go through that and each test -- each  
24 controlled substance, it was a little different from

1           the next, so each training involved the steps similar  
2           to that.

3           Q     And can you explain, just briefly for the grand  
4           jurors what these machines are that you used?

5           A     Yes, they're -- it's been a while so bear with me.  
6           The gas chromatograph is basically where you inject a  
7           small aliquot of sample, it runs through a column.  
8           The substance that's in the sample will elute on the  
9           column and give sort of like a graph if it's  
10          detected. From there those are usually compared to  
11          known standards that are run as well. The gas -- the  
12          mass spectrometer is pretty much the same thing  
13          except it's broken down a little further into ions.

14          Q     Now did you receive any additional training on these  
15          machines other than what was provided by Mr.  
16          Hanchett?

17          A     I did obtain -- attend a seminar, a one-day seminar  
18          on the mass spectrometer.

19          Q     And where was that located?

20          A     At Jamaica Plain.

21          Q     Do you know who ran that training session?

22          A     Agilent, possibly.

23          Q     Now, in terms of the substances that you were  
24          testing, what were the first things that you were

1           allowed to test at the lab, what type of substances?

2           A     First it was marijuana, and once you were proficient  
3                 in marijuana then you would learn cocaine, heroin,  
4                 PCP, mushrooms.

5           Q     How would you describe the testing process for  
6                 marijuana as a chemist?

7           A     Majority of it would be just a simple color test. So  
8                 we used a Duquenois reagent; took a small sample of  
9                 the alleged marijuana, added it to a test tube, from  
10                there you added a couple reagents and if the -- it  
11                would layer up, so if the bottom layer turned a  
12                purple color it would be screening positive for  
13                marijuana.

14          Q     And about how many of these marijuana tests could you  
15                 do in a day?

16          A     In a day? Many. We would be assigned about a batch  
17                 of 20 samples that included all sorts of different  
18                 items or substances. So, I would say 20 a day.

19                MR. CALDWELL: We're going to take a five minute  
20                break, ladies and gentlemen. Thank you very much.

21                (Short break)

22                MR. CALDWELL: Thank you, ladies and gentlemen.  
23                We'll continue with the questioning of this witness.

24          Q     So Ms. Pontes, I believe you had indicated that you



1 can do many of these marijuana tests a day?

2 A Yes.

3 Q And that the testing for the marijuana is very --  
4 quite simple?

5 A Yes.

6 Q How would you compare the testing of the marijuana to  
7 the other substances, the powdered substances and  
8 other things?

9 A The weighing and sampling and running on the  
10 instrumentation would take a lot longer for those  
11 substances.

12 Q So for example, a typical cocaine sample, how long  
13 would that test take from start to finish?

14 A Probably about half an hour, 40 minutes.

15 Q Now there was another chemist who worked with you at  
16 the laboratory, correct?

17 A Yes.

18 Q And her name was Sonya Farak?

19 A Yes.

20 Q And it's fair to say that both you and Sonya did the  
21 vast majority of the testing at the laboratory?

22 A Yes.

23 Q Mr. Hanchett who you mentioned previously was your  
24 supervisor?

1 A Yes.

2 Q And he assisted in the testing of some of the drugs  
3 in the lab?

4 A Yes.

5 Q And it's fair to say he did some of the larger  
6 samples or the more complicated ones?

7 A Yes.

8 Q And there was another individual who worked at the  
9 lab, Ms. Sharon Salem, correct?

10 A Yes.

11 Q And she was the evidence officer?

12 A Yes.

13 Q She did not do any testing at all, correct?

14 A Not while I was there.

15 Q But she -- you had learned that she had done testing  
16 there previously?

17 A Correct.

18 Q What was Sharon Salem's duties as far as you know as  
19 a chemist?

20 A She would log in evidence submitted by police  
21 agencies that delivered their evidence to the  
22 laboratory. She would also log in or enter results  
23 into our computer system, generate drug certificates  
24 and she would also give evidence back to the police

1 officers.

2 Q So she would assign the individual chemist drugs?

3 A Yes, and she would also assign cases or batches to  
4 myself and Sonya.

5 Q Would you ever go to her seeking or asking to be  
6 assigned more samples or would she just ask you to  
7 come in and take more?

8 A I would go to her for more.

9 Q Did she always assign the samples? Did anyone ever  
10 else assign the samples to you?

11 A Jim would also assign samples when Sharon wasn't  
12 available, and I have assigned samples to myself just  
13 a handful of times.

14 Q And that's because -- is that because Mr. Hanchett or  
15 Sharon Salem was not available?

16 A Yes.

17 Q Did you ever see Sonya Farak assign samples to  
18 herself?

19 A Yes.

20 Q About how many times did she assign herself samples?

21 A Probably a handful of times that I know of.

22 Q And you assigned samples through the computer on  
23 Sharon's desk, correct?

24 A Yes.

1 Q And that computer you could access by a pass code,  
2 correct?

3 A Yes.

4 Q And you all had access to that computer?

5 A Yes.

6 Q So you could assign yourself samples, you could  
7 assign other chemists samples; is that fair to say?

8 A Yes.

9 Q And in terms of -- where was Sharon's office located  
10 in relation to the laboratory?

11 A It was across the hall from the laboratory.

12 Q So if you were in Sharon's office you couldn't see  
13 into the lab; is that fair?

14 A Yes.

15 Q And if you were in the laboratory you could not see  
16 into Sharon's office, correct?

17 A Correct.

18 Q Can you please describe the other areas of -- strike  
19 that.

20 Was Jim Hanchett's -- did he have an office next  
21 to Sharon's?

22 A He had an office next to Sharon's. He also had a  
23 desk in our chemist office area.

24 Q Did you have a desk in the chemist office area?

1 A Yes.

2 Q And did Sonya Farak also have a desk?

3 A Yes.

4 Q Now in terms of accessing the laboratory was there  
5 any type of security measures in place to restrict  
6 access to the lab?

7 A For a majority of the eight years I was there it was  
8 done by key and there was an alarm system that you  
9 had to turn off once entering in the morning, and  
10 then there was an update in the security and a key  
11 card was given to each person.

12 Q So you would have to enter an alarm pass code that  
13 everyone had in their possession?

14 A Yes.

15 Q And you also had a key and a swipe card?

16 A Yes.

17 Q And you could use one or the other, correct?

18 A Yes.

19 Q So the key could bypass the swipe card or the swipe  
20 card could bypass the key?

21 A Yes.

22 Q If you know, did that pass card, did it record your  
23 comings and goings in the lab?

24 A I don't know.

1 Q So it's fair to say that you as a chemist or anybody  
2 else who worked at the lab had access to the  
3 laboratory 24 hours a day?

4 A Yes.

5 Q Now in terms of, there was a drug locker or a drug  
6 safe so to speak within Sharon and Jim's office area,  
7 correct?

8 A Yes.

9 Q And that contained all of the submitted samples from  
10 the police departments?

11 A Yes.

12 Q Now, were there any security measures in place to  
13 keep that area secure?

14 A The same swipe card or lock with a key.

15 Q Was it the same key and the same swipe card that was  
16 used to access the main doorways?

17 A Yes.

18 Q If you know, was the safe frequently open during  
19 working hours of the lab? And when I say "working  
20 hours" I mean, you know, eight to four or nine to  
21 five?

22 A No.

23 Q It was always locked and secured?

24 A Yes.

1 Q Did you ever have the opportunity to observe Sonya  
2 Farak in that drug locker?

3 A Not that I can recall personally seeing her in there.

4 Q Was there any policy in place that restricted access  
5 to that locker? And when I say that I mean was it  
6 only Sharon allowed in there or only Sharon and Jim,  
7 or could everybody just go in if they wanted to?

8 A There was no policy.

9 Q What was your typical work day at the lab, Ms.  
10 Pontes?

11 A I would arrive and go over the instrumentation from  
12 my previous day, take that batch off, finish up that  
13 paperwork and go get a new batch of samples and work  
14 on those for the rest of the day.

15 Q And what were your typical hours that you were at the  
16 lab?

17 A I worked seven to three.

18 Q Seven to three? Did you ever have the opportunity to  
19 work overtime?

20 A Yes.

21 Q Did you work overtime when you had the opportunity?

22 A Yes.

23 Q And how did that change your hours?

24 A I could either work during the week and I would come

1 in earlier, maybe like an hour, but usually I would  
2 come in on the weekends.

3 Q And if you recall, what were Sonya Farak's general  
4 working hours at the lab?

5 A She was about seven to three, or seven-thirty to  
6 three-thirty.

7 Q And that was -- did she work those hours regularly or  
8 did her hours at any point in her employment change?

9 A I think that was regular.

10 Q So both of you essentially would come in at the same  
11 time and leave at the same time?

12 A Yes. She would usually be there when I got there and  
13 I usually left earlier than she did.

14 Q So is it fair to say that it was pretty easy to come  
15 and go; you could change your hours in any way  
16 possible?

17 A As long as you worked a full eight hours that day,  
18 you could work pretty much anytime between say six  
19 and five.

20 Q Was it -- could you come into the lab on your own say  
21 like eight o'clock at night and do tests?

22 A Not without permission. Jim would have to know that  
23 you were planning on coming in at eight o'clock to  
24 work on samples.



1 Q But you could obviously come in without Jim knowing  
2 if you wanted to?

3 A Yes.

4 Q Did Sonya Farak ever tell you that she would come  
5 into the laboratory at off hours?

6 A No.

7 Q Did you yourself ever go into the laboratory on off  
8 hours?

9 A No.

10 Q Now you had indicated that when you would come in the  
11 day you would continue testing certain substances  
12 that you had already began your tests on?

13 A Yes.

14 Q And those were the batch samples that were assigned  
15 to you by Sharon or yourself or Jim, correct?

16 A Yes.

17 Q And when you stopped doing your tests for the days  
18 where did you store those samples?

19 A There was a safe within the laboratory that we stored  
20 the samples in.

21 Q And where was that safe located?

22 A It was along the wall in the middle of the  
23 laboratory.

24 Q Can you describe it? Was there a key to it?

1 A Oh, it was one of the dial safes like a ----

2 Q Combination?

3 A Yeah.

4 Q And it's fair to say everybody had the combination to  
5 that safe, correct?

6 A Yes.

7 Q Was it secured at night when the lab was closing?

8 A Yes.

9 Q Now when you put your batch samples into that safe  
10 it's fair to say the bags were open? As in you  
11 didn't reseal them?

12 A I did not leave any open bags in there. Either it  
13 was something that I didn't open yet or something  
14 that I had completed and had sealed up already.

15 Q And when you would reseal that would you initial and  
16 put a date on it?

17 A Yes.

18 Q And do you always initial and date the bag after you  
19 had completed the test?

20 A I did, yes.

21 Q Did you ever initial bags ahead of time so they were  
22 ready to be used right away?

23 A No.

24 Q Was it always after -- so it was always after you

1 completed the test?

2 A Yes.

3 Q Did all the chemists, were all the chemists required  
4 to initial and date the bags?

5 A Yes.

6 Q So Sonya Farak did the same thing?

7 A Yes.

8 Q And did she ever pre-initial bags that you -- did you  
9 ever see her pre-initial bags?

10 I don't remember seeing her.

11 MR. CALDWELL: Off the record.

12 (Short break.)

13 MR. CALDWELL: Continuing the questioning of the  
14 witness, Rebecca Pontes.

15 Q So Ms. Pontes, I believe you indicated when we had to  
16 take a quick break that you never saw Sonya Farak  
17 pre-initial the bags?

18 A Correct.

19 Q And those are called Kapak bags?

20 A Yes.

21 Q Can you just describe them briefly for the grand jury  
22 what they look like?

23 A Yeah. They are a heavy plastic type bags that would  
24 -- you would heat-seal with a heat-sealer.

1 Q And that's what all your samples would be stored in?

2 A Yes.

3 Q And those were bags that came from your laboratory,  
4 correct?

5 A Yes.

6 Q Now can you, for the grand jurors, just very briefly  
7 explain the set up of the lab? You had previously  
8 indicated that you worked in very close proximity to  
9 Sonya Farak, but can you just explain how the rest of  
10 hte lab was laid out?

11 A Yeah, it was a long type of room where the lab  
12 benches were on one side. There was two lab benches  
13 put together and then another two lab benches put  
14 together. And then there was an office area and a  
15 sink area, and then on the other side there were the  
16 instrumentation.

17 Q And that's the gas chromatograph and mass  
18 spectrometer?

19 A Yes.

20 Q So they were on the other side of the lab?

21 A Correct.

22 Q And also on the other side of the lab was where  
23 standards are kept, correct?

24 A Correct.

1 Q And can you just briefly tell me what standards are?

2 A Standards are known manufactured -- known standards  
3 that we would get from a manufacturer and kept in a  
4 locked storage area. So basically it's something you  
5 would use to test against unknown substances.

6 Q So when you say "standards that were purchased",  
7 those were heroin standards, cocaine standard,  
8 marijuana standards, things like that?

9 A Correct.

10 Q And they were in liquid form or powder form?

11 A Powder form mostly, yes.

12 Q But there were some that were liquid form?

13 A Possibly, yes.

14 Q Do you know how many standards that the lab had on  
15 hand at any given time?

16 A I do not.

17 Q Fair to say it might have been in the hundreds?

18 A I -- probably not. I don't know.

19 Q Now there was also a refrigerator in the lab,  
20 correct?

21 A Yes.

22 Q Where was that refrigerator located?

23 A That was located to the far-back corner behind Jim's  
24 work bench.

1 Q And what was contained in that refrigerator?

2 A There were some standards that needed to be  
3 refrigerated in that refrigerator as well as prepared  
4 standards.

5 Q And what type of standards had to be stored in the  
6 fridge?

7 A I believe PCP standard and Silicin standards.

8 Q Were there any cocaine standards in that  
9 refrigerator?

10 A There were prepared standards in there.

11 Q And when you say "prepared standards" what do you  
12 mean by prepared standards.

13 A It's a standard that was diluted in liquid form to be  
14 used on the instrumentation.

15 Q So a secondary standard; is that fair to say?

16 A Yes.

17 Q So you had a primary standard that was sent to the  
18 lab from a pharmaceutical company, correct? But then  
19 you also had these secondary standards or prepared  
20 standards as you called them that were made within  
21 the Amherst lab?

22 A Yes.

23 Q And who manufactured those working standards or  
24 secondary standards?

1 A Jim Hanchett.

2 Q And did you have the opportunity ever to observe him  
3 doing that?

4 A Not to my knowledge. Possibly but not like right  
5 there.

6 Q And his work bench was in close -- fair to say close  
7 proximity to yours?

8 A Yes.

9 Q And if he were to make them he'd most likely be  
10 making them right at that work bench, correct?

11 A Yes.

12 Q And approximately how much of these -- strike that.  
13 You would use these secondary standard on your  
14 own, for your own tests, correct?

15 A Yes.

16 Q And you would have access to them in the  
17 refrigerator, correct?

18 A Yes.

19 Q And Sonya had access to them also?

20 A Yes.

21 Q And did Sonya use these standards also?

22 A Yes.

23 Q How would they be contained in the refrigerator?

24 A They would be an aliquot of it in a small flask with

1           a little cap and kept usually wrapped with paper just  
2           to prevent it from evaporating.

3           Q     And about how many -- was it milliliters, liters?

4                     How much was usually manufactured and stored?

5           A     I would say about 50 milliliters at a time.

6           Q     And when would you have to go into the refrigerator  
7                     and take some of those? What were the circumstances?

8           A     We usually would use about one to two milliliters in  
9                     a little vial that we kept at our bench and once that  
10                    was empty or needed a refill we would go into that  
11                    prepared vial and take some more.

12          Q     Did you ever have to tell Jim Hanchett that he needed  
13                    to make more standards, that you were running low?

14          A     If I noticed that vial that was in the refrigerator  
15                    was low then I would probably say something.

16          Q     And how frequently did that happen?

17          A     I don't remember. Not frequently.

18          Q     Is that because Jim Hanchett stayed on top of the  
19                    inventory?

20          A     Most likely, yes.

21          Q     So you didn't have an opportunity ever to observe him  
22                    making these standards, the secondary standard?

23          A     The secondary. I've seen him make them but I wasn't  
24                    being trained on it, if that's what you mean.



1 Q So you weren't allowed to make --

2 A Right.

3 Q -- working standards?

4 A Correct.

5 Q Did Sonya? Did you ever see Sonya make her own  
6 standards?

7 A Not to my knowledge, no.

8 Q And Jim took from submitted samples to make those  
9 secondary standards, correct?

10 A Correct.

11 Q And those are the samples that were submitted by the  
12 police department?

13 A Yes.

14 Q Okay. And so he would either take directly from it  
15 subsequent to the test being done on it?

16 A Yes, he would make sure that the test was positive  
17 for cocaine or heroin before he took a small sample  
18 from it to make a standard.

19 Q And how many standards would have at your work  
20 station at any given time?

21 A I would have one. One vial.

22 Q So you wouldn't have a Class A, a Class B, a Class C?  
23 You would just come and take what you needed  
24 concerning -- because you were only testing that

1 drug, right?

2 A Yes. The majority of the time it would just be a  
3 coke/heroin standard that we would run and that would  
4 make sure the instrumentation was running properly.  
5 So it would be a coke/heroin standard and a blank  
6 that I would keep on my bench and use on a daily  
7 basis.

8 Q What's a blank?

9 A A blank is just a reagent that has nothing in it,  
10 straight from the bottle.

11 Q And can you give us an example of a reagent that you  
12 would use as a blank?

13 A Yes, methanol.

14 Q And why would you use methanol?

15 A That's what we would add our samples to. We would  
16 dilute the alleged cocaine or heroin in methanol and  
17 that would be run on the instruments.

18 Q How frequently did you run a blank through the  
19 machine?

20 A It would be run on a daily basis with each batch.

21 Q With each batches of samples?

22 A Yes.

23 Q So it's fair to say a blank would be run maybe 10 --  
24 excuse me. Strike that.

1                   A blank would be run for every 20 samples that  
2                   you had tested?

3           A     Yes.

4           Q     And was there any policy and procedure within the lab  
5                   about running blanks?

6           A     No.

7           Q     Why would you run a blank?

8           A     To make sure that there was nothing in the column or  
9                   that there wasn't any carryover from the samples  
10                  previous.

11          Q     So from the heroin sample to a cocaine sample?

12          A     Yes.

13          Q     If you were to run a test on a sample could you  
14                  detect if there was any carryover by the -- from the  
15                  machine?

16          A     You could with a -- with a blank sample. If you had  
17                  a normal sample you probably would not be able to  
18                  tell.

19          Q     Now was the laboratory under the Department of Public  
20                  Health, was it an accredited lab?

21          A     No.

22          Q     Were there any written procedures and policies that  
23                  were given to you by the Department of Public Health  
24                  on how you should operate the lab and conduct the

1 tests?

2 A No.

3 Q At any time outside of that one-day course on mass  
4 spectrometer training I believe you said you  
5 attended, was there any other type of in-house  
6 training that was provided by the Department of  
7 Public Health for the chemists?

8 A No.

9 Q Now if you were to go over to the locker containing  
10 the standards could you see what was going on at your  
11 work station?

12 A No.

13 Q And why is that? Can you explain briefly?

14 A My back was to that side of the laboratory while I  
15 was working at my lab bench.

16 Q Do you recall Sonya going over to that locker  
17 frequently?

18 A No.

19 Q Did you recall Jim Hanchett or Sharon Salem going  
20 over to that locker frequently?

21 A No.

22 Q It's fair to say you observed Sonya going into the  
23 refrigerator frequently, correct?

24 A I wouldn't say frequently but I had observed her go

1           into the refrigerator.

2           Q     Now during a typical work day did you have -- you  
3                 engage Sonya in conversation, I assume, correct?

4           A     Yes.

5           Q     What was the topics of conversation?

6           A     It was either work related, pet related or sports  
7                 related.

8           Q     And about how long did you work with Sonya, how many  
9                 years?

10          A     She started in August right after I did, so about  
11                 eight years.

12          Q     And where did she come from?

13          A     She previously worked at the Jamaica Plain  
14                 laboratory.

15          Q     So when she arrived at the lab did she receive any  
16                 additional training?

17          A     No, she was already trained.

18          Q     So she started testing substances right away?

19          A     Yes.

20          Q     And in your observations of her doing her tests, did  
21                 she do anything unusual or different?

22          A     No.

23          Q     So she did the same, basically the same things you  
24                 did?

1 A Yes.

2 Q In terms of weighing for the tests?

3 A She -- she stopped the color tests. I think Jamaica  
4 Plain would do a lot more color tests than we did.

5 So she -- we used the gas chromatograph as our  
6 screening rather than color tests. So she would do  
7 it our way, I guess you could say, rather than their  
8 way.

9 Q Did you ever have any conversations about how things  
10 were done at the Hinton versus -- the Hinton  
11 Laboratory versus your lab at Amherst?

12 A Occasionally, yeah.

13 Q What was different between the two labs?

14 A They had a two chemist system where they would have  
15 two different people analyzing the same sample. They  
16 would have a screening person, so to speak, and a  
17 confirmatory person.

18 Q And what was done at Amherst?

19 A We had a one chemist system. So you'd have the  
20 sample from start to finish.

21 Q Did you ever have the opportunity to -- other than  
22 that one day in-house training you had, any other  
23 opportunities to visit the Hinton lab to see how  
24 things were done there?

1 A Just during my interview, I believe I was there.

2 Q And who were you interviewed by?

3 A Allen Stevenson.

4 Q Now in your daily interactions with Ms. Farak, at any  
5 times did she act unusual? When I say that I mean in  
6 terms of her conversation or anything out of the  
7 ordinary?

8 A No.

9 Q So in your conversations with her you didn't detect  
10 any types of quirks?

11 A She would -- yes. She would finish my sentences  
12 sometimes.

13 Q Anything else that you recall?

14 A No, that was about it.

15 Q Anything about her physical appearance that struck  
16 you as odd?

17 A No, I just thought her odd.

18 Q Say that again.

19 A I just thought her odd. There wasn't anything that  
20 stood out.

21 Q What formulated that opinion?

22 A The way she would finish my sentences or she was just  
23 quirky. There wasn't anything that stood out, it was  
24 just -- she was different.

1 Q Did she come and go from the lab frequently during  
2 working hours?

3 A Yes.

4 Q And do you know where she went?

5 A No.

6 Q Did you ever ask her?

7 A No.

8 Q And she never told you?

9 A No.

10 Q How long -- if she were to leave how long would she



11 be gone for?

12 A It only became noticeable probably within a few  
13 months of the lab closing down where it would be  
14 noticeable that she was gone for 15 plus minutes at a  
15 time where I would actually be like, "Where is she?"  
16 But I never asked where she went. I just assumed she  
17 may have gotten a coffee or went to the bathroom.

18 Q How would you describe her work product?

19 A Very good.

20 Q And what made you form that opinion?

21 A Her notes were very neat and methodical. There was -  
22 - she kept everything organized as far as her case  
23 files went.

24 Q Did she ever show any interest in what you were doing

1 in your work?

2 A Sometimes.

3 Q And what would she ask?

4 A Just the substances that I would have or the quantity  
5 or just be curious as to what I was doing.

6 Q How would you describe her work area? Was it neat or  
7 was it messy?

8 A For the most part it was neat.

9 Q How would you describe her desk area?

10 A It was a little messier.

11 Q Was her desk right next to yours?

12 A It was two over from mine. There was a computer in-  
13 between us.

14 Q Now in your time at the lab did you have the  
15 opportunity to interact with police officers as they  
16 came in to drop evidence off?

17 A Occasionally.

18 Q Did Sonya do the same?

19 A Occasionally.

20 Q And was it just by chance or did you go over to  
21 Sharon's office to engage people in conversation?

22 A Just by chance.

23 Q Did you yourself ever act as evidence officer in the  
24 capacity where you were receiving the samples from

1 the police and logging them in?

2 A Yes.

3 Q And how frequently did that happen?

4 A Not very.

5 Q Did Sonya do that?

6 A Yes.

7 Q And what was the process you followed when you  
8 accepted that evidence from the police?

9 A The -- we would make sure the police officer would  
10 seal the evidence that they were submitting. The  
11 information from the police agency would be entered  
12 into the computer and then each individual item would  
13 be given a laboratory number and weighed and the  
14 weight would be entered into the computer. And from  
15 there it was all placed in like a plastic -- I mean a  
16 paper bag.

17 Q And then where did it go after that?

18 A It would be put in the drug locker.

19 Q And when some of the police arrived with their  
20 evidence bags were sometimes -- were they open?

21 A Yes.

22 Q And do you recall any particular department that  
23 would leave them open? If you can recall.

24 A I want to say East Longmeadow.

1 Q Is that the only one?

2 A That I can remember, yes.

3 Q So but is it fair to say the majority of the times  
4 they were sealed?

5 A Yes. Springfield would seal them on-site.

6 Q So they would come in from Springfield open and then  
7 they would be sealed in front of the evidence  
8 officer?

9 A Yes.

10 Q When you acted as evidence officer did you ever count  
11 what was inside, like how many baggies or pills that  
12 were being submitted to you?

13 A No, we would take that information from the police  
14 department.

15 Q So if they told you it was 20 bags you would just  
16 take their word for it?

17 A Yes.

18 Q What kind of paperwork did they bring in with the  
19 samples?

20 A Sometimes it was just written on the evidence bags  
21 themselves or they would have a handwritten or typed  
22 up series of I guess items with names and quantity.

23 Q And what it's believed to be?

24 A Yeah.

1 Q Now there was a computer system that you entered all  
2 this information into, correct?

3 A Yes.

4 Q And that was located on Sharon Salem's desk?

5 A Yes.

6 Q And fair to say that every chemist in the lab had  
7 access to that computer?

8 A Yes.

9 Q And there was a pass code to log on, correct?

10 A Yes.

11 Q And it was just the same pass code for everybody?

12 A Yes.

13 Q So in your opinion it would be fair to say that  
14 anybody could enter that computer at any time and  
15 manipulate what was entered, correct?

16 A Yes.

17 Q And so they could change weights or what was  
18 submitted or what wasn't submitted?

19 A It's possible.

20 Q Now the times that Mr. Hanchett was manufacturing the  
21 working standards, the secondary standards, at any  
22 point did you ever flag samples and tell Jim  
23 Hanchett, you know, "this might be a good sample to  
24 manufacture a secondary, a working sample with"?

1 A No.

2 Q So he would just simply do that on his own?

3 A Yes.

4 Q Are there any -- if you know, were there any  
5 particular samples that he looked for to make these  
6 secondary or working standards?

7 A I don't know.

8 Q Are you familiar with the process for ordering  
9 standards at the laboratory?

10 A The process, no.

11 Q So you never had the opportunity to order any  
12 standards at the lab?

13 A No.

14 Q Who did that?

15 A Jim Hanchett.

16 Q And did Jim Hanchett have a DEA license to order  
17 these standards?

18 A Yes.

19 Q Now at some point the lab was no longer under the  
20 control of the Department of Public Health, correct?

21 A Correct.

22 Q And when did that take place?

23 A July of 2012.

24 Q July of 2012. Who then took over the lab?

1 A The Massachusetts State Police.

2 Q Now when the Massachusetts State Police took over the  
3 lab they came and they did an audit of the lab,  
4 correct?

5 A Yes.

6 Q And do you -- are you aware of the findings of that  
7 audit that they did at the lab?

8 A I was at one time. I don't recall exactly what they  
9 are or were.

10 Q Would it be fair to say that they indicated in that  
11 audit that you were doing some things well at the lab  
12 but there were other things you were deficient in,  
13 correct?

14 A Correct.

15 Q And was it your understanding that the State Police  
16 were working towards getting the lab fully  
17 accredited?

18 A Yes.

19 Q And in your experience as a chemist and a  
20 criminologist as you are now, what is -- what's the  
21 purpose of having an accredited laboratory?

22 A It validates the procedures that are in place at the  
23 laboratory and makes sure everybody's doing  
24 everything the same and following protocols.

1 Q Did you yourself have a protocol for the Amherst  
2 laboratory?

3 A I had written basic protocols for the testing of each  
4 substance.

5 Q And why did you do that?

6 A It was part of my training before I started samples.  
7 As I was observing Jim do some samples I would take  
8 notes and I had some previous experience just writing  
9 just SOPs in my previous job, so they had me write a  
10 SOP for each controlled substance that we came  
11 across.

12 Q So there was really nothing in place before you  
13 arrived there in terms of written policies?

14 A Not that I know of, no.

15 Q How closely did these mirror those of an accredited  
16 lab, these SOPs?

17 A They weren't far off, it was pretty similar.

18 Q Are you familiar with the Standard Working Group for  
19 Drugs?

20 A Yes.

21 Q And can you explain to the grand jurors what that is?

22 A For sure it's SWGDRUG. It's a scientific working  
23 group for drug analysis. It gives you basic  
24 guidelines on what is expected as far as creating a



1           valid product at the end. So they would suggest  
2           screening tests, the instrumentation, confirmatory  
3           tests you can use.

4           Q    Was that available at the laboratory for you to  
5           review?

6           A    Yes.

7           Q    And was, if you know, was that also followed at the  
8           Hinton laboratory?

9           A    I believe so, yes.

10          Q    It's fair to say when the State Police came in and  
11          took over the lab and did their audit, Jim Hanchett  
12          stopped creating secondary or working standards,  
13          correct?

14          A    I believe so, yes.

15          Q    And you only used primary or standards that were  
16          purchased from an outside laboratory?

17          A    Yes.

18          Q    I would point to 2012. Around the middle of 2012 did  
19          you notice anything, changes in the behavior of Sonya  
20          Farak while she was at the laboratory?

21          A    I noticed she started disappearing more often and  
22          that was about it. I didn't -- I didn't check her  
23          work so I don't know if her work changed at all.

24          Q    Did Jim Hanchett or Sharon Salem ever discuss with

1       you her leaving the lab or discuss any issues with  
2       her work around that time frame?

3       A     Not until later on.

4       Q     When you say "later on" when did they begin to  
5       discuss that with you?

6       A     After the lab closed.

7       Q     So the only thing that you really noticed different  
8       about Sonya Farak is that she was just leaving the  
9       lab more frequently?

10      A     Yes, and she was coming in later which didn't really  
11      raise a red flag.

12      Q     But nothing else about her physical appearance or ---  
13      -

14      A     No.

15      Q     Did you ever hear -- did anyone ever make a comment  
16      to you about Ms. Farak's work; an assistant district  
17      attorney or a police officer?

18      A     No.

19      Q     Did Ms. Farak ever engage you in conversations about  
20      certain drugs?

21      A     No.

22      Q     So she never said something to you about any type of  
23      curiosity she may have about trying drugs, or the  
24      different drugs that you were testing?

1 A No.

2 Q Now you had previously testified that at one point  
3 the lab was closed after the State Police audit.  
4 What was your -- why did the lab close?

5 A It was discovered some samples were missing from the  
6 evidence officer and subsequent to that my  
7 supervisor, Jim Hanchett, found a bucket of stuff  
8 that was not -- shouldn't be there under her, under  
9 Sonya's workbench.

10 Q And when he found these materials you were present at  
11 the lab?

12 A Yes.

13 Q Did you have the opportunity to observe what was in  
14 the bucket?

15 A Yes. I believe it was white powder and -- I think  
16 that's all I can think that was in there but there  
17 might have been other things.

18 Q It's fair to say it's unusual to have at your work  
19 station?

20 A Yes.

21 Q Do you recall Jim finding anything else in her work  
22 station?

23 A I think he found the missing samples in a drawer  
24 under her bench, and there was a backpack.

1 Q Did he show you those things?

2 A He showed me the evidence that he found but I didn't  
3 know about the backpack until later on.

4 Q At a certain point did you ever discover that Sonya  
5 Farak was practicing your initials on paper?

6 A Only after the investigation started.

7 Q And who alerted you to that?

8 A I read it in the paper.

9 Q And did you -- I believe you indicated that you never  
10 pre-signed or pre-initialed your bags, correct?

11 A Correct.

12 Q That was only done after you had completed the test  
13 and sealed the bag?

14 A I did, yes.

15 Q Did you ever see Ms. Farak around your work station -  
16 -

17 A No.

18 Q -- looking at your drawers or anything like that?

19 A No.

20 Q Now you did some testing of substances from Jamaica  
21 Plain, correct?

22 A Yes.

23 Q And how would you get those substances?

24 A Jim Hanchett would drive out there, pick them up and

1 bring them back to the Amherst drug lab.

2 Q And how many of those tests did you do from the  
3 Hinton lab? Was it a lot, a little?

4 A It depended. Sometimes they needed more help so we  
5 would do it more often and then there would be a dry  
6 spell and we wouldn't do any for a while.

7 Q At the time that Jim found the samples of Ms. -- the  
8 missing samples that were found under Ms. Farak's  
9 work station, did you leave the lab right after that?

10 A We were told to stay put from the State Police, so we  
11 stayed. And then we were told to go across the hall  
12 and stay there.

13 Q Where was Sonya Farak?

14 A She was at court.

15 Q Now in terms of going to court, it's fair to say that  
16 in the lab you would come and go frequently during  
17 the day to testify in court?

18 A Yes.

19 Q So at some times there might only be one person in  
20 the lab?

21 A Yes.

22 Q And sometimes there would be two people in the lab?

23 A Yes.

24 Q And when did you begin having to testify in court?

1 A 2009.

2 Q And what was your court schedule like in terms of  
3 having to go and testify?

4 A In the beginning it was pretty hectic. We would have  
5 to go in almost every time and then it kind of got  
6 easier and maybe it would be, you know, a handful of  
7 times a month, and then it would be one to two times  
8 a month.

9 Q Did you have to prepare discovery packets for the  
10 assistant district attorneys.

11 A Yes.

12 Q And what would those discovery packets consist of?

13 A It would consist of all the GC and mass spec data,  
14 all our written hand notes and the results sheet.

15 Q And did you ever have the opportunity to prepare a  
16 discovery packet for a substance that Sonya Farak  
17 tested?

18 A Not Sonya's, no.

19 Q Just yourself?

20 A Yes, it would only be ourselves. I did Sonya's after  
21 the lab closed and we helped out with that part.

22 Q Did you notice anything in the review of her  
23 paperwork that seemed odd?

24 A I did notice that she didn't record the gross weight

1 of her samples.

2 Q And you did?

3 A Yes.

4 Q And what's the importance of recording the gross  
5 weight of the samples?

6 A Because the gross weight was recorded when it was  
7 submitted we would re-weigh and get the gross weight  
8 to make sure that the samples were consistent with  
9 each other, that the weights were consistent with  
10 each other.

11 Q Now in terms of the standards that I'm talking, and  
12 this was approximately 2012, did Jim Hanchett ever  
13 have a conversation with you regarding missing  
14 standards at the laboratory?

15 A Yes.

16 Q And where did that conversation take place?

17 A In the laboratory.

18 Q And who was with you?

19 A I believe Sonya, possibly Sharon as well.

20 Q Did he express any sort of concern to you?

21 A A little bit, yeah.

22 Q What did he say to you?

23 A He asked if I had been in making my own standards,  
24 that he noticed there was some missing and he's not

1           sure what happened to them.

2           Q     What did you say to him when he told you this?

3           A     I was in shock but I did not go into the standard  
4               cabinet or make any standards. I'm trying to, you  
5               know, wrap my brain about how that could have  
6               happened.

7           Q     Do you remember Sonya Farak saying anything to Jim  
8               Hanchett when she was informed of this?

9           A     I don't recall. The only thing I probably would  
10              think is she denied going in there as well.

11          Q     Did you ever have any conversations with her  
12               subsequent to Jim Hanchett confronting the three of  
13               you?

14          A     Not to my knowledge, no.

15          Q     How do you think Jim Hanchett discovered the  
16               standards were running low?

17          A     He probably had to make new standards and either  
18               discovered it or had to do an inventory.

19          Q     Did he tell you which ones specifically were running  
20               low or missing?

21          A     No.

22          Q     Ms. Pontes, I want to discuss with you another  
23               subject. It's in regard to the classifications of  
24               controlled substances. Under the General Laws of



1           Massachusetts, Chapter 94C, substances are  
2           categorized by class, Class A, B, C, D and E,  
3           correct?

4       A     Correct.

5       Q     And an example of a Class A drug would be heroin,  
6           correct?

7       A     Correct.

8       Q     A Class B drug would be cocaine?

9       A     Yes.

10      Q     A Class C drug, could you give me an example?

11      A     It could be THC or a prescribed drug.

12      Q     Class D?

13      A     It would be marijuana.

14      Q     And a Class -- what would a Class E drug be?

15      A     It would be most of your prescription drugs.

16      Q     And it's fair to say the testing process for each of  
17           those is different; is that correct?

18      A     Yes.

19      Q     Can you tell me the procedures in the testing of a  
20           Class E substance?

21      A     Class E is by visual identification only.

22      Q     And when you say visual identification, can you tell  
23           the grand jurors how you would go about identifying a  
24           drug as a Class E substance?

1 A So most of those would come in as tablets and they  
2 would have some identifying marking on them.

3 Q For example?

4 A M30.

5 Q What would a pill that said M30 on it be?

6 A Oxycodone. From there we would take note of the  
7 visual identification blue pill marked M30 and then  
8 there was a computer program, Micromedex, I think  
9 it's called where you put in the marking and it will  
10 genereate the identification of that marking.

11 Q So it's fair to say that the testing was just visual  
12 where you would confirm the information on the  
13 computer or from a reference guide?

14 A Yes.

15 Q And that's how you would simply classify it as an E?

16 A Yes.

17 Q Now in terms of -- what if a pill or a substance came  
18 in and it wasn't in the reference guide and you had  
19 no idea what it was? What would you do at that  
20 point?

21 A That would be run on the gas chromatograph and also  
22 on the mass spectrometer.

23 Q Did that happen frequently?

24 A Not frequently, no.

1 Q In terms of all the tests you would do on a monthly  
2 basis, how many tests would you do that would come up  
3 negative or no controlled substance found, on  
4 average?

5 A I don't know, a handful of times monthly.

6 Q Now in terms of Class E drug, referencing  
7 specifically one, a BZP. Are you familiar with that  
8 substance?

9 A Yes.

10 Q And how are you familiar with it?

11 A I came across it in my work at the drug lab.

12 Q How frequently would you come across the drug BZP?

13 A Not very frequent.

14 Q On average how many times would you say?

15 A I have no idea.

16 Q And do you know it to be classified under the General  
17 Laws as a Class E substance?

18 A No, I don't know.

19 Q What do you know about the drug BZP?

20 A I know it's federally controlled but I don't think  
21 it's state controlled.

22 Q So if you were to see that drug, how would you go  
23 about classifying it?

24 A Then I'm not sure how we classified it in the

1           laboratory. It could have been classified as a Class  
2           E or it could have just been classified -- or not  
3           classified, reported out as BZP with a note that it  
4           was federally controlled. I'm not sure which one we  
5           did.

6           Q     Was there any policy concerning BZP that was  
7                 discussed amongst the chemists on how to deal with  
8                 that situation?

9           A     No, not to my knowledge.

10          Q     Did you have any conversations with Sonya about BZP  
11                 at all?

12          A     No.

13          Q     Did you have any conversations with the other  
14                 employees at the lab, Sharon Salem or Jim Hanchett  
15                 about what to do when a drug like BZP would come in?

16          A     I'm sure I talked to Jim about it.

17          Q     Do you remember what he said to you about it?

18          A     I don't.

19                 MR. CALDWELL: I have no further questions for  
20                 this witness. Are there any questions of the grand  
21                 jurors? Sir?

22                 JUROR: You said some of the samples that were  
23                 brought in by police departments came in un-opened  
24                 and you named one town. Were there other towns that

1 would also do that from time to time?

2 A I'm not sure. I only did it a few times.

3 JUROR: Did you have a way to know the samples  
4 you took and the by product of the secondary samples,  
5 or if the lab knows how many was taken and how many  
6 were secondary?

7 A I don't know if he kept a log of what he took and  
8 what the result was. That would be something he  
9 would have to answer.

10 JUROR: What weight was the secondary samples?

11 A Not very much to make a 50 milliliter aliquot of it.

12 JUROR: Were any of you present when Jim said he  
13 found the drugs in Sonya's -- the place?

14 A I was, yes.

15 JUROR: What is BZP?

16 A It's Benzylpiperazine, I believe. And I think it's a  
17 derivative of MDMA. I'm not quite sure, it's been a  
18 few years.

19 JUROR: Is that Ecstasy?

20 Q Can you please tell the grand jurors what you believe  
21 MDMA is?

22 A Is Ecstasy, it's -- yes.

23 Q And do you know what type of effects it has on the  
24 human body?

1       A       It's like a amphetamine type reaction, I  
believe, or

2       a hallucinogen.

3               MR. CALDWELL: Any other questions of the grand  
4       jurors?

5               (No response by grand jurors.)

6               MR. CALDWELL: Seeing no hands raised, I'm  
7       suspending testimony of this witness at this time.  
8       Thank you, you're excused.

9               THE WITNESS: Thank you.

10              (Whereupon, the witness was excused.)

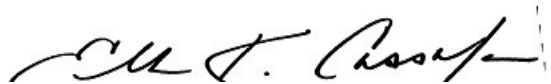
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C E R T I F I C A T E

I, ELLEN K. CASSOLA, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing Record, Pages 1 to 117, inclusive, is a true and accurate transcription of my voice recording to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 5th day of February, 2016.



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ELLEN K. CASSOLA,

Notary Public

My Commission expires October 10, 2019

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