

COMMONWEALTH OF MASSACHUSETTS
HAMPSHIRE, ss. Grand Jury

IN RE: INVESTIGATION

HEARING BEFORE HAMPSHIRE COUNTY
GRAND JURY AT THE HAMPSHIRE COUNTY
COURTHOUSE, NORTHAMPTON, MASSACHUSETTS,
ON SEPTEMBER 16, 2015.

APPEARANCES:

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KIM WEST,
Assistant Attorney General

PETER VELIS,
Special Assistant Attorney General

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Court Reporter
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WITNESSES:

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SONJA FARAK

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EXHIBIT

DESCRIPTION

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Grand Jury

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Immunity Order

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1 MR. CALDWELL: Good morning,
2 ladies and gentlemen. My name is Thomas
3 Caldwell and with your permission I would like
4 to begin an investigation into the facts and
5 circumstances surrounding allegations of
6 criminal misconduct at the Massachusetts Drug
7 Testing Laboratory located on the campus of
8 the University of Massachusetts at Amherst
9 that occurred on diverse dates we're alleging
10 between on or about July 2004 and on or about
11 January 2013 in Amherst, Hampshire County,
12 Commonwealth of Massachusetts.

13 Assisting me in today's investigation
14 is Assistant Attorney General Kim West and
15 Special Assistant Attorney General the
16 Honorable Peter Velis.

17 And now at this time I will be
18 calling my first witness.

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23

1 (Grand Jury Exhibit No. 1,
2 marked.)

3 SONJA FARAK (SWORN.)

EXAMINATION BY MR. CALDWELL

5 Q. Ma'am, can you please state your name
6 and spell your last name for the record?

7 A. My name is Sonja Farak and Farak is
8 spelled F-A-R-A-K.

9 Q. And how old are you now?

10 A. I am thirty-seven.

11 Q. Where do you currently reside?

12 A. I reside at 37 Laurel Park in
13 Northampton, Mass.

14 Q. And you received a grand jury
15 subpoena to be here today, correct?

16 A. Correct.

17 Q. And prior to this date you've spoken
18 to myself, Assistant Attorney General Tom
19 Caldwell, Assistant Attorney General Kim West
20 and Investigator Phil Mantyla, correct?

21 A. That's correct.

22 Q. And at those meetings you were told
23 at that time that the Government was going to

1 be seeking immunity for you?

2 A. Correct.

3 Q. So you came to Northampton Superior
4 Court on August 25th, 2015 with your attorney,
5 Ms. Elaine Pourinski, and you saw a judge; is
6 that -- is that right?

7 A. That is correct.

8 Q. And you saw in that courtroom, it was
9 Courtroom Number 2, that there was a
10 conversation between representatives of the
11 Office of the Attorney General, your attorney
12 and the judge?

13 A. That is correct.

14 Q. And at the end of that conversation
15 the judge issued an order, Judge Carey, and
16 gave you what's called immunity from
17 prosecution; is that right?

18 A. That is correct.

19 Q. Showing you what was previously
20 marked as Grand Jury Exhibit 1, can you please
21 just take a look at that and look up when
22 you're finished?

23 A. (Witness complies.)

1 Q. What is that that I placed before
2 you?

3 A. It's the Commonwealth's petition for
4 my -- for my grant of immunity.

5 Q. And you've had the opportunity to
6 look at that before, correct?

7 A. Yes, I have.

8 O. As did your attorney?

9 A. Correct.

10 Q. So that is, for the record, the
11 immunity order that was issued by Judge Carey
12 on August 25th, 2015 that immunizes you from
13 any prosecution related to crimes that you may
14 talk about today and on future dates; is that
15 your understanding?

16 A. That is my understanding.

17 Q. Thank you.

18 MR. CALDWELL: May now enter
19 Grand Jury Exhibit Number 1.

20 Q. (By Mr. Caldwell) We have talked
21 about the Amherst Drug Laboratory at the time
22 that you were employed there, correct?

23 A Correct

1 Q. Now, if you could just please give me
2 a little background information. Where were
3 you born?

4 A. I was born in San Diego, California.

5 Q. How long did you live in San Diego,
6 California?

7 A. About a year. My dad was in the Navy
8 so.

9 Q. Do you have any siblings?

10 A. I have one younger sister.

11 Q. Did you -- at any point did you
12 leave?

13 A. Yeah. I think I lived in San Diego
14 for about a year. We moved to Honolulu,
15 Hawaii for three years where my sister was
16 born and then my dad got transferred to
17 Newport, Rhode Island.

18 Q. You say your dad got transferred;
19 what did he do for work?

20 A. He worked in the Navy. It had
21 something to do with computers. I'm not
22 exactly sure what his job duty was but he
23 ended up retiring as a senior chief in the

1 Navy.

2 Q. And about how long did you live in
3 Rhode Island with your family?

4 A. Since I was five till when I went to
5 college. My mom still resides in the same
6 house that we moved to.

7 Q. Now, you attended high school,
8 correct?

9 A. Correct.

10 Q. What high school did you attend?

11 A. I attended Portsmouth High School in
12 the town of Portsmouth, Rhode Island.

13 Q. And can you tell -- you graduated?

14 A. I graduated.

15 Q. What year did you graduate?

16 A. I graduated in 1996.

17 Q. Did you receive any honors or awards
18 in your time at Portsmouth High?

19 A. I received various varsity letters in
20 sports and I was also co-class valedictorian.

21 Q. You attended a four-year college,
22 correct?

23 A. That is correct.

1 Q. And where did you go?

2 A. It was Worcester Polytechnic
3 Institute in Worcester, Mass.

4 Q. And you graduated from Worcester
5 Polytech --

6 A. (Interposing) Yes, I did.

7 Q. You attended and graduated from
8 Worcester Polytech?

9 A. That is correct, yes.

10 Q. Did you graduate -- when you
11 graduated did you receive any awards or
12 anything of distinction?

13 A. I graduated with high distinction and
14 I had a couple of student life awards
15 presented to me.

16 Q. What was your major at Worcester
17 Polytech?

18 A. Biochemistry.

19 Q. And you received your degree in
20 biochemistry?

21 A. Yes, I did.

22 Q. Did you -- after your graduation from
23 Worcester Polytech did you matriculate

1 anywhere further?

2 A. I applied to graduate school at the
3 Temple University School of Medicine in the
4 Ph.D. program. I was accepted. I did go for
5 a year but decided it wasn't what I wanted to
6 do so after a year I left.

7 Q. Okay. Temple University is located
8 in Philadelphia?

9 A. That is correct.

10 Q. Now, after you left the Ph.D. program
11 at Temple, what did you do next?

12 A. 9/11 happened so I was working some
13 temp jobs but basically I was living with my
14 partner's mother for a few months and 9/11
15 happened but in January of 2002 I started
16 working for the Commonwealth of Massachusetts
17 out of Boston as a bacteriologist in an HIV
18 testing lab.

19 Q. Can you just tell us, what was your
20 partner's name at the time?

21 A. Nicky Lee.

22 Q. And was she from the Philadelphia
23 area or was she from Massachusetts?

1 A. She was born and raised in New York
2 though she had lived in the Boston area for a
3 long time.

4 Q. Okay. Now, you indicated you were
5 hired by the Department of Public Health as a
6 bacteriologist?

7 A. Correct.

8 Q. And what year was that?

9 A. That was 2002.

10 Q. Okay. And can you tell me where were
11 you assigned by the Department of Public
12 Health?

13 A. The lab I worked in, the HIV testing
14 lab was in Jamaica Plain, the Hinton State Lab.
15 Institute.

16 Q. The Hinton lab?

17 A. The Hinton lab.

18 Q. And could you just describe for the
19 Grand Jurors your duties and responsibilities
20 at the HIV lab, Hinton laboratory?

21 A. Different -- different medical
22 facilities would send in blood samples and
23 oral fluid samples to be analyzed to see if

1 they contained the presence of HIV antibodies
2 so we'd process those samples and run tests to
3 determine whether or not they did contain HIV
4 and then we'd write reports and send them out.

5 Q. And you yourself would actually do
6 the physical testing?

7 A. That is correct.

8 Q. How many employees were at the HIV
9 lab at Hinton?

10 A. There was one lab supervisor who
11 didn't do much of the actual hands-on lab work
12 but there was five or six total people that
13 did -- that did that testing.

14 Q. Approximately how many samples did
15 you test per year?

16 A. The lab tested 75 to 80,000 tests per
17 year.

18 Q. How long were you -- how long did you
19 work as a bacteriologist for the Department?

20 A. I started in January of 2002 and I
21 ended in the end of April of 2003.

22 Q. And what did you do in April of 2003?

23 A. I noticed there was a posting for a

1 chemist position in the drug analysis
2 laboratory and so I applied and I was accepted
3 so I took that job.

4 Q. And that was also located at the
5 Hinton laboratory?

6 A. That is correct.

7 Q. And that was under the same roof
8 essentially as the HIV lab that you previously
9 worked at?

10 A. Yeah. I mean, it was under the
11 Department of Public -- laboratory so.

12 Q. Why did you want to apply for the
13 chemist position at the drug lab?

14 A. The bacteriologist position was very
15 mundane. It was doing the same testing over
16 and over again. I also had a professor in
17 college was really into forensic science. He
18 actually ended out of that, the forensic
19 science at Yale, but he introduced me more to
20 the chemistry side and then he sparked my
21 interest in forensics.

22 Q. And what was the -- do you recall the
23 exact date that you were hired as a chemist

1 for the drug testing lab?

2 A. I don't. I believe it was in May of
3 2003.

4 Q. May of 2003.

5 Now, how long were you employed as a
6 chemist for the Department of Public Health
7 and later the Mass. State Police, how many
8 years?

9 A. 2003, so just under ten years.

10 Q. How many approximately, if you know,
11 how many samples did you test in that ten
12 years?

13 A. Approximately 30,000 different pieces
14 of evidence.

15 Q. Can you describe to the Grand Jurors
16 your duties and responsibilities as a chemist
17 at the drug laboratory?

18 A. Our main responsibilities were when
19 we were assigned submissions from police
20 departments to record the amount of substance
21 that was there, as well as to chemically
22 analyze the substance to determine if there
23 was any controlled substances or drugs present

1 in those samples.

2 Q. Can you describe what are controlled
3 substances in your training and experience?

4 A. The most common one is heroin,
5 cocaine, marijuana, different pills.

6 Q. Now, what training, if any, did you
7 receive as a chemist for the Department of
8 Public Health?

9 A. When I first started in the Jamaica
10 Plain lab I received six weeks of in-house
11 training where all I did was follow around a
12 higher chemist supervisor to learn what to do.
13 I then had six weeks where my work was
14 verified and double-checked by the senior
15 chemist before I was allowed to start
16 analyzing things by myself. We also received
17 in-house training where the company came in
18 and gave us training on -- on different ways
19 we could use one of the instruments, the mass
20 spectrometer, to analyze.

21 Q. Can you explain to the Grand Jurors
22 what the mass spectrometer is?

23 A. It's normally coupled with another

1 device, a gas chromatograph, and so you dilute
2 a sample in the solvent, normally a methanol,
3 and it dissolves and we inject it into an oven
4 that has a very long skinny capillary tube
5 about 30 meters long and due to the weight of
6 the substance it elutes through the column at
7 different rates, at different speeds, which in
8 effect separates it into its components,
9 that's the gas chromatograph for that.

10 Once it has that separated component,
11 the mass spectrometer blasts ions at the
12 chemical which breaks the actual structure of
13 the chemical into a unique ion fragment, kind
14 of like a chemical fingerprint of the
15 substance, and provides a reading of the
16 different amount -- what -- what ions it's
17 broken down into and so we can compare that
18 fingerprint to the fingerprint of the known
19 substances to determine if there is a match.

20 Q. And you say "known substances." What
21 are these, what do you compare them to
22 actually?

23 A. We compare them to standards or

1 controls. Basically, we would purchase -- the
2 lab would purchase known, you know, like a
3 known heroin sample or submission so when we
4 ran our unknowns, we would also run a known.
5 The primary reason was to just tell if the
6 machine was working properly anyway because we
7 knew what a known should look like but it also
8 then was to compare the unknown.

9 Q. Approximately how many chemists
10 worked at the lab with you?

11 A. Which lab?

12 Q. At the Jamaica Plain laboratory,
13 Hinton lab?

14 A. At the Jamaica Plain lab there was
15 probably about twelve or thirteen chemists and
16 there was two evidence officers.

17 Q. Do you know those evidence officers'
18 names?

19 A. One was Gloria Phillips and the other
20 one, I can't remember her name. I know her
21 initials were SS but that doesn't -- I've been
22 trying to think but that was years ago. I
23 can't --

1 Q. If you know, would that person's name
2 be Shirley Sprague?

3 A. Yes, it would be.

4 Q. Okay. And was there anybody else?

5 Was there an Elizabeth O'Brien that worked
6 there, if you know?

7 A. Towards my end time in the Boston lab
8 she would cover if one of the other two
9 evidence officers were out sick or on
10 vacation, so she did do some evidence officer
11 duties as well as analyze some testing.

12 Q. Okay. Can you explain to the Grand
13 Jurors what an evidence officer did at the
14 Hinton laboratory?

15 A. At that lab police officers would
16 come in with their submissions and they would
17 record on a drug receipt what the substance
18 was, meaning was it a powder, was it a
19 vegetable matter, was it pills; get the weight
20 of the evidence in the evidence bag the police
21 officers provided; assign it a lab number that
22 would follow it through the whole testing
23 process and then they would store it in the

1 drug safe.

2 They also -- with that many chemists
3 we had and it was a very heavy workflow there,
4 they would separate sometimes simple powders,
5 meaning, you know, one to ten bags of a powder
6 like into one pile and then something that
7 might be a trafficking, which is a much higher
8 penalty, they'd put in a different set for a
9 more experienced chemist to do and they'd
10 separate the pills from powders and they'd
11 separate vegetable matter.

12 Q. From?

13 A. They'd just separate it into the type
14 of substance it was.

15 Q. And when you say "vegetable matter,"
16 it's fair to say you mean marijuana, correct?

17 A. Correct.

18 Q. Who assigned the samples to the
19 chemist; was it the evidence officer?

20 A. The evidence officer assigned to the
21 chemist.

22 Q. And there were logbooks, correct?

23 A. That is correct.

1 Q. Okay. Did the chemists have to sign
2 for those at any point with the evidence
3 officer?

4 A. Yes, we did. We also signed them
5 when we returned.

6 Q. Did you return them to the evidence
7 officer every day?

8 A. No, we didn't. It only depended if
9 you finished your batch of samples. Normally
10 when we'd go in to get it, we'd get a batch of
11 twenty or so samples assigned to us. We did
12 have under our lab benches, we had a safe -- I
13 don't want to say a safe -- a locker with a
14 key that we could keep the submissions in
15 overnight if we hadn't finished the tests on
16 them.

17 Q. And you would take those out of that
18 locker and finish them the next day?

19 A. The next day and then return them to
20 the evidence officer afterwards.

21 Q. Was the drug safe, the large drug
22 safe where the substances were kept and
23 separated, was it a secure safe?

1 A. Yes, it was.

2 Q. Approximately how big was it?

3 A. Maybe a third of the size of this
4 room.

5 Q. Okay. Maybe --

6 A. I don't --

7 Q. -- 20 by 20?

8 A. It was more long but, yeah, that
9 sounds about right I guess.

10 Q. Okay.

11 A. I don't know. Is this more than 20
12 by 20. (Indicating)

13 Q. Now, can you describe when you
14 started at the Hinton laboratory as a chemist
15 what were you designated as, what was your
16 title?

17 A. When I started I was obviously the
18 newest chemist there so I was getting either
19 batches of like vegetable matter samples
20 assigned to me or like the simple powders.
21 Even if someone got caught with one bag of a
22 white powder it doesn't take as much testing
23 as someone getting caught with 500 bags of a

1 white powder so it was easier-to-analyze
2 samples that were assigned to me. The samples
3 I could analyze more quickly just because like
4 one piece of evidence could be one bag or it
5 could be like 10,000 glassine bags, it's still
6 considered one piece of evidence but obviously
7 you're going to analyze more than one bag.

8 Q. So the more experienced chemists,
9 they got the larger batches of drugs --

10 A. Correct.

11 Q. -- the more complicated type
12 samples; and as a beginning chemist you
13 received essentially the smaller samples?

14 A. Correct.

15 Q. So is it fair to say you were able to
16 test more samples?

17 A. That's accurate, yes.

18 Q. What was your exact title at DPH; was
19 it Chemist I?

20 A. Chemist I.

21 Q. Can you tell me, what were the
22 differences between a Chemist I, Chemist II
23 and a Chemist III?

1 A. When I started basically it was just
2 the type of samples we would get. The Chemist
3 II did more of the trafficking sort of cases,
4 which like I said would be over a certain
5 amount of substance because there are higher
6 charges or the multiple bags. At that point
7 trafficking was 14 grams, 28 grams and a
8 hundred grams. So if something, a piece of
9 evidence came in at 50 grams in the evidence
10 bag, most likely it would be assigned to
11 either a Chemist II or a Chemist III due to it
12 being a -- I don't want to say more important
13 case but a bigger case, more likely to
14 possibly go to trial, so having a chemist with
15 more experience testifying would be an
16 advantage I guess.

17 Q. You discussed it briefly but could
18 you just simply walk through the average
19 testing procedures that you do at the Hinton
20 lab with a drug sample?

21 A. With an average powder sample whether
22 it was suspected heroin or cocaine, after we
23 had the sample assigned to us, we'd do a gross

1 weight of the whole evidence bag that the
2 officer brought in and record that. We would
3 then proceed to open up the evidence bag and
4 take out -- it's in a small bag of powder that
5 the defendant was actually caught with. We'd
6 do a gross weight on that, empty the bag and
7 we weigh the bag and then subtract the two to
8 get the net weight of the substance.

9 At that point we would do a spot
10 color test, which basically we put a very
11 small amount of the substance in some wells in
12 a ceramic plate and we had four different
13 reagents that we would put a drop -- a drop or
14 two of each into the wells and with certain
15 substances cause certain color changes with
16 their agents.

17 Q. About how much would you put in the
18 ceramic plate in the wells, if you could
19 estimate?

20 A. Maybe one milligram, two milligrams.

21 Q. A very, very small amount?

22 A. Very, very small amount.

23 Q. So --

1 A. It also depended on purity and stuff
2 but on average that's about what it was.

3 Q. After you did that just explain the
4 next steps that you took?

5 A. If it was suspected heroin and there
6 was tests that indicated it could be as a
7 preliminary, we would add some of the sample
8 to a vial, which is like a one-and-a-half, 1.7
9 milliliter glass vial, and dissolve it in
10 methanol, the solvent, and seal it to be run
11 on the gas chromatograph and the mass
12 spectrometer.

13 For cocaine samples the way the laws
14 are written would state you have to prove
15 which isomer, if it's a left-handed or
16 right-handed molecule, so we -- there was an
17 additional step in there of doing crystal
18 tests where we put about the same amount on a
19 glass slide, add a different reagent which
20 would form certain types of formation of
21 crystal and look at it under a microscope.
22 And by looking at the formation of the crystal
23 with two different reagents we could determine

1 the polarity of the molecule. But we'd
2 continue with that and put it -- we also do
3 the dissolution in the glass vial and submit
4 those samples to the gas chromatograph and the
5 mass spectrometer.

6 Q. Now, after you ran the mass
7 spectrometer and the gas chromatograph tests,
8 what would you do next?

9 A. Well, normally when we were done
10 actually setting up the vials, we'd seal the
11 evidence or repackage evidence in the original
12 bag and then we'd put it into a brand new
13 evidence bag and we would initial and heat
14 seal it closed. But once the results are in
15 we'd fill out a results card, which we would
16 make sure the lab number matched to record our
17 results and we'd hand that to the evidence
18 officer who would use the data we provided on
19 it to print up the certificate of analysis.

20 At that point once they were printed,
21 they would be returned to us and we would
22 verify that the results on the certificate
23 matched our results on the notebook and the

1 card, at which point we would sign the
2 certificates, get them notarized by someone
3 else in the laboratory, and everything would
4 be back in the evidence office awaiting a
5 police officer to pick them up.

6 Q. Now, were you the only person who did
7 the test on the substance or did somebody else
8 run additional tests?

9 A. When I started I was just doing the
10 first half. I wasn't running the gas -- I
11 would the gas chromatograph but I wasn't
12 running the mass spectrometer running of it.
13 So we would hand those in to the mass spec lab
14 and they would be -- we'd have multiple
15 people's samples, you know, run concurrently
16 on an automated machines so we could analyze
17 them overnight because it would take twelve
18 minutes or so to run a simple sample and with
19 that many people in the lab it would -- so to
20 be as time efficient as we could.

21 About halfway through my time there I
22 was trained on the mass spec and so I would
23 not always analyze my own, it depended on our

1 rotation but I was capable of doing those
2 tests for myself as well other people.

3 Q. And what is the certificate of
4 analysis?

5 A. It is just a piece of paper that does
6 list the drug lab number that was assigned to
7 it, as well as the defendant, the police
8 department who brought it in, and it stated
9 the results of the drug testing as well as
10 reporting the net weight of the substance.

11 Q. And the net weight obviously is very
12 important in terms of the prosecution's role
13 in the case, correct?

14 A. That's correct, yes.

15 Q. How many, if you know, how many tests
16 approximately did the JP lab do in a year, if
17 you know?

18 A. I don't know. I'm trying to remember
19 whether it was 12 or 13,000 submissions but
20 once again, you know, one bag is, let's say,
21 it's cocaine and there's going to be six tests
22 with all the color tests involved, where if
23 you have one piece of evidence that's got 200

1 bags you're gonna have a lot more than six
2 tests. So I believe it was 12 or 13,000
3 pieces of evidence a year that were seized.
4 They were slightly behind. I'm not sure if
5 they got through all 13 -- 12 or 13,000.

6 Q. When you say "slightly behind," what
7 do you mean by that?

8 A. Well, it seemed like their backlog
9 continued to grow, that they might not have
10 enough people working to keep up with the
11 amount of pieces of evidence that was coming
12 into the lab.

13 Q. If you know, did they do anything to
14 try to remedy that situation?

15 A. Not necessarily. Like I said, they
16 had separated the powders and the marijuana at
17 that point. You could analyze marijuana
18 samples much quicker. In powder testing there
19 were other tests involved so you could go
20 through a lot more marijuana samples which
21 overall decreased the number of backlog
22 samples but it was arbitrary.

23 I do know once the law changed that

1 we decriminalized under an ounce, I'm not sure
2 what happened with their levels at that point.
3 I know they stopped receiving -- they were I
4 don't want to say rejecting people bringing in
5 less amounts of marijuana but police
6 departments stopped bringing that in so I'm
7 assuming that affected their backlog.

8 Q. So you said there were approximately
9 twelve to thirteen chemists at the lab at
10 Hinton, Jamaica Plain?

11 A. I did say that.

12 Q. Do you know a chemist there by the
13 name of Annie Dookhan, also known as Annie
14 Kahn?

15 A. I do.

16 Q. Could you describe the relationship
17 you had with her, if any?

18 A. Yeah. Well, I started in May of
19 2003. She I believe was hired in November of
20 2003 to start there. We were cordial to each
21 other. She seemed intelligent and bright and
22 hard working. She did like to get things done
23 and get them done right, meaning getting the

1 correct results.

2 I ended up leaving, you know, shortly
3 the next year. She, like I said, was very
4 smart. She was also trained pretty much when
5 she started to run the mass spectrometer as
6 well. Definitely liked to work I guess.

7 Q. Did you at any point discover that
8 Ms. Dookhan was doing certain things at the
9 lab she shouldn't have been doing?

10 A. No, I don't remember seeing anything
11 or having any inclination that she was doing
12 anything wrong while I was there.

13 Q. Did you later learn -- at a later
14 time did you learn she was doing things
15 improperly at the lab?

16 A. Yes, I guess. I know she pled to
17 certain cases so. I have no firsthand
18 knowledge of her doing anything wrong but.

19 Q. So you never observed -- is it fair
20 to say you never had the opportunity to
21 observe her work?

22 A. Correct.

23 Q. Okay. You said you left the lab

1 shortly. Approximately how long did you stay
2 at the Jamaica Plain, Hinton laboratory?

3 A. I was at that lab for about a year
4 and I realized that I would never be able to
5 afford to buy a place in the Boston area so --
6 and I was intrigued with Western Mass. so I
7 looked into -- well, so I talked to the head
8 of the labs and mentioned if a positioned
9 opened up in Amherst, Amherst lab, if I could
10 transfer out this way because I like fresh
11 air. I like, you know, being outside and I
12 thought there would be a chance for me to buy
13 a house.

14 Q. At any point did you move out to the
15 Amherst laboratory?

16 A. Yes. I started at the Amherst lab in
17 August of 2004.

18 Q. Okay. And where was -- when you say
19 the Amherst lab, what was its actual name and
20 where was it located?

21 A. It was on the UMass campus. I don't
22 know what the real name was. It was just the
23 Amherst lab. It was at 637 North Pleasant

1 Street, which is in Morrill Building, Morrill
2 1 on the UMass campus.

3 Q. And how many chemists were at the
4 Amherst lab?

5 A. When I started there I was the fifth
6 employee. We had one supervisor.

7 Q. What was that supervisor's name?

8 A. Alan or Cam -- his nickname was Cam
9 -- Stevenson.

10 Q. And who else works under Cam?

11 A. The next senior chemist there was
12 James Hanchett. Sharon Salem was a chemist
13 there and there was a chemist there by the
14 name of Rebecca Pontes.

15 Q. And can you please describe for the
16 Grand Jurors what your duties and
17 responsibilities were at the Amherst
18 laboratory?

19 A. Starting at the Amherst lab it
20 basically carried over my duties at the
21 Jamaica Plain lab except at this lab with
22 fewer people they didn't separate pieces of
23 evidence by powders separately or vegetable

1 matter separately. They actually probably did
2 it wiser and kept it by case, so you only have
3 one chemist analyzing a certain case instead
4 of having to have possibly three, four or five
5 different chemists analyzing the evidence in
6 one case.

7 So, I mean, I think by that point I
8 had already started analyzing pills in the
9 Jamaica Plain lab as well but I would get
10 basically any drug that came in, you know,
11 whatever next sequentially when I would pick
12 up.

13 Q. So it's fair to say you tested a wide
14 variety of controlled substances at the
15 Amherst lab?

16 A. That is correct.

17 Q. Can you tell the Grand Jurors what
18 the general atmosphere of the Amherst lab was
19 compared to the Jamaica Plain, Hinton
20 laboratory?

21 A. There was a little less stress, more
22 laid back. We all -- it was one of the
23 atmospheres if you got your work done there

1 wasn't a lot of people stressing over you,
2 looking over you. It was friendly. We all
3 got along. I mean, it was a good atmosphere
4 to work in. There wasn't a lot of competition
5 to try to get to -- to get to the mass spec.
6 We only had two mass specs at the time and
7 with four people analyzing samples, it wasn't
8 as if we were in Jamaica Plain and there were,
9 as you know, thirteen people trying to use
10 four different machines. So we all -- instead
11 of submitting like the glass vials to be
12 analyzed in a batch, we all analyzed our own
13 samples from start to finish.

14 Q. Who were the primary chemists at the
15 lab?

16 A. When I started myself, Rebecca and
17 Jim or James Hanchett were doing most of the
18 work. Sharon did some but she also worked in
19 the evidence office. Cam was more just the
20 lab supervisor. He made weekly trips to the
21 Boston lab, so I don't want to say I never saw
22 him analyze anything but I don't think I ever
23 saw him analyze things. He was more the

1 administrator of the lab. He shortly retired
2 but at that point Sharon basically took over
3 doing the evidence officer duties full-time
4 even though she was a chemist and Jim
5 eventually got the lab supervisor position so
6 he was probably analyzing samples maybe only
7 half his time and doing administrative duties
8 the other time, where Rebecca and I continued
9 to work.

10 Q. So it's fair to say that you and
11 Rebecca did most of the work at the lab, most
12 of the testing?

13 A. Correct, correct.

14 Q. Now, you had alluded to the way they
15 handled the evidence at Amherst was slightly
16 different than JP, correct?

17 A. Correct?

18 Q. Were there any -- other than the way
19 they separated the drugs and a chemist would
20 test all of the samples in a batch, were there
21 any other differences?

22 A. Well, when they came in to the
23 evidence officer they actually typed the

1 results -- not the results. When the police
2 officer came in they would get the gross
3 weight of the evidence and actually type it
4 directly into the computer, where in the JP
5 lab there were handwritten notes that were
6 transcribed.

7 We also -- besides keeping batches
8 together numerically to make sure the
9 defendant -- one person would get the same
10 defendant and we did keep I guess towns
11 together. Instead of using envelopes for
12 specific pieces of evidence, we -- every piece
13 of evidence got its own lab number but all
14 those were put into one bag. It was all from
15 Springfield or Holyoke or Northampton or
16 wherever but the same principle where a drug
17 receipt was written, they were put into the
18 drug safe where they were locked until a
19 chemist came in to take out a batch of
20 samples.

21 Q. Now, would Ms. Sharon Salem, the
22 evidence officer, give you the samples or
23 would you go into the safe yourself and take

1 -- remove the samples?

2 A. If Sharon was there she would assign
3 them to us. If she wasn't there it would
4 depend who was taking over the evidence
5 officer duties. We all were trained on the
6 computer system.

7 Q. So fair to say that Rebecca and you
8 would sometimes act as the evidence officer?

9 A. That's correct.

10 Q. So you and Rebecca both had access
11 not only to the computer system but also the
12 safe itself?

13 A. Correct.

14 Q. Was the safe locked all the time or
15 was it left open?

16 A. Most of the time it was shut. If it
17 was ever left open the evidence officer there
18 was right there and I'd say that sometimes she
19 would pull out a batch trying to get it ready
20 because Springfield was coming to pick up.
21 She would pull out a couple of the Springfield
22 batches to insert the drug receipts and to
23 make sure everything was there, so she

1 wouldn't close the door right behind her but
2 it was in a locked room as it was.

3 Q. How did you get into the lab, could
4 you describe that to the Grand Jurors?

5 A. At the very beginning it was just a
6 simple key to get into the lab. Across the
7 hallway is where the drug safe and the
8 evidence office was so we had a key to that
9 door but it had an additional key for the drug
10 safe that we had. We also had an alarm system
11 so at the end of the day it would get set. In
12 the morning, you know, we'd punch in our code
13 to turn off the alarm system.

14 After I don't know how long we had
15 some renovations and tried to put in more
16 security features and so we had a card reader.
17 We each had our badge with a, you know,
18 magnetic strip that we could use to get into
19 the drug safe and a couple other places but
20 the keys still worked in the doors so.

21 Q. So you did not have to use the card
22 system, you could always override that by use
23 of a key?

1 A. Correct.

2 Q. And everyone at the lab had access to
3 these keys for both the evidence room, the
4 safe and the lab itself, correct?

5 A. Correct.

6 Q. Now, in terms of the testing that you
7 described at the JP lab in regard to the
8 liquids and the ceramic dish and the gas
9 spectrometer [sic], were those -- did you do
10 the same tests in the same fashion at the
11 Amherst lab just like you did at Jamaica
12 Plain?

13 A. We did not always do all of the color
14 tests from the ceramic -- liquid and the
15 ceramic.

16 Q. Was there any reason?

17 A. Sometimes at the Amherst lab we were
18 not required to do all of the color testing in
19 the ceramic plates due to recommendations from
20 SWGDRG, the Scientific -- basically, it's the
21 scientific working group that the DEA and
22 everyone else has recommendations of what
23 testing's required for substances. You need

1 to have, you know, so many tests from column
2 A, so many tests from column B. Depending on
3 the class of the drugs you might need an extra
4 class. That was not required. But besides
5 that we did all of the same testing.

6 Q. At any time during the tests were you
7 able to detect any other substances in a
8 sample that weren't drugs?

9 A. Yes, we were.

10 Q. Can you explain?

11 A. Different cutting agents or
12 adulterants, so to get more bang for their
13 buck some drug dealers would cut pure drugs or
14 what they thought were given as pure with
15 other substances to increase the weight and
16 volume so when they sold it they were
17 technically selling less pure drug to increase
18 profit or they would add -- so they could add
19 something as simple as flour or baking soda,
20 which would not necessarily come up in our
21 testing because of the chemical structure is
22 too simple of a thing, but they also cut it
23 with other drugs such as procaine, lidocaine,

1 levomenthol and all those drugs would -- I
2 don't want to say give a similar effect but
3 would be closer to consistency as real cocaine
4 when they mixed it and, therefore, someone
5 getting it might not know that they weren't
6 getting -- or that they were getting a less
7 pure drug than they thought.

8 Q. And it's fair to say that some of
9 these substances that the powder drugs were
10 cut with are dangerous?

11 A. Yes.

12 Q. Okay. Can you give an example to the
13 Grand Jury?

14 A. The levomenthol is actually used as a
15 de-wormer in livestock and it has no -- it can
16 cause some skin lesions and things like that
17 in people. I'm not sure why they put it in
18 but.

19 Q. Can you tell the Grand Jurors
20 approximately how many tests, if you know, you
21 did in a month on average?

22 A. In the Amherst lab?

23 Q. In the Amherst lab.

1 A. Probably two to 300 pieces of
2 evidence.

3 Q. And if you know did Rebecca do more,
4 less or about the same?

5 A. We were about the same.

6 Q. Do you know how many tests Jim
7 Hanchett did?

8 A. Not off the top of my head, no.

9 Q. But you had indicated that he really
10 didn't do too many tests?

11 A. I don't want it to sound like that
12 but um, he had other responsibilities so --
13 and when he would analyze sometimes he would
14 do that 10,000 bags of, you know, heroin so
15 although he might have been testing a hundred
16 bags, it was only considered one piece of
17 evidence so.

18 Q. You indicated that the drugs were
19 stored in the safe when they were not being
20 tested?

21 A. Yes, but when, I mean, they were not
22 assigned to us.

23 Q. Okay. When they were not assigned to

1 you. But when they were assigned to you, what
2 did you do with it?

3 A. After analyzing it the same way, you
4 know, opening it up, getting the weights of
5 everything, doing the analysis, if we were not
6 finished with that batch we had two small
7 safes, you know, ground floor about this high
8 safes in our lab that we stored the samples in
9 overnight instead of returning them, logging
10 them back into the system into the evidence
11 room and then taking them back out.

12 (Indicating)

13 Q. Somewhat similar to what happened at
14 the Jamaica Plain, Hinton lab?

15 A. Correct.

16 Q. Now, you had referenced earlier in
17 your testimony standards or national standards
18 and you described those. Were there
19 standards, also these same standards at the
20 Amherst laboratory?

21 A. Yes.

22 Q. And, if you know, how many standards
23 did you have at the Amherst laboratory?

1 A. Our standards were stored in a couple
2 different places. In the refrigerator there
3 was probably 50 standards. In the actual --
4 not refrigerator -- and in the filing cabinet
5 there possibly were twice as many, a hundred.
6 Everything -- standards were everything from
7 some cutting agents like the lidocaine and
8 procaine, to all the way up to different
9 classes of drugs, even classes of drugs which
10 we normally analyzed by appearance and
11 labeling. If it was only a Class E drug,
12 someone had an Ibuprofen 800, technically it's
13 an illegal drug unless you have a prescription
14 for it. Something like that we would analyze
15 by appearance and labeling. Since every pill
16 has a unique marking, if the marking was worn
17 off or if it looked as if it had been
18 counterfeited or it was altered, in some way
19 we would analyze it chemically but more often
20 than not people with Class E drugs had
21 prescriptions, they had thrown, you know, that
22 pill in their pocket because they had a sore
23 back and were gonna take it later.

1 Q. Now, you indicated the standards were
2 stored in two locations: one was in a
3 refrigerator, the other ones were in a locked
4 cabinet?

5 A. Correct.

6 Q. Was the refrigerator in a secure
7 location or could be it locked?

8 A. I don't believe it could be locked.

9 It was in the lab and the only way into the
10 lab was either with a key to get into the lab
11 so.

12 Q. So the refrigerator itself was not
13 locked?

14 A. Correct.

15 Q. And it's fair to say that everybody
16 in the Amherst laboratory had access to those
17 national standards, correct?

18 A. Correct.

19 Q. Okay. Did the standards, were they
20 in powder form or liquid form or both?

21 A. Both depending on what type of
22 standard it was. Most were in powder form but
23 there were a few that were in liquid form.

1 Q. Okay. And were the liquid and powder
2 ones refrigerated or was there any reason one
3 was refrigerated and another was not?

4 A. I believe some were refrigerated for
5 stability reasons. They degraded less, you
6 know, in cold conditions or in dark
7 conditions. There were some standards that
8 were kept in, you know, small ones kept in
9 both. I'm not sure the rivalries and how
10 things were put in one or another. It was
11 that way when I started there and I never
12 questioned it.

13 Q. What kind of containers were these
14 standards stored in?

15 A. Whatever container they were sent to
16 us in from the chemical company. There were a
17 lot in glass jars. Other ones were in plastic
18 vials. I guess depending upon what it was, if
19 it was sensitive to light, how much was sent.
20 Certain standards we used a lot more
21 frequently, things like cocaine or heroin
22 standards. Since we had to run a standard
23 when we did every single run to prove that the

1 machine was working in comparing, we'd use
2 those a lot more, where other standards that
3 we rarely got samples from, there was -- like
4 we could receive a smaller quantity.

5 Likewise, things like LSD standards, it takes
6 very little of it to actually get a positive
7 test so we received only like ten microliters
8 or micro -- micrograms of it but it was in a
9 fairly decent size container though. So we
10 got anywhere from, like I said, ten micrograms
11 from a standard all the way up to -- we had a
12 jar that had, you know, a hundred grams of
13 methamphetamine. I don't remember what our
14 coke and heroin standards were. We ordered
15 them occasionally.

16 Q. Did you order those or did someone
17 else in the lab order those?

18 A. Someone else, other people in the
19 lab. Either Cam did when he was there and I
20 believe Jim may have ordered some. I know I
21 never did so.

22 Q. Okay. Were there any -- were there
23 any standards that -- what were the largest

1 standards that you had on hand in the
2 laboratory?

3 A. In the refrigerator probably when I
4 started the biggest standard would be -- it
5 would've been a methamphetamine standard. Way
6 back when in the eighties or something a
7 different lab in the building had ordered
8 something and got the wrong thing sent to them
9 so they gave it to our lab.

10 Q. And how do you know that?

11 A. I was told that by Jim Hanchett.

12 Q. And did he tell you that when you
13 started at the lab?

14 A. I don't believe so. I think he was
15 doing an inventory of what was there one day
16 and you could see that the bottle was -- like
17 the seal around the bottle was corroding. I
18 get it, I mean, it was a corrosive substance
19 but also it's -- I won't say it looked old but
20 it looked really old. The label was coming
21 off and stuff like that.

22 Q. If you could estimate for us, how --
23 what size was that bottle?

1 A. About this tall and, you know, that
2 around so. I have no idea of the volume on
3 it. I should know. (Indicating)

4 Q. But it's fair to say it was one of
5 the largest of the samples?

6 A. It was. It was the largest liquid
7 amphetamine we had. It was a methamphetamine
8 base sample. When most people think of
9 methamphetamine, they think of crystal meth.
10 This was not the hydrochloric form, it's the
11 base form so it was an oil.

12 Q. Now, these national standards, I
13 assume they're fairly pure; is that fair to
14 say?

15 A. They are pure, period.

16 Q. So they're not like the other samples
17 that you were getting that were cut?

18 A. Yeah, these were not cut. These are
19 a hundred percent pure, 99.99 percent pure
20 substances.

21 Q. And --

22 A. I mean, in the cabinet, the large --
23 we had like one, you know, hundred gram

1 container of amphetamine, which is -- the jar
2 was about that big around to use for the lab
3 itself. I'm not sure if everyone did that. I
4 know that we had a smaller amphetamine sample
5 in the drawer I guess. Most samples were in a
6 small vial just about that big. (Indicating)

7 Q. What -- about how many milliliters
8 would you estimate that?

9 A. Sure. Milliliters -- it would be
10 milligrams because it's a powder.

11 Q. Milligrams?

12 A. Maybe one milligram. It wouldn't be
13 all the way full.

14 MS. WEST: Ms. Farak, could
15 you go back to the methamphetamine standard
16 that you said was in the refrigerator?

17 THE WITNESS: Yes.

18 MS. WEST: And you showed
19 everybody using your fingers about how big it
20 was?

21 THE WITNESS: Mm-hmm.

22 MS. WEST: Do you think
23 that's about a six or seven inches tall?

1 THE WITNESS: Maybe six
2 inches tall.

3 MS. WEST: And you put your
4 fingers together --

5 THE WITNESS: (Interposing)
6 It was probably a little bigger than this
7 around. (Indicating)

8 MS. WEST: Okay. So the
9 diameter of that bottle was about how big?

10 THE WITNESS: Probably two
11 inches.

12 MS. WEST: All right. So
13 that bottle was the biggest bottle in the
14 refrigerator?

15 THE WITNESS: Correct.

16 MS. WEST: And then when you
17 talked about the amphetamine --

18 THE WITNESS: Correct.

19 MS. WEST: -- the other
20 bottle, that was bigger?

21 THE WITNESS: That was much
22 bigger, yes.

23 MS. WEST: And how much

1 bigger?

2 THE WITNESS: That was
3 probably ten -- is that ten inches or so tall
4 -- and about six inches. (Indicating)

5 MS. WEST: Of diameter?

6 THE WITNESS: Diameter.

7 MS. WEST: And when you spoke
8 about the vials, how tall were those?

9 THE WITNESS: Maybe an
10 inch-and-a-half.

11 MS. WEST: And what was the
12 diameter of the vials?

13 THE WITNESS: An inch, three
14 quarters of an inch. And we had some even
15 smaller that were more like the 1.7 ml vial
16 size that we analyzed the samples. Some of
17 the times it depended on what it was, did we
18 use it frequently and there were -- most of
19 the standards in our lab we did not get
20 submissions from agencies about or suspected.
21 Some of the designer drugs we might have a
22 standard for because we had it once five years
23 ago or ten years ago but we haven't seen it

1 since so we've got it. You know, we --
2 something that was not common so we -- either
3 the size they were provided in or we ordered
4 it in the smallest available.

5 MS. WEST: And just another
6 question, the standard of methamphetamine, was
7 that a clear glass bottle or a colored glass
8 bottle?

9 THE WITNESS: It was a brown
10 opaque bottle.

11 MS. WEST: Okay.

12 Q. (By Mr. Caldwell) Have you ever had
13 the opportunity to test methamphetamine at
14 either the JP lab Hinton or the Amherst
15 laboratory?

16 A. In the JP lab I did receive a couple
17 of crystal methamphetamine submissions that I
18 analyzed.

19 In the Amherst lab I don't recall
20 ever getting any methamphetamine samples
21 myself. Occasionally we'd get MDMA and that
22 besides having the ecstasy that would be cut
23 with amphetamine or caffeine or something else

1 but that's.

2 Q. So, Ms. Farak, growing up did you
3 ever have the opportunity to use drugs?

4 A. I was never introduced to any drugs
5 until after college.

6 Q. After college. So you didn't do any
7 type of drugs in high school?

8 A. No.

9 Q. And you didn't do any types of drugs
10 while at college?

11 A. Not at college. I had tried cocaine
12 once while I was in grad school and I had
13 tried heroin once at grad school and I had
14 smoked some pot.

15 Q. Were you a heavy user of marijuana?

16 A. I wouldn't say heavy but frequent I
17 guess.

18 Q. Daily, a few times a week?

19 A. A few times a week.

20 Q. And you had a partner at that time,
21 correct?

22 A. Correct.

23 Q. Ms. Lee?

1 A. Correct.

2 Q. Was she also a marijuana user?

3 A. She was not a user.

4 Q. You said you had tried cocaine one
5 time?

6 A. Correct.

7 Q. At graduate school?

8 A. A friend of a friend brought some
9 over and a couple of us did a couple lines,
10 that was it.

11 Q. You tried it. Okay. And that was
12 the only time you tried cocaine up until --

13 A. Up until --

14 Q. Close to 2000?

15 A. Yes, past 2000 but, yes.

16 Q. You also said you tried heroin?

17 A. Correct.

18 Q. How did you administer that heroin to
19 yourself?

20 A. I snorted part of a bag and I was
21 nauseous and sick and hated every minute of
22 it.

23 Q. Okay. So you never tried heroin

1 again?

2 A. Never, no desire to.

3 Q. And that's true up to this day --

4 A. Yes.

5 Q. -- have you ever had heroin, taken
6 heroin?

7 A. No.

8 Q. Now, have you ever tried
9 methamphetamine?

10 A. Have I ever?

11 Q. No. Well, prior to working at the
12 lab have you ever taken methamphetamine?

13 A. No.

14 Q. Now, you were discussing about a
15 methamphetamine standard that was at the lab?

16 A. Correct.

17 Q. Did you ever try -- did you ever take
18 any of that methamphetamine sample from the
19 laboratory standard?

20 A. I took part of, yes, I did.

21 Q. And when did you start taking the
22 methamphetamine standard?

23 A. The first time I took any of the

1 methamphetamine standard was late 2004 or
2 early 2005.

3 Q. And why, why did you do that?

4 A. I guess I was curious. For some
5 reason even while I was in college as a
6 freshman I -- I was going through a rough
7 period in my life like mentally and for some
8 reason I had looked up drugs online and was
9 reading about them and when I read about it I
10 said like that's the one I would want to try
11 if I was going to try it. It would give me
12 energy and I liked the positive side effects
13 of it I guess. It was a longer -- it would --
14 it would last a while. It was an energy boost
15 but I never considered it. When I got to the
16 Amherst lab I ended up seeing a meth standard
17 that they had and one day I just decided to
18 try a little bit.

19 Q. Did you ever try any of the standards
20 at the Jamaica Plain laboratory?

21 A. No, I didn't have access to them.

22 Q. So it's fair to say that the access
23 to the standards was -- it was a little

1 stricter -- it was more strict at the Jamaica
2 Plain lab as opposed to the Amherst
3 laboratory?

4 A. That is correct.

5 Q. And the first time you took it in
6 late 2004, 2005, how did you administer it to
7 yourself?

8 A. It was in a liquid form so I had used
9 a pipette and just stuck it in the bottle and
10 squirited it in my mouth, so I took it orally
11 and swallowed it.

12 Q. Now, was anybody else in the
13 laboratory --

14 A. At that time?

15 Q. -- at that time when you took it?

16 A. No.

17 Q. You were alone?

18 A. I was alone. It was over a lunch
19 period. Someone may have been in the evidence
20 office across the hallway but people had gone
21 out to lunch.

22 Q. Can you describe briefly what -- can
23 you just get a little further into that; what

1 effect did it have on you, the drug?

2 A. It gave me the desired effects. I
3 felt amazing. It gave me energy. I felt more
4 alert. I did not wish it but it gave me the
5 pep I was looking for.

6 Q. And approximately -- you've indicated
7 the methamphetamine high was approximately
8 eight to ten hours?

9 A. Mm-hmm.

10 Q. Now, did it in any way affect the
11 work that you did at the lab that day?

12 A. No.

13 Q. And when you say that can you explain
14 that to the Grand Jurors?

15 A. I still did the work that I was
16 assigned to do. Like I said, if anything, it
17 made me feel more alert and more let's get
18 this done sort of thing but I analyzed
19 everything according to procedure.

20 MS. WEST: How do you know
21 that?

22 THE WITNESS: How do I know I
23 did it by procedure?

1 MS. WEST: Yes.

2 THE WITNESS: I did all the
3 testing required. I ran the tests. I ran the
4 standards. I was double-checking work. I
5 followed our procedure.

6 Q. (By Mr. Caldwell) Now, from the
7 first time you took it did this become daily
8 use or was it just this one time and was there
9 a lapse of time before you took it again?

10 A. I might have waited a short period
11 but quickly became daily use.

12 Q. Okay. It's fair to say that daily
13 use began in early 2005?

14 A. That is correct.

15 Q. And you were administering it to
16 yourself the same way?

17 A. Yes, either using a pipette or I had
18 the opportunity when no one else was there to
19 aliquot a small amount of the bigger vial to
20 one of our sample vials. And so if they were
21 to allow me to use it in private, I would use
22 a small metal spatula that we had that we used
23 to manipulate the powder and dip it in and

1 since it was an oil it would kind of coat the
2 metal spatula and I would lick it.

3 Q. Now, would you do that at your
4 workstation or where the refrigerator is where
5 the items were stored or both?

6 A. Well, as I think I said, I would try
7 not to do it at those places, that I'd aliquot
8 a small amount so I could, you know, if I was
9 in the bathroom I could do it in the morning
10 or, you know, I would start by keeping a small
11 aliquot in my drawer. If no one else was
12 around and I was there earlier, I could do it
13 when no one was looking.

14 Q. When you say "aliquot" can you
15 describe that?

16 A. Basically, you had a big jar, you'd
17 pour a little bit out in two aliquots, so I
18 wouldn't have to continuously go back to the
19 bigger jar of standard. I wouldn't have to go
20 over to the standards refrigerator to take the
21 whole bottle of standard out. It was much
22 more -- it was easier to disguise and to hide.

23 Q. Did you take it before you went to

1 work at home or did you wait until you got to
2 work to take the methamphetamine?

3 A. It varied. I started just keeping it
4 at work and doing it when I got to work for
5 energy. It did get to the point where I was
6 bringing it home though and doing it basically
7 first thing in the morning.

8 Q. Okay. Were you doing it only once a
9 day or more than once a day?

10 A. It became multiple times, a couple
11 times a day. It's a longer high. It was
12 probably never more than two or three times a
13 day.

14 Q. And how long did this -- the use of
15 the methamphetamine sample last, if you know?

16 A. So I was taking small aliquots or,
17 you know, repeatedly. I know since I was
18 taking, I know that by the beginning of 2009 I
19 had -- that I was totally out basically of the
20 methamphetamine standard.

21 Q. Okay. So is it fair to say for
22 approximately three plus years you had been
23 using methamphetamine at the lab?

1 A. That's right. And I tried to have
2 periods of sobriety, you know, a couple weeks
3 here or whatnot but I was not super
4 successful.

5 Q. So for a majority of time you were
6 under the effects of methamphetamine while at
7 the laboratory?

8 A. That would be accurate.

9 Q. Now, when you said you attempted
10 periods of sobriety, was this on your own or
11 with the help of anybody, a therapist?

12 A. Up until 2009 it was by myself.

13 Q. So what would happen when you stopped
14 using methamphetamine?

15 A. I would go through some withdrawals.

16 Q. Can you describe those withdrawals?

17 A. It wasn't physical and what you think
18 of with a heroin -- opiate withdrawal of
19 throwing up or anything but I became
20 increasingly lethargic, tired beyond belief,
21 wanting to sleep all day long. I could get
22 bitchy for lack of a better word. I was very
23 irritable and, I mean, there were times I took

1 a couple days off from work just because I
2 wasn't feeling like I could get up and go into
3 work.

4 Q. Now, when you weren't taking the
5 methamphetamine was it affecting your
6 productivity at work?

7 A. I was having trouble focussing and
8 even after those few days of extreme tiredness
9 I would still have a lack of energy and it was
10 a rebound effect.

11 Q. Now, is it your testimony that up to
12 this point, you said it was the beginning of
13 2009, you were only doing the methamphetamine
14 standard?

15 A. That is correct.

16 Q. You weren't doing any other standard
17 at the lab?

18 A. No.

19 Q. And your use of the drug was simply
20 just as to the methamphetamine standard?

21 A. Correct.

22 Q. Okay. Now, you said end of 2009 you
23 ran out of the methamphetamine sample?

1 A. It was beginning of 2000 --

2 Q. 2009?

3 A. Nine.

4 Q. So what did you do?

5 A. I realized it was getting lower. I
6 started looking around at the different
7 standards our lab had hoping that there might
8 be something that I could even take to help me
9 get through the withdrawal period when I was
10 not using at all.

11 It was, like I said, the end of 2008,
12 beginning of 2009 while looking through the
13 standards I found that we had a big jar of
14 amphetamine around and we also had some
15 smaller containers of phentermine, which is
16 another stimulant, not as addictive as
17 methamphetamine.

18 Q. In terms of the liquid
19 methamphetamine sample, did anyone notice it
20 was missing?

21 A. At one point Jim -- James Hanchett
22 was doing an inventory of the lab for
23 Environmental Health and Safety or whatever --

1 well, I knew he was going to be doing an
2 audit. You know, he was complaining about it
3 or something and I knew that the level had
4 gone down dramatically because of what I had
5 taken and so in my haste I added some water to
6 it.

7 Q. What happened when you added the
8 water to it?

9 A. Well, oil and water don't mix very
10 well so it separated. He didn't notice that
11 but due to the age of the sample and the fact
12 that the seal -- the thing that would help
13 seal it was corroding, he assumed that it was
14 just degrading, breaking down and so he
15 basically got rid of it. He -- I don't want
16 to say siphoned off the oil and he put it in a
17 very tiny vial like a residue vial and got rid
18 of it.

19 Q. Did James Hanchett suspect that
20 anybody had been using that standard?

21 A. I didn't get that feeling. I mean, I
22 was slightly paranoid about that.

23 Q. Did any other chemists at the lab

1 discuss that incident?

2 A. No.

3 MS. WEST: When you noticed
4 -- when you understood that Jim was going to
5 do the audit, how much before the beginning of
6 2009 was that?

7 THE WITNESS: That I don't
8 remember. I really don't remember.

9 Q. (By Mr. Caldwell) Now, you had
10 indicated that there were other standards at
11 the lab that were very similar to the
12 methamphetamine sample?

13 A. Well, they were stimulants, yes.

14 Q. And also stimulants. What were those
15 stimulants that you found?

16 A. It was the jar of amphetamine, the
17 large jar, as well as a couple of smaller
18 containers of phentermine. I did try both in
19 a short period of time and came to the
20 conclusion that the amphetamine was a
21 closer -- the amphetamine made me feel better,
22 that it was closer to the methamphetamine and
23 the desired effects.

1 Q. And those were increased energy,
2 increased alertness?

3 A. Exactly.

4 Q. Increased focus?

5 A. Yes.

6 Q. And that was -- that was the high
7 essentially that you desired?

8 A. That was the high I desired. The
9 high doesn't last quite as long with
10 amphetamine as methamphetamine but I'd say I
11 started using it and using it multiple times a
12 day.

13 Q. And this would've been throughout
14 2009?

15 A. 2009, beginning of 2010, yes.

16 Q. And it was also daily use of the
17 amphetamine?

18 A. Minus the few periods I tried to get
19 sober but, yeah, when I was using I was using
20 daily.

21 Q. And started in the morning; is that
22 fair?

23 A. Yes, that's fair.

1 Q. And because the high didn't last long
2 you took it multiple times during the day?

3 A. Correct.

4 Q. What forms would you use
5 methamphetamine in?

6 A. Well, the methamphetamine was oil but
7 the amphetamine was a powder.

8 Q. Excuse me. So it was powder form?

9 A. Yes. And I would -- I did try
10 snorting it but I either wasn't good at it or
11 but it clogged up my nasal passages so I ended
12 up doing it orally, just putting some on my
13 hand and eating it. I found that ingesting in
14 that way it might not give me an intense high
15 as some people feel using drugs but it
16 actually prolonged the effects for me and
17 considering I wasn't going for the being high
18 feeling, it was the longer I could get it to
19 last.

20 Q. And you were doing tests while under
21 the influence?

22 A. Correct.

23 Q. And was your productivity affected at

1 all while you were under the influence of this
2 drug?

3 A. I don't believe so. I mean, my
4 numbers I don't believe dipped off at any
5 point.

6 Q. Did anyone to your knowledge talk of
7 people using drugs at the lab or suspect you
8 to the best of your knowledge that you were
9 under the influence of a drug?

10 A. I'm sure there were moments I was
11 concerned but I knew I was doing something
12 wrong and I knew I could be in a lot of
13 trouble so I'm sure there was some paranoia on
14 my part but there was never any direct talk of
15 anyone using drugs or things were missing.

16 Q. So at no point did anyone after
17 Supervisor Jim Hanchett, Sharon Salem ever
18 pull you aside and have a discussion with you
19 about drug use?

20 A. No.

21 Q. Did no one from the Department of
22 Public Health ever talked to you about drug
23 use?

1 A. Correct.

2 Q. Did you ever take sample -- did you
3 ever take -- you indicated you never took
4 samples while at the Jamaica Plain, Hinton
5 laboratory, correct?

6 A. Correct.

7 Q. Now, you had testified earlier that
8 in approximately January 2009 you sought
9 treatment for your substance abuse?

10 A. I was speaking about treatment with
11 one problem and that being mental health -- or
12 being addiction.

13 Q. And were you previously diagnosed
14 with a mental illness prior to working at the
15 laboratory?

16 A. Yeah, back when I was 16 I had a
17 suicide attempt and it was over the years
18 through college and whatnot I had
19 hospitalization because I couldn't contract
20 for safety and then at that point I believe I
21 was diagnosed with major depressive disorder.

22 Q. And when you started at the lab at
23 Amherst were you under the care of any doctor

1 or psychologist or psychiatrist?

2 A. No.

3 Q. No. But you were previously
4 diagnosed?

5 A. Yeah. While I was in college I was
6 seeing a therapist and that was, you know, at
7 the end of 2000. I finally decided to go back
8 to therapy in January of 2009.

9 Q. Okay. And who did you go to see in
10 January 2009?

11 A. A woman by the Sarah Hawrylak,
12 H-A-W-R-Y-L-A-K.

13 Q. And this was not only for your mental
14 illness but also for your substance abuse?

15 A. I originally went there more for my
16 mental health issues. I was concerned that --
17 that if I mentioned the addiction issue at the
18 beginning that's what it would focus on and
19 not that I didn't think it was a problem but I
20 knew I had mental health issues previous to
21 any addiction issues and I did not want it to
22 be all assumed that it was for -- because of
23 an addiction.

1 Q. And in terms of your mental illness,
2 was the treatment effective that you were
3 receiving in 2009?

4 A. It was -- it was helpful. I had
5 someone to talk to. I was having some
6 problems with my spouse. By that time we were
7 married and it gave me an outlet.

8 Q. Do you currently suffer from a mental
9 illness?

10 A. Probably.

11 Q. Are you in any type of therapy or
12 treatment?

13 A. I'm in therapy. I am also on an
14 antidepressant medication.

15 Q. And what antidepressant medication
16 are you on?

17 A. Right now I'm on Lexapro.

18 Q. And did you take Lexapro before you
19 came in today?

20 A. Yes.

21 Q. Now, does the taking Lexapro, does it
22 affect your memory or in any way?

23 A. No, I -- I don't have any side

1 effects from it.

2 Q. Okay. So you have a clear mind
3 today --

4 A. Correct.

5 Q. -- as you're giving your testimony?

6 A. Yes.

7 Q. Now, you said you began your mental
8 health treatment in 2009. Were you still
9 using the amphetamine standard at this point?

10 A. Yeah, the amphetamine standard
11 started right about the same time I started
12 seeing that therapist. I told my therapist in
13 I believe April of that year about the
14 substance abuse issues. She obviously
15 encouraged me to get further treatment whether
16 it was an inpatient or, you know, at Adcare
17 Detox.

18 Q. Did you take advantage of any of
19 those programs?

20 A. I did not. I was concerned about
21 losing my job if people found out. I was
22 concerned -- I mean, she even recommended
23 going to like NA meetings.

1 By this point we were going to court
2 frequently as chemists to testify in cases and
3 I was concerned that I would run into somebody
4 I may be testifying against and that things
5 would be brought to light and not in a good
6 way.

7 I did manage to get to a couple of NA
8 meetings up in Brattleboro thinking it would
9 be a safer venue for me being away from the
10 area that I had a lot of strength in since I
11 did all four Western Mass. counties analyses.
12 And then at one of those meetings someone else
13 was there that was talking about how they had
14 just been arrested in Holyoke with these drugs
15 and they had previously been arrested, you
16 know, in Pittsfield and I got scared that, you
17 know, what's the name and you're trying to pay
18 attention to a name, did I just get samples
19 from Holyoke, the guy's first name and it
20 really, it scared me away from -- from
21 continuing to go to NA.

22 Q. So at this point you were still using
23 the standard amphetamine sample?

1 A. Correct.

2 Q. Were there any other standards that
3 you tried along with the amphetamine sample?

4 A. I mean, at some point during that
5 year I tried the cocaine standard that was in
6 the lab, very pure. I was snorting that. But
7 we didn't have as much of it and we did go
8 back to use that standard frequently because
9 we got a fair number of cocaine submissions to
10 the lab so I really wasn't using much of it.
11 It was mostly amphetamine.

12 Q. Where were you using the cocaine
13 standard?

14 A. Where was I using the cocaine
15 standard? Probably in the bathrooms at work.

16 Q. Okay. Were you ever using it in the
17 lab itself or at your workstation?

18 A. At that point, no.

19 Q. Okay. About how many times do you
20 know or if you remember did you take the
21 cocaine standard?

22 A. Just a few. Like I said, I knew we
23 would be going into the cocaine standard

1 frequently and I had seen what had happened
2 with the methamphetamine standard and I was
3 aware the -- the amphetamine standard was
4 decreasing as well and I thought I would
5 definitely get caught.

6 Q. Did you enjoy using the cocaine
7 standard?

8 A. It had the desired effect but it was
9 a very quick high and dissipated quickly.

10 Q. And you had -- the cocaine standard
11 and the amphetamine standard, were you still
12 taking these daily?

13 A. I wasn't taking the cocaine daily but
14 I was taking the amphetamine daily.

15 Q. And you said you were going to court
16 now to testify; is that correct?

17 A. Yes.

18 Q. And this was in the wake of the
19 Court's decision in Commonwealth versus
20 Melendez-Diaz?

21 A. Yes.

22 Q. And it's fair to say that required
23 chemists who did test on certain substances to

1 go to court and testify?

2 A. Correct.

3 Q. And be subject to cross-examination
4 by defense counsel?

5 A. Correct.

6 Q. How much of this -- how much of your
7 time during the day was spent in court on an
8 average week?

9 A. On an average week the actual time in
10 court was probably less than a day on average
11 but we would get a lot of requests. We'd get
12 a lot of summonses, especially for like
13 Springfield District Court where they're an
14 extra, which cases are going to trial so
15 you're on call, you're going to be on call
16 this day. We had to make discovery packets
17 routinely for defense lawyers who wanted
18 copies of all our notes and testing procedures
19 and things like that. I would say on a
20 normal, you know, eight-hour day between
21 possibly being in court to, you know, making
22 notes -- copies of notes, sending things,
23 talking to the ADA, you know, DA, we probably

1 spent two-and-a-half hours working on court
2 things.

3 Q. Coordinating court appearances?

4 A. Correct.

5 Q. For the various district attorney's
6 offices?

7 A. Yes.

8 Q. Did you ever testify while under the
9 influence of substances?

10 A. Have I ever? Yes.

11 Q. Because you were using them daily?

12 A. Correct.

13 Q. Now, you had indicated you were
14 trying the cocaine sample -- or the cocaine
15 standard, excuse me, by the end of 2009?

16 A. Right.

17 Q. Is there any time during this period,
18 end of 2009, that you moved beyond the use of
19 standards at the lab?

20 A. Yes, there was.

21 Q. And when I was say that I mean were
22 you now --

23 A. (Interposing) I tampered with my

1 first piece of evidence.

2 Q. And can you --

3 A. (Interposing) I guess I was
4 concerned with the cocaine standard and the
5 volume going down I guess.

6 I had been assigned a sample from the
7 USPS, the Postal Service, that was a large
8 amount of cocaine and after analyzing it, I
9 did take some off to the side for personal
10 use.

11 Q. Now, when you say it was a large
12 sample, do you recall how large a sample it
13 was?

14 A. I believe it was just under 500 grams
15 or it was four plastic bags with a total net
16 weight of just under 500 grams.

17 Q. If you know, do you recall the
18 defendant's name in that case?

19 A. I know there were four defendants
20 listed on it. Two were Cosme, last names were
21 Cosme, C-O-S-M-E, I think Rodriguez and I
22 don't remember the fourth defendant's name. I
23 know one defendant was -- when it went to

1 trial was exonerated from it. Whether he knew
2 or not I don't know but he was in the wrong
3 place at the wrong time.

4 Q. Did you testify in that case?

5 A. Yes, I did.

6 Q. Were you under the influence do you
7 recall when you testified?

8 A. I don't recall if I was or not.

9 Q. How do you remember this case
10 specifically?

11 A. I remember due to the quantity of it
12 and that it was a Postal Service sample. I
13 remember actually sitting on the stand and
14 looking at it and knowing that I had analyzed
15 the sample and that I had then tampered with
16 it.

17 MS. WEST: And is this the
18 first sample that you ever tampered with?

19 THE WITNESS: Yes.

20 MS. WEST: And how do you
21 know that?

22 THE WITNESS: I remember it.

23 It was -- I knew what I was doing was wrong,

1 taking controls and standards, but taking from
2 an evidence is a whole nother level of
3 morality I never thought I would cross and I
4 did and it scared me.

5 Q. (By Mr. Caldwell) In taking --

6 A. Yeah, after I -- I took from it and,
7 you know, I used it or whatever, I was adamant
8 that I would never take from evidence again.

9 Q. Approximately how much of that sample
10 did you take if you know?

11 A. A few grams maybe, a little bit from
12 all four of the bags.

13 Q. Did you use that at the laboratory or
14 did you use it at home?

15 A. I may have used a little bit at the
16 lab but I believe I brought some home and had
17 a weekend that --

18 Q. Did you share that --

19 A. No.

20 Q. -- with anybody?

21 A. No, I never shared the drugs I took.

22 Q. Now, you did the test on that, on
23 that sample, correct?

1 A. Correct, yes.

2 Q. And what was the result of the test?

3 A. It was positive for cocaine.

4 Q. And you did all the testing as you
5 were trained?

6 A. Correct.

7 Q. Now, when you did the drug did you
8 get the desired high of cocaine that you were
9 searching for?

10 A. Yes.

11 Q. Was there anything different about
12 that cocaine sample versus the cocaine
13 standard?

14 A. I could tell it wasn't as pure. I
15 didn't get the -- the initial buzz that I got
16 with the cocaine standard, the pure stuff, and
17 it did clog my nose a little more. I, you
18 know, had some sinus issues but I did -- I was
19 still getting the desired effect of cocaine.

20 Q. Now, moving forward into 2010, were
21 you still using any other standards?

22 A. I was still using amphetamine
23 standards but that was slowly diminishing as

1 well or quickly diminishing I guess the case
2 would be. By midyear I had used all of the
3 amphetamine standard that we had there.

4 Q. So what did you do?

5 A. Panicked again and I put it -- I
6 replaced -- I put a counterfeit substance in
7 that jar. I believe it was sodium sulphate,
8 which was just some we had in the lab but it's
9 not an active drug, and I turned to the
10 phentermine standard that I had tried and
11 started using that.

12 Q. Did anyone notice that these
13 standards were missing?

14 A. They were not telling me if they were
15 -- if they noticed anything.

16 The phentermine, did not give me
17 quite the same effect that I had wanted so I
18 did start using more of the cocaine standard
19 as well towards the end of the year.

20 Q. During this point in 2010 did you
21 take any more samples from evidence that you
22 were supposed to test, if you know?

23 A. I'm gonna -- possibly by the end of

1 year I started taking some more. I know by
2 2011 I was taking from cocaine powder samples.

3 Q. Going back to the standards, did you
4 ever try a ketamine standard?

5 A. Yes.

6 Q. And what -- can you tell the Grand
7 Jurors what ketamine is?

8 A. It's a veterinary drug but there had
9 been studies done on humans to see if it was
10 -- if it could help with depression.

11 From studies I had read there was a
12 chance that taking a small dose could have the
13 same effects as an antidepressant for a longer
14 period of time but you didn't need to take it
15 every day.

16 Q. Did you ever try MDMA standard?

17 A. Yes. Through 2010 I did try
18 different -- some smaller vials of ketamine we
19 had in the lab. MDMA is ecstasy. I tried
20 ketamine and I tried MDMA, MDEA, which is
21 basically a knockoff. I don't want to say
22 knockoff. It's related to ecstasy. A lot of
23 these desired drugs, all you have to do is

1 change one molecule or atom and it's a
2 whole different substance but the same drug
3 basically.

4 Q. The ketamine, the MDMA and MDEA
5 standards, where were those located?

6 A. The ketamine was located in the
7 refrigerator where the amphetamine was. The
8 other ones were in the locked filing cabinet.

9 Q. Can you describe the way in which
10 they were stored?

11 A. In the refrigerator we had plastic
12 bins that were in the refrigerator in some
13 different racks that they were just placed on.
14 There was no real rhyme or reason where they
15 were. There was a list on the outside of the
16 refrigerator that listed what was in the
17 refrigerator.

18 In the filing cabinet a couple of the
19 bigger ones, like the amphetamine jar, were on
20 the top shelf but for the majority of the
21 standards in there they were alphabetized.
22 You know, the -- was in the A standards and
23 then there was the B standards and all the way

1 through.

2 MS. WEST: Was the
3 refrigerator and the cabinet in the same room?

4 THE WITNESS: The
5 refrigerator always stayed in our main lab.
6 When I started at the lab in Amherst the
7 cabinet was in what we call the marijuana room
8 which was across the hallway in a room next to
9 the evidence office. We had some renovations
10 done and that cabinet was moved and found a
11 home in the main lab because Jim's office was
12 made I guess where that lab was or in that
13 area but, yes, towards the end the cabinet
14 with the standards was in the main laboratory.

15 MS. WEST: And the
16 refrigerator, is that a normal size
17 refrigerator or is it a bigger size?

18 THE WITNESS: It's a normal
19 size refrigerator.

20 MS. WEST: And when you said
21 when you were talking about the cabinet and
22 where the standards were located, you talked
23 about shelves. Was this a cabinet with

1 shelves or is this a --

2 THE WITNESS: Okay. They
3 had -- the top one or two had a shelf but then
4 they were like metal filing cabinet drawers I
5 guess, not -- you know, they were two inches
6 high by your normal eight-and-a-half inch wide
7 or whatever that slid into, you know, for A,
8 B, C, D, E, F. (Indicating)

9 MS. WEST: And I know you
10 indicated that the methamphetamine bottle was
11 tinted.

12 THE WITNESS: Correct.

13 MS. WEST: What about the
14 amphetamine bottle?

15 THE WITNESS: The amphetamine
16 bottle was tinted.

17 Q. (By Mr. Caldwell) Were you taking
18 any of these standards home with you?

19 A. Of those standards, no.

20 Q. What standards were you taking home?

21 A. The methamphetamine, the amphetamine,
22 and ketamine and a little cocaine standard.

23 Q. Did you share ever any of those

1 standards with anybody?

2 A. No.

3 Q. So those were just for your own
4 personal use?

5 A. Correct.

6 Q. Now, going back to the United States
7 Postal Service case which you had testified
8 was the first time that you took from an
9 evidence sample --

10 A. Right.

11 Q. -- can you tell the Grand Jurors the
12 time frame which you began taking samples
13 regularly?

14 A. Like I said, I know that was a
15 sample. I know that case -- the arrest was
16 made in November of 2009. Yeah, so November
17 of 2009. As to when I actually started taking
18 from submissions regularly, I would say that
19 would have been probably in early 2011.

20 Q. And what type of samples were you
21 taking regularly?

22 A. I was only taking cocaine samples. I
23 had taken, I guess once or twice taken an

1 acid, part of an acid piece of evidence and
2 brought that home.

3 Q. And you took that?

4 A. Yes.

5 Q. And when you say "acid" can you
6 describe to the Grand Jurors what acid is?

7 A. Acid or LSD, it's a hallucinogen drug
8 and they give you some visual distortions or
9 perceptual differences.

10 Q. Did you test that drug?

11 A. Yes.

12 Q. What was the result of the test, if
13 you know?

14 A. That it was positive for LSD.

15 Q. And when you administered to yourself
16 how did you do that?

17 A. It was a small tablet. The tablets
18 come like blotting paper, you know, they don't
19 have a big design on it. So I don't remember
20 exactly how many squares were there but if
21 there were ten squares, since LSD is normally
22 a very weak drug, we normally analyze three
23 squares to dissolve the suspected LSD off the

1 paper to get it into the methanol. I would
2 just use two and say I took three -- used
3 three and kept one for myself.

4 Q. Did it give you the desired effect
5 that you were seeking?

6 A. I believe so.

7 Q. Now, you said that you would take
8 some of the sample for the testing. In the
9 LSD case you said you used three but you
10 really only used two --

11 A. Two.

12 Q. -- and you kept one for yourself.

13 Can you describe to the Grand Jurors what an
14 acceptable loss is within the lab or what you
15 would term in your training --

16 A. (Interposing) Okay. I'm not sure
17 exactly for LSD. Like I said, in my notes I
18 probably wrote down that I used three. Three
19 was a normal number if we had enough to
20 analyze but for a powder substance in our lab,
21 normally like a five percent loss was -- could
22 be explained by moisture loss, you know, in
23 testing.

1 Q. Did you ever take at this point when
2 you were regularly taking from samples now,
3 were you taking more, less or the acceptable
4 loss amount from samples?

5 A. It started as the acceptable amount.
6 It did eventual grow to unacceptable amounts.

7 Q. Now, were you still undergoing
8 therapy at this point?

9 A. I had switched therapy. In June of
10 2010 I went from an individual therapist to a
11 DBT, a dialectical behavioral therapy program,
12 in Northampton where I had an individual
13 therapist and a group therapist -- or a group
14 therapy session once a week.

15 Q. And was this something you did on
16 your own or was it suggested that you go to
17 this DBT program?

18 A. It was suggested by my -- the
19 therapist I was seeing that it might be a
20 program that could help me with my issues.

21 Q. So at this point it's fair to say
22 that you told your therapist that you were
23 using and taking drugs from the lab?

1 A. That I was -- yeah, I had told my --
2 Sarah Hawrylak, like I said, I think it was
3 April or May of 2009 that I had a drug -- had
4 a drug problem.

5 Q. When you -- so you knew you had a
6 drug problem?

7 A. Yes.

8 Q. And was it at this point your drug of
9 choice is it fair to say was cocaine?

10 A. Are we talking about when I told my
11 therapist or are we talking --

12 Q. Excuse me. To back up, when -- when
13 you told your therapist, yes.

14 A. When I told my therapist I was using
15 the amphetamine. My drug of choice was
16 methamphetamine but I was using amphetamine at
17 that point.

18 MS. WEST: Ms. Farak, you
19 first started seeing Sarah, your therapist, in
20 2009, right?

21 THE WITNESS: Correct.

22 MS. WEST: And that's when
23 you were taking the amphetamine standard?

1 THE WITNESS: Correct.

2 MS. WEST: And so you said
3 the postal case, the arrest was in November
4 2009; is that right?

5 THE WITNESS: Yes.

6 MS. WEST: And so it would
7 have been a short time later that you then
8 tested that sample?

9 THE WITNESS: Correct.

10 MS. WEST: And so then you
11 indicated that you thought it was probably in
12 2000 -- regularly taking from the samples in
13 early 2011 --

14 THE WITNESS: Correct.

15 MS. WEST: -- does that make
16 sense?

17 THE WITNESS: Yes.

18 MS. WEST: So was there a --
19 for the course of 2010 subsequent you taking
20 the sample from the postal case, was there a
21 period of time where you didn't take samples
22 at all?

23 THE WITNESS: There was times

1 I didn't take pieces of evidence, samples at
2 all. I was still using the controls from the
3 labs frequently but I wasn't taking the pieces
4 of evidence.

5 MS. WEST: So when you took
6 from the postal case, that was the first time
7 and what followed, it was a long time before
8 you tried to take a sample again?

9 THE WITNESS: For cocaine.

10 Like I said, there may have been one or two
11 acid cases in there but, yeah, for cocaine it
12 wasn't for a long time.

13 MS. WEST: Okay.

14 MR. VELIS: Mr. Caldwell, I'd
15 like to ask a few questions.

16 I know you might be tired, folks, but
17 just for the purpose of clarification for
18 myself and, more importantly, for the Grand
19 Jurors.

20 If it's difficult for you to direct
21 your answers, that's fine. You can look at
22 the Grand Jurors --

23 THE WITNESS: Okay.

1 MR. VELIS: -- and please
2 respond.

3 Ms. Farak, if I'm correct -- and
4 correct me if I'm wrong with any of these
5 times -- first of all, from the inception of
6 your employment at the Amherst lab up until
7 your termination at that lab, approximately
8 how many samples did you test?

9 THE WITNESS: At the Amherst
10 lab?

11 MR. VELIS: Correct.

12 THE WITNESS: By process of
13 elimination -- I don't know exactly how many I
14 tested at the Boston lab. I was there a
15 little over a year. So I'm going to guess
16 maybe I analyzed at an average of ten years
17 and 30,000, maybe a tenth or -- out of that so
18 I would say about 25,000.

19 MR. VELIS: 25,000 at the
20 Amherst lab?

21 THE WITNESS: I think. I --
22 I don't know --

23 MR. VELIS: So there was a

1 pourover from other labs with respect to
2 certain samples that you tested physically in
3 Amherst?

4 THE WITNESS: I'm confused
5 with your question.

6 MR. VELIS: All right. It
7 was confusing.

8 You tested at Amherst?

9 THE WITNESS: Yes.

10 MR. VELIS: The inception of
11 your employment is August 2004 at the Amherst
12 lab?

13 THE WITNESS: Correct.

14 MR. VELIS: You indicated in
15 that respect also that you began using the
16 standard methamphetamine in late 2004?

17 THE WITNESS: Late 2004 or
18 early 2005, I don't remember which but I know
19 when I got engaged to be married that I was
20 using it.

21 MR. VELIS: So you were using
22 it right after the inception of your
23 employment at Amherst?

1 THE WITNESS: Fairly soon
2 afterwards.

3 MR. VELIS: And you used it
4 all through the duration up until when
5 Mr. Caldwell had asked you apparently in 2009?

6 THE WITNESS: Correct.

7 MR. VELIS: So all during
8 that time you were doing testing?

9 THE WITNESS: You mean
10 analyzing other pieces of evidence?

11 MR. VELIS: Correct.

12 THE WITNESS: Yes.

13 MR. VELIS: And all during
14 that time how many samples would you say you
15 tested?

16 THE WITNESS: In all I have
17 no --

18 MR. VELIS: Generally?

19 THE WITNESS: I mean, I can
20 go by -- it sounds like four years, so maybe
21 12,000 to 15,000. I have no idea.

22 MR. VELIS: Now, you had said
23 that the evidence officer -- again, interrupt

1 me if I'm wrong if I didn't hear you correctly
2 or you need to clarify something.

3 You said that the normal protocol was
4 that the evidence officer would assign to an
5 analyst samples for testing, correct?

6 THE WITNESS: Correct.

7 MR. VELIS: You also
8 indicated that at times you served as an
9 evidence officer?

10 THE WITNESS: Correct.

11 MR. VELIS: Can you
12 approximate how many times you served as an
13 evidence officer from 2004 up until 2009?

14 THE WITNESS: Very, very
15 rarely. I mean, maybe a handful of times.

16 MR. VELIS: Is it fair to say
17 that during those times, however, you were
18 using that standard?

19 THE WITNESS: Specifically, I
20 don't remember. Like I said, throughout that
21 time I was using drugs, yes.

22 MR. VELIS: Okay. Now,
23 during the course of analysis, were the

1 analyses done on a solo basis or were they
2 ever conducted in conjunction with another
3 analyst?

4 THE WITNESS: In the Amherst
5 lab we worked solo.

6 MR. VELIS: You worked solo?

7 THE WITNESS: We worked solo.
8 We did the different tests that we would
9 compare what the results -- like we'd do like
10 our crystal tests and prepare and then we'd do
11 our other GC and then we'd do the GC and mass
12 spec and, I mean, we would then compare
13 results of one test with the next, with the
14 next to make sure that they confirmed.

15 MR. VELIS: But from start to
16 finish after it was assigned, for the most
17 part you were solo?

18 THE WITNESS: That is
19 correct.

20 MR. VELIS: Right. Was there
21 anyone that ever exercised supervisory
22 authority over the technique that you employed
23 in doing your testing?

1 THE WITNESS: We followed the
2 rules, the protocols of the laboratory all
3 during this period of time even while I was
4 back in the Boston lab or JP lab. We were
5 trying to get -- the lab was not accredited.
6 We were trying to get accredited and funding
7 ran out. So they had -- they knew what the
8 requirements would be to get accredited,
9 meaning what level of testing and what needed
10 to be tested but no one was watching over my
11 shoulder to see if I tested things or how I
12 tested.

13 MR. VELIS: That being the
14 case, is it fair to say that you very rarely,
15 if at all, sought the help of another analyst
16 when you were doing testing from 2004 to 2009?

17 THE WITNESS: On a routine
18 basis, that's correct. Occasionally we'd get
19 something that was different or tricky or, you
20 know, rare and we'd ask for advice but on a
21 day-to-day basis we were not asking each other
22 for help or input or to double-check our work.

23 MR. VELIS: So generally is

1 it fair to say it was one chemist, one case?

2 THE WITNESS: Yes, generally
3 speaking, yes.

4 MR. VELIS: Now, with respect
5 to the testing and when you did the analysis,
6 was there dialogue with other chemists about
7 what you were doing? I'm not talking about
8 everyday dialogue like how are you doing, how
9 are things going, where are you going after
10 work, but did you ever have a dialogue with
11 another chemists describing what you were
12 doing?

13 THE WITNESS: When I first
14 got to the Amherst lab and I would get some
15 drug I had never been familiar with so they
16 would walk me through it, help me a few times
17 but on a day-to-day basis there was no
18 dialogue about our procedures and what we were
19 doing.

20 MR. VELIS: Just give me a
21 moment.

22 Now, you said that the standards for
23 the most part were in powder form and some

1 were in liquid form.

2 THE WITNESS: Correct.

3 MR. VELIS: What percentage
4 would you describe powder versus liquid?

5 THE WITNESS: At least 95
6 percent powder, probably maybe 97 percent.

7 There may have only two or three liquid
8 standards.

9 MR. VELIS: You were
10 describing to Ms. West, Attorney General West,
11 the physicality of the repository where this
12 evidence would be kept, these samples were
13 kept, and I think -- and clarify this for me
14 -- I think you said a third of the size of
15 this room was the area in which these samples
16 were kept?

20 MR. VELIS: And then she
21 proceeded to ask you about certain sizes of
22 different vials and things of that nature,
23 correct?

1 THE WITNESS: Correct.

2 MR. VELIS: And were those
3 things that she was speaking of all stored
4 there or were there any other places?

5 THE WITNESS: They were not
6 stored with the evidence.

7 MR. VELIS: They were not?

8 THE WITNESS: The drug lab --
9 the standards and controls we had in the lab
10 were not stored in the same room with the
11 pieces of evidence that were brought in by the
12 police departments.

13 I'm not sure that was by design and
14 they didn't want any chance of a
15 cross-contamination or if it was just we had
16 standard safes and then we had a drug lab
17 where the evidence was put in. I'm not sure
18 why but the standards were not kept in the
19 same place as the evidence.

20 MR. VELIS: Now, you were
21 pretty precise when you were describing when
22 you said one third the size of this room.
23 What about the entire lab work area, can you

1 give us a description of how large that was?

2 THE WITNESS: The main side
3 of the lab had two -- had -- it was probably
4 about three times the size of this room, maybe
5 four times. It had like from here to the wall
6 back, the length of the table, a small office
7 area. One side of the room had lab benches
8 where we did the actual wet chemistry on. The
9 other side had instrumentation. Then across
10 the hallway we had the evidence room. It was
11 probably about half this size. Plus, then the
12 drug lab, the actual drug safe.

13 On the other half this size, a little
14 smaller than half this size was Jim's office
15 and we had another room the same size as that
16 that had our own fume hood where when we were
17 using chemicals that were toxic or had odor,
18 we'd go over there to use the fume hood.

19 MR. VELIS: Now, on the
20 average workday you had mentioned the
21 following names: I think a Mr. Hanchett, a
22 Ms. Salem, a Ms. Pontes, as well as yourself?

23 THE WITNESS: Correct.

1 MR. VELIS: For the most part
2 how many people were present in that lab on an
3 average day?

4 THE WITNESS: At any given
5 point or? Normally, Sharon Salem was in the
6 evidence office so she was on the other -- she
7 was in the evidence office side, so that would
8 leave me, Jim and Rebecca in the side that was
9 like three times the size of this room plus
10 the small office. Jim spent some of his time
11 in his separate office doing administration
12 stuff.

13 MR. VELIS: So that the other
14 analysts in the position would be able to see
15 other analysts while they were testing?

16 THE WITNESS: Correct.

17 MR. VELIS: Okay. Just a
18 couple more questions and then I'll be
19 through. I'm sorry to hold you so long.

20 I think Mr. Caldwell gave you some
21 in-depth questioning about the procedures that
22 you followed. He asked a question about
23 approximately how many pieces of evidence per

1 month you handled. Did I hear you correctly,
2 you said two to 300?

3 THE WITNESS: I believe at
4 one point when they were -- I mean, I'm sure
5 they were recording our amounts throughout the
6 process but in a couple reports I saw that's
7 what I was doing.

8 MR. VELIS: And those two to
9 300 per month, would you say that was the
10 average from the inception of your employment
11 in August of 2004 up until 2010?

12 THE WITNESS: Probably. I
13 don't have any basis to know otherwise. I
14 didn't keep track. Once a year the evidence
15 officer, after about 2009, would give us a new
16 running total of approximately how many total
17 samples we had done so when we'd go to court
18 and they'd always seem to ask how many pieces
19 have you analyzed, you know, we'd just have a
20 relative number of, oh, we've analyzed, you
21 know, 37 samples of which 8500 were cocaine
22 and things like that, but I wasn't paying
23 attention to it on a monthly basis. To me it

1 wasn't a race, it wasn't a goal to get a
2 certain amount of tests; it was to analyze the
3 pieces of evidence accurately.

4 MR. VELIS: Now, granted,
5 when the evidence is presented to you for
6 analysis it would be different volumes. In
7 other words, there would be a lot, there would
8 be a little, there would be more than a lot,
9 so to speak?

10 THE WITNESS: Correct.

11 MR. VELIS: How long would
12 the average analysis take from A to Z?

13 THE WITNESS: I just have to
14 say, like I said, if it's -- I know it's a lot
15 versus a little depends on how it -- if it was
16 a lot but it was in one bag --

17 MR. VELIS: I understand.

18 THE WITNESS: -- it would be
19 a lot easier to test than a little in a bunch
20 of bags because we'd have to -- but each
21 actual thing we opened, both computer runs
22 took ten minutes plus the standard run -- or
23 twelve minutes because of the warmup and

1 slowdown. While it was open on my lab bench,
2 maybe ten to fifteen, if that. Like I said,
3 it depends if it was one quick bag or if it
4 was sometimes getting a kilo of coke, it was
5 wrapped in rubber, in grease and tape and
6 Saran wrap and everything else. You could
7 spend quite a bit of time trying to open it
8 without having powder go everywhere or, you
9 know, or to try to get it all out of that bag
10 even so you could get an accurate weight.

11 (Indicating)

12 MR. VELIS: So as you say,
13 August of '04 up until, as you responded to
14 Mr. Caldwell, in 2009, the standards of
15 methamphetamine that you were using was used
16 while you were conducting tests?

17 THE WITNESS: I was under the
18 influence a lot of the time while conducting
19 tests.

20 MR. VELIS: And based on your
21 experience there and knowing the techs that
22 were with you that were also performing the
23 same functions --

1 THE WITNESS: Mm-hmm.

2 MR. VELIS: -- knowing the
3 physical layout of the laboratory, knowing
4 where drugs were placed, where analyses take
5 place, how drugs were transferred from one
6 location to another, is it your opinion or
7 knowledge that you have as to whether or not
8 anyone knew that you were under the influence
9 or did anything untoward while you were
10 conducting these tests?

11 THE WITNESS: I mean, up
12 through like 2009 I don't think anyone had a
13 clue. I think there were times during the day
14 when someone, you know, we all got in at
15 slightly different times, people would go
16 home, someone would go out to lunch and I
17 could get the aliquot that I wanted. It
18 wasn't as if I was using directly in front of
19 them or while they were at the same lab bench
20 facing me. All I had to do was grab a quick
21 vial and, you know, go to a normal bathroom
22 break and I could think, well, I'll be back in
23 the normal time and the drugs would slowly hit

1 me but, you know, I'd get the energy and the
2 attentiveness but they didn't seem to notice
3 that I was aware of.

4 MR. VELIS: Last question.

5 Mr. Caldwell had asked you about the accuracy
6 -- I don't know if he used that exact word at
7 the time but words to that effect -- regarding
8 the testing that you implemented.

9 THE WITNESS: Mm-hmm.

10 MR. VELIS: So is it fair to
11 say and did I hear you correctly that from
12 August 2004 or closely thereof up until 2010
13 all the tests you had performed
14 notwithstanding being under the influence --

15 THE WITNESS: I missed that
16 last --

17 MR. VELIS: All the tests
18 that you had performed --

19 THE WITNESS: Yes.

20 MR. VELIS: -- and
21 notwithstanding being under the influence that
22 you described --

23 THE WITNESS: Yes.

1 MR. VELIS: -- were performed
2 accurately it's fair to say?

3 THE WITNESS: That is
4 correct.

5 MR. VELIS: And you used the
6 term "dips." You said there were no dips that
7 you can recall?

8 THE WITNESS: I -- probably
9 dips in production at that point?

10 MR. VELIS: Correct.

11 THE WITNESS: Yeah, I -- like
12 I said, I wasn't paying attention to the
13 numbers. That wasn't my priority but I don't
14 feel that my productivity either worsened
15 or worsened at all at that time.

16 MR. VELIS: All right. So
17 although I said last question, this is the
18 last question. Somebody's saying it better be
19 the last question.

20 From the inception of your employment
21 all the way to the last timeline that
22 Mr. Caldwell had mentioned to you as well as
23 Ms. West, did anyone ever question your

1 analysis?

2 THE WITNESS: No, I never had
3 any --

4 MR. VELIS: Any of your
5 fellow workers?

6 THE WITNESS: I never had
7 fellow workers question my work. I never had
8 a defendant have their defense lawyer question
9 directly my analysis. Nothing was ever --
10 most people that get arrested on suspected
11 drugs know whether they had drugs or not. If
12 I ever had called anything positive and they
13 knew it was negative they at any point could
14 have asked for it to be reanalyzed. The court
15 system is set up that way so they're allowed
16 to analyze the evidence.

17 I never had any piece questioned or
18 needed to be reanalyzed. Most of the time
19 when I went on the stand it had absolutely
20 nothing to do with the actual analysis. It
21 was more about, well, how did the cops get it
22 or do you know what the cops did to it before
23 it came in, so I had no one ever question the

1 quality of my work.

2 MR. VELIS: When do you
3 recall as being your last day of employment?

4 THE WITNESS: What do I
5 recall?

6 MR. VELIS: When do you
7 recall being -- sorry -- your last day of
8 employment?

9 THE WITNESS: The 18th of
10 January 2013.

11 MR. VELIS: And now the last,
12 last, last question. You knew Ms. Dookhan
13 from Hinton lab?

14 THE WITNESS: Yes, I worked
15 with her for about nine months.

16 MR. VELIS: Did you ever
17 inquire of her as to the techniques to employ
18 doing any analysis when you were working here?

19 THE WITNESS: There was one
20 sample. They had gotten a new piece of
21 equipment, an FTIR. We didn't have the newer
22 model yet and one of the pieces of evidence I
23 had analyzed, they -- it came back and that

1 they requested a cocaine base analysis. It
2 ended up being a federal case and not a state
3 case and the feds have a different penalty
4 versus cocaine versus crack, so we set it up
5 one day where I would go to the other lab to
6 do the analysis there. I think it -- and she
7 was the one that showed me how to use that
8 piece of instrumentation while I was there.

9 MR. VELIS: Thank you.

10 MR. CALDWELL: I'm seeing
11 it's approximately quarter after 11. With the
12 Grand Jurors' permission, I would like to give
13 the witness a brief break if that's
14 acceptable. Thank you.

15 (Brief recess taken.)

16 MR. CALDWELL: Thank you,
17 Grand Jurors. It's approximately twenty
18 minutes of noon. All the Grand Jurors have
19 returned and are present.

20 THE FOREPERSON: Yes.

21 MR. CALDWELL: Assistant
22 Attorney General West.

23 MS. WEST: So, Ms. Farak, I

1 just want to ask you a couple -- a couple
2 things for clarifying and they will be the
3 subject matters you talked about earlier.

4 All right. So one thing we spoke
5 about was scheduling and you spoke a little
6 bit about when people were coming in. You
7 were there for several years but can you give
8 us a sense about what your schedule was, when
9 you came in the door and when you left?

10 THE WITNESS: It would be we
11 were there for eight hours a day. There was
12 some leeway in when we came and when we left,
13 meaning different people had different set
14 schedules or temporary set schedules. Like
15 the supervisor, Jim Hanchett, normally got to
16 work at around 6:30 in the morning. He liked
17 to go to the Y before he went to work and it
18 just worked out for his schedule so he was
19 normally there bright and early.

20 I was there normally between 7 or
21 7:30. My goal was 7 but sometimes the dogs
22 made it difficult. Rebecca for a while was
23 coming in right at 7. Other times -- so she

1 was on maternity leave for a while. Depending
2 on the age of her child and childcare she
3 would come in at 8, 8:30.

4 Sharon had kids in school. Her
5 normal schedule start was more around 9:30 to
6 4:30 -- or, sorry, 8:30 to 4:30 or 9 to 5
7 depending on the day, you know, doctor's
8 appointments or whatnot.

9 MS. WEST: So you said it was
10 an eight-hour workday?

11 THE WITNESS: Eight hours.

12 MS. WEST: So does that mean
13 if somebody came in before you they left
14 before you?

15 THE WITNESS: That is
16 correct.

17 MS. WEST: And you mentioned
18 the one woman that came in later, 8 or 8:30?

19 THE WITNESS: Yes, she --
20 Sharon, she worked in the evidence office side
21 of the laboratory.

22 MS. WEST: So that was a
23 different side of the lab than your lab?

1 THE WITNESS: Exactly right.

2 The hallway's between. No windows, no doors
3 between.

4 MS. WEST: So were there
5 occasions when you were in the lab alone?

6 THE WITNESS: Definitely,
7 yes.

8 MS. WEST: Okay. So tell us
9 about those occasions, how often?

10 THE WITNESS: How often? I
11 could be alone for a short period of time
12 multiple times a week. You know, Sharon most
13 of the time was across the hall. She did come
14 over and bring, you know, certificates of
15 analysis for us to sign and stuff over. Jim
16 almost always left before me.

17 I guess, depending on the day,
18 sometimes Rebecca would -- or two of us might
19 have court and so one of us would be in the
20 lab from, you know, noon to the end of the day
21 by ourselves or like, you know, if one
22 person's already left for the day, who else is
23 gonna run across the hallway to return their

1 submissions and get -- take some more out.
2 You know, that's gonna take at least five, ten
3 minutes so if I was on the other side it
4 afforded me the opportunity if I wanted to try
5 to take another aliquot of some sample from
6 the main stash, I could do that.

7 MS. WEST: So let's talk
8 about that specifically. In the very
9 beginning you were taking from the
10 methamphetamine standard, right?

11 THE WITNESS: Correct.

12 MS. WEST: And that was in
13 the refrigerator?

14 THE WITNESS: Correct, in the
15 laboratory.

16 MS. WEST: So describe how
17 you would go in and take part of that sample
18 in order to ingest it?

19 THE WITNESS: Okay. Assuming
20 no one else was there, it was at the end of
21 the day, Jim had already left, maybe Rebecca
22 was getting -- returning samples across the
23 hallway, I could very easily go to the

1 refrigerator, take out the bottle of
2 methamphetamine, open it up, use a pipette to
3 transfer, you know, a milliliter of liquid
4 into a small vial, seal the main aliquot back
5 up and put it back in the fridge, put the top
6 of the small vial in my pocket or put it in my
7 desk drawer or my lab bench drawer or wherever
8 I wanted. I was good at being quick if I
9 needed to be quick. I mean, I could easily do
10 it within 30 seconds from start to finish of
11 getting what I needed done if I needed more --
12 if I wanted to have more drugs available to
13 me.

14 MS. WEST: And how about the
15 actual ingestion of it, how would you do that?

16 THE WITNESS: The actual
17 ingestion, like I said, if I was getting
18 another aliquot let's say some day, there's a
19 chance, you know, I would actually after using
20 the pipette to transfer it, I would actually
21 sometimes go to whatever drink I might have in
22 there, if it was soda or whatever, and squeeze
23 a little bit of the soda out to put the

1 pipette in my mouth.

2 Other than that, if I already had an
3 aliquot made, once again if people left the
4 lab I could just screw off the top, dip in a
5 metal spatula and take it while I was in the
6 lab. I could also while I was going to the
7 bathroom if I already had the aliquot in my
8 pocket, the metal spatula, it was ridiculously
9 simple. You could go to the bathroom, you
10 take it, dip it in, take it and go back and no
11 one's the wiser of what you've done.

12 MS. WEST: And sort of
13 jumping ahead, not with the standards but when
14 you were actually taking cocaine, was there a
15 period of time when you were smoking crack
16 cocaine?

17 THE WITNESS: Correct.

18 MS. WEST: And how would you
19 do that?

20 THE WITNESS: How would I do
21 that? Depending on how many people were
22 around, most of the times I would take what I
23 had and I would go to one of the many

1 bathrooms in the building. I learned which
2 ones were more frequented, which ones were
3 single stalls, things like that, to smoke.

4 If no one -- depending on what people
5 were doing, if I knew Rebecca -- or both Jim
6 and Rebecca were intensely involved in doing
7 bench work at their benches, I could sneak
8 across the hallway to the fume hood where I
9 would smoke just because I could get rid of
10 the smell, the smoke directly. If people
11 weren't around I could pretty much -- if it
12 was the end of day and everyone had already
13 left or their, you know, their shift was over
14 or, you know, say Sharon left to go home early
15 because it was a long weekend and she was
16 packing, then I could normally smoke at my lab
17 bench if I wanted to.

18 MS. WEST: All right. So on
19 the days where you were actually taking drugs
20 while you were at work, you have already
21 indicated that there was no dip in your
22 productivity --

23 THE WITNESS: Correct.

1 MS. WEST: -- but I want to
2 focus on your accuracy. When we asked you
3 that earlier you indicated that you knew your
4 results were accurate. Can you tell us how
5 you knew that?

6 THE WITNESS: All of my tests
7 for any specific sample did collaborate each
8 other. I wasn't getting positives on some
9 tests and negatives on other tests. The
10 results matched.

11 Like I said, I know the weights were
12 accurate because I always took the weights
13 accurately. There was never any problems of
14 samples getting mixed up or something showing
15 positive on one test and negative on another
16 test. I was good about only having one piece
17 of evidence open at a time on my lab bench so
18 I wasn't accidentally taking from this one
19 when I meant to be taking from that one.

20 MS. WEST: Okay. So stop
21 there. How do you know that? How do you know
22 that you were always good about having one
23 piece of evidence open on your bench?

1 THE WITNESS: It was --
2 besides being procedure it just -- it sounds
3 weird, it's just the thing I did. I -- the
4 last thing I ever wanted to do was mess up an
5 analysis.

6 MS. WEST: But if you were
7 under the influence at the time, how do you
8 know that you were following procedure?

9 THE WITNESS: Because
10 everything just -- how do I know it? I -- no
11 one ever commented that I wasn't or there was
12 never an issue of things getting messed up.

13 MS. WEST: All right. So you
14 spoke a little bit earlier about sort of the
15 internal methods in the tests corroborated?

16 THE WITNESS: Correct.

17 MS. WEST: Tell us more about
18 that?

19 THE WITNESS: We do either
20 crystal and/or color test at the beginning and
21 we'd have a preliminarily knowledge of what it
22 was. But then running from, let's say, once
23 we put it into a vial -- we only have one

1 piece of evidence open, you know, the one you
2 just tested from here would go directly into
3 the vial and it's labeled with that number.
4 When you put it up on the automated machines,
5 the GC and the GC MS, besides verifying that
6 we're putting the right vials there, I never
7 got any situations where something came back
8 positive that was expected to be negative or
9 the other way around, negative where I
10 expected it to be positive. And then we'd
11 transfer it to the other machine and once
12 again everything seemed to match up -- did
13 match up.

14 MS. WEST: And so focusing on
15 the period of time where you were taking
16 cocaine from the samples themselves?

17 THE WITNESS: Okay.

18 MS. WEST: When you took the
19 cocaine from the sample, was that before or
20 after you had already weighed?

21 THE WITNESS: I had weighed
22 everything before I took from the sample.

23 MS. WEST: All right. So if

1 somebody took the cocaine after it was sent
2 back to the police station and compared it to
3 the certification, that cocaine would weigh
4 less?

5 THE WITNESS: It could weigh
6 less, yes.

7 MS. WEST: But you mentioned
8 a five percent depletion in the weight of the
9 cocaine. In the beginning were you trying to
10 take within the five percent?

11 THE WITNESS: Yes, I was.

12 MS. WEST: All right. But
13 then you mentioned that as time went by you
14 took more than that?

15 THE WITNESS: Correct.

16 MS. WEST: Give us -- give us
17 an idea of when that happened?

18 THE WITNESS: I know towards
19 2011 I was using fairly heavily. I did have a
20 short period in that time where I tried to
21 sober up but probably starting about April of
22 that year -- right? I'm sorry. Am I off on
23 my years? Sorry.

1 In April of 2012 -- in 2012 I was
2 starting to use fairly heavily and going into
3 submissions but by, like I said, April or so I
4 had a couple months where I was trying really
5 hard to be sober and I was fairly sober I
6 guess.

7 MS. WEST: And this is April
8 of what year?

9 THE WITNESS: April 2012.

10 MS. WEST: And how do you
11 know it was April 2012?

12 THE WITNESS: I had entered
13 therapy in January 2012 and we had talked
14 about whether I was gonna go back to therapy
15 and whatnot and my individual therapist in DBT
16 advised -- we had a discussion about whether
17 or not I was gonna try and stay sober or not
18 and I know I really did try earnestly for a
19 while. I also know in March of that year I
20 went to a DEA training school for a week down
21 in Virginia and I know for that time I was --
22 I was not using any drugs.

23 MS. WEST: So for that March

1 week you weren't using?

2 THE WITNESS: I definitely
3 was not using, no.

4 MS. WEST: And when you
5 returned --

6 THE WITNESS: I believe
7 things started heating up again, like I said,
8 in April or so that I -- I started touching
9 samples.

10 MS. WEST: Okay. So give us
11 a sense of how long you think that period of
12 sobriety was in March and April?

13 THE WITNESS: I think that I
14 ended therapy I think it was the 20 -- either
15 the 17th or 23rd of January. I know I used a
16 couple days but there was -- I'm gonna guess
17 about a two, yeah, about a two-month period
18 where I only used once or twice.

19 MS. WEST: Beginning in
20 March?

21 THE WITNESS: It was probably
22 end of February, first part of March.

23 MS. WEST: You said earlier

1 that you -- on the days that you were not
2 using you would go into withdrawal and you
3 called in sick?

4 THE WITNESS: Sometimes, yes.

5 MS. WEST: All right. So
6 tell us about the procedure that was in place
7 when you were not sick and -- excuse me --
8 when you were sick and you called in?

20 MS. WEST: Okay.

21 THE WITNESS: I wasn't out
22 more than like two days in a row so doctor's
23 notes weren't needed or anything like that.

1 MS. WEST: Thank you.

2 Q. (By Mr. Caldwell) Ms. Farak, I'm
3 just gonna go back and this is about weighing
4 the evidence.

5 A. Okay.

6 Q. And obviously working as a drug
7 chemist the weight of the substance is very
8 important, correct?

9 A. Correct.

10 Q. Because that goes to the prosecution
11 of the case and possible sentencing of an
12 individual?

13 A. That is correct.

14 Q. And you had discussed trafficking
15 weight and things of that nature and the
16 required grams to convict them on trafficking.

17 A. Correct.

18 Q. Can you describe for the Grand Jurors
19 the weights that you used at your workstation
20 to weigh the drugs?

21 A. Okay. Well, we had two different --

22 Q. What kind of scales did you use?

23 A. -- two different balances. One went

1 to the hundredths decimal point in grams, the
2 other went to the ten thousandths place. So
3 we reported all of our results up to a
4 hundredth of a gram for the substances. On a
5 monthly basis we did some QA and QC on our
6 balances using known weights from I don't
7 remember which calibration company but we had
8 a set of official weights that we used to make
9 sure our balances were reading accurately. If
10 they weren't reading accurately they were
11 taken on computer.

12 On a daily basis we also -- it wasn't
13 the full gamut of weights but there were two
14 or three different weights that we would use
15 on a daily basis just to make sure our
16 balances were reading correctly.

17 Q. And is it fair to say you did this
18 every time you began your work?

19 A. Beginning of the day, yes.

20 Q. Even though you were under the
21 influence --

22 A. Correct.

23 Q. -- you still made sure you stuck to

1 the accuracy of your scale?

2 A. Correct.

3 Q. Did you --

4 A. (Interposing) Another reason we did
5 the weights the way we did where we did a
6 gross weight of everything and then we weighed
7 the actual packaging and the weight of the
8 powder and the substance itself, if the
9 calibration was slightly off, if it was, you
10 know, five hundredths of a gram off, both
11 weights would be the same amount off, so the
12 displacement would be the same amount. If you
13 have a hundred grams and you minus
14 ninety-five, you get five; or if you have ten
15 and you minus five, you get five. It's still
16 five grams. It was another safety measure.

17 Q. How did you put the substances on the
18 scale?

19 A. Like I said, we weighed the bag that
20 it was in. It would be directly on the pan.
21 For doing gross weights we'd then use like a
22 weigh paper or a plastic boat they were called
23 to put the substance in and we'd reweigh the

1 empty packaging on the scale and between the
2 substances we would wipe it clean with
3 methanol.

4 Q. And then you would -- after the
5 weight was made then you would return it to
6 bag?

7 A. That's correct.

8 Q. Did you do anything with the wax
9 paper at all, if you remember?

10 A. I -- with cocaine samples I just
11 tried to get as much sample back in the bag
12 but due to static electricity and whatnot,
13 occasionally there was some substance left on
14 the paper. If no one was around I was known
15 to lick off the powder cocaine from the weigh
16 paper before throwing it away. If people were
17 around it would just get thrown in the trash.

18 Q. Did that give you any type of
19 sensation?

20 A. I don't remember the intense, you
21 know, high or anything from it but it did give
22 me like a numbing, tingling feeling to my
23 tongue which I enjoyed.

1 Q. Did each time that you sampled the
2 residue on the wax paper, did it always give
3 you a tingling sensation if you remember?

4 A. Not always. Like I said, it depends
5 on what it was cut with. If it wasn't a pure
6 sample, you know, if it was cut with more
7 things -- depending on what it was cut with.

8 Q. So just as a follow-up to that, had
9 you already done the liquid -- strike that.

10 Let's go to -- you had left off with
11 me in approximately early 2011 when you
12 started to frequently take powder cocaine
13 samples from --

14 A. Okay.

15 Q. -- from the lab?

16 A. Mm-hmm.

17 Q. And you indicated your drug use got
18 heavier by the middle of 2011, correct?

19 A. Correct.

20 Q. And is it fair to say you were under
21 the influence almost every day at work?

22 A. It's fair to say, yes.

23 Q. Now, you had indicated to me earlier

1 that there would be occasionally times where
2 you would act as the evidence officer --

3 A. Correct.

4 Q. -- if Ms. Salem was not there and
5 Rebecca would also assume the same role?

6 A. Correct.

7 Q. So you did have special -- you had
8 access to the computer system?

9 A. Correct.

10 Q. Okay. At any point do you recall in
11 the middle of 2011 did you access that
12 computer system for the purposes of obtaining
13 or manipulating any type of drugs or samples?

14 A. At that point, no.

15 Q. Did you ever at any point look into
16 the computer system to arrange your workload
17 to guarantee that you got cocaine samples?

18 A. There was no guarantee. There were
19 times that I had looked ahead in the computer
20 system. Submissions were assigned to us
21 numerically with the next twenty in or next
22 twenty out sort of thing.

23 By, yeah, probably end of 2011,

1 beginning of 2012 I would look in the computer
2 system to see -- if I was like ready to return
3 a batch of samples or I could do this other
4 paperwork first, I would look in the computer
5 system to see what the next batch of
6 submissions was. If it was, you know, a
7 cocaine case or something like that, I would
8 probably return my submissions immediately to
9 get that next batch of samples but if it was
10 all pills or heroin or something, I could do
11 the paperwork first hoping that the batch
12 after that had submissions that I liked.

13 Q. And it's fair to say, Ms. Farak, that
14 the amount of powder cocaine samples coming
15 into the lab began to decrease?

16 A. That is correct, that in 2011 I was
17 using cocaine but we seemed to be getting less
18 and less cocaine -- or police were bringing in
19 less cocaine to the laboratory, both in number
20 of pieces of evidence but also quantity. I
21 mean, at that point it was if we got a tenth
22 of a gram bag I couldn't really take anything
23 from it because it would be noticeable. It

1 would be obvious by the visual eye or naked
2 eye if I took any.

3 Q. And is it fair to say that you acted
4 the same if something came in close to
5 trafficking weight?

6 A. That is correct. Since I always
7 weighed the samples first, if it was going to
8 be, you know, 14.18 grams of whatever,
9 assuming it was a positive, I would probably
10 not take from it because if the defendants
11 were going to question anything about the case
12 it would be from my direct knowledge of the
13 weight, just because 14 grams would be the
14 cutoff weight for the next level of sentencing
15 guidelines and not wanting to get caught, I
16 would hate to take some, plus the normal, you
17 know, weight loss due to evaporation of water,
18 I would hate for it to have been asked to be
19 reanalyzed and come in about 13.75 grams.

20 MS. WEST: You said probably
21 not. Was it your policy not to take close to
22 14?

23 THE WITNESS: I don't

1 remember ever taking anything that was close
2 to the trafficking weight.

3 MS. WEST: Okay.

4 Q. (By Mr. Caldwell) Now, because these
5 -- the powder cocaine samples were decreasing
6 in starting to come into the lab because of
7 the change in police activity, was there any
8 other drug that you began to experiment with
9 in 2011?

10 A. In 2011 I had already exhausted the
11 methamphetamine, amphetamine and ketamine
12 standards. The cocaine, I had touched the
13 standard. I had diminished; it wasn't totally
14 gone. And with the lack of available cocaine
15 I did start trying to smoke crack cocaine.

16 Q. And do you remember the first time
17 that you did smoke crack cocaine that was a
18 sample from work?

19 A. I don't remember. I know by the fall
20 of 2011 I had tried smoking crack and I
21 believe it was evidence. We had a small
22 amount of cocaine base, which is the chemical
23 way crack is, chemical name, in the lab which

1 I tried smoking. There was not a lot of it
2 but I did start trying to smoke crack cocaine
3 and I say "try" because I wasn't really good
4 at it at first.

5 Q. So is it fair to say you had started
6 to experiment with crack cocaine in the middle
7 of 2011?

8 A. Most likely middle to third quarter I
9 would say.

10 Q. And aside from originally taking from
11 that lab control, you were experimenting by
12 using samples --

13 A. Correct.

14 Q. -- coming in as evidence?

15 Now, you had indicated that you
16 weren't good at smoking crack cocaine in the
17 beginning; can you explain why?

18 A. I had never been a smoker in general.
19 I also was not -- I don't want to say
20 prepared. I was using aluminum foil pipes. I
21 was probably more timid about trying not to
22 get caught because of the odor and the smoke,
23 especially if you're using foil. It's really

1 actually bad for your health too, not just the
2 crack but the foil. But I eventually I guess
3 you could say made a crack pipe through the
4 pipettes, glass pipettes in the lab. I would
5 break off the tips then I'd have the tube. At
6 first I didn't have any wire mesh but I would
7 put aluminum foil or whatever else.
8 Eventually I got some -- some copper wire to
9 put in. And when I did that I started to get
10 better hits I guess and quickly became very
11 addicted.

12 Q. So you -- you achieved the desired
13 high?

14 A. Correct.

15 Q. Did you at any time -- let me step
16 back.

17 Frequently it's fair to say
18 paraphernalia, specifically crack pipes, were
19 submitted to the lab for evidence for residue
20 tests, correct?

21 A. Correct.

22 Q. And at any time did you use these
23 crack pipes that were submitted as evidence?

1 A. Yes, I did use a few different pieces
2 of evidence that were crack pipes after
3 cleaning them and sterilizing them to make --
4 to try to get rid of the germs that were
5 there. There were a few occasions that I used
6 crack pipes pieces of evidence.

7 Q. Had you tested those pipes for
8 residue before you had cleaned them --

9 A. Yes.

10 Q. -- and used them?

11 So it's fair to say by the end of
12 December 2011 you were -- you were addicted to
13 crack cocaine?

14 A. Definitely.

15 Q. Okay. And I know when asked by
16 Assistant Attorney General West that you
17 indicated you had smoked crack at work?

18 A. That is correct.

19 Q. And you smoked crack not only in the
20 various bathrooms in the building at UMass but
21 also under the fume hood?

22 A. That's correct.

23 Q. And at certain occasions directly at

1 your workstation?

2 A. I did it at my workstation. I
3 actually smoked in the evidence room. At one
4 point I -- I don't want to say there was no
5 stopping me where I smoked but I --

6 Q. (Interposing) And that was because
7 of your addiction at this point, correct?

8 A. I was totally controlled by my
9 addiction.

10 Q. And it's fair to say that you started
11 to smoke crack cocaine when there were other
12 employees at the lab?

13 A. That is correct.

14 Q. Was this affecting your productivity
15 as far as you know in terms of your testing?

16 A. I -- I believe it probably did lower
17 it. I was very in tune to what pieces of
18 evidence were coming up to try to manipulate
19 the system so I could get pieces of evidence I
20 wanted to analyze. So I know there were times
21 I was ready to return samples but I wanted to
22 wait for -- to get that second batch so I
23 would hold on to samples, which sometimes

1 became longer than just an overnight. Then if
2 someone who had -- one of the other chemists
3 wasn't returning theirs, so I was kind of just
4 waiting for them to return their batch. So
5 also I could have them there -- what they do
6 in the lab, meaning they refer discovery
7 packets for court or just following up on
8 records. There was a time I wasn't getting
9 many samples throughout 2012 and my
10 productivity did go down. I started -- my
11 habit increased a lot and I was going to smoke
12 crack at work multiple, multiple -- like ten,
13 twelve times a day and, you know, so you'd go
14 to the bathroom and that became longer. That
15 wasn't a quick minute bathroom break; it was
16 like --

17 Q. So you were just gone from your
18 workstation?

19 A. Correct.

20 Q. Did anybody question you at this
21 point about absence from your workstation
22 throughout the day?

23 A. I don't remember anyone commenting on

1 it. From your records I've seen supposedly
2 they said they talked to me about my
3 productivity. I remember we also over 2012 we
4 were taken over by the state police so we had
5 some different procedures in place, which I
6 honestly think it slowed my productivity down
7 in general. I don't think it was the total
8 cause of it but I believe my productivity
9 would have dipped anyway just not as much as
10 it did.

11 Q. So your drug of choice at this point
12 of 2012 was crack cocaine?

13 A. It was the drug I could get my hands
14 on.

15 Q. Most readily?

16 A. Yes.

17 Q. And were you using any other
18 substances at this point either at or from the
19 lab or outside of work?

20 A. My wife occasionally smoked -- now my
21 ex-wife now -- has a medical marijuana card.
22 She did have some pot around the house. Maybe
23 once a month I would smoke a little, normally

1 if I'd come down off something. Besides that
2 in 2012, like I said, the drug of choice was
3 more crack than cocaine. If I still got
4 cocaine samples, I may take from it to use as
5 cocaine but my habit got bad enough in the mid
6 and later stages of 2012 where I was taking
7 cocaine from cases that I had analyzed and
8 instead of using it as cocaine, during like
9 overtime or when no one else was there or I
10 did occasionally go into work when I wasn't
11 scheduled, you know, I did type in my key code
12 but there was obviously no record of me going
13 in and I would use that cocaine to make crack
14 for myself.

15 Q. So when the crack cocaine wasn't
16 readily available, you manufactured base
17 cocaine at the laboratory?

18 A. I did, yes.

19 Q. And what was the frequency of that,
20 your --

21 A. Of actually making it or?

22 Q. -- actually making it?

23 A. Maybe three or four times --

1 Q. Can you explain --

2 A. -- but I would -- I do remember one
3 year there was one case that was a kilo of
4 cocaine that we had received and I took out a
5 good hundred grams of it to make crack, so I
6 wasn't necessarily making small batches if I
7 got a big enough submission where I could make
8 a quantity worth my time.

9 Q. And can you explain to the Grand
10 Jurors how, in fact, you manufactured the base
11 cocaine?

12 A. So there was one specific sample of a
13 kilo of cocaine from a Chicopee delivery.
14 This was right at the end of about 2012 and
15 after analyzing it, I took out -- measured
16 out, weighed out a hundred grams of it and put
17 it off to the side. By this point I actually
18 -- I knew a hundred grams may or may not be
19 recognizably missing so I did replace it with
20 just a baking powder/baking soda mix in with
21 the rest of it so the weight would not be as
22 obvious. But basically I would make crack by
23 using, you know, dissolving the cocaine in

1 water, adding baking soda, heat it up, let it
2 precipitate out and then I would form the
3 crack. I would then filter it through a
4 funnel and let it dry for my use.

5 Q. Did you take the amount that you've
6 described that you manufactured, did you take
7 from the lab and bring it home?

8 A. I mean, by that point I was just
9 smoking at the lab, smoking at home, I was
10 smoking and driving. I was --

11 Q. Do you remember the first time you
12 smoked that crack cocaine at home?

13 A. I believe it was in April, probably
14 of 2012. I only remember it because my wife
15 had gone to her mother's for her birthday and
16 I had brought some home.

17 Q. Did at any point when your partner
18 was away or either by April of 2012 or looking
19 forward in the future, did you share that
20 crack cocaine with anybody?

21 A. No, she never saw it.

22 Q. Did anyone else use it with you?

23 A. Oh, no, nobody.

1 Q. I'm going to point out a specific
2 date to you, Ms. Farak. January 9th, 2012, do
3 you recall that day?

4 A. Yes, I do.

5 Q. And how do you recall that day?

6 A. I recall that day. It was one day if
7 you asked if I was so impaired on drugs at
8 work, I would have to say yes. By that time I
9 was using crack. I wasn't making crack yet in
10 the lab. I remember the submissions, I think
11 I remember were Springfield samples. They
12 were small bags so I was going into multiple
13 small bags.

14 But the reason I specifically
15 remember the day is that it was also a day
16 that -- or during that time one of my other
17 submissions was some liquid LSD and although
18 in the past when I had taken, you know, an LSD
19 square, I had brought it home, I did it that
20 day. I took some at work and I remember that
21 afternoon -- I did it around lunchtime and I
22 remember not being able to function too well.

23 Q. Did you do any tests that day if you

1 remember?

2 A. That morning I had, you know,
3 analyzed some -- did some of the tests on this
4 cocaine and just to make sure I knew what it
5 was. That afternoon I did not. I may have
6 pulled some, you know, some of the reports off
7 the computer and put it off to the side so
8 someone else could use the machinery. Our
9 instrumentation was hooked up directly to a
10 printer so our results were printed, yeah.

11 Q. Was anyone else present at the lab on
12 January 9th do you recall?

13 A. I believe Jim had to go to court that
14 day. He wasn't around in the afternoon.
15 Sharon would have been across the hall. I
16 believe Rebecca was still around.

17 Q. So the liquid acid was a sample from
18 a test submitted?

19 A. Correct.

20 Q. Do you remember what police
21 department?

22 A. I do not.

23 Q. And did you take a substantial amount

1 of the liquid LSD?

2 A. I didn't measure the amount but I was
3 very impaired.

4 Q. And when you say you were "impaired,"
5 can you describe --

6 A. (Interposing) I knew I couldn't
7 drive. I actually had to cancel a therapy
8 appointment. I -- there were some as far as
9 hallucinations, not little green men but, you
10 know, colors swaying in the wind. I remember
11 going to the bathroom to smoke crack after
12 taking it and dropping some of it and totally
13 freaking out, you know, crawling on the floor
14 and trying to find crack which I thought was
15 there.

16 Q. Did you say you worked the entire
17 day?

18 A. Yeah.

19 Q. How did you get home?

20 A. I waited and waited and eventually
21 drove home.

22 Q. Did you use any -- did you wait
23 inside the lab?

1 A. I waited inside in the lab, you know,
2 maybe re-filed some folders or whatnot that
3 afternoon until it was my scheduled time to
4 leave. At that point Rebecca was -- I believe
5 Rebecca was still there. I'm not positive.
6 But I -- I did move my car from one lot to a
7 separate lot so people wouldn't see my car
8 still sitting next to their car when they went
9 to leave and then I walked around UMass
10 campus.

11 Q. Now, you had testified previously
12 that you manufactured base cocaine at your
13 workstation. At any point did any of your
14 fellow chemists discover any materials that
15 would give rise to the belief that this was
16 going on at the lab? When I say that,
17 specifically baking powder or anything like
18 that?

19 A. The only time that anything was
20 discovered -- well, besides the final day when
21 they realized certain evidence was missing
22 from the evidence locker and went to my desk
23 to look, the only other possible inclination

1 that something was up might have been -- it
2 was in January of 2013. I had made some crack
3 over that -- the holidays and I was rushing to
4 get back home on time because my wife was
5 where are you, you should have been home so
6 long ago and I was busy doing stuff. And so I
7 was using in the -- the room that has the air
8 hood and we had some drawers in there, so I
9 was drying some crack on like the bottom shelf
10 deep in and I measured that. That was gone
11 but I had left a beaker that had some liquid
12 and some white residue, probably not crack,
13 probably baking soda/baking powder on the edge
14 in the drawer and Jim ended up finding it.

15 Q. What did he do when he found it?

16 A. He came -- well, Rebecca was still
17 out. I think she had taken time off for the
18 holidays. Her kids were in school. And, you
19 know, he asked -- I don't know if he asked
20 like do you know what this is or what's this
21 or. It was a simple question. I said I
22 didn't know and he came up with the idea that,
23 well, maybe Rebecca had brought her daughter

1 in and they were doing a little science
2 experiment thing.

3 Q. Now, this was around the holidays?

4 A. Around, you know, it was the holidays
5 so I said, yeah, maybe and left it at that.

6 Q. And there was no --

7 A. No follow-up.

8 Q. -- no follow-up or other inquiry?

9 A. Yeah. I don't know if he ever asked
10 her or not. I mean, looking back he probably
11 has a whole different opinion on things, you
12 know, but while I was there I don't -- besides
13 my productivity going down, I don't think they
14 had any idea what I was doing.

15 Q. Focus on the middle of 2012. You
16 testified previously as to some events that
17 took place around the summer of 2012. At any
18 point during this time period or outside of
19 this time period I just mentioned, did you
20 ever manipulate or take samples from other
21 chemists at the laboratory?

22 A. Yes.

23 Q. Can you give me the time if you

1 remember and the whose samples that you took?

2 A. I know I took one of Rebeccca's --
3 took from one of Rebecca's samples. She had
4 already analyzed it and resealed it. Let me
5 step back for a second.

6 We, as I mentioned earlier, when we
7 were done analyzing it we'd put it in a new
8 evidence bag, initial it and heat seal it
9 shut. So for me to touch anyone else's
10 samples I would either need to forge their
11 initials or find a way to get a bag that had
12 their initials on it.

13 Jim for a while was leaving bags with
14 his initials on it on the side of his desk so
15 he wouldn't have to write it out each time.
16 He had a supply.

17 Rebecca rarely ever did that. There
18 was once I walked by her desk and she had an
19 extra bag there and I did take it and I put it
20 in my lab bench drawer. Obviously, no one was
21 looking and I -- I guess saved it for the
22 right opportunity. So she had analyzed like a
23 73 or 74 gram sample from -- a cocaine powder

1 sample from Springfield and one day I believe
2 during overtime, no one else was around, I
3 think she set it in the drug safe in the lab,
4 the small locker I guess. I had taken it and
5 I had removed about 30 grams of it to make
6 crack with and replaced it with a counterfeit
7 substance. And that was the only one of hers
8 I ever touched.

9 MS. WEST: How do you know
10 that?

11 THE WITNESS: Because I only
12 took -- I had no other access to her initials
13 on a bag. I had practiced trying to write her
14 initials and it wasn't believable I guess. I
15 just know that was the only one of hers I
16 took. She was very careful about -- I don't
17 know if it was careful, I don't know if it was
18 intentional but she didn't pre-initial bags or
19 anything.

20 Q. (By Mr. Caldwell) Now, going to
21 James Hanchett's bags, you had indicated that
22 he had left them basically on his desk --

23 A. Correct.

1 Q. -- already signed?

2 A. Yeah, it was on a lab bench, yes.

3 Q. And can you please approximate how
4 many samples of Jim Hanchett's did you
5 manipulate?

6 A. Probably half a dozen. They would
7 all be crack samples. I remember one from
8 Northampton that was originally like
9 three-and-a-half grams. I did not put
10 anything back in with it. It was -- it would
11 weigh less but I did not add a counterfeit
12 substance to it.

13 There was another sample from
14 Pittsfield that was twenty-four-and-a-half
15 grams of crack. Once again, way over that
16 fourteen gram limit for trafficking or
17 twenty-eight, you know, enough below that that
18 it wasn't going to get that. I took a fair
19 amount of that. I went back into the bag a
20 few times. So, you know, I took a little.
21 I'm not gonna do it again. Every day you
22 swear you're not going to and then, you know,
23 you'd put it back, return it to the safe, but

1 then a night would come when I was the only
2 one there, it was morning or whatever time of
3 day it was and I would want more of. I'd go
4 back into the evidence office, go into the
5 safe, take some more and use one of the bags
6 that I had already stashed with the initials
7 on the evidence bag.

8 Q. Now, to your knowledge, if you know,
9 were any of those samples that you took from
10 James Hanchett or the one that you took from
11 Rebecca Pontes, were those ever questioned in
12 court?

13 A. I don't -- I don't believe they were.
14 I never heard if they were so.

15 Q. So there was no discussion between
16 the chemists, for example, I knew that was
17 twenty-four-and-a-half grams and now the ADA's
18 saying it's only fifteen grams, there wasn't
19 conversation of that nature?

20 A. There was never -- I've never heard a
21 conversation like that. Like I said, I did
22 take it out after it was analyzed so whatever
23 the certificates said were accurate.

1 Q. Did you ever practice James
2 Hanchett's signature or his initials?

3 A. I'm sure I tried.

4 Q. And was that the same case as
5 Ms. Pontes'?

6 A. Yeah, I don't believe I ever forged
7 his initials and used a bag.

8 Q. So you would steal other chemists'
9 samples when you had the opportunity to have a
10 previously signed bag, that was the only time?

11 A. When -- I would do it under those
12 circumstances and if I couldn't get it any
13 other -- I didn't have any other way. If it
14 was either me taking from my own evidence I
15 analyzed or other people's, I would definitely
16 do my own. That was one of the lines I had
17 thought I would never cross. I wouldn't
18 tamper with evidence, that I wouldn't smoke
19 crack and then wouldn't touch other people's
20 work due to how it could look.

21 Q. Did you ever at any point during this
22 time frame -- you testified in 2012 you were
23 heavily, heavily using crack cocaine?

1 A. Correct.

2 Q. Did you ever go back into the drug
3 safe and attempt to manipulate bags that were
4 not tested or had already been tested?

5 A. There were times I went back and,
6 like I said, although I was heavily using I
7 always wanted to try not to use so I might
8 have taken a little, repackaged my own sample,
9 put it back in the safe and then two days
10 later been craving it and needing it so I
11 would sneak back into the drug safe to retake
12 my sample, then take some more and reseal it
13 up and put it back in.

14 Towards the very end, meaning the end
15 of 2012, there were times I would go into the
16 drug safe and look ahead at samples, not only
17 what was there but there were times I, you
18 know, maybe there was a twenty gram bag of
19 crack -- let's say an eight gram bag of crack,
20 I would sometimes take it out if there was a
21 way for me to open the evidence bag without it
22 being seen. I would weigh it, analyze it --
23 not necessarily record it in my lab notebook.

1 I used normally scrap piece of paper but I
2 would test it to see what it was, get an
3 accurate weight, then take some of it, then
4 reseal the bag and put it back in the drug
5 safe.

6 There were points where I would be
7 very aware of who was taking out which samples
8 and definitely times my returning samples so
9 that I could get those pieces of evidence so
10 my misdoings -- so people wouldn't see that
11 the weights were off.

12 Q. So you would -- you would go into
13 samples that were not yet analyzed?

14 A. Correct.

15 Q. You would weigh them and confirm they
16 were what they were alleged to be?

17 A. I would do at least a preliminary
18 analysis on them to make sure they were coke
19 or crack.

20 Q. And when you did those drugs or those
21 samples, they gave you the desired narcotic
22 effect you sought, correct?

23 A. Correct.

1 Q. And correct me if I'm wrong, you
2 would go back and make sure you got those
3 samples?

4 A. Yes.

5 Q. So then you could manipulate the
6 numbers, so to speak?

7 A. So that I could what?

8 Q. So you could manipulate and --

9 A. (Interposing) Well, so I could --
10 well, yeah, I mean, the gross weight might be
11 listed at ten grams but if when a chemist was
12 assigned it and it came back at eight grams,
13 that's obviously more than a five percent
14 weight error. That would probably get brought
15 to the attention of why a weight is off and
16 then recorded and.

17 Q. So what would you do to correct that?

18 A. Well, if I was the one that got it
19 when I was good at making sure I got those
20 samples, I would record the original weight,
21 the actual weight that I have. So even though
22 it said it was supposed to be ten grams, I
23 weighed it at eight, I would still make my --

1 when I wrote it in my lab notebook I would
2 make it be the ten grams, make it be the
3 correct and accurate weight, even though upon
4 reweighing it it was less but I would record
5 what it should have been.

6 I didn't try to do that often when I
7 was taking that much. I tried to keep it
8 within an acceptable range. It did get to the
9 point on a handful of occasions where I was
10 taking much more.

11 The way the samples were spread out,
12 we'll say, I couldn't say, well, I shouldn't
13 get that batch. There might be three batches
14 in a row that had one sample. And I got to
15 the point where I actually went into the
16 computer system. I mean, I did start it the
17 same way. I would take it and I would get the
18 correct weight but I would sometimes go into
19 the computer system and change the gross
20 weights on the drug receipts, reprint out
21 another drug receipt and put that with the
22 stack of drug receipts that I had and replace
23 what -- if I had changed an evidence officer's

1 weight on it so that if it was assigned to
2 another chemist, the evidence weight would be
3 the same. I still did my best to get those
4 samples and I don't recall ever not getting
5 one of those samples back. But for a few of
6 them I did go back in after analyzing it,
7 going back into the system and changing the
8 evidence weight back to its original weight
9 when the cops -- or the police officers
10 brought it in.

11 Q. So the police wouldn't be suspicious?

12 A. Exactly.

13 Q. But they would do -- they would, is
14 it fair to say, sometimes they would come in
15 with a weight that they had done at the
16 station, correct?

17 A. I don't know if it was a direct
18 weight but they would notice if it was a
19 couple grams less, you know what I mean. It
20 might be the situation of if it was crack in a
21 plastic bag, they might have weighed it in the
22 plastic bag. You know, it's, oh, it's
23 eight-and-a-half grams. Okay. If he came

1 back and said it was eight. Well, maybe
2 that's not right. I think it's probably the
3 plastic bag but if it came back and it's six
4 grams, they would notice the difference. That
5 was why I would keep it, so I had -- I would
6 report the correct weight. The other reason,
7 like I said, I didn't want the other chemists
8 if they were assigned the samples to see the
9 difference in weights from what it was brought
10 in at and what it was then. There was also
11 the --

12 Q. (Interposing) So when did you --
13 when did you begin entering the computer
14 system, was it the times when you were the
15 evidence officer or would you do this during
16 the day or after hours?

17 A. I never manipulated it while I was
18 the evidence officer. It was always when no
19 one else was around. Like I said, we all had
20 access to the computer system in the room.

21 Q. And no one ever -- if someone were to
22 come in the lab when you were on the computer
23 would anybody question you?

1 A. Probably not. Like I said, most of
2 the times I would change it when nobody was in
3 the system. I would do what I needed to and
4 no one else would be around. Like I say, even
5 on the days that I was the evidence officer
6 because Sharon was on vacation, someone was
7 finishing or at court or whatever, even if I
8 was just typing on a computer and a police
9 officer came in to drop off some submissions,
10 they wouldn't necessarily know what I was
11 doing on the computer.

12 Q. While you were the evidence officer
13 did you ever have the opportunity to
14 manipulate the packaging it came in from the
15 police department?

16 A. The evidence officer, no. I think
17 when you -- talking about when you say the
18 packaging, you know, there were times when I
19 wasn't the evidence officer but I knew that
20 Springfield would bring in a piece of evidence
21 that I was interested in from -- he normally
22 brought in a lot, a fair number of
23 submissions.

1 Q. And those submissions were crack
2 cocaine, that's what you were interested in?

3 A. Well, I mean, he brought in a lot
4 period but some towns would never bring in
5 anything that I liked, where others towns had
6 a better chance we'll say. But I knew he
7 almost always came in Wednesday morning, like
8 first thing Wednesday morning, and even not
9 knowing what he was gonna bring in but knowing
10 that, you know, I had a supply, some samples
11 ahead of time, I sometimes returned it --
12 let's put it this way. He needs to have a
13 very good well oiled machine to heat seal it
14 but, you know, hand it to evidence officer.
15 It was a very smooth process with our evidence
16 officer and the detective from Springfield but
17 with so many -- I'm not saying he got
18 lackadaisical but sometimes the heat seal
19 wasn't great from him and so I could get into
20 those bags later on but I would occasionally
21 turn down the heat sealers just a fraction of
22 an inch hoping that the heat seal would not be
23 great so I could go into the bag at a later

1 date if there was something I would like.

2 Q. If you know, at any point in 2012
3 when you began counterfeiting substances and
4 when I say that, taking entire samples coming
5 in and replacing it entirely with counterfeit,
6 do you remember doing that?

7 A. I remember starting to add
8 counterfeit substances, whether it was entire
9 samples and replacing the whole thing or in
10 the case if it was cocaine, chopping up,
11 taking a hundred grams but replacing it with a
12 counterfeit substance.

13 Q. And that was you testified --- do you
14 know what town that was from, the hundred gram
15 sample?

16 A. That I took a hundred grams from --

17 Q. Yes.

18 A. -- that was the Chicopee kilo.

19 Q. And did you ever have a chance to
20 manipulate anything from Holyoke?

21 A. There was at least one piece of
22 evidence. Well, there was more than one piece
23 of evidence from Holyoke that I touched.

1 There was one piece that was almost 200 grams
2 that, you know, I started by just taking a
3 little, a little more. I kept going back to
4 the same piece of evidence and by the time I
5 was done it was, you know, more than 99
6 percent counterfeit substance. I don't know
7 how well I scraped the bag but.

8 Q. So it's fair to say at least as to
9 those two that if they were to be retested,
10 they would essentially come back as no
11 substance?

12 A. That is correct. And I used a
13 variety of substances trying to figure out how
14 to counterfeit crack.

15 Q. And what are those counterfeit
16 substances that you used?

17 A. I tried using everything from soap
18 chips to a candle wax. I tried rocks at the
19 very beginning when I was -- there was a
20 specific set of samples that I know I touched
21 that were kind of big samples that I was
22 concerned would be noticed and I didn't have
23 experience counterfeiting it so I used rocks.

1 I ended up using a lot of modeling clay that I
2 could keep and harden in the ovens at work and
3 just chip them up to break them to try and
4 resemble the crack in bags.

5 Q. Now, you had indicated earlier in
6 some of your earlier testimony was concerning
7 special tests and one test that you sought the
8 assistance of Annie Dookhan on?

9 A. Correct.

10 Q. And that was just a test for base
11 cocaine?

12 A. Correct.

13 Q. And when those samples came in and
14 there was a request for a base cocaine test,
15 what did you believe that to be?

16 A. Since our different testing
17 guidelines, federal versus state, and the
18 state does not distinguish between the two,
19 when a substance comes in and they request a
20 crack analysis or a cocaine base analysis,
21 we're led to believe that they are federal
22 samples, that it will be tried in federal
23 court.

1 Q. And how many of those -- how many of
2 those tests did you do if you recall?

3 A. Through all my years?

4 Q. All your years, yes.

5 A. There was probably one or two cases a
6 year max for me personally. Like I said, we
7 didn't always know when they were federal.
8 Sometimes they were brought in by a local
9 police force but you don't know who they're
10 aligned with. There was a sample, a
11 Springfield ATF sample in 2012 that requested
12 the crack analysis, which I did, and I --
13 knowing they were federal, the crack analysis
14 was requested, I resisted taking for a long
15 while but eventually could not any longer.

16 Q. And those tests that you did for the
17 base cocaine, the crack test --

18 A. Yes.

19 Q. -- when they came back did they come
20 back as crack cocaine?

21 A. Yes, they did.

22 Q. And you took those samples for your
23 own use?

1 A. The positive ones. The negative ones
2 I left.

3 Q. But there were some negative ones?

4 A. There were some negative ones.

5 Q. Now, just as an aside speaking about
6 negative samples, was it frequently that a
7 sample was negative, it would come back
8 negative?

9 A. I wouldn't say it was frequent. It
10 happened but -- I wouldn't want to say it was
11 odd. It wasn't odd that it happened either.

12 Q. So can you approximate, if you know,
13 maybe how many times a month?

14 A. A couple times a month per chemist
15 maybe, not including, let's say, OTC drugs
16 because sometimes people get arrested with
17 other drugs but they've got Tylenol, regular
18 Tylenol in their pocket which we report as a
19 negative because it's not a controlled
20 substance but actually a counterfeit
21 substance, maybe a couple times a month, if
22 that.

23 Q. All right. Now, have you ever heard

1 of the phrase dry-labbing --

2 A. Yes, I have.

3 Q. -- or word dry-labbing?

4 In your experience what do you know
5 that to be?

6 A. I've been told that it's basically
7 when you just make up a result for a test.

8 You don't actually test something but you're
9 guessing basically what it is by its
10 appearance or by whatever.

11 Q. Did you ever do that --

12 A. I never did that.

13 Q. -- at UMass lab?

14 And is that because you want to know
15 what the drug was so you could use it?

16 A. As a secondary, yeah. But at the
17 same point when I was even in the Boston lab
18 we were -- one of the guys mentioned like the
19 last thing you want to do is call something
20 positive that's not positive. Like you don't
21 want some drug dealer mad at you, sending them
22 to jail for something that's negative. You
23 want the accurate result. If there was a

1 question if something was positive or
2 negative, you called it negative.

3 And, like I said, for my sake and
4 towards the end, yeah, I wanted it for
5 possible use. I wanted to know what it was
6 but I also thought it would draw less
7 attention if I also tested everything
8 correctly. Like I said, most people know what
9 they have.

10 Q. Now, in the year 2012, the year we've
11 been talking about, were you in therapy at
12 that time?

13 A. I ended therapy, DBT, and the year I
14 ended in 2012 I did try a kind of a group
15 thing over some of the summer. Into the fall
16 I saw a therapist for maybe a month or so. I
17 don't exactly remember how long in the fall.
18 That wasn't working well.

19 Q. So your attempts at recovery and
20 staying sober did not work out?

21 A. Correct.

22 Q. And you had also, I think your
23 testimony was your use of crack cocaine was

1 quite heavy at this point?

2 A. By that point it was -- I know when I
3 was in the group it was pretty bad.

4 Q. Were you going to these appointments
5 under the influence of crack cocaine?

6 A. Yeah.

7 Q. Did you indicate that to your
8 therapist or any of the members of your group
9 that you were under the influence?

10 A. I don't believe so. That one
11 therapist I didn't feel connected to her at
12 all. She was no help to me. Maybe I wasn't
13 helping myself.

14 As for the group, I don't know if the
15 woman that ran it knew or didn't know. I was
16 fairly honest, you know, saying how --
17 reporting back how was your week. Like it
18 wasn't, oh, did you use every day, did you do
19 this, did you do that but she knew I was still
20 using.

21 Q. When you did the DBT program were you
22 filling out worksheets, progress reports or
23 were you doing a daily diary at any point?

1 A. In the DBT program, which was mid
2 2010 through the first couple weeks of 2012,
3 part of it is to record -- they have a
4 worksheet. I won't say it's a worksheet.
5 It's a -- I won't say a rate sheet but you can
6 list your -- some of your target behaviors,
7 your urges to engage in those behaviors and
8 whether or not you did or you didn't. It also
9 listed various different tools and skills that
10 we learned in the DBT program to try to help
11 relieve stress and ways -- other ways to deal
12 with anxiety in our lives.

13 Q. How would you term your personal
14 relationship with your partner at that time?

15 A. It was rocky.

16 Q. Was that due to your drug use do you
17 believe or was it due to other outside
18 factors?

19 A. I believe my drug use did not help it
20 but it had been rocky for a while and even
21 looking back to when she asked me to marry her
22 in the beginning of 2005, I had questions
23 about -- or concerns about doing that but I

1 just pushed them down and said yes.

2 Q. Did she have a -- Ms. Lee at any
3 point ever question your behavior and whether
4 it was linked to drug abuse?

5 A. Every now and again she would --
6 besides having some depression issues and
7 addiction issues, I have some anger issues so
8 there were times she would see an erratic
9 behavior and ask if I was on drugs and I would
10 say no. Or whether -- she occasionally
11 wondered if maybe I was getting some weird
12 contact high at work just being around drugs,
13 poor ventilation, it's an old building but I
14 told her no. We had this -- I don't want to
15 say joke -- a long running joke that I had
16 really bad PMS three weeks out of the month.
17 But I'll say my anger issues started previous
18 to any drug use, so there was no like boom,
19 all of a sudden I was acting a certain way
20 around her.

21 Towards the end when the use got
22 heavier and became more than the coke, the
23 crack, it required -- I don't want to say much

1 more attention but it wasn't I could do it and
2 be good for eight hours. I would have to
3 continue to do it. And she, besides having
4 some mental health issues of her own, she had
5 a bad concussion and had some neurological
6 stuff going on and -- and she -- she's an
7 alcoholic so her attention to me wasn't as
8 much there and so doing things without her,
9 realizing it wasn't a problem.

10 Q. Did you ever attend a couples therapy
11 or do anything of that nature with Ms. Lee?

12 A. Right before I went to jail. I knew
13 by that point my relationship had been over.
14 I had known for years. When she had gotten a
15 neurological -- it felt wrong to try to leave
16 when someone gets sick and you always hope it
17 will work. You never go into a relationship
18 thinking it's not gonna work.

19 Q. At any point -- so you were -- you're
20 aware of the issues at the Jamaica Plain
21 laboratory, the Hinton laboratory, correct?

22 A. Correct.

23 Q. And that was surrounding the conduct

1 of one chemist, Annie Dookhan, also known as
2 Annie Khan?

3 A. Correct.

4 Q. And the allegation and subsequent
5 confirmation that she was, in fact,
6 dry-labbing samples at the lab?

7 A. Yes.

8 Q. And not only did she dry-lab the
9 samples, fair to say she was adding weight to
10 the samples to push it over to trafficking
11 weight?

12 A. I have no idea how she was ever doing
13 that. I have no idea how she would have
14 guesstimated at the weight.

15 Q. But you were aware that
16 Ms. Dookhan -- or the prosecution --

17 A. Yes.

18 Q. -- of her by the Attorney General's
19 Office?

20 A. Yes.

21 Q. And that she admitted to doing
22 certain things like dry-labbing and whatnot?

23 A. Correct.

1 Q. At that point when she was placed
2 into custody and essentially arrested for what
3 she did done, for tampering with evidence,
4 what happened at the Amherst laboratory?

5 A. So that would be like I believe
6 August of 2012. I mean, we were warned to --
7 not that much longer before they went to talk
8 to her or whatnot.

9 Q. And so let me stop you there. What
10 were you told?

11 A. We were told that there was
12 something going on. They wouldn't tell us
13 what but the state police told us not to talk
14 to anybody about anything, which was -- I
15 mean, we didn't know anything but it was kind
16 of just giving us a heads up, you might be
17 getting a lot of phone calls or something
18 along those lines.

19 After she was questioned and then
20 they ended up closing down the JP lab, they
21 wanted to interview all of us in the Amherst
22 lab to see if we knew of anything, did we know
23 people. Sometimes, you know, Jim or Sharon

1 would go out to the Boston lab to transport
2 samples because if there were overflow --

3 Q. You picked up some samples?

4 A. So, and also due to the disarray of
5 their lab they wanted to check out our lab to
6 see how we were organized, to see were we
7 following procedure, you know, what was our
8 backlog like, what was our setup. And since
9 they were taking us over they wanted to know
10 those things anyway but it pushed things
11 along.

12 Q. Okay. So you had mentioned
13 "overflow." Can you describe what this
14 overflow is?

15 A. Even when I was there they had a lot
16 of samples that weren't getting done. I'm not
17 sure if it was just purely they were getting
18 more pieces of evidence than they could
19 analyze in a timely fashion. So our lab was
20 granted some overtime and normally Jim, the
21 lab supervisor, would go to Boston and they
22 would have, you know, a couple hundred samples
23 put off to the side, whether it was pills or

1 whatever they decided to go with, that he
2 would bring back to our lab. We would log it
3 into our computer system and then analyze it
4 and when we were done, they would be returned
5 to the Boston lab.

6 Q. Did you do this for the entire time
7 period that you were out --

8 A. No. When I was at Jamaica Plain?

9 Q. No. Strike that. When you were at
10 the Amherst laboratory?

11 A. No. It varied. Sometimes we'd have
12 overtime on just our own stuff. Sometimes --
13 it varied if we were getting samples from JP.

14 Q. Were there regular samples that you
15 would normally get from the Hinton lab or was
16 it -- it did not matter, was it every type of
17 controlled substance?

18 A. I think overall we got pretty much
19 every type. There were, you know, sometimes
20 it seemed like we were getting more pills. It
21 was like they were just giving us a pill thing
22 but other times they would give us powders or
23 they would -- I think at one point

1 they started -- I don't want to say not mixing
2 them or they just stopped separating them and
3 they were just giving us like the next numbers
4 coming in, whether they were a special amount
5 of their pills or they were powder or they
6 were whatever. I believe it was arbitrary.

7 Q. Now, going back to my original line
8 of questioning. The state police you said had
9 taken over the Department of Public Health
10 laboratory in Amherst?

11 A. Correct.

12 Q. And that was in the wake of the Annie
13 Dookhan issue?

14 A. I believe this was right along in
15 time as the Annie Dookhan issue. I believe
16 they took us over -- the fiscal year starts
17 July 1st in the state so I think they
18 officially took us over July 1st and when they
19 were visiting the Hinton lab that's when they
20 got wind that something might be amiss with
21 Annie Dookhan.

22 Q. And they came out to the Amherst
23 laboratory and they did an inspection; is that

1 fair to say?

2 A. They did.

3 Q. And they questioned each chemist
4 there I assume as to procedures, protocol
5 and --

6 A. (Interposing) Yeah, they went back
7 through our notebooks where we describe what
8 we did and they looked through it.

9 Q. Were you at any point questioned by
10 any member of the Massachusetts State Police
11 with regard to your testing and your
12 procedures?

13 A. I, like I said, all of us, there was
14 a couple people going around looking at our
15 notebooks and whatnot, which I participated in
16 as well. In the early afternoon the head of
17 the Crime Lab for the state police got -- I
18 was the last of the four to be interviewed
19 between the four people in the lab.

20 Q. And did you have a conversation with
21 the head of the state Crime Lab?

22 A. Yes, I did.

23 Q. At any time during this interview did

1 he call into question anything you were doing
2 at the lab in terms of your procedures, your
3 testing, your workstation, anything like that?

4 A. No. The only thing he mentioned was
5 it would be nice if we could get accredited,
6 which we all agreed with. It was purely a
7 money issue from the state and that had been
8 going on for ten years with the Crime Lab.
9 That was one of the first things he wanted to
10 do once he took us over.

11 Q. So this was the summer of 2012 and
12 you testified that your drug use at this point
13 was very heavy?

14 A. Correct.

15 Q. You were using daily?

16 A. Mm-hmm.

17 Q. Multiple times a day?

18 A. Correct.

19 Q. Now, during this takeover or this
20 interview by the Mass. State Police, were you
21 under the influence that day?

22 A. Yes.

23 Q. What were you under the influence of?

1 A. Of crack cocaine. I don't -- I might
2 have used first thing in the morning. I knew
3 they were coming at whatever time, 9 or 10. I
4 didn't use again until lunchtime and I hadn't
5 gone to my interview yet but I physically
6 didn't feel like I could make it through
7 without using so I did smoke crack at lunch
8 and I was interviewed at 1 o'clock or whatnot.

9 Q. At any point were there any concerns
10 raised by not only members of the lab but also
11 any members of the Mass. State Police
12 concerning your condition?

13 A. No.

14 Q. So you conducted the interview in
15 front of the Mass. State Police and there were
16 no issues?

17 A. I don't believe there were. It
18 seemed to run smooth to me. We talked.

19 Q. What was the tone of the
20 conversation; do you remember any questions?

21 A. I thought it was a fairly light
22 conversation. He asked me a little more about
23 Annie since I actually worked with her and no

1 one else in the lab did but it was a friendly
2 conversation. We actually talked football.
3 He was a Jets fan.

4 Q. About how long was the interview, if
5 you can recall?

6 A. Maybe fifteen, twenty minutes.

7 Q. Were there -- other than just light
8 conversation, were there any questions asked
9 about samples you had done recently or
10 anything specifically from your notebook?

11 A. There was nothing asked directly from
12 my notebook or no specific cases of mine
13 brought up. He did inquire into did I know
14 anything about what dry-labbing is, have you
15 ever participated. You know, it sounded very
16 form letter-ish like that, if you can call it
17 that, but there was no specifics about my
18 work.

19 Q. And you were aware of this interview
20 the day prior or the week prior?

21 A. Prior, yeah.

22 Q. And you still used?

23 A. I still used.

1 Q. And it's fair to say you still used
2 at that point you were so addicted to the
3 drugs?

4 A. Yes, that is accurate, yeah.

5 Q. At any other points do you remember
6 being under the influence in speaking to a
7 member of the Mass. State Police?

8 A. Yes.

9 Q. Do you know the day?

10 A. The 18th of January.

11 Q. Okay.

12 A. Of 2013.

13 Q. And where -- where did that
14 conversation take place?

15 A. That took place at the Hampden County
16 Hall of Justice. I was there to testify in
17 court. I was there all morning. They didn't
18 get to me so, you know, I went out to my car
19 for lunch, ate lunch. Had some fair amount of
20 crack in my car, I smoked up, got pretty high.
21 On my way back in, I knew I wasn't the first
22 person to go in, they had to finish up with
23 another witness but on my way there Detective

1 Lieutenant Whitney and another guy that I
2 forget his name pulled me aside and asked to
3 speak with me. I explained I had to go to
4 testify. They said they'd take care of it.
5 So we went into a conference room, I think it
6 was in the DA's office and, you know, they
7 asked if I knew what it was about. I had a
8 sneaky feeling but I said I don't know, maybe
9 the Annie Dookhan thing.

10 Q. And you were under the influence at
11 this time?

12 A. I was high, yes.

13 Q. Did they make any comments at that
14 time about your appearance or your demeanor --

15 A. No.

16 Q. -- that you were under the influence?

17 A. No, they didn't.

18 Q. So they never made a statement like
19 are you high now, are you under the influence?

20 A. They never did, no. They talked -- I
21 mean, they made it clear that it wasn't about
22 Annie Dookhan. They just did a general
23 talking about the lab, about how we analyze

1 samples and the lab layout. They had, you
2 know, whatever, a picture. They got to the
3 point where they asked if there would be any
4 evidence how do we package it back up. When
5 they finally got to the question of, you know,
6 why -- I don't remember if it was why is there
7 a crack pipe in your drawer or something along
8 those lines, I -- I stopped the conversation
9 and asked for a lawyer.

10 Q. Prior to that interaction, were there
11 any other interactions with a police officer?

12 A. The only other time -- I don't
13 necessarily remember if I was under the
14 influence or not but I had a close call from
15 -- besides working this job, my wife and I
16 delivered the Sunday newspaper in Northampton.
17 So we had been doing that since 2004. It was
18 a way to save up some money, you know, five or
19 six hundred bucks a month to buy a house and I
20 would -- we would take separate cars and we
21 were splitting it up and I got pulled over
22 right as I was leaving my house. And
23 basically I had a taillight out, which I

1 didn't know it but, you know, I had gone to my
2 glove box to pull out the registration and all
3 that and the officer was seeing me reaching
4 over, you know, what's going on. He walked
5 over to the car and I'm just getting this out
6 of my glove box. He walked around the car,
7 shined a light in my glove box. At that point
8 I believe I did have a small vial of
9 amphetamine in there. I asked him if he
10 wanted to look in there. He said no but I had
11 some drugs in there. So I don't necessarily
12 -- I don't remember if I was high at that
13 direct time but it was a close call.

14 MR. VELIS: Mr. Caldwell, may
15 I intercede for one moment?

16 MR. CALDWELL: You may.

17 MR. VELIS: Just for purposes
18 of clarification, Ms. West as well as myself
19 and Mr. Caldwell in various ways had asked you
20 about your productivity and the accuracy of
21 your analyses throughout the years and in
22 terms of the timing of that and how expansive
23 it was. Starting from the point in 2004, in

1 late 2004 when you started in August --

2 THE WITNESS: Yes.

3 MR. VELIS: -- when did you
4 start getting under the influence in testing
5 in August in 2004?

6 THE WITNESS: It would be at
7 the very end of 2004 and beginning of 2005, it
8 was methamphetamine.

9 MR. VELIS: Okay. And so
10 through all that course of your analyses,
11 plural, that you were under the influence,
12 what is it that you point to specifically as
13 the reason why you answered Ms. Caldwell's --
14 excuse me -- Ms. West's question that you were
15 sure about the accuracy of your productivity
16 or did you mean just that you were sure that
17 you put out that number of cases? By
18 productivity I assume you meant the accuracy
19 of what you did?

20 THE WITNESS: Correct. I
21 mean I am confident that it is accurate. All
22 results matched with each other throughout any
23 single piece of evidence's testing. Nothing

1 was questioned either by coworkers or
2 defendants or defense attorneys. Yes.

3 MR. VELIS: So if any of
4 those analyses were ever in question and those
5 samples were available for retesting, you say
6 they would bear that out?

7 THE WITNESS: It would be
8 correct, yes, that's correct.

9 MR. VELIS: With respect to
10 retesting from 2004 to the point where you no
11 longer rendered your services, what is the
12 capacity at that lab to now retest any of the
13 evidence that has not been destroyed? By
14 "destroyed" I mean through the course of
15 litigation.

16 THE WITNESS: Yes. What do
17 you mean by the "capacity at that lab"?

18 MR. VELIS: Is it able to be
19 done?

20 THE WITNESS: I would assume
21 they'd be able to retest anything that exists.

22 MR. VELIS: And that the
23 passage of time, would that be a variable that

1 would be considered as to the accuracy of the
2 analysis?

3 THE WITNESS: The accuracy as
4 to composition, whether or not it is or is not
5 a drug, should be the same. Like I said,
6 certain things over time do lose a little bit
7 of water weight but whether it -- if something
8 was retested and it came back as cocaine --
9 you know, if I had it as cocaine it should
10 come back as cocaine.

11 MR. VELIS: So if one of
12 those samples say from 2005 was retested
13 tomorrow, the same accuracy would remain as
14 existed in 2005?

15 THE WITNESS: In 2005, yes.
16 Toward, like I said, 2012 I was starting to
17 tamper with pieces of evidence and some of
18 those -- there were some samples, as
19 Mr. Caldwell pointed out, that I did replace
20 with counterfeit substances that could in
21 theory if it was retested come back as
22 negative even though when I originally tested
23 it was positive.

1 MR. VELIS: So to find the
2 very essence of your reason for saying that
3 you know that your testing was accurate while
4 you were under the influence is all the data,
5 tangible data, would reflect that, correct?

6 THE WITNESS: Yes.

7 MR. VELIS: So if these
8 things were all retested they would show the
9 same thing?

10 THE WITNESS: Back in 2005,
11 definitely.

12 MR. VELIS: And now, finally,
13 police officers would bring evidence to your
14 lab and then the -- I'm talking about the
15 usual course --

16 THE WITNESS: Yeah.

17 MR. VELIS: And that the
18 usual packets or whatever they have would be
19 handed over to the evidence officer, first
20 person?

21 THE WITNESS: I don't know
22 what they would do at the police department.

23 MR. VELIS: I'm talking about

1 at the lab.

2 THE WITNESS: When they
3 brought in the packets themselves, would it be
4 handed over --

5 MR. VELIS: Correct.

6 THE WITNESS: -- their
7 packets? Say there was ten packs of heroin,
8 they would have put it in their own evidence
9 bag.

10 MR. VELIS: And did any
11 officers ever at any time from any department,
12 state police or local police ever -- for the
13 lack of a better term -- stay around, stick
14 around to watch the analysis take place?

15 THE WITNESS: No. I mean, if
16 there was a -- even if they wanted to stick
17 around, as soon as a piece of evidence comes
18 in, it gets its bar code, a number; it gets
19 its gross weight. There was probably a month
20 back time for a chemist actually to get to
21 that piece of evidence to be tested. It's put
22 into the drug safe. And, you know, that might
23 be number 2000 but we might only be on, you

1 know, number 1800 so the next -- you know, I
2 would get, you know, 1800 to 1820 or 1820 to
3 1840, so it could end up -- I mean, maybe
4 that's not the best use of numbers but it's
5 that sort of thing where there's a good month,
6 six-week backlog in the lab.

7 MR. VELIS: Okay. So
8 finally, Ms. Farak, is the sum and substance
9 of what you said the following: That
10 everything you tested from that late 2004 on
11 while under the influence, if those samples
12 were still available and not destroyed in the
13 usual course --

14 THE WITNESS: Okay.

15 MR. VELIS: I'm not saying
16 destroyed in a --

17 THE WITNESS: I understand.

18 MR. VELIS: -- it is capable
19 for that to happen, that they could all be
20 retested?

21 THE WITNESS: I don't see why
22 they couldn't be.

23 MR. VELIS: And they'd reveal

1 the same degree of accuracy as when they were
2 originally tested?

3 THE WITNESS: Minus the ones
4 that I directly tampered with, they will.

5 MR. VELIS: Other than the
6 ones that Mr. Caldwell specifically mentioned?

7 THE WITNESS: I mean, there
8 was -- give or take, yes. I mean, like I
9 said, I don't remember every specific sample
10 in 2012 that I touched --

11 MR. VELIS: Okay.

12 THE WITNESS: -- but anything
13 prior to at least 2011 should be -- and that
14 USPS case, anything at least prior to that
15 will come back how I analyzed it.

16 MR. VELIS: Thank you.

17 Q. (By Mr. Caldwell) Ms. Farak, I just
18 have one quick follow-up in terms of police
19 interaction. You have the opportunity
20 frequently to interact with police as they
21 brought samples in?

22 A. Correct.

23 Q. You not only interacted with them on

1 a social basis but also a work basis in
2 general; is that correct?

3 A. Correct.

4 Q. There were certain officers that you
5 knew, were familiar with; is that fair to say?

6 A. That is fair.

7 Q. And is it also fair to say that
8 during many of these interactions you were
9 also under the influence of various drugs?

10 A. That is correct.

11 Q. Whether they be the batch controls or
12 actual drug samples that were submitted for
13 evidence?

14 A. Correct.

15 Q. Can you estimate perhaps -- I know
16 the number might be great -- but the
17 interactions you had with officers if you can
18 recall when you were under the influence?

19 A. Well --

20 Q. Only if you -- only if you know and
21 it's somewhat accurate.

22 A. I mean, it was probably three or four
23 interactions a week at least between me and a

1 police officer when I was under the influence.

2 MR. CALDWELL: Thank you very
3 much. I have nothing further.

4 MS. WEST: Okay. Just a few
5 more questions and I promise we're almost
6 done. I want to go back to about 2012 when
7 you were in therapy at DBT.

8 THE WITNESS: Okay. I was in
9 therapy at DBT in 2012 up until like the 17th
10 or something.

11 MS. WEST: Okay. So the
12 first therapist you saw, her name was Sarah,
13 right?

14 THE WITNESS: Correct.

15 MS. WEST: You saw her in
16 2009?

17 THE WITNESS: Yes.

18 MS. WEST: And you had a good
19 relationship with her?

20 THE WITNESS: I thought so.

21 MS. WEST: Were you being
22 candid with her?

23 THE WITNESS: Yes.

1 MS. WEST: And you told her
2 about your drug problem, right?

3 THE WITNESS: I told her
4 about my drug problem about three months after
5 I started.

6 MS. WEST: Okay.

7 THE WITNESS: But I was
8 honest with her.

9 MS. WEST: And then when did
10 you start in DBT?

11 THE WITNESS: June of 2010.

12 MS. WEST: And it went all
13 the way till when?

14 THE WITNESS: Second or third
15 week of January of 2012, about 18 months.

16 MS. WEST: Okay. You spoke
17 earlier about that the therapy wasn't going
18 well and you talked about I think two
19 therapists?

20 THE WITNESS: I talked about
21 a therapist later in 2012.

22 MS. WEST: Who was that
23 therapist?

1 THE WITNESS: Beth Quill,
2 Beth Quinn, Beth --

3 MS. WEST: Her first name is
4 Beth?

5 THE WITNESS: Beth, yeah.

6 MS. WEST: And her surname
7 was?

8 THE WITNESS: Quill I think.

9 MS. WEST: Q-U-I-L-L?

10 THE WITNESS: Yes.

11 MS. WEST: And describe your
12 relationship with her?

13 THE WITNESS: I didn't feel
14 safe talking to her. It became a mutual
15 decision for us to end it. And, like I said,
16 I don't know if I was just not wanting to be
17 honest with myself, if I had progressed past
18 the point of being able to be honest with her.

19 MS. WEST: So putting aside
20 that you didn't feel safe with her, were you
21 candid with her?

22 THE WITNESS: I can't say
23 that.

1 MS. WEST: Okay. And who was
2 the second therapist that you spoke of?

3 THE WITNESS: I had spoke
4 about a group situation. It was called the
5 seeking safety group for people with addiction
6 problems and like PTSD issues that I don't
7 have but I got into the group. Her name -- I
8 don't have off the top of my head right now.

9 MS. WEST: Okay. How long
10 was that group therapy?

11 THE WITNESS: Well --

12 MS. WEST: Months long?

13 THE WITNESS: -- probably a
14 couple months.

15 MS. WEST: And in that
16 atmosphere of a group were you being candid
17 there?

18 THE WITNESS: It was
19 difficult with my work position. They knew I
20 had a problem. I don't think they knew where
21 I worked, meaning the other people in the
22 group. I think that I was fairly candid with
23 her, however, I also -- I wasn't telling her I

1 was coming in high.

2 MS. WEST: Okay. I have
3 nothing else.

4 MR. CALDWELL: The time is
5 approximately five minutes after 1. This will
6 end the presentation for the day, unless there
7 was anything further, Assistant Attorney
8 Generals?

9 MR. VELIS: Nothing.

10 MS. WEST: Nothing from me.

11 MR. CALDWELL: Thank you,
12 Ms. Farak. You may step out.

13 (Witness excused.)

14 (The presentation was
15 suspended.)

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1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF HAMPDEN

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4 I, KATHLEEN M. HOUGHTON, Court
5 Reporter, hereby certify that the foregoing is
6 a true and accurate transcription of my
7 stenographic notes to the best of my knowledge
8 and ability.

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KATHLEEN M. HOUGHTON

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