

VOLUME II

1

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 29, 2015.

APPEARANCES:

THOMAS CALDWELL,  
Assistant Attorney General

KIM WEST,  
Assistant Attorney General

THE HONORABLE PETER VELIS (Ret.),  
Special Assistant Attorney General

Kathleen M. Houghton  
Court Reporter  
PHILBIN & ASSOCIATES, INC.  
Certified Shorthand Reporters  
Certificate of Proficiency  
Certificate of Merit

PHILBIN & ASSOCIATES, INC. 75 Market Place Springfield, MA 01103

## VOLUME II

2

1

## I N D E X

2

-----  
WITNESSES: PAGE

3

-----  
SONJA FARAK

4

Examination By Ms. West..... 3, 60

5

Examination By Mr. Velis..... 52, 139

6

Examination By Mr. Caldwell..... 63, 146

7

8

-----  
EXHIBIT DESCRIPTION PAGE

9

-----  
Grand Jury

10

2 Pros and Cons list/chart, 1 pg. 3

11

3 Backside of diary sheet, 1 pg. 3

12

4 Emotion Regulation Worksheet, 1 pg. 3

13

5 Emotion Regulation Worksheet, 1 pg. 3

14

6 Hand-drawn chart, 1 pg. 3

15

7 Lab Request form, 1 pg. 3

16

8 ServiceNet Diary Card, 1 pg. 3

17

9 Pittsfield.com article, 1 pg. 3

18

10 MassLive.com article, 1 pg. 3

19

11 SFGate.com article, 1 pg. 3

20

12 Video

21

13 Medical Records 3

22

23

\*\*\*\*\*

VOLUME II

3

1 (Grand Jury Exhibit Nos. 2  
2 through 13, marked.)  
3 MS. WEST: Good morning,  
4 ladies and gentlemen. My name is Kim West.  
5 I'm an assistant attorney general here with  
6 Assistant Attorney General Thomas Caldwell and  
7 Special Assistant Attorney General Peter  
8 Velis. We were here two weeks ago presenting  
9 evidence on the matter regarding the Amherst  
10 lab case. Today we will continue that  
11 evidence.

12 SONJA FARAK (SWORN.)

13 EXAMINATION BY MS. WEST

14 Q. Ma'am, can you state your name for  
15 the record?

16 A. My name Sonja Farak.

17 Q. And your last name is F-A-R-A-K?

18 A. That is correct.

19 Q. You were before this Grand Jury two  
20 weeks ago?

21 A. Correct.

22 Q. And when you were here, before you  
23 started to testify do you remember looking at

1       Grand Jury Exhibit 1? (Indicating)

2           A. Yes, I did.

3           Q. And is that your grant of immunity?

4           A. Yes, it is.

5           Q. And do you remember going before the  
6       court in Hampshire Superior Court regarding  
7       that grant of immunity?

8           A. Yes, I do.

9           Q. And is your testimony today a  
10      continuation of the testimony you gave two  
11      weeks ago pursuant to that grant?

12          A. Yes, it is.

13          Q. So today I want to talk to you a  
14      little bit about your interaction over the  
15      years in therapy. Now, you spoke last time  
16      about seeing a number of therapists; do you  
17      remember that?

18          A. Yes, I do.

19          Q. And when was the first time you went  
20      to a therapist?

21          A. The first time I went to a therapist  
22      I was in high school.

23          Q. About how long did that last?

1           A. Just a year or two.

2           Q. And when was the next time you went  
3 to therapy?

4           A. I went in college. I was depressed  
5 and I saw the therapist on and off for two to  
6 three years and that ended in 2000 -- 2000 I  
7 guess.

8           Q. And subsequent to 2004 after you  
9 started at the Amherst lab, when was the next  
10 time you saw a therapist?

11          A. In January of 2009.

12          Q. And who was that therapist?

13          A. Sarah Hawrylak.

14          Q. And is that -- is Hawrylak,  
15 H-A-W-R-Y-L-A-K?

16          A. Yes.

17          Q. Now, in front of you you have what's  
18 been marked as Grand Jury Exhibit 13; do you  
19 see that?

20          A. I didn't see that but I'm assuming  
21 it's the same thing.

22          Q. Do you have a binder in front of you?

23          A. Correct.

1 Q. And this is a number of documents?

2 A. Yes, it is.

3 Q. And do you recognize these documents?

4 A. Yes, I do.

5 Q. Have you seen them before?

6 A. Yes.

7 Q. All right. So the documents begin

8 with a Bates number, which is 00001, and they

9 go all the way through Bates 00252 --

10 A. Correct.

11 Q. -- is that right?

12 A. That is correct.

13 Q. And I've shown these to you before,

14 right?

15 A. Yes, you have.

16 Q. And even without me showing these to

17 you before, have you seen some of these

18 records?

19 A. Yes, I have.

20 Q. When did you see them?

21 A. I saw some of the first set of

22 records up to the first binder point in 2013.

23 After I was arrested I learned -- I had

1       thought it would be in my best interest to  
2       obtain my mental health records to see what  
3       they may have said since we weren't sure in  
4       which direction the trial or court was going  
5       to be.

6           Q.     So we don't need to talk about what  
7       an attorney told you but I just want -- so you  
8       have seen these before?

9           A.     Yes, I have.

10          Q.     And we're going to look through them,  
11       not in too much detail but we'll go through  
12       them. And now I want to refer you to the  
13       first set and that set are the records of  
14       Sarah Hawrylak, so I'm going to refer to Bates  
15       Number 1 through Bates Number 19.

16           Now, these are records that began in  
17       2009, correct?

18           A.     Correct.

19          Q.     And in 2009 give us a sense of where  
20       you were at the lab in terms of your addiction  
21       into narcotics?

22          A.     Well, in 2008 and '09, beginning of  
23       2009 I pretty much exhausted the

1       methamphetamine standard in the lab. I was  
2       fighting addiction trying to get out of it and  
3       that it was around that point, of course, for  
4       the drug reasons and other reasons I decided  
5       to go into therapy. At around that point I  
6       also started tinkering with the  
7       dextroamphetamine standard in the lab since I  
8       had run out of the methamphetamine.

9           Q. And just to remind everyone, I used  
10       the word standard, does standard refer to the  
11       vials that were in the refrigerator and the  
12       cabinet?

13          A. Correct. They were not submissions  
14       from police departments. It was a hundred  
15       percent pure substances that the lab had  
16       acquired from chemical companies to run as  
17       controls.

18          Q. And a standard is different than a  
19       sample, right?

20          A. Correct.

21          Q. And you just explained that. Can you  
22       tell us a little bit more about that; what's  
23       the difference?

1           A. Well, in our lab the word "sample"  
2 normally referred to a submission from a  
3 police department. So, you know, we'd run  
4 samples on like the machinery, on the  
5 instrumentation, and we'd compare them to the  
6 standard; where the standards were known  
7 substances, pure substances, so that we could  
8 see if the sample was consistent with the  
9 known substance to have a positive  
10 identification.

11          Q. By the beginning of 2009 were you  
12 taking just standards from the lab or were you  
13 also taking samples?

14          A. Just standards.

15          Q. All right. So I want you to look at  
16 the first page, it's Bates Number 1. And this  
17 is entitled -- and for everyone, that's up  
18 here. I apologize. It's entitled Diagnostic  
19 Intake January 15th, '09 to January 27th, '09.

20           Now, the notes that we see on this  
21 page, those are not your notes, right?

22          (Indicating)

23          A. No, they are not.

1           Q.    Okay.  Do you understand whose notes  
2       they are?

3           A.    I believe that they are by the  
4       therapist.

5           Q.    So I'm not going to ask you about the  
6       writing in the notes and what went into the  
7       writing in the notes but I'm going to ask you  
8       as to whether some of these notes that we see  
9       are consistent with your memory as well.

10          Okay?

11          A.    Okay.

12          Q.    So I want you to go down to the third  
13       block.  Excuse me.  I want you to go down to  
14       the last block.  And under Substance Used, it  
15       says: CT, client declined to answer questions  
16       about drug and ETOH, alcohol, use.

17           So when you first started seeing --  
18       you did not write that, correct?

19          A.    Correct.

20          Q.    And when you first started seeing  
21       this particular therapist were you being  
22       candid with her?

23          A.    I wasn't lying about my drug or

1       alcohol use but I did want -- I was concerned  
2       that if I brought that up, that's all that  
3       would be focused on. And considering some of  
4       my depression issues stem back much farther  
5       than I had ever used a drug or a substance, I  
6       didn't want it to be minimized.

7           Q. When you say "minimized," do you mean  
8       your other issues, issues other than drug and  
9       alcohol use?

10          A. Correct.

11          Q. All right. So let's go to the next  
12       page, which is Bates Number 2, and looking  
13       under the portion that's April 28th, '09,  
14       second paragraph, it says: One hour  
15       appointment. Client disclosed that she had  
16       been using illegal substances, methamphetamine  
17       primarily, for a long period of time but she  
18       was afraid to tell me previously. She obtains  
19       the drugs from her job at the state drug lab  
20       by taking portions of samples that have come  
21       in to be tested.

22           The first time did you tell your  
23       therapist that?

1           A. No. I probably said standards to  
2 her. I know at the time I wasn't taking from  
3 pieces of evidence. So there's a chance I  
4 said I was taking a sample of the standard,  
5 you know, taking out from the big jar into a  
6 little container. I'm not sure if it was a  
7 miscommunication issue between the two of us  
8 or she wasn't fully aware of the difference  
9 between standards and samples.

10          Q. Okay. So but for the word "sample,"  
11 everything else that I've read, is that true?

12          A. Well, samples that have come into the  
13 lab to be tested.

14          Q. Yes.

15          A. The standards weren't really there to  
16 be tested; they're to be run concurrent with  
17 but, yes, by that point I had been using  
18 methamphetamine for a long time.

19          Q. If you go to Bates Number 3, May 7,  
20 2009, one hour appointment. Client focused on  
21 her history of substance abuse. She has used  
22 methamphetamine and dextroamphetamine for four  
23 years on and off. I want to stop there.

1           This date is May 2009. By May 2009  
2        how long have you been using those narcotics?

3           A.   About four years, maybe  
4        four-and-a-half years. I'm not sure of the  
5        exact date I started but it was towards the  
6        end of 2004, beginning of 2005 so.

7           Q.   So if we move down the paragraph, it  
8        says: Client first tried methamphetamine when  
9        she was a chemist in a previous job but didn't  
10       get much from it. Let's stop there.

11          Do you have a memory of using  
12        methamphetamine at a previous job?

13          A.   No. I believe I took some E with my  
14        partner at one point that might have had some  
15        methamphetamine in it but I didn't take any  
16        drugs from the Boston lab.

17          Q.   After moving to western Massachusetts  
18        for her job at the state drug lab, she tried  
19        it again -- in quotes -- really liked it. I  
20        felt euphoric.

21          I want to explore a little bit more  
22        your previous jobs. So the job before this  
23        was the job in the JP lab, right?

1           A. Are we talking about working for the  
2 -- in the state drug lab?

3           Q. Yes.

4           A. In the JP lab?

5           Q. Yes.

6           A. Yes.

7           Q. And when you were in the lab on the  
8 eastern side of Massachusetts, describe for us  
9 your first job there? It wasn't -- it had  
10 nothing to do with drugs, right?

11          A. Right. My first job working for the  
12 state started in 2002. It was in the Jamaica  
13 Plain same building. I was a bacteriologist  
14 where I worked in an HIV testing laboratory,  
15 so we would receive blood and saliva samples  
16 from patients and we would test it for the  
17 presence of antibodies to HIV-1 and HIV-2.

18          Q. So at some point you finished working  
19 with HIV issues --

20          A. That's correct.

21          Q. -- and you moved on, correct?

22          A. Correct.

23          Q. But you were still in the JP lab?

1           A. It was the same building, different  
2 lab.

3           Q. All right. And then what was your  
4 second job there?

5           A. The second job was working as a  
6 Chemist I with the drug analysis laboratory.

7           Q. And in that lab would you have had  
8 access to methamphetamine?

9           A. I believe I may have gotten a couple  
10 of methamphetamine standard -- or samples,  
11 submissions from police departments, but we  
12 had no access --well, I had no access to their  
13 standards. They were under tighter lock and  
14 key.

15           Q. So the next line in the note says:  
16 The client thought it gave her energy, helped  
17 her to get things done and not procrastinate,  
18 feel more positive. Is that true?

19           A. Correct.

20           Q. And it continues: She reports that  
21 she was getting her supply from samples at  
22 work but worried that she would get caught.  
23 Client's longest period of sobriety from

1       amphetamines in the past four years has been  
2       three to four months.

3           So let's stop there and go back a  
4       little bit. It says you're getting your  
5       supply from samples at work but worried that  
6       you would get caught. At this point in May  
7       2009, this is when you were here in Amherst,  
8       right?

9           A.    Correct.

10          Q.    And it uses the term -- she used the  
11       term "samples"?

12          A.    Mm-hmm.

13          Q.    Did you tell your therapist that you  
14       were taking samples?

15          A.    I did not tell her I was taking  
16       samples. I did not say I was taking from  
17       pieces of evidence or submissions. I was  
18       taking from standards.

19          Q.    She also talks about a period of  
20       sobriety in the past four years, the longest  
21       being three to four months. What is your  
22       memory of the four years preceding 2009?

23          A.    I was heavily using methamphetamine.

1 I did try multiple times to kick the habit I  
2 guess for multiple reasons. I mean, there  
3 were periods of a couple weeks here, a month  
4 there. There was one better attempt I guess  
5 to stay sober. I think it was when I knew I  
6 was running out of the methamphetamine  
7 standards. But I guess for the most part I  
8 was using or at least thinking about using  
9 most of that time.

10 Q. If you go to Bates 7, and then  
11 towards the bottom, the last paragraph, July  
12 14th, it says in the middle: Client continues  
13 to engage daily in other risky behavior,  
14 however, and does not feel ready to take steps  
15 to stop.

16 In July of 2009 can you give the  
17 Grand Jurors a sense of what other drugs or  
18 alcohol or activity you were involved in?

19 A. June -- or July of 2009 I was using  
20 the dextroamphetamine heavily on a daily  
21 basis. I don't believe there was any other  
22 drug use besides occasional pot, which was --  
23 my partner had -- or, you know, had obtained

1 from a source.

2 I was -- I don't remember if I was  
3 drinking. I know it's not my drug of choice  
4 but my partner was an alcoholic so I drank a  
5 lot.

6 Q. Can you turn to page eight? Towards  
7 the bottom, August 4th: Client continues to  
8 be sober. Then August 11th: Client continues  
9 to be clean with no reported cravings. She  
10 has noted increased drinking, however, when  
11 her partner brings alcohol into the house.

12 Tell us about this period of  
13 sobriety. Was it, first of all, was there a  
14 period of sobriety?

15 A. Yes. I didn't lie to this therapist  
16 so.

17 Q. And throughout 2009 and going into  
18 2010 were there periods of time where you were  
19 using drugs and periods of time where you were  
20 not using drugs?

21 A. Yes.

22 Q. Can you give us a sense of what --  
23 what was going on in your life such that you

1       would start the drugs up again?

2           A. I don't remember all the things that  
3 may or may not have been going on from 2009.  
4 I mean, I knew the standards were getting  
5 lower in the lab. I was concerned about  
6 getting caught eventually. My partner has  
7 mental -- had some mental health issues and  
8 that caused me a lot of stress at times.

9           Q. But when things were better at home  
10 were there periods of sobriety?

11          A. There were periods of sobriety, yes.

12          Q. All right. So we're going to go  
13 through these records and there's going to be  
14 a period of time in 2009 up through 2013 and I  
15 want to get a sense over that course of time  
16 were you using drugs consistently or was there  
17 a consistent -- were there consistent periods  
18 of sobriety littered throughout those years?

19          A. There were periods of sobriety  
20 throughout. Sometimes, obviously, I was more  
21 successful than other times but.

22          Q. And what's the longest period of  
23 sobriety that you had that you can remember?

1           A. I don't believe I had anything longer  
2 than, you know, the three or four months that  
3 was already mentioned and most probably  
4 weren't more than a month or so and some as  
5 little as, you know, a few days or a week.

6           Q. Would you go to page nine? August  
7 25th, one hour appointment. Client continues  
8 to use on a daily basis, says she is almost  
9 out and wants to stop. I'll stop there.

10           In August 2009 were you almost out of  
11 a particular drug?

12           A. I'm assuming I was, just -- it's  
13 written and I have no reason to believe that  
14 she would say anything contrary to what I told  
15 her.

16           Q. So you were being candid with her?

17           A. I was being candid.

18           Q. All right. She attended her first NA  
19 meeting last weekend, is willing to try one  
20 again. Client had close call with getting  
21 caught with substances when pulled over by  
22 police officer when her taillight was out.

23           Is this something that you spoke

1       about two weeks ago?

2           A. I don't remember.

3           Q. Okay.

4           A. I might have.

5           Q. I'll stop there. On this particular  
6 occasion, do you remember this?

7           A. Yes, I do.

8           Q. All right. Tell us about that?

9           A. My partner and I delivered the Sunday  
10 Republican newspapers as a part-time job, so  
11 Saturday nights we would go out around  
12 midnight to pick up the paper to deliver.  
13 That particular day we had taken two separate  
14 vehicles to try to cut the time in half, not  
15 quite half but to do it quicker. She had  
16 already left. I was driving down to go. I  
17 got pulled over by a state police officer. It  
18 was about a quarter mile from my house. So,  
19 you know, I mean, I get pulled over. Totally  
20 forgot I had something in my glove box at that  
21 point but, you know, I go to do what I was  
22 supposed to do, turn the interior lights on  
23 and I go to get out my registration and my

1 license. I guess the officer saw me reaching  
2 over and was inquiring more, you know, what  
3 was going on. You know, I handed him -- told  
4 him I was just getting my registration for  
5 you. He went to the other side of the car, he  
6 shined the flashlight in the --

7 Q. Slow down.

8 A. -- glove box that I had left open and  
9 he asked is there a problem or whatever. He  
10 could tell I was looking. I said, Do you want  
11 to take a look in my glove box or whatever and  
12 he said, No, no, it's okay. And he mentioned  
13 the taillight out and I told him what I was  
14 doing. He did allow me to drive back home.  
15 Like I said, I was about a quarter mile and I  
16 called my partner, who came and picked me up  
17 and we delivered newspapers that way.

18 Like I said, when I first opened the  
19 glove box I had kind of forgotten the drugs  
20 were there but I -- by the time I had taken  
21 the registration out, I did see them so I knew  
22 they were in there.

23 Q. The event that you just described, is

1       that the same event that is referred to by  
2       your therapist in the notes?

3           A.   Yes.

4           Q.   Go to Bates 11. Go down to March  
5       3rd, 2009 -- excuse me -- November 3rd, 2009.  
6       One hour appointment. Client continues to be  
7       clean re: amphetamine, 34 days since last  
8       use, though she has noticed an increase in her  
9       alcohol consumption.

10           And then November 10th as well:

11           Client still clean re: amphetamine, 41 days  
12       since last use.

13           So in this period of time do you have  
14       a memory of being clean?

15           A.   Vaguely, yes.

16           Q.   Why do you say "vaguely"?

17           A.   It's tough to remember all periods.

18       I know there was a period of time after the  
19       close call I guess that -- I don't want to say  
20       I was scared straight but put things in  
21       perspective and it was like a new found effort  
22       I guess to try to stay clean.

23           Q.   Okay. Turn to Bates 12, please.

1       November 12th, towards the bottom. Excuse me.  
2       November 24th, towards the bottom: Client  
3       continues to be clean from substances, eight  
4       weeks and has limited alcohol intake. Is this  
5       a continuation of being scared and --

6           A.    Correct, that and I believe I was  
7       running out of substances.

8           Q.    Bates 13, January 5th, 2010: Client  
9       stopped Lamictal, L-A-M-I-C-T-A-L, for last  
10      week December and used hallucinogens during  
11      that time. Do you have a memory of what was  
12      going on in January 2010?

13          A.    Not specifically.

14          Q.    So do you know what she's referring  
15      to when she says hallucinogens?

16          A.    Yes, I do.

17          Q.    What is that?

18          A.    Acid, LSD.

19          Q.    And where did you get that LSD?

20          A.    I got that from the lab.

21          Q.    Bates 14, February 2nd, 2010: Focus  
22      on client's admission. She was dishonest last  
23      appointment in reporting her drug use. She

1 has been using cocaine for several weeks as  
2 well as ketamine occasionally.

3 So in the beginning of 2010 were you  
4 using cocaine?

5 A. Yes, around Christmastime I relapsed  
6 and started using other drugs.

7 Q. And where did you get the cocaine?

8 A. I got it from the lab.

9 Q. From -- was it from a lab sample or a  
10 lab standard?

11 A. I know I definitely started using the  
12 standards in the lab at that point.

13 Q. The cocaine standard?

14 A. The cocaine standard, correct. I --  
15 in looking back on notes I also know that the  
16 first piece of evidence I touched was a piece  
17 of evidence that was confiscated by the police  
18 in November of 2009. I'm not sure when that  
19 was brought into the lab for me to analyze it.

20 My I guess belief on this is that,  
21 you know, I started with the -- or using the  
22 cocaine standard as well and then eventually  
23 supplemented it with pieces of evidence.

1           Q.     So I'm just trying to get a sense of  
2     timing. This is dated February of 2010. I  
3     want to know if that helps you remember during  
4     February in 2010 were you taking cocaine from  
5     standards or were you taking it from samples?

6           A.     Besides possibly that one piece of  
7     evidence --

8           Q.     Correct.

9           A.     -- it was all standards.

10          Q.     And when did it change with the  
11     cocaine, when did it change from standards to  
12     samples?

13          A.     The cocaine changed in 2011 I  
14     believe, early 2011.

15          Q.     Bates 15, February 23rd, 2010, in the  
16     middle: Client thinks that other staff at  
17     work may know about her taking samples.

18                 Did you say this to your therapist?

19          A.     Like I said, I'm not sure if --  
20     samples or standards. I thought they may have  
21     known about my drug use.

22          Q.     And why did you think that?

23          A.     I was paranoid. I don't know, maybe

1 just, you know, if I'm going into where the  
2 standards are kept, you know, do they see me  
3 walking back from that area with no  
4 discernable reason, not that they asked me and  
5 I made up a lie but. That would be my guess.

6 Q. Okay. But you don't have a  
7 particular memory of somebody saying something  
8 to you or acting in a particular way that made  
9 you believe that you thought they were -- they  
10 knew what you were doing?

11 A. At that time, no, because there was a  
12 previous incident with the methamphetamine  
13 standard, which I think I discussed last time,  
14 where the supervisor did an inventory and  
15 noticed that it looked like it had separated.

16 Q. Right. Other than that?

17 A. Other than that there was nothing  
18 else concrete or something they said or  
19 anything along those lines that made me think  
20 that.

21 Q. Go to March 2nd, 2010. Client  
22 continues to feel depressed. Has used  
23 cocaine, alcohol and marijuana in the past

1 week.

2 So now we're in March of 2010. The  
3 cocaine you were using, where was that coming  
4 from?

5 A. That was from the standard.

6 Q. Go down to March 9th, 2010. Client  
7 reports continuing depression with suicidal  
8 ideation but no intent plan and continuing  
9 polysubstance abuse.

10 So my question is, in March of 2010  
11 what types of drugs were you taking?

12 A. I was taking the cocaine standard. I  
13 was using alcohol. I'm guessing I was smoking  
14 pot occasionally. There may have been either  
15 the ketamine standard that I would  
16 occasionally touch and some other standards in  
17 the lab.

18 Q. Will you turn to Bates 16?

19 March 30th, 2010: Client reports  
20 that mood was fairly stable this week, little  
21 to no arguing with partner but she also began  
22 using again, coke, acid and alcohol.

23 Increased her risk of being caught by using at

1 work on Friday.

2 So this is dated March 2010. Can you  
3 give us a sense of prior to March 2010 how  
4 often you used at work?

5 A. Prior to 2010 I used at work quite  
6 frequently when I was using. I mean,  
7 obviously, during my periods of sobriety I  
8 wasn't but when I was using I was a daily  
9 user. The amphetamine, for example, I would  
10 either have -- I would take it like first  
11 thing in the morning and I might do some more  
12 throughout the day while at work.

13 Q. And that happened even before March  
14 2010?

15 A. Yes.

16 Q. Will you go to Bates 17?

17 April 20th: Has been working  
18 overtime for past week. Client has not used  
19 substances for past three weeks until  
20 yesterday. Took cocaine, ketamine and MDMA.

21 Will you remind us what MDMA means?

22 A. It's ecstasy. It's kind of a blend  
23 between a stimulant and a hallucinogen I

1       guess.

2           Q. And during this period of time was it  
3       typical for you to work overtime?

4           A. I'm sorry, did you say prior to this  
5       time or at this time?

6           Q. During this period of time was it  
7       typical for you to work overtime?

8           A. When we had overtime I'd work --  
9       well, I tried to work the most we could. A  
10      lot of times it was only 10 hours a week.

11          Q. While you were working overtime was  
12       it such that you had -- it was easier to take  
13       out of standards?

14          A. That is correct. A lot of the  
15       overtime I did was not the same overtime that  
16       other people would do so there were many times  
17       I was alone in the lab.

18          Q. And go to Bates 18, please?

19           May 26, 2010: Client acknowledged  
20       that she left quote from Jeffrey Dahmer on my  
21       door. Did not mean it in any threatening way  
22       to me, herself or others.

23           Do you have a memory of this?

1           A. I remember leaving the note -- or the  
2 quote on her door.

3           Q. Okay. So tell us about that?

4           A. We had had a -- a session  
5 previously -- I'm not trying to say trying to  
6 get to the root of my problems but basically I  
7 would say I came up with a normal childhood,  
8 you know, it was a middle class family. I was  
9 provided for in every way. I wasn't abused  
10 and that -- but yet I still turned out a  
11 certain way, still had some problems. And the  
12 quote from Jeffrey Dahmer -- I think it's in  
13 here -- but basically it said, I was a normal  
14 kid, just like anybody else. Saying that I  
15 was just -- there wasn't any huge traumatic  
16 incident in my childhood or, you know,  
17 circumstances of my life that would make  
18 people see me turn down the path I turned  
19 down.

20           Q. Okay. Bates 19. June 1, she writes:  
21 We continued to talk about client's transition  
22 to DBT program.

23           June 9: Client will be starting

1 six-month DBT program on Monday.

2                   What is a DBT program?

3                   A. It's dialectical behavioral therapy.

4                   It's a type of CBT, cognitive behavioral  
5                   therapy, that helps or tries to help people  
6                   with specific target behaviors. It can be  
7                   anything from drug and alcohol abuse to  
8                   cutting to suicidal threats and things like  
9                   that and ways to cope in the moment and I  
10                  guess to pre-cope in a sense to try to limit  
11                  the emotional dysregulation that some people  
12                  experience.

13                  Q. So at this point did you stop seeing  
14                  this particular therapist?

15                  A. I, yeah, in June.

16                  Q. Okay. We're going to move to the  
17                  next tab. This is page 20. First page says  
18                  ServiceNet and this goes all the way to Bates  
19                  222. Do you see that?

20                  A. Yeah.

21                  Q. Now, this set of records, before I  
22                  showed them to you a month or so ago, had you  
23                  seen them before?

1           A. I had.

2           Q. And tell us the circumstances about  
3 seeing them before?

4           A. I had seen them, like I said, twice  
5 before. I -- back in March I think it was of  
6 this year, I found out that my mental health  
7 records had been released under protective  
8 order to the judge so I asked for a complete  
9 copy of my records from ServiceNet and  
10 received them. I had also -- I guess that's  
11 when I saw these records. I had also, as I  
12 previously said, requested my mental health  
13 records with my lawyer a couple years ago and  
14 she had received a copy at that point.

15           Q. Okay. So you asked for them  
16 yourself --

17           A. Correct.

18           Q. -- earlier this year and then a month  
19 or so ago we showed you this particular set,  
20 right?

21           A. Correct.

22           Q. And when you compared them, were they  
23 the same?

1           A. The records that I personally  
2 requested for myself and these, yes.

3           Q. And at some point did you compare  
4 another set of these records to the ones we  
5 showed you and were they the same?

6           A. Yes, I did. I noticed that these  
7 records, that the -- okay.

8           When I had requested a set for my  
9 lawyer back in 2013, she had gotten a copy. I  
10 hadn't seen them till this year but when I  
11 looked through them they seemed to be more --  
12 I don't want to say detailed but there were  
13 things in those notes that were not in the set  
14 I received or that the AG's office received.

15          Q. All right. So let's go back on that.  
16 The set that you had, were those bigger than  
17 the set that I had?

18          A. Yes.

19          Q. And --

20          A. Or the set that my lawyer got was  
21 bigger than the set that you had or the set  
22 that I had.

23          Q. And once you had an opportunity to

1 review them, the set that your lawyer  
2 received, how was that different than the set  
3 that I had?

4 A. They had some progress notes from my  
5 individual therapist that I could not locate  
6 in this packet and they had -- in DBT we have  
7 an individual therapist but we also have the  
8 group therapy and this set didn't have  
9 anything from the group therapist.

10 Q. Okay. So we're going to look at a  
11 couple of pages that I have, which does not  
12 include the progress notes or group therapy.

13 So if you can go to 23? At the  
14 bottom under Diagnosis, it says: Starting at  
15 about 2005 she has a history of abusing a  
16 number of different classes of drugs,  
17 including cocaine, cannabis, methamphetamine  
18 and Fen-Phen. She had a week-long cocaine  
19 binge in March.

20 So, first of all, did you write this?

21 A. No.

22 Q. Are these the notes of one of the  
23 therapists at DBT?

1           A. Yes, it is.

2           Q. In looking at what it actually says,  
3         is this true, did it start in about 2005?

4           A. It was the beginning of 2005, end of  
5         2004 so, yeah, I would say it's correct or  
6         accurate.

7           Q. What is Fen-Phen?

8           A. I actually did not abuse Fen-Phen,  
9         which is like a weight loss drug, but one of  
10       the two drugs in it is phentermine, which I  
11       did have access to standard in my lab -- in  
12       the lab. When I was debating -- after I'd run  
13       out -- sorry. After I had run out of the  
14       methamphetamine, I was debating between doing  
15       the dextroamphetamine standard and the  
16       phentermine standard, so I tried I guess both  
17       for a short period and decided to go with the  
18       amphetamine standard. Once I ran out of the  
19       amphetamine standard, I started using the  
20       phentermine standard. And so the Fen-Phen  
21       refers to phentermine.

22           Q. Go to page 27?

23           A. Yes.

1           Q.   When you initially went to DBT they  
2   did an initial intake on you, right? You gave  
3   a history of what you had used, correct?

4           A.   Correct.

5           Q.   So on this page towards the bottom,  
6   it says: Client started using methamphetamine  
7   and cocaine at her job as a chemist starting  
8   in 2004. She has used somewhat consistently  
9   for the last eight years. She has had several  
10   periods of sobriety during this period, the  
11   longest of which was five months.

12           Now, that initial intake happened in  
13   the spring of 2010, correct?

14           A.   Correct.

15           Q.   So if you go back eight years, that  
16   would be since about 2002?

17           A.   I'm sorry. There was a period where  
18   I was using pot pretty heavily while I worked  
19   in the HIV testing lab in Boston.

20           Q.   And were you using anything else  
21   besides pot?

22           A.   Occasionally I would get -- we would  
23   get either like ecstasy pills and I was using

1       alcohol.

2           Q.   Bates 31, please?

3                 This is entitled Medical Progress  
4       Notes but under Perceptions: The client --

5           A.   Yeah.

6           Q.   Do you see that?

7           A.   Yeah.

8           Q.   The client denies auditory or visual  
9       hallucination. She reports when abusing  
10      stimulants she has had perceptual disturbances  
11      in the past, including paranoia and auditory  
12      hallucination. The client's judgment is  
13      impaired due to her ongoing substance abuse.  
14      It is difficult to evaluate the client's level  
15      of insight.

16                 But, again, you didn't write this,  
17      correct?

18           A.   Correct.

19           Q.   But the therapist notes that your  
20      judgment is impaired due to her ongoing  
21      substance abuse problem. Do you agree with  
22      that -- at the time?

23           A.   It may have been slightly impaired.

1       I mean, this was a half an hour intake with  
2       someone. It was her perception of me at the  
3       time.

4           Q. Do you think your judgment was even  
5       slightly impaired?

6           A. My judgment may have been impaired,  
7       yes.

8           Q. Okay. How do you reconcile your  
9       judgment being impaired with what you told the  
10       Grand Jury a couple weeks ago about the --  
11       your ability to do tests appropriately?

12          A. I don't feel that it impaired my  
13       ability to perform the test accurately.

14          Q. Why?

15          A. It was one thing in life I actually  
16       cared about was doing my job well. I never  
17       wanted to analyze anything incorrectly,  
18       especially if I was going to send someone to  
19       jail that didn't deserve it. And I -- overall  
20       the stimulant use did help me focus on the  
21       issue or task at hand. I would say my  
22       judgment was impaired more in me actually  
23       deciding whether or not I should or could take

1       the drugs and I think it impaired my judgment  
2       more about my home life situation than my work  
3       life.

4           Q.     All right. Backing up, you first  
5       said you think the drugs impaired your ability  
6       at work to do testing?

7           A.     Correct.

8           Q.     All right. So in the process of your  
9       testing, were there mechanisms involved in the  
10      testing that auto checked whether the process  
11      was correct or not?

12          A.     Yes, there were.

13          Q.     So explain that.

14          A.     Everything from, you know, making  
15      sure the crystal tests, the results for that  
16      would -- I don't want to say match but match,  
17      you know, any gas chromatograph tests or color  
18      tests that we did to make sure results are  
19      consistent throughout the process.

20          Q.     Page 40, please? Now, we're in July  
21      of 2011 and towards the bottom under  
22      Subjective: The client reports a marked  
23      decrease in substance abuse and increased

1        sadness directly related to her relationship  
2        with partner.

3              Do you remember a period of time in  
4        the middle of 2011 when you were abstaining  
5        from drugs?

6              A.     Yes.

7              Q.     Do you have a sense of how long it  
8        was?

9              A.     I am not sure.   I know by that point  
10      I was in my second six-month period of DBT and  
11      I was working the program well.   I was  
12      utilizing the tools and skills I had learned  
13      and, you know, I was reaching out for phone  
14      coaching with my therapist when needed and I  
15      felt I was having -- my recovery was getting  
16      better I guess.

17              Q.     Now, these DBT records go all the way  
18      through 2012.   So right now we're in July of  
19      2011.   Did you go to DBT continually for that  
20      period of time consistently?

21              A.     Yes, I went from June of 2010 up to  
22      January of 2012 so.

23              Q.     To January of 2012?

1           A.     January of 2012.  Wait.  It was a --  
2     19 months so, yes, January 2012.

3           Q.     Okay.  Let's go to 46.  So just  
4     looking at the date, which is at the top,  
5     session time is September 27th, 2012 and if  
6     you'd turn the page to 47, there is a -- you  
7     can just take a look again at this but,  
8     obviously, this is a report of an interaction  
9     with you.  Does this help you remember the  
10    period of time that you were going to DBT  
11    frequently?

12          A.     Was this a date of 2012?

13          Q.     September 2012.

14          A.     I was not in DBT at that time.  I  
15     didn't -- so I went and stopped going to DBT I  
16     guess in January of 2012.  There were -- I  
17     restarted in a group through the same  
18     ServiceNet in June or July for a couple months  
19     and then I started with an individual  
20     therapist.

21          Q.     Should we then continue to see  
22     records for you during the course of 2012,  
23     they just won't be from DBT, they will be from

1       the group --

2           A.    Correct.

3           Q.    -- interaction?

4           A.    Correct. Anything after January 2012  
5        were not DBT records.

6           Q.    Okay. You were arrested in January  
7        2013, right?

8           A.    Correct.

9           Q.    And post arrest tell us about your  
10       drug use?

11          A.    It was escalating quite heavily. I  
12       had eventually run out of phentermine standard  
13       and started --

14          Q.    (Interposing) I'm sorry, talking  
15       about post arrest --

16          A.    Post arrest.

17          Q.    -- January 2013.

18          A.    Sorry. What was the question about  
19       again?

20          Q.    Tell us about your drug use post  
21       arrest?

22          A.    Post arrest, I used cocaine one night  
23       in December 21st of 2013.

1           Q.     So between your arrest in January and  
2     between that one time that you mentioned,  
3     December, did you use any drugs?

4           A.     No. I drank but I didn't use any  
5     drugs.

6           Q.     And what happened in December that  
7     you used drugs?

8           A.     I was with a friend -- actually,  
9     going over to another person in AA's place and  
10    was not anticipating there to be drugs but  
11    they ended up getting some cocaine. I  
12    resisted for the first batch they had, the  
13    first bag they opened, but they got another  
14    one and I didn't resist so I used that night.

15          Q.     And once you ultimately were  
16    convicted of this crime and reported to -- to  
17    be incarcerated, did you tell the authorities  
18    there at the jail about your -- your use in  
19    December?

20          A.     I may have. The reason I -- although  
21    my plea was in January of 2014, like I said, I  
22    used on December 21st of 2013. On the 23rd,  
23    which was a Monday, I had probation and a

1 final pretrial hearing and I -- actually, I'm  
2 not sure if I had a pretrial hearing that day.  
3 I had probation and my urine screen came back  
4 positive for cocaine so instead of -- they  
5 basically sent me right to jail and in front  
6 of a judge for violating my -- terms of my  
7 pretrial probation.

8 Q. Okay.

9 A. So I'm sure the jail was aware of why  
10 I was there that early I guess. It was all  
11 over the news. I'm not sure.

12 Q. So why don't you turn to the next  
13 tab, 223; do you see that?

14 A. Yeah.

15 Q. And go back to 224 and on top it says  
16 Anna Kogan, K-O-G-A-N. Who is that?

17 A. She was a therapist. I had started  
18 doing another group through ServiceNet and  
19 that summer ended up trying to find an  
20 individual therapist. I saw her twice. We  
21 met the first time. It was, I guess, a normal  
22 first visit, you know, what do you want to  
23 work on, what's your story basically. We set

1 up another appointment. When I went there for  
2 the second appointment we talked and she did  
3 not feel comfortable working with me. My  
4 current situation with my drug use and my --  
5 my job, she didn't feel qualified to help me  
6 so we decided not to continue meeting.

7 Q. Okay. And that first interaction  
8 that you had with Kogan, were you candid with  
9 her?

10 A. Yes, I believe I was.

11 Q. And so these records, although  
12 they're small, have you seen them before?

13 A. Yes.

14 Q. And do you believe anything in these  
15 records is inaccurate?

16 A. I believe it's accurate.

17 Q. You can take a moment.

18 A. I mean, slight things that are wrong.  
19 I mean, it says I did not resume therapy until  
20 2009, at which point I received DBT treatment  
21 at ServiceNet. I mean, that was all -- at  
22 first I had seen an individual therapist  
23 starting in 2009 and then went to DBT therapy.

1           Q.    Okay.  Look under Substance Abuse  
2         History; do you see that part?

3           A.    Yes.

4           Q.    It says: Client denies any past or  
5         present alcohol use.  That's not true, right?

6           A.    Where?

7           Q.    I'm sorry.  On 225?

8           A.    Oh.  Oh, it states: See history of  
9         presenting problem and client denies any past  
10       or present alcohol use.

11           I don't believe I was using alcohol  
12         at the time.  Obviously, I drink or I had had  
13         a drink in the past.  It wasn't a problem.

14           Q.    Okay.

15           A.    I was more of a social drinker than  
16         -- I didn't -- I would rather be under the  
17         influence of stimulants than alcohol any day  
18         and it took away from the high I was trying to  
19         obtain.

20           Q.    All right.  Can you go to 230, which  
21         is the next tab?  These records begin the  
22         Hampden County Sheriff's Department and  
23         Correctional Center.  Is that where you

1       ultimately were incarcerated?

2           A. I'm sorry. The -- well, the Women's  
3       Correctional Center in Chicopee.

4           Q. Yes. So we're not going to go  
5       through this in detail but I just want you to  
6       identify these records. Are these your  
7       records that were produced? (Indicating)

8           A. I'm assuming. I've never seen them  
9       before.

10          Q. Okay. Why don't you take a second to  
11       look at them?

12          A. Not that it matters, on the court  
13       ordered privilege they do have my birth date  
14       wrong.

15          Q. Okay. What page are you on?

16          A. Page 232.

17          Q. Okay.

18          A. Obviously, that didn't stop them from  
19       getting my records.

20          Q. If you'd go to page 250?

21           And at the top under Summary there's  
22       a block and parts of it are redacted. In the  
23       middle it says: She states she was using

1 cocaine, six lines recently, and alcohol,  
2 two-thirds a liter of vodka when she was using  
3 heavily. She states that she's been diagnosed  
4 with polysubstance abuse.

5 First of all, the writing there, is  
6 that true?

7 A. I believe when I was brought to jail  
8 that night I didn't use at the time. Okay.  
9 When I violated my pretrial probation, the  
10 night in question that I violated I did use  
11 about six lines of cocaine.

12 Q. Okay.

13 A. As for the alcohol use, two-thirds of  
14 a liter I think is a low estimate. It was  
15 two-thirds of a big bottle, the 1.75. I  
16 hadn't drank since July of 2013. I had showed  
17 up to probation one day under the influence of  
18 alcohol at 10 in the morning, at which point,  
19 basically, it led to go to detox even though  
20 it wasn't technically a violation of my  
21 probation. They probably got me for driving  
22 intoxicated to get to probation and it was  
23 just under the legal limit but that shouldn't

1 matter. So when I had been drinking,  
2 basically in June and July of 2013, I was  
3 drinking very heavily, probably a replacement  
4 drug and for all the stressors in my life.

5 Q. Okay. So we're going to wrap up this  
6 part of the testimony. Ultimately, when were  
7 you released from incarceration?

8 A. January 5th of 2015.

9 Q. All right. So the beginning of this  
10 year and you're on a period of probation,  
11 correct?

12 A. Correct.

13 Q. And one of the conditions of your  
14 probation is that you abstain from any drug  
15 use?

16 A. Drug and alcohol use.

17 Q. And have you had any issues with  
18 using drugs?

19 A. No, I haven't.

20 Q. Have you been checking in with your  
21 probation office -- officer?

22 A. Yes, I have.

23 Q. How often?

1           A. At this point every two weeks I check  
2 in with her.

3           Q. Do you receive random drug tests?

4           A. I'm subject to random drug screenings  
5 and she does give me alcohol -- or  
6 breathalyzers and urinalysis almost every time  
7 I see her.

8           Q. All right. We'll continue on.

9                   Do you need a break?

10          A. No.

11          Q. No break?

12                   MS. WEST: Special Assistant  
13 Velis.

14                   MR. VELIS: Ms. Farak, just  
15 prior to Attorney Tom Caldwell asking you some  
16 questions, I have some -- very few questions.  
17 But in answer to Attorney General West, do you  
18 need a break at this moment?

19                   THE WITNESS: No, I'm all  
20 set.

21                   MR. VELIS: Okay.

22                   \* \* \* \* \*

23

1 EXAMINATION BY MR. VELIS

2 Q. Ma'am, this phenomenon known as  
3 spectra in terms of comparing unknown and  
4 known samples, what is it?

5 A. Once the substance in question is  
6 dissolved, we -- after doing the crystal tests  
7 and whatnot, we send it through the mass  
8 spectrometer and the gas chromatograph where I  
9 think I explained it separates a substance  
10 into its components and then it will blast  
11 each component with electrons to basically  
12 make a chemical fingerprint --

13 Q. Okay.

14 A. -- what's in it and so we -- that's  
15 called the spectra, the chemical fingerprint.

16 Q. All right. So --

17 A. We compare it.

18 Q. -- you do this and you compare it,  
19 the known with the unknown?

20 A. Correct.

21 Q. And the comparison that you make  
22 eventually evolves into a judgment call that  
23 you're gonna make?

1           A.    Correct.

2           Q.    Now, those judgment -- that judgment  
3       call, as I say, is determining whether they're  
4       the same or whether they're slightly the same  
5       or not the same at all?

6           A.    Correct.

7           Q.    Is it fair to say that they're never  
8       exactly the same?

9           A.    I would say that is fair to say, yes.

10          Q.    Okay. So you from time to time make  
11       these judgment calls in your capacity of being  
12       an analyst?

13          A.    Correct.

14          Q.    And Ms. West had asked you, based  
15       upon your testimony at the previous Grand Jury  
16       proceeding -- and correct me if I'm wrong --  
17       wherein you indicated that you were impaired  
18       conducting these tests for a protracted period  
19       of time from 2004 all the way up to 2000  
20       whatever that date was; is that correct?

21          A.    That is correct.

22          Q.    You recall your testifying to that?

23          A.    I do.

1           Q.    Okay. Now, Ms. West just precisely  
2    asked you to explain what a -- excuse me. And  
3    in addition to that, you responded to me that  
4    while you were conducting these tests, you had  
5    no problems with the accuracy of them in  
6    conclusion?

7           A.    Correct.

8           Q.    And I'm basically going to ask you  
9    the same thing that Ms. West asked you but I  
10   want for my own purposes to be clear as to  
11   what you said and what you meant when Ms. West  
12   asked you, in essence, why you say that  
13   despite the fact that you were, quote,  
14   slightly impaired or impaired, that the  
15   testing was accurate.

16           Now, the last sentence I want to say  
17   -- and you can answer the question and then  
18   we'll let Mr. Caldwell examine you.

19           A.    Mm-hmm.

20           Q.    Did I hear you say that, in  
21   essence -- without using these words -- your  
22   answer to her question as to why you felt that  
23   this testing, notwithstanding your being

1       impaired, was accurate was because you had a  
2       sense of duty?

3           A.    Correct.

4           Q.    So that's the thing -- if there's one  
5       thing you could point to to determine or to  
6       bolster the fact that you say that all of this  
7       testing that you did while impaired was  
8       accurate, it was that you had a sense of duty?

9           A.    To make an accurate analysis.

10          Q.    Correct. There's nothing  
11       scientifically or tangibly that you can point  
12       to that says that you know why these were  
13       accurate analyses?

14          A.    If I may, besides doing a visual  
15       comparison of the spectra of the known  
16       standard as well as the piece of evidence, the  
17       computer program also does a match quality  
18       that compares it to an internal standard in  
19       the computer for the known substance and would  
20       give a match quality for similarities between  
21       the two substances.

22          Q.    And you would observe this match  
23       quality?

1           A.    Correct.

2           Q.    And you were impaired when you  
3    observed this match quality?

4           A.    Correct.

5           Q.    So your judgment was impaired even  
6    while you were observing this match quality?

7           A.    If you're saying my -- my judgment  
8    was impaired for everything, then I guess so.

9                 As I said, if it wasn't 98 or 99  
10   percent match quality, we didn't consider it a  
11   positive match quality.

12          Q.    Okay. So to find -- in essence, you  
13   were impaired --

14          A.    Yes.

15          Q.    -- your judgment was impaired from  
16   time to time, correct?

17          A.    Correct.

18          Q.    Now, these basically are judgment  
19   calls that are made when you observe for the  
20   purposes of determining a match?

21          A.    Like I said, I mean, my physical  
22   comparison of the two spectra would be a  
23   judgment call but when it pops up a 99 percent

1       match quality, I don't have much judgment  
2       about that. It is a fact that that is the  
3       match quality, if that makes sense.

4           Q. So you see that 99 percent come up?

5           A. Correct. It's printed on the  
6       printout.

7           Q. I'm sorry?

8           A. It is printed on the printout of the  
9       result -- of the spectra.

10          Q. So this is what you stand upon when  
11       you say that, notwithstanding being impaired,  
12       you still made accurate analyses during the  
13       course of the time period from 2004 to that  
14       end date that we had mentioned, despite the  
15       fact once again that your judgment may have  
16       been impaired?

17          A. That is a big factor in why I believe  
18       that my accuracy was not compromised.

19                   MS. WEST: Just one more  
20       question about that. If the match quality  
21       wasn't 99 percent but, nonetheless, you sent  
22       this through, you made a finding that it was  
23       what police purported it to be, what would

1 happen? Would that be checked? Would  
2 somebody find that at the end?

3 THE WITNESS: No, they would  
4 not. And, like I said, depending how cut a  
5 substance was, the match quality might be down  
6 to, you know, 98 percent. So, once again,  
7 with each fingerprint being a unique -- a  
8 unique spectra, it's not as if a different  
9 substance would give that spectra for a false  
10 positive.

11 MS. WEST: And so if you were  
12 wrong and that percentage came out to be less  
13 than 98 percent, if it was 70 percent, what  
14 are you supposed to do?

15 THE WITNESS: At 70 percent  
16 it would be called negative.

17 MS. WEST: And would a piece  
18 of paper say that, would a certificate?

19 THE WITNESS: Yes, a  
20 certificate would say that there was no  
21 narcotic -- illegal substance or narcotics  
22 found.

23 MS. WEST: And is the

1 machine such that it's automatic if it's below  
2 98 percent, it says negative?

3 THE WITNESS: No, it's not.

4 We would look at the match quality, the  
5 results of all our testing and then we would  
6 have to report on a result sheet that it was  
7 negative.

8 MS. WEST: When you report on  
9 the sheet, are you writing negative or typing  
10 negative?

11 THE WITNESS: We're writing  
12 negative.

13 MS. WEST: And is that as a  
14 result of you seeing the data?

15 THE WITNESS: Seeing the data  
16 in front of us.

17 Q. (By Mr. Velis) All right. So for  
18 the most part the thread that runs through all  
19 of your exercise in analyzing is an  
20 observational component; it's all based on  
21 observations when you make your judgment?

22 A. When we make -- it is -- when we  
23 determine the result, it is based on our

1 observations of the test results.

2 MR. VELIS: Mr. Caldwell.

3 MR. CALDWELL: For the record

4 I'm Assistant Attorney General Thomas  
5 Caldwell. I'm going to take a brief five  
6 minutes because the witness needs a break.  
7 The time is approximately 10:25 a.m. We'll go  
8 back on the record in approximately five  
9 minutes.

10 (Brief recess taken.)

11 MS. WEST: Ms. Farak, you  
12 know you're under oath.

13 THE WITNESS: Yes, I do.

14 MS. WEST: I have a few  
15 followups on what we were talking about when  
16 we left.

17 EXAMINATION BY MS. WEST

18 Q. You were indicating that you made  
19 observations of the test results and those  
20 test results would come back at 99 or 98 and  
21 if they did then you would take that number  
22 and that would -- you would write them down  
23 and issue a positive finding, right?

1           A. Well, if those test results, the 99  
2       or 98 percent, also matched the results from  
3       our previous tests, you know, from if -- it  
4       wasn't just the results of that one test.  
5       There was a series of tests that all -- we put  
6       the results in our lab notebook, look at the  
7       series of results and.

8           Q. And if those comparisons were such  
9       that would lead to the positive, you would  
10      just go on, right?

11       A. Correct.

12       Q. If they led to negative, would you  
13      retest it?

14       A. We might retest it for -- if it just  
15      appeared that it could have just been a weak  
16      sample, like it was a very weak and diluted  
17      down, we might do an injection into the  
18      instrumentation. We might inject five  
19      microliters instead of one microliter, just  
20      because there is a minimum number of atoms or  
21      whatever that need to be there in order for  
22      the machine to pick it up, if that makes  
23      sense.

1           Q.    Okay.

2           A.    If it didn't appear to be one of  
3       those situations, like say there was no peak  
4       in the graph where we thought whatever  
5       suspected drug it was was, we may run it on a  
6       longer, broader range set of conditions. So  
7       instead of like -- for example, coke and  
8       heroin and marijuana and your normal drugs  
9       come out in a specific -- under specific  
10      conditions between minutes like two to ten.

11           We did have a range that started at a  
12       lower temperature and ran for 30 minutes and,  
13       you know, it held it at the higher temperature  
14       longer so if, for instance, things like  
15       amphetamines elute through the column in the  
16       machine quicker, to see if maybe we missed  
17       something because our -- we weren't looking at  
18       a broad enough range of results. If it still  
19       came back negative over that broad range of  
20       results then we would report it as negative.

21           MS. WEST: Thank you.

22           MR. CALDWELL: This is  
23       Assistant Attorney General Thomas Caldwell for

1       the record.

2                   EXAMINATION BY MR. CALDWELL

3       Q. Ms. Farak, I'll just approach and  
4       give you a packet and in that packet there are  
5       several exhibits marked Grand Jury Exhibits 2  
6       through 11. I'm just going to go through  
7       these.

8       Now, looking at Grand Jury Exhibit  
9       Number 2 before you -- and on the screen for  
10      the Grand Jurors to review -- can you please  
11      tell the Grand Jurors what exactly Grand Jury  
12      Exhibit Number 2 is? (Indicating)

13      A. It is a pros and cons list or chart  
14      for engaging in my target behavior, which in  
15      this case is using drugs or resisting the urge  
16      to use. The pros and cons list is one of the  
17      tools that DBT -- I don't want to say suggests  
18      or recommends to use to, A, to take time out  
19      but to see the pros and cons of either, you  
20      know, following through with the target  
21      behavior or resisting.

22      Q. Okay. So now I'm going to step back  
23      and ask you some additional questions just in

1 regards to this document and the other  
2 documents I've placed before you.

3 Now, you testified previously that  
4 you were arrested in January of 2013, correct?

5 A. Correct.

6 Q. And you were subsequently indicted  
7 and prosecuted by the Office of the Attorney  
8 General of the Commonwealth of Massachusetts,  
9 correct?

10 A. Correct.

11 Q. And in approximately January of 2014  
12 you testified you went to jail?

13 A. It was in December of 2013 but.

14 Q. When your pretrial probation was  
15 revoked?

16 A. Revoked. But the plea date was going  
17 to be in January of 2014.

18 Q. And during the pendency of that case  
19 you were represented by an attorney, correct?

20 A. Correct.

21 Q. And you were indicted for possession  
22 of controlled substances, tampering with  
23 evidence and theft of controlled substances

1 from a dispensary area, correct?

2 A. Correct.

3 Q. And you pled guilty to those charges?

4 A. Yes, I did.

5 Q. And you received a sentence from the  
6 judge?

7 A. Correct.

8 Q. And it was two and one-half years in  
9 the House of Corrections?

10 A. Correct.

11 Q. Eighteen months to serve, the balance  
12 suspended for five years?

13 A. Correct.

14 Q. And some of the other charges you  
15 were also on probation for five years and it  
16 ran concurrently?

17 A. Everything was -- ran concurrent.

18 Q. And as you testified earlier, you are  
19 on probation now?

20 A. That is correct.

21 Q. With certain conditions of probation  
22 which include abstaining from drugs and  
23 alcohol, correct?

1           A.    Correct.

2           Q.    Okay. Now, are you currently on  
3 medications today?

4           A.    Yes, I am.

5           Q.    What medications are you on today?

6           A.    I am on two types of insulin. I am a  
7 diabetic so I have to inject myself with  
8 insulin and I'm on an antidepressant, Lexapro.

9           Q.    Now, the antidepressant, does that  
10 affect your ability to recall or understand  
11 anything?

12          A.    Not that I'm aware of.

13          Q.    Now, as a result of the case that you  
14 were subsequently -- that you were  
15 incarcerated for, the tampering and theft of  
16 controlled substances, the Mass. State Police  
17 and the Office of the Attorney General began  
18 an investigation, correct?

19          A.    That is correct.

20          Q.    And it's your understanding through  
21 your attorney that certain search warrants  
22 were executed on various pieces of your  
23 property, correct?

1           A.    Correct.

2           Q.    And one was the automobile that you  
3         owned, which was a Volkswagen Golf?

4           A.    Correct.

5           Q.    And as a result of that search  
6         warrant being executed of the Volkswagen -- in  
7         the Volkswagen Golf, the state police ceased  
8         certain items and materials, correct?

9           A.    Correct.

10          Q.    It's fair to say that this worksheet,  
11         Exhibit Number 2, was one of the items that  
12         was taken from your automobile?

13          A.    I believe so, yes.

14          Q.    Okay. And have you had an  
15         opportunity to look at this Grand Jury Exhibit  
16         previous to today's date?

17          A.    To today's date?

18          Q.    Yes.

19          A.    I wrote it so, sure.

20          Q.    So fair to say you're familiar with  
21         it?

22          A.    Correct, yes.

23          Q.    Did you have an opportunity to review

1       this with your attorney?

2           A. We did go down to the Attorney  
3       General's Office in Springfield and have a  
4       chance to go over some of the pieces of  
5       evidence that they found or possible evidence.

6           Q. Okay. So during the course of you  
7       being prosecuted you were able -- these were  
8       provided by the Office of the Attorney General  
9       to you and your attorney?

10          A. I don't believe we have a copy but we  
11       did get to view the evidence.

12          Q. Now, you've indicated this is part of  
13       your DBT therapy. Can you please state to the  
14       Grand Jury -- I don't know if they can read  
15       your handwriting -- what exactly you indicated  
16       in the Pro column?

17          A. So in the Pro column of resisting the  
18       urges to use drugs, I had been feeling better  
19       about myself and I don't lose my phone  
20       coaching. In DBT if you engage in a target  
21       behavior, you lose the privilege to call your  
22       therapist for -- for a day, 24 hours. It's to  
23       encourage you to call before you engage in

1 target behavior. Another pro was it was  
2 better for my health.

3 Q. And that would stop -- was to stop  
4 you from using drugs?

5 A. Correct, for resisting the urge,  
6 yeah. And I wouldn't get caught.

7 Q. And you say you wouldn't get caught,  
8 what do you mean by that?

9 A. Directly using drugs at that moment.  
10 That was a pro for resisting the urge. There  
11 was also a chance of me getting caught using.

12 Q. And when you say "getting caught," do  
13 you mean getting caught by police or getting  
14 caught by employees or supervisors at the lab?

15 A. I was talking about employees or  
16 supervisor at the lab. I knew eventually if I  
17 got caught there, I would get caught by the  
18 police but it was pertaining to work.

19 Q. Okay. Continue.

20 A. That there would be no crash  
21 afterward coming off of cocaine or whatever  
22 stimulant I was using. And that I could focus  
23 my energy on my work and not my target

1 behavior.

2 Q. And the column below that's indicated  
3 "TB," what's that?

4 A. Target behavior, which would've been  
5 acting on my urge to use drugs.

6 Q. And it's fair to say also to use  
7 substances at the laboratory?

8 A. Correct. And under Pro is instant  
9 gratification.

10 Q. And as to the Cons on this worksheet?

11 A. That I wanted to do it in the moment,  
12 mostly psychologically, not so much a physical  
13 addiction but that may lead to a decreased  
14 productivity if I was distracted by the urges,  
15 if they maintained within me and didn't  
16 dissipate.

17 Q. And when you say "productivity," do  
18 you mean productivity at work?

19 A. At work.

20 Q. And the TB or target behavior in the  
21 Cons column was what?

22 A. That I wouldn't be able to call Anna,  
23 which was the phone coaching. That I would

1       feel bad for engaging in this, for using, or  
2       if I lied, which would lead to more shame.  
3       The possibility of getting caught, the crash  
4       afterwards. That it could trigger continued  
5       use, that it might not be doing a quick  
6       whatever and that be the end of it. And it  
7       would waste time while I was preparing to use  
8       it.

9           Q.    Okay. And, now, in terms of this  
10          document, Grand Jury Exhibit Number 2, do you  
11          recall drafting this?

12          A.    Specifically, no.

13          Q.    No. But it's fair to say it was  
14          during your DBT --

15          A.    Correct.

16          Q.    -- therapy?

17          A.    Yes.

18          Q.    Which was -- and remind the Grand  
19          Jurors when was that?

20          A.    The middle of -- like June of 2010 to  
21          January of 2012.

22          Q.    Now, moving on to Grand Jury Exhibit  
23          Number 3. Please review that item that's

1 before you. It's up on the screen for the  
2 Grand Jurors to look at. (Indicating)

3 A. It's the backside of our diary sheet.  
4 In DBT we got a diary sheet to fill out every  
5 day. This is basically a list of the  
6 different skills that DBT tries to teach which  
7 can offer help in resisting urges, acting on  
8 your urges. So each day at the end of the day  
9 you would go through and check off which  
10 skills we used throughout that day, not to be  
11 accountable but just what skills we used so we  
12 wouldn't -- when we were feeling emotional,  
13 vulnerable or dysregulated to try to bring us  
14 back to the baseline.

15 Q. And there are notes on this Grand  
16 Jury Exhibit Number 3. Would you please state  
17 to the Grand Jurors what that says?

18 A. Yeah. It says: Wednesday I kept  
19 thinking that most things I said to others  
20 sounded stupid or the, quote, unquote, where  
21 the hell did that come from feeling. And it  
22 was at work, at doggy daycare. We brought our  
23 dog to -- anyway, and a little bit at the DBT

1 group. Just when I tried to have  
2 conversations with people I was sometimes  
3 socially awkward and say things that --

4 Q. Was that anything related to your use  
5 of drugs at that point or paranoia?

6 A. That's something I've always felt. I  
7 don't think it directly had anything to do  
8 with my drug use. Like I said, I don't  
9 actually remember writing that so to remember  
10 that day or what was going on that day.

11 Q. And it's fair to say this was also  
12 seized from your automobile pursuant to a  
13 search warrant?

14 A. Correct.

15 Q. Moving on. Before you is Grand Jury  
16 Exhibit Number 4. We'll go over this in  
17 detail. Can you please explain to the Grand  
18 Jurors what that is? (Indicating)

19 A. It is an Observe and Describe  
20 worksheet. So in previous exhibits there was  
21 a list of different skills and things to do to  
22 try and deregulate yourself or to re-regulate  
23 yourself and this worksheet was one of those

1       things that they suggest doing. So please  
2       think about an event and, you know, your  
3       feelings about the event and how you -- what  
4       happened and what you did in response.

5           Q.    Can you please go through the  
6       different emotion regulations --

7           A.    Okay. So --

8           Q.    -- and start with Vulnerability  
9       Factors, which is at the top?

10          A.    Okay. So the vulnerability factors,  
11       what made me vulnerable on the specific day I  
12       wrote this, I was tired in the morning as  
13       though I didn't have enough sleep the night  
14       before, and the vulnerability factor was that  
15       I already had urges to use earlier in the day.

16           The emotion name was shame, with an  
17       intensity of six-and-a-half on a zero to 10  
18       scale.

19          Q.    Okay. Now, as to Prompting Event,  
20       would you please read that in its entirety to  
21       the Grand Jurors?

22          A.    Sure. So it says: Told Jim,  
23       supervisor at work, earlier in the week that I

1 had put DEA application in but I didn't -- or  
2 I hadn't. I figured I would do it later or  
3 soon. And then on this day I found out I  
4 needed his signature on the sheet, leading to  
5 knowing that he will know -- he knows or will  
6 know that I lied about already having it  
7 submitted.

8 Q. Okay. Who's Jim?

9 A. Jim is Jim Hanchett. He is or was  
10 the lab supervisor in the lab.

11 Q. Okay. And you said "DEA." What's  
12 the DEA?

13 A. The DEA is the Drug Enforcement  
14 Agency. I submitted an application to go to a  
15 week-long training. So there was an  
16 application process that I was slow getting  
17 in.

18 Q. Okay. Now, you said you told Jim  
19 earlier in the week you put the DEA  
20 application in but you didn't. Why did you  
21 lie to Jim?

22 A. Um, why did I lie to Jim? I lied  
23 because I thought it would make me look

1       unproductive or that I was dragging my feet on  
2       it.

3           Q.    Is that something that was required  
4       of the chemists at the lab, to go to a DEA  
5       training?

6           A.    It was not required, no.

7           Q.    Did any other colleague at the lab  
8       attend this DEA training?

9           A.    Rebecca attended it the year before.

10          Q.    And that's Rebecca Pontes, correct?

11          A.    That's Rebecca Pontes, correct. And  
12       I believe the year I went there was a chemist  
13       from the Boston lab that got to go, so I think  
14       with me it was one person from the Amherst lab  
15       and one from the Jamaica Plain lab. And  
16       Rebecca when it was her, I think it was two  
17       people from the Jamaica Plain lab.

18          Q.    Do you recall on or about when that  
19       training was?

20          A.    That training?

21          Q.    The specific one that you're  
22       referring to in this worksheet?

23          A.    The training itself was in March of

1       2012.

2           Q. Now I'm going to take you down to the  
3     Action Urge on the Emotion Regulation  
4     worksheet and can you please read what you  
5     wrote to the Grand Jurors?

6           A. The first in the Action Urge, so the  
7     first -- what I felt like saying or doing, the  
8     first thing was to ask Rebecca, or Becky, who  
9     she had sign the sheet because she had taken  
10    this conference previously to know if I had to  
11    go through her -- or through Jim or could it  
12    go through someone else, but the second action  
13    urge was to use. And in parentheses it says:  
14    I have 12 urge-ful samples to analyze out of  
15    the next 13.

16           Q. Now, can you explain what you meant  
17    to the Grand Jurors when you said that?

18           A. What I meant was that 12 out of the  
19    next 13 samples, pieces of evidence that I had  
20    to analyze, were all substances I would like  
21    to use, that I may be tempted to take from,  
22    meaning cocaine in this case.

23           Q. And so in this case it was cocaine;

1       was it powder cocaine or base cocaine if you  
2       recall?

3           A.   I really don't know for sure. I  
4       started using cocaine base or crack at the end  
5       of 2011 but I believe -- so I'm not sure if  
6       this was the end of 2011 or beginning of 2012  
7       when I wrote this.

8           Q.   But it's fair to say --

9           A.   (Interposing) But it was one of the  
10       two and it was definitely a piece of evidence.

11          Q.   Now, those 12 out of the 13 samples,  
12       were those random or were they by your own  
13       design? Did you use -- you had previously  
14       testified that at certain points you would go  
15       in and manipulate the samples in the drug safe  
16       so you would get them. Was this, if you know,  
17       one of those occasions?

18          A.   I don't recall. When I believe I  
19       wrote this, due to the timing of the DEA  
20       conference, I don't believe I was looking at  
21       samples ahead of time to try to get certain  
22       samples. So if I had to take a guess, I think  
23       it was just random at that time but I don't

1 know for sure.

2 Q. And how did you get to know that  
3 there were 12 out of the 13 samples that you  
4 may have used; were they already given to you  
5 or?

6 A. They were already given to me.

7 Q. Now, going to the next one, What I  
8 Did or Said, could you please state what you  
9 wrote to the Grand Jurors?

10 A. I called Anna, who was my individual  
11 therapist, and I committed to not using that  
12 day. And then I also asked Rebecca about who  
13 she had sign the paperwork and she said she  
14 thought Jim, Jim Hanchett signed.

15 Q. So going back up to the Action Urge  
16 which we just previously talked -- spoke  
17 about, you have under there "make up lie."  
18 What is that in reference to?

19 A. I believe that was making up a lie  
20 about why, you know, why -- where I was gonna  
21 get it in and I didn't and make up a reason  
22 why I hadn't sent it out.

23 Q. Why?

1           A. To tell Jim about a reason -- a lie  
2 why I didn't actually have it done when I said  
3 I did.

4           Q. So that has nothing to do with your  
5 taking samples or using at work?

6           A. No. Making up a lie, no.

7           Q. Okay. Can you move on to Grand Jury  
8 Exhibit Number 5? That's up on the screen for  
9 the Grand Jurors to see.

10           This is a very similar worksheet.  
11 Can you briefly explain to the Grand Jurors  
12 what it is? (Indicating)

13           A. It's the same format, a worksheet for  
14 another -- to observe and describe the  
15 emotions I was having.

16           Q. And that's obviously part of the DBT  
17 training?

18           A. Correct.

19           Q. Going to the first caption under  
20 Vulnerability Factors, you indicated: Last  
21 night with Molly. That's what you wrote on  
22 the sheet?

23           A. Yes.

1           Q.    What does that mean?

2           A.    Molly was the first name of the group  
3         therapist that I was -- when I was in DBT we  
4         had the individual and we had the group  
5         therapist, so by reading this I feel I  
6         probably had a -- I don't want to say tough  
7         but emotionally unsettling group therapy  
8         session the night before.

9           Q.    Now I'm going to take you down to the  
10      Prompting Event, which is number three. You  
11      stated -- you wrote: Got a good -- in  
12      quotation marks -- sample at work and having  
13      urges to use and having that I will be --

14          A.    (Interposing) Knowing that.

15          Q.    -- knowing that I will be the only  
16      one here after lunch. Can you please explain  
17      that to the Grand Jurors?

18          A.    That I know I'll be the only one  
19      there after lunch? Well, according to the  
20      vulnerability factor, both Sharon and Rebecca  
21      had decided to take the day off from work and  
22      I probably knew that Jim either had court or  
23      had to leave early so I would have been the

1       only one in the lab.

2           Q. Okay. So is it -- is it fair to say  
3       that you were actively using at work at this  
4       point when you drafted these worksheets?

5           A. Definitely.

6           Q. Okay. I'm going to move on to Grand  
7       Jury Exhibit Number 6. The worksheet is up on  
8       the screen for the Grand Jurors to look at.

9           Ms. Farak, can you please explain  
10      what this is to the Grand Jurors?

11      (Indicating)

12           A. Okay. This is a hand-drawn sort of  
13      chart. On the diary sheets that I had shown  
14      you with all the lines on one side, there was  
15      a reverse side. Apparently when I wrote this  
16      I didn't have another diary card with me but  
17      for each day, besides recording what things we  
18      did to try to regulate ourselves, we also  
19      recorded different emotions that we felt on a  
20      regular basis, negative ones as well as target  
21      behaviors.

22           The first couple, killing yourself,  
23      hurting yourself, alcohol and drugs were on

1 everybody's worksheet, where the other two are  
2 more personalized I guess for people.

3           And so, for example, on the upper  
4 left it's basically the column pointing down  
5 for Tuesday. On a scale of one to five, how  
6 sad was I, how frustrated or angry, just to  
7 keep track. Part of DBT was also identifying  
8 what feelings you're having and just not  
9 acting on having a feeling.

10          Q. Okay. Ms. Farak, you have some notes  
11 there on Tuesday. Would you read those to the  
12 Grand Jurors?

13          A. Tuesday, it's probably what happened  
14 that day. I said work, cable guy, therapy,  
15 home, and in parentheses then I said more  
16 relaxed than when I left. Argument with  
17 Nicky, my ex-wife, regarding Smart TV. I  
18 offered to let her watch The X-Files. I tried  
19 to do my DBT homework and then I went to bed  
20 early.

21          Q. And it's fair to say that this was  
22 also seized from your automobile --

23          A. Correct.

1           Q. -- pursuant to a search warrant?

2           A. Correct.

3           Q. Moving on to Grand Jury Exhibit 7.

4         Ms. Farak, it's fair to say -- and I'm putting  
5         this up on the screen for the Grand Jurors to  
6         look at. It's fair to say that this was also  
7         a document, Grand Jury Exhibit Number 7, was a  
8         document seized from your automobile pursuant  
9         to a search warrant? (Indicating)

10          A. Correct.

11          Q. And can you please tell the Grand  
12         Jurors what, in fact, this is right here?

13          A. Okay. This is a copy of somebody's  
14         lab request form. They had a urine screen.  
15         So my neighbor works with community legal aid  
16         and she helps under-advantaged people with  
17         their legal cases and he swore to her he  
18         wasn't using drugs and he got a positive  
19         urine. And she wanted to show me this to see  
20         if there -- but he was on Suboxone,  
21         prescribed, to come off opiates and heroin and  
22         whatnot. And she gave me a copy of it hoping  
23         that I would know something like how the drug

1       would show up on a urine screen through the  
2       spectra, if there could have been a mistake  
3       made in this guy's urine screen.

4                 It has absolutely nothing to do with  
5       my work in the sense of me at work or the work  
6       that I was doing. I was just trying to help  
7       out a neighbor and her client to see -- well,  
8       what else could it, you know, what else might  
9       show up with a positive result for, I believe  
10      it came up with morphine, which the guy  
11      adamantly denied.

12               Q. Okay. So this, the notes that are on  
13      here, the checkmarks and circling, are those  
14      your notes?

15               A. No, no. I -- she gave me this copy.

16               Q. Okay.

17               A. Like I said, I don't know whose it  
18      is. She just asked if there was any way, you  
19      know, a Suboxone reading could be a false  
20      positive for morphine basically.

21               Q. Okay. And it's your testimony that  
22      this has nothing to do with your employment?

23               A. That has absolutely nothing to do

1       with my employment. She just thought I might  
2       understand it better than she could due to the  
3       nature of my job and of analyzing substances.

4           Q.     Okay. Thank you.

5                          Moving on to Grand Jury Exhibit  
6       Number 8, placing it up on the monitor.

7                          Ms. Farak, it's fair to say this was  
8       also an item that was in your automobile that  
9       was seized pursuant to a search warrant?

10                         (Indicating)

11                         A.     That's correct.

12                         Q.     And can you -- it's indicated that  
13       it's a ServiceNet Diary Card. Fair to say  
14       that this is your -- part of your DBT also?

15                         A.     Correct.

16                         Q.     It has the same emotions and target  
17       behaviors that you've made notes on in the  
18       past, correct?

19                         A.     Correct.

20                         Q.     And there's certain dates here. I  
21       believe it starts on 12/19?

22                         A.     Mm-hmm.

23                         Q.     And runs through 12/25, December

1       25th. Do you recall the timeline that you  
2       drafted this diary card --

3           A. I don't --

4           Q. -- or when you did?

5           A. -- recall if it was in 2010 or 2011.

6           Q. Okay. And these are your notes on  
7       the diary card, correct?

8           A. Correct. And the dates are actually  
9       Tuesday, the 20th, through Monday, the 26th,  
10      but that's not as important I guess. When I  
11      saw therapy it went through -- so it was a  
12      week.

13          Q. Okay. Now, you have certain notes  
14      from Monday through Sunday, correct?

15          A. Correct.

16          Q. Can you tell the Grand Jurors what  
17      you wrote for Monday?

18          A. Under what I did today?

19          Q. Yes. What did you do?

20          A. Go home, expect to have relaxing day  
21      with Nicky but went downhill fast, bed by 6  
22      p.m.

23          Q. Okay. When you say "but went

1       downhill fast," does that mean you were using  
2       or there were relationship issues with Nicky?

3           A.    I believe that was a relationship  
4       issue.

5           Q.    Can you please read to the Grand  
6       Jurors what you listed on what you did today  
7       under Tuesday?

8           A.    I yelled at Nicky about everything in  
9       the a.m. and p.m., so probably before work and  
10      after work. I got mad about the computer and  
11      finding the recipe for the cheesecake and  
12      broken spatula, so blew it off. Bed early,  
13      hopefully up early tomorrow.

14          Q.    Okay. Now, going to -- skipping down  
15      to Thursday --

16          A.    Mm-hmm.

17          Q.    -- can you please state what you  
18      wrote under your notes for Thursday under What  
19      did you do today?

20          A.    Tried to resist using at work but  
21      ended up failing. Then: I know I should have  
22      called but had thoughts about how I felt last  
23      time I called.

1           Q.    Okay.  Let me stop you there.  So on  
2      Thursday, and that would be December 22nd,  
3      you're unsure of the year, you used at work?

4           A.    Correct.

5           Q.    Do you recall what drugs you were  
6      using at work at this time, if you know?

7           A.    Either time it would have been coke  
8      or crack, cocaine in -- if it was 2010, crack  
9      probably 2011.

10          Q.    Okay.  And move on to Grand Jury  
11     Exhibit Number 9?

12          A.    Wait.  Yeah, possibly crack, not  
13     definitely crack.  I'm getting my years --

14          Q.    Okay.  I've placed Grand Jury Exhibit  
15     Number 9 on the screen.  Can you tell the  
16     Grand Jurors what this is?  (Indicating)

17          A.    It's an article about a Pittsfield  
18     police officer who got into trouble being part  
19     of a steroid sting or probe, where he ended up  
20     getting caught I guess.  He was actually part  
21     of the task force out there.

22          Q.    And this was in your car and it was  
23     seized pursuant to a search warrant, correct?

1           A.    Correct.

2           Q.    Why did you have this in your car?

3           A.    I had printed this out and I had  
4         actually given it to my therapist at one  
5         point, my DBT therapist. I had some  
6         handwritten notes on it.

7           Q.    Can you please state what those  
8         handwritten notes are on the article for the  
9         Grand Jurors?

10          A.    And Kirchner -- who is the name of  
11         the police officer -- seemed like such a good  
12         guy. I do feel bad for his five-year-old  
13         daughter. And then in parentheses I wrote:  
14         Thank god I'm not a law enforcement officer.

15          Q.    What does that mean?

16          A.    Thank god I'm not a law enforcement  
17         officer?

18          Q.    Why did you write that in  
19         parentheses?

20          A.    I'm not sure.

21          Q.    And what does the -- what's the  
22         remainder of the note?

23          A.    It says: P.S. Most of the cases he's

1       been a part of have been dismissed for exactly  
2       this reason.

3           Q.    What does that mean?

4           A.    The reason he made -- a lot of the  
5       cases he was part of the arrest, he was part  
6       of those cases that have been dismissed due to  
7       them not knowing. I mean, it was a little  
8       more involved than just the steroid probe but  
9       whether or not his role in those  
10      investigations --

11       Q.    That he was under the influence?

12       A.    Not that he was under the influence  
13       but did he have, you know, a financial stake  
14       in drug staying on the streets or that he was  
15       actually part of the ring selling steroids.

16       Q.    And this Officer Kirchner, what  
17       department was he out of?

18       A.    Pittsfield.

19       Q.    Pittsfield. And did you know him  
20       personally?

21       A.    I've known him. I've talked with him  
22       while I was in Pittsfield doing some --  
23       testifying in cases but I don't know him

1       outside of seeing him in court.

2           Q.     Did you ever have any cases where he  
3     made arrests for narcotic offenses and you did  
4     the test?

5           A.    That's how I would know him, if we  
6     were both called in to testify for the same  
7     case in court.

8           Q.     And did you have any knowledge of his  
9     steroid or alleged drug use?

10          A.    Not at all, no.

11          Q.     Did you ever discuss any drug use  
12    with him or?

13          A.    No.

14          Q.     Moving on to Grand Jury Exhibit  
15   Number 10. It's up on the screen for the  
16   Grand Jurors. Would you please tell us what  
17   this is? (Indicating)

18          A.    This is an article about a woman who  
19   got jail time for stealing drugs.

20          Q.     Okay. And it's fair to say it's an  
21   article from MassLive?

22          A.    Correct.

23          Q.     It's a case out of Springfield,

1       correct?

2           A.    Correct. I believe it was federal  
3       since the judge was Michael Ponsor but, yes.

4           Q.    Okay. And this was seized pursuant  
5       to the search warrant on your automobile?

6           A.    Correct.

7           Q.    Now, why did you have this in your  
8       car?

9           A.    Because I didn't get rid of most  
10      anything. I don't know why I never cleaned  
11      out my car. The -- when the cops searched it  
12      there was so much paperwork, some relevant,  
13      some not relevant.

14          Q.    When you say "not relevant," not  
15      relevant to what?

16          A.    Meaning to a case. I mean, there was  
17      old magazines and mail and stuff like that  
18      that I hadn't opened in my car.

19          Q.    But why did you have this?

20          A.    Why did I print this in the first  
21      place?

22          Q.    Yeah, why did you print this out and  
23      have it in your car?

1           A. I was obviously worried about getting  
2 caught and the ramifications of my getting  
3 caught at this time.

4           Q. Did you ever show this to any of your  
5 therapists?

6           A. I probably showed that to my DBT  
7 therapist, yes.

8           Q. And the article's about a Pittsfield  
9 pharmacist, a Nicole Bombardier?

10          A. Sounds good to me.

11          Q. B-O-M-B-A-R-D-I-E-R. And did you  
12 know this woman?

13          A. No, I did not.

14          Q. Did you have any personal  
15 interactions with her?

16          A. No.

17          Q. Moving on to Grand Jury Exhibit  
18 Number 11. It's up on the screen. Please  
19 tell us what this is? (Indicating)

20          A. It's an article about a former San  
21 Francisco Police Department drug lab  
22 technician that was stealing or at least a  
23 small amount of drugs from cases.

1           Q. And it's fair to say this was also in  
2 your automobile and seized pursuant to the  
3 search warrant?

4           A. Correct.

5           Q. Okay. Why did you have this in your  
6 car?

7           A. Once again I was worried about  
8 getting caught so I had a piqued interest in  
9 what the ramifications could be. I probably  
10 showed this to my therapist. I think I held  
11 on to these articles also as reminders. Even  
12 doing the pros and cons list, knowing like,  
13 oh, people do get jail time, people do lose a  
14 lot. My original use, I never thought I was  
15 gonna get caught. By the end, I knew that was  
16 the only way I was stopping. But in the time  
17 in between, obviously, I tried to keep -- I  
18 tried to stop and any little pieces of --  
19 articles or pieces of -- any reasons I could  
20 find to quit, I tried to hold on to.

21           Q. Thank you.

22                         THE FOREPERSON: Can the  
23 Grand Jury take a look at the exhibits?

1                           MR. CALDWELL: Yes,  
2 absolutely. At this time I will publish to  
3 the Grand Jurors, Grand Jury Exhibits 2  
4 through 11.

5                           THE FOREPERSON: Thank you.

6                           MR. CALDWELL: Go off the  
7 record a moment.

8                           (Discussion off the record.)

9                           Q. (By Mr. Caldwell) Ms. Farak, I've  
10 placed up on the screen -- this is a video  
11 recording. The video recording is a recording  
12 made during the course of the investigation of  
13 malfeasance in the Amherst drug laboratory. I  
14 am going to show you specific portions of the  
15 video and I'd like you to explain to the Grand  
16 Jurors what you see.

17                         Okay. This is Chapter 1, Title 1.

18 Can you explain what that is to the Grand  
19 Jurors, Room N251? (Indicating)

20                         A. It's a door that -- it's the door to  
21 the evidence office where the officers will  
22 bring in the pieces of evidence to get logged  
23 into our computer system and then put into the

1       drug safe which is inside that room to be  
2       analyzed -- or to wait to be analyzed.

3           Q.     This is Chapter 1, Title 3 of the  
4       video.  Can you explain to the Grand Jurors  
5       what you are looking at on that screen right  
6       now?  (Indicating)

7           A.     So if you enter the door in the  
8       previous title, you get into this area, which  
9       is like a waiting room in case there's more  
10      than one officer there.  The door in front of  
11      you goes directly to where the evidence  
12      officer sits and there's some chairs there for  
13      officers to wait until they're heard.

14           Q.     Okay.  So that's where the -- when  
15      the police will come and bring in samples,  
16      that's where they will wait to --

17           A.     (Interposing)  For the evidence  
18      officer to be available.  We also had a  
19      telephone in there so if the evidence officer  
20      was out that day and we were all across the  
21      hall analyzing evidence, they would call and  
22      say, you know, we're here and so we'd go over  
23      and let them in.

1           Q. There's a black tab located next to  
2 the doorway. Can you please tell us -- on the  
3 wall -- can you please tell the Grand Jurors  
4 what that is?

5           A. It's a magnetic strip reader. On the  
6 back of our campus ID card we had a strip and  
7 only certain people were allowed access to  
8 that -- through that with that swipe.  
9 However, there was a key on the door -- the  
10 keyhole on the door also works.

11          Q. Okay. So the swipe pad gave access  
12 to all the employees at the lab to get into  
13 that evidence room --

14          A. Correct.

15          Q. -- correct?

16           However, you could bypass -- it's  
17 fair to say you could bypass that swipe card  
18 system just by using a regular key?

19          A. If you had a key. Well, a key that  
20 also only the lab employees had.

21          Q. Okay. But it's a key that you had?

22          A. Correct.

23          Q. And Jim Hanchett had?

1           A.    Correct.

2           Q.    Sharon Salem also had a key?

3           A.    Correct.

4           Q.    As did Rebecca Pontes?

5           A.    Correct.

6           Q.    Okay. I'm playing Chapter 1, Title 8  
7 of the video. Stop that.

8                         Can you please describe to the Grand  
9 Jurors what -- what room that was?

10          (Indicating)

11           A.    When you enter into that evidence  
12 room, the first part of this scan from the far  
13 left of the room showing the computer in the  
14 corner, scanning across the room to basically  
15 this desk. When the evidence officer -- when  
16 the police officer came in they would sit on  
17 what was now the left side of the desk. Our  
18 evidence officer would sit in the chair there  
19 and that is their computer station. The scale  
20 you can see kind of against the wall, the big  
21 square machine, and the heat sealer that was  
22 used when we processed evidence when police  
23 officers brought in pieces of evidence.

1           Q.   And it's fair to say that's basically  
2       Sharon Salem's desk?

3           A.   Correct.

4           Q.   And at times, however, you sat behind  
5       that desk and acted as evidence officer?

6           A.   Correct, yes.

7           Q.   And you had referenced earlier in  
8       your testimony the heat sealer and the scale.  
9       Can you tell me -- can you just remind the  
10      Grand Jurors what process, why -- what process  
11      was used in weighing the evidence at this  
12      point in the procedure?

13          A.   When the police officer brought in  
14      his evidence it was already in a sealed -- it  
15      should've been in a sealed evidence bag,  
16      whatever evidence bag that they had sealed --  
17      had to seal it.

18           They would -- we would affix a  
19      barcode to each sample in front of the officer  
20      and then weigh the piece of evidence in the  
21      evidence bag on the scale and record that  
22      weight into the computer system in front of  
23      both and we'd both fill out and the officer

1       would get a copy of the drug receipt for it.

2           Q.    Okay.  And there's a heat sealer  
3       here?

4           A.    Correct.

5           Q.    And you referenced that heat sealer  
6       in your previous testimony, correct?

7           A.    Correct.

8           Q.    And that is used to reseal the bag  
9       after it was weighed --

10          A.    Um, we --

11          Q.    -- or how was this used?

12          A.    Most -- some officers already had  
13       their evidence sealed in an evidence bag.  
14       Other officers had them in evidence bags but  
15       not heat-sealed, so before we would -- you  
16       know, while we were taking it in they would  
17       heat seal it in front of the evidence officer.  
18       This was only used for that reason.

19           At our lab bench, each of us had a  
20       heat sealer on it as well, so when we had  
21       finished analyzing a piece of evidence and  
22       were repackaging up, we had our own heat  
23       sealer to reseal the evidence in the evidence

1 bag.

2 Q. At any time when you were either  
3 acting as evidence officer or you weren't  
4 acting as evidence officer, did you ever  
5 manipulate the temperature on the heat sealer?

6 A. Yes.

7 Q. And why would you do that?

8 A. I occasionally did that on Wednesday  
9 mornings because I knew the Springfield Police  
10 Department normally came in on Wednesday  
11 morning and he did not -- or the department  
12 didn't already have the bags pre-sealed so he  
13 would seal them. He would seal them on site,  
14 so I would occasionally turn the amount of  
15 heat down hoping it wouldn't get a good seal  
16 and it would be a piece of evidence I would be  
17 interested in.

18 Q. So it would obviously give you easy  
19 access to the sample?

20 A. It would give me an easier access  
21 where I wouldn't have to rip the bag to get to  
22 the evidence. I could take it out and then  
23 heat seal over that heat seal mark.

1           Q.    Okay. I'm now playing Title 16 of  
2 Chapter 1. I'll stop that. Okay. I'm going  
3 back. I'm now playing Title 14 of Chapter 1.

4           Ms. Farak, can you tell us what  
5 that is, what you're looking at on the screen?  
6 (Indicating)

7           A.    That is our drug safe. Inside the  
8 evidence room to the far left -- you couldn't  
9 really see it because of the location -- but  
10 it's a locked room inside the evidence room  
11 where when police departments bring in  
12 evidence, we would store them until they were  
13 assigned to an officer -- or to a chemist.

14           Like, for example, the paper bags you  
15 can see in the back were from like one police  
16 department, so we kept all the same police  
17 departments in the bag together. And so, you  
18 know, if he needed the next 20 samples, you  
19 might take the first 20 of a bag or this bag  
20 might have five, this one might have four,  
21 this one might have three. You'd just take  
22 the next 20 or whatever, 17.

23           Q.    So you kept the samples in large bags

1 per police department?

2 A. Right. But in each large bag -- each  
3 large bag contained individual sealed pieces  
4 of evidence, so they weren't -- each big bag  
5 had a bunch of smaller bags that were  
6 individually sealed.

7 Q. And what are these manila envelopes  
8 also on the shelf?

9 A. Those manila envelopes are samples  
10 that the lab had from the Jamaica Plain lab.  
11 When we did overtime, sometimes the supervisor  
12 would bring samples back from Jamaica Plain  
13 since their backlog was so big.

14 I mean, by this point the lab had  
15 closed but we had had these samples in our lab  
16 so it was kind of a limbo place. They  
17 couldn't be returned there. But there -- you  
18 can kind of see the barcode, the envelopes on  
19 the left. So those individual manila  
20 envelopes contained pieces of evidence that  
21 had been analyzed.

22 Q. And you had indicated this was  
23 directly located within the evidence room?

1           A.    Correct.

2           Q.    Okay. And was this locked at all  
3       times?

4           A.    No. It was a locked door but it's --  
5       when we were pulling evidence in or out, you  
6       know, it was unlocked. We all had access to  
7       it. Once again it had both a swipe code as  
8       well as a key so.

9           Q.    And one could override the other?

10          A.    Correct.

11          Q.    And then in saying that, you could  
12       either swipe it or use the key?

13          A.    Correct.

14          Q.    And to your knowledge did it record  
15       when the door was opened, when it was locked?

16          A.    It did not record that I'm aware of.  
17       Likewise, I've learned -- I guess I kind of  
18       figured it out while I was there -- that the  
19       number -- when you -- when you like swipe the  
20       card, not only did it not record if it was  
21       open or closed but it didn't record who swiped  
22       it.

23                      One thing in this picture that was

1       not the way when I left is the cabinet on the  
2       right, you can see -- after that first  
3       bookshelf there's like a metal cabinet, can  
4       you -- that used to be in the lab and that's  
5       the drug cabinet that the standards were kept  
6       in, the locked cabinet. I'm not sure when  
7       that got moved into there, if it was a safety  
8       thing once the lab was closed or not but that  
9       was not kept in there.

10           Q. All right. And the metal cabinet is  
11       in the far right-hand corner of the frame  
12       here, correct? (Indicating)

13           A. Correct.

14           Q. Now, playing Chapter 1, Title 18.  
15       What do you see on the screen there Ms. Farak?  
16       (Indicating)

17           A. This is another angle of the drug  
18       safe. Basically we were looking in before;  
19       now you are looking out towards the door that  
20       opens to the evidence room. So this metal  
21       safe on your left is the drug storage cabinet.

22           Q. And this was not located in this room  
23       at the time that you worked there?

1           A. I don't -- I don't recall it ever  
2 being there.

3           Q. Where was this, was it in the  
4 evidence room or was it somewhere else in the  
5 lab?

6           A. It was not in the evidence room. At  
7 one point it was -- before there was  
8 renovation it was in a separate room that we  
9 analyzed our vegetable matter in and then it  
10 was moved to the laboratory.

11                  MS. WEST: And this is one of  
12 the two places that you took the samples from,  
13 right?

14                  THE WITNESS: Or the  
15 standards from?

16                  MS. WEST: Sorry.

17                  THE WITNESS: Yeah.

18                  MS. WEST: The standards,  
19 yes.

20                  THE WITNESS: Yes.

21                  MS. WEST: And just one more  
22 question. On the screen we can see a piece of  
23 paper taped up to the cabinet?

1                   THE WITNESS: Mm-hmm.

2                   MS. WEST: Was that piece of  
3     paper taped up to the cabinet when you were  
4     taking standards out of it?

5                   THE WITNESS: I don't recall  
6     it being taped up there.

7                   MS. WEST: So do you know  
8     what that is? Are you familiar with that?

9                   THE WITNESS: On our  
10   refrigerator we had a similar thing, a list of  
11   the chemicals and standards that were in  
12   there.

13                  MS. WEST: Were you supposed  
14   to write on it when you took a standard out  
15   or?

16                  THE WITNESS: No. It was  
17   just a list of what was contained, like what  
18   was actually physically in there. And I don't  
19   recall that being up. It could have been.

20                  I know the safe wasn't in the -- the  
21   cabinet wasn't in the safe.

22                  Q. (By Mr. Caldwell) I'm playing Title  
23   19, Chapter 1. Okay. Now playing Title 19,

1       Chapter 1.

2                  Ms. Farak, those last two frames that  
3       you saw, can you explain to the Grand Jurors  
4       what that is? (Indicating)

5                  A. That is the inside of that metal  
6       cabinet where the drug standards were kept, an  
7       amount of drug standards were kept. There  
8       were a couple shelves on top and there were  
9       drawers with alphabetized, like the A  
10      standards were in this drawer. I mean, this  
11      cabinet was locked with a key.

12                 Q. So that card -- that cabinet below  
13      with the letters on it, index card, did that  
14      also contain standards?

15                 A. Correct, and it wasn't packed full.  
16      Some drawers only had one or even with the  
17      standards, depending if we had any standard  
18      that started with the letter Q or whatever  
19      but.

20                 Q. And you saw in the earlier frame  
21      there was a standard inventory binder?

22                 A. Correct.

23                 Q. What was contained within that

1 binder?

2           A. I know when I first started there was  
3 a spot where we could record if we took out  
4 standards to make -- if we were taking out a  
5 small amount of aliquot of a standard to  
6 make to -- sorry -- to use for comparison on  
7 the machines, to note how much of it we've  
8 used. I don't recall it looking that clean.

9 It looked like a newer label on the book to me  
10 that I recall.

11          Q. Who kept that list?

12          A. Whoever took from it was supposed to  
13 write it down what they took out.

14           I know when we were being taken over  
15 by the state police, Jim started going through  
16 and really recording all the standards and, as  
17 you can see, sealing some in plastic bags with  
18 initials.

19          Q. So previous to that, that was not  
20 done?

21          A. What wasn't done? Each of us put in  
22 a sealed bag?

23          Q. Yes.

1           A. That is correct, it was not. Like I  
2 said, the cabinet was sealed. I don't know  
3 when that -- like I said, the label in that  
4 book, he may have done that.

5           I know once he started doing the  
6 inventory and sealing everything in plastic  
7 bags, I think pursuant to what the state  
8 police wanted --

9           Q. (Interposing) Versus what the  
10 Department of Public Health had you do?

11          A. Exactly. I stopped even trying to  
12 look at standards because I knew I couldn't  
13 get away with taking them. At that point most  
14 of the standards I wanted were gone anyway.

15          Q. Is it fair to say that the policy  
16 regarding standards was more in line with what  
17 the Jamaica Plain, Hinton laboratory was doing  
18 in terms of security and inventory?

19          A. Um, maybe more in line. I mean, I  
20 know the Jamaica Plain didn't have every -- I  
21 don't believe it had everything in plastic  
22 bags but there was only a couple keys that  
23 people had and everyone didn't have access to

1       them.

2           Q.    There are some jars here, I believe  
3       approximately three, maybe more behind it.

4           A.    Mm-hmm.

5           Q.    Do you recognize those?

6           A.    Specifically not at this -- I mean, I  
7       can't tell what they are by reading them.

8       There were jars in -- in the cabinet, yes.

9       That's where I had gotten the big jar of  
10      amphetamine was on one of those top shelves in  
11      the standard because there was no way it would  
12      fit in the drawer. (Indicating)

13       Q.    Now, you've referenced and there's  
14      several shelves. Back while you were employed  
15      at the lab were these shelves filled with  
16      similar type jars?

17       A.    I wouldn't say filled but there were  
18      a few jars, maybe half a dozen. So, like I  
19      said, what had been the amphetamine standard I  
20      took. There was also a jar of caffeine, which  
21      we -- was a -- it was a standard. It wasn't a  
22      controlled substance but it was one of the  
23      things that drugs are sometimes cut with, so

1        besides having controlled substances as a  
2        standard we also had, you know, other  
3        substances as a standard.

4           Q.      Now playing Title 22 of Chapter 1 of  
5        the video.   Stop it.

6                   Ms. Farak, do you recognize this  
7        room?   (Indicating)

8                   A.      Yes.   As soon as you step out of the  
9        drug safe and into the evidence room, to the  
10       left there was a door and if you opened that  
11       door, you looked into Jim's office, which is  
12       what you see here.   That's his desk and his  
13       chair to the right.   (Indicating)

14                  Q.      So his office was directly across  
15       from the evidence safe?

16                  A.      Not directly across but to the -- the  
17       safe was in the evidence room and if you  
18       opened the door on your left, it would go into  
19       another room, so it was like a 45 degree  
20       angle.   But his room did not open directly  
21       onto the -- his room opened up into the  
22       evidence office, which then opened up into the  
23       drug safe.

1           Q.    So if you know, if you were seated in  
2 any of the seats in Mr. Hanchett's office,  
3 could you observe direct -- in a direct line  
4 with the drug safe?

5           A.    Not necessarily. There was a door  
6 there that sometimes was open and sometimes  
7 was closed.

8           Q.    I'm going to play Title 28, Chapter  
9 1. Stop it.

10          Now, is that the door that -- the  
11 door that you will see in this screen here  
12 next to the metal cabinet and the cart with  
13 boxes, is that the door that exited out into  
14 where the drug safe was? (Indicating)

15          A.    To the evidence office. So if you  
16 went -- opened that door and the drug safe  
17 would be directly on your right. (Indicating)

18          Q.    Now playing Title 28 of Chapter 1.

19          Ms. Farak, what frame are you looking  
20 at there?

21          A.    What frame? I have no idea what  
22 frame.

23          Q.    Excuse me. What's depicted on the

1 frame?

2 A. It's a picture of Jim Hanchett's  
3 desk.

4 Q. Now, you had previously testified  
5 that you had taken bags from Jim Hanchett --

6 A. Right.

7 Q. -- evidence bags that were previously  
8 initialed?

9 A. Correct.

10 Q. Did you take them from this desk?

11 A. No. I took them from his lab bench,  
12 which is in the lab part and not his main  
13 desk.

14 Q. Now playing Title 31 of Chapter 1.  
15 I'll stop that right there.

16 Ms. Farak, what door is this to do  
17 you recall? (Indicating)

18 A. This is a separate door leaving Jim's  
19 office going into the main hallway or corridor  
20 in the building we were located in.

21 Q. Okay. And there's a -- there's a  
22 touch or key -- type of keypad --

23 A. Correct.

1           Q. -- to the left of the door? What is  
2         that?

3           A. At night we would set an alarm for  
4         the lab and there were a couple different  
5         keypads. One side of the hallway, which is  
6         basically the evidence room, had a keypad, not  
7         the drug safe but the evidence room and this  
8         room. So in order to get into the room next  
9         to the drug safe, you had to set off the alarm  
10        and we all had our codes -- we had a code to  
11        turn off the alarm.

12          Q. And that was done every day and every  
13         night?

14          A. Every night, yeah.

15          Q. And you all had -- all four employees  
16         all had all the pass codes?

17          A. There was just one code to get in and  
18         out.

19          Q. So it wasn't particular to any one  
20         employee, there was just one general code?

21          A. Correct.

22          Q. And, if you know, it did not record  
23         when it was shut on and off?

1           A. I don't believe so. I'm not sure if  
2 it ever did. I -- considering I went in at  
3 times that it could draw suspicion and I was  
4 never questioned about it, I'm gonna assume it  
5 wasn't recorded.

6           My understanding is that if the alarm  
7 went off, after as long, I mean, the cops  
8 would be sent if you didn't turn it off. So,  
9 you know, you open the door, the alarm goes  
10 off. You put in the code and, okay, it went  
11 off. The cops aren't notified or whatnot, but  
12 I don't know if the company that ran the  
13 system recorded it over time or not.

14          Q. Okay. And you previously described  
15 the setup of the lab we saw in earlier frames,  
16 a waiting room, the evidence room, the  
17 evidence room itself, the drug safe which is  
18 also connected to the evidence room, and also  
19 Jim Hanchett, the lab supervisor's office. So  
20 these are all within one area of the lab?

21          A. Correct.

22          Q. So it's fair to say if you were to  
23 exit this room, Jim's office, you'd come to a

1       hallway. Where does that hallway lead you?

2           A. The hallway is a general hallway in  
3 one of the science buildings on the UMass  
4 campus.

5           Q. Okay.

6           A. There were exits directly to outside.  
7 You could go up some stairs and get to the  
8 lecture hall. So it was a public hallway.

9           Q. Now, was there any part of the lab  
10 that was across that hallway?

11          A. Yes, there was.

12          Q. And what was across the hall that was  
13 part of the lab in question?

14          A. To the -- a ways down was where we  
15 keep all of our records, our paperwork, our  
16 test results, you know, data from the gas  
17 chromatograph and the mass spectrometer. But  
18 directly across the hallway from here was the  
19 actual -- directly across the hallway from  
20 here is the lab that we did most of our lab  
21 work. There is one more room on the same side  
22 of the hallway as these labs that wasn't  
23 connected directly to these labs where we

1       analyzed our marijuanas and it had a fume  
2       hood.

3           Q.    I'm now playing Title 37 of Chapter  
4       1.    I'm going to stop that for you, Ms. Farak.  
5       What is -- what room is this? (Indicating)

6           A.    This looks like the main part of the  
7       laboratory that we do bench work in.

8           Q.    It's fair to say this is what you  
9       referenced was across the hall from the  
10      evidence room?

11          A.    Correct. There was two doors to the  
12       main lab. This door appears to be the one  
13       across more from the evidence room than Jim's  
14       office.

15          Q.    And this is where all or the majority  
16       of testing would take place?

17          A.    Correct.

18          Q.    Now playing Title 38 of Chapter 1.

19           Ms. Farak, this is the same room  
20       where the drugs were tested like the earlier  
21       frame? (Indicating)

22          A.    Correct.

23          Q.    Now playing Title 39, Chapter 1.

1 Stop it right there.

2 Ms. Farak, can you explain what this  
3 workstation is that you see in Chapter --  
4 Title 39, Chapter 1? (Indicating)

5 A. Directly, like from the bottom of the  
6 screen up --

7 Q. Correct.

8 A. -- there is a lab bench that is set  
9 up for use on both sides by a chemist. The  
10 side closest to us that looks really nice and  
11 clean was where Sharon would do lab work if  
12 she was doing lab work. On the other side of  
13 the bench was where Jim Hanchett would do his  
14 -- his bench work.

15 Q. And fair to say Sharon, her -- she  
16 was basically the evidence officer and did not  
17 do testing?

18 A. Correct. I mean, once in a blue moon  
19 she might but not recently.

20 Q. And your previous testimony was that  
21 Jim Hanchett, as the lab supervisor, would do  
22 testing but only if they were large samples or  
23 they were more --

1           A. (Interposing) Well, he would do  
2 large samples or if he had time his sample --  
3 he did a lot fewer samples due to his other  
4 responsibilities and would normally choose to  
5 take some of the more tedious samples so  
6 Rebecca and I wouldn't get weighed down on one  
7 sample.

8           Q. So this Title 39, Chapter 1 in the  
9 video depicts Sharon Salem's workstation and  
10 Jim Hanchett's workstation?

11          A. Correct. It also shows in the back  
12 corner the refrigerator.

13          Q. And this refrigerator, that was --  
14 that has always been in that location?

15          A. Within a couple feet of that  
16 location, yes.

17          Q. Okay. And what's contained within  
18 the refrigerator?

19          A. There were some of the standards  
20 including the methamphetamine standard that I  
21 took.

22          Q. So when you took that  
23 methamphetamine, I know you had previously

1       testified that at times you would administer  
2       it to yourself right in front of the  
3       refrigerator?

4           A.    Mm-hmm.

5           Q.    And at other times you would fill a  
6       small --

7           A.    Vial.

8           Q.    -- vial for your own use at your  
9       workstation or at another location?

10          A.    Correct.

11          Q.    And there was no lock on this  
12       refrigerator, correct?

13          A.    There's no lock on that refrigerator.

14          Q.    And if you could estimate, how  
15       frequently were Sharon Salem and Jim Hanchett  
16       actively doing work at that table?

17          A.    Sharon, in the total time I was  
18       there, two percent max. Jim, maybe 20  
19       percent, 30 percent. It's tough to tell with  
20       his administrative stuff and then also getting  
21       ready for court. He did a lot of copy -- in  
22       the evidence room there was also a copy  
23       machine where we'd make copies for discovery

1       packets.

2           Q.   So it was an area that was easily  
3       accessible by you?

4           A.   Yes, definitely.

5           Q.   Now, Title 39 of Chapter 1, could you  
6       please explain --

7           A.   Yes.

8           Q.   -- what is on the screen now?

9       (Indicating)

10          A.   This is another lab bench that's set  
11       up with -- for two chemists. My lab bench was  
12       on the left side, lab 2A; where Rebecca's was  
13       facing me on the right side.

14          Q.   So this was, in fact, your lab bench?

15          A.   That side that looks really messy  
16       right there, yes, that was my lab bench.

17          Q.   And can you please explain the  
18       equipment going from the left to the right on  
19       the screen that's located on the lab bench?

20          A.   Okay. So the bottom left corner is a  
21       -- the microscope. We would use that to do --  
22       to view marijuana to notice if there were  
23       certain features on the plant that would be

1       helpful in the identification of it.

2           We would also occasionally use a  
3       microscope if there was a pill that had like a  
4       worn imprint where we could use it to increase  
5       the image to try to read what it said.

6           To where are we going now; to right  
7       above it?

8       Q.     To this item right there, the lab  
9       bench. (Indicating)

10      A.    Okay. That is one of the -- each lab  
11     bench had two balances as well as a couple of  
12     microscopes. That is a balance that goes down  
13     to the thousandths of a gram I believe...  
14     tenths, hundredths, thousandths of a gram.

15      Q.    What's this piece of equipment?

16      A.    Which piece?

17      Q.    Right next to the balance?

18      A.    That white thing?

19      Q.    Yes.

20      A.    It's a tube rack, a test tube rack.

21     For our marijuana, I mean, it would -- it  
22     involved doing a color test and we'd put a  
23     small amount in a test tube before we brought

1       it to the marijuana room to complete the  
2       analysis because the chemicals were not very  
3       healthy so we would do it in with the fume  
4       hood.

5           Q.    So that -- it's fair to say there's  
6       also a heat sealer?

7           A.    Correct.

8           Q.    What's this piece of equipment at the  
9       top of the screen?

10          A.    That is my -- it is the balance I  
11       used to get the weights of substances.

12          Q.    Okay. Is it fair to say you -- all  
13       this equipment on the lab bench you would use  
14       in the daily course of work -- daily course of  
15       your workday?

16          A.    Almost daily. I mean, we might not  
17       use one microscope one day or a few days if we  
18       didn't get the samples and we might not need  
19       to use the second microscope but they were  
20       there and things we would use frequently and  
21       commonly.

22          Q.    And under this lab bench there were  
23       cabinets, correct?

1           A.    Correct, there's a drawer and  
2    cabinets -- drawers and cabinets.

3           Q.    I am currently playing Title 40 of  
4    Chapter 1. And stop it there.

5                 Can you explain what this item is  
6    right there? (Indicating)

7           A.    Oh, that's another heat sealer. We  
8    had a standard size heat sealer, which worked  
9    great for smaller samples but, you know,  
10   sometimes we would get, you know, 20 pounds of  
11   pot or 30 pounds of pot and we would need a  
12   longer heat sealer because we'd use bigger  
13   bags so this just was another heat sealer  
14   available to all people in the lab.

15          Q.    Now playing Title 41, Chapter 1.  
16   Stop it there.

17                 It's fair to say this is the view  
18   looking from your workstation to the other end  
19   of the laboratory? (Indicating)

20          A.    Correct.

21          Q.    And what's contained in this area of  
22   the laboratory?

23          A.    This middle section or the whole --

1           Q. Yeah, the middle section.

2           A. Yeah, the middle section there are  
3        some sinks on the right where we would do our  
4        glassware, as well as the -- you can't see it  
5        but right on the left there were big metal  
6        boxes which were commercial dish ware washers  
7        for our -- some test tubes but also our flasks  
8        and beakers and things like that.

9           Q. What's located in the far end?

10          A. The far end is where we had our  
11        instrumentation, our gas chromatograph, our  
12        gas -- mass spectrometers, computer setups  
13        with them. We also had an FTIR set up at the  
14        far end.

15          Q. What is that? What is an FTIR?

16          A. It's an infrared spectroscope. It's  
17        another way -- with like certain substances  
18        that don't dissolve well so they can't be  
19        injected into the gas chromatograph, so it's  
20        another way you can analyze things from a  
21        solid state.

22          Q. Now, if you're working at the lab  
23        bench from previous screens, can you see what

1       was going on down at that end of the lab?

2           A.    There were some things in the way.

3       You had a computer obviously in the way. At  
4       the far end of the lab the benches had  
5       computers facing away -- both directions go  
6       away from the other end of the lab as well as  
7       the same direction. And there is a -- you can  
8       kind of see the wall on the left where the  
9       dishwasher was. That was a fairly thick wall  
10      that the end of the bench is and you couldn't  
11      see a direct to the lab. You could easily  
12      hide behind it.

13          Q.    I'm currently playing Title 42,  
14          Chapter 1.

15          I'm currently playing Title 43 of  
16          Chapter 1.

17          A.    This is Jim's workstation. He's at  
18       the far end of the lab.

19          Q.    This is now Title 44 of Chapter 1.

20          This is still Jim's workstation,  
21       correct? (Indicating)

22          A.    Correct. You're standing at the end  
23       of Jim's workstation. You can see the lab.

1       bench I used. You can see the drawers. That  
2       would be my lab bench.

3           Q. And that was your lab station and  
4       there's drawers underneath?

5           A. Correct. And far back you can see  
6       the end of the lab with the computer station  
7       and instrumentation was set up. The  
8       dishwasher is the big shiny thing and that  
9       small room to the left is where -- well,  
10      Rebecca and I had desks in there and Jim did  
11      as well but, yeah, is where we would sit down  
12      and write our results in our lab notebooks.

13           Q. So when you were working with  
14      Rebecca, it's fair to say you were facing each  
15      other?

16           A. Correct.

17           Q. And what percentage of time were you  
18      working at the same time during the course of  
19      employment?

20           A. During the course of employment?

21           Q. Or the percentage?

22           A. No, no, I understand that. I mean,  
23      at the beginning it wasn't a big deal for us

1       to be facing each other a fair amount, you  
2       know, 70, 80 percent of the time maybe. Once  
3       we started to have to do our discovery packets  
4       and we had more non-lab bench work things to  
5       do, it decreased.

6                  I also planned it at times where if I  
7       knew she was finishing up with lab bench work  
8       so I would go out and overlap, you know, for  
9       15, 20 minutes knowing she was going to be  
10      done with her batch, so then I'd be at my  
11      bench by myself and she would be doing  
12      instrumentation or sitting at her desk doing  
13      paperwork. Like I said, I was rarely doing  
14      bench work at the exact same time that she  
15      was.

16                  Q. And that was by design?

17                  A. Correct.

18                  Q. Now, going to Title 50 of Chapter 1.

19                  A. That's the back of the dishwasher  
20      standing by that extra long heat sealer.

21                  Q. Stop it right there. So what's  
22      depicted in this screen right here; is that  
23      the shared office you discussed? (Indicating)

1           A. That's the shared office. Jim's  
2 small desk there was the first one on the  
3 right. Then Rebecca had her desk. We had a  
4 desk that had a computer on it that Rebecca  
5 and I shared and then I had my desk at the  
6 end.

7           Q. Okay. What is -- what is this brown  
8 item here? (Indicating)

9           A. That is a refrigerator. That was  
10 purely -- we brought our lunches to work in.

11          Q. So there were no standards --

12          A. No standards.

13          Q. -- or anything kept in that  
14 refrigerator?

15          A. Not at all.

16          Q. And you said there was a computer?

17          A. There was a computer.

18          Q. For what purpose did you use the  
19 computer?

20          A. We used it to do our e-mails, work  
21 e-mails. We used it when we did multiples,  
22 like I said, if a sample had a thousand  
23 glassine bags and we had to figure out

1 standard deviations and all sorts of  
2 statistical analysis for confidence levels,  
3 for estimated weights on things. We used it  
4 to write discovery packets when either  
5 district attorneys or defense lawyers would  
6 request them. We used it for research. We  
7 could access the -- we could access the drug  
8 lab system where we -- evidence was put into  
9 as a read only copy.

10 Q. Okay. And that's the computer you're  
11 talking about, correct? (Indicating)

12 A. Correct.

13 Q. And the desk, this far desk, that's  
14 Jim's? (Indicating)

15 A. Correct.

16 Q. The second desk here was Rebecca's,  
17 correct? (Indicating)

18 A. Correct.

19 Q. Okay. Playing Title 57 of Chapter 1  
20 of the video. Stop it here.

21 And this, what's depicted here in the  
22 image is your desk? (Indicating)

23 A. My desk. It is my desk. I mean, you

1 can see a file holder thing that had things I  
2 was currently working on. I'm not sure what  
3 the bottle is or the bag. I'm not sure if  
4 things were put down at any point but.

5 Q. Did you ever take samples to this  
6 desk and store them?

7 A. No.

8 Q. Now playing Title 58 of Chapter 1 of  
9 the video.

10 MS. WEST: Did you ever bring  
11 standards to that desk?

12 THE WITNESS: Not to put in  
13 the desk. Did I ever have things in my pocket  
14 at the desk, yes, but nothing was stored in  
15 the desk.

16 Q. (By Mr. Caldwell) A file cabinet --  
17 you're now seeing Title 58 of Chapter 1 --  
18 what was contained in that file cabinet?

19 (Indicating)

20 A. More manila envelopes. Each of those  
21 -- those manila envelopes contains a case  
22 file, so if we got requested to do a discovery  
23 packet or even if we got a summons for court,

1       oh, for this case, you know, you're called in  
2       to testify, we would make copies of all our  
3       handwritten notes in our lab notebook, as well  
4       as the data, the chain of custody and any  
5       other relevant information and make a copy  
6       both for ourselves and one for the DA if they  
7       asked for one, and we would put it in a manila  
8       envelope. And, like I said, that desk was  
9       full of manila envelopes that --

10       Q. Now, in the -- earlier in the video  
11       you indicated that the cabinet where the  
12       standards were in, where they were stored --

13       A. Mm-hmm.

14       Q. -- not only the small cabinet but the  
15       large cabinet south of the inventory and other  
16       items, where was that located before it was  
17       placed into the evidence locker?

18       A. Before that -- so if you're looking  
19       -- you're basically just standing where I were  
20       to sit, there's that wall to your left, it was  
21       just on the other side of the wall.

22       Q. Okay.

23       A. Yeah, so there's a file cabinet and

1       then there would be a wall on its left.

2       (Indicating)

3           Q.    I'm going to play Title 61, Chapter 1  
4       of the video.

5           What's that, Ms. Farak? (Indicating)

6           A.    It's a drawer in the desk.

7           Q.    Okay. Now playing -- this is Title  
8       62. Stop it right there.

9           Is this the filing cabinet you were  
10      previously talking about? (Indicating)

11       A.    Correct.

12       Q.    And what's the next room?

13       A.    Right, just as you could see from the  
14      end of the lab benches, you could see the  
15      instrumentation on the other end. This is a  
16      continuation of that and they had long lab  
17      benches just like on the previous side of the  
18      room that had like different pieces of  
19      instrumentation for analysis.

20       Q.    And is this the room in which the  
21      cabinet was --

22       A.    Yes.

23       Q.    -- for the standards before it was

1 placed into the evidence locker?

2 A. Correct.

3 Q. This is Title 62 of Chapter 1. I'll  
4 stop right there.

5 This is Title 63, Chapter 1. What is  
6 this piece of machinery? (Indicating)

7 A. It's a gas chromatograph and a mass  
8 spectrometer. They are connected so.

9 Q. And this is a continuation, this  
10 computer?

11 A. I mean, it's a computer that is  
12 hooked up with software for the -- for the  
13 mass spec, so it would print out results  
14 automatically. It's automatically sent to the  
15 printer when it was done being analyzed.

16 Q. And this computer itself was only  
17 used with the machinery; you didn't have  
18 Internet access for your own personal --

19 A. (Interposing) No, no, no. Yeah, I  
20 don't believe -- I mean, we probably had  
21 access to Notepad but I'm not even sure if we  
22 had Microsoft Office on it. But it was -- it  
23 was used for -- pretty much just for running

1       the analysis and for -- yeah, for running the  
2       analysis.

3           Q.    Okay. This is Title 65 of Chapter 1  
4       I am now playing.

5           Title 66 of Chapter 1. Fair to say  
6       this is the opposite side of the mass  
7       spectrometer? (Indicating)

8           A.    Correct. It is a quarter of the  
9       room, kitty-corner when you came into the lab.  
10      (Indicating)

11       Q.    This is Title 67 of Chapter 1.

12       This is Title 68 of Chapter 1. So  
13       there's a door there with lab coats on it.  
14       Where did that door go? (Indicating)

15       A.    That door went back to the main  
16       hallway, that same hallway that the evidence  
17       office and Jim's office was off of. Across  
18       from that was the lab that had two entrances  
19       that both went out to the main corridor.

20       Q.    Okay. Was that door locked at all  
21       times?

22       A.    Yes.

23       Q.    Was there a security keypad on that

1       door?

2           A.    There was a keypad on that door and  
3   it really didn't work.  The keypad -- I mean,  
4   we used a key.

5           Q.    Was it the same key to all the doors  
6   or did each door have its own key, if you  
7   know?

8           A.    I believe they were all the same keys  
9   perhaps except for the -- except for the lab  
10   safe.  The safe, not the evidence room, but  
11   the actual safe had its own key.

12          Q.    So it's fair to say that you were  
13   given two keys when you began your employment  
14   at the lab?

15          A.    We had a different lab safe -- there  
16   was renovations done but we were all given  
17   keys to the safe, to the rooms, and we were  
18   also given a small like padlock key that was  
19   used -- that could work on that cabinet for  
20   standards.

21                    \*\*\*\*\*

22

23

1 EXAMINATION BY MR. VELIS

2 Q. Ms. Farak --

3 A. Yes.

4 Q. -- during the average day you would  
5 co-mingle with your employees, fellow  
6 employees, correct?

7 A. That's correct.

8 Q. And those quarters were quite close?

9 A. Mm-hmm.

10 Q. During the time that you were doing  
11 your analysis yourself, and more specifically  
12 at the comparative stage of the analysis --

13 A. Mm-hmm.

14 Q. -- sample versus standard, how close  
15 on an average day when you were conducting  
16 that particular activity were your fellow  
17 analysts to you when they were working?

18 A. Actually you can do the analysis, I  
19 mean, I was probably sitting at my lab bench  
20 mostly or, I'm sorry, at my desk some of the  
21 time and they could be just at the desk next  
22 to me. Other times I could do it at my lab  
23 bench probably because I just didn't want to

1        interact or if they weren't around, if they  
2        were doing bench work, I could be at my desk,  
3        you know, analyzing or recording the data into  
4        my lab notebook.

5            Q.     So at your desk and at the lab bench?

6            A.     But there was no guarantee that the  
7        other employees would be at either of those  
8        places. They could be off doing -- and Jim  
9        could've been across the hall.

10          Q.     But based on your recollections and  
11        based on the observations that you made of  
12        your surroundings and those surrounding you,  
13        how far away on an average day would they be  
14        when you were at the desk or at the lab bench  
15        from you when you were conducting the analysis  
16        in feet?

17          A.     I mean, it really -- I understand  
18        your question. I mean, it would vary by day.  
19        Some -- average, there would probably be  
20        someone within 15 to 20 feet of me. I'm  
21        sorry?

22          Q.     No. 15 to 20 feet would be the  
23        average distance?

1           A. Possibly. I mean, it depends where  
2 people were. If Jim was across the hall say  
3 and Becky was doing bench work and I was  
4 sitting at my desk. It's hard to tell what  
5 the average is because sometimes they were in  
6 this space here across the lab, other times I  
7 was the only one there and there was no one  
8 else around, you know what I mean, like the  
9 afternoon where I was the only one there and  
10 there was no one else around.

11          Q. Well, when there was someone else  
12 around, would you say the average was 15 feet?

13          A. No. It could have been they were on  
14 the machinery and I was at the lab bench and  
15 let's say Jim was across the hall at his  
16 office, which would've been, you know,  
17 three-quarters the length of the lab. I  
18 really don't have a way to say there was an  
19 average amount or -- I mean, it did vary  
20 depending on, you know, we had basically two  
21 sets of instrumentations to do -- to run  
22 things on. If I was running it,  
23 instrumentation, and Jim was running

1 instrumentation, we would both be done about  
2 the same time so Rebecca might go to the  
3 instruments after if I was at -- you know what  
4 I mean -- and Jim might go across the hall to  
5 write stuff in his notebook.

6 Q. So based on the physical layout, they  
7 had an opportunity to observe you when you  
8 would be conducting analysis?

9 A. Correct.

10 Q. They had opportunity to be next to  
11 you?

12 A. Right.

13 Q. Close in proximity?

14 A. Yes.

15 Q. Did you have much dialogue with them  
16 when you would conduct analysis on an average  
17 day?

18 A. While I was actually comparing --

19 Q. MR. VELIS: While you're actually  
20 comparing?

21 A. Not really, I was focused on what I  
22 was doing. If I ever had questions I knew I  
23 was free to ask but we focused on our job.

1       I'm not saying we didn't have any social, you  
2       know, talking back and forth but.

3           Q.     Last question from me --

4           A.     Okay.

5           Q.     -- with respect to something that is  
6       related but unrelated to this particular line  
7       of questioning. You indicated that with your  
8       therapist and with -- that there were certain  
9       recollections that you made and memorialized  
10      about urges that you had during the conduct of  
11      your employ.

12       A.     Mm-hmm.

13       Q.     And you had indicated that you were  
14      impaired for a great period of time over those  
15      years while conducting these analyses.

16           Is it fair to say that while you  
17      were conducting the analysis while being  
18      impaired to whatever degree you may have been,  
19      that you had urges all during the course of  
20      that analysis?

21       A.     So you're asking not necessarily was  
22      I impaired but was I having urges?

23       Q.     Impaired, whatever that impairment

1 may have been and whatever degree, along with  
2 it were there urges when you were handing  
3 these drugs or looking at these analyses?

4 A. Um, sometimes, yeah. I mean, when I  
5 was analyzing things like heroin or pills I  
6 didn't have a direct urge for those pieces of  
7 evidence or drugs but it doesn't mean my head  
8 wasn't thinking who's gonna be around later,  
9 will I have an opportunity to --

10 Q. (Interposing) It was thinking that  
11 or wasn't?

12 A. I could've been. I don't know if I  
13 was constantly but there were definitely times  
14 I was thinking about later in the day -- not  
15 necessarily when I was comparing the data but,  
16 yeah, it definitely crossed my mind who will  
17 be around later, which standard do I want to  
18 touch or do we have enough of this or.

19 Q. Can you ever recall having urges when  
20 you were comparing data?

21 A. I don't remember any. I'm not saying  
22 they didn't exist. They probably did exist  
23 but I -- you're asking me something from years

1 ago and.

2 Q. And all this was from that time  
3 period that you responded to me when I asked  
4 from 2004 up to whatever date it terminated?

5 A. My urges early on were not the same.

6 Like I said, I may use early in the day and  
7 the drug lasted longer and I wouldn't  
8 necessarily have anymore urge to use that day.  
9 I was getting the desired effect of, you know,  
10 the increased focus or attention and energy.  
11 Towards the end when I was using cocaine and  
12 crack cocaine the intensity -- I don't want to  
13 say the intensity but the length of the -- of  
14 feeling the effects was shorter so I was  
15 having more urges to re-get to that state of  
16 being.

17 Q. And was that more towards the later  
18 years of 2004 to 2010 or 2011, the period --

19 A. Like I said, the coke and the crack  
20 really got heavy in 2011 and the urges were  
21 much more intense and much more frequent.

22 MR. VELIS: Thank you, ma'am.

23 MR. CALDWELL: Ms. Farak,

1 just a few more questions in regards to  
2 Special Assistant Attorney General Velis's.

3 \* \* \* \*

4 EXAMINATION BY MR. CALDWELL

5 Q. You indicated in previous testimony  
6 you took methamphetamine, dextro  
7 methamphetamine?

8 A. Dextroamphetamine.

9 Q. Dextroamphetamine, excuse me, cocaine  
10 and crack cocaine for the stimulant effect.  
11 Now, can you just briefly describe for the  
12 Grand Jury what -- what type of effect would  
13 you get from the methamphetamine?

14 A. The methamphetamine, I got increased  
15 energy, increased alertness. It helped me  
16 focus more on getting the task done. Not that  
17 I was -- could be scatterbrained, but it did  
18 help me, you know, put my energy into getting  
19 something done and doing it.

20 Q. Okay. And is it fair to say that  
21 dextroamphetamine gave you a similar type of  
22 high?

23 A. Similar but not as strong. I mean,

1       methamphetamine is a stronger drug but I was  
2       getting the same sort of focused concentration  
3       and energy that I was getting from the  
4       methamphetamine.

5           Q. And that could last anywhere between  
6       nine to 12 hours?

7           A. The methamphetamine lasted that long.  
8       The amphetamine was shorter.

9           Q. Dextroamphetamine?

10          A. Dextroamphetamine, yes.

11          Q. Did you ever hallucinate when you  
12       were on any type of amphetamine do you know,  
13       if you remember?

14          A. I don't remember. I don't remember  
15       any visual hallucinations. I mean, I may hear  
16       a whistle or a bell.

17          Q. So auditory?

18          A. Possibly. But, I mean, when I'm  
19       working now I'm hearing whistles all the time  
20       I'm so used to hearing them.

21           I know at one point when I was using  
22       crack heavily, which is also a stimulant, I  
23       started having auditory hallucinations. You

1 know, not that I thought I would see things  
2 but, you know, you think you see a movement  
3 and you look and there's nothing there.

4 Q. What type of -- what type of high did  
5 you receive from doing powder cocaine?

6 A. It was more of a quick buzz. It  
7 wasn't a sustainable or sustained alertness.  
8 I mean, it did help me focus for, you know,  
9 20, 30 minutes.

10 Q. Okay. And the high that you received  
11 from the crack cocaine compared to the other  
12 drugs that you've talked about?

13 A. It wasn't -- was more instantaneous  
14 high, was more intense but it definitely left  
15 me craving it even before it was totally out  
16 of my system.

17 Q. Fair to say that at this point when  
18 you were doing the crack cocaine your  
19 productivity at work dramatically fell off?

20 A. I was focused a lot on -- I was  
21 having urges before I was even having, you  
22 know what I mean, I was constantly how can I  
23 get more. Although part of me was saying I'm

1       not gonna use today, you know, you try to -- I  
2       don't want to say fix everything but if -- so  
3       you say you won't and, you know, by the middle  
4       of the day I was finding ways to get some.

5                             MR. CALDWELL: The time is  
6       approximately 12:20 p.m. I have no further  
7       questions for this witness.

8                             MR. VELIS: I have no further  
9       questions.

10                          MS. WEST: I have no further  
11      questions. Thank you.

12                          MR. CALDWELL: Thank you.  
13      You may step out.

14                          (Witness excused.)

15                          MR. CALDWELL: In reference  
16      to the video, that will be entered as Grand  
17      Jury Exhibit Number 13 and it will be made --  
18      Number 14 and it will be made available to the  
19      Grand Jurors at any time they wish to view it  
20      and if I can facilitate that in any way by way  
21      of computer or DVD player.

22                          Excuse me, ladies and gentlemen. I'm  
23      sorry. There's a correction. The video has

1       been marked as Grand Jury Exhibit Number 12  
2       and will be made available to you at any time.

3                          MR. VELIS: Are your  
4       notebooks all collected and left here?

5                          GRAND JURY: Yes.

6                          MR. VELIS: Thanks. Have a  
7       good day.

8                          MS. WEST: Thank you,  
9       everyone.

10                         MR. CALDWELL: Thank you.  
11                         (The presentation was  
12       suspended.)

13                         \*\*\*\*\*

14

15

16

17

18

19

20

21

22

23

1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF HAMPDEN

3

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.

9

10

11

KATHLEEN M. HOUGHTON

12

13

14

15

16

17

18

19

20

21

22

23