

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

DOCKET NUMBER CR-04-93292 : SUPERIOR COURT
STATE OF CONNECTICUT : NEW LONDON JUDICIAL DISTRICT
VS. : AT NORWICH - GA 21
JULIE AMERO : JANUARY 5, 2007

BEFORE:

THE HONORABLE HILLARY B. STRACKBEIN, JUDGE,
AND JURY OF SIX

APPEARANCES:

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1	<u>WITNESS</u>	<u>PAGE</u>
2	WILSON HERBERT HORNER	187
3	JULIE AMERO	230
4	MERJA LEHTINEN	269
5	SCOTT FAIN	278
6	MARK LOUNSBURY	288
7	ADRIENE AMERO-MARSHALL	292
8	CLOSING ARGUMENTS	309
9	JURY CHARGE	319
10	VERDICT	340

1 THE COURT: Any issues prior to bringing in the
2 jury?

3 MR. COCHEO: No, Your Honor.

4 MR. SMITH: Not by the state.

5 THE COURT: Are you ready to proceed?

6 MR. COCHEO: Yes, Your Honor.

7 THE COURT: Good morning, ladies and gentlemen.
8 The defense today will start its ease.

9 Mr. Cocheo, are you prepared to proceed?

10 MR. COCHEO: Yes, Your Honor.

11 THE COURT: Call your first witness.

12 MR. COCHEO: I call Herb Horner.

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1 W I L S O N H. H O R N E R,

2 [REDACTED] having been
3 duly sworn by the clerk, was examined and testified
4 as follows:

5 THE COURT: You will be over there and not in the
6 witness box?

7 MR. HORNER: I can start here, but I need to go
8 over there.

9 THE COURT: Do you have any preliminaries?

10 MR. COCHEO: Yes, I do, Your Honor.

11 THE COURT: Have a seat there.

12 MR. HORNER: Thank you.

13 THE COURT: You can proceed, Mr. Cocheo.

14 MR. COCHEO: Thank you.

15 DIRECT EXAMINATION BY MR. COCHEO:

16 Q Mr. Horner, what is the nature of your employment?

17 A Right now I am a computer consultant for my own
18 company.

19 Q And what is your background in computer science,
20 sir?

21 A It started about forty years ago. Basically I was
22 hired as an operator at Electric Boat and they sent me to
23 school to become a systems engineer. And basically what I
24 did there was **performed** operating system generation and
25 wrote programs for the analysis of engineering data.

26 I then went to a company called Univac, and there I
27 was a systems engineer. And we didn't call it this at the

1 time, but basically what I was doing there was **performing**
2 forensic analysis on hardware and operating system
3 failures. That job I did was to determine where the
4 computer failed, isolate that, and **write** the code to fix
5 the problem and then continue on.

6 **During** my tenure at Univac in that **particular** session
7 I was there for about, say, maybe ten years. I worked far
8 the **Navy** Systems branch of Univac and we handled most of
9 the naval sites, even going to the point where we worked on
10 **some** of the fire control computers on submarines and
11 destroyers.

12 I got tired of that, so I went back to Electric Boat
13 and they hired me to **do** the **same** job basically, but on a
14 different computer, an **IBM** computer. And I did the **same**
15 job over and over again. I looked at main frame **computer**
16 dumps, determined what was done and fixed them. I also got
17 heavily involved in **communications** at that time.

18 I got tired of that and I went back to Univac again.
19 Now, there is probably a thirty year mark, I guess, **maybe**
20 twenty-second year. I was hired by the Univac Navy **Systems**
21 group again and I did ten years at **Newport**, Jacksonville,
22 Florida, Point **Magu**, California, and basically **my** job was
23 to again perform analysis of main frame failures. And I
24 got involved in what was known at this point in time, the
25 precursor to the Internet called Defense Data Network where
26 I was connecting computers on the East Coast Gulf to the
27 West Coast to Hawaii.

1 I got tired of that and I went to the commercial
2 branch of Univac and got tired of that, so I started my own
3 company working on the stuff; main frames and PC's.

4 At this point in time I was picked up and hired by a
5 group called Formula Consultants. They sent me all over
6 the United States doing the engineering and computer
7 analysis, forensic work, if you want to call it, for the
8 Air Force. And they sent me to Denmark, Germany and
9 Switzerland, and I worked on robotics, Scandinavian
10 Airlines. So that is the background that led to me
11 starting my own company. And basically what we do at my
12 company is we develop websites, we write software to
13 connect up common systems together.

14 For example, at the hospitals we have blood machines
15 and billing processors and different types of machines like
16 that. I write the code to do this, me and my particular
17 group.

18 We also support larger networks out in the field like
19 Ace Hardware. At one point in time I had eleven towns
20 under my jurisdiction. I worked for the Berlin Police
21 Department, Montville Police Department and the State
22 Police doing the same basic job. There basically, whenever
23 there is a failure and need to determine very quickly what
24 it is and can it be fixed and what caused the problem.
25 That's basically it.

26 Q After our initial interview, what action did you
27 take and why?

1 MR. SMITH: Objection. It calls for a
2 narrative. I think there has to be a question cut
3 there.

4 THE COURT: Can you be specific, Mr. Cocheo.

5 MR. COCHEO CONTINUING:

6 Q After our initial interview, what ~~action~~ did you
7 take?

8 MR. HORNER: I would like to be able to start the
9 presentation, because that is kind of answered in
10 that presentation. If I can get it working.
11 May I do that, Your Honor?

12 THE COURT: Yes.

13 MR. HORNER: As with computers, sometimes they
14 don't work. I rehearsed this last night, by the way.
15 It will take a few minutes, Your Honor.

16 MR. COCHEO CONTINUING:

17 Q Mr. Horner, can you tell us what actions you took
18 concerning this case.

19 A Basically I - what I had to do is determine as much
20 as I can about this forensic analysis of this particular
21 computer. The first thing we did, my group and my company,
22 we went out and found as much information as we possibly
23 could, either through seminars or through the Internet and
24 libraries on how to conduct this examination.

25 And the reason I did that, even though I had a lot of
26 experience doing that type of thing, I just wanted to make
27 sure that I did not leave anything out. And I wanted to

1 make it as thorough as I possibly could.

2 So what I am showing here are all the references that
3 I used to assist us with this investigation. And I don't
4 know if it is necessary to read them all, but I can. And I
5 also listed up there the authors and either the websites or
6 where they were located.

7 MR. HORNER: Your Honor, may I read them? Thosa
8 are more references. That is what provided the
9 guidelines for us to be able to perform this
10 investigation.

11 MR. SMITH: Can we approach for one second?

12 (Bench conference)

13 MR. COCHEO CONTINUING:

14 Q Mr. Horner, what actions did you have to take to
15 get to the site?

16 A You don't want the preparation?

17 THE COURT: No. The preparation used is not
18 necessary to read into the record. Just get to where
19 it becomes relevant to this case. Okay?

20 MR. HORNER: Thank you, Your Honor.

21 Here I list out what I did to get a copy of the
22 evidence and so forth. So I obtained a copy of the
23 hard drive from the police department, the
24 lieutenant that was here yesterday. We created many
25 copies of that for thorough examination because we
26 were going to look at several different ways. And
27 we also used a couple of programs of mine to check

1 the hard drive out to see if there were any deleted
2 files.

3 And the only difference between the original and
4 the copy would be that most likely the copy of the
5 hard drive would not contain deleted files, but we
6 looked anyway.

7 Basically what we want to do is look at the
8 whole hard drive, look at anything that could
9 possibly relate to what was going on.

10 So we examined the entire hard drive from
11 beginning to end, and we used those high level DOS
12 programs to perform that analysis.

13 THE COURT: Okay.

14 MR. HORNER: There is more.

15 MR. COCHEO CONTINUING:

16 Q Mr. Horner, what were the results of the
17 examination?

18 A The results were this, and it was kind of
19 interesting because the minute we took the hard drive that
20 the lieutenant gave us, which was the external hard drive,
21 which means it could be connected to my computer, the
22 technology that I use.

23 MR. SMITH: I will have to object again to this.
24 I think I have to do it outside the presence of the
25 jury. I will have to.

26 THE COURT: I warned you this could happen. If
27 you could step out for a minute.

1 (Jury excused)

2 MR. SMITH: Judge, here is the problem I had at
3 the bench and I will state it for the record. Quite
4 awhile ago I asked for discovery on any documents
5 that he had created or was going to use in the
6 course of this trial, specifically for ~~this~~. That
7 has been displayed. Unfortunately, the jury has
8 already seen it. They are definitions of various
9 programs that he allegedly or supposedly used to
10 check it out. There is various information that was
11 allegedly or supposedly on the hard drive copy that
12 he got, that I would have liked to check it out
13 obviously before trial. For example, one of them
14 is, I believe, is a security alert document, **spyware**
15 program, noted market score and the like. I don't
16 see how I can effectively cross-examine based on
17 these documents that I should have gotten before
18 trial so I could check it out.

19 THE COURT: Why weren't these provided?

20 MR. COCHEO: I did not have these documents, Your
21 Honor.

22 THE COURT: You didn't have them, but now here
23 they are. So I am not allowing it. What will have
24 to happen, your witness can testify about what he
25 did and what happened regarding Mr. Napp's computer
26 on that day and what the results of his
27 investigation were. All right?

1 MR. COCHEO: Thank you, Your Honor.

2 THE COURT: You're not going to be reading **all**
3 these things in. You don't even put **them** up any
4 longer. Do you understand the parameters **of** your
5 testimony?

6 MR. HORNER: No, **I** don't.

7 THE COURT: You will answer questions from **Mr.**
8 Cocheo regarding the results of your **investigation**.

9 MR. **HORNER**: Your Honor, will I have the
10 opportunity to display on the screen the **crux** of the
11 issue?

12 THE COURT: What **is it**?

13 MR. HORNER: **I don't** necessarily **have** to show **it**
14 in **terms** of a narrative, but I can just show - I
15 want to show the **website**.

16 THE COURT: Which **website**?

17 MR. HORNER: The **website** that took the defendant
18 to the problem.

19 THE COURT: To **past** of the problem, you mean.

20 **MR.** HORNER: Part of **the** problem. All right.

21 THE COURT: You want to go to a **website** that she
22 went to?

23 MR. HORNER: I have a copy of the **website** that
24 she went to on that computer.

25 THE COURT: Right.

26 MR. HORNER: This **is** my testimony. While **they**
27 were on that computer looking at hairstyles, **they**

1 were redirected to another site.

2 THE COURT: Right.

3 MR. HORNER: That led to the pornographic icons
4 which led to this pornographic loop that was out of
5 control. The reason I want to do all this was to
6 just to lay out the background.

7 All these documents are right here in this
8 document.

9 THE COURT: That was all supposed to be provided
10 to the state before, all of it.

11 MR. HORNER: They can have it.

12 THE COURT: You don't understand. This is a
13 trial. This is over. There is no time now. We are
14 going forward right now. The demonstration - you
15 can go to a website, if that is what you want, if it
16 is a website that the computer went to that day.

17 MR. HORNER: Can I ask another question, Your
18 Honor? There were things done before the 19th that
19 led to this catastrophe, and that is a fact.

20 THE COURT: I don't know that, and we don't know
21 what you know about that, and there is no foundation
22 for that, so you can't testify to that at this
23 point. You are testifying as to what that computer
24 - what you found on the hard drive regarding this
25 case.

26 MR. HORNER: Your Honor, I found spyware.

27 MR. SMITH: At this point my objection would be

1 all the documentation - evidently he is going to use
2 this at trial. It should have been provided to the
3 state so we could check it out. If he is going to
4 testify there was **spyware** on there and he has made a
5 report in relation to that, for example, what is on
6 the screen, we should have been **provided that**.

7 THE COURT: Right.

8 MR. SMITH: I don't think he should be able to
9 reference that **information**.

10 THE COURT: Mr. Cocheo, you know that any
11 information that was going to be testified to by
12 your witness was supposed to be provided to the
13 state.

14 MR. COCHEO: I understand that.

15 THE COURT: And I believe you do. I know you **are**
16 saying you didn't know about **it** until right now,
17 apparently. **From** the chamber's conference you **told**
18 me, with Mr. Smith present, that you were going to
19 do a demonstration of a **website**. Right?

20 MR. COCHEO: That's correct.

21 THE COURT: That's what you can do. Do you
22 understand? That is what is going to happen.

23 Bring back the jury. Any objection to that?
24 Because that is what he did say he was going to do.

25 MR. SMITH: I do not have an objection to that,
26 obviously.

27 ~~My~~ other problem is, if he is going to reference

1 information that he gleaned in relation to these
2 worksheets, the documents that he created for the
3 defense -

4 THE COURT: Right.

5 MR. SMITH: That should have been turned over to
6 the state. I don't think he should be able to
7 reference the information on this sheet.

8 THE COURT: I am not sure I am clear what you
9 mean.

10 MR. SMITH: Specifically, he brings out spyware,
11 all the information, all the spyware should have
12 been turned over to the state and it wasn't, so we
13 could have done an investigation to either prove or
14 disprove the information he is talking about. That
15 is what this discovery process is about.

16 THE COURT: Right.

17 MR. SMITH: I am clearly at a disadvantage now.
18 I don't see how I can, unless obviously there is
19 time provided, go back to look at the various sites,
20 to examine the documents that he is putting in
21 evidence or that he is using to base his opinion on.

22 My assumption was he was going to base it on the
23 information he had in the past, and this was
24 discussed in chambers, if I am right, with Mr.
25 Cocheo.

26 THE COURT: Right.

27 MR. SMITH: He would bring up a website and

1 display this website.

2 THE COURT: Right.

3 MR. SMITH: This information was never provided.
4 There was no indication he was going to use or
5 reference that information.

6 THE COURT: What he said was a demonstration of
7 going to a website that has been referenced to by
8 the state in the state's case can be accessed, any
9 website, and I am allowing that demonstration. I am
10 assuming it will take him a few minutes to set that
11 up to get back past that information.

12 Why can't he just click on the website that he
13 is going to be demonstrating?

14 MR. HORNER: You don't have unfettered access to
15 the website, the Internet. I have to go through
16 different equipment.

17 THE COURT: The plan was to go to a certain
18 website?

19 MR. HORNER: I am not going outside the building.
20 I have a copy of that.

21 THE COURT: Wasn't that the plan, Mr. Cocheo, to
22 have him go to a certain website?

23 MR. COCHEO: That was the plan, Your Honor. I
24 don't know exactly how he was going to do that, but
25 that was the plan.

26 THE COURT: Are you able to do this, go to the
27 website as a demonstration?

1 MR. HORNER: I can show you the **website** as I went
2 to **it**, as I captured **it**. I am not really going to
3 the Internet.

4 THE COURT: Fine. He can go to the **website**.

5 MR. SMITH: Yes.

6 THE COURT: And Mr. Cocheo could ask questions
7 **regarding** that, and you can cross-examine regarding
8 that.

9 MR. COCHEO: Okay, Judge.

10 MR. HORNER: May I ask you a question, Your
11 Honor? **This** is - and I **am** not being disrespectful,
12 understand where I come from, this is analogous to
13 an airplane crash.

14 MR. SMITH: I will object to this.

15 THE COURT: You are not a lawyer, you are a
16 witness. All right?

17 MR. HORNER: I am not a lawyer.

18 THE COURT: I **am** not going to listen to this.
19 You just do what you are requested to by your
20 lawyer, okay, and what the Court has already said,
21 which is you are here to do a demonstration that is
22 supposed to be something to prove the defense's
23 case. All right? And you do what *Mr.* Cocheo asks
24 you to do and what the Court has instructed you.

25 MR. HORNER: One more comment, and then I will go
26 exactly where you would like me. I feel like my
27 hands are a little tied at this point.

1 THE COURT: Right. What is your question?

2 MR. HORNER: That was the question.

3 THE COURT: That's not a question.

4 MR. SMITH: Based on my investigator - can I
5 speak to him for one minute? I would like to get
6 some information that might help me out on cross.

7 THE COURT: Yes.

8 MR. SMITH: It might also allow him to set up his
9 website.

10 MR. COCREO: If I may be excused to use the
11 restroom.

12 (Recess taken)

13 MR. SMITH: Thank you, Your Honor.

14 THE COURT: Bring the jury in.

15 (Jury returns)

16 THE COURT: Mr. Cocheo, proceed.

17 MR. COCHEO CONTINUING:

18 Q Does spyware and create pornography?

19 A I don't think we are allowed to answer that.

20 THE COURT: Do you know what, sir? Answer the
21 question unless someone objects,

22 MR. HORNER: The answer to that is absolutely
23 yes.

24 MR. COCHEO CONTINUING:

25 Q How does that occur, if you know?

26 A It occurs through programs such as spyware, adware,
27 viruses and pornography sites being uploaded to the

1 person's computer. It sits in the background, the
2 background for that occurrence.

3 Q Did you have an opportunity to examine the Norton
4 activity log?

5 A Yes, I did. And in the Norton activity log what it
6 shows is that **spyware** -

7 MR. SMITH: Judge, I have to approach on **this**.

8 (Bench conference)

9 MR. SMITH: Judge, I would request that the
10 witness not **communicate** with the attorney.

11 THE COURT: Mr. Cocheo, approach. Thank you.

12 (Bench conference)

13 MR. COCHEO: Could I just have a moment, Your
14 Honor.

15 **THE COURT:** Yes.

16 (Pause)

17 MR. COCHEO CONTINUING:

18 Q Did you see as a result of your examination whether
19 the defendant directly accessed a pornography site?

20 A Absolutely not, not directly.

21 MR. COCHEO: I think that is the conclusion.

22 May I have a moment, if your Honor please?

23 MR. **SMITH:** Objection, Judge, objection, He is
24 a witness testifying on the stand.

25 THE COURT: Mr. Cocheo, just ask a question. **Ask**
26 a question.

27 Mr. Cocheo, are you trying to elicit something

1 about this particular **website**?

2 MR. COCHEO: Yes, Your Honor.

3 THE COURT: What is it that you want to ask **your**
4 witness?

5 MR. COCHEO: Did this **website** lead to any
6 pornographic information?

7 MR. HORNER: This site did not directly connect
8 to pornography, however, this site enacted **spyware**
9 and **adware** programs to be uploaded into the
10 computer. Then after this site was looked at by the
11 children, you will notice the small icons.

12 THE COURT: That is stricken.

13 MR. HORNER: By the user. I will try to keep it
14 generic. You notice the small icons there. They
15 are very small.

16 And the reason I want to note that is because
17 even if there was an inappropriate icon, they would
18 still be very small and not cover the whole screen.

19 I think this is something to note.

20 THE COURT: Go ahead.

21 MR. HORNER: This site was then through the
22 Internet files was redirected to another site.

23 May I go to that site? This site led to another
24 site.

25 MR. SMITH: May I ask for a non-narrative form
26 based on a question?

27 THE COURT: Do you know if that is what the

1 defendant did or not, or this is what you did to
2 access another site?

3 MR. HORNER: Based on the results of the
4 examination, the next site that I want to bring up
5 was initiated by the user, not **purposefully**, but it
6 was initiated.

7 THE COURT: You **don't** know that, sir. What you
8 are saying, you want to click on this **website**?

9 MR. HORNER: I would like to go to the next
10 **website** that was called.

11 THE COURT: So this called without anyone having
12 to push a button?

13 MR. HORNER: Yes, **it** was called a redirect.

14 THE COURT: Go ahead.

15 MR. HORNER: Thank you.

16 Now, this site is a site that they were redirect
17 to; still more hairstyles. However, this site has
18 pornography links in it. This is a Russian **site**.
19 **And** the way I can **prove** that is if we were to **take** a
20 look at the bottom of the screen right over here **at**
21 the bottom of the screen you see - **I don't** know if
22 you can see it - I didn't move **it** up enough - **let's**
23 see **if** I can do it.

24 Well, anyway, if you could **see it at the** bottom
25 of the screen there is a reference to a site called
26 Extreme-dxn.com. That is a direct link to the porn
27 site. That is a direct link to porn **adware** sites.

1 And if the person tries to get out of this **for** any
2 reason, if they were to click up here, anywhere **"else**
3 up here, **it** would take them at that particular time
4 to a porn site, not in terms of giving you a listing
5 of the porn sites that was described yesterday, **but**
6 in terms of the availability to access ~~that~~ porn
7 site.

8 Do you understand what I am saying, Your Honor?
9 Do you understand? In other words, availability is
10 there. It doesn't mean you have to go there. Once
11 this was clicked upon, either trying to get out or
12 to stop, there is a sequence that takes place, and
13 the evidence is on the hard drive, and **it's** almost
14 like you **can't** get out of **it** no matter what you
15 click on, and more information is going to come up
16 regarding those specific items.

17 THE COURT: Are you saying **it** allows you to get
18 to these other websites?

19 MR. HORNER: **It allows** the opportunity to **go** to
20 the websites.

21 THE COURT: The opportunity. Stop right there.

22 Mr. Cocheo, your next question.

23 MR. COCHEO CONTINUING:

24 Q You described the opportunity to go to other
25 websites; could that come up unintentionally?

26 A Absolutely.

27 Q How would this occur?

1 A In that particular case if a person wanted to
2 terminate that operation, they click on an X, or if they
3 clicked anywhere on the top part of that screen, that
4 triggers a link to somewhere else, and that is basically
5 what happened. The defendant or user went to ~~an~~ innocent
6 hair site. They didn't see enough styles - without their
7 control, they were redirected with a command - and this
8 goes on behind the scenes while you don't even know it
9 redirected to the site I just displayed.

10 Now, hairstyles, the Russian site, in that site if I
11 were online, I could show you all the porn links to it. If
12 you tried to get out of it, you are trapped. If the person
13 doesn't have experience, they are in trouble.

14 THE COURT: Mr. Cocheo, next question.

15 MR. COCHEO CONTINUING:

16 Q If a novice person such as myself were to be on the
17 computer looking for hairstyles, they could wind up in a
18 pornographic site?

19 A Yes, you could, absolutely. You could **even** do a
20 search on, for example, a name like Gayle Smith. You could
21 end up in the background information to take you to a G-A-Y
22 pornographic site.

23 Q What if I tried to get out of that right away?

24 A In that particular case, I can't describe - I can
25 only describe what is here.

26 MR. COCHEO: I have no further questions.

27 THE COURT: All right. Do you need the witness

1 on the stand?

2 MR. SMITH: Yes;.

3 THE COURT: Could you sit up here.

4 CROSS-EXAMINATION BY MR. SMITH

5 Q Obviously you have a lot of experience with the
6 computer, I will grant you that. My question is, you were
7 able to access this alleged hair website, correct, that
8 supposedly redirected the user to supposedly other
9 pornographic sites, correct?

10 A Based upon the information I looked at.

11 Q I understand that. The answer is year?

12 A Yes.

13 Q Okay. Did you actually go to these pornographic
14 websites?

15 A I looked at one particular pornographic website and
16 there was a reason for that.

17 Q I am just asking a question. You went to one of
18 these websites?

19 A Sure.

20 Q But you had the ability to go to all of these
21 alleged websites that were supposedly - you had the
22 opportunity to go to ones you went to on this hair page?

23 A If I had prurient interests, yes, I could have.

24 Q Well, your job is to look at this information,
25 correct, because you are here to testify about it, correct?

26 a To answer that quite honestly, one picture is worth
27 a thousand words. I looked at the ones in the police

1 report.

2 Q Okay.

3 A I looked at the first one.

4 Q Hold on. We are not talking about the police
5 report, we are talking about what you supposedly did.

6 A Um-hum.

7 Q Okay. So you supposedly went to this website,
8 correct? And you have a copy of that website here. That
9 is the website you showed on the screen?

10 A You are talking about the hair website?

11 Q The hairstyle website.

12 A Yes, absolutely.

13 Q I am not really that clear.

14 A Okay.

15 Q And to help the jury, hopefully, your testimony is
16 that you took that hairstyle website off the hard drive
17 copy that was provided to you from the Norwich Police
18 Department?

19 A I don't know where you are going with this. I have
20 several copies of that hard drive. Two of the copies are
21 right there. If I were to go to a website -

22 Q No. Listen to my question. I will lay it out
23 slowly.

24 Did you get a copy of the computer hard drive from
25 Detective Lounsbury from the Norwich Police Department?

26 A Yes.

27 Q Did you examine that hard drive from Detective

1 Lounsbury from the Nofwich Police Department?

2 A Yes.

3 Q This **website** page that you just showed here in
4 court of the hairstyles, did you get that specific **website**
5 image that you just posted off the hard drive that **was**
6 provided to you or a copy, an exact copy that was provided
7 to you by Detective Lounsbury?

8 A No.

9 Q So you on your own went to a **website** that was
10 separate **from** the information got provided specifically
11 related to this case, is that correct?

12 A No, that's not correct.

13 Q Okay.

14 A I did it both ways. During my examination I
15 clicked on it and I **went** there and I got it.

16 Q I want to stop you. During **your** examination of
17 what?

18 A The examination of the **hard** drive. I started to
19 click on all the **html's** and all the references, not all of
20 them, but enough to give me a picture based on **the time**
21 line of what was going on.

22 Q So you hooked up the hard drive to a **computer**?

23 A Absolutely.

24 Q And you **accessed** information provided to you by the
25 Norwich Police Department?

26 A Yes, sir.

27 Q And I would imagine that the **information** on that

1 hard drive would come up, for example, as a window,
2 correct, some type of Internet browser window?

3 A Not necessarily. I have tools that will bring it
4 up differently, but I did do that, yes.

5 Q Did you access directly from the link provided on
6 that hard drive that was given to you directly onto the
7 Internet?

8 A I copied the hard drive, because I didn't want to
9 corrupt the evidence.

10 Q The information, either that actual hard drive or a
11 copy that you made -

12 a That is important.

13 Q - did you access directly from that information?

14 A I did.

15 Q And you went to the website, correct?

16 A Yes, I did.

17 Q And it's your testimony that when you followed that
18 trail from the hard drive onto the Internet, you went to
19 the hairstyles website and on that website all the
20 information just popped up, all the pornographic images and
21 information popped up?

22 a You've got to understand, there are two websites
23 here. There are two hairstyle websites. When it started
24 with the www.hairstyles website that I showed you, that led
25 by what is known as a redirect command to the new
26 hairstyles website.

27 Q I will stop you right there. Does 'the 'user have to

1 click on anything? I believe you testified on your direct,
2 I believe, that the user would have to click somewhere on
3 the hairstyle, original hairstyle page to get redirected to
4 that second hairstyle page?

5 A Not necessarily.

6 Q Do you know what happened in this **case**, **is** that
7 what happened in this case?

8 A In this case, because of the **spyware** and the **adware**
9 that was being uploaded because of the interest of the
10 user, there was an opportunity to go to many different
11 sites being presented in the background in the Internet
12 cache files. And by the way, there are many different
13 files to look at. You can't just look at one set of files,
14 you have got to look at the whole picture.

15 Q I don't think you really answered my question.

16 A All right.

17 Q On the first **website** do you know did the user of
18 that computer have to click on any specific area of that
19 hairstyle, first hairstyle **website** to get redirected to the
20 second hairstyle **website**?

21 A It's possible.

22 Q Do you know whether the user had to do it or not?
23 It's a simple yes or no question. Do you know whether the
24 user on October 19th had to click on it or not?

25 A They had to click on it to get things happening the
26 way they were.

27 Q Okay. Whoever used it would have to click on one

1 portion of the original hairstyle website. Your testimony,
2 I believe is they go to the second website.

3 A You get redirected to that. That is a very
4 important issue. If you missed that detail - I guess you
5 don't want me to tell the truth here, I guess. I am
6 getting confused.

7 MR. SMITH: I will ask that that remark be
8 stricken, and he answer the question.

9 THE COURT: The jury will disregard the last
10 remark of the witness. Please answer the question.

11 THE WITNESS: Could you rephrase your question
12 again for me please.

13 MR. SMITH CONTINUING:

14 Q You click, the user would have to click on the
15 first hairstyle website, correct? Then that directs them
16 in some way to the second hairstyle website, is that
17 correct?

18 A True, absolutely true.

19 Q Now, once in the second hairstyle website, that is
20 where the pornographic images begin? I don't think you
21 even touched on this on your direct, but I will touch on it
22 so we have it clear.

23 A Right.

24 Q On the second pornographic website, excuse me, the
25 second hairstyle website, is that where ads will just start
26 popping up?

27 A The answer to that question is yes, and if the

1 person decided -. I answered the question yes. Period.

2 Q Okay. Do you know whether when the defendant on
3 October 19th went to that second hairstyle **website**, do **you**
4 know based on your examination of the hard drive whether
5 pop-ups or **adware** started to affect the computer and pop-up
6 images?

7 A Based on the Internet files, I know that to be a
8 fact.

9 Q Okay.

10 MR. SMITH: May I approach, Your Honor?

11 THE COURT: You may.

12 MR. SMITH CONTINUING:

13 Q I'm going to show you what has been pre-admitted as
14 State's one, two and four. You have had an opportunity to
15 look these over before court today?

16 A I've seen some of this, yes.

17 Q And I'm going to preface this question by saying
18 this, when did you access the Internet to do your research
19 on this **information**?

20 A Initially **it** was when we received the hard drive.
21 About two years ago we started.

22 Q Okay.

23 A We started, and I have my document here to kind of
24 prove that.

25 Q Do you know what the date was? I understand it's
26 two years ago, memory fades; do you **remember** what the date
27 was, approximately?

1 A November something.

2 Q So after the 19th, correct, after the 19th?

3 A I think it was like November 18th, maybe not
4 though.

5 Q But approximately a month, some time after, more
6 than a week, more than two weeks or so?

7 A Yes.

8 Q Do you know what the nomenclature was of those two
9 web pages, the hairstyle web pages on the date in question,
10 October 19, 2004?

11 A I have got to think about that. The answer is yes,
12 I could go look back and see them.

13 Q Do you right now know it?

14 A From back then, I would have to go back through my
15 analysis.

16 Q Do you right now know it? Yes or no?

17 A From two years ago, do I know it?

18 Q As you are testifying to these facts you are
19 testifying to, these things you are saying, do you know
20 right now as you are testifying what the makeup was of
21 these two hairstyle images on the date in question, October
22 19, 2004?

23 A You see, in my technical mind I am trying to
24 determine what you're trying to get at in terms of make up.
25 Do you mean what they look like?

26 Q Let me put it this way. As you testify right now
27 you are talking to the jury; do you know whether those

1 websites that you alleged links to pornography, in fact,
2 had links to pornography on the dates in question?

3 A Absolutely.

4 Q You know that as you are speaking?

5 A Um-hum.

6 Q How do you know that?

7 A How do I know this?

8 Q Yes.

9 A If you bring up that particular screen -

10 Q Which screen?

11 A The new hairstyles. You will see the links there.

12 Q Are you talking about the information you
13 downloaded from the Internet after the fact?

14 A No. I'm talking about the stuff that Lieutenant
15 Lounsbury gave you.

16 Q Detective Lounsbury gave you these disks. You are
17 testifying on the date in question, October 19th, embodied
18 in these hairstyles, the link html, is that correct?

19 A I believe some sort of Java script.

20 Q I understand. Embedded in that would be the
21 pornographic links that would provide the opportunity for
22 someone to go to porn sites?

23 A Provide the opportunity to go there, to the best of
24 my knowledge, to the best of my knowledge.

25 Q Why do you qualify your answer to the jury?

26 A Because you're talking about two years ago.

27 Q So you don't know?

1 A I m pretty sure.

2 Q Pretty sure, but you don't know, correct? You
3 don't know for sure?

4 A Correct.

5 Q You don't know for sure, do you?

6 A Can I look at one piece of paper?

7 Q You don't know what document that was? I am sure
8 your attorney will look for it and help you out. As we
9 speak right now, do you know?

10 A Just let me think, let me think.

11 (Pause)

12 MR. SMITH: Judge, I'm going to withdraw that
13 question and move forward.

14 MR. SMITH CONTINUING:

15 Q You mentioned a **website** called Extreme-drn.com, is
16 that correct?

17 A That's a particular **spyware**

18 Q I didn't ask you what **it** was. You mentioned **that**
19 **website**.

20 A It's not a **website**, it's a link.

21 Q Does **it** come up in a web page?

22 A Somewhere on a web page **it** comes up. It certainly
23 can.

24 Q Okay. How are web sites typically - their
25 addresses typically stated on a web page when you look at
26 them?

27 A Well, the typical way would be **www**. whatever, but

1 there are other ways of doing it. It could be ~~Dr.~~T enter
2 ~~redot~~ extreme.com. There is no set of rules.

3 Q And that would be defining various web pages, is
4 that correct, is that what you're saying?

5 A Basically defines the web site when you get to the
6 web site. Web pages are initiated and sent up to the user.

7 Q I ask you to look at State's Exhibit 3, do you see
8 a web page on there called ~~www~~.Extreme-dm/com?

9 A Yes.

10 Q That is a log in web site, correct?

11 A No. That really isn't. The answer is no.

12 Q That is fine. That is fine.

13 Did you take the opportunity to go to that web
14 site?

15 A I am trying to think back on that. Not recently.
16 But can I expand upon this?

17 Q Sir, when you were researching this, did you take
18 the opportunity to go to the "extreme" website?

19 A Absolutely.

20 Q Back then?

21 A Not recently, back then.

22 Q While you were doing your research for the defense,
23 you had an opportunity to go there?

24 A Sure.

25 Q When you went to that page, did it say log on the
26 page or to go in, one of those two?

27 A I apologize, I don't remember, to be honest with

1 you. I don't remember.

2 Q Okay. You stated that if you go to these, the
3 second hairstyle web page, that allows you to go to various
4 pornographic web sites, that is your testimony, correct?

5 A You have the links to do that.

6 Q You would have to click on the links to do that,
7 correct?

8 A Either deliberately or not deliberately.

9 Q I understand. Do you remember which links on the
10 web page - you don't have it up - how many links there were
11 to pornographic web sites on that web page, allegedly?

12 Q Initially we saw there were quite a few on the left
13 hand srde.

14 Q I will have to stop you. Initially - when you say
15 you saw it when you accessed the Internet at a later date
16 or on a hard drive, information you got from the police?

17 A Web sites on the Internet are very dynamic; they
18 are subject to change daily.

19 Q I understand that exactly. That is the point.

20 A Okay.

21 Q That is what I am getting at. So the web site that
22 you allegedly accessed could have been substantially
23 different than what was accessed by the user on the date in
24 question, which is why I am **trying** to get you to focus on
25 the **information** from the date in question, the **information**
26 from the day in question, the **19th**, that hard drive.

27 A Sure.

1 Q How many links on that were there to various
2 pornographic web sites?

3 A I didn't count them.

4 Q Approximately?

5 A I didn't differentiate that. It wasn't a
6 substantial amount of difference.

7 Q I don't know what that means. I don't know what
8 you're talking about.

9 A I'll give you an example. If there are four porn
10 links on that site, then when they revamped it -

11 Q I'm not asking about the revamping, because I am
12 not interested in what happened later, I am interested on
13 what happened on that date in question. How many on the
14 day in question? Can you tell the jury how many links were
15 allegedly on that web page?

16 A From my memory, about four; two to four.

17 Q And that was on the second hairstyle web page,
18 correct?

19 A Yes, sir.

20 Q I'm going to show you the same exhibit I showed you
21 a few minutes ago. That is a listing of the various web
22 sites visited on the date in question and on the cache
23 file, correct?

24 A Yes.

25 Q Okay. There is the Extreme-dm.com, correct?

26 A That is the same login that is there right now.

27 Q Thank you very much. That is it, correct?

1 When a pop-up ad occurs or some mal ware causes you
2 to go to a certain web site -

3 A Malicious ware.

4 Q When some sort of ware causes you to get
5 redirected, does that become listed on the log in the
6 cache? I believe mostly Java Script, correct?

7 A No. It will not be listed in the cache. There is
8 a place you look for that and that is in the index.dat
9 file.

10 Q Fair enough. Will it be listed in the temporary
11 Internet files?

12 A Well the temporary Internet files contain -

13 Q I guess I'm not asking you a clear question.

14 A They contain many different things.

15 Q When a pop-up ad appears, is that information saved
16 in the temporary Internet logs like you have right there?

17 A Pop-ups, yes, but not a redirect.

18 Q Okay. Redirects would not be?

19 A No. That is why they are so elusive.

20 Q I understand that.

21 So whenever a pop-up would come through, it would
22 show up here, correct, on the login? I am showing you
23 again State's Exhibit 4.

24 A Not all pop-ups, but some of them would show up.

25 Q Why would one show up and not another?

26 A It's a good question. I never really figured that
27 out.

1 Q Okay. Now, is it your testimony that the person
2 using that computer went to the first hairstyle web page
3 and then what happened?

4 A They were redirected to the new hairstyles web
5 site, the Russian one. I think it's Russian. I see a lot
6 of Russian symbols on there.

7 Q On page 10 of 31 of State's Exhibit 4, do you see
8 two web sites here, number 1, number 2, number 3 and number
9 4 from the top?

10 A Yes.

11 Q One was accessed on the 19th, correct?

12 A Yes.

13 Q And your testimony, I believe, was that the second
14 one would have been a redirect, correct?

15 A Absolutely.

16 Q Your testimony was that redirect wouldn't appear on
17 this, correct?

18 A No. That's why -

19 Q I'm sorry, I asked you specifically about this log
20 which was a temporary cache log.

21 A But that's not all of them.

22 Q Sir, what I am asking you - your testimony was that
23 it wouldn't appear on here on the temporary cache log, is
24 that correct?

25 A The redirect would not.

26 Q Okay. So it's your testimony now that actually the
27 second hairstyle was not a redirect.

1 A The second hairstyle was initiated by a redirect
2 from the original hairstyle site.

3 Q I understand that. You are saying that a redirect
4 wouldn't show up here, correct?

5 A Absolutely not,

6 Q Thank you. Okay. Hold on one second.

7 Based on your examination of the drive on October
8 19, 2004, were various pornographic Internet web sites
9 accessed? I am not saying at this point based on this
10 willingly, but were they accessed, were they displayed on
11 the screen?

12 A I would say the icons had the availability or the
13 ability to go on those web sites which were made available.

14 Q Is it your testimony, you can tell the jury this,
15 yes or no, were the various web sites accessed? Yes or no?

16 A The computer did access them.

17 Q Based on your examination, did the images come
18 forward?

19 A Thumbnails of those images started to come forward
20 based upon the redirect of that site.

21 Q Did they display on the screen?

22 A In very small images, yes.

23 Q Okay. The redirect - it's your testimony, I
24 believe, that the redirect would not show up on the log,
25 correct?

26 A You see, there are several different logs.

27 Q The log I showed you which is the temporary cache

1 log.

2 A It would not show up in the cache file.

3 Q If something showed up in the temporary cache log,
4 that person would have to actively type in the web site or
5 click actively to go to that web site, correct?

6 A Wrong.

7 Q That's what I am getting at exactly.

8 Would a redirect cause it to be logged on the
9 temporary cache files? I believe you said no.

10 A You've got to get it clear. A redirect is a
11 command that is executed. The cache file would not show
12 up. However, it would be in the index.dat file.

13 Q So when you got to the web site, when you were
14 redirected to the web site, would that show up in the
15 Internet Logs? It's a very simple question; either yes or
16 no?

17 A Not in the cache file, but it would show up in the
18 - it would not show up in the cache files, the Internet
19 cache files, but it would show up in the index.dat hashing
20 file.

21 Q So in order for it to show up on the temporary
22 Internet files, that person would have to actively go to
23 that site, correct? They were not redirected to that site,
24 correct?

25 A Wrong.

26 Q okay.

27 A You don't understand.

1 Q I hear you saying that.

2 A Give me more questions.

3 Q I am trying to get it with you. I will do it this
4 way.

5 If a person is redirected to a pornographic - any
6 web site, that would not show up in the temporary cache
7 files, correct, based on your testimony?

8 A Based upon my experience, based upon my testimony,
9 and based upon those manuals over there, a redirect does
10 not show up. It's on the index.dat hashing files.

11 Q The cache file?

12 A Hashing.

13 Q For the purpose of this examination, just for this
14 examination, somebody accessed that computer, correct;
15 somebody accessed it, correct?

16 A Absolutely.

17 Q Somebody went onto, according to your testimony,
18 went onto various hairstyle sites, correct?

19 A Absolutely.

20 Q And then were redirected to pornographic web sites,
21 correct?

22 A No. You have got it wrong. I am - . Here is the
23 first thing that happened. They are looking at
24 www.hairstyles.

25 Q I will stop you. I will go to a different area.

26 A Okay.

27 Q Someone in this hairstyle site caused the computer

1 to go to these various pornographic web sites.

2 A Eventually, yes.

3 Q Eventually. How long did it take, eventually, that
4 you are stating, to get from that hairstyle site to these
5 pornographic web sites?

6 A Just a matter of minutes. It started at 9:20, by
7 9:25, 9:40, the ship was sinking.

8 Q I understand that. 9:25, 9:40; twenty minutes?

9 A But initially the problem, the redirect, I believe,
10 took place. I have on my presentation from about 9:20.

11 Q About 9:20?

12 A Maybe a little bit after that, I believe.

13 Q Okay. A redirect happened at 9:20.

14 A I'm not too sure. I have it in my notes over
15 there.

16 Q Okay. That's fine. And then what happened? Tell
17 the jury then what happened after it was redirected to the
18 pornographic web sites.

19 A What happened? The spyware programs and the adware
20 programs started to go out to those servers that determined
21 that this person -

22 Q Can I cut you off and have you answer this. In a
23 layperson's terms, without getting too specific, what
24 happened? What happened with the computer?

25 A What happened?

26 Q Yes.

27 A The person was redirected and had made available to

1 them the opportunity to go to pornographic sites.

2 Q Okay.

3 A Uninitiated by the person other than looking at
4 hair, innocently looking at hair.

5 Q Thank you. So when the computer was **redirected** and
6 the person had the opportunity to look at porn sites, did
7 your investigation come up with the fact that porn sites
8 were actually accessed in some way?

9 A I would have to say yes, based on the cache.

10 Q Thank you.

11 A But not deliberately.

12 Q I didn't ask you that. They were accessed,
13 correct?

14 Now, over the course of your investigation on this
15 hard drive, were you able to determine whether actual web
16 pages were coming up, pornographic web pages were coming
17 up?

18 A Some of them were.

19 Q Did you have the opportunity to determine whether
20 pornographic images were actually coming up and being
21 displayed?

22 A In thumbnail **form**, yes.

23 Q Okay. Well, some of them that were coming up,
24 correct, were thumbnails, some of them were bigger.

25 A Not like what you showed in front of the jury.

26 Q Thumbnails are what?

27 A A thumbnail is a very, very small picture that is

1 used as an icon so you can click on it and go there. Do
2 you want -

3 Q Okay. You are saying only thumbnails were showing
4 up?

5 A Only small images. There were larger ~~images~~, but
6 not screen size images.

7 Q Images of two or three inches?

8 A In some cases.

9 Q But clearly very visible?

10 A Absolutely.

11 Q On the screen?

12 A It depends on where you were at the time.

13 Q Okay. Clearly images that were visible on the
14 screen, correct?

15 A If you were in front of it, yes.

16 Q Were some of these images of a pornographic nature?

17 A Absolutely.

18 Q Nude women?

19 A Absolutely.

20 Q Fellatio, cunnalingus and the like?

21 A Absolutely, absolutely.

22 Q Thank you. Is it your testimony - I am not sure, I
23 don't want to put words in your mouth - when these images
24 came on the screen, did they just pop-up at random, is that
25 your testimony?

26 A That's my testimony. The machine was out of
27 control and it was popping up one after the other.

1 (Snapping fingers) Without a click history, this is a
2 logical conclusion that a person sitting there when these
3 started to pop-up, they started clicking and the more you
4 clicked, the more you are going to get in. (Snapping
5 fingers)

6 Q Did you run a click history?

7 A You can't run it.

8 Q It's your testimony you believe images were popping
9 up, pornographic images?

10 A Based upon my experience.

11 Q The computer was out of control?

12 A At this point.

13 Q Boom, pictures coming up of nude women, sexual
14 images, correct? And how long did that happen, based upon
15 your looking at the information?

16 A Well, it's interesting, it looked like, quite
17 frankly, it looked to me like it went on all day long.

18 Q All day? Pornographic images coming into this
19 classroom all day long?

20 A Until somebody did something.

21 Q Let me ask you this. If somebody had hit the off
22 button and turned off this computer, would the pornographic
23 images still be coming into the room?

24 A I think you know the answer to that.

25 Q I'm asking you, would it still be coming into the
26 room?

27 A If you turned the computer off, that would kill the

1 volatile memory and the computer would not produce
2 anything.

3 Q Thank you. No images?

4 A If you turned it off.

5 MR. SMITH: Thank you.

6 THE COURT: Are you finished? Is that it, Mr.
7 Smith?

8 MR. SMITH: Yes, Your Honor. No further
9 questions.

10 REDIRECT EXAMINATION

11 BY MR. COCBEQ:

12 A Mr. Horner, based on everything that Attorney Smith
13 has asked you and said, in any way has your conclusion in
14 this case changed?

15 A Absolutely not, unequivocally, no. the conclusion
16 is exactly as I stated it.

17 MR. COCBEQ: Thank you very much, nothing
18 further.

19 RECROSS-EXAMINATION

20 BY MR. SMITH:

21 Q I have to ask, what is your conclusion?

22 A I could have displayed it for you very clearly.

23 Q What is your conclusion? You didn't ever state it,
24 I don't think. What is your conclusion?

25 A The conclusion is because of the lack of an updated
26 firewall, because of the lack of anti-spyware, because of
27 the lack of anti-adware programs, this computer was subject

1 to advanced - to the opportunity for that person to go to
2 pornographic sites totally out of control because there was
3 no protection. And if I were allowed to show my findings,
4 there were forty **adware spyware** programs tracking the
5 person's interests.

6 **May I say one other thing?**

7 **Q** No. And also, I would imagine, because whoever **was**
8 in control of that computer didn't turn it off when these
9 images were coming up, that allowed the images to be
10 displayed in the room, correct or not?

11 **A** That is what you usually do.

12 **Q** I don't understand that answer. Correct? Yes or
13 no?

14 **A** **Yes.**

15 **MR. SMITH:** Thank you.

16 **THE COURT:** Anything further?

17 **MR. COCHEO:** Nothing further.

18 **THE COURT:** You can step down.

19 **Mr. Cocheo,** call your next witness.

20 **MR. COCHEO:** I call Julie **Amero.**

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

1 Kelly Middle School?

2 A Half a year in 2003 and the first two months of
3 2004.

4 Q Was there any special courses or programs you have
5 attended or completed to be a substitute teacher?

6 A Yes. They offer three days of substitute classes.

7 Q What type of instructions are you usually told to
8 do or not to do while teaching class?

9 A Not to touch anything in the teacher's classroom
10 without permission.

11 Q I am going to go back to the year 2004. be you
12 recall teaching at that time?

13 A Yes.

14 Q Do you recall teaching at a19 in October of 2004?

15 A Yes.

16 Q Do you recall substituting for a teacher named Mr.
17 Napp on October 19 at Kelly Middle School?

18 A Yes, I do.

19 Q What type of class does Mr. Napp usually teach?

20 A It's a Language Arts class.

21 Q At about what time did you arrive at school that
22 day?

23 A About 7:30.

24 Q Did you see Mr. Napp that day?

25 A Yes, I did.

26 Q Did he give you any instructions on his class, on
27 the plan to teach the students that day, and if so, what

1 were they?

2 A Yes, he did. We spoke for about ten minutes. He
3 told me the plans for the day and he told me, showed me
4 where the students were going to be sitting, and he told me
5 to have a good day.

6 Q Do you recall approximately what time ~~this~~ was?

7 A This was before eight o'clock, quarter of eight or
8 so.

9 Q Do you know if the computer was on the - do you
10 know if ~~the~~ computer was on at this point?

11 A Yes.

12 Q At any ~~time~~ before he left, did you ask if you
13 could use the computer?

14 A Yes, I did.

15 Q And what did you ask him to use it for?

16 A I asked him if I could use AOL to contact my
17 husband because he was out of state,

18 Q Did he log on the computer for you or was it
19 already on?

20 A The computer was on.

21 Q How much do you know about computers?

22 A My husband taught me how to use AOL right before he
23 went on leave.

24 Q What did Mr. Napp - excuse me. When did Mr. Napp
25 leave the classroom?

26 A He left after I asked him to stay in the classroom.
27 I excused myself to use the ladies' room.

1 Q Was class started yet?

2 A No.

3 Q What did you do before class started?

4 A I went to the ladies' room and I came back.

5 Q At about what time was this?

6 A It was just before eight o'clock.

7 Q When does the first class usually start?

8 A It was around eight o'clock.

9 Q When you returned to the classroom, what did you do
10 then?

11 A I walked into the classroom, and to the right of
12 the class - the class is on the left, the teacher's desk
13 has a space and there is another teacher's desk, and on the
14 second desk was a computer. There were two children posed
15 at the computer. I posed my body between the two children
16 and looked at the computer. I looked at the two children,
17 and I asked them what are you doing. One laughed and one
18 giggled. I looked at the computer and there was hairstyles
19 on the computer. Innocently, I thought no big deal.

20 I asked one child, do you belong here, and he
21 said no. I said get out, go to your class. To the other
22 child I said do you belong here; he said yes. And I said
23 take a seat.

24 Q How did the children respond to your questions and
25 directions?

26 A They were laughing. They were giggling,

27 Q What did you do at this point in time?

1 A I did a homeroom call. I checked all the kids in.
2 I gave the plan for the day.

3 Q What about the computer now; was the web site that
4 the kids were looking at still on the computer?

5 A When I went back to the computer there was a
6 hairstyle on the computer.

7 Q Did you go back to the computer after you gave the
8 class their assignment?

9 A Yes, I sat at the computer. I didn't leave.

10 Q What happened when you got back to the computer and
11 what did you do at this point?

12 A There was other things popping up on the computer
13 that were not for children to see.

14 Q When was this going on? Did you see the computer -
15 did you use the computer for anything else like checking
16 your email or visits to other web sites?

17 A At one point I did use it for AOL.

18 Q Did the children have to come up to your computer
19 and possibly be able to see the screen?

20 A A few students did come to the computer, and I
21 posed myself between me and the computer so they couldn't
22 see things that they shouldn't be seeing in class.

23 Q What would you do if they came back up to the desk?

24 A I'd put myself between the student and the
25 computer. I didn't want them to see anything on the
26 computer. I stood in front of the computer. I sat to the
27 side of the computer.

1 Q So is **it** fair to say that you absolutely did not
2 want the children to see these objects on the computer and
3 always tried to block the screen?

4 MR. SMITH: Objection, leading question, Judge.

5 THE COURT: I will allow **it**. Go ahead.

6 THE WITNESS: I'm sorry.

7 MR. COCHEO CONTINUING:

8 Q Is **it** true that you didn't want the children to see
9 what was on the screen and tried to block the screen?

10 A Absolutely not. No child deserves to see anything
11 like that.

12 Q Could you explain how the classroom was set up and
13 where the students were in relation to the desk and the
14 computer.

15 A The children were sitting against that wall.

16 (Indicating)

17 The computer desk was here. There was a large table full
18 of paperwork from the teacher. This area was a bunch of
19 windows.

20 (Indicating)

21 Q Was there anything - was there any other teacher in
22 the room at that time?

23 A Yes, Ms. **Fagin**, the interpreter for a deaf girl.

24 Q Did you ever ask her to leave the classroom at any
25 point?

26 A I most certainly did.

27 Q Did you tell her the reason?

1 A No, I didn't. I didn't want to cause any alarm to
2 anybody.

3 Q How did she respond when you asked her to leave the
4 classroom?

5 MR. SMITH: Objection. This would be hearsay.

6 THE COURT: Sustained.

7 MR. COCHEO CONTINUING:

8 Q Did she leave the classroom?

9 A No, she did not.

10 Q At that point did the pop-ups finally go away or
11 were you having a problem with them this whole time you
12 were teaching?

13 A The pop-ups never went away. It was one after
14 another. They were continuous. Every time I clicked the
15 box in the corner, the red box, the red X, more were
16 generated.

17 Q Let me ask you this. If you were having these
18 problems, why didn't you just pull the plug of the
19 computer?

20 A I did not pull the plug because I was taught never
21 to touch anything in the teacher's classroom.

22 Q About what time did the class finally end?

23 A 2:45, 2:35.

24 Q Was this the lunchtime or break?

25 A That was the end of the day.

26 Q What did you do at this point?

27 A I went home. As I was leaving the building I saw

1 Kate O'Boyle. Kate O'Boyle was the vice principal, and I
2 saw her in the hallway. I stopped and I spoke to her.

3 SMITH: Objection, Judge - I will withdraw
4 that.

5 THE WITNESS: I spoke to Kate O'Boyle, and I told
6 her -

7 MR. SMITH: Objection. What she told her is
8 hearsay. It's an out-of-court statement.

9 THE COURT: I will allow her to say what she said
10 to Kate O'Boyle, not what Kate O'Boyle said. Go
11 ahead. What did you say?

12 THE WITNESS: I said to Kate O'Boyle, the vice
13 principal, did you hear what went on in the
14 classroom today? And she said yes, I did. And I
15 said, what are you going to do about it? She said
16 don't worry about the pap-ups, that happens.

17 MR. SMITH: I have to object. I tried to stop
18 whatever she allegedly said. I ask that that be
19 stricken. They can bring that witness in if they
20 want to.

21 THE COURT: What the assistant principal said,
22 what she said is not - it is to be stricken unless
23 she comes in and says what she said. Okay?

24 MR. COCHEO CONTINUING:

25 Q Ms. Amero, did you have a lunch break?

26 A Yes, I did.

27 Q And what did you do on this lunch break?

1 A On my lunch break I went to ~~the~~ teachers' lounge.
2 When I was in the teachers' lounge there was four teachers
3 sitting there.

4 Q What was the teachers' reaction when you told them
5 what was going on with your computer?

6 A When I was in the teachers' lounge I tofd four
7 teachers what had happened in the classroom; the ~~computer~~
8 teacher, Ms. Galvin; a music teacher, an ESL ~~teacher~~, and
9 there was one ~~more~~ teacher.

10 Anyhow, ~~there~~ was four teachers. I told ~~them~~ what
11 had happened in the classroom. The music teacher went and
12 told Kate O'Boyle that I was having trouble with ~~my~~
13 ~~computer~~ with pop-ups.

14 MR. SMITH: Judge - never mind.

15 MR. COCHEO CONTINUING:

16 Q Did you receive any help from anybody?

17 A No, I did not.

18 Q What did ~~you~~ do at this point?

19 A I went back with my lunch, because I ~~didn't~~ want to
20 wait there, I went back to the classroom ~~and~~ had lunch.

21 Q About what time was this at this point?

22 A Roughly around 11:30, quarter of twelve.

23 Q When you went back to the classroom, ~~was~~ the door
24 locked?

25 A No.

26 Q So anyone could have gone into the classroom during
27 lunch, is that correct?

1 A Correct.

2 Q What happened when you got back to the classroom
3 and looked back at the computer?

4 A The computer was **completely** covered with
5 pornography, pop-up after pop-up. I went to the corner and
6 I started clicking the red X. Every X made **it** go away, and
7 then more would come back.

8 Q What did you try to do to try to get these things
9 off the computer?

10 A Constantly clicking the red X in the corner.

11 Q Was another class to start shortly?

12 A Yes.

13 Q At about what time and what type of class was it?

14 A It's a language arts class

15 Q What did you do at this point?

16 A I gave the lesson for the day to the class, and
17 then I went back to the computer and put myself between the
18 computer and the classroom so the children could not see
19 what was going on.

20 Q For the remainder of the day - how did the
21 remainder of the day go?

22 A I sat at the computer all day long. That is
23 absolutely true. I didn't want the children to see
24 anything on that computer.

25 Q At any time did someone come to the classroom to
26 try to help you to try to cure this problem?

27 A Nobody came, and at **2:35** school let out.

1 Q Not even the teachers that you **reported** the problem
2 to?

3 A Out of the four teachers, not one came to help.

4 Q When **it** was the end of the day and you were
5 leaving, did you speak to anyone about the issue before **you**
6 left the school?

7 A I spoke again to Kate O'Boyle and Mr. Fain this
8 time, and they said nothing about **it**. They said things
9 happen, go on.

10 MR. SMITH: Objection to the hearsay element.

11 THE COURT: Sustained.

12 MR. COCHEO CONTINUING:

13 Q That evening while at home did you receive a phone
14 call about the incident in question?

15 A I did. Scott Fain personally called me at home and
16 asked me about the situation.

17 MR. SMITH: I will have to object. If we **are**
18 going to let in her testimony, whatever anybody else
19 said to her allegedly, that's hearsay.

20 MR. COCHEO CONTINUING:

21 Q So Mr. Fain called you?

22 A Yes, he did.

23 Q The next day. What did you do when you got to
24 school?

25 A I taught school.

26 Q Okay. Was Mr. Fain back at school that day?

27 A Yes, he was, and I talked with him about the

1 previous day.

2 Q Did you see him at all, speak to him about the
3 problem you had had the day before?

4 A Yes, I did.

5 Q What was the content of the conversation; not what
6 he said but what you said?

7 A I asked him if he was aware of the pop-ups that day
8 in the classroom.

9 Q What did you do next?

10 A I went and taught my next class for the next day

11 Q Did anybody during that day come up to you
12 regarding this issue?

13 A The principal called me to the office at the end of
14 the day.

15 Q And was this problem discussed?

16 A It was.

17 Q Did you tell him everything that happened?

18 A I did.

19 Q At the end of the day what did you do?

20 A I went home

21 Q When you arrived home later that night, did you
22 receive any phone calls or instructions on where you were
23 to teach the next day?

24 A Yes. Mr. Fain called me again at home

25 Q I don't want to know what Mr. Fain said; I want to
26 know if you received a call.

27 A Yes.

1 Q What happened after the conversation?

2 A The next morning I went to school.

3 Q So where did you work the next day?

4 A In another classroom down the hall.

5 Q Did you go to Kelly Middle School at all the next
6 day to discuss this matter any further?

7 A No.

8 Q So after you worked at another school -, You went
9 to Kelly Middle School, is that correct?

10 A Yea.

11 Q You spoke with Mr. Fain.

12 A Yes.

13 Q At about what time did you arrive at the Kelly
14 Middle School on that day?

15 A The last time I went to Kelly Middle School, I was
16 there at 3:30 in the afternoon.

17 Q So this is the 21st of October, correct?

18 A Yes.

19 Q What did you discuss when you sat down, with Mr.
20 Fain? Just what you said, not anything he said.

21 A I asked Mr. Fain if I could come to school the
22 following morning to pick the two children off the bus, to
23 identify them.

24 Q Be cautious in your answer to this one; what was
25 your reaction to Mr. Fain's statement? Not anything he
26 said, just your reaction.

27 A He didn't want me to come identify the children.

1 Q After you left that day, did you ever hear from
2 anyone regarding your job?

3 A That night Ms. Fain called me and told me -

4 Q Don't say what he said. Did he call you that
5 night?

6 A Yes.

7 Q As a result of that call, did it have any effect on
8 you?

9 A I wasn't working for that school system any longer.

10 Q Okay. Did you call anyone to discuss being a
11 substitute teacher?

12 A Yes.

13 Q And who would that be?

14 A I called Windham Tech.

15 Q And what have you been doing since this incident?

16 MR. SMITH: I object to this as irrelevant to
17 what happened on October 19.

18 THE COURT: I will sustain that objection.

19 MR. COCCEO: I will withdraw the question.

20 MR. COCCEO CONTINUING:

21 Q Mr. Amero, do you yourself have a computer at home?

22 A Yes, we do.

23 Q And you obviously know how to use that computer, is
24 that correct?

25 A I use it for AOL.

26 MR. COCCEO: Okay. Nothing further.

27 THE COURT: The staff is entitled to a morning

1 break. We will take a fifteen minute recess.

2 (Jury excused)

3 MR. SMITH: I want to be clear. Obviously the
4 witness is still under oath and still testifying.
5 She can't talk about her testimony until the cross-
6 examination is over.

7 THE COURT: You are not to discuss this until
8 after you have finished with your testimony, which
9 will be cross-examination by Mr. Smith. You can't
10 discuss your testimony. Okay?

11 THE WITNESS: Yes.

12 THE COURT: Anything else?

13 MR. SMITH: No.

14 THE COURT: We will pick up on the cross-
15 examination.

16 THE WITNESS: That doesn't mean I can't talk to
17 my lawyer?

18 THE COURT: Not about the testimony

19 (Recess taken)

20 THE COURT: Are you ready to bring the jury back
21 out?

22 MR. SMITH: Yes, Your Honor.

23 (Jury returns)

24 THE COURT: Good morning.

25 Of course, you are still under oath.

26 CROSS-EXAMINATION

27 BY MR. SMITH:

1 Q Ms. Amero, how long had you been a substitute
2 teacher in that school prior to this incident?

3 A I taught in 2003, almost the whole year, and the
4 first two months of 2004.

5 Q Okay. Now, I will start and ask you, you stated
6 several times numerous pornographic images would come up on
7 your screen, correct?

8 A Yes.

9 Q And it's your testimony at least that they were
10 popping up uncontrollably, is that correct?

11 A Yes.

12 Q So you are saying you didn't have any ability to
13 stop those pop-ups from happening, correct?

14 A Correct.

15 Q Okay. And this went on substantially from when you
16 were left alone in the classroom without another adult in
17 there until the end of the day?

18 A I'm sorry. I don't understand.

19 Q Were these alleged pop-ups, as you called them,
20 happening, I should say all day?

21 A Yes.

22 Q From when you first were in the classroom alone
23 without Mr. Napp?

24 A Yes.

25 Q Until the end of the day, correct?

26 A Yes.

27 Q And there were periods, I believe your testimony is

1 - how many times did you leave that classroom during the
2 course of the day?

3 A I left twice.

4 Q And when was that?

5 A On my break for lunch and when I went to the
6 teacher's lounge, and at the end of the day.

7 Q Do you recall when your break for lunch was?

8 A I believe it was 10:30, 11:00, in that area.

9 Q Okay. And you went to the break room, correct?

10 A Yes, I did.

11 Q That's where you allegedly made these **statements**,
12 Help me?

13 A It's not allegedly, it was made.

14 Q Thank you.

15 A Okay.

16 Q So when you allegedly **made** these statements, you
17 were saying there were people around you that heard **it**?

18 A Four people.

19 Q Do you recall any of their names again?

20 A Ms. Galvin was the computer teacher; Anastasia
21 something was the art teacher; **Mary** something, she was **the**
22 music teacher, and there was another woman in the **room**,
23 **Merja** Lehtinen, and she **as** the ESL, English as a second
24 language teacher.

25 Q Was she a teacher at that point?

26 A I think she was.

27 Q **And** were you friends with her?

1 A I knew her.

2 Q Are you friends with her outside of the school, are
3 you friends with her?

4 A No.

5 Q When you left to go to lunch, I believe it was, you
6 said that you left the door open so more kids could get in,
7 correct?

8 A I did not say that.

9 Q I'm sorry, I apologize. You left to go to lunch.

10 A Um-hum.

11 Q When you got back there were more kids in the
12 classroom, is that correct?

13 A There were kids, not in the room, they were in the
14 hallway.

15 Q Clear enough. Did you close the door?

16 A The door was open.

17 Q To the room?

18 A Yes.

19 Q Had you left that door open?

20 A Yes, I did.

21 Q You're not supposed to touch anything, correct?

22 A Not supposed to.

23 Q It's your testimony to the jury - and how old are
24 these kids that are in the school?

25 A Twelve, thirteen, some eleven.

26 Q I will ask you this; in relation to the rest of the
27 school, where was this classroom that you were teaching,

1 and I will put it in this context; did it connect to a
2 hallway where people go through?

3 A Yes.

4 Q Do kids normally go through there?

5 A Yes.

6 Q So you are telling this jury that you had
7 uncontrollable pornographic images popping up on your
8 computer?

9 A Um-hum.

10 Q You couldn't do anything about it; you left the
11 room open with all the kids going by?

12 A Yes.

13 Q Were you concerned that maybe a kid would look in
14 and see those images that were uncontrollably allegedly
15 popping up on your computer?

16 A Yes, I was.

17 Q Did you think that maybe you should close the door?

18 A I didn't have a key to open it.

19 Q I understand that. Did you think maybe you could
20 close the door?

21 A No.

22 Q You didn't consider closing the door?

23 A No.

24 Q Okay. That's fine.

25 So when you got there in the morning, you go in and
26 who is in the classroom?

27 A Mr. Napp and some children.

1 Q Okay. And he logged in the computer for you,
2 correct?

3 A Wrong.

4 Q Who logged onto the computer?

5 A I'm not sure.

6 Q Was the computer logged on?

7 A The computer was on.

8 Q Were you able to access the Internet at any point?

9 A Yes, I was.

10 Q In order to do that it would have to be logged in,
11 or do you know that?

12 A I know somebody has to log in. I am a substitute,
13 I have no logon.

14 Q Thank you. So somebody logs onto the computer. So
15 you did have access to the Internet that day.

16 A I did.

17 Q While you were there in the morning; at what time
18 was this?

19 A When I got to the classroom?

20 Q When you first got there.

21 A Around quarter of eight.

22 Q And I believe it's your testimony that you were
23 there talking to Mr. Napp, correct?

24 A Um-hum.

25 Q And he set you up for the setup for the day.

26 A Yes.

27 Q And you asked him to wait while you used the .1

1 bathroom, correct?

2 A Um-hum.

3 Q I am assuming you know that as a substitute teacher
4 you don't leave the kids alone in the classroom.

5 A Yes.

6 Q You wanted to make sure an adult was present in the
7 classroom

8 A Yes.

9 Q You leave, you come back and then Mr. Napp leaves,
10 correct?

11 A No.

12 Q What happened?

13 A Mr. Napp was not in the room when I returned.

14 Q I see. So there is a break, your testimony is
15 there is a break, correct?

16 A A break.

17 Q A break between when you left - a break of there
18 being an adult in the room?

19 A Yes.

20 Q It's your testimony the kids had free range in that
21 room?

22 A Possibly.

23 Q Were there any other adults there?

24 A I wasn't there before school; I don't know what
25 happened.

26 Q I am not asking you that; I am asking about the
27 time frame you would have knowledge of.

1 A Okay.

2 Q When you came **back** from the bathroom, **how** long **were**
3 you gone?

4 A Probably five minutes

5 Q So when **you** came back from the **bathroom** in five
6 minutes, **it's** your testimony that the children were on the
7 computer?

8 A Yes.

9 Q Two children?

10 A Two.

11 Q One of **them** was a child that was in your class?

12 A Yes.

13 Q Okay. And somebody else was another kid in **the**
14 school?

15 A Yes. He **didn't** belong there.

16 Q He didn't **belong** in that class?

17 A **Yes.**

18 Q Okay. And somebody **else**, was **it** another kid in **the**
19 school?

20 A Yes. He **didn't** belong there.

21 Q He didn't belong in that class?

22 A **Yes.**

23 Q But he most likely belonged in the school?

24 A Oh, yes.

25 Q And you **told** him to get away **from** the computer?

26 A I asked them each if they belonged in **the** classroom
27 first, and they were **laughing** and giggling, **and** one of **them**

1 was excused to his classroom for homeroom.

2 Q And he left. But the one kid that you are saying
3 now accessed the site, he was still in your classroom,
4 correct?

5 A Yes.

6 Q And so what did you do then? You then began to
7 teach?

8 A The kids came.

9 Q Yes.

10 A And I did role call, homeroom.

11 Q Do you remember the kid's name, the supposed kid
12 that was sitting there, do you remember his **name**?

13 A No.

14 Q So what happened? You do role call?

15 A I gave the lesson for the day.

16 Q Okay.

17 A Some kids stayed for first period, some kids left.
18 It was there homeroom.

19 Q Okay. Then what did you do?

20 A After I gave my lesson, I went back to the
21 computer.

22 Q **Why** did you go back to the computer?

23 A Because when the kids left the computer, there was
24 hairstyles on it.

25 Q And then what happened?

26 A I went back and there was hairstyles on it.

27 Q And then what did you do when there were hairstyles

1 on it?

2 A I clicked the little red X in the red corner.

3 Q Then what happened?

4 A A bunch of things happened.

5 Q What happened?

6 A Pornography.

7 Q Images?

8 A Images.

9 Q You called them inappropriate images for the
10 children.

11 A Very inappropriate.

12 Q According to you, what was happening?

13 A I am not sure the technical term.

14 Q I don't care about the technical term, I don't
15 believe you are necessarily an expert in computers.

16 A No.

17 Q In layperson's terms, what happened?

18 A Every time I clicked the red X, something else came
19 back.

20 Q What do you mean by something else came back?

21 A Pictures and headings and just pop-ups. There were
22 things.

23 Q Okay. And are you saying pornographic images?

24 A Some were and some weren't.

25 Q At that point did you find this alleged kid that
26 supposedly had caused some of this to happen? He was in
27 your class, right?

1 A At that point, yes.

2 Q Did you call him up?

3 A No.

4 Q Did you pull him aside and say, What did you do?

5 A NO.

6 Q Why are you accessing pornography on my computer?

7 A No.

8 Q You didn't do anything?

9 a No.

10 Q You sat at this computer for the whole class?

11 a Yes.

12 Q Trying to get it off?

13 A Yes.

14 Q Periodically some kids came up, correct?

15 A Yes.

16 Q Did you think that it was appropriate that these
17 pornographic images were popping up in the classroom?

18 A No.

19 Q Did you think that was a situation that could
20 potentially be harmful to the kids?

21 A I did not intend for any of those children "

22 Q I didn't ask you that. Did you think that was a
23 situation that could potentially be harmful to the kids?

24 A Yes.

25 Q Okay. So the kids come up. Did any of the kids
26 mention to you that they had seen the pornographic images?

27 A No.

1 Q You made it a point to get between them and the
2 computer to block them?

3 A Yes, I did.

4 Q The computer setup was like a base and monitor?

5 A Yes. Right here facing that wall.

6 (Indicating)

7 Q And how long had you - how long had it been since
8 you had gone to this training class as a substitute?

9 A A year and a half earlier.

10 Q They told you don't touch anything?

11 A Correct, without permission.

12 Q Could you touch like a piece of chalk on the
13 chalkboard?

14 A Yes.

15 Q Could you turn off the lights in the room when you
16 left?

17 A I don't know.

18 Q Wave you ever done that? Do you think that is
19 reasonable?

20 A I don't know.

21 Q Do you think it's reasonable to sharpen a pencil?

22 A Yes.

23 Q If you needed to write something?

24 A Yes.

25 Q Do you think it might be reasonable that if
26 pornographic images are popping up in your opinion all over
27 the classroom creating a dangerous situation that might

1 injure these kids, do you think it might be reasonable to
2 turn off the monitor?

3 A NO.

4 Q That's not reasonable?

5 A No.

6 Q Okay. I **didn't** ask you about turning off the
7 computer, just the monitor that would display images.

8 A I wouldn't know the difference between a monitor
9 and -

10 Q You just said there was a monitor and a base,
11 that's why I asked you that.

12 A I don't know where the buttons are.

13 Q Okay. That's fine. That's fine.

14 You never turned on a monitor on a television set?

15 A On a television I have, yes.

16 Q You don't know anything about a computer monitor?

17 A No.

18 Q You don't know that you can turn on and off a
19 computer monitor?

20 A I'm not sure if I would be able to turn it on and
21 off.

22 Q Could you turn off a computer?

23 A I've never done it.

24 Q You've never turned off a computer?

25 A No.

26 Q Do you think you could pull a plug out of a wall?

27 A Yes, I could.

1 Q You made the choice, **it** was your choice, according
2 to your testimony, and for the basis of **this argument**,
3 going along with you saying these pop-ups were **coming** up
4 uncontrollably, you made the choice to allow **this situation**
5 to happen as opposed to either turning **it** off or unplugging
6 **it**, that was your choice to make, correct?

7 A Not really.

8 Q Somebody was forcing you right then and there to
9 not end it?

10 A I was told by Norwich Public Schools **not** to touch
11 anything in the teacher's classroom.

12 Q You interpreted that to mean when **porn** is being
13 unfiltered coming in the classroom to kids **to** have **access**
14 **to it**, you interpreted to be let **it** happen, I'm **not** going
15 to turn off the computer?

16 A I did not let any of those children witness -

17 Q I didn't ask you that; I asked you, you **interpreted**
18 that as **not** stopping **it** from happening.

19 A I did my very best.

20 Q And the very best you did **was** by sitting at that
21 **computer** all day **and** clicking through the **screens**, correct?

22 A I asked for help too.

23 Q I will get to that. Clicking through the screens.

24 A Yes. Trying to make **it** go away.

25 Q And your very best also was leaving the **classroom**,
26 leaving **it** unlocked with the pornography coming up
27 continually, correct?

1 A These was no one in the room.

2 Q I understand that. Pornography coming up
3 consistently, that was your very best, correct, that's your
4 testimony, correct? Yes or no?

5 A Yes.

6 Q Okay. Pornography wasn't coming up all day, was
7 it?

8 A As far as I was concerned, yes, it was.

9 Q You were able to function on that computer at some
10 point, didn't you?

11 A Yes.

12 Q You ware able to get in and access the Internet
13 yourself and access your email.

14 A Yes.

15 Q At some point the pornography stopped coming up.

16 A I clicked the red box, yes.

17 Q And it stopped?

18 A Yes.

19 Q And when was this?

20 A I don't remember.

21 Q Was this before lunch? After lunch?

22 A Before lunch.

23 Q Before you took that break?

24 A Yes.

25 Q So after lunch were there more porn sites coming
26 up?

27 A Yes.

1 Q And how often, how often did those porn sites keep
2 coming up?

3 A They were constant.

4 Q Boom, boom, boom. And again, you left the computer
5 on, correct?

6 A Yes.

7 Q Popping up, popping up until you left that day.

8 A Yes.

9 Q It's your testimony that nobody came to help you.

10 A No.

11 Q Nobody helped you pull the plug out.

12 A Nobody came to help me.

13 Q Okay. So the pornography sites are being accessed
14 all day, things are popping up all day; what time did you
15 leave the classroom?

16 A Again, at the end of the day.

17 Q What time was that?

18 A Approximately 2:30, 2:35.

19 Q 2:30 to 2:35. Up until 2:30, 2:35 pornography was
20 uncontrollably coming to this screen?

21 A Yes.

22 Q What did you do when you left?

23 A I walked through the hallways, saw Kate O'Boyle.

24 Q Allegedly you told these people -

25 A No, I did tell them.

26 Q I don't know. Allegedly you told these people, and
27 then you left for the day.

1 A I did.

2 Q Okay. I was unclear about a few things concerning
3 about when you went back to Kelly Middle School. I want to
4 try to clear that time frame up.

5 This happened on the 19th, correct?

6 A Yes.

7 Q The next day, the 20th, were you working at Kelly
8 Middle School?

9 A I worked for the following three days.

10 Q I'm asking you a question; were you working at the
11 Kelly Middle School?

12 A Yes

13 Q Did you get called in the office on the next day?

14 A No.

15 Q And you worked at Kelly Middle School for three
16 days total?

17 A After that, yes.

18 Q So this happened on the 19th?

19 A Yes.

20 Q 21, 22, 23.

21 A 19, 20, 21.

22 Q What about the 23rd?

23 A No.

24 Q When is it that they finally terminated you from
25 coming to that school?

26 A The 21st at 3:30 in the afternoon.

27 Q 21st, I'm sorry.

1 A Yes

2 Q And how did that termination happen?

3 A Mr. Fain called me in the office and he showed me a
4 group of papers and stood up in front of me and he said,
5 This is what you do in my classroom? And I said this is
6 not what happened.

7 Q Ma'am, it happens that you're called into the
8 office and you're terminated.

9 A Yes.

10 Q Now, during the course of that you learned that
11 investigation had been done because there were some
12 documents presented to you, correct?

13 A I didn't know of an investigation, that is all he
14 had was some paperwork.

15 Q Some documents had been shown to you, correct?

16 A Yes.

17 Q And it was after documents were shown to you that
18 you were terminated, correct?

19 A At the end of the day, yes

20 Q And now, during the course of this day were you
21 aware that rumors of you accessing pornographic **websites**
22 were going around the school?

23 A Yes.

24 Q That discussions were going on between the kids and
25 other people that you were accessing pornographic websites?

26 A Yes.

27 Q And you knew that happened during the actual day

1 while the class was in?

2 A Yes.

3 Q And still you didn't turn off the computer?

4 A No.

5 Q And you allowed these pornographic websites to come
6 into the classroom from basically, you are saying, from
7 about 8:15, 8:20 until about 2:30, 2:45?

8 A Yes, 2:30.

9 Q Thank you. One more question. You allowed it to
10 come in and you didn't stop it, right?

11 A I'm sorry?

12 Q You didn't stop it, right? Yes or no? You didn't
13 stop it; you didn't unplug it?

14 A I did the best I could.

15 Q And that would be the best you could would be
16 sitting there blocking the screen?

17 A I informed four teachers and the vice principal.

18 Q You didn't stop it, did you?

19 A I asked for help.

20 Q You didn't stop it?

21 A Yes, I did.

22 Q You did.

23 A I tried to.

24 MR. SMITH: Thank you. No further questions.

25 THE COURT: Redirect.

26 RE-DIRECT EXAMINATION

27 BY MR. COCHEO:

1 Q Mrs. **Amero**, you said you didn't close the door,
2 correct?

3 A I did not close the door.

4 Q You were following the school rules, correct?

5 A Yes.

6 Q You didn't unplug the computer, right?

7 A I did not.

8 Q You were following the school rules once again.

9 A Right.

10 Q You are a substitute teacher there.

11 A That's all I **am**.

12 Q **And** also you said even though you heard rumors were
13 going on around the school about this issue, you still did
14 nothing, you **didn't** try to hide anything.

15 A No. I spoke freely about **it** with teachers and
16 children.

17 MR. COCHEO: **Excuse** me one **moment**.

18 (Pause)

19 MR. COCHEO CONTINUING:

20 Q Now, the kid that you said was on the computer in
21 the **first** place, you never talked to him, is that correct?

22 A No.

23 Q Do you keep keys to the door for the school?

24 A No.

25 Q In what way was the monitor facing in your school
26 regarding your doorway?

27 A The door would be behind me, the **computer** was

1 facing the wall. There were windows here. The children
2 sat there.

3 (Indicating)

4 Q So if you walked by, could you see the screen?

5 A No.

6 MR. COCHEO: Nothing further, Your Honor.

7 THE COURT: Recross.

8 RECROSS-EXAMINATION

9 BY MR. SMITH:

10 Q If you didn't walk by but if you came in and talked
11 to the teacher that day, asked what the homework assignment
12 was, you would see the screen, correct?

13 A It was impossible.

14 Q Then why were you blocking it?

15 A I was blocking it to stop a child from seeing it

16 Q If you blocked it, how was it -

17 A It wasn't able to be seen because I blocked it.

18 Q So if you hadn't completely blocked it, could the
19 kids have seen it?

20 A Possibly.

21 Q When the kids come up to throw anything in the
22 trash or talk to you, if you hadn't noticed they
23 necessarily were coming up, could they have seen it?

24 A Possibly.

25 Q [REDACTED], do you remember that kid that
26 testified?

27 A Vaguely

1 Q Do you remember a kid coming up and you physically
2 pushing his face away?

3 A I did not.

4 Q You did not what?

5 A Physically push his face away. I put my hand up in
6 front of him and told him not to look. ■■

7 Q Okay. Obviously, again, you were concerned about
8 the images on the screen?

9 A Very much so.

10 Q This struck me on redirect, you said you told
11 teachers and other children about it.

12 A Yes.

13 Q So you told other children in the school you had
14 pornography coming up on your computer?

15 A Children were discussing it, and I said I was
16 trying to clean up a mess two of their classmates had left.

17 Q Did you tell them, hey, pornography is still coming
18 up on my computer?

19 A I don't think I got into it. It was not something
20 I wanted to discuss.

21 Q Who else did you tell in the school? You told
22 teachers and a bunch of kids you had porn on your computer?

23 A A couple of children that discussed it, yes.

24 Q Did you ever think about talking to this kid or
25 taking him to the office that you say allegedly brought the
26 pornography up in the first place, did you ever think of
27 doing that?

1 A I tried to get Scott Fain to let me identify the
2 kid.

3 Q On the day it happened while you allowed this
4 pornography to come into the class, did you ever think of
5 taking that kid to the office?

6 A No.

7 Q On the day in question I believe there was an adult
8 in the class, a sign language interpreter.

9 A Yes.

10 Q You went up and told her you had to go to the
11 bathroom, correct?

12 A No, wrong.

13 Q Did you tell her why you were leaving the class?

14 A No.

15 Q Did you think it might be important to tell the
16 only other adult in the classroom, hey, there's
17 uncontrollable pornography coming up into my classroom; did
18 you think it might be important?

19 A I didn't want to concern her with that. That is
20 why I asked her to leave the classroom.

21 MR. SMITH: No further questions. Thank you.

22 BY THE COURT:

23 Q Did you substitute for Mr. Napp's class on the
24 20th, the next day?

25 A No.

26 THE COURT: Any questions based on my question?

27 Mr. Cocheo, anything further?

1 MR. COCHEO: Yes, please.

2 RE-REDIRECT EXAMINATION

3 BY MR. COCHEO:

4 Q With respect to the child that was on your
5 computer, he wasn't, isn't it true he wasn't looking at the
6 pornography, he was looking at hairstyles?

7 A Yes.

8 Q Is that the reason you didn't talk to him?

9 A It was hairstyles only.

10 MR. COCHEO: Thank you.

11 RE-RECROSS-EXAMINATION

12 BY MR. SMITH:

13 Q Isn't it your contention that the hairstyle website
14 led to the pornographic websites?

15 A Yes, it did.

16 Q And pornographic websites were popping up; you
17 didn't talk to any kid that supposedly had caused this to
18 happen, that's your testimony, correct?

19 A Yes, it is.

20 MR. SMITH: No further questions.

21 THE COURT: I have another question.

22 BY THE COURT:

23 Q When you left the classroom on the 19th at 2:35,
24 was the computer still on with these things?

25 A Yes.

26 Q You don't know what happened, and it was never
27 turned off?

1 A No.

2 Q The next day these things would still be on?

3 A Yes.

4 THE COURT: Anything based an my questions?

5 MR. SMITH: No, Your Konor.

6 MR. COCHEO: Yes.

7 BY MR. COCHEO:

8 Q Isn't it true to you didn't talk to this kid
9 because the principal wouldn't let you take him off the
10 bus?

11 MR. SMITH: Objection, beyond the scope. Asked
12 and answered.

13 THE COURT: Sustained.

14 MR. COCHEO: Nothing further.

15 THE COURT: Anything further, Mr. Smith?

16 MR. SMITH: No, Your Honor.

17 THE COURT: You can step down.

18 Do you have any other witnesses, gentlemen?

19 MR. COCHEO: One more witness.
20

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

1 M E R J A H E L E N L E H T I N E N,

2 [REDACTED], having
3 been duly sworn by the Clerk, was examined and
4 testified

5 as follows:

6 DIRECT EXAMINATION

7 BY MR. COCCEO:

8 Q Good afternoon, Ms. Lehtinen. I have a few
9 questions for you.

10 Where do you currently reside?

11 A [REDACTED].

12 Q And your present employment?

13 A I have several jobs. I am a journalist, and I also
14 work in advertising for two - three major news bureaus.

15 Q What is your educational level?

16 A Undergraduate, Dartmouth, BA. I went to the
17 University of Helsinki for a Ph.D. I didn't stand for the
18 orals, and I completed my doctorate.

19 Q Were you at some point a teacher in the Norwich
20 Public School System?

21 A I was part-time, yes.

22 Q How long were you a teacher there?

23 A I was a substitute teacher from 2000 until 2004,
24 and then I became a full-time tutor in 2004 until November
25 2005.

26 Q At some point you were a teacher at the Kelly
27 Middle School?

1 A I was a substitute teacher, and I was a tutor at
2 the Kelly Middle School.

3 Q Do you know a woman named Julia Amero?

4 A I do know Julia.

5 Q Do you see her in the courtroom today?

6 A Yes, I do.

7 Q How do you know her?

8 A I met her at Teachers' Memorial School when we were
9 both substitute teachers there.

10 Q How long have you known her?

11 A Probably two or three years.

12 Q When you were working at Kelly Middle School, at
13 any time do you recall working at the same time she was?

14 A Yes, I do.

15 Q I'm going to go back to the date of October 2004.
16 Do you recall working at the Kelly Middle School at this
17 time?

18 A Yes, I was.

19 Q Do you know Ms. Amero, do you know that Ms. **Amero**
20 was teaching there at that time as well?

21 A Yes, I did.

22 Q Do you recall an incident that occurred that
23 happened October 19th, 2004 that involved Ms. Amero?

24 A I can't say it's October 19th, but I remember a day
25 in October that Ms. Amero came running into the teachers'
26 room, yes.

27 Q On that day around lunchtime, Ms. Amero, did Ms.

1 Amero come in the teachers' room or teachers' lounge?

2 A My lunch was something like 10:20 or my break, I'm
3 not sure now. And it would have been some time around that
4 time. It wouldn't have been around a **normal** lunchtime.

5 Q And you were there at that time?

6 A I was there for a brief period of time.,

7 Q Do you recall what conversation you had with Ms.
8 Amero when she entered the lounge?

9 A I recall the conversation.

10 Q So is it fair to say that you heard her state that
11 she had a problem with her students or her computer?

12 A Yes, she did.

13 Q Did she say what kind of problems she was having?

14 A We all teased each other at the time. It was
15 common to come in and like relax in the teachers' room. At
16 first I thought she was very, very upset. She wasn't the
17 normal Julie, happy-go-lucky, she was upset. We asked, all
18 asked her what was the matter, and she blurted out.

19 Q Did she ask for any kind of help with this problem?

20 A She said, Does anybody know how to stop pop-up
21 screens.

22 Q Are you aware if anyone did help her?

23 A I'm not aware. I ran off. I had an appointment
24 with a little boy to give him a one-on-one tutoring
25 session.

26 MR. COCHEO: Thank you very much.

27 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SMITH:

Q So you've known Julie for three years now.

A It's 2007, so if you're going back, I think we met in 2002 at Teachers.

Q Are you friendly, you and her have ~~been~~ friendly for two and a half years?

A Just when we would see each other teaching. It was like a ship passing in the night.

Q Two substitute teachers hooking up and saying hi?

A I never saw her after school or out of school.

Q Okay. Let me ask you this, you are a substitute teacher; you were a substitute teacher at about the same time, correct?

A I started in 2000. I was also working in New York at the same time. So I would work a few days in New York and then come here a few days. I think I preceded her by a few years.

Q Okay. In October of 2004 you were substitute teaching?

A No. 2004, September 10, 2004 I received a permanent position as an English as a second language tutor.

Q Were you tutoring at Kelly Middle School?

A Yes.

Q You weren't subbing on that day?

A Not that day.

1 Q You were on **your** break at **11:20**?

2 A I thought it **was** 10:20. I know I taught three
3 classes before I had a break.

4 Q Prior to that had **you** been a substitute teacher **for**
5 the **Middle** School?

6 A Yes, I had been.

7 Q Had you ever been - let me ask you this, as part of
8 your training as a substitute teacher, are you informed by
9 the Norwich Public School System not to touch anything in
10 the class?

11 A Well, there is a problem there. I worked for **the**
12 Supreme Court of New York during the **summer**. I **never** went
13 for training in substitute teaching.

14 Q You never had been trained as a substitute teacher?

15 A I was never trained as a substitute teacher.

16 Q To your knowledge are substitute teachers allowed
17 to touch anything in the classroom; chalk, pencils,
18 anything like that?

19 A Of course they are.

20 Q Have you ever turned on and off a computer **as** a
21 substitute teacher?

22 A By mistake I did.

23 Q Have you turned **on** and off a light switch, monitor,
24 television?

25 A Yes, absolutely.

26 Q And to your knowledge as a substitute teacher **if**
27 you were to turn on and off a light switch, television or **a**

1 monitor, would you be reprimanded, would you have been in
2 trouble?

3 A To my knowledge?

4 Q Yes, to your knowledge.

5 MR. COCHEO: I will object. She said she was not
6 a full-time substitute teacher up there, and she
7 didn't go through the training, so she does not
8 necessarily know the requirements that were in
9 effect at the time of this incident. Therefore, I'm
10 going to object.

11 THE WITNESS: I would think no one would be angry
12 with me for turning off a light.

13 MR. SMITH: Ma'am.

14 THE WITNESS: I don't mean to be over-talking.

15 MR. SMITH: We can't talk.

16 THE WITNESS: I don't think I understood the
17 question. To my knowledge, no one would tell me not
18 to turn off a light.

19 MR. SMITH CONTINUING:

20 Q Or a television?

21 A Or a television.

22 Q If a television was on, correct, if it was too loud
23 and another teacher were bothered, or if the kids were
24 bothered by a television, correct?

25 A No, I believe it would be the teacher's
26 responsibility to determine whether or not the television
27 should be on at a given time.

1 MR. COCHEO: I would renew my objection.

2 THE WITNESS: I don't understand.

3 THE COURT: That's okay.

4 MR. SMITH: I'm not asking her about the
5 training.

6 THE COURT: Let's start here. What **is** your
7 question now?

8 MR. SMITH: My question would be, would it be
9 the teacher's responsibility if there were other
10 inappropriate things coming into the classroom -

11 THE COURT: You have an objection to that
12 question?

13 MR. COCHEO: Yes, I do.

14 THE COURT: What's your objection?

15 MR. COCHEO: My objection is she testified that
16 she was not a full-time substitute teacher and she
17 worked for the New York Supreme Court and she wasn't
18 advised regarding the specific requirements of
19 substitute teaching, Your Honor, or things she
20 should or **shouldn't** do.

21 THE COURT: Regarding whether or not that was
22 part of the training, I will sustain the objection.

23 MR. SMITH CONTINUING:

24 Q I'm not asking you as part of the training, **I'm**
25 asking you as a substitute teacher, how long did you sub
26 for?

27 A From **2002** until the end of **2004**, I mean, the

1 beginning of 2004. In other words, **it** was that **summer**
2 break that **I** became a tutor.

3 Q How long before that had you substitute taught?

4 A Well, that would be two and a half years.

5 Q Were you a substitute teacher in the Norwich School
6 System for two and a half years?

7 A Prior to that, yes.

8 Q And you just testified that if a **TV** were too loud,
9 **it** would be the teachers' judgment to turn **it** off?

10 A I can give you one specific example that would give
11 you the answer to your question.

12 Q It would be the teachers' responsibility to turn **it**
13 off, correct?

14 A If the **TV** were too loud?

15 Q Yes.

16 A Yes.

17 Q If somebody brought in a pornographic magazine, one
18 of the **kids**, would **it** be the teacher's responsibility to
19 get that magazine away from the kid before **it** circulated
20 through the whole class?

21 MR. COCHEO: Objection, same basis.

22 THE COURT: Overruled. I will allow **it**. I don't
23 think you need training to answer that question.

24 THE WITNESS: I would take **it** away.

25 MR. SMITH CONTINUING:

26 Q Similarly, **if** pornographic images were coming in
27 the classroom unfiltered, would you as a substitute teacher

1 say that you are responsible for turning those images off
2 before the kids can have access to it?

3 A Well, of course.

4 MR. SMITH: No further questions. Thank you.

5 THE COURT: Any redirect?

6 MR. COCCEO: No redirect.

7 THE COURT: Thank you very much for coming in,
8 ma'am.

9 Anything further for the Defendant's case?

10 MR. COCCEO: The defense rests.

11 THE COURT: Does the state have any rebuttal?

12 MR. SMITH: I may well have. They should be
13 here. I need a short break.

14 THE COURT: We will take a recess, and then if
15 you have a witness for rebuttal, that is fine. If
16 you don't, then we will do closing arguments.

17 We will resume at 12:30.

18 Is that more than enough time?

19 MR. SMITH: Absolutely.

20 (Recess taken)

21 MR. SMITH: The state would recall Mr. Fain to
22 the stand.

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1 S C O T T F A I N ,

2 having been previously sworn, was **examined** and
3 **testified** as follows:

4 THE COURT: Good afternoon. I **remind** you that
5 you are still under **oath**.

6 REBUTTAL EXAMINATION

7 BY MR. SMITH:

8 Q I'm going to ask you again to direct your answers
9 to the jury. First off, I'm going to re-show you what has
10 been pre-marked as State's Exhibit 3 as a full exhibit. Do
11 you **recall** that exhibit?

12 A I do.

13 Q And could you hold that up, just hold **it** so we know
14 we are talking about the exhibit. On the very **top** of **the**
15 exhibit do you see a number with a circle around **it**,
16 correct?

17 A Correct.

18 Q And could you go through the various pages **there**.
19 Do each of those pages have a number? They don't have
20 circles but they all have numbers?

21 A They all have numbers, yes.

22 Q By way of example on the very front page with
23 circles around it, what is that number?

24 A Those would **be time** sheets that those classes would
25 have met to correspond with the list of students
26 underneath.

27 Q Just for illustzative purposes, on **the first page**,

1 what ~~time~~ did that class meet?

2 A The class session on that particular ~~day~~ would have
3 met at nine o'clock to ten o'clock.

4 Q And that is just for that one?

5 A Yes.

6 Q And obviously there are different ~~times?~~

7 A Correct.

8 Q Thank you.

9 Mr. Fain, let me go back to ~~the~~ day in question.
10 When was the first time you learned that pornographic
11 images had been accessed on the ~~computer~~ in ~~Mr.~~ Napp's
12 ~~class?~~

13 A To the best of ~~my~~ recollection, ~~it~~ was October
14 20~~th~~, the first thing in the morning.

15 Q That would be the day after the incident happened,
16 correct?

17 A Correct.

18 Q And to the best of your knowledge when did you
19 speak with the defendant concerning that incident?

20 A On ~~the~~ morning of the 20th. That was the first
21 time.

22 Q Did you call her subsequent to that first meeting?

23 A I did ~~not~~.

24 Q Did you speak to her again subsequent ~~to~~ that first
25 meeting?

26 A Yes.

27 Q And when did you speak with her again?

1 A The afternoon of the 20th.

2 Q Okay.

3 A The early evening of the 20th.

4 Q How did you speak with her then?

5 A I called her.

6 Q Okay. And why did you call her then?

7 A This is going to be an explanation answer.

8 Q Okay.

9 A That is the constant rumor or accusation of her use
10 of the computer inappropriately to display pornography
11 continued to come to my attention. I received numerous
12 complaints from parents and/or students regarding it. And
13 I wanted to reiterate, get more information, and she agreed
14 to come back in and meet with me again the following day.
15 I believe that would have been the 21st or the next school
16 day.

17 Q So you were trying to figure out what had gone on,
18 is that basically what you're saying?

19 A Yes.

20 Q Did you have her back in again?

21 A She came back in the following day after we spoke
22 again on the phone.

23 Q And had you discussed the matter again on that day?

24 A Yes.

25 Q Is that the date you then told her that she would
26 not be coming back to your school?

27 A That's correct.

1 Q Now, on October 19, 2004 to your knowledge did the
2 defendant ever come to you and tell you that uncontrollable
3 pornographic images were coming into her classroom?

4 A No.

5 Q To the best of your knowledge on that day at the
6 end of the school day did she confront you in ~~the~~ hallway
7 of the school and tell you pornographic images had been
8 coming into my classroom all day?

9 A No.

10 Q To the best of your knowledge - let me put it this
11 way, do you have a cleaning staff?

12 A Yes, custodial staff.

13 Q Did anybody come to tell you that hey, in Mr.
14 Napp's room there is a computer that was left turned on
15 that uncontrollable pornography keeps popping up all the
16 time?

17 A No.

18 Q At some point in the next day or so you went to
19 that computer again with Mr. Napp, correct?

20 A I went to the computer one time on the 20th.

21 Q The day after this incident?

22 A Correct.

23 Q And the computer was on, correct?

24 A Correct.

25 Q You were able to look at the screen, correct? ,

26 A Correct.

27 Q And when you were looking at it, were there any

1 uncontrollable sexually-oriented pop-up ads coming at you
2 on that screen?

3 A No.

4 MR. SMITH: No further questions

5 THE COURT: Cross-examination.

6 SUR-REBUTTAL EXAMINATION

7 BY MR. COCHEO:

8 Q Mr. Fain, isn't it true you were sending her to
9 another school to teach?

10 A I'm sorry?

11 Q Isn't it true you were going to send her to another
12 school to teach?

13 A More specifically, when do you mean?

14 Q After the 19th.

15 A Yes.

16 Q Are you aware that she complained to Kate O'Boyle
17 about the problems that she was having?

18 MR. SMITH: Objection, beyond the scope.

19 THE COURT: I'll allow it.

20 THE WITNESS: Yes.

21 MR. COCHEO: Thank you very much. Nothing
22 further.

23 BY MR. SMITH:

24 Q Who is Kate O'Boyle?

25 A Kate O'Boyle is the assistant principal.

26 Q Now, were you standing in the hallway after school
27 with Kate O'Boyle when the defendant came walking up and

1 complained about the pop-ups on the day in question?

2 A No.

3 Q Now, there was a question about you sending the
4 defendant to other schools. At that point were you feeling
5 comfortable having her back in your school?

6 A On the 20th?

7 Q I should put it in context.

8 A Yes.

9 Q When did you send her to another school? What was
10 the defense was talking about?

11 A I don't have the authority to send her to another
12 school.

13 Q Okay. Did you send her to another school?

14 A No. She subbed in the building on the 19th and on
15 the 20th.

16 Q Okay.

17 A I called her into my office on the 20th to go over
18 the initial complaint and what I viewed on the computer.

19 Q Yes.

20 A To get her take on it, yes.

21 Q Yes.

22 A What she expressed to me sounded reasonable. I
23 sent her back and allowed her to continue to teach.

24 Q That was the 20th, the day after?

25 A The morning of the 20th, yes.

26 Q Okay. Did you further investigate what was going
27 on?

1 A Yes. Throughout the day I continued to investigate
2 and received numerous complaints and concerns that were
3 coming to light.

4 Q And after you got all the information, is it at
5 that point you confronted her again?

6 A I called her that evening or late in ~~the~~ afternoon,
7 and I believe I reached her at her home.

8 Q And at that point was there an agreement for her to
9 come in and see you?

10 A Correct.

11 Q At that point was she already subbing somewhere
12 else, do you know?

13 A She told me she was subbing somewhere else, but
14 would be near Norwich at another school or in the Norwich
15 area, and she did agree to come by and talk to me.

16 Q And she did talk to you, correct?

17 A Yes.

18 Q Finally on that last time, I believe the 21st, is
19 that when you had all the information available to you,
20 correct?

21 A Yes. I had enough information that I felt
22 comfortable.

23 Q At that point when you terminated her from that
24 school, you said don't come back?

25 A Correct.

26 . SMITH: Thank you. No further questions.

27 THE COURT: Anything further?

1 MR. COCHEO: Yes.

2 BY MR. COCHEO:

3 Q Isn't it true, Mr. Fain, that at that point when
4 you told her she ~~was~~ not coming back to your school to
5 teach, that you assigned her to another school to teach as
6 a substitute? You just testified before Mr. Smith's
7 recross, that you had done it and now you are saying to him
8 at this point you hadn't done it. I'm asking you, wasn't
9 it true you terminated her, and you assigned her to another
10 school?

11 A No, sir. I do not have the authority to assign
12 anyone.

13 Q According to your testimony she wasn't teaching
14 anywhere else after that?

15 A I couldn't testify to that. I don't know.

16 Q But you changed your testimony. Can you explain
17 that to us?

18 MR. SMITH: I believe I have to object to that.
19 He is mischaracterizing the testimony.

20 THE COURT: What change are you alleging?

21 MR. COCHEO: I asked Mr. Fain, isn't it true that
22 she was assigned to another school, and he said yes.
23 And I think the transcript will bear that up, Your
24 Honor. Your Honor, I think that was the question.

25 THE COURT: That he assigned her to another
26 school?

27 MR. COCHEO: Yes.

1 THE COURT: Are you saying - I don't recall
2 hearing that. What is the situation on that?

3 THE WITNESS: I am sorry. What I am trying to
4 explain, Your Honor, I do not have the authority to
5 assign anyone to a different school. I have the
6 authority to request somebody back to my own school,
7 and that I would advise Central Office to that
8 effect.

9 THE COURT: Right.

10 THE WITNESS: Sometimes Central Office might call
11 me and say you have this person in your building,
12 can you ask them to go to another building.

13 THE COURT: Right.

14 THE WITNESS: But I guess what caused confusion
15 is Ms. Amero was substituting on the 19th when this
16 whole matter occurred, and she was scheduled to
17 substitute again on the 20th. I had her into my
18 office. She explained to me the incident, and by
19 then she was subbing somewhere else. I called her
20 on the evening, I believe, the late afternoon of the
21 20th. She agreed to come in and meet me. I don't
22 know where she was going. I can't recall. But she
23 did tell me she was subbing somewhere else.

24 THE COURT: If she were assigned to another
25 school, that would come from Central Office to go
26 somewhere else, not from you?

27 THE WITNESS: Correct. I did not assign her

1 anywhere.

2 **THE COURT:** Any questions based on that?

3 **MR. COCHEO:** I'm sorry.

4 **MR. COCHEO CONTINUING:**

5 Q So your testimony is you testified that **she** was
6 substituting on the 19th and **20th**?

7 A Correct.

8 **MR. COCHEO:** Thank you.

9 **THE COURT:** Mr. Smith, anything based on that?

10 **MR. SMITH:** No.

11 **THE COURT:** Thank you. Again, **sorry** you had to
12 come back. We appreciate it. **Sorry.**

13 Anything further?

14 **MR. SMITH:** **One** more **witness.**

15 Your Honor, **the** state would recall Detective
16 **Lounsbury.**

17 **THE COURT:** Good afternoon.

18 **MR. LOUNSBURY:** Good afternoon, Your Honor.

19 **THE COURT:** You are still under oath.

20 **MR. LOUNSBURY:** Okay.

21 **THE COURT:** Have a seat.

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

1 M A R K L O U N S B U R Y ,

2 having been previously sworn, was examined and

3 testified as follows:

4 REBUTTAL EXAMINATION

5 BY MR. SMITH:

6 Q Detective Lounsbury, I will ask you to **direct** your
7 comments to the jury.

8 At some point this morning did my office contact
9 you and ask you to come back in and go look at the computer
10 hard drive?

11 A Yes.

12 Q I will ask you this question again. When you
13 access a web page, are there various aspects of that **web**
14 page that interplay?

15 A Yes, there are.

16 Q What are some of those aspects?

17 A The web page itself is that **html**. Inside that is
18 Javascript and other tools. The Javascript enables you to
19 do a lot of stuff. You have links to other pages,
20 etcetera.
21 There is more to it than that.

22 Q And when you view a web page - and there are
23 various links on web pages, correct?

24 A Yes.

25 Q Are there any specific characteristics that may
26 occur to a web page when you click on specific link?

27 A Yes. When you click on a link, again, links are

1 Javascripted, you click on a link, it changes color and
2 then you will get sent to that new address, that new page
3 or site.

4 Q I will show you what has been pre-marked as State's
5 Exhibit 6 for identification purposes at this time. I have
6 shown it to the defense. Without telling us what is in
7 that document, can you please tell us what that document
8 is.

9 A This is a web page.

10 Q And is that a web page taken from the computer in
11 question?

12 A Yes.

13 Q And did you actually access that web page today?

14 A I looked at the web page with the application, the
15 browser application, yes.

16 Q And did you download that information or make a
17 copy of that information from the copy of the web page that
18 you made?

19 A Excuse me?

20 Q A copy of the hard drive that you made.

21 A This data all comes from the original examination.

22 Q Okay.

23 A The additional, the web pages - I viewed the web
24 page viewed in the browser which shows it so you can
25 understand it.

26 Q So this is information you had already taken down
27 forensically?

28 A Yes.

1 Q And you went back and reviewed that information and
2 came up with this page?

3 A Yes.

4 Q And this information you hold in your hand is a
5 fair and accurate representation of the information that
6 was on the hard drive on October 19, 2004?

7 A Yes, it is.

8 MR. SMITH: Your Honor, at this point we would
9 ask that that be entered as a full exhibit.

10 MR. COCHEO: It satisfies the evidentiary
11 requirements.

12 THE COURT: All right. That will be a full
13 exhibit.

14 (State's Exhibit 6 is marked)

15 MR. SMITH CONTINUING:

16 Q Detective, when you actively clicked on a link from
17 the web page, what are one of the detail signs that it was
18 an active click of a link on a web page?

19 A Again, it would be a different color, it will
20 change colors.

21 Q That is based on -

22 A They do that so that you know where you are now.
23 If you have a number of links, they are all the same color,
24 you click a link, it sends you somewhere else. You still
25 have your list of links. You see the one that is
26 highlighted, that's where you are now.

27 Q I'm going to post this on the poster here. Again,

1 this is one of the pages you took from the hard drive
2 originally, correct?

3 A Yes.

4 Q I understand you had a limited amount of time; we
5 just contacted you this morning about this, correct?

6 A Yes.

7 Q I'm going to come down here and read a couple of
8 website pages. Could you tell me what those are?

9 A Bring Her To Climax, Give a Girl An Orgasm, Orgasm
10 Machine, Pussy Orgasms, Female Sex Enhancers, Ask Our
11 Doctors.

12 Q Are those indicative of other website pages that
13 originally existed on the computer?

14 A Those are all links.

15 Q I will take your attention specifically to this,
16 Female Sex Enhancers; anything different about that link as
17 opposed to the other links?

18 A The color, it's red.

19 Q And to your knowledge, based on your forensic
20 examination of this machine, what may that indicate to you?

21 A That indicates that that link was actively clicked
22 on and you were then sent to that page.

23 Q Okay. So a person would actually have to click on
24 the Female Sex Enhancers link to go to another page,
25 correct?

26 A Yes.

27 Q Were you able to determine the specific page, at

1 what time this page was accessed on that computer in
2 question?

3 A Yes, sir.

4 Q And what time was it accessed?

5 A This was on October 19, 2004.

6 Q You say '06 here.

7 A It could be my handwriting. At 9:54:32 a.m.

8 Q And that is the date, you put 10/19/06, that was
9 10/19/04.

10 A Which is attached.

11 Q Which is attached.

12 We have gone over this before, but when a person
13 goes into a **website**, various images and the like are
14 attached to that **website**, correct?

15 A Yes, sir.

16 Q Can you help us to understand how an image is
17 actually attached to a **website**?

18 A Well, the person could make the **website**, build your
19 web page with links and with words. You also can add
20 pictures to your **web** page. And how you do that is you have
21 a picture located on your server. I have my server and I
22 have my pictures, and now I want to add a picture to my web
23 page. When I am building a web page, I say I want a
24 particular picture here and I go here and get this
25 particular picture and put that picture onto it.

26 Q On the document we just admitted as a full exhibit,
27 were you able to glean whether there were any pictures

1 attached to the web page that was viewed on the computer
2 that day?

3 A Yes.

4 Q And could you flip to that picture.

5 A (Witness complying)

6 Q Based on your examination of the computer, you were
7 able to determine that this specific picture was attached
8 to the web page that was purposefully viewed on that day?

9 A Yes.

10 Q And again, at approximately 9:54:32 a.m., correct?

11 A Yes, sir.

12 Q Last question, how do you know that?

13 A The information is in the source code.

14 Q Right now you are showing what is considered a
15 source code.

16 A Yes.

17 Q What does that tell you in general?

18 A This is the web page.

19 Q Yes.

20 A And the web page is the information as to links,
21 Javascripting - actually words that are written and images.
22 And in here it has the name of the image, the type of
23 image, and gives the date and time associated with the
24 image. The web page creation date/time is the same as the
25 image. The image name is Jasminel.jpg. The image
26 associated to that on that page is Jasminel.jpg.

27 Q Your examination of the hard drive, did you learn

1 before October 19, 2004 that there were any pornographic
2 sites that had been accessed?

3 A There were none in the history.

4 Q Was there any indication that there were
5 uncontrollable pop-ups?

6 A There was no evidence.

7 Q Subsequent to that, to your knowledge, if **you** had
8 gone to pornographic websites, could **spyware** have been
9 installed after that fact?

10 A Once you go to the site, that is most probably the
11 time that you would get infected.

12 Q After you go to the pornographic **website**?

13 A Yes.

14 MR. SMITH: No further questions. Thank you.

15 SUR-REBUTTAL EXAMINATION

16 BY MR. COCHEO:

17 Q Detective Lounsbury, you indicated that, I guess,
18 the coloration in the photograph shown to you by Mr. Smith
19 **indicates** that links were clicked on, is that correct?

20 A Yes, sir.

21 Q When you say **indicated**, you are not saying a
22 hundred percent?

23 A I've never seen anything other than that.

24 Q But you're not saying a hundred percent?

25 A In my mind **it** is.

26 Q Are you saying you're positive?

27 A Based on my knowledge of how **it** works, yes.

1 Q What about the science of **it** also?

2 A Which is based on my knowledge of the science.

3 MR. COCHEO: Just a moment, Your Honor.

4 (Pause)

5 Nothing further, Your Honor.

6 MR. SMITH: The state rests. No further
7 witnesses.

8 THE COURT: Thanks again. **Sorry** you had to come
9 back.

10 MR. LOUNSBURY: My pleasure.

11 THE COURT: **Any** further witnesses?

12 MR. SMITH: No, Your Honor.

13 THE COURT: Anything further?

14 MR. COCHEO: Nothing further, Your Honor.

15 I do have a motion I would like to make outside
16 the presence of the jury.

17 THE COURT: What we will do then is we will have
18 the jury go to lunch, and at two o'clock we will
19 have the closing arguments and the jury charge.

20 You can be excused. Don't talk about anything
21 while you are excused. Don't discuss the case.

22 (**Jury** Excused)

23 THE COURT: Mr. Cocheo.

24 MR. COCHEO: I would like to make a motion for
25 Judgment of Acquittal based upon the lack of
26 evidence.

27 THE COURT: Mr. Smith.

1 MR. SMITH: I think the evidence taken in the
2 light most favorable to the state would allow a
3 reasonable jury to infer that the defendant was
4 guilty as charged of all the crimes. I think we
5 have met our burden, and the state would object.

6 THE COURT: Your motion for acquittal is denied.
7 We will recess until two o'clock, at which time we
8 will have the closing arguments and the jury charge.

9 (Luncheon recess)

10 MR. COCHEO: For the record, it has come to my
11 attention there has been some inappropriate conduct
12 by the jurors at lunchtime. I would move for a
13 mistrial or voir dire of the particular juror.

14 THE COURT: We will voir dire the particular
15 juror.

16 MR. SMITH: Just for clarification, how was it
17 brought to his attention, and what type of
18 inappropriate conduct.

19 MR. COCHEO: It was brought to my attention by
20 the defendant's sister, and the conduct was
21 commenting on her status in the case.

22 THE COURT: This was with another juror.

23 MR. COCHEO: Yes.

24 MR. SMITH: Mr. The first thing I would ask, I ,
25 would ask that that person that said there was
26 misconduct take the stand.

27 THE COURT: All right. Call that person. We

will do it out of the presence of the jury.

1 A D R I E N E A M E R O - M A R S H A L L ,

2 [REDACTED], [REDACTED], [REDACTED], having been
3 duly sworn by the clerk, was examined and testifie as
4 follows:

5 BY MR. COCHEO:

6 Q Ms. Amero, can you tell us what you observed at
7 lunchtime?

8 A Yes. I was at the Harp & Dragon. I was having
9 lunch. I was standing waiting to be seated to have lunch.
10 When I looked across I saw the jurors who were also having
11 lunch at the same establishment.

12 While I was standing there I heard them
13 specifically speaking about this case.

14 Q What did you hear?

15 A I heard them say she has teacher training, she
16 knows better.

17 Q How many jurors were there, approximately?

18 A At least six, and I can identify the people who
19 were speaking.

20 Q Can you do that now, please.

21 A Yes, I can. The gentleman who sits here with the
22 plaid striped shirt, very short hair. Sitting across from
23 him was the young lady who has a kind of purplish shirt on.
24 Sitting next to him was another juror on the end was a
25 juror who has the greyish, light grey shirt on.

26 MR. COCHEO: Your Honor, based upon that, Mr.

27 Smith can correct me, but we need to call the jury

1 panel in and examine them one at a time to see what
2 impact it will have on the decisional process.

3 MR. SMITH: I would agree. One quick question.

4 BY MR. SMITH:

5 Q The jurors, could you hear them actually talking?

6 A Yes.

7 MR. SMITH: I think based on the testimony, we
8 will have to talk to the jurors to make sure it's
9 fair and impartial.

10 MR. COCHEO: I don't want my secretary to take
11 the stand, but she heard the same thing.

12 THE COURT: I will disregard that. I can go on
13 the testimony of this one witness.

14 You can step down. Bring the jurors out.

15 THE MARSHAL: The jurors are not here.

16 THE COURT: I will take a brief recess until they
17 get back.

18 (Recess taken)

19 Do you want to bring the whole panel at once or
20 one at a time?

21 MR. SMITH: I think we need to let the panel
22 know.

23 THE COURT: Bring out the whole panel.

24 (Jury returns)

25 THE COURT: Good afternoon. We have a situation
26 here where it has been brought to the Court's
27 attention that it's possible that certain jurors

1 were discussing the case during lunch. You know **you**
2 are not supposed to discuss the case until after
3 closing arguments and the jury charge.

4 So what has to happen in a situation like this
5 is we are going to have you go back in and call you
6 in one at a time and ask if that, in fact, did
7 happen, and we will discuss **it** at that point.

8 So before we can get to the next phase, we need
9 to address this issue. **So** if you will go back in,
10 we will call you back in one at a time.

11 (Jury excused)

12 MR. SMITH: My suggestion, and obviously the
13 defense should have a say, I think we should
14 probably talk to all of them.

15 MR. COCHEO: I think we should.

16 MR. SMITH: And so should the Court.

17 Ask them if they spoke or if they heard somebody
18 speak and how that effects them in deliberating in
19 this case.

20 THE COURT: That's what we will do, one **at a time**
21 in no particular order.

22 (Juror brought out)

23 THE COURT: Ma'am, during lunch did you have any
24 conversation regarding this case with other jurors?

25 THE JUROR: No.

26 THE COURT: So that you haven't had any
27 discussions regarding the case and you are willing

1 to listen to the closing arguments and the charge
2 that I give you on the law to make a decision on
3 this case?

4 THE JUROR: Yes.

5 THE COURT: All right. You can go back in.

6 MR. COCHEO: Did you hear any discussions?

7 THE COURT: Did you hear any discussion regarding
8 this case by another juror?

9 THE JUROR: No. I went home for lunch.

10 THE COURT: You can go back in.

11 (Juror brought out)

12 THE COURT: Did you discuss the case during
13 lunch?

14 THE JUROR: No.

15 THE COURT: Did you hear any discussion about the
16 case by other jurors during lunch?

17 THE JUROR: No.

18 THE COURT: And you're willing to listen, you are
19 an alternate, are you willing to listen to the jury
20 charge?

21 THE JUROR: Yes.

22 THE COURT: And listen to closing arguments prior
23 to formulating any kind of decision if you get to
24 deliberations?

25 THE JUROR: Yes.

26 THE COURT: Anything else you want to ask, Mr.
27 Smith?

1 MR. SMITH: No.

2 THE COURT: Thank you.

3 (Juror brought out)

4 THE COURT: Did you discuss the case during
5 lunch?

6 THE JUROR: No, we did not.

7 THE COURT: And did you hear other jurors
8 discussing the case during lunch?

9 THE JUROR: Absolutely not.

10 THE COURT: And are you willing to listen to the
11 closing arguments and the jury charge by me about
12 the charges prior to formulating any decision?

13 THE JUROR: Yes.

14 MR. COCHEO: I would ask to make an inquiry to
15 where lunch was had.

16 THE COURT: Where did you have lunch?

17 THE JUROR: Over at the Harp & Dragon I think
18 it's called.

19 THE COURT: So you didn't participate or hear a
20 discussion regarding the facts of the case?

21 THE JUROR: No.

22 THE COURT: All right. We will call in the next
23 juror.

24 (Juror brought out)

25 THE COURT: Did you discuss the case with other
26 jurors during lunch?

27 THE JUROR: I did not.

1 THE COURT: And did you hear other jurors discuss
2 the case?

3 THE JUROR: No, we **weren't**.

4 THE COURT: They weren't discussing the case?

5 THE JUROR: No.

6 THE COURT: And you understand that you can't
7 formulate a decision regarding this case until after
8 you hear closing arguments and my charge to the jury
9 regarding the actual law, right?

10 THE JUROR: Yes.

11 THE COURT: And you're willing to do that, is
12 that right?

13 THE JUROR: Yes.

14 THE COURT: Where did you have lunch?

15 THE JUROR: At the Irish Harp & Dragon.

16 THE COURT: Any other questions?

17 MR. SMITH: No.

18 (Juror brought out)

19 THE COURT: Sir, did you discuss the case during
20 lunch with anyone?

21 THE JUROR: No, ma'am.

22 THE COURT: And did you hear any other jurors
23 discussing the case during lunch?

24 THE JUROR: No. The six of us sat down and we
25 made it a point not to discuss it.

26 THE COURT: And where did you have lunch?

27 THE JUROR: The Irish place across here.

1 THE COURT: And you understand that you are not
2 to formulate a decision regarding how you feel about
3 this case until after the closing arguments and the
4 Court gives you the law on the case. Do you
5 understand that?

6 THE JUROR: Yes, ma'am.

7 THE COURT: And you are willing and able to do
8 that?

9 THE JUROR: Yes, ma'am.

10 THE COURT: Thank you.

11 (Juror brought out)

12 THE COURT: Have a seat. Did you discuss the,
13 case during lunch?

14 THE JUROR: Absolutely did not, Judge.

15 THE COURT: And did you hear any discussions
16 among other jurors discussing the case?

17 THE JUROR: I did not, Judge.

18 THE COURT: And where did you have lunch?

19 THE JUROR: The Harp 6 Dragon.

20 THE COURT: And do you understand that you are
21 not to formulate a decision on the case until you
22 have listened to the closing arguments and the law
23 given by the Court, do you understand that?

24 THE JUROR: I'm a hundred percent clear.

25 THE COURT: You are a hundred percent clear and
26 willing to do this?

27 THE JUROR: Yes, ma'am.

1 THE COURT: All right. Thank you.

2 (Juror brought out)

3 THE COURT: Did you discuss the case during
4 lunch?

5 THE JUROR: No.

6 THE COURT: Did you hear other people discussing
7 the case during lunch?

8 THE JUROR: No, I did not.

9 THE COURT: Other jurors, I mean.

10 THE JURORS: No, I didn't.

11 THE COURT: And where did you have lunch?

12 THE JUROR: The Harp & Dragon.

13 THE COURT: And you understand that before you
14 formulate a **decision** regarding the case, you still
15 have to listen to the closing arguments and the law
16 given to you by the Court and this is what is called
17 a jury charge. Do you understand that?

18 THE JUROR: I do.

19 THE COURT: And are you willing and able to do
20 that?

21 THE JUROR: Yes.

22 THE COURT: Thank you.

23 (Juror brought out)

24 THE COURT: Did you discuss the case during
25 lunch?

26 THE JUROR: No. I went by myself to lunch in
27 town.

1 THE COURT: Did you hear other jurors discussing
2 the case?

3 THE JUROR: No, ma' **am**.

4 THE COURT: And you know that you have to **listen**
5 to the closing arguments still and the law given to
6 you before you can make a decision on the case?

7 THE **JUROR**: Yes. That is correct.

8 THE COURT: Are you willing and able to do that?

9 THE **JUROR**: Yes, I am.

10 THE COURT: Thank you.

11 MR. SMITH: Judge, for the record, I will
12 stipulate that you spoke individually to each of the
13 individual jurors and also to the alternate jurors,
14 just for the record, so it's known we did speak to
15 each.

16 THE COURT: I have spoken to each and every juror
17 and admonished them regarding that they are not
18 allowed to make a decision regarding the case if, in
19 fact, they had such discussions, but all of whom
20 denied having those conversations.

21 MR. COCHEO: That is my problem. Assuming that
22 my client's sister has credibility, if she has
23 credibility and she did hear something, now the **jury**
24 is going to be impacted by this inquiry. It infects
25 the jury.

26 THE COURT: Well, *Mr. Cocheo*, I am afraid that
27 was the procedure that we needed to follow to make

1 the inquiry regarding this. And if in fact - I
2 don't know who you are expecting to believe, **but** I
3 don't know your client's sister -- I'm not saying
4 anything about her credibility or the jurors'
5 credibility, but I questioned them and I informed
6 them on the record, each and every one, including
7 the alternates, that they are not to make a decision
8 on the case until after the closing arguments and
9 the charge to the jury by me. And for that reason
10 we are going to proceed because I don't feel - I
11 don't think there was anything considered
12 irreparable.

13 MR. SMITH: Can we take a five minute recess to
14 talk about this?

15 THE COURT: Why?

16 MR. SMITH: Just a five minute recess to talk
17 about this.

18 THE COURT: Meet me in Janice's office right now.
19 We will recess for five minutes.

20 (Recess taken)

21 THE COURT: **We had** a discussion regarding this.
22 We had a charging conference during the lunch break
23 also. It was a minor change in one of the charges
24 that will be going to the jury. Other than that,
25 there is no objection to the standard jury charge,
26 is that right?

27 MR. COCHEO: Well, I want to take exception to

1 your refusal to mistry the case because of the jury
2 misconduct.

3 THE COURT: You are asking for a mistrial and I
4 am denying that based on the voir dire of each
5 juror.

6 About the charging conference -

7 MR. SMITH: That is fine. I know we talked about
8 that. The charges, I think the state would agree
9 with that and also we just talked about how it would
10 cover this incident. So I have no objection.

11 THE COURT: Bring in the jury.

12 (Jury returns)

13 THE COURT: You will hear closing arguments now.
14 We will start with the state, as I told you earlier.

15 Mr. Smith.

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

CLOSING ARGUMENTS

MR. SMITH: Thank you, Your Honor.

Good afternoon, Ladies and Gentlemen. I'm glad you obviously all paid attention. I know some of this was kind of tedious to listen to and go through.

The state is required to prove certain elements of the crime. Basically that is on that computer there was pornographic images. We had to show that. We had to show that. I was kind of watching out of the side of my eye. **What** I ask you to **do** is **I am** going to talk a little bit, and the defense will talk a little bit, and I will get **back** to you and talk a little bit again at the very end. What I will ask you to do, when **I am** talking and when the defense is talking, and when I come back, **I'm** going to ask you to focus on the facts of the case.

The case is not about whether you liked the attorney, you feel sorry for the attorney, you feel sorry for anybody involved in here. **It's** not about whether you like me or I did a good job, bad job, anything. What **it** is about is the facts that **came** forward in this case, and I believe what **came** forward will show - this is what you learned.

You learned that the defendant, Ms. **Amero**, was a substitute teacher at the Kelly Middle School. On the date in question, on October 19, 2004, she was

1 substituting in Mr. Napp's class. During the course
2 of that substitution she accessed pornography, and
3 that's the state's contention, she accessed
4 pornography and she accessed it in such a way on the
5 computer screen that the minor children - I don't
6 think there's any contention about them ~~all~~ being
7 under the proper age of sixteen, they were all
8 between eleven and thirteen at the time - had access
9 to that.

10 I think it's clear that Ms. ~~Amero~~ was at the
11 computer the whole day. I believe all the testimony
12 the state presented shows that the only person who
13 had access to that computer that day was Mr. Napp in
14 the morning who turned it on to the defendant, who
15 told the defendant she could access it. And the
16 defendant and all the kids said that, the other
17 adult said that, Mr. Napp said that. The only
18 person that had access to that computer once Mr.
19 Napp left was the defendant.

20 Don't get misled by facts that aren't important,
21 that don't go to the salient issues, the important
22 issues at the trial here. The state is required to
23 prove that the defendant acted in such a way that it
24 was likely to cause injury to the children, not the
25 fact that the children were injured, but just that
26 the situation existed; that it was likely that the
27 children would be injured.

1 If you listen to all the facts, if you go over
2 what was said, what was shown, I think you will come
3 to that conclusion.

4 I will let the defense speak and then I will
5 come back in a few minutes and finish up. Focus in
6 on the facts so you can apply those facts to the law
7 when the judge puts them forth. Thank you.

8 THE COURT: Mr. Cocheo.

9 MR. COCHEO: First of all, I want to thank each
10 and every one of you for the time you spent here.
11 You are away from your families, your children, your
12 lives, your jobs, your home, and you come here
13 almost as volunteers, and we appreciate that.

14 It's very stressful sitting and listening to
15 people like me talk and hobble around the courtroom,
16 but we all appreciate it.

17 I would like to address some of the issues, if I
18 may. One of the elements required is an act. As
19 you recall the evidence, and it's your recollection
20 that counts, when my client walked into the
21 classroom the computer was already on. With respect
22 to her intent, the evidence, as I recall, is that
23 every time a student came near the computer, she
24 pushed them away; even semi-slapped some kid or
25 turned her body to block the computer screen. So
26 her intention was not to impair the morals or to do
27 anything improper to the children, but more to

1 protect the children. And I would ask you to
2 consider that.

3 Now, the state has the burden to prove that the
4 morals were impaired. We have seen this kind of
5 pornography all over. On public television you see
6 pornography. You never saw **it** a **hundred years** ago.
7 You see **it** all over the screens and wherever else.
8 So whether or not their morals were impaired is a
9 question.

10 Three out of four students that **came** in and
11 testified couldn't even identify her. Our expert
12 testified, and I would ask you to pay some attention
13 to him. I am, quite frankly, computer illiterate.
14 He is the one that knows computers. He said a lot
15 of things about pop-ups occurring, which is an
16 occurrence which can occur at any time through no
17 one's fault, through no one's intention. I asked my
18 wife, who is a teacher, does **it** happen on her
19 computer, she says **it** happens all the time.

20 Now, the state has the burden here. They get
21 two arguments. The state will come back again. He
22 gets to argue again. I only get one argument. You
23 say so what? They have the burden of proof, to
24 prove every element beyond a reasonable doubt.

25 Now, I asked you all, say you heard this whole
26 case, sat and deliberated and you said to yourself,
27 you know, she probably did something wrong, but **I'm**

1 not convinced beyond all reasonable doubt; would you
2 let her walk away a free woman right out those
3 doors? And every one of you said you would. And I
4 would ask you to recall that.

5 We are lucky in Connecticut also, because in
6 Connecticut we select jurors one at a time. In most
7 states you do a panel voir dire. In Connecticut you
8 do it one at a time, and we get to know our jurors,
9 and I think we have a good jury and an intelligent
10 jury here. And I want to thank you once again for
11 the time you spent.

12 I want to apologize for anything that I have
13 done to offend any of you. So thank you once again.

14 THE COURT: Mr. Smith.

15 MR. SMITH: Your job is to apply the facts
16 presented to the law as the Judges give to you. Mr.
17 Cocheo said at one point the state is required to
18 prove that the morals were impaired. I don't
19 believe that is what the law says, and listen to
20 what the law says. That a situation was created
21 that is likely to impair; not in fact that the
22 morals were impaired. The state is not required to
23 prove that. The state is only required to prove
24 that a situation existed likely to impair the morals
25 of a minor.

26 And I am going to touch on this in the abstract
27 and say part and parcel of his argument would be

1 that showing eleven, twelve and thirteen year old
2 children **hardcore** pornographic images would not be
3 likely to impair their morals. That is something
4 that you need to make a determination on.

5 I would take you back to what Mr. M, the final
6 child witness that we had, who at the time he had
7 access and was shown these images made the mistake,
8 I should say, between **it** being a bathing suit and
9 being skimpy lingerie, which he now knows **it** was. I
10 think that goes to the type of children that were
11 involved, the age, and whether or not that situation
12 was likely to impair their morals.

13 Also, the defense touched on the fact that his
14 wife said certain things. This is about the
15 evidence presented here at the trial. Whatever **i**s
16 touched upon that happened outside the course of the
17 trial is not evidence, and obviously not for you to
18 take into account.

19 Again, just focus in on what was presented
20 during the course of the trial.

21 There are two issues here that the state is
22 going to discuss, and the first issue is whether the
23 defendant intentionally accessed those websites. I
24 think the evidence is very strong, very clear cut
25 that the defendant was the only person that had
26 access to that computer; there was no pornography
27 before she got there; there was no pornography

1 accessed after she was gone. There was no
2 **indication** of pop-up ads on this computer directly
3 after she was there. No custodians went in. Mr.
4 Fain himself went in and spoke and said no, I saw
5 the computer, and there were no pop-ups. That was
6 in rebuttal.

7 I think it's very clear that that just **didn't**
8 happen, pop-ups randomly popping up over and over
9 and over during the course of the day.

10 I will get back to **this** in a second. What I
11 point out is that the defense's own expert indicated
12 that if redirects were to come through, it would not
13 leave an address on the computer. I believe he
14 stated it up there. You have to type it in, and
15 that is when the address comes in. You don't get a
16 mark in the temporary Internet folder unless you
17 actively go to that site. I believe I made that
18 clear with him.

19 I would ask that you look at State's Exhibit 4,
20 the Internet sites visited on the log, and you will
21 see specific sites about rnasterbation.com, or
22 orgasm.mystery.com, store.sex-superstore.com. I
23 believe there is also later in the day
24 **vaginalcumshots.com**. Based on the testimony of the
25 defense's witness, that information could only get
26 there if she actively accessed those sites.

27 I'm also going to bring in Mr. Fain who

1 testified, and there is in the temporary Internet
2 files evidence which is State's Exhibit 1, the
3 temporary Internet files directly related to what
4 the defense attorney stated. You would have to
5 actively click to get at these sites.

6 Femalesexual.com, cheatinglesbians.com. "I would ask
7 you to go through that, correlate that with the
8 time, correlate that with what their witness said
9 about you have to actively physically click on it to
10 get to the site.

11 Finally, as you recall I brought Detective
12 Lounsbury back in. Exhibit 6 hopefully is trying to
13 explain the difference in color as to the Javascript
14 elements which he clicked on. Some of us using our
15 common sense understand this; when you click on a
16 web page it transfers you over. And that changes to
17 show that you actually accessed that page. Take
18 this into account for intent; that the defendant
19 purposely accessed those websites.

20 I think the evidence is overwhelming that she
21 did purposely access those websites and she should
22 be found guilty of all of those counts by the
23 information the state put forward.

24 All of the minor children, there were four kids,
25 there are four children that said they viewed
26 pornography, including [REDACTED] who said that he was
27 slapped or pushed away from the computer to the

1 point where he was slightly injured. They accessed
2 or saw these websites.

3 It's the state's contention that she
4 purposefully went to these websites, was sitting
5 there all day, that is the evidence, viewing the
6 Internet. However, for the sake of argument, let's
7 go with the defense's proposition that this
8 pornography was being filtered in, pumped out, boom,
9 boom, boom, uncontrollable by her. And what you
10 have to do is apply that to the law. Did that
11 create a situation where the morals of the children
12 were likely to be impaired? What did she have to do
13 to stop that?

14 Quite frankly, she could have turned off the
15 computer. She testified she couldn't turn off the
16 computer because she is not supposed to touch
17 anything. She could have turned off the monitor,
18 which she chose not to do, or she could have just
19 draped something over the monitor or covered the
20 monitor. We know that the images on there were
21 offensive, because the defendant herself said they
22 were offensive and of a sexual nature, and the
23 children shouldn't have viewed these images. We
24 know they were there because the children were
25 talking about it, and that is how it came to her
26 attention, and the defendant said that. We also
27 know she could have stopped it from happening, and

1 the children never would have seen it.

2 The substitute teacher also said absolutely, you
3 stop this information, you stop this from coming
4 through. She clearly should not have allowed this
5 to happen.

6 At one point she testified pornography is coming
7 up on the screen and she leaves the room open for
8 anybody to see it. She walks away. It keeps coming
9 up. Kids are, as we have testified, coming up to
10 there. There are rumors all over the school, and we
11 don't know at what point the defendant allegedly
12 started telling, hey, this is happening to my
13 computer. We know it's after the kids saw it and
14 the kids are talking about it.

15 I think the evidence is clear on both sides; on
16 the state's case, and quite frankly with the
17 defense's case, that she is guilty of all the
18 charges. I think when you apply those facts to the
19 law, you can go back and discuss it, and I think you
20 will come back with a verdict of guilty on each
21 count.

22 Thank you.

23 MR. SMITH: May counsel approach the bench
24 please.

25 THE COURT: Yes.

26 (Bench conference)

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

JURY CHARGE

You have heard the evidence presented in the case and the arguments of counsel, and **it** becomes my **duty** to instruct you as to the law which is to be applied to the facts of this case. It is exclusively the function of the Court to state the rules^{of} of law which govern the case, with instructions as to how you are to apply them. It is your obligation to accept the law **as I state it**. You must follow all the instructions and not single out some and ignore others; they are all equally important.

You are the sole judges of the facts in the case. It is your duty to find the facts. You are to recollect and weigh the evidence and form your own conclusions as to what the ultimate facts are. You may not go outside the evidence introduced in court to find the facts. That means that you may not resort to guesswork, conjecture or suspicion, and you must not be influenced by any personal likes or dislikes, opinions, prejudices or sympathy.

The actions of the Court during the trial in ruling on motions or objections by counsel or in comments to counsel or in questions to witnesses, or in setting forth the law in these instructions are not to be taken by you as any indication of the Court's opinion as to how you determine the issues of fact. If the Court has expressed or intimated

any opinion as to the facts, you are not bound by that opinion. What the verdict shall be is your sole and exclusive duty and responsibility.

If I refer to any of the evidence in this charge, and I may do so, it will be simply for the purpose of illustration and clarification, and you are not to understand that I intend to emphasize any evidence I mention or to limit your consideration to that evidence alone.

If I omit reference to any evidence, you will supply it from your recollection. If I incorrectly state any of the evidence, you will correct my error because it is your province to review the evidence and to determine the facts established by it.

In deciding the guilt or innocence of the accused, you should not concern yourselves with any possible punishment to be meted out in the event of a conviction. Nor should you be influenced by any sympathy for the accused, the accused family or for any other person who might be in any way affected by your decision.

In this case, as in all criminal prosecutions, the defendant is presumed innocent until proven guilty beyond a reasonable doubt. That means that at the moment when the defendant was presented before you for trial he stood before you free of any bias, prejudice or burden arising from his position

as the accused; that nothing you might know or guess about his past should be considered by you at all. Insofar as you are concerned, she was then innocent and he remains innocent **until** such time as the evidence and matters produced here in the course **of** the trial satisfy you beyond a reasonable doubt that she is guilty.

The burden to prove the defendant guilty of the crime with which she is charged is upon the state. The defendant does not have to prove that she is innocent. This means that the state must prove beyond a reasonable doubt each and every element necessary to constitute the crimes charged.

'Whether the burden of proof resting upon the state is sustained depends not on the number witnesses, nor on the quantity of the testimony, but on the nature and quality of the testimony. Please bear in mind that one witness' testimony is sufficient to convict someone if **it** establishes all the elements of the crime beyond a reasonable doubt.

The state can sustain the burden of proof only **if** the evidence before you establishes the existence of every element of the crimes charged beyond a reasonable doubt. What does that mean, beyond a reasonable doubt?

The phrase reasonable doubt has no technical meaning. You can arrive at the real meaning of **it**

by emphasizing the word "reasonable." A reasonable doubt means a doubt based upon reason and common sense. It's a doubt which is something more than a guess or surmise. It's not a conjecture or fanciful doubt, or a doubt raised **by** one who questions simply for the sake of argument. It is not **hesitation** springing from feelings of sympathy or pity for the accused or members of his family or other persons who might in any way be affected by your verdict. A reasonable doubt, in other words, is real doubt, a honest doubt, a doubt which has its foundation in the evidence or lack of evidence. It is one for which you can, in your own mind, conscientiously give a reason.

A reasonable doubt is the kind of doubt that would cause reasonable persons like yourself to hesitate to act in matters of importance.

Proof beyond a reasonable doubt is proof which precludes every reasonable hypothesis except guilt and is inconsistent with any other reasonable conclusion.

Now, of course, absolute certainty in the affairs of life is almost never attainable, and the law does not require absolute certainty on the part of the jury before you return a verdict of guilty. The state does not have to prove guilt beyond all doubt or to a mathematical absolute certainty. What law

does require, however, is that after hearing all the evidence, if there is something in that evidence or lack of evidence which leaves in the minds of the jury as reasonable men and women a reasonable doubt about the guilt of the accused, then the accused must be given the benefit of the doubt and acquitted.

On the other hand, if you find that the proven facts do establish the guilt of the accused beyond a reasonable doubt, then the proper verdict would be guilty.

The evidence from which you are to decide the facts consists of the sworn testimony of witnesses; both direct and cross-examination, regardless of who called that witness; the exhibits that have been received into evidence; and any stipulations, that is, facts to which the lawyers have agreed.

In reaching your verdict you should consider all the testimony in evidence, all the exhibits received into evidence. Certain things are not evidence and you may not consider them in deciding what the facts are. These include arguments and statements by the lawyers. The lawyers are not witnesses. What they have said in their closing arguments and at other times is intended to help you interpret the evidence, but it's not evidence. If the facts as you remember them differ from the way the lawyers

have stated them, your memory of the facts control.

Questions and objections by the lawyers.

Attorneys have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objections or the Court's ruling on that evidence.

Anything you may have seen or heard when the court was not in session, that would not be evidence. You are to decide the case solely on the evidence received at trial.

The document called the information that I read to you, I believe at least twice, you will have with you deliberation room, that is the formal manner of accusing a person of crimes, and that is not considered evidence in the case. You don't consider the information as an evidence of guilt of the defendant or draw any inference of guilt just by the charges themselves.

As I told you before there are two, generally two types of evidence; direct evidence and circumstantial evidence. I am going to discuss the differences between these two.

Direct evidence of an event is the testimony of an eyewitness who comes into court and says that he saw an event happen. Circumstantial evidence of an event is the testimony of a witness, or evidence by

exhibits, as to the existence of certain facts or the happening of other events from which the jury may logically conclude that the event in question did happen.

I am going to give you another example of the difference between direct and **circumstantial** evidence. Assume that **it** is a December night and **it** is around 11:30 p.m., and you are preparing to go to bed. You look out the window and see **it** is snowing. You wake up in the morning and come to court and testify that at approximately 11:30 p.m. the night before **it** was snowing in the area of your house. This is direct evidence of the fact that **it** snowed at 11:30 p.m. the night before. You saw **it** snowing and you came in and testified to that fact.

Now, assume that is another December night, the weather is clear and there is no snow on the ground. You go to bed and when you wake up the next morning you look out the window and see snow on the ground and footprints across your front lawn. You come into court that morning and testify to those facts; the evidence that the night before there was no snow on the ground and this morning there was snow on the ground and footprints in the snow across your front lawn is direct evidence, your eyewitness observation of those facts. That direct evidence is itself circumstantial evidence of the fact that sometime

during the night while you were sleeping it snowed, and sometime thereafter someone walked across **your** front lawn.

The only practical difference between direct and circumstantial evidence is that when you have direct evidence of the commission of a **crime**, the only thing the jury has to pass upon is the credibility, the believability of the direct testimony given; whereas with circumstantial evidence the jury first has to **determine** whether the happening of those events or the existence of those facts leads them logically to the conclusion that the other facts existed and the other events occurred and ultimately the crime was committed the accused.

There is no reason to be prejudiced against circumstantial evidence simply because it is circumstantial evidence. You make decisions on the basis of circumstantial evidence in the everyday affairs of life. There is no reason why decisions on circumstantial evidence should not be made **in, the** courtroom. In fact, proof by circumstantial evidence may be as conclusive as would be the testimony of witnesses speaking on the basis of their observation.

In passing upon the guilt of an accused person on the basis of circumstantial evidence you must be satisfied first that certain facts or circumstances

exist, and second, that those facts or circumstances do beyond a reasonable doubt lead you to conclude that the crime was committed by the accused.

Unless the existence of those facts and circumstances leads you, as reasonable men and women, to only one conclusion, namely that the accused is guilty, then, of course, you would not be justified in finding the defendant guilty.

You may draw reasonable inferences from the established facts in this case. The inference which you draw, however, must not be from a guess upon the evidence but they must be from a fact or facts which the evidence has established.

In drawing inferences from established facts you should use your reason and common sense. The inferences which you draw must be logical and reasonable and any facts, whether inferred or proven directly which is essential to the proof of an element of the crime charged must be proven beyond a reasonable doubt.

I will now discuss the subject of credibility which means the believability of testimony. In deciding what the facts are, you must consider all the evidence. In doing this you must decide what testimony to believe and which testimony not to believe.

You may believe all, none or any part of any

witness' testimony. In making that decision you may take into account a number of factors including the following: Was the witness able to see or hear or know the things about which that witness testified? How well was the witness able to recall and describe those things? What was the witness' **manner** of testifying? Did the witness have an interest in the outcome of the case or any bias or prejudice concerning the matter involving the case? How reasonable was the witness' testimony **considered** in light of all the evidence in the case? Was the witness' testimony contradicted by what that witness had said or done at another time or by the testimony of other witnesses or by other evidence?

If you think that a witness deliberately testified falsely in some respect, you should carefully consider whether you should rely upon any of his testimony.

In deciding whether or not to believe a witness, keep in mind that people sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important factor was only a small detail.

You have observed the witnesses. The credibility, believability of the witnesses and the

weight to be given their testimony are matters entirely within your hands. It is for you alone to determine their credibility. Whether or not you find the fact proven is not to be determined by the number of witnesses testifying for or against it; it's the quality, not the quantity of the testimony which should be controlling. Nor is it necessarily so that because a witness testifies to a fact and no one contradicts it, you are bound to accept that fact as true. The credibility of the witness and the truth of the fact is for you to determine.

As you recall, there was testimony here from a police officer. The testimony of a police officer is entitled to no special or exclusive sanctity merely because it comes from a police officer. A police officer who takes the witness stand subjects his testimony to the same test that any other witness does. You should not automatically believe or disbelieve them merely because they are police officers. You should recall their demeanor here on the stand, consider their training, if any, in the field in which they gave evidence, their manner of testimony, the substance of their testimony, their capacity for observing facts and relating them to you accurately. You should weigh and balance their testimony as fully as you weigh the testimony of any witness.

Now, the defendant, Ms. **Amero**, was charged with four counts of Risk of Injury to a Minor, in violation of Connecticut General Statute 53-21a-1, which insofar as it applies in this case provides as follows: Any person who wilfully or unlawfully causes or permits any child under the age of sixteen to be placed in such a situation that the morals of that child are likely to be impaired shall be punished. The intent of this statute is to protect the health, morals and well-being of children.

To **find** the defendant guilty of wilfully or unlawfully causing or permitting any child under sixteen to be placed in a situation in which their morals are likely to be impaired, the State must have proven the following elements beyond a reasonable doubt: One, that at the time of the incident the children in question were under sixteen years old. Two, Ms. **Amero** wilfully or **unlawfully** caused or permitted the victims to be placed in a situation that was likely to impair their morals. So the conduct to be punished must involve victims under sixteen years old, and the conduct must have placed the children in a situation in which their morals were likely to be impaired. This is the conduct that is deliberately indifferent to, acquiesces in, or creates a situation that is basically opposite to the child's moral welfare,,
R

inimical, or basically opposite to the children's moral welfare.

Willful means deliberately or intentionally.

Unlawfully means without legal right or justification; causing or permitting a situation to arise when the defendant, Ms. Amero, **had** ~~such~~ control or right of control over the children that the defendant could have prevented from happening.

The state must have proven that the children's were likely to be impaired, and likely means probable or in all probability as used here. Morals means good morals; living, acting and thinking in accordance with those principles or precepts that are commonly accepted amongst us as right and decent.

As for intent, the state must have proven the defendant had the general intent to **perform** these acts, in other words, her behavior, if you find that she did, in fact, access these **websites** commonly referred to as pornographic, or that the pornographic **websites** were being accessed and the defendant was indifferent to, acquiesced in or created a situation that would be indifferent **to** or opposite to the children's moral welfare, and that the children were under sixteen years old were exposed to these websites, that would be general intent.

The state does not have to have proven that she intended the precise harm or result which may have happened. In other words, I know this is a difficult concept here. General intent is at least an intention to make a bodily movement which constitutes an act which the crime **requires**. The behavior had to be voluntary. Was this behavior which would be accessing **websites** in question **in a** seventh grade classroom where there was pornography present likely to impair the morals of these children.

To summarize, for the defendant to be guilty of Risk of Injury to a Minor, the state must have proven beyond a reasonable doubt, once again, that at the time of the incident the victim's were under sixteen years old; that the defendant did act in a way likely to impair the morals of these children; the defendant had an intent to perform those acts.

If you find that the state has proven beyond a reasonable doubt those elements that I have described to you of Risk of Injury to a Minor, then you will find the defendant guilty.

If on the other hand, you find that the state has not proven the charges beyond a reasonable doubt, then you will find the defendant not guilty.

What a person's intention or knowledge has been is usually a matter to be determined by **inference**.

No is able to testify that they looked into another's mind and saw therein a certain purpose or intention or a certain knowledge to do harm to another.

The only way a jury can ordinarily **determine** what a person's purpose, intention or **knowledge** was at any given time, is by determining what that person's conduct was and what the circumstances were surrounding that conduct and from that infer what that intention or purpose was.

As I have said, the law is given to you by the Court. It is your duty now at this time to accept the law as given to you by the Court. This is the time for you as jurors to discuss the case among yourselves now that you have been given the law and heard the closing arguments. It is your duty to determine the facts and you apply the facts determined by you to the law given to you by **the** Court and render a verdict of guilty or not guilty.

You must consider with minds unswerved from your duty by any kind of passion or sentimentality and consider your verdict by a careful **consideration** by the facts as disclosed by the evidence and apply the case law to those facts.

The accused justly relies upon you to consider her claims and to consider carefully all the evidence and find her not guilty if the facts and

have stated them, your memory of the facts control.

Questions and objections by the lawyers.

Attorneys have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objections or the Court's ruling on that evidence.

Anything you may have seen or heard when the court was not in session, that would not be evidence. You are to decide the case solely on the evidence received at trial.

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As I told you before there are two, generally two types of evidence; direct evidence and circumstantial evidence. I am going to discuss the differences between these two.

Direct evidence of an event is the testimony of an eyewitness who comes into court and says that he saw an event happen. Circumstantial evidence of an event is the testimony of a witness, or evidence by

last analysis, it is your individual duty to make up your own mind and to decide the case on the basis of your judgment and conscience.

With that I will have you retire to the jury room. Do not begin deliberations until you have selected one of your members to be the foreperson and you receive the information and all the exhibits.

You must render a separate verdict as to each count; each of the counts of the information. Inform the judicial marshal when you have reached your verdict, but don't tell him what the verdict is. You will be asked to return to the courtroom where your foreperson will announce the verdict orally in response to questions from the courtroom clerk, and the rest of the panel will be asked if they agree with the verdict.

I will now ask that the alternate jurors do stay here in the court and the rest of you go into the back jury room where the clerk will bring in the exhibits and the information.

(Regular jurors excused)

First of all, I thank you for your attention to the case. Your willingness to serve as alternates is a vital part of this process. Although I'm going to release you now, there is still a chance that something can happen to one of the jurors before a

verdict gets reached. If that were to happen, you would be called back and they would have to start deliberations again. That is why you hear the whole jury charge right up to the point of deliberations so you will be ready to participate if that became necessary. And so you are welcome to **stá**y or go home.

I just want to thank you, and I want you to know that your role was greatly appreciated. And you have that option at this time, and I want to thank you.

I also know that we have a certificate for your participation, and the clerk will be giving that to you. Just remember, there is a chance you can be called back, so don't discuss the case with anyone or among yourselves until you have heard the verdict has been rendered.

Any questions?

THE ALTERNATE: If we stay, where would we sit?

THE COURT: It would be in the audience, or you could call later to see what happened. It's up to you. Some people like to be released, but some people do stay.

I will take a recess. There may be questions from the jury. If the jury requests to hear anything, we have to do it here in court.

MR. SMITH: I'll leave it set up.

THE COURT: But all the documents will be given to them.

MR. COCHEO: For the record, the juror in the first row, third from the right is the one that had been discussing the case.

THE COURT: Was she someone I went through and said -

MR. COCHEO: Yes, it was a man.

THE COURT: I thought you meant it was the woman. He was one I did canvass.

MR. COCHEO: Yes.

THE COURT: And I admonished regarding this?

MR. COCHEO: Yes.

THE COURT: Thank you for that information. We will stand in recess.

(Recess taken)

(Deliberation commences)

THE COURT: There was a question from the jury. Shall we bring out the jury? The question - they are requesting the written statement from the minors, but those were for identification only, and that is what I will be telling them.

(Jury returns)

THE COURT: I got your question about the written statement from the minors. Those written statements were not entered as full exhibits, they were for identification only, so they are not part of the

full exhibits that you will have with you. If there is a further question based on what I am telling you, you can ask that. That's the reason you don't have those documents because they weren't full exhibits. So you will be going by the testimony that you heard from those minors.

If you have other questions, feel free to send it out too. That's the reason.

(Deliberations Continue)

THE COURT: We have a request for a transcript of all of the minors' testimony. I don't know if that means that they want it all. You will be reading testimony. I don't know if they want all of the testimony.

(Jury returns)

THE COURT: Did you want all the minors' testimony or was there a specific person?

THE FOREPERSON: We were unclear which minor was making which charge. We were looking to have actually what they stated as what they saw.

THE COURT: What will happen, how it works is that the Court Reporter will read what she has. She has a special machine and will read the testimony of each of the minors.

A JUROR: That is going to be what the defense and the prosecutor had to say as well as what the minors said?

THE COURT: On direct is what they said they saw. Is that what you want; what they say they saw? You really only need the direct, is that what you're requesting?

A JUROR: We are looking for what they stated they saw.

(Court reporter reads back requested testimony)

MR. SMITH: For the record, I noticed that the dictation was not being taken during the read back. The defense can agree with me that the jury specifically asked for that one individual for read back, and the jury specifically asked the Court for Mr. _____ and not the other witnesses being read.

THE COURT: That's correct. Would you agree with that?

MR. COCCEO: Yes.

MR. SMITH: That **wasn't** being taken down.

THE COURT: I appreciate that.

(Deliberations continue)

THE COURT: I understand there is a verdict. ,
Bring out the jury.

(Jury return)

Editor's note: The names of minors have been redacted from the Julie Amero trial transcript by the Norwich Bulletin. The Bulletin also redacted all home addresses.

VERDICT

THE COURT: I understand we have a verdict.
Would the foreperson please identify himself or herself..

THE FOREPERSON: James Robson.

THE CLERK: Mr. Foreperson, in the ~~first~~ count charging the defendant with the crime of Risk of Injury to a child, in violation of Connecticut General Statute 53-21(a)(1), do you find the defendant guilty or not guilty?

THE FOREPERSON: Guilty.

THE CLERK: In the second count charging the defendant with the crime of Risk of Injury to a Child, in violation of Connecticut General Statute 53-21(a)(1), is the defendant guilty or not guilty?

THE FOREPERSON: Guilty.

THE CLERK: In the third count charging the defendant with the crime of Risk of Injury to a Child, in violation of Connecticut General Statute 53-21(a)(1), is the defendant guilty or not guilty?

THE FOREPERSON: Guilty.

THE CLERK: In the fourth count charging the defendant with the crime of Risk of Injury to a Child, in violation of Connecticut General Statute 53-21(a)(1), is the defendant guilty or not guilty?

THE FOREPERSON: Guilty.

THE CLERK: Your Honor, may the verdict be

accepted and recorded?

THE COURT: Yes, **it** may.

Would you like to poll the jury?

MR. COCHEO: Yes, please.

THE C L E R K : , is **it** your verdict that the defendant, Julia Amero, is a verdict— f guilty for the first count, Risk of Injury to a Child?

[REDACTED] : Yes.

THE C L E W : , is **it** your verdict that the defendant, Julia Amero, is guilty of **Risk** of Injury in four counts?

[REDACTED] : Yes.

THE CLEW: [REDACTED] , is **it** your verdict that the defendant, Julia Amero, is guilty of four counts of Risk of Injury to a Child?

[REDACTED] : Yes.

THE CLERK: [REDACTED] , is **it** your verdict that the defendant, Julia Amero, is guilty of four **counts** or Risk of Injury to a Child?

[REDACTED] : Yes.

THE CLERK: , is **it** your verdict that the defendant, Julia Amero, is guilty of four counts of Risk of Injury to a Child?

[REDACTED] : Yes.

THE CLERK: [REDACTED] , is **it** your verdict that the defendant, Julia Amero, is guilty of Four Counts of Risk of Injury to Child?

██████████ : Yes.

THE COURT: First of all, I want to thank you for your service. I will come speak to you in a minute. I will ask you to retire to the jury room briefly, and I will be there in a few minutes. Thank you very much.

(Jury excused)

THE COURT: *Mr. Smith.*

MR. SMITH: Your Honor, based on the verdict of guilty in each of the counts that were brought forward in the *information*, the State would ask at this point - obviously, I assume the defense is going to a pre-sentence investigation, and the state would ask for a pre-sentence investigation.

The state would inquire, how much is the bond?

THE CLERK: There is currently a bond in place of \$25,000 non-surety.

MR. SMITH: The state asks for the record for a bond of \$50,000, a surety bond of \$50,000. And also the state would ask that the defendant not have any contact with any children if she makes that bond.

THE COURT: *Mr. Cocheo?*

MR. COCHEO: Your Honor is aware my client has no criminal history at all. This is not a crime of violence. I would ask the Court to substantially reduce the bond so she will be at liberty.

THE COURT: All right. I think some bond is

required based on the fact that these are felony counts that each hold ten years maximum sentence. There is an exposure of forty years in jail. But the case - to my understanding the defendant has no prior record. I am going to order a bond of \$20,000 cash or surety, with no contact with ~~minor~~ children, and a pre-sentence investigation is ordered. Since it is a felony charge, I assume that is what you will want, Mr. Cocheo.

MR. COCHEO: That's correct.

THE COURT: Which is beneficial, quite frankly, to the defendant, but certainly to the Court in sentencing.

That takes a certain amount of time. What date would that be?

(Pause)

Eight weeks from today would be when sentencing would be, which is March 2. Is that all right?

MR. SMITH: Fine with the state, Your Honor.

THE COURT: Is that all right.

MR. COCHEO: Yes, Your Honor.

THE COURT: Anything further?

MR. SMITH: Nothing by the state.

I wanted to call you back on this issue. When she was polling the jury, for the first juror she only asked about one charge. We probably have to

clear that up.

THE COURT: Can't we clear that up on the record right now?

MR. COCHEO: Yes.

THE COURT: When the courtroom clerk was polling the jury, for one of them she said one ~~count~~, but it was four counts, and they all acquiesced. I don't think there is any question that that juror didn't think something other than there were three other counts.

MR. SMITH: I would note for the record as I was watching the jurors they were nodding their **heads** on all four counts, and I just would say I assume this.

THE COURT: The defense is satisfied with the polling of the jury?

MR. COCHEO: Yes.

THE COURT: Mr. Smith?

MR. SMITH: Yes. We all have an agreement that the all the jurors found the defendant guilty on all four counts.

THE COURT: True, **it** was a ministerial act **by** the clerk. No one has any doubt whether one of the jurors felt that the three counts were different, right, Mr. Cocheo?

MR. COCHEO: Yes, Your Honor.

THE COURT: Do you think your client will make the bond?

MR. COCHEO: Yes.

THE COURT: I made it a reasonable amount. I had to set something. As you said, the case is two years old; no violence. I was assuming she would make that bond that I set.

I will go into see the jurors now. 4

CERTIFICATION

I, Gail C. **Schor**, Registered Professional Reporter, do hereby certify that the within and foregoing is a true and correct transcription of the stenographic notes taken in the matter of State of Connecticut versus Julia **Amero**, heard before the Honorable **Hilary** Strackbein, a Judge of the Superior Court, Judicial of New London, at Norwich on the 5th day of January, 2007,

Dated this 8th day of February, 2007.

A handwritten signature in cursive script, appearing to read "Gail C. Schor".

Gail C. Schor, CSR
Registered Court Reporter