

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.

JANUARY 3, 2007

DOCKET NUMBER CR-04-93292 : SUPERIOR COURT
STATE OF CONNECTICUT : NEW LONDON JUDICIAL DISTRICT
VS. : AT NORWICH - GA 21
JULIE AMERO : JANUARY 3, 2007

BEFORE:

THE HONORABLE HILLARY B. STRACKBEIN, JUDGE,

AND JURY OF SIX

APPEARANCES:

For the State of Connecticut:

STATE'S ATTORNEY'S OFFICE
One Courthouse Square
Norwich, Connecticut 06360

BY: DAVID SMITH, ESQUIRE

For the Defendant:

JOHN F. COCHEO, ESQUIRE


Gail C. Schor, RPR
One Courthouse Square
Norwich, Connecticut 06360

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5

WITNESS

PAGE

Scott Fain

15

Matthew Napp

31

Jennybeth Whitaker

50

Robert Hartz

60

Michael Belair

95

(child)

101

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1 THE COURT: Any preliminary matters before we
2 bring in the jury?

3 MR. COCHEO: For the record, I would like to
4 have it be noted that I advised my client. She has
5 decided that she wants us to go forward with the
6 trial.

7 THE COURT: That is her right.

8 Also, there is a motion here that is being
9 withdrawn without prejudice, is that correct?

10 MR. COCHEO: Yes, Your Honor.

11 MR. SMITH: For the record, the state has
12 filed a substitute information bringing the counts
13 down from ten counts to four counts.

14 THE COURT: Right.

15 MR. SMITH: I believe she has been put to plea
16 on the other ones. Just to be safe, I would ask
17 that she be put to plea on the substitute
18 information.

19 THE CLERK: Docket Number CR-0493292, Julie
20 Amero, this information charges you with Risk of
21 Injury to a Child in violation of Connecticut
22 General Statute 53-21(a)(1). How do you plead,
23 guilty or not guilty?

24 MS. AMERO: Not guilty.

25 THE CLERK: There's also a Count Two, risk of
26 injury to a child, in violation of Connecticut
27 General Statute 53-21(a)(1), how do you plead,

1 guilty or not guilty?

2 MS. &MEW: Not guilty.

3 THE CLERK: Count three, n violation sf
4 Connecticut General Statute 53-21(a)(1), how do you
5 plead?

6 MS. AMERO: Not guilty.

7 THE CLERK: Count Four, in violation of
8 Connecticut General Statute 53a-21(a)(1), how do
9 you plead?

10 MS. AMERO: Not guilty.

11 MR. SMITH: At this time, the state would
12 invoke the rule of sequestration. The state has
13 spoken to defense counsel. The rule of
14 sequestration is to have witnesses not speak about
15 the case, however, the defense does have an expert
16 witness. The state does not have an objection to
17 the expert witness being present when the state
18 presents evidence by its two witnesses,
19 specifically concerning the computers which would
20 be Mr. Hartz and Detective Lounsbury.

21 THE COURT: Is that by agreement?

22 MR. COCHEO: Yes, Your Honor.

23 THE COURT: Other witnesses are currently
24 sequestered?

25 MR. SMITH: My witnesses are. My
26 understanding, I will go out there to make sure
27 they don't speak. I believe the expert witness is

1 here. ~~There's~~ no objection, except for the expert
2 testimony. I told them who those two witnesses
3 would be previously.

4 MR. COCHEO: As I understand it, at this point
5 in time, he should remove himself from the
6 courtroom until the experts are called.

7 MR. SMITH: Yes. I will take him out, point
8 out my expert witnesses so he can follow them in,
9 and I will make sure my witnesses don't speak about
10 the case.

11 May I have one minute?

12 THE COURT: Yes.

13 (Pause)

14 MR. SMITH: Thank you, Your Honor.

15 THE COURT: You may bring in the jury

16 Good morning, ladies and gentlemen. The
17 clerk will administer an oath to you now.

18 (Whereupon the regular jurors were sworn in)

19 ([REDACTED], [REDACTED], [REDACTED],
20 [REDACTED], [REDACTED], [REDACTED])

21 (Whereupon alternate jurors were sworn)

22 ([REDACTED], [REDACTED])

23 THE COURT: All right, ladies and gentlemen.
24 Before we start taking evidence in the case, I will make
25 some introductory remarks. The purpose of these remarks
26 at this point is to generally acquaint you with some of
27 the legal principles which will control your deliberations

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1 in this matter. I don't intend these remarks to be a
2 substitute for the detailed instructions of the law which
3 I will give to you at the end of the trial, rather I hope
4 you will find these remarks helpful as you sit and hear
5 the evidence in the case.

6 As you know, this is a criminal case which has been
7 commenced by the State of Connecticut against the
8 defendant, Julie Amero. While at times I may refer to Ms.
9 Amero as the defendant or the accused, I am talking about
10 the same person.

11 The defendant has been charged in what is now a
12 substitute information which reads as follows, Assistant
13 State's Attorney David J. Smith accuses the defendant,
14 Julia Amero, now or formerly of [REDACTED],
15 Windham, Connecticut, of the crime of risk of injury to a
16 Minor, in violation of Connecticut General Statute Section
17 53-21(a) (1) and charges that on or about October 19th,
18 2004, in the City of Norwich, the defendant did wilfully
19 and unlawfully cause a child under the age of sixteen
20 years to be placed in such a situation that the morals of
21 said child were likely to be impaired.

22 Count Two. Assistant State's Attorney David J.
23 Smith accuses the defendant, Julia Amero, now or formerly
24 of [REDACTED], Windham, Connecticut, of the
25 crime of risk of injury to a Minor, in violation of
26 Connecticut General Statute Section 53-21(a) (1) and
27 charges that on or about October 19, 2004, in the City of

1 Norwich, the defendant did wilfully and unlawfully cause a
2 child under the age of sixteen years to be placed in such
3 a situation that the morals of said child were likely to
4 be impaired.

5 Count Three. Assistant State's Attorney David J.
6 Smith accuses the defendant, Julia Amero, now or formerly
7 of [REDACTED], Windham, Connecticut, of the
8 crime of Risk of injury to a Minor, in violation of
9 Connecticut General Statute Section 53-21(a)(1) and
10 charges that on or about October 19th, 2004, in the City
11 of Norwich, the defendant did wilfully and unlawfully
12 cause a child under the age of sixteen years to be placed
13 in such a situation that the morals of said child were
14 likely to be impaired.

15 Count Four. Assistant State's Attorney David J.
16 Smith accuses the defendant, Julia Amero, now or formerly
17 of [REDACTED], Windham, Connecticut, of the
18 crime of Risk of Injury to a Minor, in violation of
19 Connecticut General Statute Section 53-21(a)(1) and
20 charges that on or about October 19th, 2004, in the City
21 of Norwich, the defendant did wilfully and unlawfully
22 cause a child under the age of sixteen years to be placed
23 in such a situation that the morals of said child were
24 likely to be impaired.

25 You should clearly understand that the information
26 in the document I just read to you is not evidence in the
27 case. As I mentioned before, it is merely the formal

1 manner **of** accusing a person of a crime, of bringing them
2 to trial. You must not consider **it** evidence of any guilt
3 or draw any inference of guilt just because **the** defendant
4 has been arrested and charged.

5 Each charge against the defendant is set out on the
6 information in a separate paragraph or count, and each
7 offense charged must be considered separately by you in
8 deciding the guilt or innocence of the defendant.

9 The trial proceeds in the following manner. First,
10 the state will introduce evidence from its witnesses in
11 support of the charges contained in **the** information.
12 After the state has presented its evidence, the defendant
13 may present evidence on her behalf, but **it** is not obliged
14 to do so. The law does not require an accused to prove
15 her innocence or produce any evidence. If the defendant
16 does present evidence, the state may then present further
17 or what is called rebuttal evidence.

18 At the conclusion of the evidence, each party has
19 an opportunity to present oral argument in support **of** its
20 case. The state has the right to make two arguments, the
21 opening and closing arguments, and the defendant may make
22 one argument. The reason the state has the right to make
23 two arguments as against one for the defendant is that **the**
24 law imposes on the state the burden of proving the
25 defendant guilty beyond a reasonable doubt, therefore, **it**
26 gives the state the right to make both the opening and
27 closing arguments.

1 You should understand that the arguments of
2 counsel, both closing and any arguments made during the
3 trial to the Court in connection with the questions of law
4 are not considered evidence in the case. Arguments during
5 the trial are intended to assist the Court in ruling on
6 points of law, and closing arguments are intended to
7 assist you in understanding the evidence and the
8 contention of the parties in this case.

9 Finally, at the conclusion of all the evidence and
10 the arguments of both sides, I will instruct you in detail
11 as to the principles of law which you are to apply during
12 the deliberations when you retire to consider the verdict.
13 Your verdict must be unanimous.

14 I want to discuss briefly the different functions
15 you and I have. My responsibility is to conduct the trial
16 in an orderly, fair and efficient manner, to rule on the
17 questions of law that arise during the trial and to
18 instruct you as to law which applies to this case. It's
19 your duty to accept the law as the Court states it to you.

20 Your function, the function of the jury is to
21 determine the facts. You're sole and exclusive judges of
22 the facts, and you alone will determine the weight, the
23 effect and value of the evidence as well as credibility or
24 believability of the witnesses.

25 You must consider and weigh all the testimony of
26 all the witnesses who appear before you, and you alone are
27 to determine whether to believe any witness and the extent

1 to which any witness may be believed.

2 It's your responsibility to resolve any conflict in
3 testimony which may arise during the course of the trial
4 and to determine where the truth lies.

5 You are entitled in the course of evaluating the
6 evidence to draw any and all inferences which you find
7 reasonable and logical from the evidence you hear. You
8 may consider all of the evidence that is properly admitted
9 in the case. The evidence includes the sworn testimony of
10 witnesses, exhibits which are admitted into evidence,
11 facts of which the Court may take judicial notice and
12 facts stipulated to or agreed upon by counsel.

13 What is an exhibit? An exhibit is a document or a
14 thing which is used or introduced in a trial. There are
15 two kinds of exhibits; exhibits for identification and
16 full exhibits. An exhibit for identification is an
17 exhibit which is marked for identification only. But ^{it}it
18 may be referred to in one way or another during the trial,
19 but not considered evidence. It's not until an exhibit
20 becomes a full exhibit that it becomes evidence in the
21 case. At that time, it may be read or shown to you, and
22 in any event, you would have a full exhibit with you in
23 the jury room when you are deliberating.

24 It might be during the trial certain facts will be
25 established by what is called judicial notice or by
26 stipulation or agreement without the necessity of ~~formal~~
27 proof by evidence. When that happens, I will say

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1 something to you like ladies and gentlemen, you may take
2 it as a fact, without the necessity of formal proof that
3 such and such is a fact.

4 For example, I might take judicial notice of the
5 fact that August 9th of 1983, for example, was a Friday,
6 without the necessity of someone taking the stand and
7 testifying with a calendar.

8 During the trial counsel on either side may object
9 where the other side offers testimony or evidence which
10 counsel believes is not admissible. It is the
11 responsibility of counsel to object to evidence which he
12 believes is not admissible, and you should not be
13 prejudiced in any way against a lawyer who makes such an
14 objection.

15 Also, during the course of the trial, the Court
16 will sustain objections by one attorney to a question
17 asked by another. When that happens you should disregard
18 the question and you must not speculate as to what the
19 answer would have been.

20 Also, if any testimony is ordered stricken, you
21 should disregard that testimony and must not give it any
22 weight in your deliberations.

23 There may come times, for example, during the trial
24 when a question will be asked and the answer given which
25 you would hear before an objection could be made, and I
26 might sustain an objection and order that testimony
27 stricken. In that case, I will turn to you and order you

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1 to disregard what you've heard. I'm asking you to do what
2 may be psychologically difficult to do, but you will have
3 to do your best to accomplish, which is to create in your
4 mind a separate compartment of things which are not
5 considered evidence and put in that compartment what you
6 heard and not consider it during the course of
7 deliberation if I tell you not to consider it as evidence.

8 Also, at some point during the trial I may ask you
9 to retire to the jury room while a point of law is
10 discussed by the Court and counsel, and you shouldn't
11 resent that procedure but understand you're being asked to
12 leave the room only so that that dispute or point of law
13 may be resolved without the danger of you hearing what
14 might be inadmissible evidence or hearing legal argument
15 which could be confusing. We try to keep these instances
16 to a minimum, but they do happen, and I urge you to be
17 understanding.

18 During the course of the trial, I will occasionally
19 ask witnesses questions in order to bring out facts not
20 completely covered in testimony. Don't assume I hold any
21 opinion in the matter myself, you the jurors are to
22 disregard any comments of the Court. You are to decide
23 the case on the evidence presented in this case.

24 If this case is reported in the news media, you
25 must disregard any newspaper, radio, television or other
26 media reports of what you may see or hear. And if by
27 inadvertence such news reports come to your attention, you

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1 should immediately put it aside and direct your attention
2 elsewhere

3 Finally, until this case is submitted to you at the
4 conclusion of the Court's final instruction, you must not
5 discuss it with anyone, not with members of your family or
6 even your fellow jurors. You must not permit anyone to
7 discuss the case with you.

8 After it's submitted to you, you must discuss it
9 only in the jury room and in the presence of your fellow
10 jurors, and there are several important reasons for this.
11 Why must you not discuss the case with anyone who is not a
12 member of the jury? Because you must decide the case on
13 the basis of what you see and hear in the courtroom. And
14 if you discuss the case with someone else, that person
15 will not have seen and heard the evidence, and therefore
16 your verdict could be the result of conversations beyond
17 the evidence in the case.

18 Why must you not discuss the case even amongst
19 yourselves until the case is over? Because it's a fact of
20 human nature that if someone expresses an opinion on the
21 case without having heard all the evidence and argument
22 and legal instruction, it may be harder for that person to
23 change his opinion later even though evidence or argument
24 is presented which you should in reason cause them to
25 change their mind.

26 And why must you then discuss the case only in the
27 jury room in the presence of all the jurors? Because it's

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1 important that your verdict be the product of the
2 collective judgment, insight and wisdom of all of you, and
3 if you discuss the case with only three or four of your
4 fellows, the others will not have the benefit of that
5 judgment.

6 At this point, the state will proceed and the state
7 may call its first witness.

8 MR. SMITH: The state would call Scott Fain.

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1 S C O T T F A I N , Principal of Kelly Middle
2 School, [REDACTED], [REDACTED], [REDACTED], having been
3 called as a witness on behalf of the state, after having
4 been duly sworn was examined and testified as follows:

5 DIRECT EXAMINATION BY MR. SMITH:

6 Q Mr. Fain, I am going to ask you a few questions. I
7 will ask you to speak up. That microphone isn't turned
8 on. It won't amplify. I would ask you to direct your
9 answers to the jury. Okay?

10 A Okay.

11 Q First off, Mr. Fain, you said you are currently
12 employed as a principal?

13 A Yes.

14 Q At Kelly Middle School?

15 A Yes.

16 Q How long have you been the principal at Kelly
17 Middle School?

18 A This is my fifth year at Kelly.

19 Q Okay. Is it fair to say then in 2004, you were the
20 principal at Kelly Middle School?

21 A That's correct.

22 Q Were you acting in the capacity as the principal at
23 Kelly Middle School on or about October 19th, 2004?

24 A I was.

25 Q As part of your duties as a principal, did you
26 interact with various teachers and substitute teachers?

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1 A I do.

2 Q Okay. Let me go right to the meat of the matter
3 and take you to the date in question, October 19th, 2004.
4 Do you recall on that day -- I should put it this way.
5 Let me go to a date after October 19th, 2004, maybe within
6 a week. Do you recall coming to your attention any
7 incident that may have happened by a substitute teacher in
8 Mr. Napp's class?

9 A Yes. It was October 20th.

10 Q Is when you learned of it?

11 A Correct.

12 Q Let me go back. Mr. Napp is who?

13 A We is a seventh grade language arts teacher at
14 Kelly.

15 Q Okay. And to your knowledge on October 19th, was
16 Mr. Napp in the building?

17 A He was either being trained or working on some kind
18 of writing prompts, which are tests. And he could have
19 been in the building, but he was not in that classroom.

20 Q To your knowledge, he was not teaching his regular
21 class?

22 A Correct.

23 Q And what type of class is that, do you recall, was
24 it a language arts class?

25 A Yes. Seventh grade language arts.

26 Q Approximately what is the age group of the kids in
27 the Kelly Middle School seventh grade class?

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1 A Twelve to thirteen years old.

2 Q To your knowledge at that time, were any of the
3 kids sixteen years old or older?

4 A There would have been no students in ~~the~~ room
5 sixteen years or older.

6 Q They would have been all in the thirteen range,
7 twelve to thirteen?

8 A Maybe fourteen years old.

9 Q Some were in that area, correct?

10 A Yes.

11 Q You said, let me ask you this, have you ~~had~~ contact
12 with an individual named Julie Amero?

13 A Yes, I have.

14 Q ~~How~~ did you have contact with Ms. Amero?

15 A She ~~was~~ a substitute teacher at Kelly prior to
16 that. She subbed in the building several times.

17 Q Okay. Was ~~Ms.~~ Amero to your knowledge a substitute
18 teacher on October 19th, 2004?

19 A She was.

20 Q Which classroom did she substitute in?

21 A She substituted for Mr. Napp on the 19th.

22 Q October 19th, correct?

23 A Correct.

24 Q Do you see ~~Ms.~~ Amero in the courtrooxn today?

25 A I do.

26 Q Could you please point at her and tell me the color
27 of her shirt?

1 A She has a black or dark blue shirt on.

2 MR. SMITH: We would ask for the in-court
3 identification.

4 THE COURT: The witness has identified the
5 defendant.

6 MR. SMITH: Thank you.

7 MR. SMITH CONTINUING:

8 Q So on October 19th, 2004, did you hear on that
9 date, hear anything of interest happening in the school
10 specifically concerning Ms. Amero?

11 A I did not on the 19th, no.

12 Q Did anybody, specifically Ms. Amero, come to speak
13 to you about anything going on in her classroom?

14 A I don't believe she came to me on the 19th, no.

15 Q So you specifically didn't talk to her about
16 anything?

17 A I don't believe so, no.

18 Q Subsequent to that, meaning after the 19th,
19 obviously, did you learn that something of interest had
20 happened while she was substituting in that class?

21 A Yes.

22 Q Okay, Without telling us what you specifically
23 learned, the communications, how did you learn about this?

24 A I got an e-mail, received an e-mail, electronic
25 mail from the teacher, Mr. Napp.

26 Q Okay. And in that e-mail, he communicated
27 information to you?

1 A Correct.

2 Q And when was this, approximately?

3 A It was the first thing in the morning, I believe.
4 In the morning of the 20th.

5 Q The day after the incident?

6 A Yes.

7 Q But prior to that you never heard anything about
8 it, correct?

9 A Yes. That's correct, I believe.

10 Q During the course of the day of the 20th or so, did
11 you learn more information about what was going on?

12 A I did.

13 Q How did you learn that information?

14 A Well, the first chunk of information after reading
15 the e-mail was I went with Mr. Napp to his classroom where
16 he proceeded to pull up the history of the computer from
17 the previous, the day before kind of thing.

18 Q From the 19th?

19 A Correct.

20 Q That would be the date the defendant was
21 substituting in the class, correct?

22 A Yes.

23 Q What type of information was being pulled up by Mr.
24 Napp an his computer?

25 A Well, the alarming parts were, could be classified
26 as pornography, multiple pictures of naked men and women
27 that were obviously alarming.

1 Q I'm going to delve in a little bit more. Some of
2 the pornography was it explicit pornography, explicit
3 meaning naked people on a school computer?

4 A Yes. It appeared to be of a sexual nature, yes.

5 Q Engaging in sexual acts, some of them?

6 A Some were, some ~~were~~ simply nude poses.

7 Q Based on -- and you saw that on the computer,
8 correct?

9 A Correct.

10 Q Based on that, what did you do?

11 A Well, I listened to Mr. Napp explain his concern.
12 At that time, he was a first-year teacher and he was very
13 upset thinking he might be in some difficulty. I also
14 listened to him tell me that the way he found out about
15 what occurred was via --

16 MR. COCHEO: Objection, Your Honor, hearsay.

17 THE WITNESS: Was a student.

18 MR. SMITH: I don't think that is hearsay.

19 We are not going for what was in a communication,
20 just how he learned the communication.

21 MR. CDCHEO: Objection withdrawn.

22 THE COURT: How he learned about it.

23 MR. SMITH CONTINUING:

24 Q We will go back. You said Mr. Napp learned
25 initially about what was happening by what reason?

26 A By a **student** commenting to him via e-mail and to
27 him personally.

1 Q Okay.

2 A I reviewed the data and then I did speak to Ms.
3 Amero about it.

4 Q At some point after the 19th -- either on the 20th
5 or after the 20th, you actually spoke to Ms. Amero?

6 A She was subbing in the building the next day, on
7 the 20th.

8 Q Did you have her come into your office?

9 A I did.

10 Q Let me break this up in context. Had she subbed
11 prior to the 19th?

12 A Yes.

13 Q Without going into the specifics of what she was
14 doing, had you talked to her about the Internet policy,
15 her actions as to the Internet prior to that?

16 A Yes. Approximately two to three weeks, maybe a
17 month before I had had some concerns from some of the
18 teachers sharing that, you know, not actively teaching
19 class.

20 Q I don't want to go into the specifics. Did you
21 have a conversation with her about the school policy on
22 accessing the Internet?

23 A I think, yes, I would have said to her something
24 along the lines that she needed to be up teaching a class
25 and not using the computer to great excess.

26 Q She was informed at some point she wasn't to use
27 the computer or surfing to excess?

1 A To excess. We do provide some levels of use. It's
2 acceptable to check one's personal e-mail from home.

3 Q I understand that. You had a conversation with her
4 prior specifically about accessing the Internet
5 excessively as you put it?

6 A Yes.

7 Q And was she informed of what the computer is
8 supposed to be used for in school?

9 A Yes. I would believe so, yes.

10 Q Let me jump back to -- and that was before the
11 19th, correct?

12 A Yes. It would have been probably some time in
13 early October, maybe late September.

14 Q Let me jump back to October 20th when you had her
15 come into your office, do you recall having a conversation
16 with her concerning the incident that happened?

17 A Yes.

18 Q And what was that -- first off, what did you talk
19 to her about?

20 A I expressed to her that there was some concerns
21 over the use of the computer on the previous day, and I
22 told her that I had gone up and looked into the computer's
23 history and that there was pornographic images on the
24 computer.

25 Q Did she talk to you about what had happened as to
26 why these pornographic images may be on the computer?

27 A Yes. She expressed that she had not accessed those

1 pornographic images. She did make some reference to other
2 students in the class having used the computer and
3 attempting to explain that that is what occurred, some
4 students had accessed it.

5 Q Did she give you any reason, other reason as to
6 why this pornography would be on the computer on that
7 date?

8 A Other than students possibly and then just
9 inexplicitly that the images were popping up throughout
10 the day, no.

11 Q Okay.

12 A But those were the two explanations she gave me
13 that students had used the teacher's computer throughout
14 the day or at varying points in the day and she didn't
15 know why, but they continued to pop up and she was trying
16 to shut them down.

17 Q Did she ever come to you on the 19th to tell you
18 that was happening?

19 A She did not. To my recollection, she did not.

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

21 THE COURT: Yes.

22 MR. SMITH CONTINUING:

23 Q I am going to show you what has been premarked as
24 State's Number 3 for Identification purposes only at this
25 point. Could you look through that packet please.

26 A I know what it is.

27 Q Without telling us what is in it, could you hold it

1 up?

2 A Yes.

3 Q Without telling us what is in that packet, could
4 you tell us what **it** is?

5 A Those are class lists, computer-generated class
6 lists from our student data system, Star Base, which lists
7 all the classes and the corresponding times. There are my
8 personal notes on those in addition to one of my
9 secretary's notes that corresponds to the time sheets to
10 those classes.

11 Q Did you normally in the course of your employment
12 as a principal, did you have access to this information?

13 A Yes.

14 Q Did you actually access this material in relation
15 to getting information about this case?

16 A I had my secretary do **it**. I did not, but I did
17 have my secretary do **it**. That is why you see her notes **at**
18 the time over what the time sheets were.

19 Q Did you provide that information to the police?

20 A I did.

21 Q Does one of that packet -- does that look like a
22 fair and accurate representation of the information that
23 was pulled up from the school computer from that day?

24 A That is.

25 MR. SMITH: At this point, I would ask that
26 **it** be entered as a full exhibit.

27 MR. COCHEO: No objection, Your Honor.

1 THE COURT: All right. State's Exhibit 3.

2 (State's Exhibit 3 is marked into evidence)

3 MR. SMITH CONTINUING:

4 Q Kelly Middle School is located in Norwich,
5 Connecticut?

6 A That's correct.

7 MR. SMITH: No further questions at this
8 point.

9 MR. COCHEO: Could I have a moment, Your
10 Honor.

11 THE COURT: Yes.

12 CROSS EXAMINATION BY MR. COCHEO:

13 Q Good morning, Mr. Fain.

14 A Good morning.

15 Q Did you hear Ms. Amero state that she was having
16 any problems in her classroom on the computer on October
17 19th?

18 A On October 19th, did she approach me is your
19 question?

20 Q Yes.

21 A I can't recall that. She did offer that as her
22 explanation on the 20th that students were using the
23 computer inappropriately and students had been in the room
24 inappropriately

25 Q Do you know if she told any other teacher or staff
26 member that she was having problems?

27 MR. SMITH: Objection, Your Honor,

1 speculative.

2 THE COURT: Well, if he knows, he can answer.

3 THE WITNESS: Yes. It was reported to me
4 later by the assistant --.

5 MR. SMITH: Objection. This is based on
6 hearsay.

7 THE COURT: The objection would be hearsay.
8 That's sustained.

9 MR. COCHEO CONTINUING:

10 Q Did you have any problems before with students
11 looking at pornography on the computer?

12 MR. SMITH: Objection, irrelevant.

13 THE COURT: Sustained.

14 MR. COCHEO CONTINUING:

15 Q Has any student or staff member complained about
16 pop-ups?

17 MR. SMITH: Objection, irrelevant.

18 THE COURT: Well, I think if the question
19 were framed about that classroom, in that
20 classroom, I would overrule the objection.

21 MR. COCHEO CONTINUING:

22 Q In that specific classroom?

23 A Specifically over pop-ups?

24 Q Yes.

25 A No.

26 Q Okay. What was your relationship like with Ms
27 Amero?

1 A **She** was a substitute in the building. She had
2 subbed approximately seven to eight times over the time.
3 If you want me to define the relationship, she was a
4 reasonably good sub. I had spoken to her in the past
5 about being more active monitoring and working around the
6 room as opposed to sitting.

7 Q She was basically a good teacher?

8 A She was a good sub, yes.

9 MR. COCHEO: Thank you very much.

10 THE COURT: Redirect?

11 MR. SMITH: Yes.

12 REDIRECT EXAMINATION BY MR. SMITH:

13 Q You indicated that, he brought up, I should say,
14 about her maybe speaking to other people; you **don't** know
15 whether she spoke to other people, you weren't there?

16 A I was not, but **it** was reported to me by other
17 people --

18 Q Other people said that she talked to other people?

19 A Yes.

20 Q The **information** you may have is obviously from a
21 third party, correct, concerning what she said?

22 A Yes.

23 Q Do you know whether she said this information,
24 whatever **it** was, on the day in question or was **it** after^u
25 the infarmation had come to light that there was questions
26 about her use of the computer?

27 A There were two sources that I heard from. Do **you**

1 want me to elaborate on this?

2 Q Let me put it in this frame. Do you know? You may
3 or you may not. Do you know whether the information the
4 defendant provided concerning what was happening, whether
5 she made that communication before or after it had come to
6 light that children had allegedly seen these pornographic
7 images?

8 A I believe -- I am sorry, I am trying to get this
9 out. The assistant principal shared with me after the
10 fact that she had complained to her that some students
11 were in the room and she kind of had to run them out of
12 the room. They were in there without permission.
13 Additionally, the music teacher shared with the assistant
14 principal --

15 Q I understand.

16 A -- that Ms. Amero had shared the same thing, and
17 she was advised to go see me or the assistant principal,
18 and the assistant principal did inform me that she spoke
19 to her. I was only informed of this after the fact, after
20 this all came to light.

21 Q I understand that. What I am trying to get at is
22 obviously without trying to go into what was said that is
23 in already --

24 A Yes.

25 Q -- did she communicate this information before or
26 do you know, before it came to light that she was allowing
27 or the kids were seeing the pornographic images or was it

1 after it came to light or do you not know?

2 A I guess I don't know. It was reported some time on
3 the 19th that she made these statements.

4 Q To your knowledge -- it could be, let me put it
5 this way. To your knowledge after the kids saw the
6 pornographic images, were rumors starting to spread around
7 the school concerning this?

8 A On the 20th.

9 Q And to your knowledge, it is the 20th, correct,
10 that the rumors started?

11 A Yes.

12 Q To your knowledge, do you know whether rumors were
13 starting on that same day, the 19th?

14 A Not to my knowledge.

15 Q Okay. But you don't know whether this, this
16 information she communicated to the various people was
17 made in response because it actually happened or because
18 she thought the rumors were spreading or things were
19 spreading concerning her?

20 A I don't.

21 MR. COCHEO: Objection, asked and answered.

22 He said he didn't know.

23 THE COURT: That's fine. He said he didn't.

24 Any recross?

25 RECROSS EXAMINATION BY MR. COCHEO:

26 Q Mr. Fain, you were told about this incident the day
27 after it happened, is that correct?

1 A That's correct.

2 Q You don't know if any rumors were spread before
3 that?

4 A That's correct.

5 Q So you're not aware if Ms. Amero went to anybody
6 about this incident on the date, the 19th?

7 A Could you repeat the question?

8 Q You're not aware if Ms. Amero went to anybody on
9 the day, the 19th, these incidents act-ually occurred?

10 A No, I don't know when she went to the assistant
11 principal and to the music teacher conclusively. It was
12 some time before it came to my attention though.

13 MR. COCHEO: Okay. Thank you very much
14 Thank you, Your Honor.

15 MR. SMITH: No further questions.

16 'THE COURT: You may step down. Thank you
17 very much.

18 MR. SMITH: The state would call Matthew Napp.

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 MATTHEW GERARD NAPP,
2 [REDACTED], , called as a witness on
3 behalf of the state, having been duly sworn by the clerk,
4 was examined and testified as follows:

5 DIRECT EXAMINATION BY MR. SMITH:

6 Q Mr. Napp, is it Matthew Napp?

7 A Yes.

8 Q Mr. Napp, I'm going to ask you a few questions. I
9 will ask you to speak loudly. That microphone is not
10 amplifying, it's not even on, as a matter of fact.

11 I ask when you make your answers, please direct
12 them to the jury. Okay?

13 A Yes.

14 Q How are you currently employed?

15 A I'm a seventh grade English teacher, language arts
16 teacher at Kelly Middle School.

17 Q Is that your first job as a teacher?

18 A Yes. I've been there for three years.

19 Q And you started there, obviously, it was your first
20 job out of college, correct?

21 A Not straight out of college, out of the master's
22 program I did.

23 Q Okay. Your first job, a teaching job?

24 A Yes. First teaching job.

25 Q Would it be fair to say on October 19th, 2004, you
26 were employed at Kelly Middle School as a teacher?

27 A Yes.

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1 Q And you were teaching what grade?

2 A I was teaching seventh grade.

3 Q Okay. In seventh grade language arts classes,
4 correct?

5 A Yes.

6 Q On October 19th, on or about that date, do you
7 recall whether you were working in your classroom on that
8 day?

9 A I was not in the classroom. I was learning to
10 score standardized testing. I was in the district, but I
11 was out of the building.

12 Q So you had to take classes to learn how to --

13 A It was training.

14 Q Teacher training?

15 A Yes.

16 Q Let me ask you this, at any point during that day
17 did you actually go to your classroom?

18 A No, I did not. Well, in the morning I stopped in
19 to make sure my lessons were set up for the substitute for
20 that day. It was the first time I was out.

21 Q The first time you had been out of the class?

22 A Yes, out of the classroom.

23 Q A little nervous, your first time?

24 A Yes.

25 Q You go into the classroom, what time did you get
26 there in the morning?

27 A About 7:30.

1 Q And what were you doing in the classroom at this
2 point in time?

3 A I was making sure the work was set out for the
4 kids, it was out in the front there for the substitute,
5 any plans, seating charts, things like that. And I turned
6 the computer on to check the lunch menu, and just in case
7 for attendance, because we use a program on the computer
8 for daily attendance.

9 Q Okay. In your classroom, what are the approximate
10 ages of the children in your classroom?

11 A They can range anywhere from eleven to fifteen.'

12 Q Any sixteen-year-olds to your knowledge in your
13 classroom?

14 A No.

15 Q On October 19th?

16 A No.

17 Q Or around that time, I should say?

18 A No.

19 Q So when you signed up onto your computer, you
20 logged in, correct?

21 A Yes.

22 Q And a screen popped up, Windows and that stuff,
23 correct?

24 A Yes.

25 Q Were there any pop-ups of interest on the computer
26 when you logged in?

27 A No. The normal start up, just a plain desktop.

1 Q And no pop-up ads for travel?

2 A No.

3 Q Pornography?

4 A NO.

5 Q At ~~some~~ point, you are there until approximately
6 when?

7 A About ten after 8:00, quarter after 8:00.

8 Q Okay. And as you are there in the morning, do the
9 kids start to file in?

10 A They ~~come~~ in around 8:00 o'clock.

11 Q They are filing in the classroom at 8:00 o'clock,
12 correct?

13 A Yes

14 Q Let me step back a second, is it your custom to
15 allow your students to come up to your computer and use
16 that computer?

17 A Not at all.

18 Q How is your classroom set up specifically in
19 relation to the use of the computers?

20 A There are six student computers that they can use
21 and only use during projects, whether it was research or
22 anything to type out a paper, but I would monitor as the
23 Internet is restricted to only students who sign an
24 agreement from them and their parents that they talked
25 about how to use the Internet, and they can use it
26 appropriately.

27 Q To your knowledge, had you ever allowed children,

1 students, I should say, to use your computer to surf the
2 Internet?

3 A No, never.

4 Q On the day in question when you logged in initially
5 and you were there until approximately 8:10, 8:15, you
6 said?

7 A Correat.

8 Q Did you ever sign into the Internet?

9 A I didn't sign into the Internet, I did my e-mail,
10 which is kind of connected to the Internet.

11 Q I understand that. You logged onto your e-mail,
12 you downloaded your information. When you were
13 downloading information, your e-mails, did you ever get
14 any pop-up ads specifically related to pornography?

15 A No. The e-mail program is completely separate from
16 the Internet.

17 Q When is the last time you accessed the Internet on
18 that computer prior to October 19th?

19 A I can't recall exactly. I might have used it the
20 day before.

21 Q Let me ask you in this way, the last time you
22 accessed the internet, do you recall any pop-up
23 pornographic ads popping up on your computer?

24 A Not at all.

25 Q Okay. Do you remember any pornographic images
26 coming up through the Internet on any space on your
27 computer?

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1 A No.

2 Q On the day in question, October 19th, 2004, as far
3 as you know, you were not getting pornographic images just
4 randomly on there coming up to your computer, correct?

5 A No.

6 Q Now, let's go forward a little bit to approximately
7 8:00 o'clock when the kids started to come in, correct?

8 A Yes.

9 Q Is this a homeroom class?

10 A Yes.

11 Q Homeroom kids start coming in the seventh grade
12 classroom?

13 A Yes.

14 Q They all start coming in, filing in. At any point,
15 do you allow the kids to come up and access your computer?

16 A No, definitely not during homeroom.

17 Q At some point does a substitute teacher come in?

18 A Yes. As the kids were coming in.

19 Q So the kids are already in the classroom, correct?

20 A They are either at their locker or coming in the
21 homeroom.

22 Q Either right outside the classroom or inside?

23 A Yes.

24 Q There were children already inside the classroom or
25 inside the --

26 A Yes.

27 Q -- There were children already in the classroom,

1 correct?

2 A Yes.

3 Q When the substitute came in?

4 A There were a few.

5 Q A few.

6 A Maybe two.

7 Q And more than one come in as it's happening,
8 correct?

9 A Correct.

10 Q If you had the opportunity, would you recognize
11 that substitute teacher that came in?

12 A Probably not. It was very brief, and it was here
13 are the lessons. Because I was running late to where I
14 needed to be for the day.

15 Q If I'm going to ask you to look around the
16 courtroom and see if you could identify that person, you
17 might not be able to, correct?

18 A Correct.

19 Q I will ask you to do so anyway and point that
20 person out by the color of their shirt.

21 A I can't.

22 Q That's fine.

23 And the interaction you had with this substitute,
24 was it a male or female substitute?

25 A I believe it was female.

26 Q The interaction you had with the female substitute
27 occurred over how long?

1 A Maybe two minutes.

2 Q Okay. And you gave her the **information**, correct?

3 A Correct.

4 Q While you were there, **the kids** in the class were
5 filing in and the substitute was there, any kids had gone
6 on the computer?

7 A No.

8 Q Approximately what time did you leave?

9 A About **8:15**.

10 Q And what time did classes start?

11 A Homeroom ends about **8:15**, and they have a minute to
12 get to their next class, **8:16**. Eight-fifteen they should
13 be shifting, depending on the announcements and late
14 buses.

15 Q From the time you got there in the morning through
16 the first homeroom, to the time you left, any of the kids
17 access your computer?

18 A No.

19 Q Anybody that you know, yourself included, access
20 the Internet?

21 A No.

22 Q To your knowledge at any point did ads or images or
23 various pornographic web pages start popping up on **your**
24 computer?

25 A No.

26 Q And then **you** left, correct?

27 A Yes.

1 Q And you went to your training?

2 A Right.

3 Q At some point on October 19th, 2004, did you learn
4 information about what may have occurred in your
5 classroom?

6 A That night. Earlier in the year, I had given the
7 kids as a way of extra contact my screen name for instant
8 messages for either parents' questions or their questions
9 for work. And it was about 6:00 or 7:00, I got an instant
10 message from one of my students stating that --

11 MR. COCCEO: Objection, hearsay, Your
12 Honor.

13 MR. SMITH: That's fine, Judge.

14 THE COURT: Sustained.

15 MR. SMITH: I will withdraw that.

16 MR. SMITH CONTINUING:

17 Q Six or seven at night, you had an instant message,
18 correct?

19 A Yes.

20 Q Without telling us the substance of what was in
21 that instant message, did that message cause you concern?

22 A Yes.

23 Q Did you get more information over the night?

24 A Over the night, not much, no one else.

25 Q It was one instant message that alerted you?

26 A Yes.

27 Q What did you do based on receiving that

1 information?

2 A I went early the next day to check the history on
3 my computer.

4 Q You went to your computer., the teacher's computer?

5 A Correct.

6 Q In the same Classroom where the female substitute
7 teacher had gone?

8 A Correct.

9 Q Okay. Approximately what time was that, do you
10 recall?

11 A About 7:30, maybe 7:20.

12 Q To get into your classroom, anybody else around at
13 that point?

14 A No.

15 Q What did you do?

16 A I turned on the computer and there is a way I can
17 just check basic files that have been placed on the
18 computer within however long you make the time frame, and
19 I just searched for yesterday.

20 Q Yesterday meaning the 19th?

21 A The 19th. And I saw a bunch of things come up that
22 had been placed on the hard drive on the 19th, the day
23 before.

24 Q And these were -- the information you gleaned off
25 the computer was these various websites had been accessed
26 on the 19th?

27 A Well, it places everything. So if a picture is on

1 a website, it gives it its own name and it gives it a
2 website. So there is a whole bunch of different
3 information, and I can tell whether it was a picture file
4 or if it was an Internet address or something else.

5 Q Did you see various Internet access sites?

6 A I saw a bunch of different sites of some pictures
7 that had questionable names.

8 Q On the Internet site as you say, as an example,
9 what drew your attention to those various sites?

10 A Some of the names. I clicked on one and I don't
11 remember the name, but it ended up being a discussion
12 board about lesbians.

13 Q Were there any images on that page you clicked on?

14 A No, not on that page.

15 Q Were there other images that had been placed on
16 your hard drive on the day before that you saw at least in
17 the file format?

18 A In the file format, I didn't open anything that had
19 a picture name on it.

20 Q And some of the names led you to believe - what was
21 the content of those pictures?

22 A That it was pornographic, it was some sort of -- it
23 was all sexual in nature.

24 Q The title of those various GIF images were
25 pornographic in nature in your opinion?

26 A Yes.

27 Q Based on the information you got, based on

1 accessing that one page concerning the lesbian issues and
2 the various names of **websites** and pictures, what did **you**
3 do?

4 A Again, I was scheduled to be out of the building,
5 and not knowing if this was unintentional, I e-mailed my
6 principal and said this is what I was told, this is what
7 was found and I asked how to proceed on with anything.

8 Q And what did you do?

9 A That day I left again, again I was scheduled to do
10 some more training.

11 Q At some point did you talk to the principal?

12 A I can't recall if I actually verbally sat down with
13 him. I know there was some interaction. I can't really
14 recall what happened after the e-mail.

15 Q At some point, did **you** have him come to **your**
16 classroom and look at the computer?

17 A Yes, I showed him.

18 Q Was that on or about the time you found those
19 pictures on the computer?

20 A No. I believe he came back later in the afternoon.

21 Q It was on the 20th?

22 A Yes.

23 Q Did you show him the various -- is it a log?

24 A Yes, it's a log.

25 Q And the log basically says what has been accessed
26 from the Internet. Did you show him that log?

27 A Yes.

1 Q Did you bring up any **websites** or photographs at
2 that point in time?

3 A Not that I can recall.

4 Q Okay. Any more interactibns concerning this case?

5 A With that I had the IT professional **for the**
6 **district** ~~come~~ in and went through mere extensive search of
7 the hard drive, and we actually printed out ~~some~~ of the
8 log from the screen.

9 Q Were you there when this happened?

10 A I was there when the IT --

11 Q You watched him?

12 A Yes.

13 Q Were you communicating to him what you had seen?

14 A Yes.

15 Q Any other interaction on this case?

16 A It was just - I ~~came~~ in one day and my computer^{ed}
17 hard drive was gone and ended up having a brief talk with^{it}
18 the police, and I can't remember, **it** was probably a couple
19 of weeks afterwards.

20 Q Concerning what happened?

21 A Yes.

22 Q Or what you had learned?

23 A Correct.

24 MR. SMITH: No further questions.

25 CROSS EXAMINATION BY MR. COCHEO:

26 Q Good morning, Mr. Napp. **I'm** going to sit a little
27 while, I have a problem with my legs.

1 Mr. Napp, have you had any problems on your
2 computer before this incident in question?

3 A No.

4 Q How about after this incident?

5 MR. SMITH: **Objection**, Your Honor, I will
6 ask specifically if he is talking about the
7 computer in question.

8 MR. COCHEO: Yes.

9 MR. SMITH: That's fine. If it's just the
10 computer in question that was alleged to have been
11 used in this incident.

12 THE COURT: You can answer.

13 THE WITNESS: Problems in which way? **Like**
14 **pop-**
15 **ups?**

16 MR. COCHEO CONTINUING:

17 Q Yes.

18 A No.

19 Q Do you search the internet or use the Internet
20 frequently?

21 A **Yes.**

22 Q Was there a time when you were teaching that you
23 saw a child misbehave and use your computer?

24 A Can you clarify that?

25 Q Was **there** any time when you saw a child misbehaving
26 by using your computer?

27 A Using my computer, no.

1 Q Did you ever say to **Ms. Amero** that she could use
2 the computer or check the e-mail?

3 A I believe I might have stated that I left **it** on and
4 she could use **it** if she wanted to.

5 Q Did you log in for Ms. Amero?

6 A Not for her, I logged in with my **username** and my
7 password. That just unlocked the **computer**, and I left **it**
8 on as I was running out.

9 Q **After** this incident, did you hear anyone discuss --
10 were students talking about **it** to your knowledge?

11 A I wasn't there, again, the day after I was told. I
12 don't know what was being said.

13 Q The next day, did you discuss the incident with Ms.
14 Amero in the hallway? Was **it** the next day?

15 A I believe she might have stopped and said that.

16 MR. SMITH: Objection, hearsay. This would
17 be self-serving hearsay. If **it** is going to be
18 something she said, she should testify to **it**.

19 MR. COCHEO: This is just a question and
20 answer, if she discussed **it** with him.

21 MR. SMITH: If it's generic that she discussed
22 **it** without the substance --

23 THE COURT: It's a yes or no question, you
24 can answer **it**.

25 Would you repeat it?

26 MR. COCHEO CONTINUING:

27 Q The next day, did Ms. Amero stop you in the hallway

1 and discuss this incident with you?

2 A Yes, briefly.

3 MR. SMITH: Thank you.

4 THE COURT: I just have a question.

5 BY THE COURT:

6 Q Logistically, is the teacher's computer, the
7 teacher's computer on your desk?

8 A The way I had it set up?

9 Q Yes.

10 A My teacher's desk was this way along the windows
11 and the ~~teacher's~~ computer was this way, pointing towards
12 the door to walk in. So there was just enough space for
13 the teacher to be within that area.

14 (Indicating)

15 Q So you would be on a computer and see kids coming
16 in?

17 A Yes.

18 Q So the screen is facing you?

19 A Not the class, it's facing me here. The door is
20 here. I did have it, the way the room was set up, they
21 were in groups of four. There were a couple of rows here
22 that might have been able to see the screen.

23 Q Normally it's facing you and you can also see the
24 classroom?

25 A I can monitor those ~~computers~~ over there and the
26 rest of the classroom.

27 (Indicating)

1 THE COURT: Any questions based on my
2 question?

3 MR. SMITH: Yes. And based on his, also.

4 BY MR. SMITH:

5 Q The defense attorney brought up the fact that you
6 may have told the defendant she could use your computer,
7 correct?

8 A Yes.

9 Q Did you ever tell her she could access pornographic
10 websites on your computer?

11 A No.

12 Q Things like e-mail or various information for the
13 class, correct?

14 A Yes.

15 Q You never had one of your students inappropriately
16 use your computer before, correct?

17 A Correct.

18 Q At some point, they have used your computer with
19 you monitoring?

20 A Very, very extreme cases, and that has been
21 probably within the last year or two because I use it for
22 -- whether it was research or papers, but for the most
23 part they are not allowed on my computer.

24 Q Touching on what the Judge brought up, the way your
25 classroom was set up, is your computer segregated from the
26 other computers?

27 A It's on the other side of the room.

1 Q There was no way that a student would mistake your
2 computer for one of the computers they were supposed to
3 use?

4 A The first thing I tell them when I started is that
5 it is my area and they are to stay away from it due to
6 either my computer or other legal files I have for special
7 education students or things like that. They just can't
8 be in that area.

9 Q You also said your students never accessed that
10 computer, specifically the Internet, correct?

11 A Correct.

12 MR. SMITH: No further questions.

13 BY MR. COCHIO:

14 Q Isn't it true you yourself never saw Ms. Amero
15 access anything pornographic on your computer?

16 A I wasn't there that day.

17 Q Did you ever see her access anything on your
18 computer at all?

19 A I had no interaction with her, I couldn't have.

20 Q Let's get this straight because there seems to be
21 some confusion. You said at one point no students ever
22 used your computer and you said at some point they do use
23 it. They use it or they don't, which is it?

24 A When they have used it like I said, it has been
25 probably more this year. At that point, I was two years
26 into teaching and no one used that computer. This was my
27 computer.

1 To be honest, this year, I let one use **it**, but I
2 was standing right behind that student.

3 Q And you are not there twenty-four hours a day, **am** I
4 right?

5 A I **am** just there from the beginning of school until
6 the end of the school day.

7 Q You are not ~~there~~ every time a student is there,
8 you are not there, is that correct?

9 A Every time a student is there, I **am** there.

10 Q Every time there was a student in that room, **you**
11 are there 100 percent of the time?

12 A Correct.

13 MR. COCHERO: Thank you. No further questions,
14 Your Honor.

15 MR. SMITH: No questions.

16 THE COURT: You may step down. Thank you
17 so much.

18 MR. SMITH: The state would call Jennybeth
19 Fagin.

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

5 DIRECT EXAMINATION BY MR. SMITH:

6 Q What did you say your last name was?

7 A It's Whitaker

8 Q At any point, was your last name Fagin?

9 A It was.

10 Q It just changed recently?

11 A Yes.

12 Q Are you the same Jennybeth Fagin Whitaker -- How
13 are you currently known?

14 A As Jennybeth Whitaker.

15 Q What is your job?

16 A My job is as a sign language interpreter.

17 Q And what does that entail?

18 A Communication, facilitation between a deaf child or
19 a deaf adult and a hearing child or a hearing adult.

20 Q Sometimes did that encompass you working in a
21 public school system?

22 A Yes, it does.

23 Q In this situation, what would you be doing?

24 A I would normally in that kind of situation, I would
25 be interpreting for a deaf child who was mainstreamed in a
26 public school.

27 Q Meaning coming into a regular classroom?

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1 A Yes.

2 Q And hopefully being taught within that regular
3 classroom setting, correct?

4 A Yes.

5 Q And were you employed as a sign language
6 interpreter on or about October 19th of 2004?

7 A Yes.

8 Q And on or about that time frame, where were you
9 employed, physically where were you working?

10 A At Kelly Middle School in Norwich.

11 Q In Norwich, Connecticut. And how long were you
12 working there or in that area?

13 A That was my third year.

14 Q And had you been at the Kelly Middle School
15 continually for that time frame?

16 A Yes.

17 Q With the same child?

18 A Yes.

19 Q On October 19th, 2004 -- let me back up a little
20 bit. Sorry.

21 Do you know a teacher by the name of Mr. Napp?

22 A Yes.

23 Q Matthew Napp, correct?

24 A Yes.

25 Q How do you know him?

26 A I met him when my student was assigned to his
27 class.

1 Q Okay. And had you been in the class interpreting
2 for your student?

3 A Yes.

4 Q And he is a seventh grade language arts teacher,
5 correct?

6 A Yes.

7 Q Do you recall on October 19th, 2004, if you were
8 working in the capacity as an interpreter for your
9 student?

10 A Yes.

11 Q Do you recall being in Mr. Napp's classroom?

12 A Yes.

13 Q On that date, do you recall there being a
14 substitute teacher?

15 A Yes.

16 Q If you had the opportunity to look around the
17 courtroom, do you think you might be able to point out
18 that person?

19 A It's possible, I don't --

20 Q I understand if you don't. Do you see that person
21 in the courtroom today?

22 A Not that I recognize.

23 Q Okay. And is that the only time you had seen that
24 substitute teacher?

25 A Yes.

26 Q Was that substitute teacher a female teacher or
27 male teacher?

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1 A Female.

2 Q Now, let me ask you this, approximately what time
3 did you come into the classroom?

4 A Classes usually started just before 9:00, right
5 around 9:00 o'clock.

6 Q You go into the classroom at 9:00 o'clock?

7 A Correct.

8 Q While you were in there, first off, what is the
9 initial process on that day, October 19th, what was the
10 initial process you engaged in with the teacher that day?

11 A Normally, I would just go in and interpret.
12 Usually there is a brief instruction, how I am the
13 interpreter, and that's about it. The teacher will
14 conduct the class and I will sign.

15 Q Where were you -- This happened on the 19th?

16 A Yes.

17 Q Where were you in relation to the substitute
18 teacher on that day?

19 A In the beginning of the class, I was in front of
20 the room for the instructional time and then I sat with my
21 student in the back of the room.

22 Q And who was with you when you were in front of the
23 class?

24 A The substitute teacher.

25 Q Were you standing next to each other?

26 A Yes.

27 Q What happened after the general instruction?

1 A They were given an assignment to my recollection to
2 work in some small groups. And then the children situated
3 themselves. I walked back with my student in the group
4 and the substitute teacher went to the teacher's desk.

5 Q Did you see what she was doing at the teacher's
6 desk when she went there?

7 A I believe that she sat at the computer.

8 Q And to your knowledge, did she log onto any
9 programs?

10 A As I was walking past, she was getting onto the
11 computer.

12 Q And did you see anything happen, meaning did she
13 log onto any specific programs that you recognized, on the
14 Internet that you recognized, anything like that?

15 A Nothing that I recognized.

16 Q You don't know what she was doing, correct?

17 A No.

18 Q You do know that she did go on the computer and
19 began doing something there, correct?

20 A Yes.

21 Q You were in the classroom for the entire course of
22 the classroom?

23 A Yes.

24 Q At any point when you were in the classroom, did
25 you see any kids go up and use that computer?

26 A No.

27 Q Okay. And was she the person --. During the

1 course of the classroom, was she using the **computer** almost
2 exclusively?

3 A Yes.

4 Q Did you ever get on the computer?

5 A No.

6 Q Did she ever come up to you during the course while
7 you were there and indicate to you that there were
8 pornographic images on her computer that she didn't
9 understand?

10 A No.

11 Q Did she ever come to you and indicate to you that
12 anything whatsoever was wrong with that computer?

13 A No.

14 Q Any questionable material?

15 A No.

16 Q At any point, did you actually **communicate** with her
17 about her leaving the classroom?

18 A Yes. She asked me to supervise her students. She
19 wanted to use the ladies' room.

20 Q She wanted to make sure somebody was there covering
21 the class?

22 A Yes.

23 Q What did you tell her?

24 A I told her that was not within the scope of my
25 duties. I was not permitted to supervise students.

26 Q To your knowledge, there was an adult, meaning the
27 substitute teacher was in the classroom the whole time?

1 A Yes.

2 Q And she never let anybody else use the computer,
3 correct?

4 A No, not to my knowledge.

5 MR. SMITH: No further questions.

6 CROSS EXAMINATION BY MR. COCCEO:

7 Q Good morning, Ms. Whitaker.

8 A Good morning.

9 Q Ms. Whitaker, you said that, you testified that Ms.
10 Amero left the classroom to use the bathroom.

11 A No. She did not leave the classroom. She asked if
12 I would supervise her students so that she could, and it's
13 not within my parameters to be able to supervise students,
14 so I told her I was unable to watch the kids. I wasn't
15 permitted to do so.

16 Q I want to show you this statement --. Let me show
17 it to the state first.

18 I will ask if you recognize that statement.

19 A Yes, I do.

20 Q Is that your signature at the bottom?

21 A Yes.

22 MR. COCCEO: Your Honor, I am showing her a
23 statement dated 2004.

24 THE COURT: Are you entering this?

25 MR. COCCEO: I am going to use it for cross
26 examination.

27 THE COURT: So it's for Identification only?

1 MR. COCHEO: Yes.

2 MR. COCHEO CONTINUING:

3 Q Ms. Whitaker, in the third paragraph of your
4 statement you say the substitute did not remove herself
5 from the computer except for asking you briefly to
6 supervise the class while she left the classroom. Do you
7 recall saying that?

8 A That is my recollection.

9 Q And you testified that you did not see her operate
10 the computer containing pornography, is that correct?

11 A That's correct.

12 Q And you don't recall Ms. Amero requesting to leave
13 the room because she needed help?

14 A No, I do not.

15 MR. COCHEO: Nothing further. Thank you,

16 Your Honor.

17 THE COURT: Redirect?

18 MR. SMITH: Yes.

19 REDIRECT EXAMINATION BY MR. SMITH:

20 Q You agree with me that context is everything,
21 correct, sometimes context is important, correct?

22 A Yes.

23 Q If you read the whole letter and not leave parts
24 out, in fact, don't you say I do recall the substitute did
25 not remove herself from the computer except to ask me to
26 briefly supervise the class while she left the classroom.
27 That's what the defense asked you, correct?

1 A Yes.

2 Q And you said I politely informed her I was unable
3 to do so, and she returned to Mr. Napp's desk

4 A Yes.

5 Q And she never indicated to you she was having an
6 issue with the computer?

7 A No.

8 Q She never actually left the classroom?

9 A No.

10 Q She was there the whole time?

11 A Yes.

12 Q Accessing the computer, correct?

13 A Yes.

14 Q No one else to your knowledge accessed the
15 computer, correct?

16 A Not to my knowledge.

17 MR. SMITH: No further questions.

18 THE COURT: Recross?

19 RECROSS EXAMINATION BY MR. COCHEO:

20 Q When you say not to your knowledge, you don't know
21 if anybody accessed the computer; is that correct?

22 A Not to my knowledge.

23 MR. COCHEO: Thank you. Nothing further,

24 Your Honor.

25 THE COURT: Anything further?

26 FURTHER REDIRECT EXAMINATION BY MR. SMITH:

27 Q Not to your knowledge. You were in the classroom

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1 watching what was going on, am I right?

2 A Yes.

3 Q You were in the classroom for a one-hour time
4 frame, approximately?

5 A Just about an hour.

6 Q From 9:00 to approximately --

7 A Ten o'clock.

8 MR. SMITH: No further questions.

9 THE COURT: Anything further?

10 MR. COCHEO: No.

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

12 MR. SMITH: The state calls Robert **Hartz as**
13 the next witness.

14 THE COURT: Before the state has its next
15 witness, we will take a recess.

16 (Recess taken)

17 THE COURT: Bring the jury back.

18 (Jury returns)

19 THE COURT: Just so you **know** that 1:00 o'clock
20 we break for lunch from 1:00 to 2:00.

21 Is the state prepared with the next **witness?**

22 MR. SMITH: The state would **call Robert Hartz**
23 to the stand.

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 ROBERT HARTZ, [REDACTED],

2 [REDACTED], [REDACTED], called as a witness on behalf of the
3 state, having been duly sworn by the clerk, was examined
4 and testified as follows:

5 DIRECT EXAMINATION BY MR. SMITH:

6 Q Good afternoon, Mr. Hartz.

7 A Good afternoon.

8 Q I will ask you a few questions. I will ask you to
9 respond verbally, because that microphone doesn't amplify.

10 I am also going to ask you when you give your
11 responses if you will direct them to the jury. Okay?

12 A Sure.

13 Q What do you currently do for a living?

14 A I work in the Norwich Public School System. I am
15 the information services manager.

16 Q How long have you been engaged in that capacity
17 with the Norwich Public Schools?

18 A I've worked for the Norwich Public Schools for a
19 little over eight years.

20 Q And prior to that, what did you do?

21 A Prior to that, I had been involved in computer
22 science from the late '60s, early '70s working for some
23 main frame manufacturers, such as IBM, Edwards Food
24 Stores, CIGNA. I worked a little bit for CHUBB and I did
25 some consulting work, and I've been involved with PCs
26 since the early '90s.

27 Q Consulting work specifically on computer work?

1 A Yes.

2 Q What are your duties with the Norwich Public School
3 System?

4 A I'm responsible for just about everything
5 technology wise; personal computers in the classroom, the
6 servers that provide programs and services to the PCs, to
7 the switches, to the network, to the routers, to the
8 firewalls, and making sure that all of that works
9 together.

10 Q And were you employed in this capacity in October
11 of 2004?

12 A Yes, I was.

13 Q At some point, do you recall being called in to
14 evaluate a specific PC in the Kelly Middle School?

15 A Yes, I do. I believe it was the day after the
16 incident apparently occurred, I was contacted either by
17 the superintendent, Dr. Frechette, or Scott Fain, the
18 principal of the Kelly Middle School, and I was told there
19 was a report that somebody had accessed inappropriate
20 websites the previous day. And they wanted to know
21 whether I could tell anything from looking at the PC or
22 any of the other logs that we might keep as to whether
23 this really happened.

24 Q Now, as background to your knowledge, when a person
25 accesses an Internet website on a PC, is that information
26 stored anywhere?

27 A With the firewall we were using at that time, which

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1 was a combination of hardware and software, the software
2 was something called Raptor, all Internet access is,
3 whether you are going to Google, wherever, it all goes
4 through the firewall, all accesses from all 2,000 PCs in
5 the system go through this one firewall. And this
6 particular firewall logged who the request came from and
7 where it was going.

8 So if I went to Google, there was an entry in that
9 firewall that said this particular PC went to Google at
10 this particular time.

11 Q Now, would that information be stored anywhere else
12 other than the firewall?

13 A On the individual PC, there are some files that are
14 stored on the individual PC. Cookies are stored out there
15 which are little things that websites put on your PC to
16 keep track of you and maybe keep things like passwords,
17 and there is also a folder called temporary Internet
18 files. And occasionally, quite often websites will put
19 them in the temporary Internet files folder.

20 Q That is some of the places this is stored, correct?

21 A Yes. Those are the two places at the Norwich
22 Public Schools where I know that information could have
23 been stored.

24 Q And information that you would have access to,
25 correct?

26 A Yes.

27 Q Okay. Now, you were called in to evaluate a

1 specific computer.

2 A I was told that one of our teachers had had a
3 substitute in the previous day and this substitute might
4 have accessed inappropriate websites, and I was to look at
5 what we call the teacher's computer. Each room, each .
6 classroom in Norwich has approximately seven PCs, six of
7 them are for use by the students, the seventh is for the
8 teacher. It has an e-mail account on it. It's usually in
9 the front of the classroom at the desk, and generally it's
10 not used by the students, although it can be.

11 Q Now, you mentioned that 2,000 computers go through
12 the same server, correct?

13 A Yes.

14 Q Is there any way to identify which specific
15 computer left which specific log on the service?

16 A The way that is done is each PC in the system has a
17 unique address. It's called an IP address or Internet
18 protocol. Each PC has a unique address.

19 The firewall, when it records an Internet access,
20 records that particular IP address, it's kind of like, you
21 know, your home address, they know where to send the mail.
22 Because when a website responds, like if Yahoo! will
23 respond, the firewall has to say it comes from that, where
24 did it go. It goes to this Internet address. He has got
25 to know where it came from and where it came from is a
26 personal computer with that address.

27 Q So based on the information you gleaned basically

1 the IP address, you were able to connect the information
2 on the server and **also** the specifics as to the specific
3 PC, is that correct?

4 A Yes. We **can** correspond, watch on the PC Internet
5 by looking at the **firewall** log.

6 Q So at some point, you were called to evaluate **same**
7 activity that may have happened, correct?

8 A Yes.

9 Q I'm **sorry**, what day were you called in?

10 A I believe it was the day after the incident, which
11 would have been October 20th.

12 Q Initially, what did you do when you went to go
13 investigate this?

14 A The first thing I did is I went in to the room and
15 it was during that free period, and I talked to the
16 teacher, Mr. Napp, a little bit, and he basically
17 **confirmed** what Scott Fain and Dr. Frechette had said.
18 There was concern that some inappropriate sites were
19 accessed.

20 I then went to the teacher's computer in that room,
21 his computer, and the first thing I did was I took the IP
22 address, because I was going to need that later, so I
23 recorded the IP address. And then I went into the cookies
24 file. The cookies **didn't** show me a whole lot. But then I
25 went into the temporary Internet files, and that is a
26 number of files that were dated the previous **day**, October
27 **19th**, with time stamps starting I believe around 8:30,

1 8:35, and going through the end of the day. And so I
2 looked at these and I saw certain sites that were accessed
3 from this PC. As I recall, it started out with access to
4 AOL.

5 Q I will stop you for a second before we get to that
6 part.

7 You indicated there was a time stamp on the
8 computer, is that correct?

9 A There is a time stamp on the computer when this
10 particular file and the temporary Internet files is
11 modified, the date and the time is stuck in the directory.

12 Q Is that time stamp based --. Let me put this in
13 context. The information you gleaned from the PC, does
14 that time stamp come directly from the PC or does it come
15 from the server?

16 A It actually is the time on the PC.

17 Q So could the time on the PC be different from the
18 time on the server?

19 A It could.

20 Q Okay. On this particular computer, this is the
21 computer in Mr. Napp's class, correct?

22 A Correct.

23 Q Did you notice any discrepancy between the time on
24 the computer and the time on the server?

25 A Yes. We noticed when we went back to the firewall
26 we looked at the logs, there was a ten-minute discrepancy.
27 I forget whether the PC was ten minutes earlier or ten

1 minutes later, but there was about a ten-minute
2 discrepancy.

3 Q And who enters the information on the server?

4 A The time on the server was entered manually, and it
5 was probably entered when we installed it back **around** 1999
6 or **2000**. Somebody either had a bad watch or liked to be
7 ahead of time or something like that. It was a manual
8 entry.

9 Q **How** is the time entered on the PC?

10 A The PC, all **PCs** in Norwich, all the Windows '95 or
11 '98 system and the Windows **2000** system get their time from
12 the e-mail server. I was careful on the e-mail server **to**
13 set the correct time. When you log on one of these
14 machines, you sign onto the network, one of the things the
15 sign on procedure does is go out to the e-mail **server** and
16 say what time is **it**, and that is how **it** gets its time.

17 Q I will make sure this is clear. Is the e-mail
18 server different?

19 A Yes.

20 Q The server where the logs are kept?

21 A Yes. The **firewall** just does **firewall** processing,
22 contents filtering-type processing. The e-mail is a
23 different vendor that just handles our five or six e-mail
24 accounts.

25 Q The actual wall, the time could be off on two of
26 them?

27 A Actually, yes. **That's** true.

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1 Q When you were investigating the PC that was used
2 here and the firewall server, did you notice a discrepancy
3 in the time?

4 A Yes, I did.

5 Q Approximately how much was that?

6 A Like I said, it was ten or twelve minutes. I don't
7 remember who was faster and who was slower.

8 Q Now that we have that said, you went to the room,
9 correct?

10 A Correct.

11 Q And you spoke with Mr. Napp, correct?

12 A Yes.

13 Q And then you accessed the logs from the PC,
14 correct?

15 A Yes. I looked at the PC first, temporary Internet
16 files and the cookies.

17 Q And when you accessed the log from the PC, did you
18 see various websites that had been accessed there?

19 A The temporary Internet files showed on 10/19. On
20 October 19th, there was a number of websites accessed.

21 Q Okay. And the various websites I believe you
22 mentioned at some point e-mail.

23 A One site that was accessed had, apparently was
24 accessed the first thing in the morning, and that was an
25 AOL. It appeared to me one of the things being done on
26 AOL was to check an e-mail account.

27 Q Did you see other websites accessed in that time

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1 frame?

2 A In the early morning between 8:30 and say somewhere
3 around 9:30, in addition to AOL, I saw Orbitz,
4 www.Orbitz.com accessed. That is a travel-type site where
5 you can buy tickets, make hotel reservations and that type
6 of thing. And I saw a hairstyle site accessed, something
7 like Hairstyles.com.

8 Q At any point, did you come across some websites
9 that caused you to be concerned that some inappropriate
10 material was being accessed?

11 A After these sites were accessed, it was probably
12 around 9:30 or so, I did see entries in the temporary
13 Internet file folder that caused me to be concerned that,
14 yes, this PC had been used to access pornographic or
15 inappropriate sites.

16 Q Based on you having the PC and getting that
17 information, did you then print out any of the
18 information?

19 A I tried to get "--. It's not the easiest thing for
20 me to get the logs from the temporary internet folder, but
21 I did print out pages from the temporary Internet "--
22 sorry, from that folder that contained the temporary
23 Internet files. Then I printed them in time and date
24 sequence.

25 MR. SMITH: If I may approach the witness
26 please.

27 THE COURT: Yes.

1 MR. SMITH CONTINUING:

2 Q I'm showing you what has been **premarked** as **State's**
3 Exhibit Number **1** for Identification purposes only at **this**
4 point. Without telling us what is in that document, can
5 you tell us what that **document** is?

6 A **This** is a directory listing of the PC Windows
7 temporary Internet files folder.

8 Q Have you had a chance to go through that
9 information?

10 A I did go through **it** back in **2004**. I have glanced
11 at **it** since.

12 Q Since you glanced at **it** in the last few days,
13 correct?

14 A Yes, **I** have.

15 Q To your knowledge, is that the **information** that you
16 took off the computer in question from October **19th**?

17 A Yes, **it** is.

18 Q And you took **it** off on the **20th**, you **said**, correct?

19 A That would be true.

20 Q As you go through that **information**, is that an
21 accurate representation of what you **saw** on the screen and
22 what you printed out in that **computer**?

23 A This is actually what **I** did print out. And looking
24 at **it** recently in the past few days, **it** looks like **there**
25 are some gaps, especially after lunch. I probably **did** not
26 print the entire folder.

27 Q What **we** have there is a fair and **accurate** copy of

1 what you printed, correct?

2 A Absolutely.

3 MR. SMITH: At this point, we would ask that
4 it be entered as a full exhibit.

5 THE COURT: Any objection?

6 MR. COCHEO: No objection.

7 (State's Exhibit 1 marked into evidence)

8 MR. SMITH: I will publish that to the
9 jury. I will put it up on the screen, it's easier
10 to see.

11 THE COURT: For those of us who might need
12 glasses, it would be good to have it on the screen.

13 MR. SMITH: I will not publish it all, just
14 to get the gist of what is going on.

15 MR. SMITH CONTINUING:

16 Q I want to show you what has come in as, I will show
17 you what we just put in as State's 1. I Believe you
18 indicated that initially they started out, and I notice
19 here the time it goes up, is that correct?

20 A That's correct. I printed the newest to the
21 oldest.

22 Q It goes from 8:39 to 8:47, :48, 8:48, is that
23 correct?

24 A That's what it appears to be, yes.

25 Q And you initially stated that the computer was
26 accessing the web mail, AOL web mail sites, correct?

27 A Yes.

1 Q The column that you are pointing to contains the
2 web page that was accessed that put this file or modified
3 this file that might have already been on the computer so
4 you can see in here it's AOL where it says web mail docs,
5 AOL. So I made the assumption that that was **accessed to**
6 the AOL e-mail account.

7 Q That is a site that was accessed, correct, not
8 assuming what they were doing on the site, correct?

9 A Correct.

10 Q On the next page, I believe you indicated also **that**
11 the computer also accessed an Orbitz site or hairstyle
12 site, correct?

13 A Yes.

14 Q The hairstyle site is approximately 9:00 a.m.,
15 correct, if you can see **it**?

16 A Yes. That column on the right is the date and time
17 **stamp** that that file was modified.

18 Q Various hairstyle sites, and I believe you also **say**
19 that this computer accessed hairstyling and Orbitz site,
20 that is the site of the travel you stated?

21 A Yes. There is an **entry** for Orbitz.

22 Q Around 9:15 or so, correct?

23 A That is what **it** appears to be, yes.

24 Q And then at **some** point you indicated, and **I** will
25 show this, more Orbitz sites, correct?

26 A Correct.

27 Q At some point, you indicated that **it** changed over

1 to some sites that were questionable in nature to you,
2 correct?

3 A And I think on this page is where you see some of
4 that.

5 Q Approximately 9:24 I see here there is an access to
6 www.FemaleSexual.com. Again, this comes from this
7 computer, correct?

8 A Yes.

9 Q From Mr. Napp's computer?

10 A Correct.

11 Q These are various pages listed on the web pages.

12 A It's an indication that that site has been hit and
13 actually when a picture is pulled down, you get another
14 entry in here. But at 9:24, that site was accessed.

15 Q Various information from that site, various pages
16 from the Internet came from that site, correct?

17 A Yes.

18 THE COURT: You said at 9:24 on the 19th?

19 MR. SMITH: 9:24 on October 19th, correct?

20 THE WITNESS: Yes.

21 THE COURT: Okay.

22 MR. SMITH CONTINUING:

23 Q And after that site at 10:06 approximately,
24 www.OrgasmMystery.com, again from the same computer,
25 correct? 16

26 A From the same computer.

27 Q In going up, I see several entries on this same

1 website, and then on 10:12 I see another website,
2 www.CheatingLesbians.com, is that correct?

3 A That's correct, also.

4 Q And that also is from the same computer?

5 A Same computer.

6 Q And finally, more cheating lesbians until you get
7 to approximately 10:31, I see Store.Sex.Superstore.com,
8 same computer, correct?

9 A Same computer.

10 Q And going back to 10:39 on Orgasm Mystery and
11 various other sites, correct?

12 A That's correct.

13 Q Now, to be fair, some sites were clearly not
14 pornographic that you took to be pornographic from their
15 titles, correct?

16 A That's correct. I took them to be pornographic
17 from their titles, and suspicious from their titles.

18 Q Not all the sites?

19 A Not all the sites. AOL and Orbitz.

20 Q Where people go to check their e-mail?

21 A Yes.

22 Q After you got the information off the computer, did
23 you go to the server?

24 A Yes. I was concerned. I didn't want to make a
25 judgment right away from this PC -- I wanted to
26 corroborate what I had already seen. I wanted to verify
27 it. I knew if I went back to the central office and

1 accessed the server, then I could access the log ins that
2 were kept from the date of the 19th.

3 Q Did you go back to check the servers approximately
4 on the same day, the 20th?

5 A After I looked at the PC, I went back to see the
6 server, the firewall.

7 Q How were you able to correlate that computer PC to
8 the specific information that was relevant on the
9 firewall?

10 A Like I said, the firewall --. We kept a log of all
11 Internet accesses from every one of our 2,000 PCs. It's a
12 pretty voluminous file. The first thing I did was I went
13 there and I secured, I got the file from the 19th, at
14 midnight every night that firewall would close down that
15 day's logs. We might have seven or eight logs out there.
16 The first thing I did was I got the log from the 19th and
17 I secured it. I made a copy of it. So now I had a copy
18 to work with, and I ran a filter through it like you have
19 2,000 PC entries in this potentially, I also ran a filter
20 that only pulled out those entries that were made by
21 actions of the PC that I had gotten the IP address from,
22 Mr. Napp's PC.

23 Q How did you get that IP address?

24 A I looked at it when I first looked at his PC.
25 There's a command you can use, it's called WIN IPCFG and
26 that will tell you what the IP address of that machine is.

27 Q You specifically got the IPC address?

1 A His computer, 10. from 2.19. to something. I don't
2 recall what the something was.

3 Q Did you go through that server log?

4 A Like I said, I filtered out the server log. I only
5 had those from Mr. Napp's PC, and then I matched those
6 against what I was seeing from his computer, and they **did**
7 match. So where I saw that this PC had accessed AOL, the
8 **firewall** log was telling me yes, that accessed **AOL**. Where
9 **it** was Orbitz, **it** accessed Orbitz, where **it** was Female
10 Sexuality, **it** had accessed **Female** Sexuality.

11 Q Were you able to correlate the computer with what
12 was on the server log?

13 A Taking in account there was a ten-minute difference
14 in time.

15 Q You said ten to twelve minutes.

16 A Ten to twelve minutes.

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

18 THE COURT: Yes.

19 MR. SMITH CONTINUING:

20 Q I would like to show you **what** has been **premarked** as
21 State's Exhibit 2 for identification purposes only at this
22 point. Without telling us what is in that document, can
23 you tell us what that **document** is?

24 A This **document** is a portion of the **firewall** log
25 relating to the PC in question from October 19th.

26 Q Okay. And can you locate -- excuse me, is that the
27 **information** or some of the information you printed up or

1 did you print this information up from the **firewall**
2 server?

3 **A** I did print this directly from the file that I had
4 of **the** firewall.

5 **Q** That is after you correlated the IP **address** on a
6 PC to this specific IP **information** address, correct?

7 **A** Yes.

8 **Q** Have you had a chance to **go** through that
9 information?

10 **A** I really looked at this part of **it** this morning.

11 **Q** Okay. And to your knowledge, is that a fair and
12 accurate copy of what you saw and what you printed out?

13 **A** Yes. **It's** a log from the firewall. It covers **the**
14 times, **10:56** in the morning until about **11:00** o'clock in
15 the morning. It's only a portion of the log.

16 **Q** Of the **information** that was pulled?

17 **A** Yes.

18 MR. SMITH: I would ask that this be **entered**
19 as a full exhibit at this point, Your Honor.

20 MR. COCHEO: No objection.

21 THE COURT: Without objection, **it's** a full
22 exhibit.

23 (State ¹Exhibit 2 is marked into evidence)

24 MR. SMITH: I will publish this quickly, and
25 just to get a gist of what the file is, I **am** sure
26 the **jury** can look at **it**. A few portions of this
27 I'm going to put up.

1 MR. SMITH CONTINUING:

2 Q This is basically what the logs look like, correct?

3 A Correct.

4 Q Now, I am going to scroll up to the top here. I
5 notice there is this number, 10.2.19.252.

6 A Right before that number is SRC and that means the
7 source and that is the source of the request. And it's
8 showing that this particular request came from Mr. Napp's
9 PC.

10 Q And this is information you pulled up, correct?

11 A Correct.

12 Q And some of the information you said you looked at
13 correlated with the AOL e-mail and the Orbitz and the hair
14 and such, correct?

15 A Yes.

16 Q I noticed in this stuff that was pulled up, there
17 is information -- some of these websites also I believe
18 caused you concern, concern of a sexual nature, is that^h
19 oorrect?

20 A Yes, they did.

21 Q Specifically to what I am pointing at here, my
22 understanding is this <http://www.vaginalcumshots.com>,
23 specifically this website, again, was accessed to that PC
24 in Mr. Napp's classroom, correct?

25 A Correct. If you go about two or three lines above
26 that, it says October 19th and it's followed by a time
27 stamp. This access was made on October 19th at 10:57.

1 And you see the source, SC. Again, **it's** 10.2.19.252. The
2 **ARG** is what was being accessed, that is the **website** that:
3 was being accessed.

4 Q Absent the information that was sent, what does
5 that mean?

6 A I'm not familiar with all those fields. They have
7 things to do with the duration, how long did **it** take the
8 **website** to respond, how many bytes were sent to the
9 **website**? How many bytes were received? That is technical
10 information as to how **it** was done. Yes. More like that.

11 Q And this was the **website** that was accessed from Me
12 IP address, **it** was accessed from and the time
13 approximately when **it** was accessed, correct?

14 A **And** that is the time on the server or the firewall.

15 Q You testified **it** would be different than the PC.

16 A Ten or twelve minutes.

17 Q This entire area here would cover approximately how
18 long?

19 A I believe **it** covers about five minutes, four to
20 five minutes.

21 Q And my understaading, you actually saw more
22 information on this, correct?

23 A I did go through the entire log looking for
24 questionable sites.

25 Q And to go back just to correlate somewhat the
26 actual PC, I see there was a site accessed from the same
27 IP source to the CheatingLesbian.com page, which is Me

1 MR. SMITH CONTINUING:

2 Q I'm showing you what has been **premarked** as **State's**
3 Exhibit Number **1** for Identification purposes only at **this**
4 point. Without telling us what is in that document, can
5 you tell us what that **document** is?

6 A **This** is a directory listing of the PC Windows
7 temporary Internet files folder.

8 Q Have you had a chance to go through that
9 information?

10 A I did go through **it** back in **2004**. I have glanced
11 at **it** since.

12 Q Since you glanced at **it** in the last few days,
13 correct?

14 A Yes, **I** have.

15 Q To your knowledge, is that the **information** that you
16 took off the computer in question from October **19th**?

17 A Yes, **it** is.

18 Q And you took **it** off on the **20th**, you **said**, correct?

19 A That would be true.

20 Q As you go through that **information**, is that an
21 accurate representation of what you **saw** on the screen and
22 what you printed out in that **computer**?

23 A This is actually what **I** did print out. And looking
24 at **it** recently in the past few days, **it** looks like **there**
25 are some gaps, especially after lunch. I probably **did** not
26 print the entire folder.

27 Q What **we** have there is a fair and **accurate** copy of

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1 same page accessed clearly on the PC, correct?

2 A Yes.

3 Q Was this PC located, the actual PC located in
4 Norwich, Connecticut?

5 A The PC was in Norwich, Connecticut.

6 Q Was the server located in Noxwich?

7 A Yes, it was.

8 Q Clearly, there was a question on whether there are
9 filters on the school computers?

10 A Correct.

11 Q Does the Worwich school system have filters on
12 their PCs?

13 A We do content filtering. It's not typically on the
14 PC, but it's on a server, in our case it was on the
15 firewall server.

16 Q At the time of this incident, October 19th, 2004,
17 did you have an opportunity to look at the filtering
18 system in place to block out suspect images?

19 A Yes. Mainly because I was concerned how could some
20 of these sites be accessed without being denied. What I
21 did find is our filtering, content filtering software had
22 not been updated correctly.

23 Q They were able to access unfortunately all the
24 computers, correct?

25 A Yes.

26 Q Are you familiar with some type of virus protection
27 program that the school system runs?

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1 A Yes.

2 Q Specifically, did you **determine** whether or **not** the
3 virus has infected the computers?

4 A We do run --

5 MR. COCCEO: Objection, State v. Fwd.

6 THE COURT: So a hearing on what issue?

7 MR. COCCEO: The exact issue, expertise would
8 be admissible. He hasn't laid the proper
9 foundation.

10 THE COURT: For this witness' expertise?

11 MR. COCCEO: Yes.

12 THE COURT: Would you like him to go into
13 that?

14 MR. SMITH: I think I have laid the
15 expertise based on his background, twenty years
16 experience and the like.

17 THE COURT: He did **it** when he first took the
18 stand. I don't find that sufficient, Mr. **Cocceo**.
19 It sounded like -- we could hear **it** back.

20 MR. COCCEO: I said the U.S. **v.** Frye standard,
21 but the U.S. **v.** Porter standard regarding
22 reliability which is a major issue, Your Honor.

23 THE COURT: Are you saying the scientific
24 **information** isn't reliable, are you saying the
25 witness **isn't** qualified?

26 MR. COCCEO: It **hasn't** been established that
27 other experts in the field have accepted **this** as a

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1 proper form of expertise, expert testimony.

2 MR. SMITH: To narrow it, I don't know what he
3 is objecting to. My question was whether there
4 was software on it, not how it works.

5 THE COURT: Back up, what was your question?
6 Let's go back.

7 MR. SMITH: I believe it is, is there virus
8 protection software installed on the computers in
9 the school?

10 THE COURT: Do you have an objection to that?

11 MR. COCHEO: Not to that.

12 THE COURT: You can answer that question.

13 THE WITNESS: Yes, there is.

14 MR. SMITH CONTINUING:

15 Q And I believe you stated that it was not on the
16 individual PCs necessarily, but on the servers.

17 A Virus protection goes on all the individual PCs.
18 Content filtering is done from the server firewalls.

19 Q And what type of virus protection were on the
20 various PCs?

21 A We were running this product from Computer
22 Associates called Inoculate IT.

23 Q You have access to that information, correct,
24 whether if on the PC and such, correct?

25 A Yes.

26 Q To your knowledge, was the PC in question, Mr.
27 Napp's PC, to your knowledge at the time infected with any

1 viruses?

2 A Not to my knowledge.

3 Q Okay. And as a person involved in the computer
4 field, do you know of viruses ~~that~~ would allow a computer
5 to be infected and to cause those computers to ~~access~~
6 random ~~websites~~ against the ~~user's~~ wishes?

7 A I haven't seen anything like that, nor have I heard
8 of anything like that.

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

10 MR. COCHEO: May I approach the bench, please.

11 THE COURT: Yes.

12 (Conference at bench)

13 THE COURT: Before we have cross examination
14 of this witness, we are ~~going~~ to break for lunch.
15 You will have a little bit of a ~~longer~~ lunch break,
16 fifteen minutes extra. ~~Don't~~ discuss the case with
17 anyone, and I would like to start promptly at **2:00**
18 o'clock with this witness for cross examination.
19 Obviously, ~~don't~~ discuss the case with anyone.
20 Have a nice lunch.

21 (Luncheon recess taken)

22 THE COURT: Good afternoon, ladies and
23 gentlemen.

24 You are still under oath.

25 Mr. Cocheo, cross examination.

26 CROSS EXAMINATION BY MR. COCHEO:

27 Q Good afternoon, sir. I will probably ~~sit~~ most of

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1 the time, please forgive me.

2 A That's okay.

3 Q You mentioned in your testimony today that you have
4 content filtering on your computer, your firewall wasn't
5 updated, is that correct?

6 A That is correct. It had not been updated, I would
7 say, for a few weeks.

8 Q Can you tell me why that happened, why it hadn't
9 been updated?

10 A The update on that particular firewall was
11 supposedly done automatically every night, somewhere
12 around midnight. For some reason, it began failing.
13 There was a problem with activating the license for that
14 when we renewed in, I believe some time late September.
15 And so when we went out to do the update, the company
16 which was Symantec was saying no, you are not authorized
17 to update.

18 Q Can you tell me how often it is normally updated?

19 A That firewall was updated every twenty-four hours.

20 Q If there were two virus protections -- is there a
21 virus protection on the computer?

22 A On the computer in question, yes, the Computer
23 Associates' Inoculate IT.

24 Q Excuse me?

25 A The product was called Inoculate IT.

26 Q Thank you very much.

27 Can you tell me what the difference between adware,

1 spyware, parasites and viruses are?

2 A I can define some of them, yes.

3 THE COURT: That is kind of compound. Could
4 you ask specifically one at a time.

5 MR. COCHEO CONTINUING:

6 Q Start with **adware** please.

7 A I define **adware** as being something that gets
8 installed in your computer, quite often not **to** your
9 knowledge, and can track what you are doing, **and it** tracks
10 what you **are** doing so that **it** can actually allow **some**
11 other, some outside site to customize ads for you.

12 Q And what about **spyware**?

13 A **Spyware** is likely the same, **it** tracks what you are
14 doing. In some cases, **it** tries to pick up personal
15 information about maybe passwords, user **IDs**, things like
16 that.

17 Q Parasites?

18 A I really can't identify, give you a definition for
19 that.

20 Q What about viruses?

21 A Viruses are pieces of software, programs or so on
22 that get into your computer by e-mail, maybe **from** an
23 infected file, from another PC, something like that **that**
24 do malicious things to the PC. Maybe they destroy files,
25 maybe they add files to your computer, maybe they **deplete**
26 files. Some of them are just annoyances. Maybe **they**
27 access your address book in e-mail and just send junk mail

1 to everybody there.

2 Q Was there any protection from these things on the
3 computer?

4 A The Inoculate IT ~~would~~ have protected against --.
5 No. Let me rephrase that.

6 As far as viruses go, yes, there was protection.
7 The Computer Associates' Inoculate IT would have prevented
8 viruses from entering the machine via diskette from home
9 or something like that.

10 In addition, we had another anti-virus program for
11 e-mail, it was ~~from~~ Trend Micro. The name was Scan Mail.
12 And every piece of mail that came into the system would be
13 checked for viruses. If there was a virus there, the mail
14 would be deleted, or the virus would be deleted.

15 Q Thank you. Were any of the items mentioned,
16 adware, spyware or parasites or viruses updated on or
17 before October 19th?

18 A Pardon me, I didn't hear the question.

19 Q Were any of the adware, spyware, parasite and
20 viruses updated on or before October 19th?

21 A Anti-virus updates, Inoculate IT was updated I want
22 to say weekly. It would have been updated no later than
23 October 12th, the week before that and probably sometimes
24 towards the middle of the week.

25 Trend Microscan Mail, that was updated nightly.

26 Q I may have misspoke. My question is were any of
27 these items uploaded, not updated, uploaded?

1 A You mean just installed?

2 Q I believe, excuse me one moment.

3 (Pause)

4 Q Let me rephrase the question. Was anything added
5 to the computer, **adware**, **spyware**, parasites or viruses or
6 any of those on the computer?

7 A Are you asking was anything added?

8 Q Yes.

9 A No. There was no new software or protection in
10 those areas added prior -- the week prior to October 19th.

11 Q Excuse me one moment please.

12 (Pause)

13 Q Were any of these viruses on the computer?

14 A I don't know of any viruses that were on the
15 computer nor do I know if any **adware** or **spyware** was on the
16 computer.

17 Q Does **spyware** and **adware** generate pornography?

18 A Not to the best of my knowledge.

19 Q Did you notice any access to the dating sites on
20 the computer on or before October 19th?

21 A When I investigated the computer and **firewall** logs,
22 all I did was look on the October 19th date.

23 MR. COCHEO: Excuse me one moment, Your Honor.

24 (Pause)

25 Q Was there any **adware**, **spyware** or virus found on the
26 computer?

27 A I did not find any of that, although I did not look

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1 for adware or spyware.

2 Q Thank you. It seems like we are focusing on, only
3 on October 19th. Did you notice what happened before or
4 after the 19th?

5 A No, I did not.

6 Q Do you understand what a pop-up does?

7 A I understand what a pop-up is.

8 Q You understand what it does though?

9 A What it does, usually it is in the form of an
10 advertisement or something that gets you to do something,
11 maybe to go to a website.

12 Q Is it possible for a pop-up to have misleading
13 categories to trick users on clicking onto it?

14 A I would suspect that's possible.

15 Q Is it possible to have pornography references in a
16 temporary Internet file in cache?

17 A I don't know.

18 Q Is it possible to click on an innocent link to lead
19 you to a porn site?

20 A That would be possible.

21 MR. SMITH: Could we approach for one second.

22 (Conference at the bench)

23 THE COURT: You can continue, Mr. Cocheo.

24 MR. COCHEO CONTINUING:

25 Q Is it possible to click on an innocent link that
26 can take you to a porn site?

27 A The names of sites don't need to bear any

1 relationship to their content. **Something** that did **appear**
2 innocent could be a porn site.

3 Q Thank you. Is it possible to be in an endless loop
4 of pornography?

5 A I've never seen that, so I would have to say
6 probably not.

7 Q Is there any way Julia **Amero** could have accessed
8 these files unintentionally?

9 MR. SMITH: Objection, calls for the ultimate
10 issue of fact.

11 THE COURT: How is this witness going to
12 answer that question?

13 MR. COCHEO: Excuse me?

14 THE COURT: The issue of intent is not
15 something that would be within the **witness'** --

16 MR. COCHEO: If I may.

17 THE COURT: I think you asked the question
18 could there be an inadvertent link to pornography,
19 and I think the witness said that's possible.

20 MR. COCHEO: Thank you, Your Honor. I
21 withdraw my question.

22 THE COURT: Thank you.

23 MR. COCHEO CONTINUING:

24 Q Does **spyware** and **adware** generate poznography?

25 A I'm not aware that they do.

26 MR. COCHEO: If I may approach the witness,
27 Your **Honor**.

1 what you printed, correct?

2 A Absolutely.

3 MR. SMITH: At this point, we would ask that
4 it be entered as a full exhibit.

5 THE COURT: Any objection?

6 MR. COCHEO: No objection.

7 (State's Exhibit 1 marked into evidence)

8 MR. SMITH: I will publish that to the
9 jury. I will put it up on the screen, it's easier
10 to see.

11 THE COURT: For those of us who might need
12 glasses, it would be good to have it on the screen.

13 MR. SMITH: I will not publish it all, just
14 to get the gist of what is going on.

15 MR. SMITH CONTINUING:

16 Q I want to show you what has come in as, I will show
17 you what we just put in as State's 1. I Believe you
18 indicated that initially they started out, and I notice
19 here the time it goes up, is that correct?

20 A That's correct. I printed the newest to the
21 oldest.

22 Q It goes from 8:39 to 8:47, :48, 8:48, is that
23 correct?

24 A That's what it appears to be, yes.

25 Q And you initially stated that the computer was
26 accessing the web mail, AOL web mail sites, correct?

27 A Yes.

1 Q The column that you are pointing to contains the
2 web page that was accessed that put this file or modified
3 this file that might have already been on the computer so
4 you can see in here it's AOL where it says web mail docs,
5 AOL. So I made the assumption that that was **accessed to**
6 the AOL e-mail account.

7 Q That is a site that was accessed, correct, not
8 assuming what they were doing on the site, correct?

9 A Correct.

10 Q On the next page, I believe you indicated also **that**
11 the computer also accessed an Orbitz site or hairstyle
12 site, correct?

13 A Yes.

14 Q The hairstyle site is approximately 9:00 a.m.,
15 correct, if you can see **it**?

16 A Yes. That column on the right is the date and time
17 **stamp** that that file was modified.

18 Q Various hairstyle sites, and I believe you also **say**
19 that this computer accessed hairstyling and Orbitz site,
20 that is the site of the travel you stated?

21 A Yes. There is an **entry** for Orbitz.

22 Q Around 9:15 or so, correct?

23 A That is what **it** appears to be, yes.

24 Q And then at **some** point you indicated, and **I** will
25 show this, more Orbitz sites, correct?

26 A Correct.

27 Q At some point, you indicated that **it** changed over

1 to some sites that were questionable in nature to you,
2 correct?

3 A And I think on this page is where you see some of
4 that.

5 Q Approximately 9:24 I see here there is an access to
6 www.FemaleSexual.com. Again, this comes from this
7 computer, correct?

8 A Yes.

9 Q From Mr. Napp's computer?

10 A Correct.

11 Q These are various pages listed on the web pages.

12 A It's an indication that that site has been hit and
13 actually when a picture is pulled down, you get another
14 entry in here. But at 9:24, that site was accessed.

15 Q Various information from that site, various pages
16 from the Internet came from that site, correct?

17 A Yes.

18 THE COURT: You said at 9:24 on the 19th?

19 MR. SMITH: 9:24 on October 19th, correct?

20 THE WITNESS: Yes.

21 THE COURT: Okay.

22 MR. SMITH CONTINUING:

23 Q And after that site at 10:06 approximately,
24 www.OrgasmMystery.com, again from the same computer,
25 correct? 16

26 A From the same computer.

27 Q In going up, I see several entries om this same

1 website, and then on 10:12 I see another website,
2 www.CheatingLesbians.com, is that correct?

3 A That's correct, also.

4 Q And that also is from the same computer?

5 A Same computer.

6 Q And finally, more cheating lesbians until you get
7 to approximately 10:31, I see Store.Sex.Superstore.com,
8 same computer, correct?

9 A Same computer.

10 Q And going back to 10:39 on Orgasm Mystery and
11 various other sites, correct?

12 A That's correct.

13 Q Now, to be fair, some sites were clearly not
14 pornographic that you took to be pornographic from their
15 titles, correct?

16 A That's correct. I took them to be pornographic
17 from their titles, and suspicious from their titles.

18 Q Not all the sites?

19 A Not all the sites. AOL and Orbitz.

20 Q Where people go to check their e-mail?

21 A Yes.

22 Q After you got the information off the computer, did
23 you go to the server?

24 A Yes. I was concerned. I didn't want to make a
25 judgment right away from this PC -- I wanted to
26 corroborate what I had already seen. I wanted to verify
27 it. I knew if I went back to the central office and

1 accessed the server, then I could access the log ins that
2 were kept from the date of the 19th.

3 Q Did you go back to check the servers approximately
4 on the same day, the 20th?

5 A After I looked at the PC, I went back to see the
6 server, the firewall.

7 Q How were you able to correlate that computer PC to
8 the specific information that was relevant on the
9 firewall?

10 A Like I said, the firewall --. We kept a log of all
11 Internet accesses from every one of our 2,000 PCs. It's a
12 pretty voluminous file. The first thing I did was I went
13 there and I secured, I got the file from the 19th, at
14 midnight every night that firewall would close down that
15 day's logs. We might have seven or eight logs out there.
16 The first thing I did was I got the log from the 19th and
17 I secured it. I made a copy of it. So now I had a copy
18 to work with, and I ran a filter through it like you have
19 2,000 PC entries in this potentially, I also ran a filter
20 that only pulled out those entries that were made by
21 actions of the PC that I had gotten the IP address from,
22 Mr. Napp's PC.

23 Q How did you get that IP address?

24 A I looked at it when I first looked at his PC.
25 There's a command you can use, it's called WIN IPCFG and
26 that will tell you what the IP address of that machine is.

27 Q You specifically got the IPC address?

1 A His computer, 10. from 2.19. to something. I don't
2 recall what the something was.

3 Q Did you go through that server log?

4 A Like I said, I filtered out the server log. I only
5 had those from Mr. Napp's PC, and then I matched those
6 against what I was seeing from his computer, and they **did**
7 match. So where I saw that this PC had accessed AOL, the
8 **firewall** log was telling me yes, that accessed **AOL**. Where
9 **it** was Orbitz, **it** accessed Orbitz, where **it** was Female
10 Sexuality, **it** had accessed **Female** Sexuality.

11 Q Were you able to correlate the computer with what
12 was on the server log?

13 A Taking in account there was a ten-minute difference
14 in time.

15 Q You said ten to twelve minutes.

16 A Ten to twelve minutes.

17 MR. SMITH: May I approach, **Your** Honor?

18 THE COURT: Yes.

19 **MR. SMITH CONTINUING:**

20 Q I would like to show you **what** has been **premarked** as
21 State's Exhibit 2 for identification purposes only at this
22 point. Without telling us what is in that document, can
23 you tell us what that **document** is?

24 A This **document** is a portion of the **firewall** log
25 relating to the PC in question from October **19th**.

26 Q Okay. And can you locate -- excuse me, is that the
27 **information** or some of the information you printed up or

1 did you print this information up from the **firewall**
2 server?

3 **A** I did print this directly from the file that I had
4 of **the** firewall.

5 **Q** That is after you correlated the IP **address** on a
6 PC to this specific IP **information** address, correct?

7 **A** Yes.

8 **Q** Have you had a chance to **go** through that
9 information?

10 **A** I really looked at this part of **it** this morning.

11 **Q** Okay. And to your knowledge, is that a fair and
12 accurate copy of what you saw and what you printed out?

13 **A** Yes. **It's** a log from the firewall. It covers **the**
14 times, **10:56** in the morning until about **11:00** o'clock in
15 the morning. It's only a portion of the log.

16 **Q** Of the **information** that was pulled?

17 **A** Yes.

18 MR. SMITH: I would ask that this be **entered**
19 as a full exhibit at this point, Your Honor.

20 MR. COCHEO: No objection.

21 THE COURT: Without objection, **it's** a full
22 exhibit.

23 (State ¹Exhibit 2 is marked into evidence)

24 MR. SMITH: I will publish this quickly, and
25 just to get a gist of what the file is, I **am** sure
26 the **jury** can look at **it**. A few portions of this
27 I'm going to put up.

1 MR. SMITH CONTINUING:

2 Q This is basically what the logs look like, correct?

3 A Correct.

4 Q Now, I am going to scroll up to the top here. I
5 notice there is this number, 10.2.19.252.

6 A Right before that number is SRC and that means the
7 source and that is the source of the request. And it's
8 showing that this particular request came from Mr. Napp's
9 PC.

10 Q And this is information you pulled up, correct?

11 A Correct.

12 Q And some of the information you said you looked at
13 correlated with the AOL e-mail and the Orbitz and the hair
14 and such, correct?

15 A Yes.

16 Q I noticed in this stuff that was pulled up, there
17 is information -- some of these websites also I believe
18 caused you concern, concern of a sexual nature, is that^h
19 oorrect?

20 A Yes, they did.

21 Q Specifically to what I am pointing at here, my
22 understanding is this <http://www.vaginalcumshots.com>,
23 specifically this website, again, was accessed to that PC
24 in Mr. Napp's classroom, correct?

25 A Correct. If you go about two or three lines above
26 that, it says October 19th and it's followed by a time
27 stamp. This access was made on October 19th at 10:57.

1 And you see the source, SC. Again, **it's** 10.2.19.252. The
2 **ARG** is what was being accessed, that is the **website** that:
3 was being accessed.

4 Q Absent the information that was sent, what does
5 that mean?

6 A I'm not familiar with all those fields. They have
7 things to do with the duration, how long did **it** take the
8 **website** to respond, how many bytes were sent to the
9 **website**? How many bytes were received? That is technical
10 information as to how **it** was done. Yes. More like that.

11 Q And this was the **website** that was accessed from Me
12 IP address, **it** was accessed from and the time
13 approximately when **it** was accessed, correct?

14 A **And** that is the time on the server or the firewall.

15 Q You testified **it** would be different than the PC.

16 A Ten or twelve minutes.

17 Q This entire area here would cover approximately how
18 long?

19 A I believe **it** covers about five minutes, four to
20 five minutes.

21 Q And my understanding, you actually saw more
22 information on this, correct?

23 A I did go through the entire log looking for
24 questionable sites.

25 Q And to go back just to correlate somewhat the
26 actual PC, I see there was a site accessed from the same
27 IP source to the CheatingLesbian.com page, which is Me

1 THE COURT: Yes.

2 MR. COCHEO CONTINUING:

3 Q Mr. Hartz, I would just like to show you this and
4 ask you if somebody clicked onto this site, could it lead
5 them to a pornography site?

6 MR. SMITH: Objection, speculative.

7 THE COURT: First of all, this is a document
8 that is for identification. There is a lack of
9 foundation. And I suppose the answer -- the truth
10 is it's speculative, unless this witness is aware
11 of it, I suppose he can answer the question. If
12 you don't know, you don't know.

13 MR. SMITH: I also would object on foundation.

14 THE COURT: My problem is there is no
15 foundation. I don't know what that document is and
16 if you are trying to --

17 MR. COCHEO: If you could approach the bench
18 with me.

19 MR. SMITH: Sure.

20 (Conference at bench)

21 THE COURT: It's for identification, you're
22 not trying to put it in as a full exhibit.

23 (Conference at bench continues)

24 THE COURT: I am sustaining objection to that
25 document. You don't have to answer that question.

26 MR. COCHEO: Thank you, Your Honor.

27 Your Honor, if I may, I understand now this is

1 a **website** that my client went to.

2 MR. SMITH: Judge, objection, move to strike.
3 If Counsel is going to testify, he can take the
4 stand.

5 THE COURT: You have a witness to **testify** to
6 that **website** at some point.

7 MR. COCHEO: Yes.

8 THE COURT: I'm not sure where you're **going**.

9 MR. COCHEO: Well, I'll wait until she **gets**
10 on the witness stand.

11 THE COURT: You will still have the ability if
12 it is relevant at the time to talk about that.

13 MR. COCHEO: Yes. Thank you, Your Honor.

14 THE COURT: But not with this witness.

15 MR. COCHEO: Nothing further.

16 THE COURT: Redirect.

17 **REDIRECT** EXAMINATION BY MR. SMITH:

18 Q Mr. **Hartz**, I'm going to go over a couple of issues
19 that I believe the defense spoke on. You had a filter to
20 filter out specifically pornographic material, correct?

21 A And inappropriate **websites** which include porn,
22 violence, **hate** crimes and those types of sites.

23 Q That was to have been automatically updated on a
24 specific time **frame**?

25 A Every night at **2:00** a.m.

26 Q I believe you said there was an issue with the
27 updating of that, is that correct?

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1 A Yes.

2 Q If I heard you right, that issue was basically a
3 licensing issue?

4 A We did not activate the license in September, so
5 there had been several weeks when it had not ^{be}been updated.

6 Q Were you aware of that not being updated?

7 A Not until this incident.

8 Q And it was obviously brought to your attention and
9 it was corrected after the fact?

10 A Correct.

11 Q What were the various virus programs you had on
12 there?

13 A Specifically Inoculate IT, that was the virus
14 program that was on our servers and also on **the** individual
15 PCs.

16 Q And that was updated how often?

17 A I want to say weekly. It was updated every week.

18 Q Okay. So you **didn't** have an issue with Me license
19 renewal, that was separate, correct?

20 A Yes.

21 Q To your knowledge, at the time of **this** incident you
22 were not, and you **didn't** learn subsequently or at the time
23 you did not know of -- there was no viruses, **adware** or spy
24 ware or viruses I think you said on that computer in
25 question, correct?

26 A To the best of my knowledge, there was none of that
27 on the PC.

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1 Q And we are talking obviously about Mr. **Napp's** PC,
2 the one in question here.

3 A Correct.

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

5 THE COURT: Recross?

6 MR. COCHEO: Please.

7 RECROSS EXAMINATION BY MR. COCHEO:

8 Q Mr. Hartz, when did you realize that these
9 pornographic **websites** were still on the computer?

10 A Days after the incident. I'm sorry, I **don't** quite
11 understand the question.

12 Q Did you realize that these pornographic **websites**
13 were still on the computer days after the incident?

14 A In a temporary Internet file and so on, yes.

15 Q **Any** reason the computer wasn't removed?

16 A To the best of my recollection, **it** was **removed** from
17 the classroom I believe on the **20th**, maybe not until the
18 21st and brought down to Mr. **Fain's** office **for** subsequent
19 pickup by the police.

20 MR. COCHEO: Nothing further, Your Honor.

21 Thank you.

22 EWRATHER **REDIRECT** EXAMINATION BY MR. SMITH:

23 Q Mr. Hartz, you don't know when that **computer** was
24 picked up, do you?

25 A As indicated, when **it** was picked up by the police,
26 no.

27 Q It could have been at any point, you just don't

1 know when **it** was taken out of the classroom?

2 **A** It was taken out of the classroom the week, between
3 the 20th and I would say the **22nd**. It was definitely
4 removed from the classroom up to Mr. **Fain's** office.

5 **Q** How do you **know** that?

6 **A** Because I did **it** and I got Mr. Napp another PC.

7 **Q** You took **that** computer out?

8 **A** Just to put **it** down in the principal's office
9 because we were aware that somebody might want to look at
10 **it**.

11 **Q** Thank you. One more question. But you **don't** know
12 when the police picked **it** up and removed **it**?

13 **A** No, I **don't** know that.

14 MR. SMITH: Thank you.

15 THE COURT: Anything further?

16 MR. COCHEO: **May** I have a moment, Your **Honor**.

17 THE COURT: Yes.

18 FURTHER RECROSS EXAMINATION BY MR. COCHEO:

19 **Q** **Mr. Hartz**, can you tell me why the computer was not
20 removed on the **20th**?

21 **A** If **it** was not removed on the **20th**, **it was** because I
22 didn't think of **it** **or** no one requested that I remove **it**.

23 MR. COCHEO: Thank you very much.

24 MR. SMITH: I have another question **based** on
25 that. Sorry, Judge.

26 THE COURT: All right.

27 FURTHER **REDIRECT** EXAMINATION BY MR. SMITH:

1 Q When the computer is removed and a new computer is
2 brought in, does the IT address change?

3 A Yes. Because the new computer would not have an IP
4 address at this point in time.

5 Q If the person were to access the Internet through a
6 new computer, the IP, would the IP address be the same as
7 the old computer?

8 A Probably not.

9 Q Do you know what the new IP address is?

10 A No, I do not.

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

12 MR. COCHEO: No further questions. Thank you.

13 MR. SMITH: The state calls Officer Michael
14 Belair.

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.

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1 M I C H A E L B E L A I R , [REDACTED],
2 [REDACTED] , having been duly sworn by the clerk,
3 was examined and testified as follows:

4 THE COURT: Mr. Smith?

5 MR. SMITH: Thank you.

6 DIRECT EXAMINATION BY MR. SMITH:

7 Q Mr. Belair, how are you currently employed?

8 A I'm a sergeant with the Norwich Police Department.

9 Q How long have you been employed with the Norwich
10 Police Department?

11 A Just over thirteen years.

12 Q I will ask you a few questions. I request that you
13 keep your voice up and when you answer you direct your
14 responses to the jury.

15 A Yes, sir.

16 Q Would it be fair to say you were an officer with
17 the Norwich Police Department in October of 2004?

18 A Yes, sir.

19 Q Do you recall being assigned to investigate a case
20 out of Kelly Middle School on October 27th or around that
21 day, 2004?

22 A Yes.

23 Q And how did that investigation initiate to the best
24 of your knowledge?

25 A I spoke with Sergeant Deveny who assigned me to
26 meet with Dr. Frechette who was then the superintendent of
27 Norwich Public Schools. So I went up and met with him at

1 the old John Mason building on Town Street, and he advised
2 me of the complaint,

3 Q That a complaint had been made, correct?

4 A Yes.

5 Q Based on that, did you go to the middle school?

6 A The next day, I believe it was the 27th, I went to
7 the middle school.

8 Q When you got to the middle school, what did you do?

9 A First I spoke with Scott Fain, the principal of the
10 Kelly Middle School, and he advised me what he knew about
11 the complaint. There was a school computer there that I
12 had to seize. So I seized that computer before I left the
13 school.

14 Q On or about the 27th of October?

15 A Yes.

16 Q At this point, did the computer leave the school on
17 October 27th?

18 A Yes. I took the computer as evidence. I brought
19 it down to the police department. I logged it as evidence
20 and put it in our evidence room.

21 Q Okay. During the course of your investigation, did
22 you speak with any adult in relation to this incident?

23 A Only Mr. Fain, Bob Harte and Dr. Frechette, I
24 believe.

25 Q Okay. During the course of your investigation, did
26 you at some point focus in on some minor individuals?

27 A Yes.

1 Q Did you talk to several of these minor individuals,
2 these kids?

3 A Yes, sir.

4 Q Okay. Were you able to ascertain whether these
5 minors were under the age of sixteen at the time this
6 incident allegedly happened?

7 A Yes, they ware. I believe they were all eleven or
8 twelve.

9 Q They were all clearly minors, under age?

10 A Yes.

11 Q At some point when you were speaking not to the --
12 when you spoke to the children **concerning** the incident,
13 without giving us the substance of what they said, did
14 anything alert you that something might have happened with
15 regard to them viewing the computer?

16 A I don't **understand**.

17 Q Without telling us exactly what they told you, when
18 you spoke to these children, did it cause an **alarm** that
19 something might have occurred where they saw something on
20 the computer?

21 A They each told me they had seen something
22 inappropriate on the computer.

23 Q Based on that and the conversations you had with
24 the various adults involved in the school system, you
25 seized the computer you said, correct?

26 A Yes, sir.

27 Q **At** any point, did you learn any information as to

1 what the various sites would be that this computer had
2 allegedly gone to?

3 A The first thing I went to school, Dr. Frechette
4 provided me with a report by Bob Hartz who was the school
5 information systems manager. On that report it listed
6 different websites that had been accessed by this computer
7 at the Kelly Middle School. I'm going to show you State's
8 Number 1 and State's Exhibit Number 2 which are full
9 exhibits, are these the reports, various reports of
10 websites, information that he had given you?

11 A Yes.

12 Q Okay. Based on that information, did you during
13 the course of your interrogation visit these various
14 websites?

15 A I selected a couple of websites that I saw on these
16 pages here and I went to a second computer, and I entered
17 those websites, the addresses of the websites into that
18 computer and pulled up the websites.

19 Q Okay. And when you say you entered the various
20 websites, did you go to the websites specifically as
21 Orbitz.com or AOL.com?

22 A No.

23 Q You visited other websites?

24 A Yes.

25 Q What drew your attention initially to those other
26 websites?

27 A I don't recall if they had been pointed out to me

1 by Dr. Frechette or Mr. Hartz or just noticed it on the
2 listing that they appeared to be pornographic websites and
3 they drew my attention.

4 Q At some point, you accessed these various websites
5 that were given to you on these other reports?

6 A Yes.

7 Q And what did you see when you accessed these
8 websites?

9 A That they were pornographic in nature.

10 Q What specifically do you mean by that?

11 A Naked females, naked males.

12 Q Were they engaging, any of them engaging in any
13 activities that you recall?

14 A I can't recall what specific conduct they were
15 engaged in.

16 Q Based on the evidence you gathered from the
17 children, the adults and also viewing the actual websites
18 that were given to you, at that point did you write a
19 report up?

20 A Yes, sir.

21 Q And all these incidents happened in Norwich,
22 Connecticut, is that correct?

23 A Correct, yes, they did.

24 CROSS EXAMINATION BY MR. COCHEO:

25 Q Officer Belair, did you see anybody operating that
26 computer and viewing those websites?

27 A No, I did not.

1 **THE COURT:** Any further questions?

2 **MR. COCHEO:** No further questions.

3 **MR. SMITH:** We have a witness that is
4 originally scheduled for tomorrow, **but** because of
5 the circumstances, he needs to come **in** here today.
6 He will be here in fifteen minutes, and we would
7 ask for a short recess.

8 **MR. COCWEEO:** No objection.

9 **THE COURT:** We'll have **a** ten-minute recess.

10 (Recess taken)

11 (**Jury** returns)

12 **THE COURT:** Good afternoon again.

13 Mr. Smith?

14 **MR. SMITH:** At this point, the state would
15 call [REDACTED].

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

4 DIRECT EXAMINATION BY MR. SMITH:

5 Q , I will ask you a few questions. I will ask
6 you to speak up because that microphone doesn't amplify,
7 it's not even on. Answer my question if you do feel
8 comfortable, and I ask you to talk to the jury.

9 How old are you right now?

10 A I'm fifteen.

11 Q Do you live in Norwich, Connecticut?

12 A Yes, I do.

13 Q How long have you lived in Norwich, Connecticut?

14 A My whole life.

15 Q You were born and raised here?

16 A Yes.

17 Q Gone to school in Norwich your whole life?

18 A Yes.

19 Q Where do you go to school right now?

20 A Norwich Tech.

21 Q Prior to this at some point, did you go to Kelly
22 Middle School?

23 A Yes.

24 Q How old are you now?

25 A Fifteen.

26 Q And when you were in Kelly Middle School, it was
27 two years ago?

1 A Yes.

2 Q Were you in Kelly Middle School in October of 2004?

3 A Yes, I was.

4 Q And did you have a teacher back then named Mr.
5 Napp?

6 A Yes.

7 Q What did Mr. Napp teach?

8 A Language arts.

9 Q Were you taking language arts from him?

10 A Yes.

11 Q Do you recall a date, about October 19th or
12 somewhere around there where you were in school in Mr.
13 Napp's class, but he had a substitute teacher?

14 A Yes.

15 Q What caused you to remember that day specifically?

16 A I remember that day because a teacher was looking
17 at pornographic --

18 Q I will stop you at this point now. Let me go back
19 a little bit.

20 A Okay.

21 Q On that day, you were a student in the class,
22 correct?

23 A Correct.

24 Q In relation to the teacher's desk --

25 A Uh-huh.

26 Q -- where did you sit?

27 A I sat pretty much diagonal from it, about five, six

1 feet away.

2 Q From her desk?

3 A From the computer

4 Q From the computer?

5 A From the computer

6 Q Could you see the computer from where you were?

7 A At an angle, yes, a little bit.

8 Q But not the whole screen?

9 A No.

10 Q You were there in the morning time period to the
11 best of your recollection?

12 A Yes.

13 Q On that day, let me ask you this. Do you recall
14 what the substitute teacher looked Like from that day?

15 A No, I do not.

16 Q If I ask you to look around, you would not be able
17 to identify her?

18 A I wouldn't be.

19 Q Do you know if it was a woman or a man?

20 A It was a woman.

21 Q You don't know what that person looked like,
22 correct?

23 A You understand, it was two years ago.

24 Q So on the day in question, on or about October
25 19th, 2004, a substitute is there and you are sitting at a
26 desk, correct?

27 A Yes.

1 Q At some point, do you notice the substitute teacher
2 at the computer?

3 A Yes, I do.

4 Q And what do you notice **her** doing? Let me ask you
5 this way, how much was she at the computer?

6 A The whole time pretty much.

7 Q The whole class?

8 A The whole class.

9 Q About an hour, is that correct?

10 A I think **it** was forty-five minutes.

11 Q A class period?

12 A Yes.

13 Q And she was at the computer, what was she doing at
14 the computer, do you recall?

15 A She was on the **websites** scrolling up and down, that
16 is all I can recall.

17 Q And were you able to see any of the **websites she**
18 was accessing?

19 A I did not see the **websites** that she was on, like
20 the names of them.

21 Q Did you see anything on the computer that drew your
22 **attention?**

23 A I saw **women** on the computer.

24 Q And when you say **women on** the computer, **what** do you
25 mean by that?

26 A Just posing and stuff and she would keep scrolling
27 up and down.

1 Q She was looking at these women posing on the
2 computer?

3 A Yes.

4 Q At any point while she was looking at these -- and
5 you are saying she is scrolling to look at the picture,
6 correct?

7 A Correct.

8 Q Scrolling meaning moving the picture up and down on
9 the page, correct?

10 A Yes.

11 Q Just for the record. How often or how long did you
12 see her scrolling through the various websites?

13 A Not very long. I only looked real quick and I
14 could see her scrolling and I just looked away.

15 Q At this point, before you look, did you know what
16 she was doing?

17 A No, I didn't know.

18 Q During that time frame, did you see any other kids
19 go up and use the computer?

20 A No, I did not.

21 Q To your knowledge -- and you were about three to
22 five feet away you said?

23 A Yes, five to six.

24 Q Five to six feet, I apologize. Did any of the
25 students in the class go up and use that computer?

26 A No. I think I was the only one in the class at the
27 time. Other students went to different classes to finish

1 up work that they missed.

2 Q So at the time you were the only person in the
3 class and you could see she was the only one using the
4 computer?

5 A Correct.

6 Q At other points in the class, there were other kids
7 in the classroom?

8 A Only at the beginning and then they asked her to
9 leave and they left

10 Q At any point, did any other kids go up there and
11 access the computer while they were in the class?

12 A No.

13 Q Okay. You said there were various women, correct,
14 on the screen that you saw?

15 A Yes, two women.

16 Q Two women?

17 A Yes.

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

19 THE COURT: Cross examination, Mr. Cocheo.

20 CROSS EXAMINATION BY MR. COCHEO:

21 Q Good afternoon, [REDACTED].

22 A Good afternoon.

23 Q Do you have a lot of friends in that class you were
24 in?

25 A I had one good friend.

26 Q About how many kids were there in that class,
27 roughly?

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1 A I do not recall.

2 Q How long had you been in that class?

3 A Probably that day.

4 Q Just that one day?

5 A How long was that class that one day?

6 Q No. how long have you been in that language arts
7 class?

8 A The whole school year.

9 Q You said you only had one friend out of those
10 students?

11 A Yes, one close good friend.

12 Q Tyler, did you discuss this case with other
13 students?

14 A Just, not really, kind of just talked about the
15 questions that the principal asked us.

16 Q The principal was involved in this, you spoke to
17 the principal, is that correct?

18 A Yes.

19 Q Were other students present, too?

20 A NO.

21 Q Is your signature on this statement right here?

22 A Yes, it is.

23 Q Thank you. Is that your writing above it?

24 A No, it's not.

25 Q So you didn't write this statement, right?

26 A No.

27 Q Who wrote this statement, if you know?

1 A The police officer.

2 Q Okay. You don't recall his name by any chance, do
3 you?

4 A No, I do not.

5 Q How long did you spend with the police officer?

6 A Probably five minutes. Not very long.

7 Q Did you tell him or did he suggest things to you?

8 A I told him the story.

9 Q But ~~this~~ is not your writing on this statement,
10 correct?

11 A Correct.

12 MR. COCHEO: I would offer that as a defense
13 exhibit.

14 MR. SMITH: A defense exhibit, not a full
15 exhibit?

16 THE COURT: Are you saying, Mr. Cocheo, you
17 want to enter it as evidence?

18 MR. COCHEO: Yes.

19 THE COURT: As a full exhibit. You're asking
20 for this to be a full exhibit, Mr. Cocheo?

21 MR. COCHEO: May I approach a moment, Your
22 Honor?

23 (Pause)

24 MR. COCWEQ: On second thought, I'm asking far
25 it to be marked for Identification, Your Honor.

26 THE COURT: It will be marked for
27 Identification only.

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1 MR. COCHEO: Nothing further, Your Honor.

2 THE COURT: You are all done. Thank **you** so
3 much for coming.

4 MR. SMITH: Based on discussions previously,
5 I have no further witnesses for today.

6 THE COURT: What is happening is you are going
7 to be let go early today, and tomorrow the state
8 will finish presenting its case, and I believe the
9 **defense** will begin presenting its **case**. But
10 depending on the timing, I've been asked to cover
11 for another judge in New London at **2:00** tomorrow.
12 So tomorrow you will be released at **1:00**. **We'll**
13 still try to do the time line we said and hopefully
14 to finish the case by **3:00**. In a way it's a good
15 thing if we can do that, unless something changes
16 and I have to help out in New London at **2:00**
17 tomorrow.

18 We will start once again where I intend to
19 start promptly at **10:00** in court seems to be
20 difficult in time, but I will still ask you not to
21 discuss the case with anyone. If you can be here
22 by quarter of **10:00**, we will try to start at **10:00**
23 tomorrow.

24 (Jury excused)

25 THE COURT: Anything further before we
26 adjourn?

27 MR. SMITH: No, Your Honor.

MR. COCHEO: No, Your Honor.

THE COURT: We will adjourn for the day.

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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 The State of Connecticut versus Julie Amero, heard before the Honorable Hillary Strackbein, a Judge of the Superior Court, Judicial of New London, at Norwich on the 3rd day of January, 2007.

Dated this 8th day of February, 2007.

A handwritten signature in cursive script that reads "Gail C. Schor".

Gail C. Schor, CSR
Registered Court Reporter