

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

**SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT**

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COMMONWEALTH OF MASSACHUSETTS,

Plaintiff

v.

DOCKET NO. MICR2012-1160

BRANDON WINSTON,

Defendant

* * * * *

**TESTIMONY OF KAMILAH WILLINGHAM (Part 1 of 2)
EXCERPTED FROM JURY TRIAL - DAY 2
BEFORE THE HONORABLE MAYNARD KIRPALANI**

APPEARANCES:

For the Commonwealth:

Middlesex County District Attorney's Office
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Woburn, Massachusetts 01801

By: Assistant District Marisa Tagliareni

Assistant District Attorney Emily Walsh

For the Defendant:

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65 Atlantic Avenue

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Woburn, Massachusetts

Courtroom 630

Tuesday, February 24, 2015

Christina O'Neill, Official Court Reporter
(781) 939-2761

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Witness

Kamilah Willingham
 (By Ms. Tagliareni)

Direct

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Items for I.D.

-None-

1 **KAMILAH WILLINGHAM, Sworn.**

2 THE CLERK: Please follow the officer and have
3 a seat. And once you're seated, if you'd be kind
4 enough to give and spell your name for the Court
5 and the court reporter.

6 THE WITNESS: My name's Kamilah
7 Willingham, K-a-m-i-l-a-h, W-i-l-l-i-n-g-h-a-m.

8 MS. TAGLIARENI: May I proceed?

9 THE COURT: Please.

10 MS. TAGLIARENI: Thank you.

11 **DIRECT EXAMINATION BY MS. TAGLIARENI:**

12 Q Good afternoon.

13 A Hi.

14 Q How old are you?

15 A I'm 28.

16 Q And where did you grow up?

17 A I moved around a lot growing up, but mostly
18 between Los Angeles and Newton, Mass.

19 Q Where did you go to high school?

20 A I went to high school at Newton North.

21 Q And -- sorry. Go ahead.

22 A I started out at Newton South.

23 Q But you graduated from Newton North?

24 A Yeah.

25 Q What year did you graduate high school?

1 A 2004.

2 Q And did you go to college after that?

3 A Yes.

4 Q Where did you go to college?

5 A Pomona College.

6 Q Where's that?

7 A It's in Southern California.

8 Q And what did you study when you were in
9 college?

10 A I studied English Literature.

11 Q What year did you graduate from college?

12 A 2008.

13 Q And did you ever go to school after you went
14 to college?

15 A Yeah. I went directly to law school.

16 Q And where did you go to law school?

17 A At Harvard Law.

18 Q So when, what year did you start Harvard Law
19 School?

20 A It was the fall of 2008.

21 Q And do you know someone by the name of [REDACTED]

22 [REDACTED]

23 A Yeah.

24 Q How do you know her?

25 A We met at Newton North when I was in the

1 eleventh grade.

2 Q And did you become friends?

3 A Yeah. She was my first friend at the
4 school.

5 Q And when you were in college, did she go to
6 the same college as you?

7 A No, but she visited a lot.

8 Q And when you were in Harvard Law School were
9 you still in touch with her?

10 A Yeah.

11 Q And when you were in law school, where was
12 she living at that time?

13 A She was living, I think she was still living
14 in Newton.

15 Q And where do you live today? What city?

16 A Today, I live in Los Angeles.

17 Q And do you work there?

18 A Yes.

19 Q And where do you work?

20 A I work for an organization whose mission is
21 to end prisoner rape.

22 Q And what's the name of that?

23 A It's called Just Detention, International.

24 Q And what type of work do you do there?

25 A I do a lot. I correspond and give support

1 to prisoners who have been sexually abused. I do
2 training for Corrections and for advocates, but I
3 also do policy review and help institutions
4 implement new policies to make people safer.

5 Q Did you graduate from Harvard Law School?

6 A Yes.

7 Q And what year did you graduate from Harvard
8 Law?

9 A 2011.

10 Q And did you work after that time?

11 A Not immediately, no.

12 Q And did you have any other employment prior
13 to what you've just described?

14 A I think a year, about a year after I
15 graduated, I worked on campus at Harvard College
16 as a teaching fellow for the Sociology
17 Department. And after that, I did some temp
18 work. I worked at a restaurant for a little
19 while.

20 Q Approximately when did you move to Los
21 Angeles?

22 A I think that was summer 2013.

23 Q And do you know someone named Brandon
24 Winston?

25 A Yes.

1 Q And do you see Mr. Winston in court this
2 afternoon?

3 A Yeah.

4 Q Could you identify where he is in the
5 courtroom and an article of clothing that he's
6 wearing?

7 MR. ZALKIND: We concede identification,
8 your Honor.

9 THE COURT: All right. The record will
10 reflect that the defendant is the Brandon Winston
11 that Ms. Kamilah has been testifying about.

12 BY MS. TAGLIARENI:

13 Q And back in 2010 -- well, let me ask you
14 this. When did you meet Mr. Winston?

15 A I met him during my second year in law
16 school, which that must have been early 2010.

17 Q And how did you meet him?

18 A We had a class together, and I'm pretty sure
19 we met in that class.

20 Q What kind of a class was that?

21 A It was for doing contract work and stuff
22 with recording artists.

23 Q Did you become friendly with him?

24 A Yeah.

25 Q And outside of class did you two ever see

1 each other or spend any time together?

2 A Yeah. At first we would just run into each
3 other at parties, and then we started hanging
4 out.

5 Q What types of things would you do when you
6 would hang out?

7 A I don't really know. Mostly we would either
8 go to, like, social events, or just meet up at
9 them.

10 Q And during that time would you communicate
11 with him by phone?

12 A Yeah.

13 Q And did you have the same phone number back
14 then in that time period when you first met Mr.
15 Winston that you do today?

16 A Yeah.

17 Q And what is that phone number?

18 A It's 857-891-8581.

19 Q And do you remember what Mr. Winston's phone
20 number was at that time?

21 A No.

22 Q But you indicated you would communicate by
23 phone and sometimes text back and forth; is that
24 correct?

25 A Yes.

1 Q To your knowledge, did your friend [REDACTED]
2 [REDACTED] know Mr. Winston?

3 A No.

4 Q And did she ever meet him because of your
5 friendship with Mr. Winston?

6 A Yeah. They met, we all went together to a
7 music thing. I think it was Ryles Jazz Club in
8 Cambridge. I had friends who had put on events
9 for aspiring artists, and I invited both of them
10 to come with me.

11 Q Do you remember approximately when that was,
12 that night at Ryles?

13 A I think it was at the end of 2010.

14 Q And with respect to that night, how did you
15 get there or how did you end up seeing Mr.
16 Winston and Ms. [REDACTED] on that night?

17 A To be honest, I don't remember the details.
18 I'm not sure if we went together and met there.
19 But we ended up sitting at a table together near
20 the stage.

21 Q And at the end of that night did you leave
22 with Mr. Winston and/or Ms. [REDACTED]

23 A I'm pretty sure I left with [REDACTED] and not
24 with Brandon.

25 Q And prior to January 14th, 2011, do you know

1 of any other occasion where [REDACTED] [REDACTED] and
2 Brandon Winston were together somewhere?

3 A No.

4 Q I want to draw your attention to January
5 14th, 2011. Where were you living at that time?

6 A I was living in an apartment on Mass. Ave.
7 in Cambridge.

8 Q Do you remember the address?

9 A I think it was 1648 Mass. Ave.

10 Q And were you living with anyone at that
11 point?

12 A Yeah, my roommate Andreea.

13 Q How do you spell Andreea?

14 A A-n-d-r-e-e-a.

15 Q And what was her last name?

16 A I'm totally blanking right now.
17 Nicolae.

18 Q Do you know how to spell that?

19 A N-i-c-o-l-a-e.

20 Q And on January 14th, 2011, was school back
21 in session at that point?

22 A Yeah. We were -- it was the January term,
23 like, a short winter term.

24 Q And had you previously, had you recently
25 gone on some kind of a vacation?

1 A Yeah. I'd gone to visit my mother in Kenya.

2 And [REDACTED] came with me.

3 Q And that's [REDACTED] [REDACTED]

4 A Yeah.

5 Q Approximately when did you go to Africa?

6 A I don't remember the dates. I think it was
7 in the beginning of December, though.

8 Q And when approximately did you return back
9 to Cambridge?

10 A Early January.

11 Q During the day on January 14th, 2011, had
12 you been in touch with [REDACTED] [REDACTED]

13 A Yeah.

14 Q And what types of things had you been in
15 touch about on that day?

16 A I don't remember exactly, but I know that we
17 were planning on getting together that night.

18 Q And had you also been in touch with Brandon
19 Winston on that day?

20 A Yeah.

21 Q And how were you in touch with him?

22 A We were texting.

23 Q Did you have a nickname that you called Mr.
24 Winston back then?

25 A Yes.

1 Q And what was that?

2 A I called him B.J.

3 Q And why was that?

4 A Because his middle name starts with J.

5 Q And you indicated that in your apartment on
6 Mass. Ave. in Cambridge you had a roommate; is
7 that right?

8 A Yes.

9 Q On January 14th, 2011 was your roommate in
10 Cambridge or in the state of Massachusetts at
11 that point?

12 A No. She was with her family in Chicago.

13 Q Approximately how long had she been gone, to
14 your knowledge, at that point?

15 A I think she'd been gone for at least a
16 month.

17 Q At some point on the night of January 14th,
18 2011, did Mr. Winston come to your apartment?

19 A Yes.

20 Q Do you remember approximately what time he
21 got there?

22 A I don't.

23 Q Was it in the evening or in the afternoon?

24 A I think it was early evening.

25 Q And do you know how he got to your

1 apartment?

2 A I'm pretty sure he rode his bike.

3 Q When he got there, was there anyone else
4 there at that time?

5 A It was just me and him.

6 Q And when he got there, what were you two
7 doing?

8 A I most likely showed him pictures from our
9 trip to Africa, because I was really excited to
10 show those to everyone. And I think we had a few
11 drinks.

12 Q Do you remember what you were drinking?

13 A I was really into drinking hot chocolate
14 with, I think, a Bailey's or something in it. So
15 it was probably that.

16 Q At some point did [REDACTED] [REDACTED] come to
17 you apartment?

18 A Yeah.

19 Q Do you remember approximately how long that
20 was after Mr. Winston arrived?

21 A No. I mean, I think it was about an hour
22 later, but I'm not sure.

23 Q And after Ms. [REDACTED] arrived, did anyone
24 else come to your apartment that night?

25 A Yeah. My friend [REDACTED] also came.

1 Q And do you know [REDACTED] last name?

2 A [REDACTED]

3 Q How did you know [REDACTED]

4 A He was a friend from law school. I don't
5 remember exactly how we met.

6 Q And when the four of you, including you, the
7 defendant, [REDACTED] and [REDACTED] were at your
8 apartment, what were you doing at that time?

9 A I think we were drinking. [REDACTED] and I were
10 getting dressed because she had just come from
11 work.

12 At some point [REDACTED] and Brandon and I did a
13 little bit of cocaine.

14 Q Do you remember where the cocaine came from
15 that night?

16 A I'm pretty sure it was mine.

17 Q And do you know where [REDACTED] was at that time?

18 A I think she was in, probably in my bedroom.

19 Q And what room were you in when that was
20 happening?

21 A In the living room.

22 Q And can you describe what happened when you
23 did cocaine?

24 A Not really. I don't -- yeah, I don't really
25 remember that part in detail. I know we did just

1 a little bit because I didn't have a lot and
2 didn't do much. And we probably used an I.D.
3 card to arrange it.

4 Q And what do you mean by that, you used an
5 I.D. card to arrange it?

6 A To, like, make lines.

7 Q And when you said that you just did a little
8 bit, can you remember how much that was?

9 A Like a short thin line. I don't really know
10 how to quantify it.

11 Q And with respect to lines, then, how much
12 did each of you, you, [REDACTED] and the defendant,
13 do?

14 A I think just one line each.

15 Q And what kind of effect does cocaine have on
16 you?

17 A I mean, typically I would get, like, a
18 little more talkative and giddy for, like, less
19 than an hour. And then, yeah, and then I was
20 normal again.

21 It wasn't really a big or remarkable effect
22 ever.

23 Q Had you used it prior to that night?

24 A Yeah.

25 Q About how many times prior to that night?

1 A I think a handful of times. I don't know
2 exactly how many times. But it was something
3 that I did pretty exclusively when I was drinking
4 or going out.

5 Q And was [REDACTED] [REDACTED] drinking at your
6 apartment?

7 A Yes.

8 Q Do you remember what she was drinking?

9 A I think she was drinking Jack and Coke.
10 That's what I remember drinking.

11 Q At some point when you were at your
12 apartment, do you remember taking a picture of
13 Brandon Winston?

14 A Yeah. I think I took a picture of him in my
15 room.

16 MS. TAGLIARENI: Your Honor, may I
17 approach?

18 THE COURT: You may.

19 BY MS. TAGLIARENI:

20 Q Ms. Willingham, I'm showing you a
21 photograph. Do you recognize that?

22 A Yeah.

23 Q And what do you recognize that to be?

24 A That's Brandon on my bed under a pile of
25 laundry, holding a beer, with his middle finger.

1 Q And do you remember if you took this
2 picture?

3 A Yeah.

4 Q Did you take it on that night, January 14th,
5 2011?

6 A Yes.

7 Q And is that a fair and accurate
8 representation of Mr. Winston on your bed in your
9 clothes on the night of January 14th, 2011?

10 A Yes.

11 MS. TAGLIARENI: I'd move to enter this as
12 the first exhibit.

13 THE COURT: Any objection?

14 MR. ZALKIND: No objection, your Honor.

15 THE COURT: Then it may be admitted as the
16 first exhibit in order.

17 (Exhibit No. 1, admitted; 1/14/11
18 Photograph of Defendant on Bed Among Clothes.)

19 BY MS. TAGLIARENI:

20 Q At some point when the four of you were in
21 your apartment was there a decision made to go
22 somewhere?

23 A Yeah.

24 Q And where was that?

25 A To the Middlesex Lounge or Bar in Cambridge.

1 Q And why was there a decision to go there?

2 A I think people from [REDACTED] class were
3 already meeting there. So we were kind of just
4 piggybacking on their plans.

5 Q And where was that, with respect to your
6 apartment at the time?

7 A It was, like, a ten-minute cab ride away.

8 Q And did you, in fact, all four of you go
9 there?

10 A Yes.

11 Q How did you get there?

12 A We took a taxi.

13 Q What was [REDACTED] state at that point when you
14 were on your way to the Middlesex Lounge?

15 A She seemed pretty normal, like, not
16 particularly drunk or in any kind of mood. Just,
17 yeah, nothing out of the ordinary.

18 Q And how about you? What was your, sort of,
19 physical state at that point when you were on
20 your way to the Middlesex Lounge?

21 A I felt fine. Energetic.

22 Q And when the four of you arrived, what
23 happened at that point?

24 A The four of us arrived. I think [REDACTED]
25 probably almost immediately broke off to hang out

1 with his friends. And Brandon offered to get the
2 three of us, me, him and [REDACTED] a drink. And he
3 came back with a drink for each of us. And, um,
4 yeah, we drank them, danced around for a while.
5 I think [REDACTED] and I went to dance on our own and
6 Brandon, like, did his own thing.

7 And it was pretty soon after we got there, I
8 think, like, by the time I noticed [REDACTED] finishing
9 her drink, that I also noticed that she was
10 acting really bizarrely. She seemed super
11 intoxicated, especially like for the amount that
12 we'd had to drink.

13 Q What was she doing, if anything, that made
14 you think that she was intoxicated?

15 A She was leaning on me really heavily. She
16 seemed really unstable on her feet, which I'd
17 never seen before.

18 I couldn't understand what she was saying.
19 She was making sentences, but none of them really
20 made sense.

21 And, yeah, she just seemed to be really out
22 of it, but energetic at the same time.

23 Q And what, if anything, did you do about
24 that?

25 A I mean, at first I just kept an eye on her.

1 And then she started, like, kind of darting
2 around the room. And, like, I remember for a
3 while I was just trying to keep track of her and,
4 like, following her around. And she was, like,
5 talking to random people and, like, striking up
6 conversation. And, yeah, knowing [REDACTED] she
7 doesn't really, like, --

8 MR. ZALKIND: Objection.

9 THE COURT: Sustained.

10 BY MS. TAGLIARENI:

11 Q Let me just ask you this. At some point did
12 you see Mr. Winston again?

13 A Yeah.

14 Q Did you have any kind of conversation with
15 him about [REDACTED]

16 A Yeah. I ran into him while I was chasing
17 her around, and he remarked on how messed up she
18 looked. And we kind of laughed about her antics,
19 and he said something like, something like, you
20 know, she clearly can't be left alone at this
21 point, what are we going to do about her?

22 And I was, I guess, like, pleased, because it
23 seemed like I wasn't alone in, like, having to
24 babysit her. And also, yeah, it was nice to have
25 an extra set of eyes, and --

1 MR. ZALKIND: Objection, your Honor.

2 THE COURT: Sustained.

3 And the testimony, "It's nice to have
4 another set of eyes" is stricken as non-
5 responsive to the question that was asked. The
6 jury should disregard that part of the testimony.

7 BY MS. TAGLIARENI:

8 Q How did you feel about babysitting [REDACTED]

9 MR. ZALKIND: Objection, your Honor.

10 THE COURT: Sustained, in that form.

11 BY MS. TAGLIARENI:

12 Q What, if anything, did Mr. Winston do with
13 respect to [REDACTED] at that time, after you had that
14 conversation with him?

15 A At one point he went and brought her back,
16 like, a pint glass of water. And I asked her to
17 drink it. She --

18 MR. ZALKIND: Objection.

19 THE COURT: Well, why don't I see you at
20 sidebar.

21 *(Sidebar conference not transcribed at this*
22 *time.)*

23 BY MS. TAGLIARENI:

24 Q Going back, could you describe you describe
25 what you were saying about [REDACTED] and the glass of

1 water?

2 A That Brandon had brought her a glass of
3 water and I asked her to drink it.

4 Q And what happened at that point?

5 A She kind of scrunched up her face and was,
6 like, "Now you drink it." So I took a few sips
7 and then passed it back to her, and she finally
8 did take it.

9 Q When there were times during the night when
10 you were not with [REDACTED] what were you doing
11 during that time?

12 A I was talking to people. I was dancing at
13 some point. There was one time when she had run
14 to the bathroom and Brandon had offered to watch
15 her, and I, like, kind of stood back and just
16 watched them stand in line together. And he kind
17 of, like, held her up.

18 Q Where were you at that time?

19 A I think I was standing near the DJ stand,
20 which was kind of like up the hall from the
21 bathroom.

22 Q Can you just make sure to keep your voice
23 up, okay?

24 You said that you saw Mr. Winston hold her
25 up. Can you describe what you saw at that point?

1 A Yeah. She was standing in line for the
2 bathroom and he was just, like, helping prop her
3 up, because, like, I said, she was really wobbly.
4 And it looked like he was just looking out for
5 her.

6 Q When you weren't with Mr. Winston or [REDACTED]
7 [REDACTED] who were you spending time with at
8 the Middlesex Lounge?

9 A I'd met a guy named Ziggy, and we danced
10 together. He's the only other person I remember
11 dancing with.

12 Q At any point did you see [REDACTED] and the
13 defendant dancing together?

14 A There were a couple of times where the three
15 of us were dancing, like, in a circle. I don't
16 remember seeing just the two of them dancing
17 together.

18 Q At any point when you were at the Middlesex
19 Lounge did you see [REDACTED] and the defendant
20 kissing?

21 A No.

22 Q How did the night at the Middlesex come to
23 an end?

24 A Um, I think we left around two, when
25 everyone was starting to leave because they were

1 closing. And it took a while to get [REDACTED] towards
2 the door because, like, one minute she'd go and
3 be chatting with someone, the next she'd just,
4 like, fall flat on the ground. And I remember
5 Brandon helped me pick her up, and it was kind of
6 a scene.

7 And we got outside. And at this point
8 everyone in Central Square was trying to find a
9 cab, so we knew we had to walk a little while.

10 Q Let me just stop you there. What type of
11 shoes, if you remember, was [REDACTED] wearing on that
12 night?

13 A I'm pretty sure she was wearing high heels.

14 Q And you said that at one point when you were
15 still in the Middlesex, you saw her fall flat on
16 the ground?

17 A Yeah.

18 Q Can you describe what you saw at that time?

19 A I mean, one second she was up, the next she
20 was just, like, flat on her butt. And everyone
21 around kind of reacted to it. She didn't really
22 seem to make a big deal of it, but she had to be
23 helped back up to her feet.

24 Q Who helped her get back up?

25 A Brandon and I did.

1 Q At the end of the night when you were
2 leaving did you see [REDACTED] [REDACTED]

3 A I don't remember whether we saw him as we
4 were leaving.

5 Q And you said that you went outside. Who was
6 with you at that point then, when you went
7 outside of the Middlesex?

8 A It was just me, Brandon and [REDACTED]

9 Q And what did you do at that time?

10 A First it took a while to get [REDACTED] jacket
11 on. She was struggling with the zipper. So
12 Brandon helped her with it. It was kind of like
13 a, it looked like a task of holding her up and
14 helping her get the zipper up at the same time.
15 And I think I took a picture of that struggle
16 because it took a while.

17 And, yeah, and then we started walking down a
18 couple of blocks to try to find a taxi.

19 Q And why did you take a picture at that time?

20 MR. ZALKIND: Objection, your Honor.

21 THE COURT: Sustained.

22 MS. TAGLIARENI: May I approach?

23 THE COURT: You may.

24 MS. TAGLIARENI: No, I'm sorry. I don't
25 need to approach sidebar.

1 THE COURT: I think she's approaching the
2 witness.

3 MS. TAGLIARENI: I just want to approach
4 the witness.

5 MR. ZALKIND: Okay.

6 BY MS. TAGLIARENI:

7 Q Ms. Willingham, I'm showing you a
8 photograph. Do you recognize that?

9 A Yes.

10 Q And what's in that photograph?

11 A That's Brandon kind of bending over [REDACTED]
12 and, I guess, reaching for her zipper.

13 Q And when was that photograph taken?

14 A It was shortly after we left the bar.

15 Q And was that on the night of January 14th or
16 into the early-morning hours of January 15th,
17 2011?

18 A Yeah. It was probably a little bit after
19 two a.m.

20 Q And is that a fair and accurate
21 representation of [REDACTED] [REDACTED] and the
22 defendant in that photograph that you took at
23 that time?

24 A Yes.

25 MS. TAGLIARENI: I'd move to enter this as

1 the next numbered exhibit.

2 THE COURT: Any objection?

3 MR. ZALKIND: No objection.

4 THE COURT: Then it may be admitted as the
5 next exhibit.

6 (Exhibit No. 2, admitted; 1/15/11

7 Photograph of Defendant and [REDACTED] [REDACTED]

8 Jacket Zipper.)

9 BY MS. TAGLIARENI:

10 Q I'm showing you another photograph. Do you
11 recognize that?

12 A Yeah.

13 Q And what do you recognize that to be?

14 A That's Brandon and [REDACTED] Brandon standing
15 next to [REDACTED] She's still struggling with her
16 zipper and he's looking up and making a face at
17 the camera.

18 MR. ZALKIND: Objection to her description
19 of the defendant's expressions.

20 THE COURT: Well, I mean, she can describe
21 the photo within limits. I do think that the
22 description of what the subject of the photo is
23 doing will be stricken.

24 So her testimony as to what Ms. [REDACTED]
25 is gesturing, or things like that, is stricken.

1 The jury should disregard it.

2 BY MR. RYLE:

3 Q Was this photograph taken after the time
4 that you left the Middlesex in the early-morning
5 hours of January 15th, 2011?

6 A Yes.

7 MS. TAGLIARENI: I'd move to enter this as
8 the next numbered exhibit.

9 MR. ZALKIND: No objection.

10 THE COURT: It may be admitted.

11 (Exhibit No. 3, admitted; 1/15/11

12 Photograph of Defendant with [REDACTED] [REDACTED]

13 After Leaving Middlesex Lounge.)

14 BY MS. TAGLIARENI:

15 Q And, Ms. Willingham, from where you're
16 seated, could you see what's marked as Exhibit 3?

17 A Yes.

18 Q At some point were you able to find a cab?

19 A Yeah.

20 Q Do you remember how long approximately it
21 took?

22 A I think it was, like, at least a ten-minute
23 walk.

24 Q And where were you going at that point when
25 you got the cab?

1 A Back to my place.

2 Q And was there any discussion that you recall
3 about Mr. Winston coming back to your apartment?

4 A No.

5 Q And did you know -- you indicated that you
6 thought he rode his bike there earlier in the
7 evening; is that right?

8 A Yeah.

9 Q To your knowledge was his bike still at your
10 apartment or in the vicinity of your apartment?

11 A Yeah.

12 Q And when you got back to your apartment,
13 what happened at that point?

14 A Brandon said that we should go ahead and he
15 would take care of the cab. I said "Thank you"
16 and "Good night."

17 And I had to wake [REDACTED] up because she was
18 passed out against the window. And we went up
19 into my apartment. We took the elevator, because
20 I was on the fifth floor. And we got to my door.
21 As I was taking the keys out of my purse, I kind
22 of collapsed in front of my door.

23 Q How were you feeling physically at that
24 point?

25 A I was feeling really sick. In the cab,

1 just, like, my head was spinning and I was
2 feeling really sweaty. Yeah. I hadn't really
3 noticed how unstable I was until my legs went
4 out.

5 MR. ZALKIND: Objection, your Honor. How
6 unstable.

7 THE COURT: I'll strike the testimony as
8 to "I hadn't really noticed how unstable I was."
9 And the jury shall disregard that as unresponsive
10 to the question asked.

11 BY MS. TAGLIARENI:

12 Q Ms. Willingham, when you got out of the cab
13 where were you, with respect to your building?

14 A We were across the street, on the other side
15 of Mass. Ave.

16 Q And how did you and Ms. [REDACTED] get
17 across the street?

18 A I think, yeah, we kind of locked elbows and
19 ran across, or.

20 Q And you indicated that your apartment was on
21 what floor at that time?

22 A On the fifth floor.

23 Q And when you and [REDACTED] were outside of your
24 apartment and you said that you were reaching for
25 your keys, what happened at that point?

1 A I just fell over, and I couldn't get back
2 up. I was pretty disoriented. So I passed the
3 keys to [REDACTED] and I told her that she would have
4 to open the door. And she took the keys and I
5 guess was trying to open the door for a while.

6 And then Brandon appeared in the back
7 staircase. And he was panting, and I think [REDACTED]
8 said something to me like "What's he doing here?"
9 And I turned to him and asked him, like, "Did you
10 just run up the stairs?" And he said yeah.

11 And then he offered to help [REDACTED] with the
12 keys. And I'm pretty sure that she said that she
13 --

14 MR. ZALKIND: Objection.

15 THE COURT: Well, let me see you at
16 sidebar.

17 *(Sidebar conference not transcribed at this*
18 *time.)*

19 BY MS. TAGLIARENI:

20 Q What did [REDACTED] say at that point?

21 A That she could do it. And he took the keys
22 from her and --

23 MR. ZALKIND: I can't hear her answer.

24 BY MS. TAGLIARENI:

25 Q Can you speak up?

1 A I'll try.

2 He took the keys from her and he opened the
3 door. And at that point [REDACTED] and I kind of
4 stumbled into the apartment. I was crawling.

5 We made our way to my bedroom.

6 MR. ZALKIND: Objection. Your Honor, she
7 asked what she said.

8 THE COURT: Okay. I think the question
9 was what did [REDACTED] say outside of the door. So I
10 think it's time to pose a new question.

11 BY MS. TAGLIARENI:

12 Q Where is the buzzer to your apartment to let
13 people in from the outside of your building?

14 A I think, I'm pretty sure it was right next
15 to the door.

16 Q But is it on the inside of your apartment?

17 A Yeah, on the inside.

18 Q And when you got into the apartment, what
19 happened at that point?

20 A [REDACTED] and I went to my room and kind of just
21 fell face first onto my bed.

22 Q You indicated -- let me ask you this. You
23 indicated that [REDACTED] was wearing a winter coat; is
24 that right?

25 A Yes.

1 Q Do you remember if anything happened to the
2 winter coat after [REDACTED] walked into your
3 apartment?

4 A I don't.

5 Q And when you said that you and [REDACTED] fell
6 onto your bed, do you remember what [REDACTED] was
7 wearing at that time?

8 A I'm pretty sure she was still wearing her
9 coat and jeans and boots.

10 Q Do you remember what she had on under her
11 coat?

12 A Yeah. She had a second coat. I don't know
13 how else to describe it. It was, like, this
14 tight, zip-up blazer thing. And then I think a
15 shirt under that.

16 Q And when she was on your bed at that time,
17 do you remember if she was wearing everything
18 that you just described?

19 A Yes.

20 Q And after you got to your bed, what
21 happened?

22 A Brandon came in and I think he sat on the
23 bed in between us and started taking off our
24 boots. I'm pretty sure he took mine off and put
25 them on the floor, and then hers. And I think I

1 said "Thank you."

2 And then he started, he started to arrange us
3 on the bed, like, he picked [REDACTED] up and moved
4 her. My bed was in the corner against the wall,
5 and he moved her to the side, next to the wall,
6 and put me on the other side of him.

7 Q Let me ask you, can you describe just
8 briefly the layout of your apartment?

9 A Yeah. So you come in this long entry
10 hallway. And I think, like, just to the right of
11 the door was the bathroom. And there were
12 shelves and stuff in the hallway. And then the
13 next right was my bedroom door.

14 And then that went into the living room. And
15 the living room was pretty big. And there was a
16 couch and a fireplace, and windows. And then on
17 the right, coming into the living room, was my
18 roommate's bedroom.

19 And at the very end was the kitchen.

20 Q When you and the defendant and [REDACTED] were on
21 the bed at that point that you just described,
22 was [REDACTED] awake at that time, from what you could
23 tell?

24 A No, she wasn't.

25 Q What position was she in at that point?

1 MR. ZALKIND: Objection, your Honor.

2 THE COURT: Overruled.

3 BY MS. TAGLIARENI:

4 Q Go ahead.

5 A She was laying down, I think facing the
6 wall.

7 MS. TAGLIARENI: Your Honor, may we
8 approach? Is this --

9 THE COURT: If the question is, is this a
10 good place to stop, yes, it's a good place to
11 stop. We're almost at one o'clock. And before
12 you transition into further testimony, we'll
13 suspend for the day.

14 Ladies and gentlemen, --

15 Ms. Willingham, you may step down.

16

17 **(Witness steps down.)**

18 **(Testimony suspends for the day.)**

19

20 *(Balance of proceedings not transcribed at this*
21 *time.)*

22

23

24

25

CERTIFICATION

I, Christina O'Neill, Official Court Reporter, do hereby certify that the foregoing, Pages 1 through 36 inclusive, is a true and accurate transcription, to the best of my knowledge, skill and ability, from the record of the court proceedings in the above-entitled matter.

I, Christina O'Neill, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Administrative Format.

I, Christina O'Neill, further certify that I neither am counsel for, related to, nor employed by any of the parties to this action in which this hearing was taken, and further certify that I am not financially nor otherwise interested in the outcome of the action.

Christina O'Neill

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Date

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