

SELECTED PAGES — MARCH 9, 2011

Trial transcript (cross-examination)

Selected pages from Mar 9 2011 trial transcript —
then-minor names redacted. Not the full transcript.

Public labels only: the accuser / the stepdaughter.

Black boxes permanently cover then-minor names on page images.

Court page numbers / reporter header left visible where possible.

Source hold: primary-accuser Vol. 3 (defense), Manhattan Supreme Court.

This exhibit is page images of selected pages only.

Full volume is NOT included and must not be published.

Not legal advice. Skeptic-legit Evidence exhibit.

1 THE WITNESS: Elaborate?

2 MR. COHEN: The question was asked and answered,
3 Judge.

4 THE COURT: All right.

5 Q You testified today that you were looking out the
6 window when you were raped, right?

7 A Right.

8 Q Okay, you told Detective Arbuiso that when you went
9 into Mr. Hopkins' room, there was a towel covering the window,
10 didn't you?

11 A I didn't say that.

12 Q I'm showing you what's been put into evidence as
13 People's No. 2.

14 How many times would you say you have been inside that deli?

15 A A million times.

16 MR. COHEN: Thank you, I'll take that back, please,
17 officer.

18 (Exhibit was returned to defense counsel.)

19 Q There were times when [REDACTED] came over your house and you
20 watched porn movies, right?

21 A Right.

22 We didn't watch them, like, we would put them on and, like,
23 stare at it, and then turn it off.

24 Q Well, when you spoke with the District Attorney's
25 Office, didn't you tell them [REDACTED] would come over and we would

1 watch porn"?

2 A And then I said we would turn it off.

3 Q After seeing people having sex?

4 A Yeah, that's what porn is.

5 Q And is that the porn that you saw?

6 A Yeah.

7 Q And you also said that you looked at pornographic
8 magazines, right?

9 A Yeah, I mean, we were curious as to what it is.

10 Q When Mr. Hopkins supposedly called you into the room by
11 yourself, [REDACTED] and [REDACTED] were both home, right?

12 A Which time?

13 Q There was more than one time that you were called in by
14 yourself?

15 A I'm talking about, which incident are you talking
16 about? I was called into a room, twice, that I said.

17 Q The time that you say that he raped you.

18 A What?

19 Q The time that you say that he raped you, he called you
20 into the room by yourself, and [REDACTED] and [REDACTED] were both home?

21 A I don't think [REDACTED] was home, no.

22 Q When you spoke to Detective Arbuiso, you told him that
23 [REDACTED] was, in fact, home.

24 A I didn't tell him that. I said I didn't know who was
25 in the house. Her brother [REDACTED] might have been home, is what I

Remember what she said & he was down
Denise M. Huntington, RPR, CSR, WPR
Senior Court Reporter

1 | said.

2 | Q And today, you testified that when you were raped, you
3 | yelped; you took a sharp intake of breath, right?

4 | A Right.

5 | Q And you told Detective Arbuiso that you were screaming.

6 | A I didn't say that, either. I said I wasn't screaming,
7 | that is what I said. I was not screaming.

8 | Q And you testified today that you said ██████ was in the
9 | far room, her bedroom in the front of the apartment, right?

10 | A Right.

11 | Q And you told Detective Arbuiso that ██████ was in the
12 | room right next door to Mr. Hopkins' bedroom.

13 | A There's no room next door to the bedroom, so that's
14 | impossible.

15 | Q You said this was a railroad apartment, that there is a
16 | bedroom on one end and a bedroom on the other end. Then there
17 | is a living room or space in between, right?

18 | A With no walls. There is no room, it is big open space.

19 | Q You told Detective Arbuiso that ██████ was in that big
20 | open space.

21 | A I didn't say that. I said she was either in the room
22 | or she was by ██████ bed.

23 | Q Didn't you tell Detective Arbuiso that ██████ was right
24 | in the next room?

25 | A No, I didn't tell him that.

1 Q Okay, didn't you tell Detective Arbuiso that [REDACTED] was
2 right in the living room?

3 A No, I didn't. I said I didn't know if [REDACTED] was home
4 or not. Same thing I said today.

5 Q And not only did you tell Detective Arbuiso that you
6 were screaming, but you told Detective Arbuiso that you were
7 screaming for [REDACTED]

8 A No, I didn't say that.

9 Q Now after the first Grand Jury proceeding, the case
10 went on for about 20 months before the second Grand Jury
11 proceeding, right?

12 A I think so.

13 Q The first Grand Jury proceeding was the end of 2008.
14 The second Grand Jury proceeding was July of 2010, right?

15 A Right?

16 Q Okay, and in between those two dates there were more
17 meetings with Ms. Ferrari?

18 A Yes.

19 Q There were more meetings with other people from the
20 District Attorney's office?

21 A No.

22 Q Just you and Ms. Ferrari?

23 A Yes.

24 Q And you went over your -- withdrawn.

25 And you spoke -- withdrawn.

1 And before you went into the second Grand Jury proceeding,
2 you and Ms. Ferrari talked about the dates of when these
3 incidents allegedly happened, right?

4 A Which Grand Jury, first or second?

5 Q Before you went into the second Grand Jury.

6 A The second one?

7 Q Right. You spoke with Ms. Ferrari about the dates that
8 these incidents allegedly happened, right?

9 A Yes.

10 Q And you went over what you said in that previous Grand
11 Jury, didn't you?

12 A Right.

13 Q And then Ms. Ferrari told you, you know, ██████████ it
14 couldn't have happened when you said it happened.

15 Didn't she tell you that?

16 A Right, but --

17 Q She told you, there's no way it happened in September,
18 October of 2004.

19 A Right. That was after I had said I don't think it
20 happened then. I don't know when it could have happened.

21 Q Ms. Ferrari told you sometime in June or July of 2010
22 that the Government was dismissing the indictment against
23 Mr. Hopkins, right?

24 A Never in my life have I heard that.

25 Q She told you that you were going to have to testify

1 again, right?

2 A For what?

3 Q In the second Grand Jury.

4 A Yeah.

5 Q And she told you that she had lots of information,
6 proving that Mr. Hopkins was not even in New York in 2004, at
7 the time you said he raped you, right?

8 A Not lots.

9 Q But she told you she had proof that he was not in
10 New York, at that point, right?

11 A Yeah, for the most part.

12 Q And then you went into a second Grand Jury and
13 testified under oath again, right?

14 A Right.

15 Q And you didn't testify the same way you testified under
16 oath the first time, did you?

17 A Right, but I also have maintained that I wasn't the one
18 who set up the dates for September or October. That is the time
19 that the District Attorneys and the detective, given that I told
20 them stuff, they came up with it, along with my mother, as to
21 when it would have made sense for it to happen.

22 I have maintained the exact same thing this entire 3 years.
23 I never said it was for sure, for sure September, October. Even
24 in the Grand Jury, I said I think so. I never said, I'm sure of
25 that, ever in my life.

1 Q I am going to refer back to the first Grand Jury when
2 you testified. Once again, I am talking about page 10, starting
3 at line 22, and Ms. Ferrari asked you:

4 "QUESTION: And I am going to ask you about another
5 time, sometime in September of 2004. Do you remember that
6 time?

7 "ANSWER: Yes.

8 "QUESTION: Did he touch you in a way that made you
9 feel uncomfortable?

10 "ANSWER: Yes."

11 Q Now, you said you were asked those questions and gave
12 those answers. You never said that "I think so". You never
13 said "maybe". You said, yes, didn't you?

14 A I said I think so. I said, well, um, um, um, I think,
15 yeah. That's what I said. I know how nervous it makes you to
16 be up there. You think about what you're going to say before
17 you just answer a question.

18 Q You testified today that after Mr. Hopkins had sex with
19 you, he picked you up and flipped you over and had sex with you
20 from behind.

21 A Right.

22 Q Right.

23 MR. COHEN: If I could just have one minute, Judge?

24 THE COURT: Yes.

25 MR. COHEN: Thank you.

1 | bled, and you said you bled a little, right?

2 | A Right.

3 | Q Okay, you told Detective Arbuiso that you were bleeding
4 | all over the bed.

5 | A No, I didn't say that.

6 | Q And you told Detective Arbuiso that there was a lot of
7 | blood.

8 | A No, I didn't say that, either.

9 | Q You told Detective Arbuiso that the blood, it was so
10 | bad.

11 | You told Detective Arbuiso that the blood, it was so bad.

12 | A No, I didn't say that. What I said was, there was a
13 | fair amount of blood for what had just happened.

14 | But I was not gushing blood. If I was gushing blood, it
15 | would have been a lot more difficult to hide that, walking
16 | through -- walking out of the building and walking through a
17 | lobby full of people, with a doorman.

18 | Q Exactly.

19 | MS. FERRARI: Objection.

20 | THE COURT: Sustained.

21 | Q You also told Detective Arbuiso that Mr. Hopkins stole
22 | your clothes, after you were bleeding all over the bed.

23 | A I didn't say that.

24 | Q You told Detective Arbuiso that Mr. Hopkins kept your
25 | clothes.

1 A No, I didn't say that.

2 Q You told Detective Arbuiso that you had to borrow
3 clothes from [REDACTED] in order to get home.

4 A No, I didn't say that.

5 Q And then you told Detective Arbuiso that after he raped
6 you, he raped [REDACTED]

7 A I didn't say that, that was purely an opinion-based
8 statement that I made. That was not anything -- I never said
9 that was factual, at all. I know what I've said. I've
10 maintained that complete exact thing for years.

11 Q While you were getting ready to testify in the second
12 Grand Jury, you said you had many conversations with
13 Ms. Ferrari, right?

14 A Right.

15 Q And Ms. Ferrari addressed with you this very issue
16 about the blood, right?

17 A Briefly.

18 Q And she told you that Mr. Hopkins still has the same
19 mattress from back then, didn't she?

20 A Not at all.

21 Q And that if we had that mattress tested, it would not,
22 in fact, have your blood on it.

23 MS. FERRARI: Objection.

24 THE COURT: Approach, please.

25 MR. COHEN: You know what, Judge, I'm done.

1 THE COURT: You're done with the cross examination?

2 MR. COHEN: Yeah.

3 THE COURT: Okay, redirect?

4 MS. FERRARI: Yes, thank you.

5 One moment, Judge.

6 (Pause.)

7 REDIRECT EXAMINATION

8 BY MS. FERRARI:

9 Q ██████████ you were asked several times on cross
10 examination about your testimony regarding the fall of 2004.

11 A Right.

12 Q And could you please explain how that date became
13 something that you testified to?

14 A Okay, when I first told my mom and she brought me to
15 Arbuiso, they asked me what do I remember about the time period
16 of it.

17 The way I remember it is that Rady wasn't home, and I don't
18 remember being around Rady immediately after it happened. And
19 when I said "immediately", I mean for the week following it.

20 So that being said, Detective Arbuiso and my mom both spoke
21 about --

22 MR. COHEN: Objection to what they spoke about, she
23 wasn't present. She said she wasn't present.

24 THE WITNESS: With me there.

25 THE COURT: Overruled.

1 A With me there. They spoke about it with me there, when
2 we all thought this was possible to have happened. And I said I
3 have really no idea of when this could have happened. All I
4 know is I was in shorts and a tank top, and that's it.

5 And they came up with the fact that if Rady wasn't present,
6 if I don't remember Rady being there, then it must have been
7 after he had left, which would have been September of 2004.

8 Q As you sit here today, do you know exactly when this
9 rape happened?

10 A No, I don't know the exact date. I don't know exactly
11 when. I know it happened after Great Adventure.

12 Q You testified during cross examination that at some
13 point ██████████ Instant Messaged you?

14 A Yes.

15 Q And without going into the substance of how she Instant
16 Messaged you, did you respond to her?

17 A No, my mom -- I told my mom because I was told by the
18 cops that came to my house --

19 MR. COHEN: Objection.

20 THE COURT: Sustained.

21 That's okay, you've already answered the question.

22 Q ██████████ were you ever in danger of failing out of
23 Dwight?

24 A No.

25 Failing out, as in having to leave the school?

1 Q Yes.

2 A No.

3 Q And ██████████ is it fair to say, as you sit here today,
4 you don't remember exactly the things that you told
5 Detective Arbuiso in the spring of 2008?

6 MR. COHEN: Objection.

7 THE COURT: Sustained. Don't lead, please.

8 Q Do you remember exactly what you told Detective Arbuiso
9 in the spring of 2008?

10 A I don't remember exactly everything. I remember a fair
11 amount because I was getting upset, I was getting angry, I was
12 repeating myself. He wasn't understanding me, and I was trying
13 to tell him, with as much detail as I could. But this is
14 something I pushed in the back of my mind. I never wanted to
15 talk about it again, so I -- to bring up details and memories
16 and stuff, yeah.

17 Q ██████████ you were asked on cross examination about
18 whether, in fact, you had told Detective Arbuiso that the
19 defendant then started raping ██████████ and you tried to clarify.
20 What were you going to say?

21 A That was purely opinion-based.

22 Q What do you mean it was your opinion?

23 A By the time I went --

24 MR. COHEN: Objection.

25 THE COURT: Overruled.