

1 pajama bottoms would be on that bed, would there?

2 A Jeffe never told me anything about changing the  
3 baby's diaper, or anything like that. We didn't  
4 talk about that. All I know is before I left  
5 work -- for work that morning, the diaper wasn't  
6 changed.

7 Q Okay.

8 A He could have changed it, you know, after I went to  
9 work, but I was not there.

10 Q All right. Only Jeffe would know why the pajama  
11 bottoms were off the child, I suppose.

12 A Yes, I guess so.

13 Q Let me ask you something: You got a couple of  
14 phone calls from Jeffe on the morning of --  
15 actually afternoon on November 9th, right?

16 A It was actually -- it was some time before one  
17 o'clock.

18 Q It was some time before -- shortly before one  
19 o'clock?

20 A Some time before one o'clock.

21 Q Okay.

22 A Because my boss -- I remember my boss was coming  
23 into work at one o'clock, and he called before one  
24 o'clock.

*over for p. 139*

1 Q And that would be the truck that he would drive  
2 Kassidy around in?

3 A Yes.

4 Q And that would be the truck that he would seat  
5 Kassidy in?

6 A He would what?

7 Q Seat her?

8 A Yes.

9 Q Okay. I just wanted to know. Okay. So at the  
10 time, two or three weeks prior to her death, such a  
11 truck existed, right?

12 A Yes.

13 Q Let me ask you something, okay? November 9th, you  
14 get a phone call, and it's shortly before one  
15 o'clock, and it's Jeffe on the phone, right?

16 A November 9th, yes.

17 Q Yeah. It's Jeffe on the phone. And it's Jeffe on  
18 the phone, and he's telling you that there's  
19 something wrong with the child, right?

20 A Yes. He said Kassidy was acting weird.

21 Q Okay. Now, how many telephone calls were made to  
22 you, from Jeffe, on November 9th?

23 A Two.

24 Q Two. So during the course of the first phone call,

1 he calls you and he says that -- he was concerned,  
2 right, about her, Kassidy's physical condition,  
3 right?

4 A Yes.

5 Q Something's wrong with her he says, right?

6 A Yes.

7 Q Her eyes are rolling down in the back of her head,  
8 right?

9 A Yes.

10 Q And you're thinking to yourself, well, she must be  
11 having a seizure or something?

12 A My brother had epilepsy, and that's what I thought,  
13 maybe she was having a seizure.

14 Q Okay. But he's asking you what he should do,  
15 right?

16 A Like in the state of -- in the State of Maine, we  
17 really can't bring the baby to the hospital unless  
18 the mother's there.

19 Q Let me ask you a question, okay? He's asking you  
20 what should he do, right?

21 A Yes, he asked me what he should do.

22 Q Okay. He didn't say the baby was dead, did he?

23 A No.

24 Q He didn't say the baby wasn't breathing, did he?

1 A No.

2 Q He didn't say the baby didn't have a pulse, did he?

3 A No.

4 Q In fact, from the conversation that you received  
5 from Jeffe Marshall shortly before one o'clock on  
6 the 9th of November, you understood Cassidy's  
7 condition as basically being a seizure, right?

8 A Yes. But the telephone call that he made was some  
9 time before one o'clock. I never said it was  
10 shortly before one o'clock.

11 Q Okay. I'm not -- let's say 12:20, any time you  
12 want, okay?

13 A Okay.

14 Q The first phone call.

15 A Just making -- making sure you know when.

16 Q Okay. The first time he calls you, he's not saying  
17 anything like ---

18 A The first time -- I'm sorry, go ahead.

19 Q The first time he calls you, he doesn't describe  
20 the child as being limp, or dead, or cold, or  
21 not breathing, or anything like that, does he?

22 A The first time he called me, he told me that  
23 Cassidy's eyes were rolling in the back of her  
24 head. And I said, you know, call the hospital.

1 And he said, okay. And then we got off the phone.

2 I was -- I was really busy at work.

3 Q That's the first time he called you, right?

4 A Yes.

5 Q How much time went by between the first time and

6 the second time he called?

7 A It wasn't -- it wasn't that much time.

8 Q Just your own estimate.

9 A I don't know, couple of minutes. It was ---

10 Q Couple of minutes?

11 A It was -- it was pretty quick.

12 Q Pretty quick?

13 A I was busy.

14 Q Okay.

15 A I didn't really remember the time. I'm sorry.

16 Q All right. Well, what he says is that he checked

17 on her because she was quiet, right?

18 A Yes, he did.

19 Q And he calls you again, right?

20 A Yes.

21 Q And he calls you again, and he tells you the baby

22 is alert, right?

23 A He told me that the baby was -- was coming through,

24 and the ambulance was on its way, and not to worry.

1 And I told him that I was going -- the first phone  
2 conversation I was going to call Amanda and tell  
3 Mandy that the baby was on the way to the hospital.

4 Q Very good. But he called you a second time?

5 A Yes.

6 Q And during the course of the second conversation,  
7 he told you that the baby was fine, right?

8 A Told me like the baby was coming around, that she  
9 was going to the hospital.

10 Q That she was coming around, and that she was going  
11 to the hospital, right?

12 A Yes.

13 Q In fact, I think you told the police that -- let's  
14 get this straight -- that she was alert, sitting up  
15 and watching television, right?

16 A I told the police that because I assumed that.

17 Q Okay, that's fair enough. You assumed from the  
18 tenor of Jeffe's conversation with you on the  
19 second phone call, right, that the baby was  
20 breathing fine, right?

21 A I assumed that the baby was -- was doing better. I  
22 assumed that, you know, that he was just getting  
23 her ready to take her to the hospital.

24 Q Well, you told the police, during the course of the

1 interview, did you not, that she ---

2 MR. DELKER: I'm sorry, what page?

3 [By Mr. Sisti]:

4 Q All through this interview that she was alert,  
5 right, on the second phone call?

6 THE COURT: I think we need a page, Mr. Sisti, if  
7 you're going to be confronting the witness.

8 MR. SISTI: I'll get the specific page for you.  
9 Nine forty-nine.

10 [By Mr. Sisti]:

11 Q Let me -- let me just go through it, okay? And the  
12 police asked you: Did he say that he was going to  
13 get the baby dressed and take her? Did he make any  
14 statements to you like that or anything? Did you  
15 tell him what that -- the baby -- keep the baby  
16 awake, or did you give him any medical advice? And  
17 your answer was: No, I didn't. Right?

18 A Yes.

19 Q And the police ask you: Okay. And you go:  
20 Uh-huh. And the police don't even ask you anything  
21 and you go um. And you say: He said the baby was  
22 alert. Correct?

23 A I probably said that. I assumed that.

24 Q Well, you said the baby -- you said that he, and

1 "he" is Jefferey Marshall, correct?

2 A Yes.

3 Q That Jefferey would have said the baby was alert,  
4 correct?

5 A Correct.

6 Q Okay.

7 A But I -- I assumed that the baby was alert. I just  
8 said that to them. I was -- my niece just died.

9 Q Well, you didn't know that your niece died?

10 A Yes, I did.

11 Q Oh.

12 A My mother called me and told me that my niece died.

13 Q Hold on one second, okay. When Jeffe called you,  
14 you thought your niece was alive, right?

15 A No, I'm talking about at the interview with the  
16 police.

17 Q Understood. When Jeffe called you on time one, you  
18 thought your niece was alive, right?

19 A Yes.

20 Q And on time two, not only was she alive, she was  
21 doing better, right?

22 A Yeah. I assumed that she was doing better.

23 Q Right. He wasn't saying anything about her being  
24 lifeless, right? Nothing, right?

1 A No. He called like a couple -- you know, he  
2 called -- it was so quick.

3 Q It was quick, but you certainly had the  
4 understanding that 21-month old Kassidy, your  
5 niece, was alive?

6 A Yes.

7 Q All right. No question about that?

8 A I had the understanding that Kassidy was alive.

9 Q That was a clear understanding, correct?

10 A Yes.

11 Q And the police would have been given that  
12 understanding by you, as well, and that would have  
13 been on an interview on November 9, 2000,  
14 right?

15 A Yes.

16 Q And that was before you got to speak with Jeffe  
17 Marshall about the facts of the case, right?

18 A Yes.

19 Q Because you were separated, right?

20 A Yes.

21 Q And you were given statements alone, and apart  
22 from each other, right?

23 A Everybody was given statements alone and apart from  
24 each other.

1 Q All right. And the police, after you said -- your  
2 statement he said the baby was like alert. And the  
3 police said: "The second time?" They asked you  
4 that question. "The second time?" And your answer  
5 was "Yeah, the second time. The first time, she  
6 wasn't." And then the police say "Okay, the second  
7 time she was alert and walking around?" And your  
8 answer was "Well, he didn't say walking around.  
9 She was, you know what I mean." Police: "Right.  
10 He said alert." Your answer: "She was alert,  
11 talking, watching TV with, you know, Jeffe. Jeffe  
12 hung up and then he called ..."

13 MR. DELKER: I'm sorry. I think ---

14 MR. SISTI: I'll redo it.

15 [By Mr. Sisti]:

16 Q "She was alert, talking, watching TV with -- you  
17 know, Jeffe hung up, and then he called and said  
18 he'd take her to the hospital. You know what I  
19 mean?" Okay. Now, during that course of the  
20 interview, that was shortly in time of that  
21 telephone conversation that you had with your  
22 boyfriend, right?

23 A What do you mean?

24 Q That was only a couple of hours from that

1 conversation?

2 A I was in the interview like all night. We were in  
3 there -- I was getting interviewed for like four  
4 hours.

5 Q All right. Now, the time that they ended this  
6 particular interview was 6:40 P.M., okay? And the  
7 time they started this interview was 4:15 P.M.,  
8 okay?

9 THE COURT: You have to say yes or no.

10 THE WITNESS: Yes.

11 THE COURT: Thanks.

12 [By Mr. Sisti]:

13 Q All right. So when they started this interview, it  
14 only would have been about three hours, let's say,  
15 from the time that you had this conversation with  
16 your boyfriend, right?

17 A Yes.

18 Q And you told them at that time, three hours after  
19 that conversation, and before you could speak with  
20 your boyfriend, that your boyfriend said the baby  
21 was alert?

22 A I did say that, but I assumed that.

23 Q Well, you know, you assumed that because Jeffe  
24 Marshall led you to believe that, correct?

1 A The second -- second phone call he was a lot  
2 calmer.

3 Q He was calm, and he was saying the baby's fine.

4 A He -- I assumed the baby was fine, because he was a  
5 lot calmer. And he said that the baby was going to  
6 the hospital.

7 Q Yeah.

8 A He seemed a lot more relaxed.

9 Q He was relaxed, everything was okay, right?

10 A I don't know if everything was okay, I was not  
11 there, but he seemed a lot calmer. It was a quick  
12 phone call. It wasn't long at all. It was like a  
13 minute, you know what I mean?

14 Q It was a whole minute of him speaking with you, and  
15 you had no indication, whatsoever, that that child  
16 was lifeless, correct?

17 A Correct.

18 MR. SISTI: Thank you, very much, Jen.

19 THE COURT: Okay. Mr. Delker.

20 MR. DELKER: Thank you.

21 ^ REDIRECT EXAMINATION [By Mr. Delker]:

22 Q I just have a couple of questions. I want to start  
23 where Attorney Sisti left off with that phone call  
24 from Jeffe. That interview with the police, before

1 the part of the interview that Attorney Sisti was  
2 just talking about, you had described that second  
3 phone call, which was earlier in that interview, do  
4 you remember that?

5 A Yes.

6 MR. DELKER: Referring to page 942.

7 MR. SISTI: Uh-huh.

8 [By Mr. Delker]:

9 Q Can you -- two-thirds of the way down the page, can  
10 you read what you told the police the first time  
11 you spoke about that call?

12 A "And he gave me a call back, and he was like, we're  
13 going to the hospital. Something was wrong with  
14 her. And he was all worried and crying and stuff.  
15 He was crying. He was wicked upset. And I was  
16 like, oh my god, you know, something's wrong with  
17 her. So I went on with my day, you know. I got a  
18 phone call from my mother. She was balling her  
19 eyes out. She was like, "Kassidy's dead."

20 Q Thank you. And that was before -- that was the  
21 first time you talked to the police about that  
22 second phone call with Jeffe, correct?

23 A Yes.

24 Q All right. And you were also asked about seeing

1 bruises on Kassidy. And you said the first time  
2 you remember her having bruises was the time that  
3 Kassidy came into the store. Do you remember  
4 talking to the police about seeing bruises on  
5 Kassidy and describing when you had seen them?

6 A Yes.

7 Q I'm gonna refer you to -- were you interviewed by  
8 the police the day after Kassidy's death?

9 A Yes, I was.

10 Q And do you remember what you told the police the  
11 day after Kassidy's -- I'm sorry, page 1144. Do  
12 you remember what you told the police the day after  
13 Kassidy's death about the bruises?

14 A The day -- yes, I do.

15 Q What did you tell them? When you had seen the  
16 bruises. I'm sorry.

17 A The first bruises?

18 Q Yeah, do you remember what you told them?

19 A Yeah. Kassidy was -- I told them about the  
20 trampoline, how Kassidy was jumping on the  
21 trampoline, fell off, and Chad caught her by her  
22 face.

23 Q But do you remember what you told the police about  
24 when the first time you've seen bruises during