

Excerpts from the Trial Transcript People v Ajay Dev.

(Name's have been redacted.)

Lie #1 Exposed: The accuser testified that she didn't have sex with anyone but Ajay until after she moved out, which was in December 2003. And that Boyfriend #3 was the first boy she had sex with. However, Boyfriend #2 testifies that he was having sexual relations with the accuser before Boyfriend #3 and while she lived at home with the Devs.

Prosecutor questioning the accuser during the preliminary hearing

SM: The three times that you had an abortion, did you, during that time were you having sexual relations with anybody other than Mr. Dev?

AC: No.

Prosecutor lawyer questioning the accuser

SM: "Do you remember approximately when your first consensual sexual encounter with someone was?"

AC: "Yes. It was after I moved out from my apartment--from their house..."

SM: "After December of 2003?"

AC: "That's right."

SM: "And what was that young man's name?"

AC: "[Name redacted: **Boyfriend #3**]"

Prosecutor questioning the accuser.

SM: Okay. [Name redacted: **Boyfriend #3**] is the first boyfriend you had sex with; is this correct?

AC: Yes.

SM: Is [Name redacted: **Boyfriend #3**] the first person you had – boy you had sex with?

AC: Yes.

Defense attorney questioning [name was redacted] referred to as boyfriend #2 (B2)

MR: The district attorney, on many occasions, asked you if your relationship with [Name redacted: **the accuser**] was or became romantic. You said yes. Does that mean you were having sexual relations with her?

B2: Yes.

MR: That included sexual intercourse.

B2: Yes.

MR: She was still living in the Dev home at that time when you were having sexual relations with her, weren't you?

B2: Yes.

Prosecutor questioning boyfriend #2

SM: How often would the two of you have sex?

B2: Maybe once a week.

SM: And that was at your mom's house?

B2: Yes.

Lie #2 Exposed

The accuser claims that she never had boys over the house while her parents were not home. Two people testified that the accuser did in fact have boys over the house when her parents were not home and these visits coincided with her first pregnancy.

Defense lawyer questioning accuser(AC)

MR: Was there ever a time before you moved out when Ajay and Peggy, they were both at work, and you came home after school, met a boy who pulled up in a Mercedes and the two of you went into the house and closed the front curtains so the neighbors across the street couldn't see?

AC: That's not true.

MR: Never happened?

AC: No.

MR: Not once?

AC: No. Only friend came over was [Name redacted: **Boyfriend #2**] and he didn't drive a Mercedes.

MR: And you closed the curtains when he came in?

AC: No.

Defense lawyer questions one of the accuser's girlfriend (name redacted: GF).

MR: Did you ever go by the J Street house during the day when Mr. and Mrs. Dev apparently were at work and see [**the accuser**] with a boy?

GF: Yes.

MR: Did you see what kind of car he drove?

GF: Yes. It was an old Mercedes.

MR: Did you know who the boy was?

GF: Yes.

MR: Who?

GF: "[Name redacted but referred to as **boyfriend #1**]"

Defense lawyer questions neighbor (Name redacted: NB) of the Devs.

MR: Did you ever see [**the accuser**] come by the house during her high school years when both parents were gone?

NB: Yes.

MR: And did she sometimes meet boys there?

NB: Yes.

(RT3352)

MR: Describe what it was?

NB: When the boys came, one or two boys, it was usually one at a time, from what I remember, but the curtains would get closed, and then when they would leave, they would be opened. They would open them and then leave. That was – otherwise friends just came in and out.

(RT 3353)

MR: Now do you recall any of the vehicles in particular that either of -- any of these

boys drove?
NB: One in particular was a black Mercedes. It had tinted windows. That's all -- I
MR: About how many times did you see him come over?
NB: He probably the most. I think it was about three, maybe four times.

Lie #3 Exposed: The accuser changes her story about whether oral sex occurred or not. At first she states that it never occurred. Then she states it occurred a couple of times. Then she states it occurred many times.

The investigating detective interviewing the accuser recorded on video.

DH: "Um, at any point did he put his penis anywhere else inside of you, other than in your private spot?"
AC: "Um, --"
DH: "And when I'm referring to any other spot, ... It also includes your mouth. Um, -"
AC: "No. .. Because I just thought it was disgusting to do -- put his thing in. I never -- I mean, it's disgusting to put that thing in my mouth. .. I wouldn't do it."
DH: "So that's no for both?"
AC: "Yeah."

Defense lawyer questioning the accuser during trial.

MR: "Okay. So that's three times a month times three years. So you had oral sex roughly, give or take a few times between 30 and 50 occasions? "
AC: "Yes."

Lie #4 Exposed

The Accuser lied about forging Ajay's signature on a medical document.

Defense lawyer questioned the accuser at Preliminary Hearing.

Q: And then I see a signature for Ajay, a middle initial, Dev, 5-8-03. Did Mr. Dev sign that in your presence?
A: I believe so.
Q: Did you write the name Ajay Dev on page 18 of Exhibit 2?
A: No.
Q: That's not your handwriting?
A: It doesn't look like mine.
Q: You don't recall doing that?
A: No.
Q: Do you recall Mr. Dev. signing that in your presence?
A: He was with me the whole time.

At the trial after learning from the opening statements that the handwriting expert would testify the signature on the form at the pregnancy clinic was not Ajay Dev's but matches the accuser's handwriting, the accuser changes her previous testimony from the preliminary hearing.

Defense lawyer questioning the accuser at trial.

MR: Now, you told us the other day that you recognized the handwriting for the

signature, Ajay K. Dev, as in fact, being your handwriting. Right?
AC: Yes.
MR: Because you in truth and in fact signed his name. Is that right. AC:
Yes.

Lie #5 : The Accuser Claims to Have Had 3 Abortions But Medical Records Indicate Otherwise:

The prosecutor questions the accuser.

SM: All right. Do you recall -- did you become pregnant more than once?

AC: Yes.

SM: Do you recall how many times you became pregnant?

AC: I recall becoming three times.

SM: Three times?

AC: Yes.

The medical records show:

- January 2, 2003 - miscarriage
- May 8, 2003 - abortion
- November 4, 2003 - negative pregnancy test
- November 5, 2003 - negative STD test

Later the prosecutor again questions the accuser about her Medical Records.

SM: Okay. So if I'm correct, then, we just looked at the records for the first time you got pregnant, which was ended in a miscarriage, another time when you got pregnant, which you actually took an abortion pill, and the third record -- or the other records you saw was not of an abortion, but you getting check for diseases. Correct?

AC: Yes.

Lie #6 Exposed

The accuser claimed that Ajay showed her pornography as a minor. She explains that Ajay showed her a porn movie called, "Eighteen and Confused." She states that she saw this pornography on the computer when they lived on Concord Street— they only lived on Concord Street until November 1999. The investigating detective confirms that the movie the accuser said she was shown at the Concord Street house was not even made until a year later. She also claimed she saw the movie in 1999 on a laptop that was not even purchased until 2001.

Defense lawyer questioning accuser.

MR: And you saw it back when you lived on Concord Street?

AC: Yes.

MR: And on Mr. Dev's laptop?

AC: Yes.

MR: "... you were 15 and you saw the movie "Eighteen and Confused" when you were 15, right...?"

AC: "Yes."

Defense lawyer questions the detective who investigated this case.

MR: Well, after you heard [**the accuser**] testify that she saw “Eighteen and Confused” in 1999, and then you confirmed that it didn’t exist in 1999, did you put that finding in writing and give it to the district attorney so he could tell me?

Then MOUNT OBJECTS...

MR: Did you prepare a report about your finding that this movie didn’t exist at the time [**the accuser**] said it did?

MH: No, I was in the process of investigating it.

MR: Well, other than – you went on the internet and the internet told you that it wasn’t created until January 2002. Right?

MH: January—

MR: 2000. Right?

MH: Right.

During the trial the prosecutor tried to portray the accuser as a person who was afraid to speak her mind and that she was controlled by Ajay.

Accuser’s words in an email dated 1/1/2004 to her biological parents and cc’d to Ajay and Peggy Dev

I like to speak my mind and I always want to clarify if things are misunderstood from my side. I know the way I act is not like a typical Nepali girl. I figured that I live in America not in Nepal where girls are mistreated and they are never heard. America allows its people to have a "freedom of speech". I choose to live this lifestyle. And therefore I like to express myself and speak my mind. I never really thought of myself as a typical Nepali girl even when I was in Nepal. I thought of myself as a “Be! ta”.

Three weeks before the accuser went to the police with allegations of being raped 750 times the accuser says this as a part of an email sent to Ajay:

The only reason I wrote that letter to papa is because you wrote a letter to my papa about me and how everything was bad about me. You forgot to mention the good times that we shared with each other.