

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 13-10200-GAO
)	
DZHOKHAR A. TSARNAEV, also)	
known as Jahar Tsarni,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY THIRTY-TWO
EXCERPT
TESTIMONY OF DUN MENG

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Thursday, March 12, 2015
11:30 a.m.

Marcia G. Patrisso, RMR, CRR
Official Court Reporters
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
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I N D E X

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WITNESSES FOR THE
GOVERNMENT:

DUN MENG

By Mr. Mellin	4		67
By Mr. Bruck		65	

E X H I B I T S

<u>GOVERNMENT'S EXHIBIT</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>RECEIVED</u>
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754	Mercedes-Benz lease agreement		11
753	Motor vehicle registration - Mercedes-Benz		12
755	Bank of America ATM card		33
752	Composite of audio and video of 911 call		55
795	Photograph		62
796	Photograph		63
797	Photograph		64

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P R O C E E D I N G S

* * *

MR. MELLIN: The United States calls Dun Meng.
(Lilun Zhang, Certified Mandarin Interpreter, is duly sworn.)

THE CLERK: Thank you. Would you have him raise his right hand.

DUN MENG, duly sworn through the interpreter

THE CLERK: State your name and spell your last name for the record and keep your voice up and speak into the mic if you would.

THE WITNESS: My name is Dun Meng.

DIRECT EXAMINATION (In English)

BY MR. MELLIN:

Q. And how do you spell your name?

A. My first name is D-U-N.

Q. And last name?

A. M-E-N-G.

MR. MELLIN: Your Honor, if I may ask the interpreter to spell her name as well.

THE COURT: Yes. Let me -- just a couple of logistics. We can get a chair for the interpreter, if she would like to sit on the podium with the witness.

THE CLERK: Would you like a chair?

THE INTERPRETER: Yeah.

1 THE COURT: And actually, if the English will be
2 spoken by the interpreter, the microphone should be in front of
3 her rather than --

4 MR. MELLIN: Actually, your Honor, I think that we are
5 probably going to conduct most, if not all, of this in English,
6 but we have the interpreter just in case Mr. Meng needs the
7 interpreter.

8 THE COURT: To the extent the interpreter is called
9 upon to translate Mr. Meng's Chinese into English, then I would
10 ask the interpreter to speak into the microphone with the
11 English answer, okay?

12 MR. MELLIN: Just for the record, if I may have the
13 interpreter -- is your first name spelled L-I-L-U-N?

14 THE INTERPRETER: Yes.

15 MR. MELLIN: And last name is Z-H-A-N-G?

16 THE INTERPRETER: Yes, that's correct.

17 MR. MELLIN: Thank you.

18 BY MR. MELLIN:

19 Q. Mr. Meng, as you sit here in court today, you have the
20 interpreter next to you. Is that right?

21 A. Yes.

22 Q. And do you understand that if there's anything you need
23 the interpreter for, that we can have the questions
24 interpreted?

25 A. Yes, sir.

1 Q. And if they were to be interpreted, what language would
2 you be asking the interpreter to help you out in?

3 A. Mandarin.

4 Q. In Mandarin?

5 A. Yes.

6 Q. And where did you grow up, Mr. Meng?

7 A. I grew up in China.

8 Q. Did you go to school in China?

9 A. Yeah, I go to school in China. I go to -- I graduate. I
10 go to middle school, high school and college in China.

11 Q. At some point did you begin the study of English?

12 A. Yes. I begin studying English in middle school.

13 Q. In middle school?

14 A. Yeah.

15 Q. Okay. And at some point, then, did you come to the United
16 States?

17 A. Yeah. I came into the United States in 2009. And I came
18 here for graduate study.

19 Q. Do you have a family back in China?

20 A. Yes.

21 Q. Parents as well as siblings?

22 A. My parents in China, and I have -- my sister's in China
23 right now.

24 Q. When you came to the United States, where did you go?

25 A. I went to Northeastern University.

1 Q. And why did you go to Northeastern University?

2 A. Couple of reasons. I think the first one is I approved by
3 the Northeastern University. I get offer from Northeastern
4 University.

5 Q. You got a waiver?

6 A. An offer.

7 Q. An offer?

8 A. Yeah.

9 Q. All right.

10 A. And another reason for me I think in 2009, Northeastern
11 University's in Boston, and I think I like to go to Boston to
12 study.

13 Q. What were you studying?

14 A. I study transportation engineering.

15 Q. What is transportation engineering?

16 A. So transportation engineering is about traffic analysis
17 and some public transportation, and also we study about bike
18 lanes.

19 Q. Okay. So you're talking about public transportation, and
20 bike lanes as well?

21 A. Yes.

22 Q. Did you ultimately get your master's degree at
23 Northeastern?

24 A. Yes.

25 Q. What year?

1 A. I get a master degree from Northeastern in 2012.

2 Q. After getting your degree, did you decide to stay in the
3 United States?

4 A. Yeah, after I graduated from Northeastern, I first -- I
5 was -- I decided to stay in United States, but I had to get a
6 visa. So I applied for a work visa after I graduated.

7 Q. When you say you had to get a visa, you were here already
8 on a visa, is that right, when you were at school?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 Q. Okay. But you had to change the visa now from being a
13 student to getting a work visa?

14 A. Yes, because after my graduation, my student visa expired.

15 Q. Understood. So you were able to get a work visa, what's
16 called an H-1B visa?

17 A. It's called H-1B.

18 Q. All right. So after getting this visa that allowed you to
19 come to the United States to work, what did you do?

20 A. After I get this visa, I work in a company, sponsor my
21 work visa, and then the company, it's -- I'm the founder of the
22 company, so I'm a partner of the company.

23 Q. As a partner of the company, what does the company do?

24 A. Our company is mobile application right now. So we have
25 like iPhone app, and the app is for food delivery. And we --

1 Q. Wait. It's for what?

2 A. For food delivery.

3 Q. Okay. For the delivery of food?

4 A. Yeah.

5 Q. So do you use the app if you want to get food from some
6 local restaurant and they'll deliver it to your address?

7 A. Yeah. And you can -- only for Asian food delivery. So if
8 you like to order Asian food delivery, you can order on the
9 iPhone ap. Just open the app, and you can see the menu, the
10 restaurant, and somebody will deliver to you.

11 Q. When did you begin putting that together, this app and
12 this business?

13 A. It's been started between us about two years ago. I mean,
14 it's been a lot of times to develop the ap, yeah.

15 Q. In April of 2013 what were you doing?

16 A. In April of 2013 I just came back to United States for
17 about, I think, two months, maybe less than two months. So I
18 was just going to work every day.

19 Q. In the middle of April of 2013, where was work located?

20 A. It's located in Cambridge, Kendall Square.

21 Q. On April 18th of 2013 were you at work?

22 A. Yes, I was.

23 Q. Do you recall how long you were at work that night?

24 A. That night I work until 10:30 -- about 10:30 in the night.

25 Q. At about 10:30 p.m. on April 18th, what did you do?

1 A. After day of work, I -- after like about 10:30 I finished
2 the discussion with my partner. So I left my workplace. I
3 feel a little tired, so I decided to drive with my car out to
4 get a ride to relax.

5 Q. In April of 2013, what type of car did you have?

6 A. I had a Mercedes SUV 350.

7 Q. When you say it's a Mercedes SUV, it's a sport utility
8 vehicle?

9 A. Yes.

10 Q. Okay. Did you buy that or did you lease it?

11 A. I leased it.

12 Q. If I could have you look at Exhibit 754.

13 MR. MELLIN: And just for the witness for now.

14 Q. Mr. Meng, as you look at Exhibit 754, do you recognize
15 what that is?

16 A. Yes.

17 Q. And what is it?

18 A. It's a lease agreement.

19 Q. And do you see what I just zoomed in on?

20 A. Yes.

21 Q. Is this a portion of that lease agreement?

22 A. Yes.

23 Q. And is this a lease agreement between you and
24 Mercedes-Benz of Boston?

25 A. Yes.

1 Q. Is it a fair and accurate copy of that agreement?

2 A. Yes.

3 MR. MELLIN: Your Honor, I would move in Exhibit 754
4 and ask to publish.

5 MR. BRUCK: No objection.

6 THE COURT: Okay.

7 (Government Exhibit No. 754 received into evidence.)

8 BY MR. MELLIN:

9 Q. And again, Mr. Meng, just for the jury, this is a
10 zoomed-in -- the top portion of that document. Is that right?

11 A. Yes.

12 Q. Okay. And on this document do you see the date of the
13 lease is 3/4/2013?

14 A. Yes.

15 Q. Is that correct?

16 A. Yes.

17 Q. And do you see down below who the lessee is?

18 A. It's me. It's my name.

19 Q. And this is for a 2013 Mercedes, correct?

20 A. Yes.

21 Q. All right. Is that the vehicle you were driving on the
22 night of April the 18th, 2013?

23 A. Yes.

24 Q. If I can also have you look at Exhibit 753. And do you
25 recognize Exhibit 753 as the registration for that Mercedes?

1 A. Yes.

2 MR. MELLIN: Your Honor, I would move into evidence
3 Exhibit 753.

4 MR. BRUCK: No objection.

5 THE COURT: All right.

6 (Government Exhibit No. 753 received into evidence.)

7 BY MR. MELLIN:

8 Q. And very quickly, as we look at Exhibit 753 on the screen
9 is that a MassDOT Registry of Motor Vehicles registration for
10 the Mercedes-Benz?

11 A. Yes.

12 Q. Thank you.

13 So, Mr. Meng --

14 THE COURT: Excuse me, Mr. Mellin. Maybe I can make a
15 suggestion. Maybe the interpreter and Mr. Meng can change
16 seats so he can see the screen better.

17 MR. MELLIN: Thank you, your Honor.

18 BY MR. MELLIN:

19 Q. So, Mr. Meng, on -- going back to April 18, 2013, at about
20 10:30 p.m., you left work in your Mercedes-Benz SUV. What did
21 you do?

22 A. So after I drove out to my Mercedes from the parking
23 garage, I decided to drive along the Charles River to take a
24 relax. I don't have actually, like, destination where to
25 drive, you know. I just want to drive along the river, maybe

1 have a relax.

2 Q. Okay. So you go out for this drive, destination unknown?

3 A. Unknown.

4 Q. Where do you go?

5 A. I went down to Memorial Drive in Cambridge. And after I
6 make a left turn out of BU Bridge into Boston.

7 Q. You said the BU Bridge. Boston University Bridge?

8 A. Yes.

9 Q. Okay. So now you've turned left and you're going over the
10 Charles River?

11 A. Charles River, yes.

12 Q. Okay. Where do you go?

13 A. After BU Bridge, I make a right turn onto Columbus Avenue,
14 and then I make a left turn onto Commonwealth Avenue, and I
15 turn right onto Harvard street or avenue, I'm not sure.
16 Harvard Avenue, I think.

17 So after Harvard, I make a right turn onto Brighton
18 Avenue. After Brighton --

19 Q. Onto Brighton Avenue?

20 A. Yeah, Brighton Avenue.

21 Q. Okay.

22 A. On Brighton Avenue, at some point I just found out -- I go
23 to text message from my friend from that day. I haven't get a
24 chance to respond to text message. So I decided to pull over
25 to take spot to text message. Because I'm a transportation

1 engineer, so I know it's unsafe to -- I feel it's unsafe to
2 text when I'm driving, so I decided to pull over to the curb.

3 Q. All right. So when you pull over to respond to this text
4 message, what happened?

5 A. After I pulled over, I was texting a message, and I was
6 typing in the phone. Like a few seconds later I saw another
7 car, a sedan, pull up behind --

8 Q. Just a minute. You just said sedan, I believe?

9 A. Yeah.

10 Q. And when you refer to a sedan, what are you referring to?

11 A. I refer to a four-door. A four-door car.

12 Q. And at the time that you're in the car that you're
13 texting, is anyone in the car with you?

14 A. No, just myself.

15 Q. Okay. So you see this sedan pull up or come on the scene.
16 What did you notice about the sedan?

17 A. I notice about sedan pull over to the curb very quickly,
18 very fast.

19 Q. To the curb?

20 A. To the curb very fast. I thought it's unusual -- unusual
21 for people to park in like that fast. And --

22 Q. Did they pull over in front of you or behind you?

23 A. Right behind me.

24 Q. What happened?

25 A. And very quickly a man just walk out from that car and

1 walk towards me. And he knocked on the front passenger window
2 of my car trying to --

3 Q. Let me stop you there. When this person got out of the
4 car that was behind you and walked up, was that person a
5 passenger in the car behind you?

6 A. Yeah, I think he was on the passenger seat.

7 Q. Okay. All right. So this person gets out of the car and
8 walks up towards you. Is that right?

9 A. Yes.

10 Q. What happened?

11 A. He looked -- he was trying to -- I thought he was trying
12 to ask me some question. He was talking. And he knocked the
13 passenger window of my car. And so I lowered down a little bit
14 of the window. He asked me to lower it down a little bit more.
15 So I thought he was trying to ask some directions. I rolled
16 down the window a little bit more. Suddenly, he put his
17 hands -- his right hand through the window into my car and he
18 opened up the door of my car and jumped into the car.

19 Q. So the person that was on the outside where you rolled the
20 window down, that person reached in with their right hand and
21 opened up the door?

22 A. Yes.

23 Q. Okay. When that person jumped into your car, what
24 happened?

25 A. He jumped in very quickly and closed the door immediately

1 and pointed the gun to me, right to my head. And he asked for
2 money first. Asked, "Where's the cash?" So I gave him all my
3 cash in my car. It's not too much. I think it's -- I remember
4 it's about 40 or 45 dollars in the car.

5 First after I give him the cash, he said, "You only have
6 that amount of cash? That's not enough." He asked me,
7 "Where's your wallet?" So I give him my wallet too. And
8 there's no cash in the wallet.

9 Q. So the individual, he sat in the front passenger seat of
10 the car; he pointed a gun at you, correct?

11 A. Yes.

12 Q. How close was the gun to you?

13 A. Very close.

14 Q. At that point how did you feel?

15 A. I was -- I feel totally shocked. I was like: What is
16 this? I said, What's going on with this? Someone jumping in
17 my car and pointing a gun at me? It just feels like what's
18 just happened?

19 Q. When you gave that person the \$45, what did you do with
20 your wallet?

21 A. Can you repeat that question?

22 Q. Sure. What did you do with your wallet? What happened to
23 your wallet?

24 A. Okay. He asked me the wallet. So my wallet, actually, I
25 remember was in the other side of the pocket in the car. So I

1 took out the wallet, and I hand it over to him.

2 Q. Now, when you say it was in the other pocket, do you mean
3 the pocket that's in the door of the driver's door?

4 A. Yes, in the door, driver's door.

5 Q. All right. You handed over the wallet to him. Was he
6 still pointing the gun at you?

7 A. Yes, sir.

8 Q. Okay. And what happened?

9 A. I told him that's all the cash I have. I remember he took
10 it -- take a look at the wallet, there's no cash in it. And he
11 put the wallet -- I don't know -- on the other side of -- I
12 don't remember. But he didn't give it back to me. And then he
13 pulled a magazine out -- a magazine with a gun out to show me
14 there's bullets in the gun. So he told me that, "You know I'm
15 serious, so don't be stupid."

16 Q. After he pulled the magazine out and showed it to you and
17 told you to be -- that he was serious, what did he say?

18 A. After that he asked me, "Do you know the Boston Marathon
19 explosion?" I said, "Yes, I know." And then he asked, "Do you
20 know who did it?" I said, "No, I don't." He said, "I did it,
21 and I just killed a policeman in Cambridge."

22 Q. So the man that was sitting in your front passenger seat
23 said that he did the Boston Marathon explosion and that he just
24 killed a policeman in Cambridge?

25 A. Yes.

1 Q. Did you know anything about the shooting of Officer Sean
2 Collier at that point in time?

3 A. I don't know anything about a shooting of the officer, any
4 shooting about that, but actually that night I drive -- I drove
5 from Cambridge -- actually, from Memorial Drive. When I was on
6 Memorial Drive near the MIT campus, I saw a lot of police cars
7 with blue lights drive into the MIT campus. It's about a five
8 or six, maybe more than that, police cars.

9 So I thought that maybe something happened there, but I
10 don't know what happened. But after he told me that he killed
11 a policeman in Cambridge, I think maybe it's something related
12 to the police cars. So I believed him, he's serious, he's
13 telling me the truth.

14 Q. All right. So after he told you that, how did you feel?

15 A. Terrified. I mean, the whole world -- everybody is
16 looking for them at that time, and I can't believe I just met
17 them, you know, like they just -- first when they jump into my
18 car, I thought it's money, cash robbery. I just gave them
19 cash, I should be okay. But after he told me that, I thought
20 it's going to be something different.

21 Q. What happened after he told you he had done the Boston
22 Marathon bombing and had just killed an officer at MIT?

23 A. Then he asked me to pull out, wanted me to drive.

24 Q. Where did he want you to drive?

25 A. First of all, he asked me to make a left turn, like make a

1 U-turn. But after I pulled out the car, he changed his mind
2 immediately and asked me to make a right turn. So I made a
3 right turn into a -- onto a street.

4 Q. When you made that right turn onto the street and started
5 down that street, what happened to the sedan that was behind
6 you?

7 A. I don't know. I didn't notice the sedan at that point, so
8 I don't know what happened to the sedan at that point.

9 Q. Okay. When did you notice the sedan?

10 A. I noticed the sedan like I think about 20 or 30 minutes
11 later after we pulled over on the street in Watertown. The
12 sedan pulled up behind -- right behind us.

13 Q. While you were driving and he was in the front passenger
14 seat, where did you go?

15 A. Can you repeat that question, please?

16 Q. Sure. Where did you go while you were driving? After you
17 pulled out and then you turned right, where did you go?

18 A. After we made a right turn, we continue on that small
19 street, and then after that small street we made a right turn
20 onto Commonwealth Avenue.

21 Q. So you turned onto Commonwealth Avenue, and where did you
22 go?

23 A. After Commonwealth -- we continued on Commonwealth Avenue
24 for about, I think, maybe two miles, until we made a right turn
25 near Brighton.

1 Q. Who was deciding where you were going? Was he telling you
2 where to go?

3 A. Yeah, the man who jumped in, he ordered me to every
4 direction.

5 Q. And what was the man with the gun saying while you were
6 driving?

7 A. Can you --

8 Q. Was he talking to you or saying things to you?

9 A. Yeah, we had a conversation. He was talking to me.

10 Q. All right. And what was the conversation about?

11 A. First he asked me my name and he asked me where I from.
12 And after the first few minutes, I was -- my hands were
13 shaking, I can't manage to drive. He asked me to drive like
14 normally.

15 Q. Why were your hands shaking and why were you having
16 trouble driving?

17 A. Because I was very scared.

18 Q. At some point did you answer his question about your name?

19 A. Yes.

20 Q. What did you tell him?

21 A. I answer him my English name at that time. I told him my
22 name is Manny. He didn't get it on the first time. He said,
23 "Money"? So he laughed about it. "Money? You must got a lot
24 of money." So I said, "No, not Money." I said, "My name is
25 Manny, M-A-N-N-Y." And after that question, he asked me,

1 "Where are you from?" I said, "China." He didn't get it the
2 first time, so I repeat it. I said, "I'm Chinese."

3 Q. What did he say?

4 A. So he said, "Okay. You are Chinese. I'm Muslim. Muslims
5 hate Americans."

6 Q. When he said that, how did you respond?

7 A. I respond, you know, "I'm Chinese. Chinese are very
8 friendly to Muslim."

9 Q. What did he say?

10 A. He said, "Okay. I love you are Chinese. Just be relaxed
11 and just keep driving."

12 Q. So when he told you to drive down Commonwealth Avenue for
13 a while and you turned, what happened?

14 A. We made a right turn. I don't remember the name of the
15 street the first time we made a right turn, but later on I
16 remember we were driving on Market Street in Brighton. So he
17 asked me couple other questions. He asked me, "How long have
18 you came here to the United States?" "What do you do?"

19 Questions like that.

20 Q. What did you say?

21 A. I said, "I came here for study. I went to Northeastern
22 University. My English is not very good." And he asked me,
23 "Who do you live with?" I say, "I live with roommates." Then
24 he asked me --

25 Q. He asked who you lived with?

1 A. Yeah.

2 Q. Why did you think he was asking you that?

3 A. I didn't know at first time the reason he asked me, but
4 later on he asked me some other questions, I think I know why
5 he is asking me that question. So later he asked me, "Is there
6 anyone care about you?" So I think he's worried about someone
7 will worry about me if I didn't go back home until that
8 night -- the people who care about me would be nervous.

9 Q. How did you feel when he asked if there was anyone there
10 to care about you?

11 A. I feel he's trying to -- his concern, and I feel I have to
12 tell him that nobody's concerned, care about me, so makes him
13 like very relaxed. Don't like, you know, pay too much
14 attention on me.

15 Q. After that conversation, did it continue or was that the
16 end of it?

17 A. After our conversation we had a break for a couple of
18 minutes and we continue driving on -- back on the street. At
19 some point he ask me my -- the PIN code of my bank card.

20 Q. He asked for your PIN code on your bank card?

21 A. Yes.

22 Q. What did you say?

23 A. I tell him the PIN code. And the PIN code was starting
24 with 86, somebody's birthday. And then he asked me, "Did you
25 born 1986?" I said, "Yes."

1 Q. Are you actually born in 1986?

2 A. Yes.

3 Q. Was that birth date PIN code your birth date or someone
4 else's?

5 A. It's not my birthday; somebody else's birthday.

6 Q. Okay. So after he asked if you were born in 1986, how did
7 the conversation go?

8 A. After he asked me about 1986, he said, "That your
9 birthday?" I said, "No, it's not my birthday; it's my
10 girlfriend's birthday." And then he ask me, "Where is your
11 girlfriend?" I mean, so I told him my girlfriend is not here;
12 she's in China.

13 Q. What happened after that?

14 A. After that we continued driving. And I think we made a
15 left turn at some point onto -- onto Arsenal Street.

16 Q. Onto Arsenal Street?

17 A. Yeah, in Watertown.

18 Q. All right. So at some point now you're in Watertown from
19 driving around?

20 A. Yes.

21 Q. And where do you go once you get onto Arsenal Street?

22 A. After a short one-minute drive on Arsenal Street, he ask
23 me to -- order me to make a right turn onto a local street or
24 dock. I don't remember the name of the street.

25 Q. All right. So you turned on the street off of Arsenal.

1 And what happened?

2 A. At some point he ask me question, like, "Do you -- do you
3 think all the white people look the same?"

4 Q. Wait. What was that question?

5 A. He said, "Do you think all the white person looks like the
6 same?"

7 Q. He asked if you --

8 A. Yeah, I didn't get the question the first time. I said,
9 "What? I'm sorry?" And then he said, "Do you think the white
10 person looks like the same like do you think the black person
11 looks like the same? And so you won't remember my face,
12 right?" So I said, "Yes. No, I don't remember anything."

13 Q. Why did you tell him you don't remember anything?

14 A. I feel like if I tell him that I remember your face, I
15 remember everything, then he will, you know -- I think he will
16 do something not good for me later on. I just feel safer if I
17 tell him that I don't remember anything.

18 Q. All right. So after he asked you if everyone
19 looked -- all white people looked the same to you or if you
20 would recognize him, what happened?

21 A. He continue order me to drive in -- on the street, made
22 some turns, and about a few minutes later, we pull over
23 to -- on a local street in Watertown.

24 Q. Do you remember the name of that local street in
25 Watertown?

1 A. I think it's -- maybe it's called Dexter Street.

2 Q. At that point in time was the sedan now behind you?

3 A. After we pulled over to a curb, immediately a sedan pulled
4 right behind us.

5 Q. When you pulled over and the sedan pulled in behind you,
6 what happened?

7 A. After the sedan pulled over, he order me to get out of the
8 car and switch my seat, so order me to sit in the front
9 passenger seat. So he took out the car keys, and I was -- I
10 took off the car and go run to the front side of my car and sit
11 in the front passenger seat.

12 Q. At that point how come you didn't run?

13 A. I'm sorry. Can you repeat that?

14 Q. Why didn't you run away right then?

15 A. Before he took out the car key, I did think about run
16 away, but he took out the car key very quickly, I think I got
17 no chance to run away because he got a gun, it's very dark
18 street. Nobody there. And there's another car pulled behind
19 us, I don't know what's either.

20 Q. All right. So you get out of the driver's seat and you
21 run around the front of your SUV to the other side. Is that
22 right?

23 A. Yes.

24 Q. Okay. What happens while you're doing that?

25 A. While I was sitting in the front passenger seat, he opened

1 the trunk of my car and I saw another person get out from the
2 sedan right behind us.

3 Q. Let me stop you there. You said he opened the trunk of
4 your car. It's an SUV, so it's really kind of a hatchback that
5 opens up. Is that right?

6 A. Yes.

7 Q. Okay. You're now in the front passenger seat or you're
8 about to get into it. Which one? Are you already in the seat?

9 A. Yes, I'm already in the seat.

10 Q. Okay. What happens to the person that was in the sedan?

11 A. He get off the sedan and walk to my car and they had
12 some -- a little bit of conversation.

13 Q. You said they had a conversation. So how many people are
14 now in the back of your car near the hatchback?

15 A. I think two people.

16 Q. Okay. The conversation that's being had, is that in
17 English or some other language?

18 A. I didn't -- I cannot hear anything clearly at that point
19 so I'm not sure.

20 Q. After the conversation between those two individuals, what
21 happened?

22 A. I heard, and it feels like they are moving something from
23 the sedan into the Mercedes SUV.

24 Q. Could you tell what they were moving from the sedan into
25 the SUV?

1 A. No, I don't know what they are moving.

2 Q. Did you look back to see what it was?

3 A. No, I didn't.

4 Q. Why not?

5 A. Because like I remember just a few minutes earlier he
6 asked me do I remember his face, so I feel like he doesn't want
7 me to recognize him, he don't like me to look at him, so I
8 didn't.

9 Q. Okay. Approximately how many items did they load into
10 your car?

11 A. I'm not sure. Maybe -- I'm not sure but definitely more
12 than one or two.

13 Q. As you're sitting in that front passenger seat and this is
14 going on, what did you notice? Did you ever look to the side?
15 Did you look, you know, to one side or the other?

16 A. I just look at what's in front of me. I trying to
17 remember something, so I look at the car parked in front of my
18 car and I look at another side street, look at those signs and
19 I try to remember the name of the street.

20 Q. Why are you trying to remember the name of the street?

21 A. I don't know. I just trying to -- maybe feels like maybe
22 it will be useful later. It's just something come from the
23 inside of me. I don't have any specific reason for that.

24 Q. After they loaded these unknown items into the back of the
25 car, what happened?

1 A. After the loading is finished, so the man who jumped into
2 my car, he became the driver. He's sitting in the driver's
3 seat. And another man sitting in the Mercedes, he sit in the
4 backseat, right behind me.

5 Q. The other man who sat in the backseat behind you, do you
6 see him in court today?

7 A. Yes. Yes.

8 Q. Can you point him out for the record, please?

9 A. That gentleman over there.

10 Q. Is he wearing a black coat?

11 A. Yes.

12 MR. MELLIN: Your Honor, I would ask the record
13 reflect the identification of the defendant.

14 THE COURT: All right.

15 BY MR. MELLIN:

16 Q. When the defendant climbed into the backseat behind you,
17 did he say anything?

18 A. He didn't speak to me, but maybe they had some talk, but I
19 really don't remember very clearly about that.

20 Q. So after the defendant climbs into the back, the other
21 individual climbs into the front, what happened?

22 A. So he started to drive. I don't know in what direction
23 to. He made a lot of turns. Like driving in, I think it's
24 Watertown. Like about ten minutes later he pulled over to
25 a -- right in front of a bank, ATM. And one of the guy -- one

1 of the men just get out of the car and took my bank card and
2 went to the ATM.

3 Q. Let me slow that down just a little bit. Now,
4 subsequently did you learn the identity of the man who is now
5 driving your car?

6 A. Huh?

7 Q. Were you able to identify later on the name and the
8 picture of the individual that was driving your car?

9 A. Yes.

10 Q. And was that Tamerlan Tsarnaev?

11 A. Yes.

12 Q. All right. So as the defendant's brother drove the car to
13 the Bank of America ATM, what happened?

14 A. So the man sit in the backseat, he get out of the car, and
15 I remember he knock on the window, ask the PIN code again.

16 Q. Let me stop you there again. You say -- again, this is
17 the defendant that we're talking about that knocks on the
18 window?

19 A. Yes.

20 Q. He knocks on which window?

21 A. I remember it was the front passenger window.

22 Q. Okay. You were sitting in the front passenger seat,
23 correct?

24 A. Yes.

25 Q. So does he ask you for the PIN number?

1 A. I'm not sure who he's asking, but I did give him the PIN
2 code again.

3 Q. Okay. So he asked for the PIN number; you answer and tell
4 him what the PIN is, correct?

5 A. Yes.

6 Q. Okay. And then what happened?

7 A. So he went into the ATM store, and I was staying in the
8 car with the man from the -- the first man whose name was
9 Tamerlan, you just told me.

10 Q. Before the defendant walked in to the ATM machine, do you
11 recall any conversation between the defendant and his brother
12 about how much money to withdraw?

13 A. No, I don't remember that.

14 Q. Okay. Did the man driving the car ever tell the defendant
15 the exact amount of money to take out?

16 A. No, I don't know.

17 Q. So as the defendant was at the ATM machine and the -- his
18 brother was in the front driver's seat, what were you thinking?

19 A. I was thinking maybe this is chance for me to run because
20 they told me they both have guns and I think I have no chance
21 if both of them are in the car.

22 Q. Now, when did they tell you that they both had guns?

23 A. I think it's after the -- some point -- I don't know if it
24 was that time, but at some point both of them were in the car.

25 Q. So when you were driving when they were both in the car,

1 about how much time elapses between the time when they both
2 climb into the car and you get to the Bank of America ATM? Do
3 you follow me? How long was the trip from when they both got
4 into the car until you got to the ATM?

5 A. I think it's about ten to 15 minutes.

6 Q. Okay. And so it's during this ten or 15 minutes that they
7 both tell you that they have guns?

8 A. Yes.

9 MR. BRUCK: I object to "they told." If the
10 government would ask the witness to indicate who told.

11 THE COURT: If you can.

12 MR. MELLIN: Your Honor, I'm going with what the
13 witness said. He used the term "they."

14 BY MR. MELLIN:

15 Q. When you said they told you, did they both tell you or did
16 one tell you?

17 A. You know, it was Tamerlan tell me.

18 Q. Okay. So the man in the driver's seat tells you they both
19 have guns, right?

20 A. Yes.

21 Q. Does the man sitting behind you at any time say, "I don't
22 have a gun"?

23 A. No.

24 MR. MELLIN: Your Honor, if I may approach?

25 THE COURT: All right.

1 MR. MELLIN: I'm going to show the witness what has
2 been marked as Government's Exhibit No. 755.

3 THE COURT: Is that 75-5?

4 MR. MELLIN: I'm sorry, your Honor. 755.

5 BY MR. MELLIN:

6 Q. Mr. Meng, do you recognize what is inside the envelope in
7 Government's Exhibit 755?

8 A. I can say a bank card.

9 Q. Okay. And whose bank card is that?

10 A. It's mine.

11 Q. And is that the bank card that the defendant used to
12 withdraw cash from the ATM out of your account?

13 A. I think so.

14 Q. Did you have another bank card?

15 A. Yes.

16 Q. Okay. Was that the one, though, that was taken from you?

17 A. Different.

18 Q. Which is a different one?

19 A. I got a couple of others, but different color. I know
20 this one, I put my picture on it. I only put this one with my
21 picture on it.

22 Q. Okay.

23 MR. MELLIN: Your Honor, at this time I would move
24 into evidence Exhibit 755.

25 MR. BRUCK: No objection.

1 THE COURT: All right.

2 (Government Exhibit No. 755 received into evidence.)

3 BY MR. MELLIN:

4 Q. Mr. Meng, when the defendant went in to the ATM, did he
5 come back with money that he showed you?

6 A. No, he didn't show to me.

7 Q. Did he at any time tell you how much money he had taken
8 out of your account?

9 A. No.

10 Q. Did he at any time tell his brother, the driver, how much
11 money he had taken out of the account?

12 A. They have some talk but in a language I don't understand,
13 so I don't know.

14 Q. The conversation in a language you didn't understand, when
15 did that occur?

16 A. I think the first time after the defendant was in the car
17 and they have some talk. They had a few talks. I don't
18 remember every time the talk happened. But every time when
19 they talk to each other, they speak in a different language.
20 When they speak to me, we talk in English.

21 Q. What happened as you left the Bank of America ATM?

22 A. After we left Bank of America ATM? Okay. After the bank
23 ATM, Tamerlan continued driving. I think he was driving
24 further from the city we were in. He was driving towards
25 Waltham, the direction.

1 Q. He's driving toward Allston?

2 A. Waltham.

3 Q. Waltham?

4 A. Yeah.

5 Q. I'm sorry. Waltham.

6 A. So he continued driving, and at some point he ask me, "How
7 many gas left in your car?" I said, "Only a quarter." And he
8 asked, "How long that amount of gas can drive; how far?" I
9 answered, "I don't know. Maybe 50 miles." So we continued
10 driving.

11 Q. Continued driving towards Waltham now?

12 A. Yeah, towards Waltham. And I -- I remember we passed a
13 police station, and after a few miles he made a U-turn, like
14 driving back.

15 Q. Driving back to the same direction you had just come?

16 A. Yeah, the direction we just came from the ATM machine.

17 Q. Okay. What happened after he did the U-turn?

18 A. After the U-turn, I think a conversation happened. He
19 asked me -- I'm not sure it happened at that point or maybe a
20 few minutes later. He asked me, "Can your car go out of
21 state?" I was -- I didn't get the question on the first time
22 because I didn't want to have a conversation with him so I
23 answered, "I'm sorry. What did you ask?" And he asked me,
24 "Can your car go out of state, like to New York?" I said,
25 "Yes, my car can go out of state and I have drived to New York

1 a few times."

2 Q. When he asked if this car could go out of state and you
3 said New York, what happened after that?

4 A. He also ask me do I have GPS in the car. I said no.

5 Q. You told him no, you don't have GPS?

6 A. Yeah, I told him no.

7 Q. Is that true?

8 A. No, that's not true. I did have a GPS in my car and I
9 didn't tell him that I have GPS.

10 Q. Why didn't you tell him the truth and tell him that you
11 had GPS?

12 A. Because another time I was thinking -- because I have
13 really good GPS in the car, you can find anything, like gas
14 station, hotels, everything on the map. So because I know they
15 told me -- they ask about -- mention about New York, so I know
16 they are going somewhere further. I'm thinking maybe they're
17 looking for something. If they find out there's GPS in the
18 car, then they can go to anyplace they want to go.

19 Q. Were you worried at that point they're not going to need
20 you at all?

21 A. Yeah, I worried about that. And the defendant at that
22 time also asked him -- I think that's the first time he was
23 talking to me, he asked me, "Can you connect your car --
24 connect an iPhone in your car? Can I play music in your car?"
25 And I said yes.

1 Q. After that discussion, what happened?

2 A. After that discussion we pulled over to a gas station on
3 that street. And so they pulled over to the gas station. So
4 the defendant get out of the car and try to pump -- put some
5 gas into the car. And he asked me which one is my credit card.

6 Q. Who asked you which one is your credit card?

7 A. The defendant today.

8 Q. At that point does he have your wallet?

9 A. Yes, he had my wallet.

10 Q. What did you say?

11 A. I told him the ZIP code. Oh, he asked me -- I told him
12 which one is my credit card. And then he asked me the ZIP
13 code, so I told him the ZIP code.

14 Q. Which one was your credit card?

15 A. The credit card also was a Bank of America credit card.

16 Q. Okay. What happened after you told the defendant your ZIP
17 code?

18 A. So he took the card to the pump station, trying to add
19 some gas, and he spend about two or three minutes there, and
20 then he came back and sit in the car and he talk to Tamerlan.
21 I don't know what they're talking about.

22 Q. Again, when they talked, did they talk in some other
23 language?

24 A. Yeah, in another language.

25 Q. How would you describe the tone of that conversation?

1 Were they screaming and yelling back and forth or just a normal
2 conversation?

3 A. I would describe it as normal conversation.

4 Q. So the defendant was not yelling at Tamerlan; Tamerlan's
5 not yelling at the defendant?

6 A. No, I don't remember that.

7 Q. Okay. All right. So after this conversation between the
8 two of them, what happened?

9 A. They continued driving -- continued driving. Tamerlan
10 was -- asked me how to play the radios. He turned on the
11 radios in the car.

12 Q. Let me stop you there. When you were at this gas station,
13 do you know if any gas was actually put into your SUV at this
14 gas station?

15 A. I think -- I think they didn't put any gas into the car
16 because at the gas station the lights were off. Nobody was
17 there. It looks like it was closed. But they didn't tell me.
18 But after the gas station they didn't -- they drive back to the
19 ATM direction where we originally drive from, so I saw that
20 they didn't get gas at this gas station.

21 Q. How did you see that they didn't get gas?

22 A. Because they talk about -- I think in two sense: They
23 didn't spend enough time at the gas station to pour the gas.
24 That's the first answer. The second reason is I heard they
25 talk about New York. So if they go to New York, it would go to

1 waste. They want to go back to the direction they came from.
2 That's what I was thinking.

3 Q. All right. So when you left this gas station you were
4 headed east, back towards Boston and not towards New York?

5 A. Yes, I think so.

6 Q. All right. So what happened after that?

7 A. After that he drive back to the first place we stopped in
8 Watertown, the street in front of the house, and he stop at the
9 house again. In front of the house again.

10 Q. All right. Now, let me just stop you there. "He" being
11 Tamerlan Tsarnaev?

12 A. Yeah, Tamerlan. Sorry. Tamerlan, yeah.

13 Q. So he drives back to the same location where the green
14 sedan was located?

15 A. Yes.

16 Q. All right.

17 A. I think the defendant today, he got out of the car and
18 grab something from the sedan again and get back in the car
19 very quickly.

20 Q. Do you know what the defendant grabbed out of the green
21 sedan?

22 A. I don't know at that point, but I think later on I think
23 it's -- it was something like a CD or something.

24 Q. Okay. Why do you say you think he grabbed a CD?

25 A. Because later on they put a CD into my car to play music.

1 Very different music. A style I never heard of before.

2 Q. How would you describe that kind of music?

3 A. I would describe it as a little bit weird. It sounds like
4 religious.

5 Q. It sounds very religious?

6 A. Yeah.

7 Q. How did that make you feel when that music was being
8 played in your car?

9 A. Nervous.

10 Q. After the defendant got out of the car, got something from
11 the other car, got back into your car in the back, was he again
12 right behind you?

13 A. Yes, same spot.

14 Q. Okay. What happened at that time?

15 A. After that Tamerlan start driving again. I don't know
16 where he's heading to but he made a right turn into a very
17 small, dark street. It's a dead-end street. And he stop there
18 for four, five seconds, didn't do anything. I don't know
19 what -- I thought at the point maybe he will kill me at that
20 place. But fortunately he didn't, and he made a U-turn again
21 and drive out of that dead-end, go back to the street.

22 Q. After you pulled out of that dead-end, where did he go?

23 A. He went down the street. I don't remember the name of the
24 street but it's not -- heading toward the ATM direction we went
25 to before. And it looks like he's heading to -- towards Boston

1 direction.

2 Q. So now we're back -- essentially driving east towards
3 Boston again?

4 A. Yes.

5 Q. Okay. And what happens?

6 A. At some point we were -- the three of us were in the car
7 and my roommate called in. First time she called in, we missed
8 that call. And Tamerlan was asking me, "Who is calling you?"

9 Q. Let me stop you there. So when you say that your
10 roommate's calling you, is it an actual cell phone call as
11 opposed to like a text message?

12 A. Cell phone call.

13 Q. Okay. Do you have the ringer on or off?

14 A. It's on because it's connected to my car. So when a call
15 is in the car, the whole car can hear that, and that the call
16 is coming in.

17 Q. Okay. So when you had this first call, what did Tamerlan
18 say to you?

19 A. He just -- first time he just ask me who is calling me.
20 And after we talk about -- we were talking, and the time is
21 up -- the time is up on the phone, we just missed the call.
22 And a few, two -- a couple of minutes later I get a message
23 from my roommate.

24 Q. Is this a text message or what is it?

25 A. This time it's a text message.

1 Q. All right.

2 A. So the text message was in Chinese. I remember it was
3 about asking something, "Where are you? It's dangerous
4 outside. Come home earlier" in Chinese.

5 Q. All right. So when you received the text message that
6 it's dangerous outside, where are you --

7 A. Yes.

8 Q. -- how do you respond, or what do you do?

9 A. I didn't respond to the text message, to her immediately.
10 Tamerlan look at the message. He doesn't know Mandarin. So he
11 asked me, "What's the text message?" So I told him my
12 roommate's just asking me where I am and she said it's
13 dangerous outside, the truth translation of the text message.
14 Then he asked me how to spell "no" in Chinese.

15 Q. How to spell what?

16 A. No.

17 Q. N-O?

18 A. N-O, yes, in Chinese.

19 Q. Yes.

20 A. So I tell him how to spell "no" in Chinese. And later he
21 asked me where is a dictionary. "A dictionary application in
22 your phone?" So I give him English-to-Mandarin dictionary.

23 Q. On your phone?

24 A. Yeah, on my phone.

25 Q. Okay. So he's doing this while he's driving the car, at

1 the same time?

2 A. I think we stopped for a while, stopped for a couple of
3 minutes at that time because we were driving on the -- no car
4 was on the street. Nobody was on the street. So he stopped
5 for a while to try to find the dictionary out. And he typed
6 "no" in the dictionary and he got the translation from the
7 Mandarin, just one word, texted back it my roommate.

8 Q. At that time where is the gun, do you know?

9 A. At that time I don't know where the gun -- I think it was
10 in the driver door side in the pocket. But what happened next,
11 I think I know the gun.

12 Q. Right. But as you pulled over and he was checking how to
13 spell "no" in Mandarin, why did you not run at that point?

14 A. I didn't think about running at that time because he
15 had -- both of them have guns. And not just him, but other --
16 the defendant today was sitting right behind me. And nobody
17 was on the street. I have no place to run. And they can
18 drive. They have car.

19 Q. When you stopped on the road and he was checking the text
20 message for the translation, did the defendant ever get out of
21 the car?

22 A. No, he didn't.

23 Q. Did he ever run away?

24 A. No.

25 Q. Okay. What happened?

1 A. So after he text back the message, later on, I think just
2 very shortly, one minute later, another roommate who is
3 boyfriend of the -- the roommate who text me, so he called me
4 again.

5 Q. Now, this other roommate that is contacting you, he's
6 calling you?

7 A. Yeah, he calling me on cell phone.

8 Q. Okay.

9 A. And this time because of the -- after he call me, this
10 time Tamerlan became a little bit nervous. Anxious, it looks
11 like. He asked me, "Who is calling you again?" I said, "My
12 roommate." And I become a little nervous too. I said, "If you
13 don't want to answer -- you don't want me to answer the phone,
14 I won't answer the phone. I won't say anything." But he
15 said -- he took the gun, again point it to me, he said, "You
16 have to answer the phone."

17 Q. So now the driver, Tamerlan, pulls out the gun again, his
18 gun again, and points it at you?

19 A. Yes.

20 Q. Where does he point it?

21 A. He point to me. I said, "If you don't want me to answer
22 phone, I won't." He said, "No, you have to answer the phone."

23 Q. Where is the gun pointed? At you?

24 A. At me. At my head. And he said, "You have to answer the
25 phone, but if you say any single word in Chinese, I will kill

1 you right now."

2 Q. He told you that if you said anything in Chinese on the
3 phone, he would kill you right now?

4 A. Yes.

5 Q. What did you do?

6 A. When we were having that conversation, we missed the call
7 again. But the roommate call right back again. So he point a
8 gun to me, and I said, "Okay. I will answer in English."

9 Q. Did he point the gun at you again?

10 A. Still pointing to me. And I ask him, "What do you want me
11 to say?" He said, "Just say you are sick. Just say you feel
12 sick, you're staying at a friend's home tonight." So I pick up
13 the phone and answer in English, which is unusual, it's weird
14 because my roommates are Chinese too. We talk in Mandarin
15 every day. We never speak English, not even on the phone. So
16 I answer in English and I say, "I'm very sick. I'm going to
17 stay at my friend's home tonight."

18 Q. What does your roommate say in response to that?

19 A. He -- he sounds like little bit surprised. He said,
20 "What?" in Chinese. "Why you speak English?" And I repeat,
21 again, I say, "I'm sick. I stay at a friend's home tonight.
22 And I've got to go right now. I talk to you later." Then he
23 said, "Okay," and he hung up.

24 Q. After that phone call, what happened?

25 A. After that phone call Tamerlan just feels little

1 bit -- looks like he feels a little bit happier. He told me,
2 "Good job, boy. Good job." So I feel relaxed too because I
3 was nervous at a point. And then we continued driving. He
4 continued driving, Tamerlan.

5 Q. Where did you go from there?

6 A. I think he was driving back to -- he was driving back to
7 Boston direction. Maybe it was Soldiers Field Road. At some
8 point he looked at the other side of the street. He looked and
9 he see some lights were on from a gas station. And he
10 feel -- I remember he was excited at the moment. He said,
11 "Yes." He said, "Yes" or something. He feels like excited.

12 Q. As you were on Soldiers Field Road, did you feel like you
13 started to know that area a little bit better too?

14 A. A little later on I feel better. After he made a right --
15 a left turn from the Soldiers Field Road to Cambridge, because
16 after we went to Cambridge, I feel it's very familiar with that
17 area.

18 Q. You said that Tamerlan Tsarnaev pointed the gun at you
19 when these phone calls were coming in, correct?

20 A. Yes.

21 Q. Did you ever see Tamerlan Tsarnaev point the gun at his
22 brother?

23 A. No, never.

24 Q. Did he ever threaten his brother during any of the time
25 you were in that car?

1 A. In my understanding, I mean, even English speaking, I
2 didn't think so.

3 Q. And did you ever see him yell at his brother?

4 A. No, I didn't see.

5 Q. As you were now coming back into Cambridge, what happened?

6 A. Now coming into Cambridge, he driving to a gas station. I
7 remember it was a Shell gas station. So he pulled over into
8 gas station.

9 Q. At that point had you been to that Shell gas station
10 before?

11 A. I never made it to the gas station. I never purchase gas
12 from that gas station. But I drive past by that gas station
13 multiple times.

14 Q. So you knew that location?

15 A. Yes, I do.

16 Q. As he pulled into that Shell gas station, what happened?

17 A. After pulling into the gas station, the defendant today
18 get out of the car again. He was -- he tried to buy the gas by
19 using the credit card again. I remember he had a conversation
20 with me -- the ZIP code again. He asked me what was the ZIP
21 code again, so I told him the ZIP code. But a few seconds
22 later he knocked on my window again and asked it -- told
23 Tamerlan in English, he said, "Cash only."

24 I remember Tamerlan asking me, "How much money you think
25 you need to spend to fill the tank of your car?" I said, "I

1 don't know, maybe 50, 60." And then Tamerlan told the
2 defendant today to put \$50 in for the gas. And he also said
3 super. Super. The super grade. And so the defendant today,
4 he went into the store to pay for the gas. Then I was with
5 Tamerlan. Only two of us in the car.

6 Q. At that point, do you know where Tamerlan's gun was?

7 A. I remember it was in a pocket on the driver's side.

8 Q. And that's the same pocket where you had your wallet
9 before?

10 A. Yes.

11 Q. Okay. So with the gun in the pocket, what were you
12 thinking?

13 A. I was thinking about running away at that time because I
14 think -- thought about running away in Watertown before. So I
15 saw that they were heading to New York, maybe I don't have
16 another chance, but right now they're adding gas. It may be my
17 last chance. And I thought about the conditions for me to
18 running away.

19 Q. And what conditions did you think about?

20 A. I thought about the three conditions. First of all, if
21 two of them or both are in the car, I have no chance to run;
22 second of all, if I have to run away, I have to do a few
23 things.

24 Q. What are the few things you'll do?

25 A. First of all, I'm back in my seatbelt and the car door is

1 locked. So if I have to open the door of the car on my side, I
2 have to press the unlock button first. So that's the second
3 thing. And then the third is I have to do -- I have to open
4 the door with the handle, pull the handle and open the door and
5 run away. So because at that point so I only have one person
6 in the car and he was -- he didn't have the gun in his hand.

7 Q. What was he doing at that time?

8 A. He was -- both of his hands was on the GPS, a Garmin GPS
9 device.

10 Q. Was that your Garmin GPS?

11 A. No, it's from their -- I don't have that GPS device.

12 Q. Do you know when they got that Garmin GPS out of their
13 car?

14 A. I'm not sure it's the first time the moving luggage or the
15 second time when we go back to Watertown. I think -- I
16 personally think it's the second time because I didn't see he
17 was using the GPS the first time.

18 Q. As he's sitting in the front driver seat working with the
19 GPS, what are you thinking?

20 A. I think this is my best chance because only one of them be
21 in the car and the door is -- the door of the car is unlocked.
22 I only have to do two things, in my opinion: unbuckle my
23 seatbelt, open the door and jump out.

24 Q. What did you do?

25 A. So I count down in my mind 1, 2, 3, 4. So it's very tough

1 decision for me at that moment.

2 Q. How are you feeling at that moment?

3 A. Every time when I recall this, this was the most
4 terrifying moment. It's most difficult decision in my life.

5 Q. Why do you say it's the most difficult decision of your
6 life?

7 A. Because I ask Tamerlan before when both of us in the car,
8 I ask him, "Are you going to kill me tonight?" He told me that
9 "I'm not going to kill you. Just relax, man." And "maybe we
10 will drop you off at someplace very far away from any person,
11 you have to walk about five or six miles to find any person."

12 So I was struggling about should I trust him about that?
13 Should I just follow his order and maybe he will release me
14 later on, or should I take this chance by myself to run away?
15 So, I mean, the decision -- I say the decision based on the two
16 choice I think I have at that time.

17 Q. Right. What did you do?

18 A. So I count down 1, 2, 3, 4, and I -- fortunately, I
19 unbuckle my seatbelt and open the car door quickly
20 successfully, jump out of the car, and I dashed into the
21 street. I can feel he was trying to grab me.

22 Q. When you say you could feel he was trying to grab you, how
23 could you feel he was trying to grab you?

24 A. You could feel his hands were so close to my left hand.
25 You can feel kind of like wind on my left hand and he was

1 shouting. He was like saying some word.

2 Q. He was shouting at you?

3 A. Shouting -- not at me, shouting a word.

4 Q. Okay. Do you know what word he was shouting?

5 A. He said, "Fuck." Can I speak that?

6 (Laughter.)

7 Q. You've done it now.

8 (Laughter.)

9 A. Sorry. I should have asked first.

10 Q. All right. When he said that, what did you do?

11 A. I dash into the street. And I can see there is another
12 gas station on our side of the street, so I run across the
13 street. Fortunately, there's no car driving on the street at
14 that time. So I can see the lights from that gas station was
15 on, but I'm not sure the gas station is open or locked. So I
16 was like praying, "Please open. Please somebody be there."

17 So I got to the door of the gas station, I open the door,
18 it opened. The attendant was there. I beg him to call 911.
19 And he didn't get me at the first time. And I just say,
20 "Please call 911. Please."

21 Q. When you told him to please call 911, did you stay at the
22 front door? What did you do?

23 A. Yeah, I stayed at the front door, but I tried to lower
24 down my body so they cannot see me through the windows.

25 Q. Did you look back to see if they were following?

1 A. No.

2 Q. Why not?

3 A. I don't know. It just feels like I'm very terrified. It
4 feels like -- I was very worried about them in front of me. I
5 feel like if I don't look back there, then maybe they won't
6 follow me, something like that. I didn't have too many reason
7 in my mind after that time.

8 Q. When you asked for a 911 call to be made, was one made?
9 Did the attendant call 911?

10 A. Yeah, after a few seconds he called 911.

11 Q. And as he was calling 911, what did you do?

12 A. I went to the side of -- they have a storage room behind
13 the desk.

14 Q. All right. So did you go behind him into a storage room?

15 A. Yeah, I go behind him, the storage room.

16 Q. Why did you do that?

17 A. I'm worried about they were coming in front of me. I just
18 want to hide. In case they came into the store, they cannot
19 see me.

20 Q. They cannot what?

21 A. They cannot find me.

22 Q. As you were hiding in the back, do you know if there was a
23 call that was placed to 911?

24 A. Yes, I can hear that.

25 Q. At some point is the phone given to you?

1 A. Yes, the attendant gave me the phone later, a few seconds
2 later.

3 Q. After the phone call is made, do the police arrive?

4 A. Yeah. The police arrive quickly. When I was still
5 talking on the phone, the attendant knock on the door of the
6 storage room and told me that the police is here.

7 MR. MELLIN: Your Honor, if I could have the witness
8 look at Exhibit 744, which I believe is already in evidence.

9 THE COURT: All right.

10 BY MR. MELLIN:

11 Q. Mr. Meng, do you recognize what Exhibit 744 is?

12 A. I can say on the left side is a Shell gas station, on the
13 right side is a Mobil gas station which I dash into.

14 Q. Right. So this is -- on the left side is the Shell that
15 you were at, and you ran across the street to the Mobil on the
16 right?

17 A. Yeah, and run across the street.

18 MR. MELLIN: And just if we could have 745 brought up,
19 please, which I also believe is already in evidence.

20 Q. And do you recognize Exhibit 745?

21 A. Yes.

22 Q. Okay. And what is that?

23 A. It's a Mobil Gas Station where the attendant called 911.

24 MR. MELLIN: Your Honor, this may be a good time to
25 break just because I was going to play the video and audio

1 attached.

2 THE COURT: Yes? Okay. So we'll take the lunch
3 break, ladies and gentlemen, and resume at two o'clock.

4 THE CLERK: All rise for the Court and the jury. The
5 Court will take the lunch recess.

6 (The Court and jury exit the courtroom and there is a
7 recess in the proceedings at 12:57 p.m.)

8 THE CLERK: All rise for the Court and the jury.

9 (The Court and jury enter the courtroom at 2:06 p.m.)

10 THE CLERK: Be seated.

11 THE COURT: Do we have the witness?

12 Go ahead, sir.

13 MR. MELLIN: Thank you, your Honor.

14 DUN MENG, resumed

15 DIRECT EXAMINATION CONTINUED

16 BY MR. MELLIN:

17 Q. Good afternoon, Mr. Meng.

18 A. Good afternoon.

19 MR. MELLIN: And good afternoon, Miss Zhang.

20 THE INTERPRETER: Good afternoon.

21 MR. MELLIN: For the record, your Honor, Ms. Zhang is
22 seated next to Mr. Meng to help with interpretations this
23 afternoon as well.

24 BY MR. MELLIN:

25 Q. Mr. Meng, we stopped for the lunch break when you were

1 looking at some photographs of both the Shell gas station and
2 the Mobil Gas Station. Do you remember that?

3 A. Yes.

4 Q. In addition to having a chance to view those before, did
5 you also have a chance to watch the video from the Shell gas
6 station and also the Mobil Gas Station?

7 A. Yes.

8 Q. And are those fair and accurate videos of what you did
9 that day?

10 A. Yes.

11 Q. Okay. And in addition to that, have you had a chance to
12 listen to the 911 call that was placed initially by the clerk
13 in the Mobil Gas Station, but at some point you actually speak
14 on it, correct?

15 A. Yes, correct.

16 Q. And have you had a chance to listen to that 911 call?

17 A. Yes.

18 Q. And is it a fair and accurate recording of what was said
19 that day?

20 A. Yes.

21 MR. MELLIN: And, your Honor, for the record, I would
22 seek to move into evidence Exhibit 752, which is actually a
23 composite of the videos as well as the audio from the 911 call
24 overlaid where it's appropriate.

25 THE COURT: Is there any objection?

1 MR. BRUCK: No.

2 THE COURT: All right.

3 (Government Exhibit No. 752 received into evidence.)

4 THE COURT: We don't have it.

5 (Pause.)

6 THE COURT: All right.

7 (Video recording played.)

8 MR. MELLIN: If we could pause it there for just one
9 moment.

10 BY MR. MELLIN:

11 Q. Mr. Meng, did you see who just dashed out of the black SUV
12 and onto the screen?

13 A. Yes, it was me.

14 Q. All right.

15 (Video recording played.)

16 MR. MELLIN: If we could pause it there for one
17 minute.

18 Q. Mr. Meng, in the video right now that is playing, you are
19 inside the Mobil Gas Station. Is that right?

20 A. Yes.

21 Q. What is it you're telling the clerk behind the counter?

22 A. I think I was telling him that someone has guns, want to
23 kill me. Please call 911 right now, please.

24 MR. MELLIN: Continue, please.

25 (Video recording played.)

1 MR. MELLIN: Could you pause it, please?

2 Q. Again, Mr. Meng, that portion of the video, you are still
3 at the counter talking to the man behind the counter. Is that
4 right?

5 A. Yes.

6 Q. And at some point you actually get down somewhat on your
7 knees and put your hands up as if to pray. Is that right?

8 A. I'm trying to tell him, trying to say, "Please, please
9 call 911," because in the first couple of minutes, first few
10 seconds, he didn't make the call. So I wanted him to make the
11 call right now, immediately.

12 Q. And just before that you actually turned towards the door
13 and kind of put your hands up on the inside of the door to the
14 Mobil. Do you remember that portion of the video?

15 A. Yes.

16 Q. And what were you trying to do there?

17 A. I was trying to ask him, "Can you please lock the door?"
18 And I don't know how to lock it, but I try -- I'm afraid they
19 were following me.

20 Q. And so had you attempted to lock the door?

21 A. Yes.

22 MR. MELLIN: If we could continue, Mr. Bruemmer.

23 Thank you.

24 (Video recording played.)

25 MR. MELLIN: You could stop it right there, please.

1 Q. Now, Mr. Meng, if you can describe, what were you doing
2 right there as you went around the back of the counter?

3 A. So I was -- I was trying to go inside, trying
4 to -- because I'm really worried they will follow me. So I was
5 trying to find a place to hide. And the attendant, he was
6 trying to maybe stop me. He said, "Sir, you cannot go in
7 there." But I was very scared. So I just go inside and I find
8 a storage room on the right side, so I went into a storage
9 room.

10 Q. Okay. So now as we look at the screen in this video,
11 you're moving off to the right behind the rack of items for
12 sale, correct?

13 A. Yes.

14 Q. So what is it that is behind that wall?

15 A. Behind that wall is a storage room.

16 MR. MELLIN: Thank you.

17 (Audio and video recording played.)

18 Q. Mr. Meng, now at the start of that audio, it's the voice
19 of the attendant, correct?

20 A. Yes.

21 Q. Now, towards the latter portion of that, who is speaking?

22 A. Later I was speaking.

23 Q. So he hands you the phone and now you're on the phone?

24 A. Yes.

25 Q. Okay. Now, right where we cut off, what did you just tell

1 the person on 911?

2 A. That it is hard to understand better. I was saying that
3 they told me they did the explosion, the marathon explosion.

4 Q. So you had said that they did the marathon explosion?

5 A. Yes.

6 MR. MELLIN: Okay. If we could play...

7 (Audio and video recording played.)

8 Q. Now, Mr. Meng, what were you trying to -- or you indicated
9 that you were trying to explain what they looked like, correct?

10 A. Yes.

11 Q. And what were you trying to say there?

12 A. I was trying to say it looks like from Middle East or
13 Middle Asia.

14 Q. Okay. That they looked Middle Eastern. Is that what you
15 were trying to say?

16 A. Yes.

17 Q. Okay.

18 (Audio and video recording played.)

19 MR. MELLIN: If you could stop it there, please.

20 Q. Now, Mr. Meng, on the video that we're looking at, you
21 have just walked out from the storage room back in behind the
22 clerk's counter, correct?

23 A. Yes.

24 Q. Okay. And there's a police officer now who has arrived on
25 the scene?

1 A. Yes.

2 MR. MELLIN: All right. If we could roll it, thanks.

3 (Video recording played.)

4 Q. And now as we're watching the video, and the video just
5 ended, you were speaking to the police officer. Is that right?

6 A. Yes.

7 Q. And what did you talk to him about?

8 A. I -- the first police officer, I think I remember the
9 first time I told him that -- the others -- told me the others
10 are suspect of the Boston Marathon bombing. And then I say to
11 them maybe it's in the other gas station right across the
12 street. And I said to the police station -- the police officer
13 that they have my cell phone in the car already still and that
14 my car has a GPS tracking system. They can track -- so they
15 can track the location of the car if they want.

16 Q. Okay. Now, why did you tell the police that your phone
17 was still in the car?

18 A. I really feel unsafe. I feel they come back, to please
19 find them and take care of this. So I tried to provide them
20 with useful information so they could find them quickly.

21 Q. You told them there was a tracking device on the car,
22 right?

23 A. Yeah. I told them my car has a tracking system.

24 Q. Do you know the name of that tracking system?

25 A. It's a tracking system from Mercedes called MB Brace

1 [sic].

2 Q. So MB Brace.

3 And so that is something that Mercedes has, and if you
4 need to find the car, Mercedes is able to find where the car is
5 located?

6 A. Yes. And if I -- if I give them Mercedes account
7 information, they can locate it.

8 Q. So what happened after you told the officer that?

9 A. After I told them that, the police officer called Mercedes
10 and I give him -- I gave him my account information, like MB
11 Brace account number, maybe password, I don't remember. But I
12 remember I gave him the account number so they were able to
13 find the car. And also I gave the police officer my bank
14 account because they had my bank card number. So I told him
15 they just withdraw some cash in the ATM machine, so...

16 Q. Mr. Meng, did you ever get your car back?

17 A. No.

18 Q. When you were seated in the car when you were texting your
19 friend back around 10:30 and then -- at night on April the
20 18th, do you remember what items you had in the car at that
21 time?

22 A. I only remember like I have my wallet, sunlass, small
23 items in the car. I don't remember I have any other items in
24 the car. Maybe water, a bottle of water.

25 Q. Did you ever put a Tupperware bomb in your car?

1 A. No.

2 Q. Do you remember someone during the night bringing a CD
3 into your car?

4 A. Yeah, I remember they play CD, the different music CD.

5 Q. Was that your CD?

6 A. No.

7 Q. Mr. Meng, did you ever hit a human being or an animal with
8 the front quarter-panel of your car?

9 A. No, never before.

10 Q. Did you ever cause any damage to the front left
11 quarter-panel of your car?

12 A. No.

13 Q. Did you ever leave any blood on the front left
14 quarter-panel of your car?

15 A. No, I don't remember.

16 Q. Prior to April the 18th at 10:30 p.m., had you ever had
17 any bullet holes in that car?

18 A. No.

19 MR. MELLIN: If I could pull up Exhibit 795 for the
20 witness.

21 Q. Mr. Meng, do you see what is Exhibit 795?

22 A. Yes.

23 Q. Do you recognize the vehicle in that photograph?

24 A. The black Mercedes looks like the type of my car, but the
25 condition is totally different.

1 MR. MELLIN: Your Honor, I move into evidence Exhibit
2 795.

3 MR. BRUCK: No objection.

4 THE COURT: All right.

5 (Government Exhibit No. 795 received into evidence.)

6 MR. MELLIN: Ask to publish.

7 BY MR. MELLIN:

8 Q. Mr. Meng, as you look at the photograph of the black
9 Mercedes in 795, do you see all of that damage to the front
10 quarter-panel?

11 A. Yes.

12 Q. Do you know how that happened?

13 A. No.

14 Q. You'll also see in this photograph what I've just
15 enlarged?

16 A. Yes.

17 Q. And I just enlarged the front driver's door, correct?

18 A. Yes.

19 Q. And do you see these bullet holes in the front driver's
20 door?

21 A. Yes, I see.

22 Q. Was that ever in that car before April 18th at 10:30 p.m.?

23 A. No.

24 Q. Thank you.

25 MR. MELLIN: If we could pull up Exhibit 796 just for

1 the witness, please.

2 Q. Mr. Meng, do you see the photograph which is 796?

3 A. Yes.

4 Q. And can you describe what that is?

5 A. That's my car.

6 Q. Okay. Now you're able to say that's your car based on the
7 tag on the car. Is that right?

8 A. Based on the plate number.

9 MR. MELLIN: Your Honor, I move into evidence Exhibit
10 796 and ask to publish.

11 MR. BRUCK: No objection.

12 (Government Exhibit No. 796 received into evidence.)

13 BY MR. MELLIN:

14 Q. Mr. Meng, prior to April 18th, was your back window shot
15 out or damaged?

16 A. No.

17 Q. During the time that you were riding around in the car in
18 the front passenger seat, was that back window shot out or
19 damaged?

20 A. No.

21 Q. And I just enlarged a portion of that photograph showing
22 the back window, also the Mercedes symbol, and then to the
23 right of that is another bullet hole. Do you see that?

24 A. Yeah, I see it right now.

25 Q. Was that in your car at any time prior to April 18, 2013,

1 at 10 p.m.?

2 A. No.

3 MR. MELLIN: Finally, if I could pull up 797, please,
4 for the witness.

5 Q. Do you recognize what is 797, Mr. Meng?

6 A. Yes.

7 Q. Is that a picture of the VIN number, of the vehicle
8 identification number, on the Mercedes?

9 A. It's the VIN number.

10 MR. MELLIN: Your Honor, if I may move Exhibit 797
11 into evidence.

12 MR. BRUCK: No objection.

13 (Government Exhibit No. 797 received into evidence.)

14 MR. MELLIN: I'd ask to publish that alongside Exhibit
15 754, which is the lease agreement.

16 BY MR. MELLIN:

17 Q. And, Mr. Meng, now in front of you on the screen is
18 Exhibit 797 with the VIN number from the Mercedes and the lease
19 agreement which is 754. Do you see that?

20 A. Yes.

21 Q. And do they have a matching vehicle identification number?

22 A. Let me take a look. Yes, they have the same number.

23 Q. Thank you.

24 MR. MELLIN: Thank you, your Honor. Nothing further.

25 THE COURT: Mr. Bruck?

CROSS-EXAMINATION

1
2 BY MR. BRUCK:

3 Q. Good afternoon, Mr. Meng.

4 A. Good afternoon, sir.

5 Q. My name is David Bruck, and I'm one of Jahar Tsarnaev's
6 lawyers.

7 A. Okay. Nice to meet you.

8 Q. And do you mind if I ask you just a few questions?

9 A. You can ask any questions.

10 Q. I'm sorry?

11 A. You can ask any questions.

12 Q. Okay. I only have a few.

13 A. Okay.

14 Q. The person who came up to your car that night when you
15 were parked, typing on your phone, that person was Tamerlan,
16 correct?

17 A. Yes.

18 Q. And Tamerlan was the person who opened your door and got
19 in the car, correct?

20 A. Yes.

21 Q. And pointed a gun at you and robbed you?

22 A. Can you repeat that question?

23 Q. Tamerlan is the person who pointed a gun at you and robbed
24 you that night in the car?

25 A. Yes.

1 Q. And threatened to kill you?

2 A. Yes, I did [*sic*].

3 Q. Okay. And the first time you had ever seen Tamerlan was
4 when he tapped on your window, correct?

5 A. Yes.

6 Q. And even when he did that, you didn't yet think anything
7 was necessarily the matter, correct, that he was going to harm
8 you?

9 A. No, I thought he was trying to ask me some questions the
10 first time.

11 Q. You thought maybe he was going to ask you for directions?

12 A. Yes.

13 Q. And that's why you lowered your window?

14 A. Correct.

15 Q. After Tamerlan got in the car and took your money and
16 pointed the gun and made you drive, did there come a time when
17 he made a cell phone call while you were driving?

18 A. I don't remember that. I don't.

19 Q. Okay. Mr. Mellin asked you a series of questions about
20 Tamerlan's gun. Did you ever see any other gun that night?

21 A. No.

22 Q. So Tamerlan's gun was the only gun you saw?

23 A. Yes.

24 Q. And I think you said that the first thing that Jahar ever
25 said to you was to ask you if the stereo system -- or if the

1 sound system on your car would work with the iPhone -- with an
2 iPhone, correct?

3 A. Yeah. According to my memory, he was asking me can
4 I -- in my car, can I accommodate somebody's iPhone to the car
5 to play music.

6 Q. To play music.

7 A. Yeah.

8 Q. And before that Jahar hadn't said anything to you,
9 correct?

10 A. Yes; that's correct.

11 Q. I think that's all. I just have to check. Can you bear
12 with me a moment? I'm going to ask...

13 (Counsel confer off the record.)

14 MR. BRUCK: Mr. Meng, thank you so much. That's all I
15 have.

16 THE WITNESS: All right, thank you.

17 MR. MELLIN: Your Honor, briefly, redirect?

18 THE COURT: Briefly.

19 REDIRECT EXAMINATION

20 BY MR. MELLIN:

21 Q. Mr. Meng, who was the person that loaded items into your
22 car when you stopped and the green sedan pulled up?

23 A. I didn't look back, but I can say both of them -- they
24 were talking, and the both of them, I feel like two person
25 moving something, not just one single person.

1 Q. Who is the person who got out of the green sedan and got
2 into the car behind you at that time?

3 A. Jahar.

4 Q. Who is the person who asked for a PIN number when you
5 pulled up to the Bank of America ATM?

6 A. Jahar.

7 Q. Who is the person who walked into the ATM and withdrew
8 money from your account?

9 MR. BRUCK: I object. This is beyond the scope.

10 THE COURT: Overruled.

11 You may have it.

12 THE WITNESS: Jahar.

13 BY MR. MELLIN:

14 Q. Who was the person who got out of your car twice to fill
15 it up with gas?

16 MR. BRUCK: Objection. Leading.

17 THE COURT: No, overruled.

18 THE WITNESS: Jahar.

19 BY MR. MELLIN:

20 Q. Did the defendant ever tell you he did not have a gun?

21 A. No.

22 MR. MELLIN: Thank you.

23 THE COURT: Anything else?

24 MR. BRUCK: No, sir.

25 THE COURT: All right, Mr. Meng. Thank you. You may

1 step down.

2 THE WITNESS: Okay. Thank you.

3 (The witness is excused.)

4 * * *

5

6 C E R T I F I C A T E

7

8 I, Marcia G. Patrisso, RMR, CRR, Official Reporter of
9 the United States District Court, do hereby certify that the
10 foregoing transcript constitutes, to the best of my skill and
11 ability, a true and accurate transcription of my stenotype
12 notes taken in the matter of Criminal Action No. 13-10200,
13 United States of America v. Dzhokhar Tsarnaev.

14

15 /s/ Marcia G. Patrisso
16 MARCIA G. PATRISSO, RMR, CRR
17 Official Court Reporter

18

Date: 3/19/15

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