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ADNAN SYED VS. STATE OF MARYLAND  
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

ADNAN SYED	*	IN THE
Petitioner	*	CIRCUIT COURT
V.	*	FOR
STATE OF MARYLAND	*	BALTIMORE CITY,
Respondent	*	STATE OF MARYLAND
	*	199103042-046 and
	*	Post-Conviction No. 10432

\* \* \* \* \*

TRANSCRIPT OF OFFICIAL PROCEEDINGS  
(Post-Conviction)

-- -- -- --

BEFORE: THE HONORABLE MARTIN P. WELCH, Judge

-- -- -- --

HEARING DATE: October 11, 2012

APPEARANCES:

For the Petitioner: Justin Brown, Esquire

Melissa Kujda, Esquire

For the Respondent: Kathleen Murphy, Esquire

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P R O C E E D I N G S

(On the record - 2:15:19 p.m.)

CLERK: All rise. Part 18 resumes its afternoon session. The Honorable Judge Martin P. Welch, presiding.

THE COURT: Good afternoon, everyone. You may be seated. You may be seated, everyone. Ms. Murphy?

MS. MURPHY: Good afternoon, Your Honor. Calling Adnan Syed vs. State of Maryland. This is Post-Conviction Number 10432, original Case No. 199103042-046. Kathleen Murphy on behalf of the State.

THE COURT: And Counsel?

MR. BROWN: Good afternoon, Your Honor. Justin Brown on behalf of Adnan Syed, who is seated to my right. And also at Counsel's table is Melissa Kujda, who is my associate. And she will be examining one of the witnesses today, Your Honor.

MS. KUJDA: Good afternoon.

THE COURT: Good afternoon. And we're here on Mr. Syed's post-conviction petition?

MS. MURPHY: That is correct.

THE COURT: Any preliminaries?

MR. BROWN: Correct, Your Honor.

THE COURT: Mr. Brown?

MR. BROWN: Your Honor, just to refresh your memory, we have two hearing dates scheduled. This is the

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1 first. We have enough witnesses that we think, it will  
2 take at least two, two of your time slots. So, we have  
3 four witnesses lined up for today.

4 THE COURT: Okay.

5 MR. BROWN: I'd also -- what I did, in  
6 anticipation of this, was I made an exhibits list. And  
7 for the sake of efficiency, I thought I might bring you  
8 all of the exhibits to the bench, if there are no  
9 objections from the State.

10 THE COURT: Ms. Murphy?

11 MS. MURPHY: The State is objecting to the  
12 admissibility of some of the exhibits, Your Honor. I  
13 don't know if you want to take those as they come or if  
14 you'd like me to argue now.

15 THE COURT: Well, it's both the list and the  
16 exhibits, correct, Mr. Brown?

17 MR. BROWN: That's correct. That's correct.  
18 I'm glad to go through them one by one as they come up.

19 THE COURT: Well, why don't you go through them  
20 and attempting -- in the best of all worlds, you'd like to  
21 introduce them all now; is that correct?

22 MR. BROWN: For the sake of efficiency, I  
23 thought I would try to do that. If Your Honor prefers I  
24 not do that --

25 THE COURT: Why don't we do them all one by one

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1 and maybe -- I may understand them better that way.

2 MR. BROWN: Okay. And, Your Honor, normally  
3 when I do a post-conviction, I don't give an opening  
4 statement. But I thought I would just give a very brief  
5 description of what issues are in play. In the sense that  
6 what issues we are presenting evidence to support.  
7 Because there has been a lot of briefing and this case has  
8 gone on for a long time.

9 THE COURT: Certainly.

10 MR. BROWN: The first issue that we are  
11 presenting to the Court is the issue of an alibi witness.  
12 And that alibi witness is named, Asia McClane. When --  
13 after Mr. Syed had been arrested, while he was detained  
14 and while he was awaiting his trial date, he received two  
15 letters, which we will attempt to introduce into evidence.  
16 And those letters were from a fellow student of his, a  
17 high school student named, Asia McClane.

18 And in those letters, Ms. McClane wrote to Mr.  
19 Syed that, hey, don't you remember that you were with me  
20 on the day when this murder allegedly took place. And  
21 even more specific than that, this woman wrote to him the  
22 approximate times when she recalls being with Mr. Syed.  
23 And those times correspond directly to the time when,  
24 according to the State, the murder took place. So we have  
25 a pure alibi witness in Asia McClane.

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1           Now, upon receiving these letters, Mr. Syed  
2 informed his attorney, Christina Gutierrez, that there was  
3 a witness who could help him account for where he was on  
4 the day of the murder. And the way we know that, the way  
5 we know that, is because in Ms. Gutierrez's file, there  
6 were notes. And those notes were actually written by one  
7 of Ms. Gutierrez's law clerks at the time. A gentleman  
8 named, Ali Cornedor (phonetic).

9           And Ms. Murphy has stipulated to that, his  
10 affidavit, in which he -- in which he says and he confirms  
11 that it was he who wrote out those notes, based on an  
12 interview he had at the detention center with Mr. Syed.  
13 So, we know that Mr. Syed conveyed to his defense attorney  
14 that there was this alibi witness out there.

15           In addition to that, Mr. Syed will testify that,  
16 of course, he informed his attorney and any other  
17 surrogate who she sent to visit him, that there's an alibi  
18 witness. Who wouldn't inform their attorney of that?

19           Next, we know that Ms. Gutierrez never followed  
20 up with that alibi witness. She never contacted, never  
21 interviewed, never spoke to Asia McClane. And how do we  
22 know that? We have an affidavit from Asia McClane, which  
23 was taken just after Mr. Syed's conviction.

24           And while we do not have Asia McClane here as a  
25 witness today, we do have Rabia Chaudry, who is the person

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1 who took that affidavit and who was with Asia McClane and  
2 who spoke to her, in detail, about this.

3 So this is the alibi witness issue. There was  
4 an alibi witness who was willing to testify. Who, in  
5 fact, wanted to testify. Yet, the defense attorney never  
6 even followed up, never investigated, never called Asia  
7 McClane as a witness. And, Your Honor, this is a powerful  
8 witness. In a close case like this, it's an extremely  
9 powerful witness.

10 And does -- the test that we have to determine  
11 or that the Court has to determine is, did this error by  
12 Ms. Gutierrez undermine our confidence in the outcome of  
13 this case? And it's our position that absolutely. It  
14 absolutely undermines our confidence in the outcome of  
15 this case. Because this would have been an entirely  
16 different case with this alibi witness. Okay. So that's  
17 the first issue.

18 The second issue is the plea bargaining issue.  
19 You will hear testimony from Mr. Syed and we've written  
20 this up in a supplement to the original petition. That  
21 he, like any other defendant, at one point inquired of his  
22 attorney, what is my plea offer? What's the State  
23 offering me? Mr. Syed will testify he was over at  
24 Baltimore City jail and was talking, you know, all the  
25 inmates, what's your offer? What's your deal? What's

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1 your deal?

2 He inquired to his attorney, Ms. Gutierrez, what  
3 is the State offering? And Ms. Gutierrez responded to  
4 him, saying, that they are not offering you a deal. They  
5 are not offering you any kind of deal, whereby, you can  
6 plead guilty to this offense. Well, it has since come to  
7 our attention and you will hear the testimony today of  
8 Kevin Urick, who was one of the prosecutors on the case,  
9 that Ms. Gutierrez never approached the State to ask for a  
10 plea offer.

11 There have been a number of cases recently  
12 involving issues in which the defense attorney gets a plea  
13 offer and fails to convey it to her client. That was the  
14 issue in a case called Merzbacher vs. State, a Cristina  
15 Gutierrez case, in which she admitted that she failed to  
16 convey a plea offer to her client.

17 It's our position that this violation is even  
18 worse. Because in Merzbacher at least she went to get the  
19 offer. Here, the client asks her for an offer. She does  
20 nothing. Comes back to him and lies. And says, the State  
21 isn't making an offer. So that's our second issue.

22 The third issue, Your Honor, is the Motion for  
23 Modification. This is a much shorter issue. It won't  
24 take as much of the Court's time. But there is some  
25 testimony related to it.

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1           After Syed fired Gutierrez, he was represented  
2 by another attorney, named, Charles Dorsey. Who, I  
3 believe, was a public defender. Mr. Dorsey filed a Motion  
4 for Modification of Sentence. And rather than -- and Mr.  
5 Syed had just received a sentence of life plus 30 years.  
6 Rather than ask the Court to hold that motion in advance  
7 and raise it after, up to 10 years, which is the common  
8 practice when a defendant receives a very long sentence.  
9 Mr. Dorsey didn't do that. The Court ended up ruling on  
10 the Motion for Modification a couple of days after it was  
11 filed. And, of course, the motion was denied. So that's  
12 our third, ineffective assistance of counsel claim. That  
13 he should have handled that differently.

14           For the rest of the claims which are enumerated  
15 in the petition and the supplement, we will just submit on  
16 the papers that we've already filed.

17           THE COURT: Thank you. And, Ms. Murphy, do you  
18 wish to make an opening statement?

19           MS. MURPHY: Just briefly, Your Honor. It's my  
20 understanding that we will have time to argue after the  
21 presentation of all of the witnesses.

22           THE COURT: Correct.

23           MS. MURPHY: So, I'll have plenty to say about  
24 Merzbacher and the other legal issues that Counsel has  
25 raised at that time.

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1 I respectfully disagree with Counsel's  
2 characterization of any stipulation regarding notes of Ms.  
3 Gutierrez's staff. As Your Honor is well aware, the notes  
4 and Ms. Gutierrez's file in this case, were the subject of  
5 much, not much, but subject of litigation in this  
6 proceeding. And attempts to reach stipulations with  
7 respect to some of this evidence were not conducted.

8 I've never had an opportunity to speak to Ms.  
9 Gutierrez's staff with respect to these notes or the  
10 conditions under which they were made. And I don't recall  
11 any stipulation made on the record with respect to those  
12 notes. I don't know --

13 MR. BROWN: Well, if you want me to respond to  
14 that. I believe there's an e-mail that I can print out if  
15 we did discuss this. And regardless, I don't intend on  
16 introducing that today, but I would be glad to discuss  
17 this further and perhaps refresh your memory. And we can  
18 deal with that at the next hearing.

19 MS. MURPHY: I just want the record to be clear  
20 there has been no formal stipulation placed on the record  
21 before this Court, regarding any of the evidence that  
22 Counsel's proffered. We haven't placed any stipulations  
23 on the record (inaudible).

24 MR. BROWN: There's nothing been placed on the  
25 record. Correct.

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1 THE COURT: Right. I'm not aware of it.

2 MS. MURPHY: Okay. I just was unaware as to  
3 that point. With respect to the alleged alibi witness,  
4 Your Honor. The State objects to any of the documents  
5 pertaining to Asia McClane coming into evidence at this  
6 time.

7 We're talking about multiple levels of hearsay  
8 at this point. And really it goes to reliability and  
9 credibility with respect to these exhibits. We're talking  
10 about exhibits that are over 10 years old at this point,  
11 made by a person who, it's my understanding is -- has been  
12 located by the Defense and not produced. This was a  
13 person who was in high school at the time. These were  
14 statements obtained by the family of a boy with whom, you  
15 know, if you read these letters, she clearly seems to have  
16 some affection for. And she's -- it's my understanding,  
17 has made these statements, has been encouraged to make  
18 these statements by the family and adult friends, of this  
19 boy over 10 years ago.

20 The very letters, I think, suggest issues with  
21 credibility. And that she, is clearly trying to entrench  
22 herself in a criminal case. She talks about wanting to be  
23 an FBI analyst and questions the Defendant about aspects  
24 of the case, you know, why weren't there struggle marks on  
25 your body? She's asking the Defendant these sorts of

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1 questions. And at the same time, offering herself as an  
2 alibi witness.

3           Bearing in mind, Your Honor, that these  
4 incidents occurred almost a month before Hae's body was  
5 found. So, that in the life of any 17-year-old, this  
6 particular day in question, was no different than any  
7 other day. You know, everyone is aware that high school  
8 students are very busy, very emerged in their own lives.  
9 So this is -- it's critical, that a witness in this  
10 situation would be available for cross-examination, and a  
11 credibility determination by Your Honor.

12           And I think that goes to the heart of the  
13 State's objection. This is the Defendant's burden with  
14 respect to both prongs of the Strickland test. And I'll  
15 go straight to prejudice on this one. There's simply no  
16 probative value to these documents regarding what the  
17 outcome of the case might have been, had she testified or  
18 been investigated by Ms. Gutierrez, because we had no  
19 opportunity to cross-examine her and gauge her credibility  
20 for ourselves.

21           And for those reasons, I respectfully ask that  
22 the Court not admit those letters. It's a discretionary  
23 issue for the Court as to applying the Rules of Evidence.  
24 I ask Your Honor to not admit these on the ground of  
25 hearsay. They don't really fit in any reliability

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1 exception. And I'll submit on that, Your Honor.

2 THE COURT: All right. Thank you, Ms. Murphy.  
3 Mr. Brown, is the Petitioner prepared to call its first  
4 witness?

5 MR. BROWN: Yes, I am, Your Honor. The first  
6 witness that we call is Kevin Urick.

7 KEVIN URICK

8 (A witness produced on call by the Petitioner, first  
9 having been duly sworn according to law, testifies as  
10 follows:)

11 CLERK: Would you speak directly into the mic.  
12 State your name and assignment for the record.

13 THE WITNESS: My name is Kevin Urick. I'm here  
14 as a witness. I think you asked for assignment. I merely  
15 don't have an assignment here.

16 DIRECT EXAMINATION

17 BY MR. BROWN:

18 Q Good afternoon, Mr. Urick. Thanks for  
19 coming down this afternoon.

20 A You're welcome.

21 Q And just for the record, you agreed to come  
22 down here without any kind of subpoena, correct?

23 A That's correct.

24 Q And you were kind enough to speak to me on  
25 the phone in February, regarding the course of events in

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1 this case?

2 A I don't remember the date, but I did speak  
3 to you.

4 Q Okay. Well, I just want the record to be  
5 clear, I appreciate you being here, and coming down, and  
6 how you've handled this so far. Where do you work right  
7 now?

8 A I actually have three different legal  
9 practices. My major one is in the Office of the State's  
10 Attorney for Cecil County. There, I'm a part-time  
11 prosecutor. I handle all the child sex abuse and child  
12 physical abuse for Cecil County. I also have my own  
13 small, private, civil practice, which we're part-time  
14 attorneys up there. So we're allowed to practice civilly.  
15 I also do litigation for another attorney by the name of  
16 Bruce Hemphill in Elkton, Maryland.

17 Q Okay. And how long have you been working  
18 up in Cecil County?

19 A I think I'm in my eighth year now.

20 Q Okay. And before that, were you working  
21 for the Baltimore City State's Attorney's Office?

22 A Well, in-between, I was working with Saul  
23 Kerpelman, doing lead paint litigation here in Baltimore  
24 City. Prior to being with Saul Kerpelman, I was with the  
25 State's Attorney's Office from 1988 to 2003, I believe it

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1 was.

2 Q Okay. And obviously, you were in that  
3 office during 1999 and 2000, during the time of the Adnan  
4 Syed case?

5 A Yes.

6 Q And, at that time, you were in felony  
7 narcotics, correct?

8 A From about the mid-'90's to the end of the  
9 decade, I was in felony narcotics.

10 Q Okay. And who was your supervisor felony  
11 narcotics? Was it Sal Fili?

12 A He was the division chief at that time.

13 Q Yet, despite being in that division, you  
14 would from time to time handle homicides?

15 A That's correct.

16 Q And, on the phone, you told me you would  
17 normally carry two to three homicide cases at any given  
18 time?

19 A While I was in felony narcotics, that was  
20 about the usual homicide load I was carrying.

21 Q Okay. And you also told me that you had  
22 had several cases with Cristina Gutierrez; is that  
23 correct?

24 A Cristina was quite frequently in the  
25 Baltimore City District and Circuit Courts. So I dealt

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1 with her a good handful of times.

2 Q And you also told me that you did not think  
3 too highly of her; is that correct?

4 MS. MURPHY: Objection to relevance.

5 THE COURT: Sustained.

6 BY MR. BROWN:

7 Q Did you have any, did you have any opinion  
8 as to Ms. Gutierrez's character?

9 MS. MURPHY: Objection.

10 MR. BROWN: Your Honor, Ms. Gutierrez's motives,  
11 her (inaudible), how she worked, that is all relevant in  
12 this case, because of these issues that we're raising. In  
13 particular, the issue related to the lack of a plea offer.

14 THE COURT: Ms. Murphy, any rebuttal?

15 MS. MURPHY: I don't see how Mr. Urick could  
16 possibly speak to Ms. Gutierrez's motives, Your Honor.

17 THE COURT: Well, I'm going to sustain the  
18 objection as to character.

19 MR. BROWN: Okay.

20 BY MR. BROWN:

21 Q Mr. Urick, do you remember that Mr. Syed's  
22 first trial ended in a mistrial?

23 A Yes.

24 Q And do you remember that it ended in a  
25 mistrial, because Judge Quarles, in front of the jury,

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1 called Ms. Gutierrez a liar?

2 A Yes.

3 Q And you --

4 A I'm not certain if that's the exact word he  
5 used, but that was the implication I remember.

6 Q But you were in the courtroom at that time?

7 A Yes.

8 Q Okay. And are you aware that Ms. Gutierrez  
9 was disbarred?

10 MS. MURPHY: Objection.

11 THE WITNESS: I'm not aware whether she was or  
12 not.

13 THE COURT: Overruled.

14 MR. BROWN: I'm sorry, Your Honor?

15 THE COURT: Overruled.

16 BY MR. BROWN:

17 Q When you were assigned to this case, you  
18 worked on a case with Ms. Murphy; is that correct?

19 A That's correct.

20 Q And what was the relationship between the  
21 two of you? Was one of you a first chair and one of you a  
22 second chair? How did that work?

23 A I was the senior attorney, so I would have  
24 been considered the first chair. Casey was a very able,  
25 upcoming prosecutor. And, clearly, the office wanted to

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1 give her some additional experience to, sort of, prepare  
2 her for doing very serious cases.

3 Q Okay. And isn't it true that throughout  
4 the entire course of this case, prior to trial, during the  
5 trial, through both of the trials, Ms. Gutierrez never  
6 once approached you or Ms. Murphy, to find out what, if  
7 any, plea offer you would extend to Mr. Syed?

8 A She never approached.

9 Q And did you discuss this with Ms. Murphy,  
10 this question?

11 A At the time?

12 Q No, since the beginning of this post-  
13 conviction. Were you able to check with Ms. Murphy to see  
14 if your recollection is consistent with her recollection?

15 A She's asked me about it and we've talked.

16 THE COURT: I'm sorry, I didn't hear you, Mr.  
17 Urick.

18 THE WITNESS: She's asked me about it and I've  
19 given her my answer. And I understand from the things  
20 she's said, that's her recollection as well.

21 BY MR. BROWN:

22 Q Okay. So just to be 100 percent clear, to  
23 the best of your knowledge, it's your recollection and  
24 it's Ms. Murphy's recollection, that Ms. Gutierrez never  
25 once approached either of you about a plea, a plea deal

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1 for Mr. Syed?

2 A That's correct. She never made any  
3 presentation other than that they were seeking a finding  
4 of actual innocence for the Defendant.

5 Q And when we spoke on the phone, you told me  
6 that you had no idea what kind of plea Mr. Syed might have  
7 received if one had been requested; is that correct?

8 A That is correct.

9 Q And you said that that, the answer to that  
10 question of what kind of plea he might have been offered  
11 would have been up to your supervisor, correct?

12 A Actually, if I said that that was the  
13 beginning of it. But it would have required a conference  
14 with the family. It would have required talking to my  
15 supervisor and probably bringing Ms. Jessamy, who was the  
16 State's Attorney at that time, into the discussion as  
17 well. So, it would have been a process, not my individual  
18 preference, that would have involved a plea in this case.

19 MR. BROWN: Thank you, Mr. Urick. I have no  
20 further questions.

21 THE COURT: Just one second.

22 (Pause.)

23 THE COURT: And, I'm sorry. Ms. Murphy, any  
24 cross-examination?

25 MS. MURPHY: Yes, Your Honor. Thank you.

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1 CROSS-EXAMINATION

2 BY MS. MURPHY:

3 Q Mr. Urick, you stated that around 1999 to  
4 2000, you were in the Narcotics Division?

5 A Yes.

6 Q How is it that you were assigned this case?

7 A Either Vicki Walsh or Mark Cohen came to me  
8 and asked me if I would handle it. I don't remember which  
9 one asked me.

10 Q Mark Cohen being the?

11 A Head of the Homicide Unit at that time.  
12 Vicki Walsh being a -- the person who indicted the case.  
13 At one time, she was a team captain of mine, but it wasn't  
14 at that time. I can't remember for certain, at the time  
15 that this was indicted. But for a long time in the '90's,  
16 the common practice in the State's Attorney's Office here  
17 was that, one prosecutor would indict homicides, another  
18 one would try them.

19 Q At what point in the proceedings, were you  
20 assigned the case?

21 A After the indictment.

22 Q Prior to both trials, what dealings  
23 transpired in the case?

24 MR. BROWN: Objection. Scope.

25 THE COURT: I'm sorry. Let me hear the question

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1 again, Ms. Murphy?

2 MS. MURPHY: Thank you, Your Honor. Prior to  
3 both trials in the case, the first mistrial and the  
4 subsequent completed trial, what dealings transpired, in  
5 particularly with Ms. Gutierrez in the case?

6 THE COURT: You may answer.

7 THE WITNESS: When Ms. Gutierrez entered her  
8 appearance, I was aware that she had represented a witness  
9 before the Grand Jury that indicted this case. At that  
10 time, I made a motion to strike her appearance for a  
11 conflict of interest. We held a series of hearings in  
12 front of Judge David Mitchell, where Mr. Syed was  
13 represented by Michael Millman (phonetic). And that, as I  
14 recall, took place over several hearings. We also, once  
15 Judge Mitchell denied my motion, we started discovery,  
16 which was a quite involved process where Ms. Gutierrez  
17 kept making repeated requests for either clarification or  
18 better documents, or to actually come in and look at  
19 particular documents. So there was a lot of contact both  
20 in the courtroom setting and outside the courtroom with  
21 Ms. Gutierrez and her staff.

22 BY MS. MURPHY:

23 Q And there's been reference made to a trial  
24 that was begun before Judge Quarles; is that correct?

25 A Yes.

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1 Q At what point in the trial was the mistrial  
2 declared?

3 A After the State had finished all of its  
4 evidence.

5 Q So, in other words, the State's case had  
6 been presented?

7 A Yes.

8 Q And the Defendant was present for that  
9 trial?

10 A Yes.

11 Q How would you characterize the posture of  
12 the case throughout those proceedings?

13 A As I said, there was never any presentation  
14 either from Ms. Gutierrez, or anyone involved in the case,  
15 that this was other than an effort to determine the  
16 Defendant's actual innocence. That an acquittal was what  
17 the defense was seeking in this case. And that's -- it  
18 would be a trial. And we -- from the beginning, we're  
19 preparing it as a trial.

20 Q To your recollection, did any of the  
21 presiding judges in those various proceedings, inquire  
22 regarding plea negotiations?

23 A I have no recollection of any judge ever  
24 asking.

25 Q In your opinion, was this a typical

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1 homicide case in Baltimore City?

2 MR. BROWN: Objection.

3 THE COURT: I'll sustain the objection. Do you  
4 want to rephrase the question?

5 MS. MURPHY: Thank you, Your Honor.

6 BY MS. MURPHY:

7 Q Around the time of this case, around 1999  
8 to 2000, you handled a number of high-profile homicides;  
9 is that correct?

10 A That's correct. There was about a three to  
11 four year period where I handled most of the high-profile,  
12 difficult cases, for the Baltimore City State's Attorney's  
13 Office.

14 Q And, in addition to those cases, over the  
15 years, you've handled numerous homicides that would not be  
16 necessarily considered high-profile?

17 A When I estimate what I did in the 10 years  
18 that I was head of homicides, I probably did well over 50  
19 homicides.

20 Q Is this case distinct from those?

21 A Yes, it was.

22 MR. BROWN: Objection, Your Honor. This is  
23 going well beyond the scope of direct.

24 THE COURT: Overruled.

25 THE WITNESS: Yes, it was.

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1 BY MS. MURPHY:

2 Q In what sense?

3 A Well, in this case you had a Defendant and  
4 a victim, both of whom were Baltimore County high school  
5 students. They were in a Honors Program at Woodlawn High  
6 School in Baltimore County. Both of them had an extensive  
7 family involvement with the case, showing up. There was a  
8 lot of community interest. There were times the  
9 courtroom, would be absolutely packed. There was a lot of  
10 press coverage of it. There was a lot of, like I said,  
11 interest in the -- these people were coming from Baltimore  
12 County. They had to travel some distance into the city to  
13 be here. And, for two trials, the attendance was quite  
14 high. I've tried many cases where the courtroom would be  
15 almost empty. This was not a trial like that.

16 Q How would you characterize the strength of  
17 the State's evidence?

18 A Extremely strong. This was the first time  
19 that I'm aware of that the power of the cell phone, for  
20 evidentiary uses in a court case, became evident. Once we  
21 received the cell phone information, talked with the  
22 representative from AT&T, who could tell us what it  
23 referred to, we were aware that it was powerful. That you  
24 could actually place someone in a geographical area for a  
25 specific time and you could do it over the course of

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1 several hours. That proved to be, I think, the  
2 predominant evidence in this case.

3 Q Around the time of this trial, were you  
4 aware of any plea bargaining policy that existed within  
5 the State's Attorney's Office?

6 A There's never been an established plea  
7 bargaining policy. At least not in the time I was here.

8 Q Have you personally handled any homicides,  
9 in particular high-profile homicides, where no plea offer  
10 was made?

11 A To the best of my recollection, and I've  
12 been thinking about this since I spoke to, Mr. Brown is  
13 it?

14 MR. BROWN: That's correct.

15 THE WITNESS: Around this time I handled the  
16 Syed case, the Volcano's murder case with Kevin Richardson  
17 and then the dental student case. I can't remember the  
18 defendant's name. I can't remember any plea discussions  
19 taking places in those three. They all ended up in trial.  
20 I know the Volcano's case, the defendant was charged with  
21 two first-degree murders, four attempted first-degree  
22 murders, six, use of a handgun in a crime of violence.  
23 So, that was a very serious violent crime. To the best of  
24 my recollection, John Deverell (phonetic) was the defense  
25 attorney. He and I never discussed the possibility of a

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1 plea. We just proceeded to trial.

2 As far as I can recall in the dental student  
3 case, where Chip Dorsey was the defense attorney. I can't  
4 recall any discussion there of a defense -- of a plea.  
5 And I have a very distinct remembrances of Mr. Dorsey  
6 making it clear, that he was going to try to establish the  
7 innocence of the defendant in that case.

8 BY MS. MURPHY:

9 Q Had you been asked to extend any kind of an  
10 offer in a case such as this one, how would you handle  
11 that?

12 A The first thing I would have done, would  
13 have been to talk to the family. In a case like this, you  
14 give even more consideration to a family of a homicide  
15 victim. You try always to be considerate of a victim, and  
16 the victim's family in all cases. But a homicide case,  
17 it's even more so. So, I would have talked to Ms. Lee's  
18 family, see what they thought. Then after I talked to  
19 them, I would have gone probably to Sal Fili, and told him  
20 that we were beginning to talk about plea and I was  
21 planning to go to Mark Cohen to discuss it. Just so Sal,  
22 Mr. Fili, would feel that I wasn't cutting him out of the  
23 loop or anything like that. I would have then gone to  
24 talk to Mark Cohen to see what he felt. And I'm pretty  
25 certain that in this particular case, he would have

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1 suggested that we go to Ms. Jessamy with it and see where  
2 she stood on it as well.

3 THE COURT: I'm sorry, sent you to Ms. Jessamy?

4 THE WITNESS: I think that Mr. Cohen would have  
5 said that in a case such as this, that we also needed to  
6 go to Ms. Jessamy to see what her feelings were about it.

7 BY MS. MURPHY:

8 Q Then you became aware, at some point last  
9 year, that the Defendant had filed his post-conviction  
10 petition; is that correct?

11 A That's correct.

12 Q Did there come a time, not long after that,  
13 that you received a phone call from an Asia McClane?

14 A That's actually how I found out about this

15 --

16 MR. BROWN: Objection.

17 THE COURT: I'm sorry?

18 MR. BROWN: Again, this is way outside the  
19 scope.

20 THE COURT: Ms. Murphy?

21 MS. MURPHY: Your Honor, I believe Mr. Urick's  
22 responses to these questions will support the State's  
23 contentions regarding the liability of Ms. McClane's  
24 statement.

25 THE COURT: All right. Well, I guess the

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1 question is, I'll sustain the objection, because it's  
2 outside the scope. But let me see Counsel at the bench  
3 just on scheduling.

4 BENCH CONFERENCE

5 (Bench Conference begins - 2:49 p.m.)

6 (All Counsel approach the bench where the  
7 following ensues:)

8 THE COURT: I mean, it is technically outside  
9 the scope. The only issue is --

10 MS. MURPHY: Expedience, Your Honor.

11 THE COURT: The expedience. And the other  
12 option is to finish up your cross where you are, any  
13 redirect. And for the sake of trying to complete the  
14 case, you could possibly call Mr. -- then, immediately  
15 then, if Mr. Brown is willing to let us switch around,  
16 then call him as your witness.

17 MS. MURPHY: I would --

18 THE COURT: I'm just trying to take full  
19 advantage of the time and not require Mr. Urick to come  
20 back again.

21 MS. MURPHY: Right.

22 MR. BROWN: That sounds -- I mean, you would  
23 just call him as your own witness.

24 THE COURT: So, would you have any objection to  
25 going slightly out of order then?

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1 MR. BROWN: Are there any other -- if there are  
2 like this, I would just -- I have no problem with you  
3 doing it now --

4 THE COURT: Let's suck it up.

5 MR. BROWN: -- rather than you recalling him.  
6 As long as you don't do it in a leading manner.

7 MS. MURPHY: Oh, I see.

8 MR. BROWN: As if you were on -- if she does it  
9 as if she were on direct.

10 THE COURT: Solely up to you.

11 MS. MURPHY: I can do that, Your Honor.

12 THE COURT: Okay.

13 MR. BROWN: Are there other issues you intend on  
14 going into?

15 MS. MURPHY: No, I'm just about finished.

16 MR. BROWN: Okay.

17 THE COURT: Okay. So why don't we just rephrase  
18 the question and maybe there won't be an objection. All  
19 right.

20 MR. BROWN: Okay.

21 MS. MURPHY: Thank you.

22 (Bench Conference concluded at 2:50:23 a.m.)

23 (All Counsel return to trial tables where the  
24 following ensued:)

25 MS. MURPHY: Thank you, Your Honor. If I may

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1 rephrase the question?

2 THE COURT: You may.

3 BY MS. MURPHY:

4 Q Mr. Urick, how did you learn that the  
5 Defendant had filed this petition?

6 A A young lady named, Asia, called me.

7 Q And what did she say?

8 A She was concerned, because she was being  
9 asked questions about an affidavit she had written back at  
10 the time of the trial. She told me that she had only  
11 written it because she was getting pressure from the  
12 family. And she basically wrote it to please them and get  
13 them off her back.

14 Q Is there anything else you recall about  
15 that particular conversation?

16 A She was concerned if she had to come out  
17 here. I explained to her, I was not her attorney. But I  
18 told her that she would have to be served. And if she was  
19 served, and if they made the proper arrangements, she  
20 would have to show up.

21 Q Thank you.

22 MS. MURPHY: I have no further questions, Your  
23 Honor.

24 THE COURT: Any redirect?

25 MR. BROWN: Just a few questions.

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1 REDIRECT EXAMINATION

2 BY MR. BROWN:

3 Q Mr. Urick, you mentioned a couple other  
4 cases that you prosecuted. One being called the Volcano's  
5 murder --

6 A Yes.

7 Q -- is that roughly correct? And another  
8 being something called a dentist murder case?

9 A A dental student was stabbed in West  
10 Baltimore.

11 Q Okay. Do you have any personal knowledge  
12 as to whether the defendants in those cases, specifically  
13 asked their defense attorneys what their plea offer was,  
14 or to get a plea offer? Do you have any first-hand  
15 knowledge of that?

16 A Not to be sly but I don't represent them  
17 and I've never talked to them personally. So I have no  
18 personal information about either of the defendants.

19 Q So the answer to that question would be,  
20 no?

21 A That's correct.

22 Q Okay.

23 MR. BROWN: No further questions.

24 THE COURT: Any limited re-cross, Ms. Murphy?

25 MS. MURPHY: No thank you, Your Honor.

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1 THE COURT: Okay. Thank you, Mr. Urick. You  
2 may step down. It was nice seeing you.

3 THE WITNESS: Thank you, Your Honor. Good to  
4 see you again.

5 MS. MURPHY: May I ask that Mr. Urick be  
6 excused, Your Honor?

7 THE COURT: Certainly.

8 MR. BROWN: I have no objection to that.

9 (Witness was excused.)

10 THE COURT: And your next witness, Mr. Brown?

11 MR. BROWN: Yes, Your Honor. I call Rabia  
12 Chaudry.

13 MS. MURPHY: Again, Your Honor, the State is  
14 objecting to the testimony of this witness on the grounds  
15 of relevance.

16 THE COURT: Okay. Well let's swear her in and  
17 then we'll --

18 RABIA CHAUDRY

19 (A witness produced on call by the Petitioner, first  
20 having been duly sworn according to law, testifies as  
21 follows:)

22 CLERK: I ask that you speak directly into the  
23 mic. State your name for the record.

24 THE WITNESS: My name is Rabia Chaudry.

25 THE COURT: And, Ms. Chaudry, spell your first

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1 name for the Court, please?

2 THE WITNESS: It's R-A-B-I-A.

3 THE COURT: And last name, please?

4 THE WITNESS: C-H-A-U-D-R-Y.

5 THE COURT: Thank you. Mr. Brown?

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q Good afternoon, Ms. Chaudry.

9 A Good afternoon.

10 Q What is your profession?

11 A I'm an attorney.

12 Q And where did you go to law school?

13 A I went to law school at George Mason School  
14 of Law in Arlington, Virginia.

15 Q What year did you graduate?

16 A I graduated in 2000.

17 Q Are you admitted to practice law in any  
18 state?

19 A I am. I am admitted to practice in  
20 Washington D.C.

21 Q And do you practice law right now?

22 A Right now I am running an organization that  
23 does National Security Consulting for local and federal  
24 law enforcement and government agencies.

25 Q Can you give me an example of some of the

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1 government agencies that you work with?

2 MS. MURPHY: Objection.

3 THE COURT: As to relevance?

4 MS. MURPHY: Relevance.

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: Department of Justice, Department  
7 of Homeland Security, the FBI, and local law enforcement.  
8 BY MR. BROWN:

9 Q How do you know Adnan Syed?

10 A I know Adnan, he was a friend of my younger  
11 brother's, family friends.

12 Q Is it fair to say he's a friend of the  
13 family?

14 A Yes.

15 Q I'd like for you -- to take you back to  
16 early 1999, around the time when Mr. Syed was arrested.  
17 What were you doing then?

18 A I was living in Arlington, Virginia. I was  
19 in my second year of law school.

20 Q And, again, where did you go to law school?

21 A George Mason School of Law, in Arlington,  
22 Virginia.

23 Q And do you remember when Mr. Syed was  
24 charged in this case?

25 A Yes, I do.

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1 Q How did you find out about it?

2 A I visited my parents every weekend who  
3 lived in Baltimore. In fact, in the same neighborhood as  
4 Adnan's family. And I was watching television one evening  
5 and I saw it on television.

6 Q Okay. And do you recall that this case  
7 drew a lot of media attention?

8 A It did seem to, yes. I had been following  
9 the case, the disappearance of Hae Min, for many weeks  
10 before then.

11 Q And what was -- what, if any, reaction did  
12 you have when you learned that Adnan Syed had been  
13 arrested?

14 A I was shocked. I had no idea there was any  
15 connection between him and the case.

16 Q And why were you shocked that it was Adnan  
17 in particular?

18 MS. MURPHY: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: I knew Adnan in passing, when I  
21 would see him with my brother once in a while at the  
22 house. And he was just a very sweet, laid back, relaxed,  
23 quiet boy. And he had a very good reputation in the  
24 community. He was a volunteer EMT. He just was an all-  
25 around good kid and that's how everybody knew him. So, we

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1 were all shocked.

2 BY MR. BROWN:

3 Q And were you aware at that time of whether  
4 he had any criminal record?

5 MS. MURPHY: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: I had no knowledge of any criminal  
8 record. No.

9 BY MR. BROWN:

10 Q Okay. And do you know approximately how  
11 old Mr. Syed was at that time?

12 A He was 17. He was a year younger than my  
13 brother.

14 Q And do you recall what his personality was  
15 like then, very briefly?

16 A Yeah. He was just very --

17 MS. MURPHY: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: He was very laid back and relaxed.  
20 And I use to joke and tell my brother, you're going to  
21 corrupt him, 'cause he's such a sweet kid. He was a very  
22 nice boy.

23 BY MR. BROWN:

24 Q Just for clarity, your brother would  
25 corrupt Adnan?

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1           A     Yes, my brother would corrupt Adnan. I  
2 would tell Adnan to stay away from my brother. He's a bad  
3 influence. I mean, I was joking, but.

4           Q     And how did you have communication with  
5 Syed? After the time of his arrest, did you have any  
6 communication with him?

7           A     After he was arrested, not immediately. I  
8 went with my family to visit his family a number of times.  
9 But, after a while, every so often, Adnan would call the  
10 house just to say hello to the family, while he was in  
11 prison, awaiting trial, and to speak to my brother. And  
12 so he would call once in a while, and that was it.

13          Q     And during those phone calls, again, these  
14 are phone calls prior to the trial. Was there any  
15 discussion about the facts of the case or anything like  
16 that?

17          A     No. We never discussed any substance of  
18 the case at all, ever.

19          Q     Okay. Syed had his first trial in December  
20 of 1999. Do you remember that trial?

21          A     A little bit, because I wasn't able to  
22 attend much. We had finals and stuff. But I did attend  
23 once or twice.

24          Q     Okay. And do you remember the name of  
25 Syed's lawyer during that trial?

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1 A Cristina Gutierrez.

2 Q And had you met Ms. Gutierrez before?

3 A Never, no.

4 Q And approximately how many days were you  
5 present at the trial?

6 A Maybe -- not more than twice. Maybe,  
7 either once or twice. During the first trial, just once  
8 or twice.

9 Q And do you know how that first trial ended?

10 A It ended in a mistrial.

11 Q How did you get involved in -- with the  
12 family and with the case?

13 A After the second trial began, I was able to  
14 attend more frequently during that trial, so I did. I  
15 think it was either the beginning of the semester or it  
16 was during a break, between two semesters. So I had more  
17 time during the day. And I really didn't get directly  
18 involved until after the conviction, until after he was --  
19 the verdict came in.

20 Q Okay. Let's go back roughly to the time of  
21 the second trial. Do you recall that that took place in  
22 January of 2000?

23 A Yes, it did.

24 Q Was there a time around then, that you had  
25 the chance to meet with Ms. Gutierrez?

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1           A     While the prosecution's case was ongoing, I  
2 did meet with Ms. Gutierrez twice, at the behest of  
3 Adnan's parents.

4           Q     Okay. Let's start with the first meeting.  
5 Do you remember approximately when that took place?

6           A     I remember the trial was ongoing. The  
7 prosecution was putting on its case. And I am not clear  
8 about whether Adnan's parents or Ms. Gutierrez asked for  
9 the meeting. But it was during the time the trial was  
10 ongoing.

11          Q     And where did this meeting take place?

12          A     In Ms. Gutierrez's office.

13          Q     Who was present?

14          A     I was there, Adnan's mother and father were  
15 there.

16          Q     And what was your role in the meeting?  
17 What were you doing there?

18          A     I was asked to go because -- first of all,  
19 our community doesn't have a lot of interaction with law  
20 enforcement or courts and stuff. So they knew I was in  
21 law school. They felt very intimidated by Ms. Gutierrez.  
22 And they just wanted somebody to be there, to help  
23 understand -- there were some language issues, too. They  
24 wanted somebody available to understand what she had to  
25 say and then also relay their questions.

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1           Q     Okay. And what do you recall happening at  
2 that meeting?

3           A     It was a very short meeting. I know the  
4 family, there were many things the family wanted to talk  
5 about. But Ms. Gutierrez was very intimidating and really  
6 rude and short. And the only thing she wanted to talk  
7 about was money. And so, she said at that time, that I  
8 need \$5,000 to bus the jury to the location where the body  
9 was found. And, yeah.

10          Q     Do you recall whether the family members  
11 paid her that money?

12          A     Yeah. Adnan's father wrote her a check  
13 immediately. And on the check he wrote, "For busing the  
14 jury."

15          Q     And are you aware of whether the jury was  
16 actually bused to the scene where the body was found?

17          A     The jury was never bused to the scene. No.

18          Q     What was your impression of Ms. Gutierrez?

19          A     I thought she was -- I didn't know what  
20 kind of attorney she was at the point, but I thought she  
21 was a terrible person. She was very mean. She was very  
22 short. She would not talk about anything. She said,  
23 clearly, you are not my clients. I don't know why you're  
24 here. Adnan is my client. I don't have to answer to you  
25 for anything or explain anything to you. All she wanted

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1 to talk about was money, money, money. That was it.

2 Q Did she answer the questions put to her by  
3 the family?

4 A No, not at all. We had wanted to know how  
5 we could help, you know, witnesses from the community, his  
6 friends, whether we should talk to media or not talk to  
7 media, things of that -- and she just did not talk about  
8 anything related to the substance of the case.

9 Q And did she give you any impression as to  
10 whether she was winning the case or not?

11 A She wouldn't talk about the case. We  
12 didn't know at all.

13 Q Was there a second meeting? You mentioned  
14 -- well, you mentioned there was two meetings with her.  
15 Can you tell me about the second meeting?

16 A The second meeting was also before she had  
17 put on her defense, and it was also very brief. And,  
18 again, I don't really know who arranged it, but I was  
19 asked to come. And, at that time, sometime during the  
20 meeting, she had said that -- and you need to start  
21 arranging for money for the appeal.

22 Q Were you surprised to hear that?

23 A We were surprised and we were very sad, of  
24 course, because it didn't sound good.

25 Q And, again, when did this meeting take

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1 place with respect to the trial?

2 A It was during -- the trial was ongoing. It  
3 was maybe just a few days after the first meeting, or  
4 within the week, or something of that sort.

5 Q Okay. Do you remember how much money she  
6 was asking for?

7 A She said \$50,000, you'll have to raise for  
8 an appeal.

9 Q Okay. So those were two meetings you had  
10 with Ms. Gutierrez. Were there any other encounters you  
11 had?

12 A The last time I interacted with Ms.  
13 Gutierrez was immediately after the verdicts came in and  
14 we left the courtroom. Adnan had been convicted. So, we  
15 left the courtroom and we entered the elevator. And in  
16 the elevator was me, Adnan's mother, Ms. Gutierrez, maybe  
17 a couple other people I didn't know. And, at the time,  
18 she wouldn't even look at us. But before she left the  
19 elevator she said, "Start putting together \$50,000 for the  
20 appeal." That was the last thing I ever heard from her.

21 Q And what was your reaction to that?

22 A I mean, there was no love lost. I mean, we  
23 were just disgusted, you know.

24 Q Did you have the opportunity to meet with  
25 Syed after the jury verdict?

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1           A     I did. That day, after he was convicted,  
2 Adnan was being held somewhere downtown. So, I went to go  
3 visit him. And that was the first time we had ever spoken  
4 about, like, any substance related to the case.

5           Q     And had you met with him, actually face-to-  
6 face, prior to then?

7           A     I think I had -- I can't remember clearly  
8 because since then I've met him many times. Just, you  
9 know, with my brother to visit. But I think once or  
10 twice, we might have gone just to visit him while he was  
11 incarcerated.

12          Q     And you said that meeting took place in one  
13 of the jails in Baltimore City?

14          A     Yeah. It was somewhere here in the city.

15          Q     Did the topic of Asia McClane come up at  
16 that meeting?

17          A     It did. So, what had happened was, when I  
18 went to go see -- I didn't know all of the facts related  
19 to the case. But I had said to Adnan that, you know, in  
20 the closing remarks the prosecutor essentially said that  
21 Asia McClane left school, and was killed within those 20  
22 to 30 minutes right after she left school. So it really  
23 comes down to those 20 or 30 minutes. Do you remember  
24 where you were, but this over a year later? And Adnan  
25 said, it was like any other day for me. The only thing

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1 that might be of possible assistance, was I got these  
2 letters last year, after I was arrested. But I gave those  
3 letters, they're from a girl named, Asia McClane. I gave  
4 those letters to Cristina Gutierrez and she came back and  
5 told me that they did not check out. The dates, that Asia  
6 had her dates wrong.

7 Q Okay. And --

8 A That's the first time I heard of Asia  
9 McClane. I did not know her.

10 Q Okay. And after speaking, after speaking  
11 with him about Asia McClane, what, if anything, did you do  
12 to follow-up on that?

13 A I asked Adnan -- I knew I couldn't speak to  
14 Cristina Gutierrez. She wouldn't speak to anybody. So, I  
15 asked Adnan, he had copies of the letters. I asked him to  
16 send me copies of the letters, and I think I got them  
17 maybe a week or two weeks later in the mail. And then I -  
18 - there was a phone number on at least one of the letters,  
19 maybe both, and so I called -- I called her.

20 Q Okay. And did she answer your call?

21 A I left a message with her grandfather. She  
22 was living with her grandparents apparently. And she  
23 returned my call, and we spoke.

24 Q And can you tell me how that phone  
25 conversation went?

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1           A     It was brief. She seemed very happy that  
2     somebody was reaching out to her. And she was very  
3     willing to meet. So we met, I think, in the next day or  
4     two after our conversation.

5           Q     Do you remember where you met?

6           A     Yeah. We arranged to meet at the parking  
7     lot of the library, the public library, right next -- I  
8     think it's called the Woodlawn Library. Right next to the  
9     high school, where they had attended high school.

10          Q     And what impression did you have of Ms.  
11     McClane upon meeting her?

12          A     She seemed very earnest, and sincere, and  
13     confused, about why nobody had, like, responded to her.  
14     She was very happy to talk to me. And that was my  
15     impression that she wanted to help. She wanted her story  
16     to be heard.

17          Q     And did you take any notes from that  
18     meeting with her?

19          A     I did. I think I spoke to her and I took  
20     some notes afterwards or during. I can't remember. I did  
21     take some notes.

22          MR. BROWN: Your Honor, may I approach the  
23     witness?

24          THE COURT: You may.

25          MS. MURPHY: Your Honor, I'll object to the

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1 admission of further statements of Asia McClane, based on  
2 my earlier argument. On the grounds of hearsay, Your  
3 Honor.

4 THE COURT: And for what --

5 MR. BROWN: Would you like for me to have the  
6 witness identify the exhibits?

7 THE COURT: Well, let's at least identify them.  
8 Yes. And is that (inaudible), I'm not sure. Are they  
9 premarked though, Mr. Brown?

10 MR. BROWN: I premarked. This has been  
11 premarked as Defendant's Exhibit No. 1.

12 THE COURT: For identification purposes only.

13 (Whereupon, Counsel approached the witness stand  
14 and the following ensued:)

15 BY MR. BROWN:

16 Q Can you take a look at Defendant's Exhibit  
17 1. Do you recognize that document?

18 A Yes. This is -- these are notes I wrote.

19 Q And is that your handwriting?

20 A It is.

21 MR. BROWN: Your Honor, I would offer  
22 Defendant's Exhibit No. 1 into evidence.

23 MS. MURPHY: The State's objection continues,  
24 Your Honor.

25 THE COURT: And, Counsel, approach.

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BENCH CONFERENCE

(Bench Conference begins - 3:08:05 p.m.)

(All Counsel approach the bench where the following ensues:)

THE COURT: And the specific objection, they're being offered to show --

MR. BROWN: These are her notes.

THE COURT: (Inaudible.)

MR. BROWN: To confirm the reliability of her story.

THE COURT: Okay. But I assume, and I can only assume, within the notes, there's hearsay?

MR. BROWN: Your Honor, I would point out that hearsay is generally admissible in a post-conviction hearing. So regardless of whether there is hearsay or not, is of questionable relevance. I mean, we've already heard so much hearsay in the last half hour, Your Honor. She got hearsay testimony. And I assume the rules would be the same for both of us.

THE COURT: Ms. Murphy?

MS. MURPHY: Well, I think you're talking about double levels of hearsay, Your Honor. I mean, the applicability of the evidentiary rules is discretionary. And, again, I would reiterate those questions of reliability now that this witness is 10 years removed. We

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1 have no way to cross-examine her, to view her demeanor, to  
2 ask her questions about these statements. We're only  
3 hearing one side of this story. The notes themselves are  
4 being offered, essentially, as a prior consistent  
5 statement which is -- there's no foundation for that at  
6 this point. If she needs to review these notes in some  
7 sort of past recollection recorded, that's different. But  
8 these on their face aren't automatically admissible. We  
9 have no showing that she can't recall this conversation.

10 MR. BROWN: Your Honor, her credibility has  
11 already been called into question. These notes help  
12 establish her credibility --

13 MS. MURPHY: Her being --

14 MR. BROWN: -- they help establish her  
15 recollection of these events.

16 THE COURT: Well --

17 MS. MURPHY: I'm not sure whose credibility is  
18 in question here.

19 THE COURT: And I'm not, if I did see this  
20 stuff, it's been months ago. So, I don't recall. I know  
21 we had some discussion over what was -- some of the  
22 discovery issues and everything else involved in this  
23 post-conviction. But, it's one thing to say that she's --  
24 it's one thing to offer them to say, you're offering to  
25 show that she did, in fact, meet. And (inaudible) that

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1 meeting, she took notes. And I assume there's no  
2 objection as to, as to that.

3 MS. MURPHY: Well, she's testified to that, Your  
4 Honor.

5 THE COURT: All right. But, I guess, I'm going  
6 to sustain the objection. If you just want to proceed  
7 with you took notes and what did you find out.

8 MR. BROWN: Okay.

9 THE COURT: And let's deal with it on a --  
10 'cause I'm not sure what -- there may be portions of it  
11 that Ms. Murphy has no objection to if it's necessary.

12 MS. MURPHY: My objection is on two levels. I  
13 think that Asia McClane's statements -- I'm objecting to  
14 them coming in at all. That's one level. And the second  
15 one, was that there's been no foundation to show that any  
16 notes need to come in. They're prior consistent  
17 statements of something that the witness presumably is  
18 testifying about.

19 MR. BROWN: Your Honor, this is essentially a  
20 bench trial. My experience with every post-conviction is  
21 that hearsay comes in. And it's up to the judge to give  
22 it the value that the judge thinks it deserves. The State  
23 has already raised questions about, you know, Asia  
24 McClane's willingness to provide an affidavit. They did  
25 that through Mr. Urick's hearsay. And now we are trying

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1 to substantiate our side of the story. Substantiate this  
2 witness who's on the stand right now, number one. And,  
3 number two, show the reliability of Asia McClane's  
4 statement itself.

5 THE COURT: Well, but if she's able to testify  
6 as to what happened that day, right, isn't she basically  
7 bolstering her own credibility?

8 MR. BROWN: Through the introduction of --

9 THE COURT: Right. Yeah.

10 MR. BROWN: She is bolstering her own  
11 credibility, yes. And she --

12 THE COURT: Ms. Chaudry.

13 MR. BROWN: And she's also -- the State has  
14 already raised a question of, it's 10 years old and the  
15 bat somehow diminishes the reliability of this. But I  
16 would argue that these notes show that --

17 THE COURT: All right. Well --

18 MR. BROWN: -- she has a way of overcoming that  
19 10 year period.

20 THE COURT: I'm going to -- we'll mark them as  
21 ID. I'm going to sustain the objection. But I think you  
22 can go ahead and, you know, ask her if she took notes.  
23 And if you want to offer it to simply show she took notes.

24 MR. BROWN: Okay.

25 MS. MURPHY: Just to clarify, Your Honor, is Mr.

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1 Brown able to ask what she was told by Asia McClane?

2 THE COURT: And that's where we're going to deal  
3 with this specific hearsay objection. We might as well  
4 deal with it now.

5 MR. BROWN: Her witness just testified as to  
6 what Asia McClane told him.

7 THE COURT: And Mr. Urick said that she said she  
8 got involved. That's his assessment, was that she got  
9 involved because of the family's insistence; is that the -  
10 - what he testified to?

11 MR. BROWN: We have to rebut that now.

12 MS. MURPHY: But, she's already testified, Your  
13 Honor, that she seemed eager and wanted to respond to her.  
14 So, if they want to rebut her willingness or not  
15 willingness to give a statement, I believe, that's been  
16 established. And what specifically she said is regarding  
17 a non-inundated question is a different story.

18 MR. BROWN: Your Honor, the State can't limit  
19 how we can rebut the primary allegation they've made.

20 THE COURT: Well, at this point, and I'm  
21 considering Mr. Urick, that portion of his testimony to --

22 MS. MURPHY: And that was rebuttal testimony  
23 done in anticipation of the following witness.

24 THE COURT: Right. I understand. I understand.  
25 Well, let's take it step-by-step. I think you can clearly

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1 rebut the whole willingness issue. But I know it's going  
2 to get sticky when you start talking about what -- 'cause  
3 I'm assuming in that, I guess, what you proffer in there  
4 is that she said that he was with her at the time, the  
5 alternate alibi, right?

6 MR. BROWN: Correct.

7 THE COURT: I'll let it in, but I'll give it the  
8 weight I think it deserves. But there are some -- you  
9 know, it's hearsay, within hearsay, within hearsay.

10 MR. BROWN: And, Your Honor, we would like the  
11 opportunity to establish what weight exactly it deserves.  
12 I mean, the way we do that is by presenting testimony  
13 about exactly what happened, exactly how it all went down,  
14 exactly how that statement is obtained. And then it is up  
15 to Your Honor to decide, is that worthy of great weight or  
16 little weight.

17 THE COURT: Well, it's a slippery slope. And  
18 that's why I'm exercising some discretion in trying to  
19 limit what does come in.

20 MR. BROWN: I guess we'll deal with it blow-by-  
21 blow.

22 THE COURT: Let's deal with it blow-by-blow.

23 MR. BROWN: Thank you, Your Honor.

24 MS. MURPHY: I just -- so I don't have to keep  
25 interrupting. I want a continued objection to any

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1 statements made by Asia McClane.

2 THE COURT: To Ms. Chaudry.

3 MS. MURPHY: Yes.

4 THE COURT: You have a continuing objection.

5 MS. MURPHY: Thank you, Your Honor.

6 (Bench Conference concluded at 3:16 p.m.)

7 (All Counsel return to trial tables where the  
8 following ensued:)

9 THE COURT: You may continue, Mr. Brown.

10 MR. BROWN: Thank you, Your Honor.

11 BY MR. BROWN:

12 Q And again you have exhibit number --  
13 Defendant's No. 1 in front of you. Can you describe what  
14 that document is?

15 A This is a page from a legal pad that I had  
16 made notes on when I met Asia.

17 Q Okay. And without reading it word-for-  
18 word, can you describe what's contained in those notes?

19 A I just made notes summarizing what Asia had  
20 said which was that she was with Adnan --

21 THE COURT: Well, don't tell us what she said  
22 but just tell us.

23 THE WITNESS: Oh.

24 BY MR. BROWN:

25 Q Okay. Well, um, okay. Did -- as a result

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1 of your -- as a result of your conversation with Ms.  
2 McClane, did you learn whether she ever tried to contact  
3 the police about what she knew?

4 A Yes. She told me she tried to contact the  
5 police, Adnan's family, his attorney. She wrote him  
6 letters. She did everything she could to contact  
7 somebody.

8 Q And what did you learn about her  
9 interaction with Mr. Syed on the day in question?

10 A What I learned was that, she had seen him  
11 after school that day at the library, which was next door  
12 to the school. And she recalled the day very clearly.  
13 She recalled very specific things about the day and she  
14 had spent the time immediately after school with him for  
15 about 15, 20 minutes.

16 MR. BROWN: Your Honor, just -- did I -- has  
17 Exhibit No. 1 been admitted into evidence?

18 THE COURT: No, it's not been.

19 MR. BROWN: I would like to offer Defendant's  
20 Exhibit 1 into evidence.

21 MS. MURPHY: I renew my objection, Your Honor.  
22 There's been no foundation that the witness doesn't  
23 independently recall this incident.

24 THE COURT: As to date and time?

25 MS. MURPHY: Date and time, substance. It's all

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1     been covered.

2             MR. BROWN: As to the date of this occurrence?

3             THE COURT: Well --

4             MR. BROWN: Are you aware of what date --

5             MS. MURPHY: Well, I'm sorry, not date, Your  
6     Honor, but the --

7             THE COURT: You're offering it to prove that  
8     there was a meeting and what was said, correct?

9             MR. BROWN: Correct, Your Honor.

10            THE COURT: I'm going to sustain the objection.  
11     I think she -- you know, there are other objections that  
12     have been made as to Ms. Chaudry's testimony as to what  
13     was said to her. But unless she has trouble recollecting.

14            MR. BROWN: Okay. So, all right. Well, that  
15     will be for identification purposes only and if you need  
16     that to refresh your recollection, you may do so.

17            THE WITNESS: Okay.

18                                 (Whereupon, Defense's  
19                                 Exhibit No. 1 was marked for  
20                                 identification only.)

21     BY MR. BROWN:

22             Q     I am going to show you now what's been --  
23     well, I'm sorry, before I do that. When you met with Ms.  
24     McClane and you heard her story, what was your reaction to  
25     that?

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1           A     I was really angry and upset and shocked,  
2 because I had never heard of this person before. And she  
3 was clearly a very strong alibi witness. Her facts were  
4 independently verifiable. And nobody had contacted her.  
5 She had never heard from Cristina Gutierrez or anybody  
6 from her firm.

7           Q     And, at this time, did you pressure her in  
8 any way to say something that she didn't want to say?

9           A     Absolutely not. I didn't even know her.  
10 This was completely her story, but it was consistent  
11 through her letters, through everything she's told the  
12 family. I just asked her, are you willing to put it down  
13 on paper.

14          Q     Okay. And after you asked her whether she  
15 was willing to put it down on paper, what happened next?

16          A     She said, yes, she would write it down on  
17 paper. And, you know, do it in affidavit form so we could  
18 go get it notarized. And she was completely willing to do  
19 that.

20          Q     I'm going to --

21          MR. BROWN: May I approach the witness, Your  
22 Honor?

23          THE COURT: You may.

24          (Whereupon, Counsel approached the witness stand  
25 and the following ensued:)

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1 BY MR. BROWN:

2 Q I'm showing the witness what's been marked  
3 as Defendant's Exhibit No. 2, do you recognize this  
4 document?

5 A I do.

6 Q What is that document?

7 A That is the handwritten affidavit of Asia  
8 McClane.

9 Q And are there any parts of that document  
10 that you wrote?

11 A I wrote the word "Affidavit" on top and  
12 everything else is her handwriting.

13 Q It's a little bit hard to read, but are you  
14 able to make out a signature at the bottom of that  
15 document?

16 A Yeah, that is the notary signature.

17 Q And is there another signature on there?

18 A Asia McClane's signature.

19 Q And is there a date on there?

20 A March 25, 2000.

21 Q And is that date consistent with the date  
22 on which you met Asia McClane?

23 A Yes, that's the day we met.

24 Q Okay. And can you describe what this  
25 affidavit says?

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1 MS. MURPHY: Objection.

2 MR. BROWN: Your Honor it's my -- well, do we  
3 need to approach?

4 THE COURT: I think you do.

5 BENCH CONFERENCE

6 (Bench Conference begins - 3:21:56 p.m.)

7 (All Counsel approach the bench where the  
8 following ensues:)

9 MR. BROWN: I thought we just covered this?

10 MS. MURPHY: Just my continued objection.

11 THE COURT: It's the same issue.

12 MS. MURPHY: It's the same issue. It's clearly  
13 hearsay being offered for the truth of the matter  
14 asserted.

15 THE COURT: And we'll, a continuing objection.  
16 I'm just more concerned of the document itself. She's --  
17 now this is not her. This is not her. So, Defense  
18 Exhibit 1 are her notes.

19 MR. BROWN: Okay. That's correct. This is a  
20 notarized affidavit, Your Honor. That does lend some  
21 additional credibility. And it was notarized specifically  
22 for this purpose. And once again, I would propose we let  
23 it in, and Your Honor gives it the weight it deserves.  
24 And I understand Ms. Murphy has a continuing objection.

25 THE COURT: But you're now asking her questions,

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1 what does it say.

2 MR. BROWN: Well, I --

3 MS. MURPHY: It speaks for itself.

4 MR. BROWN: Okay. That's fine. I don't -- I'm  
5 going it -- I thought we had agreed --

6 THE COURT: I think you're doing the best you  
7 can, Mr. Brown. I'm not -- you know --

8 MR. BROWN: How do you want me to do it, Your  
9 Honor? Is this coming in or not?

10 THE COURT: As to its admission, Ms. Murphy, the  
11 same objection?

12 MS. MURPHY: Same objection as to the hearsay.

13 THE COURT: All right. The Court will, again,  
14 give it the weight I think it deserves.

15 MR. BROWN: Okay. And just to be clear, am I  
16 allowed to ask her to describe what's in here?

17 THE COURT: I don't think so, because it's not  
18 her affidavit. It's not her. She may have assisted in  
19 obtaining it, right?

20 MR. BROWN: Okay.

21 THE COURT: It's not her.

22 MR. BROWN: But I may ask her about her  
23 discussions with, her conversation?

24 THE COURT: You've already -- yeah, you've done  
25 that. And there's a continuing objection as to what she

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1 said.

2 MR. BROWN: Okay. Thank you, Your Honor.

3 (Bench Conference concluded at 3:24:11 p.m.)

4 (All Counsel return to trial tables where the  
5 following ensued:)

6 MR. BROWN: Your Honor, I offer Defendant's  
7 Exhibit No. 2 into evidence.

8 THE COURT: And you object for the reasons set  
9 forth?

10 MS. MURPHY: Yes, Your Honor. Thank you.

11 THE COURT: On the record. The Court notes the  
12 objection. The Court will admit into evidence then  
13 Defendant's Exhibit No. 2.

14 (Whereupon, Defense's  
15 Exhibit No. 2 was admitted  
16 into evidence.)

17 MR. BROWN: Is it okay for me to leave it right  
18 here?

19 THE COURT: Sure.

20 BY MR. BROWN:

21 Q Ms. Chaudry, you said that you had a  
22 conversation with Ms. McClane prior to the taking of that  
23 affidavit, correct?

24 A Yes.

25 Q Could you please read that affidavit right

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1 now and tell me if there's anything in that affidavit  
2 that's inconsistent --

3 THE COURT: Read it to yourself.

4 MR. BROWN: Absolutely. Read it to yourself.  
5 And tell me if there's anything in that affidavit that's  
6 inconsistent with the conversation that you had with Ms.  
7 McClane?

8 MS. MURPHY: Objection.

9 THE COURT: Same objection, Ms. Murphy?

10 MS. MURPHY: Same objection, Your Honor.

11 THE COURT: Duly noted, but overruled.

12 (Pause. Witness examined the exhibit.)

13 THE WITNESS: I'm done.

14 BY MR. BROWN:

15 Q Okay. Let me ask the question again. Is  
16 there anything in that affidavit that's in any way  
17 inconsistent with what Ms. McClane told you in person when  
18 you talked to her?

19 A No, that's exactly what she said.

20 Q Okay. And why did you decide to get that  
21 statement notarized?

22 A Honestly, I was in my second year of law  
23 school. I wasn't sure, like, how to handle the situation.  
24 I knew Cristina was not approachable, Cristina Gutierrez.  
25 And it just seemed, like, you know -- and I also didn't

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1 really have any contact with Asia at all after that. So I  
2 just wanted to get it on paper, to be able to also give it  
3 to Cristina Gutierrez, and to show it to the family and to  
4 provide it to the court. I thought it might help.

5 Q How did you get it notarized?

6 A There's a -- we were in the Security Mall  
7 area. And there was a little check-cashing place across  
8 the street, on Security Boulevard, and we just went there  
9 and got it notarized.

10 Q Okay. And did Ms. McClane have any  
11 objection to that?

12 A No, not at all.

13 Q How did you feel after having met her?

14 MS. MURPHY: Objection.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: I was furious. I felt like this  
17 was a witness who would have changed the entire case. And  
18 her -- the story she told me, she remembered so many  
19 details. I was able to verify those, some of the details  
20 later. There were two other witnesses involved in it and  
21 the fact that Cristina Gutierrez had not even contacted  
22 her, to me, was evidence that she was -- Gutierrez was  
23 okay -- she wanted to lose the case. That's how I felt at  
24 that point. That she wanted to lose that case.

25 MS. MURPHY: Objection.

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1 THE COURT: Sustained.

2 BY MR. BROWN:

3 Q Are you aware of any motive that she may  
4 have had to lie about this?

5 THE COURT: I'm sorry?

6 MR. BROWN: Were you aware of any motive that  
7 she might have had at that time to lie about her account?

8 MS. MURPHY: Objection.

9 THE COURT: Sustained.

10 BY MR. BROWN:

11 Q Did Ms. McClane say anything to you about  
12 having a romantic interest in Mr. Syed?

13 A Absolutely not.

14 MS. MURPHY: Objection.

15 THE COURT: Sustained.

16 MR. BROWN: May we approach, Your Honor?

17 THE COURT: You may.

18 BENCH CONFERENCE

19 (Bench Conference begins - 3:28:12 p.m.)

20 (All Counsel approach the bench where the  
21 following ensues:)

22 MR. BROWN: I believe it was you in your opening  
23 statement said that there was clearly evidence of some  
24 kind of romantic interest --

25 THE COURT: I missed that, if Ms. Murphy did.

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1 MR. BROWN: -- exemplified from that. And I  
2 think that kind of opened the door to that question,  
3 that's why I'm asking.

4 MS. MURPHY: It was an argument, Your Honor.  
5 There was no testimony on that. And it's based on  
6 documents, other than these, that were provided by the  
7 Defense Counsel in his petition.

8 THE COURT: But did you mention -- I don't  
9 recall that in today's opening?

10 MS. MURPHY: Yes, I did. When -- I will argue  
11 about the credibility of this witness and things the State  
12 would want to explore. There's certainly --

13 THE COURT: Right. 'Cause I assume there was?

14 MR. BROWN: No.

15 MS. MURPHY: -- statements in the letters.

16 MR. BROWN: It's our position there was not.

17 MS. MURPHY: There's statements made in the  
18 letters that suggest a very strong affinity for the  
19 Defendant by this witness.

20 THE COURT: But your objection again?

21 MS. MURPHY: This -- I mean, that was argument.  
22 There's been no testimony and I just don't see how it's  
23 relevant at this point.

24 THE COURT: (Inaudible) the question was, did?

25 MR. BROWN: Did she do anything to indicate that

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1 she -- or say anything that indicated to you, that she had  
2 a romantic interest in Mr. Syed?

3 THE COURT: I'll overrule and allow it.

4 (Bench Conference concluded at 3:29:45 p.m.)

5 (All Counsel return to trial tables where the  
6 following ensued:)

7 BY MR. BROWN:

8 Q Ms. Chaudry, I'll ask you the same question  
9 again. Did Ms. McLane do, or say anything to you, that  
10 led you to believe she had a romantic interest in Mr.  
11 Syed?

12 A Not at all.

13 Q Okay. After you met with Ms. McClane, did  
14 you make any effort to confirm the truth of what she told  
15 you?

16 A I did. Yes.

17 Q And can you please tell the Court what you  
18 did?

19 MS. MURPHY: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: I -- Asia had conveyed that the  
22 day she --

23 MS. MURPHY: Objection.

24 THE COURT: Sustained.

25 THE WITNESS: Okay. Um --

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1 BY MR. BROWN:

2 Q Can you -- can you just tell exactly what  
3 you did.

4 A I checked the weather reports to see if  
5 they were consistent with what she said. And I checked  
6 the school closing records to check if it was consistent  
7 with what she said.

8 Q And what did you find out? Was -- did  
9 those -- that fact checking you did, was that consistent  
10 with what she had said?

11 A It was completely consistent with what she  
12 said.

13 Q And why did you think that?

14 A Because school had been closed for two  
15 days. The day after Hae Min disappeared because there was  
16 a heavy snowstorm that same night. And that's what Asia  
17 had conveyed and that's what the record showed.

18 Q And what, if any, significance did that  
19 have to you?

20 A That showed me that there were details  
21 about that day. It was not just any other day for her.  
22 She remembered specific details about that day, and her  
23 details were verifiable.

24 Q What did you then do with that affidavit?

25 A I made a bunch of copies. I sent, I think,

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1 a copy maybe to Adnan. I showed it to his family. The  
2 family decided to send a copy to Cristina Gutierrez.  
3 Nobody was able to get in touch with her. She would not  
4 respond to phone calls, not the family's or Adnan's. So,  
5 we sent her a letter and a copy of the affidavit.

6 Q Okay.

7 MR. BROWN: May I approach?

8 THE COURT: You may.

9 (Whereupon, Counsel approached the witness stand  
10 and the following ensued:)

11 MR. BROWN: I'm showing the witness what's been  
12 premarked as Defense Exhibit No. 3.

13 BY MR. BROWN:

14 Q Do you recognize that document?

15 A Yes, I do.

16 Q What do you recognize it to be?

17 A This is a letter that Adnan's parents asked  
18 me to help them draft and type up to send to Cristina  
19 Gutierrez, along with a copy of the affidavit.

20 Q And why is it that they asked you to help  
21 draft and type up that letter?

22 A I think, um -- I think they might not have  
23 had a computer at home. But, also, again language issues.  
24 And maybe they thought I would be able to use legal  
25 language more appropriately.

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1 Q Okay. And could you please read that  
2 letter out-loud to the Court?

3 A (Reading from exhibit.) "Dear, Ms.  
4 Gutierrez. We would like for you to include in our Motion  
5 for a New Trial, the newly discovered evidence provided by  
6 Ms. Asia McClane. We are aware that under Maryland laws,  
7 the evidence is considered newly discovered, only when it  
8 is indeed newly discovered. We feel, however, that Asia's  
9 information falls into a gray area. Because, in fact,  
10 nobody contacted her for her story. And that, until now,  
11 her story was undiscovered. Attached, please find a copy  
12 of the affidavit signed and sworn to by Ms. Asia McClane.  
13 According to her, the two other eyewitness alibis are also  
14 willing to submit affidavits. Furthermore, for  
15 sentencing, we would like to have mitigating witnesses  
16 address the Court. Please contact us to arrange for this.  
17 Thank you."

18 MR. BROWN: Your Honor, I'd like to offer  
19 Defense Exhibit No. 3 into evidence.

20 THE COURT: Any objection, Ms. Murphy?

21 MS. MURPHY: No, Your Honor.

22 THE COURT: So admitted then as Defense Exhibit  
23 No. 3.

24 (Whereupon, Defense's  
25 Exhibit No. 3 was admitted

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1 into evidence.)

2 BY MR. BROWN:

3 Q And did you ever become aware of whether  
4 Ms. Gutierrez responded to that letter?

5 A Ms. Gutierrez never responded to the  
6 letter.

7 Q And did you have any direct contact with  
8 Ms. Gutierrez after you obtained the affidavit?

9 A No, I did not.

10 Q Did you continue to assist Mr. Syed's  
11 family with the case after that?

12 A I did. I helped them write -- because  
13 there was no response from Cristina Gutierrez, out of  
14 desperation, they wanted to write a letter to the judge.  
15 So, I helped them draft a letter to the judge and also  
16 included a copy of the affidavit.

17 Q I'm going to show you what's been premarked  
18 as Defense Exhibit No. 4. Do you recognize that document?

19 A Yes, I do.

20 Q What do you recognize that to be?

21 A That's the letter that I helped Adnan's  
22 parents draft, to send to the Honorable Wanda Keyes, who  
23 was the judge in the case.

24 Q And, do you know whose signature is at the  
25 bottom of that?

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1 A That is his mother and father's signature.

2 Q But you, in fact, typed that letter up?

3 A I did. Yes.

4 MR. BROWN: Okay. Your Honor, I offer  
5 Defendant's Exhibit No. 4 into evidence.

6 THE COURT: And, again, any objection, Ms.  
7 Murphy?

8 MS. MURPHY: No, Your Honor.

9 THE COURT: So admitted then as Defendant's  
10 Exhibit No. 4.

11 (Whereupon, Defense's  
12 Exhibit No. 4 was admitted  
13 into evidence.)

14 MR. BROWN: Court's indulgence for one moment,  
15 Your Honor.

16 THE COURT: Uh-huh.

17 (Pause.)

18 BY MR. BROWN:

19 Q And, Ms. Chaudry, can you -- are you able  
20 to review that letter and tell me what the status of Ms.  
21 Gutierrez was with this case, at the time of this letter?  
22 The first paragraph, the first paragraph might refresh  
23 your recollection.

24 A The status of Ms. Gutierrez's relationship  
25 at that point was that, Adnan's family was trying to fire

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1 her and get a public defender. But she would not respond.  
2 And not just to the family but not to Adnan. And in order  
3 for him to get a public defender, she had to withdraw from  
4 the case, and file something with the court. But she  
5 wasn't doing that either. So, we were asking for a  
6 continuance on the -- I think, either on the sentencing or  
7 a motion or something, so we could get another lawyer.

8 Q And were you involved in the family's  
9 decision to fire Ms. Gutierrez?

10 A They fired her, but I supported it.

11 Q Why did you support that decision?

12 A I think -- I mean, after having met with  
13 Asia, and knowing how she had treated the family and  
14 Adnan, it was clear that her -- she was not representing  
15 Adnan's interests.

16 MS. MURPHY: Objection, Your Honor.

17 THE COURT: Sustained.

18 BY MR. BROWN:

19 Q Moving on, did there come a time when you  
20 obtained Ms. Gutierrez's case file?

21 A Yes. The family called me after Cristina  
22 Gutierrez had been dismissed from the case, or she had  
23 been fired from the case, and said that her office had  
24 said his case files are in a warehouse. So, Adnan's  
25 mother contacted me and asked to help go retrieve them.

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1 Q And did you do that?

2 A I did. Yes.

3 Q And were you involved in getting those  
4 boxes delivered to my office?

5 A Yes, I was.

6 Q How did you do that?

7 A I delivered them with Adnan's younger  
8 brother. We dropped them off at your office.

9 Q Okay. .

10 MR. BROWN: May I have the Court's indulgence  
11 for one moment?

12 THE COURT: You may.

13 (Pause.)

14 MR. BROWN: Your Honor, no further questions for  
15 this witness.

16 THE COURT: Ms. Murphy?

17 MS. MURPHY: Thank you, Your Honor. Court's  
18 indulgence for one moment, please.

19 CROSS-EXAMINATION

20 BY MS. MURPHY:

21 Q Good afternoon, Ms. Chaudry.

22 A Good afternoon.

23 Q You stated that you were able to attend the  
24 second trial more so than the first; is that correct?

25 A Yes.

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1 Q And you are aware that trial took about six  
2 weeks to complete?

3 A The second trial?

4 Q Yes.

5 A I'm not sure of the length of the trial. I  
6 don't really know. I wasn't there the entire time.

7 Q Okay. Were you there enough to see that  
8 there were many contentious legal discussions between  
9 counsel and the judge?

10 A Yes, I did see some of that.

11 Q Were you aware enough to -- were you  
12 present enough to be aware that Ms. Gutierrez felt that  
13 she had appealable issues in the case?

14 MR. BROWN: Objection. As to her testifying  
15 about how Ms. Gutierrez felt.

16 THE COURT: I'll sustain. You want to rephrase.  
17 BY MS. MURPHY:

18 Q You stated that Ms. Gutierrez encouraged  
19 the family to begin arranging money for appeal.

20 A Yes.

21 Q And are you aware that the case was, in  
22 fact, appealed?

23 A Yes.

24 Q And the Defendant was not then represented  
25 by Ms. Gutierrez; is that correct?

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1 A That's correct.

2 Q So, the family, in effect, did follow  
3 through on her recommendation to pursue the appeal,  
4 correct?

5 A What other option did the family have?  
6 They were not just going to use her though.

7 Q The family pursued the appeal, correct?

8 A Of course.

9 Q Just as Ms. Gutierrez recommended?

10 A Before he was convicted, yes.

11 Q And you were aware that there were  
12 contentious legal issues ongoing in the case?

13 MR. BROWN: Objection, Your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: I did not know at that time a lot  
16 of the facts of the case, no. I wasn't that involved  
17 during the trial. No.

18 BY MS. MURPHY:

19 Q So, you wouldn't know one way or the other  
20 whether Ms. Gutierrez's comments stem from issues that  
21 were arising daily in the courtroom, would you?

22 A She was enigma. She was just rude. It  
23 didn't matter. I don't know.

24 Q You don't know?

25 A I don't know.

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1 Q And you were not privy to any discussions  
2 that occurred between her and her client, correct?

3 A There were none, I don't think.

4 Q Were you privy to discussions between Ms.  
5 Gutierrez and her client?

6 A I don't understand the question. Do you  
7 mean, do I have personal knowledge or did Adnan tell me  
8 about those discussions? What does that mean?

9 Q Were you present for any discussions  
10 between Ms. Gutierrez and her client?

11 A He was incarcerated. No, of course not.

12 Q You were present for discussions between  
13 Ms. Gutierrez and the Defendant's family, correct?

14 A Yes, yes.

15 Q Now, at that point, you were a second year  
16 law student. You're an attorney now, right?

17 A Yes.

18 Q Is it ethical for an attorney to disclose  
19 communications from her client either to his client's  
20 family?

21 MR. BROWN: Objection, Your Honor. She's not on  
22 the stand as an expert in ethical matters.

23 THE COURT: Overruled.

24 THE WITNESS: Generally, no. Unless the client  
25 has granted permission which was given in this case.

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1 BY MS. MURPHY:

2 Q Was the client present for those meetings?

3 A No.

4 Q And Ms. Gutierrez, you stated, indicated to  
5 you that she didn't represent the family, correct?

6 A Yes.

7 Q She said, and I'll quote you, "Adnan is my  
8 client."

9 A Yes.

10 Q You stated you spoke with Adnan about the  
11 substance of his case after the verdict.

12 A Yes.

13 Q And the topic of Asia McClane came up then.

14 A Yes.

15 Q You stated Adnan said, that it was like any  
16 other day?

17 A For him. He didn't have any specific  
18 recollection of that day, no.

19 Q So he did not indicate to you that he felt  
20 Asia McClane was true, her statements were true or not  
21 true?

22 A He said he remembered meeting Asia one time  
23 in the library, but he could not verify the date.

24 Q So, Adnan did not tell you that he saw this  
25 witness in the library on the date?

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1           A     Um, no. I mean, he said that he remembers  
2 it but he didn't know the date.

3           Q     Well, let's clarify. You said he  
4 remembered seeing her one day in the library?

5           A     Yes, yeah. But that's why he asked  
6 Cristina to verify the date.

7           MS. MURPHY: Nothing further, Your Honor.

8           THE COURT: Any redirect?

9           MR. BROWN: Just very briefly, Your Honor.

10          REDIRECT EXAMINATION

11          BY MR. BROWN:

12          Q     Ms. Murphy asked you about a -- that  
13 particular date and whether you were able to verify that  
14 that was, in fact, the date when Mr. Syed met with Asia  
15 McClane. Were you able to verify that date?

16          MS. MURPHY: Objection. That was not the  
17 State's question, Your Honor.

18          THE COURT: I'm sorry. Let me hear the question  
19 again though, please. Don't answer. Let me hear the  
20 question again.

21          MR. BROWN: Were you able to verify the date on  
22 which Ms. McClane said that she met with Mr. Syed?

23          MS. MURPHY: Objection.

24          THE COURT: As to form?

25          MS. MURPHY: This was covered in her direct,

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1 Your Honor. And I only asked about the Defendant's  
2 statements about that meeting. Not whether she did  
3 independent investigation.

4 THE COURT: Overruled.

5 BY MR. BROWN:

6 Q Ms. Chaudry, were you able to verify that  
7 date on which Ms. McClane stated that she met with Mr.  
8 Syed?

9 A Yes, I was.

10 Q And can you tell the Court one more time  
11 how you verified that?

12 A I verified it, because I checked the  
13 weather records and the school closing records which is  
14 how she remembered that day. She had been snowed in.

15 Q And again, were those records and those  
16 weather reports consistent with what Ms. McClane had told  
17 you?

18 A Absolutely.

19 MR. BROWN: No further questions.

20 THE COURT: Any limited recross, Ms. Murphy?

21 MS. MURPHY: Nothing further, Your Honor.

22 THE COURT: Ms. Chaudry, you may step down.

23 (Witness was excused.)

24 THE COURT: And, I need to take a quick break.

25 But, there are two more witnesses?

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1 MR. BROWN: Yeah. Your Honor, may we, um --

2 THE COURT: Certainly.

3 MR. BROWN: -- I don't know if you want us to  
4 approach to discuss that.

5 THE COURT: Why don't you approach.

6 MR. BROWN: Okay.

7 BENCH CONFERENCE

8 (Bench Conference begins - 3:45:40 p.m.)

9 (All Counsel approach the bench where the  
10 following ensues:)

11 MR. BROWN: Your Honor, just a quick question as  
12 to how, until what time you intend on sitting today, which  
13 will help me decide which witness I want to call.

14 THE COURT: Well, today is not a good day  
15 because of -- I've got some family things to deal with, a  
16 funeral and the like. So I was hoping we could finish  
17 earlier than later. Does that help you?

18 MR. BROWN: Um, yes. However, early is a  
19 relative term.

20 THE COURT: I mean, I'd rather -- I'd like to  
21 get done as soon as we could.

22 MR. BROWN: Okay.

23 THE COURT: So, to the extent you've talked  
24 about four witnesses, two more.

25 MR. BROWN: Okay. Um, there's two more. I

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1 could just do the one longer witness and finish that. And  
2 then we'll see if we have time for the other, if that's  
3 satisfactory.

4 THE COURT: Okay. And a longer witness will be  
5 a little bit longer than Chaudry?

6 MR. BROWN: Probably. It would be Mr. Syed.

7 THE COURT: And who else would you have?

8 MR. BROWN: And then there's Mr. Syed's mother,  
9 which would be very short.

10 THE COURT: And we're scheduled for (inaudible).

11 CLERK: The 25th.

12 THE COURT: Of this month?

13 CLERK: Yes. In two weeks.

14 MR. BROWN: My concern being that -- you know, I  
15 also have two other witnesses, plus arguments for that  
16 additional date. And we've had so much difficulty  
17 scheduling this.

18 THE COURT: I guess all I'm suggesting is, I  
19 really would like to get out of here as soon as I can. I  
20 need to -- could we possibly just put on his mother and  
21 then Mr. Syed, that would --

22 MR. BROWN: Sure.

23 THE COURT: -- is going to go with everything  
24 else and we'll just finish a little early. I mean, that  
25 doesn't -- witnesses are going to be here regardless,

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1 right?

2 MR. BROWN: Absolutely. Absolutely.

3 THE COURT: Okay.

4 MR. BROWN: So, it makes no -- whatever works  
5 better for you.

6 THE COURT: That may be easier for me, if you  
7 don't mind.

8 MR. BROWN: Okay.

9 THE COURT: And the State won't have any  
10 witnesses, right, Ms. Murphy?

11 MS. MURPHY: I may have one in rebuttal, just to  
12 -- you know, it depends.

13 THE COURT: Okay. So, can you give me -- how  
14 long do you think she'll be?

15 MR. BROWN: I think (inaudible) --

16 MS. KUJDA: Fifteen minutes (inaudible).

17 MR. BROWN: From our side.

18 MS. KUJDA: Fifteen, twenty minutes.

19 THE COURT: I'm sorry.

20 (Unrelated discussion between clerk and judge.)

21 THE COURT: Let me take about a five minute  
22 recess and we'll come back. And if you don't mind, we'll  
23 put on the mother.

24 MR. BROWN: Sure.

25 (Bench Conference concluded at 3:48:31 p.m.)

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1 (All Counsel return to trial tables where the  
2 following ensued:)

3 THE COURT: Officers, I'm -- can I take a five  
4 minute break and if the Petitioner wishes to stay here, he  
5 can. If it's okay with you all, I'm going to be coming  
6 right back.

7 SHERIFF: Yes.

8 THE COURT: The Court will take a very brief  
9 recess.

10 CLERK: All rise.

11 (Whereupon, a recess was taken at 3:48:51 p.m.,  
12 and the proceeding resumed at 4:00:50 p.m., as follows:)

13 THE COURT: You may be seated everyone. Thank  
14 you for your patience. And, Mr. Brown, are you prepared  
15 to call your next witness?

16 MR. BROWN: Yes. Ms. Kujda will do that.

17 THE COURT: Oh, please.

18 MS. KUJDA: We'll call a Ms. Shamim Rahman.

19 SHAMIM RAHMAN

20 (A witness produced on call by the Petitioner, first  
21 having been duly sworn according to law, testifies as  
22 follows:)

23 CLERK: I ask that you speak directly into the  
24 mic. State your name for the record.

25 THE WITNESS: Shamim Rahman.

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1 CLERK: And can you spell your first and last  
2 name, please?

3 THE WITNESS: S-H-A-M-I-M. And the last name is  
4 R-A-H-M-A-N.

5 THE COURT: Thank you. Ms. Kujda?

6 DIRECT EXAMINATION

7 BY MS. KUJDA:

8 Q Good afternoon, Ms. Rahman.

9 A Good afternoon.

10 Q What is your relationship with Adnan?

11 A He's my son.

12 Q And where do you live?

13 A Catonsville --

14 THE COURT: And, I'm sorry. Ms. Rahman, if you  
15 could, sort of, speak directly into the mic. I can't hear  
16 you.

17 THE WITNESS: In Catonsville, Baltimore.

18 BY MS. KUJDA:

19 Q And you said that Adnan is your son?

20 A Yes.

21 Q And do you work?

22 A Yes. I have a daycare and my husband is a  
23 civil engineer.

24 Q You run a daycare, you said?

25 A Yes, yes.

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1 Q How did you first come to know Cristina  
2 Gutierrez?

3 A When Adnan got arrested the first time. So  
4 we did hire the professor. Then he --

5 THE COURT: I'm sorry. You hired who?

6 THE WITNESS: The professor. We had the  
7 professor, a professor.

8 BY MS. KUJDA:

9 Q Are you saying that you had a relationship  
10 with a professor who --

11 A We hired him, yes.

12 Q And what did the professor do in regards to  
13 Adnan's case?

14 A Yeah. He -- when Adnan got arrested, so we  
15 hired him. So he introduced us to Ms. Gutierrez.

16 Q So the professor introduced you to  
17 Cristina?

18 A Yes, Cristina.

19 Q Did you agree to meet with Cristina?

20 A Yes, we did.

21 Q Okay. Could you describe that meeting?

22 A Yeah. It was three lawyers. So, the  
23 mosque, you know, they had -- they interviewed other three  
24 lawyers. So they choose Cristina Gutierrez.

25 Q So you're saying that the mosque --

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1 A Yes.

2 Q -- which you attend, had interviewed --

3 A Yeah, Cristina.

4 Q -- some attorneys?

5 A Yes, the three of them.

6 Q Okay. So, did the people at your mosque  
7 make a decision on who would represent Adnan?

8 A Yes, they did.

9 Q And who did they decide?

10 A Cristina Gutierrez.

11 Q When was the first time that you met with  
12 Ms. Gutierrez without the individuals in your mosque?

13 A Yeah, me and my husband, we went to her  
14 office and we signed the contract.

15 Q Okay. And when you went to her office, did  
16 you talk to her at all about Adnan's case?

17 A We did. But she asked us for the money,  
18 like \$50,000. So we had to take the money to her.

19 Q Okay. So she asked you for \$50,000?

20 A Yes.

21 Q Did you pay the \$50,000?

22 A Yes, we did.

23 Q And how did you pay that?

24 A Some of the mosque, you know, the community  
25 gave us the money, and the rest of them we had to take up

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1 from our children college fund.

2 Q So how much did you take from your  
3 children's college fund?

4 A Almost \$25,000.

5 Q And the rest was paid by the --

6 A The community, the mosque.

7 Q The mosque?

8 A Yes, they gave us the money.

9 Q Were you ever asked to pay additional money  
10 beyond the \$50,000?

11 A Yeah. After that, you know, she asked us,  
12 you know, that she going to hire the jury expert.

13 THE COURT: I'm sorry, what type of expert?

14 THE WITNESS: Jury expert.

15 THE COURT: Jury expert.

16 THE WITNESS: And she need another \$10,000 for  
17 that.

18 BY MS. KUJDA:

19 Q Did you pay in cash?

20 A No. The first \$50,000, we paid check.

21 Q And for the \$10,000, for the jury expert,  
22 did you pay that in cash?

23 A She told us, you know, that bring the cash.  
24 So during the trial, we went to the court and we  
25 (inaudible).

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1 THE COURT: I'm sorry, I didn't understand. I  
2 didn't hear.

3 MS. KUJDA: You paid in cash, correct?

4 THE WITNESS: We paid in cash.

5 THE COURT: Paid the \$10,000 in cash?

6 MS. KUJDA: The \$10,000 in cash. Did the  
7 community at your mosque help you make this payment?

8 THE WITNESS: Yeah. Just \$35,000, you know,  
9 came from the mosque. And the rest of them we took up  
10 from the college fund.

11 BY MS. KUJDA:

12 Q Let's talk about the \$10,000 for the jury  
13 expert. Did the mosque help you at all?

14 A No, no. We had -- the last \$10,000 we paid  
15 it.

16 Q And why didn't they help you?

17 A Because there was, you know, financially  
18 they couldn't make more, you know. (Inaudible.)

19 Q Are you aware if Ms. Gutierrez ever hired  
20 the jury expert?

21 A No, she didn't.

22 Q Was there ever a jury expert presented at  
23 Adnan's first trial?

24 A No.

25 Q Did she return your \$10,000?

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1 A No, she did not.

2 Q Did you ever ask for it back?

3 A We asked her, you know, that me and my  
4 husband that we didn't have the jury expert. So what  
5 about \$10,000. She said she would -- this would stay in  
6 an escrow fund.

7 Q So she told you she was going to keep it?

8 A Yes. She going to keep it in escrow.

9 Q Despite the fact that she didn't use it for  
10 the jury expert?

11 A No, she did not.

12 Q Let's talk about Adnan's second trial. Who  
13 represented him?

14 A Cristina.

15 Q So, did the \$60,000 that you had already  
16 paid to Cristina at that point, cover the second trial?

17 A No, it did not.

18 Q Did she ask you for more money?

19 A Yeah, because we had to sign another  
20 contract with her for another \$50,000.

21 Q So, she asked you for another \$50,000?

22 A Yes, she did.

23 Q Did you pay the \$50,000?

24 A We did. Again, we asked the community if  
25 they could help us.

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1 Q So your mosque helped you make this  
2 payment?

3 A Yes, they did again. Yes.

4 Q Did you contribute anything to the payment?

5 A Yes, we did.

6 Q How much approximately?

7 A It's like another \$20,000, we need to take  
8 it from the bank.

9 Q Where did you take the money from?

10 A From the college fund. We have three  
11 children so we were saving some money for putting the  
12 children to the college.

13 Q So you took it from your kid's college  
14 fund?

15 A Yes, college fund.

16 Q Okay. Now after Adnan lost the second  
17 trial, did he appeal?

18 A Yes, he did.

19 Q Did Cristina represent him?

20 A No. We -- no.

21 Q Who represented him?

22 A The public defender.

23 Q And why did the public defender represent  
24 him?

25 A Because we didn't have enough, you know,

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1 money in the bank to pay her. She was asking for another  
2 forty, fifty-thousand dollar for the appeal.

3 Q Okay. And you couldn't afford another  
4 \$50,000?

5 A No, we couldn't.

6 Q Was the community able to help you pay this  
7 fee?

8 A They were financially exhausted, because  
9 they help us a lot, you know.

10 Q Okay. And did you have a discussion with  
11 Ms. Gutierrez about her not representing Adnan on his  
12 appeal?

13 A Yes, we did. We told her, you know, we  
14 don't have, you know.

15 Q How did she react?

16 A She was very angry, intimidated.

17 Q Did she make any threats towards you?

18 A Yes, she told us -- she and her partner,  
19 told us, you know, that if you don't give us, you know,  
20 the payment, so we going to come after your house, you  
21 know, begin to sell the house and whatever, you know,  
22 she'd take the rest of (inaudible).

23 Q She said that she was going to take your  
24 house?

25 A Yeah, sell our house. Take our house.

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1 Q Okay. So she was telling you that you,  
2 basically, owed her more money for Adnan's case?

3 A Yes, yes.

4 Q Did you believe this threat?

5 A Yeah, we did. We got really scared. Me  
6 and my husband -- when we went home, you know, so we  
7 transferred our deed, you know, to my older son's name.

8 THE COURT: I'm sorry. You did what?

9 THE WITNESS: We changed our deed, you know, the  
10 house, to put in my son's name, the older son name.  
11 Transfer the deed.

12 BY MS. KUJDA:

13 Q Was there ever a time when you transferred  
14 the deed back from your son name into your's?

15 A Yes, after a few months we know everything  
16 calmed down. So we transferred, you know, the house to  
17 our name again.

18 Q So, within a couple of months you were not  
19 as scared as you were?

20 A No, not anymore.

21 Q So, just to clarify, you paid a total of  
22 around \$110,000 for Adnan's trial?

23 A Exactly. Yes, yes.

24 Q That's correct?

25 A Yes, that's right.

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1 Q Now, we already touched on this a little  
2 bit. But could you just describe what your interactions  
3 with Ms. Gutierrez were like?

4 A Yeah, because whenever me and my husband,  
5 we use to go there, she usually busy. We ask her  
6 secretary if we can talk to her. She said she busy. When  
7 we get into the office, she was trying to (inaudible)  
8 trying to come up with the money right now. So I'm going  
9 to leave Adnan case.

10 Q So she would only talk to you about money?

11 A Money, all the time. You know, money.

12 Q And she would threaten you that if you  
13 didn't pay she would drop his case?

14 A Exactly, she would drop the case. She said  
15 she -- too many cases, you know, to work with.

16 Q Did you ever have any questions or concerns  
17 about Adnan's case?

18 A We did but like this is the first time it's  
19 happened to us, you know, so.

20 Q So, did you feel comfortable asking her  
21 questions about this case?

22 A Yes, we did, but she never, you know,  
23 allowed us anything like that.

24 Q Okay. Did you feel comfortable asking her  
25 questions?

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1           A     No, we was really scared me and my husband.  
2 Whenever we use to go there, we was, you know, scared.

3           Q     Did you find her intimidating?

4           A     Really, yes.

5           Q     Are you familiar with the name Asia  
6 McClane?

7           A     Yes, I -- yes.

8           Q     Did you ever meet Asia McClane?

9           A     Yeah. One day, somebody was knocking on  
10 the door in the afternoon. So I opened the door. So it's  
11 a young African young lady. She came and she say --

12          Q     Okay. Let's take it one step at a time.  
13 Okay.

14          A     Okay.

15          Q     So when exactly did Asia McClane come to  
16 the door?

17          A     It's in the afternoon.

18          Q     In the afternoon. Was it before Adnan's  
19 first trial or before the second trial?

20          A     During the trial, during the trial.

21          Q     It was during his trial. Okay.

22          A     Yes.

23          Q     Was this the first time you met Asia?

24          A     Yes.

25          Q     Was anybody home with you when she came in?

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1 A No, just me and my daycare children.

2 Q Was anybody with Asia when she came to see  
3 you?

4 A I don't remember if somebody (inaudible)  
5 was or if she was by herself.

6 Q Did you talk to Asia?

7 A Yes, I did.

8 Q Did you learn anything in particular about  
9 Adnan's case?

10 A Yeah, she told me --

11 MS. MURPHY: Objection.

12 THE COURT: Sustained.

13 BY MS. KUJDA:

14 Q Without telling us exactly what Asia said,  
15 what did you learn about Adnan's case?

16 A (Inaudible) can help Adnan's case.

17 MS. MURPHY: Objection.

18 THE COURT: I'll sustain it. But I -- ask it  
19 again so I can --

20 BY MS. KUJDA:

21 Q Without telling us what Asia said, what  
22 facts did you learn about Adnan's case?

23 A I knew this can help Adnan's case, you  
24 know.

25 THE COURT: I'm sorry?

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1 (Pause.)

2 MS. KUJDA: That Asia could help Adnan's case.

3 THE WITNESS: Yes, yes.

4 MS. KUJDA: Is what she just said.

5 BY MS. KUJDA:

6 Q Did you believe that Asia could have been  
7 an alibi witness?

8 A Yes.

9 MS. MURPHY: Objection.

10 THE COURT: Overruled.

11 BY MS. KUJDA:

12 Q Now, did you believe that Asia could have  
13 been an alibi witness at Adnan's trial?

14 A Yes.

15 Q Yes. Did you think of this information, or  
16 this belief, did you think this was important for Adnan's  
17 case?

18 A Yes.

19 Q Did you think it was important to tell Ms.  
20 Gutierrez this?

21 A Yes, we did.

22 Q Did you ever try to tell Ms. Gutierrez  
23 this?

24 A Yeah, the next day me and my husband ran to  
25 (inaudible), and we told her, because she left the number.

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1 THE COURT: I'm sorry, the next day you did  
2 what?

3 THE WITNESS: The next day, me and my husband  
4 went to the office, and we told her, you know, we gave her  
5 the number and everything. But it looked like she didn't  
6 take it serious.

7 BY MS. KUJDA:

8 Q When you said you gave Ms. Gutierrez the  
9 number, what are you talking about?

10 A Asia number, you know, that she say she  
11 wants to come and testify that Adnan was, you know, with  
12 her in the same day, you know, in the library.

13 Q So, she gave you her phone number and said  
14 give this to Ms. Gutierrez?

15 A Yeah, the lawyer. Yes.

16 Q Did Ms. Gutierrez seem interested in this  
17 information?

18 A No, she didn't take it serious, you know.  
19 She said she would contact her, but she never --

20 Q Did she ever contact her?

21 A No, she did not.

22 Q That you're aware of?

23 MS. MURPHY: Objection.

24 THE COURT: She said she'd contact who?

25 MS. KUJDA: Did Cristina Gutierrez ever contact

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1 Asia McClane that she's aware of?

2 THE COURT: If you know.

3 THE WITNESS: No, she did not contact her.

4 BY MS. KUJDA:

5 Q Did Asia McClane ever testify at Adnan's  
6 first trial?

7 A No.

8 Q Did Asia McClane testify at Adnan's second  
9 trial?

10 A No.

11 Q Did this concern you?

12 A Yes, of course.

13 Q Did you, at any point, make any threats  
14 towards Asia to talk to you?

15 A No.

16 Q Did you ever pressure her in any way to  
17 talk to you?

18 A No. I didn't see her after that.

19 Q Are you aware of any of your family members  
20 pressuring Asia to talk to you?

21 A No.

22 Q Are you aware of any family friends  
23 pressuring Asia to talk to you?

24 A No.

25 Q Ms. Rahman, do you believe that Adnan is

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1 innocent?

2 A Yes, I know he's innocent.

3 Q Regardless of this belief, if Adnan had  
4 come to you and said that he was considering pleading  
5 guilty, what would you have done?

6 A I'd respect his wishes. Whatever he  
7 decide, you know, is all right with me.

8 Q Would you have loved him and supported him?

9 A Of course. He's my child, yes.

10 MS. KUJDA: No further questions.

11 THE COURT: Just one second.

12 (Pause.)

13 THE COURT: And, Ms. Murphy, any cross?

14 MS. MURPHY: Just briefly, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. MURPHY:

17 Q Good afternoon.

18 A Good afternoon.

19 Q You said you initially hired a professor.

20 A Yes.

21 Q Was that Michael Millman at the University  
22 of Maryland?

23 A I don't remember his name, 'cause a long  
24 time.

25 Q Was he at the University of Maryland?

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1 A Yes.

2 Q Was there also another professor named,  
3 Doug Colbert who assisted?

4 A Yes, his first name.

5 Q And they actually recommended Cristina  
6 Gutierrez, correct?

7 A Yes, yes.

8 Q And they told you that she had a reputation  
9 for being very tough?

10 A Of course, yes.

11 Q And for fighting very hard for the client.

12 A Yes.

13 Q And, of course, 'that's what you wanted?

14 A Yeah, the expertise, you know.

15 Q So you were aware that she had an extensive  
16 background in trying criminal cases?

17 A Yes, that's what they told us.

18 Q And then representing Defendants in  
19 criminal cases, correct?

20 A Yes, uh-huh.

21 Q And as any mother, you wanted the best  
22 attorney possible, right?

23 A Of course.

24 Q It's fair that you and your community  
25 sacrificed a great deal to hire Ms. Gutierrez; is that

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1 correct?

2 A Yes, we did.

3 Q And you did that, because you hoped for an  
4 acquittal in the case, right?

5 A Uh-huh.

6 MS. MURPHY: Nothing further, Your Honor.

7 THE COURT: Any redirect, Ms. Kujda?

8 MS. KUJDA: Court's indulgence. No redirect,  
9 Your Honor.

10 THE COURT: And you may step down, Ms. Rahman.  
11 (Witness was excused.)

12 THE COURT: Counsel, unfortunately, I think  
13 based upon my schedule, this is probably an appropriate  
14 time for us to break. And we're back again on October the  
15 25th. Thank you. And thank you for your patience and  
16 cooperation.

17 MR. BROWN: Thank you, Your Honor.

18 MS. MURPHY: Thank you, Your Honor.

19 (Off the record -- 4:16:16 p.m.)  
20  
21  
22  
23  
24  
25

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TRANSCRIBER'S CERTIFICATE

This is to certify that the proceedings in the matter of Adnan Syed versus State of Maryland, Case Number 199103042-046, and Post-Conviction No. 10432, heard in the Circuit Court for Baltimore City on October 11, 2012, was recorded on digital media with video.

I hereby certify that the proceedings, herein contained were transcribed by me or under my direction. That said transcript is a true and accurate record to the best of my ability and constitutes the official transcript thereof.

In witness thereof, I have hereunto subscribed my name on this 8th day of March, 2013.



Sherry R. Miller, President



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