73-3-000 3**3**4/35

IN THE CIRCUIT COURT FOR BALTIMORE CITY (PART 9)

STATE OF MARYLAND

V...

CASE NO. 199103042,43,45,46

ADNAN SYED

Defendant

BALTIMORE, MARYLAND FRIDAY, FEBRUARY 25, 2000

(TRIAL ON THE MERITS)

BEFORE:

THE HONORABLE WANDA K. HEARD, ASSOCIATE JUDGE

(AND A JURY)

APPEARANCES:

FOR THE STATE:

KEVIN URICK, ESQUIRE KATHLEEN C. MURPHY, ESQUIRE

FOR THE DEFENDANT:

CRISTINE GUTIERREZ, ESQUIRE

RETURN TO:

Office of the Attorney General 200 St. Paul Place Baltimore, MD 21202

Attention:

Tina Stavrou 410-576-6491

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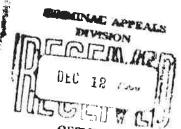
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BALTIMORE, MARYLAND 21202



THE APPORNEY



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- You need not believe any witness, even if the
- witness's testimony is uncontradicted. You may believe
- all, part or none of the testimony of any witness.
- 4 Now, there was expert witness testimony given in
- 5 this case. An expert is a witness who has special training
- or expertise in a given field. You should give expert
- 7 testimony the weight and value you believe it should have.
- 8 You are not required to accept any expert opinion. You
- 9 should consider an expert's opinion together with all other
- 10 evidence in the case.
- The weight of the evidence, as I've indicated
- 12 previously, does not depend on the number of witnesses on
- 13 either side. You may find that the testimony of a smaller
- 14 number of witnesses for one side is more believable than
- 15 the testimony of a greater number of witnesses on the other
- 16 side.
- 17 The Defendant, Mr. Syed, has an absolute
- 18 constitutional right not to testify. The fact that
- 19 Mr. Syed did not testify must not be held against him. It
- 20 is not to be considered by you in any way, or even
- 21 discussed by you.
- The mere presence of a person at the time and
- 23 place of the commission of an offense is not by itself
- 24 sufficient to establish his guilt but may be considered
- 25 with all the other surrounding circumstances. Evidence has

- 1 been presented at this case that the Defendant was not
- 2 there when the crime was committed. You should consider
- 3 this evidence along with all other evidence in the case.
- 4 Thus, in order to convict the Defendant, the State must
- 5 prove beyond a reasonable doubt that the crime was
- 6 committed and that the Defendant committed it.
- 7 You've also heard testimony from a witness, Jay
- 8 Wilds, who may have been an accomplice. An accomplice is
- 9 one who knowingly and voluntarily cooperated with, aided,
- 10 advised or encouraged another person in the commission of a
- 11 crime. If you are not convinced that Jay Wilds was an
- 12 accomplice, you should treat that testimony as you would
- 13 treat the testimony of any other witness. On the other
- 14 hand, if you are convinced that Jay Wilds was an
- 15 accomplice, then you must decide whether that testimony was
- 16 corroborated before you may consider it. The Defendant
- 17 cannot be convicted solely on the uncorroborated testimony
- 18 of an accomplice. However, only slight corroboration is
- 19 required. This means there must be some evidence in
- 20 addition to the testimony tending to show either that, one,
- 21 the Defendant committed the crime charged or, two, that the
- 22 Defendant was with others who committed the crime at the
- 23 time and place that the crime was committed.
- 24 If you find that the testimony of Jay Wilds has
- 25 been corroborated, it should be considered with caution and