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33835

IN THE CIRCUIT COURT FOR BALTIMORE CITY
(PART 9)

STATE OF MARYLAND *

v. *

CASE NO. 199103042, 43, 45, 46

ADNAN SYED *

Defendant *

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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

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1 You need not believe any witness, even if the
2 witness's testimony is uncontradicted. You may believe
3 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
6 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.

11 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.

22 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