

1 A. That's correct.
 2 Q. And with the assistance of these lights;
 3 correct?
 4 A. That's correct.
 5 Q. And you attempted to be as careful to make sure
 6 that you preserve anything that might lend a clue to what
 7 had happened to this decomposed body; is that correct?
 8 A. That's correct.
 9 Q. And you that you didn't have to be asked
 10 specifically to do that, that was your job, wasn't it?
 11 A. That's correct.
 12 Q. You knew that's why you came to bring your
 13 expertise there, did you not?
 14 A. Yes, ma'am.
 15 Q. The only two fibers that were located were the
 16 two that you described for us; correct?
 17 A. That's correct.
 18 Q. And in addition to that you were --
 19 MS. GUTIERREZ: I'm sorry, Madam Clerk but I
 20 think that juror wants something.
 21 THE CLERK: I'm sorry,
 22 MS. GUTIERREZ: The jurors want something.
 23 THE COURT: Okay. We --
 24 MS. GUTIERREZ: I just have another question,
 25 Judge, and then I'll be -- I'll be finished.

1 THE COURT: Can you hold on --
 2 BY MS. GUTIERREZ:
 3 Q. Other than the two fibers that you described
 4 for us, you didn't recover anything else, did you?
 5 A. No, ma'am.
 6 Q. Were you aware that hair was recovered that was
 7 not hair that belonged to that decomposing body?
 8 A. I was unaware of that.
 9 Q. Were you ever asked to produce the temperature
 10 chart for the temperature of the months of January and/or
 11 February?
 12 A. No, ma'am.
 13 MS. GUTIERREZ: Nothing further. Thank you.
 14 MR. URICK: Just one question.
 15 REDIRECT EXAMINATION
 16 BY MR. URICK:
 17 Q. You were asked several questions about the site
 18 of the body, I'm going to ask you to look at this group
 19 of photographs again, and just the upper right hand one,
 20 a straight view between the two cars, and ask if you can
 21 see any figures in the woods?
 22 A. Yes. You can see, it looks to be a number of
 23 individuals.
 24 Q. And was that the site where the body was?
 25 A. Yes.

1 Q. And are the figures clearly visible from the
 2 road where that picture is taken?
 3 A. Yes. You can see the individuals.
 4 MR. URICK: I'd ask that this be published to
 5 the jury after the break.
 6 THE COURT: After the break.
 7 MR. URICK: Yes. And I'm through with this
 8 witness.
 9 THE COURT: Any re-cross?
 10 MS. GUTIERREZ: No, Your Honor.
 11 THE COURT: Very good. Doctor, you may be
 12 excused. Thank you.
 13 (The witness was excused.)
 14 THE COURT: Members of the jury, we're going to
 15 take our afternoon break now. And we will call for you
 16 at 3:35. Do not discuss the case with anyone.
 17 (Pause.)
 18 THE COURT: Counsel, please be in place at
 19 3:35.
 20 (Brief recess.)
 21 (The jury was not present upon reconvening.)
 22 MS. GUTIERREZ: Judge, prior to calling down
 23 the jury I would like to make a record about the two
 24 separate things?
 25 THE COURT: Yes, please come up.

1 (Counsel and the defendant approached the
 2 bench, and the following ensued):
 3 MS. GUTIERREZ: The only guide to the
 4 limitation on Jay Wilds, I personally didn't know --
 5 MR. URICK: The limitation is --
 6 MS. GUTIERREZ: -- as to the cross-examination
 7 of Jay Wilds. I personally observed that we started that
 8 cross-examination at five minutes after 2:00 and that we
 9 -- you stopped my cross-examination, based on your
 10 previous order of an half an hour at 2:26.
 11 THE COURT: Actually at 2:44.
 12 MS. GUTIERREZ: Okay. Well, I noted 2:26. And
 13 in any event, although I objected to it this morning --
 14 THE COURT: Like 2:36.
 15 MS. GUTIERREZ: I'm clear -- I'm unclear as to
 16 whether or not the record adequately reflects that we
 17 object to it. I had at least another half hour if not 45
 18 minutes to an hour of cross-examination on Jay Wilds. I
 19 would not have stopped it except for the order.
 20 THE COURT: You had planned a four-hour cross
 21 rather than a three-hour cross?
 22 MS. GUTIERREZ: Judge, I don't plan crosses by
 23 times. I plan crosses by what it is I need to cover with
 24 the witness. There are 126 typed pages of what appears
 25 to be a transcript of two separate interviews.

1 There are at least four interviews that this
2 witness admitted to. There was at least 45 minutes more
3 --

4 THE COURT: Okay.

5 MS. GUTIERREZ: -- cross-examination that I
6 would have covered, and I object to the Court's, what I
7 believe, arbitrariness in cutting off my cross-
8 examination of the main witness against Mr. Syed in this
9 trial.

10 THE COURT: Are you asking for some form of
11 relief?

12 MS. GUTIERREZ: Well, Judge, I would like to
13 certainly continue the cross-examination.

14 THE COURT: Okay.

15 MS. GUTIERREZ: There's much other cross-
16 examination I could continue with Jay Wilds.

17 THE COURT: Is there another thing you want to
18 approach about?

19 MS. GUTIERREZ: Yes, Your Honor. Over the
20 break I spoke to Professor Douglas Culvert who was
21 sitting in the first row, he's no longer present. He is
22 a member of the Maryland Bar.

23 THE COURT: Uh-huh.

24 MS. GUTIERREZ: To Chris Floor who is the
25 director of the bail project who is a member of the bar

1 THE COURT: Uh-huh.

2 MS. GUTIERREZ: And is likely to have heard the
3 bulk of the exchange between the Court and I. I believe
4 it was impermissible for the Court to call me a liar. I
5 certainly responded with a great deal of passion since to
6 be called a liar by the Court about something so trivial
7 in this trial as to whether or not I had seen a specific
8 line in a specific exhibit to which I had stipulated to
9 the admission of, given that the credibility of the
10 defense lawyer is at the core of a defense theory, I
11 would ask; number one, for a mistrial based on that,
12 given this Court's direct re-attacking the credibility of
13 the Adnan Syed's lawyer at a critical juncture of this
14 case.

15 THE COURT: Okay.

16 State?

17 MR. URICK: The record is adequately made. The
18 State would oppose both forms of relief that are being
19 requested at this point.

20 THE COURT: Okay. The motion for reopening --
21 anything else?

22 MS. GUTIERREZ: No, Your Honor, not till you
23 finish.

24 THE COURT: The motion to reopen the cross-
25 examination is denied. However, I do have a note from

1 and my law clerk, Michael Lewis, who's a third-year
2 student at the University of Maryland.

3 THE COURT: Uh-huh.

4 MS. GUTIERREZ: And they informed me that, not-
5 withstanding what I perceive to be the white noise that
6 the Court put on that I could audibly hear from up here
7 that they -- that all three of them indicated that they
8 could hear, for the most part, the bulk of what I said,
9 although some of it was muffled since my back was to
10 them.

11 THE COURT: Uh-huh.

12 MS. GUTIERREZ: They could clearly hear
13 everything the Court was saying including the Courts
14 calling me, on more than one occasion, a liar, well over
15 the white noise.

16 Since they were sitting in the first -- into
17 the front row I'd suggest that they are actually further
18 if not much further, but a little bit further away from
19 this position in front of Your Honor than the jury.

20 And I believe that if they could hear it -- and
21 I asked several other members of the audience, they also
22 heard the word, the distinct word, "liar," and that you
23 were using that word to refer to me, it appears to me
24 that unmistakably, the jury had to hear Your Honor call
25 me a liar.

1 Alternate Number 4, "In view of that fact that you've
2 determined that Ms. Gutierrez is a liar, will she be
3 removed? Will we start over?"

4 Your motion for mistrial is granted.

5 MS. GUTIERREZ: Thank you.

6 (Counsel and the defendant returned to the
7 trial tables, and the following ensued:)

8 (Pause.)

9 THE COURT: Officer, would you return Mr. Syed.
10 Counsel, if you'll talk to the Administrative
11 Judge about a new date.

12 MS. GUTIERREZ: Should we go there now, Judge,
13 or wait till tomorrow.

14 THE COURT: Probably tomorrow would be
15 adequate.

16 MS. GUTIERREZ: Should we call over there or
17 should I --

18 THE COURT: I'll give him a call as well.

19 MS. GUTIERREZ: Okay. Thank you, Your Honor.

20 MR. URICK: When is this Court available?

21 THE COURT: Huh?

22 MR. URICK: When is this Court available?

23 THE COURT: In light of the circumstances, I'm
24 not available for retrial of this matter.

25 Good afternoon, counsel.

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(The trial was concluded at 3:42 p.m.)

REPORTER'S CERTIFICATE

I, Charles F. Madden, an Official Court

Reporter of the Circuit Court for Baltimore City, do

hereby certify that the proceedings in the matter of

State of Maryland versus Adnan Syed, Indictment Nos.

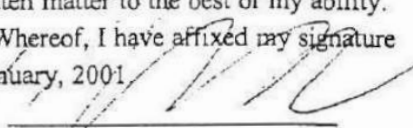
199103042-46, in the Circuit Court for Baltimore City, on

December 15, 1999, before the Honorable William D.

Quarles, Associate Judge and a jury were recorded by videotape.

I further certify that the page numbers 1 through 256 constitute the official transcript of the proceedings as transcribed by me from said videotape to the within typewritten matter to the best of my ability.

In Witness Whereof, I have affixed my signature this 12th day of January, 2001



Charles F. Madden
Official Court Reporter