

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

923-00  
14835

STATE OF MARYLAND,

vs.

Indictment Nos. 199103042 - 46

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
(Trial on the Merits)

Baltimore, Maryland

Friday, January 28, 2000

BEFORE:

THE HONORABLE WANDA KEYES HEARD, Associate Judge

APPEARANCES:

For the State:

KEVIN URICK, ESQ.  
KATHLEEN C. MURPHY, ESQ.

For the defendant:

M. CHRISTINA GUTIERREZ, ESQ.

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APR 25 2001

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OFFICE OF  
THE ATTORNEY GENERAL

Defendant's motion in limine to instruct jurors not to read any newspapers for the duration of the trial (denied)

Defendant's motion in limine to restrict the testimony of [REDACTED] Schab

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Y [REDACTED] LEE

Direct Examination by Ms. Murphy

Cross-Examination by Ms. Gutierrez

GRANT GRAHAM

Direct Examination by Mr. Urick

Cross-Examination by Ms. Gutierrez

Redirect Examination by Mr. Urick

Recross-Examination by Ms. Gutierrez

[REDACTED] SCHAB

Direct Examination by Mr. Urick

Cross-Examination by Ms. Gutierrez

WILLIAM C. RODRIGUEZ, III

Direct Examination by Mr. Urick

Cross-Examination by Ms. Gutierrez

NISHA [REDACTED]

Direct Examination by Mr. Urick

Cross-Examination by Ms. Gutierrez

Redirect Examination by Mr. Urick



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STATE'S EXHIBITS

IDENTIFIED IN EVIDENCE

31	18
1	31
2	32
4 and 5	85
9	88
38	245

oOo

P R O C E E D I N G S

(10:18 a.m.)

(The jury was not present upon reconvening.)

THE COURT: Please be seated.

MS. GUTIERREZ: Good morning, Your Honor.

THE COURT: Good morning everyone.

MS. GUTIERREZ: I apologize for this morning, but I didn't know what I could do about it.

THE COURT: No, Ms. Gutierrez, between you and I, I have no heat, you have no water. I think we're probably in good stead, so I do understand. No apology.

MS. GUTIERREZ: You miss water when you don't have it.

THE COURT: I'll swap with you, okay?

MS. GUTIERREZ: Gladly.

THE COURT: I have the water and no heat, and I -- this morning said, if only I had heat and no water, I could deal. So, in any event, I appreciate that you're able to make it here today. Please let your staff know at your office, if you want to leave this office phone number --

MS. GUTIERREZ: I did.

THE COURT: -- information.

And that's true for you, Mr. Urick, or, you, Ms. Murphy, at any time during the course of the trial,

1 if you need a return phone call or a message, I have  
2 absolutely no problem with you using this number, since  
3 this is where you are most of the time. So I have no  
4 problem with that whatsoever.

5 Before I bring the jury out, again I just want  
6 to reiterate scheduling. Expect to take a break for  
7 lunch at 12:30, come back at 1:30, finish the day at 4:30  
8 today. I also will advise them if in the event that  
9 there is a snowstorm, and for some reason we are not  
10 working, that they should listen to the radio station.  
11 Other than that, are there any other preliminary matters.

12 MS. GUTIERREZ: Yes, Judge, I would ask that  
13 the Court instruct the jury not to read the papers. I  
14 didn't bring the front section, but in the front section  
15 of today's Sunpapers are two articles and a little blurb  
16 of the events going on in Pakistan. And the lead  
17 editorial on the editorial page is regarding the events  
18 going on in Pakistan.

19 That has been an ongoing thing. I would expect  
20 it to continue. There is -- are some events that are  
21 going on right now that may or may not result in some  
22 other activity, so I would expect it to continue to be  
23 front page news.

24 Lots of people may not read the foreign news,  
25 but the editorials themselves are generally read, and

there's Pakistan in the headline. I think it's very prejudicial. And I certainly don't want the Court to draw attention to the Pakistani related articles, but I guess I would ask that the Court instruct the jurors not to read the papers.

THE COURT: Not to read a newspaper at all?

MS. GUTIERREZ: Right, during the pendency of this trial.

THE COURT: All right.

Mr. Urick, your position about the instruction that they should not read the paper for the rest of the trial?

MR. URICK: I am not aware of that ever having been done. The usual admonition is don't read anything that has to do with this case.

THE COURT: Well, --

MR. URICK: I think that at any given moment there are now approximately 50 wars going on around the world, so every potential source of background is in the news constantly. I don't think that there's anything unusual about the situation in Pakistan that would warrant any additional instruction from this Court.

THE COURT: All right. I think that, in keeping with your request, Ms. Gutierrez, I think I'd probably have to extend it to Newsweek and Time since

1 they are a weekly publication and they usually follow  
2 whatever's in the headlines, and so is your request to  
3 include those as well?

4 MS. GUTIERREZ: Yes, Judge.

5 THE COURT: How long do you expect the case to  
6 go, just generally? Another three or four days? Five  
7 days? A week? I mean I'm trying to get a sense of how  
8 long, if I were to grant this request, how long they  
9 would --

10 MS. GUTIERREZ: I'd say a week and a half of  
11 trial days.

12 THE COURT: At this juncture, I'm not inclined  
13 to grant a request. However, what I would like to do is,  
14 if in the event there is a headline relative to any  
15 Pakistani involvement, I'll entertain your motion at that  
16 time.

17 Because at this point, I think only to make an  
18 instruction that they shouldn't read the newspaper at  
19 all, the curious would want to read it just to see what  
20 is was that we're trying to keep them from not seeing.

21 Curiosity, I think is something that I think  
22 human nature would dictate, wonder what's in there. And  
23 frankly, since the Court has not read the newspaper, and  
24 I don't normally read the newspaper, this happens to be  
25 the way I am, I'm now curious to know what it was that

1 you saw in the newspaper.

2               So I'm using myself as a guide, and I don't  
3 know what's going on in Pakistan myself because I haven't  
4 read the newspaper.

5               MS. GUTIERREZ: There was a coup in Pakistan  
6 about two months ago that sort of is related to the  
7 hijacking of an Indian airline and concerns about  
8 Pakistan's control over certain nuclear weapons.

9               THE COURT: That's not on the headlines today?

10              MS. GUTIERREZ: No, it was not on the front  
11 page.

12              THE COURT: It was in the foreign section?

13              MS. GUTIERREZ: Inside, the blurb was in that  
14 part, there's a foreign news section, there's a blurb,  
15 and then the editorial was on the Pakistani situation.

16              THE COURT: And that is in the Sunpaper you're  
17 referring to?

18              MS. GUTIERREZ: Yes.

19              THE COURT: Okay. Very well. What I would  
20 suggest to do, I'd ask counsel to keep me advised if  
21 something of that nature moves from the back page -- what  
22 I'm going to call the back page or inside page to the  
23 headlines; that it appears to be a major story. I do  
24 watch television, so -- and I haven't seen anything  
25 really.

1 MS. GUTIERREZ: There's really been nothing on  
2 television except for a handful of things in world news  
3 wrap-up that I've seen over the last two months. But it  
4 has been in the papers everyday.

5 THE COURT: Well, I would be willing to  
6 reconsider your request --

7 MS. GUTIERREZ: Okay.

8 THE COURT: -- in the event that it moves to  
9 the front headlines. And then at that point, I'd need to  
10 assess exactly what it is that's being reported. And I  
11 would like your view on how you believe it effects or  
12 impacts specifically your client and the trial.

13 But we have interviewed and voir dired this  
14 panel at length on the issue of any problems they may  
15 have as a result of his -- I think we did Middle Eastern,  
16 Asian, and Pakistani background -- oh, as well as Muslim.

17 And I don't believe that we would have a panel  
18 member now that would be influenced by that based on  
19 their responses or lack of response to those questions.  
20 So I'm fairly comfortable that the jurors will follow my  
21 direction as I have asked them not to read anything about  
22 this case.

23 And so, that at this point is my primary  
24 concern. I would say to you, though, however, I  
25 understand your concern. If this were a different

1 scenario where we were dropping bombs, then perhaps that  
2 might be another issue. But at this junction, in light  
3 of the fact that that's not the case, I'm not inclined to  
4 grant your motion at this time, but I will entertain it  
5 at a later time if events change.

6           Also, with regard to your request of yesterday,  
7 I've reevaluated and reconsidered, and as of today, and I  
8 plan to do this each day, in an abundance of caution and  
9 to give your consideration full weight, I am not  
10 inclined, based on what I've heard so far in this case,  
11 to grant your motion for a field trip, so to speak, to  
12 Leakin Park.

13           So far I have not heard anything relative to  
14 the facts or circumstances of this case that would  
15 dictate it. Of course each day I'll get more facts and  
16 circumstances, and I may change my mind. But at this  
17 juncture, so that you, if you're making plans for a bus,  
18 I'm not going to grant it.

19           And I'd also note that I understand it's  
20 supposed to snow again, so as I see from a safety issue a  
21 field trip to Leakin Park might cause us more physical  
22 safety issues that would, in my mind, outweigh us trying  
23 to view something firsthand as opposed to through video  
24 or any other photographic technique that might be  
25 utilized to provide the same type of information for the



1 jury.

2           So at this juncture, I'm not inclined, and  
3 again I will -- I do not take lightly any of your  
4 requests, and so for that reason each day I will let you  
5 know if I see something or hear something that would  
6 warrant a change of my mind.

7           And if something does happen during the course  
8 of the trial that you believe I should know about, and  
9 you could say, "See Judge, this is what I'm talking  
10 about, this is why I think we need to go to the scene,"  
11 I'd ask that you raise that to the Court at that time.

12           MS. GUTIERREZ: Thank you, Your Honor.

13           THE COURT: Any other preliminary issues?

14           MS. MURPHY: Yes, Your Honor, I'm seeking  
15 guidance from the Court regarding Monday morning's  
16 schedule. I have a three co-defendant sentencing.  
17 There's also been a defense motion for new trial on  
18 behalf of one of those defendants.

19           And since the case did go to trial I'm probably  
20 the person that needs to be there, although I could  
21 arrange for coverage in a limited fashion if need be.

22           THE COURT: What judge is that?

23           MS. MURPHY: Judge Johnson.

24           THE COURT: All right. I'm gonna -- my Clerk,  
25 I think she probably read my mind, is going to look at my

1 docket --

2 MS. MURPHY: Okay.

3 THE COURT: -- so that I can get a sense of --

4 I can tell you very easily, if you call WBAL TV and we're

5 closed --

6 MR. URICK: I can tell the Court there's

7 approximately eight or nine drug cases set in here for

8 Monday morning. They're all my cases. I was gonna ask

9 if the Court was gonna transfer them to another Court or

10 deal with them here. If they're dealt with here, I can

11 deal with them. If they're sent somewhere else, I'll

12 have to get someone else to cover.

13 THE COURT: How did I get eight drug --

14 MR. URICK: Part 23 somehow got a schedule for

15 a collateral docket. It already had a preset trial

16 docket, so they just moved it into an available Court.

17 THE COURT: Okay. And I was considered

18 available.

19 Okay. Then, to answer your question, you

20 should go to whatever you need to go to because

21 obviously, I won't be ready to start this until lunch-

22 time, if I'm lucky.

23 MR. URICK: Shall we tell witnesses only to

24 come in for the afternoon, then?

25 THE COURT: Why don't we wait and see if my

1 Clerk or my staff has any luck in moving it. I don't  
2 think you're going to, because we have another Court down  
3 due to illness, another criminal Court.

4           So, and you know what, don't even try. No,  
5 because if we have one Court down due to illness -- is  
6 that Part 23?

7           THE CLERK: Judge Strausberg.

8           THE COURT: Strausberg.

9           MR. URICK: Part 8.

10          THE COURT: He's Part 8?

11          THE CLERK: He's Part 8, Judge.

12          THE COURT: Who's 23?

13          MR. URICK: Judge Carrion.

14          THE CLERK: Judge Carrion.

15          THE COURT: Okay. After lunch.

16          MS. GUTIERREZ: Okay.

17          THE COURT: After lunch on Monday. I mean,  
18 does it -- it doesn't make sense to even try, with eight  
19 drug cases. There's no way I can get to this before  
20 lunch.

21          MS. MURPHY: I'm sorry. Would the Court be  
22 willing to contact Judge Johnson and just ask him to try  
23 to do that as early as possible?

24          THE COURT: Yes.

25          MS. MURPHY: It's his collateral docket.

1 THE COURT: Yes.

2 MS. MURPHY: And all three of these defendants

3 also have violations of probation.

4 THE COURT: Yes, I will do that.

5 MS. MURPHY: Thank you.

6 THE COURT: And in light of the fact that Judge

7 Johnson volunteered to take my docket for me during the

8 course of this trial, and on a number of occasions he's

9 offered, so in the event that he'll be aware of the

10 situation.

11 MS. MURPHY: Thank you.

12 THE COURT: I'll make sure that a call is

13 placed to Judge Johnson.

14 Anything else?

15 (No response.)

16 THE COURT: All right, ladies and gentlemen, if

17 I could ask the Sheriff to go around and bring my Clerk

18 -- my court -- my jurors, I'm sorry.

19 THE CLERK: Where is that?

20 THE COURT: If you go down, out the door, make

21 a right, and make another right, there's a door that says

22 "Judge Heard's Jury Room."

23 THE SHERIFF: Okay.

24 (Pause.)

25 MS. MURPHY: This morning may I distribute to

1 the jurors their copies of the compilation exhibit?

2 THE COURT: Yes, and would you do that after

3 the witness has taken the stand and identified the

4 document?

5 MS. MURPHY: Sure.

6 THE COURT: And then just pass them around so

7 they know what it is that they're getting.

8 MS. MURPHY: May I identify the document? The

9 witness himself -- because this is a compilation of --

10 it's a compilation of the cell phone records which have

11 been stipulated to --

12 THE COURT: All right.

13 MS. MURPHY: -- the first witness won't be able

14 to identify the exhibit in its whole. He's gonna

15 identify a portion of it, which -- then I would -- I

16 would be seeking to mark the exhibit, the blow-up of it

17 for the jurors' benefit.

18 THE COURT: All right.

19 MS. MURPHY: But he won't be able to --

20 THE COURT: Any objections? Okay. Then what

21 we'll do is we'll have it, but I'd like them to get

22 settled --

23 MS. MURPHY: Sure.

24 THE COURT: -- and then I'll say, Ms. Murphy's

25 gonna distribute something that will aid her with this

1 next witness, you'll tell them what it is.

2 MS. MURPHY: Okay.

3 THE COURT: Counsel, the jury's coming in.

4 (Pause.)

5 (The jury returned to the courtroom.)

6 THE COURT: As you're coming in, anyone that  
7 was not able to be paid this morning, can you raise your  
8 hand? Okay, good. Then it would just be for Monday, Ms.  
9 Connelly.

10 Please be seated. Good morning, and welcome  
11 back to part 9. We're gonna continue with this trial for  
12 today.

13 Now, let me give you some scheduling  
14 information. I've been informed that on Monday I have 14  
15 cases on my morning docket. And if you can imagine, when  
16 I normally have no more than five or six, it's gonna take  
17 me quite a while to get to this case.

18 I'm checking with the Jury Commissioner right  
19 now, so I'm gonna advise you that you will not be  
20 required to here at the court until 1:30. I'm trying to  
21 make arrangements so that you can get paid around 1:00 so  
22 that you can, instead of reporting at 9:00 and getting  
23 paid and then sitting around all day, that you can do  
24 whatever you need to do in the morning hours, then  
25 report, be paid at 1:00 or so, and then report to my jury

1 room at 1:30.

2           The reason being is clearly, with 14 cases, I  
3 could have you sit in that room, but it would not make  
4 much sense to do that. You are not being released from  
5 jury duty, so if your employer wants to know why you may  
6 pop your head in, it's just because of scheduling.

7           We have a Court that's down, a sick judge, and  
8 we are then accommodating by the rest of us doing our own  
9 dockets as well as sharing in the load. So, at some  
10 point later on this morning, I'll let you know exactly  
11 what time the Jury Commissioner will be looking for you  
12 on Monday so that you can be paid rather than having you  
13 arrive early in the morning.

14           The next thing is just to remind you that, in  
15 the event that we do have a severe weather condition and  
16 the courts are closed, you would find that information  
17 out by listening to WBAL, Channel 11, on television.  
18 They would announce that the courts are closed.

19           And in the alternative, if you don't look at  
20 television or use that particular media, if you dial  
21 410396-3100, that's the city operator, the Baltimore City  
22 Operator. They would be able to tell you whether the  
23 courthouse is open or closed.

24           And if, again if the court house is closed then  
25 you would be excused. And on Tuesday I would then see

1 you following the same procedure, 9:00 a.m. to Jury  
2 Commissioner, 9:30 in the jury room.

3 All right. We're going to proceed with this  
4 case this morning.

5 Counsel, I understand your first witness -- oh,  
6 very well. I'm told the Jury Commissioner's office said  
7 12:30 to 1:30 on Monday -- 12:30 to 1:30 on Monday. You  
8 can arrive there and be paid, and then because I'm asking  
9 you to be in my jury room by 1:30, obviously, I'd ask you  
10 to make sure you get over there in time. They'll be  
11 expecting the 17 of you to arrive somewhere between 12:30  
12 and 1:30.

13 All right. Ms. Murphy, I understand you have a  
14 witness this morning?

15 MS. MURPHY: Yes, Your Honor. At this time the  
16 State calls Y [REDACTED] Lee.

17 THE COURT: Okay. If we can have Y [REDACTED] Lee  
18 come in? Thank you.

19 (Pause.)

20 THE COURT: If you would approach the witness  
21 stand, raise your right hand, remain standing, while the  
22 Clerk gives you the oath.

23 Whereupon,

24 Y [REDACTED] LEE,

25 a witness produced on call of the State, having first



1 been duly sworn, was examined and testified as follows:

2 THE CLERK: You may be seated. Please keep

3 your voice up, state your name and address for the

4 record?

5 THE WITNESS: My name is Y [REDACTED] Lee, and my

6 address is [REDACTED] Baltimore, Maryland

7 21207.

8 THE COURT: All right.

9 DIRECT EXAMINATION

10 BY MR. MURPHY:

11 Q. Mr. Lee, good morning.

12 A. Good morning.

13 MS. MURPHY: Your Honor, at this time the State

14 would offer into evidence State's Exhibit 31. This is a

15 certified copy of the business record of AT&T Wireless

16 showing the defendant's cell phone records for January

17 11th through 13th. We're entering this by way of

18 stipulation.

19 THE COURT: All right. And that number again

20 is?

21 MS. MURPHY: 31, Your Honor.

22 THE COURT: Exhibit 31.

23 Any objections?

24 MS. GUTIERREZ: No, Your Honor.

25 THE COURT: Let it be admitted under

1 stipulation.

2 (State's Exhibit No. 31,  
3 having previously been  
4 marked for identifi-  
5 cation, was received in  
6 evidence.)

7 THE COURT: And ladies and gentlemen, during  
8 the preliminary remarks I indicated to you that on  
9 occasion there would be bits of evidence that would come  
10 in through a stipulation. What that means is that both  
11 counsel agree that this item should be admitted into  
12 evidence, so that the normal rules of identifying,  
13 authenticating an item or moving it into evidence in any  
14 other fashion do not apply.

15 Both counsel have agreed that it may be  
16 admitted for your consideration and so Exhibit Number 31  
17 is admitted in that fashion. We call it a stipulation.  
18 I also understand that Ms. Murphy has some documents that  
19 she would like to identify.

20 Could you do that, please?

21 MS. MURPHY: Thank you, Your Honor.

22 At this time, I would like to disseminate to  
23 the jurors copies of those cell phone records for their  
24 use in taking notes as witnesses testify and identify  
25 portions of those records.

1 THE COURT: All right. Very well.

2 MS. GUTIERREZ: May we approach the bench?

3 THE COURT: I think I know what you're going to  
4 say.

5 Ms. Murphy, you may pass them out for them to  
6 use and follow. They may not take any notes on them.  
7 They may not write on them in any way, and when that  
8 witness is through, they will have to return those  
9 exhibits to you.

10 Does that address your concerns?

11 MS. GUTIERREZ: That's part of it, but I had  
12 another issue.

13 THE COURT: All right. Then you can come up.

14 (Counsel and the defendant approached the  
15 bench, and the following ensued.)

16 MS. GUTIERREZ: Judge, my objection is based on  
17 Ms. Murphy has identified those as the cell phone  
18 records. They are not. They are not copies of the cell  
19 phone records.

20 They contain information from the cell phone  
21 records, but they have four other columns of information,  
22 and several other columns that are not from the cell  
23 phone records. They are from other records, so I think  
24 it's a misidentification.

25 I don't want to create a situation where Ms.

1 Murphy gets up again and re-explains it, but --

2 THE COURT: Okay. I will clarify what it is  
3 that she's using. Counsel, the concern is that there's  
4 nothing wrong with you using a demonstrative aid, which  
5 is, in a sense, a blow-up or copy of what you're putting  
6 on the easel.

7 It's really so they can see better what it is  
8 that you're doing. However, you keep -- it's not in  
9 evidence, so you can't -- you can't identify what it is  
10 as such. You can't say that this contains something  
11 because in your description it is then, in a sense,  
12 putting it in the minds of the jurors that it is, in  
13 fact, what you purport it to be.

14 And you won't know that, and they won't know  
15 that, until after all of your witnesses have testified  
16 and identified the contents of the aid. Do you  
17 understand my meaning?

18 MS. MURPHY: I do, Your Honor. This was  
19 something we had addressed in our earlier correspondence,  
20 and I thought this was cleared before we had begun  
21 testimony. This entire second column cannot be provided  
22 by a single witness.

23 THE COURT: I understand that.

24 MS. MURPHY: So, --

25 THE COURT: There's nothing wrong with you

1 having a witness identify those parts of the document  
2 that they can identify. But until it's completely filled  
3 in, so to speak, you cannot call it anything other than -  
4 -

5 MS. MURPHY: I understand that --

6 THE COURT: -- the exhibit number.

7 MS. MURPHY: -- and I apologize, although this  
8 does incorporate in most of the cell phone record, and  
9 witnesses will be identifying the two columns that are  
10 not included.

11 THE COURT: That's fine.

12 MS. MURPHY: But my point is that what we hope  
13 to do is allow the jurors to retain this and note from  
14 the testimony the portions that are not provided because,  
15 ultimately, when we offer this exhibit, it's going to be  
16 a compilation of many witnesses' testimony.

17 THE COURT: I understand that, but I cannot  
18 allow the jurors to keep this document because it's not  
19 in evidence. Now, if you want to collect them, have them  
20 put their juror numbers on it, and when the next witness  
21 comes up I'll give them back the same sheet they had.

22 MS. MURPHY: Your Honor, I --

23 THE COURT: Do you follow me? Whatever notes  
24 they put on are not an accurate depiction of what you're  
25 putting on the chart, --

1 MS. MURPHY: Right.

2 THE COURT: -- and should not replace the

3 exhibit itself when and if it comes into evidence at some

4 time.

5 MS. MURPHY: That's --

6 THE COURT: So I can put their number on it --

7 MS. MURPHY: Okay. And they can make

8 notations.

9 THE COURT: Right. That would be the same

10 practice as if you had a trial book for each of them --

11 MS. MURPHY: Right.

12 THE COURT: -- and they would be given back

13 their own trial book.

14 MS. MURPHY: That's fine; that's fine.

15 THE COURT: But I can put their numbers on it,

16 but they -- I can't allow it to stay with them.

17 MS. MURPHY: That's fine. I don't have any

18 problem with that.

19 THE COURT: Okay?

20 MS. MURPHY: And we do intend, as witnesses

21 testify, to fill in on our blow-up --

22 THE COURT: We'll let them -- they -- I will

23 then modify my ruling. They can mark on their identified

24 copy --

25 MS. MURPHY: Okay.

1 THE COURT: -- but they will have to give it  
2 back when the witness finishes testifying.  
3 MS. MURPHY: Okay.  
4 THE COURT: And they will not be permitted to  
5 take it into the --  
6 MS. MURPHY: That's fine. I don't have any  
7 problem with that, Your Honor.  
8 THE COURT: Any problem with that?  
9 MS. GUTIERREZ: No.  
10 MR. URICK: No.  
11 THE COURT: And again, the purpose of doing  
12 that is so that the item that actually comes into  
13 evidence is the exhibit itself.  
14 MS. MURPHY: Okay.  
15 THE COURT: And not something else.  
16 MS. MURPHY: That's not a problem.  
17 THE COURT: All right?  
18 Very well. Thank you.  
19 MS. MURPHY: And does the Court then have a  
20 problem with me marking on the exhibit as the witnesses  
21 testify?  
22 THE COURT: Well, the witness is not marking on  
23 it, that's fine. Doesn't matter to me.  
24 MS. MURPHY: Okay.  
25 THE COURT: As long as the information

1 contained is coming from the witness and not from you.

2 MS. MURPHY: Right.

3 MS. GUTIERREZ: Thank you.

4 (Counsel and the defendant returned to the  
5 trial tables, and the following ensued.)

6 THE COURT: Ladies and gentlemen, as Ms. Murphy  
7 gets set up, and a counsel return to their places, let me  
8 explain the procedure we're gonna follow.

9 Ms. Murphy has in her hands a copy of what is  
10 going to be placed on the easel. It's for your ready  
11 reference to follow along with the witness's testimony.  
12 I'd ask that when you receive this copy that you put your  
13 juror number on it somewhere in plain view.

14 If you're Juror Number 1, maybe in the upper  
15 right hand corner put Juror 1. If you are Alternate 1,  
16 put Alt. 1, or write out Alternate 1. If any other  
17 witness testifies and uses this exhibit that's on the  
18 easel, we will return your sheet to you so you can make  
19 little notes on it.

20 However, your little sheet is not the evidence.  
21 The evidence is what may be evidence on the easel. Right  
22 now it's just a demonstrative aid, it hasn't been moved  
23 into evidence. It's just been identified. But this copy  
24 is being given to you so that you can see it a little  
25 easier than looking as far as the easel, far away at the



1   easel.

2               In order to return it to you at a later time,  
3   we need your juror number in the upper right-hand corner.  
4   And I would note that the item that you have will be  
5   referred to as Exhibit Number --

6               MS. MURPHY:  34, Your Honor.

7               THE COURT:  -- 34 for identification purposes  
8   at this time only.  Exhibit number 34.

9               All right.  Now, we may proceed.

10              MS. MURPHY:  Thank you, Your Honor.

11              BY MS. MURPHY:

12              Q.  Mr. Lee, good morning again.

13              A.  Good morning.

14              Q.  I'll ask you to keep your voice up nice and  
15   loud so the jury can hear you.

16              A.  Okay.

17              Q.  How old are you?

18              A.  I'm 17.

19              Q.  And where do you attend school?

20              A.  At Millford Mill Academy.

21              Q.  Do you know the victim, Hae Min Lee?

22              A.  Yes.

23              Q.  How do you know her?

24              A.  She's my sister.

25              Q.  And did you live with Hae Min Lee until January

1 of 1999?

2 A. Yes, I did.

3 Q. And in January of 1999, you were how old?

4 A. In 1999 I would be 16.

5 Q. And how old was your sister, Hae Min Lee?

6 A. 18.

7 Q. Who else lived with you at that point in time?

8 A. My grandparents, my two cousins.

9 Q. I'm gonna ask you to remember back to January

10 13th of 1999. Do you remember that day?

11 A. Yes.

12 Q. Why don't you tell us what happened that day,

13 beginning with the time you got home from school?

14 A. After I got home from school, later I got a

15 call from my cousin's school asking us to pick her up

16 from the school. This was unusual because my sister was

17 supposed to pick her up every day from my cousin's

18 school.

19 Q. How old is your cousin?

20 A. I believe she was six.

21 Q. So she's quite young?

22 A. Yes.

23 Q. What time would your sister have normally

24 picked her up?

25 A. Around three o'clock, or 3:15.

1 Q. What, if anything, did you do?

2 A. I called my grandfather so that he can go to  
3 the school and pick her up, and the time passed. My mom  
4 met -- my grandmother called my mom that she was worried  
5 about her, and my mom told me to call her at work place  
6 to see if she was there?

7 Q. Where was your sister working?

8 A. She was working at LensCrafters in Owings  
9 Mills.

10 Q. And was she at LensCrafters?

11 A. She wasn't.

12 Q. Okay. Did there come a time when you or your  
13 family notified the police?

14 A. Yes, our mom got real worried and asked me to  
15 call the police.

16 Q. Do you know about what time that was?

17 A. Around 6:00, I believe.

18 Q. What, if anything, did you personally do?

19 A. First I called the police, then I looked around  
20 the house to look for her friends' phone numbers and  
21 such.

22 Q. Where did you find numbers? Where did you  
23 look?

24 A. First I looked in her room, then I found her  
25 diary where I got the -- where I found the phone numbers.

1 Q. Okay. Did you make any calls based on the  
2 numbers you found?

3 A. No.

4 Q. Did you end up calling any of your sister's  
5 friends?

6 A. Yes, I did.

7 Q. Who did you call?

8 A. First I called Aisha, then I called Adnan.

9 Q. Okay. How did you get Adnan's phone number?

10 A. It was in the diary.

11 Q. What happened when you called him?

12 A. When I rang up the phone number it says, at the  
13 top, there was a phone number, at the bottom it says Don  
14 written over the sheet. So when I called the number I  
15 said I was calling Don, but after talking for a while I  
16 realized that it was Adnan.

17 Q. How did you realize it was Adnan?

18 A. I recognized his voice.

19 Q. What was your conversation about?

20 A. It was about my sister, if he knew where she  
21 was, or where she could be.

22 Q. And did he say whether he knew where she was?

23 A. No.

24 Q. How long do you think that conversation lasted?

25 A. Two or three minutes.

1 Q. Did you know who Adnan was prior to that day?  
2 A. Yes.  
3 Q. Had you ever met him?  
4 A. Yes.  
5 Q. When did you meet him?  
6 A. I first met him at my mom's store, then I met  
7 him at the mall.  
8 Q. Were you aware that your sister had dated him?  
9 A. Yes.  
10 Q. Had you ever spoken with him before that day?  
11 A. Yes, I did.  
12 Q. Had Adnan ever called your house prior to  
13 January of 1999?  
14 A. Yes, he did.  
15 Q. Aside from you, are any other members of your  
16 household fluent in English?  
17 A. No.  
18 Q. Is it fair to say that you would normally  
19 answer the phone?  
20 A. Uh-huh.  
21 Q. To your knowledge, did Adnan ever call your  
22 house after that day?  
23 A. No.  
24 Q. Now, the person you've been describing, Adnan,  
25 is he present here today?

1           A.    Yes.

2           Q.    Could you identify him for the jury, please?

3           A.    He's sitting right over in front of me.

4           THE COURT:   Indicating the defendant for the

5 record.

6           MS. MURPHY:   Thank you, Your Honor.   May I

7 approach the witness?

8           THE COURT:   Yes, you may.

9           BY MS. MURPHY:

10          Q.    Mr. Lee, I'm showing you what's been marked for

11 identification as State's Exhibit 1.   Do you recognize

12 this photograph?

13          A.    Yes.

14          Q.    What does it show?

15          A.    It's a picture of my sister at her junior prom.

16          Q.    Do you know when this picture was taken?

17          A.    At the junior prom in her junior year, I don't

18 know for sure.

19          Q.    And is it fair to say her junior year would be

20 1998?

21          A.    Yes.

22          Q.    Is that a fair and accurate depiction of your

23 sister?

24          A.    Yes, it is.

25          MS. MURPHY:   Your Honor, at this time, I'd

1 offer State's Exhibit 1.

2 THE COURT: Any objection?

3 MS. GUTIERREZ: No, Your Honor.

4 THE COURT: Let it be admitted as State's 1.

5 (State's Exhibit No. 1,  
6 having previously been  
7 marked for identifica-  
8 tion, was received in  
9 evidence.)

10 BY MS. MURPHY:

11 Q. Mr. Lee, I'll also show you what's been marked  
12 as State's Exhibit 2. Take a look at this item and see  
13 if you recognize it?

14 A. It's my sister's diary.

15 Q. Have you ever seen this before?

16 A. Yes.

17 Q. Where did you see it?

18 A. In her room.

19 Q. Okay. Now, open the pages. Do you recognize  
20 the handwriting in this book?

21 A. Uh-huh.

22 Q. Who's is it?

23 A. My sister's.

24 Q. Okay. Had you actually read this item before  
25 today?

1           A.    Yes, I did.

2           Q.    Okay.  Thank you.

3                   MS. MURPHY:  Your Honor, at this time I'd offer

4 State's Exhibit 2.

5                   THE COURT:  Any objections?

6                   MS. GUTIERREZ:  No, Your Honor.

7                   THE COURT:  All right.  Let it be admitted.

8   (State's Exhibit No. 2,

9   having previously been

10    marked for identifica-

11    tion, was received in

12    evidence.)

13                   BY MS. MURPHY:

14           Q.    In fact, Mr. Lee, did there come a time when

15 your sister found out that you read her diary?

16           A.    Yes.

17           Q.    She wasn't very happy about that, was she?

18           A.    No.

19           Q.    Mr. Lee, I'd ask you to look at a particular

20 page that I've marked.  Is this the page you've described

21 to the jury?

22           A.    Yes, it is.

23           Q.    All right.  And what does it depict?

24           A.    It has the phone number and the name Don

25 written over the paper.



1 Q. Okay. Can you read the phone number out loud,  
2 please?

3 A. There is two area codes, there's 410, and  
4 there's 443 253- [REDACTED]

5 Q. Is that the number you called on January 13th?

6 A. Yes, it is.

7 Q. Thank you.

8 THE COURT: Can I ask that you put one of those  
9 little tabs -- can you put perhaps a sign up so there's  
10 no confusion? Just take a pair of scissors, just so  
11 there's no confusion. I don't want anybody to write on  
12 them.

13 MS. MURPHY: Put the --

14 THE COURT: That will leave an arrow so it's  
15 clear what page the witness is referencing.

16 (Pause.)

17 MS. MURPHY: Thank you, Your Honor.

18 THE COURT: Thank you.

19 MS. MURPHY: Thank you, Your Honor.

20 THE COURT: You're welcome. And could you pass  
21 that this way.

22 Thank you. You may continue.

23 MS. MURPHY: Thank you, Your Honor.

24 May I approach the witness again?

25 THE COURT: Yes, you may.

1 BY MS. MURPHY:

2 Q. Mr. Lee, I'll show you what's in evidence as  
3 State's Exhibit 12. It has four photographs. Do you  
4 recognize -- I'll ask you to focus on the bottom two  
5 photographs. Do you recognize what's in those pictures?

6 A. Yes.

7 Q. Can you identify it, please?

8 A. This is my sister's car, a Nissan Sentra.

9 Q. Okay.

10 Q. I'll also show you what's been premarked as  
11 State's Exhibit 13. It shows three photographs. Can you  
12 identify what's in those photographs?

13 A. This is my t-shirt I used to wear.

14 Q. Okay. In the photograph on the left here, what  
15 area does that show?

16 A. It shows the driver's seat where the t-shirt  
17 is.

18 Q. Okay. In the driver's seat of what?

19 A. The driver's seat -- the edges between the  
20 bottom seat and --

21 Q. I mean of whose car?

22 A. My sister's car.

23 Q. Okay. Now, this t-shirt that you've  
24 identified, was it in your possession in January of 1999?

25 A. No, it wasn't.

1 Q. Who had that shirt?

2 A. My sister.

3 Q. And how do you know that?

4 A. Because I had seen it when I -- when she gave

5 me a ride to school or something.

6 Q. Okay. You saw it in her car?

7 A. Yes.

8 Q. Okay. Why was the shirt in her car?

9 A. To be used as a cloth to wipe off windshields

10 and stuff like that.

11 Q. Okay. As a rag, basically?

12 A. Yes.

13 Q. Where did she keep the shirt in her car?

14 A. She kept it on the right side of the door, the

15 driver's door at the bottom, where the map is placed.

16 Q. Okay. Now, in these photographs you can see

17 there is something on the shirt.

18 A. Yes.

19 Q. Was that there when you last saw the shirt?

20 A. No, it wasn't.

21 Q. Aside from those markings, do these pictures

22 fairly and accurately depict the shirt and your sister's

23 car?

24 A. Yes, it does.

25 Q. Thank you.

1 MS. MURPHY: Your Honor, at this time I would  
2 offer State's Exhibit 13.

3 THE COURT: Any objections?

4 MS. GUTIERREZ: No.

5 THE COURT: Let is be admitted.

6 (State's Exhibit No. 13,  
7 having previously been  
8 marked for identifica-  
9 tion, was received in  
10 evidence.)

11 THE COURT: Can you tell me how many  
12 photographs that are on that exhibit?

13 MS. MURPHY: Three photographs, Your Honor.

14 THE COURT: All right. For the record, let the  
15 record reflect that the Exhibit is a cluster of three  
16 photographs.

17 BY MS. MURPHY:

18 Q. Mr. Lee, was there a time when your family  
19 lived in California?

20 A. Yes.

21 Q. When was that?

22 A. It was when I was in eighth grade, so it would  
23 have been around '97.

24 Q. And who were you living with in California?

25 A. I lived with my sister, my mom, and her fiance.

1 Q. How long did you stay in California?  
2 A. A few months.  
3 Q. And when you say "fiance," are you referring to  
4 your mother's fiance?  
5 A. Yes.  
6 Q. And when did you return to Maryland?  
7 A. It wasn't that long, it was quick. We were  
8 there for, like, few months and came back.  
9 Q. Did your sister ever discuss with you or your  
10 family returning to California?  
11 A. No, she didn't.  
12 Q. Is that something you felt she may have done?  
13 MS. GUTIERREZ: Objection.  
14 THE COURT: Sustained as to formed. You may  
15 restate the question or lay a foundation for his  
16 knowledge.  
17 MS. MURPHY: Thank you, Your Honor.  
18 BY MS. MURPHY:  
19 Q. Were either you or your sister particularly  
20 close with the gentleman you were living with in  
21 California?  
22 A. No, we weren't.  
23 Q. Is there any reason, to your knowledge, that  
24 your sister would have returned to that area?  
25 MS. GUTIERREZ: Objection.

1 THE COURT: Overruled.

2 THE WITNESS: No, she wouldn't have.

3 BY MS. MURPHY:

4 Q. Mr. Lee, did you ever see your sister again?

5 A. No.

6 Q. Did there come a time in February when you

7 learned what happened to your sister?

8 A. Yes.

9 Q. Can you tell us what happened?

10 A. I was --

11 MS. GUTIERREZ: Objection.

12 THE COURT: Sustained. You cannot answer the

13 question. The question is general in nature, and so,

14 therefore, your way of finding out an answer could mean

15 you could tell us anything, so I've sustained it. That

16 means you can't answer and the attorney may ask -- reask

17 the question.

18 BY MS. MURPHY:

19 Q. Who informed you of what happened to your

20 sister?

21 A. Well, my uncle did.

22 Q. And how did your uncle know?

23 MS. GUTIERREZ: Objection.

24 THE COURT: Sustained.

25 BY MS. MURPHY:

1 Q. If you know --  
2 MS. GUTIERREZ: Objection.  
3 THE COURT: Sustained.  
4 BY MS. MURPHY:  
5 Q. Can you describe that day?  
6 A. I was --  
7 MS. GUTIERREZ: Objection.  
8 THE COURT: Sustained.  
9 MS. MURPHY: Well, Your Honor, I was asking the  
10 witness for his personal experience.  
11 THE COURT: But you haven't identified a time  
12 period. You just said "describe that day." That was  
13 your question.  
14 BY MS. MURPHY:  
15 Q. Was that a school day?  
16 A. Yes, it was.  
17 Q. At what point in the day did you learn what  
18 happened?  
19 A. It was around the afternoon.  
20 Q. When you got home?  
21 A. Yes.  
22 Q. Who was at the house?  
23 A. All my family members, my mom, my uncle, and my  
24 grandparents.  
25 Q. Can you describe what happened when you got

1 home?

2 A. I got home and everybody was crying. I didn't  
3 know what happened. My uncle came up to me and told me.

4 MS. GUTIERREZ: Objection.

5 THE COURT: Sustained.

6 MS. MURPHY: I have no other questions, Your  
7 Honor. Thank you. Oh. I'm sorry, Your Honor.

8 THE COURT: That's all right.

9 MS. MURPHY: After making a big point of  
10 passing this out --

11 THE COURT: I was going to say, we have an  
12 exhibit in front of us.

13 MS. MURPHY: May I approach the witness?

14 THE COURT: You may.

15 BY MS. MURPHY:

16 Q. Mr. Lee, I'll show you what's been marked for  
17 identification as State's Exhibit 34. I'll ask you to  
18 take a look at this document and see if you recognize  
19 anything on that document?

20 A. I recognize my phone number.

21 Q. Where do you see your phone number?

22 A. At the bottom.

23 Q. Can you identify it by the call number shown in  
24 the first column?

25 A. Call Number 33 and 34.



1 Q. And those are the numbers of your home  
2 residence?

3 A. Yes.

4 Q. Thank you.

5 MS. MURPHY: May I mark the exhibit, Your  
6 Honor?

7 THE COURT: Yes, you may, but I need your  
8 assistance. Can you state what line you were referring  
9 to? The call number is 33 and 34; is that right?

10 BY MS. MURPHY:

11 Q. Is that correct, Mr. Lee?

12 A. Yes, 33 and 34.

13 Q. Can you read the number aloud?

14 A. 410 602-██████.

15 MS. MURPHY: Thank you.

16 (Pause.)

17 THE COURT: For the record, Ms. Murphy has  
18 noted the same location on her exhibit number, 34, the  
19 call spaces is 33 and 34 at the bottom of the exhibit.  
20 She's done so with -- is that green highlighter or --

21 MS. MURPHY: A green marker, Your Honor.

22 THE COURT: A green marker. Very well. Any  
23 further questions, Ms. Murphy?

24 MS. MURPHY: No, Your Honor. Thank you.

25 THE COURT: Witness with you, Ms. Gutierrez?

1 MS. GUTIERREZ: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. GUTIERREZ:

4 Q. Mr. Lee, did your sister have a cell phone?

5 A. No, she didn't.

6 Q. To your knowledge, she didn't?

7 A. She didn't.

8 Q. And did she have a pager?

9 A. Well, she used to.

10 Q. She used to have a pager?

11 A. Yes.

12 Q. And that would be how her friends would reach  
13 her?

14 A. Yes.

15 Q. You observed that?

16 A. Yes.

17 Q. You knew that?

18 A. Uh-huh.

19 Q. And, sir, let me ask you about this number.

20 Did you receive that phone call that's indicated that  
21 you've identified was made to your number at either 12:01  
22 or 12:35 in the morning?

23 A. No.

24 Q. No. And your sister did receive phone calls at  
25 her home, did she not?

1       A.    Yes, she did.

2       Q.    And many of them would come in late at night,  
3 would they not?

4       A.    Well, they used to, but my grandmother spoke to  
5 her about it, now it was like --

6       Q.    And then it sort of stopped?

7       A.    Yes.

8       Q.    Okay. Now, you said, Mr. Lee, you recognized  
9 Adnan's voice?

10      A.    Yes.

11      Q.    Okay. And that's because you heard his voice  
12 on a regular basis because he would call regularly to  
13 speak to your sister?

14      A.    Yes.

15      Q.    And, when he would call, your sister would  
16 speak to him, would she not?

17      A.    Yes.

18      Q.    And you were aware of what their relationship  
19 was, were you not?

20      A.    Yes, I was.

21      Q.    The picture that you identified, Mr. Lee, was  
22 of your sister at an event that you referred to as the  
23 junior prom; is that correct?

24      A.    Yes.

25      Q.    That was the junior prom at Woodlawn Senior

1 High School, was it not?

2 A. Yes.

3 Q. And your sister attended that junior prom

4 because you saw her leave, did you not?

5 A. Yes.

6 Q. And she didn't get dressed at your house,

7 though, did she?

8 A. I believe she did.

9 Q. Do you recall that she, in fact, got dressed at

10 her friend's house?

11 A. I don't know that.

12 Q. Okay. You didn't attend --

13 A. No.

14 Q. -- the junior prom; correct?

15 A. No.

16 Q. You were aware that she attended that junior

17 prom, and, in fact, had pictures taken of her with a

18 date, are you not?

19 A. Yes.

20 Q. She had pictures wearing that same beautiful

21 blue dress; did she not?

22 A. Yes, yes.

23 Q. And her date for that junior prom was Adnan

24 Syed?

25 A. I don't know.

1 Q. Well, you've seen the pictures of her and Adnan  
2 at that junior prom, have you not?

3 A. I think I did.

4 Q. Okay. Well, Mr. Lee, starting back at the  
5 junior prom day, whenever that occurred, in the Spring of  
6 1998, you were aware that your sister maintained a  
7 relationship as a girlfriend/boyfriend with Adnan Syed?

8 A. Yes.

9 Q. And during that entire period, there were lots  
10 of times when he called at the house?

11 A. Yes.

12 Q. And that she spoke to him?

13 A. Uh-huh.

14 Q. And you are aware, now, her sister got her  
15 license, I believe, in September of 1998?

16 A. I'm not so sure?

17 Q. Okay. Just a couple of months before she  
18 disappeared?

19 A. Yes.

20 Q. Okay. And that you were aware that, in  
21 addition to phone calls between the two of them, that  
22 they saw each other?

23 A. Yes.

24 Q. And that they went to school together?

25 A. Yes.

1 Q. And that they shared the bulk of their classes  
2 together?

3 A. I didn't know that.

4 Q. Okay. And you were aware, however, that they  
5 considered each other very special?

6 A. Yes.

7 Q. Okay. And your mother was aware of that?

8 A. I believe.

9 Q. You believe so?

10 A. Yes.

11 Q. But you're not sure?

12 A. No.

13 Q. That's not something you and your mother  
14 discussed?

15 A. We didn't discuss it.

16 Q. Okay. And where you met Adnan was at the store  
17 that your family owns and works; is that correct?

18 A. Yes.

19 Q. And he came there with your sister?

20 A. No. He came alone.

21 Q. Alone. Okay. To the place that's your  
22 family's store?

23 A. Yes.

24 Q. But you knew who he was, did you not?

25 A. Yes.

1 Q. Okay. Because you had previously met him?  
2 A. Yeah.  
3 Q. Correct?  
4 A. Uh-huh.  
5 Q. At the mall? Is that the Owings Mills Mall?  
6 A. Yes.  
7 Q. And, in fact, Owings Mills Mall is where your  
8 sister works part-time at LensCrafters, is it not?  
9 A. Yes.  
10 Q. That particular LensCrafters?  
11 A. Yes.  
12 Q. Now, your cousin that lived with you that your  
13 sister picked up every day, went to what school?  
14 A. Camfield.  
15 Q. Okay. And Camfield is not that far from  
16 Woodlawn, is it?  
17 A. Well, I guess it's kind of pretty far.  
18 Q. How long would it take your sister to get from  
19 Woodlawn to Camfield Elementary to pick up her cousin?  
20 A. Probably like 15 to 20 minutes, I guess.  
21 Q. Okay. And she did that every day, did she not?  
22 A. Yes.  
23 Q. Your cousin, who was then about six years old,  
24 depended upon her, did she not?  
25 A. Yes, she did.

1 Q. And your family depended upon her to do that  
2 once she got her license and her car; correct?  
3 A. Yes.  
4 Q. And, in addition, so her schedule in the  
5 afternoon right after school was constant, at least five  
6 days a week; was it not?  
7 A. Yes.  
8 Q. And your sister was a very popular girl, was  
9 she not?  
10 A. I believe so.  
11 Q. She had lots of friends, did she not?  
12 A. Yes, she did.  
13 Q. Many of those you knew by voice because they  
14 called?  
15 A. Yes.  
16 Q. And because you heard her speak of their names?  
17 A. Yes.  
18 Q. And among those friends was an Aisha [REDACTED]  
19 A. Yes.  
20 Q. And among those friends was a Rebecca [REDACTED]  
21 A. Not that I know of.  
22 Q. Okay. Do you -- did you meet her friends?  
23 A. I have met Aisha and Debbie.  
24 Q. And Debbie. You never heard her speak of a  
25 woman by the name of Stephanie [REDACTED] did you?



1       A.    I do remember a first name Stephanie.

2       Q.    A first name Stephanie. And what about a Jay?

3   Was that somebody who was one of her friends?

4       A.    No, it wasn't.

5       Q.    You never heard her mention the name Jay?

6       A.    No.

7       Q.    Or Jay Wilds?

8       A.    No.

9       Q.    Now, Mr. Lee, you spoke about the time that you

10   were in California with your family. You said that's

11   when you were in the eighth grade?

12      A.    Yes.

13      Q.    Okay. And what grade are you in now?

14      A.    I am in 11th.

15      Q.    11th grade. So that was three years ago; is

16   that correct?

17      A.    Yes.

18      Q.    So that would have been the year that's '97 to

19   '98, or '96 to '97? I'm not trying to confuse you, Mr.

20   Lee.

21      A.    Okay.

22      Q.    Did you attend the eighth grade in California?

23      A.    Yes.

24      Q.    The entire year?

25      A.    No.

1 Q. Just part of the year?

2 A. Yes.

3 Q. In fact, it was only the first part of the

4 year, was it not, the fall and beginning into the winter;

5 is that correct?

6 A. Yes.

7 Q. And then you and your family returned from

8 California back to Maryland; is that correct?

9 A. Yes.

10 Q. And that was because your mother's relationship

11 with her fiance changed?

12 A. Yes.

13 Q. Isn't that correct?

14 A. Yes.

15 Q. That was your mother's decision?

16 A. Yes.

17 Q. Now, Mr. Lee, you described that the man who

18 was her fiance was not someone with whom you had a

19 particularly close relationship?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Your sister, however, had a closer relationship

24 with him than did you, did she not?

25 A. Well, I can't really say.

1 Q. She didn't speak about that with you, did she?  
2 A. No.  
3 Q. The issue of the relationship with this man who  
4 was your mother's fiance was not the topic of a lot of  
5 conversation, was it?  
6 A. No.  
7 Q. And neither you nor your sister objected to her  
8 relationship with this man?  
9 A. Well, we -- we just went along with it.  
10 Q. That was up to your mother; correct?  
11 A. Yes.  
12 Q. And if your mother was going to marry this  
13 fellow, that would have been fine with you?  
14 A. Yes.  
15 Q. Correct?  
16 A. Yes.  
17 Q. Even if it would have meant you stayed in  
18 California?  
19 A. Yes.  
20 Q. Is that correct?  
21 A. Yes.  
22 Q. And your sister, were you aware that she  
23 referred to this man to others as her dad?  
24 A. I didn't know that.  
25 Q. You weren't aware of that. Now, Mr. Lee, when

1 you came back with your sister and your mother from  
2 California, did your mother maintain a relationship with  
3 her fiance?

4 A. Excuse me?

5 Q. Did she -- did your mother --

6 A. Yes.

7 Q. -- maintain a relationship with your fiance?

8 A. I believe she broke it up.

9 Q. Okay. And so once you got back to Baltimore,  
10 there really wasn't an active relationship that you could  
11 observe?

12 A. Yes.

13 Q. And you no longer expected your mother to marry  
14 this man?

15 A. Yes.

16 Q. And to your knowledge she didn't have any  
17 continuing contact with him?

18 A. Yes.

19 Q. Would you be surprised, Mr. Lee, if, in fact,  
20 your sister maintained a relationship with that man?

21 A. I would be surprised.

22 Q. You would be surprised. Because that was not  
23 something that you discussed with your sister?

24 A. Yes.

25 Q. Okay. Now, Mr. Lee, when you came back from

1 California, your sister resumed her studies at Woodlawn;  
2 correct?  
3 A. Yes.  
4 Q. She had been there prior to going to  
5 California; correct?  
6 A. Yes.  
7 Q. And your sister was a very bright young woman,  
8 was she not?  
9 A. Yes, she was.  
10 Q. She got very good grades, did she not?  
11 A. Yes.  
12 Q. And in addition to being a good student  
13 academically, she was an athlete at the school, was she  
14 not?  
15 A. Yes, she was.  
16 Q. She played a couple of different sports, did  
17 she not?  
18 A. Yes.  
19 Q. And in addition to playing those sports she  
20 managed other athletic teams to assist her classmates?  
21 A. Yes.  
22 Q. She, in fact, managed the wrestling team?  
23 A. Yes.  
24 Q. And she played, I believe, field hockey?  
25 A. Yes.

1 Q. And she also played?  
2 A. Lacrosse.  
3 Q. Lacrosse. And she enjoyed her athletic  
4 activities, did she not?  
5 A. Yes, she did.  
6 Q. And she was a star athlete, was she not?  
7 A. Yes, she was.  
8 Q. She got lots of recognition both for academics  
9 and for her athletics, did she not?  
10 A. Yes, she did.  
11 Q. And, in fact, she was instrumental in pulling  
12 together enough teammates in order to ensure the  
13 formation of a field hockey team?  
14 A. I didn't know about that?  
15 Q. You didn't know about that. Now, you spoke,  
16 Mr. Lee, that you had read her diary prior to her  
17 disappearance on January 13th; is that correct?  
18 A. Yes.  
19 Q. You didn't read her diary because she allowed  
20 you to read her diary?  
21 A. No.  
22 Q. You read it on your own?  
23 A. Yes.  
24 Q. And she found out that you read it?  
25 A. Yes.

1 Q. You didn't go up and tell her and confess that  
2 you had read it; right?

3 A. Oh, no.

4 Q. She independently found out that you read it  
5 and she got very upset?

6 A. Yes.

7 Q. Okay. And from her diary you knew that there  
8 were lots of things that she was keeping from you and  
9 your mother, did you not?

10 A. Well, she didn't give a lot of depth.

11 Q. Well, the depth and activity in her  
12 relationship with Mr. Syed?

13 A. Yes.

14 Q. Okay. And now, prior to your reading her  
15 diary, were you -- did you or your mother or anyone in  
16 your family express any objection to her having a  
17 relationship with this man?

18 A. Um --

19 THE COURT: For the record, "this man is"?

20 MS. GUTIERREZ: Meaning Adnan Syed.

21 THE WITNESS: So, prior --

22 BY MS. GUTIERREZ:

23 Q. Yes, prior to your reading her diary -- now,  
24 you read her diary prior to her disappearance; correct?

25 A. Yes.

1 Q. And was it during this early part of the school  
2 year or before that?

3 A. I don't recall.

4 Q. Okay. But some time before her disappearance?

5 A. Yes.

6 Q. Prior to the time when you read her diary, had  
7 you or anyone from your family expressed to her any  
8 objection to her having a relationship with Adnan Syed?

9 A. Yes, because --

10 Q. Well, just, first of all, let me ask you a  
11 question.

12 A. Yes.

13 Q. Who was it that expressed an objection?

14 A. It was my mom and --

15 Q. Your mother. And I assume, sir, when your  
16 mother speaks to your sister, or spoke to your sister,  
17 she spoke in her native tongue?

18 A. Yes.

19 Q. Okay. And what language is that?

20 A. Korean.

21 Q. Korean. And when she speaks to you; your  
22 mother, that is, she speaks in Korean; correct?

23 A. Yes.

24 Q. Both you and your sister learned Korean from  
25 birth; is that correct?



1       A.    Yes.

2       Q.    You were both born in Korea?

3       A.    Yes.

4       Q.    And how old were you when you immigrated here?

5       A.    I was second grade.

6       Q.    Okay.  So you learned English following your

7   immigration here?

8       A.    Yes.

9       Q.    Okay.  Through school?

10      A.    Yes.

11      Q.    But your mother still spoke to you and your

12   sister in Korean; is that correct?

13      A.    Yes.

14      Q.    So it was your mother that registered an

15   objection to her having a relationship with Adnan?

16      A.    Yes.

17      Q.    Now, Adnan was not your sister's first

18   boyfriend, was he?

19      A.    Not that I know of.

20      Q.    She had had a prior boyfriend even while she

21   was in California, did she not?

22      A.    She -- I don't know.

23      Q.    And she had had other boyfriends, to your

24   knowledge, after she returned here?

25      A.    Yes.

1 Q. You knew that she had boyfriends but they  
2 weren't people that you were close to; is that correct?  
3 A. Yes.  
4 Q. Now, the shirt that you identified -- well,  
5 first of all, the car that you identified was a new car  
6 to Hae shortly after she got her license?  
7 A. Yes.  
8 Q. Is that correct?  
9 A. Yes.  
10 Q. And she then drove to school every day, did she  
11 not?  
12 A. Yes, she did.  
13 Q. Your house where you and your sister and your  
14 grandparents, your two cousins, and your mother resided,  
15 is located how far from Woodlawn?  
16 A. Almost same distance.  
17 Q. Okay. So 15 to 20 minutes?  
18 A. Yes.  
19 Q. All right. And where she worked in Owings  
20 Mills Mall, she worked on a regular basis, did she not?  
21 A. Yes.  
22 Q. Starting shortly after she got her car?  
23 A. Yes.  
24 Q. And so she would drive herself to work from  
25 wherever she was?

1       A.    Yes.

2       Q.    And she worked a regular number of hours?

3       A.    Uh-huh.

4       Q.    Is that right?

5       A.    Yes.

6       Q.    And that included early evening hours until the

7 store closed?

8       A.    Yes.

9       Q.    And also included on weekends?

10      A.    Yes.

11      Q.    And sometimes included holidays when she did

12 not have school; is that correct?

13      A.    I don't recall.

14      Q.    Okay. But you do recall, sir, that her

15 schedule was something that she always knew ahead of

16 time?

17      A.    Yes.

18      Q.    But that there were things that she did every

19 single day --

20      A.    Yes.

21      Q.    -- and that she did them regularly?

22      A.    Yes.

23      Q.    And they included her going to school?

24      A.    Yes.

25      Q.    And attending school every day; correct?

1       A.    Yes.

2       Q.    Attending and participating in whatever

3   athletic events that took up her time?

4       A.    Yes.

5       Q.    Correct?

6       A.    Yes.

7       Q.    Picking up her cousin?

8       A.    Yes.

9       Q.    And when she picked up her cousin, that meant

10   picking her up and then taking her --

11      A.    Home.

12      Q.    -- to your home?

13      A.    Yes.

14      Q.    Is that correct?

15      A.    Yes.

16      Q.    And your home, sir, is closer to Camfield

17   Elementary than is Woodlawn; is that correct?

18      A.    Yes.

19      Q.    And then, if she had to work or do something

20   else for school, she would then drive herself?

21      A.    Yes.

22      Q.    And she would drive herself home from work?

23      A.    Yes.

24      Q.    Correct?

25      A.    Yes.

1 Q. And that remained her schedule which was pretty  
2 predictable, although not always the same --

3 A. Yes.

4 Q. -- every day?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

8 Q. Because she didn't work every day; is that  
9 correct?

10 A. Yes.

11 Q. And she didn't -- she had friends that you knew  
12 of by name because she mentioned them or because you met,  
13 that she spent a great deal of time with?

14 A. Yes.

15 Q. And you were aware that she did overnights at  
16 some of her friends?

17 A. Yes.

18 Q. Isn't that correct? And your mother was always  
19 concerned about where she would be?

20 A. Yes.

21 Q. As she was always concerned about where you  
22 would be; correct?

23 A. Yes.

24 Q. There were rules as to what you could do and  
25 when you could do them?

1           A.    Yes.

2           Q.    And there were rules for her imposed once she  
3 got that car?

4           A.    Yes.

5           Q.    Is that correct?

6           A.    Yes.

7           Q.    And, like most teenagers, your sister had  
8 little disagreements with your mother on a regular basis  
9 about what she was allowed to do?

10          A.    Yes.

11          Q.    And where she was allowed to be?

12          A.    Yes.

13          Q.    And to whom she was allowed to have  
14 relationships with?

15          A.    Well, not that, really.

16          Q.    Not really?

17          A.    No.

18          Q.    Were you a participant in your sister's  
19 disagreements with her mother?

20          A.    No, I was not.

21          Q.    No. Okay. Now, on the day that --

22                THE COURT: One moment.

23                (Pause.)

24                BY MS. GUTIERREZ:

25          Q.    On the day, sir, that you understood that your

1 sister didn't pick up your cousin, --

2 A. Uh-huh.

3 Q. -- you were the one that was designated to call  
4 and talk to the police because of your fluency in  
5 English?

6 A. Yes.

7 Q. Is that correct?

8 A. Yes.

9 Q. And you, sir, told the police everything that  
10 you knew that you thought could be important?

11 A. Yes.

12 Q. Because you were worried about your sister;  
13 correct?

14 A. Yes.

15 Q. And you went to her diary to see if there would  
16 be anything in her diary that might lead you to know  
17 where she was?

18 A. Well, I was just looking for the phone number.

19 Q. Okay. And the only phone number in her diary  
20 was the page that had the phone number on the top that  
21 you've identified?

22 A. Yes.

23 Q. Isn't that correct?

24 A. Yes.

25 Q. And because the page had the words "Don"

1 written on it, you made the assumption that that phone  
2 number was related to Don?

3 A. Yes.

4 Q. Is that correct?

5 A. Yes.

6 Q. And Don is the name of a person that you know  
7 of, of Donald Cliendienst?

8 A. Yes.

9 Q. Is it not?

10 A. Yes.

11 Q. And that is a person that you met?

12 A. Well, I didn't met him.

13 Q. But you've seen him?

14 A. Yes.

15 Q. Yes. At the mall?

16 A. Yes.

17 Q. At the mall, at the Lenscrafters, correct?

18 A. Yes.

19 Q. On the day that you were looking through the  
20 diary and you discovered this number, you knew that Don  
21 Cliendienst was the new boy in your sister's life.

22 A. Yes.

23 Q. Is that correct?

24 A. Yes.

25 Q. And that had been a decision, to your



1 knowledge, made by your sister; correct?

2 A. She --

3 Q. That this was her new boyfriend?

4 A. Yes.

5 Q. She made that decision; right?

6 A. Yes.

7 Q. She didn't consult with you as to making it?

8 A. No.

9 Q. Did it? But that was a very new relationship,

10 was it not?

11 A. Yes.

12 Q. And new meaning, literally, in a matter of

13 weeks?

14 A. I can't -- I don't know.

15 Q. Okay. Now, did there come a time when your

16 sister announced anything about this Donald Cliendienst?

17 A. Well, I believe my mom -- my sister had spoken

18 to my mom about it.

19 Q. To your mom about it?

20 A. Yes.

21 Q. To sort of announce that she was done with one

22 boyfriend and now she was having another?

23 A. Yes.

24 Q. 'Cause your mother wanted to know what was

25 going on in her life; correct?

1       A.    Yes.

2       Q.    And you were aware, sir, were you not, that

3   there were evenings that she spent with Donald

4   Cliendienst?

5       A.    Yes.

6       Q.    And that there were occasions in which she

7   spent the night?

8       A.    Spent the night?

9       Q.    At Donald Cliendienst's house?

10      A.    I don't --

11      Q.    Spending the night with a boy would not have

12   been allowed by your mother.

13      A.    Yes.

14      Q.    Would it have?

15      A.    No.

16      Q.    No. That would not be appropriate behavior.

17      A.    Yes.

18      Q.    Would it? Would you be surprised to know that

19   her friends thought, based on what she had said before,

20   that when she disappeared that where she probably was,

21   was at Donald Cliendienst's house?

22            MS. MURPHY:  Objection.

23            THE COURT:  Overruled. As to form of question,

24   overruled.

25            Yes or not? Would you be surprised to know?

1 THE WITNESS: Would I be surprised to know as  
2 --  
3 BY MS. GUTIERREZ:  
4 Q. That that's what her friends thought?  
5 A. Well, my mom thought that.  
6 Q. And your mom thought that; right?  
7 A. Yes.  
8 Q. Because relationships had been the subject of  
9 much disagreement between your mom and your sister?  
10 A. Yes.  
11 Q. The new relationship with Donald Cliendienst;  
12 right?  
13 A. Yes.  
14 Q. And the old relationship with Adnan?  
15 A. Yes.  
16 Q. And her previous relationships?  
17 A. I don't know.  
18 Q. You don't know. Now, when you -- the diary,  
19 after you found the number, you called the number  
20 believing it was Don; right?  
21 A. Yes.  
22 Q. Did you ever speak to Don that day once you  
23 discovered that that number wasn't Don?  
24 A. No.  
25 Q. Even though he was then your -- he was your

1 sister's then boyfriend?

2 A. Yes.

3 Q. You never reached him that night?

4 A. No.

5 Q. And you didn't speak to him the day after?

6 A. No.

7 Q. And you didn't speak to him the day after that?

8 A. Well, we went -- me and mom went into the work  
9 place to visit him.

10 Q. To visit him at Lenscrafters?

11 A. Yes.

12 Q. Because you were concerned about the  
13 whereabouts of your sister; correct?

14 A. And my mom.

15 Q. Her body -- I mean, and your family, --

16 A. Yes.

17 Q. -- you were concerned; is that correct?

18 A. Yes.

19 Q. And you had no -- now, Don didn't call you on  
20 the 13th in the evening --

21 A. No.

22 Q. -- did he? Even though your sister, on the  
23 13th, was scheduled to work; was she not?

24 A. I believe so.

25 Q. At six o'clock?

1 A. Yes.

2 Q. She would have worked from 6:00 till close?

3 A. Yes.

4 Q. Isn't that right?

5 A. Yes.

6 Q. You got a call from Lenscrafters later;  
7 correct?

8 A. I -- I remember calling them, but --

9 Q. You called them to find out if she had shown  
10 up; is that correct?

11 A. Yes.

12 Q. Then you were informed she did not?

13 A. Yes.

14 Q. But you didn't get a call from this person who  
15 was her then boyfriend?

16 A. No.

17 Q. No. Okay. Now, in reading the diary, sir, did  
18 you -- before you read the diary, did you ever become  
19 aware of anything that's alleged to have happened at the  
20 homecoming dance at Woodlawn?

21 A. Um, no.

22 Q. Were you and your sister close in terms of  
23 confiding in each other?

24 A. We kind of were.

25 Q. Okay. And were you aware of all of her

1 activities from her?

2 A. Most of them.

3 Q. Were you aware that she had attended the

4 homecoming dance?

5 A. Yes.

6 Q. And were you aware that she attended it

7 together with, as the date of Adnan Syed?

8 A. No. I didn't know that.

9 Q. You didn't know that. And were you aware, sir,

10 that something may have happened at the homecoming dance?

11 A. No.

12 Q. No. And after the homecoming dance, your

13 sister did not confide in you as to any event there?

14 A. No.

15 Q. Or that anything that may have happened?

16 A. No.

17 Q. Or indicate to you that she was upset in any

18 way?

19 A. No.

20 Q. Did she consult with you or confide with you

21 before she stopped being girlfriend/boyfriend with Adnan?

22 A. No.

23 Q. And began being girlfriend/boyfriend with this

24 person, Donald Cliendienst?

25 A. No.

1 Q. No. Did she seek your advice at all as to what  
2 she should do?

3 A. No.

4 Q. Did she tell you the day that the breakup  
5 occurred?

6 A. No.

7 Q. Did she ever confide in you as to whose idea it  
8 was?

9 A. No.

10 Q. So, to your knowledge, you don't know who broke  
11 up with whom?

12 A. Yes.

13 Q. Do you?

14 A. No.

15 Q. At least not from your sister.

16 A. Yes.

17 Q. Is that correct? Now, you said you recognized  
18 the diary, the writing because you're familiar with your  
19 sister's writing; is that correct?

20 A. Yes.

21 Q. Were you aware that your sister was a prolific  
22 note writer, that she wrote a lot of notes and cards to  
23 her friends?

24 A. Yes.

25 Q. And were you aware that among the recipients of

1 her notes and cards, a large number of them was Adnan  
2 Syed?

3 A. Yes.

4 Q. And you knew that from her?

5 A. Uh, no. I read it. There was some notes in  
6 her bookbag.

7 Q. There were some notes in her book bag.

8 A. Uh-huh.

9 Q. Some of which she had read -- she had written  
10 herself?

11 A. Yes.

12 Q. To Adnan?

13 A. Yes.

14 Q. Would it be fair to characterize the notes that  
15 you read as sort of mushy, lovey-dovey?

16 A. Yes.

17 Q. Yes. And, also in her book bag were lots of  
18 notes and cards from Adnan to her?

19 A. I don't really remember but --

20 Q. Were you ever asked to identify anything else  
21 other than her diary?

22 A. No.

23 Q. Were you ever asked to identify the handwriting  
24 in notes told to you that were found elsewhere?

25 A. Well, I wasn't told there was notes found.



1 Q. And you were not asked to identify her

2 handwriting?

3 A. Yes.

4 Q. Correct? Now, Mr. Lee, did your sister have a

5 computer?

6 A. Yes.

7 Q. And did she use that regularly?

8 A. Yes.

9 Q. She typed pretty well, didn't she?

10 A. Yes.

11 Q. In fact, she used her computer to do most of

12 her homework, did she not?

13 A. Yes.

14 Q. And in addition, she kept lots of entries on

15 that computer, did she not?

16 A. No. She saved it on disks.

17 Q. Did you -- she'd save them on the disks and

18 take them out; correct?

19 A. Yes.

20 Q. And part of the reason for that was because she

21 wanted them private?

22 A. Yes.

23 Q. Yes. From you?

24 A. Yes.

25 Q. Okay. And that was the subject between you and

1 your sister; correct?

2 A. Yes.

3 Q. The computer that she used was available to

4 you?

5 A. Yes.

6 Q. And you also did your homework?

7 A. Yes.

8 Q. After her disappearance, did anyone seize the

9 computer?

10 A. Yes.

11 Q. Yes. And the police seized it?

12 A. Yes.

13 Q. Correct? And that was with the permission of

14 your family, was it not?

15 A. Yes, it was.

16 Q. Okay. Mr. Lee, in regard to the car, you

17 described this striped shirt of the pictures of?

18 A. Yes.

19 Q. Now, would it be fair to say that in January

20 1999, that that shirt is not something that you really

21 ever thought about?

22 A. Well, there was one incident where I got angry

23 at my sister for taking a shirt.

24 Q. For taking the shirt and using it as a rag?

25 A. Yes.

1 Q. Because you liked that shirt; right?

2 A. No. But --

3 Q. But after, was it an appropriate rag?

4 A. Yes.

5 Q. Okay. And did you wear it anymore?

6 A. No.

7 Q. And after you discovered your sister using it

8 as a rag you never wore it again, did you?

9 A. No.

10 Q. You didn't take it back from her, did you?

11 A. No.

12 Q. And it was kept in the side well of the

13 driver's seat?

14 A. Yes.

15 Q. The place where you said the map was always

16 kept?

17 A. Yes.

18 Q. The map that you're referring to, she had a map

19 book, did she not?

20 A. Yes, she did.

21 Q. Of the greater Baltimore area?

22 A. Yes.

23 Q. Is that correct?

24 A. Yes.

25 Q. And she got that and kept that in her car so

1 that she would always know where she was going?

2 A. Yes.

3 Q. And she would use the map, would she not?

4 A. I guess so.

5 Q. And it was always in her car, was it not?

6 A. Yes, it was.

7 Q. Now, the pictures of the car that you saw, sir,

8 the ones at night, you couldn't see inside the car, could

9 you?

10 A. No.

11 Q. And you were never asked to come down and look

12 at the car, were you?

13 A. Well, I was called to pick up the car.

14 Q. Pick up the car. That means after the police

15 were finished with it?

16 A. Yes.

17 Q. Correct?

18 A. Yes.

19 Q. After they had looked at it, and examined it,

20 and analyzed anything in there; correct?

21 A. Yes.

22 Q. But before that call came, was there ever a

23 time when you were asked to come down and identify

24 anything in her car?

25 A. No.

1 Q. Now, in the morning, did your sister take you  
2 to school every day?

3 A. No, she didn't take me to school.

4 Q. She never took you to school, did she?

5 A. Sometimes, if I missed the bus.

6 Q. Once in a while?

7 A. Yes.

8 Q. You'd have to request. But as a normal  
9 activity during the day, she did not?

10 A. No.

11 Q. Is that correct?

12 A. Yes.

13 Q. And because of her schedule that was so  
14 demanding, you didn't normally ride in her car every day,  
15 did you?

16 A. Well, after school.

17 Q. But often you would be in it?

18 A. Yes.

19 Q. And you would see the condition of her car,  
20 would you not?

21 A. Yes.

22 Q. And she would keep things in her car, would she  
23 not?

24 A. Yes.

25 Q. She'd keep her athletic equipment?

1           A.    Yes.

2           Q.    She'd keep school things and school books;

3 correct?

4           A.    Yes.

5           Q.    And she'd keep lots of her note cards, would

6 she not?

7           A.    Note cards for the school.

8           Q.    And often she would keep her diary in her car;

9 would she not?

10          A.    I didn't see.

11          Q.    When she drove to school --

12                THE COURT: I'm sorry. What was your answer?

13                THE WITNESS: I didn't see it.

14                THE COURT: Okay. Go ahead.

15                BY MS. GUTIERREZ:

16          Q.    When she drove to school, you didn't see her

17 go?

18          A.    No.

19          Q.    You were aware, however, that she parked on the

20 school lot?

21          A.    I believe so.

22          Q.    Okay. And, sir, did she -- was she a neatnik

23 about her car?

24          A.    Well, the times I drove with her the car was

25 messy.

1 Q. The car was generally messy, was it not?  
2 A. Yes.  
3 Q. She kept all the stuff that she'd need for her  
4 very busy life in there?  
5 A. Yes.  
6 Q. And you were aware that in addition that her  
7 friends would be in her car?  
8 A. Yes.  
9 Q. You would see them sometimes, would you not?  
10 A. Not really.  
11 Q. Was you sister someone who, on a regular basis,  
12 had her friends come to her house?  
13 A. No.  
14 Q. No. She was more the person that would go to  
15 her friends' houses, would she not?  
16 A. Yes.  
17 Q. They would not normally come to your house?  
18 A. Yes.  
19 Q. Okay.  
20 MS. GUTIERREZ: I have nothing further.  
21 THE COURT: Any cross?  
22 MS. MURPHY: No thank you, Your Honor.  
23 THE COURT: Redirect. May this witness be  
24 excused?  
25 MS. MURPHY: Yes, Your Honor.

1 THE COURT: Ms. Gutierrez, excused?  
2 MS. GUTIERREZ: Yes, Your Honor.  
3 THE COURT: Released from subpoenas, summonses?  
4 MS. MURPHY: Yes.  
5 THE COURT: Very well.  
6 You're excused, sir.  
7 THE WITNESS: Okay.  
8 (The witness was excused.)  
9 THE COURT: Your next witness?  
10 MR. URICK: With the Court's permission I'm  
11 gonna line up the next three.  
12 THE COURT: In that this witness is a family  
13 member, you have no objection that he remains in the  
14 courtroom?  
15 MS. GUTIERREZ: No, Your Honor.  
16 THE COURT: Mr. Lee, you may -- you are welcome  
17 to remain in the courtroom if you would like.  
18 MR. LEE: Okay.  
19 THE COURT:  
20 MS. SHEPHERD: Since you will not be called as  
21 a witness again in this case.  
22 MR. LEE: Okay.  
23 (Pause.)  
24 THE COURT: I normally would take a break after  
25 being on the bench for about an hour to allow you to



1 stretch your legs and use the facilities. By a show of  
2 hands, anyone that would like us to do that, please raise  
3 your hand and we will do that. Otherwise, we will  
4 continue until 12:30.

5 (No response.)

6 THE COURT: Okay, I see no hands, we'll  
7 continue till 12:30.

8 THE COURT: Sir, I need you to stand. Raise  
9 your right hand.  
10 Whereupon,

11 GRANT DELACAMP GRAHAM,  
12 a witness produced on call of the State, having first  
13 been duly sworn, was examined and testified as follows:

14 THE CLERK: You may be seated. Please keep  
15 your voice up, state your name and address for the  
16 record?

17 THE WITNESS: My name is Grant Delacamp Graham,  
18 Sr.

19 THE CLERK: Address?

20 THE WITNESS: Address?

21 THE CLERK: Uh-huh.

22 THE WITNESS: [REDACTED],  
23 Germantown, Maryland.

24 DIRECT EXAMINATION:

25 BY MR. URICK:

1 Q. Good afternoon. What is your title?  
2 A. I'm the Chief of Forensic Trace Materials  
3 Analysis of the office of the Armed Forces Medical  
4 Examiner.  
5 Q. All right. If you would speak up a little bit  
6 louder please so that the -- lean forward and speak into  
7 the microphone?  
8 A. Yes. I am the Chief of Forensic Trace  
9 Materials Analysis for the Office of the Armed Forces  
10 Medical Examiner.  
11 Q. What does that mean? What do you do?  
12 A. It means I supervise and manage the forensic  
13 laboratory for the office of the Armed Forces Medical  
14 Examiner, as well as I conduct forensic examinations and  
15 analyses, and assist with processing crime scenes.  
16 Q. And when you assist in processing a crime  
17 scene, what are you doing?  
18 A. I am searching the crime scene looking for  
19 evidence, gathering evidence, things of that nature.  
20 Q. And how long have you been doing this?  
21 A. I've been doing this for about three years.  
22 Q. Now, drawing your attention back to February  
23 9th of 1999, did you have occasion to be in Baltimore  
24 City?  
25 A. Yes, I did.

1 Q. And what brought you to the City that day?

2 A. A phone call from Dr. William Rodriguez, who  
3 was my supervisor. We were called out to assist with  
4 recovering some remains.

5 Q. And did you respond to Leakin Park in Baltimore  
6 City?

7 A. We actually responded to the Medical Examiner's  
8 Office here in Baltimore where we were escorted by a  
9 detective out to Leakin Park.

10 Q. And when you got there what, if anything, did  
11 you observe?

12 A. When I got to the scene, I observed a partially  
13 buried body of a female.

14 Q. And what, if anything, did you do at that  
15 point?

16 A. Well, following standard procedure, we suited  
17 up in some light tie-back suits to keep contamination of  
18 the scene -- or to eliminate contamination of the scene,  
19 and then we proceeded to look over the area and recover  
20 the remains.

21 Q. And were you -- while that was going on were  
22 you responsible for examining the scene for any possible  
23 evidence?

24 A. Yes, I was.

25 Q. And what did you do in order to do that?

1       A.   Well, first of all, we looked around the  
2   general area.  I used what's called a "Wood's Lamp."  It  
3   uses ultraviolet light, kind of like a black light that  
4   you can buy in a store.  And I used that light to scan  
5   over the area of the remains prior to removing any of the  
6   dirt to see if I could find any type of trace evidence.

7       Q.   And did you find anything?

8       A.   Yes, I did.  I found one fiber that was foreign  
9   to the remains that we recovered.

10      Q.   And what, if anything, happened next?

11      A.   Then we removed the soil and leaves that were  
12   covering the remains, photographed the scene, removed the  
13   remains from the area from which it lay, and then I  
14   processed the soil of the area where the remains were  
15   lying underneath the body as well for any evidence that  
16   may have been left there.

17      Q.   And what, if anything, did you find?

18      A.   I found one more fiber that was foreign to the  
19   remains?

20               (Pause.)

21           MR. URICK:  Just, at this time, I'd enter  
22   pursuant to stipulation State's Exhibit 4 which are the  
23   two actual fibers that were recovered, and State's  
24   Exhibit 5 which is the trace analysis done by the  
25   Baltimore City Police Department of those two fibers.

1           THE COURT: They're being entered by way of  
2 stipulation?

3           MR. URICK: Yes.

4           MS. GUTIERREZ: Yes, Your Honor.

5           THE COURT: Without objection? Let them be  
6 admitted.

7           And for the record I would indicate to the  
8 jurors that again, items that are being admitted into  
9 evidence for your consideration by agreement of the  
10 parties, which means that they're required authenticity  
11 and other related would not be necessary; is that correct  
12 Ms. Gutierrez?

13          MS. GUTIERREZ: Yes, Your Honor.

14          THE COURT: All right. Very well.

15                               (State's Exhibit Nos. 4 and  
16                               5, previously marked for  
17                               identification, were  
18                               received in evidence.)

19          THE COURT: Just for my information, is also  
20 the chain of custody being stipulated as well?

21          MS. GUTIERREZ: As to those items that were  
22 stipulated to, yes.

23          THE COURT: Okay. Very well.

24          MR. URICK: May I have the Court's permission  
25 to approach the witness?

1 THE COURT: Yes, you may.

2 BY MR. URICK:

3 Q. At this time I'd ask you to examine what have  
4 been marked for identification purposes as State's  
5 Exhibits 9, 10, and 11. If you'd take a few seconds and  
6 look at those?

7 A. Okay.

8 (Pause.)

9 BY MR. URICK:

10 Q. Have you had a chance to examine the exhibits?

11 A. Yes, I have.

12 Q. Can you identify those?

13 A. Those are photographs from the scene.

14 Q. Start with the -- if you look on the back,  
15 you'll see a red sticker with numbers on it. Start with  
16 the one that says Number 9. And, can you identify those  
17 photographs on State's Exhibit 9?

18 A. Yes. this is a photograph, the first  
19 photograph on the upper left is a photograph of the  
20 roadway that's adjacent to the side of the road or the  
21 wooded area where the remains were discovered. And then  
22 there's some photos of some of the vehicles parked next  
23 to that area.

24 Q. Drawing your attention to the top row of the  
25 far right, what, if anything, can you see in the trees in

1 the background?

2 A. I can see what appears to be some people  
3 standing off in the distance, probably about 35, 30  
4 yards.

5 Q. And is that approximately where you saw the  
6 body?

7 A. Yes.

8 Q. And do those five photographs fairly and  
9 accurately depict the scene as seen from the roadway at  
10 that location?

11 A. Yes, they do.

12 MR. URICK: I would offer at this time into  
13 evidence State's Exhibit Number 9.

14 THE COURT: Any objection?

15 MS. GUTIERREZ: No.

16 THE COURT: Let it be admitted as State's  
17 Exhibit Number 5 for the record, a composite --

18 MR. URICK: Number 9.

19 THE COURT: Number 9, I'm sorry. And for the  
20 record the composite has five photographs.

21 (State's Exhibit No. 9  
22 having previously been  
23 marked for identification,  
24 was received in evidence.)

25 THE COURT: You may continue.

1 BY MR. URICK:

2 Q. And are you looking at State's Exhibit 10 now?

3 A. Yes, I am.

4 Q. And can you identify those photographs?

5 A. Those are photographs of the immediate crime  
6 scene.

7 Q. And what, if anything, do they show?

8 A. They show a fallen -- fallen tree. And then  
9 adjacent to the fallen tree, it shows the remains of the  
10 victim.

11 Q. And do those fairly -- fairly and accurately  
12 describe the scene on the date in question?

13 A. Yes, they do.

14 MR. URICK: I would offer at this time State's  
15 Exhibit 10 into evidence, a composite of four  
16 photographs.

17 THE COURT: Okay.

18 Any objection?

19 MS. GUTIERREZ: No, Your Honor.

20 THE COURT: State's 5 -- I'm sorry -- State's  
21 10, a composite of three photos.

22 Mr. White, may I see that exhibit when you're  
23 done?

24 (State's Exhibit No. 10,  
25 having previously been



1 marked for identifica-  
2 tion, was received in  
3 evidence.)  
4 THE COURT: You may continue.  
5 BY MR. URICK:  
6 Q. And looking at State's Exhibit 11, can you  
7 identify the four photographs on that exhibit?  
8 A. Yes, I can.  
9 Q. And what, if anything, do they depict?  
10 A. They depict the remains of the victim during  
11 various stages of the recovery process.  
12 Q. And do they fairly and accurately depict the  
13 recovery of the body?  
14 A. Yes, they do.  
15 Q. And there's a hand in the upper left one. Do  
16 you have any idea who that might have been?  
17 A. Yes, that's Dr. Rodriguez.  
18 Q. And you said those photographs fairly and  
19 accurately depict the scene?  
20 A. Yes.  
21 MR. URICK: I would offer into evidence at this  
22 time State's Exhibit 11, a composite of four photographs.  
23 THE COURT: Any objection?  
24 MS. GUTIERREZ: No, Your Honor.  
25 THE COURT: Let that be admitted as State's

1 Number 11, four photographs.

2 (State's Exhibit No. 11,  
3 having previously been  
4 marked for identification,  
5 was received in evidence.)

6 (Pause.)

7 MR. URICK: Witness with the defense.

8 CROSS-EXAMINATION

9 BY MS. GUTIERREZ:

10 Q. Mr. Graham, you work for the Armed Forces;  
11 correct?

12 A. Yes, I do.

13 Q. You're a civilian employee or a member of the  
14 Armed Forces?

15 A. I am active duty Air Force.

16 Q. Okay. And you and Dr. -- Dr. Rodriguez also  
17 works for the Armed Forces Medical Unit, does he not?

18 A. Yes, he does.

19 Q. And you and Dr. Rodriguez were called in  
20 specifically because of your expertise with dealing with,  
21 in your words, remains of unknown age; is that correct?

22 A. Not necessarily the remains of unknown age, no.

23 Q. Well, sir, on that day did you have anything to  
24 do with your getting called -- I need to see that Exhibit  
25 -- your getting called to Baltimore?

1           A.    Yes.

2           Q.    Did you request to get called to Baltimore?

3           A.    No.

4           Q.    Okay.  And were you the person that found these  
5 remains?

6           A.    No, I was not the person that found them.

7           Q.    Were you given information before you got there  
8 about the circumstances under which those remains were  
9 discovered?

10          A.    I cannot recall if I was given information  
11 about that.

12          Q.    It would not have been unusual for you to have  
13 received or not received such information, would it have?

14          A.    No, it's not unusual.

15          Q.    And, sir, did you request any information as to  
16 the discovery of these remains before you went out there?

17          A.    Yes.

18          Q.    And were you given all information that you  
19 requested?

20          A.    I cannot recall the questions that I asked, nor  
21 can I recall the information that I was given, so I  
22 cannot say that.

23          Q.    Did you write a report?

24          A.    No, I did not.

25          Q.    Is that unusual?

1           A.    No, it is not.

2           Q.    That you did not write a report?  Mr. Graham,

3   I'm showing you what's in evidence as State's Exhibit

4   Number 9.  On the far left it shows the roadway by which

5   you got to the location; is that correct, where the

6   remains were?

7           A.    Yes.

8           Q.    Okay.  That's the photograph in the far left

9   corner; is that correct?

10          A.    Yes.

11          Q.    And you see crime tape in the picture, do you

12   not?

13          A.    I see yellow tape of some type, yes.

14          Q.    Okay.  I'm now gonna show you State's Exhibit

15   11 and 10, sir.  Do either -- are either -- are any of

16   the pictures on either of those exhibits visible from the

17   vantage point of the photograph in State's Exhibit 9, if

18   you would look?  State's Exhibit 11 are the photos of the

19   body before and during the removal?

20          A.    I'm not sure whether I understand.

21          Q.    Okay.  Well, let me -- answer my question

22   first.  On State's Exhibit 11 shows the photographs of

23   the body before and during removal by you and Dr.

24   Rodriguez, does it not?

25          A.    This exhibit here and this exhibit here does,

1 yes.

2 Q. This one? Does that show -- excuse me --  
3 photographs of the body? Yes or no?

4 A. yes.

5 Q. Is what is depicted in State's Exhibit 11  
6 visible from where the crime scene tape appears in  
7 State's Exhibit 9?

8 A. No, it is not.

9 Q. And in State's Exhibit 10, at one -- one of the  
10 photographs, the photograph in the left corner, the top  
11 left corner shows a dead tree or dead log?

12 A. It shows a log laying on the ground, yes.

13 Q. All right. And that log, sir, in length is in  
14 excess of 50 feet; is it not?

15 A. I cannot recall the length.

16 Q. Were you aware that it was in excess of 50  
17 feet?

18 A. I'm not aware that it is in excess of 50 feet  
19 or --

20 Q. Did you see the log?

21 THE COURT: Whoa. Can we let him finish.

22 MS. GUTIERREZ: I'm sorry.

23 THE COURT: Did you say, "I was not aware it  
24 was in excess of 50 feet"?

25 THE WITNESS: I'm not aware of how long the log

1 is at all. I know that it's a very -- it's long, but I'm  
2 not aware of exactly how long it is.

3 THE COURT: Next question.

4 BY MS. MURPHY:

5 Q. Sir, in regard to the body that's shown on  
6 State's Exhibit Number 11, was the body on the side of  
7 the log closest to the road from whence you came or  
8 furthest away?

9 A. It was on the opposite side.

10 Q. Okay. And beyond the log, then you would find  
11 the body; correct?

12 A. Yes, immediately on the opposite side of the  
13 log.

14 Q. Now, before disinterring this body, you,  
15 because you were called in for your forensic expertise,  
16 examined the ground around, did you not?

17 A. Yes, I did.

18 Q. You walked around, did you not?

19 A. I walked around the scene, yes.

20 Q. Okay. And you noticed and observed the terrain  
21 there, did you not?

22 A. Yes, I did.

23 Q. Beyond the body is a stream that curves; is it  
24 not?

25 A. There's a stream. I'm not sure whether or not

1 is curves.

2 Q. Okay. And the stream, sir, from what you  
3 observed, could you observe evidence that the stream has,  
4 in the past, overflowed its banks?

5 A. No, I cannot recall --

6 Q. Did you make any --

7 MS. MURPHY: Objection.

8 BY MS. GUTIERREZ:

9 Q. -- notations regarding that?

10 THE COURT: Ms. Gutierrez, I need your  
11 assistance in letting the witness finish.

12 MS. GUTIERREZ: Okay. I'm sorry.

13 THE COURT: Because remember Mr. Madden here  
14 has to repeat the witness's answer and then your  
15 question. So if you could just pause a moment after the  
16 witness has answered, that will be helpful to the Court,  
17 and I'm sure the stenographer, as well.

18 Thank you.

19 BY MS. GUTIERREZ:

20 Q. And I don't remember what the question was, but  
21 your answer was you don't recall whether or not there was  
22 evidence of the stream having overflowed its banks?

23 A. That is correct.

24 Q. Okay. Now, you didn't write a report that day;  
25 correct?

1           A.    No.

2           Q.    And you never wrote a report after that day; is  
3   that correct?

4           A.    No.

5           Q.    Your purpose in being there was to offer your  
6   assistance in terms of disinterring the body and looking  
7   for any trace evidence that might be there; is that  
8   correct?

9           A.    That is correct.

10          Q.    And trace evidence would include fibers such as  
11   you've described; correct?

12          A.    Yes.

13          Q.    And trace evidence can also include all other  
14   kinds of evidence including, for instance, soil?

15          A.    Yes, it can.

16          Q.    It can include hair?

17          A.    Yes, it can.

18          Q.    It can include other items that might be found?

19          A.    Yes, it can.

20          Q.    Now, you, sir, used the term on the items, the  
21   fibers that you recovered, the two, one before the body  
22   was disinterred, and once afterwards as elements that  
23   were foreign; is that correct?

24          A.    Yes.

25          Q.    Meaning they didn't match the remains, they



1 didn't come from the remains?

2 A. They appeared not to have come from the  
3 remains.

4 Q. And that was in your expert opinion; is that  
5 correct?

6 A. It was based on what I saw at the crime scene.

7 Q. Okay. And based on your determination that  
8 they appeared to be foreign, they're foreignness to the  
9 body had significance to you in regard to collecting  
10 those elements; isn't that correct?

11 A. Can you rephrase the question, please?

12 Q. The fact that they were foreign to the body,  
13 meaning not appearing to come from the body, made those  
14 two fibers significant to you, did they not?

15 A. It made them worthy of being collected, yes.

16 Q. Okay. And you collected them, did you not?

17 A. Yes, I did.

18 Q. And you carefully preserved them and marked  
19 them; correct?

20 A. I collected them and handed them over  
21 immediately to the crime scene technicians from the  
22 Police Department.

23 Q. From Baltimore City?

24 A. Yes.

25 Q. Is that correct? And, sir, you were never

1 asked to observe them again?

2 A. No, I was not.

3 Q. Or examine them?

4 A. No, I was not.

5 Q. Or conduct any analysis on them?

6 A. No, I was not.

7 Q. Now, sir, the body that's depicted in the

8 pictures had to be disinterred from that which was on top

9 of it, did it not?

10 A. Yes, it did.

11 Q. And did --

12 A. The body was partially buried. There were

13 parts of the body that were exposed.

14 Q. Okay. But it had to be disinterred, including

15 the removal of dirt and leaves; is that correct?

16 A. Yes, that's correct.

17 Q. And did you ever see the collection of dirt and

18 leaves?

19 A. I don't understand what you mean.

20 Q. Did you collect any dirt and leaves?

21 A. Yes. I did collect some soil.

22 Q. And did you hand those over? Did you hand that

23 soil over to the Baltimore City crime lab?

24 A. Yes, I did.

25 Q. Okay. And that was your looking for any

1 evidence that might be helpful to determine how this body  
2 got in the position that you observed it; is that  
3 correct?

4 A. That is correct.

5 Q. Okay. Now, sir, getting to this tree or log,  
6 the length of which you don't recall -- well, sir, on --  
7 let me digress here. On State's Exhibit 9, several of  
8 the pictures show a log in front of what is commonly  
9 referred to as "Jersey walls," concrete walls that block  
10 off an area. Do you see that log?

11 A. The one that you're pointing to, yes, I do.

12 Q. Okay. And, sir, the log behind which this body  
13 you assisted in the disinterment of and the collection  
14 of trace evidence, was that log bigger or smaller than  
15 the log that's depicted in the pictures on State's  
16 Exhibit 9?

17 A. I would say probably in circumference, smaller  
18 in circumference, but longer in length.

19 Q. A lot longer, or just a little bit?

20 A. I can't recall whether it would be a lot or a  
21 little bit.

22 Q. Sir, from the pictures that you are looking at  
23 in State's Exhibit 9, can you see, from any vantage  
24 point, the log shown on State's Exhibit 10 beyond which  
25 the remains were located?

1       A.    May I take a look at the pictures again?  
2       Q.    Yes.  
3       A.    Thank you.  
4       (Pause.)  
5       THE WITNESS:  In these pictures, no, I cannot.  
6       BY MS. GUTIERREZ:  
7       Q.    No, and those pictures are taken from the  
8 roadway looking directly back into the park, are they  
9 not?  
10      A.    They're looking into portions of the park from  
11 the roadway, yes.  
12      Q.    You, sir -- you testified that you thought it  
13 was a distance of 30 to 35 yards?  
14      A.    Yes.  
15      Q.    And that distance was from the roadway to where  
16 it is that the body which you assisted in the  
17 disinterrment of was located?  
18      A.    Yes.  
19      Q.    Were you aware, sir, that the actual  
20 measurement as measured by a surveyor called to the site  
21 was 127 feet?  
22      A.    No, I was not.  
23      Q.    Would that surprise you in any way?  
24      A.    No.  30 or 35 yards is pretty much  
25 approximately the same distance, give or take a few feet?

1 Q. Okay. Now, sir, in regard to the State's  
2 Exhibit 11 that shows the body, the picture in the lower  
3 right-hand corner shows the body on what appears to be a  
4 sheet of some materials on which the body is now spread.  
5 Do you see that?

6 A. Yes, I do.

7 Q. That sheet -- well, incidentally, do you  
8 remember what that material was?

9 A. Yes, it is a type of a bag that's used by the  
10 Medical Examiner's Office of plastic type, probably a  
11 vinyl bag that's used to place bodies for transport to  
12 the Medical Examiner's Office.

13 Q. So that wasn't in the hole, or the place where  
14 this body was buried?

15 A. No, it was not?

16 Q. That was brought from elsewhere and placed  
17 there, and then the body was placed on that?

18 A. Yes, ma'am.

19 Q. And it was after that that you then examined  
20 the area underneath the body from where you first saw it?

21 A. Yes.

22 Q. And underneath the body is where you found the  
23 second fiber; is that correct?

24 A. It was not underneath the body, it was in the  
25 area where the remains had been placed. After we removed

1 the body, it was on the ground. It was not underneath  
2 the body. It was on the ground where the body had laid  
3 before.

4 Q. So the body you that removed on this plastic  
5 sheet had been on top of the ground that you then  
6 examined; is that correct?

7 A. Yes.

8 Q. So it would appear, from your own observation,  
9 that the fiber that you removed had, in fact, laid under  
10 where the body that you observed first was?

11 A. That is where I found it.

12 Q. Okay. And you were careful to ensure that  
13 nobody else around interfered with your and Dr.  
14 Rodriguez's examination of the body or the collection of  
15 evidence?

16 A. While we were present at the scene, that is  
17 true.

18 Q. And there were others who were present at that  
19 scene, were there not?

20 A. Yes, there were.

21 Q. There were detectives from the local police  
22 department?

23 A. Yes, there were.

24 Q. There were people from the local Medical  
25 Examiner's Office?

1           A.    I'm not sure about that.

2           Q.    Okay.  And there were --

3           A.    Excuse me.

4           Q.    -- people from the Mobile Crime Lab of

5 Baltimore City to which you handed items that you

6 collected?

7           A.    Yes.

8           Q.    And there were other police officers, correct?

9           A.    Yes.

10          Q.    Now, going back, Mr. Graham, to State's Exhibit

11 9, where the Jersey walls and the log are in the pictures

12 which are shown in all of the pictures from different

13 angles where the crime scene tape is, is that from where

14 you entered the park to get to where the body was located

15 behind the log?

16          A.    As I recall, we entered through this area right

17 here, this open area between the two Jersey walls.

18          Q.    Where the crime tape is stretched; is that

19 correct?

20          A.    Yes.

21          Q.    And from that vantage point, sir, is there a

22 pathway that is delineated between that point and where

23 the body was found?

24          A.    As in a walking-type path?

25          Q.    Any type of path?

1           A.    I do not recall a walking-type path, no.

2           Q.    Okay.  Is the terrain solid and even from that

3 point back to where the body was found?

4           A.    No, it is -- if you're referring to being

5 level?

6           Q.    Yes.

7           A.    No, it was not level.

8           Q.    It was not level, and that meant that it was --

9 sometimes the terrain was higher than when you first

10 entered?

11          A.    It was -- in places it was a little bit higher,

12 maybe a foot, and in places maybe a little bit lower.  It

13 was uneven terrain.

14          Q.    These pictures show clearly the logs inside the

15 first set of Jersey walls, do they not?

16                THE COURT:  And for the record, you're looking

17 at the --

18                MS. GUTIERREZ:  State's is -- still same,

19 State's Exhibit 9.

20                THE COURT:  And you're looking at all the

21 photos, or just --

22                MS. GUTIERREZ:  All the photos.

23                THE COURT:  Okay.  Very well, State's Exhibit

24 Number --

25                MS. GUTIERREZ:  The logs are --



1 THE COURT: 10.  
2 MS. GUTIERREZ: -- inside the Jersey walls, are  
3 they not?  
4 THE COURT: 9, excuse me. State's Exhibit 10  
5 -- 9.  
6 THE WITNESS: There appears to be two logs  
7 inside -- in between two sets of Jersey walls.  
8 BY MS. GUTIERREZ:  
9 Q. Okay. And then, so that those logs are inside  
10 there; is that correct?  
11 A. Inside?  
12 Q. Inside the Jersey walls?  
13 A. In between the two set of Jersey walls.  
14 Q. Okay. So there's Jersey walls, then in the  
15 pictures you see the crime scene tape stretched across;  
16 correct?  
17 A. Yes.  
18 Q. And back behind those Jersey walls are another  
19 set of Jersey walls; is that correct?  
20 A. There's one set of Jersey walls adjacent to the  
21 road, and then there's another set of Jersey walls beyond  
22 that.  
23 Q. Inside of that?  
24 A. Yes.  
25 Q. Is that correct? Further away from the road;

1 is that correct?

2 A. Yes.

3 Q. More inside the park than the first set of

4 Jersey walls?

5 A. Yes.

6 Q. If you would look at the photograph on the

7 lower left side, sir, after the Jersey walls it shows a

8 rusted guard rail, does it not?

9 A. Yes, it does.

10 Q. And underneath the guard rail it shows items of

11 plainly visible debris or trash, does it not?

12 A. Yes.

13 Q. That was not the only place where there was

14 visible debris or trash, was it?

15 A. No.

16 Q. Back where you disinterred this body on the far

17 side of the tree, in fact, was other debris and trash,

18 was there not?

19 A. Yes.

20 Q. Did you collect any of that?

21 A. No, I did not.

22 Q. Did you, sir, observe back there in the tree

23 any light source, artificial light source of any kind, of

24 any size?

25 A. We used artificial light sources such as in

1 flood lights because --

2 Q. You brought them?

3 A. Yes.

4 Q. Okay.

5 A. Well, I did not bring them, the police did.

6 Q. And you utilized them, but it was clearly

7 apparent that those light sources had been brought to the

8 scene; isn't that correct?

9 A. Yes.

10 Q. That they were not indigenous to that

11 particular place; is that correct?

12 A. Yes, that is correct.

13 Q. And you didn't observe any other light source

14 back there? A lamp post? A light stuck up on a tree?

15 Any source of light or electricity back there?

16 A. No, there was not.

17 Q. Okay. Now, sir, on State's Exhibit 10, it

18 shows all four are pictures with the exception of the one

19 that shows a portion of the tree, of the body, which you

20 call the remains, before they were disinterred; is that

21 correct?

22 A. Yes.

23 Q. That's how the body, the remains, appeared to

24 you when you first approached this scene, did they not?

25 A. Yes.

1 Q. Okay.

2 A. Excuse me.

3 Q. And, sir, at the time, because you don't recall  
4 what information you asked for or what information you  
5 were given, you had no idea of how long that body had  
6 been there, did you?

7 A. No, I did not.

8 Q. And there's no snow or ice that appears on the  
9 ground, does it?

10 A. No.

11 Q. And there are no facial features readily  
12 apparent, are there?

13 A. No.

14 Q. And you, sir, not knowing how and under what  
15 circumstances the body was discovered, nor by whom, had  
16 no idea of who, if anyone else, other than the discoverer  
17 of these remains had touched the body or altered that  
18 scene, did you?

19 A. I did not know if anyone had touched the body,  
20 or altered the scene, to include the person who  
21 discovered the remains.

22 Q. Right.

23 A. I didn't know if the discoverer had touched the  
24 body or not, either.

25 Q. Okay. And that includes whether or not they

1 had pushed off any of the soil that covered the entire  
2 body?

3 A. Let me rephrase my last answer. I could tell  
4 that something had touched the remains prior to my  
5 arrival.

6 Q. Uh-huh.

7 A. Upon looking at the remains, the victim had  
8 been wearing, or was wearing nylon stockings, and I could  
9 see that there were scratch marks on the stockings that  
10 are torn through the stockings onto the skin, such as a  
11 dog or a raccoon or something kind of pawing curiously at  
12 what was there. And you could see the scratch marks --

13 Q. Okay.

14 A. -- on her. So something had touched the  
15 remains.

16 Q. And that was from your own observations --

17 THE COURT: I'm sorry.

18 Go on. Something had touched?

19 THE WITNESS: Touched or scratched. You could  
20 see, like, claw marks --

21 THE COURT: Okay.

22 THE WITNESS: -- that had cut through the nylon  
23 stockings and kind of scratched the skin beneath.

24 THE COURT: Okay.

25 BY MS. GUTIERREZ:

1 Q. You couldn't see that, sir, until you started  
2 to disinter the body, however; correct?

3 A. No.

4 Q. Okay. Because the stockings, or the skin where  
5 the stockings covered near the abdomen or any part near  
6 was not readily visible when you first came upon this  
7 scene, was it?

8 A. It was visible when I looked at the scene  
9 without removing any dirt or leaves. A portion of the  
10 remains were exposed and they were not covered, and those  
11 exposed portions of the remains is what I looked at. And  
12 that is where I saw the apparent claw marks or scratch  
13 marks.

14 Q. Okay. And did you make a note of that  
15 observation?

16 A. I made a mental note and I informed the  
17 detectives and Dr. Rodriguez of what I had observed.

18 Q. Of that. Now, sir, the tree that we've been  
19 talking about, the tree that the body was right beyond,  
20 as it appears there, did you have to cross that tree to  
21 get to the body?

22 A. Yes, I did. I stepped over it.

23 Q. Okay. And to step over it, it -- was there a  
24 certain point you picked to step over it?

25 A. It was a point that I was instructed to step

1 over it by the detectives that were on the scene.

2 Q. So the detectives led the way from where the  
3 Jersey walls and back to where the log is and the body  
4 beyond it?

5 A. Yes.

6 Q. Okay. Sir, were you ever called upon to  
7 conduct any other part of an investigation into the  
8 discovery of these remains after February 9th?

9 A. I returned to the scene the following morning.

10 Q. The 10th of February?

11 A. Yes.

12 Q. Okay. And by that time the body was already  
13 removed?

14 A. Yes.

15 Q. Did you collect any other trace evidence from  
16 that day?

17 A. No, I did not.

18 Q. And were you ever asked to conduct any analysis  
19 on any item that you or Dr. Rodriguez collected that day?

20 A. No, I was not.

21 MS. GUTIERREZ: I have nothing further.

22 THE COURT: Any redirect?

23 MR. URICK: Just one question, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. URICK:

1 Q. That crime scene is one that can be clearly and  
2 fairly depicted through the photographs that were taken,  
3 is it not?

4 MS. GUTIERREZ: Objection.

5 THE WITNESS: Yes, it is.

6 THE COURT: Overruled.

7 BY MR. URICK:

8 Q. You may answer the question?

9 A. Yes.

10 MR. URICK: Nothing else. Thank you.

11 RECROSS EXAMINATION

12 BY MS. GUTIERREZ:

13 Q. Mr. Graham, how is it that you know that a  
14 crime was committed at the scene in anything these  
15 photographs depict?

16 MR. URICK: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: I do not know that a crime was  
19 committed on the scene, however, it is commonly referred  
20 to as a "crime scene."

21 BY MS. GUTIERREZ:

22 Q. So you were just using the common reference of  
23 others to answer Mr. Urick's question?

24 A. I was not using the common reference of others,  
25 I was using a reference that is used within the



1 profession of law enforcement and criminalistics as a  
2 crime scene. A scene where the body is recovered  
3 anywhere is referred to as a crime scene. A crime can  
4 have many different scenes depending upon how it occurs.

5 Q. So, Mr. Graham, from your own knowledge or  
6 observation you have no idea of whether or not a crime  
7 occurred there, do you?

8 A. That is correct.

9 Q. You weren't asked to, and you could not, from  
10 your own observations, indicate when and under what  
11 circumstances that body was placed where you observed it  
12 on February 9th?

13 A. No, I cannot.

14 Q. Nor by whom, or if it was more than one person?

15 A. That is correct.

16 Q. Okay. And you were never asked at any other  
17 time to conduct any analysis on this scene at all; is  
18 that correct?

19 A. Other than to remove the remains, process the  
20 scene itself, no, I was not.

21 Q. Okay. And you were never asked, nor did you  
22 ever write a report of your observations?

23 A. No.

24 Q. Thank you.

25 THE COURT: Any other redirect?

1 MR. URICK: No, thank you.

2 THE COURT: May this witness be excused?

3 MR. URICK: Yes.

4 MS. GUTIERREZ: Yes.

5 THE COURT: May this witness be excused and  
6 removed from any need to return through a subpoena?

7 MS. GUTIERREZ: Yes.

8 MR. URICK: Yes.

9 THE COURT: Very well. Sir, you are free to go  
10 at this time.

11 (The witness was excused.)

12 MR. URICK: The State will call [REDACTED] Schab at  
13 this time.

14 THE COURT: All right.

15 MS. GUTIERREZ: Is [REDACTED] Schab the French  
16 teacher?

17 MS. MURPHY: Uh-huh.

18 MS. GUTIERREZ: May we approach the bench?

19 THE COURT: Yes.

20 (Counsel and the defendant approached the  
21 bench, and the following ensued.)

22 THE COURT: Okay. What I need you to do, is if  
23 you would have your client step on this side?

24 MS. GUTIERREZ: Uh-huh.

25 THE COURT: Your client step on this side.

1 MS. GUTIERREZ: Over here?

2 THE COURT: Yes.

3 MS. GUTIERREZ: Okay.

4 THE COURT: Thank you.

5 MS. GUTIERREZ: Judge, I guess I would move in

6 limine, [REDACTED] Schab is, to my recollection, a French

7 teacher, and she testified at the last trial about a

8 number of things. But the purpose, I believe, in them

9 calling [REDACTED] Schab was to create an inference of evil by

10 having her testify --

11 THE COURT: A character witness of sorts?

12 MS. GUTIERREZ: No. Well, what she described

13 and what she was asked to describe was the fact that Hae

14 Min Lee worked for her part-time as some kind of aid,

15 student-teacher aid, and would be in her classroom during

16 times when there were not other students on a regular

17 basis.

18 THE COURT: Okay. One moment. Why don't we

19 just do it the other way around? Because, as I said

20 before, to get into what happened the last time was --

21 MS. GUTIERREZ: Well, it's my in limine now.

22 THE COURT: I know, but based on what I prefer

23 to do is ask the State why they are offering it.

24 MS. GUTIERREZ: Oh, okay. That's fine.

25 THE COURT: And once they tell me --

1 MS. GUTIERREZ: Yeah.

2 THE COURT: -- then you can --

3 MS. GUTIERREZ: Okay.

4 THE COURT: -- it sounds like --

5 MS. GUTIERREZ: That's fine.

6 THE COURT: -- the same thing --

7 MS. GUTIERREZ: Okay.

8 THE COURT: -- then you can go into objection.

9 MR. URICK: Because she has direct observations

10 of the defendant, he came in and had a conversation with

11 her, which was rather revelatory of his mental state, his

12 concerns about how his relationship with her was being

13 affected. She --

14 THE COURT: When?

15 MR. URICK: This was approximately December, I

16 believe.

17 THE COURT: Before the murder?

18 MR. URICK: Yes.

19 MS. GUTIERREZ: Yeah.

20 THE COURT: And when you say how the

21 relationship was going, are you offering her as a motive

22 witness?

23 MR. URICK: As -- yeah, that would be

24 tangential to motive. It's laying the foundation through

25 several witnesses of the conflict of the defendant was

1 experiencing, how it was affecting their relationship  
2 over time, how it led to the various breakups, and I  
3 believe the reason it ultimately led to the murder.

4 THE COURT: Okay. And -- I'm sorry.

5 MR. URICK: And also this defendant actively  
6 confronted her one time and accused her of working with  
7 the investigation that was investigating her  
8 disappearance.

9 THE COURT: And you're offering her just to say  
10 that the defendant confronted her to say what? In other  
11 words, I'm trying to understand the relevance of any  
12 confrontation that the defendant may have made with this  
13 witness as to this case?

14 MR. URICK: She was aiding the Baltimore County  
15 detectives in getting information around the school. The  
16 defendant confronted her about that on one occasion.

17 THE COURT: You mean information about the  
18 defendant around the school?

19 MR. URICK: About Hae's disappearance and also  
20 the defendant, specifically about his actions and  
21 whereabouts on the day in question.

22 THE COURT: On the day in question?

23 MR. URICK: Yes.

24 THE COURT: And she had information about his  
25 behavior and whereabouts on the date in question?

1 MR. URICK: She was helping --  
2 THE COURT: The date of the murder --  
3 MR. URICK: She was helping the County  
4 detectives gather that information from various  
5 individuals throughout the school.  
6 THE COURT: My question is does she have any  
7 personal knowledge about the defendant's whereabouts or  
8 knowledge of those whereabouts on the day of the murder,  
9 or before the murder, or proximity of the murder? Does  
10 she have personal knowledge?  
11 MR. URICK: Not on the day of the  
12 disappearance, I believe.  
13 THE COURT: So her personal knowledge only goes  
14 to the relationship between the victim and the defendant?  
15 MR. URICK: Yes. And also his actions when he  
16 found out that she was aiding the detectives in  
17 investigating the disappearance.  
18 THE COURT: As it relates to him?  
19 MR. URICK: Yes.  
20 THE COURT: Is she gonna testify that she  
21 confronted him, believing he was the murderer and said  
22 something?  
23 MR. URICK: No, he came up and confronted her.  
24 THE COURT: All right.  
25 Ms. Gutierrez, in light of what --

1 MS. GUTIERREZ: Well, Judge, that's news to me.  
2 THE COURT: Okay. Well, --  
3 MS. GUTIERREZ: Okay. All of that's news to  
4 me.  
5 THE COURT: Well, --  
6 MS. GUTIERREZ: This is new stuff.  
7 THE COURT: Ms. --  
8 MS. GUTIERREZ: This isn't what she testified  
9 to before.  
10 THE COURT: Well -- well, regardless --  
11 MS. GUTIERREZ: In response to that, I would  
12 certainly argue I think relevance keeps it out.  
13 THE COURT: Why don't we just stop right here.  
14 Ladies and gentlemen, it appears that I'm gonna  
15 spend a little time with counsel on this next issue, and  
16 rather than have you sit and then send you to lunch in  
17 ten minutes, I'll send you to lunch and talk to counsel.  
18 So at this time, I'm gonna ask that you leave  
19 your note pads face down. I'm also gonna ask that you  
20 pass to Mr. White that second sheet of paper because, at  
21 this time, you do not need it for this witness; is that  
22 not correct?  
23 All right. So you'll get that back at any time  
24 in the future we have a witness who will be utilizing  
25 that large exhibit 34 that's been marked for

1 identification purposes.

2 I must remind you during the luncheon recess  
3 that you should not read anything about this case, you  
4 should not look at the news or the media, and you should  
5 not discuss this case amongst yourselves or with anyone  
6 else.

7 I ask that you return to that jury room around  
8 the corner no later than 1:30. You're welcome to go get  
9 your lunch if you'd like and bring it back. I know it's  
10 cold out, although the sun is shining.

11 And if you opt to do that and you find that  
12 door's locked, just knock on my chambers door, which is  
13 right around the corner this way. And I want to say this  
14 way, just across from the elevators there's a door, has  
15 my name on it, someone should be there to unlock the jury  
16 room if you find that it is locked before 1:30.

17 Have a good lunch. I'll see you after lunch.  
18 And please try to be prompt. We will try to do the same.

19 The witness that is on the witness stand, I'm  
20 gonna ask you to remain just for one moment.

21 (The jury left the room.)

22 (Pause.)

23 THE COURT: For the record, I also noticed that  
24 there are a couple of witnesses who have elected to  
25 remain. I must admonish you that all the witnesses in



1 this case, even though you are excused, are under  
2 sequestration.

3           What that means is you cannot discuss what  
4 takes place in the courtroom. If you were to talk to  
5 someone who has not yet testified, you would eliminate  
6 them, effectively, from their ability to testify at all.

7           And that would include any detectives involved  
8 in this case. You cannot discuss your testimony with  
9 them, or with anyone else. But you are welcome to remain  
10 in the courtroom during the course of the trial as you  
11 are now excused and will not be called back again.

12           The rest of you can indicate also that this --  
13 yes. Yes.

14           (Pause.)

15           THE COURT: And for all of you that are  
16 waiting, you are welcome to stay. I'm gonna hear from  
17 counsel.

18           Why don't you step back on your motion. Ask  
19 the witness if she'll stay.

20           MS. GUTIERREZ: I asked that she step outside?

21           THE COURT: I -- give me a chance. Ask that  
22 she step out in the hallway just for a few moments.

23           MS. SCHAB: Am I allowed to use the rest room?

24           THE COURT: Yes, you may.

25           THE WITNESS: Thank you.

1 THE COURT: Do you know where it is?  
2 MS SCHAB: No, I don't.  
3 THE COURT: I believe you will have to go down  
4 the hall --  
5 MS. GUTIERREZ: To the right.  
6 THE COURT: Is it one -- then pass the Coke  
7 machines on the right.  
8 MS SCHAB: Thank you.  
9 THE COURT: All right.  
10 MR. URICK: Your Honor, if I may just  
11 supplement what I said at the bench. There is one other  
12 item that this particular witness can testify to. She  
13 got a list of questions from Detective O'Shea of the  
14 Baltimore County Police Department that she passed on to  
15 Debbie [REDACTED] to answer.  
16 Ms. [REDACTED] will testify that she put those  
17 answers -- those questions in her day planner. During  
18 the course of the day, she loaned that day planner to  
19 this defendant. When she got it back those questions  
20 were missing. So there's another piece of personal --  
21 string of evidence that comes out of this particular  
22 witness.  
23 THE COURT: And were the questions answered?  
24 MR. URICK: No. They disappeared before Ms.  
25 [REDACTED] could answer them.

1 THE COURT: All right.

2 Ms. Gutierrez, your objection?

3 MS. GUTIERREZ: Well, Judge, all of that is new  
4 information to us and was not asked of this witness at  
5 the first trial, so that wasn't the basis of my  
6 objection.

7 THE COURT: I'm not gonna hold the State to try  
8 AND

9 MS. GUTIERREZ: No, I'm not --

10 THE COURT: I'm not going to hold you to the  
11 same --

12 MS. GUTIERREZ: That wasn't my -- my, really  
13 the, if I could, the basis of my motion in limine was to  
14 avoid what had occurred at the first trial that related  
15 to this witness's being asked about an event that  
16 occurred at an unspecified time except it clearly had  
17 occurred before January 13th during which my client, she  
18 says, appeared during this particular period of time  
19 during the school day that wasn't identified, or in the  
20 morning, to meet Hae Lee in her classroom while Hae Lee  
21 would be assigned there to do her, whatever her work was.

22 She was, like, and aid to this French teacher.  
23 And that she testified that that occurred on a regular  
24 basis over a long period of time, but that there was a  
25 particular day in which Adnan Syed showed up, and during

1 that time period Hae Lee did not show up and called her  
2 on the phone to tell her that, "Don't let on to Adnan" --  
3 first finding out if Adnan was there waiting for her, and  
4 for the teacher not to let on to Adnan that it was Hae on  
5 the phone.

6           And I guess I would move in limine to prevent  
7 that for a number of reasons; one, relevance, the only  
8 inference is to present that Hae was hiding from, or  
9 hiding her presence from Adnan, no explanation, just no  
10 relevance in terms of time, date, or place to the events  
11 starting on January 13th and beyond at all -- highly  
12 prejudicial, purposefully prejudicial, with only the  
13 inference of a bad thing. No good inferences that come  
14 out of that, and that was the purpose of my motion.

15           As to these other things that they're now  
16 talking about, as I said, they are all news to us. So  
17 they aren't contained in any disclosure, they were not  
18 asked of this witness at the first trial, so my  
19 instinctive reaction is, you know, basically, relevance  
20 to testify to thing; number one, that occurred, either  
21 the ones that are alleged to have occurred after, for  
22 instance, to allow this witness to testify that she heard  
23 something from a witness who has not testified regarding  
24 an inference that Adnan intentionally did something;  
25 i.e., stole questions about himself inadvertently given,

1 in order to stymie the investigation?

2           Number one, they're hearsay objections to begin  
3 with. The inferences are impermissible, they are not  
4 relevant 'cause they cannot be placed in time. They are  
5 subsequent actions of the defendant, and I haven't heard  
6 enough, I believe that it's also asking for hearsay of my  
7 client at a subsequent date.

8           As to other events that were discussed  
9 regarding any other conversation with my client, again,  
10 I've heard nothing that pinpoints a relevancy connection  
11 to these time and events. The one conversation Mr. Urick  
12 referred to, he said was in December. He's established  
13 -- he's attempting to establish, I believe, that the  
14 relationship between Mr. Syed and Ms. Lee ended prior to  
15 January 1st, 1999. And --

16           THE COURT: The evidence is then being derived,  
17 I understand, from this witness, occurring sometime in  
18 December of 1998, the month prior to her murder?

19           MS. GUTIERREZ: That's what I heard. Yes.

20           THE COURT: Okay.

21           MS. GUTIERREZ: Yes. And so for all of those  
22 reasons we would object to those things and move in  
23 limine regarding this witness's ability to testify as I  
24 said, and again, my objection in limine regarding some  
25 unspecified date, and a phone call with the victim that,

1 as we know, only consisted of the victim saying, "Don't  
2 let him know I'm on the phone," you know, which is a bad  
3 inference, but not tied to any specific thing, certainly  
4 doesn't go to the victim's state of mind is not here.

5 And without more I don't believe that there's  
6 enough to take them to a place --

7 THE COURT: Okay.

8 MS. GUTIERREZ: -- where her state of mind  
9 might be relevant, that we're not even close there.

10 THE COURT: I am hearing from the State that  
11 there's some relevance issue. I'm hearing from the State  
12 that there's some, I'm gonna call it "quasi-404-B,"  
13 motive kind of, sort of.

14 But I'm not clear exactly what that is, even,  
15 Mr. Urick, with your explanation, however vague it was at  
16 the bench, I'm not really sure where you're going with  
17 this witness. But I'm gonna tell you that at this moment  
18 I'm not gonna rule on Ms. Gutierrez's objection because I  
19 don't know where you're going.

20 But I'm gonna tell you this. I'm gonna  
21 scrutinize the questions that you pose. And I may, at  
22 any time during the course of those questions, ask you to  
23 clarify or reiterate or explain where you're going.

24 Because as we sit here, I see a very vague  
25 connection with motive, and very vague connection with

1 relevance. And I'm inclined to grant her motion, but I'm  
2 gonna give you the benefit of the doubt at this moment,  
3 'cause I certainly haven't heard the witness testify, nor  
4 do I know what you know.

5 But if I'm not convinced very early in your  
6 questioning, I'm gonna have you come to the bench and ask  
7 you to proffer what she is going to say. I don't mean a  
8 vague statement, I mean what is she gonna say.

9 Because I don't find a conversation saying,  
10 "Don't tell him I'm on the phone," or "don't tell him  
11 where I am" a month before the murder, as particularly so  
12 relevant that it would outweigh the prejudicial effect  
13 that the jury might misuse that and believe that it meant  
14 any more than that. Unless there's another set of  
15 circumstances showing something more than just an  
16 occasion when the victim is on the phone saying, "Don't  
17 tell him where I am," "Don't tell him that I'm on the  
18 phone."

19 So I don't know your witness's statement, I  
20 don't know what she knows, I don't know what  
21 circumstances, but I would ask that you make the  
22 connection, make it clear to the Court very early on by  
23 your questions to this witness so that it becomes  
24 abundantly clear.

25 Otherwise, I will; one, grant the motion; or

1 two, if they answer and it's still vague, I will  
2 entertain a motion to strike that part from the  
3 testimony, and give the curative instruction to the jury  
4 indicating it has no relevance. And so, at this  
5 juncture, that's the way I'm going to proceed.

6 Also I'd ask you to be mindful of the fact that  
7 this witness is, I understand, will be treated as a lay  
8 witness. And so there's not expertise conclusion that I  
9 would expect that you would try to draw from this  
10 witness, other than her observations, what she saw, what  
11 she did, what she knows -- not what someone else told  
12 her, not what someone else presented to her, but what she  
13 knows.

14 She knows they were fighting, fine. She saw  
15 it, fine. Somebody told her that they were fighting, I'm  
16 not gonna allow that. I'd ask that you be mindful of my  
17 concern, that whatever she has to say be relevant.

18 Go directly to your issue of motive, and be  
19 done in a fashion that does not go off on a tangent or  
20 bring in any other collateral materials that will not be  
21 relevant or may not necessarily go directly to the heart  
22 of the issue that you'd like to bring out through this  
23 witness.

24 With that said, we're gonna stand in recess  
25 until 1:30. I'd ask counsel to be back by 1:25 so that



1 we can resume.

2 I'd ask also, Ms. Connelly, if you tell the  
3 witness that she's excused and that she should return at  
4 1:25 so that she's available.

5 She has not yet been sworn, and so, Ms.  
6 Gutierrez, I'm informing the State while you're here,  
7 that he can direct his witness during the break that  
8 there has been a limit placed on her, because I do not  
9 want her blurting out things that, what other people said

10 --

11 MS. MURPHY: That's fine.

12 THE COURT: -- as part of her testimony.

13 MS. MURPHY: Okay.

14 THE COURT: This Court stands in recess then  
15 until 1:30.

16 THE CLERK: All rise.

17 (A luncheon recess was taken at 12:33 p.m.)

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1                   A F T E R N O O N   S E S S I O N  
2                               (2:02 p.m.)  
3               (The jury was present upon reconvening.)  
4               THE COURT: At this time, I'd like the State to  
5 call the next witness.  
6               MR. URICK: Thank you.  
7               (Pause.)  
8               THE COURT: Please remain standing, listen to  
9 Mr. White as he gives you the oath.  
10 Whereupon,  
11                        [REDACTED] SCHAB,  
12 a witness produced on call of the State, having first  
13 been duly sworn, was examined and testified as follows:  
14               THE CLERK: You may be seated.  
15               Please keep your voice up, state your name for  
16 the record?  
17               THE WITNESS: My name is [REDACTED] Schab.  
18               THE CLERK: Spell your last name for the  
19 record?  
20               THE WITNESS: S-C-H-A-B.  
21               THE CLERK: And state your address for the  
22 record.  
23               THE WITNESS: [REDACTED] Baltimore,  
24 Maryland 21207.  
25                               D I R E C T   E X A M I N A T I O N

1 BY MR. URICK:  
2 Q. Good afternoon, Ms. Schab.  
3 A. Good afternoon.  
4 Q. Where are you employed?  
5 A. Woodlawn Senior High School.  
6 Q. And what do you do there?  
7 A. I'm a French teacher.  
8 Q. And how long have you been employed there?  
9 A. Five years.  
10 Q. And do you know the defendant, Adnan Syed?  
11 A. I do.  
12 Q. And how long have you known the defendant?  
13 A. I suppose four years.  
14 Q. And how have you known him?  
15 A. He was one of my student's boyfriends. I did  
16 not teach him.  
17 Q. And did you know Hae Min Lee?  
18 A. I did.  
19 Q. And how did you know her?  
20 A. She was a student of mine.  
21 Q. And in what class -- what classes did she take  
22 with you?  
23 A. French 2 and 4, 5.  
24 Q. Now, drawing your attention to the Fall of  
25 1998, the Spring of 1999, which would have been Hae Min

1 Lee's senior year, what, if any, contact were you having  
2 with her that year?

3 A. Hae was unable to take my upper level course,  
4 she wanted to be my intern so she could spend some time  
5 with me and learn independently with me. So, every day  
6 from 7:30 until 9:15 she would come to me and we would  
7 either do French or she would help me with my grades and  
8 things of that nature.

9 Q. And when you say she would come to you, where  
10 would she come?

11 A. To room 309, my classroom.

12 Q. And what, if anything, else were you doing  
13 during that time period?

14 A. We were just doing a lot of computer work, and  
15 just discussing -- she was sort of a friend, as well.

16 Q. And how many people would be in the room during  
17 that time period?

18 A. There would usually be Hae and myself and the  
19 Department Chair, Mr. Chris Parker.

20 Q. Okay, now. What, if any, personal experience  
21 have you had with cross-cultural dating?

22 A. I am Roman Catholic, and I have dated -- my  
23 last four boyfriends have been Jewish.

24 MS. GUTIERREZ: Objection. Move to strike.

25 THE COURT: The objection is gonna be

1 sustained. I'm gonna move to strike the question and the  
2 answer at this time, and, let me see counsel at the  
3 bench.

4 (Counsel and the defendant approached the  
5 bench, and the following ensued.)

6 THE COURT: First of all, what I asked you for  
7 during the break for lunch, what it was that this witness  
8 was going to testify to, you did not in any way indicate  
9 that you were offering this witness in any way as an  
10 expert or providing any information on "cross-cultural  
11 dating." And now we are going to --

12 MR. URICK: It's not --

13 THE COURT: -- her experience with cross-  
14 cultural dating, which is not anything that you proffered  
15 to the Court. So I'd like to know where you're going  
16 with this?

17 MR. URICK: I'm not qualifying her as per any  
18 expertise, I'm just putting that down as an explanation  
19 why both the defendant and Ms. Lee would discuss their  
20 relationship with her.

21 THE COURT: Assuming for the sake of this  
22 discussion that the two of them spent a lot of time  
23 discussing their relationship, their personal  
24 relationships, what relevance does that have?

25 MR. URICK: It goes to the motive of the

1 defendant, that there was a conflict between them that  
2 was caused by his religious beliefs. This defendant  
3 discussed that with this witness. She can talk about  
4 what he told her. She can --

5 THE COURT: Yes, but that's not what you asked  
6 her. You asked her about her questions and conversation  
7 with the victim.

8 MR. URICK: My next question was, did you have  
9 occasion -- my very next question would be did you have  
10 occasion to discuss both with Ms. Lee and the defendant  
11 their relationship. And then I'll get into the specific  
12 incidents.

13 THE COURT: And the specific incidents cover  
14 what time period?

15 MR. URICK: The time of the breakup or the  
16 breakup after the homecoming dance of the time of  
17 Halloween.

18 THE COURT: When?

19 MR. URICK: Which would be probably around  
20 Halloween and November -- October, November.

21 THE COURT: October and November of '98?

22 MR. URICK: Yes. This is a case where the  
23 motivation is a very complex human interaction that took  
24 place between two people over a period of about four to  
25 six months.

1 THE COURT: Preceding the murder?

2 MR. URICK: Yes. And this is when, at the  
3 homecoming dance, the breakup at Halloween, the get  
4 together, the second breakup, all come as a package that  
5 developed what the conflict was, what this defendant's  
6 motivation was.

7 THE COURT: Your objection for the record?

8 MS. GUTIERREZ: Well, Judge, one, I think it's  
9 irrelevant; number two, I think it's highly prejudicial.  
10 Just because the defendant may have opened his mouth over  
11 a period of four to six months prior to this murder  
12 doesn't make what she says he said admissible to show  
13 anything.

14 The tenuousness, for instance, establishing  
15 that the development of the motive took four to six  
16 months, their own evidence that they've already put in  
17 indicates that they were still an item -- the diary of  
18 Hae Min Lee -- that they were still an item far into the  
19 third week of December, a period long past the time  
20 period that he's speaking of.

21 And so for that reason and relevance and  
22 prejudice, I would object to this witness attempting to  
23 testify to anything that my client said or anything  
24 regarding -- you know, unless he says, of course -- and  
25 they're not proffering that -- that he says, "I'm going

1 to kill her," which he clearly didn't.

2 But absent that, I would argue that what he  
3 says is not admissible, it's hearsay, it's not  
4 necessarily an admission. Anything that he said doesn't  
5 make -- Mr. Urick said hasn't made it out to be an  
6 admission. It's like, well, it sort of goes to motive,  
7 that sort of developed over four to six months, doesn't  
8 make it so. So, --

9 THE COURT: I'm gonna allow the State to  
10 inquire as to the relationship that this witness was  
11 aware of based on conversations that she had directly  
12 with the defendant or directly with the victim in a  
13 period of time preceding the murder.

14 However, I'm gonna allow the defense to have  
15 free reign to inquire as to the limitations of that  
16 knowledge, any restrictions that that knowledge may have  
17 had, to including right up to the time of the murder.

18 And I would also remind you that it is to be  
19 her personal knowledge and not based on information she  
20 had received from other sources. So when her sentence  
21 starts off with some other person other than the  
22 defendant, the victim said such and such, or we all knew,  
23 that will be not permitted.

24 MR. URICK: I'm sorry. Did you say she can't  
25 say anything the victim told her?



1 THE COURT: She can tell you -- she can say  
2 what the victim said, she can say what the defendant said  
3 as to their relationship. But beyond that --

4 MS. GUTIERREZ: At any time period prior to her  
5 disappearance?

6 THE COURT: The period of time on or about, as  
7 you've indicated, October, November, December in 1998.  
8 However, I will not allow anything other than what  
9 conversations she had with the witness, victim or the  
10 defendant. Other than that, not a we knew, what we all  
11 knew, what we all heard. That will not be permitted.  
12 And again, I will allow the defense on cross to inquire  
13 to the extent that that information will have  
14 limitations.

15 MR. URICK: Thank you.

16 MS. GUTIERREZ: We would note an objection.

17 THE COURT: All right.

18 (Counsel and the defendant returned to the  
19 trial tables, and the following ensued.)

20 THE COURT: Now, you may reask your last  
21 question or your next question in line with the Court's  
22 ruling.

23 MR. URICK: Thank you.

24 BY MR. URICK:

25 Q. Drawing your attention to the Fall of 1998,

1 about the time of the homecoming dance into the Halloween  
2 holidays, did you have occasion to discuss their  
3 relationship with the victim, Hae Min Lee, and the  
4 defendant, Adnan Syed?

5 A. Yes, I did.

6 Q. What, if anything, --

7 MS. GUTIERREZ: May I have a continuing  
8 objection to this whole line of questions?

9 THE COURT: Yes.

10 MS. GUTIERREZ: Thank you.

11 BY MR. URICK:

12 Q. What, if anything, did Hae Min Lee tell you?

13 A. There had been an argument --

14 MS. GUTIERREZ: I'm gonna object to the form of  
15 the question that allows her any answer.

16 THE COURT: With regard to the line of  
17 questioning that I've already instructed that we will  
18 have some limitations, I would like you to direct the  
19 witness to a specific period of time and the specific  
20 type of information you require. She's already testified  
21 that they met on a regular occasion, so I would ask that  
22 you limit or at least control your witness in the type of  
23 inquiry that you are making so that it's not open ended.

24 BY MR. URICK:

25 Q. Drawing your attention to the period of about

1 the homecoming dance through the Halloween holiday;

2 A. Yes.

3 Q. -- that is, October, November, that period of

4 the Fall year, what, if any, concerns did Hae Min Lee

5 express to you concerning her relationship with Adnan

6 Syed?

7 MS. GUTIERREZ: Objection, and ask for a

8 continuing objection.

9 THE COURT: I understand. Let the record note

10 the continuing objection. It is overruled, you may

11 answer the question.

12 THE WITNESS: Thank you.

13 There had been an incident at the homecoming

14 dance, an argument --

15 MS. GUTIERREZ: Objection. Unless it's based

16 on personal knowledge.

17 THE COURT: We're instructing that you can tell

18 us what someone said to you, that someone being the

19 victim. But you can't tell us --

20 THE WITNESS: I can't -- yeah, I'm not

21 understanding.

22 THE COURT: Do you know who the victim is in

23 the case, Ms. Lee?

24 THE WITNESS: Yes, I do. I just don't

25 understand --

1           THE COURT: Okay. Then listen to what I'm  
2 saying to you.

3           THE WITNESS: Sure.

4           THE COURT: You may tell us what she said to  
5 you.

6           THE WITNESS: Okay.

7           THE COURT: But you may not tell us what  
8 someone else said. So when you say there had been an  
9 incident, I need you to say --

10          THE WITNESS: It's not first-hand experience, I  
11 understand that.

12          THE COURT: Did Ms. Lee tell you that there had  
13 been an incident?

14          THE WITNESS: Yes, she did.

15          THE COURT: All right. Well, that's how you  
16 need to testify.

17          THE WITNESS: Okay.

18          THE COURT: That she said --

19          THE WITNESS: I understand.

20          THE COURT: -- whatever it was that she said.

21          THE WITNESS: Ms. Lee had said that there was a  
22 dispute between the parents of Adnan Syed and herself at  
23 the homecoming dance. And then, after that, that  
24 weekend, they had both come back.

25          Ms. Lee said to me that there was a problem in

1 their relationship due to their interfaith -- to their  
2 interfaith relationship. The fact that they were  
3 different religions, is what I'm trying to say.

4 THE COURT: Your next question?

5 BY MR. URICK:

6 Q. What, if anything else, did she tell you?

7 MS. GUTIERREZ: Objection. Form of the  
8 question.

9 THE COURT: Sustained.

10 BY MR. URICK:

11 Q. What, if -- what, if any, concerns did she  
12 express as to possible effects that that aspect was  
13 having on their relationship?

14 MS. GUTIERREZ: Objection.

15 THE COURT: Overruled.

16 THE WITNESS: Ms. Lee was wondering and asking  
17 me for counsel and my opinion as to what one should do if  
18 he or she were in an interfaith relationship, and was the  
19 faith more important or was the love more important.

20 BY MR. URICK:

21 Q. Did there come a time -- drawing your attention  
22 to about that same period between the  
23 homecoming/Halloween holiday, that you had occasion, or a  
24 morning when Ms. Lee did not show up but the defendant  
25 showed up and you had an occasion to speak to him?

1 MS. GUTIERREZ: Objection.  
2 THE COURT: Overruled.  
3 MR. URICK: You may answer the question.  
4 THE COURT: Yes or no.  
5 THE WITNESS: Yes.  
6 THE COURT: Next question.  
7 BY MR. URICK:  
8 Q. Where were you at that time?  
9 A. I was in room 309, my classroom.  
10 Q. About what time did this occur?  
11 A. Probably about eight o'clock in the morning.  
12 Q. And who, if anyone, was with you in the room?  
13 MS. GUTIERREZ: Objection.  
14 THE COURT: Can we place a time frame on when  
15 we're talking about? This is the Fall of '98 as well?  
16 MR. URICK: Yes, drawing you to the period  
17 between homecoming and Halloween.  
18 THE WITNESS: In the first week of November.  
19 THE COURT: Overruled.  
20 You may answer the question.  
21 BY MR. URICK:  
22 Q. Who, if anyone, was in the room with you?  
23 A. Adnan Syed and myself.  
24 Q. When did he appear?  
25 A. Eight o'clock, around there.

1 Q. How did you first notice him?

2 A. He came into my classroom looking for Hae and  
3 waited for her there.

4 Q. And, just dealing now with what he was doing,  
5 what did he do?

6 A. He was in the far corner of the classroom  
7 looking out the window, and was also asking questions  
8 along the line of what should one do if they are in love  
9 with someone who is not their religion.

10 Q. And did he express any concerns about that  
11 aspect of the relationship to you that day?

12 A. Yes.

13 Q. What were those concerns?

14 A. Should one -- should one break up over this, or  
15 is love strong enough that it can overcome everything.  
16 What will happen down the road if, you know, you were to  
17 marry someone of a different faith.

18 Q. What was he doing while he was asking these  
19 questions?

20 A. He was sitting on the last desk in the last row  
21 looking out the window waiting for Hae, asking questions  
22 to me.

23 Q. And about how long did the two of you talk?

24 A. About maybe 20 minutes.

25 Q. While you were talking with him, what, if

1 anything, unusual occurred?

2 A. The phone rang in my classroom.

3 MS. GUTIERREZ: Objection.

4 THE COURT: Based on the responses that this

5 witness has already given, and also based on the previous

6 objection before the luncheon recess, the Court's going

7 sustain this objection and also the line of questioning

8 on where you're going.

9 BY MR. URICK:

10 Q. Do you recall any further discussion with the

11 defendant that day of those aspects of their

12 relationship?

13 MS. GUTIERREZ: Objection, for all the previous

14 articulated reasons and because that date has not been

15 established.

16 THE COURT: In the Fall of 1998, the State is

17 asking you on that particular day you're recounted to the

18 jury, any additional conversations that you may have had

19 with the defendant, and the objection's overruled.

20 THE WITNESS: Just the same -- the same con --

21 the continuing conversation from that morning.

22 BY MR. URICK:

23 Q. Now, moving forward, do you remember the day

24 that Hae Min Lee disappeared?

25 A. Yes.



1 Q. Did you have occasion to speak with her that  
2 day?

3 A. I don't recall.

4 Q. Did you have occasion to speak with her within  
5 about a week of that time?

6 A. Absolutely.

7 Q. What, if anything, was she telling you at that  
8 time concerning her relationship or relationships?

9 MS. GUTIERREZ: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: She had begun dating someone  
12 else.

13 BY MR. URICK:

14 Q. And what, if anything, did she tell you about  
15 her -- the status of her relationship with the defendant?

16 MS. GUTIERREZ: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: It was over, the relationship.

19 BY MR. URICK:

20 Q. On the day she disappeared, when was the last  
21 time you saw her?

22 A. I don't recall seeing her that day. I don't  
23 know that I saw her that day. I may have but I don't  
24 remember.

25 Q. When did you become aware that she had

1 disappeared?

2 A. The -- the weekend or, I suppose, the Monday  
3 afterwards. Her friends had come to me and said --

4 MS. GUTIERREZ: Objection.

5 THE COURT: Sustained. You can't tell us what  
6 anyone else said.

7 THE WITNESS: Okay.

8 THE COURT: The asked question was when did you  
9 discover, and you discovered it the weekend after, is  
10 that what your testimony is?

11 THE WITNESS: Uh-huh.

12 THE COURT: To the extent that the witness can  
13 testify as to when she got the information, that part of  
14 the answer is admissible to you. As to who told her and  
15 what they said, that is not admissible, and that portion  
16 of her response will be stricken at this time.

17 You may continue.

18 BY MR. URICK:

19 Q. After Hae's disappearance, did there come a  
20 time when you became actively involved in aiding the  
21 Baltimore County detectives in their investigation of her  
22 disappearance?

23 A. Yes.

24 Q. What, if anything, did you do?

25 MS. GUTIERREZ: Objection.

1                   THE COURT: "What, if anything, did you do?"  
2   That is sustained.  
3                   BY MR. URICK:  
4       Q.   What did you do to aid that investigation?  
5       A.   I was in contact with the detective, and he  
6   would ask me to ask certain teachers because they weren't  
7   cooperating necessarily to the full extent, if Adnan was  
8   in class on a certain day, if he was at track practice.  
9               If -- I had to get in touch with some of her  
10   girlfriends so that they could -- I could ask them  
11   questions that he was interested in, and then have them  
12   call him back.  
13       Q.   Did there come a time when you passed on some  
14   questions?  
15       A.   I'm sorry?  
16       Q.   Did there come a time when you passed on some  
17   questions?  
18       A.   Yes.  
19       Q.   Who did you give those questions to?  
20       A.   Deborah [REDACTED]  
21       Q.   Did you have occasion to look at the questions?  
22       A.   I wrote the questions myself.  
23       Q.   What were those questions?  
24       A.   If Hae and Adnan had a special place they went  
25   to, a park or any place like that. I just remember

1 writing that one specifically, I don't -- there were  
2 approximately four or five that I had written down and  
3 given it Deborah [REDACTED], which she placed inside her  
4 agenda book.

5 MS. GUTIERREZ: Objection. Move to strike the  
6 last part of her answer.

7 THE COURT: Overruled if, and only if, did you  
8 see her --

9 THE WITNESS: I saw her place them.

10 THE COURT: Overruled. Next question.

11 BY MR. URICK:

12 Q. Did there come a time when you had occasion to  
13 speak with the defendant about your aid of the missing  
14 persons investigation by the Baltimore County detectives?

15 A. Yes.

16 MS. GUTIERREZ: Objection. For all the  
17 previous cited reasons.

18 THE COURT: Overruled.

19 BY MR. URICK:

20 Q. When did that occur?

21 MS. GUTIERREZ: We have a continuing objection  
22 on this line of questioning.

23 THE COURT: Objection is noted for the record.  
24 Continuing objection is also noted to this entire line of  
25 questioning --

1 MS. GUTIERREZ: Thank you.

2 THE COURT: -- by the State.

3 You may continue.

4 BY MR. URICK:

5 Q. When did that occur, if you can recall?

6 A. During the time I was working with the

7 Baltimore County detectives.

8 Q. Would this have been before the body was found?

9 A. Yes. She was a missing person at that time.

10 Q. Where were you -- where were you when this

11 incident occurred?

12 A. In my classroom.

13 Q. How did it begin?

14 A. Mr. Syed came into my classroom and just asked

15 if I was asking teachers about him, questions about him,

16 which I stated yes, that everyone was being questioned at

17 this time, which we all were. And he just said to me

18 that he would appreciate it if I didn't do that because

19 his parents didn't know everything that went on in his

20 life.

21 Q. How many people were in the room with you at

22 the time?

23 A. I believe Debbie [REDACTED] was there, but I'm not

24 positive. I know it wasn't just the two of us.

25 Q. How far did the defendant stand from you when

1 he said all this?

2 A. I was behind my desk and he was in front of my  
3 desk.

4 Q. And how close to the desk would he have been?

5 A. Two feet away.

6 MR. URICK: If I may have the Court's  
7 indulgence for just a second?

8 THE COURT: Yes, you may.

9 (Pause.)

10 MR. URICK: Witness with the defense.

11 THE COURT: Ms. Gutierrez, at your leisure.

12 CROSS-EXAMINATION

13 BY MS. GUTIERREZ:

14 Q. Ms. Schwab, your faith is Roman Catholic?

15 A. My name is Ms. Schab, please.

16 Q. Your faith is Roman Catholic?

17 A. Yes, it is.

18 Q. And as a Roman Catholic are you forbidden upon  
19 pain of any consequence from dating anyone who's not  
20 Roman Catholic?

21 A. No.

22 Q. And are you forbidden to have sex unless you  
23 are married, with someone of the Catholic faith or any  
24 faith?

25 A. Of any faith.

1 Q. Not any faith. And are you, as a Roman  
2 Catholic, forbidden to have any relationship outside of  
3 marriage?  
4 A. Are you referring to dating?  
5 Q. Any relationship outside of marriage? Yes.  
6 Dating?  
7 A. No, you may date.  
8 Q. You may date. And that's your understanding of  
9 what limits your faith puts on you?  
10 A. Yes.  
11 Q. And you consider yourself to be a practicing  
12 Catholic?  
13 A. Yes, I do.  
14 Q. So it is your understanding that the Roman  
15 Catholic religion permits dating?  
16 A. Yes, ma'am.  
17 Q. Of anyone of any faith; correct?  
18 A. Yes.  
19 Q. And what about sex? Does it permit sex from  
20 individuals dating or otherwise of any religion, Roman  
21 Catholic or any other religion outside of marriage?  
22 A. We are not to have sex before --  
23 Q. You are not to have sex; is that correct? And,  
24 you are familiar, even though you are Roman Catholic,  
25 with other religions in the world, are you not?

1           A.    Yes, I am.

2           Q.    And the disallowance of premarital sex between  
3 persons of any faith dating is not an unusual one, is it?

4           A.    No.

5           Q.    And what faith was Ms. Lee, your friend?

6           A.    I believe she was Baptist, but I'm not sure of  
7 that.

8           Q.    But you're not sure of her faith?

9           A.    No, I'm not.

10          Q.    Thank you.

11                MS. GUTIERREZ: I have nothing else.

12                THE COURT: Any cross -- I mean, any re-direct  
13 in light of the cross?

14                MR. URICK: No, no further questions.

15                THE COURT: Very well. May this witness be  
16 excused?

17                MR. URICK: Yes.

18                THE COURT: May this witness be excused?

19                MS. GUTIERREZ: Yes, I didn't summons her.

20                THE COURT: Can I release?

21                MS. GUTIERREZ: Yes, I didn't summons her.

22                THE WITNESS: Okay. Thank you.

23                THE COURT: On second thought?

24                MR. URICK: I was just -- didn't you tell me  
25 that you got a letter from the defense that they were not



1   excusing you?

2               MS. GUTIERREZ:  Objection.

3               THE COURT:  Mr. Urick, I asked the question of

4   counsel.  I asked the question of you.  Counsel has

5   indicated.  There's no need to have any further

6   discussion because at this point on the record, counsel

7   has indicated that not only does she not need her, but

8   she's released from any requirements of this Court to be

9   here.  So, she is released.

10              MR. URICK:  Thank you, Your Honor.

11              THE COURT:  In fact, if you would like to

12   remain in the courtroom, you're welcome to do so because

13   you're no longer a witness that is sequestered.  But I

14   must advise you that you may not discuss your testimony

15   with anyone who's currently in the courtroom that is a

16   witness, or anyone that's to be a witness in the future.

17   Do you understand?

18              THE WITNESS:  I understand.

19              THE COURT:  Very well.

20              (The witness was excused.)

21              (Pause.)

22              THE COURT:  I need you to remain standing, sir.

23   Raise your right hand, listen to Mr. White as he

24   administers the oath.

25   Whereupon,

1 WILLIAM C. RODRIGUEZ, III,  
2 a witness produced on call of the State, having first  
3 been duly sworn, was examined and testified as follows:  
4 THE CLERK: You may be seated. Please keep  
5 your voice up and state your name and business address for  
6 the record?  
7 THE WITNESS: Dr. William C. Rodriguez, III.  
8 That's R-O-D-R-I-G-U-E-Z.  
9 THE COURT: Witness with you, Mr. Urick.  
10 MR. URICK: Your Honor, if I may have a moment  
11 of the Court's time, I would ask that the three  
12 photograph exhibits be published to the jury at this time  
13 to familiarize them with them so that this witness can  
14 discuss what was going on.  
15 THE COURT: Very well. Any objections to that  
16 process being followed?  
17 MS. GUTIERREZ: No, Judge.  
18 THE COURT: These items are already in  
19 evidence; is that not correct?  
20 MR. URICK: Yes, they are.  
21 THE COURT: And they are 9, 10, and 11;  
22 correct?  
23 MR. URICK: Yes.  
24 THE COURT: If you would take the first set and  
25 pass them to the jury fore -- yeah, that would be

1 perfect. Juror Number 7, and then the last set, pass it  
2 to the foreperson, unless you have some issue about the  
3 order?

4 MR. URICK: No. Do you want me to --

5 THE COURT: Yes. Just saves a little bit of  
6 time. Thank you.

7 (Pause.)

8 THE COURT: I have a scheduling issue. You  
9 know, you don't need to come up. I'm just gonna tell you  
10 what it is. Tuesday, believe it or not, I have 24 cases,  
11 but I have requested my secretary to inquire as to  
12 whether or not any or all of these matters may be either  
13 advanced, postponed, or they may be directed -- be  
14 directed specifically to a judge for trial.

15 And I'm asking that they go postponement court  
16 on Monday, if that is possible. So I'm letting you know  
17 this in advance so that you're aware that on Tuesday.

18 MS. GUTIERREZ: What date is Tuesday?

19 THE COURT: That's Tuesday, 1st. I am going to  
20 start or restart this in the same fashion as I indicated  
21 I would handle my -- because it just doesn't make any  
22 sense to do it any differently. If I'm fortunate, we'll  
23 get rid of either or most of those matters on Tuesday.  
24 If I'm not, it'll give me time to dispose of them.

25 (Pause.)

1 DIRECT EXAMINATION

2 BY MR. URICK:

3 Q. Good afternoon, Dr. Rodriguez.

4 A. Good afternoon.

5 Q. Where are you employed?

6 A. I am employed at the Armed Forces Institute of  
7 Pathology in Washington, D.C.

8 Q. I'd like to ask you to lean forward a little,  
9 if you would. Just speak into the microphone --

10 A. Okay.

11 Q. -- and speak loudly so the jury can hear you.

12 A. The Armed Forces Institute of Pathology, which  
13 is located in Washington, D.C., at the grounds of the  
14 Walter Reed Medical Center.

15 Q. And how long have you been employed there?

16 A. I've been there a little over ten years.

17 Q. And what are you -- what do you do there?

18 A. I primarily hold a distinguished scientist post  
19 where I serve in the office of the Armed Forces Medical  
20 Examiner as the Chief Deputy Medical Examiner for Special  
21 Investigations.

22 Q. And what, if any, expertise do you exercise in  
23 that position?

24 A. My expertise is in forensic anthropology for  
25 which position I served as the Chief Anthropologist.

1 Q. What is forensic anthropology?

2 A. Forensic anthropology is basically the study of  
3 the human body and skeleton for forensic purposes, of the  
4 identification of very decomposed or skeletal remains  
5 leading to the identification and identification of  
6 various types of pathology that are skeletal in nature  
7 and looking at recovery and post mortem analytical  
8 determination.

9 Q. Where do these investigations take you?

10 A. I have traveled throughout the United States  
11 and throughout the world conducting investigations.

12 MR. URICK: Would the defense stipulate to this  
13 witness' expertise as a forensic anthropologist?

14 MS. GUTIERREZ: Certainly we would.

15 THE COURT: Let him be admitted then as a  
16 forensic expert -- excuse me, a forensic anthropologist  
17 expert.

18 Ladies and gentlemen, on occasion we have  
19 individuals that will qualify as an expert. At the  
20 conclusion of this case, I will give you information as  
21 to the law on how you should regard his testimony but for  
22 now, he is accepted as an expert and may render opinion  
23 as such.

24 You may proceed.

25 MR. URICK: Thank you, Your Honor.

1 BY MR. URICK:

2 Q. Dr. Rodriguez, drawing your attention back to  
3 February 9th of 1999, did you have occasion to respond to  
4 Baltimore?

5 A. Yes. I was called by the Baltimore Homicide  
6 detectives and asked if I would bring myself and another  
7 team member out to assist in the recovery of some remains  
8 that had been found.

9 Q. And upon getting that request what, if  
10 anything, did you do?

11 A. I contacted Master Sergeant Graham, who is my  
12 assistant in the laboratory, had him put together some  
13 equipment, and then we met in Mt. Airy and then by car  
14 transported ourselves to the scene for the examination.

15 Q. And by the scene, do you recall where it was  
16 you went?

17 A. It was in Leakin Park.

18 Q. And upon your arrival, what, if anything, did  
19 you observe?

20 A. Basically saw, of course, all the police  
21 officers. We could see some barrier tape that had been  
22 set about there in the woods and equipment that he had  
23 set up for the recovery.

24 MR. URICK: If I may approach the witness at  
25 this time?

1           THE COURT: Yes, you may.

2           BY MR. URICK:

3           Q. I'm going to show you what's already in  
4 evidence as State's Exhibit 9, 10, and 11. And for right  
5 now I'd like you just to take a few moments and look at  
6 the top one which is State's Exhibit Number 9?

7           A. Yes.

8           Q. Can you identify those photographs?

9           A. Yes. These are photographs toward the road-  
10 side, directly outside the initial scene.

11          Q. And do they fairly and accurately depict the  
12 scene on the date in question?

13          A. Yes, they do.

14          Q. Now, if you'd look up on the top row, the third  
15 photograph across, the one on the far -- where your left  
16 hand is. If you'd take a few seconds, do you notice  
17 anything back among the trees?

18          A. You can see a very large log that is lying  
19 down.

20          Q. Further back, if you would?

21          A. And you can see, actually, some in this  
22 picture, some of the detectives and people involved there  
23 at the scene.

24          Q. And they're standing around where the grave  
25 site was?

1           A.    That's correct.

2           Q.    Did you have occasion to go back to the grave  
3 site?

4           A.    Yes, I did.

5           Q.    What, if anything, did you observe there?

6           A.    Basically, went back into this wooded area, and  
7 made our way back, saw the large log or dead tree that  
8 was positioned there on the ground. And on the opposite  
9 side facing away from the roadway, on the log, was  
10 evidence of remains of a body.

11          Q.    And did you have occasion at that point to  
12 examine what you were seeing?

13          A.    Yes, we did. We conducted a thorough  
14 examination initially, setting up a secondary barrier  
15 around the area, tying it off. Then Master Sergeant  
16 Graham and I changed into tie-back suits, taped our  
17 boots, and then began our examination, basically, going  
18 around the very peripheral area and working our way in,  
19 looking at any disturbance in the soil and surrounding  
20 vegetation close into the body.

21               And as we worked our way, got to the remains,  
22 actually, began to examine what we could see of the  
23 remains that were exposed above the soil and leaf debris.

24               From there we conducted alternate light  
25 examination using a hand-held alternate light device to



1 look for trace evidence, followed up by a ultraviolet  
2 light source also to look for trace evidence.

3 Q. Based on your examination of the parts of the  
4 body that were exposed, what, if anything, did you  
5 notice?

6 A. There was clear evidence that the remains had  
7 been exposed by animal activity. Leaf and material  
8 detritus that had covered that area of body near the log,  
9 there was evidence that the animals had actually  
10 scratched away at the body and actually had put some paw  
11 or scratch marks superficially on the clothing of the  
12 body in attempt to uncover it.

13 Q. If you would put that top series of photographs  
14 in the back and look at the one right underneath it,  
15 which is State's Exhibit 10? Take a few seconds to  
16 examine that, if you would?

17 A. I have.

18 Q. Can you identify those photographs?

19 A. Yes. This is at the scene, here, where we have  
20 the large log that is downed in the woods, and we have  
21 three other photographs showing different angle views of  
22 the side of the log where we have partial exposure of the  
23 body that is lying parallel to the log here, in which we  
24 can see some exposure of the body here at the head area  
25 where we see some dark --

1 Q. If you could hold one for just a second.

2 MR. URICK: Could I have the Court's permission  
3 to have the witness leave the stand and come over close  
4 to the jury --

5 THE COURT: Yes.

6 MR. URICK: -- so that they can see the  
7 photographs?

8 THE COURT: Yes. And if you'd like, that easel  
9 has clips at the top, and you're welcome to move the  
10 easel in place and utilize the clips. I believe we may  
11 even have a ruler or something you could use as a  
12 pointer, if you would like.

13 (Pause.)

14 BY MR. URICK:

15 Q. If you would, Doctor, please, starting with the  
16 top left and then going through the top row and then down  
17 to the bottom left going through there, please describe  
18 what is evident in those photographs?

19 A. In here we can see is the large tree that is  
20 downed here. We can see it has a lot of fungi, algae  
21 growth.

22 THE COURT: Okay. I cannot see what you're  
23 going, and the defendant cannot see what you're doing, so  
24 if you move the -- that'll work.

25 Can all of the jurors see at this point?

1           Very well. You may continue.

2           THE WITNESS: Here, again, we see the log and  
3 we see the body which is partially exposed in there lying  
4 parallel to the log. Here down toward the head, here at  
5 the feet, we can see the head with some dark hair  
6 exposed, a portion of the body here and here, which are  
7 exposed.

8           Here we see another shot, again, here we have  
9 the log. Here we have the body laying longitudinally  
10 against the log. We can see a portion of the leg exposed  
11 here.

12           And here we have the head, with a portion of  
13 the very dark hair exposed here, and here we have,  
14 basically, a closeup of this photograph again, with the  
15 log, here you can see the head with the dark hair, and  
16 again, portions of the body that have been exposed.

17           BY MR. URICK:

18           Q. If you would, please, take the top set of  
19 photographs down and spend a few seconds looking at the  
20 ones that should be right underneath it, State's Exhibit  
21 11?

22           A. Okay, I've reviewed those.

23           Q. Can you identify those photographs?

24           A. Yes. This is later in time, after we began our  
25 initial examination of the remains and began to excavate

1 them from the subsurface deposit here.

2 THE COURT: One moment, sir.

3 I need you to assist him. Can you -- is it

4 possible to move that easel back just a little bit?

5 Thank you. All right.

6 And, Ms. Gutierrez, you're welcome to stand

7 there, or, if you would like, you may go around to the

8 other side where you'll be able to see, I think, a little

9 better.

10 Mr. Syed, can you see, at this point?

11 MR. SYED: May I lean over?

12 THE COURT: Yes, you may.

13 All right. Now you may continue, and I

14 apologize. I know this is a small courtroom, but we've

15 made do in the past. So, you may continue.

16 THE WITNESS: Well, here we see in this

17 photograph a number of the leaf debris has been brushed

18 away. We can see we're beginning some excavation to

19 trowel out around the body producing its outline.

20 You can see the leg here bent at the knee.

21 Here over in this photograph you're beginning to see some

22 clothing, again, the head and the dark hair, exposure of

23 a portion of the body.

24 And here this is after the body has been

25 exposed. Now, you can see a portion of the face and

1 bloody fluids around the area of the mouth and nose.

2           The hand here exposed, and here, after the body  
3 has been very carefully troweled, the body was simply  
4 flipped over in front of the actual site into the body  
5 bag.

6           BY MR. URICK:

7           Q.   What, if any, factors affect decomposition in  
8 an outdoor setting like that with a body buried like  
9 that?

10          A.   There are many, many factors that involve the  
11 decomposition of a body in an outdoor environment. You  
12 have temperature, of course, one of the primary factors,  
13 that the colder it is temperature-wise, the process of  
14 decomposition occurs at a slower rate with the decrease  
15 in temperature.

16           Likewise, if the temperatures are very warm, a  
17 body decomposes very rapidly. Moisture, certainly,  
18 moisture allows the body to undergo decomposition where  
19 as a very dry environment, that lack of moisture causes  
20 the body to not decompose as fast, and a very dry  
21 environment, of course, going to the mummification of the  
22 tissues to actually dry out.

23           When a body, for example here, that we have in  
24 contact on a soil floor or substrate versus something  
25 like a carpet or indoors, basically, you have an outdoor

1 environment where you do have quite a bit of moisture,  
2 and this adds, in very cool environments, to keep the  
3 body very cool, and provide moisture to allow this  
4 decompositional process to undergo a fairly slow rate.

5 Q. Did you have occasion to look at the body as it  
6 was disinterred?

7 A. Yes, I did.

8 Q. What, if anything, did you note about the  
9 decomposition of the body itself?

10 A. One that I noted was that the body was in a  
11 fairly good state of preservation. It did have some  
12 shrinkage of the tissues, which you can somewhat see in  
13 the hands, this blanching and shrivelling that you can  
14 see.

15 And there was very extensive mold and fungi  
16 growth. You can see here on this area of the face this  
17 white material, there was a lot of mold and fungi over  
18 many surfaces of the tissue.

19 Q. And what, if anything, does the fungi tell you?

20 A. Typically, fungi growth occurs in a fairly  
21 moist environment, which we certainly have here, and in  
22 very cool weather conditions. The presence of large  
23 patches of mold and fungi is an indicator that there has  
24 been a lengthy post mortem interval or period of time  
25 since death.

1 Q. Did you notice any insect damage at that time?

2 A. No, there was no evidence of any type of  
3 significant insect damage.

4 Q. Would you have expected to find anything like  
5 that at that time of year?

6 A. No, because of the very cool weather, most of  
7 the insects, particularly blowflies, they are only active  
8 at above 55 degrees Fahrenheit. And many of the other  
9 insects, such as carrion beetles that actually feed on  
10 the tissue of a body are inactive at this time of year.

11 Q. Now, based on your expertise and training, and  
12 the state of decomposition as you observed it on the day  
13 that the body was disinterred, would that be consistent  
14 with the victim having vanished, been killed, and buried  
15 on the 13th of January?

16 A. Yes, that would be.

17 Q. Thank you. You may return to the stand at this  
18 time.

19 (Pause.)

20 MR. URICK: If I may have the Court's  
21 indulgence for just a second?

22 (Pause.)

23 BY MR. URICK:

24 Q. Dr. Rodriguez, do these photographs show the  
25 areas where the animal activity occurred?

1           A.    Yes.

2           MR. URICK:  Could I have the witness come back  
3 and show us on the photographs where that damage is  
4 evident?

5           THE COURT:  Yes.

6           Please return to the easel area.

7           MR. URICK:  Using the ones that are up there or  
8 the other set, whichever would be easier.

9           THE WITNESS:  You can see right here in the  
10 areas of the knee that you have, basically, pantyhose  
11 material that has been somewhat frayed or torn.

12           We have some material here, up along the foot  
13 you can see some of the soft tissue.  The foot is  
14 actually exposed, and we have portions of the pantyhose  
15 material.  And up here, along here, closer to the hip  
16 area, you can see that we have some exposure of some of  
17 the soft tissue where animals have, basically, raked  
18 their paw across trying to get at the remains.

19           MR. URICK:  Thank you.

20           THE COURT:  May the witness return to the  
21 witness box?

22           MR. URICK:  Yes, please.

23           THE COURT:  Thank you.

24           MR. URICK:  Witness with the defense.

25                           CROSS-EXAMINATION



1 BY MS. GUTIERREZ:

2 Q. Dr. Rodriguez, you were asked by Mr. Urick was  
3 what you observed in the body, both when you first got  
4 there and after your very careful disinterrment of that  
5 body, that what you saw was that -- was that consistent  
6 with death occurring on the 13th of January; do you  
7 recall that?

8 A. Yes.

9 Q. And you answered yes, that it was; correct?

10 A. That's correct.

11 Q. You are not rendering an opinion that death  
12 occurred on the 13th, are you?

13 A. No, ma'am.

14 Q. And you have never been asked to do that, have  
15 you?

16 A. No, ma'am.

17 Q. And after the careful disinterrment of this  
18 young woman's body, you were not asked to perform the  
19 subsequent autopsy?

20 A. No, ma'am.

21 Q. Or to determine the cause of death?

22 A. No, ma'am.

23 Q. Or to determine, in any way, the time of death?

24 A. I was asked to look and make a determination at  
25 the scene of the approximate time that that body had been

1 there based on decomposition.

2 Q. And that was based on what you observed; is

3 that correct?

4 A. That's correct.

5 Q. After that day, the 9th of February, did you do

6 anything else in regard to this body?

7 A. Yes. I was present during the initial

8 examination the following day.

9 Q. The following day on the 10th?

10 A. Yes, ma'am.

11 Q. And after that, did you do anything else?

12 A. No, ma'am.

13 Q. Did you ever check the temperature chart of the

14 time, including the highs and lows of temperature,

15 between January 13th and February 9th?

16 A. I did do a backdate temperature over the

17 Internet.

18 Q. Okay. And you are aware -- you actually live

19 in Washington, or between Washington and Baltimore?

20 A. That's correct.

21 Q. Okay. So you were familiar that it had been on

22 a pretty -- a particular number of days in that time

23 period that was a pretty strong and deep cold snap?

24 A. That's correct.

25 Q. And that there had been snow? And so, you were

1 told, you didn't understand the significance of the 13th  
2 of January date, did you?

3 A. No.

4 Q. You were just given that information; is that  
5 correct?

6 A. An approximation.

7 Q. And, in your opinion, it is consistent with the  
8 appearance of the body, that she could have died on the  
9 13th; correct?

10 A. That's correct.

11 Q. It is also -- it would be equally as consistent  
12 that she could have died on the 12th of January, would it  
13 not?

14 A. It's very possible.

15 Q. And the same likelihood of consistency that her  
16 death could have occurred on the 14th?

17 A. It's possible.

18 Q. Or even the 15th?

19 A. Yes. There's the --

20 Q. Or even the 16th?

21 A. -- time frame --

22 Q. There's a --

23 A. -- that we're dealing with just approximations.

24 Q. And that's the best that you can do --

25 A. Scientifically. Yes, ma'am.

1 Q. -- notwithstanding all the science; is that  
2 correct?

3 A. That's correct.

4 Q. And so you have never been asked to determine  
5 an exact time or date of death?

6 A. No, ma'am.

7 Q. So, you can't tell us how long that body had  
8 been dead?

9 A. That is correct.

10 Q. Correct? And you can't tell us how and under  
11 what circumstances it died?

12 A. No, ma'am.

13 Q. And you were never asked to do that?

14 A. That's correct.

15 Q. Correct? Now, the -- you discussed at length,  
16 Dr. Rodriguez, what you call the clear evidence of animal  
17 activity that you then pointed out to us?

18 A. Yes, ma'am.

19 Q. The fact that it appears, in your expert  
20 opinion, to be animal activity, is related to your  
21 expertise of examining bodies, is it not?

22 A. That's correct.

23 Q. Most of us lay people, were we to examine a  
24 body, wouldn't be able to tell that it was an animal that  
25 did that?

1 A. It's doubtful.

2 Q. And your expertise, you are a pathologist --

3 A. An anthropologist.

4 Q. -- not just an anthro --

5 A. No, I'm just an anthropologist.

6 Q. -- anthropologist?

7 A. I'm an anthropologist.

8 Q. You're not a medical doctor?

9 A. No, ma'am.

10 Q. You do not hold a medical degree?

11 A. No, ma'am.

12 Q. You do not hold the expertise to examine, as a

13 doctor, as an -- to conduct a pathology of the study of a

14 body that's presented to you?

15 A. Not of soft tissue, pathology.

16 Q. Okay. And -- and you were not at -- you were

17 present during the one that was conducted in this case;

18 right?

19 A. That's correct.

20 Q. And that was conducted by the Medical Examiner,

21 who is a medical doctor, pathologist, in Baltimore?

22 A. That's correct.

23 Q. Is that correct? And that was conducted the

24 day after the removal of this body; is that correct?

25 A. That's correct.

1 Q. The person you brought with you, Master  
2 Sergeant Graham, was brought for his expertise to try to  
3 collect any trace evidence or other evidence that might  
4 be important?

5 A. That's correct.

6 Q. Is that correct? And by "important," meaning  
7 any evidence that might be collected that should not be  
8 disturbed in the disinterrment of this body that might be  
9 able to tell us something about the circumstances of this  
10 body's death?

11 A. That's correct.

12 Q. Is that correct?

13 A. That's correct.

14 Q. And that's why you took so long with him to  
15 disinter the body, you didn't just dig it up?

16 A. That's correct.

17 Q. You examined it? Right? You examined it under  
18 different light sources?

19 A. That's correct.

20 Q. Things that would make visible things that  
21 might not be visible to the naked eye?

22 A. That's correct.

23 Q. And to very carefully disinter, like moving  
24 away from the body the dirt and the leaves that covered  
25 it in some places completely?

1           A.    That's correct.

2           Q.    And to make sure that if there was evidence  
3 there that was foreign to the body or to the soil that  
4 you could visualize it and collect it?

5           A.    That is correct.

6           Q.    And the collection of it was also done with the  
7 same kind of care, was it not?

8           A.    That is correct.

9           Q.    Okay.  Oh.  I was asking you about the animal  
10 activity.  The evidence of animal activity that you  
11 observed on the clothing and this body clearly all  
12 occurred post death; did it not?

13          A.    Yes, ma'am.

14          Q.    And you could tell that from your own  
15 experience; could you not?

16          A.    That's correct.

17          Q.    Although that's not something that most of us  
18 could tell?

19          A.    No, ma'am.

20          Q.    Is that correct?

21          A.    That's correct.

22          Q.    And you also spoke about the rate of  
23 decomposition.  And let me make sure because -- that I  
24 have it straight.  Because it was cold and had at least  
25 some moisture there because of the soil and the leaves

1 over the body, it decomposed at a lower rate --

2 A. A slower rate.

3 Q. -- a slower rate than if it had been hotter and

4 dryer; --

5 A. That's correct.

6 Q. -- is that correct?

7 A. That is correct.

8 Q. And so, it was a pretty well preserved body for

9 being dead however long it had been dead; --

10 A. That is correct.

11 Q. -- is that correct? And decomposition is a

12 biological process; is it not?

13 A. That is correct.

14 Q. That the body goes through after death, that

15 alters the biological composition of what you see?

16 A. That is correct.

17 Q. And you described that? You could see it if

18 you knew evidence of the decomposition in the hands once

19 they became visible?

20 A. That's correct.

21 Q. Because decomposition alters the substance, the

22 feel, the look, the space that skin takes up, does it

23 not?

24 A. Yes.

25 Q. And decomposition alters the fluids in the



1 body, does it not?

2 A. That's correct.

3 Q. And sometimes decomposition creates fluid?

4 A. It can, yes.

5 Q. It can. In fact, it can create fluids that

6 come out of the orifices of the body?

7 A. That is correct.

8 Q. And there is things that happen in

9 decomposition that affect the skin on the body, do they

10 not?

11 A. That's correct.

12 Q. There's slippage of the skin, is it not?

13 A. That is correct.

14 Q. The skin doesn't remain the intact covering of

15 the body once the body's dead.

16 A. That's correct.

17 Q. Is that correct? And all of those are normal

18 biological processes?

19 A. Yes.

20 Q. That occur to everybody no matter what the

21 circumstances of death were; is that correct?

22 A. That is correct.

23 Q. And occur to everybody, regardless of what the

24 temperature is, just at a different rate?

25 A. That's correct.

1 Q. Is that correct?

2 A. Yes.

3 Q. All right. And, so that there are changes

4 like, for instance, you were asked to describe what

5 appeared to be fluid on the face; is that correct?

6 A. That's correct.

7 Q. That fluid could very well be from

8 decomposition, could it not?

9 A. Yes, it's referred to as post-mortem purging.

10 Q. Okay. And that's exactly what that fluid on

11 that body appeared to be, did it not?

12 A. Yes, it did.

13 Q. There were no obvious signs of injury, you

14 know, like a dismemberment of a body part or knife wound,

15 that you observed, were there?

16 A. No, ma'am.

17 Q. And having attended the autopsy the -- the

18 pathological examination of the body the next morning at

19 the pathologist's office, in fact, that pathological

20 review revealed that there weren't any other injuries

21 that were visible to this body?

22 A. I believe that was their findings.

23 Q. That meaning there wasn't any obvious injury,

24 no knife wounds, no wounds that had obvious holes or

25 tears in the body?

1       A.    That's correct.

2       Q.    Is that correct?  Then, that what you observed  
3 to be -- that appeared to be fluid from the face or the  
4 head, in fact, was not the result of a pre-death injury?

5       A.    It appeared just to be purging.

6       Q.    Purging, which was a process that would occur  
7 after death?

8       A.    That's correct.

9       Q.    And purging is not a process that would occur  
10 immediately after death, would it?

11      A.    It's a process that, it's, again, variable in  
12 time on decomposition, but basically is the result of the  
13 gaseous buildup as a result of decomposition.

14      Q.    Of what's inside of you?

15      A.    And basically, any fluids, they can be from  
16 injury, or just a pulling of fluids from the  
17 decompositional process.  They have to go somewhere under  
18 these gaseous pressures, and typically, they are extruded  
19 out through the nose, the mouth, or the anus.

20      Q.    Okay.  And because you describe it as a  
21 process, it occurs over a period of time; is that  
22 correct?

23      A.    That's correct.

24      Q.    And, like all other decomposition processes, in  
25 a cold environment such as you observed on February 9th,

1 that process, over time, at this point, would have taken  
2 a longer time than a shorter time?

3 A. That's correct.

4 Q. Is that correct?

5 A. That's correct.

6 Q. Okay. The -- you were asked that, in the  
7 picture if you look really far back, you could see  
8 detectives or others; --

9 A. That's correct.

10 Q. -- is that correct?

11 A. Yes, ma'am.

12 Q. If you were the body that you disinterred that  
13 day, from the position of the body, could you see to the  
14 road?

15 A. If you were in the exact position of the body,  
16 no.

17 Q. No, because that body was hidden first by --  
18 there along the log, against which it was nestled; is  
19 that correct?

20 A. Yes; that's correct.

21 Q. They had to climb over that log to get to this  
22 partially interred body, if that's the correct term?

23 A. Or would walk around the log.

24 Q. Or walk around the log; is that correct? That  
25 log was in excess of 50 feet, was it not?

1       A.    I didn't exactly measure it, but it was very  
2   big.

3       Q.    It's a very long log, so in order to get to --  
4   and the body, while not quite in the middle, was more in  
5   the middle than at either end, was it not?

6       A.    It appeared to be, yes.

7       Q.    So to get to the body, one would have had to  
8   climb over the log; correct?

9       A.    Correct.

10      Q.    Or go around the end of a very long log on  
11   either end?

12      A.    That's correct.

13      Q.    Is that correct? You were told, when you were  
14   requested by the detectives to come and assist them, that  
15   a body had been found; correct?

16      A.    That's correct.

17      Q.    So you were expecting to find a body in what  
18   you were shown, were you not?

19      A.    Yes.

20      Q.    It was not readily apparent to be a body, or to  
21   be a human body, if you didn't know anything about it,  
22   was it?

23      A.    It would be hard to say.

24      Q.    To tell? You could tell that there might be  
25   things sticking out that may be body parts, but you

1 couldn't tell that it was a body?

2 A. Not until you really looked at it close, you

3 could make out the foot, and the hair.

4 Q. And then make out other things?

5 A. It was very well camouflaged.

6 Q. Very well. Okay. You wouldn't just stumble

7 over that body where it was?

8 A. I think an average person walking over it

9 wouldn't see it.

10 Q. Okay. Thank you.

11 MS. GUTIERREZ: I have nothing further.

12 THE COURT: Any redirect?

13 MR. URICK: No, thank you, Your Honor.

14 THE COURT: May this witness be excused?

15 MR. URICK: Yes.

16 MS. GUTIERREZ: Yes.

17 THE COURT: May this witness be released from

18 any summonses or appearances?

19 You are excused at this time, and you are free

20 to go. I must advise you that all the witnesses have

21 been sequestered, which means you cannot discuss your

22 testimony with anyone else who may be a witness in this

23 case or has been a witness in this case. But you are

24 welcome to remain in the courtroom if you would like.

25 Your testimony is now concluded.

1 THE WITNESS: Thank you, Your Honor.  
2 THE COURT: Thank you.  
3 (The witness was excused.)  
4 THE COURT: Your next witness?  
5 (Pause.)  
6 THE COURT: Please raise your right hand.  
7 Listen to Mr. White as he provides you with the oath.  
8 Whereupon,  
9 NISHA [REDACTED]  
10 a witness produced on call of the State, having first  
11 been duly sworn, was examined and testified as follows:  
12 THE CLERK: You may be seated. Please keep  
13 your voice up, state your name and your address for the  
14 record?  
15 THE WITNESS: My name is Nisha [REDACTED]  
16 THE CLERK: Address?  
17 THE WITNESS: [REDACTED] Silver Spring,  
18 Maryland 20906.  
19 THE COURT: You are welcome to rest your coat,  
20 if you would like, or if you're comfortable the way you  
21 are you may remain like that.  
22 THE WITNESS: Thanks.  
23 THE COURT: Witness with you.  
24 MR. URICK: Thank you, Your Honor. With the  
25 Court's permission, I'd ask the Clerk at this time to

1 hand back to the jurors their individual copies, or  
2 working copies of State's Exhibit 34 for identification.

3 THE COURT: Ladies and gentlemen, you're  
4 receiving your papers -- there are your juror numbers  
5 noted at the top.

6 (Pause.)

7 MR. URICK: If the Court please, at this time  
8 I'd like to approach the witness?

9 THE COURT: Yes, you may.

10 DIRECT EXAMINATION

11 BY MR. URICK:

12 Q. Ms. T■■■■, I'm just, for now putting down in  
13 front of you what's been marked -- it's a copy of what's  
14 been marked for identification purposes as State's  
15 Exhibit 34.

16 Do you know the defendant?

17 A. Yes.

18 Q. How do you know the defendant?

19 A. We met through mutual friends at a New Year's  
20 party.

21 Q. And was that New Year's Eve, 1999?

22 A. Yes.

23 Q. So it would have been December 31st of 1998  
24 into January 1st of 1999?

25 A. Yes.



1 Q. And did you become friends with him at that  
2 time?

3 A. Yeah. We met and we pretty much became  
4 friends, I guess.

5 Q. Did you exchange phone numbers?

6 A. Yes.

7 Q. Did you have occasion to speak with him on the  
8 phone?

9 A. Yes.

10 Q. How would you come to speak to him?

11 A. He would call me up most of the time, and we  
12 would just talk about school and just ask how each other  
13 were.

14 Q. Did there come a time when he got a cell phone  
15 of his own?

16 A. Yes.

17 Q. And do you recall when that was?

18 A. I think it was sometime in January.

19 Q. Okay. Now, I'd like you to look at what's  
20 before you, the Exhibit, and if you notice in the left-  
21 hand column it says "call" and then there are a bunch of  
22 numbers going down, 1 to 34. Starting at the bottom, if  
23 you would, look at number 25?

24 A. Okay.

25 Q. Look across the entire line?

1 A. Okay.

2 Q. Do you identi-- do you recognize that number?

3 A. Yes.

4 Q. Who's number is that?

5 A. That is my number.

6 Q. And would you please read it for the record?

7 A. 301 603 [REDACTED].

8 Q. And if you go across to the next line of type,

9 there's a blank space, then there's a black space. At

10 the top of the column it says "call time," what is

11 indicated there?

12 A. 3:32 and 45 seconds.

13 THE COURT: Just a moment, please.

14 Deputy Sheriff, can you go in the hallway and

15 ask individuals to keep their voices down, and if there's

16 a sign there, turn it so that they can see that there's a

17 court in session.

18 Thank you.

19 BY MR. URICK:

20 Q. And in the next line it says "duration," do you

21 notice a time of duration?

22 A. Yes, two minutes and 22 seconds.

23 Q. And that phone number, is that a cell phone or

24 a residence phone?

25 A. It's a residence phone.

1 MR. URICK: With the Court's permission, I'm  
2 going to go to the exhibit that's posted in the right  
3 hand side.

4 THE COURT: You may.

5 BY MR. URICK:

6 Q. Your last name is spelled [REDACTED]  
7 A. Yes.  
8 Q. That was line 25?  
9 (Pause.)  
10 Q. Who's line was this?  
11 A. It's my phone line.  
12 Q. Is this a private line for yourself at that  
13 residence?  
14 A. Yes.  
15 Q. Now, going up to line 7?  
16 A. Okay.  
17 Q. Look across that line. Do you recognize that  
18 number?  
19 A. Yes.  
20 Q. And who's number is that?  
21 A. That is mine.  
22 Q. And, for the record, would you read it again?  
23 A. 301 603-[REDACTED].  
24 Q. And the time -- the call time for that call  
25 was?

1 A. Nine minutes and one second. And --  
2 Q. Those are hours, minutes, and seconds.  
3 A. Nine minutes --  
4 Q. That's time, not minutes.  
5 A. Oh, okay. So it's one minute and 46, 'cause  
6 there's a --  
7 Q. It's p.m. It's an hour, it's a time.  
8 MS. GUTIERREZ: Objection --  
9 THE WITNESS: Oh, okay.  
10 THE COURT: -- to the State's Attorney  
11 testifying?  
12 THE COURT: Sustained.  
13 BY MR. URICK:  
14 Q. Please look at it again to read the time that  
15 that call occurred?  
16 A. 9:01.  
17 Q. And the next block, which is the time duration,  
18 would you please read further --  
19 A. Okay.  
20 Q. -- and tell what that duration was?  
21 A. It's one minute and 24 seconds.  
22 MR. URICK: With the Court's permission, I will  
23 now, again, write "[REDACTED] household" into the block on  
24 line 7?  
25 THE COURT: Any objections?

1 MS. GUTIERREZ: No, Your Honor.  
2 (Pause.)  
3 BY MR. URICK:  
4 Q. Now, please go up again to the line four and  
5 look across that line?  
6 A. Okay.  
7 Q. Do you recognize that number?  
8 A. Yes.  
9 Q. And who's number is that?  
10 A. Mine.  
11 Q. And for the record, please read it again?  
12 A. 301 603-██████.  
13 Q. Now, go across to the next block of type,  
14 please read the time that the call occurred?  
15 A. 9:57.  
16 Q. And in the next block, the duration of the  
17 call?  
18 A. 24 seconds.  
19 MR. URICK: And with the Court's permission, I  
20 will now write "T██████ residence" again on line 4.  
21 THE COURT: Any objection to that?  
22 MS. GUTIERREZ: No, Your Honor.  
23 (Pause.)  
24 BY MR. URICK:  
25 Q. Now, did there ever come a time when the

1 defendant called you and put a person he identified as  
2 Jay on the line?

3 A. Yes.

4 Q. Please tell the ladies and gentlemen of the  
5 jury what that call consisted of?

6 A. Basically, Jay had asked him to come to an  
7 adult video store that he worked at.

8 Q. No, don't -- tell us what the defendant told  
9 you? Tell us the content of the call?

10 A. Okay. He just asked me how I was doing?

11 Q. When you say "he," who do you mean?

12 A. Adnan.

13 Q. Okay.

14 A. And then he put his phone -- put his friend Jay  
15 on the line, and he basically asked the same question.

16 Q. And he described him as his friend Jay?

17 A. Yes.

18 Q. Do you have any independent recollection of  
19 when that call occurred?

20 A. I can't remember the exact date.

21 Q. And about how long did that call take?

22 A. I would say, like, a minute or so.

23 Q. Okay. Now, --

24 A. It was not that long.

25 Q. -- drawing your attention back to the exhibit,

1 line 25, which was a call -- do you recall about what  
2 time of day that that call occurred?

3 A. The one on -- yeah, I think it was in the  
4 evening time.

5 Q. Now, that call, line 25, is it possible that  
6 that could have been that telephone call?

7 MS. GUTIERREZ: Objection.

8 THE COURT: Sustained as to form of the  
9 question. At this point, I don't know what "that" is,  
10 and so if you could just clarify your question to the  
11 witness. Are you -- when you say "that," are you  
12 referring to the call listed on line 25, or are you  
13 asking the witness to talk about the conversation she  
14 just relayed to the jury?

15 BY MR. URICK:

16 Q. Relating back to the conversation with the  
17 defendant where he put the person named Jay on the phone,  
18 is it possible that line 25 could have been that  
19 telephone call?

20 MS. GUTIERREZ: Objection.

21 THE COURT: Overruled.

22 You can answer the question.

23 THE WITNESS: Okay. I'm not sure, I can't  
24 really recall that particular day, but maybe.

25 MR. URICK: Thank you.

1                   Witness with the defense.

2                               CROSS EXAMINATION

3                   BY MS. GUTIERREZ:

4           Q.    Ms. [REDACTED], you met Adnan Syed at a New's Year  
5 party; correct?

6           A.    Yes.

7           Q.    And he was there to party just like you were,  
8 was he not?

9           A.    Yes.

10          Q.    And you had not met him before; correct?

11          A.    Yes.

12          Q.    It was not a party isolated just for those of  
13 the Muslim faith, was it?

14          A.    No.

15          Q.    You are not of the Muslim faith are you?

16          A.    No.

17          Q.    You're of a different religion than Islam?

18          A.    Yes.

19          Q.    And your religion is?

20          A.    Hinduism.

21          Q.    Okay. And you were aware at the party that  
22 Adnan liked you?

23          A.    Yes.

24          Q.    And you liked him, did you not?

25          A.    Yes.



1 Q. And the who attended the party were all of your  
2 mutual ages, were they not?

3 A. Yes.

4 Q. And you went to that party because of a friend  
5 of yours?

6 A. Yes.

7 Q. Then it was not Adnan who gave the party;  
8 right?

9 A. No.

10 Q. It wasn't at his house?

11 A. No.

12 Q. It was a some other young person's place, or  
13 was it at a place other than a house?

14 A. It was a place other than a house.

15 Q. And attending at the party were how many young  
16 people?

17 A. Hundreds, I'd say.

18 Q. Okay. And in the midst of that -- and it was a  
19 pretty festive occasion?

20 A. Yes.

21 Q. It was noisy?

22 A. Yes.

23 Q. Was there drinking?

24 A. Yes.

25 Q. Was there dancing?

1       A.    Yes.

2       Q.    And almost all of the attendees at the party  
3 were participating in all of those things?

4       A.    Yes.

5       Q.    Is that right? And in that atmosphere, Adnan  
6 Syed caught your eye, did he not?

7       A.    Yes.

8       Q.    And you caught his eye, did you not?

9       A.    Yes.

10      Q.    And you spent the bulk of the party on New  
11 Year's Eve, 1999 together, did you not?

12      A.    Yes, we did.

13      Q.    At the party, and before the party ended you  
14 exchanged personal information?

15      A.    Yes.

16      Q.    That included your phone number; correct?

17      A.    Yes.

18      Q.    And you got his phone number?

19      A.    Yes.

20      Q.    At the time on New Year's Eve, he didn't have a  
21 call phone?

22      A.    No.

23      Q.    Right? But after that time, for the next two  
24 weeks, the two of you sort of kept in contact with each  
25 other, did you not?

1           A.    Yes.

2           Q.    Mostly he called you?

3           A.    Yes.

4           Q.    And you encouraged him to call you, did you

5 not?

6           A.    Yes.

7           Q.    And sometimes he called you more than once a

8 day, did he not?

9           A.    Yes.

10          Q.    And when you would -- you would take his calls

11 if you could, could you not?

12          A.    Yes.

13          Q.    Because you liked him?

14          A.    Yes.

15          Q.    And he expressed a continuing interest in you;

16 is that correct?

17          A.    Yes.

18          Q.    And the times that you would talk on the phone,

19 you would talk and share information about each other to

20 each other?

21          A.    Yes.

22          Q.    Would you not? What you did; is that correct?

23          A.    Yes.

24          Q.    And what was going on in your school lives?

25          A.    Yes.

1 Q. And what your plans were for the next days; is  
2 that correct?

3 A. Yes.

4 Q. All normal stuff; right?

5 A. Yes.

6 Q. Would you describe that two-week time as sort  
7 of the two of you getting to know each other?

8 A. Yes.

9 Q. And you were open to that, were you not?

10 A. Yes, I was.

11 Q. You were open to him as more than just somebody  
12 you met at a party?

13 A. Yes.

14 Q. You were open to him as a possible boyfriend?

15 A. Yes.

16 Q. Correct? And you sensed that he was interested  
17 in you?

18 A. Yes.

19 Q. And you didn't discourage that, did you?

20 A. No.

21 Q. In fact, you encouraged that, didn't you?

22 A. Yes.

23 Q. You liked him, didn't you?

24 A. Yes.

25 Q. And it was obvious he liked you?

1           A.    Yes.

2           Q.    Did you grill him about his prior

3 relationships?

4           A.    No.

5           Q.    Did you allow him to grill you about any prior

6 relationship you may have had?

7           A.    No.

8           Q.    Now, that number, the 603-██████, if Adnan Syed

9 called it, you're the only one he'd be looking to talk

10 to, wouldn't he?

11          A.    Yes.

12          Q.    Okay. Now, the call that you were asked where

13 somebody else got on the phone, that call occurred at

14 that number; is that correct?

15          A.    Yes.

16          Q.    Now, did other people call on that number?

17          A.    Yes.

18          Q.    Okay. For you?

19          A.    Yes.

20          Q.    For other members of your family?

21          A.    Sometimes.

22          Q.    Sometimes. But mostly that number is for you,

23 is it not?

24          A.    Yes.

25          Q.    You're the one that answers it?

1           A.    Yes. .  
2           Q.    And do you have an answering machine or a voice  
3   mail?  
4           A.    No, not for that number.  
5           Q.    Not for that number. But if somebody was to  
6   answer, generally it would be for you; is that correct?  
7           A.    Yes.  
8           Q.    Okay. And in the two weeks from the New Year's  
9   party, you had talked to Adnan sometimes every day for a  
10   couple days in a row?  
11          A.    Yes.  
12          Q.    And sometimes you talked to him more than once  
13   a day?  
14          A.    Yes.  
15          Q.    And often you talked to him late at night?  
16          A.    Yes.  
17          Q.    And during that time period you had learned  
18   that he was a Muslim?  
19          A.    Yes.  
20          Q.    And you were -- that wasn't a surprise to you,  
21   was it?  
22          A.    No.  
23          Q.    There were other Muslims at the party, were  
24   there not?  
25          A.    Yes.

1 Q. You associate with other Muslims, do you not?  
2 A. Yes, of course.  
3 Q. Both girls and boys; is that correct?  
4 A. Yes.  
5 Q. And was the fact that he was a Muslim ever an  
6 issue for you during that two-week period of time where  
7 you're sort of trying it out?  
8 A. No, of course not.  
9 Q. And did that ever come up as a topic of  
10 conversation from you?  
11 A. No.  
12 Q. Did it ever come up as a topic of conversation  
13 from Mr. Syed?  
14 A. No.  
15 Q. Okay. Did you see each other during that time?  
16 A. We saw each other once at another party.  
17 Q. Okay. And that was after the first, so in that  
18 two week period of time, or almost two weeks to the 13th,  
19 you saw him an additional time?  
20 A. I saw him in February.  
21 Q. Okay. So that was after this date?  
22 A. Yes.  
23 Q. So in the first two weeks mostly you got to  
24 know each other by phone?  
25 A. Yes.

1 Q. Okay. And that was not something you  
2 discouraged?  
3 A. No.  
4 Q. And you said mostly he called you, but some of  
5 the times you called him; is that correct?  
6 A. No, actually I didn't call him just because it  
7 was long distance.  
8 Q. Okay. But you didn't refuse his calls?  
9 A. No.  
10 Q. And you didn't discourage him from calling?  
11 A. No.  
12 Q. And after this day, the 13th, you actually saw  
13 him?  
14 A. Yes.  
15 Q. And you knew that you were going to see him,  
16 did you not?  
17 A. Yes, I did.  
18 Q. And that was an okay thing with you, seeing him  
19 again?  
20 A. Yes.  
21 Q. And after this date, you continued to explore  
22 whether or not you and he might have a relationship?  
23 A. Yes, maybe.  
24 Q. And during that time, you got to know each  
25 other better and became more solid friends?



1           A.    Yes.

2           Q.    Is that correct? And, at no point did you ever  
3 discourage his phone calls?

4           A.    No.

5           Q.    No. Now, the time that you said the per -- put  
6 a person named Jay, your belief was that that was at the  
7 video store?

8           A.    Yes.

9           Q.    That they, meaning Adnan and Jay, were at the  
10 video store; is that correct?

11          A.    Yes.

12          Q.    You had never been in that video store?

13          A.    No.

14          Q.    You didn't know what kind of video it was?

15          A.    No.

16          Q.    But your understanding was that Jay worked  
17 there?

18          A.    Yes.

19          Q.    Yes. And that was the information relayed to  
20 you; is that correct?

21          A.    Yes.

22          Q.    And that when the person named Jay -- now, you  
23 never met him, did you?

24          A.    No.

25          Q.    And later, after this day, the 13th, you never

1 met him, did you?

2 A. No.

3 Q. And you wouldn't recognize him today?

4 A. No.

5 Q. And you wouldn't recognize his voice?

6 A. No.

7 Q. Okay. And you knew, did you not, or did you,

8 that Jay was not a current classmate of Adnan?

9 A. I didn't know anything about that.

10 Q. You didn't know anything about it. And,

11 frankly, you weren't interested in Jay, were you?

12 A. No.

13 Q. Did you really care who he was?

14 A. Not really.

15 Q. Or what he was to Adnan?

16 A. No.

17 Q. And did you speak to him long?

18 A. Did I what?

19 Q. Speak to him long?

20 A. No.

21 Q. That time. And was there anything significant

22 to note in that conversation?

23 A. No.

24 Q. And you don't recall when that conversation

25 took place?

1 A. No.

2 Q. So it could have been the 13th or it could have  
3 been any other day from the New Year's party all the way  
4 up until Mr. Syed's arrest on February 28th?

5 A. Yes.

6 Q. Is that right?

7 MS. GUTIERREZ: Thank you. I have nothing  
8 further.

9 THE COURT: Any redirect?

10 MR. URICK: Extremely brief.

11 REDIRECT EXAMINATION

12 BY MR. URICK:

13 Q. Did the defendant ever invite you to call him  
14 at his house?

15 A. No.

16 Q. Did he tell you why not?

17 MS. GUTIERREZ: Objection. Assumes that there  
18 has to be a reason.

19 THE COURT: I understand, I understand. There  
20 -- first of all, the objection is sustained.

21 You can reword the question if you'd like and  
22 perhaps lay a foundation for its admissibility.

23 BY MR. URICK:

24 Q. What, if any, instructions did he give you as  
25 to how to contact him?

1           A.   Excuse me? I'm sorry?

2           Q.   What, if any, instructions did he give you as  
3 to how to contact him?

4           A.   He did give me his pager number. He didn't  
5 give me his house number.

6           Q.   Did he ever give any explanation why he didn't  
7 give his house number?

8           MS. GUTIERREZ: Objection.

9           THE COURT: Overruled.

10          THE WITNESS: Well, later on, he did say that  
11 his parents were a little strict about having girls call,  
12 but he did give me his house number, but I never did call  
13 him.

14          MR. URICK: No further -- nothing else, thank  
15 you.

16                                REXCROSS-EXAMINATION

17          BY MS. GUTIERREZ:

18          Q.   And did you ever reach him on his pager?

19          A.   No.

20          Q.   Okay. And that was your choice?

21          A.   Yes.

22          Q.   There wasn't a reason not to use the pager?

23          A.   No.

24          Q.   So if you had wanted to reach him on the  
25 available number he gave you, you could have?

1           A.    I could have.

2           Q.    Okay.  And when he got his cell phone, he gave  
3 you his call phone number, did he not?

4           A.    Yes, he did.

5           Q.    Okay.  And did you choose to reach him on the  
6 cell phone?

7           A.    No.

8           Q.    For the most part, the contact came from him to  
9 you?

10          A.    Yes.

11          Q.    But that was okay with you?

12          A.    Yes.

13          Q.    You were interested in him?

14          A.    Yes.

15          Q.    And you liked that he called you?

16          A.    Yes.

17                MS. GUTIERREZ:  Thank you.  Nothing further.

18                THE COURT:  Anything further?

19                MR. URICK:  No, thank you.  The witness may be  
20 excused from the State.

21                THE COURT:  All right.

22                And from the defense, may this witness be  
23 excused?

24                MS. GUTIERREZ:  Yes, she may.

25                THE COURT:  You are excused at this time.  I

1 must admonish you that you are a sequestered witness, you  
2 should have no conversations with anyone about what  
3 you've already testified, but if you would like to remain  
4 in the courtroom, you're welcome to do that.

5 THE WITNESS: Okay. Thank you.

6 THE COURT: You are welcome.

7 (The witness was excused.)

8 THE COURT: Your next witness?

9 (Pause.)

10 THE COURT: Please remain standing, raise your  
11 right hand. Listen to Mr. White as he provides you the  
12 oath.

13 Whereupon,

14 Crystal [REDACTED] (mistranscribed, this is Krista)  
15 a witness produced on call of the State, having first  
16 been duly sworn, was examined and testified as follows:

17 THE CLERK: You may be seated.

18 THE WITNESS: Thank you.

19 THE CLERK: You're welcome. Please keep your  
20 voice up, state your name and address for the record?

21 THE WITNESS: Crystal [REDACTED]

22 [REDACTED] Randallstown, Maryland.

23 DIRECT EXAMINATION

24 BY MR. URICK:

25 Q. Good afternoon, Ms. M [REDACTED]. Do you know the

1 defendant?

2 A. Yes.

3 Q. How do you know him?

4 A. As a friend.

5 Q. And how long have you known him?

6 A. For about four years now, since the beginning

7 of high school.

8 Q. And when would you say you started thinking of

9 him as a friend?

10 A. Probably more so this year than all the other

11 years as getting to know him better.

12 Q. When you say "this year," you mean --

13 A. Our senior year of high school, which would

14 have been '98 to '99.

15 Q. Where did you attend school?

16 A. Woodlawn High School.

17 Q. And what type of school is Woodlawn?

18 A. Well, it's a regular high school, and it's also

19 a magnate school for math, science, and pre-engineering.

20 Q. And what program were you in?

21 A. The magnate program.

22 Q. And did you have classes with the defendant?

23 A. Yes, I did.

24 Q. And did you know Hae Min Lee?

25 A. Yes.

1 Q. How long had you known her?  
2 A. About the same length of time, the four years  
3 that she had been in high school.  
4 Q. And did you have classes with her as well?  
5 A. Yes, a few.  
6 Q. As you and the defendant became friends, would  
7 you converse together?  
8 A. Yes.  
9 Q. Would you exchange telephone calls?  
10 A. Yes.  
11 Q. Now, drawing your attention to January of 1999,  
12 --  
13 A. Uh-huh.  
14 Q. -- please describe what your daily schedule was  
15 on a school day?  
16 A. Usually I would get up around 5:30, 6:00 in the  
17 morning, and I'd go to school. I'd be in school usually  
18 around 7:30. I'd arrive. And I had two classes in the  
19 morning and would leave school around 10:30, 10:45, every  
20 day. And I'd leave school and usually either go home and  
21 eat lunch or go directly to work, and I usually worked  
22 from either 12:00 to 4:00, or 1:00 to 5:00.  
23 Q. Drawing your attention to January 13th of 1999,  
24 do you remember that day?  
25 A. Vaguely, yes.



1 Q. Did you attend school in the morning as was  
2 your usual practice?

3 A. Yes.

4 Q. And did you see the defendant that morning?

5 A. Yea. He's in my first period photography class  
6 that day.

7 Q. And did you speak to him on that date?

8 A. Yes.

9 Q. What, if anything, did he say to you?

10 A. I believe that that day he arrived at school on  
11 time, which was rather unusual for him 'cause he was  
12 usually late. And he said that he didn't have his car  
13 for whatever reason and then he had to go pick it up  
14 after school and that Hae was supposed to go take him to  
15 get his car.

16 But I don't remember if it was from his brother  
17 or from the shop.

18 Q. Now, did you go to work that day?

19 A. Yes.

20 Q. And how late would you have worked that day?

21 A. Till five o'clock.

22 Q. Did there come a time when you received a call  
23 from Aisha [REDACTED]

24 A. Yes. During the afternoon, she called me to  
25 let me know that Hae's grandmother and grandfather and

1 brother and mother had been calling her asking if she  
2 knew where Hae was, because they had -- she didn't pick  
3 up her cousin from school and she didn't come home that  
4 day.

5 Q. Where would you have been when you received  
6 that call?

7 A. Probably at work 'cause Aisha would usually  
8 call me between the hours of 4:00 and 5:00 just to say Hi  
9 when she got home.

10 Q. And what, if anything, did you do after you  
11 received that call?

12 A. I know that, later on in the evening after I  
13 had spoken with her again, I'd called Adnan to let him  
14 know, or to ask if Hae had taken him to get his car or  
15 not.

16 Q. When you say you called Adnan, how did you call  
17 him?

18 A. On his cell phone.

19 Q. And if you would, there's that sheet of paper  
20 in front of you which is a copy of State's Exhibit for  
21 identification 34?

22 A. Okay.

23 Q. And there's a cellular phone number at the top,  
24 443 253-[REDACTED]

25 A. Yes.

1 Q. Do you recall if that's the number you called?  
2 A. Yes, that is.  
3 Q. Did you get the defendant?  
4 A. The first time that I tried, no, I did not. I  
5 received his voice mail.  
6 Q. And what, if anything, did you do?  
7 A. I left a message just asking him to call me  
8 when he got a chance.  
9 Q. Okay. Now, I'd like you to look at line 17?  
10 A. Okay.  
11 Q. Look across that line? You'll notice that's  
12 right above line 8. It's line 17, read across all the  
13 way through the telephone number. Do you recognize that  
14 number?  
15 A. Yeah, that's my home phone number.  
16 Q. And would you read it for the record, please?  
17 A. 410 922-██████.  
18 Q. And across to the first block of text that's in  
19 the column that gives you the time of the call, would you  
20 please read the time?  
21 A. 5:38 and 42 seconds.  
22 Q. And in the next column there's a duration of  
23 call, would you please read the duration?  
24 A. Two seconds.  
25 MR. URICK: With the Court's permission, I will

1 now write in line 17 -- is this number your residence  
2 number?

3 THE WITNESS: It's my personal line at my  
4 residence.

5 MR. URICK: I will now write "Meyer's  
6 residence" across line 17.

7 THE COURT: Any objections?

8 MS. GUTIERREZ: No, Your Honor.

9 (Pause.)

10 BY MR. URICK:

11 Q. Now, did you ever talk to him on that day?

12 A. Yeah, I did. I finally reached him later on  
13 that evening sometime after nine o'clock.

14 Q. And how many times did you speak to him that  
15 evening, if you recall?

16 A. I believe twice.

17 Q. Do you recall what was said in those  
18 conversations?

19 A. I know that when I spoke with him, he was in  
20 his car. And I told him about the fact that Aisha had  
21 called and said that Hae had been missing. And he just  
22 commented that that was strange, out of the ordinary.

23 Q. And did he indicate anything else?

24 A. No, just that he was in his vehicle at the  
25 time.

1 Q. Did he indicate having talked to anyone else  
2 about that subject?

3 A. I know that he had said that -- I don't know if  
4 it was that day or later on, that the police did call him  
5 on his cell phone to see if he knew her whereabouts.

6 Q. And did he tell you when that call occurred?

7 A. No.

8 Q. Did he tell you what the subject matter of that  
9 conversation was?

10 A. Just that the detectives wanted to know if he  
11 knew where she was or not.

12 Q. Now, I'd like you to look up at lines 5 and 6?

13 A. Okay.

14 Q. And look across both those lines at the number  
15 called?

16 A. Uh-huh.

17 Q. Do you recognize that number?

18 A. That's, again, my home line at my residence.

19 Q. And just for the record, would you read that  
20 again, please?

21 A. 410 922-██████.

22 Q. Now, on line 6, would you please first read the  
23 time of the call and then the duration of the call?

24 A. 9:03 and 47 seconds p.m., and it lasted five  
25 minutes and 28 seconds.

1 Q. And the line above it, line 5?

2 A. 9:10 and 42 seconds, p.m., lasting eight

3 minutes and 41 seconds.

4 MR. URICK: At this time, with the Court's

5 permission, I'll write "Meyer's residence" on both those

6 lines.

7 THE COURT: Objection?

8 MS. GUTIERREZ: No, Your Honor.

9 (Pause.)

10 BY MR. URICK:

11 Q. Now, drawing your attention back to line 17,

12 the two-second duration call?

13 A. Yes.

14 Q. Do you recall a hang-up call, receiving a hang

15 up call?

16 A. That night, not in particular. I know that one

17 day that week I did receive a hang-up call from his cell

18 phone, but I don't know if it was particularly that day

19 or not.

20 Q. Drawing your attention now to the time after

21 Hae Lee's body was found and she was identified, the day

22 that the Crisis Intervention Team appeared at Baltimore

23 -- at Woodlawn High School?

24 A. Yes.

25 Q. Did you go with the group of friends that went

1 to Aisha Pittman's house that night?

2 A. It was the night before the Crisis Intervention  
3 Team was at our school, but, yes.

4 Q. And was the defendant there that night?

5 A. Yes, he was.

6 Q. And how did he get home that night?

7 A. I drove him home.

8 Q. And where did you let him off?

9 A. At the church parking lot across the street  
10 from his residence.

11 Q. Why didn't you take him to his residence?

12 A. Because he requested that I drop him off across  
13 the street.

14 Q. Did he explain why?

15 A. Usually because his parents didn't approve of  
16 him speaking with girls, especially out of his ethnic  
17 background. So it would have been better for him had I  
18 dropped him off across the street so that they wouldn't  
19 have seen who drove him home.

20 MR. URICK: Witness with the defense.

21 CROSS EXAMINATION

22 BY MS. GUTIERREZ:

23 Q. The -- that night that you're describing, the  
24 night of the Crisis Intervention, a lot of Hae Min Lee's  
25 friends gathered at Aisha [REDACTED]'s house, did they not?

1       A.   Actually, I believe it was Adnan, Aisha,  
2   Stephanie, and I.  
3       Q.   Okay.  
4       A.   There was only four of us.  
5       Q.   And Stephanie is Stephanie [REDACTED]?  
6       A.   Yes.  
7       Q.   And Aisha [REDACTED] and yourself, and Adnan all  
8   matriculated in the magnate program at Woodlawn?  
9       A.   Yes.  
10      Q.   And you had all known each other for at least  
11   the duration of the three years before; --  
12      A.   Correct.  
13      Q.   -- is that correct?  
14      A.   Yes.  
15      Q.   And, Ms. M [REDACTED], you considered yourself a good  
16   friend of Hae Min Lee, --  
17      A.   Yes.  
18      Q.   -- did you not?  
19      A.   Yes.  
20      Q.   You saw her regularly?  
21      A.   Yes.  
22      Q.   You spoke to her regularly? You went with her  
23   places?  
24      A.   Yes.  
25      Q.   And you shared confidences both ways with her?



1           A.    Yes.

2           Q.    And you considered yourself, at least that

3 senior year, a pretty good friend to Adnan Syed?

4           A.    That is correct.

5           Q.    And you did the same thing, you spoke to him,

6 you saw him daily?

7           A.    Yes.

8           Q.    You shared classes and you shared confidences

9 with him back and forth?

10          A.    Yes.

11          Q.    You were aware when your good friend Hae Min

12 Lee and your good friend Adnan Syed became an item, were

13 you not?

14          A.    Yes.

15          Q.    The previous spring?

16          A.    Correct.

17          Q.    Is that correct?

18          A.    Yes.

19          Q.    And out of the whole group of all of you who

20 shared classes, everybody knew that, did they not?

21          A.    Yes.

22          Q.    And prior to the time when they became an item

23 as a girlfriend and boyfriend, everyone in the class knew

24 that Adnan Syed was a Muslim, did they not?

25          A.    They did.

1 Q. And that he didn't, or he had not dated?

2 A. Correct.

3 Q. And he hadn't dated, not just because his

4 parents didn't approve of it, but because his religion

5 didn't encourage that; is that correct?

6 A. Correct.

7 Q. And all of you all just sort of accepted that,

8 did you not?

9 A. Yes.

10 Q. Nobody bugged him and tried to line him up

11 dates, did they?

12 A. No.

13 Q. And after he and your other good friend, Hae

14 Min Lee, got together, everyone was aware that they were

15 now girlfriend/boyfriend, were they not?

16 A. They were.

17 Q. But you were all still aware that Adnan Syed's

18 parents did not approve of that?

19 A. Yes.

20 Q. And, now, you were never intimate with Adnan,

21 were you?

22 A. No.

23 Q. You were never girlfriend to him being a

24 boyfriend; right?

25 A. Correct.

1 Q. But you knew that the ban on women would extend  
2 even if all you did was to drive him home and drop him  
3 off?

4 A. Correct.

5 Q. In view of what you understood his parents'  
6 view to be?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes.

10 Q. And you understood that Adnan, from the time in  
11 the Spring of 1998, all the way through his relationship  
12 with Hae Min Lee, that he was essentially defying his  
13 parents' approval?

14 A. Yes.

15 Q. Okay? And so when he asked you to drop him off  
16 up the street, down the street, around the corner, you  
17 did that knowing that he was concealing this relationship  
18 from his parents?

19 A. Yes.

20 Q. But the relationship was never concealed from  
21 anybody else?

22 A. No.

23 Q. Not from any of Hae Min Lee's friends?

24 A. No.

25 Q. Not from his other friends?

1       A.    No.

2       Q.    And not from school teachers?

3       A.    No.

4       Q.    Everybody knew about it?

5       A.    Yes.

6       Q.    Didn't they?

7       A.    Yes.

8       Q.    And everybody accepted it for whatever it was?

9       A.    Yes.

10      Q.    You were aware of the ups and downs in the  
11 relationship?

12      A.    Correct.

13      Q.    And, because you were a friend of Hae Min  
14 Lee's, you got it from both of them, did you not?

15      A.    Yes.

16      Q.    They were both thinking people, were they not?

17      A.    They were.

18      Q.    They clearly expressed their love for each  
19 other?

20      A.    Yes.

21      Q.    And they were not hesitant to do that in front  
22 of others?

23      A.    Correct.

24      Q.    To be physically affectionate with each other?

25      A.    Yes.

1 Q. And all of you knew from both of them the  
2 various ups and downs of their relationship that included  
3 some times off?  
4 A. Yes.  
5 Q. And those times off would sometimes last for a  
6 day or two?  
7 A. Yeah, or a week.  
8 Q. A week, maybe. Okay. And then they would rush  
9 back together; is that correct?  
10 A. Yes.  
11 Q. And you observed them to continue throughout  
12 those ups and downs to be very loving and concerned about  
13 each other?  
14 A. Correct.  
15 Q. You understood from both of them that they both  
16 thought about the things that caused them difficulty?  
17 A. Yes.  
18 Q. And that the only thing that really caused them  
19 difficulty was the fact that Adnan, as a Muslim, was not  
20 supposed to have any relationship with anyone unless he  
21 was married to her?  
22 A. Yes. I know that that was a big part of it,  
23 yes.  
24 Q. Okay. And they were both very open about that?  
25 A. Yes.

1 Q. But they continued to maintain the  
2 relationship?  
3 A. That's correct.  
4 Q. All Spring?  
5 A. Yes.  
6 Q. And all Summer?  
7 A. Yes.  
8 Q. And all Fall?  
9 A. Yes.  
10 Q. Even though there were ups and downs?  
11 A. Correct.  
12 Q. Sometimes one took a break, and sometimes the  
13 other took a break?  
14 A. Yes.  
15 Q. Is that correct?  
16 A. Right.  
17 Q. All right. Now, you were aware that in mid to  
18 late December --  
19 A. Uh-huh.  
20 Q. -- that they broke up and it appeared to be,  
21 whatever the word final meant?  
22 A. Correct.  
23 Q. Is that correct?  
24 A. Yes.  
25 Q. And you saw each of them on a daily basis after

1 that date, did you not?

2 A. Yes.

3 Q. And that was in school?

4 A. Yes.

5 Q. And out of school?

6 A. Correct.

7 Q. And you understood that this so-called breakup,

8 whatever it was, was hard for both of them?

9 A. Yes.

10 Q. And they both talked about their pain?

11 A. Yes.

12 Q. You were aware, however, that they spoke to

13 each other on a daily basis?

14 A. Yeah, they were still friends.

15 Q. Okay. And their friendship was readily

16 apparent to all who knew them.

17 A. Yes.

18 Q. Is that correct?

19 A. Correct.

20 Q. Neither of them appeared bitter, they appeared

21 sad, but not bitter --

22 A. Yes.

23 Q. -- about the relationship; is that correct?

24 A. Correct.

25 Q. And you observed that Hae Min Lee was trying to

1 build another relationship?

2 A. Yes.

3 Q. And with a person she worked with; --

4 A. Yes.

5 Q. -- is that correct?

6 A. Correct.

7 Q. But that she was having a hard time putting

8 aside her feelings for Adnan?

9 A. I wouldn't go so far as to say that. I know

10 that she had difficulty deciding whether or not to break

11 up with him, and she did work through it.

12 Q. Then she worked through it?

13 A. Right.

14 Q. And she shared some of that with you; correct?

15 A. Yes.

16 Q. And you shared some of it from the other side

17 with Adnan; correct?

18 A. Correct. Yes.

19 Q. You observed Adnan during this period past the

20 breakup; is that correct?

21 A. Yes.

22 Q. And did you ever observe him to appear to be

23 bitter?

24 A. Not bitter, no. Sad, yes.

25 Q. And did -- sad. Sad about the breakup?



1           A.    Yes.

2           Q.    Is that correct? And sad about the loss of the  
3 love?

4           A.    Yes.

5           Q.    But you never heard from him or observed  
6 bitterness from him toward Hae?

7           A.    No.

8           Q.    From him you observed on a daily basis an  
9 expression of love?

10          A.    Correct.

11          Q.    Okay. And he was not shy about expressing  
12 that?

13          A.    No.

14          Q.    Even though you had heard from him and observed  
15 the pain that it caused him to go against his parents'  
16 approval?

17          A.    Correct.

18          Q.    Did you, Ms. [REDACTED] -- well, let me ask you  
19 this. You knew when Adnan got a phone, a cell phone, did  
20 you not?

21          A.    Correct.

22          Q.    Prior to that he had a pager, did he not?

23          A.    Yes, he did.

24          Q.    And that a pager was the way in which all of  
25 his friends normally got hold of him?

1           A.    Right.

2           Q.    Including Hae?

3           A.    Yes.

4           Q.    And you were aware that even after the breakup,

5 Hae continued to page Adnan and give him messages of

6 love?

7           A.    Yes.

8           Q.    Reassuring him of her love for him?

9           A.    Correct.

10          Q.    And that he continued to talk to her about his

11 feelings, including his own feelings of sadness?

12          A.    Yes.

13          Q.    Now, Ms. [REDACTED], did you attend, as a member of

14 the senior class, the homecoming dance that occurred, I

15 think it was Halloween weekend in the Fall of 1998?

16          A.    No, I did not.

17          Q.    No. Did you attend the Junior Prom the year

18 before?

19          A.    Yes, I did.

20          Q.    Okay. Now, you were aware when Adnan got

21 arrested and accused of this crime?

22          A.    Yes.

23          Q.    Has -- you continued to maintain your

24 friendship with him?

25          A.    Yes.

1 Q. Have you continued to speak with him?  
2 A. Yes.  
3 Q. How often?  
4 A. Over the summer, usually every day. Now,  
5 probably at least once a week.  
6 Q. At least once a week, even now?  
7 A. Yes.  
8 Q. And that's by telephone?  
9 A. Yes.  
10 Q. And in addition to telephone, do you write to  
11 him?  
12 A. Yes.  
13 Q. And how often do you do that?  
14 A. Usually when I don't hear from him for the  
15 week, I'll sit down and write him a letter.  
16 Q. Do you still consider him to be your good  
17 friend?  
18 A. Yes.  
19 Q. Have you ever been to Adnan's home where he  
20 resides with two brothers and his parents?  
21 A. No.  
22 Q. To your knowledge, has any of the grouping of  
23 you all from the magnate program ever been inside his  
24 home?  
25 A. Not to my knowledge.

1 Q. Okay. And that doesn't surprise you, does it?

2 A. No.

3 Q. Okay. Now, are there other Muslims in the

4 magnate group?

5 A. Yes, there are.

6 Q. Okay. And you are, while not a scholar,

7 familiar with some of how Islam works?

8 A. Yes.

9 Q. Are you not?

10 A. Yes.

11 Q. And you have had conversations with Adnan

12 regarding the pain and sadness of challenging the tenants

13 of his own religion?

14 A. Correct.

15 Q. Have you not?

16 A. Yes.

17 Q. And has Adnan always appeared to you to be a

18 thoughtful person about his actions?

19 A. Very much so.

20 Q. After the breakup, that you were aware of,

21 between Hae Min Lee and Adnan, were you aware that he was

22 exploring other female relationships?

23 A. Yes.

24 Q. Did he share that information with you?

25 A. Yes.

1 Q. Did you find that odd?  
2 A. No.  
3 Q. That he was going to enter into another  
4 relationship that was also going to be or invite his  
5 parents' disapproval?  
6 A. No.  
7 Q. Not at all?  
8 A. No.  
9 Q. The -- you were speaking about the day before  
10 the Crisis Intervention, Aisha [REDACTED] her relationship  
11 to Hae Min Lee was what?  
12 A. Her best friend.  
13 Q. Okay. And there's a person in your class by  
14 the name of Rebecca [REDACTED]?  
15 A. Yes.  
16 Q. And what was her relationship with Hae Min Lee?  
17 A. She was another one of her best friends.  
18 Q. Her best friend. And there's a person by the  
19 name of Debbie [REDACTED]  
20 A. Uh-huh.  
21 Q. Is -- and who was she in relationship to Hae  
22 Min Lee?  
23 A. I know that she was a close friend of Hae.  
24 Q. But not a best friend?  
25 A. Not as much as Aisha, but I know that she was

1 close to her.

2 Q. Okay. And not as much as Rebecca?

3 A. Correct.

4 Q. All right. There's another person who's name

5 you mentioned, Stephanie. Is that Stephanie [REDACTED]?

6 A. Yes.

7 Q. And you've known Stephanie [REDACTED] since your

8 beginning at Woodlawn?

9 A. Yes.

10 Q. Did you go to the same middle school as Adnan?

11 A. No, I didn't.

12 Q. Or as Stephanie?

13 A. No.

14 Q. Or as Aisha?

15 A. No.

16 Q. So you met all of them when you all started as

17 ninth graders?

18 A. Correct.

19 Q. And all of you were in the Gifted and Talented

20 program?

21 A. Yes.

22 Q. And so you shared classes with all of them

23 throughout your high school career?

24 A. Correct.

25 Q. At least one, if not more classes a day?

1 A. Yes.

2 Q. Is that correct? Now, you were on this program  
3 when you left at the regular time every day in the  
4 morning; is that correct?

5 A. At 10:00 --

6 Q. Back -- back in January of 1999?

7 A. Yes.

8 Q. And then you then worked and you got credit for  
9 that, did you not? That was sort of part of what you  
10 did?

11 A. No, I didn't get any school credit for it  
12 because I had finished my graduation requirements as is,  
13 so it was just of free will.

14 Q. Okay. So you were doing that of your own free  
15 will, but you did it five days a week?

16 A. Yes.

17 Q. The only time that you were required to be in  
18 school was in the morning?

19 A. Correct.

20 Q. All right. Now, did you know a person by the  
21 name of Jay Wilds?

22 A. Oh, yes.

23 Q. And how is it that you knew him?

24 A. As being the boyfriend of Stephanie [REDACTED]

25 Q. Okay. And Stephanie [REDACTED] relationship

1 to Hae Min Lee?

2 A. I believe that they were acquaintances. I  
3 didn't see them very much so as friends, but they knew  
4 each other.

5 Q. They knew each other because they matriculated  
6 in the same Gifted and Talented?

7 A. Correct.

8 Q. And were you aware of Stephanie [REDACTED]  
9 relationship with Adnan?

10 A. Yes.

11 Q. What was that?

12 A. I believe she called herself his best friend.

13 Q. Stephanie M [REDACTED] described herself as Adnan  
14 Syed's best friend?

15 A. Yes.

16 Q. And from what you observed, did that appear to  
17 be true?

18 A. For the most part.

19 Q. And did you ever observe Adnan speaking about  
20 his best friend, Stephanie?

21 A. Yes.

22 Q. And did they interact in a way that seemed  
23 appropriate for best friends?

24 A. Yes.

25 Q. Was there ever any intimate sexual relationship



1 between Stephanie [REDACTED] and Adnan to your knowledge,  
2 or to your observation?

3 A. Not to my knowledge, no.

4 Q. And the -- in regard to Stephanie's  
5 relationship with Jay Wilds, was there any other avenue  
6 on which you had a relationship with Jay?

7 A. No.

8 Q. Were you aware that Jay Wilds provided dope for  
9 the kids, some of the kids at Woodlawn?

10 A. I know that he was involved in that through --

11 Q. Okay. And was that common knowledge?

12 THE COURT: Excuse me.

13 "I know he was involved in that through?

14 THE WITNESS: Through -- usually, how people  
15 talk in high school, knowing that he was avid in the  
16 usage of drugs.

17 THE COURT: Okay.

18 Your next question?

19 BY MS. GUTIERREZ:

20 Q. Was it evident that one could get drugs if one  
21 wanted from Jay?

22 A. If they wanted to, yes.

23 Q. Okay. And was there any other avenue of  
24 relationship that you ever had with Jay?

25 A. No, never.

1 Q. Was there any avenue that you were aware of  
2 from any source including from Hae herself that led you  
3 to believe that she had any independent relationship with  
4 Jay Wilds?

5 A. No.

6 MS. GUTIERREZ: Okay. Thank you. Nothing  
7 further.

8 THE COURT: Any redirect?

9 REDIRECT EXAMINATION

10 BY MR. URICK:

11 Q. These new relationship that the defendant was  
12 forming, he kept them from his parents, too, did he not?

13 A. Correct.

14 Q. Now, when you were ever with Hae Min Lee, did  
15 she have a pager?

16 A. Yes, she did.

17 Q. Would you ever notice her receiving pages from  
18 the defendant?

19 A. When I was with her, a few times, yes.

20 Q. Enough to be noticeable?

21 A. Yes.

22 MR. URICK: Nothing further.

23 THE COURT: Anything further?

24 RECROSS-EXAMINATION?

25 BY MS. GUTIERREZ:

1 Q. Was there anything unusual about her receiving  
2 pages from her boyfriend?  
3 A. No.  
4 Q. Or from someone even after she was no longer a  
5 girlfriend to considered him to be a good friend?  
6 A. No.  
7 Q. Did most of the kids at the school have a pager  
8 and/or a cell phone?  
9 A. Yes.  
10 Q. There was nothing unusual about that at all?  
11 A. No.  
12 MS. GUTIERREZ: Thank you. Nothing further.  
13 THE COURT: All right. May this witness be  
14 excused, Mr. Urick?  
15 MR. URICK: Yes.  
16 MS. GUTIERREZ: Yes.  
17 THE COURT: May this -- Okay. Very well. And  
18 again, is this witness gonna be released from --  
19 One moment.  
20 MS. MURPHY: She can be released.  
21 THE COURT: Very well. You're released from  
22 subpoenas. Let me advise that you are a sequestered  
23 witness. You may not discuss your testimony with anyone  
24 else; That is, anyone that's testified already, or anyone  
25 who is scheduled to testify.

1 THE WITNESS: Okay.

2 THE COURT: I will also advise you you're  
3 welcome to sit in the courtroom if you would like, or, at  
4 this time, you're free to go.

5 THE WITNESS: All right. Thank you.

6 (The witness was excused.)

7 THE COURT: Your next witness, Mr. Urick.

8 And before we do that, ladies and gentlemen, I  
9 note that it's a few minutes before 4:00. Normally we  
10 take a break. You've been sitting her for almost two  
11 hours. By a show of hands, if you'd like to take a break  
12 to walk back to the jury room, please raise your hand?  
13 We'll take a walk. Otherwise, we'll just keep going on.

14 Would anyone like to take a break, stretch your  
15 legs? Okay? Just raise your hand, it's not a big deal,  
16 we normally take a break.

17 A JUROR: Can we stand for a minute?

18 THE COURT: Yeah, you're welcome to stand up,  
19 stretch your legs. Otherwise, we'll keep going, and as  
20 we go, as I said, we're gonna stop at 4:30 today. Let me  
21 know if there's a problem.

22 The next witness may come in.

23 Ma'am, for a moment I'm just gonna ask you to  
24 sit down. My jury's standing up and stretching their  
25 legs.

Mr. Madden, would you like a break? Are you

Mr. White, are you okay?

(Pause.)

THE COURT: I'd like you to stand, raise your  
face Mr. White as he gives you the oath.

AISHA TINEA [REDACTED]

roduced on call of the State, having first  
worn, was examined and testified as follows:

THE CLERK: You may be seated. Please keep  
up, state your name and your address for the

THE WITNESS: Aisha Tinea [REDACTED]  
Catonsville, Maryland.

#### DIRECT EXAMINATION

MS. MURPHY:

Q. [REDACTED], good afternoon. Could you please  
the ladies and gentlemen what is your age?

Q. And where are you currently attending school?  
George Washington University.

Q. And what course of study do you plan to pursue

I'm in pre-med, and I'm double majoring in

1 biology and psychology?

2 Q. Now, did you attend Woodlawn High School?

3 A. Yes.

4 Q. And while you were there, you were in the

5 magnate program?

6 A. Yes.

7 Q. In the Gifted and Talented program?

8 A. Yes.

9 Q. Do you know the defendant, Adnan Syed?

10 A. Yes.

11 Q. How do you know him?

12 A. A person in my class.

13 Q. How long have you known him?

14 A. Since sometime in elementary school. I'm not

15 exactly for sure when.

16 Q. How about the victim in this case, Ms. Hae Min

17 Lee. Did you know her as well?

18 A. Yes.

19 Q. How long did you know her?

20 A. Since the ninth grade.

21 Q. Can you describe your relationship with Ms.

22 Lee? Can you characterize what type of relationship you

23 had with her?

24 A. She was my best friend.

25 Q. Were you also aware of the relationship between

1 Ms. Lee and Mr. Syed?

2 A. Yes.

3 Q. When did you first become aware of that  
4 relationship?

5 A. I can't tell you an exact date, but around  
6 whenever it started. I don't know exactly when.

7 Q. Okay. Do you recall how long they dated?

8 A. For about -- I'd say about ten months or so.

9 Q. During the course of their relationship, did  
10 you become aware of breakups that occurred?

11 A. Yes.

12 Q. Do you recall one specific incident that  
13 occurred around Halloween of 1998?

14 A. Yes.

15 Q. What do you remember about that?

16 A. Just that things weren't working out and they  
17 broke up.

18 Q. Was there a trip that was planned, which you  
19 attended and which Ms. Lee, as well as the defendant,  
20 were scheduled to attend, as well?

21 A. Yes.

22 Q. What was that?

23 A. We were going to Adventure World for  
24 Hallowscream.

25 Q. And when was that trip?

1       A.    I believe it was on Halloween day, so October  
2 31st.

3       Q.    Did Ms. Lee attend?

4       A.    No.

5       Q.    What happened and why did she not go?

6       A.    She said something about she wasn't allowed to  
7 go and her mom didn't want her out of the house, and she,  
8 I think, might have had to go to work. I'm not for sure  
9 exactly.

10      Q.    And was that about the time that Ms. Lee and  
11 the defendant broke up?

12      A.    It was a little after that.

13      Q.    Did you become aware of a time when they broke  
14 up for good?

15      A.    Yes.

16      Q.    Approximately when was that?

17      A.    Mid to late November.

18      Q.    Whose decision was that?

19      A.    With that one I'm not completely, for sure,  
20 whose decision it was.

21      Q.    Did Hae Min Lee indicate to you why they broke  
22 up?

23      A.    Yes.

24      Q.    What did she say?

25      A.    Part of the reason was that their parents



1 didn't know about it, and she didn't like sneaking  
2 around.

3 Q. I'm gonna ask you to remember back to the  
4 homecoming dance of 1998. When would that have occurred?

5 A. I think it was sometime in October, towards the  
6 end. I don't know the exact date.

7 Q. Did you attend that dance?

8 A. Yes.

9 Q. Do you recall any particular incident occurring  
10 involving the defendant's parents?

11 A. Yes.

12 Q. What happened?

13 A. Adnan's parents showed up, and I don't know  
14 what exactly -- everything involved with it was, but it's  
15 something about they were looking for Hae or something.  
16 I'm not exactly for sure.

17 Q. Did Hae ever discuss with you how she felt  
18 about that incident?

19 A. Briefly, yes.

20 Q. And what did she say?

21 MS. GUTIERREZ: Objection.

22 THE COURT: Sustained, unless you are able to  
23 lay a foundation.

24 MS. MURPHY: I'll move on, Your Honor.

25 THE COURT: Uh-huh.

1 BY MS. MURPHY:

2 Q. Ms. [REDACTED] in the Fall of 1998, you had

3 classes with the defendant?

4 A. Uh-huh.

5 Q. What class or classes did you have with him?

6 A. A couple; probably English, Social Studies, and

7 Health. I think my magnet research class.

8 Q. When you had classes with the defendant, would

9 it be uncommon for you all to exchange notes

10 occasionally?

11 A. No.

12 MS. MURPHY: May I approach the witness, Your

13 Honor?

14 THE COURT: Yes, you may.

15 BY MS. MURPHY:

16 Q. Ms. [REDACTED] I'm showing you what's been marked

17 for identification as State's Exhibit 38. I'd ask you to

18 observe both the front and back of that page and let us

19 know if you recognize it?

20 A. Yes, I do.

21 Q. Okay. Looking first at the first page, which

22 is marked with exhibit tag, can you describe what is on

23 that page?

24 A. It's a letter from Hae to Adnan talking about

25 something with when they broke up.

1 Q. Okay. And you recognize Ms. Lee's handwriting?  
2 A. Yes.  
3 Q. And on the reverse side, what -- describe what  
4 is on that page?  
5 A. It was a little note in between me and Adnan  
6 had drawn in class, I guess. And my handwriting's in  
7 pencil, his is in ink.  
8 Q. Okay. You recognize both your handwriting and  
9 Mr. Syed's handwriting?  
10 A. Uh-huh.  
11 MS. MURPHY: Your Honor, I would ask that  
12 State's Exhibit 38 be moved at this time?  
13 THE COURT: Any objection?  
14 MS. GUTIERREZ: I would object.  
15 THE COURT: All right. May I see the exhibit?  
16 (Pause.)  
17 THE COURT: For the record, I note your  
18 objection.  
19 I ask that you indicate a time frame, and, if  
20 you're able to do that through this witness, the exhibit  
21 will be admitted.  
22 MS. MURPHY: Thank you, Your Honor.  
23 BY MS. MURPHY:  
24 Q. Ms. [REDACTED], based on your review of this  
25 exhibit, can you -- do you have an idea of when this note

1 was written?

2 A. It was sometime early in November after the  
3 Adventure World trip.

4 Q. Thank you.

5 MS. MURPHY: Your Honor, I'd ask at this time  
6 the exhibit be admitted.

7 MS. GUTIERREZ: Same objection, and renew the  
8 objection. Prejudicial.

9 THE COURT: There's two parts of handwriting on  
10 it. There's one on the front, there's handwriting on the  
11 back. The witness has testified as to when she wrote on  
12 the back, and are you saying you wrote on the back in  
13 November?

14 THE WITNESS: Yes.

15 THE COURT: Okay. Do you know when the front  
16 page of that was written? Of if there's anything in that  
17 that would indicate to you the time frame, based on your  
18 knowledge of the relationship between the parties?

19 THE WITNESS: This was also written in the  
20 beginning of November, sometime after the Adventure World  
21 trip.

22 THE COURT: And how do you know that?

23 THE WITNESS: Content of the letter.

24 THE COURT: Very well. It'll be admitted over  
25 objection.

1 (State's Exhibit No. 38,  
2 having previously been  
3 marked for identifica-  
4 tion, was received in  
5 evidence.)

6 MS. MURPHY: Thank you, Your Honor. Your  
7 Honor, I would ask to publish this letter to the jurors  
8 by way of Ms. [REDACTED] reading first the front side and  
9 then the back side?

10 THE COURT: Any objection? I know you have an  
11 objection to the --

12 MS. GUTIERREZ: Only to the --

13 THE COURT: I understand that you have an  
14 objection --

15 MS. GUTIERREZ: -- document.

16 THE COURT: -- to the document. That's  
17 preserved. Do you have any objection to the process of  
18 her reading it as opposed to passing it along the jurors  
19 and having them read it?

20 MS. GUTIERREZ: I do. I'd prefer the jurors  
21 read it.

22 THE COURT: I'm gonna allow the witness to read  
23 the exhibit.

24 One caveat: You may not read anything that is  
25 not visible to your eye. You may not decide what

1 something says if it is not clearly written.

2 If you cannot make it out because it's not  
3 clearly written, you are to say "and something is there."  
4 Do you follow me?

5 THE WITNESS: Uh-huh.

6 THE COURT: You may proceed.

7 MS. MURPHY: Your Honor, if I may first.

8 BY MS. MURPHY:

9 Q. Ms. [REDACTED], when was this note exchanged  
10 between you and the defendant? What's -- during what  
11 period of time of day?

12 A. Based on something written on it, I'm guessing  
13 Health class?

14 Q. Okay. If you would please read the first page?

15 A. "Okay. Here it goes. I'm really getting  
16 annoyed that this situation is going the way it is. At  
17 first I kind of wanted to make this easy for me and for  
18 you.

19 "You know people break up all the time. Your  
20 life is not going to end. You'll move on and I'll move  
21 on. But apparently you don't respect me enough to accept  
22 my decision.

23 "I really couldn't give damn about whatever you  
24 want to say. With the way things have been since 7:45 am  
25 this morning, now I'm more certain that I'm making the

1 right choice.

2           The more fuss you make, the more I'm determined  
3 to do what I gotta do. I really don't think I can be in  
4 a relationship like we had, not between us, but mostly  
5 about the stuff around us.

6           I seriously did expect you to accept, although  
7 not understand. I'll be busy today, tomorrow, and  
8 probably till Thursday."

9           THE COURT: Is there something that you cannot  
10 read?

11          THE WITNESS: There is.

12          THE COURT: Then say, "There's something I  
13 cannot read."

14          THE WITNESS: There's something I can't read.  
15 "Other things to do. I better not give you any hope that  
16 we'll get back together. I really don't see that  
17 happening, especially now.

18           I never wanted to end like this, so hostile and  
19 cold, but I really don't know what to do. Hate me if you  
20 will, but you should remember that I could never hate  
21 you."

22           Signed "Hae."

23          BY MS. MURPHY:

24          Q. Now, are there other notations on that first  
25 page?

1           A.    Yes.

2           Q.    Is the first in pencil or in pen?

3           A.    Pencil.

4           Q.    And that would be your writing?

5           A.    Yes.

6           Q.    What does it say?

7           A.    "No I messages."

8           Q.    What does that mean?

9           A.    In Health class we learned something about I

10   messages, and when you're mad at someone you shouldn't

11   say, "You make me mad." You should say, "I feel bad when

12   you do this," so that it's not as harsh.

13          Q.    And you wrote that for what reason?

14          A.    I think when I saw this letter it was in Health

15   class and I wrote it as a joke.

16          Q.    And what is the next notation on that -- on

17   that page?

18          A.    It's in pen, and it's Adnan's handwriting, and

19   it says, "Huh, that's a ghetto," and it says "eye."

20          Q.    Okay. Now if you can turn to the second page,

21   and when you read for the jury this page, indicate

22   whether what you are reading is written in pencil or in

23   pen?

24          A.    Okay. The first thing is in pen, it says, "I'm

25   going to kill," then in pencil it says, "Here's the



1 thing, Hae's pregnant," and I can't read what it says  
2 after that.

3           Then in pen it say, "You should ask her to make  
4 a list of all her symptoms and compare it with the list  
5 on the overhead." Then in pencil it says, "Yeah, let me  
6 ask her 'are your breasts tender.'" And then something  
7 written in pen but scratched out.

8           And then in pencil it says, "Maybe she was  
9 pregnant, she had an abortion on Saturday while we went  
10 to Adventure World." In pen it says, "Her clumsy self  
11 probably tripped and fell on the way to the clinic and  
12 caused an abortion."

13           In pencil it says, "You would never think she's  
14 pregnant, and every time I do anything with a guy I think  
15 I am." In pen it says, "Whenever you kiss a guy, you  
16 probably think you're pregnant. She's scheduled for  
17 sonograms and she's still in denial." And then in  
18 pencil, it says, "Not that bad for me, for her, hell  
19 yeah."

20           Q.   What subject matter were you studying in Health  
21 class at that point?

22           A.   Pregnancy.

23           Q.   Did you have any personal belief or knowledge  
24 that Ms. Lee was pregnant at the time you made these  
25 remarks?

1 A. No.

2 Q. Ms. [REDACTED] --

3 THE COURT: One moment.

4 And again, for the record, your remarks are

5 written in pencil?

6 THE WITNESS: Uh-huh.

7 THE COURT: You may continue.

8 MS. MURPHY: Thank you, Your Honor.

9 BY MS. MURPHY:

10 Q. Ms. Pittman, did you at some point become aware

11 that Ms. Lee began a relationship with a Donald

12 Clinedienst?

13 A. Yes.

14 Q. When did you become aware of that?

15 A. Beginning of -- well, a little bit -- the very

16 end of December.

17 Q. Had you ever met Mr. Clinedienst?

18 A. Yes.

19 Q. How did you meet him?

20 A. She worked in LensCrafters. I would drop by

21 her store. I met him once or twice then.

22 Q. Was he an employee there, or was he visiting

23 Ms. Lee, also?

24 A. He was an employee there.

25 Q. Are you aware of her first date with Mr.

1 Clinedienst?

2 A. Yes.

3 Q. Do you know when that was?

4 A. Not exactly. It was either right before New  
5 Year's Eve or right after, like, the day before or the  
6 day after.

7 Q. Did Ms. Lee express to you how she felt about  
8 this new relationship?

9 A. Yes.

10 Q. What did she say?

11 A. She was just really excited about it.

12 Q. Ms. [REDACTED] I'm gonna ask you now to remember  
13 back to the day that Ms. Lee disappeared. Had you seen  
14 her in school that day?

15 A. Yes.

16 Q. What was the last point you saw her that day?

17 A. Right at the end of the school day at 2:15 in  
18 Psychology class.

19 Q. Was she with anyone else at that point?

20 A. At the time she was talking to Adnan.

21 Q. How did you find out that Ms. Lee was missing?

22 A. Later that day her mom called my house and  
23 asked if I knew where she was.

24 Q. Did you discuss that with anyone else that  
25 afternoon?

1           A.    Yes.  I think -- I know I did, but I don't  
2 remember what time.  I know I talked to Crysta about it  
3 some time in the day.

4           Q.    And did police or detectives ever call you?

5           A.    Yes.  After her mom called me, a police officer  
6 called.

7           Q.    And why did that officer call you?

8           A.    He called saying that she was supposed to pick  
9 up her little cousin from day care or something, that she  
10 hadn't, if I knew where she was.

11          Q.    Did there also come a time that you learned  
12 that Ms. Lee's body had been discovered?

13          A.    Yes.

14          Q.    How did you find out?

15          A.    Her brother called me.

16          Q.    Did you see the defendant that day or anytime  
17 thereabouts?

18          A.    Yes.  He came to my house that night.

19          Q.    Was he the only person who came to your house?

20          A.    No, also Crista and Stephanie.

21          Q.    Did you go to school the next day?

22          A.    Yes.

23          Q.    What was going on at school that day?

24          A.    There were Intervention Crisis people talking  
25 to us, and every -- most of my friends left halfway

1 through the day.

2 Q. Did you also leave?

3 A. Yes.

4 Q. Did the defendant attend school that day?

5 A. Yes.

6 MS. MURPHY: With the Court's indulgence,  
7 please?

8 THE COURT: Yes.

9 (Pause.)

10 MS. MURPHY: May I approach the witness, Your  
11 Honor?

12 THE COURT: Yes, you may.

13 BY MS. MURPHY:

14 Q. Ms. Pittman, again, looking at State's Exhibit  
15 38 which is now in evidence, I'm asking you to focus on  
16 the first line of the second page?

17 A. Okay.

18 Q. Can you read that line for the jurors?

19 A. It says, "I'm going to kill."

20 Q. Do you have any personal recollection of seeing  
21 that line on the particular day you've described?

22 A. No.

23 Q. Thank you.

24 MS. MURPHY: Thank you, Your Honor. I have no  
25 other questions.

1 CROSS-EXAMINATION

2 BY MS. GUTIERREZ:

3 Q. Ms. [REDACTED], the letter that you read is  
4 clearly a letter from handwriting that you recognize from  
5 your best friend as addressed to Adnan, a person in your  
6 words you attended classes with, outlining the breakup of  
7 the relationship and her disapproval of his inability to  
8 accept her breaking up; is it not?

9 A. Yes.

10 Q. You got this letter from the person to whom it  
11 was addressed; right?

12 A. Yes.

13 Q. The person who had been involved with your best  
14 friend; correct?

15 A. Yes.

16 Q. He shared it with you in the middle of Health  
17 class; correct?

18 A. Yes.

19 Q. And the topic of that Health class was  
20 pregnancy, was it not?

21 A. It was.

22 Q. And then on the back of this letter, your best  
23 friend expressing her dismay at her then ex-boyfriend,  
24 you and he have a sort of little riff about whether or  
25 not Hae, your best friend, his ex-girlfriend, might be

1 pregnant; is that correct?

2 A. Yes.

3 Q. It's sort of a joke, is it not? You're dissing  
4 your best friend in your handwriting, are you not?

5 A. I am.

6 Q. And he's dissing her, is he not? And you did  
7 that in school --

8 THE COURT: Wait, wait. Can I have a moment?  
9 You can't just nod your head.

10 THE WITNESS: Okay.

11 THE COURT: Because this gentlemen over here is  
12 a stenographer. He must repeat what you've said.

13 THE WITNESS: Okay.

14 THE COURT: When you nod there's nothing.  
15 Okay?

16 THE WITNESS: Okay.

17 THE COURT: So if you would answer yes or no  
18 when Ms. Gutierrez asks you a question.

19 THE WITNESS: Okay.

20 THE COURT: I apologize for interrupting --

21 MS. GUTIERREZ: That's all right. Thank you  
22 Judge.

23 THE COURT: -- but I wanted the record to be  
24 clear.

25 BY MS. GUTIERREZ:

1 Q. And you engaged in this little riff in the  
2 middle of class; is that correct?

3 A. Yes.

4 Q. Now, you knew that at some point, in fact, it  
5 appears to be days after the missed Adventure World trip,  
6 missed by Hae but not by Adnan, that she broke up with  
7 him; correct?

8 A. Correct.

9 Q. And then her intent, based on not just that  
10 letter, but what you knew from your best friend was to  
11 break up forever, was it not?

12 A. Correct.

13 Q. But forever didn't turn out to be forever, did  
14 it?

15 A. No.

16 Q. Forever never turned out to be forever on a  
17 number of occasions with your best friend Hae and her  
18 ability to decide to remain in a relationship that had  
19 some difficulties?

20 A. Correct.

21 Q. Okay. She broke up with him or took recesses  
22 from him on a regular basis; isn't that correct?

23 A. Not on a regular basis. I only know of two  
24 occasions.

25 Q. Okay. On two occasions, and this is a



1 relationship that you said, at its longest, lasted about  
2 ten months; is that correct:

3 A. Correct.

4 Q. You said, Ms. [REDACTED] you don't remember when  
5 it began but you do recall that it began at or about  
6 Junior Prom in the Spring of 1998; is that correct?

7 A. Yeah.

8 Q. They went to the Junior Prom together, didn't  
9 they?

10 A. Yes.

11 Q. They got fixed up or suggested that they do  
12 that by somebody other than themselves, did they not?

13 A. Not that I know of.

14 Q. You weren't aware of that?

15 A. No.

16 Q. You weren't aware of how they happened to have  
17 a date with each other to attend the Junior Prom?

18 A. No.

19 Q. No. Now, this best friend, Hae Min Lee, had  
20 been your best friend for how long?

21 A. Since tenth grade.

22 Q. Okay. You talked to her on a daily basis, did  
23 you not?

24 A. Correct.

25 Q. Not just in school but outside of school;

1 correct?

2 A. Correct.

3 Q. You visited her at her home?

4 A. Yes.

5 Q. And she visited you at yours?

6 A. Yes.

7 Q. You spent a lot of time with her, did you not?

8 A. Yes.

9 Q. And because of her relationship with Adnan, you

10 ended up becoming closer to Adnan just 'cause she sort of

11 pulled you all together; isn't that correct?

12 A. Correct.

13 Q. That Adventure World trip that she chose to

14 miss because, in your words, "Her mother wouldn't allow

15 it, she wasn't allowed to go, her mother objected,"

16 Adnan, in fact, attended, did he not?

17 A. Correct.

18 Q. There was nothing unusual about that, was

19 there?

20 A. No.

21 Q. A lot of social events occurred where a number

22 of your classmates who were not girlfriend or boyfriend

23 with each other would go do things together; correct?

24 A. Correct.

25 Q. That would include movies; correct?

1       A.    Yes.

2       Q.    Going to each other's houses?

3       A.    Yes.

4       Q.    Having snowball fights?

5       A.    Yes.

6       Q.    Any number of social activities; is that

7 correct?

8       A.    Yes.

9       Q.    The group didn't necessarily socialize just by

10 locked up groupings of two who happened to be girlfriend

11 and boyfriend at any given moment; is that correct?

12       A.    Yes.

13       Q.    So, now, your best friend shared with you her

14 ups and downs in her relationship with Adnan, did she

15 not?

16       A.    She did.

17       Q.    You were aware that she kept a diary, weren't

18 you?

19       A.    Yes.

20       Q.    She shared that diary with you, did she not?

21       A.    Only on one or two occasions.

22       Q.    Okay. And on those occasions you read the

23 entries, did you not?

24       A.    Yes.

25       Q.    For the bulk of the time, from the time of the

1 beginning of her relationship all the way through the  
2 beginning of January, most of the diary entries concerned  
3 her concerns about her love for Adnan and the conflicts  
4 with him and his family because his religion forbade  
5 their relationship, did they not?

6 A. From what I remember, some of them were. How  
7 many were, I don't know.

8 Q. The ones you read were, weren't they?

9 A. Some.

10 Q. Okay. For the bulk of that time period,  
11 whether Adnan and Hae were on and off was really  
12 determined by Hae, was it not?

13 A. Yes.

14 Q. And any of the times when Hae took a break from  
15 the relationship, whether she declared it to be forever  
16 or not, Adnan, whom you saw five days a week and shared  
17 classes with, continued to live, did he not?

18 A. Yes.

19 Q. And he continued to interact with your grouping  
20 of friends, did he not?

21 A. Yes.

22 Q. He didn't break his relationships even when Hae  
23 sort of put him out there and said, "No more," did he?

24 A. No.

25 Q. And he continued to speak with you, did he not?

1 A. Yes.

2 Q. And with all of his other high school friends?

3 A. Yes.

4 Q. And you have heard that, did you not?

5 A. Yes.

6 Q. And the bulk of you all in the magnate program

7 knew each other far better than the rest of the 1700

8 students at Woodlawn, did you not?

9 A. Yes.

10 Q. And for the most part, you consider yourself

11 friends, but there would be qualitative differences as to

12 who was with who; is that correct?

13 A. Yes.

14 Q. Hae's best friends were yourself; correct?

15 A. Yes.

16 Q. And then there was a woman by the name of

17 Rebecca W [REDACTED]?

18 A. Yes.

19 Q. Is that correct? And among other friends was a

20 woman by the name of Debbie [REDACTED]

21 A. Yes.

22 Q. Debbie [REDACTED] would consider herself the best

23 friend of Hae, would she not?

24 A. Yes.

25 Q. But Hae might not necessarily consider Debbie

1 [REDACTED] her best friend?

2 A. No.

3 Q. No. Is that correct?

4 A. Yes.

5 Q. Meaning -- the no meaning Hae didn't consider

6 Debbie [REDACTED] her best friend; correct?

7 A. Correct.

8 Q. Yes. Okay. And there were lots of others.

9 Another classmate was a woman by the name of Stephanie

10 [REDACTED] was there not?

11 A. Yes.

12 Q. And Stephanie [REDACTED] prior to Hae's and

13 Adnan's hooking up, was the best friend of Adnan, was she

14 not?

15 A. As far as I know, yes.

16 Q. And you observed that in the -- almost at that

17 point, three and a half years you had observed Adnan;

18 correct?

19 A. Correct.

20 Q. You didn't go to middle school with Adnan, did

21 you?

22 A. For two years, but not --

23 Q. Okay. So you knew him before then; correct?

24 A. Yes.

25 Q. But Adnan was never a close personal friend?

1       A.    No.

2       Q.    And you never spent time with him, really, on  
3 any regular basis until your best friend Hae became his  
4 girlfriend?

5       A.    Correct.

6       Q.    Is that correct? Okay. Now, you said you  
7 became aware of the breakup was the question you were  
8 asked. You became aware of one occasion regarding  
9 Halloween in the Fall of 1998; do you recall that?

10      A.    Yes.

11      Q.    Now, Halloween day is the day that you recall  
12 was the Adventure World trip --

13      A.    Yes.

14      Q.    -- that you attended?

15      A.    Yes.

16      Q.    And that Adnan attended?

17      A.    Yes.

18      Q.    And prior to Halloween, prior to that was this  
19 homecoming dance; correct?

20      A.    Yes.

21      Q.    And you attended that dance, did you not?

22      A.    Yes.

23      Q.    With a date?

24      A.    No.

25      Q.    Did you -- did your best friend attend?

1 A. Yes.

2 Q. And did she attend with a date?

3 A. Yes.

4 Q. That date was --

5 A. Adnan.

6 Q. -- Adnan, --

7 A. Yes.

8 Q. -- was it not? And at that point they were

9 going strong; correct?

10 A. Yes.

11 Q. Even though they had had some recesses in the

12 relationship; correct?

13 A. I didn't know of any recesses at the time.

14 Q. Were you aware that she refers to the word

15 "recess" in describing breaks in her relationship with

16 Adnan? "Her" meaning Hae? Were you aware of that?

17 A. No.

18 Q. Did she share all with you as her best friend?

19 A. For the most part, yes.

20 Q. Did she share the fact that she was sexually

21 active with Adnan?

22 A. Yes.

23 Q. And you were aware, were you not, because she

24 was your best friend, that Adnan was not her first

25 relationship?



1       A.    Yes.

2       Q.    And not her first intimate relationship?

3       A.    Yes.

4       Q.    And from your point of view, did you believe

5 that she shared everything with you?

6       A.    Yes.

7       Q.    Okay. And, but you were not aware that she

8 ever used the term "recesses" to describe breaks in their

9 relationship?

10      A.    No.

11      Q.    No. Now, in regard to the Halloween -- did the

12 homecoming dance, you saw Adnan there, did you not?

13      A.    Yes.

14      Q.    You became aware that Adnan's parents came up

15 to the dance to look for him, did you not?

16      A.    Yes.

17      Q.    And you became aware that they found him?

18      A.    Uh-huh. Yes.

19      Q.    Right?

20      A.    Yes.

21      Q.    And that they essentially chastised him or

22 reminded him that as a Muslim boy he shouldn't be there?

23      A.    Yes.

24      Q.    You became aware of that, did you not?

25      A.    Yes.

1 Q. And that they asked, or somehow somebody asked  
2 on their behalf, they wanted to speak to Hae Min Lee?  
3 A. Yes.  
4 Q. Is that correct? And that someone, his mother  
5 or his father, actually spoke to her; correct?  
6 A. Not that I know of.  
7 Q. Okay. You weren't aware of that?  
8 A. No.  
9 Q. You were aware that Adnan's parents left?  
10 A. Yes.  
11 Q. It was unusual for parents who weren't acting  
12 as chaperons to sort of come up to the dance, wasn't it?  
13 A. Yes, yes.  
14 Q. It was an unusual event, was it not?  
15 A. Yes, it was.  
16 Q. The fact that it happened sort of spread  
17 through the group of students there, did it not?  
18 A. Yes.  
19 Q. Everybody knew that there was something  
20 happening while it was happening?  
21 A. Yes.  
22 Q. Is that correct?  
23 A. Yes.  
24 Q. And it was sort of titillating to everybody,  
25 was it not?

1           A.    Yes.

2           Q.    Everyone, not just you, her best friend, knew  
3   that Hae Lee had had an intimate relationship at the time  
4   of the Homecoming Dance in the early Fall of 1998 with  
5   Adnan, a boy that everyone knew didn't have relationships  
6   with girls, did they not?

7           A.    Yes.

8           Q.    Everybody knew it?

9           A.    Yes.

10          Q.    Students?

11          A.    Yes.

12          Q.    All teachers?

13          A.    Not all of them.

14          Q.    Hae didn't hide it from anyone in school, did  
15   she?

16          A.    No.

17          Q.    And she didn't hide it from any of her closest  
18   friends; is that correct?

19          A.    Right.

20          Q.    And in school, if one observed Hae Lee and  
21   Adnan together, one could conclude from the observation  
22   that they were girlfriend and boyfriend, could they not?

23          A.    Correct.

24          Q.    From how they treated each other; correct?

25          A.    Yes.

1 Q. How they spoke to each other? How they touched  
2 each other? Is that correct?

3 A. Correct.

4 Q. And how they exhibited their love; correct?

5 A. Correct.

6 Q. And that was readily apparent to anyone who  
7 observed them on any kind of regular basis, was it not?

8 A. Yes.

9 Q. And during that period of time -- now, you knew  
10 Adnan from prior to getting to Woodlawn, you were aware  
11 that he was a Muslim, were you not?

12 A. Yes.

13 Q. And you were aware that, as a Muslim, that he  
14 didn't date, were you not?

15 A. Yes.

16 Q. Most others in your class dated at a certain  
17 time, did they not?

18 A. Yes.

19 Q. At least by the time they got to Woodlawn and  
20 were in high school?

21 A. For the most part, yes.

22 Q. That they dated members of the opposite sex?

23 A. Yes.

24 Q. And out of the group of you in the magnate  
25 program, it would be fair to describe that group as

1   diverse as to race, would it not?

2       A.   Yes.

3       Q.   And diverse as to religion, would it not?

4       A.   Yes.

5       Q.   And diverse as to any kind of cultural or

6   ethnic background?

7       A.   Yes.

8       Q.   And there were not rules that precluded some of

9   you from dating others, were there?

10      A.   No.

11      Q.   And many of the whole group dated within the

12   group, did they not?

13      A.   Not many, but, yes.

14      Q.   Okay.  It wasn't unusual for people to date

15   within their home group, was it?

16      A.   No.

17      Q.   And there was never a time, from the time of

18   the Junior Prom, when your best friend and Adnan got

19   together, that it wasn't apparent to those who saw them

20   in school what was the status of their relationship, was

21   it?

22      A.   No.

23      Q.   And during that period of time, you were aware

24   that Adnan kept this hidden from his parents?

25      A.   Yes.

1 Q. That was a source of great sadness to your best  
2 friend, was it not?

3 A. Yes.

4 Q. And you were aware that that was a source of  
5 great sadness and anguish to Adnan?

6 A. Yes.

7 Q. You got that from him, did you not?

8 A. I could have. I don't remember the exact  
9 conversation.

10 Q. And you got it from her, did you not?

11 A. Yes.

12 Q. And there was nothing hidden about this anguish  
13 eating up these two young people who professed their love  
14 openly?

15 A. No.

16 Q. Nothing. Now, after November -- at the  
17 Homecoming Dance, were you aware that, in fact, Adnan  
18 left with his parents?

19 A. Yes.

20 Q. And were you aware that he came back?

21 A. No.

22 Q. You weren't aware of that?

23 A. No.

24 Q. And you weren't aware that he actually reunited  
25 that very night, even though he left to please his

1 parents, with Hae?

2 A. I know that they ended up seeing each other  
3 later that night, but I didn't know whether it was  
4 because he came back to the dance or they saw each other  
5 later.

6 Q. Later the same night of the Homecoming Dance,  
7 you're aware from your own personal knowledge, that Adnan  
8 and Hae hooked back up?

9 A. Correct.

10 Q. And their hooking up would have been a  
11 violation of all that you knew of that would earn the  
12 continued disapproval of his parents who had been moved  
13 sufficiently to come get their son from the Homecoming  
14 Dance?

15 A. Correct.

16 Q. And after the Homecoming Dance, even though  
17 there was at least a little break, Hae and Adnan hooked  
18 back up again, --

19 A. Yes.

20 Q. -- did they not? They continued to be  
21 boyfriend and girlfriend, did they not?

22 A. Yes.

23 Q. There came another time, and that time, to you  
24 knowledge, occurred before the year 1999; correct?

25 A. Correct.

1 Q. And do you recall when? Any date? Any time  
2 frame of when there became another break up between Adnan  
3 and Hae?

4 A. Mid to late December, before winter break.

5 Q. Okay. Before winter break? Before Christmas?

6 A. Yes.

7 Q. And you are aware that, as a practicing Muslim,  
8 Christmas had no significance for Adnan; correct?

9 A. Correct.

10 Q. And your best friend, Hae Lee, was she a  
11 practicing person of any religion?

12 A. I don't know if she -- what do you mean by  
13 "practicing"?

14 Q. Did she practice her religion on a regular  
15 basis?

16 A. On a regular basis, no, but she celebrated  
17 holidays like Christmas.

18 Q. She celebrated holidays. Is it -- do you know  
19 what religion your best friend was?

20 A. No.

21 Q. Do you know what -- do you know if she belonged  
22 to a church or a similar-type institution?

23 A. No. I remember her saying something that she  
24 was Christian but her grandmother was in different  
25 religions and, therefore, it created some conflict so she



1 didn't practice anything.

2 Q. So she practiced no religion?

3 A. Yes.

4 Q. But she observed what appeared to be Christian  
5 holidays?

6 A. Yes.

7 Q. Such as Christmas?

8 A. Yes.

9 Q. Is that correct?

10 A. Yes.

11 Q. And did you, on your best friend's behalf, ever  
12 initiate any discussion with the person who was in your  
13 class by the name of Adnan Syed?

14 A. Can you repeat that?

15 Q. Did you, as her best friend, ever initiate any  
16 discussion about these issues or their relationship, with  
17 Adnan, who shared classes with you?

18 A. Did I ever initiate? I could have. I don't  
19 know of any specific incidents.

20 Q. You don't recall any specific incidents?

21 A. No.

22 Q. But you do recall speaking to him about the  
23 relationship?

24 A. Yes.

25 Q. Much the same way you did in the letter that

1 you read us?

2 A. Yes.

3 Q. Sometimes it was riffing, was it not?

4 A. Yes.

5 Q. Making jokes?

6 A. Yes.

7 Q. Treating things lightly?

8 A. Yes.

9 Q. And sometimes that occurred whether they were

10 together or whether they were apart?

11 A. Correct.

12 Q. According to this letter, and according to your

13 testimony, they would have been apart during the time

14 that you riffed on the possibility of her being pregnant?

15 A. Yes.

16 Q. Was there ever an actual pregnancy scare?

17 A. Yes.

18 Q. Of Hae?

19 A. Yes.

20 Q. Regarding Hae being made pregnant by Adnan or

21 by someone else?

22 A. By Adnan.

23 Q. By Adnan. And had that scare done anything to

24 Hae that you observed?

25 A. No.

1 Q. Did that impact at all on whether or not they  
2 remained together?

3 A. No.

4 Q. Was Adnan, to your knowledge, made aware of  
5 that scare?

6 A. I'm not for sure.

7 Q. Okay. And you don't remember -- you're not for  
8 sure as to whether or not he was made aware?

9 A. I don't remember.

10 Q. Would you have expected to be made aware of  
11 that information by your best friend?

12 A. Yes.

13 Q. This time you riffed on a pregnancy; correct?

14 A. Yes.

15 Q. You weren't talking about a real pregnancy?

16 A. No.

17 Q. Or a real concern by your best friend; is that  
18 correct?

19 A. Yes.

20 Q. This, the back of that exhibit, was a joke, was  
21 it not?

22 A. Correct.

23 Q. It wasn't meant to be real, was it?

24 A. No.

25 Q. And you never had any real conversation with

1 Adnan about your best friend's real scare about a  
2 possible pregnancy, did you?

3 A. Not that I can recall.

4 Q. Okay. During any of the time that you spoke --  
5 and I assume -- now, when you went to Adventure World,  
6 who else went with you and Adnan?

7 A. Christa and Lorna.

8 Q. Christa [REDACTED]

9 A. Yes.

10 Q. And who?

11 A. Lorna [REDACTED]

12 Q. Lorna. And was that a pleasant occasion?

13 A. Yes.

14 Q. And did you speak to him during that outing?

15 A. Yes.

16 Q. Did you speak to him about the breakup with Hae  
17 Min Lee?

18 A. It wasn't a breakup at that time.

19 Q. Well, I thought that you recalled, and you told  
20 us and you testified, you recalled a breakup shortly  
21 after Halloween; --

22 A. Yes.

23 Q. -- is that correct?

24 A. Yes, after the trip.

25 Q. Okay. After the trip came the breakup?

1           A.    Yes.

2           Q.    At any time after then did you speak to him  
3 about that breakup?

4           A.    Yes.

5           Q.    And did you sense his sadness over it?

6           A.    Yes.

7           Q.    And was he able to express those emotions to  
8 you?

9           A.    Yes.

10          Q.    And did he ever express to you any -- not anger  
11 or emotion, but a desire to hurt the woman that he loved  
12 after she broke up with him?

13          A.    No.

14          Q.    Never. And if he had, you certainly would have  
15 done something about it, would you have not?

16          A.    Yes.

17          Q.    To protect your best friend?

18          A.    Yes.

19          Q.    Is that correct? Now, after -- I was gonna ask  
20 you. There's another woman that you've identified, and  
21 I'm not sure if I asked you that you knew was best  
22 friends with Adnan by the name of Stephanie [REDACTED]

23          A.    Uh-huh.

24          Q.    Is she somebody you would describe as a good  
25 friend?

1           A.    Of mine?  
2           Q.    Yes?  
3           A.    No.  
4           Q.    And is she someone you would describe as a good  
5 friend of Hae Min Lee's?  
6           A.    No.  
7           Q.    No. And there wasn't any animosity, was there?  
8           A.    No.  
9           Q.    And you understood from your own observations  
10 participating in the same magnate program that Stephanie  
11 had continued to be the best friend to Adnan since when  
12 they were in middle school?  
13          A.    Yes.  
14          Q.    You were aware that Stephanie had a boyfriend  
15 outside the group of magnate students, were you not?  
16          A.    Yes.  
17          Q.    And you knew that person, did you not?  
18          A.    Yes.  
19          Q.    His name was Jay Wilds, was is not?  
20          A.    Yes.  
21          Q.    And you didn't consider Jay Wilds a close  
22 personal friend, did you?  
23          A.    No.  
24          Q.    And your best friend, Hae Min Lee, didn't  
25 consider him a close personal friend did she?

1           A.    No.

2           Q.    He was not somebody who was totally welcome  
3 open arms into things that you and your friends did, did  
4 they?

5           A.    No.

6           Q.    But he was present often because of his  
7 relationship with Stephanie [REDACTED] was he not?

8           A.    Yes.

9           Q.    He was also present because he supplied dope to  
10 students at Woodlawn?

11          A.    Not that I knew of.

12          Q.    You didn't arrange to get any dope from Jay?

13          A.    No.

14          Q.    You had no relationship with him about those  
15 things?

16                MS. MURPHY: Your Honor, I'm gonna object at  
17 this point.

18                THE COURT: Overruled.

19                MS. MURPHY: This is beyond the scope.

20                THE COURT: Overruled.

21                You may continue.

22                BY MS. GUTIERREZ:

23          Q.    Did you become aware from any source that  
24 that's what he did?

25          A.    No.

1 Q. Or that others got their dope from him?  
2 A. No.  
3 Q. Were you aware whether or not he owned his own  
4 car?  
5 A. No.  
6 Q. Did you ever become aware that he borrowed, not  
7 only the car of his girlfriend, but of other students up  
8 at Woodlawn on a regular and repeated basis?  
9 A. Yes.  
10 Q. Okay. And that's 'cause you could observe  
11 that, could you not?  
12 A. Yes.  
13 Q. And other students talked about it, did they  
14 not?  
15 A. Yes.  
16 Q. At the time you saw nothing particularly  
17 untoward about that, did you?  
18 A. No.  
19 Q. About them lending this guy, who was somebody's  
20 boyfriend, their car?  
21 A. No.  
22 Q. Now, you became aware when your best friend got  
23 her license to drive, did you not?  
24 A. Yes.  
25 Q. That was in the early Fall of 1998?



1           A.    Yes.

2           Q.    And that shortly after she got her license, her  
3 family acquired a car for her, did they not?

4           A.    Yes.

5           Q.    And that thereafter she then drove every day to  
6 school?

7           A.    Yes.

8           Q.    And drove herself to her work?

9           A.    Yes.

10          Q.    And you were aware of her athletic activities,  
11 were you not?

12          A.    Yes.

13          Q.    And that among the athletic activities that she  
14 participated in was field hockey?

15          A.    Yes.

16          Q.    And if you could, Ms. [REDACTED] did you engage  
17 in athletics?

18          A.    Yes.

19          Q.    What time of year is field hockey?

20          A.    Fall.

21          Q.    Fall. And she participated in the development  
22 of the field -- women's field hockey team, did she not?

23          A.    Yes, but not senior year.

24          Q.    Not senior year. And you were aware that she  
25 also played other sports?

1           A.    Yes.

2           Q.    Among them was lacrosse?

3           A.    Yes.

4           Q.    And lacrosse is a Spring sport?

5           A.    Yes.

6           Q.    And did she participate in lacrosse prior to

7 her senior year?

8           A.    Yes.

9           Q.    Okay. And in addition to those sports, did she

10 engage in any others?

11          A.    Not playing, but she managed the wrestling.

12          Q.    Okay. She managed wrestling, and wrestling was

13 a boy's sport?

14          A.    Yes.

15          Q.    And by managing it, she sort of had to be there

16 at all their practices?

17          A.    No.

18          Q.    Then she had to be there when they went to

19 games?

20          A.    About half of them.

21          Q.    She should have been there?

22          A.    Yes.

23          Q.    Or she was expected to be there the bulk of

24 what that team did, did she not?

25          A.    Yes.

1 Q. 'Cause that was part of her responsibility?

2 A. Yes.

3 Q. Isn't that correct? And in addition to all

4 those activities, you are aware of, of what a good

5 student she was, were you not?

6 A. Yes.

7 Q. And she regularly attended school?

8 A. Yes.

9 Q. And she also worked part time at LensCrafters?

10 A. Yes.

11 Q. Did that include night time employment?

12 A. Yes.

13 Q. And Saturday and Sunday employment sometimes?

14 A. Yes.

15 Q. And she lived on a fairly regular tight

16 schedule just to meet all of her obligations; isn't that

17 correct?

18 A. Yes.

19 Q. You were aware for her periods of time after

20 school ended, -- now let me get this straight -- the 2:15

21 end time, is that when school ends?

22 A. Yes.

23 Q. Is that for everyone?

24 A. Yes.

25 Q. Every student in the school ends school at

1 2:15?

2 A. Well, some people have early dismissal, but  
3 generally, yes.

4 Q. Generally. And after 2:15, were you aware, in  
5 the Fall of 1998, how often Hae Min Lee and Adnan would  
6 see each other?

7 A. Occasionally.

8 Q. Occasionally?

9 A. Yes.

10 Q. On a weekly basis, how do you translate that?

11 A. Maybe twice a week.

12 Q. Did you view, based on your observations or  
13 what your best friend told you, as this relationship  
14 being serious?

15 A. Yes.

16 Q. Was Hae Min Lee in love with Adnan?

17 A. Yes.

18 Q. Based on your observations or your  
19 conversations with either him or with your best friend,  
20 did he appear to be in love with her?

21 A. Yes.

22 Q. Okay. And you -- you considered it a serious  
23 relationship; correct?

24 A. Yes.

25 Q. Were you aware that they saw each other

1 regularly after school in the Fall of 1998?

2 A. What would you define as "regularly"?

3 Q. More than twice a week?

4 A. No.

5 Q. No. And would that surprise you to learn that?

6 A. No.

7 Q. No. Not because you would not be surprised

8 that your friend, Hae Min Lee, perhaps did not share

9 everything about everything with you?

10 A. Can you rephrase that?

11 Q. No, I'll just ask another question. Ms.

12 Pittman, when, in the early weeks of the first of this

13 year, you said you were not sure of the date or time when

14 she began, Hae began to pursue a new relationship, do you

15 recall that?

16 A. Yes.

17 Q. But it was either late in '98, --

18 A. Yes.

19 Q. -- the end of December, or the first couple

20 days of January; correct?

21 A. Yes.

22 Q. Were you aware that their first date occurred

23 on January 1st, 1999?

24 A. I don't -- I don't think I -- if I knew that

25 would be the first date, but I knew there was one

1 occurring then.

2 Q. Okay. Would it surprise you to learn that it  
3 occurred on January 1st, 1999?

4 A. No.

5 Q. Were you aware, from your own personal  
6 knowledge or based on your conversations with Hae Min  
7 Lee, that she was interested in moving on from Adnan?

8 A. Yes.

9 Q. Were you aware that she had some difficulty  
10 with her own emotions about that?

11 A. Yes.

12 Q. That she still struggled, even as she began to  
13 try to find a new relationship, with her own feelings  
14 about Adnan?

15 A. Yes.

16 Q. That she referred to him, and considered him to  
17 be her soul mate in life?

18 A. No. I wasn't aware of that.

19 Q. You weren't aware of that?

20 A. No.

21 Q. And would that surprise you that she referred  
22 to him that way?

23 A. Yes.

24 Q. Had you ever heard her refer to other boys in  
25 her life as the soul mate?

1 A. No.

2 Q. Would you describe her as an expressive person?

3 A. To a certain extent, yes.

4 Q. Did she show some of her feelings?

5 A. Yes.

6 Q. And did she speak about them readily?

7 A. Yes.

8 Q. If she was upset, one would know it?

9 A. Sometimes, not all the time.

10 Q. Whether -- not all the time?

11 A. Yes.

12 Q. But sometimes?

13 A. Yes.

14 Q. Okay.

15 THE COURT: Ms. Gutierrez, I note that it's

16 quarter of five. I'd indicated that we were going to

17 stop at 4:30, which is all right. I'm not trying to rush

18 you.

19 MS. GUTIERREZ: I think I'm just about

20 finished. If I can just have a chance to check my notes

21 to make sure --

22 THE COURT: Oh, very well. I'm not going to

23 rush you in any way.

24 MS. GUTIERREZ: Yes, so, I think I covered

25 everything.

1 THE COURT: We can continue this on our next  
2 day?  
3 (Pause.)  
4 BY MS. GUTIERREZ:  
5 Q. You say you were asked that you remember seeing  
6 Hae talking to Adnan at 2:15 on January 13th?  
7 A. Yes.  
8 Q. There was nothing unusual about that, was  
9 there?  
10 A. No.  
11 Q. Even after they broke up?  
12 A. No.  
13 Q. Even though you don't recall which one did the  
14 actual broke up this last time?  
15 A. Yeah.  
16 Q. They still talked to each other?  
17 A. Yes.  
18 Q. They still saw each other?  
19 A. Yes.  
20 Q. And they still considered each other friends?  
21 A. Yes.  
22 Q. And you got that both from your best friend,  
23 Hae Min Lee?  
24 A. Yes.  
25 Q. And you got it from Adnan?



1           A.    Yes.

2           Q.    Who you still considered to see -- you saw

3 almost every day in class?

4           A.    Yes.

5           Q.    Okay.

6           MS. GUTIERREZ: Thank you. I have no further

7 questions.

8           THE COURT: Any redirect at all?

9           MS. MURPHY: No, Your Honor.

10          THE COURT: Very well. May this witness be

11 excused?

12          MS. MURPHY: Yes.

13          THE COURT: You do not require her to return?

14 Is that right, Ms. Gutierrez?

15          MS. GUTIERREZ: That's correct, Your Honor.

16          THE COURT: Mr. Urick?

17          MR. URICK: No, Your Honor.

18          THE COURT: Let me advise you that you are a

19 subpoenaed witness but you're now being released from

20 that subpoena. You are a sequestered witness. What that

21 means is that you cannot discuss your testimony with

22 anyone.

23          THE WITNESS: Okay.

24          THE COURT: Nor can you discuss it with anyone

25 that may be a witness to come; that is, if you were to

1 talk to them they may not be permitted to testify. You  
2 are also welcome to sit in the courtroom during the  
3 remaining course of this trial. Do you understand?

4 THE WITNESS: Okay.

5 THE COURT: Thank you very much. You may be  
6 excused.

7 (The witness was excused.)

8 THE COURT: Ladies and gentlemen, we are going  
9 to recess court for today. Let me advise you that I've  
10 been told that we're expecting a snowstorm on Sunday so,  
11 therefore, I'm gonna ask that you be alert as you are  
12 passing that copy of Exhibit 34 forward to Mr. White. He  
13 will keep it and will fold it and keep them secured. No  
14 one will read those items. They will be kept locked away  
15 with the other items of evidence, as will your note pads,  
16 because you're gonna leave them face down on your chair.

17 Mr. White will secure them as well with the  
18 other evidence in this case. He's gonna place them back  
19 on your chair later on at the next proceeding.

20 Please also be advised that over the weekend  
21 you're not to read any newspaper, radio, television, or  
22 do any other thing that would provide you information by  
23 way of the media about this case.

24 I also admonish you that you should not discuss  
25 this case with anyone, including your family members, who

1 I'm sure want to know all about what you've been doing.  
2 But you must advise them that it would be inappropriate,  
3 not proper at all for you to discuss the testimony you've  
4 heard, the evidence in this case, or anything about this  
5 case to anyone, whether it be your family members,  
6 another witness, another person, counsel, or anyone else.  
7           If anyone should try to approach you to talk to  
8 you about this case, please advise the Court upon your  
9 return on Monday. And on Monday, assuming there is no  
10 snow, I'm gonna ask that you follow the procedure that I  
11 asked you; that is, you do not have to be here at nine  
12 o'clock, but rather somewhere between 12:30 and, you  
13 know, 1:15-ish.  
14           If you should go to the Jury Commissioner's  
15 Office, they will be there prepared to pay you for  
16 Monday, and you shall go to my Jury Room here on this  
17 floor and wait. At about 1:30, we will be resuming this  
18 trial.  
19           And I say at about 1:30 because what I'm gonna  
20 try to do is break for 12:30 with the docket and resume  
21 this case at 1:30, quarter of 2:00.  
22           Madam Forelady, I'll ask that you count heads,  
23 and one of my staff members will come and check and see  
24 if all 17 of you have arrived safely on Monday.  
25           I wish you all a very pleasant and safe journey

1 home, and a good weekend, and hopefully, I'll see you  
2 back on Monday.

3 If not, on Tuesday morning at nine o'clock,  
4 follow the regular procedure; that is, 9:00 to 9:30, go  
5 be paid. I understand that I've been able to resolve my  
6 docket for Tuesday, and so, therefore, I'm available both  
7 Tuesday and Wednesday. We should have a pretty open days  
8 for trial testimony, so we should be able to move the  
9 case along during those days.

10 At this time, ladies and gentlemen, have a  
11 pleasant weekend, and I'll see you, hopefully, on Monday.

12 (The jury left the courtroom.)

13 THE COURT: May I see that? Where did this  
14 come from?

15 MR. URICK: Detective Bill Ritz.

16 (Pause.)

17 THE COURT: It looks like I have a scheduling  
18 issue. Were copies of this letter provided to everyone?

19 MS. GUTIERREZ: Just now, Judge.

20 THE COURT: I see it says "cc" but I just it  
21 just now myself. It appears that Detective Ritz is  
22 currently under subpoena?

23 MS. GUTIERREZ: Yes.

24 (Pause.)

25 THE COURT: All right. This subpoena was

1 issued by the defense. Has the State requested Mr. --

2 I'm sorry, Detective Ritz to testify in this case?

3 MR. URICK: No, Your Honor. Neither in the  
4 first trial or this trial.

5 THE COURT: All right. And Mr. --

6 (Pause.)

7 THE COURT: All right. With regard to the  
8 notation of a letter from Detective Ritz requesting that  
9 I release him from his requirements under the subpoena,  
10 which is why I generally note. First I will note that  
11 this letter's an acknowledgement that he has, in fact,  
12 received the subpoena. Secondly, I would note that I  
13 have an inquiry that the State will not be needing the  
14 witness; is that correct?

15 MR. URICK: That is correct, Your Honor.

16 THE COURT: Defense, do you believe you'll be  
17 needing this witness?

18 MS. GUTIERREZ: Judge, I did, and I will note  
19 for the record --

20 THE COURT: Okay. No, no. Wait. Cause we  
21 don't have to have a fight about this. I just want to  
22 know --

23 MS. GUTIERREZ: I don't know. I am willing to  
24 look at whether or not Detective McGilvery --

25 THE COURT: Can come.

1 MS. GUTIERREZ: -- can satisfy all of them. I  
2 don't know that off the top of my head.

3 THE COURT: Fine.

4 MS. GUTIERREZ: You know, it --

5 THE COURT: He's under sub --

6 MS. GUTIERREZ: He may or may not.

7 THE COURT: He's under subpoena, he will be  
8 expected to be available with the following caveat: In  
9 the event that by Tuesday we're not able to reach him --

10 MS. GUTIERREZ: I'll certainly try to do this  
11 by Monday, to let you know.

12 THE COURT: -- then we will recess until he's  
13 available. And then we'll come back and finish the case.  
14 So, as far as I'm concerned, this is not an issue. I'd  
15 ask Ms. Gutierrez that if you determine between now and  
16 Tuesday that you will not be needing Detective Ritz, if  
17 you would let the Court know --

18 MS. GUTIERREZ: Yes, I will.

19 THE COURT: -- so that he may be advised.  
20 If he is advised that he's not needed, no  
21 problem. If you advise me that he will be needed, that  
22 at the point in time when we need his testimony, we will  
23 recess. So that you will have more than enough time to  
24 call him.

25 MS. GUTIERREZ: Well, the only thing I know,

1 Judge, I don't -- certainly it can, particularly with the  
2 weather, but I don't think that any of us anticipate this  
3 trial going up until and including the 16th, which would  
4 mean a lengthy delay for the sole purpose of presenting a  
5 defense witness.

6 That presents some great difficulties for a  
7 defendant to choose, you know, to cut up his defense to  
8 unfairly highlight certain things than others that I  
9 believe are not fair and not consistent with due process.

10 THE COURT: Ms. Gutierrez, I am not going to  
11 give in to your strategy, tactical or otherwise, nor am I  
12 going to get into how the defense chooses to put on a  
13 case, what witnesses to call, whether to call any, all,  
14 none. I will not get involved in that.

15 You've issued a subpoena for a witness, and you  
16 heard me say that I accept this as acknowledgement that  
17 that witness has received that subpoena. And I will  
18 ensure that your witness is available to testify, and if  
19 that means we recess the case until he has returned to  
20 the continental United States, that's what we will do.  
21 If you choose to call him first, last, or you decide not  
22 to call him at all, that is up to you.

23 MS. GUTIERREZ: No, but --

24 THE COURT: You've issued the subpoena.

25 MS. GUTIERREZ: -- the reality is that, you

1 know, there is no chance of reaching the defense prior to  
2 midnight on the second, so our only choice is that the  
3 Court has left us is no choice, and so you are impacting  
4 on --

5 THE COURT: That's not true, Ms. Gutierrez --

6 MS. GUTIERREZ: -- waiting two weeks  
7 potentially before calling a defense witness, out of  
8 turn, unrelated to a cohesive defense.

9 THE COURT: Well, Ms. Gutierrez, if I recall,  
10 you have about 25 to 30 defense witnesses listed.

11 MS. GUTIERREZ: That's correct, Your Honor.  
12 But --

13 THE COURT: And so, as far --

14 MS. GUTIERREZ: -- we're not required to put  
15 any of them on --

16 THE COURT: That's right.

17 MS. GUTIERREZ: -- and we may not.

18 THE COURT: That's -- and I -- that's why I  
19 said --

20 MS. GUTIERREZ: Detective Ritz and McGilvery's  
21 testimony goes to the only available way to get in  
22 certain information about which the lack of disclosure we  
23 have complained repeatedly. This is based on disclosure.  
24 They were both served with summonses --

25 THE COURT: I don't require you to tell me the



1 reasons for your calling them.

2 MS. GUTIERREZ: -- to appear as defense  
3 witnesses in the middle of the last trial.

4 THE COURT: I do not require you telling me  
5 why.

6 MS. GUTIERREZ: And that was done that because  
7 they insisted. They wouldn't even agree to stay around,  
8 although Mr. Urick had them there every day, insisted  
9 that the only way they would respond is if we served them  
10 with summonses, so we did.

11 THE COURT: I don't require you to tell me the  
12 reason why you're calling them at this time. Nor do I  
13 require your telling me what order you want to call them.  
14 I'm just ensuring for you that you have subpoenaed this  
15 witness. I will not release him from that subpoena.

16 However, I will accommodate a prearranged  
17 travel that is going to occur sometime between February  
18 2nd, and the 16th. You have a copy of that letter. I  
19 will afford him the same opportunity I would you or  
20 anyone else, if there were some scheduling issue that  
21 came up.

22 I'm advising you that I will, if necessary,  
23 break in this trial until that witness is available. If  
24 you decide that that is your next witness and you do not  
25 wish to call him out of turn, we will recess till he

1 returns.

2           If you decide that at that point in trial you  
3 would like to call him or some other witness, you are  
4 welcome to do that. But I will let you know that I  
5 accept this as his receipt of the summons, as  
6 acknowledgement of his duty to be present, and I will  
7 advise him that upon his return he should let the Court  
8 know.

9           Now, at some point, we may finish the case but  
10 for this witness, or it may be that we use that time to  
11 go over jury instructions, or in any other way make  
12 effective use of the time when the witness is not  
13 available. But at this juncture, on a day when a  
14 snowstorm is due, when I don't even have any idea if  
15 we're gonna be sitting for the first three days of the  
16 week at all, I'm letting you know that I will honor your  
17 subpoena, the Court will honor it to the extent that this  
18 witness will be made available to you, so that he's  
19 available for your defense.

20           All right? Are there any other matters before  
21 we break for the weekend?

22           MR. URICK: Detective Ritz is present if you  
23 want to advise him?

24           THE COURT: Very well. Detective Ritz, I need  
25 to advise you that I have received your letter, I have

1 first acknowledged that you have received the summons,  
2 so, therefore, you must honor that summons with the  
3 exception that you are leaving the United States on  
4 February 2nd?

5 MR. RITZ: Yes, Your Honor.

6 THE COURT: Do you know what time you're  
7 scheduled to depart?

8 MR. RITZ: I believe it's 6:45 a.m.

9 THE COURT: All right. Upon your return, I'd  
10 ask that you check in with the Court on February 16th  
11 when you return.

12 MR. RITZ: The Court will be closed at that  
13 time, Your Honor.

14 THE COURT: Well, the next work day. But my  
15 law clerk, or no. Mr. White, will you please give the  
16 detective my business card? It's right there. You can  
17 still call the Court --

18 MR. RITZ: Yes, ma'am.

19 THE COURT: -- and leave a message on my  
20 answering machine that you have returned. I would advise  
21 you that you need to check with us on February 1st to see  
22 whether or not we're gonna recess or how we're gonna  
23 handle your absence.

24 MR. RITZ: Yes, Your Honor.

25 THE COURT: We may not be finished this trial,

1 I do not know where we will be. And I'd also ask that  
2 upon your return that you check with WBAL television to  
3 see whether or not the court is open due to the  
4 snowstorm.

5 But you are free to go on this trip that you  
6 have planned, that these arrangements have been made  
7 prior to your receipt of the summons. According to this  
8 you received that summons on January 10th -- I'm sorry --

9 MR. RITZ: That's correct.

10 THE COURT: -- on January 10th, 2000, and you  
11 are under subpoena, but you will be permitted to leave  
12 and travel the period of time from February 2nd to the  
13 16th. However, you need to advise the Court upon your  
14 return. Do you understand?

15 MR. RITZ: Yes.

16 THE COURT: You have any questions about what  
17 I've just said?

18 MR. RITZ: No, Your Honor.

19 THE COURT: Very well. And I thank you for  
20 advising the Court of your scheduling thing, and we will  
21 do our best to accommodate you in the following way that  
22 I've indicated.

23 MR. RITZ: Thank you very much, Your Honor.

24 THE COURT: All right. Very well.

25 Okay now, this Court will stand in recess, and

1 as I said, please keep in mind, WBAL, Channel 11 will  
2 advise you if this Court is closed. And I'd ask Mr.  
3 White, if you would place this in the Court file? Thank  
4 you.

5 (The trial recessed at five o'clock, p.m.)

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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, Case Numbers 199103042-46, in the Circuit Court for Baltimore City, on January 28, 2000, before the Honorable Wanda Keys Heard, Associate Judge (and a jury.) were recorded by videotape.

I further certify that the page numbers 1 through 301 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 18th day of April, 2001.

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Charles F. Madden  
Official Court Reporter