

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND
STATE OF MARYLAND

vs. Indictment No. 199103042-
ADNAN SYED,
Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the merits)
Baltimore, Maryland
February 10, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, Associate Judge

APPEARANCES:

For the State:

KEVIN URICK, ESQ.,

KATHLEEN MURPHY, ESQ.

For the Defendant:

CRISTINA GUTIERREZ, ESQ.

RECORDED BY: VIDEOTAPE

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Christopher W. Metcalf

Official Court Reporter

507 Courthouse West

Baltimore, Maryland 21202

1

1 report any conversations and they approached juror
2 number who?

3 MS. MURPHY: I don't know which juror it was
4 and neither does he because he really didn't -- doesn't
5 --

6 THE COURT: No, they're talking about an
7 Assistant State's Attorney approaching one of the other
8 jurors that was no excused in error.

9 MS. MURPHY: Right.

10 THE COURT: The --

11 MS. MURPHY: But he said she did not speak to
12 him, she simply said no and continued.

13 THE COURT: Okay. It was a woman obviously.

14 MS. MURPHY: Right.

15 MS. GUTIERREZ: Is the Assistant State's
16 Attorney anyone that's been here that the juror might
17 have seen?

18 MS. MURPHY: He was here for --

19 MS. GUTIERREZ: In the courtroom.

20 MS. MURPHY: He was here for a little while
21 yesterday and was present when the jury was excused and
22 that's why he was willing to try to speak to the
23 alternate and simply approached the wrong juror.

24 THE COURT: Is the Assistant State's Attorney
25 here?

PROCEEDINGS

(Jury not present upon reconvening.)

THE COURT: Yes, sir, ma'am.

MS. MURPHY: Good morning, Your Honor. We
just want to make the Court and Ms. Gutierrez aware.
Yesterday when the alternate or when juror number six
was excused and the court instructed her that she could
talk to any of the attorneys if she wanted someone from
our office attempted to speak to her and approached the
wrong juror. He simply -- he didn't -- there was not a
conversation. He approached a juror, I don't know
which one, he said are you juror number six, she said
no and that was the -- I think he apologized. That was
the extent of the conversation. I just wanted the
Court to be aware.

THE COURT: Who was the person that
approached?

MS. MURPHY: He's an Assistant State's
Attorney named Mark Floerscheimer.

THE COURT: All right. So, I should expect
to hear from one of my jurors then that someone tried
to talk to them because they're suppose to report --

MS. MURPHY: Right.

THE COURT: And they have been directed to

MS. MURPHY: No, he's not present this
morning. I'm sure if the court wanted to hear from
him.

THE COURT: Is (inaudible)?

MS. MURPHY: I don't know. If the Court
wanted to hear from him I'm sure we could arrange to
have him here at some point today.

THE COURT: Well, I think probably the more
appropriate thing is to find out --

MS. GUTIERREZ: From the juror.

THE COURT: From the jurors, if anyone tried
to speak to them or approach them or talk to them about
this case.

MS. MURPHY: Okay.

THE COURT: But off of what you're saying he
never even had a chance to identify himself, is that
correct?

MS. MURPHY: I think he said he identified
himself as an Assistant State's Attorney, said, are you
juror number six, she said no, he said, I apologize and
that was it.

THE COURT: Okay. Obviously --

MS. GUTIERREZ: Well, obviously I'm
concerned, Judge.

THE COURT: I'll ask the jurors if you have

1 any problem with that.
 2 MS. GUTIERREZ: Yeah. No, I think and then
 3 lets see. If they don't answer then I'm even more
 4 concerned.
 5 THE COURT: Well, it maybe that they don't
 6 see it --
 7 MS. GUTIERREZ: Especially since they
 8 identified themselves as Assistant State's Attorney,
 9 but when --
 10 THE COURT: But it could be that it means
 11 nothing to the person.
 12 MS. GUTIERREZ: Right, right.
 13 THE COURT: And it could be that --
 14 MS. GUTIERREZ: Well, that's why I asked, was
 15 the Assistant State's Attorney available? He may not
 16 know the number but he could describe the juror.
 17 Obviously he recognized enough of the juror to think
 18 that they might be that juror.
 19 THE COURT: Right.
 20 MS. GUTIERREZ: Might be able to help us, but
 21 obviously if the juror answers the Court's inquiry then
 22 we may not need to go there.
 23 THE COURT: Right.
 24 MS. GUTIERREZ: I guess I would ask that
 25 efforts would be made to locate that State's attorney

1 and have him easily available if we need to rather than
 2 waste more time trying to locate him.
 3 THE COURT: Ms. Murphy, I would ask that you
 4 do that. If you could locate the assistant and ask
 5 that he make himself available at the lunch and recess.
 6 What we're going to do at this point is, though I'm
 7 going to make an inquiry of the jurors as they come
 8 out.
 9 MS. GUTIERREZ: Okay.
 10 THE COURT: Did anyone -- was anyone
 11 approached by anyone at the end of the day.
 12 MS. GUTIERREZ: However, simply -- maybe to -
 13 THE COURT: And if whether or not the fact
 14 that they were approached --
 15 MS. GUTIERREZ: Even if -- maybe if it
 16 appeared to be a mistake.
 17 THE COURT: Mistake, right. If they were --
 18 if as a result of being approached that it interferes
 19 with their ability to be fair and impartial, did the
 20 person say anything to them that caused them any
 21 concern and then they can indicate yes or no.
 22 MS. GUTIERREZ: Well, I guess I would ask
 23 that the Court not ask that second series of questions
 24 interrupt and bring us up because it is of concern to
 25 us and I don't think that would end the inquiry.

1 Perhaps the Court is right that, you know, there's a
 2 juror who didn't make anything of it, you know, didn't
 3 make any connection between the question and the case
 4 and therefore, might not answer the Court's inquiry. I
 5 guess we may mind --
 6 THE COURT: If that's --
 7 MS. GUTIERREZ: I think it is of concern.
 8 So, I would ask that the Court not go any further, that
 9 we just take it baby steps, ask, see if somebody
 10 responds, if they don't -- if they do respond well then
 11 we know where to go. If they don't respond then I'd
 12 ask that you bring us up and then discuss where to go
 13 from there.
 14 THE COURT: There's one other concern that I
 15 have because you may recall that we're at a juncture
 16 where juror number six is missing.
 17 MS. GUTIERREZ: Is not here, yes and they
 18 don't --
 19 THE COURT: And so they may draw a connection
 20 between --
 21 MS. GUTIERREZ: Right.
 22 THE COURT: The fact that we make that
 23 inquiry and then -- six be missing.
 24 MS. GUTIERREZ: And juror number six isn't
 25 here. Right. With no explanation.

1 THE COURT: Right. So, what I could do and I
 2 think probably the best thing to do is to first seat
 3 alternate number one in the box and then before they
 4 are left to go away again, ask if there was anyone and
 5 if anyone says yes, ask that person to stay and then we
 6 can make the inquiry out of the presence of the rest of
 7 the members of the jury.
 8 MS. MURPHY: And we certainly apologize, Your
 9 Honor.
 10 MS. GUTIERREZ: And you're going to tell them
 11 while, I mean you're going to tell them.
 12 THE COURT: Right.
 13 MS. GUTIERREZ: That for reasons unrelated to
 14 you --
 15 THE COURT: As I instructed you, right.
 16 MS. GUTIERREZ: We're moving alternate number
 17 one.
 18 THE COURT: Right and also at the end if we
 19 have someone stay I'll say, as we've done throughout
 20 the trial I've asked if anyone -- has anyone approached
 21 them to let me know and --
 22 MS. GUTIERREZ: Judge, I guess my request
 23 would be that you ask them first. It happened
 24 yesterday at the end of Court and that obviously we're
 25 concerned. We'd like to know, but also it would be

1 freshest in the jurors mind rather than waiting until
2 another break and other things may or may not have
3 happened that jurors are now concentrating on. That
4 you bring them out and inquire first. That -- that --
5 in that the Court I suggest could incorporate that with
6 what you're going to tell them about, you know, seating
7 alternate number one in juror number six's seat so it's
8 not like a separate inquire or separate interruption,
9 but that that would be our best shot to get an
10 accurate, you know, and complete response before the
11 jurors minds are taken up with other things that would
12 require their concentration.

13 THE COURT: I understand the concern that you
14 have. Had we not have juror number six leave --

15 MS. GUTIERREZ: Right.

16 THE COURT: I would say that you're right,
17 but I'm afraid that if I do it together that it will
18 draw a connection and I don't want them to think that
19 there is any connection between juror number six
20 leaving and my asking the question.

21 MS. GUTIERREZ: Well, Judge, but I think that
22 there is since what we've been told is that the inquiry
23 from the Assistant State's Attorney to this other juror
24 was, are you juror number six?

25 THE COURT: Right.

1 MS. GUTIERREZ: And, you know, our concern is
2 frankly a broad range of concern --

3 THE COURT: I see.

4 MS. GUTIERREZ: As to what that might mean.

5 THE COURT: Mean.

6 MS. GUTIERREZ: And I think that the Court is
7 fully capable of other ways to, you know, if it turns
8 out that there's some connection of reassuring the jury
9 that, you know, they shouldn't focus on why juror
10 number six and that the Court can do that at any time,
11 but that it is important to us. I think that there is
12 the potential, that it is connected at least in this
13 juror's mind since the inquiry was to that juror number
14 and at the time of that inquiry that juror, whoever it
15 might be, wouldn't have known that juror number six was
16 excused permanently. Certainly might have known that
17 something was going on with juror number six because
18 juror number six and then they left before the juror
19 and she was escorted but --

20 THE COURT: And then she didn't come back
21 today.

22 MS. GUTIERREZ: Right. But in that -- in
23 that once the jury becomes aware that juror number six,
24 you know, our concern is that there is some impact on
25 the juror who was asked, was she number six, and that's

1 why I do see the Court's concern about the connection.
2 I guess our view is that if that's a concern, that the
3 Court is fully capable of addressing that issue later
4 in other ways with the jury, but that our request is
5 that you inquire now rather than let time pass and
6 whatever connection there might have been that might
7 realistically be of concern to us dissipate in the
8 light of other things.

9 THE COURT: My concern is that there not
10 being opportunity for the jurors to discuss it.

11 MS. GUTIERREZ: Right.

12 THE COURT: And there not be an opportunity
13 for the jurors to have a conversation and I think that
14 as long as they're in this courtroom I know they're not
15 having a conversation, but when we take the break I
16 don't know what they're going to say and that's why I
17 suggested we separate the two. Place the alternate in
18 the box first, then as we break and we send them back
19 to rest or whatever that that's when I hold anyone who
20 has indicated that they have -- were approached. But
21 in any event I have several options in front of me and
22 I thank both sides for your suggestions because I think
23 that they are excellent suggestions, but I also find
24 that I think that however I handle it is got to be
25 within the discretion of the Court. To sort of map out

1 of way to do it that's the least obtrusive and the
2 least item that would cause a problem. Can you get the
3 newspaper reader and indicate that I don't appreciate
4 that in my courtroom. In any event, that's what we'll
5 do at this point and I thank you both. Is there
6 anything else you need to bring to my attention?

7 MR. URICK: No.

8 MS. MURPHY: Well, we certainly apologize for
9 the inconvenience.

10 THE COURT: All right. Very well. Thank
11 you, Ms. Gutierrez.

12 (Counsel and Defendant returned to the trial
13 tables and the following ensued:)

14 (The jury returned to the courtroom.)

15 THE COURT: You all may be seated. Thank
16 you. At this time I'm going to ask alternate number
17 one, if you would kindly take six number six. You are
18 now going to be our juror number six. Please step up,
19 take your pad with you and your purse and I think if
20 you walk around to this end there's a step up on this
21 end. You're now alternate number one, alternate number
22 two and alternate number three and I'm going to ask
23 that at this time the witness be sworn in. If you'll
24 stand, sir. Raise your right hand.

25 JAY W. WILDS.

1 a witness produced on behalf of the State, having
2 first been duly sworn, was examined as follows:
3 THE CLERK: You may be seated. Please state
4 your name and address for the record.
5 MR. WILDS: Jay W. Wilds, [REDACTED]
6 [REDACTED] Catonsville, Maryland.
7 THE COURT: When we last saw Mr. Wilds we
8 have concluded the direction examination of Mr. Wilds
9 and Counsel for the Defense was inquiring. We're going
10 to resume with Mr. Wilds's testimony at this time.
11 Counsel, witness with you.
12 MS. GUTIERREZ: Thank you, Your Honor.
13
14 CROSS EXAMINATION
15 BY MS. GUTIERREZ:
16 Q Mr. Wilds, we saw you six days ago, did we
17 not?
18 MR. WILDS:
19 A Yes, ma'am.
20 Q Okay. And you remember that occasion, do you
21 not?
22 A Yes, ma'am.
23 Q On that occasion when we broke we were
24 discussing your plea agreement, were we not?
25 A No, ma'am.

1 Q Sir, do you remember your plea agreement?
2 A Yes, ma'am.
3 Q You've alternately referred to it as your
4 truth agreement, right?
5 A Yes, ma'am.
6 Q That's the words you used last Friday, wasn't
7 it?
8 A Yes, ma'am.
9 Q And you understood that that plea agreement
10 required you to enter a plea, did it not?
11 A Yes, ma'am.
12 Q To the crime of an accessory after the fact
13 to the murder of Hae Lee, right?
14 A Yes, ma'am.
15 Q And you understood that that's a crime in
16 Maryland, did you not?
17 A Yes, ma'am.
18 Q Now, you entered that plea on September 7th,
19 correct, when you signed that plea agreement on
20 September 7th, did you not?
21 A Yes, ma'am.
22 Q And you had a lawyer then, did you not?
23 A Yes, ma'am.
24 Q Now, let me take you back to February 28th at
25 1:30 in the morning. That was a Sunday, was it not?

1 A I believe so.
2 Q And, sir, you were at the police station
3 headquarters on Fayette Street, just a couple blocks
4 from there, were you not?
5 A Yes, ma'am.
6 Q And you hadn't just happened to arrive there.
7 had you?
8 A No, I did not.
9 Q You had been brought there, had you not?
10 A Yes, ma'am.
11 Q By detectives from the Baltimore City Police
12 Department, had you not?
13 A Yes, ma'am.
14 Q And they came to your home, sir?
15 A No, ma'am, they did not.
16 Q They found you where?
17 A I believe I was at work.
18 Q At work and at work at that time, sir, is
19 that the pornographic video store?
20 A Yes, ma'am.
21 Q And they knew where you worked, did they not?
22 A Yes, ma'am.
23 Q And when they walked in the door it really
24 wasn't such a surprise to you, was it?
25 A Yes, ma'am, actually it was.

1 Q It was. Now, sir, on Friday, six days ago
2 you were asked about your very good friend Jen
3 Pusateri, were you not?
4 A Yes, ma'am.
5 Q Jen Pusateri went to school with you, did she
6 not?
7 A Yes, ma'am.
8 Q At Woodlawn Senior High?
9 A Yes, ma'am.
10 Q And you had previously described her as a
11 very good friend, have you not?
12 A Yes, ma'am.
13 Q And you're aware that Jen Pusateri described
14 you as a very, very good friend, are you not?
15 A Yes, ma'am.
16 Q Your talking to her on January 13th was not
17 anything unusual, was it?
18 A No, ma'am, it was not.
19 Q And your going to her home on January 13th
20 was not anything unusual, was it?
21 A No, ma'am, it was not.
22 Q You had been very, very good friends with Jen
23 Pusateri for a long time, had you not?
24 A Yes, ma'am.
25 Q And you generally talked to her every day,

<p style="text-align: right;">Page 17</p> <p>1 did you not?</p> <p>2 A Yes, ma'am.</p> <p>3 Q And sometimes you saw her every day, did you</p> <p>4 not?</p> <p>5 A Yes, sometimes.</p> <p>6 Q And there wasn't anything unusual about that,</p> <p>7 was there?</p> <p>8 A No, ma'am.</p> <p>9 Q You were aware, sir, and in fact, you were</p> <p>10 asked were you girlfriend and boyfriend with Jen</p> <p>11 Pusateri, were you not?</p> <p>12 A I believe so.</p> <p>13 Q And well that's not something you forget,</p> <p>14 would it?</p> <p>15 A A lot of people ask me that.</p> <p>16 Q Jen Pusateri was critical to your story</p> <p>17 wasn't she?</p> <p>18 A Yes.</p> <p>19 Q And you knew that before the tape went on,</p> <p>20 didn't you?</p> <p>21 A Yes.</p> <p>22 Q And you were aware that the police had</p> <p>23 already talked to Jen Pusateri, were you not?</p> <p>24 A At the time of the interview?</p> <p>25 Q Pardon.</p>	<p style="text-align: right;">Page 19</p> <p>1 had talked to the police on the 26th of February, did</p> <p>2 you not?</p> <p>3 A No, ma'am, I did not.</p> <p>4 Q She called the police that she had talked to</p> <p>5 you the night before she came down there with her</p> <p>6 lawyer, is that a surprise to you?</p> <p>7 A No, ma'am.</p> <p>8 Q And so it's not like you don't remember</p> <p>9 talking to her?</p> <p>10 A Yes, ma'am. We didn't talk about what she</p> <p>11 was questioned.</p> <p>12 Q You didn't talk to her on the 26th?</p> <p>13 A I spoke to her, yes.</p> <p>14 Q Okay. And you weren't aware that she had</p> <p>15 talked to the police?</p> <p>16 A No, ma'am.</p> <p>17 Q About these events?</p> <p>18 A No, ma'am.</p> <p>19 Q You would describe Jen as your very good</p> <p>20 friend. Would that include a definition of best</p> <p>21 friend?</p> <p>22 A No, ma'am.</p> <p>23 Q And when you were asked about the status of</p> <p>24 your relationship as to whether or not you were</p> <p>25 girlfriend and boyfriend you answered the police, did</p>
<p style="text-align: right;">Page 18</p> <p>1 A At the time of the interview?</p> <p>2 Q Yes, sir.</p> <p>3 A Yes, ma'am.</p> <p>4 Q So, and you knew that she had interviewed</p> <p>5 with the police going down there herself with a lawyer</p> <p>6 and her mother, did you not?</p> <p>7 A No, ma'am. I did not.</p> <p>8 Q You talked to her afterwards, didn't you?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Okay. After she went to the police, right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And she told you what they asked her, didn't</p> <p>13 she?</p> <p>14 A No, ma'am, she did not. No she did not.</p> <p>15 Q No, she didn't tell you, but you talked to</p> <p>16 her and you knew that she had been there?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And you knew it involved the death of Hae Min</p> <p>19 Lee, didn't you?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And you knew it involved the events of</p> <p>22 January 13th, didn't you?</p> <p>23 A Yes, ma'am.</p> <p>24 Q In fact, you knew that she had talked to the</p> <p>25 police on the day before, the day before meaning she</p>	<p style="text-align: right;">Page 20</p> <p>1 you not?</p> <p>2 A Yes, ma'am.</p> <p>3 Q You insisted you were not?</p> <p>4 A Correct.</p> <p>5 Q Did you not?</p> <p>6 A Yes, ma'am.</p> <p>7 Q You became aware, did you not, that Jen</p> <p>8 Pusateri's answer to that question, the girlfriend and</p> <p>9 boyfriend nature of her relationship with you was, no,</p> <p>10 not like, you know, not really, but I mean we're really</p> <p>11 close. Like I love Jay as a friend, I mean with all my</p> <p>12 heart. Jay is like, I trust Jay with my life. That's</p> <p>13 not a surprise to you that she would answer not really</p> <p>14 girlfriend and boyfriend, was it?</p> <p>15 A No, ma'am.</p> <p>16 Q Now, at the time of these events the person</p> <p>17 you publicly declared to be your girlfriend was</p> <p>18 Stephanie [REDACTED], was she not?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And you had know Stephanie [REDACTED] since</p> <p>21 middle school, had you not?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And you had been publicly her boyfriend since</p> <p>24 that time, correct?</p> <p>25 A Yes, ma'am.</p>

1 Q And you both attended Woodlawn High School,
2 did you not?
3 A Yes, ma'am.
4 Q Stephanie was a very good student, a scholar,
5 was she not?
6 A Yes, ma'am.
7 Q She was in the MAGNET program, was she not?
8 A Yes, ma'am.
9 Q The same program Adnan Syed was, correct?
10 A Yes, ma'am.
11 Q Stephanie was your girlfriend throughout high
12 school, right?
13 A Yes, ma'am.
14 Q And as you tell it she's still your
15 girlfriend, right?
16 A 'Till most recently, yes.
17 Q Until most recently?
18 A Yes.
19 Q How most is that?
20 A About a month.
21 Q Stephanie [REDACTED] is the one that ended the
22 relationship, is she not?
23 A Yes, ma'am.
24 Q You didn't end this relationship, did you?
25 A No, ma'am.

1 Q You were aware, she's in college now, isn't
2 she?
3 A Yes, ma'am.
4 Q As she was always expected to be, isn't the
5 correct?
6 A Yes, ma'am.
7 Q Everybody always knew Stephanie was going to
8 college, didn't they?
9 A Yes, ma'am.
10 Q And you were aware that Stephanie's family
11 didn't really approve of you?
12 A Yes, ma'am.
13 Q And that was always the case, wasn't it?
14 A Yes, ma'am.
15 Q And you were always aware throughout the
16 course the of the relationship that you, the boyfriend,
17 were always on thin ground, were you not?
18 A Pertaining to?
19 Q Pardon.
20 A Pertaining to?
21 Q Pertaining to her. Her family's opposition
22 to you never changed, did it?
23 A No, it did not.
24 Q And -- now, you were aware at least during
25 the time that Stephanie matriculated at Woodlawn Senior

1 High School that her best friend, the person she would
2 call her best friend was Adnan Syed, were you not?
3 A I was not.
4 Q You were not?
5 A No.
6 Q You were aware how close they were, weren't
7 you?
8 A Yes, ma'am.
9 Q And that they had been very close for a good
10 long time?
11 A No they had not.
12 Q You didn't know that?
13 A They had not.
14 Q You saw your girlfriend every day?
15 A Yes, ma'am.
16 Q And just like you saw, likely, Jen Pusateri
17 every day?
18 A Yes, ma'am.
19 Q When you saw Jen is was not the same time
20 generally that you saw Stephanie, was it?
21 A No.
22 Q Stephanie wasn't good friends with your very
23 good friend Jen, was she?
24 A No, ma'am.
25 Q And Jen wasn't good friends with Stephanie,

1 was she?
2 A No, ma'am.
3 Q In fact, Jen didn't particularly like
4 Stephanie, did she?
5 A No, ma'am.
6 Q And the two of them really never spent any
7 time --
8 THE COURT: I'm sorry.
9 BY MS. GUTIERREZ:
10 Q Free time together, did they?
11 THE COURT: Counsel, I'm sorry. Your voice
12 is fading.
13 MS. GUTIERREZ: Thank you.
14 THE COURT: I frankly don't know if the
15 monitors are even picking it up. If you could repeat
16 your last question.
17 BY MS. GUTIERREZ:
18 Q Okay. Mr. Wilds, Jen didn't spend any
19 independent time with Stephanie, did she?
20 MR. WILDS:
21 A Some occasion, yes.
22 Q Yes. And what did they do?
23 A Jen would give Steph a lift if she needed
24 one, I believe they played softball together when they
25 were younger.

1 Q Stephanie had her own car, didn't she?
 2 A At one point, yes.
 3 Q Stephanie was aware that Jen didn't really
 4 like her, wasn't she?
 5 A Yes.
 6 Q And Jen, your very good friend made it clear
 7 that she didn't like Stephanie to you, did she not?
 8 A Yes.
 9 Q And that never changed, did it?
 10 A No, ma'am.
 11 Q And if would not have been okay with your
 12 girlfriend, Stephanie the person if you were intimate
 13 with any other girl, would it have been?
 14 A No, ma'am.
 15 Q And that was clear, was it not?
 16 A Yes, ma'am.
 17 Q Now, the other day, on Friday you described
 18 Adnan as an acquaintance, did you not?
 19 A Yes, ma'am.
 20 Q And that's a word different from a friend,
 21 isn't it?
 22 A Yes, ma'am.
 23 Q And you intended it to be, did you not?
 24 A Yes, ma'am.
 25 Q But if Adnan would lend you his car you would

1 relationship, would it have not?
 2 A With whom?
 3 Q With anyone?
 4 A With Stephanie?
 5 Q If you were stepping out on Stephanie, you
 6 understand what that term means, don't you?
 7 A Yes, ma'am.
 8 Q Okay. If you had another girlfriend, anyone,
 9 any name, anywhere, that would have impacted with
 10 Stephanie, would it have not?
 11 A Pardon me. I didn't hear the last part of
 12 it.
 13 Q If you were stepping out with any girl, of
 14 any name, from any location that would have impacted
 15 your relationship with your girlfriend, Stephanie,
 16 would it have not?
 17 A Yes, ma'am.
 18 Q And you were always aware of that, weren't
 19 you?
 20 A Yes, ma'am.
 21 Q In regard to Jen Pusateri, were you ever
 22 intimate with her?
 23 A No, ma'am, I was not.
 24 Q No, not before Stephanie?
 25 A No, ma'am, I was not.

1 take it, would you not?
 2 A Yes, ma'am.
 3 Q Now, lets go back again to Jen Pusateri.
 4 Stephanie wasn't happy about all the time you spent
 5 with Jen, was she?
 6 A She never made me aware of that.
 7 Q Pardon.
 8 A She never made me aware of that.
 9 Q Well, you didn't make her aware of all the
 10 time you spent with Jen, did you?
 11 A Yes, ma'am, I did.
 12 Q Did you report to her when you were going
 13 over Jen's?
 14 A I wasn't required to report it.
 15 Q Not by Stephanie?
 16 A No, ma'am.
 17 Q And you certainly didn't do it on your own,
 18 did you?
 19 A Yes, ma'am, I did.
 20 Q Reported to her?
 21 A Yes, ma'am.
 22 Q The times you spent with Jen?
 23 A Yes, ma'am.
 24 Q Now, Mr. Wilds, if you were stepping out on
 25 Stephanie that would have impacted on your

1 Q Not any time during?
 2 A No, ma'am, I was not.
 3 Q And not now?
 4 A No, ma'am, I am not.
 5 Q But you would agree with her characterization
 6 that you were very, very good friends?
 7 A Yes, ma'am.
 8 Q And that you talked every day?
 9 A Yes, ma'am.
 10 Q And that you generally saw each other every
 11 day?
 12 A Yes, ma'am.
 13 Q Now, when you went down to the police station
 14 at 1:30 in the morning on the 28th you had no idea of
 15 what your friend, Jen said about the events of January
 16 13th?
 17 A No, ma'am, I did not.
 18 Q No. Because your good friend, although you
 19 had spoken to her that you were aware that she had seen
 20 the police the day before in the late afternoon of
 21 February 27th, hadn't told you what she was asked or
 22 what she said?
 23 A Not in detail, no.
 24 Q Not -- so, she told you a little bit?
 25 A She told me she was questioned.

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<p>1 Q She told you she was questioned about the</p> <p>2 events of January of 13th, did she not?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Now, Mr. Wilds, Jan Pusateri was never in</p> <p>5 Adnan Syed's car at any time you were in it on January</p> <p>6 13th, were you?</p> <p>7 A No, ma'am.</p> <p>8 Q No, and she wasn't present during the events</p> <p>9 that you describe that occurred in Lincoln Park,</p> <p>10 whenever they occurred, was she?</p> <p>11 A No, ma'am.</p> <p>12 Q And to your knowledge Jen barely knew Adnan,</p> <p>13 correct?</p> <p>14 A Yes, ma'am.</p> <p>15 Q She wasn't a friend of her's, was he?</p> <p>16 A No, ma'am.</p> <p>17 Q And you knew then before she offered any</p> <p>18 information that the only thing about which she could</p> <p>19 be questioned was information that was suppose to come</p> <p>20 from you, right?</p> <p>21 A That's an assumption.</p> <p>22 Q Well, sir, you made that assumption, didn't</p> <p>23 you?</p> <p>24 A No, ma'am.</p> <p>25 Q When you talked to Jen on the 13th she didn't</p>	<p>1 A No, ma'am.</p> <p>2 Q And did you talk to her by phone on the 27th?</p> <p>3 A I believe so.</p> <p>4 Q Not in person. Did what she say concern you?</p> <p>5 A Yes.</p> <p>6 Q Did she tell you it was about the events of</p> <p>7 January 13th?</p> <p>8 A I believe so.</p> <p>9 Q And that it was about you?</p> <p>10 A I believe so, yes.</p> <p>11 Q And that it was concerning the death of Hae</p> <p>12 Min Lee?</p> <p>13 A I assumed that.</p> <p>14 Q And exactly what else did she tell you, sir?</p> <p>15 A That they had questioned her, that she</p> <p>16 thought she was going to get in trouble.</p> <p>17 Q She thought --</p> <p>18 MR. URICK: Objection.</p> <p>19 BY MS. GUTIERREZ:</p> <p>20 Q Is that what she said?</p> <p>21 MR. URICK: Counsel is not letting the</p> <p>22 witness finish his answer.</p> <p>23 THE COURT: Sustained.</p> <p>24 MS. GUTIERREZ: I didn't hear the answer,</p> <p>25 Judge, I apologize.</p>
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<p>1 indicate to you she knew anything else about this, did</p> <p>2 she?</p> <p>3 A No, ma'am.</p> <p>4 Q When you told her what had happened in</p> <p>5 Lincoln Park she didn't say, I already know about that,</p> <p>6 I know about Hae Lee, I know about Adnan, you don't</p> <p>7 have to tell me, did she?</p> <p>8 A No, ma'am.</p> <p>9 Q And you knew that she had no other source of</p> <p>10 information except for you, did you not?</p> <p>11 A No, ma'am, I did not know that.</p> <p>12 Q Well, sir, when she told you that she was</p> <p>13 questioned by the police did you ask her what it was</p> <p>14 about?</p> <p>15 A No, ma'am, she told me.</p> <p>16 Q You didn't ask her why the police were</p> <p>17 questioning her?</p> <p>18 A She told me.</p> <p>19 Q But she didn't tell you in detail, did she?</p> <p>20 A No, ma'am.</p> <p>21 Q And you didn't ask any follow up questions to</p> <p>22 whatever it is she said, did you?</p> <p>23 A No, ma'am.</p> <p>24 Q You didn't go fishing for information from</p> <p>25 your very, very good friend, correct?</p>	<p>1 THE COURT: Sustained.</p> <p>2 MR. WILDS: That she thought that --</p> <p>3 THE COURT: You may finish your answer.</p> <p>4 MR. WILDS: She thought she was going to get</p> <p>5 in trouble and that she asked me what was going on, and</p> <p>6 she hoped that I wasn't in trouble.</p> <p>7 BY MS. GUTIERREZ:</p> <p>8 Q Now, you hadn't talked to the police yet,</p> <p>9 right?</p> <p>10 MR. WILDS:</p> <p>11 A No, ma'am, I had not.</p> <p>12 Q You hadn't been approached by any police</p> <p>13 officer?</p> <p>14 A No, ma'am, I had not.</p> <p>15 Q From Baltimore County?</p> <p>16 A No, ma'am.</p> <p>17 Q And not from Baltimore City?</p> <p>18 A No, ma'am.</p> <p>19 Q And you hadn't spoken to anyone else about</p> <p>20 those events of January 13th, had you?</p> <p>21 A Besides Ms. Pusateri?</p> <p>22 Q Besides Ms. Pusateri.</p> <p>23 A No, ma'am, I had not.</p> <p>24 Q No. Now, when you said she, you meant to</p> <p>25 refer to Ms. Pusateri, did you not?</p>

1 A Pardon me.
 2 Q When you said she in your previous answer
 3 indicating that she thought she was going to get in
 4 trouble you were referring to your very good friend,
 5 Ms. Pusateri, were you not?
 6 A Yes, ma'am.
 7 Q No, that was a surprising statement, wasn't
 8 it?
 9 A No.
 10 Q She hadn't done anything, had she?
 11 A No, ma'am.
 12 Q And there was no reason to expect for her to
 13 think that she would be in trouble, would there?
 14 A She was questioned by the police, anyone
 15 would think they were in trouble.
 16 Q Sir, I'm asking you what you thought when she
 17 said she thought she would get in trouble, that was as
 18 surprise to you, was it not?
 19 A It was not a surprise that she thought that
 20 she would get in trouble, no, ma'am.
 21 Q When she said that, sir, you of course
 22 reassured her there was no trouble here for her, did
 23 you not?
 24 A No, ma'am, I did not.
 25 Q And whatever else it is she said you didn't

1 A Yes, ma'am.
 2 Q Now, when you got down to the police
 3 headquarters, sir, at some point they turned a recorder
 4 on, did they not?
 5 A Yes, ma'am.
 6 Q But before they turned a recorder on you
 7 spoke to them, did you not?
 8 A Yes, ma'am.
 9 Q You spoke to them in a little room, right?
 10 A Yes, ma'am.
 11 Q And both Detective Ritz and Detective
 12 McGilvary were present, were they not?
 13 A Yes, ma'am.
 14 Q And they asked you about these events, right?
 15 A Yes, ma'am.
 16 Q And you answered all their questions, did you
 17 not?
 18 A Yes, ma'am.
 19 Q And at that time you hadn't been asked to
 20 take an oath like you were asked to take today, right?
 21 A No, ma'am.
 22 Q You hadn't had to raise your right hand and
 23 swear to tell the truth, had you?
 24 A No, ma'am.
 25 Q And there was nobody else there but you,

1 ask any follow up questions of her?
 2 A No, ma'am, I did not.
 3 Q You just went on to work?
 4 A Yes, ma'am.
 5 Q She had reached you at work, had she not?
 6 A Is the same occasion?
 7 Q Yes, sir.
 8 A No, ma'am, she did not.
 9 Q So, she reached you before you went to work,
 10 right?
 11 A Yes, ma'am.
 12 Q And work is the place where you rented
 13 pornographic videos?
 14 A I was a clerk, yes.
 15 Q And you gave people quarters, you made change
 16 for them so they could see the pornographic peep shows,
 17 did you not?
 18 A Tokens, yes.
 19 Q And when the police showed up at that
 20 pornographic video store they took you downtown so that
 21 your statement began at 1:30, sir, and it was not a
 22 surprise to you, was it?
 23 A Yes, ma'am, it was.
 24 Q It was. Even though you had already talked
 25 to Jen Pusateri?

1 Detectives McGilvary and Witts, right?
 2 A Yes, ma'am.
 3 Q And that statement lasted how long?
 4 A I believe about three or four hours.
 5 Q Three or four hours, before the tape
 6 recording --
 7 A Oh, no, I'm sorry.
 8 Q Got turned on.
 9 A I'm sorry. About two hours.
 10 Q About two hours and that's two hours before
 11 the tape recorder got turned on, right?
 12 A Yes, ma'am.
 13 Q And the only questions they asked you were
 14 about the events of the 13th, right?
 15 A Yes, ma'am.
 16 Q And they never during any of that time asked
 17 you to raise your hand and take an oath, did they?
 18 A No, ma'am, they did not.
 19 Q And they never asked you to swear that you
 20 were telling the truth, did they?
 21 A No, ma'am.
 22 Q And after that interview was over and they
 23 took notes during that, did they not?
 24 A Yes, ma'am.
 25 Q They took note of their pads, did they not?

1 A Yes, ma'am.
2 Q Both of them, correct?
3 A Yes, ma'am, yes, ma'am.
4 Q And you answered all of their questions, did
5 you not?
6 A Yes, ma'am.
7 Q And during that interview they confronted you
8 with things that Jen Pusateri said, did they not?
9 A Yes, ma'am.
10 Q And you knew more about her interview as they
11 told you about it, did they not?
12 A Yes, ma'am.
13 Q And during that time period, sir, you weren't
14 under arrest, were you?
15 A No, ma'am.
16 Q You were free to leave, were you not?
17 A After a period of time, yes.
18 Q Afterwards, but during those first two hours
19 you would not have been allowed to leave, correct?
20 A I didn't try.
21 Q And you had taken yourself down there, had
22 you?
23 A No, ma'am.
24 Q They took you down there, did they not?
25 A Yes, ma'am.

1 Q Well, they went out of it, did they not?
2 A Yes, ma'am.
3 Q And you never went through the door, did you?
4 A I didn't attempt to, no.
5 Q It was clear to you, you couldn't then there
6 leave, wasn't it?
7 A I didn't try.
8 Q Now, you didn't make any effort to leave?
9 A No, ma'am.
10 Q Now, after that twenty minutes both Detective
11 Ritz and Detective McGilvary came back into that
12 little interview room, did they not?
13 A Excuse me, yes.
14 Q And they advised you that during what they
15 call the first interview that there were a lot of
16 inconsistencies, did they not?
17 A Yes, ma'am.
18 Q And they then asked you to address them, did
19 they not?
20 A Yes, ma'am.
21 Q And before they did that, sir, did they turn
22 on the tape recorder?
23 A I believe so.
24 Q And you were aware of that tape recorder,
25 were you not?

1 Q In their vehicle, correct?
2 A Yes, ma'am.
3 Q And they took you up through the police
4 headquarters building to the homicide floor, did they
5 not?
6 A Yes, ma'am.
7 Q After the two hour interview, sir, there was
8 a break, was there not?
9 A Yes, ma'am.
10 Q And that break lasted how long?
11 MR. URICK: May the witness get some more
12 water?
13 THE COURT: Yes. One moment. We'll get it
14 for him. Thank you.
15 MR. WILDS: About twenty minutes.
16 BY MS. GUTIERREZ:
17 Q And after that twenty minutes and in that
18 twenty minutes you were kept in this little interview
19 room, were you not?
20 MR. WILDS:
21 A Yes, ma'am.
22 Q Didn't have any windows, did it?
23 A No, ma'am.
24 Q And the door was locked, wasn't it?
25 A I do not believe so.

1 A Yes, ma'am.
2 Q And you were aware that what you said was
3 being recorded or at least appeared to be, correct?
4 A Yes, ma'am.
5 Q And you then spoke to them starting with
6 explaining the inconsistencies in your first interview,
7 correct?
8 A Yes, ma'am.
9 Q And you were advised that there
10 inconsistencies about what you said and about other
11 information they knew, right?
12 A Yes, ma'am.
13 Q Like the chronology of events, correct?
14 A I believe so.
15 Q And about conflicts with Jen Pusateri's
16 statement --
17 A Yes.
18 Q Correct?
19 A Yes, ma'am.
20 Q About when things occurred?
21 A Yes, ma'am.
22 Q And in what order?
23 A No, ma'am.
24 Q And where things occurred?
25 A Yes, ma'am.

1 Q Okay. Now, you then spoke to them with this
2 tape recorder running for how long?

3 A I believe it was about two hours.

4 Q And during that period of time, so that two
5 hours and twenty minutes and another two hours.

6 A I believe so.

7 Q You answered a lot of questions, did you not?

8 A Yes, ma'am.

9 Q And there came a point, sir, when you asked
10 to turn the tape recorder off?

11 A Yes, ma'am.

12 Q And they didn't tell you to do that, did
13 they?

14 A No, ma'am.

15 Q That was your request, right?

16 A Yes, ma'am.

17 Q Because you were aware that the tape recorder
18 was recording what you said, correct?

19 A Yes, ma'am.

20 Q And you, sir, were aware that in that first
21 interview that was not taped which they took notes on
22 and now your second interview on tape that you were not
23 telling them the truth, were you not?

24 A I was not telling them everything, no.

25 Q You were not. And what you were telling them

1 were lies, were they not?

2 A Some.

3 Q So, the answer to my question is yes, I was
4 not telling the truth, is it not?

5 MR. URICK: Objection.

6 THE COURT: Sustained.

7 BY MS. GUTIERREZ:

8 Q Mr. Wilds, they didn't know that you weren't
9 telling the truth, did they?

10 MR. WILDS:

11 A I don't know.

12 Q Well, the only thing that they knew that they
13 told you was that what you first told them off the tape
14 recorder was inconsistent with their other information,
15 did they not?

16 A Right.

17 MR. URICK: Objection.

18 THE COURT: Sustained as to what they knew.

19 BY MS. GUTIERREZ:

20 Q They told you that your information
21 contained a lot of inconsistencies, did they not?

22 MR. WILDS:

23 A Yes, ma'am.

24 Q And when they told you that you answered,
25 yes, did you not?

1 A Yes,

2 Q And shortly thereafter you asked them, can we
3 turn the recorder off?

4 A Yes, ma'am.

5 Q And you then spoke to them without the
6 recorder on, did you not?

7 A Yes, ma'am. Yes, ma'am.

8 Q About the same things, right?

9 A No, ma'am.

10 Q About the inconsistencies, right?

11 A Some of them, yes.

12 Q And during the time you had the recorder off
13 there was no record being made of that conversation,
14 was there?

15 A I don't know.

16 Q Well, when you asked to turn it off they
17 turned it off, didn't they?

18 A The recorder, yes.

19 Q And did they begin again to take notes?

20 A I believe so.

21 Q And did what you say to them off of the
22 record, outside of the tape recording it match the same
23 thing you told them in your first interview before the
24 tape recorder got turned on?

25 A It wasn't pertaining to that?

1 Q And, sir, did it -- so, the answer to the
2 question is no?

3 A The subject matter was not the same.

4 Q So, in the middle, now, sir, in the first
5 interview going off the tape recorder that was an issue
6 were the events of January 13th, were they not?

7 A I'm sorry, could you speak up please?

8 Q The only thing about which you were
9 questioned in the very first interview, the one that
10 occurred before the tape recorder got turned on, sir,
11 were about the events of January 13th, were they not?

12 A Yes, ma'am.

13 Q The police didn't have other questions for
14 you about unrelated things, did they?

15 A Not unrelated, no.

16 Q They didn't ask you about other murders, did
17 they?

18 A No, ma'am.

19 Q Or other dates, did they?

20 A No, ma'am.

21 Q Or other victims other than Hae Min Lee?

22 A No, ma'am.

23 Q Now, your interview off the record at your
24 request, concerned different things entirely?

25 A Pardon me.

1 Q Your interview off the record at your request
2 concerned different things entirely?

3 MR. URICK: Objection.

4 THE COURT: Sustained.

5 BY MS. GUTIERREZ:

6 Q Mr. Wilds, you just told me that you couldn't
7 answer the question that I asked you yes or no because
8 your interview concerned different matters off the
9 record, did you not?

10 MR. WILDS:

11 A Yes, ma'am.

12 Q And the difference in those matters were not
13 connected to January 13th?

14 A No, ma'am.

15 Q Meaning no they were not connected?

16 A Correct.

17 Q And they didn't concern the murder of Hae Min
18 Lee?

19 A No, ma'am.

20 Q And it didn't concern anything regarding what
21 you may or may not have told or done with your very
22 good friend, Jen Pusateri?

23 A No, ma'am.

24 Q And, sir, there was no other reason that you
25 knew of while you were hauled down to police

1 headquarters in the middle of the night, was there?

2 A No, ma'am.

3 Q You weren't under investigation for the
4 (inaudible), were you?

5 A No, ma'am.

6 Q Nobody else had given your name as someone
7 who may know something, had they?

8 MR. URICK: Objection.

9 THE COURT: Overruled. That you know of.

10 MR. WILDS: I do not know.

11 BY MS. GUTIERREZ:

12 Q So, to your knowledge the only person that
13 mentioned your name was Jen Pusateri, correct?

14 MR. WILDS:

15 A Yes, ma'am.

16 Q And you were aware from her phone call when
17 she reached you at your home after she spoke to the
18 police?

19 A I was aware of her phone call? I'm not
20 understanding your question.

21 Q I'll repeat it. Mr. Wilds, you've already
22 told us that you got a phone call from your very good
23 friend, Jan Pusateri on Saturday evening, the 27th of
24 February prior to your going to work, do you recall
25 that?

1 A Yes, ma'am.

2 Q All right. And in that phone call she gave
3 you some information, not in any detail about her
4 conversation with the police, correct?

5 A Yes, ma'am.

6 Q And from whatever she told you -- and at the
7 time she called you, you were aware from what she said
8 that she had already talked to the police, were you
9 not?

10 A Yes.

11 Q And from what she told you, you understood
12 that your name had come up, did you not?

13 A Yes.

14 Q And that wasn't a surprise to you, was it?

15 A Not much, no.

16 Q Okay. So, sir, when you were being
17 interviewed by the police you already knew that Jen
18 Pusateri had told them some things, right?

19 A Yes, ma'am.

20 Q And that the things about which she had
21 spoken, the police involved the same events they were
22 questioning you about, isn't that correct?

23 A Yes, ma'am.

24 Q And when you asked the police to turn off the
25 recorder, sir, what was the subject of the

1 conversation?

2 A Acquiring a lawyer.

3 Q Pardon.

4 A Acquiring a lawyer.

5 Q Acquiring a lawyer. So, you asked them to
6 provide you a lawyer in the middle of your tape
7 recorded statement?

8 A No, ma'am.

9 Q You asked them how do you go about getting a
10 lawyer?

11 A Yes, ma'am.

12 Q And they answered you, did they not?

13 A No, ma'am, they did not.

14 Q They didn't give you any information about
15 how you went about acquiring a lawyer?

16 A No, ma'am.

17 Q They assured you, sir, that you had not been
18 charged with any crime, did they not?

19 A No, ma'am.

20 Q They assured you that you had not yet been
21 charged with the crime, did they not?

22 A No, ma'am.

23 Q Did they just sit there and say nothing when
24 you asked them, guys by the way, how do I get a lawyer?

25 A No, ma'am.

1 Q Did you tell them why it was in the middle of
2 the tape recorded statement right after they advised,
3 well, Mr. Wilds, there's a lot of inconsistencies here.
4 Did they say why they wouldn't answer your question?
5 A The answer to -- when I asked them the
6 question they said, why would I want to do that.
7 Q They answered what?
8 A Why would I want to do that?
9 Q Why would you want to get a lawyer?
10 A Yes.
11 Q You, the guy in the middle of the night at
12 the homicide floor, right?
13 A Yes.
14 Q But they didn't reassure you that, no, you
15 don't need a lawyer?
16 A No, ma'am.
17 Q Did they? They never said anything remotely
18 like that, did they?
19 A No, ma'am.
20 Q And this conversation while the tape recorder
21 was not running took how long?
22 A Not very long. I don't remember.
23 Q How long is that?
24 A Estimating ten minutes.
25 Q Ten minutes. So, you were there talking with

1 A They didn't let me know of any information
2 that they had.
3 Q They then wanted to ask you more questions,
4 did they not?
5 A Yes, ma'am.
6 Q About the very inconsistencies to which they
7 referred, correct?
8 A Yes, ma'am.
9 Q And, sir, that ten minutes you told them it
10 was okay to turn the tape recorder on, right?
11 A Yes, ma'am.
12 Q Even though they hadn't asked you questions,
13 answered your questions about getting a lawyer, right?
14 A They asked me, why would I want to do that
15 Q Pardon.
16 A They asked me, why would I want to do that?
17 Q And they didn't answer your questions as to
18 how to do so, right?
19 A No, ma'am.
20 Q They didn't provide you a lawyer, did they?
21 A No, ma'am.
22 Q They didn't walk out of the room and say,
23 okay, this is over not that you want a lawyer, did
24 they?
25 A No, ma'am.

1 them before the tape recorder was turned on for two
2 hours, right?
3 A Yes, ma'am.
4 Q Then there was a twenty minute break, right?
5 A I believe so.
6 Q And then you asked -- and then they asked if
7 they could turn on the tape recorder, right?
8 A Yes, ma'am.
9 Q And they began asking you questions about the
10 exact same subject matter that you talked about off the
11 tape recorder, right?
12 A Yes, ma'am.
13 Q And then out of their mouths came something
14 to the effect of saying, well, you know there are a lot
15 of inconsistencies here we have to ask you about,
16 right?
17 A Yes, ma'am.
18 Q And it was clear that what they were
19 referring to were inconsistencies in the information
20 you gave them, right?
21 A Yes, ma'am.
22 Q That it didn't match up, right?
23 A Yes, ma'am.
24 Q And that it also didn't match up with other
25 information at the time that they had, right?

1 Q They didn't give you a lawyer's business
2 card, did they?
3 A No, ma'am.
4 Q They didn't give you a phone and a yellow
5 pages, did they?
6 A No, ma'am.
7 Q They didn't tell you that you could hire a
8 lawyer, did they?
9 A No, ma'am.
10 Q So, they did not answer your question about
11 how do you go about getting a lawyer, right?
12 A No, ma'am.
13 Q At the time, sir, you were serious when you
14 asked that question, correct?
15 A Yes, ma'am.
16 Q And you were thinking clearly enough to not
17 want the tape recorder running when you answered that
18 question, right? When you asked that question?
19 A Yes, ma'am.
20 Q Okay. And so you were the one who asked the
21 tape recorder be turned off?
22 A Yes, ma'am.
23 Q And after they asked you why you wanted a
24 lawyer, you of course told them, didn't you?
25 A Yes, ma'am.

<p style="text-align: right;">Page 53</p> <p>1 Q You asked for reassurance as to whether or 2 not you were going to get charged, didn't you? 3 A Reassurance, no. 4 Q Before you asked them to turn off the tape 5 recorder and asked them about how you get a lawyer, 6 things were getting a little uncomfortable, were they 7 not? 8 A Yes, ma'am. 9 Q They didn't appear to believe you about many 10 things, did they? 11 A I do not know what they were thinking. 12 Q Pardon. 13 A I do not know what they were thinking. 14 Q Well, you thought they didn't believe you, 15 didn't you? 16 MR. URICK: Objection. 17 THE COURT: Sustained. 18 BY MS. GUTIERREZ: 19 Q You were concerned about how things were 20 going, weren't you? 21 MR. WILDS: 22 A Yes. 23 Q Nobody had suggested you that maybe you might 24 want to seek a lawyer, did they? 25 A No, ma'am.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q You then told them it was okay you resume 2 running the tape recorder, did you not? 3 MR. WILDS: 4 A Yes. 5 Q And the tape recorder then ran again for how 6 long? 7 A I believe about an hour and a half. 8 Q So, another hour and a half and during that 9 time they asked you a lot more questions? 10 A Yes, ma'am. 11 Q And all of those questions concerned the 12 events of January 13th, correct? 13 A Yes, ma'am. 14 Q And you answered them, did you not? 15 A Yes, ma'am. 16 Q For another hour and a half, correct? 17 A Yes, ma'am. 18 Q And did you ever tell them to turn off the 19 tape recorder? 20 A Again? 21 Q Did you ever again? 22 A No. 23 Q And during any of that hour and a half did 24 they ever answer your question about how to get a 25 lawyer?</p>
<p style="text-align: right;">Page 54</p> <p>1 Q No. That was your thought, right? 2 A Yes, ma'am. 3 Q Your request that turned off the tape 4 recorder, right? 5 A Yes, ma'am. 6 Q And during that ten minutes they gave you no 7 information to answer your question, right? 8 A No, ma'am. 9 Q Did you ask them again? 10 MR. URICK: Objection. 11 THE COURT: Sustained. 12 BY MS. GUTIERREZ: 13 Q During when they didn't answer -- when they 14 asked you the question, why did you not have a lawyer, 15 did you tell them? 16 MR. WILDS: 17 A Yes. 18 MR. URICK: Objection. 19 MR. WILDS: I'm sorry. 20 THE COURT: Sustained. 21 BY MS. GUTIERREZ: 22 Q In any event, no lawyer appeared, did they? 23 MR. URICK: Objection. 24 THE COURT: Sustained. 25 BY MS. GUTIERREZ:</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. URICK: Objection. 2 THE COURT: Sustained. 3 BY MS. GUTIERREZ: 4 Q Sir, did you ever repeat the question during 5 the hour and a half? 6 MR. URICK: Objection. 7 THE COURT: Sustained. 8 BY MS. GUTIERREZ: 9 Q At the end of the ten minute break, sir, were 10 you no longer concerned about how to reach a lawyer? 11 MR. URICK: Objection. 12 THE COURT: Sustained. 13 BY MS. GUTIERREZ: 14 Q Mr. Wilds, at the end of the interview they 15 turned off the tape recorder, did they not? 16 MR. WILDS: 17 A Yes, ma'am. 18 Q And then you were asked to go with them and 19 show you locations about which you had spoken, were you 20 not? 21 A I do not believe that was the same occasion. 22 Q You think that happened at another time? 23 A Yes, ma'am. 24 Q Sir, do you recall that you took them to the 25 location that you had already told them about where</p>

1 they should find Hae Min Lee's car?
 2 A Yes, ma'am.
 3 Q And that's a specific location, is it not?
 4 A Yes, ma'am.
 5 Q And that's in Baltimore City, is it not?
 6 A Yes, ma'am.
 7 Q It's off of Edmondson Avenue, is it not?
 8 A Yes, ma'am.
 9 Q Right west of the overpass that goes over
 10 Clinton Parkway, is it not?
 11 A Yes.
 12 Q And you had told them about that location,
 13 correct?
 14 A Yes.
 15 Q And you were talking -- showing where it was,
 16 had you not?
 17 A Yes, ma'am.
 18 Q And at that location would be found Hae Min
 19 Lee's car, right?
 20 A Yes, ma'am.
 21 Q And that was after you had described to them
 22 how it is you got to that location, correct?
 23 A Pardon me.
 24 Q That's after --
 25 A I just couldn't hear you, I'm sorry.

1 Q That's after you had described to them how
 2 you had gotten to that location, the location where the
 3 car was, right?
 4 A Yes, ma'am.
 5 Q And they took you in their cars, did they
 6 not?
 7 A Yes, ma'am.
 8 Q Detective McGilvary went?
 9 A Yes, ma'am.
 10 Q And Detective Witts?
 11 A Yes, ma'am.
 12 Q And a couple of other detectives, right?
 13 A Yes, ma'am.
 14 Q And a couple other police officers, right?
 15 A I don't remember any marked cars.
 16 Q At this point, sir, it was light outside, was
 17 it not?
 18 A No, not quite.
 19 Q Not quite, it was still a little dark?
 20 A Yes, ma'am.
 21 Q And this was after the second part of your
 22 statement on tape, right?
 23 A Yes, ma'am.
 24 Q And they asked you if you could lead them,
 25 did they not?

1 A Yes, ma'am.
 2 Q Then you told them that you could?
 3 A Yes, ma'am.
 4 Q And, in fact, you had discussed her car and
 5 the location of the car at length with the detectives,
 6 had you not?
 7 A Yes, ma'am.
 8 Q And, in fact, you had told Detective Ritz and
 9 McGilvary that, in fact, in the intervening time from
 10 January 13th to February 28th that you had, in fact,
 11 gone back to check to see if the car was there, didn't
 12 you?
 13 A No, ma'am.
 14 Q You didn't tell them that?
 15 A That's not what I told them, no.
 16 Q And, sir, if that appears on the tape
 17 recorder that must be some kind of mistake?
 18 A I didn't tell them I went back to check, no.
 19 Q You never and you didn't go back to check,
 20 sir or you --
 21 A I went back to the area, yes.
 22 Q You had gone back between January 13th and
 23 February 28th to check on the car?
 24 A I had been through the area. My intent was
 25 not to check on the car.

1 Q Oh, so, you just happened to be going by and
 2 you saw the car?
 3 A Yes, ma'am.
 4 Q And you noted that the car was still there,
 5 right?
 6 A Yes, ma'am.
 7 Q And did you tell the detectives that?
 8 A Yes, ma'am.
 9 Q That helped out, did it not?
 10 A Yes, ma'am.
 11 Q Knowing where the car was and being able to
 12 show them where it was, right?
 13 A Yes, ma'am.
 14 Q And you were there and you actually pointed
 15 out the car, did you not?
 16 A Yes, ma'am.
 17 Q Were the car was, was a lot that was behind a
 18 series of row houses that surrounded it, was it not?
 19 A Yes, ma'am.
 20 Q And it was on what we call a lot, but it
 21 really wasn't paved over all the way, was it?
 22 A No, ma'am.
 23 Q And it didn't have parking slots painted on a
 24 lot, did it?
 25 A No, ma'am.

1 Q It was part grass and part dirt, wasn't it?
 2 A Yes, ma'am.
 3 Q And there were other cars in the same place,
 4 were they not?
 5 A Yes, ma'am.
 6 Q And you had described that to the detectives
 7 while the tape recorder was on, right?
 8 A Yes, ma'am.
 9 Q And then you told them, oh, I can take you
 10 there, I can show you where the car is, did you not?
 11 A Yes, ma'am.
 12 Q And they took you on your word, did you --
 13 did they not?
 14 A Yes, ma'am.
 15 Q And while you were out you showed them some
 16 place else, did you not?
 17 A I believe so.
 18 Q You believe so. That really means a yes,
 19 doesn't it, Mr. Wilds?
 20 MR. URICK: Objection.
 21 THE COURT: Overruled. Does that mean a yes?
 22 MR. WILDS: Yes, ma'am.
 23 BY MS. GUTIERREZ:
 24 Q You did show them some place else, did you
 25 not?

1 MR. WILDS:
 2 A Yes, ma'am.
 3 Q And the place that you showed him -- them was
 4 on the east side of that bridge of Edmondson Avenue
 5 under which Hilton Parkway runs, was it not?
 6 A Yes, ma'am.
 7 Q It was at a location as close as you can get
 8 to where Hilton Parkway and Poplar Grove is, is it not?
 9 A I don't know, I'm sorry.
 10 Q Well, sir, it's a location -- you're familiar
 11 with Lincoln Park, are you not?
 12 A I know where it is, yes.
 13 Q Well, January 13th wasn't the first and only
 14 time you had been through there?
 15 A No, ma'am.
 16 Q And you had driven the road named Dogwood
 17 that turns into Franklinton all the way through, had
 18 you not?
 19 A No, ma'am.
 20 Q Where Franklinton Road after it goes through
 21 Lincoln Park it comes up and ends into two other
 22 streets. One by the name of Poplar Grove, does it not?
 23 A I don't know.
 24 Q The other by the name of Elliott Drive?
 25 A I don't know.

1 Q You are familiar, sir, with Edmondson Avenue
 2 where it is closest to Poplar Grove, are you not?
 3 A I'm familiar with Edmondson Avenue, I don't
 4 know where Poplar Grove is.
 5 Q Well, sir, you're familiar with the strips on
 6 and off Edmondson Avenue, are you not?
 7 A Yes, ma'am.
 8 Q Strips is a word that came up even while the
 9 recorder was on, is it not?
 10 A Yes, ma'am.
 11 Q Strips is a word that refers to places that
 12 sell drugs to people who want to buy them, is it not?
 13 A Yes, ma'am.
 14 Q And strips is a place that you -- are places
 15 that you are familiar with, are you not?
 16 A I know of them.
 17 Q And, sir, you visited them, have you not?
 18 A Not, no.
 19 Q No?
 20 A No, ma'am.
 21 Q Never?
 22 A No.
 23 Q No strip?
 24 A No strip.
 25 Q Anywhere?

1 A Not there.
 2 Q That's not -- I didn't there, sir. Anywhere?
 3 A Yes.
 4 Q There are strips all over, aren't they?
 5 A Yes, ma'am.
 6 Q And people who deal in any kind of drugs know
 7 where strips are, aren't they?
 8 A I don't know what people want.
 9 Q Strips are just various locations, right?
 10 MR. URICK: Objection.
 11 THE COURT: Sustained as to what general
 12 people do. Overruled as what strips are and in terms
 13 of what that question is to this witness. You may
 14 answer what are strips.
 15 MR. WILDS: Places where people sell drugs.
 16 THE COURT: Next question.
 17 BY MS. GUTIERREZ:
 18 Q And by places it's really any place where
 19 people sell drugs, right?
 20 MR. WILDS:
 21 A It's outside, it's not inside.
 22 Q Strips mean outdoor places where people sell
 23 drugs, right?
 24 A Yes.
 25 Q Not protected inside a building, right?

1 A No, ma'am.
 2 Q Or inside a house, right?
 3 A No, ma'am.
 4 Q Generally a corner, right?
 5 A Yes, ma'am.
 6 Q Or a corner where a street meets an alley,
 7 right?
 8 A Yes, ma'am.
 9 Q And people who need to buy drugs of any kind
 10 have their strips to go to, do they not?
 11 A If they please.
 12 Q Sir, strips are all over Baltimore County,
 13 are they not?
 14 A I do not know.
 15 Q Well, you know of some, don't you?
 16 A Yes, yes, ma'am.
 17 Q Many, do you not?
 18 A In terms of?
 19 Q Where they are?
 20 A Many, I know of some strips in Baltimore and
 21 where they are, yes.
 22 Q What's the maximum number of strips that you
 23 know about?
 24 MR. URICK: Objection.
 25 THE COURT: Sustained.

1 BY MS. GUTIERREZ:
 2 Q You describe in your own words the location
 3 of where the car was, was off Edmondson Avenue near a
 4 strip, did you not?
 5 MR. WILDS:
 6 A Yes, ma'am.
 7 Q When you spoke to the police on February
 8 28th, correct?
 9 A Yes, ma'am.
 10 Q That was while the tape recorder was running,
 11 was it not?
 12 A Yes, ma'am.
 13 Q And where the car was, was in close proximity
 14 to a strip, was it not?
 15 A Yes, ma'am.
 16 Q In addition to that strip you took the police
 17 that very same occasion to a location down Edmondson
 18 Avenue, isn't that correct?
 19 A Yes, ma'am.
 20 Q And you pointed out a place to them that
 21 while the tape recorder was running and either the
 22 first time or the second time was the location where
 23 Adnan popped the trunk and you saw the body, right?
 24 A Yes, ma'am.
 25 Q You took them to this place, right?

1 A Yes, ma'am.
 2 Q Near the strip located at Edmondson and
 3 Poplar Grove?
 4 A Yes, ma'am.
 5 Q Yes, because that was a location you knew
 6 about, right?
 7 A No, ma'am.
 8 Q But you directed them there, correct?
 9 A Yes, ma'am.
 10 Q They didn't take you along for the ride,
 11 right?
 12 A No, ma'am.
 13 Q You were showing them the locations about
 14 which you had spoken with them when you were back down
 15 on Fayette Street, right?
 16 A Yes, ma'am.
 17 Q During the time the tape recorder ran, right?
 18 A Yes, ma'am.
 19 Q And that's the place that on the tape
 20 recorder you had told them the trunk popped and you saw
 21 a body, is that right?
 22 A Yes, ma'am.
 23 Q Now, they asked you questions about it, did
 24 they not?
 25 A Yes, ma'am.

1 Q They asked you questions while they were
 2 there, right?
 3 A Yes, ma'am.
 4 Q And they later asked you other questions
 5 about it, didn't they?
 6 A Yes, ma'am.
 7 Q And what you told them and you act of showing
 8 them that place, those were lies, weren't they?
 9 A They were not the truth, no.
 10 Q They weren't the truth. What's the opposite
 11 of the truth?
 12 MR. URICK: Objection.
 13 THE COURT: Sustained.
 14 BY MS. GUTIERREZ:
 15 Q If you tell them that was not the truth then
 16 you back it up by showing them a place that you chose,
 17 right?
 18 MR. WILDS:
 19 A Pardon me.
 20 Q You told them something that was not the
 21 truth --
 22 A No, I told them the truth.
 23 Q And then you backed it -- let me finish.
 24 A I'm sorry.
 25 Q And then you backed it up showing them a

1 place that was not true, correct?
 2 A I told them the truth. I did not show them a
 3 location that was true, no.
 4 Q You told them that the location of where the
 5 trunk popped when you saw the body was off of Edmondson
 6 Avenue, did you not?
 7 A Yes, ma'am.
 8 Q That was on the recording, was it not?
 9 A Yes, ma'am.
 10 Q You picked the words to describe the
 11 location, correct?
 12 A Yes, ma'am.
 13 Q And that was not the truth, was it?
 14 A No, ma'am.
 15 Q And showing them that place was not the
 16 truth, was it?
 17 A No, ma'am.
 18 Q So, those things were not the truth, right?
 19 A The location was not the truth, no.
 20 Q And telling them about it wasn't the truth,
 21 right?
 22 MR. URICK: Objection.
 23 THE COURT: Sustained.
 24 BY MS. GUTIERREZ:
 25 Q They didn't try to steer you to any specific

1 place, did they?
 2 MR. WILDS:
 3 A No, ma'am.
 4 Q And the place where you showed them was, in
 5 fact, right at Edmondson Avenue, was it not?
 6 MR. URICK: Objection.
 7 THE COURT: I'm sorry. I couldn't hear the
 8 question.
 9 MS. GUTIERREZ: The place where you showed
 10 them was at Edmondson Avenue, was it not?
 11 THE COURT: Sustained.
 12 BY MS. GUTIERREZ:
 13 Q Where was the physical place you showed them,
 14 Mr. Wilds?
 15 MR. URICK: Objection.
 16 THE COURT: Sustained.
 17 BY MS. GUTIERREZ:
 18 Q Did you take them to a specific location?
 19 MR. URICK: Objection.
 20 THE COURT: Sustained. Asked and answered.
 21 Will you please move on.
 22 MS. GUTIERREZ: Not as to the specific
 23 location, Judge.
 24 THE COURT: Witness has already testified it
 25 was off of Edmondson Avenue, he's already testified

1 that he did know the name of the street.
 2 BY MS. GUTIERREZ:
 3 Q Sir, you've answered that you are familiar
 4 with Poplar, correct, you know where it is?
 5 MR. WILDS:
 6 A I do not know of the street, no.
 7 Q Well, sir, you've testified that you are
 8 familiar with the strips on Edmondson Avenue.
 9 MR. URICK: Objection.
 10 THE COURT: Overruled. I'm sorry. Your
 11 question was, you're familiar with?
 12 MS. GUTIERREZ: Edmondson Avenue.
 13 THE COURT: The strips on Edmondson Avenue
 14 was you question.
 15 MS. GUTIERREZ: Well, I already asked that.
 16 THE COURT: Very well. Your next question.
 17 BY MS. GUTIERREZ:
 18 Q You are familiar with Edmondson Avenue, are
 19 you not?
 20 MR. WILDS:
 21 A Yes.
 22 Q You are familiar that Edmondson Avenue, if it
 23 comes east toward Baltimore City separates, are you
 24 not?
 25 A Yes.

1 Q And that Edmondson Avenue goes straight on
 2 the left, correct?
 3 A Yes.
 4 Q And another road that ends up with another
 5 name Franklintown Road goes off to the right, are you
 6 not?
 7 A No, Edmondson splits with Route 40.
 8 Q Well, you're aware that in Baltimore County
 9 what's called Edmondson Avenue in Baltimore City is
 10 called Route 40, are you not?
 11 A No, ma'am.
 12 Q You're aware that it's the same road, aren't
 13 you?
 14 A Yes, ma'am.
 15 Q Okay. Now, that road, whatever name it has
 16 as it goes into Baltimore City shortly after the bridge
 17 under which Hilton Parkway runs splits as we've
 18 discussed, correct?
 19 A Yes, ma'am.
 20 Q That is near the place, although you may not
 21 know the name where you took the police, isn't it?
 22 A Yes, ma'am.
 23 Q To show them where the trunk popped, right?
 24 A The trunk popped?
 25 Q You understand what I'm talking about when I

1 refer to the trunk popped, aren't you, sir?
 2 A You're referring to display the body?
 3 Q Yes, sir.
 4 A Yes, ma'am.
 5 Q There was only one time in your life that a
 6 trunk popped and you saw a dead body, wasn't there?
 7 A Yes, ma'am.
 8 Q All right. Now, back to my question. Near
 9 there between the bridge under which Hilton Park and
 10 Edmondson Avenue or Route 40 or whatever name the
 11 street is then divides is where the place you took the
 12 police at the same time after you had shown them where
 13 the car was, was it not?
 14 MR. URICK: Objection.
 15 THE COURT: Overruled.
 16 MR. WILDS: Yes, ma'am
 17 BY MS. GUTIERREZ:
 18 Q Okay. And where you took them whether you
 19 know --
 20 THE COURT: One moment, Counsel. One moment,
 21 Counsel. We're getting some feed back here with
 22 something that is evidently is outside -- outside of
 23 the building and so, if it interferes with the jury's
 24 ability to hear or the witness's ability to hear let me
 25 know and we'll recess and try to take care of it. You

1 A Yes, ma'am.
 2 Q At all hours of the day or night, correct?
 3 A I don't know.
 4 Q Sir, I was asking you about, when you took
 5 the police to where the car was parked you recall or
 6 didn't recall, do you recall that Detective Ritz asked
 7 you the area where Adnan parked the car and got all the
 8 things out of it, had you gone back to that location to
 9 see if the car was still there? Do you recall him
 10 asking you that question?
 11 A Yes.
 12 Q And do you recall answering, I was -- during
 13 the commute I made an effort, yeah, out of way to see
 14 if it was still there. Yeah, it was. Do you recall
 15 that?
 16 A Yes, ma'am.
 17 Q That was your answer to him, was it not?
 18 A Yes, ma'am.
 19 Q And do you recall Detective Ritz asking you
 20 further, when was the last time that you went out of
 21 your way to see if the car was still there? Do you
 22 recall that?
 23 A Yes, ma'am.
 24 Q And your answering four days ago. So, the
 25 24th, is that correct?

1 may proceed with your next question.
 2 BY MS. GUTIERREZ:
 3 Q That location, whatever the street name was,
 4 was a street that emptied into Edmondson or cut into
 5 Edmondson Avenue, was it not?
 6 MR. WILDS:
 7 A I believe so.
 8 Q And that location was near the strip with
 9 which you are familiar, was it not?
 10 A I'm not familiar with that strip, no.
 11 Q And, sir, that location is heavily populated,
 12 is it not?
 13 MR. URICK: Objection.
 14 THE COURT: If you know.
 15 MR. WILDS: I don't know.
 16 BY MS. GUTIERREZ:
 17 Q There are row houses there, are they not?
 18 MR. WILDS:
 19 A Yes.
 20 Q And neighborhoods of people?
 21 A Yes.
 22 Q And Edmondson Avenue or Route 40 or whatever
 23 name that street is, is heavily traveled, is it not?
 24 A I would say so.
 25 Q It's a major thoroughfare, is it not?

1 A Yes, ma'am.
 2 Q And that was your statement while the tape
 3 recorder was on?
 4 A Yes, ma'am.
 5 Q On the 28th of February, correct?
 6 A I believe so.
 7 Q Now, sir, at some point during your
 8 discussions with your very good friend, Jen Pusateri
 9 she raised to you the issues of about Best Buy, did she
 10 not?
 11 A Yes.
 12 Q Some time after you told what was not the
 13 truth and you made the effort of showing the police
 14 something that was not truth about both -- about the
 15 place where you saw the body in the trunk you later
 16 told them that that place was some place different,
 17 correct?
 18 A Yes, ma'am.
 19 Q And the place that you told them was some
 20 place different, was at the Best Buy off Security
 21 Boulevard, correct?
 22 A Yes, ma'am.
 23 Q And that Best Buy is a boxy structure with
 24 the Best Buy logo at an angle, is it not?
 25 A Yes, ma'am.

1 Q And it's plainly visible from Security
2 Boulevard, is it not?
3 A Yes, ma'am.
4 Q Right at -- and that's also a road that
5 changes its name, there's a light there and if you are
6 not on Security Boulevard along that street and you
7 went straight you would go into the parking lot of
8 Security Mall, correct?
9 A Yes, ma'am.
10 Q And on the other side of the light, not the
11 mall side there's a gas station there, is it not?
12 A I believe so.
13 Q Right past the gas station there's a little
14 tiny entrance way, that if you continue on you get to
15 Best Buy, right?
16 A Yes, ma'am.
17 Q But if you go right, right away you're at a
18 McDonald's lot, are you not?
19 A Yes, ma'am.
20 Q And there's a lot that surrounds McDonald's,
21 isn't that correct?
22 A Yes, ma'am.
23 Q Because there's a big drive-in window at that
24 McDonald's, is there not?
25 A Yes, ma'am.

1 Q And the next structure is the Best Buy, is it
2 not?
3 A Yes, ma'am.
4 Q It has the trademark entry way of Best Buy
5 against the big block building that's glass etched in
6 red, does it not?
7 A I haven't paid that much attention, no. But,
8 yes, Best Buy I was at.
9 Q Well, that's the place that you later told
10 them was the place where you saw the body in the truck,
11 right?
12 A Yes, ma'am.
13 Q And right at the entrance, and that wasn't
14 the first time you went to Best Buy, was it?
15 A No, ma'am. I'm sorry.
16 Q You were -- you had been there on previous
17 occasions, right?
18 A Yes, ma'am.
19 Q And you were aware previous to January 13th
20 that the entrance to Best Buy if one stands in it looks
21 directly to Security Boulevard, are you not?
22 A Yes, ma'am.
23 Q And that's the second place that you told the
24 police that you saw the body in the trunk, right?
25 A Yes, ma'am.

1 Q And you had to explain why you hadn't told
2 them the truth the first time, right?
3 A Yes, ma'am.
4 Q Now, Mr. Wilds, you would have us believe --
5 MR. URICK: Objection.
6 Q That you had nothing to do with the death of
7 Hae Lee, right?
8 THE COURT: Sustained. Form of the question.
9 BY MS. GUTIERREZ:
10 Q Mr. Wilds, did you kill Hae Min Lee?
11 MR. WILDS:
12 A No, ma'am.
13 Q And you weren't present when she was killed?
14 A No, ma'am.
15 Q So, you had no concern about involvement in
16 her actual death, right?
17 A No, ma'am.
18 Q And it difference to you where it was that
19 she was killed, did it?
20 A Yes, ma'am.
21 Q It did?
22 A Yes, ma'am.
23 Q And it became an issue for you, did it not?
24 A Yes, ma'am.
25 Q And that is she was brought to your attention

1 by your very good friend, Jen Pusateri, was it not?
2 A In conjunction, yes.
3 Q Yes. And she raised the issue that at Best
4 Buy there were video cameras at the entrance and on the
5 outside of the building, did she not?
6 A Yes, ma'am.
7 Q And that those video cameras would have
8 recorded the events as they occurred, did she not?
9 A Yes, ma'am.
10 Q And you and she discussed that at length, did
11 you not?
12 A Pardon me.
13 Q You and she discussed that at length,
14 correct?
15 A Not at length, no.
16 Q You said you were not aware of anything that
17 Jen Pusateri discussed with the police except what she
18 told you before you went to work on the evening of the
19 27th, correct?
20 A Yes, ma'am.
21 Q And that she really didn't give you a lot of
22 detail, right?
23 A No, ma'am.
24 Q And, sir, had she told you that she had
25 mentioned that you had told her Best Buy?

<p style="text-align: right;">Page 81</p> <p>1 A No, ma'am.</p> <p>2 Q No. And on the time when you told them and</p> <p>3 let me get this straight. On the 28th after the two</p> <p>4 hour conversation that wasn't recorded, after the</p> <p>5 twenty minute break, after the next -- how long was the</p> <p>6 first time the conversation was on the recorder before</p> <p>7 you asked them to stop?</p> <p>8 A It wasn't very long.</p> <p>9 Q How long?</p> <p>10 A It was about two hours total.</p> <p>11 Q Two hours. So, at least a half an hour?</p> <p>12 A Probably.</p> <p>13 Q And then after the ten minute break, that's</p> <p>14 when you then went out and showed them where the car</p> <p>15 was, right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And then showed them a place, literally</p> <p>18 around the corner from there where you saw the body in</p> <p>19 the trunk, right?</p> <p>20 MR. URICK: Objection.</p> <p>21 THE COURT: Sustained.</p> <p>22 BY MS. GUTIERREZ:</p> <p>23 Q After all of that, Mr. Wilds, you weren't</p> <p>24 charged with anything were you?</p> <p>25 MR. WILDS:</p>	<p style="text-align: right;">Page 83</p> <p>1 Q And on that occasion you told them things</p> <p>2 different from what you told them on the previous</p> <p>3 occasion, correct?</p> <p>4 A Yes, ma'am.</p> <p>5 Q The first statement that was not recorded,</p> <p>6 right?</p> <p>7 MR. URICK: Objection.</p> <p>8 THE COURT: Overruled.</p> <p>9 BY MS. GUTIERREZ:</p> <p>10 Q On the 20th, right?</p> <p>11 MR. WILDS:</p> <p>12 A Right.</p> <p>13 Q And then you had the statement that was</p> <p>14 recorded that was interrupted by your deciding to tell</p> <p>15 them to turn the tape recorder off, right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Then you had the statement that was recorded</p> <p>18 on the 15th, right?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Did they speak to you through any means</p> <p>21 between the 28th and the 15th?</p> <p>22 A No, ma'am.</p> <p>23 Q And were you ever arrested during that time?</p> <p>24 A No, ma'am.</p> <p>25 Q Or brought down to police headquarters?</p>
<p style="text-align: right;">Page 82</p> <p>1 A Not at the time, no.</p> <p>2 Q You weren't put in jail, were you?</p> <p>3 A No, ma'am.</p> <p>4 Q You were then taken back, correct?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And after that ended, sir, you were asked to</p> <p>7 talk to the police again, were you not?</p> <p>8 A Yes, ma'am.</p> <p>9 Q One of those occasions occurred on March</p> <p>10 15th, correct?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Two weeks and a day from when you first</p> <p>13 talked to them, correct?</p> <p>14 A I believe so.</p> <p>15 Q And on that occasion, once again, you were</p> <p>16 asked to explain some inconsistencies that were still</p> <p>17 of concern to Detectives McGilvary and Witts, were you</p> <p>18 not?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And you attempted to explain them, right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And then -- after that event on the 15th of</p> <p>23 March and that conversation that was also recorded on</p> <p>24 the tape recorder, was it not?</p> <p>25 A I believe so.</p>	<p style="text-align: right;">Page 84</p> <p>1 A No, ma'am.</p> <p>2 Q Or asked to do anything else?</p> <p>3 A No, ma'am.</p> <p>4 Q Did they ever call you up on the phone and</p> <p>5 say, hey, Jay, we've got a question about this, it</p> <p>6 doesn't match up?</p> <p>7 A No, ma'am.</p> <p>8 Q And Jen Pusateri continued to be your very,</p> <p>9 very good friend, did she not?</p> <p>10 A She was a little upset with me, but yes we</p> <p>11 were still friends.</p> <p>12 Q So, the answer is yes, she continued to be</p> <p>13 your very good friend?</p> <p>14 A Yes, ma'am.</p> <p>15 Q There was a period of time when she was very</p> <p>16 upset with you, was she not?</p> <p>17 A Yes, ma'am.</p> <p>18 Q You had to reassure her, did you not?</p> <p>19 A Reassure, no.</p> <p>20 Q In any of the times that the tape recorder</p> <p>21 was on, on February 28th, did you mention Jen Pusateri,</p> <p>22 your very, very good friend?</p> <p>23 A No.</p> <p>24 Q No. And that wasn't the truth, was it?</p> <p>25 A No, ma'am.</p>

1 Q And so you told them the chain of events that
2 did not include even the mention of your very, very
3 good friend, Jen Pusateri?

4 A Yes, ma'am.

5 Q Even though you were aware that she had
6 talked to the police right before they came and got
7 you, right?

8 A Yes, ma'am.

9 Q None of what she had told you went on there
10 gave you concern about yourself, did it?

11 A Some.

12 Q Some. Now, when you spoke to the police on
13 the 15th of March, which now would really be your third
14 statement, right?

15 A Yes, ma'am.

16 Q That took place down at police headquarters,
17 did it not?

18 A Yes, ma'am. Ms. Gutierrez, I don't mean to
19 interrupt you, but I need to go to the bathroom. May I
20 be excused?

21 THE COURT: You may take a break. We're
22 going to take a break. In fact, why don't we take a
23 break for lunch at this time. I note that it's 12:20.
24 Mr. Wilds, I'll remind you, you're still on the witness
25 stand, you may not discuss your testimony with the

1 State or the Defense. At this time you may leave, you
2 may go out.

3 MR. WILDS: Okay.

4 THE COURT: Ladies and gentlemen, I'm going
5 to ask as Mr. Wilds exits --

6 MR. URICK: What time should he return?

7 THE COURT: We're going to resume Mr. Wilds
8 at -- I have a bench meeting, at two o'clock. You
9 should be here about ten of two.

10 MR. WILDS: Okay.

11 THE COURT: All right. Ladies and gentlemen,
12 we're going to recess for lunch at this time. I must
13 advise you to leave your note pads face down on your
14 chairs. I'm also going to ask that you not discuss the
15 testimony that you've heard with anyone and not allow
16 anyone to discuss it with you, even amongst yourselves.

17
18 And I have an inquiry of the members of the jury
19 panel. Has any member of the panel, has anyone
20 approached them or attempt to speak to them about this
21 case? Anyone at all? If so, signal so by raising your
22 hand. Anybody approach you either on behalf of the
23 Defense, on behalf on the State or anyone at all. If
24 so, please raise your hand or signal by raising your
25 hand at this time. Very well. I see that no one is

1 raising their hand and I note that I just need to
2 remind you that if anyone should try to talk to you
3 about this case, anyone should approach you in any way
4 in attempt to even get your identity or find out who
5 you are, that I'd ask that you notify the Court
6 immediately. You can do so by writing a note or by
7 notifying the courtroom clerk or Deputy Church or my
8 law clerk and I'd ask that you do so right away. As I
9 indicated to you before I'd ask that no one have any
10 contact with you. They not try to talk to you, to
11 catch the next elevator, I indicated no witnesses
12 should talk to you and the purposes of my doing that is
13 to make sure that you are not in any way having any
14 conversations.

15 I also ask that during the break as I've asked you
16 before, don't read the newspaper about this case, do
17 not listen to the radio, do not look at television with
18 regard to this case and at this time I'm going to tell
19 you you're free to go to lunch. Ask that you return
20 and be there no later then ten minutes to two.

21 MS. GUTIERREZ: Can we approach the bench
22 before we're released?

23 THE COURT: Certainly, one moment. Counsel,
24 you want to step up for me please?

25 (Counsel and Defendant approached the bench

1 and following ensued:)

2 MS. GUTIERREZ: Judge, I guess I need to
3 inquire. Is the Assistant State's Attorney available?

4 MS. MURPHY: I haven't been able to call, we
5 haven't had a break yet since we had the last
6 discussion.

7 MR. URICK: When this was done that may very
8 well have been juror number six that he tried to talk
9 to and she just didn't want to talk to anyone.

10 THE COURT: You mean the one that was already
11 excused?

12 MR. URICK: Yeah.

13 THE COURT: So, we don't really know. For
14 the record, no one raised their hand, none of the
15 jurors indicated that anybody tried to approach them
16 that anybody tried to talk to them and I it in the
17 context of the instructions that I've been giving them
18 every day as they depart and also reiterated that they
19 should let me know if anyone has. Since they don't --
20 they're not indicating who is was and we don't know,
21 the only best thing is to ask that the Assistant
22 State's Attorney be available --

23 MS. GUTIERREZ: Be here after the break.

24 THE COURT: After the break.

25 MS. GUTIERREZ: To at least maybe, they could

1 identify who is that they spoke to.
 2 THE COURT: So, that Ms. Gutierrez can
 3 inquire. Right, right. And I don't want them to step
 4 up here, but they can have a seat in the courtroom and
 5 I'd ask that you inquire if they recognize the juror if
 6 they come. If the answer is that they don't recognize
 7 the juror it could be as Mr. Urick suggested that he in
 8 fact saw the juror that didn't want to talk to him and
 9 she's departed.
 10 MS. MURPHY: Because if the Court will
 11 recall, the panel was excused several minutes before
 12 juror number six and, in fact, the Court even remarked
 13 that they would probably be gone before she gathered
 14 her things.
 15 THE COURT: No, I made sure she was escorted.
 16 MS. GUTIERREZ: Right.
 17 THE COURT: By Deputy Church and Ms. Connelly
 18 to make sure there was no mix up between the excused
 19 juror and panel.
 20 MS. MURPHY: Right, it may have been her. It
 21 could be.
 22 THE COURT: I have no way of knowing. The
 23 only thing I can do is ask the question.
 24 MS. MURPHY: Right.
 25 THE COURT: No one seems to recall being

1 --
 2 THE COURT: And just leave it that way.
 3 MS. MURPHY: He's an officer of the Court.
 4 He told us immediately. We're just --
 5 THE COURT: I understand, but we don't know
 6 MS. MURPHY: I understand.
 7 THE COURT: The details and frankly, you're
 8 doing the best you can in relaying what he told you.
 9 but the old saying is, nothing better then to hear it
 10 from the horse's mouth.
 11 MS. MURPHY: I understand.
 12 THE COURT: And that's what I'd like to do.
 13 So, if we could do that after the break, I'd appreciate
 14 it. Thank you.
 15 MS. MURPHY: Thank you, Your Honor.
 16 (Counsel and Defendant returned to the trial
 17 tables and the following ensued:)
 18 THE COURT: Very well. All right. Now,
 19 ladies and gentlemen, we're going to send you to lunch.
 20 Please return to the jury room. I have no other cases,
 21 I will be at a bench conference, but the bench meeting
 22 usually goes from 12:30 to a few minutes before two and
 23 that's generally how it goes, so that as soon as that
 24 is done, it's on this floor, on the fifth floor so as
 25 soon as that's done I'll come back here. That's the

1 approached, no one is acknowledging that they were
 2 approached and no one is indicating that anybody tried
 3 to talk to them. So, that's the best I can do.
 4 MS. GUTIERREZ: Well, I would ask to have the
 5 Assistant State's Attorney here.
 6 THE COURT: And I'm asking that they be here
 7 at the break.
 8 MS. MURPHY: Certainly.
 9 THE COURT: So, that we can inquire, but I
 10 don't want to do in a way that draws any more attention
 11 to it. So, if the --
 12 MS. GUTIERREZ: Well, the other I would ask
 13 that neither prosecutor speak that Assistant State's
 14 Attorney since the first view this morning is based on
 15 what he said that he approached someone who's not juror
 16 number six. Now, their inference is well, maybe they
 17 did approach juror number six. I don't want that
 18 prosecutor's perceptions influenced in any way by the
 19 later thought of these prosecutors.
 20 THE COURT: Ms. Murphy, I just ask you to
 21 have him here. Don't talk to him in detail.
 22 MS. MURPHY: Thank you.
 23 THE COURT: Just indicate to him that it's
 24 about him approach one of the jurors.
 25 MS. MURPHY: Right. I will note, Your Honor

1 only thing that holds up this Court, so we should try
 2 to get started as close to two o'clock as possible.
 3 With that said, if you all could be there a few
 4 minutes before two, I'm going to try again to stick to
 5 the schedule that I gave you. Please go with Ms.
 6 Connelly, Deputy Church is at the door, go with Deputy
 7 Church at this time. Leave your note pads face down,
 8 the clerk will secure them and at this time this Court
 9 will stand in recess.
 10 (The jury was excused from the courtroom.)
 11 MR. URICK: I do have a brief question on
 12 scheduling, if I may.
 13 THE COURT: All right. Then I'll let the
 14 jury go out and I'll deal with your scheduling issue.
 15 Your scheduling issue?
 16 MR. URICK: We'd like some direction from the
 17 Court. Should we have other witnesses available this
 18 afternoon?
 19 THE COURT: Now, Mr. Urick, how am I going to
 20 answer that question for you? Mr. Urick wants to know
 21 whether or not you expect -- I guess the question is,
 22 Ms. Gutierrez, do you think you're going to finish with
 23 Mr. Wilds today? Do you have any idea?
 24 MS. GUTIERREZ: Judge, I have no idea and I
 25 notoriously have a bad record for estimating time so I

1 don't attempt.

2 THE COURT: And the record I'm establishing
3 with the jury is the same. So, the best thing I can
4 tell you is have a witness available. The worst that
5 could happen is that we finish with Mr. Wilds, you may
6 have a few cross and we start with a new witness. The
7 worst that could happen is that your witness comes in
8 and we don't get to that witness. Do you have a short
9 witness? A witness who's proximity to this building is
10 such that it would be easy to call the witness and have
11 them come over?

12 MR. URICK: I believe we have witnesses we
13 could place on call if we could have about a half an
14 hours notice. We would even arrange transportation for
15 them.

16 THE COURT: I think that would be fair
17 enough. I would think that if Ms. Gutierrez is done,
18 would you anticipate having at least fifteen or twenty
19 minutes worth of redirect from Mr. Wilds?

20 MR. URICK: I would be surprised if I went
21 fifteen minutes.

22 THE COURT: Well, Mr. Urick, I'm doing the
23 best I can to try to give you a sense of how -- I don't
24 -- I'm not going to ask Ms. Gutierrez to alert me when
25 she's thirty minutes before the end. But if she's

1 stands in recess.

2 BAILIFF: All rise.

3 (Lunch recess.)

4 (Counsel and Defendant approached the bench
5 and following ensued:)

6 (Jury not present upon reconvening.)

7 THE COURT: Yes, ma'am.

8 MS. GUTIERREZ: Judge, at this time I would
9 move for the production of all and any notes written by
10 Detectives McGilvary and Ritz regarding what I would
11 now term as the first statement of Jay Wilds. This
12 witness has testified he made a statement that it took
13 two hours, that during that time Detectives McGilvary
14 and Ritz took notes, that it was non recorded. The
15 existence of such a statement or any information
16 regarding anything he may have said whether it was
17 consistent with what was made in his second statement
18 or not it was discoverable.

19 This witness, Jay Wilds has been the subject of
20 several motions to compel under a number of theories,
21 the Rules, Brady, Jenks and, in fact, the late turning
22 over of his two recorded statements which we received
23 mistrial. The first trial was the occasion of an early
24 day for Court and recess since they weren't given to us
25 in time to react or respond and to start the cross

1 winding down if she could give us a high sign, that
2 would be helpful, but I'm not requiring her to do that.

3 MR. URICK: I believe if we had a brief break
4 at the end of cross I could probably have another
5 witness here.

6 THE COURT: A few questions and then get back
7 it. I mean I willing to work with you, I just have no
8 way of knowing and frankly, I think Ms. Gutierrez has
9 some points that she wants to get to whether it takes
10 her an hour to get there, two hours or into tomorrow,
11 those are her points and issues and I am not going to
12 restrict her in her questions except I am going to ask
13 Ms. Gutierrez that we try not to go over the same
14 subject matter several times. And if there are
15 objections in the form of asked and answered I am going
16 to sustain them because at least with the point of this
17 morning we went over the same subject matter a couple
18 of times. That's the only restriction I'm going to
19 place on you is that ask if you would move on unless
20 you are trying to make a particular point and you're
21 going back to it for that purpose I'm not going to
22 restrict you in that regard, but if it appears that
23 you're just merely revisiting the same questions I will
24 be sustaining those objections. With that said we're
25 going to break now until two o'clock. This Court

1 examination of Mr. Wilds. We've established that there
2 is a statement, I would state categorically such a
3 statement has never been disclosed to the Defense,
4 notwithstanding prior motions regarding compulsions to
5 turn over his statements.

6 This is a witness who testified any and all such
7 statements whether or not they were recorded, it is
8 unimaginable that the detectives spoke to this witness
9 for two hours without their taking notes particularly
10 in regard to the later statements of this witness about
11 this event and we would be entitled to them under inner
12 theory. They've never been mentioned that they exist.

13
14 Those notes, in light of the track record of this
15 witness's having already acknowledge that he lied to
16 the police, whether or not they are consistent with his
17 first, second or third statement or with his prior
18 recorded testimony they are significant and consistent
19 with due process Brady and Maryland Rules, Jenks, any
20 other theory we would demand the production of those
21 notes now and an opportunity to review them.

22 THE COURT: Do you have any notes of the
23 witness -- the notes taken by the officers while
24 examining this witness, either written, recorded by
25 audio or video or hand written or any of the notes

1 taken by any witnesses who interviewed this Jay Wilds?
 2 MR. URICK: Do I have them?
 3 THE COURT: Do you them that have not -- the
 4 question is, that have not been disclosed to the
 5 Defense?
 6 MR. URICK: I do not, no. If there are any
 7 such notes.
 8 THE COURT: You do not know if there are any
 9 such notes?
 10 MR. URICK: Yes. I will not speak for the
 11 officer, whether or not he took any notes. I will
 12 point out that under Jenks the -- what is a statement
 13 for purposes of disclosure is quite explicit. It has
 14 to be a taped conversation, it has to be a written
 15 conversation that is adopted by the witness. If the
 16 detective took notes the case law under Jenks is quite
 17 explicit that is not discoverable as a prior
 18 inconsistent statement because it is not a statement of
 19 the witness. It is not in his own words, it is not
 20 adopted by him. In so far as there would be any
 21 allegation of Brady material that's already been
 22 disclosed. It's clear Defense Counsel knows about
 23 that. If there were any such notes they would not be
 24 discoverable under Jenks because they are not a
 25 statement and they could not be used to impeach this

1 would reflect that and, in fact, there was a prior
 2 order that all such material including material, not
 3 limited, but including material that we would be
 4 entitled to it under Jenks which also speaks to the
 5 disclosure of statements after the witness has
 6 testified, be given to us in ample enough time to not
 7 delay the trial were, in fact, order and pursuant to
 8 that order Mr. Urick has repeatedly said all statements
 9 of this witness have been turned over. Since we
 10 weren't on any notice that there was another unrecorded
 11 statement, of course we wouldn't have known to even
 12 inquire as to that.
 13 The other, Judge, is that I think that the State's
 14 attorney's obligation extends not just to what he knows
 15 about. He's required under the rules to know about it
 16 and he's charged with the knowledge as long as any of
 17 that mandated material under any theory would be due
 18 certainly to the chief detectives in this case or
 19 anyone else from law enforcement or otherwise that
 20 regularly reports to the State. I don't think there's
 21 any issue that Detectives McGilvary and or Rice would
 22 fit into that category.
 23 THE COURT: All right. Anything else the
 24 State has in response other than the fact that you feel
 25 that you have met the discovery requirements under the

1 witness because he did not adopt them, it would not be
 2 a recording in his voice. It would not be a statement
 3 as required under Jenks and the case law that has
 4 interpreted it.
 5 MS. GUTIERREZ: Judge, I would not for the
 6 record, although I refer to Jenks since the prosecutor
 7 has referred to it --
 8 THE COURT: You weren't limiting your point
 9 by it.
 10 MS. GUTIERREZ: I haven't limited to it.
 11 Jenks Act is a federal statute covering discovery in
 12 Federal Court. Discovery is extremely limited in the
 13 Federal Court, it is not so limited in State Court and
 14 therefore, things like definitions of statements that
 15 are contained in that actual Jenks Act would not be
 16 applicable to a State Court ruling under due process
 17 under Brady or under the Rules itself. The discovery
 18 don't clarify exactly when or at least 464 -- 263
 19 doesn't outline exactly when. I believe that's a case
 20 law determination under the Maryland Law that stands
 21 for the proposition that after a witness has testified
 22 given a prior request and, Judge, I didn't bring over
 23 my whole discovery file with me, but this issue has
 24 been the issue of numerous hearings.
 25 We have prior made requests, I believe the record

1 Maryland Rules in providing the Defense with all
 2 statements of the witness, Mr. Wilds and you've done so
 3 already?
 4 MR. URICK: Yes, Your Honor. Nothing
 5 further.
 6 THE COURT: There's nothing further. All
 7 right. Will both of you step back just for one moment.
 8 MS. GUTIERREZ: Sure. Ms. Connelly, get me
 9 300 Maryland out of my chambers please. Court's going
 10 to take a brief recess.
 11 BAILIFF: All rise.
 12 (Brief recess.)
 13 THE COURT: It's on. Due to the motion
 14 that's been made by Ms. Gutierrez and the testimony of
 15 Mr. Wilds that he had several conversations with the
 16 police that were not recorded and in light of the
 17 information that's been thrust out on cross
 18 examination. Although I don't find any fault with the
 19 State having not previously disclosed any notes of
 20 those conversation, those statements with Mr. Wilds, at
 21 this time I find that this information may in some way
 22 be used to negate or mitigate the guilt of the
 23 Defendant and we don't know what those notes say or how
 24 they may be useful to the Defense.
 25 In light of the testimony of this witness I'm

1 going to direct the State to inquire of the officers
2 whether or not they took notes either, I think it's
3 Detectives Ritz or Ritz or McGilvary as they took
4 notes during their conversations with Mr. Wilds that
5 they produce the notes to the Court. If they did not
6 takes notes then they should prepare an affidavit
7 and/or come to Court because I would like speak to them
8 with regard to whether or not these notes existed and
9 if they did exist, where are they and if they did not
10 exist or they do not exist that they can indicate so to
11 the Court. That would be any unrecorded meetings,
12 conversations that they had with Mr. Wilds where they
13 took notes relative to any statements made. The
14 witness has indicated that there has been
15 inconsistencies that were brought to his attention,
16 some of which were recorded, some of which were not and
17 to the extent that there are any notes in existence I
18 direct the State to inquire of the two officers,
19 detectives and respond to this Court and I'd ask that
20 that be provided first thing tomorrow morning. By 9:30
21 tomorrow morning when we resume.
22 In the interim I'll allow Ms. Gutierrez to
23 continue with her questioning of this witness and at
24 such time we break for the day, perhaps Counsel can
25 send a message through someone in their staff to make

1 the inquiry to the detectives to find out whether or
2 not the -- these notes exist at all. And so with
3 regard to that particular request that the State --
4 that the Defense has just made that will be my ruling.
5 MR. URICK: Your Honor, I would just like to
6 correct one thing about the record. Ms. Gutierrez at
7 the bench said she was not on notice on any of this.
8 Jay Wilds first statement starting on page 24 discusses
9 the earlier verbal conversation he had with the
10 officers and the inconsistencies, this was also
11 discussed previously in the previous proceeding that we
12 had. This prior conversation has already been gone
13 through, she's been on notice on it, she's now had two
14 chances to go through it with the witness, but if I can
15 have five minutes I can go ask the detective right now.
16 THE COURT: All right.
17 MR. URICK: About any notes.
18 THE COURT: Well, first let me tell you I
19 would appreciate that what happened in the last
20 proceeding not overly complicate this proceeding. The
21 Court wasn't there the last proceeding and as I
22 indicated at the outset a number of motions that are
23 made and ruled on by this Court are discretionary and
24 where one Judge might see it one way another Judge may
25 see it a different way.

1 I was not present during the questioning of Mr.
2 Wilds, I did not know nor did I hear what the testimony
3 of Mr. Wilds was. I heard it today and I heard
4 reference made to inconsistencies and unrecorded
5 conversations and in abundance in caution in accordance
6 to the request of the Defense I believe that Defense is
7 entitled to know whether the notes exist and the Court
8 is directing you to produce those notes to me if they
9 are in existence and so, regardless of what Ms.
10 Gutierrez has said, she has merely brought to my
11 attention something that I heard myself.
12 I've considered this, I've looked at the rule,
13 I've looked at a couple of cases and most recently
14 there is a case that talks about arguably, exculpatory
15 material. We I believe had this discussion once before
16 out the outset of the trial when we talked about
17 whether investigatory information would -- could be
18 exculpatory or not and we went into that, but at this
19 juncture I'd ask that you do that and I'd rather not
20 take a lot of time making inquiries to your detectives
21 if there's someone that you could ask, Ms. Murphy
22 perhaps could assist you or someone from your office
23 could make the inquiry so that we could continue with
24 the case.
25 MR. URICK: Well, if I -- if we could, if Ms.

1 Murphy could approach the Defense Counsel to discuss
2 the earlier matter that the Court brought up before the
3 lunch break I could, while that's being handled --
4 THE COURT: That would be fine with me. You
5 can do that.
6 MR. URICK: Thank you.
7 THE COURT: Could you give me one second,
8 Counsel.
9 MS. GUTIERREZ: Certainly.
10 THE COURT: Okay.
11 (Counsel and Defendant approached the bench
12 and following ensued:)
13 MR. URICK: Mr. Floerscheimer is here. He
14 wants to know if he needs to stick around or he does
15 have other things he would like to do. He's not sure
16 what he's suppose to be doing here.
17 THE COURT: Mr. --
18 MR. URICK: Mark Floerscheimer.
19 MS. GUTIERREZ: Assistant who spoke to the
20 juror.
21 THE COURT: Okay. I thought we were going to
22 handle that matter while you go talk to, um, Gilbert.
23 MR. URICK: Well, I've already done it.
24 THE COURT: Very well. Well lets start with
25 Mr. Floerscheimer. Did you speak to him at all or did

1 you just tell him to come in?
 2 MS. MURPHY: Well, I was instructed not to.
 3 THE COURT: Okay. Is he here?
 4 MS. MURPHY: He is here.
 5 THE COURT: Have him step up since we're at
 6 the bench. I didn't recognize the name when you said
 7 Floerscheimer. I'm thinking who is that?
 8 MS. MURPHY: A little out of context.
 9 (Mr. Floerscheimer approached the bench.)
 10 THE COURT: How are you? I understand that
 11 at the direction of Counsel for the State you were
 12 asked to speak to one of the jurors in the case that
 13 was excused or released.
 14 MR. FLOERSCHMEIMER: Juror number six from
 15 yesterday.
 16 THE COURT: Okay. The person that you
 17 approached yesterday, can you describe her?
 18 MR. FLOERSCHMEIMER: She looked very similar.
 19 A tall, glasses, black female.
 20 THE COURT: What did she have on?
 21 MR. FLOERSCHMEIMER: She had a heavy dark coat
 22 on.
 23 THE COURT: Okay. Do you remember anything
 24 else about her face or features?
 25 MR. FLOERSCHMEIMER: Not -- not that I can --

1 MR. FLOERSCHMEIMER: Sure.
 2 THE COURT: We're not sure you spoke to the
 3 right person.
 4 MR. FLOERSCHMEIMER: I didn't.
 5 THE COURT: Well, you don't know that and we
 6 don't know that.
 7 MR. FLOERSCHMEIMER: Okay.
 8 THE COURT: And that's our concern.
 9 MR. FLOERSCHMEIMER: Okay.
 10 THE COURT: Whoever it is that you spoke to
 11 could still be seated on our jury or it could have been
 12 that it was in fact juror number six who just said she
 13 wasn't.
 14 MR. FLOERSCHMEIMER: It could be.
 15 THE COURT: Which is why I'm asking if you
 16 recall what she had on.
 17 MR. FLOERSCHMEIMER: She had on a dark blue or
 18 black overcoat, heavy overcoat.
 19 THE COURT: Over whatever she was wearing?
 20 MR. FLOERSCHMEIMER: Correct.
 21 THE COURT: Do you recall the color of her
 22 hair?
 23 MR. FLOERSCHMEIMER: It was black.
 24 THE COURT: As opposed to brown?
 25 MR. FLOERSCHMEIMER: Correct.

1 THE COURT: Did she have glasses on?
 2 MR. FLOERSCHMEIMER: Yeah, she had glasses on.
 3 Very similar to the glasses that were -- the lady,
 4 juror number six had on.
 5 THE COURT: Wait a minute. You were here
 6 during the trial and saw the juror number six --
 7 MR. FLOERSCHMEIMER: Number six.
 8 THE COURT: That's sitting there now?
 9 MR. FLOERSCHMEIMER: No, juror number six that
 10 you excused.
 11 THE COURT: You saw the juror number six that
 12 I excused?
 13 MR. FLOERSCHMEIMER: Go out.
 14 THE COURT: You saw her go out?
 15 MR. FLOERSCHMEIMER: I saw her go out behind
 16 your clerk.
 17 THE COURT: Okay.
 18 MR. FLOERSCHMEIMER: And that's when I was
 19 directed
 20 to --
 21 THE COURT: Why don't we slow down a little
 22 bit.
 23 MR. FLOERSCHMEIMER: Sure.
 24 THE COURT: Perhaps if you listen to my
 25 question.

1 THE COURT: And her glasses, do you recall if
 2 they were gold wire?
 3 MR. FLOERSCHMEIMER: No, they were -- they
 4 looked like horn rim or black, darker -- darker,
 5 thicker glasses.
 6 THE COURT: All right. If you were to see
 7 the jury panel as seated, would you recognize if the
 8 person you spoke to is still on the panel?
 9 MR. FLOERSCHMEIMER: Possibly. I can't
 10 guarantee, but possibly.
 11 THE COURT: Was this woman very heavy set?
 12 MR. FLOERSCHMEIMER: No.
 13 THE COURT: Very well. Any questions, Ms.
 14 Gutierrez?
 15 MS. GUTIERREZ: Yes, I guess I would like to
 16 inquire as to what led you obviously to approach that
 17 juror believing it was the juror who had been struck,
 18 right?
 19 MR. FLOERSCHMEIMER: The one who was excused.
 20 MS. GUTIERREZ: Excused, knowing that it was
 21 permissible to talk to that juror, right?
 22 MR. FLOERSCHMEIMER: Correct.
 23 MS. GUTIERREZ: It would not have been
 24 permissible and you understood that, to speak to a
 25 seated juror, right?

1 MR. FLOERSCHEIMER: Clearly, yes.
2 MS. GUTIERREZ: So, what was it that led you
3 to believe that the juror you approached was in fact,
4 juror number six?
5 MR. FLOERSCHEIMER: Because she went in with
6 the clerk, a few minutes later she came out --
7 MS. GUTIERREZ: Out.
8 MR. FLOERSCHEIMER: With her coat on and she
9 looked like the person who went in with the clerk.
10 MS. GUTIERREZ: Okay. And when you
11 approached that juror you identified yourself?
12 MR. FLOERSCHEIMER: Yes.
13 MS. GUTIERREZ: As an Assistant State's
14 Attorney?
15 MR. FLOERSCHEIMER: Yes.
16 MS. GUTIERREZ: And --
17 THE COURT: One second. Was the clerk still
18 there?
19 MR. FLOERSCHEIMER: No.
20 THE COURT: Is she there? All right. Very
21 well. Go ahead.
22 MS. GUTIERREZ: And when you approached this
23 juror and identified yourself how did that juror react?
24 MR. FLOERSCHEIMER: She looked like she
25 stiffened up.

1 MS. GUTIERREZ: Okay. And then you asked her
2 if she were juror number six?
3 MR. FLOERSCHEIMER: Correct.
4 MS. GUTIERREZ: And where were you when you
5 asked her?
6 MR. FLOERSCHEIMER: Outside the jury room.
7 THE COURT: Right out here?
8 MR. FLOERSCHEIMER: In the atrium out there.
9 MS. GUTIERREZ: That has benches on both
10 sides?
11 MR. FLOERSCHEIMER: Correct.
12 MS. GUTIERREZ: And the atrium meaning the
13 area of space between the exit from this courtroom and
14 then right opposite is the entry way to the jury.
15 MR. FLOERSCHEIMER: Correct.
16 MS. GUTIERREZ: And the judge's clerk was not
17 present?
18 MR. FLOERSCHEIMER: No.
19 MS. GUTIERREZ: And no Sheriff was present?
20 MR. FLOERSCHEIMER: I don't believe so.
21 MS. GUTIERREZ: And were you aware of others
22 coming in or out of the jury room at the time?
23 MR. FLOERSCHEIMER: There were others who had
24 prior, previously left the jury room, yes.
25 MS. GUTIERREZ: I don't have anything

1 further.
2 MR. FLOERSCHEIMER: May I say something?
3 THE COURT: What is it that you want to say?
4 MR. FLOERSCHEIMER: I just said, as soon I
5 asked -- as soon as I asked that, you know if she was
6 juror number six and indicated no, she wasn't, I
7 apologized and, you know, said excuse me.
8 THE COURT: And nothing else was said to her?
9 MR. FLOERSCHEIMER: Nothing else was said and
10 I informed Ms. Murphy immediately.
11 THE COURT: Of what occurred.
12 MR. FLOERSCHEIMER: Of what had happened.
13 THE COURT: Okay. Very well. Any questions
14 from the State?
15 MR. URICK: None, Your Honor.
16 THE COURT: Thank you very much.
17 MR. FLOERSCHEIMER: Sure. Do you want me to
18 stay here?
19 THE COURT: Just have a seat for just one
20 second.
21 MR. FLOERSCHEIMER: Sure.
22 THE COURT: And then you should be able to
23 go. Thank you very much. I still -- I still don't
24 know anything more then we knew before.
25 MS. GUTIERREZ: Except that what he told us

1 the clerk was not there and, you know, we weren't out
2 there in the atrium, we were here, but I specifically
3 recall you sending her out --
4 THE COURT: With the juror.
5 MS. GUTIERREZ: To make sure that there was
6 no interaction. I don't know --
7 THE COURT: With the other jurors?
8 MS. GUTIERREZ: Right. And frankly, I don't
9 know. There wasn't a whole lot of time because it
10 didn't take a whole lot of time but I don't know
11 whether or not the other jurors had already left, but
12 it was clear that the charge to your clerk was to make
13 sure there was no interaction. What he's described I
14 think raises the possibility that whatever interaction
15 there was, was with a seated juror, not juror --
16 THE COURT: Yes.
17 MS. GUTIERREZ: Number six who was excused
18 and --
19 THE COURT: What it sounds like it is was
20 with a seated because -- but the seated jurors are
21 indicating that they were not approached.
22 MS. GUTIERREZ: And maybe that's a good
23 thing, Judge, in that whatever happened took up such
24 little time they didn't regard it as an approach, but
25 you understand our concern. I guess what I would ask,

1 there's no way that this prosecutor can tell us
2 anything until he sees the jury panel. If in fact what
3 happened was with a seated juror, there's every chance,
4 you know, there's no improper taint and we're fine and
5 I'd like to preserve that possibility.
6 So, I guess what I would request is what you have
7 that prosecutor up here with us, bring out the jury
8 panel so that there's no other attention drawn to see
9 if he can then identify the juror from the seated
10 jurors and perhaps we could all turn and look at the
11 jury so he's not highlighted and then go from there
12 because it is great concern.
13 THE COURT: Well, he is sitting in the
14 courtroom. He certainly can write a note and say it
15 was juror number four.
16 MS. GUTIERREZ: Well, that's fine. That's
17 fine.
18 THE COURT: And send me the note up or I
19 don't recognize the person.
20 MS. GUTIERREZ: Right, but if we did that
21 that would then involve us coming up and delaying it
22 again and I just thought, well if we're all up here and
23 we all turn and look.
24 THE COURT: Well, I can pass the note to you.
25 MS. GUTIERREZ: Okay.

1 MR. FLOERSCHMEIER: Sure.
2 THE COURT: As the jurors come in I would
3 like you to look at each one of them, take a piece of
4 paper with you and a pad. If you recognize the juror
5 you spoke to indicate so by their juror number.
6 MR. FLOERSCHMEIER: Okay. Will they be
7 seated then?
8 THE COURT: They'll be seated. They're going
9 to come in, they're going to --
10 MR. FLOERSCHMEIER: Is juror number one here?
11 THE COURT: No. Back row to your left is
12 one.
13 MR. FLOERSCHMEIER: One, six.
14 THE COURT: Right, right.
15 MR. FLOERSCHMEIER: Twelve.
16 THE COURT: And then alternates, one, two and
17 three in the front.
18 MR. FLOERSCHMEIER: One, two and three.
19 Okay.
20 THE COURT: All right. And then if you
21 recognize which juror it was just the write the number,
22 it was juror number, blah, blah, blah.
23 MR. FLOERSCHMEIER: Okay.
24 THE COURT: If you don't recognize anyone
25 write I don't recognize anyone.

1 THE COURT: I mean I have no problem having
2 my clerk bring you the note, you can see what the note
3 is --
4 MS. GUTIERREZ: Okay.
5 THE COURT: And if says I don't recognize
6 anyone it would be agreed that we'll just proceed. If
7 it's, I recognize someone --
8 MS. GUTIERREZ: Maybe it's a phantom person
9 in the hall who had a long black coat on.
10 THE COURT: Well, --
11 MS. GUTIERREZ: It's -- there's not --
12 THE COURT: It also could have been we had a
13 mock trial in here at five o'clock. It could have been
14 people who arrived for that. I have no idea.
15 MS. GUTIERREZ: Right, right.
16 THE COURT: And there's no way for me to
17 know. At this point that's the only thing I can
18 suggest.
19 MS. GUTIERREZ: All right.
20 THE COURT: Moving onto the next issue. Is
21 the attorney here? I'm going to ask him to come up.
22 Ask him if he can have a seat towards the left so he
23 can actually see the panel and ask him to come up for a
24 second. I'm going to ask you to have a seat in the
25 front row to my left.

1 MR. FLOERSCHMEIER: Okay.
2 THE COURT: All right. And then --
3 MR. FLOERSCHMEIER: And if I believe I
4 recognize them but I'm not sure?
5 THE COURT: Write I believe I recognize this
6 juror but I'm not sure and then if you would then, my
7 law clerk, no Deputy Church --
8 MR. FLOERSCHMEIER: Church.
9 THE COURT: Will be there and give the note
10 to him.
11 MR. FLOERSCHMEIER: Sure.
12 THE COURT: All right. Thank you very much,
13 I appreciate your help. Yes. Okay.
14 MR. URICK: I had a chance to speak to Greg
15 McGilvary and the interview he had prior to the taped
16 statement he took the no notes. He will provide the
17 Court an affidavit to that effect tomorrow. He did not
18 see Detective Ritz take any notes, he will check
19 tonight to see if he can find Detective Ritz.
20 Detective Ritz as you may recall is out of the country
21 'til the 16th. I can check again with him when he gets
22 back.
23 MS. GUTIERREZ: Next Wednesday?
24 THE COURT: You don't have a number where you
25 can reach him, Witts?

1 MR. URICK: I can ask Greg if he can call
2 overnight I'll check with him. I didn't think to ask
3 him that.
4 THE COURT: Well, you don't understand. It
5 isn't your -- an affidavit from the detective.
6 MR. URICK: He's the primary detective.
7 THE COURT: And an affidavit to include that he
8 spoke to the other detective and there are no notes?
9 MR. URICK: If he's been able to make contact. I
10 don't know if he can contact him, that's why I'll have to ask
11 him if there's some way that he knows of to contact Detective
12 Witts. I don't know, I didn't think to ask him that question.
13 THE COURT: I'm not real happy about the fact
14 that you have no way of reaching the detective. I
15 think that that at a minimum during the course of
16 trial, particularly under the circumstances this Court
17 has been particularly lenient and I'm asking that make
18 contact with both detectives. I either want them here or I
19 want an affidavit and I'm willing to accept an affidavit from
20 Detective McGilvary or Ritz basically as police officers and
21 officers an affidavit saying that there are no notes, but I
22 want one or the other.
23 Now, I don't care how you figure that out, I don't care
24 how you get it done but that's what I want. I want to know
25 that there aren't any notes or if there are notes I want the

1 that they be conveyed to Detective Ritz. He absolutely will
2 need to be called by the Defense and as a witness assuming we
3 get to that point by the 16th.
4 THE COURT: Very well.
5 MS. GUTIERREZ: Which I think we will.
6 THE COURT: That's understood that you would want
7 him as a -- and it's not a notice requirement it was just a
8 heads up. I don't even call it a notice requirement, it's
9 just more like, just to make sure that the witness understands
10 and you and let him know that as well. All right. Very well.
11 Lets proceed. Thank you. Thank you. Counsel.
12 (Counsel and Defendant returned to the trial tables
13 and the following ensued:)
14 THE COURT: And if you could have the jurors come.
15 in. Yes, please. Just have a seat, Mr. Wilds.
16 (The jury returned to the courtroom.)
17 THE COURT: Show this to Ms. Gutierrez and show it -
18 no. Counsel, will you come up?
19 MS. GUTIERREZ: Yes.
20 THE COURT: Let me have it.
21 (Counsel and Defendant approached the bench and
22 following ensued:)
23 THE COURT: Well, it makes perfectly good sense.
24 The person that he spoke to is now juror number six. However,
25 yesterday she was alternate number one.

1 notes here tomorrow morning at 9:30 and I don't want to have
2 any further delay with this witness. I want to have the notes
3 if they exist, available for Ms. Gutierrez so she can continue
4 with this witness tomorrow. If the notes don't exist then I
5 want an affidavit saying the notes do not exist and I want
6 that sworn by one or both of the detectives, but they are to
7 refer to all notes in the case and if there's the detective
8 who is the case agent as I recall him, he should no whether or
9 not that anybody else took any notes and he should be able to
10 swear to that in an affidavit that there are no notes and I
11 think that that's reasonable.
12 MR. URICK: Thank you.
13 THE COURT: All right.
14 MS. GUTIERREZ: Judge, just for the record just so
15 there's no issue of notice. If you --
16 THE COURT: I'm not worried about notice. Ms.
17 Gutierrez, this is a ruling that I made.
18 MS. GUTIERREZ: No, I do understand, but in light of
19 this, regardless of what the affidavit says Detective Ritz who
20 the Court excused to the 16th is now an absolutely Defense
21 witness.
22 THE COURT: Oh, thank you, that's good.
23 MS. GUTIERREZ: Since there's been some notice
24 requirements and since, you know the witnesses I subpoena
25 don't talk to me they go to Mr. Urick I just want it on notice

1 MS. GUTIERREZ: Alternate number one.
2 MS. MURPHY: Right.
3 THE COURT: Which is why she answered his question
4 no.
5 MS. GUTIERREZ: She wasn't. Right. Well, but it
6 doesn't --
7 THE COURT: Because at the time she did not know
8 that should become juror number six.
9 MS. GUTIERREZ: That she was going to be juror
10 number six. Of course it doesn't explain how this prosecutor
11 mixed up who it was whatever circumstances.
12 THE COURT: And it also does not explain why she has
13 not said --
14 MS. GUTIERREZ: I know. Can I talk to my client for
15 a minute?
16 THE COURT: Sure. You may. There's no explanation
17 for her failure to respond to me.
18 MS. MURPHY: Maybe she thought that he was looking
19 for somebody else.
20 THE COURT: But that was not my question.
21 MS. MURPHY: (inaudible).
22 THE COURT: I made it real clear.
23 MS. GUTIERREZ: I thought you made it pretty clear
24 this morning but again, I don't --
25 THE COURT: At the end of the day we'll ask her to

1 stay and we'll inquire.
 2 MS. GUTIERREZ: See, that's what I just talked to
 3 Mr. Syed about. I guess our position is we want to leave it
 4 alone. We don't want to poison this juror --
 5 THE COURT: Any further.
 6 MS. GUTIERREZ: Now and that, you know we have no
 7 reason to disbelieve what the prosecutor said --
 8 THE COURT: Sure.
 9 MS. GUTIERREZ: And if that's all that happened --
 10 you know, and she might explain since she didn't know
 11 yesterday that she was going to get moved in that maybe, you
 12 know, so that there are good things.
 13 THE COURT: Well, she was honest.
 14 MS. GUTIERREZ: Right.
 15 THE COURT: She said --
 16 MS. GUTIERREZ: I guess our position now is that
 17 even though, you know our concerns are still the same we don't
 18 want to poison this juror by further inquiries. So --
 19 THE COURT: I'm make a note, stick this in the file,
 20 this is the identification.
 21 MS. GUTIERREZ: Yeah, right before he came out that
 22 actually without the glasses both the juror who was replaced
 23 and this current juror --
 24 THE COURT: They look very similar.
 25 MS. GUTIERREZ: Do look -- they do.

1 THE COURT: They're very similar in appearance.
 2 Okay. All right.
 3 MS. GUTIERREZ: Okay.
 4 THE COURT: Thank you very much.
 5 MS. MURPHY: Can Mr. Floerscheimer be excused?
 6 THE COURT: Yes.
 7 (Counsel and Defendant returned to the trial tables
 8 and the following ensued:)
 9 THE COURT: Thanks. Very well. Ms. Gutierrez, you
 10 can resume, just one moment. Mr. Wilds, I'm going to remind
 11 you that you are still under oath from this morning. Good
 12 afternoon ladies and gentlemen, we're going to proceed. Ms.
 13 Gutierrez, witness with you.
 14 MS. GUTIERREZ: Thank you, Judge.
 15 BY MS. GUTIERREZ:
 16 Q Mr. Wilds, before we broke for lunch remember we
 17 were talking about your interviews, plural, with the police on
 18 February 28th, do you recall that?
 19 MR. WILDS:
 20 A February, I'm sorry.
 21 Q 28th.
 22 A Yes, ma'am.
 23 Q That's not a hard date for you to remember, is it?
 24 MR. URICK: Objection.
 25 THE COURT: Sustained.

1 BY MS. GUTIERREZ:
 2 Q Well, Mr. Wilds we were talking about when we
 3 defined, you had a first interview with the police that wasn't
 4 recorded, right?
 5 MR. WILDS:
 6 A Pardon me? The first interview? No, it was not.
 7 Q Pardon.
 8 A No, it was not.
 9 Q It was not recorded and your first interview subject
 10 matter of it was the same thing that the second interview was
 11 about, right?
 12 A Yes, ma'am.
 13 Q And at some point during your second interview the
 14 detectives asked you about the first interview, did they not?
 15 A I believe so.
 16 Q And they asked you and you admitted that the
 17 information you provided to them at the time that you said,
 18 that although they both took notes there was no tape recorder
 19 on, that that wasn't the same information that you were now
 20 providing them, did they not?
 21 MR. URICK: Objection.
 22 THE COURT: Ms. Gutierrez, I'm going to sustain the
 23 form of it because it's a compound question --
 24 MS. GUTIERREZ: I'll rephrase it.
 25 THE COURT: And there are parts that I think should

1 be divided up.
 2 BY MS. GUTIERREZ:
 3 Q You recall, Mr. Wilds that Detectives Ritz asked you
 4 the following question: prior to us turning the tape on, Jay,
 5 we had a conversation with you and you answered, yes, right?
 6 MR. WILDS:
 7 A Yes.
 8 Q And that after that Detective Ritz went further and
 9 said that during that conversation we spoke for about a half
 10 an hour, forty-five minutes. The information that you
 11 provided during that interview, was it the same information
 12 that you provided during the first interview and you answered,
 13 no, didn't you?
 14 A Yes, ma'am.
 15 Q You recall being asked that question, right?
 16 A Yes, ma'am.
 17 Q Then, back then you recall being asked, right?
 18 A Yes, ma'am.
 19 Q And you answered telling them that no, the
 20 information you provided while the tape was running was
 21 different information that you had provided them during the
 22 time before when the tape wasn't running.
 23 A The first interview?
 24 Q Yes, sir.
 25 A Yes, ma'am.

1 Q Okay. Now, let us then go back to the first
2 interview, the one where there was no tape. Did you provide
3 them information about the location of the car?
4 A No, ma'am.
5 Q Now, so you sort of lied by omitting it, did you
6 not?
7 A Yes, ma'am.
8 Q Okay. And did you provide them information about
9 seeing the body in the trunk?
10 A I don't believe so.
11 Q You don't believe so. So, you lied about that too,
12 right?
13 A Yes, ma'am.
14 Q Okay. And or at least what you said at first was
15 very different then what you said next, right?
16 A In the second time.
17 Q And in fact, you first told them nothing about Jen
18 Pusateri, right?
19 A Yes, ma'am.
20 Q And in your second statement when the tape recorded
21 was turned on you also didn't say anything about Jen Pusateri,
22 right?
23 A Correct.
24 Q Your very, very good friend?
25 A Yes, ma'am.

1 Q So, you continued -- and that was a lie, right?
2 A No, it was not the truth, you're right.
3 Q It wasn't, so yes it was a lie?
4 A Yes, ma'am.
5 Q Okay. And so you lied in the first statement about
6 that and you continued to lie in the second statement about
7 that same thing, right?
8 A Yes, ma'am.
9 Q And the first time before the tape recorder was on,
10 you didn't happen to tell them about your good friend, Christa
11 Myers, did you?
12 A No, ma'am.
13 Q And in the second statement you didn't tell them
14 about your good friend, Christa Myers, did you?
15 A Christa Myers?
16 Q I'm sorry. Christa Vincent.
17 A Yes, ma'am.
18 Q You didn't tell them, right?
19 A No, ma'am.
20 Q And that was a lie, wasn't it?
21 A Yes, ma'am.
22 Q Okay. So, in regard to your good friend, Christa
23 Myers you lied to them the first time, right?
24 A Vincent.
25 Q Pardon.

1 A Vincent.
2 Q Vincent. In regard to her you lied to them the
3 first time, right?
4 A Yes.
5 Q And you lied to them the second time, right?
6 A Yes.
7 Q You didn't get around to telling them about Christa
8 Myers --
9 A Vincent.
10 Q Christa Vincent, until your third statement, right?
11 A Yes.
12 Q Okay. Now, and in regard to events that happened in
13 Lincoln Park as you say in the first statement you didn't tell
14 all about that, did you?
15 A No, ma'am.
16 Q And the first time you mentioned that was in the
17 second statement, right?
18 A Yes, ma'am.
19 Q After -- after the tape was turned off, right?
20 A Yes, ma'am.
21 Q And in regard to issues like your clothes and what
22 you did with them at any time after those events, you didn't
23 tell them the truth in the first statement, did you?
24 A No, ma'am.
25 Q And you actually didn't tell them the truth in the

1 second statement, did you?
2 A I believe so, I did.
3 Q In the third statement you told them something
4 different?
5 A I believe I told them where I placed them.
6 Q You told them where you placed them?
7 A In the third statement.
8 Q In?
9 A In the third statement.
10 Q The third statement. Could you keep your voice up,
11 Mr. Wilds?
12 A Yes, ma'am.
13 Q And so you didn't tell them the truth about your
14 clothes in the first statement, right?
15 A No, ma'am.
16 Q Well, on that one recorder, right?
17 A Yes, ma'am.
18 Q But the one that Detectives McGilvary and Ritz took
19 notes, right?
20 MR. URICK: Objection.
21 THE COURT: Overruled. The one where they took
22 notes meaning the first statement.
23 MS. GUTIERREZ: Yes.
24 MR. WILDS: I'm sorry. Could you ask me the
25 question again please.

1 BY MS. GUTIERREZ:
2 Q About your clothes and you know what I'm talking
3 about your clothes, right?
4 MR. WILDS:
5 A Yes, ma'am.
6 Q You took off your clothes after these events, right?
7 A Yes, ma'am.
8 Q And you got rid of them, did you not?
9 A Yes, ma'am.
10 Q And what you've told this jury is that you got rid
11 of them in a dumpster, correct?
12 A Yes, ma'am.
13 Q In your first statement, the one without a tape
14 recorder where Detectives McGilvary and Ritz took notes --
15 MR. URICK: Objection.
16 Q You didn't tell them about that, did you?
17 THE COURT: Overruled.
18 MR. WILDS: No, ma'am.
19 BY MS. GUTIERREZ:
20 Q And in the second statement, sir you didn't tell
21 them about that, did you?
22 MR. WILDS:
23 A I don't believe so.
24 Q That didn't come up until the third statement,
25 right?.

1 A No, ma'am.
2 Q You hadn't been put in jail?
3 A No, ma'am.
4 Q You hadn't been put in custody?
5 A No, ma'am.
6 Q Your liberty had not been confined at all?
7 A I was told not to leave but other than that, no,
8 ma'am.
9 Q By not leaving, leaving the jurisdiction, right?
10 A Yes, ma'am.
11 Q Okay. Now sir, you were aware that following the
12 first statement, the one in which you lied to the police in
13 the early morning hours of February 28th of 1999 and Adnan
14 Syed was arrested after you took to the police to the location
15 that you know tell us was a lie on Edmondson Avenue, were you
16 not?
17 A No, I was not.
18 Q You weren't aware that Adnan Syed was arrested
19 afterwards?
20 A Not until the following day.
21 Q Is it a surprise to you?
22 THE COURT: I'm sorry. Not until the following?
23 MR. WILDS: Day.
24 BY MS. GUTIERREZ:
25 Q Meaning the Monday?

1 A I believe so.
2 Q And the third statement took place on March 15th,
3 correct?
4 A Yes, ma'am.
5 Q Once again down at police headquarters on Fayette
6 Street, right?
7 A Yes, ma'am.
8 Q At a time there was a tape recorder, right?
9 A Pardon me.
10 Q At a time there was a tape recorder?
11 A I believe so.
12 Q On the third statement, right?
13 A I believe so.
14 Q The one on March 15th, right?
15 A I believe so.
16 Q And for that statement sir, did you just wander in?
17 A No, ma'am.
18 Q You were brought down there, were you not?
19 A Yes, ma'am.
20 Q By the same detectives?
21 A Yes, ma'am.
22 Q And you really didn't have a choice, did you?
23 A No, ma'am.
24 Q But you hadn't been charged with anything from
25 February 28th up to March 15th, had you?

1 MR. WILDS:
2 A Yes.
3 Q Would it be a surprise to you to know that he was
4 arrested at daybreak on the 18th right after you pointed out
5 the location of the trunk popped that turns out to be a lie?
6 A I'm really not understanding your question, I'm
7 sorry.
8 Q Sir, is it the words that you don't understand?
9 MR. URICK: Objection.
10 THE COURT: Sustained.
11 BY MS. GUTIERREZ:
12 Q Mr. Wilds, are you surprised to find out whether you
13 knew before or not that Adnan Syed was arrested right after
14 you pointed out a false location about the trunk pop?
15 MR. WILDS:
16 A No, ma'am.
17 Q Now, now, Mr. Syed -- Mr. Wilds, on the 15th of
18 March you were brought down again to police headquarters,
19 right?
20 A Yes, ma'am.
21 Q And you did not expect to be charged that day, did
22 you?
23 A I did not know what was going to happen to me.
24 Q No, sir. My question was, did you expect to be
25 charged?

1 MR. URICK: Objection.
2 THE COURT: Sustained. You don't have to answer
3 that.
4 BY MS. GUTIERREZ:
5 Q You hadn't been told by Detectives McGilvary or Ritz
6 that you would be charged, had you?
7 MR. WILDS:
8 A Not yet, no.
9 MR. URICK: Objection.
10 THE COURT: Sustained.
11 MR. WILDS: I'm sorry.
12 BY MS. GUTIERREZ:
13 Q And Mr. Wilds, you hadn't been told you were arrest
14 when they came to bring you down, did they?
15 MR. URICK: Objection.
16 THE COURT: Sustained.
17 BY MS. GUTIERREZ:
18 Q Once again, however, Detective McGilvary and
19 Detective Ritz were concerned about what you had told them
20 before, were they not?
21 MR. URICK: Objection.
22 THE COURT: Sustained.
23 BY MS. GUTIERREZ:
24 Q They asked to speak to you again about the
25 inconsistencies in your statements, did they not?

1 MR. WILDS:
2 A Yes.
3 Q Yes. And that wasn't a surprise to you, was it?
4 A No.
5 Q You knew you had lied to them, hadn't you?
6 A Yes.
7 Q And you knew that they didn't yet know that you lied
8 to them at the time that you lied, right?
9 A I did not know what they knew.
10 Q After the 15th, now on the 15th of March you
11 mentioned Jen Pusateri's name, did you not?
12 A On the 15th?
13 Q Yes, sir.
14 A Yes, ma'am.
15 Q And for the first time, isn't that correct?
16 A Yes, ma'am.
17 Q And when asked by them why you hadn't mentioned it
18 before you said it was to protect her, did you not?
19 A Yes, ma'am.
20 Q You didn't want to get your good friend involved in
21 this, isn't that what you said?
22 A Yes, ma'am.
23 Q And you were concerned about her because of who she
24 was, were you not?
25 A Who she was?

1 Q Just answer the question, sir. It's yes or no.
2 MR. URICK: Objection.
3 BY MS. GUTIERREZ:
4 Q Were you concerned and did you express that to the
5 detectives about who she was?
6 THE COURT: Sustained.
7 BY MS. GUTIERREZ:
8 Q You expressed concern in that interview and said, as
9 a reason for not mentioning her, a lie by omission on the 28th
10 was that you were concerned because of who her father was,
11 isn't that a reason?
12 MR. WILDS:
13 A No, ma'am.
14 Q You didn't express that?
15 A No, ma'am.
16 Q To the detectives on the 15th?
17 A No, ma'am.
18 Q And that's your recollection today, correct?
19 A Yes, ma'am.
20 Q Now, on the 15th when you went down with them, did
21 you ask them again about getting the lawyer?
22 A No, ma'am.
23 Q Did you call a lawyer?
24 A No, ma'am.
25 Q Did you have a lawyer?

1 A No, ma'am.
2 Q And at any time on the 15th while you were down
3 there, did you ever get charged with any crime?
4 A No, ma'am.
5 Q Was your liberty ever restrained?
6 A No, ma'am.
7 Q But you told them many different things then when
8 you spoke to them on the 28th?
9 A Yes, ma'am.
10 Q And those are things different then the first time
11 you spoke to them, right without a tape recorder?
12 A Yes, ma'am.
13 Q And different from what you told them, the second
14 statement on the 28th when the tape recorder was running,
15 isn't that correct?
16 A Yes, ma'am.
17 Q And you also mentioned Christa Vincent's name for
18 the first time, right?
19 A Yes, ma'am.
20 Q And so you first mentioned that Christa Vincent was
21 someone you saw and spoke to on the 13th, correct?
22 A Yes, ma'am.
23 Q And you were concerned you told them why you lied by
24 omission on the 28th for her because she was also your good
25 friend, did you not?

1 A Yes, ma'am.

2 Q That you didn't want to get her involved in this
3 case, correct?

4 A Yes, ma'am.

5 Q And you expressed concern over Christa Vincent's
6 father's profession, did you not?

7 A Yes, ma'am.

8 Q Yes. And Christa Vincent's father was not your good
9 friend, was he?

10 A I'm sorry, you're speaking away from me.

11 Q Christa Vincent's father was not your good friend --

12 A No, ma'am.

13 Q Was he? You had never met him, had you?

14 A No, ma'am.

15 Q He didn't live with her, did he?

16 A No, ma'am.

17 Q But you became concerned because of her father's
18 profession so you lied by omission about her interaction with
19 you on the 13th, did you not?

20 A Yes, ma'am.

21 Q And in fact, on the 15th of March, two weeks and a
22 day after you had your first two statements, one recorded, one
23 not you told them about going to Christa Vincent's house one
24 time, did you not?

25 A Yes, ma'am.

1 Q And after the 15th of March there came another
2 occasion in which you spoke to them, did there not?

3 A I believe so.

4 Q And that was on the 13th of April, was it not?

5 A I believe so.

6 Q And that occasion, once again were you taken down to
7 police headquarters?

8 A I believe so.

9 Q And in-between the 15th of March and the 13th of
10 April Sir, you were at liberty, were you not?

11 A Yes, ma'am.

12 Q You were not in jail, were you?

13 A No, ma'am.

14 Q You were never charged, were you?

15 A No, ma'am.

16 Q And between the 15th of March and the 13th of April
17 you didn't get a lawyer, did you?

18 A No, ma'am.

19 Q And you didn't ask them again about how it that you
20 go about to get a lawyer, isn't that correct?

21 A Yes, ma'am.

22 Q On the 13th of April you told them something else
23 about Christa Vincent, did you not?

24 A I believe so.

25 Q You told them that you had been there twice that day

1 at different times, correct?

2 A Yes, ma'am.

3 Q On the first time you mentioned Christa Vincent
4 having lied by omission about her previously you never
5 mentioned her boyfriend, did you?

6 A No, ma'am.

7 Q Her boyfriend's name was Jeff Johnson, isn't that
8 correct?

9 A Yes.

10 Q And Jeff Johnson was present at Christa Vincent's
11 house when you were there on the 13th of January, was he not?

12 A Yes, ma'am.

13 Q But you hadn't told the police about it on the 28th
14 of February, had you?

15 A No, ma'am.

16 Q Even the first time without a recorder, right?

17 A No, ma'am.

18 Q Nor the second time with a recorder, right?

19 A No, ma'am.

20 Q Nor your third statement on March 15th with a
21 recorder, right?

22 A No, ma'am.

23 Q So you lied by omission about the presence of
24 someone else to these critical events three times before you
25 mentioned his name, correct?

1 A Yes, ma'am.

2 Q And Jeff Johnson sir, would you have described him
3 as a very good friend?

4 A No, ma'am.

5 Q And you certainly would not have described him as a
6 very, very good friend, correct?

7 A No, ma'am.

8 Q He was just Ms. Vincent's boyfriend, was he not?

9 A Yes, ma'am.

10 Q But he was as you said on the fourth time with the
11 police he was there, correct?

12 A Yes, ma'am.

13 Q But you had lied by omission about him on at least
14 three times, correct?

15 A I believe so.

16 Q Now Mr. Wilds, in regard to when you were talking
17 about your clothes?

18 A Yes, ma'am.

19 Q Now at some point you described to the police, well
20 let me go back. After the 13th of April did you talk to them
21 again, the police?

22 A Yes, I believe it was --

23 Q When was that?

24 A I believe it was some time in September.

25 Q In September. September 7th to be exact?

1 A I believe so.

2 Q That was the day you signed the plea agreement,

3 isn't that correct?

4 A I believe so.

5 Q And so in-between April 13th and September 7th you

6 didn't speak to them?

7 A Not that I can recall.

8 Q You would have recalled, would you have not?

9 A There possibly could have been a phone conversation

10 that I don't remember.

11 Q That you don't remember?

12 A No, ma'am.

13 Q So your testimony is maybe there was a conversation

14 with the police about these events and you might not remember?

15 A It did not pertain to --

16 MR. URICK: Objection.

17 BY MS. GUTIERREZ:

18 Q Prior to testifying to today sir, you prepared for

19 this, had you not?

20 MR. WILDS:

21 A No, ma'am.

22 Q Well, you've spoken to Mr. Urick and Ms. Murphy, did

23 you not?

24 A Yes, ma'am.

25 Q And you prepared for your testimony, have you not?

1 A What do you mean by prepared?

2 Q You spoken to them about the fact that you're going
3 to testify?

4 A Yes.

5 Q And about what you are going to testify about?

6 A No, ma'am.

7 Q No. You haven't spoken to them at all about what
8 you're expected testimony would be?

9 A Not the details, no.

10 Q Pardon.

11 A Not the details, no.

12 Q Oh, the non details.

13 MR. URICK: Objections.

14 THE COURT: Sustained.

15 BY MS. GUTIERREZ:

16 Q So what you've spoken to them about is something
17 other than the details, right?

18 MR. WILDS:

19 A Yes.

20 Q Okay. And the details sir, is that the important
21 stuff or the non important stuff?

22 A That's in the eye of the beholder.

23 Q That's the what?

24 A That's in the eye of the beholder.

25 Q Well sir, you're the beholder. In your eye --

1 MR. URICK: Objection.

2 Q Are the details the important stuff or the non
3 important stuff?

4 THE COURT: Sustained.

5 BY MS. GUTIERREZ:

6 Q Sir, did you omit any information from Mr. Urick?

7 MR. URICK: Objection.

8 THE COURT: Did you omit any information from Mr.
9 Urick?

10 BY MS. GUTIERREZ:

11 Q In your discussions with Mr. Urick, did you omit as
12 we talked about omission by lying by omission, information
13 from Mr. Urick when you spoke to him?

14 MR. URICK: Objection.

15 THE COURT: Sustained as to the form of that
16 question. If you want to narrow it down and get us to a
17 specific subject matter.

18 BY MS. GUTIERREZ:

19 Q How many times did you speak to Mr. Urick?

20 MR. WILDS:

21 A Before coming to Court?

22 Q Before testifying as you started on Monday, six days
23 ago?

24 A Three.

25 Q Three. And it would be fair to say that the subject

1 matter of each of those three conversations was on the events
2 of January 13th, did it not?

3 A Yes, ma'am.

4 Q Not about anything else, right?

5 A No, ma'am.

6 Q And on every occasion you spoke to him it was after
7 you had already entered into the plea agreement, right?

8 A Yes, ma'am.

9 Q And that was long after you had already lied by
10 omission and lied directly to the police in at least three of
11 the various statements on at least several issues, correct?

12 A Yes, ma'am.

13 Q And did the subject of your lying directly or by
14 omission come up between you and Mr. Urick?

15 A Yes, ma'am.

16 Q Or you and Ms. Murphy?

17 A Yes, ma'am.

18 Q Yes. In fact, it came up on all three occasions,
19 did it not?

20 A Yes, ma'am.

21 Q Now, getting back to the clothes. You had on
22 certain clothes on the 13th of January, correct?

23 A Yes, ma'am.

24 Q And at some point you changed out of those clothes,
25 did you not?

1 A Yes, ma'am.
2 Q And at some point you got rid of those clothes, did
3 you not?
4 A Yes, ma'am.
5 Q You got rid of your outer clothes, your pants and
6 your shirt, correct?
7 A Yes, ma'am.
8 Q And you got rid of your outer coat, did you not?
9 A Yes, ma'am.
10 Q And you got rid of the boots that you had on that
11 day, did you not?
12 A Yes, ma'am.
13 Q Now on your first interview, your unrecorded
14 interview, did you tell the police about that?
15 A No, ma'am.
16 Q You didn't tell them that you had done that, right?
17 A No, ma'am.
18 Q In either of the interviews on the 28th, right?
19 A No, ma'am.
20 Q And not on the 15th, right?
21 A I believe I told them then, I'm not sure.
22 Q You're not sure. And you didn't tell them at either
23 of the interviews of the 28th that you took your clothes and
24 you threw them away, did you?
25 A No, ma'am.

1 Q Nor that you took off your clothes and you threw
2 them in a dumpster?
3 A No, ma'am.
4 Q In fact, and that included both your pants and your
5 shirt, right?
6 A Yes, ma'am.
7 Q And your outer coat, right?
8 A Yes, ma'am.
9 Q And your boots, right?
10 A Yes, ma'am.
11 Q And the boots were actually thrown away separately,
12 were they not?
13 A I believe so.
14 Q And you didn't tell them about that until your
15 fourth statement, right?
16 A I believe so.
17 Q Right. And the first thing that you told them about
18 your clothes was that on the 13th you got back to your house
19 that's (inaudible), right?
20 A Excuse me, yes, ma'am.
21 Q And that was a house where you lived with your
22 mother?
23 A And my grandmother, yes.
24 Q Okay. So the answer to my question you lived with
25 your mother is no, is it not?

1 A I lived with my mother, yes.
2 Q Pardon.
3 A I live with my mother, yes.
4 Q And your grandmother?
5 A Yes, ma'am.
6 Q Okay. Now at some point after you got home the
7 first time you told the police about your clothes you told
8 them that you changed your clothes at home, did you not?
9 A Yes, ma'am.
10 Q And that you threw out your clothes in your own
11 house's trash, did you not?
12 A I don't believe so.
13 Q You don't remember that, sir?
14 A You're referring to the first interview?
15 Q The first time you said anything about where you
16 threw out your clothes you told them you threw them out in the
17 trash in your own home, did you not?
18 A I do not recall.
19 Q You don't recall?
20 A No, ma'am.
21 Q Was that a detail?
22 MR. URICK: Objection.
23 THE COURT: Sustained.
24 BY MS. GUTIERREZ:
25 Q It wasn't until March the 15th having told them on

1 2/28 -- on 2/28 that you then told them that you threw the
2 pants and your coat in the dumpster behind the F & M on Route
3 40, is that right?
4 MR. WILDS:
5 A Yes, ma'am.
6 Q Now, the F & M on Route 40, that is in a shopping
7 area right past Rolling Road, is it not?
8 A About a quarter mile, yes.
9 Q Pardon.
10 A About a quarter mile, yes.
11 Q Okay. So, it's past, it's further west of Rolling
12 Road then the city, right?
13 A Yes, ma'am.
14 Q And F & M is a shopping area that has more stores
15 than F & M, does it not?
16 A Yes, ma'am.
17 Q It has a baby store?
18 A Yes, ma'am.
19 Q And it has a pet store, doesn't it?
20 A Yes, ma'am.
21 Q Pet Smart?
22 A Yes, ma'am.
23 Q And you're familiar with that Pet Smart, are you
24 not?
25 A Yes, ma'am.

1 Q Because you worked there, did you not?
 2 A Yes, ma'am.
 3 Q And sir, do you recall an occasion in which you told
 4 the police about a dumpster but you couldn't remember its
 5 location?
 6 A Yes, ma'am.
 7 Q And that dumpster is supposed to be a dumpster that
 8 was driven to and you said Adnan threw out things of Hae's,
 9 correct?
 10 A Is the dumpster in question the one where I put my
 11 clothes or -- I'm confused. Is this a different occasion?
 12 Q Do you recall sir, having a conversation at any time
 13 with either Detective McGilvary or Detective Ritz concerning a
 14 dumpster that you said existed that was where Adnan supposedly
 15 threw away items relating to Hae?
 16 A Yes, ma'am.
 17 Q Yes, you recall that?
 18 A Yes, ma'am.
 19 Q And sir, you recall telling them that the dumpster
 20 was in three possible locations but you couldn't remember
 21 exactly where?
 22 A Yes, ma'am.
 23 Q Yes. And the locations that you told them about
 24 included behind a shopping center that is technically east of
 25 Westview Mall that's called Ingleside Shopping Center, did you

1 Q And you remember mentioning the Super Fresh?
 2 A No, ma'am.
 3 Q No you don't remember?
 4 A No, ma'am.
 5 Q Do you recall that you mentioned the proximity of
 6 the Super Fresh to the dumpster where things were thrown?
 7 A Yes, ma'am.
 8 Q Yes. And which dumpster was that?
 9 A The dumpster where Adnan had deposited Hae's
 10 belongings behind Westview.
 11 Q Hae's belongings?
 12 A Yes.
 13 Q And that was near the Super Fresh?
 14 A Across the street in the parking lot, yes.
 15 Q So where the Super Fresh is located is in a mall not
 16 where the F & M is located, isn't that correct?
 17 A Yes, ma'am.
 18 Q Is it in the same mall where the Pet Smart where you
 19 worked is located, isn't that correct?
 20 A No.
 21 Q It isn't located?
 22 A Is not.
 23 Q In the same mall where the Pet Smart was located, is
 24 it?
 25 A No, ma'am.

1 not?
 2 A Ingleside Shopping, no, ma'am.
 3 Q It included a dumpster located on the grounds of
 4 Westview Mall, did it not?
 5 A Yes, ma'am.
 6 Q It included a shopping center where the F & M is
 7 located, is it not?
 8 A No, ma'am.
 9 Q It included the Pet Smart location, did it not?
 10 A No, ma'am.
 11 Q Lets get back to the dumpster with the clothes.
 12 Where you said you threw your clothes on the third statement
 13 you made was in the dumpster located in the same shopping
 14 center where the Pet Smart where you use to work is located,
 15 was it not?
 16 A Yes, ma'am.
 17 Q And you got around to telling them that on March
 18 15th, did you not?
 19 A Yes, ma'am.
 20 Q And -- now sir, that was a different story that you
 21 had previously told them, was it not?
 22 A Yes, ma'am.
 23 Q Okay. Now sir, did you recall when you testified on
 24 Friday, six days ago?
 25 A Yes, ma'am.

1 Q And it's across what is then called Route 40, is it
 2 not? The Super Fresh?
 3 A In relation to F & M?
 4 Q Yes, sir.
 5 A Yes, ma'am.
 6 Q And it's in another shopping center, is it not?
 7 A Yes, ma'am.
 8 Q One wouldn't describe the Super Fresh as the same
 9 location as the F & M, would one?
 10 A No, ma'am.
 11 Q And in fact on Friday, six days ago you described
 12 that that was a location where you threw your things away, was
 13 it not?
 14 A My belongings?
 15 Q Yes, sir.
 16 A No, ma'am.
 17 Q Do you recall telling us that when you went to throw
 18 your things away that was while Jen went into get cigarettes.
 19 do you recall that?
 20 A Blunts.
 21 Q Blunts.
 22 A That was at F & M, yes, ma'am.
 23 Q Okay. Well now, sir do you recall on Friday you
 24 told us that when Jen stopped for cigarettes was Super Fresh?
 25 A No, ma'am.

1 Q You don't recall that?
 2 A No, ma'am.
 3 Q Will reviewing your transcript help refresh your
 4 recollection?
 5 A Yes, ma'am.
 6 Q Well, perhaps we can arrange that.
 7 MR. URICK: Objection.
 8 BY MS. GUTIERREZ:
 9 Q So sir, you don't --
 10 THE COURT: Sustained. Counsel, can we move on?
 11 The witness has answered the question. Your next question.
 12 BY MS. GUTIERREZ:
 13 Q Now on the 13th of April Mr. Wilds, you were
 14 again brought downtown, right?
 15 MR. WILDS:
 16 A Yes, ma'am.
 17 Q And you were asked about these things by
 18 Detectives McGilvary and Witts, were you not?
 19 A Yes, ma'am.
 20 Q And they were still concerned about varying
 21 inconsistencies, were they not?
 22 A Some, yes.
 23 Q And they asked you a lot of questions, did they
 24 not?
 25 A Yes, ma'am.

1 Q It was not long, but after that, right?
 2 A Yes, ma'am.
 3 Q Not before then, right?
 4 A No, ma'am.
 5 Q Now at the time you signed the plea agreement you
 6 already identified what's in evidence as State's Exhibit 35.
 7 sir?
 8 A Yes, ma'am.
 9 Q If you look at 1A by signing this plea agreement you
 10 represented that you had fully and truthfully responded to all
 11 questions put to the Defendant by law enforcement authorities
 12 during all prior interviews, did you not?
 13 A Yes, ma'am.
 14 Q And if you look down further in paragraph A in the
 15 second to last line in that paragraph it mentions that you
 16 shall continue to cooperate fully with the State by providing
 17 full, complete and candid information, does it not?
 18 A Yes, ma'am.
 19 Q And you signed on that, did you not?
 20 A Yes, ma'am.
 21 Q And Mr. Urick signed, did they not?
 22 A Yes, ma'am.
 23 Q And your lawyer signed, did they not?
 24 A Yes, ma'am.
 25 Q Incidentally, at what point did your lawyer come

1 Q And you were still free, were you not?
 2 A Yes, ma'am.
 3 Q And that occasion there was no tape recording,
 4 was there?
 5 A I don't believe so.
 6 Q Well once again, they took notes, did they not?
 7 MR. URICK: Objection.
 8 THE COURT: Overruled. Did they take notes?
 9 MR. WILDS: No, ma'am.
 10 BY MS. GUTIERREZ:
 11 Q And once again, you didn't ask for help in getting a
 12 lawyer, did you?
 13 MR. WILDS:
 14 A No, ma'am.
 15 Q And you didn't bring a lawyer with you?
 16 A No, ma'am.
 17 Q And the next time you spoke to anyone in law
 18 enforcement about these things was in September when you
 19 signed the plea agreement, is that correct?
 20 A Yes, ma'am.
 21 Q And you didn't have concessions with Mr. Urick and
 22 Ms. Murphy 'til long after that, right?
 23 A No, it was not long.
 24 Q Pardon.
 25 A It was not long.

1 about after the 13th of April?
 2 MR. URICK: Objection.
 3 THE COURT: Sustained.
 4 BY MS. GUTIERREZ:
 5 Q Did anyone help provide you a lawyer?
 6 MR. URICK: Objection.
 7 THE COURT: Overruled.
 8 MR. WILDS: Yes, ma'am.
 9 BY MS. GUTIERREZ:
 10 Q Who?
 11 MR. WILDS:
 12 A Mr. Urick.
 13 Q Mr. Urick the prosecutor in this case helped provide
 14 you a lawyer?
 15 A Yes, ma'am.
 16 Q And that was before or after you got notice that you
 17 would be charged by him?
 18 MR. URICK: Objection.
 19 THE COURT: Overruled.
 20 MR. WILDS: Before, ma'am.
 21 BY MS. GUTIERREZ:
 22 Q Did you meet your lawyer before the day that you
 23 signed the agreement that you called the truth agreement?
 24 MR. WILDS:
 25 A No, ma'am.

1 Q And did Mr. Urick confront you or speak to you
2 before you and he signed it about all the lies that you had
3 already told the police?
4 A Me and Mr. Urick had a conversation.
5 Q Pardon.
6 A Me and Mr. Urick had a conversation.
7 Q Did he -- did that conversation include a discussion
8 about the lies that you've already admitted that you had told
9 the police?
10 A Yes, ma'am.
11 Q Yes. And were you forgiven for those lies?
12 A Forgiven?
13 Q Forgiven?
14 A You'll have to ask Mr. Urick that, I don't know.
15 Q Well sir, this is your plea agreement, is it not?
16 MR. URICK: Objection.
17 THE COURT: Sustained.
18 BY MS. GUTIERREZ:
19 Q This controls what will happen to you, does it not?
20 MR. URICK: Objection.
21 THE COURT: Sustained.
22 BY MS. GUTIERREZ:
23 Q It has no impact on any punishment on Mr. Urick,
24 does it?
25 MR. URICK: Objection.

1 THE COURT: Sustained.
2 BY MS. GUTIERREZ:
3 Q Did your lawyer, the one provided by Mr. Urick, the
4 prosecutor advise you to sign it?
5 MR. WILDS:
6 A No.
7 Q No. Now, you didn't have to pay for your lawyer.
8 did you?
9 MR. URICK: Objection.
10 THE COURT: Sustained.
11 BY MS. GUTIERREZ:
12 Q When was it that you understood that Mr. Urick would
13 be getting your lawyer?
14 MR. URICK: Objection.
15 THE COURT: I'm sorry. When was it that you
16 understood --
17 MS. GUTIERREZ: That Mr. Urick would be getting your
18 lawyer?
19 THE COURT: Sustained. Ladies and gentlemen, as we
20 proceed with the questioning by a show of hands does anyone
21 need water in the jury box? All right. Can we get some
22 assistance? Mr. Deputy Church, would you assist? Thank you.
23 Is there heat coming from the back, behind you? Ladies and
24 gentlemen, I don't know what has triggered the heat but we'll
25 try to find out why. Maybe it's starting to drop outside.

1 THE COURT: Sustained.
2 BY MS. GUTIERREZ:
3 Q You read it very carefully before signing it, did
4 you not?
5 MR. WILDS:
6 A Yes, ma'am.
7 Q And you discussed it fully with the lawyer, the
8 prosecutor got you, did you not?
9 A Yes, ma'am.
10 Q And sir, you understood that you were signing and
11 affirming that you hadn't told them any lies, right?
12 A Pardon me? I had signed it affirming --
13 Q You were signing saying that you understood that
14 you've been truthful for them, did you not?
15 MR. URICK: Objection.
16 THE COURT: Sustained.
17 BY MS. GUTIERREZ:
18 Q Sir, you read this before you signed it, did you
19 not?
20 MR. URICK: Objection.
21 BY MS. GUTIERREZ:
22 Q And you understood that the truth part of the
23 agreement wasn't just truth in the future --
24 MR. URICK: Objection.
25 Q Did you not?

1 Just indicate and as again I'll ask maintenance to see if they
2 can't assist in -- if it's not one thing it's another. Deputy
3 Church, if you could -- do you know where Ms. Connelly is?
4 MS. GUTIERREZ: Judge, can we take a short break?
5 THE COURT: We could.
6 MS. GUTIERREZ: It's about four.
7 THE COURT: We're going to do, ladies and gentlemen,
8 we're going to have Deputy Church just walk you back to the
9 jury room across the hall, let you stretch your legs and get
10 some air and I'm going to ask that maintenance come in the
11 interim to see if they can adjust the radiators so -- they are
12 directly behind you which is why the heat is emanating and you
13 all are getting the heat before we do. But I can tell that
14 you appear to be uncomfortable particularly in the back row so
15 what we'll do it to try to get them in here. I'll make a call
16 and we're going to take a brief recess.
17 During the recess Mr. Wilds, I must advise you that you
18 should not discuss your testimony with anyone, the State or
19 the Defense. Your welcome to stay put in the courtroom if
20 you'd like or you are also welcome to stretch your legs but
21 stay put until the jury goes out. Ladies and gentlemen, I'm
22 going to ask that you leave your note pads face down. You may
23 take your water cups with you if you want. Do not discuss the
24 testimony that you've heard today or anything else. It's just
25 a brief recess, we're just going to try to get the heat

1 adjusted in here. Court stands in recess.
 2 (The jury was excused from the courtroom.)
 3 BAILIFF: All rise.
 4 (Brief recess.)
 5 MS. GUTIERREZ: Can I ask that the witness be
 6 outside?
 7 THE COURT: Certainly, certainly. Mr. Wilds, we'll
 8 have you step back in just a moment. Counsel, do you want to
 9 come up or I guess you might as well make your motion from
 10 there in light of the fact that the witness is now outside the
 11 courtroom.
 12 MS. GUTIERREZ: Judge, at this time I would make a
 13 number of motions. The first would be that I would ask at
 14 this time is to be forwarded an opportunity to question Mr.
 15 Wilds concerning whatever assistance Mr. Urick made in him
 16 obtaining his lawyer and to do so questioning outside the
 17 presence of the jury and outside of Mr. Urick's presence. I
 18 would ask for an order instructing Mr. Urick to speak to no
 19 one about these events.
 20 I believe Judge, we are so entitled to first of all
 21 decide what if anything, Mr. Urick did. I believe it would
 22 have been absolutely improper for all kinds of reasons for Mr.
 23 Urick who assist in getting a lawyer outside of going to a
 24 Court and asking for the appointment of a lawyer or going to
 25 the Public Defender's office and assisting in getting a person

1 about to be charged with a crime a lawyer under normal
 2 circumstances.
 3 I believe that the providing of a lawyer or the
 4 assistance of obtaining a lawyer that, as far as this record
 5 is clear we already know is pro bono. Ms. Benaroya was
 6 insistent on the Court knowing that Friday, six days ago, is a
 7 benefit to a witness connected to his plea bargain and as such
 8 is a benefit that we were clearly entitled to know. If that's
 9 not Brady there's nothing that's Brady.
 10 Judge, this is an absolute and complete surprise. I will
 11 confess to you I've thought this for a long time but never,
 12 ever once did I ever think that they would say it, that I
 13 would ever be able to prove it.
 14 THE COURT: It being?
 15 MS. GUTIERREZ: That in fact Mr. Urick, the
 16 prosecutor of both this witness and my client provided a
 17 private lawyer for a witness in connection with a plea bargain
 18 and that having done so revealed the plea bargain without
 19 revealing the true benefit of having a lawyer. I believe that
 20 we're entitled.
 21 I believe Judge, that this is information will lead to
 22 much more motions with much more serious consequences, but
 23 leaving that aside. At a minimum we're entitled to know about
 24 it, we should have known about it before today. My Lord,
 25 we've been through a trial. So, we find out about it in trial

1 during the second cross examination there's another statement
 2 and notwithstanding Mr. Urick's assertion that Detective
 3 McGilvary will sign an affidavit to say, oh, no we took not a
 4 note. It is inconceivable that detectives tracking down a
 5 high profile murder interview a suspect who's subsequently
 6 charged as an accessory after the fact about a murder that is
 7 unsolved and they don't take a note for two hours and now we
 8 find a benefit afforded this. This witness without which
 9 jurors believe there is no case whatsoever against Mr. Syed.
 10 none. That one of the benefits that he was given was being
 11 afforded a private lawyer from three counties over, she
 12 resides and he office is in Montgomery County and as a benefit
 13 of whatever bargain he struck.
 14 So it is clear we've not been told the truth about his
 15 bargain and that we're entitled to know that information about
 16 the bargain, what he gets in exchange for that bargain prior
 17 to the middle of his cross. To make effective decisions
 18 consistent with due process notice of such things because they
 19 are exculpatory so that you can make a decision how to use it
 20 if in fact, it doesn't have other consequences whether to use
 21 it -- whatever information else is out there. So, I would be
 22 asking number one, to voir dire this witness about that issue
 23 outside the presence of Mr. Urick. That I then be allowed,
 24 I'm calling it voir dire. I don't know what the technical term
 25 is, to question Ms. Benaroya about those very same things and

1 then to question Mr. Urick about those same things. The
 2 prosecutor has another member who's already been through one
 3 trial, who's fully capable of carrying on without Mr. Urick.
 4 Mr. Urick may well be a witness if there are no other
 5 consequences to this and might very well have been perceived
 6 as a witness ahead of time. Again an issue because it could
 7 come to it that we're absolutely entitled to know, but I can
 8 not under the circumstance make any decision as to how far to
 9 take this, how to use it, what opportunities to create, what
 10 helps, what doesn't, how big a benefit it was. I certainly
 11 suspect it was a great big benefit, otherwise why do it and
 12 why hide it. Those will be my motions at this time. Your
 13 Honor.
 14 THE COURT: Mr. Urick or Ms. Murphy, which ever one
 15 of you wishes to respond to -- as I see it the request is
 16 three fold. You can address each of the issues individually
 17 or collectively or however you wish. Perhaps Ms. Murphy
 18 should answer or respond. Its up to you. The Defense has
 19 made a motion to allow the voir dire of the witness outside
 20 the presence of Mr. Urick. First, initially voir diring the
 21 witness and also outside the presence of Mr. Urick and so why
 22 don't I deal with that first. Do you understand Counsel's
 23 motion?
 24 MR. URICK: I always complement Ms. Gutierrez on the
 25 unique --

1 THE COURT: Well, you know I don't want you to
2 complement anybody. What I want you to do is just respond to
3 her motion and I'd ask that you just do that without --
4 MR. URICK: I will point out that the -- Mr. Wilds
5 has said he had no discussions with me prior to the -- I'm
6 trying to --
7 THE COURT: Mr. Urick, I don't want you to testify,
8 I don't want you to -- I don't want you to testify or indicate
9 anything other than first, your response to her request that
10 the Court allow of voir dire of Mr. Wilds as to any lawyer you
11 may have obtained for him outside of your presence and your
12 response to that motion only. I take it you would oppose that
13 motion?
14 MR. URICK: We would oppose it, she's already
15 questioned him on that point.
16 THE COURT: Okay.
17 MR. URICK: I don't believe she could get anything
18 further. He does have his right to counsel and it would be a
19 danger of impinging upon that at that point.
20 THE COURT: All right. Your next issue was then you
21 would then oppose a voir dire outside your presence?
22 MR. URICK: Yes.
23 THE COURT: And Ms. Gutierrez is also asking for
24 latitude, are you not, Ms. Gutierrez in being able to question
25 on voir dire?

1 MS. GUTIERREZ: Yes Judge, any question related to
2 that was objected to by them, although they did not object to
3 the precise question that led to the answer that he got Mr.
4 Urick's assistance. So, yeah. There may be questions that
5 have already been sustained. I would certainly ask for a
6 latitude in me asking this witness.
7 THE COURT: Let me have one moment. Very well. I'm
8 ready to proceed. With regard to the Defense's request for
9 additional questions outside the presence of the jury to voir
10 dire this witness on any contact that he may have had with the
11 -- any contact or deal that the prosecution may have made with
12 this witness as it relates to Mr. Urick, the prosecutor
13 assisting the witness in obtaining counsel, the Court will
14 allow questions to this witness as you've already done in line
15 with any deals, plea bargain and any other information that
16 might effect his testimony that you would like to draw out on
17 cross.
18 I deny your motion with regard to any separate hearing to
19 voir dire this witness outside the presence of the jury. I
20 deny the request to do so in the absence of Mr. Urick and if
21 you believe that Mr. Urick in some way is or will be a witness
22 for the prosecution, I'm sorry for the Defense on any other
23 issue either in the Defense's case or where his testimony
24 would be warranted or he should be sequestered for the
25 remaining portion of the trial --

1 MS. GUTIERREZ: I would make such a motion now.
2 Judge. I do anticipate him being a Defense witness.
3 THE COURT: Then I'll have your motion on my desk
4 tomorrow morning with any supporting law that you have and any
5 proffer by you as to why you believe the prosecutor would be a
6 witness and what you can proffer to this Court his testimony
7 would be. That is, what area that you believe that --
8 MS. GUTIERREZ: Well Judge, I don't know what his
9 testimony would be but I believe that we're entitled to call a
10 witness with a reasonable good faith belief. I would ask then
11 that now --
12 THE COURT: I'm just asking what that good faith
13 release is.
14 MS. GUTIERREZ: And not have to resume this witness
15 because I think it is unfair if Mr. Urick -- if we have a
16 right to call him as to the terms of whatever deal or
17 assistance was offered to a witness prior to him entering a
18 plea agreement that's already in evidence, then he should not
19 be allowed to hear anything further that this witness says.
20 THE COURT: I haven't said that I would grant that
21 motion.
22 MS. GUTIERREZ: No, I understand that. I can't --
23 THE COURT: I said if you have a motion.
24 MS. GUTIERREZ: But you're asking that I have it on
25 your desk in the morning.

1 THE COURT: That's right.
2 MS. GUTIERREZ: And I ask that we end now so I can
3 go make that motion and not have to question this witness in
4 front of Mr. Urick which would not be fair if the Court grants
5 the motion. I believe the Defense is entitled to call any
6 witness and we are now serving notice that we intend to call
7 Mr. Urick as a witness for the Defense.
8 THE COURT: Okay. The notice that you've indicated
9 to this Court will be accepted with written notice with
10 supporting indication of your good faith basis as to why this
11 individual needs to be called as a witness and any other
12 request that you may have. For example, if you wish that he
13 be sequestered through the remaining part of the trial I'd ask
14 that that be incorporated in your motion with any supporting
15 law or documentation that you have as to why he needs to be
16 sequestered.
17 In the interim, Mr. Wilds is going to be asked to return
18 to the courtroom, we are going to continue with the
19 questioning of Mr. Wilds and if you do not wish to ask any
20 questions of Mr. Wilds as this time relative to anything
21 involving Mr. Urick you can move on to some other area that
22 you would like to question him about because we are going to
23 resume with Mr. Wild's testimony this afternoon until five
24 o'clock. I'm going to ask that Deputy Church ask Mr. Wilds to
25 step in and then if you would then get the jury and ask them

1 to come back into the courtroom. Yes, you may have a seat.
 2 (The jury returned to the courtroom.)
 3 THE COURT: You may be seated as you get to your
 4 seat. I'll remind you Mr. Wilds, you're still under oath.
 5 Ms. Gutierrez, you may resume your questioning of this
 6 witness.
 7 BY MS. GUTIERREZ:
 8 Q Mr. Wilds, before we broke we were talking about all
 9 the differences between your first statement and your second
 10 statement on the 28th and your third statement and your fourth
 11 statement. Do you recall that?
 12 MR. WILDS:
 13 A Yes, ma'am.
 14 Q Now, in your first statement on the 28th, actually
 15 on your first or second statement on the 28th because you
 16 never mentioned your friend, Jen Pusateri you never mentioned
 17 the fact that you went to UMBC in Baltimore County and spent
 18 an hour at a party with her in the evening, did you?
 19 A No, ma'am.
 20 Q You didn't mention it at the first time when it was
 21 unrecorded, right?
 22 A No, ma'am.
 23 Q And you didn't mention it the second time, right?
 24 A No, ma'am.
 25 Q No mention at all, right?

1 A No, ma'am.
 2 Q Now, between the 28th -- after you were just -- did
 3 they drive you home?
 4 A Yes, ma'am.
 5 Q The 28th, yes. After they drove you home and the
 6 15th of March you did speak to your friend Jen, did you not?
 7 A Yes, ma'am.
 8 Q And at some point you got more details from her, did
 9 you not?
 10 A No, ma'am.
 11 Q Not at all about what she had said?
 12 A No, ma'am.
 13 Q The subject never came up?
 14 A Yes, ma'am.
 15 Q Yes, but even though it came up you didn't get any
 16 more details then you knew before you spoke to the police of
 17 the 28th, right?
 18 A No, ma'am.
 19 Q And sir, you got no details about her statement to
 20 the police, right?
 21 A I didn't ask her, no, ma'am.
 22 Q No more detail, right?
 23 A No, ma'am.
 24 Q The non detail that you had gotten on the 27th that
 25 night when you had spoken to her on the phone, correct?

1 A Yes, ma'am.
 2 Q And you got no other information about the police
 3 investigation, right?
 4 A No, ma'am.
 5 Q And they hadn't spoken to you between that time,
 6 right?
 7 A No, ma'am.
 8 Q But on the 15th of March you then mentioned this
 9 sorority party, right?
 10 A Yes, ma'am.
 11 Q And you came to be aware that, oh, on the 27th of
 12 February when Jen Pusateri went down to the police department
 13 with a lawyer that she told them about the sorority party you
 14 and she went to that night, did she not?
 15 A I'm sorry. Could you rephrase your question for me?
 16 Q You became aware, did you not, that she mentioned
 17 that sorority party in her statement, did you not?
 18 A At which time?
 19 Q At any time.
 20 A No, ma'am.
 21 Q No. You never became aware of that?
 22 A No, ma'am.
 23 Q Now, in fact Mr. Wilds, you never told the police
 24 about going to the sorority party, did you?
 25 A No, ma'am.

1 Q No. You didn't tell them on the 28th, right?
 2 A No, ma'am.
 3 Q And you didn't tell them on the 15th of March,
 4 right?
 5 A No, ma'am.
 6 Q And you didn't tell them on the 13th of April,
 7 right?
 8 A Right.
 9 Q And you didn't tell them on the night of the 7th of
 10 September, did you?
 11 A No, ma'am.
 12 Q And you didn't tell them at any time, did you?
 13 A No, ma'am.
 14 Q And that's not the truth, is it?
 15 A That I went to a sorority party, sorority party?
 16 Q Well, what is the truth you would have us believe is
 17 that you did go to a sorority party, right?
 18 A No, ma'am.
 19 Q No, that's something that your very good friend, Jen
 20 says, right?
 21 A Yes, ma'am.
 22 Q As one of the things that you and she did for an
 23 hour or more in the evening of January 13th, right?
 24 A Yes, ma'am.
 25 Q And you're aware that Jen says that, right?

1 A Now I am, yes.
 2 Q Only now, sir?
 3 A Yes, ma'am.
 4 Q You were never confronted about that by the police?
 5 A No, ma'am.
 6 Q Or by Mr. Urick?
 7 A No, ma'am.
 8 Q Or by Ms. Murphy?
 9 A Yes, ma'am.
 10 Q Ever? And you would agree that that's consistent
 11 between you and Jen, would you not?
 12 MR. URICK: Objection.
 13 THE COURT: Sustained.
 14 BY MS. GUTIERREZ:
 15 Q And sir, you didn't go to the sorority party?
 16 MR. WILDS:
 17 A Pardon me.
 18 Q You didn't go to the sorority party?
 19 A No, ma'am.
 20 Q Even if Jen says you did?
 21 A Yes, ma'am.
 22 Q So she would be the one lying?
 23 A Yes, ma'am.
 24 MR. URICK: Objection.
 25 BY MS. GUTIERREZ:

1 Q And in your first statement on the 28th you didn't
 2 mention that, did you?
 3 A No, ma'am.
 4 Q And on your second statement, the one that was
 5 recorded you didn't mention that, did you?
 6 A No, ma'am.
 7 Q And on your third statement on the 15th of March you
 8 didn't mention that, did you?
 9 A I believe I did, ma'am.
 10 Q You did?
 11 A I believe so.
 12 Q And you told them, whenever it was that you told
 13 them -- you told them something different then the absence of
 14 information about Patrick Furlow earlier, did you not?
 15 A Yes, ma'am.
 16 Q Okay. And you would agree that leaving out Patrick
 17 Furlow as someone you were trying to reach and get in contact
 18 with throughout the 13th of January was a lie by omission,
 19 would you not?
 20 A Yes, ma'am.
 21 Q Because in fact, you did, correct?
 22 A Yes, ma'am.
 23 Q But you only mentioned Patrick Furlow once you were
 24 asked about phone numbers that appeared on the billing record.
 25 isn't that correct?

1 Q Now, other things that you did not mention included
 2 a mention of your friend Patrick Furlow, is that correct?
 3 MR. WILDS:
 4 A Pardon me. I couldn't hear you.
 5 Q Other things that you did not mention included a
 6 mention of your friend Patrick Furlow, right?
 7 A Yes, ma'am.
 8 Q Patrick Furlow was a friend of yours, was he not?
 9 A Yes, ma'am. Yes, ma'am.
 10 Q And Patrick Furlow was a man from whom you acquire
 11 marijuana, is he not?
 12 A In the past, yes.
 13 Q And that's a yes?
 14 A Yes.
 15 Q Yes. And Patrick Furlow is a man that in the middle
 16 of all of the activities on the 13th that you actually tried
 17 to reach, isn't that correct?
 18 A Yes, ma'am.
 19 Q And in fact, you tried to reach your friend Jen
 20 Pusateri in an effort to reach Patrick Furlow, isn't that
 21 correct?
 22 A Yes, ma'am.
 23 Q And that was part of your effort to obtain weed that
 24 day, January 13th, was it not?
 25 A Yes, ma'am.

1 A Yes, ma'am.
 2 Q You were shown the billing records of Adnan Syed,
 3 right?
 4 A Yes, ma'am.
 5 Q And that helped trigger your memory about what
 6 things you did that day, did they not?
 7 A Yes, ma'am.
 8 Q And you were asked about a lot of different numbers,
 9 were you not?
 10 A Yes, ma'am.
 11 Q Only one of them was Patrick Furlow, isn't that
 12 correct?
 13 A Yes, ma'am.
 14 Q And that was before the third time that you spoke
 15 with them on the 15th of March, isn't that correct?
 16 A Spoke to whom?
 17 Q To the police.
 18 A Prior to?
 19 Q Yes, sir.
 20 A Yes, ma'am.
 21 Q You were asked about all the different times that
 22 you called Jen Pusateri that day, were you not?
 23 A Which day?
 24 Q On the 13th of January.
 25 A Which day was I asked?

1 Q At any point sir, were you not asked about who you
2 called that day?
3 A Yes.
4 MR. URICK: Objection.
5 THE COURT: Sustained.
6 BY MS. GUTIERREZ:
7 Q Were you asked about who called that day, sir?
8 MR. WILDS:
9 A Yes, ma'am.
10 Q And who you called on Adnan Syed's phone?
11 A Yes.
12 Q Yes. And so you were asked about various times that
13 you called your friend, Jen Pusateri, isn't that true?
14 A Yes, ma'am.
15 Q And that included her residence number?
16 A Yes, ma'am.
17 Q And her pager number?
18 A Yes, ma'am.
19 Q And calls to her residence or her pager were made by
20 you, were they not?
21 A Yes, ma'am.
22 Q Jen Pusateri was not a friend of Adnan Syed's, was
23 she?
24 A Not to my knowledge.
25 Q No. And if he was you would know, would you not?

1 Q Are you suggesting that someone else might have made
2 those calls but you just can't recall?
3 MR. URICK: Objection.
4 THE COURT: Can't recall. Overruled.
5 MR. WILDS: Pardon me.
6 BY MS. GUTIERREZ:
7 Q Now you can't recall the question?
8 MR. URICK: Objection.
9 THE COURT: Sustained.
10 BY MS. GUTIERREZ:
11 Q Mr. Wilds, you aren't suggesting to this jury that
12 you think someone else made the calls to Jen Pusateri on the
13 13th, you just can't recollect who it is, are you?
14 MR. URICK: Objection.
15 THE COURT: Sustained.
16 BY MS. GUTIERREZ:
17 Q Mr. Furlow, that call, this number [REDACTED], you
18 made that call, did you not?
19 MR. WILDS:
20 A Yes, ma'am.
21 Q The cell phone that dialed those numbers was being
22 held in your hands, was it not?
23 A Yes, ma'am.
24 Q Just like it was being held in your hands every time
25 it dialed a number related to Jen Pusateri, correct?

1 A That's an assumption.
2 Q Well, this was your very good friend remember?
3 MR. URICK: Objection.
4 THE COURT: Sustained.
5 BY MS. GUTIERREZ:
6 Q She was your very, very good friend, was she not?
7 MR. URICK: Objection.
8 THE COURT: Sustained.
9 BY MS. GUTIERREZ:
10 Q And sir, you saw her almost on a daily basis, did
11 you not?
12 MR. URICK: Objection.
13 THE COURT: Sustained.
14 BY MS. GUTIERREZ:
15 Q Did you ever see her on any of the days, almost
16 daily that you saw her together with Adnan Syed?
17 MR. WILDS:
18 A No, ma'am.
19 Q And any call that was placed to her, your very good
20 friend on the 13th, that was made by you, was it not?
21 A To the best of my knowledge.
22 Q Well sir, are you hedging?
23 MR. URICK: Objection.
24 THE COURT: Sustained.
25 BY MS. GUTIERREZ:

1 A Yes, ma'am.
2 Q And you also made a call to a person by the name of
3 Mendez, did you not?
4 A Yes, ma'am.
5 Q And again, he was not a name that you mentioned in
6 either your first statement on the 28th of February or on your
7 second -- excuse me, recorded statement on the 28th of
8 February, right?
9 A Yes, ma'am.
10 Q That was another lie of omission, was it not?
11 A Yes, ma'am.
12 Q Mr. Mendez is a friend of yours, is he not?
13 A Yes, ma'am.
14 Q To your knowledge he's not a friend of Mr. Syed's,
15 is he?
16 A No, ma'am.
17 Q And so when that call was made that cell phone was
18 in your hand, was it not?
19 A Yes, ma'am.
20 Q Another thing you were asked about on the 28th of
21 February in the middle of the night was why you had the car
22 that belonged to Adnan Syed, do you remember that?
23 A Yes, ma'am.
24 Q The first thing that you told them was that you had
25 the car because you needed to go shopping for your

1 girlfriend's birthday, was it not?
 2 A Yes, ma'am.
 3 Q That's what you told them before the recorders were
 4 told on in the middle of the night of the 28th of February,
 5 right?
 6 A Yes, ma'am.
 7 Q And that's what you continued to tell them after the
 8 recorder was turned on, did you not?
 9 A Yes, ma'am.
 10 Q You didn't change that story until the 15th of
 11 March, right?
 12 A No, ma'am.
 13 Q You didn't change anything then, did you?
 14 A No, ma'am.
 15 Q No. It took much longer for you to change that
 16 story, didn't it?
 17 A No, ma'am.
 18 Q It was the 13th of April?
 19 THE COURT: Do you understand the question?
 20 MR. WILDS: No.
 21 THE COURT: Okay. Indicate that you do not
 22 understand the question.
 23 MR. WILDS: I didn't know there was a question.
 24 BY MS. GUTIERREZ:
 25 Q Was it the 13th of April that you changed your

1 Min Lee was on the 13th, correct?
 2 A Yes, ma'am.
 3 Q And even though the first story you told them about
 4 why you were in the car was related to your reasons, right?
 5 Well Adnan Syed didn't ask to borrow your car, did he?
 6 A No, ma'am.
 7 Q He had a car, didn't he?
 8 A Yes, ma'am.
 9 Q He had a way to drive to the mall, right?
 10 A Yes, ma'am.
 11 Q He didn't need to ask for your assistance, did he?
 12 A No, ma'am.
 13 Q And your girlfriend's birthday you always knew was
 14 on the 13th, did you not?
 15 A Yes, ma'am.
 16 Q It's always been the day after your own, did you
 17 not?
 18 A Yes, ma'am.
 19 Q And she was your girlfriend prior to that day,
 20 right?
 21 A Yes, ma'am.
 22 Q So you of course, planned to get her a birthday
 23 gift, did you not?
 24 A Yes, ma'am.
 25 Q And you planned to celebrate her birthday with her,

1 story?
 2 MR. WILDS:
 3 A Changed, no.
 4 Q It was later then that?
 5 A No.
 6 Q Perhaps September 7th?
 7 A No, ma'am.
 8 Q Well you did change it, did you not?
 9 A I did not change it, no, ma'am.
 10 Q Well sir, would you agree that not mentioning a
 11 phone call Philip Mendez at a time that you're asked to
 12 account for every action you took on a certain day is
 13 different, is a change from when you then mentioned him?
 14 MR. URICK: Objection.
 15 Q Would you agree to that?
 16 THE COURT: Sustained.
 17 BY MS. GUTIERREZ:
 18 Q In any event at some point you told them about
 19 Philip Mendez, right?
 20 MR. WILDS:
 21 A Yes, ma'am.
 22 Q And at the time that they asked you about -- now,
 23 the first time you spoke to them before the tape recorder was
 24 turned on the 28th you told them the story that the very first
 25 time that you knew anything about the possible murder of Hae

1 did you not?
 2 A No, ma'am.
 3 Q No. Now sir, the first story you told them is that
 4 you needed his car and you asked to borrow his car to go to
 5 the mall to buy a gift for Stephanie, right?
 6 A Yes, ma'am.
 7 Q And then it was later on the 15th of March that you
 8 said, oh, no that's not the truth, I had the car be because
 9 Adnan needed a favor from me, right?
 10 A Yes, ma'am.
 11 Q Okay. Now, on the 28th of February the very first
 12 time you spoke to them you were insistent to them that the
 13 first time you knew anything about anything was while you and
 14 Adnan at the mall and he just mentioned that he intended to
 15 kill Hae, do you remember that?
 16 A The car ride, yes.
 17 Q Pardon.
 18 A The car ride, yes.
 19 Q On the way to the mall, right?
 20 A Yes, ma'am.
 21 Q For the purpose of buying your girlfriend a gift,
 22 right?
 23 A Yes, ma'am.
 24 Q Which was the first reason you had given for needing
 25 the car, right?

1 A Yes, ma'am.
2 Q And in actuality you did go to the mall, right?
3 A Yes, ma'am.
4 Q For the purpose of buying a gift for your
5 girlfriend, right?
6 A Yes, ma'am.
7 Q Who's birthday it was that day?
8 A Yes, ma'am.
9 Q Who's birthday you didn't plan to celebrate with
10 her, right?
11 A I could not.
12 Q So the answer to my question is yes?
13 A Yes.
14 Q Okay. Now, later after the 28th you admitted to the
15 police that you said you knew about it ahead off time, did you
16 not?
17 A Yes, earlier that day.
18 Q You -- well, no sir, another day?
19 A I do not recall.
20 Q Sir, you told the police ultimately that you knew
21 about Adnan's decision to kill his girlfriend on the 12th, did
22 you not?
23 A They asked me could he have told me.
24 Q Sir, they asked the questions, right?
25 A Yes, ma'am.

1 Q And you gave the answers, right?
2 A Yes, ma'am.
3 Q That was whether the tape recorder was on or off,
4 right?
5 A Yes, ma'am.
6 Q It never got to the point where you were asking the
7 questions and they were giving the answers?
8 MR. URICK: Objection.
9 THE COURT: Sustained.
10 BY MS. GUTIERREZ:
11 Q Was it? In your second statement on March the 15th
12 you said that Adnan told you he was going to kill that bitch
13 on the 12th, didn't you?
14 MR. WILDS:
15 A I believe so.
16 Q And that was in response to a question that they
17 asked, right?
18 A Yes, ma'am.
19 Q So your knowledge of the events changed to your
20 being on notice of a possible murder occurring on the 12th,
21 right?
22 A I'm not understanding.
23 Q You told them on the 15th that Adnan told you that
24 he was going to kill that bitch meaning Hae on your birthday,
25 correct?

1 A I said it was possible, yes.
2 Q Sir, my question is, you told the police, did you
3 not, that on the 15th, you told them on the 15th that it was
4 the 12th of January, your birthday that he, Adnan told you
5 that he was going to kill the bitch?
6 MR. URICK: Objection.
7 THE COURT: Overruled. Do you understand the
8 question?
9 MR. WILDS: The 15th, she's asking did I tell them
10 on the 15th that I knew on the 12th?
11 THE COURT: Correct.
12 MR. WILDS: I believe so.
13 BY MS. GUTIERREZ:
14 Q Is I believe so a yes, sir?
15 MR. WILDS:
16 A Yes, ma'am.
17 Q And later Mr. Wilds, in the same statement you
18 actually told them something different, did you not?
19 A Yes, ma'am.
20 Q In fact, you told them that the conversations with
21 Adnan took place, maybe starting four or five days before,
22 correct?
23 A I do not recall. I don't.
24 Q You don't recall answering, oh, maybe like starting
25 four or five days before to Detective Witt's questions?

1 A No, ma'am I do not.
2 Q No. And if the tape recording shows that sir, that
3 would be a mistake?
4 A No, ma'am.
5 Q So, you recall saying that?
6 A No, ma'am I do not.
7 Q You don't recall it?
8 A No, ma'am.
9 Q But you know that you did?
10 A It is possible, yes. If it was recorded it is me.
11 Q You expect them to record it accurately whatever you
12 said, right?
13 A Yes, ma'am.
14 Q So, you could have well told them in the same
15 conversation, oh, no I was wrong when I spoke to you on the
16 28th in the middle of the night. These events didn't happen
17 on the 13th when I learned about Adnan's plans to kill his
18 girlfriend, they really happened on the 12th and then later,
19 oh, never mind, maybe they really happened four or five days
20 before.
21 A What is the question?
22 Q Is that how it happened?
23 A Oh, is that how -- no, ma'am.
24 Q Even though the tape recording would reveal that you
25 made those statements.

1 A Yes, ma'am.
2 Q Now --
3 THE COURT: Ms. Gutierrez, I'm going to pause here
4 because it is now five o'clock. We've been trying to at least
5 give the jurors heads up as to what time we're going to
6 conclude each day and I according to my schedule have five
7 o'clock for today, so we're going to recess today.
8 Ladies and gentlemen, I'm going to advise you as I've
9 done for the last couple of days and last week as well, leave
10 your note pads face down, I'm going to ask that you not read
11 them, excuse me, not take them with you, not share them but
12 leave them face down in your chairs. That you not discuss the
13 testimony of any of the witnesses that you've heard today or
14 any other day either amongst yourselves or with anyone else.
15 I would also advise you if anyone approaches you and
16 attempts to talk to you or discuss with you the testimony or
17 this case or tries to talk to you in anyway in your appearance
18 here at this courthouse that you advise me at once either
19 through my law clerk, my courtroom clerk or Deputy Church.
20 I'm going to ask that you go with Deputy Church who will walk
21 you around to the jury room. Please have a safe trip home.
22 Tomorrow I have no docket so we are going to try to get
23 started at 9:30. Please follow the schedule. As I indicated
24 going to jury assembly in the morning, getting paid and coming
25 to here tomorrow by 9:30. I will see you all tomorrow.

1 witness and I'd ask that you have Mr. -- Detective McGilvary
2 because he's still in town, is that correct?
3 MR. URICK: Yes.
4 THE COURT: Available in the hallway in the event
5 the Court decides I want to speak to him before we resume and
6 if Counsel for the Defense has anything to support the motion
7 I'll ask that you will provide that to me as well. This Court
8 will stand in recess until tomorrow morning at 9:30 with the
9 understanding that evidently I have no docket, everything was
10 pre-postponed so this is the only matter that I will be able
11 to looking to resume in the morning.
12 BAILIFF: All rise.
13 (The trial concluded at 5:00 p.m.)
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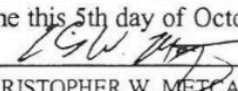
1 (The jury was discharged.)
2 THE COURT: Mr. Wilds, as the jurors are going out
3 you're directed to return here tomorrow at 9:30. I'm going to
4 ask that you not discuss the testimony with anyone, you're a
5 sequestered witness. Do not talk to Mr. Urick or Ms. Murphy
6 or anyone from the Defense about your testimony and I will see
7 you back here tomorrow.
8 MR. WILDS: Yes, ma'am.
9 THE COURT: And if you do as you did today, just
10 have a seat in the back on the courtroom.
11 MR. WILDS: Yes, ma'am.
12 THE COURT: That way I'll know you're here.
13 MR. WILDS: Yes, ma'am.
14 THE COURT: You have a safe trip home.
15 MR. WILDS: You too.
16 THE COURT: All right. By the way Mr. Wilds, before
17 you go anywhere, I'm going to advise you as well, if anyone
18 speaks to you in anyway, threatens you, co-horses you or says
19 anything to you whatsoever I'd like to know about that as
20 well, do you understand?
21 MR. WILDS: Yes, ma'am.
22 THE COURT: Very well. You're a sequestered witness
23 at this time and I'm going to ask all Counsel to recess for
24 the day with the understanding that I expect something from
25 the State tomorrow morning, that is an affidavit from the

CERTIFICATE

This is to certify that the proceedings in
the matter of State of Maryland vs. Adnan Syed,
199103042-46, held on February 10th, 2000, were
recorded by means of videotape.

I do hereby certify that the foregoing
21
166 pages constitute the official transcript as
transcribed by me from said videotaped proceedings in a
complete and accurate manner.

In Witness Whereof, I have hereunto
subscribed my name this 5th day of October, 2000.


CHRISTOPHER W. METCALF, CVR
Official Court Reporter

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