

1 with her. They drive off.

2 She's thinking there's something really
3 strange here. He's acting strange. She says, "What's
4 wrong?" At that time Jay Wilds tells her about what
5 happened that day.

6 Now, you're going to hear that consistently
7 the defendant has always given the same story about
8 what the defendant did where -- as to the defendant's
9 actions. Consistently he tells Jennifer a
10 consistent story. He tells the police a consistent
11 story about the defendant. He tells consistently the
12 defendant's involvement, the defendant's actions on
13 that day. He has never wavered on that point.

14 And you're going to see how the cell phone
15 records corroborate that activity, both by who is
16 making the call or they're alternating it the cell
17 sites verify the locations that they're at,
18 corroborates that.

19 You're going to see how Jay Wilds was able to
20 lead the police to the victim's car and bring her back.
21 You're going to hear that Jay Wilds has given several
22 statements. And you're going to hear between the first
23 statement and the second statement, he changed certain
24 things. In fact he changed three things.

25 You're going to hear first that he said that

1 when the calls came in from Officer Adcock and Young
2 Lee, they were at a McDonald's Restaurant. Then in the
3 second statement he's honest, he says they were at
4 Christy Vincent's. He's going to tell you he didn't
5 want to get Christy Vincent involved in this. He was
6 trying to keep her out of it, so he didn't want -- want
7 to admit that they were at their house.

8 Secondly he left out Jan Pusateri. And he'll
9 tell you that he did so because he didn't want to get
10 her involved.

11 And the third thing that he's going to tell
12 you is that he initially told the police that when he
13 met the defendant, it was not at the BestBuy, he was at
14 a place on Edmonson Avenue.

15 So you're going to hear it. Yes, there were
16 three things that he changed there. But you're going
17 to hear that he's been completely accu -- consistent as
18 to the defendant's activities throughout.

19 And you're going to hear from him, and he's
20 going to explain to you what he did any why. And when
21 you do, when you watch him, all I ask is that you keep
22 asking yourself what is there about this individual
23 that made him capable of being manipulated and used by
24 this individual seated here.

25 And at the end of the case, I'm going to come

1 back and I'm going to ask you to find this defendant
2 guilty of the murder of Hae Min Lee.

3 Thank you very much.

4 THE COURT: Thank you very much.

5 Again, Ms. Gutierrez, feel free to move about
6 the courtroom.

7 MS. GUTIERREZ: Thank you.

8 THE COURT: And use the easel or whatever.

9 (Pause.)

10 OPENING STATEMENT BY MS. GUTIERREZ

11 MS. GUTIERREZ: As the judge has already told
12 you, Mr. Syed, as any citizen of this city or this
13 country, has no duty whatsoever to bring you even an
14 iota of evidence, no duty whatsoever.

15 And the judge will tell you again at the end
16 of the case and further elaborate on that law. But in
17 spite of his lack of duty, Adnan Syed wants you to know
18 certain things before you begin because he believes
19 that they may be helpful to you in dealing with the
20 case.

21 Mr. Urick said that the thing is most
22 important. He said that sometimes things are not
23 clear. Sometimes things are not clear because they're
24 not clear, because nobody knows.

25 It is important that you understand who these

1 two young people were. Young, star-crossed lovers of
2 different cultures, of different races, from different
3 countries, from different families, from different
4 religions, from one side of the street to the other,
5 from one set of answers straight to another, throughout
6 history populated our collective human history. The
7 younger they are the more tragic it is.

8 And no one denies that whatever happened to
9 Hae Min Lee on whatever day -- because we suggest to
10 you that you will not even have enough evidence to
11 establish, not only what happened to her, other than
12 what you will hear from the medical examiner, who will
13 clearly establish that someone capable of performing a
14 strangulation which takes a bare minimum of pressure,
15 put their hands on her neck and with in 10 seconds,
16 snuffed our her life, leaving not another mark on her
17 body, and that her death is certainly consistent with
18 having occurred on or about the 13th of January.

19 But it's equally consistent with having
20 occurred on the 14th of January, or the 15th, or the
21 20th.

22 Her body was not found until February 9th.
23 And all the medical examiner can say and all the
24 evidence will show you is that she was clearly murdered
25 and had been dead for some period of time; more than a

<p style="text-align: right;">Page 115</p> <p>1 day, probably more than a week, likely more than two 2 weeks.</p> <p>3 But no one, not the medical examiner who 4 exhumed her body from Leakin Park, or the medical 5 examiner who examined it the next day, will dare to 6 venture an opinion as to the exact time or 7 circumstances other than what I've told you about her 8 death.</p> <p>9 The only other thing that you know is that 10 she was seen by friends, and teachers, and students who 11 participated with her in her joyful life as a scholar 12 athlete at Woodlawn High in what is called the "Gifted 13 and Talented Program," "GT," "Gifted and talented," 14 where she had matriculated as a scholar athlete, 15 beautiful, bright, performing at the top in both 16 athletics and in her chosen course of study.</p> <p>17 She was among at least 25 other students, 18 students who have been together for a number of years, 19 attracted by the magnet program at Woodlawn, a school 20 of enormous proportions, 1700 students in four grades. 21</p> <p>22 You will find that this group of students of 23 25 had matriculated in the Gifted and Talented Program 24 was truly amazing to look at, to watch, to observe, to 25 interact with.</p>	<p style="text-align: right;">Page 116</p> <p>1 this group of children. Some of them were Muslim who 2 consider themselves Mideastern. Others were Indian, 3 others were black of every hue, others were white of 4 every ethnicity.</p> <p>5 And it appeared at any juncture where you 6 would stop and take a look at this group of children, 7 that the differences among them mattered not to them at 8 all. They chose their friends on what we as a people 9 would say are the best of reasons; not what color they 10 were, not what the shade of their skin was, not what 11 their ethnicity was, not what their religion or their 12 beliefs were.</p> <p>13 Adnan Syed had been an identifiable scholar 14 and athlete from his very earliest matriculation in the 15 Baltimore County Public School system. He is an 16 American.</p> <p>17 His ancestry on both his mother's and 18 father's side, whom you will get to know and identify, 19 is of Pakistan. They are Pakistani. And they came to 20 this country before he was born or thought of in hope 21 of a better life from their native land, like 22 generation after generation of immigrants, other than 23 the first people in this country, with their hopes and 24 dreams for new families, for new life.</p> <p>25 But unlike all immigrants, over centuries</p>
<p style="text-align: right;">Page 116</p> <p>1 They all generally considered each other 2 friends. But like any other grouping of young people, 3 they each had their little sets of who was who and who 4 was best friends with whom. And most, not all of them, 5 had been together since various junior highs.</p> <p>6 And because high schools are fed by more than 7 one junior high, some of them in groups had been 8 together since the earliest of their junior high years 9 as 6th graders. Some had been together since they were 10 in elementary school kids.</p> <p>11 And you will find that Hae Min Lee, although 12 she had been gone about a year and a half because of 13 her mother's move to California to pursue another 14 relationship with a man who was originally identified 15 as her father -- he's not -- but she recollected him 16 and people referred to him as her father.</p> <p>17 She went away after she got to Woodlawn and 18 was gone a year and then came back. All the other 19 names that you've heard mentioned in connected with 20 Woodlawn fit in the very same category. They were all, 21 other than Jay Wilds, and other than Jan Pusateri, 22 children who had an incredibly bright future and who 23 represented the very best of this whole community and 24 of this country.</p> <p>25 You will be amazed at the diversity among</p>	<p style="text-align: right;">Page 118</p> <p>1 immigrants to this country as immigrants before this 2 country was dreamed about by Europeans, some have 3 sought to assimilate, to leave behind their native 4 languages, their native customs, their native dress, 5 their native culture, and their religions or any other 6 thing.</p> <p>7 Many waves and waves of immigrant have sought 8 to assimilate into whatever was current in American 9 culture then and to raise their children who learn far 10 easier than their parents the ways of the new land.</p> <p>11 Pakistan is, depending upon your viewpoint, 12 an Arab country, a Mideastern country, a Near Eastern 13 country, a Far Eastern Asian country. Pakistan was a 14 country that was formed out of the bloodbath that was 15 India right after India gained its independence from 16 Great Britain. It was a bloody revolution.</p> <p>17 And one of the distinctions between Pakistan 18 and India were the deep divisions of culture. Pakistan 19 is predominantly a Muslim country. Muslim is the 20 common definition to term those who hold Islam as the 21 core of their fundamental belief system.</p> <p>22 It is not so very different if one studies 23 it, from Christianity. Islam is the majority religion 24 in that region of this earth. India is a predominately 25 Hindu, not all, but predominately Hindu country. And</p>

1 there was, literally, a bloodbath among those peoples
2 that rent that country into two.
3 And as a result of the bloodbath, whatever
4 one may think of it, the economies of both countries
5 was torn asunder. And may a young couple of a young
6 family sought refuge in the economic desolation --
7 many, many.
8 Among those who sought were the parents of
9 this young man. And they brought with them their
10 culture, their religion, their habits, their beliefs,
11 their way of life, they're own language.
12 And they, like many other waves of
13 immigrants, sought to sustain it by teaching their
14 children first their own language, by teaching their
15 children first their own beliefs that had survived
16 centuries before any of us can even begin to trace our
17 own ancestors.
18 And they sought to keep that in their home.
19 And they joined, just like other waves of immigrants;
20 German, Dutch, Finnish, Italians, in our own city, who
21 sought to stay close to each other so that they could
22 cling to those traditions better, so that they could
23 feel the comfort that comes when a people share a
24 common history and a common belief system.
25 And so they sought to assemble, just like

1 those of us who are Christian, assemble in church
2 communities.
3 They sought to assemble in a community of
4 each other. They identified and joined with a Mosque.
5 It's called the "Islamic Society of Baltimore."
6 It's located on Johnnycake Road. And on the
7 very edges of the property one can overlook onto 695,
8 out there on the western side of the county.
9 And they, like many parents, became concerned
10 about their children, Syed, and as you'll get to see,
11 his brother and others. They became concerned that for
12 six to eight hours a day their children went from their
13 own bosom, from their own language, from their own
14 religion, out into the world in the control of others
15 in the school system where they learned foreign things
16 to them.
17 They learned things that were not in line
18 with their religious or cultural beliefs at all. And
19 they became so concerned that ultimately they pooled
20 their money.
21 The Mosque involves a good thousand plus
22 families. And for Islam, it requires the adherence to
23 certain fundamental tenets, one of which is for the
24 faithful to face in a certain direction five times a
25 day on their knees and to assert -- to recite the words

1 of the faithful that had been repeated from millennia
2 after millennia.
3 And Muslims, those who practice Islam in this
4 country, although I will tell you there are under 10
5 million of them in this country, struggle to meet their
6 obligations whenever and wherever they can.
7 And in their worry about their children such
8 as Adnan -- and they knew that he excelled right from
9 the beginning, and that his friends whom they saw and
10 interacted with on at least a minimal level, seemed to
11 be decent people.
12 And they observed the diversity, and they
13 knew he was a scholar and an athlete. And they were
14 pleased in their hearts. They wanted acceptance in
15 this country. They came with the same dream and the
16 same belief that they could preserve what is important
17 to them as a people and not have to give it up; to have
18 their children conceived and born on this soil, no less
19 citizens than any of us, no less citizens than any
20 other group of the offspring of the immigrants who come
21 here with hope.
22 Over the years, their worries about their
23 children, that because of their belief system as
24 Muslims, would get diluted in the general discourse,
25 they ultimately started a school. That school exists

1 today and it keeps adding on year after year, so that
2 for the bulk of their days their children, their hopes
3 and their dreams can learn what they as parents decide
4 is essential.
5 But when Adnan was a young man, they didn't
6 have a school. And so he went out in the world. And
7 all the way up until the Spring of 1998, you will hear
8 that this wonderful group of diverse young people, they
9 accepted Adnan and they accepted him as who he was.
10 He was a Muslim. He wasn't like them. He
11 fasted when he was supposed to fast. He prayed when he
12 was supposed to pray. And notwithstanding that this
13 was generally a group of, at least in my generation, we
14 were called "geeks."
15 They were a little slow on the uptake of the
16 kind of development on a personal level. They were
17 great athletes. They were great scholars. But they
18 weren't really out there or with it.
19 They were slow to sex. They were slow to
20 drugs. They were slow to all the things that, in fact,
21 every other group of kids, but they finally caught on.
22 And at 17 most of them were beginning to date -- mostly
23 each other but not always -- and beginning to have sex
24 and to experiment -- mostly with not the worst drugs,
25 some marijuana, a little bit of designer drugs. And to

<p style="text-align: right;">Page 123</p> <p>1 go and do things like drink that they surely would not 2 have been proud of.</p> <p>3 But generally for a group of kids they were 4 pretty darn responsible in how they did it. And 5 generally they kept within their own group.</p> <p>6 Up until that point they respected Adnan and 7 other Muslim other young men in their group as Muslims. 8 And they didn't press the points about dating. "No. 9 Adnan will come to dance and be with us, but he doesn't 10 date. He doesn't have a girl. Doesn't have sex. He's 11 a Muslim and that's his belief. And he fasts. And he 12 prays. And he attends his mosque with his family every 13 day." And they generally accepted that and just sort 14 of whatever took each other as they came.</p> <p>15 Another young woman in this group is a young 16 woman by the name of Stephanie McPherson. Up until the 17 Spring of 1998 she -- she's a young African-American 18 scholar-athlete.</p> <p>19 Up into the Spring of 1998, and perhaps for a 20 long while afterwards she, and everyone else with 21 Adnan, would have described the two of them as the best 22 of friends, and that they had been the best of friends, 23 not- withstanding their difference in gender, their in 24 race, their difference in religion, their difference in 25 culture, as best friends since the onset of middle</p>	<p style="text-align: right;">Page 125</p> <p>1 put him in an environment which the parents have no 2 knowledge, no control and by choice, no interaction; 3 were they are exposed to different thought than the 4 thought of their own families and their church, their 5 Mosque community over years and years and years of 6 people they admire and trust and think highly of. And 7 for whatever the reasons of those that suggested it, it 8 ended up with Adnan Syed and Hae Lee going as a date. 9 And from that date grew a relationship, the 10 first of any kind that Adnan ever had with a girl, with 11 anyone, the first sex he had ever had -- and which 12 truly was against his religion, against the vows, 13 against his belief as a Muslim, which prohibits, like 14 many other religions, premarital sex between men and 15 women, for reasons that we as a group of people may or 16 not agree on. It is not singular to Islam to preclude 17 sex outside of marriage in a committed relationship. 18 When Adnan started this relationship, he, 19 like any other young kid, certainly had no idea of how 20 much of him it would take and draw and how it would 21 alter him, and what fundamental conflict it would 22 create. He's a 16-year old kid, and quickly fell in 23 love. 24 You will see from Hae Min Lee's diary -- and 25 I will tell you it is tragic to have to read the diary</p>
<p style="text-align: right;">Page 124</p> <p>1 school, if not before. And everyone knew it. And 2 everyone acknowledged that.</p> <p>3 In the Spring of 1998, there was what we will 4 refer to as sort of like the junior prom. Adnan and 5 Hae Min Lee, who had returned from her hiatus in 6 California only in the middle of that year, and 7 Stephanie and the rest of their huge class, held a 8 homecoming dance.</p> <p>9 And they held a junior prom for the junior 10 class in the late Spring of 1998. At that prom Adnan 11 Syed was the king and Stephanie was the queen. They 12 were crowned by their fellow students. They were 13 selected.</p> <p>14 But at that prom for the very first time, for 15 reasons that are not hard to understand, Adnan had a 16 date, a date that was suggested to him by others in 17 this group that sort of sensed that Adnan was sort of 18 ready to step out.</p> <p>19 And you will hear that other Muslim young 20 men, not all, but others certainly within that Mosque 21 if not outward, had already made decisions -- and none 22 of us have a right to judge -- to step outside of some 23 of the strictures of their communities.</p> <p>24 Some of those decisions were the fruit of 25 what happens when you take a young Muslim kid and you</p>	<p style="text-align: right;">Page 126</p> <p>1 of a young woman whose promise has been wiped out some 2 -- under some circumstances afterwards. And you will 3 see the track of their relationship.</p> <p>4 Adnan Syed was not her first boy. She had 5 had previous relationships. And one of the things you 6 will see from the diary, that she had had a 7 relationship in which a boy had betrayed her, betrayed 8 her by being intimate with another girl while he had 9 made a commitment to her.</p> <p>10 Whatever you think of the wisdom of trying to 11 tell kids that it's not the end of the world, that they 12 can't know what the world of people is out there, you 13 will, as you read her diary, understand this was a 14 young girl of incredible passion, smart enough to think 15 about things, to feel things so deeply.</p> <p>16 She fell in love. She had previously been in 17 love, and she was afraid right off from the beginning 18 of this young boy whom she knew from the outset took 19 her heart.</p> <p>20 You'll see the ups and downs of the 21 relationship. She talks about the continual 22 declaration of what she calls "recesses," which me and 23 you will see exactly what they sound like. She would 24 declare a recess from the relationship.</p> <p>25 And during that release -- that recess, not</p>

<p style="text-align: right;">Page 127</p> <p>1 speak to him, not talk to him, take a day here, take a 2 day there and then come back in a rush of emotion. But 3 remember the diary is what she felt and what she 4 believed he felt. 5 What the diary will tell you is that, 6 although she struggled with these feelings and 7 struggled with her feeling like he had been a good 8 Muslim, his Islam was his life until she came along, 9 and who was she to force him to choose. 10 From her diary, you will see nothing from 11 Adnan, no asking, no pushing her away, giving her 12 space. 13 You will see from another piece of evidence, 14 a piece of evidence written by a woman who would 15 describe herself as Hae Lee's best friend, that she 16 wrote, after Hae Min Lee's body was discovered, and 17 after she was asked to record her recollections about 18 the relationship of her best friend whom she loved, and 19 the boy, Adnan Syed. 20 She was asked to describe and she wrote down 21 Adnan's character. This is after the death of her best 22 friend, after the ugly rumors that pointed the finger 23 and said "Boyfriend, boyfriend, boyfriend." She 24 described him as laid back, funny, always joking, 25 completely understanding and compassionate, willing to</p>	<p style="text-align: right;">Page 129</p> <p>1 even know. Knew of the breakup but both agreed on it. 2 And then described that Hae still paged the 3 man she called her "soul mate" with, "I love you, I 4 miss you" messages. 5 This is after her body was found. not a 6 description of a single character trait or experience 7 that would relate a young man filled with rage, not a 8 single description from this victim's best friend that 9 describes in anything but loving terms, a boy who loved 10 a girl against his religion, against his culture. 11 Could they have made it notwithstanding her 12 dreams expressed in her diary or his dreams? Were they 13 soul mates? Who knows? 14 But in her diary, close to the last entry, as 15 she's describing very conflicting feelings about the 16 new boy, Don, with whom she began a relationship on 17 January 1st, 1999, but by the 12th of January describes 18 it as finding another soul mate. That's how she saw it 19 in 12 days. 20 But as she wrote it, she describes at school 21 seeing again the young man who still held her heart, 22 and she writes in her own handwriting, "No more Don." 23 The second to the last page of her diary, she 24 had a page filled with a teenage girl's handwriting 25 writing over and over and over and over again the word,</p>
<p style="text-align: right;">Page 128</p> <p>1 do anything for anyone, very good listener, gave advice 2 when he could, faithful, loyal, protective of friends 3 and loved ones, spiritual, very respectful of everyone, 4 polite. Loving, supportive. 5 And when asked to describe the relationship 6 of her best friend with the boy, she wrote, "They were 7 both very loving. They were both very faithful and 8 loved to tease each other and make jokes, publicly 9 affectionate yet very respectful. Never fought around 10 anyone. Had little disagreements sometimes but always 11 worked them out by talking. 12 "Neither one ever tried to hurt the other. 13 If one was hurt, they both were hurt. A lot of 14 empathy. If one did something to upset -- upset the 15 other, -- a rarity -- and apology was always made and 16 the problem resolved. 17 "Both would do anything for the other. If 18 Hae wanted space at a certain time, Adnan said, 'Okay,' 19 no questions asked," and gives an example of a trip to 20 Kings Dominion. "Both were happy but knew it wouldn't 21 last forever." 22 And when asked, after the arrest of the boy, 23 Adnan, to describe the breakup this best friend of Hae 24 Lee described it as follows, "Not at all bitter. 25 Probably originated from Hae." Her best friend didn't</p>	<p style="text-align: right;">Page 130</p> <p>1 "Don," her current two-week old soul mate. And at the 2 very corner, she has the number that you will see from 3 the evidence is the cell phone number assigned to this 4 boy just the day before. 5 Who is that he calls to give his new cell 6 number but his best friend and his lost love. And she 7 writes it down as she's daydreaming of the new boy and 8 the new soul mate in her life. 9 Out the group of kids at Woodlawn, Stephanie 10 McPherson and Adnan had been friends for a very long 11 time, best of friends, notwithstanding their 12 differences. But somehow Stephanie became -- and I 13 think that any of the witnesses that are called 14 regrettably answered the question that if Adnan were 15 not a Muslim and not a Muslim living up to Islam, 16 Stephanie and Adnan might well been an item in the 17 earliest time of their age group that they began to 18 date. But it wasn't to be so. 19 But at that junior prom night Stephanie and 20 Adnan were dancing, something else not allowed for a 21 Muslim young man. And Adnan left her, the princess, 22 the queen, the selected one, his best friend on the 23 dance floor to go join the woman who sort of swept him 24 off his commitment and his struggle to live up to his 25 family's expectations.</p>

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<p>1 Stephanie had a relationship with a young man 2 who wasn't part of those gifted and talented young 3 people. He's not a scholar, not an athlete. He barely 4 passed. He was a year or so older. 5 But he stuck on Stephanie from the beginning. 6 The rest of the crowd around which they hung, and they 7 generally hung around each other a lot, although 8 depending upon groupings and timings, that might vary. 9 They accepted Jay because he came with 10 Stephanie -- you know lots of times the attitudes of 11 young people are, "Whatever," -- not because he brought 12 anything of himself. 13 He wasn't college material. He didn't do the 14 same things they did. He didn't do the same things 15 Stephanie did but for whatever reason, they were 16 girlfriend and boyfriend. 17 There are many others, and you'll hear some, 18 who tolerated Jay Wilds for other reasons. He was a 19 young man who recognized that this was a pretty geeky, 20 naive group of kids, who were late bloomers, and they 21 needed a source. 22 Jay Wilds didn't supply marijuana to the 23 group because he wanted to please them. He did it for 24 money. He would get them things that perhaps they were 25 capable of getting themselves, but they weren't really</p>	<p>1 in very deep relationships very early in life rather 2 than awaiting their own maturation and the maturation 3 of others and the accumulation of life experiences is a 4 bane to this generation's parents as it has always 5 been. 6 You will find that Jay Wilds approached Adnan 7 Syed on the 12th and the 13th, which is why he called 8 him to borrow his car for the alleged purpose of going 9 shopping and planning a birthday surprise for his 10 alleged loved one, Stephanie. 11 And then Adnan -- and if his parents knew 12 they'd be appalled but he didn't ask them. Most kids 13 don't. "My friend wants to borrow the car, let him 14 have it," since he was in school. 15 You'll see in evidence documents that 16 establish that he was in school in testimony of 17 witnesses that day. He sometimes skipped class, but he 18 be in school. He was completing college education -- 19 college applications just like all other students in 20 that group of the 25 gifted and talented, expecting the 21 bright future that they had exhibited, to go to 22 college, to be chosen to be of the best of their 23 generation. 24 And he completed some of those activities 25 that day. A little bit before, about a week before,</p>
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<p>1 up on them. So he'd supply the marijuana, sometimes 2 the uppers or downers, or the designer drugs. 3 He'd buy beer, liquor because he was older. 4 And he exposed them to things that maybe some of them 5 found exciting. He worked in a porn store. He had 6 porn videos, things they neither knew about from their 7 own experience or had the courage to go out and seek 8 whether it's right or wrong. 9 He was never part of the group for himself. 10 And if Stephanie had dropped him, he never would have 11 been called by anybody. January 12th and 13th were 12 important days to Jay Wilds and Stephanie McPherson. 13 January 12th was his birthday. January 13th was hers. 14 Now, there was speculation that Jay Wilds, 15 who didn't own a car himself, he was up at school all 16 the time. He'd borrow mainly Stephanie's car. But 17 sometimes he didn't. Sometimes he borrowed others 18 cars, because the purpose of his needing a car, which 19 he needed two or three times every week, related to his 20 activities, right or wrong, moral or not, of stepping 21 out on Stephanie McPherson with other women. 22 Now, among young people today often one finds 23 young people clinging to a code of behavior that 24 sometimes appears more conservative even than some 25 adults. The tendency of young people to get involved</p>	<p>1 there had been an assembly, and at that assembly Jay 2 Wilds came up and again borrowed another student's car 3 -- not Stephanie's, not Adnan's, another student's for 4 the purpose of keeping an assignation meeting with 5 another girl not Stephanie, his girlfriend, unbeknownst 6 to her. 7 And as this particular day all the students 8 went to the assembly, Hae Lee with her particular, born 9 of her brand of loyalty and commitment, confronted her 10 soul mate who she saw as shielding the guy from being 11 caught by his girlfriend by persuading her, Stephanie, 12 to not go look for Jay because he knew that Jay would 13 have a woman with him. 14 And, yes, Hae Lee was upset with Jay Wilds, 15 whom she didn't like, she never chose to be with. Hae 16 Lee and Adnan never went out with Stephanie and Jay 17 Wilds. She didn't have to tolerate Jay Wilds because 18 she never chose to spend her precious available time 19 with her chosen one in the presence of others unless it 20 was an event. 21 But she reserved most of her anger on that 22 day towards her boyfriend. How dare he hide another 23 man who was cheating and lying on his best friend. How 24 dare he protect him. 25 Now, on January 13th, Hae Min was supposed to</p>

1 pick up her cousin's niece, nephew on -- I can't quite
2 remember at the moment. Young children got out of
3 daycare about 5:00, and she generally picked them up.
4 She worked part time at LensCrafters in the Owings
5 Mills Mall. And that will give her enough time, and
6 she generally was every, very responsible.

7 She had struggled to get her license and then
8 got a car in the early fall upon her passing her
9 driving test which excited her and covers much of her
10 diary.

11 Within minutes of her failing to appear at
12 the appointed time, her family notified the police.
13 Within minutes of getting that report, within minutes,
14 the police of Baltimore County where all this was
15 located, began an investigation into her status as
16 being missing.

17 And they began, as they do -- although I'd
18 suggest to you in any other occasions certainly not as
19 quickly, they began to gather information. And Young
20 Lee, Hae Min Lee's brother, went up to her room, got
21 the diary -- got the diary thinking this was the new
22 soul mate's phone number, called then gave it to the
23 police.

24 He knew who Adnan Syed was. And in that day
25 and the next day, Adnan Syed told them everything he

1 knew as did others. Others saw her at school as late
2 as three o'clock. Others, teachers and students, know
3 that she was upset that day and asked her, inquired
4 what was wrong.

5 Others told right away, when first asked on
6 the 13th or the 14th or the 20th, their best
7 recollection. Some thought that Hae Lee had deep
8 problems with her mother and suggested that she would
9 go to California as she had said she would do so if
10 things at home got too bad.

11 The 14th and 15th were Thursday and Friday,
12 and were snow days in which the Baltimore County Public
13 Schools were closed. And the police covered a lot of
14 ground in those -- in the next days, talking to
15 teachers. All the teachers they spoke to, no one
16 suggested that the boyfriend, Adnan Syed, would have
17 harmed her.

18 Every teacher, every friend, every
19 acquaintance, every schoolmate, described them still
20 after her alleged disappearance, as then the best of
21 friends although everyone knew that they had just
22 recently broken up around Christmas time as a couple.

23 No one suggested him. No one suggested
24 anything but what they all knew to be the truth. These
25 were two young people, star-crossed in their love,

1 histrionic in their descriptions of that, who had,
2 because they were so bright, understood that the
3 relationship could not continue.

4 In the diary which records many of Hae Min
5 Lee's thoughts throughout the year, there's not a
6 single mention of the Homecoming Dance which certainly
7 was the cause of what appears to be a recess or
8 breakup. But remarkably at that homecoming dance what
9 Adnan's parents came to and with whom he left, that
10 immediately upon leaving and going home, he got on his
11 bicycle and rode back to school to try to meet the
12 dueling, competing expectations of those he loved.

13 He was asked that very night, and he told
14 whoever asked him what he done that day. He went to
15 track practice. Even though his was a practicing
16 Muslim, because it was during Ramadan, the holy month,
17 where Muslims fast from sunup to sundown, that he was
18 not required to go to track practice. He could have
19 easily been excused.

20 But he was serious about what he did in track
21 in the same way he was serious about all other things.
22 He medaled in track shortly thereafter, certainly not
23 the mark of an athlete who would willy-nilly miss track
24 practice.

25 So he told -- and he was asked that very

1 night. and he was asked several days later. And like
2 all of her other friends, no one believed that any harm
3 had come to Hae Min Lee. They all believed, because of
4 what she had said that whatever conditions existed
5 between her and her mother, over whatever issues, were
6 causing her enough pain that either she went out to
7 California to a man they believed was her father or
8 that she was off with her new boyfriend.

9 Because they as friends had already
10 experienced Hae, like all other young women, and like
11 Adnan himself, consistently lie to her family as to
12 where she was, to cover up activities that she knew
13 would offend them.

14 On February 26 -- well, before I get there,
15 on February 9th, Hae Min Lee's body was found buried in
16 a shallow grave in Leakin Park. There isn't much else
17 in Leakin Park but the park and the protected wildlife.

18 From whatever cell phone towers cover the
19 area of Leakin Park, anyone who drives through there
20 knows one cannot talk on the phone inside the park.
21 The signal doesn't hold.

22 It is a park of terrain that, although now
23 there is a pedestrian path on one side of the park from
24 down the end at the beginning of Rosemont all the way
25 up to where the county line descends at the foot of

1 what is called "William/Division Street" at the county
2 end of Franklinton Road, back then in February -- in
3 January of 1999, it was not a place for hikers.
4 And although it's a year from now and the
5 terrain is similar -- not the weather, but the terrain,
6 Leakin Park is always a place known in this city to be
7 a place to bury bodies. But it is a desolate and
8 lonely place.
9 On February 9th, in broad daylight, a man by
10 the name of Alonzo [REDACTED] who's prior involvement
11 with the criminal justice system included at least
12 three occasions in which he took off his clothes on a
13 public street down to complete nudity, left his clothes
14 and then struck through wherever he was, completely
15 naked, completely naked.
16 On that day --
17 MR. URICK: Objection, Your Honor.
18 THE COURT: Overruled.
19 MR. URICK: May we approach?
20 THE COURT: No. It's opening statements.
21 The jury's been advised.
22 But, Counsel, I would just advise you that
23 this opening, part of an overview of your case or what
24 you expect the evidence to be.
25 MS. GUTIERREZ: Yes, Your Honor.

1 THE COURT: Please continue in this fashion.
2 MS. GUTIERREZ: I do expect the evidence to
3 show that Mr. Sellers has been charged and convicted of
4 those very offenses. But on this particular day he
5 drove through Leakin Park -- during the day it's even
6 desolate -- and pulled his truck off in the single
7 place where it is left to park, a place with jersey
8 walls mostly blocking the entrance, and got out of his
9 vehicle and walked a 127 feet, a distance more than
10 five times the distance between the walls at which he
11 walked to urinate and hide himself from view.
12 And in doing so, he came across a tree that
13 you'll see view pictures of. It's in excess of 50-feet
14 long, had clearly been there for awhile. And on the
15 far side of the tree and on a terrain that is lower
16 than the near side of the tree, because that terrain is
17 closest to the stream, the Gwynn Falls, that runs
18 through Leakin Park, and so the ground is lower on the
19 far side than on the near side.
20 And on that far side nestled up, he says he
21 sees what appears to him to be a foot. Now, how he got
22 there and what led him to pick that particular place,
23 which is less than a couple of miles from where he
24 lives -- and this day was a work day, I believe it's a
25 Tuesday. I could be wrong. But he had signed into

1 work and there's no special sign out.
2 He says on that day after he calls the
3 police, which is not right away, that he went home and
4 went through Leakin Park which would be on his way, he
5 lives up off Franklinton Road which becomes across the
6 county line Dogwood Road, which is a road that if you
7 follow it out in the county off of which runs Woodlawn
8 Drive off of which sits Woodlawn School.
9 He has an explanation that runs essentially
10 to saying, "I'm a maintenance worker at Coppin State
11 University, and although a plane, a P-L-A-N-E, a tool
12 with which you plane gently edges of wood to plane it
13 down to size or to even roughness before you would
14 sand." It's a fairly common tool for a maintenance
15 shop.
16 And man of them are owned or maintained at
17 Coppin State University Maintenance Department. But he
18 says on that day, "Because I was assigned this work I
19 had to leave my work, go home, while I was home I was
20 got -- I got the plane," which you will not see in
21 evidence. It was never seized or located or looked at
22 that day. At least there's not a single report
23 indicating that.
24 "And while I was at home I drank 22-ounce
25 beer." He even lists the brand. "And though I was

1 home, I didn't urinate in my own bathroom. I got in my
2 car and less than three miles after leaving on my way
3 to return back to work the same way in which I had
4 come, I was so overcome with the urgency to urinate I
5 had to park my car in this place that one can barely
6 fit and the jersey walls are set to discourage from
7 doing so. And then I had to walk 127 feet."
8 The evidence will show you that this body,
9 whenever it was buried, could not have easily been
10 located and that the terrain leading from wherever one
11 entered off Franklinton Road, from no direction, from
12 any entry point, was not an easy terrain, much less a
13 terrain one could easily locate. One certainly
14 couldn't see from the road where it was. It was below
15 a sight line.
16 On that day, on the 9th of February, the
17 police reacted much like many of you are looking. "Ha,
18 this couldn't be the truth. Let's treat this guy as a
19 suspect." They marked him as a suspect. They treated
20 him like one. They asked him questions. They took
21 evidence from him and sought to test it from evidence
22 that they had already gotten from the shallow grave.
23 What we're getting is they spoke to him, they
24 treated him as a suspect. They had police forms in
25 which they marked in big letters, "Suspect." They

<p style="text-align: right;">Page 143</p> <p>1 didn't believe what he said. They didn't believe his 2 story. It didn't match. It didn't make sense. 3 They gave him a polygraph which he flunked. 4 MR. URICK: Objection. 5 MS. GUTIERREZ: And they continued to treat 6 him like a suspect. 7 MR. URICK: May we approach? 8 THE COURT: One moment. 9 Ladies and Gentleman, at this point there's 10 an objection and I want to instruct you that polygraph 11 examinations are not admissible. They're not accepted 12 evidence in any court in the State of Maryland. 13 Therefore, I'll ask that you disregard any remark that 14 the Counsel's made. 15 It would not be evidence that would be 16 admitted in this case. And so I'd ask Counsel to try 17 to stick to those items that would be or you expect 18 would be evidence in this case. 19 I -- Counsel also to inquire as to how much 20 longer you expect to be in terms of an overview? 21 MS. GUTIERREZ: 15 minutes. 22 THE COURT: Very well. 23 MR. URICK: May counsel approach, Your Honor? 24 THE COURT: On some other matter? 25 MR. URICK: This matter.</p>	<p style="text-align: right;">Page 144</p> <p>1 from a non-Asian. And most of you should know that 2 Asians, the vast peoples, on the continent of Asia, 3 China, Japan, the Mideast, India, Pakistan, the most 4 populous countries on the face of the earth -- why 5 Asians, Chinese, comprise more than a quarter of the 6 world's population. Asians, all of those most populous 7 countries, certainly comprise close to half, and mostly 8 half of them are men. 9 How the Baltimore City Police Department 10 distinguishes between the accent of perhaps an American 11 of Asian descent and an American of non-Asian or 12 Japanese versus a Korean versus a Chinese versus an 13 Indian, all different languages, different cultures, 14 different sounds, is beyond me, but perhaps you will be 15 able to find that. 16 In any event, there's two anonymous phone 17 calls that for whatever reason their equipment can't 18 trace. And both phone calls say something about, "Look 19 at the former boyfriend." The last communication of 20 those phone calls is in the second to last week of 21 February. 22 And on February 28th, Adnan Syed was 23 arrested. On that Friday evening, Detective 24 McGilivray, the lead detective in this case, goes to 25 Adnan's home, and in front of his father, in a position</p>
<p style="text-align: right;">Page 144</p> <p>1 THE COURT: On this matter, no. But I will 2 allow you to note for the record at the conclusion of 3 counsel's remarks. 4 MR. URICK: I appreciate that. Thank you. 5 THE COURT: Very well. 6 You may continue. 7 MS. GUTIERREZ: Now, remember on February 8 9th, once the body of Ms. Lee was discovered, it became 9 a Baltimore City matter because all the information 10 that was known was that the body was recovered inside 11 Baltimore City limits. 12 And Baltimore County detectives transferred 13 all their information to Baltimore City. And they 14 continued to look, they continued to search. And they 15 continued to treat Alonzo Sellers, with this incredible 16 story, as a suspect. 17 Somewhere shortly before the 26th and on the 18 26th of February, they got a lot of calls. And among 19 the calls they got was what they, the Police 20 Department, identified that day in a memo as two calls 21 within minutes of each other as from a source that they 22 identified as a young Asian male. 23 And perhaps the Baltimore City Police 24 Department, you will hear, has special powers and 25 special training to distinguish the voice of an Asian</p>	<p style="text-align: right;">Page 146</p> <p>1 that even McGilivray recognizes and writes down that is 2 obviously painful to Adnan, he tries to whisper his 3 answers to questions about his breakup with Hae Lee. 4 Because he realizes it is painful for the 5 father he loves and respects to have to have this 6 shoved up again in his face; that his son had this 7 relationship with the girl, any girl, any color, any 8 religion, any girl at all. 9 And he again tells them what he's asked 10 freely and voluntarily. 11 On February the 26th, the State also meet -- 12 investigators, Detectives McGilivray and Ritz, also 13 meet with Jan Pusateri. Jan Pusateri is another one 14 like Jay. She thought Hae Min Lee was uppity, looked 15 down on people like her. No love lost, she says that 16 right out. She was a friend who she says spoke and 17 saw every day her friend Jay Wilds. 18 Police say that on the 26th, the very day 19 they're asking Adnan about what other information does 20 he 21 have, and he talks to them, she walks into the police 22 station, Baltimore City downtown, right there on 23 Fayette Street and says, "I know Hae Min Lee. I know 24 she was strangled. I know Adnan. I don't know 25 anything else." And she leaves.</p>

1 On the 27th she walks to the police station
2 and she gives a statement in the presence of the lawyer
3 she brang, and her mother and the lawyer and the
4 detectives. And in that statement she identifies a
5 series of events. She saw nothing, according to her,
6 except she says she saw Adnan right in front of Value
7 City in Westview Mall when she went to pick up her best
8 friend, Jay Wilds, but that all that she knows about it
9 came from her best friend, Jay Wilds.

10 The following day, the 28th of February,
11 shortly after midnight, the police bring downtown Jay
12 Wilds presumably based on what she said or perhaps some
13 other information that they may choose or not to bring
14 in.

15 And in the middle of the night Jay Wilds
16 gives the statement that says, "Ha, I wasn't there. I
17 didn't do anything. I didn't touch anything. I didn't
18 know anything. Adnan Syed decided that he was going to
19 kill her because he was broke up because she ditched
20 him." And Jay Wilds tells a story.

21 You will hear the evidence will show you that
22 shortly thereafter, 15 days when confronted by
23 Detective Ritz and McGilivray about what they politely
24 called the inconsistencies in his statement, that he
25 gives another statement on the 15th.

1 And in that, it's not that he changes three
2 things, he changes the most fundamental of things. On
3 March 15th they had already examined the body, done the
4 autopsy, collected every piece of evidence they could
5 find from her body.

6 On her body they found at least four hairs
7 that were identified as being not hers and not Adnan's,
8 someone else's. And they did nothing else with them.

9 Based on what Jay Wilds told them, they
10 seized his car. They found her car because Jay Wilds
11 took them to the car. He didn't just change his mind
12 about where things are alleged to have occurred. He
13 had taken them to a different place.

14 He not only lied to them, he acted on the
15 lie, and he brought them along with it, took them to a
16 place and he tells them that in the intervening time
17 from the 13th to the 28th, he visited her car. He
18 visited a car that he said he never drove, he never was
19 in, he had no evidence about, and he had no interest
20 in.

21 But he visited it four plus times in that
22 intervening short period of time to check to see if it
23 had been found.

24 The shovels that he describes -- and before
25 you hear anything, remember that all Mr. Urlick laid out

1 to you comes out of Jay Wilds' mouth.

2 The cell phone contains mostly calls to and
3 from only people who's numbers you never ever see
4 except that day because they are to and from people who
5 only have a connection to Jay Wilds, numbers that
6 never, ever show up made to and from people who don't
7 even know who Adnan Syed is; that all evidence seating
8 this boy in this chair only comes out of Jay Wilds
9 mouth and nothing else. There is no forensic evidence
10 that conclusively establishes anything.

11 Adnan Syed, as all the group will tell you,
12 was in Hae Min Lee's car almost every day from April.
13 Even in January, her diary describes that in January
14 when her car broke down, who does she call? Not Don
15 Cliendist working at the place where she worked, but
16 her best friend, her soul mate, Adnan Syed. He's the
17 one who drove it around.

18 You would expect to find fingerprints as they
19 found on a couple items in her car. But other than
20 that not a single thing. There are hairs that are
21 unidentified but capable of being compared.

22 There's a shirt, and they're other items that
23 even up until a couple months ago, not February, not
24 March, April, May, June, July, but September, October,
25 November, December, they are still testing because they

1 know they cannot rely solely on Jay Wilds.

2 Jay Wilds is the one who describes, you have
3 clear evidence of at least three statements if not
4 more, each time changing something fundamental.

5 Why would he change the location from
6 Edmonson Avenue to BestBuy? Well, you just got to go
7 back and look at the statement of Jan Pusateri taken
8 first. Who describes, "Aha," BestBuy, over looks
9 Security Boulevard.

10 There's a gas station and then a McDonald's
11 and you go around and BestBuy's like all other
12 BestBuy's all over America, have the same building.
13 They're built according to a plan. Their entrance is
14 the same.

15 The entrance to BestBuy shows you a huge
16 glass panel in the shape of what I call house and the
17 building is the same. There's a guard there that
18 loosely checks. There's a parking lot on the side.
19 There's a single telephone right inside that entrance
20 open to the public.

21 And you'll hear Jan Pusateri note, "Aha,"
22 there are cameras on BestBuy.

23 You will hear that he lied on the first
24 statement and admits lying because he says he did
25 nothing. He just happened to be borrowing the car and,

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<p>1 oh my, this guy whom he knows that he cannot even begin 2 to call anything more than an acquaintance, just shares 3 with him this rage, this passion. And not a single 4 other witness who saw and interacted with him over 5 years ever, ever saw an iota of. 6 You'll hear that Jay Wilds acted exactly as 7 he sounds. It was his shovel -- shovels. He is the 8 one that goes to retrieve from the dumpster the shovel 9 so he can wipe off fingerprints that he first lies and 10 says he never handled. 11 It is he who says, and then ask Jan Pusateri 12 to back him up, except she talked first and either she 13 didn't get it straight or she just totally lied, 14 because she doesn't say what he says she should be able 15 to corroborate. 16 But it is Jay Wilds and only Jay Wilds who 17 goes back to take his clothes off and dump in a 18 dumpster; that on the first go around he says, no, 19 could have been one of three dumpsters. Except one of 20 the locations is a place where he worked at Petsmart up 21 on Route 40, a specific location that if he went in the 22 middle of the night, as he says, to hide evidence that 23 might contain what heretofore had never and still has 24 yet to be connected to Adnan. 25 No dirt in his car. No dirt on his boots.</p>	<p>1 bench, and the following ensued:) 2 THE COURT: Would you come up. The mike is 3 here. Speak in there. Mr. Madden will not have to 4 come up. 5 MS. GUTIERREZ: Okay. 6 THE COURT: And obviously we're here in the 7 position the jurors can see you now. I'm going to ask 8 if you can keep your voices down. 9 MR. URICK: Your Honor -- 10 MR. URICK: There's a motion I think. 11 MR. URICK: The State would move for mistrial 12 at this point. 13 THE COURT: Basis? 14 MR. URICK: Polygraph evidence is absolutely 15 inadmissible. No attorney could mistake that fact. To 16 mention the polygraph test is so prejudicial and so 17 contrary to law that it has made it impossible for the 18 State now to get a fair trial. 19 The State moves for a mistrial because of the 20 deliberate, prejudicial actions of counsel to try to 21 get evidence before the jury that would be totally 22 inadmissible. 23 THE COURT: Any response? 24 MS. GUTIERREZ: Well, Judge, I -- I think the 25 law is clear that polygraph evidence; i.e., --</p>
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<p>1 They took everything from his house, from his car. 2 They took out the carpet, not a single corroborative 3 piece of trace evidence. 4 We think that these things are important, 5 unusual for you to understand before you hear a bit of 6 evidence. And we call you to the promises that you've 7 made as jurors, understanding that you can never look 8 on this side of the table for Adnan to answer. 9 He sits as any young man. The death of Hae 10 Min Lee was a tragedy for all who loved her. And there 11 were many. There is no dispute that someone killed 12 her. And there is no dispute that that death could 13 have occurred as quickly as 10 seconds, without 14 warning, without planning. 15 But just like the judge told you, do not 16 forget your common sense. Sometimes when it looks like 17 a duck and it acts like a duck and it walks like a 18 duck, it is a duck. Things aren't clear often because 19 those with power to clarify seek to disguise the truth. 20 I give you Adnan Syed in your charge. 21 THE COURT: Ladies and Gentleman, at this 22 moment I'm going to ask the State to present its first 23 witness, and I need to speak to counsel at the bench 24 before I do that. 25 (Counsel and the defendant approached the</p>	<p>1 THE COURT: I need just need you to speak up. 2 MS. GUTIERREZ: The polygraph itself and the 3 report of polygraph are generally inadmissible, 4 although they may be admissible under certain 5 circumstances under certain kind of proceedings. 6 This is a polygraph. Almost all about law 7 though, so made under circumstances -- 8 THE COURT: We need to do this out of the 9 presence of the jury. 10 MS. GUTIERREZ: -- where what is sought to be 11 in or kept out relates to a defendant and is 12 challenged. Well, this is not. And the only reference 13 was that he was given a polygraph, which is crucial to 14 establish that others -- 15 THE COURT: Actually -- 16 MS. GUTIERREZ: -- under reasonable -- 17 THE COURT: Actually, I think what you said 18 was that the gentleman was -- not your defendant, was 19 given and failed. 20 MS. GUTIERREZ: Yes. 21 THE COURT: Well, -- 22 MS. GUTIERREZ: Right. 23 THE COURT: "Flunked," was the word. 24 Whatever. 25 MS. GUTIERREZ: Right. And -- but that</p>