

1 a brief recess.

2 MS. GUTIERREZ: Judge, before you go --

3 (Brief recess)

4 (Jury not present)

5 THE COURT: Ms. Gutierrez, you indicated that you  
6 had some issue that you wanted to discuss before you  
7 arranged your exhibits?

8 MS. GUTIERREZ: Yes, Judge. What I would ask is  
9 a reinstruction of the jury as to the Defendant's -- that  
10 they can draw no inference from his silence. Ms. Murphy  
11 made two specific references that I believe were absolutely  
12 unmistakable references to his not taking the stand. They  
13 both occurred before 11:00, one at 10:40 by this clock, one  
14 at 10:55. She said twice "someone who didn't testify from  
15 the witness stand." The context in which she was talking,  
16 it was unmistakable that the only someone that she could  
17 have been referring to was, was Adnan Syed.

18 Since to comment on the Defendant's absolute  
19 right to remain silent negatively inferring that there's  
20 something wrong because he didn't take the stand even  
21 though their witness's did, Judge, I believe is so  
22 prejudicial that it is outrageous. And in light of all of  
23 that, what I would ask of the Court right now is that it  
24 reinstruct the jury on the Defendant's right to remain  
25 silent, that they cannot draw any inference from that.

1 THE COURT: Response from the State?

2 MS. MURPHY: Your Honor, that is not the context  
3 in which that statement was made at all. The context was  
4 in the sense that the Defendant was talking to someone on  
5 the phone, and the words I used were that he was seeking  
6 counsel, seeking advice from someone who knew what  
7 happened, someone who didn't testify. That was the  
8 context, it was not at all related to the Defendant's  
9 testifying or not, and I think that was clear in the way it  
10 was presented to the jury.

11 THE COURT: Anything further, Ms. Gutierrez?

12 MS. GUTIERREZ: On another issue, Judge.

13 THE COURT: All right. On that issue, my  
14 recollection is that Ms. Murphy did not make specific  
15 reference that the Defendant did not testify but, rather,  
16 in the context that she's indicated.

17 I believe that the jurors have been instructed  
18 that they can't even consider the Defendant's failure to  
19 instruct (sic) and I'm not going to reemphasize or direct  
20 any further attention to that issue. I don't believe that  
21 it was presented to the jury in that fashion. And clearly,  
22 there will be no argument on that issue. The only thing  
23 the jurors will have is my instruction where I specifically  
24 direct them that they may not even consider his failure to  
25 testify.

1                   Your next issue, Ms. Gutierrez?

2                   MS. GUTIERREZ: Judge, while I was out, I had to  
3 use the facilities and there was a ladies' room right next  
4 door. I remained there specifically because I observed the  
5 mother of Ms. Lee who, understandably, was close to  
6 hysteria, was in the stall and crying loudly enough that it  
7 drew my attention.

8                   I did note that she started to do that and,  
9 although that may be understandable, Judge, she contained  
10 herself throughout the bulk of the State's attorney's  
11 argument. And what I observed and heard in the ladies'  
12 room concerns me that I would ask for either the Court to  
13 instruct her or she be placed back far enough that if she  
14 is that close to being upset and such to send her in a  
15 stall in the ladies' room, crying uncontrollably, is not a  
16 circumstance that we should have to endure during our  
17 close.

18                   THE COURT: I will tell you that I don't want to  
19 hear from the State on this. Ms. Lee has conducted herself  
20 in an admirable fashion throughout the length of this  
21 trial. When asked to move and adjust herself when we were  
22 in a smaller courtroom, she did so. Today, I did not  
23 observe her do anything in this courtroom inappropriately.  
24 And I would add --

25                   MS. GUTIERREZ: -- didn't do anything in the

1 courtroom.

2 THE COURT: I understand. And I would add that  
3 the sheriff accompanied this jury to the jury room. They  
4 do not use the public facilities. They are not in the  
5 public facilities, they are kept separate and apart from  
6 the public facilities and would have no way of knowing what  
7 went on in the ladies' room, what Ms. Lee may or may not  
8 have done in the privacy of a stall in a public bathroom.

9 I would emphasize that she understands. I have  
10 had communication made to her through the State's  
11 Attorney's Office and through the Bereavement Movement  
12 counsel the importance that she not in any way demonstrate  
13 anything, to the best of her ability, that would in any way  
14 interfere with justice being served in this courtroom. And  
15 I would note again that her conduct has been admirable, as  
16 your client's conduct has been admirable and the family of  
17 the Defendant.

18 So at this juncture, I am not asking any  
19 spectator, including Ms. Lee, to move.

20 MS. GUTIERREZ: I think my purpose has been  
21 accomplished, whether the Court intended to do so. And as  
22 the Court knows, my job as an advocate is to protect this  
23 trial even during the time -- and I never meant to suggest  
24 and I did not suggest that the jury had any access to that.  
25 I asked for the Court's intervention and I believe I've

1 accomplished that to avoid something happening from this  
2 point forward since, obviously and understandably, she is  
3 upset. And my fear is that given how upset her level was  
4 then --

5 THE COURT: I understand, Ms. Gutierrez.

6 MS. GUTIERREZ: -- that that would only continue.

7 THE COURT: And just for the record and for the  
8 public, Ms. Gutierrez is making an excellent point. Her  
9 point is that during closing argument she may decide to say  
10 things that may be sensitive or uncomfortable for  
11 spectators. And to the extent they have an inappropriate  
12 contact or effect on a jury could result in a motion being  
13 made for a mistrial, and that is something that this Court  
14 does not want and has done everything in its power to guard  
15 against.

16 So to the extent that anything may be said or  
17 done in a way that you feel uncomfortable, the door is to  
18 your immediate right and you're welcome to use it at any  
19 time. If you remain, I would ask that you keep yourself  
20 under control and in the manner in which would be  
21 appropriate demeanor and decorum for this courtroom.

22 Ms. Gutierrez, is there anything the Court can do  
23 to assist you in organizing? Mr. White's available.

24 MS. GUTIERREZ: I just need a minute, Judge. I  
25 stayed there for the reason I said, so I didn't get

1 around --

2 THE COURT: Very well. And as you're organizing  
3 your papers, are you requesting a warning?

4 MS. GUTIERREZ: Judge, I would ask that Mr. Lewis  
5 be allowed to sit at the trial table.

6 THE COURT: Mr. Lewis, please come.

7 MS. GUTIERREZ: And he's going to hold up sheets  
8 to remind me.

9 (Pause)

10 THE COURT: Just for scheduling, at the close of  
11 Ms. Gutierrez's closing argument, the State will have 30  
12 minutes for rebuttal. I note that an hour has been used.  
13 And then I will send the jurors to lunch.

14 Deliberation will take place in my jury room on  
15 the third floor, so I will be returning Judge Gordy his  
16 courtroom, as he's accommodated us to this point. That is  
17 where my chambers is, that's where deliberation will take  
18 place, rather than up here on this floor.

19 Very well. If you would bring our jury back,  
20 please. Thank you.

21 (Pause)

22 (Whereupon, at 11:23 a.m., the jury returned to  
23 the courtroom.)

24 THE COURT: Ladies and gentlemen, at this time  
25 you will hear closing argument from the Defense, from

1 Ms. Gutierrez.

2 CLOSING ARGUMENT BY MS. GUTIERREZ

3 MS. GUTIERREZ: As you've become aware in the six  
4 weeks -- this is the only time that you will hear from me.  
5 And as I sit down, they get to get up again and say  
6 whatever they can to rebutt --

7 The Judge talked in instructions this morning  
8 about the kind of criminal justice system we have. It is  
9 unlike any other system in the world. In many places not  
10 in this city, not in this state, not in this country. The  
11 minute that Detectives McGilverly and Ritz made the decision  
12 back on the 28th of February to arrest the presumed  
13 innocent teenager, that would have been it -- no one going  
14 back to question why did you make that decision. And they  
15 made that decision, they stuck to it and disregarded  
16 anything else.

17 On February 12th Detective Massey got phone calls  
18 from two anonymous callers -- you haven't seen  
19 Detective Massey, so you don't know what -- but he wrote  
20 down that the anonymous phone caller, two calls, was an  
21 Asian male, 18 to 21 years old -- an Asian designation in  
22 two places, as you've heard from this stand, as diverse as  
23 Korea all the way up over to Pakistan -- the most populous  
24 places in the world. Now, you didn't hear evidence --  
25 sound different -- and that there are those who carry that

1 as a cultural background --

2 Now, Detective Massey could tell over the phone  
3 the Asianness of a person who would not give up their name.  
4 And you heard from others the same information, that this  
5 caller anonymously related, unwilling to be identified, and  
6 that was oh, you should concentrate on the victim's --

7 The caller advised that the boyfriend had taken  
8 the victim to Leakin Park -- sexual -- and there's not a  
9 single -- to establish that. Her friends were asked before  
10 they came in this courtroom and in this courtroom if you  
11 knew -- did you tell us. Not a single one -- and you can  
12 well imagine that they -- Detectives McGilvery and Ritz  
13 having focused on Adnan Syed for whatever reason, you may,  
14 because you know in your hearts if there was anything out  
15 there to support what they said, to connect in any way  
16 Adnan Syed with what happened to Hey Men Lee -- and if that  
17 was good, you would have heard about it, and you didn't.

18 Between the 12th and the 20th -- and you've heard  
19 from more than one source, from the teachers, from -- from  
20 her good friends, Becky Walker, Debbie Warren, and Ayisha  
21 Pittman -- what happened to Hey Men Lee -- Debbie Warren  
22 admitted that she's the one that started, based on  
23 something Hey Men Lee had said to her on another occasion,  
24 that where she was going was out to see her father. Her  
25 father isn't in California -- he's in Korea.



1           Everyone speculated -- one of the closest friends  
2 to this wonderful young woman describes Adnan Syed as  
3 repeating the stories and believing the things and -- just  
4 like everyone else. At first he -- like all of us, that  
5 she had just gone to Don's house. Maybe she was -- he then  
6 became concerned. He acted just like --

7           Detectives McGilvery and Ritz got an arrest  
8 warrant, as Detective McGilvery said on the stand, in the  
9 early morning hours based on what Jay Wilds said. And  
10 although you heard uncontradicted, out of the mouth of Jay  
11 Wilds, that he lied to him and to Detective Ritz before  
12 that tape recorder went on in the middle of the night on  
13 February 28th and after it was one. And he lied to them  
14 about many, many things, even when they asked him --  
15 inconsistencies that they acknowledge were lies. It wasn't  
16 just that things didn't match up, they were lies. They  
17 called them lies. Jay Wilds called them lies. On the 15th  
18 of March, on the 18th of March, on the 13th of April, every  
19 single time lies, never -- but they never came back and --  
20 out of bed in the very early morning hours and charged him  
21 on the word of someone who later said lies.

22           They tried to cover and said well --  
23 Detective McGilvery -- remember the events that happened  
24 better. But he admitted -- the State would say and what  
25 they admit that what he lied about were not just little

1 inconsistencies --

2           Let's start with -- the only thing we know is  
3 that Hey Men Lee -- was killed, that it occurred by  
4 strangulation and it could have taken place in as little as  
5 10 seconds, that there were no other injuries on her body  
6 other than -- a bruise right on -- no other predeath  
7 injuries. None. No bruising.

8           And you heard from Dr. Corell what the body would  
9 have shown, and you can certainly trust Dr. Corell because  
10 it is her business, took every ounce of care to try to  
11 discover anything from the body that she was autopsying  
12 that might help tell anything about the manner in which  
13 she -- Dr. Corell was so careful about what's fact, what  
14 she could opine about. She never ventured to even guess at  
15 when she died -- in the grave and when she was found on the  
16 14th of January, the 15th, 16th, 17th, 18th, 19th, and  
17 stopped the last day of January. All she was willing to  
18 say is what the facts told her, and those facts told her --  
19 she wouldn't even venture to say was that person in the  
20 front, in the back, on the side. She wouldn't even say  
21 that because she doesn't -- she only --

22           Dr. Corell doesn't say that it's likely she died  
23 on the 13th. What she says is she was clearly dead and in  
24 that grave for a while. And so, the only fact that we know  
25 is that. She was dead. She died of strangulation. And

1 Dr. Corell said the belief is that -- her opinion is that  
2 it was likely manual because of the absence of anything  
3 else that would suggest a rope, a wire, a ligature that  
4 helped strangle her that -- Dr. Corell wasn't even asked  
5 that the people who were first put on to speculate as to  
6 what they now ask you to do, to speculate. They didn't  
7 dare ask Dr. Corell a question based on the bruising that  
8 she described -- did she have an opinion as to where  
9 that -- did it occur because she hit her head on a window.

10           You have no evidence to suggest that she wasn't  
11 driving -- in the driver's seat -- even come in contact  
12 with -- that Ms. Murphy asked you to consider. The only  
13 fact you have is that she was killed sometime before the  
14 body was placed in the -- probably a good -- January 13th -  
15 - is a lot of days.

16           Dr. Corell -- that she was in her car. The only  
17 witness that suggests any version at all was what Jay Wilds  
18 says Adnan said. Jay Wilds, who tells his very, very good  
19 friend Jennifer Pusitari that Jay knew ahead of time -- was  
20 planning to kill his girlfriend on -- but he says that  
21 Adnan would tell him to do this -- other than Jay, there is  
22 nothing. There's nothing in the car that told you -- they  
23 tried to recover any evidence at all. You can trust them.  
24 They did, they tore it apart. They discovered nothing from  
25 which you can even speculate that -- in the car.

1 Dr. Corell couldn't even speculate, and didn't attempt to,  
2 as to whether or not she was sitting down or standing up or  
3 lying down at the time, the less than 10 seconds or so  
4 needed to -- nothing inside the car -- to ask Dr. Corell  
5 about the pulmonary edema, but Dr. Corell said on the stand  
6 when they asked is that it may occur. Dr. Corell, who did  
7 the autopsy, never identified pulmonary edema. She never  
8 said she saw it on this body.

9 Mr. Bianca (phon. sp.) who fancies himself a --  
10 said that stain on the bottom of her shirt looked like  
11 nasal mucous to me. But the -- didn't test it, didn't  
12 establish what it was, didn't establish whether it was what  
13 they thought it was. Nowhere in Dr. Corell's autopsy does  
14 she state that she found any such thing. All the time  
15 spent on the -- guess as to what -- there's no other trace  
16 evidence to suggest that what happened was in the car.

17 There is -- for you to believe after -- that what  
18 Jay Wilds ultimately said -- Jay Wilds says that he lied to  
19 protect his friends. Although they talk -- because if he  
20 spoke the truth, the only thing -- is the five-second --  
21 that's all he did, was look, after the murder. And surely,  
22 that didn't endanger his friends -- but if -- 10 seconds  
23 when that something -- evidence from Best Buy -- his  
24 reasons for protecting his friends. What Detectives  
25 McGilvery and Ritz heard from Jen Pusitari is she had been

1 reminded, she brought it up to her very, very good friend,  
2 oh, there's a camera at Best Buy. And after that, he  
3 didn't say Best Buy and he didn't say -- near Edmondson and  
4 Poplar Grove, a very popular drug trafficking strip in this  
5 city.

6 Jay Wilds was asked by them what his relationship  
7 with Adnan was, and he said -- he was an acquaintance, not  
8 someone that he even now describes as he'd want to protect,  
9 whose involvement he would want to hide -- he says -- his  
10 friend Jen is that he had nothing to do with Adnan  
11 concerning Hey Lee's murder.

12 Even after -- and that lie was not just saying on  
13 the 28th of February Jay Wilds named Adnan, claimed Adnan  
14 said he did nothing. Jay Wilds was the one that  
15 afterwards -- without hesitation -- and Detective McGilverly  
16 acknowledged that in the questioning Jay Wilds admitted as  
17 soon as -- as late as four days, on the 24th, four days  
18 between the midnight interrogation he had been to visit the  
19 car -- had done nothing and had committed no crime -- and  
20 after that he drove -- by his own admission, was a place  
21 he's come to -- and he said to you all the reason he did  
22 that was that he wanted to take them, the police, who up  
23 until then, as he told you, they didn't know why. He did,  
24 but they didn't know -- he wanted to take them to a place  
25 that they would be uncomfortable in. So he took them and

1 he showed them the spot where he described to them -- strip  
2 that is always occupied by 10 -- 1,001, 1,002, 1,003,  
3 1,004, 1,005, 1,006, 1,007, 1,008, 1,009, 1,010 --

4           It is not, as Detective McGilvery -- he admitted  
5 he lied and he says -- where they were uncomfortable --  
6 deals drugs and he's got -- or something like that. He  
7 only did it to please people. But Jay Wilds told you, he  
8 said he was forced to admit he dealt drugs, illegal drugs,  
9 marijuana on an at least two or three times a week basis.  
10 He was familiar with drug strips. Imagine how sweet it was  
11 for him to tell -- to the biggest strip in West Baltimore,  
12 Edmondson Avenue and Poplar Grove -- a place they would be  
13 uncomfortable. They don't care what -- and in doing that,  
14 the focused, based on the word of people that -- anonymous  
15 accusations or speculations -- everywhere.

16           She was a popular girl in addition to being  
17 really smart and a really good athlete. Although there  
18 were some -- but because of that disappearance when she was  
19 expected to be there, a very popular girl in and of  
20 herself, led to everybody speculating --

21           Becky Walker told you being the best friend of  
22 hey and being a very good friend with a boy she had called  
23 friend since second grade, she wrote these things in her  
24 journal to try to answer truly what was this all about. If  
25 I think about it, what was their relationship, how were

1 they with each other? How did he act, among the whispers  
2 around her? He's supposed to be her boyfriend. Let's see  
3 what he has to say.

4 He is sure that nobody else ever, whoever they  
5 are, were ever sat in a chair, at a table, in a courtroom  
6 like this and asked and put to the test as a defendant in  
7 the murder of Hey Men Lee. Not even -- unusual  
8 circumstances. Donald Kleindas was her current boyfriend.  
9 He was -- as to his whereabouts on the 12th. Ms. Murphy  
10 dares to ask you to speculate as to whether or not Hey Men  
11 Lee spent the night at his house in Harford County the  
12 night before, but they didn't even ask him that.  
13 Detectives McGilvery and Ritz, they never asked him  
14 anything, never asked to account for his whereabouts, the  
15 last time he saw her -- a map of West Baltimore, and West  
16 Baltimore -- it doesn't take rocket science to know that  
17 the Crown station that allows people to use ATMs, not  
18 credit cards, as they suggested, but ATMs to make  
19 purchases, but only if they come inside, that is located --  
20 isn't on the way to any part of Harford County. Any part  
21 of it. Northern Parkway and Harford Road is in the city,  
22 that's evidence -- it's in the City. To get from West  
23 Baltimore, whatever way you go, you don't go farther down  
24 in the City, you go out. You go up and then over to  
25 Harford County or you go over 695 and then -- it's 11 miles

1 from -- now they're telling you that you should speculate  
2 that perhaps she spent the night with her new boyfriend, a  
3 two-week old boyfriend --

4 To explain away the bank records that establish  
5 that Hey Men Lee -- on January 14th. They try to argue  
6 from their records that -- they didn't even bring you this.  
7 They didn't pay attention to it. It didn't matter to them.  
8 Detective McGilverly and Ritz did nothing.

9 What evidence you have before you is that the  
10 records -- when this entry was made, at what time of day.  
11 The thing that could have clearly established that she  
12 signed for whatever purchase added up to 1.71 and that it  
13 was the owner of the ATM card that used it on 1/14, 1999,  
14 might have been -- even though -- the man on whose  
15 testimony they based charging -- they never looked at them.  
16 They had these. And they'll say that this is in April they  
17 got the records. Assistant State's Attorney, Homicide  
18 Division, Courthouse East, here, this building. And look  
19 at the entry that says January 14th, 1.71. Or find out  
20 what's -- where is that Crown? Maybe somebody saw her.  
21 And at the same time -- did nothing -- sent to them.

22 They also ignored the evidence -- there are two  
23 things about what -- said. She said on that day I saw Hey  
24 Men Lee and I saw her about 3:00 and what she told me  
25 was -- to see Don at the mall -- they didn't ask Don



1 because they had already fixated their sights on this guy.  
2 A horrible murder, the finding of a body in Leakin Park, as  
3 our city struggles with a black eye of 300-plus murders a  
4 year. Oh, my god, another one -- so having fixated, they  
5 ignore --

6           They tried to think about -- didn't bother to ask  
7 their expert -- back in January -- certainly didn't --  
8 because they knew it wasn't supported by the evidence. And  
9 perhaps on the 28th of February when they arrested Adnan  
10 they figured that what Jay told them would bear out, that  
11 they'd find the evidence that matched what he said. So the  
12 first thing they did was -- that same day they searched his  
13 house, top to bottom. And what did they seize? Among many  
14 other things, his boots, his -- his clothing, according to  
15 Jen. It couldn't be according to Jen because Jay says --  
16 paged Jen from and then Jen picked me up from home. So  
17 according to Jay, upon whom they base the arrest warrant,  
18 Jen never would have seen Adnan, never would have seen what  
19 he wore. But Jen, of course, doesn't say that. Jen says  
20 oh, no, he -- at Westview, at Value City and waited there,  
21 and got there before him and I picked him up from there,  
22 and Jay got out of the car and I saw Adnan.

23           They knew on the 28th somebody -- Jen had spoken  
24 to them on the 27th, after she had gone to visit her  
25 boyfriend. And she told them -- after speaking with her

1 boyfriend, she told them on the 26th I can't speak to you,  
2 I have to go see my boyfriend -- and she -- and she told  
3 them the next day when she, who says she knew nothing, did  
4 nothing, saw nothing except what Jay told her, she lied to  
5 the police. And she says because I lied to the police I  
6 went and got a lawyer. She sure acted like someone who was  
7 not --

8           After the 28th when they searched his house, they  
9 seized everything -- he heard from -- anything that would  
10 show anything or might connect him to the murder, to the  
11 car, to anything. They took his car apart, taking the  
12 lining out of the trunk, and they found nothing --

13           This is a map that does show Leakin Park -- it  
14 also shows all the way over to Druid Hill Park and the City  
15 on the other side. It clearly is the page 34 that's missing  
16 from here. There's nothing -- and there's no evidence from  
17 Jay, the only person on who they're relying, that anybody  
18 needed a map to find Leakin Park. There was a reason we  
19 went to the trouble to establish, even when people made it  
20 difficult, that Dogwood Road, clearly on the map, is the  
21 same road that becomes Franklin Town. And as Mr. Davis  
22 pointed out, if you were familiar with the area you could  
23 know there's Woodlawn High School, right there, off the  
24 same road, within minutes. Nobody needed a map to find to  
25 find Leakin Park or Franklin Town Road. And the

1 fingerprint is on the outside, not on the page. Another  
2 dead-end of nonfact that invites you to speculate based on  
3 exclusively Jay Wilds' story.

4 Jay Wilds never mentioned a map. He mentions at  
5 various times meandering and wandering around West  
6 Baltimore, mentions speaking about another place --  
7 mentions following -- he never saw it. He says he never  
8 saw -- doesn't describe activity that would involve a map.

9 Her brother says she used the map. It was in her  
10 car. Half of you probably have the exact same thing.  
11 Mr. Abromowitz said maps are how you find places you don't  
12 know where they are. No surprise he's got the exact same  
13 map that covers the exact same area as did Hey Men Lee.

14 On the 9th of February, Detectives McGilvery and  
15 Ritz -- came after it. But on the 9th, under  
16 circumstances -- both Detective McGilvery and Detective  
17 Ritz happened to get out to the scene. Mr. Buddemeyer, who  
18 clearly told you no, you could not have seen this body, you  
19 could not have seen the log from the road. And yeah, it  
20 was winter, but you still had to push away everything to  
21 get back there. And hey, by the way, I was looking for th  
22 body. It was part of my job to measure from the body to  
23 the road. In order to get a good rationale, I had to find  
24 the body. And he was looking for it and couldn't find i

25 Jay Wilds, on the 9th of February, had decide'

1 you don't need to be an expert -- he tried to fudge, it's  
2 his signature. He signed that signature right in front of  
3 you. It appears on both the explanation of rights -- the  
4 form that you heard Detective McGilverly, they didn't do to  
5 everybody. They only did it to people whom they suspected  
6 of -- he signed it and he spoke to them. And what he told  
7 you surely, they didn't know why they subjected him to  
8 other things, including other interviews -- four days. The  
9 same day Jay Wilds is out checking to see whether the car  
10 he says he never got in, didn't do anything with, was still  
11 there. Four days.

12           And based on what Jay Wilds said, they came in  
13 the middle of the night -- Adnan Syed. And -- even if you  
14 can get past his story that his urge to urinate is so  
15 great, 2.9 miles from his house, right off Dogwood Road,  
16 right off of where Dogwood Road intersects with Woodlawn,  
17 on which is Woodlawn High School. He had to urinate so bad  
18 and he was so concerned, as he said, about this privacy and  
19 not being seen that he walked into the woods, 127 feet --  
20 him sign this -- we never heard and you can't speculate.  
21 But the one thing you can assume, if there was something  
22 else there that would hurt Adnan --

23           Alonzo Sellers was never asked a single question  
24 about where was he on the 13th or the 14th or the 15th or  
25 any of the days that Hey Men Lee could have been killed and

1 buried -- and as he testified, very unknowingly, planing a  
2 door is among the most ordinary of tasks a maintenance  
3 department for a university whose many building are old, is  
4 something that's -- but his excuse for being there was to  
5 get a plane. They didn't make him produce or examine, and  
6 his explanation certainly didn't convince them of  
7 anything -- but because they were fixated by those -- they  
8 just advised him but they didn't ask him any questions. So  
9 they had put aside Donald Kleindas without asking a  
10 question, without asking -- and as I said, it's not just --  
11 it's their opinion she disappeared that day, while no facts  
12 establish for you that she died -- or that she was buried  
13 that day. That's the guessing part. They want you to  
14 focus on that and say, as they said in the very  
15 beginning --

16           The cell phone. These numbers were on the bill.  
17 They keep saying the address. They make up a column as if  
18 the address told you something. Mr. Abromowitz, whatever  
19 expertise he has in anything, told you -- all he can tell  
20 you is what the coverage area is supposed to be, that if  
21 you make a phone call right here, it's supposed to connect  
22 with the nearest cell tower before it triggers the switch.  
23 Well, what he told is that's what it's supposed to cover.  
24 But the phones and the quality of the phones operate  
25 differently as to what signal they trip, what switch that's

1 called. And he told you more. He told you that -- that he  
2 did -- 9, 10 months after he's called in, arrested, and  
3 charged with murder on the word of a many they know now  
4 lied. They did a test. They kept calling. They did an  
5 origination test. It's making a telephone call. There's  
6 nothing scientific about it. And when he made those  
7 telephone calls that she told him to make at the locations  
8 she said, what he said to us -- they didn't -- she said --  
9 cell phone records -- trigger a cell site -- 651C. The  
10 cell tower is supposed to be in the middle. It's the only  
11 purpose for the colors. So 651, one of these is C and all  
12 that can tell you is that someone in the area whose cell  
13 phone was supposed to be -- but Abe Abromowitz tells us  
14 well, a call made at Rolling Road and I-70 placed, a  
15 Ms. Murphy decided was important, triggers either L651, I  
16 think it's the C here, or L698A. So instead of being able  
17 to tell us if it worked right, if the phone's quality --  
18 then the cell phone that made the call would be there.  
19 Now, now it would be here or here because, in order to be  
20 here, it would have triggered -- trigger the cell tower  
21 that's right there, where A, B, and C of 698 meet. And  
22 certainly --

23           They had this cell phone but in fall of 1999  
24 Mr. Murphy didn't think it was important enough that if she  
25 were going to do a test that's supposed to tell us

1 something that it might be important to do the test since  
2 her own expert says it is the quality of the phone -- Adnan  
3 Syed had been in jail for 9 or 10 months. Nobody looked at  
4 it again. Nobody asked a single question in doing a test  
5 that was fair and truthful. And so, they give you a test  
6 that tells you -- they can't tell you in whose hand the  
7 phone was located. What they suggest to you is the only  
8 thing you know are when Jay Wilds could have said in his  
9 hands. You know from the records the times these calls  
10 were made, either to his cell phone, this one, or from it.

11 Ms. Murphy focuses on, the Tina residence, the  
12 young -- non-Muslim -- who met Adnan at a party on Scarlet  
13 Place, right down the street, and likes the attention that  
14 a handsome young boy is playing with her -- this phone --  
15 as technologic as you get, has on it the scroll system --  
16 anybody could make that call. But more important, the  
17 only -- is Jay Wilds -- this most important call is to  
18 Ms. Murphy, go the Tanner residence in Montgomery County,  
19 took place at 3:32. Now, according to Jay Wilds, he's --  
20 and Adnan -- well, I'll call you around 3:30 -- Jay  
21 testified how he didn't call at 3:30. 3:30 came and went,  
22 so he got in his car and he started to go, and Jen  
23 Pusitari -- so according to -- Jay Wilds -- he was in the  
24 car that night --

25 Every single site that Mr. Abromowitz read off,

1 and I remind you when I asked him, I read from his  
2 results -- is either 654A and C or -- it's hard to see.  
3 This is -- 654A or 651B. Even with this test, under the  
4 circumstances totally controlled by them, he can't tell us  
5 anything about --

6           Even up to the 24th of February, notwithstanding  
7 the two separate taped interviews with Alonzo Sellers in  
8 which he was read his rights -- they still had trouble with  
9 his description of what -- they still had trouble with his  
10 description to explain why -- they asked him about why  
11 would he walk -- why would he lie and not tell them -- if  
12 you recall, I read to you -- Detective Ritz was asking him  
13 about the tool and about 20 ounces of beer, why didn't you  
14 tell me back then? This is a man who said he was so  
15 overcome with the need to urinate on a stretch of road that  
16 is established for you is not well traveled, it's through a  
17 park -- have an urgent need to urinate in a place that is -  
18 - near the opening of the door on a truck they say backed  
19 into that side of the road, the same side the tree was on,  
20 so the door would -- what was the reason it took this man  
21 127 feet, a distance -- and if it were such a surprise --  
22 the same ones that had him sign -- and if it were as  
23 innocent as all that, why -- Edmondson Avenue which turns  
24 into Baltimore National Pike, which I am sure you must know  
25 from your common sense has dozens and dozens of phone



1 booths in a location that he knew when he left was not a  
2 location he was -- and called the police and said oh, by  
3 the way, I found what I think looks like a body. It is --  
4 but he didn't do it. And he didn't go right in and go  
5 within the same building he worked. He went clear across  
6 the campus after -- not calling the police on his own, not  
7 going to his supervisor, going up and asking where's -- and  
8 of course, ultimately -- back to the scene.

9           Just like Mr. Buddemeyer told you, that body  
10 couldn't have been found easily, even when you're looking  
11 for it.

12           Alonzo Sellers will never be charged. He's never  
13 even been asked, never went down -- was there another  
14 anonymous call, if there was evidence that shifted it to  
15 them, he knew it was already there because on the 26th,  
16 which is Friday, remember -- that's how they got to Jen  
17 Pusitari. Something turned them toward Adnan Syed and,  
18 once turned, they never turned away. They never even asked  
19 the questions to --

20           In -- don't have a system of -- we don't pick the  
21 jurors who are charged by judges to act as referees. We  
22 don't allow subjects charged by the police to have lawyers  
23 who have a role -- I stand up here because I have a role.  
24 You take an oath to listen to the evidence and to listen to  
25 me -- Detective McGilvery decides that he believes the

1 anonymous call from an Asian male, whoever that is.

2           Are there others -- the experts and the evidence  
3 tells you that you don't -- it is clear that Hey Men Lee --  
4 comes after the -- likely that whatever it was that  
5 happened that led to her death -- maybe she did run away  
6 and then come back, maybe -- maybe Jay Wilds did have this  
7 car -- he's borrowed lots of people's cars. Maybe Hey Men  
8 Lee stopped Jay Wilds in her very good friend's car and  
9 then something happened -- and that it really didn't cause  
10 any other injury -- anything else is pure speculation.

11           One of the instructions the Judge told you was  
12 that you couldn't draw any inference of guilt because Adnan  
13 Syed didn't -- and the Judge told you that -- much is made  
14 of this issue of him correcting what Officer Adcock says he  
15 said. Remember Officer Adcock, he didn't know him, he  
16 didn't describe the voice he spoke to as an Asian young  
17 male. He didn't know who he was speaking to. But the  
18 bottom line is when Adnan spoke to Detective O'Shea, he  
19 said -- I didn't get her to give me a ride. All of that  
20 overlooks that in both times he never says he saw her after  
21 school. Whether he asked her for a ride, he said -- and  
22 she didn't --

23           The same effect to Officer -- Detective O'Shea.  
24 And at the earliest opportunity, all of you know that you  
25 remember things if there's a reason. We might remember

1 things or birthdays or children's birthdays, some special  
2 event, something that triggers -- the more time that  
3 passes, the less we remember about the events. At every  
4 opportunity -- over the phone, when they left the call with  
5 his mother he returned the call. He answered every  
6 question they had and at the earliest opportunity he says I  
7 was at track practice. I saw her. No, you're wrong about  
8 the car, but I didn't see her after school. Then I went to  
9 track practice.

10 At some point they asked the coach, and the Coach  
11 Sye said the same thing, I don't keep roll. But he wasn't  
12 asked until after, after he was arrested to look back six  
13 weeks. This trial has been going on for six weeks -- do  
14 you remember everything about the first day of trial? Do  
15 you remember what you had for dinner? Do you remember --  
16 who you saw during -- you might have remembered if you --  
17 maybe you -- use your available brain space for what's  
18 important and memorable to us.

19 Debbie Warren, Hey Men Lee's very good friend who  
20 certainly was interested in finding out where she was;  
21 Debbie Warren, the one that says she started the rumor  
22 about California, she says when she was first asked did you  
23 see Adnan, he was on his way to track practice. That's  
24 what she remembered. Well, Coach Sye said -- which he knew  
25 about because they had spoken, and that was an unusual

1 conversation. Of course he remembered it. A student  
2 explaining to him a holy feast of a religion -- he  
3 remembered explaining, remembered understanding it, and  
4 knew that he attended -- he was a good athlete. He sought  
5 him out. Of course -- how well -- and at the earliest  
6 opportunity afterwards -- six weeks later from January 14th  
7 he said the same thing -- based on that --

8           And even though Debbie Warren said he went to  
9 track practice, Coach Sye says track practice -- no later  
10 than 4 to 5 or 5:30 -- and Jay Wilds says oh -- because he  
11 said I have to be seen --

12           You heard from Adnan -- statement that's helpful  
13 to him. It's dated September 14th, eight months after he's  
14 charged -- says the same things.

15           One of the instructions the Judge gave you, and  
16 this is in evidence, was that while motive may not be -- of  
17 the crime -- go through the verdict sheet. This is an all  
18 or nothing case -- up with some guilty pleas, Count -- it  
19 truly is an all or nothing case. If you believe Jay Wilds  
20 with the force required under law to meet the highest  
21 burden our system imposes -- false imprisonment -- he's not  
22 required to even -- he could have sat there, smiling -- by  
23 way of cross-examination if we chose. At every  
24 opportunity, he answered every single question, even those  
25 related to -- in front of his father Detective McGilvery

1 says well -- I knew he didn't want his father to know --

2           And please read this carefully and start out by  
3 looking for any entry close in time to the end of October,  
4 Homecoming Dance -- there is not a single description of  
5 any kind of negative. The one entry where she used the  
6 word possessive, she then says no -- the only instance of  
7 jealousy that she describes is her own when she goes up to  
8 visit him at football practice -- another girl sitting on  
9 his lap -- she talks about her own jealousy. But this  
10 diary is about -- from her words --

11           There is a principle in life most of us learn.  
12 That's why our parents never -- try to teach us to -- the  
13 principles that most of us act in accordance with how we  
14 always -- most of us act in accordance with what we've been  
15 taught, simple little manners. Your parents raise you in a  
16 certain way, and I hope you notice the family's in the  
17 courtroom. This has been consistent with everything --  
18 speak to the Judge out of your presence, without fanfare --  
19 and waits till I go, as I'm sure his mother and father have  
20 taught him every day of his life.

21           And when we're up there at the bench and we have  
22 to stop down, he steps aside to let me go -- treat with  
23 respect --

24           Every word about Adnan in this -- she blames  
25 herself. There is never an entry that's just well, he's

1 stronger you should go away because you're making -- he  
2 never does anything to do that. Jay Wilds -- suggests --  
3 such a surprise. How dare she treat me that way. What  
4 way? If you read the diary, it's consistent with what her  
5 best friend says, that they broke up at about the end of  
6 the first week or so of December. Everything else you've  
7 heard from teachers and students says the same thing, which  
8 would mean that on January 13th they would have been broken  
9 up for a month and a week. Not a surprise. All of those  
10 who know him describe both -- but particularly -- remained  
11 good friends. You'll see in her diary that she may have --  
12 everything you've been told establishes that this was --  
13 not the break up and not her being interested in someone,  
14 although according to her she didn't -- and according to --  
15 no date, no sex, no kissing, no --

16 Every word that you've heard, including about  
17 how -- did he want his parents to know? No. Did he run  
18 right up and tell them? Did he make it a big conflict?  
19 No. But his parents did the remarkable thing of going to  
20 Halloween because his mother could smell it. His mother  
21 just knew and they went out to do what they consider -- he  
22 left. And his father told you that. They asked him to go,  
23 he obeyed. And his father says exactly -- but knowing that  
24 his parents came up in a public place, asked him to leave  
25 with them, he did so rather than subject them to --

1                   We're not here to decide if he was a good Muslim.  
2   Islam is not the only religion in the world that forbids  
3   dating and certainly isn't the only religion in the world  
4   that says no sex before marriage. And it certainly --  
5   parents who exercise their right -- I'm a Catholic not  
6   because I chose it. I was born in Catholicism, my parents  
7   chose it. If you're a Methodist, it is likely that's how  
8   you got there. They're no different in many ways. They're  
9   no different -- so that --

10                   Ms. Murphy made much of Inez Butler, a very  
11   dedicated teacher and molder of human lives -- Ms. Butler  
12   on the stand described in detail -- except Ms. Butler back  
13   then on the 24th -- 25th of January, less than two weeks  
14   from when she was first asked by the Baltimore County  
15   Police detective involved in this -- she said then that she  
16   knew Hey wasn't. Now -- correction this, But then when  
17   asked about the closest point in time, she says -- Hey  
18   wasn't coming back, consistent with Debbie Warren asked  
19   about the same time, what was her last conversation with  
20   Hey and Hey said -- my new soul mate. Inside of two weeks,  
21   first date to soul mate -- fall in love and never felt such  
22   things and feel them deeper than any human being. There  
23   are lots of teenagers who love -- names of family for some  
24   lone -- cultural financial -- that has prevented young or  
25   can prevent.

1           But back then when she talked about -- according  
2 to those who saw her that night, the first time they're  
3 asked to remember is that she was on her way to see -- may  
4 you assume? No. The Judge told you you can't assume even  
5 though you want to, even though they tell you to. That's  
6 not -- that's not what the law allows you to do.

7           Where was she killed? Was it in the car?  
8 Certainly, we know she died and we know that she died -- of  
9 the strangulation and that she had been buried -- and  
10 remember that Detective McGilverly -- find the body in the  
11 ground, you want somebody with experience of old bodies,  
12 long-buried bodies, an anthropologist, and he described  
13 carefully disinterring the body that Mr. Buddemeyer, the  
14 surveyor, couldn't find -- and he describe disinterring  
15 that body -- any piece of evidence from one body, in the  
16 same way as Dr. Corell did all that she did. Anything from  
17 her body, from her clothing that might help. And what they  
18 recovered from that body were lots of hairs, and those  
19 hairs, as Technician -- told you, at least two hairs out of  
20 all the hairs that were there, many which weren't suitable  
21 for comparison, although they were hoping to belong to  
22 Adnan, were excluded as belonging to Adnan. Hair found on  
23 her body, underneath the ground of the carefully hidden  
24 grave -- looking for evidence, did they have significance?  
25 You bet -- why, if the man that they've charged and they



1 want you to believe is an accessory after the fact to this  
2 murder -- put his name under suspect in December of 1999,  
3 11 months after this crime, 10 months after they've charged  
4 a man and taken his liberty, why did they pick Jay Wilds?  
5 December 22nd -- so-called activity of charging him while  
6 intending to plead him to -- on September the 7th, 1999.

7           Somebody's hair that wasn't -- and wasn't  
8 Adnan's, but came from a real live -- not him. Did they  
9 ever test Alonzo Sellers' hair? Did the person who buried  
10 that body have a greater chance of losing hair without  
11 knowing it -- told you that. Of course. You don't need to  
12 be a technician to know that. Do those hairs have  
13 significance now? Absolutely. Were they ever compared to  
14 anything else? Absolutely not. Once again, anything --  
15 they disregarded.

16           Is the Ramadan calendar important -- from the  
17 list of witnesses. There are many more who would have said  
18 the same thing. You only asked me six weeks later, I can't  
19 remember a specific date, but -- he was the one Muslim to  
20 be honored by letting him lead the prayer, whether he  
21 wanted to or not or whether or not -- every single -- he  
22 acted in the mosque as a responsible human being. He  
23 wanted to do it. It was an honor and privilege. And  
24 during Ramadan, our holy month, he was always there,  
25 always, and we noticed --

1           You are left with -- and that is the testimony of  
2 Jay Wilds -- his very good friend Jen Pusitari described it  
3 by saying -- as I said, Jen never sat in that chair and  
4 never -- who acted weird? Who acted like they had  
5 something to hide? Who acted like they had something to  
6 hide about the death of Hey Men Lee? He lied about every  
7 fundamental detail. Every single -- where it took place.  
8 The excuses he gives don't wash -- to protect his friend  
9 Jen Pusitari who did nothing, although she acted -- why did  
10 he need to lie about where things took place? How is it  
11 that Jay Wilds remembers details, ladies and gentlemen, in  
12 that 10 seconds that -- the color of her stockings. Who  
13 notices the color of her stockings? They were taupe.  
14 Recognized her, though she was laying face down. Described  
15 blue of her lips, although they weren't in his view.  
16 Described clothes that he says he recognized because he saw  
17 them before, on another time, the woman he barely knows.  
18 And then who -- evidence.

19           One of the instructions you got was consciousness  
20 of guilt. I ask you to listen to that because that applies  
21 to Jay Wilds. Although he's not a defendant here and never  
22 will be, he is a defendant. And people act the way they've  
23 always acted. They lie once, generally they'll lie again.  
24 You never know with Jay, that's what his best friend says.  
25 And I asked what did you mean by that. You never know what

1 he'll say, what he'll do. She was so concerned about how  
2 he acted before he left her house, at a time -- and his  
3 jacket and folded them and dumped them, threw them away,  
4 although he would never -- that might have shown -- after  
5 all, who picks out the parking lot --

6 THE COURT: Ms. Gutierrez, you have a minute to  
7 wind up.

8 MS. GUTIERREZ: Thank you, Judge.

9 I have to sit down now -- say what I wish to  
10 say -- but when you took this charge, you took -- I hope  
11 what I've said has been helpful to you. If it's not, it is  
12 up to you as a juror to answer those questions.

13 He is charged on the word of -- only you can send  
14 him home.

15 THE COURT: Thank you, Ms. Gutierrez.

16 Any rebuttal on behalf of the State?

17 MR. URICK: Yes, Your Honor. If I may have a  
18 minute to set up. May Ms. Murphy be excused for about 30  
19 seconds?

20 THE COURT: Yes, she may.

21 MR. URICK: Thank you.

22 THE COURT: As you're setting up, Mr. Urick --

23 Ladies and gentlemen, when Mr. Urick concludes  
24 with the State's rebuttal, we will break for lunch and then  
25 we'll allow you to resume.

1 (Pause)

2 Ladies and gentlemen, while Mr. Urick is setting  
3 up, we're going to take a recess. I'm going to ask you to  
4 go with the sheriff who's going to walk you around to the  
5 jury room. You're not going to be there long, so don't  
6 expect to get comfortable. Just be there for five minutes  
7 and -- or so, and then we'll walk you right back. So go  
8 with Mr. -- the sheriff at this time. Leave your notepads  
9 face down. We're almost completed. Mr. Urick will have  
10 his rebuttal, then I'll allow you to go to lunch.

11 As you're going out, do not discuss the testimony  
12 of the closing arguments till we're at the very end.

13 (Whereupon, at 12:59 p.m., the jury was excused.)

14 THE COURT: Officer, I'm advised that the  
15 Defendant needs to use the rest room, so as soon as you can  
16 return him to this courtroom, will you advise me you're  
17 back? And we'll be able to resume.

18 I note that -- I don't know if it helps you but  
19 DOC is on this floor. I don't know if that helps you.

20 This Court will take a brief recess.

21 (Whereupon, at 1:00 p.m., the trial was recessed  
22 and subsequently reconvened at 1:06 p.m.)

23 (Jury not present)

24 THE COURT: Please be seated.

25 While my law clerk is bringing the jury back out,

1 be advised that we will taken a luncheon recess right  
2 after. And I will advise the jury to return to Room 337 .

3 MS. GUTIERREZ: So they'll get their lunch and  
4 then --

5 THE COURT: Right. They'll get their lunch and  
6 they'll go to 337. Once they are assembled in that room, I  
7 will -- and all are present, I'll ask the forelady to count  
8 all heads, we will have them ring a buzzer. And Mr. White  
9 will be bringing them the evidence, so before you leave,  
10 counsel --

11 MS. GUTIERREZ: We'll go through the evidence.

12 THE COURT: -- make sure you go through all the  
13 items that are to go back with them. And I will ask that  
14 you also leave a phone number where you may be reached --

15 MS. GUTIERREZ: Yes, Judge.

16 THE COURT: -- in the event there are any  
17 questions or in the event there is a verdict.

18 MR. URICK: The State has no objection to the  
19 clerk telling them when they can begin deliberating. I  
20 don't know if you plan to bring them out and have all  
21 parties present or not, but the State --

22 THE COURT: No. I just said I would not be doing  
23 that. I will instruct them accordingly.

24 MR. URICK: Thank you.

25 (Whereupon, at 1:08 p.m., the jury returned to