

1 MR. URICK: No, thank you.

2 THE COURT: May this witness be excused?

3 MR. URICK: Yes.

4 MS. GUTIERREZ: Yes.

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

7 MS. GUTIERREZ: Yes.

8 MR. URICK: Yes.

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

11 (The witness was excused.)

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

14 THE COURT: All right.

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

17 MS. MURPHY: Uh-huh.

18 MS. GUTIERREZ: May we approach the bench?

19 THE COURT: Yes.

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

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

24 MS. GUTIERREZ: Uh-huh.

25 THE COURT: Your client step on this side.

1 MS. GUTIERREZ: Over here?

2 THE COURT: Yes.

3 MS. GUTIERREZ: Okay.

4 THE COURT: Thank you.

5 MS. GUTIERREZ: Judge, I guess I would move in
6 limine, Hope [REDACTED] is, to my recollection, a French
7 teacher, and she testified at the last trial about a
8 number of things. But the purpose, I believe, in them
9 calling Hope [REDACTED] was to create an inference of evil by
10 having her testify --

11 THE COURT: A character witness of sorts?

12 MS. GUTIERREZ: No. Well, what she described
13 and what she was asked to describe was the fact that Hae
14 Min Lee worked for her part-time as some kind of aid,
15 student-teacher aid, and would be in her classroom during
16 times when there were not other students on a regular
17 basis.

18 THE COURT: Okay. One moment. Why don't we
19 just do it the other way around? Because, as I said
20 before, to get into what happened the last time was --

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

22 THE COURT: I know, but based on what I prefer
23 to do is ask the State why they are offering it.

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

25 THE COURT: And once they tell me --

1 MS. GUTIERREZ: Yeah.

2 THE COURT: -- then you can --

3 MS. GUTIERREZ: Okay.

4 THE COURT: -- it sounds like --

5 MS. GUTIERREZ: That's fine.

6 THE COURT: -- the same thing --

7 MS. GUTIERREZ: Okay.

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

9 MR. URICK: Because she has direct observations

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

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

12 concerns about how his relationship with her was being

13 affected. She --

14 THE COURT: When?

15 MR. URICK: This was approximately December, I

16 believe.

17 THE COURT: Before the murder?

18 MR. URICK: Yes.

19 MS. GUTIERREZ: Yeah.

20 THE COURT: And when you say how the

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

22 witness?

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

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

25 several witnesses of the conflict of the defendant was

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

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

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

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

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

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

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

22 THE COURT: On the day in question?

23 MR. URICK: Yes.

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

1 MR. URICK: She was helping --

2 THE COURT: The date of the murder --

3 MR. URICK: She was helping the County

4 detectives gather that information from various

5 individuals throughout the school.

6 THE COURT: My question is does she have any

7 personal knowledge about the defendant's whereabouts or

8 knowledge of those whereabouts on the day of the murder,

9 or before the murder, or proximity of the murder? Does

10 she have personal knowledge?

11 MR. URICK: Not on the day of the

12 disappearance, I believe.

13 THE COURT: So her personal knowledge only goes

14 to the relationship between the victim and the defendant?

15 MR. URICK: Yes. And also his actions when he

16 found out that she was aiding the detectives in

17 investigating the disappearance.

18 THE COURT: As it relates to him?

19 MR. URICK: Yes.

20 THE COURT: Is she gonna testify that she

21 confronted him, believing he was the murderer and said

22 something?

23 MR. URICK: No, he came up and confronted her.

24 THE COURT: All right.

25 Ms. Gutierrez, in light of what --

1 MS. GUTIERREZ: Well, Judge, that's news to me.

2 THE COURT: Okay. Well, --

3 MS. GUTIERREZ: Okay. All of that's news to
4 me.

5 THE COURT: Well, --

6 MS. GUTIERREZ: This is new stuff.

7 THE COURT: Ms. --

8 MS. GUTIERREZ: This isn't what she testified
9 to before.

10 THE COURT: Well -- well, regardless --

11 MS. GUTIERREZ: In response to that, I would
12 certainly argue I think relevance keeps it out.

13 THE COURT: Why don't we just stop right here.

14 Ladies and gentlemen, it appears that I'm gonna
15 spend a little time with counsel on this next issue, and
16 rather than have you sit and then send you to lunch in
17 ten minutes, I'll send you to lunch and talk to counsel.

18 So at this time, I'm gonna ask that you leave
19 your note pads face down. I'm also gonna ask that you
20 pass to Mr. White that second sheet of paper because, at
21 this time, you do not need it for this witness; is that
22 not correct?

23 All right. So you'll get that back at any time
24 in the future we have a witness who will be utilizing
25 that large exhibit 34 that's been marked for

1 identification purposes.

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

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

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

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

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

21 (The jury left the room.)

22 (Pause.)

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

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

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

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

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

14 (Pause.)

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

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

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

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

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

24 THE COURT: Yes, you may.

25 THE WITNESS: Thank you.

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

1 THE COURT: All right.

2 Ms. Gutierrez, your objection?

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

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

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

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

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

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

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

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

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

1 in order to stymie the investigation?

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

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

16 THE COURT: The evidence is then being derived,
17 I understand, from this witness, occurring sometime in
18 December of 1998, the month prior to her murder?

19 MS. GUTIERREZ: That's what I heard. Yes.

20 THE COURT: Okay.

21 MS. GUTIERREZ: Yes. And so for all of those
22 reasons we would object to those things and move in
23 limine regarding this witness's ability to testify as I
24 said, and again, my objection in limine regarding some
25 unspecified date, and a phone call with the victim that,

1 as we know, only consisted of the victim saying, "Don't
2 let him know I'm on the phone," you know, which is a bad
3 inference, but not tied to any specific thing, certainly
4 doesn't go to the victim's state of mind is not here.

5 And without more I don't believe that there's
6 enough to take them to a place --

7 THE COURT: Okay.

8 MS. GUTIERREZ: -- where her state of mind
9 might be relevant, that we're not even close there.

10 THE COURT: I am hearing from the State that
11 there's some relevance issue. I'm hearing from the State
12 that there's some, I'm gonna call it "quasi-404-B,"
13 motive kind of, sort of.

14 But I'm not clear exactly what that is, even,
15 Mr. Urick, with your explanation, however vague it was at
16 the bench, I'm not really sure where you're going with
17 this witness. But I'm gonna tell you that at this moment
18 I'm not gonna rule on Ms. Gutierrez's objection because I
19 don't know where you're going.

20 But I'm gonna tell you this. I'm gonna
21 scrutinize the questions that you pose. And I may, at
22 any time during the course of those questions, ask you to
23 clarify or reiterate or explain where you're going.

24 Because as we sit here, I see a very vague
25 connection with motive, and very vague connection with

1 relevance. And I'm inclined to grant her motion, but I'm
2 gonna give you the benefit of the doubt at this moment,
3 'cause I certainly haven't heard the witness testify, nor
4 do I know what you know.

5 But if I'm not convinced very early in your
6 questioning, I'm gonna have you come to the bench and ask
7 you to proffer what she is going to say. I don't mean a
8 vague statement, I mean what is she gonna say.

9 Because I don't find a conversation saying,
10 "Don't tell him I'm on the phone," or "don't tell him
11 where I am" a month before the murder, as particularly so
12 relevant that it would outweigh the prejudicial effect
13 that the jury might misuse that and believe that it meant
14 any more than that. Unless there's another set of
15 circumstances showing something more than just an
16 occasion when the victim is on the phone saying, "Don't
17 tell him where I am," "Don't tell him that I'm on the
18 phone."

19 So I don't know your witness's statement, I
20 don't know what she knows, I don't know what
21 circumstances, but I would ask that you make the
22 connection, make it clear to the Court very early on by
23 your questions to this witness so that it becomes
24 abundantly clear.

25 Otherwise, I will; one, grant the motion; or

1 two, if they answer and it's still vague, I will
2 entertain a motion to strike that part from the
3 testimony, and give the curative instruction to the jury
4 indicating it has no relevance. And so, at this
5 juncture, that's the way I'm going to proceed.

6 Also I'd ask you to be mindful of the fact that
7 this witness is, I understand, will be treated as a lay
8 witness. And so there's not expertise conclusion that I
9 would expect that you would try to draw from this
10 witness, other than her observations, what she saw, what
11 she did, what she knows -- not what someone else told
12 her, not what someone else presented to her, but what she
13 knows.

14 She knows they were fighting, fine. She saw
15 it, fine. Somebody told her that they were fighting, I'm
16 not gonna allow that. I'd ask that you be mindful of my
17 concern, that whatever she has to say be relevant.

18 Go directly to your issue of motive, and be
19 done in a fashion that does not go off on a tangent or
20 bring in any other collateral materials that will not be
21 relevant or may not necessarily go directly to the heart
22 of the issue that you'd like to bring out through this
23 witness.

24 With that said, we're gonna stand in recess
25 until 1:30. I'd ask counsel to be back by 1:25 so that

1 we can resume.

2 I'd ask also, Ms. Connelly, if you tell the
3 witness that she's excused and that she should return at
4 1:25 so that she's available.

5 She has not yet been sworn, and so, Ms.
6 Gutierrez, I'm informing the State while you're here,
7 that he can direct his witness during the break that
8 there has been a limit placed on her, because I do not
9 want her blurting out things that, what other people said
10 --

11 MS. MURPHY: That's fine.

12 THE COURT: -- as part of her testimony.

13 MS. MURPHY: Okay.

14 THE COURT: This Court stands in recess then
15 until 1:30.

16 THE CLERK: All rise.

17 (A luncheon recess was taken at 12:33 p.m.)

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AFTERNOON SESSION

(2:02 p.m.)

(The jury was present upon reconvening.)

THE COURT: At this time, I'd like the State to call the next witness.

MR. URICK: Thank you.

(Pause.)

THE COURT: Please remain standing, listen to Mr. White as he gives you the oath.

Whereupon,

HOPE [REDACTED],

a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:

THE CLERK: You may be seated.

Please keep your voice up, state your name for the record?

THE WITNESS: My name is Hope [REDACTED].

THE CLERK: Spell your last name for the record?

THE WITNESS: [REDACTED].

THE CLERK: And state your address for the record.

THE WITNESS: [REDACTED] Baltimore, Maryland 21207.

DIRECT EXAMINATION

1 BY MR. URICK:

2 Q. Good afternoon, Ms. Schah.

3 A. Good afternoon.

4 Q. Where are you employed?

5 A. Woodlawn Senior High School.

6 Q. And what do you do there?

7 A. I'm a French teacher.

8 Q. And how long have you been employed there?

9 A. Five years.

10 Q. And do you know the defendant, Adnan Syed?

11 A. I do.

12 Q. And how long have you known the defendant?

13 A. I suppose four years.

14 Q. And how have you known him?

15 A. He was one of my student's boyfriends. I did

16 not teach him.

17 Q. And did you know Hae Min Lee?

18 A. I did.

19 Q. And how did you know her?

20 A. She was a student of mine.

21 Q. And in what class -- what classes did she take

22 with you?

23 A. French 2 and 4, 5.

24 Q. Now, drawing your attention to the Fall of

25 1998, the Spring of 1999, which would have been Hae Min

1 Lee's senior year, what, if any, contact were you having
2 with her that year?

3 A. Hae was unable to take my upper level course,
4 she wanted to be my intern so she could spend some time
5 with me and learn independently with me. So, every day
6 from 7:30 until 9:15 she would come to me and we would
7 either do French or she would help me with my grades and
8 things of that nature.

9 Q. And when you say she would come to you, where
10 would she come?

11 A. To room 309, my classroom.

12 Q. And what, if anything, else were you doing
13 during that time period?

14 A. We were just doing a lot of computer work, and
15 just discussing -- she was sort of a friend, as well.

16 Q. And how many people would be in the room during
17 that time period?

18 A. There would usually be Hae and myself and the
19 Department Chair, Mr. Chris Parker.

20 Q. Okay, now. What, if any, personal experience
21 have you had with cross-cultural dating?

22 A. I am Roman Catholic, and I have dated -- my
23 last four boyfriends have been Jewish.

24 MS. GUTIERREZ: Objection. Move to strike.

25 THE COURT: The objection is gonna be

1 sustained. I'm gonna move to strike the question and the
2 answer at this time, and, let me see counsel at the
3 bench.

4 (Counsel and the defendant approached the
5 bench, and the following ensued.)

6 THE COURT: First of all, what I asked you for
7 during the break for lunch, what it was that this witness
8 was going to testify to, you did not in any way indicate
9 that you were offering this witness in any way as an
10 expert or providing any information on "cross-cultural
11 dating." And now we are going to --

12 MR. URICK: It's not --

13 THE COURT: -- her experience with cross-
14 cultural dating, which is not anything that you proffered
15 to the Court. So I'd like to know where you're going
16 with this?

17 MR. URICK: I'm not qualifying her as per any
18 expertise, I'm just putting that down as an explanation
19 why both the defendant and Ms. Lee would discuss their
20 relationship with her.

21 THE COURT: Assuming for the sake of this
22 discussion that the two of them spent a lot of time
23 discussing their relationship, their personal
24 relationships, what relevance does that have?

25 MR. URICK: It goes to the motive of the

1 defendant, that there was a conflict between them that
2 was caused by his religious beliefs. This defendant
3 discussed that with this witness. She can talk about
4 what he told her. She can --

5 THE COURT: Yes, but that's not what you asked
6 her. You asked her about her questions and conversation
7 with the victim.

8 MR. URICK: My next question was, did you have
9 occasion -- my very next question would be did you have
10 occasion to discuss both with Ms. Lee and the defendant
11 their relationship. And then I'll get into the specific
12 incidents.

13 THE COURT: And the specific incidents cover
14 what time period?

15 MR. URICK: The time of the breakup or the
16 breakup after the homecoming dance of the time of
17 Halloween.

18 THE COURT: When?

19 MR. URICK: Which would be probably around
20 Halloween and November -- October, November.

21 THE COURT: October and November of '98?

22 MR. URICK: Yes. This is a case where the
23 motivation is a very complex human interaction that took
24 place between two people over a period of about four to
25 six months.

1 THE COURT: Preceding the murder?

2 MR. URICK: Yes. And this is when, at the
3 homecoming dance, the breakup at Halloween, the get
4 together, the second breakup, all come as a package that
5 developed what the conflict was, what this defendant's
6 motivation was.

7 THE COURT: Your objection for the record?

8 MS. GUTIERREZ: Well, Judge, one, I think it's
9 irrelevant; number two, I think it's highly prejudicial.
10 Just because the defendant may have opened his mouth over
11 a period of four to six months prior to this murder
12 doesn't make what she says he said admissible to show
13 anything.

14 The tenuousness, for instance, establishing
15 that the development of the motive took four to six
16 months, their own evidence that they've already put in
17 indicates that they were still an item -- the diary of
18 Hae Min Lee -- that they were still an item far into the
19 third week of December, a period long past the time
20 period that he's speaking of.

21 And so for that reason and relevance and
22 prejudice, I would object to this witness attempting to
23 testify to anything that my client said or anything
24 regarding -- you know, unless he says, of course -- and
25 they're not proffering that -- that he says, "I'm going

1 to kill her," which he clearly didn't.

2 But absent that, I would argue that what he
3 says is not admissible, it's hearsay, it's not
4 necessarily an admission. Anything that he said doesn't
5 make -- Mr. Urick said hasn't made it out to be an
6 admission. It's like, well, it sort of goes to motive,
7 that sort of developed over four to six months, doesn't
8 make it so. So, --

9 THE COURT: I'm gonna allow the State to
10 inquire as to the relationship that this witness was
11 aware of based on conversations that she had directly
12 with the defendant or directly with the victim in a
13 period of time preceding the murder.

14 However, I'm gonna allow the defense to have
15 free reign to inquire as to the limitations of that
16 knowledge, any restrictions that that knowledge may have
17 had, to including right up to the time of the murder.

18 And I would also remind you that it is to be
19 her personal knowledge and not based on information she
20 had received from other sources. So when her sentence
21 starts off with some other person other than the
22 defendant, the victim said such and such, or we all knew,
23 that will be not permitted.

24 MR. URICK: I'm sorry. Did you say she can't
25 say anything the victim told her?

1 THE COURT: She can tell you -- she can say
2 what the victim said, she can say what the defendant said
3 as to their relationship. But beyond that --

4 MS. GUTIERREZ: At any time period prior to her
5 disappearance?

6 THE COURT: The period of time on or about, as
7 you've indicated, October, November, December in 1998.
8 However, I will not allow anything other than what
9 conversations she had with the witness, victim or the
10 defendant. Other than that, not a we knew, what we all
11 knew, what we all heard. That will not be permitted.
12 And again, I will allow the defense on cross to inquire
13 to the extent that that information will have
14 limitations.

15 MR. URICK: Thank you.

16 MS. GUTIERREZ: We would note an objection.

17 THE COURT: All right.

18 (Counsel and the defendant returned to the
19 trial tables, and the following ensued.)

20 THE COURT: Now, you may reask your last
21 question or your next question in line with the Court's
22 ruling.

23 MR. URICK: Thank you.

24 BY MR. URICK:

25 Q. Drawing your attention to the Fall of 1998,

1 about the time of the homecoming dance into the Halloween
2 holidays, did you have occasion to discuss their
3 relationship with the victim, Hae Min Lee, and the
4 defendant, Adnan Syed?

5 A. Yes, I did.

6 Q. What, if anything, --

7 MS. GUTIERREZ: May I have a continuing
8 objection to this whole line of questions?

9 THE COURT: Yes.

10 MS. GUTIERREZ: Thank you.

11 BY MR. URICK:

12 Q. What, if anything, did Hae Min Lee tell you?

13 A. There had been an argument --

14 MS. GUTIERREZ: I'm gonna object to the form of
15 the question that allows her any answer.

16 THE COURT: With regard to the line of
17 questioning that I've already instructed that we will
18 have some limitations, I would like you to direct the
19 witness to a specific period of time and the specific
20 type of information you require. She's already testified
21 that they met on a regular occasion, so I would ask that
22 you limit or at least control your witness in the type of
23 inquiry that you are making so that it's not open ended.

24 BY MR. URICK:

25 Q. Drawing your attention to the period of about

1 the homecoming dance through the Halloween holiday;

2 A. Yes.

3 Q. -- that is, October, November, that period of
4 the Fall year, what, if any, concerns did Hae Min Lee
5 express to you concerning her relationship with Adnan
6 Syed?

7 MS. GUTIERREZ: Objection, and ask for a
8 continuing objection.

9 THE COURT: I understand. Let the record note
10 the continuing objection. It is overruled, you may
11 answer the question.

12 THE WITNESS: Thank you.

13 There had been an incident at the homecoming
14 dance, an argument --

15 MS. GUTIERREZ: Objection. Unless it's based
16 on personal knowledge.

17 THE COURT: We're instructing that you can tell
18 us what someone said to you, that someone being the
19 victim. But you can't tell us --

20 THE WITNESS: I can't -- yeah, I'm not
21 understanding.

22 THE COURT: Do you know who the victim is in
23 the case, Ms. Lee?

24 THE WITNESS: Yes, I do. I just don't
25 understand --

1 THE COURT: Okay. Then listen to what I'm
2 saying to you.

3 THE WITNESS: Sure.

4 THE COURT: You may tell us what she said to
5 you.

6 THE WITNESS: Okay.

7 THE COURT: But you may not tell us what
8 someone else said. So when you say there had been an
9 incident, I need you to say --

10 THE WITNESS: It's not first-hand experience, I
11 understand that.

12 THE COURT: Did Ms. Lee tell you that there had
13 been an incident?

14 THE WITNESS: Yes, she did.

15 THE COURT: All right. Well, that's how you
16 need to testify.

17 THE WITNESS: Okay.

18 THE COURT: That she said --

19 THE WITNESS: I understand.

20 THE COURT: -- whatever it was that she said.

21 THE WITNESS: Ms. Lee had said that there was a
22 dispute between the parents of Adnan Syed and herself at
23 the homecoming dance. And then, after that, that
24 weekend, they had both come back.

25 Ms. Lee said to me that there was a problem in

1 their relationship due to their interfaith -- to their
2 interfaith relationship. The fact that they were
3 different religions, is what I'm trying to say.

4 THE COURT: Your next question?

5 BY MR. URICK:

6 Q. What, if anything else, did she tell you?

7 MS. GUTIERREZ: Objection. Form of the
8 question.

9 THE COURT: Sustained.

10 BY MR. URICK:

11 Q. What, if -- what, if any, concerns did she
12 express as to possible effects that that aspect was
13 having on their relationship?

14 MS. GUTIERREZ: Objection.

15 THE COURT: Overruled.

16 THE WITNESS: Ms. Lee was wondering and asking
17 me for counsel and my opinion as to what one should do if
18 he or she were in an interfaith relationship, and was the
19 faith more important or was the love more important.

20 BY MR. URICK:

21 Q. Did there come a time -- drawing your attention
22 to about that same period between the
23 homecoming/Halloween holiday, that you had occasion, or a
24 morning when Ms. Lee did not show up but the defendant
25 showed up and you had an occasion to speak to him?

1 MS. GUTIERREZ: Objection.
2 THE COURT: Overruled.
3 MR. URICK: You may answer the question.
4 THE COURT: Yes or no.
5 THE WITNESS: Yes.
6 THE COURT: Next question.
7 BY MR. URICK:
8 Q. Where were you at that time?
9 A. I was in room 309, my classroom.
10 Q. About what time did this occur?
11 A. Probably about eight o'clock in the morning.
12 Q. And who, if anyone, was with you in the room?
13 MS. GUTIERREZ: Objection.
14 THE COURT: Can we place a time frame on when
15 we're talking about? This is the Fall of '98 as well?
16 MR. URICK: Yes, drawing you to the period
17 between homecoming and Halloween.
18 THE WITNESS: In the first week of November.
19 THE COURT: Overruled.
20 You may answer the question.
21 BY MR. URICK:
22 Q. Who, if anyone, was in the room with you?
23 A. Adnan Syed and myself.
24 Q. When did he appear?
25 A. Eight o'clock, around there.

1 Q. How did you first notice him?

2 A. He came into my classroom looking for Hae and
3 waited for her there.

4 Q. And, just dealing now with what he was doing,
5 what did he do?

6 A. He was in the far corner of the classroom
7 looking out the window, and was also asking questions
8 along the line of what should one do if they are in love
9 with someone who is not their religion.

10 Q. And did he express any concerns about that
11 aspect of the relationship to you that day?

12 A. Yes.

13 Q. What were those concerns?

14 A. Should one -- should one break up over this, or
15 is love strong enough that it can overcome everything.
16 What will happen down the road if, you know, you were to
17 marry someone of a different faith.

18 Q. What was he doing while he was asking these
19 questions?

20 A. He was sitting on the last desk in the last row
21 looking out the window waiting for Hae, asking questions
22 to me.

23 Q. And about how long did the two of you talk?

24 A. About maybe 20 minutes.

25 Q. While you were talking with him, what, if

1 anything, unusual occurred?

2 A. The phone rang in my classroom.

3 MS. GUTIERREZ: Objection.

4 THE COURT: Based on the responses that this
5 witness has already given, and also based on the previous
6 objection before the luncheon recess, the Court's going
7 sustain this objection and also the line of questioning
8 on where you're going.

9 BY MR. URICK:

10 Q. Do you recall any further discussion with the
11 defendant that day of those aspects of their
12 relationship?

13 MS. GUTIERREZ: Objection, for all the previous
14 articulated reasons and because that date has not been
15 established.

16 THE COURT: In the Fall of 1998, the State is
17 asking you on that particular day you're recounted to the
18 jury, any additional conversations that you may have had
19 with the defendant, and the objection's overruled.

20 THE WITNESS: Just the same -- the same con --
21 the continuing conversation from that morning.

22 BY MR. URICK:

23 Q. Now, moving forward, do you remember the day
24 that Hae Min Lee disappeared?

25 A. Yes.

1 Q. Did you have occasion to speak with her that
2 day?

3 A. I don't recall.

4 Q. Did you have occasion to speak with her within
5 about a week of that time?

6 A. Absolutely.

7 Q. What, if anything, was she telling you at that
8 time concerning her relationship or relationships?

9 MS. GUTIERREZ: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: She had begun dating someone
12 else.

13 BY MR. URICK:

14 Q. And what, if anything, did she tell you about
15 her -- the status of her relationship with the defendant?

16 MS. GUTIERREZ: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: It was over, the relationship.

19 BY MR. URICK:

20 Q. On the day she disappeared, when was the last
21 time you saw her?

22 A. I don't recall seeing her that day. I don't
23 know that I saw her that day. I may have but I don't
24 remember.

25 Q. When did you become aware that she had

1 disappeared?

2 A. The -- the weekend or, I suppose, the Monday
3 afterwards. Her friends had come to me and said --

4 MS. GUTIERREZ: Objection.

5 THE COURT: Sustained. You can't tell us what
6 anyone else said.

7 THE WITNESS: Okay.

8 THE COURT: The asked question was when did you
9 discover, and you discovered it the weekend after, is
10 that what your testimony is?

11 THE WITNESS: Uh-huh.

12 THE COURT: To the extent that the witness can
13 testify as to when she got the information, that part of
14 the answer is admissible to you. As to who told her and
15 what they said, that is not admissible, and that portion
16 of her response will be stricken at this time.

17 You may continue.

18 BY MR. URICK:

19 Q. After Hae's disappearance, did there come a
20 time when you became actively involved in aiding the
21 Baltimore County detectives in their investigation of her
22 disappearance?

23 A. Yes.

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

25 MS. GUTIERREZ: Objection.

1 THE COURT: "What, if anything, did you do?"

2 That is sustained.

3 BY MR. URICK:

4 Q. What did you do to aid that investigation?

5 A. I was in contact with the detective, and he
6 would ask me to ask certain teachers because they weren't
7 cooperating necessarily to the full extent, if Adnan was
8 in class on a certain day, if he was at track practice.

9 If -- I had to get in touch with some of her
10 girlfriends so that they could -- I could ask them
11 questions that he was interested in, and then have them
12 call him back.

13 Q. Did there come a time when you passed on some
14 questions?

15 A. I'm sorry?

16 Q. Did there come a time when you passed on some
17 questions?

18 A. Yes.

19 Q. Who did you give those questions to?

20 A. Deborah [REDACTED]

21 Q. Did you have occasion to look at the questions?

22 A. I wrote the questions myself.

23 Q. What were those questions?

24 A. If Hae and Adnan had a special place they went
25 to, a park or any place like that. I just remember

1 writing that one specifically, I don't -- there were
2 approximately four or five that I had written down and
3 given it Deborah [REDACTED], which she placed inside her
4 agenda book.

5 MS. GUTIERREZ: Objection. Move to strike the
6 last part of her answer.

7 THE COURT: Overruled if, and only if, did you
8 see her --

9 THE WITNESS: I saw her place them.

10 THE COURT: Overruled. Next question.

11 BY MR. URICK:

12 Q. Did there come a time when you had occasion to
13 speak with the defendant about your aid of the missing
14 persons investigation by the Baltimore County detectives?

15 A. Yes.

16 MS. GUTIERREZ: Objection. For all the
17 previous cited reasons.

18 THE COURT: Overruled.

19 BY MR. URICK:

20 Q. When did that occur?

21 MS. GUTIERREZ: We have a continuing objection
22 on this line of questioning.

23 THE COURT: Objection is noted for the record.
24 Continuing objection is also noted to this entire line of
25 questioning --

1 MS. GUTIERREZ: Thank you.

2 THE COURT: -- by the State.

3 You may continue.

4 BY MR. URICK:

5 Q. When did that occur, if you can recall?

6 A. During the time I was working with the

7 Baltimore County detectives.

8 Q. Would this have been before the body was found?

9 A. Yes. She was a missing person at that time.

10 Q. Where were you -- where were you when this

11 incident occurred?

12 A. In my classroom.

13 Q. How did it begin?

14 A. Mr. Syed came into my classroom and just asked

15 if I was asking teachers about him, questions about him,

16 which I stated yes, that everyone was being questioned at

17 this time, which we all were. And he just said to me

18 that he would appreciate it if I didn't do that because

19 his parents didn't know everything that went on in his

20 life.

21 Q. How many people were in the room with you at

22 the time?

23 A. I believe Debbie [REDACTED] was there, but I'm not

24 positive. I know it wasn't just the two of us.

25 Q. How far did the defendant stand from you when

1 he said all this?

2 A. I was behind my desk and he was in front of my
3 desk.

4 Q. And how close to the desk would he have been?

5 A. Two feet away.

6 MR. URICK: If I may have the Court's
7 indulgence for just a second?

8 THE COURT: Yes, you may.

9 (Pause.)

10 MR. URICK: Witness with the defense.

11 THE COURT: Ms. Gutierrez, at your leisure.

12 CROSS-EXAMINATION

13 BY MS. GUTIERREZ:

14 Q. Ms. Schwab, your faith is Roman Catholic?

15 A. My name is Ms. [REDACTED], please.

16 Q. Your faith is Roman Catholic?

17 A. Yes, it is.

18 Q. And as a Roman Catholic are you forbidden upon
19 pain of any consequence from dating anyone who's not
20 Roman Catholic?

21 A. No.

22 Q. And are you forbidden to have sex unless you
23 are married, with someone of the Catholic faith or any
24 faith?

25 A. Of any faith.

1 Q. Not any faith. And are you, as a Roman
2 Catholic, forbidden to have any relationship outside of
3 marriage?
4 A. Are you referring to dating?
5 Q. Any relationship outside of marriage? Yes.
6 Dating?
7 A. No, you may date.
8 Q. You may date. And that's your understanding of
9 what limits your faith puts on you?
10 A. Yes.
11 Q. And you consider yourself to be a practicing
12 Catholic?
13 A. Yes, I do.
14 Q. So it is your understanding that the Roman
15 Catholic religion permits dating?
16 A. Yes, ma'am.
17 Q. Of anyone of any faith; correct?
18 A. Yes.
19 Q. And what about sex? Does it permit sex from
20 individuals dating or otherwise of any religion, Roman
21 Catholic or any other religion outside of marriage?
22 A. We are not to have sex before --
23 Q. You are not to have sex; is that correct? And,
24 you are familiar, even though you are Roman Catholic,
25 with other religions in the world, are you not?

1 A. Yes, I am.

2 Q. And the disallowance of premarital sex between
3 persons of any faith dating is not an unusual one, is it?

4 A. No.

5 Q. And what faith was Ms. Lee, your friend?

6 A. I believe she was Baptist, but I'm not sure of
7 that.

8 Q. But you're not sure of her faith?

9 A. No, I'm not.

10 Q. Thank you.

11 MS. GUTIERREZ: I have nothing else.

12 THE COURT: Any cross -- I mean, any re-direct
13 in light of the cross?

14 MR. URICK: No, no further questions.

15 THE COURT: Very well. May this witness be
16 excused?

17 MR. URICK: Yes.

18 THE COURT: May this witness be excused?

19 MS. GUTIERREZ: Yes, I didn't summons her.

20 THE COURT: Can I release?

21 MS. GUTIERREZ: Yes, I didn't summons her.

22 THE WITNESS: Okay. Thank you.

23 THE COURT: On second thought?

24 MR. URICK: I was just -- didn't you tell me
25 that you got a letter from the defense that they were not

1 excusing you?

2 MS. GUTIERREZ: Objection.

3 THE COURT: Mr. Urick, I asked the question of
4 counsel. I asked the question of you. Counsel has
5 indicated. There's no need to have any further
6 discussion because at this point on the record, counsel
7 has indicated that not only does she not need her, but
8 she's released from any requirements of this Court to be
9 here. So, she is released.

10 MR. URICK: Thank you, Your Honor.

11 THE COURT: In fact, if you would like to
12 remain in the courtroom, you're welcome to do so because
13 you're no longer a witness that is sequestered. But I
14 must advise you that you may not discuss your testimony
15 with anyone who's currently in the courtroom that is a
16 witness, or anyone that's to be a witness in the future.
17 Do you understand?

18 THE WITNESS: I understand.

19 THE COURT: Very well.

20 (The witness was excused.)

21 (Pause.)

22 THE COURT: I need you to remain standing, sir.
23 Raise your right hand, listen to Mr. White as he
24 administers the oath.
25 Whereupon,