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1 Adnan had seen Hae Min Lee after 2:15?
 2 A. During the course of my investigation, no, it
 3 did not.
 4 Q. Thank you.
 5 MS. GUTIERREZ: I have nothing further.
 6 THE COURT: Any further questions from the
 7 State?
 8 MR. URICK: No. Thank you, Your Honor.
 9 THE COURT: Very well. May this witness be
 10 excused?
 11 MR. URICK: Yes.
 12 MS. GUTIERREZ: No, Your Honor. This witness
 13 is still under a subpoena from the defense, and we're not
 14 sure when we're going to --
 15 THE COURT: Very well. Thank you very much.
 16 You're still under subpoena, Detective, and I
 17 must advise you that you should contact either this Court
 18 or
 19 Ms. Gutierrez's office to determine when you will be
 20 called to testify again.
 21 Ms. Gutierrez, I'm just going to inquire, which
 22 would you prefer, him to contact your office or --
 23 MS. GUTIERREZ: Yes. He's been in touch with
 24 my office.
 25 THE COURT: Okay. Have him contact your

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1 office?
 2 MS. GUTIERREZ: Yes.
 3 THE COURT: Also, let me advise you that we
 4 have sequestered witnesses, which means that you may not
 5 discuss your testimony with anyone, and you may not
 6 discuss your testimony with anyone who has yet to
 7 testify.
 8 And I also have to advise you that you are
 9 still under subpoena, so if in doubt and you're not sure
 10 of whether we are even open for business, you may call my
 11 chambers in the morning, and that will also provide you
 12 with some information. If the Court is closed, you will
 13 be able to find that information by calling my chambers.
 14 THE WITNESS: Okay.
 15 THE COURT: All right?
 16 THE WITNESS: Yes, ma'am.
 17 THE COURT: Thank you very much.
 18 THE WITNESS: Thank you, Your Honor.
 19 THE COURT: And you may go at this time.
 20 (Witness excused.)
 21 THE COURT: The State's next witness, please.
 22 MS. GUTIERREZ: Your Honor, Mr. Urick has
 23 stepped out to get him.
 24 THE COURT: Very well.
 25 (Pause.)

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1 THE COURT: I notice that it's a few minutes
 2 before three o'clock, and we've been going for almost an
 3 hour. Anyone need to take a break or recess? I would
 4 like to continue to go till 3:30 before taking an
 5 afternoon recess. Show by a hand if you would like to
 6 take a break now.
 7 (No response.)
 8 THE COURT: All right. We're going to continue
 9 then. Very well.
 10 Please raise your right hand.
 11 Whereupon,
 12 ROMANO THOMAS,
 13 a witness produced on call of the State, having first
 14 been duly sworn, was examined and testified as follows:
 15 THE CLERK: You may be seated. Please keep
 16 your voice up. State your name and your assignment for
 17 the record.
 18 THE WITNESS: My name is Romano Thomas, Crime
 19 Lab Technician, Baltimore Police Department.
 20 THE COURT REPORTER: What's your first name?
 21 THE WITNESS: Romano, R-O-M-A-N-O.
 22 THE COURT: One moment, please.
 23 (Pause.)
 24 THE COURT: You may continue, Mr. Urick.
 25 MR. URICK: Thank you.

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1 DIRECT EXAMINATION
 2 BY MR. URICK:
 3 Q. Good afternoon.
 4 A. Good afternoon.
 5 Q. Where are you employed?
 6 A. I'm employed at the Baltimore Police
 7 Department, assigned to the Mobile Crime Lab Unit.
 8 Q. And what are your duties with the Mobile Crime
 9 Unit?
 10 A. My duties include responding to crime scenes,
 11 processing, packaging, and recovering of evidence.
 12 Q. And about how long have you been doing that?
 13 A. Approximately six years.
 14 Q. And drawing your attention now to January --
 15 February 9th of 1999, were you on duty?
 16 A. Yes, sir, I was.
 17 Q. And did there come a time when you had occasion
 18 to respond to Lincoln Park?
 19 A. On that particular date?
 20 Q. Yes.
 21 A. Yes, sir.
 22 Q. And what drew you to Lincoln Park?
 23 A. I was dispatched in reference to a suspicious
 24 death scene.
 25 Q. Now, when you arrive on a crime scene, how does

<p style="text-align: right;">Page 49</p> <p>1 the Mobile Unit decide who is going to supervise a given 2 crime scene? 3 A. That's predetermined as far as the assignment 4 goes in the Lab. 5 Q. And on that date when you went to Lincoln Park, 6 who was assigned to supervise the crime scene? 7 A. I was. 8 Q. Now what, if anything, did you see upon your 9 arrival? 10 A. Upon my arrival, the detectives were already on 11 the scene and they directed me to what was believed to be 12 a partially covered body. 13 MR. URICK: May I approach the witness? 14 THE COURT: Yes, you may. 15 BY MR. URICK: 16 Q. I'm going to show you what's already in 17 evidence as State's Exhibit 9 and ask you to take a few 18 seconds to examine that? 19 A. (Perusing document.) 20 Q. And have you had a chance to examine that? 21 A. Yes, sir. 22 Q. And can you identify that? 23 A. Yes, I can. These appear to be photographs 24 taken of the crime scene on that particular day, February 25 9th, '99.</p>	<p style="text-align: right;">Page 51</p> <p>1 squeeze it instead of having to put your finger on the 2 map, you'll be able to put a red dot on the map. 3 BY MR. URICK: 4 Q. Have you had a chance to examine the map? 5 A. Yes, I have. 6 Q. And can you identify that? 7 A. It appears to be a map of the general area 8 containing Lincoln Park. 9 Q. And let me give you the pointer at this time. 10 You just press down on that right there. 11 Do you see the position where you located -- 12 approximately where the body was found? 13 A. Approximately, the body was located right along 14 this area of Lincoln Park. 15 Q. Just down a ways from where those two roads 16 intersect right there? 17 A. Correct. 18 Q. Would you indicate that point again? 19 A. Right here. (Indicating.) 20 MR. URICK: With the Court's permission, I am 21 now affixing a sticker with the letter "B" attached to it 22 for "burial site." 23 THE COURT: Let the record reflect that the 24 notation has been noted where the officer is indicating 25 the body was buried, and that's been placed on the map.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And do they fairly and accurately depict the 2 crime scene as you remember it? 3 A. Yes, they do. 4 Q. Now the top row on the far -- if you go across, 5 the third one -- yeah, where your left hand is now -- do 6 you see some figures back in the woods? 7 A. Yes, sir, I do. 8 Q. And what, if anything, is significant about 9 where those figures are standing? 10 A. That would indicate approximately where we 11 determined that the partially buried body was located. 12 MR. URICK: May I have the Court's permission 13 to have the witness step down from the stand and come to 14 the map at this time? 15 THE COURT: Yes, you may. 16 (The witness approached the easel.) 17 BY MR. URICK: 18 Q. I'd like you to examine that map for a few 19 moments, if you would? 20 THE COURT: And, Officer, I'm going to ask you 21 -- you're going to have to move to the opposite side so 22 that the defense and the jurors can all see what it is 23 that you're doing. 24 I believe Mr. Urick is going to hand you a pen 25 that actually has a red light beam on the end. If you</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. URICK: I am going to put some Scotch tape 2 over it to permanently affix it to that location. 3 THE COURT: Very well. 4 MR. URICK: Thank you. You may take the stand 5 again. 6 (The witness resumed the witness stand.) 7 BY MR. URICK: 8 Q. Did you have occasion to -- 9 THE COURT: One moment, please. 10 (Pause.) 11 THE COURT: All right, you may continue. 12 BY MR. URICK: 13 Q. Did you have occasion to examine the ground at 14 the crime scene for anything that might potentially be of 15 evidentiary value? 16 A. Yes, sir, I did. 17 Q. What sorts of things did you find? 18 A. We found a variety of things at the initial 19 crime scene. We located six .9 millimeter cartridge 20 casings, 13 21 .40-caliber cartridge casings, a liquor bottle. We also 22 discovered two Block Buster video cases, one feather that 23 was recovered atop a log which was near where we've 24 indicated on the map as the burial site, one rolled 25 condom, one condom wrapper, and a rope from the ground</p>

<p style="text-align: right;">Page 53</p> <p>1 near the area where the burial site was.</p> <p>2 Q. And did you ever -- did you also have occasion</p> <p>3 to take into custody fiber evidence that the Army</p> <p>4 forensics team found?</p> <p>5 A. Yes, sir, we did.</p> <p>6 Q. Now, drawing your attention to about February</p> <p>7 28th of 1999, did you have occasion to supervise the</p> <p>8 inspection of the victim Hae Min Lee's car, a Nissan, '98</p> <p>9 Nissan?</p> <p>10 A. Yes, sir, I did.</p> <p>11 Q. And where was that car examined?</p> <p>12 A. That car was examined in our processing area at</p> <p>13 headquarters.</p> <p>14 Q. When did you first have occasion to see the</p> <p>15 car?</p> <p>16 A. On the 28th of February.</p> <p>17 Q. Where did you first see it?</p> <p>18 A. In the forensic processing bay.</p> <p>19 Q. Now, what do you do when you process a vehicle?</p> <p>20 A. When we process a vehicle, we look for any and</p> <p>21 all pertinent evidence that may be recovered in</p> <p>22 conjunction with the case. We process the vehicle for</p> <p>23 latent fingerprints and recover any evidence that we feel</p> <p>24 pertinent to the case.</p> <p>25 Q. Now, when you say you process for latent</p>	<p style="text-align: right;">Page 55</p> <p>1 BY MR. URICK:</p> <p>2 Q. Have you had a chance to examine the exhibits?</p> <p>3 A. Yes, sir, I have.</p> <p>4 Q. Now, if you would -- first looking at 13, can</p> <p>5 you identify that?</p> <p>6 A. 13 is a photograph of the front seat area of</p> <p>7 the vehicle in question. And as you can see in the</p> <p>8 photograph, there is a shirt that's partially folded in</p> <p>9 the front seat of the vehicle which we later laid out on</p> <p>10 a flat surface at the processing bay to get some better</p> <p>11 photographs of it.</p> <p>12 Q. And does the photograph on the left fairly and</p> <p>13 accurately represent where the shirt was seen when the</p> <p>14 vehicle was recovered?</p> <p>15 A. Yes, sir, it does.</p> <p>16 Q. And do the photographs on the right fairly and</p> <p>17 accurately depict the suspected stains that are on the T-</p> <p>18 shirt?</p> <p>19 A. Yes, sir, they do.</p> <p>20 Q. Thank you.</p> <p>21 Now look at State's 14. Can you identify</p> <p>22 those?</p> <p>23 A. Yes, I can.</p> <p>24 Q. What are those?</p> <p>25 A. These are items that are contained within the</p>
<p style="text-align: right;">Page 54</p> <p>1 prints, what sort of surfaces do you process for latent</p> <p>2 prints?</p> <p>3 A. All suitable interior and exterior surfaces of</p> <p>4 the vehicle.</p> <p>5 Q. Do you also process paper items?</p> <p>6 A. Paper items we do not process; however, we do</p> <p>7 recover them so that they can be processed by our Latent</p> <p>8 Print Unit.</p> <p>9 Q. Now, when you first looked at the car, what, if</p> <p>10 anything, did you observe?</p> <p>11 A. Upon initial inspection of the vehicle, nothing</p> <p>12 unusual stood out other than usual school books and</p> <p>13 things of that nature that were in the trunk, and</p> <p>14 athletic equipment.</p> <p>15 MR. URICK: If I may approach the witness at</p> <p>16 this time, I'm going to hand him what's already in</p> <p>17 evidence as State's Exhibit 8, what's already in evidence</p> <p>18 as State's 13, and what have been marked for</p> <p>19 identification purposes so far as 14 and 15.</p> <p>20 THE COURT: All right. State's Exhibit No. 9,</p> <p>21 the previous exhibit that the witness had, -- State's 9</p> <p>22 or 10 -- would you pass that to the Court please?</p> <p>23 THE CLERK: (Complying with Court's request.)</p> <p>24 THE COURT: Thank you.</p> <p>25 You may continue.</p>	<p style="text-align: right;">Page 56</p> <p>1 rear of the vehicle, the rear seat area of the vehicle.</p> <p>2 Q. And do they fairly and accurately depict where</p> <p>3 the items were in the car?</p> <p>4 A. Yes, sir, they do.</p> <p>5 Q. Now, in the lower right-hand corner, what is</p> <p>6 that photograph?</p> <p>7 A. This is close-up photograph of a map that was</p> <p>8 recovered from the rear seat of the vehicle, the rear</p> <p>9 seat area. Basically, what we did is, we wanted to lay</p> <p>10 the map out to get a better photograph of it.</p> <p>11 Q. Why are there two sections to it?</p> <p>12 A. One section was torn out of the book</p> <p>13 previously.</p> <p>14 Q. And where was the torn out piece found, if you</p> <p>15 recall?</p> <p>16 A. In the rear seat area of the vehicle.</p> <p>17 Q. And do all those photographs fairly and</p> <p>18 accurately depict the subjects contained there and show</p> <p>19 their placement within the vehicle?</p> <p>20 A. Yes, sir, they do.</p> <p>21 MR. URICK: We would offer in evidence at this</p> <p>22 time State's Exhibit 14.</p> <p>23 THE COURT: Any objection?</p> <p>24 MS. GUTIERREZ: Judge, I would object to the</p> <p>25 photographs on the lower right side, given the testimony</p>

<p style="text-align: right;">Page 57</p> <p>1 is that that item was laid out. So the question asked 2 is: do they fairly and accurately represent where those 3 items were as this officer found them. He answered yes 4 and, in fact, according to his testimony they do not, 5 since the map book was found in the rear seat, and the 6 placement he laid out to better photograph are not as 7 they appeared as he found them. So I would object to the 8 lower right photograph. 9 THE COURT: With regard to the lower right 10 photograph, counsel for the State, do you want to ask any 11 other questions relative to the appearance of the item in 12 the photograph? 13 MR. URICK: Yes, if I may, please. 14 BY MR. URICK: 15 Q. Do the pictures in the left and the top right 16 fairly and accurately depict the placement of the objects 17 in the car itself? 18 A. Yes, sir, they do. 19 Q. The lower right photograph, does that fairly 20 and accurately depict the appearance of those two 21 objects? 22 A. As indicated in the left and the upper right, 23 no, they do not. However, these items were placed so 24 that they could be better photographed. 25 Q. And does that photograph fairly and accurately</p>	<p style="text-align: right;">Page 59</p> <p>1 THE WITNESS: No, ma'am, we did not turn any 2 pages of the map book. 3 THE COURT: And the piece of paper that was 4 torn out, you then photographed as it was? 5 THE WITNESS: Exactly. The separate page along 6 here in the lower left was a page that was already torn 7 out of the booklet. 8 THE COURT: And the side of the page that was 9 facing up at the time you recovered it, is the side of 10 the page that you photographed? 11 THE WITNESS: Yes, ma'am. 12 THE COURT: Very well. 13 Any additional questions from the State as a 14 result of the Court's questions? 15 MR. URICK: No. 16 THE COURT: Of the defense? 17 MS. GUTIERREZ: I do, Judge, but I'll reserve 18 them until cross-examination. 19 THE COURT: All right, very well. 20 At this time I will accept that as an exhibit 21 into evidence at this time with the qualifications noted 22 by the witness. 23 (State's Exhibit No. 14, previously 24 marked for identification, was 25 received in evidence.)</p>
<p style="text-align: right;">Page 58</p> <p>1 depict them and their contents? 2 A. Yes, sir, they do. 3 MR. URICK: I would offer the exhibit at this 4 time. 5 THE COURT: Any objection? 6 MS. GUTIERREZ: No, Your Honor. 7 THE COURT: I do have a question. 8 THE WITNESS: Yes, ma'am. 9 THE COURT: Before you photographed the map, 10 did you turn the pages, or did you photograph the map as 11 it appeared -- whatever page it was open to at the time 12 you retrieved it from the seat? 13 THE WITNESS: That is actually indicated -- 14 this would actually indicate the first photograph of how 15 the rear back bench seat looked once the door was open. 16 This is the first photograph, I'm sorry. The second 17 photograph would indicate exactly how the book itself was 18 found once we moved aside the book bag. This is what we 19 found, the map lying there. 20 Before recovering and placement of same to be 21 submitted to evidence, we removed these two items, placed 22 them on a table, and then photographed them to get closer 23 and better detail. 24 THE COURT: You did not turn the page of the 25 map book?</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. URICK: 2 Q. Did you have occasion to examine the page that 3 was torn out of the map? 4 A. Yes, sir, I did. 5 Q. And what, if anything, did you notice about 6 that page? 7 A. That particular page stood out to me because it 8 indicated a page that was torn out of the book that 9 included the map area of Lincoln Park. 10 Q. Now, the next exhibit, State's 15, have you had 11 a chance to examine that? 12 A. Yes, sir, I have. 13 Q. And what, if anything, does that indicate? 14 A. This indicates the rear trunk area of the 15 vehicle and the contents contained inside of that 16 area. 17 Q. And could you explain what each picture shows? 18 A. Yes. The top left picture shows a lacrosse 19 stick, hockey stick, a jacket, umbrella, and the index 20 card packet. The lower left photograph indicates an 21 envelope that was found beneath the carpeted area of the 22 trunk, like right on top of the spare tire. 23 The upper right photograph indicates papers 24 that were found once the red jacket was moved to the 25 side. These are the items that were found beneath the</p>

<p style="text-align: right;">Page 61</p> <p>1 red jacket. And this is a close-up of the photograph in 2 the lower left.</p> <p>3 Q. And do those photographs fairly and accurately 4 depict the items in the trunk as you found them?</p> <p>5 A. Yes, sir, they do.</p> <p>6 MR. URICK: We would offer into evidence 7 State's Exhibit 15.</p> <p>8 THE COURT: Any objection?</p> <p>9 MS. GUTIERREZ: No, Your Honor.</p> <p>10 THE COURT: Let it be admitted. 11 (State's Exhibit No. 15, having been 12 previously marked for 13 identification, was received in 14 evidence.)</p> <p>15 BY MR. URICK:</p> <p>16 Q. Now, did you have occasion to examine the car 17 itself?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What, if anything, did you notice about the 20 -- if you noticed anything -- about the controls?</p> <p>21 A. The what again? I'm sorry.</p> <p>22 Q. If you look at State's Exhibit 8 --</p> <p>23 A. Uh-huh.</p> <p>24 Q. Can you identify that?</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. I am now going to hand you an exhibit and ask 2 you to examine it.</p> <p>3 A. (Complying with request of counsel.)</p> <p>4 Q. Can you identify that item?</p> <p>5 A. It's an item that was packaged. I can identify 6 the packaging.</p> <p>7 Q. And what is that packaging?</p> <p>8 A. This is a piece of evidence that was packaged 9 by Technician Sanders.</p> <p>10 Q. And is that evidence that was recovered from 11 the car on the 28th of February?</p> <p>12 A. I do believe so; however, I'm not certain. I 13 do not possess the property numbers list to be able to 14 positively identify it as such.</p> <p>15 MR. URICK: May I approach the witness?</p> <p>16 THE COURT: You may.</p> <p>17 MS. GUTIERREZ: Judge, I am going to object to 18 showing this witness items of documentation that are not 19 identified or in evidence.</p> <p>20 THE COURT: Before you show the witness 21 anything, perhaps you might ask him if there was anything 22 that you could show him that might refresh his 23 recollection.</p> <p>24 BY MR. URICK:</p>
<p style="text-align: right;">Page 62</p> <p>1 A. State's Exhibit 8 would be a close-up 2 photograph of the ignition of the vehicle.</p> <p>3 Q. And does that fairly and accurately depict that 4 portion of the vehicle?</p> <p>5 A. Yes, sir, it does.</p> <p>6 Q. Did you have occasion to examine that part of 7 the vehicle at all?</p> <p>8 A. Yes.</p> <p>9 Q. What, if anything, did you notice?</p> <p>10 A. Nothing unusual.</p> <p>11 Q. And your analysis was a visual one?</p> <p>12 A. Yes.</p> <p>13 MR. URICK: Now, with the Court's permission, I 14 would like to publish State's 13, 14, and 15 to the jury 15 at this time.</p> <p>16 THE COURT: Any objection from the defense?</p> <p>17 MR. GUTIERREZ: No, Your Honor.</p> <p>18 THE COURT: You may do so at this time. 19 I ask that you resume questioning only if the 20 jurors have finished examining the exhibits.</p> <p>21 (Pause.)</p> <p>22 MR. URICK: May I approach the witness at this 23 time?</p> <p>24 THE COURT: Yes, you may.</p> <p>25 BY MR. URICK:</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Is there anything that I can show you that 2 might refresh your recollection of the property numbers?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And what is that document?</p> <p>5 A. That would be a property list or "property 6 sheet," as we refer to it.</p> <p>7 THE COURT: I need you to mark it for 8 identification purposes, and also show it to counsel so 9 she can see what it is.</p> <p>10 Just for identification purposes, please mark 11 that exhibit.</p> <p>12 MR. URICK: What number are we up to?</p> <p>13 MS. MURPHY: 39.</p> <p>14 MR. URICK: For identification purposes, 39. 15 (State's Exhibit No. 39 was marked 16 for identification.)</p> <p>17 BY MR. URICK:</p> <p>18 Q. Please examine this for a second if you will, 19 please?</p> <p>20 A. (Complying with request of counsel.)</p> <p>21 THE COURT: At this point, Ms. Gutierrez, your 22 objection is overruled, and I will note your objection 23 the initial question, for the record. With the 24 clarification, it is now overruled.</p>

<p style="text-align: right;">Page 65</p> <p>1 THE WITNESS: This particular item will refer 2 to the map, the torn out page. 3 BY MR. URICK: 4 Q. And does it reference the property -- does the 5 control list reference the particular property number? 6 A. Yes, sir, it does. 7 Q. And was that evidence seized and packaged in 8 your presence and submitted to the Evidence Control Unit 9 under that property number? 10 A. Yes, sir, it was. 11 Q. If you would, please, at this time, open the 12 package and examine the contents? 13 THE COURT: Officer, before you do that, can 14 you tell me what the property number is? 15 THE WITNESS: Yes, ma'am. The property number 16 is 99008998. 17 THE COURT: And is that contained on some list 18 that you just used to refresh your recollection? 19 THE WITNESS: Yes, ma'am, it is. 20 THE COURT: And what is that number on the 21 list? 22 THE WITNESS: The number on the list is 23 99008998. 24 THE COURT: Very well. You may continue. 25 THE WITNESS: (Complying.)</p>	<p style="text-align: right;">Page 67</p> <p>1 THE COURT: Let them be admitted as State's 2 Exhibits 16 and 17. 3 (State's Exhibits 16 and 17, 4 previously marked for 5 identification, were received in 6 evidence.) 7 MR. URICK: If I could have the Court's 8 permission at this time, I'd like to publish the page 9 that's torn out by having the witness come over in front 10 of the jury and show that page to the jury. 11 THE COURT: You may. 12 (The witness left the witness stand and 13 approached the jury box.) 14 THE WITNESS: Exhibit 16 would indicate the 15 torn out page from the map which contains Lincoln Park. 16 It's right along here, right here. Here's Lincoln Park 17 right here. 18 THE COURT: The witness is showing the exhibit 19 to the members of the jury, using his hands to circle the 20 area on the map in a circular motion that indicates the 21 area of Lincoln Park. 22 MR. URICK: Thank you. If you could return to 23 the stand at this time? 24 (The witness returned to the witness stand.)</p>
<p style="text-align: right;">Page 66</p> <p>1 BY MR. URICK: 2 Q. Have you had a chance to examine the two items 3 that were in there? 4 A. Yes, sir, I have. 5 Q. And what are those? 6 A. The items contained in this particular package 7 are the map and the torn out page. 8 MR. URICK: These have been marked for 9 identification as State's Exhibits 16 and 17. 10 (State's Exhibits Nos. 16 and 17 were 11 marked for identification.) 12 BY MR. URICK: 13 Q. Now, other than having been opened and tagged 14 -- opened for discovery and testing purposes and tagged 15 for court purposes, are they in substantially the same 16 shape and form as when they were seized? 17 A. Yes, sir, they are. 18 Q. At this time I would offer State's Exhibit 16, 19 the map book, and as 17 -- pardon me. 16 is the page 20 that's torn out of the map book; 17 is the map book 21 itself. I would offer into evidence State's Exhibit 16 22 and 17 at this time. 23 THE COURT: Any objection? 24 MS. GUTIERREZ: No, Your Honor.</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. URICK: I will give the two exhibits to the 2 Clerk to mark into evidence at this time. 3 BY MR. URICK: 4 Q. At this time, I'd ask you to take a look at 5 this object. Examine it, if you would, please? 6 A. This appears to be a package containing papers 7 from the trunk area of the vehicle. 8 Q. And were those seized and packaged in your 9 presence on -- were they seized and packaged in your 10 presence? 11 A. Yes, sir, they were. 12 Q. And, if you would, what's the property control 13 number on that item? 14 A. The property control number on this item is 15 99008994. 16 Q. And is that property number cross-referenced in 17 the evidence control list? 18 And, if you would, before you determine that, 19 be sure to look at the last page as well? 20 A. Okay. Yes, sir, it is contained in the list. 21 Q. And please read the number off the list? 22 A. The number on the list is indicated as 23 99008994. 24 Q. Please open the package at this time and 25 examine the contents?</p>

<p style="text-align: right;">Page 69</p> <p>1 THE COURT: For the record, is that part of 2 what was contained in either exhibits previously offered, 3 or has this got its own number? 4 THE WITNESS: It has its own property number. 5 These are items from the trunk of the car. 6 THE COURT: I understand. But it doesn't have 7 an exhibit number? 8 THE WITNESS: There are exhibits contained 9 within the package. 10 THE COURT: Okay. And that is part of Part 17 11 -- 12 MR. URICK: No, it will be a new exhibit in a 13 second. 14 THE COURT: All right. 15 For the record, counsel, I need to have a 16 number given to this item that he's identifying. If we 17 could, just for the purpose of identifying it, so that 18 the record's clear what it is this witness has been 19 testifying about and what it is that he's about to open. 20 If we could have a number? 21 MR. URICK: We will assign No. 40 for 22 identification purposes. 23 THE COURT: Very well. 24 BY MR. URICK: 25 Q. What's the property control number again?</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. And is that in substantially -- other than 2 being processed and prepared as a trial exhibit, is it in 3 substantially the same shape and form as when it wa 4 seized? 5 A. Yes, sir, it is. 6 MR. URICK: I would offer State's Exhibit 19 7 the note to Don. 8 THE COURT: Any objection? 9 MS. GUTIERREZ: No, Your Honor. 10 THE COURT: Let it be admitted. 11 (State's Exhibit 19 was marked for 12 identification and was received in 13 evidence.) 14 BY MR. URICK: 15 Q. Now, have you found Exhibit 20? 16 A. Yes, sir, I have. 17 Q. And can you identify that? 18 A. Yes, sir. State's Exhibit 20 appears to be a 19 small envelope with a paper clip. Contained in the 20 envelope is a thank-you card and an address label. 21 Q. And does that paper work have affixed to it the 22 markings of the Latent Prints Unit? 23 A. Yes, they do. 24 MR. URICK: I would offer as State's Exhibit 20 25 the paper work.</p>
<p style="text-align: right;">Page 70</p> <p>1 A. The property control number is 99008994. 2 THE COURT: Thank you. 3 Let that be State's Exhibit No. 40 for 4 identification purposes. 5 (State's Exhibit No. 40 was marked 6 for identification.) 7 BY MR. URICK: 8 Q. Please open the package and examine the 9 contents? 10 A. (Complying with request of counsel.) 11 Q. In going through those objects, you should find 12 two that are marked, one as State's Exhibit 19 for 13 identification, the other State's Exhibit 20. Please see 14 if you can find those? 15 A. Yes, sir, I found them. 16 Q. Please examine them at this time? 17 A. (Complying.) I've examined them. 18 Q. Okay. Now, State's Exhibit 19 -- can you 19 identify that? 20 A. State's Exhibit 19 is a single sheet of 21 looseleaf notebook paper, and it appears to be a note. 22 Q. And is there a name on it? 23 A. On the exterior of the note, which would be the 24 back side of the single sheet of paper, there's the name 25 "Don" written twice.</p>	<p style="text-align: right;">Page 72</p> <p>1 THE COURT: Any objection? 2 MS. GUTIERREZ: No, Your Honor. 3 THE COURT: Let it be admitted as State's 4 Exhibit 20. 5 (State's Exhibit No. 20 was marked 6 for identification and was received 7 in evidence.) 8 MR. URICK: I'll take those back now and ask 9 you to examine this exhibit, if you would? 10 THE COURT: For the record, the items that have 11 been admitted are two single portions of items contained 12 in what was identified as State's Exhibit No. 40, 13 generally, but only two items within that State's Exhibit 14 No. 40 have been admitted into evidence, and those are 15 items 19 and 20. 16 MR. URICK: And the item that he's looking at 17 now, for identification purposes, we're going to mark it 18 as Exhibit 41. 19 THE COURT: Mark it as 41 -- so noted -- for 20 identification purposes only. 21 (State's Exhibit No. 41 was marked 22 for identification.) 23 THE COURT: Ladies and gentlemen, just so you 24 know what the Court's doing, we're not a video courtroom. 25 If we were, what is happening, moving around in terms of</p>

<p style="text-align: right;">Page 73</p> <p>1 papers, would be visible to anyone who would review this 2 record.</p> <p>3 Unfortunately, we have only the -- well, not 4 unfortunately -- we have only the stenographer, so when 5 things happen in the courtroom that are only seen and not 6 necessarily heard, I'm making sure that the record shows 7 what's going on. In the event someone were to review the 8 record, they'd actually know what was taking place and 9 what you all were seeing as part of the record in this 10 case.</p> <p>11 You may continue with regard to what's been 12 marked as Exhibit No. 41 for identification purposes.</p> <p>13 BY MR. URICK: 14 Q. Have you had a chance to examine the object? 15 A. Yes, sir, I have. 16 Q. And can you identify that object? 17 A. Yes. This object appears to be papers that 18 were recovered from the glove box of the vehicle. 19 Q. And does it have a property control number 20 affixed to the package itself? 21 A. Yes, sir, it does. 22 Q. And what is that property control number? 23 A. That property control number is 99008995. 24 Q. And is that cross-referenced in the property 25 control list?</p>	<p style="text-align: right;">Page 75</p> <p>1 THE COURT: Any objection? You said State's 2 Exhibit No. 4? I'm sorry.</p> <p>3 MR. URICK: 24.</p> <p>4 MS. GUTIERREZ: No objection.</p> <p>5 THE COURT: Let it be admitted as State's 6 Exhibit No. 24.</p> <p>7 (State's Exhibit No. 24 was marked 8 for identification and was received 9 in evidence.)</p> <p>10 BY MR. URICK: 11 Q. I am now going to show you what has been marked 12 for identification as State's Exhibit 42, and ask you to 13 examine that, if you would?</p> <p>14 (State's Exhibit No. 42 was marked 15 for identification.)</p> <p>16 THE WITNESS: (Complying.) I have identified 17 it.</p> <p>18 BY MR. URICK: 19 Q. Can you identify it? 20 A. Yes sir, I can. 21 Q. And what is that object that has been marked 22 for identification purposes? 23 A. These are items I recovered from the back seat 24 of the vehicle.</p>
<p style="text-align: right;">Page 74</p> <p>1 A. Yes, sir, it is. 2 Q. And, again, what is the number on the property 3 control list? 4 A. The number on the property control list is 5 99008995. 6 Q. Now, if you would open that exhibit and examine 7 the contents inside? 8 And among the items there, you should find one 9 marked for identification as State's Exhibit 34 -- pardon 10 me, 24. 11 A. Yes, I've found that particular item. 12 Q. I think it had something paper clipped to it 13 that you pulled off? 14 A. Yes. 15 Q. That was part of the exhibit itself. 16 Please examine the object marked as State's -- 17 for identification as State's Exhibit 24? 18 A. The object marked as State's Exhibit 24 is an 19 auto insurance card and a vehicle registration card. 20 Q. And do those cards show visibly that they have 21 been processed by the Latent Prints Unit, as well as 22 having markings from the Latent Prints Unit on them? 23 A. Yes, sir, they do. 24 MR. URICK: We would offer as State's Exhibit 25 No. 4, the Nationwide Insurance I.D. from the glove box.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And does the bag proper have an Evidence 2 Control Unit number affixed to it? 3 A. Yes, sir, it does. 4 Q. And what is that number? 5 A. That particular number is 99009000. 6 Q. And please examine the items within it. You 7 should find one that's been pre-marked for identification 8 purposes as State's Exhibit 22. 9 MR. URICK: I'm sorry, there's a -- my mistake. 10 We inadvertently pre-marked the entire bag. I do not 11 want the entire bag. I believe it should be this item 12 right here. Yes. Let me mark this for identification as 13 State's Exhibit 22. 14 (State's Exhibit No. 22 was marked 15 for identification.) 16 THE COURT: For the record, the item that's 17 being marked as State's Exhibit No. 22 is one item 18 contained in Exhibit No. 42, which is the envelope or the 19 bag covering. 20 THE WITNESS: I have examined same. 21 BY MR. URICK: 22 Q. Okay. It is in -- other than -- does it show 23 evidence of having been processed by the Latent Prints 24 Unit, including having affixed to it markings by the 25 Latent Prints Unit?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. Yes, sir, it does.</p> <p>2 Q. And other than having been processed by the</p> <p>3 unit and marked for identification purposes, is it</p> <p>4 substantially the same shape as when it was seized?</p> <p>5 A. Yes, sir, it is.</p> <p>6 Q. And was it seized and processed in your</p> <p>7 presence?</p> <p>8 A. It was seized in my presence, yes.</p> <p>9 Q. Okay.</p> <p>10 MR. URICK: Offer State's Exhibit 22 the floral</p> <p>11 paper.</p> <p>12 THE COURT: Any objection?</p> <p>13 MS. GUTIERREZ: No, Your Honor.</p> <p>14 THE COURT: Let it be admitted.</p> <p>15 (State's Exhibit No. 22, previously</p> <p>16 marked for identification, was</p> <p>17 received in evidence.)</p> <p>18 BY MR. URICK:</p> <p>19 Q. This is actually part of the previous exhibit.</p> <p>20 I ask you to take a look at that while I --</p> <p>21 MR. URICK: Mr. Clerk, the previous exhibit,</p> <p>22 the large bag, could you just slip this in the bag?</p> <p>23 BY MR. URICK:</p> <p>24 Q. Have you had a chance to examine the exhibit?</p> <p>25 A. Yes, sir, I have.</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. Can you identify the object in the bag?</p> <p>2 A. Yes, sir, I can.</p> <p>3 Q. What is that object?</p> <p>4 A. This is the shirt that was recovered from the</p> <p>5 front left seat of the vehicle.</p> <p>6 Q. And that was the shirt that was depicted in the</p> <p>7 photographs that constituted State's Exhibit 13?</p> <p>8 A. I do believe so.</p> <p>9 Q. The one that had the shirt on the front seat</p> <p>10 and then --</p> <p>11 A. Correct.</p> <p>12 Q. And other than having been processed by the</p> <p>13 Crime Lab, is the shirt in substantially the shape and</p> <p>14 form as when it was seized?</p> <p>15 A. Yes, sir, it is.</p> <p>16 MR. URICK: We would offer as State's Exhibit</p> <p>17 26 the bag with the shirt contained within it.</p> <p>18 THE COURT: Any objection?</p> <p>19 MS. GUTIERREZ: No, Your Honor.</p> <p>20 THE COURT: Let it be admitted.</p> <p>21 (State's Exhibit No. 26, previously</p> <p>22 marked for identification, was</p> <p>23 received in evidence.)</p> <p>24 MR. URICK: May I have the Court's indulgence</p> <p>25 for just a second?</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. And can you identify that?</p> <p>2 A. This, according to the property sheet, is a</p> <p>3 shirt with suspected blood on same.</p> <p>4 Q. And does the bag have affixed to it a property</p> <p>5 control number?</p> <p>6 A. Yes, sir, it does.</p> <p>7 Q. And what is that property control number?</p> <p>8 A. 99008991.</p> <p>9 Q. Please read that again?</p> <p>10 A. 99008991.</p> <p>11 Q. And is that cross-referenced in the property</p> <p>12 control list?</p> <p>13 A. Yes, sir, it is.</p> <p>14 Q. Now, please open the bag and just -- you know,</p> <p>15 I don't think you have to take it out, but visually</p> <p>16 examine the contents, if you would?</p> <p>17 Is the bag pre-marked for identification</p> <p>18 purposes as State's Exhibit 26?</p> <p>19 A. Yes, sir, it is.</p> <p>20 THE COURT: Let the record note that he is</p> <p>21 opening what's been pre-marked as State's Exhibit 26 for</p> <p>22 identification purposes.</p> <p>23 (State's Exhibit No. 26 was marked</p> <p>24 for identification.)</p> <p>25 BY MR. URICK:</p>	<p style="text-align: right;">Page 80</p> <p>1 THE COURT: You may.</p> <p>2 (Pause.)</p> <p>3 MR. URICK: Witness with the defense.</p> <p>4 THE COURT: Ms. Gutierrez?</p> <p>5 MS. GUTIERREZ: Yes, Your Honor.</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MS. GUTIERREZ:</p> <p>8 Q. Mr. Thomas, I think, for convenience, I'm going</p> <p>9 to go backwards, so let's start with --</p> <p>10 MS. GUTIERREZ: Mr. Clerk, could I have State's</p> <p>11 Exhibit 24 and 19 and 20 and 22?</p> <p>12 (The Clerk handing exhibits to Ms. Gutierrez.)</p> <p>13 MS. GUTIERREZ: May I approach the witness,</p> <p>14 Your Honor?</p> <p>15 THE COURT: Yes, you may.</p> <p>16 BY MS. GUTIERREZ:</p> <p>17 Q. Mr. Thomas, you've already identified these as</p> <p>18 four separate exhibits, one of which is two papers. All</p> <p>19 of these came out of the car that you've already</p> <p>20 described to us you examined on February 28 in the bay</p> <p>21 down at police headquarters that is used for that purpose</p> <p>22 to examine cars or vehicles; correct?</p> <p>23 A. Correct.</p> <p>24 Q. And that vehicle was the vehicle that you know</p> <p>25 to be identified as belonging to the victim?</p>

1 A. Correct.
 2 Q. Okay. And there's nothing unusual about you
 3 knowing that ahead of time; is that correct?
 4 A. No, there's nothing unusual.
 5 Q. And there's nothing unusual about your finding
 6 an insurance card that is the insurance for the victim's
 7 family member covering that car in the glove compartment?
 8 A. No.
 9 Q. Or the M.V.A. registration for the car that
 10 turned out to be also in the glove compartment of the car
 11 that you knew belonged to the victim?
 12 A. That would also be correct.
 13 Q. Okay. And, incidentally, out of the bags that
 14 you picked up all of these things, there's nothing
 15 unusual about finding a group of papers in a glove
 16 compartment of a car that you were forensically
 17 examining?
 18 A. No, nothing unusual.
 19 Q. Some papers which related to the car and other
 20 papers which did not?
 21 A. I wouldn't have any prior knowledge of that.
 22 Q. Okay. But there's nothing unusual about
 23 finding papers that both relate to the car and don't
 24 relate to the car in the glove compartment of a car
 25 you're forensically examining, is there?

1 A. I'm sorry, can you repeat that question?
 2 Q. There is nothing unusual about finding inside
 3 the glove compartment of a car you are forensically
 4 examining both papers that relate to that car and papers
 5 that do not?
 6 A. I wouldn't have any prior knowledge whether
 7 they related to the vehicle or not.
 8 Q. I'm not asking you that, sir. You forensically
 9 examine other cars, don't you?
 10 MR. URICK: Objection.
 11 THE COURT: Overruled. Just listen to her
 12 question.
 13 BY MS. GUTIERREZ:
 14 Q. Do you not?
 15 A. Yes.
 16 Q. And you have before February 28, 1999, have you
 17 not?
 18 A. Yes, ma'am, I have.
 19 Q. And oftentimes in glove compartments inside
 20 vehicles you are examining, you find papers, do you not?
 21 A. We find papers, yes, we do.
 22 Q. And there's nothing unusual about that, is
 23 there?
 24 A. Nothing unusual to find papers.

1 Q. And sometimes you find papers that are related
 2 to the car you're examining; correct?
 3 A. That is correct.
 4 Q. And sometimes you find papers that have nothing
 5 to do with the car?
 6 A. That would also --
 7 Q. Is that correct?
 8 A. That would also be correct.
 9 Q. All right. In regard to the notes that you
 10 found, the one that says "Don" -- that actually says
 11 "Don," as it's folded, in two places, does it not?
 12 A. Yes, ma'am, it does.
 13 Q. And on the other side is a note that -- there's
 14 no place it refers to Don -- it says "Hey, Cutie," does
 15 it not?
 16 A. Yes, ma'am, it does.
 17 Q. Okay. There's no date on this note, is it?
 18 A. No, ma'am.
 19 Q. There's nothing on either side of this that
 20 indicates to you when it was written?
 21 A. No, ma'am, it doesn't.
 22 Q. Or who the Don person is?
 23 A. No, ma'am.
 24 Q. Or who the signatory is?
 25 A. No, ma'am.

1 Q. Or under what circumstances it was written?
 2 A. No, ma'am.
 3 Q. And whether or not it was ever given to the
 4 person to whom it was written by the person, whomever it
 5 may be, who wrote it?
 6 A. No, ma'am.
 7 Q. And in regard to the other note that you
 8 identified -- and again, this was found where?
 9 A. These are papers that were recovered from the
 10 glove box area.
 11 Q. From the glove box. The same place where the
 12 insurance card was?
 13 A. (No response.)
 14 THE COURT: Is that right?
 15 THE WITNESS: I'm sorry.
 16 BY MS. GUTIERREZ:
 17 Q. It's a question.
 18 A. I'm --
 19 Q. The glove box, the same place where the
 20 insurance card was recovered?
 21 A. I would need to go back and refresh my
 22 recollection as to where that was.
 23 Q. Is there something that would refresh your
 24 recollection as to that?
 25 A. Yes, the exhibit that it came from.

<p style="text-align: right;">Page 85</p> <p>1 Q. The bag number --</p> <p>2 A. The packaging.</p> <p>3 Q. -- out of which -- do you recall which that is?</p> <p>4 A. No, I do not.</p> <p>5 MR. URICK: State's 40.</p> <p>6 MS. GUTIERREZ: If I could have State's 40,</p> <p>7 which has only been marked for identification?</p> <p>8</p> <p>9 BY MR. GUTIERREZ:</p> <p>10 Q. Mr. Thomas, if you could review that and see if</p> <p>11 that refreshes your recollection as to where this item</p> <p>12 about which you just testified came from, where it came</p> <p>13 from in the car?</p> <p>14 A. Exhibit 24 were items that were recovered from</p> <p>15 the glove box area.</p> <p>16 Q. Okay. And Exhibit 19?</p> <p>17 A. Exhibit 19 is from Exhibit 40.</p> <p>18 Q. Which is also from the glove box?</p> <p>19 A. That would be incorrect. This was recovered</p> <p>20 from the trunk area of the vehicle.</p> <p>21 Q. Okay. So the notes came from the trunk area?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And does that include the note addressed</p> <p>24 to the Lee family at [REDACTED] Road?</p> <p>25 A. That would also be correct.</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. And based on where you found it and the</p> <p>2 circumstances it appeared to be, could you tell whether</p> <p>3 or not there had ever been flowers in there?</p> <p>4 A. I was unable to determine that; however, there</p> <p>5 was some slight residue of what looked like a rose petal,</p> <p>6 but I'm not a flower expert.</p> <p>7 Q. Okay. But it appears exactly what it appears</p> <p>8 to be, a wrapper for some flowers; correct?</p> <p>9 A. Correct.</p> <p>10 Q. And if there were flowers in there, you, of</p> <p>11 course, from your examination, couldn't tell to whom they</p> <p>12 were given?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Or by whom?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Or under what circumstances?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Or any idea of when?</p> <p>19 A. No, ma'am.</p> <p>20 Q. The item number 26, which you've described as</p> <p>21 the shirt with suspected blood, the pictures that you've</p> <p>22 shown us show that that shirt, not laid out as you later</p> <p>23 laid it out to better photograph it, but, in fact, was</p> <p>24 found folded or jumbled up on the very driver's seat in</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. Where the trunk area of the car was?</p> <p>2 A. The trunk area, yes.</p> <p>3 Q. And there is a stamped document indicating that</p> <p>4 it was posted on a certain date, does it not?</p> <p>5 A. Yes, ma'am, it does.</p> <p>6 Q. And what date is that?</p> <p>7 A. That date would be the -- that would be the 3rd</p> <p>8 of October, 1998.</p> <p>9 Q. Okay. Now, sir, when you examined that car,</p> <p>10 you had no idea of how many people drove it, if more than</p> <p>11 one did, do you?</p> <p>12 A. No, ma'am.</p> <p>13 Q. And how often people drove it?</p> <p>14 A. No, ma'am.</p> <p>15 Q. And what their purposes were?</p> <p>16 A. No, ma'am.</p> <p>17 Q. And under what conditions?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Now, Mr. Thomas, you identified State's Exhibit</p> <p>20 22. It appears to be a flowered paper -- flowers printed</p> <p>21 on the paper -- but also appears to be the wrapping for</p> <p>22 flowers, does it not?</p> <p>23 A. Yes, it appears to be.</p>	<p style="text-align: right;">Page 88</p> <p>1 the front of that vehicle, was it not? A. Yes, ma'am,</p> <p>2 that is correct.</p> <p>3 Q. And at the time that you laid it out to</p> <p>4 photograph what appeared to you to be suspected blood,</p> <p>5 you, of course, had no idea what that substance was?</p> <p>6 A. No, ma'am, I did not.</p> <p>7 Q. And whatever substance appeared to be on the</p> <p>8 shirt, sir, you had no idea what, if any, relevance it</p> <p>9 had to what, if any, events occurred in the car, did you?</p> <p>10 A. No. That would be correct.</p> <p>11 Q. You, sir, were not privy, at that juncture, to</p> <p>12 determining what was the cause of death of the driver of</p> <p>13 the car that had last been known to drive it?</p> <p>14 A. No, ma'am.</p> <p>15 Q. And whether or not anything related to the</p> <p>16 cause of death involved the blood of that person?</p> <p>17 A. No, ma'am.</p> <p>18 Q. And you, of course, had not been made privy to</p> <p>19 any information leading you to believe that whoever</p> <p>20 caused the death of the body that you observed in the</p> <p>21 other search on February 9th of the person's body in the</p> <p>22 grave in Lincoln Park involved blood from any source</p> <p>23 were you?</p> <p>24 A. No, ma'am.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. And that, of course, is not part of your 2 expertise in the collection of evidence; correct?</p> <p>3 A. No, ma'am. It would be impossible to determine 4 that.</p> <p>5 Q. And at the time, for instance, it looked to you 6 like blood; correct?</p> <p>7 A. It could have been a number of --</p> <p>8 Q. Could have been something other than blood; 9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And that's why, because you're not a blood 12 expert, you call it "suspected blood"; correct?</p> <p>13 A. That is correct.</p> <p>14 Q. That's what you suspected it to be when you saw 15 it; correct?</p> <p>16 A. That would be correct.</p> <p>17 Q. But you had you no idea whether your suspicions 18 were founded; correct?</p> <p>19 A. That would be correct.</p> <p>20 Q. Or if they were founded, if they were related 21 in any way to what happened to the person in that car on 22 or about January 13th?</p> <p>23 A. Yes, ma'am, that would be correct.</p> <p>24 Q. Is that correct?</p> <p>25 A. Yes, ma'am, that's correct.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. And, in fact, there are numbers both at 2 the top and the bottom, are there not?</p> <p>3 A. They do have numbers at the bottom as well as 4 the top.</p> <p>5 Q. It's hard to see that in the picture, is it 6 not?</p> <p>7 A. Yes, it is.</p> <p>8 Q. But if you look at the map itself, it has a map 9 number with a number on it at the top, either on the 10 left-hand side or the right, and also a number that 11 indicates a page number at the bottom, does it not?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. The picture shows that the map book was opened 14 to Map 23 on Page 33, does it not?</p> <p>15 A. (No response.)</p> <p>16 Q. It's hard to see, isn't it?</p> <p>17 A. It's a little difficult to see, yes.</p> <p>18 Q. You can't actually see the page number, but you 19 can see the map number, can you not?</p> <p>20 A. You can see the map number.</p> <p>21 Q. And that map, as you photographed it, all you 22 did was spread it out so that you could better photograph 23 it; right?</p> <p>24 A. That would be correct.</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. You had no idea when and how whatever it was, 2 you saw on that shirt got there?</p> <p>3 A. That's correct.</p> <p>4 Q. Or under what circumstances?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And by whom it was put?</p> <p>7 A. That would be correct as well.</p> <p>8 Q. Now, in regard to the map, I believe that --</p> <p>9 MS. GUTIERREZ: Do you have the map?</p> <p>10 (Clerk handing exhibit to Ms. Gutierrez.)</p> <p>11 BY MS. GUTIERREZ:</p> <p>12 Q. Mr. Thomas, you were asked to examine, and you 13 told us that in regard to State's Exhibit 14, the 14 photograph identified as the bottom photograph on the 15 right-hand side shows this book; correct?</p> <p>16 A. That would be correct.</p> <p>17 Q. But it's opened up to a specific page, is it 18 not?</p> <p>19 A. Yes, ma'am, it is.</p> <p>20 Q. And what page number is that?</p> <p>21 A. The page number indicated in the photograph is 22 23.</p> <p>23 Q. Page number 23. And is that number on the top 24 or the bottom?</p> <p>25 A. The number is indicated on the top of the page.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. That's the same map book that was laying 2 underneath the book bag that you also recovered and 3 processed?</p> <p>4 A. That is correct.</p> <p>5 Q. Isn't that correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And it was under the book bag folded up to Map 8 23; correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Now, the page number on the piece of paper says 11 "Map 33," does it not?</p> <p>12 A. Yes, ma'am, it does.</p> <p>13 Q. And it says "Page Number 43" at the bottom; is 14 that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Not relative in order to Map 23 on Page 33; 17 correct?</p> <p>18 A. Right.</p> <p>19 Q. And the appearance of the sheet itself appears 20 to be more aged or exposed, does it not?</p> <p>21 A. At that particular time, no.</p> <p>22 Q. At that time, it does not?</p> <p>23 A. Correct.</p> <p>24 Q. It's your testimony that now it appears more 25 aged and exposed?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Even though this book and this paper have been</p> <p>3 inside the sealed brown bag that you opened up?</p> <p>4 A. That would be correct.</p> <p>5 Q. Okay. And to your knowledge, that's how</p> <p>6 evidence is kept, is it not?</p> <p>7 A. To my knowledge unless -- until it's processed.</p> <p>8 Q. Until it's processed. And then it's put back</p> <p>9 in the bag, is it not?</p> <p>10 A. That is correct.</p> <p>11 Q. That's why you had to unseal things before you</p> <p>12 could retrieve items from them?</p> <p>13 A. That is correct.</p> <p>14 Q. And to your knowledge, items that you retrieve</p> <p>15 and then submit are assigned property numbers and turned</p> <p>16 over to Evidence Control?</p> <p>17 A. That is correct.</p> <p>18 Q. Where they remain unless and until they are</p> <p>19 taken out of Evidence Control for an official approved</p> <p>20 reason?</p> <p>21 A. That is correct.</p> <p>22 Q. Such as analysis by somebody else?</p> <p>23 A. Correct.</p> <p>24 Q. Or view by the prosecutor?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. And the major part of that map is Baltimore</p> <p>2 County, is it not?</p> <p>3 A. Yes.</p> <p>4 Q. And on the other side, it shows other areas of</p> <p>5 Baltimore City, does it not?</p> <p>6 A. Yes, it does.</p> <p>7 Q. Including the Gwynn's Falls Park?</p> <p>8 A. Correct.</p> <p>9 Q. And Druid Hill Park?</p> <p>10 A. Correct.</p> <p>11 Q. Is that correct?</p> <p>12 A. That would be correct.</p> <p>13 Q. And other green areas inside Baltimore City,</p> <p>14 including the Cylburn Arboretum; is that correct?</p> <p>15 A. That is also correct.</p> <p>16 Q. Now, this one particular page, sir, was found</p> <p>17 where in relationship to this map book?</p> <p>18 A. That particular page was found just beneath the</p> <p>19 map book.</p> <p>20 Q. Beneath the map book?</p> <p>21 A. Right.</p> <p>22 Q. And to your knowledge, you don't know how long</p> <p>23 that map book had been there?</p> <p>24 A. No, not to my knowledge.</p> <p>25 Q. Or how it got there?</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. Or view by the defense?</p> <p>2 A. Correct.</p> <p>3 Q. Or some other legitimate purpose?</p> <p>4 A. Correct.</p> <p>5 Q. Such as your testifying and opening up the seal</p> <p>6 in court; is that correct?</p> <p>7 A. That would be correct.</p> <p>8 Q. The page that appears in here, -- and although</p> <p>9 it doesn't show the map number, it shows essentially the</p> <p>10 same page, does it not?</p> <p>11 A. Essentially, yes.</p> <p>12 Q. You can tell by the drawings of the lines that</p> <p>13 represent the major highways, does it not?</p> <p>14 A. That would be correct.</p> <p>15 Q. And in addition to Lincoln Park, it shows, the</p> <p>16 bulk of that page, of the terrain of the Baltimore County</p> <p>17 area that is next to the City line, does it not?</p> <p>18 A. Yes, ma'am, it does.</p> <p>19 Q. There's a differentiation with a yellow tint to</p> <p>20 the page that shows the part that's in Baltimore City,</p> <p>21 does it not?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And the part that's Baltimore County?</p> <p>24 A. That would be correct.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No, ma'am.</p> <p>2 Q. Or who placed it there?</p> <p>3 A. No, ma'am.</p> <p>4 Q. And you, of course, couldn't tell from your</p> <p>5 examination, whether or not the map book and the page had</p> <p>6 been placed where you found them at or near the same</p> <p>7 time?</p> <p>8 A. I'm sorry. Can you reiterate the question?</p> <p>9 Q. You, from your examination of that map book,</p> <p>10 and the page, and the car, could not, of course, tell</p> <p>11 whether they were placed there at or near the same time</p> <p>12 to each other?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Or whether or not they had been placed at two</p> <p>15 separate events?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Or whether or not they had actually been placed</p> <p>18 by the same person?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Or what their purpose was in being inside the</p> <p>21 car?</p> <p>22 A. No, ma'am.</p> <p>23 Q. And your examination, of course, couldn't</p> <p>24 reveal who had last handled them?</p> <p>25 A. No, ma'am.</p>

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1 Q. Or when whoever it was that last handled them
2 handled them?
3 A. No, ma'am, that could not be determined.
4 Q. Or, again, whether or not they were handled by
5 the same or by different people?
6 A. No, ma'am.
7 Q. Or what the purpose was?
8 A. No, ma'am.
9 Q. Now, the other thing that you were asked about
10 was the February 9th incident when you were dispatched to
11 Lincoln Park. Do you remember that?
12 A. Yes, ma'am.
13 Q. Now, you were dispatched there in order for you
14 to conduct what, in your expertise, is the collection of
15 evidence from what appeared to be, perhaps, a crime
16 scene?
17 A. Correct.
18 Q. Is that correct?
19 A. That is correct.
20 Q. And your job was to go and look at the crime
21 scene and see what might be significant from what you
22 saw; is that correct?
23 A. That is correct.
24 Q. Now, you viewed State's Exhibit --

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1 MS. GUTIERREZ: Do you have the other big
2 sheets of photos?
3 THE CLERK: These?
4 MS. GUTIERREZ: Yes.
5 BY MS. GUTIERREZ:
6 Q. Mr. Thomas, I'm going to show you State's
7 Exhibit 9, which is in evidence. And you've identified
8 that that looks like the crime scene that you were called
9 to by dispatch on the 9th of February; correct?
10 A. Correct.
11 Q. Now, first of all, let me clarify. You were
12 called there in the middle of the day; is that correct?
13 A. That is correct.
14 Q. And the lighting conditions during the middle
15 of the day were as the photographs depicted?
16 A. That's correct.
17 Q. You would agree that the lighting conditions in
18 the middle of the day make it easier for you to see
19 whatever it was in that area where you went; is that
20 correct?
21 A. That is correct.
22 Q. Those photographs, at least four of those
23 photographs and sort of partly on the fifth, show the
24 road that runs through Lincoln Park, do they not?
25 A. Yes, they do.

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1 Q. That road is called Franklinton Road; is that
2 correct?
3 A. Yes, ma'am.
4 Q. And Mr. Urick asked you to identify, and you
5 did, after looking at State's Exhibit 9 for a while, that
6 through the picture in the top right corner, that you
7 could identify figures through the brush; is that
8 correct?
9 A. That's correct.
10 Q. And is that easy to do?
11 A. No, ma'am, that's not easy to do.
12 Q. You have to really stare at that picture, do
13 you not?
14 A. Yes.
15 Q. And, in fact, you really have to know what
16 you're looking for, do you not?
17 A. In the picture, yes.
18 Q. In the picture. If you had never seen this
19 picture, and you go up to look, it's real hard to figure
20 out if there's anything back behind that brush, isn't it?
21 A. Correct.
22 Q. And, Mr. Thomas, you were aware that at the
23 scene that day, the day that you collected this evidence,
24 there was a City surveyor at the scene, were you not?
25 A. As my recollection, yes.

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1 Q. A Mr. Budemeyer, who was making measurements at
2 the request also of the Homicide detective. Do you
3 recall that?
4 A. That, I do not recall.
5 Q. Do you recall, sir, that the distance from the
6 street that is shown in these photographs to back where
7 you saw would appear to be a partially covered body, that
8 the distance was 127 feet?
9 A. That's an approximate measurement, yes.
10 Q. Okay. And that conforms to your memory and
11 notes of the events, does it not?
12 A. Yes.
13 Q. And that's a significant amount of feet, is it
14 not?
15 A. It is.
16 Q. A distance far greater than any dimension that
17 could be registered inside this room, is it not?
18 A. That is correct.
19 Q. Okay. And a dimension, from your recollection
20 of the 9th, where the grave site was, that's not readily
21 visible from the road, on any portion?
22 A. That is correct.
23 Q. Now, Mr. Thomas, did you take these pictures?
24 A. Yes, ma'am, I did.

1 Q. Okay. And, they accurately reflect, if you're
2 standing in the road looking from different angles, to an
3 area that's surrounded by logs and Jersey walls; is that
4 correct?

5 A. That is correct.

6 Q. If you look carefully at all of the pictures,
7 it shows the dimension of that area to be totally closed
8 off by either Jersey walls or logs, does it not?

9 A. That is correct.

10 Q. There is no easy defined pathway outside of
11 that pull-off, if I'm calling it, that appears to be
12 covered with some kind of gravel and dirt that had been
13 there for awhile? There is no discernible pathway out of
14 that squared-off area, is there?

15 A. Yes, there is.

16 Q. And where is that?

17 A. That would face the road side.

18 Q. Okay. Facing the road side. But is there any
19 discernible pathway from inside that once you enter from
20 the road side into the interior of the park beyond the
21 border of that pull-off area?

22 A. If you're referring to proximity to the body,
23 no, there is not.

24 Q. There is not. In fact, every -- what might
25 appear to be -- if you look closely, there are fairly

1 large logs covering up all the entryways that might go
2 into the park?

3 A. That is correct.

4 Q. One has to climb to get out of that area that's
5 defined in part by the Jersey walls, does one not?

6 A. Yes, ma'am.

7 Q. Okay. And one has to travel a fair distance
8 beyond that to get to where this body was?

9 A. That is correct.

10 Q. Now, the photograph on the lower left side has
11 some numbers of what looks like little yellow cards --
12 letters, does it not?

13 A. Yes, it does.

14 Q. An "E" and an "F"?

15 A. That is correct.

16 Q. Is that correct?

17 A. That is correct.

18 Q. Those numbers are numbers that you and members
19 of your crews put down to identify where items were
20 retrieved from?

21 A. That is correct.

22 Q. Isn't that correct?

23 A. That is correct.

1 Q. And where you've identified the cards with the
2 letters "E" and "F" are close to the road itself, are
3 they not?

4 A. They are.

5 Q. I mean, they are within three or four feet from
6 the edge of the roadway, are they not?

7 A. Yes. That would indicate that.

8 Q. And those items were, in fact, retrieved by you
9 or members of your crew on that day; isn't that correct?

10 A. That is also correct.

11 Q. And those items are plainly visible. One
12 appears to be either a can, or a cup, and a can and/or a
13 cup; is that correct?

14 A. I would need to take a look at the crime scene
15 sketch in order to refresh my recollection.

16 Q. And did you bring that sketch with you?

17 A. I did not. The prosecution has that.

18 Q. The sketch -- okay. Well, we'll pull that out
19 in a minute.

20 And the item under the letter "E," can you tell
21 what that was?

22 A. No. I am unable to determine what --

23 Q. Okay. But if you reviewed the crime scene
24 sketch, you could possibly define what they were?

25 A. Yes.

1 Q. Now, all you can tell us, though, from your
2 photographs is that these are items that you or your crew
3 visibly saw in the daylight on February 9th; is that
4 correct?

5 A. That is correct.

6 Q. And these items shown in this photograph are
7 nowhere near the body; correct?

8 A. That is correct.

9 Q. And from your examination of the crime scene,
10 you, of course, couldn't tell how the body, 127 feet off
11 of this road where the letter "E" is got there, could
12 you?

13 A. No, ma'am.

14 Q. Or when it got there?

15 A. No, ma'am.

16 Q. Or under what circumstances?

17 A. No, ma'am.

18 Q. Or by who or whom, in the plural, took that
19 body there; correct?

20 A. No, ma'am.

21 Q. And you, of course, couldn't tell whether any
22 of the things that you've identified and taken
23 photographs of have any relationship to that body?

24 A. At that particular time, no.

25 Q. Or to how it got there?

<p style="text-align: right;">Page 105</p> <p>1 A. No.</p> <p>2 Q. Or to the person or persons who may have</p> <p>3 brought the body there?</p> <p>4 A. No, ma'am.</p> <p>5 Q. At any given day, whenever that was, prior to</p> <p>6 your arrival there on February 9th; is that correct?</p> <p>7 A. That is correct.</p> <p>8 Q. In addition, back where the body was, you said</p> <p>9 that you recovered other things, cartridges of different</p> <p>10 calibers -- casings, cartridge casings; is that correct?</p> <p>11 A. That is incorrect. They were actually</p> <p>12 recovered from the roadway.</p> <p>13 Q. Oh, they were -- so they weren't recovered back</p> <p>14 by the body; is that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Now, at the time you went and looked at</p> <p>17 that, you had no idea what had happened to that body;</p> <p>18 correct?</p> <p>19 A. That is correct.</p> <p>20 Q. You had no idea whether cartridge casings were</p> <p>21 involved or not; correct?</p> <p>22 A. That would be correct.</p> <p>23 Q. Whether or not there were any injuries on this</p> <p>24 body that would indicate that she had ever been injured</p> <p>25 by a firearm of any kind; is that correct?</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. You had no idea whether or not that related to</p> <p>2 this body; correct?</p> <p>3 A. That is correct.</p> <p>4 Q. You just collected it because it was out near</p> <p>5 the roadway; correct?</p> <p>6 A. No. We collected it because at that particular</p> <p>7 time we did not know what exactly we had, whether it</p> <p>8 involved a sexual assault, whether the body had any</p> <p>9 firearms injury to it, or whatnot.</p> <p>10 Q. Right. So you collected everything you saw;</p> <p>11 correct?</p> <p>12 A. Not everything we saw.</p> <p>13 Q. You collected a lot of what you saw, did you</p> <p>14 not?</p> <p>15 A. No, ma'am, we did not.</p> <p>16 Q. Okay. You collected what you thought might be</p> <p>17 important, based on your experience; correct?</p> <p>18 A. That is correct.</p> <p>19 Q. And what else the detectives directed you to</p> <p>20 collect?</p> <p>21 A. Correct.</p> <p>22 Q. Correct?</p> <p>23 A. Right.</p> <p>24 Q. Well, the condoms and their wrapper were also</p> <p>25 found near to the roadway?</p>
<p style="text-align: right;">Page 106</p> <p>1 A. That is correct.</p> <p>2 Q. And at the time that you viewed these cartridge</p> <p>3 casings of various calibers, you had no idea of how they</p> <p>4 got close to the roadway near where those pictures define</p> <p>5 that sort of pull-off area that's now been crowded out by</p> <p>6 the Jersey walls and the big logs; is that correct?</p> <p>7 A. That is also correct.</p> <p>8 Q. So you had no idea if they had any relevance to</p> <p>9 what happened to that body; right?</p> <p>10 A. That is correct.</p> <p>11 Q. At any time --</p> <p>12 A. Correct.</p> <p>13 Q. -- by anybody; correct?</p> <p>14 A. That is correct.</p> <p>15 Q. But your job is to process a crime scene and</p> <p>16 see if, in fact, by processing it, you might come up with</p> <p>17 evidence that might have some relevanced, depending on</p> <p>18 information collected at a later date or examination</p> <p>19 performed at a later date by some other expert with</p> <p>20 expertise different from yours; is that correct?</p> <p>21 A. That is correct.</p> <p>22 Q. And the same thing would go with the condom,</p> <p>23 both the wrapped one and the wrapper for the condom;</p> <p>24 correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 108</p> <p>1 A. That is correct.</p> <p>2 Q. And those pictures that you've examined in</p> <p>3 State's Exhibit 9 show what would be the only available</p> <p>4 way readily that might lead back to where that body was</p> <p>5 found, do they not?</p> <p>6 A. Yes, those photographs do.</p> <p>7 Q. There aren't any other pathways that are</p> <p>8 readily apparent, are there?</p> <p>9 A. Actually, you probably could have gotten to the</p> <p>10 body by crossing a stream that is behind the body, but</p> <p>11 the likelihood of that --</p> <p>12 Q. From the other way?</p> <p>13 A. Right. But the likelihood of that happening</p> <p>14 was</p> <p>15 not --</p> <p>16 Q. And in that area, beyond --</p> <p>17 THE COURT: I'm sorry, was not --</p> <p>18 THE WITNESS: Was not considered.</p> <p>19 THE COURT: Was not considered?</p> <p>20 THE WITNESS: Right.</p> <p>21 THE COURT: You may continue.</p> <p>22 BY MS. GUTIERREZ:</p> <p>23 Q. Because of the terrain?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. On the other side of the stream -- and that's</p> <p>2 actually the Gwynn Falls, is it not?</p> <p>3 A. Yes, that is.</p> <p>4 Q. That's a stocked stream that actually runs</p> <p>5 through the breadth and length of Lincoln Park all the</p> <p>6 way into Baltimore City, does it not?</p> <p>7 A. Yes, it does.</p> <p>8 Q. And that stream meanders, does not go through a</p> <p>9 straight path; is that correct?</p> <p>10 A. That is correct.</p> <p>11 Q. When you are back where the body was</p> <p>12 disinterred on February 9th that you observed, if you</p> <p>13 walked another 50 feet, you would run into the banks of</p> <p>14 the stream, would you not?</p> <p>15 A. I am not exactly sure what the length is on</p> <p>16 that.</p> <p>17 Q. It's not as long as it is from the roadway to</p> <p>18 the grave; correct?</p> <p>19 A. That is correct.</p> <p>20 Q. And the stream is audible, is it not?</p> <p>21 A. Yes.</p> <p>22 Q. Because the stream bed is comprised of a lot of</p> <p>23 rocks and stones, is it not?</p> <p>24 A. Yes, it is.</p>	<p style="text-align: right;">Page 111</p> <p>1 A. Yes, there is.</p> <p>2 Q. And from that point, there is no other housing</p> <p>3 inside the park, is there?</p> <p>4 A. Not to my recollection.</p> <p>5 Q. Now, Officer Thomas, if I may, if you would</p> <p>6 look again on State's Exhibit 9 at the lower -- I'll hold</p> <p>7 it so it doesn't interfere with the microphone. On the</p> <p>8 lower, left-hand photograph beyond the painted white</p> <p>9 Jersey wall, what appears in the picture relative to</p> <p>10 separating the road from the park?</p> <p>11 A. It's a guardrail.</p> <p>12 Q. And that's in the part of the picture closest</p> <p>13 to us; correct?</p> <p>14 A. Correct.</p> <p>15 Q. On the side of this area, is there also a</p> <p>16 guardrail depicted?</p> <p>17 A. Yes, there is.</p> <p>18 Q. And is entrance to the park -- other than the</p> <p>19 opening that is depicted by that photographs, is entrance</p> <p>20 to the park directly from the roadway apparent to anyone</p> <p>21 who drives through the Franklinton Road that is depicted</p> <p>22 in the photographs?</p> <p>23 A. I'm sorry? Are you referring to the pull-off</p> <p>24 areas, as previously noted?</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">Page 110</p> <p>1 Q. So when one is standing where the body is, the</p> <p>2 stream, if it's not readily visible, it's readily audible</p> <p>3 once you are there; isn't that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And if you go across the stream, the terrain,</p> <p>6 then, rises up, does it not?</p> <p>7 A. I have no knowledge of that.</p> <p>8 Q. Well, there's no housing there, is there?</p> <p>9 A. I have no knowledge of that.</p> <p>10 Q. Well, you didn't observe any, did you?</p> <p>11 A. No.</p> <p>12 Q. Any time that you were anywhere near where the</p> <p>13 body was located that was pointed out to you by the</p> <p>14 detectives, or back and forth between the body and the</p> <p>15 road, did you observe any housing?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you observe on the way into the park any</p> <p>18 housing?</p> <p>19 A. On Winan's Way, yes, I did.</p> <p>20 Q. On Winan's Way, --</p> <p>21 A. Right.</p> <p>22 Q. -- which comes from Edmondson Avenue; correct?</p> <p>23 A. That is correct.</p> <p>24 Q. But there's a point when the housing clearly</p> <p>25 stops, is there not?</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And by that, what is it you mean?</p> <p>3 A. I'm sorry?</p> <p>4 Q. Can one -- the guardrail that is depicted in</p> <p>5 the photograph I just showed you, sir, --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- is that guardrail present on both sides of</p> <p>8 Franklinton Road throughout the bulk of the park?</p> <p>9 A. I'm not too familiar with the bulk of the park,</p> <p>10 but in that particular area, yes.</p> <p>11 Q. Yes. So, there is no other readily accessible</p> <p>12 area for a car or vehicle to pull off of Franklinton</p> <p>13 Road there, is there?</p> <p>14 A. No, not to my knowledge.</p> <p>15 Q. Now, you were asked about the road that you</p> <p>16 came in on. You actually came in from Edmondson Avenue?</p> <p>17 A. Yes, I did.</p> <p>18 Q. And then turned onto a road called Winan's Way?</p> <p>19 A. Yes, I did.</p> <p>20 Q. And Winan's Way actually takes you at an angle</p> <p>21 directly into the park, does it not?</p> <p>22 A. Yes, it does.</p> <p>23 Q. And then at the end of Winan's Way, you must</p> <p>24 turn left to get to the area that's depicted in these</p> <p>25 pictures,</p>

1 do you not?
 2 A. Yes, you do.
 3 Q. And if you went right, you would just be
 4 continuing on Franklinton Road, going further?
 5 A. Yes, you would.
 6 Q. Is that correct?
 7 A. That is correct.
 8 Q. Can you see that street in any of these
 9 pictures?
 10 A. Are we referring to Winan's Way or
 11 Franklinton?
 12 Q. Yes, Winan's Way.
 13 A. Okay.
 14 Q. Franklinton is the roadway actually shown in
 15 these pictures, is it not?
 16 A. Yes, it is.
 17 Q. Okay. So can you see in -- the roadway you've
 18 identified as Winan's Way in the pictures?
 19 A. Winan's Way appears to be in the furthest of
 20 the
 21 lower --
 22 Q. -- of the lower right. Looking at the same
 23 photograph that shows the guardrails; correct?
 24 A. Correct. The lower left photo.

1 Q. Okay. And between that place, Winan's Way, in
 2 the sort of cut-off, pull-off, is there anything else
 3 that appears -- any structure of any kind?
 4 A. When you say "structure," what are you
 5 referring to?
 6 Q. Any house?
 7 A. No houses.
 8 Q. Any buildings?
 9 A. No buildings.
 10 Q. Any restaurant?
 11 A. No.
 12 Q. Any anything else?
 13 A. No.
 14 Q. And is there any external lighting source that
 15 you became aware of that exists between Winan's Way and
 16 what these pictures depict?
 17 A. Not that I'm aware of.
 18 Q. The other thing that you were asked about that
 19 you recovered were fibers that were recovered at or near
 20 where the body was disinterred. Do you recall that?
 21 A. Yes, I do.
 22 Q. Those fibers were recovered by somebody other
 23 than yourself; correct?
 24 A. That is correct.

1 Q. And you, sir, as the supervisor on the search
 2 and recovery of evidence from this potential crime scene,
 3 observed the disinterment of this body, did you not?
 4 A. Yes, I did.
 5 Q. And that was actually done by members of the
 6 Armed Forces Medical Unit from D.C. or Bethesda?
 7 A. Yes, that is correct.
 8 Q. And you were aware of that, were you not?
 9 A. I was aware of that.
 10 Q. And you were aware that they used an additional
 11 light source -- in fact, more than one -- in order to
 12 carefully examine the terrain around the body?
 13 A. That is correct.
 14 Q. And that they examined the soil and leaves and
 15 anything else around the body with great care?
 16 A. Yes, they did.
 17 Q. The only pieces of evidence that you were asked
 18 to process from those members from the Armed Forces were
 19 two fibers recovered from both above where the body was
 20 and right underneath where it was?
 21 A. That is correct.
 22 Q. Isn't that correct?
 23 A. That is correct.

1 Q. And you processed that duly in the same way
 2 that you processed all other things in both searches in
 3 which you participated?
 4 A. That is correct.
 5 MS. GUTIERREZ: I have nothing further. Thank
 6 you.
 7 THE COURT: Anything further from the State?
 8 MR. URICK: Yes.
 9 REDIRECT EXAMINATION
 10 BY MR. URICK:
 11 Q. Mr. Thomas, when you were there at the scene
 12 standing in the roadway, did you have any trouble seeing
 13 the figures back by the burial site?
 14 A. Not while I was standing in the roadway, no, I
 15 did not.
 16 Q. Now, you said that you only recovered certain
 17 things, but you saw a lot more. What other types of
 18 things did you see there on the scene?
 19 A. There was all different types of debris that
 20 people obviously discarded as they were riding by, things
 21 of that nature, your normal trash.
 22 Q. There's debris scattered all the way back to
 23 the stream, isn't there?
 24 A. Correct.

<p style="text-align: right;">Page 117</p> <p>1 Q. That's used by a lot of people, isn't it, that 2 area? 3 A. Yes, sir. 4 Q. And it's obviously used by a lot of people 5 because of all the trash that's strewn between the 6 roadway and the stream? 7 A. That would be correct. 8 Q. Now, was that the sort of crime scene -- have 9 you photographed many crimes scenes? 10 A. Yes, I have. 11 Q. Was this a crime scene that could be clearly 12 and adequately represented by photographs? 13 A. Clearly, yes, with some difficulty due to the 14 woods taken into consideration. 15 Q. Now, I would like you to -- did somebody write 16 on this? 17 A. No. Actually, it's been like that for a while. 18 Q. That's State's 14. I would like you to look at 19 this again. And up here on the seat is what? 20 A. That appears to be the map that was recovered 21 from the rear seat. 22 Q. And right here in front of the back seat is 23 what? 24 A. That appears to -- that appears to be part of 25 the map.</p>	<p style="text-align: right;">Page 119</p> <p>1 A. In the rear seat area of the -- of the vehicle. 2 Q. Is that within arm's reach of where someone who 3 was sitting in the driver's seat would be able to reach? 4 A. Yes, it would be. 5 Q. And if someone were sitting in the driver's 6 seat and they wanted to put that in the back, is that a 7 natural place where they would have put it? 8 A. It's -- 9 MS. GUTIERREZ: Objection. 10 THE COURT: Sustained. Do not answer that 11 question. 12 BY MR. URICK: 13 Q. Now, the page from the map that was torn out, 14 if you know, why is that discolored now? 15 MS. GUTIERREZ: Objection. 16 THE COURT: Overruled. If you know. 17 THE WITNESS: Generally, what happens when we 18 submit paper products to be processed by the Latent 19 Prints Unit, they process it with a chemical known as an 20 anhydriin, and that apparently is what happened to that 21 particular map page. It was processed with an anhydriin 22 which turned it the color that it is now. 23 MS. GUTIERREZ: Objection. There's no basis of 24 knowledge of knowing that. Move to strike.</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. In fact, that's the page that's torn out, isn't 2 it? 3 A. I'm unable to tell whether it is or not. It's 4 not -- 5 THE COURT: There's a magnifying piece that's 6 been provided. I don't know if it will assist you in any 7 way, but you're welcome to utilize it. 8 For the record, there's a small magnifying 9 glass that's been given to the witness. 10 BY MR. URICK: 11 Q. Can you identify that now? 12 A. Yes. 13 Q. What is that? 14 A. That appears to be a map page. 15 Q. That's the page that was torn out of the map; 16 correct? 17 MS. GUTIERREZ: Objection. Form of the 18 question. 19 THE COURT: Overruled. You may answer the 20 question. 21 Can you identify it, and if so, what is it? 22 THE WITNESS: It appears to be the page that's 23 from the map. 24 BY MR. URICK: 25 Q. And it's stuffed where?</p>	<p style="text-align: right;">Page 120</p> <p>1 THE COURT: At this juncture, in light of the 2 fact that there's been no foundation, the motion will be 3 granted to strike the testimony. 4 Ladies and gentlemen, the witness has just 5 provided you with information for which no foundation has 6 been provided to his basis of knowledge or how he would 7 even know the information that he's provided to you. So, 8 the Court is, upon motion, striking that and ask that you 9 disregard that portion of his testimony. 10 Counsel, if you're able to qualify this witness 11 based on his background and experience, then I may 12 reconsider my position with regard to that. 13 BY MR. URICK: 14 Q. Is it part of your duties to take prints? 15 A. Yes, sir, it is. 16 Q. What, if any, training have you had in latent 17 prints? 18 A. I have recertification -- 19 MS. GUTIERREZ: I'm going to object to this, 20 Judge. 21 THE COURT: Overruled. 22 MS. GUTIERREZ: The basis is that he didn't 23 process this particular piece of paper. 24 THE COURT: I understand.</p>

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<p>1 MS. GUTIERREZ: There's no basis of knowledge 2 of determining that, in fact, it was or was not 3 processed. 4 THE COURT: I understand. 5 Overruled. You may continue. 6 BY MR. URICK: 7 Q. You may continue. 8 A. I'm sorry -- there's a -- I'm sorry -- there's 9 a yearly recertification that we go through as far as 10 latent print processing is concerned, which is taught to 11 us by the Latent Print supervisor, in which we are shown 12 pieces of paper that are processed -- I'm sorry -- we are 13 shown evidence prior to being processed and evidence 14 after being processed, when it is chemically sprayed with 15 an anhydriin. 16 Q. And based on your experience and training that 17 you've had, are you able to identify from the map page 18 that was torn out that was shown to you how it was 19 processed? 20 A. Yes. 21 Q. And how was it processed? 22 A. With an anhydriin. 23 Q. And what does that do to a sheet of paper? 24 A. I'm sorry? 25 Q. What will that do to a sheet of paper?</p>	<p>1 THE WITNESS: The difference was that it 2 appeared to have been processed with an anhydriin 3 solution. 4 THE COURT: I understand your objection. It's 5 noted for the record. 6 The testimony of this witness at this point 7 will be admitted. 8 Your next question. 9 MR. URICK: Nothing further. Thank you. 10 THE COURT: Anything further, Ms. Gutierrez? 11 MS. GUTIERREZ: Yes. 12 RECROSS-EXAMINATION 13 BY MS. GUTIERREZ: 14 Q. Did you process that? 15 A. No, ma'am. 16 Q. You just collected it? 17 A. I just collected it, that is correct. 18 Q. And you then processed it to go in Evidence 19 Control; correct? 20 A. Correct. 21 Q. Okay. The decision to process anything for 22 fingerprints is not something that you make? 23 A. I'm sorry, the actual request? 24 Q. The decision, yes. 25 A. The decision -- the decision is left up to --</p>
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<p>1 A. That will help develop any fingerprints that 2 are on that particular piece of paper that's processed. 3 Q. And how would it make the paper look after it's 4 been processed? 5 A. It will give a purplish tint to the paper. 6 MR. URICK: Nothing else. Thank you. 7 THE COURT: Are you now going to ask him about 8 what he observed with the paper? Because, remember, I 9 struck the portion of the testimony that you have 10 indicated. 11 MR. URICK: Yes, I'm sorry. You're right. 12 BY MR. URICK: 13 Q. What, if anything did you observe about the map 14 15 page -- 16 MS. GUTIERREZ: I'm going to object. 17 THE COURT: I understand. Let's get to the 18 bottom of it. 19 Simply, did you see the map before, when you 20 recovered it? 21 THE WITNESS: Yes, ma'am, I did. 22 THE COURT: And was the paper the same color it 23 was when you saw it today? 24 THE WITNESS: No, ma'am. 25 THE COURT: What was the difference?</p>	<p>1 Q. To process something? 2 A. No. The decision is left up to the detective. 3 Q. Okay. And that's on all crime scenes; isn't 4 that correct? 5 A. That is correct. 6 Q. Okay. You just collect whatever it is you 7 collect, whether you're directed to it or whether you 8 choose because you see it, and then you submit it to 9 Evidence Control; is that correct? 10 A. That is correct. 11 Q. And you were asked, Technician, and you 12 responded that you thought that that park was used by a 13 lot of people. Do you recall that question? 14 A. Yes. 15 Q. And is that something you know from your own 16 personal knowledge? 17 A. Yes. 18 Q. From where you observed the body partially 19 buried and then disinterred, is there any attraction back 20 there? 21 A. None that I know of. 22 Q. Are there any benches? 23 A. No. 24 Q. Is there any picnic area? 25 A. No.</p>

<p style="text-align: right;">Page 125</p> <p>1 Q. Is there any monument?</p> <p>2 A. No.</p> <p>3 Q. Is there any sightseeing something?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. Is there any statue?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Is there any reserved area for children to</p> <p>8 play?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. To do anything near where the body was found?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. And what about from where the body is to where</p> <p>13 the stream is, anything there that exists?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Is there anything that you observed that might</p> <p>16 attract people to where the body was found?</p> <p>17 A. No, ma'am.</p> <p>18 Q. The body -- you observed the grave, did you</p> <p>19 not?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Did you observe the disinterment?</p> <p>22 A. Yes, I did.</p> <p>23 Q. The body was beyond a very large and long dead</p> <p>24 log, was it not?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. He was to be a surveyor and to measure</p> <p>2 distances and placements, was he not?</p> <p>3 A. I have no knowledge of that.</p> <p>4 Q. Okay. Well, you understood that he was there</p> <p>5 and that he measured distances; correct?</p> <p>6 A. I had no knowledge of that.</p> <p>7 Q. You didn't measure distances from every vantage</p> <p>8 point, did you?</p> <p>9 A. No, ma'am, I did not.</p> <p>10 Q. You measured only distances of things to each</p> <p>11 other in what you made a map of; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. If you come from Franklinton Road and you go</p> <p>14 through the area that the photographs depict, first you</p> <p>15 have to get through that area where the Jersey walls and</p> <p>16 the logs are; correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Then you have to get out of that area where</p> <p>19 there's no defined entrance; correct?</p> <p>20 MR. URICK: Objection.</p> <p>21 THE COURT: Overruled.</p> <p>22 BY MS. GUTIERREZ:</p> <p>23 Q. Correct?</p> <p>24 A. That is correct.</p>
<p style="text-align: right;">Page 126</p> <p>1 Q. By beyond, meaning further away from the road,</p> <p>2 closer to the stream; is that correct?</p> <p>3 A. Actually, the body was next to the log;</p> <p>4 however, the log appeared to be running in a northwest</p> <p>5 direction.</p> <p>6 Q. Well, my question is:</p> <p>7 was it closer, the body, where it was beyond the log to</p> <p>8 the stream or to Franklinton Road?</p> <p>9 A. Neither.</p> <p>10 Q. Well, sir, however it was located, you've</p> <p>11 agreed that there was a surveyor there that day that you</p> <p>12 observed; correct?</p> <p>13 A. Correct. Whether he did anything or not, --</p> <p>14 Q. Was that surveyor --</p> <p>15 A. -- I have no knowledge.</p> <p>16 Q. -- that was --</p> <p>17 THE COURT: Hold on one second. Can you let</p> <p>18 her finish the question, and can you let him finish his</p> <p>19 answer?</p> <p>20 If we can do that, the two of you might be able</p> <p>21 to get us something on the record.</p> <p>22 BY MS. GUTIERREZ:</p> <p>23 Q. That surveyor was not there to do the things</p> <p>24 that you did, was he?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Then you have to go back further toward the</p> <p>2 stream, before you encounter the log?</p> <p>3 A. That is correct.</p> <p>4 Q. And the body was buried on the far side of the</p> <p>5 wall, was it not?</p> <p>6 A. From my recollection, that would be incorrect.</p> <p>7 Q. Okay. Your recollection is that the body was</p> <p>8 on the near side of the log?</p> <p>9 A. According to your description, it would be on</p> <p>10 neither side being nearer the road or to the stream.</p> <p>11 Q. Okay. Because your recollection is that the</p> <p>12 log isn't perpendicular to the road; right?</p> <p>13 A. That is correct.</p> <p>14 Q. It's -- I don't know what the opposite of</p> <p>15 perpendicular is -- is going -- I mean, it's not parallel</p> <p>16 to the road, it's perpendicular to the road?</p> <p>17 A. That is correct.</p> <p>18 Q. Is that your recollection?</p> <p>19 A. That's my recollection?</p> <p>20 Q. And so the body in regard to the log, sir, was</p> <p>21 it at one end or another end or more toward the middle?</p> <p>22 A. Of the log itself?</p> <p>23 Q. Yes.</p> <p>24 A. That couldn't be determined.</p> <p>25 Q. That couldn't be determined?</p>

Condenset!

<p style="text-align: right;">Page 129</p> <p>1 A. No, ma'am.</p> <p>2 Q. How long was the log?</p> <p>3 A. The log -- it was not measured.</p> <p>4 Q. You didn't measure it.</p> <p>5 Does the log appear on your crime scene map?</p> <p>6 A. Yes, it does.</p> <p>7 Q. Okay.</p> <p>8 MS. GUTIERREZ: Mr. Urick, could I ask for the</p> <p>9 production of the crime scene map?</p> <p>10 MR. URICK: I gave you a copy. I didn't bring</p> <p>11 mine.</p> <p>12 MS. GUTIERREZ: I didn't bring it today,</p> <p>13 obviously. I wouldn't ask otherwise.</p> <p>14 THE COURT: Why don't we stop here because</p> <p>15 obviously there's an item that counsel wishes to use, and</p> <p>16 perhaps we could get that for tomorrow.</p> <p>17 At this time, I note that we have gone far past</p> <p>18 what I would normally do as an afternoon break, so for</p> <p>19 that reason, I'm going to end our testimony today at this</p> <p>20 point. I'm going to excuse the jury until tomorrow.</p> <p>21 And I must advise you that I have one case --</p> <p>22 actually, it's three cases put into one. But in any</p> <p>23 event, I should be finished with that matter by no later</p> <p>24 than 9:45,</p> <p>25 10:00 o'clock.</p>	<p style="text-align: right;">Page 131</p> <p>1 THE COURT: As the jurors are going out, I need</p> <p>2 to advise you, Officer, you are still a witness in this</p> <p>3 case, and you are still on the witness stand, which means</p> <p>4 that you cannot discuss your testimony with anyone,</p> <p>5 anyone at all, including the State's Attorney or the</p> <p>6 defense attorney, as you are already on the stand and</p> <p>7 testifying.</p> <p>8 Likewise, you cannot discuss your testimony</p> <p>9 with anyone that may be a witness in this case as you are</p> <p>10 a sequestered witness.</p> <p>11 I'm going to direct you to be present tomorrow</p> <p>12 morning at 9:30, as I've told the jurors, where we will</p> <p>13 resume with your testimony.</p> <p>14 I ask that you collect your items, those that</p> <p>15 are not in evidence or have been marked. Any items that</p> <p>16 have been marked, please leave them there at the witness</p> <p>17 stand so that they can be placed in our court file for</p> <p>18 tomorrow.</p> <p>19 THE WITNESS: That is understood.</p> <p>20 THE COURT: And I'd ask you to -- if you have a</p> <p>21 copy of this chart, that you've been making reference to,</p> <p>22 I'd ask that you bring that along with you tomorrow.</p> <p>23 THE WITNESS: Yes, ma'am.</p> <p>24 THE COURT: And for the record, counsel, if you</p> <p>25 have an extra copy of this chart that they're making</p>
<p style="text-align: right;">Page 130</p> <p>1 So, as a result, I'd ask that you be here</p> <p>2 tomorrow by 9:30. That means going over to the Jury</p> <p>3 Commissioner's office tomorrow between 9:00 and 9:30,</p> <p>4 getting paid, and then returning to the jury room around</p> <p>5 the corner by no later than 9:30.</p> <p>6 I would ask you, ladies and gentlemen, to leave</p> <p>7 your note pads face down on your chairs, as you've done</p> <p>8 for the last couple of days, that you not discuss the</p> <p>9 testimony amongst yourselves or with anyone else.</p> <p>10 As I indicated to you before, you should not do</p> <p>11 that because you have not heard all the testimony, nor</p> <p>12 have you heard the law, nor have you heard closing</p> <p>13 arguments, and you must hear all of that before you make</p> <p>14 any determination and before you deliberate. So it would</p> <p>15 be inappropriate to discuss the testimony or this case</p> <p>16 with yourselves or with anyone else.</p> <p>17 I ask that you leave the note pads. Mr. White</p> <p>18 will lock them away with the other evidence and return</p> <p>19 them to your chairs for tomorrow.</p> <p>20 I ask that you take yourselves home. Be</p> <p>21 careful, have a safe evening, and I'll see you tomorrow</p> <p>22 morning at 9:30.</p> <p>23 Mr. Urick, if you could kindly move your map so</p> <p>24 that the jurors can get by?</p> <p>25 (The jury was excused from the courtroom.)</p>	<p style="text-align: right;">Page 132</p> <p>1 reference to, I'd ask that you provide that. I know</p> <p>2 you've said you've given it to the defense already, but</p> <p>3 if you happen to have another copy and you could make a</p> <p>4 copy of that, if you could also bring that along, I would</p> <p>5 greatly appreciate it.</p> <p>6 MS. GUTIERREZ: Thank you, Judge. Can I leave</p> <p>7 my bag here?</p> <p>8 THE COURT: You may leave your belongings and</p> <p>9 items, but I would like the evidence -- those items that</p> <p>10 have been marked for identification or placed in</p> <p>11 evidence, secured by the Clerk.</p> <p>12 And if I may -- I note someone said something</p> <p>13 about there being a mark on one of my exhibits?</p> <p>14 MR. URICK: It looks like somebody a pen to it.</p> <p>15 THE COURT: I would ask that be whited out and</p> <p>16 removed so that --</p> <p>17 MS. GUTIERREZ: The pen mark is on the edges,</p> <p>18 it's not on the exhibit itself.</p> <p>19 THE COURT: I would rather have -- yes, it's on</p> <p>20 the edges, but I still would rather have the exhibit not</p> <p>21 have any markings. I made that rule that once it's put</p> <p>22 in evidence, that there shouldn't be any markings put on</p> <p>23 it, and I ask that that be done, and those items given to</p> <p>24 the Clerk for him to secure overnight.</p>

1 Ladies and gentlemen, this Court is going to
 2 stand in recess until tomorrow morning at 9:30, and I'd
 3 ask that you all be here promptly.

4 The only matter on my docket is a three co-
 5 defendant trial which, obviously, I cannot do, so it will
 6 be postponed as soon as it's called, and then I'll
 7 immediately start with this case.

8 This Court stands in recess, then, until
 9 tomorrow at 9:30.

10 THE CLERK: All rise.

11 (The trial was recessed at 4:44 p.m.)
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REPORTER'S CERTIFICATE

I, Beverly A. Madden, an Official Court

Reporter of the Circuit Court for Baltimore City, do

hereby certify that I stenographically recorded the

proceedings in the matter of State of Maryland versus

Adnan Syed, Case Numbers 199103042 through 46, in the

Circuit Court for Baltimore City on January 31, 2000,
 before the Honorable Wanda Keyes Heard, Associate Judge
 (and a jury).

I further certify that the page numbers 1
 through 99 constitute the official transcript of the
 proceedings as transcribed by me or under my direction to
 the within typewritten matter in a complete and accurate
 manner.

In Witness Whereof, I have affixed my signature
 this 21st day of October, 2000.

 Beverly A. Madden
 Official Court Reporter