

1 AFTERNOON SESSION  
2 (2:10 p.m.)  
3 (Jury not present upon reconvening.)  
4 THE CLERK: All rise. The Circuit Court for  
5 Baltimore City, Part 9, will now resume in session, the  
6 Honorable Wanda Keyes Heard presiding.  
7 THE COURT: You may be seated. I understand  
8 that we are going to wait for a few moments to have the  
9 jury come around and Ms. Gutierrez to return. The next  
10 witness that you are going to be calling is --  
11 MR. URICK: Is Jay Wilds.  
12 THE COURT: Jay Wilds.  
13 MR. URICK: Should I have him come in and sit  
14 on the stand?  
15 THE COURT: Yes, that would be good. That way  
16 he will already be here.  
17 (Brief pause.)  
18 THE COURT: Mr. Wilds, just have a seat there.  
19 When the jury comes out, we will have you stand and be  
20 sworn. Okay?  
21 MR. WILDS: Yes.  
22 THE COURT: Thank you.  
23 (Brief pause.)  
24 THE COURT: Also, with regard to the schedule  
25 that I handed out, do counsel have any objection if I

1       make copies of that for the jury.

2               MR. URICK: No.

3               MS. GUTIERREZ: No, Judge, I think that would  
4       be helpful to the jury.

5               THE COURT: All right.

6               MS. GUTIERREZ: I would like, before the jurors  
7       get in, in regard to this witness, I would ask that the  
8       court advise the witness -- the mistrial occurred during  
9       this witness' testimony -- that any reference to anything  
10      prior should be at a prior occasion, that there be no  
11      reference to --

12              THE COURT: Right. Ms. [REDACTED] kind of bordered  
13      on that a little bit.

14              MS. GUTIERREZ: Right.

15              THE COURT: But I don't think it was clear from  
16      anything she said.

17              MS. GUTIERREZ: That's why I did not -- I  
18      thought it would make it worse if I did.

19              THE COURT: That's a good idea.

20              MS. GUTIERREZ: But this witness I am concerned  
21      about.

22              THE COURT: Mr. Wilds, would you step up to the  
23      bench, please.

24              (Whereupon, Mr. Jay Wilds approached the bench  
25      and the following ensued:)

1           THE COURT: Mr. Wilds, you cannot make any  
2 mention at anytime during the trial that there was  
3 another trial.  
4           MR. WILDS: Okay.  
5           THE COURT: Do you understand what I'm saying?  
6           MR. WILDS: Yes.  
7           THE COURT: Pretend this is the first trial.  
8           MR. WILDS: Yes, ma'am.  
9           THE COURT: Okay. They can't know there was  
10 another one.  
11          MR. WILDS: Okay.  
12          THE COURT: Thank you.  
13          (Whereupon, Mr. Jay Wilds returned to the  
14 witness chair and the following ensued:)  
15          (Brief pause.)  
16          (The jury returned to the courtroom.)  
17          THE COURT: Just have a seat for just one  
18 moment, Mr. Wilds. Can I see counsel at the bench for  
19 one second.  
20          (Counsel and the defendant approached the bench  
21 and the following ensued:)  
22          THE COURT: Okay. First things first. I was  
23 just informed by my sheriff that the defendant made a  
24 comment to the witness as the witness approached the  
25 stand indicating that he was pathetic. I want to advise

1 Mr. Syed in your presence that up until now he has been  
2 perfect. He has conducted himself in a gentlemanly  
3 manner. I am going to advise you now, don't spoil it  
4 now. Whatever self-control you need to exhibit, continue  
5 to do it to the end of this trial. You are presenting  
6 yourself in a manner that is appropriate in this  
7 courtroom, and you don't want me to have to say anything  
8 to you.

9 Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: Very well. I am not saying your  
12 client did or did not do it.

13 MS. GUTIERREZ: I understand.

14 THE COURT: But I am advising you, and I know  
15 you don't want your client to do anything inappropriate  
16 in front of the jury.

17 MS. GUTIERREZ: No.

18 THE COURT: And I am letting the State know  
19 because I want to make sure that the witness understands  
20 that his safety is not in any way in jeopardy when he  
21 testifies in this courtroom because I don't allow that to  
22 happen. Whether that be for a defense witness or for a  
23 State witness, we will not have that here. We all know  
24 this. We have been through this before. The sheriff  
25 doesn't know, but Deputy Church was aware, and so he



1 handled it accordingly. So now this sheriff knows, and  
2 I'm sure she will make sure she sits in a way that she is  
3 alert to what may occur.

4 I just want everybody to know. Okay. We will  
5 continue as we have been going.

6 MR. URICK: I believe at this point I would be  
7 entitled to question the witness about any statements the  
8 defendant made to him today in the courtroom.

9 THE COURT: I will not allow you to use any  
10 statements that he may have made today in the courtroom.  
11 I will not allow it. We are not going to have last  
12 minute additions. We will not have that. If it was a  
13 statement that was made or uttered to that witness, I  
14 will not allow that witness to testify as to what was  
15 said. That witness, as a defendant, is represented by  
16 counsel and I am not going to allow it. I'm not going to  
17 allow it.

18 Now, you can take your exception for the  
19 record, but I am not going to allow that.

20 MR. URICK: I would for this reason, that this  
21 witness is not a State agent. It was a voluntary  
22 statement to a non-State witness.

23 THE COURT: I understand.

24 MR. URICK: Or non-State agent.

25 THE COURT: I understand. The sheriff also

1 heard it, and for the record, if the sheriff heard the  
2 remark, then the sheriff could be called as a witness.  
3 But at this juncture, the court is not going to allow the  
4 sheriff to do anything other than to let me know, as I  
5 have indicated to you, what was said to the witness.

6 Okay. I just would like you to go ahead and  
7 try your case. You have got a case, try your case.

8 MR. URICK: Just to make the record, the second  
9 point would be the relevance because it would relate to a  
10 threat that he made to the witness while he was trying to  
11 testify.

12 THE COURT: Well, that might be something that  
13 you might bring up if the door is opened by the defense.  
14 That's a wholly different issue. But as the case stands  
15 right now, we don't have that.

16 MR. URICK: Thank you.

17 THE COURT: Unless you would like me to inquire  
18 of the witness outside the presence of the jury as to  
19 whether or not any statement that he may or may not have  
20 heard -- I don't even know if the witness heard what was  
21 said. For all I know, the witness didn't hear anything.  
22 I don't know, I haven't inquired of him. The only thing  
23 I do know is the sheriff heard it.

24 So if you would like me to inquire of the  
25 witness as to whether the witness heard anything, I will

1 be happy to do that.

2 MR. URICK: No, Your Honor.

3 THE COURT: But the point I'm trying to make  
4 is, we are trying to try a case based on your case and  
5 based on the defense. As long as this is a small  
6 courtroom, we are going to have situations where we are  
7 in close quarters. So we are going to provide safety and  
8 security for everyone.

9 Okay. Let's proceed. Thank you.

10 (Counsel and the defendant returned to the  
11 trial tables and the following ensued:)

12 THE COURT: Mr. Urick, if you will call the  
13 name of your witness, please, for the record.

14 MR. URICK: Thank you, Your Honor. The State  
15 calls Jay Wilds at this time.

16 JAY W. WILDS  
17 a witness produced on call of the State, having first  
18 been duly sworn according to law, was examined and  
19 testified as follows:

20 THE CLERK: You may be seated. Please keep  
21 your voice up and state your name and your address for  
22 the record.

23 THE WITNESS: Jay W. Wilds. I live at [REDACTED]

24 [REDACTED]

25 I'm sorry.

1                   THE COURT: One moment, Mr. Wilds. We are  
2 distributing something to the jury. Once that's done,  
3 Mr. Urick will have some questions for you.

4                   THE WITNESS: Yes, ma'am.

5                   DIRECT EXAMINATION

6                   BY MR. URICK:

7                   Q     Good afternoon, Mr. Wilds. How old are you?  
8                   A     Twenty.  
9                   Q     And where did you attend high school?  
10                  A     Woodlawn High.  
11                  Q     And what years did you attend there?  
12                  A     '94 through '98.  
13                  Q     How many years?  
14                  A     Four years.  
15                  Q     And when did you graduate?  
16                  A     '98.  
17                  Q     And what sort of school is Woodlawn?  
18                  A     It's a high school, but it's also a guidance  
19 school.  
20                  Q     And which program were you in?  
21                  A     I was enrolled in the regular program at  
22 Woodlawn.  
23                  Q     Who do you currently live with?  
24                  A     My mother.  
25                  Q     Any other family members?

1           A     No, sir.

2           Q     How long has it been like that?

3           A     About six years.

4           Q     And how are you supported right now?

5           A     I'm employed. I'm a concrete construction  
6 worker.

7           Q     And how long would you have been supporting  
8 yourself?

9           A     Completely?

10          Q     Yes.

11          A     Since eighteen.

12          Q     Did you know Hae Min Lee?

13          A     Yes, I had a Biology class with her.

14          Q     And when was that?

15          A     I believe my junior year.

16          Q     And do you know the defendant in this case?

17          A     Yes.

18          Q     And when did you first meet the defendant?

19          A     We were introduced to each other in middle  
20 school through mutual friends but I didn't formally meet  
21 her until high school.

22          Q     About what time?

23          A     My senior year.

24          Q     And what class was he in, in relation to yours?

25          A     He was in none of my classes.

1           Q     I mean what year was he in, in relation to  
2     yours?  
3           A     Oh, he was a year beneath me, the class of '99.  
4           Q     And when in the school year, senior year, would  
5     you have met him?  
6           A     Towards the end.  
7           Q     And how did you come to meet him?  
8           A     He was a friend of my girlfriend. She told me  
9     we should hang out.  
10          Q     And did you come to start doing things with the  
11     defendant?  
12          A     I believe me and him went to one dance, me, him  
13     and Stephanie. I took him to buy marijuana once. That  
14     was about it.  
15          Q     When was that?  
16          A     I would have to say about a week after we were  
17     introduced I took him.  
18          Q     Your senior year?  
19          A     Yes, I'm sorry.  
20          Q     Okay. Once your senior year ended, did you  
21     have any further contact with him?  
22          A     No. Up until their senior year, no.  
23          Q     And how did you start having contact with him  
24     again?  
25          A     Again, through Stephanie.

1 Q And was this after the school year started?

2 A Yes.

3 Q And when would this have been?

4 A It was the beginning of winter, so December,  
5 November, December.

6 Q And what sort of contact were you having with  
7 him at that time?

8 A The same, casual. He would give me a lift  
9 somewhere or me and him and Stephanie would go somewhere  
10 together.

11 Q And did you do any other things together?

12 A Again, I went and purchased marijuana for him.

13 Q About how many times have you purchased  
14 marijuana for the defendant?

15 A Twice.

16 Q Now, what is your involvement with marijuana?

17 A I used to smoke regularly. I get tested at my  
18 job now. Other than that, I sold some. I haven't grown  
19 it. That's about it.

20 Q When you say you sold some, what do you mean by  
21 that?

22 A Friends, people who asked me could I get it for  
23 them. I purchased it for them or purchased a large  
24 amount and then disbursed it to them.

25 Q And when did you first start doing this?





1 MS. GUTIERREZ: This is entered as a separate  
2 page.  
3 MR. URICK: I xeroxed the original.  
4 MS. GUTIERREZ: Okay.  
5 BY MR. URICK:  
6 Q I am now going to show you what has been marked  
7 for identification as State's Exhibit 31(a). This is a  
8 xerox of a page out of Exhibit 31 that's already in  
9 evidence. At this time, I would like you to look at the  
10 bottom of the page. You will see that there is blocks of  
11 information there, and the last one has the information  
12 call date, 1/12/1999, and then there is a block of ten  
13 lines of numbers below there.  
14 Look at line number ten.  
15 A Yes.  
16 Q Can you read that line?  
17 A [REDACTED]  
18 Q And do you recognize that number?  
19 A Yes.  
20 Q Whose number is that?  
21 A That was my former home number.  
22 Q At this time I'm going to ask the witness to  
23 use this highlight pen to highlight that line.  
24 A (Indicating.)  
25 MR. URICK: We will offer as State's Exhibit

1 31(a) the xerox exhibit from 31.  
2 THE COURT: Any objection?  
3 MS. GUTIERREZ: No objection.  
4 THE COURT: Let it be admitted.  
5 (State's Exhibit No. 31(a),  
6 previously marked for  
7 identification, was  
8 received in evidence.)  
9 (Brief pause.)  
10 (State's Exhibit No. 34  
11 was marked for purposes  
12 of identification.)  
13 MR. URICK: May I approach the witness again?  
14 THE COURT: Yes, you may.  
15 BY MR. URICK:  
16 Q At this time I'm handing the witness a copy of  
17 what has been marked for identification purposes as  
18 State's Exhibit 34. Now I would like to draw your  
19 attention to January the 13th of 1999. What if any  
20 significance does the date January 13th have in your  
21 life?  
22 A It's my girlfriend's birthday.  
23 Q When you say your girlfriend, who are you  
24 referring to?  
25 A Stephanie [REDACTED].

1 Q Now, where were you in the morning?  
2 A I was home.  
3 Q Did there come a time when you heard from the  
4 defendant?  
5 A Yes.  
6 Q About when was that, if you can recall?  
7 A I believe it was about 10:30.  
8 Q Now, I would like you to look at the exhibit I  
9 put before you. If you would, look three lines up from  
10 the bottom, the line that is marked line thirty-two.  
11 A Yes.  
12 Q Do you recognize that number?  
13 A Yes, that's my home phone number again.  
14 Q And will you read it for the record, please?  
15 A [REDACTED]  
16 Q And for the record, if you will go across,  
17 would you please read the next two lines which are the  
18 call time and the duration of the call?  
19 A 10:45 a.m., and twenty-eight seconds.  
20 MR. URICK: At this time, with the court's  
21 permission, I'm going to write "Wilds residence" on line  
22 thirty-two in the blank space.  
23 THE COURT: Any objection?  
24 MS. GUTIERREZ: No, Your Honor.  
25 THE COURT: You may do that as well.

1 MR. URICK: (Indicating.)  
2 BY MR. URICK:  
3 Q What did that conversation consist of?  
4 A Again, what were my plans for the day, what was  
5 I doing, and that he would be there in an hour to pick me  
6 up.  
7 Q To pick you up. What if any plans did you  
8 make?  
9 A I had told him that I had to go to the mall to  
10 go shopping to pick up Stephanie a present for her  
11 birthday.  
12 Q And what if anything did he say when you told  
13 him that?  
14 A I'll give you a lift.  
15 Q And did there come a time when you saw him?  
16 A Yes.  
17 Q And about what time was that?  
18 A It was about an hour later.  
19 Q And how did he meet up with you?  
20 A He knocked at my door. I believe I had just  
21 been showering and getting dressed. It wasn't very long  
22 after that he showed up. We both got in his car and left  
23 for Security Mall.  
24 Q When you say "his car", what are you referring  
25 to?

1           A     An Accord. I don't remember what year it was.  
2           Q     Had you seen him driving that car before?  
3           A     Yes. It was a tan Accord.  
4           Q     He arrives at your door. What occurs next?  
5           A     Nothing. We both exit my house and get into  
6 his vehicle and proceed up Roland Road to the Security  
7 Square Mall.  
8           Q     And what if anything happens there?  
9           A     At the mall?  
10          Q     Yes.  
11          A     Just shopping for my girlfriend's present and  
12 some stuff like that.  
13          Q     About how long were you at the mall?  
14          A     Probably about an hour and fifteen minutes.  
15                THE COURT: One moment, please. If you have a  
16 cellphone, a pager, a beeper or anything of the like in  
17this courtroom, please turn it off immediately. Thank  
18you. My apologies.  
19                MS. GUTIERREZ: I'm sorry, I didn't hear the  
20witness' answer, if he answered.  
21                BY MR. URICK:  
22          Q     About how long were you shopping?  
23          A     About an hour and fifteen minutes.  
24          Q     When you finished shopping, what if anything  
25 occurred?

1           A     We left the school. No, I'm sorry, we left for  
2     school. He said he had to get back, that his lunch was  
3     ending. I took him back. On the way back to the school,  
4     he was like I need you to do me a favor. If you need my  
5     car, can you pick me up, and I said sure. I wasn't  
6     finished shopping. I dropped him off at the back of the  
7     school. He walked up the steps and went back to class.

8           Q     What if anything did he tell you?

9           A     Earlier on the way to the mall we were  
10    discussing relationships. I was telling him how I felt  
11    about Stephanie and how our relationship was going, and  
12    he was telling me how he felt about Hae and how his  
13    relationship was going.

14          Q     What did he tell you?

15          A     He just said that it wasn't going good, how  
16    could she treat him like that, someone who supposedly  
17    loved him. He seemed pretty hurt about it. I didn't  
18    sense any anger.

19          Q     What if anything else did he tell you at that  
20    time?

21          A     How she made him mad, and he was like, well,  
22    I'm going to kill that bitch, but it wasn't like in terms  
23    of or in the context, the situation, and I didn't take it  
24    as a --

25          Q     You didn't finish your answer.

1           A     I'm sorry. In the context of the conversation  
2 we were having, he said I was going to kill that bitch,  
3 and I didn't ask him who, I figured he was referring to  
4 Hae, and that was what he said and then he went on more  
5 about, you know, people and interactions and love and  
6 things of that sort.

7           Q     And about how long did this conversation last?

8           A     It lasted from Route 40 and Roland Road to the  
9 stoplight at Johnnycake and Roland Road. So I would say  
10 probably about a five minute drive.

11          Q     And what if anything occurred next?

12          A     After I dropped him off at the school?

13          Q     You drop him off at the school and then what  
14 happens?

15          A     I leave there and go to my -- actually --

16          Q     When you drop him off --

17          A     I'm sorry.

18          Q     -- and you start to leave, what if any property  
19 of his do you have at this time?

20          A     He leaves his cellphone with me because he says  
21 he is going to give me a call when he needs me to come  
22 get him.

23          Q     Okay. Now, I would like you to look at line  
24 thirty-one.

25          A     Yes.

1 Q And thirty above it.  
2 A Yes.  
3 Q Examine those two lines if you will.  
4 A Yes.  
5 Q Do you recognize those numbers?  
6 A Yes.  
7 Q Whose numbers are those?  
8 A Jenn [REDACTED].  
9 Q And what type of number were these?  
10 A Pardon me.  
11 Q What type of number were they?  
12 A Oh, that's her telephone number, [REDACTED].  
13 Q It's what number?  
14 A I'm sorry, it's her telephone number.  
15 Q That's her home residence?  
16 A Yes, her residence.  
17 Q Will you read the entire number for the record?  
18 A [REDACTED].  
19 Q And that's on both lines thirty-one and thirty;  
20 is that correct?  
21 A Yes.  
22 MR. URICK: With the court's permission, at  
23 this time I'm going to write "[REDACTED] residence" on both  
24 of those lines.  
25 THE COURT: Any objection?



1 MS. GUTIERREZ: No.

2 THE COURT: You may do that.

3 MR. URICK: (Indicating.)

4 BY MR. URICK:

5 Q Who is Jenn [REDACTED]?

6 A She is a friend of mine.

7 Q How long have you known her?

8 A Probably about six years now.

9 Q And what sort of friend is she?

10 A She's a very close friend of mine.

11 Q Now, if you will look across that line, line

12 thirty-one, do you see the time of the call?

13 A Yes.

14 Q And what time is that?

15 A 12:07.

16 Q Do you remember making this call?

17 A Yes, I do. I believe on my way, as I left the

18 school, I was going to their house, and I used the phone

19 to call to see if they were home on the way there.

20 Q And what if any response did you get?

21 A I believe that Jenn's brother Mark had picked

22 up the phone and told me that she wasn't home but I could

23 come over there anyway.

24 Q Now, line thirty, if you look across there, do

25 you see the time there?

1           A     Yes.

2           Q     And what time is that?

3           A     12:41.

4           Q     Do you remember making that call?

5           A     I do not recall making that call but me and

6     Mark did leave out, so we may have called back to the

7     house to see if Jenn was home.

8           Q     Okay. Now, did there come a time when you went

9     over to the house?

10          A     Yes.

11          Q     And what if anything did you do there?

12          A     We entered, me and Mark, and we both went down

13     to the basement. We started playing Play Station

14     probably for about a half an hour. I asked him if he

15     would like to come to the mall with me, I hadn't finished

16     shopping yet, and he said sure. Right before we left, I

17     received a phone call on the cellphone. It was Adnan and

18     he was asking me where I was. I told him I was at Jenn's

19     playing video games. I asked him if he was ready yet and

20     he said no. We left and we went to the mall. I did the

21     rest of my shopping. We came back to Jenn's house and

22     went back down to the basement. I believe Jenn called on

23     the telephone when we returned home, and soon after I got

24     another call on the cellphone. This time he was asking

25     me like had I had it turned off or something like that or

1 something, was it on, and I told him yes, it had been on.  
2 I sat at Jenn's and I played video games.

3 Q And did there come a time when Jenn came home?  
4 A Yes.

5 Q And did there come a time when you left?  
6 A Yes.

7 Q And where did you go when you left?  
8 A Well, in his last phone call, he was like I  
9 need you to come get me at like 3:45 or something like  
10 that he told me, and I was like all right, cool. I  
11 waited until then and there was no phone call, so I was  
12 going to my friend Jeff's house.

13 Q And on the way there, what if anything  
14 happened?

15 A Jeff wasn't home. As I was leaving his street,  
16 I received a phone call. It was Adnan. He asked me to  
17 come and get him from Best Buy.

18 Q Where were you at that time?  
19 A I was turning. I was going to make a right  
20 onto, I believe it was Craigmont, but instead I made a  
21 left.

22 Q And where did you go?  
23 A To Best Buy.

24 Q And what if anything -- which Best Buy was  
25 that?

1           A     The one at Security Boulevard and Woodlawn.  
2           Q     Now, when you got there, what if anything did  
3     you see?  
4           A     I saw Mr. Syed standing by the payphone. He  
5     had on a pair of red gloves. He just kind of looked at  
6     me and instructed me to drive over to the side of the  
7     building. I drove over to the side of the building. He  
8     was walking and told me to park the car next to a gray  
9     Sentra. I got out of the car. I walked towards him and  
10    I lit a cigarette. He kept asking me, was I ready for  
11    this, was I ready for this. Honestly, I thought he was  
12    going to open the trunk and have some pounds in there.  
13    He opened the trunk and Hae Min Lee was dead in the  
14    trunk.  
15          Q     Had you ever seen that car before?  
16          A     Once.  
17          Q     Did you know whose car it was?  
18          A     Vaguely, not.  
19          Q     Where had you seen the car?  
20          A     At school.  
21          Q     When he pops the trunk open, what if anything  
22    do you do?  
23          A     I took a step back, I dropped my cigarette, and  
24    just kind of stared for a second. He didn't keep the  
25    trunk open, he closed it. It was five or ten seconds.

1 It wasn't very long at all he had the trunk open.

2 Q What if anything did he say?

3 A He told me to follow him. He got in Hae's car

4 Q What if anything did you tell him when he said

5 that?

6 A Nothing. I just got in his car and followed

7 him.

8 Q Why did you follow him?

9 A I don't know. I was dismayed, confused. I

10 don't know why I followed him. I'm sorry. At that time

11 it was confusion, shock.

12 Q What car were you driving?

13 A His car.

14 Q What car was he driving?

15 A Hae Min Lee's car.

16 Q And did you start driving?

17 A Yes.

18 Q Where did you go?

19 A I followed him to the 70 Park and Ride.

20 Q When you say the I70 Park and Ride, what do you

21 mean?

22 A It's at the end of Security Boulevard and Cooks

23 Lane. It's where 70 ends.

24 Q And what if anything did you do there at the

25 I70 Park and Ride?

1           A     I parked and I waited for him. He went in her  
2     trunk. He took something out. It was a black bag. He  
3     moved some stuff around from the back seat to the trunk.  
4     Then I got out of his car and got in the passenger side  
5     and he began driving his car then.

6           Q     I would like to take you back for a moment to  
7     the Best Buy parking lot. When he popped the trunk open,  
8     did you recognize the person in the trunk?

9           A     Not at first, no. They were like laying face  
10    down.

11          Q     How do you know who it was?

12          A     I could see her hair and the complexion of the  
13    skin. I could tell it was a girl. It was Hae's build,  
14    you know what I mean, and clothes I had seen Hae in  
15    before. It was her car. That's how I determined it was  
16    her.

17          Q     Did there appear to be any movement about the  
18    body?

19          A     Not at all.

20          Q     Was there any complexion to the face or to the  
21    skin?

22          A     The skin was blue. I couldn't quite see her  
23    face but her skin was blue. Like the side of her neck  
24    was blue. I could see like that part of her face.

25          Q     Now, going to the I70 parking lot, what if

1 anything did the defendant do with the car, Hae Min Lee's  
2 car?

3 A He just parked it. Like I said, he rummaged  
4 through the back a little bit and got a couple articles.  
5 I believe one was his gym bag. He brought them back and  
6 put them in his trunk. He got in his car and he started  
7 driving.

8 Q And when you say started driving, did he say  
9 anything at that time?

10 A At that time?

11 Q Yes.

12 A Oh, I had -- no, he didn't say nothing at that  
13 time. He had asked me, just like picking up in a lost  
14 conversation, oh, you want to go buy some weed, and I was  
15 like whatever, you know, fine. We went down Cooks Lane.  
16 We were on our way to Mr. [REDACTED]'s house.

17 Q Who is Mr. [REDACTED]?

18 A He was a guy I bought marijuana from a whole  
19 lot, a friend of mine I worked with at UPS and stuff like  
20 that.

21 Q Okay. Hold on for a second, if you would,  
22 please. Look at line twenty-six on the exhibit again.  
23 Do you recognize that number?

24 A Line twenty-six?

25 Q Yes.

1 A Yes, that's Jenn [REDACTED]'s number again.  
2 Q And do you see the time of that call?  
3 A Yes.  
4 Q Please read it. Well, please read her number  
5 for the record first.  
6 A [REDACTED].  
7 Q And do you notice the time of the call?  
8 A Yes.  
9 Q What is the time?  
10 A 3:21.  
11 Q And the length of the call?  
12 A Forty-two seconds.  
13 Q Do you remember making that call?  
14 A I believe so, to ask her if he was on or if he  
15 was home, one of the two, meaning if he had marijuana.  
16 Q Whose number was line twenty-six again?  
17 A That's Jenn [REDACTED]'s.  
18 Q Oh.  
19 A I was calling her, hey is "P" on, do you know  
20 if "P" is on again, do you know if he is home?  
21 Q Okay.  
22 A And she said I don't know.  
23 Q This was after you had dropped off the car at  
24 the Park and Ride?  
25 A Yes.



1 MR. URICK: At this time, with the court's  
2 permission, I'm going to write "[REDACTED] residence" on  
3 line twenty-six.  
4 THE COURT: Any objection?  
5 MS. GUTIERREZ: No.  
6 THE COURT: You may do so.  
7 MR. URICK: (Indicating.)  
8 BY MR. URICK:  
9 Q Now, if you look up a line, please look at that  
10 line?  
11 A Yes.  
12 Q Do you recognize that number?  
13 A No, I do not.  
14 Q Do you remember the defendant making any phone  
15 calls?  
16 A Yes.  
17 Q What if any phone call did he make?  
18 A To a young lady, I believe somewhere in Silver  
19 Spring.  
20 Q And what did you hear him say?  
21 A Small chat. He actually asked me did I want to  
22 talk to her. I may have said hello but nothing more.  
23 Q Did you get on the phone?  
24 A Yes, that's what I say, for a brief instance,  
25 hello, my name is Jay, and gave him the phone back. I

1        didn't really feel like talking.

2            Q        Do you remember where you were at that time?

3            A        Forest Park Avenue.

4            Q        And where were you going at that time?

5            A        To buy marijuana. [REDACTED] was not home.

6            Q        Okay. Now, if you look up a line to line

7        twenty-four, do you recognize that number?

8            A        No, I do not. Oh, yes, I do, I'm sorry. Yes,

9        this is Phil [REDACTED]'s phone number.

10          Q        And who is Phil [REDACTED]?

11          A        He is a friend of mine. For a long time I have

12        known him.

13          Q        And please read that for the record?

14          A        [REDACTED]

15          Q        And what type of number is that?

16          A        Long distance. It's Frederick County.

17          Q        Is it a residence?

18          A        Yes.

19          Q        And do you see the time of the call?

20          A        Yes.

21          Q        And please read that?

22          A        3:32 p.m.

23          Q        I believe you have dropped down a line.

24          A        I'm sorry.

25          Q        Follow across line twenty-four.

1           A     3:48 p.m. I'm sorry.  
2           Q     And the length of the call?  
3           A     A minute and twenty-five seconds.  
4           Q     How does he spell his last name?  
5           A     I'm not sure.  
6           Q     Pronounce it again.  
7           A     [REDACTED]  
8           MR. URICK: With the court's permission, at  
9 this time I'll write "[REDACTED] residence" in the blank line  
10 for line twenty-four.  
11           THE COURT: Line twenty-four. Any objection?  
12           MS. GUTIERREZ: No, Your Honor.  
13           THE COURT: Very well. You may do so.  
14           MR. URICK: (Indicating.)  
15           BY MR. URICK:  
16           Q     Do you remember that call?  
17           A     Honestly, sir, I do not.  
18           Q     And please look up at line twenty-three.  
19           A     Yes.  
20           Q     Do you recognize that number?  
21           A     Yes.  
22           Q     Whose number is that?  
23           A     I believe that is Mr. [REDACTED]'s old phone number  
24 at his residence.  
25           Q     Will you read that for the record, please?

1 A [REDACTED]  
2 Q And please read the time of the call?  
3 A 3:59 p.m.  
4 Q And the length of the call?  
5 A Twenty-five seconds.  
6 Q And his last name was [REDACTED]?  
7 A Yes.  
8 MR. URICK: With the court's permission, I'm  
9 going to write "[REDACTED] residence" on that line at this  
10 time.  
11 THE COURT: Any objection?  
12 MS. GUTIERREZ: No, Your Honor.  
13 THE COURT: You may do so. That's line twenty-  
14 three; is that correct?  
15 MR. URICK: Line twenty-three. (Indicating.)  
16 BY MR. URICK:  
17 Q What was the purpose of that call?  
18 A To see if Patrick was home.  
19 Q For what reason?  
20 A To buy marijuana.  
21 Q Was he home?  
22 A No, he was not.  
23 Q What if anything did you do at that point?  
24 A That's when we drove up to Forest Park Avenue.  
25 Q And what did you do there?

1           A     We purchased marijuana.  
2           Q     When you say we, who do you mean?  
3           A     Me and Mr. Syed.  
4           Q     And where did the money come from to purchase  
5     that?  
6           A     I believe I had five bucks and Mr. Syed had  
7     fifteen.  
8           Q     Now, during the time that you are riding around  
9     looking for marijuana, what if any conversation did you  
10    have with the defendant?  
11          A     He didn't say much else except it's done, not  
12    at that time.  
13          Q     What if anything did you say to him?  
14          A     Yeah. Nothing really, just yeah.  
15          Q     Why not?  
16          A     I didn't know what to say to him right then. I  
17    didn't know how he was going to react to me.  
18          Q     Now, if you will, look at line twenty-two. Do  
19    you recognize that number?  
20          A     Yes.  
21          Q     Whose number is that?  
22          A     Ms. [REDACTED].  
23          Q     And what is the time of the call?  
24          A     4:12 p.m.  
25          Q     And the length of the call?

1           A     Twenty-eight seconds.

2           MR. URICK: With the court's permission, I'm

3 going to write "[REDACTED] residence" in the blank on line

4 twenty-two.

5           THE COURT: Any objection?

6           MS. GUTIERREZ: No, Your Honor.

7           THE COURT: You may do so.

8           MR. URICK: (Indicating.)

9           BY MR. URICK:

10          Q     Do you remember that telephone call?

11          A     Vaguely.

12          Q     What was it about?

13          A     I think it was asking if Ms. [REDACTED] was home.

14          MS. GUTIERREZ: I'm sorry, I didn't hear the

15 witness.

16          THE WITNESS: I believe it was asking if Ms.

17 [REDACTED] was home.

18          BY MR. URICK:

19          Q     Who is Ms. [REDACTED]?

20          A     C [REDACTED]. She is a mutual friend of me and

21 Jenn's.

22          Q     Do you remember where you were when that call

23 was made?

24          A     No, I do not.

25          Q     After you purchased the marijuana, and you

1 purchased it where again?

2 A In Forest Park.

3 Q Where did you go after that?

4 A We turned and I believe at this time he wanted  
5 to get back to track practice because he said he needed  
6 to be seen. This is when we started to talk a little  
7 bit. I don't know, he said to me it kind of hurt him but  
8 not really, and when someone treats him like that, they  
9 deserve to die. How can you treat somebody like that,  
10 that you are supposed to love? And then, all knowing is  
11 Allah.

12 Q Did he explain what he meant by that?

13 A No. And then his last statement was mother-  
14 fuckers think they are hard, I killed somebody with my  
15 bare hands. That's what he said to me. Then he got out  
16 of the car.

17 Q Did he describe the act at all?

18 A Yes. He said that he thought she was trying to  
19 say something to him like apologize or say she was sorry,  
20 and that she had kicked off the turn signal in the car,  
21 and he was worried about her scratching him on the face  
22 or something like that he was saying. But other than  
23 that, that was all of the actual act.

24 Q Did he say why he might be worried if he got  
25 scratched on the face?

1           A     Forensics.

2           Q     Do you know what sort of jobs the defendant  
3     had?

4           A     He was a medic, an EMT, Emergency Medical  
5     Technician.

6           Q     Now, when you were having this conversation,  
7     where were you?

8           A     We were traveling towards Woodlawn High School  
9     from Forest Park.

10          Q     And what if anything happened next?

11          A     I believe we stopped somewhere to buy a blunt.

12          Q     What is a blunt?

13          A     I'm sorry. It's a cigar that you empty and use  
14     for smoking marijuana.

15          Q     And what did you do at that point?

16          A     He didn't want to smoke with me, so he got out  
17     of the car and I left and went to Ms. [REDACTED]'s house.  
18     But before he left the car, he received a phone call or  
19     placed a phone call. It was in Arabic. I don't know who  
20     he was talking to. I don't know what it entailed. I  
21     believe it was his mother, I'm not sure.

22          Q     And when you say he got out of the car, where  
23     were you at that time?

24          A     I was in the passenger seat in front of  
25     Woodlawn High.



1 Q And what if anything did he say he was going to  
2 do?  
3 A Go to practice and give me a call when he was  
4 through.  
5 Q And what did you do at that point?  
6 A I left and I went to Ms. [REDACTED]'s house.  
7 Q And what if anything did you do after that?  
8 A I smoked marijuana and I just sat there  
9 debating what I should do basically.  
10 Q And what if anything happened next?  
11 A It was real short, maybe like half an hour, I  
12 received a phone call from him saying he was at school.  
13 I went there, I retrieved him, and then I came right back  
14 to Ms. [REDACTED]'s house.  
15 Q And who if anyone was with you?  
16 A Pardon me.  
17 Q Who if anyone was with you?  
18 A At Ms. [REDACTED]'s house?  
19 Q Yes.  
20 A Ms. [REDACTED] and her boyfriend at the time,  
21 Jeff.  
22 Q And where was the defendant?  
23 A He was with me but he laid down and like went  
24 to sleep on the floor as soon as we got there.  
25 Q And what if anything happened?

1           A     We smoked a little more. He received a phone  
2     call from Hae's parents asking if he knew where she was.  
3     He told them he didn't know where she was.  
4           Q     Did you hear his conversation?  
5           A     Yes.  
6           Q     What did he say?  
7           A     He just told them no, I haven't seen Hae, I  
8     don't know where she is, try her new boyfriend. Then  
9     Hae's cousin or someone had called back but it was the  
10    wrong number. They thought it was the new boyfriend's  
11    number and it was his cellphone number or something like  
12    that.  
13          Q     Did any other calls come in?  
14          A     Uh-huh. He received a phone call from a police  
15    officer who was asking about Hae. He was like I don't  
16    know where Hae is. Towards the end of the conversation  
17    with the cop, he was walking out though, so I didn't  
18    catch the end of the conversation with him.  
19          Q     When you say walking out, you mean walking out  
20    of what?  
21          A     The apartment, down the steps.  
22          Q     Where does Ms. [REDACTED] live?  
23          A     [REDACTED], off of [REDACTED] Avenue or, I'm  
24    sorry, in between [REDACTED] Avenue and [REDACTED].  
25          Q     And describe when you got inside the apartment,

1       where did everyone sit down?

2           A     In the living room.

3           Q     Describe the living room.

4           A     It's a very small living room, a television in

5       the center, a table off to the right. We rarely sit at

6       the dinner table. There are two chairs that sit on the

7       wall. There is one that sits off to the right and a bed

8       that sits off to the left.

9           Q     And where was everybody seated, if you recall?

10          A     Like around the television in a circle.

11          Q     And where was the defendant?

12          A     Back to my left laying down.

13          Q     By this time, had he smoked marijuana with you?

14          A     I think a small amount.

15          Q     And about how long did you stay at Ms.

16       [REDACTED] s?

17          A     Twenty, twenty-five minutes.

18          Q     Now, when you say he had the conversation with

19       the officer and he was on his way out, how did he come to

20       leave?

21          A     Pardon me.

22          Q     You said you didn't hear the last of the

23       conversation --

24          A     Right.

25          Q     -- because he went out the door. How did he

1       come to leave?

2           A     He was talking to the police officer and he was  
3       motioning I'm leaving.

4           Q     What happened outside the apartment?

5           A     He got outside the apartment and took his  
6       gloves off and threw them in the -- well, actually they  
7       were still in his pocket -- he threw them in the dumpster  
8       and told me we have to go, we have to go.

9           Q     What if anything did you say?

10          A     I didn't say anything. I got in the car.

11          Q     Why?

12          A     Fear at this point, the police were involved.

13          Q     After you got in the car, what if anything did  
14       the two of you do?

15          A     He started driving me home actually. We got to  
16       my house, we reached my porch, and then he stopped me and  
17       he was like you have got to help me get rid of Hae, and I  
18       looked at him like he was crazy. And he told me that he  
19       knew what I did, he knew how I did it, and --

20          Q     What did he mean by that?

21          A     I took it as an inference to my drug dealings.  
22       I was living in my grandmother's house and I didn't want  
23       to get her in trouble. He grabbed two shovels and put  
24       them in the back seat of his car. I got in his car with  
25       him.

1 Q Why?

2 A What would the cops say if I go to them and I  
3 tell them, hey, you know, me, Mr. Wilds, who you beat up  
4 in the last week, knows where a dead girl is in the back  
5 of a car, and I don't know why or who killed her, you  
6 know. No, that wouldn't work.

7 Q After you got in the car with him, what did the  
8 two of you do?

9 A We went to the 70 Park and Ride. He exited the  
10 vehicle and got in her vehicle. He instructed me to wait  
11 for him at the McDonald's on Security Boulevard next to  
12 our school. I went there and I waited for him. I was  
13 thinking that I could just drive away with his car right  
14 there, but then just as soon as I thought about that, he  
15 had pulled up and instructed me to follow him.

16 Q He had pulled up in whose car?

17 A Hae Min Lee's car. I followed him. We drove  
18 for a while, maybe like forty-five minutes, meandering --  
19 he didn't really seem like he knew where he was going --  
20 up through Dogwood Road and all back behind the Social  
21 Security and stuff like that until we got down to Leakin  
22 Park. Then he kind of slowed down and looked off to the  
23 left, and then he kept driving. Then he made a right and  
24 went up this hill to where some houses were, parked the  
25 car, and said that was good enough. Then he got in the

1 vehicle with me and instructed me to drive back down the  
2 hill.

3 Q Now, I would like you to look at line twelve.  
4 Have you had a chance to examine that line?

5 A Yes.

6 Q Do you recognize that number?

7 A Yes.

8 Q Whose number is that?

9 A That's Ms. [REDACTED]'s old pager number. .

10 Q And please look across and tell us the time of  
11 the call?

12 A Seven o'clock, seven and twenty-one seconds.

13 Q And the length of the call?

14 A Twenty-three seconds.

15 MR. URICK: With the court's permission, I'm  
16 going to write "[REDACTED] pager" on line twelve.

17 THE COURT: Any objection?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: You may do so. That is line  
20 twelve?

21 MR. URICK: Yes. (Indicating.)

22 BY MR. URICK:

23 Q Do you remember that page?

24 A Yes.

25 Q What were you doing?

1           A     I was sitting, waiting for Adnan to come back  
2 up the hill when I placed that page.

3           Q     Now, look at line thirteen there.

4           A     Yes.

5           Q     Do you recognize that number?

6           A     No.

7           Q     Okay. Why did you page Jenn [REDACTED]?

8           A     I was supposed to meet her at 7:00 and I was  
9 going to be late.

10          Q     And did there come a time when Adnan returned?

11          A     Yes, there did come a time when Adnan returned.

12          Q     What happens next?

13          A     Okay. It was out of sequence. When we parked  
14 the vehicles, we both went down to like a pulloff where  
15 he had slowed down before. We moved about fifty yards at  
16 the most back into the woods and he said stop, that's  
17 good enough, and started digging.

18          Q     How did you get down there, which car?

19          A     His vehicle.

20          Q     And when you pulled off, what if anything did  
21 you take into the woods with you?

22          A     Pardon me.

23          Q     When you pulled off and parked the vehicle,  
24 what if anything did you take back into the woods with  
25 you?



1           A     Shovels.

2           Q     About what time of night was this?

3           A     About 7:00 because, like I said, I had paged  
4     Jenn and while we were digging, she had called back, and  
5     he just told her he was busy now and hung up the phone.  
6     We dug for a little bit and he said that's good enough.  
7     We took the shovels --

8           Q     What was the light like?

9           A     It was pretty dark but the moon was out, and I  
10    remember there was little bits of snow on the ground. So  
11    you could see a little bit. It wasn't too bad. So we  
12    walked back through the woods back to his car. He opened  
13    the passenger side to put the shovels in. Then he like  
14    started getting dry heaves and stuff. He didn't say  
15    nothing. He just got back in the car. I drove back up  
16    the hill. I parked behind Hae's car. He asked me for  
17    like five to ten minutes, he was like I don't think I'm  
18    going to be able to get her out by myself, I think I need  
19    your help. I told him I wasn't doing it.

20          Q     Let me take you back for a moment. Did both of  
21    you dig?           .

22          A     Yes.

23          Q     Why did you dig?

24          A     I don't know, I guess I just thought he would  
25    go through with his threat. It was my grandmother's



1 house and I didn't want to get her in any kind of  
2 trouble. If it was my house, it would have been  
3 different.

4 Q Now, let me take you back to the point where  
5 the two cars are together again. What did the two of you  
6 do?

7 A Like I said, he asked me to help him. I  
8 wouldn't. I sat in his car. He drove her car down the  
9 hill and he was gone for a real long time. He came back  
10 up the hill, got back in his car and he said we have got  
11 to bury her. We drove down the hill. We parked back in  
12 the spot. We went back in the woods. She was laying  
13 kind of twisted face down. On the way back in the woods,  
14 I had seen a blue coat on the ground. I asked him whose  
15 it was, and he just picked it up and threw it back in the  
16 woods. Then he started to throw dirt on her head. I  
17 tried but the stuff started to get to me, so I sat down  
18 on a log that was real close and smoked a cigarette.

19 Q What was he doing?

20 A He was burying her.

21 Q Now, if you will look on the exhibit, lines ten  
22 and eleven, there are two incoming calls. While you were  
23 back there either digging the hole or burying the body,  
24 do you remember him receiving another phone call?

25 A Yes, but I don't know who it was.

1 Q What if any language did he use when he spoke?  
2 MS. GUTIERREZ: Objection.  
3 THE COURT: What if any kind of language was he  
4 using when he spoke?  
5 MR. URICK: Yes.  
6 THE COURT: Sustained.  
7 BY MR. URICK:  
8 Q Did he speak in English?  
9 A Parts.  
10 MS. GUTIERREZ: Objection.  
11 THE WITNESS: I'm sorry.  
12 THE COURT: Overruled.  
13 THE WITNESS: Parts.  
14 BY MR. URICK:  
15 Q And the other parts, did you know?  
16 A I assume it was Arabic. I mean, I'm not a  
17 linguist.  
18 Q You are sitting there smoking a cigarette.  
19 What happens next?  
20 A (No response.)  
21 Q What if anything happened next? While you are  
22 sitting there smoking a cigarette, what is going on?  
23 A He is putting dirt on her. He picks up the  
24 other shovel and says come on, let's go. He puts both  
25 the shovels back in the car. We drive back up the hill.

1 He asks me, do I want to drive Ms. Lee's car. I told him  
2 no. He gets back in Ms. Lee's car and he starts up, and  
3 the way we were going, I'm thinking he is looking for a  
4 strip.

5 Q What do you mean by a strip?

6 A A place to buy drugs. And he just drove around  
7 for a while, drove around for a while.

8 Q What direction did he drive or what roads, if  
9 you know?

10 A I know we traveled towards the city on Route 40  
11 and some of the back streets. We cut north and south, up  
12 and down roads. He pulled into like this alcove in the  
13 back of a whole lot of apartments. He parked the car and  
14 came back to his vehicle. At that time, I told him just  
15 flat out to take me home. He started driving me home.  
16 We went up 40.

17 Q Now, if you would at this point, look at line  
18 nine and also line eight?

19 A Yes.

20 Q Do you recognize that number?

21 A Yes.

22 Q And it's the same number on both lines?

23 A Yes.

24 Q Whose number is that?

25 A Ms. [REDACTED]'s pager number.

1 Q Please read it for the record.  
2 A [REDACTED]  
3 Q Now, when you say pager, is this a voice mail  
4 pager or a number punched in pager?  
5 A I believe that one also had voice mail.  
6 Q Okay. Now, on line nine, please look at the  
7 time.  
8 A 8:04 p.m.  
9 Q And the length of the call?  
10 A Thirty-two seconds.  
11 Q And the one above it, please read the time.  
12 A 8:05, and the length was thirteen seconds.  
13 MR. URICK: With the court's permission, at  
14 this time I'm going to write "[REDACTED] pager" on both  
15 lines eight and nine.  
16 THE COURT: Any objection?  
17 MS. GUTIERREZ: No, Your Honor.  
18 THE COURT: You may do so, line number eight  
19 and line number nine.  
20 MR. URICK: (Indicating.) Pardon me. I  
21 inadvertently started to write "residence". I had to  
22 black it out. I'm going to write "pager" above the  
23 blacked out section.  
24 BY MR. URICK:  
25 Q Do you remember those pages?

1           A     Yes, sir.

2           Q     Why were you paging Ms. [REDACTED]?

3           A     I wanted her to retrieve me from, I believe at  
4 first it was a mall, and then the second time it was my  
5 house.

6           Q     And do you remember where you were when you  
7 made those pages?

8           A     Going up 40 in Adnan's car.

9           Q     What if anything was he saying at this time?

10          A     He didn't say too much. He just said it kind  
11 of makes him feel better and then again it doesn't.

12          Q     What did he mean by that?

13          A     Killing Hae.

14          Q     As you are driving up Route 40, where did you  
15 go?

16          A     He stopped at Westview Mall. He drove around  
17 to the back of the mall towards the banking end. He was  
18 flipping through her wallet. I don't think he was really  
19 looking for money or anything like that.

20          Q     When you say "her wallet", what do you mean?

21          A     Hae's wallet.

22          Q     When had you first seen that?

23          A     That was the first time I had seen it.

24          Q     Where did he get it?

25          A     I believe he brought it back with the

1       possessions he brought out of her car at the parking lot.

2           Q     He is flipping through it. What if anything

3       does he do?

4           A     He just shows me her prom picture and just

5       pssst. That's all he says. He doesn't say anything, he

6       just goes pssst, and he chucks the rest of the stuff into

7       the trash can, into the dumpster.

8           Q     What if anything did you do next?

9           A     I told him to pull over out back of Value City.

10       I took both of my shovels. They were mine but I just

11       chucked them, threw them.

12          Q     What if anything did you do next?

13          A     I believe I told him to take me around to the

14       front of the mall. I think I might have paged Jenn from

15       there again but I can't quite remember. I believe he

16       took me home. I may have paged Jenn from the front of

17       the mall but I believe he took me home. I got to my

18       house and I was in my house for maybe five minutes. I

19       instantaneously changed all my clothes and put them all

20       in a bag.

21          Q     Why did you put them in a bag?

22          A     Just because I figured they would have dirt on

23       them or whatever, you know what I mean, from what I had

24       done.

25          Q     And what significance would dirt have had?

1           A     It would have tied me in. It could have placed  
2     me wherever. I didn't want to have anything to do with  
3     it.

4           Q     What if anything happened next?

5           A     My mother kept trying to talk to me. I was  
6     real agitated. I just left real quick. I got into  
7     Jenn's car and I told Jenn to drive back around to the  
8     shovels. I was getting real panicky like, paranoid. She  
9     drives back around to the shovels. I wipe both the  
10    shovels down with the sleeve of my coat. I take the coat  
11    that I wipe them down with and I put it in the bag.

12          Q     Why did you wipe down the shovels?

13          A     Fingerprints, or at least mine. And we both,  
14    we got back in the car and we drive to Super Fresh. We  
15    went to go buy a pack of blunts, Mexicale Slims. While  
16    she is in the store buying the blunts, I get out of the  
17    car, I go around back and I throw my clothes in the  
18    dumpster. We leave there and I believe we go to Ms.  
19    [REDACTED]'s house. We spend the rest of the evening there.  
20    That night when I had first got in the car, I told Jenn,  
21    just because of who I am and how people see me, that if  
22    anything happens to me, for her to be the one person,  
23    even if I'm in jail, to know that I didn't kill Hae Min  
24    Lee. That was the first thing I told her when I saw her  
25    that night.

1 Q What if anything else did you tell her?

2 A Nothing else. I didn't tell her anything like  
3 details or nothing like that. I just told her that. I  
4 don't think she really believed me at first. That was  
5 all that was spoke of it for the rest of the evening.

6 Q Now, you went back to Ms. [REDACTED]'s. What did  
7 you do after you left there?

8 A I went home and went to sleep.

9 Q Did there come a time when you visited your  
10 girlfriend that night?

11 A Yes.

12 MS. GUTIERREZ: Objection, leading.

13 THE COURT: Overruled.

14 THE WITNESS: There was. I believe it was  
15 right after Jenn had picked me up. I had taken her her  
16 birthday presents, but I didn't stay. It was her  
17 birthday but I was real rattled and shaken. I don't  
18 know, I just kind of gave her her stuff. I didn't even  
19 come up to the house. I stood on the curb, gave her her  
20 stuff and a hug, and I left.

21 BY MR. URICK:

22 Q About what time did you get home that night?

23 A Eleven something.

24 Q Now, after that night, did you ever speak to  
25 the defendant again?



1           A     Once.

2           Q     When did that occur?

3           A     Maybe once or twice. The first occasion was

4     about two days later. I had my girlfriend's car. I had

5     driven it to work. Mr. Syed had given her a lift to my

6     house and as she was getting out of the car, he said to

7     me, you know me and Stephanie are friends, you know we go

8     to school together, and he just smiled. I kind of took

9     that as if he could hurt her whenever he felt like it.

10    And I get back in the house and Stephanie had told me

11    that they had just come from College Park.

12               MS. GUTIERREZ: Objection.

13               THE COURT: Sustained as to what Stephanie told

14    him.

15               THE WITNESS: I'm sorry.

16               BY MR. URICK:

17           Q     Did you have any further contact with the

18    defendant after that?

19           A     I believe once more. He came into my store

20    where I worked.

21           Q     What type of store was that?

22           A     An adult video store.

23           Q     And what did you do there?

24           A     I was a clerk. I rented videos and handed out

25    quarters.

1 Q About how long did you work there?  
2 A About two months.  
3 Q Why did you work in a pornography store?  
4 A It was the graveyard shift, 11:00 to 7:00.  
5 Q Why did you work there?  
6 A That was the time I worked. I worked at F&M  
7 during the day, and it was the graveyard shift. I got  
8 there and got paid \$7.50 to sit behind the counter.  
9 Q He came to that store?  
10 A Yes.  
11 Q Do you remember about when this occurred?  
12 A No, all I remember is that he was in his EMT  
13 uniform and his partner was with him. All he asked me  
14 was what the cops asked me. That was it.  
15 Q Had the police spoken to you at that time?  
16 A No, they hadn't talked to me yet. He asked me  
17 if the cops asked me anything and that was it.  
18 Q Did you tell Stephanie anything?  
19 A No.  
20 Q Did you warn her?  
21 A Yes, that was one thing, she didn't question  
22 me. I just told her I didn't want her around him, I  
23 didn't want her to go anywhere with him, I didn't want  
24 her to be alone with him.  
25 Q Why?

1           A     Because he could harm her.  
2                 (Brief pause.)  
3                                 (State's Exhibit No. 35  
4                                 was marked for purposes  
5                                 of identification.)  
6           MR. URICK:  If I may approach the witness at  
7           this time, I'm going to show him what has been marked for  
8           identification as State's Exhibit 35.  
9                 THE COURT:  Yes, you may.  
10                BY MR. URICK:  
11           Q     Take a few moments and look at that, if you  
12           would, please, and examine each page.  
13           A     Okay.  
14                 THE COURT:  One moment.  
15                 (Brief pause.)  
16                 THE COURT:  You may continue.  
17                BY MR. URICK:  
18           Q     Have you had a chance to examine the exhibit?  
19           A     Yes.  
20           Q     Can you identify that exhibit?  
21           A     Yes.  
22           Q     What is that exhibit?  
23           A     It's the agreement I signed.  
24           Q     And that's the plea agreement you entered into  
25           when you pled guilty to accessory in this murder?

1           A     Yes.

2           Q     And what is your understanding of how your  
3 honesty affects this agreement?

4           A     Well, if I tell any kind of lie, it voids it  
5 and it's no good. It's a truth agreement, and that's  
6 about it, a cap. As long as I tell the truth, I can only  
7 get a certain amount of years.

8           MR. URICK: I would offer, as State's Exhibit  
9 35, the witness' plea agreement.

10          THE COURT: Any objection?

11          MS. GUTIERREZ: No..

12          THE COURT: Let it be admitted.

13                               (State's Exhibit No. 35,  
14                               previously marked for  
15                               identification, was  
16                               received in evidence.)

17          MR. URICK: May I have the court's indulgence  
18 for just a moment?

19          THE COURT: Yes, you may.

20                               (Brief pause.)

21          BY MR. URICK:

22          Q     If you would, please, look at that exhibit  
23 again. Do you see line seventeen?

24          A     Yes.

25          Q     Do you recognize that number?

1           A     No.

2           Q     The times that you and the defendant were  
3     riding around together, where was the cellphone?

4           A     In his possession.

5           Q     Now, did you kill Hae Min Lee?

6           A     No, I did not.

7           Q     Were you present when Hae Min Lee was killed?

8           A     No, I was not.

9           Q     Why didn't you just at anytime during the  
10    course of the evening just drive or walk away?

11          A     Fear, shock, those are my only two reasons.  
12    Well, ignorance.

13               MR. URICK: Witness with the defense.

14               THE COURT: Witness with you, Ms. Gutierrez.

15               MS. GUTIERREZ: Thank you, Your Honor.

16                       CROSS-EXAMINATION

17               BY MS. GUTIERREZ:

18          Q     First of all, Mr. Wilds, let's speak about this  
19    plea agreement. I'm sorry, I thought you had it. Can I  
20    have it, please. Thank you. State's Exhibit 35, which  
21    is in evidence, you have reviewed that before today, have  
22    you not?

23          A     Yes, ma'am.

24          Q     It's your signature that appears on each and  
25    every page, does it not?

1 A Yes, ma'am.

2 Q It's typewritten, is it not?

3 A Yes, ma'am.

4 Q And on the last page, your lawyer's signature  
5 appears, does it not?

6 A Yes, ma'am.

7 Q Your signature appears?

8 A Yes, ma'am.

9 Q And Mr. Urick's signature appears; isn't that  
10 correct?

11 A Yes, ma'am.

12 Q And all three of those signatures are dated  
13 9/7/99, correct?

14 A Yes, ma'am.

15 Q Now, one of the things that you were asked and  
16 you answered this morning was about being in jail. Do  
17 you remember that?

18 A No, ma'am, I do not.

19 Q You haven't been in jail on this offense, have  
20 you?

21 A No, ma'am, I have not.

22 Q Not before the 7th of September, 1999, right?

23 A No, ma'am.

24 Q And not after?

25 A No, ma'am.

1 Q And you are not in jail now, are you?  
2 A No, ma'am.  
3 Q And you really don't expect to be in jail, do  
4 you?  
5 A I cannot foresee that. I don't know what's  
6 going to happen.  
7 Q State's Exhibit 35 is titled "Agreement"; is it  
8 not?  
9 A Yes, ma'am.  
10 Q And in that agreement, you agreed to plead  
11 guilty to the crime of an accessory after the fact,  
12 correct?  
13 A Yes, ma'am.  
14 Q To the murder of Hae Min Lee, correct?  
15 A Yes, ma'am.  
16 Q In this agreement, every page of which you  
17 initialed, there is not a single word concerning the  
18 facts of the crime that you agree to enter a guilty plea  
19 on, correct?  
20 A Yes, ma'am.  
21 Q Not a single word about the facts, correct?  
22 A Pardon me.  
23 Q Not a single word about the facts.  
24 A Of the case?  
25 Q Of the case.

1           A     Yes, ma'am.

2           Q     There is not a single word in here, right?

3           A     (No response.)

4           Q     Right?

5           A     I have answered that question, yes, ma'am.

6           Q     So that's a yes?

7           A     Yes, ma'am.

8           Q     And there is not a single word about what it is

9     you are accused of doing, correct?

10          A     Oh, no, there is a word of that.

11          Q     And where is that? Would you look at that and

12     show me where a single word of facts concerning what you

13     are accused of doing appears, sir? Is it on page one?

14          A     Oh, I'm sorry.

15               MR. URICK: The State would ask that unless Ms.

16     Gutierrez is showing the witness an exhibit that she not

17     hover over him.

18               THE COURT: I have no objection, Ms. Gutierrez,

19     if you stand next to the witness. I have no problem with

20     that.

21               MS. GUTIERREZ: Thank you.

22               THE COURT: But I would ask that you lower your

23     voice because I think that we all can hear you.

24               MS. GUTIERREZ: Thank you, Judge.

25               THE COURT: You may proceed.



1 BY MS. GUTIERREZ:  
2 Q It's not on page one, is it?  
3 A No, ma'am.  
4 Q And it's not anywhere on page two, is it?  
5 A No, ma'am.  
6 Q And it's not anywhere on page three, is it?  
7 A The facts?  
8 Q The facts.  
9 A No, ma'am.  
10 Q Anywhere, the facts?  
11 A (No response.)  
12 Q Anywhere, the facts?  
13 A No, ma'am.  
14 Q And it's not anywhere on page four either, is  
15 it?  
16 A No, ma'am.  
17 Q The day after you signed this agreement, you  
18 appeared before a judge, did you not?  
19 A Yes, ma'am.  
20 MR. URICK: Objection.  
21 BY MS. GUTIERREZ:  
22 Q And Mr. Urick was there, was he not?  
23 THE COURT: Overruled as to this question.  
24 BY MS. GUTIERREZ:  
25 Q Mr. Urick was there, was he not?

1           A     Yes, ma'am.

2           Q     And your lawyer was there, was she not?

3           A     Yes, ma'am.

4           Q     And you raised your hand much like you raised

5     today to a court reporter and swore to tell the truth?

6           A     No, ma'am, I did not.

7           Q     You did not?

8           A     No, ma'am.

9           THE COURT: One moment. One moment, Ms. .

10     Gutierrez. I'm going to ask the jury -- if we could just

11     stop for just one second, Ms. Gutierrez.

12           MS. GUTIERREZ: Sure.

13           THE COURT: And I'm going to ask, please be

14     advised -- the lady who is in the hat, you may come back

15     and have a seat. Come back and have a seat. What is

16     occurring right now is that there are a number of people

17     that would like to observe this trial. I have absolutely

18     no objection to individuals coming in. However, if you

19     have been here for more than an hour and you are not a

20     family member, I'm going to ask that you go outside and

21     have a seat for an hour so that other individuals in the

22     hall that would like to come in may do so.

23           When I say family member, I mean either that

24     you are a family member of the defense or a family member

25     of the victim, and you may remain. If you are a

1       spectator, I'm just asking that you go out in the hallway  
2       for an hour to allow individuals in the hallway who would  
3       like to come in to sit for an hour, and then you will be  
4       permitted to come back in. I'm not going to play time  
5       keeper. I'm just going to ask that if you have been here  
6       -- the lady in the hat just walked in a little while ago  
7       which is why I asked her to have a seat. But if you have  
8       been here for more than an hour, I'm going to ask you to  
9       do that. I'm doing this in a friendly way. I'm not  
10      going to ask my staff to keep time.

11                Ms. Gutierrez, you may continue with your  
12      questioning.

13                MS. GUTIERREZ: Thank you, Your Honor.

14                BY MS. GUTIERREZ:

15                Q     Mr. Wilds, I was asking you that on September  
16      the 8th, the very day after you signed this agreement in  
17      the presence of your lawyer and Mr. Urick, you appeared  
18      before a judge, did you not?

19                A     Yes, ma'am.

20                Q     And you appeared in a courtroom much like  
21      today, did you not?

22                A     Yes, ma'am.

23                Q     And you were sworn in and took an oath to tell  
24      the truth, did you not?

25                A     No, ma'am.

1 Q Your recollection is that when you appeared in  
2 front of that judge you didn't have to take an oath?  
3 A No, he just told me that I --  
4 MR. URICK: Objection.  
5 THE WITNESS: I'm sorry.  
6 THE COURT: Sustained as to the question as to  
7 whether he took an oath.  
8 BY MS. GUTIERREZ:  
9 Q Did you swear to tell the truth?  
10 A Pardon me.  
11 Q Do you understand what the truth is, sir?  
12 A In which --  
13 Q I'm only asking about September 8th, the day  
14 after you signed this agreement.  
15 A No, ma'am, I was not asked to swear to tell the  
16 truth.  
17 Q You were not asked to swear to tell the truth.  
18 Today you remember being asked to tell the truth?  
19 A Yes, ma'am.  
20 Q And you know what an oath is?  
21 A Yes, ma'am.  
22 Q And you would have us believe that you know  
23 what the truth is, would you not?  
24 MR. URICK: Objection.  
25 THE COURT: Sustained.

1 BY MS. GUTIERREZ:  
2 Q Now, Mr. Wilds, this is your lawyer?  
3 A Pardon me.  
4 Q This is your lawyer?  
5 A Yes, ma'am.  
6 MR. URICK: Objection.  
7 THE COURT: Overruled.  
8 BY MS. GUTIERREZ:  
9 Q Okay. And that was the same lawyer that  
10 appeared with you at that earlier occasion, correct?  
11 A Yes, ma'am.  
12 Q And you remember the day after when you  
13 appeared in front of the Judge? It was in this very  
14 building, was it not?  
15 A I don't remember whether it was east or west  
16 but, yes, here.  
17 Q And you are familiar with the east and west  
18 buildings, are you not?  
19 A Yes.  
20 MR. URICK: Objection.  
21 THE COURT: Overruled.  
22 BY MS. GUTIERREZ:  
23 Q Okay. And on the day after you signed this  
24 that you appeared in front of the judge, you were asked a  
25 lot of questions, were you not?

1           A     No, ma'am.

2           Q     You don't recall answering questions posed to  
3     you directly by the judge?

4           A     Not a lot.

5           Q     Not a lot?

6           A     No, ma'am.

7                 MR. URICK:  Objection.

8                 THE COURT:  Overruled.

9                 BY MS. GUTIERREZ:

10          Q     Whatever ones he asked you, you answered, did  
11     you not?

12          A     Yes, ma'am.

13          Q     And your lawyer was right next to you, was she  
14     not?

15          A     Yes, ma'am.

16          Q     And you could have consulted with her at any  
17     moment, could you have not?

18          A     Yes, ma'am.

19          Q     But you did not?

20          A     No, ma'am.

21          Q     You had some questions of the judge, however,  
22     did you not?

23          A     Yes, ma'am.

24          Q     And he answered your questions, did he not?

25          A     Yes, ma'am.

1           Q     But once again, just like the day before, there  
2     was not a single word spoken by anyone regarding the  
3     facts of your involvement in the crime which you were  
4     asked about by the judge that day, correct?

5           A     Could you rephrase your question, please?

6           Q     Well, you know what I'm talking about when I am  
7     saying facts about your involvement?

8           A     Yes.

9           Q     Is that right?

10          A     Yes.

11          Q     You understand because it has been explained to  
12     you what an accessory after the fact is; has it not?

13          A     Yes.

14          Q     You understand that if you did nothing that  
15     there would be no crime, correct?

16          A     Yes, ma'am.

17          Q     But that your agreement to plead guilty is  
18     premised on the facts of --

19                 MR. URICK: Objection.

20                 THE COURT: Sustained. One moment. I'm going  
21     to ask that we take a brief recess. First, I note that  
22     it is 3:30. I'm going to give the jurors a chance to  
23     stretch their legs. Two, I'm going to ask counsel to  
24     remain and ask the witness to remain where they are.

25                 Ladies and gentlemen, I'm interrupting Ms.

1 Gutierrez only because I suspect she is going to go on  
2 for a little while; are you not?

3 MS. GUTIERREZ: Yes.

4 THE COURT: And before she starts getting into  
5 anything other than the plea agreement, I would like to  
6 have a chance to have you be prepared to sit for at least  
7 the next hour to hour and a half because we are going to  
8 go til 5:00 today. I think that was our agreement.

9 Ladies and gentlemen, do not discuss the  
10 testimony that you have heard so far. Leave the notepads  
11 face down.

12 Counsel, are you going to need them to refer to  
13 the handouts that they have?

14 MS. GUTIERREZ: No, Judge.

15 THE COURT: All right. You can pass the  
16 handouts up to Mr. [REDACTED] and if you need it back --

17 MS. GUTIERREZ: Well, actually, Judge, that's  
18 untrue, I will later.

19 THE COURT: All right.

20 MS. GUTIERREZ: I'm not sure I can get to it  
21 today, but I think I will.

22 THE COURT: All right. You can still pass it  
23 up for right now. When you need it, we will have it  
24 passed back to you. Ladies and gentlemen, please be  
25 advised that, as I said, you are not to discuss the



1 testimony with anyone, not amongst yourselves or with  
2 anyone else.

3 Also, we will attempt to get the adjustment  
4 made to the heater to try to cool it off in here a little  
5 bit, and perhaps set up a fan. I take it you all are as  
6 warm as I am.

7 THE JURY: Yes.

8 THE COURT: All right. Very well. We will do  
9 that. If you will go with Ms. [REDACTED], she will walk you  
10 around to the jury room at this time.

11 (The jury was excused from the courtroom.)  
12 (Brief pause.)

13 THE COURT: Counsel, Mr. Wilds' attorney, I'm  
14 going to ask that you step out in the hallway at this  
15 time. You are on the witness stand. You cannot discuss  
16 your testimony with anyone. However, if at any time you  
17 need to talk to your attorney about your testimony, you  
18 are free to do that. I'm going to advise you at this  
19 time, however, do not --

20 MS. GUTIERREZ: Judge, I will object to that.  
21 I believe that that --

22 THE COURT: Do not discuss -- do you understand  
23 that he is on the witness stand?

24 MS. BENAROYA: Yes, ma'am, I understand what is  
25 going on.

1 THE COURT: Okay. And if he is going to ask to  
2 speak to his lawyer, he must do so while he is on the  
3 witness stand or at some time when I can say he can.  
4 MS. BENAROYA: I understand.  
5 THE COURT: I see you are whispering to him. I  
6 need to advise you not to discuss the testimony, his  
7 testimony or anything you are doing with him. However,  
8 Mr. Wilds, if you want to talk to her, you need to first  
9 get permission from me. Do you understand?  
10 THE WITNESS: Yes, Your Honor.  
11 MS. BENAROYA: He had asked me for a cigarette,  
12 Your Honor.  
13 THE COURT: Okay. All right. You can ask her  
14 for a cigarette, but you can't smoke a cigarette in this  
15 building.  
16 THE WITNESS: I understand.  
17 THE COURT: Okay. But you can go out in the  
18 hallway and if she is sitting next to you, that's fine,  
19 but if you want to talk to her about your rights or this  
20 case, you must first ask me because I need to be advised  
21 that you are doing that.  
22 Do you understand?  
23 THE WITNESS: Yes, ma'am.  
24 THE COURT: Very well. You may go out in the  
25 hallway.

1 MS. BENAROYA: Thank you, Your Honor.  
2 THE COURT: Now, Ms. Gutierrez.  
3 MS. GUTIERREZ: That's all.  
4 THE COURT: No, no, no, your clerks may remain  
5 in the courtroom.  
6 MS. GUTIERREZ: Yes.  
7 THE COURT: I need you to tell me who they are.  
8 So far, the only one I know who has been identified is  
9 the gentleman in the blue shirt.  
10 MS. GUTIERREZ: That's Mr. [REDACTED]. He's a third  
11 year law student. He is my law clerk.  
12 THE COURT: I know.  
13 MS. GUTIERREZ: And the woman that was sitting  
14 next to him, who I believe is now outside to the  
15 restroom, is Kaliopé [REDACTED], and she is also a third  
16 year law student.  
17 THE COURT: Okay. She may remain.  
18 MS. GUTIERREZ: And I have asked them both,  
19 because they have worked on the chart, to assist me.  
20 THE COURT: That's fine. But as I said, the  
21 only one I knew about was the gentleman in the blue  
22 shirt.  
23 MS. GUTIERREZ: And I did clear that with the  
24 guard, not this gentleman, but the previous guard, to  
25 make sure that that was --

1 THE COURT: That's fine. And does the State  
2 have any individuals such as law clerks who might need to  
3 remain?

4 MS. MURPHY: No, Your Honor.

5 THE COURT: Okay. There was a gentleman who  
6 was here for sometime.

7 MS. MURPHY: He is just an interested party.  
8 Your Honor.

9 THE COURT: Okay. Very well. Now, with regard  
10 to my concern, I have no problem with spectators. This  
11 is my courtroom. There is plenty of room for the  
12 victim's family, the defendant's family and other  
13 spectators to observe this case. But I need to advise  
14 the spectators that if you have been here for more than  
15 an hour and you are asked to step out in the hall, it is  
16 because there is a family member that wishes to come in  
17 and observe the trial. So I will ask, if you are a  
18 spectator, that you do that. Then at sometime that I am  
19 advised that there is a bigger courtroom available, then  
20 we will move to a bigger courtroom. But until that  
21 occurs, we will continue here.

22 I also ask that if you have a coat or a jacket  
23 on, that you hang that up because it's very warm in here,  
24 and it also would make room for others to sit down. If  
25 you have bundles, you can put them under you. There is

1 space. And I'm going to set up some fans during the  
2 break so it can cool us off a little bit and maybe crack  
3 the windows. Then I'll bring the jury back. And I want  
4 everyone to know, we will try to make this as comfortable  
5 for everyone as possible.

6 I also advise you, those of you who are  
7 spectators, please do not make it necessary for me to  
8 tell a spectator, a non-family member, to leave for an  
9 hour because I will do that if there is a family member  
10 in the hallway that would like to observe this trial.  
11 Again, if you leave, it doesn't mean you are leaving  
12 forever. It just means that for an hour or so, you will  
13 sit in the hall. Then after an hour, you will be able to  
14 come back in.

15 All right. I'm not going to go into any more  
16 detail as to what I mean, I think everyone in this  
17 courtroom understands exactly what I mean. We are all  
18 adults. We are all mature adults. I would ask that you  
19 honor my request. If I'm able to locate a larger  
20 courtroom, I will do so.

21 Now, at this moment, this court stands in  
22 recess for the next ten minutes.

23 MS. GUTIERREZ: Ten minutes?

24 THE COURT: Yes.

25 THE CLERK: All rise. This court stands in

1 recess for ten minutes.

2 (Brief recess.)

3 -o0o-

4 (Jury present upon reconvening.)

5 THE CLERK: All rise. This court now resumes  
6 in session.

7 THE COURT: Please be seated. Counsel, ladies  
8 and gentlemen, I did just speak to the Judge-In-Charge of  
9 Criminal. There is not another courtroom available for  
10 me. All the judges are working, and there are no  
11 courtrooms. The one that is available will not hold a  
12 panel of this size. So, therefore, we are going to be  
13 here.

14 I'm going to ask once again that the witnesses  
15 and spectators please mind the court's -- I'll say this  
16 again -- mind the court's order that if you are in the  
17 courtroom and you are not a relative of the victim or the  
18 defendant, that you stay for an hour and then leave and  
19 give someone in the hallway who may be a family member  
20 the opportunity to come in and watch this case. If you  
21 are asked by the sheriff to step out in the hallway and  
22 you refuse, I will recess and you could find yourself in  
23 contempt of this court's order because I have asked  
24 nicely for you to cooperate.

25 I will also tell you that the exception to this

1 rule would be staff of Ms. Gutierrez and staff of Mr.  
2 Urick and Ms. Murphy, and, in this case, the attorney for  
3 Mr. Wilds. Okay. You may remain. Other than that and  
4 the family, as I have indicated, those spectators at this  
5 point that have not been in this courtroom for an hour  
6 are welcome to remain.

7 MR. URICK: May counsel approach?

8 THE COURT: Yes.

9 MS. BENAROYA: That would include me, Your  
10 Honor, because this concerns a matter that involves me.

11 MS. GUTIERREZ: Judge, I would object to that.  
12 May we approach as counsel first?

13 THE COURT: Yes. Well, first of all, I'm going  
14 to ask counsel to approach that are in this case. The  
15 other attorney that is present, you may have a seat, and  
16 I'll see whether or not you are needed at the bench.

17 (Counsel and the defendant approached the bench  
18 and the following ensued:)

19 THE COURT: Okay. Please tell me what the  
20 problem or issue is. Do you know what the problem or  
21 issue is?

22 MR. URICK: Ms. Benaroya informed us that Ms.  
23 Gutierrez has issued a subpoena for her, and since there  
24 is a sequestration motion, she would have to stay out of  
25 the courtroom, but she is the attorney for Mr. Wilds. So

1 I wanted to bring that to the court's attention. She  
2 might want to make a motion to quash.

3 THE COURT: Okay. And the purpose of the  
4 service of the subpoena for the defense?

5 MS. GUTIERREZ: She may or may not become a  
6 witness, but if she becomes a witness, it would not  
7 involve anything regarding --

8 THE COURT: Anything her client is --

9 MS. GUTIERREZ: Right. It would involve other  
10 things that are not privileged certainly regarding her  
11 client but would not concern, that would not be a  
12 violation of the sequestration order in regard to what,  
13 if anything, she would be asked, if she were called as a  
14 witness subsequent to his testifying.

15 THE COURT: So you are saying that you have no  
16 objection to her remaining in the courtroom --

17 MS. GUTIERREZ: No, I don't.

18 THE COURT: -- during the course of Mr. Wilds'  
19 testimony.

20 MS. GUTIERREZ: Correct.

21 THE COURT: Okay. Is there any other problem?

22 MS. MURPHY: Your Honor, there are two non-  
23 family members who the State feels need to be present in  
24 the courtroom.

25 THE COURT: Okay.



1 MS. MURPHY: One is Doctor Kim. He is  
2 providing interpretation for the family members who do  
3 not speak English.  
4 THE COURT: Okay.  
5 MS. MURPHY: The other is Detonya [REDACTED]. She  
6 is a representative from the Bereavement Center of the  
7 State's Attorney's Office.  
8 THE COURT: Okay.  
9 MS. MURPHY: Both are here with the victim's  
10 family but they are not immediate family members, and I  
11 would ask that they be allowed to stay in the courtroom.  
12 THE COURT: Okay.  
13 MS. GUTIERREZ: Well, Judge, I will note that  
14 two or three of the benches only have three people on  
15 them, and three of the other benches have four people on  
16 them, so that we should be able to accommodate two extra  
17 people without any difficulty.  
18 THE COURT: Okay.  
19 MS. MURPHY: They are all seated. They are all  
20 here.  
21 THE COURT: All witnesses are now seated?  
22 MS. MURPHY: No, the victim's family members  
23 and the two people that I just mentioned.  
24 MS. GUTIERREZ: Oh, those two people are  
25 already seated?

1 MS. MURPHY: Yes.  
2 MS. GUTIERREZ: Oh, okay.  
3 THE COURT: Okay.  
4 MS. MURPHY: But I just ask that they not be  
5 subject to the one hour rule.  
6 THE COURT: How am I supposed to know who they  
7 are? By the way, I'll be doing the trial. So do you  
8 want to tell the sheriff or my law clerk who they are.  
9 MS. MURPHY: Sure.  
10 THE COURT: So that I would know who they are.  
11 MS. MURPHY: That's fine, Your Honor.  
12 THE COURT: Can you tell me what they have on?  
13 Can you identify them in some way?  
14 MS. MURPHY: Doctor Kim is wearing a gray suit.  
15 He is seated with the family of the victim.  
16 THE COURT: Okay.  
17 MS. MURPHY: And Detonya [REDACTED] is to the right  
18 of the victim's brother.  
19 THE COURT: Okay.  
20 MS. MURPHY: And she has an --  
21 THE COURT: Yes, I know who she is. I know who  
22 she is. Okay.  
23 SHERIFF: Who are you saying?  
24 THE COURT: The black woman in the back row,  
25 she can remain.

1                   SHERIFF: Okay.

2                   THE COURT: And the gentleman in the blue shirt

3                   in the middle, the older, Korean I guess, gentleman.

4                   MS. MURPHY: Yes.

5                   MS. GUTIERREZ: In the gray suit.

6                   THE COURT: Sitting with the mother and I guess

7                   the father of the victim.

8                   SHERIFF: Okay.

9                   THE COURT: He can remain.

10                  SHERIFF: Okay.

11                  MS. MURPHY: Everyone else in that row is part

12                  of the victim's family.

13                  THE COURT: Okay. Why don't we do it the other

14                  way around. Who in this courtroom is not either a family

15                  member of the defendant or a family member of the victim,

16                  and if you could just turn around and look around and

17                  tell me who is not.

18                  MS. MURPHY: Mr. Y [REDACTED], his mother, and the

19                  victim's grandfather are all seated in the back row.

20                  THE COURT: That's not what I asked you, Ms.

21                  Murphy.

22                  MS. MURPHY: Aside from them --

23                  THE COURT: I'm asking you who in this

24                  courtroom do you see that is not?

25                  MS. MURPHY: Your Honor, aside from those

1 people and the two people I have identified, I don't know  
2 who the rest of them are.

3 THE COURT: Okay. Those are the people that  
4 you now.

5 MS. MURPHY: Right.

6 THE COURT: Okay.

7 MS. MURPHY: There are five people that are  
8 associated with the family of the victim.

9 THE COURT: Okay. Very well. What about to my  
10 left on the front row behind Ms. Gutierrez' staff?

11 MS. MURPHY: I believe they are not with the  
12 victim's family.

13 THE COURT: Ms. Gutierrez, do you know?

14 MS. GUTIERREZ: I don't know who they are  
15 except for the young white gentleman who drew my  
16 attention at the break. He is a pre-law student from  
17 Hopkins who is fulfilling a requirement to observe court  
18 proceedings and he is covering this trial.

19 THE COURT: Well, there are a whole lot of  
20 other court proceedings in this building. That's why I  
21 can't get this trial moved to another courtroom.

22 MS. GUTIERREZ: In any event, he was directed  
23 here by his law professor, Stephen [REDACTED], who is the  
24 Public Defender. I don't personally know him but I asked  
25 him who he was because I didn't.

1 THE COURT: Mr. Syed, on the front row to the  
2 left, are they friends of yours?  
3 MS. GUTIERREZ: Do you know who they are?  
4 THE DEFENDANT: Yes.  
5 THE COURT: They are?  
6 THE DEFENDANT: Yes.  
7 MS. GUTIERREZ: Do you know who they are?  
8 THE DEFENDANT: Yes.  
9 THE COURT: Okay.  
10 MS. GUTIERREZ: Are they members of the mosque?  
11 THE DEFENDANT: Yes.  
12 MS. GUTIERREZ: Yes.  
13 THE COURT: Are they your immediate family  
14 members?  
15 THE DEFENDANT: No.  
16 MS. GUTIERREZ: No.  
17 THE COURT: Okay. Very well.  
18 MS. GUTIERREZ: And on the other row, there are  
19 five young gentlemen, and in the corner.  
20 THE COURT: Yes, okay.  
21 MS. GUTIERREZ: One gentleman is his brother.  
22 He has been here.  
23 THE COURT: There is an easy way to resolve  
24 that. The three gentlemen on that row can be moved in  
25 and out.

1 MS. GUTIERREZ: Okay.

2 THE COURT: Ms. [REDACTED], will you come up here  
3 for just one moment.

4 MS. GUTIERREZ: So do we have any others who  
5 are outside?

6 MS. MURPHY: We do.

7 MS. GUTIERREZ: Oh, we have other people  
8 outside?

9 MS. MURPHY: Yes.

10 MS. GUTIERREZ: Who are family members?

11 MS. MURPHY: No, I don't believe so, not yet,  
12 but my concern is that we don't.

13 THE COURT: Ms. [REDACTED], if you would step up.

14 MS. [REDACTED]: Yes, Your Honor.

15 THE COURT: Ms. [REDACTED], do you know how many  
16 people are in the hallway at this time?

17 MS. [REDACTED]: I think there are about three.

18 THE COURT: Three?

19 MS. [REDACTED]: Yes.

20 THE COURT: Okay. On the row closest to you by  
21 the door are non-family members, non-members of either  
22 the defendant or the victim's family, and they have been  
23 in the courtroom.

24 MS. [REDACTED]: Yes.

25 THE COURT: You can ask them to step out in the

1 hallway for an hour. Then the other three people who are  
2 in the hallway that have not been in, they can come in  
3 then.

4 MS. [REDACTED]: Well, I think the three people  
5 in the hallway have been in before.

6 THE COURT: Oh, all right.

7 MS. MURPHY: Yes.

8 THE COURT: Okay. Well, in the event that  
9 anyone leaves, we want to keep moving them.

10 MS. [REDACTED]: Okay.

11 THE COURT: Okay. Are we set?

12 MS. MURPHY: That's fine.

13 MS. GUTIERREZ: Yes, Judge.

14 THE COURT: Thank you.

15 (Counsel and the defendant returned to the  
16 trial tables and the following ensued:)

17 THE COURT: Counsel, you are permitted to  
18 remain. Now we are going to proceed. I think it has  
19 cooled off a little bit in here. We have made some  
20 arrangements and the Administrative Office is now looking  
21 for a bigger courtroom for us. Until they find one,  
22 let's proceed.

23 MS. GUTIERREZ: Judge, we need a witness.

24 THE COURT: Oh, that would be a good idea,  
25 wouldn't it?



1 MS. GUTIERREZ: I might do better without one.

2 THE COURT: All right. You may take the stand,  
3 sir. Mr. Wilds, I'm going to remind you that you are  
4 still under oath. If at anytime during the course of  
5 your testimony you would like to stop and speak to your  
6 attorney, feel free to let me know that and you will be  
7 able to do that.

8 Please have a seat, sir. I would like you to  
9 state your name one more time for the record.

10 THE WITNESS: Jay W. Wilds. I'm sorry.

11 THE COURT: And, Ms. Gutierrez, the mike is now  
12 in front of you.

13 MS. GUTIERREZ: Yes.

14 THE COURT: If you would project. Before I  
15 asked you not to speak up, but now I'm going to ask you  
16 to speak up so that it will reach the mike.

17 MS. GUTIERREZ: I'll do my best, Judge.

18 THE COURT: One moment. Mr. Wilds, state your  
19 name again?

20 THE WITNESS: Jay W. Wilds.

21 THE COURT: Very well.

22 CROSS-EXAMINATION (Continuing)

23 BY MS. GUTIERREZ:

24 Q Mr. Wilds, before we broke, we were talking  
25 about this plea agreement. Do you recall that?



1           A     Yes, ma'am.

2           Q     And after you identified, after Mr. Urick's  
3 question, he asked you about the time, and he used the  
4 words "when you pled guilty". Do you recall that?

5           A     Yes, ma'am.

6           Q     Okay. And you answered because you did recall  
7 that, correct?

8           A     Yes, ma'am.

9           Q     And the time that you were referring to when  
10 you pled guilty was the same occasion the day after you  
11 signed this plea agreement that you appeared before the  
12 judge?

13          A     Yes, ma'am.

14          Q     Together with your lawyer?

15          A     Yes, ma'am.

16          Q     And together with Mr. Urick; is that correct?

17          A     Yes, ma'am.

18          Q     And that's the occasion that you don't recall  
19 that you took an oath, correct?

20          A     Yes, ma'am.

21          Q     But you do recall that the judge asked you, in  
22 your words, some questions; is that correct?

23          A     Yes, ma'am.

24          Q     And that there was nothing ever asked or said  
25 about the facts concerning your involvement in any crime?

1           A     I'm sorry.

2           Q     Do you recall that occasion?

3           THE COURT: Do you not understand the question?

4           THE WITNESS: I do not.

5           THE COURT: If you do not understand the

6 question, say I do not understand the question. All

7 right?

8           THE WITNESS: Yes, ma'am.

9           THE COURT: Very well.

10          BY MS. GUTIERREZ:

11          Q     You understand what I mean when I use the term

12 facts, do you not?

13          A     Yes, ma'am.

14          Q     And you understand what I mean when I use the

15 term "your involvement", do you not?

16          A     Yes, ma'am.

17          Q     And this plea agreement, which you signed in

18 the presence of your lawyer, calls for you to admit your

19 involvement in a crime, does it not?

20          A     Yes, ma'am.

21          Q     And that crime that you have agreed to an

22 involvement in is an accessory after the fact to the

23 murder of Hae Min Lee; is it not?

24          A     Correct.

25          Q     And you understood that when you signed this,

1 did you not?

2 A Yes, ma'am.

3 Q Your lawyer fully explained it to you, did she  
4 not?

5 A Yes, ma'am.

6 Q But on the following day when you appeared in  
7 front of the judge on this very matter, there was no  
8 mention of any of the facts that concerned your  
9 involvement to the crime of accessory after the fact to  
10 the murder of Hae Min Lee, was there?

11 A No, ma'am.

12 Q Mr. Urick didn't get up and describe what your  
13 involvement was, did he?

14 A No, ma'am.

15 Q And what you did on that day was not a guilty  
16 plea, was it?

17 MR. URICK: Objection.

18 THE COURT: Sustained.

19 BY MS. GUTIERREZ:

20 Q Well, Mr. Wilds, your lawyer explained that to  
21 enter the guilty plea, the judge had to ask you questions  
22 under oath, did she not?

23 MR. URICK: Objection.

24 THE COURT: Sustained.

25 BY MS. GUTIERREZ:

1           Q     Well, Mr. Wilds, you are aware that the  
2     proceeding the following day didn't mean that you pled  
3     guilty?

4           MR. URICK:  Objection.

5           THE COURT:  Sustained.

6           MS. GUTIERREZ:  May we approach the bench?

7           THE COURT:  Yes, you may approach the bench.

8           (Counsel and the defendant approached the bench  
9     and the following ensued:)

10          MS. GUTIERREZ:  Judge, I maintain that where  
11     these questions go is to establish that, in fact, this  
12     witness has not entered --

13          THE COURT:  You need to keep your voice down.

14          MS. GUTIERREZ:  Oh, I'm sorry.  This witness  
15     has not entered a guilty plea.

16          THE COURT:  I understand.  The problem I'm  
17     having with your question is, you are asking this witness  
18     for a legal term of art.  You and I know what a guilty  
19     plea is.

20          MS. GUTIERREZ:  Except that he answered the  
21     question.  Mr. Urick asked him that question, when you  
22     pled guilty.  I'm asking him a question in the exact same  
23     phraseology.

24          THE COURT:  Please keep your voice down.

25          MS. GUTIERREZ:  He answered that question.  He

1       understood it when Mr. Urick asked him. I'm asking him  
2       for his understanding of it.

3               THE COURT: One moment. One moment. Ms.  
4       Murphy, are you going to be talking or is Mr. Urick going  
5       to be talking?

6               MS. MURPHY: I believe Mr. Urick will be  
7       speaking, Your Honor.

8               THE COURT: Okay.

9               MS. MURPHY: I was conferring with him.

10              THE COURT: I understand that. Excuse me.

11              Ladies and gentlemen, I'm going to ask that you  
12       go back to the jury room. I'm going to ask that while  
13       you are there, that you not discuss the testimony, nor  
14       discuss anything else. I'm going to ask that you leave  
15       your notepads face down on your chair. I ask that you go  
16       with Ms. [REDACTED] at this time. Then at such time that I  
17       am able to bring you back, I will do so.

18              (The jury was excused from the courtroom.)

19              (Brief pause.)

20              THE COURT: Mr. Wilds, I'm going to ask you to  
21       step out in the hallway, please. Do not discuss your  
22       testimony with anyone. I ask that you not have any  
23       conversation with your attorney about this case without  
24       first asking me or letting me know in advance that you  
25       are requesting to talk with your attorney.

1 THE WITNESS: Yes, ma'am.

2 (Whereupon, the witness was excused from the  
3 courtroom.)

4 THE COURT: Counsel, you can step back, please.

5 (Counsel and the defendant returned to the  
6 trial tables and the following ensued:)

7 THE COURT: Now, first and foremost, if at  
8 anytime during the time you are at a bench conference you  
9 are of the opinion that either counsel is speaking too  
10 loudly, address that concern to me. I do not appreciate  
11 your making remarks on the record that you believe that  
12 she is talking or he is talking or whatever too loudly.  
13 If you have a concern about that, then you need to draw  
14 that attention to me, and I will make a determination  
15 whether or not I believe the person is speaking loudly.  
16 If I think they are, I will ask them to whisper. If I do  
17 not believe that they are then whispering quietly enough,  
18 I will then advise them of that fact. And if necessary,  
19 as I have just done, I will ask the jury to step outside.

20 Ms. Gutierrez, I will hear from you with regard  
21 to your concern?

22 MS. GUTIERREZ: Judge, my notes reflect that  
23 the exact words, after asking Mr. Wilds to identify the  
24 plea agreement, of the question posed to this witness in  
25 direct were the words "when you pled guilty" and there

1 was a followup question to that. This witness readily  
2 answered that. What I am seeking to get out and what I  
3 think I am entitled to for two reasons, this witness has  
4 been presented to this jury as not only a witness who has  
5 entered a plea agreement which then makes that the  
6 subject of impeachment, what the agreement was, how much  
7 it was limited to, whatever. But he has now been  
8 presented in direct as a witness who has pled guilty. In  
9 terminology, this witness has acceded he understands  
10 because he freely answered those questions, and there  
11 were four of them following that about the when he pled  
12 guilty.

13 In fact, this witness has not entered a guilty  
14 plea. I don't have a copy of my rules but I did review  
15 this before.

16 THE COURT: Was it an Alford plea?

17 MS. GUTIERREZ: No, Judge, it was a proceeding,  
18 a most remarkable proceeding, and I have sent for the  
19 transcript. There is a video transcript available but I  
20 believe that that is still with the court reporter. That  
21 was the subject of another motion before the previous  
22 trial that shows that on September 8th Mr. Urick, who  
23 appears in the video, Ms. Benaroya, and Mr. Jay Wilds  
24 appeared on an undocketed matter before Judge McCurdy,  
25 and that at that proceeding Mr. Wilds was purported to

1 enter a guilty plea.

2           However, the proceeding only indicates that  
3 Judge McCurdy asked him what we generally refer to as the  
4 litany in a guilty plea, does he know what he is giving  
5 up. All the questions are asked by Judge McCurdy. Mr.  
6 Wilds answered. There were two questions to which Mr.  
7 Wilds had a question directly to Judge McCurdy about  
8 something that he asked. Then at the space and time when  
9 under the rules, in order to constitute a guilty plea,  
10 the statement of facts would have been read, Judge  
11 McCurdy turned to Mr. Urick and Mr. Urick said something  
12 to the effect of there will be no statement of facts, at  
13 which point the clerk intervened and asked Judge McCurdy,  
14 because of course the clerk had already recorded it as a  
15 guilty plea, and both she and Judge McCurdy realized,  
16 well, it wasn't a guilty plea because there is no  
17 statement of facts, and all we have done is a litany and  
18 there is no finding, there can be no verdict, it isn't a  
19 guilty plea, and there was a discussion about what to  
20 call it on the court file since there was no statement of  
21 facts.

22           I believe that the rules define what a guilty  
23 plea is, and, frankly, Judge, I can't quite remember  
24 where it is, but the rule specifically says a guilty plea  
25 is constituted when, you know, there is an oath



1 administered, the person is advised what we generally,  
2 you know, refer to as the litany, whether it's given, and  
3 that can actually be given by the judge, the prosecutor,  
4 or the defense attorney, to which the defendant  
5 purporting to enter the guilty plea is properly advised  
6 of all the consequences and what constitutional and  
7 statutory rights they are giving up by so entering.  
8 There has to be a finding by a judge that that portion,  
9 i.e. the defendant understanding the consequences of a  
10 guilty plea, is made freely and voluntarily, and that  
11 then there are sufficient statement of facts on the  
12 record that the judge can make a finding upon which to  
13 base a plea.

14 Absent any single one of those statutory  
15 requirements, there is no such thing as a guilty plea.  
16 If the court went and pulled the file, they would  
17 discover that disposition in this case isn't marked  
18 because they haven't even reached disposition. It's a  
19 continued hearing. But there has been no finding other  
20 than on the litany that was given to the defendant, and  
21 not a single word of facts upon which any court could  
22 have based a finding that there are sufficient facts to  
23 base a plea.

24 THE COURT: So you are saying that it wasn't a  
25 guilty plea?

1 MS. GUTIERREZ: That's right.

2 THE COURT: If it was --

3 MS. GUTIERREZ: And I believe that that is  
4 subject to impeachment now since this witness has  
5 intentionally been presented to this jury for their  
6 purposes as a man who believes he has not only entered  
7 into a plea agreement but he has already entered a guilty  
8 plea, and that's false, and that goes to his  
9 understanding of what he has done, what he has admitted  
10 to, what the consequences are. He could very well  
11 challenge where I'm going if his lawyer would tell him  
12 the truth, would tell him --

13 MR. URICK: Objection.

14 MS. GUTIERREZ: -- that plea is worthless, it's  
15 not a plea, it's not binding. There has been no finding  
16 of facts.

17 THE COURT: But, Ms. Gutierrez, isn't it a fact  
18 that the purpose of your questions is to determine  
19 whether or not he has any bias, motive, interest in  
20 testifying one way or another based on promises he  
21 believes that he has, not whether --

22 MS. GUTIERREZ: Yes, sir, and I plan to get  
23 there.

24 THE COURT: Wait a minute. Not whether, in  
25 fact, they are promises, whether or not they are, in

1 fact, promises that will be kept to him, but whether or  
2 not they are influencing his testimony today. So in that  
3 regard, it really doesn't matter whether they called it a  
4 guilty plea or not but, rather, whether or not you have  
5 the latitude to inquire into any promises that have been  
6 made.

7 MS. GUTIERREZ: Well, that's why I asked the  
8 questions in exactly the words --

9 THE COURT: That he stated, yes.

10 MS. GUTIERREZ: -- that he was asked to  
11 challenge his understanding and what it meant.

12 THE COURT: I understand, Ms. Gutierrez. Why  
13 don't we do this. Why don't we ask the State what they  
14 call it because, as you have indicated, it would help you  
15 inquire --

16 MS. GUTIERREZ: I will cite you the rule, 4-  
17 242.

18 THE COURT: 242?

19 MS. GUTIERREZ: Yes.

20 THE COURT: It would help you in terms of  
21 asking your questions if you knew it was a formal guilty  
22 plea proceeding because, as you have indicated, the  
23 witness should have been placed under oath. If it wasn't  
24 a formal guilty plea proceeding but some other proceeding  
25 whereby they may have just recorded the signing of a plea

1       agreement --

2               MS. GUTIERREZ: They did not, Judge.

3               THE COURT: Well, I'm just saying. I don't

4       know what it was because I haven't had the benefit of

5       viewing the video as you have.

6               MS. GUTIERREZ: Well, I'm telling you as an

7       officer of the court what the video shows.

8               THE COURT: Okay. Why don't we ask the State

9       what they want to call it and whether or not there needs

10      to be some correction about the use of the term guilty

11      plea when asking or inquiring of this witness what it is

12      that they did. Mr. Urick, can you answer the court's

13      question?

14              MR. URICK: In simple legal terms, Your Honor,

15      when a person comes into court and enters his plea, he

16      enters his plea. This witness pled guilty. He pled

17      guilty under oath. It was made clear to him that he was

18      entering a guilty plea, that it would be a binding plea.

19      He was explained the procedures that would complete the

20      procedure at disposition. It was made clear to him that

21      those procedures were binding, that they could be done

22      without his presence, in his absence. Everything was

23      explained to him, you know, and he pled guilty, and it

24      was recorded that he pled guilty on that occasion.

25              THE COURT: Okay. And so you are saying that

1 it was a plea under, as we say, 4-242, which is the  
2 guilty plea litany?

3 MR. URICK: Yes.

4 THE COURT: Very well. There is your answer.

5 MS. GUTIERREZ: Judge, I will note that 242(c)  
6 says a court may accept a plea of guilty only after, and  
7 it then goes on to cite a one, that the defendant is  
8 pleading guilty voluntarily with an understanding of the  
9 nature of the charge and the consequences of the plea  
10 and, two, that there is a factual basis for the plea. If  
11 you go back up in the first sentence, the court must  
12 determine by the construction of the exact sentence that  
13 both one and two exist.

14 I will tell you that --

15 THE COURT: Ms. Gutierrez, you are arguing Mr.  
16 Wilds' point on appeal of his guilty plea. If, by some  
17 reason, Judge McCurdy did not follow the 4-242 litany,  
18 that's for another day and another court to decide.

19 MS. GUTIERREZ: Well, Judge, my point for our  
20 impeachment is not limited to one kind of attack. If  
21 this witness believes he has entered a guilty plea that  
22 is binding, and our position is that he may not know  
23 whether or not it's binding or not, and he has stated and  
24 presented himself to this jury as a man who has already  
25 pled guilty and admitted through facts his own

1 involvement. That's not true. There are no facts that  
2 have had to be determined.

3 We believe that is critical to the defense to  
4 challenge the credibility of this witness.

5 THE COURT: Ms. Gutierrez, may I make a  
6 suggestion then, in light of your argument, that we will  
7 do the following: I will allow you to inquire as to what  
8 this witness recalls being done during his guilty plea  
9 proceeding. That is, he has already said he wasn't under  
10 oath, and anything else that you would like to draw out.  
11 Then in the instructions to the jury, I will be happy to  
12 advise the jury what a guilty plea is under the rules.  
13 And if you would like to structure an instruction --

14 MS. GUTIERREZ: I will do so.

15 THE COURT: -- that would outline what a guilty  
16 plea is, and then we can utilize it in that fashion,  
17 because I think what you are trying to do is, at this  
18 juncture, argue the law mixed with a witness who may not  
19 know that certain procedures under 2-242 may or may not  
20 have been followed.

21 MS. GUTIERREZ: And I do understand the court's  
22 point, Judge, but I will point out that's why I was so  
23 careful --

24 THE COURT: I understand.

25 MS. GUTIERREZ: -- to phrase the questions in

1 the exact words that this witness has already answered  
2 that he indicates he understands. So I believe the court  
3 is in error --

4 THE COURT: One moment.

5 MS. GUTIERREZ: -- ruling that we are mixing  
6 facts.

7 THE COURT: One moment. I asked previously  
8 that if you have a phone, a cell phone or a pager, that  
9 you turn it off. Whoever's cell phone just went off,  
10 leave the courtroom. Out. I'm not going to ask again  
11 that you follow the rules of this court. If you have got  
12 a pager, a cell phone, turn it off.

13 MS. GUTIERREZ: And I guess I'm asking for the  
14 court's guidance because my next series of questions are  
15 related to the questions that followed that. And, again,  
16 using the exact words that he has already answered  
17 questions, that his understanding is that if he tells a  
18 lie, it voids it. It voids his belief that he is  
19 protected as under the guilty plea that he has already  
20 testified to he believes exists.

21 THE COURT: Ms. Gutierrez, he doesn't know  
22 that, and that's just it.

23 MS. GUTIERREZ: Except he was allowed to be  
24 asked that and answered that, and we should be allowed to  
25 challenge the credibility of his answers on direct.

1 THE COURT: You will.  
2 MS. GUTIERREZ: Well, I guess --  
3 THE COURT: You will.  
4 MS. GUTIERREZ: -- that's what I'm asking the  
5 court.  
6 THE COURT: You will be able to do that, and  
7 that's exactly what the court's instruction --  
8 MS. GUTIERREZ: As to these questions.  
9 THE COURT: And you will get to do that because  
10 as to these questions --  
11 MS. GUTIERREZ: Most respectfully, Judge --  
12 THE COURT: -- you will be able to argue it.  
13 MS. GUTIERREZ: -- I appreciate, you know, and  
14 I will fashion an instruction. But an instruction does  
15 not supplant the viable method, the only approved method  
16 for a defendant to challenge the credibility of his main  
17 accuser, and that is to be subject to cross-examination  
18 as to anything.  
19 THE COURT: I just said you could do it. I  
20 just said you could.  
21 MS. GUTIERREZ: Well, Judge, you just said I  
22 could do it --  
23 THE COURT: I'm saying yes.  
24 MS. GUTIERREZ: -- through the instructions.  
25 THE COURT: No. I said yes, that you can



1 question.  
2 MS. GUTIERREZ: I can answer those exact  
3 questions --  
4 THE COURT: You can ask.  
5 MS. GUTIERREZ: -- in the same --  
6 THE COURT: You can ask.  
7 MS. GUTIERREZ: All right. It's late, Judge.  
8 THE COURT: Yes.  
9 MS. GUTIERREZ: Okay.  
10 THE COURT: Yes.  
11 MS. GUTIERREZ: That's fine. I'll take it.  
12 I'll take it.  
13 THE COURT: Yes, you can ask him if the  
14 questions, what you know to be a Rule 11 litany --  
15 MS. GUTIERREZ: Right.  
16 THE COURT: -- a Rule 242 litany --  
17 MS. GUTIERREZ: Right.  
18 THE COURT: -- if those questions were asked  
19 you, yes, you may ask the witness. You can even ask him  
20 again, you know, and I won't sustain the objection again  
21 to were you under oath.  
22 MS. GUTIERREZ: Right.  
23 THE COURT: Yes, you may do that.  
24 MS. GUTIERREZ: Okay.  
25 THE COURT: And then also if you would like to

1 fashion an instruction that goes to what normally under  
2 242 should be done in a guilty plea as an issue directed  
3 at credibility of a witness, because in order for the  
4 jury to assess his credibility, they need to know under  
5 the law what should have been asked, and they would not  
6 know unless you fashion an instruction.

7 So, yes, and yes. I don't know how better to  
8 tell you. I am giving you what you are asking for.

9 MS. GUTIERREZ: Okay. I'll take it. Thanks,  
10 Judge.

11 THE COURT: Well, you're welcome. Now, if we  
12 can have the jury come back in, we will continue with  
13 this case. I know that the State may not agree but the  
14 court's concern is that if this witness believes that he  
15 was engaged in a guilty plea and that, as a result of  
16 that guilty plea, that this promise is binding in some  
17 fashion and that is directing his testimony, the defense  
18 has a right to inquire as to the basis for that belief.  
19 And if for some reason it is a faulty belief, then the  
20 jury is entitled to hear what it is that may have  
21 happened during a guilty plea that this witness does not  
22 either recall or may have forgotten or was not done, and  
23 opens him up to a challenge to his credibility.

24 For that reason, I will allow the defense to  
25 inquire.

1 MS. GUTIERREZ: Thank you, Your Honor. Since  
2 the jury isn't here, but while we are waiting for them, I  
3 guess I would ask for the court's guidance. Obviously I  
4 can't finish my cross of this witness today.

5 THE COURT: I know.

6 MS. GUTIERREZ: Are you still going to stop at  
7 5:00?

8 THE COURT: I am.

9 MS. GUTIERREZ: I will try to structure it so I  
10 finish pieces together.

11 THE COURT: Right.

12 MS. GUTIERREZ: Okay.

13 THE COURT: I am going to stop at 5:00, and you  
14 can piece it the way you would like to be the most  
15 cohesive. I know that we have to stop somewhere.

16 (Brief pause.)

17 (The jury returned to the courtroom.)

18 THE COURT: All right. Ladies and gentlemen,  
19 as you are finding your seat, we are going to proceed  
20 with the testimony of Mr. Wilds.

21 Ms. [REDACTED], if you can ask Mr. Wilds to  
22 return to the courtroom.

23 (Brief pause.)

24 THE COURT: Sir, please take the stand. I'll  
25 remind you that you are still under oath. Have a seat.

1 Ms. Gutierrez, witness with you.

2 MS. GUTIERREZ: Thank you, Your Honor.

3 CROSS-EXAMINATION (Continuing)

4 BY MS. GUTIERREZ:

5 Q Mr. Wilds, again talking about what you have

6 called the plea agreement, okay?

7 A Yes, ma'am.

8 Q That's the same agreement that you have called

9 the truth agreement, correct?

10 A Yes, ma'am.

11 Q It would be fair to say that you believe that

12 you are protected, that you can only get a certain amount

13 of time as long as you don't tell a lie; is that correct?

14 A Yes, ma'am.

15 Q But the day after you entered into this so-

16 called truth agreement, you went in front of a judge,

17 correct?

18 A Yes, ma'am.

19 Q And it's your recollection that you didn't have

20 to take an oath to tell the truth, correct?

21 A Yes, ma'am.

22 Q But that judge asked you some questions, did he

23 not?

24 A Yes, ma'am.

25 Q And he asked you those questions in the

1 presence of your lawyer, did he not?

2 A Yes, ma'am.

3 Q And in fact he reminded you that since you had  
4 a lawyer, that if you had any concerns, you could consult  
5 with your lawyer before answering any of those questions,  
6 did he not?

7 A Yes, ma'am.

8 Q And you answered him, did you not?

9 A Yes, ma'am.

10 Q And you answered his questions about did you  
11 understand what you were doing there, correct?

12 A Pardon me.

13 Q He asked you if you understood why you were  
14 there, did he not?

15 A Yes.

16 Q And you answered him that you did, did you not?

17 A Yes.

18 Q That you were attempting to enter a plea of  
19 guilty pursuant to your truth agreement of the day  
20 before, correct?

21 A Pursuant? I'm not understanding pursuant. I'm  
22 sorry.

23 Q Well, on September the 7th, you entered into by  
24 signing this agreement, State's Exhibit 35; is that  
25 right?

1           A     Yes.

2           Q     The four pages that you have initialed; is that  
3     correct?

4           A     Yes.

5           Q     And this agreement requires your agreement to  
6     cooperate in a certain way, does it not?

7           A     Yes, ma'am.

8           Q     And it requires that you testify, does it not?

9           A     Yes, ma'am.

10          Q     At any trial or proceeding that Mr. Urick  
11     decides is important, does it not?

12          A     I don't know who decides, but yes, ma'am.

13          Q     Well, you don't get to decide, correct?

14          A     Correct.

15          Q     The State's Attorney's Office gets to decide,  
16     correct?

17          A     Correct.

18          Q     And that is laid right out in this so-called  
19     truth agreement, is it not?

20          A     Yes, ma'am.

21          Q     And you initialed that and you signed it, did  
22     you not?

23          A     Yes, ma'am.

24          Q     And you had a lawyer before you did it, did you  
25     not?

1           A     Yes, ma'am.

2           Q     And she of course told you that you were

3     agreeing to testify at any proceeding you were asked, did

4     she not?

5           A     No, ma'am.

6           Q     You understood that, did you not?

7           A     Yes, ma'am.

8           Q     You initialed the page that says that, right?

9           A     Yes, ma'am.

10          Q     Even though your lawyer didn't talk to you

11     about that particular clause, correct?

12          A     It was understood, ma'am.

13          Q     Well, it not only was understood, the agreement

14     says it, does it not?

15          A     Yes, ma'am.

16          Q     It says that you agree to make yourself

17     available as needed, does it not?

18          A     Yes, ma'am.

19          Q     And that you are responsible for making sure

20     the State knows how to find you?

21          A     Correct.

22          Q     Since you are not in jail, at their pleasure,

23     right?

24          A     Correct.

25          Q     You have to let them know where you are all the

1 time, correct?

2 A Yes.

3 Q And then you have to come anytime that they

4 want you, right?

5 A Yes, ma'am.

6 Q And you understood that?

7 A Yes, ma'am.

8 Q Did you not?

9 A Yes, ma'am.

10 Q Further, to cooperate, you said that you would

11 tender a guilty plea at sometime in the future to the

12 count of an accessory after the fact to the murder of Hae

13 Min Lee; isn't that correct?

14 A Yes, ma'am.

15 Q And you understood what that meant, did you

16 not?

17 A Yes, ma'am.

18 Q Correct?

19 A Yes, ma'am.

20 Q In fact, your plea agreement says that you

21 fully understand the maximum penalties and fines for that

22 charge, does it not?

23 A Yes, ma'am.

24 Q You signed and initialed on that third page,

25 did you not?



1           A     Yes, ma'am.

2           Q     And the full maximum penalty that you faced as  
3     an accessory after the fact is?

4           A     I believe it was five years, ma'am.

5           Q     Five years. And that was explained to you, was  
6     it not?

7           A     Yes, ma'am.

8           Q     And an accessory after the fact, you understood  
9     in part based on conversations with your lawyer, did you  
10    not, that an accessory after the fact is held to a lesser  
11    standard in regard to punishment than an actual murderer,  
12    did you not?

13               MR. URICK: Objection.

14               THE COURT: I'll sustain as to the legal  
15    understanding.

16               BY MS. GUTIERREZ:

17           Q     Well, you understood that an actual murderer is  
18    subject to far more than five years, did you not?

19               MR. URICK: Objection.

20               THE COURT: Sustained.

21               BY MS. GUTIERREZ:

22           Q     You also understood that you specifically  
23    agreed to testify at any trial where you were asked that  
24    concerned Adnan Syed, did you not?

25           A     Yes, ma'am.

1 Q That was part of your agreement, was it not?  
2 A Yes, ma'am.  
3 Q And you were asked by Judge McCurdy the day  
4 after you signed this agreement if you understood the  
5 terms of your plea agreement, were you not?  
6 A Yes, ma'am.  
7 Q And that you had signed on to do so; is that  
8 correct?  
9 A Yes, ma'am.  
10 Q And that you understood that there would be  
11 both a guilty plea and a disposition sometime far in the  
12 future; isn't that correct?  
13 A Yes, ma'am.  
14 Q After your testimony, correct?  
15 A After I fulfilled my obligation, yes.  
16 Q And who decided whether or not you fulfilled  
17 your obligation, sir?  
18 A The State.  
19 Q The State, Mr. Urick; is that right?  
20 A Yes, ma'am.  
21 Q So if you testified and Mr. Urick was satisfied  
22 with it, then that would meet the terms of their  
23 obligation under this, correct?  
24 A Incorrect.  
25 Q Correct?

1           A     Incorrect.

2           Q     Incorrect. So if you testified and Mr. Urick  
3 was satisfied with your testimony, would you expect them  
4 to meet their obligations under this plea agreement?

5           A     No, ma'am, that is also incorrect.

6           Q     My question called for a yes or no.

7           A     No, ma'am.

8           Q     So the answer to my question is no?

9           THE COURT: Ms. Gutierrez, please move on. I  
10 think he said that is not correct. Next question.

11           BY MS. GUTIERREZ:

12           Q     Now, were there any circumstances outlined in  
13 the plea agreement that gave you some assurance of  
14 whether or not Mr. Urick would meet his obligations?

15           A     Yes.

16           Q     And did you feel clear about understanding what  
17 they were?

18           A     Yes.

19           Q     And was that understanding only that you would  
20 tell the truth?

21           A     Yes, ma'am.

22           Q     Okay. And when Judge McCurdy was questioning  
23 you about this plea agreement, you didn't have to take an  
24 oath to tell the truth, right?

25           A     No, ma'am, I did not.

1 Q It was up to you whether or not you told the  
2 truth, right?

3 MR. URICK: Objection.

4 THE COURT: Overruled. Did you believe at the  
5 time that you made this thing that you are telling us  
6 about that it was up to you to decide whether to tell the  
7 truth or not?

8 THE WITNESS: Yes, ma'am.

9 BY MS. GUTIERREZ:

10 Q Okay. And your being in charge of deciding  
11 whether to tell the truth was not a new experience for  
12 you, was it?

13 A May I ask a question?

14 Q No, sir, you may not.

15 A I'm sorry.

16 THE COURT: No, no, no, no, no, if you do not  
17 understand her question --

18 THE WITNESS: I do not understand.

19 THE COURT: -- then you can say I don't  
20 understand. If you don't hear it, you can say will you  
21 repeat your question.

22 THE WITNESS: I do not understand.

23 THE COURT: Okay.

24 BY MS. GUTIERREZ:

25 Q Sir, my question is your being in charge of

1       whether or not you tell the truth is not a new experience  
2       for you, is it?

3               MR. URICK:  Objection.

4               THE COURT:  Sustained.

5               BY MS. GUTIERREZ:

6               Q     Mr. Wilds, prior to signing on September the  
7       7th this truth agreement, had you had to take an oath in  
8       regard to these matters before?

9               A     No, ma'am, I did not.

10              Q     You had spoken to the police on at least three  
11       occasions, had you not?

12              A     Yes, ma'am.

13              Q     And on at least two of those occasions, they  
14       tape recorded what you said, did they not?

15              A     Yes, ma'am.

16              Q     And you were aware of that, were you not?

17              A     Yes, ma'am.

18              Q     The very first occasion you were asked to speak  
19       and your statement was tape recorded started at 1:30 a.m.  
20       on February 28th, did it not?

21              A     Yes, ma'am.

22              Q     That's 1:30 in the middle of the night, is it  
23       not?

24              A     Yes, ma'am.

25              Q     And you weren't down at the police station

1 voluntarily, were you?  
2 A No, ma'am.  
3 Q And there was no court clerk or judge in the  
4 room, was there?  
5 A No, ma'am.  
6 Q And nobody administered an oath to you, did  
7 they?  
8 A No, ma'am.  
9 Q And you weren't there of your own volition,  
10 were you?  
11 A No, ma'am.  
12 Q You were brought there, were you not?  
13 A Yes, ma'am.  
14 Q You were picked up by the police, were you not?  
15 A Yes, ma'am.  
16 Q And you were brought in the middle of the night  
17 to the Homicide Unit, were you not?  
18 A Yes, ma'am.  
19 Q And no one, including any of the detectives,  
20 administered an oath and asked you to swear to tell the  
21 truth, did they?  
22 A No, ma'am.  
23 Q And you didn't, did you?  
24 A No, ma'am.  
25 Q No. And in fact during that first statement,

1 during the time it was being recorded, there came a time  
2 when you asked them to turn off the recorder, did you  
3 not? Was there not such a time?  
4 A I believe so.  
5 Q And that was your doing, was it not?  
6 A Yes, ma'am.  
7 Q They didn't suggest to you that that was  
8 something you should do, was it?  
9 A No.  
10 Q And you are --  
11 A Oh, I'm sorry.  
12 Q -- deciding not --  
13 THE COURT: One moment. What were you about to  
14 say?  
15 THE WITNESS: Yes, they did tell me I could  
16 stop at any time I liked.  
17 BY MS. GUTIERREZ:  
18 Q And you took advantage of that, didn't you?  
19 A Yes, ma'am.  
20 Q And stopping meant turning off that recorder  
21 that was recording what you said, correct?  
22 A Yes, ma'am.  
23 Q And at the time, you knew you were lying to the  
24 police, did you not?  
25 A Yes, ma'am.

1 Q But they didn't know it, did they?  
2 A I do not believe so.  
3 Q You were in charge of whether or not you told  
4 the truth, correct?  
5 A Yes, ma'am.  
6 Q No one else was, right?  
7 A Correct.  
8 Q And on that occasion when you were in charge of  
9 whether or not you told the truth, you lied, did you not?  
10 A Yes, ma'am.  
11 Q You lied about a number of things, did you not?  
12 A Yes, ma'am.  
13 Q And being hauled down by the police not of your  
14 own calling in the middle of the night was not a surprise  
15 to you, was it?  
16 A Yes, ma'am, it was.  
17 Q Well, on this February 27th -- February 28th  
18 was a Sunday, was it not?  
19 A I do not recall.  
20 Q Okay. Well, sir, do you recall that on  
21 February 27th your good friend, Jenn [REDACTED], also  
22 appeared in the same office of the Baltimore City Police  
23 Department on Fayette Street?  
24 A Yes, ma'am.  
25 Q You were aware of that, were you not?



1           A     Yes, ma'am.

2           Q     You were aware of that before it happened,

3 weren't you?

4           A     No, ma'am, I was not.

5           Q     Well, you recall, sir, that you had a

6 conversation with your very good friend, Jenn [REDACTED],

7 about what was going to be covered in her conversation

8 with the police the day before on February 26th, which

9 was a Friday? You recall that, do you not?

10          A     No, ma'am.

11          Q     You recall that Jenn [REDACTED] came to you

12 panicked because the police wanted to talk to her. Do

13 you recall that?

14          A     Yes, ma'am, I do.

15          Q     And that happened on February 26th, did it not?

16          A     She came to me and stated that the police

17 wanted to talk to her, yes.

18          Q     And you understood that she had said minimal

19 things to the police, did you not?

20          A     No, I did not.

21          Q     You were aware because she told you what she

22 said, did she not?

23          A     No, she did not.

24          Q     She discussed with you whether she should speak

25 to them again, did she not?

1           A     Yes.

2           Q     And you were aware of what the police wanted to  
3 talk to her about, correct?

4           A     Yes.

5           Q     Now, you were aware, as you have told us, you  
6 had been with Jenn [REDACTED] sometime around that time,  
7 correct?

8           A     Yes.

9           Q     And you had spoken to her on those days, had  
10 you not?

11          A     Yes.

12          Q     And sometime before she spoke to the police  
13 when you became aware they wanted to speak to her, you  
14 conversed with her actually about that, did you not?

15          A     Yes, ma'am.

16          Q     And you did so at her request, correct?

17          A     I believe so.

18          Q     And you were aware, before she appeared at the  
19 very same place you were hauled down to the next evening,  
20 that she had chosen to talk to the police, were you not?

21          A     No, ma'am, I was not.

22          Q     You were aware what she was going to say, were  
23 you not?

24          A     No, ma'am, I was not.

25          Q     And you were aware that she appeared on

1 February 27 with a lawyer, were you not?  
2 A No, ma'am, I was not.  
3 Q And with her mother?  
4 A No, ma'am. I'm sorry.  
5 Q And you were aware that she was going to  
6 discuss all the things that occurred on January 13 --  
7 A Yes, ma'am.  
8 Q -- that involved you and her --  
9 A Yes, ma'am.  
10 Q -- on the phone --  
11 A Yes, ma'am.  
12 Q -- and in person --  
13 A Yes, ma'am,  
14 Q -- where you went --  
15 A Yes, ma'am.  
16 Q -- what you did --  
17 A Yes, ma'am.  
18 Q -- and what time things occurred?  
19 A Yes, ma'am.  
20 Q And you knew that before she opened her mouth  
21 down at the Baltimore City police headquarters?  
22 A I'm sorry, I didn't understand the last part of  
23 your question.  
24 Q You knew that before she appeared, did you not?  
25 A Knew what?

1 Q What she was going to talk about.  
2 A No, ma'am, I did not.  
3 Q After she appeared, your very good friend spoke  
4 to you, did she not?  
5 A Yes.  
6 Q On the phone?  
7 A No.  
8 Q In person?  
9 A Yes, ma'am.  
10 Q About what she had been asked?  
11 A Yes, ma'am.  
12 Q And about what she had said?  
13 A Yes, ma'am.  
14 Q And you engaged willingly in that conversation  
15 with her, did you not?  
16 A Yes, ma'am.  
17 Q Now, afterwards on the night of the 27th -- and  
18 you knew that she had mentioned your name, did you not?  
19 A Yes, ma'am.  
20 Q As a person who knew more than she --  
21 A Yes, ma'am.  
22 Q -- concerning the death and burial of Hae Min  
23 Lee, correct?  
24 A Yes, ma'am.  
25 Q You knew that Jenn did not present herself as

1 someone who was present when Hae Min Lee died, correct?

2 A To the best of my knowledge, yes.

3 Q To the best of your knowledge?

4 A I don't know exactly what she told the police.

5 Q Well, you spoke to her about it, did you not?

6 A Not in that detail, no.

7 Q Your very good friend tells you after she spoke  
8 to the police about a matter that intimately concerned  
9 you but she didn't tell you all the detail?

10 A No, ma'am, she did not.

11 MR. URICK: Objection.

12 THE COURT: Sustained.

13 BY MS. GUTIERREZ:

14 Q After you spoke to Jenn [REDACTED] in person  
15 about these events, did you go to the police?

16 A No, ma'am.

17 Q Not the night of the 27th?

18 A No, ma'am.

19 Q And not the day of the 28th?

20 A No, ma'am. I was at work the night of the 27th  
21 and I was at work the day of the 28th.

22 Q And, sir, it was your testimony that you were  
23 surprised when the police arrived to take you downtown?

24 A Yes, ma'am.

25 Q Is that correct?

1           A     Yes, ma'am.

2           Q     Notwithstanding your conversation with your  
3     good friend, Jenn [REDACTED]?

4           A     Pardon me.

5           Q     Notwithstanding the fact of your conversation  
6     with your good friend, Jenn Pusateri?

7           A     Right. Correct, I'm sorry.

8           Q     When the police spoke to you in the middle of  
9     the night of February 28th, they told you that they had  
10    already spoken with Jenn, did they not?

11          A     Yes, ma'am.

12          Q     And they told you what she told them, did they  
13    not?

14          A     Yes, ma'am.

15          Q     And they told you that she knew everything that  
16    she knew from you?

17          A     That is correct, yes.

18          Q     They told you that, didn't they?

19          A     Yes, ma'am.

20          Q     And they then asked you questions based on what  
21    she told them; isn't that correct?

22          A     Yes, ma'am.

23          Q     Now, the first thing that you told them was  
24    that you didn't have anything to do with anything; isn't  
25    that correct?

1           A     Yes, ma'am.

2           Q     You told them you didn't do anything to assist  
3 anyone in anything, did you not?

4           A     Yes, ma'am.

5           Q     That you didn't help transport a body, correct?

6           A     Yes, ma'am.

7           Q     And that you didn't help bury a body?

8           A     Yes, ma'am.

9           Q     And you didn't help coverup any evidence,  
10 concerning anything that may have been done to the body,  
11 correct?

12          A     Yes, ma'am.

13          Q     Now, you were asked, Mr. Wilds, about State's  
14 Exhibit 34, and you identified numbers as belonging to  
15 your good friend, Jennifer [REDACTED], correct?

16          A     On which line?

17          Q     Well, you identified numbers --

18          A     Oh, yes, I'm sorry.

19          Q     -- in the plural, did you not?

20          A     Yes.

21          Q     Some were lines that were land lines directly  
22 to her home, were they not?

23          A     Yes, ma'am.

24          Q     That number, which is [REDACTED] --

25          A     Yes, ma'am.

1 Q -- that's Jenn [REDACTED]'s personal phone, is it  
2 not?  
3 A No, it's her family's phone, but it's at her  
4 residence, yes.  
5 Q And it's not in her room?  
6 A She has a phone in her room, yes.  
7 Q Okay. And is that that number?  
8 A It's not her personal line, no.  
9 Q That's your understanding, correct?  
10 A That's my understanding.  
11 Q And, in addition, she has a pager number,  
12 correct?  
13 A Yes.  
14 Q And the numbers that you identified on these as  
15 belonging to her, you were the person who called her,  
16 were you not?  
17 A Who paged her?  
18 Q Or called her.  
19 A Yes, yes, I did.  
20 Q Okay. Mr. Adnan Syed, as you call him, Mr.  
21 Syed would not have been calling your very good friend,  
22 would he have?  
23 A No, ma'am.  
24 Q And so if there were calls made to any of the  
25 numbers, the pager or the actual phone number in the



1 residence of Jenn [REDACTED], that were made on the  
2 cellphone identified as [REDACTED], when they were made,  
3 that cellphone was in your hands, was it not?

4 A No, we received incoming calls from Jenn when I  
5 was not in possession of the phone.

6 Q Well, let me ask you again, Mr. Wilds, so we  
7 don't waste time.

8 A I'm sorry.

9 Q You identified the number one line -- well, the  
10 number on line twenty-two, [REDACTED], that is in fact Jenn  
11 [REDACTED]'s number, is it not?

12 A Yes, ma'am.

13 Q And if you read across the line, as you did, it  
14 indicates that that phone call was made at 4:12:01 p.m;  
15 is that correct?

16 A Yes, ma'am.

17 Q And the number, [REDACTED], is in the column that  
18 indicates what number was called, does it not?

19 A Correct.

20 Q The column says "Dialed Number", does it not?

21 A Correct.

22 Q And the column clearly means the number dialed  
23 from the cellular phone that is also listed at the top,  
24 correct?

25 A Correct.

1 Q So your understanding of this chart,  
2 incidentally, which you have seen before, have you not?  
3 A Yes.  
4 Q And you were prepared to be asked questions on,  
5 were you not?  
6 A Yes.  
7 Q This information isn't a surprise to you, is  
8 it?  
9 A No, ma'am.  
10 Q And that number is the land line to Jennifer  
11 [REDACTED], is it not?  
12 A Yes.  
13 Q Just like the line on twenty-six, that line is  
14 the land line of Jennifer [REDACTED], is it not?  
15 A Yes.  
16 Q And line twenty-two, which talks about the  
17 phone call to her land number in her residence, sir, that  
18 was made by you, was it not?  
19 A I believe so.  
20 Q For twenty-eight seconds, was it not?  
21 A I believe so.  
22 Q And the phone call was made at 4:12 p.m, was it  
23 not?  
24 A Yes, ma'am.  
25 Q And then there is a column consistent with that

1 line, line twenty-two, that indicates what this cell site  
2 was, is it not?  
3 A Yes, ma'am.  
4 Q And the cell site then has an address that goes  
5 with it, does it not?  
6 A Yes, ma'am.  
7 Q And that address where the cellphone tower is  
8 alleged to be is 2121 Windguard Lane, is it not?  
9 A Yes, ma'am. Excuse me, Your Honor. Could you  
10 ask her to stop yelling in my ear, please?  
11 THE COURT: Yes, I will ask her, and, Ms.  
12 Gutierrez, I think it might be helpful if you move back  
13 to where you were only because, as we talked about  
14 before, it gets kind of crowded by that door.  
15 MS. GUTIERREZ: I know, Judge. I was --  
16 THE COURT: That's all right. And if you want,  
17 I believe the witness has the exhibit.  
18 THE WITNESS: Yes, ma'am.  
19 MS. GUTIERREZ: Okay. That's fine.  
20 THE COURT: And we can just have him look down  
21 and find the location that you are referring to.  
22 MS. GUTIERREZ: I did forget, and I would ask  
23 that copies of that exhibit be turned back to the jurors  
24 at this time --  
25 THE COURT: All right.

1 MS. GUTIERREZ: -- since they didn't have them.  
2 THE COURT: I can tell you --  
3 MS. GUTIERREZ: I'm just going to finish these  
4 two lines.  
5 THE COURT: I will allow you to finish that.  
6 I'm going to ask Mr [REDACTED] to pass that back out so that  
7 the ladies and gentlemen of the jury will have their  
8 sheet in front of them. Now, is it line twenty-one that  
9 you're looking at?  
10 MS. GUTIERREZ: It's line twenty-two.  
11 THE COURT: It's line twenty-two that counsel  
12 is referring to. Now, while Mr [REDACTED] is handing those  
13 out, ladies and gentlemen, I must advise you, as I said  
14 before, if you are sitting and watching this case, you  
15 cannot read and you must turn your pagers and cellphones  
16 off. If you wish to read or do anything like that, you  
17 must go out in the hallway to do that. If you want to  
18 talk on your cellphone or leave that on, you must go out  
19 in the hallway to do that. And if one of you would like  
20 to come back here, you're welcome to do that at this time  
21 before Ms. Gutierrez resumes.  
22 BY MS. GUTIERREZ:  
23 Q Mr. Wilds, if you would review your copy of  
24 that exhibit, if you would look down on the line below,  
25 line twenty-three --

1           A     Yes, ma'am.

2           Q     -- that number is the number of your associate  
3     or friend, Mr. [REDACTED], is it not?

4           A     Correct.

5           Q     And that is a phone call that you made, is it  
6     not?

7           A     Yes, ma'am.

8           Q     You made it in an attempt to get dope, did you  
9     not?

10          A     I don't use dope, ma'am.

11          Q     Back then you made it in an attempt to track  
12     down dope, did you not?

13          A     I have never used dope, ma'am.

14          Q     You made it to track down marijuana?

15          A     Yes, ma'am.

16          Q     Okay. And you intended to use it that day, did  
17     you not?

18          A     Yes, ma'am.

19          Q     And when that phone call was made at 3:59:48,  
20     for twenty-five seconds, it indicates that the cellphone  
21     used, the number [REDACTED], triggered cell site L651A, did  
22     it not?

23          A     Yes.

24          Q     And that the address of that cell site was 1500  
25     Woodlawn Drive, did it not?

1           A     Yes, ma'am.

2           Q     1500 Woodlawn Drive is in the very same hundred  
3     block that Woodlawn High School is located, is it not?

4           A     Yes, ma'am.

5           Q     And, incidentally, Woodlawn High School, where  
6     it's located on Woodlawn Drive, at the one end of  
7     Woodlawn Drive one would run into the street of Security  
8     Boulevard, would one not?

9           A     Yes, ma'am.

10          Q     And at the other end would run into a road  
11     known as Dogwood Road, would one not?

12          A     No, ma'am, Woodlawn turns into --

13          Q     I didn't say turns into.

14          A     I'm sorry.

15          Q     I questioned whether or not --

16          A     No, ma'am.

17          Q     -- at the other end, that Woodlawn Drive runs  
18     into a road by the name of Dogwood?

19          A     No, ma'am.

20          Q     Are you familiar with Dogwood?

21          A     Vaguely.

22          Q     Vaguely, sir?

23          A     Yes, ma'am.

24          Q     You are aware that Dogwood Road turns into, at  
25     the city line, a road by the name of Franklinton, are

1     you not?

2           A     No, ma'am, I am not.

3           Q     You are aware that Franklinton Road runs  
4     through the city proper down to a location nearby  
5     Edmondson Avenue and Poplar Grove, are you not?

6           A     No, ma'am, I am not.

7           Q     And that in its course, it goes through the  
8     park?

9           A     Yes, ma'am, I do know it goes through the park.

10          Q     And that Franklinton Road is the name of the  
11     road that you have described to us you were present at  
12     with Adnan Syed on January 13?

13          A     I'm sorry, I didn't --

14                THE COURT:  The question is, do you know that  
15     the road that you were on --

16                THE WITNESS:  Oh, no, I do not.

17                THE COURT:  -- that you have described was  
18     Franklinton Road?  Did you know that?

19                THE WITNESS:  No, ma'am, I did not.

20                THE COURT:  Next question.

21                BY MS. GUTIERREZ:

22          Q     Now, sir, you live up past Rolling Road?

23          A     Not presently.  I used to, yes.

24          Q     Not presently.  Well, back then you did,  
25     correct?

1           A     Yes.

2           Q     And you lived there throughout your high school  
3     matriculation at Woodlawn, did you not?

4           A     Yes, ma'am.

5           Q     That's why you were in the Catchman area, for  
6     Woodlawn, correct?

7           A     Yes, ma'am.

8           Q     And, sir, you are aware, both from your  
9     experiences as you have recounted them to us and your own  
10    knowledge, that the point and place that you have  
11    described where the body of Hae Min Lee was buried is  
12    about five minutes down Dogwood Road into Franklinton  
13    Road, are you not?

14          A     No, ma'am, I am not.

15          Q     Sir, turn your attention to line twenty-four.

16          A     Yes, ma'am.

17          Q     And that number, Mr. [REDACTED] --

18          A     Yes, ma'am.

19          Q     -- you made that call, did you not?

20          A     Yes, ma'am.

21          Q     Nobody else made that call, did they?

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

23          Q     And that was also on what you have told us was  
24    your search for that day to obtain marijuana; isn't that  
25    correct?



1           A     No, ma'am, it is not.

2           Q     All right. Well, Mr. [REDACTED] is your friend, is  
3     he not?

4           A     Yes, ma'am.

5           Q     He is not someone Adnan Syed would be calling?

6           A     No, ma'am.

7           Q     Is he?

8           A     No, ma'am.

9           Q     And there is no question but that that  
10    cellphone was in your hands at 3:48 p.m; isn't that  
11    correct?

12          A     Yes, ma'am.

13          Q     And that conversation, if you go across, was a  
14    minute and twenty-five seconds?

15          A     Yes, ma'am.

16          Q     And that the cellphone at the time it was being  
17    used triggered a cell site numbered and lettered L651A,  
18    did it not?

19          A     Yes, ma'am.

20          Q     That's the same cell site as call number  
21    twenty-three, correct?

22          A     Yes, ma'am.

23          Q     And --

24          A     No, ma'am, it's not. I'm sorry.

25          Q     The cell site listed in the column that

1 attaches to --

2 A Yes, ma'am, I'm sorry.

3 Q -- phone call number --

4 A I'm sorry, yes, ma'am.

5 Q -- twenty-four, sir, so there is no dispute,

6 was made from cell site L651A, was it not?

7 A Correct.

8 Q And cellphone call number twenty-two -- I'm

9 sorry, if you go up from twenty-four to twenty-three --

10 MR. URICK: Objection.

11 THE COURT: Sustained. Counsel, at this point

12 I do not believe the items that you are requesting

13 information on from this witness are in evidence. If you

14 wish them to be admitted into evidence, you may do so at

15 this time. I just want to make sure that it's clear that

16 exhibit has not been offered into evidence. Has it?

17 MR. URICK: No, it hasn't.

18 MS. GUTIERREZ: No, Judge. It's my

19 understanding it's going to be. There is no dispute.

20 THE COURT: Okay.

21 MS. GUTIERREZ: We have stipulated to it. So I

22 would be very surprised to draw an objection now.

23 THE COURT: Well, there is no objection from

24 the State actually. The court is inquiring as to whether

25 or not the items in the last column are subject to a

1 stipulation or some agreement from some material that has  
2 been received from someplace?

3 MR. URICK: I believe the defense refused to  
4 stipulate to that.

5 THE COURT: All right.

6 MR. URICK: And this witness has no basis of  
7 knowledge about these, so he can't qualify them.

8 THE COURT: I understand. Ms. Gutierrez, you  
9 may use that form in any way, but I would note for the  
10 record those items that you are asking the witness to  
11 read into the record, the court is going to accept them  
12 then as evidence since you are asking them as part of  
13 your question.

14 MS. GUTIERREZ: That's fine.

15 THE COURT: And if you don't want them in, then  
16 I would ask --

17 MS. GUTIERREZ: No, that's fine.

18 THE COURT: -- that you not ask that part or --

19 MS. GUTIERREZ: Thank you, Your Honor.

20 THE COURT: -- portion of the question. Very  
21 well, you may continue.

22 MS. GUTIERREZ: All right.

23 BY MS. GUTIERREZ:

24 Q Mr. Wilds, again, on call number twenty-two,  
25 twenty-three, the cell site is L651A, is it not?

1           A     Yes, on call twenty-three.  
2           Q     On call number twenty-four the cell site listed  
3     is L651A, is it not?  
4           A     Yes, ma'am.  
5           Q     And the call site for cellphone call number  
6     twenty-five is L651C, is it not?  
7           A     Yes, ma'am.  
8           Q     And the same cell site for twenty-six, is it  
9     not?  
10          A     Yes, ma'am.  
11          Q     And twenty-seven is L651C, correct?  
12          A     Yes, ma'am.  
13          Q     The same as twenty-six, correct?  
14          A     Yes, ma'am.  
15          Q     The same as twenty-five, correct?  
16          A     Yes, ma'am.  
17          Q     But not the same as twenty-four or twenty-  
18     three, correct?  
19          A     No, ma'am.  
20          Q     And cellphone call number twenty-eight lists an  
21     even different cell site, does it it?  
22          A     Yes, ma'am.  
23          Q     It's L651B, is it not?  
24          A     Yes, ma'am.  
25          Q     And yet the address on call number twenty-eight

1 is 1500 Woodlawn, is it not?

2 MR. URICK: Objection.

3 THE COURT: Overruled. If the witness can read  
4 the exhibit and counsel wants to admit the evidence in  
5 that fashion and wants the witness to read that, the  
6 court will accept it as evidence and that portion of this  
7 exhibit will be in evidence.

8 Is that understood?

9 MR. URICK: Yes, ma'am.

10 THE COURT: Very well. You may proceed. Can  
11 you answer the question? Obviously you are reading from  
12 the exhibit.

13 THE WITNESS: Yes.

14 BY MS. GUTIERREZ:

15 Q And the address is 1500 Woodlawn, is it not?

16 A Yes, ma'am.

17 Q And that's for the cell site that ends with the  
18 letter "B", correct?

19 A Yes, ma'am.

20 Q Cellphone call number twenty-seven also lists  
21 the same address, 1500 Woodlawn, does it not?

22 A Yes, ma'am.

23 Q And item number twenty-six, which lists the  
24 same cell site number as twenty-seven and twenty-five,  
25 also lists the same address, does it not?

1           A     Yes, ma'am.

2           Q     Okay. And the call above that, call number

3           twenty-five, also lists 1500 Woodlawn, does it not?

4           A     Above it, twenty-four?

5           Q     Yes, sir.

6           A     Yes, ma'am.

7           Q     And cellphone call number twenty-three also

8           lists the same address, does it not?

9           A     Yes, ma'am.

10          Q     And if you bump up to cell call item number

11          twelve, that lists the cell site of L651A, does it not?

12          A     Yes, ma'am.

13          Q     And that also lists 1500 Woodlawn Drive, does

14          it not?

15          A     Yes, ma'am.

16          Q     And that's the line, line twelve, that refers

17          to the time that [REDACTED], Jenn [REDACTED]'s pager number

18          was called by the cellphone [REDACTED], correct?

19          A     Yes, ma'am.

20          Q     The pager number call that we have established

21          you made; isn't that correct?

22          A     Yes, ma'am.

23          Q     And the address of the cell site is 1500

24          Woodlawn, correct?

25          A     Yes, ma'am.

1 Q And the next phone call, item number thirteen,  
2 about which you have not been asked, lists the same cell  
3 site, doesn't it?  
4 A Yes, ma'am.  
5 Q And lists the same address, doesn't it?  
6 A Yes, ma'am.  
7 Q And that phone call appears to be less than a  
8 minute before you paged your friend, Jenn [REDACTED]?  
9 A Yes.  
10 Q Is that correct?  
11 A Yes.  
12 MS. GUTIERREZ: Judge, I think this is a good  
13 place to stop.  
14 THE COURT: Very well. Ladies and gentlemen,  
15 I'm going to ask you to pass that page back up to Mr.  
16 [REDACTED]. That will be secured and given back to you on our  
17 next day together.  
18 Mr. Wilds, I'm going to advise you in just a  
19 moment what you are to do, if you will just give us one  
20 moment.  
21 THE WITNESS: Okay.  
22 THE COURT: Ladies and gentlemen, we are going  
23 to recess for the day. What I have in my hand is a  
24 schedule for next week which will tell you what time we  
25 are going to start and like we were doing each day, this

1 is more as a weekly idea of where we are going to go for  
2 the week. It is not to mean that we will use the entire  
3 week, but in the event we do, it gives you an indication  
4 of each day.

5 I'm going to hand them out to you, but I must  
6 tell you that we are not sitting on Monday. On Monday, I  
7 still have a criminal docket and I also have the civil  
8 docket as I indicated to you before with hearings every  
9 thirty minutes. So it makes no sense to try to have you  
10 come in with the other matters set every thirty minutes.  
11 So what I'm going to do is hand these out to you.  
12 Counsel already have a copy.

13 Okay. If you will take them in the back row  
14 and pass them down. Okay. Thank you. In the event for  
15 some strange reason we were to have snow over the weekend  
16 or on Monday, you have the numbers to call -- that is my  
17 chambers -- or you can listen to WBAL, Channel 11, and  
18 that will indicate for you what the status of this  
19 courthouse is.

20 Please also be advised that over the weekend  
21 your friends and family might want to talk to you about  
22 this case. You may not discuss this case with anyone,  
23 either amongst yourselves or with anyone else. You may  
24 also understand and understand clearly that during the  
25 course of this trial and over the weekend, you should not



1 go to the scene or attempt to visit the scene, listen to  
2 the radio, the media, or read anything in the newspaper  
3 about this case. If you happen to see it, you should  
4 immediately put it away or turn the channel, the station,  
5 whatever the case may be.

6 I am also going to advise you to leave your  
7 notepads face down on your chairs. They will be secured  
8 over the weekend and returned on, as you can see, Tuesday  
9 morning. I have been advised that my docket is very  
10 light next week and I only have one case. If you will  
11 note on that schedule, pretty much we will be able to get  
12 started every day between 9:45 and 10:00, after I dispose  
13 of the one matter, and then we will proceed with each  
14 day.

15 You will also note that some days we end at  
16 5:00 and some days we end at 4:30. That has to do with  
17 what is going on after hours either in this courtroom or  
18 if I have obligations where I must appear as part of my  
19 job.

20 So I advise you that you should go now with Ms.  
21 [REDACTED], who is over by the door. Have a safe journey  
22 home and a pleasant weekend. I will see each and every  
23 one of you on Tuesday.

24 Now, Juror Number Six had an inquiry or  
25 question with regard to Friday; is that correct?

1 JUROR NUMBER SIX: Yes.

2 THE COURT: All right. If you would just stay  
3 a moment.

4 JUROR NUMBER SIX: Okay.

5 (Brief pause.)

6 (The jury was excused from the courtroom.)

7 THE COURT: Okay. Counsel, I am just going to  
8 ask the juror a few questions with regard to her schedule  
9 on Friday.

10 MS. GUTIERREZ: Right.

11 THE COURT: Mr. Wilds, you are free to go at  
12 this time. Let me advise you, you are a witness. You  
13 may not discuss your testimony with anyone. At this  
14 juncture, you may not discuss your testimony with your  
15 attorney. Again, unless you need to speak to her, you  
16 have got to ask me first before you can talk to her about  
17 your testimony. Over the weekend, do not discuss your  
18 testimony with anyone, either anyone who will be a  
19 witness in this case or anyone who may be a witness in  
20 this case in the future, or with counsel for the State or  
21 the defense.

22 If you have a question -- will you please have  
23 a seat for one moment -- then I will be happy to answer  
24 any question you may have. Mr. Wilds, you may go at this  
25 point.

1 THE WITNESS: Thank you, Your Honor.  
2 THE COURT: Now, you must be back on Tuesday,  
3 at 9:30.  
4 THE WITNESS: Yes, ma'am.  
5 THE COURT: Okay.  
6 THE WITNESS: Yes, ma'am.  
7 THE COURT: Tuesday, at 9:30.  
8 THE WITNESS: Yes, ma'am.  
9 THE COURT: Okay. Now, you have indicated that  
10 you have some travel plans for Friday, the 11th.  
11 JUROR NUMBER SIX: Yes.  
12 THE COURT: Can you tell me whether or not you  
13 are scheduled to leave by airplane or train or bus or are  
14 you driving?  
15 JUROR NUMBER SIX: It's by bus.  
16 THE COURT: Okay. And is it a scheduled time  
17 of departure on Friday?  
18 JUROR NUMBER SIX: Yes, it is.  
19 THE COURT: What time?  
20 JUROR NUMBER SIX: It's 6:00 in the morning.  
21 THE COURT: That's a.m?  
22 JUROR NUMBER SIX: Yes.  
23 THE COURT: And you will return on the 13th?  
24 JUROR NUMBER SIX: Yes.  
25 THE COURT: Okay. We are aware of that

1 situation and we are going to try to work around that  
2 schedule to the best that we can. We will advise you if  
3 we are unable to do that.

4 JUROR NUMBER SIX: Okay.

5 THE COURT: All right?

6 JUROR NUMBER SIX: All right.

7 THE COURT: Does that answer your question?

8 JUROR NUMBER SIX: Yes, it does.

9 THE COURT: Very well. You may go.

10 JUROR NUMBER SIX: Thank you.

11 THE COURT: We will see you on Tuesday.

12 JUROR NUMBER SIX: All right. Thank you.

13 (Whereupon, the juror was excused from the  
14 courtroom.)

15 THE COURT: Okay. And now counsel has a  
16 question.

17 MS. BENAROYA: Yes, Your Honor.

18 THE COURT: I need you to come up to the bench.  
19 Is it regarding your witness or client?

20 MS. BENAROYA: Your Honor, I represent him on a  
21 pro bono basis.

22 THE COURT: I understand. One moment.  
23 Counsel, I will see you at the bench.

24 MS. BENAROYA: Okay. This is --

25 THE COURT: No, no, no, you need to wait a

1 moment because if you need to speak to me, counsel needs  
2 to be present because I am not going to talk to you  
3 without them being present.

4 MS. BENAROYA: Okay.

5 (Counsel and the defendant approached the bench  
6 and the following ensued:)

7 THE COURT: Okay. Now, please identify  
8 yourself for the record.

9 MS. BENAROYA: Okay. For the record, Anne  
10 Benaroya.

11 THE COURT: Keep your voice down.

12 MS. BENAROYA: Anne Benaroya. That's B-B-N-A-  
13 R-O-Y-A. I am pro bono counsel for Jay Wilds. My  
14 question to the court is purely straight forward. As I  
15 have mentioned, Mr. Wilds is my client on a pro bono  
16 basis. I have put a great deal of time and resources  
17 into the case. I provide him with transportation to and  
18 from court. There has been an unserved subpoena that Ms.  
19 Gutierrez -- this was before the other case, the first  
20 case was tried. I received a call from a process server.  
21 I live in Rockville. The process server contacted me and  
22 said he had a subpoena to serve me. I said, well, that's  
23 fine. Well, I never got it. So I am unserved.

24 What I need to know is, do I need to respond to  
25 this subpoena? Shall I file a motion to quash in

1 writing? I called Ms. Gutierrez and asked her why she  
2 subpoenaed me, and she didn't wish to discuss it with me.  
3 Because I'm doing this on a pro bono basis -- I do have  
4 many other obligations -- I'm asking the court how to  
5 deal with this? Shall I file a motion to quash? Maybe  
6 Ms. Gutierrez --

7 THE COURT: I'm not going to advise you how to  
8 deal with it, but I can tell you that if you do receive a  
9 subpoena, you will be under order of this court to be  
10 here. If you have any problem appearing, you can write  
11 the court and inquire or request that I deal with your  
12 request in some form or fashion. But if the defense does  
13 subpoena you, and you receive a subpoena to be here --

14 MS. BENAROYA: Okay. I'm not served as of now.

15 THE COURT: Counsel, if you have other clients  
16 or other matters, I would be happy to work around your  
17 schedule. But the defense, if they choose to call you,  
18 may call you in the defense. Well, you are still in the  
19 State's case.

20 MS. BENAROYA: Yes.

21 THE COURT: So I can tell you that between now  
22 and probably the middle of next week, you will probably  
23 not be called. However, your client is still on the  
24 witness stand and will remain on the witness stand on  
25 Tuesday, that is starting Tuesday at 9:30.

1 MS. BENAROYA: Yes, I'll be bringing him to  
2 court.  
3 THE COURT: So as a result of bringing him to  
4 court, you may be served.  
5 MS. BENAROYA: Yes, that's right.  
6 THE COURT: And if you are served and it is  
7 causing you some scheduling conflict with other cases or  
8 proceedings, then I need to have you write me and  
9 indicate what they are so that we can work around your  
10 schedule.  
11 MS. BENAROYA: Okay. That was all I needed to  
12 know.  
13 THE COURT: Fine. Any problem with that, Ms.  
14 Gutierrez?  
15 MS. GUTIERREZ: No.  
16 THE COURT: And Ms. Gutierrez has been kind  
17 enough, and so has Mr. Urick, that at which time she has  
18 determined that she does no longer need a witness, as you  
19 have been hearing, we have been excusing witnesses and  
20 releasing them from summonses as the case may be. So I  
21 will ask that that happen, as you have done I think with  
22 one of the doctors or police officers actually --  
23 MS. GUTIERREZ: Yes.  
24 THE COURT: -- who indicated that he had a  
25 conflict, and we worked around that as well.

1 MS. BENAROYA: Okay. Very good. Thank you.  
2 THE COURT: All right.  
3 MS. BENAROYA: That's all I needed.  
4 THE COURT: Very well. Anything further?  
5 (No response.)  
6 THE COURT: Okay. Thank you.  
7 (Counsel and the defendant returned to the  
8 trial tables and the following ensued:)  
9 THE COURT: Okay. Then Tuesday at 9:30. • Yes,  
10 I see you are taking a deep breath. Is there a problem?  
11 MR. URICK: Well, just so everyone is aware, I  
12 have got a witness scheduled for Tuesday who is scheduled  
13 to be out of town Wednesday, Thursday, and Friday. I  
14 may, if Ms. Gutierrez goes into the afternoon, I may ask  
15 to take him out of order and interrupt the cross-  
16 examination and put him on so I can get him off.  
17 MS. GUTIERREZ: Who is that witness?  
18 MR. URICK: Abe [REDACTED]. I will get the  
19 spelling to you later.  
20 THE COURT: And I can give you a list of all  
21 the witnesses from the voir dire.  
22 COURT REPORTER: Thank you.  
23 THE COURT: Okay.  
24 MS. GUTIERREZ: Judge, I have no objection to  
25 taking a witness out of turn. I do have an objection to



1 interrupting Mr. Wilds' testimony again. You know, he is  
2 the main witness.

3 THE COURT: Yes.

4 MS. GUTIERREZ: I don't know how long my cross  
5 is going to take.

6 THE COURT: I'm not going to limit your cross.

7 MS. GUTIERREZ: What I would suggest, what I  
8 would be open to, is if on Tuesday morning if he would  
9 rather put that witness on out of turn before we start  
10 back with Mr. Wilds, I wouldn't object to that.

11 MR. URICK: That would be fine.

12 MS. GUTIERREZ: You know, so that we then don't  
13 interrupt Mr. Wilds a second time.

14 THE COURT: Obviously, if Ms. Gutierrez is  
15 acquiescing to that procedure --

16 MR. URICK: That's fine.

17 THE COURT: That's why I advised her of the  
18 time, so that she could take her cross in chunks, which  
19 she has done. So if you would like to do that on Tuesday  
20 morning, you can do that as well.

21 MR. URICK: Thank you.

22 THE COURT: All right. Anything else?

23 (No response.)

24 THE COURT: You all have a good weekend. I'll  
25 see you on Tuesday.

1 MR. URICK: Thank you, Your Honor.  
2 THE COURT: But I will be back on Monday.  
3 Staff, I will see you on Monday at 9:30. There is a  
4 schedule of the hearings. You can check with my staff.  
5 THE CLERK: I have the schedule, Your Honor.  
6 THE COURT: You have got the schedule. Very  
7 well. We stand in recess then until Monday at 9:30.  
8 THE CLERK: All rise.  
9 (Whereupon, at 5:20 p.m., the trial recessed.)  
10 -oOo-  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25