

1 from the second floor.

2 THE COURT: You did call.

3 MS. GUTIERREZ: With the Court's  
4 permission, Mr. Lewis is here.

5 THE COURT: Mr. Lewis, you may come up.  
6 Deputy Church, if you would bring our jury.

7 (Whereupon, the jury entered the courtroom,  
8 after which the following proceedings ensued:)

9 THE COURT: Ladies and gentlemen, I thank  
10 you for being so timely this morning and I also thank  
11 you for your patience with us again. We're prepared  
12 to proceed with this case. Also note we tried to  
13 improve the temperature a little bit. I know it was  
14 a little cold. We go from very cold to very hot, but  
15 hopefully that will be a little bit better today. If  
16 anyone does need a break before we proceed -- before  
17 we conclude for lunch, I note that it's a little bit  
18 about noonish. We're going to go until at least  
19 one. I'm going to try to get in some testimony this  
20 morning before we break for lunch.

21 Very well, Ms. Gutierrez. Before you  
22 start, Mr. Wilds, I need you to stand again, raise  
23 your right hand for the purposes of this tape which  
24 may be a new tape today. Please listen to Mr.  
25 White.

1 Q And you gave his name to the police at some  
2 point saying he was somebody you had told of these  
3 events, did you not?

4 A Yes, ma'am.

5 Q And, in fact, you gave the police a  
6 telephone number whereby they might reach him if they  
7 wished to see if, in fact, he backed up your story,  
8 did you not?

9 A I believe so.

10 Q And that telephone number that you gave  
11 them, sir, was a way to reach Chris [REDACTED]  
12 right?

13 A Yes, ma'am.

14 Q You didn't lie about his telephone number,  
15 right?

16 A No, ma'am.

17 Q So if the police called that telephone  
18 number they would have reached Chris [REDACTED] is  
19 that right?

20 A Yes, ma'am.

21 Q In addition, there's another young man's  
22 name you gave them who might back up one of your  
23 stories, did you not?

24 A I don't believe so.

25 Q Well, you recall the name Jeffrey [REDACTED]

1 JAY WILDS.

2 a witness produced on call of the State, having first  
3 been duly sworn, according to law, was examined and  
4 testified as follows:

5 THE CLERK: You may be seated. Keep your  
6 voice up. State your name and your address for the  
7 record.

8 THE WITNESS: Jay W. Wilds [REDACTED]  
9 [REDACTED] Catonsville, Maryland 21228, apartment E.

10 THE COURT: You may proceed.

11 MS. GUTIERREZ: Thank you, Your Honor.

12 CONTINUED CROSS EXAMINATION

13 BY MS. GUTIERREZ

14 Q Mr. Wilds, yesterday we were speaking about  
15 names of some people that you didn't hide from the  
16 police that at some point you gave them the name.  
17 You spoke about Chris [REDACTED]

18 A Yes, ma'am.

19 Q And that's the guy who is a friend of  
20 yours?

21 A Yes, ma'am.

22 Q And attended Woodlawn High School with you?

23 A Yes, ma'am.

24 Q And is still alive?

25 A Yes, ma'am.

1 do you not?

2 A Yes, ma'am.

3 Q And you told the police he was there the  
4 second time you went to [REDACTED] house, right?

5 A Yes, ma'am.

6 Q Because the first time you went alone?

7 A Yes, ma'am.

8 Q Is that right?

9 A Yes, ma'am.

10 Q And [REDACTED] was there, was she not?

11 A Yes, ma'am.

12 Q Because you told the police that you went  
13 inside her house, right?

14 A Yes, ma'am.

15 Q And you smoked marijuana with her?

16 A Yes, ma'am.

17 Q An activity you were used to doing in  
18 there, correct?

19 A Sometimes.

20 Q And the second time that you went there you  
21 said that was after you picked up Adnan, was it not?

22 A Yes, ma'am.

23 Q And you described going in there together

24 with Adnan and both [REDACTED] and her boyfriend

25 Jeffrey [REDACTED] was there?

1 A Yes, ma'am.  
 2 Q Is that correct? And you told the police  
 3 his full name, did you not?  
 4 A No, ma'am, I did not.  
 5 Q Well, you recall telling them his name was  
 6 Jeff [REDACTED]  
 7 A His name is Jeff.  
 8 Q You knew his name was Jeff [REDACTED] did you  
 9 not?  
 10 A Not at that time, I don't think so.  
 11 Q Well, sir, do you recall telling them that  
 12 you told Jeff [REDACTED] what Adnan had done?  
 13 A Yes, ma'am.  
 14 Q And you told them that in hopes that they  
 15 would believe you, did you not?  
 16 A Yes, ma'am.  
 17 Q Whenever you told them things whether they  
 18 were lies or not, you did hope they would believe  
 19 you, did you not?  
 20 MR. URICK: Objection.  
 21 THE COURT: Sustained.  
 22 Q And, sir, in regard to when you mentioned  
 23 Jeff's name, do you recall when you did that?  
 24 A No, ma'am.  
 25 Q Well, you knew it wasn't the first time you

1 name, right?  
 2 A Yes, ma'am.  
 3 Q And that was on March 15th, correct?  
 4 A Yes, ma'am.  
 5 Q And you indicated not only was Jeff [REDACTED]  
 6 present during the time Adnan was present but that  
 7 you told him what Adnan had done, right?  
 8 A Yes, ma'am.  
 9 Q And you never had such a conversation with  
 10 him before, had you?  
 11 A With whom?  
 12 Q In which you told them that somebody you  
 13 knew had killed somebody?  
 14 A No, ma'am.  
 15 Q No. That was the one and only time?  
 16 MR. URICK: Objection.  
 17 Q Right?  
 18 THE COURT: Overruled.  
 19 A Yes, ma'am.  
 20 Q And when you told him he acted like he  
 21 believed you, did he not?  
 22 THE COURT: The question is he acted like  
 23 he believed you? I'm sorry, I just want to hear.  
 24 Q From what you observed he acted like he  
 25 believed you, did he not?

1 talked to them before the tape recorder got turned  
 2 on, right?  
 3 A Yes, ma'am.  
 4 Q And you know it wasn't the second time  
 5 because you didn't even mention his girlfriend's name  
 6 the second time on the 28th after the tape recorder  
 7 got turned on, right?  
 8 A Yes, ma'am.  
 9 Q And you didn't mention it to them after the  
 10 tape recorder got turned off and back on again,  
 11 because again you never mentioned [REDACTED]  
 12 right?  
 13 A Yes, ma'am.  
 14 Q And you didn't mention going to [REDACTED]  
 15 [REDACTED] house, right?  
 16 A Yes, ma'am.  
 17 Q And so you wouldn't have mentioned Jeff  
 18 Johnson then, right?  
 19 A No, ma'am.  
 20 Q Because that wouldn't have helped you out  
 21 would it have of?  
 22 MR. URICK: Objection.  
 23 THE COURT: Sustained.  
 24 Q Now, sir, in regard to Jeff [REDACTED] you  
 25 only mentioned it after you mentioned [REDACTED]

1 MR. URICK: Objection.  
 2 THE COURT: Sustained.  
 3 Q He went right over and called the police,  
 4 did he not?  
 5 A No, ma'am.  
 6 Q And when Adnan left out, he, of course,  
 7 made an attempt to stop him, didn't he?  
 8 A No, ma'am.  
 9 Q And he asked you a lot of questions, did he  
 10 not, like what do you mean he killed somebody?  
 11 A He asked me two questions.  
 12 Q And you, of course, told the police all of  
 13 that?  
 14 A Yes, ma'am.  
 15 Q Now, sir, do you recall that yesterday --  
 16 and there weren't any other names that you forgot to  
 17 mention, were there?  
 18 A No, ma'am.  
 19 Q To the police?  
 20 A No, ma'am.  
 21 Q But at least two people, at least three  
 22 people based on what you told the police could back  
 23 up parts of your story, right?  
 24 A Yes, ma'am.  
 25 Q That would be Jen Pusateri?

1 A Yes, ma'am.  
 2 Q Your very, very good friend?  
 3 A Yes, ma'am.  
 4 Q That although you spoke to her after she  
 5 spoke to the police you all didn't discuss the  
 6 details of that, right?  
 7 A No, ma'am.  
 8 Q The second person would be Chris  
 9 [REDACTED] your friend?  
 10 A Yes, ma'am.  
 11 Q Whom you told about these events?  
 12 A Some of them.  
 13 Q And -- well, some of them involving that  
 14 there was a murder, right?  
 15 A Yes, ma'am.  
 16 Q That somebody died, right?  
 17 A Yes, ma'am.  
 18 Q That Adnan was supposedly responsible?  
 19 A Yes, ma'am.  
 20 Q According to what you said --  
 21 A Yes, ma'am.  
 22 Q -- right? And the third person who was  
 23 available to back up your story that person was Jeff  
 24 [REDACTED]  
 25 A Yes, ma'am.

1 what questions the police asked?  
 2 A Speak to her?  
 3 Q Yes, sir.  
 4 A I don't understand.  
 5 Q There wasn't any other occasion in which  
 6 you spoke to her about what the police asked, right?  
 7 A No.  
 8 Q And no other occasions on which you spoke  
 9 to her about what she might have said to the police?  
 10 A No, ma'am.  
 11 Q That were non-details; is that correct?  
 12 A Yes, ma'am.  
 13 Q Now, sir, you recall that we went all of  
 14 the way through to the 7th of September yesterday?  
 15 A Yes, ma'am.  
 16 Q Is that right?  
 17 A Yes, ma'am.  
 18 Q And that's a date that you remember, right?  
 19 A Yes, ma'am.  
 20 Q That's the day right after you knew you  
 21 were going to be charged, right?  
 22 A I believe so.  
 23 Q You had not been charged -- well, you had  
 24 spoken to the police on the 13 of April, right?  
 25 A Yes, ma'am.

1 Q And you gave full and complete information  
 2 as much as you knew about all three of those people,  
 3 did you not?  
 4 A Yes, ma'am.  
 5 Q And you knew at least that they had spoken  
 6 to Jen Pusateri before you did?  
 7 A In what regards?  
 8 Q Well, on the 28th in the middle of the  
 9 night sometime before 1:30 a.m. on February 28th you  
 10 knew that Jen Pusateri, your very good friend, had  
 11 spoken to the police, did you not?  
 12 A Yes, ma'am.  
 13 Q Okay. You've told us that, right?  
 14 A Yes, ma'am.  
 15 Q You've just said that the two of you just  
 16 didn't get into any details?  
 17 A Yes, ma'am.  
 18 Q And, sir, would it be fair to say that that  
 19 was the only time that you knew Jen Pusateri had  
 20 spoken at length to the police about a murder, right?  
 21 A Yes, ma'am.  
 22 Q There wasn't any other occasion that that  
 23 occurred, to your knowledge, was there?  
 24 A No, ma'am.  
 25 Q Nor that you had had to speak to her about

1 Q But there was no tape recording?  
 2 A No, ma'am.  
 3 Q But it was down at Police Headquarters?  
 4 A Yes, ma'am.  
 5 Q And between April, they didn't call you in  
 6 May, did they?  
 7 A No, ma'am.  
 8 Q And they didn't bring you down to Police  
 9 Headquarters, did they?  
 10 A No, ma'am.  
 11 Q And they didn't get a message to you that  
 12 you should come down and meet them, did they?  
 13 A No, ma'am.  
 14 Q And they didn't show up at your house at  
 15 any time during May?  
 16 A No, ma'am.  
 17 Q Or get any message to you whatsoever?  
 18 A No, ma'am.  
 19 Q Or make any attempt to communicate with you  
 20 at all?  
 21 A No, ma'am.  
 22 Q And they didn't do any of those things in  
 23 June?  
 24 A No, ma'am.  
 25 Q And they didn't do any of those things in

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<p>1 July?</p> <p>2 A No, ma'am.</p> <p>3 Q And they didn't do anything -- any of those</p> <p>4 things, bring you down, cause you to be brought down,</p> <p>5 communicate with you in any way, in August, July or</p> <p>6 August?</p> <p>7 A No, ma'am.</p> <p>8 Q And during any of that time you weren't</p> <p>9 charged, were you?</p> <p>10 A No, ma'am.</p> <p>11 Q You weren't under arrest?</p> <p>12 A No, ma'am.</p> <p>13 Q You didn't have to go down anywhere and get</p> <p>14 your picture taken?</p> <p>15 A No, ma'am.</p> <p>16 Q Or get your fingerprints taken?</p> <p>17 A No, ma'am.</p> <p>18 Q Or be seen by a Commissioner?</p> <p>19 A I'm sorry, my fingerprints were taken.</p> <p>20 Q Your fingerprints were, in fact, taken when</p> <p>21 you first came to see them on the 28th, were they</p> <p>22 not?</p> <p>23 A I believe so.</p> <p>24 Q Okay. And in addition to your fingerprints</p> <p>25 they took your blood, did they not?</p>	<p>1 spoke of her.</p> <p>2 Q Oh, Ms. Pusateri, that was one of the non</p> <p>3 details about her conversations that she did speak to</p> <p>4 you about?</p> <p>5 MR. URICK: Objection.</p> <p>6 THE COURT: Overruled. Yes or no.</p> <p>7 A What do you mean by non details?</p> <p>8 Q Well, sir, you understood, both from the</p> <p>9 detectives and from your good friend Jen Pusateri,</p> <p>10 that she had spoken to the police about these very</p> <p>11 events the very day before the middle of the night</p> <p>12 encounter that you had with the police, right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And you've told us although you spoke to</p> <p>15 her and you knew that had occurred, you and she</p> <p>16 didn't speak about any of the details about what she</p> <p>17 was asked?</p> <p>18 A No, ma'am.</p> <p>19 Q Right?</p> <p>20 A No, ma'am.</p> <p>21 Q Well, just answer my question yes, that's</p> <p>22 right you did not speak?</p> <p>23 A We did not speak.</p> <p>24 Q Okay. And you told us that you didn't</p> <p>25 speak about any of the details about what she was</p>
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<p>1 A Yes, ma'am.</p> <p>2 Q And they plucked your head hairs?</p> <p>3 A Yes, ma'am.</p> <p>4 Q I think that's it?</p> <p>5 A Yes, ma'am.</p> <p>6 Q But after the 13th of April really nothing</p> <p>7 happened, right?</p> <p>8 A Yes, ma'am.</p> <p>9 Q You just continued to live at your home?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And you never heard from the police?</p> <p>12 A No, ma'am.</p> <p>13 Q Anybody from the police?</p> <p>14 A No, ma'am.</p> <p>15 Q And you had never met Mr. Urick?</p> <p>16 A Not at that point.</p> <p>17 Q You didn't even know Mr. Urick's name, did</p> <p>18 you?</p> <p>19 A No, ma'am.</p> <p>20 Q And you had never met Ms. Murphy?</p> <p>21 A No, ma'am.</p> <p>22 Q You didn't know her name either, right?</p> <p>23 A Jen spoke of her.</p> <p>24 Q Pardon?</p> <p>25 A Jen had spoke of her. Ms. Pusateri had</p>	<p>1 asked?</p> <p>2 A No, ma'am.</p> <p>3 Q Or what she answered?</p> <p>4 A No, ma'am.</p> <p>5 Q And you remained good friends with your</p> <p>6 friend Jen Pusateri, did you not?</p> <p>7 A We weren't speaking for a little bit but</p> <p>8 yes we're still friends.</p> <p>9 Q You were still friends. Prior to that day</p> <p>10 you talked to her almost everyday, did you not?</p> <p>11 A Every other.</p> <p>12 Q At least every other day. And sometimes</p> <p>13 you saw her that often, correct?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Your friendship and the regularity with</p> <p>16 which you spoke and saw each other that continued,</p> <p>17 did it not?</p> <p>18 A She was mad at me for a brief period.</p> <p>19 Q Pardon?</p> <p>20 A She was angry with me for a brief period</p> <p>21 but after that.</p> <p>22 Q But that soon blew over, did it not?</p> <p>23 A I wouldn't say blew over but --</p> <p>24 Q Well, at some point it resumed, did it not?</p> <p>25 A Yes, ma'am.</p>



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<p>1 Q And it resumed long before September the</p> <p>2 6th, did it not?</p> <p>3 A Not long.</p> <p>4 Q And sir -- but you did see her?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And you did speak about these events, did</p> <p>7 you not?</p> <p>8 A She asked me if Ms. Murphy had contacted</p> <p>9 me.</p> <p>10 Q And, sir, you hadn't met Ms. Murphy, had</p> <p>11 you?</p> <p>12 A No, ma'am.</p> <p>13 Q And you were aware that Ms. Murphy worked</p> <p>14 for the State's Attorney's Office?</p> <p>15 A Jen made me aware of that.</p> <p>16 Q Not the Police Department?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And Ms. Murphy was never mentioned in</p> <p>19 connection with that interview that you knew about</p> <p>20 with Jen Pusateri that took place on February 27th?</p> <p>21 A I'm not understanding you.</p> <p>22 Q You hadn't heard from Ms. Pusateri that the</p> <p>23 State's Attorney Ms. Murphy had been present at her</p> <p>24 questioning, had you?</p> <p>25 A Yes, ma'am.</p>	<p>1 Q And you understood that both Detectives</p> <p>2 MacGillivary and Ritz were present, did you not?</p> <p>3 A I understood that Mr. MacGillivary was</p> <p>4 there.</p> <p>5 Q Detective MacGillivary. Was his presence a</p> <p>6 detail or a non detail?</p> <p>7 A A non detail, ma'am.</p> <p>8 Q A non detail. And what she was asked, the</p> <p>9 questions she was asked, was that a detail or a non</p> <p>10 detail?</p> <p>11 A Those were details.</p> <p>12 Q That was the details. And the answers that</p> <p>13 she gave was that a detail or --</p> <p>14 A Those were also details.</p> <p>15 Q That was a detail, okay. Now, on any other</p> <p>16 occasion that you spoke with Ms. Pusateri, did you</p> <p>17 get anymore details?</p> <p>18 A No, ma'am.</p> <p>19 Q Did you get anymore non details?</p> <p>20 A No, ma'am.</p> <p>21 Q Was it a subject of conversation?</p> <p>22 A We avoided it.</p> <p>23 Q Pardon?</p> <p>24 A We avoided it.</p> <p>25 Q You avoided the conversation. Now, sir,</p>
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<p>1 Q Oh, and you heard that from Ms. Pusateri?</p> <p>2 A Yes, ma'am.</p> <p>3 Q And that's something that you would have</p> <p>4 not considered to be a detail?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Of her interview, right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Let's go back and see if we can define what</p> <p>9 you meant when you said you didn't speak about the</p> <p>10 details?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Let us -- let me ask you what you did speak</p> <p>13 about. So you spoke about who was there, right?</p> <p>14 A Yes, ma'am.</p> <p>15 Q And the fact that Ms. Murphy, a prosecutor,</p> <p>16 was there was something you considered a non detail?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And you understood at some point, sir, that</p> <p>19 Ms. Pusateri appeared there with a lawyer?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And was that a detail or non detail?</p> <p>22 A It was a non detail.</p> <p>23 Q A non detail. So sometimes who was present</p> <p>24 was a detail and sometimes it was a non detail?</p> <p>25 A Yes, ma'am.</p>	<p>1 you spoke yesterday that you were threatened on more</p> <p>2 than one occasion specifically by Detectives</p> <p>3 MacGillivary and Ritz that you might be arrested?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And what they expressed that you might be</p> <p>6 arrested for was murder, was it not?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And, sir, we've spoken and we'll get back</p> <p>9 to it in a minute about the plea that you entered on</p> <p>10 September 7th, right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q The time that according to your memory you</p> <p>13 didn't take an oath like you just took this morning</p> <p>14 --</p> <p>15 A Yes, ma'am.</p> <p>16 Q -- right? And at that time you knew that</p> <p>17 you were attempting to enter a guilty plea to the</p> <p>18 crime of accessory after the fact of murder?</p> <p>19 A At that time?</p> <p>20 Q Is that right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And you understood that that's a crime, did</p> <p>23 you not?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And you understood that an accessory after</p>

1 the fact to murder is a much lesser crime, did you  
2 not?  
3 MR. URICK: Objection.  
4 THE COURT: Sustained.  
5 Q Sir, did Detectives MacGillivray or Ritz  
6 ever tell you and threaten you what the penalty for  
7 murder was in this state?  
8 A Yes, ma'am.  
9 Q And they told you that it carried a penalty  
10 of up to life imprisonment, did they not?  
11 MR. URICK: Objection.  
12 THE COURT: Overruled. Did they tell you  
13 what the maximum penalty was?  
14 THE WITNESS: Yes, ma'am.  
15 Q And that was life imprisonment, was it not?  
16 A Yes, ma'am.  
17 MR. URICK: Objection.  
18 THE COURT: Overruled.  
19 Q And you knew that before they told you,  
20 didn't you?  
21 A No.  
22 Q No. Once they told you you believed them?  
23 MR. URICK: Objection.  
24 Q Did you not?  
25 THE COURT: Sustained.

1 Q And, sir, when they made the threat and  
2 they told you what the maximum penalty was --  
3 MR. URICK: Objection.  
4 Q -- you clearly understood that the threat  
5 of arrest included the threat to being charged for  
6 murder, did you not?  
7 MR. URICK: Objection.  
8 THE COURT: Overruled.  
9 A Yes, ma'am.  
10 Q And that was of great concern to you,  
11 wasn't it?  
12 MR. URICK: Objection.  
13 THE COURT: Overruled.  
14 A Yes, ma'am.  
15 Q You said and you've told us before that you  
16 were very anxious about that, were you not?  
17 A Yes, ma'am.  
18 Q And they threatened you more than one time  
19 with that, did they not?  
20 A Yes, ma'am.  
21 Q And they didn't just threaten you on the  
22 28th, they threatened you again on the 15th, did they  
23 not?  
24 MR. URICK: Objection.  
25 THE COURT: I'm going to sustain the

1 objection. I believe we've been over this area of  
2 questioning before.  
3 Q Well, sir, you admit that what you told  
4 them on the 15th was different in many respects from  
5 what you told them on the 28th?  
6 MR. URICK: Objection.  
7 THE COURT: Sustained.  
8 Q Correct? Well, sir, when they -- before  
9 you told them something different on March the 15th,  
10 either while the tape recorder was on or before, had  
11 they threatened you again --  
12 MR. URICK: Objection.  
13 Q -- with arrest for murder?  
14 THE COURT: One moment, please. Objection  
15 is sustained. We've been over this area before.  
16 Next question.  
17 Q Now, after -- incidentally, on the 15th was  
18 there any time you spoke to the detectives when the  
19 tape recorder was not on?  
20 A On the 15th March?  
21 Q On the 15th of March.  
22 A Yes, ma'am.  
23 Q There was. Well, was that before the tape  
24 recorder went on or after it had been turned off?  
25 A They knocked at my door and spoke to me

1 before we left.  
2 Q They knocked at your door on the 15th at  
3 your home?  
4 A Yes, ma'am.  
5 Q And they spoke to you there?  
6 A They said good morning.  
7 Q Did they ask you any questions?  
8 A How I was doing.  
9 Q That's all?  
10 A Did I want anything to eat.  
11 Q Did you know that they were coming?  
12 A No, ma'am.  
13 Q And you hadn't been given any warning?  
14 A No, ma'am.  
15 Q Did they ask you anything until you got  
16 downtown?  
17 A Not really.  
18 Q They told you where they were taking you,  
19 right?  
20 A Yes.  
21 Q And when they got you downtown, did you go  
22 to the same floor that you went before?  
23 A I don't believe so.  
24 Q A different floor?  
25 A Yes, ma'am.

<p style="text-align: right;">Page 32</p> <p>1 Q But in the same building?</p> <p>2 A Yes, ma'am.</p> <p>3 Q And did they turn the tape recorder right</p> <p>4 on?</p> <p>5 A No, ma'am.</p> <p>6 Q They talked to you first?</p> <p>7 A They had told me they wanted to ask me</p> <p>8 about some inconsistencies.</p> <p>9 Q They were going to ask you about?</p> <p>10 A Inconsistencies.</p> <p>11 Q Inconsistencies from what they had analyzed</p> <p>12 what you had said before --</p> <p>13 A Yes, ma'am.</p> <p>14 Q -- right? On the 28th?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Because you had had no contact with them or</p> <p>17 anyone about this case in between time, right?</p> <p>18 A No, ma'am.</p> <p>19 Q So they asked you about the inconsistencies</p> <p>20 before the tape recorder got turned on?</p> <p>21 A No, ma'am.</p> <p>22 Q Did they ask you any other questions?</p> <p>23 A No, ma'am.</p> <p>24 Q After the tape recorder got turned on, did</p> <p>25 it ever get turned off?</p>	<p style="text-align: right;">Page 34</p> <p>1 Q Or heard from him?</p> <p>2 A No, ma'am.</p> <p>3 Q You didn't meet Ms. Murphy?</p> <p>4 A No, ma'am.</p> <p>5 Q Or hear from her?</p> <p>6 A No, ma'am.</p> <p>7 Q And on that occasion there was not a tape</p> <p>8 recorder?</p> <p>9 A No, ma'am.</p> <p>10 Q And so you didn't give them any statement?</p> <p>11 A No, ma'am.</p> <p>12 Q Did they ask you questions?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And did you answer them?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And what were those questions about?</p> <p>17 A Chronology.</p> <p>18 Q The chronology of events?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And they again asked about inconsistencies</p> <p>21 in what you had told them between the 28th and the</p> <p>22 15th, did they not?</p> <p>23 A One in specific.</p> <p>24 Q They put it to you like that, did they not?</p> <p>25 A Like what?</p>
<p style="text-align: right;">Page 33</p> <p>1 A Not to my knowledge.</p> <p>2 Q After the tape recorder -- well, at some</p> <p>3 point it did get turned off, right?</p> <p>4 A Yes, ma'am.</p> <p>5 Q After that was there any other question?</p> <p>6 A No, ma'am.</p> <p>7 Q No. You never asked them to turn it off?</p> <p>8 A The recorder?</p> <p>9 Q Yes.</p> <p>10 A No, ma'am.</p> <p>11 Q On the 15th -- after the 15th the next time</p> <p>12 you spoke to them was on the 13th of April, correct?</p> <p>13 A I believe so.</p> <p>14 Q Okay. And you didn't speak to them in</p> <p>15 between?</p> <p>16 A No, ma'am.</p> <p>17 Q They didn't come to your house?</p> <p>18 A No, ma'am.</p> <p>19 Q They didn't call you?</p> <p>20 A No, ma'am.</p> <p>21 Q They didn't send anybody else to talk to</p> <p>22 you?</p> <p>23 A No, ma'am.</p> <p>24 Q And you never met Mr. Urick?</p> <p>25 A No, ma'am.</p>	<p style="text-align: right;">Page 35</p> <p>1 Q That there were inconsistencies about which</p> <p>2 they needed to speak to you?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Now, you understood the term inconsistency,</p> <p>5 did you not?</p> <p>6 A Yes, ma'am.</p> <p>7 MR. URICK: Objection.</p> <p>8 THE COURT: Overruled.</p> <p>9 Q They made it clear by their questioning</p> <p>10 that there were things that didn't add up from what</p> <p>11 you told them, did they not?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And on the 15th of March had they</p> <p>14 threatened you with, you're going down for murder?</p> <p>15 A No, ma'am.</p> <p>16 Q Had they threatened you with, you're being</p> <p>17 charged with anything?</p> <p>18 A No, ma'am.</p> <p>19 Q Any crime?</p> <p>20 A No, ma'am.</p> <p>21 Q And, sir, would it be fair to say that on</p> <p>22 the 15th you felt less anxious about being arrested</p> <p>23 --</p> <p>24 MR. URICK: Objection.</p> <p>25 Q -- than you had --</p>

<p style="text-align: right;">Page 36</p> <p>1 THE COURT: Sustained.</p> <p>2 Q -- on the 28th?</p> <p>3 THE COURT: Sustained.</p> <p>4 Q Sir, on the 13th when you spoke to them</p> <p>5 either when they came or when you got downtown, did</p> <p>6 they threaten you with being arrested for murder?</p> <p>7 MR. URICK: Objection.</p> <p>8 A No, ma'am.</p> <p>9 Q And did they threaten you with being</p> <p>10 arrested for anything?</p> <p>11 THE COURT: Objection is overruled and your</p> <p>12 next question, Ms. Gutierrez.</p> <p>13 Q And, sir, after the 13th did you get less</p> <p>14 anxious about being arrested?</p> <p>15 A No, ma'am.</p> <p>16 Q You stayed the same?</p> <p>17 A Yes, ma'am.</p> <p>18 Q You were still pretty anxious?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And since Jen Pusateri your very good</p> <p>21 friend remained after a short break your very good</p> <p>22 friend, that was the topic of conversation between</p> <p>23 you and her, was it not?</p> <p>24 A Which was?</p> <p>25 Q Your anxiety about possibly getting</p>	<p style="text-align: right;">Page 38</p> <p>1 MR. URICK: Objection.</p> <p>2 THE COURT: Sustained.</p> <p>3 Q And on September 6th when Detectives</p> <p>4 MacGillivary and Ritz visited you and told you you</p> <p>5 were going to be charged, that was a surprise, was it</p> <p>6 not?</p> <p>7 A Yes, ma'am.</p> <p>8 Q You hadn't heard from any source that you</p> <p>9 might be charged, right?</p> <p>10 A No, ma'am.</p> <p>11 Q Much less with what you would be charged?</p> <p>12 A No, ma'am.</p> <p>13 Q And nobody had spoken to you in any detail</p> <p>14 about the charge of an accessory after the fact, had</p> <p>15 they?</p> <p>16 A No.</p> <p>17 MR. URICK: Objection.</p> <p>18 THE COURT: Overruled.</p> <p>19 A No, ma'am.</p> <p>20 Q No one at all. And you hadn't been</p> <p>21 contacted by anybody from Mr. Urick's office?</p> <p>22 A No, ma'am.</p> <p>23 Q No prosecutor whatsoever?</p> <p>24 A No, ma'am.</p> <p>25 Q But at some point before that day you had</p>
<p style="text-align: right;">Page 37</p> <p>1 arrested?</p> <p>2 A We didn't converse about that.</p> <p>3 Q You didn't converse about that?</p> <p>4 A It upset us both.</p> <p>5 Q Both. Is that part of what you and she</p> <p>6 avoided?</p> <p>7 A Yes, ma'am.</p> <p>8 Q The very next thing that happened in regard</p> <p>9 to you in this case was on September the 6th,</p> <p>10 correct?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Now, back on the 28th when you turned off</p> <p>13 the tape recorder and you asked Detectives</p> <p>14 MacGillivary and Ritz for help in figuring out how to</p> <p>15 get a lawyer?</p> <p>16 MR. URICK: Objection.</p> <p>17 Q You never got provided any information at</p> <p>18 that time, right?</p> <p>19 THE COURT: Sustained.</p> <p>20 Q At any time after that day was any</p> <p>21 information, up until the 6th of September, provided</p> <p>22 to you about getting a lawyer?</p> <p>23 MR. URICK: Objection.</p> <p>24 THE COURT: Sustained.</p> <p>25 Q And, sir, you didn't get a lawyer, right?</p>	<p style="text-align: right;">Page 39</p> <p>1 made a call to the Public Defender's Office, had you</p> <p>2 not?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Because you were concerned, right?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Because you were still anxious about it,</p> <p>7 right?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And you were told that you could be</p> <p>10 provided a lawyer but only after you were charged?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And when Detectives MacGillivary and Ritz</p> <p>13 came that night, did they tell you what your options</p> <p>14 were?</p> <p>15 MR. URICK: Objection.</p> <p>16 THE COURT: Sustained.</p> <p>17 Q Did they give you information on how to get</p> <p>18 a lawyer?</p> <p>19 MR. URICK: Objection.</p> <p>20 THE COURT: Overruled. Did they give you</p> <p>21 any information? Yes or no.</p> <p>22 THE WITNESS: No, ma'am.</p> <p>23 Q Did you remind them that you had previously</p> <p>24 asked for their help in getting a lawyer?</p> <p>25 MR. URICK: Objection.</p>



<p style="text-align: right;">Page 40</p> <p>1 THE COURT: Overruled.</p> <p>2 A No, ma'am.</p> <p>3 Q And did they offer you any information</p> <p>4 about now that you were charged you might be entitled</p> <p>5 to be represented by the Public Defender's Office?</p> <p>6 MR. URICK: Objection.</p> <p>7 THE COURT: Overruled.</p> <p>8 A No, ma'am.</p> <p>9 Q Did they negotiate any deal with you?</p> <p>10 A In regards to what?</p> <p>11 Q What they told you you were going to be</p> <p>12 charged with?</p> <p>13 A No, ma'am.</p> <p>14 Q When you made arrangements, they were to</p> <p>15 pick you up the next morning -- they told you they</p> <p>16 were going to pick you up the next morning?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And bring you down?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Did you understand that you were going down</p> <p>21 for a trial?</p> <p>22 A No, ma'am.</p> <p>23 Q Did you understand that you were going to</p> <p>24 appear in front of a judge?</p> <p>25 A No, ma'am.</p>	<p style="text-align: right;">Page 42</p> <p>1 life?</p> <p>2 MR. URICK: Objection.</p> <p>3 THE COURT: Overruled.</p> <p>4 A No, ma'am, it was not.</p> <p>5 Q It was the same?</p> <p>6 A Yes, ma'am.</p> <p>7 Q Spending five years in jail for a crime is</p> <p>8 the same to you as if you spent your life?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Sustained.</p> <p>11 Q All right. On that day you had no</p> <p>12 discussions with them on the 6th, right, about</p> <p>13 anything? That's what you just told us.</p> <p>14 A Pertaining to?</p> <p>15 Q What was going to happen the next day?</p> <p>16 A They told me I was going to go some place</p> <p>17 called criminal booking or to get some documents or</p> <p>18 something.</p> <p>19 Q I asked you about that before. Did you go</p> <p>20 there on the 7th?</p> <p>21 A No.</p> <p>22 Q Okay. They came to your house in the</p> <p>23 morning, did they not?</p> <p>24 A No.</p> <p>25 Q In the afternoon?</p>
<p style="text-align: right;">Page 41</p> <p>1 Q Did you understand that you were going to</p> <p>2 enter a plea?</p> <p>3 A When I left?</p> <p>4 Q When you had any conversation with them</p> <p>5 regarding them coming to pick you up and take you</p> <p>6 downtown?</p> <p>7 A No, ma'am.</p> <p>8 Q On the 7th?</p> <p>9 A No, ma'am.</p> <p>10 Q Did you discuss the penalty for accessory</p> <p>11 after the fact?</p> <p>12 A I asked them.</p> <p>13 Q And they told you, did they not?</p> <p>14 A Yes, ma'am.</p> <p>15 Q And they told you that that was five years,</p> <p>16 did they not?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And that sure made you feel better, didn't</p> <p>19 it?</p> <p>20 MR. URICK: Objection.</p> <p>21 THE COURT: Overruled.</p> <p>22 A No, it did not.</p> <p>23 Q Well, that was better than life, wasn't it?</p> <p>24 A No, it was not.</p> <p>25 Q In your mind five years was not better than</p>	<p style="text-align: right;">Page 43</p> <p>1 A They came in the morning, yes. I thought</p> <p>2 you said did they knock.</p> <p>3 Q Did they come to your house in the morning?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Okay. And they picked you up just like</p> <p>6 they told you they were going to?</p> <p>7 A Yes, ma'am.</p> <p>8 Q When they came to your house, did they come</p> <p>9 to the door?</p> <p>10 A No, ma'am.</p> <p>11 Q Did they just honk?</p> <p>12 A No, ma'am.</p> <p>13 Q Did they call you and tell you to come</p> <p>14 outside?</p> <p>15 A No, ma'am.</p> <p>16 Q They had given you a time, had they not?</p> <p>17 A Around about, yes, ma'am.</p> <p>18 Q And were you just outside?</p> <p>19 A I saw them coming.</p> <p>20 Q You saw them coming. So you went out to</p> <p>21 meet them, right?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Is this the house that you lived in with</p> <p>24 your mother?</p> <p>25 A I do live in that house with my mother,</p>

<p style="text-align: right;">Page 44</p> <p>1 yes.</p> <p>2 Q Back at the time?</p> <p>3 A Yes.</p> <p>4 Q Is that a yes?</p> <p>5 A Yes, ma'am. Presently.</p> <p>6 Q And your mother knew that you were going to</p> <p>7 be charged?</p> <p>8 A No, ma'am.</p> <p>9 Q Because you hadn't told her?</p> <p>10 A No, ma'am.</p> <p>11 Q And neither Detective MacGillivray or Ritz</p> <p>12 asked to speak to your mother?</p> <p>13 A There was no need.</p> <p>14 Q When they were there on the 6th making</p> <p>15 arrangements?</p> <p>16 A No, ma'am.</p> <p>17 Q And you hadn't sought your mother's counsel</p> <p>18 prior to that?</p> <p>19 A No, ma'am.</p> <p>20 Q And you hadn't sought your mother's counsel</p> <p>21 at any time from that midnight interview on February</p> <p>22 28th?</p> <p>23 A No, ma'am.</p> <p>24 Q Is that right?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 46</p> <p>1 THE COURT: Your objection is overruled but</p> <p>2 I'm going to ask counsel not to go into another -- an</p> <p>3 area that you've already gone into unless it's</p> <p>4 absolutely necessary for this particular foundation.</p> <p>5 Q MS. GUTIERREZ: I won't go into that</p> <p>6 particular area.</p> <p>7 Q You did all of that before Jen Pusateri</p> <p>8 arrived, right?</p> <p>9 A Yes, ma'am.</p> <p>10 Q And you told the police your mother was</p> <p>11 home, did you not?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And that after you were dropped off in your</p> <p>14 home while you were changing your clothes and bagging</p> <p>15 them up, you were very agitated, did you not?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And that your mother noticing your</p> <p>18 agitation tried to talk to you?</p> <p>19 A Somewhat.</p> <p>20 Q And tried to find out what was the cause of</p> <p>21 this unusual agitation?</p> <p>22 A No, ma'am.</p> <p>23 Q You told the police officers that you were</p> <p>24 very agitated, did you not?</p> <p>25 THE COURT: One moment, please. I'm going</p>
<p style="text-align: right;">Page 45</p> <p>1 Q Speaking of your mother back on the 13th,</p> <p>2 do you recall telling the detectives that your mother</p> <p>3 saw you when you got home?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And by getting home what you ultimately</p> <p>6 told the detectives was that Adnan dropped me off at</p> <p>7 your home, did you not?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And that your very good friend Jen Pusateri</p> <p>10 picked you up from your home?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Not from Westview Mall?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And not from Security Mall?</p> <p>15 A Yes, ma'am.</p> <p>16 Q But that you had paged her and told her to</p> <p>17 pick you up at your home?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And that when you got home you got there</p> <p>20 before she arrived?</p> <p>21 A Yes, ma'am.</p> <p>22 MR. URICK: Objection.</p> <p>23 Q And you changed your clothes?</p> <p>24 THE COURT: Overruled.</p> <p>25 MR. URICK: Objection.</p>	<p style="text-align: right;">Page 47</p> <p>1 to ask Mr. White if you could assist juror number two</p> <p>2 and get some water. He's coughing and I think that</p> <p>3 might help him a little bit, thank you, and I</p> <p>4 apologize for interrupting Ms. Gutierrez. You can</p> <p>5 repeat your last question.</p> <p>6 Q Just so that we get back to the same place,</p> <p>7 Mr. Wilds. You were very agitated, were you not?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And it was noticeable, wasn't it?</p> <p>10 A I didn't look at myself in the mirror.</p> <p>11 Q It was your word. You used the word</p> <p>12 agitation when you told the police about it, wasn't</p> <p>13 it?</p> <p>14 A Yes, ma'am.</p> <p>15 Q And when you used that word you knew what</p> <p>16 it meant?</p> <p>17 MR. URICK: Objection.</p> <p>18 Q Did you not?</p> <p>19 THE COURT: Sustained.</p> <p>20 Q You used it to describe your own appearance</p> <p>21 and behavior, did you not?</p> <p>22 MR. URICK: Objection.</p> <p>23 THE COURT: Overruled. Did you use it for</p> <p>24 the purpose counsel is indicating?</p> <p>25 THE WITNESS: I used it to describe my</p>

<p style="text-align: right;">Page 48</p> <p>1 disposition.</p> <p>2 Q Your disposition as being agitated, is that</p> <p>3 correct?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And after telling the police officers that</p> <p>6 you were agitated, you spoke about how your mother</p> <p>7 tried to talk to you because you were agitated, did</p> <p>8 you not?</p> <p>9 A Somewhat.</p> <p>10 Q Okay. Your mother, you didn't consult with</p> <p>11 between the night of the 6th of September when they</p> <p>12 visited you and didn't speak really about what was</p> <p>13 going to happen the next day being charged, you</p> <p>14 didn't speak to her about those events?</p> <p>15 A No, ma'am.</p> <p>16 Q And you didn't seek her advice?</p> <p>17 A No, ma'am.</p> <p>18 Q And that was even though your state of</p> <p>19 anxiety was the same even though you had been told</p> <p>20 you were going to be charged with an accessory after</p> <p>21 the fact?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Now, in the morning when you went out to</p> <p>24 meet them you were brought downtown; is that correct?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 50</p> <p>1 A Yes, ma'am.</p> <p>2 Q Did they speak to you about you might need</p> <p>3 a lawyer?</p> <p>4 MR. URICK: Objection.</p> <p>5 THE COURT: Sustained.</p> <p>6 Q Did they tell you a lawyer was going to be</p> <p>7 there?</p> <p>8 MR. URICK: Objection.</p> <p>9 THE COURT: Sustained.</p> <p>10 Q Did they tell you where it was they were</p> <p>11 taking you when they took you to Mr. Urick's office?</p> <p>12 MR. URICK: Objection.</p> <p>13 THE COURT: Overruled.</p> <p>14 A No, ma'am.</p> <p>15 Q That wasn't a place you had been before,</p> <p>16 right?</p> <p>17 A No, ma'am.</p> <p>18 Q And you didn't know that it was his office,</p> <p>19 right?</p> <p>20 A No, ma'am.</p> <p>21 Q You didn't know who he was, right?</p> <p>22 A No, ma'am.</p> <p>23 Q And did they tell you that what was going</p> <p>24 to -- did they tell you anything about what was going</p> <p>25 to happen after you got charged with an accessory</p>
<p style="text-align: right;">Page 49</p> <p>1 Q At any time from the time you were in their</p> <p>2 presence, did they speak with you about exactly what</p> <p>3 was going to happen, other than you had to go to that</p> <p>4 place to get your fingerprints and stuff?</p> <p>5 MR. URICK: Objection.</p> <p>6 THE COURT: Sustained.</p> <p>7 Q Did they speak to you that you were going</p> <p>8 to have to appear in front of a judge?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Overruled. Did they tell you</p> <p>11 that you were going to have to appear in front of a</p> <p>12 judge?</p> <p>13 THE WITNESS: Whom?</p> <p>14 Q Pardon?</p> <p>15 A Whom?</p> <p>16 Q Who picked up?</p> <p>17 A The detectives, no, they did not.</p> <p>18 Q It was Detective MacGillivray and Ritz,</p> <p>19 right?</p> <p>20 A Yes, ma'am.</p> <p>21 Q There weren't new detectives on the scene,</p> <p>22 right?</p> <p>23 A No, ma'am.</p> <p>24 Q They told you they would pick you up and</p> <p>25 those were the ones that did, right?</p>	<p style="text-align: right;">Page 51</p> <p>1 after the fact?</p> <p>2 MR. URICK: Objection.</p> <p>3 THE COURT: Overruled. Did they tell you</p> <p>4 what would happen after?</p> <p>5 THE WITNESS: No, ma'am.</p> <p>6 Q Did they ask you if you were going to enter</p> <p>7 a guilty plea?</p> <p>8 MR. URICK: Objection.</p> <p>9 THE COURT: Overruled.</p> <p>10 A No, ma'am.</p> <p>11 Q Did they ask you what you were going to do?</p> <p>12 A No, ma'am.</p> <p>13 Q And did they try to negotiate a deal?</p> <p>14 A No, ma'am.</p> <p>15 Q Did they promise you anything?</p> <p>16 A No, ma'am.</p> <p>17 Q And did they threaten you anymore?</p> <p>18 A No, ma'am.</p> <p>19 Q Did they remind you that you had been</p> <p>20 worried about the charge of murder and this was a</p> <p>21 gift to you, you're being only charged with an</p> <p>22 accessory after the fact?</p> <p>23 MR. URICK: Objection.</p> <p>24 THE COURT: Repeat your last question.</p> <p>25 Q Did they remind you you could have been</p>

1 charged with murder but you were only being charged  
2 with an accessory after the fact?  
3 THE COURT: Sustained.  
4 Q Did they threaten you anymore?  
5 MR. URICK: Objection.  
6 THE COURT: Overruled. Did they threaten  
7 you? And your question was did they threaten you  
8 anymore?  
9 MS. GUTIERREZ: Yes.  
10 THE COURT: That question is sustained.  
11 Q Did they threaten you at all?  
12 THE COURT: Overruled.  
13 Q With anything?  
14 THE COURT: You may answer that.  
15 THE WITNESS: No, ma'am.  
16 Q And did you ask them for help in getting a  
17 lawyer?  
18 MR. URICK: Objection.  
19 THE COURT: Sustained.  
20 Q Did you ask them if you might need a lawyer  
21 now?  
22 MR. URICK: Objection.  
23 THE COURT: Overruled. Did you ask them  
24 that you might need a lawyer now?  
25 THE WITNESS: No.

1 A I read the door.  
2 Q You read the door, but you asked no  
3 questions about why are we here?  
4 A No, ma'am.  
5 Q You read the door and it said State's  
6 Attorney's Office, did it not?  
7 A Yes, ma'am.  
8 Q And you knew that the State's Attorney's  
9 Office wasn't a courtroom, did you not?  
10 A Yes, ma'am.  
11 Q You knew that behind that door there wasn't  
12 a judge, did you not?  
13 A Yes, ma'am.  
14 Q And once you knew that at least the sign on  
15 the door said it was the State's Attorney's Office,  
16 you, of course, turned to Detectives MacGillivray and  
17 Ritz said what are we doing here?  
18 A No, ma'am.  
19 Q No, you didn't ask a single question?  
20 A No, ma'am.  
21 Q You weren't even curious?  
22 A Yes, ma'am.  
23 Q But you didn't ask a question?  
24 A They stated to me why I was there.  
25 Q And they told you what?

1 Q Did you tell them that you had spoken to  
2 the Public Defender's Office and they told you that  
3 you could get a lawyer after you were charged?  
4 MR. URICK: Objection.  
5 THE COURT: Overruled.  
6 A No.  
7 Q Did you ask to speak to a Public Defender?  
8 A I hadn't been charged yet.  
9 Q But you were on the way of that happening,  
10 were you not?  
11 A Yes, ma'am.  
12 Q And you knew that, did you not?  
13 A Yes, ma'am.  
14 Q Although they told you nothing about what  
15 was going to happen they had told you that today is  
16 the day you were getting charged, did they not?  
17 A Yes, ma'am.  
18 Q And did you ask them -- is the first place  
19 they took you Mr. Urick's office?  
20 A Yes, ma'am.  
21 Q And did you ask them where you were?  
22 A No, I read the door.  
23 Q Pardon?  
24 A I read the door.  
25 Q I can't hear you.

1 A Mr. Urick had had some questions he would  
2 like to ask me.  
3 Q You knew that Mr. Urick was the State's  
4 Attorney, did you not?  
5 A He had identified himself as so.  
6 Q That was the first time that you met him?  
7 A Yes, ma'am.  
8 Q Correct? And you knew you hadn't seen a  
9 Commissioner, had you?  
10 A No, ma'am.  
11 Q And you hadn't been given charging  
12 documents, had you?  
13 A Not as of yet.  
14 Q You hadn't been served with a criminal  
15 information that said that you are hereby charged  
16 with an accessory after the fact?  
17 A Not as of yet.  
18 Q And you hadn't seen a judge?  
19 A Not as of yet.  
20 Q And you hadn't been in the courtroom?  
21 A Not as of yet.  
22 Q And so to your way of thinking you had not  
23 yet been charged, right?  
24 A No, ma'am.  
25 Q And they explained to you that Mr. Urick



<p style="text-align: right;">Page 56</p> <p>1 wanted to ask questions; is that right?</p> <p>2 A Yes, ma'am.</p> <p>3 Q And he said the same thing when he</p> <p>4 introduced himself, right?</p> <p>5 A No.</p> <p>6 Q When they said he wanted to ask questions</p> <p>7 did you ask him questions?</p> <p>8 A No, ma'am.</p> <p>9 Q And did you ask them to explain why now</p> <p>10 after so many months do I have to talk to somebody</p> <p>11 else?</p> <p>12 A No.</p> <p>13 MR. URICK: Objection.</p> <p>14 Q Did they explain --</p> <p>15 THE COURT: Overruled.</p> <p>16 Q -- that there might still be some</p> <p>17 inconsistencies that you would have to clear up?</p> <p>18 MR. URICK: Objection.</p> <p>19 THE COURT: Overruled.</p> <p>20 A No, ma'am.</p> <p>21 Q And did they express to you that you had to</p> <p>22 work out any deal, if there was to be one with Mr.</p> <p>23 Urick?</p> <p>24 A No, ma'am.</p> <p>25 Q You, of course, didn't ask any questions</p>	<p style="text-align: right;">Page 58</p> <p>1 A I believe he told me I was going to need</p> <p>2 one.</p> <p>3 Q He told you that you were going to need</p> <p>4 one, and then he told you there's somebody he'd like</p> <p>5 you to meet?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And then he introduced you to a person that</p> <p>8 was right there?</p> <p>9 MR. URICK: Objection.</p> <p>10 Q Did he not?</p> <p>11 THE COURT: Overruled.</p> <p>12 A No, ma'am.</p> <p>13 Q Somebody pretty close by?</p> <p>14 A In relation to what?</p> <p>15 Q To where you were?</p> <p>16 A Close, five feet, ten feet.</p> <p>17 Q Within the same office?</p> <p>18 A Yes, ma'am.</p> <p>19 Q Okay. And that's within the office that</p> <p>20 had State's Attorney on the door, right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q After you were taken to the door which you</p> <p>23 read, you didn't leave that office before you spoke</p> <p>24 to Mr. Urick, right?</p> <p>25 A No, ma'am.</p>
<p style="text-align: right;">Page 57</p> <p>1 about that, did you?</p> <p>2 A No, ma'am.</p> <p>3 Q And Mr. Urick introduced himself to you,</p> <p>4 you of course asked him now when am I going to get</p> <p>5 charged?</p> <p>6 A No, ma'am.</p> <p>7 Q And did he express his questions himself?</p> <p>8 A He told me that he had someone he would</p> <p>9 like me to meet.</p> <p>10 Q He had somebody -- the very first thing he</p> <p>11 said was there's somebody that I want you to meet?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And at that point he had introduced himself</p> <p>14 to you. Had you spoken back to him?</p> <p>15 A I believe I said hello.</p> <p>16 Q And did you ask him for help with picking a</p> <p>17 lawyer?</p> <p>18 MR. URICK: Objection.</p> <p>19 THE COURT: Overruled.</p> <p>20 A No, ma'am.</p> <p>21 Q Did you ask for any assistance from him at</p> <p>22 all?</p> <p>23 A No, ma'am.</p> <p>24 Q Did you tell him you wanted a lawyer, even</p> <p>25 though you might not have asked for his help?</p>	<p style="text-align: right;">Page 59</p> <p>1 Q When he told you he had somebody he wanted</p> <p>2 you to meet, that was right after he told you that</p> <p>3 you were going to need a lawyer; is that right?</p> <p>4 A I believe so.</p> <p>5 Q And you didn't ask him hey, buddy, I just</p> <p>6 met you, how do you know whether I need a lawyer, did</p> <p>7 you?</p> <p>8 A Uh-uh, no, ma'am.</p> <p>9 Q You didn't ask him what he meant by you</p> <p>10 were going to need a lawyer, did you?</p> <p>11 A I took it to the understanding of me being</p> <p>12 charged.</p> <p>13 Q Pardon?</p> <p>14 A I took it to the understanding of me being</p> <p>15 charged.</p> <p>16 Q So you understood what he said when he said</p> <p>17 you're going to need a lawyer?</p> <p>18 A Yes, ma'am.</p> <p>19 Q So you didn't ask him any questions?</p> <p>20 A No, ma'am.</p> <p>21 Q This man you had never met before?</p> <p>22 A No, ma'am.</p> <p>23 Q Never spoken to before?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And he then took you to meet the somebody</p>

1 that he had referred to?  
 2 A Yes, ma'am.  
 3 Q And he described that person by saying  
 4 she's a very good lawyer and she will be pro bono?  
 5 MR. URICK: Objection.  
 6 THE COURT: Overruled.  
 7 A No, he said that she was a very good  
 8 lawyer, defense attorney, and that she takes -- she  
 9 does some pro bono work.  
 10 Q And you understood what he said when he  
 11 said that, didn't you?  
 12 A Yes, ma'am.  
 13 Q He was speaking to you about her, right?  
 14 A Yes, ma'am.  
 15 Q And this person was not somebody who you  
 16 had ever met, did you?  
 17 A No, ma'am.  
 18 Q And you didn't know except from what he  
 19 told you as to what kind of lawyer she was, did you?  
 20 A No, ma'am.  
 21 Q And you knew nothing about her reputation?  
 22 A Not at the time.  
 23 Q And you knew nothing about her experience?  
 24 A Not at the time.  
 25 Q And you hadn't requested a lawyer in any

1 way, right?  
 2 A Not as of yet.  
 3 Q Not to anybody then?  
 4 A No, ma'am.  
 5 Q Not to anybody the night before, right?  
 6 A No, ma'am.  
 7 Q You hadn't written a request, by the way,  
 8 since they were going to charge you, that you wanted  
 9 a lawyer?  
 10 A I'm not understanding you.  
 11 Q You hadn't written it out, even though you  
 12 hadn't asked, had you?  
 13 A No, ma'am.  
 14 Q No. And when he introduced you to that  
 15 lawyer, you and that lawyer then met in a room?  
 16 A Yes, ma'am.  
 17 Q Did you not?  
 18 A Yes, ma'am.  
 19 Q For the very first time?  
 20 A Yes, ma'am.  
 21 Q And you had not yet seen a judge?  
 22 A No, ma'am.  
 23 Q And you had not been formally charged?  
 24 A No, ma'am.  
 25 Q You hadn't seen the criminal information?

1 A I believe that was the time that I started  
 2 to look at it.  
 3 Q Had you been served with it?  
 4 A Not as yet.  
 5 Q Not as yet. Had anybody given it to you?  
 6 A Not as of yet.  
 7 Q And had you been told about it from the  
 8 time you walked through the door that said State's  
 9 Attorney's Office?  
 10 A Not as of yet.  
 11 Q Not as of yet. But nonetheless you went  
 12 into a room, an office with this woman who had been  
 13 introduced to you as a very good lawyer, a defense  
 14 lawyer who does pro bono cases?  
 15 A Some, yes.  
 16 Q Answer my question. You went into the room  
 17 with her?  
 18 A Yes.  
 19 Q Now, you understood what pro bono meant,  
 20 did you not?  
 21 A Yes, ma'am.  
 22 Q When he said it you knew that that meant  
 23 without a fee, did you not?  
 24 A I understood that, yes.  
 25 Q You didn't ask Mr. Urick what do you mean

1 by that, did you?  
 2 A I understood him, yes.  
 3 Q And you didn't ask him why he was  
 4 introducing you to a lawyer, did you?  
 5 A No, ma'am.  
 6 Q And this lawyer to whom you were introduced  
 7 was the only lawyer who wasn't a prosecutor there,  
 8 wasn't she?  
 9 A I do not know.  
 10 Q Was there anybody else introduced to you?  
 11 A Ms. Murphy.  
 12 Q As a lawyer?  
 13 A No, ma'am.  
 14 Q Who was a very good lawyer?  
 15 A No, ma'am.  
 16 Q And anybody introduced to you as an  
 17 mediocre lawyer?  
 18 A No, ma'am.  
 19 Q And any other lawyer introduced to you and  
 20 then shown to a room at any time in that day?  
 21 MR. URICK: Objection.  
 22 THE COURT: Overruled.  
 23 A No.  
 24 Q And no other lawyer showed up and  
 25 introduced themselves, did they?

<p style="text-align: right;">Page 64</p> <p>1 A No, ma'am.</p> <p>2 Q Sir, you spent how much time in that room</p> <p>3 with that lawyer?</p> <p>4 A Somewhere between an hour and a half and</p> <p>5 two hours.</p> <p>6 Q And, sir, did you come to understand that</p> <p>7 that lawyer was available to you pro bono?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And you needed that, did you not, if you</p> <p>10 needed a lawyer?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And you couldn't have afforded your own</p> <p>13 lawyer could you of?</p> <p>14 A No, ma'am.</p> <p>15 Q That's why you had called the Public</p> <p>16 Defender's Office, didn't you?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Because you thought if you needed a lawyer</p> <p>19 you had to get a lawyer that wasn't going to cost you</p> <p>20 any money?</p> <p>21 A Correct.</p> <p>22 Q Because you couldn't have afforded to go</p> <p>23 out and hire a lawyer back then?</p> <p>24 A No, ma'am.</p> <p>25 Q Not in September?</p>	<p style="text-align: right;">Page 66</p> <p>1 MR. URICK: Objection.</p> <p>2 THE COURT: Sustained.</p> <p>3 Q Were you presented with the plea agreement?</p> <p>4 MR. URICK: Objection.</p> <p>5 THE COURT: Sustained.</p> <p>6 Q Did Ms. Benaroya present you with a written</p> <p>7 plea agreement?</p> <p>8 MR. URICK: Objection.</p> <p>9 THE COURT: Sustained.</p> <p>10 Q Was there a typewriter in that room?</p> <p>11 MR. URICK: Objection.</p> <p>12 THE COURT: Sustained.</p> <p>13 Q Was there a secretary in that room?</p> <p>14 MR. URICK: Objection.</p> <p>15 THE COURT: Sustained.</p> <p>16 Q Was anybody else ever in that room?</p> <p>17 MR. URICK: Objection.</p> <p>18 THE WITNESS: No, ma'am.</p> <p>19 MS. GUTIERREZ: I'm sorry, I didn't hear</p> <p>20 the Court's ruling.</p> <p>21 THE COURT: That last objection was</p> <p>22 sustained.</p> <p>23 MS. GUTIERREZ: As to whether or not</p> <p>24 anybody else was ever in the room?</p> <p>25 THE COURT: I didn't --</p>
<p style="text-align: right;">Page 65</p> <p>1 A No, ma'am.</p> <p>2 MR. URICK: Objection.</p> <p>3 Q Not in August?</p> <p>4 THE COURT: Sustained.</p> <p>5 Q And, sir, when did you discuss -- by the</p> <p>6 way, this lawyer's name is Mrs. Benaroya?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And did you discuss pro bono and what it</p> <p>9 meant with her?</p> <p>10 MR. URICK: Objection.</p> <p>11 THE COURT: Sustained.</p> <p>12 Q At any time in that hour and a half you</p> <p>13 were in that room, sir, did you see a judge?</p> <p>14 A No, ma'am.</p> <p>15 Q Were you served with copies of charging</p> <p>16 documents?</p> <p>17 A No, ma'am.</p> <p>18 Q Taken to a Commissioner?</p> <p>19 A No, ma'am.</p> <p>20 Q Were you ever formally charged in that time</p> <p>21 period?</p> <p>22 A No, ma'am.</p> <p>23 Q And after the hour and a half, sir, or</p> <p>24 during the hour and a half, did the idea of a plea</p> <p>25 come up?</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. GUTIERREZ: That's what --</p> <p>2 THE COURT: I didn't -- I didn't hear an</p> <p>3 objection to that and he answered no.</p> <p>4 Q And did anybody ever come into that room --</p> <p>5 MR. URICK: Objection.</p> <p>6 Q -- with you and Ms. Benaroya?</p> <p>7 THE COURT: Overruled.</p> <p>8 A No, ma'am.</p> <p>9 Q There came a time when you left the room</p> <p>10 with Ms. Benaroya?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Was there ever a time before the two of you</p> <p>13 left that she left and left you there?</p> <p>14 A Briefly.</p> <p>15 Q And did you know at that time where she</p> <p>16 went?</p> <p>17 MR. URICK: Objection.</p> <p>18 THE COURT: Sustained.</p> <p>19 Q Could you see where she went?</p> <p>20 MR. URICK: Objection.</p> <p>21 THE COURT: Overruled.</p> <p>22 A Out the door to the left.</p> <p>23 Q And at the time she left was her leaving</p> <p>24 related to your discussions with her?</p> <p>25 MR. URICK: Objection.</p>

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<p>1 THE COURT: Sustained.</p> <p>2 Q During the time when you were in that room,</p> <p>3 did you hire her as your lawyer?</p> <p>4 MR. URICK: Objection.</p> <p>5 THE COURT: Sustained.</p> <p>6 Q Did you pay her a fee?</p> <p>7 MR. URICK: Objection.</p> <p>8 THE COURT: Sustained.</p> <p>9 Q Do you know if anybody paid her a fee?</p> <p>10 MR. URICK: Objection.</p> <p>11 THE COURT: Sustained.</p> <p>12 MR. URICK: Move to strike.</p> <p>13 THE COURT: And it's stricken. Ladies and</p> <p>14 gentlemen, what this witness may have done with his</p> <p>15 lawyer is privileged. He's not required to divulge</p> <p>16 that. He has a privilege which he may invoke which</p> <p>17 has to do with the hiring of the lawyer, the</p> <p>18 conversations with that lawyer, and anything that</p> <p>19 happened between them is privileged. He's invoking</p> <p>20 that privilege as he indicated such to this Court.</p> <p>21 Mr. Wilds, I'll reiterate, you do not have</p> <p>22 to divulge anything that you had in terms of</p> <p>23 conversation with your lawyer. If you choose to</p> <p>24 waive that privilege, you have an absolute right to</p> <p>25 do that but it is your right not to discuss anything</p>	<p>1 street to the other courthouse?</p> <p>2 A No, not at first.</p> <p>3 Q Not at first. You stopped somewhere else?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And did you come in contact with Mr. Urick?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And at that point did you and Ms. Benaroya</p> <p>8 and Mr. Urick have any discussions?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Yes or no, did you have</p> <p>11 discussions?</p> <p>12 THE WITNESS: Yes, ma'am.</p> <p>13 Q And did they concern your being charged?</p> <p>14 A No, ma'am.</p> <p>15 Q Did they concern a plea?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And did they concern the same events about</p> <p>18 which we've spoken so many times?</p> <p>19 A Yes.</p> <p>20 Q In this case?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Your various statements?</p> <p>23 A Yes, ma'am.</p> <p>24 Q And what it was that you would be expected</p> <p>25 to testify about?</p>
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<p>1 you may have discussed with your lawyer, do you</p> <p>2 understand?</p> <p>3 THE WITNESS: (Indicating.)</p> <p>4 THE COURT: Is that a yes?</p> <p>5 THE WITNESS: Yes, ma'am.</p> <p>6 THE COURT: Very well. Your next question,</p> <p>7 Ms. Gutierrez.</p> <p>8 MS. GUTIERREZ: Judge, we would note an</p> <p>9 objection to the Court's ruling and ask for --</p> <p>10 THE COURT: That's quite all right.</p> <p>11 MS. GUTIERREZ: -- a continual objection on</p> <p>12 all of the grounds we previously argued.</p> <p>13 THE COURT: So noted for the record.</p> <p>14 MS. GUTIERREZ: Thank you, Your Honor.</p> <p>15 Q Now Mr., Wilds, there came a time after</p> <p>16 about an hour and half when you left that room</p> <p>17 together with this woman that had been introduced to</p> <p>18 you by Mr. Urick --</p> <p>19 MR. URICK: Objection.</p> <p>20 Q -- correct?</p> <p>21 THE COURT: Overruled.</p> <p>22 A Yes, ma'am.</p> <p>23 Q And you went somewhere, did you not?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And the place where you went was across the</p>	<p>1 A The subject matter?</p> <p>2 Q Yes.</p> <p>3 A Yes, ma'am.</p> <p>4 Q And that discussion took place inside the</p> <p>5 State's Attorney's Office, did it not?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And that discussion took how long?</p> <p>8 A About an hour.</p> <p>9 Q And at the end of that hour you signed an</p> <p>10 agreement that you called the truth agreement, did</p> <p>11 you not?</p> <p>12 A Yes.</p> <p>13 Q And Mr. Urick signed it?</p> <p>14 A Yes, ma'am.</p> <p>15 Q And Ms. Benaroya signed it?</p> <p>16 A Excuse me, yes, ma'am.</p> <p>17 Q Was that agreement typed up while you were</p> <p>18 talking to them in that same room?</p> <p>19 A No, ma'am.</p> <p>20 Q This agreement that you signed was</p> <p>21 presented to you for the first time in that room, was</p> <p>22 it not?</p> <p>23 A Which room?</p> <p>24 Q The State's Attorney's office?</p> <p>25 A Which room?</p>



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<p>1 Q Wherever you, Mr. Urick, and Ms. Benaroya 2 were talking. Did you talk in more than one? 3 A No, ma'am. 4 Q Was there anybody else ever involved in the 5 discussion? 6 A No, ma'am. 7 MR. URICK: Objection. 8 Q Well, in that room -- 9 THE COURT: Overruled. 10 Q Was that the first time that you were 11 presented with this agreement? 12 A No, ma'am. 13 Q And you had been presented that previously, 14 had you not? 15 A Yes, ma'am. 16 Q After you were introduced to Ms. Benaroya, 17 correct? 18 A Yes, ma'am. 19 Q And at the time you were presented it, it 20 was already typed up, was it not? 21 MR. URICK: Objection. 22 THE COURT: Sustained. 23 Q There was no place in the agreement for 24 fill in the blanks, was there? 25 MR. URICK: Objection.</p>	<p>1 A No, ma'am. 2 Q And did your lawyer? 3 MR. URICK: Objection. 4 THE COURT: Sustained as to the question. 5 If you could put a time did your lawyer make -- 6 Q In the hour and a half that you were in the 7 room together with Mr. Urick and this woman that had 8 been introduced to you as a very good lawyer, or 9 defense lawyer that did pro bono stuff -- 10 MR. URICK: Objection. 11 Q -- during that time period -- 12 MR. URICK: Objection. 13 THE COURT: Overruled. Did you observe 14 your attorney in the presence of the others make 15 changes to that plea agreement? Yes or no. 16 THE WITNESS: Yes. 17 THE COURT: Yes. 18 Q And were you discussing it with your lawyer 19 at that time? 20 MR. URICK: Objection. 21 THE COURT: Sustained. 22 Q Were you discussing it with Mr. Urick? 23 A No, ma'am. 24 Q The changes that you made you said the 25 alterations that you made concerned what?</p>
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<p>1 THE COURT: Sustained. 2 Q When you were in the room with Mr. Urick 3 and this woman Ms. Benaroya, did any of you make any 4 alterations to the agreement -- 5 MR. URICK: Objection. 6 Q -- that you were presented with? 7 THE COURT: Overruled. Any alterations to 8 the agreement that you were presented with? 9 THE WITNESS: Yes. 10 Q Yes. And did you cross out things? 11 A Yes. 12 Q Put your initials on places? 13 A Yes. 14 Q And did you insist on other terms? 15 A No, ma'am. 16 Q And were you asked to read all of the terms 17 in your presence? 18 A Yes, ma'am. 19 Q And to make sure you understood them? 20 A Yes, ma'am. 21 Q And were you given an opportunity to ask 22 questions of your own? 23 MR. URICK: Objection. 24 THE COURT: Sustained as to the question. 25 Q Sir, did you make alterations?</p>	<p>1 A Minor things, going to court. 2 Q Pardon? 3 A Minor things like how and when I was 4 supposed to go to court. 5 Q When you were supposed to go to court? 6 A How, how. 7 Q How, meaning how were you supposed to get 8 there? 9 A No, like the terms. 10 Q The terms of going to court? 11 A Yes. 12 Q Well, you understood, sir, that the 13 agreement requires you to testify at any time they 14 tell you to do so? 15 A Yes, ma'am. 16 Q And is there -- maybe you could help tell 17 us what part of that you wanted to change? 18 MR. URICK: Objection. 19 THE COURT: Sustained. 20 Q What part of that did you change? 21 MR. URICK: Objection. 22 A I believe it was -- 23 THE COURT: Just one moment. What part -- 24 I'm going to sustain the question. 25 Q Mr. Wilds, while you were in that room with</p>

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<p>1 Ms. Benaroya and Mr. Urick, did anybody else come in 2 and out? 3 A Yes, ma'am. 4 Q And who was that? 5 A Ms. Murphy. 6 Q Ms. Murphy. And you understood who she 7 was, right? 8 A She introduced herself. 9 Q Well, you just told us you had heard her 10 name before? 11 A Yes, ma'am. 12 Q And you knew her to be a prosecutor before, 13 right? 14 A Yes, ma'am. 15 Q Right? 16 A I had never seen her. 17 Q So although you had not met her you knew 18 who she was? 19 A I knew of her. 20 Q You knew of her. And she came in and out 21 of that room how many times? 22 A I do not recall. 23 Q That session ended at some point? 24 A Yes, ma'am. 25 Q And at the conclusion of that session had</p>	<p>1 going to be charged in regard to any drug case, had 2 you? 3 MR. URICK: Objection. 4 THE COURT: Overruled. 5 A No, ma'am. 6 Q The only thing that you were told is that 7 you were going to be charged as an accessory after 8 the fact to murder; is that correct? 9 A Yes, ma'am. 10 Q The murder that you had spoken to them 11 about that you say occurred on January 13th, right? 12 A Yes, ma'am. 13 Q That was the only thing they told you. 14 right? 15 A Yes, ma'am. 16 Q They weren't threatening you with drug 17 charges at any time, were they? 18 A No, ma'am. 19 Q On the 6th, the day before they didn't tell 20 you, oh, by the way, you're going to be charged with 21 an accessory after the fact to the murder about which 22 you discussed and also you're going to get charged in 23 all of these drug cases? 24 MR. URICK: Objection. 25 THE COURT: Sustained. Asked and answered.</p>
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<p>1 this been totally negotiated? 2 A Yes, ma'am. 3 Q And was it retyped? 4 A Excuse me, no, ma'am. 5 Q No. So what you ended up with and what you 6 signed is the same document that was first presented 7 to you before you walked to the place where you spoke 8 with Ms. Benaroya and Mr. Urick? 9 MR. URICK: Objection. 10 THE COURT: Overruled. Do you know if it 11 was the same document? 12 THE WITNESS: Not exactly. 13 Q Meaning you don't know exactly or it wasn't 14 exactly the same document? 15 A It's not exactly the same document. 16 Q And so the document that you signed did it 17 have any alterations that you made in it? 18 A Yes. 19 Q And what were those? 20 A Things involving whether it was a drug case 21 or not and stuff like that. 22 Q Well, this wasn't a drug case? 23 A That's why we made the alterations. 24 THE COURT: Sustained. 25 Q And, sir, you hadn't been told you were</p>	<p>1 Q Now, sir, if you recall the other day I 2 asked you about 1-A. It states that you the 3 defendant represent that he or she has fully and 4 truthfully responded to all questions put to you by 5 law enforcement during all prior interviews, do you 6 recall that? 7 A Yes, ma'am. 8 Q And you've acknowledged, sir, that you 9 hadn't responded truthfully to all of their 10 questions, right? 11 A There came a point when all of the 12 questions were answered truthfully. 13 Q Pardon? 14 A There came a point when all of the 15 questions were answered truthfully. 16 Q Well, no, sir. My question to you, you've 17 already acknowledged that you've lied to them, have 18 you not? 19 MR. URICK: Objection. 20 THE COURT: Sustained. 21 Q And you were aware when you read this that 22 you had lied to them -- 23 MR. URICK: Objection. 24 THE COURT: Sustained. 25 Q -- were you not -- and sir, were you asked</p>

<p style="text-align: right;">Page 80</p> <p>1 about this --</p> <p>2 MR. URICK: Objection.</p> <p>3 Q -- by Mr. Urick when you were in that room</p> <p>4 together with him and Ms. Benaroya?</p> <p>5 A Asked about what?</p> <p>6 Q 1-A where it says that you say that you've</p> <p>7 been truthful in all of your interviews with them</p> <p>8 that have occurred up to that point?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Overruled.</p> <p>11 A No, ma'am.</p> <p>12 Q And did he assure you that he knew about</p> <p>13 all of the times you had already lied?</p> <p>14 MR. URICK: Objection.</p> <p>15 THE COURT: Sustained.</p> <p>16 Q Did anyone make any alteration to this to</p> <p>17 exclude all of the times that you had already told</p> <p>18 them you lied?</p> <p>19 MR. URICK: Objection.</p> <p>20 THE COURT: Sustained.</p> <p>21 Q Did he tell you that it didn't matter that</p> <p>22 you had lied?</p> <p>23 MR. URICK: Objection.</p> <p>24 THE COURT: Sustained.</p> <p>25 Q And when you read that, did you tell him,</p>	<p style="text-align: right;">Page 82</p> <p>1 asked to be altered?</p> <p>2 MR. URICK: Objection.</p> <p>3 THE COURT: Sustained.</p> <p>4 Q Sir, when you negotiated this truth</p> <p>5 agreement, as you call it, was it entirely during</p> <p>6 that one and a half hour period of time?</p> <p>7 MR. URICK: Objection.</p> <p>8 THE COURT: Sustained as to the question.</p> <p>9 Q What happened at the end of the hour and a</p> <p>10 half?</p> <p>11 MR. URICK: Objection.</p> <p>12 THE COURT: Overruled. What happened as to</p> <p>13 the plea agreement, I assume?</p> <p>14 Q As to anything? What happened at the end</p> <p>15 of that hour and a half time period?</p> <p>16 THE COURT: Sustained.</p> <p>17 Q Did you sign the plea agreement then?</p> <p>18 MR. URICK: Objection.</p> <p>19 THE COURT: Overruled.</p> <p>20 A No, ma'am.</p> <p>21 Q Did there come a time in that day that you</p> <p>22 signed it?</p> <p>23 A Yes, ma'am.</p> <p>24 Q How long after the end of that hour and a</p> <p>25 half?</p>
<p style="text-align: right;">Page 81</p> <p>1 oh, wait a minute, I haven't always been truthful,</p> <p>2 I've lied to the police but I've since admitted it?</p> <p>3 MR. URICK: Objection.</p> <p>4 THE COURT: Sustained.</p> <p>5 Q Sir, further in that as we talked about it</p> <p>6 that 1-A paragraph says that you shall -- your</p> <p>7 cooperation must continue. It must be provided full,</p> <p>8 complete, and candid information concerning the</p> <p>9 murder of Hae Min Lee, do you recall that?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And did you change anything about that?</p> <p>12 A No, ma'am.</p> <p>13 Q Did you advise Mr. Urick that you had lied?</p> <p>14 MR. URICK: Objection.</p> <p>15 THE COURT: Sustained.</p> <p>16 Q Did you advise Mr. Urick that your</p> <p>17 information had not been full?</p> <p>18 THE COURT: Sustained, and I'll ask counsel</p> <p>19 to move on.</p> <p>20 Q Now, in regard to the other exhibit that</p> <p>21 you changed or asked to be changed, do you remember</p> <p>22 what it was?</p> <p>23 MR. URICK: Objection.</p> <p>24 THE COURT: Sustained as to that question.</p> <p>25 Q Sir, was there any other area that you</p>	<p style="text-align: right;">Page 83</p> <p>1 A Two hours.</p> <p>2 Q Two hours later. And did there come a time</p> <p>3 when you left the place where you and Mr. Urick were?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And where did you go?</p> <p>6 A To the courthouse.</p> <p>7 Q The courthouse across the street?</p> <p>8 A I believe so.</p> <p>9 Q Was that the time that you went over to</p> <p>10 Judge McCurdy's?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And at that time you had not signed the</p> <p>13 truth agreement?</p> <p>14 A Yes, ma'am, I had.</p> <p>15 Q And --</p> <p>16 A No, I'm sorry, I had.</p> <p>17 Q You had signed?</p> <p>18 A Yes, ma'am.</p> <p>19 Q In fact, you signed it before you left the</p> <p>20 room with Mr. Urick, didn't you?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And at the end of the hour and a half?</p> <p>23 A No, ma'am.</p> <p>24 Q Sometime later?</p> <p>25 A Yes, ma'am.</p>

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<p>1 Q When?</p> <p>2 MR. URICK: Objection.</p> <p>3 THE COURT: Sustained.</p> <p>4 Q After the hour and a half did Mr. Urick</p> <p>5 leave that room?</p> <p>6 MR. URICK: Objection.</p> <p>7 THE COURT: Sustained.</p> <p>8 Q Did your lawyer leave that room?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Sustained.</p> <p>11 Q Did you leave that room?</p> <p>12 MR. URICK: Objection.</p> <p>13 THE COURT: Overruled.</p> <p>14 A Briefly.</p> <p>15 Q After the hour and a half ended did you</p> <p>16 then go directly over to Judge McCurdy's?</p> <p>17 A No, ma'am.</p> <p>18 Q You went some place else?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And where was that?</p> <p>21 A I smoked a cigarette.</p> <p>22 Q You smoked a cigarette?</p> <p>23 MR. URICK: Objection.</p> <p>24 A Yes, ma'am.</p> <p>25 Q And that of course didn't take you two and</p>	<p>1 recessed today for lunch. Ask that counsel note</p> <p>2 where you are in the questioning of Mr. Wilds with</p> <p>3 regard to when it was that he left the State's</p> <p>4 Attorney's Office and proceeded over to the other</p> <p>5 courthouse.</p> <p>6 Mr. Wilds, I'm going to advise you that you</p> <p>7 must not discuss your testimony with anyone. You are</p> <p>8 a sequestered witness and you are on the stand, other</p> <p>9 than the manner in which I indicated to you you could</p> <p>10 have contact with your attorney, if you choose to do</p> <p>11 that, and at this time, Mr. Wilds, I'll ask that you</p> <p>12 step down. You may go to lunch. We'll see you back</p> <p>13 here at no later than 2:15.</p> <p>14 THE WITNESS: Is there some way I can talk</p> <p>15 to Ms. Benaroya?</p> <p>16 THE COURT: Yes, if you go around, Ms.</p> <p>17 Connelly, Ms. Connelly, may I see you? Mr. Wilds,</p> <p>18 please go with Ms. Connelly.</p> <p>19 Ladies and gentlemen, at this time we are</p> <p>20 going to recess for lunch and ask that you be back by</p> <p>21 2:15, and, counsel, I'd like to move this case along</p> <p>22 and that means I'd like to start as promptly at 2:15</p> <p>23 if at all possible. Ask that counsel be back by 2:05</p> <p>24 so that we can be on the bench and ready to go by</p> <p>25 2:15.</p>
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<p>1 a half hours, did it?</p> <p>2 A No, ma'am.</p> <p>3 Q After you smoked your cigarette, sir, where</p> <p>4 did you go?</p> <p>5 A I believe I went to the courthouse then.</p> <p>6 Q Pardon?</p> <p>7 A Which time period are you talking about?</p> <p>8 Q Sir, you said you were in a place?</p> <p>9 A Yes, ma'am.</p> <p>10 Q I assume that was a room?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Inside the same State's Attorney's Office?</p> <p>13 A Yes, ma'am.</p> <p>14 Q In the same suite of offices where you met</p> <p>15 this person that had been introduced to you as a good</p> <p>16 lawyer?</p> <p>17 MR. URICK: Objection.</p> <p>18 THE COURT: Sustained.</p> <p>19 Q Was the office where you met Mr. Urick the</p> <p>20 same place or a different place than where you met</p> <p>21 with Ms. Benaroya?</p> <p>22 MR. URICK: Objection.</p> <p>23 THE COURT: One moment. This is sustained</p> <p>24 and I'm going to at this point stop us and have us</p> <p>25 take a luncheon recess. It's after one. We have not</p>	<p>1 Ladies and gentlemen, I ask that you leave</p> <p>2 your notepads face down on your chairs, that you not</p> <p>3 discuss the testimony of Mr. Wilds with your --</p> <p>4 amongst yourselves or with anyone else and that you</p> <p>5 return to the jury room no later than 2:15. I'd like</p> <p>6 to start back at 2:15 and as soon as everyone is</p> <p>7 present we will do that.</p> <p>8 At this time you will go with the deputy</p> <p>9 sheriff who will walk you back to the jury room and</p> <p>10 then you'll be dismissed for lunch from there.</p> <p>11 Ladies and gentlemen, we're going to stand in recess</p> <p>12 until 2:15.</p> <p>13 (Whereupon the Court recessed, following</p> <p>14 which the proceedings in this matter resumed:)</p> <p>15 THE COURT: Is there a matter that you need</p> <p>16 to discuss now that your client is here? Go back on</p> <p>17 the record.</p> <p>18 MS. GUTIERREZ: I didn't hear the Court.</p> <p>19 THE COURT: I'm sorry, I said now that your</p> <p>20 client is here, is there some issue before I have the</p> <p>21 jury come out that you need --</p> <p>22 MS. GUTIERREZ: Yes, Judge.</p> <p>23 THE COURT: -- to place on the record?</p> <p>24 MS. GUTIERREZ: The issue I want to raise</p> <p>25 is regard to rulings by the Court. Prior to the</p>



1 break the Court sustained a series of objections. I  
2 thought I understood why they were sustained, but I'd  
3 like to revisit. Number one, the Court clearly  
4 sustained objections that I believed the Court's  
5 sustained upon its belief that Mr. Jay Wilds is  
6 absolutely entitled to claim his attorney/client  
7 privilege, and the Court will allow no piercing of  
8 that based on this claim of that privilege at a prior  
9 hearing outside the presence of the jury.

10 Judge, in regard to those sustained  
11 objections, I would ask the Court to revisit because  
12 I believe that the posture in which we are is  
13 consistent with what I thought the Court's promise of  
14 wide latitude in cross examination was. Certainly,  
15 Mr. Wilds has an attorney/client privilege that  
16 ordinarily in most circumstances would rein supreme.

17 I note that right now he's not on trial.  
18 He's not the defendant. Mr. Syed is, and there's a  
19 long line of case law in this state and the Supreme  
20 Court that essentially stands for the proposition  
21 that the right to present an adequate defense, for  
22 instance, is supreme over other issues that might  
23 ordinarily prevent the admission of evidence.

24 Now, i.e., state court for evidentiary  
25 rules, for instance, or other challenges to evidence

1 that might ordinarily be raised. While Mr. Wilds  
2 certainly enjoys an attorney/client privilege, I  
3 believe that my questions are designed and that they  
4 are based on information that we are now aware of,  
5 that we should have been made aware of under Brady,  
6 aware of ahead of time with an opportunity to  
7 prepare. This is precisely what we complained  
8 about.

9 The issue of what benefits Mr. Wilds has  
10 received, what are his promises, what is the deal,  
11 are the critical issues for Mr. Syed to be able to  
12 challenge his credibility. They go right to the  
13 heart of it. Who his lawyer was, how that lawyer was  
14 obtained, who, if anyone, paid him, what the conduct  
15 was on the day he entered the plea, are the only way  
16 that Mr. Syed has, particularly at this late  
17 juncture, given that he wasn't afforded what Brady  
18 requires, and although the Court has well found --  
19 you have it now so there's no harm is not, we  
20 believe, a sufficient remedy for the harm, and to now  
21 allow a witness who is not a defendant to claim what  
22 I believe is akin to an evidentiary ruling because  
23 ordinarily that's not the subject of the  
24 attorney/client privilege is a privilege that is  
25 pierced under ordinary circumstances under our law

1 for all kinds of reasons.

2 Privileges aren't generally held to be  
3 inviolable. They are pierced for all kinds of reasons  
4 and, in fact, the questions, and I thought my  
5 questions were pretty mild in regard to those  
6 attorney/client privileges. I didn't ask wholesale  
7 questions, what was everything you said to your  
8 lawyer. It was on the specific issues of regarding  
9 did he have conversations with his lawyer, how long  
10 did those conversations take, all questions  
11 specifically designed to address what is critical as  
12 to what the benefit was, particularly in light of his  
13 testimony yesterday outside the presence of the jury,  
14 I guess on Friday outside the presence of the jury,  
15 that both the Court and we asked that elicited  
16 testimony that this Court is well aware of and  
17 commented on Friday that, of course, we would use or  
18 be getting ready to use that relate, in fact, to an  
19 inquiry that would clearly be proper, and that is to  
20 challenge the independentness of his lawyer,  
21 viability of the plea, the floridity of the bargain,  
22 what went into it, what else was part of the  
23 bargain.

24 For instance, the Court sustained a series  
25 of questions designed, all of which I believe were

1 designed to elicit information that would establish  
2 that since this witness has already testified that he  
3 was told that this is a lawyer that did pro bono,  
4 although he said his expectation was that to  
5 establish that, in fact, this lawyer did do it pro  
6 bono, that there were no discussions about fee. That  
7 his expectation, based on what Mr. Urick told him,  
8 which we believe is characterized as a benefit, and  
9 because it was connected and it's a benefit that he  
10 would ordinarily have to pay for or to provide  
11 otherwise, does qualify as an inducement and by the  
12 Court's arbitrarily, we believe it's arbitrary,  
13 establishing, well, there are no circumstances under  
14 which that privilege can be pierced for these  
15 purposes, I believe is inherently wrong.

16 There were another series of objections and  
17 I guess here's where I need the Court's help. My  
18 belief this morning was that the Court sustained  
19 those objections essentially because the bulk of  
20 those questions had been asked previously and -- in  
21 regard in the way in which they were connected to the  
22 plea agreement, and if my understanding was  
23 incorrect, then I ask for the assistance of the Court  
24 as counsel for Mr. Syed to please enlighten me if I'm  
25 wrong.

1 THE COURT: With regard to your motions, I  
2 take it that the first part is a motion to allow for  
3 further questions with regard to the circumstances  
4 under which he selected his lawyer and his decision  
5 in making that -- having that lawyer or whether or  
6 not that lawyer was paid, I don't believe there were  
7 any objections that were sustained which did not  
8 allow the witness to answer the question, but once  
9 the question was answered there were objections made  
10 and I sustained a number of objections where the same  
11 question was being asked again.

12 It is my recollection --

13 MS. GUTIERREZ: As to whether or not he had  
14 discussions with his lawyer as to payment.

15 THE COURT: Yes, he did indicate --

16 MS. GUTIERREZ: Those objections were  
17 sustained.

18 THE COURT: But prior to those objections  
19 being sustained, the witness testified that he, in  
20 fact, called the Public Defender's Office, that he  
21 did not have money to hire a lawyer. That was not  
22 sustained.

23 MS. GUTIERREZ: No, Judge, and I asked  
24 those questions but, of course, those questions in no  
25 way even attempt to pierce the attorney/client

1 that purpose, for example.

2 MS. GUTIERREZ: Well, under other  
3 circumstances --

4 THE COURT: Or other hearings, right.

5 MS. GUTIERREZ: -- in a forfeiture or all  
6 other kinds of reasons where that information that an  
7 attorney can't claim privilege as to -- I mean, he  
8 may be able to, but ordinarily can't just claim  
9 privilege saying, oh, this relates to the fee as to  
10 how much it was, as to how it was paid, what were the  
11 circumstances, who paid it, have been clearly held  
12 not to be part of the attorney/client privilege and  
13 maybe I was wrong, Judge, but my belief is that this  
14 morning you sustained particularly a series of  
15 questions that were specifically designed to elicit  
16 information whether or not he discussed fee and I  
17 believe that's not a question covered by  
18 attorney/client privilege, whether or not he paid his  
19 lawyer fee, whether he signed an agreement to pay his  
20 lawyer fee, or whether or not he was aware that  
21 anybody else paid his fee.

22 If I'm wrong and the Court didn't sustain  
23 those objections, well then I'll just go ahead and  
24 ask them now, but my belief is that all of those  
25 questions, the objections were sustained to.

1 privilege so, of course, they weren't objectionable  
2 on that ground.

3 THE COURT: I think we're saying the same  
4 thing. The objections that were sustained were those  
5 objections where you sought through the question,  
6 sometimes it was the form of the question, to seek to  
7 get information that was discussed between Mr. Wilds  
8 and his lawyer.

9 MS. GUTIERREZ: Yes, Judge, that's what I'm  
10 saying. That's my belief was that is why the Court  
11 sustained them, and particularly as to those  
12 questions that I believe although they may, in fact,  
13 impact on the attorney/client privilege, i.e., under  
14 ordinary circumstances, you know, of course, they  
15 can't be asked.

16 THE COURT: Well, I'll give you --

17 MS. GUTIERREZ: -- whether he paid his  
18 lawyer, if he paid -- you know, ordinarily those are  
19 considered confidential questions, although Judge,  
20 under many circumstances the issue of payment to a  
21 lawyer has been held --

22 THE COURT: Sure.

23 MS. GUTIERREZ: -- everywhere not to be  
24 part of the privilege.

25 THE COURT: We hold Franks hearings for

1 THE COURT: Not all of them. Some of them  
2 were, some of them were not, but where they were  
3 objected to, it had to go to the form of the question  
4 and the specific question which elicited a  
5 conversation between his attorney and himself  
6 relative to how and in what fashion she was going to  
7 advise or represent him, and I was careful in  
8 allowing questions that I did not believe interfered  
9 with that privilege and would provide the jury with  
10 the information you sought.

11 Where the question went over the fence, so  
12 to speak, into what I perceived as being an area that  
13 was privileged or where you had asked the same  
14 question previously, had already received the answer  
15 and was asking the question yet again in another way,  
16 I did object -- I did sustain an objection.

17 I would note that, in fact, there were a  
18 series of questions where you sought to get the  
19 advice the attorney had given him with regard to the  
20 plea agreement. All of those objections were  
21 sustained and then later you came back and asked  
22 about the plea agreement and whether or not any  
23 changes were made before meeting with Mr. Urick and  
24 Ms. Murphy which ipso facto would mean that those  
25 changes occurred during discussions with counsel and

1 in a sense was back dooring getting into evidence the  
2 conversation that I had already indicated would not  
3 be permitted, but there was no objection to that  
4 question and since there was no objection, the Court  
5 did not -- but I did make a note when I heard it of  
6 both the question and the answer for the purposes of,  
7 in the event you had a problem with it, bringing it  
8 to your attention that I was closely monitoring the  
9 question.

10 In fact, I took a lot of time with them --

11 MS. GUTIERREZ: Yes.

12 THE COURT: -- as I'm sure you noted.

13 MS. GUTIERREZ: I did.

14 THE COURT: That a couple of times I even  
15 had to repeat them in my head to be assured -- trying  
16 --

17 MS. GUTIERREZ: I was trying to follow  
18 carefully the Court's reasoning, because it's  
19 difficult except, Judge, I will note for those  
20 questions, all of which were asked regarding the time  
21 period during which this witness had already  
22 testified occurred after his private discussions with  
23 his lawyer in the presence of Mr. Urick that was  
24 interrupted by the presence of Ms. Murphy, then there  
25 is no attorney/client privilege to those.

1 THE COURT: Surely -- oh, but Ms. Gutierrez  
2 there is. Think about it. In this courtroom there  
3 are a lot of people present and so is Mr. Syed, and I  
4 would daresay that there have been conversations  
5 between you and Mr. Syed that are privileged.

6 MS. GUTIERREZ: Absolutely, Judge.

7 THE COURT: So even in the presence --

8 MS. GUTIERREZ: They are not claimed as  
9 being privileged, and I carefully --

10 THE COURT: Well, a couple of your  
11 questions --

12 MS. GUTIERREZ: Judge, all I'm suggesting  
13 is perhaps Mr. Urick recognized that they were  
14 objectionable because he was participating in those  
15 conversations, not the assumption that they were  
16 attorney/client privilege, and those were a different  
17 series of questions after I went to great lengths to  
18 establish that this was a participatory conversation  
19 that involved a person other than this witness'  
20 lawyer. Because my belief is under those  
21 circumstances the privilege ends, and maybe for a  
22 legitimate purpose to have private discussions with  
23 the prosecutor about plea agreement, but it is then  
24 no longer a privileged attorney/client conversation.  
25 If in the middle of that conversation the lawyer

1 takes the client aside and has a private  
2 conversation, then, of course, it's privileged but  
3 there was no information or evidence to establish  
4 that. So I believe as to those questions as to what  
5 else the Court said --

6 THE COURT: Well, on that Ms. Gutierrez, I  
7 don't believe you ever asked him whether or not in  
8 the presence of the State's Attorney did you have  
9 private conversations with your attorney.

10 MS. GUTIERREZ: I didn't but I am not  
11 required to, Judge.

12 THE COURT: Right.

13 MS. GUTIERREZ: It's not my burden to  
14 establish that they're privileged.

15 THE COURT: Exactly.

16 MS. GUTIERREZ: I thought that I clearly  
17 established enough in my belief and that's why I  
18 didn't draw an objection because I had established it  
19 and because Mr. Urick knows he participated in that  
20 and didn't want to go there, but notwithstanding that  
21 in light of the Court's remarks I am -- I still  
22 believe that the Court is wrong and as to those  
23 questions, I'm asking --

24 THE COURT: Those meaning?

25 MS. GUTIERREZ: The ones that you sustained

1 related to privilege, to the Court's perception that  
2 this witness is absolutely entitled to refuse to  
3 answer any questions regarding -- any questions that  
4 might fairly be covered by an attorney/client  
5 privilege.

6 THE COURT: If he chooses to.

7 MS. GUTIERREZ: Well, obviously, Judge,  
8 he's not going to choose to. He hasn't chosen to.  
9 although I will note he hasn't claimed it here. The  
10 Court has claimed it for him based on his claim of it  
11 at an entirely different juncture of this trial than  
12 this. That he has made none. He's not looked to the  
13 Court and said anything akin to what he's clearly  
14 capable and intelligence enough of saying, as he did  
15 on Friday, and actually I think before Friday but,  
16 you know, this is one of these areas that I can claim  
17 because the Court has been so careful to advise him,  
18 and I will note that today he never attempted to  
19 claim it, it's the Court claiming it on its own, and  
20 I'm asking the Court in light of what has occurred in  
21 this trial, in light of the fact all of the  
22 information that we should have gotten, not that it  
23 would be nice that we should have gotten, but that  
24 the law in Brady requires that we should have gotten  
25 that we did not, and in light of how critical this is



1 and in light of whatever balancing act this Court is  
2 then forced to endure, we would ask the Court to  
3 remember that it is Adnan Syed's rights to due  
4 process that includes his right to a full and fair  
5 cross examination on issues that impact on the  
6 credibility of the witness, on what the deal was to  
7 the witness, what were the circumstances of the  
8 benefits, including since it's already been  
9 established, it's not been rebutted. There has been  
10 no attempt made to rebut it, that he got his lawyer  
11 through the offices of the State's Attorney.

12 THE COURT: Ms. Gutierrez, I've already  
13 ruled on that particular motion and I would also note  
14 I also ruled on the motion with regard to attempting  
15 to get the witness Mr. Wilds' information that was  
16 privileged was the subject of a separate hearing. I  
17 would just reiterate to you that I did not claim a  
18 privilege by this witness.

19 What I did was act on my order as a result  
20 of the motion that the information that would be  
21 relevant to this hearing and admissible before this  
22 jury would be those items that went directly to what  
23 was in the mind of Mr. Wilds at the time that he gave  
24 information to the police officers, at the time that  
25 he read the plea agreement and then as provided

1 circumstances that were not expressly listed or  
2 written in the agreement, are those facts and  
3 circumstances that affect his credibility before this  
4 jury, there's nothing precluding your cross  
5 examination with one proviso.

6 You're not going to ask the same question  
7 three or four times. And if you ask the same  
8 question three or four times, even if it might have  
9 been relevant and pertinent the first time, and even  
10 if it might have been relevant and admissible the  
11 second time, if Mr. Urick or Ms. Murphy makes an  
12 objection, and it is my belief you've already asked  
13 and got an answer to that question and it is now  
14 being repeated for emphasis, I'm going to sustain the  
15 objection.

16 Now, I know Mr. Wilds has been on the stand  
17 for awhile and I also know that you've been getting  
18 copies of his testimony. So I know you know what  
19 he's been saying --

20 MS. GUTIERREZ: Yes, I have.

21 THE COURT: And I've been trying to take  
22 notes so that we don't cover the same material over  
23 and over and I'm just asking that you continue to do  
24 that and where you start to cover the same area again  
25 if there's an objection you may find that it is

1 testimony before this Court, because I found that it  
2 went to his credibility, that if you wanted to  
3 question him with regard to what he believed was  
4 being provided to him, and to the extent that that  
5 may have had some influence on his decision to plead  
6 guilty and to testify, that you may ask those  
7 questions.

8 However, to the extent that it involves a  
9 privilege, I indicated to you that I would not allow  
10 you to go into that area for two reasons. One, I did  
11 not think it was admissible in front of this Court,  
12 was not going to indicate that was relevant to this  
13 proceeding and, two, the reason being that the  
14 witness had claimed a privilege, and since he had  
15 claimed the privilege I had to then weigh whether or  
16 not I was going to require that he provide privileged  
17 information or in any way erase the privilege.

18 I reiterated that he had the privilege. He  
19 could claim the privilege and I was not going to  
20 interfere with his ability to do so. But I would  
21 tell you that there's nothing that's been said by  
22 this Court that would interfere with you conducting  
23 the cross examination, as I indicated, into the mind  
24 of Mr. Wilds as what was part of the plea agreement,  
25 what was part of the bargain, and if any facts or

1 confusing, because my objection at that point may not  
2 be that it's an improper question in terms of the sum  
3 and substance, but rather because it's repeating what  
4 is already --

5 MS. GUTIERREZ: That's why I'm asking for  
6 the Court's guidance, but, Judge, I believe that  
7 you're not being fair because there are a lot of  
8 questions that I know I have asked before and  
9 established, but all of those questions were asked  
10 prior to us being -- to us knowing the information we  
11 now know.

12 THE COURT: Which is why I allowed the  
13 foundation questions. When you wanted to revisit an  
14 area -- in fact, Mr. Urick a couple of times made an  
15 objection and I said the objection is overruled if it  
16 is a foundation question, and you said, yes, it is  
17 Your Honor, and I let you go there. And so to the  
18 extent that you need to bring back up an area to  
19 focus the witness and the jury, I have no problem  
20 with that.

21 MS. GUTIERREZ: And I appreciate when the  
22 Court did that. But when I attempted to reask  
23 questions about the plea agreement that I really was  
24 and I believe because the Court has told me it's  
25 giving me wide latitude, that I shouldn't be forced



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<p>1 to just ask point blank the questions that he</p> <p>2 answered out of the presence of the jury about his</p> <p>3 suspicions about it smelling fishy, that do require</p> <p>4 me, I believe, fairly to now take advantage of them</p> <p>5 to reask those questions.</p> <p>6 Yes, I've asked them before, but it would</p> <p>7 be unfair to require me, I believe, to leave alone</p> <p>8 the plea agreement to which this is central although,</p> <p>9 yes, Judge, I thought I was done with the plea</p> <p>10 agreement. I spent a lot of time on it Friday, you</p> <p>11 know, a week and a half ago, then Thursday and</p> <p>12 Friday. I thought surely I had covered it as far as</p> <p>13 it could be covered, but I believe that the questions</p> <p>14 that are related to leading up to asking the smell</p> <p>15 fishy, the questions that will draw those remarks,</p> <p>16 conflict --</p> <p>17 THE COURT: You haven't even gone there</p> <p>18 yet.</p> <p>19 MS. GUTIERREZ: I haven't, but I don't want</p> <p>20 to go there until I'm allowed to lay it. But, of</p> <p>21 course, it came out of the plea agreement because to</p> <p>22 ask those questions need to be in my view in the</p> <p>23 context of he went through this procedure, he</p> <p>24 negotiated the plea with the lawyer he had just met,</p> <p>25 and then later he thought it smelled fishy.</p>	<p>1 Wilds this morning and I'm -- you know, I am anxious</p> <p>2 about it because it's been so interrupted and it's</p> <p>3 gone now over --</p> <p>4 THE COURT: Ms. Gutierrez, may I make a</p> <p>5 suggestion?</p> <p>6 MS. GUTIERREZ: Yes.</p> <p>7 THE COURT: If you hear an objection and it</p> <p>8 has been sustained and you do not understand, at that</p> <p>9 moment if you -- truly if you just don't understand,</p> <p>10 I have no problem with you saying, Your Honor, I</p> <p>11 would like to be heard, and you can come up to the</p> <p>12 bench.</p> <p>13 MS. GUTIERREZ: Okay.</p> <p>14 THE COURT: I mean, I have no problem with</p> <p>15 that at all. I'm not going to do that with every</p> <p>16 objection.</p> <p>17 MS. GUTIERREZ: No, I understand.</p> <p>18 THE COURT: But I think, you know, if we</p> <p>19 get to a point where we're in that area -- but I</p> <p>20 would just remind you that the area that is</p> <p>21 prohibited, the area that you can't go into has to do</p> <p>22 with Mr. Urick's conversation, if any, with Ms.</p> <p>23 Benaroya or anything that was --</p> <p>24 MS. GUTIERREZ: Right.</p> <p>25 THE COURT: When you start the question off</p>
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<p>1 THE COURT: That's in.</p> <p>2 MS. GUTIERREZ: To me that's what -- well,</p> <p>3 it's not in because you have sustained the objections</p> <p>4 I believe because you fairly believe, and it is true,</p> <p>5 I have covered all of the plea agreement.</p> <p>6 THE COURT: Not exactly. Ms. Gutierrez,</p> <p>7 some of that, of what you've just testified or</p> <p>8 indicated is in evidence because I didn't object to</p> <p>9 all of the questions, but some of what you asked was</p> <p>10 objected to.</p> <p>11 MS. GUTIERREZ: Okay. Well, then Judge I</p> <p>12 would request because clearly I'm not getting it, and</p> <p>13 I know it's hard to keep it all straight and, you</p> <p>14 know, I sat through two trials, to keep everybody's</p> <p>15 testimony straight, Mr. Wilds' testimony from the</p> <p>16 last time, his statements, his testimony outside the</p> <p>17 presence of the jury, and maybe I'm just getting</p> <p>18 confused, but then I would make a request is that if</p> <p>19 there's an objection, because I'm not smart enough to</p> <p>20 figure it out, that we come up to the bench and you</p> <p>21 tell us. So that I have a fair shot to correct if my</p> <p>22 perceptions are wrong and I believe ultimately that</p> <p>23 would save more time.</p> <p>24 I'm more surprised than you are that it's</p> <p>25 after lunch. I certainly expected to finish with Mr.</p>	<p>1 with if such and such were to be true, you are then</p> <p>2 assuming that this witness doesn't believe it to be</p> <p>3 true, or if you start off with a question that</p> <p>4 presumes that the witness doesn't know the answer,</p> <p>5 then clearly you're not going after what's in his</p> <p>6 mind, but rather by the question are getting</p> <p>7 inappropriate information before the jury, which I've</p> <p>8 already indicated will not be admitted and will be</p> <p>9 sustained, and then you'll hear me say move along,</p> <p>10 because I'm trying to get you out of that area and</p> <p>11 perhaps into another area.</p> <p>12 I would also say to you that I guess I have</p> <p>13 an advantage. I don't know anything about the prior</p> <p>14 trial.</p> <p>15 MS. GUTIERREZ: Thank you.</p> <p>16 THE COURT: In fact, everything I hear is</p> <p>17 new to me. I've not heard the State's case. I</p> <p>18 haven't heard your case. I haven't heard any of</p> <p>19 these witnesses before. So everything I hear is new</p> <p>20 and for the first time and so perhaps it's maybe</p> <p>21 easier for me.</p> <p>22 MS. GUTIERREZ: It's an advantage, Judge.</p> <p>23 THE COURT: Because I don't know anything</p> <p>24 about this. So it's easier for me to know what I've</p> <p>25 heard versus what I haven't heard, because I don't</p>

1 know anything about the case. So the only thing I  
2 can suggest is that if at any point anyone, whether  
3 it be the State or the defense, does not understand  
4 an objection or isn't clear where the Court is trying  
5 to control you, if you, as I indicated at the outset,  
6 stand and say Your Honor I need to be heard, I need  
7 to come to the bench, I'll let you come up.

8 Is there anything further?

9 MS. GUTIERREZ: No, Judge, that's all.

10 THE COURT: All right, very well. I'm  
11 going to ask that the jury come in at this time and  
12 if we could locate Mr. Wilds. He's probably on the  
13 bench around on the other side.

14 If you go can for Mr. Wilds, I'll have Mr.  
15 White bring the jury in. One of the other things,  
16 Ms. Gutierrez, I would point out to you in an  
17 abundance of caution where your question doesn't --  
18 is not close enough, which leaves the possibility  
19 that this witness will say, did you talk to --  
20 because you have a habit of saying at any time with  
21 anyone and when do you that --

22 MS. GUTIERREZ: That's just when I'm  
23 frustrated, Judge.

24 THE COURT: That's okay, but the witness  
25 could have leaned over and whispered to his attorney

1 out of the presence of the -- and so the objection is  
2 going to be sustained. I will also add, if you may  
3 recall, Ms. Benaroya did attempt to file a motion  
4 yesterday and her reasoning behind her motion which  
5 she withdrew, she said she was going to withdraw  
6 because her motion was advising her client or the  
7 Court that her client wished to assert his  
8 attorney/client privilege and requiring that we not  
9 go into that area so --

10 MS. GUTIERREZ: And she was here for the  
11 first day of his testimony, however long ago that  
12 was.

13 THE COURT: Yes.

14 MS. GUTIERREZ: That was two Fridays ago.

15 THE COURT: And has been available by  
16 phone.

17 MS. GUTIERREZ: Yes, and she was available  
18 on all other occasions that I know of that Mr. Wilds  
19 --

20 THE COURT: I understand though some of his  
21 most recent questions had to do with how much longer  
22 the trial is going to be and other matters that  
23 there's no way that she can answer, and there's no  
24 way the Court has been able to answer those questions  
25 for her or for the witness.

1 (Whereupon, the jury entered the courtroom,  
2 after which the following proceedings ensued:)

3 THE COURT: Ladies and gentlemen, I want to  
4 welcome you back to Part 9. We're going to resume  
5 with the testimony of Mr. Wilds in just a moment.  
6 Mr. Wilds, if you would step up to the witness  
7 stand. I'm going to remind you, sir, that you are  
8 still under oath. Please just have a seat. State  
9 your name.

10 THE WITNESS: Jay W. Wilds.

11 THE COURT: Very well.

12 MS. GUTIERREZ: Thank you, Your Honor.

13 BY MS. GUTIERREZ

14 Q Mr. Wilds, there were a couple of questions  
15 I needed to ask you and we will return to what we  
16 were speaking about before lunch. On any of the  
17 occasions in which the police asked you questions  
18 about the events of January 13th, on any of those  
19 occasions, whether the tape recorder was on or off,  
20 on either February 28th, March 15th, or April 3rd,  
21 were you ever asked about Alonso Sellers?

22 A Possibly.

23 Q And were you ever again on any of those  
24 occasions when you were asked questions whether the  
25 tape recorder was off or on, whether they took notes

1 or not about Alonso Sellers' stepson who is your age?

2 A No, ma'am.

3 Q Possibly you were asked about Alonso  
4 Sellers, but not about his son?

5 A No.

6 Q And you know who I'm speaking of when I ask  
7 you about Alonso Sellers, do you not?

8 A No, ma'am.

9 Q But you might have been asked about him?

10 A Yes, ma'am.

11 Q And, sir, yesterday I believe I asked you a  
12 question about Dogwood and Franklinton Road, and do  
13 you remember that question?

14 A Yes, ma'am.

15 Q Okay. Now, sir, do you recall that when  
16 you were under oath at a previous occasion that you,  
17 in fact, testified that you and Adnan rode all around  
18 Dogwood Road back behind Dogwood Station?

19 A Yes, ma'am.

20 Q Do you recall that?

21 A Yes, ma'am.

22 Q And Dogwood Station is way up above Dogwood  
23 Road beyond where you would turn off if you wanted to  
24 get to Woodlawn High School, is it not?

25 A Dogwood Station, I believe, is off of

1 Woodlawn Drive. No, I'm sorry, Rolling Road.  
 2 Q It's off Dogwood Road, isn't it?  
 3 A Yes, ma'am.  
 4 Q Okay. And where it's off of Dogwood Road  
 5 is way above where you would turn off on Woodlawn  
 6 Drive, is it not, or way west of that turn off?  
 7 A Away from the city?  
 8 Q Yes.  
 9 A Yes.  
 10 Q Yes. And do you also recall that you told  
 11 us, and this was Friday a week ago in response to Mr.  
 12 Urick's questions regarding when you were in Mr.  
 13 Syed's car and he was, according to you, into Ms. Hae  
 14 Min Lee's car, that you followed him, that you drove  
 15 around for awhile, maybe like forty-five minutes  
 16 meandering, he didn't really seem to know where he  
 17 was going up through Dogwood Road and all back behind  
 18 the Social Security and stuff like that, until we got  
 19 down to Leakin Park, do you recall that?  
 20 A Yes, ma'am.  
 21 Q And so the entryway that you made to Leakin  
 22 Park was off of the Dogwood Road side, right?  
 23 A I believe so.  
 24 Q Not from way down in the city?  
 25 A Yes, ma'am.

1 Q All right, now, we can return -- I'm going  
 2 to turn, Mr. Wilds, to the things that we were  
 3 talking before we broke for lunch, the truth  
 4 agreement?  
 5 A Yes, ma'am.  
 6 Q Okay. At some point on the 7th you signed  
 7 this, did you not?  
 8 A Yes, ma'am.  
 9 Q And the signing of it occurred at the same  
 10 time your lawyer signed it, did it not?  
 11 A Yes, ma'am.  
 12 Q And at the same time that Mr. Urick signed  
 13 it, did it not?  
 14 A Prior to but very shortly.  
 15 Q Connected closely in time, correct?  
 16 A Yes, ma'am.  
 17 Q And that that signing of this truth  
 18 agreement was done before you were taken to Judge  
 19 McCurdy's?  
 20 A Yes, ma'am.  
 21 Q Regarding this; is that correct?  
 22 A Yes, ma'am.  
 23 Q And it was done after that hour and a half  
 24 that you spent with Mr. Urick, yourself, and your  
 25 lawyer Ms. Benaroya in the room, correct?

1 MR. URICK: Objection.  
 2 THE COURT: I'm sorry, repeat that question  
 3 again, please.  
 4 Q That it was signed after that hour and a  
 5 half that you spent in the room together with Mr.  
 6 Urick and Ms. Benaroya?  
 7 THE COURT: Overruled.  
 8 A Yes, ma'am.  
 9 Q And between those two events, the going in  
 10 front of Judge McCurdy, and the time, the hour and a  
 11 half that you spent with your lawyer and Mr. Urick,  
 12 did you go anywhere else other than just take a  
 13 cigarette?  
 14 A No, ma'am.  
 15 Q No. And were you ever taken to another  
 16 office?  
 17 A No, ma'am.  
 18 Q And did anything else happen?  
 19 MR. URICK: Objection.  
 20 THE COURT: Sustained.  
 21 Q In regard to this truth agreement in  
 22 between those two times --  
 23 MR. URICK: Objection.  
 24 THE COURT: Overruled.  
 25 A No, ma'am.

1 Q No. How long after the hour and a half  
 2 time period that you spoke with Mr. Urick and Ms.  
 3 Benaroya did you sign the agreement?  
 4 MR. URICK: Objection.  
 5 THE COURT: Overruled.  
 6 A How long?  
 7 Q Uh-huh.  
 8 A Maybe about twenty minutes.  
 9 Q Another twenty minutes. And how long after  
 10 you signed it, you, your lawyer, and close in  
 11 proximity Mr. Urick, did you appear in front of Judge  
 12 McCurdy?  
 13 A Probably about another twenty minutes, half  
 14 an hour.  
 15 Q Another twenty minutes. And once you got  
 16 over to Judge McCurdy's, you and your lawyer and Mr.  
 17 Urick actually came up to a trial table similar to  
 18 this, did you not?  
 19 A Yes, ma'am.  
 20 Q And that happened pretty quickly?  
 21 A Yes, ma'am.  
 22 Q And there really wasn't any delay over  
 23 there?  
 24 A No, ma'am.  
 25 Q And after you signed the agreement there

<p style="text-align: right;">Page 116</p> <p>1 was no further alteration of it, was there?</p> <p>2 A Not to my knowledge.</p> <p>3 Q And right before you signed it, sir, you</p> <p>4 understood what you were going to get, did you not?</p> <p>5 MR. URICK: Objection.</p> <p>6 THE COURT: Sustained as to what you were</p> <p>7 going to get.</p> <p>8 Q In regard to the agreement, it outlines</p> <p>9 obligations for you, does it not?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And what's expected of you, correct?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And it also outlines promises that Mr.</p> <p>14 Urick makes that he's going to do; is that right?</p> <p>15 A I wouldn't say promises but --</p> <p>16 Q Well, sir, he promises to take certain</p> <p>17 action in regard to recommending a sentence, does he</p> <p>18 not?</p> <p>19 A Yes, ma'am.</p> <p>20 MR. URICK: Objection.</p> <p>21 THE COURT: Sustained. Sustained.</p> <p>22 Q As to what that sentence will be if you</p> <p>23 perform your obligations?</p> <p>24 MR. URICK: Objection.</p> <p>25 THE COURT: Overruled as to that question</p>	<p style="text-align: right;">Page 118</p> <p>1 Q And that you'll make yourself available,</p> <p>2 right?</p> <p>3 A Yes, ma'am.</p> <p>4 Q And by signing to that you agreed to do so,</p> <p>5 did you not?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And you regarded that as an agreement?</p> <p>8 A Yes, ma'am.</p> <p>9 Q An agreement is what it's called, right?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And that you've called the Truth Agreement,</p> <p>12 right?</p> <p>13 A Excuse me, yes, ma'am.</p> <p>14 Q And also in this Truth Agreement Mr. Urick</p> <p>15 agrees to do certain things for you, does he not?</p> <p>16 A Yes, ma'am.</p> <p>17 Q He agrees. Now, you understood on that</p> <p>18 day, on the 7th at the time that you appeared before</p> <p>19 Judge McCurdy that you would have to come back again,</p> <p>20 did you not?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And it's what you called you gave a guilty</p> <p>23 plea, right?</p> <p>24 A Yes, ma'am.</p> <p>25 Q But that was the time when there were no</p>
<p style="text-align: right;">Page 117</p> <p>1 and counsel, I would just ask if you would be careful</p> <p>2 in the use of the word promises in that this witness</p> <p>3 does not accept the word promise. He's indicated as</p> <p>4 such.</p> <p>5 MS. GUTIERREZ: Oh.</p> <p>6 THE COURT: You may continue.</p> <p>7 MS. GUTIERREZ: Thank you, Judge.</p> <p>8 Q Can you answer that question?</p> <p>9 A Could you repeat it, please?</p> <p>10 Q Well, in this agreement that you signed and</p> <p>11 that you signed that day, you commit to doing certain</p> <p>12 things, do you not?</p> <p>13 A Yes, ma'am.</p> <p>14 Q You commit to doing things you've already</p> <p>15 talked about, telling the truth, right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q You commit that you've always told the</p> <p>18 truth before, right?</p> <p>19 A In signing, yes.</p> <p>20 Q And you commit that you'll testify any time</p> <p>21 that they tell you that you have to do so, don't you?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And at the times that you testify you'll</p> <p>24 tell the truth, right?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 119</p> <p>1 facts about the case that were entered on the record,</p> <p>2 right?</p> <p>3 A No, ma'am.</p> <p>4 Q And you recall that you weren't required to</p> <p>5 raise your hand and take an oath, right?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And that was important to you, was it not?</p> <p>8 A No, ma'am.</p> <p>9 Q An oath is an important obligation, is it</p> <p>10 not?</p> <p>11 MR. URICK: Objection.</p> <p>12 THE COURT: Sustained.</p> <p>13 Q Now, Mr. Wilds, one of the agreements that</p> <p>14 Mr. Urick agrees to perform is that at the time when</p> <p>15 you come back you expect to be sentenced, do you not?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And you know that Mr. Urick has promised to</p> <p>18 make certain recommendations?</p> <p>19 MR. URICK: Objection.</p> <p>20 THE COURT: Sustained.</p> <p>21 Q To the judge if you -- that Mr. Urick has</p> <p>22 agreed in your Truth Agreement to recommend certain</p> <p>23 things to the judge, has he not?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And the things that he's agreed to do is to</p>



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<p>1 recommend to the judge a certain maximum sentence if  2 you meet up to your agreements?  3 MR. URICK: Objection.  4 Q Right?  5 THE COURT: I'm going to hold my ruling.  6 If I may have the exhibit.  7 MS. GUTIERREZ: 35.  8 THE COURT: May I have one moment.  9 MS. GUTIERREZ: Judge, to save time, it is  10 C, 2C on page 2 and 2 D.  11 THE COURT: All right, and your question  12 again?  13 MS. GUTIERREZ: Then under this agreement  14 his understanding was that Mr. Urick made an  15 agreement to make certain recommendations to the  16 judge at the time of sentencing.  17 THE COURT: The objection is overruled.  18 You may answer the question.  19 THE WITNESS: Yes, ma'am.  20 Q Okay. And the agreement he made is that  21 under some conditions he would recommend one sentence  22 to the judge, right?  23 A No, ma'am.  24 Q Well, sir, you understood that one of the  25 recommendations, one of the agreements in this</p>	<p>1 A No, ma'am.  2 MS. GUTIERREZ: May I have the State's  3 Exhibit please?  4 THE COURT: I have it. It's in my hand.  5 MS. GUTIERREZ: May I approach the witness,  6 Your Honor?  7 THE COURT: Yes, you may. I believe you  8 were at 2-E.  9 MS. GUTIERREZ: Yes.  10 THE COURT: The bottom of that page.  11 Q Mr. Wilds, I'm going to ask you, first of  12 all, to look on page 2, 2-D, and if you would read  13 that to yourself?  14 A (Witness complied with request.)  15 Q Have you had an opportunity to read that?  16 A Yes, ma'am.  17 Q If you would just for a moment glance  18 quickly at C, the item right above D?  19 A Yes, ma'am.  20 Q Okay. And, in fact, item D says that if  21 you fail to complete each and every obligation under  22 the agreement the State will recommend a sentence as  23 follows, five years to the Department of Correction;  24 is that correct?  25 A Yes, ma'am.</p>
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<p>1 agreement that obligates Mr. Urick is that if you  2 complete all of the terms and conditions stated in  3 the agreement to the satisfaction of the State,  4 that's Mr. Urick, right, the State?  5 A Yes, ma'am.  6 Q And you understood that then, didn't you?  7 A Yes, ma'am.  8 Q That the State will recommend the sentence  9 of five years --  10 MR. URICK: Objection.  11 Q -- to the Department of Correction with all  12 but two years suspended?  13 THE COURT: Overruled. Is that your  14 understanding?  15 THE WITNESS: Yes, ma'am.  16 Q Okay. And that recommendation, you  17 understand Mr. Urick agreed to if your completion of  18 all of the terms is to his satisfaction, right?  19 A Yes, ma'am.  20 Q And that if he decides that you fail to  21 complete each and every obligation under this  22 agreement that he would recommend a sentence of five  23 years to the Division of Correction, right?  24 A No, ma'am.  25 Q That's not your understanding?</p>	<p>1 Q And on that page that you reviewed that's  2 your initials, is it not?  3 A Yes, ma'am.  4 Q And that's part of the agreement that you  5 already identified when Mr. Urick asked you as  6 State's Exhibit number 35 which you initialled each  7 page and which you signed on page four?  8 A Yes, ma'am.  9 Q Right? That is the agreement you signed,  10 isn't it?  11 A Yes, ma'am.  12 Q And that is the recommendation that you  13 understand that Mr. Urick will make if you fail to  14 meet your obligations?  15 A Yes, ma'am.  16 Q Right? And that's what you agreed to,  17 right?  18 A Yes, ma'am.  19 Q And you also, sir, understood that actually  20 what sentence you receive at any point in time when  21 you come up for sentencing when your guilty plea is  22 concluded, is really up to the judge?  23 A Yes, ma'am.  24 Q And that ultimately only the judge gets to  25 decide?</p>

1 A Yes, ma'am.  
2 Q Right? But that the determination of  
3 whether or not you met your obligations will always  
4 be up to Mr. Urick?  
5 MR. URICK: Objection.  
6 THE COURT: Overruled.  
7 Q Will it not?  
8 THE COURT: Is that your understanding?  
9 THE WITNESS: Yes, ma'am.  
10 Q Okay. And that says that exactly right  
11 there in the agreement, doesn't it?  
12 A Yes, ma'am.  
13 Q That you don't have an opportunity under  
14 this agreement to appeal to somebody else to convince  
15 them --  
16 MR. URICK: Objection.  
17 Q -- that you met your obligations, do you?  
18 THE COURT: Sustained.  
19 MS. GUTIERREZ: May I approach the witness  
20 again, Your Honor?  
21 THE COURT: Yes, you may.  
22 Q I'm again showing you State's exhibit  
23 number 35, Mr. Urick, and ask you to read --  
24 A Mr. Wilds.  
25 Q Mr. Wilds, that if you would read the

1 THE WITNESS: Yes, ma'am.  
2 THE COURT: Very well.  
3 Q Now, Mr. Wilds, the plea agreement, the  
4 Truth Agreement as you call it, doesn't say anything  
5 about the benefit of having a lawyer, does it?  
6 MR. URICK: Objection.  
7 THE COURT: Overruled. Does the agreement  
8 say anything about the benefits of having a lawyer?  
9 THE WITNESS: No, ma'am.  
10 Q And, sir, when you signed that agreement on  
11 the 7th of September, did you regard it as a benefit  
12 provided to you?  
13 A No, ma'am.  
14 Q Did you think that it was a good thing?  
15 A Having a lawyer?  
16 Q Yes.  
17 A Yes, ma'am.  
18 Q That day?  
19 A Yes, ma'am.  
20 Q And did you think it was something that Mr.  
21 Urick had provided?  
22 MR. URICK: Objection.  
23 THE COURT: Overruled. What did you  
24 think?  
25 Q In your mind?

1 second sentence in C to yourself?  
2 A (Witness complied with request.)  
3 Q Have you had an opportunity to read it?  
4 A Yes, ma'am.  
5 Q That sentence clearly states that the  
6 completion of your conditions and terms has to be to  
7 the satisfaction of the State, does it not?  
8 A Yes, ma'am.  
9 Q And you understood when you signed this,  
10 that the State meant Mr. Urick?  
11 A Yes, ma'am.  
12 Q The man that you were meeting for the first  
13 time on the very day you signed this, right?  
14 A Yes, ma'am.  
15 Q The man you spoke to about this for the  
16 first time on the very day that you signed it?  
17 A Yes, ma'am.  
18 Q The man that introduced you to the --  
19 MR. URICK: Objection.  
20 Q -- woman who ended up being your lawyer for  
21 that day?  
22 THE COURT: Overruled. Is that your  
23 understanding that the man that had to make a  
24 decision about whether you abided by that agreement  
25 was Mr. Urick?

1 A At that point in time, yes.  
2 Q Yes. And did Mr. Urick ever tell you that  
3 that was a benefit that he was providing you?  
4 A No, ma'am.  
5 Q Did you not come to regard it at some point  
6 as a good thing that you got a free lawyer?  
7 A Yes, ma'am.  
8 Q And did you not come to think of it as  
9 something that was sort of part of a whole deal?  
10 A No, ma'am.  
11 Q Did you think that having a lawyer went  
12 with in any way the plea agreement that you signed?  
13 A No, ma'am.  
14 Q No. Mr. Wilds, after you signed the  
15 agreement, you had just about a twenty minute delay,  
16 you then went over and you went in front of Judge  
17 McCurdy, right?  
18 A Yes, ma'am.  
19 Q And you were asked about this plea  
20 agreement, were you not?  
21 A Yes, ma'am.  
22 Q And, in fact, Judge McCurdy had a copy of  
23 the plea agreement, didn't he?  
24 A Yes, ma'am.  
25 Q And he asked if that was your signature,

1 didn't he?  
 2 A Yes, ma'am.  
 3 Q And he asked you if this was your  
 4 understanding of the agreement, did he not?  
 5 A I believe so.  
 6 Q And, sir, at that time did you ask for a  
 7 lawyer?  
 8 A No, ma'am.  
 9 Q Had you in any time in between the time you  
 10 had been introduced to Mrs. Benaroya, had you asked  
 11 for the Public Defender?  
 12 MR. URICK: Objection.  
 13 THE COURT: Sustained.  
 14 Q And had any other lawyer been introduced to  
 15 you?  
 16 MR. URICK: Objection.  
 17 Q After you signed the agreement?  
 18 THE COURT: After you had signed the  
 19 agreement -- we've been over this, Ms. Gutierrez.  
 20 Q Now, Mr. Wilds, there came a time when you  
 21 really questioned the idea of who your lawyer was,  
 22 did there not?  
 23 A No, not who she was.  
 24 Q Though what she was?  
 25 A No, not what she was.

1 Q Well, there came a time when there were  
 2 questions about your lawyer, did you not?  
 3 A Yes, ma'am.  
 4 Q Because Ms. Benaroya acted as your lawyer  
 5 that day, right?  
 6 A Yes, ma'am.  
 7 Q The woman that Mr. Urick introduced you to,  
 8 right?  
 9 MR. URICK: Objection.  
 10 THE COURT: Sustained. We all know this,  
 11 Ms. Gutierrez. Can we move on?  
 12 Q Yes. Mr. Wilds, when there came the time  
 13 that you had questions about her, you also had  
 14 questions about the plea that had gone down that day,  
 15 did you not?  
 16 A Yes, ma'am.  
 17 Q You thought, in your words, that things  
 18 smelled fishy, did you not?  
 19 A Yes, ma'am.  
 20 Q And by the use of that term you meant they  
 21 didn't smell quite right, did you not?  
 22 A No, ma'am.  
 23 Q Well, I want to make sure.  
 24 A I'm agreeing with you.  
 25 Q That they didn't smell right?

1 A Yes, ma'am.  
 2 Q And by not smelling right, they didn't make  
 3 you feel too good, did they?  
 4 A No, ma'am.  
 5 Q You came to have questions about how it was  
 6 that Mr. Urick provided you a lawyer, did you not?  
 7 MR. URICK: Objection.  
 8 THE COURT: Overruled.  
 9 Q Did you not?  
 10 THE COURT: Is that the reason that you  
 11 thought it smelled fishy?  
 12 THE WITNESS: No, ma'am.  
 13 Q Well, sir, you had thoughts like it sure  
 14 felt like a conflict, did you not?  
 15 A Yes, ma'am.  
 16 Q That was the word that you used, was it  
 17 not?  
 18 A Yes, ma'am.  
 19 Q That the conflict was that it didn't appear  
 20 to you that the lawyer was going to be for your  
 21 interests, isn't that right?  
 22 A Yes, ma'am.  
 23 Q And you had suspicions that because of the  
 24 appearance of things that the lawyer might be working  
 25 for his interest?

1 MR. URICK: Objection.  
 2 THE COURT: Overruled.  
 3 Q Did you not?  
 4 THE COURT: Is that what you were thinking,  
 5 Mr. Wilds?  
 6 THE WITNESS: Somewhat.  
 7 Q Somewhat. And you knew that it wasn't  
 8 quite right if the lawyer is working for his interest  
 9 but acting as your lawyer, isn't that correct?  
 10 A Yes, ma'am.  
 11 Q And that's what you meant by it smelled  
 12 fishy, is it not?  
 13 A Yes, ma'am.  
 14 Q And you questioned, in fact, whether or not  
 15 this lawyer that you met in the prosecutor's office  
 16 who was prosecuting you was just brought in to make  
 17 you make the plea, did you not?  
 18 A Yes, ma'am.  
 19 Q That's what you thought?  
 20 A Yes, ma'am.  
 21 Q In your mind?  
 22 A Yes, ma'am.  
 23 Q Even after this day, isn't that correct?  
 24 A Which day?  
 25 Q The 7th of September.

1 A Yes, ma'am.  
 2 MS. GUTIERREZ: No more questions.  
 3 THE COURT: All right. Any redirect?  
 4 MR. URICK: Somewhat briefly, Your Honor.  
 5 REDIRECT EXAMINATION  
 6 BY MR. URICK  
 7 Q Mr. Wilds, I'm going to ask you to speak  
 8 up, if you will, so that everyone can hear you. I  
 9 know you've been on the stand for awhile but try to  
 10 keep your voice up. Now, Ms. Gutierrez, in her  
 11 terms, asked you about lies of omission?  
 12 A Yes, sir.  
 13 Q Between your first taped statement and your  
 14 second taped statement, do you remember those  
 15 questions?  
 16 A Yes, sir.  
 17 Q Now, were you asked in the second taped  
 18 sentence -- or taped statement exactly the same  
 19 questions you were asked in the first statement?  
 20 A No, sir.  
 21 Q Did you have any control over what  
 22 questions were asked of you in either statement?  
 23 A None whatsoever.  
 24 Q Could you only answer the questions that  
 25 were asked by the detectives?

1 A Yes, sir.  
 2 Q Now, if they asked a question in this  
 3 second statement that had not been in the first one  
 4 that elicited a different name, a different piece of  
 5 information, does that mean that you lied between the  
 6 first and second statement on that?  
 7 A Not to me, sir.  
 8 Q Now, you were asked about, for example,  
 9 Chris [REDACTED]  
 10 A [REDACTED]  
 11 Q Was there any question in the first taped  
 12 statement that that would have been a correct answer  
 13 to?  
 14 A No, sir.  
 15 Q So there was no lie when you raised Chris  
 16 [REDACTED] in the second one?  
 17 A No, sir.  
 18 Q I'd like to address the three actual  
 19 changes between the first and second taped statement  
 20 at this time. The first change in the first taped  
 21 statement you said that you met the defendant at the  
 22 McDonald's on Edmondson or the strip on Edmondson and  
 23 there was where he opened the trunk and showed you  
 24 the body. In the second statement you said it was  
 25 the parking lot at Best Buy?

1 A Yes, sir.  
 2 Q Now, why did that change between the first  
 3 and second statement, or why did you not say in the  
 4 first statement what you said in the second one?  
 5 A The significance of Best Buy, I didn't want  
 6 to -- I don't know, bring anything out that didn't  
 7 need to be brought out about Hae.  
 8 Q And what was the significance of Best Buy?  
 9 A That's where her and Mr. Syed used to have  
 10 intercourse.  
 11 Q Used to what?  
 12 MS. GUTIERREZ: I'm sorry, I didn't hear  
 13 that.  
 14 A Where her and Mr. Syed used to have  
 15 intercourse.  
 16 Q That's in the parking lot beside the Best  
 17 Buy?  
 18 A Yes, sir.  
 19 Q Somewhat secluded from observations?  
 20 A Yes, ma'am. Yes, sir, I'm sorry.  
 21 Q The second difference between the first  
 22 taped statement and the second one, you said in the  
 23 first one that when the calls came in from the  
 24 Baltimore County police officer and Hae's family that  
 25 you and the defendant were at a McDonald's?

1 A Yes, sir.  
 2 Q In the second statement you said that those  
 3 came out while you were at [REDACTED] why  
 4 was the change between the first statement and the  
 5 second statement?  
 6 A Because they now knew about Ms. [REDACTED]  
 7 Q And what were you trying to do in your  
 8 first statement?  
 9 A Protect Ms. [REDACTED] Her father is a police  
 10 officer.  
 11 Q The third difference between the two  
 12 statements. In the first statement you don't mention  
 13 that Adnan dropped you off at Jen Pusateri. You  
 14 basically don't mention Jen Pusateri. In the second  
 15 one you say he dropped you off with Jen Pusateri --  
 16 to meet Jen Pusateri. Why does Jen Pusateri not  
 17 appear in the first statement but appear in the  
 18 second one?  
 19 A I wasn't trying to give her name to the  
 20 police.  
 21 THE COURT: I'm sorry?  
 22 A I was trying to protect her. I was not  
 23 trying to give her name to the police. She had no  
 24 involvement.  
 25 MR. URICK: If I may approach the witness



1 at this time, Your Honor?  
 2 THE COURT: If you will tell us what you're  
 3 approaching him with?  
 4 MR. URICK: This is a copy.  
 5 THE COURT: Is this exhibit 34?  
 6 MR. URICK: Yes.  
 7 THE COURT: Is it a blank exhibit 34 or is  
 8 it --  
 9 MR. URICK: It's a blank 34.  
 10 THE COURT: All right.  
 11 Q Now, if you'd look down at line 31?  
 12 A Yes, sir.  
 13 MR. URICK: Your Honor, perhaps -- I don't  
 14 know if the jury was given their copies back. They  
 15 might find it helpful to have those in order to  
 16 follow this.  
 17 THE COURT: Yes. I don't believe they were  
 18 given them back. We had a change of clerks. So it  
 19 may take Mr. White a moment to locate the items that  
 20 were secured. You may proceed, Mr. Urick.  
 21 MR. URICK: Thank you, Your Honor.  
 22 Q Mr. Wilds, please look at line 31, number  
 23 410-7-██████████, is that Jen Pusateri's number?  
 24 A Yes, sir.  
 25 Q And did you make that call?

1 A I believe so.  
 2 Q And whose cell phone did you use to make  
 3 that call?  
 4 A Mr. Syed's.  
 5 Q And the line above that, line 30,  
 6 410-7-██████████9, is that Jen Pusateri's number again?  
 7 A Yes, sir.  
 8 Q Did you make that call?  
 9 A Yes, sir.  
 10 Q And whose cell phone did you have?  
 11 A Mr. Syed's.  
 12 Q Up above, line 26 number 410-7-██████████, is  
 13 that Jen Pusateri's number?  
 14 A Yes, sir.  
 15 Q Did you make that call?  
 16 A I believe so.  
 17 Q And whose cell phone did you use?  
 18 A Mr. Syed's.  
 19 Q The line right above it 301-6-██████████57, do  
 20 you know that telephone number?  
 21 A No, sir.  
 22 Q Who made that call?  
 23 A Mr. Syed.  
 24 Q On whose cell phone?  
 25 A Mr. Syed's.

1 Q The line above it, 301-69-██████████ do you  
 2 know that telephone number?  
 3 A Yes, sir.  
 4 Q Whose number is that?  
 5 A Phil Mendez.  
 6 Q Who made that call?  
 7 A I did, sir.  
 8 Q Whose cell phone did you use?  
 9 A Mr. Syed's.  
 10 Q Line above it, 301-6 -- pardon me, line  
 11 above it, 410-2-██████████, is that the Furlow residence?  
 12 A Yes, sir.  
 13 Q Who made that call?  
 14 A I did, sir.  
 15 Q Whose cell phone did you use?  
 16 A Mr. Syed's.  
 17 Q Line above it, 410-██████████9, is that the  
 18 Pusateri residence?  
 19 A Yes, sir.  
 20 Q Did you make that call?  
 21 A Yes, sir.  
 22 Q Whose cell phone did you use?  
 23 A Mr. Syed's.  
 24 Q Line 18, or line 17, pardon me, number  
 25 410-9-██████████ do you know that number?

1 A No, sir.  
 2 Q Who made that call?  
 3 A Mr. Syed.  
 4 Q On those cell phone?  
 5 A Mr. Syed's.  
 6 Q Line 13, number 410-██████████, do you know  
 7 that telephone number?  
 8 A No, sir.  
 9 Q Who made that call?  
 10 A Mr. Syed.  
 11 Q On whose cell phone?  
 12 A Mr. Syed.  
 13 Q Line above it, number ██████████ is that  
 14 Jen Pusateri's pager?  
 15 A Yes, sir.  
 16 Q Who made that call?  
 17 A I did, sir.  
 18 Q On those cell phone?  
 19 A Mr. Syed's.  
 20 Q Line 9, number 410-██████████ is that Jen  
 21 Pusateri's pager?  
 22 A Yes, sir.  
 23 Q Who made that call?  
 24 A I did, sir.  
 25 Q On whose cell phone?

1 A Mr. Syed's.  
2 Q The line above that 410-██████ is that  
3 Jen Pusateri's pager?  
4 A Yes, sir.  
5 Q Who made that call?  
6 A I did, sir.  
7 Q On whose cell phone?  
8 A Mr. Syed's.  
9 Q The lines above it, I'll just read the  
10 numbers off, which I believe we've seen all of them  
11 before, 301-6██████, 410-██████ 410-██████,  
12 301-██████7, 410-██████, do you know any of those  
13 numbers?  
14 A No, sir.  
15 Q Who made those calls?  
16 A Mr. Syed, sir.  
17 Q And whose cell phone?  
18 A Mr. Syed's.  
19 Q Now, when you dropped Mr. Syed off at  
20 school to go to track practice where did you go?  
21 A When I left?  
22 Q Yes.  
23 A Ms. ██████  
24 Q Now what, if any, property of Hae Lee's did  
25 you see in the defendant's -- did you see the

1 defendant with that night?  
2 THE COURT: I'm sorry, what day?  
3 MR. URICK: The night of January 13th,  
4 1999.  
5 THE COURT: Very well.  
6 MS. GUTIERREZ: Objection, beyond the  
7 scope.  
8 THE COURT: Overruled.  
9 A A wallet, a bag like a purse, some keys.  
10 Q Did you see where he got those items?  
11 A From the trunk of Ms. Lee's car.  
12 Q And what happened to that property?  
13 A He threw it in the dumpster.  
14 Q Now, when you say he got it from the trunk  
15 of the car, when -- what time or where did you see  
16 him?  
17 A At the 70 park and ride.  
18 Q Did there come a time when you went to  
19 Gilston Park?  
20 A I believe so.  
21 Q What did you do there?  
22 A We walked the dog, smoked marijuana.  
23 Q Now, during that year, the school year of  
24 '98, '99 after you had graduated and Stephanie  
25 McPherson was a student at Woodlawn, what was her

1 schedule like?  
2 A It was very --  
3 MS. GUTIERREZ: Your Honor, objection  
4 beyond the scope.  
5 THE COURT: Mr. Urick, I'm going to give  
6 you a few questions to connect it up.  
7 Q You were asked by Ms. Gutierrez why you  
8 didn't spend time with Ms. McPherson on her birthday  
9 which was the 13th?  
10 A Yes.  
11 Q Why not?  
12 A She had a game that day.  
13 Q And normally at that time of year what was  
14 her schedule like after school?  
15 A Practice, she wasn't allowed out much  
16 during the week.  
17 Q Now, ██████ and Jen Pusateri were  
18 people that you did things with often, several days  
19 every week, is that correct?  
20 A Yes, sir.  
21 Q Now, the first statement you gave -- the  
22 first time you spoke to the police was February 28th;  
23 is that correct?  
24 A Yes, sir.  
25 Q So that was roughly from January 13th to

1 February 28th about a little over a month and a half?  
2 A Yes, sir.  
3 Q Are you normally good at remembering  
4 exactly everything you did in the exact order that  
5 you did it?  
6 A No, sir.  
7 Q Now, the cancelled check that you have  
8 where you repaid the defendant for some money, what  
9 had he given you that money for?  
10 A He wanted me to get him an ounce of  
11 marijuana.  
12 Q Now, before you made that statement on the  
13 28th when you talked to Jen Pusateri and she told you  
14 the police wanted to talk to her, what did you tell  
15 her to tell the police.  
16 MS. GUTIERREZ: Objection.  
17 THE COURT: If anything? Overruled.  
18 A I told her nothing until later to tell the  
19 police. I gave her no instructions to dealing with  
20 the police until later.  
21 Q What did you -- what instructions, if any,  
22 did you later give her?  
23 A The lies that we were telling to try to  
24 protect each other were clouding the truth.  
25 MS. GUTIERREZ: The last part?

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<p>1 A Were clouding the truth.</p> <p>2 Q So she should do what?</p> <p>3 A Tell nothing but the truth.</p> <p>4 MS. GUTIERREZ: I still can't hear the</p> <p>5 witness, Judge.</p> <p>6 THE COURT: Would you restate your last</p> <p>7 answer about clouding the truth?</p> <p>8 THE WITNESS: The lies that she was telling</p> <p>9 were clouding the truth.</p> <p>10 Q And she should do what?</p> <p>11 A Tell nothing but the truth.</p> <p>12 Q Mr. Wilds, are you aware that the</p> <p>13 constitution of the United States affords the right</p> <p>14 to counsel --</p> <p>15 MS. GUTIERREZ: Objection.</p> <p>16 Q -- both to people who can afford it --</p> <p>17 MS. GUTIERREZ: Objection.</p> <p>18 Q -- and people who cannot.</p> <p>19 MS. GUTIERREZ: May we approach the bench?</p> <p>20 I'm objecting to the question.</p> <p>21 THE COURT: Overruled. You may answer the</p> <p>22 question.</p> <p>23 A Yes, sir.</p> <p>24 THE COURT: Your next question, and you may</p> <p>25 approach the bench counsel before the next question.</p>	<p>1 object that this is still redirect and he should not</p> <p>2 be allowed to suggest the answers to the questions.</p> <p>3 THE COURT: The leading nature of the</p> <p>4 questions.</p> <p>5 MS. GUTIERREZ: So I would object to any</p> <p>6 further leading. I haven't objected all of the time</p> <p>7 because I don't think it's important.</p> <p>8 THE COURT: And although this question is</p> <p>9 overruled, I would just caution you that you should</p> <p>10 not -- redirect does not mean you have been forgiven</p> <p>11 for not leading, but I do -- would ask that if you</p> <p>12 can focus the witness so that we can move along that</p> <p>13 that will be permissible but please be mindful of the</p> <p>14 leading nature and if there's an objection it will be</p> <p>15 sustained. All right, thank you.</p> <p>16 (Whereupon, counsel returned to the trial</p> <p>17 table and proceedings resumed in open court.)</p> <p>18 MR. URICK: If I may have just a second?</p> <p>19 THE COURT: Certainly. While he is</p> <p>20 talking, do you need anymore water?</p> <p>21 THE WITNESS: No, ma'am.</p> <p>22 THE COURT: All right, very well. I would</p> <p>23 also ask the jurors, anyone need water? No. Just</p> <p>24 one. Ms. Connelly, would you have a problem, if I</p> <p>25 could kindly ask you to. I appreciate your effort.</p>
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<p>1 (Whereupon, counsel and the Defendant</p> <p>2 approached the bench and the following conference</p> <p>3 ensued:)</p> <p>4 MS. GUTIERREZ: Judge, I'm going to be</p> <p>5 objecting to any questions. He's not an expert.</p> <p>6 This is not about asking questions about what the</p> <p>7 constitution affords in regard to right to counsel</p> <p>8 and I particularly object in light of the Court's</p> <p>9 limitations on other arenas in regard or commentary</p> <p>10 in regard to this witness' right to counsel, also. I</p> <p>11 mean as an additional reason.</p> <p>12 THE COURT: I understand. The objection is</p> <p>13 overruled with a limitation. I will not allow you to</p> <p>14 get -- to ask questions about what someone told, but</p> <p>15 as long as you ask the question are you aware and</p> <p>16 what is in his mind I'll allow it because I find that</p> <p>17 the defense has opened the door as to what was in his</p> <p>18 mind, within his knowledge and his contemplation of</p> <p>19 his understanding with particular concern, what was</p> <p>20 allowable was questions that talked about what he</p> <p>21 knew the State was providing for him and what he did</p> <p>22 not know or did not believe as part of the plea</p> <p>23 bargain and plea agreement understanding and as it</p> <p>24 relates to his credibility.</p> <p>25 MS. GUTIERREZ: And, Judge, I further</p>	<p>1 Is there any objection to the defendant having water</p> <p>2 as well? Is that all right? Could you do that as</p> <p>3 well Ms. Connelly, if you don't mind. Thank you, I</p> <p>4 appreciate it.</p> <p>5 Counsel, anybody else since she's up on her</p> <p>6 feet and I'm sure thank yous would be appreciated.</p> <p>7 That is not a job requirement but it is greatly</p> <p>8 appreciated by the Court. Thank you, Ms. Connelly.</p> <p>9 Mr. Urick, you may proceed.</p> <p>10 MR. URICK: Thank you.</p> <p>11 Q Mr. Wilds, do you feel that you had a</p> <p>12 choice in who your attorney was.</p> <p>13 MS. GUTIERREZ: Objection.</p> <p>14 THE COURT: I'm sorry, do you have a --</p> <p>15 yes, that's overruled.</p> <p>16 A Yes, sir.</p> <p>17 Q And the attorney you have today, is that</p> <p>18 because of your choice?</p> <p>19 A Yes, sir.</p> <p>20 MS. GUTIERREZ: Objection.</p> <p>21 THE COURT: Overruled.</p> <p>22 Q And do you feel that that attorney -- are</p> <p>23 you now satisfied that that attorney is representing</p> <p>24 your interests?</p> <p>25 A Very much so.</p>

1 MR. URICK: If I may have the Court's  
2 indulgence for just a second?  
3 THE COURT: Certainly.  
4 Q Mr. Wilds, when the defendant told you that  
5 he was going to kill his girlfriend, why didn't you  
6 warn Hae?  
7 A It really didn't seem out of context, the  
8 conversation, we were talking about relationships.  
9 He seemed a little upset. I didn't take it as -- I  
10 took it as a grain of sand instead of concrete.  
11 Q Okay. In response to questions from Ms.  
12 Gutierrez when she was asking you about looking at  
13 Hae's body in the trunk, you said that that incident  
14 stuck with you. Why did the incident stick with you?  
15 A I've never seen anyone dead before and --  
16 MS. GUTIERREZ: Judge, I can't hear the  
17 witness.  
18 THE COURT: Overruled.  
19 THE WITNESS: I've never seen anyone dead  
20 before, and the first thing I thought was how fragile  
21 Stephanie was, and I think that's why it stuck with  
22 me so much.  
23 Q Now, Ms. Gutierrez asked you a lot of  
24 questions about being interviewed by the police, how  
25 you didn't really want to be there, did you?

1 talked about lots of omissions. We talked a great  
2 deal about that, did we not?  
3 A Yes, ma'am.  
4 Q In the context of your talking to the  
5 police, you knew things that they didn't know, did  
6 you not?  
7 A I don't know what they knew.  
8 Q Well, they didn't know where you had been,  
9 right?  
10 MR. URICK: Objection.  
11 THE COURT: Sustained as to what they knew.  
12 Q They didn't know whom you talked with, did  
13 they?  
14 A I don't know what they knew.  
15 MR. URICK: Objection.  
16 THE COURT: Sustained.  
17 Q You're the one that knew about Chris  
18 [REDACTED] right?  
19 MR. URICK: Objection.  
20 THE COURT: Overruled.  
21 A Yes, ma'am.  
22 Q And, in fact, you told them about Chris  
23 [REDACTED] did you not?  
24 A When they asked.  
25 Q On February 28th?

1 A No, sir.  
2 Q You didn't want to have to be answering  
3 those questions, did you?  
4 A No, sir.  
5 MS. GUTIERREZ: Objection to the form of  
6 the questions.  
7 THE COURT: Sustained.  
8 Q Did you freely go along and respond to  
9 them?  
10 A No, sir.  
11 Q Did you respond to the questions?  
12 A Yes, sir.  
13 Q Now, taking you to the night of the 13th  
14 after you saw Hae Lee's body, did you want to be with  
15 the defendant?  
16 A No, sir.  
17 Q Did you want to go along with the defendant  
18 -- did you want to help the defendant bury the body?  
19 A No, sir.  
20 Q Did you help that man?  
21 A I helped him dig a hole, sir.  
22 MR. URICK: No further questions.  
23 RECROSS EXAMINATION  
24 BY MS. GUTERRIEZ  
25 Q Just a couple of questions, Mr. Wilds. We

1 A Yes, ma'am.  
2 Q Isn't that right?  
3 MR. URICK: Objection.  
4 THE COURT: Sustained.  
5 Q You gave them a pager number, did you not?  
6 THE COURT: Overruled.  
7 A Yes, ma'am.  
8 Q That pager number was 1-800-5-Sprint, was  
9 it not?  
10 A Yes, ma'am.  
11 Q And you gave them a box number to go with  
12 that pager number, did you not?  
13 A Yes, ma'am.  
14 Q The box number was 2557 300, did you not?  
15 A I believe so.  
16 Q In regard to [REDACTED] you're the one  
17 who kept her out of it, did you not?  
18 A Yes, ma'am.  
19 Q You're the one that chose not to mention  
20 her name, correct?  
21 A Yes, ma'am.  
22 Q Because of what you've already said was  
23 your concern about her father's profession, do you  
24 remember that?  
25 A Yes, ma'am.



<p style="text-align: right;">Page 152</p> <p>1 Q That was your choice, right?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Detective MacGillivray and Ritz had nothing</p> <p>4 to do with that, did they?</p> <p>5 A No, ma'am.</p> <p>6 Q And in regard to keeping out Jen Pusateri,</p> <p>7 that's because you didn't want her involved, isn't</p> <p>8 that right?</p> <p>9 A Yes, ma'am.</p> <p>10 Q And in regard to the other things that you</p> <p>11 kept for yourself and later told them, those were all</p> <p>12 your choices, were they not?</p> <p>13 A Yes, ma'am.</p> <p>14 Q It wasn't just because they didn't know the</p> <p>15 right questions to ask, was it?</p> <p>16 MR. URICK: Objection.</p> <p>17 THE COURT: Overruled.</p> <p>18 A I don't know what they knew.</p> <p>19 Q Well, in fact, they asked you what you did</p> <p>20 that day, did you not?</p> <p>21 MR. URICK: Objection.</p> <p>22 THE COURT: The question was they asked you</p> <p>23 --</p> <p>24 Q They asked you what you did that day,</p> <p>25 meaning the 13th of January, did they not?</p>	<p style="text-align: right;">Page 154</p> <p>1 statement, were there not?</p> <p>2 MR. URICK: Objection.</p> <p>3 THE COURT: Sustained.</p> <p>4 Q Mr. Wilds, you recall, and Mr. Urick just</p> <p>5 used the words and you answered, about the location</p> <p>6 of where you saw the body, do you recall that?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And you used the word the significance of</p> <p>9 Best Buy; is that right?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And the significance you said was you were</p> <p>12 referring to where they had intercourse, is that</p> <p>13 correct?</p> <p>14 A Yes, ma'am.</p> <p>15 Q That mattered to you?</p> <p>16 A Not to me.</p> <p>17 Q That was a secret you wanted to keep</p> <p>18 secret?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And if everybody knew, somebody might be</p> <p>21 hurt to know where Hae and Adnan had had intercourse?</p> <p>22 A Hae had already died and I didn't feel it</p> <p>23 necessary to drag her name through the mud.</p> <p>24 Q Well, sir, you were the one that just said</p> <p>25 there were a significance, did you not?</p>
<p style="text-align: right;">Page 153</p> <p>1 THE COURT: Overruled.</p> <p>2 A Yes, ma'am.</p> <p>3 Q And you didn't tell them the whole truth,</p> <p>4 did you?</p> <p>5 A I did not tell all of what I did, no.</p> <p>6 Q They asked you who you were with, did they</p> <p>7 not?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And you didn't tell the whole truth, did</p> <p>10 you?</p> <p>11 MR. URICK: Objection.</p> <p>12 THE COURT: Overruled.</p> <p>13 A No, ma'am.</p> <p>14 Q They asked you who you told, did they not?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And, again, you're the one that didn't tell</p> <p>17 them the whole truth, correct?</p> <p>18 A No, ma'am.</p> <p>19 Q So you were asked -- Mr. Urick keeps</p> <p>20 insisting that there were only three changes. You</p> <p>21 and I went through many more than that, did we not?</p> <p>22 MR. URICK: Objection.</p> <p>23 THE COURT: Sustained.</p> <p>24 Q Sir, there were more than three changes</p> <p>25 between the first statement and your second</p>	<p style="text-align: right;">Page 155</p> <p>1 MR. URICK: Objection.</p> <p>2 THE COURT: Sustained.</p> <p>3 Q Now, in regard, sir, you were again asked</p> <p>4 about Gilston Park, right?</p> <p>5 A Yes, ma'am.</p> <p>6 Q That's the park that you and I spoke about,</p> <p>7 right?</p> <p>8 A Yes, ma'am.</p> <p>9 Q That's a place that you and your friend Jen</p> <p>10 and her dog go often, is it not?</p> <p>11 A Yes, ma'am.</p> <p>12 Q That's the same place, isn't that right,</p> <p>13 that we talked about?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Mr. Wilds, you were asked and you answered</p> <p>16 a lot of questions about these calls. Those were the</p> <p>17 same questions you were asked before, were they not?</p> <p>18 A I believe so.</p> <p>19 Q When you had the cell phone in your hand?</p> <p>20 A I believe so.</p> <p>21 Q And, sir, in regard to cell phones, you</p> <p>22 were also asked about your girlfriend Stephanie's</p> <p>23 schedule that day. She had a cell phone, didn't she?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And you told the police that, didn't you?</p>

1 A Yes, ma'am.  
 2 Q And you were always able to reach her on  
 3 her cell phone, were you not?  
 4 A No, ma'am.  
 5 Q No. Sir, if she had it on you would have  
 6 reached her, would you have not?  
 7 A Not necessarily, no.  
 8 Q Normally you didn't have a cell phone but  
 9 that day you had access to a phone, did you not?  
 10 A Sometimes.  
 11 Q You called your friend -- sometimes?  
 12 A Part of the day.  
 13 Q You called your friends on that cell phone,  
 14 did you not?  
 15 A Some of them.  
 16 Q You didn't have to ask for permission to  
 17 use the cell phone, did you?  
 18 A No, ma'am.  
 19 Q You didn't have any difficulty operating  
 20 the phone, did you?  
 21 A No, ma'am.  
 22 Q You didn't have any difficulty  
 23 understanding that that phone has a feature on it, a  
 24 whole long list of numbers including every number on  
 25 that list is inside the feature if you just scroll

1 through it?  
 2 A I was not aware of that.  
 3 Q You didn't examine the phone, the easily  
 4 operated --  
 5 MR. URICK: Objection.  
 6 THE COURT: Sustained.  
 7 Q Now, sir, you didn't know who Adnan was  
 8 calling at the times that you said he dialed the  
 9 number, did you?  
 10 A No, ma'am.  
 11 Q He didn't ask your permission, did he?  
 12 A No, ma'am.  
 13 Q And he didn't have to dial numbers then,  
 14 did he?  
 15 A I believe so.  
 16 Q He just had to punch and - punch one digit,  
 17 did he not?  
 18 A I cannot recall.  
 19 Q Sir, did the cell phone project what number  
 20 you dialed to somebody?  
 21 A Projection?  
 22 Q Outside of the cell phone?  
 23 A I'm not understanding.  
 24 Q Did you watch him when he made the cell  
 25 phone calls?

1 A Yes, ma'am.  
 2 Q And did you memorize the numbers?  
 3 A No, ma'am.  
 4 Q And did you write them down?  
 5 A No, ma'am.  
 6 Q And, sir, when you answered any of those  
 7 questions that Mr. Urick asked you with the words I  
 8 believe, you didn't mean to equivocate that -- well,  
 9 maybe you did or maybe you didn't, did you?  
 10 MR. URICK: Objection.  
 11 THE COURT: Sustained.  
 12 Q You were asked by Mr. Urick whether you  
 13 were normally good at remembering things and the  
 14 order in which they happened?  
 15 A Yes, ma'am.  
 16 Q And you answered no you were not?  
 17 A Yes, ma'am.  
 18 Q Does that mean you're normally bad at  
 19 remembering things --  
 20 MR. URICK: Objection.  
 21 Q -- in the order in which they happened?  
 22 THE COURT: Overruled.  
 23 A I myself would not say bad, no.  
 24 Q How would you describe yourself?  
 25 THE COURT: As it relates to memorizing

1 things or recalling things?  
 2 Q Remembering things in the order in which  
 3 they occurred?  
 4 THE COURT: Very well.  
 5 Q How would you describe yourself? What word  
 6 would you use?  
 7 A In terms of my memory, describing my  
 8 memory?  
 9 THE COURT: Yes. How would you describe  
 10 your memory?  
 11 MS. GUTIERREZ: I'll withdraw the  
 12 question.  
 13 Q Mr. Wilds, you were asked about this  
 14 cancelled check?  
 15 A Yes, ma'am.  
 16 Q Did Mr. Urick ask to see it?  
 17 A No.  
 18 Q Did he ask you to bring it in?  
 19 A No, ma'am.  
 20 Q Have you ever been asked to bring it in?  
 21 A My attorney asked to see it.  
 22 Q Your attorney asked to see it, but not Mr.  
 23 Urick?  
 24 A No, ma'am.  
 25 Q And not Ms. Murphy?

<p style="text-align: right;">Page 160</p> <p>1 MR. URICK: Objection.  2 A No, ma'am.  3 Q And not Detective MacGillivray?  4 THE COURT: Sustained.  5 Q You answered the question about any  6 conversation you may have had with Jen Pusateri after  7 the 27th of February, do you remember that?  8 A Yes, ma'am.  9 Q And you said you gave her nothing in regard  10 to telling the police anything, right?  11 A I'm not understanding.  12 Q That's what you answered. You said I gave  13 her nothing to tell the police?  14 A No instructions.  15 Q No instructions and --  16 A And what the subject matter.  17 Q And you did that before she talked to the  18 police?  19 A After.  20 Q After. So after she talked to the police  21 she never talked to them again, did she?  22 A Yes, ma'am, she did.  23 Q But you knew that she had already?  24 A I'm not understanding.  25 Q That she had already talked to the police?</p>	<p style="text-align: right;">Page 162</p> <p>1 MR. URICK: May I have a second?  2 THE COURT: Deputy Church, may I see you?  3 MR. URICK: I have no further questions.  4 THE COURT: Go ahead.  5 MR. URICK: We have nothing further. Would  6 this be an appropriate time for a brief break maybe?  7 THE COURT: Yes, it would be. Ms.  8 Gutierrez, are you finished?  9 MS. GUTIERREZ: Yes, Judge.  10 THE COURT: All right, and you have nothing  11 further for this witness?  12 MS. GUTIERREZ: Judge, I just ask that this  13 witness be kept under subpoena.  14 THE COURT: All right.  15 MS. GUTIERREZ: I did not issue --  16 THE COURT: You are not ready to release  17 him.  18 MS. GUTIERREZ: But in light of other  19 things, I would ask that --  20 THE COURT: You are not prepared to release  21 him from his subpoena?  22 MS. GUTIERREZ: Right.  23 THE COURT: Mr. Urick, are you prepared to  24 release him?  25 MR. URICK: He would need a day or two's</p>
<p style="text-align: right;">Page 161</p> <p>1 A Once before, yes.  2 Q But you said you said to her something to  3 the effect, and I was having a hard time hearing you,  4 but what I heard is that you said to her something to  5 the effect that our lives are clouding the truth?  6 A The lies.  7 Q The lies. The lies as distinct from the  8 truth?  9 MR. URICK: Objection.  10 THE COURT: Overruled. Is that a  11 question?  12 MS. GUTIERREZ: Yes.  13 THE COURT: Yes, is that what you meant?  14 What Ms. Gutierrez just restated, is that what you  15 meant?  16 THE WITNESS: I'm not understanding what  17 she --  18 Q You corrected me and said our lies, right?  19 Lies, l-i-e-s, were clouding the truth?  20 A The lies were clouding the truth, yes.  21 Q The lies. And that's different from the  22 truth, is it not?  23 A Yes.  24 MS. GUTIERREZ: Thank you.  25 THE COURT: Anything further, Mr. Urick?</p>	<p style="text-align: right;">Page 163</p> <p>1 notice if he's going to be called in. I just bring  2 that to the Court's attention.  3 THE COURT: Very well, one moment. All  4 right, Mr. Wilds, I'd like you to stay seated for one  5 moment. Ladies and gentlemen, we're going to take a  6 stretch break. Counsel, are we ready with our next  7 witness?  8 MR. URICK: She's available. It will take  9 us about five minutes to get her here.  10 THE COURT: Five minutes, okay. Good.  11 Because when we come back, we're going to resume.  12 Ladies and gentlemen, we're going to let you stretch  13 your legs. Please leave your notes face down. Do  14 not discuss the testimony of this witness or anyone  15 else, and you may go with Deputy Church who is going  16 to walk you across the hall to the jury room. Just a  17 stretch break. We are not going to take a long  18 break. It should not be more than ten minutes.  19 (Whereupon, the jury was excused from the  20 courtroom, after which the following proceedings  21 ensued:)  22 THE COURT: Mr. Wilds, let me advise you  23 that you are still technically then sequestered. You  24 cannot remain in the courtroom and hear the rest of  25 the testimony because you may be called back as a</p>

1 witness later on, but you are free at this time to go  
2 to work.

3 THE WITNESS: I don't have a job.

4 THE COURT: Or wherever, because you won't  
5 have to be here everyday, but I would ask that you  
6 call my chambers. Do we have a card?

7 THE WITNESS: You have given me one. I  
8 still have it.

9 THE COURT: I did. Call my chambers every  
10 morning, if you can, every morning like around nine  
11 or nine-thirty and at that time Ms. Gutierrez, Mr.  
12 Urick, if you would advise me if he's needed --

13 MS. GUTIERREZ: Yes.

14 THE COURT: Then we will let you know when,  
15 and if at any time Ms. Gutierrez you decide that you  
16 will not need him any further, to let me know that  
17 and when you call in they'll be able to tell you  
18 that. At this time I'm going to ask that you go with  
19 Deputy Church and I believe your coat is in the  
20 courtroom, all right.

21 All right, now that the witness is gone, is  
22 there something further?

23 MS. GUTIERREZ: Yes, Judge, just to save  
24 time. The next witness, I've been told, is Jen  
25 Pusateri.

1 THE COURT: Yes.

2 MS. GUTIERREZ: She is a witness who did  
3 not testify at the last trial because she was the  
4 next witness in line.

5 THE COURT: Before the mistrial?

6 MS. GUTIERREZ: We were given her written  
7 statement.

8 THE COURT: So you have that?

9 MS. GUTIERREZ: We do, Judge, and having  
10 reviewed that, and I apologize for not getting this  
11 in writing, I just had a hard time keeping up, we  
12 would move in limine having reviewed that written  
13 statement to preclude any questions that illicit  
14 hearsay since the bulk of her statement is to say  
15 what Jay Wilds said Adnan Syed said.

16 Judge, we believe it falls into no  
17 exception that establishes that it's nonhearsay and  
18 in light of our concern I would move for a proffer as  
19 to what portions of her statements, since the bulk of  
20 it reveals that what she has to say, according to her  
21 statement, she was not a witness to any of these  
22 events. She wasn't present with Adnan Syed, and the  
23 only time that she says that she saw or spoke to him  
24 that we would not object to is an occasion at the end  
25 of the day in which her testimony is that she saw him

1 at Westview Mall, a place that this witness says they  
2 weren't, but -- and so I wouldn't object to that, but  
3 the only occasion in which she is alleged to have  
4 seen or heard directly from Adnan Syed whose  
5 testimony, I mean whose statements might be  
6 admissible on other grounds as nonhearsay is if she  
7 heard them directly, is at the end of events late on  
8 the evening of the 13th. That she never -- and the  
9 only other place of her statement that she says she  
10 spoke to Adnan Syed -- in her statement she doesn't  
11 say that.

12 THE COURT: Wait a minute. One second. I  
13 am not going to talk while others are talking because  
14 in a moment I'm going to ask the State to respond to  
15 Ms. Gutierrez and if you -- this Court stands in  
16 recess.

17 (Whereupon the Court recessed, following  
18 which the proceedings in this matter resumed:)

19 THE COURT: Now, I apologize to Ms.  
20 Gutierrez for interrupting her and if you will  
21 continue, Ms. Gutierrez, with your argument, then I  
22 will be happy to hear from the State when you are  
23 finished. You were saying that your objection to Ms.  
24 Pusateri's testimony was on basically double hearsay.

25 MS. GUTIERREZ: That's --

1 THE COURT: You would object to anything  
2 that she said.

3 MS. GUTIERREZ: I don't -- right.

4 THE COURT: Or someone said to her.

5 MS. GUTIERREZ: Right.

6 THE COURT: That Mr. Syed had said to her.

7 MS. GUTIERREZ: Right, the only instances  
8 that I know fall outside the first instance is a  
9 conversation that she says she had with Mr. Syed,  
10 very brief, that took place that evening outside of  
11 the Value City in Westview Mall and, obviously, I  
12 don't object if she actually heard something from Mr.  
13 Syed.

14 THE COURT: Basically you have no objection  
15 to direct conversations that she may have had?

16 MS. GUTIERREZ: No.

17 THE COURT: Or personal knowledge.

18 MS. GUTIERREZ: Right.

19 THE COURT: That's relevant to this case.

20 MS. GUTIERREZ: Right.

21 THE COURT: But anything else you would --

22 MS. GUTIERREZ: Anything else, and I would  
23 object there was -- and although I know this is  
24 background, Judge, in her statement she refers to a  
25 conversation that she had -- I think is identified as