

<p style="text-align: right;">Page 176</p> <p>1 coming in, may we approach? I would like to make a 2 motion in limine. 3 THE COURT: Yes. 4 (Whereupon, counsel and the Defendant 5 approached the bench and the following conference 6 ensued:) 7 THE COURT: Yes. 8 MS. MURPHY: I apologize, Your Honor. I 9 meant to address this. Counsel has stated that she 10 believed that I had instructed this witness not to 11 speak to them. I just want to clarify for the 12 record, it might save us some time -- 13 THE COURT: Why don't you just ask her if 14 it comes up and counsel asks, on redirect -- 15 MS. GUTIERREZ: I intend to ask. I have an 16 affidavit from my investigator who spoke to both her 17 and the parents. 18 THE COURT: I mean, frankly, you know, it's 19 not my practice to get into a disagreement with 20 counsel. Obviously, sometimes witnesses have the 21 impression that -- 22 MS. MURPHY: Exactly. 23 THE COURT: -- attorneys say things. It 24 may not mean that they actually say them, but that's 25 their impression. If that's what they think, then</p>	<p style="text-align: right;">Page 178</p> <p>1 THE COURT: The mother made the statement. 2 MS. MURPHY: Yes. 3 THE COURT: Not the witness? 4 MS. MURPHY: That's what the mother told 5 me. 6 THE COURT: Okay. 7 MS. MURPHY: And I corrected her and said 8 that was not my intention at all. That it was 9 completely up to them as to whether they choose to 10 talk to -- 11 THE COURT: And to the extent that that may 12 have impacted Ms. Gutierrez's ability to talk to this 13 witness pretrial, she has a right to ask the 14 question. 15 MS. MURPHY: Okay. I just wanted to 16 clarify the point. 17 THE COURT: You have the right to ask the 18 other question, the other side of it, but I'm going 19 to allow you to do that, Ms. Gutierrez. I would 20 allow you to do that. 21 MS. GUTIERREZ: If I get there. It may not 22 end up being important to me. 23 THE COURT: Again, that is up to her to do 24 that, but I appreciate you're bringing that to the 25 Court's attention.</p>
<p style="text-align: right;">Page 177</p> <p>1 they're liable to repeat it to counsel and that may 2 be what happened. But as an officer of the court, I 3 wouldn't believe that you would do that. The fact 4 was I wouldn't believe that Ms. Gutierrez would do 5 that, but we have had accusations that Ms. Gutierrez 6 wouldn't talk to people. Well, now we have 7 accusations that you're telling people not to talk to 8 people. 9 The impressions of other people as to what 10 we might say can be interpreted all sorts of ways and 11 -- 12 MS. MURPHY: Well, that is exactly what 13 happened in this case, Your Honor. 14 THE COURT: I'm not surprised. It happens 15 all of the time. It is not an unusual occurrence but 16 that impression is often what we're faced with, what 17 witnesses think -- 18 MS. MURPHY: And I subsequently corrected 19 the witness' mother who made the statement. She told 20 me what she told Ms. Gutierrez's investigator and I 21 corrected her and said -- 22 THE COURT: You said that to the witness? 23 MS. MURPHY: Yes. Well, her mother who is 24 the one who made the statement from what she told 25 me.</p>	<p style="text-align: right;">Page 179</p> <p>1 MS. GUTIERREZ: That's one of the reasons 2 why I added Drew Davis's name, my investigator, to 3 the witness list. I'm having him prepare an 4 affidavit. 5 THE COURT: Just in case? 6 MS. GUTIERREZ: Yes. 7 (Whereupon, counsel returned to the trial 8 table and proceedings resumed in open court.) 9 THE COURT: Ms. Pusateri, I'm going to ask 10 you to stand please and raise your right hand. 11 Listen to Mr. White as he gives you the oath. 12 JENNIFER PUSATERI, 13 a witness produced on call of the State, having first 14 been duly sworn, according to law, was examined and 15 testified as follows: 16 THE CLERK: Please keep your voice up and 17 state your name for the record. 18 THE WITNESS: Jennifer Pusateri. 19 THE CLERK: Spell your last name for the 20 record. 21 THE WITNESS: P-u-s-a-t-e-r-i. 22 THE CLERK: State your address for the 23 record. 24 THE WITNESS: 1208 McAdoo, M-c-A-d-o-o, 25 Avenue.</p>

1 THE COURT: All right, witness with you.
 2 MS. MURPHY: Thank you, Your Honor.
 3 DIRECT EXAMINATION
 4 BY MS. MURPHY
 5 Q Ms. Pusateri, you might want to bend that
 6 microphone a little closer to your mouth and try to
 7 speak in a louder than normal voice because I think
 8 some of the jurors are having trouble hearing your
 9 name, okay?
 10 A Uh-huh.
 11 Q Can you please state how old you are?
 12 THE COURT: One moment. You said uh-huh.
 13 I got to tell you something else. When you speak,
 14 the cameras move to the person who is speaking. So
 15 right now the cameras are pointed at me. If you
 16 don't speak or you don't speak loudly, the recording
 17 device doesn't pick up your voice and the audio is
 18 not recording and the video is not recording you at
 19 all, okay.
 20 It will only record whoever is speaking and
 21 that they can hear the person speaking, which is
 22 another reason why Ms. Murphy is asking you to keep
 23 your voice up. You have to say yes or no. If you
 24 nod, obviously, nothing is being said and the
 25 recording device isn't picking up anything and the

1 chances are that the camera isn't recording you
 2 either. Do you understand?
 3 THE WITNESS: Yes.
 4 THE COURT: Very well. Now, Ms. Murphy.
 5 MS. MURPHY: Thank you.
 6 Q How old are you, Ms. Pusateri?
 7 A Nineteen.
 8 Q Are you currently attending school?
 9 A Yes.
 10 Q And where is that?
 11 A UMBC.
 12 Q What are you studying there?
 13 A Bio-chemistry.
 14 Q Where did you attend high school?
 15 A Woodlawn High School.
 16 Q And in January of 1999 where were you
 17 attending school?
 18 A UMBC.
 19 Q At that point in time would UMBC have been
 20 on a winter break?
 21 A Yes.
 22 Q Thinking back to January of 1999, was there
 23 a daily routine that you followed at that point in
 24 time?
 25 A Yes.

1 Q Can you describe for the ladies and
 2 gentlemen generally what your routine was on a day to
 3 day basis?
 4 A Okay, I would wake up early in the morning
 5 around six-thirty and ride with my parents to work.
 6 Well, my dad was dropped off and then my mom would
 7 drop herself off, and then I would drive home to pick
 8 up my younger brother and take him to school. And
 9 after I took him to school, then I myself would go
 10 home and get ready and go to work and then I would go
 11 out to work. I had to be to work by nine o'clock in
 12 the morning.
 13 Q Where were you working at that point in
 14 time?
 15 A At the Heartlands.
 16 Q And what were you doing there?
 17 A I was a life guard.
 18 Q And how late did you usually work?
 19 A Usually to about noon.
 20 Q And what would the rest of your day consist
 21 of?
 22 A Well then I would just usually probably go
 23 home after work and pick my brother up from school.
 24 I think he got out of school around one o'clock and
 25 then I'd just wait until about four, four-thirty and

1 leave and go and pick up my mom from work and then
 2 we'd pick up my dad and I'd get back home around six,
 3 six-thirty depending on traffic.
 4 Q I'm going to ask you to think back to
 5 January 13th, 1999, you've been asked about that date
 6 before, have you not?
 7 A Yes.
 8 Q On that day do you recall whether you spoke
 9 to Jay Wilds?
 10 A Yes, I did.
 11 Q And how do you know Jay Wilds?
 12 A From school.
 13 Q How long have you known him?
 14 A From like the third grade.
 15 Q And how would you describe your
 16 relationship with Mr. Wilds?
 17 A Friends.
 18 Q Very good friends?
 19 A Pretty good friends. I mean, yea.
 20 Q When did you first see Jay that day?
 21 A When he came to my house after I got off
 22 work.
 23 Q Had you gotten off work at your usual time
 24 that day?
 25 A No, I got off a little late because we were

<p style="text-align: right;">Page 184</p> <p>1 having some difficulties with the pool. So somebody 2 from a pool company had to come and I had to wait for 3 him to come so we could try to make the proper 4 adjustments so that the pool would be ready for 5 tomorrow. 6 Q Was it a surprise to you that Jay Wilds 7 came to your house? 8 A No, it wouldn't be unusual that we would 9 hang out. 10 Q And did Jay Wilds to your knowledge also 11 know your brother? 12 A Yes. 13 Q How old is your younger brother? 14 A Sixteen. 15 Q And he would have been fifteen at the time? 16 A Uh-huh, yes. 17 Q Would it be unusual for the two of them to 18 hang out? 19 A No. 20 Q Are you aware how Mr. Wilds got to your 21 house? 22 A I believe by a car. 23 Q Did you know whose car? 24 A No, not -- 25 Q Did you ever come to find out.</p>	<p style="text-align: right;">Page 186</p> <p>1 was waiting for a phone call to come in. 2 Q Did he tell you whose car he had? 3 A Not that I remember. 4 Q MS. GUTIERREZ: Objection. 5 THE COURT: Overruled. 6 Q You can answer that question. 7 A Not that I remember. 8 Q How do you remember seeing the phone? 9 A Oh, because I remember him -- I'm saying 10 like I recognize it because he normally wouldn't have 11 a phone and I remember him distinctly setting it on 12 the coffee table. I can picture him and the way my 13 living room was set up and everything. 14 Q Did you hear him talking on the phone? 15 A I don't remember. 16 Q Did there come a point in time when Jay 17 left your house? 18 A Yes. 19 Q Do you remember when that was? 20 A Between three-thirty, three forty-five. 21 Q What was the rest of your day like at that 22 point? 23 A I went and picked up my mom at four-thirty 24 and we went and picked up my dad and then we came 25 back home.</p>
<p style="text-align: right;">Page 185</p> <p>1 MS. GUTIERREZ: Objection. 2 THE COURT: Sustained. 3 Q Can you describe that car? 4 A It was a four door car, tan. 5 Q What happened when Mr. Wilds got to your 6 house? 7 A He came inside and we hung out in the 8 living room for a little bit and then we went and 9 played video games. 10 Q Can you describe the way Mr. Wilds was 11 acting? 12 A He wasn't acting normal like Jay normally 13 acts. He wasn't as relaxed as he normally was, but I 14 mean just different. 15 Q What, if anything, do you remember 16 happening at that point? 17 A Basically we just sat there. He had a cell 18 phone with him. 19 Q Is that normal? 20 A No, Jay doesn't have a cell phone. 21 Q Did you know whose cell phone it was? 22 A No. 23 Q Did you ask him about the cell phone? 24 A Maybe a few questions but nothing like who 25 he got it from or nothing like that. He just said he</p>	<p style="text-align: right;">Page 187</p> <p>1 Q Did you ever hear from Jay again that day? 2 A Yes. 3 Q What do you remember about that? 4 A I called him -- well, I called over to my 5 friend [REDACTED] house and Jay was over there and I 6 talked to him for like a hot second on the phone and 7 then -- 8 Q Did you speak to [REDACTED] also? 9 A Yes, I spoke to [REDACTED] and Jeff. 10 Q Did you have any plans to see Jay Wilds 11 that night? 12 A Yes, we were supposed to hang out that 13 night. 14 Q Did you hear from him at all regarding 15 those plans? 16 A Yea, like he left [REDACTED] and Jeff -- 17 [REDACTED] house when -- while I was still on the phone 18 with them and originally Jeff had told me on the 19 phone that I was supposed to pick up Jay at Gilston 20 Park. So I was still at home at this time, but me 21 and Jay were supposed to be going over [REDACTED] house 22 later that night. 23 So while I was at home after I got off the 24 phone with [REDACTED] and Jeff, I had got a page from Jay 25 and it was a voice message. So I really couldn't</p>

1 understand what he was trying to say. I was
2 confused. So I called the cell phone number that I
3 had got off of my caller I.D. that he had called
4 earlier from that phone that he had earlier and --
5 Q Why was that message so confusing?
6 A I don't know. I'm saying I just don't
7 remember. It was just like -- I don't know what he
8 was trying to say. I don't know like -- maybe
9 because I thought Jeff had told me where to pick him
10 up, but Jay was saying don't pick him up there or
11 something like -- I just didn't understand the
12 message where he wanted me to pick him up and what
13 time. So I thought that it was necessary to call
14 him.
15 Q But you felt certain that it was Jay that
16 called?
17 A Yea, that left a message. Oh, I know Jay's
18 voice.
19 Q So what did you do when you got that page?
20 A I called the cell phone.
21 Q How did you know you were calling the cell
22 phone?
23 A Oh, because I had the number on my caller
24 I.D. and on the caller I.D. it will come up and say
25 like Maryland when there's a cell phone number.

1 Q Do you know whose cell phone you were
2 calling?
3 A No.
4 Q What happened when you called that number?
5 A Someone answered the phone and said Jay
6 will call me when he was ready for me to come and get
7 him. He was busy.
8 Q At some point did Jay call you?
9 A Yea, he must have called me to tell me to
10 go pick him up in front of Westview Mall.
11 MS. GUTIERREZ: Objection, move to strike
12 must have.
13 THE COURT: I'm sorry, first of all, I'm
14 not understanding all of what you're saying and can
15 you repeat the last question, Ms. Murphy, the last
16 question.
17 Q At some point did Jay call you?
18 THE COURT: Okay. And your answer was?
19 THE WITNESS: He must have.
20 THE COURT: Okay. I need to sustain and
21 you can only talk about what did happen.
22 THE WITNESS: Okay.
23 THE COURT: You can't guess.
24 THE WITNESS: Right.
25 THE COURT: When you say it must have --

1 THE WITNESS: That is what I meant.
2 THE COURT: -- that's not something that
3 you know, but you're guessing at it.
4 THE WITNESS: All right.
5 THE COURT: Well, I don't know what you
6 knew. I'm just saying that if you start off a
7 sentence with it must have, it means you're guessing
8 unless it is. So that's an objection and it's
9 sustained and you're being directed to answer the
10 question from what you know, what you saw with your
11 own eyes, what someone told you with your own -- you
12 heard with your ears, not what someone else said that
13 you didn't see or what you guessed at or what must
14 have happened, do you understand?
15 THE WITNESS: Right.
16 THE COURT: Very well. Now, your next
17 question, Ms. Murphy.
18 Q About what time, if you know, did you
19 receive that message from Jay?
20 A About eight o'clock.
21 Q What time had you planned to meet him?
22 A Earlier. I don't know. I don't remember.
23 Q What do you remember next?
24 A After he paged me to tell me to come pick
25 him up at Westview Mall parking lot, I left and went

1 to Westview Mall parking lot. He told me to meet him
2 there like in fifteen minutes.
3 Q Now, is this a separate page from the one
4 that you described as confusing?
5 A Yes.
6 Q Okay. When did this happen?
7 A Like right -- like probably about ten
8 minutes after -- ten or fifteen minutes maybe after I
9 had talked to someone on the cell phone. It all
10 happened between like seven-thirty and eight-fifteen.
11 Q And what happened with this next page, Jay
12 said what?
13 A To come and pick him up in front of
14 Westview Mall parking lot, or maybe I talked to Jay
15 on the phone, one or the other.
16 MS. GUTIERREZ: Objection. Move to strike.
17 THE COURT: Overruled. You're saying that
18 you just don't recall the order of things?
19 THE WITNESS: Right.
20 THE COURT: Then you need to say so. You
21 need to say I don't recall the order. Do you follow
22 me?
23 THE WITNESS: Yes.
24 THE COURT: Very well. The objection is
25 overruled. You may ask your next question.

1 MS. MURPHY: Thank you, Your Honor.
 2 Q Ms. Pusateri, does your pager accept only
 3 numerical pages or can you receive voice messages
 4 also?
 5 A Both.
 6 Q So at some point then you picked up Mr.
 7 Wilds?
 8 A Yes.
 9 Q And where was that?
 10 A In front of Value City at Westview Mall.
 11 Q Was anybody with Jay?
 12 A Yes.
 13 Q Who was that?
 14 A Adnan.
 15 Q Now, did you know Adnan prior to that date?
 16 A Yes.
 17 Q How did you know him?
 18 A From Woodlawn.
 19 Q Now, the person you've described as Adnan,
 20 is that person present here today?
 21 A Yes.
 22 Q Can you point him out for the jury, please?
 23 A Over there.
 24 THE COURT: Indicating the defendant Mr.
 25 Syed for the record.

1 Q Thank you. Did you have any conversation
 2 with Adnan at that point?
 3 A He spoke and said hello.
 4 Q Where did you first see Adnan and Jay?
 5 A In front of Westview Mall in the Value City
 6 parking lot.
 7 Q In the parking lot. Were they walking?
 8 A No, they were in the car. They pulled up
 9 after I was parked there.
 10 Q Who was driving?
 11 A Adnan.
 12 Q Did you have any further discussions with
 13 him?
 14 A No.
 15 Q What happened next?
 16 A Jay got in the car and we left the parking
 17 lot.
 18 Q How was Jay behaving at that point in time?
 19 A At that point he got in the car and the
 20 first thing he said was like put on your seat belt
 21 and let's go and --
 22 Q Is that a normal thing to say?
 23 A He didn't act normal, no, not like normal,
 24 not yet.
 25 Q What happened next?

1 A Then he proceeded to tell me about what had
 2 happened. First he said like --
 3 MS. GUTIERREZ: Can I just note my
 4 objection for the record.
 5 THE COURT: Okay. If we could back up. At
 6 the time he's telling you what happened, who is
 7 present?
 8 THE WITNESS: Just me.
 9 THE COURT: You and Mr. Wilds?
 10 THE WITNESS: Yes.
 11 THE COURT: Okay, overruled. You may
 12 proceed.
 13 A Jay's in the car.
 14 MS. GUTIERREZ: I just want to make sure
 15 the records reflects a continuing objection.
 16 THE COURT: Yes, the record's noted.
 17 A Jay gets in the car, tells me to put on my
 18 seat belt, we get ready to leave the parking lot, and
 19 he tells me he has something that he wants to tell
 20 me, but I can't tell anybody. It has to stay between
 21 me and him, that he feels like he needs to tell
 22 somebody in order to protect himself as well as --
 23 just because once he told me the information, I could
 24 understand why he needed to feel like he needed to
 25 tell somebody. So he went on to tell me that Adnan

1 had strangled Hae and then like he was like he wanted
 2 to go see his girlfriend Stephanie to make sure she
 3 was okay. It was her birthday. So we proceeded to
 4 Stephanie's house, and then he said that Adnan had
 5 used his shovels and he wanted to go around and make
 6 sure there wasn't any of his prints I guess on
 7 shovels from before.
 8 So he had me drive him to the back of
 9 Westview Mall. Back to Westview Mall, so we went to
 10 the back of Westview Mall and Jay got out of the car
 11 and walked over towards some dumpsters. I sat in the
 12 car. He came back and got in the car and we went to
 13 go hang out at my friend's house.
 14 Q Did he tell you where Adnan had strangled
 15 Hae?
 16 A Yea, I think I remember him telling me that
 17 he had done it in, because I remember him saying that
 18 Adnan was going to get caught, that he had done it in
 19 the Best Buy parking lot.
 20 Q Did Mr. Wilds indicate to you whether he
 21 had seen Hae?
 22 A Yes, he told me that he saw her body in the
 23 trunk of a car.
 24 Q Now, when you picked up Jay at the mall
 25 later that night did he still have the phone?

1 A No.
2 Q Did you ever --
3 A Not that I saw.
4 Q You never saw the phone again that night?
5 A No.
6 Q When you took Jay Wilds to Stephanie's
7 house, you mean Stephanie is who?
8 A Stephanie is his girlfriend. Well,
9 ex-girlfriend I think now, I don't know.
10 Q And you knew Stephanie prior to that night?
11 A Yes.
12 Q What happened when you all went to
13 Stephanie's house?
14 A I sat in the car. Jay got out and went up
15 to the door. He gave her a hug and I don't know. I
16 guess he was in there for a couple of minutes.
17 Q And that was it?
18 A Uh-huh.
19 Q About what time of night would that have
20 been?
21 A Between eight-thirty and nine.
22 Q Did you all go anywhere after that?
23 A Yes.
24 Q Where was that?
25 A We went to UMBC first.

1 MS. GUTIERREZ: I'm sorry I can't hear.
2 THE COURT: You have to repeat. Just sit
3 back just a little bit.
4 THE WITNESS: Okay.
5 THE COURT: Because I think now you're too
6 close to the mike.
7 THE WITNESS: Right.
8 THE COURT: And your answer was, we went
9 to?
10 THE WITNESS: UMBC.
11 THE COURT: First?
12 THE WITNESS: First.
13 Q Where did you go at UMBC?
14 A To my friend's apartment.
15 Q Who was that?
16 A My friend Shelly.
17 Q Did you go anywhere else?
18 A Yes, then we went to [REDACTED] house.
19 Q Did you go anywhere else after that?
20 A No, home.
21 Q Did you take Jay to his home --
22 A Yes.
23 Q -- at that point in time? Did you notice
24 when Jay got into your car, had his clothes been
25 muddy or dirty?

1 A Not that I noticed.
2 Q Did you see Jay the next day?
3 A Yes.
4 Q When was that?
5 A After I got off of work.
6 Q What happened when you saw Jay the next
7 day?
8 A He asked me about taking him to F & M.
9 Q Did he say why?
10 A He wanted to go to F & M and he wanted to
11 go I guess back to get rid of the clothes and boots
12 that he had on.
13 Q Did you see the clothes?
14 A No, I saw the boots.
15 Q Can you describe those boots?
16 A They were like Timberland type boots, the
17 butter ones, the brown ones.
18 Q And he had those with him when you saw him?
19 A Yes.
20 Q Now, did you know Hae Lee?
21 A Yes.
22 Q How did you know her?
23 A From Woodlawn.
24 Q Did you know her well?
25 A No.

1 Q Do you recall a point in time which you
2 stated you thought she might have been a little stuck
3 up?
4 A Yes.
5 Q What do you mean by that?
6 A Just like -- I don't know. She -- I didn't
7 never hang out with her. Like she wouldn't really
8 talk to me or nothing like that. So I guess since
9 she wouldn't really speak to me I would just consider
10 that she would be a little bit stuck up.
11 Q Did you hang out with any of her friends?
12 A No, not really.
13 Q And you stated you already knew Stephanie
14 --
15 A Yes.
16 Q -- Jay's girlfriend? How did you know her?
17 A From Woodlawn and from softball. We played
18 softball together and we went to middle school
19 together.
20 Q So you actually knew her outside of her
21 relationship with Jay?
22 A Yes.
23 Q What was your relationship like with
24 Stephanie?
25 A It was okay, but we had differences on a

1 lot of things, just life in general. But we were on
2 speaking terms.

3 Q Did she have any problems with you being
4 friends with Jay?

5 A Not that I know of.

6 Q MS. GUTIERREZ: Objection?

7 THE COURT: Overruled, not that she knows
8 of. That's her answer.

9 Q Did you have any problems with Jay dating
10 Stephanie?

11 A No.

12 Q After Jay told you what happened on the
13 13th, why didn't you go to the police?

14 A Because I didn't think we had enough
15 information because at that point like Jay told me
16 that he didn't really know anything except for he had
17 seen the body. He didn't know where it was or
18 anything like that, and I just really didn't want to
19 be involved.

20 Q Why was that?

21 A I'd just rather not have any involvement
22 with any type of thing like this.

23 Q There did come a time when you did speak to
24 the police?

25 A Yes.

1 Q What happened with that?

2 A The two detectives came to my house one
3 evening and asked me if they could come inside. I
4 told them no. I was actually on my way out the
5 door. They caught me out in front of my house in
6 [REDACTED] car and they were driving up and down the
7 street lost, and I asked them if I could help them
8 and then they parked the car and got out once I told
9 them that it was my house. And they asked me what,
10 if anything -- you know, he introduced himself, said
11 he was a Homicide detective, and he asked me what, if
12 anything, did I know about Hae Min Lee, and I acted
13 as though I didn't know anything and I told him I had
14 -- I was going -- I was on my way out the door and I
15 didn't have time to talk with him. He gave me --

16 Q How were you feeling at that point?

17 A Scared.

18 Q Did you speak with these detectives again?

19 A Yes, he gave me his card and asked me if I
20 would come down after I was finished what I was going
21 to do, and I went down there and talked to him later
22 that night.

23 Q And what happened next?

24 A He asked me a bunch of questions. He let
25 me go and I went home and told my parents what

1 happened, and then the next morning I went and got a
2 lawyer and we went to the detectives.

3 Q When you say he asked you questions, did
4 you answer all of those questions?

5 A Yea, I guess.

6 Q Why is it you had to go back then the next
7 day?

8 A Oh, because when we went down there I
9 really wasn't like cooperating completely. I pretty
10 much just told him I didn't know much. I knew a
11 little bit about it but not as much as I really
12 knew. So I had lied, and that's why I went to get
13 the lawyer in the morning because I was scared.

14 Q Did anybody else go with you in the
15 morning?

16 A In the morning?

17 Q Yes.

18 A Yea, my lawyer was with me and my mom. It
19 was actually the afternoon, the next day.

20 Q The afternoon. When did you talk to your
21 mom about this?

22 A The night after I left -- the night that I
23 talked to the detectives.

24 Q Did you talk to anybody else that night?

25 A That night, no.

1 Q Did there come a time when you talked to
2 Jay about the fact that the police had come to you?

3 A Yes.

4 Q And when was that?

5 A Before I went to talk to the detectives for
6 the first time.

7 Q So that was the night?

8 A Uh-huh.

9 Q What did you tell Jay?

10 A I told Jay that the police were at my house
11 asking me about Hae.

12 Q What did he -- what, if anything, did he
13 tell you with respect to what to tell the police?

14 A He told me to go down there and tell them
15 what I knew, tell them enough to keep me out of
16 trouble and tell them to go see Jay, send them his
17 way.

18 MS. MURPHY: Court's indulgence, please.
19 The State has no further questions, Your Honor.

20 THE COURT: Very well. Witness with you,
21 Ms. Gutierrez.

22 MS. GUTIERREZ: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MS. GUTIERREZ

25 Q Let me get this straight, Ms. Pusateri. On

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<p>1 the morning after you spoke to the police you went 2 and hired a lawyer? 3 A I went and spoke to a lawyer friend. 4 Q A friend who happened to be a lawyer? 5 A Yes. 6 Q And ultimately you went down to the police 7 station, did you not? 8 A Yes. 9 Q The same day that you went and spoke to 10 him, correct? 11 A My lawyer, yes. 12 Q And the lawyer accompanied you down to the 13 police station? 14 A Yes. 15 Q And by the police station let's make sure 16 we understand that's the Police Headquarters Building 17 in Baltimore City right there on Fayette Street? 18 A Yes. 19 Q The Homicide Division? 20 A Yes. 21 Q And you took that lawyer friend with you as 22 a friend? 23 A No, as a lawyer. 24 Q You took him as a lawyer, did you not? 25 A Yes.</p>	<p>1 Q You didn't want her to know anything about 2 this, did you? 3 A No, I just didn't want her involved. 4 Q But she decided to come any way? 5 A Yes. 6 Q She was acting as your mother, was she not? 7 A Yes. 8 Q Okay. Now, that day that you went down to 9 Police Headquarters, that was February 27th, was it 10 not? 11 A I don't remember the date. 12 Q It was a Saturday, was it not? 13 A Yes. 14 Q Okay. And so it was the last Saturday in 15 February, wasn't it? 16 A I don't remember. 17 Q Whatever date that was. And you started 18 talking quarter to four in the afternoon? 19 A Yes. 20 Q Okay. That would be about right, would it 21 not? 22 A Yes. 23 Q So the day that you first spoke to the 24 police was the day before that Saturday, the Friday, 25 right?</p>
Page 205	Page 207
<p>1 Q He acted as your lawyer, did he not? 2 A Yes. 3 Q He introduced himself as your lawyer, did 4 he not? 5 A I don't know how he introduced himself. 6 Q Well, you were there, were you not? 7 MS. MURPHY: Objection. 8 A I don't remember. 9 THE COURT: Sustained. 10 Q He stayed with you, did he not? 11 A Yes, he stayed with me. 12 Q He was there the entire time you spoke to 13 the police? 14 A Yep. 15 Q All right. And in addition to your lawyer, 16 you took your mother with you, did you not? 17 A My mother came with me. 18 Q That was her choice? 19 A Yes. 20 Q To accompany you? 21 A Yes. 22 Q Not your choice? 23 A No. 24 Q You didn't want her there, did you? 25 A No.</p>	<p>1 A Yes. 2 Q And when you spoke to them you said you 3 were on your way out of your house; is that right? 4 A Uh-huh. 5 Q And these two police officers, they were 6 lost? 7 A I mean, I saw them go up the road and come 8 back and go up the road and come back while I was 9 sitting out front of the house. 10 Q To you they looked lost, right? 11 A Yea. 12 Q Like they didn't know where they were 13 going? 14 A Right. 15 Q Is that right? 16 A Right. 17 Q So you went up to them? 18 A No, I just rolled down the window and asked 19 if I could help them. 20 Q Because you thought they were lost? 21 A Right, yes. 22 Q You were going to tell them where to go, 23 right? 24 A Uh-huh. 25 Q And where your car was parked was where you</p>

1 live?
 2 A Uh-huh.
 3 Q You lived the same place then as you now
 4 live?
 5 A Yes.
 6 Q That's the McAdoo Avenue address?
 7 A Yes.
 8 Q That's a neighborhood, is it not?
 9 A Yes.
 10 Q And that's single family houses?
 11 A Yes.
 12 Q And there're lots of houses on your street?
 13 A Yes.
 14 Q Yes. And your street is connected to other
 15 houses on which there are lots of houses?
 16 A Yes.
 17 Q And all of those houses are single family
 18 homes?
 19 A Yes.
 20 Q And your car Ms. Pusateri, it was parked on
 21 your property?
 22 A It was [REDACTED] car I was inside of.
 23 Q Your friend [REDACTED]
 24 A Yes.
 25 Q And the other car that you drive is the car

1 A Right.
 2 Q It was your friend [REDACTED] car,
 3 right?
 4 A Yes.
 5 Q That wasn't the first day that you had
 6 driven that car, was it?
 7 A Ridden in it?
 8 Q Driven it?
 9 A I wasn't driving it.
 10 Q She was driving?
 11 A Yes, I've never drove her car.
 12 Q She came to pick you up?
 13 A Yes.
 14 Q And she parked her car while she waited for
 15 you in your driveway?
 16 A No.
 17 Q On the street?
 18 A Halfway in the driveway, halfway on the
 19 street.
 20 Q And so the driveway connects with the
 21 street at a perpendicular, does it not?
 22 A Yes.
 23 Q You pull directly into your driveway,
 24 right? In front of your house, there's a walkway?
 25 A No.

1 that belongs to your parents, right?
 2 A Yes.
 3 Q And it's in their name, is it not?
 4 A Yes.
 5 Q And their name is the same as yours,
 6 Pusateri --
 7 A Yes.
 8 Q -- is it not? And to your knowledge,
 9 because you drive it often, it's registered to them,
 10 is it not?
 11 A Yes.
 12 Q At that address?
 13 A Yes.
 14 Q And where your house is -- is it McAdoo?
 15 A Yes.
 16 Q Okay. Are there drive ways off the road?
 17 A Yes.
 18 Q And there's a place to park cars?
 19 A In the driveway.
 20 Q In the driveway. But the car you were
 21 driving that day wasn't your parents' car?
 22 A What?
 23 Q The car that you were sitting in that day?
 24 A Wasn't my parents' car.
 25 Q Wasn't your parents' car, right?

1 Q A sidewalk?
 2 A No.
 3 Q No. Is there anything blocking your house
 4 from the street?
 5 A No.
 6 Q So if someone drove down the street they
 7 could have gotten past, they didn't have to wait for
 8 your car?
 9 A Right.
 10 Q Did they? The car, actually [REDACTED] car,
 11 wasn't blocking or impeding traffic in any way,
 12 right?
 13 A Right.
 14 Q And your friend [REDACTED] was there to
 15 pick you up, right? Because you were going somewhere
 16 with her?
 17 A Right.
 18 Q And that wasn't unusual, was it?
 19 A No.
 20 Q To hang out your with friend. And have
 21 your friends -- friend come pick you up in her car?
 22 A No.
 23 Q Right?
 24 A Right.
 25 Q And when -- had she backed into the

<p style="text-align: right;">Page 212</p> <p>1 driveway?</p> <p>2 A No, she just pulled in parallel with the</p> <p>3 street.</p> <p>4 Q Parallel to the street, running the same</p> <p>5 way as the street or perpendicular?</p> <p>6 A Yes, parallel with the street.</p> <p>7 Q Okay. So she pulled into your driveway in</p> <p>8 such a way that she was parallel to the street; is</p> <p>9 that right?</p> <p>10 A Yes.</p> <p>11 Q But not in the street?</p> <p>12 A Right.</p> <p>13 Q And she waited for you to come out?</p> <p>14 A She came to the door and knocked.</p> <p>15 Q And did she go inside the house?</p> <p>16 A Perhaps, yes.</p> <p>17 Q And then the two of you came out when you</p> <p>18 were ready to go?</p> <p>19 A Yes.</p> <p>20 Q And you got in your car, right?</p> <p>21 A Right.</p> <p>22 Q And you just rolled down your window to</p> <p>23 speak to these guys you thought were lost?</p> <p>24 A Uh-huh.</p> <p>25 Q Okay. And the car they were driving, that</p>	<p style="text-align: right;">Page 214</p> <p>1 A I was on the outside.</p> <p>2 Q Closest to the road?</p> <p>3 A Yes.</p> <p>4 Q And because you had already seen this car</p> <p>5 -- it wasn't a marked car, was it?</p> <p>6 A No.</p> <p>7 Q It didn't have any identification on it</p> <p>8 that said police car?</p> <p>9 A No.</p> <p>10 Q And it didn't have a siren or a flashing</p> <p>11 light on it, did it?</p> <p>12 A No.</p> <p>13 Q There was nothing about the car that made</p> <p>14 you think police, police, police, did it?</p> <p>15 A Yea, because the type of car. It was a</p> <p>16 Lumina.</p> <p>17 Q So because it was a Lumina you thought</p> <p>18 police?</p> <p>19 A A little bit.</p> <p>20 Q Because in your experience the police drive</p> <p>21 Luminas?</p> <p>22 A Sometimes.</p> <p>23 Q And what you did was roll down your window?</p> <p>24 A Yes.</p> <p>25 Q To see if you could help them?</p>
<p style="text-align: right;">Page 213</p> <p>1 was going up and down on McAdoo?</p> <p>2 A Yes, I saw it go by while we were still out</p> <p>3 front.</p> <p>4 Q Okay.</p> <p>5 A Before we had left.</p> <p>6 Q That's what I'm trying to get to</p> <p>7 understand, Ms. Pusateri. You're still out front.</p> <p>8 When you left from the inside of the house your</p> <p>9 intent was to leave?</p> <p>10 A Yes.</p> <p>11 Q Did you leave?</p> <p>12 A Well, when we come out of the house I saw</p> <p>13 the car go by once.</p> <p>14 Q While you were walking?</p> <p>15 A Yes, to the car.</p> <p>16 Q Then you got in the car?</p> <p>17 A Uh-huh.</p> <p>18 Q And your intent was to leave?</p> <p>19 A Yes.</p> <p>20 Q And you had a destination?</p> <p>21 A Yes.</p> <p>22 Q But you didn't leave?</p> <p>23 A Not right away.</p> <p>24 Q The car being parallel to the road, were</p> <p>25 you on the outside or the inside?</p>	<p style="text-align: right;">Page 215</p> <p>1 A Yes.</p> <p>2 Q Because you thought they were lost?</p> <p>3 A Yes.</p> <p>4 Q And they identified themselves right away,</p> <p>5 did they not?</p> <p>6 A They said they were looking for 1208</p> <p>7 McAdoo.</p> <p>8 Q Okay. And that was the magic address that</p> <p>9 you lived, right?</p> <p>10 A Right.</p> <p>11 Q What a surprise, right?</p> <p>12 A Right.</p> <p>13 Q You didn't see anything that made you think</p> <p>14 that the police in this police car as you thought it</p> <p>15 was might be looking for your address?</p> <p>16 A Right.</p> <p>17 Q Right. And so you then got out of the car?</p> <p>18 A No.</p> <p>19 Q They got out of theirs?</p> <p>20 A They said they wanted to know if they --</p> <p>21 they went and parked their car behind --</p> <p>22 Q I get to ask the questions.</p> <p>23 MS. MURPHY: Objection.</p> <p>24 THE COURT: One moment. You may answer the</p> <p>25 question.</p>

1 A All right, they parked their car.
2 Q No, ma'am, the question is --
3 THE COURT: Ms. Gutierrez, you asked --
4 Q Did they get out of the car?
5 THE COURT: And her answer was no, and then
6 she was about to finish her answer. Ms. Gutierrez,
7 the witness will be permitted to answer the question.
8 MS. GUTIERREZ: Well, then I ask for an
9 instruction that the witness ask the question. When
10 I first asked did she get out of the car and she said
11 no. I then asked did they get out of the car. Then
12 she starts to offer an explanation without giving an
13 answer, Judge. I ask for an instruction that the
14 witness be instructed to answer the question. If she
15 has something to add, then she's perfectly capable of
16 saying she has to add to explain an answer. It's a
17 pretty simple question. It calls for a yes or no.
18 THE WITNESS: Yes.
19 THE COURT: Wait one moment. See,
20 unfortunately, I'm the Judge.
21 THE WITNESS: Right.
22 THE COURT: And I get to decide how you're
23 going to answer.
24 THE WITNESS: Okay.
25 THE COURT: Now, your answer was no,

1 Q And were they blocking your ability to pull
2 off and go about your business?
3 A No.
4 Q And did your friend Ms. [REDACTED] ask them to
5 move out of her way?
6 A No.
7 Q And did she have any conversation with
8 them?
9 A No.
10 Q And did anybody that you saw give them
11 directions to do anything?
12 A No.
13 Q And was there anybody else around?
14 A No.
15 Q All right, now, your first conversation
16 with them took place through the window; is that
17 correct?
18 A Yes.
19 Q And when they indicated to you -- they
20 spoke to you from the window?
21 A Yes.
22 Q And from inside their car?
23 A The first conversation, yes.
24 Q The first conversation. And when they
25 indicated to you that they were looking for your

1 right?
2 THE WITNESS: No, I didn't get out of the
3 car.
4 THE COURT: Correct. And as you started to
5 answer Ms. Gutierrez asked you another question.
6 THE WITNESS: Right.
7 THE COURT: I'm going to let you answer the
8 first question.
9 THE WITNESS: Okay.
10 THE COURT: Go ahead and finish answering
11 the question. Your objection is sustained. You may
12 answer.
13 THE WITNESS: All right. No, I did not get
14 out of the car. They proceeded to park and I didn't
15 -- like I didn't know what they were doing but they
16 went back and they parked behind [REDACTED]'s car like in
17 front of my neighbor's driveway. We have -- me and
18 my neighbor share a double driveway and they parked
19 in front of my neighbor's driveway like under the
20 basketball hoop out in front of my neighbor's house,
21 and then the police got out and walked up to the car.
22 THE COURT: Your next question.
23 Q Thank you. Now, Ms. Pusateri, did you ask
24 them to get out of their car?
25 A No.

1 address, did you ask them, are you guys the police
2 that I suspect you are because you're driving a
3 Lumina?
4 A No.
5 Q And did they say to you anything that
6 indicated at first in your first conversation that
7 they were looking for you?
8 A No.
9 Q And at the point which they got out of
10 their car, was their car blocking yours, the one in
11 which you were in from leaving?
12 MS. MURPHY: Objection.
13 THE COURT: Was their vehicle blocking the
14 one that you were in from leaving? Overruled. You
15 may answer that.
16 THE WITNESS: No.
17 THE COURT: Uh-huh.
18 THE WITNESS: All right, I already answered
19 but it's no.
20 Q No. So you and your friend were actually
21 free to just continue leaving?
22 A Right.
23 Q Now, at some point they communicated to you
24 not only were they looking for your address but they
25 were looking for you, right?

1 A Right.
2 Q And that they wanted to speak to you,
3 right?
4 A Right.
5 Q Now, I assume your friend [REDACTED] and
6 you had a specific location in mind as a destination?
7 A Yes.
8 Q It was a Friday night?
9 A Yes.
10 Q You had plans?
11 A Yes.
12 Q And you knew where you were going when you
13 left out with her after she had come to pick you up?
14 A Yea.
15 Q And when the police indicated to you that
16 it was you they wanted to speak to, was that a
17 surprise to you?
18 A Yes.
19 Q And did you tell them, oh, isn't this
20 something and I thought you guys were lost?
21 A No.
22 Q No. And did they order you back inside
23 your house?
24 A They asked if we could go inside the house.
25 Q And you said?

1 A No.
2 Q No. And did they ask if they could speak
3 to you?
4 A Yes.
5 Q And did they advise you that perhaps you
6 might want to get a lawyer?
7 A No.
8 Q Did they advise you in any way to decline?
9 A Not at that time.
10 Q And did they tell you about which -- what
11 they wanted to speak with you about?
12 A Yes.
13 Q Yes. And they told you that it concerned
14 your friend Jay Wilds, did they not?
15 A No.
16 Q And they told you it concerned the murder
17 of Hae Min Lee, did it not?
18 A No.
19 Q They told you it concerned events of
20 January 13th?
21 A No.
22 Q It became quickly apparent, did it not, Ms.
23 Pusateri, that they knew exactly where they were
24 going when you thought they were lost, didn't they?
25 A No.

1 Q You still thought they were lost?
2 A They didn't see my address. They didn't
3 know where they were going until I told them that
4 this was 1208.
5 Q Now, once they told you it was you that
6 they wanted to speak -- that they wanted to speak
7 with you and you told them they couldn't go outside
8 -- inside, did you refuse to speak to them?
9 A No.
10 Q You were still in the car or out?
11 A In the car.
12 Q And that was still the car parked parallel
13 to the road?
14 A Yes.
15 Q And your friend [REDACTED] was there --
16 A Yes.
17 Q -- was she not? And you asked them what
18 they wanted to talk about?
19 A They told me it was about Hae Lee.
20 Q Hae Lee. And at that point, and you knew
21 who Hae Lee was when they asked you, right?
22 A Yes.
23 Q And you knew that she was dead, right?
24 A Yes.
25 Q And you knew that her body had been found?

1 A Yes.
2 Q Did you not? At least a couple of weeks
3 before this night, right?
4 A About two weeks I think, yes.
5 Q Now, your friend [REDACTED] did she
6 remain in the car?
7 A Yes.
8 Q And there was nothing blocking her ability
9 to hear --
10 A No.
11 Q -- what you were saying to the police, was
12 there?
13 A No.
14 Q Or her ability to hear what they were
15 saying to you?
16 A No, right.
17 Q At that point weren't they standing right
18 outside your car window?
19 A Yes.
20 Q Okay. So she heard all of that, did she
21 not?
22 A Yes.
23 Q Your friend [REDACTED]
24 A What?
25 Q Your friend [REDACTED]

1 A Yes.
 2 Q And that friend is also a good friend of
 3 your friend Jay Wilds?
 4 A At that time, yes.
 5 Q Okay. Now, they stood talking to you
 6 through your window?
 7 A Yes.
 8 Q And did they give you anymore details about
 9 what it was they wanted to talk with you about?
 10 A No.
 11 Q Did they explain to you why it was they
 12 were looking for you?
 13 A No.
 14 Q Or why they thought you might have some
 15 information?
 16 A No.
 17 Q And did they explain to you who had given
 18 them your name?
 19 A No.
 20 Q No. And did they mention Jay's name?
 21 A No, not at that time.
 22 Q How long at that time did they stand
 23 outside your window?
 24 A A few moments, enough time for me to tell
 25 them that I was leaving. I wasn't going to talk with

1 Q Then did you just pull off with your friend
 2 [REDACTED]
 3 A Yes, we left.
 4 Q Did you go to where you had planned to go?
 5 A No.
 6 Q No. You went some place else?
 7 A Yes.
 8 Q Okay. And did you ultimately come home?
 9 A Yes.
 10 Q All right. And did you see Jay?
 11 A Yes.
 12 Q Yes. That night?
 13 A Yes.
 14 Q That same night?
 15 A Yes.
 16 Q Was he in your plans?
 17 A Yes.
 18 Q Okay. And that wouldn't have been unusual,
 19 would it have?
 20 A No.
 21 Q You saw Jay sometimes on a daily basis, did
 22 you not?
 23 A Yes.
 24 Q And you generally spoke to him on the
 25 phone, did you not?

1 them right now.
 2 Q You had other plans?
 3 A Right.
 4 Q And you weren't going to talk to them right
 5 then and there?
 6 A Right.
 7 Q Because of your schedule?
 8 A Right.
 9 Q Because you were busy?
 10 A Right.
 11 Q Okay. And after you told them that did
 12 they leave?
 13 A Yes.
 14 Q And they gave you a card?
 15 A A card.
 16 Q And the card had their names on it?
 17 A Just one, yes.
 18 Q Okay. And it had the location of where
 19 their offices were?
 20 A Yes, I believe he told me, but I knew.
 21 Q Okay. And the card reflected their offices
 22 were in Baltimore City --
 23 A Right.
 24 Q -- did it not?
 25 A Yes.

1 A Yes.
 2 Q He was, as you've described it, a very,
 3 very good friend, did you not?
 4 A At that time, yes.
 5 Q And at that time it would not have been
 6 unusual for you and Jay and [REDACTED] to have
 7 plans together, would it have been?
 8 A No.
 9 Q She was your friend then, too, wasn't she?
 10 A Yes.
 11 Q And because she was your friend she had
 12 turned into Jay's friend, too?
 13 A Yea.
 14 Q Is that right? And you were aware of that,
 15 weren't you?
 16 A Yes.
 17 Q And it wasn't unusual for your friend, your
 18 very, very good friend Jay, to see your friend [REDACTED]
 19 [REDACTED] two, three, maybe more times a week, was it?
 20 A Right.
 21 Q And you weren't -- you were aware of that,
 22 were you not?
 23 A That they -- yes.
 24 Q Yes, back at that time?
 25 A That they saw each other.

1 Q Now, did the police ever ask you who the
2 driver of the car was?
3 A Of what?
4 Q The car you were in in front of your house?
5 A No.
6 Q And did you ever identify her?
7 A Yes.
8 Q To them?
9 A Yes.
10 Q And you identified her by name?
11 A Yes.
12 Q And did they speak to her?
13 A Yes.
14 Q What questions did they ask her?
15 A I don't know.
16 Q You couldn't hear them?
17 A Oh, you mean that night, did they speak to
18 her? No, they did not.
19 Q I was talking about that night.
20 A Oh, I'm sorry. I thought you meant --
21 MS. MURPHY: Objection.
22 A -- in general.
23 THE COURT: Sustained.
24 Q So the answer to my question was you
25 thought at another occasion they spoke to her?

1 A Yes.
2 Q Okay. But that night in front of your
3 house they didn't speak to her, did they?
4 A No.
5 Q And they didn't ask her any questions, did
6 they?
7 A No.
8 Q And at that night they didn't really know
9 who she was in relationship to Hae Min Lee, did they?
10 A No.
11 Q Or in relationship to the events of January
12 13th, right?
13 A Right.
14 Q Now, so you pull off. Where did you all
15 go?
16 A To where Jay was working.
17 Q Where Jay was working. And where he was
18 working then, was that the porn shop?
19 A Yes.
20 Q And that's on Southwestern?
21 A Yes.
22 Q And the name of the porn shop again?
23 A I don't remember.
24 Q So --
25 A Oh, no, Southwest Video.

1 Q Southwest Video?
2 A Yes.
3 Q But really what it sells is porn videos?
4 A Yes.
5 Q And there're peep shows there?
6 A Yes.
7 Q And you went right from your house in
8 [REDACTED] car over there because Jay was there,
9 right?
10 A We stopped to get some food because I was
11 taking him some dinner.
12 Q You were taking your very good friend
13 dinner?
14 A Yes.
15 Q While he was working?
16 A Yea.
17 Q And so that had been in your plans?
18 A Yea.
19 Q Okay. And while you were there you told
20 him about the detectives that you thought were just
21 lost on your street, didn't you?
22 A Yes.
23 Q You spoke to him about what questions they
24 had asked you, did you not?
25 A Yes.

1 Q And you told him everything, didn't you?
2 A Yes.
3 Q He was your very, very good friend?
4 A Yes.
5 Q And he was the one you knew any questions
6 about the 13th would lead to if you answered, right?
7 A He was the one that told me about
8 everything that happened on the 13th.
9 Q And so if you were asked questions about
10 the 13th and you had answered, it would lead to him,
11 right?
12 A I guess, yes.
13 Q Well, did you have any questions about
14 that?
15 A I wasn't thinking about that, no.
16 Q Well, in any event you told him everything
17 they asked, right?
18 A Yes.
19 Q That they wanted to speak to you, right?
20 And you showed him -- was it Detective MacGillivray
21 or Ritz who gave you his card?
22 A MacGillivray.
23 Q MacGillivray. And you showed him his card,
24 did you not?
25 A I don't remember.

1 Q When the police -- when the detectives were
2 there speaking at you through the window at your home
3 as you were getting ready to leave, they indicated it
4 was pretty important that they talk to you, did they
5 not?
6 A Yes.
7 Q And they wanted to do it as soon as
8 possible, did they not?
9 A Yes.
10 Q And they didn't set an appointment, did
11 they?
12 A No.
13 Q And that they didn't tell you to come down
14 tonight, did they?
15 A Yes, they asked me if I would come down
16 tonight.
17 Q If you would come down to their offices
18 tonight?
19 A They would be there all night.
20 Q And when they asked that did you tell them
21 yes I'll appear tonight?
22 A I took the card and I don't think I told
23 them yes no, but I took the card.
24 Q You sort of brushed them off, didn't you?
25 A Right.

1 Q You were on your way to your-- because you
2 told them you were busy?
3 A Right.
4 Q You had plans, right?
5 A Yes.
6 Q You had to take Jay his dinner, right?
7 A Yes.
8 Q And then you and [REDACTED] were going to go do
9 something, right?
10 A Yes.
11 Q And it was fun, was it not?
12 A Yea.
13 Q What you planned to do wasn't work, was it?
14 A No.
15 Q No. And what time of night was that?
16 A It was night time. It was dark.
17 Q Dark?
18 A I don't remember.
19 Q Okay. And when you told Jay about what
20 questions these detectives had for you, did he have
21 any suggestions?
22 A No, he just told me I should go down there
23 and talk to them.
24 Q You should go downtown to the Police
25 Headquarters?

1 A And see what they wanted.
2 Q See what they wanted, right? And did you
3 then go right down?
4 A After we left Jay's work, yes.
5 Q So your friend [REDACTED] took you down?
6 A Yes.
7 Q She knew all about this, didn't she?
8 A Not until that night.
9 Q That night. She was present and heard what
10 the detectives were asking you, right?
11 A Right.
12 Q And she was present and heard you talking
13 to Jay about what the detectives had asked, had she
14 not?
15 A Right.
16 Q And so she would have heard Jay saying Jen
17 go down?
18 A Uh-huh.
19 Q Wouldn't she have?
20 A Yes.
21 Q Is that right?
22 A Yes.
23 Q From your own observation, right? And did
24 Jay say anything else other than go down?
25 A He told me to go down there and tell them

1 the truth and tell them to go see Jay.
2 Q Go see Jay?
3 A He said tell them send them my way.
4 Q And before that moment you hadn't spoken to
5 [REDACTED] about these events, had you?
6 A No.
7 Q Although you and Jay had ended up at her
8 house that night, right?
9 A Right.
10 Q And that wasn't unusual, was it?
11 A No.
12 Q And how long were you at Jay's store?
13 A Fifteen minutes maybe.
14 Q And it's not a long ride from your house to
15 where the store is, is it?
16 A Ten, fifteen minutes.
17 Q And did anything else happen while you were
18 at the video store?
19 A No.
20 Q And the place where you and your friend
21 [REDACTED] had planned to go after delivering your
22 very good friend Jay his dinner was where?
23 A The precinct.
24 Q The precinct. That's a bar?
25 A No, I mean we were going downtown.

1 Q Well, that wasn't your original plan, was
2 it?
3 A Oh, our original plan, no, to her house.
4 Q To where?
5 A Her house.
6 Q To her house. And her house is located how
7 far from your house?
8 A From my house?
9 Q Yes.
10 A Ten, fifteen minutes.
11 Q In the same direction as the porn store?
12 A Yes.
13 Q Yes. And you had plans to do something
14 specific at her house?
15 A No.
16 Q She was just picking you up to take you
17 back to her house?
18 A To hang out.
19 Q To hang out. And you didn't do that, did
20 you?
21 A No.
22 Q Instead you left directly from the porn
23 store and went down to what you call the precinct?
24 A Yes.
25 Q The precinct meaning the place where

1 Q It's a place for cars to park?
2 A Right.
3 Q That's really what would be for you to walk
4 in. At that place is the first floor?
5 A Yes, yes.
6 Q And he came down to get you?
7 A Yes.
8 Q And by we, you refer to yourself and Ms.
9 [REDACTED]
10 A Yes.
11 Q And from there he took you upstairs?
12 A Yes.
13 Q And you understood that to be his office?
14 A Yes.
15 Q All right. Then what had caused you to
16 tell him you were busy at the time he was outside
17 your house parallel in the street to where you were
18 inside the car but not blocking it was the business
19 of getting Jay Wilds' dinner at a certain time?
20 MS. MURPHY: Objection.
21 A I have no idea what you just asked.
22 Q Well, you told us that you told him when he
23 asked you that you couldn't talk to him then because
24 you were busy?
25 A Right.

1 Detective MacGillivray's card said his office was
2 located?
3 A Right.
4 Q And that place is about two to three blocks
5 from here?
6 A Right.
7 Q In downtown Baltimore?
8 A Right.
9 Q At 601 Fayette Street?
10 A Yes.
11 Q In the Police Headquarters Building?
12 A Yes, there was construction going on around
13 that time, so I'm saying it might have been.
14 Q Around the Police Department building?
15 A Right.
16 Q And you went to a specific floor?
17 A Yes.
18 Q And you had to get escorted in or did he
19 come down and get you?
20 A When we pulled into the parking lot, he
21 came down to meet us.
22 Q By the parking lot, do you mean part of the
23 parking garage that's on the first floor of the
24 building?
25 A A parking garage.

1 Q Right? And the only plans you've told us
2 that you had was to -- after delivering Jay Wilds'
3 dinner was to go hang out at your friend [REDACTED]
4 house, right?
5 A Right.
6 Q And was there something terribly important
7 happening down at [REDACTED] house?
8 A No.
9 Q Was there someone else with whom you had a
10 time to meet?
11 A No.
12 Q And was there something specific coming on
13 television at a specific time that you had to see?
14 A No.
15 Q And were there other people expected there?
16 A No.
17 Q Did you have any obligations to perform at
18 her house as a hostess?
19 A No.
20 Q For anyone?
21 A No.
22 Q And there weren't really any time limits on
23 what you were supposed to do there, right?
24 A Right.
25 Q Nor on what time you were supposed to

<p style="text-align: right;">Page 240</p> <p>1 arrive?</p> <p>2 A Right.</p> <p>3 Q And the only other thing you've told us you</p> <p>4 had to do was deliver Jay Wilds' dinner?</p> <p>5 A Right.</p> <p>6 Q That was the only other thing that existed</p> <p>7 that night, right?</p> <p>8 A Right.</p> <p>9 Q And was there a requirement that you</p> <p>10 deliver it on time?</p> <p>11 A No.</p> <p>12 Q Was it a hot dinner?</p> <p>13 A Yes.</p> <p>14 Q You had to keep it hot. You didn't want to</p> <p>15 let it get cold?</p> <p>16 A It was from a fast food restaurant.</p> <p>17 Q So you had bought it before?</p> <p>18 A No, we bought it on the way going to see</p> <p>19 Jay.</p> <p>20 Q To see him?</p> <p>21 A Yes.</p> <p>22 Q Right?</p> <p>23 A Just as a gift. He didn't ask.</p> <p>24 Q So you hadn't bought it yet, so you weren't</p> <p>25 worried about it getting cold?</p>	<p style="text-align: right;">Page 242</p> <p>1 Q And that's a haul from where you were,</p> <p>2 isn't it?</p> <p>3 A About twenty minutes.</p> <p>4 Q About a twenty minute ride, isn't that</p> <p>5 right? And this is now in the evening in the dark of</p> <p>6 Friday night?</p> <p>7 A It was getting late.</p> <p>8 Q Well, you said when you were back there</p> <p>9 talking to the cops it was already dark, right?</p> <p>10 A Yea.</p> <p>11 Q So it wasn't getting there?</p> <p>12 A It was late.</p> <p>13 Q It was already dark, right?</p> <p>14 A Right.</p> <p>15 Q It didn't get lighter then, did it?</p> <p>16 A No.</p> <p>17 Q It was as dark or darker?</p> <p>18 A Yes.</p> <p>19 Q Right? And when you got down to the police</p> <p>20 garage and Detective MacGillivray came down to</p> <p>21 collect you, was he surprised?</p> <p>22 A I don't know.</p> <p>23 Q Did he appear surprised to you?</p> <p>24 A I don't know.</p> <p>25 Q Did you look at him?</p>
<p style="text-align: right;">Page 241</p> <p>1 A Right.</p> <p>2 Q So there was nothing urgent in regard to</p> <p>3 time about delivering his dinner, was there?</p> <p>4 A No.</p> <p>5 Q So that wasn't the basis for your telling</p> <p>6 the police officers that you were too busy to talk to</p> <p>7 them?</p> <p>8 A Right.</p> <p>9 Q You just told them that, right?</p> <p>10 A Right.</p> <p>11 Q And then you went right to where Jay</p> <p>12 worked; is that right?</p> <p>13 A Yes.</p> <p>14 Q And he told you to go down and talk to</p> <p>15 them, right?</p> <p>16 A Yes.</p> <p>17 Q And to send them, meaning the detectives,</p> <p>18 his way, right?</p> <p>19 A Right.</p> <p>20 Q And so you went and you did that, didn't</p> <p>21 you?</p> <p>22 A Yes.</p> <p>23 Q And you had [REDACTED] your friend take</p> <p>24 you right down there?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 243</p> <p>1 A Yes.</p> <p>2 Q Didn't you want to make sure it was the</p> <p>3 same guy who had given you his card --</p> <p>4 MS. MURPHY: Objection.</p> <p>5 Q -- that you were seeing the right guy?</p> <p>6 THE COURT: Sustained.</p> <p>7 Q Was it important that it be the same guy</p> <p>8 you saw who might come down?</p> <p>9 MS. MURPHY: Objection.</p> <p>10 THE COURT: Overruled. Was it important</p> <p>11 that the guy that came downstairs was the same guy</p> <p>12 that you had seen earlier?</p> <p>13 THE WITNESS: No.</p> <p>14 THE COURT: Next question.</p> <p>15 Q When you got there you were taken upstairs</p> <p>16 into a room, were you not?</p> <p>17 A Yes.</p> <p>18 Q And both of the detectives were there,</p> <p>19 weren't they?</p> <p>20 A No.</p> <p>21 Q Just one, just Detective MacGillivray?</p> <p>22 A Yes.</p> <p>23 Q And he took you into an interview room?</p> <p>24 A What I believed to be his office.</p> <p>25 Q His office. Then did [REDACTED] Vinson go with</p>

1 you?
 2 A No.
 3 Q No. Where did she remain?
 4 A Where they brought us in, they had us sit
 5 out in like a lobby type --
 6 Q Like a lobby. And she was just left there?
 7 A Yes.
 8 Q And was that okay with you?
 9 A Sure.
 10 Q Were you asked was it okay with you?
 11 A No.
 12 Q Were you ever given the option of bringing
 13 your good friend in with you?
 14 A No, he didn't tell me I could bring her in
 15 there.
 16 Q And it was Detective MacGillivray really
 17 that told her to sit in that place?
 18 A He had both us sit there and wait and then
 19 he called me back.
 20 Q And by calling you he actually came to get
 21 you, did he not?
 22 A The room was like in view of the bench that
 23 we were sitting on. So he just stepped out of the
 24 room and said come in here.
 25 THE COURT: And with that, and with that,

1 back tomorrow. And, Mr. White, can you tell me about
 2 how many cases I have tomorrow morning on the
 3 docket? You can't tell me. No, not that it
 4 matters.
 5 Ladies and gentlemen -- you're going to
 6 give them a call. Call and see. You might as well
 7 just check -- I'm going to ask you to do what you did
 8 today. Go over to the jury assembly room, ladies and
 9 gentlemen.
 10 When you come back, Ms. Pusateri, you're
 11 going to be here no later than ten o'clock, okay,
 12 outside in the hallway. You're going to wait until
 13 we call you. You see the ladies and gentlemen over
 14 there. I don't want you to have any contact with
 15 them. If you see them in the hallway, in the
 16 canteen, I need you to go in the opposite direction,
 17 catch the next elevator. Go in the other direction
 18 because I don't want there to be any
 19 misunderstanding.
 20 Not only can you not have any contact with
 21 the attorneys but you can't have any contact with the
 22 jurors, all right. At this point you can go home.
 23 Tomorrow at ten o'clock I need you back here sitting
 24 on the little bench outside of this courtroom, all
 25 right?

1 it's five-thirty, we're going to stop there. I think
 2 that's a perfect place to stop.
 3 MS. GUTIERREZ: Yes, Judge.
 4 THE COURT: Because we'll be able to
 5 remember tomorrow that the last thing that we talked
 6 about was Detective MacGillivray beckoning the
 7 witness to come into the little interview room.
 8 That's where we stopped. So that tomorrow when we
 9 pick up, we will all know exactly where we are.
 10 We're at the point where MacGillivray says come into
 11 the office.
 12 With that, I must advise you Ms. Pusateri
 13 you are a witness on the witness stand at this time.
 14 You may not discuss your testimony with anyone. You
 15 may not discuss with the State or the defense. You
 16 are sequestered they call it, which means you can't
 17 talk about your testimony to anybody right now.
 18 You're on the witness stand and if anybody wants to
 19 know about your testimony, you tell them you can't
 20 talk about it right now. Do you understand?
 21 THE WITNESS: (Indicating.)
 22 THE COURT: That includes mom and dad,
 23 everybody.
 24 THE WITNESS: Okay.
 25 THE COURT: All right. I need you to come

1 THE WITNESS: Okay.
 2 THE COURT: Very well, you're excused.
 3 Now, ladies and gentlemen, tomorrow I need you to go
 4 between nine and nine-thirty to the Jury
 5 Commissioner's Office to be paid. Then I need you to
 6 make your way upstairs to the jury room. However, I
 7 have no problem that after you're paid if you want to
 8 stop by anywhere and get coffee or tea or whatever,
 9 you're welcome to do that because I'm going ask that
 10 you be in that jury room. Do you have any other
 11 matters in the morning anywhere else?
 12 MS. GUTIERREZ: No, Judge.
 13 THE COURT: Ten-thirty. I'm going to try
 14 my darnest. At this point Mr. White is checking. I
 15 don't even know what the docket looks like tomorrow.
 16 I'm going to try ten-thirty and I will tell you that
 17 if I'm not done by ten-thirty, I'll send Ms. Connelly
 18 in there so that you can go back downstairs and get
 19 more tea for a half hour until eleven, but I really
 20 would like to get started on this case no later than
 21 eleven o'clock and I just want you to know I
 22 appreciate your patience.
 23 But everyday I do have a docket and I don't
 24 always know. Sometimes there's eight cases and I
 25 work them out in twenty minutes and other times

1 there's two cases and it takes me three hours, but I
2 have to do that before I resume this case. Mr. White
3 is going to tell me that I have --
4 THE CLERK: Haven't found out yet.
5 THE COURT: Haven't found out yet, all
6 right. So we're going to work on trying to finish it
7 up by ten-thirty. I need you to be in the jury room
8 by ten-thirty, though, okay, and Madame Forelady, I'm
9 going to ask you to count heads like you've done on a
10 number of other occasions, count fifteen and either
11 Ms. Connelly, Mr. White, or Deputy Church will stick
12 their head in and just insure that everyone is
13 present.

14 Do not discuss the testimony that you've
15 heard today or on any previous occasion, either
16 amongst yourselves or with anyone else, family
17 friend, or otherwise. I ask you to leave your
18 notepads face down on the chairs. They will be
19 secured overnight and I would ask that you have a
20 safe journey home.

21 In terms of tomorrow's docket and
22 tomorrow's schedule, this Court will have to -- let
23 me tell you this Court will have to stop by 4:45
24 tomorrow because there's a 5:00 o'clock proceeding,
25 court proceeding that I must preside over. So,

1 therefore, we will not sit any later than 4:45
2 tomorrow. So with that said, have a pleasant evening
3 and I'll see you tomorrow. Good night, ladies and
4 gentlemen.

5 (Whereupon, the jury was excused from the
6 courtroom, after which the following proceedings
7 ensued:)

8 MS. GUTIERREZ: Can I approach the bench?

9 THE COURT: Certainly.

10 (Whereupon, counsel and the Defendant
11 approached the bench and the following conference
12 ensued:)

13 THE COURT: Scheduling.

14 MS. GUTIERREZ: Yes, first of all, is
15 Monday a holiday?

16 THE COURT: Yes, it is.

17 MS. GUTIERREZ: Is there anyway we can
18 sit?

19 THE COURT: No.

20 MS. GUTIERREZ: Well, Judge, I guess I'm
21 going to ask that because we have four more
22 witnesses, this is one and I know who the other three
23 are now, I would ask that they all be available
24 tomorrow and that if there's any way --

25 THE COURT: All of the witnesses?

1 MS. GUTIERREZ: Those three. It would be
2 this one and then three others.

3 MR. URICK: Does that mean to be available
4 to testify? To finish their testimony tomorrow?

5 MS. GUTIERREZ: Yes.

6 THE COURT: We might get through them.

7 MS. GUTIERREZ: Well, knowing who they are,
8 I don't know that we're going to get through them.

9 THE COURT: But we might.

10 MS. GUTIERREZ: But I certainly think it's
11 a possibility at this juncture, Judge.

12 THE COURT: Who are the three?

13 MS. GUTIERREZ: It's Deborah Warren, [REDACTED]

14 [REDACTED] and Detective MacGillivray.

15 THE COURT: So four witnesses. This one
16 plus three others.

17 MS. GUTIERREZ: Right.

18 THE COURT: Is that possible?

19 MR. URICK: Yea. As a matter of fact, we
20 actually had them all coming in during -- at various
21 times during the day anticipating --

22 THE COURT: Sounds goods.

23 MS. GUTIERREZ: Then, Judge, I will
24 certainly have my witnesses starting to be available
25 as of the next day which would be Thursday.

1 THE COURT: Correct.

2 MS. GUTIERREZ: I am concerned, you know,
3 this is now our fifth week and I do appreciate the
4 efforts the Court's made to try to make sure we get
5 as much as possible. I'm due in New Orleans on
6 Wednesday.

7 THE COURT: Of next week?

8 MS. GUTIERREZ: Yes, I'm a director in the
9 National Association of Criminal Defense Lawyers.
10 I'm running for national office.

11 THE COURT: It doesn't matter if you have
12 to be there, I will try to do my best to get you
13 there.

14 MS. GUTIERREZ: That's what I thought. If
15 there's any way that we can sit later, have less
16 lunch, sit on Monday.

17 THE COURT: One of the things I'm going to
18 try to do is I'm going to ask tomorrow morning if --
19 I've had offers as a result of my conversation with
20 some of the judges -- on Thursday there's a bench
21 conference. Between now and then I'm going to
22 communicate with judges and see if I can't get
23 someone to cover my dockets.

24 MS. GUTIERREZ: Right.

25 THE COURT: Tomorrow --

1 MS. GUTIERREZ: That certainly would help,
2 yes.
3 THE COURT: Tomorrow, Thursday, and
4 Friday. As you remember at the beginning of the
5 trial, I did that.
6 MS. GUTIERREZ: Yes.
7 THE COURT: And we had some snow days.
8 MS. GUTIERREZ: Right.
9 THE COURT: Which turned out it didn't help
10 me because I covered days that, you know, we weren't
11 sitting, but I will attempt to do that again and in
12 the event that I can, we'll try to get started
13 earlier.
14 MS. GUTIERREZ: Yes, and, Judge, look, I
15 understand if we go over and I've made some alternate
16 plane reservations that are costly --
17 THE COURT: Well I'm going to try --
18 MS. GUTIERREZ: -- for everyday to get me
19 there because --
20 THE COURT: Ms. Gutierrez, I will try to
21 accomodate you in that way as I would do if the State
22 had a problem. So I would let you know that I will
23 make an effort.
24 MS. GUTIERREZ: Okay, thank you.
25 THE COURT: I was promised that I would not

1 have a docket.
2 MS. GUTIERREZ: There is no way we can sit
3 on Monday.
4 THE COURT: Not only is it a holiday but we
5 already sat this Monday when the rest of the city was
6 closed.
7 MS. GUTIERREZ: Right.
8 THE COURT: And so --
9 MS. GUTIERREZ: Right.
10 THE COURT: I can't -- there is no way I
11 can get people in here to do that unfortunately.
12 MR. URICK: Could we clarify one point? If
13 we got through the State's case tomorrow, is there a
14 possibility we can get to closing by Friday? Do we
15 need to be prepared by Friday for closing?
16 MS. GUTIERREZ: I really doubt it.
17 THE COURT: I am still going to ask you
18 both to prepare instructions and stuff like that.
19 You know, I haven't granted any motions or heard any
20 motions but to the extent that you are thinking about
21 -- there are a couple of instructions that are going
22 to be tailor made, I'm sure.
23 MS. GUTIERREZ: We've already discussed
24 some.
25 THE COURT: -- for some of the witnesses.

1 So, you know, I mean with regard to the credibility
2 issues and how to consider certain portions of the
3 testimony. I expect -- and also in light of the
4 cases that you cited where instructions were --
5 MS. GUTIERREZ: Yes.
6 THE COURT: I mean, a couple of the cases
7 -- in fact, Mr. Urick the other day you gave me a
8 couple of cases where there were excellent
9 instructions crafted by the Court that went to
10 credibility issues and other types of testimony which
11 I found to be particularly very interesting and I'm
12 hopeful that you will come up with something. And if
13 you don't come up with something, you may find that
14 the Court may. I'd rather you do it because I think
15 you know the facts in your case better than I, both
16 of you.
17 MS. GUTIERREZ: In any event, just to help
18 answer his question. I think it's extremely unlikely
19 even if I could start my case first thing Thursday
20 that I would be finished the defense case any time
21 earlier than late Friday afternoon and that would --
22 I just think that's extremely unlikely.
23 THE COURT: With the exception of tomorrow,
24 I plan to sit until five-thirty Thursday and Friday.
25 I can't keep folks after that.

1 MS. GUTIERREZ: I know.
2 THE COURT: It gets dark. Jurors have to
3 get home. I will contemplate trying to sit early
4 like eight-thirty if I get someone to clear my
5 docket.
6 MS. GUTIERREZ: I'll do that. That's just
7 hard for me, Judge.
8 THE COURT: I know it's hard but I'll let
9 you know.
10 MS. GUTIERREZ: I just need to plan because
11 I can get somebody else to take my child to school.
12 THE COURT: I understand but I'll let you
13 know that in advance. I won't do it tomorrow but I
14 may do it Friday.
15 MS. GUTIERREZ: Okay.
16 THE COURT: But I will let you know
17 tomorrow if I plan to do that for Friday. But again
18 it will be a matter of trying to get my clerk to
19 agree and he just came back to me -- he probably left
20 -- he comes in earlier than all of the other clerks
21 and he leaves later than all of the other clerks and
22 he doesn't get a full hour for lunch. He gets
23 forty-five minutes. There's got to be some point
24 that I try to give him some of this time back. Is
25 there anything else to do with scheduling? I guess

1 your answer we could get to the end of the defense
2 case by Friday. It will depend on how far we can
3 get. In the interim I will try to get someone to
4 cover my dockets.

5 Did we ever get an answer as to how many
6 cases I have tomorrow? Two means?

7 MS. GUTIERREZ: It could mean anything.

8 THE COURT: Anything else?

9 MS. GUTIERREZ: No, Judge.

10 MS. MURPHY: I guess for planning
11 purposes. I'm trying to figure out -- you know, we
12 are preparing blowups and that kind of thing, can I
13 ask --

14 THE COURT: For closing arguments?

15 MS. MURPHY: Can I assume that we have the
16 weekend to do that?

17 THE COURT: Yes. Let's put it this way.
18 Even if we finish the State's case and the defense
19 case on Friday, we do have to do jury instructions
20 and we've got at least forty-five minutes of
21 instructions from the Court. So there's no way I'm
22 going to, even if I instructed them before your
23 closing argument, we wouldn't get all of that done by
24 Friday.

25 In fact, I probably think it would be best

1 to have them come back fresh, you know, on Tuesday
2 and instruct them and send them out if we could
3 finish the case. So that the only thing that they
4 would be doing when they came back would be
5 instructions, closing argument, and deliberation
6 which would be the ideal way to do it if we could get
7 it done. Then that gives them a couple of days
8 before you're going to have to leave. But, again, I
9 will do my best to continue and, as I said -- as you
10 saw I was on the bench promptly at 2:15. I really am
11 trying to stick to the schedule.

12 I try my best. As I said, I was hopeful
13 that I wouldn't have a docket which would allow me
14 not to have to stop every morning but that's not been
15 the way -- and I ended up with other people's
16 dockets, as I think you all knew, in addition to
17 civil court in the middle of it. You know, I do the
18 best I can do. After all I am still the baby Judge.
19 This court stands in recess then until tomorrow,
20 ten-thirty for this proceeding.

21 CONCLUSION OF PROCEEDINGS

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CERTIFICATE

1
2
3 This is to certify that the proceedings in
4 the matter of State of Maryland versus Adnan Syed,
5 indictment numbers 199103042, 43, 45, 46 held on
6 February 15, 2000 were recorded by means of video
7 tape.

8 I do hereby certify that the foregoing 259
9 pages constitute the official transcript as
10 transcribed by me from said videotaped proceedings to
11 the best of my ability in a complete and accurate
12 manner.

13 In Witness Whereof, I have hereunto
14 subscribed my name this 17th day of August, 2000.

15
16 Diane R. Walker

Official Court Reporter