

1
2 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND
3
4 STATE OF MARYLAND
5
6 VERSUS INDICTMENT NOS. 199103042, 43, 45, 46
7
8 ADNAN SYED
9
10 FEBRUARY 16, 2000
11
12 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
13
14 BEFORE:
15 THE HONORABLE WANDA HEARD, JUDGE
16 AND A JURY
17
18 APPEARANCES
19 ON BEHALF OF THE STATE:
20 KEVIN URICK, ESQUIRE
21 KATHLEEN MURPHY, ESQUIRE
22 ASSISTANT STATE'S ATTORNEYS
23 ON BEHALF OF THE DEFENDANT:
24 M. CRISTINA GUTIERREZ, ESQUIRE
25
26 RECORDED BY: VIDEO TAPE
27
28 TRANSCRIBED BY:
29 Diane R. Walker
30 Official Court Reporter

1 PROCEEDINGS.
2 MS. GUTIERREZ: I'm ready, Judge.
3 THE COURT: All right, very well. Can we
4 bring in the jury, Mr. White. Thank you.
5 (Whereupon, the jury entered the courtroom.
6 after which the following proceedings ensued:)
7 THE COURT: Ladies and gentlemen, welcome
8 back this morning. We're going to resume with the
9 testimony of Ms. Pusateri. Witness was with you, Ms.
10 Gutierrez.
11 MS. GUTIERREZ: Thank you, Your Honor.
12 CONTINUED CROSS EXAMINATION
13 BY MS. GUTIERREZ
14 Q Ms. Pusateri yesterday --
15 THE COURT: Before you do that, let me
16 remind you, Ms. Pusateri, that you're still under
17 oath and I believe we're on a new tape this morning.
18 So why don't we have you resworn in. Restand up.
19 please. Am I on the record, Mr. White? Has it
20 started?
21 THE CLERK: Yes.
22 THE COURT: Okay, very well. Raise your
23 right hand and listen to Mr. White.
24 JENNIFER PUSATERI.
25 a witness produced on call of the State, having

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1 previously been duly sworn, according to law, was
2 examined and testified as follows:
3 THE CLERK: Please keep your voice up.
4 State your name and your address for the record.
5 THE WITNESS: Jennifer Pusateri, [REDACTED]
6 [REDACTED]
7 BY MS. GUTIERREZ
8 Q Ms. Pusateri, we were talking about several
9 times you spoke to the police yesterday. The first
10 time of which was when you rolled down your window
11 and you spoke to them through your window?
12 A Yes.
13 Q Is that correct, while you were in K [REDACTED]
14 [REDACTED]'s car?
15 A Yes.
16 Q Is that right? And at that time you
17 weren't under oath, were you?
18 A No.
19 Q And before you saw them you thought that
20 they were the police because of the kind of car that
21 they were driving?
22 THE COURT: Ms. Gutierrez, I hate to
23 interrupt you and I don't want us to go off, but
24 yesterday and you can start anywhere you want in your
25 cross examination, but yesterday when we stopped, we

1 were at the police headquarters.

2 MS. GUTIERREZ: Yes, Judge, I know. I'll
3 get there.

4 THE COURT: And MacGillivray was beckoning
5 for her to come in the door.

6 MS. GUTIERREZ: Yes.

7 THE COURT: That's where we stopped off.
8 So if we go back, you know, I don't want you to be
9 upset if I sustain any objections to repeat
10 testimony.

11 MS. GUTIERREZ: No, Judge, that's fine.

12 THE COURT: All right.

13 Q Anyway when you rolled down the window you
14 weren't required to take any oath, were you?

15 A No.

16 Q And when you went down to police
17 headquarters that night on Friday February 26th when
18 you were accompanied by K [REDACTED], you weren't
19 required to take any oath when Detective MacGillivray
20 brought you to another place than the lobby?

21 A No.

22 Q And the following day when you showed up in
23 the late afternoon with the lawyer and with your
24 mother, or your mother came along because she wanted
25 to come along, you weren't required to take any oath,

"Cathy"

1 were you?

2 A No.

3 Q Now on Friday the 26th when Detective
4 MacGillivray took you from Ms. [REDACTED] or from the
5 place where the two of you were that you thought was
6 a lobby or looked like a lobby, nobody else was
7 there?

8 A There was other people that worked there.

9 Q People that worked there meaning worked for
10 the Police Department?

11 A Yes.

12 Q But nobody else was with you?

13 A No.

14 Q No lawyer?

15 A No.

16 Q Not your mother?

17 A No.

18 Q Ms. [REDACTED] stayed in the lobby?

19 A Yes.

20 Q And you didn't bring or arrange to bring
21 anybody else, right?

22 A No.

23 Q And on that night when you got to the place
24 was it a room?

25 A Yes.

"Cathy"

1 Q Where you spoke to Detective MacGillivray,
2 did he have a tape recorder with him?

3 A No, not that I could see.

4 Q Not that you could see?

5 A Right.

6 Q And did he ever ask your permission to tape
7 record what you said to him?

8 A No, not that night.

9 Q And did you observe that he took notes of
10 what you said?

11 A Yes.

12 Q And did he ask your permission to do so?

13 A No.

14 Q He identified himself as a Homicide
15 detective before he started talking to you, did he
16 not?

17 A Yes, back at my house.

18 Q And you believed him when he said that
19 that's what he was, didn't you?

20 A Yea, he had I.D.

21 Q And before he started asking you questions,
22 he identified that the subject of the inquiry was the
23 death of Hae Min Lee?

24 A No.

25 Q At some point, did he?

1 A I don't remember.

2 Q And at some point you came to understand
3 that, did you not?

4 A Yes.

5 Q That night? On the 26th you came to
6 understand that what he was investigating was the
7 death of Hae Min Lee?

8 A He was a Homicide detective and he asked me
9 questions about Hae Min Lee so, yes.

10 Q Okay. And he took notes throughout the
11 time he questioned you, did he not?

12 A Yes.

13 Q And he had questioned you about the events
14 of January 13th, did he not?

15 A Yes.

16 Q And he questioned you about phone calls
17 that day, did he not?

18 A Yes.

19 Q And, in fact, he had records of phone calls
20 that day, did he not?

21 A Yes.

22 Q And, in fact, it was him telling you,
23 showing you these records, that triggered you into
24 the 13th?

25 A Right.

1 Q Was it not? Because you didn't
2 independently remember that that was the day?
3 A Right.
4 Q Or what day of the week it was?
5 A Right.
6 Q And it was only by him drawing your
7 attention through the records that you understood
8 that he was asking about the date of January 13th?
9 A Right.
10 Q You had no independent recollection of what
11 day these things occurred?
12 A No, I didn't know.
13 Q And Jay calling you on any day would not
14 have been an unusual event?
15 A Right.
16 Q And when Jay called you, as he invariably
17 did almost everyday, you, of course, would not have
18 known where he was just by the act of calling you?
19 A Right.
20 Q Unless he told you where he was, right?
21 A Right.
22 Q And then you would be dependent upon the
23 truth of what he said?
24 A Well, I would know where he's calling from
25 because I have caller I.D. So most of the time I

1 would know where he's calling from.
2 Q So at home you would know where he was
3 calling from?
4 A Right.
5 Q Well, what you would get from caller I.D.
6 is a phone number, right?
7 A And a name.
8 Q And a name that it was registered to?
9 A Yes.
10 Q And even if it was a cell phone?
11 A It would just say Maryland.
12 Q It would say?
13 A Maryland. Maryland.
14 Q Maryland?
15 A Yes.
16 Q The state?
17 A Yes.
18 Q Right? It wouldn't give you a name?
19 A No.
20 Q And it wouldn't give you a location?
21 A No.
22 Q And if it was a number with which you were
23 not familiar, you, of course, would have no way of
24 knowing where that phone was?
25 A Right.

1 Q Right. Where it was being used to call
2 you?
3 A Right.
4 Q And you really of your own knowledge would
5 have no way of knowing whether it was a land line or
6 a cell line, would you?
7 A If it's a -- I mean, yea, I can tell on the
8 caller I.D., a Maryland phone. It's only a cell
9 phone that comes up that way.
10 Q So your belief is that you could tell by
11 your caller I.D.?
12 A Right, yep.
13 Q Is that right?
14 A Yes.
15 Q And do you have caller I.D. at work?
16 A No.
17 Q And do you have a cell phone?
18 A No.
19 Q And do you have a pager?
20 A Not right now.
21 Q No. But you did then?
22 A Yes.
23 Q Yes. And on your pager if somebody tried
24 to reach you on your pager, can you answer, or could
25 you answer it?

1 A By calling back?
2 Q On the phone.
3 A No.
4 Q No. You'd have to call them back, right?
5 A Right.
6 Q And so if someone tried to page you, they
7 could leave a message, right?
8 A Yes.
9 Q And then at some point later you could get
10 that message, right?
11 A Right.
12 Q And do you have caller I.D. that gives you
13 an idea where a person called from when they left you
14 a pager message?
15 A No.
16 Q No. And what they actually showed you was
17 what appeared to be phone records?
18 A He didn't show me anything that night.
19 Q But he told you?
20 A Yes.
21 Q And he told you that they had records that
22 involved your phone number?
23 A Right.
24 Q Right? And your pager number?
25 A Right.

<p style="text-align: right;">Page 12</p> <p>1 Q And did you then explain to Detective 2 MacGillivray on that night, Friday night on the tape 3 recorder -- and the tape recorder was not on, right? 4 A Right. 5 Q Or at least that you saw, right? 6 A Right. 7 Q But he was taping us -- did he explain to 8 you where those records came from? 9 A No. 10 Q Or whose phone they were? 11 A Whose phone? 12 Q That the records -- 13 A No. 14 Q -- belonged to? No. And on that night did 15 you explain to them that you spoke to Jay Wilds 16 almost everyday? 17 A Probably, yes. 18 Q And did you ever explain to them that you 19 had no idea, unless you checked, where he would be 20 when he would be calling? 21 A What? 22 Q Well, what I've just asked you, unless he 23 told you you might be able to get a number off of 24 your land line, right? 25 A Right.</p>	<p style="text-align: right;">Page 14</p> <p>1 the 13th and indicated that your phone number was 2 implicated on records from that day, that's the only 3 thing that focused your attention on the 13th, was it 4 not? 5 A Yes. 6 Q But you didn't independently recall that 7 date? 8 A No. 9 Q And to your knowledge, you were aware on 10 that day that your friend, your very, very good 11 friend Jay Wilds didn't own a car, right? 12 A No, my friend Jay did not own a car. 13 Q And that he often borrowed other people's 14 cars? 15 A Yes. 16 Q And some of which cars you knew, right? 17 A Right. 18 Q But of some which cars you didn't know? 19 A Right. 20 Q And you described for us on Friday that you 21 -- I mean, yesterday that you remembered the cell 22 phone because he put it on the table in your house, 23 correct? 24 A Right. 25 Q And you didn't know he was calling from the</p>
<p style="text-align: right;">Page 13</p> <p>1 Q And at the time you didn't have a cell 2 phone, right? 3 A Right. 4 Q But you had a pager, right? 5 A Yes. 6 Q And off the pager you could only get the 7 message? 8 A Right. 9 Q You didn't have a caller I.D.? 10 A No, if they leave a message -- 11 Q Not on the pager? 12 A Right. 13 Q So it would be only be if the person 14 calling you left a number that they were calling 15 from, not expecting to leave a number that you should 16 call back, would you know anything about the number 17 from which the person was calling, right? 18 A Right. 19 Q And you weren't asked about all of that 20 that night, were you? 21 A No. 22 Q And you didn't volunteer that information, 23 did you? 24 A No. 25 Q And when they directed your attention to</p>	<p style="text-align: right;">Page 15</p> <p>1 cell phone until you saw that, did you? 2 A Right. 3 Q And that wasn't the only time he had 4 somebody else's cell phone, was it? 5 A I don't know. 6 Q He could have? 7 A Sure. 8 MS. MURPHY: Objection. 9 MS. GUTIERREZ: The issue of -- 10 THE COURT: Well, go ahead. Sustain the 11 objection as to what could have happened. 12 Q The issue of what phone he might have been 13 calling from had really never come up to you, had it? 14 A No. 15 Q It had never had any importance to you to 16 establish? 17 A No. 18 Q And as far as you were concerned on that 19 date, did the fact that he called you on the cell 20 phone make any difference to you? 21 A No. 22 Q It really wasn't an important matter to 23 you, was it? 24 A No. 25 Q And when he came to your house that day you</p>

1 were already there, were you not?
 2 A I think so, yes. I can't quite remember.
 3 Q So maybe you were there and maybe you
 4 weren't there?
 5 A Right.
 6 Q When you spoke to Detective MacGillivary on
 7 Friday the 26th you told him that you were already
 8 there that day before he got there, were you not?
 9 A Yes.
 10 Q Yes. And when you spoke to him on the next
 11 day, I think sometime after four or right before four
 12 in the afternoon, you were asked that question, were
 13 you not?
 14 A Yes.
 15 Q And you recall that you told them that --
 16 by them it was more than Detective MacGillivary there
 17 that second day, wasn't it?
 18 A Yes.
 19 Q And that included Detective MacGillivary,
 20 did it not?
 21 A Yes.
 22 Q It included another police officer by the
 23 name of Sergeant Lehmann?
 24 A Yes.
 25 Q And was Detective Ritz there?

1 A Yes.
 2 Q Yes. And your lawyer was there?
 3 A Yes.
 4 Q And was present throughout all of the time
 5 he asked you questions, right?
 6 A Yes.
 7 Q And your mother was there the whole time,
 8 was she not?
 9 A Yes.
 10 Q Were there other police officers or
 11 detectives?
 12 A No, not in the room.
 13 Q All right. And unlike the day before when
 14 Detective MacGillivary brought you into the room by
 15 yourself, he did ask you about a tape recorder, did
 16 he not?
 17 A Yes.
 18 Q And the tape recorder was visible, was it
 19 not?
 20 A Yes.
 21 Q And you could see it, could you not?
 22 A Yes.
 23 Q And he asked your permission if he could
 24 tape it, could he not?
 25 A Yes.

1 Q But you didn't have to raise your hand and
 2 take an oath like you did this morning?
 3 A Right.
 4 Q Or like you did yesterday?
 5 A Right.
 6 Q Okay. And it was with your permission that
 7 the tape recorder was on the entire time, was it not?
 8 A Yes.
 9 Q Except for a short little break when
 10 everybody went to use the facilities and get coffee
 11 or drinks?
 12 A Right.
 13 Q Is that right? And so that everything you
 14 said to them that night was tape recorded?
 15 A To my knowledge, yes.
 16 Q Okay. Or to at least what you observed,
 17 right?
 18 A Right.
 19 Q And you, of, course assumed that it was one
 20 of these little hand held tape recorders?
 21 A No, it was a larger one.
 22 Q It was a larger one. Was it a reel to reel
 23 or did it have a cassette?
 24 A A cassette.
 25 Q A cassette. And you could see the cassette

1 moving, could you not?
 2 A I didn't look at it.
 3 Q But when they told you they were turning it
 4 on you assumed that it was on?
 5 A Yes.
 6 Q And when they asked you about your day you
 7 told them what you knew, did you not?
 8 A Yes.
 9 Q And what you told them was that you got to
 10 your house first that day?
 11 A Okay.
 12 Q Is that okay meaning yes?
 13 A Yes.
 14 Q Okay. And that Jay arrived afterwards?
 15 A Yes.
 16 Q And that day after Detective MacGillivary
 17 took you in the room, how long did that questioning
 18 take place?
 19 A Awhile. Like maybe about an hour.
 20 Q And during that hour the only questions
 21 that were discussed were questions about January 13th
 22 and things that occurred afterwards related to that?
 23 A Yes.
 24 Q Isn't that right? There was no other
 25 topic?

<p style="text-align: right;">Page 20</p> <p>1 A No.</p> <p>2 Q On the table?</p> <p>3 A No.</p> <p>4 Q You all didn't talk about anything else?</p> <p>5 A Not on the tape.</p> <p>6 Q So all of the questions that you were asked</p> <p>7 related to what you knew about the death of Hae Min</p> <p>8 Lee?</p> <p>9 A Yes.</p> <p>10 Q And about the involvement of Jay Wilds?</p> <p>11 A Yes.</p> <p>12 Q And about any involvement you might have?</p> <p>13 A About my day, yes.</p> <p>14 Q Yes. And what you might know?</p> <p>15 A Right.</p> <p>16 Q And during that time you've told us</p> <p>17 yesterday you lied to them?</p> <p>18 A Yes.</p> <p>19 Q About certain things?</p> <p>20 A Not on the tape, not that I remember. I</p> <p>21 remember things differently now.</p> <p>22 Q Well, wasn't there a tape on --</p> <p>23 MS. MURPHY: Objection.</p> <p>24 THE COURT: Overruled.</p> <p>25 Q There wasn't a tape on Friday night, right?</p>	<p style="text-align: right;">Page 22</p> <p>1 Q You can't remember exactly what lie you</p> <p>2 told them when you --</p> <p>3 A No, I can't remember in what order the</p> <p>4 events occurred so --</p> <p>5 Q Well, if you told --</p> <p>6 MS. MURPHY: Objection.</p> <p>7 THE COURT: Wait one moment, Ms. -- So go</p> <p>8 ahead you can finish your answer.</p> <p>9 THE WITNESS: So I don't remember exactly</p> <p>10 in what order the events occurred. So I don't know</p> <p>11 if I lied to them about what happened that day.</p> <p>12 Q Well, yesterday you told us that you knew</p> <p>13 that you lied?</p> <p>14 A Yea, I did lie to them about what I knew.</p> <p>15 Q And what you knew about these events all</p> <p>16 came from Jay Wilds?</p> <p>17 A Yes.</p> <p>18 Q And what you observed with your interaction</p> <p>19 with Jay Wilds that day?</p> <p>20 A Right.</p> <p>21 Q And the next couple days?</p> <p>22 A Right.</p> <p>23 Q And at any other occasion between that day</p> <p>24 the 13th and the 27th, it's actually the 26th, that</p> <p>25 Friday night when you were in that room with</p>
<p style="text-align: right;">Page 21</p> <p>1 A Right.</p> <p>2 Q So however you lied to them is not caught</p> <p>3 on tape?</p> <p>4 A Right.</p> <p>5 Q It would only be caught if they wrote it</p> <p>6 down in their notes, in Detective MacGillivary's</p> <p>7 notes, right?</p> <p>8 A Right.</p> <p>9 Q Did Detective Ritz come into the room?</p> <p>10 A No.</p> <p>11 Q Not on Friday night?</p> <p>12 A No.</p> <p>13 Q So it was just you and Detective</p> <p>14 MacGillivary, correct?</p> <p>15 A Yes.</p> <p>16 Q And did you lie to them about what you did</p> <p>17 in the day?</p> <p>18 A No.</p> <p>19 Q Did you lie to them about anything Jay may</p> <p>20 have said to you?</p> <p>21 A No.</p> <p>22 Q Did you lie about the order in which events</p> <p>23 occurred?</p> <p>24 A Perhaps. I can't remember them exactly</p> <p>25 anymore. I don't know.</p>	<p style="text-align: right;">Page 23</p> <p>1 Detective MacGillivary; is that right?</p> <p>2 A Right.</p> <p>3 Q And you didn't mention Jay Wilds' name, did</p> <p>4 you?</p> <p>5 A Yes, I did.</p> <p>6 Q On Friday night?</p> <p>7 A Yes, I did.</p> <p>8 Q And did you give his address?</p> <p>9 A Probably the road he lives on, yes.</p> <p>10 Q The road he lives on?</p> <p>11 A Where he works at.</p> <p>12 Q Because you didn't know his exact address?</p> <p>13 A Right.</p> <p>14 Q Your very, very good friend you didn't know</p> <p>15 his exact address?</p> <p>16 A Right.</p> <p>17 MS. MURPHY: Objection.</p> <p>18 A Right, I don't know the number.</p> <p>19 THE COURT: Overruled.</p> <p>20 Q And did you mention K [REDACTED], your</p> <p>21 friend's name?</p> <p>22 A I don't remember.</p> <p>23 Q Did you advise them that the woman sitting</p> <p>24 out in the lobby may have knowledge about the same</p> <p>25 events?</p>

<p style="text-align: right;">Page 24</p> <p>1 A I don't know.</p> <p>2 Q Or may be able to back up your story?</p> <p>3 A No.</p> <p>4 Q No. And the police never went out to talk</p> <p>5 to K [REDACTED], did they?</p> <p>6 A No.</p> <p>7 Q Did they even ask who she was?</p> <p>8 A No.</p> <p>9 Q And you didn't volunteer it, did you?</p> <p>10 A No.</p> <p>11 Q And Ms. [REDACTED] stayed in the lobby the</p> <p>12 whole time, did she not?</p> <p>13 A Yes.</p> <p>14 Q And then took you home?</p> <p>15 A Yes, no took me to her house.</p> <p>16 Q Took you to her house?</p> <p>17 A Yes.</p> <p>18 Q Which is where you were planning to go when</p> <p>19 you were parked in your car parallel to the road, is</p> <p>20 that right?</p> <p>21 A Right.</p> <p>22 Q And to your knowledge, you said you could</p> <p>23 see to where she was, could you not?</p> <p>24 A Not while I was in the room. The door was</p> <p>25 shut.</p>	<p style="text-align: right;">Page 26</p> <p>1 certain things?</p> <p>2 A Yes.</p> <p>3 Q And you knew at the time from the</p> <p>4 conversation and the questions that they had not</p> <p>5 spoken to your good friend Jay Wilds, did you not?</p> <p>6 A Yes.</p> <p>7 Q Did they tell you that?</p> <p>8 A No.</p> <p>9 Q No. But you could tell by what questions</p> <p>10 they asked you?</p> <p>11 A I assumed that, yes.</p> <p>12 Q And did you tell them everything that Jay</p> <p>13 had said?</p> <p>14 A No.</p> <p>15 Q No. And did you tell them anything that</p> <p>16 Jay said?</p> <p>17 A About what? Just anything, yes. I told</p> <p>18 them that --</p> <p>19 Q About these events?</p> <p>20 A I told them that Jay said go down and see</p> <p>21 him.</p> <p>22 Q Because you had spoken to Jay before you</p> <p>23 had gone down to see them that night, had you not?</p> <p>24 A Yes.</p> <p>25 Q And that was after they had identified</p>
<p style="text-align: right;">Page 25</p> <p>1 Q Oh, the door was shut. If the door was</p> <p>2 open, you could see the lobby, right?</p> <p>3 A Probably, yes.</p> <p>4 Q But you didn't stop and talk to K [REDACTED]</p> <p>5 [REDACTED], did you?</p> <p>6 A When?</p> <p>7 Q Friday night during the time you were in</p> <p>8 the room with the detectives?</p> <p>9 A No, we didn't stop, no, not to talk.</p> <p>10 Q And you never asked to go speak to K [REDACTED]</p> <p>11 [REDACTED], did you?</p> <p>12 A No.</p> <p>13 Q And to your knowledge Detectives</p> <p>14 MacGillivray or Ritz didn't go do that, did they?</p> <p>15 A Right.</p> <p>16 Q They never excused themselves, did they?</p> <p>17 A No.</p> <p>18 Q They stayed in the room the whole time?</p> <p>19 A Just MacGillivray, yes.</p> <p>20 Q MacGillivray. And you; is that right?</p> <p>21 A Yes.</p> <p>22 Q And you answered all of his questions, did</p> <p>23 you not?</p> <p>24 A Yes.</p> <p>25 Q And did you tell him you didn't remember</p>	<p style="text-align: right;">Page 27</p> <p>1 themselves as cops outside of your house; is that</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q And then on February 26th did you own a</p> <p>5 cell phone?</p> <p>6 A No.</p> <p>7 Q Did your friend K [REDACTED] have a cell</p> <p>8 phone with her?</p> <p>9 A I don't know.</p> <p>10 Q You didn't use her cell phone that night,</p> <p>11 did you?</p> <p>12 A I don't know.</p> <p>13 Q But you reached your friend Jay Wilds?</p> <p>14 A Yes.</p> <p>15 Q By telephone or in person?</p> <p>16 A The night that the police came, in person.</p> <p>17 Q In person. That's when you went to take</p> <p>18 his dinner?</p> <p>19 A Yes.</p> <p>20 Q And you told him that detectives that had</p> <p>21 identified themselves as homicides detectives had</p> <p>22 just been at your house?</p> <p>23 A Yes.</p> <p>24 Q And you asked him what to do, did you not?</p> <p>25 MS. MURPHY: Objection.</p>

1 THE COURT: Overruled.
 2 A Yes.
 3 THE COURT: Did you ask him what to do?
 4 Q You asked him what to do, did you not?
 5 A Yes.
 6 Q About the fact that the detectives wanted
 7 to talk to you, right?
 8 A Right.
 9 Q Because prior to that day your very, very
 10 good friend Jay Wilds had asked you to keep it all to
 11 yourself, had he not?
 12 A Yes, my friend Jay said that.
 13 Q Jay said that. And you had kept it to
 14 yourself, had you not?
 15 A Not completely, no.
 16 Q You hadn't called the police?
 17 A No.
 18 Q To tell them what you knew?
 19 A No.
 20 Q Although later the next day you told them
 21 that you really thought about that, did you not?
 22 A Yes.
 23 Q You thought about ways to do that
 24 anonymously is what you told them?
 25 A Yes.

1 Q And you thought about ways to do that up
 2 front, did you not?
 3 A I know how to do it up front.
 4 Q But you told them that you thought about
 5 doing it?
 6 A I thought about it.
 7 Q Did you not?
 8 A Yes.
 9 Q Even though your friend Jay Wilds had asked
 10 you to keep quiet about the whole thing?
 11 A Right.
 12 Q And on Friday night all you said to the
 13 police about Jay Wilds was go see him?
 14 A Yes.
 15 Q And did you tell them that you had gone to
 16 speak to your friend Jay Wilds before coming down to
 17 see them?
 18 A No.
 19 Q And you, of course, did not let them know
 20 while you were still at your house that you might
 21 come down?
 22 A Right.
 23 Q And you hadn't made an appointment?
 24 A No.
 25 Q And you hadn't indicated to them that

1 although they requested to speak to you that day that
 2 you, in fact, were going to show up, did you?
 3 A No.
 4 Q And at the video store you all stayed in
 5 the video store?
 6 A For a moment.
 7 Q And you spoke to Jay Wilds inside that
 8 store?
 9 A Yes.
 10 Q And how long did that take?
 11 A About five to ten minutes.
 12 Q And did K [REDACTED] come in the store
 13 with you?
 14 A Yes.
 15 Q And she was present when you spoke to Jay
 16 Wilds?
 17 A Yes.
 18 Q And K [REDACTED] had heard the police ask
 19 to speak to you, right?
 20 A Right.
 21 Q And you, of course, rode over with K [REDACTED]
 22 [REDACTED] in the car because it was her car and she
 23 drove, right?
 24 A Right.
 25 Q And did you tell her what your concerns

1 were?
 2 A Yes.
 3 Q And that they concerned your mutual friend
 4 Jay Wilds?
 5 A Yes.
 6 Q And so she was present during the
 7 conversation you had with Jay Wilds in which he said
 8 tell them to come by and see me?
 9 A Right.
 10 Q Okay. And did she participate in that
 11 conversation?
 12 A No.
 13 Q Did she have anything to offer?
 14 A No.
 15 Q Did she have any questions to ask?
 16 A Yes.
 17 Q It was a pretty serious matter for you, was
 18 it not, Ms. Pusateri, the police requesting to see
 19 you?
 20 A Yes.
 21 Q About events that your very, very good
 22 friend had asked you to be quiet about?
 23 A Yes.
 24 Q And it was pretty scary, was it not?
 25 A A little bit.

1 Q Jay Wilds thought it was a good idea for
2 you to go to talk to the police, did he not?
3 A Yes.
4 Q Because you really went to him to ask for
5 his permission, did you not?
6 A No, not permission.
7 Q You had promised to keep quiet, had you
8 not?
9 A Yes.
10 Q And you had assured him before that day
11 that you would do so?
12 A Yes.
13 Q And he knew that?
14 A Yes.
15 Q And you had done so, had you not?
16 A I told a few friends, a friend.
17 Q And those two friends were?
18 A Nicole and Josh.
19 Q And Nicole is a friend from?
20 A Work.
21 Q And that's at Garland's?
22 A Yes.
23 Q That's where you also work?
24 A Yes.
25 Q Garland's is a garden shop?

1 A Yes.
2 Q At Ingleside Road, below -- I guess right
3 before Ingleside meets Johnnycake Road?
4 A Yes.
5 Q Yes. And you had worked there for a long
6 time?
7 A Yes.
8 Q And Nicole wasn't also a mutual friend of
9 Jay's, was she?
10 A She has hung out with Jay before but --
11 Q Because he's hung out with you?
12 A Right.
13 Q So she's met him through you, right?
14 A Yes.
15 Q So you would call her sort of a mutual
16 friend?
17 A Yes.
18 Q It wouldn't be unusual for the three of you
19 to hang out together?
20 A More than just the three of us.
21 Q Okay. Along with other people?
22 A Yes.
23 Q And that the hanging out together included
24 socializing, did it not?
25 A Yes.

1 Q And did Nicole, was she also a mutual
2 friend of Ms. [REDACTED]?
3 A Yes.
4 Q And Ms. [REDACTED] also hung out with the three
5 of you and others, did she not?
6 A Yes.
7 Q And it was not unusual for your mutual
8 friends to hang out at K [REDACTED]'s, was it?
9 A No.
10 Q Another place that you all hung out
11 together was a place named Champs?
12 A Yes.
13 Q That's like a bar restaurant?
14 A Yes.
15 Q And you've hung out there with Jay, had you
16 not?
17 A Yes.
18 Q And with Ms. [REDACTED]?
19 A Yes.
20 Q With Nicole?
21 A Yes.
22 Q Yes. And Ms. [REDACTED]'s house is a place
23 that you and Jay and other friends hang out
24 regularly, do you not?
25 A It was, yes.

1 Q It was. It's no longer?
2 A No.
3 Q She is no longer a friend?
4 A Yes, she's still a friend.
5 Q But you no longer hang out there?
6 A Not as much, no.
7 Q Back then in January of 1999 it would
8 regularly occur when you hung out at Ms. [REDACTED]'s
9 that everyone would smoke weed, would they not?
10 A Sometimes, yes.
11 Q Sometimes yes. That would not be an
12 unusual occurrence?
13 A No.
14 Q And people knew that it was okay to smoke
15 weed at her house?
16 A Sure, it was fine.
17 Q Now, the other person that you told --
18 incidentally, did you tell Nicole that Jay told you
19 that he was involved in the murder of Hae Lee?
20 A No.
21 Q Or that he was involved in the burial of
22 Hae Lee?
23 A No.
24 Q Or in hiding any evidence relating to
25 either of those events?

<p style="text-align: right;">Page 36</p> <p>1 A No, Jay never told me any of that. So I 2 never told Nicole that. 3 Q You never told. All you really told Nicole 4 was that you knew that Hae Min Lee was dead? 5 A Yes. 6 Q And another thing that Jay had told you was 7 that he didn't know where the body was? 8 A Right. 9 Q That he had been asked by Adnan to help 10 bury the body, right? 11 A Right. 12 Q But that he had adamantly refused to do 13 so? 14 A Right. 15 Q And another thing was that you spoke to 16 Detective MacGillivray first on Friday the 26th and 17 then also on the tape on the 27th you said and 18 explained that one of the reasons why you couldn't go 19 to the police was that you didn't think you had 20 enough information? 21 A Right. 22 Q Was that right? 23 A Yes. 24 Q Those were your words, were they not? 25 A Yes.</p>	<p style="text-align: right;">Page 38</p> <p>1 information that was lacking that prevented you from 2 going to the police? 3 A Right. 4 Q Even though you thought about it? 5 A Right. 6 Q And you told that to Detective MacGillivray 7 on Friday night, the 26th of February? 8 A I don't remember. I told him on the 27th. 9 Q You did tell them on the 27th; is that 10 right? 11 A (Indicating.) 12 Q And when Jay told you that he didn't know 13 where the body was buried you believed him, did you 14 not? 15 A Yes. 16 Q Now, during the tape recording of your 17 statement on the 27th the police kept referring to 18 the person whom -- although you knew you did not 19 consider yourself to be a close friend of, was the 20 man we now as Adnan Syed, do you remember that? 21 A Yes. 22 Q And throughout the statement that you made 23 to Detective MacGillivray while the tape recorder was 24 on, both you, Detective MacGillivray, Sergeant 25 Lehmann, and Detective Ritz referred to that person</p>
<p style="text-align: right;">Page 37</p> <p>1 Q And that the lack of information included 2 that, well, we meaning Jay and I, we didn't even know 3 where the body was, right? 4 A Right. 5 Q Because you were sure that he didn't know 6 where the body was? 7 A Right. 8 Q Because that's what he told you? 9 A Yes. 10 Q Isn't that right? 11 A (Indicating.) 12 Q The only -- is that a yes? 13 A Yes. 14 Q And the only information that he gave you 15 was what he says Adnan said; is that right? 16 A What he says Adnan said about what? 17 Q About those events? 18 A And about when he was there with Adnan. 19 Q Okay. But what he said happened while he 20 was there didn't include the burial of the body? 21 A Right. 22 Q Right. What Jay told you is that he had no 23 idea where the body was buried, right? 24 A Right. 25 Q And that was the critical piece of</p>	<p style="text-align: right;">Page 39</p> <p>1 by the name of Adenar, did you all not? 2 A I called him Adnan. 3 Q You called him Adnan? 4 A Yes. 5 Q But they called him Adenar, did they not? 6 A I don't remember, I guess. 7 Q And would you be surprised to know that the 8 transcript for everybody says that you all called him 9 Adenar? 10 A No, I saw that. I saw that. 11 Q You saw that. Because you've looked at the 12 transcript of what you said? 13 A Yes. 14 Q On more than one occasion? 15 A Yes. 16 Q Before testifying today? 17 A No. 18 Q You haven't looked at it before you 19 testified today? 20 A No, not today. I haven't had time. 21 Q I didn't say today. Before you testified 22 today? 23 A Oh, before? 24 Q Yes. 25 A Yes.</p>

<p style="text-align: right;">Page 40</p> <p>1 Q On more than one occasion?</p> <p>2 A Yes.</p> <p>3 Q On other days?</p> <p>4 A Yes.</p> <p>5 Q In order to prepare for your testimony?</p> <p>6 A To make sure that what was transcribed was</p> <p>7 what I said.</p> <p>8 Q Okay. And you had an opportunity to review</p> <p>9 the transcript, did you not?</p> <p>10 A Yes.</p> <p>11 Q And did you make any changes to the</p> <p>12 transcript?</p> <p>13 A On my copy.</p> <p>14 Q On your copy?</p> <p>15 A Yes.</p> <p>16 Q Were there things that were wrong?</p> <p>17 A No.</p> <p>18 Q And did you look at the tape? Did you</p> <p>19 listen to the tape?</p> <p>20 A No.</p> <p>21 Q Did you ask for the tape?</p> <p>22 A No.</p> <p>23 Q And did you do anything about whatever</p> <p>24 errors you may have found?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 42</p> <p>1 A Discussions about what I would say.</p> <p>2 Q Today and yesterday?</p> <p>3 MS. MURPHY: Objection.</p> <p>4 THE COURT: Wait a minute, I'm not sure I</p> <p>5 understand the question. So if you would --</p> <p>6 MS. GUTIERREZ: I will rephrase it.</p> <p>7 THE COURT: Thank you.</p> <p>8 Q Ms. Pusateri, you had some preparation</p> <p>9 sessions in regard to your testimony, have you not?</p> <p>10 A No, I wouldn't call them preparation</p> <p>11 sessions. There was questions asked.</p> <p>12 Q And was that over the telephone or in</p> <p>13 person?</p> <p>14 A Both.</p> <p>15 Q Both. And was that with Ms. Murphy?</p> <p>16 A Yes.</p> <p>17 Q And Mr. Urick?</p> <p>18 A Yes.</p> <p>19 Q Other than the two times that you've spoken</p> <p>20 about, have you spoken with Detectives MacGillivray,</p> <p>21 Ritz, or Lehmann on any other occasion?</p> <p>22 A Yes.</p> <p>23 Q Yes. And was that also in relationship to</p> <p>24 preparing for your testimony in this trial?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 41</p> <p>1 Q And you were provided a copy of the</p> <p>2 transcript of what you said on the 27th by?</p> <p>3 A My lawyer.</p> <p>4 Q Your lawyer. Is that because that person</p> <p>5 has remained your lawyer, right?</p> <p>6 A My what?</p> <p>7 Q That person that appeared with you on the</p> <p>8 27th has remained your lawyer, correct?</p> <p>9 A Right.</p> <p>10 Q So you've reviewed this transcript with</p> <p>11 your lawyer?</p> <p>12 A No, he just sent me a copy.</p> <p>13 MS. MURPHY: Objection.</p> <p>14 THE COURT: Overruled.</p> <p>15 Q He sent you a copy?</p> <p>16 A Yes.</p> <p>17 Q And did you know what the purpose was?</p> <p>18 A I guess there was a little note that said</p> <p>19 please read over.</p> <p>20 Q And you did so?</p> <p>21 A Yes.</p> <p>22 Q And you had some sessions where you</p> <p>23 discussed what you would say?</p> <p>24 A With my lawyer.</p> <p>25 Q Did you not?</p>	<p style="text-align: right;">Page 43</p> <p>1 Q Yes. And now going back to the 26th of</p> <p>2 February, did they ask you questions or did you just</p> <p>3 volunteer information?</p> <p>4 A They asked questions.</p> <p>5 Q They asked specific questions, did they</p> <p>6 not?</p> <p>7 A Yes.</p> <p>8 Q And you answered all of their questions?</p> <p>9 A Both nights?</p> <p>10 Q I'm just talking about the 26th?</p> <p>11 A The 26th, no.</p> <p>12 Q No. You refused to answer some questions,</p> <p>13 did you not?</p> <p>14 A I kind of half answered them, yes.</p> <p>15 Q And then, in fact, did you inquire of them</p> <p>16 might you not be entitled to a lawyer?</p> <p>17 A No, I did not ask.</p> <p>18 Q Did you tell them you were going to get a</p> <p>19 lawyer?</p> <p>20 A No.</p> <p>21 Q And who stopped the session that Friday</p> <p>22 night?</p> <p>23 A MacGillivray.</p> <p>24 Q MacGillivray stopped?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 44</p> <p>1 Q MacGillivray indicated to you that he 2 thought you were not being quite as forthcoming as 3 you should, did he not? 4 A By his gestures but not directly. 5 Q But you understood that, did you not? 6 A I knew that I knew more than what I was 7 saying, so I knew that I was lying to him about that. 8 Q You could tell by what you observed that he 9 thought you were lying, too, did he not? 10 A Because of something that I had said 11 earlier in our questioning that led him to believe 12 that I knew more than what I was telling. 13 Q Okay. And what was the thing that you 14 said? 15 A I had said that she had been strangled. 16 Q She meaning Hae Min Lee? 17 A Yes. 18 Q At that point did they ask you if you had 19 strangled her? 20 A No. 21 Q And did they ask you how you knew she was 22 strangled? 23 A Yes. 24 Q And did you tell them, oh, my good friend, 25 my very good friend Jay told me?</p>	<p style="text-align: right;">Page 46</p> <p>1 you had gone down there of your own consent, right? 2 A Right. 3 Q Based on the advice of your very, very good 4 friend Jay Wilds who felt that that would be a good 5 idea, right? 6 A My friend Jay, yes. 7 Q Well, he is your very, very good friend, is 8 he not? 9 A He's my friend. 10 Q Well, that night they asked you about what 11 that relationship was, did they not? 12 A Yes. 13 Q And they asked you to describe exactly what 14 the relationship was, did they not? 15 A Yes. 16 Q And they seemed very interested in what 17 that relationship was, did they not? 18 A Yes. 19 Q In fact, they asked you were you girlfriend 20 and boyfriend, did they not? 21 A Yes. 22 Q You answered their question. Do you recall 23 this? Sergeant Lehmann said how would you describe 24 your relationship with Jay, and you answered Jay, I'd 25 say we're very close, very close, do you recall that?</p>
<p style="text-align: right;">Page 45</p> <p>1 A No. 2 Q No. And -- 3 A Because of his reaction I told him. 4 Q Pretty visceral, wasn't it? 5 MS. MURPHY: Objection. 6 THE COURT: Overruled -- sustained. I'm 7 sustaining it only to the extent that the witness may 8 finish her answer before the next question. Will you 9 finish your answer. 10 THE WITNESS: Yes. 11 THE COURT: You were saying? 12 THE WITNESS: Because -- 13 THE COURT: Only because I said earlier in 14 the conversation that she was strangled and he? 15 THE WITNESS: Yea, the way that he reacted 16 when he was asking me how did I know that she was 17 strangled because that information was never released 18 by the police. 19 Q And you could see his reaction on that, 20 could you not? 21 A Yes, he said that. 22 Q But you could also see his reaction, could 23 you not? 24 A Sure. 25 Q And now up until that point, Ms. Pusateri,</p>	<p style="text-align: right;">Page 47</p> <p>1 A Uh-huh. 2 Q Is that a yes? 3 A Yes. 4 Q And Sergeant Lehmann went on to say 5 boyfriend girlfriend type, did he not? 6 A Yes. 7 Q And you recall him asking that, do you not? 8 A Yes. 9 Q And you answered no, not like, you know -- 10 well, not really, but I mean we're close like I love 11 Jay as a friend. I mean with all my heart. Jay is, 12 like I trust Jay with my life? 13 A Not anymore. 14 Q But then that's what you told Sergeant 15 Lehmann? 16 A That's what I said, but it was a bit of a 17 -- it's not really like that. 18 Q It's not really like that? 19 A No. 20 Q That wasn't really like that then? 21 A No. 22 Q But that's how you described it when 23 Sergeant Lehmann asked you? 24 A Yes. 25 Q And that was while the tape recorder was</p>

1 on, was it not?
 2 A Yes.
 3 Q That was on the occasion on late Saturday,
 4 February 27th in the late afternoon after which Jay
 5 sort of told you it was okay to tell them, to send
 6 them in his way?
 7 A Right.
 8 Q And you, of course, took that as a pass on
 9 his earlier request that you keep it all to yourself?
 10 A Right.
 11 Q Right? According to the permission your
 12 good friend had given you, you could now tell them
 13 what he had earlier said keep to yourself?
 14 MS. MURPHY: Objection.
 15 THE COURT: Overruled. Can you answer
 16 that?
 17 THE WITNESS: Yes, I didn't ask Jay for
 18 permission to speak to anyone. So I went on my own.
 19 It had nothing to do with -- I did ask Jay what I
 20 should do, but I did not ask permission to do
 21 anything and what he said had no -- no thing on what
 22 I was going to do.
 23 Q What he said about it's okay to send them
 24 to him had no bearing on your decision to go down and
 25 talk to the police?

1 A Right.
 2 Q On Friday night the 26th?
 3 A Right.
 4 Q And you just went on your own?
 5 A Well, after I spoke to him I went.
 6 Q Now, when you spoke to them again on the
 7 26th, they asked you to describe your relationship
 8 with Jay, did they not?
 9 A Yes.
 10 Q And did you do so?
 11 A Yes.
 12 Q Did you lie about that?
 13 A No.
 14 Q No. But now you're telling us what you
 15 said to Sergeant Lehmann not really, was not really
 16 the way it was?
 17 A Right.
 18 Q Right.
 19 A We're just friends.
 20 Q That he wasn't really --
 21 A We're just friends, me and Jay.
 22 Q Just friends?
 23 A Just friends.
 24 Q Not very close friends.
 25 A No, home boys, whatever.

1 Q Not very close friends?
 2 A We're good friends, friends.
 3 Q Less friends than you described to Sergeant
 4 Lehmann?
 5 A Yes.
 6 Q So when you told Sergeant Lehmann that you
 7 trusted Jay with your life you didn't mean it?
 8 A In certain situations.
 9 Q So that wasn't entirely accurate?
 10 A Not a hundred percent.
 11 Q And so was that a lie?
 12 A It wasn't the truth.
 13 Q It was not the truth?
 14 A Right.
 15 Q But it wasn't quite a lie?
 16 A Right.
 17 Q Was it like a half lie?
 18 A I guess, yes, an exaggeration.
 19 Q An exaggeration of what really was?
 20 A Right.
 21 Q So back in January of 1999, although it
 22 would not have been unusual to see and/or to speak
 23 Jay almost on a daily basis?
 24 A Right.
 25 Q You weren't quite as good of friends as you

1 had intimated?
 2 A As it may have appeared, right.
 3 Q As you made it appear to Sergeant Lehmann?
 4 A Right.
 5 Q Had Jay suggested to you that you do that?
 6 A No.
 7 Q And was there anything important to you
 8 about portraying your relationship with Jay to
 9 Detectives MacGillivray, Ritz, and Lehmann, or anyone
 10 else who was there, including your lawyer?
 11 A No.
 12 Q No. You didn't have any hidden motive to
 13 declare Jay a better friend than he actually was?
 14 A No.
 15 Q But you did so anyway?
 16 A It's just -- I just believe that what you
 17 all are reading into when I say very close friend is
 18 more than what I really meant.
 19 Q Well, Ms. Pusateri, you answered my
 20 question and you recalled saying those words to
 21 Sergeant Lehmann, did you not?
 22 A Right.
 23 Q And this is the time the tape is on, right?
 24 A Right.
 25 Q And your lawyer's there, right?

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<p>1 A Right.</p> <p>2 Q And your mother's there?</p> <p>3 A Right.</p> <p>4 Q Right? Isn't that right?</p> <p>5 A Yes.</p> <p>6 Q And you were doing this consensually, were</p> <p>7 you not?</p> <p>8 A Yes.</p> <p>9 Q You weren't being forced, were you?</p> <p>10 A No.</p> <p>11 Q And you hadn't been threatened, had you?</p> <p>12 A No.</p> <p>13 Q And you hadn't been charged with any crime,</p> <p>14 had you?</p> <p>15 A No.</p> <p>16 Q But you chose to exaggerate your</p> <p>17 relationship with Jay?</p> <p>18 A Yes.</p> <p>19 Q And did you feel, Ms. Pusateri, that they</p> <p>20 were trying to make more out of your relationship</p> <p>21 than there really was?</p> <p>22 A What?</p> <p>23 Q Did you feel then on the 27th of February</p> <p>24 with your lawyer there, with your mother there, that</p> <p>25 someone was trying to make more out of your</p>	<p>1 Q And what was that?</p> <p>2 A Everyone's a suspect and no one's a</p> <p>3 suspect.</p> <p>4 Q Everyone you thought included you, did it</p> <p>5 not?</p> <p>6 A Sure.</p> <p>7 Q And before then you weren't scared?</p> <p>8 A No.</p> <p>9 Q No. Nothing scary about going down on a</p> <p>10 Friday night to Police Headquarters to be asked about</p> <p>11 a murder?</p> <p>12 A Yes.</p> <p>13 Q So you were scared or do you remember?</p> <p>14 A Once the police came to my house, yes, but</p> <p>15 before then, no.</p> <p>16 Q So you were still scared when you went down</p> <p>17 and spoke to Detective MacGillivray?</p> <p>18 A Yes.</p> <p>19 Q And is that why you lied or told a half</p> <p>20 truth?</p> <p>21 A Yes.</p> <p>22 Q Yes. And when Detective MacGillivray ended</p> <p>23 the conversation, had he asked you all of the</p> <p>24 questions he wanted?</p> <p>25 A I don't know.</p>
Page 53	Page 55
<p>1 relationship with Jay than there really was?</p> <p>2 A No.</p> <p>3 Q No. So you chose those words?</p> <p>4 A Yes.</p> <p>5 Q Nobody put them in your mouth?</p> <p>6 A No.</p> <p>7 Q And there wasn't any hidden agenda that you</p> <p>8 could tell that somebody wanted to make more out of</p> <p>9 it than there was?</p> <p>10 A Right.</p> <p>11 Q But you chose to make more out of it than</p> <p>12 there was?</p> <p>13 A Right.</p> <p>14 Q Is that right? And at that point in time</p> <p>15 you had corrected the lie or lies or half truths that</p> <p>16 you had told them the day before?</p> <p>17 A Yes.</p> <p>18 Q On February 26th when you were in the room</p> <p>19 with Detective MacGillivray, were you ever threatened</p> <p>20 of being charged?</p> <p>21 A No.</p> <p>22 Q Were you afraid of being charged?</p> <p>23 A Yes.</p> <p>24 Q Yes. Because of something they said?</p> <p>25 A The last thing he said when I left.</p>	<p>1 Q Well, you didn't end the interview?</p> <p>2 A Right.</p> <p>3 Q You were very willing to answer questions</p> <p>4 he asked even though you elected to at least withhold</p> <p>5 some of the truth?</p> <p>6 A Right.</p> <p>7 Q Is that right? You weren't the one who</p> <p>8 said, oh, I have to go now, I have a very important</p> <p>9 engagement?</p> <p>10 A Right.</p> <p>11 Q Right? And in that hour or so your friend</p> <p>12 K [REDACTED] remained there?</p> <p>13 A Yes.</p> <p>14 Q And after -- and then you left?</p> <p>15 A Yes.</p> <p>16 Q And you went to her house?</p> <p>17 A Yes.</p> <p>18 Q Directly to her house?</p> <p>19 A Yes.</p> <p>20 Q And on the way home you spoke to your good</p> <p>21 friend K [REDACTED]?</p> <p>22 A Huh?</p> <p>23 Q On the way home to her home you spoke to</p> <p>24 her?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 56</p> <p>1 Q You spoke to her?</p> <p>2 A Yes.</p> <p>3 Q And I'm sure she had questions about what</p> <p>4 you all were doing at the Police Headquarters in</p> <p>5 Baltimore City Homicide on Friday night, did she not?</p> <p>6 A Yea.</p> <p>7 Q She wanted to know what questions they had?</p> <p>8 A No, she just wanted to know what was going</p> <p>9 on.</p> <p>10 Q What was going on, but she didn't ask you</p> <p>11 any questions about what the police asked you?</p> <p>12 A No.</p> <p>13 Q And what it concerned?</p> <p>14 A She knew that it concerned Hae Lee.</p> <p>15 Q Because of what she heard?</p> <p>16 A Earlier.</p> <p>17 Q Earlier while she was still in the car</p> <p>18 right before you left?</p> <p>19 A And because we talked.</p> <p>20 Q And because?</p> <p>21 A We talked on the way down to the police</p> <p>22 station, right.</p> <p>23 Q And on the way down did you tell her things</p> <p>24 that she didn't appear to know?</p> <p>25 A That she what?</p>	<p style="text-align: right;">Page 58</p> <p>1 direct is that that date which you now remember is</p> <p>2 the 13th, at the end of the evening after you said</p> <p>3 you picked Jay up at the parking lot closest to Value</p> <p>4 City in Westview; is that right?</p> <p>5 A Yes.</p> <p>6 Q And after you took Jay to the F & M off</p> <p>7 Baltimore National Pike and went behind there and</p> <p>8 went to the dumpster?</p> <p>9 A Right.</p> <p>10 Q Right. That ultimately you landed at</p> <p>11 K■■■■'s house?</p> <p>12 A No, we didn't -- no, I didn't take Jay to F</p> <p>13 & M until the day after the 13th.</p> <p>14 Q That's what you tell us now?</p> <p>15 A That's what I've been saying from the</p> <p>16 beginning.</p> <p>17 Q And --</p> <p>18 A The shovels --</p> <p>19 Q At some point you told them --</p> <p>20 THE COURT: I'm sorry, one moment. The</p> <p>21 shovels?</p> <p>22 THE WITNESS: The shovels were behind</p> <p>23 Westview Mall parking lot. Then we went to K■■■■'s</p> <p>24 the night of the 13th.</p> <p>25 Q All right, on the night of the 13th, okay?</p>
<p style="text-align: right;">Page 57</p> <p>1 Q Did not appear to know?</p> <p>2 A Yes, that she did not know.</p> <p>3 Q So you filled her in?</p> <p>4 A Right, she didn't -- right.</p> <p>5 Q About your mutual friend Jay?</p> <p>6 A About the events that happened on the 13th.</p> <p>7 Q And on the way down -- do you recall Ms.</p> <p>8 Pusateri you answered me that until they focused your</p> <p>9 attention on the 13th you wouldn't have remembered</p> <p>10 what day?</p> <p>11 A Right.</p> <p>12 Q Right. So on the way down since you didn't</p> <p>13 remember, you couldn't have said, by the way, K■■■■</p> <p>14 remember January 13th?</p> <p>15 A Right, I didn't say the date.</p> <p>16 Q You didn't say that, right?</p> <p>17 A Right.</p> <p>18 Q And you didn't focus her on the importance</p> <p>19 of the 13th, right?</p> <p>20 A Not the date.</p> <p>21 Q And you didn't focus her on the importance</p> <p>22 that she was in there somewhere as to things that</p> <p>23 involved her on that same day, did you?</p> <p>24 A I'm not sure what you asked.</p> <p>25 Q Well, Ms. Pusateri, what you told us on</p>	<p style="text-align: right;">Page 59</p> <p>1 A Yes, we went back to Westview Mall, not F &</p> <p>2 M.</p> <p>3 Q After you went back to Westview Mall is</p> <p>4 when you end up at K■■■■'s?</p> <p>5 A That's when we went to UMBC and then</p> <p>6 K■■■■'s.</p> <p>7 Q You went to where?</p> <p>8 A UMBC, my school.</p> <p>9 Q That was a sorority party, right?</p> <p>10 A My friend Mike's party.</p> <p>11 Q It was Mike's birthday, right?</p> <p>12 A Yea.</p> <p>13 Q Right? And you felt obligated to go,</p> <p>14 right?</p> <p>15 A Right.</p> <p>16 Q Because you liked to please your friends,</p> <p>17 right?</p> <p>18 A Right.</p> <p>19 Q And you stayed there for about an hour with</p> <p>20 your friend Jay?</p> <p>21 A Yes.</p> <p>22 Q And then you ended up at K■■■■'s, right?</p> <p>23 A Yes.</p> <p>24 Q And so you said that at that time K■■■■'s</p> <p>25 boyfriend Jeff■■■■ lived with her?</p>

1 A He stayed there.
 2 Q Well, you used the term lived in the
 3 transcript, did you not?
 4 A Yes, but he didn't actually live there. It
 5 wasn't his residence.
 6 Q So that was like a half truth, too?
 7 A I mean it seems as if he lived there. He
 8 would stay there a lot, but it's not his residence.
 9 It's not his address, not where his mail is sent.
 10 Q And, in fact, that is K [REDACTED]'s address,
 11 right?
 12 A Yes.
 13 Q And she was present on that occasion,
 14 right?
 15 A Yes.
 16 Q And Jeff, whether he lived there or stayed
 17 there or whatever you call it, he was present, right?
 18 A Yes.
 19 Q And you stayed there with Jay for a little
 20 bit of time, did you not?
 21 A Uh-huh.
 22 Q And is that a yes?
 23 A Oh, yes.
 24 Q And during that time you told Detective
 25 MacGillivray on the 27th while the tape was running

1 that you were acting pretty strange?
 2 A Yes.
 3 Q And that your friend K [REDACTED] noticed how
 4 strange you were acting?
 5 A Yes.
 6 Q And that Jay was acting pretty strange?
 7 A Yes.
 8 Q And that your friend K [REDACTED] noticed?
 9 A K [REDACTED], but yes.
 10 Q K [REDACTED] noticed?
 11 A Yes.
 12 Q Is that right?
 13 A Yes.
 14 Q That's what you told them, right?
 15 A Yes.
 16 Q But on the 26th of February when you were
 17 riding down to the police station having spoken to
 18 Jay about whether or not you should go --
 19 A I didn't --
 20 Q -- you spoke to K [REDACTED], K [REDACTED] about these
 21 events, did you not?
 22 A Yes, I spoke to K [REDACTED].
 23 Q Okay. But at that time you had no idea
 24 that the events occurred --
 25 A On the 13th.

1 Q -- on the 13th, right?
 2 A Right.
 3 Q So you couldn't have reminded her that, oh,
 4 you remember the night I was acting strange, could
 5 you of?
 6 A She asked me after the detectives spoke
 7 about Hae Lee at the car, she asked me if it had
 8 anything to do with the night that Adnan was at her
 9 house.
 10 Q You weren't there when Adnan was at her
 11 house?
 12 A Right.
 13 Q And you had not spoken to her about Adnan
 14 being there, had you?
 15 A Yes.
 16 Q You had?
 17 A I was on the phone with --
 18 Q You remember that date?
 19 A I was on the phone with her when Adnan was
 20 at the house.
 21 Q When Adnan was there?
 22 A Yes.
 23 Q And she told you he was there?
 24 A Yes.
 25 Q And she told you he acted strange?

1 A Yes.
 2 Q Okay. Later that evening when you got
 3 there with your friend Jay after having attended the
 4 sorority party, you had further conversations with
 5 her about that day?
 6 A No.
 7 Q No. Now, on the way down then was she the
 8 initiator of the conversation or were you? On the
 9 way down to the police station on Friday the 26th
 10 after leaving the porn store?
 11 A She asked me about -- she asked me if what
 12 the detective was talking about was when Adnan came
 13 over and then that's when I went to tell her about --
 14 Q Had the detectives --
 15 THE COURT: Wait a minute, I went to tell
 16 her about?
 17 THE WITNESS: That's when I went on to tell
 18 her about the -- about Jay's involvement and what
 19 happened to Hae Lee and what Jay had told me.
 20 Q All right. Now, as to Jay's involvement,
 21 according to what you told the detectives, what he
 22 had told you was that he had nothing to do with
 23 killing Hae Lee?
 24 A Right.
 25 Q Right? That he wasn't present, right?

1 A Right.
 2 Q That he hadn't done anything ahead of time,
 3 right?
 4 A Right.
 5 Q And that although he had been asked to help
 6 bury the body he hadn't done a thing?
 7 A Right.
 8 Q And according to him as to what he told
 9 you, he didn't have any involvement, right?
 10 A Right, he just drove Adnan around and
 11 picked him up and dropped him off at different
 12 places.
 13 Q But that he had nothing to do with killing
 14 her or burying her, right?
 15 A Right.
 16 Q He didn't assist Adnan other than to drive
 17 him around, right?
 18 A Right.
 19 Q But he had no knowledge of what happened to
 20 Hae before it happened, right?
 21 A Right.
 22 Q But when asked to assist after he had
 23 knowledge he had refused?
 24 A Right.
 25 Q And you told them that you believed him,

1 A Just normal conversation.
 2 Q Unrelated to these events?
 3 A Right.
 4 Q And was your good friend K [REDACTED]
 5 scared for you?
 6 A Yes.
 7 MS. MURPHY: Objection.
 8 THE COURT: Overruled.
 9 A Yes, we spoke.
 10 THE COURT: Was she scared for you?
 11 THE WITNESS: We spoke about the events
 12 that occurred because I had told K [REDACTED] that I had
 13 lied to the police, right, and she was concerned and
 14 said that yea I should probably go get a lawyer in
 15 the morning.
 16 Q Get a lawyer?
 17 A Right, because I had lied.
 18 Q And that's what you discussed with her?
 19 A Right.
 20 Q Because you decided after you left, that if
 21 you had lied you'd better get a lawyer?
 22 A Right.
 23 Q Because you were scared of the consequences
 24 of lying, right?
 25 A Right.

1 right?
 2 A Yes.
 3 Q And that he told you he had no idea where
 4 the body was?
 5 A Right.
 6 Q Because he had refused --
 7 MS. MURPHY: Objection.
 8 Q Because he had told you he had refused to
 9 help do anything with the body?
 10 MS. MURPHY: Objection.
 11 THE COURT: Sustained.
 12 Q And what else did you talk about with your
 13 friend K [REDACTED] --
 14 MS. MURPHY: Objection.
 15 Q -- on the way down?
 16 THE COURT: Sustained.
 17 Q On the way back over to her house did you
 18 tell her what the detectives had asked you?
 19 A No.
 20 Q And did you tell her about what Jay had
 21 said?
 22 A I told her on the way down, not on the way
 23 back.
 24 Q On the way back. And was there any other
 25 topic of conversation on the way back?

1 Q You weren't scared of the consequences of
 2 being charged in these events?
 3 A I didn't have anything to do with them.
 4 Q And you were certain that the police
 5 believed you?
 6 A No.
 7 Q As to that?
 8 A No.
 9 Q Were you not?
 10 A No.
 11 Q You said that you were scared in part
 12 because of the last thing that Detective MacGillivray
 13 said, right?
 14 A Right.
 15 Q His statement about everybody being a
 16 suspect?
 17 A Right.
 18 Q You included yourself in that category, did
 19 you not?
 20 A Yes.
 21 Q Did you express that fear to your good
 22 friend K [REDACTED]?
 23 A I couldn't hear you.
 24 Q Did you express that fear to your good
 25 friend K [REDACTED]?

<p style="text-align: right;">Page 68</p> <p>1 A No, not like that.</p> <p>2 Q In any way?</p> <p>3 A I told her that I was scared because I had</p> <p>4 lied. That's it.</p> <p>5 Q Because you had lied?</p> <p>6 A Right.</p> <p>7 Q You didn't tell her you were also scared</p> <p>8 because MacGillivary was considering everybody,</p> <p>9 including you, a suspect in the homicide of Hae Min</p> <p>10 Lee?</p> <p>11 A Right.</p> <p>12 Q And now when you left that office had you</p> <p>13 made plans to speak to MacGillivary again?</p> <p>14 A No.</p> <p>15 Q Had you told him that you thought that</p> <p>16 perhaps you should get a lawyer?</p> <p>17 A No.</p> <p>18 Q In order to speak to him?</p> <p>19 A No.</p> <p>20 Q Had you ever during that evening told him</p> <p>21 -- well, did he ask you to use a tape recorder that</p> <p>22 evening?</p> <p>23 A No.</p> <p>24 Q Did you ever tell him that you had some</p> <p>25 difficulty in answering some of his questions?</p>	<p style="text-align: right;">Page 70</p> <p>1 in the afternoon you brought a lawyer with you?</p> <p>2 MS. MURPHY: Objection.</p> <p>3 THE COURT: Sustained.</p> <p>4 Q Now, Ms. Pusateri, when you came down there</p> <p>5 the second day, did you call Detective MacGillivary</p> <p>6 and let him know you were coming?</p> <p>7 MS. MURPHY: Objection.</p> <p>8 THE COURT: Sustained. We've been over</p> <p>9 this, Ms. Gutierrez. Please move on.</p> <p>10 Q Prior to arriving, not the night of the</p> <p>11 26th when you said you hadn't made an appointment,</p> <p>12 did you make any arrangements for a specific time to</p> <p>13 be there?</p> <p>14 MS. MURPHY: Objection.</p> <p>15 THE COURT: Sustained.</p> <p>16 Q Now, when you arrived they asked your</p> <p>17 permission to turn on the tape recorder, right?</p> <p>18 MS. MURPHY: Objection.</p> <p>19 THE COURT: Sustained.</p> <p>20 Q When you began the statement they began</p> <p>21 asking questions, did they not?</p> <p>22 MS. MURPHY: Objection.</p> <p>23 THE COURT: Overruled.</p> <p>24 A Yes.</p> <p>25 Q And they began asking questions by saying</p>
<p style="text-align: right;">Page 69</p> <p>1 A No.</p> <p>2 Q Or that you hadn't told him the whole</p> <p>3 truth?</p> <p>4 A Did I ever tell him that?</p> <p>5 Q Yes.</p> <p>6 A No.</p> <p>7 Q That you lied?</p> <p>8 A No.</p> <p>9 Q And there was no appointment set, was</p> <p>10 there?</p> <p>11 A No.</p> <p>12 Q And there had been no discussion about a</p> <p>13 lawyer?</p> <p>14 A Right.</p> <p>15 Q And he hadn't threatened you with being</p> <p>16 charged --</p> <p>17 MS. MURPHY: Objection.</p> <p>18 THE COURT: Sustained.</p> <p>19 Q When your friend K [REDACTED] discussed</p> <p>20 with you and suggested it might be a good idea to go</p> <p>21 get a lawyer you acted on that, did you not?</p> <p>22 MS. MURPHY: Objection.</p> <p>23 THE COURT: Sustained.</p> <p>24 Q And when you arrived down at the police</p> <p>25 station on February 27th sometime around four o'clock</p>	<p style="text-align: right;">Page 71</p> <p>1 that this office was currently investigating a</p> <p>2 homicide, the victim's name is Hae Min Lee, she was</p> <p>3 found missing on the 13th of January, now, what, if</p> <p>4 anything, can you tell us about this event, did they</p> <p>5 not?</p> <p>6 A Yes.</p> <p>7 Q They threw it back to you, did they not?</p> <p>8 A Yes.</p> <p>9 Q And you then told them in a very lengthy</p> <p>10 way all that you knew, isn't that correct?</p> <p>11 A Yes.</p> <p>12 Q And you said that you heard all about the</p> <p>13 event from an individual by the name of Jay, right?</p> <p>14 A Right.</p> <p>15 Q And that he had told you that at around</p> <p>16 eight o'clock that evening that Adenar, Hae's</p> <p>17 ex-boyfriend, had killed her, did you not?</p> <p>18 A It was eight o'clock when I had found out,</p> <p>19 not that it happened at eight o'clock but that it was</p> <p>20 eight o'clock when Jay had told me about it.</p> <p>21 Q But the transcript reads Jay told me around</p> <p>22 eight o'clock that evening that Adenar, Hae's</p> <p>23 ex-boyfriend, had killed her?</p> <p>24 MS. MURPHY: Objection.</p> <p>25 A Right.</p>

1 Q Does it not?
 2 THE COURT: Sustained.
 3 Q And you told them about Adnan's car, right?
 4 A Yes.
 5 Q And that Jay had told you it was Adnan's
 6 car, right?
 7 A I don't remember.
 8 Q You weren't friendly with Mr. Syed in
 9 school, were you?
 10 A No, we weren't good friends.
 11 Q You barely knew him, did you not?
 12 A So, so, enough to speak.
 13 Q Had you ever gone on a social occasion with
 14 him?
 15 MS. MURPHY: Objection.
 16 THE COURT: Overruled. I think her answer
 17 was enough to speak. Your next question.
 18 Q Had you ever gone on a social occasion with
 19 him?
 20 A No.
 21 Q Had he ever visited your house?
 22 A No.
 23 Q Other than this day had he ever called your
 24 house?
 25 A No.

1 Q Had you ever called him?
 2 A No.
 3 Q Had you ever met him with a group of others
 4 to socialize?
 5 A Only at school.
 6 Q Only at school?
 7 A Yea.
 8 Q Physically at school?
 9 A Yes.
 10 Q And you were a year ahead of him?
 11 A Yes.
 12 Q Now, you knew that he was friends with
 13 Stephanie, did you not?
 14 A Yes.
 15 Q And you knew Stephanie [REDACTED] to be
 16 Jay's good friend?
 17 A Jay's girlfriend.
 18 Q And you knew that from Jay, did you not?
 19 A And Stephanie.
 20 Q And you told us that independently you had
 21 a relationship with Stephanie, did you not?
 22 A In what?
 23 Q Independently you had a relationship --
 24 A Oh, yes.
 25 Q -- with Stephanie, right?

1 A Yes.
 2 Q Because of softball, was it?
 3 A Yes.
 4 Q Is that right?
 5 A Yes.
 6 Q And you said Stephanie wasn't really a
 7 problem, did you not?
 8 A Right.
 9 Q And do you recall them asking you about
 10 Stephanie?
 11 A Yes.
 12 Q And do you recall telling them you didn't
 13 really like Stephanie?
 14 A That we don't always see eye to eye on
 15 everything.
 16 Q You don't always see eye to eye?
 17 A Right.
 18 Q So with Stephanie your relationship was one
 19 in which there were disagreements?
 20 A Right.
 21 Q And did some of those disagreements concern
 22 Jay?
 23 A No.
 24 Q No. About other things?
 25 A Yes.

1 Q But you knew from both Stephanie and from
 2 Jay that Adnan Syed was very, very close with
 3 Stephanie, did you not?
 4 A From Jay, yes.
 5 Q From Jay. And you didn't object to that,
 6 did you?
 7 A No.
 8 Q No. That night while you were there you
 9 answered all of their questions, did you not?
 10 A Yes.
 11 Q And they asked you questions about the
 12 chronology of events, did they not?
 13 A Yes.
 14 Q And they asked you whether or not you were
 15 at Stephanie's house, did you not?
 16 A Yes.
 17 Q And then you recalled that you thought you
 18 had taken Jay there, did you not?
 19 A Yes.
 20 Q And that you stayed in the car?
 21 A Yes.
 22 Q While he went to visit his girlfriend?
 23 A Yes.
 24 Q It took about fifteen minutes?
 25 A Yes.

1 Q And then you saw him go inside?
 2 A Yes.
 3 Q He didn't remain at the curb, did he?
 4 A No.
 5 Q He actually left your car, walked up, and
 6 went inside her house?
 7 A Yes.
 8 Q You could see that?
 9 A Yes.
 10 Q But you didn't go in?
 11 A No.
 12 Q And you were also asked about that occasion
 13 whether you saw a birthday present?
 14 A Right.
 15 Q And you said no?
 16 A I don't remember seeing one.
 17 Q That's what you told them, is that right?
 18 A Yes.
 19 Q And you had no further discussions with
 20 Stephanie, did you?
 21 A No.
 22 Q Not about any of these events?
 23 A Later or that night?
 24 Q That night.
 25 A Ever?

1 Q Yes.
 2 A That night, no. Ever, yes.
 3 Q Later?
 4 A Yes.
 5 Q Yes you had discussions with Stephanie?
 6 A Yes, we have.
 7 Q After the 13th?
 8 A Yes.
 9 Q When did those discussions take place?
 10 A I don't know.
 11 Q Would it have been in March?
 12 A It could have been anywhere from now --
 13 from March until today.
 14 Q Until today. You don't know?
 15 A No.
 16 Q And where were you when those discussions
 17 took place?
 18 A I don't even remember.
 19 Q And that was after Jay Wilds talked to the
 20 police, was it not?
 21 A Yes.
 22 Q And that was during the time that Stephanie
 23 was still Jay Wilds' girlfriend?
 24 A Right.
 25 Q Correct? Now, on that night you were asked

1 lots of questions to describe how Jay acted, were you
 2 not?
 3 A Yes.
 4 Q In addition to what he said, right?
 5 A Right.
 6 Q And in addition to the chronology of
 7 events; is that correct?
 8 A Yes.
 9 Q And you described for them that you saw him
 10 first sometime after 1:30 or about 1:30 or 1:00
 11 o'clock or on another occasion you said after 12:30.
 12 You then stayed with him or he stayed with you at
 13 your house up until the time when you left, right?
 14 A Right.
 15 Q And the time you left you pinned it about
 16 3:45, did you not?
 17 A Yes.
 18 Q And you pinned that time because you had to
 19 leave your house a little bit before 4:30?
 20 A Right, around 4:15.
 21 Q Because of your obligation to pick up your
 22 parents, correct?
 23 A Correct.
 24 Q And that was your daily routine, correct?
 25 A Correct.

1 Q So you were clear he arrived at your house
 2 after you did, is that right?
 3 A Right.
 4 Q And left before you got --
 5 A Yes.
 6 Q And you described him during that time as
 7 not being quite himself?
 8 A Right.
 9 Q Being upset?
 10 A Just not himself.
 11 Q Not himself. You had a hard time
 12 describing it then, right?
 13 A Right.
 14 Q And you used words like well he was sort of
 15 hyper?
 16 A Right.
 17 Q And that he was uptight?
 18 A Right.
 19 Q Is that right? But that he was not like he
 20 normally is?
 21 A Right.
 22 Q In how he acted; is that right?
 23 A Right.
 24 Q And you told them that you formed an
 25 opinion and when he left you had made plans to see

1 him again, correct?
 2 A Correct.
 3 Q In fact, you had a certain time?
 4 A Sometime after six. I don't know if it was
 5 specific.
 6 Q But you told the police there was a certain
 7 time, didn't you?
 8 A I guess, yea.
 9 Q And you had a certain place to meet, did
 10 you not?
 11 A Yes.
 12 Q The place you were supposed to meet was the
 13 park?
 14 A Right, I didn't give that information until
 15 after I spoke to Jeff on the phone when Adnan and Jay
 16 were at K's house.
 17 Q And when you spoke to -- you spoke to Jeff
 18 on the phone?
 19 A I spoke to Jeff and K.
 20 Q And K. Who first?
 21 A K.
 22 Q And did you tell K how concerned you
 23 were about how odd your mutual friend Jay was?
 24 A Yes, we were talking about it because she
 25 thought that he was acting strange as well.

1 Q That Jay was acting strange?
 2 A When they were at her house.
 3 Q Okay. And strange, you understood that to
 4 mean different than normal?
 5 A Right.
 6 Q And that confirmed what you had seen
 7 earlier, right?
 8 A Yes.
 9 Q And during that, by the way, whatever that
 10 period of time was 12:30 to 12:45 or 1:30 to 3:45,
 11 you told them that you and he played video games, did
 12 you not?
 13 A Him and Mark and me.
 14 Q Well, you never mentioned Mark in your
 15 statement to Detective McGillivray on February 28th,
 16 did you?
 17 A They asked what we did, and I said we
 18 played video games and with my dog, and we hung out,
 19 meaning me, my brother, and Jay.
 20 Q And you meant to include your brother,
 21 right?
 22 A Meaning we, yes.
 23 Q But you never mentioned his name, did you?
 24 A I had no reason to.
 25 Q And you never mentioned that he was there?

1 A No reason to.
 2 Q And you never mentioned that it was really
 3 him and Jay playing the video games?
 4 A We played video games.
 5 Q Meaning you, Jay, and your brother Mark?
 6 A Yes.
 7 Q And you were then how old Ms. Pusateri?
 8 A Nineteen.
 9 Q And that was the day after your very good
 10 friend's birthday, right?
 11 A Yes.
 12 Q And he was how old?
 13 A He would have turned twenty, nineteen,
 14 nineteen.
 15 Q And your brother --
 16 A No, I was eighteen at that time and Jay was
 17 turning nineteen.
 18 Q And your brother Mark was?
 19 A Fifteen.
 20 Q And his name never appears in the
 21 transcript that you've reviewed of your tape recorded
 22 statement that was obtained on the 28th, was it?
 23 A Right.
 24 Q Well, what does appear is your direct
 25 observation that before Jay left he was not acting

1 normal?
 2 A Right.
 3 Q And that you had formed a conviction that
 4 you were going to get out of him what was going on?
 5 A No, my -- was not to get anything out of
 6 Jay. I was going to ask him what was going on. If
 7 he told me, he told me. If he didn't, he didn't.
 8 Q Well, you told Detective MacGillivray that
 9 you weren't letting him back in your car unless you
 10 got answers to your concerns, did you not?
 11 A Right.
 12 Q That your good friend wasn't going to be
 13 allowed to get back into the car that he had ridden
 14 in many times, is that right?
 15 A I was going to let him back in. That's
 16 just what I told MacGillivray.
 17 Q And was that a half truth?
 18 A That's how I felt at the time but I really
 19 wouldn't stick with that. I really wouldn't be like
 20 you really can't get in the car if you really don't
 21 tell me what's going on. I wouldn't be like that
 22 with my very good friend Jay.
 23 Q Now, at the time you're referring to, the
 24 time you're speaking to Detective MacGillivray on
 25 February 28th?

<p style="text-align: right;">Page 84</p> <p>1 A February, I thought it was the 26th. 2 Q Oh, I'm sorry. Actually, it's the 27th 3 when the tape recorder was on? 4 A Right, the 27th. 5 Q So at the time you mean that's how you felt 6 then? 7 A The night of the 13th of January when I 8 spoke to K████ on the phone I had decided, from what 9 she had told me how Jay and Adnan were acting at her 10 house, I had decided that it would be in my best 11 interests to find out what was going on before I 12 allowed Jay to get in the car and that's what I told 13 the detective on the 27th. 14 Q Well, in fact, you mentioned to the 15 detective when asked about that you were concerned 16 because you never knew with Jay? 17 A Right. 18 Q Did you not? 19 A Right. 20 Q You never knew what would have gone on, 21 right? 22 A Right. 23 Q You never knew what might be upsetting him? 24 A Right. 25 Q Or making him act abnormal?</p>	<p style="text-align: right;">Page 86</p> <p>1 Q So you could tell that day whether or not 2 he was high? 3 A I can't tell all of the time, no. 4 Q But generally you can? 5 A I don't examine him. I mean, I know that 6 he's high when I'm high because if we smoke together 7 then that's when I know. 8 Q You know -- 9 A But if we haven't smoked together, then no 10 I couldn't tell you if he was high or not. 11 Q And you hadn't asked him if he was high? 12 A No. 13 Q You and he hadn't smoked in that time 14 period that early afternoon, had you? 15 A I don't know, probably not. 16 Q But maybe so? 17 A Maybe so. 18 Q But if you had, that wasn't what gave rise 19 to your concern, was it? 20 A No. 21 Q So even if he was high that wasn't the 22 thing that led you to tell, to tell Detective 23 MacGillivray that you never know with Jay, was it? 24 A Right. 25 Q Your remark that you never know with Jay</p>
<p style="text-align: right;">Page 85</p> <p>1 A Right. 2 Q Now, you were one who back then had smoked 3 weed often with Jay, had you not? 4 A Yes. 5 Q And you could tell when he was high, could 6 you not? 7 A Yes. 8 Q And that night when the tape recorder was 9 on, you never said to Detective MacGillivray, oh, I 10 thought he was high by how he was acting, did you? 11 A No. 12 Q You never suggested that that might account 13 for what it was that was making him act not the 14 normal way he was? 15 A Weed wouldn't make him act like he was 16 acting. 17 Q Huh? 18 A I said weed wouldn't make him act like he 19 was acting. So it wasn't because he was high. 20 Q And you're saying that from experience, 21 correct? 22 A Yes. 23 Q Because you've observed him when he's high, 24 right? 25 A Yea.</p>	<p style="text-align: right;">Page 87</p> <p>1 was based on your experience with him? 2 A Right. 3 Q What might upset him? 4 A Right. 5 Q What he might be involved with? 6 A What would upset him, I mean, yea, would he 7 be involved with. 8 Q Now, again, I'm asking you about the 28th 9 after -- 10 A The 27th. 11 Q The 27th after the tape recorder was on, 12 they were asking again about the time between 1:30 13 and the 3:45 time that you say he left, right? You 14 told them that he had told you he was waiting for a 15 phone call, right? 16 A Right. 17 Q And you couldn't recall -- you recalled 18 that phone calls came in, right? Is that right? 19 A Yes. 20 Q But you couldn't tell whether those phone 21 calls came in on your land line, right? 22 A I don't remember. 23 Q Or the cell phone, right? 24 A Right. 25 Q So what you told them is that the calls</p>

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<p>1 that you heard coming in could have come in either on 2 the land line, right? 3 A Right. 4 Q Or on the cell phone? 5 A Right. 6 Q Is that right? 7 A Right. 8 Q But that you back then on the 27th couldn't 9 remember which? 10 A Right. 11 Q Is that right? And they asked you did he 12 appear anxious or nervous waiting for that phone 13 call, did they not? 14 A Yes. 15 Q And you recall that you answered, hum, I 16 could tell, I could tell that there was something 17 wrong? 18 A Right. 19 Q Is that not right? 20 A That's right. 21 Q Clearly your sense was not that there was 22 something right that you didn't know about, right? 23 A Right. 24 Q But whatever it was that you didn't know 25 about that caused your good friend Jay to act</p>	<p>1 A No. 2 Q It's not off of the parking lot, is it? 3 A No. 4 Q And Value City is at one of the end of the 5 mall, is it not? 6 A Yes. 7 Q And where Value City is, right beyond the 8 end of it is the beginning of an underground parking 9 lot, right? 10 A Yes. 11 Q And that's where you told the police you 12 went that night? 13 A No, I told the police I was parked under a 14 light and it got transcribed wrong. I never said I 15 was parked underground because I didn't park 16 underground anything. 17 Q But you parked near Value City, did you 18 not? 19 A Under a light in front of Value City by 20 Westview Mall parking lot, yes. 21 Q So the transcriber made a mistake? 22 A Yes. 23 Q And that, of course, is one of the mistakes 24 that you observed? 25 A Yes.</p>
Page 89	Page 91
<p>1 abnormal was something wrong; is that right? 2 A What I believed, yes. 3 Q And those were the words that you chose to 4 describe your friend's behavior back on September -- 5 I mean, February 27th; is that right? 6 A Yes. 7 Q Now, they asked you a number of other 8 questions about that day and it included what 9 happened after the time you picked him up at a 10 location that you described as the Value City parking 11 lot on Westview Mall? 12 A Yes. 13 Q Now, Jay's house you said you know the road 14 it's on, right? 15 A Yes. 16 Q But not the number, right? 17 A Right. 18 Q But you know where the location is, right? 19 A Right. 20 Q You've been there before, have you not? 21 A Yes. 22 Q And Jay's house is not Westview Mall, is 23 it? 24 A No. 25 Q It's not inside of Westview Mall?</p>	<p>1 Q And that you never brought to anybody's 2 attention? 3 A No. 4 Q In any event, where you were was in close 5 proximity to the Value City that is connected to 6 Westview Mall? 7 A Yes. 8 Q The mall that's off of Route 40/Baltimore 9 Baltimore National Pike? 10 A Right. 11 Q And that's where you picked? 12 A Jay up. 13 Q Jay up; is that right? 14 A Yes. 15 Q And that you got there first, right? 16 A Yes. 17 Q And you waited about fifteen minutes; is 18 that right? 19 A I don't believe it was quite fifteen 20 minutes. I don't know how long it was. 21 Q Not a long time? 22 A Right. 23 Q Right? And that ultimately Jay came up in 24 a car? 25 A Yes.</p>

<p style="text-align: right;">Page 92</p> <p>1 Q You were asked to remember and you really 2 couldn't, in fact, you said something, I sort of want 3 to say Adnan was driving but you really couldn't 4 remember, could you? 5 A Right. 6 Q That that's where you picked him up? 7 A Yes. 8 Q And you described what he was wearing, did 9 you not? 10 A What I thought he could have been wearing 11 but I really don't know. 12 Q You really weren't sure? 13 A Right. 14 Q All you really did was describe what he 15 wore a lot of, right? 16 A Right. 17 Q What you call dickey outfits? 18 A Yep. 19 Q And you described that he wore black pants; 20 is that right? 21 A Uh-huh. 22 Q Not jeans? 23 A Right. 24 Q And you actually described the description 25 of his outer coat?</p>	<p style="text-align: right;">Page 94</p> <p>1 Timberland's but they looked like Timberland's? 2 A Right. 3 Q And those were the boots you knew him to 4 wear all of time? 5 A Those are the boots that I remember seeing. 6 Q Seeing? 7 A Yea, I remember seeing them. 8 Q That night? 9 A You're saying like -- I remember them. 10 Q Again, you didn't describe anything out of 11 the ordinary? 12 A Right. 13 Q After you picked him up before you took him 14 home for the last time sometime after midnight, which 15 would be the 14th, right? 16 A Right. 17 Q Did you take him home? 18 A Yes. 19 Q Before then? 20 A Oh, in between? 21 Q Yes. 22 A I don't think so, no. 23 Q You don't think so. And you didn't 24 describe doing so, did you? 25 A No.</p>
<p style="text-align: right;">Page 93</p> <p>1 A Yes. 2 Q It was plaid? 3 A From what I think, yea. 4 Q Okay. And so you were just sort of 5 guessing at it? 6 A Yes. 7 Q Because you really didn't notice his 8 clothes? 9 A Right. 10 Q And they asked you if they appeared dirty, 11 did they not? 12 A Right. 13 Q And you said well, I really don't know but 14 I didn't notice anything, right? 15 A Right. 16 Q They even asked you if you saw dirt on his 17 hands? 18 A Right. 19 Q And, again, you told them I didn't really 20 notice? 21 A Right, I didn't examine him. 22 Q Now from that point -- and you were asked 23 to describe his boots, were you not? 24 A Yea. 25 Q And you said they weren't really</p>	<p style="text-align: right;">Page 95</p> <p>1 Q You described everything else you did, 2 didn't you? 3 A Yes. 4 Q In fact, you described going places at 5 Jay's direction, did you not? 6 A Yes. 7 Q And one of the places where you went was to 8 a dumpster? 9 A Yes. 10 Q And you knew why you were going there, did 11 you tell them that on the 28th? 12 A On the 27th? 13 Q On the 27th. 14 A I told them we were going to the dumpster 15 because Jay told me that he knew where the shovels 16 were that Adnan used to bury the body. 17 Q That Adnan used? 18 A Right. 19 Q Not Jay? 20 A Right, that's what Jay told me. 21 Q Jay never told you that he might have used 22 the shovels? 23 A Right, he told me he didn't. 24 Q That he did not? 25 A Right.</p>

1 Q Affirmatively he told you that?
 2 A He told me he didn't help bury the body so
 3 I guess he wouldn't use a shovel.
 4 Q And what he told you was that those were
 5 the shovels and you connected them to Adnan, is that
 6 right?
 7 A Right.
 8 Q But then he drove you to the place where he
 9 told you the shovels were?
 10 A I drove him, yes.
 11 Q I'm sorry, you drove him, right? He told
 12 you where to go, did he not?
 13 A Yes.
 14 Q And you took him there, right?
 15 A Yes.
 16 Q And on that day, on the 28th when you're
 17 telling this, you were aware because you used the
 18 same words to describe the relationship as Jay had,
 19 that Jay and Adnan were mere acquaintances, did you
 20 not?
 21 A Yes.
 22 Q That's how you described them, right?
 23 A From my knowledge, yes.
 24 Q From your knowledge. And you had pretty
 25 good knowledge about Jay's time, did you not?

1 A Right.
 2 Q You saw him sometimes everyday, right?
 3 A Right.
 4 Q And you had never hung out with him and
 5 Adnan, right?
 6 A Right.
 7 Q And you knew that Adnan was not a close
 8 friend?
 9 A Right, of mine or Jay's, right.
 10 Q And when Jay had told you about what he
 11 says Adnan said, did he express concern about helping
 12 conceal the crime to cover up for Adnan?
 13 A How to help to cover up for Adnan?
 14 Q Yes.
 15 A No.
 16 Q Did he express any concern?
 17 A For Adnan?
 18 Q About Adnan?
 19 A No.
 20 Q And did he express any sentiment that he
 21 should help cover up this crime?
 22 A No.
 23 Q Now, when you went to the location that
 24 location was back at Westview, right?
 25 A Yes.

1 Q And you went back there because you had
 2 already left the Westview Mall parking lot, had you
 3 not?
 4 A Yes.
 5 Q And he asked you to go back, right?
 6 A Right.
 7 Q And after he told you, oh, I know where the
 8 shovels are that Adnan used, right?
 9 A He didn't say it like that, no.
 10 Q But he said that's why?
 11 A He wanted me to take him to Westview Mall.
 12 Q Is that right?
 13 A Yes.
 14 Q He said what?
 15 A Why he wanted me to take him back to
 16 Westview Mall.
 17 Q Okay. And you did so, right?
 18 A Yes.
 19 Q And he got out of the car, did he not?
 20 A Yes.
 21 Q And he went to a dumpster, did he not?
 22 A Yes.
 23 Q You could see that from the car, could you
 24 not?
 25 A I saw him walk in the direction of the

1 dumpsters.
 2 Q Was there anything else there other than
 3 the dumpster?
 4 A A fence, a wall maybe. I don't remember.
 5 Q Did you watch him?
 6 A No.
 7 Q You never got out of the car, did you?
 8 A No.
 9 Q And he ultimately -- and he asked you to
 10 keep a lookout, did he not?
 11 A Yes.
 12 Q In case somebody else came around the back,
 13 right?
 14 A Well, he didn't ask me to keep a lookout.
 15 I guess -- well, maybe he asked, but I just would
 16 because it's not where I should be.
 17 Q And you knew that?
 18 A Yea.
 19 Q In the back of Westview?
 20 A Right.
 21 Q Right? While your friend went to a
 22 dumpster, right?
 23 A Right.
 24 Q And you kept a lookout so that you could
 25 warn him if anybody came around?

1 A I kept a lookout so I could move if
2 security came.
3 Q That you could move?
4 A Yea.
5 Q To protect yourself?
6 A Yea.
7 Q And you would have just taken off and left
8 your friend there?
9 A Probably not.
10 Q But maybe?
11 A Whatever had to happen.
12 Q Now, he then -- could you see him getting
13 near the dumpster that you could see?
14 A Yes.
15 Q Did he reach into the dumpster?
16 A No.
17 Q Did you see shovels?
18 A No.
19 Q Did you see him do anything?
20 A No, I wasn't watching him.
21 Q Well, were you aware from any source, your
22 own observations or what you were told, that he was
23 wiping off shovels?
24 A That's why he wanted to go to the shovels
25 was to wipe them off because he said the shovels were

1 his and he didn't want any of his old prints on the
2 shovels.
3 Q His old prints?
4 A Right.
5 Q So as far as what he said, he would not
6 have touched the shovels that day?
7 A Right. Well, I mean I guess giving them to
8 Adnan he might have.
9 Q Is that a guess?
10 A He might have touched them.
11 Q Is that a guess or is that something you
12 remember he said?
13 A Remember him saying what? I remember him
14 saying that he wanted to wipe down the shovels to get
15 his prints off.
16 Q To get his, meaning Jay's prints off the
17 shovel?
18 A Right. Well, I just assumed -- he said he
19 wanted to go wipe the shovels down because they were
20 his shovels. That's what he said.
21 Q And you assumed it was to wipe his prints
22 off?
23 A Right.
24 Q Jay's prints off?
25 A Right.

1 Q Not Adnan's prints off?
2 A Right.
3 Q Because you would not have seen him as
4 doing something to protect his mere acquaintance
5 Adnan?
6 A Right.
7 Q You made the assumption whatever prints
8 that were there were old prints?
9 A Sure.
10 Q Because he had indicated to you that he
11 didn't even touch the shovels that day?
12 A Right.
13 Q But he identified them as his shovels?
14 A Right.
15 Q Is that correct? And then after you did
16 that -- and no security came by, right?
17 A Right.
18 Q So you never had to face that issue, right?
19 A Right.
20 Q And after he came back from the dumpster,
21 did he?
22 A Yes.
23 Q And did he say, oh, yea, I got the prints?
24 A No.
25 Q And did he say he had wiped the shovels?

1 A No.
2 Q Did he say he had found the shovels?
3 A No.
4 Q Did he appear less agitated than he
5 appeared before?
6 A No.
7 Q And after that you then went to the
8 sorority party?
9 A Yes.
10 Q That had been pre-planned, had it not?
11 A Yes.
12 Q It wasn't something that you found out
13 about?
14 A I knew about it probably that day. I don't
15 know when I found out about it. It was Mike's
16 party. It wasn't a sorority party.
17 Q And Mike was a friend of yours, was he not?
18 A Yes.
19 Q Well, the word sorority is a word that you
20 used while the tape was on, was it not?
21 A The detectives thought -- yea, because some
22 of my sorority sisters live in the apartment where
23 the birthday party was for Mike.
24 Q But you used the term sorority party, did
25 you not?

1 A No.

2 Q Did he say he had found the shovels?

3 A No.

4 Q Did he appear less agitated than he
5 appeared before?

6 A No.

7 Q And after that you then went to the
8 sorority party?

9 A Yes.

10 Q That had been pre-planned, had it not?

11 A Yes.

12 Q It wasn't something that you found out
13 about?

14 A I knew about it probably that day. I don't
15 know when I found out about it. It was Mike's
16 party. It wasn't a sorority party.

17 Q And Mike was a friend of yours, was he not?

18 A Yes.

19 Q Well, the word sorority is a word that you
20 used while the tape was on, was it not?

21 A The detectives thought -- yea, because some
22 of my sorority sisters live in the apartment where
23 the birthday party was for Mike.

24 Q But you used the term sorority party, did
25 you not?

1 A I don't know.

2 Q If sorority was used it would have been
3 from you, would it not?

4 A Yes.

5 Q And the occasion of the party was a
6 birthday party for a friend of yours?

7 A Yes.

8 Q And had you planned to take along your
9 friend Jay Wilds?

10 A Yes.

11 Q And so that was a pre-planned activity?

12 A Yea.

13 Q And you went there with him?

14 A Yes.

15 Q And he stayed in the car with you?

16 A What?

17 Q He stayed in the car with you?

18 A With me, yes. He rode in the car with me
19 to UMBC.

20 Q And you didn't have any other detours?

21 A No.

22 Q You went to the party; is that right?

23 A Yes.

24 Q And UMBC is located off of Walker Avenue,
25 is it not?

1 A Yes.

2 Q And off of exit 12 on 695?

3 A I don't know what exit it is.

4 Q You go there?

5 A I don't take the beltway.

6 Q I didn't ask you that. You go there --

7 MS. MURPHY: Objection.

8 Q -- don't you?

9 A Yes. Yes, I go there.

10 THE COURT: Sustained.

11 Q And he stayed with you during the time that

12 you were at the party, right?

13 A Yes.

14 Q He never disappeared somewhere else, did

15 he?

16 A Not that I remember, no.

17 Q And you never observed him in different

18 clothes than you saw him, when you first saw him at

19 the Value City?

20 A I don't remember if he went home and

21 changed his clothes. We did a lot of stuff between

22 then and there. I don't know.

23 Q You would have noticed if he changed his

24 clothes on you, wouldn't you of?

25 A Yea, but I don't remember.

1 Q You don't remember that he did so?
2 A I don't know if he did.
3 Q So maybe he did but you just didn't notice
4 it?
5 A I don't know.
6 MS. MURPHY: Objection.
7 THE COURT: Sustained.
8 A I don't know.
9 THE COURT: Move on.
10 Q What were those many other things that you
11 did that night?
12 MS. MURPHY: Objection.
13 THE COURT: Sustained.
14 Q Did you go to another location with him
15 other than Kristi Vinson's house?
16 A Stephanie's house and UMBC. Westview Mall
17 parking lot for the shovels, that's --
18 Q That's it.
19 Q That's all I remember. We might have went
20 to Jay's house for him to change his clothes. I
21 don't remember.
22 Q On the 27th when you spoke while the tape
23 recording was on, you never mentioned any other
24 location, did you?
25 A No.

1 Q You stayed at the sorority party, the party
2 for Mike, Mike's birthday party, was at the place
3 where your sorority sisters were, for more than an
4 hour?

5 A About an hour, yes.

6 Q And there were a lot of people there?

7 A Not a lot, ten, fifteen.

8 Q You knew those people?

9 A Not all of them, no.

10 Q Did some of those people know Jay?

11 A Only through me.

12 Q Only through you. But knew him?

13 A They had met him before.

14 Q And what were the names of the people at
15 the party?

16 A I don't know all of their names. I don't
17 know who all was there.

18 Q Were you asked that by Detective
19 MacGillivray or Sergeant Lehmann or Detective Ritz on
20 the 27th?

21 A No.

22 Q No. You weren't asked to provide the names
23 of any of the people at the party who would have been
24 present at the same time you and Jay were there?

25 MS. MURPHY: Objection.

1 THE COURT: Sustained. She's answered the
2 question already, no.

3 Q And have you ever been asked by anyone
4 since that time to supply names?

5 A No.

6 Q And to your knowledge, has anybody else who
7 was at the party ever been spoken to that you know
8 of?

9 A Somebody told me they spoke -- someone at
10 the party told me they spoke to some detective about
11 something, but I don't know how truthful she is so,
12 but from what she told me then, yes. Do I believe
13 her? No.

14 Q And after the party you then left with Jay
15 and went to Kristi Vinson's house, correct?

16 A Yes.

17 Q That was a pre-planned activity, was it
18 not?

19 A Yes.

20 Q That's what you told Detective
21 MacGillivray, wasn't it?

22 A Yes.

23 Q But you ended up getting there later than
24 you had expected, correct?

25 A Right.

1 Q And the purpose of going there, was there a
2 specific event?
3 A No.
4 Q Or a specific activity that you were going
5 to do?
6 A No.
7 Q And when you got there both Jeff Johnson
8 and Kristi Vinson were there?
9 A Yes.
10 Q And you stayed there for a little while,
11 did you not?
12 A Yes.
13 Q And you told the detectives on the 27th
14 that Kristi Vinson would have had to notice your
15 being upset, right?
16 A Right.
17 Q And did you smoke weed while you were
18 there?
19 A I don't know.
20 Q You could have?
21 A Could have.
22 Q You usually do?
23 A Sometimes, yes.
24 Q And when all of you are together?
25 A Sometimes, yes.

1 Q And when you do and whatever times you do,
2 whose weed is it?

3 A Whoever brings it.

4 Q So that could include Jay?

5 A Sure.

6 Q Or you?

7 A Yes.

8 Q Or Krista?

9 A Yes.

10 Q Or Jeff?

11 A Well, Kristi and Jeff didn't really get it
12 that much, no.

13 Q Now, you had a discussion with Jay after
14 you went to the dumpster before you went to the
15 party, did you ask Jay why he went to the dumpster or
16 what he did?

17 A He told me when --

18 THE COURT: Sustained.

19 Q Did you continue to converse with him about
20 what he had told you had happened that day?

21 A Yes.

22 Q And did he indicate to you that it had
23 happened before he got to your house at 1:30 in the
24 afternoon?

25 A That what had happened?

1 Q And did he ever indicate to you that he
2 knew about it ahead of time?
3 A No.
4 Q Did you ask him after he left the dumpster,
5 well, why were you upset before 1:30 in the
6 afternoon?
7 A No.
8 Q No. And did you ask him any more questions
9 about going -- about what he had said?
10 A I didn't ask Jay any questions.
11 Q Ever?
12 A No, not really.
13 Q After he told you whatever it was he told
14 you, right?
15 A Right.
16 Q And when you got to K [REDACTED]'s and Jeff's,
17 did you ask him any questions there?
18 A No.
19 Q Did you tell them what had happened?
20 A No.
21 Q And did you ever explain why you were
22 acting so weird?
23 A Not until after the 26th when the police
24 came to my house when K [REDACTED] was there.
25 Q Which was at least six weeks after the

1 night that you're saying that all of this occurred,
2 right?
3 A Right.
4 Q And did they that night the 13th ask you
5 directly why you were acting so weird?
6 A No.
7 Q Neither of them?
8 A No.
9 Q You stayed there for quite awhile; is that
10 right?
11 A Awhile.
12 Q And then you left out and then you drove
13 Jay home; is that right?
14 A Yes.
15 Q Is that right?
16 A Yes.
17 Q And you've told us that the next day you
18 hooked back up with Jay?
19 A Yes.
20 Q And when you hooked up with him he had his
21 boots?
22 A Yes.
23 Q You could see, right, the Timberland boots
24 that you say you recall at some point him wearing?
25 A Right.

1 Q And he had clothes with him, right?
2 A Right.
3 Q And you don't remember whether they were in
4 a bag or not? In fact, you told the detective you
5 weren't sure. You thought not because you could see
6 that they were clothes; is that right?
7 A Right.
8 Q And that he had identified them as the
9 clothes that he had on the night before; is that
10 right?
11 A I assumed they were the clothes he had on
12 the night before. He didn't tell me.
13 Q Based on what he said about them though,
14 right?
15 A He didn't tell me nothing about the
16 clothes. I didn't ask him anything about the
17 clothes.
18 Q On the 14th when you picked him up he had
19 those clothes with him, did he not?
20 A Yes.
21 Q Not on his body?
22 A Right.
23 Q He wasn't dressed in these clothes?
24 A Right.
25 Q He was dressed, right?

1 A Right.
2 Q In different clothes than he had on the day
3 before when you had seen him?
4 A I don't remember what he wears.
5 Q And you then went some place, did you not?
6 A Yes.
7 Q You went to a different dumpster than you
8 had been the day before?
9 A Right.
10 Q Right. This dumpster was at least close to
11 F & M?
12 A Yes.
13 Q And behind F & M?
14 A Yes.
15 Q And you once again parked close there, did
16 you not?
17 A Yes.
18 Q And Jay got out?
19 A Yes.
20 Q And he threw the clothes and the boots in
21 the dumpster, did he not?
22 A Yes.
23 Q The same dumpster? I mean, the boots and
24 the clothes together in the same dumpster?
25 A I think there was only one dumpster there

<p style="text-align: right;">Page 116</p> <p>1 so yes.</p> <p>2 Q And you watched him, did you not?</p> <p>3 A Yes.</p> <p>4 Q And once again you were on the lookout in</p> <p>5 case somebody came around, right?</p> <p>6 A I was just watching him. I mean, he had</p> <p>7 trash.</p> <p>8 Q I mean, you came back?</p> <p>9 A It wasn't as big of a deal.</p> <p>10 Q He had trash?</p> <p>11 A I mean, he didn't have trash, but like it</p> <p>12 wasn't late at night. It wasn't as big of a deal if</p> <p>13 we were behind F & M as it was when we were behind</p> <p>14 Westview Mall.</p> <p>15 Q This is in broad daylight?</p> <p>16 A It was daytime, yes.</p> <p>17 Q And this was the 14th?</p> <p>18 A Yes.</p> <p>19 Q If those events occurred on the 13th,</p> <p>20 right?</p> <p>21 A Right.</p> <p>22 Q But in any event, the day after the events</p> <p>23 we talked about?</p> <p>24 A Right.</p> <p>25 Q And you drove to that dumpster because Jay</p>	<p style="text-align: right;">Page 118</p> <p>1 killing of Hae Min Lee?</p> <p>2 A Right.</p> <p>3 Q And he indicated he had never been in her</p> <p>4 car, right?</p> <p>5 A I never asked. He never said that he was</p> <p>6 not in the car, no.</p> <p>7 Q And did you ask him why he had to hide the</p> <p>8 clothes if he had nothing to do with it?</p> <p>9 A No, I don't ask questions.</p> <p>10 Q You did have a conversation with him about</p> <p>11 his boots though, did you not?</p> <p>12 A A conversation about the boots?</p> <p>13 Q Yes.</p> <p>14 A Hmm, I don't know.</p> <p>15 Q Well, do you recall that you told Detective</p> <p>16 MacGillivray about the boots, that he threw them away</p> <p>17 because he didn't want any question of his</p> <p>18 footprints?</p> <p>19 A Right.</p> <p>20 Q Footprints of his boots would show up in</p> <p>21 Adnan's car?</p> <p>22 A Dirt prints, anything. I'm saying he just</p> <p>23 told me, the night of the 13th he told me that he was</p> <p>24 going to get rid of his boots. That's all. I don't</p> <p>25 ask questions.</p>
<p style="text-align: right;">Page 117</p> <p>1 told you to do so or asked you to do so?</p> <p>2 A Yea.</p> <p>3 Q He picked out the dumpster?</p> <p>4 A Yes.</p> <p>5 Q You didn't?</p> <p>6 A No.</p> <p>7 Q You had no discussion about what was the</p> <p>8 best place to conceal clothes that he had on?</p> <p>9 A No, it was nothing about concealing</p> <p>10 anything.</p> <p>11 Q Up until this point he still maintained to</p> <p>12 you that he had no idea where the body was?</p> <p>13 A Right.</p> <p>14 Q And he still maintained to you that he had</p> <p>15 nothing to do with the burial of the body, although</p> <p>16 he had been asked to do so?</p> <p>17 A You mean up until today?</p> <p>18 Q No, up until then this day?</p> <p>19 A Right, right.</p> <p>20 Q This day you were at the dumpster?</p> <p>21 A Right, right, right, right.</p> <p>22 Q He had still maintained the same thing,</p> <p>23 right?</p> <p>24 A Right.</p> <p>25 Q And that he had nothing to do with the</p>	<p style="text-align: right;">Page 119</p> <p>1 Q On the 27th when you were asked questions</p> <p>2 by Detectives MacGillivray, Sergeant Lehmann or</p> <p>3 Detective Ritz, you recalled that he told you why he</p> <p>4 wanted to get rid of his boots though, did you not?</p> <p>5 A Right.</p> <p>6 Q And you related to them that you did have a</p> <p>7 conversation with Jay and he said he didn't want any</p> <p>8 footprints of his boots found in Adnan's car, isn't</p> <p>9 that right?</p> <p>10 A Yea.</p> <p>11 Q And did you tell them that you didn't ask</p> <p>12 any questions of your good friend Jay Wilds?</p> <p>13 A Yes.</p> <p>14 Q Excuse me. And then after you then left</p> <p>15 that dumpster with him?</p> <p>16 A Yes.</p> <p>17 Q And did you say, by the way, Jay, what are</p> <p>18 you afraid of?</p> <p>19 A No.</p> <p>20 Q You didn't have anything to do with it,</p> <p>21 right, did you?</p> <p>22 A No, I didn't say that to him.</p> <p>23 Q And you asked him no other questions?</p> <p>24 A No.</p> <p>25 Q And you had no other conversation regarding</p>

1 why he had to throw away the clothes that he had on?
 2 A No.
 3 Q On a day in which he had told you he had
 4 done nothing wrong?
 5 A No questions.
 6 Q Now, you also were asked about and you
 7 described that Jay at some point had told you the
 8 events that Adnan had spoken about had started out at
 9 Best Buy, is that not correct?
 10 A Yes.
 11 Q And you told Detective MacGillivray that
 12 according to Jay, Jay wasn't there, right?
 13 A Right.
 14 Q That he had just been told that?
 15 A Right.
 16 Q Correct? And you described for Detective
 17 MacGillivray that you did have a subsequent
 18 conversation with Jay about a video camera on top of
 19 Best Buy, did you not?
 20 A Right.
 21 Q That you brought that to Jay's attention?
 22 A Yes.
 23 Q Correct?
 24 A Yes.
 25 Q And the conversation in which that took

1 place took place when?
 2 A When Jay told me that he did it in Best Buy
 3 parking lot, the 13th, the night when I picked Jay up
 4 at Westview Mall.
 5 Q And according to what Jay told you that
 6 camera should have been able to pick up what would
 7 have happened on the Best Buy?
 8 A I brought up the camera. I'm not even sure
 9 if it was a camera out there but I think there is.
 10 Q But you brought it up, right?
 11 A Yes.
 12 Q And you brought it up out of concern that
 13 the camera would have shown what happened; is that
 14 right?
 15 A Right.
 16 Q And according to what Jay told you what
 17 that would have shown would have been Adnan, correct?
 18 A Jay told me that Adnan was going to get
 19 caught because he did it in Best Buy parking lot and
 20 that's all we even talked about Best Buy.
 21 Q Well, you brought up the video camera,
 22 right?
 23 A Right.
 24 Q So there was more than what Jay said. You
 25 said, oh, there's a video camera there, right?

1 A Right.
 2 Q And Jay never mentioned the place down on
 3 Edmondson Avenue, did he?
 4 A He said some places in the city.
 5 Q In the city?
 6 A Yes.
 7 Q He never mentioned the city as the location
 8 of what Adnan said or where Adnan said the death of
 9 Hae Min Lee had occurred, did he?
 10 A I don't know where Adnan said anything.
 11 Q You only know what Jay told you?
 12 A Right.
 13 Q Is that right? And Jay told you on the
 14 13th that the location was the Best Buy?
 15 A Yea.
 16 Q And you knew where it was that he was
 17 talking about, did you not?
 18 A I assumed that it was the Best Buy by
 19 Woodlawn.
 20 Q By Woodlawn. Off of Security Boulevard?
 21 A Security Boulevard, yes.
 22 Q That faces Security Mall?
 23 A Yes.
 24 Q And you then brought up the camera to him?
 25 A Yes.

1 Q Did he respond to that?
 2 MS. MURPHY: Objection.
 3 A I don't remember.
 4 THE COURT: Overruled.
 5 A I don't remember.
 6 Q You don't remember whether or not he
 7 responded?
 8 A I don't know what he said.
 9 Q That evening after he was -- did he tell
 10 you all of these things all at once or was it over a
 11 course of time?
 12 A He told me a lot that night and we talked
 13 about it a couple of days afterwards. Information
 14 came out the whole time, I don't know.
 15 Q And you don't remember when what came out,
 16 do you?
 17 A What?
 18 Q You don't remember when what came out?
 19 A Right.
 20 Q Now, at the end of that night before you
 21 dropped him off at his house was he acting normal
 22 then?
 23 A At the end of the 13th?
 24 Q Yes.
 25 A No.

1 Q No. And on the 14th when you picked him up
2 you picked him up at his house again, right?
3 A Yes.
4 Q Because he didn't have somebody else's car,
5 right?
6 A Right.
7 Q And when you picked him up then was he
8 acting normal?
9 A No, not yet.
10 Q No, not yet. At any time during the 14th
11 did he start acting normal?
12 A I mean, it was something that was on both
13 of our minds for awhile. So, I mean, we didn't act
14 as strange as on the night of the 13th, but I mean to
15 say that we were normal, no.
16 Q That took some time, right?
17 A Right.
18 Q And did you see him again on the 15th?
19 A I don't know, probably so.
20 Q That's a guess?
21 A Yes.
22 Q And on the 16th?
23 A Probably so.
24 Q Now, after those events there were other
25 occasions when and you Jay discussed these things,

1 right?
2 A Right.
3 Q One of those occasions that you told
4 Detective MacGillivray about was an occasion in which
5 you were in Champs, correct?
6 A Right.
7 Q And Jay was there, correct?
8 A Correct.
9 Q And you described for Detective
10 MacGillivray that somehow on the news it then came
11 out that Hae was missing; is that right?
12 A Right.
13 Q And you described that that upset you, did
14 you not?
15 A Yes.
16 Q And that that upset Jay?
17 A Yes.
18 Q And Detective MacGillivray said, but you
19 already she was dead according to you, didn't you?
20 A Yea.
21 Q And he was surprised that event upset you,
22 wasn't he?
23 A It wasn't upsetting. It was like reality,
24 I guess. A shock more so, like I don't know, you
25 know.

1 Q Because starting on the 13th there really
2 wasn't reality that hit you?
3 A Right. I mean, when Jay first told me I
4 didn't even really believe him at first.
5 Q You didn't believe it had happened?
6 A Right.
7 Q And you didn't conduct any independent
8 investigation, right?
9 A No.
10 Q And nobody had spoken to you or brought it
11 up to you, other than you and Jay, up until the time
12 you first saw Detective MacGillivray and Ritz --
13 A Right.
14 Q -- on the street on the 26th, right?
15 A Well, I had heard that she hadn't been in
16 school.
17 Q And so you just didn't believe these
18 things?
19 A Well, I mean -- I wasn't --
20 Q That didn't surprise you though, did it?
21 MS. MURPHY: Objection.
22 THE COURT: Sustained. One second. You
23 may finish your answer. Were you finished with your
24 answer?
25 THE WITNESS: Yes.

1 THE COURT: All right, your next question.
2 Q The fact that your friend, your very good
3 friend about whom you've commented, you never know
4 about with Jay, that he would tell you something that
5 wasn't true was not a surprise to you, was it?
6 A Oh. Yea, he would usually tell the truth.
7 I really don't have reason to doubt.
8 Q Well, you said you didn't believe it?
9 A Well, not completely. It's not something
10 that I would hear everyday and be like, you know what
11 I mean. It was shocking.
12 Q After you heard from whatever source you
13 heard it from that Hae wasn't in school, did you go
14 confront your friend Jay and say, by the way, why did
15 you tell me that horrible story that upset me so that
16 your friend told you that he had killed someone?
17 A Did I? No.
18 Q Did you ever have a conversation akin to
19 that?
20 A No.
21 Q Did you ever go to your good friend Jay and
22 say, hey, I've heard that Hae's alive, so why did you
23 need to go to the dumpster about the shovels?
24 A No, because I never heard that. So I never
25 went to him and said that.

1 Q You just told us that you heard that Hae
2 was in school?
3 A Hadn't been in school.
4 Q Had not been in school?
5 A Had not been in school.
6 Q So it really wasn't a surprise to you at
7 all when that night at Champs it came out on the news
8 that Hae was missing?
9 A Not like a surprise, more like a scare. I
10 don't know what that means like now the police are
11 involved, you know what I mean.
12 Q And the police being involved made things
13 different?
14 A Yes.
15 Q For you?
16 A Yes.
17 Q And for Jay?
18 A Sure.
19 Q You described that as a scare?
20 A Yes.
21 Q On the day that you went to the police with
22 your good friend K [REDACTED] on the 26th of
23 February, after you left did you speak to your good
24 friend Jay?
25 A I couldn't even hear what you said.

1 Q Did you go to the porn store?
2 MS. MURPHY: Objection.
3 THE COURT: Sustained.
4 Q Did you know, based on your conversations
5 on the 27th, that the police were going to speak to
6 Jay?
7 A No.
8 Q Did you tell them what Jay said?
9 MS. MURPHY: Objection.
10 THE COURT: Sustained.
11 Q Did you tell them that Jay said that he
12 said just send them, meaning the police, to him?
13 MS. MURPHY: Objection.
14 THE COURT: Sustained.
15 Q Did you on the 27th give his phone number?
16 MS. MURPHY: Objection.
17 THE COURT: Sustained.
18 Q Did you give them his address?
19 MS. MURPHY: Objection.
20 THE COURT: Ms. Gutierrez, sustained.
21 Q Did you give them his whole name?
22 MS. MURPHY: Objection.
23 THE COURT: Sustained.
24 Q The park that you described, there is a
25 park that you and Jay go to often?

1 Q On the 26th of February when you went down
2 to police headquarters when your friend K [REDACTED]
3 drove you, after you left that evening or the early
4 morning hours of the 27th, did you speak to your
5 friend Jay?
6 A I don't know.
7 MS. MURPHY: Objection.
8 THE COURT: Sustained.
9 Q And did you have an occasion to tell him
10 what had occurred while the police were questioning
11 you?
12 MS. MURPHY: Objection.
13 THE COURT: Sustained.
14 Q On the 27th after you left -- there came a
15 time when you left, right?
16 A Uh-huh, yes.
17 Q That night, that Saturday night?
18 A When I left the police station, yes.
19 Q At that time did you speak to your friend
20 Jay?
21 MS. MURPHY: Objection.
22 THE COURT: Sustained.
23 Q Did you telephone him?
24 MS. MURPHY: Objection.
25 THE COURT: Sustained.

1 A Sometimes, yes.
2 Q Is that Gilston Park?
3 A Gilston.
4 Q And how do you spell that?
5 A G-i-l-s-t-o-n.
6 Q And is that located off of Crosby and
7 Chesworth?
8 A I believe so, yes.
9 Q Is that a park that you go at times with
10 your friend Jay and your dog?
11 A Yes.
12 Q And its location if you can describe it
13 from the intersection of Rolling Road and Route
14 40/Baltimore National Pike?
15 A Yes.
16 Q Can you describe that for us? Where is it
17 in relationship to that intersection?
18 A Right on Rolling Road and a right, I guess
19 it's Chesworth. I don't know the name of it.
20 Q If you made a right would that take you
21 more towards Security Mall?
22 A Yes.
23 Q In that direction?
24 A Yes.
25 Q And then after you go on Rolling Road, then

1 you take another right; is that right?
 2 A Right.
 3 Q And that was the location -- was that a
 4 location you visited with Jay on the 13th?
 5 A No.
 6 Q No. And was that a location that you
 7 visited with Jay the day before these events --
 8 A I don't know.
 9 Q -- the 12th? You don't know?
 10 A Uh-uh.
 11 Q Was there an occasion when you visited
 12 Gilston Park with your good friend Jay on the 12th or
 13 any other day before the 13th in which he told you
 14 that he believed Adnan was going to kill his
 15 girlfriend?
 16 A No.
 17 Q And since that didn't happen, of course,
 18 you never mentioned that to the detectives?
 19 A Right.
 20 Q If it had happened you, of course, would
 21 have done so?
 22 A If they -- yes.
 23 Q You had no advanced notice --
 24 A No.
 25 Q -- that these events would have happened?

1 A While I was speaking to Jeff, Jeff told me
 2 to go to Gilston Park that Jay -- when Jay and Adnan
 3 were at his house, Jay had told him that I was
 4 supposed to pick Jay up at Gilston Park.
 5 Q Okay.
 6 A But that was not -- right.
 7 Q That conversation with Jeff took place at a
 8 time when Jay was not there?
 9 A Right, Jay was out in a car in front of
 10 K's house.
 11 Q Out in a car and had already left there,
 12 right?
 13 A They sat in the car for awhile. That's
 14 what they told me on the phone.
 15 Q That's what they meaning K --
 16 A And Jeff.
 17 Q And Jeff, right?
 18 A Yes.
 19 Q Because on that occasion you didn't speak
 20 to Jay?
 21 A I might have spoke to Jay before he left
 22 out of the house. I don't remember.
 23 Q When he left out of your house about 3:45,
 24 you didn't know exactly where he was going, did you?
 25 A No.

1 A No.
 2 Q And if you had had advanced notice, would
 3 you have done anything different on the 13th?
 4 MS. MURPHY: Objection.
 5 THE COURT: Sustained.
 6 Q You told us in direct that in regard to
 7 meeting up with Jay you could not quite understand
 8 what the message was about where it was to meet him
 9 or where you were to pick him up?
 10 A Right.
 11 Q And that's why you made an attempt to call
 12 him?
 13 A Right.
 14 Q Did your lack of being able to understand,
 15 is that related to that his message wasn't
 16 understandable?
 17 A No, he sounded clear. It was just there
 18 was a -- Jay never told me to pick him up at Gilston
 19 Park. I got that message from Jeff.
 20 Q From Jeff ?
 21 A Right.
 22 Q The boyfriend of K ?
 23 A Right.
 24 Q And did you get that message while you were
 25 talking to --

1 Q He didn't tell you where he was going, did
 2 he?
 3 A No.
 4 Q But the two of you were supposed to hook up
 5 --
 6 A Later.
 7 Q -- later; is that right?
 8 A Yes.
 9 Q Sometime after six?
 10 A Yes.
 11 Q Right? And six o'clock would be when,
 12 according to your routine that you told us about, you
 13 would really just be returning from picking up your
 14 parents from their respective work places?
 15 A Right.
 16 Q But that you didn't have a firm place to
 17 meet Jay; is that right?
 18 A Right.
 19 Q But you called K's house looking for
 20 him, didn't you?
 21 A No, I called K's house just to talk to
 22 K.
 23 Q But Jeff gave you a message from Jay?
 24 A Uh-huh.
 25 Q That message wasn't clear to you?

1 A No, I understood what Jeff was saying but
2 then when Jay called and left a message on my pager
3 there was some conflicting things. I didn't
4 understand it. So I felt it necessary to try and
5 contact Jay.
6 Q Well, in regard to Jay's message was it
7 garbled?
8 A I don't know. I don't remember.
9 Q But it didn't make sense to you?
10 A Right.
11 Q It conflicted with other information you
12 had?
13 A There was some confusion so I felt it
14 necessary to call the cell phone. I don't know what
15 it was from.
16 Q Did you know at the time that you got the
17 message whether or not Jay had smoked weed while he
18 was at K■■■■'s house?
19 A No, I did not know.
20 Q And did you know whether or not Jay was
21 high?
22 A No, I did not know.
23 Q After he left you?
24 A No.
25 Q And back at Westview where you tell us that

1 Q Usually. Every time you had seen him?
2 A Yes.
3 Q And you didn't describe that there was
4 anything out of the ordinary in how he appeared to
5 you, right?
6 A Right.
7 Q Not in how he acted?
8 A No.
9 Q Not in how he was dressed?
10 A No.
11 Q You didn't observe or express that you
12 observed any dirt on him?
13 A I didn't see him that well to see if there
14 was dirt. I didn't observe any dirt, right.
15 Q They asked you about that, didn't they?
16 A Yes.
17 Q All right. And you were also asked about
18 every detail that you could remember about what Jay
19 said?
20 A Right.
21 Q Right. And one of the details you
22 described was that Jay made a reference to going down
23 into the city?
24 A Uh-huh, yes.
25 Q Now, Ms. Pusateri, are you familiar with

1 you picked up Jay and he was riding in the car with
2 Adnan --
3 A Yes.
4 Q -- you were asked to describe Adnan's
5 behavior, were you not?
6 A Yes.
7 Q And you told Detective MacGillivray on the
8 28th that he acted just normal, didn't he?
9 A Sure.
10 Q Sure --
11 A Yes.
12 Q -- does that mean yes that's what you told
13 him?
14 A Yes.
15 Q You chose the word normal, did you not?
16 A Yes.
17 Q And by normal you meant just the way you
18 had always seen him act before?
19 A Right.
20 Q You were asked how he was dressed, were you
21 not?
22 A Yes.
23 Q And you described that he always dresses
24 nice?
25 A Usually, yes.

1 the term strip?
2 A Yes.
3 Q And that means a place where you buy drugs?
4 A Yes.
5 Q Does it not?
6 A It can.
7 Q And that's a term that has come up in
8 conversation between you and Jay, has it not?
9 A Yes.
10 Q He refers to strips all of the time, does
11 he not?
12 A Yes.
13 Q And strips are sort of not necessarily
14 fixed locations, they might be moving where one would
15 know where to get drugs?
16 A Right.
17 Q Including marijuana?
18 A Right.
19 Q Including other drugs?
20 A Right.
21 Q And you were asked by Detective
22 MacGillivray about what Jay had said about what
23 locations in the city, did you not?
24 A Yes.
25 Q And the only thing that you remembered was

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<p>1 that he said that when he dropped him, meaning Adnan</p> <p>2 off, that it was at a different broad's house. He</p> <p>3 said a different chick's house, right?</p> <p>4 A Right.</p> <p>5 Q Because that's what you remembered Jay said</p> <p>6 to you?</p> <p>7 A Right.</p> <p>8 Q And you also told them that another thing</p> <p>9 that Jay said is that he was downtown with Adnan?</p> <p>10 A Yes.</p> <p>11 Q Did he not?</p> <p>12 A Yes.</p> <p>13 Q Those were your words, right?</p> <p>14 A Yes.</p> <p>15 Q That you told Detective MacGillivray?</p> <p>16 A Yes.</p> <p>17 Q In answer to his questions; is that right?</p> <p>18 A Yes.</p> <p>19 Q On the day that you saw on television, the</p> <p>20 day that you were at Champs when you heard the news</p> <p>21 that Hae Min Lee was missing, you had a conversation</p> <p>22 with Jay about what do we do, did you not?</p> <p>23 A Yes.</p> <p>24 Q Those were Jay's words to you in Champs?</p> <p>25 A Yes.</p>	<p>1 A Yes.</p> <p>2 Q Was that an exaggeration?</p> <p>3 A No.</p> <p>4 Q Was that a half truth?</p> <p>5 A No.</p> <p>6 Q Back then you believed that anything that</p> <p>7 he knew he would have shared with you?</p> <p>8 A Right.</p> <p>9 Q Is that right? Now, Ms. Pusateri, would it</p> <p>10 surprise you to know that Jay knew where the body was</p> <p>11 according to him but that he didn't tell you?</p> <p>12 MS. MURPHY: Objection.</p> <p>13 THE COURT: Overruled. Would it surprise</p> <p>14 you?</p> <p>15 THE WITNESS: No.</p> <p>16 Q Would there be anything that would surprise</p> <p>17 you about Jay?</p> <p>18 A No.</p> <p>19 Q About anything he said?</p> <p>20 A No.</p> <p>21 Q Not about anything he did?</p> <p>22 A No.</p> <p>23 MS. MURPHY: Objection.</p> <p>24 THE COURT: Sustained.</p> <p>25 Q Then they asked you about -- I forgot to</p>
Page 141	Page 143
<p>1 Q Regarding that it was now out in public</p> <p>2 that Hae Min Lee was missing?</p> <p>3 A Right.</p> <p>4 Q Is that right? And at that time you were</p> <p>5 still under the impression from Jay that he had</p> <p>6 nothing to do with killing Hae, right?</p> <p>7 A Yes.</p> <p>8 Q And nothing to do with the burial of Hae,</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q After you told the detectives that on the</p> <p>12 28th while the tape recorder was running, they asked</p> <p>13 you why that was such a surprise to you, was it not?</p> <p>14 A Yes.</p> <p>15 Q And then they asked you again are you sure</p> <p>16 he told you that he didn't know where the body was,</p> <p>17 did you not?</p> <p>18 A I don't know. I guess so, yes.</p> <p>19 Q And then -- well, you remember talking to</p> <p>20 them about these events, did you not?</p> <p>21 A Yes.</p> <p>22 Q And you then told them that if he knew</p> <p>23 where the body was that he would have told you?</p> <p>24 A Yes.</p> <p>25 Q That was your belief then, right?</p>	<p>1 ask you this. You said you spoke to others about it</p> <p>2 and you talked about Nicole, right? Right?</p> <p>3 A Yes.</p> <p>4 Q There was another person about which you</p> <p>5 spoke?</p> <p>6 A Yes.</p> <p>7 Q And that person, was that Josh?</p> <p>8 A Yes.</p> <p>9 Q Okay. And Josh's last name is?</p> <p>10 A [REDACTED].</p> <p>11 Q [REDACTED]. Joshua [REDACTED]. Is that someone you</p> <p>12 know from school?</p> <p>13 A No.</p> <p>14 Q Is that someone who knows Jay?</p> <p>15 A Yes.</p> <p>16 Q Yes. He's met him before?</p> <p>17 A Yes.</p> <p>18 Q He'd know who he was?</p> <p>19 A Yes.</p> <p>20 Q And, in fact, you told Detective</p> <p>21 MacGillivray that on the night which is a separate</p> <p>22 night when you found out the body had been found,</p> <p>23 right?</p> <p>24 A Right.</p> <p>25 Q You had a conversation with Josh about</p>

1 that, did you not?
 2 A Josh was in the car when I was talking
 3 about it, yes.
 4 Q Okay. And so you did have a conversation
 5 with him?
 6 A Yes.
 7 Q You knew about Leakin Park, did you not?
 8 A Yes.
 9 Q In fact, you told Detective MacGillivray, I
 10 mean dead bodies always gets dumped in Leakin Park --
 11 A Yea.
 12 Q -- did you not?
 13 A Yes.
 14 Q And you told them that Josh had heard your
 15 conversations about those other things?
 16 A Yes.
 17 Q And you were asked for his full name?
 18 A Yes.
 19 Q And his phone number?
 20 A Yes.
 21 Q Yes. And you gave that to them, did you
 22 not?
 23 A Yes.
 24 Q You were asked about what you thought of
 25 the whole thing about Jay throwing away all of his

1 clothes and going back to the dumpster to do
 2 something with the shovel, were you not?
 3 MS. MURPHY: Objection.
 4 THE COURT: Sustained.
 5 Q And were you asked about what you observed?
 6 MS. MURPHY: Objection.
 7 THE COURT: Sustained.
 8 Q In that conversation you were asked about
 9 whether or not you thought Jay would lie, were you
 10 not?
 11 MS. MURPHY: Objection.
 12 THE COURT: Sustained.
 13 Q And you were asked about what, if anything,
 14 Jay would have told you --
 15 MS. MURPHY: Objection.
 16 Q -- were you not?
 17 THE COURT: Sustained.
 18 Q You were asked about Jay and money, were
 19 you not?
 20 THE COURT: And I'm sorry, money?
 21 MS. GUTIERREZ: Money.
 22 A I don't remember, yes.
 23 Q Weren't you asked about whether or not Jay
 24 had told you --
 25 A Oh, yes.

1 Q -- that he was paid money?
 2 A Yes, yes.
 3 Q By Adnan?
 4 A Yea.
 5 Q Is that right?
 6 A Yes.
 7 Q In fact, you sort of laughed, didn't you?
 8 A Yea.
 9 Q Because you told them unless Adnan paid Jay
 10 a good sum of money you didn't see him helping?
 11 A Right.
 12 Q Right. And you also told them that you
 13 didn't think that Jay would lie to you at all?
 14 A Right.
 15 Q Didn't you? Because that was your belief
 16 then?
 17 A Right.
 18 Q Although that wasn't really the whole
 19 truth?
 20 MS. MURPHY: Objection.
 21 THE COURT: Sustained.
 22 Q Were you ever asked if you knew a person by
 23 the name of [REDACTED] S [REDACTED]? -- "Mr. S"
 24 A No.
 25 Q Or the stepson of [REDACTED] S [REDACTED]?

1 A Who?
 2 Q The stepson of [REDACTED] S [REDACTED]?
 3 A No.
 4 Q Were you ever shown a picture of the person
 5 who found the body?
 6 A No.
 7 Q Were you ever asked if you knew the person
 8 who found the body?
 9 A No.
 10 Q You never went to the Super Fresh, did you,
 11 with Jay on the 13th?
 12 A Not that I remember, no.
 13 Q Long before today you've been asked to
 14 remember those events, right?
 15 MS. MURPHY: Objection.
 16 THE COURT: Sustained.
 17 Q At the time that you were on the recorder
 18 on the 27th of February you didn't volunteer anything
 19 about the Super Fresh, did you?
 20 A No.
 21 Q And you didn't go to another dumpster that
 22 you haven't spoken to us about?
 23 A No.
 24 Q You told us on the record that when you
 25 spoke with Jay before you went down to speak with

1 them on the 26th that he told you it's okay to send
2 them to him, right?
3 MS. MURPHY: Objection.
4 THE COURT: Sustained.
5 Q You also told us that he told you to go
6 down there and tell them enough to keep me, meaning
7 Jay Wilds, out of trouble?
8 A Not meaning Jay Wilds, me meaning myself.
9 Q Tell them enough to keep you Jen Pusateri
10 out of trouble?
11 A Right.
12 Q So your lies, although they included lying
13 about Jay, were designed to help you?
14 MS. MURPHY: Objection.
15 THE COURT: Overruled.
16 A The only thing I lied about was what I
17 knew. Detective MacGillivray asked me -- after I had
18 told her -- after I told him that I knew that the
19 body was strangled, he asked me did I know anything
20 else. I told him no and that is the only lie. It
21 had nothing to do to protect myself. I mean, yea, to
22 protect -- yea, I told him no.
23 Q To protect yourself?
24 A Right, so I didn't have to be involved.
25 Q Wasn't it also designed to protect your

1 scheduling problem you will have to accommodate
2 whatever that problem is because we're going to take
3 a lunch break until two o'clock.
4 And at two o'clock we're going to come back
5 and we're going to resume with this witness. I'm
6 assuming the scheduling problem was something that
7 Ms. Murphy brought to my attention before we started
8 today and there's nothing I can do about that because
9 we're going to take a luncheon recess until two
10 o'clock.
11 My staff and I have been going since early
12 this morning to resolve our docket and I think it's
13 getting to be inhuman for me, inhumane for me to make
14 them go beyond an hour. I mean, beyond one o'clock
15 at this time and the jury has been sitting. So we
16 are going to take a luncheon recess until two
17 o'clock.
18 Ladies and gentlemen, I'm going to try to
19 start this case just as close to two o'clock. In
20 fact, be advised that I will be sitting on this bench
21 at two o'clock. Now, I don't know where everyone
22 else is going to be at two o'clock, but I'm going to
23 be sitting right here at two o'clock and at that time
24 I know that I'm going to turn on that little button
25 and it will record who else is present at two o'clock

1 very good friend Jay?
2 A I wasn't thinking about Jay at that time,
3 no.
4 Q You were only thinking about yourself?
5 A Yea.
6 MS. GUTIERREZ: That's all.
7 THE COURT: Do you have any brief questions
8 or are you going to be awhile?
9 MS. MURPHY: I have a few. I can probably
10 do it in about ten minutes worth if you want to take
11 a break or whatever.
12 THE COURT: At this time we would normally
13 take an hour lunch break until two o'clock. So I
14 suggest that we do that at this time. It is one and
15 we've been sitting for sometime. I'm going to ask
16 that ladies and gentlemen you put your note pads --
17 MR. URICK: May we approach before we
18 break?
19 THE COURT: I know what you're going to say
20 that there is a scheduling problem.
21 MR. URICK: Yes, which we brought to the
22 Court's attention Friday.
23 THE COURT: It has already been brought to
24 my attention and there's nothing we can do about it.
25 We are now at one o'clock and if there are -- is a

1 when I am here at two o'clock.
2 And with that said, ladies and gentlemen,
3 I'm going to ask that you have a wonderful lunch and
4 ask that you be back just a moment or two before two
5 o'clock because at that time I would like to start
6 this case again.
7 Leave your notepads face down. Please do
8 not discuss the testimony that you have heard today
9 and please be advised that I would like to go until
10 4:45 because at 5:00 o'clock I do have another
11 hearing and I'm going to ask that you return to the
12 jury room and as soon as we are ready to go at two
13 o'clock, we will resume this case. Have a wonderful
14 lunch. I will see you back at two o'clock.
15 Ms. Pusateri, let me advise you that you
16 are still a witness. You're on the stand and I know
17 there have been some scheduling difficulties but
18 there's nothing the Court could do and I have no idea
19 what time we're going to finish with you today. It
20 could be good news for you. It could be bad news but
21 I do not know. With that said, I must tell you you
22 are ordered to be back here at two o'clock at which
23 time you are welcome to come into the courtroom and
24 have a seat on that witness stand so that I will know
25 at least you're here and we will resume.

<p style="text-align: right;">Page 152</p> <p>1 You cannot discuss your testimony with the 2 State or the defense or with anyone else because you 3 are still a sequestered witness. Do you understand? 4 THE WITNESS: Yes. 5 THE COURT: Very well. You are excused to 6 lunch until two o'clock. 7 MS. MURPHY: With regard to the scheduling 8 problem, Your Honor, would the Court be willing to 9 assist us in perhaps making a phone call so that 10 someone does not suffer -- 11 THE COURT: Yes, Ms. Pusateri, if you would 12 like me to make a phone call to your professor or 13 anyone else regarding any exam you may have -- 14 THE WITNESS: Yes. 15 THE COURT: -- you let me know when you 16 need me to make that call. I will tell you I will 17 recess court to make the call or I will make the call 18 over my lunch break. 19 THE WITNESS: Yes, if you would do that. 20 THE COURT: If you go around to Judge 21 Gordy's chambers, Cindy is seated there. She is the 22 the secretary. You can give her the name and the 23 information or if you'd like there's a pad and pen 24 right at the end of this table. 25 THE WITNESS: I have to go get the</p>	<p style="text-align: right;">Page 154</p> <p>1 THE COURT: You don't mind making this 2 objection outside the presence of your client? 3 MS. GUTIERREZ: No, Your Honor. 4 THE COURT: Who is on his way -- 5 MS. GUTIERREZ: Yes. 6 THE COURT: -- here? 7 MS. GUTIERREZ: Yes. We discussed this 8 before. There may be evidentiary issues that I raise 9 outside of his presence. He has consented to that. 10 I will note that they want predistribution of State's 11 Exhibit 34 which is -- 12 THE COURT: Well, actually it's not State's 13 Exhibit 34. It is a blank copy of the -- 14 MS. GUTIERREZ: Right. 15 THE COURT: Because State's Exhibit 34 is 16 is in evidence and it has writing on it. 17 MS. GUTIERREZ: Yes, but they want 18 distributed blank copies that the jurors may or may 19 not have notes on them -- 20 THE COURT: Right exactly. 21 MS. GUTIERREZ: I believe they numbered 22 them. It has been distributed to them on occasions 23 when both the State has used that exhibit -- 24 THE COURT: Exactly. 25 MS. GUTIERREZ: -- and we've used that</p>
<p style="text-align: right;">Page 153</p> <p>1 information. It's in my car. 2 THE COURT: If you will return to that 3 room, can you remember this, room 343? 4 THE WITNESS: 343. 5 THE COURT: That is my chambers. That's on 6 the third floor. 7 THE WITNESS: With the information. 8 THE COURT: With the information I'll be 9 there. 10 THE WITNESS: Yes. 11 THE COURT: Very well. 12 MS. MURPHY: Thank you very much, Your 13 Honor. 14 THE COURT: This Court stands in recess 15 then until 2:00 o'clock and, Officer Gilmore, I am 16 going to advise you that I will be here at two 17 o'clock and if you bring Mr. Syed here at two 18 o'clock, that would make me very happy. This Court 19 will stand in recess then until two o'clock. 20 (Whereupon the Court recessed, following 21 which the proceedings in this matter resumed:) 22 THE COURT: We're on the record now. 23 MS. GUTIERREZ: Judge, I am going to object 24 to the predistribution to the jury prior to Ms. 25 Murphy beginning the redirect of this witness.</p>	<p style="text-align: right;">Page 155</p> <p>1 exhibit. I would object to it on the scope grounds 2 of the cross examination of this witness. I will 3 note that I asked no questions using this exhibit. I 4 remember I asked some questions related to did she 5 have a cell phone and most of the questions that I 6 asked were related to did -- you know, when she saw 7 the cell phone which were covered on direct, but I 8 don't believe that there's any question that I asked 9 that related to this. So I would not want it 10 presumptively given to the jurors by it being passed 11 out that there's something important there and then, 12 in fact, if the scope objection is granted the jurors 13 getting the mistaken misleading impression that 14 something is being hidden from them since I haven't 15 heard anything. Those are my grounds for objection. 16 THE COURT: Ms. Murphy. 17 MS. MURPHY: Your Honor, the reason for 18 using this exhibit at this point would be to clarify 19 some points that were brought up on cross examination 20 regarding pages to Ms. Pusateri and whether the calls 21 came to her house or to her pager and the use of the 22 caller I.D. Because the witness is present, I'm not 23 going to proffer what I believe she would say but I 24 think the use of the exhibit will help make it 25 clear. I do believe this issue was raised on cross</p>

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11 out that there's something important there and then,
12 in fact, if the scope objection is granted the jurors
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14 something is being hidden from them since I haven't
15 heard anything. Those are my grounds for objection.

16 THE COURT: Ms. Murphy.

17 MS. MURPHY: Your Honor, the reason for
18 using this exhibit at this point would be to clarify
19 some points that were brought up on cross examination
20 regarding pages to Ms. Pusateri and whether the calls
21 came to her house or to her pager and the use of the
22 caller I.D. Because the witness is present, I'm not
23 going to proffer what I believe she would say but I
24 think the use of the exhibit will help make it
25 clear. I do believe this issue was raised on cross

1 examination and I believe the State should have the
2 ability to clarify it in the ways available to it.

3 THE COURT: Ms. Gutierrez.

4 MS. GUTIERREZ: Judge, she testified she
5 wasn't shown. She was just told about records.
6 There's no evidence establishing that this is an
7 exhibit that she in any way shared or viewed records
8 or reviewed anything. I think it's an improper use
9 of the exhibit. I believe it's misleading. I also
10 believe it is still beyond the scope.

11 THE COURT: I do have an inquiry. Has this
12 witness seen that exhibit before?

13 MS. MURPHY: I believe the witness has seen
14 the State's --

15 THE COURT: Blank version.

16 MS. MURPHY: Blank version when we
17 discussed identification of various phone numbers.

18 THE COURT: Okay. And if I'm not mistaken
19 State's Exhibit number 34 is a composite of a number
20 of other exhibits which through the course of the
21 trial have been identified, correct?

22 MS. MURPHY: That's correct.

23 THE COURT: And there are specific lines of
24 State's Exhibit number 34 that you're going to direct
25 her attention to?

1 MS. MURPHY: Yes, Your Honor.

2 THE COURT: Relative to this witness?

3 MS. MURPHY: Yes, and relative to the cross
4 examination.

5 THE COURT: Okay. I will allow it but I
6 will not allow the distribution of the exhibit
7 because I would say at this point the notes that the
8 jurors may have made on the exhibit at this point are
9 not going to be relevant to any questions you're
10 going to ask because you're not going to ask her to
11 add anything to the exhibit, correct?

12 MS. MURPHY: Correct.

13 THE COURT: And you're just going to say do
14 you recognize any numbers, correct? I mean in --

15 MS. MURPHY: May I make reference to the
16 time of day it is?

17 THE COURT: Right. You may ask those kinds
18 of questions.

19 MS. MURPHY: As long as the jury is
20 oriented to generally what I'm talking about, that
21 would be fine, Your Honor. I mean, as to time and
22 call number that would probably be sufficient and I
23 don't intend to spend a lot of time on this point
24 anyway and that's why I suggested that we go ahead
25 and pass them out just so as not to spend a lot of

1 time.

2 THE COURT: All right, I see your point. I
3 will allow you to distribute the exhibit. I'm going
4 to overrule your objection, but I am going to limit
5 the State only to the extent that the questions are
6 directly related to this witness and numbers she can
7 identify by specific lines.

8 MS. GUTIERREZ: Well then Judge I would ask
9 that they not be predistributed. That they only be
10 distributed at that point where she --

11 THE COURT: That's fine.

12 MS. GUTIERREZ: -- she gets there and
13 establishes that.

14 THE COURT: I have no problem with that.
15 It's just a time thing, but if the defense is just
16 saying for the point of the question coming about,
17 the timing of the distribution of papers I have no
18 problem with that and I ask the State to just
19 distribute it at the particular time and, Ms. Murphy,
20 I appreciate your attempt to be more efficient and
21 it's noted.

22 MS. MURPHY: Your Honor, I plan to start
23 with that issue and that was --

24 THE COURT: Well, we'll do it as they come
25 in.

1 MS. MURPHY: All right.

2 THE COURT: Or as you start your first
3 question.

4 MS. MURPHY: Thank you.

5 THE COURT: Whatever. But we will do that
6 and at this point as soon as Mr. Syed gets here, we
7 will be able to start. I would also ask Mr. White, I
8 am directing Mr. White where it says alternate number
9 one her notes in the right hand corner, would you put
10 a six under there, juror number six on the top in the
11 event we have a --

12 THE CLERK: She changed hers yesterday.

13 THE COURT: She did change it? Okay, good.
14 She changed it herself. Sometimes I don't get Mr.
15 White as the clerk and he is very diligent in making
16 sure that mistakes like that don't happen. What I
17 don't want is for juror number six to get old juror
18 number six's notes because again these exhibits were
19 used only for the purpose of assisting them to follow
20 along with the testimony.

21 MS. GUTIERREZ: Judge, since we're waiting
22 I thought I would bring this up. I understand from
23 what you said that Ms. Benaroya would be calling your
24 chambers every morning.

25 THE COURT: Yes.

1 MS. GUTIERREZ: I haven't heard -- I can't
2 quite tell, but it appears clear to me that the
3 State's case is going to take us through tomorrow. I
4 do have some out of town witnesses that we had to
5 fuzzle. So I want to be prepared for Friday.

6 THE COURT: You want her Friday?

7 MS. GUTIERREZ: That would be fine, and you
8 know but since she's here based on your assertion
9 that they have four witnesses and who the other three
10 witnesses are, I think we have a shot at finishing
11 them on Thursday. If not, in the morning on Friday.
12 So I would ask that Ms. Benaroya, whom I've been
13 unable to reach, I've left messages, be available on
14 Friday afternoon.

15 THE COURT: Okay.

16 MS. GUTIERREZ: Because some of my
17 witnesses are coming from out of town on a holiday, I
18 have arranged for them to arrive on Tuesday or to be
19 available for Tuesday.

20 THE COURT: Okay.

21 MS. GUTIERREZ: And so I need to have my
22 available witnesses to be around and Ms. Benaroya
23 would be someone I intend to call.

24 THE COURT: All right, very well. I will
25 have her available Friday afternoon; is that

1 correct?

2 MS. GUTIERREZ: Yes, I think that's
3 correct. I do have some other --

4 THE COURT: If I tell her one o'clock?

5 MS. GUTIERREZ: Yes, I think that's fine.

6 THE COURT: All right, Mr. White, can you
7 call my chambers and tell my secretary to advise Ms.
8 Benaroya when she calls tomorrow morning to be here
9 Friday at one o'clock. That her testimony would be
10 needed Friday at one o'clock.

11 And did you get the information that you
12 needed from Ms. Benaroya about the date?

13 MS. GUTIERREZ: No, Judge. I have made
14 efforts to call her.

15 THE COURT: Ask Ms. --

16 MS. GUTIERREZ: As I told you my last
17 conversation with her was that if she couldn't reach
18 me to leave just the date with your chambers.

19 THE COURT: Ask Ms. McCoy if she has
20 received any messages from Ms. Benaroya that she
21 should bring them to my -- to the courtroom right
22 now, yesterday or today. Any messages that she has
23 received from Ms. Benaroya from yesterday or from
24 today she needs to bring them to this courtroom now.
25 Thank you, Mr. White. Thank you very much Deputy

1 Sheriff for refilling our water cooler and if you
2 could bring the jury out.

3 (Whereupon, the jury entered the courtroom,
4 after which the following proceedings ensued:)

5 THE COURT: Please be advised that the
6 scheduling problem with the witness has been
7 alleviated and so you may proceed. At this time I
8 would remind Ms. Pusateri you are still under oath.
9 Welcome the jury back from lunch. Ms. Murphy, the
10 witness is with you for redirect.

11 MS. MURPHY: Thank you, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. MURPHY

14 Q Ms. Pusateri, you stated your address is
15 1208 McAdoo Avenue?

16 A Yes.

17 Q Can you describe generally where that is?

18 A Off of Baltimore National Pike between
19 Johnnycake Road and Cooks Lane, close to Garland's
20 off of Ingleside Avenue.

21 Q Close to, I'm sorry?

22 A Close to Garland's around Ingleside.

23 MS. MURPHY: Your Honor, at this time I
24 would ask if the jurors' copies of State's Exhibit 34
25 could be distributed.

1 A That's Jay's number.
 2 Q Okay. And 31?
 3 A That's my home number.
 4 Q Okay. And any others?
 5 A 30, 26, they're both home. 23, that's a
 6 friend of mine and Jay's.
 7 Q Okay. And who is that?
 8 A Patrice.
 9 Q And any others?
 10 A 12.
 11 Q And what number is that?
 12 A My pager.
 13 Q Okay.
 14 A And that's it.
 15 Q Okay. I'll ask you to look at call number
 16 22?
 17 A Yes.
 18 Q Is that call familiar?
 19 A Yes.
 20 Q And what is that?
 21 A That's to my house.
 22 Q Okay. And how about calls 8 and 9?
 23 MS. GUTIERREZ: I'm going to object. These
 24 are leading questions. She has already identified
 25 the numbers that she knows.

1 THE COURT: All right, sustained as to the
 2 leading nature of the question, but you can reword
 3 the question if you would like.
 4 Q Were there any other numbers, Ms. Pusateri,
 5 that you recognize?
 6 A Starting with which one?
 7 MS. GUTIERREZ: Objection.
 8 THE COURT: The question is do you
 9 recognize any others and if you recognize any others
 10 then you have to indicate to her what they are? You
 11 don't get to ask her questions.
 12 THE WITNESS: All right.
 13 THE COURT: Okay.
 14 THE WITNESS: Well 23, 22, right? 12, 9,
 15 8.
 16 THE COURT: You're using the numbers on the
 17 far left to identify the line?
 18 THE WITNESS: Yes.
 19 THE COURT: Okay.
 20 Q Now, you said 9 and 8. What are those
 21 numbers?
 22 A That's my pager.
 23 Q Now, going back to when Ms. Gutierrez asked
 24 you about the times on January 13th when Jay Wilds
 25 paged you?

1 A Uh-huh.
 2 Q Where were you when you received those
 3 pages?
 4 A Depending on the time I was either at my
 5 house, in the car picking up my parents, or at work.
 6 Q On any other day besides January the 13th
 7 had you ever received a page to the cell phone number
 8 that you called on that day?
 9 A No.
 10 MS. MURPHY: Your Honor, I'm finished with
 11 those exhibits at this point if the Court would like
 12 to --
 13 THE COURT: Ladies and gentlemen, if you
 14 will pass the exhibits back. Ms. Gutierrez, do you
 15 think or anticipate that you'll need them?
 16 MS. GUTIERREZ: No.
 17 THE COURT: Pass them back.
 18 MS. GUTIERREZ: Well, actually yes.
 19 THE COURT: All right. Well, why don't you
 20 still pass them back to the end and we'll give them
 21 back to you. Just rest them in that chair, that's
 22 fine. Pass them up to the front. There's an empty
 23 chair next to alternate number three. He can let
 24 them sit there and if we need them back we can
 25 redistribute them. Thank you very much. Your next

1 question, Ms. Murphy.
 2 MS. MURPHY: Thank you, Your Honor.
 3 Q Ms. Pusateri, does your friendship with Jay
 4 Wilds remain the same after January the 13th?
 5 A Pretty much.
 6 Q When you described on cross examination
 7 that you exaggerated the relationship, can you
 8 explain that?
 9 A Just -- like it's just when everyone refers
 10 to him as my very, very close friend, I don't really
 11 feel that that's correct. So I guess when I
 12 exaggerated I meant that he's not necessarily my
 13 very, very, very close friend. He's just a good
 14 friend of mine and that's it.
 15 Q Were your words to the police an
 16 exaggeration?
 17 A No, not exactly. It was just an
 18 explanation to the police.
 19 Q So is it fair to say that your description
 20 that Ms. Gutierrez read to you of your relationship
 21 with Mr. Wilds is pretty accurate?
 22 A Pretty accurate. We're good friends.
 23 Q But he's not your boyfriend?
 24 A No.
 25 Q Never has been?

1 A No.
2 Q Now, you also testified on cross
3 examination that you didn't know the date January
4 13th apart from any other day until the detectives
5 pointed that day out?
6 A Right.
7 Q When you woke up that morning did you know
8 someone was going to tell you about a murder?
9 A No.
10 Q So is it fair to say that you weren't
11 really keeping track of time as the day went by?
12 A Yes.
13 Q Is it fair to say most of your frame of
14 reference comes from your daily schedule?
15 A Yes.
16 Q And you testified earlier that you don't
17 really know what time Jay got there?
18 A Right.
19 Q Do you recall also telling the police that
20 Jay left anywhere between 2:30 and 4:15?
21 A Yes.
22 Q And you simply aren't sure when?
23 A Not exactly, no.
24 Q You were also asked on cross examination
25 whether what you know all came from Jay?

1 Q How is that?
2 A Because I speak to Jay on the phone on a
3 normal basis and I know what his voice sounds like on
4 the phone.
5 Q Now, when Jay came to your house on January
6 13th you saw the car he was driving with your own
7 eyes; is that right?
8 A Yes.
9 Q And when picked Jay up at Westview Mall
10 that night you saw that with your own eyes also?
11 A Yes.
12 Q And you saw the defendant with Jay Wilds?
13 A Yes.
14 Q With your own eyes?
15 A Yes.
16 Q And that wasn't something told to you?
17 A No.
18 Q Where was the defendant when you saw him?
19 A In the car.
20 Q Can you say whether that car was the same
21 car Jay was driving earlier?
22 A Yes, it was.
23 Q How long did that meeting last?
24 A Not long at all, five, ten minutes.
25 Q But are you certain that it was the

1 A Right.
2 Q Is it true that when you returned that page
3 to Mr. Wilds you heard the person you describe answer
4 that phone with your own ears?
5 A Yes.
6 Q It wasn't something Jay Wilds told you
7 about?
8 A No.
9 Q Was the voice clear?
10 A Yes.
11 Q Can you describe that voice?
12 A It was a male's voice, like an older male,
13 not like a young kid or nothing like that but not
14 like a --
15 Q What do you mean by older?
16 A Like he had a deeper voice than if he was
17 younger.
18 Q Well, older and younger are relative
19 terms. Can you --
20 A I don't know. I would say someone that I
21 would like normally talk to around my age.
22 Q Anything else about that voice?
23 A Not distinctly, no.
24 Q Are you certain that it was not Jay Wilds?
25 A Yes.

1 defendant you saw driving it?
2 A Yes.
3 Q You testified a little bit on cross
4 examination about a conversation you had with K [REDACTED]
5 and Jeff?
6 A Yes.
7 Q When Jay and Adnan were at their apartment?
8 A Yes.
9 Q Can you tell the the ladies and gentlemen
10 about that conversation?
11 A Yea, I just called K [REDACTED] just to talk to
12 her.
13 Q About what time was that, if you know?
14 A Oh, it would probably be between 6:30 and
15 7:00 because I had just eaten dinner. So after I had
16 eaten dinner, it had to be around 6:30, 7:00
17 o'clock. I remember K [REDACTED] was watching Judge Judy
18 and I think that comes on around 6:30. So we were
19 just talking on the phone.
20 She had asked me who this guy was that Jay
21 had brought into her house. She had told me that he
22 had mentioned something about how to get rid of a
23 high and he just kind of like came in and laid down
24 on her floor and she didn't understand what was wrong
25 with him and he was acting kind of weird and then he

1 got on a cell phone talking about the police or
2 something like that she said to me. She said what is
3 this guy talking about because K [REDACTED] was paranoid a
4 little bit about some of the activity that was going
5 on in her house, you know, smoking weed or whatever.
6 So she didn't really appreciate anyone in her house
7 on the phone talking about the police. So she was
8 concerned about that. She wanted to know who this
9 guy was.

10 Q Did you know who it was?

11 A No, I didn't know like -- I mean, I'm
12 saying I told her that it was probably Adnan because
13 Jay had told me that he was with Adnan earlier that
14 day. So I just assumed. I'm saying like K [REDACTED] gave
15 me a description of the guy that was in her house and
16 I just was like, oh, it must be Adnan.

17 Q Were you under the impression this was
18 happening right about the time you talked to her?

19 A Yea, I'm saying she said that it was
20 happening at the time that I was talking to her. She
21 was telling me what was going on in the room while I
22 was on the phone with her, and then she said that
23 while me and her were still on the phone Jay and
24 Adnan just kind of got up and just like left out of
25 the house very abruptly. I'm thinking that Jay left

1 his cigarettes and something else there, I believe
2 she had told me. So she thought that they were
3 coming back in the house. Then she also said that
4 for a moment there was a car sitting out front of the
5 house with people in it, but you know that it -- what
6 she thought was that they had went out of her
7 apartment.

8 MS. GUTIERREZ: Objection to what she
9 thought.

10 THE COURT: Sustained.

11 Q When you spoke to K [REDACTED] on the night of
12 the 26th --

13 A Uh-huh.

14 Q -- when the Homicide detectives first
15 approached you, did she make reference to that night?

16 A K [REDACTED]?

17 Q K [REDACTED].

18 A Meaning?

19 MS. GUTIERREZ: The 26th, I would object on
20 hearsay grounds.

21 THE COURT: Can you restate your question.

22 Q You were asked on cross examination whether
23 K [REDACTED] questioned you about the detectives coming
24 to you? What did K [REDACTED] ask you?

25 MS. GUTIERREZ: Objection.

1 THE COURT: On what date?

2 MS. MURPHY: On the 26th.

3 THE COURT: Are you objecting to that?

4 MS. GUTIERREZ: Yes.

5 THE COURT: Sustained.

6 MS. MURPHY: Nothing further, Your Honor.

7 THE COURT: Thank you very much. Any
8 recross?

9 MS. GUTIERREZ: Yes, Judge, and I would ask
10 that these copies be handed out again.

11 THE COURT: If the alternate would be so
12 kind as to just pass the pile back and if the jurors
13 would take the one that represents the number of the
14 copy of exhibit number 34 where you have been making
15 your notes.

16 RECROSS EXAMINATION

17 BY MS. GUTIERREZ

18 Q Ms. Pusateri, the cell phone that you saw
19 sitting on the coffee table you had never seen
20 before, did you?

21 A No.

22 Q And you had no knowledge from yourself and
23 your own personal knowledge whose phone it was --

24 MS. MURPHY: Objection.

25 Q -- did you?

1 MS. MURPHY: As to scope.

2 THE COURT: Overruled.

3 Q Did you?

4 A No.

5 Q No. And when you were asked to look at --
6 let us look down to line 34, that number [REDACTED].
7 that's your phone, right?

8 A At number 31, yes.

9 Q Is that right? That's your phone?

10 A That's my home line, my parents' phone.

11 Q A land line --

12 A They pay the bills.

13 Q -- is it not?

14 A Yes.

15 Q It's not a cell phone?

16 A No.

17 Q Is it? It's what we call a hard line; is
18 that right?

19 A Sure.

20 Q And this chart -- and you've identified it,
21 that call was made at 12:07?

22 A Yes.

23 Q And at 21 seconds?

24 A Yes.

25 Q The next line. That means that if you look

<p style="text-align: right;">Page 176</p> <p>1 up at the top of the call the duration, so that phone 2 call was for 21 seconds; is that right? 3 A Right. 4 Q From this chart you can't tell who was at 5 your address? 6 A No one answered the phone. There was a 7 message left. 8 Q Okay. But you can't tell, ma'am, from this 9 chart if anybody was home? 10 MS. MURPHY: Objection. 11 Q Can you? 12 A From the chart, no. 13 Q No. 14 THE COURT: The objection is overruled. 15 Q And you can't tell if someone was home who 16 might have answered it, can you? 17 A Not from the chart, no. 18 Q Not from the chart. And it doesn't tell 19 you if that 21 seconds represents a phone call, does 20 it? 21 A No. 22 Q That was actually received by someone? 23 A Right. 24 Q In which people actually talked? 25 A Right.</p>	<p style="text-align: right;">Page 178</p> <p>1 A No. 2 Q Right. And once again you can't tell from 3 any information on that chart whether anybody 4 answered the phone, could you? 5 A Not from the chart. 6 Q Not from the chart. And you, of course, 7 from the chart can't tell if anybody was at your home 8 when that phone rang, can you? 9 A Not from the chart, but I know I was there. 10 Q But you can't tell from the chart? 11 A Not from the chart. 12 Q No. Now, ma'am, on line 26 that's again 13 the hard line, is it not? 14 A Yes. 15 Q And that indicates a duration of -- 16 A 42 seconds. 17 Q 42 seconds? 18 A Yes. 19 Q And you didn't provide that information, 20 did you? 21 A No. 22 Q And you don't know where that information 23 came from, do you? 24 A No. 25 Q And once again that's your land line,</p>
<p style="text-align: right;">Page 177</p> <p>1 Q And if they actually talked, who they were? 2 A Right. 3 Q And the next line if you go up on 30, that 4 is also that same hard line that's in 31, is it not? 5 A Yes. 6 Q And under the duration column it says one 7 minute and 21 seconds, right? 8 A Yes. 9 Q And you don't know where that one minute 10 and 21 seconds information came from, do you? 11 A Where it came from? 12 Q Yes, ma'am. 13 A No. 14 Q You didn't provide that information, did 15 you? 16 A No. 17 Q And as you told us you weren't asked to 18 ever look at phone records, were you? 19 A No. 20 Q Not yours? 21 A No. 22 Q Not anyone's? 23 A No. 24 Q You were never asked even to produce your 25 own phone records, were you?</p>	<p style="text-align: right;">Page 179</p> <p>1 right? 2 A Yes. 3 Q And nothing in the chart indicates who was 4 home, does it? 5 A No. 6 Q And if it was answered who answered it? 7 A Right. 8 Q And if the call was made who made it? 9 A Right. 10 Q And if you go up again you identified line 11 23 as a number that you recognized, right? 12 A Yes. 13 Q And you identified it as the number of 14 Patrice Furlow? 15 A Yes. 16 Q There's also Patrick [REDACTED], is there not? 17 A Yes. 18 Q And Patrick [REDACTED] is somebody that you and 19 Jay know, is it not? 20 A Yes. 21 Q And that is a person from whom you and Jay 22 get weed, is it not? 23 A No, not anymore. 24 Q Do you recall that day, this day, the 13th, 25 that this chart appears to indicate some things</p>

1 happened as a day when you were at all concerned
2 about getting weed?
3 A What? Was I worried about getting weed on
4 that day?
5 Q On that day, do you recall that?
6 A No, I don't know if I was trying to get
7 weed or not.
8 Q And that's not something that you ever
9 mentioned to Detective MacGillivray?
10 A No.
11 Q Either at the time that he took notes on
12 the Friday night or on the Saturday night in the tape
13 recorded statement, right?
14 A Right.
15 Q And you also -- you don't recall that you
16 got lots of calls from Jay in regard to tracking down
17 some weed?
18 A No, Jay wouldn't call me to get any weed.
19 Q Because he knew how to get it on his own?
20 A Right.
21 Q And he knew how to get in touch with the
22 people that you knew that he got weed from, right?
23 A Right.
24 Q And he wouldn't call you to track them
25 down?

1 there, does it?
2 A No.
3 Q And it doesn't tell you if you answered
4 that phone, does it?
5 A No.
6 Q And it doesn't tell you if anybody answered
7 that phone, does it?
8 A Right.
9 Q Ms. Pusateri, if you would go back up to
10 12, 9, and 8. That number [REDACTED], that's your
11 pager number, right?
12 A Right.
13 Q And that's the pager as distinct from the
14 land line in your home, right?
15 A Right.
16 Q That's the pager that you can't answer and
17 speak to, right?
18 A Right.
19 Q It has no phone mechanism --
20 A No.
21 Q -- attached to it, does it?
22 A No.
23 Q All you can do is leave a message on that
24 pager?
25 MS. MURPHY: Objection.

1 A No.
2 Q And he wouldn't call you to track down
3 Patrice [REDACTED]?
4 A No.
5 Q Or Patrick [REDACTED]?
6 A No.
7 Q And if he said that he did, then he
8 wouldn't be telling the truth would he?
9 A I don't know.
10 Q You don't know, okay. Now, if you'd move
11 up again on line 22. That's again the land line,
12 right?
13 A Yes.
14 Q And the duration says 28 seconds, right?
15 A Yes.
16 Q And it says that the call time was 4:12,
17 does it not?
18 A Yes.
19 Q Now, that was as close as it gets to the
20 time that you always every work day leave to go get
21 your parents?
22 A Right.
23 Q Is it not? Is that not right?
24 A Right.
25 Q And this chart doesn't tell you if you were

1 Q Isn't that right?
2 THE COURT: Sustained.
3 Q Ms. Pusateri, you've told us that you had
4 made plans with Jay Wilds to meet up with him
5 sometime after six, right?
6 A Right.
7 Q And that you, even though you had this
8 confusion about the message and where it was you were
9 going to pick him up or hook up with him, you, in
10 essence, waited at your house until you got through
11 and got that stuff settled, right?
12 A Right.
13 Q Until you got the alternate information
14 that you would pick him up at Value City, right?
15 A Right.
16 Q And so you would have been available from
17 the time you returned from picking up your parents at
18 your home, right?
19 A Yes.
20 Q And available on your land line, right?
21 A Yes.
22 Q And if someone knew that that's where you
23 were that's where they would have called you, would
24 they have not?
25 A No.

1 Q They would have called you on your pager?
 2 A Very often I get pages instead of land line
 3 phone calls, yes.
 4 Q All of the phone calls made up to the time
 5 when you went to pick up your parents, every single
 6 one of them that involves you was made on the hard
 7 line, was it not?
 8 A Yea.
 9 Q Okay. And the three telephone calls, one
 10 was made at seven o'clock if you look at 1 and 12?
 11 A Yes.
 12 Q For 23 seconds?
 13 A Yes.
 14 Q This chart can't tell you where you were
 15 when that pager was made --
 16 A Right.
 17 Q -- can it? And it can't tell you on line
 18 nine, the phone call that lasted for 32 seconds,
 19 where you were, right?
 20 A Right.
 21 Q Or the call on line 8 the pager for 13
 22 seconds, it can't tell us where you were, right?
 23 A Right.
 24 Q But all of those times 8:05, 8:04, and 7:00
 25 o'clock were all times from what you just told us

1 today were times when you were at your house, right?
 2 A Right.
 3 Q Waiting to go pick up Jay, right?
 4 A I was getting ready waiting for him to call
 5 me so I could find out when we were going to go out.
 6 Q To call you?
 7 A Right, get in touch with me, let me know
 8 how --
 9 Q You hadn't told him --
 10 A Get in touch with me.
 11 Q -- don't call me on my land line, had you?
 12 A No.
 13 Q You hadn't told him only reach me on my
 14 pager because you won't know where I am, had you?
 15 A He wouldn't know where I was at. So if he
 16 wanted to get in touch with me, he would rather page
 17 me than use the land line.
 18 Q That's what he would rather do?
 19 A Right.
 20 Q And did he tell you that on the 13th?
 21 A No, but that's how it always is.
 22 Q Did he tell you that on the 13th?
 23 A Not on the 13th.
 24 MS. MURPHY: Objection.
 25 Q Did he tell you that after the 13th?

1 THE COURT: Sustained.
 2 Q Did he tell you that after the 13th?
 3 A That's just how it is.
 4 Q That's just how it is?
 5 A It's never been said.
 6 Q Now, some of the calls that you've been
 7 asked about you told us you remember came from Jay,
 8 right?
 9 A Right.
 10 Q Including the calls on the residence number
 11 that occurred before four o'clock, right?
 12 A Right.
 13 Q You recall talking to K [REDACTED] while Judge
 14 Judy was on?
 15 A Right.
 16 Q And that's something that you watch?
 17 A Uh-huh.
 18 Q And were you watching it at the time that
 19 you talked to K [REDACTED]?
 20 A I don't remember.
 21 Q You don't remember that?
 22 A No.
 23 Q You heard Judge Judy on her phone?
 24 A We were talking about what was going on
 25 with Judge Judy, yea.

1 Q Oh, and she mentioned, oh, Judge Judy is
 2 on?
 3 A Yea.
 4 Q Okay. Your recollection is that Judge Judy
 5 came on about 6:30 then?
 6 A I think so, 6:30.
 7 Q 6:30 to 7:00?
 8 A I think it comes on like twice. I think
 9 6:30 to 7:00 and maybe 7:00 to 7:30 or 7:30 to 8:00
 10 or somewhere in between there.
 11 Q So the phone call could have been about
 12 either one of those times?
 13 A No, the phone call was between 6:30 and
 14 7:00.
 15 Q And you're sure about that?
 16 A Yea.
 17 Q Now, the conversation with K [REDACTED] was
 18 independent of anything that had happened with Jay?
 19 A Yes.
 20 Q You weren't looking for Jay?
 21 A No.
 22 Q And you weren't so concerned about your
 23 friend's abnormal behavior that you asked her about
 24 that, did you?
 25 A She told me about his behavior.

1 Q Well, I thought you said she told you about
2 Adnan's behavior?
3 A She told me about both of their behavior.
4 Q And she described it as abnormal?
5 A Yes.
6 Q And weird?
7 A Yes.
8 Q And did she specifically describe what it
9 was they did that made her describe it as abnormal?
10 A Yes.
11 Q And did she say he was high?
12 A She said that he asked how to get rid of a
13 high so --
14 Q Did she say that he was high, that she
15 observed that?
16 A No, I don't think so.
17 Q Now, the meeting that Ms. Murphy asked you
18 about when she was asking you about the time at Value
19 City in Westview Mall, Adnan, did he get out of the
20 car?
21 A I don't think so, no.
22 Q Did he wait while Jay got into your car?
23 A I don't know.
24 Q And did you hold a major conversation
25 through your window to him?

1 A We spoke. He said hey what's up.
2 Q He said hey what's up?
3 A Yea, I said hey, what's up.
4 Q And you spoke back?
5 A Yea.
6 Q You didn't say to him, oh, what's up is
7 that our friend is really acting weird, did you?
8 A No.
9 Q And there wasn't any information conveyed,
10 was there?
11 A No.
12 Q It was really just a greeting, wasn't it?
13 A That's exactly what it was.
14 Q It isn't what you would call a meeting,
15 would it?
16 A No.
17 Q You didn't meet with him?
18 A No.
19 Q And he answered you or you answered him
20 when he said what's up?
21 A Yea.
22 Q And did you give him any information?
23 A Information, no.
24 Q Did you just answer like hi nothing's up?
25 MS. MURPHY: Objection.

1 THE COURT: Sustained.
2 Q In your answer to him did you convey any
3 information?
4 MS. MURPHY: Objection.
5 THE COURT: Sustained.
6 Q About what was up?
7 MS. MURPHY: Objection.
8 THE COURT: Sustained.
9 Q And that's the meeting that you answered
10 Ms. Murphy took five to ten minutes?
11 A I'm saying in all of the time between Jay
12 getting out of the car and coming in and getting in
13 my car we were probably in the parking lot in the
14 spot for about five minutes, yes.
15 Q The whole thing took five minutes?
16 A Yes.
17 Q Not just that little part where he said hey
18 what's up?
19 A Right.
20 Q Whether or not you answered?
21 A What?
22 Q Whether or not you answered him?
23 A I answered him.
24 MS. MURPHY: Objection.
25 THE COURT: Sustained.

1 Q Now, whatever time Jay left your house in
2 the early afternoon and you would agree you told the
3 detectives several different things, did you not?
4 A Several different times, yes.
5 Q Several different times about what time he
6 left, right?
7 A Yes.
8 Q But whatever time he left he came after you
9 got home, right?
10 A Yes.
11 Q And during that time you personally
12 observed him, did you not?
13 A Yes.
14 Q And during the time that you observed him
15 it was your conclusion that he was not acting normal
16 based on what you observed?
17 MS. MURPHY: Objection.
18 Q Correct?
19 THE COURT: Sustained.
20 Q Now, you said and you were asked about the
21 exaggeration, do you recall that?
22 A Yes.
23 Q Okay. And the exaggeration was how you
24 described your relationship with Jay, right?
25 A Right.

1 Q When -- well, what you told them was what
2 words you chose?
3 A Right.
4 Q And when they tried to imply that maybe you
5 were girlfriend and boyfriend with Jay, your answer
6 in the words that you chose was not really?
7 A Was no, not really.
8 Q No, not really?
9 A No, not really.
10 Q Those were words that you chose and you
11 spoke, right?
12 A Right.
13 Q Nobody forced you to say that, did they?
14 A No.
15 Q Nobody suggested to you what words there
16 should be?
17 A No.
18 Q You chose the words further to describe him
19 as your very, very, very, very, I think you used
20 four, good friend. Again, those were words that you
21 chose?
22 A Yes.
23 Q Nobody forced you to?
24 A No.
25 Q Nobody selected the words for you?

1 A No.
2 Q Nobody suggested to you --
3 A No.
4 Q -- what was the relationship --
5 A No.
6 Q -- before you described it, did they?
7 A No.
8 Q And when you chose the words I would trust
9 him with my life, those were your choice of words?
10 A Yes.
11 Q Nobody threatened you or made you say some
12 words?
13 A No.
14 Q Nobody suggested what words you would use?
15 A No.
16 Q So nobody chose whatever exaggeration it
17 might be?
18 A Right.
19 Q You were asked about [REDACTED] McAdoo you
20 described as between off of Route 40 between, the
21 words you used were Cooks Lane and Johnnycake?
22 A Yea.
23 Q All right, now, Johnnycake Road cuts across
24 Route 40, does it not?
25 A Yes.

1 Q But once it cuts across it then goes upward
2 so that it actually runs parallel to run 40 for
3 awhile, does it not?
4 A Not on my side, no.
5 Q On the side where Garland's is, right?
6 A Johnnycake is not parallel, perpendicular.
7 Q At Garland's, Garland's is right below the
8 intersection of Ingleside, is it not?
9 A Yes.
10 Q And Johnnycake Road, is it not?
11 A Yes.
12 Q And at that corner Ingleside Avenue then
13 goes and crosses Route 40, does it not?
14 A Yes.
15 Q At a perpendicular angle, does it not?
16 A Yes.
17 Q But Johnnycake is thereupon running in
18 exactly the same direction but in a parallel location
19 to Route 40, is it not?
20 A I don't know. I'm confused.
21 Q Well, there is an intersection at which
22 Johnnycake and Ingleside are perpendicular to each
23 other, are they not?
24 A Yes.
25 Q They cross as a straight intersection,

1 right?
2 A Right.
3 Q And Ingleside Avenue goes over so that it
4 is again perpendicular to Route 40, right?
5 A Yes.
6 Q And that's just like a light away, isn't
7 it?
8 A Yes, there's a light in between two lights.
9 Q And at that light away that's the bottom of
10 Westview Mall, isn't it?
11 A Yes.
12 Q So the intersection is like this of
13 Ingleside and Route 40, right?
14 A Right.
15 Q And the intersection of Ingleside two
16 lights away is Ingleside and Johnnycake, is it not?
17 A Ingleside and Johnnycake.
18 Q Perpendicular to each other?
19 A Yes.
20 Q In exactly the same direction in which
21 Route 40 is?
22 A Ingleside runs parallel with 40.
23 Johnnycake runs perpendicular with 40.
24 Q Except that Ingleside ends up being
25 perpendicular to Route 40 at Route 40?

1 A At Route 40.
 2 Q Does it not?
 3 A Yes.
 4 Q And there's an intersection in which
 5 Ingleside and Johnnycake are running entirely
 6 different directions?
 7 A Yes.
 8 Q Right? Just like Route 40 and Ingleside
 9 are running entirely different directions, right?
 10 A Yes.
 11 Q And Cooks Lane is a street that intersects
 12 with Route 40, Baltimore National Pike, does it not?
 13 A Yes.
 14 Q And Cooks Lane at that intersection is
 15 inside of Baltimore City, is it not?
 16 A Yes.
 17 Q And the city line is actually between
 18 Johnnycake and Cooks Lane, is it not?
 19 A Yes.
 20 Q Up above Cooks Lane on Route 40 there's a
 21 big sign in the middle of the median, is there not?
 22 A Uh-huh.
 23 Q Is that a yes?
 24 A Oh, yes.
 25 Q That marks the end of Baltimore City, is it

1 not?
 2 A Yes.
 3 Q And you live on the same side of Route 40
 4 as Garland's would be if you took Johnnycake, not
 5 Ingleside, Johnnycake off of Route 40?
 6 A Yes.
 7 Q Yes. Well, are you just saying yes to get
 8 rid of it?
 9 A I have no idea where you're talking about.
 10 Q Do you understand the question?
 11 A I'm very confused.
 12 Q All right. Ms. Pusateri, you answered Ms.
 13 Murphy's question about your address, did you not?
 14 A Right.
 15 Q And you live at [REDACTED] McAdoo, right?
 16 A Right.
 17 Q And McAdoo is a street that ends up being
 18 perpendicular at some point to Route 40, does it not?
 19 A It's parallel to 40.
 20 Q Meaning Route 40 runs this way and McAdoo
 21 runs that way?
 22 A Parallel the same way, right.
 23 Q Okay. That's what I want to make sure.
 24 The same way, right?
 25 A Right.

1 Q And McAdoo doesn't intersect with Route 40,
 2 right?
 3 A Right, never.
 4 Q But Johnnycake, which is the road that you
 5 said was marking the one end of where your street
 6 was, Johnnycake is a road that does intersect with
 7 Route 40, isn't it?
 8 A Yes.
 9 Q And the intersection is below, meaning
 10 closer to the city, than the intersection of
 11 Ingleside?
 12 A Yes.
 13 Q Is that right?
 14 A (Indicating.)
 15 Q So Johnnycake would be further away from
 16 Westview Mall than Ingleside Avenue; is that right?
 17 A Yes.
 18 Q Johnnycake is where that intersection is
 19 closer to the city line, right?
 20 A Right.
 21 Q Than Ingleside is?
 22 A Right.
 23 Q And the other edge at which you said
 24 defined where your road is was Cooks Lane?
 25 A My road doesn't go all of the way to Cooks

1 Lane, no but --
 2 Q Well, I understand that but you said it was
 3 off of Route 40 between Johnnycake and Cooks Lane?
 4 A Yea, right.
 5 Q And Cooks Lane is already in the city,
 6 right?
 7 A Right.
 8 Q So it's even further away from Westview
 9 Mall, right?
 10 A Right.
 11 Q And your street, McAdoo, to get to it you
 12 have to take another street off of Route 40, do you
 13 not?
 14 A Yes.
 15 Q And then you turn off onto your road,
 16 right?
 17 A Right.
 18 Q And your road, is it closer to Johnnycake
 19 or closer to Cooks Lane?
 20 A Johnnycake.
 21 Q Johnnycake. And the name of this street
 22 that you take to get to your street?
 23 A From where?
 24 Q From Route 40.
 25 A It depends on what direction. I can take

1 Ingleside, Johnnycake or the one between Mr. Gee's
2 and the car wash.
3 Q Mr. Gee's is the --
4 A The ice cream place.
5 Q The ice cream, the sub place --
6 A Yes.
7 Q -- on the side? Right south of the
8 intersection of Johnnycake where it crosses?
9 A Right.
10 Q And the next one; is that right?
11 A Right, Ingleside or I could take Cooks
12 Lane, any of them.
13 Q Or you could take Cooks Lane. And if you
14 took Cooks Lane, you would come up?
15 A Right.
16 Q Right? And in terms of direction, just so
17 that we're clear, do you live on the same side of
18 Route 40 as Garland's --
19 MS. MURPHY: Objection.
20 Q -- is?
21 A I live --
22 THE COURT: I think we've answered this
23 question, but let's one more time. Do you live on
24 the same side of Route 40 as Garland's?
25 THE WITNESS: Yes.

1 Q Yes.
2 A I live three blocks from Garland's, three
3 blocks.
4 Q The place where you work?
5 A Yes.
6 Q The place where Nicole works?
7 A Yes.
8 Q The woman whom you spoke to about these
9 events?
10 MS. MURPHY: Objection.
11 THE COURT: Beyond the scope, but does
12 Nicole work there?
13 THE WITNESS: Yes.
14 MS. GUTIERREZ: I'm done.
15 THE COURT: Thank you very much. Any re
16 redirect?
17 MS. MURPHY: No, Your Honor.
18 THE COURT: Very well. May this witness be
19 excused?
20 MS. MURPHY: Yes, Your Honor.
21 THE COURT: Ms. --
22 MS. GUTIERREZ: Yes, Judge.
23 THE COURT: And released from the summons?
24 MS. GUTIERREZ: I didn't summons her.
25 THE COURT: Well, I'm just making sure that

1 you don't need her.
2 MS. GUTIERREZ: No, Judge.
3 THE WITNESS: I didn't get a summons. I
4 have no summons from her.
5 THE COURT: Well she's now releasing you so
6 that's why I asked. It doesn't matter who summonsed
7 you? At this point no one needs you any longer. So
8 let me advise you that at this time since no one
9 needs you any longer, you're free to go. Two things,
10 you're no longer under subpoena but you're still
11 technically a sequestered witness but because you
12 won't be needed you can stay in the courtroom if
13 you'd like or you are free to go.
14 THE WITNESS: Okay.
15 THE COURT: All right?
16 THE WITNESS: Yes.
17 THE COURT: Very well.
18 THE WITNESS: Thank you.
19 THE COURT: You can give that to Mr. White
20 since you had it in your hand, and, for the record,
21 I'm going to ask that a blank copy of exhibit number
22 34 be marked and we're going to call it 34 C because
23 during the course of the trial there have been blank
24 forms provided to the witnesses which are different
25 than the exhibit 34 which is in evidence, which has

1 markings on it. So just to make sure that the record
2 is clear the blank form which we've all referred to
3 as the blank form 34 is going to be marked as an
4 exhibit for identification purposes only and for this
5 record. Your next witness.
6 MS. MURPHY: Thank you. The State's next
7 witness is Ms. K [REDACTED].
8 THE COURT: Is Ms. [REDACTED] in the hall? If
9 she is, please ask her to step in.
10 MS. MURPHY: She is. She's right outside.
11 THE COURT: Ms. [REDACTED], please step all of
12 the way up here, please, all of the way to the
13 witness stand which is over here to my right. I'm
14 going to ask that when you get there that you remain
15 standing, face this gentleman here, Mr. White. Raise
16 your right hand.
17 K [REDACTED] -----> "Cathy"
18 a witness produced on call of the State, having first
19 been duly sworn, according to law, was examined and
20 testified as follows:
21 THE CLERK: Keep your voice up. State your
22 name and your address for the record.
23 THE WITNESS: K [REDACTED], [REDACTED]
24 [REDACTED], Baltimore, Maryland.
25 THE COURT: Before we start I'm going to