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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.

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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

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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

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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

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1 tell the jurors that at any time you would like a
 2 break, I know we started pretty close to two, a
 3 little after, if you need a break, not you, the
 4 jurors, I need you to raise your hand or indicate so
 5 and I'll be happy to take a break and if it is just
 6 to get water, let me know. We can just stop a moment
 7 and allow you to get some water and then continue
 8 on. I'm without my clerk, law clerk to assist today,
 9 so if you could just indicate so. At this point the
 10 witness is with you.
 11 MS. MURPHY: Thank you, Your Honor.
 12 DIRECT EXAMINATION
 13 BY MS. MURPHY
 14 Q Ms. [REDACTED], can you state your age, please?
 15 A I'm twenty-two.
 16 Q Are you currently attending school?
 17 A I have one more class left at UMBC.
 18 Q What are you studying there?
 19 A Social work.
 20 Q And where did you go to high school?
 21 A Sherwood High School in Montgomery County.
 22 Q Were you attending school in January of
 23 1999 a little over a year ago?
 24 A Uh-huh.
 25 Q Where was that?

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1 A At UMBC.
 2 Q And were you working at that time also?
 3 A I think I was working part time. Oh, no, I
 4 wasn't. I was interning at that time so I wasn't
 5 working part time.
 6 Q Where were you living at that point in
 7 time?
 8 A I have an apartment right outside of UMBC.
 9 Q And what was the address?
 10 MS. GUTIERREZ: I'm sorry, right outside?
 11 A Right outside of UMBC like in Arbutus. The
 12 address is [REDACTED].
 13 Q You said right outside Arbutus. What are
 14 the main roads near there?
 15 A Wilkens, Maiden Choice. It's in walking --
 16 I mean, it's a long walk but in walking distance of
 17 UMBC.
 18 Q Was anyone else living with you at that
 19 point in time?
 20 A No, I was the only one.
 21 Q But you were dating someone?
 22 A Uh-huh.
 23 Q Who was that?
 24 A Jeff [REDACTED].
 25 Q Are you still dating him now?

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1 A No.
 2 Q Did he stay with you on occasion during the
 3 period of January of 1999?
 4 A Uh-huh, he stayed off and on.
 5 Q Do you know Jennifer Pusateri?
 6 A Uh-huh.
 7 Q How long have you known her?
 8 A About a year and a half, two years,
 9 somewhere around there.
 10 Q How is it that you know her?
 11 A We are in the same sorority at UMBC
 12 together.
 13 Q And how would you describe your
 14 relationship with Ms. Pusateri?
 15 A Friends.
 16 Q How about Jay Wilds, do you know him?
 17 A Uh-huh.
 18 Q How long have you known him?
 19 A Hmm, a little under a year, a year and a
 20 half.
 21 Q And how is it that you know Jay Wilds?
 22 A I know Jay through Jen.
 23 Q Do you know Hae Min Lee?
 24 A No.
 25 Q I'm going to ask you to remember back to

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1 January 13th, 1999, you've since answerd a lot of
 2 questions about that night?
 3 A Uh-huh.
 4 Q Do you remember that night?
 5 A Yes, I do.
 6 Q Why?
 7 A Well, first of all, I had a conference down
 8 here for my internship that I had to attend.
 9 Q You say down here?
 10 A Oh, in the city at UMAB, which is the
 11 graduate school, and Jay and Adnan came to my
 12 apartment.
 13 Q What time did you get home from that
 14 conference?
 15 A I think it was over like at four-thirty and
 16 someone dropped me off between then and five,
 17 five-fifteen, somewhere around there.
 18 Q Was anybody else at your house at that
 19 point in time?
 20 A Jeff was already there at that time.
 21 Q Would that be unusual for Jeff to be at
 22 your apartment when you weren't there?
 23 A It wasn't unusual.
 24 Q What happened next?
 25 A Came in, talked for awhile, changed my

<p style="text-align: right;">Page 208</p> <p>1 clothes, watching TV, just hanging out. 2 Q Anything else happen? 3 A Then Jay and Adnan came to my apartment. 4 Q Was it strange that Jay would come to your 5 house? 6 A No, it wasn't strange. 7 Q Why is it memorable to you then? 8 A Because they were acting real shady when 9 they got there. 10 Q What do you mean by shady? 11 A Weird, funny. Something was going on, not 12 how he usually acts. 13 Q Can you describe what they were doing? 14 A They weren't doing anything. I mean, they 15 weren't talking, just quiet. 16 Q What were you doing at that point? 17 A Watching TV. We were all watching TV. 18 Q Do you recall at what time that was? 19 A Like around 6:00 o'clock. 20 Q And how do you know it was 6:00 o'clock? 21 A Judge Judy was on, watching Judge Judy. 22 Q That's something you watch frequently? 23 A When I can, when I have a chance. 24 Q Now, the person who you said was with Jay, 25 did you know that person?</p>	<p style="text-align: right;">Page 210</p> <p>1 or whatever. So there was pillows on the floor and 2 stuff and Adnan went and just kind of just sat on the 3 pillows. 4 Q Now, is there a separate bedroom in the 5 apartment or did you usually sleep on that couch that 6 you described? 7 A I usually slept on the couch just because 8 my apartment didn't have any air conditioning and I 9 had the window. I had an air conditioner in the 10 window. So I had moved my bed out into the main room 11 just because it was cooler, but I did have a separate 12 bedroom in the back. 13 Q Did the defendant say anything? 14 A Not at first. 15 Q At any time? 16 A Oh, okay. While we were all watching TV 17 and he was like, you know, he was slumped over for 18 awhile and nobody was talking. Like nobody had said 19 anything basically when we were sitting down and then 20 he just like kind of popped up and was like, you 21 know, how do you get rid of a high, and so I was like 22 -- 23 Q What did you take that to mean? 24 A Oh. He was high? I don't know. 25 Q Did he say anything else?</p>
<p style="text-align: right;">Page 209</p> <p>1 A Uh-uh. 2 Q Can you describe that person? 3 A Young, black hair. 4 Q Is that person here today? 5 A Uh-huh. 6 Q Can you point him out for the jury, please? 7 A The defendant. 8 MS. MURPHY: Indicating for the record, 9 Your Honor, the defendant. 10 THE COURT: Mr. Syed for the record. 11 Q Did Jay introduce to you to this person? 12 A No. 13 Q What did they do? 14 A Well, they rang the bell or knocked on the 15 door and I answered the door and Jay was like hey 16 what's up, can we come in and chill for awhile. I 17 was like sure, come on in, what's up. Then they came 18 in and Jay sat -- the way my house was configured at 19 the time was two chairs facing the TV. I had a bed 20 on the side that doubled for a couch sometimes, and 21 then I had a small like round table and like an 22 alcove with chairs, and Jeff was sitting on the left 23 chair. I was sitting on the right. Jay went and sat 24 on one of the chairs near the table and the bed 25 wasn't made, or, you know, the couch wasn't made up</p>	<p style="text-align: right;">Page 211</p> <p>1 A Not at that time. 2 Q What happened next? 3 A Next I think Jen called and I remember 4 taking -- I remember talking to her in the back. I 5 don't remember if Jeff answered the phone or if I 6 answered the phone. I remember talking to her like 7 in the hallway and then in my bedroom just -- 8 Q Did Jen call you or did she call one of the 9 other people in the apartment? 10 A No, Jen called me, yea. 11 Q Do you have a phone in your apartment? 12 A Uh-huh. 13 Q Is that the phone she called? 14 A Right. 15 Q What do you remember about that? 16 A I was like, you know, who is this person in 17 my apartment and, you know, Jay and somebody else are 18 here and, you know, they're acting really crazy. You 19 know, they're acting real shady, what's going on, and 20 she was like, you know, I don't know who's there. Is 21 it so and so, and I said -- I don't remember what 22 name she asked me, and I said, you know, I don't know 23 who it is. It's a guy. He has black hair and she's 24 like I don't know who it is, and I was like, well, 25 you know, what's going on. She was like I don't</p>

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1 know, I'm supposed to meet Jay later, I'll find out
 2 then for you, I'll find out what's going on then.
 3 Q What happened after you talked to Jen?
 4 A I can't remember if I was -- I wasn't on
 5 the phone with Jen. I remember being in my chair
 6 watching TV. I don't remember if Jeff was on the
 7 phone with her or if I had hung up, but the next
 8 thing that happened was Adnan got a call on his cell
 9 phone and he answered the phone and --
 10 Q Where was the cell phone?
 11 A In his jacket pocket.
 12 Q What happened?
 13 A It was really quiet in the room. We were
 14 just watching TV. So you could really hear what he
 15 was saying. He was, you know, they're going to come
 16 talk to me. They're going to, you know, what should
 17 I say, what should I do, something to that effect.
 18 Q Did you understand what he was talking
 19 about?
 20 A No.
 21 Q What happened next?
 22 A This is the part where I really don't
 23 remember. I remember that Jeff was on the phone with
 24 Jen. I can't remember whether she called back,
 25 whether he had been on the phone with her while I was

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1 watching TV. but I was sitting in my chair when Adnan
 2 just jumped up and left the apartment.
 3 Q What was Jay Wilds doing at that point?
 4 A He was sitting to the right of me just
 5 smoking a cigarette.
 6 Q Did he stay there?
 7 A For like a hot second. I mean, Adnan ran
 8 out of the apartment. I was like what's wrong with
 9 him. I said something to that effect, and Jay was
 10 like, I don't know and then he sat there for a minute
 11 and finished his cigarette and he was just like, you
 12 know, hang on a second and he liked jumped up and ran
 13 out of the apartment, too.
 14 Q Did you see or hear anything after that?
 15 A Not -- I mean, I went to the window to see,
 16 you know, if they were standing outside. My
 17 apartment looks over the street. I didn't know if
 18 they were standing outside or what they were doing.
 19 I remember walking to the window and being like, you
 20 know, they just got up and left. You know, I think
 21 they're sitting in the car and I remember Jeff saying
 22 that on the phone to Jen, but I don't remember
 23 whether we had hung up or not with her. And I said,
 24 you know, he just jumped up and left, and Jeff is
 25 like what, like what are they doing, and I was like I

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1 think they're sitting in the car, and then the car
 2 drove away and I was like they're driving away, and
 3 so he was like, hmm I guess they'll be back because
 4 Jay's hat and cigarettes were there so --
 5 Q Did there come a time when you saw Jay
 6 again that night?
 7 A Jay came back a couple of hours later.
 8 Q Was he with anybody at that point?
 9 A With Jen.
 10 Q How about the defendant, was he there at
 11 that point?
 12 A No.
 13 Q How were Jay and Jennifer acting when they
 14 came to your apartment later on?
 15 A Shady, like something was going on.
 16 Q Are you still friendly with Jennifer
 17 Pusateri?
 18 A Uh-huh.
 19 Q How about Jay Wilds?
 20 A Acquaintances. We're not so much friends
 21 anymore.
 22 Q Why is that?
 23 A Well, because he brought somebody to my
 24 apartment and I mean that's not really cool with me.
 25 I mean, I can't believe that he would bring some like

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1 heat to my apartment. You know, I don't know, just
 2 it's not cool.
 3 MS. MURPHY: We have no other questions at
 4 this time, Your Honor.
 5 THE COURT: Thank you. Witness with you,
 6 Ms. Gutierrez.
 7 MS. GUTIERREZ: Yes, Judge.
 8 CROSS EXAMINATION
 9 BY MS. GUTIERREZ
 10 Q Ms. [REDACTED], when you talked about Judge
 11 Judy, you like Judge Judy, do you not?
 12 A Okay, yea.
 13 Q In fact, that's yes?
 14 A Yes.
 15 Q And it was your choice that when you could
 16 you watched her on TV, right?
 17 A If I had the time, yes.
 18 Q And she came on the same time everyday, did
 19 she not?
 20 A I think so, yes.
 21 Q Okay. And that time was 6:00 o'clock to
 22 6:30, right?
 23 A Yes.
 24 Q The show that you liked to watch and you
 25 made time to watch; is that right?

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1 A Right.
 2 Q All right, now, on that day before you got
 3 home and you watched Judge Judy, you said you had a
 4 conference down here, meaning downtown?
 5 A Right.
 6 Q You said at UMAB, meaning University of
 7 Maryland at Baltimore?
 8 A Right.
 9 Q Meaning downtown Baltimore?
 10 A Right.
 11 Q Was that conference at the school of social
 12 work?
 13 A Yes, I think it was.
 14 Q And that's between the law school and the
 15 hospital?
 16 A That's correct.
 17 Q Okay. And that's where your conference
 18 was, was it not?
 19 A That's correct.
 20 Q That was pretty important to you, right?
 21 A Yes, it was mandatory.
 22 Q To your recollection, you didn't -- you got
 23 a ride home from somebody?
 24 A Right, my car was stolen at that time.
 25 Q And you arrived home you thought between

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1 5:00 and 5:15?
 2 A Somewhere around there.
 3 Q Your conference began you thought, you said
 4 between 4:00 and 4:30?
 5 A No, that's when it ended.
 6 Q Oh, that's when it ended?
 7 A Right.
 8 Q So your conference was long before then?
 9 A I think it started at 9:00, I think.
 10 Q At 9:00 o'clock in the morning?
 11 A Right.
 12 Q So you were in downtown Baltimore all day
 13 long?
 14 A That's correct.
 15 Q And when you got home, shortly thereafter
 16 Jay came?
 17 A Okay.
 18 Q Right? Is that right?
 19 A At 6:00, yes.
 20 Q That's what you told us, isn't it?
 21 A At 6:00, that's correct.
 22 Q At 6:00 o'clock. So forty-five minutes to
 23 an hour after you got home?
 24 A Yes, that's correct.
 25 Q 6:00 o'clock would be just the time when

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1 Judge Judy is beginning, right?
 2 A Right.
 3 Q And you didn't expect him there?
 4 A No, I wasn't --
 5 Q You hadn't seen him all that day?
 6 A That's correct.
 7 Q And you had no notice of any plans that he
 8 might have to drop by and visit you?
 9 A That's correct.
 10 Q But there was nothing unusual about him
 11 just dropping by?
 12 A No.
 13 Q And it was okay with you that he dropped
 14 by?
 15 A At that time, yes.
 16 Q Because you considered him a friend, did
 17 you not?
 18 A Hmm, yes, that's right.
 19 Q He had dropped by on other occasions, had
 20 he not?
 21 A Uh-huh.
 22 Q And there was nothing unusual about any of
 23 those other occasions?
 24 A I'm sorry, I didn't hear you.
 25 Q There was nothing unusual --

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1 A Unusual --
 2 Q -- about any of those other occasions?
 3 A No.
 4 Q And when he dropped by without notice at
 5 your apartment, you generally invited him inside, did
 6 you not?
 7 A Yes.
 8 Q And Jay knew that your house was a place in
 9 which it was comfortable enough to smoke weed, did he
 10 not?
 11 A Sometimes, yes.
 12 Q And that was an activity that you all
 13 engaged in?
 14 A Sometimes, yes.
 15 Q And that had been okay with you?
 16 A Uh-huh.
 17 Q And since he had engaged in that activity,
 18 you were familiar with him, meaning Jay, when he was
 19 high, were you not?
 20 A I don't understand your question.
 21 Q Well, you had smoked weed with him, hadn't
 22 you?
 23 A Yes.
 24 Q Weed meaning marijuana?
 25 A That's correct.

<p style="text-align: right;">Page 220</p> <p>1 Q And to your knowledge weed is a substance 2 that makes people high, does it not? 3 A Yes. 4 Q And you've gotten high when you've smoked 5 marijuana? 6 A Yes. 7 Q And you've smoked marijuana with Jay? 8 A Yes. 9 Q And you've observed him getting high from 10 marijuana, had you not? 11 A Yea. 12 Q And so you had previously seen him in a 13 high state; is that right? 14 A That's correct. 15 Q On this day your friend Jeff [REDACTED], was 16 he already home when you got there? 17 A Yes, that's correct. 18 Q And there was nothing unusual about that, 19 was there? 20 A No. 21 Q Sometimes he was there and sometimes he 22 wasn't, right? 23 A Yes, that's right. 24 Q Sometimes he spent the night and sometimes 25 he didn't, right?</p>	<p style="text-align: right;">Page 222</p> <p>1 Q And he knew him to be a friend of yours? 2 A Yes, that's right. 3 Q And your boyfriend Jeff -- his name is Jeff 4 [REDACTED]? 5 A Yes. 6 Q And he was a participant on occasions in 7 which you and Jay smoked weed, was he not? 8 A Uh-huh. 9 Q Because Jeff also smoked weed, did he not? 10 A Occasionally. 11 Q And so -- and Jeff regarded Jay as your 12 friend or his or both? 13 A I'm not sure. 14 Q Now, back at that time you told us today 15 that you've known Jay, you said about a year to a 16 year and a half? 17 A I can't be certain but something -- 18 Q Is that from today, back a year, a year and 19 a half? 20 A Yes. 21 Q So you knew him either, Jay, for just a 22 month or two, or for six months, right? 23 A Somewhere between those times. 24 Q Somewhere between that time? 25 A Uh-huh.</p>
<p style="text-align: right;">Page 221</p> <p>1 A That's correct. 2 Q He had his own key, did he not? 3 A Oh, no. 4 Q So was he there when you left? 5 A Yes. 6 Q And he stayed there all day? 7 A That's correct. 8 Q And so if someone came, to your knowledge, 9 right? 10 A He stayed there all day to my knowledge, 11 that's correct. 12 Q To your knowledge? 13 A That's correct. 14 Q That's what you expected, right? 15 A Well, I think when I got home I asked him, 16 you know, what was up, how was your day, or 17 whatever. He didn't tell me he went anywhere so -- 18 Q And if someone came to visit you in the 19 middle of the day when you weren't there and Jeff 20 were there, that would be okay if he invited them in, 21 wouldn't it? 22 A Yea, that would be okay. 23 Q And Jay was someone that your boyfriend 24 knew? 25 A Uh-huh, he knew him.</p>	<p style="text-align: right;">Page 223</p> <p>1 Q You hadn't known him long? 2 A No, not long. 3 Q And you hadn't known Jen for much longer? 4 A Maybe a few months longer but not much. 5 Q And you met Jay through Jen? 6 A That's correct. 7 Q And you would have described their 8 relationship as very, very good friends, would you 9 have not? 10 A Hmm, I would just describe their 11 relationship as friends. 12 Q As friends. And you had become friends 13 with Jen through your sorority? 14 A That's correct. 15 Q Okay. And the sorority was an organization 16 that you became affiliated with during the time you 17 were at UMBC? 18 A That's correct. 19 Q Is that right? 20 A Uh-huh. 21 Q You would agree the sorority is an 22 organization of young women in school? 23 A That's correct. 24 Q And they affiliate more closely with each 25 other than nonsorority members?</p>

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<p style="text-align: right;">Page 224</p> <p>1 A Hmm, no, I wouldn't say that. 2 Q No? 3 A Some of them do. 4 Q But you got to know Jen through -- 5 A Through the sorority. 6 Q -- through that sorority? 7 A Yes. 8 Q Is that right? 9 A Uh-huh. 10 Q And are there sorority activities? 11 A Yes. 12 Q Now, you said after Jay and his friend got 13 there, and incidentally was it okay with you before 14 you knew anything that Jay brought another friend? 15 A Yea, he had brought other friends to my 16 house. 17 Q Other friends to your house? 18 A Uh-huh. 19 Q And that had been okay? 20 A Yea. 21 Q Is that right? And this is a person that 22 you had never met before? 23 A The person he brought with him? 24 Q Right? 25 A That's correct.</p>	<p style="text-align: right;">Page 226</p> <p>1 A I don't remember, to tell you the truth. 2 Q When Judge Judy was on if you had the time 3 and if you were home by watching it, you would watch 4 it and you would pay attention, would you not? 5 A Uh-huh. 6 Q Is that a yes? 7 A That's a yes. 8 Q Because you liked it? 9 A That's correct. 10 Q You'd want to hear what was said, would you 11 not? 12 A That's correct. 13 Q You wanted to hear what Judge Judy said to 14 the people before her, would you not? 15 A That's correct. 16 Q And you wanted to hear what her decision 17 was about whatever case was before her, right? 18 A That's correct. 19 Q And so there was nothing unusual while you 20 would be watching TV and Jeff would be there and no 21 conversation would be going on? 22 A I mean, sometimes we would watch TV and 23 talk at the same time or other times we would just 24 watch TV. 25 Q And have no conversation?</p>
<p style="text-align: right;">Page 225</p> <p>1 Q Is that right? 2 A Uh-huh. 3 Q You'd never seen before? 4 A No. 5 Q You had never observed him in any setting? 6 A No. 7 Q You didn't know his name? 8 A No. 9 Q You had never heard his name mentioned? 10 A No, not at that time. 11 Q By either your friend Jay? 12 A Not at that time. 13 Q Meaning January 13th? 14 A That's correct. 15 Q And you had never heard his name mentioned 16 by your friend Jen? 17 A Not at that time. 18 Q Not at that time. And when he came in, did 19 you think that they had come to smoke weed? 20 A No. 21 Q Did you think they had come to watch Judge 22 Judy? 23 A No. 24 Q You described the period -- did your 25 boyfriend like Judge Judy?</p>	<p style="text-align: right;">Page 227</p> <p>1 A That's correct. 2 Q So there would be no noise? 3 A Sometimes, yes. 4 Q So during the time period when you were 5 there that day and Jay, Adnan, and Jeff were there 6 and there were periods that were silent, there was 7 nothing unusual about that, was there? 8 A Wait, can you repeat it? I'm sorry. 9 Q On that day -- 10 A Uh-huh. 11 Q -- you've described that there were periods 12 of time while the four of you were there in which 13 there was no conversation? 14 A Okay, that's right. 15 Q Right? 16 A Uh-huh. 17 Q There wasn't anything unusual about that, 18 right? 19 A Yea, there was something unusual about 20 that. 21 Q About not having any conversation? 22 A That day it was, yes. 23 Q That day it was, even though that 24 conversation would have taken place while Judge Judy 25 was on?</p>

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<p>1 A Uh-huh.</p> <p>2 Q And when you turned the TV on, do you do it</p> <p>3 to watch it?</p> <p>4 A Yes.</p> <p>5 Q And if you have guests there, do you do it</p> <p>6 for their entertainment also?</p> <p>7 A Well, sometimes when guests come over the</p> <p>8 TV is already on. It doesn't necessarily mean we all</p> <p>9 sit there and pay a hundred percent attention to it.</p> <p>10 Q And when you have guests in the room and</p> <p>11 your favorite show is on, do you ever go up and turn</p> <p>12 it off?</p> <p>13 A Sometimes if we want to listen to music or</p> <p>14 I mean --</p> <p>15 Q Or if you want to talk?</p> <p>16 A Usually if we want to talk, it still stays</p> <p>17 on or more music stays on.</p> <p>18 Q And that day did you ever turn Judge Judy</p> <p>19 off?</p> <p>20 A No.</p> <p>21 Q Even though there are occasions in which</p> <p>22 there might be complete silence while Judge Judy is</p> <p>23 on, that day it was unusual that there was?</p> <p>24 A I would say it was unusual because other</p> <p>25 times Jay had come over and the TV would be on we</p>	<p>1 him, did you?</p> <p>2 A That's correct.</p> <p>3 Q You didn't know how he acted around people</p> <p>4 he had just met?</p> <p>5 A That's correct.</p> <p>6 Q And Jay never said to you, oh, by the way,</p> <p>7 here's this guy I really want you to get to know him,</p> <p>8 did he?</p> <p>9 A No.</p> <p>10 Q And nothing Jay said or did indicated that</p> <p>11 he was there to interact with you?</p> <p>12 A Who was there to interact with me?</p> <p>13 Q The person he brought.</p> <p>14 A It was never specifically said this person</p> <p>15 is here to interact with you.</p> <p>16 Q And he never introduced him to you, did he?</p> <p>17 A No.</p> <p>18 Q No. By name?</p> <p>19 A No.</p> <p>20 Q Is that right? And Jay never interacted</p> <p>21 and tried to get a conversation going that involved</p> <p>22 him, did he?</p> <p>23 A Who?</p> <p>24 Q Jay never interacted and attempted to get a</p> <p>25 conversation going with the person that you had never</p>
Page 229	Page 231
<p>1 would talk still or we would attempt to have a</p> <p>2 conversation. It wasn't --</p> <p>3 Q Jay was pretty talkative, wasn't he?</p> <p>4 MS. MURPHY: Objection.</p> <p>5 THE COURT: Sustained.</p> <p>6 A We would still have a conversation. This</p> <p>7 time when I would like try to talk to him, he wasn't</p> <p>8 making any sense. He obviously did not want to talk</p> <p>9 so it was just very unsettling quiet.</p> <p>10 THE COURT: Your next question.</p> <p>11 Q So it was Jay who wasn't making any sense?</p> <p>12 A Yea, that's correct.</p> <p>13 Q Is that right?</p> <p>14 A Yes.</p> <p>15 Q You had never met this other person before,</p> <p>16 right?</p> <p>17 A That's correct.</p> <p>18 Q You had never smoked weed with him, right?</p> <p>19 A That's correct.</p> <p>20 Q He had never visited your home, right?</p> <p>21 A Yes.</p> <p>22 Q You had never observed him under any</p> <p>23 condition, right?</p> <p>24 A That's correct.</p> <p>25 Q You didn't know normal, what it was for</p>	<p>1 met that he brought to your home, did he?</p> <p>2 A That's correct.</p> <p>3 Q And were you interested in this new person?</p> <p>4 A When they came in, I kind of thought that</p> <p>5 Jay would say this is so and so and, you know, I know</p> <p>6 him from wherever, like he had done, like when he had</p> <p>7 brought other friends he would say, oh, this is, you</p> <p>8 know, so and so, and you know, I know them through</p> <p>9 whatever, and you know, and work, just hanging out,</p> <p>10 doing whatever.</p> <p>11 Q So Jay's behavior about the person that he</p> <p>12 had brought into your house was odd based on your</p> <p>13 prior experience with Jay and others you didn't know,</p> <p>14 right?</p> <p>15 A That's correct.</p> <p>16 Q In fact, he didn't do it at first and that</p> <p>17 was strange?</p> <p>18 A I'm sorry?</p> <p>19 Q He didn't do it at first, introduce this</p> <p>20 person, right?</p> <p>21 A Right.</p> <p>22 Q And that was strange, right?</p> <p>23 A A little, uh-huh.</p> <p>24 Q At any time he didn't do it, did he?</p> <p>25 A No.</p>

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1 Q Before he and this person left, he never
 2 introduced him to you?
 3 A Nope.
 4 Q And he never gave you any heads up as to
 5 why he was there; is that right?
 6 A That's right.
 7 Q And this person whom you had never met,
 8 you, of course, had no way of knowing what his norm
 9 of behavior was, did you?
 10 A No.
 11 Q And you had -- nobody smoked weed while you
 12 all were there, did they?
 13 A I don't remember. We could have, but I'm
 14 not sure.
 15 Q You could have smoked weed in the presence
 16 of someone you not only didn't know and had not even
 17 been introduced to you?
 18 A I'm sorry, I can't hear you when you turn
 19 around.
 20 Q You could have smoked weed together with
 21 the person whose name you didn't know and had not
 22 been introduced to you?
 23 A That's correct.
 24 Q And that you never smoked with before?
 25 A That's correct.

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1 Q And you just don't remember if that
 2 happened or not?
 3 A I'm not sure.
 4 Q It could have?
 5 A It could have.
 6 Q Now, the total time that they were there
 7 was how long?
 8 A Hmm, I would say between twenty, thirty
 9 minutes to forty-five at the most.
 10 Q So you remember Judge Judy was still on
 11 when they left?
 12 A I don't remember. It could have been.
 13 Q It could have been?
 14 A I don't remember.
 15 Q You wouldn't turn your favorite TV show
 16 off, right?
 17 A Well, the TV wasn't off. I know the TV
 18 wasn't off. Whether that show had gone off or not,
 19 I'm not sure.
 20 Q And nothing about -- for instance, if you
 21 had smoked weed while they were there would have made
 22 you turn off Judge Judy, would it?
 23 A It would have made -- it wouldn't have made
 24 me turn off the TV?
 25 Q Right, I'm asking you, would it have made

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1 you --
 2 A No.
 3 Q Of course, you don't remember whether you
 4 did or didn't?
 5 A No.
 6 Q But you could have?
 7 A Yep. I mean, I've even eaten shrimp
 8 before. I can't tell you when the last time I ate
 9 shrimp was, but I know I've eaten shrimp. It's kind
 10 of the same thing.
 11 Q Well, Ms. [REDACTED] eating shrimp and smoking
 12 marijuana aren't exactly the same kind of activities,
 13 are they?
 14 MS. MURPHY: Objection.
 15 THE COURT: Sustained.
 16 Q There's nothing illegal about eating shrimp
 17 --
 18 A No, I'm just trying to say that it was
 19 usual in the fact that, yes, I have before. It
 20 wasn't uncommon. I have before, but do I remember if
 21 I did that day? No, I don't remember.
 22 Q Now, had you had -- did you expect Jen's
 23 phone call that day?
 24 A Did I expect Jen's phone call? No.
 25 Q It was nothing unusual about it though,

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1 right?
 2 A That's correct.
 3 Q She was your friend and she called?
 4 A Yes.
 5 Q And she didn't call looking for Jay?
 6 A I don't think so.
 7 Q She could have?
 8 A Well, I don't know how she would have known
 9 that Jay was there since Jay wasn't planning to come
 10 over, or I didn't know that Jay was planning to come
 11 over.
 12 Q You didn't know whether or not he was
 13 planning to come over, right?
 14 A Right.
 15 Q But you wouldn't know if Jen perhaps knew
 16 that he was planning to come over?
 17 MS. MURPHY: Objection.
 18 THE COURT: Ms. Gutierrez, repeat that
 19 again.
 20 Q You wouldn't have known if Jen knew that he
 21 meaning Jay, was planning to come over, would you
 22 have?
 23 THE COURT: Sustained.
 24 Q Now, when you got the call from Jen, Jay
 25 was still there, right?

<p style="text-align: right;">Page 236</p> <p>1 A That's correct. 2 Q And he was acting out of the norm? 3 A That's correct. 4 Q And you described -- and I want to make 5 sure I heard it shady as in s-h-a-d-y? 6 A That's correct. 7 Q Shady? 8 A Shady. 9 Q Not right? 10 A Not right. 11 Q Not normal? 12 A Not normal. 13 Q Hiding something? 14 A Possibly. 15 Q That certainly came to mind, did it not? 16 A Yea. 17 Q Did you ask Jay if he were high? 18 A Did I ask Jay if he was high? 19 Q Yes. 20 A No, I did not. 21 Q Did he appear to be acting high as you had 22 previously observed him to be? 23 A I can never tell if Jay is high or not. So 24 he could have been. 25 Q He doesn't show?</p>	<p style="text-align: right;">Page 238</p> <p>1 call and when he looked at everybody and asked, you 2 know, how do you get rid of a high. But the rest of 3 the time he was slumped over like that. 4 Q But he didn't conceal his face from you 5 such that you couldn't tell who he was; is that 6 right? 7 A Uh-huh. 8 Q He was only in your apartment, you said he 9 got there at six and maybe stayed at the most 10 forty-five minutes? 11 A That's correct. 12 Q Is that right? And that's the only 13 interaction you had with him? 14 A That's correct. 15 Q And the way that you described it, there's 16 those two chairs in the alcove? 17 A Right. 18 Q And where he was, there were pillows, were 19 there not? 20 A On the floor, uh-huh. 21 Q On the floor? 22 A Which he was sitting on, right. 23 Q And that's where he was, right? 24 A Right. 25 Q And the pillows on the floor, they weren't</p>
<p style="text-align: right;">Page 237</p> <p>1 A No. 2 Q Did he appear to be concealing something, 3 that kind of shady? 4 A Concealing something? 5 Q Hiding something? 6 A He was appearing that something was going 7 on that he did not tell me about. 8 Q Did you ask about it? 9 A I didn't say what is going on, tell me 10 right now. No, I did not say that. 11 Q Not to him? 12 A No. 13 Q And the person with him, of course, you 14 didn't know how he acted normally, right? 15 A No, I didn't know how he acted normally. 16 Q So you wouldn't know if how he appeared to 17 you was different than he always appeared under other 18 circumstances, did you? 19 A Well, he was slumped over on my floor 20 hiding his face. I don't know if that's normal for 21 him, but that wasn't I thought normal. 22 Q Well, he didn't hide his face such that you 23 can't identify it, right? 24 A Well, I saw him when he came in and I saw 25 him when he left and I saw him when he got his phone</p>	<p style="text-align: right;">Page 239</p> <p>1 for people to sit on? 2 A I'm sure, yea, they could have been, but 3 not to like slump over. I mean, I didn't think that 4 was normal. 5 Q Oh, the rules in your house require guests 6 that sit on the floors -- pillows that are on the 7 floor to sit upright and not slump? 8 MS. MURPHY: Objection. 9 THE COURT: Sustained. 10 Q Did you object to him at any time he was 11 sitting there? 12 A Did I object to him? 13 Q Yes. 14 A No. 15 Q Did you ask him to leave? 16 A No. 17 Q And, of course, you don't remember if you 18 had any illicit activities with him that involved 19 drugs? 20 A I don't remember. 21 Q Incidentally, Ms. [REDACTED], is your father a 22 police officer? 23 A No. 24 Q Now, later, much later Jen and Jay were 25 together in your house?</p>

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<p>1 A That's correct.</p> <p>2 Q And what time was it when they got there?</p> <p>3 A I would say ten or elevenish. I really</p> <p>4 can't be sure.</p> <p>5 Q But late?</p> <p>6 A Later, yes.</p> <p>7 Q And did you know that they were coming?</p> <p>8 A I don't think I did.</p> <p>9 Q That wasn't a prearranged plan?</p> <p>10 A No, I don't think it was.</p> <p>11 Q Even on the phone with Jen while Jay was</p> <p>12 there?</p> <p>13 A I think she -- I said she said something to</p> <p>14 the effect of I'll figure out what's going on, but I</p> <p>15 don't recall making like plans with her to come over.</p> <p>16 Q Did you get a call from her later that said</p> <p>17 we're coming?</p> <p>18 A No, I don't think so.</p> <p>19 Q And when she arrived, whether or not it was</p> <p>20 a surprise, that was okay with you, was it not?</p> <p>21 A Yea.</p> <p>22 Q And at that time was Jay still acting --</p> <p>23 A Both of them were acting shady.</p> <p>24 Q And Jen was somebody whom you were close</p> <p>25 to, right?</p>	<p>1 A That's correct.</p> <p>2 Q And liked?</p> <p>3 A That's correct.</p> <p>4 Q Regarded as friends?</p> <p>5 A That's correct.</p> <p>6 Q And shady is the word that you applied to</p> <p>7 them when they appeared at your house at ten or</p> <p>8 eleven o'clock at night?</p> <p>9 A That's correct.</p> <p>10 Q And your boyfriend Jeff, he was still</p> <p>11 there?</p> <p>12 A Yep.</p> <p>13 Q In between the time that Jay left and Jay</p> <p>14 and Jen came back, did you discuss this with your</p> <p>15 boyfriend?</p> <p>16 A I think -- yea, I think we did like right</p> <p>17 when they left.</p> <p>18 Q That would have been normal would it have</p> <p>19 not?</p> <p>20 A Yea, what is going on, what was wrong with</p> <p>21 them.</p> <p>22 Q Did he indicate his -- he had observations</p> <p>23 of these two people?</p> <p>24 A Hmm, I don't remember to tell you the</p> <p>25 truth.</p>
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<p>1 A Closer than Jay.</p> <p>2 Q You had spent a lot of time with her, had</p> <p>3 you not?</p> <p>4 A Yes.</p> <p>5 Q And so you had observed her under a lot of</p> <p>6 different circumstances?</p> <p>7 A Uh-huh.</p> <p>8 Q Is that a yes?</p> <p>9 A That's a yes.</p> <p>10 Q And you had observed her high before?</p> <p>11 A Yes.</p> <p>12 Q Okay. And she now appeared to you be</p> <p>13 shady?</p> <p>14 A Uh-huh, yes.</p> <p>15 Q Concealing something perhaps?</p> <p>16 A Not telling what was going on.</p> <p>17 Q Not telling what was going on?</p> <p>18 A That's right.</p> <p>19 Q And you didn't know what the what was?</p> <p>20 A That's correct.</p> <p>21 Q But what you observed you could tell that</p> <p>22 there was a what?</p> <p>23 A That's correct.</p> <p>24 Q And that was based on your observations of</p> <p>25 two people you knew?</p>	<p>1 Q And to your knowledge had he ever met</p> <p>2 Adnan?</p> <p>3 A To my knowledge?</p> <p>4 Q Yes.</p> <p>5 A No.</p> <p>6 Q No, not before?</p> <p>7 A No.</p> <p>8 Q And he confirmed that?</p> <p>9 A And he confirmed that?</p> <p>10 Q That he had not met Adnan.</p> <p>11 A Oh, he didn't say either way. He didn't --</p> <p>12 Q That he had never smoked with him, smoked</p> <p>13 weed?</p> <p>14 A I'm sorry?</p> <p>15 Q That he had never smoked --</p> <p>16 A Jeff?</p> <p>17 Q -- weed with him? Jeff.</p> <p>18 A I don't know if Jeff has ever smoked weed</p> <p>19 with him or not.</p> <p>20 Q Well, did he tell you that he had?</p> <p>21 MS. MURPHY: Objection.</p> <p>22 THE COURT: Sustained.</p> <p>23 Q All right, now, you used the term to</p> <p>24 describe Jay as well weird?</p> <p>25 A I'm sorry, could you repeat that?</p>

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1 Q The terms that you used to describe Jay's
 2 behavior was weird?
 3 A Yes.
 4 Q Funny?
 5 A Yes.
 6 Q Okay. Meaning odd or meaning hilarious?
 7 A Odd.
 8 Q Odd. And you also said that he was quiet,
 9 not talking?
 10 A That's correct.
 11 Q And normally Jay talked, did he not?
 12 A Yea.
 13 Q He made conversation easily?
 14 A Yes.
 15 Q He was a good conversationalist?
 16 A Yes.
 17 Q You were asked by Ms. Murphy a question
 18 about did you sleep in the bedroom -- or did you
 19 sleep in the bedroom or did you -- when you said the
 20 couch, was there a couch there or was it the pillows?
 21 A It's a This End Up bed that I have big
 22 bolster pillows that sit on the back of it.
 23 Q It acts as a couch?
 24 A Yea.
 25 Q And it's in a separate place than the

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1 bedroom?
 2 A That's correct.
 3 Q And you said usually you slept on that
 4 place?
 5 A Yep.
 6 Q Because of the air conditioning?
 7 A Right.
 8 Q On January 13th that was winter, was it
 9 not?
 10 A That's correct.
 11 Q That would not have been a time when you
 12 had the air conditioning on in the apartment, was it?
 13 A No, but the This End Up bed is pretty heavy
 14 and I just don't move it back and forth. Once I
 15 bought the air conditioner and I put it in the window
 16 and moved the bed in there.
 17 Q So at that time the place where you slept
 18 was disconnected to what you slept on?
 19 A I don't understand.
 20 Q You slept on the bed on which you had put
 21 pillows?
 22 A That's correct.
 23 Q But then at the time it was in the living
 24 room?
 25 A That's correct.

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1 Q You had moved it there at a time when you
 2 were concerned about air conditioning?
 3 A The bed couch was always in the living
 4 room.
 5 Q Always?
 6 A Always in the living room.
 7 Q Whether it was summer or winter?
 8 A Yes.
 9 Q It was a separate bedroom?
 10 A I'm sorry?
 11 Q You had a separate bedroom?
 12 A That's correct.
 13 Q And in that bedroom you had a separate bed?
 14 A That's correct.
 15 Q So you always had a choice of where to
 16 sleep?
 17 A No.
 18 THE COURT: One second.
 19 THE WITNESS: I'm sorry.
 20 THE COURT: The objection is sustained.
 21 The witness is going to be permitted to answer the
 22 question, finish her answer. You were about to say.
 23 THE WITNESS: Right.
 24 THE COURT: But?
 25 THE WITNESS: But the bed in the bedroom

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1 was just a frame and when I moved my bed like my good
 2 mattress, I had an old mattress on the one in the
 3 living room, when I moved my good mattress on the
 4 bed, I took the frame home. So the only place I
 5 could sleep was in the living room unless I went home
 6 to my parents' house got the frame and brought it all
 7 of the way back.
 8 Q So on January 13th you really had only one
 9 place to sleep, right?
 10 A That's correct.
 11 Q And that was in the living room, right?
 12 A That's correct.
 13 Q But it wasn't because of the air
 14 conditioner then, was it?
 15 A No, it wasn't.
 16 Q No. Now, when you spoke to your friend Jen
 17 on the phone you described there's this strange guy
 18 here and he's slumped over, right?
 19 A Right.
 20 Q And you described him as best you could,
 21 right?
 22 A That's correct.
 23 Q And she made you aware that shortly before
 24 Jay had been at her house, did she not?
 25 A No, she said that she had plans to meet up

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1 with Jay but she didn't say that he was at her house.
 2 Q That he had been at her house. And she
 3 didn't mention to you that he had somebody else's
 4 car, did he?
 5 A No.
 6 Q And you knew your friend Jay did not have a
 7 car then, did you not?
 8 A Not of his own.
 9 Q Not of his own. But borrowed cars?
 10 A Sometimes his girlfriend's or yea.
 11 Q And sometimes others?
 12 A Oh, I don't know about others. I know
 13 about his girlfriend's car.
 14 Q But Jen never mentioned that she had just
 15 seen Jay?
 16 A Oh, no.
 17 Q And she never mentioned whether or not she
 18 had observed the same things you had that led you to
 19 describe them as shady?
 20 A No, she didn't say that.
 21 Q And when you described him, Jen never
 22 volunteered well maybe that's the guy whose car it
 23 was?
 24 A No, I don't think so.
 25 Q Or maybe that's the guy that I expected him

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1 to be with because he was going to pick him up when
 2 he left my house?
 3 A No, she didn't say anything of that --
 4 Q And she didn't say something to the effect
 5 of that she shared your concern about the shadiness
 6 of how he was acting?
 7 A I don't recall.
 8 Q Were you concerned about your friend Jay
 9 when you observed him acting shady?
 10 A Jay?
 11 Q Yes.
 12 A Concerned like -- no, I wouldn't say
 13 concerned.
 14 Q Now, when he got -- the person that you've
 15 identified as being in your living room, when he got
 16 the phone call you could only hear what he said, if
 17 at all, right?
 18 A I heard what he said, yes.
 19 Q But you couldn't hear what was being said
 20 on the phone?
 21 A No.
 22 Q You couldn't tell who he had called?
 23 A That's correct.
 24 Q Who was on the other end of the line?
 25 A I had no idea.

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1 Q Or what they were saying?
 2 A That's correct.
 3 Q Is that right? And when he got the call
 4 did you eavesdrop in?
 5 A Well, considering that nobody was talking
 6 and it was extremely quiet and my living room is not
 7 that big so when he's talking --
 8 MS. MURPHY: Objection.
 9 THE COURT: Sustained. You have to answer
 10 the question and may I ask that one question at a
 11 time be asked to allow the witness to answer just the
 12 question asked.
 13 THE WITNESS: Okay.
 14 THE COURT: Your question, Ms. Gutierrez.
 15 MS. GUTIERREZ: I don't remember it,
 16 Judge.
 17 Q Was Judge Judy still on?
 18 A Yes.
 19 MS. MURPHY: Objection.
 20 Q And if Judge Judy was --
 21 THE COURT: Overruled.
 22 Q -- was still on, the sound was on, was it
 23 not?
 24 A Yes.
 25 Q And if Judge Judy was on, given that it was

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1 your favorite show, before you said you were paying
 2 attention --
 3 THE COURT: I couldn't hear the end of
 4 that.
 5 Q Given that you told us it was your favorite
 6 show you would be paying attention?
 7 MS. MURPHY: Objection.
 8 THE COURT: Sustained.
 9 Q And what you heard him say was something
 10 like they're going to come talk with me; is that
 11 right?
 12 A That's one of the things he said, yes.
 13 Q And the other thing he said was what should
 14 I tell them?
 15 A Yes, or what should I say.
 16 Q What should you say?
 17 A Something to that effect.
 18 Q From what you heard the they that he was
 19 referring to, they were going to come talk to him,
 20 was a different they than he was talking to?
 21 A Yes.
 22 Q Based on what you heard?
 23 A Yes.
 24 Q And that he appeared to be asking advice of
 25 someone as to what he should tell the they in his

<p style="text-align: right;">Page 252</p> <p>1 first statement? 2 A Yes. 3 Q And that's all that you heard him say? 4 A Yes. 5 Q Now, you've continued to remain -- oh, Jay 6 didn't have a key to your apartment, did he? 7 A No. 8 Q Not then? 9 A He never had a key to my apartment. 10 Q Not ever. And he wasn't allowed to just go 11 in your apartment by himself, was he? 12 A No. 13 Q While you weren't there? 14 A No. 15 Q And when he got there your boyfriend Jeff 16 [REDACTED] didn't tell you, oh, he was just here a 17 couple of hours ago, did he? 18 A No. 19 Q And he didn't express to you that he and 20 Jay had smoked weed? 21 A No. 22 Q Or done any other drug? 23 A No. 24 Q And you, of course, expressed your 25 observations about Jay to Jeff later, right?</p>	<p style="text-align: right;">Page 254</p> <p>1 about that. 2 Q Did he wait for you or for the bus? 3 A Did he wait- - who Jay? 4 Q At that time, Jay? 5 A He waited for the bus. 6 Q For the bus, not you? 7 A Not me. 8 Q But on that occasion Jeff told you right 9 away, didn't he? 10 A Well, when I got home. 11 Q When you got home? 12 A Yea. 13 Q Now, much later than this day did there 14 come a time when you spoke to the police about this 15 day? 16 A Sure did. 17 Q And when did that happen? 18 A I can't really recall the date, maybe a 19 month. 20 Q Was it long after? 21 THE COURT: One moment, Ms. Gutierrez. One 22 moment. Can I see counsel at the bench, please. 23 (Whereupon, counsel and the Defendant 24 approached the bench and the following conference 25 ensued:)</p>
<p style="text-align: right;">Page 253</p> <p>1 A Yes. 2 Q And at that time did he indicate that he 3 had seen Jay earlier in the day, the same day? 4 A No. 5 Q Or that he had seen him any time that same 6 day and he had observed the same behavior? 7 A No, he did not tell me that. 8 Q And would you have expected him to tell you 9 if that had happened? 10 MS. MURPHY: Objection. 11 THE COURT: Overruled. Would you have 12 expected him to be told that? 13 THE WITNESS: Would I expect him to tell me 14 that? Yes. 15 Q Especially after Jay showed up and he 16 brought his shady behavior visiting to Jeff's 17 attention? 18 A Well, I think Jeff saw his shady behavior 19 on his own. 20 Q And would it have been unusual if Jay came 21 to your house, you weren't home but Jeff was, for Jay 22 to stay? 23 A Stay, I think one other time he came 24 because he was waiting for the bus and it was cold 25 outside and I wasn't there I think, but Jeff told me</p>	<p style="text-align: right;">Page 255</p> <p>1 THE COURT: I was told that Ms. Benaroya 2 called my chambers and you spoke to Ms. Benaroya on 3 the phone, did you not? 4 A VOICE: Yes. 5 THE COURT: And that was yesterday? 6 A VOICE: Yes. 7 THE COURT: What is it that it she told 8 you? 9 A VOICE: Yesterday she told me she would 10 be available after one. That was like the message. 11 THE COURT: Did she provide some 12 information about -- 13 A VOICE: She said that -- 14 THE COURT: -- coming to court or something 15 like that? 16 A VOICE: As far as a motion that she would 17 like to talk to you or Ms. Gutierrez about. She 18 wanted to let the Judge know whatever she had spoke 19 to you about, some kind of a motion in front of Judge 20 McCurdy. 21 THE COURT: Anything about the date? 22 A VOICE: About a date? I don't have the 23 information with me. I think it was. 24 THE COURT: Did you take a message? 25 A VOICE: I took the message. I don't have</p>

1 it with me.
 2 THE COURT: Where is the message?
 3 A VOICE: In the office.
 4 THE COURT: Go downstairs and get the note
 5 and that's what I asked Mr. White to tell you, to
 6 bring any notes regarding Ms. Benaroya upstairs.
 7 A VOICE: Okay.
 8 THE COURT: So please go and do that and
 9 bring the note back up. Whatever that information
 10 is, I'll bring you back.
 11 MS. GUTIERREZ: Thank you. Is that all?
 12 THE COURT: Yes, I just wanted to make sure
 13 that that information -- I was told that she was on
 14 her way here. I apologize for interrupting you.
 15 MS. GUTIERREZ: That's all right.
 16 THE COURT: But it was information that you
 17 requested and I wanted to make sure --
 18 MS. GUTIERREZ: Yes.
 19 THE COURT: -- before the day ended that
 20 Ms. Benaroya received that information and I did want
 21 to make sure that it was done in front of the
 22 presence of counsel. The Court did not want to be
 23 involved in any --
 24 MS. GUTIERREZ: Right.
 25 THE COURT: -- ex parte investigations or

1 MS. GUTIERREZ: Thank you, Your Honor.
 2 Q The time when you think you heard about a
 3 month after, and by a month after you mean after this
 4 date, the 13th; is that right?
 5 A Yes.
 6 Q There came a time when you spoke to the
 7 police?
 8 A I can't hear you.
 9 Q There came a time when you spoke to the
 10 police?
 11 A Yes.
 12 Q And where did that take place?
 13 A When I spoke to them it was at their
 14 office.
 15 Q At their office?
 16 A Yes.
 17 Q And was that the office of the Baltimore
 18 City Police Department?
 19 A Yes.
 20 Q And was that down here at 601 East Fayette
 21 Street?
 22 A I guess that's the address.
 23 Q At Police Headquarters?
 24 A I think, yes.
 25 Q In the Homicide Division?

1 anything of that sort, and that is the reason I said
 2 if you had contacted the witness that you directly
 3 contact rather than go through my chambers.
 4 MS. GUTIERREZ: Right, and, Judge, I have
 5 left messages.
 6 THE COURT: I understand.
 7 MS. GUTIERREZ: And she gave me her cell
 8 phone, but I've been unable to have direct contact
 9 with her since the day that she was here.
 10 THE COURT: That's why I didn't the want
 11 the information, whatever the information was I
 12 wanted it to go directly to you and I wanted to make
 13 sure that the State was present when that occurred.
 14 So when she returns, I'll have her do that.
 15 MS. GUTIERREZ: That's fine. I'm not going
 16 to be that much longer so if she returns before then
 17 I would appreciate just waiting because I only have a
 18 little bit more to cover.
 19 THE COURT: Very well.
 20 (Whereupon, counsel returned to the trial
 21 table and proceedings resumed in open court.)
 22 THE COURT: I apologize to the jury. We
 23 had a matter that we had to take up, but at this
 24 point we can continue. Ms. Gutierrez, if you could
 25 continue with your questions.

1 A Yes.
 2 Q And how did you get down there?
 3 A I drove.
 4 Q And was anybody else there with you?
 5 A No, nobody was with me.
 6 Q And was that during the day or the evening?
 7 A At night.
 8 Q And that was the first time that you spoke
 9 to anyone about these events?
 10 A Yes.
 11 Q Was it that day that you knew that they
 12 wanted to speak to you?
 13 A No.
 14 Q Had they called you up previously and set
 15 up this appointment and asked you to come down?
 16 A Yes.
 17 Q And at that time was it Detectives
 18 MacGillivray or Ritz that called you?
 19 A MacGillivray.
 20 Q MacGillivray. And he had told you what it
 21 was about?
 22 A He told me what it was -- no, I already
 23 knew what it was about.
 24 Q Okay. He set up an interview that you
 25 consented to come to?

1 A Yes.
 2 Q And at the time when he called you, you
 3 were at your home?
 4 A At my apartment, yes.
 5 Q Prior to that day, was that a day -- the
 6 same day or days before that event?
 7 A I think it was a couple of days before that
 8 he called me.
 9 Q So the time that you went to see them was a
 10 pre-planned event?
 11 A Yes.
 12 Q When you went down there did you speak to
 13 Detective MacGillivray?
 14 A Yes.
 15 Q Was Detective Ritz present?
 16 A No.
 17 Q And did you consent to speaking to him
 18 about it?
 19 A Yes.
 20 Q Was there a tape recording?
 21 A Yes.
 22 Q And did they accuse you of anything?
 23 A No.
 24 Q Did they give you any pictures to see?
 25 A No.

1 Q And did they threaten you in any way?
 2 A To speak to my father about it, but that
 3 was it.
 4 Q Speak to your father about it?
 5 A Yes.
 6 Q Did he go with you?
 7 A No.
 8 Q They spoke to him on the phone?
 9 A No.
 10 Q They threatened to speak to him?
 11 A Yes.
 12 Q And you regarded that as a threat?
 13 A Yes.
 14 Q You didn't want your father to know about
 15 these events?
 16 A I didn't think it was important, no.
 17 Q You didn't think it was important?
 18 A No.
 19 Q At least not important enough for your
 20 father to know about it, right?
 21 A Right.
 22 Q When they said that and you regarded it as
 23 a threat, did you say anything to them?
 24 A No.
 25 Q They knew who your father was?

1 A Hmm, no.
 2 Q Did you tell them?
 3 A No.
 4 Q Ms. [REDACTED], you're how old now?
 5 A Twenty-two.
 6 Q So you were twenty-one --
 7 A Yes.
 8 Q -- last year?
 9 A Uh-huh.
 10 Q And you've been in college for how long?
 11 A Four years. Three years at that time.
 12 Q And you had lived alone for how long?
 13 A A year at that time.
 14 Q But they threatened you with going to your
 15 father?
 16 A Well, my father was paying for school at
 17 that point and my living expenses.
 18 Q That was a threat to you?
 19 A Yes.
 20 Q And did you tell them that, that your dad
 21 was paying?
 22 A No.
 23 Q Did they ask about that?
 24 A No.
 25 Q All right, now, when you got down there on

1 that day had you spoken about the events of the 13th
 2 to your good friend Jen Pusateri subsequent to the
 3 13th?
 4 A Subsequent to the 13th, yes.
 5 Q Yes. And when had you done that?
 6 A The night that they came and talked to her.
 7 Q The night that they came, meaning the
 8 police?
 9 A Right.
 10 Q Had come to talk to her?
 11 A Right.
 12 Q And that day occurred before the day that
 13 you went down to speak to them?
 14 A That's correct.
 15 Q All right. And the day that they came to
 16 talk to her that was a Friday night, was it not?
 17 A I don't recall. It was at night.
 18 Q You had gone over to her house to pick her
 19 up?
 20 A That's correct.
 21 Q In your car?
 22 A That's correct.
 23 Q Is that right? And did you run into some
 24 detectives who appeared to be lost?
 25 A No.

1 Q No. They didn't --
 2 A They weren't lost.
 3 Q And you weren't lost?
 4 A I wasn't lost.
 5 Q You were parked right in front of her
 6 house?
 7 A Right.
 8 Q And how is it that you knew the detectives
 9 -- you came to know that they were detectives,
 10 right?
 11 A That's correct.
 12 Q Coming to her house to speak to her about
 13 the events of January 13th?
 14 A I found that out in the course of the
 15 conversation, but yes.
 16 Q Okay. And where did that conversation take
 17 place?
 18 A On the street.
 19 Q On the street in front of her house?
 20 A That's correct.
 21 Q And were you outside of the car?
 22 A We both were inside of the car at that
 23 point.
 24 Q And were they inside or outside of their
 25 car?

1 they were outside the car and you all were inside the
 2 car take place?
 3 A Five minutes probably at the most.
 4 Q Did she identify herself as Jennifer?
 5 A No, I never think she said I'm Jennifer,
 6 no.
 7 Q But her name was Jennifer then, wasn't it?
 8 A Yes.
 9 Q Okay. And did anything else happen in that
 10 conversation?
 11 A Meaning?
 12 Q Did they ever tell either you or her why
 13 they were looking for Jennifer?
 14 A Oh, yea, uh-huh.
 15 Q And what it had to do with?
 16 A Yep.
 17 Q And it had to do with the murder of Hae Min
 18 Lee, did it not?
 19 A That's correct.
 20 Q And they mentioned the name?
 21 A That's correct.
 22 Q And they mentioned the date January 13th,
 23 did they not?
 24 A I don't remember if they mentioned the date
 25 or not.

1 A Outside of their car in front of my car or
 2 on the side, the passenger side of my car.
 3 Q Which was right in front of her house?
 4 A That's correct.
 5 Q Okay. And they physically appeared to be
 6 looking to come up to her house, did they not?
 7 A Yes.
 8 Q Did she tell them who she was?
 9 A I don't think so.
 10 Q And did they tell her whom they were
 11 looking for?
 12 A Not at that point. They asked is this such
 13 and such address. She said can help you. They said
 14 does Jennifer live here or are you Jennifer or
 15 something to that effect, and she said can I help
 16 you, and that's when they identified themselves.
 17 Q Now, where you were when you picked her up
 18 was a location that you are familiar with?
 19 A Her house, yes.
 20 Q And you knew that she lived there with her
 21 parents?
 22 A That's correct.
 23 Q And her younger brother?
 24 A That's correct.
 25 Q And how long did this conversation while

1 Q Did they mention Jay Wilds' name?
 2 A No, I don't think so.
 3 Q Or anyone else's name?
 4 A I think Adnan's name.
 5 Q Adnan's. And did they ask her if they --
 6 if she knew him?
 7 A I think so, yes.
 8 Q And did she say she knew him?
 9 A Yes.
 10 Q And did she say she knew anything about the
 11 murder of Hae Min Lee?
 12 A No.
 13 Q In the five minutes did they threaten her?
 14 A Threaten her? I don't believe so, no.
 15 Q Did they try to arrest her?
 16 A No.
 17 Q Did they ask her --
 18 Q Well, they tried to convince her that she
 19 needed to -- I can't remember whether to come with
 20 them or to go down to the station at that very
 21 minute.
 22 Q And talk to them?
 23 A Yes.
 24 Q And they directly asked that, did they not?
 25 A Asked her to come down, yes.

1 Q And during the time that you were out there
 2 did she or you ever go get her parents?
 3 A No.
 4 Q She made you aware that her parents were
 5 both inside the house, did she not?
 6 A I don't remember if she made me aware or
 7 not.
 8 Q All right. And she never left the car?
 9 A She never left the car, no.
 10 Q And she did not refuse to speak to them,
 11 did she?
 12 A She did not refuse.
 13 Q But she didn't agree to go with them?
 14 A Not at that very second, but she did --
 15 Q Did she make an appointment?
 16 A Yes.
 17 Q And when was that appointment for?
 18 A That same night.
 19 Q That same night. And at this point when
 20 you went and picked her up it was dark, was it not?
 21 A Yes.
 22 Q And after there came a time when they left,
 23 right?
 24 A Yes.
 25 Q And --

1 A Well, I think we left before they did but
 2 yea.
 3 Q And you came to pick her up for a specific
 4 reason, did you not?
 5 A She was coming to hang out.
 6 Q Over your house?
 7 A Uh-huh.
 8 Q Okay. And there was nothing unusual about
 9 that, was there?
 10 A No.
 11 Q And you left her house and you went where?
 12 A To Jay's work.
 13 Q To Jay's work. And where he worked then
 14 was at the porno shop?
 15 A That's right.
 16 Q And you knew that, did you not?
 17 A Yes.
 18 Q It's on Southwestern Boulevard?
 19 A Something like that.
 20 Q Southwestern Video?
 21 A Okay.
 22 Q Did you plan before the police got there to
 23 go over there?
 24 A I think we were going to pick him up from
 25 work.

1 Q To pick him up from work?
 2 A Yea.
 3 Q Because he was going to go over to your
 4 house with you all?
 5 A No, I don't remember if he was coming over
 6 or not. I remember that we were going to pick him up
 7 because he didn't have a car.
 8 Q He never had a car, did he?
 9 A No, but he didn't -- he wasn't borrowing
 10 anybody's car, and I don't think Jen had her car at
 11 that point. So he had asked us to go pick him up
 12 from work, but I don't remember whether he was going
 13 home or whether he was coming to my apartment. I
 14 don't recall.
 15 Q If he was going home, you all would take
 16 him home?
 17 A Right.
 18 Q And that wasn't objectionable to you, was
 19 it?
 20 A No.
 21 Q If he needed a ride you would have given
 22 him a ride, right?
 23 A Yea, at that time.
 24 Q And did you have any other purpose in going
 25 to see him?

1 A No.
 2 Q Did you speak to him before you got there?
 3 A Before I got there, no.
 4 Q Did you have a cell phone?
 5 A Not at that time, no.
 6 Q Did Jen have a cell phone?
 7 A No.
 8 Q And you didn't stop to make a call?
 9 A No, we were going right there.
 10 Q And you didn't go back inside the house to
 11 make a call?
 12 A No.
 13 Q Okay. Did you get him food?
 14 A I don't recall. I'm not sure.
 15 Q So you went over there?
 16 A Right.
 17 Q And was he there?
 18 A Yea.
 19 Q Did you go inside?
 20 A Yep.
 21 Q And did you speak to him?
 22 A I think I said hey like what's up or
 23 something but --
 24 Q Were you upset by what you had heard from
 25 Detective MacGillivray or Ritz?

1 A Yes.
 2 Q About their conversation with Jen?
 3 A Yes.
 4 Q And did she appear to be upset?
 5 A Yes.
 6 Q Was she acting shady?
 7 A No, she wasn't acting shady.
 8 Q No she wasn't?
 9 A No.
 10 Q So she was acting very differently than the
 11 time that you saw her acting shady?
 12 A Well, she wasn't acting shady because as
 13 soon as we pulled away she told me what was going on.
 14 Q She told you that she expected them?
 15 A She expected -- no, I don't think she
 16 expected them, but I'm not sure.
 17 Q That she knew why they were there?
 18 A I think -- yea.
 19 Q And that it concerned the death of Hae Min
 20 Lee?
 21 A Yes.
 22 Q Did she ever tell you that she had anything
 23 to do with it?
 24 A No, no, I don't think so. Well, when we
 25 pulled away, the first thing I said was that was --

1 you know, this is about that guy at my apartment,
 2 isn't it, and she said yea that was Adnan, and I said
 3 what is going on and she told me.
 4 Q She never saw the guy in your apartment,
 5 did she?
 6 A No.
 7 Q And you didn't know his name back then, did
 8 you?
 9 A No.
 10 Q You never got it from him, right?
 11 A No.
 12 Q And you never asked Jay for it?
 13 A No.
 14 Q Even though you felt that he should
 15 introduce the person he brought with him to you,
 16 right?
 17 A That was normal.
 18 Q When you described the person to her over
 19 the phone that night, she didn't say, oh, that's
 20 Adnan with him?
 21 A No, I don't think so.
 22 Q Or describe anybody by name?
 23 A She said one name but I can't remember what
 24 it is.
 25 Q You can't remember what it was?

1 A No.
 2 Q And to your knowledge -- well, when she
 3 came back later that night that person whom you had
 4 never seen before was no longer there, was he?
 5 A No.
 6 Q All right, now, on the way over to see Jay
 7 who you may have had to take home or take with you,
 8 did you and Jen talk about anything else?
 9 A I don't remember. I don't think so.
 10 Q When you say well it was different because
 11 she told you what it was about, right? She never --
 12 did she ever intimate at all that she was involved in
 13 anything?
 14 MS. MURPHY: Objection.
 15 THE COURT: Sustained as to that question.
 16 Q Did she appear to be scared?
 17 A Nervous, not scared.
 18 Q Nervous. About the police?
 19 A Well, it's not everyday that a Homicide
 20 detective comes and wants to talk to you.
 21 Q Did she appear scared while the Homicide
 22 detective was there?
 23 A Not scared, nervous.
 24 Q And you and she speak, did she intimate to
 25 you that Jay was involved?

1 A You know, I really don't remember. She
 2 could have. All I remember about that conversation
 3 is me asking about the guy in my apartment, her
 4 saying yes, and I don't remember if at that time she
 5 told me what was -- I don't remember. I just
 6 remember the first part of the conversation extremely
 7 clear. I don't remember.
 8 Q He was still your good friend then, wasn't
 9 he?
 10 A Yea, he was my friend.
 11 Q And you had seen him subsequent to that
 12 time that he had showed up with this guy that he
 13 didn't introduce, right?
 14 A I seen him -- I'm not sure. I could have.
 15 Q Before that day it would not have been
 16 unusual for you to see Jay more than once a week,
 17 would it have not?
 18 A No, I didn't see him more than once a week.
 19 Q And you can't recall whether or not you saw
 20 him in the month between that time and the day that
 21 you recall the police coming or looking for Jen?
 22 A The only time I remember seeing Jay after
 23 that is at Jeff's party which we had at my house.
 24 Q And that was when?
 25 A The 22nd.

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1 Q The 22nd?
 2 A Of February.
 3 Q Of February; is that correct?
 4 A That's correct.
 5 Q And that's more than a month after that
 6 date that you saw him and he brought somebody you
 7 didn't know with him to the house?
 8 A Right.
 9 Q So that would have occurred before the date
 10 the police came looking for Jen?
 11 A Well, I don't remember the date the police
 12 came looking for Jen.
 13 Q Okay. Whatever that date was, Ms. [REDACTED],
 14 it would be fair to say that if your friend Jen told
 15 you that your friend Jay was involved in a homicide,
 16 that would have been noteworthy to you, would it have
 17 not?
 18 A That would be what?
 19 Q That would have made an impression on you
 20 would it have not?
 21 A Yes, that would have made an impression on
 22 me.
 23 Q That would have been pretty strong news,
 24 would it have not?
 25 A Yea.

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1 Q But you don't remember whether she said
 2 that?
 3 A I remember finding out about what had
 4 happened, but I don't remember the exact moment I
 5 found out.
 6 Q Or from whom?
 7 A Or from whom. It could have been Jay. It
 8 could have been from Jen.
 9 Q Whatever conversation you had with Jen
 10 going over on the way to the porn store, you actually
 11 got out of your car and went in the porn store with
 12 Jen, right?
 13 A That's correct.
 14 Q Even though your purpose may have been only
 15 to pick him up?
 16 A Yea.
 17 Q And take him somewhere else?
 18 A Okay.
 19 Q Is that right?
 20 A That's correct.
 21 Q You just don't remember?
 22 A Don't remember what?
 23 Q What your purpose was?
 24 A I'm sure -- I'm pretty sure our purpose was
 25 to pick him up and take him home.

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1 Q Or?
 2 A Or pick him up and go to my apartment.
 3 Pick him up. That was our purpose.
 4 Q Did the picking him up involve getting
 5 something that needed to be carried from the store?
 6 A I can't hear you, something.
 7 Q Did picking him up involve going in and
 8 getting something that needed to be carried from the
 9 store?
 10 A No.
 11 Q And there was nobody else you had to pick
 12 up, was there?
 13 A No.
 14 Q Was there any requirement that you leave
 15 your car and go in?
 16 A Well, I didn't feel like sitting in the
 17 parking lot by myself.
 18 Q In the parking lot?
 19 A Yea.
 20 Q Waiting for him to come out?
 21 A Yea.
 22 Q So you went in together with Jen, right?
 23 A Yea.
 24 Q And did you speak to Jay in there?
 25 A Like I said, hi, what's up or something

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1 like that.
 2 Q That's it?
 3 A That I recall.
 4 Q And did you observe Jen having a
 5 conversation with him?
 6 A Yea.
 7 Q And was that in your presence?
 8 A Yes.
 9 Q Could you hear them?
 10 A Yes.
 11 Q And what was that about?
 12 A She said that the detectives had come to
 13 talk to her and he said --
 14 Q Did she say what about?
 15 A I don't remember. I'm not sure. I
 16 remember her saying something to the effect the
 17 detectives came to talk to me and Jay saying well
 18 tell them everything you know, tell them the truth.
 19 Q Just tell them the truth?
 20 A Tell them everything you know, tell them
 21 the truth.
 22 Q And did Jen react to that?
 23 A React?
 24 Q To when he said tell them the truth?
 25 A I don't -- I think she was just like okay.

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1 Q Did she get less upset?
 2 A Less upset?
 3 MS. MURPHY: Objection.
 4 THE COURT: Sustained.
 5 Q Well, Ms. [REDACTED], you've told us that when
 6 the detectives were there it was pretty scary, wasn't
 7 it?
 8 MS. MURPHY: Objection.
 9 THE COURT: Sustained.
 10 Q It was scary for you even though they
 11 didn't ask to speak to you, right?
 12 A It wasn't scary for me. It was weird and
 13 maybe a little upsetting but not scary. They weren't
 14 coming for me.
 15 Q And you could observe that it was upsetting
 16 for your friend whom they were asking about, right?
 17 MS. MURPHY: Objection.
 18 THE COURT: Sustained.
 19 Q When the detectives left outside the front
 20 of Jen's house, did she appear less upset or more
 21 upset?
 22 MS. MURPHY: Objection.
 23 THE COURT: Sustained.
 24 Q When you were in the porn store was there
 25 anything else to the conversation between Jen and

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1 Jay?
 2 A He said he wasn't ready. He had to work
 3 longer or he wasn't ready to get off, something to
 4 that effect. He wasn't ready to go yet. So she said
 5 something like, you know, well, they want me to go
 6 down right now and talk to them. He was like okay.
 7 Q He was saying okay, it was all right to go
 8 down and talk to them?
 9 A No, like okay we're not going to probably
 10 be able to come and pick him up for awhile.
 11 Q For awhile?
 12 A Well, it was all of the way in the city.
 13 Q Did you make arrangements to pick him up
 14 later?
 15 A No, I think he made arrangements. We made
 16 arrangements to call.
 17 Q To call him?
 18 A I'm not sure, maybe.
 19 Q Did you speak to him about going down to
 20 the police?
 21 MS. MURPHY: Objection.
 22 THE COURT: Did you speak to him about
 23 going down to see the police? Is that your
 24 question?
 25 MS. GUTIERREZ: Yes.

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1 THE COURT: Overruled.
 2 A When -- that night did I -- about Jen going
 3 to see the police?
 4 Q Yes.
 5 A Oh, I didn't speak to him about that.
 6 Q And did you make arrangements with Jen to
 7 go with her?
 8 A She didn't have a car.
 9 Q So --
 10 A So I offered to take her.
 11 Q The answer is yes?
 12 A Yes.
 13 Q Yes. And when you left there did you
 14 proceed down to the police Headquarters?
 15 A Yes.
 16 Q Okay. And do you remember then?
 17 A Do I remember driving down there?
 18 Q Yes.
 19 A Yea.
 20 Q Did you talk with her about what was going
 21 to happen?
 22 A I think a little bit, yea.
 23 Q Did she indicate to you that Jay might be
 24 involved?
 25 A Jay might be involved? I don't remember if

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1 she did at that time or not.
 2 Q She might have said that?
 3 A She could have.
 4 Q She could have. You just don't remember?
 5 A Well, it's pretty hard to think of the
 6 exact moment where you learned each one of these
 7 little pieces of the story. I don't remember if
 8 right that second she was like this is what happened
 9 blaise a blah, I don't remember.
 10 Q At some point she told you that Jay might
 11 be involved?
 12 A Yes.
 13 Q Yes. From her mouth?
 14 A Yes.
 15 Q Now, when you got down to police
 16 Headquarters were you there when she spoke to the
 17 police?
 18 A I was waiting outside in the --
 19 Q Outside the building or in the lobby?
 20 A In the lobby.
 21 Q Okay. And did they ever ask you who you
 22 were?
 23 A Hmm, I don't think so.
 24 Q And did you ever ask her not to mention
 25 your name?

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<p>1 A No.</p> <p>2 Q Or Jeff's name?</p> <p>3 A No.</p> <p>4 Q Or that you may have met this person that</p> <p>5 visited your house with Jay on a certain day?</p> <p>6 A She already knew that.</p> <p>7 Q Did you ever ask her not to mention it?</p> <p>8 MS. MURPHY: Objection.</p> <p>9 THE COURT: Overruled. Did you ever ask</p> <p>10 her not to mention that?</p> <p>11 THE WITNESS: No.</p> <p>12 Q And were you concerned about that day?</p> <p>13 A Concerned about the day that we went down</p> <p>14 there.</p> <p>15 Q No, the day that this person came with Jay?</p> <p>16 A Was I concerned? Yes.</p> <p>17 Q And on the day, a month later when that day</p> <p>18 came up in conversation, did you remember that it was</p> <p>19 the 13th of January?</p> <p>20 A I don't think I remembered the specific</p> <p>21 date, no.</p> <p>22 Q Somebody told you that day, did they not?</p> <p>23 A I think it was Detective MacGillivray.</p> <p>24 Q Detective MacGillivray. You did not have</p> <p>25 any independent recollection of your own that the day</p>	<p>1 Q From your own recollection you couldn't</p> <p>2 tell us whether these events took place on the 13th</p> <p>3 for instance or on the 12th?</p> <p>4 A No, except that I had a conference that day</p> <p>5 that was the only other way I know.</p> <p>6 Q And the time when you were asked to speak</p> <p>7 -- well, first the time that you went down when Jen</p> <p>8 went that same night --</p> <p>9 A Uh-huh.</p> <p>10 Q -- that they came to her house, you never</p> <p>11 went inside the room where she was speaking to them?</p> <p>12 A No.</p> <p>13 Q And they never came out to talk to you?</p> <p>14 A No.</p> <p>15 Q Or to ask any questions of you?</p> <p>16 A I don't believe so.</p> <p>17 Q And to your knowledge, you weren't even</p> <p>18 introduced to them?</p> <p>19 A I wasn't even introduced to the</p> <p>20 detectives?</p> <p>21 Q Yes.</p> <p>22 A Well, I had known their name from when they</p> <p>23 were outside Jen's house.</p> <p>24 Q But they hadn't known yours?</p> <p>25 A I don't believe so, no.</p>
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<p>1 that this person came with Jay occurred actually on</p> <p>2 the 13th?</p> <p>3 A No, I don't think so.</p> <p>4 Q You didn't make any documentation of that</p> <p>5 visit, did you?</p> <p>6 A Hmm, I had a day timer at that point which</p> <p>7 I kept everything in. I could have written it down.</p> <p>8 I think I even wrote that Jeff was there but I don't</p> <p>9 recall if I put Jay and friend there. I don't think</p> <p>10 I did.</p> <p>11 Q You mean on the calendar?</p> <p>12 A Right.</p> <p>13 Q Was that important for you to keep track of</p> <p>14 who visited when?</p> <p>15 A No.</p> <p>16 Q Or when your friends were there or not</p> <p>17 there?</p> <p>18 A No, I mean I didn't record everyday that</p> <p>19 Jen was there, but Jeff wasn't always there and Jeff</p> <p>20 didn't live right around the corner. So when we</p> <p>21 would make plans to see each other, I would write it</p> <p>22 down in my book.</p> <p>23 Q But it was Detective MacGillivray that</p> <p>24 brought the date up to you; is that right?</p> <p>25 A Yes.</p>	<p>1 Q You hadn't been asked what your name was,</p> <p>2 right?</p> <p>3 A No.</p> <p>4 Q Now, when your good friend -- your friend</p> <p>5 Jennifer Pusateri came out, you took her home or did</p> <p>6 you go back to your house?</p> <p>7 A I think we went to my house.</p> <p>8 Q And was that a day that you smoked weed</p> <p>9 with her?</p> <p>10 A I don't remember. It could have been.</p> <p>11 Q You don't keep any notation on your</p> <p>12 calendar of days that you get high or not high, do</p> <p>13 you?</p> <p>14 A Nope, sure don't.</p> <p>15 Q Now, did you have a conversation with her</p> <p>16 on the ride back?</p> <p>17 A I'm sure but I don't recall it.</p> <p>18 Q Did she appear upset to you?</p> <p>19 A Did she appear upset? No.</p> <p>20 Q Or shady?</p> <p>21 A No.</p> <p>22 Q Or in any way concerned about what had</p> <p>23 taken place out of your presence?</p> <p>24 A I don't think so.</p> <p>25 Q Did she tell you she had lied to the</p>

1 Q You hadn't been asked what your name was,
2 right?

3 A No.

4 Q Now, when your good friend -- your friend
5 Jennifer Pusateri came out, you took her home or did
6 you go back to your house?

7 A I think we went to my house.

8 Q And was that a day that you smoked weed
9 with her?

10 A I don't remember. It could have been.

11 Q You don't keep any notation on your
12 calendar of days that you get high or not high, do
13 you?

14 A Nope, sure don't.

15 Q Now, did you have a conversation with her
16 on the ride back?

17 A I'm sure but I don't recall it.

18 Q Did she appear upset to you?

19 A Did she appear upset? No.

20 Q Or shady?

21 A No.

22 Q Or in any way concerned about what had
23 taken place out of your presence?

24 A I don't think so.

25 Q Did she tell you she had lied to the

1 police?

2 A I don't think so.

3 Q And did she tell you she now needed a
4 lawyer?

5 A She told me she was going to get a lawyer.

6 Q She said she was going to get a lawyer?

7 A Well, I don't recall if it was that night
8 or --

9 Q Later?

10 A I don't remember. I knew around that time
11 that she was going to get a lawyer.

12 Q About these events?

13 A Uh-huh.

14 Q About answering questions from the police?

15 A Right.

16 Q And you didn't question that, did you?

17 A I don't remember if I did or not. I'm sure
18 I did, but I don't remember.

19 Q On any other day, not that day, did she
20 tell you that she lied to the police?

21 A That she lied to the police? No, I don't
22 think so.

23 Q Now, the day that you talked to the police,
24 that you made an appointment for, that was how long
25 after that date, that day that you were there when

1 they came to talk to her?

2 A A couple of weeks, a week maybe. I can't
3 be exact.

4 Q And when you went down to talk to them did
5 you advise her that you were doing so?

6 A Yea, I think I told her.

7 Q Did you talk to her about what was going
8 on?

9 A What do you mean what was going on? Like
10 what they were going to ask me?

11 Q Among other things, yes.

12 MS. MURPHY: Objection.

13 THE COURT: Sustained as among other
14 things.

15 Q Did you ask her about what she had told the
16 police?

17 A I don't think so.

18 Q And did you ask Detective MacGillivray when
19 he called how he got your name?

20 A No.

21 Q And any reason why not?

22 A Any reason why I didn't ask him how he got
23 my name?

24 Q Yes, ma'am.

25 A No, there was no reason why I didn't ask

1 him how he got my name.

2 Q You just didn't ask?

3 A I knew how he got my name.

4 Q And you hadn't given him your name?

5 A I hadn't given him what?

6 Q You hadn't given him your name?

7 A Detective MacGillivray, no.

8 Q Not on the day that you were down there?

9 A No.

10 Q After that night you had many conversations
11 with Jen?

12 A I had what?

13 Q Many conversations with your good friend
14 Jen?

15 A Yes.

16 Q About these events?

17 A Yes.

18 Q And how they involved her?

19 A Yes.

20 Q And about how they involved your friend Jay
21 Wilds?

22 A Yes.

23 Q And you had conversations with Jay about
24 these things?

25 A Yes.

1 Q On more than one occasion?

2 A I'm sure on more than one, but I can only
3 think of one.

4 Q And at the one you can remember Jay, of
5 course, told you that he was involved?

6 A That he wasn't involved?

7 Q That he was?

8 A Yes.

9 Q Yes. In the death of Hae Min Lee?

10 A No.

11 Q The burial of Hae Min Lee?

12 A No, he didn't tell me that.

13 Q In fact, he told you the opposite, did he
14 not?

15 A Told me the opposite. I'm trying to think
16 of what he exactly said. I don't know what he
17 exactly said.

18 Q Were these events important to you?

19 A Important to me?

20 Q Yes.

21 A They weren't important but they were kind
22 of alarming.

23 Q Was it important to you to know whether
24 your very good friends might be involved in a murder?

25 A Yes.

1 Q In any part of a homicide?
2 A Yes.
3 Q You described while you were on the phone
4 or shortly thereafter that you looked out the window?
5 A Yes, that's correct.
6 Q This person had not been introduced to you,
7 right?
8 A That's correct.
9 Q And although you had no base line to know
10 how he acted normally, in your view he wasn't acting
11 right, right?
12 A That's correct.
13 Q And it would be fair to say that you didn't
14 really want him there, did you?
15 A Want him there? No, not after I felt that
16 something was going on.
17 Q And after you thought he was acting
18 strange, right?
19 A Right.
20 Q So you didn't object when he got up and
21 left suddenly, did you?
22 A I didn't run after him, no.
23 Q You didn't object to his leaving --
24 A No.
25 Q -- did you? You didn't do anything to stop

1 it, did you?
2 A No.
3 Q And when you looked out the window were you
4 hoping he would come back?
5 A No.
6 Q Did you care about who he was?
7 A No, not really.
8 Q Did you care whether or not he returned?
9 A No.
10 Q And the person who you did know what his
11 behavior was, his behavior you described as shady,
12 did you want him to continue to be in your house
13 while he was acting that way?
14 A No.
15 Q And did you look out the window in an
16 effort to locate him?
17 A Yes, I wanted to see where they had gone.
18 Q You had some interest in knowing their next
19 destination?
20 A No.
21 Q Were you concerned about his welfare?
22 A No.
23 Q And were you so interested in finding out
24 what you thought he might be concealing?
25 A No, I just thought it was odd that they

1 jumped up and left.

2 Q You really didn't want them back in your
3 house, did you?

4 MS. MURPHY: Objection.

5 THE COURT: Did you want him back in your
6 house?

7 THE WITNESS: No.

8 MS. GUTIERREZ: No. Thank you. Nothing
9 further.

10 THE WITNESS: Thank you.

11 THE COURT: Any redirect?

12 MS. MURPHY: Nothing further, Your Honor.

13 THE COURT: Thank you. May this witness be
14 excused?

15 MS. MURPHY: Yes, Your Honor.

16 THE COURT: Ms. Gutierrez, may she be
17 released from any summonses or subpoenas?

18 MS. GUTIERREZ: Yes, Your Honor.

19 MS. MURPHY: Yes, Your Honor.

20 THE COURT: You're a sequestered witness.
21 You cannot discuss your testimony with anyone who has
22 yet to be a witness but if you'd like to sit in the
23 courtroom you're welcome to do so. At this moment
24 you're free to go.

25 THE WITNESS: Thank you.

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<p>1 THE COURT: Witness with you, Ms. Murphy. 2 MS. MURPHY: Thank you, Your Honor. 3 DIRECT EXAMINATION 4 BY MS. MURPHY -----> Debbie 5 Q Ms. [REDACTED], how old are you? 6 A Eighteen. 7 Q Are you attending school? 8 A Yes. 9 Q And where is that? 10 A Catonsville Community College. 11 Q What are you studying there? 12 A Romance languages. 13 Q Where did you attend high school? 14 A Woodlawn High School. 15 Q When did you graduate? 16 A 1999, May. 17 Q Did you know Hae Min Lee? 18 A Yes, I did. 19 Q Can you describe your relationship with 20 her? 21 A We were very close friends. 22 Q And how did you know her? 23 A On a personal level as well as in school. 24 We hung out together on weekends. We talked a lot. 25 She told me a lot of personal things about her life.</p>	<p>1 became boyfriend and girlfriend. 2 Q Were you aware of their relationship that 3 following summer? 4 A The summer before they were together? 5 Q The summer following the junior prom. 6 A Yes. 7 Q How serious was their relationship? 8 A It was pretty serious. 9 Q Can you explain that? 10 A They would spend a lot of time together. 11 They were sexually active with each other. They 12 shared a lot of things with each other. He knew a 13 lot about her. She knew a lot about him. 14 Q To you knowledge, was this the defendant's 15 first sexual relationship? 16 A No, it wasn't. 17 Q And how do you know that? 18 A He told me. 19 MS. GUTIERREZ: Objection. 20 THE COURT: Overruled. 21 A He told me. 22 Q Did you attend the homecoming dance? I 23 guess that would be your senior year. 24 A No, I didn't. 25 Q Were you aware of anything that happened at</p>
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<p>1 Q Do you know the defendant Adnan Syed? 2 A Yes, I do. 3 Q And how do you know him? 4 A From school. 5 Q And how long have you known him? 6 A Seven years. 7 Q Can you describe Hae Lee for the jurors? 8 What type of friend she was, what type of activities 9 she did? 10 A She was very active in school. She played 11 a lot of sports. She was involved in a lot of 12 clubs. She had good grades and she was a happy 13 person in general. 14 Q Did you become aware at some point in time 15 that Hae Lee was having a romantic relationship with 16 the defendant? 17 A Yes, I did. 18 Q Can you tell us about that? 19 A Back when we were freshmen in high school, 20 they had both liked each other. They both told me 21 that but they never told each other that. Later in 22 our junior year right before prom time Hae told me 23 that she wanted to go the prom with Adnan and she 24 asked me to ask him if he would ask her. So I did 25 that and he asked her and after that point they</p>	<p>1 the homecoming dance? 2 A No. 3 Q Did you become aware of any break ups in 4 their relationship? 5 A Yes, I did. 6 Q What do you remember about that? 7 A They had broken up probably two times 8 before their final break up. Hae was upset at Adnan 9 because he was becoming very over protective of her 10 and she felt like she wasn't free in the relationship 11 and she called it off. 12 Q You mentioned their final break up, do you 13 remember when that was? 14 A Between December and January of '99. 15 Q Now, the first two break ups that you 16 mentioned -- 17 A Uh-huh. 18 Q -- during those periods of time were you 19 ever aware that Hae dated anyone else? 20 A No, she didn't. 21 Q And how about after the final break up? 22 A Yes, she did. 23 Q Who was that? 24 A Donnie. 25 Q And did you ever meet Donnie?</p>