

1                   (Whereupon, the trial was recessed at 11:44 a.m.  
2   and subsequently reconvened at 11:55 a.m.)  
3                   (Jury not present)  
4                   THE COURT: Please be seated.  
5                   MS. GUTIERREZ: Judge, the subpoena that I asked  
6   you to sign did get served, and that witness will be here  
7   the first witness after lunch.  
8                   THE COURT: Very well.  
9                   MS. GUTIERREZ: So we'll be fine.  
10                  THE COURT: Is the deputy sheriff out there?  
11                  Mr. Buddemeyer, please step up, please. I think  
12   you're the next witness.  
13                  MR. DAVIS: Yes, ma'am. Thank you.  
14                  THE COURT: Just come on around and have a seat  
15   for a moment, until we can get the jury back.  
16                  MS. GUTIERREZ: Do you have a copy of the  
17   records, Mr. Davis?  
18                  THE COURT: I'm sorry, your last name is?  
19                  MR. DAVIS: Davis, Andrew Davis.  
20                  THE COURT: Davis. I don't know why I wanted to  
21   call you Buddemeyer.  
22                  MR. DAVIS: That's okay. I answer to all kinds  
23   of things these days. Thank you.  
24                  (Pause)  
25                  (Whereupon, at 11:58 a.m., the jury returned to

1 the courtroom.)

2 THE COURT: Mr. Davis, I need you to raise your  
3 right hand when you get a moment.

4 Whereupon,

5 ANDREW DAVIS

6 was recalled as a witness at 11:59 a.m., and after having  
7 been first duly sworn, was further examined and testified  
8 as follows:

9 THE CLERK: You may be seated.

10 THE WITNESS: Thank you.

11 THE CLERK: You're welcome.

12 MS. GUTIERREZ: Judge, I'd like to approach the  
13 witness.

14 THE COURT: Certainly. Let him state his name and  
15 his --

16 MS. GUTIERREZ: -- as Defendant's Exhibit No.

17 20 -- authenticity -- stipulated to.

18 (Whereupon, the document referred  
19 to as Defendant's Exhibit No. 20  
20 was marked for identification.)

21 THE COURT: For the record, ladies and gentlemen,  
22 there are some records that have been stipulated to by  
23 counsel.

24 Ms. Gutierrez, the jurors have been asked to  
25 raise their hand when they cannot hear, and what you just

1 said, they are signaling they could not hear.

2 MR. URICK: We only stipulate to authenticity,  
3 not to --

4 THE COURT: I understand that, the authenticity  
5 of the records. That's what she said and that's what I was  
6 attempting to repeat for the benefit of the juror who  
7 raised his hand and indicated he could not hear.

8 That's Exhibit No. 20, correct?

9 MS. GUTIERREZ: Yes.

10 THE COURT: Very well.

11 MS. GUTIERREZ: Mr. Davis --

12 THE CLERK: Excuse me. Let me get his name and  
13 his --

14 MS. GUTIERREZ: Oh, I'm sorry.

15 Recalling Andrew Davis.

16 THE WITNESS: Yes, ma'am, my name is Andrew  
17 Davis. My address is 207 East Redwood Street, Suite 703,  
18 Baltimore, Maryland 21202. Employed as a private  
19 investigator.

20 DIRECT EXAMINATION

21 BY MS. GUTIERREZ:

22 Q Mr. Davis, just if you can, were you employed as  
23 a private investigator in the defense of Adnan Syed?

24 A Yes, ma'am, that's correct.

25 MS. GUTIERREZ: May I approach the witness?

1 THE COURT: Yes, you may.

2 BY MS. GUTIERREZ:

3 Q Mr. Davis, I'm going to show you what's been  
4 marked as Defendant's Exhibit 20 and ask if you've seen  
5 them and you know what they are?

6 A Yes, ma'am, I have and, yes, ma'am, I do.

7 Q What are they?

8 MR. URICK: Objection.

9 THE COURT: I'm going to need to see what it is  
10 that the witness has. Mr. White can assist.

11 (Pause)

12 Counsel, and when you say what are they, you're  
13 asking as to all the items that are attached as Exhibit  
14 No. 20 for identification?

15 MS. GUTIERREZ: Yes, Judge. The generic term for  
16 what they are.

17 THE COURT: You may answer the what are they  
18 question, if you know, if that --

19 That question is overruled.

20 THE WITNESS: Yes, ma'am. These are discovery  
21 that has been provided to the Defense by the State, and  
22 what they actually are are bank records from Hey Men Lee.

23 BY MS. GUTIERREZ:

24 Q And do they cover the use of an ATM card  
25 associated and given to Hey Men Lee?

1           A     Yes, ma'am.

2           Q     I'd like to direct your attention to where I put  
3     the little pink sticky, and if you would locate the date of  
4     1/13, 1999.

5           A     Yes, ma'am, I have it.

6           Q     And do those records indicate that Hey Men Lee  
7     used her ATM card on that date?

8           A     Yes, ma'am, they do.

9           Q     And where does it indicate -- what do those  
10    records reveal --

11               MR. URICK: We're withdrawing the objection to  
12    the admission of the document.

13               MS. GUTIERREZ: -- as to her use of the ATM card  
14    on that date, the 13th of January 1999?

15               THE COURT: You may answer.

16               THE WITNESS: Thank you.

17               It states that this card was used for a purchase  
18    of \$1.71 at Crown, 11902940 Baltimore, Maryland.

19               BY MS. GUTIERREZ:

20           Q     Okay. And did you have occasion to determine  
21    where the Crown, that number, is located?

22           A     Yes, ma'am.

23           Q     And where is that Crown located?

24           A     That group of numbers actually indicates that  
25    it's Crown No. 29, and Crown No. 29 is located at the

1 intersection of Harford Road and Northern Parkway in  
2 Baltimore, Maryland.

3 Q And are you familiar with that intersection,  
4 Harford Road and Northern Parkway?

5 A Yes, ma'am.

6 Q And where is that located? Is that in Baltimore  
7 City?

8 A Yes, ma'am, it is.

9 Q And where is that location in relationship to the  
10 Woodlawn area of Baltimore County?

11 A It's not close to Woodlawn. I wouldn't say it's  
12 on the opposite side of the city but it's pretty far on the  
13 way to the opposite side of the city.

14 Q Okay. And did you have an occasion to visit that  
15 particular property?

16 A Yes, ma'am.

17 Q And do the bank records indicate what time the  
18 use of the ATM card was? What time it occurred?

19 A This printout from NationsBank does not indicate  
20 the time that the card was used.

21 Q Okay. In your visiting that particular Crown,  
22 did you determine whether or not someone could use the ATM  
23 outside, like at the pump?

24 A Yes, ma'am, I did determine that.

25 Q And can you do that at that Crown?

1           A     No, ma'am, you can't.

2           Q     What is required to use an ATM at that specific

3     location?

4           A     You actually have to present the card to cashier

5     in person.

6           Q     Okay. And is that inside as opposed to

7     outside --

8           A     Yes, ma'am.

9           Q     -- the Crown building?

10          A     Yes, ma'am.

11          Q     Okay. And did you determine whether or not

12     records would have been made indicating the time of that

13     purchase?

14          A     Yes, ma'am. Crown is obligated to maintain its

15     records for a period of one year after a purchase was made.

16          Q     Did you determine whether -- were you ever -- did

17     you attempt to locate those records?

18          A     Yes, ma'am, I did.

19          Q     And were the Crown people helpful in assisting

20     you in doing that?

21          A     Yes, ma'am. The owners, yes, ma'am.

22          Q     Were you able to locate the records that would

23     indicate that that ATM that's indicated on the bank records

24     was used at that time?

25          A     No, ma'am.

1 Q And was that because they didn't exist?  
2 A That's correct.  
3 Q And did they -- did you determine whether or not  
4 they ever existed?  
5 A Yes, ma'am.  
6 Q And what did you so determine?  
7 A Those records existed up to as late as October of  
8 1999. The records were actually kept at the owner's  
9 residence, Jeff Weelis (phon. sp.), in his garage. He has  
10 three Rottweilers, and they tore the garage apart one day  
11 and destroyed all the records that he had kept in this  
12 garage and were since thrown away, as late as October of  
13 last year.  
14 Q Okay. By October, you mean just a couple months  
15 ago, October?  
16 A Yes, ma'am.  
17 Q And did you determine that in the records that  
18 had been destroyed would have been records that relate to  
19 January 13th?  
20 A Yes, ma'am, that's correct.  
21 Q From speaking to the owner and visiting the  
22 Crown, did you determine what was bought that was  
23 covered --  
24 MR. URICK: Objection.  
25 MS. GUTIERREZ: -- by the \$1.71 entry for the use



1 of the ATM card?

2 THE COURT: Sustained as to that question.

3 BY MS. GUTIERREZ:

4 Q Did you determine if the records would have  
5 revealed a purchase -- what the purchase was that was  
6 represented by the \$1.71 entry on the ATM records?

7 MR. URICK: Objection.

8 THE COURT: Overruled.

9 Yes or no? Not what was purchased but yes, you  
10 were able to and the records would have, or no, the records  
11 would not.

12 THE WITNESS: The answer is yes.

13 BY MS. GUTIERREZ:

14 Q And in regard to that information, would that --  
15 did you determine whether or not that information, meaning  
16 what the purchase would have been, would have been  
17 contained in the same records that you sought to obtain  
18 that would indicate the time of the sale?

19 MR. URICK: Objection.

20 THE COURT: I believe it's been asked and  
21 answered now. He's just said yes.

22 MS. GUTIERREZ: No, Judge, this is as to what the  
23 purchase was. I've asked him about -- the records that  
24 would indicate the time of the sale and neglected then to  
25 ask did he determine whether or not those very same records

1 would have indicated the purchase.

2 THE COURT: Very well.

3 Yes or no, and don't say what the item was or

4 what you were told.

5 THE WITNESS: Yes, ma'am.

6 Yes.

7 BY MS. GUTIERREZ:

8 Q Yes. Okay. Those were the same records that

9 were destroyed sometime in October of 1999?

10 A That's correct.

11 Q Is it your understanding that those same records

12 would have been available, meaning to determine the

13 purchase of the sale all the way up to October of 1999?

14 A That's correct.

15 MS. GUTIERREZ: I would move Defendant's

16 Exhibit 20 into evidence.

17 THE COURT: Any objection?

18 MR. URICK: No objection.

19 THE COURT: Let it be admitted.

20 (Whereupon, the document referred

21 to as Defendant's Exhibit No. 20

22 was received into evidence.)

23 MS. GUTIERREZ: I have no further questions at

24 this time.

25 THE COURT: Any questions?

1 MR. URICK: Yes.

2 CROSS-EXAMINATION

3 BY MR. URICK:

4 Q Good afternoon, Mr. Davis.

5 A Hi, Mr. Urick.

6 Q Now, the column --

7 MR. URICK: Could the witness see the exhibit

8 again that he was just looking at, please?

9 THE WITNESS: Thank you.

10 BY MR. URICK:

11 Q Do you have a credit card of your own?

12 A A credit card? Yes, sir.

13 Q Now, you see the far left column, that says "Date

14 Posted," does it not?

15 A Yes, sir.

16 Q Now, date posted is not the same thing as date

17 transacted, is it?

18 MS. GUTIERREZ: Objection.

19 THE COURT: Overruled.

20 If you know.

21 THE WITNESS: I do know because I spent numerous

22 hours with Crown receipts and had this fully explained to

23 me, so I can answer your question.

24 BY MR. URICK:

25 Q Go ahead.

1           A     On this purchase date, that would -- the 13th  
2     would, in fact, be the date that purchase was made.  
3     Because of the procedure that Crown uses to batch out, they  
4     do four batches a day which -- in that time period, which  
5     would allow them to show what actual purchases were made  
6     that day and then actually send the batch through to the  
7     credit card company.

8           Q     Now, you're aware that Ms. Lee -- well, this is a  
9     24-hour Crown, correct?

10          A     Yes, sir.

11          Q     And you're aware that Ms. Lee was dating a Donald  
12     Kleindenst (phon. sp.), correct?

13          A     Was dating Donald Kleindenst?

14          Q     Yeah.

15          A     Yes, sir.

16          Q     And if the night before she had been with him and  
17     was coming home, she might have stopped at this Crown place  
18     at 12:05, 12:30, to get a soda, is that correct?

19                 MS. GUTIERREZ: Objection.

20                 THE COURT: Sustained as to what might have  
21     happened.

22                 BY MR. URICK:

23          Q     And the records show that there are absolutely no  
24     transactions on this ATM card after January 13th, is that  
25     correct?

1           A     The next date here posted is 1/27.

2           Q     That's the monthly maintenance fee?

3           A     And I was going to explain that. That's what is

4 presented here, yes, sir.

5           Q     So there is no use of that ATM card after this

6 purchase of \$1.71 that was made on -- sometime on January

7 13th? Absolutely no other transactions on that ATM card?

8           A     Just the monthly maintenance.

9           MR. URICK: Okay, thank you.

10          THE COURT: Thank you very much.

11          MS. GUTIERREZ: Nothing further.

12          THE COURT: May this witness be excused?

13          MS. GUTIERREZ: Yes, Judge, he may.

14          THE COURT: May this witness be released?

15          MS. GUTIERREZ: Yes, yes.

16          THE COURT: And counsel?

17          MR. URICK: No, we have no further questions of

18 him.

19          THE COURT: Very well.

20          Mr. Davis, you're released from summons and if

21 you would like to remain in the courtroom, you may. You

22 may not discuss your testimony with anyone who is yet to be

23 a witness in this case.

24          THE WITNESS: Yes, ma'am. Thank you.

25          (Whereupon, at 12:11 p.m., the witness was

1       excused.)

2               THE COURT: Your next witness, Ms. Gutierrez.

3               MS. GUTIERREZ: Judge, I do have some witnesses..

4       They are going to be lengthy. In light of the fact that

5       you're going to -- I think it might be appropriate to not

6       start them.

7               THE COURT: We'll take a lunch break now. Please

8       understand that we will be back by 1:15.

9               MS. GUTIERREZ: That's fine.

10              THE COURT: Very well.

11              MS. GUTIERREZ: That's fine.

12              THE COURT: Ladies and gentlemen, it's a few

13       minutes after 2 -- I'm sorry, after 12. They'll be looking

14       for you in Jury Assembly, and that'll give them 15 or so

15       minutes, so why don't we say 1:30? That gives you enough

16       time to get over there, get paid, and still have an hour

17       for lunch. One-thirty, I'll give you till 1:30, but I'm

18       giving counsel till 1:15 because you don't have to go to

19       the Jury Commissioner's office.

20              MS. GUTIERREZ: I wish.

21              THE COURT: All right. So if counsel could be

22       back at 1:15 and the jurors will be back at 1:30, we will

23       resume this case.

24              I'm going to ask you once again to leave your

25       notepads face-down and not to discuss the testimony of