

UNDISCLOSED: the State v. Adnan Syed

Addendum 1:

New Information About the Trip to Cathy's

April 20, 2015

[0:00] Rabia Chaudry Hi, and welcome to *Undisclosed: Addendum*. This is a little surprise for our listeners, but every other week we're going to be providing an extra five to ten minutes of updates, some information maybe we didn't touch on last time, and maybe even previews about the next episode.

Now, something really interesting happened in the last week, uh... Since our episode 1 aired, we got some new information from a listener that gives us more insight into Cathy and what she remembers of that day, and by that day, of course, I mean January 13th, 1999. Just to refresh your memory, Cathy was a friend of Jenn's. And according to Cathy--and Jay--on January 13th, 1999, Jay came to visit Cathy at her apartment with Adnan in the evening. According to Cathy, she had only ever met Adnan once, and Adnan says the same thing, that he *does* remember going to Cathy's apartment once.

Now, I'm going to turn it over to Colin, so he can talk about, and refresh your memory about, why Cathy's testimony and statement were significant to the State's case.

[1:00] Colin Miller Right, so the prosecution's theory of the case is... that after Adnan finishes track practice on January 13th, he's picked up by Jay, he smokes some weed, they go over to Cathy's house, and she's surprised at this guy who seems extremely high. She says it's about 6 o'clock because she's watching Judge Judy. She says that Adnan gets a phone call from a friend, who is basically tipping him off the cops are going to call, and Adnan freaks out. He says, "What am I going to do? ...what am I going to say?" And then, eventually, Jay and he leave in a hurry. They get into Adnan's car. The headlights are on. They're just sitting there, and Cathy's confused as to what's going on, and they quickly leave. And the prosecution claims they leave to go to the Park and Ride, change their plans, decide they're going to bury Hae's body in the 7 o'clock hour. And the prosecution's claim is, this explains exactly what's going on for a death and burial on January 13th.

[1:59] Rabia Chaudry Okay, so Cathy was important to establish, number one, that Adnan was with Jay, uh, in the evening and that she saw them leave together and that would explain the prosecution making the proffer that it was the 7 o'clock calls that they were in Leakin' Park. Um, now Cathy's memory was tied to a couple of different things. There's, I think, Judge Judy--so that gave her a time. The second was, because she testified that she was actually told that it was the 13th by a detective. Um, and then there was the third reason and, Susan, I'm going to ask you to talk about that third reason.

[2:31] Susan Simpson Cathy's other reason for thinking that Adnan and Jay were at her place is 'cause she remembered, once the cops told her that the visit had been the 13th, she said,

“Yeah, well, that’s also the day I had the conference... Um, they--I had a conference downtown from 9 to 4:30 p.m. and after I got home from the conference, well, that’s when Adnan and Jay came over.” Uh, here’s what she said to detectives in the first statement she gave:

[2:55] Detective

Let’s... go back to the 13th of January. Um... you went--you go to school?

Cathy

UMBC.

Detective

UMBC. On the 13th, can you tell me what you did?

Cathy

Um, I was at a conference at University of Maryland at Baltimore for my internship. Um, I was there until, like, 9 ‘til 4:30.

Detective

That night, did you get some visitors?

Cathy

Yes.

Detective

And approximately what time was that?

Cathy

Between 5:15 and 6 o’clock.

Detective

Between 5:15 and 6 o’clock. And who were your visitors?

Cathy

Um, Jay, I don’t know his last name... and, um, Adnan... [*nervous laugh*]

Detective

Adnan?

Cathy

Adnan... Syed.

Detective

Okay.

[3:41] Susan Simpson So, Cathy seems to have a.. a fairly clear memory of this sequence of events. She spent all day at the University of Maryland at Baltimore School of Social Work, and then at 4:30 her conference ended and she came back to her apartment, and Adnan and Jay showed up. Last week, however, as Rabia mentioned, one of our listeners contacted us. It turns out, he had a copy of the December 1998/January 1999 calendar for the School of Social Work, which is where Cathy testified her conference was at. And according to this calendar, there was no conference on January 13th. There was, however, conferences on two other dates: January 22nd and January 23rd. The conference on the 23rd was short, a couple hours--doesn't seem like it's anything that Cathy talked about. The conference on the 22nd, however, is interesting. It was from 8:30 a.m. to 4:30 p.m. and it was on "Clinical Interventions with Traumatized Children".

[4:35] Colin Miller Right, because Cathy testifies at trial she's at the conference because of her internship, and that internship was at a group residential home for adolescent boys. And if you look at the subject matter for the internship and the subject matter for the conference, they seem to match up pretty well.

[4:51] Susan Simpson I mean, if she's going to a conference through her job, and her job was dealing with traumatized children, it makes perfect sense that the conference she was at was the one on the 22nd.

[5:00] Rabia Chaudry You know, this kind of nails it. If Cathy's saying she was at a conference all day, and *that* is the evening Adnan came, then that's the only conference that matches time, um, the same you know w--a study that she's doing, um, and also it's interesting because, uh, by January 22nd Ramadan is over. Adnan's not fasting.

[5:16] Colin Miller That's interesting, Rabia. The other thing to note is that January 22nd was a day off from school for Woodlawn students between the end of the second semester and the start of the third semester. That means Adnan would've had the whole day to get as high as Cathy described him, as opposed to... that brief period of time between the end of track practice and arriving at her apartment.

Now, Susan, is there any real possibility that there was, in fact, a conference at the School of Social Work on January 13th despite it not being on the calendar that we have?

[5:42] Susan Simpson Yeah, I don't see there being any chance that a conference that was that long would not have gotten recorded on the calendar for the school.

[5:49] Colin Miller, Now at this point you might be wondering what defense counsel could have done with this information about the conference had she had it at trial. Well, here's what she could've done: first, she could've allowed the prosecution to include the trip to Cathy's as a key part of its narrative in the opening statement at trial. Second, she could've then allowed Cathy and Jay to testify at trial about the trip to Cathy's, the phone calls, Adnan freaking out, and then Adnan basically coercing Jay into burying Hae's body in the 7 o'clock hour when such a burial

otherwise really doesn't make sense. Then at that point she could've raised the fact the conference didn't occur on the 13th.

This is known in the evidence world as "contradiction by other evidence". It's a form of impeachment. It's calling into question the credibility of witnesses, including the key witness for the prosecution by showing that what they claim couldn't have happened. It also would've been a key way to undermine the key narrative of the State regarding the burial of the body.

Now, unlike with Debbie's testimony from last week, I can't say that this would've led to a new outcome at trial. What I can say is, it would've gone a long way towards creating reasonable doubt.

[6:50] Susan Simpson So... I'm going to call it. The Cathy trip was *not* on the 13th.

[6:54] Rabia Chaudry Okay. So, the Cathy trip was not on the 13th. Add that to the list of things that didn't happen on the 13th, on top of things that we didn't know happened on the 13th, uh, when we were talking about Adnan's day from episode 1.

Next week, what we're going to do is, we're going to talk about... Hae's day and what we think happened and what we are *positive* at this point did not happen.

[7:15] Colin Miller We think we might know something that *did* happen on the 13th. Specifically, there might be a last person to see Hae alive who was never heard from. And... if we're to believe certain statements to the police, she asked Hae for a ride. Next time on *Undisclosed*.