

1
2 IN THE CIRCUIT COURT FOR
3 BALTIMORE CITY

4 SEPTEMBER 7, 1999

5
6 STATE OF MARYLAND

7
8 -VS-

CASE NO. 299250001

9 JAY WILDS
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11 _____
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14 BEFORE: HONORABLE JOSEPH P. MCCURDY, JUDGE
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18 APPEARANCES:

19 KEVIN URICK,.
20 ASSISTANT STATE'S ATTORNEY.
On behalf of the State.
21 ANN BEN-ROYAL,.
On behalf of the Defendant
22
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24

25 REPORTED BY: VIDEOTAPE
TRANSCRIBED BY: CHARLES H. LONG,
OFFICIAL COURT REPORTER

1 PROCEEDINGS IN OPEN COURT

2 MR. URICK: Good morning, Your Honor. Kevin Urick for
3 the State. With the Court's permission I'm adding a
4 case on the docket. State versus Jay Wilds. That's
5 W-I-L-D-S, Case Number 299250001.

6 Pursuant to a plea agreement the Defendant is
7 to enter a plea agreement to one count of accessory
8 after the fact of murder at this time. We wish to do
9 an advisement of rights all the way up to the point
10 where the Court can find knowing, would accept and the
11 Court advise. At that point I'm going to ask that it
12 be set in for disposition sometime in January right
13 now, but we want to make it clear for the record that
14 the Defendant has fully entered his guilty plea.
15 Everything -- the only thing that remains after today's
16 date is -- (Inaudible) at the time of disposition,
17 provide the written statement of facts for the Court to
18 make a finding of guilty and sentence.

19 THE COURT: Okay. But, you want me to advise
20 him and accept the plea today, is that correct?

21 MR. URICK: And we'll given the written --
22 we'll provide the written statement of facts at the
23 time of disposition --

24 THE COURT: All right.

25 MR. URICK: -- for the Court to enter the

1 finding of guilty at that time.

2 THE COURT: All right.

3 MR. URICK: And be sentenced pursuant to the
4 plea agreement.

5 MS. BEN-ROYAL: Good morning, Judge McCurdy.
6 Ann Ben-Royal on behalf of Mr. Wilds.

7 THE COURT: Is that your understanding as
8 well, Mr. Ben- Royal?

9 MS. BEN-ROYAL: Yes, sir, it is.

10 THE COURT: All right. Mr. Wilds, would you
11 raise your right hand, please?

12 Thereupon --

13 JAY WILDS,
14 a Defendant, being first duly sworn to tell the truth,
15 the whole truth and nothing but the truth, was examined
16 and testified as follows:

17 THE CLERK: You may lower your hand. Please
18 state your name and address.

19 THE DEFENDANT: My name is Jay Wilds. J. W.
20 Wilds. I live at [REDACTED]

21 THE CLERK: [REDACTED] how do you spell that?

22 THE DEFENDANT: [REDACTED] --

23 THE CLERK: [REDACTED] --

24 THE DEFENDANT: I'm sorry. [REDACTED]

25 [REDACTED]

1 THE CLERK: And, the zip code?
2 THE DEFENDANT: 21227.
3 THE CLERK: 21227?
4 THE DEFENDANT: Yes.
5 THE CLERK: And, your date of birth?
6 THE DEFENDANT: 1-12-80.
7 THE CLERK: And, your age?
8 THE DEFENDANT: 19.
9 THE CLERK: Thank you.
10 THE COURT: Mr. Urick, what are the elements
11 of accessory after the fact or is it in -- is it in the
12 pattern jury instructions?
13 MR. URICK: It should should be. Basically it
14 is that knowing that a murder had been committed he did
15 aid one Adnan Syed in avoiding -- in attempting to
16 avoid (Inaudible).
17 THE COURT: Okay. It's probably under aiding
18 and abetting.
19 MR. URICK: It might be under parties too.
20 THE COURT: Okay. I found it.
21 All right. The elements are it's known that
22 the crime -- the crime had been committed, the
23 Defendant knew the crime had been committed, the
24 Defendant gave assistance to the person who committed
25 the crime and did so with the intent to hinder or

his birthday
the day before
the note he
said Adnan
called him
to help w/
murder

1 prevent the person's arrest -- (Inaudible).

2 Mr. Wilds, could you stand up, please.

3 Sir, you've agreed to plead guilty in the
4 case and I have to be satisfied that you've freely and
5 voluntarily entered into this guilty plea.

6 How old are you?

7 THE DEFENDANT: 19, sir.

8 THE COURT: 19?

9 THE DEFENDANT: Yes.

10 THE COURT: How much education have you had?

11 THE DEFENDANT: High school diploma.

12 THE COURT: Can you read and write?

13 THE DEFENDANT: Yes.

14 THE COURT: Can you speak and understand
15 English?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you under the influence of
18 any substance that might affect your judgment?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you have any disability that
21 might affect your judgment?

22 THE DEFENDANT: No, sir.

23 THE COURT: Were you on parole or probation
24 on the day of this incident?

25 THE DEFENDANT: No, sir.

1 THE COURT: If you're mistaken and you were
2 on parole or probation this guilty plea would violate
3 your parole or probation and I would have no control
4 over the Judge who put you on probation or the Parole
5 Commission if you were charged with a violation.

6 You have a right to go to trial. If you went
7 to trial the State would have to prove its case against
8 you. The State would do that by calling witnesses and
9 your lawyer would cross examine the witnesses. The
10 State would attempt to introduce evidence and your
11 lawyer would object to the introduction of the
12 evidence. When you plead guilty you waive your right
13 to make the State prove its case and you waive any
14 objections to the State's evidence.

15 If you had gone to trial you could have put
16 on a defense. That means you could have testified.
17 You could have summonsed witnesses and the Court would
18 have made them come in and you could have introduced
19 evidence, but when you plead guilty you waive your
20 right to put on a defense.

21 If you had gone to trial you could have
22 remained silent and the Court or the jury would not
23 have held that against you. When you plead guilty you
24 waive -- that's called your right against
25 self-incrimination. When you plead guilty you waive

1 your right against self-incrimination because you agree
2 that the statement of facts the State's attorney will
3 present at the next, pardon, the next event in these
4 proceedings will be true.

5 If you had gone to trial you would have
6 chosen to be tried by a Judge or jury. If you chose a
7 Judge that would have been one person who would have
8 had to be satisfied beyond a reasonable doubt that you
9 were guilty in order to find you guilty.

10 If you chose a jury you and your lawyer and
11 the State's Attorney would have picked twelve people
12 from the voter rolls and the driver's rolls of
13 Baltimore City. They would have represented a cross
14 section of the community and each one of the twelve
15 would have had to be satisfied beyond a reasonable
16 doubt that you were guilty in order to find you guilty.
17 All twelve would have had to agree that you were not
18 guilty in order to find you not guilty and if they
19 could not have agreed that would have been a hung jury
20 and the State could have tried you over until you were
21 found not guilty or guilty.

22 When you plead guilty you waive most of your
23 appeal rights and the only thing you can do is ask for
24 permission to appeal and the Court of Special Appeals
25 will only give you permission for four reasons. First

1 is that this Court had no jurisdiction. If you were 18
2 years of age or older when the incident occurred and if
3 it occurred in Baltimore City the Court does have
4 jurisdiction.

5 Second, that you had received an illegal
6 sentence. Now, what's the maximum sentence for aiding
7 -- for accessory after the fact?

8 MR. URICK: Five years.

9 THE COURT: Five years. I don't know what
10 the plea agreement is, however, you will not -- I
11 guarantee you you will not be given any more than five
12 years in this case.

13 The third reason would be that you did not
14 have adequate assistance of Counsel.

15 Are you satisfied with the services of your
16 attorney in this case?

17 THE DEFENDANT: At this present time?

18 THE COURT: At this time.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And, the last reason would be
21 that you did not freely and voluntarily enter into this
22 plea. Other than this plea agreement has anybody made
23 any threat or promise to make you plead guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Thank you. I'll

1 accept the plea. And, when is it so
2 proceedings?

3 MR. URICK: We've asked for
4 in January.

5 THE COURT: Okay, January.
6 January calendar?

7 THE CLERK: Yes.

8 THE COURT: Okay.

9 THE CLERK: January 4th, Y

10 THE COURT: Okay.

11 THE CLERK: In Part 7.

12 THE COURT: All right. Thank you very much.

13 THE CLERK: Your Honor, would this be called
14 a disposition?

15 THE COURT: Well, substantially -- it's
16 really for a plea.

17 THE CLERK: All right.

18 THE COURT: To finish --

19 MR. URICK: You can call it a guilty me or --

20 THE COURT: Guilty plea.

21 THE CLERK: Okay.

22 THE COURT: Yeah, it would be for the plea
23 because we haven't finished the plea yet.

24 THE CLERK: Okay.

25 THE COURT: All we did was advise him of his

1 rights.

2 MR. URICK: And, at this point the Defendant
3 should be advised that you can go forward even if he
4 chooses -- even if he does not appear.

5 THE COURT: Well, that's true.

6 Mr. Wilds, could you stand up, please? You
7 must appear on this next date, otherwise we can go
8 forward without you being here. Do you understand what
9 I mean?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Thank you very much.

12 THE DEFENDANT: Excuse me, Your Honor.

13 THE COURT: What?

14 THE DEFENDANT: That doesn't mean if I do not
15 appear I get a failure to appear warrant, do I?

16 THE COURT: Well, actually it does because if
17 you if you fail to appear at any Court appearance
18 whether it's a disposition or even today if you, if you
19 had a summons and failed to appear I could issue a
20 warrant. The thing that you have to understand is if
21 you don't appear for the rest of this case I could
22 proceed to --

23 THE DEFENDANT: Right.

24 THE COURT: -- disposition and give you up to
25 maximum sentence.

1 THE DEFENDANT: Okay.

2 THE COURT: Okay. Thank you.

3 THE CLERK: Counsel, may I have your
4 appearance please?

5 MR. URICK: Thank you, Your Honor.

6 REPORTER'S CERTIFICATION
7

8 I hereby certify that the foregoing is a true and
9 accurate transcript of the proceedings of State of
10 Maryland vs. Jay Wilds, Case Number 299250001, in the
11 Circuit Court for Baltimore City on September 7, 1999
12 before Judge Josphe P. McCurdy, recorded by videotape
13 and transcribed to the best of my ability to
14 typewriting by me.

15 I further certify that the foregoing pages
16 numbers 1 through 11 constitute the official transcript
17 of the proceedings as transcribed by me to the within
18 typewritten matter.

19 In witness whereof, I have hereunto affixed
20 my signature this 5th day of October, 1999.

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Court Reporter