

State of Maryland

vs.

Adnan Syed

#199103042-46

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In The
Circuit Court
Of
Baltimore City

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SAUNDRA E. BANKS
BALTIMORE, MARYLAND
CIRCUIT COURT

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State's Opposition to Defendant's Motion for Continuance

The State of Maryland, by and through its attorneys, Patricia C. Jessamy, State's Attorney for Baltimore City, and Kathleen Murphy and Kevin Urick, Assistant State's Attorneys for Baltimore City, hereby oppose Defendant's motion for a continuance in the above captioned matter and in support thereof asserts:

1) The State informed the defense of the existence of the Victim's Diary and its inclusion as evidence for trial in a disclosure provided the defense on August 2, 1999, which included an Evidence Control Unit submission list that listed the diary of Hae Lee. The State would have made the diary available for inspection at any time upon request by the defense. The defense never requested to view it;

2) There is no exculpatory material in the diary of Hae Lee; if anything it details the deterioration of the relationship she had with the defendant and her growing interest in her new boyfriend, which are the bases for the defendant's motive in killing her;

3) On July 1, 1999, the State provided discovery to the

defense that included all then available offense reports concerning the above captioned case. Included in those reports were the run sheets of Tech. Sanders which listed the recovery of a shirt from the victim's car with a suspected blood stain on it. Thus, the defense has been on notice concerning this piece of evidence since the July 1 date;

--The August 2 disclosure also listed the shirt with the suspected blood stain on it in the Evidence Control Unit submission list;

--On September 3, the State sent the defense a recently completed trace analysis unit report concluding that the stain on the shirt was in fact human blood;

--On September 3, the State provided a disclosure to the defense stating "Yesterday the state was orally informed that a DNA Typing request may have been made. The State is checking to confirm if such a test was in fact requested and if so seeing if the results are ready;"

--On September 24, the state provided a disclosure to the defense stating, "The original request for DNA typing could not be processed because at the time of submission there was nothing to type; a new request has been submitted but the results are not expected for 6 to 8 weeks;"

--On October 1, the state provided a disclosure to the defense stating, "In response to the Defense's letter of September 28, 1999, the State avers: there has been no new evidence collected. Around the beginning of March a request was made for a

DNA workup on property numbers 99008991 (shirt with suspected blood) and 99004674 (vial of victim's blood). That request was never processed. On August 31, 1999, Criminalist Salvatore Bianca issued a Trace Analysis report, previously disclosed, concluding that in fact Property No. 99008991 had red stains that were human blood. Subsequently, a DNA workup was requested for the stains and the blood of Hae Lee, Adnan Syed, and Jay Wilds. That workup probably will not be available by the current trial date;"

--On October 8, 1999, the state provided a disclosure stating, "Melissa Stangroom, Maryland State Police Crime Laboratory, Biology Unit, will be called as an expert witness as to DNA analysis; she orally reported today that the preliminary results of testing the blood on the shirt in the victim's car positively exclude both Adnan Syed and Jay Wilds as the source of the blood stain, and indicate the stain came from the victim, Hae Lee;"

Accordingly, the defense has been on notice concerning the existence of the shirt with the suspected blood stain since July 1, 1999. The defense has made no request to view the evidence or to make any tests of their own. They have been fully apprised in a timely fashion of what the State had and what the State was doing. It is quite clear now that the blood stain is neither exculpatory nor incriminatory evidence, and it is not evidence the defense is being taken by surprise with;

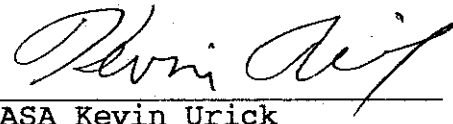
4) The issue concerning the release of Jay Wilds' statements has already been litigated and resolved by Judge Quarles. Judge

Quarles ruled that the Defense is not entitled to the statements until after Mr. Wilds testifies;

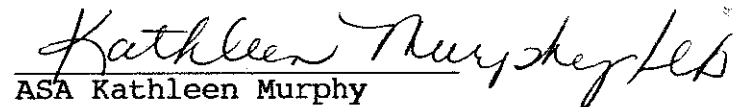
Accordingly, as is detailed above there is no evidence that has not been available to the defense since at least August 2, 1999. The defense had a completely adequate time to request to view that evidence and conduct any tests it chose. And the defense has been fully apprised as to the State's actions concerning that evidence. The defense cannot credibly claim at this time that it is being taken by surprise or that it is not adequately prepared for trial.

Judge Quarles is currently in trial. That matter is expected to conclude sometime Thursday, October 14, 1999. The State respectfully requests this Honorable Court to deny Defendant's Motion for a Continuance, and to order the above caption matter held in Judge Quarles, part 27, to begin trial immediately upon conclusion of the matter before him.

Respectfully submitted,



ASA Kevin Urick



ASA Kathleen Murphy