

Cited Excerpts of Post-Conviction  
Hearing Testimony  
from William Kanwisher  
(2/3/2016) (Pages 104-06)

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ADNAN SYED v. STATE OF MARYLAND  
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
PETITIONER,	*	CIRCUIT COURT
	*	
V.	*	FOR
	*	BALTIMORE CITY
	*	
STATE OF MARYLAND.	*	CASE: 199103042-46
	*	

\* \* \* \* \*

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(EVIDENTIARY HEARING)

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BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

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HEARING DATE: FEBRUARY 3, 2016

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APPEARANCES:

For the Petitioner: C. Justin Brown, Esquire  
Christopher C. Nieto, Esquire

For the State: Thiruvendran Vignarajah, AAG  
Matthew Krimski, AAG  
Tiffany Harvey, AAG

Transcriptionist: Patricia Noell

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1 A I can.

2 Q All right. If it's easier I can give you just a  
3 straight hard copy. Yeah.

4 A Actually, that would be fine too, but -- yeah.

5 Q Here you go.

6 A Thanks.

7 Q All right, sir. So I draw your attention to  
8 paragraph no. 6.

9 A Yes, sir.

10 Q Okay. Now, you stated that the alibi notice  
11 does not lock the defense attorney into a particular  
12 strategy; do you remember writing that?

13 A Yep.

14 Q Now, with regards to Ms. Gutierrez's practice,  
15 per your experiences and observations, what did you mean  
16 by that?

17 A Cristina's philosophy was always to try and keep  
18 as many doors open as she possibly could. In answering  
19 any kind of pretrial motion or demand she would try to  
20 craft it so that she didn't in fact pin herself down to  
21 any case theory, if she could. So for something like an  
22 alibi notice, she would have treated it the same way.  
23 Tina would have likely tried to put as much information  
24 and as many names into an alibi notice as she possibly  
25 could. This is so the State would not be able to focus in

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1 on the one or two alibi witnesses that she may have  
2 planned to call. That was one of her tactics. Also she  
3 would have done that so that the State would expend  
4 resources and time and energy possibly going and either  
5 interviewing or re-interviewing the witnesses that she  
6 named as alibi witnesses.

7 Q All right. So if I may draw your attention  
8 additionally to paragraph 7 or 8, and I think you've  
9 addressed some of that. In this affidavit you speak to  
10 her tactics and the use of this necessary alibi notice,  
11 right?

12 A Uh-huh.

13 Q And so if I understand your testimony, then, the  
14 idea is to put as many witnesses on the list so as to  
15 potentially confuse the State; is that fair to say?

16 A That's correct.

17 Q And also to keep her or your options open.

18 A Correct.

19 Q Now, if a witness were not put on the alibi  
20 notice, what would that mean for purposes of trial?

21 A Well, Tina understood the rules and she would  
22 have understood that if she had an alibi witness that she  
23 had actually either was planning or maybe just considering  
24 using that her failure to put it on the list could  
25 preclude her from actually presenting that at trial.

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1 Q And you'd also said that part of Ms. Gutierrez's  
2 tactics were to put essentially as many witness names on  
3 the list as possible? Is that fair to say, or not?

4 A I mean, within reason, yeah.

5 Q Within reason. Would that be hinged upon her  
6 expectation to call them as witnesses, or no?

7 A No. Not necessarily. She would have -- and in  
8 an abundance of caution if she had even the slightest  
9 inkling that she might call them she would have included  
10 them. She might have included some people that she had no  
11 intention whatsoever of calling just to basically get the  
12 State to, as I said, spend resources interviewing and  
13 re-interviewing these witnesses.

14 Q All right. So, Mr. Kanwisher, I'd like to show  
15 you what's --

16 MR. NIETO: I believe, Your Honor, already been  
17 introduced as Exhibit 11. I don't know if it's PC2-11.  
18 Do you have that?

19 MR. BROWN: Your Honor, this is an exhibit that  
20 was introduced and admitted at the previous  
21 post-conviction proceeding. We have it listed as PC2-11.

22 MR. VIGNARAJAH: I presume this is the notice  
23 about alibi witnesses.

24 MR. BROWN: That's right.

25 MR. VIGNARAJAH: State has no objection.