

Cited Excerpts from Court
Ruling granting Defense
Motion for Mistrial
(12/15/1999) (Page 254-55)

923-00
9835

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment Nos. 199103042-46

ADNAN MASUD SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Excerpt - opening statement of Mr. Urick)

Baltimore, Maryland

Wednesday, December 15, 1999

BEFORE:

THE HONORABLE WANDA KEYS HEARD, Associate Judge
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
KATHLEEN C. MURPHY, ESQ.

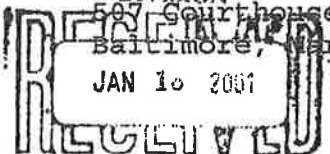
For the defendant:

M. CRISTINA GUTIERREZ, ESQ.

recorded on videotape

TRANSCRIBED BY:

Charles F. Madden
Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202



OFFICE OF
THE ATTORNEY GENERAL

RETURN TO:

Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
Attention: Tina Stavrou
410-576-6491

Please return by:

8-04-10

1 THE COURT: Uh-huh.

2 MS. GUTIERREZ: And is likely to have heard the
3 bulk of the exchange between the Court and I. I believe
4 it was impermissible for the Court to call me a liar. I
5 certainly responded with a great deal of passion since to
6 be called a liar by the Court about something so trivial
7 in this trial as to whether or not I had seen a specific
8 line in a specific exhibit to which I had stipulated to
9 the admission of, given that the credibility of the
10 defense lawyer is at the core of a defense theory, I
11 would ask; number one, for a mistrial based on that,
12 given this Court's direct re-attacking the credibility of
13 the Adnan Syed's lawyer at a critical juncture of this
14 case.

15 THE COURT: Okay.

16 State?

17 MR. URICK: The record is adequately made. The
18 State would oppose both forms of relief that are being
19 requested at this point.

20 THE COURT: Okay. The motion for reopening --
21 anything else?

22 MS. GUTIERREZ: No, Your Honor, not till you
23 finish.

24 THE COURT: The motion to reopen the cross-
25 examination is denied. However, I do have a note from

1 Alternate Number 4, "In view of that fact that you've
2 determined that Ms. Gutierrez is a liar, will she be
3 removed? Will we start over?"

4 Your motion for mistrial is granted.

5 MS. GUTIERREZ: Thank you.

6 (Counsel and the defendant returned to the
7 trial tables, and the following ensued:)

8 (Pause.)

9 THE COURT: Officer, would you return Mr. Syed.
10 Counsel, if you'll talk to the Administrative
11 Judge about a new date.

12 MS. GUTIERREZ: Should we go there now, Judge,
13 or wait till tomorrow.

14 THE COURT: Probably tomorrow would be
15 adequate.

16 MS. GUTIERREZ: Should we call over there or
17 should I --

18 THE COURT: I'll give him a call as well.

19 MS. GUTIERREZ: Okay. Thank you, Your Honor.

20 MR. URICK: When is this Court available?

21 THE COURT: Huh?

22 MR. URICK: When is this Court available?

23 THE COURT: In light of the circumstances, I'm
24 not available for retrial of this matter.

25 Good afternoon, counsel.

Cited Excerpts of State's Opening Statement at Trial (1/27/2000) (Pages 106, 109-10)

1 after the last class. She leaves.

2 One Inez Butler, who's a teacher there who
3 runs a little concession stand for the athletic
4 department, talks briefly to Hae Lee about 2:15, 2:20
5 when she's leaving school. She picks up a soda and a
6 bag of snacks. She's going to come back and pay for
7 them. That's her usual practice.

8 She has a cousin who she picks up after
9 school. She's leaving to pick up that relative who's a
10 -- I think elementary student, take that person home
11 then come back to school.

12 About 2:35, 2:36, Jay Wilds receives a call
13 on the cell phone from the defendant saying, "Hey, come
14 meet me at the BestBuy." This is the BestBuy off
15 Security Boulevard just across from Security Square
16 Mall. When he gets there, the defendant has Hae Lee's
17 car.

18 Defendant says, "I've done it. I've done
19 it." He pops open the trunk of the car. Jay Wilds see
20 the body of Hae Min Lee in the trunk dead.

21 At that point the defendant says, "Help me.
22 Follow me." He takes the victim's car to the I-70 Park
23 and Ride, parks it there, gets in his car with Jay
24 Wilds. The two of them alternately make various
25 telephones. At 3:21, Jay Wilds calls Jennifer

1 He gets the defendant. And we know that because the
2 defendant later that night tells Christy Myers that the
3 police had called him and were -- basically gave a
4 verbatim description of the conversation that Officer
5 Adcock had on the phone with this person who identified
6 himself as the defendant.

7 Officer Adcock speaks for about four or five
8 minutes, and there's an incoming call, four minutes, at
9 6:24.

10 Well, Jay Wilds will tell you at that time
11 the defendant became frantic. "What do we do? What do
12 we do? We've got to get rid of the body." He says,
13 "Come with me."

14 They go over to Jay Wilds' home. They get
15 two shovels. They then head to Leakin Park.

16 And you'll see that at 6:59, there's a call
17 made on the defendant's cell phone to one of the
18 defendant's best friends, one Yasir Ali. Immediately
19 after that, there's a call made to Jennifer Pusateri.
20 And then there are the two incoming calls at 7:09, 7:16
21 at Cell Site 7689B, which is located on a cell tower at
22 2121 Windsor Garden Lane.

23 And you're going to see a map from the AT and
24 T Wireless records showing 689C being this light brown
25 area, that that cell site is the cell site that covers

1 Leakin Park, that those two calls at 7:09 and 7:16 come
2 out of -- actually it's 689B, pardon me, covers the
3 Leakin Park, that that cell site covers Leakin Park and
4 not much else.

5 You're going to hear from Jay Wilds, who
6 after -- after the defendant buries the body there,
7 says, "We've got to ditch the car." They take it down
8 off Edmonson Avenue. They leave it in an apartment
9 complex there. They head back Edmonson Avenue towards
10 Woodlawn.

11 And you're going to see the two calls that
12 come afterwards come out of a cell site, 765A -- or
13 7653A and then C, and you're going to see 653 which is
14 on a tower on Athol Avenue, and how the "B" -- pardon
15 me, the "A" site would be to the east of the "C" site
16 and how you can almost track the car as it's coming
17 down there from east to west moving through the cell
18 sites first getting picked up in the "B" site and then
19 afterwards getting picked up on the "C" site as they go
20 along.

21 While they're heading back there, the two
22 calls which are made are both made to Jennifer Pusateri
23 where Jay Wilds is saying, "You got meet me, you got to
24 pick me up." The defendant takes him to a mall. Jen
25 Pusateri meets him there. Jay Wilds gets in the car

Cited Excerpts of Trial Testimony
from Emmanuel Obot
(1/27/2000) (Pages 184-86, 202)

923-00

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

13835

STATE OF MARYLAND,

vs.

Indictment Nos. 199103042-46

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Thursday, January 27, 2000

BEFORE:

THE HONORABLE WANDA KEYES HEARD, Associate Judge
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
KATHLEEN C. MURPHY, ESQ.

For the defendant:

M. CRISTINA GUTIERREZ, ESQ.

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8-04-10

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Baltimore, Maryland 21202

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1 are the items in substantially the same shape as you
2 packed them?

3 A. Yes.

4 MR. URICK: At this time, out of that bag,
5 pursuant to stipulation, we would offer into evidence
6 State's Exhibit 30, which is the defendant's cell phone
7 proper.

8 THE COURT: And there's no objection,
9 Counsel?

10 MS. GUTIERREZ: No, Your Honor.

11 THE COURT: Very well. Let it be admitted.

12 (State's Exhibit No. 30
13 previously marked for
14 identification was received
15 in evidence.)

16 BY MR. URICK:

17 Q. Now I show you this bag which has been marked
18 for identification as State's Exhibit 37, I'd ask you
19 to open it up and look inside it? Don't -- do not
20 describe anything that you see.

21 (Pause.)

22 BY MR. URICK:

23 Q. Don't describe anything that's in there.

24 A. Okay.

25 Q. Please open it up again.

1 MS. GUTIERREZ: Can I see that?

2 (Pause.)

3 THE COURT: No. I don't need to see it.

4 What is the exhibit that you're examining,
5 Ms. Gutierrez?

6 MS. GUTIERREZ: Judge, I don't know. It's
7 not marked in and of itself. There's a single letter
8 that's marked.

9 THE COURT: Were you going to call it
10 something?

11 MR. URICK: Yes. First the bag proper is for
12 identification, State's 37.

13 THE COURT: 37.

14 MR. URICK: And within it there's one item
15 which is marked for identification as State's 38.

16 THE COURT: All right. And that -- that item
17 is the bag itself or an individual item?

18 MR. URICK: That's an individual -- 38 is an
19 individual item within the bag proper.

20 THE COURT: All right.

21 BY MR. URICK:

22 Q. Mr. Obot, having had a chance to examine both
23 the overall collection of items and specifically what's
24 been marked for identification as State's 38, are these
25 in substantially the same shape and form as when you

1 seized them from the defendant's bedroom?

2 A. Yes.

3 MR. URICK: Would now -- these exhibits for
4 identification only at this point in time but put them
5 into the custody of the courtroom clerk.

6 THE COURT: Very well.

7 Any objection to that process?

8 MS. GUTIERREZ: No, Your Honor.

9 THE COURT: They're not being moved into
10 evidence at this time. But they have been marked and
11 properly identified as State's Exhibit's 37 and 38.

12 MR. URICK: I'd ask the witness at this time
13 to replace the remaining items back in the large bag
14 which I'm not going to do anything further with it at
15 this time.

16 Witness with the defense.

17 THE COURT: Very well.

18 CROSS-EXAMINATION

19 BY MS. GUTIERREZ:

20 Q. Mr. Obot, you identified --

21 MS. GUTIERREZ: Can I see those two pictures.
22 I think it's 36-A and B?

23 Thank you.

24 BY MS. GUTIERREZ:

25 Q. You identified State's Exhibit 36-A and B, do

1 Q. And on February 28th of 1999, were you part
2 of a detail that responded to about the 300 block of
3 Edgewood -- yeah, 300 block of Edgewood, off Edmonson
4 Avenue?

5 A. Yes, I was.

6 Q. And what was your -- what were you doing on
7 that date?

8 A. At that time it was Detective McGilivray,
9 Detective Serio, myself, and Jay proceeded to that
10 location.

11 Q. When you say Jay, are you referring to one
12 Jay Wilds?

13 A. Yes. Jay Wilds.

14 Q. Who was directing you to that location?

15 A. Jay was.

16 Q. And when you got to that location what, if
17 anything, did you find?

18 A. At this time we discovered Hae Lee's vehicle
19 that had been missing for -- since recovery of her
20 body.

21 Q. And did you have a chance to examine that
22 vehicle on that date?

23 A. Yes, I did.

24 Q. And why did you come to make a videotape of
25 it short time -- a few days later?

Cited Excerpts of Trial Testimony from Young Lee (1/28/2000) (Pages 26-29)

923-00
14835

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment Nos. 199103042 - 46

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Friday, January 28, 2000

BEFORE:

THE HONORABLE WANDA KEYES HEARD, Associate Judge

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
KATHLEEN C. MURPHY, ESQ.

For the defendant:

M. CHRISTINA GUTIERREZ, ESQ.

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Baltimore, Maryland 21202

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1

APR 25 2001

OFFICE OF
THE ATTORNEY GENERAL

1 of 1999?

2 A. Yes, I did.

3 Q. And in January of 1999, you were how old?

4 A. In 1999 I would be 16.

5 Q. And how old was your sister, Hae Min Lee?

6 A. 18.

7 Q. Who else lived with you at that point in time?

8 A. My grandparents, my two cousins.

9 Q. I'm gonna ask you to remember back to January
10 13th of 1999. Do you remember that day?

11 A. Yes.

12 Q. Why don't you tell us what happened that day,
13 beginning with the time you got home from school?

14 A. After I got home from school, later I got a
15 call from my cousin's school asking us to pick her up
16 from the school. This was unusual because my sister was
17 supposed to pick her up every day from my cousin's
18 school.

19 Q. How old is your cousin?

20 A. I believe she was six.

21 Q. So she's quite young?

22 A. Yes.

23 Q. What time would your sister have normally
24 picked her up?

25 A. Around three o'clock, or 3:15.

1 Q. What, if anything, did you do?

2 A. I called my grandfather so that he can go to
3 the school and pick her up, and the time passed. My mom
4 met -- my grandmother called my mom that she was worried
5 about her, and my mom told me to call her at work place
6 to see if she was there?

7 Q. Where was your sister working?

8 A. She was working at LensCrafters in Owings
9 Mills.

10 Q. And was she at LensCrafters?

11 A. She wasn't.

12 Q. Okay. Did there come a time when you or your
13 family notified the police?

14 A. Yes, our mom got real worried and asked me to
15 call the police.

16 Q. Do you know about what time that was?

17 A. Around 6:00, I believe.

18 Q. What, if anything, did you personally do?

19 A. First I called the police, then I looked around
20 the house to look for her friends' phone numbers and
21 such.

22 Q. Where did you find numbers? Where did you
23 look?

24 A. First I looked in her room, then I found her
25 diary where I got the -- where I found the phone numbers.

1 Q. Okay. Did you make any calls based on the
2 numbers you found?

3 A. No.

4 Q. Did you end up calling any of your sister's
5 friends?

6 A. Yes, I did.

7 Q. Who did you call?

8 A. First I called Aisha, then I called Adnan.

9 Q. Okay. How did you get Adnan's phone number?

10 A. It was in the diary.

11 Q. What happened when you called him?

12 A. When I rang up the phone number it says, at the
13 top, there was a phone number, at the bottom it says Don
14 written over the sheet. So when I called the number I
15 said I was calling Don, but after talking for a while I
16 realized that it was Adnan.

17 Q. How did you realize it was Adnan?

18 A. I recognized his voice.

19 Q. What was your conversation about?

20 A. It was about my sister, if he knew where she
21 was, or where she could be.

22 Q. And did he say whether he knew where she was?

23 A. No.

24 Q. How long do you think that conversation lasted?

25 A. Two or three minutes.

1 Q. Did you know who Adnan was prior to that day?

2 A. Yes.

3 Q. Had you ever met him?

4 A. Yes.

5 Q. When did you meet him?

6 A. I first met him at my mom's store, then I met
7 him at the mall.

8 Q. Were you aware that your sister had dated him?

9 A. Yes.

10 Q. Had you ever spoken with him before that day?

11 A. Yes, I did.

12 Q. Had Adnan ever called your house prior to
13 January of 1999?

14 A. Yes, he did.

15 Q. Aside from you, are any other members of your
16 household fluent in English?

17 A. No.

18 Q. Is it fair to say that you would normally
19 answer the phone?

20 A. Uh-huh.

21 Q. To your knowledge, did Adnan ever call your
22 house after that day?

23 A. No.

24 Q. Now, the person you've been describing, Adnan,
25 is he present here today?

Cited Excerpts of Trial Testimony from Hope Schab (1/28/2000) (Page 149)

1 MS. GUTIERREZ: Thank you.

2 THE COURT: -- by the State.

3 You may continue.

4 BY MR. URICK:

5 Q. When did that occur, if you can recall?

6 A. During the time I was working with the
7 Baltimore County detectives.

8 Q. Would this have been before the body was found?

9 A. Yes. She was a missing person at that time.

10 Q. Where were you -- where were you when this
11 incident occurred?

12 A. In my classroom.

13 Q. How did it begin?

14 A. Mr. Syed came into my classroom and just asked
15 if I was asking teachers about him, questions about him,
16 which I stated yes, that everyone was being questioned at
17 this time, which we all were. And he just said to me
18 that he would appreciate it if I didn't do that because
19 his parents didn't know everything that went on in his
20 life.

21 Q. How many people were in the room with you at
22 the time?

23 A. I believe Debbie Warren was there, but I'm not
24 positive. I know it wasn't just the two of us.

25 Q. How far did the defendant stand from you when

Cited Excerpts of Trial Testimony
from Nisha Tanna
(1/28/2000) (Pages 185, 189-90)

1 Q. And did you become friends with him at that
2 time?

3 A. Yeah. We met and we pretty much became
4 friends, I guess.

5 Q. Did you exchange phone numbers?

6 A. Yes.

7 Q. Did you have occasion to speak with him on the
8 phone?

9 A. Yes.

10 Q. How would you come to speak to him?

11 A. He would call me up most of the time, and we
12 would just talk about school and just ask how each other
13 were.

14 Q. Did there come a time when he got a cell phone
15 of his own?

16 A. Yes.

17 Q. And do you recall when that was?

18 A. I think it was sometime in January.

19 Q. Okay. Now, I'd like you to look at what's
20 before you, the Exhibit, and if you notice in the left-
21 hand column it says "call" and then there are a bunch of
22 numbers going down, 1 to 34. Starting at the bottom, if
23 you would, look at number 25?

24 A. Okay.

25 Q. Look across the entire line?

1 MS. GUTIERREZ: No, Your Honor.

2 (Pause.)

3 BY MR. URICK:

4 Q. Now, please go up again to the line four and
5 look across that line?

6 A. Okay.

7 Q. Do you recognize that number?

8 A. Yes.

9 Q. And who's number is that?

10 A. Mine.

11 Q. And for the record, please read it again?

12 A. 301 603-0657.

13 Q. Now, go across to the next block of type,
14 please read the time that the call occurred?

15 A. 9:57.

16 Q. And in the next block, the duration of the
17 call?

18 A. 24 seconds.

19 MR. URICK: And with the Court's permission, I
20 will now write "Tanna residence" again on line 4.

21 THE COURT: Any objection to that?

22 MS. GUTIERREZ: No, Your Honor.

23 (Pause.)

24 BY MR. URICK:

25 Q. Now, did there ever come a time when the

1 defendant called you and put a person he identified as
2 Jay on the line?

3 A. Yes.

4 Q. Please tell the ladies and gentlemen of the
5 jury what that call consisted of?

6 A. Basically, Jay had asked him to come to an
7 adult video store that he worked at.

8 Q. No, don't -- tell us what the defendant told
9 you? Tell us the content of the call?

10 A. Okay. He just asked me how I was doing?

11 Q. When you say "he," who do you mean?

12 A. Adnan.

13 Q. Okay.

14 A. And then he put his phone -- put his friend Jay
15 on the line, and he basically asked the same question.

16 Q. And he described him as his friend Jay?

17 A. Yes.

18 Q. Do you have any independent recollection of
19 when that call occurred?

20 A. I can't remember the exact date.

21 Q. And about how long did that call take?

22 A. I would say, like, a minute or so.

23 Q. Okay. Now, --

24 A. It was not that long.

25 Q. -- drawing your attention back to the exhibit,

Cited Excerpts of Trial Testimony from Crystal Meyers (1/28/2000) (Page 209)

1 Q. Did you attend school in the morning as was
2 your usual practice?

3 A. Yes.

4 Q. And did you see the defendant that morning?

5 A. Yea. He's in my first period photography class
6 that day.

7 Q. And did you speak to him on that date?

8 A. Yes.

9 Q. What, if anything, did he say to you?

10 A. I believe that that day he arrived at school on
11 time, which was rather unusual for him 'cause he was
12 usually late. And he said that he didn't have his car
13 for whatever reason and then he had to go pick it up
14 after school and that Hae was supposed to go take him to
15 get his car.

16 But I don't remember if it was from his brother
17 or from the shop.

18 Q. Now, did you go to work that day?

19 A. Yes.

20 Q. And how late would you have worked that day?

21 A. Till five o'clock.

22 Q. Did there come a time when you received a call
23 from Aisha Pittman?

24 A. Yes. During the afternoon, she called me to
25 let me know that Hae's grandmother and grandfather and

Cited Excerpts of Trial Testimony
from Aisha Pittman
(1/28/2000) (Pages 237-40, 247-55)

1 Mr. Madden, would you like a break? Are you
2 all right?

3 Mr. White, are you okay?

4 (Pause.)

5 THE COURT: I'd like you to stand, raise your
6 right hand, face Mr. White as he gives you the oath.
7 Whereupon,

8 AISHA TINEA PITTMAN,
9 a witness produced on call of the State, having first
10 been duly sworn, was examined and testified as follows:

11 THE CLERK: You may be seated. Please keep
12 your voice up, state your name and your address for the
13 record?

14 THE WITNESS: Aisha Tinea Pittman, 6 Forest
15 Rock Court, Catonsville, Maryland.

16 DIRECT EXAMINATION

17 BY MS. MURPHY:

18 Q. Ms. Pittman, good afternoon. Could you please
19 state for the ladies and gentlemen what is your age?

20 A. 18.

21 Q. And where are you currently attending school?

22 A. George Washington University.

23 Q. And what course of study do you plan to pursue
24 there?

25 A. I'm in pre-med, and I'm double majoring in

1 biology and psychology?

2 Q. Now, did you attend Woodlawn High School?

3 A. Yes.

4 Q. And while you were there, you were in the
5 magnet program?

6 A. Yes.

7 Q. In the Gifted and Talented program?

8 A. Yes.

9 Q. Do you know the defendant, Adnan Syed?

10 A. Yes.

11 Q. How do you know him?

12 A. A person in my class.

13 Q. How long have you known him?

14 A. Since sometime in elementary school. I'm not
15 exactly for sure when.

16 Q. How about the victim in this case, Ms. Hae Min
17 Lee. Did you know her as well?

18 A. Yes.

19 Q. How long did you know her?

20 A. Since the ninth grade.

21 Q. Can you describe your relationship with Ms.

22 Lee? Can you characterize what type of relationship you
23 had with her?

24 A. She was my best friend.

25 Q. Were you also aware of the relationship between

1 Ms. Lee and Mr. Syed?

2 A. Yes.

3 Q. When did you first become aware of that
4 relationship?

5 A. I can't tell you an exact date, but around
6 whenever it started. I don't know exactly when.

7 Q. Okay. Do you recall how long they dated?

8 A. For about -- I'd say about ten months or so.

9 Q. During the course of their relationship, did
10 you become aware of breakups that occurred?

11 A. Yes.

12 Q. Do you recall one specific incident that
13 occurred around Halloween of 1998?

14 A. Yes.

15 Q. What do you remember about that?

16 A. Just that things weren't working out and they
17 broke up.

18 Q. Was there a trip that was planned, which you
19 attended and which Ms. Lee, as well as the defendant,
20 were scheduled to attend, as well?

21 A. Yes.

22 Q. What was that?

23 A. We were going to Adventure World for
24 Hallowscream.

25 Q. And when was that trip?

1 A. I believe it was on Halloween day, so October
2 31st.

3 Q. Did Ms. Lee attend?

4 A. No.

5 Q. What happened and why did she not go?

6 A. She said something about she wasn't allowed to
7 go and her mom didn't want her out of the house, and she,
8 I think, might have had to go to work. I'm not for sure
9 exactly.

10 Q. And was that about the time that Ms. Lee and
11 the defendant broke up?

12 A. It was a little after that.

13 Q. Did you become aware of a time when they broke
14 up for good?

15 A. Yes.

16 Q. Approximately when was that?

17 A. Mid to late November.

18 Q. Whose decision was that?

19 A. With that one I'm not completely, for sure,
20 whose decision it was.

21 Q. Did Hae Min Lee indicate to you why they broke
22 up?

23 A. Yes.

24 Q. What did she say?

25 A. Part of the reason was that their parents

1 right choice.

2 The more fuss you make, the more I'm determined
3 to do what I gotta do. I really don't think I can be in
4 a relationship like we had, not between us, but mostly
5 about the stuff around us.

6 I seriously did expect you to accept, although
7 not understand. I'll be busy today, tomorrow, and
8 probably till Thursday."

9 THE COURT: Is there something that you cannot
10 read?

11 THE WITNESS: There is.

12 THE COURT: Then say, "There's something I
13 cannot read."

14 THE WITNESS: There's something I can't read.
15 "Other things to do. I better not give you any hope that
16 we'll get back together. I really don't see that
17 happening, especially now.

18 I never wanted to end like this, so hostile and
19 cold, but I really don't know what to do. Hate me if you
20 will, but you should remember that I could never hate
21 you."

22 Signed "Hae."

23 BY MS. MURPHY:

24 Q. Now, are there other notations on that first
25 page?

1 A. Yes.

2 Q. Is the first in pencil or in pen?

3 A. Pencil.

4 Q. And that would be your writing?

5 A. Yes.

6 Q. What does it say?

7 A. "No I messages."

8 Q. What does that mean?

9 A. In Health class we learned something about I
10 messages, and when you're mad at someone you shouldn't
11 say, "You make me mad." You should say, "I feel bad when
12 you do this," so that it's not as harsh.

13 Q. And you wrote that for what reason?

14 A. I think when I saw this letter it was in Health
15 class and I wrote it as a joke.

16 Q. And what is the next notation on that -- on
17 that page?

18 A. It's in pen, and it's Adnan's handwriting, and
19 it says, "Huh, that's a ghetto," and it says "eye."

20 Q. Okay. Now if you can turn to the second page,
21 and when you read for the jury this page, indicate
22 whether what you are reading is written in pencil or in
23 pen?

24 A. Okay. The first thing is in pen, it says, "I'm
25 going to kill," then in pencil it says, "Here's the

1 thing, Hae's pregnant," and I can't read what it says
2 after that.

3 Then in pen it say, "You should ask her to make
4 a list of all her symptoms and compare it with the list
5 on the overhead." Then in pencil it says, "Yeah, let me
6 ask her 'are your breasts tender.'" And then something
7 written in pen but scratched out.

8 And then in pencil it says, "Maybe she was
9 pregnant, she had an abortion on Saturday while we went
10 to Adventure World." In pen it says, "Her clumsy self
11 probably tripped and fell on the way to the clinic and
12 caused an abortion."

13 In pencil it says, "You would never think she's
14 pregnant, and every time I do anything with a guy I think
15 I am." In pen it says, "Whenever you kiss a guy, you
16 probably think you're pregnant. She's scheduled for
17 sonograms and she's still in denial." And then in
18 pencil, it says, "Not that bad for me, for her, hell
19 yeah."

20 Q. What subject matter were you studying in Health
21 class at that point?

22 A. Pregnancy.

23 Q. Did you have any personal belief or knowledge
24 that Ms. Lee was pregnant at the time you made these
25 remarks?

1 A. No.

2 Q. Ms. Pittman, --

3 THE COURT: One moment.

4 And again, for the record, your remarks are
5 written in pencil?

6 THE WITNESS: Uh-huh.

7 THE COURT: You may continue.

8 MS. MURPHY: Thank you, Your Honor.

9 BY MS. MURPHY:

10 Q. Ms. Pittman, did you at some point become aware
11 that Ms. Lee began a relationship with a Donald
12 Clinedienst?

13 A. Yes.

14 Q. When did you become aware of that?

15 A. Beginning of -- well, a little bit -- the very
16 end of December.

17 Q. Had you ever met Mr. Clinedienst?

18 A. Yes.

19 Q. How did you meet him?

20 A. She worked in LensCrafters. I would drop by
21 her store. I met him once or twice then.

22 Q. Was he an employee there, or was he visiting
23 Ms. Lee, also?

24 A. He was an employee there.

25 Q. Are you aware of her first date with Mr.

1 Clinedienst?

2 A. Yes.

3 Q. Do you know when that was?

4 A. Not exactly. It was either right before New
5 Year's Eve or right after, like, the day before or the
6 day after.

7 Q. Did Ms. Lee express to you how she felt about
8 this new relationship?

9 A. Yes.

10 Q. What did she say?

11 A. She was just really excited about it.

12 Q. Ms. Pittman, I'm gonna ask you now to remember
13 back to the day that Ms. Lee disappeared. Had you seen
14 her in school that day?

15 A. Yes.

16 Q. What was the last point you saw her that day?

17 A. Right at the end of the school day at 2:15 in
18 Psychology class.

19 Q. Was she with anyone else at that point?

20 A. At the time she was talking to Adnan.

21 Q. How did you find out that Ms. Lee was missing?

22 A. Later that day her mom called my house and
23 asked if I knew where she was.

24 Q. Did you discuss that with anyone else that
25 afternoon?

1 A. Yes. I think -- I know I did, but I don't
2 remember what time. I know I talked to Crysta about it
3 some time in the day.

4 Q. And did police or detectives ever call you?

5 A. Yes. After her mom called me, a police officer
6 called.

7 Q. And why did that officer call you?

8 A. He called saying that she was supposed to pick
9 up her little cousin from day care or something, that she
10 hadn't, if I knew where she was.

11 Q. Did there also come a time that you learned
12 that Ms. Lee's body had been discovered?

13 A. Yes.

14 Q. How did you find out?

15 A. Her brother called me.

16 Q. Did you see the defendant that day or anytime
17 thereabouts?

18 A. Yes. He came to my house that night.

19 Q. Was he the only person who came to your house?

20 A. No, also Crista and Stephanie.

21 Q. Did you go to school the next day?

22 A. Yes.

23 Q. What was going on at school that day?

24 A. There were Intervention Crisis people talking
25 to us, and every -- most of my friends left halfway

1 through the day.

2 Q. Did you also leave?

3 A. Yes.

4 Q. Did the defendant attend school that day?

5 A. Yes.

6 MS. MURPHY: With the Court's indulgence,
7 please?

8 THE COURT: Yes.

9 (Pause.)

10 MS. MURPHY: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, you may.

13 BY MS. MURPHY:

14 Q. Ms. Pittman, again, looking at State's Exhibit
15 38 which is now in evidence, I'm asking you to focus on
16 the first line of the second page?

17 A. Okay.

18 Q. Can you read that line for the jurors?

19 A. It says, "I'm going to kill."

20 Q. Do you have any personal recollection of seeing
21 that line on the particular day you've described?

22 A. No.

23 Q. Thank you.

24 MS. MURPHY: Thank you, Your Honor. I have no
25 other questions.

1 CROSS-EXAMINATION

2 BY MS. GUTIERREZ:

3 Q. Ms. Pittman, the letter that you read is
4 clearly a letter from handwriting that you recognize from
5 your best friend as addressed to Adnan, a person in your
6 words you attended classes with, outlining the breakup of
7 the relationship and her disapproval of his inability to
8 accept her breaking up; is it not?

9 A. Yes.

10 Q. You got this letter from the person to whom it
11 was addressed; right?

12 A. Yes.

13 Q. The person who had been involved with your best
14 friend; correct?

15 A. Yes.

16 Q. He shared it with you in the middle of Health
17 class; correct?

18 A. Yes.

19 Q. And the topic of that Health class was
20 pregnancy, was it not?

21 A. It was.

22 Q. And then on the back of this letter, your best
23 friend expressing her dismay at her then ex-boyfriend,
24 you and he have a sort of little riff about whether or
25 not Hae, your best friend, his ex-girlfriend, might be

1 pregnant; is that correct?

2 A. Yes.

3 Q. It's sort of a joke, is it not? You're dissing
4 your best friend in your handwriting, are you not?

5 A. I am.

6 Q. And he's dissing her, is he not? And you did
7 that in school --

8 THE COURT: Wait, wait. Can I have a moment?
9 You can't just nod your head.

10 THE WITNESS: Okay.

11 THE COURT: Because this gentlemen over here is
12 a stenographer. He must repeat what you've said.

13 THE WITNESS: Okay.

14 THE COURT: When you nod there's nothing.
15 Okay?

16 THE WITNESS: Okay.

17 THE COURT: So if you would answer yes or no
18 when Ms. Gutierrez asks you a question.

19 THE WITNESS: Okay.

20 THE COURT: I apologize for interrupting --

21 MS. GUTIERREZ: That's all right. Thank you
22 Judge.

23 THE COURT: -- but I wanted the record to be
24 clear.

25 BY MS. GUTIERREZ:

Cited Excerpts of Trial Testimony from Officer Scott Adcock (1/31/2000) (Page 8)

923-00
15835

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment Nos. 199103042-46

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

(Trial on the Merits)

Baltimore, Maryland

Monday, January 31, 2000

BEFORE:

THE HONORABLE WANDA KEYES HEARD, Associate Judge

(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.

KATHLEEN C. MURPHY, ESQ.

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CRIMINAL APPEALS
DIVISION

For the Defendant:

CRISTINA GUTIERREZ, ESQ.

RECEIVED
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Please return by: 8-04-10

REPORTED BY:
Beverly A. Madden

Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202

ENTERED

1 Q. Please tell the ladies and gentlemen of the
2 jury what conversation ensued after you called that
3 number?

4 A. I called the number, and I spoke to a Mr. Adnan
5 Syed. And he identified himself as a friend of Ms. Lee,
6 and I asked him if he knew the whereabouts of Ms. Lee.

7 Q. And what, if anything, did he say in response
8 to that question?

9 A. He advised me that he did see her at school and
10 that Ms. Lee was going to give him a ride home from
11 school, but he got detained and felt that she probably
12 got tired of waiting for him and left.

13 Q. Now, did you make a record of the phone number
14 you actually called?

15 A. Yes, I did.

16 Q. Will you please read that number for the ladies
17 and gentlemen of the jury?

18 A. Area Code 443, 253-9023.

19 Q. Now, if you would look at the paper exhibit to
20 your right up there, which I indicated is an
21 identification of State's Exhibit 34, would you look at
22 the top of that where it says "cellular phone" and
23 there's a number there? Is that the same number you
24 dialed?

25 A. Yes, sir.

Cited Excerpts of Trial Testimony from Officer Joseph O'Shea (1/31/2000) (Page 25-27)

1 Lee's disappearance?

2 A. Yes. It would have been actually the week
3 after the initial report was filed.

4 Q. And upon -- did you then take charge of the
5 investigation?

6 A. Yes, I did.

7 Q. What sorts of things did you do to follow up on
8 that report?

9 A. I contacted Hae Lee's friends, family members,
10 work associates. Also went over to Woodlawn Senior High
11 School and interviewed teachers and classmates.

12 Q. Did there come a time when you contacted one
13 Adnan Syed?

14 A. Yes.

15 Q. How did you come to contact him?

16 A. On the 25th of January, 1999, I went to Adnan's
17 residence, and I left a business card at the residence
18 because he was at school that day. I received a phone
19 call from Adnan later that day.

20 Q. And what, if anything, did the defendant say at
21 that time?

22 A. We basically discussed his friendship with Hae
23 Lee and the fact that they had dated at one time. I also
24 asked him about whether or not he had seen Hae Lee the
25 day of the 13th, the last day she was seen.

1 He said he was in class with her that day from
2 -- I believe it was 12:50 p.m. till 2:15 p.m. He did not
3 see her after school because he had gone to track
4 practice, and, basically, that school was closed the rest
5 of that week -- would have been Thursday and Friday, due
6 to bad weather.

7 Q. Had you read Officer Adcock's report by that
8 time?

9 A. I believe so. I'm not sure, but I believe so.

10 Q. And did you ask the defendant at that point
11 anything about information that he had given Officer
12 Adcock?

13 A. Not at that time. It was actually on the 1st
14 of February, 1999. And that was regarding a --

15 Q. Pardon me, before you do that.

16 Did he give you any means to contact him?

17 A. Yes, he did.

18 Q. And what means did he give you?

19 A. He gave me a cell phone number.

20 Q. And what was that cell phone number.

21 A. That phone number is 443-253-9023.

22 Q. Did he indicate any reason why he gave you a
23 cell phone number as opposed to a home number?

24 A. Due to his relationship with Hae, he believed
25 that his parents didn't approve of it, and he would

1 rather have me contact him on the cell phone instead of
2 calling his residence.

3 Q. Now, did you have occasion to speak to him
4 again after that?

5 A. Yes, I did.

6 Q. And that date was?

7 A. It was on February 1st, 1999.

8 Q. And how did you contact the defendant on that
9 day?

10 A. I called him on the cell phone.

11 Q. Please tell the ladies and gentlemen of the
12 jury what that conversation consisted of?

13 A. That was regarding a statement from the report
14 that Officer Adcock had initiated. And I asked Adnan if
15 he
16 told Officer Adcock that Hae was waiting to give him a
17 ride
18 on the 13th. Adnan told me that was incorrect because he
19
20 drives his own car to school so he wouldn't have needed a
21 ride from her.

22 Q. Did you have occasion to follow up on that
23 conversation?

24 A. Yes, I did.

25 Q. What did you try to do?

Cited Excerpts of Trial Testimony
from Romano Thomas
(1/31/2000) (Pages 58-60; 118-19)

1 depict them and their contents?

2 A. Yes, sir, they do.

3 MR. URICK: I would offer the exhibit at this
4 time.

5 THE COURT: Any objection?

6 MS. GUTIERREZ: No, Your Honor.

7 THE COURT: I do have a question.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Before you photographed the map,
10 did you turn the pages, or did you photograph the map as
11 it appeared -- whatever page it was open to at the time
12 you retrieved it from the seat?

13 THE WITNESS: That is actually indicated --
14 this would actually indicate the first photograph of how
15 the rear back bench seat looked once the door was open.
16 This is the first photograph, I'm sorry. The second
17 photograph would indicate exactly how the book itself was
18 found once we moved aside the book bag. This is what we
19 found, the map lying there.

20 Before recovering and placement of same to be
21 submitted to evidence, we removed these two items, placed
22 them on a table, and then photographed them to get closer
23 and better detail.

24 THE COURT: You did not turn the page of the
25 map book?

1 THE WITNESS: No, ma'am, we did not turn any
2 pages of the map book.

3 THE COURT: And the piece of paper that was
4 torn out, you then photographed as it was?

5 THE WITNESS: Exactly. The separate page along
6 here in the lower left was a page that was already torn
7 out of the booklet.

8 THE COURT: And the side of the page that was
9 facing up at the time you recovered it, is the side of
10 the page that you photographed?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Very well.

13 Any additional questions from the State as a
14 result of the Court's questions?

15 MR. URICK: No.

16 THE COURT: Of the defense?

17 MS. GUTIERREZ: I do, Judge, but I'll reserve
18 them until cross-examination.

19 THE COURT: All right, very well.

20 At this time I will accept that as an exhibit
21 into evidence at this time with the qualifications noted
22 by the witness.

23 (State's Exhibit No. 14, previously
24 marked for identification, was
25 received in evidence.)

1 BY MR. URICK:

2 Q. Did you have occasion to examine the page that
3 was torn out of the map?

4 A. Yes, sir, I did.

5 Q. And what, if anything, did you notice about
6 that page?

7 A. That particular page stood out to me because it
8 indicated a page that was torn out of the book that
9 included the map area of Lincoln Park.

10 Q. Now, the next exhibit, State's 15, have you had
11 a chance to examine that?

12 A. Yes, sir, I have.

13 Q. And what, if anything, does that indicate?

14 A. This indicates the rear trunk area of the
15 vehicle and the contents contained inside of that
16 area.

17 Q. And could you explain what each picture shows?

18 A. Yes. The top left picture shows a lacrosse
19 stick, hockey stick, a jacket, umbrella, and the index
20 card packet. The lower left photograph indicates an
21 envelope that was found beneath the carpeted area of the
22 trunk, like right on top of the spare tire.

23 The upper right photograph indicates papers
24 that were found once the red jacket was moved to the
25 side. These are the items that were found beneath the

1 Q. In fact, that's the page that's torn out, isn't
2 it?

3 A. I'm unable to tell whether it is or not. It's
4 not --

5 THE COURT: There's a magnifying piece that's
6 been provided. I don't know if it will assist you in any
7 way, but you're welcome to utilize it.

8 For the record, there's a small magnifying
9 glass that's been given to the witness.

10 BY MR. URICK:

11 Q. Can you identify that now?

12 A. Yes.

13 Q. What is that?

14 A. That appears to be a map page.

15 Q. That's the page that was torn out of the map;
16 correct?

17 MS. GUTIERREZ: Objection. Form of the
18 question.

19 THE COURT: Overruled. You may answer the
20 question.

21 Can you identify it, and if so, what is it?

22 THE WITNESS: It appears to be the page that's
23 from the map.

24 BY MR. URICK:

25 Q. And it's stuffed where?

1 A. In the rear seat area of the -- of the vehicle.

2 Q. Is that within arm's reach of where someone who
3 was sitting in the driver's seat would be able to reach?

4 A. Yes, it would be.

5 Q. And if someone were sitting in the driver's
6 seat and they wanted to put that in the back, is that a
7 natural place where they would have put it?

8 A. It's --

9 MS. GUTIERREZ: Objection.

10 THE COURT: Sustained. Do not answer that
11 question.

12 BY MR. URICK:

13 Q. Now, the page from the map that was torn out,
14 if you know, why is that discolored now?

15 MS. GUTIERREZ: Objection.

16 THE COURT: Overruled. If you know.

17 THE WITNESS: Generally, what happens when we
18 submit paper products to be processed by the Latent
19 Prints Unit, they process it with a chemical known as an
20 anhydrin, and that apparently is what happened to that
21 particular map page. It was processed with an anhydrin
22 which turned it the color that it is now.

23 MS. GUTIERREZ: Objection. There's no basis of
24 knowledge of knowing that. Move to strike.

Cited Excerpts of Trial Testimony
from Sharon Talmadge
(2/1/2000) (Pages 24-29)

923-00
16435

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment No. 199103042-46

ADNAN MASUD SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Tuesday, February 1, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.

and

KATHLEEN C. MURPHY, ESQ.

For the Defendant:

M. CRISTINA GUTIERREZ, ESQ.

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Please return by: 8-04-10

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Official Court Reporter
533 Courthouse East
Baltimore, Maryland 21202
CRIMINAL APPEALS
DIVISION



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MAR 15 2001

1 Q And the purplish color that you see on the
2 envelope and the card, was that there when you first
3 examined the items?

4 A No, this is the reaction of the chemical
5 ninhydrin with the amino acids that were left behind in
6 the perspiration.

7 Q Thank you. When you state the conclusion that
8 the item was negative as to Jay Wilds, what does that
9 mean?

10 A I had one print remaining on the envelope and
11 it was compared to Jay Wilds with negative results.

12 Q Were you also asked to process evidence under
13 property number 99008995, referring specifically to
14 State's Exhibit Number 25 for identification?

15 A Yes, I was requested to process papers from the
16 glove box.

17 Q What were the results?

18 A I developed suitable partial latent prints on
19 Exhibits 1 through 5, which were various paper items that
20 were found in the glove box. Those suitable partial
21 latent prints were then compared to Adnan Syed and Jay
22 Wilds with the following results: A partial print
23 developed on the Nationwide Insurance identification
24 card, which is marked Exhibit 2, under property number
25 99008995, was identified as an impression of the right

1 little finger of Adnan Syed. The --

2 MS. MURPHY: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, you may.

5 BY MS. MURPHY:

6 Q Was your answer complete?

7 A I was going to say that the remaining partial
8 latent prints were compared to Jay Wilds with negative
9 results.

10 Q I will now show you what is in evidence as
11 State's Exhibit 24. Could you examine these items,
12 please?

13 (Brief pause.)

14 A This is Exhibit 1 and Exhibit 2 under property
15 number 99008995. Exhibit 1 is an MVA registration
16 certificate, and Exhibit 2 is the insurance
17 identification card.

18 Q The results that you have just described, are
19 they accurately depicted on State's Exhibit 25, your
20 report?

21 A Yes, they are.

22 MS. MURPHY: Your Honor, I would ask that that
23 report be moved into evidence at this time.

24 THE COURT: Any objection, Ms. Gutierrez?

25 MS. GUTIERREZ: No, Your Honor.

1 THE COURT: Okay. Let it be admitted at this
2 time.

3 (State's Exhibit No. 25,
4 previously marked for
5 identification, was
6 received in evidence.)

7 BY MS. MURPHY:

8 Q And again, Ms. Talmadge, the purplish tint that
9 you see on these items, was that there when you first
10 examined them?

11 A No, it was not.

12 Q Can you explain that, please?

13 A It's as a result of the chemical ninhydrin
14 reacting to the amino acids in the perspiration.

15 Q Okay. Now, referring to your report which is
16 identified as State's Exhibit 18, did you receive
17 property under property number 99008998?

18 A Yes, I did.

19 Q And what were you requested to do?

20 A I was requested to process a map that was
21 recovered from the vehicle to determine if there were any
22 partial latent prints.

23 Q And what were your results?

24 A Several partial latent prints were developed
25 from the map that were suitable for comparison. A

1 comparison was made to Adnan Syed and Jay Wilds with the
2 following results: A partial latent print developed on
3 the back cover of the map marked Exhibit 1(i) under
4 property number 99008998 was identified as an impression
5 of the left palm of Adnan Syed.

6 The remaining partial latent prints were
7 compared to Jay Wilds with negative results.

8 Q Are those results accurately depicted in your
9 report marked Exhibit 18?

10 A Yes.

11 MS. MURPHY: Your Honor, I would move Exhibit
12 18 at this time.

13 THE COURT: Any objection?

14 MS. GUTIERREZ: No, Your Honor.

15 THE COURT: Let it be admitted as State's
16 Exhibit 18.

17 (State's Exhibit No. 18,
18 previously marked for
19 identification, was
20 received in evidence.)

21 MS. MURPHY: Thank you, Your Honor. May I
22 approach the witness?

23 THE COURT: Yes, you may.

24 BY MS. MURPHY:

25 Q Ms. Talmadge, I show you what is in evidence as

1 State's Exhibit 18. Do you recognize this item? I'm
2 sorry, State's Exhibit 17.

3 (Brief pause.)

4 A Yes, it's marked as Exhibit 1, along with the
5 case number, the property number, my initials and the
6 date.

7 Q And those notations were made by?

8 A Myself.

9 Q Is this the item that you examined in your
10 report, State's Exhibit 18?

11 A Yes.

12 Q Could you, holding this item, show the ladies
13 and gentlemen where the palm print was that you detected?

14 A The palm print is actually underneath where the
15 State's exhibit number is (indicating).

16 Q Ms. Talmadge, unlike the exhibits you have
17 already identified, there are black smudges on this item.
18 Were they there when you first examined the item?

19 A No, they were not.

20 Q Can you account for those smudges?

21 A Yes. As I said before, porous surfaces are
22 processed with the chemical ninhydrin because the oil and
23 perspiration is absorbed. If you can see, this is a
24 glossy, basically hard surface, so the print is going to
25 stay on top of the surface. So the black graphite powder

1 along with the zephyr brush was used to process the
2 cover.

3 MS. MURPHY: Thank you.

4 (Brief pause.)

5 (State's Exhibit No. 23
6 was marked for purposes
7 of identification.)

8 BY MS. MURPHY:

9 Q Now, referring to the other report which is
10 marked as State's Exhibit 23, were you asked to examine
11 evidence under property number 99009000?

12 A Yes, I was requested to process what was
13 labeled as personal items from the back seat of the
14 vehicle.

15 Q And what were your results?

16 A I developed partial latent prints on floral
17 paper, which was marked as Exhibit 1. I then compared
18 those partial latent prints to the prints of Adnan Syed
19 and Jay Wilds with the following results: Partial latent
20 prints that were developed on the floral paper marked
21 Exhibit 1 under property number 99009000 were identified
22 as impressions of the left index finger, the left thumb
23 and the left palm of Adnan Syed.

24 Q Are those results fairly and accurately
25 reflected in State's Exhibit 23, your report?

Cited Excerpts of Trial Testimony
from Donald Clinedinst
(2/1/2000) (Pages 72, 88)

1 MR. URICK: For the record, indicating the
2 defendant.

3 BY MR. URICK:

4 Q Now, drawing your attention to January the 13th
5 of 1999 -- well, no, let me back up. When was your first
6 date with Hae Lee?

7 A It was the first of the year in '99.

8 Q And drawing your attention to January the 13th
9 of 1999, where were you that day?

10 A I was working at another store to help out.

11 Q Which store was that?

12 A Hunt Valley.

13 MR. URICK: Your Honor, may I approach the
14 witness at this time?

15 THE COURT: Yes, you may.

16 (State's Exhibit No. 29
17 was marked for purposes
18 of identification.)

19 BY MR. URICK:

20 Q I am going to hand you State's Exhibit 29 and
21 ask you to look at the second sheet of paper there.

22 A Yes.

23 THE COURT: It has been marked for
24 identification purposes at this time.

25 MR. URICK: Yes.

1 Q Had you yet been intimate with her?

2 A I do not recall.

3 Q Well, sir, you know that she is dead now,
4 correct?

5 A Yes.

6 Q And you were made aware when her body was
7 identified in February, correct?

8 A Yes.

9 Q Had you ever been intimate with her before her
10 death?

11 A Yes.

12 MR. URICK: Objection.

13 BY MS. GUTIERREZ:

14 Q Yes. And so the intimacy occurred sometime
15 after your first date, correct?

16 A Yes.

17 Q And sometime before her disappearance and
18 death, correct?

19 A Yes.

20 Q How many times had you been intimate with her?

21 MR. URICK: Objection.

22 THE COURT: Sustained.

23 BY MS. GUTIERREZ:

24 Q Before you left the mall on that day sometime
25 at the end of the first week in January, you said that

Cited Excerpts of Trial Testimony
from Dr. Margarita Korell
(2/2/2000) (Pages 39-41)

923-00
17535

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment No. 199103042-46

ADNAN MASUD SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Wednesday, February 2, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
and
KATHLEEN C. MURPHY, ESQ.

For the Defendant:

M. CRISTINA GUTIERREZ, ESQ.

RETURN TO:

Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
Attention: Tina Stavrou
410-576-6491

BRENDA D. TROWBRIDGE
Official Court Reporter
533 Courthouse East
111 North Calvert Street
Baltimore, Maryland 21202

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1 MS. MURPHY: Thank you, Your Honor.

2 (State's Exhibit Number 3, autopsy protocol,
3 marked and received in evidence).

4 BY MS. MURPHY:

5 Q And, Doctor, do you have a copy of this with you?

6 A Yes. That's the original.

7 Q Dr. Korell, where was this autopsy performed?

8 A In the Autopsy Room at the Medical Examiner's
9 Office.

10 Q And based on your findings, to a reasonable
11 degree of medical certainty, have you formed an expert
12 opinion concerning the death of M's Lee?

13 A Yes.

14 Q Can you please explain?

15 A Well, the cause of death was strangulation.

16 Q Okay. And the manner of death?

17 A Homicide.

18 Q Can you explain the basis for your finding?

19 A Well, the signs of strangulation consisted in
20 petechial hemorrhages in the eyes, petechial hemorrhages of
21 tiny, minute areas of bleeding, smaller than pinpoint, or
22 pinpoint size. They were located in the conjunctiva of the
23 eyelids, the lining of the eyelids on the left side of the
24 left eye, and on the surfaces of the eyeballs on both eyes.
25 Now, on the surfaces of the eyeballs the bleeding was

1 larger than petechial, and there were hemorrhages there.

2 Then on the neck, she had a bruise on the right
3 side of the neck, and on dissection of the neck -- now,
4 dissection of the neck means going, doing an incision on
5 the upper part of the chest reflecting the skin and muscles
6 up to the chin, and then examining each and every muscle
7 and blood vessel in the neck. These are called the strap
8 muscles. Some of them you can feel them on the neck, and
9 then examining them. The voice box, and the hyoid bone,
10 which is a bone in the shape of a small horseshoe that is
11 part of the back of the tongue. That's what the tongue is
12 attached to.

13 Now, on dissection of the neck, we found
14 hemorrhages. That means bleeding on the upper aspects or
15 segments of the strap muscles of the neck, which are the
16 muscles that go from the jaw to the sternum, and to the
17 clavicle, and into the trachea, and the ones that were
18 affected were the sterno hyoid and sterno thyroid muscles.
19 Sterno means the breast bone. Hyoid is the hyoid bone.
20 Sterno thyroid, that's the muscle that goes from the breast
21 bone to the thyroid cartilage. That's the Adam's Apple in
22 the male.

23 Then on looking at the hyoid bone, which is in
24 the shape of a horseshoe, this little horseshoe has a
25 middle portion that's the body, and then two little horns,

1 one on the right and one on the left, and at the junction
2 of the left horn with the body, it was dislocated with an
3 area of hemorrhage, that means bleeding, into the
4 surrounding tissue.

5 These are all indications of pressure applied to
6 the skin and on the neck with bleeding. That's not normal
7 to have bleeding in the strap muscles of the neck, plus
8 this location in the hyoid bone with bleeding on it.

9 Q So, the hyoid bone that you've described, Doctor,
10 is it fair to say that that bone was actually broken?

11 A Yes.

12 Q Dr. Korell, are you able to pinpoint in this case
13 a specific time of death?

14 A No.

15 Q Are your observations consistent in this case
16 with the victim being murdered and buried on January 13th
17 of that year?

18 A Well, I did the autopsy, that was February 10th.
19 Yes. Yes, I don't see anything inconsistent of having
20 occurred around that time, yes.

21 Q What observations did you make in this case that
22 would be consistent with the victim having been dead for
23 several weeks?

24 A First of all, she had fixed livor. That means --
25 l-i-v-o-r, is the settling of the blood after somebody

Cited Excerpts of Trial Testimony
from Yasser Ali
(2/3/2000) (Pages 79-83, 88-133)

923-00
18235

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND

*

v.

* CASE NOS. 199103041-46

ADNAN MASUD SYED,

*

Defendant

* * * * *

(TRIAL ON THE MERITS)

THURSDAY, FEBRUARY 3RD, 2000

BALTIMORE, MARYLAND

BEFORE:

THE HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(And a Jury)

APPEARANCES:

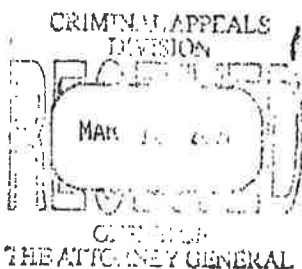
For the State:

KEVIN URICK, ESQUIRE
KATHLEEN C. MURPHY, ESQUIRE

For the Defendant:

CRISTINA GUTIERREZ, ESQUIRE

BRENDA D. TROWBRIDGE
OFFICIAL COURT REPORTER
533 COURTHOUSE EAST
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BALTIMORE, MARYLAND 21202



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Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
Attention: Tina Stavrou
410-576-6491

Please return by:

8-04-10

1 the record.

2 THE WITNESS: Y-a-s-e-r, A-l-i.

3 THE CLERK: And state your address for the
4 record.

5 THE WITNESS: 3509 Char Lil Court, Ellicott City,
6 Maryland 21042.

7 DIRECT EXAMINATION

8 BY MR. URICK:

9 Q Good afternoon, Mr. Ali.

10 A Good afternoon.

11 Q Do you know the defendant?

12 A Yes.

13 Q How long have you known him?

14 A Seven or eight years.

15 Q How would you describe your relationship with the
16 defendant?

17 A He's a best friend.

18 MR. URICK: If I may approach the witness at this
19 time?

20 THE COURT: Yes, you may.

21 (State's Exhibit Number 34, listing of
22 calls, marked for identification).

23 BY MR. URICK:

24 Q Mr. Ali, I am now going to show you a copy of
25 what's been marked for identification purposes as State's

1 Exhibit 34. Would you ever communicate with the defendant?

2 A Yes.

3 Q What sort of phones did he have, if you know?

4 A What sort of phones?

5 Q Yes.

6 A He had a cellphone.

7 Q Do you remember its number?

8 A Not now, but at the time I'm sure I did know the
9 number.

10 Q Now, I'd like you to look at the top of this
11 sheet. Do you see name of the service user --

12 A Yes.

13 Q -- for this cellphone number? Now, if you would,
14 starting at the top and going down, look at line 13.

15 A Uh-huh.

16 Q Have you found line 13?

17 A Yeah.

18 Q And there's a number beside, in the every next
19 row after the call, Number 13. Can you identify that
20 number?

21 A That number is my number.

22 Q And when you say your number, is it a residence
23 number or a cellphone number?

24 A My cellphone number.

25 Q Would you read that for the record, please?

1 A Sure. Number 13, 410-340-7374, call --

2 Q Did the -- I'm sorry. Did I cut you off? Were
3 you saying something else?

4 A I was going to read the call time.

5 Q Okay. The time of the call was?

6 A 6:59 p.m.

7 Q And the duration?

8 A 27 seconds.

9 Q Do you see above, it says that these are the
10 calls made on January 13th of 1999. Do you have any
11 independent recollection of receiving a call on your
12 cellphone at 6:50 --

13 A 9.

14 Q -- 9 on January 13th?

15 A No.

16 Q Do you have any independent recollection of where
17 you might have been at that time on January 13th?

18 A Yeah. Either home, either sleeping or doing
19 homework, or I could have been at the Mosque, going to the
20 Mosque.

21 Q What, if anything, would have been going on at
22 the Mosque at that time?

23 A There would be tarawee prayers.

24 Q And those are?

25 A And those are prayers that you do at the month of

1 Ramadan.

2 MR. URICK: With the court's permission, at this
3 time on Line 13 in the blank space, I'm going to write in
4 Yaser Ali's cellphone.

5 THE COURT: Any objection, M's Gutierrez?

6 MR. GUTIERREZ: No, Your Honor.

7 BY MR. URICK:

8 Q What were the dates of Ramadan back in '98 and
9 '99 if you remember?

10 A It was during the winter, somewhere in December
11 and January.

12 Q Does it have a set number of days each year?

13 A 29 to 31 days.

14 Q Now, if you would, look at line 3.

15 A Uh-huh. Yes.

16 Q Have you found line 3?

17 A Yeah.

18 Q Do you recognize that number?

19 A Yeah, that's my number.

20 Q And will you read it for the record, again?

21 A 410-340-7374. Call time?

22 Q And what -- yes. What time did it occur?

23 A 10:00, what time -- yeah, 10:00 o'clock to 10:02,
24 44 seconds, and call duration was six seconds.

25 MR. URICK: At this time, with the court's

1 permission, on line 3 in the blank space, I'm going to
2 write in Yaser Ali's cellphone.

3 THE COURT: Any objection?

4 MS. GUTIERREZ: No, Your Honor.

5 THE COURT: You may do that.

6 BY MR. URICK:

7 Q Did you attend the same school as the defendant?

8 A No, I did not.

9 Q Where did you attend school?

10 A Centennial High School.

11 Q Where would you normally socialize or meet with
12 the defendant?

13 A At the Mosque or, if not, his house or my house.

14 Q Did know Hae Min Lee?

15 A Known her as Adnan's ex.

16 Q And how did you learn about her?

17 A Adnan had told me about her.

18 Q What did he tell you?

19 A That that was his girlfriend.

20 Q Did you ever personally meet her?

21 A Yes, I did.

22 Q When did that occur?

23 A It was in the summer. I'm not sure when. Maybe
24 in the middle, middle of the summer, July, about --

25 Q Where did you --

1 A No.

2 Q Did Jay Wilds ever call the defendant while the
3 defendant was in your presence?

4 A No.

5 Q Would Jay Wilds have ever called you?

6 A No.

7 Q Did the defendant ever tell you that his
8 relationship with Hae Min Lee had ended?

9 A Yeah.

10 Q Did he tell you why that --

11 A Yeah. Just because it was being too much of a
12 problem for him hiding it from his parents. So, I mean, it
13 was like a kind of a mutual understanding that they
14 couldn't go on, because I believe Hae's parents didn't know
15 about the relationship either.

16 Q I would like you to look at line two on that
17 document. By any chance do you recognize that telephone
18 number?

19 A No.

20 Q How about line one?

21 A No.

22 MR. URICK: Witness with the defense.

23 CROSS EXAMINATION

24 BY MS. GUTIERREZ:

25 Q Mr. Ali, you've been Adnan Syed's best friend for

1 more than seven years?

2 A Yeah.

3 Q And that's, you met him through the Mosque to
4 which both of your families belong. Is that correct?

5 A Correct.

6 Q That's the Islamic Society of Baltimore?

7 A Correct.

8 Q Located on Rolling Road in Baltimore County?

9 A Correct.

10 Q And that Society has a Mosque. The Mosque is a
11 physical space.

12 A Correct.

13 Q Is that right? And the physical space that's
14 called the Mosque is where prayer services are heard or
15 people come to pray. Is that correct?

16 A Correct.

17 Q As a group, not just as individuals?

18 A Correct.

19 Q And according to Islam, the religion of Islam,
20 the faithful pray in a certain way five times a day?

21 A Correct.

22 Q And those times are prescribed by the Koran as
23 occurring at specific, designated times related to sunrise
24 and sunset?

25 A Correct.

1 Q During the high point of the sun in the day?

2 A Correct.

3 Q And there are proscriptions for how those who
4 follow Islam must follow in their praying, including their
5 position, their physical position?

6 A Correct.

7 Q And the direction in which they face?

8 A Correct.

9 Q And the words that they say to be the prayer that
10 they're required to recite. Is that correct?

11 A Correct.

12 Q And the Mosque is therefore open seven days a
13 week, is it not?

14 A Correct.

15 Q And many of the faithful members of the Mosque,
16 when they are able, actually come to the Mosque several
17 times a day.

18 A Correct.

19 Q If a faithful Moslem cannot get to the Mosque,
20 they are required to pray wherever they are. Is that
21 correct?

22 A Correct.

23 Q And to follow the proscriptions about the form of
24 the prayer.

25 A Correct.

1 Q And their position.

2 A Correct.

3 Q And the direction in which they face.

4 A Correct.

5 Q So, a faithful Moslem is required to follow those

6 proscriptions whether or not they're able to join with

7 fellow Moslems to do so. Correct.

8 A Correct.

9 Q And in Islam, in the Mosque, there are spaces

10 that are designated for men and women, are there not?

11 A Correct.

12 Q Okay. And those are followed through, are they

13 not?

14 A Correct.

15 Q And there is what you call the Sunday School, is

16 a school -- oh, in addition to the building that contains

17 the Mosque, there are other things contained in or around

18 and near the building, are there not?

19 A Correct.

20 Q There's a school now at that Mosque, is there

21 not?

22 A Correct.

23 Q It's a separate part of the building, correct?

24 A Correct.

25 Q And now goes up, I believe, to fourth grade or

1 fifth grade?

2 A Somewhere around there. I'm not too sure.

3 Q Somewhere around there. And that that building,
4 that school functions as a regular certified school. Is
5 that correct?

6 A Correct.

7 Q And the children that go to that school are sons
8 and daughters of members of the Mosque.

9 A Correct.

10 Q And, in addition, the Mosque has many places for
11 there to be activities for the young people of the
12 community. Isn't that correct?

13 A Correct.

14 Q There's lots of areas both inside and outside the
15 building that are designated for, encourage sports
16 activities, are there not?

17 A Correct.

18 Q There are baseball, I mean basketball courts. Is
19 that correct?

20 A Correct.

21 Q And fields of play?

22 A Correct.

23 Q And there are lots of activities that are
24 sponsored on a regular and seasonal basis that involve all
25 the young people of the Mosque.

1 A Correct.

2 Q And, now, Sunday School, it's called Sunday

3 School just because it happens to be held on Sunday,

4 correct?

5 A Correct.

6 Q And at the Sunday School, young people of

7 different ages are grouped together, are they not?

8 A Correct.

9 Q And during the Sunday School, they learn about

10 the tenets of Islam, do they not?

11 A Correct.

12 Q What beliefs are held?

13 A Correct.

14 Q And what behavior is expected?

15 A Correct.

16 Q And what are the correct and proper things for

17 Moslems practicing their faith are expected to do.

18 A Correct.

19 Q And how they are to behave.

20 A Correct.

21 Q Is that correct?

22 A Yes.

23 Q And one attends Sunday School on a regular basis

24 from about the age of seven or eight, correct?

25 A Correct.

1 Q All the way up to and through young adulthood.

2 Is that correct?

3 A Correct.

4 Q You don't attend it now?

5 A No.

6 Q Correct?

7 A Correct.

8 Q But up until the time you were in high school,

9 you attended Sunday School, did you not?

10 A Correct.

11 Q And you attended with other similarly aged young

12 Moslems.

13 A Correct.

14 Q And Sunday School, was that divided into boys and

15 girls?

16 A At a younger age it wasn't, but at older age,

17 yeah, it was.

18 Q So, as girls and boys became or approached

19 teenagehood, they were separated by sex, were they not?

20 A Correct.

21 Q And that's part of the tenet of the Islamic

22 faith.

23 A Correct.

24 Q Is it not? And in addition to attending Sunday

25 School, you said you attended services regularly. Is that

1 correct.

2 A Correct.

3 Q And sometimes that could mean going to the Mosque
4 once a day?

5 A Correct.

6 Q Okay. Not always, but it could, could it not?

7 A Yes.

8 Q Because there are always services at sundown and
9 then late at night. Is that correct?

10 A Yes.

11 Q And in between those services, there are other
12 things that go on at the Mosque, are there not? People
13 socialize?

14 A Yes.

15 Q People discuss their faith?

16 A Yes.

17 Q People discuss things other than their faith?

18 A Yes.

19 Q Sometimes there are speakers on certain aspects
20 of Islam.

21 A Correct.

22 Q And on certain aspects of the culture?

23 A Correct.

24 Q Is the Mosque membership limited to those who
25 hold the Islamic faith, who are of Pakistani descent?

1 A No.

2 Q There are those who are not of Pakistani descent,
3 whose families also belong to the Mosque.

4 A Correct.

5 Q The only criteria for membership is an embracing
6 of the Islamic faith. Is that correct?

7 A Correct.

8 Q In addition to Sunday School, there are
9 activities in the Mosque that are religious in nature that
10 involve the young people.

11 A Yes.

12 Q Do they not? *They are* ~~the~~ specific, I don't quite
13 remember the name, but like young men's groups, are there
14 not?

15 A Correct.

16 Q And the young men's groups receive a lot of
17 attention from the adults in the Mosque, who extend
18 themselves to try to talk about things with the young men.

19 A Correct.

20 Q And how their lives should be faced and dealt
21 with in the face of young Moslems living out in the world.

22 A Correct.

23 Q Among people who are not of the Islamic faith.

24 A Correct.

25 Q Who may not understand the tenets of Islam.

1 A Correct.

2 Q And under circumstances where sometimes it is
3 hard to live up to what they are taught in regard to their
4 beliefs.

5 A Correct.

6 Q And in regard to their ability to interact with
7 non-Moslems they interact with by necessity, such as in
8 school. Is that correct?

9 A Correct.

10 Q And those groupings, the young men's group
11 sometimes meets in addition to the Sunday School?

12 A Correct.

13 Q And you participated in them, did you not?

14 A Correct.

15 Q And your best friend, Adnan, he participated in
16 them, did he not?

17 A Correct.

18 Q And he participated in Sunday School, did he not?

19 A Correct.

20 Q And in those groupings whenever the young men
21 would meet, one of the things that they would talk about,
22 whether it was from your own experience or just
23 intellectually, was how do young men of your age live your
24 lives around a culture whose beliefs do not coincide with
25 the beliefs of Islam. Isn't that correct?

1 A Correct.

2 Q The issue of dating, for instance, would be a
3 subject of discussion for you young men?

4 A Correct.

5 Q Within the Mosque.

6 A Correct.

7 Q With adults?

8 A Yeah.

9 Q And with each other.

10 A Yes.

11 Q Is that correct? And it would be talked about
12 regularly and continually. Is that correct?

13 A Yeah.

14 Q And you participated in those discussions, did
15 you not?

16 A Yes.

17 Q And Adnan participated in those discussions, did
18 he not?

19 A Yes.

20 Q And there were never, there was never a dispute
21 that it was okay to date, right?

22 A Yes.

23 Q It was always understood by the young men that,
24 in fact, it was not okay to date, correct?

25 A Yes.

1 Q And you were clear, were you not -- you, meaning
2 not just you, but Adnan and the other young men, that none
3 of your parents would approve of dating.

4 A Yes.

5 Q Isn't that correct?

6 A Yes.

7 Q You got that from your parents?

8 A Yes.

9 Q And you got that from all other adults in the
10 Mosque.

11 A Yes.

12 Q Regular Moslems --

13 A Correct.

14 Q -- and also specially trained ones.

15 A Correct.

16 Q Okay. Like specific teachers of Islam.

17 A Correct.

18 Q And the writings of Islam, is that correct?

19 A Yes.

20 Q And that was reinforced a great deal, was it not?

21 A Yes.

22 Q You, as a young person, and your best friend,
23 Adnan, as a young person, were encouraged to spend time and
24 become friends with each other, were you not?

25 A Yes.

1 Q And, in fact, many of you did so?

2 A Yes.

3 Q And you saw each other very regularly, sometimes
4 every day?

5 A Yes.

6 Q And sometimes seeing each other every day would
7 involve the two of you and others of like age praying
8 together?

9 A Yes.

10 Q And discussing tenets of faith?

11 A Yes.

12 Q And discussing things that had nothing to do with
13 being a Moslem.

14 A Yes.

15 Q Is that right? You were encouraged to spend as
16 much time as you could on the property and the grounds of
17 the Mosque, were you not?

18 A Yes.

19 Q And to engage in any activity that would be
20 offered to encourage you all to interact as much as
21 possible as members of the community. Is that correct?

22 A Yes.

23 Q And when you were on the property of the Mosque,
24 the adults of the Mosque would interact with all of you.
25 Is that correct?

1 A Yes.

2 Q And that's mostly where you saw your best friend,

3 Adnan Syed?

4 A Correct.

5 Q Is that correct? Now, knowing that you both

6 understood that the tenets of your faith said that dating

7 was wrong -- Correct?

8 A Correct.

9 Q There was never a time when anybody said, well,

10 it's okay as long as somebody doesn't know it, right?

11 A Correct.

12 Q Nevertheless, it would be fair to say that most

13 young men in that Mosque dated, would it not?

14 A Yes.

15 Q You dated, didn't you?

16 A Yes.

17 Q Okay. And you still do, don't you?

18 A Here and there.

19 Q And do you tell your parents about it?

20 A No.

21 Q Do you tell the Emons (ph.) or the religious

22 leaders of the Mosque that that's what you're doing?

23 A No.

24 Q You know that it's wrong, don't you?

25 A Yes.

1 Q And you all tell each other, though, don't you?

2 A Correct.

3 Q Okay. And that's okay, isn't it?

4 A Correct.

5 Q But there's never an illusion that you think that
6 it's okay to do it, is it?

7 A Correct.

8 Q You know that it's against the faith that you've
9 embraced.

10 A Correct.

11 Q Is that correct? And you know that your parents
12 would not approve of your dating.

13 A Correct.

14 Q Any girl, right?

15 A Correct.

16 Q No matter what faith she is, right?

17 A Correct.

18 Q The ban on dating is that young people shouldn't
19 have any relationship with each other, of the opposite sex,
20 until they're ready to make a commitment to a marriage and
21 a union within the faith, correct?

22 A Correct.

23 Q Is that correct, then, that mating, marriage
24 should be a family affair that involves approval from both
25 families?

1 A Correct.

2 Q That sort of signifies that this is a good union

3 that will go forward in the future.

4 A Correct.

5 Q And that a family will be raised within the

6 Moslem faith.

7 A Correct.

8 Q Within Islam, correct?

9 A Correct.

10 Q You were never told otherwise, were you?

11 A No.

12 Q And you never heard anybody else express

13 otherwise.

14 A No.

15 Q But you chose to date anyway.

16 A Correct.

17 Q Did you tell your parents what you were doing?

18 A No.

19 Q Was it agreed among the young men that one way to

20 do that, to date girls, was to do it secretly?

21 A Correct.

22 Q And that that sort of cut down on the friction.

23 A Yes.

24 Q There was, however, on a regular basis friction

25 among your friends including Adnan, and any of their

1 parents.

2 A No.

3 Q About dating.

4 A Oh! Yeah.

5 Q Only about dating, is that correct?

6 A About dating.

7 Q And that periodically parents would get, like any

8 parents, who saw a child go against the tenets of their

9 faith, upset with their children.

10 A Correct.

11 Q Did your parents ever find out that you've dated

12 in the past?

13 A Um, they've got an inkling.

14 Q They've got an inkling, but you're pretty good at

15 hiding it?

16 A Kind of.

17 Q Okay. And have a cellphone, do you not?

18 A Correct.

19 Q That sort of makes talking to the girls outside

20 this span a whole lot easier, doesn't it?

21 A Yes.

22 Q Don't most of the young men of the Mosque have

23 cellphones?

24 A Yes.

25 Q And is not the main reason for cellphones, is

1 that it makes communicating with girls of whatever faith
2 far easier than if the girls had to call at the home where
3 a parent might answer?

4 A Yes.

5 Q The ban on premarital sex -- well, you understood
6 when Adnan became interested in a girl.

7 A Yes.

8 Q He told you about it?

9 A Yes.

10 Q You were his best friend.

11 A Yes.

12 Q He didn't hide it from you.

13 A Yes.

14 Q You understood, though, that he was hiding it
15 from his parents?

16 A Yes.

17 Q And from other adult members of the Mosque. Is
18 that right?

19 A Correct.

20 Q And you, of course, wouldn't break faith with
21 him, would you?

22 A No.

23 Q Did you chastise him for going against his faith?

24 A No.

25 Q Did you remind him, and say, Best Friend, you

1 know, you're not supposed to do that?

2 A No.

3 Q Did you ever advise him not to do it?

4 A No.

5 Q Did you ever tell anybody?

6 A No.

7 Q Did you help him hide it?

8 A No.

9 Q Were you ever asked to help him hide it?

10 A No.

11 Q Did you understood -- did you understand from
12 your conversations with him that he continually had to hid
13 it all the time?

14 A Yes.

15 Q Okay. And was that a problem for you?

16 A No.

17 Q To your knowledge, were you and Adnan the only
18 young men of the Mosque who broke the ban on dating?

19 A No.

20 Q And was it more ordinary that the young men would
21 actually be dating than they would not be?

22 A More.

23 Q More?

24 A A lot of them dated.

25 Q Oh! A lot of young men dated even though they

1 considered themselves faithful Moslems?

2 A Yes.

3 Q And even though they were counseled all the time
4 to not break the ban.

5 A Correct.

6 Q Is that correct? And, sir, you were asked about
7 Ramadan. That's the holy month for the Islamic faith, is
8 it not?

9 A Yes.

10 Q It runs, according to a calendar, and generally
11 it falls from about the middle of December to the middle of
12 January.

13 A Yes.

14 Q But it runs according to a calendar so the
15 starting date and ending date might end or begin on a
16 slightly different date each year. Is that correct?

17 A Yeah.

18 Q Last year's Ramadan, which in the Ramadan and
19 Islamic calendar, that wasn't the year 1998 or 1999, right?

20 A Yes.

21 Q It's a different year.

22 A Yes.

23 Q Is that correct? According to the Arabic Islamic
24 calendar, is that correct?

25 A Correct.

1 Q And in Ramadan, one of the things that happens
2 for the faithful of Islam is that they are called to pray
3 more often.

4 A Correct.

5 Q And to make special prayers.

6 A Correct.

7 Q And to fast from sunup till sundown every day for
8 the whole fasting month. Is that correct?

9 A Correct.

10 Q And the fasting is meant as discipline, is it
11 not?

12 A Correct.

13 Q And it's to remind the faithful and to bring them
14 together more often to try to make their covenant with
15 faith deeper. Is that correct?

16 A Correct.

17 Q And during that month, the Mosque plans special
18 activities, does it not?

19 A Yes.

20 Q And one of the activities that it plans around
21 the Mosque are opportunities for the young people to lead
22 prayers.

23 A Correct.

24 Q Special prayers, is that correct?

25 A Correct.

1 Q That happens several times a month, does it not?

2 A Correct.

3 Q Last year the ending date of Ramadan, I believe,

4 was the 17th of January, was it not?

5 A Somewhere around that date.

6 Q Somewhere around then?

7 A Yes.

8 Q And do you recall, sir, that on the 14th of

9 January, which was a Thursday, that there was a special

10 prayer that was led by a group of young people?

11 A There was a prayer led, yeah.

12 Q And do you recall that your best friend, Adnan

13 Syed, participated in that prayer?

14 A Yes, he did lead a prayer.

15 Q He led the prayer. And leading the prayer is a,

16 I don't the right word. It's a great honor, is it not?

17 A Yes.

18 Q And the young people practice to make sure that

19 they lead the prayer correct.

20 A Correct.

21 Q It's not just memorizing the prayer, is it?

22 A Correct.

23 Q It's understanding the prayer, is it not?

24 A Yes.

25 Q And leading the people with fervor and passion,

1 isn't that correct?

2 A Yes.

3 Q And you young people, when you're asked to do
4 that, you practice, do you not?

5 A Yes.

6 Q During Ramadan, not just because it's required by
7 Islam, but because it's encouraged by the community, the
8 young people are at church more often than at any other
9 time.

10 A Correct.

11 Q Isn't that correct? Both praying and meeting,
12 isn't that correct?

13 A Yes.

14 Q Just like the rest of the members of the
15 community are at the Mosque more often, is that correct?

16 A Yes.

17 Q And, sir, do you recall that during that time
18 like other Ramadans, you see your best friend more often at
19 the Mosque than at any other time?

20 A Yes.

21 Q Now, you became aware when he acquired a
22 relationship or initiated or had a relationship with this
23 young woman by the name of Hae Min Lee?

24 A Yes.

25 Q And that occurred sometime in the spring of 1998,

1 late April of 1998, did it not?

2 A Yes.

3 Q You were aware that he took her to his junior
4 prom.

5 A Yes.

6 Q And prior to then, even though you didn't attend
7 the same school, you had interacted with and met some of
8 his friends from his public school, had you not?

9 A No, I really never met his other friends.

10 Q Okay. Had you ever met Stephanie?

11 A I had met her at a mall once.

12 Q Okay. And you had heard her name often, had you
13 not?

14 A Yes.

15 Q And she was a non-Moslem.

16 A Correct.

17 Q And she was an African-American?

18 A Correct.

19 Q Not an Asian, not a Pakistani, correct?

20 A Correct.

21 Q You were aware for a long period of time that
22 Stephanie, a girl, and Adnan were best friends --

23 A Correct.

24 Q -- in their school, correct?

25 A Correct.

1 Q You knew that because you were his Mosque best
2 friend, correct?

3 A Yes.

4 Q And that kind of relationship, they weren't
5 girlfriend and boyfriend, just friends, that was okay, was
6 it not?

7 A Yes.

8 Q And young people were allowed to socialize in
9 groups, not in couples, correct?

10 A Correct.

11 Q And they were allowed to socialize as long as
12 there was nothing of a sexual or intimate nature going on
13 with members of the opposite sex, were they not?

14 A Correct.

15 Q The ban was on dating, right?

16 A Correct.

17 Q And then there was the ban on any type of
18 premarital sex, correct?

19 A Correct.

20 Q Because within Islam, sex is reserved for married
21 couples with a commitment to establishing an Islamic
22 family.

23 A Correct.

24 Q Correct? But socializing with members of the
25 opposite sex was not banned in any way.

1 A Um --

2 Q As long as it was under certain circumstances --

3 A Yeah.

4 Q -- where there wasn't any sex or any intimacy,

5 right?

6 A Correct.

7 Q So, groups of young people that included boys and

8 girls, that was okay.

9 A Correct.

10 Q Is that right, as long as people didn't pair off?

11 A Yes.

12 Q You know other young people in the Mosque who

13 attend your school?

14 A Um --

15 Q Are there any that attend your school? It's

16 actually in Columbia, is it?

17 A Ellicott City.

18 Q In Ellicott City. Are there any members of your

19 school who are also members of the Mosque?

20 A No.

21 Q Are there any members of the Mosque that come

22 from schools other than Woodlawn?

23 A Yes.

24 Q And as among those young people, are the

25 practices the same that, at least the young men you know,

1 that they date?

2 A Yes.

3 Q Okay. And is the practice the same as you've
4 described, that more of them date?

5 A Yes.

6 Q Than don't date?

7 A Yes.

8 Q And would it be fair to say that in order to
9 maintain it, that all of those young men from the Mosque,
10 who date against the ban on dating, do so having to hid it
11 from everybody?

12 A Correct.

13 Q Or at least adults.

14 A Yeah.

15 Q Okay. And would it be fair to say that they
16 don't hide it from each other?

17 A Yeah.

18 Q Okay. It was in the summer that you met Hae Min
19 Lee when the three of you went to a Chinese restaurant in
20 Security Mall.

21 A Yes.

22 Q Is that correct?

23 A Yes, it was by there.

24 Q Was there any hiding of --

25 THE COURT: What was that? I'm sorry.

1 THE WITNESS: It was by the Security Mall.

2 THE COURT: Okay.

3 BY MS. GUTIERREZ:

4 Q Okay. Not inside but nearby there.

5 A Yes.

6 Q Was there any hiding of the relationship from
7 Adnan? Did he hide the relationship to you?

8 A When we were at the restaurant, I mean, we
9 weren't hiding, or he wasn't hiding because there was no
10 one around.

11 Q Okay. But to you?

12 A Was he hiding that he was going out?

13 Q Yes.

14 A No.

15 Q Did he present her to you as his girlfriend?

16 A Yes.

17 Q And when you met her, did you know that the two
18 of them had engaged in premarital sex?

19 A I don't know if I was aware at that time.

20 Q At some point --

21 A Yes.

22 Q -- you did become aware. Is that correct?

23 A Yes. Correct.

24 Q And that's because your best friend, Adnan, told
25 you that that's what he did?

1 A Correct.

2 Q And so the hiding never included him hiding the
3 nature of this relationship with this young woman to you?

4 A Yes.

5 Q And she didn't hide the nature of the
6 relationship while you were with her at the Chinese
7 Restaurant, did she?

8 A Yes. She didn't hide it.

9 Q They presented themselves to the world as
10 girlfriend and boyfriend, did they not?

11 A Yeah.

12 Q And for a long time you were aware that they were
13 still girlfriend and boyfriend.

14 A Correct.

15 Q You were aware that the hiding exacted a toll on
16 Adnan, were you not?

17 A Yes.

18 Q That it bothered him to have to go against his
19 parents.

20 A Yes.

21 Q And that it bothered him that they were pained by
22 it.

23 A Yes.

24 Q And that it bothered him to go against his faith.

25 A Correct.

1 Q And you were also aware that the young lady, Hae
2 Min Lee, was hiding their relationship from her parents.

3 A Correct.

4 Q And you were aware from your conversations with
5 Adnan that that bothered her, too.

6 A Correct.

7 Q You were aware that the two of them discussed at
8 length the issues of their loving each other.

9 A Correct.

10 Q And he told you that he loved her, did he not?

11 A Um, he liked her a lot, but I don't think he
12 loved her.

13 Q He liked her a lot. He felt very strongly about
14 the relationship, did he not?

15 A Yes.

16 Q Even though it caused him pain?

17 A Yes.

18 Q You were aware that what things that caused him
19 pain were issues that he and Hae discussed a lot.

20 A Yes.

21 Q And that their pain time starting in the summer
22 when they took breaks from each other.

23 A Yes.

24 Q To try to see how strong their love was or their
25 like.

1 A Yes.

2 Q To try to test the relationship as young people.

3 A Yes.

4 Q And your friend, Adnan, was just past 17 then?

5 A Yes.

6 Q And you are how old?

7 A I'm 18.

8 Q So, a year ago, you were also 17?

9 A Correct.

10 Q And by then you became aware that there then
11 became a pattern where they were together, and then they
12 would break up for a little while.

13 A Correct.

14 Q Now, you don't attend Woodlawn, correct?

15 A Correct.

16 Q And so you would not have ordinarily attended
17 school dances.

18 A No.

19 Q You didn't attend the junior prom.

20 A No.

21 Q And you didn't attend the Homecoming Dance, did
22 you?

23 A No.

24 Q Did you become aware that Adnan's parents went to
25 retrieve him from the Homecoming Dance?

1 A Correct.

2 Q And is that that because he told you about it?

3 A Yes.

4 Q And did he tell you that when his parents came,

5 his mother asked to speak to Hae Min Lee?

6 A Um, I --

7 Q He didn't get into all the details?

8 A Yeah.

9 Q Did you understand from what he told you that he

10 left willingly with his parents?

11 A Yes.

12 Q And did you understand from what he told you that

13 as soon as he got home, shortly thereafter he snuck out and

14 bicycled his way back?

15 A Um, I believe he did.

16 Q And that he finished the dance with Hae Min Lee?

17 A Yeah.

18 Q Who waited there for him to return?

19 A Yes.

20 Q Did you understand from your conversations with

21 him that he did that to try to spare his parents some of

22 the pain?

23 A Yes.

24 Q To not rub their noses into the relationship that

25 he had chosen to commit some of his energy to?

1 A Correct.

2 Q In mid-December did you become aware that he and
3 Hae Min Lee mutually broke up?

4 A Yes.

5 Q And that they both then began to live different
6 lives?

7 A Correct.

8 Q Did you understand that it had nothing to do with
9 Adnan's decision-making, whether it was right or wrong
10 under any analysis, as to whether or not to engage in a
11 relationship, but that he and her, Hae, were unwilling to
12 continue to go through the pain caused by hiding from both
13 sets of families?

14 A Correct.

15 Q Did you understand from him that Hae Min Lee also
16 hid her relationship with him, Adnan, from her family?

17 A Correct.

18 Q Okay. And after, did you learn all this from
19 Adnan?

20 A Yeah.

21 Q Okay. You never independently talked to Hae?

22 A No.

23 Q After the break-up, after mid-December, were you
24 aware that Adnan was interested in other girls?

25 A Yeah.

1 Q How did you know that?

2 A He had talked about other girls.

3 Q Okay. And, in fact, he went to other places, did

4 he not?

5 A Yes.

6 Q Places that the purpose of going there, there

7 would be girls there.

8 A Correct.

9 Q Is that right?

10 A Correct.

11 Q You and he went to some, did you not?

12 A Um, we had gone to some.

13 Q Okay. And were you aware that he was responding

14 to other girls by the turn of the year, at New Year's?

15 A I wasn't with him on New Year's.

16 Q You were not with him on New Year's?

17 A Yeah.

18 Q Or New Year's Eve?

19 A Yeah.

20 Q Were you aware that he attended a big party at

21 Scarlett Place?

22 A Yeah.

23 Q And were you aware in advance that that party was

24 going to happen?

25 A Yeah.

1 Q That party was not restricted to Moslem youth,
2 was it?

3 A No.

4 Q There were youth of every faith?

5 A Yes.

6 Q And every race?

7 A Yes.

8 Q And from all corners of Maryland.

9 A Yes.

10 Q And were you aware that he met a girl he was
11 interested in pursuing?

12 A Yes.

13 Q And that there were other girls that he was
14 interested in pursuing.

15 A Yes.

16 Q You were aware that Hae Min Lee was his very
17 first dating experience, were you not?

18 A Yes.

19 Q And that having premarital sex with her was his
20 very first sexual experience.

21 A Yes.

22 Q And he told you that, did he not?

23 A Yes.

24 Q And you weren't surprised by that, were you?

25 A Um --

1 Q That he told you these things?
2 A Oh, no, no.
3 Q You shared similar things about yourself with
4 him?
5 A Correct.
6 Q Okay. As most best friends do.
7 A Correct.
8 Q And you became aware that -- you understood he
9 cared about Hae, did you not?
10 A Yes.
11 Q He made you aware that the decision to break up
12 was a mutual one?
13 A Yes.
14 Q He was pained by it, was he not?
15 A Yes.
16 Q He was committed, however, to remaining friends
17 with Hae Min Lee?
18 A Yes.
19 Q And to your knowledge did he continue to do so?
20 A Yes.
21 Q Okay. Now, you told us, Mr. Ali, that you
22 have no recollection of phone calls that you've been asked
23 to identify the numbers of. Is that right?
24 A Yes.
25 Q The first time that you were asked to recall any

1 phone conversation, did that occur near January 13th?

2 A Yeah, I'm guessing so, because it says these
3 calls were made on January 13th.

4 Q That's what the paper tells you, right?

5 A Yes.

6 Q But you don't know that?

7 A Yeah.

8 Q Did somebody ask you on the 14th, the day after,
9 did you make this phone call?

10 A No.

11 Q And it was months before you were asked to
12 identify your number, was it not?

13 A Yes.

14 Q The police came to speak to you because your
15 number appeared here. Is that correct?

16 A Yes.

17 Q Of your cellphone number, is that correct?

18 A Correct.

19 Q That you had and used for a similar reason, that
20 is to facilitate communication with girls, correct?

21 A Correct.

22 Q Now, to your knowledge, Mr. Ali, you were not the
23 only person with Adnan Syed's cellphone number, were you?

24 A Correct. I wasn't the only person.

25 Q No. You knew that others, your mutual friends

1 from the Mosque, had his cellphone number.

2 A Yes.

3 Q Did you not?

4 A Correct.

5 Q And that was a regular way for you all to
6 communicate, correct?

7 A Correct.

8 Q The first cellphone call that you were asked to
9 identify, Number 13, sir, that lasted 27 seconds. Is that
10 correct?

11 A Correct.

12 Q You don't recall speaking to Adnan.

13 A No. Sometimes when you call, when you're on the
14 phone, when the bell is ringing, that's also --

15 Q Okay. So, this 27 seconds phone call could have
16 been to your number but you never actually spoke to him.

17 A Correct.

18 Q Is that correct?

19 A Correct.

20 Q His cellphone could have been used by somebody
21 else.

22 A Correct.

23 Q And you have no recollection of actually speaking
24 to him?

25 A Correct.

1 Q Or where you were whenever it is he called?

2 A Correct.

3 Q And the six-second phone call, you also have no
4 recollection of.

5 A Correct.

6 Q And the six-second call to your number could have
7 been one in which you never even got to answer.

8 A Correct.

9 Q A place where you didn't have your cellphone on,
10 but it was ringing.

11 A Correct.

12 Q And it wasn't answered.

13 A Correct.

14 Q Or when you were on the phone doing something
15 else.

16 A Correct.

17 Q Then you also don't remember?

18 A Correct.

19 Q But, again, it wasn't answered at all?

20 A Correct.

21 Q Do you have a voice mail on your cellphone?

22 A Yes, I do.

23 Q So, if somebody is not able to reach you or you
24 are busy on the phone, it then skirts over?

25 A Yeah.

1 Q And someone can leave a message for you that you
2 can later retrieve.

3 A Yes.

4 Q And you have no independent recollection of
5 speaking to him on that day?

6 A Yes.

7 Q You were aware back then, in January, that your
8 best friend, Adnan Syed, was a member of the track team of
9 Woodlawn Senior High, were you not?

10 A Correct.

11 Q And that he attended track practice in January
12 every day.

13 A Correct.

14 Q At Woodlawn.

15 A Correct.

16 Q And you were aware, as his best friend, that in
17 February and earlier in January that, in fact, at track
18 meets representing his school, that he won gold medals in
19 the races he ran?

20 A Correct.

21 Q He was a good track runner, was he not?

22 A Yes.

23 Q He was disciplined about what he did, was he not?

24 A Yes.

25 Q He was proud of his achievements, was he not?

1 A Yes.

2 Q And you knew that from talking to him?

3 A Yes.

4 Q And you also knew that from talking -- there were
5 other Moslem young men, who were members of the Mosque, who
6 also attended Woodlawn?

7 A Correct.

8 Q So, you got information about your best friend
9 corroborated and verified by others who also knew from
10 their own personal knowledge.

11 A Correct.

12 Q And you never heard from any of those members
13 anything that contradicted anything that Adnan told you
14 about his relationship with Hae.

15 A No.

16 Q Or about his commitment to track.

17 A No.

18 Q You knew, in fact --

19 THE REPORTER: Keep your voice up.

20 THE WITNESS: Thank you.

21 BY MS. GUTIERREZ:

22 Q You knew, in fact, that he was a good student,
23 did you not?

24 A Yes, I did.

25 Q And other information corroborated that to you,

1 did it not?

2 A Yes.

3 Q You've answered my question, Mr. Ali, that you

4 have previously had girlfriends?

5 A Yes.

6 Q And you currently have a girlfriend?

7 A No.

8 Q Do you engage in premarital sex?

9 A No.

10 Q Have you ever?

11 A No.

12 Q And have you -- is that because of your Islamic

13 faith?

14 A Um, no.

15 Q Did you, Mr. Ali, condemn your friend because he

16 violated his Islamic tenets of faith?

17 A No.

18 Q Did you encourage him not to have sex once he

19 told you he was?

20 A No.

21 Q Did he tell you, and did you ever know, where he

22 and Hae had sex?

23 A No.

24 Q And did you inquire of him those details?

25 A No.

1 Q Were you shocked by Adnan's confession to you?

2 A Just kind of, that we're all growing up. That's
3 about it.

4 Q You're growing up. Deciding, having the
5 wherewithal to make a decision --

6 A Yes.

7 Q -- as to whether or not you would have sex or not
8 was a sign in and of itself of the fact that you were
9 getting older.

10 A Correct.

11 Q And more mature.

12 A Correct.

13 Q One of the main tenets of Islamic faith is that
14 it leaves individuals, to use one of the words that you
15 used in the beginning, the freedom to make their own wise
16 choices.

17 A Yes.

18 Q And that's in spite of the tenets that might
19 encourage them to make other choices.

20 A Correct.

21 Q Is that correct? And that's the Islamic faith
22 and practice of it that you know, is it not?

23 A Yes.

24 Q The Jay Wilds that you heard of, did you know any
25 personal information about him?

1 A Um, that he was not that good of a person.

2 Q Okay. And that's the information that was
3 conveyed to you from more than one source, was it not?

4 A Yeah.

5 Q It was conveyed to you that one of the reasons
6 that Jay Wilds was known to several of these young people
7 who were Moslems, was because he readily and easily
8 provided dope for them.

9 A Yeah.

10 Q And using any kind of dope, in any form, is also
11 against the Islamic faith, is it not?

12 A Yes.

13 Q Using anything to desecrate the body, including
14 alcohol, is against the Islamic faith, is it not?

15 A Correct.

16 Q Many of the young men, however, on occasion
17 imbibe and drink alcohol, do they not?

18 A Correct.

19 Q And attend parties where alcohol is served,
20 correct?

21 A Correct.

22 Q Even though that's in violation of their faith.

23 A Correct.

24 Q Is that correct? And many of the young Moslem
25 men have also been known on occasion to smoke marijuana, to

1 smoke dope?

2 A Correct.

3 Q Even though that also is not only a violation of
4 American law, and the law of this State, but a violation of
5 Islamic tenets. Is that correct?

6 A Yes.

7 Q But on occasion some Moslem young people are
8 known to have imbibed in that.

9 A Yes.

10 Q And the things that you had heard led you to
11 understand that Jay Wilds in regard to the young Moslems at
12 Woodlawn was the person that they went to, to supply them
13 things that they didn't know how to get.

14 A Correct.

15 Q Like marijuana?

16 A Correct.

17 Q Like other forms of drugs?

18 A Correct.

19 Q And like alcohol?

20 A Correct.

21 Q You never interacted with Jay Wilds.

22 A No.

23 Q And what you heard mostly about him was that he
24 was not a good person.

25 A Correct.

1 MS. GUTIERREZ: No further questions. Thank you,
2 Mr. Ali.

3 THE COURT: Any re-direct?

4 MR. URICK: Yes. Thank you.

5 RE-DIRECT EXAMINATION

6 BY MR. URICK:

7 Q And you've heard the defendant call Jay Wilds a
8 friend, haven't you?

9 A Um, I might have, yeah.

10 Q Are you aware of whether or not the defendant
11 smokes marijuana?

12 A Um, yes.

13 MS. GUTIERREZ: Objection.

14 THE COURT: Overruled.

15 BY MR. URICK:

16 Q You can answer that question.

17 A Yes.

18 Q How are you aware of that?

19 A I had heard about it.

20 Q Do you have a friend named Tiab?

21 A Who?

22 Q Tiab. I'm not certain that the spelling is
23 correct, T-i-a-b. Tiab. Tiab.

24 A Oh, Tiab. Yeah.

25 Q Have you ever seen the defendant at Tiab's house?

Cited Excerpts of Trial Testimony from Inez Butler Hendricks (2/4/2000) (12, 97-100)

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IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment No. 199103042-46

ADNAN MASUD SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Friday, February 4, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.

and

KATHLEEN C. MURPHY, ESQ.

For the Defendant:

M. CRISTINA GUTIERREZ, ESQ.

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1 A It was a real friendly relationship.

2 Q Did either of them confide in you about their

3 relationship?

4 A On numerous occasions.

5 Q Were there any problems you were aware of?

6 A Yes, there were.

7 Q Can you describe that?

8 A I knew because they had told me that their

9 families were unhappy with their relationship.

10 Q Did they elaborate as to why?

11 A They were not allowed to be together, and

12 basically what I was told was because of religious

13 reasons.

14 Q Did you also become aware at some point they

15 broke up --

16 A Yes.

17 Q -- for good?

18 A Supposedly.

19 Q Were you aware as to whether Ms. Lee was

20 involved in any other relationships at that time?

21 A Yes.

22 Q Do you recall approximately when that was?

23 A It was right after she got her job at Lens

24 Crafters at Owings Mills Mall.

25 Q Okay. Did the defendant ever talk to you about

1 Q And you said you became aware of his attendance
2 at track practice because you were always concerned about
3 everybody who participated in the athletic programs,
4 correct?

5 A That is correct.

6 Q You were aware that the coach of the indoor
7 track team is a man by the name of Sye; is it not?

8 A Yes.

9 Q And you were aware that Coach Sye did not keep
10 a roster that the track athletes have to sign in every
11 day?

12 A That is correct.

13 Q And that he didn't keep track of himself who
14 attended on any given day?

15 A That is correct.

16 Q And you were aware, were you not, track
17 practice didn't begin on the 13th, did it?

18 A I don't know exactly when it began.

19 Q Well, it began before that day, didn't it?

20 A Yes.

21 Q The 13th wasn't the first day of track
22 practice, was it?

23 A No, it wasn't.

24 Q In fact, the track team had already had several
25 meets by the middle of January; had they not?

1 A They had.

2 Q And they continued to have meets after January
3 13th; did they not?

4 A Yes, they did.

5 Q And you were aware that Adnan won and medaled
6 in his events at several meets; were you not?

7 A I wasn't aware. I knew he had received ribbons
8 but I wasn't aware that he had received a medal.

9 Q Okay. And would it surprise you to know that
10 he, in fact, did medal?

11 A No.

12 Q He was a serious athlete; was he not?

13 A I don't know.

14 Q Well, in your experience as in charge of all
15 this, Ms. Butler, would you agree that athletes who
16 perform well are generally not only those with talent but
17 the discipline to practice?

18 A That is correct.

19 Q And in every sport, there are consequences for
20 athletes, although they may differ as to whether or not
21 they get to participate in meets if they don't practice;
22 are there not?

23 A In some sports.

24 Q And you were not aware of any consequence for
25 track athletes?

1 A No.

2 Q All right. Now, would it be fair to say, Ms.
3 Butler, that the track athletes who participate and win
4 their events, whether they get ribbons or medals, are
5 more likely to be the athletes who participate by being
6 disciplined and practice their athletic ability?

7 A I don't understand that.

8 Q Well, athletes perform better when they
9 practice; do they not?

10 A Yes. I understand that, yes.

11 Q There are consequences for missing practices,
12 because common experience as the Athletic Director shows
13 you that practice matters to performance; does it not?

14 A Well, it wouldn't be the Athletic Director that
15 would show me.

16 Q You know that in your own experience; do you
17 not?

18 MS. MURPHY: Objection.

19 THE COURT: Sustained.

20 BY MS. GUTIERREZ:

21 Q Does the athletic program at Woodlawn require
22 athletes who perform for any team in the school to
23 practice?

24 A Yes.

25 Q And as a matter of course, are athletes allowed

1 to routinely miss practices without some consequence,
2 whether or not you know what it is?

3 THE COURT: Ms. Gutierrez, I think we have been
4 over this several times.

5 MS. GUTIERREZ: Okay. I'll move on, Judge.

6 THE COURT: Thank you.

7 BY MS. GUTIERREZ:

8 Q Ms. Butler, Hae Lee didn't mention Adnan on the
9 13th when you saw her?

10 A No.

11 Q Did she?

12 A No.

13 Q She didn't mention any fight with him?

14 A No.

15 Q She didn't mention any plans to meet him?

16 A No.

17 Q Or that he was going to hook up with her in her
18 car?

19 A No.

20 Q What she told you was that -- today you
21 remembered -- that she was going to pick up someone and
22 that she would be back, correct?

23 A Correct.

24 Q But what you told Detective O'Shea that he
25 wrote down was that she had no plans to come back,

Cited Excerpts of Trial Testimony
from Jay Wilds
(2/4/2000) (Pages 115-64)

1 THE COURT: One moment, Mr. Wilds. We are
2 distributing something to the jury. Once that's done,
3 Mr. Urick will have some questions for you.

4 THE WITNESS: Yes, ma'am.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q Good afternoon, Mr. Wilds. How old are you?

8 A Twenty.

9 Q And where did you attend high school?

10 A Woodlawn High.

11 Q And what years did you attend there?

12 A '94 through '98.

13 Q How many years?

14 A Four years.

15 Q And when did you graduate?

16 A '98.

17 Q And what sort of school is Woodlawn?

18 A It's a high school, but it's also a guidance
19 school.

20 Q And which program were you in?

21 A I was enrolled in the regular program at
22 Woodlawn.

23 Q Who do you currently live with?

24 A My mother.

25 Q Any other family members?

1 A No, sir.

2 Q How long has it been like that?

3 A About six years.

4 Q And how are you supported right now?

5 A I'm employed. I'm a concrete construction

6 worker.

7 Q And how long would you have been supporting

8 yourself?

9 A Completely?

10 Q Yes.

11 A Since eighteen.

12 Q Did you know Hae Min Lee?

13 A Yes, I had a Biology class with her.

14 Q And when was that?

15 A I believe my junior year.

16 Q And do you know the defendant in this case?

17 A Yes.

18 Q And when did you first meet the defendant?

19 A We were introduced to each other in middle

20 school through mutual friends but I didn't formally meet

21 her until high school.

22 Q About what time?

23 A My senior year.

24 Q And what class was he in, in relation to yours?

25 A He was in none of my classes.

1 Q I mean what year was he in, in relation to
2 yours?

3 A Oh, he was a year beneath me, the class of '99.

4 Q And when in the school year, senior year, would
5 you have met him?

6 A Towards the end.

7 Q And how did you come to meet him?

8 A He was a friend of my girlfriend. She told me
9 we should hang out.

10 Q And did you come to start doing things with the
11 defendant?

12 A I believe me and him went to one dance, me, him
13 and Stephanie. I took him to buy marijuana once. That
14 was about it.

15 Q When was that?

16 A I would have to say about a week after we were
17 introduced I took him.

18 Q Your senior year?

19 A Yes, I'm sorry.

20 Q Okay. Once your senior year ended, did you
21 have any further contact with him?

22 A No. Up until their senior year, no.

23 Q And how did you start having contact with him
24 again?

25 A Again, through Stephanie.

1 Q And was this after the school year started?

2 A Yes.

3 Q And when would this have been?

4 A It was the beginning of winter, so December,
5 November, December.

6 Q And what sort of contact were you having with
7 him at that time?

8 A The same, casual. He would give me a lift
9 somewhere or me and him and Stephanie would go somewhere
10 together.

11 Q And did you do any other things together?

12 A Again, I went and purchased marijuana for him.

13 Q About how many times have you purchased
14 marijuana for the defendant?

15 A Twice.

16 Q Now, what is your involvement with marijuana?

17 A I used to smoke regularly. I get tested at my
18 job now. Other than that, I sold some. I haven't grown
19 it. That's about it.

20 Q When you say you sold some, what do you mean by
21 that?

22 A Friends, people who asked me could I get it for
23 them. I purchased it for them or purchased a large
24 amount and then disbursed it to them.

25 Q And when did you first start doing this?

1 A Probably the tenth grade, I needed lacrosse
2 equipment.

3 Q And about how often would you buy marijuana for
4 other people?

5 A Two to three times a week.

6 Q Now, drawing your attention to -- well, before
7 I get to that, did you consider the defendant a friend?

8 A An acquaintance.

9 Q Now, drawing your attention to January 12th of
10 1999, what if any significance in your life does the date
11 January 12th have?

12 A It's my birthday.

13 Q Did you have occasion that day to hear from the
14 defendant?

15 A Yes, in the evening. I returned in I believe
16 it was about ten something. I received a phone call and
17 he just asked me what I had been doing. I told him I was
18 out partying earlier and I was kind of tired. He asked
19 me what I was doing tomorrow and I told him nothing.

20 Q What if anything else did he say?

21 A That was it.

22 (State's Exhibit No. 31(a)
23 was marked for purposes
24 of identification.)

25 (Brief pause.)

1 MS. GUTIERREZ: This is entered as a separate
2 page.

3 MR. URICK: I xeroxed the original.

4 MS. GUTIERREZ: Okay.

5 BY MR. URICK:

6 Q I am now going to show you what has been marked
7 for identification as State's Exhibit 31(a). This is a
8 xerox of a page out of Exhibit 31 that's already in
9 evidence. At this time, I would like you to look at the
10 bottom of the page. You will see that there is blocks of
11 information there, and the last one has the information
12 call date, 1/12/1999, and then there is a block of ten
13 lines of numbers below there.

14 Look at line number ten.

15 A Yes.

16 Q Can you read that line?

17 A 410-788-8495.

18 Q And do you recognize that number?

19 A Yes.

20 Q Whose number is that?

21 A That was my former home number.

22 Q At this time I'm going to ask the witness to
23 use this highlight pen to highlight that line.

24 A (Indicating.)

25 MR. URICK: We will offer as State's Exhibit

1 31(a) the xerox exhibit from 31.

2 THE COURT: Any objection?

3 MS. GUTIERREZ: No objection.

4 THE COURT: Let it be admitted.

5 (State's Exhibit No. 31(a),
6 previously marked for
7 identification, was
8 received in evidence.)

9 (Brief pause.)

10 (State's Exhibit No. 34
11 was marked for purposes
12 of identification.)

13 MR. URICK: May I approach the witness again?

14 THE COURT: Yes, you may.

15 BY MR. URICK:

16 Q At this time I'm handing the witness a copy of
17 what has been marked for identification purposes as
18 State's Exhibit 34. Now I would like to draw your
19 attention to January the 13th of 1999. What if any
20 significance does the date January 13th have in your
21 life?

22 A It's my girlfriend's birthday.

23 Q When you say your girlfriend, who are you
24 referring to?

25 A Stephanie E. McPherson.

1 Q Now, where were you in the morning?

2 A I was home.

3 Q Did there come a time when you heard from the
4 defendant?

5 A Yes.

6 Q About when was that, if you can recall?

7 A I believe it was about 10:30.

8 Q Now, I would like you to look at the exhibit I
9 put before you. If you would, look three lines up from
10 the bottom, the line that is marked line thirty-two.

11 A Yes.

12 Q Do you recognize that number?

13 A Yes, that's my home phone number again.

14 Q And will you read it for the record, please?

15 A 410-788-8495.

16 Q And for the record, if you will go across,
17 would you please read the next two lines which are the
18 call time and the duration of the call?

19 A 10:45 a.m., and twenty-eight seconds.

20 MR. URICK: At this time, with the court's
21 permission, I'm going to write "Wilds residence" on line
22 thirty-two in the blank space.

23 THE COURT: Any objection?

24 MS. GUTIERREZ: No, Your Honor.

25 THE COURT: You may do that as well.

1 MR. URICK: (Indicating.)

2 BY MR. URICK:

3 Q What did that conversation consist of?

4 A Again, what were my plans for the day, what was
5 I doing, and that he would be there in an hour to pick me
6 up.

7 Q To pick you up. What if any plans did you
8 make?

9 A I had told him that I had to go to the mall to
10 go shopping to pick up Stephanie a present for her
11 birthday.

12 Q And what if anything did he say when you told
13 him that?

14 A I'll give you a lift.

15 Q And did there come a time when you saw him?

16 A Yes.

17 Q And about what time was that?

18 A It was about an hour later.

19 Q And how did he meet up with you?

20 A He knocked at my door. I believe I had just
21 been showering and getting dressed. It wasn't very long
22 after that he showed up. We both got in his car and left
23 for Security Mall.

24 Q When you say "his car", what are you referring
25 to?

1 A An Accord. I don't remember what year it was.

2 Q Had you seen him driving that car before?

3 A Yes. It was a tan Accord.

4 Q He arrives at your door. What occurs next?

5 A Nothing. We both exit my house and get into
6 his vehicle and proceed up Roland Road to the Security
7 Square Mall.

8 Q And what if anything happens there?

9 A At the mall?

10 Q Yes.

11 A Just shopping for my girlfriend's present and
12 some stuff like that.

13 Q About how long were you at the mall?

14 A Probably about an hour and fifteen minutes.

15 THE COURT: One moment, please. If you have a
16 cellphone, a pager, a beeper or anything of the like in
17 this courtroom, please turn it off immediately. Thank
18 you. My apologies.

19 MS. GUTIERREZ: I'm sorry, I didn't hear the
20 witness' answer, if he answered.

21 BY MR. URICK:

22 Q About how long were you shopping?

23 A About an hour and fifteen minutes.

24 Q When you finished shopping, what if anything
25 occurred?

1 A We left the school. No, I'm sorry, we left for
2 school. He said he had to get back, that his lunch was
3 ending. I took him back. On the way back to the school,
4 he was like I need you to do me a favor. If you need my
5 car, can you pick me up, and I said sure. I wasn't
6 finished shopping. I dropped him off at the back of the
7 school. He walked up the steps and went back to class.

8 Q What if anything did he tell you?

9 A Earlier on the way to the mall we were
10 discussing relationships. I was telling him how I felt
11 about Stephanie and how our relationship was going, and
12 he was telling me how he felt about Hae and how his
13 relationship was going.

14 Q What did he tell you?

15 A He just said that it wasn't going good, how
16 could she treat him like that, someone who supposedly
17 loved him. He seemed pretty hurt about it. I didn't
18 sense any anger.

19 Q What if anything else did he tell you at that
20 time?

21 A How she made him mad, and he was like, well,
22 I'm going to kill that bitch, but it wasn't like in terms
23 of or in the context, the situation, and I didn't take it
24 as a --

25 Q You didn't finish your answer.

1 A I'm sorry. In the context of the conversation
2 we were having, he said I was going to kill that bitch,
3 and I didn't ask him who, I figured he was referring to
4 Hae, and that was what he said and then he went on more
5 about, you know, people and interactions and love and
6 things of that sort.

7 Q And about how long did this conversation last?

8 A It lasted from Route 40 and Roland Road to the
9 stoplight at Johnnycake and Roland Road. So I would say
10 probably about a five minute drive.

11 Q And what if anything occurred next?

12 A After I dropped him off at the school?

13 Q You drop him off at the school and then what
14 happens?

15 A I leave there and go to my -- actually --

16 Q When you drop him off --

17 A I'm sorry.

18 Q -- and you start to leave, what if any property
19 of his do you have at this time?

20 A He leaves his cellphone with me because he says
21 he is going to give me a call when he needs me to come
22 get him.

23 Q Okay. Now, I would like you to look at line
24 thirty-one.

25 A Yes.

1 Q And thirty above it.

2 A Yes.

3 Q Examine those two lines if you will.

4 A Yes.

5 Q Do you recognize those numbers?

6 A Yes.

7 Q Whose numbers are those?

8 A Jenn Pusateri.

9 Q And what type of number were these?

10 A Pardon me.

11 Q What type of number were they?

12 A Oh, that's her telephone number, 744-2609.

13 Q It's what number?

14 A I'm sorry, it's her telephone number.

15 Q That's her home residence?

16 A Yes, her residence.

17 Q Will you read the entire number for the record?

18 A 410-744-2609.

19 Q And that's on both lines thirty-one and thirty;

20 is that correct?

21 A Yes.

22 MR. URICK: With the court's permission, at

23 this time I'm going to write "Pusateri residence" on both

24 of those lines.

25 THE COURT: Any objection?

1 MS. GUTIERREZ: No.

2 THE COURT: You may do that.

3 MR. URICK: (Indicating.)

4 BY MR. URICK:

5 Q Who is Jenn Pusateri?

6 A She is a friend of mine.

7 Q How long have you known her?

8 A Probably about six years now.

9 Q And what sort of friend is she?

10 A She's a very close friend of mine.

11 Q Now, if you will look across that line, line

12 thirty-one, do you see the time of the call?

13 A Yes.

14 Q And what time is that?

15 A 12:07.

16 Q Do you remember making this call?

17 A Yes, I do. I believe on my way, as I left the

18 school, I was going to their house, and I used the phone

19 to call to see if they were home on the way there.

20 Q And what if any response did you get?

21 A I believe that Jenn's brother Mark had picked

22 up the phone and told me that she wasn't home but I could

23 come over there anyway.

24 Q Now, line thirty, if you look across there, do

25 you see the time there?

1 A Yes.

2 Q And what time is that?

3 A 12:41.

4 Q Do you remember making that call?

5 A I do not recall making that call but me and
6 Mark did leave out, so we may have called back to the
7 house to see if Jenn was home.

8 Q Okay. Now, did there come a time when you went
9 over to the house?

10 A Yes.

11 Q And what if anything did you do there?

12 A We entered, me and Mark, and we both went down
13 to the basement. We started playing Play Station
14 probably for about a half an hour. I asked him if he
15 would like to come to the mall with me, I hadn't finished
16 shopping yet, and he said sure. Right before we left, I
17 received a phone call on the cellphone. It was Adnan and
18 he was asking me where I was. I told him I was at Jenn's
19 playing video games. I asked him if he was ready yet and
20 he said no. We left and we went to the mall. I did the
21 rest of my shopping. We came back to Jenn's house and
22 went back down to the basement. I believe Jenn called on
23 the telephone when we returned home, and soon after I got
24 another call on the cellphone. This time he was asking
25 me like had I had it turned off or something like that or

1 something, was it on, and I told him yes, it had been on.

2 I sat at Jenn's and I played video games.

3 Q And did there come a time when Jenn came home?

4 A Yes.

5 Q And did there come a time when you left?

6 A Yes.

7 Q And where did you go when you left?

8 A Well, in his last phone call, he was like I
9 need you to come get me at like 3:45 or something like
10 that he told me, and I was like all right, cool. I
11 waited until then and there was no phone call, so I was
12 going to my friend Jeff's house.

13 Q And on the way there, what if anything
14 happened?

15 A Jeff wasn't home. As I was leaving his street,
16 I received a phone call. It was Adnan. He asked me to
17 come and get him from Best Buy.

18 Q Where were you at that time?

19 A I was turning. I was going to make a right
20 onto, I believe it was Craigmont, but instead I made a
21 left.

22 Q And where did you go?

23 A To Best Buy.

24 Q And what if anything -- which Best Buy was
25 that?

1 A The one at Security Boulevard and Woodlawn.

2 Q Now, when you got there, what if anything did
3 you see?

4 A I saw Mr. Syed standing by the payphone. He
5 had on a pair of red gloves. He just kind of looked at
6 me and instructed me to drive over to the side of the
7 building. I drove over to the side of the building. He
8 was walking and told me to park the car next to a gray
9 Sentra. I got out of the car. I walked towards him and
10 I lit a cigarette. He kept asking me, was I ready for
11 this, was I ready for this. Honestly, I thought he was
12 going to open the trunk and have some pounds in there.
13 He opened the trunk and Hae Min Lee was dead in the
14 trunk.

15 Q Had you ever seen that car before?

16 A Once.

17 Q Did you know whose car it was?

18 A Vaguely, not.

19 Q Where had you seen the car?

20 A At school.

21 Q When he pops the trunk open, what if anything
22 do you do?

23 A I took a step back, I dropped my cigarette, and
24 just kind of stared for a second. He didn't keep the
25 trunk open, he closed it. It was five or ten seconds.

1 It wasn't very long at all he had the trunk open.

2 Q What if anything did he say?

3 A He told me to follow him. He got in Hae's car

4 Q What if anything did you tell him when he said
5 that?

6 A Nothing. I just got in his car and followed
7 him.

8 Q Why did you follow him?

9 A I don't know. I was dismayed, confused. I
10 don't know why I followed him. I'm sorry. At that time
11 it was confusion, shock.

12 Q What car were you driving?

13 A His car.

14 Q What car was he driving?

15 A Hae Min Lee's car.

16 Q And did you start driving?

17 A Yes.

18 Q Where did you go?

19 A I followed him to the 70 Park and Ride.

20 Q When you say the I70 Park and Ride, what do you
21 mean?

22 A It's at the end of Security Boulevard and Cooks
23 Lane. It's where 70 ends.

24 Q And what if anything did you do there at the
25 I70 Park and Ride?

1 A I parked and I waited for him. He went in her
2 trunk. He took something out. It was a black bag. He
3 moved some stuff around from the back seat to the trunk.
4 Then I got out of his car and got in the passenger side
5 and he began driving his car then.

6 Q I would like to take you back for a moment to
7 the Best Buy parking lot. When he popped the trunk open,
8 did you recognize the person in the trunk?

9 A Not at first, no. They were like laying face
10 down.

11 Q How do you know who it was?

12 A I could see her hair and the complexion of the
13 skin. I could tell it was a girl. It was Hae's build,
14 you know what I mean, and clothes I had seen Hae in
15 before. It was her car. That's how I determined it was
16 her.

17 Q Did there appear to be any movement about the
18 body?

19 A Not at all.

20 Q Was there any complexion to the face or to the
21 skin?

22 A The skin was blue. I couldn't quite see her
23 face but her skin was blue. Like the side of her neck
24 was blue. I could see like that part of her face.

25 Q Now, going to the I70 parking lot, what if

1 anything did the defendant do with the car, Hae Min Lee's
2 car?

3 A He just parked it. Like I said, he rummaged
4 through the back a little bit and got a couple articles.
5 I believe one was his gym bag. He brought them back and
6 put them in his trunk. He got in his car and he started
7 driving.

8 Q And when you say started driving, did he say
9 anything at that time?

10 A At that time?

11 Q Yes.

12 A Oh, I had -- no, he didn't say nothing at that
13 time. He had asked me, just like picking up in a lost
14 conversation, oh, you want to go buy some weed, and I was
15 like whatever, you know, fine. We went down Cooks Lane.
16 We were on our way to Mr. Furlow's house.

17 Q Who is Mr. Furlow?

18 A He was a guy I bought marijuana from a whole
19 lot, a friend of mine I worked with at UPS and stuff like
20 that.

21 Q Okay. Hold on for a second, if you would,
22 please. Look at line twenty-six on the exhibit again.
23 Do you recognize that number?

24 A Line twenty-six?

25 Q Yes.

1 A Yes, that's Jenn Pusateri's number again.
 2 Q And do you see the time of that call?
 3 A Yes.
 4 Q Please read it. Well, please read her number
 5 for the record first.
 6 A 410-744-2609.
 7 Q And do you notice the time of the call?
 8 A Yes.
 9 Q What is the time?
 10 A 3:21.
 11 Q And the length of the call?
 12 A Forty-two seconds.
 13 Q Do you remember making that call?
 14 A I believe so, to ask her if he was on or if he
 15 was home, one of the two, meaning if he had marijuana.
 16 Q Whose number was line twenty-six again?
 17 A That's Jenn Pusateri's.
 18 Q Oh.
 19 A I was calling her, hey is "P" on, do you know
 20 if "P" is on again, do you know if he is home?
 21 Q Okay.
 22 A And she said I don't know.
 23 Q This was after you had dropped off the car at
 24 the Park and Ride?
 25 A Yes.

1 MR. URICK: At this time, with the court's
2 permission, I'm going to write "Pusateri residence" on
3 line twenty-six.

4 THE COURT: Any objection?

5 MS. GUTIERREZ: No.

6 THE COURT: You may do so.

7 MR. URICK: (Indicating.)

8 BY MR. URICK:

9 Q Now, if you look up a line, please look at that
10 line?

11 A Yes.

12 Q Do you recognize that number?

13 A No, I do not.

14 Q Do you remember the defendant making any phone
15 calls?

16 A Yes.

17 Q What if any phone call did he make?

18 A To a young lady, I believe somewhere in Silver
19 Spring.

20 Q And what did you hear him say?

21 A Small chat. He actually asked me did I want to
22 talk to her. I may have said hello but nothing more.

23 Q Did you get on the phone?

24 A Yes, that's what I say, for a brief instance,
25 hello, my name is Jay, and gave him the phone back. I

1 didn't really feel like talking.

2 Q Do you remember where you were at that time?

3 A Forest Park Avenue.

4 Q And where were you going at that time?

5 A To buy marijuana. Patrick was not home.

6 Q Okay. Now, if you look up a line to line
7 twenty-four, do you recognize that number?

8 A No, I do not. Oh, yes, I do, I'm sorry. Yes,
9 this is Phil Mendez's phone number.

10 Q And who is Phil Mendez?

11 A He is a friend of mine. For a long time I have
12 known him.

13 Q And please read that for the record?

14 A 301-695-8485.

15 Q And what type of number is that?

16 A Long distance. It's Frederick County.

17 Q Is it a residence?

18 A Yes.

19 Q And do you see the time of the call?

20 A Yes.

21 Q And please read that?

22 A 3:32 p.m.

23 Q I believe you have dropped down a line.

24 A I'm sorry.

25 Q Follow across line twenty-four.

1 A 3:48 p.m. I'm sorry.

2 Q And the length of the call?

3 A A minute and twenty-five seconds.

4 Q How does he spell his last name?

5 A I'm not sure.

6 Q Pronounce it again.

7 A Mendez.

8 MR. URICK: With the court's permission, at

9 this time I'll write "Mendez residence" in the blank line

10 for line twenty-four.

11 THE COURT: Line twenty-four. Any objection?

12 MS. GUTIERREZ: No, Your Honor.

13 THE COURT: Very well. You may do so.

14 MR. URICK: (Indicating.)

15 BY MR. URICK:

16 Q Do you remember that call?

17 A Honestly, sir, I do not.

18 Q And please look up at line twenty-three.

19 A Yes.

20 Q Do you recognize that number?

21 A Yes.

22 Q Whose number is that?

23 A I believe that is Mr. Furlow's old phone number

24 at his residence.

25 Q Will you read that for the record, please?

1 A 410-233-4650.

2 Q And please read the time of the call?

3 A 3:59 p.m.

4 Q And the length of the call?

5 A Twenty-five seconds.

6 Q And his last name was Furlow?

7 A Yes.

8 MR. URICK: With the court's permission, I'm

9 going to write "Furlow residence" on that line at this

10 time.

11 THE COURT: Any objection?

12 MS. GUTIERREZ: No, Your Honor.

13 THE COURT: You may do so. That's line twenty-

14 three; is that correct?

15 MR. URICK: Line twenty-three. (Indicating.)

16 BY MR. URICK:

17 Q What was the purpose of that call?

18 A To see if Patrick was home.

19 Q For what reason?

20 A To buy marijuana.

21 Q Was he home?

22 A No, he was not.

23 Q What if anything did you do at that point?

24 A That's when we drove up to Forest Park Avenue.

25 Q And what did you do there?

1 A We purchased marijuana.

2 Q When you say we, who do you mean?

3 A Me and Mr. Syed.

4 Q And where did the money come from to purchase

5 that?

6 A I believe I had five bucks and Mr. Syed had

7 fifteen.

8 Q Now, during the time that you are riding around

9 looking for marijuana, what if any conversation did you

10 have with the defendant?

11 A He didn't say much else except it's done, not

12 at that time.

13 Q What if anything did you say to him?

14 A Yeah. Nothing really, just yeah.

15 Q Why not?

16 A I didn't know what to say to him right then. I

17 didn't know how he was going to react to me.

18 Q Now, if you will, look at line twenty-two. Do

19 you recognize that number?

20 A Yes.

21 Q Whose number is that?

22 A Ms. Pusateri.

23 Q And what is the time of the call?

24 A 4:12 p.m.

25 Q And the length of the call?

1 A Twenty-eight seconds.

2 MR. URICK: With the court's permission, I'm
3 going to write "Fusateri residence" in the blank on line
4 twenty-two.

5 THE COURT: Any objection?

6 MS. GUTIERREZ: No, Your Honor.

7 THE COURT: You may do so.

8 MR. URICK: (Indicating.)

9 BY MR. URICK:

10 Q Do you remember that telephone call?

11 A Vaguely.

12 Q What was it about?

13 A I think it was asking if Ms. Vincent was home.

14 MS. GUTIERREZ: I'm sorry, I didn't hear the
15 witness.

16 THE WITNESS: I believe it was asking if Ms.
17 Vincent was home.

18 BY MR. URICK:

19 Q Who is Ms. Vincent?

20 A Christine. She is a mutual friend of me and
21 Jenn's.

22 Q Do you remember where you were when that call
23 was made?

24 A No, I do not.

25 Q After you purchased the marijuana, and you

1 purchased it where again?

2 A In Forest Park.

3 Q Where did you go after that?

4 A We turned and I believe at this time he wanted
5 to get back to track practice because he said he needed
6 to be seen. This is when we started to talk a little
7 bit. I don't know, he said to me it kind of hurt him but
8 not really, and when someone treats him like that, they
9 deserve to die. How can you treat somebody like that,
10 that you are supposed to love? And then, all knowing is
11 Allah.

12 Q Did he explain what he meant by that?

13 A No. And then his last statement was mother-
14 fuckers think they are hard, I killed somebody with my
15 bare hands. That's what he said to me. Then he got out
16 of the car.

17 Q Did he describe the act at all?

18 A Yes. He said that he thought she was trying to
19 say something to him like apologize or say she was sorry,
20 and that she had kicked off the turn signal in the car,
21 and he was worried about her scratching him on the face
22 or something like that he was saying. But other than
23 that, that was all of the actual act.

24 Q Did he say why he might be worried if he got
25 scratched on the face?

1 A Forensics.

2 Q Do you know what sort of jobs the defendant
3 had?

4 A He was a medic, an EMT, Emergency Medical
5 Technician.

6 Q Now, when you were having this conversation,
7 where were you?

8 A We were traveling towards Woodlawn High School
9 from Forest Park.

10 Q And what if anything happened next?

11 A I believe we stopped somewhere to buy a blunt.

12 Q What is a blunt?

13 A I'm sorry. It's a cigar that you empty and use
14 for smoking marijuana.

15 Q And what did you do at that point?

16 A He didn't want to smoke with me, so he got out
17 of the car and I left and went to Ms. Vincent's house.
18 But before he left the car, he received a phone call or
19 placed a phone call. It was in Arabic. I don't know who
20 he was talking to. I don't know what it entailed. I
21 believe it was his mother, I'm not sure.

22 Q And when you say he got out of the car, where
23 were you at that time?

24 A I was in the passenger seat in front of
25 Woodlawn High.

1 Q And what if anything did he say he was going to
2 do?

3 A Go to practice and give me a call when he was
4 through.

5 Q And what did you do at that point?

6 A I left and I went to Ms. Vincent's house.

7 Q And what if anything did you do after that?

8 A I smoked marijuana and I just sat there
9 debating what I should do basically.

10 Q And what if anything happened next?

11 A It was real short, maybe like half an hour, I
12 received a phone call from him saying he was at school.
13 I went there, I retrieved him, and then I came right back
14 to Ms. Vincent's house.

15 Q And who if anyone was with you?

16 A Pardon me.

17 Q Who if anyone was with you?

18 A At Ms. Vincent's house?

19 Q Yes.

20 A Ms. Vincent and her boyfriend at the time,
21 Jeff.

22 Q And where was the defendant?

23 A He was with me but he laid down and like went
24 to sleep on the floor as soon as we got there.

25 Q And what if anything happened?

1 A We smoked a little more. He received a phone
2 call from Hae's parents asking if he knew where she was.
3 He told them he didn't know where she was.

4 Q Did you hear his conversation?

5 A Yes.

6 Q What did he say?

7 A He just told them no, I haven't seen Hae, I
8 don't know where she is, try her new boyfriend. Then
9 Hae's cousin or someone had called back but it was the
10 wrong number. They thought it was the new boyfriend's
11 number and it was his cellphone number or something like
12 that.

13 Q Did any other calls come in?

14 A Uh-huh. He received a phone call from a police
15 officer who was asking about Hae. He was like I don't
16 know where Hae is. Towards the end of the conversation
17 with the cop, he was walking out though, so I didn't
18 catch the end of the conversation with him.

19 Q When you say walking out, you mean walking out
20 of what?

21 A The apartment, down the steps.

22 Q Where does Ms. Vincent live?

23 A Wesleyan Gardens, off of Wilkins Avenue or, I'm
24 sorry, in between Wilkins Avenue and the beltway.

25 Q And describe when you got inside the apartment,

1 where did everyone sit down?

2 A In the living room.

3 Q Describe the living room.

4 A It's a very small living room, a television in
5 the center, a table off to the right. We rarely sit at
6 the dinner table. There are two chairs that sit on the
7 wall. There is one that sits off to the right and a bed
8 that sits off to the left.

9 Q And where was everybody seated, if you recall?

10 A Like around the television in a circle.

11 Q And where was the defendant?

12 A Back to my left laying down.

13 Q By this time, had he smoked marijuana with you?

14 A I think a small amount.

15 Q And about how long did you stay at Ms.

16 Vincent's?

17 A Twenty, twenty-five minutes.

18 Q Now, when you say he had the conversation with
19 the officer and he was on his way out, how did he come to
20 leave?

21 A Pardon me.

22 Q You said you didn't hear the last of the
23 conversation --

24 A Right.

25 Q -- because he went out the door. How did he

1 come to leave?

2 A He was talking to the police officer and he was
3 motioning I'm leaving.

4 Q What happened outside the apartment?

5 A He got outside the apartment and took his
6 gloves off and threw them in the -- well, actually they
7 were still in his pocket -- he threw them in the dumpster
8 and told me we have to go, we have to go.

9 Q What if anything did you say?

10 A I didn't say anything. I got in the car.

11 Q Why?

12 A Fear at this point, the police were involved.

13 Q After you got in the car, what if anything did
14 the two of you do?

15 A He started driving me home actually. We got to
16 my house, we reached my porch, and then he stopped me and
17 he was like you have got to help me get rid of Hae, and I
18 looked at him like he was crazy. And he told me that he
19 knew what I did, he knew how I did it, and --

20 Q What did he mean by that?

21 A I took it as an inference to my drug dealings.
22 I was living in my grandmother's house and I didn't want
23 to get her in trouble. He grabbed two shovels and put
24 them in the back seat of his car. I got in his car with
25 him.

1 Q Why?

2 A What would the cops say if I go to them and I
3 tell them, hey, you know, me, Mr. Wilds, who you beat up
4 in the last week, knows where a dead girl is in the back
5 of a car, and I don't know why or who killed her, you
6 know. No, that wouldn't work.

7 Q After you got in the car with him, what did the
8 two of you do?

9 A We went to the 70 Park and Ride. He exited the
10 vehicle and got in her vehicle. He instructed me to wait
11 for him at the McDonald's on Security Boulevard next to
12 our school. I went there and I waited for him. I was
13 thinking that I could just drive away with his car right
14 there, but then just as soon as I thought about that, he
15 had pulled up and instructed me to follow him.

16 Q He had pulled up in whose car?

17 A Hae Min Lee's car. I followed him. We drove
18 for a while, maybe like forty-five minutes, meandering --
19 he didn't really seem like he knew where he was going --
20 up through Dogwood Road and all back behind the Social
21 Security and stuff like that until we got down to Leakin
22 Park. Then he kind of slowed down and looked off to the
23 left, and then he kept driving. Then he made a right and
24 went up this hill to where some houses were, parked the
25 car, and said that was good enough. Then he got in the

1 vehicle with me and instructed me to drive back down the
2 hill.

3 Q Now, I would like you to look at line twelve.
4 Have you had a chance to examine that line?

5 A Yes.

6 Q Do you recognize that number?

7 A Yes.

8 Q Whose number is that?

9 A That's Ms. Pusateri's old pager number.

10 Q And please look across and tell us the time of
11 the call?

12 A Seven o'clock, seven and twenty-one seconds.

13 Q And the length of the call?

14 A Twenty-three seconds.

15 MR. URICK: With the court's permission, I'm
16 going to write "Pusateri pager" on line twelve.

17 THE COURT: Any objection?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: You may do so. That is line
20 twelve?

21 MR. URICK: Yes. (Indicating.)

22 BY MR. URICK:

23 Q Do you remember that page?

24 A Yes.

25 Q What were you doing?

1 A I was sitting, waiting for Adnan to come back
2 up the hill when I placed that page.

3 Q Now, look at line thirteen there.

4 A Yes.

5 Q Do you recognize that number?

6 A No.

7 Q Okay. Why did you page Jenn Pusteri?

8 A I was supposed to meet her at 7:00 and I was
9 going to be late.

10 Q And did there come a time when Adnan returned?

11 A Yes, there did come a time when Adnan returned.

12 Q What happens next?

13 A Okay. It was out of sequence. When we parked
14 the vehicles, we both went down to like a pulloff where
15 he had slowed down before. We moved about fifty yards at
16 the most back into the woods and he said stop, that's
17 good enough, and started digging.

18 Q How did you get down there, which car?

19 A His vehicle.

20 Q And when you pulled off, what if anything did
21 you take into the woods with you?

22 A Pardon me.

23 Q When you pulled off and parked the vehicle,
24 what if anything did you take back into the woods with
25 you?

1 A Shovels.

2 Q About what time of night was this?

3 A About 7:00 because, like I said, I had paged
4 Jenn and while we were digging, she had called back, and
5 he just told her he was busy now and hung up the phone.
6 We dug for a little bit and he said that's good enough.
7 We took the shovels --

8 Q What was the light like?

9 A It was pretty dark but the moon was out, and I
10 remember there was little bits of snow on the ground. So
11 you could see a little bit. It wasn't too bad. So we
12 walked back through the woods back to his car. He opened
13 the passenger side to put the shovels in. Then he like
14 started getting dry heaves and stuff. He didn't say
15 nothing. He just got back in the car. I drove back up
16 the hill. I parked behind Hae's car. He asked me for
17 like five to ten minutes, he was like I don't think I'm
18 going to be able to get her out by myself, I think I need
19 your help. I told him I wasn't doing it.

20 Q Let me take you back for a moment. Did both of
21 you dig?

22 A Yes.

23 Q Why did you dig?

24 A I don't know, I guess I just thought he would
25 go through with his threat. It was my grandmother's

1 house and I didn't want to get her in any kind of
2 trouble. If it was my house, it would have been
3 different.

4 Q Now, let me take you back to the point where
5 the two cars are together again. What did the two of you
6 do?

7 A Like I said, he asked me to help him. I
8 wouldn't. I sat in his car. He drove her car down the
9 hill and he was gone for a real long time. He came back
10 up the hill, got back in his car and he said we have got
11 to bury her. We drove down the hill. We parked back in
12 the spot. We went back in the woods. She was laying
13 kind of twisted face down. On the way back in the woods,
14 I had seen a blue coat on the ground. I asked him whose
15 it was, and he just picked it up and threw it back in the
16 woods. Then he started to throw dirt on her head. I
17 tried but the stuff started to get to me, so I sat down
18 on a log that was real close and smoked a cigarette.

19 Q What was he doing?

20 A He was burying her.

21 Q Now, if you will look on the exhibit, lines ten
22 and eleven, there are two incoming calls. While you were
23 back there either digging the hole or burying the body,
24 do you remember him receiving another phone call?

25 A Yes, but I don't know who it was.

1 Q What if any language did he use when he spoke?
2 MS. GUTIERREZ: Objection.
3 THE COURT: What if any kind of language was he
4 using when he spoke?
5 MR. URICK: Yes.
6 THE COURT: Sustained.
7 BY MR. URICK:
8 Q Did he speak in English?
9 A Parts.
10 MS. GUTIERREZ: Objection.
11 THE WITNESS: I'm sorry.
12 THE COURT: Overruled.
13 THE WITNESS: Parts.
14 BY MR. URICK:
15 Q And the other parts, did you know?
16 A I assume it was Arabic. I mean, I'm not a
17 linguist.
18 Q You are sitting there smoking a cigarette.
19 What happens next?
20 A (No response.)
21 Q What if anything happened next? While you are
22 sitting there smoking a cigarette, what is going on?
23 A He is putting dirt on her. He picks up the
24 other shovel and says come on, let's go. He puts both
25 the shovels back in the car. We drive back up the hill.

1 He asks me, do I want to drive Ms. Lee's car. I told him
2 no. He gets back in Ms. Lee's car and he starts up, and
3 the way we were going, I'm thinking he is looking for a
4 strip.

5 Q What do you mean by a strip?

6 A A place to buy drugs. And he just drove around
7 for a while, drove around for a while.

8 Q What direction did he drive or what roads, if
9 you know?

10 A I know we traveled towards the city on Route 40
11 and some of the back streets. We cut north and south, up
12 and down roads. He pulled into like this alcove in the
13 back of a whole lot of apartments. He parked the car and
14 came back to his vehicle. At that time, I told him just
15 flat out to take me home. He started driving me home.
16 We went up 40.

17 Q Now, if you would at this point, look at line
18 nine and also line eight?

19 A Yes.

20 Q Do you recognize that number?

21 A Yes.

22 Q And it's the same number on both lines?

23 A Yes.

24 Q Whose number is that?

25 A Ms. Pusateri's pager number.

1 Q Please read it for the record.

2 A 410-390-0384.

3 Q Now, when you say pager, is this a voice mail

4 pager or a number punched in pager?

5 A I believe that one also had voice mail.

6 Q Okay. Now, on line nine, please look at the

7 time.

8 A 8:04 p.m.

9 Q And the length of the call?

10 A Thirty-two seconds.

11 Q And the one above it, please read the time.

12 A 8:05, and the length was thirteen seconds.

13 MR. URICK: With the court's permission, at

14 this time I'm going to write "Pusateri pager" on both

15 lines eight and nine.

16 THE COURT: Any objection?

17 MS. GUTIERREZ: No, Your Honor.

18 THE COURT: You may do so, line number eight

19 and line number nine.

20 MR. URICK: (Indicating.) Pardon me. I

21 inadvertently started to write "residence". I had to

22 black it out. I'm going to write "pager" above the

23 blacked out section.

24 BY MR. URICK:

25 Q Do you remember those pages?

1 A Yes, sir.

2 Q Why were you paging Ms. Pusateri?

3 A I wanted her to retrieve me from, I believe at
4 first it was a mall, and then the second time it was my
5 house.

6 Q And do you remember where you were when you
7 made those pages?

8 A Going up 40 in Adnan's car.

9 Q What if anything was he saying at this time?

10 A He didn't say too much. He just said it kind
11 of makes him feel better and then again it doesn't.

12 Q What did he mean by that?

13 A Killing Hae.

14 Q As you are driving up Route 40, where did you
15 go?

16 A He stopped at Westview Mall. He drove around
17 to the back of the mall towards the banking end. He was
18 flipping through her wallet. I don't think he was really
19 looking for money or anything like that.

20 Q When you say "her wallet", what do you mean?

21 A Hae's wallet.

22 Q When had you first seen that?

23 A That was the first time I had seen it.

24 Q Where did he get it?

25 A I believe he brought it back with the

1 possessions he brought out of her car at the parking lot.

2 Q He is flipping through it. What if anything
3 does he do?

4 A He just shows me her prom picture and just
5 pssst. That's all he says. He doesn't say anything, he
6 just goes pssst, and he chucks the rest of the stuff into
7 the trash can, into the dumpster.

8 Q What if anything did you do next?

9 A I told him to pull over out back of Value City.
10 I took both of my shovels. They were mine but I just
11 chucked them, threw them.

12 Q What if anything did you do next?

13 A I believe I told him to take me around to the
14 front of the mall. I think I might have paged Jenn from
15 there again but I can't quite remember. I believe he
16 took me home. I may have paged Jenn from the front of
17 the mall but I believe he took me home. I got to my
18 house and I was in my house for maybe five minutes. I
19 instantaneously changed all my clothes and put them all
20 in a bag.

21 Q Why did you put them in a bag?

22 A Just because I figured they would have dirt on
23 them or whatever, you know what I mean, from what I had
24 done.

25 Q And what significance would dirt have had?

1 A It would have tied me in. It could have placed
2 me wherever. I didn't want to have anything to do with
3 it.

4 Q What if anything happened next?

5 A My mother kept trying to talk to me. I was
6 real agitated. I just left real quick. I got into
7 Jenn's car and I told Jenn to drive back around to the
8 shovels. I was getting real panicky like, paranoid. She
9 drives back around to the shovels. I wipe both the
10 shovels down with the sleeve of my coat. I take the coat
11 that I wipe them down with and I put it in the bag.

12 Q Why did you wipe down the shovels?

13 A Fingerprints, or at least mine. And we both,
14 we got back in the car and we drive to Super Fresh. We
15 went to go buy a pack of blunts, Mexicale Slims. While
16 she is in the store buying the blunts, I get out of the
17 car, I go around back and I throw my clothes in the
18 dumpster. We leave there and I believe we go to Ms.
19 Vincent's house. We spend the rest of the evening there.
20 That night when I had first got in the car, I told Jenn,
21 just because of who I am and how people see me, that if
22 anything happens to me, for her to be the one person,
23 even if I'm in jail, to know that I didn't kill Hae Min
24 Lee. That was the first thing I told her when I saw her
25 that night.

1 Q What if anything else did you tell her?

2 A Nothing else. I didn't tell her anything like
3 details or nothing like that. I just told her that. I
4 don't think she really believed me at first. That was
5 all that was spoke of it for the rest of the evening.

6 Q Now, you went back to Ms. Vincent's. What did
7 you do after you left there?

8 A I went home and went to sleep.

9 Q Did there come a time when you visited your
10 girlfriend that night?

11 A Yes.

12 MS. GUTIERREZ: Objection, leading.

13 THE COURT: Overruled.

14 THE WITNESS: There was. I believe it was
15 right after Jenn had picked me up. I had taken her her
16 birthday presents, but I didn't stay. It was her
17 birthday but I was real rattled and shaken. I don't
18 know, I just kind of gave her her stuff. I didn't even
19 come up to the house. I stood on the curb, gave her her
20 stuff and a hug, and I left.

21 BY MR. URICK:

22 Q About what time did you get home that night?

23 A Eleven something.

24 Q Now, after that night, did you ever speak to
25 the defendant again?

1 A Once.

2 Q When did that occur?

3 A Maybe once or twice. The first occasion was
4 about two days later. I had my girlfriend's car. I had
5 driven it to work. Mr. Syed had given her a lift to my
6 house and as she was getting out of the car, he said to
7 me, you know me and Stephanie are friends, you know we go
8 to school together, and he just smiled. I kind of took
9 that as if he could hurt her whenever he felt like it.
10 And I get back in the house and Stephanie had told me
11 that they had just come from College Park.

12 MS. GUTIERREZ: Objection.

13 THE COURT: Sustained as to what Stephanie told
14 him.

15 THE WITNESS: I'm sorry.

16 BY MR. URICK:

17 Q Did you have any further contact with the
18 defendant after that?

19 A I believe once more. He came into my store
20 where I worked.

21 Q What type of store was that?

22 A An adult video store.

23 Q And what did you do there?

24 A I was a clerk. I rented videos and handed out
25 quarters.

1 Q About how long did you work there?

2 A About two months.

3 Q Why did you work in a pornography store?

4 A It was the graveyard shift, 11:00 to 7:00.

5 Q Why did you work there?

6 A That was the time I worked. I worked at F&M

7 during the day, and it was the graveyard shift. I got

8 there and got paid \$7.50 to sit behind the counter.

9 Q He came to that store?

10 A Yes.

11 Q Do you remember about when this occurred?

12 A No, all I remember is that he was in his EMT

13 uniform and his partner was with him. All he asked me

14 was what the cops asked me. That was it.

15 Q Had the police spoken to you at that time?

16 A No, they hadn't talked to me yet. He asked me

17 if the cops asked me anything and that was it.

18 Q Did you tell Stephanie anything?

19 A No.

20 Q Did you warn her?

21 A Yes, that was one thing, she didn't question

22 me. I just told her I didn't want her around him, I

23 didn't want her to go anywhere with him, I didn't want

24 her to be alone with him.

25 Q Why?

1 A Because he could harm her.

2 (Brief pause.)

3 (State's Exhibit No. 35
4 was marked for purposes
5 of identification.)

6 MR. URICK: If I may approach the witness at
7 this time, I'm going to show him what has been marked for
8 identification as State's Exhibit 35.

9 THE COURT: Yes, you may.

10 BY MR. URICK:

11 Q Take a few moments and look at that, if you
12 would, please, and examine each page.

13 A Okay.

14 THE COURT: One moment.

15 (Brief pause.)

16 THE COURT: You may continue.

17 BY MR. URICK:

18 Q Have you had a chance to examine the exhibit?

19 A Yes.

20 Q Can you identify that exhibit?

21 A Yes.

22 Q What is that exhibit?

23 A It's the agreement I signed.

24 Q And that's the plea agreement you entered into
25 when you pled guilty to accessory in this murder?

1 A Yes.

2 Q And what is your understanding of how your
3 honesty affects this agreement?

4 A Well, if I tell any kind of lie, it voids it
5 and it's no good. It's a truth agreement, and that's
6 about it, a cap. As long as I tell the truth, I can only
7 get a certain amount of years.

8 MR. URICK: I would offer, as State's Exhibit
9 35, the witness' plea agreement.

10 THE COURT: Any objection?

11 MS. GUTIERREZ: No.

12 THE COURT: Let it be admitted.

13 (State's Exhibit No. 35,
14 previously marked for
15 identification, was
16 received in evidence.)

17 MR. URICK: May I have the court's indulgence
18 for just a moment?

19 THE COURT: Yes, you may.

20 (Brief pause.)

21 BY MR. URICK:

22 Q If you would, please, look at that exhibit
23 again. Do you see line seventeen?

24 A Yes.

25 Q Do you recognize that number?

1 A No.

2 Q The times that you and the defendant were
3 riding around together, where was the cellphone?

4 A In his possession.

5 Q Now, did you kill Hae Min Lee?

6 A No, I did not.

7 Q Were you present when Hae Min Lee was killed?

8 A No, I was not.

9 Q Why didn't you just at anytime during the
10 course of the evening just drive or walk away?

11 A Fear, shock, those are my only two reasons.
12 Well, ignorance.

13 MR. URICK: Witness with the defense.

14 THE COURT: Witness with you, Ms. Gutierrez.

15 MS. GUTIERREZ: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. GUTIERREZ:

18 Q First of all, Mr. Wilds, let's speak about this
19 plea agreement. I'm sorry, I thought you had it. Can I
20 have it, please. Thank you. State's Exhibit 35, which
21 is in evidence, you have reviewed that before today, have
22 you not?

23 A Yes, ma'am.

24 Q It's your signature that appears on each and
25 every page, does it not?

Cited Excerpts of Trial Testimony from Abraham Waranowitz (2/8/2000) (Pages 6 – 146)

923-00
200835

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

vs.

Indictment No. 199103042-
46

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the merits)

Baltimore, Maryland

February 8, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, Associate Judge
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.,
KATHLEEN MURPHY, ESQ.

For the Defendant:

CRISTINA GUTIERREZ, ESQ.

RECORDED BY: VIDEOTAPE

TRANSCRIBED BY:

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1 Honor. This is State of Maryland versus Adnan Syed,
2 cases 199103042-46. Kevin Urick and Kathleen Murphy
3 for the State.

4 MS. GUTIERREZ: Good morning, Your Honor.
5 Cristina Gutierrez on behalf of Mr. Syed.

6 THE COURT: Very well. Mr. Urick, I know
7 that on the last date of this case on Friday we had Mr.
8 Wilds on the witness stand, but I understand that you
9 are going to call a witness out of order at this time
10 and then resume with Mr. Wild's testimony after that,
11 is that correct?

12 MR. URICK: That's correct.

13 THE COURT: And that is with agreement of Ms.
14 Gutierrez, is that correct?

15 MS. GUTIERREZ: Yes it is.

16 THE COURT: Very well. That witness that
17 you're going to call out of order at this time is?

18 MR. URICK: Abe Waranowitz.

19 THE CLERK: Raise your right hand please.

20 ABRAHAM JOHN WARANOWITZ,
21 a witness produced on call of the State, having first
22 been duly sworn, was examined and testified as follows:

23 THE CLERK: You may be seated. Please keep
24 your voice up, state your name for the record.

25 MR. WARANOWITZ: My name is Abraham John

1 Waranowitz.

2 THE CLERK: Spell your last name.

3 MR. WARANOWITZ: W-A-R-A-N-O-W-I-T-Z.

4 THE CLERK: State your business address for

5 the record.

6 MR. WARANOWITZ: 11710 Beltsville Drive,

7 Beltsville, Maryland, 20705. AT&T Wireless Services.

8 THE COURT: Mr. Urick, before you begin would

9 you mind, do you by any chance have any blank or extra

10 forms, the cell record sheets?

11 MR. URICK: Yes, I do. One for the Court?

12 THE COURT: Actually, how many do you have

13 that are extras?

14 MR. URICK: We have a whole pile.

15 THE COURT: You have a whole pile. Ms.

16 Gutierrez, would you like to utilize those in any

17 fashion outside of just the Court?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: Well, I know that there are

20 individuals that might want to see what's going on.

21 MS. GUTIERREZ: Good suggestion, Judge, yes.

22 THE COURT: But if you wouldn't mind giving

23 Ms. Gutierrez a couple extra ones. Ladies and

24 gentlemen, as you know there are a number of people

25 that are interested in this case and unfortunately

1 although this is a bigger courtroom it doesn't afford
2 individuals to see what it is that you are seeing and
3 so I'm allowing the State and the Defense to hand out a
4 copy of what you've been writing on so that they can
5 follow along as we proceed.

6 The Court is interested in seeing that individuals
7 that are interested in seeing proceedings can do that
8 and so that's just to accommodate those individuals.
9 Thank you very much, Mr. Urick for your cooperation.
10 Ms. Gutierrez, I think this may assist you in making
11 sure that individuals are able to see what's going on.

12 MS. GUTIERREZ: Thank you, Your Honor.

13 THE COURT: Very well. At this time you may
14 proceed with this witness.

15 MR. URICK: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. URICK:

18 Q Good afternoon.

19 MR. WARANOWITZ:

20 A Good afternoon.

21 Q I'm going to ask you to keep your voice up so
22 that the entire jury can hear you. I know there's a
23 tendency sometimes for voices to drop in here it's a
24 big room and they can fade out. Where are you
25 employed?

1 A I'm employed for AT&T Wireless Services.

2 Q And what does that company do?

3 A We create and sell phones, wireless cell
4 phones.

5 Q And how long have you been employed there?

6 A Over four years.

7 Q And what is your title there or position?

8 A I am a radio frequency engineer, also known
9 as RF engineer.

10 Q And what does that mean, what do you do?

11 A I design the network, I build it and I
12 troubleshoot it.

13 Q Lets go through those duties if you will.
14 When you say design a network what do you do?

15 A I identify areas where we need new coverage
16 for cell phones, I design the towers, how high they
17 are, where they're located, how many antennas, that
18 sort of thing.

19 Q And when you seek to optimize the network
20 what are you doing?

21 A I look for performance issues including
22 dropped calls and call quality.

23 Q And when you engage in troubleshooting what
24 do you do?

25 A I usually work with customer complaints if

1 they have a problem in a certain area I try to identify
2 what the problem is and correct the problem.

3 Q Now, let me ask you about your education. Do
4 you have any college degrees?

5 A Yes, I have Bachelors of Science in
6 electrical engineering from the University of Maryland.

7 Q And when did you get that?

8 A In 1992.

9 Q And when you took employment with AT&T did
10 you receive any training from the corporation?

11 A AT&T continually trains us in wireless
12 technologies.

13 Q And about how much training have you had over
14 the course of your employment there?

15 A Many weeks worth.

16 Q And have you reached the point where you're
17 responsible for training any other people?

18 A I train my co-workers in new techniques, new
19 co-workers that come in.

20 Q And have you ever had occasion to testify for
21 AT&T Wireless before any zoning boards?

22 A Yes.

23 Q And how many times have you done that?

24 A Probably about ten times.

25 Q And when you testified did you represent the

1 AT&T Wireless before the board?

2 A Yes.

3 Q What sorts of issues did your testimony
4 cover?

5 A Usually this dealt with areas where we wanted
6 new cell sites, so it was my job to demonstrate that we
7 needed a new cell site in this area and why we choose a
8 certain building or tower to put the antennas up.

9 Q Is there a specific part of the AT&T Wireless
10 Network that you're responsible for?

11 A Just the radio end of it.

12 Q How about geographically?

13 A I work in the Baltimore and Washington area
14 only.

15 Q At this time I'd offer the witness for his
16 expertise and training in cell phone network design and
17 functioning.

18 MS. GUTIERREZ: I would object. He's only
19 testified in regard to his expertise and training as to
20 AT&T Wireless. There's been no establishment there is
21 such an expertise or is such a field as cell phone
22 wireless much less that this witness is a reputed
23 expert.

24 THE COURT: Mr. Urick, I need you to repeat
25 the basic expertise that you're asking for. You said

1 cell phone design --

2 MR. URICK: Network design and functioning.

3 THE COURT: I'm sorry. Network design and
4 functioning. When you say network are you talking
5 about cellular network design and functioning, cellular
6 phone network design and functioning?

7 MR. URICK: Yes. It's actually wireless
8 cellular phone network design and functioning.

9 MS. GUTIERREZ: Judge, I would also note an
10 objection there's no disclosure of designated in such
11 an expertise or such an expert in that expertise.
12 There's been no disclosure of any relevant basis for
13 the expertise including no CV or resume or educational
14 background, nothing else.

15 THE COURT: Okay. Mr. Urick, prior to today
16 did you indicate or disclose that you will be offering
17 any expert in this area?

18 MR. URICK: Yes, we disclosed Mr. Waranowitz.
19 The Defense has subpoenaed him as their own witness,
20 they have spoken to him, he's provided them
21 documentation, he's provided them a copy of his resume.
22 They have had full disclosure of him, they've had full
23 access to him and they've even made him their own
24 witness through subpoena.

25 THE COURT: Before you do that, you can sit

1 down. Did you provide a summary of what this witness
2 would testify to? The opinion that he has rendered to
3 you?

4 MR. URICK: Yes, the particular -- what he
5 did was a test for us. We've provided the Defense.

6 THE COURT: The results of that test and a
7 complete explanation of what the test was that was
8 done?

9 MR. URICK: Yeah, they've had full discussion
10 with Mr. Waranowitz as to that.

11 THE COURT: Okay. Ms. Gutierrez, you
12 maintain --

13 MS. GUTIERREZ: They provided nothing by the
14 State's attorney. For the record they are obligated to
15 provide it to us whether or not we ever speak to this
16 witness and I suggest that it is not accurate. We
17 attempted to speak to him that was rendered difficult
18 by him. Whatever information we are free to get access
19 on our own in now way relieves them of their obligation
20 under the rules of evidence to disclose him as an
21 expert which I dispute.

22 They have not done, there's been no material
23 either orally or in writing establishing any opinion or
24 any test other than the map which we got non-colored
25 and the chart that's State's Exhibit 34 which indicates

1 the result of information, but discloses no tests, no
2 protocol for any test, no documentation of any test and
3 we've received none of the information that Mr. Urick
4 contends that we have at all.

5 THE COURT: Thank you. One moment.
6 Objection is overruled. You may proceed with voir
7 dire. Are you done with the voir dire on the issue of
8 his expertise?

9 BY MR. URICK: If I could just continue
10 briefly.

11 Q Mr. Waranowitz, what training or does part of
12 your duties include interacting with other cell phone
13 networks?

14 MR. WARANOWITZ:

15 A What do you mean by other -- what do you mean
16 by other cell phone networks?

17 Q Produced by other companies?

18 A No.

19 Q Does AT&T share cell phone network capacity
20 with other corporations?

21 A Not that I'm aware of.

22 Q Okay. Now, I've finished my voir dire.
23 Thank you, Your Honor.

24 THE COURT: Any questions just on voir dire?

25 VOIR DIRE

1 BY MS. GUTIERREZ:

2 Q Mr. Waranowitz, the only experience that
3 you've had is with AT&T Wireless?

4 MR. WARANOWITZ:

5 A Correct.

6 Q And wireless as opposed to other phone
7 services that AT&T has with wired lines, correct?

8 A They are different, correct.

9 Q So, and so your only experience is with the
10 wireless service designed and maintained and serviced
11 by AT&T?

12 A Correct.

13 Q And that network services exclusively AT&T
14 Wireless subscribers?

15 A No, that would not be correct.

16 Q Okay. And have you had any experience -- did
17 you have any schooling in regard to the design,
18 building or troubleshooting of the AT&T Wireless in
19 your pursuit of your BS in electrical engineering?

20 A I did not have any training before I earned
21 my degree.

22 Q Okay. And so you had no schooling at
23 University of Maryland in the AT&T Wireless system?

24 A Correct.

25 Q Either in the design of it?

1 A Correct.

2 Q The building of it?

3 A Correct.

4 Q Or the troubleshooting?

5 A Correct.

6 Q All of your experience is limited to the four
7 years that you've worked for the AT&T Wireless Service?

8 A Yes.

9 MS. GUTIERREZ: Nothing further, Your Honor.
10 I do renew my objection. His declared expertise is to
11 cell phone network, design and building or
12 troubleshooting.

13 THE COURT: Any other questions that the
14 State might want to inquire as to the number of hours
15 of training and expertise this witness may have had?

16 MS. GUTIERREZ: Objection.

17 BY MR. URICK:

18 Q How many hours of training have you had?

19 MS. GUTIERREZ: Could I have a ruling on my
20 objection?

21 THE COURT: Yes. Its overruled. The Court
22 is either prepared to ask the questions myself or have
23 someone else ask them and I am going to rule on it at
24 this point and I'm sustaining Ms. Gutierrez's
25 objection. I do not find that the witness has so far

1 indicated any expertiss. Now, if there's some
2 expertise for specifically a particular phone, Mr.
3 Urick if you want to tell me that there's a particular
4 phone that he'll be asked about, but you have indicated
5 a general expertise I believe. Are you restricting him
6 to AT&T only?

7 MR. URICK: I will restrict him to the AT&T
8 Wireless Network in the Baltimore region.

9 THE COURT: And your expertise as an AT&T
10 Wireless Phone network, design and functioning expert,
11 is that it?

12 MR. URICK: Yes.

13 THE COURT: At this point the Court's --

14 MS. GUTIERREZ: I renew my objection on all
15 the other grounds that have already been made on the
16 declared expertise in regard to lack of disclosure of
17 any as heard.

18 THE COURT: All right. And at this junction
19 the Court is inclined to sustain the objection unless
20 there's some additional questions that Counsel believes
21 might assist the Court in hearing more about his
22 background, but at this point I don't think I've heard
23 enough. I'm not satisfied.

24 MR. URICK: If I may have the Court's
25 permission to continue?

1 THE COURT: You may.

2 BY MR. URICK:

3 Q How many hours of specific training have you
4 had from AT&T?

5 MR. WARANOWITZ:

6 A I don't know an exact hour, amount of hours.

7 Q How many would you estimate, ballpark figure.

8 MS. GUTIERREZ: Objection.

9 THE COURT: Overruled.

10 MR. WARANOWITZ: I would guess at least a
11 months worth, eight hours a day, five days a week.

12 BY MR. URICK:

13 Q And what did that training consist of?

14 MR. WARANOWITZ:

15 A It consisted of a variety of classes from
16 AT&T Wireless Services involving cell phone technology.
17 Also classes provided by Erickson. Erickson creates
18 the equipment and the phones that we use, plus training
19 on how to use test equipment that we use to test and
20 optimize the network with and training for design
21 tools, engineering cad, that kind of thing.

22 Q Now, in relation to the Baltimore region what
23 specific duties have you performed?

24 A I have worked on the actual launch of this
25 network, we were launched about two or three years ago,

1 so we designed the network from the ground up from
2 scratch. We decided where to put cell sites on what
3 buildings, water tanks and towers. We tested them, we
4 drove them. In other words, what I mean by drive I
5 mean testing them and we optimized them for
6 performance.

7 MS. GUTIERREZ: I'm sorry. I can't hear the
8 witness.

9 THE COURT: Can you repeat your last answer?
10 You optimized them for performance?

11 MR. WARANOWITZ: Yes. We try to minimize the
12 amount of problems that there are in the network.

13 BY MR. URICK:

14 Q And how did you go about doing that?

15 MR. WARANOWITZ:

16 A Typically we use the test equipment and the
17 training that we received.

18 Q And about how many -- how much time would you
19 have spent in the actual design of the network in the
20 Baltimore region?

21 A About 25% of my daily time goes into the
22 design of the network.

23 Q And have you been responsible for the design
24 of the actual cell phone towers themselves?

25 A Yes.

1 Q And have you determined the optimal or best
2 location to place those cell phone towers in the
3 Baltimore region?

4 A Yes.

5 Q And did you supervise their construction?

6 A Construction?

7 Q Once they were put up did you test them --

8 A Yes.

9 Q For their performance?

10 A Yes.

11 Q And did you -- and you are familiar with the
12 coverage area for each of these cell sites?

13 A Yes.

14 Q And much of this information would not be
15 stuff that people outside AT&T Wireless would know?

16 A That's correct.

17 MS. GUTIERREZ: Objection.

18 THE COURT: Overruled.

19 MR. URICK:

20 Q You may answer the question.

21 MR. WARANOWITZ:

22 A Yes.

23 THE COURT: Any other questions, Mr. Urick?

24 MR. URICK: If I may have the Court's

25 indulgence --

1 THE COURT: Sure.

2 MR. URICK: For just a second.

3 THE COURT: Certainly.

4 BY MR. URICK:

5 Q And now that the cell phone system is up on
6 the Baltimore region does part of your continuing
7 duties include working out any problems that may arise
8 to the operation of that system?

9 MR. WARANOWITZ:

10 A Yes.

11 Q And what do you do in regards to that?

12 A Typically we look at problems that involve
13 interference and dropped calls. This involved us
14 taking out drive test equipment in a vehicle and
15 simulating what the customer sees and identifying the
16 problems and correcting them.

17 Q Operating of this test equipment, is that the
18 sort of thing that's only done by AT&T for the purposes
19 of testing it's network?

20 A Yes.

21 MR. URICK: At this time I would offer the
22 witness for his expertise and training in the AT&T
23 Wireless cell phone network design and function in the
24 Baltimore Metropolitan region.

25 THE COURT: Any additional voir dire