

Cited Excerpts of Post-Conviction
Hearing Testimony
from Asia McClain-Chapman
(2/3/2016) (Pages 167-277)

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

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

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(EVIDENTIARY HEARING)

--- --

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

--- --

HEARING DATE: FEBRUARY 3, 2016

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APPEARANCES:

For the Petitioner: C. Justin Brown, Esquire
Christopher C. Nieto, Esquire
For the State: Thiruvendran Vignarajah, AAG
Matthew Krimski, AAG
Tiffany Harvey, AAG

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1 MR. BROWN: Thank you, Your Honor.
2 THE COURT: -- prepared to call its next
3 witness?
4 MR. BROWN: The Petitioner calls Asia Chapman.
5 (Witness summoned)
6 MADAM CLERK: Remain standing and raise your
7 right hand.
8 ASIA CHAPMAN
9 called as a witness on behalf of the Petitioner, first
10 duly sworn according to law, was examined and testified as
11 follows:
12 MADAM CLERK: You may be seated.
13 MS. CHAPMAN: Thank you.
14 MADAM CLERK: And please state your full name
15 for the record.
16 MS. CHAPMAN: Asia Chapman.
17 MADAM CLERK: Thank you. She's been sworn.
18 THE COURT: Okay. Mr. Brown?
19 MR. BROWN: Thank you, Your Honor.
20 DIRECT EXAMINATION
21 BY MR. BROWN:
22 Q Good afternoon, Ms. Chapman.
23 A Good afternoon.
24 Q Did you formerly go by the name Asia McClain?
25 A Yes, I did.

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1 Q And is it okay if I refer to you as Asia McClain
2 throughout the course of this examination?

3 A Yes, it is.

4 Q And Chapman is your married name, right?

5 A Yes.

6 Q Were you with Adnan Syed on January 13th, 1999
7 at the Woodlawn Public Library?

8 A Yes, I was.

9 Q Where do you currently live?

10 A In the State of Washington.

11 Q And do you have a family?

12 A I do. I'm married with two children and one on
13 the way.

14 Q When are you expecting?

15 A The first week of July.

16 Q What is your educational background?

17 A I graduated from Woodlawn in 1999 and then I
18 went to Catonsville Community College for a short time and
19 then I attended Guilford Tech Community College in North
20 Carolina, sorry, and then after that I attended American
21 Intercontinental University.

22 Q Okay. Are you currently represented by counsel?

23 A Yes, I am.

24 Q Who's your lawyer?

25 A Gary Proctor.

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1 Q And don't worry. I won't hold that against you.
2 (Laughter)
3 BY MR. BROWN:
4 Q Is Mr. Proctor present in court today?
5 A Yes, he is. Right there (indicating).
6 Q Ms. McClain, have you ever testified in court
7 before?
8 A No.
9 Q Is it fair to say you're a little nervous right
10 now?
11 A Very.
12 Q Okay. Do your best.
13 A I'm trying.
14 Q Were you a student at Woodlawn High School?
15 A Yes, I was.
16 Q And what years did you attend Woodlawn?
17 A 1995 through 1999.
18 Q Were you a good student?
19 A Yes.
20 Q Who were you living with at the time when you
21 attended Woodlawn?
22 A I lived with my mother and my two grandparents.
23 Q And did you know Adnan Syed?
24 A I did know him.
25 Q Did you know him well?

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1 A No. We were friendly. But he was a friend of
2 other friends of mine.
3 Q Okay. Did you know of Hae Min Lee?
4 A Yes, I did know of her.
5 Q And how did you know her?
6 A The same. She was a friend of several of my
7 other friends that were in the magnet program.
8 Q Did you also play sports with her?
9 A I tried out for phil hockey one year but I
10 didn't make the team so that's about the closest I got.
11 Q Okay. Okay. I want to turn your attention to
12 January 13th, 1999, which is the day that Hae Min Lee went
13 missing.
14 A Uh-huh.
15 Q Did you go to school that day?
16 A Yes, I did.
17 Q Do you remember how long you stayed at school?
18 A Well, usually I would go to school and get out
19 at 10:40 because I was involved in a cooperative education
20 program where students were allowed to leave early for the
21 day because we had already completed our high school
22 graduation credit requirements.
23 Q Okay. And do you remember, was 10:40 the time
24 you finished with your classes, approximately?
25 A Yes.

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1 Q I'm going to show you what's been pre-marked as
2 PC2-38.

3 THE COURT: PC2-38?

4 MR. BROWN: Correct.

5 BY MR. BROWN:

6 Q And approach you. Do you recognize this
7 document?

8 A I do.

9 Q Is this a fair and accurate copy of what appears
10 to have been an -- some kind of identification?

11 A Yes. It was essentially a hall pass so that if
12 I was stopped while still on school grounds or even off of
13 school grounds that I had permission to -- for early
14 dismissal.

15 (Petitioner's Exhibit No. PC2-38, Hall Pass, marked
16 for identification)

17 BY MR. BROWN:

18 Q And does that document say when you can get your
19 early dismissal?

20 A Yes. At 10:40 a.m.

21 Q And what are the -- what is the date range that
22 you also see on that document?

23 A It says November 10th of '98 through May 21st of
24 1999.

25 Q Okay. Ms. McClain, I have to ask you, why do

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1 you still have this?

2 A Because I save everything. (Laughs)

3 Q Okay.

4 A It was in my senior yearbook, so.

5 Q Okay. On the date that we're talking about,
6 January 13, 1999, where did you go after your classes
7 ended?

8 A After I checked out with the teacher running the
9 program I went over to the Woodlawn Public Library.

10 Q Okay. Now, incidentally, did you consider the
11 library to be part of the school campus?

12 A Oh, yeah.

13 MR. BROWN: Your Honor, may I approach the with
14 an exhibit marked PC2-39?

15 THE COURT: You may.

16 MR. BROWN: In fact --

17 BY MR. BROWN:

18 Q Do you recognize this photo?

19 A Yes.

20 Q Is this a fair and accurate depiction of
21 approximately how the Woodlawn campus looked at that time?

22 A Yes.

23 (Petitioner's Exhibit No. PC2-39, Photograph, marked
24 for identification)

25 BY MR. BROWN:

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1 Q Okay. Now, are you able to identify from there
2 where the school building is?

3 A Yes. Right here (indicating).

4 Q Okay. I'm going to give you --

5 A See the gym and --

6 Q I'm going to give you a pointer and we're going
7 to see how good your aim is.

8 A I don't know.

9 Q Oh, you've got to --

10 A Apparently very bad.

11 Q -- you've got to hold the button down.

12 A Okay.

13 Q Okay? So I'm going to ask you to point to where
14 the school was.

15 A Right here. This is the gymnasium, locker rooms
16 and this is the main classroom area (indicating).

17 Q Okay. And can you point to where the library
18 was?

19 A Right over here (indicating).

20 Q Okay. Thank you. Now, why did you go to the
21 library?

22 A Well, normally after I checked out of school I
23 would take a school bus designated for the co-op kids but
24 that day I had made arrangements with my boyfriend, who
25 went to Milford Mill High School to pick me up during his

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1 lunch hour and he was going to drop me off at his house
2 and go back to school because he lived right across the
3 street from Milford Mill, so that was the plan.

4 Q Okay.

5 MR. BROWN: Your Honor, I apologize. I'm going
6 to backtrack a little bit. I need to formally -- just to
7 be -- out of an abundance of caution enter Exhibit 38 into
8 evidence, which is the school pass, and also 39, which is
9 the map.

10 THE COURT: Any objection to their introduction?

11 MR. VIGNARAJAH: No objection, Your Honor.

12 Thank you.

13 THE COURT: Court then will admit into evidence
14 then Petitioner's Exhibit PC2-38 and PC2-39.

15 (Petitioner's Exhibit Nos. PC2-38 and PC2-39,
16 previously marked and identified, received into evidence)

17 BY MR. BROWN:

18 Q And I -- I'm sorry. Can you repeat your answer
19 as to why you were going over to the library?

20 A Yes. My boyfriend and I made arrangements for
21 him to come pick me up, drop me off at his house and then
22 for him to go back to school.

23 Q Okay. What was the name of your boyfriend at
24 the time?

25 A Derek Banks.

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1 Q And when you went to a library, did Mr. Banks
2 come and pick you up as planned?

3 A No. Not at -- not on time, no.

4 Q What happened?

5 A I ended up sitting there for several hours,
6 waiting.

7 Q And how did you feel about him not showing up?

8 A Not too happy.

9 Q Were you still at the library when school let
10 out?

11 A Yes, unfortunately.

12 Q How do you know that?

13 A Because I was aware that the -- the normal
14 school buses that came to pick up the, you know,
15 everybody, they were already in the circle right there in
16 front of the school.

17 MR. BROWN: If we could have the exhibit one
18 more time, Exhibit 39?

19 BY MR. BROWN:

20 Q Are you able to point to --

21 A Yes. Sorry.

22 MR. NIETO: If I may, Your Honor?

23 MS. CHAPMAN: Yeah. So the buses would come up
24 this driveway and they would all park around here and so
25 when the students would come out at the end of the day

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1 they would all get on their buses and leave for the day
2 and I was already aware that all the buses were lined up
3 waiting for everyone to come out.

4 BY MR. BROWN:

5 Q Right. And what time did school get out?

6 A 2:15.

7 Q Okay. Were you concerned about how you would
8 get home?

9 A Yes. At that point I still didn't know if Derek
10 was going to show up or if I was going to be forced to
11 take one of the school buses or if I was going to stick
12 around and wait for -- and if he didn't come I would have
13 to take public transportation and I absolutely hated the
14 NTA back then, so.

15 Q Okay. Did there come a time when you had a
16 conversation with Adnan Syed in the library?

17 A Yes, there was.

18 Q And approximately when did that conversation
19 take place?

20 A Shortly after 2:15.

21 Q Okay. And how did that conversation go?

22 A Well, I was sitting there waiting for my ride at
23 one of the tables and he walked in and I was so glad to
24 see someone that I knew because I hadn't been -- I had
25 been sitting there all day practically by myself and so

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1 when he came in I -- we saw each other and he came over
2 and sat down across the table from me.

3 Q And what was his demeanor during the
4 conversation?

5 A Completely normal.

6 Q Do you have an idea of approximately how long
7 the conversation lasted?

8 A Well, honestly, I'd have to refer to my original
9 affidavit and -- I think it was about 15 to 20 minutes.

10 Q And have you in fact looked at this prior to
11 your testimony, that prior affidavit, to refresh your
12 recollection?

13 A Yes.

14 Q Okay. Do you remember how the conversation
15 ended?

16 A Yeah.

17 Q With Mr. Syed.

18 A Yes. We were in the middle of a conversation
19 and my boyfriend and his friend, Jarah (ph.) Johnson,
20 walked in and the entrance was behind where Adnan was
21 sitting, so he couldn't see them and I said, hey, my
22 ride's here. He turned around to see who I was talking
23 about and the two guys came over. Everybody said, hi, and
24 then we left.

25 Q Okay. Was your boyfriend mad at you?

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1 A Not so much mad. He was more jealous. He
2 wanted to know, like, who that guy was and if that guy was
3 hitting on me. And I was more concerned with why he was
4 so hours late.

5 Q Fair to say you were mad at him?

6 A Yeah. We got in a argument about everything
7 after -- in the car.

8 Q Where did you go after the library?

9 A He dropped me off at his house and I assume he
10 went back to school.

11 Q Okay. And did you stay at his house for a
12 while?

13 A Yes.

14 Q Did you stay later than you normally would stay
15 out?

16 A Yes.

17 Q Okay. How did that come to be?

18 A Well, while I was at his house and I knew the
19 weather was getting bad so I called my mom and I told her
20 I didn't think it would be a good idea to drive home
21 right, you know, before my curfew so to speak and so she
22 agreed and so I was able to hang out a little bit longer
23 with Derek, so it worked out.

24 Q Okay. Did you eventually go home that night?

25 A I did.

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1 Q And how did you eventually get home that night?
2 A Derek drove me home.
3 Q Do you recall whether you had school the next
4 day?
5 A No. It was closed for the next two days.
6 Q Closed the next two days. That would have been
7 January 14 and January 15?
8 A Yes.
9 Q On February 28th, 1999 Adnan Syed got arrested.
10 And do you remember hearing about that?
11 A Yes, I do.
12 Q Do you remember where you were when you heard
13 about it?
14 A I don't remember.
15 Q After hearing about the arrest did you tell
16 anyone that you had been with Adnan at the library on the
17 13th?
18 A Yes. I told Justin Adger about it.
19 THE COURT: I'm sorry? I can't hear you.
20 MS. CHAPMAN: Oh, sorry. I told Justin Adger
21 about it.
22 BY MR. BROWN:
23 Q Okay. And can you tell the Judge, again who
24 Justin Adger is?
25 A He's a -- he was an ex-boyfriend and a close

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1 friend at the time.

2 Q Was Justin Adger someone who you trusted?

3 A Yes. A lot.

4 Q And did you think that he was someone who would

5 know what to do with this information?

6 A Yeah. I trusted his opinion.

7 Q Okay. And did there come a time when the two of

8 you essentially decided what to do?

9 A Yes. He thought it would be a good idea if we

10 told Adnan's family about me seeing him that day.

11 Q Okay. And did you in fact do that?

12 A Yes. We agreed that he would come pick me up

13 and take me.

14 Q Okay. Did you know where the Syed family lived?

15 A No, I didn't.

16 Q Did Justin?

17 A Yes.

18 Q Do you remember being at the Syed house that

19 evening?

20 A I do.

21 Q And do you remember speaking to anyone from the

22 family?

23 A I think I spoke to the family, but even shortly

24 afterwards I wasn't sure who was who.

25 Q Okay. Were there more than one -- were there a

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1 lot of people there?

2 A Yes. There were a lot. There were people
3 outside and people in -- a lot of men in one room and a
4 lot of women in the other room.

5 Q Okay. Did that seem a little unusual to you?

6 A It did. I didn't know I had to take my shoes
7 off and there were just different customs that I wasn't
8 used to.

9 Q Prior to that evening had you had a lot of
10 interaction with Muslim people?

11 A No.

12 Q Okay. And you -- so you spoke to someone. What
13 did you tell them?

14 A I basically told them that I didn't know if it
15 would be helpful but that, you know, that I had remembered
16 seeing him in the library that day and had just spoke to
17 him and that he seemed pretty normal. And so I didn't
18 know what to expect from it, but that was pretty much the
19 information that I had.

20 Q Okay. Did there come a time when you wrote a
21 letter to Mr. Syed?

22 A Yes. After coming back I wrote the letter.
23 That night.

24 Q Okay.

25 MR. BROWN: Would you put up Exhibit 4?

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1 BY MR. BROWN:
2 Q Does this letter look familiar?
3 A Yes.
4 MR. BROWN: And if we could go to the bottom of
5 the second page?
6 BY MR. BROWN:
7 Q Is that your signature?
8 A Yes, it is.
9 Q Okay. Is that the letter you wrote?
10 A Yes.
11 Q So first I want to draw your attention to --
12 THE COURT: And you're --
13 BY MR. BROWN:
14 Q -- to something very --
15 THE COURT: -- just so we're clear, you're
16 referring to that as?
17 MR. BROWN: I -- I'm sorry, Your Honor. We
18 have -- this is a -- an exhibit that's already in
19 evidence, but we're calling it --
20 THE COURT: Okay. That's fine.
21 MR. BROWN: -- PC2-4.
22 THE COURT: So it's already admitted. There's
23 no need to admit.
24 MR. BROWN: It's already admitted into evidence,
25 yes, Your Honor.

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BY MR. BROWN:

Q First if I could draw your attention to the line right above where it says, Dear Adnan? What does that say?

A It says, I just came from your house an hour ago. It's late.

Q Okay. And is that a reference to the visit you just described?

A Yes. At his family's house.

Q Okay. Let me go a little bit further down starting with, I'm not sure.

A It says, I'm not sure if you remember talking to me in the library on January 13th, but I remembered chatting with you.

Q And why did you write that? What did that mean?

A Well, I mean, it's self-explanatory. I didn't know if he remembered talking to me, but --

Q You know --

A -- I did.

Q -- sometimes lawyers ask stupid questions. And that's a perfect example. If I could go a little bit further down, the sentence starting, I went to your family's house.

A Yes. I went to your family's house and discussed your calm manage wisdom (ph.). Keep going?

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1 Q Did you -- well, tell me just a little bit about
2 that. Did you think that was important?

3 A Well, yeah, because it was kind of weird if he
4 was normal and calm and now he's in jail for murder.

5 Q I'd like to go -- the next sentence down, tell
6 me about that. I mean, first read it and then tell me
7 about it.

8 A It says, I also called the Woodlawn Public
9 Library and found that they have a surveilling system
10 inside the building.

11 Q Now, do you have any additional memories about
12 that, in addition to what's written there?

13 A Well, I don't remember when I called, but I do
14 recall that I did call to find out if they had cameras
15 there. Just -- my thought process was, you know, hey, if
16 he was there, obviously -- and they have cameras that he
17 would be on camera and there would be evidence showing
18 that he was there.

19 Q Right. Go down a little bit further to the part
20 starting, my number is.

21 A Yes. My number is 410-486-7655.

22 Q Why did you provide your number?

23 A I figured that would be the best way for someone
24 to reach out to me if what I remembered was important.

25 Q Okay. Moving on to the next page, if we go --

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1 if so, I will try my best to help account for some of your
2 unwitnessed, unaccountable lost time. Is that what you
3 wrote?

4 A Yes.

5 Q Tell me what you meant by that.

6 A Well, when I went to the family's house that
7 night they said that Adnan was struggling to remember what
8 happened after school that day and I knew that I had been
9 with him during that short amount of time at the library
10 so I was stepping up to let them know or whoever know that
11 I, you know, that I could account for that small amount of
12 time throughout the day and, like I said, I was told that
13 he couldn't remember -- he was struggling to remember what
14 happened after school up until the time where he went to
15 church or the Mosque, I guess.

16 Q Okay. And does that statement mean that you
17 could provide information about where he was, for example,
18 from 4:00 p.m. to 8:00 p.m.?

19 A No. Just the short time that I saw him in the
20 library.

21 Q Okay. Going a little further down the page
22 there's a line that says, thank Justin. Who --

23 A Yes.

24 Q Who, again, is Justin?

25 A My ex-boyfriend and friend.

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1 Q Last name?
2 A Adger, sorry, Justin Adger.
3 Q Okay. By the way, how do you spell Adger?
4 A A-d-g-e-r.
5 Q Okay. And then a little bit further down --
6 A Uh-huh.
7 Q -- is another phone number.
8 A Yes. That's --
9 Q Is it fair --
10 A -- my grandparents' main line.
11 Q Is it fair to say you were trying to make
12 yourself available if someone wanted to call?
13 A Yes.
14 Q Okay. Now go all the way down to the bottom
15 left-hand corner. Can you read that out loud and then
16 explain what you meant by that?
17 A It says, if you were in the library a while tell
18 the police and I will continue to tell what I know even
19 louder than I am. My boyfriend and his best friend
20 remember seeing you there too. That means, like if you
21 were in the library longer after we left, you know, like,
22 hey, dude, you need to say something, you know? Like, and
23 if you come forward and say, you know, that you were in
24 the library, I'll continue to say, you know, that I saw
25 you between the -- that time period that we talked and

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1 after he was arrested I actually had a conversation with
2 my boyfriend and his friend Jarah Banks (ph.) -- I mean,
3 Jarah Johnson (ph.) and basically it -- I said, you guys
4 remember that guy that was in the library the day you
5 picked me up and they said, yeah. And I said, he got
6 arrested for killing somebody, you know, and so they
7 remembered seeing him in the library that day too, so
8 that's what that means.

9 Q Okay. All right. And did you mail that letter?

10 A Yes.

11 Q Did there come a time when you wrote a second
12 letter to Mr. Syed?

13 A Yes. The next day. During school.

14 Q The next day?

15 A Uh-huh.

16 MR. BROWN: I'm going to ask to put up what we
17 have pre-marked as PC2-5, which is also already in
18 evidence in this case.

19 THE COURT: And the Court will note that it's --
20 was previously admitted in the last post-conviction
21 hearing.

22 MR. BROWN: Thank you, Your Honor.

23 BY MR. BROWN:

24 Q I'd like to draw your attention to the very top.
25 There's a number there. What does that number mean to

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1 you, if anything?

2 A I don't know.

3 Q Okay. Do you remember how you got that number?

4 A I don't.

5 Q Okay. Going further down in that first
6 paragraph there's a sentence that starts, this information
7 that I know about, right, all, the whole -- the rest of
8 that -- oh, no, I'm sorry, that's all right. Just that
9 first sentence. Can you explain -- can you read that and
10 then explain what you mean by that?

11 A It says, the information that I know about you
12 being in the library could be helpful, unimportant, or --
13 wait. Sorry. The information that I know about you being
14 in the library could be unhelpful, unimportant or
15 unhelpful to your case.

16 Q Okay. Do you --

17 A Did I read that right?

18 Q I think it -- well --

19 A It could be helpful, unimportant or helpful to
20 your case.

21 Q Okay.

22 A Sorry, I'm nervous.

23 Q Okay. I think you got most of it right. Just
24 for the record I'm going to read it, and it says, the
25 information that I know about you being in the library

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1 could helpful, unimportant, or unhelpful to your case.
2 A Yes.
3 Q Explain that, please.
4 A Well, I -- like I said, I didn't know if -- it
5 was such a short amount of time, I didn't know if it was
6 relevant or if it could be helpful or not so.
7 Q Okay. Now, going down a little further on that
8 page there's a paragraph number 2. Is that another
9 reference to the -- to surveillance at the library?
10 A Yes. I was curious as to how long he stayed in
11 the library after the three of us left.
12 Q Okay. And all the way down at the bottom
13 left-hand corner, all the way down, all the way down, is
14 there a date there?
15 A Yes. March 2nd, 1999.
16 Q Is that when you wrote the letter?
17 A Yes.
18 Q Okay. Going on to the next page, halfway
19 through the second paragraph there's a sentence that
20 starts with, Mr. Parker.
21 A Yes.
22 Q Do you remember who Mr. Parker was?
23 A Yes. He was my Spanish level 5 teacher.
24 Q Okay. And what is indicated by this sentence
25 here? Well, from --

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1 A Oh.
2 Q Sorry to interrupt.
3 A That's okay. Well, the whole topic came up and
4 Mr. Parker seemed pretty unopinionated (sic). He
5 didn't --
6 Q Okay.
7 A -- seem to have a -- he didn't have an opinion
8 and so I told him that I had recently spoke to Adnan's
9 family the night before and that I had told them that I
10 remembered seeing him that day and he seemed, you know,
11 happy that I was doing the right thing and reaching out
12 and telling somebody.
13 Q Okay. What in the world is that picture next to
14 it?
15 A (Laughs). That would be old-school clip art. I
16 don't know what an explosion has to do with anything but I
17 was 17 and I had a home computer, which was rare for kids,
18 so just --
19 Q Okay.
20 A -- playing around.
21 Q You were a 17-year-old kid when you wrote this
22 letter.
23 A Yeah. I think so.
24 Q Turning your attention to the next page, there's
25 a sentence near the top that says, everything was cool.

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1 If you'd read that sentence out loud into the record?

2 A Okay. Everything was cool that day. Maybe if I
3 would have stayed with you longer or something this entire
4 situation could have been avoided.

5 Q Well, what did you mean by that?

6 A Well, you know, perhaps if my ride didn't show
7 up and I was stuck there and -- because when Derek and
8 Jarah (ph.) came in they interrupted our conversation so
9 ultimately who knows how long we would have sat there and
10 talked and if it would have made any kind of difference
11 or, I don't know.

12 Q To the best of your recollection, was everything
13 in that letter truthful?

14 A Yes.

15 Q And the previous letter we shared with you. To
16 the best of your recollection was everything in that
17 letter truthful?

18 A Yes.

19 Q Now, at the time when you wrote these letters
20 did you know when the State theorized that the murder took
21 place?

22 A No. I had no idea.

23 Q After you wrote those letters and -- did I -- is
24 it fair to say you mailed the second letter as well as the
25 first?

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1 A Yes.

2 Q Did anyone from Syed's defense team ever contact

3 you?

4 A No.

5 Q The lawyer contact you?

6 A No.

7 Q An investigator?

8 A No. No one.

9 Q Law clerk?

10 A No.

11 Q If someone from the defense team had contacted

12 you would you have spoken to them?

13 A Yes, definitely.

14 Q And would you, if asked to, would you have

15 testified truthfully at a trial?

16 A Yes. Definitely.

17 Q Did you -- when Mr. Syed ended up going on

18 trial, were you in college at the time?

19 A Yes.

20 Q And were you paying attention to the trial?

21 A No. I was too busy trying to adjust to college.

22 Q Okay. I want to turn your attention to the

23 affidavit that's dated March 25th, 2000. Hang on one

24 second. And that's a exhibit that is already in evidence.

25 I'm going to refer to it PC2-6. Is that the affidavit

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1 that you wrote on March 25th, 2000?

2 A Yes.

3 Q Can you tell the Judge how you ended up writing
4 that affidavit?

5 A I was home one afternoon and there was a knock
6 at the door. I opened it and it was Rabbia (ph.) and she
7 wanted to know if I had in fact had a conversation with
8 Adnan in the library on January 13th. I told her, yes,
9 and she asked me, would I be willing to, you know, write
10 and sign something to that effect and I said I would be.

11 Q Okay. Were you pressured in any way into
12 writing that affidavit?

13 A No. She was very nice about it.

14 Q And those letters that you previously wrote,
15 were you pressured in any way by anyone into writing them?

16 A No. Not at all.

17 Q The affidavit. Was the affidavit truthful?

18 A Yes.

19 Q And how did you come -- if you look all the way
20 down at the bottom of the affidavit, it's kind of hard to
21 see because this has been copied so many times, but do you
22 know what that is underneath your signature?

23 A I believe it's the notary's signature, but, like
24 you said, it's kind of hard to make out.

25 Q Well, do you remember whether you got that

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1 letter notarized?

2 A We did. We -- she asked me if I would be
3 willing to have it notarized to make it official and I
4 agreed so we got in her car and we went to I believe it
5 was a shopping center to have it notarized. And it was
6 the first time I'd ever had anything notarized, so I
7 remember it.

8 Q Okay. Whose idea was it to get it notarized?

9 A She -- hers. She said it would be more official
10 if it was notarized.

11 Q Okay. How long after signing that affidavit did
12 you remain in Baltimore?

13 A A few months.

14 Q And where did you move to?

15 A I moved to Greensboro, North Carolina to go to
16 school down there.

17 Q Okay. Did you -- and did you eventually end up
18 moving out to Oregon?

19 A Yes. About six and a half years later I moved
20 to Vancouver, Washington and I worked across the river in
21 Oregon so.

22 Q Okay. And were you living in Oregon in April of
23 2010?

24 A Yes.

25 Q How did you become aware that someone from the

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1 Syed defense was trying to contact you?

2 A My husband was on his way home and I guess when
3 he got to the door he was approached by someone that asked
4 for me by my maiden name and at the time he had a bunch of
5 stuff in his hands so he asked them to hold on for a
6 minute and then he came in the house. And as he came in
7 the house to drop his stuff off he told me that someone
8 was looking for me by my maiden name and that was kind of
9 weird. And so he said, I think his exact words were, I
10 think it might have something to do with that girl that
11 got killed at your high school. And so I asked him to
12 take the person's information for me. And he agreed and
13 went back outside to talk to them.

14 Q Okay. And when you said, just to take his --
15 their information, did that mean you did not want to speak
16 to them directly?

17 A I didn't want to speak to them at that time, but
18 I wanted him to, I guess, go on a fact-finding mission for
19 me and then bring me the information and the contact
20 information so I could figure out what I needed to do from
21 there.

22 Q Okay. And did you receive a business card or
23 something?

24 A I did.

25 Q Do you know whose business card it was?

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1 A It was yours.
2 Q And just for the record she's -- you're pointing
3 to --
4 A Justin Brown.
5 Q Okay.
6 (Pause)
7 BY MR. BROWN:
8 Q And did you end up calling Kevin Urick later
9 that day?
10 A I did. After he brought me the card and the
11 person left I went on the internet to see if there was any
12 local news about, you know, anything going on about the
13 case but all I could find was a old Baltimore Sun article
14 and -- about it and so in the article it listed the
15 prosecutor as Kevin Urick and so that's how I knew who he
16 was.
17 Q Kevin Urick?
18 A Yes.
19 Q Okay. And was the date when all this happened
20 April 11th, 2010?
21 A Yes.
22 Q Why did you decide to call Kevin Urick?
23 A I don't have a lot of court or law experience
24 and so at the time I assumed that he would be, I guess you
25 could say, less biased because he wasn't, you know, you're

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1 Adnan's attorney and so at the time I thought, you know,
2 that the prosecutor was, you know, how they say, the good
3 guys that wear the white hat and that, you know, he would
4 probably be a better person to give me, you know, more
5 non-biased information about the case or what was going on
6 at that time.

7 Q Okay. And you said you looked -- how -- well,
8 how did you find his phone number?

9 A I used internet search to -- with his name to
10 find the phone number for him.

11 Q Okay. And did you then call him?

12 A Yes, I did.

13 Q And when you called, who picked up the phone?

14 A He did. Kevin Urick.

15 Q Did you take notes during this conversation?

16 A I did.

17 Q Why did you take notes during the conversation?

18 A I tend to be a little meticulous at times and I
19 wanted to make sure I remembered what, you know, the
20 information because I was asking him specifics about the
21 case. I wanted to make sure that I had that for my own
22 personal records and so I could remember.

23 Q Okay.

24 MR. BROWN: I'm approaching the witness with
25 what's been pre-marked as PC2-9.

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1 THE COURT: And again, something that's --
2 was --
3 MR. BROWN: Your Honor, this is --
4 THE COURT: -- admitted --
5 MR. BROWN: -- this is a new exhibit.
6 THE COURT: New exhibit? All right.
7 BY MR. BROWN:
8 Q Can you take a look at that and tell me whether
9 those are your notes?
10 A I'm sorry. I didn't hear you.
11 Q I'm sorry. Can you take a look at that and tell
12 me whether those are your notes?
13 A Yes. They are.
14 (Petitioner's Exhibit No. PC2-9, Handwritten Notes,
15 marked for identification)
16 MR. BROWN: Your Honor, I would offer PC2-9 into
17 evidence.
18 THE COURT: And any objection to its
19 introduction, Mr. Vignarajah?
20 MR. VIGNARAJAH: No, Your Honor. Is this the
21 original that's being entered into evidence?
22 MR. BROWN: No. It's a copy.
23 MR. VIGNARAJAH: Do we have the original?
24 MS. CHAPMAN: I do.
25 BY MR. BROWN:

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1 Q Do you have it with you?

2 A Yes.

3 Q Do you have it -- can you reach it right now or
4 is it in your purse?

5 A My husband's -- has my purse. He's right
6 outside the door.

7 Q Okay. We'll -- so we'll go back to that.

8 THE COURT: Well, before I -- I'll hold my
9 ruling --

10 MR. VIGNARAJAH: It's fine, Your Honor. No --

11 THE COURT: -- subject to the original in, the
12 Court will otherwise admit it subject to the original.

13 (Petitioner's Exhibit No. PC2-9, previously marked
14 and identified, received in evidence)

15 BY MR. BROWN:

16 Q Does that copy that you're holding look just
17 like the original?

18 A Yes, it does.

19 Q Okay. Could you go through these notes line by
20 line and tell me what they say and explain what was going
21 on in that conversation?

22 A Okay. Well, when I called Urick, I didn't know
23 if he -- well, I knew he wouldn't know who I was, but I
24 didn't know if he knew the case that I was referring to
25 and so I told him it was, you know, Adnan Syed and I gave

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1 him a little bit of background and he said, oh, yeah, I
2 definitely remember the case. And so I asked him if he
3 knew if anything was going on and, you know, why a
4 detective man showed up and he said he wasn't sure and he
5 told me he would look into his computer system to see if
6 there were any open cases and so he said that there were
7 no open cases, so that's why I wrote that. And he said
8 most likely, he said, it's been about 10 years since he
9 was convicted so most likely they're trying to get an
10 appeal because he has a life sentence and he said most
11 likely, you know, it -- you know, if they can try to
12 present something that's new evidence, then they're trying
13 to get an appeal because it's his last opportunity to do
14 that. And you can only do that within a 10-year period
15 and then there's no other recourse.

16 Q Okay. And I'm not going to ask you to disparage
17 me. However, what does it say next?

18 A It says, Brown is BS. Adnan's lawyer is not
19 incompetent despite health issues and basically it -- he
20 was telling me that if they were trying to open -- if they
21 were trying to get an appeal because of his lawyer having
22 health issues and her state of mind that it was complete
23 BS and that they didn't have any case and so that's why I
24 wrote, no case, in relation to that statement.

25 Q Okay. Further down?

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1 A He told me that Jay (ph.) had helped Adnan bury
2 the body and had testified against him and that he got a
3 plea bargain for doing that and he told me that -- and
4 none of this I knew, by the way, but he told me that there
5 were cell phone records at the time -- that the court had
6 cell phone records that placed Adnan in Lincoln Park and
7 that's during the time when Jay (ph.) said her -- they
8 were burying her body.

9 Q And now I want to just stop you for one second.
10 What did you say before that, that you -- did you say that
11 you didn't know any of this information at the time?

12 A No. I didn't know anything. I was basically
13 just asking him, like, things about the case because I
14 didn't even -- I didn't know anything about what happened
15 during the trial. So I was pretty much getting all my
16 information from him that day.

17 Q Okay.

18 A He told me over here -- up on the side there in
19 the margin, he told me that during the course of the trial
20 that there were a bunch of witnesses that were ready to
21 testify that Adnan was at the Mosque but that after they
22 presented the cell phone records showing that he was in
23 the park when Jay (ph.) said that they were burying her
24 all of those people backed down and they never testified
25 because they didn't want to perjure themselves, basically.

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1 And then he assured me that -- he -- I mean, he flat out
2 said that Adnan killed her, you know? He said, oh, he
3 killed that girl. And then he said -- and I guess he was
4 trying to make me feel better about it because he said
5 that if -- it says that if he had any doubt that Adnan
6 didn't kill Hae that it would be his moral obligation as
7 the prosecutor to see that Adnan didn't serve any time.
8 And then he went on to say that basically you, Mr. Brown,
9 that there was a snowball's chance in hell that they could
10 get the case reopened with the accusations about Adnan's
11 previous lawyer, let alone get him off for the murder.

12 Q Okay.

13 A And so that's pretty much what he said.

14 MR. BROWN: Your Honor, we do have the original
15 letter now.

16 THE COURT: All right. So I assume there's no
17 objection, Mr. Vignarajah, correct?

18 MR. BROWN: Would you like to inspect it?

19 MR. VIGNARAJAH: That would be fine, Your Honor.

20 (Pause)

21 MR. VIGNARAJAH: That's fine. Thank you, Your
22 Honor.

23 THE COURT: All right.

24 MR. BROWN: And, Your Honor, we also have the
25 original hall pass if Brother Counsel wants to inspect

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1 that as well.

2 MR. VIGNARAJAH: That's fine. Thank you.

3 THE COURT: All right. So the Court will admit

4 that, then, as --

5 MR. BROWN: Did you want to inspect it?

6 THE COURT: -- as --

7 MR. VIGNARAJAH: Okay.

8 THE COURT: -- PC what -- Respondent's PC2-9.

9 MR. BROWN: Do you want us to enter the original

10 one in?

11 THE COURT: Yes. I think that was the basis of

12 the admission. Its admission.

13 (Pause)

14 MR. BROWN: Do you -- would you like a cup of

15 water?

16 MS. CHAPMAN: Yes, please.

17 MR. BROWN: All right. May I approach and give

18 her --

19 THE COURT: Certainly.

20 MR. BROWN: -- a glass of water?

21 MS. CHAPMAN: I'm dying up here. Why not?

22 (Pause)

23 THE COURT: Thank you.

24 MS. CHAPMAN: Thank you.

25 BY MR. BROWN:

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1 Q Did this phone conversation you had with Kevin
2 Urick influence your decision of whether to talk to Adnan
3 Syed's defense team?

4 A Yeah. Completely. I walked away feeling that,
5 like Urick suggested, that essentially, you know, you guys
6 were just trying to play the system, manipulate the courts
7 just to try to get him in front of a judge because it was
8 his last chance and that he was a hundred percent guilty
9 and that the State had all the evidence to show that he
10 was guilty and that, you know, because of what Urick said
11 that it was just a waste of time for me to get involved
12 with something that was just obviously a tactic to
13 manipulate the court system.

14 Q And what was your decision? Did you end up
15 responding to our inquiries?

16 A No, I didn't. Me and my husband, we were
17 planning to move or looking to move and I just didn't see
18 the need to get involved with this when he obviously,
19 based on everything that Urick said, was guilty. So.

20 Q Okay. Do you know how long this phone
21 conversation you had with Kevin Urick, how long it lasted?

22 A Yes. I do. It was 34 minutes.

23 Q Thirty-four minutes? Why is that important to
24 you?

25 A Well, after the podcast came out I saw an

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1 interview where Urick said that he approximated our
2 conversation was about five minutes so I went and actually
3 requested my phone records and once I received them I went
4 through all of the Maryland numbers that I didn't
5 recognize during that period and Googled every one of them
6 and the 34-minute phone call was a -- the same number that
7 was listed to Kevin Urick.

8 Q And just to be clear, did I help you get those
9 phone records?

10 A Yes. You -- Sprint was not the easiest to work
11 with.

12 Q Okay.

13 A I had to have, you know --

14 Q I'm going to --

15 A -- a legal reason to have them, so.

16 MR. BROWN: I'm going to approach the witness
17 with what has been pre-marked as Exhibit PC2-8.

18 THE COURT: And this is one already admitted or?

19 MR. BROWN: No, this is a new exhibit, Your
20 Honor.

21 THE COURT: New exhibit. All right.

22 BY MR. BROWN:

23 Q I'd like for you to take a look at these phone
24 records --

25 A Okay.

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1 Q -- take your time.
2 (Pause)
3 BY MR. BROWN:
4 Q Are these your phone records?
5 A They are.
6 (Petitioner's Exhibit No. PC2-8, McCain Phone
7 Records, marked for identification)
8 BY MR. BROWN:
9 Q In whose name are these records?
10 A They're in my husband's name because he --
11 Q You guys share a phone?
12 A We share an account and my phone number is
13 listed on the account with his phone number, so.
14 Q Okay.
15 MR. BROWN: Your Honor, I'd offer into
16 exhibit -- is -- offer into evidence Exhibit PC2-8.
17 THE COURT: And any objection, Mr. Vignarajah?
18 MR. VIGNARAJAH: No objection, Your Honor.
19 THE COURT: So admitted, then, as Petitioner's
20 Exhibit PC2-8.
21 (Petitioner's Exhibit No. PC2-8, previously marked
22 and identified, received in evidence)
23 BY MR. BROWN:
24 Q And I'd like to turn your attention to line 135
25 on those records. Is that the call to Kevin Urick?

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1 THE COURT: I'm sorry, what line was that?
2 MR. BROWN: 135.
3 MS. CHAPMAN: Yes, it is.
4 BY MR. BROWN:
5 Q And how long is it indicated on there that call
6 is?
7 A Thirty-four minutes.
8 Q And how do you know that that's Kevin Urick's
9 phone number?
10 A Like I said, I went to Google after getting the
11 phone records and went through all the numbers that I
12 didn't -- the Maryland numbers -- because most of these
13 are family, like my mom and -- and that came up as a Kevin
14 Urick phone number.
15 Q Okay.
16 A Or a number for him.
17 Q And you described a conversation that you had
18 had with Mr. Urick. Did anyone witness this conversation?
19 A My husband came in at the tail end of the
20 conversation and I shooed him away.
21 Q Okay. Moving forward to 2013 --
22 A Uh-huh.
23 Q -- did there come a time when you had a
24 conversation with a now famous radio reporter named Sarah
25 Koenig?

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1 A Yes. I believe it was January of --

2 Q January? Okay.

3 A -- 2014.

4 Q And were you recorded in that conversation?

5 A Yes, I was.

6 Q And prior to that conversation did you know that
7 your voice would be broadcast?

8 A No. I don't know -- I guess maybe I was in such
9 shock, but when she told me she was NPR, I didn't know
10 what that was. I assumed she was a internet, like,
11 newspaper or magazine writer, reporter type. I didn't
12 realize it was a podcast because I guess nobody really
13 knew what podcasts were back then. (Laughs) And --

14 Q And how did --

15 A And so it kind of went over my head that it was
16 a -- internet radio is described and so she asked me if
17 she could record the conversation and I said, sure, but I
18 thought it was going to be for dictation purposes, like,
19 later on if she was writing her article and she needed to
20 remember something that she, you know, she could go back
21 to the recording. I didn't realize it was going to be --
22 I was going to hear myself.

23 Q Right. Well, how did you find out that you were
24 on Serial?

25 A I think it was, like, almost a year later in

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1 October of 2014. I started getting a bunch of Facebook
2 messages and emails and just people calling me and they
3 were, like, I'm listening to you on the radio. And I'm,
4 like, what are you talking about? And they're, like,
5 you're on the radio. And I'm, like, what station? Like
6 what are you talking about? And they're, like, no
7 internet radio. And so, you know, they're like, this
8 thing called Serial. And so I Googled it and I go to the
9 website and lo and behold it says, The Alibi. And I'm,
10 like, okay, and so I start listening. (Laughs)

11 Q Were you concerned about being in the public
12 eye?

13 A I was, for a -- for lack of better terms it was
14 pretty freaky to hear yourself and know that it was on the
15 internet and that, you know, people were more and more
16 interested about the case and, you know, had a lot of
17 questions about it and so it was kind of nerve wracking.

18 Q Okay. And did you subsequently listen to
19 Serial?

20 A I listened to the first two episodes and I
21 started to really freak out and so I kept telling my
22 husband, you need to help me. You need to listen to this.
23 And finally he sat down and listened and then he's, like,
24 okay, let's listen to the whole thing. So we binge
25 listened to it in about, I think, eight hours.

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1 Q Okay. And did you learn anything from Serial
2 that changed the way you thought about your importance to
3 the case?

4 A Yes. The things that I thought I knew from
5 talking to Kevin Urick I couldn't -- I was a little
6 confused based on what he told me and what was in the
7 podcasts and I didn't realize that he had testified at the
8 previous post-conviction hearing and I was a little
9 concerned about that portion of what happened that I
10 was -- wasn't aware of.

11 Q Okay. Let -- let's go back to that in a second,
12 but just to be clear, what did you think about your
13 importance to this whole case before listening to Serial?

14 A I didn't think it -- I was very important at
15 all. Well, I guess because I didn't know any of the trial
16 aspects of when the State thought that Hae had been
17 murdered, even until listening to the podcasts I didn't
18 know that so I didn't ever think that the time period that
19 I spoke to him was of any importance, especially when no
20 one ever -- from the -- from his previous lawyer reached
21 out to me. I just -- I didn't think anything I had to say
22 was important and come to find out after listening to the
23 podcasts I realized that, you know, as Sarah said, in the
24 podcasts, you know, well, maybe it is important. So
25 definitely placed a greater weight on my heart so to speak

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1 as far as making sure all the information was available to
2 both sides and making sure that, you know, justice could
3 be fairly evaluated.

4 Q You mentioned before that at some point you
5 learned that Kevin Urick had testified in a courtroom
6 proceeding. Is that right?

7 A Yes.

8 Q And what did you learn about that?

9 A Well, everything about it. I learned that he
10 said that he had a conversation with me and that I told
11 him that everything I had said prior to that was not true
12 and that the only reason I ever said anything or wrote the
13 affidavit was because I was somehow pressured from the
14 Syed family. All of it was news to me.

15 Q Okay. And that -- after hearing this, how did
16 you feel?

17 A Well, I mean, of course I was in shock and I was
18 fairly unhappy, to say. I was mostly angry with myself
19 that I was in a situation where I had allowed my thoughts
20 and opinions to be represented by a third party and, you
21 know, that's, you know, that -- I don't like it when
22 people try to put words in my mouth, so I was fairly
23 bothered by it.

24 Q Do you remember contacting me in December of
25 2014?

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1 A Yes, I do, in mid-December.
2 Q How did you get my number?
3 A I don't remember.
4 Q And do you remember specifically why you reached
5 out to me or why did you want to talk to me?
6 A I assumed that you were the person I needed to
7 speak to because my original affidavit was being
8 questioned and that was information that you had so I
9 don't know why. I just assumed that you were the person
10 that I needed to reach out to.
11 Q Okay. And did you pretty much tell me the whole
12 story which you've testified to today in court?
13 A I did.
14 Q And do you remember, how did you come to get a
15 lawyer?
16 A Well, finding a lawyer when you're on the
17 opposite side of the state is kind of difficult, so --
18 Q Well, let me -- I'm sorry. Before you go into
19 that, please tell me how did you get the idea to -- what
20 made you think you would need a lawyer?
21 A Well, I realized that after the whole unveiling
22 of what happened with Urick that perhaps I didn't know how
23 the court system works and maybe I needed somebody who
24 did. And so I figured the best course of action would --
25 to -- would be to have my own lawyer, someone who would

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1 have my best interests. Because, you know, I didn't
2 necessarily want to be with the Defense or the
3 Prosecution. I wanted to be my own person and tell the
4 truth about what I knew, you know, without -- someone who
5 wouldn't allow you or you (indicating) to try to pull me
6 in any direction.

7 Q Okay. And how specifically did you come to find
8 Mr. Proctor?

9 A Well, first I asked some of my family members
10 that are lawyers in Washington and they told me that they
11 couldn't help because I needed a Maryland attorney. I
12 reached out to my grandfather's attorney and nobody ever
13 called me back. And then I told Sarah that I was having
14 trouble finding a lawyer and she said, well, if you want I
15 can ask around and give you a couple recommendations for
16 people in town. So she gave me two numbers. One -- the
17 first guy that I called was a guy named Larry but after
18 speaking to him I realized that he was a little on the
19 pricey side so I couldn't afford him and so then I
20 eventually ended up contacting Gary Proctor and he agreed
21 to work with me.

22 Q Okay. And after contacting Mr. Proctor, did you
23 write another affidavit?

24 A I did.

25 MR. BROWN: I'm going to approach the witness

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1 with Exhibit PC2-7.
2 THE COURT: And --
3 MR. BROWN: This is a new exhibit.
4 THE COURT: This is new? All right.
5 MS. CHAPMAN: Oh. I can barely read that even
6 with my glasses.
7 MR. BROWN: Does that help?
8 MS. CHAPMAN: Yeah. Thank you.
9 BY MR. BROWN:
10 Q Take a look at that affidavit.
11 A Uh-huh.
12 Q Is that your affidavit?
13 A Yes, it is.
14 (Petitioner's Exhibit No. PC2-7, Affidavit, marked
15 for identification)
16 BY MR. BROWN:
17 Q And is that your signature on the bottom?
18 A Yes, it is.
19 Q And what's the date that you see there?
20 A January 13th, 2015.
21 Q Okay. And did you explain in that affidavit --
22 and perhaps I should have asked this question earlier --
23 but when you learned that Kevin Urick had testified about
24 you in trial -- in a courtroom hearing as a witness --
25 A Uh-huh.

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1 Q -- were the things that he said, were they true?

2 A No.

3 Q Is that reflected in this affidavit?

4 A Yes, it is.

5 Q Did you -- did your attorney or people from his
6 law office, did they help you prepare that affidavit?

7 A I wrote it and after I wrote it I asked them to
8 look it over and let me know if, you know, for grammar, as
9 to anything didn't read well and so they came back to me
10 with any corrections that needed to be made to it.

11 Q Okay. And did you do your -- make your best
12 effort to make that as true and accurate as possible?

13 A Yes, I did.

14 Q Ms. McClain, did I subpoena you for court today?

15 A You gave me a subpoena, yes.

16 Q Okay. And without a subpoena would you have
17 come here too?

18 A Yes, completely. I would have.

19 Q And why did you want to testify here in
20 Baltimore?

21 A Well, I felt it was the right thing to do and I
22 think in order for justice to be served all the
23 information needs to be on the table and I felt the best
24 way to have that happen would be for me to show up and say
25 what I know, you know? In the interest of telling the

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1 truth and having full disclosure I just thought it was the
2 right thing to do.

3 Q Okay.

4 MR. BROWN: Your Honor, and I would like to
5 offer Exhibit No. 7 into evidence.

6 THE COURT: Any objections --

7 MR. VIGNARAJAH: No objection.

8 THE COURT: -- to its introduction? So
9 admitted, then --

10 MR. BROWN: Which --

11 THE COURT: -- as --

12 MR. BROWN: -- which is in.

13 MS. CHAPMAN: Oh.

14 MR. BROWN: And I'm --

15 THE COURT: -- as Petitioner's Exhibit PC2-7.

16 (Petitioner's Exhibit No. PC2-7, previously marked
17 and identified, received in evidence)

18 MR. BROWN: If you can give me one moment, Your
19 Honor?

20 (Pause)

21 MR. BROWN: No further questions for this
22 witness.

23 THE COURT: All right. And let me see Counsel
24 at the bench on scheduling just briefly and we'll be with
25 you in one minute --

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1 MS. CHAPMAN: Okay.

2 THE COURT: -- Ms. Chapman.

3 BENCH CONFERENCE

4 (Bench conference begins - 3:33:15 p.m.)

5 (All Counsel approach the bench where the following
6 ensues:)

7 THE COURT: I'm just going to ask is this
8 probably -- and I'm not sure whether she needs a break,
9 and you all probably could use one, if we could use
10 this --

11 MR. BROWN: She's --

12 THE COURT: -- as a mid-afternoon break?

13 MR. BROWN: I believe she's pregnant. She
14 probably very much --

15 THE COURT: She -- I'm sure she does.

16 MR. BROWN: -- needs a break.

17 MR. VIGNARAJAH: Can't hurt.

18 THE COURT: Ideally --

19 MR. VIGNARAJAH: I'm not pregnant and I could
20 use a break.

21 THE COURT: Ideally I'd like to break at about
22 4:30 or so, so -- but again, I want to be sensitive to her
23 needs. I'm not sure whether she's going back or --

24 MR. BROWN: I think if -- I imagine -- would you
25 like me to go over and ask her?

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1 THE COURT: No, no, I'm just saying if -- I'm
2 not sure how long you think you'll be, Mr. Vignarajah.

3 MR. VIGNARAJAH: Your Honor, I unfortunately
4 expect a lengthy cross examination. So I don't know what
5 that means.

6 THE COURT: Okay. So she's still here tomorrow,
7 I assume?

8 MR. BROWN: Your Honor, I would really --

9 THE COURT: May -- let's go on a break.

10 MR. BROWN: -- I would like to go as long as we
11 can, possibly, and I don't want to -- we'd like to do it
12 today and it's pretty important to us.

13 THE COURT: I'd like to as well, but I want to
14 be sensitive to staff and --

15 MR. BROWN: Right.

16 THE COURT: -- the limitations and we know
17 what's going to go on afterwards with the exhibits and
18 everything else, so I'm trying to stay reasonably within
19 that calendar. Let's go ahead and take a break just sort
20 of figure out if -- we may get lucky, you all get it done.
21 But if not, just get some sense of what her availability
22 may be --

23 MR. BROWN: Okay.

24 THE COURT: -- first thing in the morning.
25 Okay?

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1 MR. VIGNARAJAH: Very good.
2 THE COURT: All right.
3 MR. BROWN: Very good, Your Honor.
4 THE COURT: So why don't we tell everybody,
5 like, a 10-minute recess.
6 MALE VOICE: Okay.
7 THE COURT: Okay.
8 (Bench Conference concluded - 3:34:31 p.m.)
9 (All Counsel return to the trial tables where the
10 following ensues:)
11 THE COURT: Ms. Chapman?
12 MS. CHAPMAN: Yes?
13 THE COURT: We're going to take a brief recess.
14 MS. CHAPMAN: Okay.
15 THE COURT: And you may certainly make yourself
16 comfortable but I do want to remind you that you're on the
17 stand --
18 MS. CHAPMAN: Okay.
19 THE COURT: -- and you can't speak with anyone
20 concerning your testimony --
21 MS. CHAPMAN: Okay.
22 THE COURT: -- until after you get back on the
23 stand, all right?
24 MS. CHAPMAN: No problem.
25 THE COURT: All right. Court will take just a

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1 10-minute recess.
2 MADAM CLERK: All rise.
3 THE COURT: And, Leona, check with the officers
4 to find out whether he needs -- whether they need to take
5 him back or not --
6 MADAM CLERK: Oh, whether or not he's --
7 THE COURT: -- right.
8 MS. CHAPMAN: Do I have to stay here?
9 THE COURT: You -- no, no, no, ma'am. You can
10 move around.
11 MS. CHAPMAN: Okay.
12 THE COURT: You just can't speak with anyone.
13 MS. CHAPMAN: Okay.
14 THE COURT: Concerning your testimony.
15 (Court takes a brief recess 3:34:56 p.m. to 3:50:03
16 p.m.)
17 MS. CHAPMAN: Thank you.
18 BENCH CONFERENCE
19 (Bench conference begins - 3:50:02 p.m.)
20 (All Counsel approach the bench where the following
21 ensues:)
22 THE COURT: And it's -- how is she doing and
23 what's her availability for tomorrow?
24 MR. BROWN: She's available.
25 THE COURT: Okay.

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1 MR. BROWN: And --
2 THE COURT: So in light of that, I never like to
3 tell Counsel when to quit, but if you come to a logical
4 break in your line of cross --
5 MR. VIGNARAJAH: Around 4:30?
6 THE COURT: That's what I'm thinking, 4:30.
7 Yeah.
8 MR. VIGNARAJAH: That's fine, Your Honor.
9 THE COURT: Because, I mean, after all this the
10 protocol is, is that to the extent the press may be
11 interested in exhibits, my staff has to stay for an hour
12 after that to allow them access for --
13 MR. VIGNARAJAH: And I --
14 MR. BROWN: -- of the exhibits.
15 MR. VIGNARAJAH: -- just want ask, I'm happy to
16 start now, Your Honor. I know that one of the questions
17 was whether Defense Counsel had an opportunity to review
18 the books, A and B. We're going to make, you know, some
19 reference to those potentially and so I don't know if it
20 will be easier but we're happy to also start tomorrow
21 fresh for cross examination. I understand --
22 THE COURT: Okay.
23 MALE VOICE: (Inaudible) --
24 MR. VIGNARAJAH: I understand they want us to
25 start (inaudible) --

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1 MR. BROWN: Well --
2 THE COURT: Well, here -- so here's the other
3 issue, then. So, but you're -- you -- when you start your
4 cross, you're -- you'll start using -- will want to use --
5 MR. VIGNARAJAH: It may.
6 THE COURT: -- your potential exhibits?
7 MR. VIGNARAJAH: It may, yes.
8 MR. BROWN: Your Honor, as a -- you know, we
9 want to try to finish it in these three days. I'm already
10 starting to think that's unlikely with the human
11 filibuster over here, but --
12 THE COURT: Ye of so little faith.
13 MR. BROWN: -- but --
14 MR. VIGNARAJAH: I told him not to call this
15 witness today.
16 MR. BROWN: -- but, no, no, no, we're --
17 MALE VOICE: Yeah.
18 MR. BROWN: -- we are eager to, you know, keep
19 this moving along.
20 THE COURT: Okay. But I guess the question is,
21 will we -- are you going to object or is there going to be
22 an issue of --
23 MR. VIGNARAJAH: If you accept the binders, then
24 we can --
25 THE COURT: Remember the earlier objection --

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1 MR. VIGNARAJAH: -- proceed now.
2 THE COURT: -- you had to the -- both binders
3 coming in, both the --
4 MR. VIGNARAJAH: That's my point. I don't --
5 THE COURT: -- State's binders coming in.
6 MR. VIGNARAJAH: I think it's slow to --
7 MR. BROWN: The -- well, with the entire binder?
8 I mean, we just need to see the relevancy related, you
9 know, if he pulls out the exhibits and he thinks they're
10 relevant, then we can work with those. But no. We -- no.
11 We don't agree with that.
12 THE COURT: Okay.
13 MR. BROWN: Absolutely not.
14 MR. VIGNARAJAH: Hold on one, Your Honor. I
15 think the challenge is that the Court is entitled to
16 consider Ms. Gutierrez's entire file. So in terms of
17 relevance, the relevance is that these are all the
18 materials that Ms. Gutierrez had in her possession so that
19 she could make her judgments. They inform the Court of
20 Ms. Gutierrez's thinking in a lot of different ways. We
21 can do it one by one --
22 THE COURT: And that's what we're trying to
23 figure out.
24 MR. VIGNARAJAH: But I -- I'd rather them have
25 an opportunity to review and confirm --

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1 MR. BROWN: It has nothing to do with this
2 witness, Your Honor.

3 THE COURT: All right. All right. Let's do
4 this. To the extent we're going to go a little bit longer
5 today, we'll have to do it exhibit by exhibit.

6 MR. VIGNARAJAH: Okay.

7 THE COURT: But I would ask, when we get away
8 from this and into other areas, since there's still the
9 motion to admit, I'll hold sub curia, give you an
10 opportunity to review it -- or tomorrow morning earlier,
11 maybe try to hear some sort of argument at why I shouldn't
12 admit the entire file. So not to waste time now on
13 argument as to why --

14 MR. VIGNARAJAH: Right.

15 THE COURT: -- the entire file can't come in --

16 MR. VIGNARAJAH: That's fine.

17 THE COURT: -- we'll do it item by item but I
18 would like to resolve the issue before we get started
19 tomorrow.

20 MR. VIGNARAJAH: And, Your Honor, you -- again,
21 you'd like me to come to a logical end around 4:30 and
22 continue it in the morning?

23 THE COURT: That's my suggestion.

24 MR. BROWN: That's fine.

25 THE COURT: Well, and it can even be before.

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1 But, I mean --

2 MR. VIGNARAJAH: Understood.

3 THE COURT: -- in fairness to her and --

4 MR. VIGNARAJAH: Of course. Thank you, Your
5 Honor.

6 THE COURT: -- you know, I don't want to just
7 say 4:30 you got to stop and --

8 MR. VIGNARAJAH: Understood. Yeah. Thank you.

9 THE COURT: All right.

10 (Bench Conference concluded - 3:53:06 p.m.)

11 (All Counsel return to the trial tables where the
12 following ensues:)

13 THE COURT: I'm sorry. Thank you. Ms. Chapman,
14 again just state your name for the record, please.

15 MS. CHAPMAN: Asia Chapman.

16 THE COURT: And I'll remind you, Ms. Chapman,
17 that you're still under oath.

18 MS. CHAPMAN: Okay.

19 THE COURT: Mr. Vignarajah?

20 MR. VIGNARAJAH: Thank you very much, Your
21 Honor.

22 CROSS EXAMINATION

23 BY MR. VIGNARAJAH:

24 Q Good afternoon, Ms. McClain.

25 A Hi.

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1 Q How are you?
2 A Nervous.
3 Q Still nervous.
4 A Yes.
5 Q We will try to be gentle.
6 A Okay.
7 Q Ms. McClain, you have been aware of the
8 circumstances surrounding this case for some time; is that
9 fair to say?
10 A Yes.
11 Q You got a chance to listen to Serial?
12 A I did.
13 Q You -- it sounds like you binge watched it, or
14 binge listened to it with your husband?
15 A Yes.
16 Q It's pretty good.
17 A From a journalistic standpoint, yes.
18 Q And Ms. Koenig is pretty entertaining.
19 A I think she's good at what she does.
20 Q I enjoyed it. And Ms. -- do you prefer Ms.
21 McClain or Ms. Chapman on cross? Do you mind if I also
22 call you Ms. McClain?
23 A Yeah. That's fine.
24 Q Okay. And, Ms. McClain, when you first learned
25 about Serial you said it was about a year after someone

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1 had contacted you; is that right?

2 A Well, it would have been 10 months.

3 Q About 10 months after.

4 A Uh-huh.

5 Q Okay. And who, again, advised you about it?

6 A I don't remember specifically. Just pretty much

7 random Facebook friends.

8 Q Okay. And you learned about it on Facebook.

9 A Yes.

10 Q And then you learned -- and listened to a couple

11 of the episodes --

12 A Yes.

13 Q -- is that right? And then you listened to the

14 rest of them.

15 A I re-listened to the whole thing with my

16 husband, so the same two that I listened to, I listened to

17 them again with him so he could start at the beginning.

18 Q And the affidavit that you presented to the

19 Court most recently, the --

20 A Uh-huh.

21 Q -- January 2015 --

22 A Uh-huh.

23 Q -- you had an opportunity to go over that with

24 your own attorney; is that right?

25 A Yes.

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1 Q And that was Mr. Proctor?

2 A Yes.

3 Q I will hold that against you.

4 (Laughter)

5 BY MR. VIGNARAJAH:

6 Q And Mr. Proctor had an opportunity to review
7 what you had said; is that correct?

8 A Yes.

9 Q And afterwards you signed it as accurate to the
10 best of your knowledge.

11 A Yes.

12 Q And in it you indicated that one of the reasons
13 you wanted to come forward is to do the right thing,
14 right?

15 A Correct.

16 Q That you wanted to make sure the truth got out
17 there.

18 A Yes.

19 Q For both sides. For the Defense, for the
20 Prosecution, for the world to know what you remember
21 happening, right?

22 A Correct.

23 Q And that's been something that you've been
24 committed to for a while, right?

25 A Yes.

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1 Q Even back in 1999, that's one of the reasons you
2 went over to the Syeds' house, right?
3 A Yes.
4 Q You thought you had a piece of information that
5 might be helpful.
6 A Could be helpful.
7 Q Could be helpful.
8 A Yes.
9 Q Could be helpful. And you wanted to share it.
10 A Yes.
11 Q So back in 1999 --
12 A Uh-huh.
13 Q -- you hear that Mr. Syed has been arrested; is
14 that right?
15 A Yes.
16 Q Where did you hear about it again?
17 A I don't remember exactly.
18 Q You don't remember exactly.
19 A No.
20 Q Do you know what day of the week it was that you
21 heard about it?
22 A I don't know what day of the week it was, no.
23 Q Well, if I tell you that Mr. Syed was arrested
24 on a Sunday, fair to assume you heard it on the same day
25 or the next day?

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1 A If you said he was arrested on a Sunday?
2 Q Yeah.
3 A Well, I would assume it would be -- I'm not
4 sure.
5 Q Not sure. So it could have been the same day or
6 it could have been --
7 MR. BROWN: Objection.
8 BY MR. VIGNARAJAH:
9 Q -- the next day.
10 MR. BROWN: Asked and answered.
11 THE COURT: It's cross. Overruled.
12 BY MR. VIGNARAJAH:
13 Q So it could have been the same day or it could
14 have been the next day. That you learned about Mr. Syed
15 first being arrested.
16 A Well, if he was arrested on the 28th, then that
17 would have been the day that I heard about it, yes.
18 Q Okay. And where did you learn about it on the
19 day he was arrested?
20 A I --
21 Q Did his family members call you or did your
22 friends call you?
23 A I don't remember.
24 Q You don't.
25 A I know definitely his family didn't call me

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1 because they didn't have a way of contacting me.
2 Q Now, you have a pretty good memory, right?
3 A I like to think so.
4 Q In fact people think you have a pretty good
5 memory, right?
6 A So I've been told --
7 Q Your --
8 A -- by other people.
9 Q Your friends tell you you have a good memory,
10 right?
11 A Yes.
12 Q Yeah. And back then you had a good memory as
13 well?
14 A Yes.
15 Q Okay. So when you heard about it do you know if
16 it was the morning or the afternoon or the evening?
17 A When I heard about it?
18 Q Yeah.
19 A I don't remember that exactly.
20 Q Okay. You don't know who you were with when you
21 heard about it?
22 A No, I don't.
23 Q Okay. And you don't know what you were doing
24 when you heard about it?
25 A I don't.

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1 Q It's pretty big news, though, right?

2 A That he was arrested?

3 Q Yeah.

4 A Sure.

5 Q That one of your school mates had been arrested

6 for the murder of another one of your school mates. That

7 was pretty big news.

8 A Yes. Definitely.

9 Q And you then heard about it and you remembered

10 this memory from January 13th; is that right?

11 A Yes.

12 Q And you decided to talk with Justin about it,

13 right?

14 A Yes.

15 Q Okay. How long after you heard about the arrest

16 did you contact Justin? Couple hours, couple days?

17 A Oh, I don't remember if it was a couple hours.

18 I believe -- do you want me to speculate?

19 Q I want you to do the best you can to remember.

20 A I don't remember how soon after I spoke with

21 Justin about it.

22 Q Okay. Did you pick up the phone immediately and

23 call him, do you think?

24 A I don't remember if it was in a personal

25 conversation or if it was over the phone.

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1 Q Okay. You guys weren't dating any more at that
2 point, right?

3 A No, we weren't.

4 Q Okay. He's your ex at that point.

5 A Yes.

6 Q In fact, you were with Derek, I gather?

7 A Yes.

8 Q Okay. And did you tell Derek about it or did
9 you call Justin first?

10 A I didn't have an opportunity to tell him about
11 it yet, so --

12 Q So you went to your ex-boyfriend before you
13 talked with your boyfriend about it?

14 A Yes.

15 Q Okay. And why did you do that?

16 A Because he knew Adnan and we were still very
17 good friends.

18 Q Okay. And Justin and Mr. Syed were very good
19 friends as well, right?

20 A Yes.

21 Q And after you contacted Justin, would -- where
22 did you say on direct examination you were when you had
23 the conversation?

24 A I don't remember where we were.

25 Q You don't remember. But you said on direct

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1 examination that he picked you up; is that right?
2 A After the conversation.
3 Q So you must have talked --
4 A The --
5 Q -- by phone then.
6 A The night that I went to his family's house --
7 Q Yeah?
8 A -- he picked me up.
9 Q Okay.
10 A But I don't recall where we had the conversation
11 about him picking me up --
12 Q Okay.
13 A -- if it was on the phone or if it was in
14 person.
15 Q Got it. So you had a first conversation with
16 Justin --
17 A Uh-huh.
18 Q -- and you had a conversation about the memory
19 that you had of the day of January 13th; is that right?
20 A Yes.
21 Q And then at some point you guys decided that he
22 would come pick you up?
23 A Yes.
24 Q And then --
25 A That evening, so --

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1 Q That evening he was --
2 A Yes.
3 Q -- going to pick you up.
4 A Yes.
5 Q So he picked you up at -- after school, 3:00,
6 4:00, what time?
7 A I don't remember the exact time, but I know it
8 was right around night time, so.
9 Q Night time? It was dark.
10 A Towards -- it was getting dark, kind of --
11 Q Okay.
12 A -- you know?
13 Q Okay. So it was getting --
14 A Dusk --
15 Q -- getting dark --
16 A -- I should say.
17 Q -- and at that point had you talked to anyone
18 else about it, or just Justin at that point?
19 A I don't remember talking to anyone about it at
20 that point.
21 Q Okay.
22 A So --
23 Q Did you tell anybody at school about it? Were
24 you talking about it at school or you were kind of keeping
25 it to just you and Justin at that point.

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1 A The following day I told my Spanish teacher
2 about it.

3 Q Okay. You're saying the day after you visited
4 with the Syeds?

5 A Yes.

6 Q Okay. So -- but the day that you first talked
7 with Justin about it, you didn't talk about it with
8 anybody else.

9 A No. I don't remember talking about it with
10 anybody else.

11 Q Okay. You didn't share any information, you
12 weren't talking about the fact that he'd been arrested at
13 all; is that right?

14 A I don't remember. I just specifically know that
15 Justin was the person that I had the conversation with.

16 Q Okay. And you told your ex but you didn't tell
17 other people. Why were you apprehensive about telling
18 other people?

19 A I don't know that I was apprehensive about it.

20 Q Okay.

21 A That's just the way it happened.

22 Q Okay. So Mr. Syed had been arrested the day
23 before and you thought you had some information and the --
24 you weren't talking about it with people at school, you
25 weren't talking about it with your teachers; is that

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1 right? You didn't tell anybody. You just told Justin.
2 MR. BROWN: Objection; asked and answered five
3 times now, Your Honor.
4 THE COURT: Overruled.
5 MS. CHAPMAN: Well, like I said, the day that he
6 was arrested I don't remember speaking to other people
7 about it.
8 BY MR. VIGNARAJAH:
9 Q Okay.
10 A I know I spoke to Justin about it and then the
11 next day when I went to school I had a conversation with
12 my Spanish teacher and possibly some other people but I
13 don't remember outside of that.
14 Q I see. And your Spanish teacher's name is what?
15 A Mr. Parker.
16 Q Mr. Parker.
17 A Yes.
18 Q And do you remember what period Mr. Parker's
19 class is?
20 A I believe he was the -- I have two classes, so I
21 believe he was the second class of the day for me.
22 Q And what was your first period?
23 A I don't remember. Based on the letter I can
24 speculate and say the CIP class, but I don't remember.
25 That was so long ago.

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1 Q So CIP was first period?

2 A If I were going to assume, but I probably
3 shouldn't assume things like that.

4 Q Well, so your memory is that Mr. Parker is
5 second period; is that right?

6 A Yes.

7 Q That's Spanish.

8 A That was my favorite class, so I -- that's why I
9 remember --

10 Q Yeah.

11 A -- Mr. Parker.

12 Q And the CIP class was first period; is that
13 right?

14 A It may have been.

15 Q If you -- based on your letter that's what you
16 remember; is that right?

17 A Based on the letter I know I was in the CIP
18 class writing the letter, so --

19 Q I see.

20 MR. BROWN: Your Honor, I -- I'm going to object
21 again. The Prosecutor's specifically asking her to
22 speculate. She's trying to give truthful testimony and he
23 keeps asking her the same question over and over again.
24 She's saying, I'm not sure, do you want me to speculate.
25 Apparently he wants her to speculate. I object.

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1 THE COURT: Duly noted. Let's try to move on.
2 BY MR. VIGNARAJAH:
3 Q Well, Ms. McClain, I'm just trying to understand
4 your time line a little bit --
5 A Okay.
6 Q -- okay? So you were writing the class --
7 you're writing the letter in first period; is that right?
8 A I don't remember. I -- the letter says that I
9 was writing it during CIP class, so --
10 Q Okay.
11 A -- that's pretty much all I can say.
12 Q Okay. And then you had to rush out to get to
13 third period, right? That's what you say in your letter?
14 A I don't recall. I can -- if you would like to
15 show me the letter I can --
16 Q Sure.
17 A -- take a look.
18 MR. VIGNARAJAH: If you would put that up,
19 Defense Counsel, or should I just use --
20 MS. CHAPMAN: But I don't --
21 MR. VIGNARAJAH: -- my exhibit?
22 MS. CHAPMAN: -- have it.
23 MR. VIGNARAJAH: Your Honor, can I ask Defense
24 Counsel to just put it up on the --
25 MR. NIETO: Which exhibit number?

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1 MR. VIGNARAJAH: -- the -- this --
2 MR. BROWN: Well, you have to say the exhibit
3 number.
4 MR. VIGNARAJAH: The March 2nd letter.
5 MR. BROWN: Number 5?
6 THE COURT: And that's --
7 MR. VIGNARAJAH: The next one.
8 MR. BROWN: Number 5.
9 MR. VIGNARAJAH: The second one. Thank you.
10 No, sorry, the next one.
11 MS. CHAPMAN: I'm sorry. I just don't remember
12 everything.
13 MR. VIGNARAJAH: I understand. You do remember
14 some things.
15 MS. CHAPMAN: Yeah.
16 MR. VIGNARAJAH: Yeah.
17 THE COURT: So which exhibit --
18 MR. VIGNARAJAH: So --
19 MR. BROWN: Your Honor, this -- he's badgering
20 the witness. Please.
21 THE COURT: Counsel, let's try to move on.
22 It's -- I don't think there's badgering, but let's try to
23 move on.
24 MR. VIGNARAJAH: Thank you.
25 BY MR. VIGNARAJAH:

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1 Q Ms. McClain, in this letter --
2 MR. VIGNARAJAH: If you can just put the whole
3 letter?
4 BY MR. VIGNARAJAH:
5 Q -- at the very end on the third page?
6 A Do you have a copy? It's kind of hard to --
7 Q I certainly can.
8 A -- read. Even with glasses I'm still kind of
9 blind sometimes. And you said at the bottom?
10 Q Yeah. Right before your signature. Do you see
11 where you say, anyway, I have to go to third period --
12 MR. VIGNARAJAH: That's fine.
13 BY MR. VIGNARAJAH:
14 Q Anyway, I have to go to third period. I'll
15 write you again?
16 A No, I don't. I don't see that.
17 Q Do you see the --
18 A Can --
19 Q -- this area right here where it says this, hope
20 this letter brightens your day?
21 A Yes.
22 Q Right. Right above that. Can you just --
23 A Okay.
24 Q -- read that last line?
25 A Yeah. Anyway, I have to go to third period.

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1 I'll write you again. Maybe tomorrow.
2 Q Okay. So you were writing this in first period
3 or second period; do you know?
4 A I don't know.
5 Q Okay.
6 A I don't remember my schedule from back then.
7 Q Okay. All right. And after you went to the
8 Syeds' house, you remember that it was that evening; is
9 that right?
10 A The evening before this letter.
11 Q The evening before this letter.
12 A Uh-huh.
13 Q Right. And you stayed there for a little while?
14 A Yes, but I don't remember how long.
15 Q Couple minutes, couple hours?
16 A I don't remember. I know it was more than a few
17 minutes.
18 Q More than a few minutes. Okay.
19 A Yes.
20 Q And do you remember what time approximately you
21 left?
22 A I don't, but it was dark --
23 Q It was dark?
24 A -- when we left.
25 Q Okay. And after you left you called the

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1 library; is that right?

2 A Yes.

3 Q Okay. And --

4 A Well, not after I left the house, but I did call

5 the library some time after that.

6 Q Some time after you left Mr. Syed's house.

7 A Obviously, yes. Between writing the letter and

8 leaving his parents' house.

9 Q Did you write the letter when you got home or

10 when you were at the Syeds' house?

11 A I wrote the letter at home.

12 Q Okay. So you leave Mr. Syed's house and you're

13 heading home; is that right?

14 A Yes.

15 Q Okay. And on your way home do you call the

16 library or once you get home do you call the library?

17 A I don't remember when I called the library, to

18 be honest.

19 Q Well, it wasn't before you talked to the Syeds.

20 It was only after that, right?

21 A I don't remember. It could have been. I don't

22 remember.

23 Q You don't remember. Okay. And after you got

24 home you decided to write a letter to Adnan; is that

25 right?

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1 A Yes.

2 Q Okay. And you indicate that it was late. Do

3 you remember that? At the top of your first letter?

4 A Yes, I do.

5 Q Okay. Do you remember approximately what time

6 it was?

7 A I don't.

8 Q And when you talked to the person at the

9 library, what did they tell you?

10 A Well, I just asked if, you know, I said, hey, do

11 you -- any chance you guys have a camera system there and

12 they said, yes. And I said, okay. Thank you. And that

13 was pretty much it.

14 Q Just called the general number.

15 A Yes.

16 Q Okay. And --

17 A I --

18 Q -- did you call -- and, well, so you've talked

19 to Justin and you've talked to the library. Did you talk

20 to anybody else in that period?

21 A I don't remember.

22 Q Don't remember. Okay. And when you get home

23 you put in the paper and you write the letter; is that

24 right?

25 A Yes.

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Q Okay. And did you mail it that evening or did you mail it the next morning?

A I don't remember when I wrote -- mailed the letters, but I do remember mailing them.

Q Okay. It could have been the next day?

A I don't remember.

Q Could it have been a week later that you mailed it?

MR. BROWN: Objection, Your Honor. She's already asked and answered the same question. He's trying to put words in her mouth.

THE COURT: Overruled.

BY MR. VIGNARAJAH:

Q Could it have been a week later?

A I don't remember when I mailed the letter.

Q Did you -- is it possible that you mailed it a month afterwards?

MR. BROWN: Objection, Your Honor. This is ridiculous.

THE COURT: Overruled.

MS. CHAPMAN: I don't remember when I mailed the letter.

BY MR. VIGNARAJAH:

Q Okay. But --

A I know it was shortly after but I don't remember

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1 how close or how far shortly.

2 Q And then Mr. Syed, if you know, got that letter?

3 A I have no -- I had no evidence whether he got it
4 or not.

5 Q Okay. Would it surprise to -- for -- would it
6 surprise you to learn that Mr. Syed has told the Court
7 that he got the letter within a week of his arrest? Does
8 that sound --

9 A Everything about this case surprises me, so. I
10 don't know when he got the letter, so.

11 Q But does that sound inconsistent with your
12 memory or -- of when you would have --

13 MR. BROWN: Objection.

14 BY MR. VIGNARAJAH:

15 Q -- sent it?

16 THE COURT: Overruled.

17 MS. CHAPMAN: Does what seem inconsistent?

18 BY MR. VIGNARAJAH:

19 Q Does Mr. Syed's testimony that he got the letter
20 within a week, is that inconsistent with your memory of
21 how -- when you mailed it?

22 A Well, I don't know the mail system works so I
23 would assume if you mail somebody a letter they're going
24 to get it within a week, but --

25 Q Okay. And the second letter. You wrote that

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1 the next day in class, right?

2 A Yes. I hand wrote it in class and went home and
3 typed it.

4 Q And Ms. Hae Min Lee, she had been missing for a
5 while by then, right?

6 A Yes. Well --

7 Q And in fact her --

8 A -- by the time he was arrested --

9 Q Right.

10 A -- the --

11 Q It had been a couple months.

12 A -- she had been found already.

13 Q And in fact it had been almost a month after her
14 body was found that Mr. Syed was arrested, right?

15 A I would assume. Well, I don't --

16 Q Well, you say in your letter --

17 A -- I don't remember --

18 Q -- in your letter --

19 A -- I don't remember what day she was found
20 specifically, so I don't want to estimate --

21 Q Okay.

22 A -- the time difference.

23 Q Got it. But in your letter you say that by that
24 time, by the time you wrote him the second letter the talk
25 had kind of died down, right?

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(Bench conference begins - 4:11:15 p.m.)

(All Counsel approach the bench where the following
ensues:)

THE COURT: I hope she's okay.

MR. BROWN: I -- Your Honor, I -- I've got a
major problem with the -- with this way of questioning the
witness. When she's saying, I don't remember something,
he's attempting over and over again to plant words in her
mouth that she's clearly not trying to say. And, you
know, once or twice, okay, but after the tenth time --

MR. VIGNARAJAH: I'm happy to reply if the Court
requires. Your Honor, her memory is, if not the most
important, among the most important matters in -- at issue
in this proceeding and the precision with which she
remembers some things and the absolute absence of memory
with respect to things moments before, moments after,
hours before, hours after is certainly something that the
State is entitled to explore.

MR. BROWN: And that's one thing. And I
understand what Mr. Vignarajah's saying. But it's another
thing to try to trick the witness. And it's another thing
to try to plant things into her head like that by doing it
over and over again and berating her with it.

MR. VIGNARAJAH: I will remember that the --

MR. BROWN: I mean, there's got to be a certain

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1 amount of respect for the courtroom and for the witness.

2 MR. VIGNARAJAH: I will certainly remember that
3 the next time Mr. Brown cross examines a witness.

4 MR. BROWN: I'm not going to ask anyone the same
5 question ten times in a row.

6 THE COURT: Well, I -- my sense is I understand
7 wanting to protect your witness but I don't -- did not --
8 have not found his line of questioning to be unreasonable
9 on cross. Kept asking over again, is it a week, is it a
10 week, is it a week.

11 MR. BROWN: Your Honor, do you want her to
12 speculate on the witness stand?

13 THE COURT: I'm not asking -- no. I'm not --
14 no. But I think it's certainly reasonable and typical
15 cross examination in a case like this. So I note your
16 objection, but I'm more concerned with her physical health
17 and this might be -- well, let's figure out how she's
18 doing. And I guess Mr. Proctor's with her.

19 MR. BROWN: All right. Your Honor, if I may be
20 excused from the courtroom --

21 THE COURT: Because what I'd like to -- --

22 MR. BROWN: To go out and --

23 THE COURT: -- why don't -- yeah. My suggestion
24 is, why don't --

25 MR. VIGNARAJAH: Can he just touch base --

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1 THE COURT: -- why don't I just stay here and --
2 MR. BROWN: May I run out in the hallway and
3 check --
4 THE COURT: Absolutely.
5 MR. BROWN: Okay?
6 THE COURT: Because if -- this is a logical time
7 to break and not having to force her to come back in, I
8 will --
9 MR. BROWN: Let -- may I --
10 THE COURT: -- just let me know.
11 MR. BROWN: -- I'll gauge her.
12 THE COURT: All right.
13 MR. VIGNARAJAH: You want us to step back?
14 THE COURT: Do whatever you want to do. It's
15 been a long day. Mr. Nieto, don't -- wait.
16 MR. NIETO: Yes, Your Honor.
17 THE COURT: Tomorrow -- well, can I ask you what
18 we're doing -- where we are tomorrow?
19 MR. NIETO: Yes, Your Honor. I believe, and
20 like I said, Mr. Brown's running point on most of this.
21 My --
22 THE COURT: I'm not going to hold you to it.
23 MR. NIETO: Yeah. My sense is, is that we'll
24 finish up with the witnesses regarding the alibi --
25 THE COURT: Okay.

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1 MR. NIETO: -- and then, you know, depending on
2 -- to be honest, depending on how long this witness
3 takes --
4 THE COURT: Right. And then --
5 MR. NIETO: -- it will dictate that. And
6 then --
7 THE COURT: -- talk about the other issue.
8 MR. NIETO: -- we'll get into some -- we're
9 trying to do it sort of --
10 THE COURT: And I'm --
11 MR. NIETO: -- based on the two issues.
12 THE COURT: -- pleasantly surprised --
13 MR. VIGNARAJAH: Mr. Nieto, I will --
14 THE COURT: -- we're able to do it as --
15 MR. BROWN: Yeah.
16 THE COURT: -- well as --
17 MR. VIGNARAJAH: -- I will not hold you to it,
18 but do you know who the other witnesses are that are
19 related to --
20 MR. NIETO: I don't know. That I don't know.
21 MR. VIGNARAJAH: -- the alibi?
22 MR. NIETO: Like I said, I'm --
23 MR. VIGNARAJAH: Alibi versus cell phone --
24 MR. NIETO: -- I -- yeah, all right.
25 MR. VIGNARAJAH: No, no, no, I --

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1 MR. NIETO: All right. All right.
2 MR. VIGNARAJAH: -- I -- yeah, it's -- I know in
3 generality. I won't take advantage.
4 THE COURT: But I can only assume, if my
5 assumption's wrong, that they'll probably be relatively
6 brief -- certainly briefer than Ms. Chapman.
7 MR. NIETO: Well, my understanding of the
8 witnesses regarding the alibi from this point on should be
9 brief.
10 THE COURT: Right. Right. So --
11 MR. NIETO: Should be brief.
12 THE COURT: -- it's conceivable we might be able
13 to finish that up by lunch time, maybe?
14 MR. NIETO: Oh yeah.
15 THE COURT: Maybe? And be able to transition.
16 So it's --
17 MR. NIETO: I don't know how many pieces of
18 wood --
19 THE COURT: -- almost split --
20 MR. NIETO: -- upon which I can knock, but --
21 THE COURT: -- but, I mean, it's almost split --
22 MR. VIGNARAJAH: That would be true.
23 THE COURT: -- 50/50.
24 MR. VIGNARAJAH: Okay. I should note -- let the
25 Court know that our cell phone expert is scheduled to fly

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1 in Thursday night to testify Friday.

2 THE COURT: Okay.

3 MR. VIGNARAJAH: And so we thought that was a
4 reasonable --

5 THE COURT: You're probably safe. Yeah.
6 Because I'm, I mean, tomorrow's Thursday so I'm sure
7 you'll be able to finish up. And you all are -- you might
8 want to check with Ms. Simone, but as I understand the
9 protocol -- I've never done it this way -- is that
10 whatever exhibits were admitted will be available for the
11 press to photograph and that's done --

12 MR. VIGNARAJAH: Well, I'm sure they won't share
13 it with anyone, Your Honor, so it'll be fine.

14 MALE VOICE: Mmm.

15 THE COURT: But that will be done.

16 MR. NIETO: I -- I'm so much happier when it's
17 just us. But --

18 THE COURT: But that will be done --

19 MR. VIGNARAJAH: That won't be (inaudible) --

20 THE COURT: -- once the courtroom is clear
21 because my staff has to stay --

22 MR. NIETO: Yeah, no, no, no, no, in the
23 courtroom.

24 THE COURT: -- but I just want to make sure that
25 everybody's in agreement that these are exhibits that are

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1 in fact in.

2 MR. VIGNARAJAH: Okay.

3 THE COURT: And it shouldn't take much because

4 it's not like it's a whole lot of stuff.

5 MR. NIETO: We will be working with Madam

6 Clerk --

7 THE COURT: Okay. Great.

8 MR. NIETO: -- when we break --

9 THE COURT: Great.

10 MR. NIETO: -- we'll make sure that's all set

11 and --

12 THE COURT: All right.

13 MR. BROWN: Your Honor, she's fine. She's just

14 using -- she's using the restroom and she's prepared to

15 get back on the stand.

16 THE COURT: Okay. And the question is, it's

17 about -- it'll probably be about 10 minutes. It may --

18 MR. VIGNARAJAH: I can go for --

19 THE COURT: -- let's say we'll have another 20

20 minutes.

21 MR. VIGNARAJAH: I can go for another 10 minutes

22 or we can -- I --

23 THE COURT: You tell me. Well, say within

24 the -- within 20 minutes of her getting back if you find a

25 logical place to break --

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1 MR. VIGNARAJAH: Okay.
2 THE COURT: -- that's when I think we should
3 break. I don't want to go any longer than 4:30.
4 MR. VIGNARAJAH: Break, okay.
5 MR. BROWN: Thank you, Your Honor.
6 THE COURT: And tomorrow morning should be a lot
7 faster because all I'm going to do is make my same opening
8 remarks and then --
9 MR. VIGNARAJAH: Move on.
10 THE COURT: -- we'll get her on and off.
11 MR. BROWN: Thank you, Your Honor.
12 MR. NIETO: Thank you.
13 THE COURT: All right.
14 (Bench Conference concluded - 4:16:06 p.m.)
15 (All Counsel return to the trial tables where the
16 following ensues:)
17 (Pause)
18 THE COURT: We should be starting momentarily so
19 I could ask people just sort of keep it down, please,
20 until we resume.
21 (Pause)
22 THE COURT: And, Ms. Chapman, are you ready
23 to -- or able to continue?
24 MR. CHAPMAN: Yes. Sorry about that.
25 THE COURT: No, that's quite all right.

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1 MS. CHAPMAN: I suffer from --
2 THE COURT: That's quite all right. And --
3 MS. CHAPMAN: -- ulcerative colitis, so.
4 THE COURT: That's quite all right. And, just
5 for the record, again, Ms. Chapman, just state your name
6 again for the record, please.
7 MS. CHAPMAN: Asia Chapman.
8 THE COURT: And, again, I'll remind you that
9 you're under oath and if you need any other breaks just
10 let us know.
11 MS. CHAPMAN: Okay. Thank you.
12 THE COURT: Thank you. Mr. --
13 MS. CHAPMAN: Sorry about that.
14 MR. VIGNARAJAH: That's quite all right, Ms.
15 McCain.
16 THE COURT: -- Vignarajah, you may continue.
17 MR. VIGNARAJAH: You're fine?
18 MS. CHAPMAN: Where were we? Yes.
19 CROSS EXAMINATION - RESUMED
20 BY MR. VIGNARAJAH:
21 Q I -- and I -- I'm sorry for asking you about
22 when things happened. I know it was a long time ago --
23 A No, it's fine.
24 Q -- but let me see if I can ask you this way. In
25 general back then you went to school; is that right?

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1 A Yes.

2 Q In the morning? And did you take the bus or did
3 you take the -- drive yourself?

4 A In the morning?

5 Q Yeah.

6 A Usually I took the school bus.

7 Q Took the school bus.

8 A Uh-huh.

9 Q And then you had first period, second period.
10 And then on direct examination they talked about how you
11 get out of school early because of your pass; is that
12 right?

13 A Yes.

14 Q And did you -- how often did you take advantage
15 of that? Was that an everyday thing?

16 A Yes. Every day.

17 Q Wow.

18 A After the first half of the year because in
19 order to be involved in the program you have to finish
20 your college -- I mean, your high school credits.

21 Q Okay.

22 A So you have to be already pre-qualified for
23 graduation in order to do the program.

24 Q Got it. And so would you go hang out at the
25 library every day at 10:40?

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1 A Usually no.

2 Q Okay.

3 A Usually I would take the -- they had school
4 buses designed for the cooperative education kids and they
5 would pick us up and we would -- they would take us where
6 we needed to go.

7 Q Okay. So by 10:40 you're out of school every
8 day to catch the bus and get to your next thing; is that
9 right?

10 A Yes.

11 Q Okay. And then how -- where did you go when you
12 left? Did -- you went to another study program; is that
13 right?

14 A Sometimes I would go home, sometimes I would go
15 to work.

16 Q Okay.

17 A Because I had --

18 Q And --

19 A -- I had a job.

20 Q And where did you work back then?

21 A I'm not quite sure because I had several
22 different jobs during the end of my --

23 Q Okay.

24 A -- senior year. So to be able to tell you which
25 job it was --

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1 Q You were juggling a lot back then.
2 A No, just school and part-time work, so.
3 Q But was your schedule the same every day or was
4 it different from one day to the next? Did you have --
5 A My school schedule was the same every day.
6 Q Okay. So you left at 10:40 every day.
7 A Yes.
8 Q Is that right? Okay. And then what you did
9 after school depended on the day; is that right?
10 A Yes.
11 Q Some days you would go to the library.
12 A Actually, no, it wasn't common practice for me
13 to go to the library.
14 Q It wasn't.
15 A No.
16 Q Okay. So you weren't a regular at the library.
17 A No.
18 Q Okay. And -- but this particular day -- but it
19 was where you got picked up; is that right?
20 A Yes. It was a good meeting spot because my
21 boyfriend didn't attend Woodlawn --
22 Q Okay.
23 A -- and so that way he could just pick me up
24 right there at the library.
25 Q And this was in the middle of the day that he

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1 would come -- sometimes come and pick you up?

2 A I don't remember if he continued to pick me up
3 after that.

4 Q Okay.

5 A It wasn't, like, a normal thing. So --

6 Q So that day was -- sort of stood out because he
7 had scheduled to pick you up?

8 A Yes.

9 Q Okay. And that day -- so how often would he
10 pick you up? Would he pick you up once a week, once a
11 month, once a year?

12 A I don't remember. Eventually I started getting
13 a ride to his house in the morning and driving his car to
14 school.

15 Q Okay.

16 A So -- but that was later in the year.

17 Q Later in the second half of your senior year.

18 A Well, it was later after Hae's body had been
19 found. I don't know if it was in relation to my safety,
20 but at some point I would drive -- have my friend drop me
21 off at his house in the morning and take his car to school
22 so he didn't have to come pick me up.

23 Q Got it. So some time after Hae's body was found
24 you started picking up Derek's car and driving yourself to
25 school --

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1 A Yes.

2 Q -- kind of for your safety.

3 A Well, just -- I -- because he was a good

4 boyfriend.

5 Q Okay. But not on that particular day. Is that

6 right?

7 A No. (Laughs)

8 Q And he -- and why did that particular day -- why

9 didn't you take his car in the morning and make it to the

10 library that particular day?

11 A I don't think we were there yet in the

12 relationship. (Laughs)

13 Q Okay. So I don't know if this will refresh your

14 recollection, but does February 9th sound about right for

15 the day that Ms. Hae Min Lee's body was recovered?

16 A I couldn't tell you for sure.

17 Q Okay.

18 A I know it was in February, but --

19 Q Okay.

20 A -- I don't know when.

21 Q And then within a couple of days of that your

22 boyfriend started lending you your (sic) car; is that

23 right?

24 A No, I didn't -- that's not what I intended to

25 say.

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1 Q Okay.

2 A Some time after she -- what -- her body was
3 found, so some time between her body being found and
4 graduation.

5 Q Okay.

6 A So it could have been, you know, it could have
7 been late February, March, April or -- well, not May
8 because we graduated in May, so, some time.

9 Q But on the particular day that you saw Adnan at
10 the library he -- you obviously didn't drive his car to
11 school --

12 A No.

13 Q -- he picked you up.

14 A Correct.

15 Q And so he comes, picks you up.

16 A Uh-huh.

17 Q And as a general matter, you would go to work or
18 to home; is that right?

19 A Sometimes I would go to Derek's house. It
20 just --

21 Q You would go to Derek's house.

22 A -- it just depended if I had to work that day
23 and what I wanted to do, so.

24 Q Okay. And were you playing any sports at that
25 point?

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1 A I don't remember the school schedule. I did
2 play volleyball, some basketball, and I was in the
3 marching band --

4 Q Uh-huh.

5 A -- but I believe those are all fall activities
6 so by the time spring came around I -- I'm not sure if I
7 was still playing any kind of sports.

8 Q Sorry. So in the fall you were playing what
9 sport?

10 A I played varsity volleyball --

11 Q Okay.

12 A -- and basketball --

13 Q Okay.

14 A -- and I was also in the school marching band as
15 a flag girl --

16 Q Okay.

17 A -- and I also participated in the school fashion
18 show --

19 Q Got you.

20 A -- so.

21 Q So volleyball and basketball your senior year;
22 is that right?

23 A Yes.

24 Q Okay. And are they the same semester? I mean,
25 are they the same season, fall? They're both fall?

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1 A I don't remember. I think volleyball is fall
2 and basketball is more winter, but I don't remember --
3 Q Okay.
4 A -- the school sport --
5 Q What position --
6 A -- layout.
7 Q -- did you play?
8 A I don't know. I sucked at basketball.
9 Q But you were on Woodlawn's team.
10 A Yeah. I was on Woodlawn's team because
11 everybody who played basketball, they were my volleyball
12 colleagues.
13 Q Okay.
14 A And so, you know, it was just one of those
15 things, but --
16 Q All the tall --
17 A -- they used to --
18 Q -- girls.
19 A -- call me ballerina because whenever I made a
20 lay-up my back leg went up like a ballerina, so I was
21 pretty bad.
22 Q So you were playing basketball your senior year
23 for Woodlawn; is that right?
24 A Yes.
25 Q Okay. So -- and then in the spring did you play

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1 any sports in the spring?
2 A I don't believe I did.
3 Q Okay. And how often did your basketball team
4 practice?
5 A I can't remember all of that.
6 Q How about your volleyball team? How often did
7 they practice?
8 A We usually practiced Monday through Friday.
9 Q Monday through Friday for volleyball.
10 A Yes.
11 Q And -- but for basketball how often? Or
12 Monday -- was that also Monday through Friday?
13 A I -- again, I can speculate, but I'm not sure.
14 Q You remember your volleyball schedule but not so
15 much your basketball schedule?
16 A Yeah. Well, I played volleyball all four years
17 in high school, so.
18 Q I see. But basketball was just your senior
19 year?
20 A Yes.
21 Q Okay. And when you were finished with
22 basketball you would go home; is that right?
23 A I can speculate but I would rather not.
24 Q Okay.
25 A That was so long ago.

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1 Q Now, when you were leaving at 10:40 every day
2 you would sometimes go to work and sometimes -- and then
3 would you come back for basketball practice?

4 A This is after that.

5 Q Okay.

6 A So, no. That -- the sports weren't --
7 volleyball and basketball weren't going on during this
8 time.

9 Q Are you sure about that?

10 A Not a hundred percent sure.

11 Q Okay. So it could be the case that you were
12 playing basketball in January and February? It's
13 possible?

14 A I don't know.

15 Q And when you finished the basketball season did
16 you get kicked off the team at any point?

17 A No.

18 Q Okay. Did you start with the team at the
19 beginning?

20 A No.

21 Q Okay.

22 A I actually started off as a cheerleader but I
23 hated it.

24 Q So you were doing cheerleading during the winter
25 and then you switched to basketball?

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1 A Yeah. After about a week or two.

2 Q Okay. So volleyball's in the fall and then

3 cheerleading and then basketball is in the winter; is that

4 right?

5 A I believe so.

6 Q Okay. And how often did the cheerleaders

7 practice?

8 A They practice every day.

9 Q Every day. So --

10 A Unfortunately.

11 Q So, forgive me, so you leave at 10:40 for

12 your -- with your pass --

13 A Uh-huh.

14 Q -- and then that's every day, right?

15 A Yes.

16 Q And then you go do some stuff, either work or

17 Derek's or home, and then at some point you come back for

18 cheerleading practice; is that right?

19 A No. The sports activities I believe were prior

20 to this library incident, so typically by that time when I

21 was in the co-op education program I did not return back

22 to school.

23 Q Okay. So you just went home and that was it.

24 A Well, home, work, Derek's house and that's it.

25 Q Now, in your letter to Mr. Syed you ask him to

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1 call at certain times; do you remember that?

2 A Yes.

3 Q Okay. And what times did he -- would you ask

4 him to call?

5 A I would have to refer to my letters.

6 Q Please, of course. Your first letter.

7 A Okay. I don't think I have a copy of it, do I?

8 No, I don't.

9 Q We can fix that.

10 A I know I didn't want him to call my

11 grandparents' house after 11:00. The grandparents'

12 number, but I don't know what times I told him to call my

13 phone number. I can't read that. It looks like 1:00 p.m.

14 to maybe 4:00.

15 Q You told him to call between 1:00 and 4:00?

16 A That's what it looks like. I can read 1:00 p.m.

17 and then the other time is kind of messed up. It looks

18 like it may be a 4.

19 Q Okay. So 1:00 p.m. to 4:00 p.m., call then, or

20 after 8:45.

21 A Yes.

22 Q Is that right? Okay. Because -- and this was

23 every day you'd rather him call between 1:00 and 4:00 or

24 after four -- 8:45?

25 A Well, at the time I figured that would probably

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1 be a good time --
2 Q To --
3 A -- to catch me.
4 Q Well, he was in school, right, between 1:00 and
5 4:00?
6 A I don't -- well, he -- he's in jail at this
7 point.
8 Q Okay. So he had lots of opportunities to call
9 you; is that right?
10 A I don't know. I don't -- I've never been to
11 jail so I don't know if there's a time when they can make
12 phone calls and if there's a time when they can't, so.
13 Q Ms. McClain, in addition to these letters, how
14 many times did you -- did you ever visit Mr. Syed in jail?
15 A No.
16 Q Did you ever call him?
17 A No.
18 Q Did he ever call you?
19 A No. Not that I know of, no.
20 Q And that one visit that you had with Justin to
21 the parents' place, did you ever go back later in the week
22 or later in the month?
23 A No. I never saw his family again after that.
24 Q That was the only time.
25 A Uh-huh.

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1 Q Okay. And that conversation with the family was
2 a very short conversation; is that right?

3 A Again, I don't remember how long we were there.

4 Q Do you remember what you were talking about with
5 the family?

6 A The only thing that I remember talking about was
7 basically telling them that I remembered seeing him the
8 day that Hae went missing.

9 Q Okay. Who did you tell?

10 A I don't know. There were so many people there.

11 Q Did you just tell one of the people from his
12 broader family or did you try to go to his mom or his dad?

13 A I can speculate that I would have went to his
14 parents, but again, I don't remember.

15 Q Do you remember if you went and spoke to one of
16 his siblings about it, perhaps?

17 A I don't remember.

18 Q Did you know Mr. Syed's siblings?

19 A No.

20 Q Do you know how many siblings he has?

21 A No.

22 Q Okay. And after that -- and that's the only
23 thing you can remember is telling them that you might have
24 seen him at the library; is that right?

25 A Yes. Well, as far as what I said, yes.

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1 Q What you said. And you don't know what they
2 said back to you?

3 A The only thing that I remember them saying is
4 that he was having trouble accounting for what he did in
5 between when he got out of school and when he was at the
6 mosque and so if, you know, if anybody knew or had any
7 memory of that day that that would be helpful to helping
8 him recall what he did that day. And then that's when I
9 told them that, well, I remember seeing him at the library
10 for approximately 15 to 20 minutes right after school.

11 Q Okay. So they told you that he was having
12 trouble accounting for his time between 2:15 and 8:00; is
13 that right?

14 A I would have to assume 8:00 because I put it in
15 the letter, yes.

16 Q Okay. So that's where you got that window from;
17 is that right?

18 A Yes.

19 Q Okay. From the family.

20 A Yes.

21 Q That very night that you visited with Justin.

22 A Yes.

23 Q Okay. And where did they get it from? That
24 window?

25 A I have no idea.

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1 Q Okay. But they said, we got to lock down 2:15
2 to 8:00; is that right?

3 A No. They said that he was having trouble
4 remembering his afternoon.

5 Q He was having trouble remembering his afternoon.

6 A Yes. What he did that afternoon.

7 Q Okay. And how -- had they spoken with Adnan at
8 that point?

9 A I --

10 Q Mr. Syed at that point?

11 A I have no idea.

12 Q Okay. And had -- and that's why you -- the 8:00
13 you said you think you got from the family is the time
14 that they were having -- that he was having difficulty
15 accounting for.

16 A Well, yes. Yes.

17 MR. VIGNARAJAH: Your Honor, if -- may we
18 approach?

19 MS. CHAPMAN: 'Til 8:00. Yeah.

20 MR. VIGNARAJAH: May we approach, Your Honor?

21 THE COURT: You may.

22 BENCH CONFERENCE

23 (Bench conference begins - 4:33:50 p.m.)

24 (All Counsel approach the bench where the following
25 ensues:)

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1 MR. VIGNARAJAH: I realize that this is a very
2 natural breaking point and I just --
3 THE COURT: Okay.
4 MR. VIGNARAJAH: -- we continue on.
5 THE COURT: All right. And I'm -- I'll give her
6 the standard admonition, she's not to speak with anyone
7 about her testimony, I guess, except Mr. Proctor, but I
8 think that's understood.
9 MR. BROWN: Right.
10 THE COURT: All right. And I don't know whether
11 you guys clear up -- Mr. Proctor can tell you what happens
12 at the end of these cases when the press comes to look at
13 stuff. All right? Let's -- we'll start promptly tomorrow
14 morning at 9:30.
15 MR. BROWN: 9:30 tomorrow?
16 MR. VIGNARAJAH: Thank you, Your Honor. And,
17 Your Honor --
18 MR. NIETO: And, Your Honor, if you want us to
19 remain for a little while after they resolve the issues
20 with the exhibits with the clerk?
21 THE COURT: As long as you all are clear with
22 the clerk, yeah, because I think what happens
23 procedurally -- Ms. Simone? Ms. Simone? Oh, she's
24 listening.
25 MR. VIGNARAJAH: I got you.

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1 MR. BROWN: So --
2 THE COURT: I forget you can listen. What --
3 MADAM CLERK: There's a delay in the thing.
4 THE COURT: -- the standard procedure is that
5 after we break we clear the courtroom and then we get the
6 exhibits set up. But --
7 MADAM CLERK: Yeah. As long as I have all of
8 the exhibits you all are free to go.
9 THE COURT: Okay.
10 MADAM CLERK: I just need to make sure I have
11 all of the exhibits --
12 THE COURT: Okay. Great.
13 MADAM CLERK: -- and then I stay with the press.
14 THE COURT: All right. All right.
15 MADAM CLERK: Okay?
16 THE COURT: Thank you.
17 MADAM CLERK: Uh-huh.
18 THE COURT: Is that it?
19 MR. BROWN: I -- maybe I should do this now or
20 do this at the end. I guess I would ask that we allow
21 sort of the renumbered exhibit set into evidence. We can
22 clear that up later. Just we have these exhibits that
23 have been entered under different numbers previously.
24 THE COURT: And your concern --
25 MR. BROWN: Maybe it's --

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1 THE COURT: -- is what they might --
2 MR. BROWN: -- cleaner if we --
3 THE COURT: -- what they might look like for the
4 press or just --
5 MR. BROWN: No -- oh, no, no, no. Nothing to do
6 with that.
7 THE COURT: Okay. That's fine.
8 MR. BROWN: We'll deal with it later.
9 THE COURT: All right. All right.
10 MR. BROWN: I shouldn't have brought it up.
11 THE COURT: Thank you. All right.
12 MR. VIGNARAJAH: Thank you, Your Honor.
13 MR. BROWN: Thank you.
14 THE COURT: All right.
15 (Bench Conference concluded - 4:35:30 p.m.)
16 (All Counsel return to the trial tables where the
17 following ensues:)
18 THE COURT: Thank you. Ms. Chapman?
19 MS. CHAPMAN: Yes?
20 THE COURT: We are going to take our evening
21 recess in just a few moments --
22 MS. CHAPMAN: Okay.
23 THE COURT: -- and I'm going to ask you to step
24 down and excuse you. I do remind you, though, that you've
25 been sequestered and you're currently on the witness

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stand, so --

MS. CHAPMAN: Okay.

THE COURT: -- you're not to discuss your
testimony --

MS. CHAPMAN: Right.

THE COURT: -- with anyone except your counsel.

MS. CHAPMAN: Okay.

THE COURT: All right? So you are excused. I'd
like to have you back tomorrow morning --

MS. CHAPMAN: Oh, okay.

THE COURT: -- so we can start promptly at 9:30.

MS. CHAPMAN: Okay.

THE COURT: All right? Thank you.

MS. CHAPMAN: Uh-huh.

(Witness excused)

THE COURT: And the Court will take its evening
recess. We'll reconvene tomorrow morning at 9:30. Thank
you.

(Off the record 4:36:08)

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Cited Excerpts of Post-Conviction
Hearing Testimony
from Asia McClain-Chapman
(2/4/2016) (Pages 1-179)

COPY

1

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February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
Petitioner,	*	CIRCUIT COURT
	*	
V	*	FOR
	*	
	*	BALTIMORE CITY
STATE OF MARYLAND,	*	
	*	CASE NO.: 199193942-46
	*	
* * * * *	*	* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Post-Conviction Hearing)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: February 4, 2016

APPEARANCES:

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

For the State: Thiruvendran Vignarajah, DAG
Matthew Krimski, Esquire
Tiffany L. Harvey, Esquire

Transcriptionists: Eve Jemison, CET-744
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February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1	T A B L E O F C O N T E N T S				
2					
3	PETITIONER'S WITNESSES:				
4		DIRECT	CROSS	REDIRECT	RECROSS
5	Asia McClain-Chapman				
6	By Mr. Brown	-	-	156,177	-
7	By Mr. Vignarajah	-	20	-	176,178
8	Gerald Grant, Jr.				
9	By Mr. Brown	180	-	281	-
10	By Mr. Vignarajah	-	220	-	287
11					
12	STATE'S WITNESSES:				
13	None called.				
14					
15	EXHIBITS:				
16	PETITIONER'S EXHIBITS:			MARKED	ADMITTED
17	PC2-15			-	201
18	PC2-19			-	214
19	PC2-21			-	184
20	PC2-36			-	209
21	PC2-40			-	198
22	PC2-42			166	166
23	PC2-43			169	176
24					
25					

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P R O C E E D I N G S

(At 9:56:02 a.m. - on the record)

THE CLERK: Silence please. All rise. The Circuit Court for Baltimore City, part 97, is now in session. The Honorable Martin P. Welch presiding.

THE COURT: Good morning everyone, you may be seated.

MR. VIGNARAJAH: Good morning.

MS. HARVEY: Good morning.

MR. BROWN: Good morning.

MR. KRIMSKI: Good morning.

MR. NIETO: Good morning.

THE COURT: Counsel, if one of you could call the matter, please?

MR. VIGNARAJAH: If I may, Your Honor, calling the State of Maryland v. Adnan Syed. The original case number is 199103042 through 046 and Post Conviction Petition Number 10432. Thiruvendran Vignarajah, Deputy Attorney General here with Matt Krinski and Tiffany Harvey here on behalf of the State of Maryland. Good morning.

THE COURT: And Mr. Brown?

MR. BROWN: Good morning, Your Honor, Justin Brown on behalf of Adnan Syed, who is seated to my left, and with me at counsel's table, is Christopher Nieto.

THE COURT: All right. Thank you.

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1 Good morning. Just to make some brief opening
2 comments, pursuant to the January 28, 2016, Security Media
3 Protocol Order signed by the Administrative Judge, I wish
4 to advise all those present of the rules governing this
5 post conviction proceeding. There will be no audio or
6 video recordings of these proceedings.

7 The Baltimore City Sheriff is responsible for
8 maintaining security, both inside and outside of the
9 courtroom. All electronic devices, including cell phones,
10 laptops, and tablets, must be turned off. No cell phones
11 may be used in the public areas of the second floor of the
12 courthouse.

13 Sheriffs' deputies may inspect any electronic
14 device for misuse, and if necessary, confiscate the device
15 if it appears to be in use, in violation of the Court's
16 Order. Sheriffs' deputies will control visitor movement
17 in and outside of the courtroom, the second floor,
18 including any of those waiting areas for admissions to the
19 courtroom. Seating has been allocated for members of the
20 press and the victim's family, as well as the Petitioner's
21 family.

22 All remaining seating is available to members of
23 the public on a first-come, first-serve basis. The
24 sheriff will assist in the orderly entry and exit of the
25 courtroom. No food or drink is permitted in the

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1 courtroom.

2 The sheriff's deputies are authorized to enforce
3 compliance with the Order, and are empowered to remove any
4 person who fails to comply with its terms. I trust that
5 all present will comply with the Order, and this matter
6 can proceed without interruption. And on that note, I
7 assume we're prepared now to continue with the
8 Petitioner's case, and I believe we were in the midst of
9 the cross examination of Ms. McClain.

10 Is that correct?

11 MR. VIGNARAJAH: We were, Your Honor. If I may,
12 I believe there's a couple of preliminary matters if the
13 parties may approach?

14 THE COURT: Certainly.

15 (At 9:58:45 a.m., on the record bench
16 conference.)

17 (Counsel approached bench, and the following
18 occurred:)

19 MR. VIGNARAJAH: Good morning, Your Honor.

20 MR. BROWN: Good morning, Your Honor.

21 MR. NIETO: Good morning, Your Honor.

22 THE COURT: Good morning ladies and gentlemen.

23 MR. VIGNARAJAH: If I may, Your Honor? There
24 are two matters that the State just wants to bring to the
25 Court's attention. May I use your ledge for a moment?

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1 THE COURT: Yes.

2 MR. VIGNARAJAH: I'm not as strong as Ms.
3 Harvey. The first matter, Your Honor, has to do with some
4 disclosures. The State disclosed a couple of documents
5 yesterday relating to the Baltimore Public Library.

6 I had alluded to a witness that was identified
7 in the defense file. I have told the defense the name of
8 that individual now. His name is Steven Mills.

9 Detective Mark Veney, as I said yesterday, had
10 met him for the first time this past weekend on Sunday,
11 and took an adopted statement from him. Detective Veney
12 went out there on a Sunday, Detective Veney went out there
13 again, yesterday, and spoke with Detective -- excuse me
14 Mr. Mills and took an additional adopted statement.

15 We have now disclosed those adopted statements,
16 along with the accompanying materials, to defense counsel,
17 and the State does now formally ask that Steven Mills be
18 added to the potential witness list for the State. The
19 only reason I'm doing this at the bench, Your Honor, is
20 because Steven --

21 THE COURT: That he not be?

22 MR. VIGNARAJAH: That he is.

23 THE COURT: That he is, okay.

24 MR. VIGNARAJAH: That he is. But I -- the only
25 reason I'm doing this here, Your Honor, is that the State

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1 has not had the opportunity to serve Mr. Mills with a
2 subpoena. He doesn't know that he could potentially be a
3 witness here. He's given two statements to the detective.

4 We'd like to extend him the courtesy of advising
5 him ourselves instead of in open court, and providing him
6 with a subpoena, but we have made all the disclosures. I
7 would just ask that his name not be publicly announced
8 until we have the opportunity to actually subpoena him.

9 In addition, Your Honor -- with respect to
10 disclosures, so those materials have been disclosed.
11 There's also a document which is a screenshot from Youtube
12 that relates to Ms. McClain, which came up during
13 yesterday's testimony.

14 She talked about referring back and trying to
15 track down some cell phone records. We did not know about
16 that. We had found this video. We suddenly appreciate
17 the relevance of it.

18 We gave it to defense counsel, again, this
19 morning. It's just a screenshot. We may bring it up on
20 cross examination, but in an abundance of caution, we have
21 disclosed that as well.

22 The Steven Mills disclosure includes photographs
23 from several -- I mean photocopies excuse me -- from
24 several yearbooks from Woodlawn High School. We are not
25 intending to introduce the yearbooks themselves into

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1 evidence. I think that especially since the media has
2 access to (inaudible) camera then we're not intending to
3 do that, but we may use the yearbooks as a reference.

4 And in fact last night Mr. Proctor, who is Ms.
5 McClain's attorney, apparently attempted to email me, that
6 Ms. McClain had gone back and checked and had learned that
7 she was not on the basketball team, that somebody attempt
8 -- sent her a screenshot of a yearbook, but that email
9 went to the wrong email address. He did, very kindly,
10 tell me this morning and I thanked him.

11 I understood the confusion. So it may come up,
12 so I'm just telling the Court about that, that is the
13 disclosure's issue. So that's the first issue.

14 The second issue, Your Honor, is perhaps a
15 little bit more of an issue. Yesterday, the Court
16 granted, as I understood it, a sequestration order with
17 respect to the potential witnesses. I understood that Mr.
18 Nieto asked -- had a motion to reconsider that.

19 Initially, you had indicated that you denied his
20 motion to consider. Then Mr. Nieto clarified that motion
21 to reconsider was being held subcuria, so that you could
22 have an opportunity to read the case. So the
23 sequestration order in the State's view, was in place.

24 Ms. Chaudry has -- and I apologize for the
25 delay. This is the information I'm getting this morning.

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1 Ms. Chaudry apparently tweeted, and had videos where she
2 was looking at documents that are here, and then re
3 tweeting them.

4 She indicated, in one particular tweet, that she
5 understood that she was in a sequestration order, but she
6 believed she could still, you know, learn updates. She
7 has -- we've taken screenshots of other attorneys
8 debriefing with her, court attorneys that are not
9 necessarily linked, but are advocates for Mr. Syed on the
10 outside. So those attorneys were debriefing him,
11 apparently, about what happened with Ms. Chaudry, in a
12 seven-minute video Ms. Chaudry has tweeted.

13 We're not asking for anything Your Honor except
14 to emphasis what a sequestration order is, and then we
15 defer to the Court, on whether or not Ms. Chaudry needs to
16 be specifically directed. I'm happy to provide a copy of
17 the mounting number of tweets that indicate her knowledge
18 of what is happening here.

19 Obviously a sequestration order doesn't mean you
20 can talk to attorneys, who then relay to you what happened
21 in the courtroom, and that appears to be what happened.
22 So I just want to bring the Court's attention.

23 THE COURT: Well, if disclosures --

24 MR. BROWN: The disclosures are the disclosures.

25 THE COURT: Okay.

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MR. BROWN: We received them this morning.

THE COURT: All right.

MR. BROWN: You know Ms. Chaudry is his witness. I imagine he instructed her not to do these things. If it's his witness -- and it's not our witness. And I don't recall --

MR. VIGNARAJAH: That's all right.

MR. BROWN: I mean I don't recall her being instructed by the Court.

THE COURT: Well, I think the general --

MR. BROWN: Maybe I missed it.

THE COURT: -- instruction was she's -- you know that you must wait outside, with the assumption that under the old sequestration, in the old days --

MR. BROWN: But I --

THE COURT: -- sequestration, you'd be placed --

MR. VIGNARAJAH: That is --

THE COURT: -- in a room --

MR. VIGNARAJAH: That is --

MR. BROWN: It's not my witness, Your Honor.

MR. VIGNARAJAH: That's a very fair point, Your Honor, and I'm not -- that's -- I perhaps -- she is an attorney. I don't know if it's appropriate, but I would ask then, in that circumstance, if it falls to the State, to ask Ms. Chaudry to just be directed and clarified as to

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1 what a sequestration order, which is in place, means so
2 there's no confusion that she cannot obtain information
3 from what's happening inside the courtroom (inaudible) --
4 (Crosstalk)

5 MR. BROWN: Your Honor, what I would suggest so
6 as not to embarrass someone unnecessarily, is that since
7 it's your witness, that you in a courteous way, convey
8 that information to her. And then if another problem
9 arises then the Judge can become involved.

10 MR. VIGNARAJAH: And I'm happy to engage in the
11 fiction that she is our witness. I've never spoken to Ms.
12 Chaudry. I think the Court is aware of why we are doing
13 this. I don't have any rapport with Ms. Chaudry.

14 What I would ask is, if Ms. Chaudry is nearby,
15 and I will look outside to see if she is, I would ask her
16 to just come inside and have the Court instruct her.

17 MR. NIETO: I don't even believe she's here
18 today.

19 MR. BROWN: I don't know for sure.

20 MR. VIGNARAJAH: We would --

21 THE COURT: Does that take care of your motion?

22 MR. VIGNARAJAH: -- look to the Court for
23 guidance, Your Honor.

24 MR. NIETO: (Inaudible) well --

25 THE COURT: Can I rule on it?

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1 MR. NIETO: -- I was going to be modifying my
2 request you know, yeah, and I (inaudible) Mr. Brown's
3 comments.

4 MR. VIGNARAJAH: Christopher, can I interrupt
5 for one second? I actually have a suggestion, which would
6 perhaps, avoid the -- perhaps you could just, on the
7 record, clarify the sequestration order without naming any
8 particular individuals. It means you cannot also obtain
9 information from people that are in the courtroom. That
10 it is inappropriate for the people in the courtroom to
11 debrief the people that are subject to the sequestration
12 order, and that they should not then transmit information.

13 MR. NIETO: I think that makes perfect sense.
14 The people in here know what the rules are, and the State
15 can talk to their witnesses directly about what they
16 should and should not (inaudible) --

17 (Crosstalk)

18 THE COURT: All right.

19 MR. BROWN: But I don't see any need to
20 embarrass anyone specifically.

21 MR. VIGNARAJAH: I don't see any need to do that
22 either.

23 MR. NIETO: Your Honor, if I may? And I
24 apologize. Mr. Vignarajah was kind enough to provide us
25 with a screenshot for what looks to be a Youtube video,

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1 but we have no idea of the contents of this video, and I
2 don't know (inaudible) a proffer as to its relevancy.

3 MR. VIGNARAJAH: I am happy to, Your Honor. As
4 I understand, and I've watched thirty seconds of it,
5 apparently, Ms. McClain is -- has audio recorded a
6 conversation in which she's calling Sprint to try to get
7 copies of her cell phone records in February of 2015, and
8 she is complaining about Sprint's inability. I think it
9 squares with her account, actually, yesterday that Mr.
10 Brown ultimately had to assist, or something like that.

11 I have not watched the rest of it (inaudible) a
12 cartoon representation of herself and of others, and her
13 frustration is with Sprint, and she is relaying her
14 efforts to get the cell phone records relating to her
15 particular phone, and she indicates when she first started
16 trying to do that, she indicates when -- that's all I know
17 and I -- again, that's their witness.

18 MR. BROWN: May I make a suggestion, Your Honor?

19 THE COURT: (No audible response.)

20 MR. BROWN: If you intend to use that as an
21 exhibit --

22 MR. VIGNARAJAH: I do.

23 MR. BROWN: -- do that and we will, either
24 object or not object, and then we'll deal with it then.

25 MR. VIGNARAJAH: Sure. All I want to do is use

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1 the screenshot. I'm happy to ask her about the contents
2 (inaudible).

3 THE COURT: All right.

4 MR. VIGNARAJAH: I'm not intending to put the
5 video --

6 THE COURT: All right.

7 MR. VIGNARAJAH: -- into evidence or anything.

8 THE COURT: Can I go ahead and resolve your
9 motion to reconsider?

10 MR. NIETO: If I may, Your Honor? I would like
11 to withdraw said motion.

12 THE COURT: Okay.

13 (Defendant's Motion to Reconsider was
14 withdrawn.)

15 MR. VIGNARAJAH: Thank you.

16 MR. NIETO: I'd like to withdraw (inaudible).

17 THE COURT: So let the record reflect.

18 MR. NIETO: Yeah, let the record reflect that we
19 respectfully withdraw that motion.

20 THE COURT: I withdraw the Motion for the Court
21 to --

22 MR. NIETO: However --

23 THE COURT: -- Reconsider its Earlier
24 Sequestration Order.

25 MR. NIETO: Yes. We may visit it.

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1 THE COURT: So it's --

2 MR. NIETO: We may revisit it, specifically.

3 And then to be really candid, at the conclusion of the --

4 THE COURT: That's fine.

5 MR. NIETO: -- alibi portions.

6 THE COURT: That's fine.

7 MR. BROWN: Your Honor, we're just looking for
8 the right case. It's got to be out there somewhere.

9 THE COURT: You keep looking, guys.

10 MR. VIGNARAJAH: Can I say one thing, Your
11 Honor, I just realized? I just want to anticipate what's
12 a potential issue, which is I appreciate that what defense
13 counsel may be doing, is withdrawing the motion. So that
14 if Ms. Chaudry is called, because she is our witness, that
15 she's violated the sequestration order and is therefore
16 barred, I just want to make the Court clear that I learned
17 of this for the first time now.

18 They will certainly be entitled to object to her
19 violating the sequestration order because she is a State's
20 witness, but if you could, in that circumstance, Your
21 Honor -- now I'm going to resist the temptation to
22 embarrass her. I would ask that you advise everybody in
23 the courtroom that they are not to speak to it, and also
24 indicate that there is evidence that people that have been
25 in the courtroom have been talking with individuals that

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1 are outside of the courtroom.

2 I think the message will get to her, but if
3 that's where we're going, I would like to make it, without
4 embarrassing her, you don't have to name her, but I would
5 like to make it a little bit more clear.

6 MR. NIETO: And respectfully, Mr. Vignarajah
7 gives me way too much credit for some of the thought
8 behind it. Once again, I think it makes sense for Your
9 Honor to advise the people in the court, so they know not
10 to talk to sequestered folks about what's going on.
11 However, to suggest that it has already happened could be
12 embarrassing, not only to the people in here, but also to
13 the people who are sequestered.

14 And I think once again, if it is a State witness
15 that they anticipate, it is on them to be able to explain
16 that. There's no point in advising this group that there
17 could be someone who did that. I think in the safest
18 (inaudible) and the most non embarrassing manners it just
19 is a blanket statement.

20 MR. VIGNARAJAH: I don't mind our witness being
21 embarrassed. I would like to make sure the message gets
22 back and I do think there is evidence.

23 THE COURT: I think I'll strike some balance.

24 MR. VIGNARAJAH: Thank you, Your Honor.

25 THE COURT: All right.

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1 (At 10:10:24 a.m., bench conference concluded.)
2 (Counsel returned to trial tables, and the
3 following occurred in open court:)

4 THE COURT: Thank you. Before we get started, I
5 would ask, is the Petitioner satisfied that all of its
6 witnesses have been sequestered, Mr. Brown, as best you
7 can determine?

8 MR. BROWN: Yes, Your Honor. The only -- we
9 have some expert witnesses --

10 THE COURT: Except for any experts.

11 MR. BROWN: Aside from that, yes.

12 THE COURT: All right.

13 And Mr. Vignarajah, is the State satisfied that
14 all of its witnesses, except for any experts have been
15 sequestered?

16 MR. VIGNARAJAH: There's a lot of people in the
17 courtroom, Your Honor. The State is satisfied.

18 THE COURT: All right.

19 Well, in the event there might be any witnesses
20 in here, who are named as witnesses, and need to leave
21 because of sequestration, I just want to remind you that
22 sequestration means that you must wait outside and not be
23 privy to what's going on in the courtroom, and after
24 you've testified, you're not to share your testimony with
25 anyone, until after you know the case has been completed.

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1 And that should also indicate generally for members of the
2 public here that they should not share with any
3 sequestered witness, what's gone on in this courtroom.

4 All right. And we're ready to continue, I
5 guess.

6 And Ms. Chapman?

7 MS. MCCLAIN-CHAPMAN: Yes?

8 THE COURT: If you could please return to the
9 witness stand?

10 (At 10:11:48 a.m., Ms. McClain-Chapman
11 approached the witness stand.)

12 THE COURT: And you may be seated, Ms. Chapman.

13 (At 10:11:56 a.m., Ms. McClain-Chapman took the
14 witness stand.)

15 THE COURT: And Ms. Chapman again, just state
16 your name please.

17 MS. MCCLAIN-CHAPMAN: Andrea Chapman.

18 THE COURT: And I remind you, Ms. Chapman, that
19 you're still under oath.

20 MS. MCCLAIN-CHAPMAN: Okay.

21 THE COURT: And Mr. Vignarajah, do you wish to
22 continue with your --

23 MR. VIGNARAJAH: Thank you, Your Honor.

24 THE COURT: -- cross examination.

25 MR. VIGNARAJAH: Good morning again, Ms.

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1 McClain.

2 MS. MCCLAIN-CHAPMAN: Good morning.

3 (Resumed)

4 CROSS EXAMINATION

5 BY MR. VIGNARAJAH:

6 Q Did you get a good night's rest?

7 A Eh. (Laughed.) Yes.

8 Q Ms. McClain, I know that you had wanted to
9 clarify some matters from yesterday, that you communicated
10 through your attorney (inaudible) clarifying some matters
11 this morning. We're going to get to that.

12 A Okay.

13 Q But, let me just start, by asking you about that
14 conversation you had with Mr. Urick. Do you remember that
15 conversation that you discussed yesterday?

16 A Yes, I do.

17 Q This is the conversation back in April of 2010.
18 Does that sound about right?

19 A Yes.

20 Q And this, is the one, that you went back, and
21 got the phone records, and it turned out to be, a 34-
22 minute call. Correct?

23 A Yes.

24 Q Now at that point, when you called Mr. Urick,
25 you indicated yesterday, correct me if I'm wrong, that

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1 somebody from Mr. Brown's team had come and knocked on
2 your door, at your current residence or your then current
3 residence, right?

4 A They actually never got a chance to knock
5 because my husband was coming in the house --

6 Q Oh, I see.

7 A -- and so they approached him, so they never
8 made it you know to physically knock on the door.

9 Q Now you weren't out there that's what your
10 husband relayed to you. Is that right?

11 A Yes. I was upstairs in the townhouse.

12 Q Okay. So they speak with your husband for a
13 couple moments, relay --

14 A Yes.

15 Q -- some information to him, and then that person
16 who is presumably a representative of Mr. Brown's comes in
17 and talks with you. Is that right?

18 A He came in to unload. He had a bunch of books
19 and stuff in his hands, so he -- he said -- he asked them
20 if he could be excused for a second to drop off some stuff
21 in the house --

22 Q Okay.

23 A -- and as he came in the house, he told me that
24 someone there was looking for me by my maiden name.

25 Q Got it.

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1 A So yes.

2 Q And after that conversation, at some point

3 during the course of the day, you went and tried to find

4 Mr. Urick's phone number, and you contacted Mr. Urick,

5 correct?

6 A Yes.

7 Q And at that point, just to be clear, you hadn't

8 been served with any subpoenas right?

9 A Correct.

10 Q You hadn't been summonsed to any court right?

11 A No.

12 Q At that point all you knew is that somebody from

13 Mr. Brown's office -- and that was only based on the card

14 --

15 A Correct.

16 Q -- wanted to talk with you about something

17 relating to your maiden name and the homicide of --

18 A Um-hm.

19 Q -- of Hae Min Lee.

20 A Yes.

21 Q You knew that much right?

22 A Yes.

23 Q Okay. Good. And you at that point, that

24 evening didn't get -- get in contact with Mr. -- with Mr.

25 Urick, at around 8:06 p.m., right?

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1 A I would have to look at the phone records. I
2 don't -- I didn't -- I don't remember the exact time, but
3 --

4 Q Of course. Of course.

5 MR. VIGNARAJAH: Could I ask? Thank you, so
6 much.

7 MS. MCCLAIN-CHAPMAN: That looks about right,
8 yeah.

9 BY MR. VIGNARAJAH:

10 Q Forgive me, it's 8:05 p.m. right?

11 A Yes.

12 Q Okay. And this is the 34-minute call.

13 A Yes.

14 Q This is the call that was longer than Mr. Urick
15 represented it to be because he said it was about five
16 minutes, right?

17 A According, to the news article, they said that
18 he estimated the call to be five minutes.

19 Q Got it. And then the calls beforehand, do you
20 see the calls starting at 7:56 and then 8:00, 8:01, 8:02,
21 and then 8:05? Do you see those calls?

22 A Yes, I do.

23 Q Do you know who those numbers are to?

24 A I think one of them may have been the police
25 department.

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1 Q Uh-huh.

2 A It was an attempt for me to try to find the

3 right phone number.

4 Q Right. The "410-296-2525" number that is a

5 Baltimore City extension right?

6 A (No audible response.)

7 Q Do you know that?

8 A I don't know that for sure.

9 Q Would it be surprising for you to learn, that

10 410-396-2525 [sic] numbers, that those three calls are

11 associated with Baltimore City government?

12 A No, it wouldn't surprise me.

13 Q Okay. Because you did try, to call the police

14 first, is that right?

15 A I don't know whom I tried to call. I was trying

16 to find the right number so I probably just called

17 whatever numbers I could find until one came to be the

18 right one.

19 Q Got it. And the call at 7:56 p.m., 410-209-

20 4933, would you be surprised to learn that's associated

21 with the U.S. Attorneys Office?

22 A Again, yes, I would be surprised because I don't

23 remember who I called before actually speaking with him.

24 Q Okay. So you remember the Urick call, but you

25 don't know who you might have been calling beforehand. Is

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1 that right?

2 A Yes.

3 Q Okay. But you were trying to call other
4 government officials, is that right?

5 A No. I was trying to locate Kevin Urick.

6 Q Oh I see. Okay. So you wanted to talk to Mr.
7 Urick in particular.

8 A Yes.

9 Q You just were trying to find anybody who, on a
10 Sunday evening, might have Mr. Urick's number?

11 A I was trying to find the correct number for him,
12 and being that I was using the Internet, you get what you
13 get.

14 Q That makes perfect sense so, but eventually you
15 do call Mr. Urick?

16 A Yes.

17 Q Okay. And at that point, you were not under any
18 subpoena or summons and you were asking some information
19 and trying to get him to provide some context to the case
20 right?

21 A Yes.

22 Q When you spoke to him, did he know who you were?

23 A He didn't know who I was, so I referenced Mr.
24 Syed and the case --

25 Q Okay.

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1 A -- and he indicated to me that he knew exactly
2 what case I was referring to.
3 Q Got it. He knew about the Syed case.
4 A Yes.
5 Q Right. And you relayed yesterday that based on
6 your handwritten notes that you believed that he had said
7 at some point that you know "Mr. Brown is B.S." that "his
8 arguments were B.S." Is that right?
9 A Yes.
10 Q Okay. And he told you that this whole alibi
11 thing that was a B.S. argument?
12 A No.
13 Q Okay.
14 A He said that Mr. Brown was B.S. in reference to
15 -- I didn't know her name at the time --
16 Q Uh-huh.
17 A -- but now I know he was talking about Christina
18 -- is it Gutierrez?
19 Q Okay.
20 A That Brown was B.S. in saying, that she was
21 somehow incompetent because of her health issues?
22 Q Okay. And did you -- and did he say that the
23 arguments about the cell phones were B.S. at that point?
24 A No, he did not.
25 Q No. Because he didn't know what arguments Mr.

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1 Brown was going to make did he?

2 A The only thing that he said to me was that he
3 was B.S. about Ms. Gutierrez being incompetent.

4 Q Did you tell him that Mr. Brown thought that Ms.
5 Gutierrez was incompetent because of health reasons?

6 A I don't remember how that came up in the
7 conversation, if it was me who brought it up, or if it was
8 him who volunteered it.

9 Q Okay.

10 MR. VIGNARAJAH: Could you pull up the note?

11 BY MR. VIGNARAJAH:

12 Q And so he's generally talking, when he's talking
13 about the cell phone records, for example --

14 A Um-hm.

15 Q -- he was talking about his recollection of what
16 happened at trial right?

17 A Yes.

18 Q He wasn't referencing any specific argument,
19 that Mr. Brown was making; correct?

20 A No. He was telling me details about the trial.

21 Q Okay.

22 A He said that normally he wouldn't -- normally he
23 shouldn't tell me that information, but since he was no
24 longer involved with the case that it was you know okay to
25 go ahead and tell me about the case evidence.

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1 Q And the cell phone record's reference -- so this
2 was not about the cell phone argument that Mr. Brown was
3 going to make.

4 A That was about the cell phone evidence --

5 Q At trial.

6 A -- at trial. Yes.

7 Q And when he was talking about --

8 MR. VIGNARAJAH: If you could go to the top, at
9 that sideways note?

10 BY MR. VIGNARAJAH:

11 Q And when -- it has this asterisk and it says "A
12 bunch of witnesses" --

13 A Um-hm.

14 Q -- "ready to testify, that he was at the mosque"

15 --

16 A Um-hm.

17 Q -- "which was part of the alibi backed down
18 after cell records," that wasn't the alibi argument Mr.
19 Brown was going to make. It was a reference back to what
20 happened at trial.

21 A Yes. He said it was information that never made
22 it to the trial.

23 Q Okay.

24 A That there were approximately 80 people from the
25 at the mosque --

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1 Q Okay.

2 A -- and then when the prosecution presented the
3 cell phone records showing him in Lincoln Park at the same
4 time that Jay said that they were digging the grave, that
5 all of those people backed down, and that they never
6 testified.

7 Q Was he answering your questions, when you were
8 talking to him, you were asking for information and he was
9 giving you information about the original trial. Is that
10 fair to say?

11 A Some of the answers that he gave me, I didn't
12 ask him for.

13 Q Okay.

14 A It was -- I mean it was a casual conversation.
15 He was very friendly, like he wanted -- you know like he
16 was -- some of it was him answering my questions and some
17 of it was just him volunteering the information.

18 Q Sharing his perspective --

19 A Um-hm.

20 Q -- on the trial from 10 years ago?

21 A Yes.

22 Q Right?

23 A (No audible response.)

24 Q And so this was not about the alibi argument
25 that you are a part of in this post conviction proceeding?

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1 A No. The only time it ever came -- the whole
2 alibi conversation ever came up, was when I initially
3 called him --

4 Q Yeah.

5 A -- I told him you know my name is Asia Chapman.
6 Somebody came to my door. I don't know if it has anything
7 to do with me you know seeing him in the library, but you
8 know perhaps it has something to do with an alibi. And
9 then I said, "So you may not know who I am because I never
10 went to the trial, but" and then that's when I talked
11 about Mr. Syed, and he said "Oh yeah, I know exactly what
12 case you're talking about."

13 Q So you brought up the alibi reference, that you
14 may have something to do with an alibi?

15 A Yes.

16 Q Okay. But he didn't know that you were an alibi
17 witness, who had given Ms. Chaudry an affidavit from 10
18 years earlier, did he?

19 A I don't know.

20 Q Okay. You didn't know whether he knew or not.

21 A The conversation progressed and so it wasn't
22 discussed, so I don't know if he already knew that or not.

23 Q And he didn't know Mr. Brown's arguments. He
24 wasn't saying "Well, Mr. Brown's argument about the alibis
25 or the cell phones, those are bad arguments. You

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1 shouldn't. You shouldn't (inaudible)." He wasn't
2 referencing Mr. Brown's arguments either. Right?

3 A We didn't discuss it. The only thing we
4 discussed, the only thing he said to me was about
5 Christina Gutierrez.

6 Q Got it. And Ms. McClain, that's partly because
7 Mr. Brown hadn't filed his argument in post conviction
8 court yet, had he?

9 A Well, he told me that when he looked in his
10 computer, he didn't see any open cases, and so most likely
11 what was going to happen was some sort of appeal might be
12 coming. So of course he wouldn't know what Mr. Brown was
13 going to argue because it had not been in his computer
14 system yet you know.

15 Q And right, and so he didn't know what the
16 arguments were and he only knew who you were from what you
17 had told him. Is that fair to say?

18 A I can't speculate to what he already knew.
19 (Laughed.)

20 Q That's all right. In other words, he didn't
21 say, "Oh you're the witness that gave an affidavit to Ms.
22 Chaudry." He didn't say anything like that to you, did
23 he?

24 A I don't believe so.

25 Q Okay. And he didn't say to you, "Oh you're the

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1 witness that wrote those letters to Adnan back in nineteen
2 --" he didn't say anything like that to you.

3 A I don't know if he knew about the letters or not
4 so --

5 Q And this conversation, Ms. McClain, was before,
6 you were the subject, of Episode One, of "Serial." Right?

7 A Yes.

8 Q Okay. So you were not a person known to the
9 general public at that point, when you had this
10 conversation with Mr. Urick.

11 A Correct. But I don't consider him to be the
12 general public. He was --

13 Q I understand.

14 A -- you know --

15 Q He would have known, whatever was in the case
16 file. He would have known whatever Mr. Brown had advised
17 him about the arguments. He would have known whatever
18 arguments they had made before --

19 A I would --

20 Q -- but he didn't know what you had to say, from
21 any other sources besides being an officer of the court,
22 right?

23 A Yes, but he may have known what Christina
24 Gutierrez knew about. I mean I assume you disclose that
25 kind of stuff, so he may have known about the letters. He

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1 may have known about Adnan you know saying that we had a
2 conversation, or the letters. I don't know the court
3 process, so he may have known that you know because of
4 Christina.

5 Q Understood. And I just want to ask you very
6 briefly, at some point you also attempted to document your
7 efforts to get the Sprint records. You actually had a
8 recorded call with Sprint right?

9 A Yes. I tried to get my phone records in early
10 January --

11 Q Right.

12 A -- of last year, and I probably called a million
13 times and one time during my phone call, event though I
14 was extremely nice about it, a Spanish-speaking Sprint
15 representative referred to me as a "female dog" and I
16 thought that was extremely unprofessional, and a little
17 hilarious. So I made a cartoon out of the phone call and
18 posted it on Youtube.

19 Q And this you posted on February 22, 2015.

20 A I don't remember what day, but that sounds
21 fairly accurate.

22 Q And in it, let's see if this sounds consistent,
23 you wrote, "A little Backstory: This Phone call took
24 place on 2/11/15. I have been calling Sprint since
25 1/21/15 trying to obtain bill reprints for phone calls

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1 made in 2010. No luck yet (2/22/15)."

2 A Yeah. It would have been 2015 because then
3 "Serial" came out in 2014.

4 Q Sorry if I misspoke. All of those were 2015
5 right?

6 A The phone calls to Sprint, yes.

7 Q Okay. So let me just --

8 A It was after "Serial" you know.

9 Q And it was after you had executed your affidavit
10 for Mr. Brown right?

11 A Well, yeah because the affidavit was on the 13th
12 of --

13 Q January --

14 A -- January.

15 Q -- 13 --

16 A Yeah.

17 Q -- 2015?

18 A So yeah. It would have been after.

19 Q The same day Hae Min Lee went missing, right?

20 A Yes.

21 Q From many, many years earlier?

22 A Um-hm.

23 Q All right. So the conversation with Mr. Urick
24 did not contain any threats did it?

25 A No.

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1 Q He didn't say "Don't show up in court when Mr.
2 Brown eventually subpoenas you."

3 A The word "subpoena" never came up.

4 Q Okay. Because at that point you were not a
5 summonsed or subpoenaed witness.

6 A Correct.

7 Q Okay. Thank you, Ms. McClain. So let's see if
8 we can clarify some things from yesterday. In your senior
9 year of high school --

10 A Um-hm.

11 Q -- it was a while ago -- you played some sports
12 --

13 A Correct.

14 Q -- but correct me if I'm wrong, it sounds like
15 you didn't play basketball.

16 A Correct.

17 Q And you did do cheerleading.

18 A That was right before. I quit cheerleading to
19 play basketball in the same season, so.

20 Q Was that in your senior year?

21 A No.

22 Q Okay. Your junior year?

23 A I believe it was my junior year. It's possible
24 it could have been sophomore, but I'm pretty sure it was
25 my junior year.

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1 Q Okay. And were you ever a member of the bowling
2 team?
3 A Yes.
4 Q Okay. Was it possible that was your junior
5 year?
6 A Yes.
7 Q Okay. And you had an opportunity, in fact, to
8 get some screenshots into the yearbooks right?
9 A Yes. I asked some of my friends if they had our
10 yearbook, and if they had pictures of the team and
11 everything, just you know to make sure. I wanted to make
12 sure.
13 Q Last night?
14 A Yes.
15 Q And in response to your inquiries, somebody sent
16 you a screenshot of your yearbook is that right?
17 A Yes.
18 Q And they refreshed your recollection that you
19 were actually not on the basketball team your senior year.
20 A Actually I had already remembered that because -
21 -
22 Q Oh I see.
23 A -- because when I quit cheerleading to join the
24 basketball team, I remembered that one of the cheerleaders
25 was an upperclassman and therefore it could not have been

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1 my senior year if I had upperclassmen that were training
2 me on the cheers.

3 Q Okay. Is there anything else from yesterday
4 that you, upon reflection and a good night's rest, you're
5 able to clarify you might have misremembered?

6 A Not that -- no.

7 Q Just the cheerleading senior year basketball
8 thing?

9 A Yes.

10 Q Okay. Very good. Let's talk a little bit
11 about, again what you did do and what you didn't do, back
12 in 1999, when you first realized that you might have some
13 information relevant to the proceedings that were
14 happening. Bear with me for just one second.

15 (Off record discussion between counsel for State
16 and co-counsel.)

17 BY MR. VIGNARAJAH:

18 Q Now, you did speak with your ex-boyfriend,
19 Justin, about it, right?

20 A Yes.

21 Q And you believe that was the day after or the
22 same day as you found out about the arrest. Is that
23 right?

24 A I believe so, yes.

25 Q You're not sure which one it was, the same day

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1 or the next day, but you definitely called Justin.

2 A I spoke to him. I don't know if it was on the
3 phone or in person.

4 Q And at some point, you also went to the family,
5 with Justin, accompanying you?

6 A Yes.

7 Q Correct?

8 A Um-hm.

9 Q And that was the next day after his arrest, that
10 Monday.

11 A Yes.

12 Q Okay. And after you spent some time -- and you
13 said it was nighttime when you went there correct?

14 A It was getting dark so yes.

15 Q Getting dark.

16 A Um-hm.

17 Q And you spent a little bit of time there, you're
18 not sure how long, and then you headed home and you called
19 the library to find out about their surveillance cameras
20 right?

21 A I don't remember when I contacted the library,
22 so I don't know if it was that night, or -- I don't
23 remember when. I just remember that I did it.

24 Q But it was before you wrote the letter about
25 doing it right?

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1 A Correct.

2 Q Okay. So you called the library and you called

3 the ex-boyfriend. You went to the family, and then you

4 also wrote two letters to Mr. Syed right?

5 A Yes.

6 Q The handwritten letter and then the typed

7 letter.

8 A Yes.

9 Q And you also, the next day, told a teacher about

10 it right?

11 A Yes.

12 Q Mr. Parker?

13 A Yes.

14 Q Okay. But you didn't actually visit the library

15 did you?

16 A I don't believe I did.

17 Q You didn't go and ask about a security officer

18 there, whether or not they had cameras at the time?

19 A No, I don't -- I don't even remember if they had

20 a security officer.

21 Q You're not sure if they had a security officer?

22 A Correct.

23 Q Okay. There may have been one; there may not

24 have been, or you don't remember one?

25 A I don't -- there may have been. There may not

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1 have been.

2 Q Okay. And if there was one, that would be,
3 really the job of the defense team to go talk to that
4 investigator. Is that fair to say?

5 A I would assume.

6 Q And --

7 A Or the family or anyone. Anyone who knew about
8 the letter.

9 Q And go have a good long conversation with them,
10 does that sound about right?

11 A Yes.

12 Q Okay. And you didn't call anyone else, right?
13 You didn't call the police, you didn't call the lawyers,
14 you didn't call anybody else, did you?

15 A Well, I actually started to call the police, and
16 then I chickened out.

17 Q As in you were --

18 A I got a --

19 Q -- you were thinking about it, or you actually
20 picked up the phone, or how close did you get?

21 A I actually picked up the phone to call the
22 police, and I think I hung up because I got scared.

23 Q When was that?

24 A That would have been sometime after writing the
25 letter.

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1 Q Sometime after you wrote the letter?

2 A Um-hm.

3 Q And did you ever talk to your grandmother about
4 it?

5 A No.

6 Q Did you tell any of your other close friends
7 about it?

8 A I don't remember if I told any friends outside
9 of Justin about it.

10 Q Stacy Allen was one of your best friends back
11 then right?

12 A Yes.

13 Q In fact, she's one of your best friends, still
14 today, right?

15 A Yes.

16 Q Did you tell your best friend about the fact
17 that you might have seen the person who was arrested, in
18 the library?

19 A My friends are a little different.

20 Q Okay.

21 A There's about six of us that are best friends.
22 Some of them are from elementary, some of them came with
23 us from middle school, so I actually have about six best
24 friends.

25 Q Forgive all the other five.

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1 A So (laughing) --
2 Q Stacy Allen is not number one.
3 A So I don't know. I don't remember who I
4 specifically told about it. It's safe to say it may have
5 come up, but I don't remember a specific conversation in
6 which it came up.
7 Q Would it surprise you if she didn't remember any
8 conversations about it?
9 A No. She's got a bad memory.
10 Q A bad memory, got it.
11 A (Laughed.)
12 Q And have you talked to any of your other friends
13 about the conversations you had back then about how you
14 told them about this potential alibi back in 1999?
15 A I'm sure they all know. Most people from our
16 high school are you know very aware of this case, and you
17 know they're very supportive of my efforts to tell the
18 truth, and so.
19 Q And have you spoken to any of them recently?
20 A There's been people who have reached out to me
21 with messages of support and admiration for stepping up to
22 do the right thing.
23 Q And have you spoken to Stacy, for example, about
24 it?
25 A Yes. She's aware that I'm here testifying.

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1 Q And she told you that she doesn't remember the
2 conversation, but she's got a bad memory right?

3 A I know she has a bad memory. (Laughing.) I've
4 known her since I was probably about ten, so.

5 Q Yeah. How about some of the other best friends?
6 Have any of them said, "Oh, I totally remember you telling
7 me about the library Adnan Syed sighting"?

8 A I don't think any of them remember.

9 Q Do they also have bad memories?

10 A I don't know.

11 Q But you're the one who saw it so it makes sense

12 --

13 A I'm always --

14 Q -- for you to --

15 A I've always been the one to remember things that
16 nobody else seems to remember, so it's not a surprise to
17 them that they don't remember and I do.

18 Q Okay. You didn't write any more letters, I
19 think you said yesterday, to Mr. Syed, right?

20 A No.

21 Q Besides the you know the hangup call to the
22 police, you didn't make any calls to the police in the
23 subsequent months or years --

24 A No.

25 Q -- right? You didn't make any efforts to

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1 contact the attorneys for Mr. Syed or the attorneys for
2 the State, did you?

3 A No. I didn't think it was my place. I figured
4 by writing the letter that he would tell his lawyer or his
5 family would tell the lawyer and that if it was relevant,
6 someone would reach out to me.

7 Q And Mr. Syed didn't make any contact with you
8 from jail, did he?

9 A No.

10 Q And you didn't make any contact with him at
11 jail, like for example, visiting or something like that --

12 A No.

13 Q -- did you?

14 A No. (Shakes head no.) No I've never gone to a
15 jail. (Laughed.)

16 Q You never visited him?

17 A I've never been to a jail, period.

18 Q At all?

19 A No.

20 Q And in the city that you live now, have you ever
21 been to the jail there?

22 A No.

23 Q Okay. Do you even know what it's called?

24 A I don't even think I know where it is.

25 (Laughed.)

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1 Q And no idea what it's called?

2 A No.

3 Q Okay.

4 A The jail? I don't know. (Laughed.)

5 (Laughter.)

6 BY MR. VIGNARAJAH:

7 Q You think it's called what?

8 A "The Jail." (Laughing.)

9 Q Great. Great. And you did indicate in one of
10 your letters that you would write him again, right? You
11 told Mr. Syed you'd write.

12 A Is it -- I believe it said, "maybe." "Maybe
13 tomorrow."

14 MR. VIGNARAJAH: Could we pull up the second,
15 the March second letter, the last page?

16 BY MR. VIGNARAJAH:

17 Q Ms. McClain it's not a big deal.

18 A Um-hm.

19 Q I just want to clarify.

20 A Yeah. "Anyway --

21 Q It said maybe --

22 A -- I have to--"

23 Q "I'll write you again maybe tomorrow."

24 A Um-hm.

25 Q But you didn't write him tomorrow [sic]?

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1 A No.
2 Q In fact, you never wrote him again.
3 A No, not that I remember, no.
4 Q And you didn't visit the family again, after
5 that first day after his arrest either, right?
6 A No.
7 Q Would it surprise you to learn that Mr. Syed's
8 mother had testified that she remembers you visiting
9 during the course of the trial?
10 A Yes, it would.
11 Q Okay. She'd be mistaken about that.
12 A I would assume so.
13 Q And you indicated a few minutes ago that you
14 didn't talk to attorneys, that you didn't talk to the
15 police. You did talk to Ms. Rabia Chaudry at some point
16 right?
17 A Yes. She showed up at my grandparents' house
18 one afternoon.
19 Q She showed up at your grandparents' house one
20 afternoon?
21 A Um-hm.
22 Q Okay. And she knocked on the door?
23 A Yes.
24 Q And she was with another individual, a male
25 individual?

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1 A I don't remember. I think she was by herself,
2 but I can't be sure.

3 Q Forgive me. I thought you testified yesterday
4 that she was with a male individual.

5 A I don't --

6 Q No?

7 A I don't remember --

8 Q Okay.

9 A -- testifying to that --

10 Q So you came to --

11 A -- no.

12 Q -- knock on her door [sic] -- she came to knock
13 on your door. And had you ever met her before?

14 A No.

15 Q Had you ever talked to her before?

16 A Not that I know of, no.

17 Q Not that you know of?

18 A Yeah, well, like I said because I don't remember
19 exactly who was at the house. She may have been someone
20 that I talked to at the house, but by the time she came to
21 my house, I didn't recognize her as someone from the
22 house, so I would have to say I've never met her before.

23 Q And she didn't contact you, by phone, before she
24 came to the door?

25 A No.

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1 Q She didn't contact somebody else, to contact
2 you, to call you -- to ask her to -- to ask you to call
3 her?

4 A No it was a surprise --

5 Q Surprise?

6 A -- when she showed up.

7 Q Okay. When you talked to her during that
8 conversation, that was the conversation where you wrote
9 the affidavit and had it notarized that was that same day?

10 A Yes.

11 Q Okay. And that was when she came unannounced to
12 your house, and it surprised you a little bit?

13 A Yes.

14 Q Would it surprise you to learn that Ms. Chaudry
15 testified that she actually looked at the letters and
16 called your grandmother first and that's how she made
17 contact with you?

18 A Yes, it would surprise me, but I was a latch and
19 key kid, so -- (shrugged).

20 Q Okay. Would it surprise you to learn that she
21 testified that she had left a message with your
22 grandfather, with whom you were living and that you
23 returned her call?

24 A Yes, it would.

25 Q It would surprise you?

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1 A (No audible response.)
2 Q And would it surprise you to learn that she said
3 that the conversation was brief?
4 A Yes.
5 Q And would it surprise you to learn that she
6 testified that you seemed very happy that somebody was
7 reaching out to her, and that she was very willing to
8 meet?
9 A Um-hm. I don't remember talking to her on the
10 phone.
11 Q And would it surprise you to learn that she
12 testified that you met in the next day or two after your
13 phone conversation?
14 A Yes.
15 Q And would it surprise you to learn that you then
16 arranged to meet at the parking lot of the Public Library?
17 A Yes.
18 Q And that library [sic] was right next to
19 Woodlawn Library?
20 A Yes.
21 Q Would it surprise you to learn that's what she
22 was testifying to?
23 A Yes. I don't remember. Not to call her a liar,
24 but I just don't remember any of that.
25 Q Let me just read what she said --

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1 A Um-hm.
2 Q -- and you can tell me if this is consistent
3 with your memory.
4 MR. BROWN: Objection, Your Honor.
5 THE COURT: I assume you're referring to post
6 conviction --
7 MR. VIGNARAJAH: I am.
8 THE COURT: -- the original post conviction
9 testimony.
10 MR. VIGNARAJAH: (No audible response.)
11 THE COURT: Overruled.
12 MR. BROWN: Thank you, Your Honor.
13 BY MR. VIGNARAJAH:
14 Q "We arranged to meet at the parking lot of the
15 library, the public library." Actually, let me go back.
16 "There is a phone number on at least one of the
17 letters, maybe both, and so I called her. I called her."
18 "Question: And did she answer your call?"
19 "Answer: I left a message with her grandfather.
20 She was living with her grandparents apparently, and she
21 returned my call and we spoke."
22 "Question: And can we -- can you tell me that -
23 - how that phone conversation went?"
24 A Um-hm.
25 Q This is Mr. Brown's questions.

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1 A Um-hm.

2 Q Her answer. "Answer: It was brief. She seemed
3 very happy that somebody was reaching out to her. And she
4 was very willing to meet, so we met, I think, in the next
5 day or two, after our conversation."

6 A Um-hm.

7 Q Mr. Brown's question. "Question: Do you
8 remember where you met?"

9 Her answer. "Answer: Yeah, we arranged to meet
10 at the parking lot of the library, the public library,
11 right next -- I think it's called the Woodlawn Library,
12 right next to the high school, where they attended high
13 school."

14 A Um-hm.

15 Q "Question: And what impression did you have of
16 Ms. McClain upon meeting her?"

17 "Answer: She seemed very earnest and sincere
18 and confused about why nobody had, like responded to her.
19 She was very happy to talk to me, and that was my
20 impression, that she wanted to help. She wanted her story
21 to be heard."

22 A Um-hm.

23 Q Is that consistent with where you met her?

24 A That's not where I remember meeting her because
25 I remember after we had the affidavit notarized and she

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1 dropped me off at home --

2 Q Okay.

3 A -- she actually, mistakenly drove past my house

4 --

5 Q Okay.

6 A -- and had to turn around, to take me back to my
7 house. She drove about two houses past my house upon
8 taking me back home. So I don't remember meeting her at
9 the public library. I remember her coming to my house,
10 and us leaving to go to have it signed, and her dropping
11 me back off, home.

12 Q Ms. McClain, you just --

13 MR. VIGNARAJAH: Court's indulgence for a
14 moment.

15 THE COURT: (No audible response.)

16 BY MR. VIGNARAJAH:

17 Q Now, during that conversation --

18 A Um-hm.

19 Q So it didn't happen in the library, or near the
20 library, that's not where you met.

21 A I don't -- (shakes head no) -- when she -- when
22 she asked me if I would be willing to write the affidavit

23 --

24 Q Yep.

25 A -- it was on my front porch --

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Q Okay.

A -- and we -- I remember because I was headed out to Derrick's house, and I was slightly annoyed because I had somewhere to go, and I agreed to write down what I knew, and she said, would I mind having it notarized, and I remember being irritated because I didn't under -- I didn't know anything about notaries. So I asked her, you know was it -- you know did -- why did I have to have it notarized?

And she said, "Well, when you have something notarized, it makes it more official."

And so I said, "Okay. Hold on. Let me grab my keys," and we went from the house, to the notary, and then she dropped me off. She drove past my house by accident, and had to turn around and drop me off at my house.

Q And who --

MR. VIGNARAJAH: Pull up the affidavit.

BY MR. VIGNARAJAH:

Q And during that conversation, did you tell her that you had, in fact, tried to contact the police?

A I don't remember what I might have told her.

Q Well, you hadn't tried to contact the police, had you?

A All I remember her asking me, was if I had wrote the letters, and I confirmed that. I don't remember

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1 everything that we may have talked about.

2 Q Well, Ms. McClain, let me just clarify. You
3 didn't actually call the police, right? Put away the
4 conversation for a moment. We saw just a little while
5 ago, you didn't call the police. You didn't call an
6 attorney --

7 A Oh. I thought you meant when I --

8 Q When you --

9 A -- called the police and hung up --

10 Q Right. Okay.

11 A -- after writing the letters.

12 Q But you didn't call Mr. Syed's attorney at the
13 time.

14 A When she showed up?

15 Q Had you --

16 A I don't -- I'm sorry I don't understand your
17 question.

18 Q I'm so sorry. I apologize. Have you ever
19 called Mr. Syed's attorney in 1999 or 2000? Did you ever
20 try to call his original lawyers or any other lawyers?

21 A I don't remember.

22 Q Do you think it's possible you did try to
23 contact his attorneys?

24 A I don't think I did.

25 Q Okay. So would it surprise you to learn that

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1 Ms. Chaudry testified, that in response to a question --

2 "Question: Did you learn, whether she ever
3 tried to contact the police about what she knew?"

4 Her answer. "Answer: Yes. She told me she
5 tried to contact the police, Adnan's family, his attorney.
6 She wrote a letter. She did everything she could to
7 contact somebody."

8 A I think she's talking about I attempted to
9 contact the attorney by what I said in the letter about,
10 "Tell your attorney."

11 Q I got it. Okay. So you didn't tell her that
12 during the conversation. You're -- that's what you think
13 she's referring to?

14 A Yes.

15 Q So you did not tell her that --

16 A Again, I don't remember exactly what we spoke
17 about. I don't remember the exact words.

18 Q Got it.

19 A But I know the only time that I called the
20 police was when I hung up, and chickened out, and you know
21 that I never talked to an attorney about his case.

22 Q And Ms. McClain, if you could do me one
23 courtesy?

24 A Uh-huh.

25 Q I don't want you to guess as to what Ms. Chaudry

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1 might have been thinking. I just want you to --
2 A Um-hm.
3 Q -- answer a very narrow question.
4 A Okay.
5 Q If she testified that "Ms. McClain told me, she
6 tried to contact the police, Adnan's family, his
7 attorney," that is not what you remember from her
8 conversation. She didn't -- you didn't tell her that
9 during that conversation on your front -- front steps.
10 A I don't remember that conversation.
11 Q Okay. But you were irritated you said, right?
12 A Yes.
13 Q And you were annoyed, is that right?
14 A Not annoyed, but as any --
15 Q You word, sorry.
16 A -- selfish teenage girl, who is trying to get
17 out the house to go see her boyfriend --
18 Q And but you did agree to --
19 A Yes.
20 Q -- write this affidavit.
21 A Yes.
22 Q And it was voluntary right?
23 A Yes.
24 Q And is this in your handwriting?
25 A Yes it is.

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1 Q Okay. Is it all in your handwriting?

2 A From what I can tell, yes.

3 Q Okay.

4 MR. VIGNARAJAH: Can we just scroll on the top
5 of the word "affidavit" at the top?

6 MS. MCCLAIN-CHAPMAN: Oh, yeah. No, that's not
7 my handwriting.

8 BY MR. VIGNARAJAH:

9 Q "Affidavit" was in Ms. Chaudry's handwriting?

10 A Yes.

11 Q Okay. And did she write that after you wrote
12 your statement or did she write "Affidavit" at the top,
13 first?

14 A I don't remember.

15 Q Okay. But at some point, she wrote the word
16 "Affidavit."

17 A She asked me if I -- she asked me if I would be
18 willing to -- after she asked me if I wrote the letters,
19 and in fact, talked to him, she said, "Would you be willing
20 to write that down?" And I said, "Yes."

21 Q Okay. And after you wrote the affidavit or the
22 letter that -- the notes of your recollection, you went
23 and got it notarized.

24 A Yes.

25 Q And you did this even though you were a high

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1 school, irritated, wanting to go hang out with your
2 boyfriend --

3 A Well, she told me she knew of a place nearby and
4 it would only take a couple of minutes so I was like okay.
5 You know I didn't feel bad about it at that point.

6 Q And she told you it was important.

7 A Yeah. That -- well, you know that it would be
8 important that if I -- if I was willing to -- if I did see
9 him that it was, yes, important.

10 Q Because he'd just been convicted of murder
11 right?

12 A Well, she -- I don't remember why. I can't -- I
13 can't attest to why she said it was important.

14 Q But you knew that your -- you knew that one of
15 your classmates --

16 A It felt important.

17 Q Yeah.

18 A And it -- your -- you knew that one of your
19 classmates had just been convicted of killing one of your
20 other classmates --

21 THE COURT: Convicted or --

22 MR. VIGNARAJAH: Pardon?

23 THE COURT: Convicted?

24 MR. VIGNARAJAH: At that point, yes. Convicted.

25 BY MR. VIGNARAJAH:

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1 Q This was after the trial right?

2 A I don't know if I knew he was convicted because
3 I didn't really follow things --

4 Q Okay.

5 A -- so --

6 MR. VIGNARAJAH: Can we just go to the date at
7 the very bottom?

8 MS. MCCLAIN-CHAPMAN: It's really cold --

9 MR. VIGNARAJAH: Previous page.

10 MS. MCCLAIN-CHAPMAN: -- in here.

11 THE COURT: Okay.

12 BY MR. VIGNARAJAH:

13 Q Is this March 25, 2000, correct?

14 A Yes.

15 Q Okay. So you don't know whether you had -- knew
16 at that point, whether he had been convicted?

17 A What day was he convicted? I mean I don't --

18 Q (Inaudible) --

19 (Crosstalk)

20 A -- I don't know off the top of my head, right --
21 right now, I don't know if it --

22 Q I don't think it's disputed that he was
23 convicted --

24 A Okay.

25 Q -- about a month earlier.

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1 A Okay.
2 Q Okay. So this was after he was convicted.
3 A Yes.
4 Q Okay. And you realized, either because you knew
5 that or not, that this was an important conversation?
6 A Yes. It felt important yes.
7 Q Very good.
8 MS. MCCLAIN-CHAPMAN: (Whispering) It's really
9 cold.
10 MR. BROWN: Your Honor, may I get the witness
11 some water, please?
12 THE COURT: Certainly.
13 (Counsel for Defendant approached the witness.)
14 MS. MCCLAIN-CHAPMAN: Thank you. It's really,
15 really cold.
16 MR. BROWN: (No audible response.)
17 (Counsel for Defendant returned to the trial
18 table.)
19 MS. MCCLAIN-CHAPMAN: Can we do anything?
20 MR. VIGNARAJAH: Ms. McClain, Mr. Brown and Mr.
21 Nieto, are very much gentlemen. If you ever need a break
22 --
23 MS. MCCLAIN-CHAPMAN: Okay.
24 MR. VIGNARAJAH: -- or if you ever need a water,
25 you can also ask (inaudible) okay?

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1 MS. MCCLAIN-CHAPMAN: Okay.
2 MR. NIETO: And Your Honor, just I think the
3 testifying witness had explained it seems as though based
4 on yesterday's heat wave, inside here --
5 THE COURT: Now it's cool.
6 MR. NIETO: -- they've turned on the AC.
7 MS. MCCLAIN-CHAPMAN: It's --
8 MR. NIETO: This area is --
9 MS. MCCLAIN-CHAPMAN: -- really cold.
10 MR. NIETO: -- particularly chilly, so for
11 whatever it's worth --
12 MS. MCCLAIN-CHAPMAN: I'm shaking it's so cold.
13 THE COURT: I have a suggestion.
14 (Clerk approached the bench.)
15 THE CLERK: Yes, sir?
16 THE COURT: We turned the heat off this morning.
17 Can you grab my coat?
18 THE CLERK: Give her (inaudible)?
19 (Off record discussion between the Court and the
20 Clerk.)
21 (The Clerk left the bench and exited the
22 courtroom.)
23 MS. MCCLAIN-CHAPMAN: I'm like (inaudible)
24 (indicating she is cold).
25 THE COURT: Ms. Chambers [sic]? The difficulty

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1 is, the courtroom. If we turn the air condition off it's
2 going to get hot again.

3 MS. MCCLAIN-CHAPMAN: Okay.

4 THE COURT: Would you mind if we get you a coat
5 or something to just put over your shoulders --

6 MS. MCCLAIN-CHAPMAN: Yeah.

7 THE COURT: -- because I know it's cold over
8 there?

9 MS. MCCLAIN-CHAPMAN: (Laughed.)

10 THE COURT: Just give us a second.

11 MS. MCCLAIN-CHAPMAN: We can keep going it's
12 fine.

13 MR. VIGNARAJAH: I appreciate that.

14 Could you just put the affidavit up again for a
15 moment?

16 MR. NIETO: Your Honor, I think Mr. Proctor
17 would be willing to offer his jacket if that's okay.

18 THE COURT: And I have a coat. Well, whatever,
19 yeah.

20 MS. MCCLAIN-CHAPMAN: Okay.

21 MR. VIGNARAJAH: The courtroom is full of
22 gentlemen.

23 (Laughter.)

24 MS. MCCLAIN-CHAPMAN: I just don't want to be up
25 here shivering.

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1 (Mr. Proctor approached the bench and provided
2 Ms. McClain-Chapman his jacket.)
3 (Mr. Proctor returned to seat in the courtroom.)
4 (Ms. McClain-Chapman put the jacket over her
5 shoulders.)
6 BY MR. VIGNARAJAH:
7 Q You're okay Ms. McClain?
8 A Yes.
9 Q It's a good look.
10 A Sorry. (Laughed.)
11 Q If you could focus your attention? This is your
12 affidavit. Could I focus your attention on this section
13 right here: "I was waiting." Do you see that?
14 A Um.
15 Q "I was waiting for a ride from my boyfriend two
16 twenty" --
17 A Yes.
18 Q -- "when I spotted Mr. Syed and held a fifteen
19 to twenty-minute conversation. We talked about his
20 girlfriend and he seemed extremely calm and very caring."
21 A Yes.
22 Q Do you remember that?
23 A (No audible response.)
24 Q And at the end of the page, it says "Spoke to
25 Adnan briefly" and you left around two forty. Is that

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1 right?

2 A Yes.

3 Q At the point you are writing this, had Ms.
4 Chaudry told you that the State had presented at trial
5 evidence that Mr. Syed had committed the murder by 2:40?
6 Had she --

7 A I don't --

8 Q -- told you that?

9 A -- believe so.

10 Q Okay. So the 2:40 time was from your
11 independent recollection?

12 A Yes. Well, I mean based on the time.

13 Q You sort of did the math.

14 A Yes.

15 Q Okay.

16 A Pretty much.

17 Q You were there at 2:15, you were there for 15 or
18 20 minutes, 2:40 is where you end up.

19 A Yes.

20 Q Okay. And in your original affidavit, you do
21 recall where you said "If you are innocent I can help -- I
22 may be able to help account for some of your unaccounted
23 unwitnessed lost time." Do you remember that sentence?

24 A Yes.

25 Q And you remember that parenthetical you said

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1 2:15 to 8:00 January 13?

2 A Yes.

3 Q Okay. But now, after Mr. Syed had been
4 convicted --

5 A Um-hm.

6 Q -- you provided information to Ms. Chaudry that
7 you remembered him from 2:15 to 2:40, in particular?

8 A Yes.

9 Q Is that right?

10 A Well, that's also, you know what I had told his
11 family the night that I wrote the letter, was that I saw
12 him shortly after school for -- when I'd spoke to them, I
13 said "for a few minutes," so.

14 Q Okay. Very good. And you indicate in the
15 letter that he was -- that you actually talked about his
16 girlfriend on that occasion.

17 A Yes. Well, his --

18 Q And is --

19 A -- ex-girlfriend at --

20 Q -- that right? He talked with you about Hae
21 that day?

22 A Yes.

23 Q So on the very day that Hae went missing, Mr.
24 Syed spoke to you about how much he cared about how much
25 he cared about his girlfriend?

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1 A Well, she was his ex-girlfriend.

2 Q Ex-girlfriend?

3 A Yeah. And so it wasn't so much that he talked
4 about how much he cared about her. He talked about the
5 fact, that she was dating "some white guy" (gestured
6 quotes). He didn't -- I don't know if he knew, who he was
7 specifically.

8 And he said that you know pretty much he was
9 like "It's cool." He's like "I just want her to be happy"
10 you know so he expressed you know that there was no hard
11 feelings and that you know they were still friends and he
12 just wanted her to be happy with whatever she was going to
13 do.

14 Q Do you find that interesting that he told you on
15 the day of his -- on the day he's been convicted of
16 killing Hae Min Lee that he said to you, a person he
17 doesn't know that well, that he really cared about Hae?

18 MR. BROWN: Objection.

19 BY MR. VIGNARAJAH:

20 Q Do you find that interesting?

21 THE COURT: Sustained.

22 MR. BROWN: Objection.

23 THE COURT: Sustained. Do you want to --

24 MR. VIGNARAJAH: Forgive me, Your Honor.

25 BY MR. VIGNARAJAH:

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1 Q Was that consistent with your impression of Mr.
2 Syed, that he was caring towards his ex-girlfriend?

3 A Yes. Him and my ex-boyfriend were good friends
4 and my ex-boyfriend was the same way when I broke up with
5 him, and we always maintained a friendship, even you know
6 -- we've always been friendly even after the break up, so
7 it -- knowing that he was friends with Justin, I figured
8 that they were similar, so it didn't strike me as odd at
9 all that he was still very sweet about it.

10 Q Did you know at the time that other friends had
11 characterized Mr. Syed as -- that Hae had told other
12 friends that Mr. Syed was very overprotective?

13 A No, I didn't.

14 Q Okay. Did you know at the time that Hae wrote
15 in her diary --

16 MR. BROWN: Objection, Your Honor.

17 BY MR. VIGNARAJAH:

18 Q -- that she was concerned about how possessive
19 he was?

20 MR. BROWN: Objection, Your Honor.

21 THE COURT: Approach.

22 (At 10:55:10 a.m., on the record bench
23 conference; counsel approached bench, and the following
24 occurred:)

25 MR. BROWN: We're not here to retry this case,

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1 Your Honor. It sure seems like Mr. Vignarajah is getting
2 into that territory.

3 MR. VIGNARAJAH: I'm actually going to go with
4 respect to bias, Your Honor, if you can allow me a little
5 foundation.

6 THE COURT: (No audible response.)

7 MR. VIGNARAJAH: I have a witness here, who I
8 think learned everything she knows from the podcast, and
9 didn't take the time to learn anything about the other
10 side. This is a person who claims to be here only to
11 pursue justice, and I respectfully submit has a very
12 narrow set of information, that includes --

13 THE COURT: I'll give you a little bit of
14 latitude, but I just want to make sure that what you're
15 referring to, I assume, is evidence from the trial.

16 MR. VIGNARAJAH: It is, Your Honor, but I also
17 want to note, that it is information that is also part of
18 the very, very public record, which is what I was
19 (inaudible).

20 THE COURT: All right. But what you're
21 referring to now, is --

22 MR. BROWN: He's --

23 MR. VIGNARAJAH: Both from the trial --

24 MR. BROWN: From the trial evidence.

25 MR. VIGNARAJAH: -- and it is public. I am

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1 talking about trial evidence that has been public. These
2 transcripts are public diaries (inaudible) --

3 (Crosstalk)

4 THE COURT: All right. Well, I have no problem
5 with that.

6 MR. VIGNARAJAH: Thank you.

7 THE COURT: But can we --

8 MR. BROWN: Probably --

9 THE COURT: -- maybe take, kill a couple birds
10 with one stone? What's the next objection going to be if
11 you're not --

12 MR. BROWN: I was just cautioning Your Honor
13 that we're not here to retry this case.

14 THE COURT: I agree.

15 MR. BROWN: And I'm trying --

16 THE COURT: I agree.

17 MR. VIGNARAJAH: So I'll be me brief on this.

18 THE COURT: But I say that to both --

19 MR. BROWN: As long as it's brief. I mean --

20 MR. VIGNARAJAH: Brief.

21 MR. BROWN: -- I understand.

22 MR. VIGNARAJAH: Yep.

23 MR. BROWN: Okay.

24 THE COURT: All right.

25 And sorry about the temperature, but --

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1 MR. NIETO: It's cold in here.
2 THE COURT: -- with this many people, if we turn
3 it off --
4 MR. NIETO: Oh it was hot yesterday.
5 THE COURT: -- it's going to be a hundred
6 degrees.
7 MR. NIETO: Yeah.
8 MR. VIGNARAJAH: And they get so relaxed
9 (inaudible).
10 THE COURT: It's going to be a hundred degrees.
11 MR. BROWN: My toes are --
12 MR. VIGNARAJAH: Thank you, Your Honor.
13 (At 10:56:50 a.m., bench conference concluded;
14 counsel returned to trial tables, and the following
15 occurred in open court:)
16 THE COURT: Objection overruled.
17 BY MR. VIGNARAJAH:
18 Q Yeah, Ms. McClain, and you were, in fact, good
19 friends with Hae, right?
20 A No.
21 Q So you didn't know that she wrote in her diary
22 that she was -- that he had called her a devil.
23 A I would have no idea what was in her diary.
24 Q Well, you -- and you didn't know that -- about
25 his possessiveness that she talked about in her diary?

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1 MR. BROWN: Objection.
2 THE COURT: Overruled.
3 MS. MCCLAIN-CHAPMAN: Again, I have no idea what
4 she may have wrote in her diary.
5 BY MR. VIGNARAJAH:
6 Q And she -- you didn't know that she wrote in her
7 diary about how she was --
8 MR. BROWN: Asked and answered, Your Honor. She
9 doesn't know what was in the diary. She said it two times
10 now.
11 THE COURT: Well, overruled.
12 BY MR. VIGNARAJAH:
13 Q You never read her diary; is that right?
14 A Correct.
15 Q Okay. But you listened to all of the podcast,
16 right?
17 A Yes.
18 Q And do you ever go back and listen to the trial
19 testimony --
20 A No.
21 Q -- that was presented to the jury?
22 A No.
23 Q Did you ever go back and read Ms. Hae Min Lee's
24 diary, which is on the Internet?
25 A No.

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1 MR. BROWN: Objection. Asked and answered.
2 THE COURT: Sustained.
3 BY MR. VIGNARAJAH:
4 Q But you're here to make sure the truth is put
5 out right?
6 A Yes.
7 Q You're here to make sure that justice is done.
8 A Yes.
9 Q But the only thing you've done to inform your
10 impression of what evidence was presented at trial is
11 "Serial" right?
12 A And my previous conversation with Kevin Urick,
13 correct?
14 Q Well, the reason I ask is because you said you'd
15 realized your importance to these proceedings after you
16 listened to "Serial" --
17 A Correct.
18 Q -- right? You didn't realize your importance
19 or lack of importance to your case [sic] by going back and
20 listening to the trial did you?
21 A No.
22 Q You haven't gone and found out -- have you read
23 the State's brief?
24 A No. I live across the country, so I don't even
25 know how to go about obtaining that kind of information.

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1 MR. VIGNARAJAH: Court's indulgence, Your Honor.

2 THE COURT: (No audible response.)

3 BY MR. VIGNARAJAH:

4 Q But after you listened to "Serial," you also
5 heard your voice on "Serial" right?

6 A Yes.

7 Q And you told Ms. Kaynig (phonetic) forgive me if
8 I'm mispronouncing her name, that you remember it, in part
9 because of the weather conditions right?

10 A That's what I told her.

11 Q Okay. You told her that you remember it because
12 you got snowed-in that night, and you had to stay over at
13 your boyfriend's place.

14 A I didn't stay over. I stayed late.

15 Q Does this sound like what you might have said to
16 Ms. Kaynig? "I want to say there was because I think that
17 was like the first snow of the year. I wouldn't have even
18 remembered it if it hadn't been for the snow, and the
19 whole -- I just remember being so pissed about Derrick
20 being late, and then getting snowed in at his house, and
21 it was the first snow of that year."

22 Do you remember saying that to Ms. Kaynig?

23 A Yes, I do.

24 Q Okay. And that's why you remember it so vividly
25 that particular day because it was the first snow, and you

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1 got snowed in with Derrick. That's what you at least told
2 Ms. Kaynig.

3 A That's what you have that I told her, yes.

4 Q Okay. But it actually wasn't the first snow of
5 the year right?

6 A Well, by the time I talked to Sarah about it, I
7 was assuming that it was the first snow of the year,
8 whether it was or not, I don't know, but I think what I do
9 remember which would -- I'm sorry -- which is what makes
10 it important to me, is that we didn't have school for the
11 next two days --

12 Q Okay.

13 A -- because of the weather. So I don't remember
14 if it was the first snow of the year or not.

15 Q So you remember days before the next two days
16 being off really well from high school?

17 A From -- I don't remember them very well. I just
18 remember being happy that we didn't have school.

19 Q Okay. But the previous week there had been snow
20 as well correct?

21 A I don't know.

22 Q And would it surprise you to learn that on
23 January 13 it didn't snow at all?

24 A It wouldn't surprise me. I was -- I'm not --
25 like I said, I don't remember what kind of weather. I

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1 just remember that I was trying to use the weather to tell
2 my mom that I couldn't make it home by curfew, so.

3 Q And this is your point, Ms. McClain. You don't
4 -- you remember it in particular because it's linked to
5 some event right?

6 A (No audible response.)

7 Q You remember a particular day because there was
8 -- school was closed or -- that's why you remember that it
9 was January 13, not because you remember January 13
10 because it's your birthday right?

11 A I remember January 13 because when Hae was found
12 dead, we all tried to remember the last time we spoke to
13 her, or saw her, and I remembered -- I couldn't remember
14 speaking to her -- (takes deep breath) -- I'm sorry. I
15 just -- I had a --

16 Q Do you want to take a minute?

17 A I had a close family friend death recently, and
18 so whenever anybody passes, you always try to think of the
19 last time you saw them or talked to them. (Begins to
20 cry.) And I couldn't remember, but what I did remember
21 was talking about her to him -- to Adnan. So you know
22 that is what sticks out in my mind, is that you know the
23 last time I -- she even crossed my mind was the day that I
24 saw him, and that was the day before you know the -- that
25 was the day the weather got bad, and then we didn't have

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1 school the next two days.
2 Q Okay. So is it possible --
3 (The Clerk approached the witness to provide
4 tissue.)
5 MS. MCCLAIN-CHAPMAN: Thank you.
6 MR. VIGNARAJAH: Do you need a moment, Ms.
7 McClain --
8 MS. MCCLAIN-CHAPMAN: No.
9 MR. VIGNARAJAH: -- to kind of --
10 MS. MCCLAIN-CHAPMAN: I'm fine.
11 BY MR. VIGNARAJAH:
12 Q Is it possible that the day you're remembering
13 that you saw Mr. Syed in the library, correspondent to the
14 first snow of the year, which was the previous week? Is
15 it possible that you're mixing up your memories?
16 A No. Because I remember that because of the
17 weather that evening, we didn't have school the next two
18 days.
19 Q So it's your testimony that it's pegged to the
20 snow, it's pegged to the fact that Hae went missing that
21 day.
22 A (No audible response.)
23 MR. BROWN: Objection.
24 BY MR. VIGNARAJAH:
25 Q And then you had two days after (inaudible) --

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1 MR. BROWN: That's not --

2 BY MR. VIGNARAJAH:

3 Q -- is that right?

4 MR. BROWN: -- what she said, Your Honor.

5 THE COURT: Overruled.

6 MS. MCCLAIN-CHAPMAN: To me, the important issue
7 is not, I guess you could say the type of weather, but
8 that the weather was bad. I used it as an excuse to stay
9 at my boyfriend's house longer. My mom bought it. So I
10 was able to stay later and that I was happy the next day
11 that we didn't have school because I had stayed out so
12 late.

13 BY MR. VIGNARAJAH:

14 Q And in your current affidavit you wrote: "The
15 13th of January 1999 was memorable because the following
16 two school days were cancelled due to the hazardous winter
17 weather."

18 A Yes.

19 Q Okay. Not because Hae Min Lee went missing.

20 A Correct. By the --

21 Q But you didn't mention that in your affidavit.

22 A No. I didn't. By the time I wrote my
23 affidavit, I wanted to be as specific as possible.

24 Q And you didn't say that to Ms. Kaynig when she
25 called you?

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1 A No.

2 Q Because you're surprised. She was calling out

3 of the blue?

4 A Correct.

5 MR. VIGNARAJAH: Ms. McClain, are you sure you

6 don't want a moment?

7 MS. MCCLAIN-CHAPMAN: Yeah. I'm fine.

8 MR. VIGNARAJAH: Okay.

9 THE COURT: Well, we should find an appropriate

10 time in the next fifteen minutes or so --

11 MR. VIGNARAJAH: I think now --

12 THE COURT: -- we can take the midmorning --

13 MR. VIGNARAJAH: -- is an appropriate time if

14 that's all right, Your Honor. I was just about to turn to

15 a new subject.

16 THE COURT: All right. Let me see counsel

17 quickly at the bench.

18 (At 11:05:15 a.m., on the record bench

19 conference; counsel approached bench, and the following

20 occurred:)

21 THE COURT: Okay. My trouble is yesterday my

22 20-year-old clock is sort of dying, so I'm still on time.

23 Just a quick ten-minute recess and if she needs to step

24 out, which I'm sure she might have to --

25 MR. VIGNARAJAH: I was just going to propose

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1 that.

2 THE COURT: -- and we'll --

3 MR. VIGNARAJAH: In terms for scheduling --

4 MR. BROWN: Do you know how much longer you're
5 going to be?

6 MR. VIGNARAJAH: I don't. Maybe about --

7 MR. BROWN: (Inaudible)

8 MR. VIGNARAJAH: -- I've got a number --

9 MR. BROWN: So you don't have an approximate?

10 MR. VIGNARAJAH: An hour.

11 MR. BROWN: Another hour?

12 THE COURT: So it'll take us, a little bit
13 before lunch, and then maybe just make some decision --
14 you know who, whether your next witness --

15 MR. BROWN: Right.

16 THE COURT: -- that it's a brief one. I'd like
17 to get as much done as we can, but --

18 MR. BROWN: Okay.

19 MR. VIGNARAJAH: And I will --

20 MR. NIETO: Your Honor --

21 MR. VIGNARAJAH: -- with the Court's permission
22 and defense counsel's permission, will just ask her to
23 really perhaps make her answers a little more compact,
24 which will, I think, speed things up a little bit --

25 THE COURT: No, maybe --

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1 MR. BROWN: I think she's doing a wonderful job
2 answering questions under an extremely --
3 THE COURT: Yeah.
4 MR. BROWN: -- affective cross examination.
5 MR. VIGNARAJAH: Very nice.
6 MR. BROWN: An excellent cross examination.
7 MR. VIGNARAJAH: (Laughed.)
8 THE COURT: And she can have my coat, or she can
9 keep my coat. It's just my car keys are in it.
10 MR. BROWN: Is that what it was?
11 THE COURT: Thanks, counsel.
12 (At 11:06:25 a.m., bench conference concluded;
13 counsel returned to trial tables, and the following
14 occurred in open court:)
15 THE COURT: Ms. McClain, you may step down.
16 MS. MCCLAIN-CHAPMAN: Okay.
17 (Ms. McClain was excused from the witness
18 stand.)
19 THE COURT: We're going to take a brief recess.
20 I do remind you though you've been sequestered. You're
21 not to speak with anyone about your testimony except your
22 attorney, Mr. Proctor.
23 THE COURT: The Court will take approximately a
24 ten-minute recess.
25 And then Mr. Wong, if you'll check with the

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1 officers to find out whether the Defendant needs a break
2 or not. Find out whether they want him to stay.
3 THE CLERK: All rise.
4 (At 11:06:54 a.m., proceedings recessed.)
5 (At 11:23:55 a.m., proceedings resumed.)
6 THE CLERK: All rise. Part 97 is back in
7 session. The Honorable Martin P. Welch presiding.
8 THE COURT: You may be seated everyone.
9 Ma'am, Ms. McClain, quickly?
10 (At 11:24:09 a.m., Ms. McClain returned to the
11 witness stand.)
12 THE COURT: And again, Ms. McClain, just state
13 your name, please.
14 MS. MCCLAIN-CHAPMAN: Asia Chapman.
15 THE COURT: Ms. Chapman. Ms. Chapman, sorry.
16 MS. MCCLAIN-CHAPMAN: (No audible response.)
17 THE COURT: And I remind you, Ms. Chapman, that
18 you're still under oath.
19 MS. MCCLAIN-CHAPMAN: Okay.
20 THE COURT: Mr. Vignarajah?
21 MR. VIGNARAJAH: Thank you, Your Honor.
22 BY MR. VIGNARAJAH:
23 Q Are you comfortable?
24 A Yes.
25 Q Or as comfortable as can be?

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1 A Yes. (Laughed.)

2 Q I just want to go and clarify one thing from

3 right before the break --

4 A Um-hm.

5 Q -- about the snow. You had told Ms. Kaynig that

6 you'd remembered it because of the snow right?

7 A That's what I told her.

8 Q And then in your affidavit you indicate in

9 paragraph 11 "It was memorable because the following two

10 school days were cancelled due to hazardous winter

11 weather." Do you remember writing that?

12 A Yes, I do.

13 Q Did you learn in between the statement you made

14 to Ms. Kaynig, impromptu, and what you wrote down that

15 there was icy conditions the morning of Thursday and

16 Friday, January 14 and 15, did you learn that?

17 A I learned that there was some question as to

18 whether it was a snowstorm that evening.

19 Q Okay. And so the term "hazardous weather

20 condition," or "hazardous winter weather," that was a term

21 that you included in your affidavit after you learned that

22 there wasn't snow, but rather that there was ice or

23 something like that. Is that right?

24 A I put that statement in there because I wanted

25 to be as close to my memory as possible and I did not

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1 remember whether or not there was snow.
2 Q Okay.
3 A Could there have been snow? Yes. Could there
4 have been something else? Yes. So I just remember that
5 the weather was bad and hazardous so I just -- I wanted to
6 be specific in my affidavit.
7 Q Nobody's shown you the weather reports for the
8 Thursday and Friday, you haven't seen national
9 meteorological surveys for that Thursday and Friday right?
10 A No.
11 Q But you did listen to "Serial" and you heard Ms.
12 Kaynig talk about the fact that there wasn't snow, but
13 that there was ice on the ground on Thursday and Friday,
14 right?
15 A Say that again.
16 Q But you did listen to "Serial" where you heard
17 that there wasn't snow but that there was ice on Thursday
18 and Friday morning.
19 A Yes. I guess. If that's in the podcast, yes, I
20 heard it.
21 Q And that was before you signed your affidavit in
22 January of 2015?
23 A Yes.
24 Q Okay. Let me turn to the first letter you
25 wrote.

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1 A Okay.
2 Q This was the March 1st letter.
3 MR. VIGNARAJAH: Can we put that up?
4 MS. MCCLAIN-CHAPMAN: To -- oh, okay.
5 BY MR. VIGNARAJAH:
6 Q I'm going to direct your attention to --
7 A Um-hm.
8 Q The sentence right here.
9 A Whoa.
10 Q It says, "Throughout your actions that day, I
11 have reason to believe in your innocence." Do you
12 remember saying that?
13 A Yes, I do.
14 Q Now you didn't have any classes with Mr. Syed,
15 right?
16 A Correct.
17 Q And you left every day at 10:40 right?
18 A Yes.
19 Q And you saw him in the library for maybe 15
20 minutes right?
21 A Fifteen, twenty, yes.
22 Q And this was the day after he was arrested
23 correct?
24 A Yes.
25 Q
Q So on the night of March 1st that night when

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1 you're at home after getting back from the Syed's writing
2 this letter --

3 A Um-hm.

4 Q -- what are you referring to when you say
5 "Throughout your actions that day, I have reason to
6 believe in your innocence"?

7 A Well --

8 Q What actions?

9 A -- talking to him. I couldn't reconcile his
10 demeanor and his candor, the way he spoke about Hae. I
11 couldn't reconcile that with the idea that he killed her.

12 Q So it wasn't in reference in throughout your
13 actions that day, you meant just the fifteen minutes in
14 the library.

15 A Yeah.

16 Q It wasn't throughout the day.

17 A Exactly.

18 Q Okay. So you didn't know what he had said
19 earlier in the day? Is that right?

20 A Yeah that's right.

21 Q You didn't know that he had told a classmate of
22 his -- or excuse me -- that he had asked Hae --

23 MR. BROWN: Objection, Your Honor.

24 BY MR. VIGNARAJAH:

25 Q -- for a ride?

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1 MR. BROWN: Objection. She didn't know. She
2 said it.
3 MR. VIGNARAJAH: Your Honor, I had --
4 THE COURT: Let me hear the question.
5 BY MR. VIGNARAJAH:
6 Q You didn't know -- you said that you'd based
7 this on throughout your actions that day.
8 A Um-hm.
9 Q When you wrote this letter on March 1st, did you
10 know that a witness observed Adnan ask Hae Min Lee for a
11 ride because his car was broken down, when in fact he'd
12 loaned out his car to Jay? Did you know that --
13 A No.
14 Q -- when you wrote that?
15 A I didn't know that.
16 Q Okay. A couple lines down, you say "I also
17 called the Woodlawn Public Library" --
18 A Um-hm.
19 Q -- "and found they have a surveillance system
20 inside the building."
21 MR. VIGNARAJAH: Thank you.
22 BY MR. VIGNARAJAH:
23 Q Do you see that?
24 A Yes, I do.
25 Q And you spoke to someone at the library is that

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1 right?

2 A Yes.

3 Q But it wasn't the security officer. Is that

4 right?

5 A I just called whatever number it was that I

6 found and asked the person who answered the phone.

7 Q Okay. And you're not even sure if you remember

8 a security officer there. Is that right?

9 A Correct.

10 Q Okay. Would it surprise you to learn, that

11 cameras weren't installed at the Woodlawn Public Library

12 until after you graduated?

13 A Yes.

14 Q That would surprise you?

15 A Yes. The person on the phone told me that they

16 had cameras.

17 Q Okay. And it would surprise you to learn that

18 the security officer at the time was under the impression

19 that there weren't cameras.

20 A That there weren't?

21 Q That there were not cameras.

22 A Yes it would. I can only go by what the person

23 on the phone told me.

24 Q Okay. And you never went and visited right?

25 A Correct.

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1 Q And when you were at the library, you never saw
2 cameras right?

3 A I never looked. It wasn't a concern.

4 Q Right. So you're basing your knowledge of
5 whether or not there were cameras from what that person
6 supposedly told you on the phone. Is that right?

7 A Yes. The library. I assumed it was a library
8 employee, so.

9 Q Then a couple (inaudible) down, you say "I
10 really would appreciate it if you would contact me between
11 1:00 p.m. and 4:00 p.m. or 8:45 and 2:00."

12 A Yes.

13 Q You weren't playing basketball at the time
14 right?

15 A Correct.

16 Q You weren't doing cheerleading your senior year
17 right?

18 A Correct.

19 Q You had an internship in the afternoon hours
20 right?

21 A Yes.

22 Q So why were you unavailable every day between
23 4:00 p.m. and 8:45?

24 A Well, that's not what the letter says. It --
25 that's --

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1 Q Why did you prefer to be called --

2 A Because --

3 Q -- at those times?

4 A -- that would have been --

5 MR. BROWN: Your Honor, if he can let her answer
6 the question, please. He's cutting her off in the middle
7 of her answer.

8 THE COURT: I think she understands.

9 MR. VIGNARAJAH: Forgive me, Ms. McClain.

10 THE COURT: Let's try to move on.

11 MS. MCCLAIN-CHAPMAN: It's okay. I just figured
12 that would be the best time to reach me.

13 BY MR. VIGNARAJAH:

14 Q So you didn't have a commitment between 4:00 and
15 8:45 every day that made you unavailable for him to call
16 you?

17 A I don't remember. I had a phone and I figured
18 if I was going to ask someone to call me, that I should
19 put a best time to reach me, just like I put not to call
20 my grandparents' after 11:00 because they would be angry
21 if I got a phone call on their phone line after 11
22 o'clock.

23 Q But 8:45 is a very precise time to say call
24 after 8:45 isn't it?

25 A I guess it's a precise time.

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1 Q So you don't remember specific commitments that
2 would have made you unavailable between 4:00 and 8:45 p.m.
3 for Adnan to call you?

4 A No. But it also says 8:45 or until ... so.

5 Q Right. Until after 8:45?

6 A No. Eight forty-five until, like 8:45 or later.

7 Q Right. But between 4:00 and 8:00 he shouldn't
8 call you?

9 A Correct.

10 Q On the next page, you write at the very top, "I
11 hope that you're not guilty and I hope to death that if
12 you have -- that you have nothing to do with it. If so, I
13 will try my best to help you account for some of your
14 unwitnessed, unaccountable lost time."

15 It's (inaudible) right here. January 13.

16 A Um-hm.

17 Q So you testified yesterday that the reason you
18 put 2:15 to 8:00 is because when you visited with the
19 family, they had told you -- you'd gone over there to tell
20 them about your observation at the library correct?

21 A Yes.

22 Q And they had told you that he couldn't account
23 for his time, or he was having difficulty remembering
24 where he was between 2:15 and 8:00?

25 A Yes.

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1 Q Right?

2 A Yes.

3 Q Okay.

4 A Because he was at school, and he was at church -
5 - or I'm sorry -- I go to church so I always think church.
6 He was at the mosque and he was having difficulty
7 remembering that afternoon in between school and the
8 mosque.

9 Q Some member of Mr. Syed's family that had told
10 you that right?

11 A It was someone at the house. I don't know if it
12 was family or not.

13 Q Okay. Right. So can you understand Ms. McClain
14 that this might appear as if you're offering to account
15 for more than just the 15 minutes? Can you understand how
16 somebody might read it that way?

17 A Of course, but I was 17, I mean who has the
18 greatest grammar at 17 years old?

19 Q Yeah. I mean today you're here because you want
20 to provide information and help the justice system do the
21 right thing. Fair?

22 A Yes.

23 Q But back when you were 17, can you understand
24 how a person reading a 17 year-old letter might think
25 she's offering to try to account for unaccounted time, to

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1 witness unwitnessed time? Can you see how somebody might
2 interpret that as you offering to cover for him?

3 MR. BROWN: Objection. Asked and answered.

4 THE COURT: Overruled.

5 MS. MCCLAIN-CHAPMAN: Well, I can't be held
6 responsible for another person's interpretation of my
7 writing.

8 BY MR. VIGNARAJAH:

9 Q Absolutely, Ms. McClain. What I'm asking is, do
10 you understand how somebody might read it that way?

11 A I can understand how someone might misread that
12 statement.

13 Q But that's not what you were offering to do.
14 You weren't offering to cover him after 2:30. You were
15 only offering to cover him from -- sorry -- 2:15 to 2:40
16 right?

17 A Absolutely correct.

18 Q Because that's what you remember.

19 A Yes.

20 Q In the line you say "The police have not been
21 notified yet to my knowledge. Maybe it will give your
22 side of the story a partial head start."

23 A Yes.

24 Q Do you see how that might also give the
25 impression to someone reading this that a 17 year-old is

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1 offering to give Mr. Syed a head start by accounting for
2 time that you can't actually account for? Can you see how
3 somebody might read it that way?

4 A Again, I'm not responsible for what other people
5 interpret.

6 Q You certainly are not, Ms. McClain. What I'm
7 asking is, do you understand how that's a reasonable
8 reading of this?

9 MR. BROWN: Objection. Relevancy.

10 THE COURT: Overruled.

11 MS. MCCLAIN-CHAPMAN: Hm. Let me see. "The
12 police have not been notified yet to my knowledge. Maybe
13 it will give your side a" -- no, I don't.

14 BY MR. VIGNARAJAH:

15 Q You don't?

16 A No.

17 Q You're offering to give him a head start right?

18 A I said, "maybe it will give your side a" -- I'm
19 sorry. "Maybe it will give your side a head start." As
20 in maybe, not that I want your side to have a head start,
21 but maybe it will give your side a head start.

22 Q But you do hope that he's not guilty right?

23 A Well, in my heart you'd hope anybody that
24 commits a murder with someone know they appear to care
25 about is not guilty of a murder.

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1 Q And you "hope to death that he has nothing to do
2 with it" right?

3 A Yes. At the time.

4 Q And if he is not guilty and if he's not
5 involved, if that's the case, you would be offering to
6 account for some of his unaccounted time right? That's
7 what you're offering to do.

8 A Yes. To account for the time that I saw him in
9 the library.

10 Q But that's not what you wrote here. What you
11 wrote here was that you're offering to "account for his
12 unwitnessed, unaccountable lost time between 2:15 and 8:00
13 that might give him a head start" that's what you wrote
14 here, right?

15 A Actually the parenthesis is in reference to the
16 some of the time that I spent with him, not the duration
17 of me spending the whole afternoon with him.

18 Q Okay.

19 A It's in reference to the unwitnessed time, the
20 unaccountable time, the time that he could not account
21 for. He could not account from 2:15 to around 8:00. The
22 parenthesis is not in reference to the time that I spent
23 with him. It's in reference to the time that he could not
24 account for.

25 Q But until today, I didn't know that 2:15 to 8:00

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1 was something from the family, did I?

2 MR. BROWN: Objection.

3 MS. MCCLAIN-CHAPMAN: You?

4 MR. BROWN: Objection.

5 THE COURT: Sustained.

6 BY MR. VIGNARAJAH:

7 Q Well, let me ask you something else, Ms.
8 McClain. Let me ask it differently, Ms. McClain. Until
9 today, in none of your affidavits have you ever said that
10 2:15 to 8:00 came from the family right?

11 A I don't think I did.

12 Q So if a person is reading this, it's reasonable
13 for them to read it based on what's contained in the
14 letter, not based on what the family told you right?

15 A If a person is going to misread what I wrote
16 they can make sense of it any way that they want to. It's
17 not what I intended to say.

18 Q And so they would have misunderstood your
19 letter?

20 A Correct.

21 Q That's not what you were offering to do.

22 A Exactly.

23 Q Okay. Now, the library that you were referring
24 to, you saw him at the public library. Is that right?

25 A Yes.

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1 Q You didn't see him at the school library right?
2 A Correct.
3 Q But you are aware that there's a school library
4 at Woodlawn right?
5 A Yes, but I couldn't tell you where it is.
6 (Laughed.)
7 Q You didn't go there very often did you?
8 A No. Nobody hardly ever did.
9 Q Okay. Were you aware that there were computers
10 at that library?
11 A I don't remember.
12 Q Okay. Well, there were computers at the school
13 -- at the public library right?
14 A Yes.
15 Q And you could check your Internet at the public
16 library right?
17 A Yes. I assume so.
18 Q But you could also check your Internet at the
19 school library right?
20 A I don't know. I don't remember there -- I don't
21 ever remember using the actual school library, so I don't
22 remember if they had computers or not.
23 Q So you didn't know that there were seven
24 computers at the Woodlawn school library?
25 A No.

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Q And you didn't know that three of those computers had Internet access?

A No.

Q And you didn't know because you never spent time there that Adnan used to go to that library often.

MR. BROWN: Objection.

THE COURT: Overruled.

MS. MCCLAIN-CHAPMAN: No. I actually had home Internet and a computer, so I never checked email anywhere but at home, so I wouldn't know -- if I needed to use the computer, I would just go home.

BY MR. VIGNARAJAH:

Q And you didn't know that Adnan and Hae used to go hang out at the school library.

MR. BROWN: Objection.

MS. MCCLAIN-CHAPMAN: No.

THE COURT: Overruled.

MS. MCCLAIN-CHAPMAN: Oh. Oh sorry. (Laughed.) I have -- no, I have no idea how they spent their personal time together.

MR. VIGNARAJAH: Just put up a map of Woodlawn High School.

BY MR. VIGNARAJAH:

Q And I think you testified yesterday and I'm sorry that I don't have a pointer that this is the main

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1 school and this is where the gym is. Is that right?
2 A Yes. The gym and the auditorium.
3 Q And the public library is over here right?
4 A I think that's the parking lot you're pointing
5 to. It's a little --
6 Q Oh forgive me. That's the public library right
7 there?
8 A Yes.
9 Q And the parking lot's right here?
10 A Yes.
11 Q And people would sometimes go to the public
12 library, not to use the Internet, but to get picked up
13 right?
14 A People would use the public library for all
15 kinds of reasons. They had better resources --
16 Q Okay.
17 A -- as far as books --
18 Q Okay.
19 A -- so if you had a paper or a project due, a lot
20 of times you'd go to that library because the school
21 library you know -- they -- it was a bigger library, so.
22 Q But because the main library -- at the school --
23 excuse me -- had computers, if you wanted to check the
24 Internet you could do it there right?
25 A I would assume so, but like I said, I don't even

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--

Q You don't have to go --

MR. BROWN: Objection.

MR. NIETO: Objection.

MR. BROWN: Let her finish the question.

MR. VIGNARAJAH: I think she answered my question.

MR. NIETO: No.

MR. VIGNARAJAH: But go ahead, Ms. McClain.

MS. MCCLAIN-CHAPMAN: I was saying that I believe so, but like I said I couldn't even tell you where in the school the school library was, so I don't even know if any other people in school were familiar with you know using that library because personally, I would have went [sic] to the public library for any of those needs.

BY MR. VIGNARAJAH:

Q So you weren't aware that Adnan used the school library often?

MR. BROWN: Asked and answered.

THE COURT: Overruled.

MS. MCCLAIN-CHAPMAN: I didn't know him very well, to be able to state what he did or what he knew so.

BY MR. VIGNARAJAH:

Q Did you know that Adnan was on the track team?

A Yes. I did.

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1 Q And can you indicate -- correct me if I'm wrong
2 -- these are the tennis courts right?

3 A Yes.

4 Q And this is --

5 A That looks about right.

6 Q -- the baseball field right?

7 A Yes.

8 Q And --

9 A I think there was several baseball fields
10 actually.

11 Q One, two, three?

12 A Yes. That's --

13 Q Woodlawn had a good baseball team right?

14 A (Laughed.) I didn't follow it.

15 Q Okay.

16 A I didn't make the softball team, so. (Laughed.)
17 (Laughter.)

18 BY MR. VIGNARAJAH:

19 Q This is the track right?

20 A Yes.

21 Q So there's a track here and the school here, and
22 the public library there?

23 A Um-hm.

24 Q If you had track practice, the school library,
25 which has Internet, assuming it has Internet, is an easier

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1 place to check your email than the public library. Is
2 that fair to say?

3 A It depends on what he did after school because a
4 lot of times we would hang out in the front courtyard.
5 You know there's student parking lots. People hang out in
6 the front and in the back of the school so it just -- you
7 know I don't know what his day looked like so it just
8 depends on what he was doing.

9 It's not like track you always met -- I did a
10 sport that involved running. I know I tried out for
11 lacrosse. But a lot of the sports that were like track or
12 lacrosse or field hockey, you didn't always practice down
13 at the track.

14 Sometimes the track people would start at the
15 front and they would meet at the front of the school --

16 Q Okay.

17 A -- and they would run laps around the whole
18 property. So it just depends on what the coach had them
19 doing that day.

20 Q Got it. So that might have been the reason why
21 he went to the public library instead of the school
22 library.

23 A It could have been. We also had vending
24 machines in the front, so if he needed a snack. I mean I
25 don't know what he did that day so I can't tell you why he

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1 went to the public library versus the school library.

2 Q But if Mr. Syed generally used the school
3 library, and even if track practice was meeting right in
4 front of the school, do you have any explanation for why
5 he would go over to the public library on that day as
6 opposed to other days?

7 A His own prerogative.

8 (Laughter.)

9 BY MR. VIGNARAJAH:

10 Q Well, people picked students up at the school
11 library right?

12 A (Laughed.) From time to time. It depends on
13 how lazy your ride was. If they didn't feel like driving
14 down to get you, there was a 7-11 across from the library,
15 so sometimes people wanted to go get snacks, and they'd
16 say "Pick me up at 7-11," or "Pick me up at the library,"
17 or sometimes your ride would just come down and meet you
18 in the front circle there. It just -- it's random.

19 Q Ms. McClain, I -- and it seems like a lot of
20 reasons you might go to the school library, maybe just
21 because you want to.

22 A Yeah.

23 Q But do you understand how it might appear if you
24 went to the school [sic] library on the very day that your
25 ex-girlfriend went missing, when usually you used the

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1 school library Internet access?

2 A (No audible response.)

3 Q See how that might appear?

4 MR. BROWN: Objection. Compound. Confusing.
5 Misleading.

6 THE COURT: Overruled.

7 MS. MCCLAIN-CHAPMAN: I don't see it as being
8 strange.

9 BY MR. VIGNARAJAH:

10 Q To change your daily routine on the very day
11 that your ex-girlfriend that you're accused of murdering
12 goes missing? You don't see how changing your daily
13 routine that day --

14 MR. BROWN: Objection.

15 BY MR. VIGNARAJAH:

16 Q -- might seem strange?

17 MR. BROWN: It's a mischaracterization of facts,
18 Your Honor.

19 THE COURT: Over --

20 MR. BROWN: This has been going on enough.

21 THE COURT: Overruled. You'll have --

22 MS. MCCLAIN-CHAPMAN: I don't see it as strange.
23 People make random changes in their everyday schedule all
24 the time. It's called coincidence and things happen as
25 they happen.

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1 BY MR. VIGNARAJAH:

2 Q Ms. McClain, let's talk for a minute about your
3 second letter.

4 A Okay.

5 Q Now you said that clipart -- do you remember the
6 clipart that you couldn't explain?

7 A (Laughed.) Yes.

8 Q That was clipart from your home computer right?

9 A Yes.

10 Q And so I just want to make sure I understand.

11 MR. VIGNARAJAH: If we could put that up?

12 BY MR. VIGNARAJAH:

13 Q You typed this up at home is that right?

14 A Yes.

15 Q So you wrote a letter while you were in class,
16 then you went home and typed it is that right?

17 A Yes.

18 Q Did you type the letter at home word-for-word
19 based on what you wrote in the class or did you make
20 changes?

21 A I don't remember.

22 Q And the letter that you mailed to Adnan, was
23 this letter or the handwritten letter?

24 A I mailed the -- I believe I mailed both of them.

25 Q You mailed both of them?

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1 A Yes.

2 Q Okay. So you mailed the March 1st letter as
3 well as a handwritten March 2nd letter and also the typed
4 March 2nd letter is that right?

5 A No. I didn't mail the handwritten letter for
6 this one.

7 Q I'm sorry.

8 A The handwritten letter was a rough draft.

9 Q It was a rough draft?

10 A Yeah. And then I went home and typed up that.

11 Q Got it. Now you don't say that in the letter
12 right?

13 A No.

14 Q Okay. You don't say that you wrote a letter
15 earlier and that you're now typing it up?

16 A No. But obviously in the letter it says that
17 I'm writing it in the middle of class, so you have to
18 assume that I'm not typing in class.

19 Q Well, let's just go through this for a minute.
20 The first letter was written Monday night. when you got
21 home after the Syed's right?

22 A Yes.

23 Q And the second letter that you typed up was
24 typed up at home that same day?

25 A The same day that I handwrote --

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1 Q That you wrote it in class?
2 A Yes.
3 Q So you were handwriting a draft in Ms. Ogle's
4 class right?
5 A Yes.
6 Q And then you went home that evening and you
7 typed it up and you add some clipart?
8 A Yes.
9 Q Okay. And then you mailed that letter off.
10 A Well, I don't -- like I said yesterday, I don't
11 remember when I mailed it off, but after --
12 Q But at some point --
13 A -- after I typed --
14 Q -- you mailed --
15 A -- it up.
16 Q -- it off.
17 A Yes.
18 Q Shortly after?
19 A I don't remember when so.
20 Q Days after, weeks after --
21 MR. BROWN: Objection.
22 BY MR. VIGNARAJAH:
23 Q -- months after?
24 MR. BROWN: She just --
25 MS. MCCLAIN-CHAPMAN: I feel like --

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1 MR. BROWN: -- answered the question.

2 MS. MCCLAIN-CHAPMAN: -- we answered this
3 yesterday.

4 THE COURT: Sustained.

5 BY MR. VIGNARAJAH:

6 Q So when you typed up the second letter, you said
7 -- what did you do with the draft letter?

8 A I couldn't tell you.

9 Q Threw it away?

10 MR. BROWN: Objection. She said she couldn't
11 tell him.

12 THE COURT: Overruled.

13 MS. MCCLAIN-CHAPMAN: I don't remember.

14 MR. VIGNARAJAH: Okay.

15 BY MR. VIGNARAJAH:

16 Q At the very beginning of the first page, you say
17 "I know we haven't been best friends in the past, however,
18 I believe in your innocence."

19 A Yes.

20 Q Now that was written in Ms. Ogle's class the
21 morning after you had visited the family right?

22 A Yes.

23 Q And it was the morning after you'd just written
24 the handwritten letter on March 1st right?

25 A Yes.

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1 Q Why did you change from "I'm not sure about your
2 innocence" to "I believe in your innocence" between Monday
3 night and Tuesday morning in first period?

4 A Well, in between writing the two letters, I just
5 kept thinking about my experience talking to him that day,
6 and I just kept having a really hard time reconciling the
7 conversation that we had versus him being a murderer and
8 him killing her specifically because he seemed to care
9 about her future, well-being, and so I was having trouble.
10 If you look at the letters, I you know I kind of went back
11 and forth a lot because I was having trouble with
12 reconciling those two issues. And so by this time based
13 on my memory of him, in that conversation, I started to
14 feel like maybe -- you know maybe he was more innocent.
15 And that's why in that letter, I proceeded to ask more
16 questions because I was just -- I was really trying to
17 gauge you know if he was capable of something like this
18 and you know what are the circumstances behind you being
19 arrested like because like the teacher said, that I wrote
20 in the letter, "Don't you think if the police have him in
21 jail they have good evidence and they have a reason?" So
22 I'm trying to reconcile you know what possible good reason
23 could there be for this seemingly nice guy to be in jail
24 for murder. And when I talked to him, he didn't seem like
25 the type of person that would be capable of that. So my

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1 opinion was very fluid as to --
2 Q It was very what?
3 A Fluid.
4 Q And that thought process all unfolded between
5 when you wrote the first letter on Monday night and when
6 you were sitting in Ms. Ogle's class writing the draft on
7 Tuesday morning?
8 A Yes.
9 Q First period. And you mentioned earlier that
10 you didn't know term jail. I didn't hear the joke. I
11 really thought it was -- I thought it was funny. But you
12 mention the term "central booking" in that second --
13 A Oh, yeah.
14 Q Where'd you get that term from?
15 A I don't remember.
16 Q (No audible response.)
17 A I don't remember.
18 Q How old are you now? If you don't mind me
19 asking.
20 A (Laughed.) I'll be 35 in June.
21 Q Ms. McClain, be assured the world knows how old
22 you are.
23 (Laughter.)
24 MS. MCCLAIN-CHAPMAN: That's rude.
25 (Laughter.)

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1 BY MR. VIGNARAJAH:
2 Q Do you mind telling the Court approximately?
3 A Yes.
4 Q You're in your thirties.
5 A I'll be 35 in June.
6 Q Okay. And when you wrote this, you were 17 or
7 18 years-old. Is that right?
8 A Yes.
9 Q Okay. And you don't know where the term
10 "central booking" came from when you typed up this letter
11 at home on your home computer?
12 A I couldn't tell you nowadays, no.
13 Q Okay. Did any of your friends have experiences
14 with the prison system back then?
15 A I don't think so.
16 Q Mr. Syed was a person who was being charged with
17 murder, but other people in your school, to your
18 knowledge, nobody close to you had been charged with
19 anything right?
20 A No.
21 Q But you write, "I know that central booking is
22 probably not the best place to make friends, so I'll
23 attempt to be the best friend possible."
24 A Um-hm.
25 Q The term "central booking" you don't remember?

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1 A I don't remember where I got it from no.

2 Q Okay. Now further down, when the questions
3 appear, one, two, three --

4 MR. VIGNARAJAH: Thank you.

5 MS. MCCLAIN-CHAPMAN: Um-hm.

6 BY MR. VIGNARAJAH:

7 Q The first question is "Why haven't you told
8 anyone about talking to me in the library?"

9 A Um-hm.

10 Q When you were sitting in Ms. Ogle's class, on
11 Tuesday morning, why did you write that?

12 A Because I assumed you know -- I know that if I
13 was arrested for murder and you know I was having trouble
14 remembering my day, you know I guess I'm just kind of
15 wondering, like well, you know I saw you, so why don't you
16 -- why didn't -- why hasn't -- why haven't you told
17 anybody or like why hasn't anybody contacted me you know
18 because from my interpretation, you know people were
19 trying to figure out like okay well, if he -- he's having
20 trouble remembering where he was, where was he?

21 Q Well --

22 A Just like they are now.

23 Q Well, you could only cover 15 minutes for him --

24 A Yeah.

25 Q -- right?

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1 A Um-hm.
2 Q And --
3 A But when we --
4 Q So why was it surprising to you --
5 A Oh sorry. But when you think about it, if I can
6 account for 15 to 20 minutes and then say I left the
7 library and someone else he knows came in and saw him
8 there for an hour, and then he leaves and he goes
9 somewhere else and someone else -- you know the
10 accumulation of possible people that saw him throughout
11 that day could account for his day.
12 Q Now Tuesday morning when you were writing that
13 sentence, "Why haven't you told anyone about talking to me
14 in the library?"
15 A Um-hm.
16 Q Presumably, Mr. Syed had not received your first
17 letter right?
18 A Correct.
19 Q So it's not that you expected a response from
20 him.
21 A Yep.
22 Q Okay. And you didn't expect any calls between
23 Monday night and Tuesday morning about your potential
24 alibi for the 15 minutes right?
25 A Correct.

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1 Q And did you know whether he had or hadn't told
2 anyone about seeing you in the library?

3 A I guess I was assuming because his family didn't
4 know that I'd saw [sic] him because I had just told them
5 the night before and nobody tried to reach out to me. So
6 I just assumed that you know hey, you know his family
7 didn't know so my question --

8 Q And you said also no one tried to reach out to
9 you.

10 A Yeah. So --

11 Q But this was just Tuesday morning.

12 A Yes, but if --

13 Q Did you expect somebody to reach out between
14 Monday night and Tuesday morning?

15 A Again, I know if I was arrested the first thing
16 that I would be doing when trying to account for my day is
17 trying to remember who I saw. And if I was arrested for
18 murder, I would say, hey I remember seeing this girl. And
19 so yeah, it's possible that somebody could have called me
20 within 24 hours or contacted Justin and he could have got
21 in contact with me within 24 hours. Yes.

22 Q Now, Ms. McClain, I just want to push you for a
23 second.

24 A Uh-huh.

25 Q He'd just been arrested on Sunday --

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1 A Um-hm.
2 Q -- right? So you expected him to call you by
3 Tuesday morning to help account for 2:15 to 2:30?
4 A I didn't see why he -- somebody wouldn't.
5 Q Did you even know at the time when the murder
6 was supposed to have taken place?
7 A No. But like I --
8 Q But you were surprised that within 48 hours --
9 MR. BROWN: Objection.
10 BY MR. VIGNARAJAH:
11 Q -- of his arrest --
12 MR. BROWN: Your Honor?
13 BY MR. VIGNARAJAH:
14 Q -- he had not --
15 MR. BROWN: He's cutting off the witness. She
16 was trying to say something.
17 THE COURT: Anything else you wish to say before
18 the next question?
19 MS. MCCLAIN-CHAPMAN: Yes. I wasn't surprised,
20 but like I said before, a combination of this person
21 seeing you, between this time, and another person seeing
22 you between this time could be relevant.
23 MR. VIGNARAJAH: Okay.
24 BY MR. VIGNARAJAH:
25 Q Now let's go to the third question.

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1 A Um-hm.

2 Q You ask, "What is the so-called evidence that my
3 statement is up against?"

4 A Um-hm. That was referring to what my teacher
5 said about obviously if he's in jail, the police have you
6 know evidence, but she didn't know what she was talking
7 about. So I -- you know I put "so-called evidence"
8 because we didn't know if there was -- you know we didn't
9 know what the actual real evidence was, but obviously
10 there had to be something because he was in jail. So you
11 know what is it that's keeping you in jail basically?

12 Q Yeah.

13 A It was me being nosey.

14 Q That makes sense. That's what you were
15 referring to when you type "the so-called evidence"?

16 A Yes.

17 Q What are you referring to when you say "my
18 statement"? Had you made a statement yet?

19 A No. My statement in the letter about seeing him
20 at the library.

21 Q But you hadn't mailed the letter yet had you?

22

23 A No. Well, in the previous letter. The
24 handwritten letter.

25 Q The one from the previous night?

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1 A Yes.

2 Q You hadn't mailed that yet had you?

3 A I don't remember when I mailed the letters. I

4 remember mailing them because my house was the second

5 house from the corner, and we had a big blue mailbox. So

6 I remember mailing them, but I don't remember exactly in

7 what succession or when.

8 Q So when you're writing "my statement" you're

9 referring to the statement from the previous hand written

10 letter the previous night?

11 A Yes. My -- or you could even take it as why

12 haven't you told anyone about talking to me in the library

13 that statement.

14 Q That statement?

15 A Either one.

16 Q Okay.

17 A It was referring to me seeing him in the

18 library.

19 Q Okay. But you didn't expect him to have gotten

20 your letter by then had you by Tuesday morning in Ms.

21 Ogle's class?

22 A I don't -- I never really thought about it.

23 Q And you didn't expect him to have responded to

24 you by Tuesday morning in Ms. Ogle's class? Did you?

25 A It depends if his family told him that I came

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1 forward, and if the lawyer knew, and if he knew, you know
2 it just depends.

3 Q The next paragraph --

4 MR. VIGNARAJAH: Thank you so much.

5 MS. MCCLAIN-CHAPMAN: Um-hm.

6 BY MR. VIGNARAJAH:

7 Q -- is a reference to "I talked to Emron
8 (phonetic) today. He looked like crap."

9 A Yeah.

10 Q Who is that? Who is Emron?

11 A He was another Muslim student that was close
12 friends with Adnan.

13 Q And when did you see him?

14 A It says I talked to him today, so I'm assuming -
15 -

16 Q But you didn't have class with Emron, did you?

17 A I don't remember if I had a class with him or
18 not. It's kind of hard --

19 Q Was he the same year as you?

20 A I believe he was.

21 Q Okay. And so you might have seen him in Ms.
22 Ogle's class when you were writing, or did you see him
23 before school?

24 A I don't know. It could have been in a class, or
25 it could have been in the hallway. I remember a lot of

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1 people were upset. A lot of people thought Adnan was
2 guilty. A lot of people didn't think he was guilty. And
3 I just remember that Emron was really sad.

4 Q And you saw Emron before you were writing this
5 letter in Ms. Emron's [sic] --

6 MR. BROWN: Objection.

7 BY MR. VIGNARAJAH:

8 Q -- in Ms. Ogle's class. Is that right?

9 MR. BROWN: It's the fourth time he's asked that
10 question, Your Honor.

11 THE COURT: Overruled.

12 MS. MCCLAIN-CHAPMAN: Well, if I'm writing in
13 the letter, and I use "ED" and talked, I would assume that
14 was prior to me writing the letter.

15 BY MR. VIGNARAJAH:

16 Q The next page, at the very beginning of that
17 first paragraph you say, "The other day, Monday."

18 A Um-hm.

19 Q Is that a funny way to refer to yesterday?

20 A (Laughed.)

21 Q Or is that how you just write? I don't mean to
22 -- I mean it's not a criticism, like is that --

23 A That's how I wrote when I was seventeen so --

24 Q Okay.

25 A -- I don't know why I wrote the way I did.

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1 Q But you were writing this on Tuesday referring
2 to the other day being Monday. It was Tuesday morning you
3 were writing this letter.

4 A I would assume.

5 Q Ms. McClain, is it possible you wrote this
6 letter much later?

7 A I don't think so. I don't see why I would have
8 dated it March 2nd, if it was written much later.

9 Q And you don't remember writing any other letters
10 after this one.

11 A No, I don't remember it.

12 Q You say here, "And Mr. Parker seems un
13 opinionated yet he seemed happy when I told him that I'd
14 spoke to your family about the matter." Do you remember
15 writing that?

16 A Yes.

17 Q Yesterday you testified that Mr. Parker's class
18 was second period right?

19 A I know it was the last class before I went and
20 reported to the cooperative education.

21 Q Right.

22 A Um-hm.

23 Q And your first period was with Ms. Ogle, and I
24 believe you testified yesterday that Mr. Parker -- you
25 left school after second period right?

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1 A After Mr. Parker's class, I left.

2 Q Ten forty a.m. is after first period and second
3 period right?

4 A Yes, but I don't remember if there was some type
5 of home room class --

6 Q Okay.

7 A -- prior to Mrs. Ogle's. I don't remember my
8 schedule exactly. I just -- I remember Mr. Parker's class
9 because that was the only class in, like four years of
10 high school that I ever had with my best friend. Not
11 Stacy, another one.

12 Q Oh, boy.

13 A (Laughed.) And so I remember that was my
14 favorite class because I finally had a class and I've
15 known this girl since elementary school, and it seemed
16 like the only class that I've ever had with her and
17 Spanish 5 was a lot of writing papers, and I really
18 enjoyed it, and so that's what I remember.

19 Q And as it happens, Mr. Parker was happy when you
20 told him about the --

21 A Um-hm.

22 Q -- speaking to the family.

23 A He didn't have an opinion on whether Adnan was
24 guilty or not, but he was very pleased with me that you
25 know kind of like see something, say something, that you

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1 know -- that I was being --

2 Q Stepping up.

3 A -- that was being brave and stepping up, yes.

4 Q So my question is, Ms. McClain, if you're
5 writing this in first period, when did you have an
6 opportunity to tell Mr. Parker about the conversation from
7 just the previous night? Did you call him overnight?

8 A I didn't say I was writing that in first period
9 I don't believe.

10 Q (No audible response.)

11 A I said it was the last class before I checked
12 out for the day.

13 Q Well, at the bottom of the letter --

14 A Um-hm.

15 Q -- of the second page, excuse me, you do say "I
16 want you to know I'm writing" -- "I want you to know that
17 I'm missing instructions in Ms. Ogle's CIP class writing
18 the letter." Right?

19 A Yes.

20 Q So how are you writing about a conversation with
21 Mr. Parker --

22 A Maybe I --

23 Q -- when you hadn't had Mr. Parker's class yet?

24 A Maybe I got the classes confused.

25 Q Do you think it's possible that Mr. Parker's

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1 class was first period --
2 A Maybe.
3 Q -- and Ms. Ogle's -- so you were missing
4 instructions in Ms. Ogle's class --
5 A I don't even remember what CIP stands for.
6 (Laughed.) To be honest.
7 Q It's not as memorable as Mr. Parker's class.
8 A Yeah. Well, I remember Mrs. Ogle's annoying
9 voice, you can ask anybody about that.
10 (Laughter.)
11 BY MR. VIGNARAJAH:
12 Q With all due respect to Mrs. Ogle, let's --
13 MR. VIGNARAJAH: If we can go back up to the
14 paragraph with the clipart? Hold it. One down with it.
15 Just move it down. Very good thank you.
16 BY MR. VIGNARAJAH:
17 Q You said here, "Justin's mom is worried about
18 you."
19 A Um-hm.
20 Q "She gave me your home number when Justin was in
21 school."
22 A Um-hm.
23 Q When did that happen?
24 A You know I've thought about that myself, and I
25 don't remember that or like when it happened. I don't

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1 remember if I went to Justin's house or if I called her.
2 That wouldn't make sense. I don't know.

3 Q And you were in class and you'd just written the
4 first letter. It's not that you talked -- Justin was
5 obviously not in school overnight right?

6 A Yeah. But because like because I don't know
7 when I wrote the letter. Who knows. It could have been -
8 - I'm not going to speculate.

9 Q You're not sure when you wrote this letter now?

10 A No. I'm not sure when I spoke to Justin's mom.

11 Q Okay. In the next paragraph beyond this, you
12 write "Also you're the most popular guy in school. Shoot,
13 you might get prom king."

14 A (Laughed.)

15 Q Do you remember writing that?

16 A Unfortunately, I do. (Laughed.)

17 Q This is two days after he'd been arrested for
18 killing one of his classmates.

19 A Uh-huh.

20 Q Why did you think he might get prom king?

21 A Because a lot of people didn't think that he was
22 capable of doing something like that so we assumed that it
23 would be a matter of time before he got out of jail, and
24 because you know he was like essentially very popular
25 because of the gossip, you know it's like hey, you know

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1 everybody knows your name. Maybe you'll get prom king.
2 It was a joke.

3 Q Remember when in your first letter, you said
4 that you were offering an account for his unaccounted
5 time? Do you remember that in that first letter the night
6 before?

7 A Yes.

8 Q Can you see why a person reading that sentence
9 for that offer, might think this seventeen year-old girl
10 might be willing to help out someone that she thinks
11 highly of?

12 A (No audible response.)

13 Q When you're making a reference to him being prom
14 king and being popular two days after he's charged with
15 strangling his ex-girlfriend?

16 A Well, first of all, I don't -- in writing the
17 letters, and after I sent the letters, I had no idea that
18 anyone would be reading this, except for Mr. Syed. So no.
19 I don't see how someone else -- I'm assuming you're
20 alluding to Christina -- would read it that way because I
21 never --

22 It never crossed my mind that her or anyone else
23 besides maybe someone at that jail, to make sure there's
24 no razor blades or something in it, would even look at the
25 letter besides him. So no. I could not see that because

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1 I could not imagine at the time, that anyone else would be
2 reading that besides Adnan.

3 And I, if anything, I could see him reading it
4 and chuckling, and laughing because it was a joke. You
5 know because I had just, in the sentence before, said
6 "Look at the bright side. When you come back, nobody will
7 F with you," because he had been to jail, so he had street
8 cred. All that whole part is a joke.

9 Q Got it. And in -- just to be clear, in the next
10 paragraph --

11 A Um-hm.

12 Q -- "It's starting to get old."

13 A Yes. For -- it says, where is it? I'm sorry I
14 can't --

15 Q "You'll be happy to know that the gossip is dead
16 for your associates."

17 A Yeah.

18 Q "It's starting to get old."

19 A Yeah. "Associates" because the magnet program
20 was very separate from the major populous of the school.
21 A lot of their --

22 Q Ms. McClain, if I could just interrupt you for
23 one second?

24 A Oh.

25 Q That is what you wrote? "It's starting to get

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1 old" is that right?

2 A Yes. I'm explaining. I'm sorry. I'm assuming

3 you want me to explain.

4 Q I'm going to ask you that in just a minute.

5 "It's starting to get old" is what you wrote, right?

6 A For his associates, yes.

7 Q And this was two days after he'd been arrested

8 is that right?

9 A Yes.

10 Q So by Tuesday morning in Ms. Ogle's class, for

11 his associates it was already starting to get old?

12 A Yes.

13 Q And you're sure you didn't write this letter

14 several weeks or several months later?

15 A Yes.

16 Q It was already old by Tuesday morning?

17 A Yes. For people who didn't know him very well,

18 his associates.

19 Q And the next sentence is "Your real friends are

20 concentrated on you and your defense." Right?

21 A Yes.

22 Q One of those friends is Justin is that right?

23 A Yes.

24 Q And one of those friends was Jauan Gordon right?

25 A I don't -- at the time I wasn't very sure. It's

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1 kind of hard to gauge what other peoples' levels of
2 friendship are with another person.

3 Q Well, do you know who Jauan Gordon is?

4 A Yes I do.

5 Q He was one of your classmates?

6 A I don't know if we had a class together, but he
7 was a friend. Yes.

8 Q And he was friends with Justin, too, right?

9 A Yes.

10 Q And Justin was very close friends with Adnan
11 right?

12 A Yes.

13 Q So you might have been referring to those
14 friends that were concentrated on him and his defense?

15 A I was referring to a lot of people who knew him
16 personally, like a lot of the other magnet kids because
17 there was magnet kids and then there's non magnet kids.
18 When I speak of associates, I'm speaking of a lot of the
19 non magnet kids who didn't spend any of their time -- who
20 didn't spend a lot of time with him.

21 So you know it was getting old because they
22 didn't have any personal experience with him to go by, so
23 it was just rumor for them. And so after a couple days,
24 they didn't have anything else to talk about because they
25 didn't know him and they couldn't interject any personal

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1 relationships or you know recollections of his
2 personality. So for his associates it was getting old.

3 But people who may have had classes with him or
4 were actually real friends with him, that couldn't believe
5 that he was capable of it because of his personality.
6 They were you know they weren't concerned with the
7 negative gossip about him being a murderer. They were
8 more concerned with well, why is he in jail, like I just
9 don't get how he could have killed her you know.

10 Q They were concentrated on his defense.

11 A Yeah. His defense as in -- like not his defense
12 with his lawyer, but just, like defense in, like in the
13 sense of -- defense in the sense of, like how is it
14 possible that -- it's not possible that he killed her.
15 So, like you know, like people -- people were talking
16 about all kinds of stuff --

17 Q If I could interrupt you for one second?

18 A Okay. Sorry.

19 Q I appreciate your effort to explain it. It's
20 helpful. I just want to understand --

21 A Sorry.

22 Q -- when you -- no, no, it's fine. When you were
23 making this reference, had you already had a lot of
24 conversations with all these people, the magnet people,
25 and --

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1 A Well, there were people from --
2 Q Again, if I just try to --
3 A Yeah. There were --
4 Q Had you had a lot of conversations yes or no?
5 A I had a couple conversations about speculations.
6 Q Okay.
7 A People were speculating.
8 Q Okay.
9 MR. VIGNARAJAH: Let's go to the next page then.
10 Thank you.
11 BY MR. VIGNARAJAH:
12 Q You asked a question --
13 A Um-hm.
14 Q Do you need to take a break?
15 A No. I'm fine.
16 Q You asked a question, "Did you cut school that
17 day?"
18 A Um-hm.
19 Q "Somebody told me that you cut school to play
20 video games at someone's house."
21 A Yes.
22 Q "Is that what you told the police?" Do you
23 remember writing that?
24 A Like I said there were a lot of speculations
25 that day.

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1 Q I'm sorry. Do you remember writing that?
2 A Yeah. Oh, yes.
3 Q Okay. And you wrote that again Tuesday morning
4 in Ms. Ogle's class.
5 A It's in the letter.
6 Q Well, is it possible you wrote the letter later?
7 MR. BROWN: Asked and answered.
8 THE COURT: Overruled.
9 MS. MCCLAIN-CHAPMAN: I'm kind of confused by
10 your question.
11 BY MR. VIGNARAJAH:
12 Q Is it possible that even though it's dated March
13 2nd --
14 A No.
15 Q -- it's -- you actually wrote this letter weeks
16 later? Is that possible?
17 A No.
18 Q So then in Ms. Ogle's class, you're writing "Did
19 you cut school that day? Someone told me that you cut
20 school to play video games at someone's house."
21 A (No audible response.)
22 Q Yes?
23 A Yes.
24 Q Who told you that?
25 A I don't remember. I would have --

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1 Q It wasn't Adnan --

2 A -- said that.

3 Q -- right?

4 A It's who?

5 Q It wasn't Adnan right?

6 A Well, no he's in -- he was in jail.

7 Q Right. And it wasn't Justin was it?

8 A I don't remember who told me.

9 Q It could have been one of Adnan's friends?

10 MR. BROWN: Objection.

11 BY MR. VIGNARAJAH:

12 Q Could it have been one of Adnan's friends?

13 MR. BROWN: Objection.

14 THE COURT: Overruled.

15 MS. MCCLAIN-CHAPMAN: I don't remember who told

16 me that.

17 BY MR. VIGNARAJAH:

18 Q Would it surprise you to learn that account of
19 playing video games at someone's house is exactly what Mr.
20 Wilds told the police that he was doing that day?

21 A It wouldn't surprise me.

22 Q So on Tuesday morning, you are putting in a
23 letter precisely what Mr. Wilds told police as to what
24 Adnan also might have been doing that day?

25 MR. BROWN: Objection.

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1 THE COURT: Overruled.
2 MS. MCCLAIN-CHAPMAN: I think it's coincidental.
3 BY MR. VIGNARAJAH:
4 Q Coincidence?
5 A Yeah.
6 Q It's a pretty specific alibi, video games. No?
7 A Well, considering I don't remember who told me,
8 I know that I didn't make a habit of speaking with Jay, so
9 I don't remember who told me, but if he happened to say
10 the same thing, I do find that pretty impressive, but.
11 Q Is it possible that someone was getting you
12 messages from Adnan?
13 A No.
14 Q Are you sure?
15 A Yes.
16 Q The next sentence down it says "I don't
17 understand how it took the police three weeks to find
18 Hae's car."
19 A Yes.
20 Q Who did you learn that it was three weeks that
21 they recovered the car?
22 A I have no idea. This is all high school gossip
23 and speculation.
24 Q The car was in fact found on Sunday morning did
25 you know that?

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1 A No, I didn't.

2 Q Do you know that today?

3 A (No audible response.)

4 Q Did you know that -- I mean I know you didn't
5 know it at the time you wrote the letter --

6 A my

7 Q -- but did you know it today, coming in before
8 testifying?

9 A I have read somewhere about them finding the
10 car, but I didn't retain the information. So if you asked
11 me I came in the courtroom today, if I knew they found the
12 car on Sunday, I could say no, but I know I've read it.
13 It just kind of went in one ear and out the other.

14 Q So you read somewhere that the car was found
15 three weeks after --

16 A No. I read somewhere about the car being found.

17 Q Right. Right.

18 A Yeah.

19 Q Because that was in the press. The fact that
20 the car had been found right?

21 A After "Serial" I read that.

22 Q Okay. Oh. So you didn't know, you hadn't read
23 anything after Mr. Syed was arrested?

24 A No.

25 Q And you hadn't watched any coverage on the TV

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1 shows about his arrest?

2 A Not that I can remember no.

3 Q So how did you know sitting in Ms. Ogle's class
4 that the police found the victim's car three weeks after
5 her body was found? How did you know that in Ms. Ogle's
6 class?

7 A High school rumor and speculation you know
8 people gossiping.

9 Q And you're sure again that wasn't from one of
10 Adnan's friends?

11 A If they were the one gossiping, but I don't
12 remember who said that.

13 Q You don't have an explanation for why Jay would
14 know do you?

15 A No.

16 Q But it's possible they saw it on the news and
17 they made some assumptions about how long it was, fair to
18 say?

19 A I don't know where people got their information
20 from in high school. That I mean that's the whole concept
21 of rumors you don't know where they come from or if
22 they're true.

23 Q In the next sentence you write "I don't
24 understand how you would even know about Lincoln Park, or
25 how the police expect you to follow Hae in your car, kill

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1 her, and take her car" -- sorry. Excuse me. "And take
2 her car to Lincoln Park, dig a grave, and find your way
3 back home."

4 Do you remember writing t
hat?

5 A Yes I do.

6 Q Do you know where you got that account of what
7 happened that day?

8 A Well, I knew that her body was found in Lincoln
9 Park.

10 Q Okay.

11 A And it says "how the police expected you to
12 follow Hae in your car." Obviously, I must have known
13 that he had a car, and that she had a car. So it didn't
14 make sense to me you know if two people have a car, and
15 her car is found somewhere else, like how do you manage
16 two cars is basically what I was trying to say, like how
17 do you kill somebody, while you're managing two cars at
18 the same time?

19 Q So I just want to make sure I understand.
20 Before you're writing that sentence, you know that Adnan
21 has a car right?

22 A Yes.

23 Q You know Hae has a car right?

24 A Yes.

25 Q You know that the body was found in Lincoln

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1 Park.

2 A Yes.

3 Q And you know that the car was recovered near
4 Lincoln Park right?

5 A I didn't know that -- where the car was
6 recovered.

7 Q So you don't even know that. You know that the
8 car was recovered?

9 A Yes.

10 Q And you put -- now was the totality of the
11 information you had about what happened?

12 A I don't know if that's -- well, when I wrote the
13 letter.

14 Q And you put all of that together to write "I
15 don't understand how you would even know about Lincoln
16 Park" --

17 A Um-hm.

18 Q -- "or how the police expect you to follow Hae
19 in your car, kill her, and take the car to Lincoln Park,
20 dig a grave, and find your way back home."

21 A Yes. Because in my thought, if he had a car,
22 she had a car. They went somewhere together in their
23 separate cars and she was murdered, and then he took her
24 car and dumped it somewhere, how would he get back to his
25 car? So that's where that's communicating.

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1 Q How did you know she was buried?

2 A Because when they told us that she was found
3 dead, they told us that she was in a park in a shallow
4 grave.

5 Q Who told you that?

6 A I don't remember.

7 Q But on Tuesday morning in Ms. Ogle's class, you
8 had all that information?

9 A Yeah. Sorry. (Crying.)

10 Q Ms. McClain, I have to ask you --

11 A (Sobbing.)

12 THE COURT: Ms. McClain, do you want a minute?
13 Let me see counsel just on scheduling.

14 (At 12:20:36 p.m., on the record bench
15 conference; counsel approached bench, and the following
16 occurred:)

17 THE COURT: We'll give her a minute, but how
18 much longer?

19 MR. VIGNARAJAH: I do have a little longer,
20 about twenty minutes or so.

21 THE COURT: Okay. All right. Well, let's give
22 her a minute to compose herself and then --

23 MR. VIGNARAJAH: Take a five-minute break and
24 then go until one?

25 MR. BROWN: Let's get this -- I mean --

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1 THE COURT: I think I should keep moving --
2 MR. VIGNARAJAH: Okay.
3 THE COURT: -- if she's good.
4 MR. VIGNARAJAH: Very good.
5 THE COURT: And I'll almost defer to Mr. Proctor
6 if he --
7 MR. BROWN: Do you want me to check with Mr.
8 Proctor?
9 THE COURT: -- thinks she needs more, but if she
10 can -- if she needs more, I'll give it to her.
11 MR. PROCTOR: It's better to get it over with.
12 MR. NIETO: We are.
13 THE COURT: That's what we thought. For about
14 another 15 to 20 -- okay. She looks like she's ready
15 according to Mr. Proctor.
16 (At 12:21:35 p.m., bench conference concluded;
17 counsel returned to trial tables, and the following
18 occurred in open court:)
19 THE COURT: Ms. McClain, you tell us when you're
20 ready.
21 MS. MCCLAIN-CHAPMAN: (No audible response.)
22 (Sobbing.)
23 MR. VIGNARAJAH: Ms. McClain, I'm going to give
24 you as much time as you need, just let me know.
25 MS. MCCLAIN-CHAPMAN: (No audible response.)

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(Sobbing.)

BY MR. VIGNARAJAH:

Q Ms. McClain, I have to ask you. Are you sure you don't remember someone giving you information before you wrote this letter?

A I've --

Q And that this letter was written weeks later?

A No. It's all school gossip.

Q All school gossip?

A Yeah.

Q Ms. McClain, just by watching television, you're aware or are you aware that sometimes search warrants are executed on houses related to individuals?

A Yeah I can imagine they are.

Q I'm sorry. I couldn't hear you.

A I'm sorry. I said I can imagine that they are. I mean it's the law right?

Q And you're aware that sometimes search warrants are executed on peoples' cars and on peoples' persons?

A If they're involved in a crime yes.

Q And you don't remember anybody -- I'm going to ask you whether or not something might refresh your recollection.

A Okay.

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1 Q You never had a chance to read any search
2 warrants that were executed on Mr. Syed did you?

3 A No. Not that I know of, no. I mean you know
4 like not during that time, no.

5 Q Not back then. How about more recently?

6 A I don't think so.

7 Q And so you're not aware that search warrants
8 were executed on Mr. Syed's car, home, and person, on
9 March 9, March 20, and March 25, are you?

10 A If it was in the podcast, you know I assume
11 maybe I knew it then because of the podcast but not prior
12 to any of that no.

13 Q But March 9, March 20, and March 25, are after
14 you wrote the letter on March 2nd right?

15 A If that's the day you say they were done, then
16 yes.

17 Q Do you accept my --

18 A Yes. I accept.

19 Q I want to ask whether you've ever heard or read
20 or had told to you a couple of sentences from the search
21 warrants before you wrote this letter.

22 A Okay.

23 Q "This witness observed Syed who buries the
24 victim in a shallow grave in Lincoln Park. Subsequently
25 Syed parks the victim's automobile at a gas station in

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1 Baltimore City. Syed then gets into his car, and drives
2 the witness to a location in Baltimore County."

3 You don't remember that?

4 A No.

5 Q In your question about how people followed one
6 another in different cars --

7 A Um-hm.

8 Q -- that wasn't based on something that was in
9 the search warrant?

10 A No. Like I say in the letter, you know I've
11 always had a very inquisitive investigative analytical
12 mind and you know when I see a situation, I try to look at
13 all the details and you know it was just me hearing
14 gossip, and wondering like you know yeah how is that
15 possible? So no, I don't remember anybody saying anything
16 like well, you know I mean outside of gossip.

17 Q And Stacy Allen was one of the friends that you
18 were close to back then right?

19 A Yes.

20 Q Did she have any nicknames back then?

21 A (Laughed.) Oh goodness.

22 Q Not that you remember.

23 A I don't remember, but maybe if you told me, I
24 could tell you if it was a nickname. (Laughed.)

25 Q I have to ask you, is there any chance she's

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1 "White Girl Stacy"?

2 A No, no, no, no, no.

3 Q Okay.

4 A No. She's black girl Stacy.

5 (Laughter.)

6 BY MR. VIGNARAJAH:

7 Q And there is exactly one other white girl named

8 Stacy in your class at Woodlawn High School right?

9 A Yes. I believe she was a magnet student.

10 Q She wasn't in your classes was she?

11 A I don't know. I don't know. Mr. Parker's class

12 had a couple of magnet kids in it, so she may have been in

13 that class or another class. I don't know.

14 Q That was Mr. Parker's second period -- second

15 period Spanish class?

16 A That was Ms. -- like I think we already

17 established that maybe I got the succession of the classes

18 confused, but I don't remember if I had a class with her

19 or not.

20 Q The reason I'm asking is because in the next

21 paragraph, you say, "White Girl Stacy just mentioned that

22 she thinks you did it." Right?

23 A Yeah.

24 Q Something about fibers on Hae's body.

25 A Um-hm. She -- I think she had said something

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1 about they found some fibers. What we know now is like
2 DNA so, but like I said it was -- people were talking out
3 of the side of their necks you know.

4 Q Was Stacy part of the investigation in any way?

5 A I don't know.

6 Q Had she made any references to DNA or
7 fingerprints or just fibers?

8 A Well, obviously back then we -- you know we were
9 kids. We didn't refer to it as "DNA." She -- if I said
10 that she said "fibers" she probably literally said
11 "fibers."

12 Q And again, that reference, that information came
13 from White Girl Stacy.

14 A Um-hm.

15 Q It didn't --

16 A I think --

17 Q -- from anywhere else?

18 A Not according to that letter.

19 Q I'm asking according to you.

20 A No. I mean essentially -- okay. Again, in
21 seventeen-year-old writing, but I guess maybe that should
22 have been a quote instead of just a sentence.

23 Q But it was quoting White Girl Stacy.

24 A Yes.

25 Q It wasn't quoting Adnan Syed's search warrant.

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1 A No. It was quoting why she said that she thinks
2 he did it. You know she's like "Well, you know apparently
3 there's evidence in Hae's -- you know -- you know Hae's
4 car." People were speculating, like one of the things we
5 wanted to know is were there fingerprints, and was there
6 you know -- didn't -- we were talking about everybody was
7 gossiping.

8 Q You were just speculating --

9 A Yeah.

10 Q -- right?

11 A Speculating.

12 Q They hadn't found -- his fingerprints hadn't
13 been public yet right?

14 A No. I didn't even know about that until after
15 "Serial."

16 Q And but you specifically referenced fibers --

17 A Um-hm.

18 Q -- in your letter. Are you sure you didn't get
19 fibers from someone who had read Adnan Syed's affidavit
20 executed on March 20 --

21 MR. BROWN: Objection.

22 BY MR. VIGNARAJAH:

23 Q -- where they're looking for fibers?

24 MR. BROWN: Objection.

25 MS. MCCLAIN-CHAPMAN: Well that's --

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1 THE COURT: Rephrase the question/.

2 MR. VIGNARAJAH: Sorry.

3 BY MR. VIGNARAJAH:

4 Q Are you sure you didn't get that information
5 about fibers from someone who had read Adnan Syed's March
6 20 search warrant that referenced that the police were
7 looking for fibers?

8 A I'm sure I got it from White Girl Stacy that's
9 all I can tell you.

10 Q Is it possible White Girl Stacy had read Mr.
11 Syed's affidavit?

12 A Not if you're saying it was March 20 because
13 that would have been way after when I wrote the letter.

14 Q You said earlier that you've never spoken to Mr.
15 Syed right?

16 A Do you mean after he was in jail?

17 Q After he was arrested. Forgive me.

18 A Yes.

19 Q So you were not aware that he asked his first
20 lawyer six days after he was arrested, after this letter
21 is dated, how mail is scrutinized?

22 A No. I wouldn't know that no.

23 Q So you're not aware that on July 13 he told one
24 of his defense team members that you might be able to
25 account for his time at 3 p.m.?

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1 A No. I don't know what he talked to his lawyer
2 about.
3 Q Why would he say 3 p.m.? Where would he have
4 gotten 3 p.m. from?
5 MR. BROWN: Objection.
6 MR. VIGNARAJAH: If you know.
7 THE COURT: Sustained.
8 MS. MCCLAIN-CHAPMAN: I have no idea.
9 BY MR. VIGNARAJAH:
10 Q Well, you never put 3 p.m. in any of your
11 letters right?
12 A I don't believe so.
13 Q And you actually only saw him from 2:15 to about
14 2:40 according to your affidavits from after the trial in
15 2015 right?
16 A Yes.
17 Q So none of those reference 3 p.m.?
18 A No. Not that I -- no -- remember no.
19 Q Did you get any letters from Mr. Syed or
20 instructions from Mr. Syed to type up a letter?
21 A No.
22 Q Do you know if Justin got any letters or the
23 request to type up any letters --
24 A I don't --
25 Q -- after he was arrested?

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1 A I don't know. I know after he got arrested,
2 Justin sent him letters, but you know that's all I know.
3 Q And do you know if Jauan Gordon got any letters
4 from Mr. Syed --
5 A I don't know.
6 Q -- after he was arrested?
7 A I don't know.
8 Q You don't know or you don't remember?
9 A I don't know if Jauan got any letters from
10 Adnan.
11 Q Did any of those individuals Justin or Mr.
12 Gordon come to you and say, "Adnan wants you to type up a
13 letter"?
14 A Not that I can remember, no.
15 Q Do you have any explanation for why then Jauan
16 Gordon told police on April 9, "The Defendant wrote me a
17 letter. He called yesterday, but I wasn't home."
18 A Um-hm.
19 Q "I wrote Defendant bac"?
20 A (No audible response.)
21 Q Do you have any explanation for --
22 A Jauan said that?
23 Q Yeah.
24 A I'm sorry. Read it again. He said that --
25 Q "Defendant wrote me a letter. He called

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1 yesterday, but I wasn't" --

2 MR. BROWN: Objection. May we approach, Your
3 Honor?

4 THE COURT: Approach.

5 (At 12:33:27 p.m., on the record bench
6 conference; counsel approached bench, and the following
7 occurred:)

8 MR. BROWN: Your Honor, if Mr. Vignarajah wants
9 to attempt to refresh her memory, refresh her
10 recollection, he'll show her the exhibit, see if it
11 refreshes her recollection. But this isn't a way to back
12 door testimony or evidence into this proceeding. That's
13 essentially what you're trying to do.

14 MR. VIGNARAJAH: She hasn't told me. She hasn't
15 asked. And we'll get this because this was --

16 THE COURT: What? I sort of missed the first
17 part of the question, it was did --

18 MR. VIGNARAJAH: Just asking whether --

19 THE COURT: -- did Justin --

20 MR. VIGNARAJAH: - she has an explanation for
21 why Jauan Gordon would have said something previously.
22 And Jauan Gordon referenced (inaudible) --

23 (Crosstalk)

24 MR. BROWN: She said --

25 MR. VIGNARAJAH: -- (inaudible)

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1 MR. BROWN: -- she said that.
2 THE COURT: (No audible response.)
3 MR. VIGNARAJAH: Okay. I can ask it
4 differently.
5 THE COURT: All right.
6 MR. VIGNARAJAH: Thank you.
7 (At 12:34:17 p.m., bench conference concluded;
8 counsel returned to trial tables, and the following
9 occurred in open court:)
10 BY MR. VIGNARAJAH:
11 Q Do you have an explanation for why Jauan Gordon
12 would have told police that you had gotten a letter to
13 type up --
14 A Um-hm.
15 Q -- from Adnan?
16 A No. I don't remember that happening.
17 Q That Adnan had written a girl a letter to type
18 up with its address on it.
19 A Wait. I'm sorry. I'm trying to understand.
20 Q Do you have any --
21 A Someone said that --
22 Q -- explanation --
23 A -- I received a letter --
24 Q Yeah. Do you have any explanation --
25 A -- from him?

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1 Q -- for why Jauan Gordon --
2 A Uh-huh.
3 Q -- told police on April 9 that you wrote a
4 letter to a girl -- sorry. That Adnan wrote a letter to a
5 girl, to type up with its address on it.
6 A No. I don't have an explanation.
7 Q Do you have an explanation for why Jauan Gordon
8 told the police that girl got the address wrong?
9 A No.
10 Q Do you have any explanation for why Jauan Gordon
11 told the police on April 9 that the address was 101 East
12 Eager Street?
13 A No.
14 Q Do you have any explanation for why Jauan Gordon
15 told police that girl was Asia, twelfth grade?
16 A No.
17 Q Do you have any explanation for why Jauan Gordon
18 told police that girl was Asia McClain?
19 A No.
20 Q Do you have any explanation for why Jauan Gordon
21 told police that he had gotten a letter, that Justin had
22 gotten a letter, as well?
23 A From me?
24 Q From Adnan.
25 A Well, yeah, him and -- he said that -- well, not

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1 why he would have got a letter from Adnan, but I knew that
2 Justin was writing him so I mean I guess it's a
3 possibility Adnan could have written Justin back.

4 Q Do you have any explanation for why Jauan Gordon
5 said that Adnan wrote a letter for a girl to type up named
6 Asia McClain?

7 A No I don't.

8 Q The address on the top of the second letter is
9 not 101 East Eager Street is it?

10 A I don't know. Is it? It's 301 East Eager
11 Street.

12 Q Where did you get that address from?

13 A I have no idea.

14 Q Where did you get that number from that's next
15 to Mr. Syed's name?

16 A I don't remember.

17 Q Do you even know what that number is?

18 A I would -- I can assume what it is but --

19 Q What do you assume it is?

20 A I assume it's some sort of identification
21 number.

22 Q Did you type that on there?

23 A I typed the whole letter.

24 Q Did you type "Adnan Syed" and that --

25 A Yes.

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1 Q -- number? And did you type 301 East Eager
2 Street?
3 A Yes.
4 Q So by Ms. Ogle's class on Tuesday morning, or
5 Mr. Parker's class on Tuesday morning, you had heard about
6 fibers --
7 A Um-hm.
8 Q -- you had heard about the route that the
9 perpetrators purportedly had taken, you had heard about --
10 A I didn't say that I heard about the route. I
11 said that I didn't understand how her car-- how two cars
12 could be involved, but I don't know if that pertains to
13 the route.
14 Q You had heard about the fact that the car had
15 been recovered three weeks after the body was found?
16 A Yes. All rumor.
17 Q And you had Mr. Syed's identification number and
18 301 East Eager Street?
19 A Yes.
20 Q All by Tuesday morning in Ms. Ogle's class?
21 A Yes. Or -- yeah. Or by the time I typed the
22 letter.
23 Q Is it possible that you typed the letter later?
24 A No.
25 MR. VIGNARAJAH: Thank you, Ms. McClain.

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1 MS. MCCLAIN-CHAPMAN: Um-hm.
2 MR. VIGNARAJAH: Thank you, Your Honor. No
3 further questions.
4 MS. MCCLAIN-CHAPMAN: May I have some water?
5 MR. VIGNARAJAH: Certainly.
6 MR. BROWN: Your Honor, may we approach?
7 THE COURT: Yes. If we could get Ms. McClain
8 some water?
9 MS. MCCLAIN-CHAPMAN: Oh. Thanks.
10 (At 12:39:05 p.m., on the record bench
11 conference; counsel approached bench, and the following
12 occurred:)
13 MR. BROWN: We would ask to take a lunch break
14 now. It seems like an appropriate time.
15 MR. VIGNARAJAH: Thank you, Your Honor.
16 THE COURT: And Madam Clerk?
17 (No audible response.)
18 THE COURT: Ms. Snow? What's your--
19 (Madam Clerk approached the bench.)
20 THE CLERK: (Inaudible.)
21 THE COURT: You run the show. What's your
22 suggestion? It's about --
23 MR. BROWN: If I've got it right, it's about
24 twenty of one.
25 THE CLERK: (Inaudible) two o'clock. What do

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1 you think? That's too long?
2 THE COURT: Two o'clock is that -- no, I was
3 thinking two.
4 MR. VIGNARAJAH: Fine by the State.
5 THE COURT: All right.
6 MR. BROWN: Two o'clock? All right.
7 THE COURT: Two o'clock.
8 MR. BROWN: Thank you.
9 (At 12:39:42 p.m., bench conference concluded;
10 counsel returned to trial tables, and the following
11 occurred in open court:)
12 THE COURT: Ms. Chapman?
13 MS. MCCLAIN-CHAPMAN: Yes?
14 THE COURT: We're going to take our lunch
15 recess.
16 MS. MCCLAIN-CHAPMAN: Okay.
17 THE COURT: And you may step down. I'm going to
18 excuse you, but because you're sequestered, obviously you
19 can't discuss your testimony with anyone.
20 MS. MCCLAIN-CHAPMAN: Um-hm.
21 THE COURT: -- except your attorney, Mr.
22 Proctor.
23 (Ms. McClain-Chapman was excused.)
24 THE COURT: So the Court will take its lunch
25 recess. We'll reconvene at two o'clock. Thank you.

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MS. MCCLAIN-CHAPMAN: Thank you.

THE CLERK: All rise.

(At 12:40:11 p.m. luncheon recess.)

(On the record - 02:10:38 p.m.)

THE CLERK: Silence, please. All rise. The Circuit Court for Baltimore City, Part 97, is back in session. The Honorable Martin P. Welch presiding.

THE COURT: Good afternoon, everyone. You may be seated.

Before we continue this afternoon, too, I just want to remind everyone of the cell phone policy so we can have some consistency, so that they are to be turned off, please.

So I know it's a little bit colder in here than it was and we'll try to act accordingly and we -- maybe in a little bit, we'll ask them to adjust the temperature. I'm afraid that if we do, it's going to go right back up again. So we'll try to adjust it shortly.

So we should be ready to resume. Ms. Chapman, are you ready to return to the witness stand?

MS. CHAPMAN: Yes.

THE COURT: And, again, Ms. Chapman, just state your name for the record. Well, after you get adjusted.

MS. CHAPMAN: Asia Chapman.

THE COURT: Now, I'll remind you, Ms. Chapman,

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1 that you're still under oath.

2 And Mr. Vignarajah?

3 MR. VIGNARAJAH: Your Honor, I believe I'm
4 completed with my cross examination. Thank you.

5 THE COURT: Oh, that's right. So any --

6 MR. BROWN: Your Honor, so we're going to ask --

7 THE COURT: -- any redirect?

8 MR. BROWN: -- we have a few questions on
9 redirect. Thank you, Your Honor.

10 THE COURT: Certainly.

11 REDIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Ms. McClain, you've been asked a lot of
14 questions over the course of two days now --

15 A Yes.

16 Q -- and at times, some of those questions have
17 been pretty confusing.

18 A Yes.

19 Q I'm going to try to clarify a few points. I'm
20 going to talk about some specific points and give you an
21 opportunity to explain things.

22 A Okay.

23 Q Now, do you remember when Mr. Vignarajah asked
24 you some questions about your conversation with Adnan Syed
25 in the library?

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1 A Yes.

2 Q And do you recall one of the things he said was
3 something along the lines of isn't it interesting that on
4 the day when Adnan Syed commits this murder, that he goes
5 into the library and strikes up a conversation about Hae
6 Min Lee, something along those lines? Do you remember
7 that?

8 A Yes.

9 Q Okay. So I want to go back, and just so I'm 100
10 percent clear for the record, isn't it you who initiated
11 that conversation?

12 A It is.

13 Q Can you please explain that to the Court?

14 A Well, when he walked in, I was very happy to see
15 someone that I knew because I had essentially been there
16 all day by myself, and so, like I said, we made eye
17 contact. He came over and sat next to me and I don't know
18 why I asked him, but I guess because we had mutual friends
19 and it had been known that they had broke -- well, it was
20 rumored that they had broken up. I asked him, you know,
21 was it true.

22 Q Okay. And just to be 100 percent crystal clear,
23 did Mr. Syed initiate that conversation?

24 A No, he did not.

25 Q Okay. And what, if anything, about that

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1 conversation was striking to you?

2 A Just how cool he was about it, nonchalant, I
3 guess you could say, very mature about it in the sense
4 that, you know, they had broken up. He cared about Hae,
5 but she got an interest in someone else and he just wanted
6 her to be happy.

7 Q And that nonchalance and coolness, did that help
8 you remember the conversation?

9 A I guess you could say it did. Sometimes high
10 school boys tend to be a little immature, so the fact that
11 he was pretty mature about it did stand out in my memory.

12 Q Okay. I'm going to move on to a different topic
13 now. There were a lot of questions asked of you about
14 your schedule in school.

15 A Yes.

16 Q There was a first period class. There was a
17 second period class. And although you were asked the
18 question several times, it's not easy to remember exactly
19 which classes you had way back then; is that fair to say?

20 A Yes.

21 Q Okay.

22 A And the order --

23 Q And their order --

24 A -- can be confusing.

25 Q Right. So I want to ask -- and in relation to

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1 that, talking about the second letter --
2 A Uh-huh.
3 Q -- okay, the letter dated March 2nd --
4 A Yes.
5 Q -- okay, and what you said was that, initially,
6 you had written something out by hand --
7 A Yes.
8 Q -- and I think you referred to that as a draft.
9 A Uh-huh.
10 Q And then it wasn't until much later that day, if
11 not the evening, that that letter took the format of being
12 typed up.
13 A Yes.
14 Q Okay. Now, if something happened -- let's say
15 after school, after you'd already written the first draft,
16 is it possible that you might've added that to the typed
17 up version?
18 A Yes.
19 Q Okay. So that to draw the conclusion that
20 everything -- every bit and piece of information in that
21 typed up letter was known to you by first period or second
22 period or recess or whenever, that's not necessarily
23 correct?
24 A No. I knew that I -- I know that I added stuff
25 in later as I typed it. I just don't specifically know

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1 what items I added in later.

2 Q Okay. And is one of the reasons that you don't
3 remember specifically what you might've added in later is
4 because it took place so long ago?

5 A Exactly.

6 Q Okay. But are you doing your best to try to
7 remember it?

8 A I am.

9 Q And Mr. Vignarajah has asked you a lot of
10 questions about it. You're trying?

11 A Very hard.

12 Q Okay. Now, there were lots more questions about
13 sort of how you were able to recall certain facts in the
14 letter.

15 A Uh-huh.

16 Q Okay. And Mr. Vignarajah started asking you
17 questions about something called a search warrant.

18 A Yes.

19 Q Did you ever see a search warrant related to
20 this case?

21 A No.

22 Q Okay. Do you know what a search warrant is?

23 A Yes.

24 Q Okay. One of the things that you talked to him
25 about was a little bit of a timeline, a timeline of when

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1 things took place. So is it correct that on January 13 is
2 when Hae went missing?

3 A Well, that's what we assumed because she never
4 arrived to pick her cousin up from school. So --

5 Q Okay.

6 A -- yes, it was assumed that's when she went
7 missing.

8 Q Okay. But if I told you that her body was found
9 on about February 9th, does that sound about right?

10 A Yes.

11 Q Okay. And that Mr. Syed wasn't arrested until,
12 as we now know that date was February 28th?

13 A Yes.

14 Q Okay. So between February 9th and February
15 28th, there were -- I'm checking my math. There were 19
16 days in between. Is that correct?

17 A That sounds about right.

18 Q Okay. Now, let me talk a little bit about
19 February 28th.

20 A Okay.

21 Q Are you aware that Mr. Syed was essentially --
22 that the police entered his house and arrested him in the
23 middle of the night?

24 A No. I thought they arrested him in the morning.

25 Q Okay. When they said in the morning, though,

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1 couldn't that mean that they went into his house after mid
2 -- anytime after midnight?

3 A Yes.

4 Q Okay. And does it sound consistent with the
5 information that you have, the official arrest could've
6 taken place around 6:00 a.m.?

7 A Yes.

8 Q Okay. So, therefore, if he's arrested and then
9 let's say it's 6:00 a.m. on Sunday morning and that first
10 letter isn't written until Monday evening --

11 A Uh-huh.

12 Q -- there's two full days in between, right --

13 A Yes.

14 Q -- because there's all day Sunday --

15 A Uh-huh.

16 Q -- and then there's all day Monday?

17 A Yes.

18 Q All right. And in those two days, people are
19 talking?

20 A Yes.

21 Q Rumors are swirling around?

22 A Uh-huh.

23 Q Okay. And, in fact, were you aware that one of
24 the things that happens after someone gets arrested, they
25 try to make bail?

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1 A Well, no, because I didn't really understand the
2 whole legal process when I was that age.

3 Q Okay. Do you now understand that, though, that
4 --

5 A When someone -- yeah, when someone is arrested,
6 I think they have a bail hearing before they actually go
7 to court. I know on TV that's what they do.

8 Q Okay. Okay. Well, sometimes TV can be
9 accurate. Sometimes it can't be. Would it surprise you
10 to learn that Mr. Syed's -- his bail hearing was on March
11 1st?

12 A Would it surprise me?

13 Q Right. Just after he'd been arrested.

14 A Yeah, it would.

15 Q Well, okay. I'm going tell you to assume -- ask
16 you to assume the fact that his bail hearing was on the
17 first.

18 MR. VIGNARAJAH: Objection, Your Honor. This is
19 direct -- or redirect examination.

20 THE COURT: Sustained.

21 MR. BROWN: Okay.

22 BY MR. BROWN:

23 Q Would it surprise you to learn that when Mr.
24 Syed went to his bail hearing, there were many, many
25 people from the Muslim community that were there to

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1 support him in court?

2 MR. VIGNARAJAH: Objection, Your Honor.

3 BY MR. BROWN:

4 Q Would that surprise you --

5 THE COURT: Overruled.

6 BY MR. BROWN:

7 Q -- to hear that?

8 A Because there was a lot of people showing
9 support at his house --

10 Q Okay.

11 A -- when he got arrested. So that doesn't
12 surprise me.

13 Q All right. Now, do you think it's possible that
14 those people were in court at his bail review hearing
15 earlier in the day, then they ended up somehow at his
16 house that evening? Would that surprise you?

17 A No.

18 Q All right. I'd like to go back a little bit to
19 that period of time, those 19 days that we talked about
20 before --

21 A Uh-huh.

22 Q -- and those are the days between when the body
23 is found on February 9th and on February 28th, early --

24 A Uh-huh.

25 Q -- in the morning or late at night, I guess,

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1 depending on how you view it, but at the time of the
2 arrest.

3 A Okay.

4 Q Now, first of all, after the body is found, was
5 there some kind of announcement made to the students?

6 A Yeah, they -- well, I don't know if there was an
7 official announcement, but it was known that she had been
8 found. I do recall an official announcement after Adnan
9 had got arrested, but I don't know if there was -- if they
10 sent out anything from the school.

11 Q Okay. Okay. After the body was found, did
12 rumors start to circulate around the school?

13 A Not in relation to Adnan. No. Well, I don't --

14 Q Well, let me try --

15 A Uh-huh.

16 Q -- let me ask you -- were there rumors, were
17 people talking about, you know, some -- one of your
18 classmates has just been found.

19 A Uh-huh.

20 Q She's no longer with the class.

21 A Uh-huh.

22 Q People are talking about it, right?

23 A Yes.

24 Q Okay. And would it surprise you to learn that
25 there was an article written in the newspaper shortly

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1 after the body was found?

2 A That wouldn't surprise me. I mean, it's news.

3 Q Okay.

4 A Young girl's murdered, you know.

5 MR. BROWN: Okay. Let me show you what's been
6 marked as Post Conviction 2 dash --

7 MR. NIETO: Forty-two.

8 MR. BROWN: -- 42. I'm going to pre-mark it as
9 PC2-42.

10 (Petitioner's Exhibit PC2-42 is marked for
11 identification)

12 THE COURT: And this is then a new exhibit,
13 correct?

14 MR. BROWN: This is a new exhibit, Your Honor.
15 I'd offer this into evidence. This is an article from the
16 Baltimore Sun dated February 12, 1999.

17 THE COURT: Any objection to its introduction,
18 Mr. --

19 MR. VIGNARAJAH: No, Your Honor.

20 THE COURT: -- Vignarajah? It's so admitted
21 then as Petitioner's Exhibit PC2-42.

22 (Petitioner's Exhibit PC2-42 is admitted into
23 evidence)

24 BY MR. BROWN:

25 Q So we were talking a little bit about the dates

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1 before and I said that the body was found on February 9th.

2 Can you read what the date of this article is?

3 A February 12, 1999.

4 Q Okay. And what does say in the very first
5 sentence?

6 A "Body of a young girl found Tuesday buried in
7 shallow grave in Baltimore's Leakin Park was identified
8 yesterday as an 18-year-old Woodlawn student who
9 disappeared nearly four weeks ago."

10 Q Now, you were being questioned about how in the
11 world you could've known that she was buried in a shallow
12 grave in Leakin Park. Do you remember those questions?

13 A Yes.

14 Q Does this help answer those questions?

15 A Yes. Anybody could've known.

16 Q Do you think it's possible that anyone in your
17 class read that?

18 A Yes.

19 Q Do you think it's possible that people in the
20 class were then talking about it?

21 A Absolutely.

22 Q Was it a big secret that she was found buried in
23 a shallow grave?

24 A No.

25 Q Was it a big secret that it was in Baltimore's

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1 Leakin Park?

2 A No.

3 Q What's the next part? What does that say about
4 a vehicle?

5 A "Hae Min Lee last seen January 13th driving away
6 from Baltimore County School in a gray 1998 Nissan Sentra
7 on her way to get her 16-year-old niece and go to work at
8 LensCrafters store."

9 Q Okay. Is that talking about her car?

10 A Yes.

11 Q And you were asked questions about the car also?

12 A Yes.

13 Q And when you were asked those questions about
14 the cars and about shallow grave and stuff like that,
15 there were times when those questions were a little bit
16 confusing, weren't they?

17 A Yes.

18 Q Mr. Vignarajah was asking you a lot of questions
19 over and over again?

20 A Yes.

21 Q And I was standing up and objecting over and
22 over again.

23 A Yes.

24 Q And the Judge was saying -- well, let me show
25 you another exhibit. I'm going to pre-mark this one PC2-

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43.

(Petitioner's Exhibit PC2-43 is marked for
identification)

THE COURT: And again, a new exhibit?

MR. BROWN: That's correct, Your Honor. And I
would move PC2-42 into evidence if I --

THE COURT: And --

MR. BROWN: -- haven't already.

THE COURT: -- you did. You did. It's in.

MR. BROWN: Okay. And I would move PC2-43 into
evidence as well.

THE COURT: Which is?

MR. BROWN: Which is a -- well, it's PC2-43.

BY MR. BROWN:

Q And, Ms. McClain, if you could --

A Uh-huh.

Q -- do your best to identify what this is.

A I'm assuming it's an article about Adnan being
arrested for or charged with Hae's murder.

Q Okay. And what's the date of that?

A March 1st.

Q Okay. There's a name mentioned in the second
paragraph. It says Sergeant Scott Rowe.

A Uh-huh.

Q And who does it say Sergeant Scott Rowe was?

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1 A A police spokesman.
2 Q Okay. And he's the one -- so it sound -- from
3 this article, is it fair to infer that he was talking
4 about what had happened?
5 A Yes.
6 Q And it says that Mr. Syed was arrested at what
7 time?
8 A 6:00 a.m.
9 Q And there were lots of questions asked to you
10 about Central Booking.
11 A Yes.
12 Q How in the world could someone who has no
13 contact, no experience with the criminal justice system,
14 how could you possibly have known that this man was at
15 Central Booking?
16 A Apparently somebody could've read the article
17 and they could've said Central Booking and I could've just
18 continued with the same wording, I guess.
19 Q And that was known on March 1, 1999. Now, you
20 take these facts --
21 A Uh-huh.
22 Q -- you take all the kids in high school --
23 A Yeah.
24 Q -- and how old were these kids and your friends?
25 A We were 17, 18.

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1 Q And I'll bet there was a lot of talking going on
2 about what had happened.

3 A Oh, yeah.

4 Q Some of it might've been true?

5 A Some of it.

6 Q And some of it might've been false?

7 A Yes.

8 Q Is it possible that people were talking about
9 DNA?

10 A I guess. We -- I don't remember anybody --
11 well, yeah, I guess.

12 Q Is it possible people were talking about
13 fingerprints?

14 A Yes.

15 Q Is it possible people were theorizing different
16 people who would've committed the murder?

17 A Yes.

18 Q Is it possible that people were talking about
19 evidence found on the body?

20 A Yes.

21 Q Now, you also know at this time that the police
22 were investigating, correct?

23 A Yes.

24 Q And you know that because they were occasionally
25 pulling kids out and they were talking to kids in your

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1 class?

2 A Yes.

3 Q Right? Some kids -- or the kids who got picked

4 by the police to be interviewed, right?

5 A Yes.

6 Q And some kids weren't?

7 A Yes.

8 Q And you were one of the kids who wasn't

9 interviewed, right?

10 A Correct.

11 Q And also, your friend Justin Adger, he was one

12 of the kids who wasn't interviewed by the police, right?

13 A Yes.

14 Q If you know.

15 A Yes. Yes, if I know. I don't know that he was.

16 I don't think he was.

17 Q And is it fair to say that from the perspective

18 of the student, it was hard to figure out why the police

19 are talking to some people, but they're not talking to

20 others?

21 A Yes.

22 Q Because Justin Adger, for example, was a good

23 friend of Adnan's?

24 A Yes.

25 Q Yet, the police didn't speak to him?

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1 A No. And they weren't telling us why they were
2 doing what they were doing. It's --

3 Q Okay.

4 A -- an active investigation.

5 Q And Mr. Vignarajah -- well, let me go back to
6 that. The police weren't telling you about their
7 investigation, right?

8 A No way. No.

9 Q But some of the students were?

10 A Yes. They were, you know, dishing out what they
11 thought they knew.

12 Q Because for someone who was a student who was
13 interviewed by the police and who was being part of that,
14 that might be something that they'd want to share with
15 other people if they're the kind of person that's looking
16 for attention?

17 A I would assume so, yes.

18 Q And you said before that you were not looking
19 for attention; is that right?

20 A Right.

21 Q You told very few people about what you knew?

22 A Correct.

23 Q And you didn't know why no one ever contacted
24 you, correct?

25 A Correct.

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1 Q Ms. McClain, there are some parts of this story
2 -- this story goes on for about 16 years, right?
3 A Yes.
4 Q And there are some parts that are hard to recall
5 with 100 percent precision?
6 A Yes.
7 Q But on the very basic facts of the case, okay --
8 A Uh-huh.
9 Q -- the very basic important things that we're
10 here for in court today and yesterday and tomorrow, I want
11 to be 100 percent sure that you got it.
12 A I got it.
13 Q Okay. Let's go back and say what they are.
14 January 13, 1999, what do you remember?
15 A I was in the library with Adnan shortly at the
16 end of the school day. I talked to him for 15 to 20
17 minutes and then I left.
18 Q And did anyone put you up to saying that?
19 A No.
20 Q Did you write letters to him?
21 A Yes, I did.
22 Q Did you one affidavit?
23 A Yes, I did.
24 Q Did you write two affidavit?
25 A Yes.

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1 Q Have you done your best to disclose as much as
2 you possibly can about this?

3 A Yes, I have.

4 MR. BROWN: Court's indulgence for a moment.

5 THE COURT: Certainly.

6 (Counsel confer)

7 MR. BROWN: Mr. Nieto has reminded me of one
8 other thing that's quite important about this story.

9 BY MR. BROWN:

10 Q Did anyone from Mr. Syed's defense team, lawyer,
11 investigator, law clerk, secretary, anyone at all from the
12 defense team representing Adnan Syed, did they ever
13 contact you?

14 A Unfortunately, no.

15 Q No further questions.

16 THE COURT: And any recross, Mr. Vignarajah?

17 MR. VIGNARAJAH: Court's indulgence, Your Honor.

18 MR. NIETO: I apologize, Your Honor, if I may
19 get the exhibit.

20 THE COURT: Certainly. And just so I'm clear,
21 too, were you offering the last exhibit that was referred
22 to the last article?

23 MR. BROWN: Yes. Yes, we offer that --

24 THE COURT: Okay.

25 MR. BROWN: -- into evidence.

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1 THE COURT: And, Mr. Vignarajah, any objection
2 to the --
3 MR. VIGNARAJAH: No objection, Your Honor.
4 THE COURT: So the Court will admit into
5 evidence Defense Exhibits -- Exhibit PC2-43.
6 (Petitioner's Exhibit PC2-43 is admitted into
7 evidence)
8 MR. VIGNARAJAH: Very briefly, Your Honor.
9 THE COURT: Certainly.
10 RE CROSS EXAMINATION
11 BY MR. VIGNARAJAH:
12 Q Ms. McClain, do you know of any Baltimore Sun
13 articles that included Mr. Syed's identification number on
14 it?
15 A I don't remember. I -- yeah, I don't remember.
16 Q Do you know of any Baltimore Sun articles that
17 had the wrong address for Central Booking on it?
18 A I don't remember.
19 Q And you said that you don't know where that
20 original letter is that you handwrote; is that right?
21 A Correct. I did them, but --
22 Q The first time that you are -- you keep a lot of
23 things, but you didn't keep that letter; is that right?
24 A Yes. Correct.
25 Q And the first time that we're hearing that that

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1 second letter was typed at home was in court today, right?

2 A Yes, that's the first time you're hearing it.

3 Q Is it the first time Mr. Brown's hearing it?

4 A No.

5 Q You told Mr. Brown that before?

6 A Yes.

7 Q And you've told him that there was a handwritten
8 letter earlier in the day; is that right?

9 A Yes.

10 MR. VIGNARAJAH: Thank you, Your Honor. Thank
11 you, Ms. McClain, very much.

12 MS. CHAPMAN: Uh-huh.

13 THE COURT: Anything further?

14 MR. BROWN: I've just got one follow-up
15 question.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. BROWN:

18 Q Mr. Vignarajah's asking you questions about
19 whether you've told anyone about this previously.

20 A Uh-huh.

21 Q Did Mr. Vignarajah or anyone from the State try
22 to contact you -- ever try to contact you and ask if they
23 could talk to you prior to this hearing?

24 A No. My lawyer reached out to him directly and
25 told him that I would be willing to work with him and

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1 answer any questions that he had for me, but no one ever
2 contacted either one of us to set up a time to do so.

3 Q You're telling me Mr. Vignarajah never contacted
4 you?

5 A Correct.

6 Q No further questions.

7 THE COURT: Anything further?

8 FURTHER RECROSS EXAMINATION

9 BY MR. VIGNARAJAH:

10 Q Am I right, Ms. McClain, that the last time you
11 had contact with the prosecutor, you ended up issuing an
12 affidavit that called the prosecutor a liar?

13 A I don't specifically recall calling him a liar
14 in the affidavit. I simply stated what I knew to be true.

15 Q Thank you, Ms. McClain.

16 MR. VIGNARAJAH: Thank you, Your Honor.

17 THE COURT: Is that it?

18 MR. BROWN: Your Honor, as tempted as I am, I
19 will excuse the witness.

20 THE COURT: All right. Ms. Chapman, I do want
21 to thank you. I do -- Ms. Chapman, I do want to thank
22 you. I do want to again advise you, though, you've been
23 sequestered, which --

24 MS. CHAPMAN: Okay.

25 THE COURT: -- means you cannot discuss the

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1 testimony you've given today with anyone, with the
2 exception of your attorney --

3 MS. CHAPMAN: Okay.

4 THE COURT: -- until after you know these
5 proceedings have been concluded.

6 MS. CHAPMAN: Okay.

7 THE COURT: Thank you.

8 MS. CHAPMAN: All right.

9 MR. BROWN: Your Honor, may I request a very
10 brief five-minute recess? I need to check which of my
11 witnesses are available.

12 THE COURT: Certainly.

13 MR. BROWN: I apologize, Your Honor.

14 THE COURT: Certainly. And if that helps, I
15 think we'll just stay here until --

16 MR. BROWN: Thank you, Your Honor.

17 THE COURT: So I'll stay on the bench. People
18 can move around if they wish.

19 (Pause)

20 THE COURT: And, Mr. Brown, tell me when you're
21 ready to continue.

22 MR. BROWN: I'm just looking for my co-counsel -

23 -

24 THE COURT: All right.

25 MR. BROWN: -- Your Honor. Sorry.