

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

CG COPY

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

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

\* \* \* \* \*

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(EVIDENTIARY HEARING)

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BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

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HEARING DATE: FEBRUARY 3, 2016

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APPEARANCES:

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

Transcriptionist: Patricia Noell

AAERT Cert. No.: CET 362

Transcription

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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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1 BY MR. BROWN:

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

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

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

9 A Yes. At his family's house.

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

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

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

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

18 Q You know --

19 A -- I did.

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

24 A Yes. I went to your family's house and  
25 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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1 Q Okay. And did you mail it that evening or did  
2 you mail it the next morning?

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

5 Q Okay. It could have been the next day?

6 A I don't remember.

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

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

12 THE COURT: Overruled.

13 BY MR. VIGNARAJAH:

14 Q Could it have been a week later?

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

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

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

20 THE COURT: Overruled.

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

23 BY MR. VIGNARAJAH:

24 Q Okay. But --

25 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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1 A Yes. I'm sorry. Can I ask you a question?  
2 THE COURT: No, you can't, but --  
3 MS. CHAPMAN: Well, I have a medical  
4 condition --  
5 THE COURT: You --  
6 MS. CHAPMAN: -- and I --  
7 THE COURT: You need to step --  
8 MS. CHAPMAN: -- need to use the restroom.  
9 THE COURT: Absolutely. Yes.  
10 MS. CHAPMAN: Can I?  
11 THE COURT: The Court will take a very brief  
12 recess --  
13 MR. VIGNARAJAH: Of course.  
14 MS. CHAPMAN: Sorry.  
15 THE COURT: -- and you may be excused. You're  
16 not to discuss anything with anybody else, chat and --  
17 MS. CHAPMAN: I have --  
18 THE COURT: Absolutely.  
19 MS. CHAPMAN: -- ulcerative colitis, so.  
20 THE COURT: And if someone wish -- well, Mr.  
21 Proctor's here, who can otherwise assist her.  
22 MS. CHAPMAN: Thank you.  
23 THE COURT: And let me see Counsel at the bench,  
24 please.  
25 BENCH CONFERENCE

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

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

4 THE COURT: I hope she's okay.

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

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

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

24 MR. VIGNARAJAH: I will remember that the --

25 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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February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

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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1 stand, so --

2 MS. CHAPMAN: Okay.

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

5 MS. CHAPMAN: Right.

6 THE COURT: -- with anyone except your counsel.

7 MS. CHAPMAN: Okay.

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

10 MS. CHAPMAN: Oh, okay.

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

12 MS. CHAPMAN: Okay.

13 THE COURT: All right? Thank you.

14 MS. CHAPMAN: Uh-huh.

15 (Witness excused)

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

19 (Off the record 4:36:08)

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