IN THE CIRCUIT COURT FOR BALTIMORE CITY
(PART 9)

STATE OF MARYLAND	*	
v.	*	CASE NO. 199103042,43,45,46
ADNAN SYED	*	
Defendant	*	
_____/*		

BALTIMORE, MARYLAND

FRIDAY, FEBRUARY 25, 2000

(TRIAL ON THE MERITS)

BEFORE:

THE HONORABLE WANDA K. HEARD, ASSOCIATE JUDGE
(AND A JURY)

APPEARANCES:

FOR THE STATE:

KEVIN URICK, ESQUIRE
KATHLEEN C. MURPHY, ESQUIRE

FOR THE DEFENDANT:

CRISTINE GUTIERREZ, ESQUIRE

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PROCEEDINGS

(8:41 a.m.)

(Jury not present)

THE COURT: Good morning, Officer Gilmore. And I appreciate your being here so early and chipper this morning.

Counsel, as you're getting yourselves together and organized, I need to go on the record. At the end of or the close of yesterday -- you can stay where you are, you can keep doing what you're doing. I just want to -- I think you can hear me. At the close of yesterday, we were talking about jury instructions. We went off the tape while we were discussing what would be the appropriate theft instruction. We were talking about the requested 4.32. That was -- 4.32 which was either the (a), taking and carrying away, or the (b), unauthorized control. And then I looked at 3.32.1 and queried whether or not that might even be appropriate.

And after careful consideration of all of those things, unless the State can tell me where any value over $300 has been clearly proven, I'm inclined to grant the motion. The reason I'm saying that is I looked at the rule and I looked at your indictment. You claimed theft over 300. If we argue that it's the car, then I don't think the value has been proven. If we argue that -- or even

possession, ownership.

MR. URICK: Why don't we just send the robbery count, not the assaults or the theft? That would be an accurate --

MS. GUTIERREZ: I can't hear you, Mr. Urick.

THE COURT: He is submitting and saying that send the robbery and not the assaults or the theft, because I'm inclined to grant on theft, I can tell you right now. And in light of --

MS. GUTIERREZ: Then we would only send out the robbery --

THE COURT: Correct.

MS. GUTIERREZ: -- not the other three counts?

THE COURT: Well, they're submitting on the other two, assault in the first and assault in the second.

MS. GUTIERREZ: And as to the theft?

THE COURT: And the theft, I was about to grant your motion.

MS. GUTIERREZ: I thought I heard that but I wanted to be sure.

THE COURT: That's what was coming, I was going to grant your motion because as I looked at the instructions, I -- and I went back and looked at the indictment. The indictment charges theft over 300.

MS. GUTIERREZ: Over 300, yes.

THE COURT: And even if we, we believe it's her wallet that's stolen, okay, but that's not proof over 300. And all her personal belongings were never totaled up to be a value in excess of 300. And the car, the ownership in the record, as you pointed out, Ms. Gutierrez, shows that the car belonged to someone else, although someone said it was her car. In the light most favorable to the State, you might get over the burden, but at the end of the case, I don't think that there is enough to go to the jury on that theft.

Now, the robbery, that's another story because it doesn't matter whose car it is. If it's in the possession of someone else, it can be robbed.

MS. GUTIERREZ: Yes.

THE COURT: It doesn't require specific proof of a value over or under. So they're agreeing.

I'm going to ask my law clerk to make that adjustment.

MS. GUTIERREZ: Judge, I --

THE COURT: The State is submitting and -- on the 5 and 6, on assault in the first degree and assault in the second degree, correct?

MR. URICK: Yes.

THE COURT: And does not wish those to go to the jury, so those'll come out.

So, Ms. Gutierrez, see that? Sometimes you win a battle without even --

MS. GUTIERREZ: That's rare, Judge.

THE COURT: Hey.

MS. GUTIERREZ: Can I produce evidence to the rarity of that event?

Judge, I went through the instructions again yesterday and I just had some questions. On our 13, the witness who has pled guilty, I know we spoke about it and you were going to grant it. And I modified it --

THE COURT: Again?

MS. GUTIERREZ: It's my 13.

THE COURT: All right. I'm looking at it.

MS. GUTIERREZ: It's the Pattern Jury Instruction 3.12.

You know, I did modify it in the first line that says that he has pled guilty and I know we discussed this, that this would be put together with another one.

THE COURT: Yes.

MS. GUTIERREZ: But I am concerned and I guess I would ask for further modification to the second line --

THE COURT: Thirty-one?

MS. GUTIERREZ: -- of -- I'm sorry, what was the Court's question?

THE COURT: Oh, I see. Where it says the guilty

plea of this witness?

MS. GUTIERREZ: Right, right. That the modification be, you know, the attempt to plead guilty, because later you give the instruction about -- but I didn't want the words "the guilty plea" as if it's endorsing it.

THE COURT: Why don't we say the same thing we said in the first sentence and say "the plea of guilty of this witness" or "the entering of a plea"?

MS. GUTIERREZ: There isn't.

THE COURT: Well, he did enter a plea of guilty. He didn't do -- complete a -- the -- what you say in the --

MS. GUTIERREZ: Judge, I think that's confusing.

THE COURT: All right. So what are you suggesting?

MS. GUTIERREZ: Well, maybe just something -- the --

THE COURT: Why don't we say "this"?

MS. GUTIERREZ: This --

THE COURT: "Must not be considered as evidence."

MS. GUTIERREZ: This evidence, how about just this evidence must not be considered? Because you've already stated what the evidence is that Jay Wilds says he pled guilty, and then there's a later instruction that defines what a guilty plea is and that that didn't happen.

And that would not be confusing to them because that's what he said, so it is in front of them as evidence.

THE COURT: Why don't we just say "this plea"?

MS. GUTIERREZ: Because I think that that's misleading to an uninformed jury who's not going to -- they're going to hear the later instruction that it's not a guilty plea. But, you know, if you're saying plea, it seems to enforce that what Jay Wilds said is true, and it's not. He hasn't entered a guilty plea, there isn't a guilty plea. There might be an attempt to enter it.

THE COURT: How about "this proceeding"?

MS. GUTIERREZ: Well, then, Judge, then I renew my --

THE COURT: Or "this hearing"?

MS. GUTIERREZ: -- my motion to get in the transcript of that proceeding. At least I can then argue from that with the instructions. But without that, I'm powerless.

THE COURT: I understand your point of view.

MS. GUTIERREZ: My suggestion is that it say "this evidence" because then it's clearly referring to the evidence that Jay Wilds said, that he pled guilty. That's in front of them.

THE COURT: All right. Ms. Murphy or Mr. Urick, your position on -- looking at the second sentence, the

first couple of words of the instruction 13?

MR. URICK: Without accepting the legal interpretation the Defense is pushing, the State would have no objection to the Court saying this evidence should not be considered.

MS. GUTIERREZ: And, Judge, I couldn't read my own writing and I wanted to clarify as to 12, the testimony of the accomplice, that the Court's giving the last three paragraphs of that and not the first three paragraphs.

THE COURT: I'm sorry, let's slow down a little bit. I'm still back at 13.

MS. GUTIERREZ: Okay.

THE COURT: Okay, this evidence must not be considered as evidence of guilt against the Defendant?

MS. GUTIERREZ: Yes.

THE COURT: All right. And the next one you're pointing to?

MS. GUTIERREZ: Is the one right before that, our requested 12. I couldn't read my notes but it's my understanding that you're going to give the last three paragraphs of my request --

THE COURT: Right.

MS. GUTIERREZ: -- and not the first three?

THE COURT: Correct.

MS. GUTIERREZ: Okay. And I had one other

question. I wasn't sure whether or not we reached it, my requested 30, the definition of an accessory after the fact. And I just didn't remember discussing it and had a notation --

THE COURT: We had not discussed it. The State has no problem with 30, do you?

MR. URICK: There's no charge of accessory before the fact before this jury, though. It's an irrelevant instruction and may be very confusing. They wouldn't know what they were being instructed for that for because it's not --

THE COURT: I think she's asking because the Defendant Wilds was charged with and was convicted of accessory after the fact.

MS. GUTIERREZ: Right.

MR. URICK: It would only --

THE COURT: Accessory after the fact was in relationship to this crime.

MR. URICK: It would only make sense if you tell them that to be an accomplice that does not include an accessory after the fact. An accessory after the fact is this, this and this, because accomplice clearly, under the law, has to be either an accessory before the fact or a principal. It cannot be, by case law, an accessory after the fact. So it only makes sense to instruct them on what

an accessory after the fact is if in the instruction on what -- whether or not he's an accomplice you tell them an accessory after the fact, as a matter of law, is not an accomplice, an accessory after the fact is, and then give the definition of that. That would be the only reason to instruct them on what an instruction -- an accessory after the fact would be.

THE COURT: Not necessarily. Not necessarily.

If the jury's convinced that he may have pled guilty to accessory after the fact but they believe, based on the facts presented at this trial, that he was in fact an accomplice, they could consider the instruction I've given as the accomplice, as to how to weigh Wilds's testimony and, for their legal information, understand what it was that the defendant pled guilty to, that Defendant Wilds pled guilty to. So I think that both instructions are definitely relevant.

MR. URICK: But they should be next to each other. That was what I said.

THE COURT: Oh, yeah.

MR. URICK: I think that's what the Court was saying, too.

THE COURT: Right. I don't have a problem with them being next to each other.

MR. URICK: It should not be in the crimes

charged because they're not being given --

THE COURT: Correct. Well, I wouldn't do that. I would move it to, to that particular section where I'm referring to accomplice because basically if they find that he's an accomplice around the time of -- when I talk about the defendant pleading guilty, Defendant Wilds pleading guilty to something.

MR. URICK: That would be fine there.

THE COURT: And that's where it goes.

I don't have a problem with that and I will put that in the appropriate location. I'm going to say also in your 3 point -- 3:12 he says he pled guilty to accessory after the fact, a crime arising out of the same set of --

And then I will insert the 13, 30, then 31, then 14, then 32. Okay.

Yes, would you hand them out to counsel, please, Ms. Connolly?

The revised verdict sheet is being given out at this time.

Are all the jurors present now? They are?

THE CLERK: Yes.

THE COURT: Anything else, Ms. Gutierrez?

MS. GUTIERREZ: Yes, Judge. Yesterday I had a motion in limine and the essence of that motion in limine is that in light of all the circumstances of this trial,

particularly as it relates to Jay Wilds, the nondisclosure of critical evidence, the revelation that Mr. Urick --

THE COURT: One moment, please.

Ms. Connolly, I need the verdict sheet. I need to have it in front of me. Thank you.

All right, go ahead.

MS. GUTIERREZ: The disclosure, not from Mr. Urick but from the witness, that Mr. Urick rendered assistance to this witness in getting a lawyer, something that may be seen as a crucial benefit by this jury, and the fact that none of that was ever disclosed at all by Mr. Urick mainly -- I'm assuming Mr. Urick is doing the closing argument. If he's not, then I don't need to make this motion, but if Mr. Urick is doing the closing argument, then we would move in limine that Mr. Urick, the one who provided the benefits, who will make the decision over the deal or make the decision over truth, be precluded from arguing as a result of that plea or in any way relative to that plea that -- to argue the credibility of the witness whose fate he's the only one in power of in light of the lack of disclosure over crucial issues that Mr. Syed was entitled to know ahead of time and entitled to be put in a position to lawfully challenge Mr. Urick's right to continue as a prosecutor and to prevent him from arguing the credibility of the witness he so assisted.

THE COURT: Does the State wish to be heard?

MR. URICK: Extremely briefly, Your Honor.

The same facts are before the jury for the State as for the Defense. The State has the same right to make fair arguments based on those facts as the Defense does.

THE COURT: I would agree and I'm not going to preclude them from arguing credibility issues, but I am going to emphasize that neither the State nor the Defense should attempt to argue facts not in evidence. That is, Mr. Urick, if you are indeed doing the closing argument, what you did specifically, you know, I didn't do this or I didn't do that, would not be appropriate closing argument as it relates to anything that's not in evidence in this case. And I would -- to the extent that counsel's motion touches on that issue, I would just remind you that that would not be appropriate argument. And obviously, you know that, but I'm just going to emphasize.

And I should let you know that I do -- I did not discuss with you yesterday and I wanted go let you both know I do comment on the fact that what the attorneys say in closing argument is not evidence. I do that twice in my closing arguments. And I also do ask them to work well and play well with others. There's an instruction that I tailored, which is basically an Allen charge but it's more of a work well and play well with other argument.

And I also want to let you know is before I complete all my charges I will invite you to the bench to note any objections. And I also will leave a little space there at the end for the work well and play well instruction and also telling them and directing them that the order of the instructions and the number of instructions, that they should all be considered as a whole.

I do tape record my instructions. Under the Rule, I'm permitted to do that and send the tape back. The tape is very well marked with bright yellow writing so it cannot be mistaken as to where to play and where to stop, and it is the only thing that's on there, are the instructions that I've given.

Any other --

MS. GUTIERREZ: That's a good practice.

THE COURT: Any other preliminary matters?

MS. GUTIERREZ: Just to make sure -- I want to make sure our motion in limine reflects a motion in limine to preclude the State from calling whatever the procedure is with Jay Wilds a guilty plea.

THE COURT: I would just indicate that if counsel would like to refer to that hearing that they can -- you can say the hearing where Mr. Wilds entered his plea of guilty, which is what he did, or the hearing where he

entered his plea, I think that's -- entered his plea is the appropriate phraseology. He entered --

MS. GUTIERREZ: Your Honor, I would object to that because I think that's not the appropriate phraseology and your instructions make it clear. There isn't a guilty plea, and to -- all that that would do is to confuse the jury. Well, he entered his plea, and there is no instruction to distinguish what that is.

THE COURT: What would you call it? When the Court asked him what is your plea --

MS. GUTIERREZ: Well, I think the only evidence is that whatever procedure Mr. Wilds says he entered his plea, but that it not be called the entry of a plea or a guilty plea or the entry of a guilty plea because all that does is confuse the jury, notwithstanding the Court's instruction that tells them it's not a guilty plea, that you need two things to get a guilty plea and there's no evidence of them. There's evidence that one of those things was not. And so, to tell them he entered the plea because he stood up and said I intend to enter a plea of guilty pursuant to the plea agreement only confuses the jury and takes the bottom of the jury instruction.

So I don't have any objection to referring to it in the same way, and that is the procedure where Jay Wilds says he entered his guilty plea. I think that's a correct

reflection of the facts, will not confuse the jury with the differentiation between the entry of a plea and what a guilty plea is in light of the Court giving the jury instruction that's entitled no. 31 and in light of the evidence.

So my motion in limine is that I want to make sure, so that we're not in the middle of their argument and they're calling it a guilty plea or they're calling it to make it seem like it's a guilty plea because I think that would be the grossest unfairness to allow them to capitalize on issues that, you know, they intentionally misled us and I believe their intent is to intentionally mislead the jury on something that the facts establish otherwise.

THE COURT: Very well. The State's position?

MR. URICK: The State disagrees with the legal interpretation that the Defense has pushed here. His plea agreement called for him to come in and enter a plea of guilty. He has done that. We've got -- it's on the record. We've got the true test of that. She has tried to -- the Defense argument misrepresents plea of guilty and guilty plea. He has come in, he has entered his plea of guilty. Whether or not it is a -- legally a guilty plea or not is an irrelevant issue to present to this jury. It confuses it.

At this point, there's a legally binding contract between Mr. Wilds and the State that can be enforced both ways. He has come in and he has on the record entered his plea of guilty. That is a legitimate way to say what he did on that day. He came in, he entered his plea of guilty on the record pursuant to his plea agreement.

MS. GUTIERREZ: Judge, just to respond for the record, there was no evidence that establishes that what happened is a legally binding contract.

THE COURT: Ms. Gutierrez, you don't have to go over it.

MS. GUTIERREZ: Okay.

THE COURT: You do not have to -- it is not legally binding because there are sections of the agreement that are not binding. It's like -- the law is very clear. You could sign a contract for -- to pay, you know, 48 percent interest rate on a purchase of a car, it's not legally binding because it's an illegal contract. You can't -- the law provides that you can't sign away certain rights. You can enter into a contract but certain rights cannot be signed away, and one of those rights is the Court's right to allow a defendant, in the interest of justice, to withdraw his plea, regardless of what the plea agreement says. And so, to that extent, it would not be legally binding. But I understand Mr. Urick's argument.

To the extent that it's splitting hairs, I'm going to follow what I know to be the law, and the law is clear. A defendant is asked at arraignment to enter his plea, and at that time he says guilty, not guilty, and that is an entry of a plea. There is a plea hearing, a guilty plea hearing that is very different than the entry of a plea.

To the extent that you talk about Mr. Wilds's entry of a plea, I have no problem. When you say guilty plea, you may not say guilty plea hearing because there was not a guilty plea hearing. You can say at the hearing where he entered his plea, you can say that, but you cannot call it a guilty plea hearing completed. In other words, and I am not going to pick your words but both of you are seasoned attorneys, you know what I'm talking about and you know how it can be misled. And just be advised that I will have already instructed them on what a guilty plea hearing is. And if you refer to it in the context of a completed guilty plea, you'll do so, you'll do so at your own peril because they will have the opportunity to play the tape back and hear very clearly the instructions of the Court generally, all of them, which will include the instruction as to what a guilty plea hearing is constituted under the Maryland law.

MS. GUTIERREZ: Judge, in light of the State's

argument, I would request a further instruction that takes that appropriate paragraph from the Rule, that defines what a guilty plea is in the language of the Rule.

THE COURT: The State's position?

MR. URICK: That the instruction as already crafted and accepted by the Court fully covers the issue.

THE COURT: Ms. Gutierrez --

MS. GUTIERREZ: Yes, Judge.

THE COURT: -- with regard to your instruction no. 31, your choice, I'll read the instruction as written or I will read 4-242.

MS. GUTIERREZ: Judge, that's truly a Hobson's choice.

THE COURT: 4-242 defines what a permitted plea is. A defendant may plead not guilty, guilty or, with consent of the Court, nolo contendre, and the Court may accept a plea of guilty only after it determines, upon examination of the defendant on the record in open court, conducted by the Court, the State's Attorney, the attorney for the defendant or a combination thereof, that the defendant is pleading guilty voluntarily, with an understanding of the nature of the charge and the consequence of the plea and that there's a factual basis for the plea.

MS. GUTIERREZ: Well, Judge, having fought so

hard for 31 and having been the only time I've persuaded the Court, I'm certainly unwilling to give it up. All I'm asking to do is to insert right after the words Maryland Rule 242, you know, a definition of what that is. That's what you just read. It's three sentences long.

THE COURT: I will do that. I will insert what I just read.

All right, if we could have our jurors, please.

MS. GUTIERREZ: Judge, will you give me time because I need to marshal some of the same evidence after their opening?

THE COURT: Yes.

MS. GUTIERREZ: Okay.

THE COURT: Will you bring them in, please? Thank you.

MS. MURPHY: Your Honor, just so you're aware, the State is ready at this point so we don't need to take a break or excuse the jury, unless the Court wants to.

THE COURT: I am going to go right into instruction and then --

MS. MURPHY: Thank you.

THE COURT: -- into the charge -- into the closing arguments.

For the record, this is going to be instructions on the State of Maryland versus Adnan Syed in the Circuit

Court for Baltimore City under Case No. 199103042 through 46. The instructions being given on February 25th of the year 2000.

(Pause)

Evidently, there's a question that the jurors have and they're writing down the question.

(Pause)

Evidently, someone came into the jury room this morning. The note says, "We were concerned about a matter. A guy came into the jury room without introducing himself or letting us know who he was, even after asked. The man finally stated that he was with Maintenance, stood on the wall for about five minutes and left. This made the jurors feel uncomfortable." And they are giving me this note.

I have no idea who this person was. The only thing I can do is inquire as to what the person looked like, how the individual was dressed. I have no idea.

Anybody have any suggestions?

MS. GUTIERREZ: We would request you not further make it bigger than it is but perhaps reassure the jury and instruct them to, you know, draw no inference, that it was unfortunate, you'll deal with it, but for them to put that out of their mind and that --

THE COURT: The State would agree?

MR. URICK: Yeah. We -- they do do maintenance

early in the morning. It may have been completely legitimate, but it doesn't sound like there was anything that would interfere with their ability to deliberate.

THE COURT: Please direct the sheriff to contact Lt. Matthews and ask for additional detail to be posted outside the jury room to assure that no one goes in or out of that jury room unless they're one of my jurors. And you can indicate that we're not sure how the jury was tampered with or at all, but that we want that done.

All right, if I can have my law clerk bring the jury in, I'd appreciate it. As they come out, I will advise them that they should note that a sheriff has been posted outside of their jury room.

(Pause)

Mr. White, would you put that in the court file, please?

(Pause)

Can you go out and find out what is going on? Go out to the jury room and find out what's -- because it's just across the hall, it shouldn't take --

MS. GUTIERREZ: God forbid, they have another question.

(Pause)

THE SHERIFF: They're on their way, Your Honor. Some of them are indisposed at the moment.

THE COURT: Oh, I see.

(Whereupon, at 9:20 a.m., the jury entered the courtroom.)

THE COURT: Ladies and gentlemen, good morning.

THE JURY: Good morning.

THE COURT: At this time, it's my duty to instruct you as to the law in this case. Before I do that, I need to advise you that I've received your note and from hence on there will be a sheriff assigned, sitting outside of your door to assure that no one that is inappropriate or if they are in fact a janitor, they have their little badge or whatever and can come in and adjust the heat or whatever the case may be. But there will be someone sitting outside of your door while you're deliberating and as you come and go from lunch.

THE COURT'S INSTRUCTIONS

THE COURT: This is the opportunity I have to discuss with you what the law is, and it is binding on you. For your convenience, I am tape recording those instructions, and that will go back in the jury room with you at the time that you go back to deliberate.

At this time I need to advise you that these are the instructions as to the law that you are to utilize in arriving at your verdict. At any time that you hear these instructions as to the law, that is binding on you, but any

reference that I may make to the facts are not binding on you and only are advisory. It is your duty to decide the facts and to apply the law to those facts.

Opening statements and closing arguments of the lawyers is not evidence. Attorneys are sworn as officers of the court but they are not witnesses. They are advocates for their positions and their parties. The statements they make are intended to help you understand the evidence and to apply the law. Therefore, if your memory of the evidence differs in any way from anything the lawyers say during their closing argument or during the course of this trial, you must use your own memory or your collective memory in reaching the decision.

I might note that your memory of the evidence also controls over what I may say or I may refer to in these instructions. As I said, you are the sole determiners of what the facts are in this case.

Now, you must consider and decide this case fairly and impartially and you should not be swayed by public opinion or prejudice as to any party. You should not be swayed by sympathy or prejudice. You should not even consider these matters.

Now, what is evidence? Well, evidence was what you heard on the witness stand, the testimony of witnesses; physical evidence and exhibits that were admitted into

evidence, and you saw them by way of stipulations and by way of the little items that received blue or red stickies and then you heard them moved into evidence. And those items will go back in the jury room with you.

In evaluating the evidence, you should consider it in the light of your own experiences. You may draw any reasonable inferences or conclusions from the evidence that you believe should be justified by your common sense and your everyday experiences.

The following things are not evidence and you should not consider them and you should not give any weight to them in your consideration. The charging document is not evidence. Anything that was inadmissible or stricken, as I directed you during the course of the trial, is not evidence. Questions and objections of the attorneys are not evidence. I advised you at the outset that there would be times when they would say things and we would discuss whether something should come in or out or in evidence. What was said by the Court to the attorneys in their discussion of that is not evidence.

The charging document in this case is the formal method of accusing the Defendant of a crime. It is not evidence and it should not be used in any way to create any inference of guilt. Inadmissible stricken items should not be considered by you either and you must disregard any

questions that I did not permit the witness to answer and you must not speculate as to any possible answers. If after an answer was given I ruled that the question should be stricken or the answer stricken, you must disregard both the question and the answer in your deliberations.

Now, during the trial, I don't think I commented on any evidence but I did question a witness or two at times when I couldn't hear, at times when you signaled that you couldn't hear, at times when I wasn't sure what the witness was saying or it wasn't clear. You should not draw any inferences or conclusions from my comments or questions, either as to the merits of the case or as to my views regarding the witness.

Opening statements and closing arguments, again, of the lawyers are not evidence in this case. The statements that you will hear, though, in closing arguments will apply the evidence and the law and it is your memory that must prevail. You must rely on that at all times and it is your collective memory that is most important.

Now, there are two types of evidence, direct and circumstantial evidence, that the jury has to utilize in properly attempting to find the truth as to the facts of this case. One is direct evidence, and that's the testimony of an eyewitness, for example. The other is indirect or circumstantial evidence, and that's the proof

of a chain of circumstances that tends to prove or disprove the existence or nonexistence of certain facts. The law doesn't distinguish between the weight to be given to either direct or circumstantial evidence. No greater degree of certainty is required of circumstantial evidence than of direct evidence. In reaching a verdict, you should weigh all of the evidence presented, whether it's direct or circumstantial. You may not convict the Defendant unless you find the evidence, when considered as a whole, establishes guilt beyond a reasonable doubt.

Now, what is reasonable doubt? Well, in our law, the Defendant in this case is presumed to be innocent of all charges against him. That presumption remains with him throughout every stage of this trial and is not overcome unless you are convinced beyond a reasonable doubt that the Defendant is guilty. The State has the burden of proving the guilty of the Defendant beyond a reasonable doubt.

Now, some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true, a slight tipping of the scales. Well, in criminal cases, the State's proof is more powerful than that. It must be beyond a reasonable doubt and this burden remains with the State throughout the trial. The Defendant is not required to prove his innocence. However, the State is not required

to prove guilt beyond all possible doubt or to a mathematical certainty. Nor is the State required to negate every conceivable circumstance of guilt or every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. It is not a fanciful doubt, a whimsical doubt or a capricious doubt. Proof beyond a reasonable doubt requires proof as one would convince you of the truth of a fact to the extent that you would be willing to act upon that belief, without reservation, in an important matter in your own personal business or affairs. However, if you are not satisfied of the Defendant's guilt to that extent, then reasonable doubt exists and the Defendant must be found not guilty.

If, after your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crimes with which he is charged, then you must find him guilty. If, on the other hand, you think that there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty. In weighing the evidence and making a determination, you should consider the quality of all of the evidence, regardless of who called the witness or who introduced the exhibit. The test is not which side brings in the greater number of witnesses or which produced the quantity or the

greater quantity of evidence, but which witnesses and which evidence appeals to your mind as being the most accurate and the most trustworthy.

Now, there have been several stipulations of fact and certain items were admitted where there was a stipulation as to the authenticity, that is, the item was real. And the State and the Defense agreed that those items should come into evidence. It means that they have agreed and they are admitted as a stipulation together for your consideration.

As you go back, you will be receiving the verdict sheet, and on the verdict sheet you will see a number of charges. You must consider each of the charges individually. You must consider the evidence as it relates to each of the charges individually and separately. And before you may note any verdict whatsoever in considering those charges, you must have unanimous verdict as to each individual response. Only if your verdict on that particular charge is unanimous may you note it. It must be that you all agree in order to enter a verdict on the verdict sheet.

I'm going to read it to you at this time. The verdict sheet says State of Maryland versus Adnan Syed in the Circuit Court for Baltimore City under the Case No. 199103042, as to 1, Count 1, charging first degree

murder of Hey Men Lee, how do you find the Defendant, Adnan Syed, not guilty, and there's a line for your response, guilty, and there's a line for your response. If your answer to question no. 1 is not guilty, go to question no. 2. If your answer is guilty, go to question no. 3.

Question no. 2, charging the Defendant with second degree murder of Hey Men Lee, how do you find the Defendant, Adnan Syed, not guilty, and there's a line for your response, guilty, and there's a line for your response.

No. 3, under Case No. 199103043, as to Count 1 charging kidnapping by fraudulently carrying Hey Men Lee within the State, how do you find the Defendant, Adnan Syed, not guilty, and there's a line for your response, guilty, and there's a line for your response.

Under Case No. 199103045, No. 4, as to Count 1 charging robbery of Hey Men Lee, how do you find the Defendant, Adnan Syed, not guilty, and there's a line for your response, guilty, and there's a line for your response.

Case No. 199103046, question 5, as to the charge of false imprisonment by deception of Hey Men Lee, how do you find the Defendant, Adnan Syed, not guilty, and there's a line for your response, guilty, and there's a line for your response.

There's a line for the signature of the foreperson and a place for the forelady to date the verdict sheet. And as I indicated, before any notation can be made as to any line, you all must agree. That is, your verdict must be unanimous and you must consider each individual count separately.

Now, you are the sole judges of whether or not a witness in this case should be believed. In making this decision, you may apply your own common sense and everyday experiences. In determining whether a witness should be believed, you should carefully judge all the testimony and evidence and the circumstances under which that witness testified. You should consider the following factors: The witness's behavior on the stand and the manner of testifying. Did the witness appear to be telling the truth? The witness's opportunity to see and to hear the things that they testified about. The accuracy of the witness's memory. Did the witness have a motive not to tell the truth? Does the witness have an interest in the outcome of the case? Was the witness's testimony consistent? And was the witness's testimony supported or contradicted by evidence that you believe? Whether and to the extent to which the witness's testimony differed in court from statements made by the witness on a previous occasion.

You need not believe any witness, even if the witness's testimony is uncontradicted. You may believe all, part or none of the testimony of any witness.

Now, there was expert witness testimony given in this case. An expert is a witness who has special training or expertise in a given field. You should give expert testimony the weight and value you believe it should have. You are not required to accept any expert opinion. You should consider an expert's opinion together with all other evidence in the case.

The weight of the evidence, as I've indicated previously, does not depend on the number of witnesses on either side. You may find that the testimony of a smaller number of witnesses for one side is more believable than the testimony of a greater number of witnesses on the other side.

The Defendant, Mr. Syed, has an absolute constitutional right not to testify. The fact that Mr. Syed did not testify must not be held against him. It is not to be considered by you in any way, or even discussed by you.

The mere presence of a person at the time and place of the commission of an offense is not by itself sufficient to establish his guilt but may be considered with all the other surrounding circumstances. Evidence has

been presented at this case that the Defendant was not there when the crime was committed. You should consider this evidence along with all other evidence in the case. Thus, in order to convict the Defendant, the State must prove beyond a reasonable doubt that the crime was committed and that the Defendant committed it.

You've also heard testimony from a witness, Jay Wilds, who may have been an accomplice. An accomplice is one who knowingly and voluntarily cooperated with, aided, advised or encouraged another person in the commission of a crime. If you are not convinced that Jay Wilds was an accomplice, you should treat that testimony as you would treat the testimony of any other witness. On the other hand, if you are convinced that Jay Wilds was an accomplice, then you must decide whether that testimony was corroborated before you may consider it. The Defendant cannot be convicted solely on the uncorroborated testimony of an accomplice. However, only slight corroboration is required. This means there must be some evidence in addition to the testimony tending to show either that, one, the Defendant committed the crime charged or, two, that the Defendant was with others who committed the crime at the time and place that the crime was committed.

If you find that the testimony of Jay Wilds has been corroborated, it should be considered with caution and

given weight -- given such weight as you believe it deserves. If you find that Jay Wilds was an accomplice but that his testimony has not been corroborated, you must disregard it and you may not consider it as evidence against the Defendant. Remember, the Defendant cannot be convicted solely on the uncorroborated testimony of an accomplice.

You have also heard that Jay Wilds says he has pled guilty to accessory after the fact, a crime arising out of the same set of events of which the Defendant is now on trial. This must not be considered as evidence of guilt against the Defendant, Mr. Syed. You may consider the guilt of the witness in deciding whether the witness is telling the truth but for no other purpose.

An accessory after the fact is a person who, with knowledge that a crime has been committed, assists the offender with the intent to hinder or prevent the offender's arrest, prosecution or trial. In order to convict the Defendant, the State must prove that the crime of -- a particular crime has been committed and that the Defendant knew that the crime had been committed, and that is for the person pleading guilty of accessory after the fact, the Defendant gave assistance to that person who committed the crime and that the Defendant did so with the intent to hinder or prevent that person's arrest,

prosecution or trial.

The completion of Jay Wilds's guilty plea and sentencing hearing has been postponed until after the proceeding -- this proceeding. Despite the fact that Jay Wilds has referred to his agreement with the State as a guilty plea or a truth agreement, this agreement does not contain the necessary statement of facts and is not yet a guilty plea under Maryland law. Maryland Rule 4-242 states:

> A defendant may plead not guilty, guilty or, with consent of the Court, nolo contendre. The Court may accept a plea of guilty only after it determines, upon examination of the defendant on the record, in open court, conducted by the Court, the state's attorney, the attorney for the defendant or any combination thereof, that, one, the defendant is pleading voluntarily, with an understanding of the nature of the charge and the consequences of the plea, and, two that there is a factual basis for the plea.

You may have heard testimony of a witness, and that is Mr. Wilds, who testifies for the State as a result of a plea agreement. You should consider this testimony with caution because the testimony may have been colored by

going to define it for you and then I'm going to read you some additional instructions which also refer to the legal terminology of intent. Reading the definition now will assist you later as well.

Intent is a state of mind and ordinarily cannot be proven directly because there is no way of looking into a person's mind. Therefore, a defendant's intent may be shown by surrounding circumstances. In determining the Defendant's intent, you may consider the Defendant's acts and statements, as well as the surrounding circumstances. Further, you may but are not required to infer a person ordinarily intends the natural and probable consequences of his acts.

The definition of murder and first -- first degree murder and second degree murder. The Defendant is charged with the crime of murder and includes both first and second degree murder. First degree murder is defined as the intentional killing of another person with willfulness, deliberation, and premeditation. In order to convict the Defendant of first degree murder, the State must prove that the conduct of the Defendant caused the death of the victim, Ms. Lee, and that the killing was willful, deliberate, and premeditated.

Willful means that the Defendant actually intended to kill the victim. Deliberate means that the

Defendant was conscious of the intent to kill. Premeditated means that the Defendant thought about killing and that there was enough time before killing, though it may have only been brief, for the Defendant to consider the decision whether or not to kill and enough time to weigh the reasons for and against the choice. The premeditated killing -- intent to kill must be formed before the killing.

Second degree murder is defined as the killing of another person with either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result. Second degree murder does not require premeditation or deliberation. In order to convict the Defendant of second degree murder, the State must prove that the conduct of the Defendant caused the death of the victim, Ms. Lee, and that the Defendant engaged in the deadly conduct either with the intent to kill or with the intent to inflict such serious bodily harm that death would likely be the result.

The next charge that you will be asked to consider is kidnapping, kidnapping by fraudulently carrying, and it is defined as the confinement or detention of a person against the person's will, accomplished by deception, coupled with the movement of the person from one place to another with the intent to carry or conceal. In

order to convict the Defendant of kidnapping, the Defendant -- sorry, the State must prove that the Defendant, Mr. Syed, confined or detained Ms. Lee against her will; that the Defendant used deception to accomplish the confinement or detention; that the Defendant was -- that the Defendant moved the victim, Ms. Lee, from one place to another; and that the Defendant moved Ms. Lee with the intent to carry or conceal her.

You're also asked to consider the charge of robbery and it is defined as the taking and carrying away of property from someone else, from her presence or control, by force or threat of force with the intent to steal the property. In order to convict the Defendant of robbery, the State must prove that the Defendant took the property from Ms. Lee, either in her presence or under her control, and that the Defendant took the property by force or threat of force, and that the Defendant intended to steal the property and deprive the property of -- to the victim permanently.

And lastly, you're asked to consider false imprisonment by deception. The Defendant is charged with the crime of false imprisonment and it is defined as the confinement or detention of a person against that person's will, accomplished by deception. In order to convict the Defendant of false imprisonment, the State must prove that

the Defendant, Mr. Syed, confined or detained the victim, Ms. Lee; that Ms. Lee was confined or detained against her will; and that the confinement or detention was accomplished by deception.

As I indicated, your verdict must be the considered judgment of each of you. In order to reach the verdict, all of you must agree and your verdict must be unanimous. You must consult with one another and deliberate with a view towards reaching an agreement if you cannot do so without violence to your individual judgment. Each of you must decide the case for yourself but do so only after impartial consideration of the evidence with your fellow jurors.

During deliberation, do not hesitate to reexamine your own views. You should change your opinion if you are convinced you are wrong, but do not consider -- do not surrender your honest belief as to the weight or effect of the evidence only because of an opinion of your fellow jurors or for the mere purpose of reaching a verdict.

Counsel, may I see you at the bench?

(Counsel and the Defendant approached the bench and the following ensued.)

THE COURT: Any exceptions to the instructions I've given?

MR. URICK: Your Honor, I think -- I didn't hear

you give the -- evidence consciousness of guilt instruction. I didn't hear the motive instruction.

THE COURT: And the motive instruction.

I did not give the motive and -- evidence, I did not give that. These are Defense 21 and Defense 23. I will give those.

Any other instructions you either take exception to or you want to bring to my attention because I didn't give it?

MS. GUTIERREZ: Yes, Judge. As to 21, I object to the Court's failure to give our requested instruction which I would consider, since there is evidence there that Jay Wilds, who is a defendant in a related case out of these same findings, has -- of concealing evidence and we request it again.

We would again object to the instruction on second degree -- and suggest that. As to -- I don't know if the Court's regular reasonable doubt instruction -- well, the Court said to the jury, and it was right after -- what you said to them is some of you may have served in a civil case and then you make the differentiation. I don't know what the Court meant to say, but what you said was the State's proof is more powerful than that. I was waiting for the, you know, the proof -- the requirement that the proof or the burden is more powerful. But it struck me and

I wrote it down as the Court said it. I thought that that unfairly could be construed by the jurors as a comment on the proof there, not as a proper instruction as to what it is, the difference in the burden. And in fact, it underscores the rest of what the Court read out, that -- describes the difference in the burden between a civil case --

THE COURT: What I -- the State's must be --

MS. GUTIERREZ: You left that out and that's --

THE COURT: I did not say must be?

MS. GUTIERREZ: You didn't say must be, you said State's proof is more powerful than that. So I'd ask that you --

THE COURT: Okay. Is that your recollection?

MR. URICK: I can't remember.

MS. GUTIERREZ: -- read that.

THE COURT: I'll read that again then.

MS. GUTIERREZ: Okay. And that's it, I think.

THE COURT: And I'll reread the State has the burden of proving guilt beyond a reasonable doubt --

MS. GUTIERREZ: Yes.

THE COURT: -- the State's proof must be more powerful than -- more likely true than not true.

MS. GUTIERREZ: Yes.

THE COURT: It must be beyond -- okay, I'll do

that. I want to make sure the record's clear.

MS. GUTIERREZ: Thank you, Judge.

THE COURT: Anything else?

MS. GUTIERREZ: No.

THE COURT: Anything else?

MS. MURPHY: No.

MR. URICK: No.

THE COURT: Thank you.

(Counsel and the Defendant returned to trial tables and the following ensued.)

THE COURT: Ladies and gentlemen, as I conclude, I do want to just make sure that I did not misstate myself when I was talking about the burden and reasonable doubt. The State does have the burden of proving the guilt of the Defendant beyond a reasonable doubt. In criminal cases, the State's proof must be more powerful than just more likely true than not true. It's more powerful than just a slight tipping of the scales. That is, the State's burden of proving their case has to be more powerful than just a slight tipping of the scales. It is and must be beyond a reasonable doubt, and this burden remains with the State throughout the trial. The Defendant is not required to prove his innocence.

You heard testimony that the Defendant may have concealed evidence in this case. Concealment of or

destruction of evidence is not enough by itself to establish guilt but may be considered as evidence of guilt. Concealment or destruction of evidence may be motivated by a variety of factors, some of which are fully consistent with innocence.

You must first decide whether the Defendant concealed evidence in this case. If you find that the Defendant concealed evidence in this case, then you must decide whether that conduct shows a consciousness of guilt.

Motive is not an element of any of the crimes charged and need not be shown. However, you may consider the motive or lack of motive as a circumstance in this case. Presence of motive may be evidence of guilt. Absence of guilt may suggest innocence. You should give the presence or absence of motive, as the case may be, the weight you believe that it deserves.

Now, neither the order of the instructions that I've given or the number of the instructions on any position have any particular significance or relevance. You are to consider the instructions and construe them as a whole in order to arrive at their true meaning and you should not select any sentence, single sentence or any single instruction and base your verdict solely on that.

The attitude and conduct of jurors at the outset of deliberations is a matter of considerable import to this

Court. It is rarely a sign of a good juror to go back upon entering the jury room and make an emphatic expression of his or her opinion and announce to stand determined for a particular verdict. Your verdict should arrive only after careful consideration and thoughtful deliberation with one another, and it may be helpful to listen and to consult one another and discuss the evidence and the deductions that may be drawn from that evidence and information freely and fairly, in a sincere effort to arrive at a just verdict. This does not mean that any juror is required to yield an honest conviction after such consultation or deliberation. Remember, you are not partisans or advocates, but jurors.

The final test of the quality of your service will lie in the verdict which you return to the Court, not in any opinion you may have as you go back to retire. Have in your mind that you will make a definite contribution to efficient, judicial administration if you arrive at a just and proper verdict in this case. To this end, the Court reminds you that in your deliberations in the jury room there can be no triumph except the ascertainment and declaration of the truth.

As you reach a verdict, or you may have questions on your way in deliberations, please note those questions on a piece of paper, as you have done throughout the trial. Knock on the door and the sheriff will bring the question

to me. I will gather the lawyers and we will determine how we're going to answer. We may decide to answer your question in writing, as I have done on occasion, or we may decide to bring you into the courtroom and answer the question in that fashion.

However, if you have a verdict, you may press the buzzer, but do not give the verdict sheet to anyone. Your verdict must be announced in this courtroom. Just indicate to the clerk that you have a verdict.

Madam Forelady, bring the verdict sheet back to this courtroom and, upon arriving, Mr. White will say to all of you have the members of the jury agreed upon a verdict, and all of you should say yes. And then he will ask the foreperson to stand.

And, Madam Forelady, you'll be asked to stand. Mr. White will read each question and you will note the response that you had indicated and noted on the verdict sheet, that being the unanimous response that you all have agreed to note.

At this time I'm going to ask for your undivided attention as the attorneys come and provide to you their closing argument. As you hear their closing argument, please be reminded that what they say in this argument is not evidence.

First you will hear from the State and then you

will hear from the Defense. And because the State has the burden of proof, they have a second opportunity to address you. They're being given an hour and a half.

And I'm going to ask counsel if you would require or ask for a heads up at the end of a particular amount of time, I'd like you to let me know. If I do not hear from you, when you have 20 minutes left, I will indicate that you have 20 minutes left.

At your please, you may begin.

MS. MURPHY: Thank you, Your Honor.

Your Honor, at this time we would ask that the jurors receive their copies of State's Exhibit 34. I understand Mr. White's not here at the moment but we would like them to be able to review their own copies.

THE COURT: Mr. Sheriff, if you could hand me the item that's clipped. You see on your right-hand side there is -- yes. All right. And if you would hand those to the gentleman on the front row or the lady on the end.

Just take the one that's yours and pass the rest back.

And, Ms. Murphy, when you're ready to proceed, just let me know. Would you like a 20-minute warning?

MS. MURPHY: No, thank you, Your Honor.

THE COURT: All right. Very well.

CLOSING ARGUMENT BY MS. MURPHY

MS. MURPHY: May it please the Court, counsel, Madam Forelady, ladies and gentlemen.

"How can she treat me like this?" The words of this Defendant to Jay Wilds regarding Hey Lee, as if she deserved to die. "No one treats me like this." What does that mean? What exactly did Hey Lee do to him? She fell in love with him.

When you read these diary entries, you'll sense the joy and the excitement that she had about her relationship with this Defendant. Entry after entry, details of the wonderful things they did together. Sure, they had their ups and downs, as in all relationships. This is what people do, we have relationships, we have ups and downs. And as people do, they broke up, more than once. They got back together, they broke up again. And then, as people do, Hey Lee met someone else, Don Kleindas. And at that point, it became readily apparent to everyone, including the Defendant, she wasn't coming back. It happens all the time.

So why then did he tell Jay Wilds "No one treats me like this"? What is it that this Defendant saw on January 13th when he looked at Hey Lee? He saw the hours they spent talking on the phone in hushed voices so their parents couldn't hear. He saw all the things they did together. He saw a woman who made him do things he never

thought about doing before He saw the poems that he wrote. He saw him give her a flower in class, in front of the whole class. He saw that they openly discussed marriage and that this was known to their friends, and even their teachers. He saw his parents standing at the window of the Homecoming Dance. He saw his mother raise her voice at Hey Lee in front of his classmates. "Look what you're doing to our family." He saw the pain in his mother's face because she knew they were together. He saw Hey Lee falling in love with someone else and he saw himself, in the end, standing there with nothing to show for it but a guilty conscience and a pack of lies in which he cloaked himself.

That is what he saw on January 13th. That is what he saw when he put his hands around her neck and squeezed, literally, the life from her. He felt strong, almost superhuman. He felt the little bone in her throat pop and still he continued to hold her there 10 seconds, 15 long seconds, and it was done. So ended the life of Hey Men Lee, a beautiful young woman, a scholar, an athlete, a friend, a daughter, a sister.

It was humiliating, what she did to him. Make no mistake about it, ladies and gentlemen, this was not a crime about love, this was a crime about pride.

There is no doubt, ladies and gentlemen, this was a murder. Hey Lee strangled to death on January 13th,

1999. She was buried in Leakin Park. She was killed in her own car. These are facts that we know from all the evidence in the case.

We know this is a murder. You heard from Dr. Corell (phon. sp.), the medical examiner. She told you in great detail why we know that Hey Lee was strangled. And we know more than that. She was strangled by someone's bare hands, with the Defendant's bare hands. Dr. Corell told you about the bruised muscles in her neck, about the tiny blood vessels in her eyes that burst, about the bone, the hyoid bone in her throat. It was broken by the force of human hands. She told you all these things.

We know that this occurred in Hey Lee's car. We know this because the Defendant told Jay Wilds that's where he did it, but we know much more about it. Think again about Dr. Corell's testimony and what this autopsy report tells you. We know that Hey Lee was a passenger in the car. The Defendant told Jay Wilds that as she struggled, as she tried to get away, she kicked the wiper lever. You saw a video showing this wiper lever, how it dangled from the steering column on the car. That was consistent with what Jay Wilds said. In order for Hey Lee to kick this wiper lever, we know she was in that passenger seat.

Dr. Corell told you about bruises on the right side of her head. Think about it. She struggled, she's

pushing to get away, and her head is pushing against the window next to her. We know she was in the car, the very car that was used to take her body to Leakin Park.

Consider the other evidence, the map in the car, the map with the palm print of this Defendant and the single page that's ripped from this map, sitting in the back seat of that car. She was in Leakin Park in the very car where she was murdered.

Consider also the photographs. Does this look like the trunk of a teenager's car? No. She had sports equipment, she had other things that were all moved to the back seat, and you can see that in the pictures, because her body was put in this trunk by this Defendant. This was the car used to take her to Leakin Park and it's the car in which she was killed.

If this weren't true, why hide the car? Why take it to a place where it's not likely to be found for quite some time, and it was not. Consider also the testimony about the T-shirt in the car. Yung Lee told you he recognized this shirt. It had been his and he knew that his sister had used it as a rag in her car and she kept it stuffed in the map pocket next to the driver's seat.

Remember when Dr. Corell told you about a process called pulmonary edema? This occurs when a person dies and a foamy blood comes from their nose or their mouth. She

said it happens right after death. She said it can happen spontaneously or it can happen when the body is moved. And you can bet when blood came from the nose or mouth of Hey Lee that this Defendant took great care to wipe that blood to keep it from getting on him.

The blood on the T-shirt is Hey Lee's. Dr. Corell told you that blood appeared to be consistent with the very process she described. Consider the placement of the T-shirt, crumpled in the driver's seat, as if it had been sat on. After he wiped the blood from her nose and mouth, he discarded it on the seat. Perhaps he used it again later to wipe the steering wheel. He tossed it away without another thought.

We know also that Hey was killed on January 13th, the day she disappeared, the last day she was seen by her family and friends. We know this because Jay Wilds says it and we know it for so many other reasons.

Consider again the autopsy, what Dr. Corell told you, and what Dr. Rodriguez and MSgt. Ram (phon. sp.), the experts who were called in to help disinter her body. What did they tell you? The state of her body was consistent with having been in that grave for several weeks. And more than that. Remember the testimony of Mrs. Inez Butler-Hendricks from Woodlawn High School. She remembers talking to Hey that day. Hey was very excited about being taped

for a local news show. She recalls in great detail how Hey came running into the concession area at 2:15, right after class. She was in such a rush that she didn't even pay for the snack that she got because she knew she was coming back. She had to go to the wrestling match, and Ms. Butler told you, with no hesitation, that these were in fact the clothes that Hey Lee was wearing on January 13th. She was wearing a skirt and light jacket and top. She wanted to look nice for the taping. She was wearing hose, hose that Jay Wilds remembers seeing on her body, the taupe colored hose, the hose that were scratched and torn because her body had been in there long enough for animals to begin digging away at it.

Remember her bank records. There is not a single moment of activity on those records after January 13th. Up through January 13th, were there any significant withdrawals that would enable her to take a trip or go somewhere? No. A couple dollars here, a couple dollars there. On January 13th, $1.71, enough for Hey to stop and get a soda or a snack on her way home from her boyfriend Don's house sometime after midnight. There's not a single transaction after that. We know she was killed that day.

Consider her diary. Every entry in January is about Don and happy she is about her new relationship. Although she mentions it prior, because she was having

trouble with her mother's rules, which is not unusual for teenagers, she doesn't mention it once in any of the January entries. She was planning to go somewhere but she didn't take her diary. And the very last entry, January 12th, 1999.

And most importantly, ladies and gentlemen, consider what we know about Hey Lee. She's a bright girl, she's a busy girl. And on January 13th, 1999, she had lots of things to do. What does her schedule that day tell us? We know she was in class at 2:15. Ayisha [redacted] had that class with her, and so did the Defendant. Ayisha [redacted] told you that at the end of class at 2:15 Hey was talking to the Defendant. We know she immediately went to the gym area because that's where Inez Butler him. They told you in great detail about their encounter.

We know that she left immediately to pick up her young cousins who were just in elementary school. By 3:00, it was known to her family that she had not done this. Ladies and gentlemen, Hey Lee was dead in 20 to 25 minutes from when she left school. And we know that she was dead because she was supposed to return to Woodlawn High School and travel with the rest of the team. We know this didn't happen because Ms. Inez Butler, who remembers so well seeing Hey that afternoon, had to go in Hey's place with the rest of the team because she didn't show up.

Take a good look at State's Exhibit 19. This is a note addressed to Don in Hey's car. We know she wrote this the day she died. "Hey Cutie, Sorry I couldn't stay. I have to go to a wrestling match at Randallstown High but I promise to page you as soon as I get home, okay? Till then, take care and drive safely. Always, Hey. P.S.: The interview went well and I promise to tape it so you can see me, as many and as often as you want."

She refers to things we know she had to do that day: the taping, the taped interview, the wrestling match at Randallstown. Maybe she intended to put it on his car, we don't know. She never had a chance to do it.

And the most important, the most telling example regarding how we know this was the day she was murdered came from her brother, Yung Lee, through the fact that this Defendant never called her house again.

Judge Heard told you about the charges you're being asked to consider in this case and described to you the verdict sheet which you'll be discussing. There's a number of counts there, and I'll spend just a few moments discussing the facts of this case with respect to those counts.

You've been asked to discuss the crimes of false imprisonment and kidnapping. They're very similar in that they both involve confining a person by deception. How

does that relate to this case? Hey Lee was confined to her car by the deception of this Defendant. What did he do to deceive her? He told her he needed a ride. He said his car was in the shop and he needed a ride. We know this is true because his own friend, Krista [redacted] saw him first period and he said Hey's got to take me to get my car.

Hey's own friends told you Hey's the kind of person that would help him out, even though they were broken up. He told her his car was in the shop to get her in her own car, which he often drove, as all the witnesses told you. He got her in that car to get her to Best Buy, to kill her. He confined her there. An additional element for kidnapping is that he got to move from one place to another. False imprisonment and kidnapping.

You've been asked to consider robbery. Robbery is the taking of property by force with the intent to deprive that person. The force used on Hey Lee is clear in this case: he strangled her. And at that point he took her car. He took it several places that afternoon. He ultimately hid it. He hid it from family, he hid it from the employees in a place nobody would find it for quite some time.

The first count on your verdict sheet is the count of first degree murder. First degree murder is the willful, deliberate, and premeditated killing of another

person. Willful means you intended to do it. It's clear, ladies and gentlemen, if you strangle someone you intend to kill them. That's not hard.

Deliberate means you're aware of your intent. Dr. Corell told you it takes 10 to 15 seconds. It took physical strength to strangle Hey Lee. The Defendant was aware of what he was doing and what he intended to do when he strangled her. Was it premeditated? Had he thought about it? Of course he had. Consider the facts. He is the one that called Jay Wilds the night before. He's the one that called Jay Wilds that morning. He gave the car and the phone to Jay Wilds. He told Hey his car was in the shop. He drove her home. And even if you're not sure about all of those facts, consider this: Under the law, it takes only an instant to premeditate. The instant, for example, in cocking a gun. It takes up to 15 seconds to strangle someone. Was this premeditated? Clearly it was.

Let's talk for a while about Jay Wilds because, clearly, this case hinges on his testimony. At the very beginning of the case, Mr. Urick asked you when you hear Jay Wilds think to yourself, why him? Why is he the one in this position? Well, think about it. Do you really believe that the Defendant could go to one of his upstanding magnet school, honor student friends or a friend from the mosque to assist him with this act? Of course

not.

He needed someone who behaved a little more dangerously than those people. He needed someone who took risks. After all, Jay was the one that they get to buy marijuana. Jay was the one who worked in the porn store. Jay wasn't a magnet student. Jay wasn't in college. The Defendant thinks that Jay Wilds had more to lose. The Defendant hopes that you will look at Jay Wilds and say I don't believe him. That is why the Defendant chose Jay Wilds, because if something went wrong, the Defendant could point the finger at Jay Wilds, and that is why Jay Wilds sat here before you.

You don't have to like Jay Wilds or like what he did to know that he's telling the truth. You had an opportunity to watch him, not only hear him but watch him, as he sat here and testified. And remember, as he sat here and he recounted specific details of that day, remember the look on his face as he was asked to recall that moment in the Best Buy parking lot when he saw the body of Hey Lee. The look on his face, an expression that told you he wasn't looking at anything in this courtroom, he was seeing again the body of a dead woman, something he'd never seen before and something he told you is going to stay with him forever.

You know he knows what happened. But more

importantly, you know he was with the Defendant on January 13th. How do you know that? Let's look at the cell phone records. You heard from a young woman by the name of Neisha [redacted] (phon. sp.). Neisha [redacted] does not know Jay Wilds; Jay Wilds does not know Neisha [redacted] She is a young woman who met the Defendant at a party on New Year's Day. She lives in Silver Spring.

There is a phone call to Neisha [redacted] on the -- Friday at 3:22 p.m. Neisha [redacted] told you she does remember a call when the Defendant called her and said, "Say hi to my friend Jay." Jay Wilds told you about the exact same call as they're driving from I-70 parking lot where they left Hey's car. Jay tells you yeah, and then he called some girl in Silver Spring and he asked me to say hi to her. Jay Wilds and Neisha [redacted] don't know each other. Neisha [redacted] told you they were together.

. You heard also from [redacted]. [redacted] was at University of Maryland at Baltimore all day, at a conference. She came home to her apartment around 5:30 that afternoon and sometime after 6 -- and she knows this because she watches "Judge Judy" -- the Defendant and Jay come to her apartment together. She remembers this because she doesn't know the Defendant, and he's acting shady, he's acting strange. What does he do when he comes to her apartment? He slumps over on the floor and hides

his face. This is memorable to her. [redacted] told you that the Defendant and Jay Wilds were together.

Jennifer Pusitari told you that after she received that page from Jay to pick him up, she goes to Westview Mall to meet Jay. Who pulls up but the Defendant, driving his car with Jay Wilds in it. Jennifer Pusitari told you the Defendant was with Jay Wilds.

Jay Wilds was sincere. You head a lot of questions and a lot of testimony about the inconsistencies of his statements, and I'm sure you're going to hear a lot more. Jay Wilds never once told you that he didn't lie to the police. He was honest with you. Yeah, I did it, and he gave you the reasons why. Why didn't he call the police? Jay Wilds said, number one, my house was dirty. They knew I had marijuana there. I didn't want to do that to my mother and grandmother. And he also said look at me, look at who I am. Do you actually think the police are going to believe me? The same reason the Defendant picks Jay to be here. No, Jay said, that wasn't going to work.

And why did he not tell the police on at least two occasions the full story? Why? Because he wanted to protect people he knew. He wanted to leave Jen Pusitari out. He wanted to leave [redacted] out. He wanted to leave out the fact that the Best Buy parking lot was the place where the Defendant and Hey Lee had sex. He didn't

leave himself out of those statements. He tried to leave out other people.

The most important thing for you to remember about Jay Wilds' testimony is that it does not stand alone. It is corroborated, it is supported by what the witnesses say, by what the physical evidence says, and by what those cell phone records say.

So let's talk about cell phones. We all got quite a lesson in cell phone technology, the AT&T wireless system. You heard from an AT&T engineer, Mr. Abromowitz (phon. sp.), whose name I won't continue to say because I can't pronounce it, but you heard from the engineer who told you basically a cell phone calls a cell site, a cell tower, which, in turn, talks to a switch, and that enables the conversation to take place. Pretty simple.

He also told you that the phone picks the cell tower based on signal strength in the area. He told you, too, that this map shows you -- these bright colors each represent areas in which a given tower's signal strength is strongest. And in these areas, the cell phone is going to talk to the given tower.

He explained that each cell tower has three sides: an A side at the top, a B side going clockwise, and a C side on the western side. A, B, and C. And when a call is originated, that is, when a call is made or

received by a cell phone, the particular cell tower and particular side, the A, B or C, is recorded in the billing records, and that is where these records come from.

Now, the Defense may suggest to you that we don't even know if this phone was operable on January 13th. Consider Abe Abromowitz, the AT&T engineer, told you that the Nokia 6160 is the best cell phone to use in the AT&T system. Use your common sense, ladies and gentlemen. In one day alone this cell phone made 34 calls in the course of 10 hours. Some of them lasted a couple of seconds, some of them lasted eight minutes -- and you've heard from the witnesses who talked to people on this phone. Did any of them say they had a problem hearing? No. Did any of them say they were cut off? No. In fact, call no. 5, Krista [redacted] remembers that the Defendant called her again that evening. Does that look like the track record of a phone that's not working properly? No.

And you heard also that the AT&T engineer made some test calls. He went to locations, locations provided by the witnesses in this case and made phone calls to see if, in fact, the testimony added up to the cell records. And what he told you was that although he didn't recreate all the conditions of January 13th, that the Nokia 6160 operates in exactly the same way -- equally was the word he used -- as the equipment he was using.

What we wanted to know with those tests were, for example, if Jay Wilds said that the Defendant answered his phone in Leakin Park, was that true? If [redacted] said he answered the phone at her apartment down by UMBC, was that true? Well, ladies and gentlemen, the cell phone records support what those witnesses say and the witnesses support what those cell phone records say. There's no way around it.

The Defense may try to suggest to you that this system doesn't work and there's no rhyme or reason for this pattern of phone calls. That's not so, there is a rhyme and there is a reason. Think about it. The witnesses could not have known what cell site they were in when they were making calls and they certainly couldn't control that. They were probably unaware that the calls were even being recorded in this fashion. Do you think Jay Wilds, when confronted with these phone calls, said oh, L608C, I better put [redacted] house into this? No. The witnesses can't control it and they weren't aware of it, and that's why you can't get around this evidence, ladies and gentlemen.

Now, you've been sitting here patiently for six weeks. You don't need me to tell you that. Consider the witnesses in this case. When you go back in that jury room, not one of you are going to remember every detail of

this case in precisely the same way, what date someone testified, what specifically they said. You will rely on your collective memories. You each will remember what is important to you and you will use that to fit in what each other remembers. The same holds true for the witnesses in this case.

Remember that January 13th, for these witnesses, was not any special day at the time. They had no idea that day that over a year later they were going to be asked to sit here and testify in a murder trial. The first time any of them were even asked to remember that day was weeks, maybe months later, but people remember what is important to them. And again, consider Ms. Inez Butler; she remembers talking to Hey immediately after class, 2:15, because she remembers Hey left in a hurry and Hey didn't come back. And that had an impact on her because she had to travel to the wrestling match. People remember what is important to them.

And just as you will rely on your collective memories, in this case it is the collective evidence. Consider it all and consider what makes sense.

Now let's take a closer look at all the evidence in light of these cell phone records. Jay Wilds told you he remembers around 10:30 in the morning he gets a call from the Defendant, saying I'm going to come get you, let's

was talking to Hey Lee at that point in time and Inez Butler sees Hey as she rushes out of school, grabs her snack, and heads out the door. Ladies and gentlemen, she's dead within 20 minutes.

2:36 p.m. the Defendant calls Jay Wilds, come get me at Best Buy. Jay Wilds is at the home of Jennifer Pusitari at this point, and the records are clear. Call no. 28 occurs in the cell area covered by L651B. This is the area that the AT&T engineer told you covers Jennifer Pusitari's house --

So Jay drives to the Best Buy, and it is there that the Defendant, for the first time, opens his trunk and shows Jay Wilds the body of Hey Lee. By 3 p.m., by 3 p.m., her family knows she hasn't picked up her cousins.

The Defendant gets Jay to follow him to the I-70 parking lot where they leave Hey's car, and they then head back towards Woodlawn from the park and ride together. It's at that point, at 3:32 p.m., that the Defendant calls Neisha [redacted] in Silver Spring. She says hello to Jay. We know they are together at that point in time. That call lasts for 2 minutes and 22 seconds. Jay Wilds doesn't know Neisha [redacted] and Neisha [redacted] told you this is her own private line, nobody answers that line but her, and the Defendant is the only one who knows her. This occurs in the coverage area of L651C, the pink area, which would be

consistent if they were heading back towards Woodlawn from the I-70 parking lot.

Now, at some point in this time frame we know that the Defendant goes to track practice. He tells Jay Wilds I need to be seen. So Jay Wilds takes him to track practice. In the meantime, Jay Wilds goes out to Forest Park looking for marijuana. He makes a phone call to Jennifer Pusitari at that point in time, 4:12 p.m. We know that that call at 4:12 p.m. was in the coverage area of L689C. You see 689 on the top right, the dark brown area on the left side is C. That covers the Forest Park area. That makes sense with what Jay Wilds is telling you.

Now, we also know in the meantime the Lee family, Hey Lee's family, has called Ayisha [redacted] They've begun calling her friends to see if anyone knows where she is. Ayisha [redacted] told you she called Krista [redacted] a friend of the Defendant who testified. Krista [redacted] was at work that day. Krista then calls and leaves a message -- Krista told you I called the Defendant to see if he had, in fact, gotten a ride from Hey. She leaves -- she remembers this. She leaves a message on his voice mail.

At some point in time, the Defendant calls Jay, come get me from track practice. 5:13 p.m., you see that -- of calls that the AT&T engineer described to you. Call no. 18 and 19, this shows he was checking his voice mail.

And what is the very next call? 5:38 p.m. he calls Krista [redacted] Perhaps she wasn't home from work yet, she doesn't believe she was. It was a very short call. But he returned that call. We know he has the phone.

After the Defendant picks -- I'm sorry. After Jay Wilds picks the Defendant up, they get high and they head over to [redacted] house. [redacted] remembers a conference until 5:30 that day. She gets home and she sits down to watch "Judge Judy," and it's at that point, she remembers, that the Defendant and Jay Wilds come to her apartment and they're acting so strange.

Now, [redacted] house, Gateway Terrace, down by UMBC, and Mr. Abromowitz put a little circular sticky here on the block where she lives. He also told you that there are two very strong sites, depending where in the block you are, L608C and L655A. Now, look closely at calls 14, 15, and 16. Notice that the cell sites correspond exactly to what he told you, L608C, L655A. Remember the testimony of three witnesses when you consider these three calls. At that time frame, between 6 and 6:30, three witnesses told you about calls they know of to that cell phone.

Consider Yung Lee, Hey's brother, opens the diary, thinks he's calling Don because on a page scribbled over and over with Don's name is a cell phone number. He

suddenly realizes it's not Don he's called, it's the Defendant, whose voice he knows because he's called their home before. He asked if he knows where his sister is. What's the Defendant's response? Why don't you try her new boyfriend?

Remember too that [redacted] heard the Defendant answer a call while he was in her apartment, and what she heard concerned her. He said the police want to talk to me, what should I do? And a third person, Officer Adcock, from the Baltimore County Police who began to investigate this as a missing person, he calls the number because Yung Lee has given it to him. He calls the number and talks to the Defendant on the cell phone. All three of those calls are consistent with those calls that came into [redacted] house.

And interestingly enough, after the Defendant has this conversation, you know, the police want to talk to me, he jumps up, leaves the apartment. And what's the next thing he goes to do? He goes to get rid of the body. Now you know by that phone call that somebody else, somebody who hasn't told you from the witness stand, somebody else knows about this because he sought their counsel, sought their advice in that crucial phone call. And the next thing he does is goes to get rid of the body, and who does he call? 6:59 p.m., he calls his best friend Yassar [redacted]

Isn't it ironic that that is the name that comes up in connection with the anonymous phone call to the police as to who might know something about this?

We know that at this point the Defendant and Jay Wilds go to the I-70 park and ride to get Hey's car, with her body still in it. At that point, they go to McDonald's where they meet up. And you can remember that because Jay says yeah, I even thought about leaving at this point in time but then he showed up.

The call at 6:59 and the call at 7:00 both occur in the Woodlawn area, which would be consistent with them being near that McDonald's, L651A.

Prior to going to Leakin Park, Jay remembers that the Defendant was taking him home and at that point he basically threatened him, said, you know, I know about you and what you do, and got Jay Wilds to agree to go along while he gets rid of the body. They get shovels from Jay Wilds' house. They meet up at the McDonald's and Jay follows the Defendant to Leakin Park.

At this point in time Jay Wilds knows he's not going to meet Jennifer as they had previously arranged. So at 7:00 he pages Jennifer Pusitari. He leaves that confusing message that she tells you about. Jay Wilds and the Defendant go to Leakin Park -- time. And the next phone call, calls 10 and 11, are crucial. Jay Wilds tells

you that as they're entering the park, preparing to bury the body of Hey Lee, Jennifer Pusitari returns that call. She returns the call because the message is confusing. She knows the cell phone number because it's on her Caller ID, so she calls the cell phone. Jay doesn't answer. Jennifer tells you someone else answered and said Jay's busy right now, he'll call you back. Jay Wilds spoke to the detective -- I'm sorry. Jennifer Pusitari spoke to the detectives before Jay Wilds did, yet Jay Wilds tells you about the exact same phone call: While we were there, Jennifer called; the Defendant told her I was busy. That call, ladies and gentlemen, at 7:09 or 7:16 p.m., occurred in the cell phone area covered by Leakin Park. That call is consistent with everything the witnesses told you.

The next two calls, calls 8 and 9, you'll see are to Jennifer Pusitari's pager. They're both short calls and they're within literally seconds of each other. They occur in two cell site areas, L653A and L653C, which would be consistent if they were coming in from Leakin Park, from A to C, heading back towards Woodlawn, heading towards Westview Mall where Jennifer meets Jay.

Every call from that point on are to friends of the Defendant exclusively: Neisha [redacted] Krista [redacted] again Krista [redacted] again Neisha [redacted] Yassar [redacted] who didn't even go to Woodlawn High School, ladies and

gentlemen, he doesn't even know most of these people who testified, and Mr. Chaudry

Judge Heard instructed you that you can consider a number of things, including the Defendant's actions, what he said and did. Well, let's talk about that. What did Adnan say? Let's think back. He told Krista [redacted] in first period that Hey was taking him to get his car, that he needed a ride. Well, we know that that was a deception, something he fabricated. It was a pretext to get into her car because he gave his car to Jay Wilds.

He told Officer Adcock that Hey was supposed to give him a ride. That's consistent with what Krista [redacted] said. But later on, he changed his story. He told Detective O'Shea from the Baltimore County Missing Persons Unit, this was about a week or so later, that he had his own car and he didn't need a ride and, therefore, Officer Adcock must have been incorrect. Well, we know this conversation with Officer Adcock occurred because he told Ayisha [redacted] and Krista [redacted] that the police had called him on his cell phone. He can't have it both ways.

Let's consider what else did Adnan say? We've heard testimony from of witnesses. Remember -- Shah (phon. sp.), the French teacher, and Debbie [redacted] a close friend of both the Defendant and Hey Lee? They told you how the detectives came to the school on more than one occasion,

both the missing persons detectives and homicide detectives, and they did their best to try to help, to try to answer questions, to try to find anything out about what happened to Hey and where she might be.

Did you hear that about the Defendant? This was his girlfriend, the love of his life, who supposedly is still his very good friend. No, that's not what you heard. What you heard instead was -- Shah testifying that the Defendant came to her and said I'd appreciate it if you don't ask questions about me. Well, what was his reason? His reason was because his parents didn't know everything about his dating Hey. This woman who had been so central to his life just a month before, let alone weeks before, and he's more concerned about his parents finding out about this relationship with her.

And you've heard testimony from several of his friends that say oh, all the young men at the mosque date women, that this is no big deal. Then why is that his concern at this point in time, when she's missing, when she could be hurt, when she could be in trouble, when she could be dead?

He told -- excuse me. You also heard from Debbie [redacted] that -- Shah had given her some kind of questions to try to find answers to. They were in her planner. And when she lent that planner to the Defendant, guess what

disappeared? Those questions.

Remember that the Defendant told Inez Butler that his memories of Hey were bad, that he and Hey had had a fight about her going to the prom. We know that Hey was in love with Don Kleindas at this point. She wasn't thinking about going to the prom with the Defendant. In fact, the very night before she died, at 12:01 and 12:35 a.m., he's calling her house. What is she doing? She's writing in her diary.

We know she usually wrote in her diary late at night. She'd probably just got back from Don's house.

MS. GUTIERREZ: Objection.

MS. MURPHY: She's writing --

THE COURT: Overruled.

MS. MURPHY: -- "I love you, Don. I think I have found my soul mate. I love you so much." This is what she's thinking about when he's calling her.

Now, you've heard a lot of testimony that this Defendant, he is a popular guy, he's attractive, he didn't have any problem making friends or attracting other women. But nice people do bad things all the time. Consider how he acted towards the investigation of the woman who was so central to his life. Is that consistent with what you've heard about him?

Consider what he did for Jay Wilds. He's the one

who called Jay, both the night before and the morning of. He's the one who gave his car and his phone to Jay Wilds. He's the one who tried to give himself an alibi: yeah, I need to get to track practice because I need to get seen. I don't care what you do, Jay.

He's the one who jumped up immediately to go bury the body after the police call. It was him, not Jay. And he's the one who's going to come before you today and point the finger at Jay Wilds. No, ladies and gentlemen, nice people do bad things all the time. What Adnan Syed said and what he did is not at all consistent with the wonderful things they want you to believe.

When he points the finger at Jay Wilds, we ask you to ask yourselves a very important question. From all the facts in this case, you can ask yourselves what do we know about who killed Hey Lee. We know that Hey Lee knew the person who killed her. We know this because she was surprised. She was in her own car, ladies and gentlemen. Whoever did this had to be someone she knew, someone who could sit close enough to her to strangle her without her suspecting a thing. She knew the person who killed her.

Not only did she know this person, ladies and gentlemen, she cared about this person. You heard how busy she was that afternoon. She had places to be, she had things to do. For her to take time to give anyone a ride,

she had to have cared about him enough, and you know from the witnesses that she did. She'd given him a ride just two days prior. It's in her diary. That's the kind of person Hey was. She cared about him enough to pick him up that day and he knew it.

You know that she trusted the person who killed her. She would not have gotten into the car, she wouldn't have let someone drive her car if she suspected a thing. She trusted the person who killed her.

You know that this person was present at Woodlawn High School because there is only a small window of opportunity -- the opportunity is the key word -- for this person to get in her car. She had to leave Woodlawn High School and drive immediately to the elementary school to pick up her cousins. That person had the opportunity at Woodlawn High School to stop her and get in her car.

And we know too that this person had access to her car. She was killed in her car. Ladies and gentlemen, you know from all the witnesses the Defendant clearly had access to her car. He drove it on a regular basis, all the witnesses told you that. More importantly, her car is covered in his fingerprints, not just in the common areas, in the trunk, in the glove box, in the back seat, in a map in the back seat that just happened to have a page ripped out that leads you to Leakin Park. He clearly had access

to her car, he clearly was in her car and he knew that if he didn't act quickly she would be missed.

He knew she had to pick up her cousins. He knew she had to be places, so he knew he had to take her immediately to Best Buy and do what he set out to do, and that was to kill her.

Most importantly, ladies and gentlemen, the person who killed Hey Lee had a reason to do it. He had a motive.

Strangulation is an extremely personal crime. To put your bare hands around the neck of a person you know, let alone care about, and squeeze the living life out of them, to look into their face and watch them die is extremely personal. You have to want that person dead, you have a reason. It's not the task of someone who can shoot a gun from 20 feet away, it's extremely personal. And remember what he said: How could she treat me like that? It's what she did that made him want her dead.

Hey Lee wrote in her diary May 11th, 1998, "When I look into his eyes, I know that he loves me. I really love him." And again, September 8th, 1999, Hey Lee writes in her diary. "I don't know what I would do without him. He is the sweetest person I have ever met. When life is hard, all I have to do is look into his eyes. Then it'll all be better." Imagine the disbelief and the terror when

she looked into those eyes on January 13th, those same eyes that she writes so politely about in her diary, with one purpose: to kill her.

And what was it she tried to say at that point in time? The words she tried to get out? I'm sorry. How could she treat me that way?

Thank you, ladies and gentlemen.

Thank you, Your Honor. Mr. Urick is reminding me --

Ladies and gentlemen, it's clear, this all adds up. There's only one person who fits the description and that's the Defendant, Adnan Syed.

THE COURT: Thank you, Ms. Murphy.

Ms. Gutierrez, you asked for a brief break to arrange the courtroom --

MS. GUTIERREZ: Yes, Judge.

THE COURT: -- for you.

Please, ladies and gentlemen, I'm going to have the sheriff walk you just over to the jury room. Leave your notepads face down and other items face down. Do not discuss anything yet. We'll bring you back in probably under 10 minutes. We're just going to let you stretch your legs, let Ms. Gutierrez get organized, and we're going to come right back and continue.

Ladies and gentlemen, this Court is going to take

a brief recess.

MS. GUTIERREZ: Judge, before you go --

(Brief recess)

(Jury not present)

THE COURT: Ms. Gutierrez, you indicated that you had some issue that you wanted to discuss before you arranged your exhibits?

MS. GUTIERREZ: Yes, Judge. What I would ask is a reinstruction of the jury as to the Defendant's -- that they can draw no inference from his silence. Ms. Murphy made two specific references that I believe were absolutely unmistakable references to his not taking the stand. They both occurred before 11:00, one at 10:40 by this clock, one at 10:55. She said twice "someone who didn't testify from the witness stand." The context in which she was talking, it was unmistakable that the only someone that she could have been referring to was, was Adnan Syed.

Since to comment on the Defendant's absolute right to remain silent negatively inferring that there's something wrong because he didn't take the stand even though their witness's did, Judge, I believe is so prejudicial that it is outrageous. And in light of all of that, what I would ask of the Court right now is that it reinstruct the jury on the Defendant's right to remain silent, that they cannot draw any inference from that.

THE COURT: Response from the State?

MS. MURPHY: Your Honor, that is not the context in which that statement was made at all. The context was in the sense that the Defendant was talking to someone on the phone, and the words I used were that he was seeking counsel, seeking advice from someone who knew what happened, someone who didn't testify. That was the context, it was not at all related to the Defendant's testifying or not, and I think that was clear in the way it was presented to the jury.

THE COURT: Anything further, Ms. Gutierrez?

MS. GUTIERREZ: On another issue, Judge.

THE COURT: All right. On that issue, my recollection is that Ms. Murphy did not make specific reference that the Defendant did not testify but, rather, in the context that she's indicated.

I believe that the jurors have been instructed that they can't even consider the Defendant's failure to instruct (sic) and I'm not going to reemphasize or direct any further attention to that issue. I don't believe that it was presented to the jury in that fashion. And clearly, there will be no argument on that issue. The only thing the jurors will have is my instruction where I specifically direct them that they may not even consider his failure to testify.

Your next issue, Ms. Gutierrez?

MS. GUTIERREZ: Judge, while I was out, I had to use the facilities and there was a ladies' room right next door. I remained there specifically because I observed the mother of Ms. Lee who, understandably, was close to hysteria, was in the stall and crying loudly enough that it drew my attention.

I did note that she started to do that and, although that may be understandable, Judge, she contained herself throughout the bulk of the State's attorney's argument. And what I observed and heard in the ladies' room concerns me that I would ask for either the Court to instruct her or she be placed back far enough that if she is that close to being upset and such to send her in a stall in the ladies' room, crying uncontrollably, is not a circumstance that we should have to endure during our close.

THE COURT: I will tell you that I don't want to hear from the State on this. Ms. Lee has conducted herself in an admirable fashion throughout the length of this trial. When asked to move and adjust herself when we were in a smaller courtroom, she did so. Today, I did not observe her do anything in this courtroom inappropriately. And I would add --

MS. GUTIERREZ: -- didn't do anything in the

courtroom.

THE COURT: I understand. And I would add that the sheriff accompanied this jury to the jury room. They do not use the public facilities. They are not in the public facilities, they are kept separate and apart from the public facilities and would have no way of knowing what went on in the ladies' room, what Ms. Lee may or may not have done in the privacy of a stall in a public bathroom.

I would emphasize that she understands. I have had communication made to her through the State's Attorney's Office and through the Bereavement Movement counsel the importance that she not in any way demonstrate anything, to the best of her ability, that would in any way interfere with justice being served in this courtroom. And I would note again that her conduct has been admirable, as your client's conduct has been admirable and the family of the Defendant.

So at this juncture, I am not asking any spectator, including Ms. Lee, to move.

MS. GUTIERREZ: I think my purpose has been accomplished, whether the Court intended to do so. And as the Court knows, my job as an advocate is to protect this trial even during the time -- and I never meant to suggest and I did not suggest that the jury had any access to that. I asked for the Court's intervention and I believe I've

accomplished that to avoid something happening from this point forward since, obviously and understandably, she is upset. And my fear is that given how upset her level was then --

THE COURT: I understand, Ms. Gutierrez.

MS. GUTIERREZ: -- that that would only continue.

THE COURT: And just for the record and for the public, Ms. Gutierrez is making an excellent point. Her point is that during closing argument she may decide to say things that may be sensitive or uncomfortable for spectators. And to the extent they have an inappropriate contact or effect on a jury could result in a motion being made for a mistrial, and that is something that this Court does not want and has done everything in its power to guard against.

So to the extent that anything may be said or done in a way that you feel uncomfortable, the door is to your immediate right and you're welcome to use it at any time. If you remain, I would ask that you keep yourself under control and in the manner in which would be appropriate demeanor and decorum for this courtroom.

Ms. Gutierrez, is there anything the Court can do to assist you in organizing? Mr. White's available.

MS. GUTIERREZ: I just need a minute, Judge. I stayed there for the reason I said, so I didn't get

around --

THE COURT: Very well. And as you're organizing your papers, are you requesting a warning?

MS. GUTIERREZ: Judge, I would ask that Mr. Lewis be allowed to sit at the trial table.

THE COURT: Mr. Lewis, please come.

MS. GUTIERREZ: And he's going to hold up sheets to remind me.

(Pause)

THE COURT: Just for scheduling, at the close of Ms. Gutierrez's closing argument, the State will have 30 minutes for rebuttal. I note that an hour has been used. And then I will send the jurors to lunch.

Deliberation will take place in my jury room on the third floor, so I will be returning Judge Gordy his courtroom, as he's accommodated us to this point. That is where my chambers is, that's where deliberation will take place, rather than up here on this floor.

Very well. If you would bring our jury back, please. Thank you.

(Pause)

(Whereupon, at 11:23 a.m., the jury returned to the courtroom.)

THE COURT: Ladies and gentlemen, at this time you will hear closing argument from the Defense, from

Ms. Gutierrez.

CLOSING ARGUMENT BY MS. GUTIERREZ

MS. GUTIERREZ: As you've become aware in the six weeks -- this is the only time that you will hear from me. And as I sit down, they get to get up again and say whatever they can to rebutt --

The Judge talked in instructions this morning about the kind of criminal justice system we have. It is unlike any other system in the world. In many places not in this city, not in this state, not in this country. The minute that Detectives McGilvery and Ritz made the decision back on the 28th of February to arrest the presumed innocent teenager, that would have been it -- no one going back to question why did you make that decision. And they made that decision, they stuck to it and disregarded anything else.

On February 12th Detective Massey got phone calls from two anonymous callers -- you haven't seen Detective Massey, so you don't know what -- but he wrote down that the anonymous phone caller, two calls, was an Asian male, 18 to 21 years old -- an Asian designation in two places, as you've heard from this stand, as diverse as Korea all the way up over to Pakistan -- the most populous places in the world. Now, you didn't hear evidence -- sound different -- and that there are those who carry that

as a cultural background --

Now, Detective Massey could tell over the phone the Asianness of a person who would not give up their name. And you heard from others the same information, that this caller anonymously related, unwilling to be identified, and that was oh, you should concentrate on the victim's --

The caller advised that the boyfriend had taken the victim to Leakin Park -- sexual -- and there's not a single -- to establish that. Her friends were asked before they came in this courtroom and in this courtroom if you knew -- did you tell us. Not a single one -- and you can well imagine that they -- Detectives McGilvery and Ritz having focused on Adnan Syed for whatever reason, you may, because you know in your hearts if there was anything out there to support what they said, to connect in any way Adnan Syed with what happened to Hey Men Lee -- and if that was good, you would have heard about it, and you didn't.

Between the 12th and the 20th -- and you've heard from more than one source, from the teachers, from -- from her good friends, Becky [redacted] Debbie [redacted] and Ayisha [redacted] -- what happened to Hey Men Lee -- Debbie [redacted] admitted that she's the one that started, based on something Hey Men Lee had said to her on another occasion, that where she was going was out to see her father. Her father isn't in California -- he's in Korea.

Everyone speculated -- one of the closest friends to this wonderful young woman describes Adnan Syed as repeating the stories and believing the things and -- just like everyone else. At first he -- like all of us, that she had just gone to Don's house. Maybe she was -- he then became concerned. He acted just like --

Detectives McGilvery and Ritz got an arrest warrant, as Detective McGilvery said on the stand, in the early morning hours based on what Jay Wilds said. And although you heard uncontradicted, out of the mouth of Jay Wilds, that he lied to him and to Detective Ritz before that tape recorder went on in the middle of the night on February 28th and after it was one. And he lied to them about many, many things, even when they asked him -- inconsistencies that they acknowledge were lies. It wasn't just that things didn't match up, they were lies. They called them lies. Jay Wilds called them lies. On the 15th of March, on the 18th of March, on the 13th of April, every single time lies, never -- but they never came back and -- out of bed in the very early morning hours and charged him on the word of someone who later said lies.

They tried to cover and said well -- Detective McGilvery -- remember the events that happened better. But he admitted -- the State would say and what they admit that what he lied about were not just little

inconsistencies --

Let's start with -- the only thing we know is that Hey Men Lee -- was killed, that it occurred by strangulation and it could have taken place in as little as 10 seconds, that there were no other injuries on her body other than -- a bruise right on -- no other predeath injuries. None. No bruising.

And you heard from Dr. Corell what the body would have shown, and you can certainly trust Dr. Corell because it is her business, took every ounce of care to try to discover anything from the body that she was autopsying that might help tell anything about the manner in which she -- Dr. Corell was so careful about what's fact, what she could opine about. She never ventured to even guess at when she died -- in the grave and when she was found on the 14th of January, the 15th, 16th, 17th, 18th, 19th, and stopped the last day of January. All she was willing to say is what the facts told her, and those facts told her -- she wouldn't even venture to say was that person in the front, in the back, on the side. She wouldn't even say that because she doesn't -- she only --

Dr. Corell doesn't say that it's likely she died on the 13th. What she says is she was clearly dead and in that grave for a while. And so, the only fact that we know is that. She was dead. She died of strangulation. And

Dr. Corell said the belief is that -- her opinion is that it was likely manual because of the absence of anything else that would suggest a rope, a wire, a ligature that helped strangle her that -- Dr. Corell wasn't even asked that the people who were first put on to speculate as to what they now ask you to do, to speculate. They didn't dare ask Dr. Corell a question based on the bruising that she described -- did she have an opinion as to where that -- did it occur because she hit her head on a window.

You have no evidence to suggest that she wasn't driving -- in the driver's seat -- even come in contact with -- that Ms. Murphy asked you to consider. The only fact you have is that she was killed sometime before the body was placed in the -- probably a good -- January 13th -- is a lot of days.

Dr. Corell -- that she was in her car. The only witness that suggests any version at all was what Jay Wilds says Adnan said. Jay Wilds, who tells his very, very good friend Jennifer Pusitari that Jay knew ahead of time -- was planning to kill his girlfriend on -- but he says that Adnan would tell him to do this -- other than Jay, there is nothing. There's nothing in the car that told you -- they tried to recover any evidence at all. You can trust them. They did, they tore it apart. They discovered nothing from which you can even speculate that -- in the car.

Dr. Corell couldn't even speculate, and didn't attempt to, as to whether or not she was sitting down or standing up or lying down at the time, the less than 10 seconds or so needed to -- nothing inside the car -- to ask Dr. Corell about the pulmonary edema, but Dr. Corell said on the stand when they asked is that it may occur. Dr. Corell, who did the autopsy, never identified pulmonary edema. She never said she saw it on this body.

Mr. Bianca (phon. sp.) who fancies himself a -- said that stain on the bottom of her shirt looked like nasal mucous to me. But the -- didn't test it, didn't establish what it was, didn't establish whether it was what they thought it was. Nowhere in Dr. Corell's autopsy does she state that she found any such thing. All the time spent on the -- guess as to what -- there's no other trace evidence to suggest that what happened was in the car.

There is -- for you to believe after -- that what Jay Wilds ultimately said -- Jay Wilds says that he lied to protect his friends. Although they talk -- because if he spoke the truth, the only thing -- is the five-second -- that's all he did, was look, after the murder. And surely, that didn't endanger his friends -- but if -- 10 seconds when that something -- evidence from Best Buy -- his reasons for protecting his friends. What Detectives McGilvery and Ritz heard from Jen Pusitari is she had been

reminded, she brought it up to her very, very good friend, oh, there's a camera at Best Buy. And after that, he didn't say Best Buy and he didn't say -- near Edmondson and Poplar Grove, a very popular drug trafficking strip in this city.

Jay Wilds was asked by them what his relationship with Adnan was, and he said -- he was an acquaintance, not someone that he even now describes as he'd want to protect, whose involvement he would want to hide -- he says -- his friend Jen is that he had nothing to do with Adnan concerning Hey Lee's murder.

Even after -- and that lie was not just saying on the 28th of February Jay Wilds named Adnan, claimed Adnan said he did nothing. Jay Wilds was the one that afterwards -- without hesitation -- and Detective McGilvery acknowledged that in the questioning Jay Wilds admitted as soon as -- as late as four days, on the 24th, four days between the midnight interrogation he had been to visit the car -- had done nothing and had committed no crime -- and after that he drove -- by his own admission, was a place he's come to -- and he said to you all the reason he did that was that he wanted to take them, the police, who up until then, as he told you, they didn't know why. He did, but they didn't know -- he wanted to take them to a place that they would be uncomfortable in. So he took them and

he showed them the spot where he described to them -- strip that is always occupied by 10 -- 1,001, 1,002, 1,003, 1,004, 1,005, 1,006, 1,007, 1,008, 1,009, 1,010 --

It is not, as Detective McGilvery -- he admitted he lied and he says -- where they were uncomfortable -- deals drugs and he's got -- or something like that. He only did it to please people. But Jay Wilds told you, he said he was forced to admit he dealt drugs, illegal drugs, marijuana on an at least two or three times a week basis. He was familiar with drug strips. Imagine how sweet it was for him to tell -- to the biggest strip in West Baltimore, Edmondson Avenue and Poplar Grove -- a place they would be uncomfortable. They don't care what -- and in doing that, the focused, based on the word of people that -- anonymous accusations or speculations -- everywhere.

She was a popular girl in addition to being really smart and a really good athlete. Although there were some -- but because of that disappearance when she was expected to be there, a very popular girl in and of herself, led to everybody speculating --

Becky [redacted] told you being the best friend of hey and being a very good friend with a boy she had called friend since second grade, she wrote these things in her journal to try to answer truly what was this all about. If I think about it, what was their relationship, how were

they with each other? How did he act, among the whispers around her? He's supposed to be her boyfriend. Let's see what he has to say.

He is sure that nobody else ever, whoever they are, were ever sat in a chair, at a table, in a courtroom like this and asked and put to the test as a defendant in the murder of Hey Men Lee. Not even -- unusual circumstances. Donald Kleindas was her current boyfriend. He was -- as to his whereabouts on the 12th. Ms. Murphy dares to ask you to speculate as to whether or not Hey Men Lee spent the night at his house in Harford County the night before, but they didn't even ask him that. Detectives McGilvery and Ritz, they never asked him anything, never asked to account for his whereabouts, the last time he saw her -- a map of West Baltimore, and West Baltimore -- it doesn't take rocket science to know that the Crown station that allows people to use ATMs, not credit cards, as they suggested, but ATMs to make purchases, but only if they come inside, that is located -- isn't on the way to any part of Harford County. Any part of it. Northern Parkway and Harford Road is in the city, that's evidence -- it's in the City. To get from West Baltimore, whatever way you go, you don't go farther down in the City, you go out. You go up and then over to Harford County or you go over 695 and then -- it's 11 miles

from -- now they're telling you that you should speculate that perhaps she spent the night with her new boyfriend, a two-week old boyfriend --

To explain away the bank records that establish that Hey Men Lee -- on January 14th. They try to argue from their records that -- they didn't even bring you this. They didn't pay attention to it. It didn't matter to them. Detective McGilvery and Ritz did nothing.

What evidence you have before you is that the records -- when this entry was made, at what time of day. The thing that could have clearly established that she signed for whatever purchase added up to 1.71 and that it was the owner of the ATM card that used it on 1/14, 1999, might have been -- even though -- the man on whose testimony they based charging -- they never looked at them. They had these. And they'll say that this is in April they got the records. Assistant State's Attorney, Homicide Division, Courthouse East, here, this building. And look at the entry that says January 14th, 1.71. Or find out what's -- where is that Crown? Maybe somebody saw her. And at the same time -- did nothing -- sent to them.

They also ignored the evidence -- there are two things about what -- said. She said on that day I saw Hey Men Lee and I saw her about 3:00 and what she told me was -- to see Don at the mall -- they didn't ask Don

because they had already fixated their sights on this guy. A horrible murder, the finding of a body in Leakin Park, as our city struggles with a black eye of 300-plus murders a year. Oh, my god, another one -- so having fixated, they ignore --

They tried to think about -- didn't bother to ask their expert -- back in January -- certainly didn't -- because they knew it wasn't supported by the evidence. And perhaps on the 28th of February when they arrested Adnan they figured that what Jay told them would bear out, that they'd find the evidence that matched what he said. So the first thing they did was -- that same day they searched his house, top to bottom. And what did they seize? Among many other things, his boots, his -- his clothing, according to Jen. It couldn't be according to Jen because Jay says -- paged Jen from and then Jen picked me up from home. So according to Jay, upon whom they base the arrest warrant, Jen never would have seen Adnan, never would have seen what he wore. But Jen, of course, doesn't say that. Jen says oh, no, he -- at Westview, at Value City and waited there, and got there before him and I picked him up from there, and Jay got out of the car and I saw Adnan.

They knew on the 28th somebody -- Jen had spoken to them on the 27th, after she had gone to visit her boyfriend. And she told them -- after speaking with her

boyfriend, she told them on the 26th I can't speak to you, I have to go see my boyfriend -- and she -- and she told them the next day when she, who says she knew nothing, did nothing, saw nothing except what Jay told her, she lied to the police. And she says because I lied to the police I went and got a lawyer. She sure acted like someone who was not --

After the 28th when they searched his house, they seized everything -- he heard from -- anything that would show anything or might connect him to the murder, to the car, to anything. They took his car apart, taking the lining out of the trunk, and they found nothing --

This is a map that does show Leakin Park -- it also shows all the way over to Druid Hill Park and the City on the other side. It clearly is the page 34 that's missing from here. There's nothing -- and there's no evidence from Jay, the only person on who they're relying, that anybody needed a map to find Leakin Park. There was a reason we went to the trouble to establish, even when people made it difficult, that Dogwood Road, clearly on the map, is the same road that becomes Franklin Town. And as Mr. Davis pointed out, if you were familiar with the area you could know there's Woodlawn High School, right there, off the same road, within minutes. Nobody needed a map to find to find Leakin Park or Franklin Town Road. And the

fingerprint is on the outside, not on the page. Another dead-end of nonfact that invites you to speculate based on exclusively Jay Wilds' story.

Jay Wilds never mentioned a map. He mentions at various times meandering and wandering around West Baltimore, mentions speaking about another place -- mentions following -- he never saw it. He says he never saw -- doesn't describe activity that would involve a map.

Her brother says she used the map. It was in her car. Half of you probably have the exact same thing. Mr. Abromowitz said maps are how you find places you don't know where they are. No surprise he's got the exact same map that covers the exact same area as did Hey Men Lee.

On the 9th of February, Detectives McGilvery and Ritz -- came after it. But on the 9th, under circumstances -- both Detective McGilvery and Detective Ritz happened to get out to the scene. Mr. Buddemeyer, who clearly told you no, you could not have seen this body, you could not have seen the log from the road. And yeah, it was winter, but you still had to push away everything to get back there. And hey, by the way, I was looking for the body. It was part of my job to measure from the body to the road. In order to get a good rationale, I had to find the body. And he was looking for it and couldn't find it.

Jay Wilds, on the 9th of February, had decided

you don't need to be an expert -- he tried to fudge, it's his signature. He signed that signature right in front of you. It appears on both the explanation of rights -- the form that you heard Detective McGilvery, they didn't do to everybody. They only did it to people whom they suspected of -- he signed it and he spoke to them. And what he told you surely, they didn't know why they subjected him to other things, including other interviews -- four days. The same day Jay Wilds is out checking to see whether the car he says he never got in, didn't do anything with, was still there. Four days.

And based on what Jay Wilds said, they came in the middle of the night -- Adnan Syed. And -- even if you can get past his story that his urge to urinate is so great, 2.9 miles from his house, right off Dogwood Road, right off of where Dogwood Road intersects with Woodlawn, on which is Woodlawn High School. He had to urinate so bad and he was so concerned, as he said, about this privacy and not being seen that he walked into the woods, 127 feet -- him sign this -- we never heard and you can't speculate. But the one thing you can assume, if there was something else there that would hurt Adnan --

[redacted] S[redacted] was never asked a single question about where was he on the 13th or the 14th or the 15th or any of the days that Hey Men Lee could have been killed and

buried -- and as he testified, very unknowingly, planing a door is among the most ordinary of tasks a maintenance department for a university whose many building are old, is something that's -- but his excuse for being there was to get a plane. They didn't make him produce or examine, and his explanation certainly didn't convince them of anything -- but because they were fixated by those -- they just advised him but they didn't ask him any questions. So they had put aside Donald Kleindas without asking a question, without asking -- and as I said, it's not just -- it's their opinion she disappeared that day, while no facts establish for you that she died -- or that she was buried that day. That's the guessing part. They want you to focus on that and say, as they said in the very beginning --

The cell phone. These numbers were on the bill. They keep saying the address. They make up a column as if the address told you something. Mr. Abromowitz, whatever expertise he has in anything, told you -- all he can tell you is what the coverage area is supposed to be, that if you make a phone call right here, it's supposed to connect with the nearest cell tower before it triggers the switch. Well, what he told is that's what it's supposed to cover. But the phones and the quality of the phones operate differently as to what signal they trip, what switch that's

called. And he told you more. He told you that -- that he did -- 9, 10 months after he's called in, arrested, and charged with murder on the word of a many they know now lied. They did a test. They kept calling. They did an origination test. It's making a telephone call. There's nothing scientific about it. And when he made those telephone calls that she told him to make at the locations she said, what he said to us -- they didn't -- she said -- cell phone records -- trigger a cell site -- 651C. The cell tower is supposed to be in the middle. It's the only purpose for the colors. So 651, one of these is C and all that can tell you is that someone in the area whose cell phone was supposed to be -- but Abe Abromowitz tells us well, a call made at Rolling Road and I-70 placed, a Ms. Murphy decided was important, triggers either L651, I think it's the C here, or L698A. So instead of being able to tell us if it worked right, if the phone's quality -- then the cell phone that made the call would be there. Now, now it would be here or here because, in order to be here, it would have triggered -- trigger the cell tower that's right there, where A, B, and C of 698 meet. And certainly --

They had this cell phone but in fall of 1999 Mr. Murphy didn't think it was important enough that if she were going to do a test that's supposed to tell us

something that it might be important to do the test since her own expert says it is the quality of the phone -- Adnan Syed had been in jail for 9 or 10 months. Nobody looked at it again. Nobody asked a single question in doing a test that was fair and truthful. And so, they give you a test that tells you -- they can't tell you in whose hand the phone was located. What they suggest to you is the only thing you know are when Jay Wilds could have said in his hands. You know from the records the times these calls were made, either to his cell phone, this one, or from it.

Ms. Murphy focuses on, the Tina residence, the young -- non-Muslim -- who met Adnan at a party on Scarlet Place, right down the street, and likes the attention that a handsome young boy is playing with her -- this phone -- as technologic as you get, has on it the scroll system -- anybody could make that call. But more important, the only -- is Jay Wilds -- this most important call is to Ms. Murphy, go the [redacted] residence in Montgomery County, took place at 3:32. Now, according to Jay Wilds, he's -- and Adnan -- well, I'll call you around 3:30 -- Jay testified how he didn't call at 3:30. 3:30 came and went, so he got in his car and he started to go, and Jen Pusitari -- so according to -- Jay Wilds -- he was in the car that night --

Every single site that Mr. Abromowitz read off,

and I remind you when I asked him, I read from his results -- is either 654A and C or -- it's hard to see. This is -- 654A or 651B. Even with this test, under the circumstances totally controlled by them, he can't tell us anything about --

Even up to the 24th of February, notwithstanding the two separate taped interviews with [redacted] S[redacted]in which he was read his rights -- they still had trouble with his description of what -- they still had trouble with his description to explain why -- they asked him about why would he walk -- why would he lie and not tell them -- if you recall, I read to you -- Detective Ritz was asking him about the tool and about 20 ounces of beer, why didn't you tell me back then? This is a man who said he was so overcome with the need to urinate on a stretch of road that is established for you is not well traveled, it's through a park -- have an urgent need to urinate in a place that is -- near the opening of the door on a truck they say backed into that side of the road, the same side the tree was on, so the door would -- what was the reason it took this man 127 feet, a distance -- and if it were such a surprise -- the same ones that had him sign -- and if it were as innocent as all that, why -- Edmondson Avenue which turns into Baltimore National Pike, which I am sure you must know from your common sense has dozens and dozens of phone

booths in a location that he knew when he left was not a location he was -- and called the police and said oh, by the way, I found what I think looks like a body. It is -- but he didn't do it. And he didn't go right in and go within the same building he worked. He went clear across the campus after -- not calling the police on his own, not going to his supervisor, going up and asking where's -- and of course, ultimately -- back to the scene.

Just like Mr. Buddemeyer told you, that body couldn't have been found easily, even when you're looking for it.

[redacted] S[redacted] will never be charged. He's never even been asked, never went down -- was there another anonymous call, if there was evidence that shifted it to them, he knew it was already there because on the 26th, which is Friday, remember -- that's how they got to Jen Pusitari. Something turned them toward Adnan Syed and, once turned, they never turned away. They never even asked the questions to --

In -- don't have a system of -- we don't pick the jurors who are charged by judges to act as referees. We don't allow subjects charged by the police to have lawyers who have a role -- I stand up here because I have a role. You take an oath to listen to the evidence and to listen to me -- Detective McGilvery decides that he believes the

anonymous call from an Asian male, whoever that is.

Are there others -- the experts and the evidence tells you that you don't -- it is clear that Hey Men Lee -- comes after the -- likely that whatever it was that happened that led to her death -- maybe she did run away and then come back, maybe -- maybe Jay Wilds did have this car -- he's borrowed lots of people's cars. Maybe Hey Men Lee stopped Jay Wilds in her very good friend's car and then something happened -- and that it really didn't cause any other injury -- anything else is pure speculation.

One of the instructions the Judge told you was that you couldn't draw any inference of guilt because Adnan Syed didn't -- and the Judge told you that -- much is made of this issue of him correcting what Officer Adcock says he said. Remember Officer Adcock, he didn't know him, he didn't describe the voice he spoke to as an Asian young male. He didn't know who he was speaking to. But the bottom line is when Adnan spoke to Detective O'Shea, he said -- I didn't get her to give me a ride. All of that overlooks that in both times he never says he saw her after school. Whether he asked her for a ride, he said -- and she didn't --

The same effect to Officer -- Detective O'Shea. And at the earliest opportunity, all of you know that you remember things if there's a reason. We might remember

things or birthdays or children's birthdays, some special event, something that triggers -- the more time that passes, the less we remember about the events. At every opportunity -- over the phone, when they left the call with his mother he returned the call. He answered every question they had and at the earliest opportunity he says I was at track practice. I saw her. No, you're wrong about the car, but I didn't see her after school. Then I went to track practice.

At some point they asked the coach, and the Coach Sye said the same thing, I don't keep roll. But he wasn't asked until after, after he was arrested to look back six weeks. This trial has been going on for six weeks -- do you remember everything about the first day of trial? Do you remember what you had for dinner? Do you remember -- who you saw during -- you might have remembered if you -- maybe you -- use your available brain space for what's important and memorable to us.

Debbie [redacted] Hey Men Lee's very good friend who certainly was interested in finding out where she was; Debbie [redacted] the one that says she started the rumor about California, she says when she was first asked did you see Adnan, he was on his way to track practice. That's what she remembered. Well, Coach Sye said -- which he knew about because they had spoken, and that was an unusual

conversation. Of course he remembered it. A student explaining to him a holy feast of a religion -- he remembered explaining, remembered understanding it, and knew that he attended -- he was a good athlete. He sought him out. Of course -- how well -- and at the earliest opportunity afterwards -- six weeks later from January 14th he said the same thing -- based on that --

And even though Debbie [redacted] said he went to track practice, Coach Sye says track practice -- no later than 4 to 5 or 5:30 -- and Jay Wilds says oh -- because he said I have to be seen --

You heard from Adnan -- statement that's helpful to him. It's dated September 14th, eight months after he's charged -- says the same things.

One of the instructions the Judge gave you, and this is in evidence, was that while motive may not be -- of the crime -- go through the verdict sheet. This is an all or nothing case -- up with some guilty pleas, Count -- it truly is an all or nothing case. If you believe Jay Wilds with the force required under law to meet the highest burden our system imposes -- false imprisonment -- he's not required to even -- he could have sat there, smiling -- by way of cross-examination if we chose. At every opportunity, he answered every single question, even those related to -- in front of his father Detective McGilvery

says well -- I knew he didn't want his father to know --

And please read this carefully and start out by looking for any entry close in time to the end of October, Homecoming Dance -- there is not a single description of any kind of negative. The one entry where she used the word possessive, she then says no -- the only instance of jealousy that she describes is her own when she goes up to visit him at football practice -- another girl sitting on his lap -- she talks about her own jealousy. But this diary is about -- from her words --

There is a principle in life most of us learn. That's why our parents never -- try to teach us to -- the principles that most of us act in accordance with how we always -- most of us act in accordance with what we've been taught, simple little manners. Your parents raise you in a certain way, and I hope you notice the family's in the courtroom. This has been consistent with everything -- speak to the Judge out of your presence, without fanfare -- and waits till I go, as I'm sure his mother and father have taught him every day of his life.

And when we're up there at the bench and we have to stop down, he steps aside to let me go -- treat with respect --

Every word about Adnan in this -- she blames herself. There is never an entry that's just well, he's

stronger you should go away because you're making -- he never does anything to do that. Jay Wilds -- suggests -- such a surprise. How dare she treat me that way. What way? If you read the diary, it's consistent with what her best friend says, that they broke up at about the end of the first week or so of December. Everything else you've heard from teachers and students says the same thing, which would mean that on January 13th they would have been broken up for a month and a week. Not a surprise. All of those who know him describe both -- but particularly -- remained good friends. You'll see in her diary that she may have -- everything you've been told establishes that this was -- not the break up and not her being interested in someone, although according to her she didn't -- and according to -- no date, no sex, no kissing, no --

Every word that you've heard, including about how -- did he want his parents to know? No. Did he run right up and tell them? Did he make it a big conflict? No. But his parents did the remarkable thing of going to Halloween because his mother could smell it. His mother just knew and they went out to do what they consider -- he left. And his father told you that. They asked him to go, he obeyed. And his father says exactly -- but knowing that his parents came up in a public place, asked him to leave with them, he did so rather than subject them to --

We're not here to decide if he was a good Muslim. Islam is not the only religion in the world that forbids dating and certainly isn't the only religion in the world that says no sex before marriage. And it certainly -- parents who exercise their right -- I'm a Catholic not because I chose it. I was born in Catholicism, my parents chose it. If you're a Methodist, it is likely that's how you got there. They're no different in many ways. They're no different -- so that --

Ms. Murphy made much of Inez Butler, a very dedicated teacher and molder of human lives -- Ms. Butler on the stand described in detail -- except Ms. Butler back then on the 24th -- 25th of January, less than two weeks from when she was first asked by the Baltimore County Police detective involved in this -- she said then that she knew Hey wasn't. Now -- correction this, But then when asked about the closest point in time, she says -- Hey wasn't coming back, consistent with Debbie [redacted] asked about the same time, what was her last conversation with Hey and Hey said -- my new soul mate. Inside of two weeks, first date to soul mate -- fall in love and never felt such things and feel them deeper than any human being. There are lots of teenagers who love -- names of family for some lone -- cultural financial -- that has prevented young or can prevent.

But back then when she talked about -- according to those who saw her that night, the first time they're asked to remember is that she was on her way to see -- may you assume? No. The Judge told you you can't assume even though you want to, even though they tell you to. That's not -- that's not what the law allows you to do.

Where was she killed? Was it in the car? Certainly, we know she died and we know that she died -- of the strangulation and that she had been buried -- and remember that Detective McGilvery -- find the body in the ground, you want somebody with experience of old bodies, long-buried bodies, an anthropologist, and he described carefully disinterring the body that Mr. Buddemeyer, the surveyor, couldn't find -- and he describe disinterring that body -- any piece of evidence from one body, in the same way as Dr. Corell did all that she did. Anything from her body, from her clothing that might help. And what they recovered from that body were lots of hairs, and those hairs, as Technician -- told you, at least two hairs out of all the hairs that were there, many which weren't suitable for comparison, although they were hoping to belong to Adnan, were excluded as belonging to Adnan. Hair found on her body, underneath the ground of the carefully hidden grave -- looking for evidence, did they have significance? You bet -- why, if the man that they've charged and they

want you to believe is an accessory after the fact to this murder -- put his name under suspect in December of 1999, 11 months after this crime, 10 months after they've charged a man and taken his liberty, why did they pick Jay Wilds? December 22nd -- so-called activity of charging him while intending to plead him to -- on September the 7th, 1999.

Somebody's hair that wasn't -- and wasn't Adnan's, but came from a real live -- not him. Did they ever test [redacted] S[redacted]hair? Did the person who buried that body have a greater chance of losing hair without knowing it -- told you that. Of course. You don't need to be a technician to know that. Do those hairs have significance now? Absolutely. Were they ever compared to anything else? Absolutely not. Once again, anything -- they disregarded.

Is the Ramadan calendar important -- from the list of witnesses. There are many more who would have said the same thing. You only asked me six weeks later, I can't remember a specific date, but -- he was the one Muslim to be honored by letting him lead the prayer, whether he wanted to or not or whether or not -- every single -- he acted in the mosque as a responsible human being. He wanted to do it. It was an honor and privilege. And during Ramadan, our holy month, he was always there, always, and we noticed --

You are left with -- and that is the testimony of Jay Wilds -- his very good friend Jen Pusitari described it by saying -- as I said, Jen never sat in that chair and never -- who acted weird? Who acted like they had something to hide? Who acted like they had something to hide about the death of Hey Men Lee? He lied about every fundamental detail. Every single -- where it took place. The excuses he gives don't wash -- to protect his friend Jen Pusitari who did nothing, although she acted -- why did he need to lie about where things took place? How is it that Jay Wilds remembers details, ladies and gentlemen, in that 10 seconds that -- the color of her stockings. Who notices the color of her stockings? They were taupe. Recognized her, though she was laying face down. Described blue of her lips, although they weren't in his view. Described clothes that he says he recognized because he saw them before, on another time, the woman he barely knows. And then who -- evidence.

One of the instructions you got was consciousness of guilt. I ask you to listen to that because that applies to Jay Wilds. Although he's not a defendant here and never will be, he is a defendant. And people act the way they've always acted. They lie once, generally they'll lie again. You never know with Jay, that's what his best friend says. And I asked what did you mean by that. You never know what

he'll say, what he'll do. She was so concerned about how he acted before he left her house, at a time -- and his jacket and folded them and dumped them, threw them away, although he would never -- that might have shown -- after all, who picks out the parking lot --

THE COURT: Ms. Gutierrez, you have a minute to wind up.

MS. GUTIERREZ: Thank you, Judge.

I have to sit down now -- say what I wish to say -- but when you took this charge, you took -- I hope what I've said has been helpful to you. If it's not, it is up to you as a juror to answer those questions.

He is charged on the word of -- only you can send him home.

THE COURT: Thank you, Ms. Gutierrez.

Any rebuttal on behalf of the State?

MR. URICK: Yes, Your Honor. If I may have a minute to set up. May Ms. Murphy be excused for about 30 seconds?

THE COURT: Yes, she may.

MR. URICK: Thank you.

THE COURT: As you're setting up, Mr. Urick --

Ladies and gentlemen, when Mr. Urick concludes with the State's rebuttal, we will break for lunch and then we'll allow you to resume.

(Pause)

Ladies and gentlemen, while Mr. Urick is setting up, we're going to take a recess. I'm going to ask you to go with the sheriff who's going to walk you around to the jury room. You're not going to be there long, so don't expect to get comfortable. Just be there for five minutes and -- or so, and then we'll walk you right back. So go with Mr. -- the sheriff at this time. Leave your notepads face down. We're almost completed. Mr. Urick will have his rebuttal, then I'll allow you to go to lunch.

As you're going out, do not discuss the testimony of the closing arguments till we're at the very end.

(Whereupon, at 12:59 p.m., the jury was excused.)

THE COURT: Officer, I'm advised that the Defendant needs to use the rest room, so as soon as you can return him to this courtroom, will you advise me you're back? And we'll be able to resume.

I note that -- I don't know if it helps you but DOC is on this floor. I don't know if that helps you.

This Court will take a brief recess.

(Whereupon, at 1:00 p.m., the trial was recessed and subsequently reconvened at 1:06 p.m.)

(Jury not present)

THE COURT: Please be seated.

While my law clerk is bringing the jury back out,

be advised that we will taken a luncheon recess right after. And I will advise the jury to return to Room 337 .

MS. GUTIERREZ: So they'll get their lunch and then --

THE COURT: Right. They'll get their lunch and they'll go to 337. Once they are assembled in that room, I will -- and all are present, I'll ask the forelady to count all heads, we will have them ring a buzzer. And Mr. White will be bringing them the evidence, so before you leave, counsel --

MS. GUTIERREZ: We'll go through the evidence.

THE COURT: -- make sure you go through all the items that are to go back with them. And I will ask that you also leave a phone number where you may be reached --

MS. GUTIERREZ: Yes, Judge.

THE COURT: -- in the event there are any questions or in the event there is a verdict.

MR. URICK: The State has no objection to the clerk telling them when they can begin deliberating. I don't know if you plan to bring them out and have all parties present or not, but the State --

THE COURT: No. I just said I would not be doing that. I will instruct them accordingly.

MR. URICK: Thank you.

(Whereupon, at 1:08 p.m., the jury returned to

the courtroom.)

THE COURT: Mr. Urick, at your leasure.

MR. URICK: Thank you, Your Honor.

REBUTTAL ARGUMENT BY MR. URICK

MR. URICK: May it please the Court, counsel, Madam Forelady, ladies and gentlemen of the jury, good afternoon.

THE JURY: Good afternoon.

MR. URICK: At the beginning of this trial, I thanked you for your presence and I thank you again, and I thank you for the patience and time that you have devoted to this.

The Judge instructed you on the law. The Judge told you that comments of counsel, the arguments of counsel are not evidence and she told you what evidence is. Evidence is when people sit in this chair and talk to you. That's primarily most of the evidence that you have been given.

It is also supplementary, various documents and exhibits that have been allowed to be prepared, presented, and given to you. The Judge told you you are the sole deciders of what the facts are. It isn't what I tell you, what Ms. Gutierrez tells you, it's what you remember the witness having said and using common sense to interpret it. It's also your determination what to believe and what not

to believe. That's your decision.

The Judge told you something else that's very important, though. She told you about direct and circumstantial evidence, direct being something that somebody actually saw at the moment that it was happening. That is direct evidence. The person who saw that can tell you I saw this. That's direct evidence.

Circumstantial evidence is inferences that you can draw from a set of facts. A common example that's often used is it's a wintry day, a fresh snow has fallen. You get up early in the morning, you bake a pie, it's a hot pie, you set it on the windowsill to cool. You come back 15 minutes later, the pie is gone. You look out your window and you notice footprints in the snow. Those footprints come from your neighbor's front porch and go back to the neighbor's front porch. At that point you have some circumstances that you can draw inferences from. Based on that, you would probably say it's reasonable to infer that the neighbor came over and took the pie.

Now, if you knew as well that that neighbor had a sweet tooth for that particular type of pie, that would be even more evidence that would convince you that you are right. But that is a circumstantial inference based on facts, and the Judge told you that evidence is both direct and circumstantial and that the law makes no difference

between it as to weight or importance. Some -- common sense because you may have heard the old saying oh, that's just circumstantial, you shouldn't take that into account. That is not how the law looks at it. You are allowed to draw inferences from facts.

And let me give you an example of a type of inference that you can draw from this case. The Defense told you that nothing puts the cell phone between roughly 12:40 and 9:00 into the Defendant's hands --

MS. GUTIERREZ: Objection. That's not what I argued.

THE COURT: Overruled.

MR. URICK: -- other than the testimony of Jay Wilds. Now, there is some other evidence that puts that cell phone into the Defendant's hands. It's the pattern of calls: Krista [redacted] told you about leaving a message on the Defendant's voice mail. You see at 5:14 that voice mail is checked. Somebody got into the voice mail to hear the message that was left on the voice mail. The very next call is to the [redacted] residence, Krista [redacted] residence.

Before that, there was a call to Neisha [redacted] residence. There's a call to Yassar [redacted] residence in this period. All of these are friends of the Defendant.

The Defense said you have to speculate that the Defendant made these. You do not have to speculate, you

can draw a reasonable inference from these facts, combined with the facts that the people who are called in that period are exactly the same people who are called after 9:00. Krista [redacted] is called, Neisha [redacted] is called, Yassar Ali is called. These are not a random pattern of calls, these are deliberately made calls to contact a particular person. There is a repetition to the pattern that repeats after 9:00, at which time Krista [redacted] -- testified as to the two calls that she got. She remembers talking to the Defendant, that he told her he had talked to the Baltimore County Police and that at the time he was calling her he was in his car. This is at 9:03 and 9:10. Neisha [redacted] is called at 9:01. That is a pattern of facts from which you can draw an inference. You can draw another inference from that as well. The Defendant was not at the mosque.

Everyone told you that the prayer session at the mosque was from 8 till 10, it was 2 hours long and it was a continuous prayer. He is not at the mosque. The cell phone proves he's not at the mosque. That's an inference that you can draw from that circumstantial evidence, and circumstantial evidence is just as valid for you to act on as direct evidence of someone saying I saw him parked on such and such street at such and such time. You make reasonable inferences. This is not speculation, this is

inferences based on evidence, making reasonable conclusions.

The Defense wants you to think that the State is required to talk to every single person, to look at every little thing. And what do they tell you that the State overlooked? They showed you Rebecca [redacted] journal. Of course, they got it from the State in the first place.

MS. GUTIERREZ: Objection.

THE COURT: Overruled.

MR. URICK: And what's the very first entry in that journal? Adnan's character. She testified as to what she was doing. She was a very close friend who was writing a defense of her friend. That is the purpose of that journal. We talked to her about it and we got it. Is that evidence that we have to act on, that one of her friends is trying to defend her? Is that something that was overlooked?

The Defense then says well, there was this ATM transaction on January 13th, they could have gone out and talked to the manager, could have done all these other things, that they overlooked all this other stuff. Now, what they are doing is saying don't look at the evidence they actually have, which are all the fingerprint analyses that were done, all of which eliminate any suspect other than the Defendant. Other than the victim's, his

fingerprints are the only ones found in the car. That is a circumstance that you can make an inference from. The fact that it's on the book, that the page from the Leakin Park map was torn out is another fact that you can draw an inference from.

You've got the hair analyses. And remember what Mr. Bianca told you about his analysis. He told you not that the analysis excluded the Defendant as a suspect but he told you that he could not state that there was a match here because there were not enough of the characteristics that they look to to be able to say there's a match here.

MS. GUTIERREZ: Objection. That was not Bianca's testimony.

THE COURT: Overruled. And the jury's been instructed that what the attorneys say is not evidence. It's their collective recollection as to what the evidence is.

You may proceed, Mr. Urick.

MR. URICK: And Mr. Bianca told you that one of these characteristics is pigment color of the hair and he told you that the Defendant's hair pigmentation and color was unique. He told you those hairs had the same unique pigment coloration as the Defendant's hairs but there were not enough of the total criteria to say as a conclusion there was a match.

The Defense says that the State did a search of the Defendant's house and didn't get anything that connects him to the crime. Well, State's Exhibit 38 is the letter that we had read in court from Hey Men Lee telling the Defendant, apparently after the first break up, this is over. And on the back of it was the back and forth, cold, sarcastic conversation between the Defendant and Ayisha [redacted] about whether or not Ms. Lee had had an abortion. But significantly, there's another communication on here. At the top of the page, identified in the Defendant's handwriting, unrelated to anything else in the letter that says, "I'm going to kill."

The Defense says the State didn't test suspects. We got Don [redacted] work records showing that he was at work till 6:00 the day of the 13th. His alibi is ironclad.

MS. GUTIERREZ: Objection.

THE COURT: Overruled.

MR. URICK: The Defense says that on February 24th the Defendant was arrested solely because of the testimony of Jay Wilds.

MS. GUTIERREZ: Objection. He wasn't arrested on the 24th.

THE COURT: Overruled, counsel.

MR. URICK: The 28th I think it was.

The day he was arrested, think back to what

Detective McGilvery told you. They had subpoenaed the Defendant's cell phone records. These records were the evidence that led them to Jennifer Pusitari as they began seeing where these calls -- where the phones that were called were located. They got an address for this residence, they went there, they found Jennifer Pusitari. So they had two pieces of evidence: they had the cell phone records, they had the statement from Ms. Pusitari before they ever got to Jay Wilds. And all of this was derived from the Defendant's cell phone records. That is a circumstantial fact that you can draw a reasonable inference from.

But we have something else. We have the business records of that cell phone, and guess what these records show. That the service was taken out by somebody who's not a family member by the name of Mallal Akmed; that the service user, his name is Adrian, A-D-R-I-A-N, Syedd, S-Y-E-D-D. That's not the Defendant's name. Remember, this was a stipulated fact. It's uncontested, these are the Defendant's cell phone records. They're not even in his name. That's a circumstantial fact that you can draw any reasonable inference that you want to.

And when was this service taken out? January 11th, two days before the murder. Well, the Defense had people say well, he needed to talk to girls.

He went with Hey Men Lee from the spring of 1998 till December of 1999 without a cell phone. He had no problems in that relationship. They say well, he needed it for work. He had been working for four months. And as what? An emergency medical technician who's trained in how to save lives. He had been able to work satisfactorily for months without a cell phone. He had a pager if they needed to contact him, he had a home phone.

But the Defense says well, the State just wants you to speculate. No, there is evidence and that evidence is what you should derive your conclusion from. And the fact that it is circumstantial you can use just as much as if it were direct. The law makes no distinction between the two.

As to the cell phone, Mr. Abromowitz testified as to the functioning of the system as a test to see -- if the witness said the phone was at a particular place and we have a cell phone record, can we test it somehow to see if the system operates that way. He said yes. He said I can go to the same spot and see what signal the phone originates. And he told you it's the phone that selects the cell tower because it latches onto or identifies the strongest signal that it can.

Well, once we did that, when he went to the Gateway Terrace location where [redacted] Vincent lives, he found

that there were two almost identical strength signals, either one of which a cell phone could originate a call through and that those were cells 608C and 605A. And lo and behold, three calls in the time period that two different witnesses put them at that location, both of those sites originate calls out of this cell phone.

The Defense tells you well, they can't place you specifically within any place by this. Absolutely true, but look at 7:09 and 7:16, 689B, which is the Leakin Park coverage area. There's a witness who says they were in Leakin Park. If the cell coverage area comes back as that that includes Leakin Park, that is reasonable circumstantial evidence that you can use to say they were in Leakin Park. You've got it two ways: through the cell phone records, through the witness testimony. The two mesh together. And notice again that cell phone is nowhere near the mosque, which would be at the corner of Johnnycake and Rolling Road, which is over here, which is right near the Defendant's house, too. That cell phone is way downtown at 689B. That's another inference from which you can say the Defendant was not at the mosque.

And immediately following that are the two calls in the 653A and C areas that would be consistent with a car on Edmondson Avenue, moving back towards Woodlawn, and those are at 8:04, 8:05. That cell phone is not at the

mosque, the Defendant is not at the mosque. He called his friend Yassar Ali at 6:59 p.m. He is not at the mosque. You've got intermeshing circumstantial evidence greater than any witness testimony.

But you've got something else in this case. The Defense says that it was this anonymous tip that made the police fixate on the Defendant. Well, you notice what they overlook is that it's clear, if you look at that anonymous tip, it didn't come out of the Woodlawn community, it came out of the Muslim community because it contains information that only people in the Muslim community could have known, such as Yassar Ali's phone number, which is the same one that's on the records and also had his name, although the person who took it thought it was a V instead of a Y, so he wrote down Vassar instead of Yassar.

And they want to say there is this anonymous tip that made the police fixate on the Defendant. Well, Ms. Murphy told you about certain things: opportunity, motive. Why do people become suspects? Why are they investigated? Because they might have a motive, they might have an opportunity, they may have a means. It does not take brilliant police deduction when you have a suspicious death to start investigating people who were close to that individual. If a female is killed, husbands and boyfriends become prime initial suspects. And if you find one that

has possibly a motive because he's a disgruntled former boyfriend, then you will look a little bit closer.

This was not a fixation from the police because there was some anonymous tip that may have put a ring through their nose --

MS. GUTIERREZ: Objection.

MR. URICK: -- and then follow. They were doing what a reasonable person would do, which is all they're required to do. They are investigating reasonably based on motive, based on opportunity, based on means. They investigated, they got the cell phone records, they caught the witnesses, they get the cell phone records, Jen Pusitari, Jay Wilds, they get the car of the victim. They then arrest the Defendant.

And there's something else that tells you that this was the Defendant, and Ms. Murphy touched on that. It's the way the crime was committed. This was an intensely personal crime. It took maybe 15 seconds.

Now, the Defense told you it's fantastic that Jay Wilds could look in the trunk of a car for 10 seconds and see taupe stockings and identify Hey Lee. No, it's not. Not when you're in a very heightened, traumatic situation. If you've ever stepped into the street and seen a car coming for you, your life flashes before your eyes. When you're in that type of situation, time seems to take

forever because you are intensely focused on what's happening. You pick up details that you normally don't pay attention to.

It took 15 seconds, by the way, to kill Hey Men Lee. Have you ever thought about how much you can think about in 15 seconds? And the person who did this had a lot to think about because this was an intentional, deliberate killing.

Thank you.

THE COURT: Thank you.

Ladies and gentlemen, at this time I'm going to excuse you for lunch, but before I do so I have to do something else. The alternates are going to be excused at this time, and I must tell you at this time I'm doing so with my great thanks and appreciation. You have served for the last six weeks as jurors. You've come faithfully each day, you've arrived on time and promptly, you've been attentive. And we had no way of knowing whether or not we would need you or not. As you know, we started out with more alternates. So it was highly possible that your assistance would have been needed.

But at this time, because when the jurors return, they will begin deliberation, I must excuse you because only 12 can go into the jury room and deliberate in this matter. So at this time Mr. White and Ms. Connolly are

going to walk you to the door. What they have in their hands are work slips for you and what they have are verification of your jury service and a letter from me with my thanks, indicating that you have served the citizens of Baltimore dutifully and your required jury service is now over. You have completed one trial. As they say, one trial or one day, and in this case it was one trial.

Thank you very much. You are welcome to take your notepads, your notes with you. You can tear them up, you can keep them as souvenirs. You can do anything that you would like with them.

I will tell you that the attorneys sometime like to talk to those alternates that have been excused. It's our absolute right to speak with them if you want or not speak with them if you don't want, because at this time you are free to go.

If you have not been paid, the jury commissioner is awaiting you.

Now, ladies and gentlemen of the jury, I'm going to advise you this time you can take your notes with you, and I'd ask that you do that. This time I'm going to advise you that when you go to the jury room to deliberate after lunch you may discuss the testimony and you may discuss your notes once all 12 of you are present. You may not -- yes, you may take your notes with you, and that

includes the Xerox page that you have where you may written your handwritten notes as there was testimony. Those are your notes.

Now, I must ask that when you arrive in the jury room --

Madam Forelady, when you 12 of you are present, if you will press the buzzer, that will be the signal to me in my chamber that you've begun deliberation. And that will also be the signal for Mr. White to bring you all of the evidence. That is, you cannot have all the evidence or begin deliberations until all are present.

And so, at this time I'm going to remind you that you will go to lunch. You will go and be paid first. The Jury Commissioner is awaiting you for that. And then you may go to lunch. Following lunch, you should report to the original jury room because I have to give, give -- downstairs at 337. That door will be unlocked and there will be a sheriff sitting outside that door that you've indicated you'd like to make sure that no one else is around. And so, we will make sure that that occurs and the sheriff will stay there outside of the door for your needs or anything that you may need to ensure that no one is outside the door or in the room when you're starting your deliberations.

And if you need us, remember, if you need to send

a message, write it on the notepad, press the button, and we will retrieve the note. If you have a verdict, don't give that to anyone. Press the button and we'll retrieve you and have you brought back in the courtroom and we'll take your verdict from the courtroom. And again, we'll use the courtroom downstairs, which is my real courtroom.

At this time I must advise you that the Commissioner is waiting, so go there first. And you should be back from lunch no later than 2:30. If you want to bring your lunch back with you, you're welcome to do that and eat lunch in that room. But you should be back in that jury room no later than 2:30, and I'll be looking for the buzzer to ring when all 12 of you are present.

At this present, you may go with Ms. Connolly to collect your belongings and then go along to the Jury Commissioner to be paid and then to lunch.

(Whereupon, at 1:34 p.m., the jury was excused.)

THE COURT: This Court will stand in recess then until we hear something from the jurors.

Ms. Gutierrez, Ms. Murphy, Mr. Urick, a note indicating what phone number, where you can be reached and return in no more than 10 minutes to the courthouse. Before anything happens in terms of any verdicts, I want to thank the Defense and the Prosecution for the professional way you've conducted yourselves in my courtroom. I greatly

appreciate the professionalism but, more importantly, your punctuality and time and attention. So regardless of the verdict, I want you to know that I appreciate it and I look forward to having you all back in my courtroom on another occasion.

This Court will stand in recess then.

(Whereupon, at 1:35 p.m., the trial was recessed and subsequently reconvened at 4:25 p.m.)

THE COURT: Counsel, I received notification that the jury has a verdict and, unfortunately, we were advised that there was no courtroom clerk, stenographer available in my courtroom, so we're back here. And with the number of spectators, probably a good thing in light of the fact that I have such a small courtroom.

All the jurors have been moved up to this jury room and my law clerk will have them out in a moment.

(Pause)

(Whereupon, at 4:27, the jury returned to the courtroom.)

THE COURT: Ladies and gentlemen, you may be seated.

Mr. White, will you proceed?

THE CLERK: Members of the jury, have you agreed upon a verdict?

THE JURY: Yes.

THE CLERK: Who shall say for you?

THE JURY: Juror 1.

THE CLERK: Madam Foreperson, please stand.

Madam Foreperson, as to the case of State of Maryland versus Adnan Syed, Cases No. 199103042, 43, 46, as to Case No. 199103042, question 1 as to Count 1, charge of first degree murder of Hey Men Lee, how do you find the Defendant Adnan Syed, not guilty or guilty?

THE FOREPERSON: Guilty.

THE CLERK: Case No. 199103043, question 3 as to Count 1, charge of kidnapping by fraudulently carrying Hey Men Lee within the State, how do you find the Defendant Adnan Syed, not guilty or guilty?

THE FOREPERSON: Guilty.

THE CLERK: As to Case No. 199103045, question no. 4 as to Count 1, charge of robbery of Hey Men Lee, how do you find the Defendant Adnan Syed, not guilty or guilty?

THE FOREPERSON: Guilty.

THE CLERK: Case No. 199103046, question no. 5, as to the charge of false imprisonment by deception of Hey Men Lee, how do you find the Defendant Adnan Syed, not guilty or guilty?

THE FOREPERSON: Guilty.

THE CLERK: Is there a request to poll the jury?

MS. GUTIERREZ: Yes.

THE CLERK: Madam Foreperson, have a seat.

Juror No. 2, you heard the verdict, is your verdict the same?

JUROR NO. 2: Yes.

THE CLERK: Juror No. 3, is your verdict the same?

JUROR NO. 3: Yes.

THE CLERK: Juror No. 4, is your verdict the same?

JUROR NO. 4: Yes.

THE CLERK: Juror No. 5, is your verdict the same?

JUROR NO. 5: Yes.

THE CLERK: Juror No. 6, is your verdict the same?

JUROR NO. 6: Yes.

THE CLERK: Juror No. 7, is your verdict the same?

JUROR NO. 7: Yes.

THE CLERK: Juror No. 8, is your verdict the same?

JUROR NO. 8: Yes.

THE CLERK: Juror No. 9, is your verdict the same?

JUROR NO. 9: (No audible response)

THE CLERK: Juror No. 10, is your verdict the same?

JUROR NO. 10: Yes.

THE CLERK: Juror No. 11, is your verdict the same?

JUROR NO. 11: Yes.

THE CLERK: Juror No. 12, is your verdict the same?

JUROR NO. 12: Yes.

THE CLERK: Members of the jury, hearken to the verdict as the Court has recorded it. As to Case No. 199103042, as to Count 1, charge of first degree murder, you find the Defendant guilty; as to Case No. 199103043, as to Count 1, charge of kidnapping, you find the Defendant guilty; as to Case No. 199103045, Count 1, charge of robbery, you find the Defendant guilty; as to Case No. 199103046, false imprisonment, you find the Defendant guilty, and so say you all? If so, please say I do.

THE JURY: I do.

THE COURT: Ladies and gentlemen, I want to thank you for your time. If you'll just remain seated for one moment, I do want to address you in just a moment.

Counsel, there having been a guilty finding as to the counts that were sent to the jury, at this time is there a request by the Defense with regard to any

presentence investigation that you require and a date that this case or this matter should be set for sentencing?

MS. GUTIERREZ: Judge, I don't believe that there's a need for a PSI. We won't -- if the Court wants one. We would like a date certain in about 30 days for sentencing.

THE COURT: I have several dates available. Today being the 25th, April 5th would give you just over 30 days.

MS. GUTIERREZ: I think that's fine.

THE COURT: Is that agreeable to the State?

MR. URICK: That will be fine. Thank you, Your Honor.

THE COURT: All right. This case will be set in for sentencing on April 5th.

Anything further? Obviously, your client's been detained and will remain so.

At this time I thank you all for your diligence and time. This case will be set in then for April 5th, sentencing at 9:30 a.m. That'll be in Part 9 and that will be downstairs in my courtroom.

Ladies and gentlemen of the jury, I'd ask that you remain seated while we clear the courtroom. I understand there are some individuals that will be walking out. We'd like them to leave first. If you will stay

where you are and remain seated.

This Court will stand in recess then.

(Whereupon, at 4:32 p.m., the trial was concluded.)

TRANSCRIBER'S CERTIFICATE

This is to certify that the proceedings in the matter of the State of Maryland v. Adnan Syed, Case Numbers 199103042,43,45,46, heard on February 25, 2000, were recorded by means of videotape.

I do hereby certify that the aforegoing pages constitute the official transcript of said videotaped proceedings to the best of my ability in a complete and accurate manner.

In witness whereof, I have hereunto subscribed my name this 4 day of December 2000.

Delores Hay, Official Court Reporter