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IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

VERSUS INDICTMENT NOS. 199103042, 43, 45, 46

ADNAN SYED

/ FEBRUARY 14, 2000

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE WANDA HEARD, JUDGE
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

KEVIN URICK, ESQUIRE
KATHLEEN MURPHY, ESQUIRE
ASSISTANT STATE'S ATTORNEYS

ON BEHALF OF THE DEFENDANT:

M. CRISTINA GUTIERREZ, ESQUIRE

RECORDED BY: VIDEO TAPE

TRANSCRIBED BY:
Diane R. Walker
Official Court Reporter

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PROCEEDINGS

THE COURT: We'll have to start all over. We are not on the record. This is with regard to Mr. Urick's motion on behalf of the State, motion -- renewed motion in limine. You're about to tell me the purpose of your motion and what you expect to --

MR. URICK: Yes, Your Honor.

THE COURT: -- accomplish.

MR. URICK: Thank you, Your Honor. Thank you. We have a witness who we think is an important witness for the Court to hear to address the issue of the relevance of inquiry on cross examination into Jay Wilds' assistance of counsel.

THE COURT: Okay. At this point what is it that this witness would -- why are we going off on what I perceive as a tangent on what this witness is going to say as to what Mr. Wilds -- has not Mr. Wilds already testified as to what his belief and understanding was with regard to this plea agreement and the circumstances under which he has tendered a plea and is pending sentencing?

MR. URICK: Mr. Gioia, and I will proffer to the Court will testify that I had spoken to him in late August, early September, told him there was an indigent person who was in need of assistance of

counsel to advise him because the State wished to talk to the witness about a plea agreement.

THE COURT: The facts that you are suggesting are the facts that are going to go into the circumstances under which an attorney was obtained for Mr. Wilds?

MR. URICK: Yes.

THE COURT: Okay, I've already ruled, I've already ruled that we were not going to have a further fact finding mission into this area. I've already ruled that to the extent that this witness has already testified as to what was in his mind at the time that he entered the plea agreement and at the time that he pled, at the time that he secured his attorney, I've already ruled that those are questions that have already -- the answers for which have already been provided to some limited degree to this jury and I've already ruled that if counsel wants to bring out some of the issues that were provided or the facts that were provided to this Court as to what this witness Mr. Wilds' view was of his attorney, that it was his decision to pick the lawyer. It was his decision to accept the lawyer. It was a decision to continue with the lawyer as she, Ms. Gutierrez, on behalf of Mr. Syed could do that.

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I don't see that Mr. Gioia has anything to offer this Court with regard to what I've already indicated and I don't see how your renewed motion in limine gets you -- is doing anything other than giving you what you already have, which is a limitation on any further fact finding inquiry on cross. I just don't see what purpose Mr. Gioia is going to serve.

MR. URICK: Can I have a moment, Your Honor?

THE COURT: Certainly.

MR. URICK: May the State have a clarification as to what exactly the defense can now ask on cross examination on this issue?

THE COURT: Mr. Wilds on cross, Ms. Gutierrez may ask and I believe we stopped short of these particular questions, can ask whether or not he picked his lawyer. She can ask whether he wanted to keep his lawyer. She can ask whether or not there was -- at any time he was concerned about his lawyer, whether or not that concern was clarified in some way.

Beyond that he's already testified that he had a lawyer, that he had his plea agreement, that his lawyer reviewed it with him, that he pled in

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front of Judge McCurdy, that he was supposed to have this truth agreement that it was -- that he was supposed to tell the truth, et cetera. I really do not see what other relevance what Mr. Gioia may have done when this witness Mr. Wilds called him because Mr. Gioia didn't represent Mr. Wilds, isn't that right?

MR. URICK: May I, with the Court's permission, just make a record by making a proffer of what Mr. Gioia would have testified to if he was called?

THE COURT: A record for the purposes of what? Your motion is granted. Your motion is to disallow any further fact finding inquiry into or renewed cross examination of subject Jay Wilds' assistance of counsel. That's granted. The State requests a hearing and has one brief witness. I'm denying your hearing because I already granted this motion on Friday.

MR. URICK: Then what is the purpose of making Ms. Benaroya available, if I may ask the Court?

THE COURT: Ms. Benaroya is a witness subpoenaed or allegedly subpoenaed by the defense. Before she was excused several weeks ago, she asked

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whether or not the Court would let her know when she would be needed. Ms. Gutierrez indicated to me the other day that she needed to talk to Ms. Benaroya. What Ms. Gutierrez would like to talk to Ms. Benaroya about is within Ms. Gutierrez' own defense and stragetical decision with regard to her case and what she may or may not present on defense.

I have nothing to do with that other than to make Ms. Benaroya available to the defense attorney and that's what I intend to do. If she wants to talk with her and it helps her in some way fashion exact questions with regard to when the lawyer was obtained, fine. She can ask Ms. Benaroya those questions. I'm not calling Ms. Benaroya as a witness. I'm just making her available for counsel as I promised I would do, and she can't and won't be available until four o'clock today.

For the record, I just reiterate. I've ended the fact finding by this Court into the circumstances under which Mr. Wilds obtained his lawyer. The Court's not doing anymore fact finding on that. I can rule on your motion. That was the point of my asking the questions. I can rule on Ms. Gutierrez' motion. That was the point of my asking Mr. Wilds the questions. I did not know what he was

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going to say, and I'm satisfied that I have no facts before me that would in any way allow for any further delving into that circumstances, which means on Friday I effectively granted your motion and I'm granting it again, and I don't see any reason for Mr. Gioia to add any more facts. I don't need any more facts to rule. I've already indicated I'm satisfied. I'm giving you, have given you what you asked for.

MR. URICK: I appreciate the Court's response. Thank you.

THE COURT: And I would let the record reflect that Mr. Gioia has been present, is available to be called as a witness, but the Court is not in need of hearing from any more witnesses. Mr. Wilds alone provided me with more than enough information. I'm satisfied that he selected his lawyer. He said he did. That's what he said.

Now, unless Ms. Gutierrez at some time comes up with some other facts, which I don't have I'm satisfied that I have enough.

MR. URICK: Thank you, Your Honor.

THE COURT: And Ms. Gutierrez, you know, obviously, you can challenge again the motion and if you'd like to do that I will hear from you.

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MS. GUTIERREZ: I don't know which motion the Court is now referring to.
THE COURT: All right, the motion the State's renewed this morning to --
MS. GUTIERREZ: I understand the Court's motion that relates to no further fact finding inquiry.
THE COURT: Correct.
MS. GUTIERREZ: But the motion --
THE COURT: Which is this motion.
MS. GUTIERREZ: Well, but their motion says or renewed cross examination on the subject of Jay Wilds' assistance of counsel, and based only on what the Court just said, certainly I can miss something, Judge, but that's not what I understand your ruling was.
THE COURT: Correct.
MS. GUTIERREZ: Was to forbide me for renewing cross examination on all of the material that relates to --
THE COURT: Correct.
MS. GUTIERREZ: -- the assistance of counsel.
THE COURT: Correct.
MS. GUTIERREZ: My understanding was that

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you've ruled that I can go into that.
THE COURT: Correct, in a limited fashion you can go into it.
MS. GUTIERREZ: Right, based on the new information and based on -- you know, however he characterizes it, certainly there are facts enough to --
THE COURT: Correct.
MS. GUTIERREZ: -- which I can and that's my understanding.
THE COURT: That's granting --
MS. GUTIERREZ: That's not his understanding.
THE COURT: Well, that's granting your motion, Mr. Urick, in part and denying your motion in part. That is it's the same thing I said on Friday.
MS. GUTIERREZ: That's what I thought.
THE COURT: On Friday I said no more fact finding. We're done with that. I cannot control defense counsel if defense counsel wants to spend time, investigative efforts to delve into the circumstances under which Mr. Wilds may have spoken to Judge McCurdy or spoken to Benaroya.
She has a right in preparing her defense to do that. I cannot control that and I won't attempt

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to control that. So with regard to what this Court is going to do, I am not going to engage in any further fact finding. Your motion does say disallow any further fact finding. So to the extent that that includes Ms. Gutierrez, and I did not think that that's what your intention was to try to limit what Ms. Gutierrez may do outside of the presence of this courtroom, you know, obviously, I have no control over that.
But in this courtroom with regard to this case, I, yes, grant that motion. With regard to cross examination in the limited context of those questions asked by Mr. Wilds that might generate cross examination questions by Ms. Gutierrez about -- you know, the jury didn't hear him say I picked Ms. Benaroya. The jury didn't hear him say I wanted her. I interviewed her. The jury didn't hear him say I could have had someone else. I had money. I didn't really look at that. I didn't -- all of the things he said, the jury never heard that. That was done outside of the presence of the jury.
Now, if Ms. Gutierrez wants to ask those very same questions so that the jury gets the benefit of hearing that, I have no problem with that because it does go into the mind he had at the time he was

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making a decision to plead guilty. It affected him and as I explained to you I view that as a benefit that was derived, some assistance that the State's Attorney got -- used in helping him secure a lawyer.
It doesn't mean you bought the lawyer for him. It doesn't mean that you paid the lawyer. It just means that you did certain things. The State did certain things and as a result of what you did it made it easier for Mr. Wilds to select a lawyer, but ultimately he selected the lawyer, and that information did not come out in front of the jury, and if Ms. Gutierrez wants to bring that out or if you want to clarify that information in front of the jury. It goes to his state of mind, his contemplation as to what he was getting in exchange for pleading guilty and assisting the State, and to the extent that defense counsel wants to argue it was a benefit and you want to argue it wasn't a benefit, the jury could decide what benefit, if any, has affected the witness' credibility.
So in that regard Ms. Gutierrez will be allowed to inquire of this witness in the presence of the jury about those few additional facts and you on redirect are welcome to clarify any of those facts, but beyond that limited area we're not going into a

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long thing about what Mr. Wilds talked about with his attorney or what long conversation he may have had with Judge McCurdy. We're not going into any conversation he had with Mr. Gioia.

We're just going to talk about those relevant factors where Ms. Gutierrez argues the lawyer is a benefit and you're saying that the lawyer is not a benefit and that Ms. Gutierrez says that's part of the plea bargain and it's a factor that goes to his credibility and you're saying it's not a factor. It shouldn't be weighed as part of his credibility. That's argument in the end but the facts that form the basis of that argument are entitled to be in front of the jury because that credibility issue is going to be argued by counsel and they don't have those facts right now.

So in that limited fashion I don't see why I need to hear from Mr. Gioia. He doesn't have anything to do with this.

MR. URICK: The State's appreciates the clarification. May I excuse Mr. Gioia?

THE COURT: Yes, you may unless Ms. Gutierrez is going to call Mr. Gioia. Thank you. Okay, we see that it's now almost one o'clock and Ms. Gutierrez is going to have to make a mad dash to her

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office in order to get the --

MS. GUTIERREZ: I've already called them. They are waiting for me to call --

THE COURT: -- (inaudible) them.

MS. GUTIERREZ: -- there so that I may be -- Judge, every instinct that I have just tells me to shut up and leave it alone because I'm --

THE COURT: I wouldn't do that. I wouldn't do that.

MS. GUTIERREZ: But I really can't because I believe, and I spent the weekend -- I reviewed Friday's tape, you know, and, Judge, let me tell you, that's hard. Having had to endure it to begin with and then having to sit and listen to it all. Because I was concerned, I believe that what the Court arrived at at the end of the day was feeling that whatever questions you had regarding the circumstances of the providing of the lawyer and in specific in regard to what was the new piece of information on Friday morning which came directly out of Mr. Urick's mouth was that there may have been -- he proffered that there was a subsequent inquiry that took place in front of Judge McCurdy with Mr. Wilds and his lawyer that didn't --

THE COURT: Ms. Gutierrez, I make a note.

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Mr. Gioia is the courtroom. You don't have any problem with Mr. Gioia being in the courtroom in light of my ruling.

MS. GUTIERREZ: No, Judge, and I did have an occasion to speak to Mr. Gioia and I didn't see the relevance of it, since he never met him and never -- but anyway, and I clearly understood the Court at the end of the day telling me on my inquiry that your questions had been answered and I understand that that's where the Court was on Friday.

THE COURT: For the motion.

MS. GUTIERREZ: I understand on the motion, but your questions about it had been answered, and if you recall up at the bench we had a minor little conversation where, you know, the Court felt compelled to sort of take Mr. Wilds at his word and I started to argue to the Court that I don't think that was permissible because unlike other situations, you had in front of you contrary evidence and, Judge, in light of what you just said, I guess my position is that I think at the very least I should be able to inquire as to what I believe the heart of the matter is. Not who is telling the truth, not -- I don't -- that's a jury function.

THE COURT: Correct.

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MS. GUTIERREZ: But the issue of the benefit, Judge, is something that we were entitled to know before trial, not just by fortuity discovering it because he happens to answer a question a certain way.

THE COURT: Ms. Gutierrez, I agree with you and I believe what I was saying to you on Friday and I will reiterate is because we got or you got this information at this juncture, that you still have the ability because the witness is still on the stand --

MS. GUTIERREZ: I do understand.

THE COURT: -- to inquire of the benefit from him. However, I must -- I must emphasize. My questions of Mr. Wilds -- I know this sounds like I'm splitting hairs, but my questions of Mr. Wilds and my belief or not had nothing to do with whether, in fact, he was telling the truth.

MS. GUTIERREZ: No, I understood that.

THE COURT: -- but rather what his testimony would have been in front of the jury.

MS. GUTIERREZ: I did understand that, Judge, and I am not quibbling with that.

THE COURT: And if he had said --

MS. GUTIERREZ: The Court is wrong but --

THE COURT: If he had said, with all due

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respect, if he had said that Mr. Urick had gotten him the lawyer, that Mr. Urick once he had gotten him the lawyer that Mr. Urick hired this person, or, you know --

MS. GUTIERREZ: Judge, that's my point.

THE COURT: When I say hired --

MS. GUTIERREZ: We haven't gotten there.

THE COURT: Exactly.

MS. GUTIERREZ: This witness doesn't know whether Mr. Urick paid the lawyer. All he knows is that Mr. Urick told him, well, this lawyer is here.

THE COURT: Well, Ms. Gutierrez, that is the point. I'm not talking about whether or not Mr. Wilds, in fact, knows. My only concern was what would he say, what was his belief at the time he testified, what was he going to say, not whether it was true or not.

MS. GUTIERREZ: I do understand that, Judge.

THE COURT: Whether or not there is information --

MS. GUTIERREZ: Judge, but my point --

THE COURT: -- beyond his belief or beyond his knowledge that might have indicated, but what -- we're not into whether or not --

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MS. GUTIERREZ: But, Judge, I only want one thing and I think it's for all of the reasons I have articulated and that is because if, in fact, Mr. Urick paid the lawyer or caused the lawyer to be paid and/or did anything more than assume that since he knew that she had previously done pro bono --

THE COURT: That's the subject of another proceeding, Ms. Gutierrez.

MS. GUTIERREZ: To insure that this lawyer gave this witness pro bono services, then that is something --

THE COURT: Not subject to this proceeding unless this witness knew about it.

MS. GUTIERREZ: Well, I understand that, Judge.

THE COURT: And he doesn't.

MS. GUTIERREZ: And I know that. That's not what I'm asking, but because clearly that is a benefit, and clearly that puts in front of the jury, if it gets there, an issue of to whom this witness might be beholding and for what, and because of that we would have clearly been entitled to know it before we asked a single cross examination question of this witness, and because we didn't know it and we've already expended cross examination --

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THE COURT: I find there's no harm.

MS. GUTIERREZ: Well, the whole point --

THE COURT: The fact that you didn't get it before, I agree with you --

MS. GUTIERREZ: And I understand.

THE COURT: -- it would have been best, it would have been best for the State to have given it to you long before now. However, I don't and I didn't and I still don't find any harm.

MS. GUTIERREZ: And I'm not going to argue that, Judge. You have ruled against me. I still think the Court is wrong. The rules are there.

THE COURT: I understand.

MS. GUTIERREZ: The law is there to even -- require them to do something and if they never endure any consequences for disregarding the law, it will never get better but I'm not even --

THE COURT: But you didn't ask me for that.

MS. GUTIERREZ: I'm not even rearguing that point, Judge.

THE COURT: You didn't ask me for sanctions. You didn't ask me for consequences. You didn't ask me for that.

MS. GUTIERREZ: I haven't yet, Judge.

THE COURT: Okay.

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MS. GUTIERREZ: At this point but right now where I believe we are so that the Court went into a fact finding inquiry based on, but of course that information is relevant. Now, this witness may not know it, but if, in fact, it is true --

THE COURT: It's another proceeding.

MS. GUTIERREZ: Then it certainly impacts on the availability of how far we can go with this witness because it's of even greater impact.

THE COURT: But he doesn't know about it, Ms. Gutierrez.

MS. GUTIERREZ: I understand that, Judge, but there is other sources from which we may get it and that's why we asked to have Ms. Benaroya --

THE COURT: If you get the information --

MS. GUTIERREZ: -- available.

THE COURT: -- it's the subject of another proceeding. It would only be --

MS. GUTIERREZ: And it's the subject of another witness, but it doesn't preclude our ability to cross examine Jay Wilds on it. Did you know, sir, that the lawyer that you thought two weeks later smelled fishy to you, in fact, was paid by Mr. Urick? Did you, sir, did you become aware that the lawyer you thought there was a conflict with, that

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may not have been representing you, in fact, was paid by Mr. Urick. That the only reason your lawyer was -- and you might have been right that there was a conflict --

THE COURT: But he believes that that was not the case. It would be the same Ms. Gutierrez if I'm sitting here, God forbid, and someone steals my car and the person that I'm sentencing is the thief, only I didn't know it and someone would want to hold me responsible for saying that I sentenced him inappropriately based on something that I didn't even know.

MS. GUTIERREZ: But that's not where we are, Judge. I'm in the middle of cross --

THE COURT: It is. That is where we are. He doesn't know. Even if it's true that there was a quote fishy relationship between Ms. Benaroya and Mr. Urick, this witness doesn't know about it and doesn't believe it. If it's not true that there isn't a fishy relationship, it doesn't matter because this witness doesn't know about it and doesn't believe it. If he did know about it, if he did believe it, then we'd be in a different position which is why the Court inquired in the first place. I wanted to find out what Wilds knew and what he believed because his

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belief governs what he does. His belief affects his credibility to tell the truth or not.

MS. GUTIERREZ: But there are things other than his belief that affect his credibility. The truth may affect his credibility. Of course, it is relevant to the jury to know that, in fact, Mr. Urick paid Ms. Benaroya to represent him, whether he knew it or not. That is a jury question.

Mr. Urick wrote this motion and handed me a bunch of cases. Most of whom I have already read. Every single case, Judge, helps us, establishes, you know, that there isn't a bright line. Yes, it may be up to the discretion of the judge but if it is important, if it goes to the heart of the credibility, if it goes to whether or not the witness knows it or not, these cases establish that.

So what I am asking is that at a minimum, Judge, and I have had an opportunity to get some facts from Judge McCurdy who doesn't really remember whether or not a hearing separately and apart from the guilty plea took place, that if it took place his recollection is well maybe there was a time, but he doesn't even know if he put it on the record when he was asked by Mr. Urick to inquire and he doesn't remember why for instance Ms. Benaroya and Mr. Wilds

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would have come in, but that if it took place that took place before the plea which makes it unequivocably their duty to disclose that, that he had a relationship -- he clearly got -- his belief was that Mr. Urick explained that he was just being excessively cautious as to why he wanted this inquiry. He can't think of any possible reason why such an inquiry would have taken place after the plea and he has no recollection of that.

But based on his concern, we would, one, right now add to our witness list in the defense, Judge McCurdy, Ms. Benaroya, and Elizabeth Julian who is the Public Defender for Baltimore City, because Judge we believe not only is this a great benefit, it keeps Mr. Urick in charge of everything to do with this witness, whether the witness admits it or not, and that's the language in every single case that Mr. Urick submitted to you.

Yes, the inquiry starts out with what's in the mind of the person receiving the benefit but that may or may not be the truth. You may or may not get the truth from the benefite and that the defendant should never be put in a position where they're tied to that. Half of those cases are cases where it wasn't just restricting cross examination but it also

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went on to what other evidence could they introduce and there were other side issues.

The State sort of in the main case tried to articulate and wrap around its wanting to exclude testimony that was excluded and was held to be a violation of that defendant's constitutional right was because it was attempting to hide under the right of privacy a juvenile's record and uphold that sacred oath and, of course, the Court held that must fall.

But Judge the issue, and all we're asking is that I believe we have a right to get it from Mrs. Benaroya. As this Court knows because we've told you, I hope you remember, Mrs. Benaroya is someone who has called up and said to us, she ain't accepting service. Even as a lawyer --

THE COURT: That's irrelevant. She'll be here at four o'clock.

MR. URICK: She won't talk to us.

THE COURT: She'll be here at four o'clock.

MS. GUTIERREZ: You'll have her here. You're going to tell her, of course, you don't have to talk to them. She's not going to talk to us. We're not going to get the information that we should have had before now unless this Court orders that that happen.

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THE COURT: Ms. Gutierrez, what information are you looking for? I think you're looking for information that --
MS. GUTIERREZ: If Ms. Benaroya was paid by Mr. Urick which certainly is on the table and about which you've received no credible evidence.
THE COURT: True.
MS. GUTIERREZ: Mr. Wilds doesn't know.
THE COURT: He wouldn't know.
MS. GUTIERREZ: And he wouldn't know.
THE COURT: But --
MS. GUTIERREZ: If she's been paid by Mr. Urick --
THE COURT: That's another hearing.
MS. GUTIERREZ: That is critical evidence to us.
THE COURT: It's critical evidence of what?
MS. GUTIERREZ: Just because it's another hearing doesn't mean that you should postpone the inevitable.
THE COURT: Well --
MS. GUTIERREZ: Thinking you're going to mount a wall over which I'm not going to be able to get.

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THE COURT: Well, that's --
MS. GUTIERREZ: That's why you on Friday asked Ms. Benaroya to be here.
THE COURT: No, I asked her on Friday to be here because you indicated that you were having difficulty serving her, that you indicated that you wished the Court's assistance in getting an officer of the court available.
MS. GUTIERREZ: That was true.
THE COURT: And I said I would do that and I have, and she will be here at or about four o'clock, but I must tell you. I still do not see the relevance in front of this jury as to whether or not Mr. Urick paid Ms. Benaroya. If he did --
MS. GUTIERREZ: Are you ruling that because you don't see the relevance --
THE COURT: I'm asking --
MS. GUTIERREZ: -- I can't ask that question?
THE COURT: I'm asking? Well you only --
MS. GUTIERREZ: I intend to --
THE COURT: -- get to put admissible evidence in front of this Court if I find it's relevant. If it's not relevant, it isn't --
MS. GUTIERREZ: Well, are you making a

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finding that it is not relevant whether or not the prosecutor paid the lawyer for its witness, is that the finding you're making?
THE COURT: For its witness? You mean Mr. Wilds?
MS. GUTIERREZ: Mr. Wilds.
THE COURT: At this juncture I am making a finding that this witness Mr. Wilds was not aware of any payment.
MS. GUTIERREZ: I --
THE COURT: And, therefore, the issue of whether or not Mr. Urick did pay this witness or not, lawyer, pay this witness's lawyer, is not relevant at this stage.
MS. GUTIERREZ: Judge, you've already asked him questions that you know I'm going to repeat and he is going to say I smelled something fishy. I thought there was a conflict. Well, Mr. Wilds, if you had known that Mr. Urick paid your lawyer's fee that would have confirmed your sense that it was fishy. Is the Court prepared to rule that that does not become relevant?
THE COURT: Do you have facts to show, or is this just a wild hunch that you believe --
MS. GUTIERREZ: Judge, I don't think that's

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a hunch.
THE COURT: Well, I don't have any evidence --
MS. GUTIERREZ: Judge, I practiced twenty years in this jurisdiction. Never have I heard of a prosecutor providing a lawyer of their choice at no charge who was not appointed by the Court from a list, not sent to the Public Defender, not appointed a lawyer not of his choice from a random -- from the panel list if there was a conflict, not once, not ever, not in this jurisdiction, not in every jurisdiction in Maryland, of which I have practiced, which is all. Not in federal court, not in the 17 courts I've been admitted pro hac vice in other states.
Now, that is not a fishing expedition and I dare this Court to cite other instances where this has occurred. That's not fishing. That is fact. The Court knows it. This witness knows it. Mr. Urick knows it. That's not fishing and I resent the implication that I would fish about something so fundmental as that.
THE COURT: Ms. Gutierrez you have now raised your voice and yelled at me in a fashion that's showing a total lack of respect for this

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Court. Now, I have not --
MS. GUTIERREZ: I apologize, Judge.
THE COURT: I have not in any way treated you in any fashion other than to give each and every one of your arguments my full and undivided attention. I have at every turn given you the opportunity to argue your point, but for you to suggest that I would just ignore some point that you were raising for what reason I have no clue, is totally unreasonable and inappropriate.
I accept your apology. I understand that you are trying very hard to be an advocate for your client but you have to understand that I have to make my ruling the way I see it and it may not be in the way you believe I ought to, which is why we have the appellate system. You make your record and then we move on.
Now, I hear what you're saying but at this juncture I have no facts in front of me to show that this witness, Mr. Wilds, is under any belief that the State paid an attorney to represent him. I have no facts in front of me, no indication that this witness believed that there was any deal or benefit being made other than what he's testified and that he believed that it was his right, his choice to select

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the lawyer he did and he said, as I recall, I picked her, I selected her, I was satisfied, and I told Judge McCurdy that.
My concerns were addressed. I was satisfied. Now, his testimony, his credibility can be challenged by you. His statement that I believed that it was fishy. You can ask him that question, and clearly he can say that, and if you don't go through the rest of the scenario on redirect, I'm sure the State will in order to clarify that at the end he felt satisfied that his lawyer was representing his best interests. That's the basis for his testifying. That's his understanding of any deal, any benefit that he was going to derive by testifying there.
There are cases that talk about the effect of postponing a case until after a witness testifies and clearly that is also something that goes to his credibility which you can then ask him about. I don't believe that fact is in front of this jury, the fact that the case was postponed and you can ask that. You have not asked that question in front of this jury.
MS. GUTIERREZ: And I haven't gotten there.
THE COURT: Okay. But I'm not limiting

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your ability to put those facts in front of the jury that would issue or cause to place at issue his credibility based on what he, Mr. Wilds, knew. I do find that as it relates to things outside of his knowledge, that that is not relevant to this witness' belief of what the deal was, that this witness's belief of what benefit he may have derived or will derive, is not something that goes to the heart of his credibility and I won't allow you to ask questions.
Now, if you want to ask an objectionable question of this witness in front of the jury after what I've just said, there will be an objection made by the State I suspect. And if I need to make a curative instruction to put the jury back on track, I'll do that, but I don't want to have to do that because as you've pointed out you've been practicing for twenty years, you know how to ask the question and you know what I'm saying to you. You understand the limitations I'm placing to you on cross. You understand them clearly, I know you do.
You're able to make the argument. It's not going to get you what you want. I'm not going to open the door to every type of question beyond this witness' belief and knowledge and I'm not going to

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allow questions where you're going to pose something which you now know is outside of this witness' knowledge. If you ask the question, it will be a question for which an objection will be made by the State and it will be sustained because the motion in limine, as I understand it, is trying to limit you in that regard.
Those things outside of this witness' knowledge are objectionable and it will be sustained because he doesn't know about it. Whether it's true or not, he doesn't know about it. It's not affecting his testimony. He doesn't know about it. It's not affecting his credibility. He doesn't know about it. If he knows about it, if he felt it was fishy, if he got an answer, that's relevant. He got an answer.
Now, his knowledge, what's fueling his testimony is relevant, but what he doesn't know, as I gave you a scenario, someone's stealing my car and I don't know who it is and I don't know anything about it, I don't have any knowledge, then I can't be held accountable for what I don't know, I don't know it so it's not affecting my decision. It's not affecting anything that I don't know, just like I don't know what Judge McCurdy did and neither do you and you

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don't know what Ms. Benaroya did. I don't know it and neither do you and so it's not relevant right now because I don't know about it and Mr. Wilds doesn't know about it.

Now if there's some misconduct that you believe has occurred in some other aspect in terms of securing this lawyer that Mr. Wilds might not know about it but you may find out about, that might be referred to some other proceeding where Mr. Urick may have to answer a question about it. That's another proceeding and there may be some facts that come out relative to that, but as it relates to Mr. Wilds in your cross examination of him that is not relevant.

I agree that you should have gotten this information a little earlier and I agree that it would have been nice if the State had provided it to you but I find that the fact that they have disclosed it at this late time does not impede your ability to cross examine Mr. Wilds about it.

To the extent that the Court has found some relevancy in it, to the extent that it goes to what Mr. Wilds knew, and that information you've been able to cross, that information you've had the weekend to even prepare more questions, we did not continue with Mr. Wilds on Friday. We did take a break. We sent

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the jury home and now they're back and you will now have the ability to add to your cross and I do not find that you've been harmed in any inability to ask those questions.

Now, had Mr. Wilds not been on the witness stand, had we finished with his testimony and gone down a few more witnesses, then I might have a different view of that because we would have to call Mr. Wilds back. But at this point we haven't finished with Mr. Wilds. Had we not taken a break and you agreed to take the break between the direct and cross of Mr. Wilds initially, had we had that as the scenario, but it didn't happen that way.

So we are now in a different juncture and we are at a point where you have him still on the stand and you still have the ability to ask those questions. And I would also point out you also will have Ms. Benaroya available at four o'clock today.

MS. GUTIERREZ: Does the Court intend to stop at four to allow us an opportunity --

THE COURT: Yes.

MS. GUTIERREZ: -- to speak with her?

THE COURT: Absolutely, we'll do that. So that you will have the opportunity to speak with her and as soon as she arrives I understand she's going

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to come directly here and if you want to speak with her, I will allow you to do that and I note that it's now twenty minutes after one. I'm going to take a luncheon recess. I ask that counsel be back by 2:15 so that we can continue and I'd like to continue with Mr. Wilds at the break. Has the jury been excused for lunch?

Does Mr. Wilds know to go to lunch? All right, would you walk around and tell Mr. Wilds that he is free to go lunch and he should return by 2:15. At this point we are going to take a recess and I must say on the record, Ms. Gutierrez, never ever, never ever think that you can't aggressively and passionately argue your point in front of this Court.

I would be the first one to defend your right to even raise your voice but I want you to understand --

MS. GUTIERREZ: Judge, I want you to know I never suggested --

THE COURT: All right.

MS. GUTIERREZ: -- that you were ignoring my argument. I started out in my argument by acknowledging I knew I had lost. I think you're wrong, but I know when I lose and when it goes

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against me. What I responded to passionately was the suggestion essentially that I would go down a fishing expedition with no basis whatsoever as if I made this up and that's what I was objecting to and that's the only thing I was objecting to.

THE COURT: The only thing I want you to know is you have an absolute right to do any investigation as defense counsel and use it in your theory of the defense any way you choose to do so but until I have facts in front of me, until you cannot proffer a what if to me, but rather tell me that you have evidence that you can provide to me, I can't go with a what if. I have --

MS. GUTIERREZ: Judge, all I'm asking for is the time to get it. And if we can't put Ms. Benaroya on the stand, I will tell you I don't expect to get it. We ain't getting it. So, you know, being nice about it isn't what discovery is about. I understand and, again, I think you're wrong for not holding them to the fire because they didn't do it ahead of time.

They didn't it do ahead of time, at least give us the chance to make it to where we would have been if they did what now is nice but what they were required to do. That's all I'm asking.

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THE COURT: I'm asking that you understand that I believe I've given you that opportunity. You don't believe it's sufficient but I believe it is. It is my discretion in deciding whether or not to do anything about a failure to provide information and given the circumstances, given the manner in which it was disclosed, given the timing of it I find that there is no error, that it would have been nice if the State gave it earlier, but that when they did provide the information, when we did get the information, that it still provided the defense an ample opportunity to do what it needed to do on cross, and still has that opportunity.

And I would also add that I am not going to tell the defense what witnesses to call. The only thing I ask is whatever witnesses you decide to call that they be relevant and you may be asked to support why they are relevant which you would have to do for any witnesses that you would call. I'm not going to tell you whether to call McCurdy. I'm not going to tell you whether to call Benaroya. I'm not going to tell you because I don't know your case. I don't know your defense. I don't know your theory and I'm not here to rule on that.

But if you have a witness and there's an

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objection to that witness being called, the only thing I'm going to ask the State is what's your basis and your basis for calling the witness and proffer how they're relevant and if you give me a proffer that they're relevant, then I may rule in your favor. You give me a proffer and I find that they're not relevant I may rule against you, but at this juncture I don't know what they're going to say. I have no way of knowing and I'm not asking you to tell me now.

But I am going to make sure that Benaroya is available to you because I think you have a right to subpoena her if you want and that if I can assist you, as I would for any other witness that the defense feels necessary by compulsory process, I would send the sheriff or the police to go get them, if by making a phone call I can get Ms. Benaroya here for you, I will do that and it is considered done.

This Court will stand in recess until 2:15.

(Whereupon the Court recessed, following which the proceedings in this matter resumed:)

THE COURT: For the record, it is now 2:16 February 14th and I've resumed the bench. There is no one in the courtroom other than the courtroom clerk who just stepped out to check the doors.

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MS. GUTIERREZ: I apologize, Judge.

THE COURT: It has taken awhile to have Mr. Syed brought up anyway, so we can't do anything until he arrives, and I did get your message from Cindy. We'll do this. As soon as Mr. Syed arrives, would you have the jury put in the box, okay, and we can get started. First Mr. Syed, and then as soon as he is here, let's have the jury in and then I'll come back out. Until then just sit tight and don't go anywhere. This Court will take a brief recess.

(Whereupon the Court recessed, following which the proceedings in this matter resumed:)

THE COURT: Good afternoon.

THE JURY: Good afternoon.

THE COURT: Ladies and gentlemen, we're going to resume with the case of State of Maryland versus Syed. At this time Mr. Wilds, you are still under oath but I'm going to -- this is a new day and a new record and perhaps a new tape at that. I need you to stand and raise your right hand and listen to the courtroom clerk who will provide you the oath. Raise your right hand, please.

JAY WILDS,

a witness produced on call of the State, having first been duly sworn, according to law, was examined and

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testified as follows:

THE CLERK: You may be seated. Please state your name and address for the record.

THE WITNESS: Jay W. Wilds, 4 Norbert Court, apartment E, Catonsville, Maryland 21228.

THE COURT: Good afternoon, Ms. Gutierrez. The witness is with you at this time.

MS. GUTIERREZ: Thank you, Your Honor.

CONTINUED CROSS EXAMINATION

BY MS. GUTIERREZ

Q Mr. Wilds, on Friday I asked you about and you told us that there was a two hour period of time before the tape recorder got turned on on February 28th, do you recall that?

A Yes, ma'am.

Q And that during that time you observed both Detective MacGillivary and Detective Ritz take notes, did you not?

A Yes, ma'am.

Q And their notes appeared to you from what you observed to be related to what you said?

A Yes, ma'am.

Q Right? Now, when you were taken downtown in their car and they came to your work to get you, the first thing they did when they got there was that

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they advised you of your rights, did they not?
A At my place of employment.
Q I'm sorry, I can't hear you.
A At my place of employment?
Q No, sir, the first thing they did when they got you downtown to the Homicide Division in the Headquarters Building of the police department?
A Yes, ma'am.
Q Is that right?
A Yes, ma'am.
Q They gave you a form that had all of your rights printed on it, did they not?
A Yes, ma'am.
Q And among the rights that you were advised of -- now you weren't charged yet, right?
A No, ma'am.
Q But at some point they sort of threatened or intimated you might be charged, right?
A Yes, ma'am.
Q And that threat or intimation of the threat was made in connection with whether or not you told them what it was that they thought that you knew, correct?
A Somewhat.
Q Well, you clearly understood that the more

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you talked to them the less likely it was that you would be arrested, right?
A No, ma'am.
Q Well, sir, after they advised you of your rights and, incidentally, they didn't have you sign that sheet, did they?
A Yes, ma'am.
Q They did?
A I signed.
Q The right that advised you of all of your rights?
THE COURT: I signed what?
MS. GUTIERREZ: The paper.
THE COURT: One moment, Ms. Gutierrez. You said I signed?
THE WITNESS: I signed and initialled several papers stating all of my rights.
Q Okay. And among the rights that they advised you of was your right to an attorney, right?
A Yes, ma'am.
Q And because that was fresh in your mind I guess close to three and a half hours later when you asked them to turn off the tape, that's why you asked them to do so as you told us before, right?
A Yes, ma'am.

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Q That was to get their help in getting you a lawyer, right?
A I asked how I would obtain one.
Q Because it was apparent to you that getting a lawyer in the middle of the night might be difficult, right?
A That was in my thought.
Q Among the rights they advised you of was that you didn't have to talk to them, right?
A Yes, ma'am.
Q And that if you asked for a lawyer, the questioning would be stopped and that they would assist you in getting a lawyer?
A Yes, ma'am.
Q Isn't that correct?
A Yes, ma'am.
Q They didn't go into any of the details of how that might happen though, right?
A No, ma'am.
Q All right, now, after you signed these several papers that you say you signed indicating that you were so advised, you did continue to talk to them, did you not?
A Yes, ma'am.
Q And you hadn't yet asked them for help

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about getting a lawyer, had you?
A I asked them how I would go about obtaining one.
Q Well, that was when -- at least what you told us on Friday, that was when after the tape recorder got turned off, about an hour and a half after that happened was when you asked them to turn off the tape recorder, isn't that what you told us?
A I'm not understanding your question.
Q Okay. On Sunday in the middle of the night --
A Yes, ma'am.
Q You got taken down, right?
A Yes, ma'am.
Q What you've told us, Mr. Wilds, is that you spoke to them before the tape recorder got turned on for about two hours?
A Yes, ma'am.
Q Is that right?
A Yes, ma'am.
Q And during that time, sir, although you had been advised, you didn't ask for a lawyer?
A Yes, ma'am.
Q Right?
A Correct.

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Q And you didn't ask for their help in getting you a lawyer?
A No, ma'am.
Q Even though they advised you and you signed that they would help you get a lawyer if, in fact, you wanted a lawyer?
A Yes, ma'am.
Q And that all questioning would stop if you asked for a lawyer?
A Yes, ma'am.
Q All right, and then later, two hours later the tape recorder got turned on, right?
A Yes, ma'am.
Q And an hour and a half after the tape recorder got turned on, you asked them to stop the tape recorder?
A Yes, ma'am.
Q And what you told us on Friday was the purpose was you wanted to ask them how you would go about getting a lawyer; is that right?
A Yes, ma'am.
Q And that was your action, right?
A Yes, ma'am.
Q They didn't stop the tape recorder, right?
A No, ma'am.

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Q Physically they did, but they did it because you asked, right?
A Yes, ma'am.
Q And you asked because you were concerned then about getting a lawyer, right?
A Yes, ma'am.
Q And you've already told us they didn't get you a lawyer, did they?
A No, ma'am.
Q And no lawyer came into the room?
A No, ma'am.
Q And did you retract your request for a lawyer?
A Retract? No, ma'am.
Q Did you take it away?
A No, ma'am.
Q And did they tell how to you get a lawyer?
A No, ma'am.
Q Did they explain to you that if you were going to be charged that you would be entitled to be represented by the Public Defender if you were indigent?
A No, ma'am.
Q Did they produce any lawyer for you to talk to?

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A No, ma'am.
Q And the questioning didn't stop then, did it?
A No, ma'am.
Q No. Now, sir, I want to direct your attention to before the tape got on, right?
A Yes, ma'am.
Q At that time it was a little scarey to be hauled down in the middle of the night from your place of employment, was it not?
A Some.
Q And even though they assured you, you didn't have to stay and you could stop, they kept asking you questions, didn't they?
A Yes, ma'am.
Q And you tried to answer their questions at first, did they not?
A Yes.
Q Did you not?
A Yes, ma'am.
Q And they didn't seem to like what you said, did they?
A That's an assumption.
Q Well, I'm asking you did they seem to you --

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A I didn't observe that.
Q -- when you were in that room to like what you said?
A I didn't observe that.
Q Did they -- so you thought that was okay with you, with them?
A That was not my concern.
Q Well, sir --
A I wasn't paying attention.
Q To whether they liked it or not?
A No, ma'am.
Q Well, it was important to you, was it not?
A No, ma'am.
Q You felt afraid in the middle of the night, did you not?
A Some.
Q You felt threatened or intimidated that you might get charged with something serious, did you not?
A Yes.
Q And they never reassured you that Mr. Wilds, it's okay, you ain't getting charged with nothing, did they?
A No, ma'am.
Q Neither of them?

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A No, ma'am.
Q And nobody else came in the room and assured you of that, did you not?
A No, ma'am.
Q You knew without their saying anything that everything was up to whether or not they believed what you said, did you not?
A That was not my assumption.
Q That was not your assumption. And, sir, you freely agreed to talk to them, did you not?
A No, ma'am.
Q You were forced to talk to them?
A I didn't volunteer.
Q And so because you didn't volunteer to be there, you don't consider that you're freely talking to them?
A Yes, ma'am.
Q Once you got down there and they threatened you or intimated that you might be charged then before the tape recorder was turned on two hours later, did you ask for a lawyer?
A Prior to the tape being turned on?
Q Yes, sir.
A No, ma'am.
Q No. Did you ask to leave?

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A No, ma'am.
Q Did you make an attempt to physically leave?
A No, ma'am.
Q And did you ask them if it would be okay if you just left?
A I may have.
Q You may have?
A I do not recall.
Q And if you did, did they tell you you could --
MR. URICK: Objection.
A No, ma'am.
THE COURT: If you did, did they tell you they did?
MS. GUTIERREZ: I'm sorry, that he could.
THE COURT: That you could leave?
MS. GUTIERREZ: That he could leave.
THE COURT: And you have an objection to that question?
MR. URICK: It sounds hypothetical, if.
THE COURT: Overruled. Do you recall them saying that you could leave or not?
THE WITNESS: If I asked them, they told me no.

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THE COURT: Very well. Next question.
Q But to your recollection you never got any reasssurance from them that you could leave, right?
A No, ma'am.
Q And you didn't leave?
A No, ma'am.
Q So when they asked you questions and you answered their questions you don't call that speaking to them freely?
A Once I was taken downtown?
Q Right.
A Yes, ma'am.
Q Yes, you don't call that freely?
A No.
Q And that's --
A No, I'm sorry.
Q And that's because you weren't volunteering --
THE COURT: Hold on.
A Yes, I was speaking to them freely once I was downtown.
Q Once you went downtown?
A Yes, ma'am.
Q But it wasn't your idea to be downtown, right?

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A No, ma'am.
Q And you weren't volunteering to talk to them, right?
A No, ma'am.
Q But before they turned on the tape recorder they asked you a lot of questions, did they not?
A Yes, ma'am.
Q Most of the same questions they asked you later?
A Yes, ma'am.
Q Correct? About the events of the 13th of January --
A Yes, ma'am.
Q -- and Adnan Syed?
A Yes, ma'am.
Q They brought up his name, did they not?
A Excuse me. Yes, ma'am.
Q And, in fact, what you said to them on the 13th was that you weren't really tight with Adnan?
A No, ma'am, that's correct.
Q And that was the truth back then, wasn't it?
A Yes, ma'am.
Q You weren't really tight with Adnan?
A No, ma'am.

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Q You described him as an acquaintance, right?
A Yes, ma'am.
Q As opposed to a friend?
A Yes, ma'am.
Q Is that right?
A Yes, ma'am.
Q And that the only thing is that you might be at a party where he was; is that right?
A Once, yes, ma'am.
Q And that's what you told them?
A Yes, ma'am.
Q Okay. And you were also asked to describe your day on the 13th, were you not?
A Yes, ma'am.
Q And you described walking to the mall, didn't you?
A Yes, ma'am.
Q Yes. Walking on your own two legs?
A Yes, ma'am.
Q And you described that mall that you walked to as being Westview Mall, did you not?
A Yes, ma'am.
Q Not Security Mall?
A Yes, ma'am.

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Q You're familiar with both places, are you not?
A Yes, ma'am.
Q They are two entirely different places, are they not?
A Yes, ma'am.
Q And Westview Mall is off of Route 40 right above Ingleside up to 695, is it not?
A Yes, ma'am.
Q And Security Mall is off of Security Boulevard between 695 above it up to Rolling Road; is that correct?
A Yes, ma'am.
Q They're two entirely different malls?
A Yes, ma'am.
Q With some of the same stores but mostly different?
A Yes, ma'am.
Q And you've been to both places --
A Yes, ma'am.
Q -- have you not? And on some occasions in this case you've answered that the place that you went shopping was Westview Mall, right?
A Yes.
Q And at other times you've said Security

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Mall?
A Yes, ma'am.
Q So one or the other or both times you haven't told the truth about that, right?
A One or the other or both?
Q You didn't go to two malls on the 13th according to you, did you?
A No, ma'am.
Q You only went to one?
A Yes, ma'am.
Q Right. And if the one that you went to were either Security or Westview if you sometime said you went to Security and sometime said you went to Westview Mall, that would not be the truth; would it?
A No, ma'am.
Q No. Now, which mall did you live closer to?
A Did I or presently?
Q Then.
A Westview.
Q Westview. And how long of a walk way it from your house to Westview Mall?
A About a half hour.
Q A half an hour's walk to Westview Mall?
A Yes, ma'am.

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Q And how far a walk would it have been to Security Mall?
A About an hour.
Q About an hour?
A Yes, ma'am.
Q You lived much closer to Route 40 than you did to Security Boulevard, correct?
A Yes, ma'am.
Q And you actually lived, I guess the direction would be west of Rolling Road, not east of Rolling Road?
A Actually, I did live east of Rolling Road.
Q So you lived closer to the city?
A Yes, ma'am.
Q As opposed to beyond Rolling Road outside of the city?
A Yes, ma'am.
Q All right, now, sir, you're familiar with Rolling Road, are you not?
A Yes, ma'am.
Q And, sir, you're familiar with the mosque, the Islamic Society of Baltimore?
A Yes, ma'am.
Q And you know where its location is, do you not?

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A Yes, ma'am.
Q It's right off of Rolling Road on, I guess there it would be south of Security Boulevard, is it not?
A Yes, ma'am.
Q Okay. You have to -- if you're coming from Security Boulevard and you're on Rolling Road, you come across a light that's Johnnycake Road?
A Yes, ma'am.
Q And if you go right in that very first block is whose house?
A Mr. Syed's.
Q Mr. Syed's. And you were familiar with that, were you not?
A Yes, ma'am.
Q And if you go left on Johnnycake Road and go down a little further past where the houses begin on the continuation of Johnnycake Road to the right is what?
A The mosque.
Q The mosque. And you had been there previously?
A Yes, ma'am.
Q And you knew that Adnan Syed belonged there, did you not?

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A I assumed so.
Q And you were aware, were you not, that he was there almost on a daily basis as a result of the tenets of Islam?
A I assumed so.
Q And that was common knowledge?
A Yes, ma'am.
Q Now, on this first earlier interview, the one before the tape recording was turned on, you also told them that you went to the mall by walking right? Right?
A I believe so.
Q And that -- well, there's no doubt in your mind, is there?
A Some.
Q After the morning you then went back to your house?
A Yes, ma'am.
Q All right. On another occasion -- in fact, you had more than one time to go through it in that two hours, did you not?
A Yes, ma'am.
Q The first thing you told them was that you walked and then you walked right back to your house, right?

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A Yes, ma'am.
Q And then later you told them, no, I walked to the mall and then I somehow met up with Mark Pusateri?
A I believe so.
Q And you couldn't recall whether you met up with him before you actually got to the mall or after, right?
A Yes, ma'am.
Q Now, Mark [redacted] is related to Jen Pusateri, is he not?
A Yes, ma'am.
Q He is her, your very good friend's younger brother, is he not?
A Yes, ma'am.
Q And back in January of '99 he was fifteen years old?
A I believe so.
Q Yes. And you were back then?
A Nineteen.
Q Nineteen years old. And you told them that he was the person that you had dealt with?
A Yes.
Q Either at the mall or right after the mall, right?

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A Yes.
Q And then you went back to his house, meaning Mark's house, and you played video games?
A Yes, ma'am.
Q And that at some point his sister came home?
A Yes, ma'am.
Q But you didn't mention her name?
A No, ma'am.
Q No. And that afterwards that at some point you then just went back to your house?
A Yes, ma'am.
Q And, again, you were walking the whole time?
A Yes, ma'am.
Q And then nobody gave you a ride anywhere?
A Yes, ma'am.
Q And then at some point, you thought it was about two o'clock, that you received a telephone call from Adnan?
A Yes, ma'am.
Q About -- and what he wanted was directions to a D.C. head shop or a head shop known as Around D.C.?
A Dock's.

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Q Dock's, okay?
A It's a head shop in Baltimore.
Q And that's actually at Eastern and Baltimore Street?
A I believe so.
Q In East Baltimore?
A Eastern Avenue.
Q Okay. The whole other side of town where you were, right?
A Yes, ma'am.
Q And that's what you told the police was your sole contact with Adnan that day, right?
A Yes, ma'am.
Q They didn't like that much, did they?
A That's an assumption.
Q Well, sir, did you think they liked that information?
A Liked it?
Q Did you?
A I couldn't tell.
Q Did you have a sense whether or not they believed your information?
A Some.
Q Well, they told you they didn't believe it, didn't they?

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A Yes.
Q And they told you that they had other information that contradicted what you told them, right?
A Yes, ma'am.
Q They told you, in fact, they had anonymous calls from Indian people that said look at Adnan, did they not?
A No, ma'am.
Q They told you that they had spoken to Jen Pusateri the night before, did they not, or the early evening hours of the day before?
A I believe so.
Q And they told you what she said, did they not?
A Some of it.
Q And they told you that based on that and other information they didn't believe what you said?
A Yes, ma'am.
Q And they told you that they believed that Adnan Syed was involved based on what Jen told them?
A Yes, ma'am.
Q And based on these anonymous calls from persons who were Indian?
A I don't recall.

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Q You don't recall that?
A No.
Q But at least they told you that based on what they knew from Jen that they believed that Adnan was involved?
A Not Jen per se but the information that they had.
Q Okay. And they told you that based on their belief that Adnan was involved they wanted you to come clean and tell them that Adnan was involved, did they not?
A Yes, ma'am.
Q So then you told them, well, Adnan called back and needed a ride at about 2:30?
A Yes, ma'am.
Q Isn't that what you told them? But that in reality he caught a ride with a person by the name of Jeff [redacted]
A [redacted]
Q [redacted]
A No, ma'am.
Q You gave them that name, did you not?
A Yes, ma'am, I gave them that name.
Q And you told them he caught a ride with Jeff [redacted]

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A [redacted]
Q [redacted], I'm sorry?
A I do not recall.
Q That would be a mistake if they wrote that in their notes?
A Yes, ma'am.
Q Yes, because that's not something you would have told them?
A No, ma'am.
Q They got that part wrong if that's how they put it?
A Yes, ma'am.
Q Okay. And you said that Jeff drove him to the High's store?
A Yes, ma'am.
Q Was the him referring to you?
A No, ma'am.
Q It was referring to Adnan?
A Yes, ma'am.
Q The person they wanted to hear about?
A Yes, ma'am.
Q They made no mistake that Adnan was the person they wanted to hear about?
A Yes, ma'am.
Q Okay. And that you then walked down to the

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High's store and hooked up with them?
A Yes, ma'am.
Q And that you gave them directions to reach the head shop named Docks at Eastern and Baltimore?
A Yes, ma'am.
Q And you did so, right? You did so, you did give him directions, did you not?
A No, ma'am.
Q But that's what you first told them?
A Yes, ma'am.
Q And then they made it very clear that the information that they were seeking was really all about Adnan?
A Somewhat.
Q Well, a lot, didn't they?
A I'm not understanding.
Q As the conversation went on, Mr. Wilds, you got increasingly comfortable, did you not?
A No, ma'am.
Q You got less fearful of being charged, did you not?
A Somewhat.
Q Some. And you got less fearful based on what you said to them, did you not?
A Somewhat.

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Q And also based on what they said to you?
A Yes, ma'am.
Q You got reassured that you were going to walk out of that police station that day or sometime real soon without being charged with any crime?
A No, ma'am.
Q So, sir, did you stay -- did you remain at the same level of fear that you might be charged?
A Not the same level, no.
Q It got lesser, didn't it?
A Yes, ma'am.
Q You got less anxious about that happening, did it not?
A Yes, ma'am.
Q And, sir, the more that you told them about that person that they had made clear was important, the less your -- the more your anxiety went down, did it not?
A Yes, ma'am.
Q All right. And when you -- there came a point when they asked to turn on the tape recorder, right?
A Yes, ma'am.
Q That was after they told you that they didn't believe you and you'd better come clean --

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A Yes, ma'am.
Q -- was it not? And they made it clear that if you didn't come clean with them about Adnan that you were going to get charged?
A Yes, ma'am.
Q Yes, and there was no equivocation about that, was there?
A No, ma'am.
Q You knew exactly what they meant --
A Yes, ma'am.
Q -- did you not? And by getting charged that meant getting charged with the murder of Hae Min Lee, did it not?
A Yes, ma'am.
Q Because so far you were the closest person near according to them, were you not?
A They didn't say anything like that.
Q Well, they told you they were prepared to charge you, did they not?
A Yes, ma'am.
Q And when they did that it would be fair to say that your anxiety about that issue went up, did it not?
A Yes, ma'am.
Q But it only went down after you began to

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speak about Adnan?
A No, ma'am.
Q All right, now, Mr. Wilds, there came a point when the tape recorder got turned on, right?
A Yes, ma'am.
Q Was it one of those little ones or a big tape recorder with a reel?
A It was a reel to reel. It was a small box.
Q It was a small one like a micro cassette?
A No.
Q Bigger than that?
A Yes.
Q And you knew when it got turned on, did you not?
A Yes, ma'am.
Q They had to ask your permission, did they not?
A I believe so.
Q And at that point you didn't ask for a lawyer, did you?
A No, ma'am.
Q You didn't need the help of a lawyer in your own mind, did you?
A Hmm, not quite.
Q Not quite needing a lawyer?

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A No, ma'am.
Q So at that point you hadn't asked them for a lawyer, right?
A No, ma'am.
Q And none had been provided?
A No, ma'am.
Q And you hadn't been asked again if you might want to talk to a lawyer?
A No, ma'am.
Q And no lawyer walked in?
A No, ma'am.
Q And there was no lawyer to your knowledge available in the Police Department --
A No, ma'am.
Q -- was there? And they hadn't conveyed to you any information that there was a lawyer room where lawyers might be?
A No, ma'am.
Q Or a lawyer place where lawyers might be?
A No, ma'am.
Q Waiting for someone like you to need their services?
A Absolutely not.
Q And before the tape recorder got turned on they asked if that was okay with you, wasn't it?

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A Yes, ma'am.
Q And when they asked for the tape recorder they asked much of the same questions that they asked you before the tape recorder went on, hadn't they?
A Yes, ma'am.
Q And you didn't then after the tape recorder went on ask for a lawyer until about an hour and a half into the tape recorded statement?
A Yes, ma'am.
Q Okay. Prior to that time no lawyer appeared?
A No, ma'am.
Q So, sir, it would be fair to say, would it not, that you were less anxious about being charged?
A Somewhat.
Q And that by their actions they appeared to be interested in Adnan Syed's activities, did they not?
A Not solely.
Q Well, they weren't solely interested in yours, were they?
A Yes, ma'am.
Q Well, you didn't tell them you had anything to do with the murder, did you?
A No, ma'am.

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Q You just told them that you barely knew Hae, right?
A Yes, ma'am.
Q And that Adnan told you things, right?
A Yes, ma'am.
Q But that you didn't do anything?
A Yes, ma'am.
Q Right?
A Yes.
Q That's what you told them, right?
A Yes, ma'am.
Q Your hands were absolutely clean, right?
A Yes, ma'am.
Q And you hadn't done anything to help kill her; is that right?
A Yes, ma'am.
Q You just looked at the body at a place that you lied about, right?
A Yes.
Q Going down Edmondson Avenue?
A Yes, ma'am.
Q And that when you were asked to help bury her you refused to do it, correct?
A Yes, ma'am.
Q You didn't tell them that it was your

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shovels?
A No, ma'am.
Q And you didn't tell them what you did with those shovels afterwards, did you?
A No, ma'am.
Q In fact, on Friday when I asked you, Mr. Wilds, we talked about when you later went back, either that night or the next day that you wiped the fingerprints off the shovels; is that right?
A Yes, ma'am.
Q In fact, you moved your shovels, did you not?
A I believe so.
Q Okay. You moved them from one dumpster, right?
A Yes, ma'am.
Q To another dumpster, right?
A Yes, ma'am.
Q A lot of dumpsters to keep track of, wasn't it?
A No, ma'am.
Q Well, sir, you were --
A Why would I need to keep track of them?
Q Your first interview prior to asking them for a lawyer, had anything happened that made you do

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so?
A In the interview that made me ask for a lawyer?
Q Yes, sir.
A The police were reversing their statements.
THE COURT: I'm sorry, the policemen were what?
THE WITNESS: Reversing their statements.
THE COURT: Reversing their statements.
Q They were reversing their statements?
A Yes, ma'am.
Q You began to feel threatened again, did you not?
A Yes, ma'am.
Q That you would get charged that night, right?
A Possibly.
Q And that's when you asked to turn off the tape recorder, right?
A Yes, ma'am.
Q To ask them to do what they had already told you they would do if you asked, right?
A Yes, ma'am.
Q Get a lawyer?
A Yes, ma'am.

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Q Right? If you asked that they would provide it or see that one was provided, right?
A Yes, ma'am.
Q And in that little break, I think you told us Friday it was about ten minutes?
A Yes, ma'am.
Q In that ten minute break they again reassured you about how you're not going to get charged, didn't they?
A No, ma'am.
Q They didn't get you a lawyer, did they?
A No, ma'am.
Q No lawyer came in, did they?
A No, ma'am.
Q But within ten minutes you told them that it was okay to turn back on the tape recorder, didn't you?
A Yes, ma'am.
Q And that was okay with you, was it not?
A No, ma'am.
Q You just did so because you were scared?
A No, ma'am.
Q Did they make you do so?
A No, ma'am.
Q And they did ask you if it was okay, didn't

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they?
A Yes, ma'am.
Q And you told them yes?
A Yes, ma'am.
Q And they hadn't reassured you in any measure you wouldn't get charged?
A No, ma'am.
Q Now, they didn't ever stop it after they put it back on, did they?
A No, ma'am.
Q And, once again, after the tape recorder went back on again, three and a half hours after you began to speak to them, they continued to ask you about Adnan Syed?
A Yes, ma'am.
Q Did they not? And they continued to want information about what he did?
A Yes.
Q And what he said?
A Yes, ma'am.
Q They weren't so concerned about you, were they?
A It seemed that way to me.
Q It seemed that way to you based on what they asked, right?

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A That they were still concerned.
Q But even though, sir, it may have seemed that way to you you were lying to them any way, right?
A Yes, ma'am.
Q About most critical details, right?
A Not most critical.
Q Well you were lying about the chronology that occurred, did you not?
A Some.
Q You were lying about where things may have occurred?
A Yes, ma'am.
Q Who was involved?
A No, ma'am.
Q Well, you lied about the who by omitting names of people that might have been involved?
A Yes, ma'am.
Q And might have heard things?
A Yes.
Q And might have corroborated what, if anything, you said?
A Yes, ma'am.
Q And you've agreed, sir, have you not, that that's lying by omission?

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A Yes, ma'am.
Q That that's not the truth?
A Excuse me, yes, ma'am.
Q That's lying by concealing what the real truth is?
A Yes, ma'am.
Q And so you had already admitted to them about where things happened, correct?
A Yes, ma'am.
Q And who may have witnessed or corroborated anything you had to say?
A Yes, ma'am.
Q But they appeared to believe it, did they not?
A That's an assumption.
Q Well, sir, when you took them to the place that was a lie on Edmondson Avenue, did they appear to believe you?
A Yes, ma'am.
Q And when you got there you not only pointed out where the place was but you admit, oh, yes, this is the place I was talking about, didn't you?
A Yes, ma'am.
Q So they asked you that question, didn't they?

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A Yes, ma'am.
Q It wasn't just silence there on that corner, was there?
A No.
Q You said no this corner is where he popped the trunk and I saw the body?
A Yes, ma'am.
Q And you lied about things that you saw about the body, did you not?
A No, ma'am.
Q Well, sir, you described at first that her face was down, did you not?
A She was laying on her side.
Q The first time you described that. In your second statement you said she was face down?
A Head turned slightly to the right.
Q That's not my question, sir. Did you describe it on your first occasion on which you described it as her body being face down, yes or no?
MR. URICK: Objection.
THE COURT: Sustained.
Q Mr. Wilds, do you recall that in that first occasion that you indicated that her lips were blue?
A Yes, ma'am.
Q And by blue you meant the color blue, right?

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A Yes, ma'am.
Q Visible to you as blue, right?
A Yes, ma'am.
Q Visible to you as someone who had been exposed to the cold for a long time might exhibit blueness --
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, did you intend to convey that?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did you describe the blue in any way?
MR. URICK: Objection.
THE COURT: I'm sorry, I didn't hear the question.
Q Did you describe the blue in any way?
THE COURT: Overruled.
A No, ma'am.
Q And were you asked any questions about what it was you meant when you call her lips blue the first time you described it?
A No, ma'am.
Q Now, sir, on Friday you described what you saw -- you say you saw at a different location than

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this Edmondson Avenue address, is that her neck was blue, do you recall that?
A Yes, ma'am.
Q And would you agree that that is a different description than her lips being blue?
A No, ma'am.
Q You think it's the same thing to say someone's lips are blue and their neck is blue?
A It's not the same thing to say that, no.
Q It's not same thing, is it? So would you agree that describing her lips as being blue and at another time describing her neck as being blue as being two different things?
MR. URICK: Objection.
THE COURT: Overruled.
A No.
THE COURT: Was it two different things, your answer?
THE WITNESS: If she was blue, she was blue.
THE COURT: Very well. Your next question.
Q So the answer to my question is, it's not two different things?
THE COURT: Sustained.
Q Do you regard it as the same thing?

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MR. URICK: Objection.
THE COURT: Overruled. Do you regard them as the same thing?
THE WITNESS: No, ma'am.
THE COURT: Your next question.
Q Now, in regard to what you saw, sir, you've told us you knew Hae Lee because she sat in your biology class, right?
A Yes, ma'am.
Q And that's when she was in the eleventh grade and you were in the twelfth or in an earlier year?
A That's the year.
Q That was the year. And that would have been the school year that began in September of '97 and went through until June of '98?
A Yes, ma'am.
Q Okay. And you and Hae were never independent friends, were you?
A No, ma'am.
Q She never called you?
A No, ma'am.
Q You never called her?
A Maybe once for homework.
Q For?

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A Homework.
Q Homework. But you would not have described yourself as friends?
A No.
Q And your girlfriend Stephanie was your girlfriend back then, was she not?
A Yes, ma'am.
Q And your girlfriend Stephanie was in the magna program as was Hae Min Lee, was she not?
A Yes, ma'am.
Q A program that you were not in; right?
A Yes, ma'am.
Q You, sir, on Friday, did you describe them as being friends?
A No, ma'am.
Q No. And, in fact, Hae Min Lee and your girlfriend Stephanie weren't really friends, were they?
A No, ma'am.
Q They didn't socialize on their own, did they?
A Excuse me, no, ma'am.
Q At least not to your knowledge, right?
A No, ma'am.
Q Hae Min Lee was not a name that your

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girlfriend regularly mentioned?
A No, ma'am.
Q Or even really mentioned at all?
A On occasion.
Q On occasion. But you clearly understood that Hae Min Lee was not Stephanie's good friend?
A Yes, ma'am.
Q And you came to understand that Hae Min Lee was not even somebody Stephanie particularly liked?
A Yes, ma'am.
Q That, of course, wasn't a surprise to you, was it?
A No, ma'am.
Q And you described that you went out with Hae Min Lee and Adnan and your girlfriend who wasn't a friend of Stephanie on two occasions?
A No, ma'am.
Q Well, you described going to the dance, did you not?
A Yes, ma'am.
Q That was the dance in, I believe it was in April 25th, 1998?
A At the fire station?
Q The junior prom.
A Oh, yes.

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Q Yes. And it was your testimony that you went to that dance together with Adnan and Hae Min Lee?
A They were there, yes.
Q They were there, right?
A Yes.
Q At the dance. Along with fifteen hundred other people?
A Yes, ma'am.
Q And you describe that, sir, as going with them?
A Yes, ma'am.
Q So you didn't ride in the car with them, did you?
A I don't believe so.
Q Not on the way to dance, right?
A I don't believe so.
Q And not on the way back from the dance?
A No, ma'am.
Q And you had no interaction with them for a pre-dance party or picture taken, or anything like that, did you?
A Prior to the party? Prior?
Q Yes.
A No.

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Q Or after?
A No, ma'am.
Q So all you could really tell us is that the dance was a place where you were there with your girlfriend, right?
A Yes, ma'am.
Q Adnan was there with what appeared to be his girlfriend?
A Yes, ma'am.
Q And at that dance there was a prince and princess?
A Yes, ma'am.
Q And the princess was Stephanie [redacted]?
A Yes, ma'am.
Q And the prince was Adnan Syed?
A Yes, ma'am.
Q And that didn't upset you, did it?
A No, ma'am.
Q And you were aware then that the prince Adnan Syed was your girlfriend Stephanie's best friend?
A I wouldn't say that.
Q You wouldn't say that?
A No, ma'am.
Q But would she?

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A No, ma'am.
Q And the other occasion in which you told us about on Friday that you went out with them?
A Pardon me?
Q The other occasion on which you went out with them, meaning Adnan and Hae?
A I myself, Stephanie, and Mr. Syed went to a dance together.
Q The three of you?
A Yes, ma'am.
Q Not Hae?
A No, ma'am.
Q You didn't double date with Hae --
A No, ma'am.
Q -- and Adnan, did you?
A No, ma'am.
Q In fact, there is no social occasion that you went to that could be described as together?
A No, ma'am.
Q With the two of them?
A No, ma'am.
Q And if you had gone out with them, one or both of them together that would have been occasioned by Stephanie, would it not?
A Pardon me?

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Q If you had gone out with either Hae or Adnan together, that would have happened because of Stephanie, would it not?
A Yes, ma'am.
Q You wouldn't have (inaudible) arranged to double date with Hae and Adnan, would you?
A No, ma'am.
Q You wouldn't have (inaudible) arranged to have Adnan go with you, would you?
A No, ma'am.
Q That would be Stephanie's doing, right?
A Yes, ma'am.
Q Because Adnan was her friend?
A Yes, ma'am.
Q And, in fact, although you might not have objected to it happening, it never happened, did it?
A No, ma'am.
Q No occasion where you double dated with Adnan and Hae?
A That is correct.
Q No occasion where together the four of you went anywhere socially together?
A No, ma'am.
Q And no occasion where they came over to your house?

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A No, ma'am.
Q Or they were invited over to your girlfriend's house while you were there?
A No, ma'am.
Q And you went over to Hae's house?
A No, ma'am.
Q Or you went over to Adnan's house?
A No, ma'am.
Q Never a single social occasion --
MR. URICK: Objection.
Q -- where you all got together?
THE COURT: Sustained.
Q In regard to whether or not you told anybody else about the events on the 13th, you were asked that by the police, were you not?
A Yes.
Q And although you didn't tell them the truth the first time, right?
A Yes, ma'am.
Q And you didn't tell them the truth after the tape recorder was put on?
A No, ma'am.
Q And you told them different truths on the 15th of March, right?
A Yes, ma'am.

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Q And you told them other things on the 13th of April when you were asked, right?
A Yes, ma'am.
Q You were aware, sir, that as a result of -- maybe I forgot, I thought I asked you this. Were you aware that Adnan Syed was arrested on the 28th following your statement?
A You asked me, the following day I learned that.
Q The following day, meaning on the 1st of March?
A That morning, yes.
Q And then on the 15th of March, which would have been two weeks and a day later, is when your second statement was, right?
A Yes, ma'am.
Q And then you also spoke to them again on the 13th of April?
A Yes, ma'am.
Q And at the time that you spoke to them on the 13th of April, sir, you were where?
A That Mr. Syed was in custody?
Q Pardon?
A That Mr. Syed --
Q No, where were you?

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A Oh. At the police station.
Q At the police station. And, sir, you were aware, were you not, that the State's Attorney's Office was presenting a case to the Grand Jury, the Grand Jury that issues indictments, were you not?
A Yes, ma'am.
Q That's why you were down here, wasn't it?
A I found that out after I arrived.
Q Afterward. But you were down here on the 13th?
A Yes, ma'am.
Q You weren't taken to the Grand Jury, were you?
A No, ma'am.
Q You weren't asked to appear in front of -- in the room --
MR. URICK: Objection.
Q -- in which the Grand Jury --
THE COURT: Sustained.
Q -- was hearing evidence?
THE COURT: Sustained. Ms. Gutierrez, please move on.
Q Now, sir, were you ever asked to describe what you had on on that day?
A Yes, ma'am.

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Q And you did so, right?
A Yes, ma'am.
Q Your house wasn't ever searched, was it?
A No, ma'am.
Q And you had told them, well, by the way, I threw away my coat ultimately, right?
A Yes, ma'am.
Q So that a search wouldn't have revealed the coat that you had on that day, right?
A No, ma'am.
Q And that you had thrown away the boots that you had on, right?
A Yes, ma'am.
Q So a search of your house wouldn't have revealed those boots, right?
A No, ma'am.
Q Or any pants?
A No, ma'am.
Q Or your shirt or T-shirt, right?
A My T-shirt, but not my shirt.
Q Okay. And the police seemed to believe that, did they not?
A Yes, ma'am.
Q They had your word for it, didn't they?
MR. URICK: Objection.

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THE COURT: Sustained.
Q They didn't search your house, did they?
MR. URICK: Objection.
THE COURT: If you know? Do you know if they searched your house? Do you know if the police searched the house.
THE WITNESS: Wouldn't that be illegal if they did and I didn't?
THE COURT: That's not the question. The question is do you know if they searched your house?
THE WITNESS: No, ma'am.
THE COURT: The answer is I don't know.
Q Did they ever ask your permission to search your house?
A Yes, ma'am.
Q And did you give them that permission?
A Yes, ma'am.
Q Were you ever present when they searched your house?
A They never searched my house.
Q Pardon?
A They never searched my house.
Q They never searched your house. You're sure of that, aren't you?
A To the best of my knowledge.

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Q You don't think that the police came in secretly and searched your house such that you wouldn't know it?
MR. URICK: Objection.
THE COURT: Sustained.
Q Now, sir, I was asking you about at any time you were asked to identify anyone who you might have told about these events, right?
A Yes, ma'am.
Q And at first you told them, no, no, I told Jen after?
A Yes, ma'am.
Q And, sir, at the first time you were asked you never mentioned Jen?
A No, ma'am.
Q You only later mentioned her, right?
A Yes, ma'am.
Q And when you first mentioned her you said you told her on the 13th?
A Yes, ma'am.
Q The same day these events occurred --
A Yes, ma'am.
Q -- right? But that later when you were asked you told them, oh, no, I told her on the 12th, did you not?

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A Yes, ma'am.
Q The day before, right?
A Yes, ma'am.
Q And that you told her in detail that you thought Adnan was going to kill his girlfriend, right?
A I told the police that, yes.
Q And if she had learned on the 12th and not the 13th, you would agree she would have had adequate time to call the police and say I don't know whether to believe this or not but my very good friend told me that an acquaintance of his is going to kill his girlfriend?
MR. URICK: Objection.
THE COURT: Sustained. Next question.
Q And, sir, you would agree that when you told them about the 12th you told them that that occurred at Gilston Park, did you not?
MR. URICK: Objection.
THE COURT: Sustained.
Q That the conversation with Jen Pusateri during which you told her it was going to occur occurred at Gilston Park, did you not?
MR. URICK: Objection.
THE COURT: Overruled.

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A I told the police that.
Q Yes, and Gilston Park, as we previously discussed, is a place that you and Jen go, correct?
A Yes, ma'am.
Q And that place -- now, let me put you back to Rolling Road, where Rolling Road intersects with Route 40; is that correct?
A Yes, ma'am.
Q All right. That's an intersection that we've described. That is where the McDonald's you mentioned that didn't really happen is, right?
A Yes, ma'am.
Q And right up the street from that intersection is the PetSmart?
A Up Route 40?
Q Yes?
A Yes, ma'am.
Q And the F & M?
A Yes, ma'am.
Q And is it below that intersection, is the Super Fresh?
MR. URICK: Objection.
Q Or is it above that intersection --
THE COURT: Sustained. I believe we went on --

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Q With regard --
THE COURT: Ms. Gutierrez, Ms. Gutierrez, if I may. I know that we've had the testimony broken up, but I believe we covered this area once before. However, if there's some questions that you need --
MS. GUTIERREZ: No, I just need to lay the foundation so we're talking --
THE COURT: Very well.
Q In regard to that intersection, Gilston Park is in what direction?
A North.
Q North, meaning away from the city?
A No.
Q No?
A Rolling Road runs north/south west of the city. It's just north. It's not away from the city. It's north.
Q So it would be on the opposite side of the intersection of Rolling Road then is the McDonald's?
A No, ma'am.
Q Okay. On the same side?
A Yes, ma'am.
Q So Gilston Park would be on the same side of Route 40 as would be Security Square Mall if you continued across Rolling Road?

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A Yes, ma'am.
Q And is it above or below Rolling Road?
A In terms of?
Q Where Gilston Park is?
A It's north.
Q Well, by north where Gilston Park is?
A Above. It's above.
Q Above?
A Security Square Mall is above, north of Gilston Park.
Q And how far away is Gilston Park from Security Square Mall?
A Maybe three, three and a half miles.
Q Three and a half miles. And that's driving miles?
A Yes, ma'am.
Q Okay. Gilston Park is the place that you identified to the police in your statement?
A Yes, ma'am.
Q They didn't, unlike the way they asked about Adnan, they didn't bring up Gilston Park to you?
A What occasion?
Q On any occasion in which you spoke with them about it?

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A No, ma'am.
Q You did speak to them about it, right?
A Yes, ma'am.
Q And on that occasion they didn't bring up Gilston Park, did they?
A No, ma'am.
Q They didn't bring it up by name?
A No, ma'am.
Q Or by location?
A No, ma'am.
Q You brought it up?
A Yes, ma'am.
Q Okay. And that was in relationship with your good friend Jen?
A Yes, ma'am.
Q And where the conversation was that you held with her advising her of what your acquaintance Adnan Syed said?
A Yes, ma'am.
Q Now, in regard to that, those names that you concealed, there's Jen, right?
A Yes, ma'am.
Q Your friend Krista [redacted] right? Of names that you first concealed?
A Yes, ma'am.

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Q And there was another person's name that ultimately came up, was there not?
A I believe so.
Q Pardon?
A I believe so.
Q And that person's name was Chris [redacted]?
A Yes, ma'am.
Q And Chris [redacted] was a friend of yours?
A Yes, ma'am.
Q From Woodlawn?
A Yes, ma'am.
Q Who graduated with you?
A Yes, ma'am.
Q The same year?
A Yes, ma'am.
Q June of '98. And you told the police that you told him what Adnan said, didn't you?
A Yes, ma'am.
Q Yes. And he was also a name that you mentioned later, not at first, wasn't he?
A Yes, ma'am.
Q Yes. Now, in regard to the events of the day you also came up with different stories at the

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end of the day where you were when Jen picked you up, did you not?
A I couldn't remember.
Q Well, sir, it's hard to remember when you don't tell the same thing each time, isn't it?
MR. URICK: Objection.
THE COURT: Sustained.
Q Mr. Wilds, do you recall that at some point you told them that Jen picked you up at Westview Mall, right?
A I told the police I couldn't remember.
Q And then you told them that she picked up you at Westview?
A I told them that was a possibility, yes.
Q So in your conversation at first you said, oh, I can't remember, but maybe she picked me up at Westview?
MR. URICK: Objection.
A Yes.
THE COURT: Overruled.
Q Did you say something like that?
A No, ma'am.
Q You said, oh, it's a possibility she picked me up at Westview?
MR. URICK: Objection.

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THE COURT: Overruled.
A No, ma'am.
Q And at the time that you conveyed whatever it was about Westview you indicated to them that that's something that could have happened?
A Pardon?
Q The picking you up at Westview?
A Yes, ma'am.
Q Okay. And that if it happened, that happened after the body was buried, right?
A Yes, ma'am.
Q And as you've told us, Mr. Wilds, that was a pretty traumatic event for you, wasn't it?
A Very so.
Q That was the first body you helped bury, right?
MR. URICK: Objection.
THE COURT: Sustained.
Q The details of that event were fresh in your mind wherever it was you were that your very good friend Jen Pusateri picked you up, weren't they?
MR. URICK: Objection.
THE COURT: Sustained.
Q And, sir, do you recall that another possibility that you said to the police was that she

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picked you up at your house?
A Yes, ma'am.
Q In fact, it was more likely that she picked you up at your house, wasn't it?
MR. URICK: Objection.
THE COURT: Overruled.
A I believe I told the police that.
Q And it was more likely that that's what happened, was it not?
A To the best of my memory, yes.
Q Because you changed your clothes, didn't you?
A Yes, ma'am.
Q And you changed them in your own house, didn't you?
A Yes, ma'am.
MR. URICK: Objection.
Q And the first place that you told them --
THE COURT: Overruled.
Q -- where you threw away those clothes, was in the trash in your own home, right?
A In front of my house, the dumpster.
Q In front of your house, right?
A Yes, ma'am.
Q And you do recall changing your clothes

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that day, don't you?
A Yes, ma'am.
Q And you do recall changing them in your own home?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, you were also asked by the police in all of your statements how many contacts you had had with Adnan after that day on the 13th, were you not?
A Yes, ma'am.
Q And you told them different things, didn't you?
A Yes, ma'am.
Q The first time you told them maybe once?
A Yes, ma'am.
Q And then on another occasion you told them, oh, I had contact with him a dozen times?
THE COURT: Contact with him a dozen times?
MS. GUTIERREZ: A dozen times.
A Not to my recollection.
Q But you told them something different than the once, isn't that right?
A Yes, ma'am.

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Q You weren't the same in response to their questions about this person that they were most interested in, were you?
MR. URICK: Objection.
THE COURT: Sustained. You don't have to answer that.
Q Sir, do you recall -- you know a person by the name of Krista [redacted]?
A No, ma'am, I do not.
Q Do you recall January 13th was a Wednesday, was it not?
A I believe so.
Q And the 14th was a Thursday?
A I believe so.
Q And the 15th was a Friday?
A I believe so.
Q And oftentimes back then, or at least while Stephanie was your girlfriend, she would set up things for the two of you to do, would they not -- would she not?
A In regards to?
Q You and her.
A Like our dates?
Q Yes.
A It was mutual.

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Q Well, sometimes she would make plans, would she not?
A Yes, ma'am.
Q To go to some place where her friends might be?
A Yes, ma'am.
Q Or some event that was happening that really involved her friends?
A Yes, ma'am.
Q Whether or not they were your friends?
A Yes, ma'am.
Q And you two had been girlfriend and boyfriend for so long that was generally okay with you, was it not?
A Yes, ma'am.
Q If your girlfriend Stephanie wanted to go to a party with her friends you were pleased to accompany her, were you not?
A Yes, ma'am.
Q Even if it was a party where you really hardly knew anybody, right?
A Yes, ma'am.
Q Because she wanted to go, right?
A Yes, ma'am.
Q Do you recall, sir, on the 15th that you

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went to a birthday party for a friend of Stephanie's, an acquaintance of Stephanie by the name of Krista Myers?
A At the firehouse?
Q At the firehouse.
A Yes, ma'am.
Q Yes, and at that party you were there, right?
A Yes, ma'am.
Q And Stephanie was there, right?
A Yes, ma'am.
Q And Adnan was there?
A Yes, ma'am.
Q And there were other students from Woodlawn?
A Yes, ma'am.
Q And there was a birthday party for a friend of Stephanie's?
A Yes, ma'am.
Q Not somebody who was a friend of yours?
A No, ma'am.
Q Not somebody you would have described, correct?
A No, ma'am.
Q And do you recall, sir, that that took

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place on the Friday after these events?
A Yes, ma'am.
Q And do you recall, sir, that you got to that party in Adnan Syed's car?
A Yes, ma'am.
Q And that he had gone to pick up his good friend Stepanie, your girlfriend, and then the two of them proceeded to go pick you up?
A Yes, ma'am.
Q And you went, did you not?
A Yes, ma'am.
Q And it was a party that involved a lot of people, did it not?
A Some.
Q And you knew before they arrived at your house that they were coming, didn't you?
A No, ma'am.
Q It was a surprise to you that your girlfriend and her good friend came to pick you up to take you some place?
A Yes, ma'am.
Q And even though it was a surprise to you you went?
A We had planned to go alone.
Q Pardon?

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A We had planned to go alone.
Q You had planned to go alone?
A Me and Stephanie.
Q And it was a surprise to you that her good friend Adnan drove?
A Yes, ma'am.
Q You didn't know about that ahead of time?
A No, ma'am.
Q You didn't refuse to get in the car, did you?
A No, ma'am.
Q And you didn't indicate to Stephanie in any way, oh, this is a bad idea, this guy is a killer, did you?
A Not at that particular time.
Q Not at that time?
A No, ma'am.
Q And you did get in his car, did you not?
A Yes, ma'am.
Q And you drove with them to this party, did you not?
A Yes, ma'am.
Q And you drove with him back from the party, did you not?
A Yes, ma'am.

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Q And Mr. Wilds, you were asked in several of your statements or at least you answered in response to questions about a location called the Cliffs, do you remember that?
A Yes.
Q The Cliffs is a specific location within the park, is it not?
A Yes, ma'am.
Q And that park is not Leakin Park, is it?
A No, ma'am.
Q And it's not Gilston Park, is it?
A No, ma'am.
Q It's in a different location than either of those two?
A Yes, ma'am.
Q In regard to the same intersection about which we talked, Rolling Road and Route 40, where are the Cliffs?
A Southwest.
Q Southwest meaning, would that be more outside the city or closer toward the city?
A Further away.
Q Further away. And further away than Security Mall would be?
A In relation to?

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Q In relation to that intersection?
A Yes, ma'am.
Q Okay. The opposite direction of where Security Mall was?
A Yes, ma'am.
Q The opposite direction from the intersection from where Gilston Park is?
A Yes, ma'am.
Q And is the physical location of the Cliffs named that?
A I don't believe so.
Q That's what you all just call it?
A Yes, ma'am.
Q Is that right? But it actually has a name to it, does it not?
A I believe so.
Q And it's within a larger park, is it not?
A Excuse me, yes.
Q Well, sir, are you aware of the name of that?
A Uh-huh.
Q And what is that?
Q Yes, ma'am.
Q What is that?
A Patapsco State Park.

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Q Patapsco State Park. And that's closer on that end toward where the dividing line is between Baltimore and Howard County?
A It overlooks the river which is the dividing line.
Q And that's why it's called the Cliffs, isn't it?
A Yes, ma'am.
Q Because there's the appearance of rocky cliffs on the bank line of the river there?
A There are rocky cliffs.
Q Pardon?
A There are rocky cliffs.
Q There are rocky cliffs and that's why you all call it that?
A Yes, ma'am.
Q And to get there you have to go out further on Route 40, do you not?
A No, ma'am.
Q Is that a way that you can get there?
A No, ma'am.
Q Are you aware that Route 40 actually crosses that same river from the other side?
A It crosses the river further north.
Q Okay. So a different place. So you have

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to actually go further away to get to this place that you call the Cliffs; is that right?
A Further south.
Q Yes.
A Yes, ma'am.
Q And the Cliffs is a location -- you were never asked to show where that was, were you?
A Yes, ma'am.
Q Yes. And you showed them where it was?
A Yes, ma'am.
Q And you showed them where it was because you said to them that that was a place, the place where Adnan told you --
A Yes, ma'am.
Q -- what it was he was going to do?
A No, ma'am.
Q What it was he had done?
A Yes, ma'am.
Q And you showed them the place because of what you had said?
A In relation to?
Q Well, they asked you to show them this place that you said this happened?
A Yes, ma'am.
Q Isn't it?

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A Yes, ma'am.
Q But that's not what you at first told them, was it?
A Yes, ma'am.
Q The second time you spoke with them on the tape on the 15th did you tell them that then?
THE COURT: I'm sorry, I couldn't hear that whole question.
Q On the second time you spoke to them on tape, on the 15th, the 15th of March, did you tell them that?
A I believe so, yes.
Q And when was it that they asked you to show them the Cliffs?
A Not soon thereafter.
Q Not soon?
A Thereafter.
Q Meaning not soon far away during that time or?
A Maybe a week.
Q Maybe a week after that?
A Yea, a little less.
Q Now, sir, do you recall telling them that that's the place where Adnan asked you where to hide the body?

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A Yes, ma'am.
Q And you essentially told him that wasn't a good place, didn't you?
A Yes, ma'am.
Q Because there was too much traffic?
A No, ma'am.
Q People traffic?
A No, ma'am.
Q Or car traffic?
A No, ma'am.
Q Or that it might be too easy to find?
A No, ma'am.
Q You just told him that wasn't a good place?
A Yes, ma'am.
Q You didn't offer any explanation as to why?
A No, ma'am.
Q And that's because you thought that was not a good place to hide a dead body?
A No, ma'am.
Q Do you recall that the police asked you a number of times about money?
A Yes, ma'am.
Q They kept asking you if Adnan had paid you money?
A Yes, ma'am.

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Q Any money?
A Yes, ma'am.
Q Anything akin to money, right?
A Yes, ma'am.
Q And they kept implying that they thought he paid you money, didn't they?
A Yes, ma'am.
Q They made no mistake about that, didn't they?
A Yes, ma'am.
Q And they made you aware that they had asked your very good friend Jen Pusateri if she thought he paid you money, didn't they?
A Yes, ma'am.
Q And, in fact, they told you that your very good friend Jen Pusateri had told them it would take a lot of money, that you would do anything, didn't they?
A I believe so.
Q They seemed to believe her, didn't they?
A I don't know what they believed.
Q Well, they asked you about it over and over and over again, didn't they?
MR. URICK: Objection.
THE COURT: Overruled. Did they ask you

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about it over and over again?
THE WITNESS: Until I produced a cancelled check.
Q And the cancelled check was for money that you told them that you had borrowed from Adnan?
A No, ma'am.
Q That's not what you told them?
A No, ma'am.
Q That was what was for the check that you repaid what you borrowed, right?
A He had given me money and I had spent it.
Q He had lent you money, had he not?
A Not a loan per se.
Q Not a loan per se, but you repaid it?
A Yes, ma'am.
Q Because you spent it for some other purpose other than what you had said, right?
A Other than what he had given it to me for.
Q Then you repaid it with a check?
A Yes, ma'am.
Q But that didn't occur anywhere near the 13th of January, did it?
A No, ma'am, I don't believe so.
Q No. That had occurred long before, had it not?

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A Not long, no.
Q Well, the money that you said he gave you didn't have anything to do with the check, did it?
A Uh-uh.
Q And whether you recall that he gave it to you or it was a loan, you paid it back, did you not?
A Some of it.
Q But not all of it?
A No, ma'am.
Q Didn't you bring that (inaudible)?
A No, ma'am.
Q Who did you give it to?
A No one. I still have it at home.
Q Sir, when they asked you about the money issue, weren't you paid to help bury the body, didn't it appear to you, because they asked you so many times, that they didn't believe you?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Overruled.
Q Now, other than spending biology class with Hae Min Lee during the year earlier, you told us you had no other really social contact with her and Adnan, right?
A Correct.

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Q You didn't have any other social contact with her, did you?
A No, ma'am.
Q Her by herself?
A No, ma'am.
Q And not in the company of anybody else?
A No, ma'am.
Q And you were aware that she wasn't a particularly good friend of your girlfriend's, right?
A Yes, ma'am.
Q Now, on Friday, Mr. Wilds, you were asked about the clothing that you had on at the time that you saw her in the trunk of the car wherever that might have been, do you remember that?
A Yes, ma'am.
Q You described her clothing, did you not?
A Yes, ma'am.
Q You described the skirt that she had on?
A The black one?
Q Yes.
A Yes, ma'am.
Q That one. You described that, didn't you?
A Yes, ma'am.
Q And you described her shirt?
A Yes, ma'am.

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Q And blouse?
A Yes, ma'am.
Q And her overcoat or windbreaker or whatever it was?
A No, she did not have a coat on.
Q So you described that she had stockings on?
A Yes, ma'am.
Q In fact, you had described to the police the color of her stockings, did you not?
A Yes, ma'am.
Q You called them toast?
A Taupe.
Q Taupe?
A Yes.
Q And that's a specific color, is it not?
A Yes, ma'am.
Q And you told us on Friday that the way you knew that it was her was you recognized the clothes?
A Yes, ma'am.
Q You recognized her clothes, a black skirt?
A Yes, ma'am.
Q A white blouse?
A Yes, ma'am.
Q And toast --
A Taupe.

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Q Taupe stockings as having seen before, did you not?
A In the trunk of the car, yes.
Q Well, sir, when you saw them in the trunk of the car you didn't examine the body, did you?
A No, ma'am.
Q And her face was turned away. You didn't turn it over, did you?
A No, ma'am.
Q And you didn't explore to make sure it was the person that you thought to be Hae, did you?
A No, ma'am.
Q In fact, you told us how you recognized what she had on because you had seen it before, did you not?
A No, ma'am.
Q You do not recall that?
A No, ma'am.
Q But the police didn't suggest to you that her stockings were taupe, did they?
A No, ma'am.
Q And they didn't suggest to you that she had had on a black short skirt, did they?
A No, ma'am.
Q In fact, Mr. Wilds, you couldn't tell us

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anything distinctive about that short skirt, could you?
A No, ma'am.
Q You couldn't for instance tell us if it zippered in the front or the back?
A No, ma'am.
Q Or on the side?
A No, ma'am.
Q Or if it had anything unusual like the cut on the bias as opposed to being cut straight?
A No, ma'am.
Q Or whether or not it's flared?
A I don't believe it flared.
Q Or whether or not it fit tight?
A It was a skirt.
Q Sir, though it was just a skirt you remembered it from having seen it before?
A Yes, ma'am.
Q Because when you looked after the trunk was popped, you didn't spend any time exploring what she had on, did you?
A No, ma'am.
Q You didn't reach out and touch it?
A No, ma'am.
Q You didn't try to move anything to get a

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better look?
A No, ma'am.
Q To make sure that you had a real clear memory of what clothes this girl you thought was Hae Lee in the the car was?
A No, ma'am.
Q And you didn't reach out to touch her to verify if she were dead, did you?
A No, ma'am.
Q You didn't take her pulse?
A No, ma'am.
Q You didn't brush her hair back?
A No, ma'am.
Q The trunk was popped up for how long?
A Ten or twenty seconds.
Q Not a very long time, right?
A No, ma'am.
Q That's something that gives you a long view?
A No, ma'am.
Q The taupe of the stockings stuck with you?
THE COURT: I'm sorry, the taupe with the stockings.
Q Stuck with you?
A Ma'am, the whole incident stuck with me.

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Q Pardon?
A The whole incident stuck with me.
Q Well, particularly the taupe?
A No, not particularly.
Q Now, sir, you were asked in your direct testimony and -- you were asked lots of questions --
A I cannot hear you, I'm sorry.
Q I'm sorry. You were asked in your direct testimony from Mr Urick about occasions in which you dealt or sold an illicit substance --
A Yes, ma'am.
Q -- were you not? Sir, you told us about a time when you sold an illicit substance to make money to buy your lacrosse equipment?
A Yes, ma'am.
Q You offered that to us as, well, I did it because I needed the money to buy my own lacrosse equipment, did you not?
A Yes, ma'am.
Q And was that a justification in your mind?
A Absolutely not.
Q And, sir, did you only sell illicit substances when you needed things that cost money?
A Yes, ma'am.
Q And so the way you present yourself, is

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that you only did it because you needed the money?
A Yes, ma'am.
Q Yes. And that would have been the only time you ever sold illicit substances?
A Yes, ma'am.
Q Now, you understand marijuana to be an illicit substance, do you not?
A Yes, ma'am.
Q It's classified as a drug, is it not?
A Yes, ma'am.
Q It is illegal to smoke it?
A Yes, ma'am.
Q And it's illegal to sell it?
A Or possess it, yes.
Q And it's illegal for instance to take cigars and flip them out and fill them up with marijuana?
A Yes, ma'am.
Q It's illegal to make it look like something else if that's what it is, isn't it?
A I do not know that law.
Q Well, sir, if you take the cigar and take down -- out of it the cigar tobacco and you fill it up with marijuana that makes that cigar wrapping or what's in it illegal, does it not?

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MR. URICK: Objection.
THE COURT: Sustained.
Q Now, sir, you described that there would be some occasions when you would buy a larger quantity of marijuana?
A Yes, ma'am.
Q Is that right? And then sort of divide it up when there were more people than not that wanted it?
A Yes, ma'am.
Q And the bulk of what you bought was marijuana?
A All of what I bought was marijuana.
Q All that you bought was marijuana. And, sir, on the occasion when you sold the marijuana to get the money for your lacrosse equipment, if you recall that you sold the marijuana and got money, did you not?
A Yes, ma'am.
Q And the money that you got you then accumulated and that's what you bought the lacrosse equipment for, correct?
A With, yes.
Q And, sir, then what you sold marijuana for was the money, was it not?

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A Yes, ma'am.
Q It wasn't -- you didn't sell the marijuana and then trade it for whatever equipment you needed, did you?
MR. URICK: Objection.
THE COURT: Sustained.
Q And, sir, that wasn't the only time that you bought a quantity of marijuana and divvied it up, was it?
A No, ma'am.
Q You'd done that on other occasions?
A Yes, ma'am.
Q On other occasions when you needed to generate money, correct?
A Yes, ma'am.
Q And that would mean that you would sell the marijuana for more than you paid for it?
A Yes, ma'am.
Q So on those occasions when you got marijuana and you sold it, you weren't doing it to please people, were you?
A Some.
Q Well, mostly you were doing it to generate money, were you not?
A Mostly.

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Q Mostly. And, in fact, you didn't go buy marijuana with your own money and then always give it away, did you?
A No, ma'am.
Q And never was there an occasion when you bought a large quantity of marijuana and then you just gave it away, was it?
A No, ma'am.
Q Not even a single occasion?
A Not a large quantity, no.
Q And, sir, you dealt that way for how long?
A Probably about three years.
Q For years?
A Three.
Q Three years. And on how many occasions did you deal?
A To whom?
Q To everyone?
A Close to a hundred.
Q Close to a hundred times you dealt drugs?
A Yes, ma'am.
Q How many people did you sell to?
A Maybe a dozen.
Q A dozen. And were they all students at Woodlawn?

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A Very few.
Q Huh?
A Very few.
Q Most of the people that you dealt to were not from Woodlawn?
A No, ma'am.
Q You're not sure what the amount is?
A Most of them were not.
Q Most of the people were not from Woodlawn, is that right?
A Yes, ma'am.
Q Now, Detectives MacGillivary and Ritz, they asked you about all of that?
A Vaguely.
Q And they didn't ask you to identify the people that you dealt to?
A No, ma'am.
Q They never told you that you would be charged since you were admitting to them that you dealt illicit drugs for money, that you would be charged with drug dealing, did they?
A They said that wasn't their department.
Q And they assured you that they weren't going to turn over your admission of that to the right department?

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A It wasn't my concern.
Q It wasn't your concern?
A No.
Q Well, sir, what you told us is that what was your concern back on the 13th and thereafter was that Adnan knew about you dealing drugs?
A Yes, ma'am.
Q Is that right? Back then it was of great concern if somebody turned you in for your 100 times of dealing illicit drugs, right?
A At that time my house was dirty.
Q Your house was dirty because you had drugs in it?
A At that time.
Q Right? Back on the 13th of January, right?
A At that time.
Q And you were concerned that he might turn you in and your dirty house might get caught?
A My grandmother would be in trouble, yes.
Q And that was of your concern?
A Yes, ma'am.
Q Now, sir, on the 13th that night when you hooked up with your very good friend Jen Pusateri, wherever that was, whether it was at Westview Mall or at your house, you got rid of the clothes that you

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thought might tie to you to the murder?
A Yes, ma'am.
Q Did you not?
A Yes, ma'am.
Q And you wiped off fingerprints of the shovel you thought might tie you to a murder; is that right?
A Yes, ma'am.
Q And you threw away your overcoat; is that right?
A Yes, ma'am.
Q And, sir, back then based on what you've told us, you're self supporting, are you not?
A Yes, ma'am.
Q You bought your own clothes, did you not?
A Yes, ma'am.
Q That was your main winter coat, was it not?
A Yes, ma'am.
Q And how much was it worth?
A Thirty bucks.
Q Thirty bucks. That was a lot of money to you, was it not?
A Not a lot, but not a little.
Q Not a little. You threw it away?
A Yes, ma'am.

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Q Whether you threw it away at your house or near the F & M, right?
A Yes, ma'am.
Q And you threw it away and you've never seen it before -- again?
A No, ma'am.
Q Right? Because it got picked up in the trash; is that right?
A Yes, ma'am.
Q And you took your boots; is that right?
A Yes, ma'am.
Q And they were like Timberland boots, were they not?
A No, ma'am.
Q They weren't actually Timberland boots, but people would look at them and describe them as Timberland boots?
A I don't know.
Q Your good friend Jen Pusateri described them as Timberland boots, did she not?
A I don't know.
Q You don't know. You've never read your good friend's statement?
A No, ma'am.
Q It was never shared with you?

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MR. URICK: Objection.
THE COURT: Was it shared with you? Yes or no.
THE WITNESS: No, ma'am.
THE COURT: Next question.
Q Sir, what would you describe the boots that you had on on the 13th?
A Steel toed construction boots.
Q Pardon?
A Steel toed construction boots.
Q Steel toed. They're worth a lot of money, aren't they?
A No, ma'am.
Q They're better than non-steel toed construction, are they not?
A Yes, ma'am.
Q Sir, how much did they cost you?
A They were given to me.
Q You threw them away?
A Yes, ma'am.
Q You needed them, did you not?
A No, ma'am.
Q You didn't use them in your work?
A I wasn't in construction at the present time.

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Q You had been before?
A Yes, ma'am.
Q And those were shoes you wore before that day, did you not?
A Yes, ma'am.
Q On numerous occasions?
A Yes, ma'am.
Q This wasn't the first time you had worn them?
MR. URICK: Objection.
THE COURT: Overruled. Was it the first time you wore them?
THE WITNESS: No, ma'am.
THE COURT: All right, your next question.
Q They were valuable to you, were they not?
A Somewhat.
Q But you took the precaution of getting rid of them?
A Yes, ma'am.
Q Right? So again, you've never seen them since, have you?
MR. URICK: Objection.
THE COURT: Now it's sustained. We're asking the same questions. Can you move on, please.
Q After the 13th up until the 28th, were you

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ever asked to produce those shoes?
A No, ma'am.
Q Or those clothes?
A No, ma'am.
Q Or the outer coat?
A No, ma'am.
Q The first time you were asked about them was the 28th of February?
A Yes, ma'am.
Q Is that right? Six weeks plus after the 13th of January?
A I believe so.
Q And, sir, on the 13th of January did you clean up your house from whatever it was that you described it as being dirty?
A Absolutely.
Q And so another thing that you did on the 13th was to get rid of all of the drugs in the house?
A Yes, ma'am.
Q Prior to the 13th you had made a decision to bring those drugs into your house, isn't that right?
A Yes, ma'am.
Q Because that was part of your dealing then, isn't that correct?

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A Somewhat.
Q To keep the stash that you were selling for money present?
A That wasn't my practice, no.
Q That wasn't your practice?
A No, ma'am.
Q But on the 13th of January you had how much in your house?
A I believe it was an ounce and a quarter.
Q And an ounce and a quarter. And how much had you paid for that?
A Probably about eighty bucks.
Q And, sir, you had chosen to bring it into your house?
A Yes, ma'am.
Q The house that you shared with your grandmother?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Sustained. We've been over this several times. Please move on.
Q Well, sir, you've told us on Friday that the main reason that you were concerned about Adnan Syed was what he knew about you, did you not?
A Yes, ma'am.

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Q And what he knew about you that scared you was that he knew about your dope dealing?
A More so how it works.
Q Pardon?
A More so how it works.
Q I'm sorry, I can't hear you.
A More so how it worked.
Q More so how it worked, meaning the selling of drugs?
A Yes, ma'am.
Q And that was your big concern about Adnan; is that right?
A Yes, ma'am.
Q And that's why you have told us that you did what you were asked, although you didn't want to, to bury a body?
A Part of the reasons, yes.
Q Is that right? And, in fact, sir, you offered that as a reason for why you did nothing even though you say Adnan told you he was going to kill Hae before he did so?
A Pardon me? No, ma'am, I have not.
Q Sir, do you recall that you have told the police that Adnan told you before he killed Hae?
A Yes, I told the police that.

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Q Okay. And you told them different things though, one day you told them he told you on the 12th, remember?
A Yes, ma'am.
Q And another time you just told them that ahead of time on the 13th he announced that he was going to kill her; is that right?
A Yes, ma'am.
Q And that was a great concern to Detectives MacGillivary and Ritz on the 28th, was it not?
A Yes, ma'am.
Q And they asked you a lot of questions because they couldn't understand, tell us Mr. Wilds why it is you didn't do anything?
A Yes, ma'am.
Q Why even though you had knowledge ahead of time that your acquaintance was going to kill somebody you knew that you didn't warn them?
A Yes, they asked me that.
Q Or you didn't warn somebody?
A Yes, they asked me that.
Q Or why you didn't drop a dime?
A Yes, they asked me that.
Q They asked you more than one time, didn't they?

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A Yes.
Q They seemed very concerned and didn't seem to understand why you wouldn't have done something, correct?
A Yes, ma'am.
Q Now, the first answer you gave them was you said, oh, I didn't believe him, isn't that right?
A Yes, ma'am.
Q That though he told you this, you didn't believe what he said?
A Yes, ma'am.
Q And you didn't think there was any threat to her; is that right?
A Yes, ma'am.
Q The second thing you told them was, oh, well, essentially I'm afraid of this guy because he could hurt me, did you not?
A I don't believe so.
Q Do you remember telling them about what he knew, didn't you, things about you?
A Yes, ma'am.
Q And that that was a threat to you?
A Very much so.
Q What he knew?
A Yes, ma'am.

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Q And what he knew about you that you were referring to when you told the police was your dealing in marijuana?
A Yes, ma'am.
Q For money?
A Yes, ma'am.
Q And that at the time you tell us today your house was dirty, meaning it had illicit substance of marijuana in it --
MR. URICK: Objection.
Q -- that day?
THE COURT: Sustained.
Q Now, they then asked you on a number of occasions about why you didn't come forward afterwards, right?
A Yes, ma'am.
Q Now, prior to one-thirty in the morning on the 28th in the middle of the night the police hadn't approached you, had they?
A No, ma'am.
Q And they hadn't come to your house, right?
A No, ma'am.
Q Hadn't come to the porno store?
A No, ma'am.
Q And hadn't approached you anywhere else?

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A Excuse me, no, ma'am.
Q You hadn't gotten a phone call?
A No, ma'am.
Q You hadn't gotten any letter from them, right?
A No, ma'am.
Q Nobody had asked you about the events of the 13th, right?
A No, ma'am.
Q And you hadn't volunteered to talk to them about it?
A No, ma'am.
Q Well, except that at some point you told your friend Chris [redacted], did you not?
A I believe so.
Q That's what you told the police, right?
A Yes, ma'am.
Q And that's not something you told them in the beginning; is that right?
A No, ma'am.
Q And Chris [redacted], to your knowledge, he's still alive, is he not?
A Yes, ma'am.
Q He's still alive, isn't he?
A Yes, ma'am.

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Q And were you ever asked any further information about him?
A No, ma'am.
Q And you told them about this, right?
A Yes, ma'am.
Q You told them about what you did?
A Chris [redacted]?
Q Yes.
A No, ma'am.
Q Didn't you tell him about helping to bury the body?
A No, ma'am.
Q Well, you told the police you had told him about this?
A I told them that I had spoke to Chris.
Q You had spoke to Chris about these events?
A Some of them.
Q That's what you told the police, right?
A Yes, ma'am.
Q They didn't care about anybody that you had spoken to, did they?
A That's an assumption. I don't know.
Q Well, sir, when they were asking you questions about whether or not you told anybody else about these events, you understood them to be the

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events on the 13th, did you not?
A Yes, ma'am.
Q You knew they didn't want to hear about what you may have told anybody else about the 14th, did they not?
A No, ma'am.
Q And you understood that they didn't want to hear what had happened on the 27th, the day before you were down there, right?
A Yes, ma'am.
MR. URICK: Objection.
Q You knew that the only thing they were questioning you about included whether you had told anyone else anything that you had been involved with, observed, or heard from anyone else involved in the death and burial of Hae Min Lee, isn't that right?
A Yes, ma'am.
Q And they didn't have questions on any other subject for you, did they?
A No, ma'am.
Q And so the reason that you -- and you gave them this person's name, did you not?
A Yes, ma'am.
Q Chris [redacted]?
A Yes, ma'am.

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Q A person who you know to still be alive?
A Yes, ma'am.
Q And Mr. Wilds, did you call your friend Chris [redacted] to let him know that you used his name?
MR. URICK: Objection.
THE COURT: Sustained.
Q And have you spoken to Mr. [redacted] since the 28th --
MR. URICK: Objection.
Q -- of February?
THE COURT: Sustained.
Q Did you convey to Mr. [redacted] that you used his name --
MR. URICK: Objection.
Q -- to the police?
THE COURT: Sustained.
Q Mr. Baskerville was your friend?
MR. URICK: Objection.
THE COURT: Sustained.
Q How tall is he?
MR. URICK: Objection.
THE COURT: Overruled. How tall is Mr. Baskerville, if you know?
THE WITNESS: Six three.

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THE COURT: Next question.
Q And how much does he weigh?
A I have no idea.
Q Is he an athlete?
A Not at all.
Q Did he attend with you?
A Yes.
Q Through June of 1998?
A Yes, ma'am.
Q Was he in the gifted and talented program?
A Not to my knowledge.
Q The other person that you told about these events was this person by the name of Jeff [redacted]?
A Yes, ma'am.
Q Yes. And you ultimately told the police that, right?
A Yes, ma'am.
Q Although you didn't mention his name at first?
A No, ma'am.
Q And you didn't mention his name second either, did you?
A No, ma'am.
Q Jeff Johnson is your friend Kristi [redacted] boyfriend at the time; is that correct?

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A Yes, ma'am.
Q And you considered him a friend, did you not?
A Yes, ma'am.
Q And you had met him long prior to the 13th of January, did you not?
A Yes, ma'am.
Q And you had met him generally when you would go over your friend Kristi [redacted] Ms. [redacted] is that right?
A Yes, ma'am.
Q Ms. [redacted] was really a very good friend of your very good friend Jen Pusateri; is that right?
A Yes, ma'am.
Q And they were sorority sisters, were they not?
A Yes, ma'am.
Q And that sorority was out of UMBC. was it not?
A Yes, ma'am.
Q And UMBC is located on Walker Avenue, is it not?
A Yes, ma'am.
Q An area off of, I think it's 12 C of 695?
A Yes, ma'am.

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Q And you've been there before, right?
A To the school?
Q Yes.
A Yes, ma'am.
Q Although it was your testimony on Friday that on the 13th you didn't go there?
A To the school?
Q Yes.
A Yes, ma'am.
Q Or to a sorority house located off the Walker Avenue circle of the campus?
A Kristi [redacted] house is a sorority house.
Q The house is a sorority house?
A It has Psy Nu symbols on the window.
Q Pardon?
A It has Psy Nu symbols on the window.
Q And, sir, is it your testimony that when you went to visit Kristi [redacted] it is, in fact, a sorority house?
A Is that my testimony?
Q Yes, sir.
A No, ma'am.
Q No. So the house that you testified you visited on the 13th of January, that's not a sorority house, is it?

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A I don't know.
Q Were there other sorority sisters there?
A Other than Ms. [redacted] and Jennifer Pusateri?
Q Yes, sir.
A Not at that time.
Q Ms. Pusateri, she wasn't there on the 13th, was she?
A That evening.
Q At Kristina [redacted] house?
A I believe so.
Q That might have been a sorority house?
A Yes, ma'am.
Q But nobody else was there?
A Yes, ma'am, Jeff [redacted]
Q No, but no other sorority sister?
A Oh, no, no, ma'am.
Q Now, let me make sure we have this house straight. Is it a house or an apartment?
A It's an apartment, ma'am.
Q In a structure that has more than that apartment in it?
A Yes, ma'am.
Q And in that apartment how many bedrooms are there?

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A Two.
Q And one of the sorority sisters you believed lived there?
A One.
Q And was there a party there that evening?
A No, ma'am.
Q And you've already testified and told us that you didn't attend the sorority party there that evening?
A I did not, no.
Q Is that right?
A Yes, ma'am.
Q And if Jen Pusateri said that then she lied?
A She must be mistaken.
Q Oh. Friday, do you recall you said she lied?
A Yes, ma'am.
Q Okay. And today you're telling us she must have made a mistake?
A Yes, ma'am.
Q When she said, if she said it, that the two of you attended a sorority party in a sorority house?
A Yes, ma'am, that evening, yes.
Q Now, let me get this straight. This two

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bedroom apartment --
A Yes, ma'am.
Q -- in a structure that has more than just that apartment?
A Yes, ma'am.
Q That you believe is a sorority house?
A Do I?
Q No, that you believe to be or that may be a sorority house?
A Yes, ma'am.
Q Okay. That place you visited three times on the 13th?
A Yes, ma'am.
Q Now, every time that you visited Kristi [redacted] you had a certain activity, did you not?
A Yes, ma'am.
Q And that activity was smoking weed, was it it not?
A Yes, ma'am.
THE COURT: One moment. Counsel, would you mind having a seat in the hallway unless counsel has no objection to her remaining.
MS. BENAROYA: All right, I'll be outside.
THE COURT: One moment. Ms. Gutierrez.
MS. GUTIERREZ: I believe she should go

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outside.
THE COURT: Have a seat just out in the hallway or you may have a seat in Judge Gordy's chambers.
MS. BENAROYA: Thank you, Your Honor. I have a motion to make and to file.
THE COURT: You need to see either the Clerk of the Court or Ms. Connelly, can you assist me in speaking with counsel.
MS. BENAROYA: Thank you.
THE COURT: Thank you. All right, Ms. Gutierrez, I apologize for the interruption.
Q I was asking you about the activity that you generally do there; is that right?
A Yes, ma'am.
Q It's smoking weed, is it not?
A Yes, ma'am.
Q We discussed a little bit of this I believe the other day. When you smoke weed, it affects you, does it not?
A Some.
Q And it alters you physically, does it not?
A Some.
Q And that's generally in a good way as far as you're concerned?

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A Depending on the situation.
Q So sometimes it's in a bad way?
A Yes, ma'am.
Q But you continue to smoke it?
A Some.
Q Well, now, when you say some there have been periods of time when you smoke weed, I mean, three, four, sometimes more often in a day, isn't that right?
A Yes, ma'am.
Q And there would be periods of time when it was pretty regular, was it not?
A Some periods of time, yes.
Q And Mr. Wilds, we've discussed January 13th you've actually discussed sort of looking for weed on more than one occasion, did you not?
A Yes, ma'am.
Q And that was the day that you smoked it?
A Yes, ma'am.
Q More than once a day?
A Yes, ma'am.
Q And that was a period of time when it was your regular practice to smoke it, was it not?
A No, ma'am.
Q So on January 13th when was the last time

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that you had smoked weed?
A On the way home when Ms. Pusateri dropped me off.
Q That was on the 13th?
A Yes, ma'am.
Q No, I meant prior to that day and I did not make that clear. Prior to that day when was the last time you recall you had smoked?
A Three days before.
Q So would it be fair to say, sir, since it was an illegal substance that smoking it every fourth day, was this your regular practice?
A Not every fourth day.
Q So some days you smoked it sooner than every four days, right?
A Yes.
Q Some days you smoked it every fourth day or more?
MR. URICK: Objection.
THE COURT: Sustained.
Q It would be fair to say however many days was in between you smoking weed, sir, that back in January of 1999 you smoked it regularly?
A Pertaining to everyday?
Q I'm sorry, regularly?

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A Define that for me.
Q I didn't hear you.
A Define your definition of regularly.
Q On a regular basis, however often it was?
A I'm not understanding.
Q Well, sir, smoking weed was not a rare event for you back in January '99, was it?
A Not really, no.
Q The search for weed was not a rare search for you back in January of 1999?
MR. URICK: Objection.
THE COURT: Sustained.
Q On January 13th you went to your friend, your good friend Kristi's house three times, did you not?
A Yes, ma'am.
Q And back then because it was a regular habit of yours, usually when you went to her house you smoked weed, did you not?
A To Ms. [redacted]?
Q Yes.
A Yes.
Q And that was almost every occasion you visited, didn't you?
A Not every, no.

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Q Well, sir, that included times when Ms. Vinson was by herself, right?
A Once or twice.
Q And times when Ms. Pusateri was there also?
A Yes, ma'am.
Q And times when her boyfriend Jeff [redacted] was there also?
A Yes.
Q And it also included times when others were there, correct?
A Yes.
Q And now on that particular day, though you may not have told the police this right up front, you were there three separate occasions, correct?
A Yes, ma'am.
Q One occasion you've told us about when you arrived in late afternoon, early evening with Mr. Syed; is that right?
A Could you ask the question again?
Q One of those occasions was the time that you told us about on the 13th when you arrived late afternoon or early evening with Mr. Syed, correct?
A Upon retrieving him from practice?
Q Pardon?
A Upon retrieving him from practice?

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Q Yes.
A Yes.
Q And another occasion was when you went there after you hooked up with Jen Pusateri, much later in the evening and you and she went there, right?
A Yes.
Q And a third occasion was that you had already been there in the earlier afternoon by yourself?
A Correct.
Q But you didn't tell the police about that time at first, did you?
A I don't believe so.
Q And if Jen Pusateri says that you and she were there twice, would that be correct?
A Yes, ma'am.
Q So then there were actually four times that you went --
A No, ma'am.
Q -- to Kristi's?
A No, ma'am.
Q Just three?
A Just three.
Q One by yourself?

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A Yes, ma'am.
Q One with Adnan?
A Yes, ma'am.
Q And one with Jen Pusateri?
A Yes, ma'am.
Q Not two times with Jen Pusateri?
A She may have been there on two occasions but I did not go there with her.
Q So the answer to my question is no, just once with Ms. Jen Pusateri?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Sustained.
Q You didn't first tell the police about the first time you went there alone?
MR. URICK: Objection.
THE COURT: Sustained.
Q When you went there the first time that was without Adnan?
MR. URICK: Objection.
THE COURT: Sustained.
Q When you went there without Adnan the first time, sir, did you smoke marijuana?
MR. URICK: Objection.
THE COURT: Sustained.

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MS. GUTIERREZ: May we approach the bench?
THE COURT: This area has been covered previously.
MS. GUTIERREZ: Not with whether or not he smoked.
THE COURT: Yes, it was. In fact --
MS. GUTIERREZ: Not as to this visit.
THE COURT: It was covered in previous questions on cross examination.
MS. GUTIERREZ: On the second --
THE COURT: So please ask a new question.
Q On the second time you went to Ms. [redacted] house with Adnan did you smoke marijuana?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did anyone smoke marijuana?
MR. URICK: Objection.
THE COURT: As to anyone, you may answer that question.
THE WITNESS: Yes.
Q And who was that?
A I myself, Ms. Pusateri, and Jeff. I myself, Ms. Pusateri and Jeff, I'm sorry.
Q Let me make sure I clarify. I was asking you about the second time that you went and that's

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the time you told us only you and Adnan went, right?
A Only I and Adnan went there. Ms. Pusateri may have already been there.
Q Pardon?
A Ms. Pusateri may have already been there.
Q Well, sir, was she or wasn't she?
A I do not recall.
Q When you arrived with Adnan, you mean Jen Pusateri may have already been present?
A Yes.
Q So that on the time that you have described after you picked him up at the track practice or after track practice was over, right?
A Yes, ma'am.
Q It was you and Adnan?
A Yes, ma'am.
Q And Ms. [redacted]?
A Yes.
Q And her boyfriend Jeff [redacted]?
A Yes, sir.
Q And maybe Jen Pusateri?
A Yes, ma'am.
Q You just don't recall?
A No, ma'am.
Q She could have been there?

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A Yes, ma'am.
Q Because she's there all of the time, isn't she?
A Yes, ma'am.
Q For the expressed purpose of smoking weed?
MR. URICK: Objection.
Q Isn't that right?
THE COURT: Sustained.
Q Now, sir, you didn't go to Ms. [redacted] house in any way to help out Adnan, did you?
A Absolutely not.
Q And you didn't go there in any way to seek assistance when you buried the body, did you?
A Uh-uh.
Q From either questions by you, right?
A Pardon me? I'm not understanding you, I'm sorry.
Q You didn't go there because you cared for information about burying the body, right?
A No, ma'am.
Q Or any suggestions about where to do so?
A No, ma'am.
Q Or how to do it?
A No, ma'am.
Q Or what was necessary?

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A No, ma'am.
Q Or what was the best location?
A No, ma'am.
Q And you never said to Adnan come on we're going to go to my good friend Kristi [redacted] and she'll help us figure out what to do now, right?
A No, ma'am.
Q Because according to you the body was still in the car, right?
A Yes, ma'am.
Q As far as you knew, right?
A Yes, ma'am.
Q And to your knowledge you had had Adnan's car since then?
A Yes, ma'am.
Q Right?
A Yes, ma'am.
Q And except for the time that you dropped him off when he was out of your sight at practice you knew where he was, right?
A I assumed where he was, yes.
Q And you believed, sir, that the body was still in the trunk of the car where you had last seen it; is that right?
A Yes, ma'am, that's what I believed.

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Q And you didn't go over to Kristi [redacted] to get Jeff [redacted] advice, did you, about where to bury the body?
A No.
Q Or what to do about it?
A Pertaining to?
Q Pardon?
A Pertaining to?
Q What to do about the body?
A Oh, no, ma'am.
Q No. And you didn't go over there in the hope that you might see your good friend Jen Pusateri, did you?
A No, ma'am.
Q And you didn't go over there seeking her advice?
A No, ma'am.
Q Or seeking once you got there to call her over there, right?
A No, ma'am.
Q On all of the occasions you had been there with Jen Pusateri that was a place where you comfortably smoked weed; is that right?
A Not on all occasions.
Q But on most?

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MR. URICK: Objection.
THE COURT: Sustained.
Q And so there may have actually been two separate occasions that you were at Kristi [redacted] house while Jen Pusateri was there?
MR. URICK: Objection.
THE COURT: Sustained.
Q Now --
THE COURT: One moment, Ms. Gutierrez. The jurors need a brief facilities break and we will take just that. I'm going to ask the deputy sheriff if you will kindly walk the jurors over. Make sure they have no contact with anyone. Allow them to do that. Once they have all used the facilities, walk them back. This is not a long recess. This is just for the benefit of the jurors.
Ladies and gentlemen, I ask you that you leave your notepads face down, that you not have any conversations about the witnesses or any other witnesses, that you not talk to each other about this case or anything related to this matter because you have not heard all of the witnesses and you may go with the deputy sheriff at this time. As you heard, he will bring you back.
Mr. Wilds, you may stay put for just a

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moment. Do you need to use the facilities?
THE WITNESS: Yes, ma'am.
THE COURT: Wait one moment, and you may also take a break. I'm going to direct the clerk if you could see that Mr. Wilds walks to the men's room once the jurors go back and if you'll bring him back I would appreciate it. And while you are there, you can use the facilities if you'd like to. This Court stands in recess until the jurors return.
(Whereupon the Court recessed, following which the proceedings in this matter resumed:)
THE COURT: One second.
MS. GUTIERREZ: In relationship to time just so I can plan --
THE COURT: Well, we can take a break because I note that Mr. Wilds has indicated that he would like to speak to his attorney; is that correct, Mr. Wilds?
THE WITNESS: Yes, ma'am.
THE COURT: And you want to speak to your attorney about some questions that they've posed to you at this point?
THE WITNESS: No, ma'am.
THE COURT: You just want to talk to her generally?

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THE WITNESS: Yes, ma'am.
THE COURT: About this proceeding?
THE WITNESS: No, ma'am.
THE COURT: About just something else?
THE WITNESS: Yes.
THE COURT: Unrelated?
THE WITNESS: Not anything as far as anything we've discussed, nothing.
THE COURT: Okay.
MS. GUTIERREZ: I just want to know if it was related to the proceeding.
THE COURT: He just said it was not related to this proceeding, correct?
THE WITNESS: It is related, but nothing that we have discussed.
THE COURT: No questions that have been posed by counsel, just on some unrelated matter?
THE WITNESS: I would guess so. I mean, not totally unrelated but --
THE COURT: But it's something else other than Ms. Gutierrez's questions?
THE WITNESS: Yes.
THE COURT: Okay. It's his attorney and I guess she didn't walk in the door. She is present and here and you did not -- you needed an opportunity

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to speak with her anyway.
MS. GUTIERREZ: Yes.
THE COURT: At least you already indicated that.
MS. GUTIERREZ: Yes.
THE COURT: So this might be an appropriate time to take a break.
MS. GUTIERREZ: That's fine.
THE COURT: I'm going to have the jurors --
MS. GUTIERREZ: Because I do have two other areas that I really rather not get into them unless I can finish at least one of them.
THE COURT: Sure. Then why don't we take a recess at this point? I'd like to have the jury brought in. They were still using the facilities so --
MS. GUTIERREZ: Well, there's a lot of them, and only two facilities.
THE COURT: I'm going to ask that counsel -- also, be advised that I'm going to have -- first Mr. Wilds, you can step down. I remind you that you are still under oath. However, you may talk to your attorney about any matters unrelated that Ms. Gutierrez has questioned and if you have a question about a question that she has posed to you, if you

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could just tell me what the question is and I would be happy to assist you. You may go out in the hallway at this time and speak with her.
THE WITNESS: Thank you.
THE COURT: Before you leave for the day, I'd like you to come back though, all right?
THE WITNESS: Yes, ma'am.
THE COURT: So I can tell you what time to be here tomorrow. The status of my jury is? Still using the facilities, okay. What I would like to do then is I can recess you all if you'd like and then when they come back just direct them to be back here tomorrow.
MS. GUTIERREZ: I will wait.
THE COURT: All right, you will wait. Very well. Have a seat. They're ready. No, they're not ready.
MS. GUTIERREZ: I wouldn't want the jury speculating as to why we're not here.
THE COURT: I'm sorry?
MS GUTIERREZ: I wouldn't want the jury speculating as to why we're not here since we're always here.
THE COURT: They're still using the facilities. Perhaps, the clerk could tell me how

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many cases I have on my docket for tomorrow. Two cases. Are they related cases? Unrelated cases. Since they are not co-defendant cases, I would think that probably ten-thirty.
MS. GUTIERREZ: Okay.
THE COURT: That's how we've been going the last couple days. We have not been able to get under way at the earliest ten-thirty. So I would ask that you all resume tomorrow at ten-thirty and I will direct Mr. Wilds to be here at ten, ten-fifteen.
MS. GUTIERREZ: Judge, there is a matter. My associate called me to remind me. I have a case in District Court.
THE COURT: In District Court at eight-thirty.
MS. GUTIERREZ: Yes, and Judge just to know the facts of the case are my associate can't handle it for two reasons. She's a witness.
THE COURT: That's all right.
MS. GUTIERREZ: A witness of fact.
THE COURT: You can go there at eight-thirty and handle the case. It's in Baltimore City, correct?
MS. GUTIERREZ: Yes, but it's going to be a trial so what I would like is a call. I do not want

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to be caught up in the position where a judge makes me --
THE COURT: What court is it in front of?
MS. GUTIERREZ: They called me with all of the information. I don't remember if it is Wabash or North Avenue, but the reason that I'm concerned is that it's a case that was postponed once before about thirty days ago because I was just getting in the case and I wasn't there. I was starting --
THE COURT: Ms. Gutierrez, I will call the judge if you'll just leave the information.
MS. GUTIERREZ: Okay, just that I have to be back here by ten-thirty so that --
THE COURT: Well --
MS. GUTIERREZ: If they can call it right away, fine but I don't think --
THE COURT: I don't have a problem doing that. I just need the name of the judge.
MS. GUTIERREZ: Okay.
THE COURT: And I must add that I've done this a couple of times already for you.
MS. GUTIERREZ: Yes.
THE COURT: But I just need the judge's name and I can tell you you can be there and if we are running a little late --

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MS. GUTIERREZ: I'll call.
THE COURT: Yes, that will be fine.
MS. GUTIERREZ: But I just want the Court to convey because sometimes --
THE COURT: 10:45 at the latest.
MS. GUTIERREZ: You will make that clear.
THE COURT: 10:45 at the latest.
MS. GUTIERREZ: You will make that clear.
THE COURT: You need to be back here by 10:45 at latest. That gives you two hours and fifteen minutes --
MS. GUTIERREZ: Right.
THE COURT: -- to try the case and it's a district matter. It shouldn't take more than two hours and fifteen minutes.
MS. GUTIERREZ: You'd better be careful about saying that I've had court trials that could take days.
THE COURT: Well, they could always continue it to another day. Start it and then continue it to another day. Mr. Clerk, can you find out if Ms. Benaroya is out in the hallway? If she is, can you ask her to come in and have a seat on the front row. Is there an attorney out there, Ms. Benaroya?

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THE SHERIFF: There is one attorney.
THE COURT: Ask her to come in and have a seat on the front row. Mr. Wilds, tomorrow morning at 10:15 you need to return here. You are a witness. You may not discuss your testimony with the State or the defense at this time. You're a sworn witness at this time, do you understand? 10:15, and Ms. Benaroya if you would have a seat right there for me, please. No right there on the front row. That's fine, thank you. And you're free to go at this time unless you want to speak with your attorney again, all right. You're free to go. Ask that you return -- remember the spot that I had you.
Mr. Wilds, remember that spot where you were sitting, the same place, the same time tomorrow, 10:15 tomorrow. Very well, thank you.
THE WITNESS: May I have a chair tomorrow?
THE COURT: A chair? You don't have a chair over there?
THE WITNESS: No, ma'am.
THE COURT: There's nowhere for you to sit in that hallway.
MS. GUTIERREZ: There's a bench.
THE COURT: It's a bench. Oh, you don't like the bench? It's too hard.

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THE WITNESS: Yes.
THE COURT: Very well. We'll see if we can get a chair for you.
THE WITNESS: Thank you.
THE COURT: You have a good day. Please bring the jury in for me.
(Whereupon, the jury entered the courtroom, after which the following proceedings ensued:)
THE COURT: You can wait right there. You don't have to go all of the way back to your seat. Just right there is good. I'm going to send you home. I just wanted everyone to come back. I see it's quarter of five so I wanted to speak with everyone. You don't have to go back to your seats. Just everyone step inside. Is everyone present?
Ladies and gentlemen, it's quarter of five and what we're going to do is send you home now. Let me tell you first I wanted to express my apologies. This morning I had a great number of cases. One defendant had eight cases alone, and I had a number. So it took me awhile to get to this case and I apologize.
I don't always know how long it's going to take and I try my best to try to get back to this case. I have to ask you though that I know you get

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irritable and I know you get antsy and you want out of that room. And when I know it's going to be awhile, I have said go get tea, go get coffee, come back. But I can't have you peeking out the door.
Now, Ms. Connelly is charged with making sure that you stayed in the room and she told me every time you stuck your heads out and tried to peek outside and she's my spy, so to speak, but I have to ask you not to do that because we don't know where you are. We don't know when you're wandering the halls, except when I say go get coffee and go get tea, and I do that when I know there isn't anyone in the hall that you might bump into or run into, and so I must ask you and tell you that I do try very hard to not have you sit one place when I know it's going to be awhile.
Every now and then I think I'm going to get to you and then it doesn't turn out that way. Tomorrow, I have two cases and if I'm good at this tomorrow by ten-thirty I should be able to get back to you. I've had all counsel told to be here by 10:15, 10:30 but if by about 10:15 I find that everyone is not here, I'll let you go get some coffee or tea. But I must tell you if you want to get coffee or tea tomorrow, you're free to do so. I'm

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going to ask you though to arrive between 9:00 and 9:30 and get paid.

But you won't have to be in that jury room until 10:15. So if you want to wander a little bit or go to the canteen or McDonald's or wherever and bring the food back and be there by 10:15, that's okay. But jury assembly can only accommodate paying you tomorrow between 9:00 and 9:30. You'll be due in that jury room by 10:15. That's the best I can do for you tomorrow and I'd ask that you go home now and have a restful evening, a safe travel home. I know everybody is trying to get out.

Don't talk about this case with your friends and neighbors, relatives, and the like. Don't discuss this case amongst yourselves and I'll see you tomorrow at 10:15. Have a good evening. Good night.

(Whereupon, the jury was excused from the courtroom, after which the following proceedings ensued:)

THE COURT: All right, now, ladies and gentlemen, I also must advise you, Ms. Benaroya is on the front row. Ms. Benaroya, for the record, you attempted to pass something to my clerk this morning in an effort to file something in this case; is that

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correct?

MS. BENAROYA: That's correct, Your Honor I --

THE COURT: What is it titled?

MS. BENAROYA: This is a motion for appropriate relief regarding the (inaudible) statement of Jay Wilds.

THE COURT: Is it under this case number?

MS. BENAROYA: No, it's under that case number with the present case number where we have standing. However, the point is that it's sequestration, the Court's order precluding me from discussing anything with Mr. Wilds denies him the right to counsel.

THE COURT: That is not what the motion is and that is not what the order of this Court is. I only advised him that if he wanted to speak to you about this case that he need only let me know that first. I did not prohibit him from having any conversations with you.

MS. BENAROYA: I misspoke. I meant, (inaudible) I was not initiating.

THE COURT: The only thing I asked you to do is if you wanted to talk to him about the case that you let me know that first, since he's a

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sequestered witness on the witness stand. I did not prohibit you from talking to him. In fact, he said he wanted to talk to you and he was permitted to come out in the hallway this afternoon to talk to you.

MS. BENAROYA: He had said to me earlier that he wasn't permitted to speak to me.

THE COURT: Without asking me first. I needed to be advised when he was going to talk to you so that there was no interference with what was going on in this case, and also the fact that you were told and I was advised that you would be a witness in this case and to ensure that you're being a witness in this case was not going to violate his being a witness on the stand, I just wanted to be advised when he wanted to talk to you. That was all. I did not prohibit him from having a conversation with you. I just needed to know when it was that he was requesting it.

MS. BENAROYA: So this was more time, place, and manner.

THE COURT: Exactly, a time, place, and manner as opposed to any substance. If at some time he said I want to talk to her and it in my view was relative to a particular question that had been posed that involved you, personally involved you, then

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there might have been a problem, but that has not occurred.

MS. BENAROYA: Your Honor, my other -- the other --

THE COURT: Well, my next question to you was did you provide a copy of that motion to counsel?

MS. BENAROYA: I was trying to. Your Honor, I just now arrived at the courthouse. I gave five copies to your clerk because I couldn't come in the courtroom, but I gave enough copies to your clerk.

THE COURT: Now, wait a minute, you filed a motion in this case and you gave five copies of the motion to my clerk?

MS. BENAROYA: When I arrived in court today, I have not date stamped it and filed it with the officer because it was closed. I came here directly. I asked the clerk, simply as a matter of finding out how to do this. I asked the clerk should I bring this to the court, a courtesy copy and serve everyone now. How should I deal with this? Mr. Urick is not allowed to talk to me. I don't know what's going on. So I asked the clerk.

THE COURT: I apologize. I told and

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informed my clerk that if you wanted to file something that you should do so with the Clerk of Court. I told her and I apologize if this was not conveyed to you that if you had a courtesy copy of what you were filing that I would be happy to see a date stamped copy of that courtesy item that you had filed and it was my concern that whatever you were filing that a copy be provided to defense counsel and to the State.

MS. BENAROYA: There's a certificate of service and everything on it.

THE COURT: All right. If you have a copy of that with you, I would appreciate you're giving it to both counsel and I also appreciate receiving a courtesy copy, but that in no way affects your filing anything with the Clerk of the Court and my clerk does not substitute as filing something with the Clerk of the Court.

MS. BENAROYA: I understand that. I'm not trying to be informal --

THE COURT: I understand.

MS. BENAROYA: It's the fact that I'm not really -- I'm sort of not really here.

THE COURT: I understand.

MS. BENAROYA: At this point, Your Honor,

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if this motion is going to be withdrawn because it went specifically to the issue of the Court's order as I understood it that I was prohibited from consulting him.

THE COURT: No, you are not prohibited from consulting him. In fact, he said he wanted to talk to you and he was permitted to do so. What I was concerned was was the timing of it. If Ms. Gutierrez or the State had asked a question that involved you personally, that to allow him to come off the stand would interfere with the sequestration order, I just wanted to know what the question was at the time he asked to see you.

MS. BENAROYA: I understand.

THE COURT: To know whether or not counsel would then object to him talking to you with regard to that specific question that involved you.

MS. BENAROYA: Okay, I understand what you're saying.

THE COURT: It's a very -- well, he didn't have to tell us what he talked to you about.

MS. BENAROYA: I understand.

THE COURT: I just wanted to let counsel know, okay, she's going to be asked a question relative to your question.

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MS. BENAROYA: The other matter was I've only recently -- as I said before, this case was tried the last time.

THE COURT: I don't want to -- I understand you have some specific concerns and what I need to find out from you first before you start in, I need to know whether or not your questions or concerns are relative to your appearing as a witness?

MS. BENAROYA: Yes, absolutely, they are, Your Honor.

THE COURT: There may be some information that is about the manner in which you were retained.

MS. BENAROYA: I understand.

THE COURT: And with regard to those questions, defense counsel has also indicated that she may need you as a witness. As an officer of this Court, I do not know how and under what circumstances your testimony may be needed, but I must advise you that you need to make yourself available in the event that either the Court or Ms. Gutierrez wants you to be a witness.

MS. BENAROYA: Your Honor, I spoke with your secretary on Friday --

THE COURT: And that's why you're here.

MS. BENAROYA: (inaudible).

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THE COURT: And I want to let you know on the record that I appreciate your responding in the fashion you have. I understand the difficulty of having received a summons, potentially a summons or being told you're a witness in a case in which your client is also a witness.

MS. BENAROYA: Yes.

THE COURT: And I do not even know how and under what circumstances you may be even called, but when an attorney tells me that she needs to speak with another attorney who is a witness -- an attorney for the witness, I must let you know. Now, I think counsel has a summons.

MS. GUTIERREZ: I do, Judge, just to make sure.

THE COURT: And I'm just going to ask and direct you to sign the summons. I must advise you also Ms. Benaroya, I have not made a ruling as to whether or not your testimony is relevant.

MS. BENAROYA: Thank you, Your Honor.

THE COURT: And so although I am making you available for counsel, I am not in any way suggesting that means you're going to testify because I have not found out why or under what circumstances your testimony might be relevant.

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MS. BENAROYA: Thank you, Your Honor. I have made those inquires myself when I first learned from the process server that fact during the other trial. I said I'm glad to receive the service.
THE COURT: Very well. For the record, Ms. Benaroya is serving -- signing the summons to appear in this case and because you are counsel and your office is not nearby, Ms. Gutierrez, I'd like you to give her a day's notice.
MS. GUTIERREZ: Yes, if she just gives me a number, I've arbitrarily put on Wednesday.
THE COURT: Wednesday you think?
MS. GUTIERREZ: It would start then but obviously --
THE COURT: Morning, afternoon?
MS. GUTIERREZ: I've put ten o'clock in the morning.
THE COURT: Very well. Do you have a court appearance, Ms. Benaroya, that would conflict with your appearing on Wednesday at ten or ten-thirty?
MS. BENAROYA: That would on the 16th of February, I don't have a court appearance.
THE COURT: Do you have any other matters that would interfere with your appearance for which a court summons or subpoena would not help you?

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MS. BENAROYA: I'm involved in a case that is going to in Anne Arundel County, a civil case that is taking up a bit of my time. I can make myself available to be here.
THE COURT: We have have a library here if that's where you would like to go while you await Ms. Gutierrez calling. There is a library across the street on the 6th floor. We could let you sit there and work. I can also tell you that we would accommodate you in any other like circumstance, as long as you were nearby on Wednesday at that time. Would that satisfy you, Ms. Gutierrez?
MS. GUTIERREZ: Yes, it does and I'll do better. I'm sure I will know by Tuesday night. That way just I will let her know Tuesday.
THE COURT: For the record, I'm putting the bathroom note in the court file, and with that said I think we have accommodated counsel in that regard and, again, Ms. Benaroya, I thank you very much for your appearance and, in fact, I'm glad you did come because it did serve to clarify you were instructed not to speak to Mr. Urick and the reason you were asked not to speak to Mr. Urick at the time we did not know whether he might not be sequestered. So that's not going to happen and so that no longer is

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at issue and a problem, and so at this point you are now a witness potentially, which means if you are going to talk to someone or you feel it in your professional capacity as Mr. Wilds' attorney if you need to speak to Mr. Urick, I just would like to know.
MS. BENAROYA: Thank you.
THE COURT: I just need you to advise me that that is what you're going to do and if you do that I think you'll be able to satisfy us that you're not discussing a matter for which your testimony would be needed.
MS. BENAROYA: Your Honor, may I advise the Court now since I do have some things I have not been able to -- I have not spoken with Mr. Urick or my client in a few days. So I would like to contact my client. He was very upset when he left the court today. I believe that there is probably several matters that he would like to (inaudible).
THE COURT: Yes, you certainly may discuss that matter with him.
MS. BENAROYA: I also believe that he is going to want to talk to me about how long this trial is going to take.
THE COURT: I don't need to know what you

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talked to him about. The only thing I ask is if he starts to ask you questions where it's about your being retained or anything like that, I would just advise you --
MS. BENAROYA: Yes.
THE COURT: -- that that would be an area that we believe Ms. Gutierrez wants to talk to you about and at this stage I do not believe it's something that would cause a problem, but I would like to be informed that you're about to talk to him in a sensitive area, and you don't have to tell Ms. Gutierrez and you don't have to tell the State. If you would just advise me and you have numbers where I can be reached.
MS. BENAROYA: Yes, I do.
MS. GUTIERREZ: Will you be around for a little while now, Judge?
THE COURT: At five o'clock? I would like not to be around but if counsel needs me to be around I certainly will make myself available.
MS. GUTIERREZ: I would like to make sure because I'm not sure Ms. Benaroya understands that she can speak to me now, that she's not precluded from speaking to me.
THE COURT: Ms. --

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MS. GUTIERREZ: -- about the inquiries that I want to make and that was part of the reason --
THE COURT: Ms. Gutierrez.
MS. GUTIERREZ: -- I called her today.
THE COURT: I'll be happy to advise her. Ms. Benaroya, like any witness, you have an absolute right to talk to Ms. Gutierrez or Mr. Urick at this point. And if you choose not to, you have an absolute right not to talk to her.
MS. BENAROYA: I think the issue is -- I have already asked Ms. Gutierrez if she would tell me why I was subpoenaed.
THE COURT: Well --
MS. GUTIERREZ: That was at the first trial.
THE COURT: Also, may I add that as you know as an attorney and an officer of this Court, that you as Mr. Wilds' counsel have certain privileges, and please be advised he has not waived those privileges. He's not waived those privileges, all right. So with that said, all right, is there anything further I can do?
MS. BENAROYA: Nothing.
THE COURT: Thank you. I want everyone and I do mean everyone to have a pleasant Valentine's Day

and I will see you tomorrow at 10:30. This Court stands in recess.

CONCLUSION OF PROCEEDINGS

CERTIFICATE

This is to certify that the proceedings in the matter of State of Maryland versus Adnan Syed, indictment numbers 199103042, 43, 45, 46 held on February 14, 2000 were recorded by means of video tape.

I do hereby certify that the aforegoing 187 pages constitute the official transcript as transcribed by me from 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 14th day of August, 2000.

Diane R. Walker
Official Court Reporter

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